CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FORTY-NINTH CONGRESS, SECOND SESSION.

VOLUME XVIII.

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VOLUME XVIII, PART I.

CONGRESSIONAL RECORD,

FORTY-NINTH CONGRESS, SECOND SESSION.

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PROCEEDINGS AND DEBATES OF THE FORTY-NINTH CONGRESS.

SECOND SESSION.

SENATE.

MONDAY, *December* 6, 1886.

The first Monday of December being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the second session of the Forty-ninth Congress convened this day.

The Senators assembled in the Senate Chamber in the Capitol at Washington city.

The PRESIDENT *pro tempore* (Mr. JOHN SHERMAN, a Senator from the State of Ohio) took the chair and called the Senate to order at 12 o'clock noon.

PRAYER.

Rev. J. G. BUTLER, D. D., Chaplain to the Senate, offered the following prayer:

Thou Giver of all good, inspire our hearts with true devotion that we may worship Thee acceptably. We adore Thee, the Mighty God, the Everlasting Father, the Prince of Peace. Amid these emblems of mourning teach us the right meaning of life. We thank Thee for the good hope through grace of the life that shall never end.

In Thy kind providence, O Lord, Thou hast brought us again together, preserved during these months of separation, and we pray Thee now fill these Thy servants with Thy spirit as they enter upon the trying and responsible duties that lie before them. Bless them in their persons, in their families, in their social relations, and amid the duties of every day so fill them with Thy good spirit that their souls may be preserved in peace, that the best interests of the country may be advanced, and that God's glory may be promoted.

Bless our Government, we pray Thee, in all its departments. Forget not the President. Endue him with wisdom, and grant so to guide all the departments of this Government in its legislative, judicial, and executive branches that God's glory may be enhanced, and that the interests of the people may everywhere be promoted.

Bless us as a nation, saving us from the evils that environ us. Prosper us in all our industries, put Thy fear in the hearts of all the people, and make us a God-fearing nation, a law-abiding people, exalting us among the nations of the earth, and giving unto us that righteousness which will secure the divine blessing.

Preserve to us our freedom, our institutions of religion, Thy Word, Thy day, Thy house, and all that tends to promote the welfare of this great nation.

God of our Fathers, hear us, forgive us, enter not into judgment with us, and grant unto us Thy peace, the peace of God that passeth all understanding. We ask it in the name of Christ, our Redeemer. Amen.

SENATORS PRESENT.

The following Senators were present: From the State of—
Alabama—John T. Morgan and James L. Pugh.
Arkansas—James H. Berry and James K. Jones.
California—Leland Stanford.
Colorado—Thomas M. Bowen.
Connecticut—Joseph R. Hawley and Orville H. Platt.
Delaware—George Gray and Eli Saulsbury.
Florida—Wilkinson Call.
Illinois—Shelby M. Cullom and John A. Logan.
Indiana—Benjamin Harrison and Daniel W. Voorhees.
Iowa—William B. Allison and James F. Wilson.
Kansas—John J. Ingalls and Preston B. Plumb.
Kentucky—James B. Beck and Joseph C. S. Blackburn.
Louisiana—James B. Eustis.
Maine—William P. Frye.
Maryland—Arthur P. Gorman and Ephraim K. Wilson.
Massachussetts—Henry L. Dawes and George F. Hoar.
Michigan—Omar D. Conger.
Minnesota—Samuel J. R. McMillan and Dwight M. Sabin.
Mississippi—James Z. George and E. C. Walthall.
Missouri—Francis M. Cockrell and George G. Vest.
Nebraska—Charles F. Manderson and Charles H. Van Wyck.
New Hampshire—Henry W. Blair.
New Jersey—John R. McPherson and William J. Sewell.
New York—William M. Evarts and Warner Miller.
North Carolina—Matt W. Ransom and Zebulon B. Vance.
Ohio—Henry B. Payne and John Sherman.
Oregon—John H. Mitchell.
Pennsylvania—James Donald Cameron and John I. Mitchell.
Rhode Island—Nelson W. Aldrich.
South Carolina—M. C. Butler.
Tennessee—Isham G. Harris and W. C. Whitthorne.
Texas—Samuel Bell Maxey.
Vermont—George F. Edmunds and Justin S. Morrill.
Virginia—William Mahone.
West Virginia—Johnson N. Camden and John E. Kenna.
Wisconsin—Philetus Sawyer and John C. Spooner.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of A. P. Williams, chosen by the Legislature of California a Senator from that State to fill the vacancy occasioned by the death of John F. Miller in the term ending March 3, 1887.

The credentials were read.

The PRESIDENT *pro tempore*. If the Senator-elect is present, he will please come forward and take the oath of office.

Mr. WILLIAMS, escorted by Mr. STANFORD, advanced to the desk of the President *pro tempore*, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

NOTIFICATION TO THE HOUSE.

Mr. ALLISON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled, and that the Senate is ready to proceed to business.

HOUR OF MEETING.

Mr. INGALLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the hour of the daily meeting of the Senate be 12 o'clock meridian until otherwise ordered.

NOTIFICATION TO THE PRESIDENT.

Mr. EDMUNDS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee consisting of two members be appointed, to join such committee as may be appointed by the House of Representatives, to wait

upon the President of the United States and inform him that a quorum of each House is assembled, and that Congress is ready to receive any communication he may be pleased to make.

By unanimous consent, the President *pro tempore* was authorized to appoint the committee on the part of the Senate; and Messrs. EDMUNDS and SAULSBURY were appointed.

REPORTS OF THE SECRETARY OF THE SENATE.

The PRESIDENT *pro tempore* laid before the Senate the report of the Secretary of the Senate, communicating, in obedience to law, a statement of the receipts and expenditures of the Senate from July 1, 1885, to June 30, 1886; which was ordered to lie on the table, and be printed.

The PRESIDENT *pro tempore* also laid before the Senate a report from the Secretary of the Senate, communicating, in obedience to law, a full and complete statement of all property in his possession belonging to the United States December 6, 1886, and of the amounts received from the sale of waste paper; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and ordered to be printed.

FINANCE REPORT.

The PRESIDENT *pro tempore* laid before the Senate the annual report of the Secretary of the Treasury on the state of the finances for the year 1886; which was referred to the Committee on Finance, and ordered to be printed.

REPORT OF THE COMPTROLLER OF THE CURRENCY.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Comptroller of the Currency, pursuant to section 333 of the Revised Statutes, transmitting his annual report; which was referred to the Committee on Finance, and ordered to be printed.

COURT OF CLAIMS REPORT.

The PRESIDENT *pro tempore* laid before the Senate the report of the chief clerk of the Court of Claims, transmitting, in pursuance of section 1057 of the Revised Statutes, a statement of the judgments rendered by that court during the year ending November 30, 1886, &c.; which was referred to the Committee on Claims, and ordered to be printed.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter of the Supervising Architect, recommending an increase of appropriation for the custom-house, &c., at Galveston; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills received from the House of Representatives at the last session were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (H. R. 191) providing for the erection of a public building at Los Angeles, Cal.; and

A bill (H. R. 7218) to amend an act entitled "An act for the erection of a public building at Chattanooga, Tenn.," approved February 25, 1885.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Ohio Conference of the Methodist Episcopal Church, composed of 203 ministers and representing 49,759 members, and a petition of the East Ohio Conference of the Methodist Episcopal Church, composed of 250 ministers and representing 48,000 members, praying for the passage of laws to suppress persecution of the Chinese, and especially for the passage of the so-called indemnity bill; which were referred to the Committee on Foreign Relations.

Mr. VEST presented the petition of Edward C. Fiedler, of New York, praying the Government of the United States to constrain the Government of Brazil to make compensation for the charter of the steamship Circassian; which was referred to the Committee on Foreign Relations.

He also presented resolutions adopted at a meeting of Marble Creek Grange, No. 2077, of Iron County, Missouri, in favor of the passage of the bill to establish agricultural experiment stations in connection with colleges in the States; which were referred to the Committee on Agriculture and Forestry.

Mr. CALL. I present several petitions purporting to be signed by a thousand citizens of Polk County, in the State of Florida, praying for the forfeiture of the Florida Railroad land grant made in 1856, and for such immediate action by Congress as will protect actual settlers and finally settle the title to the land. I ask the immediate and favorable consideration of this petition by the Committee on Public Lands. The interests of the people of Florida demand the final settlement of this question and the opening of this land to occupation and ownership by the people of the United States in small bodies.

These petitions state truly that the land has become very valuable by the construction of other lines of railroad since the time fixed in the act making the grant for its expiration and its reversion to the United States.

These petitions state that if this grant is to be held good, the land, which belongs to the people and was bought and paid for with the public money, will be held at speculative values, and beyond the reach of the great body of the people and for the benefit of a small body of citizens, to enable them to force the laboring men and women to pay them out of their labor such prices as they may demand from them as the sole condition of their having homes on the public domain. I respectfully ask an early consideration of these important statements. The public opinion of the country, in my opinion, imperatively and justly demands such action by Congress as will promote and favor the ownership, occupation, and cultivation of the soil by the people in small bodies. I shall take occasion at an early day to urge these considerations on the Senate.

I move that the petitions be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. EVARTS presented a petition of Maj. Gen. Schuyler Hamilton, praying for the enactment of certain legislation for his relief; which was referred to the Committee on Military Affairs.

BILLS INTRODUCED.

Mr. VOORHEES introduced a bill (S. 2892) to amend an act entitled "An act to incorporate the Washington and Georgetown Railroad Company," approved May 17, 1862, and acts amendatory thereof; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SAULSBURY (by request) introduced a bill (S. 2893) to amend an act entitled "An act to incorporate the Capitol, North O Street and South Washington Railway Company," approved March 3, 1875; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CALL introduced a bill (S. 2894) for the construction of a canal from St. Augustine, Fla., to Indian River; also, connecting with the St. John's River; and for deepening Indian River to Jupiter Inlet; and for the payment of the work already done upon said canal by a company incorporated under the laws of Florida; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MILLER introduced a bill (S. 2895) for the relief of Minerva Brando, mother of William B. Brando, late private of Company D, One hundred and twenty-sixth Regiment New York State Volunteers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. ALLISON introduced a bill (S. 2896) authorizing the construction of a bridge across the Missouri River between the cities of Omaha, Nebr., and Council Bluffs, Iowa, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MANDERSON (by request) introduced a bill (S. 2897) for the relief of John H. Marion; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Foreign Affairs.

Mr. EVARTS introduced a bill (S. 2898) authorizing the construction of a bridge across the East River between the city of New York and Long Island; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SHERMAN introduced a bill (S. 2899) granting a pension to Eleanor I. Armstrong; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2900) granting an increase of pension to Charles R. Thomas; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

RIVER AND HARBOR APPROPRIATIONS.

Mr. MITCHELL, of Oregon. Mr. President, what is the order of business?

The PRESIDENT *pro tempore*. The last order was bills and joint resolutions. The introduction of concurrent or other resolutions is now in order.

Mr. MITCHELL, of Oregon. I offer a resolution, and ask for its present consideration. It merely calls for information.

The PRESIDENT *pro tempore*. The resolution will be read for information, subject to objection.

The Chief Clerk proceeded to read the resolution.

Mr. BECK. Mr. President, as we cannot hear a word of what is being read, I ask the Senator from Oregon to consent that the resolution may go over and be printed so that we can see it.

The PRESIDENT *pro tempore*. Objection being made, the resolution will go over under the rule and be printed.

Mr. BECK. I would not object to its being read if we could hear it.

Mr. MITCHELL, of Oregon. I appreciate the objection. I could not hear it myself. I desire, however, to have the whole of it printed in the RECORD.

Mr. BECK. Certainly.

Mr. HARRIS. Let it be printed in the RECORD and also be printed in resolution form.

Mr. BECK. Let it be printed in the RECORD so that we can see it.

The PRESIDENT *pro tempore*. The resolution will be printed as suggested.

The resolution submitted by Mr. MITCHELL, of Oregon, is as follows:

Whereas the Congress adjourned its last session on the 5th day of August last; and by the provisions of the bill commonly known as the River and Harbor bill, which became a law on that day, large appropriations were made, and were on that day immediately available, for the continuation of certain improvements of rivers and harbors in the State of Oregon and Washington Territory; including $187,500 for the further prosecution of the work of constructing a canal and locks at the Cascades of the Columbia River; $187,500 for the continuation of improvements at the mouth of the Columbia River; $75,000 for the continuation of the improvement at the entrance to Yaquina Bay, Oregon; and $33,750 for the continuation of work on the improvement of Coos Bay, Oregon; and

Whereas it is alleged that no work whatever was done toward utilizing said appropriation for work on the canal and locks at the Cascades of the Columbia until about the 10th day of October last, over two months after said appropriation was available, and thus losing, as it is alleged by those most interested in the early completion of said work, the great advantage of low water, good weather, and long days; and during which time, it is alleged, said work could have been carried on at much less expense and to much greater advantage; and

Whereas it is further alleged the expenditure of the other appropriations above referred to has been postponed by the War Department or its engineers, until next spring; and

Whereas the boards of trade at Portland, Oreg., and The Dalles, Oreg., representing those sections and communities largely interested in the speedy completion of the works for which such appropriations were made, including also the Columbia Water-Way Convention recently in session at Vancouver, Wash., have all deprecated the delays in the prosecution of such works, and have some of them also adopted strong resolutions of regret that Maj. W. A. Jones, a major of United States engineers, and it is alleged for about two years last past in charge of the work on the canal and locks at the Cascades of the Columbia, should, as it is alleged he was, after he had submitted his project for the expenditure of said appropriation for the continuation of work on the canal and locks at the Cascades of the Columbia, be relieved by his superiors and displaced by the assignment to said work of Capt. Charles F. Powell, a captain of United States engineers, thus occasioning further delay necessarily incident to any change at such a time; and

Whereas the Senators and Representative from the State of Oregon have by such representative bodies, or some of them, been requested to inquire as to the cause of such delays in the utilization of said appropriations: Therefore,

Resolved, That the Secretary of War be, and he hereby is, directed to advise the Senate at his earliest practicable convenience as to what change or changes, if any, have been made in the United States engineers in charge of the construction of the canal and locks at the Cascades of the Columbia River since the 5th day of August last; and in charge of any of the river or harbor improvements in Oregon and Washington Territory since said date; and the date and character of any such change or changes; the names of the engineers relieved, changed, or transferred, and in what respect changed or transferred, and their rank respectively, and the reasons for such change or changes; also, in case any such change has been made, whether the engineer relieved had prior to such change or transfer submitted to the Chief of Engineers his project or plan for the expenditure of such appropriations; and whether or not the same had been approved or rejected by the Chief of Engineers or Acting Chief of Engineers or War Department prior to such change or transfer of engineers in charge; also what change, if any, has been made in the plan of work or the manner of proposed expenditure of such appropriation since the date of such change of engineers; also, if such change of engineers was made, what works were in charge of such engineers, respectively, for the two years prior to such change; and, further, what river or harbor works or improvements have such engineers been in charge of since the date of such change.

Also that the Secretary of War be further directed to report to the Senate further, at his earliest practicable convenience, whether it is true, as alleged, or otherwise, that the work at the mouth of the Columbia, at the entrance to Yaquina Bay, and at Coos Bay, Oregon, has been postponed until next spring, and the reasons in detail for such postponement.

And, further, that he transmit to the Senate with such reports, and as a part thereof, full copies of all correspondence, whether by letter or telegram, occurring between the War Department or any of its officers, and any officer, board of trade, chamber of commerce, water-way convention, or person whomsoever, since August 5, 1886, relative to the expenditure of the appropriations above referred to, and each of them; or relative to any change of engineers in charge of the work on the canal and locks at the Cascades of the Columbia River; or relative to the change of engineers in charge of any of the works or improvements above specified.

OBSTRUCTION OF NAVIGABLE WATERS.

The PRESIDENT *pro tempore*. If there are no further concurrent or other resolutions the Calendar under the eighth rule is now in order. The Secretary will report the first case on the Calendar.

The CHIEF CLERK. Order of Business 299, a bill (S. 64) to prevent the obstruction of navigable waters, and to protect public works against trespass or injury.

Mr. MILLER. Let that go over.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over under the rule. The attention of Senators is requested to the fact that the Calendar is now being proceeded with under objection under the eighth rule.

Mr. MILLER. I do not desire to take this bill out of its order and put it under the ninth rule, but as the Senator who has it in charge is not here I ask that it be passed by informally, holding its place on the Calendar.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be passed over informally.

CINNABAR AND CLARK'S FORK RAILROAD.

The bill (S. 980) granting the right of way to the Cinnabar and Clark's Fork Railroad Company was announced as next in order on the Calendar.

Mr. BECK. There is an adverse report or a minority report on that bill.

RECESS.

Mr. EDMUNDS. Mr. President, I think it is usual to wait for the organization of the other House and a communication with the President before the ordinary business of the Senate goes on. I suggest, therefore, that business be suspended, or we take a short recess until the other House can inform us of their organization, before going on with the business.

Mr. HARRIS. It is impossible for us to hear a word that the Senator from Vermont has uttered.

Mr. EDMUNDS. It is not my fault.

Mr. HARRIS. I do not suppose it is.

Mr. EDMUNDS. It is the fault of the galleries.

The PRESIDENT *pro tempore*. The Senate will please come to order.

Mr. EDMUNDS. I was saying that I thought it was not usual to proceed with the ordinary business of the Senate until we should have communicated with the House of Representatives, and ordinarily have received a communication from the President of the United States. I hope, therefore, in the confusion, &c., that we may suspend business until the ordinary formalities shall have been gone through with, and I move that the Senate take a recess for ten minutes.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate now take a recess for ten minutes.

The motion was agreed to; and at the expiration of the recess (at 12 o'clock and 40 minutes p. m.) the Senate re-assembled.

MESSAGE FROM THE HOUSE.

Mr. JOHN B. CLARK, Jr., the Clerk of the House of Representatives, appeared below the bar of the Senate and delivered the following message:

Mr. President, I have been directed by the House of Representatives to inform the Senate that a quorum of the House of Representatives has appeared, and that the House is ready to proceed to business.

I am further directed to inform the Senate that the House has passed a resolution that a committee of three members be appointed on the part of the House to join such committee as may be appointed by the Senate to wait upon the President of the United States and inform him that a quorum of the two Houses has assembled, and that Congress is ready to receive any communication he may have to make.

I am also directed to announce that the House has appointed Mr. REAGAN of Texas, Mr. W. C. P. BRECKINRIDGE of Kentucky, and Mr. REED of Maine, the committee on the part of the House.

Mr. EDMUNDS. I move that the Senate take a recess until 2 o'clock, which will give time to communicate with the President.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate take a recess until 2 o'clock.

The motion was agreed to; and at 2 o'clock p. m. the Senate reassembled.

NOTIFICATION TO THE PRESIDENT.

Mr. EDMUNDS and Mr. SAULSBURY, the committee appointed in conjunction with a similar committee of the House of Representatives to wait upon the President of the United States, appeared below the bar, and

Mr. EDMUNDS said: Mr. President, the committee appointed by the Senate and House of Representatives to wait on the President of the United States and inform him of the meeting and organization of the two Houses and their readiness to receive any message he might have to communicate, has performed that duty, and the President asks us to say to the two Houses, as we now do to the Senate, that he congratulates them upon their safe return to the Capitol, their speedy organization and readiness to proceed, and that he will communicate with them in writing immediately.

PRESIDENT'S ANNUAL MESSAGE.

At 2 o'clock and 2 minutes p. m., Mr. O. L. PRUDEN, one of the secretaries of the President of the United States, appeared below the bar and said:

Mr. President, I am directed by the President of the United States to deliver to the Senate a message in writing.

The message was received from the Secretary and handed to the President *pro tempore*.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the annual message of the President of the United States, which the Secretary will read.

The Secretary of the Senate (Mr. ANSON G. MCCOOK) read the message, as follows:

To the Congress of the United States:

In discharge of a constitutional duty, and following a well-established precedent in the Executive office, I herewith transmit to the Congress at its reassembling, certain information concerning the state of the Union, together with such recommendations for legislative consideration, as appear necessary and expedient.

Our Government has consistently maintained its relations of friendship toward all other powers, and of neighborly interest toward those whose possessions are contiguous to our own. Few questions have arisen during the past year with other governments, and none of those are beyond the reach of settlement in friendly counsel.

We are as yet without provision for the settlement of claims of citizens of the United States against Chile for injuries during the late war with Peru and Bolivia. The mixed commissions, organized under claims conventions, concluded by the Chilean government with certain

European states, have developed an amount of friction which we trust can be avoided in the convention which our representative at Santiago is authorized to negotiate.

The cruel treatment of inoffensive Chinese has, I regret to say, been repeated in some of the far western States and Territories, and acts of violence against those people, beyond the power of the local constituted authorities to prevent, and difficult to punish, are reported even in distant Alaska. Much of this violence can be traced to race prejudice and competition of labor, which cannot, however, justify the oppression of strangers whose safety is guaranteed by our treaty with China equally with the most favored nations.

In opening our vast domain to alien elements, the purpose of our law-givers was to invite assimilation, and not to provide an arena for endless antagonisms. The paramount duty of maintaining public order and defending the interests of our own people, may require the adoption of measures of restriction, but they should not tolerate the oppression of individuals of a special race. I am not without assurance that the government of China, whose friendly disposition towards us I am most happy to recognize, will meet us half way in devising a comprehensive remedy, by which an effective limitation of Chinese emigration, joined to protection of those Chinese subjects who remain in this country, may be secured.

Legislation is needed to execute the provisions of our Chinese convention of 1880 touching the opium traffic.

While the good will of the Colombian government toward our country is manifest, the situation of American interests on the Isthmus of Panama has at times excited concern, and invited friendly action looking to the performance of the engagements of the two nations concerning the territory embraced in the interoceanic transit. With the subsidence of the Isthmian disturbances, and the erection of the State of Panama into a federal district under the direct government of the constitutional administration of Bogotá, a new order of things has been inaugurated which, although as yet somewhat experimental and affording scope for arbitrary exercise of power by the delegates of the national authority, promises much improvement.

The sympathy between the people of the United States and France, born during our colonial struggle for independence and continuing today, has received a fresh impulse in the successful completion and dedication of the colossal statue of "Liberty Enlightening the World" in New York harbor—the gift of Frenchmen to Americans.

A convention between the United States and certain other powers for the protection of submarine cables was signed at Paris on March 14, 1884, and has been duly ratified and proclaimed by this Government. By agreement between the high contracting parties this convention is to go into effect on the 1st of January next, but the legislation required for its execution in the United States has not yet been adopted. I earnestly recommend its enactment.

Cases have continued to occur in Germany giving rise to much correspondence in relation to the privilege of sojourn of our naturalized citizens of German origin revisiting the land of their birth, yet I am happy to state that our relations with that country have lost none of their accustomed cordiality.

The claims for interest upon the amount of tonnage dues illegally exacted from certain German steamship lines were favorably reported in both Houses of Congress at the last session, and I trust will receive final and favorable action at an early day.

The recommendations contained in my last annual message in relation to a mode of settlement of the fishery rights in the waters of British North America—so long a subject of anxious difference between the United States and Great Britain—was met by an adverse vote of the Senate on April 13th last; and thereupon negotiations were instituted to obtain an agreement with Her Britannic Majesty's Government for the promulgation of such joint interpretation and definition of the article of the Convention of 1818, relating to the territorial waters and inshore fisheries of the British provinces, as should secure the Canadian rights from encroachment by United States fishermen, and, at the same time, insure the enjoyment by the latter of the privileges guaranteed to them by such convention.

The questions involved are of long standing, of grave consequence, and from time to time for nearly three-quarters of a century, have given rise to earnest international discussions, not unaccompanied by irritation.

Temporary arrangements by treaties have served to allay friction—which, however, has revived as each treaty was terminated. The last arrangement, under the treaty of 1871, was abrogated after due notice by the United States on June 30, 1885, but I was enabled to obtain for our fishermen for the remainder of that season enjoyment of the full privileges accorded by the terminated treaty.

The Joint High Commission by whom the treaty had been negotiated—although invested with plenary power to make a permanent settlement—were content with a temporary arrangement, after the termination of which the question was relegated to the stipulations of the treaty of 1818, as to the first article of which no construction satisfactory to both countries has ever been agreed upon.

The progress of civilization and growth of population in the British provinces to which the fisheries in question are contiguous, and the expansion of commercial intercourse between them and the United States, present to-day a condition of affairs scarcely realizable at the date of the negotiations of 1818.

New and vast interests have been brought into existence; modes of intercourse between the respective countries have been invented and multiplied; the methods of conducting the fisheries have been wholly changed; and all this is necessarily entitled to candid and careful consideration in the adjustment of the terms and conditions of intercourse and commerce between the United States and their neighbors along a frontier of over 3,500 miles.

This propinquity, community of language and occupation, and similarity of political and social institutions indicate the practicability and obvious wisdom of maintaining mutually beneficial and friendly relations.

Whilst I am unfeignedly desirous that such relations should exist between us and the inhabitants of Canada, yet the action of their officials during the past season towards our fishermen has been such as to seriously threaten their continuance.

Although disappointed in my efforts to secure a satisfactory settlement of the fishery question, negotiations are still pending, with reasonable hope that before the close of the present session of Congress announcement may be made that an acceptable conclusion has been reached.

As at an early day there may be laid before Congress the correspondence of the Department of State in relation to this important subject, so that the history of the past fishing season may be fully disclosed and the action and the attitude of the Administration clearly comprehended, a more extended reference is not deemed necessary in this communication.

The recommendation, submitted last year, that provision be made for a preliminary reconnoissance of the conventional boundary line between Alaska and British Columbia is renewed.

I express my unhesitating conviction that the intimacy of our relations with Hawaii should be emphasized. As a result of the reciprocity treaty of 1875, those islands, on the highway of Oriental and Australasian traffic, are virtually an outpost of American commerce and a stepping-stone to the growing trade of the Pacific. The Polynesian island groups have been so absorbed by other and more powerful governments, that the Hawaiian Islands are left almost alone in the enjoyment of their autonomy, which it is important for us should be preserved. Our treaty is now terminable on one year's notice, but propositions to abrogate it would be, in my judgment, most ill-advised. The paramount influence we have there acquired, once relinquished, could only with difficulty be regained, and a valuable ground of vantage for ourselves might be converted into a stronghold for our commercial competitors. I earnestly recommend that the existing treaty stipulations be extended for a further term of seven years. A recently signed treaty to this end is now before the Senate.

The importance of telegraphic communication between those islands and the United States should not be overlooked.

The question of a general revision of the treaties of Japan is again under discussion at Tokio. As the first to open relations with that empire, and as the nation in most direct commercial relation with Japan, the United States have lost no opportunity to testify their consistent friendship by supporting the just claims of Japan to autonomy and independence among nations.

A treaty of extradition between the United States and Japan, the first concluded by that empire, has been lately proclaimed.

The weakness of Liberia and the difficulty of maintaining effective sovereignty over its outlying districts, have exposed that republic to encroachment. It can not be forgotten that this distant community is an offshoot of our own system, owing its origin to the associated benevolence of American citizens, whose praiseworthy efforts to create a nucleus of civilization in the dark continent have commanded respect and sympathy everywhere, especially in this country. Although a formal protectorate over Liberia is contrary to our traditional policy, the moral right and duty of the United States to assist in all proper ways in the maintenance of its integrity is obvious, and has been consistently announced during nearly half a century. I recommend that, in the reorganization of our Navy, a small vessel, no longer found adequate to our needs, be presented to Liberia, to be employed by it in the protection of its coastwise revenues.

The encouraging development of beneficial and intimate relations between the United States and Mexico, which has been so marked within the past few years, is at once the occasion of congratulation and of friendly solicitude. I urgently renew my former representation of the need of speedy legislation by Congress to carry into effect the Reciprocity Commercial Convention of January 20, 1883.

Our commercial treaty of 1831 with Mexico was terminated, according to its provisions, in 1881, upon notification given by Mexico in pursuance of her announced policy of recasting all her commercial treaties. Mexico has since concluded with several foreign governments new treaties of commerce and navigation, defining alien rights of trade, property, and residence, treatment of shipping, consular privileges, and the like. Our yet unexecuted Reciprocity Convention of 1883 covers none of these points, the settlement of which is so necessary to good

relationship. I propose to initiate with Mexico negotiations for a new and enlarged treaty of commerce and navigation.

In compliance with a resolution of the Senate, I communicated to that body on August 2 last, and also to the House of Representatives, the correspondence in the case of A. K. Cutting, an American citizen, then imprisoned in Mexico, charged with the commission of a penal offense in Texas, of which a Mexican citizen was the object.

After demand had been made for his release the charge against him was amended so as to include a violation of Mexican law within Mexican territory.

This joinder of alleged offenses, one within and the other exterior to Mexico, induced me to order a special investigation of the case—pending which Mr. Cutting was released.

The incident has, however, disclosed a claim of jurisdiction by Mexico, novel in our history, whereby any offense, committed anywhere by a foreigner, penal in the place of its commission, and of which a Mexican is the object, may, if the offender be found in Mexico, be there tried and punished in conformity with Mexican laws.

This jurisdiction was sustained by the courts of Mexico in the Cutting case, and approved by the executive branch of that government, upon the authority of a Mexican statute. The appellate court, in releasing Mr. Cutting, decided that the abandonment of the complaint by the Mexican citizen aggrieved by the alleged crime (a libelous publication), removed the basis of further prosecution, and also declared justice to have been satisfied by the enforcement of a small part of the original sentence.

The admission of such a pretension would be attended with serious results, invasive of the jurisdiction of this Government, and highly dangerous to our citizens in foreign lands; therefore I have denied it, and protested against its attempted exercise, as unwarranted by the principles of law and international usages.

A sovereign has jurisdiction of offenses which take effect within his territory, although concocted or commenced outside of it; but the right is denied of any foreign sovereign to punish a citizen of the United States for an offense consummated on our soil in violation of our laws, even though the offense be against a subject or citizen of such sovereign. The Mexican statute in question makes the claim broadly, and the principle, if conceded, would create a dual responsibility in the citizen, and lead to inextricable confusion, destructive of that certainty in the law which is an essential of liberty.

When citizens of the United States voluntarily go into a foreign country they must abide by the laws there in force, and will not be protected by their own Government from the consequences of an offense against those laws committed in such foreign country; but watchful care and interest of this Government over its citizens are not relinquished because they have gone abroad; and if charged with crime committed in the foreign land, a fair and open trial, conducted with decent regard for justice and humanity, will be demanded for them. With less than that this Government will not be content when the life or liberty of its citizens is at stake.

Whatever the degree to which extra territorial criminal jurisdiction may have been formerly allowed by consent and reciprocal agreement among certain of the European states, no such doctrine or practice was ever known to the laws of this country, or of that from which our institutions have mainly been derived.

In the case of Mexico there are reasons especially strong for perfect harmony in the mutual exercise of jurisdiction. Nature has made us irrevocably neighbors, and wisdom and kind feeling should make us friends.

The overflow of capital and enterprise from the United States is a potent factor in assisting the development of the resources of Mexico, and in building up the prosperity of both countries.

To assist this good work all grounds of apprehension for the security of person and property should be removed; and I trust that in the interests of good neighborhood the statute referred to will be so modified as to eliminate the present possibilities of danger to the peace of the two countries.

The Government of the Netherlands has exhibited concern in relation to certain features of our tariff laws, which are supposed by them to be aimed at a class of tobacco produced in the Dutch East Indies. Comment would seem unnecessary upon the unwisdom of legislation appearing to have a special national discrimination for its object, which, although unintentional, may give rise to injurious retaliation.

The establishment, less than four years ago, of a legation at Teheran is bearing fruit in the interest exhibited by the Shah's Government in the industrial activity of the United States and the opportunities of beneficial interchanges.

Stable government is now happily restored in Peru by the election of a constitutional President, and a period of rehabilitation is entered upon. But the recovery is necessarily slow from the exhaustion caused by the late war, and civil disturbances. A convention to adjust, by arbitration, claims of our citizens has been proposed, and is under consideration.

The naval officer who bore to Siberia the testimonials bestowed by Congress in recognition of the aid given to the Jeannette survivors, has successfully accomplished his mission. His interesting report will be submitted. It is pleasant to know that this mark of appreciation has been welcomed by the Russian government and people as befits the traditional friendship of the two countries.

Civil perturbations in the Samoan Islands have during the past few years been a source of considerable embarrassment to the three governments, Germany, Great Britain, and the United States, whose relations and extraterritorial rights in that important group are guaranteed by treaties. The weakness of the native administration and the conflict of opposing interests in the Islands have led King Malietoa to seek alliance or protection in some one quarter, regardless of the distinct engagements whereby no one of the three treaty powers may acquire any paramount or exclusive interest. In May last Malietoa offered to place Samoa under the protection of the United States, and the late consul, without authority, assumed to grant it. The proceeding was promptly disavowed, and the overzealous official recalled. Special agents of the three governments have been deputed to examine the situation in the Islands. With a change in the representation of all three powers, and a harmonious understanding between them, the peace, prosperity, autonomous administration, and neutrality of Samoa can hardly fail to be secured.

It appearing that the government of Spain did not extend to the flag of the United States in the Antilles the full measure of reciprocity requisite under our statute for the continuance of the suspension of discriminations against the Spanish flag in our ports, I was constrained in October last to rescind my predecessor's proclamation of February 14, 1884, permitting such suspension. An arrangement was, however, speedily reached, and upon notification from the government of Spain that all differential treatment of our vessels and their cargoes, from the United States or from any foreign country, had been completely and absolutely relinquished, I availed myself of the discretion conferred by law, and issued on the 27th of October my proclamation, declaring reciprocal suspension in the United States. It is most gratifying to bear testimony to the earnest spirit in which the government of the Queen Regent has met our efforts to avert the initiation of commercial discriminations and reprisals, which are ever disastrous to the material interests and the political good will of the countries they may affect.

The profitable development of the large commercial exchanges between the United States and the Spanish Antilles is naturally an object of solicitude. Lying close at our doors, and finding here their main markets of supply and demand, the welfare of Cuba and Porto Rico and their production and trade, are scarcely less important to us than to Spain. Their commercial and financial movements are so naturally a part of our system that no obstacle to fuller and freer intercourse should be permitted to exist. The standing instructions of our representatives at Madrid and Havana have for years been to leave no effort unessayed to further these ends; and at no time has the equal good desire of Spain been more hopefully manifested than now.

The government of Spain, by removing the consular tonnage fees on cargoes shipped to the Antilles, and by reducing passport fees, has shown its recognition of the needs of less trammeled intercourse.

An effort has been made during the past year to remove the hinderances to the proclamation of the treaty of naturalization with the Sublime Porte, signed in 1874, which has remained inoperative owing to a disagreement of interpretation of the clauses relative to the effects of the return to and sojourn of a naturalized citizen in the land of origin. I trust soon to be able to announce a favorable settlement of the differences as to this interpretation.

It has been highly satisfactory to note the improved treatment of American missionaries in Turkey, as has been attested by their acknowledgments to our late minister to that government of his successful exertions in their behalf.

The exchange of ratifications of the convention of December 5, 1885, with Venezuela, for the reopening of the awards of the Caracas Commission under the Claims Convention of 1866, has not yet been effected owing to the delay of the Executive of that republic in ratifying the measure. I trust that this postponement will be brief; but should it much longer continue, the delay may well be regarded as a rescission of the compact and a failure on the part of Venezuela to complete an arrangement so persistently sought by her during many years and assented to by this Government in a spirit of international fairness, although to the detriment of holders of *bona fide* awards of the impugned commission.

I renew the recommendation of my last annual message, that existing legislation concerning citizenship and naturalization be revised. We have treaties with many states providing for the renunciation of citizenship by naturalized aliens, but no statute is found to give effect to such engagements, nor any which provides a needed central bureau for the registration of naturalized citizens.

Experience suggests that our statutes regulating extradition might be advantageously amended by a provision for the transit across our territory, now a convenient thoroughfare of travel from one foreign country to another, of fugitives surrendered by a foreign government to a third state. Such provisions are not unusual in the legislation of other countries, and tend to prevent the miscarriage of justice. It is also desirable, in order to remove present uncertainties, that authority should be conferred on the Secretary of State to issue a certificate in case of an arrest for the purpose of extradition, to the officer before whom the proceeding is pending, showing that a requisition for the

surrender of the person charged has been duly made. Such a certificate, if required to be received before the prisoner's examination, would prevent a long and expensive judicial inquiry into a charge which the foreign government might not desire to press. I also recommend that express provision be made for the immediate discharge from custody of persons committed for extradition where the President is of opinion that surrender should not be made.

The drift of sentiment in civilized communities towards full recognition of the rights of property in the creations of the human intellect has brought about the adoption, by many important nations, of an International Copyright Convention, which was signed at Berne on the 18th of September, 1885.

Inasmuch as the Constitution gives to Congress the power "to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries," this Government did not feel warranted in becoming a signatory pending the action of Congress upon measures of international copyright now before it, but the right of adhesion to the Berne Convention hereafter, has been reserved. I trust the subject will receive at your hands the attention it deserves, and that the just claims of authors, so urgently pressed, will be duly heeded.

Representations continue to be made to me of the injurious effect upon American artists studying abroad and having free access to the art collections of foreign countries, of maintaining a discriminating duty against the introduction of the works of their brother artists of other countries; and I am induced to repeat my recommendation for the abolition of that tax.

Pursuant to a provision of the diplomatic and consular appropriation act, approved July 1, 1886, the estimates submitted by the Secretary of State for the maintenance of the consular service have been recast, on the basis of salaries for all officers to whom such allowance is deemed advisable. Advantage has been taken of this to redistribute the salaries of the offices now appropriated for, in accordance with the work performed, the importance of the representative duties of the incumbent, and the cost of living at each post. The last consideration has been too often lost sight of in the allowances heretofore made. The compensation which may suffice for the decent maintenance of a worthy and capable officer in a position of onerous and representative trust at a post readily accessible, and where the necessaries of life are abundant and cheap, may prove an inadequate pittance in distant lands, where the better part of a year's pay is consumed in reaching the post of duty, and where the comforts of ordinary civilized existence can only be obtained with difficulty and at exorbitant cost. I trust that, in considering the submitted schedules, no mistaken theory of economy will perpetuate a system which in the past has virtually closed to deserving talent many offices where capacity and attainments of a high order are indispensable, and in not a few instances has brought discredit on our national character and entailed embarrassment and even suffering on those deputed to uphold our dignity and interests abroad.

In connection with this subject I earnestly reiterate the practical necessity of supplying some mode of trustworthy inspection and report, of the manner in which the consulates are conducted. In the absence of such reliable information, efficiency can scarcely be rewarded, or its opposite corrected.

Increasing competition in trade has directed attention to the value of the consular reports printed by the Department of State, and the efforts of the Government to extend the practical usefulness of these reports have created a wider demand for them at home and a spirit of emulation abroad. Constituting a record of the changes occurring in trade and of the progress of the arts and invention in foreign countries, they are much sought for by all interested in the subjects which they embrace.

The report of the Secretary of the Treasury exhibits in detail the condition of the public finances and of the several branches of the Government related to his Department. I especially direct the attention of the Congress to the recommendations contained in this and the last preceding report of the Secretary, touching the simplification and amendment of the laws relating to the collection of our revenues; and in the interest of economy and justice to the Government, I hope they may be adopted by appropriate legislation.

The ordinary receipts of the Government for the fiscal year ended June 30, 1886, were $336,439,727.06. Of this amount $192,905,023.41 was received from customs and $116,805,936.48 from internal revenue. The total receipts, as here stated, were $13,749,020.68 greater than for the previous year, but the increase from customs was $11,434,084.10, and from internal revenue $4,407,210.94, making a gain in these items for the last year of $15,841,295.04—a falling off in other resources reducing the total increase to the smaller amount mentioned.

The expense at the different custom-houses, of collecting this increased customs revenue was less than the expense attending the collection of such revenue for the preceding year by $490,608; and the increased receipts of internal revenue were collected at a cost to the Internal Revenue Bureau $155,944.99 less than the expense of such collection for the previous year.

The total ordinary expenses of the Government for the fiscal year ended June 30, 1886, were $242,483,138.50, being less by $17,788,797 than such expenditures for the year preceding, and leaving a surplus in the Treasury at the close of the last fiscal year of $93,956,588.56 as against $63,463,771.27 at the close of the previous year, being an increase in such surplus of $30,492,817.29.

The expenditures are compared with those of the preceding fiscal year and classified as follows:

	Year ending June 30, 1886.	Year ending June 30, 1885.
For civil expenses	$21,955,604 04	$23,826,942 11
For foreign intercourse	1,332,320 88	5,439,609 11
For Indians	6,099,158 17	6,552,494 63
For pensions	63,404,864 03	56,102,267 49
For the military, including river and harbor improvements and arsenals	34,324,152 74	42,670,578 47
For the Navy, including vessels, machinery, and improvement of navy-yards	13,907,887 74	16,021,079 69
For interest on public debt	50,580,145 97	51,386,256 47
For the District of Columbia	2,892,321 89	3,499,630 95
Miscellaneous expenditures, including public buildings, light-houses, and collecting the revenue	47,986,683 04	54,728,056 21

For the current year to end June 30, 1887, the ascertained receipts up to October 1, 1886, with such receipts estimated for the remainder of the year, amount to $356,000,000.

The expenditures ascertained and estimated for the same period are $266,000,000, indicating an anticipated surplus at the close of the year of $90,000,000.

The total value of the exports from the United States to foreign countries during the fiscal year is stated and compared with the preceding year as follows:

	For the year ending June 30, 1886.	For the year ending June 30, 1885.
Domestic merchandise	$665,964,529 00	$726,682,946 00
Foreign merchandise	13,560,301 00	15,506,809 00
Gold	42,952,191 00	8,477,892 00
Silver	29,511,219 00	33,753,633 00

The value of some of our leading exports during the last fiscal year, as compared with the value of the same for the year immediately preceding, is here given, and furnishes information both interesting and suggestive:

	For the year ending June 30, 1886.	For the year ending June 30, 1885.
Cotton and cotton manufactures	$219,045,576 00	$213,799,049 00
Tobacco and its manufactures	30,424,908 00	24,767,305 00
Breadstuffs	125,846,558 00	160,370,821 00
Provisions	90,625,216 00	107,332,456 00

Our imports during the last fiscal year, as compared with the previous year, were as follows:

	1886.	1885.
Merchandise	$635,436,136 00	$579,580,053 80
Gold	20,743,349 00	26,691,696 00
Silver	17,850,307 00	16,550,627 00

In my last annual message to the Congress attention was directed to the fact that the revenues of the Government exceeded its actual needs; and it was suggested that legislative action should be taken to relieve the people from the unnecessary burden of taxation thus made apparent.

In view of the pressing importance of the subject I deem it my duty to again urge its consideration.

The income of the Government, by its increased volume and through economies in its collection, is now more than ever in excess of public necessities. The application of the surplus to the payment of such portion of the public debt as is now at our option subject to extinguishment, if continued at the rate which has lately prevailed, would retire that class of indebtedness within less than one year from this date. Thus a continuation of our present revenue system would soon result in the receipt of an annual income much greater than necessary to meet Government expenses, with no indebtedness upon which it could be applied. We should then be confronted with a vast quantity of money, the circulating medium of the people, hoarded in the Treasury when it should be in their hands, or we should be drawn into wasteful public extravagance with all the corrupting national demoralization which follows in its train.

But it is not the simple existence of this surplus and its threatened attendant evils, which furnish the strongest argument against our present scale of Federal taxation. Its worst phase is the exaction of such a surplus through a perversion of the relations between the people and

their Government, and a dangerous departure from the rules which limit the right of Federal taxation.

Good government, and especially the government of which every American citizen boasts, has for its objects, the protection of every person within its care in the greatest liberty consistent with the good order of society, and his perfect security in the enjoyment of his earnings, with the least possible diminution for public needs. When more of the people's substance is exacted through the form of taxation than is necessary to meet the just obligations of the Government and the expense of its economical administration, such exaction becomes ruthless extortion and a violation of the fundamental principles of a free Government.

The indirect manner in which these exactions are made, has a tendency to conceal their true character and their extent. But we have arrived at a stage of superfluous revenue which has aroused the people to a realization of the fact, that the amount raised professedly for the support of the Government, is paid by them as absolutely, if added to the price of the things which supply their daily wants, as if it was paid at fixed periods into the hand of the tax-gatherer.

Those who toil for daily wages are beginning to understand that capital, though sometimes vaunting its importance and clamoring for the protection and favor of the Government, is dull and sluggish, till, touched by the magical hand of labor, it springs into activity, furnishing an occasion for Federal taxation and gaining the value which enables it to bear its burden. And the laboring man is thoughtfully inquiring whether in these circumstances, and considering the tribute he constantly pays into the public Treasury as he supplies his daily wants, he receives his fair share of advantages.

There is also a suspicion abroad that the surplus of our revenues indicates abnormal and exceptional business profits, which, under the system which produces such surplus, increase without corresponding benefit to the people at large, the vast accumulations of a few among our citizens whose fortunes, rivaling the wealth of the most favored in antidemocratic nations, are not the natural growth of a steady, plain and industrious republic.

Our farmers too, and those engaged directly and indirectly in supplying the products of agriculture, see that day by day, and as often as the daily wants of their households recur, they are forced to pay excessive and needless taxation, while their products struggle in foreign markets with the competition of nations, which by allowing a freer exchange of productions than we permit, enable their people to sell for prices which distress the American farmer.

As every patriotic citizen rejoices in the constantly increasing pride of our people in American citizenship and in the glory of our national achievements and progress, a sentiment prevails that the leading-strings useful to a nation in its infancy, may well be to a great extent discarded in the present stage of American ingenuity, courage and fearless self-reliance. And for the privilege of indulging this sentiment with true American enthusiasm, our citizens are quite willing to forego an idle surplus in the public Treasury.

And all the people know that the average rate of Federal taxation upon imports is to-day, in time of peace, but little less, while upon some articles of necessary consumption it is actually more, than was imposed by the grievous burden willingly borne, at a time when the Government needed millions to maintain by war the safety and integrity of the Union.

It has been the policy of the Government to collect the principal part of its revenues by a tax upon imports; and no change in this policy is desirable. But the present condition of affairs constrains our people to demand, that by a revision of our revenue laws, the receipts of the Government shall be reduced to the necessary expense of its economical administration; and this demand should be recognized and obeyed by the people's representatives in the legislative branch of the Government.

In readjusting the burdens of Federal taxation, a sound public policy requires that such of our citizens as have built up large and important industries under present conditions, should not be suddenly and to their injury, deprived of advantages to which they have adapted their business; but if the public good requires it, they should be content with such consideration as shall deal fairly and cautiously with their interests, while the just demand of the people for relief from needless taxation is honestly answered.

A reasonable and timely submission to such a demand should certainly be possible without disastrous shock to any interest; and a cheerful concession sometimes averts abrupt and heedless action, often the outgrowth of impatience and delayed justice.

Due regard should be also accorded in any proposed readjustment, to the interests of American labor so far as they are involved. We congratulate ourselves that there is among us no laboring class fixed within unyielding bounds and doomed under all conditions to the inexorable fate of daily toil. We recognize in labor a chief factor in the wealth of the republic, and we treat those who have it in their keeping as citizens entitled to the most careful regard and thoughtful attention. This regard and attention should be awarded them, not only because labor is the capital of our workingmen, justly entitled to its share of Government favor, but for the further and not less important reason, that the laboring man surrounded by his family in his humble home, as a consumer is vitally interested in all that cheapens the cost of living and enables him to bring within his domestic circle, additional comforts and advantages.

This relation of the workingman to the revenue laws of the country, and the manner in which it palpably influences the question of wages, should not be forgotten in the justifiable prominence given to the proper maintenance of the supply and protection of well-paid labor. And these considerations suggest such an arrangement of Government revenues as shall reduce the expense of living, while it does not curtail the opportunity for work nor reduce the compensation of American labor, and injuriously affect its condition and the dignified place it holds in the estimation of our people.

But our farmers and agriculturists—those who from the soil produce the things consumed by all—are perhaps more directly and plainly concerned than any other of our citizens, in a just and careful system of Federal taxation. Those actually engaged in and more remotely connected with this kind of work, number nearly one-half of our population. None labor harder or more continuously than they. No enactments limit their hours of toil, and no interposition of the Government enhances to any great extent the value of their products. And yet for many of the necessaries and comforts of life, which the most scrupulous economy enables them to bring into their homes, and for their implements of husbandry, they are obliged to pay a price largely increased by an unnatural profit which, by the action of the Government, is given to the more favored manufacturer.

I recommend that, keeping in view all these considerations, the increasing and unnecessary surplus of national income annually accumulating, be released to the people, by an amendment to our revenue laws which shall cheapen the price of the necessaries of life and give freer entrance to such imported materials as by American labor may be manufactured into marketable commodities.

Nothing can be accomplished, however, in the direction of this much-needed reform, unless the subject is approached in a patriotic spirit of devotion to the interests of the entire country and with a willingness to yield something for the public good.

The sum paid upon the public debt during the fiscal year ended June 30, 1886, was $44,551,043.36.

During the twelve months ended October 31, 1886, three per cent. bonds were called for redemption amounting to $127,283,100, of which $80,643,200 was so called to answer the requirements of the law relating to the sinking fund and $46,639,900 for the purpose of reducing the public debt by application of a part of the surplus in the Treasury to that object. Of the bonds thus called $102,269,450 became subject under such calls to redemption prior to November 1, 1886. The remainder, amounting to $25,013,650, matured under the calls after that date.

In addition to the amount subject to payment and cancellation prior to November 1st, there were also paid before that day certain of these bonds, with the interest thereon, amounting to $5,072,350, which were anticipated as to their maturity, of which $2,664,850 had not been called. Thus $107,341,800 had been actually applied prior to the 1st of November, 1886, to the extinguishment of our bonded and interest-bearing debt, leaving on that day still outstanding the sum of $1,153,443,112. Of this amount $86,848,700 were still represented by three per cent. bonds. They, however, have been since November 1st, or will at once be, further reduced by $22,606,150, being bonds which have been called, as already stated, but not redeemed and canceled before the latter date.

During the fiscal year ended June 30, 1886, there were coined under the compulsory silver-coinage act of 1878, 29,838,905 silver dollars, and the cost of the silver used in such coinage was $23,448,960.01. There had been coined up to the close of the previous fiscal year under the provisions of the law, 203,882,554 silver dollars, and on the 1st day of December, 1886, the total amount of such coinage was $247,131,549.

The Director of the Mint reports that at the time of the passage of the law of 1878 directing this coinage, the intrinsic value of the dollars thus coined was ninety-four and one-fourth cents each, and that on the 31st day of July, 1886, the price of silver reached the lowest stage ever known, so that the intrinsic or bullion price of our standard silver dollar at that date was less than seventy-two cents. The price of silver on the 30th day of November last was such as to make these dollars intrinsically worth seventy-eight cents each.

These differences in value of the coins represent the fluctuations in the price of silver, and they certainly do not indicate that compulsory coinage by the Government enhances the price of that commodity or secures uniformity in its value.

Every fair and legal effort has been made by the Treasury Department to distribute this currency among the people. The withdrawal of United States Treasury notes of small denominations, and the issuing of small silver certificates have been resorted to in the endeavor to accomplish this result, in obedience to the will and sentiments of the representatives of the people in the Congress. On the 27th day of November, 1886, the people held of these coins, or certificates representing them, the nominal sum of $166,873,041, and we still had $79,464,345 in the Treasury—as against about $142,894,055 so in the hands of the people, and $72,865,376 remaining in the Treasury one year ago.

The Director of the Mint again urges the necessity of more vault room for the purpose of storing these silver dollars which are not needed for circulation by the people.

I have seen no reason to change the views expressed in my last annual message on the subject of this compulsory coinage; and I again urge its suspension on the grounds contained in my former recommendation, reinforced by the significant increase of our gold exportations during the last year, as appears by the comparative statement herewith presented, and for the further reasons that the more this currency is distributed among the people the greater becomes our duty to protect it from disaster; that we now have abundance for all our needs; and that there seems but little propriety in building vaults to store such currency when the only pretense for its coinage is the necessity of its use by the people as a circulating medium.

The great number of suits now pending in the United States courts for the southern district of New York, growing out of the collection of customs revenue at the port of New York, and the number of such suits that are almost daily instituted, are certainly worthy the attention of the Congress. These legal controversies based upon conflicting views by importers and the collector as to the interpretation of our present complex and indefinite revenue laws, might be largely obviated by an amendment of those laws.

But pending such amendment the present condition of this litigation should be relieved. There are now pending about twenty-five hundred of these suits. More than eleven hundred have been commenced within the past eighteen months, and many of the others have been at issue for more than twenty-five years. These delays subject the Government to loss of evidence and prevent the preparation necessary to defeat unjust and fictitious claims, while constantly accruing interest threatens to double the demands involved.

In the present condition of the dockets of the courts, well filled with private suits, and of the force allowed the district attorney, no greater than is necessary for the ordinary and current business of his office, these revenue litigations can not be considered.

In default of the adoption by the Congress of a plan for the general reorganization of the Federal courts as has been heretofore recommended, I urge the propriety of passing a law permitting the appointment of an additional Federal judge in the district where these Government suits have accumulated, so that by continuous sessions of the courts devoted to the trial of these cases, they may be determined.

It is entirely plain that a great saving to the Government would be accomplished by such a remedy, and the suitors who have honest claims would not be denied justice through delay.

The report of the Secretary of War gives a detailed account of the administration of his Department, and contains sundry recommendations for the improvement of the service which I fully approve.

The Army consisted at the date of the last consolidated return, of 2,103 officers, and 24,946 enlisted men.

The expenses of the Department for the last fiscal year were $36,990,903.38, including $6,294,305.43 for public works and river and harbor improvements.

I especially direct the attention of the Congress to the recommendation that officers be required to submit to an examination as a preliminary to their promotion. I see no objection, but many advantages, in adopting this feature, which has operated so beneficially in our Navy Department, as well as in some branches of the Army.

The subject of coast defenses and fortifications has been fully and carefully treated by the Board on Fortifications, whose report was submitted at the last session of Congress; but no construction work of the kind recommended by the Board has been possible during the last year, from the lack of appropriations for such purpose.

The defenseless condition of our seacoast and lake frontier is perfectly palpable; the examinations made must convince us all that certain of our cities named in the report of the Board should be fortified, and that work on the most important of these fortifications should be commenced at once; the work has been thoroughly considered and laid out, the Secretary of War reports, but all is delayed in default of Congressional action.

The absolute necessity, judged by all standards of prudence and foresight, of our preparation for an effectual resistance against the armored ships and steel guns and mortars of modern construction which may threaten the cities on our coasts, is so apparent that I hope effective steps will be taken in that direction immediately.

The valuable and suggestive treatment of this question by the Secretary of War is earnestly commended to the consideration of the Congress.

In September and October last the hostile Apaches who, under the leadership of Geronimo, had for eighteen months been on the war-path, and during that time had committed many murders and been the cause of constant terror to the settlers of Arizona, surrendered to General Miles, the military commander who succeeded General Crook in the management and direction of their pursuit.

Under the terms of their surrender as then reported, and in view of the understanding which these murderous savages seemed to entertain of the assurances given them, it was considered best to imprison them in such manner as to prevent their ever engaging in such outrages again, instead of trying them for murder. Fort Pickens having been selected as a safe place of confinement, all the adult males were sent thither and will be closely guarded as prisoners. In the mean time the residue of the band, who though still remaining upon the reservation were regarded as unsafe, and suspected of furnishing aid to those on the war-path, had been removed to Fort Marion. The women and larger children of the hostiles were also taken there, and arrangements have been made for putting the children of proper age in Indian schools.

The report of the Secretary of the Navy contains a detailed exhibit of the condition of his Department with such a statement of the action needed to improve the same as should challenge the earnest attention of the Congress.

The present Navy of the United States, aside from the ships in course of construction, consists of—

First, fourteen single-turreted monitors, none of which are in commission, nor at the present time serviceable. The batteries of these ships are obsolete, and they can only be relied upon as auxiliary ships in harbor defense, and then after such an expenditure upon them as might not be deemed justifiable.

Second, five fourth-rate vessels of small tonnage, only one of which was designed as a war vessel, and all of which are auxiliary, merely.

Third, twenty-seven cruising ships, three of which are built of iron, of small tonnage, and twenty-four of wood. Of these wooden vessels it is estimated by the Chief Constructor of the Navy that only three will be serviceable beyond a period of six years, at which time it may be said that of the present naval force nothing worthy the name will remain.

All the vessels heretofore authorized are under contract or in course of construction, except the armored ships, the torpedo and dynamite boats, and one cruiser. As to the last of these, the bids were in excess of the limit fixed by Congress. The production in the United States of armor and gun-steel is a question which it seems necessary to settle at an early day, if the armored war vessels are to be completed with those materials of home manufacture. This has been the subject of investigation by two Boards, and by two Special Committees of Congress within the last three years. The report of the Gun Foundry Board in 1884, of the Board on Fortifications made in January last, and the reports of the Select Committees of the two Houses made at the last session of Congress, have entirely exhausted the subject, so far as preliminary investigation is involved, and in their recommendations they are substantially agreed.

In the event that the present invitation of the Department for bids to furnish such of this material as is now authorized, shall fail to induce domestic manufacturers to undertake the large expenditures required to prepare for this new manufacture, and no other steps are taken by Congress at its coming session, the Secretary contemplates with dissatisfaction the necessity of obtaining abroad the armor and the gun-steel for the authorized ships. It would seem desirable that the wants of the Army and the Navy in this regard should be reasonably met, and that by uniting their contracts, such inducement might be offered as would result in securing the domestication of these important interests.

The affairs of the postal service show marked and gratifying improvement during the past year. A particular account of its transactions and condition is given in the report of the Postmaster-General which will be laid before you.

The reduction of the rate of letter-postage in 1883, rendering the postal revenues inadequate to sustain the expenditures, and business depression also contributing, resulted in an excess of cost for the fiscal year ended June 30, 1885, of eight and one-third millions of dollars. An additional check upon receipts by doubling the measure of weight in rating sealed correspondence and diminishing one-half of the charge for newspaper carriage, was imposed by legislation which took effect with the beginning of the past fiscal year; while the constant demand of our territorial development and growing population, for the extension and increase of mail facilities and machinery, necessitates steady annual advance in outlay; and the careful estimate of a year ago upon the rates of expenditure then existing, contemplated the unavoidable augmentation of the deficiency in the last fiscal year by nearly two millions of dollars. The anticipated revenue for the last year failed of realization by about $64,000; but proper measures of economy have so satisfactorily limited the growth of expenditure, that the total deficiency, in fact, fell below that of 1885; and at this time the increase of revenue is in a gaining ratio over the increase of cost, demonstrating the sufficiency of the present rates of postage ultimately to sustain the service. This is the more pleasing because our people enjoy now both cheaper postage, proportionably to distances, and a vaster and more costly service, than any other upon the globe.

Retrenchment has been effected in the cost of supplies, some expenditures unwarranted by law have ceased, and the outlays for mail carriage have been subjected to beneficial scrutiny. At the close of the last fiscal year the expense of transportation on star routes stood at an annual rate of cost less by over $560,000 than at the close of the previous year; and steamboat and mail-messenger service at nearly $200,000 less.

The service has been in the mean time enlarged and extended by the establishment of new offices, increase of routes of carriage, expansion of carrier-delivery conveniences, and additions to the railway-mail facilities, in accordance with the growing exigencies of the country and the long-established policy of the Government.

The Postmaster-General calls attention to the existing law for compensating railroads, and expresses the opinion that a method may be devised which will prove more just to the carriers and beneficial to the Government; and the subject appears worthy of your early consideration.

The differences which arose during the year with certain of the ocean steamship companies, have terminated by the acquiescence of all in the policy of the Government approved by the Congress in the postal appropriation at its last session; and the Department now enjoys the utmost service afforded by all vessels which sail from our ports upon either ocean—a service generally adequate to the needs of our intercourse. Petitions have however been presented to the Department by numerous merchants and manufacturers for the establishment of a direct service to the Argentine Republic and for semi-monthly dispatches to the Empire of Brazil; and the subject is commended to your consideration. It is an obvious duty to provide the means of postal communication which our commerce requires, and with prudent forecast of results, the wise extension of it may lead to stimulating intercourse and become the harbinger of a profitable traffic, which will open new avenues for the disposition of the products of our industry. The circumstances of the countries at the far south of our continent, are such as to invite our enterprise and afford the promise of sufficient advantages to justify an unusual effort to bring about the closer relations which greater freedom of communication would tend to establish.

I suggest that as distinguished from a grant or subsidy for the mere benefit of any line of trade or travel, whatever outlay may be required to secure additional postal service, necessary and proper and not otherwise attainable, should be regarded as within the limit of legitimate compensation for such service.

The extension of the free-delivery service as suggested by the Postmaster-General has heretofore received my sanction, and it is to be hoped a suitable enactment may soon be agreed upon.

The request for an appropriation sufficient to enable the general inspection of fourth-class offices has my approbation.

I renew my approval of the recommendation of the Postmaster-General that another assistant be provided for the Post-Office Department; and I invite your attention to the several other recommendations in his report.

The conduct of the Department of Justice for the last fiscal year is fully detailed in the report of the Attorney-General, and I invite the earnest attention of the Congress to the same, and due consideration of the recommendations therein contained.

In the report submitted by this officer to the last session of the Congress he strongly recommended the erection of a penitentiary for the confinement of prisoners convicted and sentenced in the United States courts; and he repeats the recommendation in his report for the last year.

This is a matter of very great importance and should at once receive Congressional action. United States prisoners are now confined in more than thirty different State prisons and penitentiaries scattered in every part of the country. They are subjected to nearly as many different modes of treatment and discipline and are far too much removed from the control and regulation of the Government. So far as they are entitled to humane treatment and an opportunity for improvement and reformation, the Government is responsible to them and society that these things are forthcoming. But this duty can scarcely be discharged without more absolute control and direction than is possible under the present system.

Many of our good citizens have interested themselves, with the most beneficial results, in the question of prison reform. The General Government should be in a situation, since there must be United States prisoners, to furnish important aid in this movement, and should be able to illustrate what may be practically done in the direction of this reform and to present an example in the treatment and improvement of its prisoners worthy of imitation.

With prisons under its own control, the Government could deal with the somewhat vexed question of convict labor, so far as its convicts were concerned, according to a plan of its own adoption, and with due regard to the rights and interests of our laboring citizens, instead of sometimes aiding in the operation of a system which causes among them irritation and discontent.

Upon consideration of this subject it might be thought wise to erect more than one of these institutions, located in such places as would best subserve the purposes of convenience and economy in transportation. The considerable cost of maintaining these convicts as at present, in State institutions, would be saved by the adoption of the plan proposed; and by employing them in the manufacture of such articles as were needed for use by the Government, quite a large pecuniary benefit would be realized in partial return for our outlay.

I again urge a change in the Federal judicial system to meet the wants of the people and obviate the delays necessarily attending the present condition of affairs in our courts. All are agreed that something should be done, and much favor is shown by those well able to advise, to the plan suggested by the Attorney-General at the last session of Congress and recommended in my last annual message. This recommendation is here renewed, together with another made at the same time, touching a change in the manner of compensating district attorneys and marshals; and the latter subject is commended to the Congress for its action, in the interest of economy to the Government, and humanity, fairness, and justice to our people.

The report of the Secretary of the Interior presents a comprehensive summary of the work of the various branches of the public service connected with his Department; and the suggestions and recommendations which it contains for the improvement of the service should receive your careful consideration.

The exhibit made of the condition of our Indian population and the progress of the work for their enlightenment, notwithstanding the many embarrassments which hinder the better administration of this important branch of the service, is a gratifying and hopeful one.

The funds appropriated for the Indian service for the fiscal year just passed, with the available income from Indian land and trust moneys, amounting in all to $7,850,775.12, were ample for the service under the conditions and restrictions of laws regulating their expenditure. There remained a balance on hand on June 30, 1886, of $1,660,023.30, of which $1,337,768.21 are permanent funds for fulfillment of treaties, and other like purposes, and the remainder, $322,255.09, is subject to be carried to the surplus fund as required by law.

The estimates presented for appropriations for the ensuing fiscal year amount to $5,608,873.64, or $442,386.20 less than those laid before the Congress last year.

The present system of agencies, while absolutely necessary and well adapted for the management of our Indian affairs and for the ends in view, when it was adopted, is at the present stage of Indian management inadequate, standing alone, for the accomplishment of an object which has become pressing in its importance—the more rapid transition from tribal organizations to citizenship, of such portions of the Indians as are capable of civilized life.

When the existing system was adopted the Indian race was outside of the limits of organized States and Territories, and beyond the immediate reach and operation of civilization; and all efforts were mainly directed to the maintenance of friendly relations and the preservation of peace and quiet on the frontier. All this is now changed. There is no such thing as the Indian frontier. Civilization, with the busy hum of industry and the influences of Christianity, surrounds these people at every point. None of the tribes are outside of the bounds of organized government and society, except that the territorial system has not been extended over that portion of the country known as the Indian Territory. As a race the Indians are no longer hostile but may be considered as submissive to the control of the Government; few of them only are troublesome. Except the fragments of several bands all are now gathered upon reservations.

It is no longer possible for them to subsist by the chase and the spontaneous productions of the earth.

With an abundance of land, if furnished with the means and implements for profitable husbandry, their life of entire dependence upon Government rations from day to day is no longer defensible. Their inclination, long fostered by a defective system of control, is to cling to the habits and customs of their ancestors and struggle with persistence against the change of life which their altered circumstances press upon them. But barbarism and civilization can not live together. It is impossible that such incongruous conditions should coexist on the same soil.

They are a portion of our people, are under the authority of our Government, and have a peculiar claim upon and are entitled to the fostering care and protection of the nation. The Government can not relieve itself of this responsibility until they are so far trained and civilized as to be able wholly to manage and care for themselves. The paths in which they should walk must be clearly marked out for them and they must be led or guided until they are familiar with the way and competent to assume the duties and responsibilities of our citizenship.

Progress in this great work will continue only at the present slow pace and at great expense, unless the system and methods of management are improved to meet the changed conditions and urgent demands of the service.

The agents having general charge and supervision in many cases of more than five thousand Indians, scattered over large reservations, and burdened with the details of accountability for funds and supplies, have time to look after the industrial training and improvement of a few Indians only; the many are neglected and remain idle and dependent—conditions not favorable for progress in civilization.

The compensation allowed these agents and the conditions of the service, are not calculated to secure for the work men who are fitted by ability and skill to properly plan and intelligently direct the methods best adapted to produce the most speedy results and permanent benefits.

Hence the necessity for a supplemental agency or system, directed to

the end of promoting the general and more rapid transition of the tribes from habits and customs of barbarism to the ways of civilization.

With an anxious desire to devise some plan of operation by which to secure the welfare of the Indians, and to relieve the Treasury as far as possible from the support of an idle and dependent population, I recommended in my previous annual message the passage of a law authorizing the appointment of a commission as an instrumentality auxiliary to those already established, for the care of the Indians. It was designed that this commission should be composed of six intelligent and capable persons—three to be detailed from the Army—having practical ideas upon the subject of the treatment of Indians, and interested in their welfare; and that it should be charged, under the direction of the Secretary of the Interior, with the management of such matters of detail as can not with the present organization be properly and successfully conducted, and which present different phases, as the Indians themselves differ, in their progress, needs, disposition, and capacity for improvement or immediate self-support.

By the aid of such a commission much unwise and useless expenditure of money, waste of materials, and unavailing efforts might be avoided; and it is hoped that this or some measure which the wisdom of Congress may better devise, to supply the deficiency of the present system, may receive your consideration, and the appropriate legislation be provided.

The time is ripe for the work of such an agency.

There is less opposition to the education and training of the Indian youth, as shown by the increased attendance upon the schools, and there is a yielding tendency for the individual holding of lands. Development and advancement in these directions are essential, and should have every encouragement. As the rising generation are taught the language of civilization and trained in habits of industry, they should assume the duties, privileges, and responsibilities of citizenship.

No obstacle should hinder the location and settlement of any Indian willing to take land in severalty; on the contrary, the inclination to do so should be stimulated at all times when proper and expedient. But there is no authority of law for making allotments on some of the reservations, and on others the allotments provided for are so small, that the Indians, though ready and desiring to settle down, are not willing to accept such small areas, when their reservations contain ample lands to afford them homesteads of sufficient size to meet their present and future needs.

These inequalities of existing special laws and treaties, should be corrected and some general legislation on the subject should be provided, so that the more progressive members of the different tribes may be settled upon homesteads, and by their example lead others to follow, breaking away from tribal customs and substituting therefor the love of home, the interest of the family, and the rule of the state.

The Indian character and nature are such that they are not easily led while brooding over unadjusted wrongs. This is especially so regarding their lands. Matters arising from the construction and operation of railroads across some of the reservations, and claims of title and right of occupancy set up by white persons to some of the best land within other reservations, require legislation for their final adjustment.

The settlement of these matters will remove many embarrassments to progress in the work of leading the Indians to the adoption of our institutions and bringing them under the operation, the influence, and the protection of the universal laws of our country.

The recommendations of the Secretary of the Interior and the Commissioner of the General Land Office looking to the better protection of public lands and of the public surveys, the preservation of national forests, the adjudication of grants to States and corporations and of private land claims, and the increased efficiency of the public land service, are commended to the attention of Congress. To secure the widest distribution of public lands in limited quantities among settlers for residence and cultivation and thus make the greatest number of individual homes, was the primary object of the public land legislation in the early days of the republic. This system was a simple one. It commenced with an admirable scheme of public surveys, by which the humblest citizen could identify the tract upon which he wished to establish his home. The price of lands was placed within the reach of all the enterprising, industrious, and honest pioneer citizens of the country. It was soon, however, found that the object of the laws was perverted under the system of cash sales, from a distribution of land among the people to an accumulation of land capital by wealthy and speculative persons. To check this tendency a preference right of purchase was given to settlers on the land, a plan which culminated in the general pre-emption act of 1841. The foundation of this system was actual residence and cultivation. Twenty years later the homestead law was devised to more surely place actual homes in the possession of actual cultivators of the soil. The land was given without price, the sole conditions being residence, improvement, and cultivation. Other laws have followed, each designed to encourage the acquirement and use of land in limited individual quantities. But in later years these laws, through vicious administrative methods and under changed conditions of communication and transportation, have been so evaded and violated that their beneficent purpose is threatened with entire defeat. The methods of such evasions and violations are set forth in detail in the reports of the Secretary of the Interior and Commissioner of the General Land Office. The rapid appropriation of our public lands without *bona fide* settlements or cultivation, and not only without intention of residence, but for the purpose of their aggregation in large holdings, in many cases in the hands of foreigners, invites the serious and immediate attention of the Congress.

The energies of the land department have been devoted during the present administration to remedy defects and correct abuses in the public land service. The results of these efforts are so largely in the nature of reforms in the processes and methods of our land system as to prevent adequate estimate; but it appears by a compilation from the reports of the Commissioner of the General Land Office that the immediate effect in leading cases which have come to a final termination has been the restoration to the mass of public lands of two million seven hundred and fifty thousand acres; that two million three hundred and seventy thousand acres are embraced in investigations now pending before the Department or the courts, and that the action of Congress has been asked to effect the restoration of two million seven hundred and ninety thousand acres additional; besides which four million acres have been withheld from reservation, and the rights of entry thereon maintained.

I recommend the repeal of the pre-emption and timber-culture acts, and that the homestead laws be so amended as to better secure compliance with their requirements of residence, improvement, and cultivation for the period of five years from date of entry, without commutation or provision for speculative relinquishment. I also recommend the repeal of the desert-land laws unless it shall be the pleasure of the Congress to so amend these laws as to render them less liable to abuses. As the chief motive for an evasion of the laws, and the principal cause of their result in land accumulation instead of land distribution, is the facility with which transfers are made of the right intended to be secured to settlers, it may be deemed advisable to provide by legislation some guards and checks upon the alienation of homestead rights and lands covered thereby until patents issue.

Last year an executive proclamation was issued directing the removal of fences which inclosed the public domain. Many of these have been removed in obedience to such order; but much of the public land still remains within the lines of these unlawful fences. The ingenious methods resorted to in order to continue these trespasses and the hardihood of the pretenses by which in some cases such inclosures are justified, are fully detailed in the report of the Secretary of the Interior.

The removal of the fences still remaining which inclose public lands, will be enforced with all the authority and means with which the executive branch of the Government is or shall be invested by the Congress for that purpose.

The report of the Commissioner of Pensions contains a detailed and most satisfactory exhibit of the operations of the Pension Bureau during the last fiscal year. The amount of work done was the largest in any year since the organization of the bureau; and it has been done at less cost than during the previous year in every division.

On the thirtieth day of June, 1886, there were 365,783 pensioners on the rolls of the bureau.

Since 1861 there have been 1,018,735 applications for pensions filed, of which 78,834 were based upon service in the war of 1812. There were 621,754 of these applications allowed, including 60,178 to the soldiers of 1812 and their widows.

The total amount paid for pensions since 1861 is $808,624,811.57.

The number of new pensions allowed during the year ended June 30, 1886, is 40,857—a larger number than has been allowed in any year save one since 1861; the names of 2,229 pensioners which had been previously dropped from the rolls, were restored during the year, and after deducting those dropped within the same time for various causes, a net increase remains for the year of 20,658 names.

From January 1, 1861, to December 1, 1885, 1,967 private pension acts had been passed. Since the last-mentioned date, and during the last session of the Congress, 644 such acts became laws.

It seems to me that no one can examine our pension establishment and its operations, without being convinced that through its instrumentality justice can be very nearly done to all who are entitled under present laws to the pension bounty of the Government.

But it is undeniable that cases exist, well entitled to relief, in which the Pension Bureau is powerless to aid. The really worthy cases of this class are such as only lack by misfortune the kind or quantity of proof which the law and regulations of the Bureau require, or which, though their merit is apparent, for some other reason cannot be justly dealt with through general laws. These conditions fully justify application to the Congress and special enactments. But resort to the Congress for a special pension act to overrule the deliberate and careful determination of the Pension Bureau on the merits or to secure favorable action when it could not be expected under the most liberal execution of general laws, it must be admitted, opens the door to the allowance of questionable claims and presents to the legislative and executive branches of the Government applications concededly not within the law and plainly devoid of merit, but so surrounded by sentiment and patriotic feeling that they are hard to resist. I suppose it will not be denied that many claims for pension are made without

merit and that many have been allowed upon fraudulent representations. This has been declared from the Pension Bureau, not only in this, but in prior administrations.

The usefulness and the justice of any system for the distribution of pensions depend upon the equality and uniformity of its operation.

It will be seen from the report of the Commissioner that there are now paid by the Government one hundred and thirty-one different rates of pension.

He estimates from the best information he can obtain that nine thousand of those who have served in the Army and Navy of the United States are now supported, in whole or in part, from public funds or by organized charities, exclusive of those in soldiers' homes under the direction and control of the Government. Only 13 per cent. of these are pensioners, while of the entire number of men furnished for the late war something like 20 per cent., including their widows and relatives, have been or now are in the receipt of pensions.

The American people, with a patriotic and grateful regard for our ex-soldiers—too broad and too sacred to be monopolized by any special advocates—are not only willing but anxious that equal and exact justice should be done to all honest claimants for pensions. In their sight the friendless and destitute soldier, dependent on public charity, if otherwise entitled, has precisely the same right to share in the provision made for those who fought their country's battles as those better able, through friends and influence, to push their claims. Every pension that is granted under our present plan upon any other grounds than actual service and injury or disease incurred in such service, and every instance of the many in which pensions are increased on other grounds than the merits of the claim, work an injustice to the brave and crippled, but poor and friendless soldier, who is entirely neglected or who must be content with the smallest sum allowed under general laws.

There are far too many neighborhoods in which are found glaring cases of inequality of treatment in the matter of pensions; and they are largely due to a yielding in the Pension Bureau to importunity on the part of those, other than the pensioner, who are especially interested, or they arise from special acts passed for the benefit of individuals.

The men who fought side by side should stand side by side when they participate in a grateful nation's kind remembrance.

Every consideration of fairness and justice to our ex-soldiers, and the protection of the patriotic instinct of our citizens from perversion and violation, point to the adoption of a pension system broad and comprehensive enough to cover every contingency, and which shall make unnecessary an objectionable volume of special legislation.

As long as we adhere to the principle of granting pensions for service, and disability as the result of the service, the allowance of pensions should be restricted to cases presenting these features.

Every patriotic heart responds to a tender consideration for those who, having served their country long and well, are reduced to destitution and dependence, not as an incident of their service, but with advancing age or through sickness or misfortune. We are all tempted by the contemplation of such a condition to supply relief, and are often impatient of the limitations of public duty. Yielding to no one in the desire to indulge this feeling of consideration, I can not rid myself of the conviction that if these ex-soldiers are to be relieved, they and their cause are entitled to the benefit of an enactment, under which relief may be claimed as a right, and that such relief should be granted under the sanction of law, not in evasion of it; nor should such worthy objects of care, all equally entitled, be remitted to the unequal operation of sympathy, or the tender mercies of social and political influence with their unjust discriminations.

The discharged soldiers and sailors of the country are our fellow-citizens, and interested with us in the passage and faithful execution of wholesome laws. They can not be swerved from their duty of citizenship by artful appeals to their spirit of brotherhood born of common peril and suffering, nor will they exact as a test of devotion to their welfare a willingness to neglect public duty in their behalf.

On the 4th of March, 1885, the current business of the Patent Office was, on an average, five and a half months in arrears, and, in several divisions, more than twelve months behind. At the close of the last fiscal year such current work was but three months in arrears, and it is asserted and believed that in the next few months the delay in obtaining an examination of an application for a patent will be but nominal.

The number of applications for patents during the last fiscal year, including reissues, designs, trade-marks, and labels, equals 40,678, which is considerably in excess of the number received during any preceding year.

The receipts of the Patent Office during the year aggregate $1,205,167.80, enabling the office to turn into the Treasury a surplus revenue, over and above all expenditures, of about $163,710.30.

The number of patents granted during the last fiscal year, including reissues, trade-marks, designs, and labels, was 25,619—a number also quite largely in excess of that of any preceding year.

The report of the Commissioner shows the office to be in a prosperous condition and constantly increasing in its business. No increase of force is asked for.

The amount estimated for the fiscal year ending June 30, 1886, was $890,760. The amount estimated for the year ending June 30, 1887, was $853,960. The amount estimated for the fiscal year ending June 30, 1888, is $778,770.

The Secretary of the Interior suggests a change in the plan for the payment of the indebtedness of the Pacific subsidized roads to the Government. His suggestion has the unanimous indorsement of the persons selected by the Government to act as directors of these roads and protect the interests of the United States in the board of direction. In considering the plan proposed the sole matters which should be taken into account, in my opinion, are the situation of the Government as a creditor, and the surest way to secure the payment of the principal and interest of its debt.

By a recent decision of the Supreme Court of the United States it has been adjudged that the laws of the several States are inoperative to regulate rates of transportation upon railroads, if such regulation interferes with the rate of carriage from one State into another. This important field of control and regulation having been thus left entirely unoccupied, the expediency of Federal action upon the subject is worthy of consideration.

The relations of labor to capital and of laboring men to their employers are of the utmost concern to every patriotic citizen. When these are strained and distorted, unjustifiable claims are apt to be insisted upon by both interests, and in the controversy which results, the welfare of all and the prosperity of the country are jeopardized. Any intervention of the General Government, within the limits of its constitutional authority, to avert such a condition, should be willingly accorded.

In a special message transmitted to the Congress at its last session I suggested the enlargement of our present Labor Bureau and adding to its present functions the power of arbitration in cases where differences arise between employer and employed. When these differences reach such a stage as to result in the interruption of commerce between the States, the application of this remedy by the General Government might be regarded as entirely within its constitutional powers. And I think we might reasonably hope that such arbitrators, if carefully selected and if entitled to the confidence of the parties to be affected, would be voluntarily called to the settlement of controversies of less extent and not necessarily within the domain of Federal regulation.

I am of the opinion that this suggestion is worthy the attention of the Congress.

But after all has been done by the passage of laws either Federal or State to relieve a situation full of solicitude, much more remains to be accomplished by the reinstatement and cultivation of a true American sentiment which recognizes the equality of American citizenship. This, in the light of our traditions and in loyalty to the spirit of our institutions, would teach that a hearty co-operation on the part of all interests is the surest path to national greatness and the happiness of all our people, that capital should, in recognition of the brotherhood of our citizenship and in a spirit of American fairness, generously accord to labor its just compensation and consideration, and that contented labor is capital's best protection and faithful ally. It would teach, too, that the diverse situations of our people are inseparable from our civilization, that every citizen should, in his sphere, be a contributor to the general good, that capital does not necessarily tend to the oppression of labor, and that violent disturbances and disorders alienate from their promoters true American sympathy and kindly feeling.

The Department of Agriculture, representing the oldest and largest of our national industries, is subserving well the purposes of its organization. By the introduction of new subjects of farming enterprise, and by opening new sources of agricultural wealth and the dissemination of early information concerning production and prices, it has contributed largely to the country's prosperity. Through this agency, advanced thought and investigation touching the subjects it has in charge, should, among other things, be practically applied to the home production at a low cost of articles of food which are now imported from abroad. Such an innovation will necessarily of course in the beginning be within the domain of intelligent experiment; and the subject in every stage should receive all possible encouragement from the Government.

The interests of millions of our citizens engaged in agriculture are involved in an enlargement and improvement of the results of their labor; and a zealous regard for their welfare should be willing tribute to those whose productive returns are a main source of our progress and power.

The existence of pleuro-pneumonia among the cattle of various States has led to burdensome and in some cases disastrous restrictions in an important branch of our commerce, threatening to affect the quantity and quality of our food supply. This is a matter of such importance and of such far-reaching consequences, that I hope it will engage the serious attention of the Congress, to the end that such a remedy may be applied as the limits of a constitutional delegation of power to the General Government will permit.

I commend to the consideration of the Congress the report of the Commissioner, and his suggestions concerning the interest intrusted to his care.

The continued operation of the law relating to our Civil Service has added the most convincing proofs of its necessity and usefulness. It is a fact worthy of note that every public officer who has a just idea of

his duty to the people, testifies to the value of this reform. Its staunchest friends are found among those who understand it best, and its warmest supporters are those who are restrained and protected by its requirements.

The meaning of such restraint and protection is not appreciated by those who want places under the Government, regardless of merit and efficiency, nor by those who insist that the selection for such places should rest upon a proper credential showing active partisan work. They mean to public officers, if not their lives, the only opportunity afforded them to attend to public business, and they mean to the good people of the country the better performance of the work of their Government.

It is exceedingly strange that the scope and nature of this reform are so little understood, and that so many things not included within its plan are called by its name. When cavil yields more fully to examination the system will have large additions to the number of its friends.

Our Civil-Service reform may be imperfect in some of its details; it may be misunderstood and opposed; it may not always be faithfully applied; its designs may sometimes miscarry through mistake or willful intent; it may sometimes tremble under the assaults of its enemies or languish under the misguided zeal of impracticable friends; but if the people of this country ever submit to the banishment of its underlying principle from the operation of their Government, they will abandon the surest guarantee of the safety and success of American institutions.

I invoke for this reform the cheerful and ungrudging support of the Congress. I renew my recommendation made last year that the salaries of the Commissioners be made equal to other officers of the Government having like duties and responsibilities, and I hope that such reasonable appropriations may be made as will enable them to increase the usefulness of the cause they have in charge.

I desire to call the attention of the Congress to a plain duty which the Government owes to the depositors in the Freedman's Savings and Trust Company.

This company was chartered by the Congress for the benefit of the most illiterate and humble of our people, and with the intention of encouraging in them industry and thrift. Most of its branches were presided over by officers holding the commissions and clothed in the uniform of the United States. These and other circumstances reasonably, I think, led these simple people to suppose that the invitation to deposit their hard-earned savings in this institution implied an undertaking on the part of their Government that their money should be safely kept for them.

When this company failed it was liable in the sum of $2,939,925.22 to 61,131 depositors. Dividends amounting in the aggregate to sixty-two per cent. have been declared, and the sum called for and paid of such dividends seems to be $1,648,181.72. This sum deducted from the entire amount of deposits leaves $1,291,744.50 still unpaid. Past experience has shown that quite a large part of this sum will not be called for. There are assets still on hand amounting to the estimated sum of $16,000.

I think the remaining thirty-eight per cent. of such of these deposits as have claimants should be paid by the Government, upon principles of equity and fairness.

The report of the Commissioner, soon to be laid before Congress, will give more satisfactory details on this subject.

The control of the affairs of the District of Columbia having been placed in the hands of purely executive officers, while the Congress still retains all legislative authority relating to its government, it becomes my duty to make known the most pressing needs of the District and recommend their consideration.

The laws of the District appear to be in an uncertain and unsatisfactory condition, and their codification or revision is much needed.

During the past year one of the bridges leading from the District to the State of Virginia became unfit for use, and travel upon it was forbidden. This leads me to suggest that the improvement of all the bridges crossing the Potomac and its branches, from the city of Washington, is worthy of the attention of Congress.

The Commissioners of the District represent that the laws regulating the sale of liquor and granting licenses therefor should be at once amended, and that legislation is needed to consolidate, define and enlarge the scope and powers of charitable and penal institutions within the District.

I suggest that the Commissioners be clothed with the power to make, within fixed limitations, police regulations. I believe this power granted and carefully guarded, would tend to subserve the good order of the municipality.

It seems that trouble still exists growing out of the occupation of the streets and avenues by certain railroads having their termini in the city. It is very important that such laws should be enacted upon this subject as will secure to the railroads all the facilities they require for the transaction of their business, and at the same time protect citizens from injury to their persons or property.

The Commissioners again complain that the accommodations afforded them for the necessary offices for District business, and for the safe keeping of valuable books and papers, are entirely insufficient. I recommend that this condition of affairs be remedied by the Congress, and that suitable quarters be furnished for the needs of the District government.

In conclusion, I earnestly invoke such wise action on the part of the people's legislators, as will subserve the public good and demonstrate during the remaining days of the Congress as at present organized, its ability and inclination to so meet the people's needs that it shall be gratefully remembered by an expectant constituency.

GROVER CLEVELAND.

WASHINGTON, *December* 6, 1886.

The PRESIDENT *pro tempore*. The message will be printed, with the accompanying documents, and laid upon the table unless otherwise ordered.

TWELFTH MICHIGAN VOLUNTEERS.

Mr. CONGER. I move to proceed to the consideration of House bill 6983, that I may withdraw a motion to reconsider the vote by which it was passed.

The PRESIDENT *pro tempore*. The Senator from Michigan moves that the Senate proceed to the consideration of Order of Business 1613, being House bill 6983, the title of which will be read.

The CHIEF CLERK. A bill (H. R. 6983) for the relief of certain soldiers of the Twelfth Michigan Volunteer Infantry dishonorably discharged under special orders 92, War Department, Adjutant-General's Office, dated March 1, 1866.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is now before the Senate.

Mr. CONGER. Just before the close of the last session I entered a motion to reconsider the vote by which that bill passed the Senate. I now wish to withdraw that motion.

The PRESIDENT *pro tempore*. If there be no objection, the motion to reconsider is withdrawn. The Chair hears no objection, and the bill stands passed.

INDEBTEDNESS OF PACIFIC RAILROADS.

Mr. BLAIR obtained the floor.

Mr. HOAR. I should like leave to give a notice, which I think it will be convenient to the Senate to have given at this time.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield to the Senator from Massachusetts?

Mr. BLAIR. I do.

Mr. HOAR. At the last session the Pacific railroads funding bill, so called, was put down as a special order for to-morrow. I shall ask that the consideration of that bill be deferred for a week or two from to-morrow, and not ask the Senate to take it up at that time, the reason being that it is hoped the other House may in the mean time have taken some action which will relieve the Senate of a good deal of trouble in regard to the bill.

DEATH OF SENATOR PIKE.

Mr. BLAIR. Mr. President, although it is already a well-known fact, I feel that it will touch the Senate with a sense of deep grief when in the discharge of a painful duty I announce the death of Hon. AUSTIN F. PIKE, late a member of this body from New Hampshire.

It will be remembered that shortly before the close of the last session, worn out by the struggle with what finally proved to be a fatal disease, he sought health and strength among the hills of his nativity. He thought and his friends thought that he had quite recovered his health, and he and they were looking forward with hope to the prolongation of his useful life, when, in a moment, in the twinkling of an eye, he was and he was not, for God took him.

At an appropriate time I shall ask of the Senate that a fitting tribute be paid to the life, the character, and the public services of our deceased associate and friend.

As a mark of respect to his memory, I now move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate do now adjourn.

The motion was agreed to; and (at 3 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 7, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, *December* 6, 1886.

This being the day designated by the Constitution, the members of the House of Representatives of the Forty-ninth Congress assembled in their hall for their second session.

At 12 o'clock noon the Speaker, Hon. JOHN G. CARLISLE, a Representative of the State of Kentucky, called the House to order.

The Chaplain, Rev. W. H. MILBURN, offered the following:

O Lord God of Hosts, receive our hearty thanksgiving that so many of the officers and members of this House have been preserved during the recess, and are permitted once more to come to their places for the performance of their duties; nor would we forget those families that

have been made desolate by the vacant seats in this hall. Remember the widows and orphans. Comfort them in their distress, and be unto them a husband and father.

Grant Thy blessing upon Thy servant, the President of the United States, and all the members of the Senate and of the House of Representatives. May Thy servant, the Speaker, be comforted and cheered in the performance of his duty, and all the officers of the House be guided and sustained; and may the members of the body remember that God holds them to a solemn account, as well as the nation, for the faithful performance of their duties. And may peace and quietness, good temper, urbanity, courtesy, and long suffering characterize the deliberations of the session.

Preserve us in health, we beseech Thee, O God, and prosper the deliberations of the House, so that the nation shall find prosperity and peace; and that God's glory be promoted in the happiness of the land we ask reverently and humbly, in the name of Jesus Christ our Lord. Amen.

The roll was called, and the following members answered to their names:

ALABAMA.

Hilary A. Herbert.
William C. Oates.
Alexander C. Davidson.
John M. Martin.
William H. Forney.

ARKANSAS.

Poindexter Dunn.
C. R. Breckinridge.
Thomas C. McRae.
John H. Rogers.
Samuel W. Peel.

CALIFORNIA.

J. A. Louttit.
Joseph McKenna.
W. W. Morrow.
Charles N. Felton.
H. H. Markham.

COLORADO.

George G. Symes.

CONNECTICUT.

John R. Buck.
John T. Wait.
Edward W. Seymour.

DELAWARE.

Charles B. Lore.

FLORIDA.

Robert H. M. Davidson.
Charles Dougherty.

GEORGIA.

Henry G. Turner.
Charles F. Crisp.
Henry R. Harris.
James H. Blount.
Judson C. Clements.
Allen D. Candler.
George T. Barnes.

ILLINOIS.

Ransom W. Dunham.
Frank Lawler.
George E. Adams.
A. J. Hopkins.
Robert R. Hitt.
Thomas J. Henderson.
Ralph Plumb.
Lewis E. Payson.
Nicholas E. Worthington.
William H. Neece.
James M. Riggs.
William M. Springer.
Jonathan H. Rowell.
Joseph G. Cannon.
John R. Eden.
William R. Morrison.
Richard W. Townshend.
John R. Thomas.

INDIANA.

John J. Kleiner.
Thomas R. Cobb.
William S. Holman.
Courtland C. Matson.
William D. Bynum.
James T. Johnston.
Thomas B. Ward.
William D. Owen.
George W. Steele.
George Ford.

IOWA.

B. J. Hall.
J. H. Murphy.
David B. Henderson.
William E. Fuller.
Ben. T. Frederick.
J. B. Weaver.
Edwin H. Conger.
William P. Hepburn.
Joseph Lyman.
Adoniram J. Holmes.

KANSAS.

E. N. Morrill.
Thomas Ryan.
John A. Anderson.
Lewis Hanback.
Samuel R. Peters.

KENTUCKY.

William J. Stone.
Polk Laffoon.
John E. Halsell.
Thomas A. Robertson.
Albert S. Willis.
John G. Carlisle.
Wm. C. P. Breckinridge.
James B. McCreary.
W. H. Wadsworth.
W. P. Taulbee.
Frank L. Wolford.

LOUISIANA.

Edward J. Gay.
Newton C. Blanchard.
Alfred B. Irion.

MAINE.

Thomas B. Reed.
Nelson Dingley, jr.
Seth L. Milliken.
Charles A. Boutelle.

MARYLAND.

Charles H. Gibson.
Frank T. Shaw.
John V. L. Findlay.
Barnes Compton.
Louis E. McComas.

MASSACHUSETTS.

Robert T. Davis.
John D. Long.
Edward D. Hayden.
Henry B. Lovering.
Eben F. Stone.
Charles H. Allen.
Frederick D. Ely.
William Whiting.
Francis W. Rockwell.

MICHIGAN.

William C. Maybury.
Nathaniel B. Eldredge.
Julius C. Burrows.
Charles C. Comstock.
Edwin B. Winans.
Ezra C. Carleton.
Timothy E. Tarsney.
Byron M. Cutcheon.
Seth C. Moffatt.

MINNESOTA.

Milo White.
H. B. Strait.
Knute Nelson.

MISSISSIPPI.

John M. Allen.
T. C. Catchings.
F. G. Barry.
O. R. Singleton.
H. S. Van Eaton.
E. Barksdale.

MISSOURI.

William H. Hatch.
Alexander M. Dockery.
James N. Burnes.
William Warner.
John T. Heard.
John E. Hutton.
John J. O'Neill.
Richard P. Bland.
William H. Wade.

NEBRASKA.

Archibald J. Weaver.
James Laird.
George W. E. Dorsey.

NEVADA.

William Woodburn.

NEW HAMPSHIRE.

Martin A. Haynes.
Jacob H. Gallinger.

NEW JERSEY.

George Hires.
James Buchanan.
Robert S. Green.
William Walter Phelps
Herman Lehlbach.
William McAdoo.

NEW YORK.

Perry Belmont.
Felix Campbell.
Darwin R. James.
Peter P. Mahoney.
Archibald M. Bliss.
Nicholas Muller.
John J. Adams.
Timothy J. Campbell.
Abram S. Hewitt.
Abraham Dowdney.
Egbert L. Viele.
William G. Stahlnecker.
John H. Ketcham.
James G. Lindsley.
John Swinburne.
George West.
Frederick A. Johnson
Abraham X. Parker.
John S. Pindar.
Frank Hiscock.
Sereno E. Payne.
Ira Davenport.
Charles S. Baker.
John G. Sawyer.
John M. Farquhar.
John B. Weber.
Walter L. Sessions.

NORTH CAROLINA.

Thomas G. Skinner.
Wharton J. Green.
William R. Cox.
John S. Henderson.
William H. H. Cowles.
Thomas D. Johnston.

OHIO.

Benjamin Butterworth.
Charles E. Brown.
James E. Campbell.
Charles M. Anderson.
Benjamin Le Fevre.
William D. Hill.
George E. Seney.
Jacob Romeis.
W. W. Ellsberry.
Albert C. Thompson.
Joseph H. Outhwaite.
Beriah Wilkins.
George W. Geddes.
A. J. Warner.
Isaac H. Taylor.
Ezra B. Taylor.
William McKinley, jr.
Martin A. Foran.

OREGON.

Binger Hermann.

PENNSYLVANIA.

Edwin S. Osborne (at large).
Henry H. Bingham.
Charles O'Neill.
Samuel J. Randall.
Alfred C. Harmer.
James B. Everhart.
I. Newton Evans.
Daniel Ermentrout.
John A. Hiestand.
William H. Sowden.
Joseph A. Scranton.
Charles N. Brumm.
Franklin Bound.
Frank C. Bunnell.
William W. Brown.
Jacob M. Campbell.
John A. Swope.
Andrew G. Curtin.
Charles E. Boyle.
Thomas M. Bayne.
Oscar L. Jackson.
Alexander C. White.
George W. Fleeger.
William L. Scott.

SOUTH CAROLINA.

Samuel Dibble.
George D. Tillman.
George W. Dargan.

TENNESSEE.

John R. Neal.
James D. Richardson
P. T. Glass.
Zach. Taylor.

TEXAS.

J. H. Reagan.
J. H. Jones.
J. W. Throckmorton.
Olin Wellborn.
W. H. Crain.
J. F. Miller.
R. Q. Mills.
J. D. Sayers.
S. W. T. Lanham.

VERMONT.

John W. Stewart.
William W. Grout.

VIRGINIA.

Thomas Croxton.
Harry Libbey.
George D. Wise.
James D. Brady.
George C. Cabell.
John W. Daniel.
Charles T. O'Ferrall.
John S. Barbour.
John R. Tucker.

WEST VIRGINIA.

Nathan Goff, jr.
William L. Wilson.
Charles P. Snyder.
Eustace Gibson.

WISCONSIN.

Lucien B. Caswell.
Edward S. Bragg.
Robert M. La Follette.
Thomas R. Hudd.
Richard Guenther.
Ormsby B. Thomas.
Isaac Stephenson.

The following is the list of Delegates from the Territories:

ARIZONA.
Curtis C. Bean.
DAKOTA.
Oscar S. Gifford.
MONTANA.
Joseph K. Toole.
NEW MEXICO.
Anthony Joseph.
UTAH.
John T. Caine.
WASHINGTON.
Charles S. Voorhees.

The SPEAKER. It appears from the call of the roll at two hundred and fifty-seven members are present, being more than a quorum, and the House will come to order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that a quorum of that body was assembled and ready to proceed to business; also, that a committee, consisting of two members, had been appointed to join such committee as should be appointed by the House of Representatives, to wait upon the President of the United States, and inform him that a quorum of each House was assembled, and that Congress was ready to receive any communication he may desire to make.

NOTIFICATION TO THE SENATE.

Mr. MORRISON submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Clerk of the House inform the Senate that a quorum of the House of Representatives has appeared, and that the House is ready to proceed to business.

COMMITTEE TO WAIT UPON THE PRESIDENT.

Mr. REAGAN submitted the following resolution; which was read, considered, and agreed to:

Resolved, That a committee of three members be appointed on the part of the House to join such committee as may be appointed by the Senate to wait upon the President of the United States and inform him that a quorum of the two Houses has assembled, and that Congress is ready to receive any communication he may have to make.

The SPEAKER appointed as such committee, on the part of the House, Mr. REAGAN, Mr. BRECKINRIDGE of Kentucky, and Mr. REED of Maine.

SWEARING IN OF MEMBERS-ELECT.

Mr. HEWITT. Mr. Speaker, I rise to a question of privilege. I desire to present to the House, to be sworn in, Mr. Samuel S. Cox, elected a representative from the ninth Congressional district of the State of New York, to fill the vacancy caused by the resignation of Hon. Joseph Pulitzer.

I wish to say in this connection that the formal certificate of the secretary of state has not been received, but a letter has been received from him stating the formal canvass will be concluded to-day. But, in the meantime, the official canvass of the city of New York has been concluded; and, if there is no objection, I desire to present, at this stage of the proceedings, my colleague to be sworn in.

The letter referred to is as follows:

STATE OF NEW YORK, OFFICE OF THE SECRETARY OF STATE,
November 29, 1886.

DEAR SIR: Your letter of the 27th instant is received.

In reference to the meeting of the board of State canvassers and the issue of certificates of election to the two Representatives-elect from this State to the Forty-ninth Congress to fill vacancies, I have to say:

That at a recent meeting of another board, of which most of the members of the board of State canvassers are also members and were in attendance, I presented the question of time for meeting of canvassers, and the engagements of members forming the board of State canvassers were such that it was determined that no quorum could be secured until Monday, December 6, at 4 p. m., when I expect to call such meeting.

In this connection I may add that the election code fixes the time for meeting of State canvassers before December 15 in each year.

The same code, however, gives no authority for securing the election statements prior to December 1.

One of the county clerks in a northern county of this State has failed to send such returns, and the secretary of state is not authorized to send for the same until December 1.

I will without delay mail your certificate of election to Washington city or elsewhere, as you may direct, as soon as the State canvassers meet and canvass the votes cast in your Congressional district.

I understand that it has been usual in former years on the part of the House of Representatives to admit new Representatives chosen to fill vacancies to their seats, upon motion, without production of certificate of election.

I may add here, in case you should desire to show this letter to the Clerk of the House of Representatives, that the official returns show your election as a Representative in Forty-ninth Congress from the ninth Congressional district of this State, in place of Hon. Joseph Pulitzer, resigned, and that the certificate of election will issue as soon as the State canvassers meet to formally declare the result.

Yours, truly,

FREDERICK COOK,
Secretary of State.

Hon. SAMUEL S. COX,
New York City.

There was no objection.

Mr. SAMUEL S. COX then appeared at the bar of the House, escorted by his colleague [Mr. HEWITT], and was greeted with general applause on the floor and in the galleries. He was duly qualified by taking the oath prescribed by law.

Mr. COMPTON. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. COMPTON. I present at this time the certificate of the election of Mr. Rusk to fill the vacancy occasioned by the death of Hon. Mr. COLE, of the State of Maryland, and I ask that the credentials be read, and that he be sworn in.

The credentials were read, as follows:

THE STATE OF MARYLAND, EXECUTIVE DEPARTMENT.

I, Henry Lloyd, governor of Maryland, do hereby certify that it appears from the official returns now on file in this department, of an election held in this State on Tuesday, the 2d day of November, instant, for a Representative from the third Congressional district of Maryland in the Forty-ninth Congress of the United States for the unexpired term of Dr. WILLIAM H. COLE, deceased, that Hon. Harry Welles Rusk was regularly and duly elected in accordance with the laws of this State as the Representative from the third Congressional district of Maryland in the Forty-ninth Congress of the United States for the unexpired term of Dr. WILLIAM H. COLE, late the Representative from the said district to the said Congress, but who is now deceased.

Witness my hand and the great seal of Maryland, at the city of Annapolis, on the 13th day of November, in the year of our Lord one thousand eight hundred and eighty-six.

HENRY LLOYD.

[SEAL.]
By the governor:

E. W. LE COMPTE,
Secretary of State.

Mr. RUSK appeared at the bar of the House, and was duly qualified by taking the oath prescribed by law.

Mr. HEWITT. Mr. Speaker, I desire to present Mr. Henry Bacon to be sworn in as a Representative-elect from the fifteenth Congressional district of the State of New York, to fill the vacancy caused by the death of Hon. LEWIS BEACH. The circumstances in Mr. Bacon's case are precisely the same as those in the case of Mr. COX. The letter of the secretary of state is in my hands, but the official certificate has not yet been received. I ask, if there be no objection, that Mr. Bacon be now sworn in.

There was no objection; and Mr. BACON appeared at the bar of the House and was duly qualified by taking the oath prescribed by law.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HAMMOND, until Wednesday next.

To Mr. HOUK, indefinitely.

To Mr. BENNETT, for one week, on account of sickness in his family.

To Mr. O'DONNELL, for four days, on account of sickness in his family.

To Mr. KELLEY, for three days, on account of important business.

To Mr. HENLEY, indefinitely, on account of business.

To Mr. WARD, of Illinois, for the balance of this week, on account of sickness in his family.

To Mr. REESE, for ten days, on account of sickness in his family.

DAILY HOUR OF MEETING.

Mr. HOLMAN. I submit for present consideration the resolution I send to the desk.

The Clerk read as follows:

Resolved, That until the further order of the House the daily hour of meeting of the House be 12 o'clock noon.

The resolution was agreed to.

Mr. HOLMAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RECESS.

Mr. MORRISON. Mr. Speaker, I move that the House now take a recess for thirty minutes to enable the committee appointed to wait upon the President to perform that duty and make its report.

The motion was agreed to; and accordingly (at 12 o'clock and 40 minutes p. m.) the House took a recess for thirty minutes.

The recess having expired, the House (at 1 o'clock and 10 minutes p. m.) resumed its session.

Mr. MORRISON. Mr. Speaker, I move that the House take a further recess until 2 o'clock. I understand the Senate has taken a recess to that hour, and that the committee to wait upon the President will not earlier be ready to report.

The motion was agreed to.

The House accordingly (at 1 o'clock and 11 minutes p. m.) took a further recess until 2 o'clock p. m.

AFTER THE RECESS.

The recess having expired, the House (at 2 o'clock p. m.) resumed its session.

REPORT OF COMMITTEE TO WAIT ON THE PRESIDENT.

Mr. REAGAN. Mr. Speaker, the committee appointed under resolution of the House to wait upon the President and inform him a quorum was present and ready to receive any communications he may be prepared to make, have performed that duty; and the President has re-

quested us to extend his congratulations to the House on account of the safe return of its members, and to say that he will shortly communicate to the House in writing.

PRESIDENT'S ANNUAL MESSAGE.

A message in writing from the President, by Mr. PRUDEN, one of his secretaries, was received; which was laid before the House and read in full.

[It will be found in Senate proceedings.]

Mr. MORRISON submitted the following resolution; which was read, considered, and adopted:

Resolved, That the message of the President be committed to the Committee of the Whole House on the state of the Union, and, with the accompanying documents, printed.

Mr. MORRISON also submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed —— thousand copies of the President's last annual message for the use of the House.

REPORT OF THE SECRETARY OF THE TREASURY.

The SPEAKER laid before the House the annual report of the Secretary of the Treasury on the state of the finances for the year ended June 30, 1886; which was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

REPORT OF THE ATTORNEY-GENERAL.

The SPEAKER also laid before the House the annual report of the Attorney-General for the year ended June 30, 1886; which was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

INVENTORY OF PUBLIC PROPERTY, HOUSE OF REPRESENTATIVES.

The SPEAKER also laid before the House a letter from the Clerk of the House of Representatives, transmitting an inventory of public property in his possession on December 6, 1886; which was referred to the Committee on Accounts, and ordered to be printed.

REPORT OF THE CLERK OF THE HOUSE.

The SPEAKER also laid before the House a letter from the Clerk of the House, transmitting his annual report for the fiscal year ended June 30, 1886; which was referred to the Committee on Accounts, and ordered to be printed.

DEATH OF HON. LEWIS BEACH, AND HON. JOHN ARNOT, JR.

Mr. HEWITT. Mr. Speaker, it is my painful duty to announce to the House that since its adjournment in August last, two members of the New York delegation have died, Hon. LEWIS BEACH, who represented in this House the fifteenth Congressional district, and Hon. JOHN ARNOT, Jr., who represented the twenty-eighth Congressional district.

I do not propose at this time to do more than make this sad announcement, knowing that the House will hereafter take such action as will be appropriate under the circumstances. But I send to the desk resolutions which I ask to have read by the Clerk; and then I respectfully request that the resolution for adjournment be deferred until the gentleman from Wisconsin, who has a similar announcement to make, can be heard.

The Clerk read as follows:

Resolved, That the House has heard with sincere regret the announcement of the death during the late recess of Hon. LEWIS BEACH and Hon. JOHN ARNOT, Jr., late Representatives from the State of New York.

Resolved, That the Clerk communicate the foregoing resolution to the Senate.

Resolved, That as a mark of respect to the memory of the deceased Representatives the House do now adjourn.

The SPEAKER. The question will be first on agreeing to the first and second resolutions.

The first and second resolutions were unanimously agreed to.

DEATH OF HON. WILLIAM T. PRICE.

Mr. CASWELL. It is my melancholy duty to announce to this House the death of my friend and colleague, Hon. WILLIAM T. PRICE, late a Representative of the eighth district of the State of Wisconsin, which occurred this morning at 5 o'clock, at his residence in that State. I shall, on some future day, ask the House to fix a time when fitting and proper words may be spoken in reference to his life and character. For the present I offer the resolutions which I send to the desk. And if a committee should be appointed to attend his funeral, I ask that I may be excused from service on the same, as it is quite impossible for me to attend.

The Clerk read as follows:

Resolved, That the House has learned with deep regret the announcement of the death of Hon. WILLIAM T. PRICE, a Representative of the State of Wisconsin.

Resolved by the House of Representatives (the Senate concurring), That a special committee of seven members of the House of Representatives and three members of the Senate be appointed to take order for attending his funeral at his residence in the State of Wisconsin, and the necessary expenses attending the execution of this order shall be paid out of the contingent fund of the House.

Resolved, That the Clerk of the House communicate the foregoing resolutions to the Senate.

Resolved, That as a mark of respect to the memory of the deceased the House do now adjourn.

The SPEAKER. In order that the Chair may have the opportunity to announce the committee the question will be put, first, on the adoption of the first three resolutions.

The first three resolutions were unanimously agreed to.

The SPEAKER. The Chair announces the following as the committee on the part of the House: Mr. GUENTHER, of Wisconsin; Mr. MORRILL, of Kansas; Mr. FREDERICK, of Iowa; Mr. TAULBEE, of Kentucky; Mr. OSBORNE, of Pennsylvania; Mr. HUDD, of Wisconsin; Mr. LA FOLLETTE, of Wisconsin.

The final resolution of each series was then agreed to; and, in accordance therewith, the House (at 4 o'clock and 10 minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARKSDALE: Petition of J. W. Farish and others, citizens of Jackson, Miss.—to the Committee on the Public Lands.

By Mr. BLAND: Petition of H. C. Ewing, administrator of the estate of M. L. and R. R. Jefferson, deceased, of Jefferson County; of Harvey Drennan, of Phelps County; and of E. W. Bishop, of Rolla, Mo., asking that their claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. BOUTELLE: Petition of the trustees and officers of the Maine State College of Agriculture and the Mechanic Arts, for the enactment of House bill 2933, known as the Hatch experiment-station bill—to the Committee on Agriculture.

By Mr. BUCHANAN: Petition of citizens of Moorestown, N. J., for the passage of the Hatch experiment-station bill—to the same committee.

By Mr. BURROWS: Petition of Michigan Annual Conference, of 290 ministers, representing a membership of 30,000, protesting against needless Government work on Sunday—to the Committee on Reform in the Civil Service.

Also, petition of the Michigan Methodist Conference, composed of 290 ministers, and representing 35,000 church members, asking the enactment, without delay, of such measures as will enable the officers of the law to suppress all efforts to persecute and drive out the Chinese, and to secure to them, wherever they may be in our domain, the same protection afforded to all persons in life, liberty, and the pursuit of happiness; and especially that the indemnity bill be passed without delay—to the Committee on Foreign Affairs.

By Mr. CATCHINGS: Petition of Sarah Jane Saunders, asking that her claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. ERMENTROUT: Petition of Crippled Soldiers' Association of the United States, of Allegan, Rice County, Kansas, for the passage of bill to change grades of pensions for loss of one hand or foot, $35 per month; above elbow or knee-joint, $40 per month; above shoulder-joint or near hip-joint, $45 per month; for loss of one eye, $30 per month; and to date all special acts back to discharge—to the Committee on Invalid Pensions.

By Mr. FORNEY: Petition of D. D. Fleming, administrator of William Fleming; of Joseph G. Davenport, administrator of Joseph Davenport, deceased; of Davis Agnew, administrator of James R. Dorsey, deceased, and of Joseph G. Davenport, executor estate of Orville J. Davenport, deceased, of Alabama, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. GLASS: Petition of Green Bittick, of Gibson County, and of Paul C. Crafton, administrator of W. W. Crafton, deceased, of Gibson County, Tennessee, asking that their claims be referred to the Court of Claims—to the same committee.

By Mr. GROUT: Joint resolution of the Vermont Legislature relating to the protection of American industries, the extension of American commerce in foreign markets, and the restoration of the American-built merchant marine and our flag upon the ocean—to the Committee on Ways and Means.

By Mr. D. B. HENDERSON: Petition of J. C. Adams and 82 others, citizens of Union, Harden County, Iowa, praying that a pension be granted to Clementine Hartinger, formerly Clementine Bickford, mother of W. H. Peters, late Company C, Twenty-fourth Regiment Iowa Infantry—to the Committee on Invalid Pensions.

Also, paper from C. H. Eighmey, esq., cashier First National Bank, Dubuque, Iowa, relating to the national banking system—to the Committee on Banking and Currency.

By Mr. HOUK: Petition of E. R. Cole, legal representative of Martin Cole, deceased, of Jefferson County, and of Chesley J. Burnett, of Hamblen County, Tennessee, asking that their claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. CHARLES O'NEILL: Petition of James Peak, sergeant of Company L, One hundred and twelfth Pennsylvania Regiment, asking for a pension—to the Committee on Invalid Pensions.

By Mr. T. B. REED: Petition of Abraham Bray, for restoration to pension list—to the Committee on Pensions.

By Mr. RICHARDSON: Petition of S. R. Oakley and of G. R. Brooks,

heir of Mrs. Sarah A. Brooks, deceased, of Franklin County, Tennessee, asking that their claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. W. J. STONE, of Kentucky: Petition of M. V. B. Giffey, of Hickman County, Kentucky, asking that his claim be referred to the Court of Claims—to the same committee.

By Mr. WADE: Petition of N. F. Grier, administrator estate of Samuel Grier, deceased, of Greene County, Missouri, asking that his claim be referred to the Court of Claims—to the same committee.

By Mr. WILLIAM WARNER: Petition of Maria L. Thompson, of Jackson County, Missouri, asking that her claim be referred to the Court of Claims—to the same committee.

By Mr. WHEELER: Petition of Henry H. Coulson, of Jackson County, Alabama, asking that his claim be referred to the Court of Claims—to the same committee.

SENATE.

TUESDAY, *December* 7, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

JOSEPH N. DOLPH, a Senator from the State of Oregon; RANDALL L. GIBSON, a Senator from the State of Louisiana; EUGENE HALE, a Senator from the State of Maine, and HARRISON H. RIDDLEBERGER, a Senator from the State of Virginia, appeared in their seats to-day.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM NEW HAMPSHIRE.

Mr. BLAIR. Mr. President, I present the credentials of Hon. P. C. Cheney, appointed by the governor of the State of New Hampshire a Senator from that State to fill until the next meeting of the Legislature thereof the vacancy in the Senate occasioned by the death of Senator PIKE. I ask that the credentials be read, and placed on file, and that the oath of office be administered to the Senator appointed.

The PRESIDENT *pro tempore*. The credentials will be read.

The credentials were read by the Chief Clerk.

The PRESIDENT *pro tempore*. The Senator appointed from New Hampshire will please advance to the desk, and the oath of office will be administered to him.

Mr. CHENEY, escorted by Mr. BLAIR, advanced to the desk of the President *pro tempore*, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented the petition of A. M. Wright, president of the Chicago Board of Trade, Swift & Co., Hon. C. B. Farwell, Fleming & Boyden, and 93 other members of the Chicago Board of Trade, praying for legislation authorizing the Secretary of War to contract with Charles Stoughton and associates for the improvement of Harlem River, in New York; which was referred to the Committee on Commerce.

Mr. BUTLER presented an extract from the presentment of the grand jury of the United States district court for the western district of South Carolina, recommending the erection of a public building at Greenville, S. C., for the accommodation of the United States court, post-office, and other public offices; which was referred to the Committee on Public Buildings and Grounds.

Mr. DOLPH presented a petition of the Columbia (Oregon) Water-Way Convention, praying for increased appropriations for the prosecution of works for the improvement of the Columbia River, already in progress, and for an appropriation for the further improvement of the channels of Columbia and Snake Rivers, wherever it may be necessary for their practical navigation; which was referred to the Committee on Commerce.

Mr. HOAR presented the petition of C. W. Moore and other citizens of Boylston, Mass., praying for the passage of what is known as the Hatch experiment station bill; which was referred to the Committee on Agriculture and Forestry.

Mr. GIBSON presented a concurrent resolution of the General Assembly of Louisiana, in favor of improving Bayou Lafourche; which was read, and referred to the Committee on Commerce, as follows:

Concurrent resolution asking for an appropriation by Congress for the purpose of dredging and removing islands, sand-banks, and other obstructions, of whatever nature they may be, from the mouth of Bayou Lafourche where it empties into the Gulf of Mexico, in the parish of Lafourche, to Raceland Station on Bayou Lafourche, in Lafourche Parish, State of Louisiana.

Whereas there are numerous islands, sand-banks, and other obstructions in the Bayou Lafourche from its mouth up to Raceland Station;

Whereas the general navigation of said bayou is greatly impeded thereby;

Whereas the removal of said islands, sand-banks, and other obstructions, the dredging and deepening of the channel of said bayou would greatly facilitate the transportation of various and extensive products of said section of country, and give speedy and sure communication with the markets of the world:

Be it resolved by the house of representatives of the State of Louisiana (the senate concurring), That our Senators and Representatives in Congress be, and they are hereby, requested to urge upon Congress the passage of an act making an appropriation of a sufficient sum of money for the dredging and deepening of the channel of said bayou, and also for the removal of the islands and other obstructions from said channel, from the mouth of said bayou where it empties into the Gulf of Mexico, in the parish of Lafourche, to Raceland Station on Bayou Lafourche, in Lafourche Parish, State of Louisiana, and requiring the Federal Government, through the proper department, to take measures for the removal of said obstructions and for the dredging and deepening of the channel of Bayou Lafourche between said points, so as to improve the navigation thereof, and give speedy, direct, and safe means of transportation and communication to the inhabitants of said section of country.

Be it further resolved, That the governor be requested to forward a copy of these resolutions to our Senators and Representatives in Congress.

Mr. MORRILL presented a joint resolution of the Legislature of Vermont; which was read, and referred to the Committee on Finance, as follows:

Joint resolution relating to the protection of American industries, the extension of the American commerce in foreign markets, and the restoration of the American-built merchant marine and our flag upon the ocean.

Resolved by the senate and house of representatives, That with the many thousands of skilled laborers in this country seeking and not finding employment; that with the enormous accumulation of our manufactured products piled up in our warehouses, awaiting a market; that with the eager watchfulness of the great manufacturing and commercial nations for opportunity to crowd their surplus products into our already overstocked markets, while they jealously exclude us from trade with the non-producing nations, by reason of their control of the merchant fleets that bear the world's commerce, our present protective tariff remains of vital importance to the welfare and prosperity of the whole people, employer and employé, in equal degree, and the restoration of our once-proud supremacy on the high seas, carrying American goods in American-built ships to all the markets of the world, is an immediate necessity.

Resolved, That the secretary of state be instructed to prepare and forward copies of these resolutions to our Senators and Representatives in Congress, and they are respectfully requested to use their best efforts to promote the interests herein specified.

JOSIAH GROUT,
Speaker of the House of Representatives.
LEVI K. FULLER,
President of the Senate.

STATE OF VERMONT, OFFICE OF THE SECRETARY OF STATE.

I hereby certify that the foregoing joint resolution, adopted by the General Assembly of the State of Vermont, at its sessson of 1886, is a true copy of the original, as appears from the files and records of this office.

Witness my signature and official seal at Montpelier, this 30th day of November, A. D. 1886.

CHARLES W. PORTER,
Secretary of State.

REPORT OF A COMMITTEE.

Mr. MANDERSON. I am instructed by the Committee on Printing to report back the joint resolution (S. R. 72) to print 10,000 copies of the Report of the Commissioner of Agriculture on the International Sheep and Wool Show held in Philadelphia in September, 1880, with the recommendation that it be indefinitely postponed, the matter having been acted upon.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the joint resolution be indefinitely postponed.

The motion was agreed to.

BILLS INTRODUCED.

Mr. HALE introduced a bill (S. 2901) to provide for the erection of a public building at Eastport, Me.; which was read the first time by its title.

Mr. HALE. I wish to say, in calling the attention of the Committee on Public Buildings and Grounds to this bill, that it is a case where the custom-house was destroyed by a very destructive fire, one of the worst that ever afflicted the State, almost destroying the town. It is a very important custom-house, being upon the border of the British possessions, and it is very important that action should be taken at once. I should like to ask the indulgence of the Senate to consider the bill now, if there is no objection.

The PRESIDENT *pro tempore*. The Senator from Maine asks the unanimous consent of the Senate to proceed to the consideration of the bill at this time.

Mr. PLATT. Let it be read for information.

The PRESIDENT *pro tempore*. The bill will be read at length.

The bill was read the second time at length, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected upon the site now vested in the United States a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the United States custom-house and post-office at Eastport, in the State of Maine. The building when completed, upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $100,000.

Mr. VEST. Has that bill been to the Committee on Public Buildings and Grounds?

The PRESIDENT *pro tempore*. It has not been referred.

Mr. HALE. I have just stated, if the Senator from Missouri will allow me, that this is a case where fire destroyed almost the entire town, including the custom-house, and that it is a very important building. It is not a question of purchasing any site. There is no question that there should be a proper building erected, and the sooner the bill goes to the other House the better. That is why I ask the indulgence of the Senate to consider the bill at this time.

Mr. VEST. I do not see the chairman of that committee present.

Mr. HALE. The chairman is not here, and I could not confer with him.

Mr. MORRILL. I will say to the Senator from Maine that I do not think its passage now will hasten the progress of the bill through the other House; and I do not think there will be any unreasonable delay by having it referred to the Committee on Public Buildings and Grounds.

Mr. HALE. If any Senator objects, under these circumstances, of course the bill must go to the committee.

Mr. MORRILL. I only suggest to the Senator that it would be better for the bill to have it referred to the committee.

Mr. HALE. Then let the bill go to the Committee on Public Buildings and Grounds.

The PRESIDENT *pro tempore*. It will be so referred.

Mr. HALE. I ask the Senator from Vermont (a member of that committee) to give it his special attention, and report it speedily.

Mr. GORMAN introduced a bill (S. 2902) for the relief of Commodore W. T. Truxton; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. BECK introduced a bill (S. 2903) to provide for the retirement of United States legal-tender and national-bank notes of small denominations, and the issue of coin certificates, and for other purposes; which was read twice by its title, and referred to the Committee on Finance.

Mr. DOLPH introduced a bill (S. 2904) to authorize the construction of a bridge across the Willamette River, at Portland, Oregon; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CULLOM introduced a bill (S. 2905) for the relief of Christian County, in the State of Illinois; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL, of Oregon (by request), introduced a bill (S. 2906) to refund certain import duties; which was read twice by its title, and referred to the Committee on Finance.

Mr. WILSON, of Iowa, introduced a bill (S. 2907) granting a pension to Edward T. Latta, late captain Fourth Indian Regiment; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BUTLER introduced a bill (S. 2908) for the erection of a public building at Charleston, S. C.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. GIBSON introduced a bill (S. 2909) for the relief of Isidore Daigle and Rose Daigle Woodruff, lawful heirs of Isidore Daigle, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. INGALLS introduced a bill (S. 2910) to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or leg in the service, and for other purposes; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2911) defining the time for the commencement of pensions granted by special acts of Congress; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2912) to increase the rate of pension for the loss of an eye, or the sight thereof; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VAN WYCK introduced a bill (S. 2913) to exempt from duty imported sugar and molasses, and all imported boards, lumber, and timber; which was read twice by its title, and referred to the Committee on Finance.

Mr. SHERMAN introduced a bill (S. 2914) granting an increase of pension to Charles F. Allgower; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2915) granting a pension to Harrison Wagner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 2916) for the construction of a deep-water channel in Tampa Bay up to the town of Tampa; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2917) to pension E. A. Tucker, a soldier in the Seminole Indian war in Florida; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2918) for continuing the work on the bar at the mouth of the Saint John's River, Florida; which was read twice by its title, and referred to the Committee on Commerce.

Mr. INGALLS introduced a bill (S. 2919) to incorporate the Georgetown and Tennallytown Cable Railway Company of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

TARIFF REVISION.

Mr. MORRILL submitted the following resolution; which was read:

Resolved, That the promise of making any revision of the tariff in a spirit of fairness to all interests, not to injure any domestic industries, but to promote their healthy growth, so that any change of law must be at every step regardful of the labor and capital involved and without depriving American labor of ability to compete successfully with foreign labor, and without imposing lower rates of duty than will be ample to cover any increased cost of production which may exist in consequence of the higher rate of wages prevailing in this country, appears so obviously hopeless and impracticable that any further attempts at revision by the present Congress, in contravention to the foregoing cardinal declarations, are to be regarded as inexpedient and detrimental to the revival of the trade and industry of the country.

Mr. MORRILL. I desire that the resolution shall lie upon the table, and give notice that day after to-morrow, if it shall suit the convenience of the Senate, I shall submit some remarks upon a motion to refer the resolution to the Committee on Finance.

The PRESIDENT *pro tempore*. If there be no objection, the resolution will lie on the table and be printed.

REDUCTION OF CUSTOMS DUTIES AND INTERNAL TAXES.

Mr. DAWES. I submit a resolution, which I ask may lie on the table and be printed, and at some future day I shall call it up for the purpose of submitting some remarks upon it.

The resolution was read, and ordered to lie on the table and be printed; as follows:

Resolved, That the Committee on Finance be instructed to inquire and report as soon as practicable what specific reduction can be made in customs duties and internal taxes which will, in their judgment, reduce the receipts to the necessary and economical expenditures of the Government, without impairing the prosperity and development of home industries or the compensation of home labor.

SELECT COMMITTEES.

Mr. FRYE. I submit the following resolution, and ask for its immediate consideration:

Resolved, That the select committees of the Senate in existence August 5, 1886, be revived and continued during the present session, with all the powers and authorities heretofore given by the Senate to each of the select committees on the respective subjects to which they relate.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. FRYE. The resolution which was passed at the opening of the Forty-ninth Congress: "*Resolved*, That the following constitute the select committees of the Senate of the United States for the Forty-ninth Congress," does not cover some three or four select committees that were subsequently to that time appointed. Therefore I thought it better to put in this resolution, which, while it will do no harm of course, will reaffirm the appointment of the former select committees covered by the resolution, and will include the four or five that were subsequently appointed.

Mr. CULLOM. Will the Senator explain the resolution so that we may know what committees are included?

Mr. FRYE. This resolution covers the Interstate Commerce Committee, the committees on the subject of the reduction of employés, on Indian traders, and on ordnance and war-ships.

Mr. EDMUNDS. That is all?

Mr. FRYE. That is all.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

INDEBTEDNESS OF PACIFIC RAILROADS.

Mr. HOAR. I ask unanimous consent that Senate bill 1200, known as the Pacific railroads funding bill, which stands as the first special order for to-day, may be postponed until Tuesday, December 21, at 2 o'clock, to be then the special order with the same rights which it has now.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks the unanimous consent of the Senate to take up for the purpose stated a bill, the title of which will be read.

The CHIEF CLERK. A bill (S. 1200) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first mentioned act; and to provide for a settlement of claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the bill be postponed to and made a special order on the same conditions for Tuesday, December 21, at 2 o'clock. The question is on agreeing to the motion.

The motion was agreed to, two-thirds of the Senators present voting in favor thereof.

ATLANTIC AND PACIFIC RAILROAD FORFEITURE.

Mr. INGALLS. Mr. President, on the 6th day of July last Congress declared a forfeiture of the grant to the Atlantic and Pacific Railroad, and directed the restoration of the lands to private entry. That tract comprises about 6,000,000 acres, being the alternate sections in a region 200 miles long and 20 miles wide, extending from the junction of the Atlantic and Pacific and the Atchison, Topeka and Santa Fé Railroads to the northern line of the State of Texas. Some of this land is worthless, but the larger part is valuable for agriculture, mining, and pasturage.

It was my understanding, and I suppose the understanding of those who voted for the bill, that the restoration of these lands to the public domain was to be immediate. A great many of the citizens of New Mexico, of Texas, and the surrounding country, being aware of the forfeiture and the order of restoration, have endeavored to make entry upon those lands, but have been informed at the local land offices that no action had been taken by the Interior Department for their restoration to private entry.

An eminent citizen of New Mexico, in sympathy politically with the Administration, but not in official place, moved by many inquiries, ad-

dressed the Commissioner of the General Land Office, after a considerable interval, to ascertain when these lands were to be restored to the public domain. It is evident that the Commissioner of the General Land Office understood that the restoration of these lands, in the intention of Congress at least, was to be immediate, for he replies, under date of September 30, that—

These lands will be restored to entry as soon as the diagram showing such lands is completed, which will be within a few days.

Nearly a month elapsed, and on the 17th day of October this citizen, supposing that the period defined by the Commissioner had been reached, addressed another letter to him, asking when the intention of Congress was to be complied with concerning these lands. On the 22d day of October the Commissioner, acknowledging the receipt of the letter, stated that—

The maps showing the forfeiture have just been completed, and notice of the restoration will probably be issued in a few days. The exact date can not be given. The former office letter gives all information possible under the circumstances.

My correspondent writes me that on the 27th day of November, the period described by the Commissioner twice as "a few days" having already been exceeded, the order has not yet been issued for the restoration of these lands to private entry, although the maps and diagrams have, for a long period of time, been on file in the land offices in Santa Fé and at Las Cruces, in New Mexico.

The people there are naturally impatient. Many of them have made long journeys for the purpose of being near the place where these lands are to be disposed of under the public laws of the United States, and they have addressed me asking me to ascertain if possible by the intervention of the Senate the cause of this procrastination, and why it is that the Commissioner, having twice promised in compliance with his evident understanding of the purpose of Congress that these lands should be restored in "a few days," has permitted the 27th of November to pass without taking the action contemplated by the statute of forfeiture.

Whether it results from the impression that appears to prevail in the mind of the Commissioner that he is the only honest man in the United States of America, and that every citizen who attempts to establish a claim by homestead entry or otherwise upon the public domain is a kleptomaniac, bent upon pillage, loot, and plunder, does not appear in the correspondence that has been presented.

I hope, therefore, that the Senate will consider this matter of sufficient importance to allow me to offer, and to adopt, the resolution that I send to the desk.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Secretary of the Interior be directed to inform the Senate whether the lands within the grant to the Atlantic and Pacific Railroad declared forfeited by the act of July 6, 1886, have been restored to entry as provided by said act; and if not so restored, the occasion of the delay.

The PRESIDENT *pro tempore*. The Senator from Kansas asks for the immediate consideration of the resolution. Is there objection? The Chair hears none, and the question is on the adoption of the resolution.

The resolution was agreed to.

PRESIDENT'S MESSAGE RELATING TO FOREIGN AFFAIRS.

Mr. EDMUNDS. I move that so much of the message of the President sent to the Senate yesterday as relates to foreign affairs be referred to the Committee on Foreign Relations.

The motion was agreed to.

SETTLERS AND PURCHASERS OF LANDS IN NEBRASKA AND KANSAS.

Mr. VAN WYCK. I desire to give notice that I shall, to-morrow, move the consideration of Order of Business 1565 on the Calendar, being the bill (H. R. 1413) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas.

MILITARY SITE ON LAKE MICHIGAN.

Mr. LOGAN. What is the question before the Senate?

The PRESIDENT *pro tempore*. The introduction of "concurrent or other resolutions" is still in order, but if the Senator does not wish to offer a resolution it is the duty of the Chair to lay before the Senate a resolution which came over from yesterday under objection. The Chair will hear what the Senator from Illinois desires.

Mr. LOGAN. I desire that Order of Business 1876, being the joint resolution (S. R. 78) authorizing the Secretary of War to accept certain lands, &c., near Chicago, Ill., be set down for a hearing on Monday morning next. It was set down for a hearing this morning, but I do not wish to interpose with reference to other business. It will take but a few minutes to act upon it when it is taken up; but I desire to have it postponed to allow friends on the other side to get some papers, if the Senate will consent to it.

The PRESIDENT *pro tempore*. The Chair is of opinion that the motion, being of the nature of a resolution, is now in order.

Mr. LOGAN. I ask that the joint resolution be postponed until next Monday morning.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the joint resolution indicated by him be postponed to and made a special order for next Monday. If there be no objection, that order will be made.

Mr. LOGAN. I desire, however, that it shall occupy the same place then that it does now. It is a special order on the Calendar for to-day.

The PRESIDENT *pro tempore*. If it is a special order for to-day, it will occupy the same position on Monday next.

Mr. LOGAN. It is a special order already.

OREGON RIVER AND HARBOR APPROPRIATIONS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution which came over from yesterday. It will be read.

The Chief Clerk read the resolution submitted yesterday by Mr. MITCHELL, of Oregon, as follows:

Whereas the Congress adjourned its last session on the 5th day of August last, and by the provisions of the bill commonly known as the River and Harbor bill, which became a law on that day, large appropriations were made, and were on that day immediately available, for the continuation of certain improvements of rivers and harbors in the State of Oregon and Washington Territory, including $187,500 for the further prosecution of the work of constructing a canal and locks at the Cascades of the Columbia River, $187,500 for the continuation of improvements at the mouth of the Columbia River, $75,000 for the continuation of the improvement at the entrance to Yaquina Bay, Oregon and $33,750 for the continuation of work on the improvement of Coos Bay, Oregon; and

Whereas it is alleged that no work whatever was done toward utilizing said appropriation for work on the canal and locks at the Cascades of the Columbia until about the 10th day of October last, over two months after said appropriation was available, and thus losing, as it is alleged by those most interested in the early completion of said work, the great advantage of low water, good weather, and long days, and during which time it is alleged said work could have been carried on at much less expense and to greater advantage; and

Whereas it is further alleged the expenditure of the other appropriations above referred to has been postponed by the War Department or its engineers until next spring; and

Whereas the boards of trade at Portland, Oreg., and The Dalles, Oreg., representing those sections and communities largely interested in the speedy completion of the works for which such appropriations were made, including also the Columbia Water-Way Convention recently in session at Vancouver, Wash., have all deprecated the delays in the prosecution of such works, and have some of them also adopted strong resolutions of regret that Maj. W. A. Jones, a major of United States Engineers, and, it is alleged, for about two years last past in charge of the work on the canal and locks at the Cascades of the Columbia, should, as it is alleged he was, after he had submitted his project for the expenditure of said appropriation for the continuation of work on the canal and locks at the Cascades of the Columbia, be relieved by his superiors and displaced by the assignment to said work of Capt. Charles F. Powell, a captain of United States Engineers, thus occasioning further delay, necessarily incident to any change at such a time; and

Whereas the Senators and Representative from the State of Oregon have, by such representative bodies, or some of them, been requested to inquire as to the cause of such delays in the utilization of said appropriations: Therefore,

Resolved, That the Secretary of War be, and he hereby is, directed to advise the Senate, at his earliest practicable convenience, as to what change or changes, if any, have been made in the United States engineers in charge of the construction of the canal and locks at the Cascades of the Columbia River since the 5th day of August last, and in charge of any of the river or harbor improvements in Oregon and Washington Territory since said date, and the date and character of any such change or changes, the names of the engineers relieved, changed, or transferred, and in what respect changed or transferred, and their rank respectively, and the reasons for such change or changes; also, in case any such change has been made, whether the engineer relieved had, prior to such change or transfer, submitted to the Chief of Engineers his project or plan for the expenditure of such appropriations, and whether or not the same had been approved or rejected by the Chief of Engineers, or Acting Chief of Engineers, or War Department, prior to such change or transfer of engineers in charge; also what change, if any, has been made in the plan of work or the manner of proposed expenditure of such appropriation since the date of such change of engineers; also, if such change of engineers was made, what works were in charge of such engineers respectively for the two years prior to such change; and, further, what river or harbor works or improvements have such engineers been in charge of since the date of such change.

Also, that the Secretary of War be further directed to report to the Senate further, at his earliest practicable convenience, whether it is true, as alleged, or otherwise, that the work at the mouth of the Columbia, at the entrance to Yaquina Bay, and at Coos Bay, Oregon, has been postponed until next spring, and the reasons in detail for such postponement.

And, further, that he transmit to the Senate with such reports, and as a part thereof, full copies of all correspondence, whether by letter or telegram, occurring between the War Department, or any of its officers, and any officer, board of trade, chamber of commerce, water-way convention, or person whomsoever, since August 5, 1886, relative to the expenditure of the appropriations above referred to, and each of them, or relative to any change of engineers in charge of the work on the canal and locks at the Cascades of the Columbia River, or relative to the change of engineers in charge of any of the works or improvements above specified.

Mr. MITCHELL, of Oregon. Mr. President, I move the adoption of the resolution; and I desire to state that the resolution of itself involves no attack on anybody. I shall assume, and I do assume in the resolution itself, that the Department will be able to make such report (at least I trust sincerely that will be the case) in answer to the resolution as will be entirely satisfactory not only to the representatives from the State of Oregon, but to the people who are so deeply interested in the early completion of the works referred to in the resolution. I am bound to assume that much in the introduction of the resolution. I am bound to assume that that is so until the Department and its engineers, more particularly, are heard.

It is sufficient to say that there has been for some reason, either good or bad (and that is to be held in abeyance for the moment), what seems to be, to the people of the State of Oregon interested in the early completion of these works, an unnecessary delay in utilizing the appropriations made by Congress at its last session for the carrying on of these important works on the Columbia River and on the Oregon coast.

There is a deep-seated feeling, I may say, among the people, and I think that is known perhaps to other members of the Senate who have visited Oregon during this fall, in reference to this matter. There is no disposition up to the present time to attach blame to any particular

person or any particular officer, but they do desire, and earnestly desire, and insist that the Department shall be called upon to state what reasons exist, if any, that the works under these several appropriations have been delayed.

The resolution also refers to the fact that it is alleged in certain quarters, by certain important representative bodies, by the boards of trade of Portland, Oreg., and of The Dalles, Oreg., that a change of engineers was made in reference to the work at the canal and locks on the Cascades of the Columbia at a time which seemed to them necessarily to involve still further delay in the commencement of the work. It seemed to them, if a change were important, that such change should have been made earlier. Any change at the time this was made, it seems to them, involved unnecessary delay, and threw the commencement of the work from the long days, and good weather, and low water, into the fall of the year, when the days were short, and the water had risen, and the rains had come; when the work necessarily would be carried on at a much greater expense than if commenced at the time when the people generally out there think it ought to have been commenced. That is about the state of the case.

The resolution simply gives the Department an opportunity to present its side of the case to the Senate; that is all. There is no attack, as I have said in the first place, by the resolution on any department, or on any person, and none is intended.

In stating as much as I have, however, I desire to state further that I reserve the right, of course, to either approve or criticise to the fullest extent the answer which may come from the Department, in case the resolution should be adopted and the information called for furnished.

I hope, therefore, that no objection will be made to the resolution, in view of its character as it simply calls for information, and in view of the construction which I have given to the resolution so far as I am individually concerned.

Mr. BUTLER. Mr. President, the resolution is preceded by a preamble which I am not prepared to vote for. It makes a statement of facts which may or may not be true, and by passing the resolution in its present form the Senate is committed to that statement of facts. It seems to me it would be much more regular and much more orderly to have the resolution go to some committee; and therefore I move that the resolution, with the preamble, be referred to the Committee on Commerce.

Mr. BECK. Mr. President, I objected yesterday to the resolution, and I am glad that the motion is now made by the Senator from South Carolina to refer it to the Committee on Commerce, because I think the Senate will observe that there are many things in it which it does not care to know anything about, and there are things in it which it is very doubtful whether the Senate has any right to inquire into.

The idea that the work was delayed, I think is almost negatived on the face of the resolution itself. The River and Harbor act passed on the 5th day of August appropriating fourteen and a half million dollars for perhaps five hundred different objects, which were to be considered by the War Department and arranged by the Engineer Corps; and yet they were at work in the distant State of Oregon as early as the 10th day of October. Then somebody who was liked by the members of these conventions and parties interested in these constructions was removed after he had made estimates perhaps to suit them, and another officer was placed in charge by the War Department, perhaps in the interest of the public service or perhaps not. But these bodies have met and they are desiring to know why it is that the changes have been in the Engineer Corps, and they have instructed their representatives to ascertain the reasons. Their representatives could ascertain it, I suppose, at the War Department perfectly well without the Senate being called upon to go into all that question; but the resolution is that the Secretary of War shall tell us what was the cause of the delay and tell us "the date and character of any such change or changes, the names of the engineers relieved, changed, or transferred, and in what respect changed or transferred, and their rank respectively, and the reasons for such change or changes;" and all about whether plans had been first submitted before the changes were made, &c.

These highly respectable bodies in Oregon no doubt regret that some gentleman was removed and somebody else appointed. The Senate is therefore presumed to want to know all about the reasons for these changes, and we are to have perhaps all the facts stated by the War Department, that one man was removed for good and sufficient reasons and another man placed there because the good of the public service required it, and we are to ask for all the correspondence that was had with "any officer, board of trade, chamber of commerce, water-way convention, or person whomsoever, since August 5, 1886, relative to the expenditure of the appropriations above referred to," &c.

All that is to be brought before the Senate. I insist that that is not a question of information merely to arrive at facts in regard to the expenditure of money; it is to investigate the action of the Department in its change of officers and the assignment of officers to particular duties, and to bring up controversies as to whether the man removed was removed for good cause because he may have been friendly to some of the parties interested, and somebody more disinterested may have been put there, of which I know nothing. The Senate, surely, does not want to go into that question in this form, and I doubt whether it has a right to go into it in this form. Therefore, if the resolution is referred to the Committee on Commerce, of which committee I believe the Senator himself is a member, or his colleague is, for there is a Senator from Oregon on that committee, they can ascertain through the Department all the facts the Senator cares to know, and the committee can then tell what we ought to have and what we ought not to have.

The Secretary of War, under this resolution, would be compelled to give us all communications with everybody, all the reasons assigned, perhaps all the slanders that were sent to him against a man removed, which we care nothing about. The committee can call for everything it deems proper. Correspondence with every person, good or bad, friendly or unfriendly, either to the officers or to the administration, is called for. Why not let the whole matter go to the committee? One of the Senators from Oregon is a member of it, and the committee can obtain the information at once, and then it can lay before the Senate such things as the Senate ought to know and exclude such things as are not pertinent but which the Secretary of War would be compelled to send to the Senate and have printed if this resolution should pass. Therefore I shall vote for the reference.

Mr. EDMUNDS. Mr. President, I think the preamble of this resolution, which does appear to assume things that we do not know, might well be laid on the table if the resolution should be adopted; but the resolution itself, although it is long, really calls for the cause of the delay in the prosecution of this public work by public officers. That is the whole gist of the resolution, and it calls for the correspondence in connection therewith. Surely the Senate ought to have a right to such information as that; surely the Secretary of War ought to be glad to communicate to the Senate all information bearing upon that topic, and whether glad or not it would be his duty to do it.

It is not half an hour ago that we adopted by unanimous consent on an oral preamble stated by my friend from Kansas [Mr. INGALLS] a resolution of precisely the same character, calling upon the Commissioner of the General Land Office for a statement of the reasons and causes why there had been a delay in opening lands restored by Congress to public entry in the execution of a law, without a single word of objection, and on a full explanation in the way of an oral preamble, as it may be called, by the Senator from Kansas as to what was said and what was complained about. Now, are we to be one thing as to the Land Office and another thing as to the Corps of Engineers?

This resolution does not call for the reasons for removing anybody from an office. All the officers in charge of the public works on rivers and harbors of the United States are officers of the Army of the United States, in respect of whom the pretension of removal by the President or head of the Department has not yet been made. It is only a transfer of duties that is spoken of; and it is not only our right but it is our duty, when a Senator from a State interested, representing his people, asks for it, it seems to me, to call for the reasons for the transfer of one engineer in charge of one work to another in that State or out of it. Otherwise we should have no right to call on the Secretary of War to inform us whether he had transferred General Miles from the department that embraces the Indians in the Southwest to the Northwest, and who had succeeded him, and the cause of it. Is that not a matter of public information which the legislative bodies of Congress have an absolute right to? It would seem so.

It appears, therefore, that it is magnifying an ordinary course of things to refer a resolution of this character to a committee to inquire whether it is proper to ask the head of the Department of War to tell us what was being done about these officers during this recess; and that is all there is of it.

The preamble I should be willing to vote to lay on the table after the resolution should have been acted upon.

Mr. BUTLER. The statement of the Senator from Vermont relieves the resolution of the difficulty which occurred to me. I have not the slightest objection to the inquiry being made of the Secretary of War to obtain the information which the Senator from Oregon desires, but he based that resolution on a state of facts, an assumed condition of things which I am not prepared to vote for.

Mr. EDMUNDS. Neither am I.

Mr. BUTLER. Then the Senator from Vermont and I are not very far apart.

Mr. MITCHELL, of Oregon. I will say to the Senator from South Carolina that if he desires it I will abandon the preamble. I presented it so as to have the matter brought to the attention of the Senate. I ask now simply for the adoption of the resolution.

Mr. BUTLER. No doubt the Senate has the right to call on the Secretary for information, but I am not quite prepared to assume that the transfer of one officer from one station to another has caused delay, nor am I prepared to assume as true a great many other allegations of the preamble. But with the motion prevailing that the preamble be stricken out, or laid on the table, or disposed of in some way, I have not the slightest objection to the passage of the resolution itself.

Mr. MITCHELL, of Oregon. In drawing the resolution I aimed not to assume any fact, but simply to state that it was alleged in certain quarters that certain facts existed. However, in view of what has been

said, I ask leave to modify my resolution by eliminating the whereases and move the adoption of the resolution itself.

Mr. EDMUNDS. The preamble is a separate part of it, and it can be divided.

The PRESIDENT *pro tempore*. The Senator from Oregon has a right to modify his resolution, or he can withdraw part of it. The question is on the resolution as modified by striking out the preamble.

Mr. VOORHEES. That the Senate may correctly understand what they are voting on, I should like to call the attention of Senators to the requirements of this resolution. The last clause of it is as follows:

And, further, that he transmit to the Senate with such reports, and as a part thereof, full copies of all correspondence, whether by letter or telegram, occurring between the War Department or any of its officers, and any officer, board of trade, chamber of commerce, water-way convention, or person whomsoever, since August 5, 1886, relative to the expenditure of the appropriations above referred to, and each of them; or relative to any change of engineers in charge of the work on the canal and locks at the Cascades of the Columbia River; or relative to the change of engineers in charge of any of the works or improvements above specified.

I am not as well advised, perhaps, as others in regard to the duties of the Engineer Corps, but I take it that this is a pretty severe dragnet, calling for all the letters and telegrams of every description relating to the change of one officer for another. The preceding clause of the resolution is much the same. It is to rake out all the reasons that may have operated upon the War Department in its administration of this fund.

I desire to vote for information, and shall vote if this resolution can be gotten in proper shape for such information as is required to inform us of the condition of the work that has been suspended, and the like; but as for voting to lay before the country all the correspondence which the War Department may have had with its officers of every kind and description by letter and telegram, I shall not do it; nor shall I vote to require it to lay before the Senate and the country not only its correspondence with its own officers but with any person whomsoever on this subject. I think it an unusual call.

I say to the Senator from Oregon, what he already knows, that I am in favor of the widest information on the subject, but it seems to me this resolution is drawn in a tone of reflection upon the administration of the War Office to which I do not feel willing to lend myself by my vote or my voice.

Mr. MITCHELL, of Oregon. Mr. President, I have already stated that I assumed, as I am bound to do, that the answer to this resolution will be satisfactory. If it shall not be, of course then will be time enough to attack the administration or attack the engineers, but we are certainly entitled to this information, and I desire to have it.

I modify the resolution by striking out the words "as alleged" in the body of the resolution ten or twelve lines from the bottom. It refers to the preamble and it is necessary to strike that out. Those words refer to the preamble and should be now stricken out.

The PRESIDENT *pro tempore*. The Senator from Oregon modifies his resolution. The modification will be read.

The CHIEF CLERK. In the second paragraph of the resolution, third line, strike out the words "as alleged;" so as to read:

Also that the Secretary of War be further directed to report to the Senate further, at his earliest practicable convenience, whether it is true, or otherwise, that the work at the mouth of the Columbia, at the entrance to Yaquina Bay, and at Coos Bay, Oregon, has been postponed until next spring, and the reasons in detail for such postponement.

The PRESIDENT *pro tempore*. The Chair understands the Senator from South Carolina to withdraw his motion to refer.

Mr. BUTLER. Yes, sir; I withdraw the motion to refer to the Committee on Commerce, with the understanding that the preamble shall be stricken out.

The PRESIDENT *pro tempore*. It has been stricken out.

Mr. BECK. I renew the motion to refer the resolution to the Committee on Commerce.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves that the resolution as modified be referred to the Committee on Commerce.

Mr. MITCHELL, of Oregon. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MORGAN. Mr. President, I do not think the Senator from Oregon has made a satisfactory statement to the Senate of the facts upon which this resolution is predicated. There is evidently some controversy out in Oregon in respect to the removal of Major Jones from the charge of the work at The Dalles and the substitution in his place of Capt. Charles F. Powell. From the recitals in the preamble, especially that one which states that certain persons have "deprecated the delays in the prosecution of such works, and have some of them also adopted strong resolutions of regret that Maj. W. A Jones, a major of United States Engineers, and it is alleged for about two years last past in charge of the work on the canal and locks at the Cascades of the Columbia, should, as it is alleged he was, after he had submitted his project for the expenditure of said appropriation for the continuation of work on the canal and locks at the Cascades of the Columbia, be relieved by his superiors and displaced by the assignment to said work of Capt. Charles F. Powell, a captain of United States Engineers, thus occasioning further delay necessarily incident to any change at such a time," I infer that Major Jones had some personal or special reason for desiring to remain in charge of that work, and that certain persons interested in the improvement, either directly or in a general sense, also desired that Major Jones should remain there, and they have expressed to the Secretary of War, I suppose in terms of strong indignation, their regret and their objection to the removal of Major Jones and the substitution of Captain Powell; and that is one of the features in the case that the resolution requires the Secretary of War to answer upon.

Now, I think that when we make an appropriation for the improvement of rivers and harbors, and in the bill we leave it discretionary with the President as to the manner and time of the application of the money, the War Department, in whose charge this fund is placed, must have at least a reasonable discretion in the selection of the officers who are to disburse the money and superintend the work; and it would be rather an innovation, and perhaps a dangerous one, if we should undertake to criticize the action of the War Department pending the progress of the work, and that a particular clamor should be listened to and indorsed by the Senate of the United States relating merely to the removal of one officer in charge of a work and the substitution of another.

Action of this kind has a tendency, to say the least of it, to withdraw discretionary power from the Secretary of War and to make him amenable during the progress of the work for the manner and conduct of all the expenditures and disbursements connected with it.

It seems to me, sir, that that is a very objectionable feature of this resolution. Every improvement, as is suggested by the Senator from Kentucky, made by the United States Government is subject to the same inquiry; and if the Senate should give its indorsement to this precedent, which I think is entirely a novel one, we shall be beset, I dare say, with interruptions in many places in the country in respect of the discretionary power of the War Department in making these expenditures in a certain way, and particularly in reference to the discretion that it must and ought to exercise as a military power in the change of its officers whenever in the opinion of the Department a change ought to be made.

I will not suggest even, although the suggestion I think does occur to the mind of any ordinary reader, that some officer of the Army of the United States has a hand in this movement. Some officer of the Engineer Corps is disappointed, doubtless, in the plans which he has made, the arrangements which he has prepared, for having this work carried on, and is dissatisfied that a captain of engineers should be substituted there in the place of a major of engineers.

Mr. MITCHELL, of Oregon. Will the Senator allow me a moment?

Mr. MORGAN. I will.

Mr. MITCHELL, of Oregon. Mr. President, for one I want to assure the Senator from Alabama that, to my certain knowledge, no engineer has any hand in this movement. Upon the contrary, it is a movement suggested not only by the representative bodies to which I have made reference, but by the people generally, who are deeply interested in the early prosecution of these works; and, as I have said, they are not disposed at this stage of the game to find fault with anybody or to criticize anybody, but they believe, and I believe, that there has been an unnecessary delay in utilizing these appropriations, or some of them at least.

There is no controversy here, so far as I am aware, between engineers. Personally I will say that I am well acquainted with both of the engineers in charge of river and harbor improvements in Oregon. One is a major of engineers, Major W. A. Jones, and the other is a captain of engineers, Captain Charles F. Powell. I have known them both for some years. They both stand high in their profession, as I understand. They are both good engineers. The people of Oregon care nothing, so far as I am advised at present, what engineer is in charge of any particular work, so that he prosecutes the work with diligence, and carries out the wish of Congress in the premises; and I can assure the Senator from Alabama and the Senate, that I intend no attack on anybody. I intend this resolution for the benefit of no particular person or officer; and I intend that it shall not be to the disadvantage of any particular person or officer, unless the facts shall justify such a conclusion after we shall have heard from the Department.

All that the people of Oregon and of Washington Territory do desire is, that we have information as to why this is thus, and that is all; and it seems to me that the protest which is being made here is most unusual. It seems to me that the friends of the Administration, the friends of the Secretary of War, and of the Engineer Department, in view of the state of feeling, to which I have attracted attention, and which is not confined to any particular party by any means in Oregon and Washington Territory, ought to be willing to state to the Senate fully and freely what there is about this thing, why these delays have occurred; and then, if the Department has good reasons to offer, that is the end of the controversy, and everybody will be, as he ought to be, satisfied.

Mr. MORGAN. Mr. President, this protest is not unusual to any resolution that comes in this unusual form before the Senate. This is the first resolution in this form that I think I have seen since I have been in this body.

The Senator from Oregon now explains that there is no controversy between Captain Powell and Major Jones, and, so far as he is informed,

no desire exists on the part of either one or the other of these officers to take the place, or be relieved from the place.

Mr. MITCHELL, of Oregon. I believe they are warm personal friends.

Mr. MORGAN. And doubtless good soldiers, and obedient to the law and to the orders of their superiors; and there is no desire on the part of any person in Oregon, even those persons who express their indignation at the removal of Major Jones, to keep Captain Powell out of the work or to have any one substituted for Major Jones, and no desire to have Major Jones retained. If that be so, then what is the object of the inquiry, why is the Department asked to state reasons for the removal of Major Jones and the substitution of Captain Powell?

Mr. MITCHELL, of Oregon. I will tell the Senator, if he will allow me.

Mr. MORGAN. Certainly.

Mr. MITCHELL, of Oregon. If good reasons existed for a change of engineers in charge of the work on the construction of the canal and locks at the Cascades of the Columbia, then it has seemed to me, and it has seemed to a great many other persons besides myself in Oregon and Washington Territory, that that change should not have been postponed for over two months after the adjournment of Congress, and postponed until after a date, as I understand, when the engineer in charge, and who had been in charge (Major Jones) for some two years before, had submitted his project to the Chief of Engineers, had submitted his plan for the expenditure of the money appropriated by Congress, and was waiting orders to commence work. Why it was that the transfer, that the relieving of Major Jones, should be postponed until that time, when a change of engineers, without reference to whom the engineers were, necessarily involved a further delay of the work, is what we desire to know. That is all. That is the principal ground, as I understand, upon which reference is made to a change of engineers at all, that it was done at a most unusual time, at a late day in the year, and after the engineer in charge had submitted his project and plans for the expenditure of the money. I understand further, although I may be wrong about that, that since the new engineer has been in charge no change has been made in the plans or project of Major Jones, who had been in charge for two years before and was relieved some two months after the appropriation was made.

The Senator misapprehends if he supposes for one moment that by this resolution I am championing the cause of Major Jones or desiring to reflect upon Captain Powell. They are both personal friends of mine, and I am friendly to them. Nothing of the kind is intended; but there is a state of feeling among the people of Oregon arising by reason of these long delays in the prosecution of the work that has induced these representative boards to speak out, that has caused them to flood their Senators and Representative with letters from all parts of the State, and we feel, in justice to our constituents, that we are doing no more than we ought; and we feel also that the administration should be perfectly willing to give an answer to this "clamor," as it was called by the Senator from Alabama.

Mr. MORGAN. Now, Mr. President, it is always fair to an officer of the Government of the United States when a Senator rises in his place and offers a resolution touching his official conduct that a statement should be made of the facts upon which that resolution is predicated, as the Senator from Kansas [Mr. INGALLS] has done. The Senator from Oregon [Mr. MITCHELL] insists that no accusation has been made against the Secretary of War at all; he insists that he is bound to assume that the Secretary of War has done exactly right in all that he has done, and he further insists, or rather I think he further declares, that he expects that when the answer to this resolution to this fishing bill shall come in, the Secretary of War will disclose the fact that there has been some partiality or some want of interest in the expenditure of money in Oregon under this appropriation. When accusations of that kind are brought forward they ought to be specifically stated, and a committee of this body ought to inquire into their truthfulness. There is not a statement in this preamble or in the resolution which is made otherwise than upon information and belief. It is not made as forcibly as that, because the recital is, "Whereas it is alleged." There is nothing in this whole preamble, nothing in the resolution, that is predicated upon any more substantial statement than merely "it is alleged." Who alleges, and what is alleged? Let the Senator, unless he is able to get up in his seat and make a statement of the facts on which he wishes us to vote, allow his resolution to go to the committee in order that that committee may inquire into the existence of facts, not into mere allegation or suspicion of their existence, the mere general rumor of their existence.

Mr. MAXEY. Will the Senator yield to me for a moment?

Mr. MORGAN. Certainly.

Mr. MAXEY. I wish to suggest to the Senator from Alabama that in his conclusion the Senator from Oregon distinctly disavows any charge of improper or arbitrary exercise of discretion on the part of the Secretary of War. If he had by law the exercise of discretion, what have we to do with it? What have we to do with a power which by law is given to him to assign his officers according to his discretion, unless there is some charge of malfeasance or misconduct on his part?

Mr. MORGAN. The view taken by the Senator from Texas is entirely obvious, it seems to me, and it should lead us, in the event that the resolution is not committed to the Committee on Commerce, to the striking out of the latter clause, at least all the last part of the resolution in these words:

> And, further, that he transmit to the Senate with such reports, and as a part thereof, full copies of all correspondence, whether by letter or telegram, occurring between the War Department, or any of its officers, and any officer, board of trade, chamber of commerce, water-way convention, or person whomsoever, since August 5, 1886, relative to the expenditure of the appropriations above referred to, and each of them, or relative to any change of engineers in charge of the work on the canal and locks at the Cascades of the Columbia River, or relative to the change of engineers in charge of any of the works or improvements above specified.

I insist, Mr. President, that if this resolution is not committed to the Committee on Commerce these words ought to be stricken out:

> Or relative to any change of engineers in charge of the work on the canal and locks at the Cascades of the Columbia River, or relative to the change of engineers in charge of any of the works or improvements above specified.

For whether correspondence may have taken place between the War Department and any individuals whatsoever, whether associated in societies or meetings or what not, is a matter that the Senate of the United States ought not to interfere with. It is a matter which we can not use in the event that the correspondence is brought before the Senate except for the purpose of impeaching the conduct in office of the Secretary of War; and what use can we make of that information?

There stands the appropriation bill. Here are the powers given under it to the Secretary of War to make the expenditure according to a reasonable discretion vested in him by the act of Congress. He gets all this information, telegrams sent to him, letters written to him, letters written by the Department or any of its officers in respect of the change of these engineers. Can we effect a change of the engineers in any way? Can we say by an order that Major Jones shall conduct that work, or shall the Senate order that Captain Powell be removed from his assignment of duty to that work if he has been assigned to it? We shall have no power over that subject when we get the papers.

Mr. MITCHELL, of Oregon. Will the Senator allow me a moment?

Mr. MORGAN. Yes.

Mr. MITCHELL, of Oregon. I understand the Senator, then, to assume the position that under no state of circumstances that he could imagine would the Senate have any right to call upon the Secretary of War to state why a certain officer had been relieved or a certain other officer had been transferred?

Mr. MORGAN. The Senator is not right in supposing that I have taken any such position.

Mr. MITCHELL, of Oregon. It seems to me that is the Senator's argument.

Mr. MORGAN. There are circumstances which not only could be imagined but are perfectly obvious under which the Senate of the United States would not only have the right, but it would be its duty, to inquire into the conduct of one of the officers of the Government; but this is not a case of that kind, for when we get the information as to the change of the engineers on that work what are we going to do with it? The Senator disclaims any idea of impeaching the conduct of the Secretary of War. He wishes to give that color to his resolution until, I suppose, the Secretary of War, by a self-inculpation in his report, shall place within his reach the material upon which he can make some accusation against that officer. That must be the idea.

Mr. MITCHELL, of Oregon. I will state very frankly to the Senator that if this resolution should be adopted, and the Secretary of War be unable to present what would be to me a satisfactory reason for these delays, I should probably criticise him pretty severely.

Mr. MORGAN. Then the Senator from Oregon states in the Senate of the United States that he believes from the facts which have been brought to his attention by his constituents that the Secretary of War has been guilty of malversation in office in the change of these engineers; that he has done something for which he ought to be censured by the Senate of the United States, for that is as far as we can possibly go in reviewing or in reforming anything that he has done or may do in respect to these engineers. The Senate can not take from him the discretionary power of changing these officers, for that is a power which belongs to the Secretary of War or the President of the United States, both under the Constitution and the laws of the country. The Senator does not expect to reach that result. He does not expect to compel the restoration of Major Jones to the place that Captain Powell has been assigned to. Then, what does he expect to do? Merely to get information upon which, I suppose, he can address himself to the Senate and people of the United States to make accusations against the Secretary of War in respect of his manner of conducting this matter of official duty.

Now, if there is ground for that, I will unite with the Senator from Oregon in bringing it to light. I should never consent to be a party to hiding it at all. But in order that the Senate shall be informed that there is such ground, let the Senator state it; let him state whether or not the conduct of the Secretary of War in the change of these officers is in the slightest degree reprehensible and a violation of his public and official duties. Let the grounds come forth, or otherwise let the

Senate be informed by a reference of this resolution to a committee what the real facts of the case may be.

Mr. MAXEY. Mr. President, the Senator from Oregon disclaimed any imputation on the Secretary of War in respect of his change of assignments. That in my judgment yields the whole question.

The law places the improvement of rivers and harbors under the War Department, and grants to the Secretary of War a discretionary power as to the mode and manner of executing the duty devolved on him by law. Now, in performing that ministerial function, there being no implication of improper conduct on his part, or of arbitrary removal and appointment, he is simply doing what the law requires him to do; and no amount of information that can be furnished under this resolution will be of any service to the Senate. The effect, therefore, as everybody brings his complaint here, as a matter of course, will be to place a young officer in charge of a particular work and develop his great capacity. He wants to be transferred to a higher sphere. He is promoted to the higher field; but that officer fails to meet the expectations of the War Department. Then the Secretary simply puts a finer man there, and puts this one in charge of some minor work. That process necessarily goes on. The Secretary of War undoubtedly has information on which he acts. Captain Powell perhaps has developed bright talent as an engineer, and is able to take charge of these works.

There is nothing alleged against the War Department in the way of improper conduct in this matter, but it appears that certain persons in Oregon had an officer they liked, and another has been placed there by the Secretary of War, as he had a perfect right to do. It makes no difference to me what motive the Secretary of War had in doing it, provided it was an honest motive. The discretion by law is given him to determine where he will place different officers. He can remove one and put another in whenever and wherever he pleases, provided he thinks the public interest will be benefited thereby; and there being no allegation of any kind of improper conduct on his part, I can not for the life of me see what on earth we have to do with this matter.

Mr. DOLPH. Mr. President, my colleague distinctly disclaims any imputation against the Secretary of War by this resolution. If I supposed the resolution contained such an imputation I should not support it without a reference or a further examination, but I do not understand that to be the case.

The Secretary of War, by the provisions of the River and Harbor bill, is given control of the expenditure of the appropriations which are made for the improvement of rivers and harbors—vast discretionary power. The work is not conducted entirely by the Engineer Corps. As I understand it, large sums are annually paid for civil engineers who assist in the work. I am not familiar with the process of auditing the accounts or letting the work, except as it is provided for in the River and Harbor bill.

I do not think it would be an extraordinary thing for the Senate of the United States, or the Congress of the United States, to call upon the Secretary of War for some account of the manner in which he expends the millions which are annually or biennially appropriated for rivers and harbors; and if there is no precedent for this resolution, I do not think it would be a bad one to establish, so far as that is concerned.

I know something of the supposed reasons of the change which was made in the supervision of this work at the canal and locks at the Cascades of the Columbia River, and I believe that the Secretary of War and General Parke, who was at the time Acting Chief of Engineers, will be very glad of an opportunity to lay their reasons before the Senate, if they are called for, and all the communications which are asked for here. They have been frankly stated to me on more than one occasion by General Parke, then Acting Chief of Engineers, and by the Secretary of War also.

I think it is due to the people of Oregon who have by their representatives requested this information, and to the Secretary of War himself, that an opportunity be given for presenting the reasons for the changes and acts which are referred to in this resolution. He may be able to explain satisfactorily to my colleague and myself the reasons why the work was not progressing at Yaquina and the mouth of the Columbia. He may be able to show that it can be done more economically by deferring it till spring. He may be able to show satisfactory reasons for changing the supervision of the work on the canal at the Cascades. If he does not, it does not necessarily follow, it appears to me, that he is to be censured for exercising the power which is given him by law to designate the officers of the Engineer Corps who shall have charge of the various works. But if it shall appear that by reason thereof the work has been necessarily delayed, that there were not sufficient reasons for the change in the supervision, or at least that there were reasons which ought not to have produced the action which was had and the change in the supervision of the work, then it may be a matter for criticism, possibly for action, by the Senate or Congress of the United States.

As I say, I do not believe for a moment that the Secretary of War will hesitate to give full information on this subject. I believe he will be glad of an opportunity to make a full statement in regard to this whole matter. I therefore favor the adoption of the resolution. I do not see what can be gained by referring it to the Committee on Commerce, what sort of an investigation that committee could make on the matter, or what sort of a report they could make. It is a very common practice certainly for the Senate of the United States to call for information from every department of the Government, and I see no reason why it should not be done in this case.

As I said before, if I believed for a moment that this resolution as drawn contained a reflection upon the Secretary of War, I would want further investigation and examination myself before voting for the resolution. As it is, I deem it to be fair to that officer to have it passed.

Mr. GORMAN. Mr. President, my attention has been especially called to this matter, and I think the resolution of inquiry is a very proper one. I can not see any objection except to the last four lines of the resolution, which call on the War Department for any correspondence, either by telegraph or otherwise, relative to the change of Major Jones in charge of the work. The rest of the resolution is simply a call for information that the Senate ought to be in possession of. The change of the officer at the time and under the circumstances, as is believed by all the organized commercial bodies in Oregon and others who have examined the subject, meant a change of the plans of this great work on the Columbia River. It is believed there, and I believe, that the change of the officer in charge meant a radical change in the plan, involving perhaps millions of dollars. As I have read this resolution carefully, it asks for nothing improper except the reasons of the War Department for making that change which for the time being suspended the work. To bring the resolution within the ordinary bound of resolutions of inquiry, on which I myself feel the Committee on Commerce can not improve, I move to strike out of the last four lines of the resolution the words:

Or relative to any change of engineers in charge of the work on the canal and locks at the Cascades of the Columbia River; or relative to the change of engineers in charge of any of the works or improvements above specified.

Mr. MITCHELL, of Oregon. As I think the resolution is sufficiently broad to answer my purpose without those words, I consent to strike them out.

Mr. GORMAN. Then I shall vote for the resolution with great pleasure.

The PRESIDENT *pro tempore*. If there be no objection the resolution will be modified accordingly.

Mr. BECK. The Senator from Maryland is quite easily satisfied. The words that he has stricken out are repeated in the body of the resolution with a good deal more emphasis than they are in the lines stricken out.

Mr. GORMAN. Where?

Mr. BECK. In the seventh line of the resolution, the Secretary of War is required to give "the date and character of any such change or changes, the names of the engineers relieved, changed, or transferred, and in what respect changed or transferred, and their rank respectively, and the reasons for such change or changes; also, in case any such change has been made, whether the engineer relieved had, prior to such change or transfer, submitted to the Chief of Engineers his project or plan for the expenditure of such appropriations, and whether or not the same had been approved or rejected by the Chief of Engineers, or Acting Chief of Engineers, or War Department, prior to such change or transfer of engineers in charge; also, what change, if any, has been made in the plan of work;" which is to my mind quite as objectionable as the resolution was before the last modification.

The PRESIDENT *pro tempore*. The question is on the motion to refer the resolution to the Committee on Commerce, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. JONES, of Arkansas (when Mr. BERRY'S name was called). My colleague [Mr. BERRY] is paired with the Senator from Rhode Island [Mr. CHACE].

Mr. MAXEY (when Mr. COKE'S name was called). My colleague [Mr. COKE] is confined to his room by sickness. He is paired with the Senator from Kansas [Mr. PLUMB].

Mr. FRYE (when his name was called). I am paired with the senior Senator from South Carolina [Mr. HAMPTON].

Mr. BUTLER (when Mr. HAMPTON'S name was called). My colleague [Mr. HAMPTON] is paired with the Senator from Maine [Mr. FRYE].

Mr. MCPHERSON (when his name was called). I am paired generally with my colleague [Mr. SEWELL] on political questions. As I do not know how he would vote on this motion, I withhold my vote.

Mr. PLUMB (when his name was called). On this question I am paired with the Senator from Texas [Mr. COKE].

Mr. CULLOM (when Mr. TELLER'S name was called). The Senator from Colorado [Mr. TELLER] advised me that he would be compelled to be absent for a few days, and asked that I should pair him. Pursuant to that request I asked the Senator from Kentucky [Mr. BLACKBURN], who is usually paired with the Senator from Nebraska [Mr. MANDERSON], to pair with the Senator from Colorado, to which he agreed, if agreeable to the Senate.

Mr. KENNA. With the permission of the Senator from Illinois, I

will say that my colleague [Mr. CAMDEN] is absent under peculiar circumstances, and with his assent I announce a pair between the two; so that the Senator from Nebraska and the Senator from Kentucky may vote.

Mr. CULLOM. That arrangement is entirely agreeable to me.

Mr. MANDERSON. I have already voted under the arrangement suggested.

Mr. BLACKBURN. That is perfectly proper, Mr. President.

The roll-call proceeded.

Mr. RANSOM (when the name of Mr. VANCE was called). My colleague [Mr. VANCE] is paired with the Senator from Michigan [Mr. PALMER].

Mr. VOORHEES (when his name was called). I am paired on this question with the Senator from Massachusetts [Mr. HOAR], who is temporarily absent from the Chamber.

The roll-call having been concluded, the result was announced—yeas 18, nays 34; as follows:

YEAS—18.

Beck,	George,	Maxey,	Vest,
Blackburn,	Gibson,	Morgan,	Walthall,
Call,	Harris,	Payne,	Whitthorne.
Cockrell,	Jones of Arkansas,	Pugh,	
Eustis,	Kenna,	Saulsbury,	

NAYS—34.

Aldrich,	Dolph,	McMillan,	Sabin,
Blair,	Edmunds,	Manderson,	Sawyer,
Bowen,	Evarts,	Miller,	Sherman,
Butler,	Gorman,	Mitchell of Oreg.,	Spooner,
Cameron,	Hale,	Mitchell of Pa.,	Stanford,
Cheney,	Harrison,	Morrill,	Van Wyck,
Conger,	Hawley,	Platt,	Williams.
Cullom,	Ingalls,	Ransom,	
Dawes,	Logan,	Riddleberger,	

ABSENT—24.

Allison,	Colquitt,	Jones of Florida,	Sewell,
Berry,	Fair,	Jones of Nevada,	Teller,
Brown,	Fryc,	McPherson,	Vance,
Camden,	Gray,	Mahone,	Voorhees.
Chace,	Hampton,	Palmer,	Wilson of Iowa.
Coke,	Hoar,	Plumb,	Wilson of Md.

So the motion to refer the resolution to the Committee on Commerce was rejected.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to, as follows:

Resolved, That the Secretary of War be, and he hereby is, directed to advise the Senate, at his earliest practicable convenience, as to what change or changes, if any, have been made in the United States engineers in charge of the construction of the canal and locks at the Cascades of the Columbia River since the 5th day of August last, and in charge of any of the river or harbor improvements in Oregon and Washington Territory since said date, and the date and character of any such change or changes, the names of the engineers relieved, changed, or transferred, and in what respect changed or transferred, and their rank respectively, and the reasons for such change or changes; also, in case any such change has been made, whether the engineer relieved had, prior to such change or transfer, submitted to the Chief of Engineers his project or plan for the expenditure of such appropriations, and whether or not the same had been approved or rejected by the Chief of Engineers, or Acting Chief of Engineers, or War Department, prior to such change or transfer of engineers in charge; also what change, if any, has been made in the plan of work or the manner of proposed expenditure of such appropriation since the date of such change of engineers; also, if such change of engineers was made, what works were in charge of such engineers respectively for the two years prior to such change; and, further, what river or harbor works or improvements have such engineers been in charge of since the date of such change.

Also that the Secretary of War be further directed to report to the Senate further, at his earliest practicable convenience, whether it is true or otherwise that the work at the mouth of the Columbia, at the entrance to Yaquina Bay, and at Coos Bay, Oregon, has been postponed until next spring, and the reasons in detail for such postponement.

And, further, that he transmit to the Senate with such reports, and as a part thereof, full copies of all correspondence, whether by letter or telegram, occurring between the War Department, or any of its officers, and any officer, board of trade, chamber of commerce, water-way convention, or person whomsoever, since August 5, 1886, relative to the expenditure of the appropriations above referred to, and each of them.

REFERENCE OF FINANCE PART OF MESSAGE.

Mr. MORRILL. I desire to submit a motion in the nature of a resolution, that all matters in the President's message relating to finance be referred to the Committee on Finance.

The motion was agreed to.

DAMAGES TO SENATE EMPLOYES.

Mr. PLUMB. I submit the following resolution:

Resolved, That the Committee on Contingent Expenses be directed to investigate the accident which occurred in a freight elevator of the Senate wing of the Capitol in July last, whereby two employés of the Senate were seriously injured, and report their conclusions as to the responsibility for the same, to the Senate at the earliest day practicable, together with a resolution providing for the payment to the persons so damaged of such sums as the committee may deem proper to cover the expenses, loss, and damage incurred thereby.

Mr. EDMUNDS. I am afraid that commits the committee to report a resolution, even if they think the United States is not responsible. I suggest an amendment to come in at the end of the resolution:

If said committee shall be of opinion that compensation ought to be made.

Mr. PLUMB. I do not hear the Senator.

The PRESIDENT *pro tempore*. Objection being made, the resolution will lie over and be printed.

DEATHS OF REPRESENTATIVES.

A message from the House of Representatives by Mr. CLARK, its Clerk, conveyed to the Senate intelligence of the death of Hon. LEWIS BEACH and of the death of Hon. JOHN ARNOT, jr., late Representatives from the State of New York.

The message also announced the death of Hon. WILLIAM T. PRICE, late a Representative from the State of Wisconsin, and that the House had passed a concurrent resolution for the appointment of a special joint committee of seven members of the House of Representatives and three members of the Senate to take order for attending the funeral of Mr. PRICE at his residence in the State of Wisconsin, and that Mr. GUENTHER of Wisconsin, Mr. MORRILL of Kansas, Mr. FREDERICK of Iowa, Mr. TAULBEE of Kentucky, Mr. OSBORNE of Pennsylvania, Mr. HUDD of Wisconsin, and Mr. LA FOLLETTE of Wisconsin, had been appointed the committee on the part of the House.

Mr. SPOONER rose.

WOMAN SUFFRAGE.

Mr. BLAIR. Mr. President, I gave notice at the close of the last session that on the first day of the present session I would move to take up Order of Business 122, being the joint resolution (S. R. 5) proposing an amendment to the Constitution of the United States extending the right of suffrage to women. I do not know the nature of the business the Senator from Wisconsin may desire to present to the Senate. I should like to move to proceed to the consideration of that resolution.

The PRESIDENT *pro tempore*. That motion is in order. The Senator from Wisconsin, however, rose.

Mr. SPOONER. I ask the Senator from New Hampshire to permit that resolution to go over until to-morrow.

The PRESIDENT *pro tempore*. The Senator from Wisconsin is now in order.

Mr. SPOONER. I ask that the message from the House of Representatives announcing the death of Hon. WILLIAM T. PRICE, a member of that body from the State of Wisconsin, be laid before the Senate.

Mr. BLAIR. I, of course, give way under the circumstances, but I desire to say that I will move to take up this joint resolution to-morrow morning.

DEATHS OF REPRESENTATIVES.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *December* 6, 1886.

Resolved, That the House has learned with deep regret the announcement of the death of Hon. WILLIAM T. PRICE, a Representative of the State of Wisconsin.

Resolved by the House of Reprcsentatives (the Senate concurring), That a special joint committee of seven members of the House of Representatives and three members of the Senate be appointed to take order for attending his funeral at his residence in the State of Wisconsin, and the necessary expenses attending the execution of this order shall be paid out of the contingent fund of the House.

Ordered, That Mr. GUENTHER, of Wisconsin; Mr. MORRILL, of Kansas; Mr. FREDERICK, of Iowa; Mr. TAULBEE, of Kentucky; Mr. OSBORNE, of Pennsylvania; Mr. HUDD, of Wisconsin, and Mr. LA FOLLETTE, of Wisconsin, be the said committee on the part of the House.

Resolved, That the Clerk communicate the foregoing resolutions to the Senate.

Mr. SPOONER. Mr. President, I submit the following resolutions:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. WILLIAM T. PRICE, late a Representative from the State of Wisconsin.

Resolved, That the Senate concur in the resolution of the House of Representatives providing for the appointment of a joint committee to take order for attending the funeral of the deceased at his residence in the State of Wisconsin, and that the members of the committee on the part of the Senate be appointed by the President *pro tempore*.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The resolutions were adopted unanimously.

The PRESIDENT *pro tempore*. The Chair will name, in obedience to the resolutions, the following Senators to attend the funeral: Messrs. SPOONER, MANDERSON, and BLACKBURN.

Mr. MILLER. I ask to have laid before the Senate the message from the House of Representatives regarding the death of Messrs. BEACH and ARNOT, late members of that body.

The PRESIDENT *pro tempore*. The Chair submits the message from the House, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *December* 6, 1886.

Resolved, That the House has heard with sincere regret the announcement of the death during the late recess of Hon. LEWIS BEACH and Hon. JOHN ARNOT, Jr., late Representatives from the State of New York.

Resolved, That the Clerk communicate the foregoing resolution to the Senate.

Mr. MILLER. Mr. President, I offer resolutions which I ask may be read.

The Chief Clerk read as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. LEWIS BEACH and of the death of Hon. JOHN ARNOT, Jr., late Representatives from the State of New York.

Resolved, That the Secretary communicate this resolution to the House of Representatives.

Mr. MILLER. I simply desire to say that at some future time I shall ask the Senate to listen to some remarks which I shall make on the lives of these distinguished persons, and after the adoption of these resolutions I will move an adjournment.

The resolutions were agreed to unanimously.

Mr. MILLER. Mr. President, out of respect to the memory of the three Representatives mentioned, two from New York and one from Wisconsin, I move that the Senate do now adjourn.

The motion was agreed to; and (at 1 o'clock and 53 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 8, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December* 7, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. WILLIAM H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

The following members appeared and took their seats: Mr. MCMILLIN, Mr. STRUBLE, Mr. FUNSTON, Mr. RICE, Mr. MORGAN, Mr. LITTLE, Mr. COOPER, Mr. PETTIBONE, Mr. CALDWELL, Mr. MITCHELL, Mr. WAKEFIELD, Mr. HALE, Mr. DAWSON, Mr. MILLARD, Mr. HEMPHILL, Mr. J. M. TAYLOR.

INTERIOR DEPARTMENT, EAST WING.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a detailed estimate and plan of a proposed reconstruction of the east wing of the Interior Department building; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

RESOURCES AND DISBURSEMENTS, PUBLIC PRINTER.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Public Printer, also a statement of the resources and disbursements of his office for the first allotment period of the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING, GALVESTON, TEX.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Supervising Architect recommending that the amount of the former estimate for the public building at Galveston, Tex., be increased from $125,000 to $155,570.60; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

REFUND OF DUTIES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a detailed statement of refunds of customs duties for the fiscal year ended June 30, 1886; which was referred to the Committee on Ways and Means, and ordered to be printed.

COURT OF CLAIMS JUDGMENTS.

The SPEAKER also laid before the House a letter from the Clerk of the Court of Claims, transmitting a statement of judgments rendered against the United States during the year ended November 30, 1886, with a synopsis of the nature of the claims adjudicated; which was referred to the Committee on Appropriations, and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The SPEAKER also laid before the House an estimate and report from the Court of Claims of the findings of fact and conclusions of law in cases of claims on account of spoliations committed by the French, considered by that court under the provisions of the act of January 20, 1885; which was referred to the Committee on the Judiciary, and ordered to be printed.

MAP OF THE UNITED STATES.

The SPEAKER also laid before the House a letter from the Secretary of the Interior transmitting an estimate for the engraving of the sheets of the map of the United States; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WARD, of Illinois, for this week, on account of sickness in his family.

To Mr. LOWRY, for one week, on account of important business.

To Mr. KING, indefinitely, on account of important business.

ORDER OF BUSINESS.

Mr. MORRISON. Mr. Speaker, I ask unanimous consent that the States be now called for the introduction of bills, under the rule, as a great many members have bills which they desire to introduce at this time.

There was no objection, and it was so ordered.

REMOVAL OF DISABILITIES.

Mr. HERBERT introduced a bill (H. R. 10018) to remove certain disabilities from citizens of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WRITS OF ATTACHMENT.

Mr. HERBERT also introduced a bill (H. R. 10019) to authorize State officers to issue writs of attachment returnable to the courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PROPOSED RULE.

Mr. HERBERT also offered the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That the following be adopted as Rule XLVII:

"The Committee on Rules may at any time, by a vote of a majority of its members, upon giving one day's notice, order for consideration any bill or resolution on the Calendar. When the hour fixed by such order shall have arrived the bill or resolution designated thereby shall be taken up, and until it is regularly postponed, or otherwise disposed of, no other business shall be in order, except questions affecting the privileges of the House or a member thereof."

JOHN AIGERY.

Mr. ROGERS offered the following resolution; which was read, and referred to the Committee on Accounts:

"*Resolved*, That the Clerk of the House of Representatives be, and he is hereby, authorized to pay out of the contingent fund of the House, to the widow or legal representative of John Aigery, late a laborer of the House of Representatives, a sum equal to his salary for six months, and also the necessary expenses of his last illness and funeral, not to exceed the sum of $250.

JESSE COLE.

Mr. MARKHAM introduced a bill (H. R. 10020) for the relief of Jesse Cole; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARY LATHROP.

Mr. WAIT introduced a bill (H. R. 10021) granting a pension to Mrs. Mary Lathrop; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL BANK CIRCULATION.

Mr. ADAMS, of Illinois, introduced a bill (H. R. 10022) to change the law in relation to the amount of United States bonds required to be kept on deposit by national banks as security for their circulating notes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

BRIDGE ACROSS THE MISSOURI RIVER.

Mr. KLEINER (by request) introduced a bill (H. R. 10023) for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, Dak.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SUPREME COURT OF THE UNITED STATES.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 10024) for the relief of the Supreme Court of the United States, and to expedite the dispatch of business in that court; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CLEMENTINE HARTINGER.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 10025) granting a pension to Clementine Hartinger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OCCUPATION OF PUBLIC LANDS BY CATTLE COMPANIES.

Mr. HENDERSON, of Iowa, submitted the following resolution; which was referred to the Committee on the Public Lands:

Whereas there are large tracts of the public domain of the United States in several of the States and Territories being used by cattle companies and others as cattle ranges, and without paying any compensation for the use of said lands: Therefore,

Resolved, That the Committee on the Public Lands be required to investigate fully and report by bill or otherwise, at an early day, what legislation is needed to secure proper compensation to the General Government for the use of said lands, due regard being had to the right of homestead entry where any of said lands are suitable for agricultural purposes.

BRIDGE ACROSS THE MISSOURI RIVER.

Mr. LYMAN introduced a bill (H. R. 10026) to authorize the construction of a bridge across the Missouri River between the cities of Omaha, Nebr., and Council Bluffs, Iowa, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NATIONAL BANK CIRCULATION.

Mr. PETERS introduced a bill (H. R. 10027) to provide for the deposit of gold or silver coin, or gold or silver bullion, as security for the circulating notes of national banks; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

LEVI P. METTZ.

Mr. PETERS also introduced a bill (H. R. 10028) granting a pension

to Levi P. Mettz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ELIZA A. MOSES.

Mr. PETERS also introduced a bill (H. R. 10029) granting arrears of pension to Mrs. Eliza A. Moses; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES M'CAFFREY.

Mr. PETERS also introduced a bill (H. R. 10030) granting a pension to James McCaffrey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDMUND ASHWORTH.

Mr. PETERS also introduced a bill (H. R. 10031) to increase the pension of Edmund Ashworth; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

EDWARD WATERS.

Mr. PETERS also introduced a bill (H. R. 10032) granting a pension to Edward Waters; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM K. COPELAND.

Mr. PETERS also introduced a bill (H. R. 10033) for the relief of William K. Copeland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

OLIVER BELLAMY.

Mr. PETERS also introduced a bill (H. R. 10034) granting a pension to Oliver Bellamy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. JENNIE LAWRENCE AND OTHERS.

Mr. PETERS also introduced a bill (H. R. 10035) granting a pension to Mrs. Jennie Lawrence, Charles Baker, and Ada Baker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARREARS OF PENSION.

Mr. PETERS (by request) also introduced a bill (H. R. 10036) granting arrears of pension; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INCREASE OF PENSIONS.

Mr. PETERS (by request) also introduced a bill (H. R. 10037) to increase certain pensions; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. PETERS (by request) also introduced a bill (H. R. 10038) to increase the rate of pension for the loss of an eye or the sight thereof; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROTECTION OF CAVING BANKS, PLAQUEMINE, LA.

Mr. GAY introduced a joint resolution (H. Res. 217) authorizing the Secretary of War to authorize the Mississippi River Commission to protect the caving banks at Plaquemine, State of Louisiana; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

ISIDORE DAIGLE AND ROSE DAIGLE WOODRUFF.

Mr. IRION introduced a bill (H. R. 10039) for the relief of Isidore Daigle and Rose Daigle Woodruff; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TERMS OF UNITED STATES COURT AT MISSISSIPPI CITY.

Mr. VAN EATON introduced a bill (H. R. 10040) to provide for holding terms of the United States court at Mississippi City, Miss.; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JACOB SURERUO AND WILLIAM H. BEHRENS.

Mr. BUCHANAN introduced a bill (H. R. 10041) for the relief of Jacob Sureruo and William H. Behrens; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

OLEOMARGARINE.

Mr. PARKER introduced a bill (H. R. 10042) to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine;" which was read a first and second time.

The SPEAKER. Under the rules the bill will go to the Committee on Ways and Means.

Mr. PARKER. As this is a proposed amendment to a bill reported by the Committee on Agriculture, I move that it be sent to the Committee on Agriculture.

The SPEAKER. The question will be on the latter motion.

The motion was agreed to, and the bill referred to the Committee on Agriculture and ordered to be printed.

ALDEN L. WILLIAMS.

Mr. PARKER also introduced a bill (H. R. 10043) granting a pension to Alden L. Williams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGE ACROSS EAST RIVER.

Mr. HEWITT introduced a bill (H. R. 10044) authorizing the construction of a bridge across the East River, between the city of New York and Long Island; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GEORGE P. LIVINGSTON.

Mr. PAYNE introduced a bill (H. R. 10045) granting a pension to George P. Livingston, late hospital steward, United States Navy; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PAY OF MEMBERS ELECTED TO VACANCIES.

Mr. COX, of New York, introduced a bill (H. R. 10046) to amend and alter section 51 of the Revised Statutes of the United States; which was read a first and second time.

Mr. BRECKINRIDGE, of Arkansas. Let the bill be read.

The bill was read *in extenso* and then referred to the Committee on the Judiciary, and ordered to be printed,

Mr. GROSVENOR (by Mr. THOMPSON) introduced a bill (H. R. 10047) amending the pension laws granting pensions to widows and minor children; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAUSE OF DELAY ON PUBLIC WORKS, ETC.

Mr. HERMANN submitted the following resolution; which was referred to the Committee on Rivers and Harbors:

Whereas, in the appropriation provided by the first session of this Congress for rivers and harbors, there are various sums for expenditure on public works in the Pacific northwest, especially for the locks and dam at the Cascades of the Columbia River, the continued improvement of the mouth of the Columbia River, for Yaquina Bay, Coos Bay, Coquille River, Willamette and Columbia Rivers below Portland City; Upper Willamette and Yam Hill Rivers, Upper Columbia and Snake Rivers, and for preliminary examinations and surveys of Siuslaw River, Tillamook Bay and bar, and Umpqua River above Scottsburg, which appropriations became available immediately following the approval of the River and Harbor act, August 5, 1886; and

Whereas operations (except of a minor character) for the expenditure of said appropriations have been deferred until the spring season of 1887, and the appropriation for the important canal and locks at the Cascades of the Columbia River, in Oregon, was delayed and not made available for active use until on or about October 10, 1886, thus prolonging the hopes of the people of the great Columbia basin for cheap transportation on a free river to the open sea; and

Whereas boards of trade of the prominent towns and cities interested in the commercial development expected from these works, and a water-way convention, composed of representatives from the whole of said Pacific northwest country, have called upon their Representatives in Congress to ascertain the cause of said delays: Therefore,

Resolved, That the Secretary of War be, and he is hereby, requested to report to this House the cause for delaying active operations on said public works so long after the passage and approval of the said act of Congress providing for the same.

FREMONT, ELKHORN AND MISSOURI VALLEY RAILROAD.

Mr. SCOTT introduced a bill (H. R. 10048) to authorize the Fremont, Elkhorn and Missouri Valley Railroad to build its road across the Fort Meade Military Reservation; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CAPT. A. H. RUSH.

Mr. OSBORNE introduced a bill (H. R. 10049) authorizing an honorable discharge to be issued to A. H. Rush, late captain Company E, Sixteenth Regiment Pennsylvania Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CAPT. FRANK BELL.

Mr. BROWN, of Pennsylvania, introduced a bill (H. R. 10050) to increase the pension of Capt. Frank Bell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, CHARLESTON, S. C.

Mr. DIBBLE introduced a bill (H. R. 10051) for the erection of a public building at Charleston, S. C.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CHANGE OF TIME FOR OPENING CONGRESS.

Mr. CRAIN introduced a joint resolution (H. Res. 218) proposing amendments to the Constitution to change the time for the beginning of the terms of Congress and the date of its annual meeting; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BIGAMY.

Mr. TUCKER submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That the 14th day of December, 1886, be set apart, immediately after the reading of the Journal, for the consideration of the Senate bill No. 10, and the amendment thereto reported by the Judiciary Committee of the House, en-

titled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy and for other purposes, approved March 22, 1882, and from day to day thereafter after the reading of the Journal until their consideration is completed subject to the consideration of revenue and general appropriation bills.

FOURTH COLLECTION DISTRICT, VIRGINIA.

Mr. WISE introduced a bill (H. R. 10052) to amend section 2552 of the Revised Statutes and to change the boundaries of the fourth collection district of Virginia; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CAPITOL, NORTH O STREET AND SOUTH WASHINGTON RAILWAY.

Mr. BARBOUR (by request) introduced a bill (H. R. 10053) to amend the charter of the Capitol, North O Street and South Washington Railway Company; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MAURICE RUDDLESDEN.

Mr. GIBSON, of West Virginia, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Committee on Appropriations be requested to provide for the payment to Maurice Ruddlesden in one of the appropriation bills the difference in the pay of a laborer and that of a messenger at the rate of $3.60 per day from July 1, 1886, to June 30, 1887.

FOX AND WISCONSIN RIVERS.

Mr. GUENTHER submitted the following resolution; which was referred to the Committee on Appropriations:

Resolved, That the Attorney-General of the United States is hereby directed to investigate the judgments and awards against the United States arising under an act of Congress entitled "An act to aid in the improvement of the Fox and Wisconsin Rivers in the State of Wisconsin, approved March 3, 1875," and to report to this House at his earliest convenience the names of all such persons to whom amounts are justly due.

HENRY J. HUNT.

Mr. BRAGG introduced a bill (H. R. 10054) for the relief of Henry J. Hunt; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BRIDGE ACROSS THE MISSOURI.

Mr. GIFFORD introduced a bill (H. R. 10055) to authorize the construction of a bridge across the Missouri River, at a point to be selected within five miles of the city of Yankton, Dak.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SAINT PAUL, MINNEAPOLIS AND MANITOBA RAILWAY COMPANY.

Mr. TOOLE introduced a bill (H. R. 10056) granting to the Saint Paul, Minneapolis and Manitoba Railway Company the right of way through the Indian reservations in Northern Montana and Northwestern Dakota; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

DIVISION OF IDAHO TERRITORY.

Mr. TOOLE also introduced a bill (H. R. 10057) to annex a portion of the Territory of Idaho to Washington Territory and Montana Territory; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of States and Territories. If there be no objection the Chair will now recognize gentlemen who were not present in their seats when their States were called.

There was no objection.

CONSTRUCTION OF TARIFF ACT OF 1883.

Mr. BELMONT submitted the following resolution; which was read, and referred to the Committee on Foreign Affairs:

Resolved, That the Secretary of the Treasury be requested to inform this House what interpretation is now given by the Treasury Department to the tariff law of 1883, which, in one section, declares that "fish, fresh, for immediate consumption," shall be free of tax on arrival at our sea ports or lake ports, and in another section declares that "foreign caught fish, imported fresh, shall be taxed at the rate of 50 cents for each hundred pounds;" and also to transmit to the House copies of all official correspondence, opinions, and decisions bearing on the subject, together with a statement of the duties collected each year since 1865 on the several descriptions of fish caught in the lakes or the Canadian tributaries thereof; and also on the several descriptions caught in the North Atlantic or on the shores of the islands thereof.

MINOR B. RUSSELL.

Mr. BELMONT also introduced a bill (H. R. 10058) granting a pension to Minor B. Russell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN DEAN.

Mr. BELMONT also introduced a bill (H. R. 10059) granting a pension to John Dean; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONTRACTION OF THE CURRENCY.

Mr. MATSON introduced a bill (H. R. 10060) to prevent a contraction of the currency; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

CATHARINE MAXWELL.

Mr. WARNER, of Ohio, introduced a bill (H. R. 10061) granting a pension to Catharine Maxwell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER PEYRON.

Mr. NEECE introduced a bill (H. R. 10062) granting a pension to Peter Peyron; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLAIMS FOR OVERFLOWED LANDS.

Mr. PAYSON introduced a bill (H. R. 10063) to authorize the States of Illinois, Alabama, and Mississippi to prosecute certain claims as to swamp and overflowed lands, &c., in the Court of Claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMENDMENT OF THE RULES.

Mr. DINGLEY submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That the rules of the House be amended as follows:

First. By adding at the end of paragraph 4 of Rule XXIII the following: "*Provided*, That pending a motion that the House go into Committee of the Whole on the state of the Union, a motion shall be in order to designate a particular bill on the Calendar to be considered."

Second. By adding to the second item of the seventh division of Rule XXIV the following: "Second. House bills on the Calendars returned from the Senate with amendments: *Provided*, That pending a motion that the House proceed to the consideration of business on the House Calendar, a motion shall be in order to designate a particular bill on the Calendar to be considered."

Third. By inserting after the words "general appropriation bills," in the first item of the seventh division of Rule XXIV, the following: "Second. House bills on the Calendar returned from the Senate with amendments."

JOHN BANNISTER.

Mr. BURROWS introduced a bill (H. R. 10064) for the relief of John Bannister; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CATHARINE BABCOCK.

Mr. BURROWS (by request) also introduced a bill (H. R. 10065) for the relief of Catharine Babcock, widow of Maj. Charles P. Babcock; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MADEIRA AND CABADA.

Mr. RANDALL (by request) introduced a bill (H. R. 10066) referring the claim of Madeira and Cabada to the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COMMODORE W. T. TRUXTON.

Mr. RANDALL also introduced a joint resolution (H. Res. 219) authorizing the promotion of Commodore W. T. Truxton, United States Navy, to the rank of rear-admiral on the retired-list and authorizing an allowance of pay; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

BUSINESS FROM THE COMMITTEE ON COMMERCE.

Mr. REAGAN. Mr. Speaker, I ask unanimous consent to submit for present consideration the resolution I send to the desk.

The SPEAKER. The resolution will be read, after which the Chair will ask for objections.

The Clerk read as follows:

Resolved, That the Committee on Commerce be authorized to request the fixing of Thursday, the 16th day of December, 1886, for the consideration of bills reported from the Committee on Commerce.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. MORRISON. Does the resolution make the usual reservation in favor of revenue and appropriation bills?

Mr. TUCKER. I think the resolution had better be referred to the Committee on Rules.

Mr. REAGAN. I will state to the gentleman from Illinois [Mr. MORRISON] that I am willing to insert the reservation of general appropriation bills and revenue bills.

The SPEAKER. The Clerk will report the resolution as now modified.

The resolution as modified was read.

Mr. O'NEILL, of Pennsylvania. I ask the Chairman of the Committee on Commerce whether that order will include the consideration of the Eads Ship Railway bill?

Mr. REAGAN. The resolution does not specify any particular measure; but I will state to my friend from Pennsylvania that under this order the consideration of the bill to which he refers will not be urged.

Mr. O'NEILL, of Pennsylvania. I simply asked the question for information.

Mr. PETERS. I desire to ask the Chairman of the Committee on

Commerce whether that order will include the Colorado Trail Cattle bill?

Mr. REAGAN. It includes any bill reported by the Committee on Commerce.

Mr. PETERS. Then I object.

Mr. DUNHAM. I suggest to the Chairman of the Committee on Commerce that that bill may be excepted, so as to obviate the objection of the gentleman from Kansas.

Mr. REAGAN. I ask that the resolution be referred to the Committee on Rules.

Mr. PETERS. If it is understood that that bill is not to be considered I withdraw my objection.

Mr. REAGAN. I will state to the gentleman from Kansas that we will not call up that bill under this resolution.

Mr. HATCH. I ask the gentleman from Texas if previous special orders are included in the reservation?

Mr. REAGAN. I suppose that would be determined under the usual rule as to priority of business.

Mr. HATCH. Unless there is a reservation of previous special orders already on the Calendar I shall have to object.

The SPEAKER. The Chair understands the gentleman from Missouri to object?

Mr. HATCH. I do.

Mr. REAGAN. I ask that the resolution be referred to the Committee on Rules.

There was no objection, and the resolution was so referred.

NATIONAL BANKING ASSOCIATIONS.

Mr. MILLER introduced a bill (H. R. 10067) to amend section VIII of the act approved July 12, 1882, to enable national banking associations to extend their corporate existence, and for other purposes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. As the regular order of business, the Chair will now proceed to call committees for reports.

The call of committees was completed, no reports having been made.

Mr. MORRISON and Mr. HATCH rose.

Mr. MORRISON. I rose for the purpose of moving that the House adjourn, as there seems to be no business ready for consideration.

Mr. HATCH. I desire to make a privileged motion.

Mr. MORRISON. I will hear the gentleman.

Mr. HATCH. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of bills under the special order of April 30, which reads as follows:

Resolved, That Thursday, the 13th day of May, 1886, after the second call of committees, be set apart for the consideration of such business as may be presented by the Committee on Agriculture, this order not to interfere with general appropriation or revenue bills, and whether so interfered with on that day or not, shall be a continuing order until the bills presented by said committee shall be disposed of.

Mr. MORRISON. Under the terms of the order must not this be postponed till the completion of the second hour?

The SPEAKER. The Chair did not know for what purpose the gentleman from Missouri rose. The special order to which he refers expressly provides that business of the Committee on Agriculture shall be taken up for consideration after the second call of committees.

Mr. HATCH. Then this will be the next business in order after the second call?

The SPEAKER. It will be in order after that call.

Mr. HATCH. Then I demand the regular order.

Mr. MORRISON. If the gentleman from Wisconsin [Mr. BRAGG] does not desire to proceed, I move that the House adjourn.

The SPEAKER. The second call of committees for the presentation of bills for consideration for one hour rests with the Committee on Military Affairs.

GRADUATES OF UNITED STATES MILITARY ACADEMY.

Mr. BRAGG. I call up for consideration the bill (S. 1424) reported back by the Committee on Military Affairs with an amendment.

The SPEAKER. The bill is in Committee of the Whole House on the state of the Union.

Mr. BRAGG. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. MCMILLIN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill, which the Clerk will report.

The bill (S. 1424) for the relief of graduates of the United States Military Academy was read, as follows:

Be it enacted, &c., That no graduate of the United States Military Academy shall be required to refund to the United States any pay or allowances received by him as an officer in the United States Army from the date of the rank given him by his first commission until taking the oath of office as such, or in consequence of having been granted a leave of absence on full pay upon graduation, in accordance with the uniform practice since the establishment of the Military Academy.

The amendment reported by the Committee on Military Affairs was read, as follows:

Strike out all after the enacting clause and insert the following:

That every cadet who has heretofore graduated or may hereafter graduate at the West Point Military Academy, and who has been or may hereafter be commissioned a second lieutenant in the Army of the United States, under the laws appointing such graduates to the Army, shall be allowed full pay as second lieutenant from the date of his graduation to the date of his acceptance of and qualification under his commission, without reduction by reason of graduation leave, in accordance with the uniform practice which has prevailed since the establishment of the Military Academy.

Mr. BRAGG. I offer as an amendment to the amendment of the committee what I send to the desk.

The Clerk read as follows:

Amend the amendment by striking out in the ninth and tenth lines on the second page the words "without reduction by reason of," and inserting in lieu thereof "and during his."

Mr. BRAGG. The object of this bill is to settle and define the pay of the cadet at West Point while he occupies the peculiar position of being a graduate and at the same time holding no commission in the regular Army. The practice has been uniformly, from the organization of the Government down to last year, that the cadet received the pay of a second lieutenant from the time of his discharge from the Academy up to the time when he got his commission and also during the usual graduation leave that was given him after graduation before he entered upon his duties in the Army. During last year the point was made by the accounting officers of the Treasury that a man could not be a lieutenant who was not commissioned, and therefore that a cadet not commissioned did not hold the position of lieutenant. That presented the question what pay he should draw, and, under the decision of the accounting officers, it was held that he should draw the pay of a cadet instead of the pay of a lieutenant.

I maintain that that decision, although it may be strictly within the letter of the law, is absolutely wrong, according to the spirit of the law. The cadet when he graduated ceased to be a cadet. The vacancy made by his graduation was filled under the order of the War Department by the appointment of another cadet. If he was not a cadet, but had moved on from the cadetship, then he was, although not *de jure*, yet *de facto*, a lieutenant in the Army. There was no place for him as a cadet; there was a place for him as a lieutenant, and he was awaiting the issue to him by the Government of his commission, so that he could enter upon his duties in the service. The question thus raised is settled by this bill. The reason of the amendment proposed to that branch of the bill by the Committee on Military Affairs is this: The Senate bill would only prevent the collection of back pay from such lieutenants as it had not already been collected from, leaving a large class of officers in the army who have received the usual allowances still subject to be attacked by the Treasury Department, in each individual case, for the collection of the difference between the pay of a cadet and the pay of a lieutenant, which they had received. The Committee on Military Affairs thought that if we passed the bill in the form in which it came from the Senate it would only partially cure the evil, and the next Congress would be called upon to pass another bill to meet the difficulty in the remaining cases. Therefore the Committee have offered this amendment in order to make the bill apply to all officers who have heretofore received this pay, or who may hereafter receive it, thus settling the whole question at once. So much for that branch of the bill.

As to the other amendment, which makes the clause read: "and during his graduation leave," as I understand it, the accounting officers of the Treasury looked over the law applicable to officers on duty in the army, and found that such officers were not entitled to a leave of more than thirty days in any one year; and that if that time was extended they were put upon half pay. Then, as the graduation leave extends over more than thirty days, the accounting officers applied the scissors to that also, and reduced the pay to half cadet pay. Thus the first ruling held that these cadets were not lieutenants because they had not been commissioned, while the second held that they were sufficiently lieutenants to justify the application of a rule which would cut down the pittance which they had received. The provisions of this bill simply carry into effect what was the uniform practice from the time of the organization of the academy down to the past year. I hope the bill will pass.

Mr. WARNER, of Ohio. Mr. Speaker, I should like a little further explanation of this bill from the gentleman from Wisconsin.

Mr. BRAGG. I have explained it as well as I can, but I will try to satisfy the gentleman.

Mr. WARNER, of Ohio. I thought the gentleman's explanation was satisfactory until I got the bill, but if what I hold in my hand is the correct bill, the explanation is not quite full enough.

Mr. BRAGG. Probably that is not the bill. When I sent for the bill, another one was brought to me.

Mr. WARNER, of Ohio. How long is the pay to continue after graduation?

Mr. BRAGG. The graduation leave generally lasts until the 28th of August or the 1st of September.

Mr. WARNER, of Ohio. And under this bill, as I understand it, the pay is to be that of lieutenant?

Mr. BRAGG. Yes; second lieutenant.

Mr. WARNER, of Ohio. Whether assigned to duty or not?

Mr. BRAGG. Yes.

Mr. WARNER, of Ohio. And permanently so?

Mr. BRAGG. Yes; the pay is that of second lieutenant up to the time of assignment to duty.

Mr. WARNER, of Ohio. Although no vacancy should occur for half a dozen years?

Mr. BRAGG. We passed a law in the last Congress providing for assignments by the President whether there were vacancies or not.

The question being taken on the amendment of Mr. BRAGG to the substitute, it was agreed to; there being—ayes 72, noes 6.

The substitute as amended was then adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it be passed as amended; there being—ayes 85, noes 0.

Mr. BRAGG. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (S. 1424) for the relief of graduates of the United States Military Academy, had directed him to report the same back to the House with an amendment.

The amendment was agreed to; and the bill as amended was ordered to a third reading, and it was accordingly read the third time, and passed.

Mr. BRAGG moved to amend the title so as to read "An act for the relief of graduates of the United States Military Academy, and to fix their pay."

The amendment was agreed to.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SCHOOL OF INSTRUCTION FOR CAVALRY AND LIGHT ARTILLERY.

Mr. BRAGG. I now call up the bill (H. R. 7192) which has already been partially considered in the House as in Committee of the Whole.

The title of the bill was read, as follows:

A bill (H. R. 7192) to provide a school of instruction for cavalry and light artillery, and for the construction and completion of quarters, barracks, and stables at certain posts for the use of the Army of the United States.

The SPEAKER. Does the gentleman from Wisconsin [Mr. BRAGG] state that this bill has been already considered in the House?

Mr. BRAGG. It has been.

The SPEAKER. The Chair finds that on the 4th of May last the Committee of the Whole on the state of the Union, was by unanimous consent, discharged from its further consideration, and it was considered for a time in the House and reached a stage at which the gentleman from Wisconsin demanded the previous question upon ordering the bill to be engrossed and read a third time. Thereupon, as the Journal states, the bill was "laid aside for the present." The Clerk had better report the bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to establish upon the military reservation at Fort Riley a permanent school of instruction for drill and practice for the cavalry and light artillery service of the Army of the United States, and which shall be the depot to which all recruits for such service shall be sent; and for the purpose of construction of such quarters, barracks, and stables as may be required to carry into effect the purposes of this act the sum of $200,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 2. That the Secretary of War is hereby authorized and directed to complete the quarters and barracks at Fort D. A. Russell, in the Territory of Wyoming, and also to enlarge and complete the quarters and barracks at Fort Robinson, in the State of Nebraska, to a capacity for a garrison of ten companies; and there is hereby appropriated for the purposes mentioned in this section, out of any money in the Treasury not otherwise appropriated, the sum of $175,000, or so much thereof as may be necessary.

Mr. HOLMAN. Although the previous question was called on this bill when it was under consideration at the last session, I believe there was no action on ordering the previous question. Will the waiving of the right to consider the bill in Committee of the Whole at the last session still operate?

The SPEAKER. The Chair thinks that the order of the House discharging the Committee of the Whole on the state of the Union from the further consideration of the bill can not now be changed unless by unanimous consent, because it is too late, under the rules, for reconsideration by a vote of the House. The Chair desires to state that the consideration of this bill on the 4th of May last was at an evening session set apart by order of the House for the consideration of measures reported from the Committee on Military Affairs. The present occupant of the chair was not in attendance on that occasion, and has no knowledge of the proceedings except as shown by the Journal.

Mr. HOLMAN. My recollection was that the bill was committed to the Committee of the Whole.

Mr. BRAGG. Oh, no.

Mr. HOLMAN. The Journal of course must be accepted as true. I desire to inquire of the gentleman from Wisconsin whether he proposes now to press this bill to a vote.

Mr. BRAGG. I desire to press the bill to a vote now. The Committee on Military Affairs listened to all that was said by the gentleman from Indiana [Mr. HOLMAN] when the bill was under consideration before; nearly the entire opposition to the bill came from him; and I do not wish to have that discussion renewed and continued now, if it can be avoided.

Mr. HOLMAN. I think, however, my friend will remember that the sentiment of the House at that time was that this bill, as to its main purpose, was not necessary.

Mr. BRAGG. There was no such sentiment expressed by the House.

Mr. HOLMAN. I think the subject ought to be fully debated.

The SPEAKER. The question is on ordering the previous question.

The question being taken, there were—ayes 75, noes 20.

Mr. BLAND. No quorum.

Tellers were ordered; and Mr. BLAND and Mr. OATES were appointed.

The House again divided; and the tellers reported—ayes 140, noes 23.

So the previous question was ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER (having put the question on the passage of the bill). The ayes seem to have it.

Mr. HOLMAN. I call for a division.

Mr. STEELE. I demand the yeas and nays.

The yeas and nays were ordered, 55 voting in favor thereof.

The question was taken; and it was decided in the affirmative—yeas 140, nays 87, not voting 96; as follows:

YEAS—140.

Adams, G. E.	Davenport,	Jackson,	Phelps,
Adams, J. J.	Davis,	Johnson, F. A.	Reed, T. B.
Allen, C. H.	Dibble,	Johnston, J. T.	Rice,
Anderson, C. M.	Dingley,	Ketcham,	Rockwell,
Anderson, J. A.	Dorsey,	Kleiner,	Romeis,
Bacon,	Dowdney,	La Follette,	Rowell,
Baker,	Dunham,	Laird,	Ryan,
Barksdale,	Eldredge,	Lawler,	Sawyer,
Bayne,	Ely,	Lindsley,	Scott,
Belmont,	Ermentrout,	Little,	Scranton,
Bingham,	Evans,	Long,	Shaw,
Bliss,	Everhart,	Lovering,	Steele,
Boutelle,	Farquhar,	Markham,	Stewart, J. W.
Boyle,	Felton,	Maybury,	Stone, E. F.
Brady,	Fleeger,	McComas,	Strait,
Bragg,	Foran,	McKenna,	Struble,
Breckinridge, C. R.	Fuller,	McKinley,	Swinburne,
Breckinridge, W. C. P.	Funston,	Millard,	Taylor, E. B.
Brown, C. E.	Gallinger,	Milliken,	Taylor, I. H.
Brown, W. W.	Grout,	Mills,	Thomas, J. R.
Brumm,	Hale,	Moffatt,	Thomas, O. B.
Buck,	Hayden,	Morgan,	Thompson,
Bunnell,	Haynes,	Morrill,	Tucker,
Burrows,	Henderson, D. B.	Morrison,	Viele,
Campbell, Felix	Henderson, T. J.	Morrow,	Wade,
Campbell, J. M.	Hepburn,	Muller,	Wadsworth,
Campbell, J. E.	Hermann,	Nelson,	Wakefield,
Cannon,	Hewitt,	O'Neill, Charles	Warner, William
Carleton,	Hill,	Osborne,	Weaver, A. J.
Caswell,	Hires,	Outhwaite,	Weber,
Cooper,	Hiscock,	Owen,	White, A. C.
Croxton,	Hitt,	Parker,	White, Milo
Curtin,	Holmes,	Payson,	Wilkins,
Cutcheon,	Hopkins,	Peters,	Winans,
Dargan,	Hudd,	Pettibone,	Wolford.

NAYS—87.

Allen, J. M.	Eden,	Lehlbach,	Seney,
Blanchard,	Ellsberry,	Lyman,	Seymour,
Bland,	Ford,	Martin,	Skinner,
Blount,	Forney,	Matson,	Snyder,
Buchanan,	Gay,	McAdoo,	Sowden,
Bynum,	Geddes,	McCreary,	Stahlnecker,
Cabell,	Gibson, C. H.	McMillan,	Swope,
Caldwell,	Glass,	McRae,	Tarsney,
Candler,	Green, W. J.	Miller,	Taulbee,
Catchings,	Hall,	Mitchell,	Taylor, J. M.
Clardy,	Halsell,	Neal,	Tillman,
Cobb,	Harris,	Oates,	Townshend,
Compton,	Hatch,	O'Ferrall,	Turner,
Cowles,	Heard,	O'Neill, J. J.	Ward, T. B.
Cox, S. S.	Hemphill,	Peel,	Warner, A. J.
Cox, W. R.	Herbert,	Pindar,	Weaver, J. B.
Crisp,	Holman,	Randall,	West,
Daniel,	Hutton,	Reagan,	Willis,
Davidson, A. C.	Irion,	Richardson,	Wilson,
Davidson, R. H. M.	Johnston, T. D.	Riggs,	Wise,
Dawson,	Jones, J. H.	Rogers,	Worthington.
Dockery,	Lanham,	Sayers,	

NOT VOTING—96.

Aiken,	Bound,	Collins,	Findlay,
Atkinson,	Browne, T. M.	Comstock,	Fisher,
Ballentine,	Burleigh,	Conger,	Frederick,
Barbour,	Burnes,	Crain,	Gibson, Eustace
Barnes,	Butterworth,	Culberson,	Gilfillan,
Barry,	Campbell, T. J.	Dougherty,	Glover,
Bennett,	Clements,	Dunn,	Goff,

Green, R. S.	Le Fevre,	Pirce,	Stone, W. J., Ky.
Grosvenor,	Libbey,	Plumb,	Stone, W. J., Mo.
Guenther,	Lore,	Ranney,	Storm,
Hammond,	Louttit,	Reid, J. W.	Symes,
Hanback,	Lowry,	Reese,	Taylor, Zach
Harmer,	Mahoney,	Robertson,	Throckmorton,
Henderson, J. S.	Merriman,	Rusk,	Trigg,
Henley,	Murphy,	Sadler,	Van Eaton,
Hiestand,	Neece,	Sessions,	Van Schaick,
Houk,	Negley,	Singleton,	Wait,
Howard,	Norwood,	Smalls,	Wallace,
James,	O'Donnell,	Spooner,	Ward, J. H.
Jones, J. T.	O'Hara,	Spriggs,	Wellborn,
Kelley,	Payne,	Springer,	Wheeler,
King,	Perkins,	Stephenson,	Whiting,
Laffoon,	Perry,	Stewart, Charles	Woodburn.
Landes,	Pidcock,	St. Martin,	

So the bill was passed.

During the roll call,

On motion of Mr. WEAVER, of Iowa, by unanimous consent, the reading of the names was dispensed with.

The following pairs were announced for this day:

Mr. TOWNSHEND with Mr. HARMER.

Mr. BENNETT with Mr. GILFILLAN.

Mr. KING with Mr. GROSVENOR.

Mr. WARD, of Illinois, with Mr. HOUK.

Mr. COLLINS with Mr. GOFF.

The vote was then announced as above recorded.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MUSTER AND PAY OF VOLUNTEER FORCES.

Mr. CUTCHEON. I now call up for consideration at this time the bill (H. R. 1171) to amend an act entitled "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces, approved June 3, 1884."

The SPEAKER. Is the bill in the Committee of the Whole House on the state of the Union?

Mr. CUTCHEON. This bill was considered in the House. The amendment was adopted, and the bill was ordered to be engrossed and read a third time; the previous question was pending, but the question of a quorum being raised, the bill was informally withdrawn. I now move the previous question on the passage of the bill. It will be found in the RECORD, May 4, page 4170.

The SPEAKER. The pending question is on the demand for the previous question.

Mr. REED, of Maine. Will there be debate after that?

The SPEAKER. The Chair will examine it. This bill was considered at an evening session, when the present occupant of the Chair was not present, and therefore knows nothing about it.

Mr. CUTCHEON. The bill was debated fully and amended and ordered to be engrossed and read a third time. The pending question is on its passage.

Mr. MCKINLEY. Let the gentleman explain what the bill is.

The SPEAKER. The Chair will state that the hour for the consideration of bills has expired for to-day, and this will, therefore, go over until to-morrow.

ORDER OF BUSINESS.

Mr. CALDWELL. I desire to call up for present consideration a special order made April 22. The order is as follows:

Resolved, That Thursday, the 6th day of May, 1886 (and from day to day thereafter until disposed of), immediately after the morning hour for the consideration of bills and resolutions, be set apart for the consideration of Senate bill No. 9, to provide for and regulate the electoral count; not to interfere with revenue or general appropriation bills, the river and harbor bill, nor with prior orders, nor with the consideration of reports from the Committee on Public Lands under the special order; and if the consideration of said Senate bill No. 9 be displaced, then the next day not previously set apart shall be devoted to its consideration until the same shall be disposed of, subject to the above-mentioned interference.

I think, Mr. Speaker, it takes precedence, and I now call it up for consideration.

Mr. HATCH. I rise to a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. HATCH. Has the second morning hour expired?

The SPEAKER. It has some time ago.

Mr. HATCH. I did not hear the Chair so announce it.

The SPEAKER. The Chair did announce it.

Mr. HATCH. I renew my motion, which was pending at the time the second hour began.

The SPEAKER. The gentleman's motion is not pending, as it is not in order. But the gentleman has the right to submit his motion, that is to say, he has the right to antagonize the motion of the gentleman from Tennessee by presenting the motion he desires to.

Mr. HATCH. I renew my motion to proceed to the consideration of the bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture, under the special order which has been already read.

The SPEAKER. The gentleman from Tennessee [Mr. CALDWELL] calls up for consideration the special order made for the 6th of May last, relating to the count of the electoral votes. Pending that the gentleman from Missouri [Mr. HATCH] calls up for consideration the bill, the title of which has just been read. The question will first be taken on the motion of the gentleman from Tennessee, for the reason the order of the House sets the bill to which his motion refers for the 6th of May, while it sets the bill to which the motion of the gentleman from Missouri refers for the 13th day of May. Does the gentleman from Missouri raise the question of consideration against the bill to which the motion of the gentleman from Tennessee refers?

Mr. HATCH. I do.

The SPEAKER. The question is will the House proceed to the consideration of the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon.

Mr. HATCH demanded a division.

The House divided; and there were—ayes 101, noes 27.

Mr. HATCH demanded the yeas and nays.

The yeas and nays were not ordered, only 23 voting in the affirmative—not one-fifth of the last vote.

So the motion was agreed to, and the House determined to proceed with the consideration of the electoral count bill.

ELECTION OF PRESIDENT AND VICE-PRESIDENT.

The bill (S. 9), with the amendments reported by the Select Committee on the Election of President and Vice-President, was then read, as follows:

[Omit the parts in brackets and insert the parts printed in *italics*.]

An act to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon.

Be it enacted, &c., That the electors of each State shall meet and give their votes on the second Monday in January next following their appointment, at such place in each State as the Legislature of such State shall direct.

SEC. 2. That if any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to the said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned.

SEC. 3. That it shall be the duty of the executive of each State, as soon as practicable after the conclusion of the appointment of electors in such State, by the final ascertainment under and in pursuance of the laws of such State providing for such ascertainment, to communicate, under the seal of the State, to the Secretary of State of the United States, a certificate of such ascertainment of the electors appointed, setting forth the names of such electors and the canvass or other ascertainment under the laws of such State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast; and it shall also thereupon be the duty of the executive of each State to deliver to the electors of such State, on or before the day on which they are required by the preceding section to meet, the same certificate, in triplicate, under the seal of the State; and such certificate shall be inclosed and transmitted by the electors at the same time and in the same manner as is provided by law for transmitting by such electors to the seat of Government the lists of all persons voted for as President and of all persons voted for as Vice-President; and section 136 of the Revised Statutes is hereby repealed; and if there shall have been any final determination in a State of a controversy or contest as provided for in section 2 of this act, it shall be the duty of the executive of such State, as soon as practicable after such determination, to communicate, under the seal of the State, to the Secretary of State of the United States, a certificate of such determination, in form and manner as the same shall have been made; and the Secretary of State of the United States, as soon as practicable after the receipt at the State Department of each of the certificates hereinbefore directed to be transmitted to the Secretary of State, shall publish, in such public newspaper as he shall designate, such certificates in full; and at the first meeting of Congress thereafter he shall transmit to the two Houses of Congress copies in full of each and every such certificate so received theretofore at the State Department.

SEC. 4. That Congress shall be in session on the second Wednesday in February succeeding every meeting of the electors. The Senate and House of Representatives shall meet in the Hall of the House of Representatives at the hour of 1 o'clock in the afternoon on that day, and the President of the Senate shall be their presiding officer. Two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules in this act provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, and the names of the persons, if any, elected, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses. Upon such reading of any such certificate or paper, the President of the Senate shall call for objections, if any. Every objection shall be made in writing, and shall state clearly and concisely, and without argument, the ground thereof, and shall be signed by at least one Senator and one Member of the House of Representatives before the same shall be received. When all objections so made to any vote or paper from a State shall have been received and read, the Senate shall thereupon withdraw, and such objections shall be submitted to the Senate for its decision; and the Speaker of the House of Representatives shall, in like manner, submit such objections to the House of Representatives for its decision; and no electoral vote or votes from any State from which but one *lawful* return has been received shall be rejected [except by the affirmative vote of both Houses]. If more than one return or paper purporting to be a return from a State shall have been received by the President of the Senate, those votes, and those only, shall be counted which shall have been regularly given by the electors who are shown by the determination mentioned in section 2 of this act to have been appointed, if the determination in said section provided for shall have been made, or by such

successors or substitutes, in case of a vacancy in the board of electors so ascertained, as have been appointed to fill such vacancy in the mode provided by the laws of the State; but in case there shall arise the question which of two or more of such State authorities determining what electors have been appointed, as mentioned in section 2 of this act, is the lawful tribunal of such State, the votes regularly given of those electors, and those only, of such State shall be counted whose title as electors the two Houses, acting separately, shall concurrently decide is supported by the decision of such State so authorized by its laws; and in such case of more than one return or paper purporting to be a return from a State, if there shall have been no such determination of the question in the State aforesaid, then those votes, and those only, shall be counted which [the two Houses, acting separately, shall concurrently decide to be the lawful votes of the legally appointed electors of such State] *were cast by electors whose appointment shall have been duly certified under the seal of the State by the executive thereof, in accordance with the laws of the State, unless the two Houses, acting separately, shall concurrently decide such votes not to be the lawful votes of the legally appointed electors of such State.* When the two Houses have voted, they shall immediately again meet, and the presiding officer shall then announce the decision of the question submitted. No votes or papers from any other State shall be acted upon until the objections previously made to the votes or papers from any State shall have been finally disposed of.

SEC. 5. That while the two Houses shall be in meeting as provided in this act the President of the Senate shall have power to preserve order; and no debate shall be allowed and no question shall be put by the presiding officer except to either House on a motion to withdraw.

SEC. 6. That when the two Houses separate to decide upon an objection that may have been made to the counting of any electoral vote or votes from any State, or other question arising in the matter, each Senator and Representative may speak to such objection or question five minutes, and not more than once; but after such debate shall have lasted two hours it shall be the duty of the presiding officer of each House to put the main question without further debate.

SEC. 7. That at such joint meeting of the two Houses seats shall be provided as follows: For the President of the Senate, the Speaker's chair; for the Speaker, immediately upon his left; the Senators, in the body of the Hall upon the right of the presiding officer; for the Representatives, in the body of the Hall not provided for the Senators; for the tellers, Secretary of the Senate, and Clerk of the House of Representatives at the Clerk's desk; for the other officers of the two Houses, in front of the Clerk's desk and upon each side of the Speaker's platform. Such joint meeting shall not be dissolved until the count of electoral votes shall be completed and the result declared; and no recess shall be taken unless a question shall have arisen in regard to counting any such votes, or otherwise under this act, in which case it shall be competent for either House, acting separately, in the manner hereinbefore provided, to direct a recess of such House not beyond the next calendar day, Sunday excepted, at the hour of 10 o'clock in the forenoon. But if the counting of the electoral votes and the declaration of the result shall not have been completed before the fifth calendar day next after such first meeting of the two Houses, no further or other recess shall be taken by either House.

Passed the Senate March 17, 1886.

Attest: ANSON G. McCOOK, *Secretary.*

The report (by Mr. CALDWELL) was read, as follows:

Mr. CALDWELL, from the Select Committee on the Election of President and Vice-President, submitted the following report, to accompany bill S. 9:

The committee has had under consideration Senate bill No. 9, to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon, and report the same back to the House with amendments, as follows:

(1) A verbal amendment in the third section, line 22, insert, after the words "state of," the word "a;" so that it shall read, "state of a controversy or contest," &c.

(2) A material amendment to section 4, lines 38, 39, is as follows: Strike out after the words "shall be rejected" the words "except by the affirmative votes of both Houses," and insert after the word "one," in the same line, the word "lawful;" so that the clause shall read "and no electoral vote or votes from any State from which but one lawful return has been received shall be rejected."

The majority of the committee were of the opinion that where there was but a single return from a State the two Houses should not have the power to reject the vote of the State.

(3) A material amendment is to the same section (No. 4), lines 61, 62, 63, after the word "which" to and including the word "State." At the end of the sentence strike out the words "the two Houses, acting separately, shall concurrently decide to be the lawful votes of the legally appointed electors of such State," and insert the words "were cast by electors whose appointment shall have been duly certified under the seal of the State, by the executive thereof, in accordance with the laws of the State, unless the two Houses, acting separately, shall concurrently decide such votes not to be the lawful votes of the legally appointed electors of such State;" so that the clause will read "and in such case of more than one return, or paper purporting to be a return, from a State, if there shall have been no such determination of the question in the State aforesaid, then those votes, and those only, shall be counted which were cast by electors whose appointment shall have been duly certified under the seal of the State, by the executive thereof, in accordance with the laws of the State, unless the two Houses, acting separately, shall concurrently decide such votes not to be the lawful votes of the legally appointed electors of such State."

The bill as it passed the Senate provided that where there was more than one return from the State, and no tribunal established in the State to decide the question between the contesting electors, only those votes should be counted which the two Houses, acting separately, should concur in deciding were the lawful votes of the State.

The committee were of the opinion that where there was more than one return from a State, and but a single State government, the vote of the State legally certified by the executive to have been cast by the legally appointed electors should be counted, unless both Houses concur in rejecting the vote.

Should these amendments be adopted by the House and the bill pass, the mode of counting the electoral vote may be thus briefly stated: In those States where a tribunal has been established, under the laws thereof, for the determination of contests concerning the appointment of electors therein, and such tribunal has decided what electors were duly appointed, the determination of the State tribunal shall be conclusive. Where there is but one return from a State the vote so returned shall be counted.

But in case there should arise the question which of two, or more, of such State authorities determining what electors have been appointed is the lawful tribunal of such State, the votes of the electors of such State shall be counted whose title as electors the two Houses, acting separately, shall concurrently decide is supported by the decision of such State so authorized by its laws.

Under the amendment, where there is but one State government and two sets of returns purporting to be the vote of the State, then that return shall be counted which is supported by the certificate of the executive of the State, under the seal thereof and in accordance with its laws, unless both Houses, acting separately, shall concur in deciding that the vote so certified and returned is not the lawful vote of the State.

The bill provides the means of determining what is the vote, how it shall be counted, its count, and the authoritative declaration of the result.

The two Houses are, by the Constitution, authorized to make the count of electoral votes. They can only count legal votes, and in doing so must determine, from the best evidence to be had, what are legal votes; and if they can not agree upon which are legal votes, then the State which has failed to bring itself under the plain provisions of the bill, and failed to provide for the determination of all questions by her own authorities, will lose her vote.

Congress having provided by this bill that the State tribunals may determine what votes are legal coming from that State, and that the two Houses shall be bound by this determination, it will be that State's own fault if the matter is left in doubt.

The power to determine rests with the two Houses, and there is no other constitutional tribunal.

Congress prescribes the details of the trial and what kind of evidence shall be received, and how the final judgment shall be rendered.

The interests involved are too precious and the dangers too great to be left longer without adequate provisions against trouble and discord.

Mr. CALDWELL. Mr. Speaker, this bill if passed will be an authoritative expression of the Constitution erected into law in advance of any complication which may again arise, as it has in the past, as to the counting the electoral votes of the States and the declaration of the result. The power of the President of the Senate to count the vote was understood to have been claimed in 1857 in the case of the electors from Wisconsin; but upon its being challenged both in the House and Senate, that officer disclaimed any such assumption. This claim was again set up in the year of disgrace, 1876, by a cabal, which had determined, in addition to debauching the Electoral College, to usurp the power of the two Houses and give it to one man. This was defeated, notably under the lead of a courageous and honest Senator from the State of New York.

While it is true that the Electoral College, and not Congress, is charged with the duty of making the election of President and Vice-President, and that the selection of the electors belongs exclusively to the States, and no department of the Federal Government is allowed to participate in the creation of the electors; and while thus is committed to the States the sole choice of the electors, whose function is to choose an Executive of the Federal Government, the right is also reserved to that Government, through and by the agency and under the supervision of the Senate and House of Representatives, to judge of the legality of returns, and to preserve itself from lapse or interregnum in the succession of its Chief Magistrate. The power of the two Houses in counting the vote is something more than ministerial and perfunctory merely.

Congress may provide by law or joint rule the manner of counting the vote. The presence of the two Houses when the vote is counted is a constitutional injunction, and is required from the fact that if there is no election by the electors, the duty of electing a President is devolved upon the House of Representatives; and of a Vice-President, upon the Senate. They are to be present at the count to ascertain and declare the result, if any, of the action of the Electoral College; or, in default thereof, to separate and elect the officers themselves. They are to count the votes. What votes? Legal votes. Then they are to determine what are legal votes, and who has a majority of legal votes. The power to judge of the legality of the votes is a necessary consequent of the power to count. The existence of this power is of absolute necessity to the preservation of the Government. The interests of all the States in their relations to each other in the Federal Union demand that the ultimate tribunal to decide upon the election of President should be a constituent body, in which the States in their federal relationships and the people in their sovereign capacity should be represented.

The States, in electing a President and Vice-President of the United States, are not exercising their State sovereignty as they are in electing their governors and other State officers. They are exercising constitutional functions, and are in the performance of a duty necessary to the maintenance of the Federal Government. Each State is the constitutional agent of the Federal Government in this matter, and must act within the scope of her agency and under the direction and law of her principal in providing an officer who is not the head of one State, but of all the States under the Constitution. For instance: Her votes must be cast upon the prescribed day, and for two citizens, one of whom must be a citizen of another State. Each State may appoint as electors a number, no more and no less, but equal to her number of Senators and Representatives in Congress.

The mode of their appointment is left solely to the States, but the elector is a Federal functionary, as much so as a Senator or a Representative. And the duties of an elector, as soon as he is chosen by the State, are prescribed by the Constitution of the United States. "They shall vote by ballot." "They shall make lists of the persons balloted for." "They shall sign and certify them;" "they shall seal and transmit them to the President of the Senate," etc. After the elector has done all required of him and deposited the vote in the hands of the President of the Senate, the Constitution then fixes the day when he shall open them in the presence of the Senate and House of Representatives, when "the vote shall be counted."

This bill is to prescribe the mode in which this count shall be made, and supply the omission that exists under the first article of the Constitution, which gives Congress all power to make all laws necessary to carry out these provisions. The passage of this bill will settle all the questions which have arisen from time to time as to the electoral count.

It will decide, first, that the power to count the vote is not in the President of the Senate.

Second, that it is in the two Houses of Congress, not ministerially merely, not as witnesses,

> Capable of nothing but inexplicable dumb show and noise;

but with power to count, and the consequent power to decide uponthe legality of the votes to be counted.

Third, that the action of the two Houses shall be separate and concurrent upon all questions of contest arising under the count, but joint as to results, thus preserving the dignity and rights of the two bodies by conceding to each equal and concurrent powers in counting and judging of the validity of electoral votes without merger of the lesser body into the numerically greater.

The apprehension that this bill contains anything inimical to State rights is fanciful and unreal. Even as it came from the Senate without the amendments proposed by the committee, it is not, in my opinion, amenable to such criticism. The object of the proposed amendments to the Senate bill is to remedy any lurking danger in its provisions, which it may be apprehended is ready to spring, lion-like, upon States and overcome them before they could summon their powers of resistance.

The minority of the committee fear that the reservation of the right to Congress to see that the one return of a State is a lawful return "may afford a pretext for usurpation by Congress of the power to disfranchise a State." It is certainly absurd to try to deny to Congress the power to remedy an unlawful return, although it might be the only return.

Instances have been often cited and may be again. Under section 4, article 4, of the Constitution "the United States shall guarantee to every State in the Union a republican form of government." Suppose some State should enthrone a king, constitute a house of lords, and they should appoint electors, and send up but one return properly certified and finally determined as required under the second section of the bill proposed by the minority. Shall an American Congress count such a vote? Suppose under the fourteenth amendment, which deprives a State of electoral votes in proportion as that State shall have denied the right to vote to its citizens of color—suppose there is but one return of that State, duly certified, of the full number of electors, who is to decide the number to be deducted? In neither case, if a future Congress would obey such a law, could Congress help itself from counting such illegal votes, although both Senate and House of Representatives might know that they violated these sections of the Constitution to count them. The majority of the committee thought there might be danger in giving unlimited power to both Houses to disfranchise a State from which there was but one return if they should concurrently decide to reject the return, but felt constrained by the force of the consideration that there was equal danger in forcing Congress to count an illegal return, and had a suspicion that no power in a statute would be found sufficient to make Congress count, whether or no, votes that both Houses had concurred in declaring illegal and that should not be counted.

The separate concurrent action of both Houses provided for in the bill preserves the constitutional identity, rights, and dignity of each. This concession of each House to the other of equal and concurrent power to decide on informalities and illegalities appearing on the face of returns, upon objection of a Senator or Representative, is necessary to the determination of results.

The determination of the question as to the right to the chief executive office of a nation is a prerogative necessary to the preservation and peace of the government.

This necessary power for the Federal Government must be exercised so as not to do detriment to the separate States.

By this bill a State may confine that necessary power within the narrowest possible bounds by making provision to determine all controversies as to her vote.

At last, what is the body the Constitution invests with the authority to count the electoral vote? Is it a foreign or hostile assembly? Is it in any sense antagonistic to or non-representative of the States? It is composed of that body, the Senate, which, under the Constitution, represents the autonomy of the States as such, and that body, the House of Representatives, which represents the people, who constitute the States. Hence, if the State has not provided authorities to decide for whom its electoral vote is cast, then that question shall be decided by a body composed of the Representatives and Senators of all the States.

Under the Constitution who else could decide? Who is nearer to the State in determining a question of vital importance to the whole union of States than the constituent body upon whom the Constitution has devolved the duty to count the vote? But all apprehensions of State disfranchisement are remote and founded in part, at least, upon an assumption that can not obtain that the States will fail to perform their legal duties as to the choosing of electors. I submit that this is an assumption that can not be acted upon by a legislative body in the enactment of laws. In addition to the sense of duty abiding in the States of the Union to authoritatively and in their own way declare and legally certify their choice of electors in order to the election of President and Vice-President of the United States, this law puts a premium upon diligence in the discharge of that duty by the States.

It will be perceived that this bill is not predicated upon the idea of throwing the two Houses into convention and merging the smaller body, the Senate, into the larger body, the House of Representatives, and voting *per capita*. It is submitted that no constitutional warrant can be found for such an idea.

Mr. Speaker, I do not care to consume further the time of the House in the discussion of the bill at the commencement of the debate upon it, believing that it will be the wish of the House to discuss it hereafter in all of its details; and I am willing that there shall be reasonable time for discussion; but I do desire, before taking my seat, to call your attention to one verbal change which will be suggested in the body of the bill as printed. I do not know that I can call it an amendment, nor does it appear among the printed amendments incorporated in the report. It will be noticed in the 38th line, on the 5th page of the bill, that this phrase occurs:

> And the Speaker of the House of Representatives shall, in like manner, submit such objections to the House of Representatives for its decision; and no electoral vote or votes from any State from which but one *lawful* return has been received shall be rejected, &c.

The committee, after suggesting the propriety of inserting the word "lawful" before the word "return," concluded, in deference to the views of the minority, and in order to obviate possible objections to the bill, that they would recommend to the House, and would agree, that this word should be stricken out. The reason is, as you will perceive, that it is unnecessary. The Houses have the power to count; and hence to decide, what is lawful to be counted, and to express it in this connection, it seemed to the committee, or to the minority of the committee at any rate, would give to Congress the arbitrary power to decide what was a lawful return, even in case where but one return was received from a State.

I shall not at the opening of the discussion detain the House further, but will reserve the remainder of my time, yielding the floor for the present to any gentleman who desires now to discuss the provisions of the bill; but will within a reasonable time resume the floor and call the previous question, and thus test the sense of the House on the adoption of this measure.

The SPEAKER *pro tempore* (Mr. CRISP in the chair). The gentleman has 40 minutes of his time remaining.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed, with an amendment, in which the concurrence of the House was requested, the bill (H. R. 6983) for the relief of certain soldiers of the Twelfth Michigan Volunteer Infantry, dishonorably discharged under special orders 92, War Department, Adjutant-General's Office, dated March 1, 1866.

It further announced the adoption of the following resolutions:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. LEWIS BEACH, and of the death of Hon. JOHN ARNOT, jr., late Representatives from the State of New York.

Resolved, That the Secretary communicate this resolution to the House of Representatives.

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. WILLIAM T. PRICE, late a Representative from the State of Wisconsin.

Resolved, That the Senate concur in the resolution of the House of Representatives providing for the appointment of a joint committee to take order for attending the funeral of the deceased, at his residence in the State of Wisconsin; and that the members of the committee on the part of the Senate be appointed by the President *pro tempore*.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The message further announced that the President *pro tempore* had appointed Mr. SPOONER, Mr. MANDERSON, and Mr. BLACKBURN the committee on the part of the Senate under the foregoing resolution.

And then, on motion of Mr. BOYLE (at 2 o'clock and 47 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Papers in the case of Michael Flynn—to the Committee on Invalid Pensions.

By Mr. BELMONT: Petition of Schuyler Hamilton, to have his record as an Army officer corrected, &c.—to the Committee on Military Affairs.

By Mr. CASWELL: Petition of the conference of the Methodist Episcopal Church in Wisconsin, praying for protection of the lives and property of Chinese in this country—to the Committee on Foreign Affairs.

By Mr. GLASS: Petition of W. J. Vaughn, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. GROUT: Petition of George W. Colby, for increase of pension—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill making an appropriation of $25,000 for continuing improvement of Upper Willamette River and mouth of Yam Hill River, in the State of Oregon—to the Committee on Rivers and Harbors.

Also, a bill making an appropriation of $20,000 for continuing improvement of Umpqua River below Scottsburg, in the State of Oregon—to the same committee.

Also, a bill making an appropriation of $25,000 for continuing the

improvement of the Upper Columbia and Snake Rivers, in the State of Oregon and Washington Territory—to the same committee.

Also, a bill making an appropriation of $55,000 for continuing the improvement of entrance to Coquille River, in the State of Oregon—to the same committee.

Also, a bill making an appropriation of $200,000 for continuing the improvement of the entrance of Yaquina Bay, in the State of Oregon—to the same committee.

Also, a bill making an appropriation of $300,000 for continuing the improvement of the Willamette and Columbia Rivers below Portland, in the State of Oregon—to the same committee.

Also, a bill making an appropriation of $100,000 for continuing the improvement of the entrance of Coos Bay, in the State of Oregon—to the same committee.

Also, a bill making an appropriation of $500,000 for existing improvement and construction of canal and locks at the Cascades of the Columbia River, in the State of Oregon—to the same committee.

Also, a bill making an appropriation of $900,000 for continuing the improvement at mouth of Columbia River, in the State of Oregon and Washington Territory—to the same committee.

By Mr. JOSEPH: Petition of the Women's Temperance Union, of the Territory of New Mexico—to the Committee on Education.

By Mr. LAWLER: Petition of Charles Atkinson, for relief—to the Committee on Invalid Pensions.

Also, petition of E. H. Brodie, of Astoria, Oreg., for relief—to the Committee on Pensions.

By Mr. MAYBURY: Petition of members of the jury in attendance on the session of the United States courts for the eastern district of Michigan, for an increase of per diem allowed jurors to $3—to the Committee on the Judiciary.

By Mr. MORGAN: Petition of Angeline Floyd, of Benton County, and of Enoch P. Ward, of Benton County, Mississippi, for relief under the act of March 3, 1883, called the Bowman act—to the Committee on War Claims.

By Mr. PARKER: Petition of Alden L. Williams for a special-act pension—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: Petition of E. Y. Andrews, of Tennessee, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. SENEY: Petition of C. A. Story, favoring House bill 303—to the Committee on Education.

By Mr. Wait: Petition of Mrs. Mary Lathrop, for a pension—to the Committee on Invalid Pensions.

By Mr. WISE: Petition of Brick-molders' Union of Richmond, Va.—to the Committee on Labor.

SENATE.

WEDNESDAY, *December* 8, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

ALFRED H. COLQUITT, a Senator from the State of Georgia, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved.

REPORT OF ATTORNEY-GENERAL.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Attorney-General, transmitting the annual report of the Department of Justice for the year 1886; which was referred to the Committee on the Judiciary, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of F. V. Morrison, Hunken & Bischoff, and 107 other citizens of New York, praying that Congress authorize the Secretary of War to contract with Charles Stoughton and his associates for improving the Harlem River, New York, for a sum not exceeding $1,495,000, the work to be completed July 4, 1889; which was referred to the Committee on Commerce.

Mr. EDMUNDS presented the petition of Ida May Welton, of Groton, Vt., praying for a pension; which was referred to the Committee on Pensions.

He also presented the petition of Rev. John Anketell, A. M., presbyter of the diocese of New York, praying for legislation providing for the adoption of an amendment to the Constitution of the United States giving Congress power to pass uniform laws on the subject of marriage and divorce; which was referred to the Committee on the Judiciary.

He also presented the petition of A. Brown and other citizens of Pawlet, Rutland County, Vermont, and the petition of L. G. Whitford and other citizens of Addison, Addison County, Vermont, praying for the passage of the bill providing for the establishment of agricultural experiment stations; which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of J. W. Stickney and other citizens of Windsor and Rutland Counties, Vermont, praying for the passage of an act granting a pension to Henry Sprague; which was referred to the Committee on Pensions.

He also presented the petition of Mrs. Hannah R. Langdon, of Burlington, Vt., praying for a pension; which was referred to the Committee on Pensions.

Mr. EDMUNDS. I present resolutions of the Legislature of the State of Vermont in favor of the establishment of agricultural experiment stations.

These resolutions, like a great many others presented, are not addressed as a memorial to Congress, but state the opinions of the Legislature and their instruction or request to their representatives in Congress to support such measures. Technically, within the rule, therefore, they are not entitled to be read, and I do not suppose the Legislature would care about their being read. I simply ask that these resolutions be referred to the Committee on Agriculture and Forestry.

The PRESIDENT *pro tempore*. That reference will be made.

Mr. EDMUNDS. I present similar resolutions, stating the opinion of the Legislature of the State of Vermont, and addressed to the Senators and Representatives, in favor of making provision, by act of Congress, against aliens acquiring an excessive quantity of public lands; and I move that the resolutions be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. EDMUNDS. I present similar resolutions in the same form in favor of granting pensions to Union soldiers who have suffered under imprisonment in rebel prisons, and I move that they be referred to the Committee on Pensions.

The motion was agreed to.

Mr. SAWYER presented a petition of the Wisconsin Conference of the Methodist Episcopal Church, through M. S. Merrill, president, praying for legislation in behalf of Chinese laborers in the United States, and also for the passage of the so-called indemnity bill; which was referred to the Committee on Foreign Relations.

Mr. PLUMB presented a petition of citizens of Coffey County, Kansas, praying that an increase of pension be granted to Andrew Franklin, a soldier of the war of 1812; which was referred to the Committee on Pensions.

He also presented a petition of ex-Union soldiers, citizens of White City, Kans., praying for such legislation as will equalize the pay of ex-Union soldiers and sailors with the pay of holders of national securities; which was referred to the Committee on Finance.

Mr. SABIN presented the petition of Joseph P. Wilson, of Minnesota, praying legislation to give effect to Article IX of the treaty of June 19, 1858, between the United States and certain bands of Dakota Indians; which was referred to the Committee on Indian Affairs.

BILLS INTRODUCED.

Mr. EDMUNDS. I introduce a bill to amend section 3749 of the Revised Statutes, regarding the legal methods of disposing of certain property; which I ask may be twice read and referred to the Committee on the Judiciary.

The bill (S. 2920) amending section 3749 of the Revised Statutes was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MANDERSON (by request) introduced a bill (S. 2921) to authorize the Fremont, Elkhorn and Missouri Valley Railroad Company to build its road across the Fort Meade Military Reservation; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MANDERSON. I introduce a bill to increase the efficiency of the officers of the line of the Army of the United States by amending section 1204 of the Revised Statutes so as to provide as to all line officers the same character of examination for promotion that is required of officers of the Ordnance, the Engineer, and the Medical Departments of the Army. This is a matter which has been recommended by the Secretary of War in his late report, and, as it is a subject of some interest, I ask that the bill may be printed at length in the RECORD, and that it be referred to the Committee on Military Affairs.

The bill (S. 2922) to increase the efficiency of the officers of the line of the Army of the United States was read twice by its title, and referred to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks an order to print the bill in the RECORD. Is there objection? The Chair hears none, and it will be so ordered.

The bill is as follows:

A bill to increase the efficiency of officers of the line of the Army of the United States.

Be it enacted, &c., That section 1204 of the Revised Statutes of the United States of America be amended so as to read as follows:

"SEC. 1204. Promotions in the line shall be made through the whole Army, in the several lines of artillery, cavalry, and infantry, respectively. No officer of artillery, cavalry, or infantry below the rank of field officer shall be promoted to a higher grade until he shall have been examined and approved by a board of not less than three officers of the same arm of the service seniors to him in rank. If an officer fail on such examination, he shall be suspended from promotion for one year, when he shall be re-examined before a like board. In case of failure on such re-examination he shall be dismissed from the service: *Provided*, That all officers of the Army who have served as officers in the volunteer forces or as enlisted men in the armies of the United States, regular or volun-

teer, during the war of the rebellion, shall, in case of failure on such re-examination, be retired from active service; and no act now in force shall be so construed as to limit or restrict the retirement of officers as herein provided for. Promotions in the staff of the Army shall be made in the several departments and corps respectively."

Mr. PLUMB introduced a bill (S. 2923) to provide for the sale of certain portions of the Fort Leavenworth Military Reservation; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. SEWELL introduced a bill (S. 2924) to place the name of General Alexander S. Webb on the retired-list of the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. INGALLS introduced a bill (S. 2925) granting a pension to William Dorman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2926) granting an increase of pension to John Upcraft; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2927) granting an increase of pension to Theodore Gardner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 2928) providing for the erection of a monument to the negro soldiers and sailors who gave their lives for the preservation of the Government; which was read twice by its title, and referred to the Committee on the Library.

Mr. COCKRELL introduced a bill (S. 2929) to provide for an additional associate justice of the supreme court of the Territory of New Mexico; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PLUMB introduced a joint resolution (S. R. 84) to authorize the Secretary of the Interior to certify lands for agricultural-college purposes to the State of Kansas; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENT TO SUNDRY CIVIL BILL.

Mr. DAWES submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HARRIS, it was

Ordered, That the petition and accompanying papers in the case of St. Peter's and St. Paul's Catholic Church of Chattanooga, Tennessee, be taken from the files of the Senate and referred to the Committee on Claims.

OLEOMARGARINE TAXES.

Mr. INGALLS submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Treasury be directed to inform the Senate how many manufacturers of oleomargarine, how many wholesale dealers in oleomargarine, and how many retail dealers in oleomargarine, have paid the special taxes imposed by section 3 of the act defining butter, &c., approved August 2, 1886, and in what districts said taxes have been paid; also, how many pounds of oleomargarine have been assessed under section 8 of said act, and the districts in which said assessment has been made.

GAS-LIGHT FOR GEORGETOWN.

Mr. VAN WYCK. I ask for the adoption of the following resolution:

Resolved, That the Committee on the District of Columbia be directed to inquire into the expediency of reporting a bill providing that the price of gas furnished by the Georgetown Gaslight Company shall not exceed one dollar per thousand cubic feet; and if it shall appear that the present company can not produce gas at said price, then further to report whether any other company shall not be authorized or incorporated for that purpose, upon giving sufficient guarantee to furnish gas at said price.

Mr. INGALLS. I ask that the first part of the resolution may be read again. I did not understand whether it was a direction to the committee to report a bill or to inquire about the matter.

The PRESIDENT *pro tempore*. The resolution will be again read.

The Chief Clerk read as follows:

Resolved, That the Committee on the District of Columbia be directed to inquire into the expediency of reporting a bill providing that the price of gas furnished by the Georgetown Gaslight Company, &c.

Mr. INGALLS. That is sufficient.

The resolution was considered by unanimous consent and agreed to.

AWARDS AGAINST HAYTI.

Mr. FRYE submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the President be, and he hereby is, requested to communicate to the Senate, if not inconsistent with the public interests, copies of the awards made by the arbitrator in the case of Antonio Pelletier and in the case of A. H. Lazare against the republic of Hayti, under a protocol made by and between the Secretary of State of the United States and the minister plenipotentiary for the republic of Hayti, dated 24th May, 1884, together with such action as may have been had in relation thereto.

DAMAGES TO SENATE EMPLOYÉS.

The PRESIDENT *pro tempore*. If there is no further morning business——

Mr. PLUMB. What has become of the resolution that went over from yesterday, which was submitted by myself?

The PRESIDENT *pro tempore*. The resolution, submitted by the Senator from Kansas [Mr. PLUMB], which went over yesterday under objection, will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Committee on Contingent Expenses be directed to investigate the accident which occurred in a freight elevator of the Senate wing of the Capitol in July last, whereby two employés of the Senate were seriously injured, and report their conclusions as to the responsibility for the same, to the Senate at the earliest day practicable, together with a resolution providing for the payment to the persons so damaged of such sums as the committee may deem proper to cover the expenses, loss, and damage incurred thereby.

The PRESIDENT *pro tempore*. The amendment proposed yesterday by the Senator from Vermont [Mr. EDMUNDS] will be reported.

The CHIEF CLERK. It is proposed to add to the resolution the words:

If the committee shall be of opinion that compensation ought to be made.

Mr. PLUMB. I have no objection to that amendment.

The amendment was agreed to; and the resolution as amended was agreed to.

REDUCTION OF CUSTOMS DUTIES AND INTERNAL TAXES.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution submitted yesterday by the Senator from Massachusetts [Mr. DAWES], which comes over under objection. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Committee on Finance be instructed to inquire and report as soon as practicable what specific reduction can be made in customs duties and internal taxes which will, in their judgment, reduce the receipts to the necessary and economical expenditures of the Government without impairing the prosperity and development of home industries or the compensation of home labor.

Mr. DAWES. When that resolution was submitted I stated that I should like to have it lie on the table and would call it up at some future day.

The PRESIDENT *pro tempore*. The Chair treated it as a resolution coming over under objection. Does the Senator from Vermont desire to call up the resolution submitted by him yesterday?

Mr. MORRILL. Not to-day, but to-morrow.

The PRESIDENT *pro tempore*. Both resolutions will remain on the table.

SETTLERS AND PURCHASERS OF LANDS IN NEBRASKA AND KANSAS.

Mr. VAN WYCK. I ask the indulgence of the Senate for one moment. I yesterday gave notice that I should to-day call for the consideration of House bill 1413, upon the Calendar. The Senator from Vermont [Mr. EDMUNDS] manifested some interest during the last session in regard to that subject, and on speaking to him he desired that I should not move the bill to-day, as he was engaged outside of the Chamber. I therefore ask that the bill be made a special order for Monday or Tuesday of next week—say Monday.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the Senate proceed to the consideration of House bill 1413 with the view to its being made a special order. The bill will be reported by its title.

The CHIEF CLERK. Order of business 1565, being the bill (H. R. 1413) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the bill the title of which has just been read be made the special order for Monday next. There are two special orders for that day already.

Mr. VAN WYCK. Say Tuesday, then.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the bill be made a special order for Tuesday next. The question is on that motion.

The motion was agreed to, two-thirds of the Senators present voting in the affirmative.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 7192) to provide a school of instruction for cavalry and light artillery, and for the construction and completion of quarters, barracks, and stables at certain posts for the use of the Army of the United States; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 1424) for the relief of graduates of the United States Military Academy, with amendments in which it requested the concurrence of the Senate.

WOMAN SUFFRAGE.

Mr. BLAIR. I ask the Senate to proceed to the consideration of Order of Business 122, being the joint resolution (S. R. 5) proposing an amendment to the Constitution of the United States extending the right of suffrage to women.

The PRESIDENT *pro tempore*. The Calendar being in order, the Senator from New Hampshire moves that the Senate proceed to the con-

sideration of the joint resolution named by him. The question is on that motion.

Mr. COCKRELL. I should like to inquire if the Senator——

The PRESIDENT *pro tempore*. A motion to proceed to the consideration of a bill or resolution on the Calendar is not debatable under the rules.

Mr. COCKRELL. I know it is not debatable, but I suppose I can ask a question as to whether the Senator from New Hampshire wants simply to discuss the joint resolution or to proceed to its actual consideration.

The PRESIDENT *pro tempore*. The Chair will make no interposition against the question of the Senator from Missouri.

Mr. COCKRELL. I should like to ask the Senator from New Hampshire whether it is his purpose in calling up the resolution to ask action upon it now, or simply to submit remarks?

Mr. BLAIR. I desire to submit remarks, but I also desire to ask action of the Senate. The matter has been before the Senate during several Congresses, and there never has been any actual vote whatever upon the resolution, although it has been reported favorably from committees at least twice. I desire at the opening of the session, if possible, that there be a vote, so that we may be relieved of the question at least for this session, and perhaps for some Congresses to come.

Mr. COCKRELL. I will state that my colleague on the committee [Mr. BROWN] is absent, and will probably be here very soon. I would not desire a final disposition made until he is present. Still I am anxious to get the matter disposed of.

Mr. BLAIR. In view of the fact stated, I shall ask the Senate to proceed to the consideration of the subject, and I will content myself with submitting some remarks to-day.

Mr. COCKRELL. All right.

Mr. BLAIR. I hope, if I can rely upon the co-operation of the Senator from Missouri, that we may have a vote as early in the session as possible.

Mr. COCKRELL. Just as soon as the Senator from Georgia [Mr. BROWN] gets here. I am anxious to have a vote myself.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Hampshire.

The motion was agreed to.

The PRESIDENT *pro tempore*. The joint resolution is before the Senate as in Committee of the Whole.

Mr. BLAIR. Mr. President, I ask for the reading of the joint resolution.

The PRESIDENT *pro tempore*. The joint resolution will be read.

The Chief Clerk read as follows:

Joint resolution proposing an amendment to the Constitution of the United States extending the right of suffrage to women.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States; which, when ratified by three-fourths of the said legislatures, shall be valid as part of said Constitution, namely:

ARTICLE —.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

SEC. 2. The Congress shall have power, by appropriate legislation, to enforce the provisions of this article.

Mr. BLAIR. I should like to have in the RECORD, following the reading of the joint resolution itself, the reports of the majority and of the minority of the committee, not including the appendices of the two reports, but simply the reports proper. If there be no objection on the part of the Senator from Missouri, and no objection on the part of the Senate, I ask that those reports be printed without the delay of reading them at this time.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks the unanimous consent of the Senate that the reports referred to by him, with the exceptions named, be printed in the RECORD. Is there objection?

Mr. MAXEY. I do not see any need for encumbering the RECORD with those reports. They are already before the Senate. It is not necessary, in my judgment, to be putting everything of that kind in the RECORD. Therefore I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. BLAIR. I can perhaps incorporate such portions of the report as I shall refer to, or perhaps have them printed as part of my remarks before I close.

Mr. President, the question before the Senate is this: Shall a joint resolution providing for an amendment of the national Constitution so that the right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of sex, and that Congress shall have power to enforce the article, be submitted to the legislatures of the several States for ratification or rejection?

The answer to this question does not depend necessarily upon the reply to that other question whether women ought to be permitted to exercise the right or privilege of suffrage as do men. The legislatures of the several States must decide this in ratifying or rejecting the proposed amendment.

Upon solemn occasions concerning grave public affairs, and when large numbers of the citizens of the country desire to test the sentiments of the people upon an amendment of the organic law, in the manner provided to be done by the provisions of that law, it may well become the duty of Congress to submit the proposition to the amending power, which is the same as that which created the original instrument itself—the people of the several States.

It can hardly be claimed that two-thirds of each branch of Congress must necessarily be convinced that the Constitution should be amended, as proposed in the joint resolution to be submitted, before it has discretion to submit the same to the judgment of the States. Any citizen has the right to petition or, through his representative, to bring in his bill for redress of grievances, or to promote the public good by legislation; and it can hardly be maintained that, before any citizen or large body of citizens shall have the privilege of introducing a bill to the great legislative tribunal, which alone has primary jurisdiction of the organic law and power to amend or change it, the Congress, which under the Constitution is simply the moving or initiating power, must by a two-thirds vote approve the proposition at issue before its discussion shall be permitted in the forum of the States.

To hold such a doctrine would be contrary to all our ideas of free discussion, and to lock up the institutions and the interests of a great and progressive people in fetters of brass.

It is only essential that two-thirds of each House of the Congress shall deem it necessary for the public good, that the amendment be proposed to the States for their action. But two-thirds of the Congress will hardly consider it "necessary" to submit a joint resolution proposing an amendment of the National Constitution to the States for consideration, unless the subject matter be of grave importance, with strong reasons in its favor, and a large support already developed among the people themselves.

If there be any principle upon which our form of government is founded, and wherein it is different from aristocracies, monarchies, and despotisms, that principle is this:

Every human being of mature powers, not disqualified by ignorance, vice or crime, is the equal of, and is entitled to all the rights and privileges which belong to, any other such human being under the law.

The inherent independence, equality, and dignity of all human souls is the fundamental assertion of those who believe in what we call human freedom. This principle will hardly be denied by any one, even by those who oppose the adoption of the resolution. But we are informed that infants, idiots, and women are represented by men. This can not reasonably be claimed unless it be first shown that the consent of these classes has been given to such representation, or that they lack the capacity to consent. But the exclusion of these classes from participation in the Government deprives them of the power of assent to representation even when they possess the requisite ability; and to say there can be representation which does not presuppose consent or authority on the part of the principal who is represented is to confound all reason, and to assert in substance that all actual power, whether despotic or otherwise, is representative, and therefore free. In this sense the Czar represents his whole people, just as voting men represent women who do not vote at all.

True it is that the voting men, by excluding women and other classes from the suffrage, by that act charge themselves with the trust of administering justice to all, even as the monarch whose power is based upon force is bound to rule uprightly. But if it be true that "all just government is founded upon the consent of the governed," then the government of woman by man, without her consent, given in her sovereign capacity, if indeed she be an intelligent creature, and provided she be competent to exercise the power of suffrage, which is the sovereignty, even if that government be wise and just in itself, is a violation of natural right and an enforcement of servitude and slavery against her on the part of man. If woman, like the infant or the defective classes, be incapable of self-government, then republican society may exclude her from all participation in the enactment and enforcement of the laws under which she lives. But in that case, like the infant and the fool, and the unconsenting subject of tyrannical forms of government, she is ruled and not represented by man.

Thus much I desire to say in the beginning in reply to the broad assumption of those who deny women the suffrage by saying that they are already represented by their fathers, their husbands, their brothers, and their sons; or, to state the proposition in its only proper form, that woman whose assent can only be given by an exercise of sovereignty on her part is represented by man who denies and by virtue of power and possession refuses to her the exercise of the suffrage whereby that representation can be made valid.

The claim, then, of the minority of the committee that woman is represented by the other sex is not well founded, and is based upon the same assumption of power which lies at the base of all government anti-republican in form. It can not be claimed that she is as a free being already represented, for she can only be represented according to her will by the exercise of her will through the suffrage itself.

As already observed, the exclusion of woman from the suffrage under our form of government can be justified upon proof, and only upon

proof, that by reason of her sex she is incompetent to exercise that power. This is a question of fact.

The common ground upon which all agree may be stated thus: All males having certain qualifications are in reason and in law entitled to vote. Those qualifications affect either the body or the mind or both.

First, the attainment of a certain age. The age in itself is not material, but maturity of mental and moral development is material, soundness of body in itself not being essential, and want of it alone never working forfeiture of the right, although it may prevent its exercise.

Age as a qualification for suffrage is by no means to be confounded with age as a qualification for service in war. Society has well established the distinction, and that one has no relation whatever to the other; the one having reference to physical prowess, while the other relates only to the mental and moral state. This is shown by the ages fixed by law for these qualifications, that of eighteen years being fixed as the commencement of the term of presumed fitness for military service, and forty-five years as the period of its termination; while the age of presumed fitness for the suffrage, which requires no physical superiority certainly, is set at twenty-one years, when still greater strength of body has been attained than at the period when liability to the dangers and hardships of war commences; and there are at least three millions more male voters in our country than of the population liable by law to the performance of military duty. It is still further to be observed, that the right of suffrage continues as long as the mind lasts, while ordinary liability to military service ceases at a period when the physical powers, though still strong, are beginning to wane. The truth is, there is no legal or natural connection between the right or liability to fight and the right to vote.

The right to fight may be exercised voluntarily or the liability to fight may be enforced by the community whenever there is an invasion of right; and the extent to which the physical forces of society may be called upon in self-defense or in justifiable revolution is measured not by age or sex, but by necessity, and may go so far as to call into the field old men and women and the last vestige of physical force. It can not be claimed that woman has no right to vote because she is not liable to fight, for she is so liable, and the freest government on the face of the earth has the reserved power under the call of necessity to place her in the forefront of battle itself, and more than this, woman has the right, and often has exercised it, to go there.

If any one could question the existence of this reserved power of society to call the force of woman to the common defense, either in the hospital or the field, it would be woman, who has been deprived of participation in government and in shaping the public policy which has resulted in dire emergency to the state. But in all times, and under all forms of government and of social existence, woman has given her body and her soul to the common defense.

The qualification of age, then, is imposed for the purpose of securing mental and moral fitness for the suffrage on the part of those who exercise it. It has no relation to the possession of physical powers at all.

All other qualifications imposed upon male citizens, save only that of their sex, as prerequisites to the exercise of suffrage have the same objects in view, and can have no other.

The property qualification is, to my mind, an invasion of natural right, which elevates mere property to an equality with life and personal liberty, and ought never to be imposed upon the suffrage. But, however that may be, its application or removal has no relation to sex, and its only object is to secure the exercise of the suffrage under a stronger sense of obligation and responsibility—a qualification, be it observed, of no consequence save as it influences the mind of the voter in the exercise of his right.

The same is true of the qualifications of sanity, education, and obedience to the laws, which exclude dementia, ignorance, and crime from participation in the sovereignty. Every condition or qualification imposed upon the exercise of the suffrage by the citizen, save only sex, has for its only object or possible justification the possession of mental and moral fitness, and has no relation to physical power.

The question then arises, why is the qualification of masculinity required at all?

The distinction between human beings by reason of sex is a physical distinction. The soul is of no sex. If there be a distinction of soul by reason of the physical difference, or accompanying that physical difference, woman is the superior of man in mental and moral qualities. In proof of this see the report of the minority and all the eulogiums of woman pronounced by those who, like the serpent of old, would flatter her vanity that they may continue to wield her power.

I repeat it, that the soul is of no sex, and that sex is, so far as the possession and exercise of human rights and powers are concerned, but a physical property, in which the female is just as important as the male, and the possessor thereof under just as great need of power in the organization and management of society and the government of society as man; and if there be a difference, she, by reason of her average physical inferiority, is really protected, and ought to be protected, by a superior mental and moral fitness to give direction to the course of society and the policy of the state. If, then, there be a distinction between the souls of human beings resulting from sex, I claim that, by the report of the minority and the universal testimony of all men, woman is better fitted for the exercise of the suffrage than man.

It is claimed by some that the suffrage is an inherent natural right, and by others that it is merely a privilege extended to the individual by society in its discretion. However this may be, practically any extension of the exercise of the suffrage to individuals or classes not now enjoying it must be by concession of those who already possess it, and such extension without revolution will be through the suffrage itself exercised by those who have it under existing forms.

The appeal by those who have it not must be made to those who are asked to part with a portion of their own power, and it is not strange that human nature, which is an essential element in the male sex, should hesitate and delay to yield one-half its power to those whose cause, however strong in reason and justice, lacks that physical force which so largely has been the means by which the masses of men themselves have wrung their own rights from rulers and kings.

It is not strange that when overwhelmed with argument and half won by appeals to his better nature to concede to woman her equal power in the state, and ashamed to blankly refuse that which he finds no reason for longer withholding, man avoids the dilemma by a pretended elevation of his helpmeet to a higher sphere, where, as an angel, she has certain gauzy ethereal resources and superior functions, occupations, and attributes, which render the possession of mere earthly every-day powers and privileges non-essential to woman, however mere mortal men themselves may find them indispensable to their own freedom and happiness.

But to the denial of her right to vote, whether that denial be the blunt refusal of the ignorant or the polished evasion of the refined courtier and politician, woman can oppose only her most solemn and perpetual appeal to the reason of man and to the justice of Almighty God. She must continually point out the nature and object of the suffrage and the necessity that she possess it for her own and the public good.

What, then, is the suffrage, and why is it necessary that woman should possess and exercise this function of freemen?

I quote briefly from the report of the committee:

> The rights for the maintenance of which human governments are constituted are life, liberty, and property. These rights are common to men and women alike, and whatever citizen or subject exists as a member of any body-politic, under any form of government, is entitled to demand from the sovereign power the full protection of these rights.
>
> This right to the protection of rights appertains to the individual, not to the family alone, or to any form of association, whether social or corporate. Probably not more than five-eighths of the men of legal age, qualified to vote, are heads of families, and not more than that proportion of adult women are united with men in the legal merger of married life. It is, therefore, quite incorrect to speak of the state as an aggregate of families duly represented at the ballot-box by their male head. The relation between the government and the individual is direct; all rights are individual rights, all duties are individual duties.
>
> Government in its two highest functions is legislative and judicial. By these powers the sovereignty prescribes the law, and directs its application to the vindication of rights and the redress of wrongs. Conscience and intelligence are the only forces which enter into the exercise of this highest and primary function of government. The remaining department is the executive or administrative, and in all forms of government—the republican as well as in tyranny—the primary element of administration is force, and even in this department conscience and intelligence are indispensable to its direction.
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> If now we are to decide who of our sixty millions of human beings are to constitute the citizenship of this Republic and by virtue of their qualifications to be the law-making power, by what tests shall the selection be determined?
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> The suffrage, which is the sovereignty, is the great primary law-making power. It is not the executive power proper at all. It is not founded upon force. Only that degree of physical strength which is essential to a sound body—the home of the healthy mental and moral constitution—the sound soul in the sound body is required in the performance of the function of primary legislation. Never in the history of this or any other genuine republic has the law-making power, whether in general elections or in the framing of laws in legislative assemblies, been vested in individuals who have exercised it by reason of their physical powers. On the contrary, the physically weak have never for that reason been deprived of the suffrage nor of the privilege of service in the public councils so, long as they possessed the necessary powers of locomotion and expression, of conscience and intelligence, which are common to all. The aged and the physically weak have, as a rule, by reason of superior wisdom and moral sense, far more than made good any bodily inferiority by which they have differed from the more robust members of the community in the discussion and decisions of the ballot-box and in councils of the state.
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> The executive power of itself is a mere physical instrumentality—an animal quality—and it is confided from necessity to those individuals who possess that quality, but always with danger, except so far as wisdom and virtue control its exercise. And it is obvious that the greater the mass of higher and spiritual forces, whether found in those to whom the execution of the law is assigned or in the great mass by whom the suffrage is exercised, and who direct the execution of the law, the greater will be the safety and the surer will be the happiness of the state.
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> It is too late to question the intellectual and moral capacity of woman to understand great political issues (which are always primarily questions of conscience—questions of the intelligent application of the principles of right and of wrong in public and private affairs) and properly decide them at the polls. Indeed, so far as your committee are aware, the pretense is no longer advanced that woman should not vote by reason of her mental or moral unfitness to perform this legislative function; but the suffrage is denied to her because she can not hang criminals, suppress mobs, nor handle the enginery of war. We have already seen the untenable nature of this assumption, because those who make it bestow the suffrage upon very large classes of men who, however well qualified they may be to vote, are physically unable to perform any of the duties which appertain to the execution of the law and the defense of the state. Scarcely a Senator on this floor is liable by law to perform a military or other administrative duty, yet the rule so many set up against the right of women to vote would disfranchise nearly this whole body.
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> But it is unnecessary to grant that woman can not fight. History is full of examples of her heroism in danger, of her endurance and fortitude in trial, and of her indispensable and supreme service in hospital and field; and in the

handling of the deft and horrible machinery and infernal agencies which science and art have prepared and are preparing for human destruction in future wars, woman may perform her whole part in the common assault or the common defense. It is hardly worth while to consider this trivial objection that she is incompetent for purposes of national murder or of bloody self-defense as the basis of the denial of a great fundamental right, when we consider that if that right were given to her she would by its exercise almost certainly abolish this great crime of the nations, which has always inflicted upon her the chief burden of woe.

It will be admitted that the act of voting is operative in government only as a means of deciding upon the adoption or rejection of measures or of the selection of officers to enact, administer, and execute the laws.

In the discharge of these functions it also must be admitted that intelligence and conscience are the faculties requisite to secure their proper performance.

In this day, when woman has demonstrated that she is fully the intellectual equal of man in the profound as well as in the politer walks of learning—in art, science, literature—and, considering her opportunities, that she is not his inferior in any of the professions or in the great mass of useful occupations; while she is, in fact, becoming the chief educator of the race and is the acknowledged support of the great ministrations of charity and religion; when, in such great organizations as the suffrage associations, missionary societies, the National Women's Christian Temperance Union, and even upon the still larger scale of international action, she has exhibited her power by mere moral influences and the inspiration of great purposes, without the aid of legal penalties or even of tangible inconveniences, to mold and direct the discordant thought and action of thousands and millions of people scattered over separate States, and sometimes even living in countries hostile to each other, to the accomplishment of great earthly or heavenly ends; it is unreasonable to deny to woman the suffrage in political affairs upon the false allegation that she is wanting in the very qualities most indispensable and requisite for the proper exercise of this great right.

The advocates of universal male suffrage have long since ceased to deny the ballot to woman upon the ground that she is unfit or incompetent to exercise it.

There is a class of high-stepping objectors, like Ouida, who decry the sound judgment and moral excellence of woman as compared with man, but in the same breath these people deny the suffrage to the masses of men, and advocate "the just supremacy of the fittest," so that no time need be wasted in refutation of those malignant and libelous aspersions upon our mothers, sisters, and wives, which, when carried to logical conclusions by their own authors, deny the fundamental principles of liberty to man and woman alike, and reassert in its baldest form the dogma that "the existing system of electoral power all over the world is absurd, and will remain so because in no nation is there the courage, perhaps in no nation is there the intellectual power, capable of putting forward and sustaining the logical doctrine of the just supremacy of the fittest."

In fact the minority of the committee, and this is true of all honest, intelligent men who believe in the republican system of government at all, concede that woman has the capacity and moral fitness requisite to exercise the ballot. That class of women represented by the author of "Letters from a Chimney Corner," whose work has been adopted by the minority as the basis of their report, speaking through the "fair authoress," say that "if women were to be considered in their highest and final estate as merely individual beings, and if the right to the ballot were to be conceded to man as an individual, it might perhaps be logically argued that women also possessed the inherent right to vote." Let me read from the views of the minority on page 1:

The undersigned minority of the Committee of the Senate on Woman Suffrage, to whom was referred Senate Resolution No. 5, proposing an amendment to the Constitution of the United States to grant the right to vote to the women of the United States, beg leave to submit the following minority report, consisting of extracts from a little volume entitled, "Letters from a Chimney Corner," written by a highly cultivated lady, Mrs. ——, of Chicago. This gifted lady has discussed the question with so much clearness and force that we make no apology to the Senate for substituting quotations from her book in place of anything we might produce. We quote first from chapter 3, which is entitled "The value of suffrage to women much overestimated."

The fair authoress says:

"If women were to be considered in their highest and final estate as merely individual beings, and if the right to the ballot were to be conceded to man as an individual, it might perhaps be logically argued that women also possessed the inherent right to vote. But from the oldest times, and through all the history of the race, has run the glimmer of an idea, more or less distinguishable in different ages and under different circumstances, that neither man nor woman is, as such, individual; that neither being is of itself a whole, a unit, but each requires to be supplemented by the other before its true structural integrity can be achieved. Of this idea, the science of botany furnishes the most perfect illustration. The stamens on the one hand, and the ovary and pistil on the other, may indeed reside in one blossom, which then exists in a married or reproductive state. But equally well, the stamens or male organs may reside in one plant, and the ovary and pistil or female organs may reside in another. In that case, the two plants are required to make one structurally complete organization. Each is but half a plant, an incomplete individual by itself. The life principle of each must be united to that of the other; the twain must be indeed one flesh before the organization is either structurally or functionally complete."

This is a concession of the whole argument, unless the highest and final estate of woman is to be something else than a mere individual. It would also follow that if such be her destiny—that is, to be something else than a mere "individual being"—and if for that reason she is to be denied the suffrage, then man equally should be denied the ballot if his highest and final estate is to be something else than a "mere individual."

Thereupon the minority of the committee, through the "Fair Authoress," proceed to show that both man and woman are designed for a higher final estate—to wit, that of matrimony. It seems to be conceded that man is just as much fitted for matrimony as woman herself, and thereupon the whole subject is illuminated with certain botanical lore about stamens and pistils, which, however relevant to matrimony, does not seem to me to prove that therefore woman should not vote unless at the same time it proves that man should not vote either. And certainly it can not apply to those women any more than to those men whose highest and final estate never is merged in the family relation at all, and even "Ouida" concedes "that the project * * * to give votes only to unmarried women may be dismissed without discussion, as it would be found to be wholly untenable."

There is no escape from it. The discussion has passed so far that among intelligent people who believe in the republican form—that is, free government—it is acknowledged that all mature men and women have, under the same circumstance and conditions, the same rights to defend, the same grievances to redress, and, therefore, the same necessity for the exercise of this great fundamental right of all human beings in free society. For the right to vote is the great primitive right. It is the right in which all freedom originates and culminates. It is the right from which all others spring, in which they merge, and without which they fall whenever assailed.

This right makes, and is all the difference between government by and with the consent of the governed and government without and against the consent of the governed; and that is the difference between freedom and slavery. If the right to vote be not that difference, what is? No, sir. If either sex as a class can dispense with the right to vote, then take it from the strong, and no longer rob the weak of their defense for the benefit of the strong.

But it is impossible to conceive of the suffrage as a right dependent at all upon such an irrelevant condition as sex. It is an individual, a personal right. It may be withheld by force; but if withheld by reason of sex it is a moral robbery.

But it is said that the duties of maternity disqualify for the performance of the act of voting. It can not be, and I think is not claimed by any one, that the mother who otherwise would be fit to vote is rendered mentally or morally less fit to exercise this high function in the state because of motherhood. On the contrary, if any woman has a motive more than another person, man or woman, to secure the enactment and enforcement of good laws, it is the mother, who, beside her own life, person, and property, to the protection of which the ballot is as essential as to the same rights possessed by man, has her little contingent of immortal beings to conduct safely to the portals of active life through all the snares and pitfalls woven around them by bad men and bad laws which bad men have made, or good laws which bad men, unhindered by the good, have defied or have prostituted; and rightly to prepare them for the discharge of all the duties of their day and generation, including the exercise of the very right denied to their mother.

Certainly, if but for motherhood she should vote, then ten thousand times more necessary is it that the mother should be guarded and armed with this great social and political power, for the sake of all men and women who are yet to be. But it is said that she has not the time. Let us see. By the best deductions I can make from the census and from other sources there are 15,000,000 women of voting age in this country at the present time, of whom not more than 10,000,000 are married and not more than 7,500,000 are still liable to the duties of maternity, for it will be remembered that a large proportion of the mothers of our country at any given time are below the voting age, while of those who are above it another large proportion have passed beyond the point of this objection. Not more than one-half the female population of voting age are liable to this objection. Then why disfranchise the 7,500,000, the other half, as to whom your objection, even if valid as to any, does not apply at all; and these, too, as a class the most mature and therefore the best qualified to vote of any of their sex? But how much is there of this objection of want of time or physical strength to vote in its application to women who are bearing and training the coming millions? The families of the country average five persons in number. If we assume that this gives an average of three children to every pair, which is probably the full number, or if we assume that every married mother, after she becomes of voting age, bears three children, which is certainly the full allowance, and that twenty-four years are consumed in doing it, there is one child born every eight years whose coming is to interfere with the exercise of a duty of privilege which, in most States, and in all the most important elections, occurs only one day in two years.

That same mother will attend church at least forty times yearly on the average from her cradle to her grave, beside an infinity of other social, religious, and industrial obligations which she performs and assumes to perform because she is a married woman and a mother rather than for any other reason whatever. Yet it is proposed to deprive women—yes, all women alike—of an inestimable privilege and the chief power which can be exercised by any free individual in the state for the reason that on any given day of election not more than one

woman in twenty of voting age will probably not be able to reach the polls. It does seem probable that on these interesting occasions if the husband and wife disagree in politics they could arrange a pair, and the probability is, that arrangement failing, one could be consummated with some other lady in like fortunate circumstances, of opposite political opinions. More men are kept from the polls by drunkenness, or, being at the polls, vote under the influence of strong drink, to the reproach and destruction of our free institutions, and who, if woman could and did vote, would cast the ballot of sobriety, good order, and reform under her holy influences, than all those who would be kept from any given election by the necessary engagements of mothers at home.

When one thinks of the innumerable and trifling causes which keep many of the best of men and strongest opponents of woman suffrage from the polls upon important occasions it is difficult to be tolerant of the objection that woman by reason of motherhood has no time to vote. Why, sir, the greater exposure of man to the casualties of life actually disables him in such way as to make it physically impossible for him to exercise the franchise more frequently than is the case with women, including mothers and all. And if this liability to lose the opportunity to exercise the right once or possibly twice in a lifetime is a reason that women should not be allowed to vote at all, why should men not be disfranchised also by the same rule?

But it is urged that woman does not desire the privilege. If the right exist at all it is an individual right, and not one which belongs to a class or to the sex as such. Yet men tell us that they will vote the suffrage to women whenever the majority of women desire it. Are, then, our rights the property of the majority of a disfranchised class to which we may chance to belong? What would we say if it were seriously proposed to recall the suffrage from all colored or from all white men because a majority of either class should decline or for any cause fail to vote? I know that it is said that the suffrage is a privilege to be extended by those who have it to those who have it not. But the matter of right, of moral right, to the franchise does not depend upon the indifference of those who possess it, or of those who do not possess it, to the desire of those women who desire to enjoy their right and to discharge their duty. If one or many choose not to claim their right it is no argument for depriving me of mine, or one woman of hers. There are many reasons why some women declare themselves opposed to the extension of suffrage to their sex. Some well-fed and pampered, without serious experiences in life, are incapable of comprehending the subject at all. Vast numbers, who secretly and earnestly desire it, from the long habit of deference to the wishes of the other sex, upon whom they are so entirely dependent while disfranchised, and knowing the hostility of their "protectors" to the agitation of the subject, conceal their real sentiments, and the "lord" of the family referring this question to his wife, who has heard him sneer or worse than sneer at suffragists for half a lifetime, ought not to expect an answer which she knows will subject her to his censure and ridicule or even his unexpressed disapprobation.

It is like the old appeal of the master to his slave to know if he would be free. Full well did the wise and wary slave know that happiness depended upon declared contentment with his lot. But all the same the world does move. Colored men are free. Colored men vote. Women will vote. A little further on I shall revert to the evidence of a general and growing desire on her part and on the part of just and intelligent men that the suffrage be extended to women.

But we are told that husband and wife will disagree and thus the suffrage will destroy the family and ruin society. If a married couple will quarrel at all, they will find the occasion, and it were fortunate indeed if their contention might concern important affairs. There is no peace in the family save where love is, and the same spirit which enables the husband and wife to enforce the toleration act between themselves in religious matters will keep the peace between them in political discussions. At all events, this argument is unworthy of notice at all unless we are to push it to its logical conclusion, and, for the sake of peace in the family, to prohibit woman absolutely the exercise of freedom of thought and speech. Men live with their countrymen and disagree with them in politics, religion, and ten thousand of the affairs of life, as often the trifling as the important. What harm, then, if woman be allowed her thought and vote upon the tariff, education, temperance, peace and war, and whatsoever else the suffrage decides?

But we are told that no government, of which we have authentic history, ever gave to woman a share in the sovereignty.

This is not true, for the annals of monarchies and despotisms have been rendered illustrious by queens of surpassing brilliance and power. But even if it be true that no republic ever enfranchised woman with the ballot—even so until within one hundred years universal or even general suffrage was unknown among men.

Has the millennium yet dawned? Is all progress at an end? If that which is should therefore remain, why abolish the slavery of men?

But we are informed that woman does not vote when she has the opportunity. Wherever she has the unrestricted right she exercises it. The records of Wyoming and Washington demonstrate the fact.

And in these Territories, too, as well as wherever else she has exercised the suffrage, she has elevated man to her own level, and has made the voting precinct as respectable and decorous as the lecture-room or the assemblies of the devout. All the experience there is refutes the apprehension of those who fear that woman will either neglect the discharge of her great duty, when allowed its fair and equal exercise, or that the rude and baser sort will overwhelm and banish the noble and refined.

But to my mind it seems like trifling with a great subject to dwell upon topics like this. It can only be justified by the continual iteration of the objection by the opponents of woman suffrage, who, in the lack of substantial grounds whereupon to base their opposition to the exercise of a great right by one-half the community, declare that there is no time in which woman can vote.

I will now read an extract from the report of the majority of the committee, showing to a certain extent the degree of consequence which this movement has assumed, its extent throughout our country, and something of its duration. I have not the latest data, for since this report was compiled there has been action in several States, and a great deal of popular discussion and a vast amount of demonstration from the action of popular assemblies.

The committee say:

This movement for woman suffrage has developed during the last half century into one of great strength. The first petition was presented to the Legislature of New York in 1835. It was repeated in 1846, and since that time the petition has been urged upon nearly every Legislature in the Northern States. Five States have voted upon the question of amending their constitutions by striking out the word "male" from the suffrage clause—Kansas in 1867, Michigan in 1874, Colorado in 1877, Nebraska in 1882, and Oregon in 1884.

The ratio of the popular vote in each case was about one-third for the amendment and two-thirds against it. Three Territories have or have had full suffrage for women. In two, Wyoming since 1869 and Washington since 1883, the experiment (!) is an unqualified success. In Utah Miss Anthony keenly and justly observes that suffrage is as much of a success for the Mormon women as for the men.

In eleven States school suffrage for women exists. In Kansas, from her admission as a State. In Kentucky and Michigan fully as long a time. School suffrage for women also exists in Colorado, Minnesota, New Hampshire, Massachusetts, Vermont, New York, Nebraska, and Oregon.

In all these States, except Minnesota, school suffrage was extended to women by the respective Legislatures, and in Minnesota by the popular vote, in November, 1876. Not only these eleven States, but in nearly all the other Northern and Western States women are elected to the offices of county and city superintendent of public schools and as members of school boards. In Louisiana the constitution of 1879 makes women eligible to school offices.

It may also be observed as indicating a rising and controlling public sentiment in recognition of the right and capacity of woman for public affairs that she is eligible to such offices as that of county clerk, register of deeds, and the like in many and perhaps in all the States. Kansas and Iowa elected several women to these positions in the election of November, 1885, while President Grant alone appointed more than five thousand women to the office of postmaster; and although many women have been appointed in the Departments and to pension agencies and like important employments and trusts, so far as your committee are aware no charge of incompetency or of malfeasance in office has ever yet been sustained against a woman.

It may be further stated in this connection that nearly every Northern State has had before it from time to time since 1870 a bill for the submission of the question of woman suffrage to the popular vote. In some instances such a resolution has been passed at one session and failed to be ratified at another by from one to three votes; thus Iowa passed it in 1870, killed it in 1872; passed it in 1874, failed to do so in 1876; passed it in 1878, and failed in 1880; passed it again in 1882, and defeated it in 1884; four times over and over, and this winter these heroic and indomitable women are trying it in Iowa again.

If men were to make such a struggle for their rights it would be considered a fine thing, and there would be books and even poetry written about it.

In New York, since 1880, the women have urged this great measure before the Legislature each year. There it takes the form of a bill to prohibit the disfranchisement of women. This bill has several times come within five votes of passing the assembly.

In many States well sustained efforts for municipal suffrage have been made, and, as if in rebuke to the conservatism, or worse, of this great Republic, this right of municipal suffrage is already enjoyed in the province of Ontario, Canada, and throughout the island of Great Britain by unmarried women to the same extent as by men, there being the same property qualification required of each.

The movement for the amendment of the National Constitution began by petitioning Congress December, 1865, and since 1869 there have been consecutive applications to every Congress praying for the submission to the States of a proposition similar to the joint resolution herewith reported to the Senate.

The petitions have come from all parts of the country; more especially from the Northern and Western States, although there is an extensive and increasing desire for the suffrage existing among the women in the Southern States, as we are informed by those whose interest in the subject makes them familiar with the real state of feeling in that part of our country. It is impossible to know just what proportion of the people—men and women—have expressed their desire by petition to the National Legislature during the last twenty years, but we are informed by Miss Anthony that in the year 1871 Senator Sumner collected the petitions from the files of the Senate and House of Representatives, and that there were then an immense number. A far greater number have been presented since that time, and the same lady is our authority for the estimate that in all more than two hundred thousand petitions, by select and representative men and women, have been poured upon Congress in behalf of this prayer of woman to be free. Who is so interested in the framing of the law as woman, whose only defense is the law? There never was a stronger exhibition of popular demand by American citizens to be heard in the court of the people for the vindication of a fundamental right.

Since the submission of the report the attempt has been made to secure action in several of the State legislatures. One which came very near being successful was made in the State of Vermont. The suffrage was extended, if I am not incorrectly informed, so far as the action of the house of representatives of that State could give it, and an effort being made to propose some restriction and condition upon the suffrage it was defeated, when, as I am told by the friends of the movement, if it could have reached a vote in the Vermont Legislature on the naked proposition of suffrage to women as suffrage is extended to men, they felt the

very greatest confidence that they would have been able to secure favorable action by the Legislature of that State.

Miss Anthony informs me since she came here at the present session (and I am sorry I have not had the opportunity of extended conference with her) that in the State of Kansas, where she spent several weeks in the discussion of the subject before vast masses of people, the largest halls, rinks, and places for the accommodation of popular assemblages in the State were crowded to overflowing to listen to her address. In every instance she has taken a vote of those vast audiences as to whether they were in favor of woman suffrage or against it, and in no single instance has there been a solitary vote against the extension of the right, but affirmative and universal action of these great assemblies demanding that it be extended to women. And like demonstrations of popular approval are developing in all parts of the country, perhaps not to so marked an extent as these which I have just stated; but it is a feeling growing in this country that woman should have this right; and, above all, woman and man demand that she should have the opportunity to try her case before the American people; that this right of petition should be headed by Congress and the joint resolution for the submission of the matter for discussion by the States should be passed by the necessary two-thirds vote.

It is sometimes, too, urged against this movement for the submission of a resolution for a national constitutional amendment that women should go to the States and fight it out there. But we did not send the colored man to the States. No other amendment touching the general national interest is left to be fought out by individual action in the individual States. Under the terms of the Constitution itself the people of the United States, having some universal common interest affected by law or by the want of law, are invited to come to this body and try here their question of right, or at all events through the agency of Congress to submit that proposition to the people at large, in order that in the general national forum it may receive discussion, and by the action of three-fourths of the States, if favorable, their idea may be incorporated in the fundamental law.

I will not detain the Senate further in the discussion of this subject.

It should be borne in mind that the proposition is to submit to men the question whether woman shall vote. The jury will certainly not be prejudiced in her favor as against the public good. There can be no danger of a verdict in her favor contrary to the evidence in the case.

We ask only for her an opportunity to bring her suit in the great court for the amendment of fundamental law. It is impossible for any right mind to escape the impression of solemn responsibility which attaches to our decision. Ridicule and wit of whatever quality are here as much out of place as in the debates upon the Declaration of Independence. We are affirming or denying the right of petition which by all law belongs as much to women as to men. Millions of women and thousands of men in our own country demand that she at least have the opportunity to be heard. Hear, even if you strike.

The lamented Anthony, so long the object of reverence, affection, and pride in this body, among the last acts of his public life, in signing the favorable report of this resolution, made the following declaration:

> The Constitution is wisely conservative in the provision of its own amendment. It is eminently proper that whenever a large number of the people have indicated a desire for an amendment the judgment of the amending power should be consulted. In view of the extensive agitation of the question of woman suffrage, and the numerous and respectable petitions that have been presented to Congress in its support, I unite with the committee in recommending that the proposed amendment be submitted to the States.
>
> H. B. ANTHONY.

Profoundly convinced of the justice of woman's demand for the suffrage, and that the proper method of securing the right is by an amendment of the National Constitution, I urge the adoption of the joint resolution upon the still broader ground so clearly and calmly stated by the great Senator whose words I have just read. I appeal to you, Senators, to grant this petition of woman that she may be heard for her claim of right. How could you reject that petition, even were there but one faint voice beseeching your ear? How can you deny the demand of millions who believe in suffrage for women, and who can not be forever silenced, for they give voice to the innate cry of the human heart that justice be done not alone to man, but to that half of this nation which now is free only by the grace of the other, and that by our action to-day we indorse, if we do not initiate, a movement which, in the development of our race, shall guarantee liberty to all without distinction of sex, even as our glorious Constitution already grants the suffrage to every citizen, without distinction of color or race.

I do not desire to submit further remarks to the Senate at this time, but there may be others who wish to continue the discussion, and at as early a day as the debate can be closed and a vote reached, I shall ask action by the Senate. I defer to the suggestion of the honorable Senator, the chairman of the committee who makes the report of the minority, that his colleague from Georgia [Mr. BROWN] is absent, and that he desires a postponement now on that account.

Mr. COCKRELL. As the Senator says, others may wish to speak, and when we ascertain that, we can arrange when the vote shall be taken. In the mean time we can leave the joint resolution on the Calendar, so as to be called up at any time. It may be left as unfinished business, perhaps.

Mr. BLAIR. I should like that very much indeed, with the understanding that a vote be not pressed until a proper opportunity comes, after what has been said.

The PRESIDING OFFICER (Mr. SEWELL in the chair). If there be no objection, that order will be made, and the joint resolution will be laid aside, retaining its present position on the Calendar.

Mr. INGALLS. Mr. President, I move that the Senate do now adjourn.

The PRESIDING OFFICER. The Chair would inform the Senator from Kansas that he has been notified that an important message from the Executive is coming, and that it is desirable that it should be laid before the Senate to-day.

Mr. INGALLS. Certainly I withdraw the motion if it is necessary that the representatives of thirty-eight States should await the pleasure of the Executive to send messages.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 1990) to provide for the adjustment of matters connected with certain judicial proceedings in Pennsylvania in which the United States was a party, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had concurred in the amendment of the Senate to the bill (H. R. 6983) for the relief of certain soldiers of the Twelfth Michigan Volunteer Infantry, dishonorably discharged under special orders 92, War Department, Adjutant-General's Office, dated March 1, 1866.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1171) to amend an act entitled "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," approved June 3, 1884; and

A bill (H. R. 7990) for the relief of Thomas C. Dickey.

EXECUTIVE SESSION WITH OPEN DOORS.

Mr. PLATT. Mr. President, a special order for 2 o'clock to-day was made at the last session of Congress, which was the resolution introduced by me providing that nominations should be considered in open session, except when otherwise ordered by the Senate. I should like to have that special order come before the Senate to-day and get action upon it. I trust no motion will be made to adjourn which would have the effect of postponing that to any day very remote from the present time.

I am not so well informed as to the rules of the Senate as to know whether if an adjournment should take place before 2 o'clock that resolution would still stand as the special order of the Senate for the next day on which the Senate should be in session, but I suppose it would.

I merely wish to avail myself of the opportunity to say that I desire to have consideration of that resolution as soon as may be consistent with the feelings and desires of those Senators who may wish to discuss it. For myself I do not care to discuss it further, and am willing a vote should be taken on it at any time. I had at the last session intimations from some Senators that they desired to be heard upon it. I do not wish to press it unduly, but at the same time I do not wish that it shall get over into the rush and hurry and haste of the session, when we shall not be able to get a vote on it at all. So I trust that the Senate will act upon it in this early part of the session, whatever its fate may be.

The PRESIDING OFFICER. The order in relation to the resolution is a continuous one.

Mr. VAN WYCK. Is there any objection to the vote being taken to-day?

Mr. PLATT. I wish that it may be.

Mr. VAN WYCK. The Senator asked if there be objection. If there be none, I ask for a vote now.

Mr. INGALLS. We are waiting now upon information that the Executive desires to communicate with us. If that suggestion is withdrawn, I desire to move an adjournment.

Mr. DAWES. Why not go on with the resolution of the Senator from Connecticut?

The PRESIDING OFFICER. Does the Senator from Connecticut make any motion in reference to his resolution?

Mr. PLATT. I should like to take it up at the present time.

The PRESIDING OFFICER. The Senator from Connecticut moves to take up a resolution which will be read.

The Chief Clerk read the resolution submitted by Mr. PLATT January 29, 1886, as subsequently modified by him, as follows:

> *Resolved*, That executive nominations shall hereafter be considered and acted upon in open session, except when otherwise ordered by vote of the Senate, and so much of section 2, Rule XXXVI, and section 2, Rule XXXVIII, of the standing rules of the Senate as conflicts with or is inconsistent with the above is to the extent of such inconsistency rescinded.

Mr. INGALLS. I move that the Senate do now adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas that the Senate do now adjourn.

Several SENATORS. No; no.

Mr. INGALLS. I beg pardon. If any Senator desires to speak I do not wish to make the motion to adjourn.

Mr. DOLPH. I desire to offer a resolution.

Mr. INGALLS. I beg the Senator's pardon. The motion may be informally laid aside.

PROTECTION OF FOOD FISHES.

Mr. DOLPH submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Fish and Fisheries be, and they are hereby, directed to inquire into and report to the Senate as to the power of Congress to legislate for the protection of food fishes in the rivers and navigable waters of the United States, and especially in rivers which form boundaries between States, and as to the propriety of such legislation; and to report by bill or otherwise.

EXECUTIVE BUSINESS.

Several messages in writing from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, were received.

Mr. HOAR. I inquire of the Chair if there be any communications relating to executive business in the messages from the President.

The PRESIDING OFFICER. There are executive nominations.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

AMERICAN FISHERMEN IN NORTH ATLANTIC WATERS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives of the United States:

I transmit herewith a letter from the Secretary of State which is accompanied by the correspondence in relation to the rights of American fishermen in the British North American waters, and commend to your favorable consideration the suggestion that a commission be authorized by law to take perpetuating proofs of the losses sustained during the past year by American fishermen owing to their unfriendly and unwarranted treatment by the local authorities of the maritime provinces of the Dominion of Canada.

I may have occasion, hereafter, to make further recommendations during the present session for such remedial legislation as may become necessary for the protection of the rights of our citizens engaged in the open-sea fisheries in the North Atlantic waters.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, December 8, 1886.

Mr. CAMERON. I move that the Senate adjourn.

The motion was agreed to; and (at 1 o'clock and 44 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 9, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 8th day of December, 1886.

GOVERNOR OF WYOMING TERRITORY.

Thomas Moonlight, of Leavenworth, Kansas, to be governor of Wyoming Territory, *vice* Francis E. Warren, suspended.

UTAH COMMISSIONER.

Arthur L. Thomas, of Pennsylvania (now secretary of the Territory of Utah), to be a member of the board of registration and election in the Territory of Utah, provided for by section 9 of the act of Congress approved March 22, 1882, to amend the law relating to bigamy, in place of Algernon S. Paddock, resigned.

CHIEF NAVAL CONSTRUCTOR.

Naval Constructor Theodore D. Wilson, of New York, to be Chief of the Bureau of Construction and Repair and Chief Constructor in the Department of the Navy, with the relative rank of commodore, to fill a vacancy.

NAVY PAY DEPARTMENT.

Pay Director James Fulton, of Tennessee, to be Chief of the Bureau of Provisions and Clothing and Paymaster-General in the Department of the Navy, with the relative rank of commodore, to fill a vacancy.

Pay Inspector Rufus Parks, of New York, to be a pay director in the Navy from the 10th of August, 1886, *vice* Pay Director A. H. Gilman, retired.

Paymaster James E. Tolfree, of New York, to be pay inspector in the Navy from the 10th of August, 1886, *vice* Pay Inspector Rufus Parks, promoted.

Assistant Paymaster John Corwine, of Ohio, to be a passed assistant paymaster in the Navy from the 2d of November, 1885, *vice* Passed Assistant Paymasters L. G. Boggs, promoted, and J. T. Addicks, deceased.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December* 8, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Clerk proceeded to read the Journal of the proceedings of yesterday.

Mr. HOLMAN. Mr. Speaker, I ask unanimous consent to dispense with the reading of so much of the Journal as relates to the formal introduction and reference of bills and joint resolutions.

There was no objection, and it was so ordered.

The remainder of the Journal was read and approved.

ISSUE OF SUBSIDIARY SILVER COIN.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Director of the Mint, inclosing a draft of and recommending the passage of a joint resolution for the issue of subsidiary silver coin; which was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

UNEXPENDED BALANCES RIVER AND HARBOR APPROPRIATIONS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a tabulated statement of unexpended balances for river and harbor works November 1, 1886; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

NATIONAL HOMES FOR DISABLED VOLUNTEERS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a letter from the President of the Board of Managers of the National Homes for Disabled Volunteer Soldiers, inclosing a statement of the expenses of that board for the fiscal year ending June 30, 1886; which was referred to the Committee on Appropriations, and ordered to be printed.

ACCOUNTS OF ARMY DISBURSING OFFICERS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting reports of inspection of money accounts of disbursing officers of the Army; which was referred to the Committee on Expenditures in the War Department, and ordered to be printed.

EXPENDITURES POST-OFFICE DEPARTMENT.

The SPEAKER also laid before the House a letter from the Postmaster-General, transmitting reports of expenditures and of the business of the Post-Office Department for the fiscal year ended June 30, 1886; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

DISBURSEMENTS DEPARTMENT OF JUSTICE.

The SPEAKER also laid before the House a letter from the Attorney-General, transmitting a statement of the condition of appropriations December 4, 1886, under control of the Attorney-General; which was referred to the Committee on Appropriations, and ordered to be printed.

TWELFTH MICHIGAN VOLUNTEERS.

The SPEAKER also laid before the House, for reference under the rule, the bill (H. R. 6983) for the relief of certain soldiers of the Twelfth Michigan Volunteer Infantry, dishonorably discharged under Special Orders 92, War Department, Adjutant-General's Office, dated March 1, 1866, returned from the Senate with amendment.

Mr. BURROWS. I ask unanimous consent that the Senate amendment be considered at this time and concurred in. I will explain the nature of it if the House will indulge me just a moment. The only point of the bill is this. As it passed the House it annulled a certain order by which nine soldiers of the Twelfth Michigan Infantry were dishonorably discharged in 1866. The bill passed the House in that shape and went to the Senate, and the only amendment proposed by the Senate is to insert the names of the nine soldiers who are to be benefitted by this bill.

The SPEAKER. Is there objection to the present consideration of the Senate amendment?

Mr. HOLMAN. What is the Senate amendment?

The SPEAKER. The Clerk will report the amendment, after which the Chair will ask for objections, if any.

The amendment of the Senate was read, as follows:

Strike out all after the enacting clause and insert the following:

That the Secretary of War be, and hereby is, authorized and directed to revoke and cancel special orders numbered 92, dated Washington, March 1, 1866, ordering the dishonorable discharge of the soldiers therein named; and to cause to be issued to Sergeants John M. Russey, Company A, and William Becker and Michael Casey, Company B; Corporal Seth Gregory, Company B; Sergeants Collins Phelphs and George S. Foster, Company E; and Alfred Doolittle, Company H, and Hull M. Cross and Lewis M. Rope, Company K, and each of them, all of the Twelfth Regiment Michigan Volunteers, and in case of the death of any of them, then to their heirs, respectively, honorable discharges as of the dates and places at which their companies were respectively mustered out of the service; and such discharges shall each have the same force and effect as if issued at the times and places of the muster-out of the said companies, respectively, and as if said special orders numbered 92 had never been issued or executed.

There being no objection, the amendment of the Senate was considered and concurred in.

Mr. BURROWS moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ANNOUNCEMENTS OF DEATH OF MEMBERS.

The SPEAKER also laid before the House the following Senate resolutions; which were read, and ordered to lie on the table for the present.

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. LEWIS BEACH, and of the death of Hon. JOHN ARNOT, jr., late Representatives from the State of New York.

Resolved, That the Secretary communicate this resolution to the House of Representatives.

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. WILLIAM T. PRICE, late a Representative from the State of Wisconsin.

Resolved, That the Senate concur in the resolution of the House of Representatives providing for the appointment of a joint committee to take order for attending the funeral of the deceased, at his residence in the State of Wisconsin; and that the members of the committee on the part of the Senate be appointed by the President *pro tempore*.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The PRESIDENT *pro tempore* has appointed Mr. SPOONER, Mr. MANDERSON, and Mr. BLACKBURN the committee on the part of the Senate under the foregoing resolution.

AUGUST F. BRONNER.

Mr. HEWITT. I ask unanimous consent to introduce a pension bill which was delayed in transmission by the mail, so that I could not present it on yesterday.

There being no objection, the bill (H. R. 10068) granting a pension to August F. Bronner was introduced, read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM WARD.

Mr. O'NEILL, of Pennsylvania. I ask unanimous consent that the bill (S. 1990) be considered at this time. It will not take a moment. After the reading of the bill and the report I am sure there will be no objection to it.

The bill (S. 1990) to provide for the adjustment of matters connected with certain judicial proceedings in Pennsylvania in which the United States was a party, was read as follows:

Be it enacted, &c., That the Attorney-General is hereby authorized and directed to ascertain what sum, if any, is a fair equivalent for services rendered by William Ward in the court of common pleas of Delaware County, Pennsylvania, in defending certain attachments and suits pending therein against the United States revenue-marine steamer William H. Seward; and the Secretary of the Treasury is hereby authorized and directed to pay to the said William Ward, out of any moneys in the Treasury not otherwise appropriated, such sum as the Attorney-General shall certify to be a fair equivalent for the said services.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. As I heard it read I understand there is no limit on the amount to be paid.

Mr. O'NEILL, of Pennsylvania. I move that the Committe of the Whole House on the state of the Union be discharged from the further consideration of the bill, and that it now be put upon its passage. The Committee of the House has unanimously reported a similar bill, and made a report covering exactly the same ground that was covered by the bill as it passed the Senate.

Mr. HOLMAN. I suggested that there was no sum named by the bill.

Mr. O'NEILL, of Pennsylvania. No, sir. The bill directs the Attorney-General to ascertain the amount.

Mr. SPRINGER. The limit of the claim is $3,000. The claimant does not ask for more than that.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. I have no objection if it be understood that the amount shall not exceed $3,000.

Mr. O'NEILL, of Pennsylvania. I accept that suggestion, and offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the bill the following:
"Provided that the amount allowed shall not exceed the sum of $3,000."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time and passed.

Mr. O'NEILL, of Pennsylvania, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THOMAS C. DICKEY.

Mr. JOHNSTON, of North Carolina. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 7990) and that the same be put upon its passage.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to Thomas C. Dickey, late postmaster at Murphy, N. C., the sum of $275, out of any moneys in the Treasury not otherwise appropriated.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. JOHNSTON, of North Carolina, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REBATE OF DUTIES, EASTPORT, ME.

Mr. BOUTELLE. Mr. Speaker, I ask unanimous consent to present the memorial of the municipal officers of Eastport, Me., and to introduce the bill which I send to the Clerk's desk, and that the bill be now considered and passed.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill and memorial were read, as follows:

A bill (H. R. 10069) for the relief of sufferers by fire at Eastport, Me.

Be it enacted, &c.

SECTION 1. That there shall be allowed, and paid, under such regulations as the Secretary of the Treasury shall prescribe, on all materials actually used in buildings erected on the ground burned over by the fire which occurred at Eastport, Me., October 14, 1886, a drawback on the import duties paid on the same; provided that such materials shall have been imported and used during the term of two years from and after the said 14th day of October, 1886.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

We, the undersigned, respectfully represent that the conflagration in Eastport, Me., that occurred on the 14th of October, 1886, destroyed every store, our hotels, boarding houses, banks, six large factories, nearly all of our wharves, storehouses, and places of business, and over sixty dwelling houses, causing a loss of over $800,000.

In consideration of the above heavy loss to our town, we respectfully ask and petition that Congress will pass the following act for the relief of the sufferers by the above fire.

N. B. NUTT, JR.,
E. E. SHEAD,
JAMES MULNEAUX,
Selectmen of Eastport, Me.

Mr. SPRINGER. Mr. Speaker, I would like to know what amount is involved in this bill.

Mr. BOUTELLE. I will state, if the gentleman will permit me. Many members of the House are doubtless aware that since the adjournment of Congress one of those disastrous conflagrations which periodically overwhelm communities entirely destroyed the business portions of the seaport town of Eastport, Me. That fire destroyed every store, every warehouse, nearly all the wharves, the banks, the hotels, the custom-house, and post-office, and more than sixty private dwellings, leaving the community stricken to a degree almost unparalleled in the history of such disasters. The selectmen of that town have requested, by memorial, that this bill shall be passed, granting the people there the privilege, which has been accorded in cases of a similar character that have heretofore occurred, such as those of Portland, in 1866, Chicago, in 1871, and in other cities that have been visited by like disasters, of importing, without payment of duty, the materials actually necessary for the rebuilding of the town.

The bill is entirely in accordance with precedent. I understand that it has been the custom of the House to grant this privilege in such cases without debate or objection, and I trust there will be none in this case. For the information of the House I will state that this bill is identical in form with the one passed in the case of Portland, except that the period during which the material is to be admitted free is put at two years instead of one year, as in the case of Portland. The difference in the size and wealth of the places being considered, this seems reasonable. With this brief statement, I trust there will be no objection made to this act of courtesy to a community which is manfully striving to overcome the effects of a disaster that seemed at one time to almost preclude the possibility of the early restoration of the town.

Mr. SPRINGER. Mr. Speaker, I desire to ask the gentleman whether there is any limit fixed to the amount of rebate required to be paid. I see the bill provides that "on all materials actually used in buildings erected on the ground burned over by the fire" there shall be a rebate of the duties paid——

Mr. BOUTELLE. Under such regulations as the Secretary of the Treasury may prescribe.

Mr. REED, of Maine. And the time is limited to two years.

Mr. SPRINGER. Here is a large city——

Mr. BOUTELLE. No, it is a town of some 5,000 population.

Mr. SPRINGER. Well, here is a place of 5,000 inhabitants, and I presume the buildings to which this bill will apply have already been erected.

Mr. BOUTELLE. No, sir; the fire occurred on the 14th of October last, and they have now simply got so far as to commence the rebuilding of their wharves and to erect some temporary places of business. The merchants of that town are many of them at this time keeping store in their dwelling-houses, and some of the first citizens, as a matter of neighborly kindness, are taking boarders in the best apartments in their

houses, to furnish homes for those who have lost their own by fire. The people are doing everything that they can to overcome the effects of the overwhelming disaster which has befallen them just as the severities of winter were approaching.

Mr. SPRINGER. The bill contains, I observe, a proviso that these materials shall be used during the term of two years.

Mr. BOUTELLE. During the term of two years.

Mr. SPRINGER. Is this similar to the provision which was passed in the case of Chicago?

Mr. BOUTELLE. Entirely so, with the exception, as I have stated, that in this case the term is two years instead of one, this being a much smaller place, and the work of rebuilding proportionately more difficult and slower.

Mr. SPRINGER. In the case of Chicago, lumber was excepted; in this case you let lumber come in.

Mr. BOUTELLE. This bill is the same in that respect as the bill for the relief of Portland.

Mr. SPRINGER. I have no objection. I think that the greater the quantity of these materials that may come in the better.

Mr. BRECKINRIDGE, of Arkansas. I must demand that the bill be referred to the Committee on Ways and Means.

Mr. BOUTELLE. That is an unusual procedure in a case of this kind. I have consulted the chairman of the Committee on Ways and Means, who makes no objection. The course which the gentleman from Arkansas proposes has never, I think, been adopted heretofore. I will say to the gentleman, also, that while there may not be a great amount of practical relief from this bill, a principal feature and value of it will be the grace and courtesy on the part of the Congress of the United States in according the usual recognition of a disaster of this kind.

Mr. BRECKINRIDGE, of Arkansas. There are other people in this country who, by reason of short crops and misfortunes of various character, are as much in need of relief from taxation as the people of Eastport to-day. I think that any proposition of this sort should be considered by the appropriate committee, and in the light of the general wants of the country. I am very much gratified to find a Representative from Maine confessing that the tariff is a tax, and confessing that his people are not more than compensated for the burdens they are under by the home market which, it is claimed, is produced by these excessive prices. I shall insist that this bill go to the committee that has charge of questions of taxation; and, for my part, I hope it will be considered in the light of the necessities of all the people of this country who are suffering from misfortune and bearing the burdens of this taxation.

Mr. BOUTELLE. I trust that I am duly impressed, and that the House will also be, with the nobility of the gentleman's position in taking advantage of this disaster which has befallen a town to air his views upon the tariff question.

Mr. BRECKINRIDGE, of Arkansas. I am entirely ready to accept all the nobility that arises from a perfect willingness to stand here for the rights of all the American people.

The SPEAKER. The gentleman from Arkansas on the right demands the regular order.

Mr. BOUTELLE. Unquestionably he has the right to do so.

Mr. BRECKINRIDGE, of Arkansas. And does it with a great deal of pleasure.

Mr. BOUTELLE. I recognize all the gracefulness of the gentleman's act.

The SPEAKER. Does the gentleman from Maine (Mr. BOUTELLE) desire to have the bill referred?

Mr. BOUTELLE. Let it take the usual course.

The SPEAKER. The bill will be referred to the Committee on Ways and Means.

LEAVE OF ABSENCE.

Mr. STONE, of Missouri, by unanimous consent, obtained leave of absence for one week.

ORDER OF BUSINESS.

The SPEAKER. The Chair will proceed, as the regular order, to call the committees for reports.

COMPAGNIE GÉNÉRALE TRANSATLANTIQUE.

Mr. RICE, from the Committee on Foreign Affairs, reported back favorably the bill (H. R. 8954) referring to the Court of Claims the claim of the Compagnie Générale Transatlantique for duties of tonnage illegally exacted; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

The call of committees was continued and concluded, no further reports being presented.

ORDER OF BUSINESS.

The SPEAKER. Under the rules, the regular order now is the consideration for one hour of bills reported from committees. The hour begins at 12 o'clock and 35 minutes p. m. The Committee on Military Affairs has an unfinished bill in this hour.

Mr. CUTCHEON. I desire to call up the bill pending at the close of the last morning hour, and upon the passage of which the previous question was moved.

The title of the bill was read, as follows:

A bill (H. R. 1171) to amend an act entitled "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," approved June 3, 1884.

The SPEAKER. The question is on ordering the previous question upon the passage of this bill.

The previous question was ordered.

Mr. PAYSON. Would it be in order to ask or to demand the reading of this bill?

The SPEAKER. The Chair will have the bill read, unless there be objection, as it was considered some time ago.

The bill was read, as follows:

Be it enacted, &c., That section 1 of "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," approved June 3, 1884, be, and is hereby, amended so as to read as follows:

"That the joint resolution approved July 11, 1870, entitled 'Joint resolution amendatory of joint resolution for the relief of certain officers of the Army,' approved July 26, 1866, is hereby so amended and shall be so construed that in all cases arising under the same any person who was duly appointed and commissioned, whether his commission was actually received by him or not, shall be considered as commissioned to the grade therein named from the date from which he was to take rank under and by the terms of his said commission, and shall be entitled to all pay and emoluments as if actually mustered at that date: *Provided*, That at the date from which he was to take rank by the terms of his commission he was actually performing the duties of the grade to which he was so commissioned, or, if not so performing such duties, then from such time after the date of his commission as he may have actually entered upon such duties: *And provided further*, That any person held as a prisoner of war, or who may have been absent by reason of wounds, or in hospital by reason of disability received in the service in the line of duty, at the date of his commission, if a vacancy existed for him in the grade to which so commissioned, shall be entitled to the same pay and emoluments as if actually performing the duties of the grade to which he was commissioned and actually mustered at such date: *And provided further*, That this act and the resolution hereby amended shall be construed to apply only in those cases where the commission bears date prior to June 20, 1863, or after that date when their commands were not below the minimum number required by existing laws and regulations: *And provided further*, That the pay and allowances actually received shall be deducted from the sums to be paid under this act."

The SPEAKER. The question is, shall this bill pass.

Mr. BUTTERWORTH. Is the bill subject to amendment?

The SPEAKER. It is not. The question is on its passage, upon which the previous question has been ordered.

The bill was passed.

Mr. CUTCHEON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONSOLIDATION OF NAVY DEPARTMENT BUREAUS.

The Committee on Naval Affairs being called,

Mr. HERBERT said: On behalf of the Committee on Naval Affairs, I call up, and ask unanimous consent to have considered in the House as in Committee of the Whole, the bill which I send to the desk.

The SPEAKER. The gentleman from Alabama, from the Committee on Naval Affairs, asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of a bill, the title of which will be read, after which the Chair will ask for objection.

The Clerk read, as follows:

A bill (H. R. 7635) to consolidate certain bureaus of the Department of the Navy, and for other purposes.

Mr. REED. I should like to know what that bill is.

Mr. HERBERT. It is the bill to consolidate certain bureaus of the Navy Department.

Mr. REED. Has it the approval of the Committee on Naval Affairs?

Mr. HERBERT. Yes, sir.

Mr. REED. Unanimously?

Mr. HERBERT. No, sir; there were two members who dissented. I am only asking now that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

Mr. BOUTELLE. What is this proposition?

Mr. HERBERT. This is the bill to consolidate the bureaus of the Navy Department.

Mr. BOUTELLE. But what is the proposition?

Mr. HERBERT. I ask unanimous consent to consider the bill in the House as in Committee of the Whole. Of course it will be subject to amendment——

Mr. BOUTELLE. I object.

Mr. HERBERT. Then if I do not obtain that consent I ask to call up the resolution reported from the Committee on Naval Affairs, fixing a day for its consideration. The resolution is on the House Calendar.

The Clerk read as follows:

Resolved, That Wednesday, 28th day of April, 1886, and from day to day thereafter until disposed of, except Mondays and Fridays, not to interfere with the consideration of revenue bills, regular appropriation bills, nor with the morning hour, nor with the hour for the call of committees for consideration of bills, nor with prior orders, be set apart for the consideration of House bill No. 7635, entitled "A bill to consolidate certain bureaus of the Department of the Navy,

and for other purposes," and if said bill shall not have been previously disposed of, that Wednesday, the 5th day of May, 1886, immediately after the reading of the Journal, be set apart for the exclusive consideration thereof in the House as in Committee of the Whole, and that the previous question on said bill and all amendments which may be offered thereto be considered as ordered at half-past 6 o'clock p. m. of the said 5th day of May.

The committee propose to amend by striking out in the first line of the resolution the words "28th of April," and inserting "15th day of December."

Also strike out after the words "consideration of bills," the following: "Nor with prior orders."

Also strike out wherever it occurs "5th day of May," and insert "18th day of December."

Mr. ANDERSON, of Kansas. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON, of Kansas. Is this before the House by unanimous consent?

The SPEAKER. It is presented for consideration by the Committee on Naval Affairs under the rule which allows that committee one hour after the first call of committees for the consideration of such measures as they may present.

Mr. REED, of Maine. How is it proposed to consider this; in the regular way?

The SPEAKER. The Clerk had better report the resolution again.

Mr. REED, of Maine. It is important to know exactly what it does propose.

The SPEAKER. The Chair thinks it leaves the bill in the Committee of the Whole House on the state of the Union, where it now is.

Mr. REED, of Maine. If that be so I have no objection to the proposition.

The SPEAKER. The Chair will, however, examine the resolution again. [After a pause.] Upon an inspection of the resolution the Chair discovers that it makes no provision whatever concerning the question as to whether or not it shall be considered in the Committee of the Whole or in the House; and it has been held heretofore by the predecessors of the present occupant of the chair that when a bill which is in the Committee of the Whole House on the state of the Union has been made a special order by the House it takes it out of the Committee of the Whole.

Mr. REED, of Maine. There is also another proposition, as I understand it, embodied in the resolution, providing that the previous question shall be considered as ordered at a particular time. I would like to hear the resolution again read.

The resolution was again reported.

Mr. REED, of Maine. I make the point of order upon that.

Mr. HERBERT. If you will indulge me a moment I will write out a substitute for the resolution.

Mr. REED, of Maine. The point of order then is reserved.

Mr. HERBERT. I offer as a substitute what I now send to the desk.

The Clerk read as follows:

Resolved, That Wednesday, the 15th day of December, 1886, and from day to day thereafter until disposed of, except Mondays and Fridays, not to interfere with the consideration of revenue bills, regular appropriation bills, nor with the morning hour, nor with the hour for the call of the committees for the consideration of bills, be set apart for the consideration of House bill 7635, entitled "A bill to consolidate certain bureaus of the Department of the Navy, and for other purposes."

Mr. STEELE. I desire to inquire whether this excludes all the prior orders. I did not catch its reading exactly.

Mr. REED, of Maine. One question before I withdraw my point of order. It is—and I have not been able to gather from the reading of the resolution the point about which I wish to inquire—does that cause this bill to be considered in Committee of the Whole? Now, I have no objection to the bill if brought up and duly considered. But it is a very serious matter, and there ought to be no snap judgment upon it.

Mr. HERBERT. I do not propose to take any snap judgment. I simply ask a fair consideration and discussion of the bill.

Mr. REED, of Maine. If the resolution proposes to take it out of the Committee of the Whole, it proposes not to give it fair consideration, and I suggest to the gentleman from Alabama that he make his motion in such character and fashion as that we can all agree upon it. If it can be considered in the regular way, there will be no objection on this side.

The SPEAKER. Under the rulings referred to a moment since the passage of this resolution will take this bill out of the Committee of the Whole House on the state of the Union and bring it into the House for consideration.

Mr. HERBERT. But it will be subject to amendment and discussion.

Mr. REED, of Maine. Subject to amendment and discussion at the option of the gentleman from Alabama?

Mr. HERBERT. No, sir; at the option of the House; and I promise for my part to give full opportunity for amendment and discussion.

Mr. REED, of Maine. Why will not the gentleman give us the consideration of the bill in the Committee of the Whole in the regular way?

Mr. HERBERT. This is the ordinary way and the common mode of proceeding.

Mr. REED, of Maine. But this is not an ordinary and common transaction.

Mr. HERBERT. It is.

Mr. REED, of Maine. This bill proposes to change the organization of an entire department of the Government.

Mr. HERBERT. That is true; it is a very important bill.

Mr. REED, of Maine. Precisely; and that is the reason why it should be discussed in proportion to its importance as the rules of the House have regulated.

Mr. HERBERT. I promise to give one day or two days for discussion, if the gentleman desires it, and the fullest opportunity of amendment.

Mr. REED, of Maine. We want it in Committee of the Whole, where there will be full opportunity of amendment.

Mr. HERBERT. There is no necessity for the bill being considered in the Committee of the Whole if you have full opportunity to discuss and amend.

Mr. REED, of Maine. What objection does the gentleman have to its being considered in Committee of the Whole?

Mr. HERBERT. What objection has the gentleman from Maine to having it considered in the House if we can dispose of it there? We want it where it can be disposed of and a conclusion reached. If the gentleman from Maine is willing to that he will not object. I promise he shall have two full days for discussion and opportunity to amend. If the gentleman's objection is captious, if he desires to defeat the bill and prevent a determination of it he will insist on having it considered in Committee of the Whole. We want it where we can reach a conclusion, and, as I understand, the Speaker has simply ruled that this order which sets apart a day for consideration of the bill, and provides it shall be considered from day to day till the consideration is completed, has the effect, as such orders have always had, of bringing it into the House out of the Committee of the Whole. Every special order perhaps on that Calendar fixing a day for the consideration of a measure is subject to the same criticism the gentleman from Maine now makes to this. I can not see why he should make this objection if he gets a fair opportunity to amend and a full opportunity to discuss.

Mr. REED, of Maine. Mr. Speaker, this is not the first time in the conduct of matters connected with the naval affairs of the country that the gentleman from Alabama has endeavored to put the House in a position of opposition to the bill, when their opposition is merely to his method of managing it and discussing it. Now, the rules of the House have been established for many years upon one great principle; that is, that when a measure was to be thoroughly discussed, when it was of grave magnitude, involving certain important principles and details, it should be discussed in the Committee of the Whole. The gentleman proposes to change that now, and he gives no reason for it, except that we can rely upon his promise that there shall be full discussion and ample opportunity for amendment.

I submit to the gentleman that the method which has been established by this House which gives full discussion, which gives every opportunity for amendment, is consideration in Committee of the Whole. That is arranged for that purpose, and accomplishes that result. And the gentleman from Alabama knows that, practically, even with his willingness that there should be the opportunity he speaks of, his method does not give full opportunity, because we find ourselves limited in the number of amendments which can be presented in the House; whereas in Committee of the Whole there are no limitations.

Mr. HERBERT. What limitation is there to the number of amendments?

Mr. REED, of Maine. There can only be three.

Mr. HERBERT. Three to any one proposition?

Mr. REED, of Maine. Precisely; and after the previous question is ordered no further amendments can be presented; so that in reality the ample permission of the gentleman from Alabama to make amendments is reduced to three, and none of those may really suit the wishes of the majority of the House.

Now, there is no disposition—I tell the gentleman with the same frankness and good faith with which he talks to me—there is no disposition to make trouble with regard to this matter. All we want is a fair opportunity of discussion and amendment. There is no desire of obstruction whatever. I submit to the gentleman, he has periled measures occasionally in this House by not being willing to listen to the reasonable wishes of gentlemen on the other side. I submit to him he can have the measure put in good shape, where there will be an opportunity for discussion and amendment, and no desire to put any obstruction in his way. This is an important matter, and should be fully and freely discussed in the manner we all recognize as affording full and free methods of discussion, namely, in Committee of the Whole.

It need take no more time than the gentleman says he is willing to grant us.

Mr. HERBERT. If the gentleman will promise for his side of the House that no obstruction shall be offered to this bill, that it shall be taken up and considered until a conclusion upon it is reached, and that action shall be taken after the bill shall have been discussed for six hours in the Committee of the Whole——

Mr. REED, of Maine. There is no occasion for such limitation. Let us limit the discussion when we get to it. Why should we undertake to limit the discussion now, before we know how much the subject may require? I object here and now in this and in all such cases

to limiting discussion before we have commenced it. You can not tell what sort of a discussion a subject may require until you have begun it, and the rules of the House make adequate provision for proper limitation.

Mr. HERBERT. Mr. Speaker, the gentleman from Maine [Mr. REED] says that this is not the first time when I have imperiled a bill by method of management. In reply to that, I simply desire to say that, according to my recollection, this is not the first time when that gentleman has raised technical objections—objections which have seemed to me to be purely technical—to the consideration of bills coming from the Committee on Naval Affairs. I remember very well that when we were discussing here last session a bill reported from that committee in regard to the increase of the Navy, the gentleman from Maine [Mr. REED] objected to my methods. In spite of the fact that on more than one occasion he had voted against taking up the bill, he was contending before this House that he and his friends were better friends of the increase of the Navy than gentlemen on this side of the House. And I remember that on that occasion, after the discussion was concluded, my friend from New York, Mr. CAMPBELL, remarked that the attitude of the gentleman from Maine [Mr. REED] reminded him of an able-bodied man he once knew who was always looking for work and praying to God that he might not find it.

Mr. REED, of Maine. Oh, do not let us have old stories twice repeated.

Mr. BOUTELLE. Mr. Speaker.

Mr. HERBERT. I believe I have the floor.

Mr. BOUTELLE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BOUTELLE. I desire to ask whether this proceeding is by unanimous consent, or under the call of committees.

The SPEAKER. It is under the call of committees.

Mr. BOUTELLE. I desire to ask further in that connection whether it is competent for the chairman of a committee, under that call, to introduce measures here other than those which have been acted upon and authorized by the committee? In other words, whether it is in order at this time for the House to be called to the consideration of a proposition offered by the chairman of a committee individually—whether that can be done under a call of the committees, which I suppose to be for the purpose of disposing of measures reported from committees?

Mr. HERBERT. This is the action of the committee, Mr. Speaker. That is to say, the original resolution was reported by the committee, but the day fixed in that resolution has passed, and therefore it is necessary to make a change. That change can only be made by a substitute similar to this which I have proposed, and I am satisfied that a majority of the committee are with me in this proposition.

Mr. BOUTELLE. Mr. Speaker, I understand that the gentleman from Alabama [Mr. HERBERT] practically acknowledges that this proposition has not been authorized by the committee.

Mr. HERBERT. This particular proposition has not.

Mr. BOUTELLE. Then, Mr. Speaker, I make the point of order that if this proposition has not been authorized by the committee, it is not in order to be considered by the House at this time under the call of committees.

Mr. REED, of Maine. I hope the gentleman from Alabama [Mr. HERBERT] will permit the matter to be considered in Committee of the Whole.

Mr. HERBERT. I am reminded, Mr. Speaker, by one of my colleagues on the committee, Mr. SAYERS, of Texas, that I was authorized by the committee to make such a change as I have made.

Mr. BOUTELLE. I would like to have the gentleman state when and where he was so authorized.

Mr. HERBERT. The subject was before the committee at a time when the gentleman from Maine [Mr. BOUTELLE] was not present, as has frequently happened.

Mr. BOUTELLE. Mr. Speaker, do I understand the chairman of the Committee on Naval Affairs to state to the House that, by action of the Committee on Naval Affairs, he has been authorized to present to the House this proposition which he has twice changed? If so, I should like to see the record of that action of the committee.

Mr. HERBERT. Mr. Speaker, upon the suggestion of a gentleman on the other side, a member of the committee, I will say that, if consent be given that this proposition be so changed that the bill be considered in Committee of the Whole, I am perfectly willing.

Mr. BOUTELLE. I insist on my point of order.

The SPEAKER. The Chair will state that under the rule adopted at the beginning of the last session, when a committee is called——

Mr. REED, of Maine. I desire to say that I am satisfied with the proposition which the gentleman from Alabama (Mr. HERBERT) now makes.

Mr. BOUTELLE. I understand that my colleague does not object, but I do.

The SPEAKER. The Chair decides that under the rule a measure must be called up by the committee having it in charge, which means that the committee must authorize it to be called up, just as a committee authorizes a report to be made, or as a committee is required to authorize a motion to suspend the rules when committees are called for that purpose. But whether the committee did or did not authorize its chairman to call up a particular measure, is a question of fact, which of course the Chair can not decide.

Mr. BOUTELLE. I make the point that the committee has not acted on this.

The SPEAKER. The Chair can not know that. That is a question of fact which, as the Chair was about to remark, must be decided by the committee itself, and the Chair must depend, of course, upon the good faith of members in regard to that matter. Where there is a difference of opinion upon a question of that sort, it is impossible for the Chair to decide it.

Mr. BOUTELLE. As I understand, the chairman of the committee does not contend that the present proposition has been acted on by the committee. As a matter of fact, there has been no meeting of the Naval Committee this session.

Mr. WISE. If the gentleman will allow me to interrupt him, I will state that the committee did authorize the chairman to call this up.

Mr. BOUTELLE. When?

Mr. WISE. At the last session.

Mr. BOUTELLE. At the last session?

Mr. WISE. Yes, sir; and to make these changes whenever necessary.

Mr. BOUTELLE. I should like to see the record.

Mr. HERBERT. That was done. Since my attention has been called to the matter, I have a distinct recollection of it.

Mr. BOUTELLE. Why, Mr. Speaker, the resolution has been originated here to-day. How could it have been authorized by the committee?

Mr. HERBERT. The gentleman does not refer to the original resolution?

Mr. BOUTELLE. The substitute we are now considering.

Mr. HERBERT. That is the one I had authority from the committee to submit. Now, if gentlemen on the other side will consent we will pass the resolution in that form.

Mr. STEELE. I shall object unless prior orders are excepted.

Mr. HERBERT. I call for a vote.

Mr. ANDERSON, of Kansas. I make the point of order that this resolution changes the rules of the House, and that one day's notice has not been given of the proposed change.

The SPEAKER. The resolution called up by the gentleman from Alabama is an original resolution offered at the last session. When the resolution was called up to-day the gentleman from Alabama offered a substitute for it; but the resolution has been on the Calendar for some months—since April last.

Mr. ANDERSON, of Kansas. I was not aware of that.

The SPEAKER. But, moreover, the Chair desires to say, in order to avoid misapprehension hereafter, that this is not a resolution changing the rules of the House. It is simply a resolution fixing a day for the consideration of certain business and making it a special order.

Mr. HERBERT. Now, Mr. Speaker, I ask the previous question on the resolution as amended—the substitute.

Mr. GOFF. I should like to hear the amendment.

Mr. HERBERT. I ask the Clerk to read it.

The SPEAKER. The Clerk will report the proposed substitute.

The Clerk read as follows:

Resolved, That Wednesday, the 15th day of December, 1886, and from day to day thereafter until disposed of, except Mondays and Fridays, not to interfere with the consideration of revenue bills, regular appropriation bills, nor with the morning hour, nor with the hour for the call of committees for consideration of bills, be set apart for the consideration in Committee of the Whole of House bill numbered 7635, entitled "A bill to consolidate certain bureaus of the Department of the Navy, and for other purposes."

Mr. HERBERT. I ask that this be substituted for the original resolution, and upon that motion I demand the previous question.

Mr. STEELE. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman from Indiana will proceed.

Mr. STEELE. As I understand, if this resolution be adopted, this bill will have the right of way against all prior orders from now until the close of the session, if necessary.

The SPEAKER. The Chair thinks that if the House enters upon the consideration of this business on the day indicated, it will exclude thereafter the consideration of all other business, except that which is provided for in the resolution itself.

Mr. STEELE. In other words, this will have the right of way against everything else.

Mr. HERBERT. We shall get through in a reasonably short time.

Mr. SOWDEN. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. SOWDEN. It is utterly impossible for us who remain in our seats to know what is going on, and I ask, therefore, that members shall take their seats, excepting of course the member who is addressing the Chair.

The SPEAKER. The gentleman's point of order is well taken, and members will resume their seats and preserve order. The Chair has made repeated efforts to secure order upon the floor. The gentleman from Alabama demands the previous question on the substitute.

Mr. HERBERT demanded a division.

The House divided; and there were—ayes 170, noes 12.

Mr. STEELE. No quorum has voted.

The SPEAKER. The point is made that no quorum is present, and the Chair will therefore appoint Mr. HERBERT and Mr. STEELE as tellers.

Mr. STEELE. I withdraw my point of order.

The SPEAKER. The ayes have it; and the previous question therefore is ordered.

The substitute was agreed to; and the resolution as amended was then adopted.

Mr. HERBERT moved to reconsider the vote by which the resolution as amended was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WISE. I move, on the part of the Committee on Naval Affairs, to take up for action at this time Senate bill 71.

The SPEAKER. This seems to be a private bill, and therefore is not in order under this call. Reports are still in order from the Committee on Naval Affairs. [After a pause.] If that committee has no further business to present the Chair will call the Committee on the Post-Office and Post-Roads.

EXTENSION OF THE FREE-DELIVERY SYSTEM.

Mr. BLOUNT. I will take the floor and yield it to my colleague on the Committee on the Post-Office and Post-Roads.

Mr. DOCKERY. I am directed by the Committee on the Post-Office and Post-Roads to call up for consideration at this time a bill (H. R. 7536) to extend the free-delivery system of the Post-Office Department, and for other purposes, which has been reported from that committee with amendments.

The SPEAKER. The bill is in the Committee of the Whole House on the state of the Union, and is not before the House.

Mr. DOCKERY. I ask, then, that by unanimous consent the bill and amendments be considered in the House.

The SPEAKER. But it has been already partially considered in the Committee of the Whole.

Mr. DOCKERY. I move, then, that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of proceeding with the consideration of that bill and pending amendments.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. HATCH in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of continuing the consideration of the bill (H. R. 7536) to extend the free-delivery system of the Post-Office Department, and for other purposes. The pending question is on the amendment offered by the gentleman from Iowa [Mr. HEPBURN] to the committee's amendment.

Mr. DOCKERY. I ask, Mr. Chairman, that the Clerk report the amendment.

The CHAIRMAN. The amendment is, to strike out in line 18 of the amendment reported by the committee the words "at which place," and insert in lieu thereof the words "or at any place where;" so the bill will read:

According to the last general census taken by authority of State or United States law or at any place where the post-office produced, &c.

The question is on that amendment to the committee's amendment.

Mr. BLOUNT. Mr. Chairman, this matter was up at a night session during the last session of Congress, and I suspect is not remembered by members of the House. My friend from Missouri, I know, will not object to giving some five or ten minutes for the purpose of explaining the amendment on which we are called to vote.

The CHAIRMAN. There has been no limit put upon the debate. If gentlemen desire to speak, the Chair will recognize them. He will recognize, in the first place, the gentleman having charge of the bill—the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. I ask, Mr. Chairman, that five minutes on each side be allowed on the pending amendment.

Mr. CANNON. The debate had better be allowed to run on without any limit being imposed upon it at all.

Mr. DOCKERY. I have suggested that five minutes be allowed on each side for the purpose of explaining the amendment.

Mr. CANNON. Oh, no. Let the debate run on.

Mr. BLOUNT. I do not understand the debate to be running on, but that the House was dividing on this question, and that no quorum had appeared. The proposition of my friend from Missouri is to waive that situation and allow five minutes on each side to explain the pending amendment.

Mr. CANNON. It is an important matter, and I think discussion should be allowed.

Mr. DOCKERY. I propose to allow five minutes on each side.

Mr. CANNON. But that is not enough.

The CHAIRMAN. The Chair will state to the gentleman from Georgia that when the committee rose and the House adjourned the committee was dividing on the proposition to limit debate on this proposition, but the question was not acted on.

Mr. BLOUNT. I make the suggestion, if my colleague will allow me, that we allow ten minutes on either side, with the understanding that all debate on this proposition be then closed.

Mr. CANNON. To that I object. I will say to the gentlemen that debate has not been closed, and although they may force a vote on this precise amendment, we can offer others and have discussion upon them.

Mr. BLAND. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLAND. The House was dividing and the Chair was counting the vote. This debate is therefore out of order, and I call for the regular order of business.

The CHAIRMAN. The regular order is, as the Chair has already stated, on the amendment of the gentleman from Iowa [Mr. HEPBURN] to the amendment offered by the committee. The ayes seem to have it.

Mr. DOCKERY. I demand a division.

The committee divided; and there were—ayes 61, noes 81.

Mr. CANNON. No quorum.

The CHAIRMAN appointed Mr. DOCKERY and Mr. CANNON as tellers.

Mr. CANNON. I withdraw the point of no quorum.

The CHAIRMAN. The amendment to the amendment is disagreed to.

Mr. CANNON. I move to strike out in line 18 of the printed bill the words "at which place," and insert in lieu thereof "at all places where," so it will read:

According to the last general census taken by authority of State or United States law and at all places where the post-office produced, &c.

I should like to be heard for a moment on that amendment to the amendment of the committee. I ask the gentleman from Missouri, in the first place, whether he has a list of the post-offices which will be affected by this bill?

Mr. DOCKERY. I had at the last session, when this bill was under discussion, but do not have it before me at this moment.

Mr. CANNON. Mr. Chairman, if I can have the attention of the committee I will explain the scope of my amendment to the amendment. Under the bill as proposed by the committee it requires two things, as I understand it, for the extension of the free-delivery system. First, in all cases of 10,000 population; and second, in all cases of $10,000 gross revenue. Am I correct? The two together. Now, my amendment gives 10,000 population as authorizing the free-delivery system, or $10,000 gross revenue. And I believe the amendment is right.

To illustrate: The committee's bill will give free-delivery service to the city of Alexandria and every old and venerable city, but where after all there is not a great amount of necessity for it, but I am willing it should go there—the city having 10,000 population and $10,000 revenue. But take my own city of Danville as another case. It is so situated there is only one-half the population of Danville proper within the corporate limits; and, while there is $17,000 gross revenue in that growing and flourishing city, yet it is cut out.

Mr. RYAN. What is the revenue of Alexandria?

Mr. CANNON. The revenue of Alexandria is barely over $10,000 a year.

Now take the city of Freeport, in Illinois, which has a gross revenue of $19,000 a year.

Mr. RYAN. How much population?

Mr. CANNON. Slightly under 10,000, according to the census of 1880, and Freeport is cut out.

This free-delivery service is a good thing, and I think it ought to be stood by and promoted. Even-handed justice, in my judgment, would give it to these flourishing and growing cities of the West, and, in some instances, to cities of the South, and of the East as well, which need it far more than some of those which happen to have 10,000 population as well as $10,000 revenue. Now, mind you, this is discretionary with the Postmaster-General. He is not bound to put the service in all of these cities. The amount of the service will depend on the appropriation that is given. Therefore, I hope that both sides of the House will consent to amend this bill, as I propose, which will then make it right and proper, and in that form I believe it ought to pass.

Mr. ROGERS. Mr. Chairman, either the proposition suggested by the gentleman from Illinois is right or else the bill itself is wrong. If a city which has a population of 10,000 and yields a revenue of $10,000 is entitled to this free-delivery service, then any city which yields $10,000 of revenue is equally entitled to it. So that I maintain either the bill itself is wrong or the proposition of the gentleman from Illinois is right.

Why is it that a city which happens to have had an opportunity to have a census taken which shows that it has 10,000 population should enjoy the benefit of this free-delivery service when the thrifty and populous cities of the West, which spring from five hundred to twenty thousand during a period when no census can be taken, must be deprived of it? I happen to reside in a city which in 1880 was supposed to have about 3,300 people, according to the census of the United States. It is now estimated to have a population of from 12,000 to 14,000 peo-

ple; and yet we have had no census since 1880. I say, therefore, that if we yield a revenue of $10,000 to the Government we are just as much entitled to the benefit of this service as if we had a census taken which shows a population of 10,000 people; and hence my conclusion is that we ought either to antagonize and defeat the bill or carry out the proposition of the gentleman from Illinois.

Mr. DOCKERY. I believe the hour has expired, and I prefer to continue my remarks to-morrow.

The hour having expired, the Speaker resumed the chair; and Mr. HATCH reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 7536) had come to no resolution thereon.

WILLIAM P. CHAMBLISS.

Mr. STEELE. I desire to submit a privileged report from a committee of conference, which merely corrects an error in the initials and spelling of a name.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 68) for the relief of William P. Chambliss, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1 and agree to the following:

Strike out the name "William B. Chambliss" wherever it occurs in the bill, and insert the name "William P. Chambliss."

GEORGE W. STEELE,
FRANK L. WOLFORD,
JOSEPH WHEELER,
Managers on the part of the House.
CHARLES F. MANDERSON,
JOHN A. LOGAN,
Managers on the part of the Senate.

The SPEAKER. Unless the reading of the statement be called for the question will be on agreeing to the adoption of the report.

The report was agreed to.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

ELECTION OF PRESIDENT AND VICE-PRESIDENT.

The SPEAKER. The regular order is the consideration of the special order coming over from yesterday.

Mr. DIBBLE. Mr. Speaker, the eminent constitutional lawyer, Judge Cooley, of Michigan, in an address recently delivered in Columbia, S. C., as the honored guest of the South Carolina Bar Association, in remarking that "the human mind accepts with complacency the idea of change," and that in reference to our institutions" the Constitution can not remainaltogether stationary," continues:

Indeed, at this point is one of our chiefest dangers, a danger the full extent of which we are not likely to perceive except as we consider it carefully and with philosophical mind, unblinded by the brilliancy of a national career altogether unparalleled in history. America is the accepted representative of progress, and our pride in the fact closes our eyes to its perils, so that we come to feel that whatever is new is progression, and we fall into the tide without considering whether it floats us on our accustomed course or rises to the breakers; whether it pursues the course of safety or of destruction.

And he expresses his apprehension that "we shall be led further and further away from constitutional forms, methods, and principles, and possibly into dangers at present unknown and unsuspected." The dangers apparent are, however, in the opinion of this able thinker, "sufficiently serious to challenge thoughtful and considerate attention." And as the result of these reflections he sums up in the following conservative and patriotic expressions, accordant with the best and purest thought of our country in all stages of its existence:

Accepting, as we must, the fact that modifications of the fundamental law are inevitable, it is a plain duty to restrict them as far as possible to the precise method agreed upon when the Constitution was formed, that is to say, to amendments duly formulated and regularly adopted. By this method alone is it certain that the system of liberty which has come down to us as a precious legacy may be preserved. When changes are voluntarily suffered to creep in by other ways, we cultivate a habit of mind which saps the foundation of our institutions and sets us afloat upon a sea of uncertainty without definite landmarks, where the most reckless and pushing is likely to be most influential; and the most presumptuous, by the mere force of assurance, may seize upon the helm and boldly steer the course among unseen dangers. But unless we are prepared to put the wisdom of the past behind us as foolishness, we shall never forget that the liberties we enjoy have been worked out for us through a succession of ages, by keeping the old landmarks steadily in view, and by holding firmly to the teachings of experience. We have no warrant in history for an assumption that by a different road we should have reached the same advanced and enviable position.

Especially should every insiduous change which threatens to creep in by usurpation of authority be met at the threshold and sturdily resisted. Any such change will owe its accomplishment either to general ignorance among the people regarding the fundamental principles of government, or to general indifference.

Mr. Speaker, the principles so eloquently enunciated by the distinguished jurist of Michigan are the principles which should guide us in the consideration of the present proposed legislation. It is to be remembered that we are not proposing in this bill a change of the organic law. Whenever a constitutional amendment is submitted to the consideration of Congress, then there need be no bounds, no limitation to the scope of our propositions; but when legislation is proposed by statute, care must be taken that in every respect the fundamental requirements of the written Constitution are strictly and rigidly observed.

This bill proposes to adopt a certain method, by which the danger of confusion in the counting of the electoral vote shall be avoided. Regard must be had in its consideration to the different stages by which the election of a President and a Vice-President are consummated. In the first place there is the appointment of electors; that is one stage. In the second place there is the casting of the vote by electors and its certification; that is another stage. And thirdly there is the aggregation of that vote, and the declaration of its final result in the presence of the two Houses of Congress.

Now take these steps. The appointing power of the electors is exclusively in the States, and the Constitution provides each State shall appoint, in such manner as its legislature may direct, such and such electors. Everything in relation to that appointment, the manner of its being made, any disputes that may arise upon it, everything in connection with its determination from first to last, is under the jurisdiction of the States, and under the control of the State legislatures. Congress has no right to trespass upon that field at all. The next step is when the votes are cast by the electors. It will be borne in mind that these electors are State officers; they are appointed by the State, and in cases where they draw pay, they are paid by the State. They give their votes upon the soil of the State; they constitute a State electoral college; and while they are discharging a duty under the Constitution of the United States they are just as much State officers in the discharge of that duty, as the governor of the State is when he certifies their election under the great seal of the State. Everything, therefore, connected with the casting of that vote, everything connected with the observance of constitutional provisions, if you please, in connection with the casting of that vote, is under State jurisdiction and State authority.

Then we come, Mr. Speaker, to the third stage—that is, the counting of the vote in the presence of both Houses of Congress. Congress has no legislative power conferred expressly or indirectly in the Constitution except in connection with what is done in the presence of the two Houses of Congress on the day of the electoral count. As a matter of course under Article IV, section 1, of the Constitution, Congress has the right to regulate by law the manner and form in which any State shall certify its official public acts, its official public records, and any of the proceedings of its government. That is one of the powers vested in Congress, and it has the right to prescribe in what manner the action of the State in this, as in everything else, shall be transmitted; but as to anything behind that, a careful search will reveal no part of the Constitution where jurisdiction is given Congress to go behind that certification, and to go further than the recognition of credentials.

It is true there is a clause which says that Congress has the right to pass all laws necessary to carry out certain powers; but those powers are defined. It has the power to carry out its own express grants of power. It has the right to pass laws concerning any act of the Federal Government; but the election of a President is not an act of the Federal Government, but is the action of the State Government. It has the right to pass laws concerning what any Federal officer shall do or what any Federal department shall do; but there its power is exhausted. So that Congress has no power in relation to the electoral vote except to count, in the sense of enumeration.

Now let us consider, Mr. Speaker, in what ways a State communicates with the General Government. I can recall but three instances—certainly there are only three current instances—where a State communicates with the Federal Government. Those are where it certifies the election of a member of the House to the House; where it certifies the election of a member of the Senate to the Senate; and where it certifies to the two Houses of Congress assembled for the purpose of counting the electoral vote, the appointment of the electors and their return of the vote cast by them. These are the three instances, and I wish to call the attention of this House to a marked difference which exists between the former two and the third. In all these cases each House should accept implicitly, in the primary event, the *prima facie* case as presented by the State; and the member-elect of the Senate or of the House of Representatives, as the case may be, when he presents the great seal of the State certifying that he is elected to the office of Senator or Representative, is seated on that *prima facie* case. The House or the Senate accepts it and seats him.

Never mind whether behind it all his opponent may be in fact the lawful member. That certificate seats him *prima facie*, and he votes and takes part in all the deliberations of the body, and represents the district or State from which he is accredited until the case is decided. But the Constitution provides as to these two cases that each House of Congress shall be the judge of the election and qualifications of its own members. There you find judicial power of a certain kind expressly granted to the two Houses of Congress, making an exception to the general provision which confines judicial power to the Supreme Court and the subordinate Federal courts. Each House shall be the judge of the election and the qualification of its own members.

Now, Mr. Speaker, we come to the third, the certification by a State of its electoral vote, of the names of its electors and the result of their action. That comes certified under the great seal of the State, and again, in that case, it is the duty of the two Houses to do what they do in the other cases where there is a grant of judicial power; it is their

duty to accept the *prima facie* case presented, and I deny the existence of any authority in one House, or in both Houses of Congress combined, to set aside that *prima facie* case when it is certified and presented in regular form and manner. Why, Mr. Speaker, in that case there is no grant of judicial power as there is in the other cases, yet even in the case where there is a grant of judicial power the two Houses of Congress do recognize the *prima facie* case.

I contend, therefore, that the same analogy prevails in regard to the electoral count; that the *prima facie* case has to be recognized, and that, so far as that count is concerned, is final, because the Constitution has not given to Congress in that case the same judicial power of revision which it has conferred upon each House in regard to the election and qualification of its own members. The case of the electoral count is therefore a distinct case, and with the reception and count of the *prima facie* return the power of Congress is exhausted. That was the idea which actuated the founders of the Constitution.

It will be remembered that at first it was proposed that the National Executive should be elected by the National Legislature, but, after discussion and deliberation, that power was withheld from the National Legislature and was reposed in the several States, as is seen in the emphatic provision that each State shall appoint its own electors. The change was well considered, and its design was to remove the executive department of the Government as far as possible from the danger of being the creature of the legislative department.

The idea was that the President must go into office without being under any obligation of any sort to the National Legislature, and the framers of the Constitution went so far as to provide even that a member of Congress should not be an elector—that to be a member of either House of Congress should be a disqualification. And even when they came to the case where, by failure of election by the States, they were called upon to provide *ex necessitate* that there should be some mode of electing a President, so jealous were the fathers of reposing this power in Congress that they divided it into two parts, giving to one House the power of electing the President and to the other the power of electing the Vice-President; thus providing that in no instance should the Houses of Congress be consentaneously and actively concerned in determining the question of who should be President and Vice-President of the United States.

The provision adopted was that one-half of Congress, acting independently, should choose one of those officers, and that the other half of Congress, also acting independently, should choose the other. That provision, I say, shows the jealousy with which this power was kept from Congress. Not only did the fathers provide that neither of the Houses of Congress should vote for both these officers, but they provided that when either House voted for one of them, its vote should be confined to individuals for whom the States had already voted. They were tied down to a choice between persons who had already been designated by the States.

Now, there are two other constitutional provisions, in relation to the electoral vote, granting powers to Congress. One is that Congress may determine the time of choosing the electors; the other is that Congress has the right to fix a day, which shall be the same all over the country, in which the electors shall cast their votes. I call the attention of the House to the difference in expression in these two cases. The provision is that Congress shall name the *time* of choosing the electors, and that it may also determine the *day* on which they shall cast their votes, which shall be the same throughout the country.

Members will doubtless recollect that under that provision, the early legislation as to the time provided that the States should choose the electors within thirty-four days of a certain date, fixing no day for the choice, but fixing the time within which the choice should be made, thus recognizing the power and the discretion of the States in that regard. The requirement that a day certain should be fixed for the casting of the vote is, by implication, the termination of the power of the State as to appointment of electors. If the vote must be cast on the same day throughout the United States, then it follows as a necessary consequence that unless the appointee, the elector, has been chosen by that day, he can not cast his vote, and the vote of the State is lost.

Just the same, Mr. Speaker, as in the election of any of us, if a man who is a voter does not go to the polls on election day and within the hours fixed by law and cast his vote, the vote is lost, and it makes no difference whether he was sick, or whether he was prevented from casting his vote by some necessity, or mischance, or design, or whether his vote might have changed the complexion of the election; his vote is lost if his right to vote is not exercised on the day designated.

Consequently, Mr. Speaker, I would submit, this being the exercise of a State power, that up to the day of election, the day when the electors are to cast their votes, the State power as to appointment can not be interfered with in any manner, shape, or form by the Congress of the United States, or by any other power. Up to that time the State stands fortified by the privilege granted in the Constitution. The fact that the day is to be designated by Congress, and is to be the same throughout the United States, of course limits the time when the appointing power can be exercised.

Now, if there is any fraud or any neglect of duty, if there is any hiatus, any unforeseen occurrence whereby the vote of a State is likely to be lost by reason of conflict, we contend that the State should have the full period up to the time of the casting of the electoral vote in order to repair that difficulty, to make that determination, to save her vote. As I have already shown, the State has complete control of the matter. It is a field into which Congress has no right to enter. That being the case, the State should have until that time to repair any disaster which may interfere with or interrupt the casting of her vote by the proper electors.

Now we come to the opening of the certificates as laid before the two Houses of Congress by the President of the Senate on the day when the electoral vote is declared. The President of the Senate is to open all the certificates. If it had been intended that the President of the Senate should count all the votes embraced in those certificates, how easy it would have been to have so framed the words of the Constitution. The language of the instrument is—

> The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates—

It does not go on to say, "and shall count the votes," but—

> And the votes shall then be counted.

It has been a question ever since that amendment was adopted, by whom the votes shall be counted; some (though very few) contending that the President of the Senate should count; others contending that the two Houses have the power to make the count; others contending that the House of Representatives has the power to make the count as to the Presidency, because it must elect the President, in the case of the failure of an election by the vote of the States, and that the Senate has, for an analogous reason, the same power with reference to the Vice-Presidency.

I submit, Mr. Speaker, that the Constitution not having named by whom the count is to be made, it is competent for Congress, by statute or by joint agreement, joint resolution, or joint rule, to name individuals to exercise the duty of making the count. I submit that Congress has this power under its general legislative authority to pass all laws to carry into effect any of the functions of the Government; because at that stage the vote has come into the possession of the Federal Government from the State government; the State government has certified the result of the election under the seal of the State and sent it here. The vote is in the hands of the Federal Government, and Congress has authority to provide for the count.

But what is that count? Mr. Speaker, that count is simply an enumeration. It has been said that it must embrace two features; that you must have an ascertainment of what are votes before you can count them, and that, therefore, the count must embrace both ascertainment and enumeration. Upon this proposition has been built up an argument claiming for Congress judicial power to go back and decide questions on their merits as to transactions within the State by State officers.

Why, Mr. Speaker, of course there must be ascertainment in a certain sense before there can be counting; but it is the kind of ascertainment that the clerk of a court or a registering officer exercises when he reads the decree of the court, in order to record it. It is the kind of ascertainment which a sheriff exercises when he reads an execution in his hand, in order to find how many dollars he is to levy on the property of the judgment-debtor. That is the kind of ascertainment. It is not the exercise of a judicial function; and this power of ascertainment no more authorizes Congress, or its appointees, the tellers, to go behind the certification of the vote than the clerk of a court would be authorized to go behind the decree of the court, in order to correct it, or a sheriff to alter the figures of the amount which he is commanded to collect in his execution.

The count is a ministerial act, not a judicial act. We should be on our guard, therefore, Mr. Speaker, in any system of legislation, against usurpation, against an undue extension of the powers of Congress. The spirit of this act, its avowed policy, as expressed by its authors, is in accord mainly with the views I have advanced. In some few details it seems to a portion of the committee, some seven of us, that the line is not as well guarded and defended as it might be, and therefore we have submitted some amendments in that respect.

Not only should we hesitate to extend our powers in this regard beyond the proper limits because it is the spirit of the Constitution, but it is the spirit of the times. The members on this floor will remember that in the early history of this country it was the common practice for the nomination for the Presidency to be made by a Congressional caucus. It was the usual way, but, like the fathers, the people of the country, jealous of reposing any of that power in Congress, spontaneously adopted and put into operation a system of nomination by party convention removed from Congress, having delegates in the main not members of Congress, showing not only the jealousy which the fathers had of this power, but the jealousy which the people of the United States to-day show by their action every four years in national convention—the jealousy of establishing too much control over the election of the national Executive in the two Houses of Congress.

But it may be asked where is the judicial power to be lodged as to the determination of the right to this office. Who is to prevent grievous wrongs from being done to one party or the other of the people in

the person of its candidate for the Presidency, if there be no places where hide-bound forms of credentials can be broken through?

To that, Mr. Speaker, I would simply reply that it is the opinion of eminent constitutional lawyers that Congress has the power to establish a judicial tribunal, or it can confer on an existing judicial tribunal jurisdiction, to try the right to the presidential office as well as to any other. But above all things, in relation to the presidency, certainty is a matter of prime concern, and the country can better endure wrong for four years—as this country once has done and survived it—than to place the power of appeal from the dictates of the States in a body like Congress, not authorized by the Constitution for that purpose, and not representatives of the States in that regard.

A few words as to the differences that exist in the House committee in relation to the amendments proposed. As I have before said, this bill comes from the Senate, and, in its general tenor and spirit, meets, I think, with the unanimous approval of the House committee. So far as I know there has been no dissenting opinion as to the main features of the bill and the advisability of its passage; but in one or two matters, we submit, the spirit of the bill is carried out and rendered more consistent by the adoption of the amendments submitted by the minority. There are only two points of difference.

In reference to the use of the single word "lawful," as stated by the chairman of the committee yesterday, the committee have agreed to adopt the views of the minority, considering the word to be unnecessary in the place where it is inserted, and so far as that amendment is concerned I will not consume the time of the House. The first difference between the majority and minority of the committee is that by the bill as proposed by the committee certain limitations of time are put upon the States in the exercise of the appointing power of the electors, and in regard to the determination by the States of any dispute as to who are chosen electors. In accord with the principles I have mentioned, seven of the committee are of the opinion that, so far as casting the vote is concerned, the State has all the constitutional power conferred, and that Congress can not prescribe that a State shall make its determination within a limited time prior to the day of casting the vote.

When the Constitution of the United States says that the day on which the electoral votes shall be cast shall be the same throughout the United States, the Constitution thereby imposes a limitation upon the appointing power of the States. The appointment must be made, all determinations concerning it must be made, all disputes concerning it must be settled, prior to that day; but Congress has no power, as is attempted here, to put a statute of limitation other than the limitation imposed by the Constitution on the appointing power of the State, by enacting that the determination of such question must be made six days, or at any other period, before the vote is cast. That is our point of difference; and its amendment is accomplished by the striking out of some six or eight words without destroying the phraseology or frame of the bill as proposed.

The other point on which the minority submit a difference of views from the rest of their brethren of the committee is this: That where there are two sets of papers from the same State, coming up before the two Houses of Congress and opened by the President of the Senate, both of which sets of papers purport to be returns of such State, that in such case that return and that only shall be received which has been certified by the executive of the State under the seal of the State and in accordance with its laws. That is the position of the minority. The majority of the committee go farther and give to the two Houses of Congress the power to over-ride that certificate; and from that conclusion of the committee, six of its members have dissented.

We hold that the act of the Congress assembled for the electoral count is to recognize credentials, and that when these credentials have been recognized by the two Houses as the lawful certificates sent, officially certified by the governor under the seal of the State, the returns so certified shall be counted, and that there is no proviso or "unless" about it, as the majority of the committee have it—"unless the two Houses decide not to count," thus giving the two Houses the right to override that State's action and deprive it of its vote, although the credential is in due form, signed by the executive of the State and under the seal of the State. We say that to be consistent, Mr. Speaker, that return, in the case of two, is the one to be counted and none other, and that it shall be counted, and that the two Houses shall not interfere or interpose to prohibit its count.

It may be said, suppose there are two persons claiming to be the Executive; suppose there is a dual government, that there are two persons claiming to hold the office of governor, two persons claiming to hold the State seal, two impressions of the seal which are fac-similes and two returns which come up purporting to be the returns from the State: What is to be done in that case?

That, Mr. Speaker, is a case I do not find provided for in this bill. I go further and say that there is no way of providing absolutely for such a case, unless you could get, instead of two bodies acting separately to decide the question, one umpire or arbiter; because, under the power which Congress undoubtedly possesses, and which I have conceded throughout the whole of my remarks—the power of the recognition of credentials—it might happen that the Senate would recognize one set of credentials and the House the other set of credentials; and then, of course, that vote would have to be thrown out, because there is no arbiter to decide which are the proper credentials. That case, I say, is not provided for here, either by the majority of the committee in the bill, or in the amendments proposed, or by the minority report; and I submit that it is impossible to provide for it unless you have, as I say, a single power, a unit, to decide. You can not determine the question by having two bodies to decide it, because they may take opposite positions.

Mr. Speaker, I have not dwelt upon the features of this bill, because I suppose they are familiar to the members of the House. I have dwelt upon the principles which seem to underlie the bill, and submit that in the amendments offered by the minority these principles are consistently preserved, and the bill made complete and symmetrical in all its parts.

I will ask to reserve the remainder of my time.

The SPEAKER *pro tempore* (Mr. McCREARY in the chair). The gentleman from South Carolina has twelve minutes of his time remaining.

Mr. COOPER. Mr. Speaker, I do not propose to occupy the time or to delay the action of this House by any general discussion of this bill. I agree with all the committee that the condition of affairs, the defects in the present law, the perils through which we have passed by reason of these defects, and the possible recurrence of such perils, require that the legislative department of the Government shall make such provisions as shall obviate such dangers, correct these defects, and protect us from such perils in future. I therefore agree that a bill should be passed of the general character and containing the general features proposed by the pending bill.

I have agreed with the majority of the committee in the amendments which they propose for the purpose of protecting and guaranteeing the States and the nation from any peril by the invasion of their rights by the Senate and the House of Representatives in the counting of the electoral vote.

But I can not agree with the amendments proposed by the minority, and I desire simply to give a few reasons why, believing as I do that the amendments proposed by the majority go to the utmost verge of wisdom, prudence, and safety in the direction which I have indicated; they can not go further in that line as requested by the minority of the committee.

Objection is made by the minority to the provision that the differences, the claims between the contending electors of the respective States, should be settled within the State where such contest is made by laws enacted prior to the day when that contest is to be decided. They object first to the phrase "enacted prior to the day." It seems to me, Mr. Speaker, manifest that these contests, these disputes between rival electors, between persons claiming to have been appointed electors, should be settled under a law made prior to the day when such contests are to be decided.

In my judgment it would be wise if it could be provided that these contests should be decided under and by virtue of laws made prior to the exigency under which they arose, made prior to the existence of the particular contest to be decided. That it would be unwise to permit a legislature to assemble and permit the dominant party, in view of the very existing affairs, in view of the peculiar phases of the contest which is being made, to enact laws governing and deciding that contest—possibly with a view of having it decided in accordance with their wishes rather than with the expressed wish of the people or with justice and the right. I think that it would be wise if the contest should be made in the face of existing law rather than that the law should be made in the face of the existing contest. Therefore, I would prefer that the interval should be further extended rather than that it should be absolutely destroyed as the minority proposes. I do not believe that a legislature should be permitted to meet concurrently with the contesting electors and provide a method of deciding the contest at the time the contest is proceeding. To what anarchy, to what confusion, to what riot, if you please, Mr. Speaker, might such a course of procedure lead!

It seems to me manifest that this law, under which this question is to be solved as to which of two sets of claiming electors are to be recognized, ought to be an enactment existing prior to the day they are to assemble; and if prior, then certainly it should be enacted for a reasonable time prior. And who will say that six days is not a reasonable time? Who can say that the limit of a week is too long an interval in which those who are to decide these disputes are to study the law, examine its provisions, and ascertain its effect upon the pending contest? How could any court, how could any tribunal intelligently solve the claims of parties under a law which is made concurrent, to the very moment perhaps, with the trouble which they are to settle under the law?

Therefore I do not agree with the minority of the committee, that this bill should be so amended as to strike out the provision that the law should exist prior to the time of meeting. And if we have a right to say it shall be an existing law when they meet, we have a right to say how long it shall be existing. If we have a right to say it shall be

six hours or six minutes prior, we have a right to say it shall have been enacted six days prior.

Again, and especially, it is insisted here by the minority that the office, the power and duty of the Senate and House of Representatives is merely and purely clerical; that they have no power, no discretion, no right here to adjudicate upon anything whatever. I do not and can not so understand the provisions of the Constitution concerning the counting of the electoral vote by the Senate and House. Are we to suppose that our wise and unostentatious fathers, who made the Constitution, and who above all men despised pomp and circumstance, provided for mere show that the Senate, the concentrated wisdom, learning, and statesmanship of the legislative department of the great Republic, is to vacate its seats, each single Senator rising in his place, donning the Senatorial toga, and forming an imposing procession with the second officer of the Republic at their head, leave the Senate Chamber silent, empty, and deserted as a newly made sepulcher, march over here with measured step while we, the representatives of the people, receive them standing with uncovered heads—they to sit at the right hand of the presiding Vice-President while we crowd to the left, and finally all to remain sitting, and only sitting, in owl-like, solemn, lifeless silence, until a couple of gentlemen solve a small sum in addition which any average ten-year old school boy could perform just as correctly and just as satisfactorily inside of thirty minutes any day of the week, and then all rise up and the Senators return in the same mournful, solemn, and imposing manner in which they came? Sir, the foolish formality, the solemn silliness of such a proceeding, it does seem to me, could have no other office and produce no other effect than to excite the merriment of the street Arabs who would congregate in the corridors and the galleries to witness the performance.

And in case there should be objection made to any return, under the very provisions of this bill which this minority propose the grave and reverend Senators must rise, fold their garments around them, shake off temporarily the polluting dust of this Chamber, and depart—go over to their Senate Chamber, and the objections are there to be stated; the Senators then, being utterly helpless to decide any objections, return here and sit down again. Thus the ceremony proceeds. I undertake to say, sir, that it is absurd to suppose that our fathers contemplated any such dumb show. They meant that this solemn transaction should mean something.

They meant that this assembling of the two Houses, which has the effect of stopping the wheels of legislation, of suspending all other action upon the part of the legislative department of the Republic—the Senators and the Representatives being gathered together for this special purpose, the Vice-President presiding over the joint assembly, while the eyes of the nation are directed to it, awaiting the decision—our fathers intended, I say, that this solemn proceeding should mean something more than a gathering of the two Houses simply to sit by and ascertain that, 185 being subtracted from 210, there would be a certain 25 remainder.

What are we required to do in such a case? Why did the Constitution thus require that all legislative proceedings should be suspended? Why did it require this solemn formality, with all this solemn circumstance and pomp? Why, unless they did understand that the joint legislative tribunals of the Republic, the four hundred men representing the States, and the people of the States, had a duty imposed upon them, the discharge of which would be of some value and some significance. What is that duty? It is not, I grant you, to reject the vote of a State, and nobody claims that the Senate and the House have the right to say that the vote of any State shall be rejected. But they have a right, and, as I understand the matter, it is their duty, to ascertain whether a State has voted or not, and ascertain whether the vote that has been deposited under the forms of law, with the proper officer, is in fact the lawful vote of a State.

It is, as has been already said, a question of identity, and these two assembled bodies, the Senate and the House of Representatives, have the right, and have the duty imposed upon them, to see to it that the votes counted are in fact the votes of the States. Sir, if there be no power in these concurrently acting bodies to decide such questions, then, as has been admitted by the distinguished gentleman who has just presented the views of the minority, those questions, if they arise, as they may, will necessarily go unadjudicated, and we shall be remitted to chaos, and to what always follows chaos in such cases, the arbitrament of the sword.

Sir, it is within the recollection of living men, members of this House, that upon at least two occasions there have been in each of two States of the Republic two acting-governors, each claiming to be duly elected by the people, each surrounding and environing himself with all the paraphernalia of gubernatorial authority, each having in his possession and using the great seal of the State, each sending out proclamations, and, in the case of the electoral count, each would no doubt have been found sending down to this Capitol, under the great seal of the State, and under his signature as governor, a certificate that certain men had been legally chosen and qualified as electors of the State.

What are we to do in such a case? My friend says that we can do nothing. I answer that, under the provisions of this bill, as it is proposed to be amended by the majority of the committee, the House may inquire into the authenticity of the certificates, and may say, if they can, which one of the certificates sent here is true and correct; and if they can not do that, may reject them both, and settle the question in that way.

Mr. DIBBLE. Will my friend from Ohio [Mr. COOPER] permit a question?

Mr. COOPER. Certainly.

Mr. DIBBLE. Does not the majority report provide that the two Houses can not decide that question unless they both agree, and agree to throw out?

Mr. COOPER. Exactly so. That is one of the chief provisions against an invasion of the rights of the States.

Mr. DIBBLE. They are to agree to throw out, and nothing else.

Mr. COOPER. Yes; the majority of the committee in their recommendations go, I say, to the utmost verge of safety in providing against any possible invasion of the right of a State, for they agree that, where there is but one certificate from a State, no matter whether every single member of each House considering it may believe, or may know, that not one of the men named in that certificate has been duly elected, yet they shall have no right to throw it out, but it must be counted. Therefore, I think that this bill does not go far enough. There are contingencies for which it does not provide. It does not provide, for instance, for the case in which a State certifies that a member of Congress, or an alien, or a foreigner, or some other disqualified person, has been chosen as an elector. The only objection I have to the bill, therefore, is in a very different line from that of my distinguished friend from South Carolina [Mr. DIBBLE] who thinks it goes too far in giving power to the Senate and House.

But this bill does provide that where there purport to come from a State more returns than one, where there are conflicting returns, as there might be in the case I have suggested—where two sets of returns come here both regular upon their face, both (as might happen in the contingency to which I have referred) duly certified by the governor of the State, we may examine into them; but if the House and the Senate can not ascertain which are the votes of the lawfully chosen electors, in that contingency, under the provisions of the bill, and in that contingency only, both returns may be rejected, "if the two Houses acting separately shall concurrently decide such votes not to be the lawful votes of the legally appointed electors of such State."

Mr. DIBBLE. Will my friend point out any provision of the bill providing any mode of determining the question where there are two returns from dual State governments, and when one House favors the regularity of one government while the other House favors the validity of the other government?

Mr. COOPER. I have already stated that there is no provision for a case of that kind. And no return which appears upon its face to be lawful can be rejected, except by the concurrent action of both the Senate and the House, such action being taken separately. The only possible contingency in which, under the bill, any return can be rejected is when the House and the Senate, acting separately, both agree that the return does not represent the lawful votes of the legally qualified electors of the State. As I said, I might complain, and I do in fact feel that this bill does not go far enough in that line; but I certainly search in vain for reasons for complaint that it has gone too far.

Mr. DIBBLE. My friend will permit me to say that I read the majority report to be this: The return lawfully certified by the legal executive, in accordance with the laws of the State, shall be counted unless the two Houses throw it out. Now, the minority of the committee maintain that if a return is the lawful return it should be counted, and that nobody should be authorized to throw it out.

Mr. COOPER. There is no doubt about the language of the bill, and no occasion for any dispute as to what its provisions mean. The bill speaks for itself, and says that—

> Those votes, and those only, shall be counted which were cast by electors whose appointment shall have been duly certified under the seal of the State, by the executive thereof, in accordance with the laws of the State, unless the two Houses, acting separately, shall concurrently decide——

Decide what? Not that the votes shall be thrown out, not that there has been some informality, not that the return is irregular; far more than this is required to authorize even the Senate and the House, acting separately, to concurrently reject a vote. Nobody undertakes to reject the lawful vote of any State, but the bill provides that these returns shall be counted——

> Unless the two Houses, acting separately, shall concurrently decide such votes not to be the lawful votes of the legally appointed electors of such State.

Who will say that when there are conflicting returns, a return should be received when the Senate and the House, separately acting, shall concurrently agree that that return does not represent votes lawfully cast by the legally-appointed electors of the State? And this is what the gentleman from South Carolina is making such a fuss about, as I understand. On this point there seems to be a squeamish sentimentality of very unhealthy growth.

Mr. DIBBLE. My friend will permit me to say that the "fuss" I am making is just this: that the two Houses——

Mr. COOPER. I beg my friend's pardon. He and I together will make a speech which will read very incongruously, I fear.

Mr. DIBBLE. I will not interrupt the gentleman further.

Mr. COOPER. I am not complaining.

Mr. DIBBLE. I will not interrupt the gentleman.

Mr. COOPER. Mr. Speaker, on behalf of the majority of the committee I insist that the provisions of this bill are wise. I beg the House to remember that it is only in the case of two returns that any return can be rejected. I desire to repeat that, although the two Houses, acting separately, should concurrently agree that a return was not the return of the votes legally cast by the lawfully-appointed electors of the State, still there would be no right to ignore that return and those votes if there were no conflicting return from the State. In other words, if the authorities of the State have not themselves challenged the correctness of a return, we are not to do it. But where the authorities of a State come here and themselves challenge the correctness of a return which is presented to us, and invoke us to inquire into its legality; and where the two Houses, in response to that invitation on the part of the State, shall, acting separately, reach a concurrent agreement that a particular return does not embrace the votes legally cast by lawfully-appointed electors, the two Houses of Congress ought to have the right to say that such a return shall not be used to elect the Chief Magistrate of this Republic.

And what dire consequences are likely to follow from such a proceeding? I need not remind the House that the adjudication, the determination under this provision that a certain return should not be counted, could not elect anybody President of the Republic. Any person chosen President must have the votes of a majority of the whole electoral college, not merely a majority of the votes which are counted; and the decision and declaration of the Senate and the House that a particular State has made no return does not enable any one to claim to be elected thereby. The result of the election could only be affected in case one candidate had, with the votes embraced in the controverted return, a majority of the electoral college, and would not have a majority without those votes. In that case, the election of President would be remitted to the determination of the House of Representatives—only that, and nothing more.

Who will complain of that? Certainly a State which places itself in this position, which has failed to observe the forms of law, failed to preserve peace and order within its own boundaries, which has a conflict in its own territory, dual governments presenting conflicting and irreconcilable claims—a State which permits itself to be in that position, and comes with that sort of representation, could not complain if the Senate and the House should say to it: "You should adjudicate the rights of these tribunals within your own boundaries and not send them here and require us to investigate and decide them."

Therefore, it seems to me if there be errors in this bill, if there be defects in it, it is not in the line of going too far in the way of infringing on any supposed rights of any of the States. We certainly have the right, and it is our duty, to say to-day that when votes are counted they should be lawful votes, coming from lawfully constituted authorities, and in the way in which the State has provided.

Sir, I do not desire, as I have said, to go into the general discussion of the merits of this bill, but simply to note objections to the bill as it passed the Senate, and as it is proposed to be modified by amendments of the majority of the committee, and having done so, I desire to reserve the residue of my time.

The SPEAKER *pro tempore* (Mr. MCCREARY in the chair). The gentleman has thirty minutes of his time remaining.

Mr. EDEN. With the concurrence of the majority of the committee I desire to offer an amendment, which is as follows: After the word "States" in line 32, section 4, insert "which shall have been regularly given by electors whose appointment has been certified to according to section 3 of this act." Should that amendment be adopted, the word "lawful," which the committee propose to insert in line 38, of course will not be adopted.

I do not propose, Mr. Speaker, to engage in any elaborate discussion of the bill before the House; I am not prepared to do so; but I regard the measure as a very important one and as one which ought to be passed. I think, however, the amendments proposed by the committee should also be adopted. I will confine myself to the consideration of the points embraced in the bill and the amendments reported by the committee, so that it will be seen what the law will be if adopted with those amendments.

The bill as it passed the Senate, in the second section provides that if any State shall have established, by laws passed prior to the day fixed for the appointment of electors, a tribunal for the determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods of procedure, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination shall be conclusive, &c.

The third section makes it the duty of the executive of each State, as soon as practicable after the conclusion of the appointment of electors, by the final ascertainment, under and in pursuance of the laws providing for such ascertainment, to send a certificate thereof, under the seal of the State, to the Secretary of State of the United States, and to deliver a like certificate to the electors of such State on or before the day they are required under the law to meet; and the electors are to inclose and transmit this certificate at the same time and in the same manner as is provided by law for transmitting by such electors to the seat of Government the lists of all persons voted for as President and of all persons voted for as Vice-President.

The important points in the bill as passed by the Senate are in the fourth section, which provides that objections shall be called for upon the reading of any certificate, and when objections are made the two Houses shall separate and the objections shall be submitted to each House separately for its decision; but no electoral vote or votes from any State from which but one return has been received shall be rejected except by the affirmative vote of both Houses. Where more than one return from a State shall have been received by the President of the Senate, those votes, and those only, shall be counted which shall have been regularly given by the electors who are shown by the determination mentioned in section 2 of this act to have been appointed, if the determination of said section shall have been made; but in case there shall arise the question of which one of two or more of such State authorities determining what electors have been appointed, as mentioned in section 2 of this act, is the lawful tribunal of such State, the votes regularly given by those electors only of such State shall be counted whose title as electors the two Houses, acting separately, shall concurrently decide is supported by the decision of such State so authorized by its laws; and in such case of more than one return from a State, if there shall have been no such determination of the question aforesaid, then those votes only shall be counted which the two Houses, acting separately, shall decide to be the lawful votes of the State.

The object of the bill of the Senate is to fix certain rules by which the two Houses shall be governed in counting the electoral vote.

In case of but one return from a State the Senate bill allows the vote to be rejected by the affirmative vote of both Houses.

When there is more than one return from a State and a tribunal of the State, according to section 2 of the bill, has determined who are the lawfully appointed electors of the State, the votes of such electors are to be counted without question.

If a question arises as to which of two or more of such State authorities, acting under section 2 of the bill, is the lawful tribunal of the State, then the vote of such electors only shall be counted as the two Houses, acting separately, shall concurrently decide is supported by the decision of such State so acting under its laws.

In case of more than one return from a State, if no determination has been made by a tribunal thereof as to which is the lawful return, then those votes only shall be counted which the two Houses, acting separately, shall concurrently decide to be the lawful votes of the legally appointed electors of the State.

It will thus be seen that under the Senate bill there are three contingencies in which the two Houses in counting the electoral vote may refuse to count the vote of the State.

The House committee has undertaken to remedy this defect by a limitation of the power of the two Houses to reject the vote of a State. We propose to amend the bill so that where there is but one return, or paper purporting to be a return, from a State, and the vote was regularly given, and the credentials of the electors are in due form and in accordance with the laws of the State, and properly certified by the executive authority thereof, the vote shall be counted.

We propose a further amendment, that where there are two or more returns from a State, and no tribunal thereof has determined who are the legally appointed electors from the State, the votes regularly given by electors, whose appointment shall have been duly certified under the seal of the State by the executive thereof, in accordance with the laws of the State, shall be counted, unless the two Houses, acting separately, shall concurrently decide such votes not to be the lawful votes of the legally appointed electors of such State. If the amendments proposed by the House committee be agreed to, there will be but one contingency in which the vote of a State may be rejected. That contingency is the presentation of double returns from a State by opposing State authorities, disagreeing in the determination as to which set of electors are the legally appointed electors of the State. In that case no electoral vote of the State will be counted unless the two Houses, acting separately, shall concurrently decide that one of the opposing sets of electors are the duly appointed electors of the State.

In case of more than one return from a State, where no State tribunal has determined the question as to which is the true and lawful return, the vote of those electors regularly given who bear the official certificate of the governor under the seal of the State, showing that they were duly appointed in pursuance of the laws of the State, under our amendment are to be counted unless rejected by the concurrent vote of both Houses, acting separately. I am of opinion that with the adoption of the proposed amendments the Senate bill may be safely passed, and that no question will remain to be determined relative to the count of the electoral vote, when the two Houses meet for that

purpose, that can not be rightfully determined in accordance with the terms of this bill. Under the bill as thus amended the States are left not only to appoint the electors, but to determine all disputes relative to their appointment.

If no dispute arises relative to the appointment, and no contesting electors appear to demand a hearing, the bill as amended, should it become a law, absolutely requires the electoral vote of the State to be counted. If a dispute or contest has arisen relative to the appointment of electors, and the proper State authorities have determined who are the lawfully appointed electors, the bill as amended says the vote shall be counted. If more than one return of electoral votes is made from a State, and no determination has been made under its laws who, of the opposing forces, were lawfully appointed electors of the State, the bill as amended requires that the vote of those electors regularly given, who hold the certificate of the governor under the seal of the State, showing that they were appointed according to the laws of the State, shall be counted, unless rejected by the concurrent vote of the two Houses, acting separately.

In the one instance only, where a question arises as to which of two or more State authorities, acting under the second section of the bill, and having made conflicting decisions as to lawfully appointed electors from the State, is the concurrent action of both Houses required to decide as to the legally appointed electors from a State. In case no decision can be reached, of course the vote of the State will be lost; but that is an extreme case, and one not likely to arise exceptin revolutionary times.

The necessity of the proposed legislation is manifest. Heretofore, when the period for counting the electoral vote has arrived, merely temporary expedients have been adopted to meet the particular emergency. In several instances grave questions have arisen that had to be decided upon the spur of the moment and amid the excitement of party contests. That all these have been adjusted peaceably is no reason for leaving the law unsettled and thus inviting future contests over questions arising upon each occasion when the duty of counting the electoral vote devolves on the two Houses of Congress.

In providing by law a method to insure a fair count of the electoral vote we need exercise no doubtful powers. The Constitution requires the vote to be counted. I assume that Congress has the authority under the Constitution to pass all laws necessary to carry into effect that mandate of the Constitution. I am of opinion that this bill, when amended as we propose, does not go beyond that necessity. Nor do I conceive that the two Houses of Congress, when met for the purpose of counting the vote in pursuance of this bill, will be likely to do violence to the will of the people as expressed under the laws of the several States in the appointment of electors of President and Vice-President.

The minority of the committee have made some criticism on that part of the bill which provides that if a State tribunal authorized by law shall have determined contests relative to the appointment of electors, at least six days before the time of their meeting, that in making the count Congress shall be governed by that determination. The minority of the committee assume this to be an attempt upon the part of Congress to dictate to the States the mode of appointing electors. I respectfully submit that this criticism is not just. The States are entirely free under the Constitution to adopt the mode of appointment of electors that the legislatures thereof may prescribe. This bill only provides that if the States shall have settled all controversies relative to the appointment of electors, within a given time before the meeting of the electors and by a tribunal of its own selection, the votes of the electors thus appointed and regularly given shall be counted.

If any State neglects to use the means within its power to identify who are its legally appointed electors, the two Houses of Congress, when in joint meeting to count the electoral vote, are to resort to other provisions of the bill to determine who are the legally appointed electors of the State. The bill contemplates no exclusion of electoral votes from the count because of the failure of a State to settle disputes as to the lawful vote of the State. While I do not mean to say that this bill, with our proposed amendments thereto, is perfect, I do believe it is a very great improvement upon the law as it now stands upon the subject of counting the electoral vote. Every question that can be properly settled prior to the meeting of the two Houses to make the count is settled by this bill, leaving the Senate and the House to pass upon objections that may be made pending the count under the provisions of the bill. It seems to me that the passage of this bill will insure a fair and orderly count of the electoral vote, and relieve the country of the anxiety heretofore felt when disputes over double returns were left to be decided by the two Houses without any settled rules to govern them.

I reserve the balance of my time.

The SPEAKER *pro tempore*. The gentleman has forty minutes of his time remaining.

Mr. ADAMS, of Illinois. The gentleman from New York [Mr. BAKER] agreed, as I understood, to speak before me. If he is ready I will yield to him.

Mr. SPRINGER. The gentleman from New York [Mr. BAKER] has retired from the Hall, and will not be here again this afternoon.

Mr. ADAMS, of Illinois. As the gentleman from New York [Mr. BAKER] is absent I will now, Mr. Speaker, if permitted, take the floor in my own right, although I do not expect to occupy an entire hour. The question involved in the bill before us is of such importance that it is hardly possible for any one who undertakes its discussion to refrain from going over the whole subject of the electoral count. I shall not pursue that course. I think the demand for some legislation on this subject is so strong that if any bill reasonably good is presented we ought to adopt it without captious criticism; and when a bill has come from the Senate, and certain definite amendments are proposed by the House, I, for one, propose to confine myself to the discussion of those points in which there is a difference between the Senate and the committee of the House, and those points in which the committee of the House is itself divided.

There was an amendment proposed by the committee, which, I understand, is practically abandoned, for the insertion of the word "lawful" before the word "returns" in one of the paragraphs of this bill. Am I correct, I ask my colleague.

Mr. EDEN. So I understand.

Mr. ADAMS, of Illinois. Then I shall not consume any time in speaking of that amendment.

The principal amendment proposed by the House committee is in striking out the words "except by the concurrent vote of both Houses." This will be found on page 5 of the printed bill, in section 4, in lines 38 and 39. The case provided for by that part of the section is expressed in these words:

> And no electoral vote or votes from any State from which but one lawful return has been received shall be rejected, except by the affirmative votes of both Houses.

That was the bill as it came from the Senate.

Mr. CALDWELL. With the exception of the word "lawful."

Mr. ADAMS, of Illinois. With the exception of the word "lawful," which, as I have said, I understand has been abandoned.

The House, by striking out the words "except by the affirmative votes of both Houses," makes the presumption in favor of a single return a conclusive presumption, and the main object of my addressing the House at this time is to indicate my opinion that, whether that is wise or not, it is not a valid exercise of the constitutional power of this House.

Mr. EDEN. Will my colleague allow me to interrupt him a moment to call his attention to the fact that the amendment which I have sent up and had read, and which I shall offer at the proper time, is intended to take the place of that word "lawful," and probably it may remedy the objection my colleague has to that part of the bill?

Mr. ADAMS, of Illinois. I have observed as nearly as I could the reading of the amendment of my colleague, and may have occasion to consider it in the course of my remarks hereafter.

My theory is that the Constitution in declaring that the President of the Senate shall open the certificates in the presence of the two Houses, and the votes shallthen be counted, must of necessity mean one of two things: it must mean either that the President of the Senate himself does the counting, or else it must mean that the counting is done by the two Houses of Congress.

Whatever may have been the idea of the framers of the Constitution—in fact, however difficult it may have been to them to conceive of the questions that have arisen at a later day—the discussions which took place in Congress and out of Congress from within ten years of the adoption of the Constitution to the present time have, in my judgment, rendered untenable now the theory that the President of the Senate shall count the votes; and therefore my theory is that the two Houses of Congress, acting each in its own individual capacity, each voting by itself, have absolute control of the entire subject.

Whenever the two Houses of Congress agree that a certain alleged return is the legal vote of a State, their determination that that alleged return is the legal return is the counting of the vote of that State within the meaning of the Constitution; and whenever the two Houses of Congress agree that a certain alleged return does not represent the legal vote of the State, their concurrent determination that that alleged return is not the legal vote of the State is equivalent to a refusal to count the vote of that State within the meaning of the Constitution; hence, my judgment is that the entire scope of our power to legislate on this matter must be confined to the third contingency, namely, the case in which the two Houses of Congress neither concurrently vote "yea" upon the proposition nor concurrently vote "nay" upon it, but differ in opinion, and one decides one way and the other the other. The power of Congress to intervene in such a case arises, in my judgment, out of the necessity of the case, and the exercise of our legislative power to meet the contingency must be considered now to be in accordance with the meaning of the Constitution.

There are several causes, Mr. Speaker, why it must be determined that an alleged vote of a State is not the real vote of the State.

In the first place the persons claiming to be electors may not have been voted for by the people of their State according to the provisions of the Constitution and the laws enacted by the State.

In the second place the persons assuming to have been elected as electors may have been ineligible to that office.

In the third place, admitting that they were eligible and were duly elected, yet when they met to cast the electoral votes it may be that they did not cast them in accordance with the Constitution and the laws; and fourthly, if in all their acts they complied with the Constitution and the law, and they are eligible to act as electors, and have been duly voted for as such at the polls, yet the persons for whom they vote may not have been eligible to the office to which they assumed to elect them; and, in my judgment, notwithstanding the changes that have come over the character of Presidential elections in this country, these objections to the validity of an alleged electoral vote stand in full force to-day, and will so stand until the Constitution has been amended.

I am aware that some of these cases of invalidity are not so important in our minds as they were in the minds of the framers of the Constitution. To us it may make little difference whether a person chosen as an elector is a Senator or Representative or person holding an office of profit and trust under the Government. To us it may appear to make little difference whether the electors vote by ballot as the law requires or not; or whether they cast their votes upon the day appointed by law or not.

To us, accustomed to the choice of a presidential candidate by the convention of a political party, it may appear of less importance than it appeared to our fathers that the President elected should be a native-born citizen, or over thirty-five years of age. Yet all these provisions are still the provisions of the Constitution, and in my judgment it is not our duty to disregard them; it is our duty to observe them until in the wisdom of Congress and of the people it shall have been determined that the Constitution shall be changed.

The reason why I refer to these different causes of invalidity is that, if the amendment proposed by the House committee is adopted, the only means which we have or can have for enforcing these provisions of the Constitution will have been done away forever. I know that when the two Houses of Congress meet here to count the electoral vote, the main question present to their minds and present to the minds of the people is the question which Presidential candidate the people appear to have preferred. And yet, so long as these provisions regarding the eligibility of electors, regarding the eligibility of a Presidential candidate, regarding the form and manner in which the electoral vote shall be cast, remain as portions of the Constitution, it is not only our bounden duty to observe and abide by them, but it is also the bounden duty of those two Houses of Congress, who have a duty imposed on them which is not imposed on us in passing upon this bill, the duty, namely, of sitting here in joint convention and deciding upon the electoral vote submitted to them by the President of the Senate.

But, Mr. Speaker, the main objection I have to the amendment proposed by the House committee, namely, the proposed striking out of the words "except by the affirmative vote of the two Houses," the effect of which would be that a single return would have a conclusive presumption of validity in its favor—the main objection which I have to that provision is that I believe it possesses no legal and constitutional validity whatever. However wise it may seem to us, in attempting to legislate on this subject, that a single return shall be conclusively presumed to be valid, the real question will arise when the two Houses meet here to pass upon the electoral votes in the next Presidential election; and those Houses, in my judgment, when they meet here to discharge a duty which is expressly imposed upon them by the Constitution, will not be bound by the action of the Senate and House of the Forty-ninth Congress and the President, when he signs this bill, if it shall pass. It is their duty, conferred on them by the Constitution, to count the votes. If for any reason whatever a single return shall appear to both Houses of Congress to be an invalid return they have the right so to determine; and if they do so determine, that vote will not be counted, however many statutes we may pass like this.

It has often been asked what the operation of counting the electoral vote consists in. The President of the Senate sits in that chair and opens certain papers. The members of the Houses know not what they are. He submits them to the Houses as papers purporting to be electoral votes. That they purport to be electoral votes does not prove that they are such. That he opens and submits them to the two Houses does not constitute a counting of the votes. The action of the tellers at the desk in regard to the papers placed in their hands does not, I think, constitute the counting of the electoral votes.

The tellers are but the eyes, the ears, and the hands of the Houses, their mere ministerial agents, and the votes are not counted until the two Houses of Congress have in some way acted upon them. It will be observed that provision is made in this very bill for an objection even in the case under consideration; provision is made for an objection even in the case of a single return; and under the provisions of this bill any member of this House and one Senator have the right to make a written objection, and if they do make that written objection, then, by the terms of this bill, the Houses must separate and must vote upon that question one way or the other.

When the tellers go on counting the electoral vote, and nothing is said, it is the concurrent acquiescence of the two Houses. The concurrent acquiescence of the two Houses amounts just as much to a counting of the electoral votes as though their assent were expressed in votes cast in separate chambers of this Capitol. But under this bill if any objection is made, then by the very terms of the bill the Houses separate and the vote is had upon that question one way or the other; and until some vote has been had on that subject by the two Houses of Congress the votes have not been counted and can not be within the meaning of the Constitution.

Mr. EDEN. I understand my colleague to make a point upon that part of the amendment that is proposed, that notwithstanding, if it is a lawful return, it being but one it is to be counted; yet the bill provides for objections. I suppose it would be proper that objections should be made to see whether it was a proper return or not. The fact that the bill provides for objections does not reach that point.

Mr. ADAMS, of Illinois. Very well; that gives me occasion to say, Mr. Speaker, that my argument is not based at all upon the wording of this bill, because I believe that, in the absence of legislation, or in the presence of legislation, the two Houses of Congress are the only bodies which can count, and a legislative body can not count, or do anything else, except by assenting to some proposition by a vote. Therefore I say that, whether this law is in existence or not, under the meaning of the Constitution and the necessity of the case, under the provision that the vote shall be counted by the two Houses, as we now understand it in these later days, under the provision that the vote shall be counted by the two Houses of Congress, there would be always the right of any member of this legislative body, if it happened to be sitting to count the votes, to raise the question and bring it to a vote; and a similar right would, as I opine, exist in the Senate which in such case sits with the House.

I can not conceive that any statute can take away from either of these two legislative bodies the power to come to a vote of yes or no on any question relating to the business they then have in hand under the provisions of the Constitution. And, if the Constitution has conferred upon the two Houses the right to count the electoral vote, and if, as I believe, the count of an electoral vote by a legislative body consists only in an assent by that body to the proposition that such and such a paper does in fact represent the legal vote of a State—if that is true (and to my mind there can be no question about it), then, under the Constitution and this law, or under the Constitution without this law, the question could always be raised, either in the House or in the Senate, whether a particular return purporting to be the legal vote of a State was in fact that vote or not. Hence I say that a provision of law like this, which seeks simply to take away from the two Houses the right to express an opinion upon that question, is of utter invalidity. The two Houses of Congress, meeting under the Constitution to discharge the solemn duty of counting the vote, may utterly disregard any such statutory provision.

Mr. EDEN. Does my colleague take the position that Congress can pass no law providing rules by which the vote shall be counted?

Mr. ADAMS, of Illinois. I will come to that immediately. I do not desire to detain the House further than to merely indicate my general ideas upon this subject, and therefore I pass now to the question suggested by my colleague from Illinois [Mr. EDEN]. The question is as to the scope of the legislative power of Congress.

Soon after the Constitution was adopted attempts were made to provide mode of counting the electoral vote. As early as 1800 an attempt was made to regulate the matter by statute.

A bill passed the Senate providing for a procedure somewhat analogous to that which is now prevailing. When that bill came into the House, Mr. Gallatin moved to amend it so as to provide that the decision should be made by the votes of a majority of the members of both Houses, voting as one body.

That proposition nearly carried. It was defeated, I think, by so close a vote as 46 against, to 44 in favor of it. From that time to this that theory has been practically abandoned—at least down to the Forty-eighth Congress, when, as gentlemen will remember, Mr. Eaton, of Connecticut, proposed and secured the passage by this House of a similar provision.

But, I say, the idea that the two Houses should sit as one body has been practically abandoned ever since the failure of Mr. Gallatin's attempt. Therefore, from that time to this, the work of counting the votes has been done by a joint session of two independent bodies each acting freely, both acting concurrently in order to act effectively, each able to vote yea or nay; and, therefore, the counting of the electoral vote by the two Houses in that way, in the sense of a joint or a concurrent vote by the Houses that a certain paper purporting to be a return should be regarded as a return, was only possible when both Houses happened to agree. If they both voted yea, the vote was counted. If they both voted nay, the vote was rejected, and the only contingency left was the contingency in which one House voted yea and the other nay.

Now, my theory, I will say to my distinguished colleague from Illinois [Mr. EDEN], is this: that the moment you abandon the doctrine that the two Houses sit as one body and vote per capita—the moment you accept the theory that action must be had by the two bodies acting concurrently—from that moment it must be assumed to have been the meaning of the Constitution that legislation upon this subject would be valid only in so far as it was necessary to meet the contingency of a divided vote of the two Houses. I can not conceive how a

statute can enact any rule that will make an alleged return a real return if both Houses say that it is not.

I can not resist the conclusion that, under the meaning of the Constitution, if both Houses concurrently say that an alleged return is not a real return, that vote is not counted and can not be counted; and I can not resist the conclusion that, under the same Constitution, if the two Houses, acting concurrently, say that a certain alleged return is a legal return, their saying so amounts to the counting of that vote, and no statute can avail against it. Therefore I say to my colleague that in my judgment, although Congress may pass laws to govern the count of the electoral vote, Congress can not pass a law which can nullify the concurrent action of the two Houses of Congress upon whom has been cast by the Constitution of the United States the duty of acting concurrently in that matter. That, at all events, is the only theory which is satisfactory to my mind.

When I listened to my colleague while he enumerated the various contingencies which were to be met by this bill, as a single return and a double return, a single State tribunal and a double State tribunal, it occurred to me that he might simplify the matter by reducing the possible contingencies to two, namely, the contingency in which the two Houses of Congress concurrently vote yea or nay, and that other, the sole remaining contingency, in which the two Houses are unable to agree. This contingency in which the two Houses are unable to agree covers the entire scope of our legislative power, so far as we assume by legislation to control the proceedings of the two Houses of Congress to meet for the purpose of counting the electoral vote.

I will now remind the House that this question has been discussed since 1800. It has been discussed repeatedly. Repeatedly attempts have been made to legislate; repeatedly have joint rules been enacted by the two Houses; and the scope of all this legislation, the purpose of every such joint rule, has been to meet the contingency to which I have alluded, that is, the contingency in which the two Houses, bound by the necessity of the case to act concurrently or not to act at all, have been unable to agree. To meet this contingency has been the effort in all that has been done by the two Houses of Congress in the adoption of legislation or in the framing of joint rules on this subject.

The attempt in this bill to say that a return, single or double, should avail against the concurrent vote of the two Houses is, I think, the first instance of any such attempt. I believe it will not succeed. I believe it can not succeed. We might think it wise so to provide; but I say it is impossible that such a provision can be effectual. It would have no legal validity whatever. If a bill like this should pass, and the two Houses should meet, and, in the exercise of their plain right under the Constitution, be called on to pass upon a single return which all the members considered to be illegal, there would be this dilemma: The two Houses would either have to violate this statute or would have to violate the Constitution under which they act. Whichever way they acted there would be dissatisfaction, there would be doubt, there would be complaint in the public mind; there would be all those evils which we are accustomed to deprecate and deplore under the language, "A disputed Presidential election." Therefore, it seems to me the amendment ought not to be adopted, being not only unwise but invalid. The only thing, in my judgment, which Congress can do is to provide for the case in which the two Houses may fail to agree.

I am aware, Mr. Speaker, that in criticising this proposed amendment of the House committee it may be thought that I do in effect criticise one provision of the Senate bill, for there is in the Senate bill a provision that where the question of the validity of the title of electors has been submitted to a State tribunal and decided to be valid, such return shall be conclusively presumed to be valid, even though both Houses might dissent from that conclusion.

Perhaps the two cases are not exactly parallel. The conclusive presumption of validity established by the provision of the Senate bill to which I have alluded is established in a case where the question at issue has been submitted to and decided by the State tribunal provided for in section 2 of the bill. The decision of this State tribunal may be regarded as a judicial determination of the question by a court of last resort. To give conclusive effect to such a judicial determination is at any rate a very different thing from the provision of the proposed amendment, since the latter gives the same conclusive presumption in favor of a mere alleged return which has never been judicially passed upon and may be known to be a forgery by every member of each House.

Mr. EDEN. I will ask my colleague whether he recollects an instance in the whole history of the Government in which the two Houses have failed to agree in a case where there was but a single return.

Mr. ADAMS, of Illinois. I am not prepared to answer that question fully; but as my colleague is more familiar with the history of this matter than I am (for I was not prepared to discuss this bill, not knowing until late yesterday that it would come up), I will ask him whether there was more than one return from the State of Georgia in the case of the election when Horace Greeley was a candidate.

Mr. EDEN. There was but one return.

Mr. ADAMS, of Illinois. I will ask my colleague, further, whether the Senate did not agree to count that vote and the House refuse to count it.

Mr. EDEN. The vote was counted.

Mr. ADAMS, of Illinois. Did not the House refuse to count it?

Mr. EDEN. My recollection is that the House so voted after the count had been made.

Mr. ADAMS, of Illinois. My impression is that my colleague is mistaken; but he is so well informed, I feel bound to assume that I am mistaken myself.

Mr. EDEN. I have not examined that case recently, but certainly the vote of Georgia was counted, just as the vote of Missouri was counted in 1820, I believe.

Mr. ADAMS, of Illinois. According to my recollection, when the two Houses separated, the question was brought to a vote in each House, "Shall the vote from Georgia for Horace Greeley be counted?" and the Senate voted yea, while the House voted nay. That is my recollection.

I say, Mr. Speaker, that there may possibly be in the Senate bill a defect of the same kind as that which I attribute to the House amendment; but the provision of the Senate bill that when the question of the validity of the title of electors has been submitted to a State tribunal and decided affirmatively that title shall be conclusively presumed to be valid, is not, in my judgment, so dangerous as the provision of the House amendment that a single return, or a paper purporting to be a return, shall be conclusively presumed to be the legal and valid vote of a State, even though all the members of both Houses (to use the illustration of my friend from Ohio) are firmly convinced that the return is a rank forgery. My friend from Ohio said that in such a case he would be in favor of the return standing. I should not be; and I think that nothing we might enact in the form of legislation would prevent the two Houses of Congress from expressing their opinion in regard to the legal value of such a paper purporting to be the electoral vote of a State.

I notice a distinction drawn by the gentleman from Ohio between challenging the vote of a State, as he called it, and deciding a challenge when it has been made. In the case of a single return, he said, any objection to that return would be challenging the vote of a State. I do not think so. But he says that in case of more than one return, it amounts to a challenge in some mode by the State itself; and therefore a decision by the two Houses of Congress may properly be made. In my judgment the distinction is not well founded. I rest my objection to one or the other of the propositions upon that ground, which is the only logical basis on which I can frame a theory of the electoral count, namely, that if the two Houses of Congress, acting concurrently, agree one way or the other, they act in accordance with the Constitution, and nothing which any statute may provide can invalidate their action.

Although I see some slight objections to the Senate bill, I do not care to detain the House upon them. Perhaps they are corrected by the amendment my colleague from Illinois proposes to make. I refer to the provision in the Senate bill. I can not put my hand on it now, but it is a provision that there shall be conclusive presumption in regard to the validity of the title of electors, and their votes shall be counted if they are regularly cast. I think that is the phrase.

Mr. EDEN. Does the gentleman refer to the amendment I propose?

Mr. ADAMS, of Illinois. No, sir, but I was trying to find in the Senate bill the place where these words occur. I believe it is in section 4, page 5, of the printed bill:

> If more than one return or paper purporting to be a return from a State shall have been received by the President of the Senate, those votes, and those only, shall be counted which shall have been regularly given by the electors who are shown by the determination mentioned in section 2 of this act to have been appointed, if the determination in said section provided for shall have been made.

Now, the object of the Senate bill there was to establish conclusive presumption whenever a State tribunal had been erected and had discharged its functions. Yet, by the insertion of the words "regularly given," everything is thrown into as much confusion as if this conclusive presumption had not been established. Because the regularity of the proceedings of the electors is not a question which comes before the State tribunal. The State tribunal has to decide simply the title of the electors. The title of the electors may be valid, and yet their votes may be invalid, and the words "regularly given" referred not to the title of the electors themselves, but to the validity of their votes after they have been regularly elected. And, if that question is left open to one or the other, or to both Houses of Congress, I fail to see how the Senate, by that wording of the section, has avoided doubt and perplexity, as it is assumed they have done.

But, Mr. Speaker, notwithstanding any defects in the Senate bill, the necessity for some legislation on this subject is so strong, the importance of passing it at this session of Congress is so urgent, that I do not feel justified in detaining the House any more on this subject. For my part, I shall vote against the amendment proposed by the committee, but I trust the bill in some form will become a law.

Mr. Speaker, how much time have I remaining?

The SPEAKER. Twenty minutes.

Mr. ADAMS, of Illinois. I will reserve it for the benefit of whom it may concern.

FISHERIES.

The SPEAKER laid before the House the following message from the President; which was referred to the Committee on Foreign Affairs, and, with the accompanying documents, ordered to be printed:

To the Senate and House of Representatives of the United States:

I transmit herewith a letter from the Secretary of State, which is accompanied by the correspondence in relation to the rights of American fishermen in the British North American waters, and commend to your favorable consideration the suggestion that a commission be authorized by law to take perpetuating proofs of the losses sustained during the past year by American fishermen owing to their unfriendly and unwarranted treatment by the local authorities of the maritime provinces of the Dominion of Canada.

I may have occasion hereafter to make further recommendations during the present session for such remedial legislation as may become necessary for the protection of the rights of our citizens engaged in the open-sea fisheries of the North Atlantic waters.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, December 8, 1886.

DISTRICT ESTIMATES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury transmitting detailed statements in explanation of estimates for improvement of streets and avenues, erection of school buildings, &c.; which was referred to the Committee on Appropriations, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 6983) for the relief of certain soldiers of the Twelfth Michigan Volunteer Infantry, dishonorably discharged under special orders 92, War Department, Adjutant-General's Office, dated March 1, 1866; when the Speaker signed the same.

PAY OF CONGRESSIONAL EMPLOYÉS FOR DECEMBER.

Mr. SPRINGER. I ask unanimous consent to introduce at this time for immediate action a joint resolution authorizing and directing the payment of the salaries of the officers and employés of Congress for the month of December, 1886.

The SPEAKER. The joint resolution will be read subject to objection.

The Clerk read, as follows:

Resolved by the Senate and House of Representatives, That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and instructed to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of December, 1886, on the 20th day of said month.

There being no objection, the joint resolution (H. Res. 220) was read a first and second time, ordered to be engrossed for a third reading, and being engrossed, was accordingly read the third time and passed.

Mr. SPRINGER moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. CALDWELL. I desire to give notice that on to-morrow, within twenty minutes, say, after the resumption of the consideration of the electoral count bill, I shall ask the previous question upon the bill and all amendments thereto.

Mr. ROGERS. I move that the House do now adjourn.

Mr. BOUTELLE. I ask consent to introduce a bill for reference.

Mr. HEWITT. I hope the gentleman will not insist on that motion for a moment.

Mr. ROGERS. I will withdraw the motion for the present.

POST-OFFICE SITE, EASTPORT, MAINE.

Mr. BOUTELLE, by unanimous consent, introduced a bill (H. R. 10070) to authorize the Secretary of the Treasury to sell and convey the United States custom-house and post-office property at Eastport, in the State of Maine, lately destroyed by fire, the proceeds thereof to be invested in the purchase of a new site and for the erection of a new building in that place; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SUPERVISION OF WATERS, NEW YORK HARBOR, ETC.

Mr. HEWITT. I ask unanimous consent that certain resolutions of the Chamber of Commerce of the State of New York, in relation to the harbor of New York, be printed in the RECORD, and be referred to the Committee on Commerce. I will state that they are very brief.

There was no objection.

The resolutions are as follows:

CHAMBER OF COMMERCE OF THE STATE OF NEW YORK.

Resolutions in reference to the bill creating a commission to supervise the waters of New York harbor and its tributaries.

At the monthly meeting of the Chamber of Commerce held November 4, 1886, the following resolutions, reported by the committee of the chamber on the harbor and shipping, after full discussion of the subject, were adopted:

Resolved, That this chamber hereby reiterates its mature judgment in favor of the bill constituting a commission for New York harbor and its waters, which was introduced at the request of this chamber, was passed by the United States Senate, and is now pending in the House, as a measure absolutely required by the peculiar geographical and legal conditions of this national gateway from the ocean.

Resolved, That experience of a nature to be deplored has taught that no reliance can be placed upon any or all measures, short of this, to protect our channels from serious dangers, and our coasts and the ocean frontages, now so largely sources of health and enjoyment to all citizens, from the destructive effects of dumping garbage, offal, and other offensive matter, in total disregard of law.

Resolved, That while entertaining the highest respect and confidence in the ability of our Engineer Corps in all matters relating to that profession, we deem the combined judgment of the Navy and professors of the Coast Survey, with that of the Engineers, together with civilians representing the respective States adjoining, as prudent business wisdom and of a value not to be thrown aside for any consideration; and we therefore earnestly request the passage of the bill in question.

A true copy.

JAS. M. BROWN, *President.*

[SEAL.]

GEORGE WILSON, *Secretary.*

THERESIA FICHTER.

Mr. BINGHAM, by unanimous consent, introduced a bill (H. R. 10071) granting a pension to Theresia Fichter, widow of Paul Fichter, late a private in Company E, Fifth Regiment Pennsylvania Cavalry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

And then, on motion of Mr. ROGERS (at 4 o'clock p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BOYLE: Petition of citizens of Youngstown, Westmoreland County, Pennsylvania, for the passage of a bill granting a pension to Lavina R. Wineland, widow of Capt. Daniel Wineland—to the Committee on Invalid Pensions.

By Mr. BUCHANAN: Resolution of the Middlesex County board of agriculture of New Jersey, urging the passage of the Hatch bill—to the Committee on Agriculture.

By Mr. COMSTOCK: Petition of 62 citizens of Muskegon, Mich., for the adjustment of railroad land grants, &c.—to the Committee on the Public Lands.

By Mr. DOCKERY: Petition of William Norton, for a special-act pension—to the Committee on Invalid Pensions.

By Mr. DORSEY: Petition of citizens of Nebraska, in reference to opening the Sioux reservation—to the Committee on Indian Affairs.

By Mr. FINDLAY: Memorial from ship-owners, masters of vessels, and licensed pilots, opposing the bill repealing compulsory pilotage—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. FISHER: Petition of Greene Pack and 96 others, asking for the passage of House bill 2971—to the Committee on Invalid Pensions.

By Mr. GALLINGER: Petition of the officers of the Women's Christian Temperance Union of New Hampshire, praying for the passage of the Blair educational bill—to the Committee on Education.

By Mr. HATCH: Petition of Dr. E. Scott, secretary board of managers of the Missouri State Lunatic Asylum, at Fulton, Mo., asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. HAYNES: Petition of the Women's Christian Temperance Union of New Hampshire, for the passage of the Blair educational bill—to the Committee on Education.

By Mr. F. A. JOHNSON: Petition of steamboat lines, asking that the light-ship marking the place of the wreck of the Oregon be retained—to the Committee on Commerce.

By Mr. CHARLES O'NEILL: Petition of Fredericka Kurtz, widow of Jacob Kurtz, late private Company D, Seventy-third Regiment Pennsylvania Volunteers, for restoration to the pension-rolls—to the Committee on Invalid Pensions.

By Mr. OSBORNE: Petition of James A. Underwood, secretary Crippled Soldiers' Association of the United States, to change grades of pensions in certain cases—to the same committee.

Also, petition of Mrs. Sarah H. Laphy, of Luzerne, Pa., for a pension—to the same committee.

By Mr. OWEN: Petition of Francis W. Smith, of Company B, One hundred and twenty-eighth Regiment Indiana Volunteers, for a pension—to the same committee.

By Mr. RIGGS: Letter of Benjamin Goodwin, of Rockport, Ill., relative to equalization of bounties—to the Committee on War Claims.

By Mr. SPOONER: Petition of Nathaniel Q. Blydenburg for a special-act pension—to the Committee on Invalid Pensions.

By Mr. STAHLNECKER: Petition of citizens of Westchester County, New York, asking for an appropriation to improve the harbors of New Rochelle and the harbor inside of Davenport's Neck from the entrance to the harbor at Starin's Island, and from Neptune Island steamboat dock to the mill-dam—to the Committee on Rivers and Harbors.

Also, petition of the Crippled Soldiers' Association of the United States, of Allegan, Kans., for changing the grade of pensions in certain cases—to the Committee on Invalid Pensions.

Also, petition of Charles A. Story, of Chicago, Ill., in favor of House bill 303—to the Committee on Education.

By Mr. STEELE: Petition of soldiers of the Fifteenth United States Infantry, of the Seventeenth United States Infantry, and of the Second United States Cavalry, asking that retirement of enlisted men be after twenty-five instead of thirty years' service—to the Committee on Military Affairs.

By Mr. J. M. TAYLOR: Petition of Harriet E. Jones, of Nancy R. Price, widow of Stephen N. Price, deceased, and of Margaret E. Price, of Henderson County, Tennessee, for relief—to the Committee on Invalid Pensions.

Also, petition of E. J. Timberlake, administrator of P. R. Small, deceased, of Henderson County, Tennessee, asking that his case be referred to the Court of Claims—to the Committee on War Claims.

By Mr. ZACH. TAYLOR: Petition of heirs of William Moulden, deceased; of John W. Moulden, of Knox County; of John M. Holt and of Lewis Howery, of Hamblen County; and of William P. Long, of Grainger County, Tennessee, asking that their claims be referred to the Court of Claims—to the same committee.

By Mr. VAN EATON: Petition of Leopold Beckart and of Mrs. Anna M. Montgomery, to refer her claim to the Court of Claims—to the same committee.

By Mr. WHEELER: Petition of John C. Hammond, of Lauderdale County, Alabama, asking that his war claim be referred to the Court of Claims—to the same committee.

SENATE.

THURSDAY, *December* 9, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

JONATHAN CHACE, a Senator from the State of Rhode Island, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Director of the Mint recommending the repeal of the statutory limit to the coinage of subsidiary silver coin; which, with the accompanying papers, was referred to the Committee on Finance and ordered to be printed.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Treasurer of the United States, transmitting, in compliance with section 311 of the Revised Statutes, accounts rendered to and settled with the First Comptroller for the fiscal year ended June 30, 1886. Accompanying this communication is a large bundle of papers. The communication will be printed and laid on the table, and the question of printing the remaining documents will be referred to the Committee on Printing.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting documents in the land claim in New Mexico known as the Ojo del Ariel tract, José Sutton, claimant; which, with the accompanying documents, was referred to the Committee on Private Land Claims.

HOUSE BILLS REFERRED.

The following bills, received yesterday from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 7192) to provide a school of instruction for cavalry and light artillery, and for the construction and completion of quarters, barracks, and stables at certain posts for the use of the Army of the United States; and

A bill (H. R. 1171) to amend an act entitled "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," approved June 3, 1884.

The bill (H. R. 7990) for the relief of Thomas C. Dickey was read twice by its title, and referred to the Committee on Claims.

WEST POINT GRADUATES.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1424) for the relief of the graduates of the United States Military Academy, which was to strike out all after the enacting clause and insert:

That every cadet who has heretofore graduated or may hereafter graduate at the West Point Military Academy, and who has been or may hereafter be commissioned a second lieutenant in the Army of the United States, under the laws appointing such graduates to the Army, shall be allowed full pay as second lieutenant from the date of his graduation to the date of his acceptance of and qualification under his commission, and during his graduation leave, in accordance with the uniform practice which has prevailed since the establishment of the Military Academy.

Mr. SEWELL. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

The PRESIDENT *pro tempore*. The House of Representatives also amended the title of the bill so as to make it read: "A bill for the relief of graduates of the United States Military Academy, and to fix their pay." The amendment to the title will be agreed to, if there be no objection.

WILLIAM WARD.

The PRESIDENT *pro tempore* also laid before the Senate the amendment of the House of Representatives to the bill (S. 1990) to provide for the adjustment of matters connected with certain judicial proceedings in Pennsylvania in which the United States was a party.

The amendment was to add to the bill the following proviso:

Provided, That the amount allowed shall not exceed the sum of $3,000.

Mr. CAMERON. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

ADJOURNMENT TO MONDAY.

Mr. CAMERON. I move that when the Senate adjourn to-day it be until Monday next, at 12 o'clock.

Mr. HOAR. I hope that motion will not be agreed to.

Mr. VAN WYCK. And I trust not.

Mr. INGALLS. Oh, no.

Mr. ALLISON. Oh, no; let us not do that.

The PRESIDENT *pro tempore*. The motion is not debatable. The question is on agreeing to the motion of the Senator from Pennsylvania. [Putting the question.] The noes appear to have it.

Mr. CAMERON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MILLER. I desire to present some morning business. I wish to present a petition, which I presume is in order.

The PRESIDENT *pro tempore*. Not until after the pending matter is disposed of. The Secretary will call the roll.

Mr. MILLER. Is this the regular order?

The PRESIDENT *pro tempore*. It is the regular order.

Mr. HOAR. I hope the Senator from Pennsylvania will withhold his motion for the time being, and bring it up later in the day.

Mr. CAMERON. It may just as well be voted on now as later in the day.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. HARRISON (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES], who is detained from the Senate by sickness.

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES, of Arkansas] is detained by sickness, and is paired with the Senator from Indiana [Mr. HARRISON].

The roll-call was concluded.

Mr. BERRY. The Senator from Texas [Mr. COKE] is sick and unable to be here. He is paired with the Senator from Kansas [Mr. PLUMB].

Mr. CONGER. I take this occasion to announce that my colleague [Mr. PALMER], who is necessarily absent, is paired on political questions with the Senator from North Carolina [Mr. VANCE]. He is not paired on this question, of course; but I make the announcement now that he is paired until his return.

The result was announced—yeas, 23; nays, 22; as follows:

YEAS—23.

Beck,	Gibson,	Manderson,	Sawyer,
Blackburn,	Gorman,	Mitchell of Oreg.,	Sewell,
Cameron,	Hale,	Mitchell of Pa.,	Vest,
Chace,	Harris,	Payne,	Whitthorne,
Cockrell,	Kenna,	Platt,	Wilson of Iowa.
Dolph,	McMillan,	Ransom,	

NAYS—22.

Allison,	Dawes,	Ingalls,	Spooner,
Berry,	Eustis,	Miller,	Van Wyck,
Blair,	Frye,	Morrill,	Walthall,
Call,	George,	Plumb,	Williams.
Conger,	Hawley,	Saulsbury,	
Cullom,	Hoar,	Sherman,	

ABSENT—31.

Aldrich,	Edmunds,	Jones of Nevada,	Riddleberger,
Bowen,	Evarts,	Logan,	Sabin,
Brown,	Fair,	McPherson,	Stanford,
Butler,	Gray,	Mahone,	Teller,
Camden,	Hampton,	Maxey,	Vance,
Cheney,	Harrison,	Morgan,	Voorhees,
Coke,	Jones of Arkansas,	Palmer,	Wilson of Md.
Colquitt,	Jones of Florida,	Pugh,	

So the motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. HOAR. I present the petition of Charlotte K. Sibley and others, heirs and personal representatives of Henry H. Sibley, praying for the passage of the bill (S. 909) for the relief of Henry H. Sibley. The bill is upon the Calendar, and has been reported, but the petition states the death of the claimant and some reasons why the bill should be amended, and I therefore move the reference of the petition to the Committee on Claims.

The motion was agreed to.

Mr. MILLER presented the petition of Clara G. Scott and other citizens of New York, praying for the passage of a bill granting certain relief to Clara G. Scott; which was referred to the Committee on Military Affairs.

Mr. HALE presented the petition of Abel D. Russell, a citizen of Weld, Me., praying that his name be placed on the pension-roll; which was referred to the Committee on Pensions.

Mr. LOGAN presented the petition of the Swift's Chicago Beef House on Harlem River, J. Homer Hildreth, and 103 other citizens of New York, in favor of the passage of a joint resolution authorizing the Secretary of War to contract with Charles Stoughton for the entire work of improving the Harlem River, New York, for a sum not exceeding $1,495,000, the work to be completed July 4, 1889; which was referred to the Committee on Commerce.

BILLS INTRODUCED.

Mr. McMILLAN introduced a bill (S. 2930) authorizing the construction of a bridge across the Red River of the North; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MITCHELL, of Oregon, introduced a bill (S. 2931) granting a pension to John Walters, alias Jacob Kuntz; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2932) granting a pension to James D. Kirkpatrick; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SEWELL introduced a bill (S. 2933) to authorize the redemption by the United States of the silver coin known as United States trade-dollars under certain stipulations; which was read twice by its title, and referred to the Committee on Finance.

Mr. COCKRELL introduced a bill (S. 2934) in relation to the binding of certain public documents; which was read twice by its title.

Mr. COCKRELL. I desire to call the special attention of the Committee on Printing to this bill and hope that they will take speedy action upon it. The bill provides—

That the Public Printer be, and he hereby is, directed, in the binding in sheep of the executive and miscellaneous documents and reports of committees, so far as practicable to print on the back thereof the title or titles of the documents or reports therein contained.

This is to my mind a very great omission in the publication of these documents. I have now in my hand a document which has just been placed on our tables, "Report of the Secretary of the Interior, volume 2, 1885." There is nothing, when that is in a library, to indicate what the volume contains. There are five volumes of the report of the Secretary of the Interior for 1885, and those five volumes have each the same inscription on the back and nothing to indicate whether a volume contains the report of the Commissioner of the General Land Office, the Commissioner of Indian Affairs, the Commissioner of Pensions, the Commissioner of Patents, or the Commissioner of Education. Now, we have a volume of the report of the Secretary of the Interior which contains alone the report of the Commissioner of Education, and yet there is nothing on the back to indicate what it is.

It seems to me that this is a great oversight, and I ask that the Committee on Public Printing will take notice of this and recommend the enactment of this proposed law, so that we may have some little indication on the back of a volume as to what the contents of it are.

This volume No. 2, of 1885, Report of the Secretary of the Interior, contains the report of the Commissioner of Indian Affairs, the report of the superintendent of the Yellowstone Park, the report of the superintendent of the Hot Springs, the report of the Utah commission, and of the governors of Arizona, Alaska, Dakota, Idaho, Montana, New Mexico, Utah, Washington, and Wyoming Territories; the report of the governor of Wyoming concerning Chinese labor troubles; and also the report of the directors of the Union Pacific Railway Company.

I move that the bill be printed and referred to the Committee on Printing.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 2935) granting a pension to Robert Baxter; which was read twice by its title, and referred to the Committee on Pensions.

Mr COCKRELL. I present in connection with that bill, and to accompany it for reference to the Committee on Pensions, a petition of the judges of the county court of Jackson County, Missouri, and other officials and citizens, praying that a pension be granted to Mr. Baxter, now totally blind, poor, and dependent upon the charities of the world. The petition is accompanied by two affidavits of Silas M. Hillard, two of J. W. Rider, and two of James D. Meador; an affidavit of Dr. L. W. Twyman, an affidavit of Mr. Baxter himself, and an affidavit of sundry other citizens. I move that the petition and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. McPHERSON introduced a bill (S. 2936) granting an increase of pension to Benjamin T. Phillips; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 2937) for the relief of the Selma and Meridian Railroad Company; which was read twice by its title, and referred to the Committee on Claims.

Mr. McPHERSON introduced a joint resolution (S. R. 85) authorizing and directing the Secretary of War to lease to the National Hotel Company of New Jersey certain land in Monmouth County, New Jersey; which was read twice by its title, and referred to the Committee on Military Affairs.

HIRAM BERDAN.

Mr. PLATT. I desire at this time, if it be in order, to submit a proposed amendment to a bill for printing, and I should like to make a short statement in relation to it.

During the closing days of the last session there came up in its order, under the eighth rule, a bill reported by the Committee on Patents, authorizing the Court of Claims to take jurisdiction and render judgment in the case of the claim of Hiram Berdan. It was objected to by the Senator from Vermont [Mr. EDMUNDS], but was passed over without prejudice. On conference with the Senator from Vermont, his objections have been relieved by the amendment which I propose.

I ask that the amendment be printed, and I shall endeavor, at the next sitting of the Senate, to call up the bill for action.

The PRESIDENT *pro tempore*. The Senator from Connecticut submits an amendment intended to be proposed to the bill (S. 2619) authorizing a settlement of the claim of Hiram Berdan, assignee of the Berdan Fire-Arms Manufacturing Company, and asks that it be printed and lie on the table. If there be no objection, that order will be made.

COLUMBIA RIVER SALMON FISHING.

Mr. MITCHELL, of Oregon. I submit a resolution for reference to the Committee on Commerce.

The resolution was read and referred to the Committee on Commerce, as follows:

Whereas it is alleged by persons interested in the commerce of the Columbia River that sundry persons engaged in the business of salmon catching on that river have erected certain structures known as salmon traps and salmon wheels, and that sundry other persons engaged in such salmon fisheries on said river have from time to time during the salmon season placed salmon gill-nets of large dimensions in the waters of said river at various points and places; and

Whereas it is alleged that said wheels, traps, and gill-nets are obstructions to the commerce of said river and seriously interfere with the navigation thereof: Therefore,

Resolved, That the Secretary of War be, and he is hereby, directed through the proper Engineer Bureau of his Department to investigate the subject of the salmon fisheries on the Columbia River in the State of Oregon and Washington Territory, the manner in which carried on, whether by gill-nets, traps, or wheels, in what manner the same are placed or used in reference to the navigable waters of said river, and to report to the Senate at the earliest practicable convenience whether such traps, wheels, or nets, or any of them, and which class, in any manner and in what respect and to what extent interferes with or obstructs the navigation of said river and its commerce.

METROPOLITAN RAILROAD COMPANY.

Mr. VAN WYCK. At the request of many citizens of Washington, who are compelled to ride on the Metropolitan Railway line, I ask leave to offer a resolution directing the Committee on the District of Columbia "to inquire whether the Metropolitan Railroad Company neglected to run cars on their road north of Dupont Circle, on Connecticut avenue, on Sunday, Monday, and Tuesday, December 5, 6, and 7; if so, the reason therefor." Also, whether the cars are generally run on said portion of that road only between 8 o'clock in the morning and 8 o'clock in the evening.

This is only one of a few of the grievances which the people of this city are subjected to by reason of the determination of this company to run their road first, second, and last for their own especial benefit, without regard to the convenience of the public, which when they were incorporated was supposed to be the first matter to be considered. The people of this city are unable to find anywhere relief from this determination and the exactions of this company. They have very many other grievances which I think have been heretofore enumerated, and I believe the chairman of the Committee on the District of Columbia expressed a determination, as the citizens will be rejoiced to know, to investigate the matter of motive power upon this and the other street-car lines.

Now, it is a notorious fact, which every member of Congress knows and every citizen who unfortunately has to ride over this road knows, that their cars are overloaded, their horses and drivers are overworked, and the patrons of the road are overworked in discharging the duty of conductor, as they are required to do, willing or unwilling. There seems to be no relief for this unfortunate people—200,000 of population here, yet they are powerless. Actually on every trip made over this road every person from Georgetown or Dupont Circle is required to give ten minutes of his time—ten minutes actually stolen—because this company, now rich, full of large dividends, insist upon carrying their cars full with a small broken-down horse that has to pause to a walk at every grade; and therefore ten minutes are actually stolen out of the time of every citizen compelled to ride upon this road. A road which will not transport its passengers with the same speed that an ordinary dray team would a heavy coach or omnibus certainly deserves to be interfered with by Congress when the people have no power themselves.

I merely mention that in connection with other grievances which this people are called upon to bear. I have been at a loss to know, and so have they, why, when a car is loaded beyond its full capacity, often with twenty-five passengers, and a horse staggering under the load, the passengers must be required to perform the duty of con-

ductor, passing over one another's shoulder 25 cents to get tickets, and then a passenger generously opens the package and starts the coveted ticket toward the box, and then having the other passengers staggering with the package of unused tickets back to the rear of the car to give it to the passenger clinging for dear life to the props for human support. Yet this people must be subjected to this grievance because they have no power in themselves to reach it.

I have had occasion before to say, what is not necessary to repeat, that this corporation has these people by the throat and compels them, and compels every man who rides, to do a conductor's duty.

Therefore, I ask that the resolution may be adopted at this time, and then it is to be hoped that this people will secure some redress from other grievances of which they complain.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution as follows:

Resolved, That the Committee on the District of Columbia be directed to inquire whether the Metropolitan Railroad Company neglected to run cars on their road north of Dupont Circle on Connecticut avenue on Sunday, Monday, and Tuesday, December 5, 6, and 7; if so, the reason therefor. Also whether cars are generally run on said portion of road only between 8 o'clock a. m. and 8 o'clock p. m.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 68) for the relief of William P. Chambliss.

The message also announced that the House had passed a joint resolution (H. Res. 220) authorizing and directing the payment of the salaries of the officers and employés of Congress for the month of December, 1886; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 68) for the relief of William P. Chambliss; and

A bill (H. R. 6983) for the relief of certain soldiers of the Twelfth Michigan Volunteer Infantry, dishonorably discharged under Special Orders 92, War Department, Adjutant-General's Office, dated March 1, 1866.

NEW ORLEANS, BATON ROUGE AND VICKSBURG RAILROAD GRANT.

Mr. EUSTIS. I ask unanimous consent to give a notice of the postponement of a special order.

The PRESIDENT *pro tempore*. If there be no objection the Chair will receive it.

Mr. EUSTIS. At the last session, on my motion, the bill (H. R. 3186) which is a bill to declare the forfeiture of what is known as the Backbone-railroad grant, was made the special order for Monday, December 13. I know it is the desire of the Senator from Colorado [Mr. TELLER] to be present when the bill is considered. He is absent from the city. Therefore I move to postpone that special order to one week from next Monday, that is, to December 20, at 2 o'clock.

The PRESIDENT *pro tempore*. The Senator from Louisiana moves that the Senate proceed to the consideration of a bill, the title of which will be stated, with a view to its postponement.

The CHIEF CLERK. A bill (H. R. 3186) to declare a forfeiture of lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company, to confirm title to certain lands, and for other purposes.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senator from Louisiana now moves that the bill be postponed to and made a special order for Monday, December 20, at 2 o'clock.

The motion was agreed to; two-thirds of the Senators present voting in the affirmative.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendment of the Senate to the bill (H. R. 1905) for the relief of Theodore W. Tallmadge.

The message also announced that the House had passed a bill (H. R. 9183) for the relief of James R. Marrs.

The message further announced that the House had passed the bill (S. 1110) to relinquish the interest of the United States in certain lands to the city and county of San Francisco and their grantees.

The message also announced that the House further insisted upon its disagreement to the amendments of the Senate, insisted upon by the Senate, to the bill (H. R. 9798) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1887, and for other purposes, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FORNEY, Mr. RANDALL, and Mr. BUTTERWORTH, managers at the further conference on the part of the House.

TARIFF REVISION.

Mr. MORRILL. I desire to call up for present consideration the resolution introduced by me on Tuesday.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate proceed to the consideration of the resolution submitted by him on the 7th instant, which will be read.

The Chief Clerk read the resolution as follows:

Resolved, That the promise of making any revision of the tariff in a spirit of fairness to all interests, not to injure any domestic industries, but to promote their healthy growth, so that any change of law must be at every step regardful of the labor and capital involved, and without depriving American labor of ability to compete successfully with foreign labor, and without imposing lower rates of duty than will be ample to cover any increased cost of production which may exist in consequence of the higher rate of wages prevailing in this country, appears so obviously hopeless and impracticable that any further attempts at revision by the present Congress, in contravention to the foregoing cardinal declarations, are to be regarded as inexpedient and detrimental to the revival of the trade and industry of the country.

The motion was agreed to; and the Senate proceeded to the consideration of the resolution.

Mr. MORRILL. Mr. President, it appears that some new Democratic leaders have determined upon a national contest on the tariff question. They would drag reluctant followers away from the example of the first act of the First Congress, away from the teachings of Jefferson and Jackson, as well as from the warnings of Tilden, away also from the latest Democratic national platform; and they demand that the United States shall humbly begin to copy the British dogma of free trade, notwithstanding it seems to be everywhere else tottering to its grave. The avoidance by these tariff reformers of all old issues may be wise, but it is not so clear that the new issue will be less calamitous than those issues from which they seek to escape, or which have heretofore ended in inglorious defeat. Neither the magnitude of the question nor the courage of those who flaunt free trade on their banner will be denied, for the reason that it obviously threatens nothing less than ruin and disaster to many of the great industries of the American people. Under these circumstances it would be cowardice to shirk the discussion so broadly tendered—a discussion wherein the Senate has not had, and may not have, any formal opportunity to participate; and regretting that the subject is not about to be handled by some Senator more competent than myself, I yet venture thus early to bring to the attention of the Senate what, as it appears to me, supremely concerns the enduring prosperity of our common country. Bearing in mind that the Senate may be assumed to know something about the tariff, I hope to escape from being wearisome by omitting much of what I do not know.

THE TARIFF BACKBONE OF THE DEMOCRATIC PARTY.

It is clear that the Democratic Presidential candidate in 1884 would have been defeated but for the protective-tariff backbone inserted in the Democratic platform by the national convention at Chicago, July 10, 1884, from which I take the following remarkable extract, now supposed to be too square-toed to make a literal compliance politically advantageous:

The Democratic party is pledged to revise the tariff *in a spirit of fairness to all interests. But in making reduction in taxes it is not proposed to injure any domestic industries*, but rather to promote their healthy growth. From the foundation of this Government taxes collected at the custom-house have been the chief source of Federal revenue. Such they must continue to be. Moreover, many industries have come to rely upon legislation for successful continuance, *so that any change of law must be at every step regardful of the labor and capital thus involved.* The process of reform must be subject in the execution to this plain dictate of justice—all taxation shall be limited to the requirements of economical government. The necessary reduction in taxation can and must be effected *without depriving American labor of ability to compete successfully with foreign labor, and without imposing lower rates of duty than will be ample to cover any increased cost of production which may exist in consequence of the higher rate of wages prevailing in this country.*

These strong pledges, pregnant with fair-minded protection in every sentence, were introduced into the Democratic platform through the insistence of protective-tariff Democrats, who are now receiving vitriolic denunciations from the late half-breed allies of free trade, because of their honest efforts to prevent their party from violating pledges upon which their national co-operation was based, and upon which the party obtained its victory by a majority of only a finger's breadth. Before the election, in the words of Rabelais:

The devil was sick, the devil a monk would be.

But after the election,

The devil was well, the devil a monk was he.

Promises to associates are said to bind the honor of a class not to be named by me, and assuredly should have bound that branch of the Democratic party which prides itself on "tariff reform;" but forgetting they had solemnly declared that "it is not proposed to injure any domestic industries, but rather to promote their growth," we find instead that their conduct bore no reference to their creed, and they were ready not only to injure, but to injure fatally, whatever they touched, as was shown by their latest edition of tariff bills, which proposed to repeal all duties upon imported wool and hemp, as well as upon salt and fish, flax and flax straw, jute and jute butts, and lumber—a measure which at one blow would blot out all of these "domestic industries," vital to the

prosperity of all portions of our country, and stampede them directly into alien hands.

When business of all kinds is moving in a normal condition of general contentment, neither excited nor depressed, a change in tariff laws, by which trade and industrial affairs are to be governed or affected, is ever unwelcome, and only to be justified when promising great, immediate, and palpable benefits, as any change must to some extent dislocate the regular and ascertained results of all industrial establishments. But to propose such a change when business affairs have been unusually depressed, when trade everywhere has offered only meager inducements, when wage-earners find steady employment uncertain and unsatisfactory, but showing signs of improvement, it would seem peculiarly inauspicious. Statesmen, with any broad view of the general welfare, especially those suddenly dressed in brief authority, should be wary about pushing legislative measures which would have no other effect than to multiply obstacles in the way of a revival of business, increase the losses and timidity of capital and enterprise, and break the hope of laboring men. And yet it would seem that the party of free trade, under the alias of "revenue reform," has determined to run amuck against nearly all the industries and productions of America, and such as escape the first assault could not hope for immunity from the next.

A sudden and violent reduction of the tariff subjects all stocks on hand to sudden and violent depreciation, and forces many people into bankruptcy, or to abandon their life-long occupations only to crowd labor and capital into other employments, perhaps already overstocked and unremunerative.

OBJECTIONS TO WILD EXPERIMENTS.

The foremost objections to the proposed reductions of the tariff, however small the reduction, are that they were supremely ill-directed and wholly at war with American industries, and that according to the estimates of the Treasury Department there did not appear to be any surplus of revenue to spare. The revenue, as estimated by the present administration, was to be $315,000,000, and the estimated regular annual and permanent appropriations were $339,589,552, and the actual amount appropriated for 1887 was $328,000,000, although not including a dollar on account of fortifications or for coast defenses. Notwithstanding these stubborn records, a reduction of revenues was proposed in the face of a deficit, as was clearly disclosed by their own highest authority, of $24,589,552, and this estimated deficit the revenue reformers sought to increase.

A deficit, whether really imminent or not, can not now be denied by those who originally proposed a reduction of the revenue, for they subsequently very ostentatiously sought to avoid it by threatening the attachment of an amendment to pension bills, a sort of legislative-swivel veto, imposing new taxation to cover the full payment of any bill that increased pensions, or of any grant to persons not previously entitled by law to pensions. Their belated patriotic foresight was, however, rather incongruous. To reduce taxation was the primary object, as we were assured, of all their early efforts; but their ultimate side-show was to increase taxation and the revenue in order to save the Treasury from bankruptcy, and the Executive, possibly, from a too prolific brood of pension vetoes. These several incoherent conclusions find, perhaps, their only support in the terms of Poo-Bah's celebrated verdict:

So now you'll all agree
That he was right,
And we were right,
And you were right
As right could be.

It may be true that a larger revenue will be received than was estimated; and, if so, it will have been mainly derived from duties on imports—a fact which by no means would tend to prove that the existing rates of the tariff were excessive and urgently requiring reduction, but proving that a reduction might still more, through an increase of imports, augment the excess of revenue.

To the scheme of a radical and permanent reduction of the revenue there are other objections (and objections are as plenty as blackberries), one of which is, that the reduction necessarily implies a long postponement of the payment of the public debt, and the non-fulfillment of the pledge, given by the statute, of an established sinking fund. Surely no policy should find favor by which a permanent debt is to be indefinitely left riveted upon the country.

STRUCTURAL WEAKNESS OF FREE-TRADE TARIFF BILLS.

There appears to have been, if I may say so, a "structural weakness" in Democratic free-trade tariff bills. The framer of some of these bills seems to have expected that free trade brought across the Atlantic, like spirits after a sea-voyage, would be so mellowed as to make it more palatable. He began with homœopathic doses, horizontally administered, as if dreading to excite an outcry; and, like the English parson, described by Selden, "baptized his own fingers rather than the child."

The ill-born horizontal schemes—first 10 per cent., and then 20 per cent.—by which it was at first proposed to change, but not to amend, the existing tariff, were not limited to a few articles; but, while equally cutting and bleeding nearly all the duties upon imported articles, copying the Sangrado specific in every case, with nothing of "Tariff Reform," or of computable advantage to consumers, proposed to reduce the tariff just low enough to let a flood of foreign productions pour in and overrun the American market. These measures not having inspired love at first sight among members of a House anxious to escape a "Waterloo" on the ides of November, the juvenile play of Bo-peep commences—now the horns peep out, now they hide for safety—and an amended bill was hurriedly brought to the front, where the horizontal jumped to the perpendicular, and all about iron dropped out of sight for safety. The authors, rough-hew it how they would, seem to have been suddenly taught, in the words of an eminent political teacher,

What perils do environ
The man that meddles with cold iron.

IRON HARDER THAN WOOL.

The architects of these various unrelated reform-tariff bills—the last one of which being always at war with its predecessors—finally reached the conclusion that iron had more gravity and that its impact was more to be dreaded in any political contest than wool, from which, therefore, they abruptly proposed to withdraw all tariff protection. The farmers were accordingly selected as the victims of the new experiment. In order that there should not be a rag of protection left, it was proposed that not only all wools, but woolen rags, shoddy, waste, and mungo, and wool on the skin, should also be admitted free. No revenue from rags and shoddy! What ringing watchwords to carry admiration without limit are these of tariff reform! Rags and shoddy free, and oleomargarine may come next.

WOOL AND SHODDY.

The annual clip of wool since 1861 has increased from 60,000,000 pounds to over 320,000,000 pounds. Protection has not only magnificently increased the product, but has wonderfully improved the quality; and the supply of nearly every variety required by American manufacturers can now be furnished, with the single exception of coarse carpet-wools. This vast interest, deeply identified with all portions of our country, is thus exposed to absolute annihilation by the proposed free-trade reform. The husbandmen whose flocks require winter feeding can not compete with those in Australia and South America, where no such feeding is required; and when American sheep-husbandry shall have been banished from the fields where it now prospers, the land can only be devoted to wheat or corn, for which there is no profitable market visible at home or abroad, and our prairie farmers would soon become the tenants at will of foreign landlords. It may be that the lamb-like submissiveness of wool-growers has been overestimated. In numbers they have a giant's strength, and may not consider it tyrannous to use it in self-defense.

HEMP AND FLAX.

Another industry of no mean importance, which it is also proposed by the free-trade reformers to destroy root and branch, is that of hemp and flax, for these also are to be wholly deprived of protection. In Missouri and Kentucky hemp is a staple product which gives employment to large numbers of the colored people through the long winter months, when no other work is in season. My excellent friend, the distinguished Senator from Kentucky, has a fancy that he is at his best when he is assailing the present tariff and fixing it up for "revenue only." He holds *that*, as Bishop Berkeley held tar-water, to be a remedy for all diseases. I do not question his great ability nor his sincerity; and when he shall be gathered to his people, which I hope will not be until he has reached the longest record to be found in sacred history, I have no doubt there will be found engraved on his heart the words, "A Kentucky *tariff for revenue only.*" But what is he to do with that free-trade reformer who proposes to make hemp free? I think I can hear him, with something of old Scotia's emphasis, repeating Shakespeare's words:

Let hemp suffocate his windpipe.

FARMERS TREATED WITH CONTEMPT BY THE FREE-TRADERS.

In all these experimental tariff-reform bills farmers are treated with contemptuous injustice, and their products are branded as unworthy of the slightest protection. Corn, oats, hay, and potatoes have appeared on the perilous edge of the free-trade bills. At first they were put on the free-list, and then apparently granted a reprieve until the next installment; but, like the companions of Ulysses, they are all in the same cave with the one-eyed monster, Polyphemus, and threatened to be hereafter successively devoured.

THE AMERICAN FISHERIES.

Our fisheries, from the earliest days of our history regarded with national pride and solicitude, it is now proposed by the latest of these bills to abandon and surrender to our affectionate and rather demonstrative northern neighbors a free and their only market, for which they have so long fiercely but vainly struggled, and for which they have often been willing to tender many so-called equivalents. All is now legislatively offered without any reciprocity, without money and without price, as a boon to the parties who have rudely seized, the past year, so many of our defenseless fishing-vessels, and so often insulted our flag. Further diplomacy, after this proposal of unconditional legislative surrender, will no longer puzzle the State Department, and we ought to be loved as we can not be feared. Certainly no copyright need to be secured

on these tariff-reform bills, as the distinguished authors are likely to long enjoy a monopoly of their models.

NOT OVERPRODUCTION, BUT OVERIMPORTATION.

It has often been asserted that the recent dullness of American trade was caused by an immense overproduction of American manufactures; but so long as the report of the Treasury Department shows that we annually import manufactured articles to the amount of $379,987,472, nearly all of which might as well have been produced at home, this overproduction statement must lie, and be located elsewhere. Our total imports of 1886 were $635,436,136, and of these all but $255,448,664 were in manufactured articles. The manufactures of wool imported into the United States for the year ending June 30, 1886, were valued at $41,421,319, and not only displaced an equal amount of our domestic woolen manufactures, but deprived our wool-growers also of a market for not less than 120,000,000 pounds of wool contained in the woolen fabrics imported. Clearly the evil from which we have suffered has not been so much from overproduction as from over-importation. Our people could not fail to find a much larger market at home if they were not crowded out by the overproduction of foreign machinery, from which free-trade reformers seek no relief.

CAPITAL IN FARMS, AND THE LABORERS.

The aggregate capital of our people invested in farms, including lands, fences, and buildings, is a trifle over $10,000,000,000, and this immense capital can not fail to become sadly depreciated unless the home market for agricultural products shall be not only maintained but augmented. The wheat from India and Australia, produced by laborers at one-eighth of what is paid to laborers in Texas or Georgia, appears to be obtaining all those foreign markets hitherto open to our farmers, and at this crisis the agitators of free trade are insiduously attempting to sap and undermine our home market by the deprivation of large bodies of home consumers of their accustomed means of livelihood. So much protection as is necessary for the full retention of those employed in manufactures is unequivocally for the benefit of agriculture. They are just as indispensable for the consumption of the crops as is the live-stock of the farmer.

CAPITAL IN MANUFACTURES, AND THE LABORERS.

It may be that some of those astride of their free-trade hobby, guided wholly by a British chart, and bespattering with mud whoever they meet on their way, underrate the numbers of those whose occupations they would either cripple or destroy. Most likely they have forgotten that, while the number of laborers employed in agriculture is large, or 3,323,876, the number of laborers employed in manufactures is also large, or 2,718,805, and only less by 605,071. The interests of these laborers are inseparably interlaced, and in spite of all misleading foreign devices, if the question is to be determined as a political one, they must ere long go hand in hand to the ballot-box.

We have also nearly three billions of capital ($2,775,412,345) invested in manufactures and the mechanic arts, giving useful employment to large and important numbers of our people. * This capital is immovable, and must abide the fate that awaits it, survive or perish, in the general policy of the country, whether friendly or adverse. If that policy should continue to be friendly, this capital will be a working capital, a capital for wage-earners, and cover our country with countless blessings. If it should be adverse, all this fixed capital will be smitten with paralysis, and the multitude of vigorous workmen, finding their occupation gone, will be an army of the unemployed, and exposed either to idleness or to a much lower scale of wages, with all of its bitter train of miseries.

A large proportion of agricultural products are consumed by farmers on their own premises: but, according to the census of 1880, the amount sold was $2,212,540,927; and yet the aggregate value of manufactures, aided by the giant water and steam power of machinery, was more than twice that amount. These vast American interests, illustrated by figures that tax human comprehension, must be affected from top to bottom by changes of the tariff; and even the fear of a change, when engineered by hostile hands, is disastrous and destructive to all hopeful enterprise. But our fearless tariff reformers appear to be as unmindful of the disturbances they may create as the little child who throws a pebble into the ocean at Sandy Hook, not knowing that a vibration will be sure to follow on to the farthest shore of the Atlantic. Moved by partisan inspiration much more, it is to be feared, than by practical experience, it is not wonderful that the audacity of such meddlers, having won no applause from opponents, should have provoked some pungent criticism even from their political friends. But the candor of tariff and anti-tariff Democrats, it must be admitted, is conspicuous: they never speak well of one another.

WAR TAXES REDUCED LONG AGO.

It is sometimes arrogantly declared that it is time that "war taxes" were reduced; as though they had not been already repeatedly reduced. In 1866 our receipts from all sources were $558,032,620.06. Since that time the tariff has been reduced, and all internal revenue, except that from spirits and beer and a moiety of that from tobacco, has been wholly abandoned; and the amount from the tariff and internal revenue in 1885 was $293,969,664.88, which shows that we have relinquished taxation since the close of the war by an amount nearly equal to all that is now collected. I suppose the continual loud barking about "war taxes" will even eclipse that of Mr. Beecher's dog, which, he said, barked at the hole for several days after the squirrel had gone.

PROTECTION REQUIRED MOST FOR THE GENERAL WELFARE.

It is true that many American products have outgrown protection, and neither receive nor covet it. But, while all home manufactures have been wonderfully cheapened, foreign competition has become unbounded, and protection against underpaid foreign labor can not be abandoned. It requires, therefore, an extensive acquaintance with the entire products of the world, and special skill on the part of those who are about to revise and readjust tariff rates, subtracting here and adding there, in order to be absolutely just to the Government as well as just to all parties whose interests and daily avocations are so greatly concerned. Interests so deep and far-reaching should be intrusted to friends, and not wholly to those who care not for them—certainly not to those who have shown a purpose to strangle them. Protection is not required solely for or by manufacturers, but for the industrial autonomy of the nation, for the general welfare of the whole country; and a revision of the tariff calls for much patient labor, and should be grounded upon established facts, instead of upon a theory which makes statistics and our history and experience all go for nothing.

NOT REQUIRED TO LOVE THY NEIGHBOR BETTER THAN THYSELF.

In my humble career in relation to the tariff as long supported by me, I have found no command to "love thy neighbor better than thyself;" but I have found, what I hope may be the universal promptings of patriotism and philanthropy, to urge on that pronounced tariff policy which, while offering an ample revenue for the support of the Government, aims also to advance the prosperity, power, and glory of our country by developing the full forces, material and intellectual, of all and every part of its people, and which furnishes "the fences to secure for labor profit, and to men at large the full enjoyment of the fruits of the earth." This policy holds out no exclusive favors, and no possible monopoly of trade, neither to persons nor places. It is a continental policy which embraces Augusta and Chattanooga as much as Lowell and Pittsburgh; San Francisco as much as Wilmington and Jersey City. All places and all persons are not only permitted but invited to enter the race, foreign lands and persons alone excepted; and yet the free-trader, like the Knight of the Sorrowful Countenance, still wages a windy battle against the wholly imaginary foe which he calls a "monopoly."

UNDEVELOPED RESOURCES OF SOUTHERN STATES.

In all of the so-called Southern States but two, only about one-third of the land has been improved; and even in Virginia and Kentucky there are millions of acres untouched by the plow. As all of these States have a superiority in climate, an abundance of labor, and by no means an inferior soil, ought this immense dead capital and all of its earth-hidden mining treasures, together with the unrivaled water-power of unnumbered rivers, to remain forever untouched and undeveloped?

But it will not be improved unless a market for the products shall be created at the threshold, and this can only be broadly created by that multiplication and diversity of employments which a protective tariff brings forth in home manufactures; but, instead of this, free-trade would blindly sow the seeds for an abundant crop of pauperism.

A new generation has appeared in the South, which offers a retreating support, in its new and emancipated condition, to the free-trade dogmas so long caressed and dominant under the ancient régime. The world does not stand still, but revolves. All alien or sectional embarrassments of our country have vanished. The idle man is no longer the only gentleman. The talent not buried in the ground finds its reward. Dogs in the manger are being kicked out. The factories, founderies, and machine-shops on the James River and on the Tennessee—as potential as those on the Merrimac and the Providence—are so many battering-rams, before which alien theories and crooked abstractions are tumbling down, to rise no more forever. Hostility to and destruction of these young but promising workshops involve something akin to the Herodian guilt of a slaughter of the infants. But the time will come when it will be said, "They are dead which sought the young child's life."

HUNGRY FOR CAPITAL.

Most of the Southern States claim to be in need of capital for new industrial establishments, and for the general development of their great natural, but slumbering, resources, which would more tempt Northern investments were it not for some distrust of their permanent safety, too often menaced by the approval with which some Southern leaders still appear to hail measures that hand over all such investments to be legislatively crucified. When the character of public opinion shall have become hospitable and fully ripened, the consummation of the valid hopes and demands of Southern States will not be long delayed.

THE IROQUOIS STILL AFTER AMERICAN SCALPS.

The Iroquois, still employed by the British to tomahawk Americans, might increase their riches and prosperity and pay proper taxes if they would only work; but they won't. They talk and reduce eco-

nomical discussion to a farce. They are constitutionally the "Indians not taxed." In the earliest years of our Government two or three million dollars for its support was regarded as more abundant than fifty or one hundred times that amount would be by the present administration. When the imports and rates of duties were small our wants were small. In this early period our settlements barely fringed the shores of the Atlantic; but since that time our citizens—leaping over the Alleghanies, beyond the Mississippi and the Rocky Mountains—have peopled the Pacific slopes so densely that no room can now be found for the Iroquois or even for a Chinese wedge. To support a free government in this New World of magnificent distances and of liberal institutions, a large revenue is necessary, and American progress constantly leaves fewer articles upon which revenue can be based.

The whole amount raised is used for the support of the Government, and for no other purpose. To this end duties upon imported foreign articles are imposed, and they bear very lightly upon our own people, as foreigners must bear a very considerable part of the burden before they can have any license here to sell their commodities. At the same time the duties are found to be a powerful stimulus to American enterprise, which soon brings forth similar articles either of better quality or at a cheaper price; and there is not now a single manufactured article which has ever received tariff protection that has not been vastly reduced in price from the competition arising therefrom. In the long run a protective tariff is, therefore, for the advantage of the consumer. The range of articles for popular consumption is enlarged and offered at popular prices. Beyond all doubt incidental foreign exclusion promotes American industries and their growth. Americans prosper by reason of this comparatively easy method of supporting the Government, and much more prosper by the policy which secures to the whole people profitable and diversified employments.

EXPORT TRADE NOT DEPENDENT UPON DUTIES ON IMPORTS.

The party slogan is, though nowhere supported by facts, that if foreign manufactures were permitted to come into our ports free of duties foreign ports would be opened to receive a greater amount of our export trade. This is everywhere contradicted by experience, and is not less absurd than it would be for our sailors, when the tide and wind were favorable for entrance only to our harbors, to start out for a tempestuous voyage at sea.

This stale theory is also refuted with mathematical certainty by the foreign-trade statistics of many other countries. Germany imported from Spain only to the amount of $1,513,170, and yet her exports to Spain reached $17,735,845. The exports of British home produce to Russia in 1882 were $28,859,225, while the imports of Great Britain from Russia were $105,238,610. This scanty recital might gain by indefinite expansion, and with like results, as to our exports and imports with Great Britain, Brazil, Japan, Cuba, and the Canadas, and wholly and forever disproves the allegation that our exports to any particular country are dependent in the slightest corresponding degree upon the extent of our imports. And yet this baseless argument, without one fact to stand on, has been repeated this season, and will be the next, both here and abroad, by every professor of English political economy; for they think as the heathen do, "that they shall be heard for their much speaking;" and these learned theorists, having no warm-heartedness for labor, are the stars among those specially endowed with an incapacity to earn, and who have never attempted to earn, a dollar by the sweat of the brow. Why is it that in Great Britain, the only pretentious paradise of free trade, their export trade has passed its zenith and seems to have been visibly declining, while that of the United States, where a protective tariff finds some support, has been largely gaining? Our exceptionally large imports of tea from Japan and of coffee from Brazil, wholly duty free, have signally failed to promote a corresponding reciprocity of our exports to those countries. The experiment has, therefore, been fully tested and indelibly branded with the figure of a cross.

It is not to be doubted that there are many American products which from their excellence and cheapness might find a ready market abroad, provided the producers would first study so much of utility as not to be distanced by England, and, second, so much of beauty as not to be distanced by France; but the producers having facilities for such productions, instead of idly complaining of dullness at home and calling upon Hercules for aid, should imitate the German and British traders and send out to foreign countries young men, and free-traders if possible, as traveling salesmen, to learn the language, the wants, and tastes of the people with whom a wider intercourse might be advantageous. Samples, not of slipshod, scamping work, but of their most attractive products, should be exhibited. Trade has grown to be exacting, seeks what will wear well as well as what is beautiful, and must be wooed to be won.

If manufacturers here have been in some respects remiss in courting foreign trade, they have this practical excuse, that the Government has refused all facilities to foreign markets by declining to establish on the ocean any adequate mail service by American vessels.

The argument of free-traders, as already stated, is that our domestic productions would find a wider foreign market if we were only to open our ports, through a reduction of the tariff, to a larger introduction of foreign productions. But obviously the currents of the two streams, foreign and domestic, would then meet, and an overflowing flood could only be avoided by drying up or by entirely suppressing the conflicting American industries, which could not maintain their existence except on the lowest scale of wages paid to producers of like commodities abroad.

The whole idea appears to be that, by the abandonment of the prosperity we have at home, we might gain more abroad, and is quite on a par with the logic of Sir Boyle Roche, who said:

It would be better, Mr. Speaker, to give up not only a part, but, if necessary, even the whole of our constitution, to preserve the remainder.

IMMIGRATION NOWHERE FOLLOWS THE TRACK OF FREE TRADE.

If free trade leads to prosperity and protection to adversity, how does it happen, since 1860, that 2,910,067 of British subjects have emigrated and emigrated—not including those to India or to any other of the British colonies—to the United States? Forty thousand emigrants came to us in September last, and about the same number in October. But an American emigrant to Great Britain would be a curiosity worthy of preservation in the British Museum. There are no tracks in that direction.

Although we pay working men more than once and a half as much as they are paid in England, and twice as much as they are paid in Germany, yet our free-traders say that Americans are the cheapest workmen in the world because they do more work. Is it to be believed that an Englishman, as soon as he puts his foot on our soil, can do 50 per cent. more work than ever before, or that a German can do twice as much?

LABOR-SAVING INVENTIONS.

Americans have won an enviable reputation by their numberless inventions of labor-saving machinery, and by the genius displayed in original discoveries, that make up the milestones of the world's industrial advancement. No other people hold a better title to the use and profit of the utmost power of machinery than the people of the United States, nor will they consent to measures which tend to remand thousands of our people to hand-labor only. If, at times, there appears a redundance of commodities, the result is a diminution of prices. The great advantage is that the extensive introduction of machinery and the protection of skilled-labor have marvellously reduced the cost of the necessaries of life, and in many countries have also increased, not only the comforts and luxuries, but the longevity of mankind. Tireless engines take up the hardest work. Ingenious mechanism often snatches a grace beyond the reach of human hands. We look in vain, however, to find in the land of free trade so many healthy and happy dwelling-places, occupied by their intelligent owners, as to-day profusely decorate the American landscape and practically uphold the national wisdom and beneficence of a protective tariff.

ADAM SMITH AND HIS FREE-TRADE THEORY.

When Adam Smith brought out his great free-trade work, on "The Wealth of Nations," it was based on the state of things in 1776, when England was almost the sole possessor of manufactures, when provisions were double of their present cost, and wages perhaps not half as high, and when steam-power was comparatively unknown. Since that date wondrous inventions, vastly improved machinery, skillful mining, railroads, and the electric telegraph have revolutionized the industries as well as the political, commercial, and social relations of mankind. Smith himself, if alive to-day, would no longer abide by his own work, but would confess his short-comings, his errors of fact, and admit the falseness of his predictions and of his hypothetical argumentation. Were his premises admitted to be true as to England, they would still be shockingly untrue when applied to any other nation.

The sources of wealth have been multiplied and expanded and dignified by science and skilled labor. The British free-trade theory of the eighteenth century, with all of its later modifications and complexity, always isolated and impotent, is as unworthy of universal application, and, outside of the British Islands, is practically as moribund and obsolete as the spinning wheels and farming tools of that by-gone age; and its professors would now very properly appear in cocked hats, red waistcoats, and velvet breeches. Modern statesmen have everywhere discovered that they must adapt their measures to their own country, study its special wants, its aptitudes and natural resources, and not linger behind the spirit of the times. What may be wise and acceptable to-day may require some modification to-morrow. But the unchangeable finality of free trade scorns evolution, and adheres to its tallow candles, notwithstanding the world is illumined with electric light.

Free trade in Great Britain came at last as a British local necessity, but came with the advocacy of Cobden, for which he is said to have obtained a million dollars, seventy years after the work of Adam Smith, and not until extreme protection had accomplished the supreme object of placing British manufactures beyond the reach of any foreign competition then in sight. Their corn laws were repealed in 1846, because they kept the price of corn up to the starvation point, no matter how redundant the supply might be elsewhere. Their workingmen, mainly regarded by free traders as animals that have to be fed, must have cheaper bread or more wages. More wages could not be offered, as that,

by raising the cost of manufactures, would throw their foreign trade into the hands of rivals, and foreign trade was then, as it is now, their chief reliance for the support of a large proportion of their population. The pinching necessity for the repeal of the corn laws is shown by the fact that the British imports of corn and flour retained for home consumption in 1846 were 17 pounds weight per head of population, while in 1882 the imports were 241 pounds per head of population, and are likely to be more for the coming year.

The hereditary landlords would have preferred that one-half of their population, threatening to be dangerous to their waning class, should have emigrated to Hades or Halifax, but they had either to submit to free trade in corn or to retire from the rule of a great and aggressive empire. Free trade in corn, though a serious blow to British agriculture, was a heroic but temporary remedy for the threatened decadence of the British Government from the rank of the mistress of the seas to that of a second or third rate power. This remedy has nearly spent its force, and free trade has nothing more to offer. Other skilled manufacturing nations are coming to the front, and British workmen are still unprotected and discontented; and this fact is daily emphasized by the emigration of British subjects to the United States, where, under a protective tariff, they find a higher standard of comforts, free schools for their children, and better wages as well as much cheaper food.

SUPREMACY OF FREE TRADE IN IRELAND AND INDIA.

The present sorry condition of Ireland and of India, where their chief domestic manufactures have been altogether superseded by the superior capital and machinery of Great Britain, is the work of free-trade craftsmen, whose gospel in both places has had its ripest supremacy and fullest effect. The average yearly income of the inhabitants of India is estimated not to exceed $7.50; and, having only this pittance, they are still forced to submit to the most grinding taxation. These people, the poorest on the globe, are made to pay annually over thirty million dollars of revenue on salt; and this great necessity of life can there only be obtained as the dearest of luxuries. Famines in India have long been periodic; and how long its hungry people can escape utter bankruptcy is a problem that even Englishmen are forced to consider. The orange has been squeezed and not much but the rind has been left. Home rule in India only lags in the rear of home rule in Ireland.

FREE-TRADE FALLACIES.

There is repeated contention, though a thousand times refuted, that our people have to pay the whole amount of the duties imposed upon articles imported, as well as an equal amount upon like articles of home manufacture. To show how false such a contention is, let me quote from a late report of our consul at Prescott, in Canada:

> The moment the tariff is taken off, that moment hop-poles go up in price just the amount of the present duty. It is so with all exportations. Butter pays 4 cents per pound. It is 5½ to 6 cents less in price here than in American towns on the frontier. Potatoes pay 15 cents per bushel duty. They are 18 to 22 cents per bushel lower here than on the frontiers across the St. Lawrence.

This brief statement demonstrates that the foreign exporter, in all the instances cited, pays the whole duty; and he rarely fails to be subjected to a large part of such revenue contributions. It is notorious that Canadian exporters to the United States of cattle, horses, sheep, and wool always lose or pay the entire customs duty, and our people bear no burden whatever, except from the increased competition, which, of course, may diminish the price of the home stock. That all this is true is also indirectly proven by the fact that the chief complaint against our tariff has a single foreign origin—does not come from Germany, France, or from any other continental power, and does not come from home consumers. England, however, is clamorous for a reduction of the American tariff, and watches and eggs on her chances of free-trade here with more of selfish persistence than any of our own people. In the words of the Cobden Club, she "cannot rest while the United States are unsubdued."

The stale fallacy limping around with the phrase, "Buy where you can buy cheapest and sell where you can sell dearest," though often confuted, is still current among free-traders, but hardly merits respectful attention. As it requires two to buy or to sell, obviously here one side or the other must be cheated. In the mouths of the original propagators of free trade this fallacy put on a different shape, and the unconcealed intention was that other people, and especially Americans, should sell cheaply and buy dearly. To sell abroad, the first condition is to sell at a lower price than anybody else. Foreign trade can not otherwise be obtained. To achieve this result the whole world must be underbidden by the exporter and the product of home labor reduced to a lower cost than prevails in any competing country. The practical outcome of this branch of the fallacy offers little temptation except to those glittering in the rags of poverty, who already live from hand to mouth with no hope of ever doing more.

The other branch of the fallacy, to "buy where you can buy cheapest," is equally unsatisfactory, and rests on the assumption that it makes no difference in final results whether employment is given to labor and capital at home or abroad; but if we employ, for example, capital and labor in Virginia to produce a ton of iron and exchange it for half a ton of Virginia wheat, then it will be seen that we have secured the employment in Virginia of two capitals and of double the amount of labor which would be employed if the wheat was sold and the iron purchased abroad. As usual the locomotion of free trade is on one leg, and very lame at that.

BRITISH REMEDIES FOR DEPRESSION OF TRADE.

The chief measures indicated in Great Britain, so far as I have noticed, as a remedy for the extraordinary shrinkage of their export trade, or for the preservation of their manufactures, appear to be, as presented by the testimony in the "Report of the Royal Commission," on the "Depression of Trade and Industry," a repeal of the law of Parliament which prevents the employment of children between 8 and 14 years of age, and a reduction of the wages of workmen, with an increase of the hours of labor.

Doubtless the easy exit and transfer of workmen from Great Britain to the United States has gradually compelled a large advance in the wages, as well as some reduction in the laboring hours of British workmen; but the terms still prevailing there are notoriously far less favorable to workingmen than those offered in the United States; and yet the scale of wages on the continent is comparatively worse, or so much lower that British foreign trade is at many points wholly excluded. British newspapers, as well as the witnesses examined by the Royal Commission, loudly complain that their countrymen cannot compete with iron-workers in Belgium, where wages are 2*s.* 1*d.* per day of 16 hours, nor in Germany, where wages are 2*s.* 2*d.* per day of 15 hours, nor in Italy, where wages are 1*s.* 7*d.* for 16 hours; and, therefore, they seriously propose a reduction of wages for British iron-workers, and an increase in their hours of labor.

This is the stone instead of bread to be offered to workingmen, and the relief proposed for their protracted depression in trade; and it may be added that it is the only logical relief possible in the land of free trade, where those who labor must exclusively endure all the sacrifice for those who buy. British laborers must have a fiercer struggle for existence and contrive to live more coarsely. Free trade has no pity and scorns all duties, moral as well as financial. Would American workingmen consent to be placed on a level competition with the workmen of Germany or of Italy? Beyond all question nothing else awaits the end of a "tariff for revenue only," which is the Democratic euphemism for free trade; and the real but unavowed purpose here is to effect a reduction of the wages of American workingmen. Between two countries open to free trade wages can no more stand on different levels than water in two open vessels freely communicating with each other.

It is not possible that the high scale of wages, so long current in the United States, can be maintained without adequate protection against the competing products of lower-priced foreign labor. Free-traders know this quite as well as tariff men, but they keep the covers on their empty dishes, and hope to seduce laboring men to a Barmecide feast.

THE CAREER OF THE AMERICAN REPUBLIC MUST NOT BE UNDER BRITISH CONTROL.

Wishing no ill thing to Great Britain, and fully desirous to preserve the most amicable relations, as we must ever take a profound interest in the future as well as in the past history of the stock from which the American Republic derives its origin, yet Great Britain must be content with the guidance of her own great empire, and can not be permitted to dictate and control the career of the American Republic. We no longer borrow from her example. The time has come when we are able both to lend and to lead. Bismarck, the leading statesman of Europe, seems proud to openly declare that he would copy the American example of protection.

To borrow the recent words of our most charming of living poets, with reference to our British ancestors—

> We love, we honor the maternal dame,
> But let her priesthood wear a modest name
> While through the waters of the Pilgrim's bay
> A new-born Mayflower shows her keels the way.
> Too old grew Britain for her mother's beads—
> Must we be necklaced with her children's creeds?

I should answer, no! There is little in the present British financial policy that we could wish to transplant; and certainly we do not propose to play second-fiddle to her in the tune of free trade, to which all of her colonies refuse even a "tinkling cymbal."

What is there in the condition of her people, as the result of her financial economy, that Americans should envy? No country has recently suffered more from the depression of trade and industry than Great Britain. Her landed estates, overwhelmingly encumbered, have immensely diminished in value; her farming interests, if we may credit their own testimony, are nearly ruined; and, if we may believe Mr. Parnell, the fall there in the prices of their chief agricultural productions within the last two years has been extraordinary. Butter, he says, is down 27 per cent., beef 15 per cent., pork 20 per cent., mutton 18, wool 27½ and stock 20 per cent. This shows the gloomy condition of British farmers. Taxation there is largely direct and oppressive upon all classes, but especially so upon laboring men. In 1883 the revenue collected amounted to $13.75 per capita, while that of the United States was only $4.81. The interest charged upon her public debt was $4.21 per capita, while that of the United States in 1885 was only 83 cents. Great Britain supports over a million of paupers, not including vagrants and casual poor. Their police force in 1884 was 53,648, or more than twice that of the whole Army of the United States.

At one point, however, they appear more economical than we do, and that, possibly, not much to their credit. Notwithstanding the drumbeat of a British war seldom everywhere ceases, Great Britain annually doles out her gratitude to all of her scarred veterans in pensions and annuities only $1,958,715, while our latest appropriation for pensions amounted to $76,075,200. The great difference between the two countries in the annual accumulation of wealth—that is to say, the increase of the total product of a single year over that of the preceding one—is sufficient to justify the rejection of all theories of free trade. The amount of that annual increase, as derived from the highest authority, for Great Britain is $325,000,000, while that for the United States is no less than $825,000,000. Is not that the Alpha and Omega of the whole argument? This large surplus, annually earned, enables our people to make general progress in intellectual culture and in all the refinements of a higher civilization. Literature, philosophy, science, and the arts have in all ages radiated from the material prosperity of the community.

A GREAT WAR A STRAIN UPON COLONIES.

Any great war on the part of the British Empire will be a formidable strain upon the loyalty of their distant colonies, which then will be called upon to decide how long and how much they are to suffer for a cause beyond their control and for a quarrel with which they are wholly unrelated. The colonial system long ago made England great, but ran her deeply in debt. Free trade, once the strong navel-cord by which Great Britain held to her infant colonies, was cut and sundered by the latter when they got old enough to find that it carried no more nutrition to them than to the subjects of all other empires.

They are still colonies, but seem irrevocably determined no longer to be subject to all the spasms of maternal indigestion.

The Canadian Dominion is unlikely to seek admittance or to be admitted to any share in the imperial Government of Great Britain. Whenever any such national ambition, of which the germ is inherent in the Anglo-Saxon race, shall be asserted, the Canadian Dominion can be more largely gratified nearer home, where political, commercial, and social interests would more harmoniously blend and expand with a grander continental connection. Unity of interests largely control great events.

The economy and prosperity of the Dominion everywhere notably hinge upon friendly and closer relations with us. Time will make this more and more evident to each succeeding generation. Whether we or they now want it or not, a union with our northern brethren, however remote, is as inevitable in the fullness of time as the southern trend of a polar glacier, and, whenever offered, can not be resisted. It is a contingency which the future statesmen of both countries must be prepared to meet, and which the Dominion, hanging through the ice-bound half of the year on our skirts, will not forever postpone. They have been eager for free trade with us, but they will be not less eager for the fullest protection elsewhere. In defiance of the effervescent dogmatism of the mother country, they have witnessed, and to some extent tasted, the positive advantages of a protective tariff, and will not be likely to go where its advantages are mocked at and refused.

The Canadas may soon be constrained by events and by their late expensive experience, to abandon forever any further petulance and pouting designed to obtain—without practical compensation—by the sham of a reciprocity treaty, the world's most valuable market. Favoritism in foreign politics has forever ceased, and all nations must be treated with absolute equality. Reciprocity with Canada, in a truckle-bed with our grandmother, is not to be endured. We have once, nay twice, escaped from the reciprocity snare, and "Surely in vain the net is spread in the sight of any bird."

IN TIME OF WAR FREE TRADE A FAITHLESS ALLY.

War may not forever be avoided even by nations the most peacefully inclined. If it should ever come, let us not be found wholly unprepared, but promptly—

Stiffen the sinews, summon up the blood,

to meet it with courage, joined with the complete outfit of a great and puissant nation. It is now evident to even the juniors among statesmen that any great nation, inspired with the generous hope of transmitting its institutions and independence to future generations, must be prepared from its own domestic resources to furnish and to refurnish at a moment's notice all that is necessary in a great war to meet the most formidable foes. Modern warfare has made the whole range of manufactures and the mechanic arts indispensable to its successful prosecution. Every minutiæ, and all the colossal paraphernalia, must be fore-ordained, and something more than flint-locks, something more than wooden gunboats, now make up the essential enginery for military and naval conflicts. Home supplies for any emergency must be at all times ample, even redundant, and instantly available. Free-trade, as our Southern brethren will testify, is a treacherous foreign attachment, and, in time of war, a wholly untrustworthy auxiliary.

War is also frequently a practical embargo upon foreign supplies of all sorts, and when the mass of the people of any nation are long deprived of ordinary comforts, or perhaps of accustomed luxuries, they are apt to become impatient, and can not be so thoroughly relied upon to endure taxation and service in the support of even a just and patriotic war. Superiority in manufactures not only restores much of the terrible waste of modern warfare, but it gives to one belligerent prodigious advantages over the other, as it gave to France in Algiers, and to England in India.

FIFTY MILLIONS OF THE COLORED RACE.

By the middle of the coming century our colored population, based upon the percentage of increase from 1870 to 1880, will number more than fifty millions. What shall they do? What shall we do with them, or they with us? This is a problem to be seriously pondered. The race is entitled to our sympathy, to our pilotage, and its improvement can alone tend to remove future anxiety concerning its prolific growth. If this vast multitude shall have no other available branches of labor opened to them but that of untaught "field hands," the excessive aggregate products will bring profitless harvests and general ruin upon all those who may be engaged in kindred agricultural pursuits, whether near or remote. If, however, a reasonable portion of this race can be trained and employed in the mechanic arts and manufactures, made consumers of farming products instead of producers, the threatening competition with farmers may not only be avered, t but some measure of intelligence and thrift will have been secured to that portion of American citizens most in need of higher training and most exposed to pauperism. It is vain to deny that a protective tariff promotes a diversity of labor, or that such a diversity not only contributes to the prosperity and happiness of the greatest number, but like the summer rain and genial sunshine promotes even the fertility and increased value of land and its products.

FREE TRADE HAS NO CONCERN FOR THE GENERAL WELFARE.

The doctrine of free trade holds out no more good-will for the welfare, no more concern for the sorrows, of our people than for the welfare and sorrows of the inhabitants of Tonquin or of the Soudan, and encourages neither effort nor ambition among the lowly to climb up higher. The hewers of wood and the drawers of water must be content to remain hewers of wood and drawers of water forever. The foremost leaders in trade and capital are always to be foremost. Nations unskilled and unequipped with machinery, under the guidance of free-trade theorists must remain unskilled and unequipped, and submit to the invasion and vassalage of foreign manufactures as their fixed and inexorable destiny.

Free trade is the shibboleth of a "do-nothing" party, whose beatitude is to be free from all work, with freedom to buy and not to earn the necessaries of life. Its world is to be

As idle as a painted ship
Upon a painted ocean.

It does not seek to better its condition; is not courageously bent on absolute independence, and has no charioteers rushing to the goal of a higher destiny. Wherever free trade is written upon the walls, it is to be interpreted "God has numbered thy kingdom and finished it."

IMPORTING CITIES.

Cities, in the days of Jefferson, were held by him to be great national sores, and while it may be true that they are often the seats of science, of eloquence and of the elegant arts, it is equally true that they are seldom the seats of political health, and not always the abodes of all the virtues, but, along with shining lights, there is a superabundance of dark shadows. The growth of cities during the nineteenth century throughout the world has been phenomenal—that of many American cities the most resplendent of all; but this growth unfortunately appears to have been made too frequently at the expense of the rural districts, or by drafts upon the surrounding country. Free trade necessarily builds up a sect in large importing cities that contributes little or nothing to the growth of the interior portion of the country or to the life and health of the rural districts, and, to use the words of Cobbett, "If all other sects were to act like them the community must perish." Such cities, as fertile in millionaires, wealth, and grandeur as they may be, and as attractive in their elevated regions to society and culture as they may be, too often create only a stinted fertility outside of their own restricted boundaries. But they furnish without stint the funds of Cobden clubs to peddle revenue reform or free trade, and the peddler as well as the ass knoweth "his master's crib: but Israel doth not know, my people doth not consider."

As is well known, fully three-fourths of our importations of foreign merchandise are no longer in the name and hands of American-born citizens, and much of this business is adroitly done through foreign consignments to branches of foreign houses temporarily located in our cities, and defying all other competition. They have found more tempting profits from the sale and distribution of foreign merchandise than that which accrues from American products, subject as the latter must be to nearer, constant, and sharper competition. Insignificant as these foreign imports may be when contrasted with the larger amount of actual home manufactures in many cities, it is natural for those engaged in the trade of foreign merchandise to magnify its importance, and seek to perpetuate the dominance of their special line of business. The splendor of great warehouses overtops the show of many dust-covered workshops. An importer exclusively of foreign merchandise in our large cities, distributing the products of foreign

labor only, may be almost as confidently counted a theoretical free-trader as a native of Bagdad may be counted as a Mohammedan. "Great is Haroun-al-Raschid and his prophet!"

A great importing metropolis, too often having officials with a trained rapacity for spoils, and leaders pushed by the ambition of personal and local aggrandizements, may be expected to espouse a policy that leaves the interior of the country wholly tributary to its monopoly of trade. But large importing cities, always the dumping places for foreign tramps, subject to great and frequent calamities, can only be prosperous while trade is prosperous; and when that is prostrate, filled with contagious panics, many bubbles burst and many fortunes vanish. The more permanent prosperity of cities, of which we have also many conspicuous examples, is based upon the stable industries and handicraft of those who, by their own labor, daily add to the wealth of the country and furnish home products instead of foreign to swell the volume of trade. These are truly American cities. Our pride, however, in the stateliness of great cities suffers serious abatement whenever they dominate and depopulate the country districts.

EXTINCTION OF THE PUBLIC DEBT, AND REVISION OF THE TARIFF.

It is apparent that the extinction of the public debt has proceeded so rapidly that no part of what remains can be paid, after the redemption of the "Windom 3 per cents," at the option of the Government; and, therefore, a temporary surplus of revenue may then be inevitable. The question arises, What shall be done with it? This is a fair question, and seems to point to a difficulty of easy solution. Some part of the surplus must unquestionably be used for the new navy and for seaboard defenses, and after that the fraction of internal-revenue duties on tobacco, being one of the only two articles still subject to any war duties, may be wholly surrendered. The consumption of tobacco adds much to the cost of living of workingmen; and to them the repeal of this tax would be a substantial boon, however desirable we may think their total abstention from its use might be. Such a repeal would also relieve the Government from the expensive support of a large corps of revenue officers.

Another subject worthy of national consideration is that of sugar, one of the foremost necessaries of life, and, though never cheaper than to-day, we must remember that it has been cheapened solely by the protection given to the product abroad. We are the largest consumers of sugar in the world, and, like Great Britain, pay the highest prices for it. The cost of 45 pounds of sugar for each one of our inhabitants should be reduced. We ought to have the skill and courage to find for all this a comprehensive remedy. It may be said that sugar is only the product of the tropics; but sorghum and beets certainly are not. The annual drain upon the country for 2,428,541,191 pounds of foreign sugar is too great. The domestic production of more sugar should somehow be liberally and, for a time, even extravagantly, encouraged, and its cost to consumers at the same time largely diminished. To this end the duties on raw sugars might be either wholly removed or cut down to the lowest point from all countries which do not impose export duties; and then a generous bounty granted to all domestic sugars from whatever produced.

Such a bounty has secured to the greater part of Europe not only cheap sugar, but so cheap as to offer a considerable surplus for exportation. In the past year we have received from Germany beet-sugar to the amount of $4,000,000; and in the same year we have gratuitously surrendered $4,200,000 of duties on sugar to Hawaiian adventurers, who have destroyed all present hope of beet-sugar culture in California.

Some measure in accordance with these suggestions, without abandonment of protection to domestic sugars, could not fail to reduce "the cost of living in every family of the land." We may also not forget that most of the countries from which we now obtain sugar sweeten us with little else, for they offer a very limited market to any American products.

A proper revision of the tariff at an early day will be eminently desirable; but the work should not be intrusted to those who are color-blind, and who can see nothing but reduction or abandonment of all duties, when it is equally clear that a revision should respond to all the exigencies of trade and industry, and include the re-enforcement of some of the provisions of existing law known to be ineffectual or erroneous according to present executive interpretation. An excessive reduction of duties one year which forces their reimposition the next year would be nothing else than a calamity. The removal of the duty on wool to-day, and a duty on tea and coffee to-morrow, would seem to be a part of the tariff-reform programme, while I would suggest a tariff revision which would leave our industries and labor unharmed and prosperous.

A DEMOCRATIC ADMINISTRATION AND A REPUBLICAN.

After a Democratic Administration, long in power, had destroyed the credit of the Government, leaving it in 1861 with an empty treasury, and with a broken-backed Democratic tariff, which was found incapable, even in time of peace, of furnishing revenue for the ordinary support of the Government, the Republican party was intrusted with the control of the country, and for a quarter of a century, confronted by unexampled difficulties, during one of the greatest epochs of our history, won enduring fame, in addition to its patriotic achievements, by the integrity, skill, and success with which it conducted the financial affairs of the nation.

On the 4th of March, 1885, the Republican party handed over to Democratic successors the administration of the Government in a condition of unequaled credit, with an overflowing treasury, and with a tariff so invulnerable that its free-trade opponents propose to change it because it is only too fertile in producing revenue, wholly unmindful, as they appear to be, of their own prodigal aptitudes as national spendthrifts.

In 1860 the revenue from customs was $52,692,421, and the cost of its collection was 6.27 per cent. In 1885 this revenue amounted to $178,151,601, and the cost of collection was only 3.58 per cent.

From 1855 to 1860, inclusive, the excess of coin and bullion *exports* over imports was $298,607,884; but from 1880 to 1885, inclusive, this was reversed and the excess of coin and bullion *imports* over exports was $128,807,687. For the large stock of gold the country now holds, of over five hundred and fifty millions, we are wholly indebted to our present tariff; and for the rapid reduction of the public debt, the lion's share must also be credited to the tariff.

In 1860 the amount of both imports and exports of merchandise was $687,192,176; but in 1885 the amount of both imports and exports had increased to $1,319,717,084, with an excess of exports of over $165,000,000. The student of political economy will not fail to observe the significance of these remarkable figures, or the contrast of the former unsound with the later healthy condition of trade; and no more infallible proof can be offered of the national utility and efficiency of a protective tariff. It may be truly said to have touched the heads of our people only as a benediction. The paramount credit for the financial measures which have been so long and are now so closely identified with the growth and prosperity of the country, unquestionably belongs to the Republican party, and there is no other party—

Whose yesterdays look back with a smile.

The Executive Department of the Government early officially proclaimed its policy on civil service and on the silver question; but it is to be feared they at once let it be understood that these were only Pickwickian declarations, or that the administration dropped its eggs, like the ostrich, with no subsequent care whether they hatch or not, and that their friends were at liberty to favor or to oppose any action upon either subject, to win on "heads" or "tails," with no fear of diminishing their personal shadows in any future applications for the places of "offensive partisans," provided they maintained true allegiance at the polls to the present administration. On the tariff question, however, the official declarations are supposed to be enforced with greater rigor, and rebellious recusants seem to have seats at the lower end of the table.

If the Democratic party shall fully accept the leadership of the second-hand retailers of free trade, whose economic theories, almost throughout the universe, have won the contempt of legislators, and shall ignore the inspiration and prestige which a protective tariff has afforded to our country, as illustrated by all of the progressive records of the past, it will be greatly regretted; but no one need despair of the Republic so long as there is any party visible which honestly and firmly strives to bring into full play the intelligence, genius, invention, and industry of a great people—a party not ashamed to uphold a tariff as the sure presage of victory, which offers some protection, first, last, and forever, to the honor, welfare, and prosperity of our own native land.

Mr. BECK. Mr. President——

Mr. PLATT. I ask that the regular order may be laid before the Senate, so that it will be the pending business, and then I have no objection to its being informally laid aside for the further consideration of the pending resolution.

The PRESIDING OFFICER (Mr. EUSTIS in the chair). The Senator from Connecticut asks that the regular order be laid before the Senate. It will be stated.

The CHIEF CLERK. A bill (S. 789) granting a pension to John S. Williams.

Mr. PLATT. No; the regular order for to-day I suppose to be the special order relating to executive sessions.

Mr. BLAIR. The regular order is the unfinished business.

Mr. HARRIS. The unfinished business, I think, of yesterday was the resolution reported from the Committee on Woman Suffrage.

Mr. BLAIR. That was agreed and ordered to be the unfinished business; but it is not so printed on the Calendar this morning.

Mr. HARRIS. If that is the unfinished business it is the regular order to be laid before the Senate, if anything is laid before the Senate at this time.

Mr. PLATT. What I desire is that the special order——

Mr. BECK. I shall not occupy ten minutes, and in the mean time it can be ascertained what is the regular order. Ten minutes will be all I care to occupy.

The PRESIDING OFFICER. Does the Senator from Connecticut yield?

Mr. PLATT. I withdraw the request for the present.

Mr. BECK. Mr. President, I do not propose to make a speech on the tariff. It will be a relief to the Senate to know that; therefore I an-

nounce the fact; but as I have been specially noticed by the Senator from Vermont, I must be allowed to say a few words. The chairman of the Committee on Finance has evidently spent his vacation with great pleasure and profit to himself, and I hope also to the edification of the country. He has laid before us his annual essay, full of tropes, figures, jokes, and puns.

I was a little afraid that the page boys—but they are very well behaved—would ring their chestnut-bells on him several times; they did not. He has shown this time, as an adjunct to his usual investigations, that he has studied the Bible somewhat carefully; that no doubt has been both profitable and agreeable to him. His quotations from Holy Writ constitute the most edifying and interesting parts of the elaborate essay which he has just read to us. I have no doubt that it will be sent, as it has been at the beginning of each session, by the hundred thousand in pamphlet form, by the protective leagues of the country to every household to prove that all so-called free-traders have been annihilated, that the Cobden Club and its emissaries can not be trusted, and it will be quoted to prove how extensively British gold is being used in the Senate and elsewhere in corrupting all who differ from their champion. All that will be very edifying to the honest yeomanry, and the gentlemen who are so much benefited by these periodical essays will take care that this last and greatest effort is widely and judiciously circulated.

As to all that, I have no particular complaint to make; but what I desire to know, and the main object I have in saying anything, is to ask whether the Senator from Vermont proposes to advise his friends here and in the other House (because I take that to be the scope of his resolution) to resist all efforts which may be made toward the consideration of a bill looking to the reduction of taxation. We all know, and the country knows, that when a bill is once legitimately before the other House, where it must originate, it can be modified and changed and put in such shape as the wisdom of the two Houses of Congress, whatever that is, may think the good of the country requires. If this essay has been read for the purpose of encouraging his friends at the other end of the Capitol to resist all efforts looking to the reduction of taxation in any form, then the country may as well understand that we are to be forestalled and prevented from considering any measure having that object in view.

At the last session of this Congress a vote was taken to determine whether Congress should be allowed to consider the question, and one hundred and thirty-six Democrats voted in favor of the right to consider, and they were supported by only four Republicans. The particular bill presented was of course subject to all sorts of modifications, yet only four Republican Representatives were willing to consider the question. Now, I ask, is it proposed that nothing shall be done at this session, and that the majority here shall again, under the leadership of the Senator from Vermont, resist the bringing up of any bill proposing reduction of taxation in any form for consideration?

Mr. MORRILL. The Senator could not have listened to my speech.

Mr. BECK. I thought I listened carefully.

Mr. MORRILL. If he had he would have heard what I proposed and what I am ready to accede to. I only desired to show that I was opposed to such propositions as I have seen presented from Democratic sources, and should of course continue to be opposed to those; but I am quite ready to unite with any party that will take hold of the subject in the spirit which I suggested toward the close of my speech.

Mr. BECK. Then, the first thing, of course, to be done, in order to have any proposition considered, is to advise your friends to vote for the consideration of some measure which can be debated. When any measure seeking to reduce taxation is once up it can be modified to suit the views of the Senator from Vermont if the majority agree with him, and it can be modified to suit my views, assuming that I will differ with him if a majority agree with me. It is obvious that as long as there is successful resistance to the consideration of any proposition that is the end of all effort looking to the reduction of taxes in any form.

Mr. MORRILL. The Senator will see at once that we are not the originating body of a tariff bill; it must come from the other House, and is only to be criticised and amended by us.

Mr. BECK. When the leader of the Senate on financial questions, the chairman of the Committee on Finance of this body, announces in advance in resolutions and by speeches that nothing ought to be attempted to improve existing conditions, and opposes everything that is suggested anywhere for fear that some measure will pass which he does not favor, his speech, of course, rallies his friends in advance to oppose any bill which does not embody his views. Does he propose to do that? I insist that this condition of things is made apparent by the message of the President and by the report of the Secretary of the Treasury; that by legislation heretofore had, when the distinguished Senator from Vermont was chairman of the Committee on Finance and the present Presiding Officer of the Senate was his chief supporter and at one time chairman himself, the debt of the United States was so arranged that after the present 3 percents are paid not one dollar of the public debt can be paid at par until 1891, and then only $250,000,000. When that sum is paid no more can be paid off as a matter of right until 1907, when the balance of $738,000,000 matures.

We all know that under the system of taxation which has been maintained in order to protect the pets of Congress, that every dollar that can be paid before 1891 has been paid, except $64,000,000; that the surplus now collected under the present rate of taxation amounts to $125,000,000 a year; that the balance of the 3 percents, of which only $64,000,000 remain unpaid, will be paid, indeed must be paid, before the end of the present fiscal year; therefore, four years must elapse from the time the last dollar that can be paid is disposed of before we can pay another dollar on our debt, unless we buy the bonds at any premium the holders see fit to ask. Therefore the Democratic President and Secretary of the Treasury, and, I may add, the great mass of the Democratic party, insist, indeed demand, that the taxation now imposed on the people during Republican rule shall be reduced. There is no way to get clear of a constantly increasing surplus in our revenue honestly except by reduction of taxation.

Of course we could lock it up in the Treasury, but that means bankruptcy by contracting much-needed circulation. We could, by Congressional action, make extravagant appropriations; that means corruption. We could pay premiums of 20, 30, 40, or 50 per cent. to bondholders in order to induce them to part with the bonds they hold before they are due; but that is extortion and swindling of the tax-payers to benefit a few men who hold our obligations. Therefore we are compelled, if we are honest representatives and intend to deal honestly with the people, to reduce the taxes now imposed to the point needed for an economical administration of the Government. That does not involve any question of free trade any more than it involves questions of prohibition of imports from abroad. All our public officials insist, and I agree with them, that we shall collect by internal revenue and tariff taxation all that this Government needs for its proper administration. Beyond that no Senator will venture under existing conditions to demand or even justify the collection of any surplus, because we have, as I have already said, either to pay any premium demanded on the bonds not due, or waste the money in extravagant appropriations, or, worse than either, lock it up in the Treasury.

Now, what I want to know is, does the Senator from Vermont oppose giving us a chance to make an honest effort to reduce taxes? The whole scope and burden of his speech is in that direction. If he means anything, the meaning of his speech is to advise his followers to stand where they are now, let the consequences be what they may. His plea is, do not reduce taxation, or if you do, he mildly suggests at last, take taxes off such articles as tobacco. I do not know whether he included whisky or not, but those are the only two articles now paying an internal-revenue tax. He knows that every dollar collected from whisky and tobacco goes into the Treasury, less the cost of collection, which is very small. Nobody needs to pay a tax on whisky or tobacco unless he wants to do so, as nobody pays the tax but the consumer of either. But the Senator prefers that all that shall be given up by the Government in order to keep a 90 per cent. tax on blankets, 69 per cent. on the clothing of the people, an average of 46 per cent. on all the raw materials that our manufacturers need in order to open foreign markets. The Senator's policy is to build up and enrich, by legislation, a few men out of the taxes thus collected, to the detriment of the great mass of the American people.

He admits, and the mass of his party seem to be willing to admit, that Congress should close the American market against foreign importations, upon the ground that they are protecting American labor, when in fact they are starving American labor by limiting production, which is now largely the work of machinery, and excluding our people from competing with the citizens of other countries in the markets of the world, where there are fifteen hundred millions of people to supply. The Senator from Vermont is sustained in his position by his equally distinguished compeer, the Senator from Ohio [Mr. SHERMAN]. In a speech, which he was kind enough to send me in pamphlet form, made at Portsmouth, Ohio, on the 29th of September, he used substantially the same language. I shall read only an extract from it to illustrate. He said:

> You might ask me what rate of duty I would impose. My only answer is that I would give to every article for which we have in this country the raw material and facilities for manufacture such a rate of protection as would give to the American producer the American market, leaving free competition among Americans to reduce the price and finally to give a foreign market through home competition. This rule I would apply impartially and justly without distinction as to the sections of the country, or as to the nature and character of the production, whether of the farm or of the workshop.

In other words, his proposition is to exclude all imports, even if purchased with the proceeds of our agricultural exports. All the surplus products of our farms have to go abroad. Six hundred million dollars' worth of wheat, tobacco, cotton, provisions, beef, and the other produce of American farms has to go to foreign markets and there be sold in competition with like products raised by the pauper labor of the world at starvation wages. Yet we are told that our farmers, or those to whom they sell, shall not with the money they get for American-raised goods buy what they need where it is offered to them for 50 per cent. less than is demanded here, but shall bring the money they get home and pay whatever prices combinations of manufacturers may ask, even though no revenue shall be obtained by the Government, which gets nothing unless the exporter finds it cheaper to pay this foreign

price and the tariff tax than it is to buy here. Each sale abroad is made on individual account, and each man does the best he can for himself. Government is only a toll-gate keeper. Prohibition produces no revenue; free trade produces none. Our proposition is to have the revenues needed for the Government collected by tariff taxes in such a way as to do our own people the least harm, because all taxes in any form hurt the home producer and consumer. We seek to bring up some measure to see if we can not produce that result. That seems to be what the Senator from Vermont is afraid we will accomplish, and that apprehension is perhaps the excuse for the lecture he has so elaborately prepared and so solemnly uttered in our hearing to-day.

Perhaps the Senator from Vermont may think that what I am about to read was spoken by a member of the Cobden Club, or by somebody bought with British gold. He can ascertain whether that is true or not by inquiring of one of his colleagues. There is a great deal of common sense in it, and I commend it to the Senator from Vermont:

Every advance toward a free exchange of commodities is an advance in civilization. Every obstruction to a free exchange is born of the same narrow, despotic spirit which planted castles upon the Rhine to plunder peaceful commerce. Every obstruction to commerce is a tax upon consumption; every facility to a free exchange cheapens commodities, increases trade and production, and promotes civilization. Nothing is worse than sectionalism within a nation, and nothing is better for the peace of nations than unrestricted freedom of intercourse and commerce with each other.

What member of the Cobden Club does the Senator from Vermont think uttered that? Whose gold bought the man that dared in the Senate to utter such a heresy? It was uttered by Hon. JOHN SHERMAN, of Ohio, in a very elaborate and able report made by him on the 9th of June, 1868, being report of committee, No. 117, second session, Fortieth Congress, when he was struggling to have gold, and gold alone, adopted as the measure of value of our commodities.

I was about to read somewhat extensively from the last report of the Secretary of the Treasury, but I will not. I commend it, however, not only to the Senate but to the country. We are, says the Secretary, compelled to reduce taxes. No Senator dare assert that we can keep up the present rate of taxation without damage to the country. Among other things the Secretary says, and no one will venture to deny the truth of the assertion—

It is actually the war rates of the war tariff of the last generation under which we are now living; for the undebated, unsifted law of 1883, made by a conference committee, did but keep alive the body of the tariff of 1864.

The average percentage of the taxes on, to the values of, imported commodities has been as follows:

Morrill tariff of 1859–'61 (before the war) was	18.84 per cent.
War tariff of 1862–'64 (in 1866 was highest) was	48.35 per cent.
Present prolonged war tariff (was in 1885)	46.07 per cent.

The Secretary does not misstate the facts when he says that the tariff under which we are living was made by a (one-sided, packed) conference committee, because we all know, and the country knows, that many of the important provisions were changed by that conference committee against the known will of both Houses. In many instances rates of taxation were imposed higher than either House had proposed or agreed to, and paragraphs were inserted covering whole classes of goods that neither House ever saw. That conference report brought on a controversy between the two distinguished Senators from Vermont and Ohio, in which each went to his friendly party newspaper and charged the other with getting more than his share, or not standing up to the bargain alleged to have been made in the secrecy of their conference. We have a right to have the doors opened by a new bill in order to look into the truth of these charges and counter charges. I hope these distinguished gentlemen will urge their friends to aid us. Again the Secretary says, and the statement is not only true but full of wisdom:

But no foreign nation taxes raw materials. Such taxes injure home industries, in which those materials are worked up and increased in value by home labor. Such taxes on raw materials, instead of excluding foreign competition from the home market, put our own employers of labor at a great disadvantage in the home market, and a greater disadvantage in every foreign market, compared with the foreigner employing labor upon untaxed raw materials.

"Protection" is also a misnomer. It implies superiority elsewhere. That superiority over any great industry of ours does not exist upon the globe. It implies infants here and adults elsewhere. Such is not our reputation. It implies that amid competition universal, where the fittest survive, we shall perish. But it is everywhere else believed that whenever we shall release ourselves from bad laws and enter that competition unmanacled, rivals will be distanced, and our primacy established in the markets and commerce of the world.

Knowing that direct taxation is neither attainable nor desirable, I believe in reasonable tariff taxation. I only ask that it be reduced to the point which will produce the revenues required by the Government. That done, I believe we can, as we have in times gone by, control our full share of trade in the markets of the world, and that our laboring men can be employed twelve months instead of five or six in the year, as they are now. With extended markets they will not be locked out by strikes, which are too frequently organized by manufacturing companies because of an overproduction of goods needed in this limited market, until scarcity resulting from non-production will increase the price of the stock on hand, the goods of the world being excluded from competition by prohibitory tariff taxation.

There are many other things in the report of the Secretary to which I should like to call attention, but, as I said, I do not propose arguing these questions now.

All the pretense of aiding American labor will, I feel assured, be exposed whenever the tariff question is open to debate. Intelligent investigation has exposed that plausible humbug. It will be shown that the men who are clamoring so loudly for the protection of American labor have been systematically importing the cheapest labor they could find from all parts of the world, and driving out the American workmen from the factories in which they were once employed, because they can get foreigners at a lower rate than American laborers will work for; and that, too, after they had obtained increased protection for the avowed purpose of giving the home laborer additional pay. Pools and combinations to diminish production is the rule rather than the exception, all to enhance prices and charges, while labor is starving. I have heard it stated that in the State of my friend from New Jersey [Mr. MCPHERSON] factory after factory had given up American laborers and employed foreigners, after having the tariff bounty enlarged in order to protect American labor. We all know that it is a common occurrence.

I do not know that the hypocrisy of the manufacturers was ever better illustrated than by the old story (told, I believe, in the campaign of General Hancock), when a protected employer was driven to the polls by one of his operatives, and asked him, "How are you going to vote?" when the employé answered, "I am going to vote for General Hancock." Said the employer, "If you do, and these free-traders obtain possession of the Government, your wages will be reduced 25 per cent." The man looked at him and said, "I do not believe a word of that, and if you did you would vote for him yourself." That was a true statement of the case.

The protected pets of Congress have hunted cheap labor everywhere at home and abroad. They never pay a penny more than they are compelled by the competition of laborers with each other, but they are content with a monopoly of this market and with the power Congress gives them to compel the American people to pay 50 per cent. more than any other people pay for like goods in any other country in the world. They have given up all effort to trade with foreign nations. The Senator from Vermont in reading his Bible might have looked further. I observed from his quotations that he had been studying it, and I thought perhaps he had failed to notice a very instructive chapter in 2d Chronicles, where Solomon, who had the reputation of being a wise man, sent to Huram, King of Tyre, asking him to swap work. I will read it for his edification. I think I read it once before.

3. And Solomon sent to Huram, the King of Tyre, saying, As thou didst deal with David my father, and didst send him cedars to build him an house to dwell therein, even so deal with me.

* * * * * * *

5. And the house which I build is great: for great is our God above all gods.

6. But who is able to build him an house, seeing the heaven and heaven of heavens can not contain him? who am I then, that I should build him an house, save only to burn sacrifice before him?

7. Send me now therefore a man cunning to work in gold, and in silver, and in brass, and in iron, and in purple, and in crimson, and blue, and that can skill to grave with the cunning men that are with me in Judah and in Jerusalem, whom David my father did provide.

8. Send me also cedar trees, fir trees, and algum trees, out of Lebanon: for I know that thy servants can skill to cut timber in Lebanon; and, behold, my servants shall be with thy servants.

9. Even to prepare me timber in abundance: for the house which I am about to build shall be wonderful great.

10. And, behold, I will give to thy servants, the hewers that cut timber, twenty thousand measures of beaten wheat, and twenty thousand measures of barley, and twenty thousand baths of wine, and twenty thousand baths of oil.

11. Then Huram, the King of Tyre, answered in writing, which he sent to Solomon, Because the Lord hath loved his people, he hath made thee king over them.

12. Huram said moreover, Blessed be the Lord God of Israel, that made heaven and earth, who hath given to David the king a wise son, endued with prudence and understanding, that might build an house for the Lord, and an house for his kingdom.

13. And now I have sent a cunning man, endued with understanding, of Huram my father's.

14. The son of a woman of the daughters of Dan, and his father was a man of Tyre, skillful to work in gold, and in silver, in brass, in iron, in stone, and in timber, in purple, in blue, and in fine linen, and in crimson; also to grave any manner of graving, and to find out every device which shall be put to him, with thy cunning men, and with the cunning men of my lord David thy father.

15. Now therefore the wheat, and the barley, the oil, and the wine, which my lord hath spoken of, let him send unto his servants.

16. And we will cut wood out of Lebanon, as much as thou shalt need: and we will bring it to thee in flotes by sea to Joppa; and thou shalt carry it up to Jerusalem.

Mr. MCPHERSON. That was reciprocity.

Mr. BECK. It was free trade, fair trade, reciprocity—a common-sense way of dealing. Call it what you like. I would commend it, as I have commended it before, to the Senator from Vermont. Instead of requiring us to build glass houses to enable him to raise oranges and lemons in Vermont, and sell them to this people at ten cents apiece, and keep everybody from interfering with him, let him content himself with raising potatoes, which he can raise by the grace of God with the natural heat of the sun, send the potatoes to Cuba and buy oranges in return, and let the people have them at one cent apiece instead of ten, and the people of Vermont will be better off, the people of Cuba better off, the whole country better off. I protest against his drawing himself into his shell and protecting American labor, as is often done under the existing tariff, in fields where it is neither profitable nor fair that our people ought to be required to work.

But, as I said, ten minutes were all I cared to occupy. I may conclude to answer the essay of the Senator from Vermont some day. In the mean time I hope the country will take notice whether the Republican gentlemen here and at the other end of the Capitol propose to give us a chance to bring up any measure which will enable us to discuss these questions, or whether they are going to ally themselves with a few of our party friends who will not vote with the body of the Democrats, and thus prevent us from bringing it up and prevent discussion altogether. That course would leave the present great surplus to be used for the purpose of buying bonds at any premium their friends, the bondholders, may demand; for that, I suppose, will be the ultimatum. Again, I would like to know whether Senators are going to keep up the so-called sacred sinking fund we have heard so much of, when we have paid all we were required, and have applied over $500,000,000 more than anybody pretends we promised, when there is no bond that we can buy, except at a premium, until 1891.

I may as well call attention to the fact now that I have pending before the Committee on Finance a bill, which I hope the Senate will consider, to repeal the existing sinking-fund law, as we have not only done all we could be asked to do, but infinitely more, for the interests of those whom the gentlemen have held themselves up as the special guardians of. To illustrate: By collecting so much under the pretense of needing it for the sinking fund, our bonds have been bought more rapidly than they ought to have been, because, having adjusted the time of their payment so that we can pay no more after the 3 percents are paid until 1891, when the four-and-a-halfs become due; and then no more until 1907, when the 4 percents become due, in order to get the money out of the Treasury we have been forced to take from the national banks, which have grown up to be part of our monetary system, and which have been furnishing very much of the circulation to the country, bonds which were the basis of their circulation, until in the last three years the national banks have been compelled to contract their circulation $100,000,000 at a time when the people were demanding and needing expansion to at least that amount over former years, instead of ruinous contraction not only because of the growth of the country, but because of its extending commerce; yet by the system of taxation which has been maintained and by the pretended necessity for a sinking fund (which, as I said, is now over $500,000,000 in excess of all its requirements), these bonds had to be taken up, and the banks are unable to-day to buy the fours and four-and-a-halfs, because of the excessive premium which is being demanded for them. Thus the country has been deprived of $100,000,000 of bank circulation in the last three years, $56,000,000 of it in the last twelve months, and yet no step is to be taken to give any relief from any of these evils. But, Mr. President, if I go on I will be tempted to make a speech sure enough, and I agreed not to do that, and therefore will say no more just now.

Mr. MORRILL. Mr. President, I regret that the Senator from Kentucky is so excited over a resolution introduced by me and made up bodily from the Democratic platform. My only purpose was to show the great difference between the promises of the Democratic party and the execution of that party, and to show also the unwisdom and folly of accepting any *projet* that has yet been presented for the reduction of the revenue, the wrong and the injustice it would do to the country to adopt any such proposition as we have heretofore seen presented. Of course we can not consider anything here until it comes to us from the other House.

Mr. SHERMAN. Mr. President, as I entered the Senate Chamber after a temporary absence, I heard the familiar voice of my friend from Kentucky begging in the name of the Democratic party for a chance to reduce taxation.

Since the opening of the present Congress, I watched for over eight months of a long and weary session for a proposition by the Democratic party to reduce taxation.

I believe that the revenues collected by the Government of the United States are too large, and that the public safety and the public interest demand a wise and careful reduction of taxation. There is no dispute between parties on that subject. There is no man of ordinary information who, upon the face of the returns sent to us from the Treasury Department, does not feel that we are now collecting more taxes, internal and external, than are necessary to carry on the operations of the Government. That fact is patent upon its face, is not disputed anywhere; but where is a plan to reduce taxation? Who has the power to propose that plan? The Democratic party. They have been trusted with this power by the people of this country upon a promise that they would reduce taxation, and in such a way as not to affect injuriously the industries of the country. That promise is stated in the platform of the Democratic party, stated in the language of its President, stated in the stump speeches of its orators, but the trouble is they have not proposed a plan—they can not propose a plan, they can not agree among themselves.

When the Republican party had both Houses we did propose a reduction of taxation, and did bring about a reduction of taxation. In the Congress before the last a reduction of taxation of some fifty or sixty millions of dollars was made; but since the Democratic party came into power with a promise to still further reduce taxation they have not been able to propose a plan. Indeed, the propositions made in the House of Representatives—we may consider them now, or speak of them as matter of public debate—have been so diverse and various and some of them so absolutely ruinous to the industries of our country that the party itself revolted from the measure proposed. And let me say to the Senator from Kentucky that if the plan proposed by a majority of the Democratic party in the other House had been sanctioned by the Congress of the United States and been carried into effect it would have been the overthrow and destruction of the Democratic party. While its scheme might have reduced taxation, it would destroy many industries of our country and thus defeat the very object supposed to be had in view.

Why, Mr. President, how idle and foolish it is for the Senator from Kentucky, high in the favor of the Democratic party, to talk to us about a chance to reduce taxation. They have the House of Representatives by a majority of I do not know how many; they have had it for ten years out of twelve. The only reduction of taxes that has been made in that time was made by the Republican party during the two years it had power in both Houses out of the last ten years. Then we did reduce the taxes and did give an enormous relief from needless burdens. Although some of the provisions of that bill in my judgment were wrong and injurious, yet I voted for it in spite of the evil provisions of the bill, for the reason that it did reduce taxation.

Now, here we have a party in power, and a great and leading member of that party talking to us as if we were responsible for a failure to reduce taxation.

The Senator from Kentucky voted against the only proposition for the reduction of taxes that has been pending in the Senate for ten years because he did not have it in his own way, because he did not have it in a way that according to the opinion of the majority would be absolutely ruinous to the industries of the country, to the laboring men of the country, to the manufacturing and commercial classes. The only bill that was offered to reduce taxation and that did accomplish a reduction of taxation to the extent of fifty or sixty millions of dollars was voted against and opposed to the bitter end by that Senator.

Mr. BECK. I desire to say that I voted for the bill, as the RECORD will show, but when it was changed and manipulated in a conference committee I voted against their act.

Mr. SHERMAN. So far did the Democratic members of the Senate go in their opposition to that bill that they refused to allow their members to serve on committees of conference, and for the first time, I believe, in the political history of this country that party refused to allow and disallowed one after another of its leading members to serve on a committee of conference, where the matter might have been rectified if there was any wrong.

No, sir; in the only attempt that has been made to reduce taxes in this country for ten years, when the Republican party had a bare majority in both Houses, a reduction was made of $60,000,000, and that reduction was opposed by the Senator from Kentucky. Not only was it so opposed, but it was opposed in violation of the ordinary parliamentary law, which requires members of the Senate to serve on committees of conference and others. By their refusal to serve it was necessary to organize the committee of conference of Republicans alone on the part of the Senate, in order to bring about an agreement on a bill reducing taxes $60,000,000. True, there were Democratic conferees on the part of the other House.

Now, if they want to reduce taxes, where is their proposition? None has been made. One was made by a majority of the Democratic members of the other House at the last session, but, as I will show hereafter, if I allude to it at all, that bill had provisions in it which would have been utterly destructive to great industrial interests, and therefore the people of this country were opposed to it. Another proposition was made by another branch of the Democratic party, having in view another line of reduction, which the people were opposed to. That is the proposed reduction of the tax upon whisky and tobacco, to which there is more or less opposition, and on which there is more or less division of opinion.

Until the Democratic party, having a large majority in the House of Representatives, can send to us a bill, we have no jurisdiction here. It is true we have the liberty of debate; but we have nothing to debate about except the resolution of my friend from Vermont. What is that? A simple expression of his opinion that upon the basis of the propositions that have been made in the House by the Democratic party, it is better to do nothing than to do what they propose. That is what I understand my friend from Vermont to say, and I say so too. That is the proposition. But upon the main question that there is an absolute and imperative duty resting upon Congress to reduce taxation, I have proclaimed here year in and year out, and I do now, that when I have a chance to reduce taxes, I will do it. I return the cry to my friend from Kentucky give us a chance, you have the power; the House of Representatives is the sole organ of the people of the United States by whom taxes can be levied or taxes can be reduced.

The Senate at one time contended that we had the power to reduce taxation, although we had not the power to propose taxes, but the

House of Representatives refused to grant us that power. They said the power to reduce implied also the power to increase, and therefore we have no power to introduce any bill whatever either to repeal or to raise taxes. So we awaited the action of the House of Representatives for eight long months at the last session, and we waited in vain. The propositions, quarreled over by our Democratic friends, when carried before the people of this country, and now pending in the House of Representatives, created a revulsion in public opinion in large portions of the country, especially in the Northwest, that has reduced the large majority of the Democratic party somewhat, but not so much as it ought to have done; but if they had been able to carry their measures through, their majority would have disappeared into thin air.

Therefore, Mr. President, until some proposition is made to us from the House of Representatives it does not lie in the mouth of the Senator from Kentucky to complain of us, or to scold us, or to chide us, with a failure to reduce taxes. Give us a chance. I make to him the same appeal that he has made to us. He asks for a chance. Let him give us a chance. Let him go and lecture the members of the House of Representatives, call his brethren together and get them to unite on some platform, and I venture to say that when they do agree on a plan for the reduction of taxes it will be a plan for the destruction of American industry, not for the purpose of reducing taxes.

Sir, look at the report of the Secretary of the Treasury which has been laid on our tables and which I have read. What does he say there about the proposition to reduce taxes? His first measure is to wipe out of existence the greenback currency of the United States, to redeem and cancel it by applying the surplus revenue in that way. How many votes would that proposition get among the people of the United States?

The Democratic Senators and Members do not, any of them, seem to act upon the same principles that control the executive branch of the Government now in power. The Senator from Kentucky is opposed to calling in the greenbacks. How does he propose to reduce taxes? In general terms, he is in favor of free trade, free trade in its broadest sense, free trade in its almost unlimited extent, the reduction of duties on all those articles that we can make in this country, and that we ought to make in this country, and can make as cheap in this country if we choose to reduce the wages of our laboring men and measure their labor by the wages paid in Europe. That is what they mean.

But not only that; the Secretary takes up two items particularly to comment upon and to illustrate his argument. Here he finds that we are collecting the enormous sum of $5,000,000 of duties on wool. He wants that duty abolished at once. Five million dollars will be an enormous relief by abolishing the tax on wool! Why, Senators, that touches the industries of more than a million of farmers, who believe they have a right for their industry the same degree of protection that is meted out to any other branch of production. That we have the power and the means and the facilities in this country to raise all the wool of certain grades necessary for domestic manufacture, and for foreign manufacture as well, is true. But now, owing to the provisions of our tariff law, we import wool enough, mainly as carpet wool, to yield $5,000,000 of revenue. That he would abolish, and make wool free, and thus bring our farmers into sharp and hard competition with wool grown all over the world, on the pampas of South America or the plains of Australia, he would do that in order to give relief to the people from $5,000,000 of taxes!

But then, when you turn and show that we import an article upon which we levy fifty-odd million dollars of revenue, the repeal of the duty on which alone would wipe out nearly all the surplus revenue that is now complained of, with the exception of that portion known by the sinking fund—the whole balance estimated by Mr. Manning is about fifty or sixty million dollars—we levy that on sugar alone; and when the mere suggestion is made that it is better, under the circumstances, to repeal the duty on sugar and make that article free, and place it where coffee and tea now stand, that is met with a loud cry of dissent.

Why is that? Is there any local influence, any sectional motive, any party interest there involved? If so, let us face it and meet it. Is the Senator from Kentucky in favor of the repeal of the duty on sugar—to make that free? I have not heard him answer that question yet. Here is an opportunity, if they will only give us a chance, by which we could at once wipe out this large unnecessary surplus revenue. But no; that is not what is wanted. It is not to reduce taxes.

The Senator from Kentucky and I could sit down and in five minutes we could select two or three articles now taxed and make them free, by which we would be able to strike off from the people a direct burden of taxation, and thus relieve us from this surplus revenue. In doing so we would relieve our people from a direct and oppressive tax. Sugar in all its forms should be as free as tea and coffee, and for the same reasons. If sugar could be produced in this country by any skill or aid whatever that industry could give to it—if we had the soil, the climate, and the means of producing sugar in this country—then I would be in favor of maintaining the system of protection in order to build up our sugar industry. If we had so developed our sorghum production, if we had so developed our beet-root sugar, or other means of raising sugar in this country, I should be in favor of maintaining this duty in order to build up a domestic industry wherever it might be carried on; but a long experience of thirty or forty years shows that we can not produce sugar and we have not been able yet to produce it.

In Germany and France they a e already producing sugar, although their climate is less favorable than ours, because they give high bounties to the producers of sugar. In this country there is a prejudice against building up industries by bounties, and therefore no one is bold enough to propose it, no one does propose it; and the result is that we do not raise in this country, with all the high protection that is given to it, a rate equal to 60 per cent., more than one-eighth part of our domestic consumption. It varies between one-twelfth and one-eighth. That is all we produce. Why not wipe out this tax? They say it is an injustice to the sugar planters of the South. So say I, and I should be willing, even if it is unpopular, to declare that I would give to the sugar planters of the South a fair and reasonable bounty, say 2 cents a pound on what they can produce. But it is shown by long trial that they can not produce enough to even make the sugar-candy of our country, much less to supply the great body of our people with that article of prime necessity in every home and family. If, therefore, the object is the reduction of taxes, why not take such an article that yields enormous sums and repeal the duty on it? But that is not the object.

All this is a subterfuge—not intended as such. I do not use the term in an offensive manner, but it shows the effect of local spirit, of party spirit. If the object is to reduce taxes we can reduce them at once by a few strokes of the pen. But that is not the object. The object is to tamper with that great industrial system which has built up in this country a growth of manufactures without parallel in the history of mankind, a system that has raised our production in manufacturing industries from $1,800,000,000 in 1860 to $54,000,000,000 in 1880, and now a great deal more than that. It is to repeal those duties which have fostered and built up the industries of our country so that now we are beginning to compete even in foreign markets with some of the older countries of Europe. How is it that we are now competing in England with Sheffield cutlery? Because by a system of protection followed by domestic competition our home industry has been defended against foreign importations until it has been built up, and now our home product is as cheap as the article made in foreign countries, made so by domestic competition and by increasing skill and art.

Mr. President, it is against the modification of these duties that the Republican party stands like a wall, not only to-day, but will at all times. We are in favor of a reduction of taxes. You take the $650,000,000 of imported goods, and what are they? More than $220,000,000 are admitted free of duty, of which over one hundred millions are articles of food—tea, coffee, and the like. Suppose you add to the free-list about $90,000,000 of sugar brought into this country. Then you have over $300,000,000, or about one-half of the importations of this country, that will be absolutely free of all tax. These are mainly articles that can not well be produced in this country, that experience has shown can not profitably be raised in this country, and they are such as are in use by every man, woman, and child here.

Take that large class of articles that are the base of our manufactures, all articles that can not be produced in this country are now practically free. If there is any one in the whole list that pays a duty, I would like to know it. I know of no article now, I can not recall any, which enters into our manufactures as the base of manufacturing, that can not be produced in this country, which pays any duty at all. If any, name it, and I will vote to put it on the free-list. Where we have not the power by reasonable protection and domestic competition to produce any article, I say let it be free from all taxation. In that way our free-list can be greatly increased, and we have free trade with all the world for more than one-half of all foreign importations.

But there are now about $300,000,000 worth of goods imported into this country that directly or indirectly compete with our domestic productions. They compete with our domestic growth. We have the raw materials and facility for the manufacturing of all these articles. Why should we not make our own woolen goods? Why should we not make our own cotton goods? Why should we not make our own machinery, our own cutlery, and all the various articles which enter into the ordinary employments of human life? We can do it. We can not start these industries without protection; we can not produce them at once; but in a little time and by reasonable protection we can build up all those industries. Experience has shown that whenever we have fairly started in this kind of competition, and have been protected for a time against the changes and oscillations of foreign competition and the low wages of foreign labor, we have been able to reduce the price of the domestic article, so that we are now able in the markets of the world upon the principles of free trade to compete with foreign countries in many branches of industry.

Sir, the theory and doctrine of the Republican party which we represent is this, that we will maintain the system of duties on foreign goods, not to the extent of a prohibition, not at such rates as would relieve our own people from reasonable competition, but such as will induce home competition, and thus reduce the price to a reasonable rate. We will levy such duties on foreign goods, to the extent that they are imported, as will induce their production here. And now, sir, it so happens in the progress of this system that nearly every article necessary for ordinary

human life consumed in the homes of the families of our country is of American growth and production.

There are $300,000,000 of foreign goods imported, manufactured abroad, which compete with ours. There are more than $3,000,000,000 manufactured in our own country out of the $5,500,000,000 altogether, the production of which has been caused by this protective policy. Now, we have built up this system of industry. We do not want it tampered with except with great care and by men who are disposed to foster and favor it. The Senator from Kentucky is not in that position; he never was. He has a theory of free-trade. It is true he denies that he is a free-trader, and I suppose he would deny that he was a free-trader as long as we ever laid any import duties and did not throw our ports open to all the world. But whenever it is proposed to reduce any tax which tends to foster or benefit any American industry, then my friend from Kentucky is sure to vote yes and fight it to the bitter end.

I did not intend to get into this argument. I do not want to go into it any further. I wish to say to our Democratic friends there are three months yet left in their lease of power, conferred two years ago. If you can propose a scheme to reduce taxation, that will bear the test and promise of your Democratic platform, that is, to reduce taxes without injuring the industries of this country, you will find on this side of the Chamber that we are ready participants and partakers with you in that great and glorious work; but when you strike at the industries of our people, and seek to derange that which is now well, and tamper with these protective duties which foster and diversify and have built up our great industries, then we are opposed to you, first, because we do not want to see the labor of our country brought down to a hard and grinding competition with the illy paid labor of Europe; next, because we want to see a diversified production in this country, so that the United States may be absolutely independent, not only in a political sense, but in a financial and a commercial sense, and so that we can make in this country every article essential to ordinary human want and employment. This is what we believe in, and until the Democratic party can agree among themselves and present to us a plan which they will be willing to stand up by, they have no right to chide us, and no right to complain of us. When they send us a bill we will show them that we have the power to reduce taxes, and will propose a method by which taxes may be reduced without crippling our industries or decreasing the ordinary wages of labor paid to our workingmen.

Mr. DAWES obtained the floor.

Mr. ALLISON. I ask the Senator from Massachusetts to yield, that I may move an adjournment. This is a very important question, and I think we can spend a few days in discussing it.

The PRESIDING OFFICER. The Chair will ask the Senator from Iowa to withhold the motion to adjourn, that he may lay before the Senate bills from the House of Representatives for reference.

Mr. ALLISON. Certainly.

HOUSE BILLS REFERRED.

The bill (H. R. 9183) for the relief of James R. Marr was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads; and

The joint resolution (H. Res. 220) authorizing and directing the payment of the salaries of the officers and employés of Congress for the month of December, 1886, was read twice by its title, and referred to the Committee on Appropriations.

FORTIFICATION APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives, further insisting upon its disagreement to the amendments of the Senate to the bill (H. R. 9798) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1887, and for other purposes, and asking a further conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr. DAWES, it was

Resolved, That the Senate still further insist upon its amendments to the said bill disagreed to by the House, and agree to the further conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Presiding Officer.

The PRESIDING OFFICER appointed Mr. DAWES, Mr. PLUMB, and Mr. GORMAN.

ALABAMA COAL AND IRON LANDS.

Mr. MORGAN submitted the following resolution; which was ordered to lie on the table and be printed:

Resolved, That the Secretary of the Interior is directed to inform the Senate of the state of facts upon which the coal and iron lands in Alabama have been withheld from sale, contrary to the requirements of the Act of March 3, 1883; and that he communicate to the Senate any evidence on the files of said Department which discloses the existence of any conspiracy, or combination, to unlawfully affect a sale of lands under said act, if any such evidence exists.

BEAUFORT SCHOOL-FARMS.

Mr. BUTLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate a copy of the report of George B. Clark, revenue agent, in regard to the school-farms in Beaufort, S. C.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 8346) authorizing the employment of mail messengers in the postal service; and

A bill (H. R. 7536) to extend the free-delivery system of the Post-Office Department, and for other purposes.

PRINTING OF THE PRESIDENT'S MESSAGE, ETC.

Mr. HAWLEY. The Committee on Printing instruct me to ask for the passage of the resolution I send to the desk.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That there be printed in pamphlet form, for the use of the Senate, 1,000 copies of the annual message of the President, and the reports proper of the heads of the Departments, Comptroller of the Currency, Director of the Mint, and Treasurer of the United States, without the appendices.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. SAULSBURY. I desire to inquire whether that is the usual number.

Mr. HAWLEY. I can explain the matter in a moment. This has never been ordered in this form but once. It was done last year. I will state in a moment why it is necessary, in my judgment.

Of course the message and accompanying documents have been ordered to be printed, as usual, in accordance with law. That means twelve or fifteen octavo volumes which you will begin to get in a year to eighteen months hence. The Senator from Missouri [Mr. COCKRELL] commented on one item this morning, the Report of 1885, which is of no use to us now.

Besides that, the law provides for the condensation and compilation of all messages and reports. That compilation makes one octavo volume. The theory of the act providing for it was that if the Departments would send in their appendices early a condensation could be made so as to be ready within a fortnight for the use of Congress. It takes about a year to get that volume through. Last year's volume is not here yet.

Now, if a Senator desires a copy of the report of the Secretary of Treasury, or of the Navy, or of the Army, or of the Attorney-General, or any one of those officers mentioned in the resolution, he must send to the Department and get one out of the few they print for themselves out of their own printing fund. There is no other copy of any one of these reports to be got in this building.

Last year we tried what I propose, and found that it worked well. The resolution asks for a thousand of each of these documents in pamphlet form. The type is up already from which the copies were printed which have been sent to us, one each.

Mr. COCKRELL. I should like to suggest whether it would not be better that the usual number be printed for the Document Room. These will go to the Folding Room, as I understand. They will not go through the regular Document Room, I think.

Mr. HAWLEY. I think they did last year.

Mr. COCKRELL. I think not. That is the point I want to call the Senator's attention to. I do not think they came through the regular Document Room; I think they came through the Folding Room, and the effect was that when they were sent off Senators would send up to the Document Room and there would be none there. It is a great inconvenience not to have them filed in the Document Room, and I suggest that the resolution be amended so that the thousand will be in addition to the usual number and for the Document Room.

Mr. HAWLEY. Let me suggest to the Senator that if printed under that form, "the usual number," there are about 1,900 printed and several hundred of them are laid aside for special use.

Mr. COCKRELL. I understand; but we ought to have these copies in addition to those upstairs in the Document Room.

Mr. HAWLEY. There are several hundred provided for under the law ordering what is called "the usual number" that we do not want; and you may not have them in a year.

Mr. COCKRELL. That is true; but they would get into the Document Room after a year or more.

Mr. HAWLEY. These can all be put in the Document Room perfectly well at your command. It does not make any odds to which room you send for them.

Mr. COCKRELL. It makes a great deal of difference if you send to the Document Room and none of them are there. If sent to the Folding Room they will all be sent off by us before we think about it, thinking there is the usual number in the Document Room.

Mr. HAWLEY. Mr. Smith had these to dispose of before, and they were ordered just in this manner. I know that Mr. Smith was able

to respond to a Senator when he sent upstairs for a Treasury report. I think the Senator from Missouri will find it all right.

Mr. COCKRELL. I do not think they were in Mr. Smith's room at all.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Post-Offices and Post-Roads:

A bill (H. R. 8346) authorizing the employment of mail messengers in the postal service; and

A bill (H. R. 7536) to extend the free-delivery system of the Post-Office Department, and for other purposes.

COLUMBIA RIVER STEAM-RAILWAY.

Mr. DOLPH. I offer a resolution, which I ask to have printed and laid on the table. At some future time, when it is the pleasure of the Senate to listen to me, I shall briefly submit some remarks as to the project foreshadowed in the resolution—the construction of a steamboat railway around The Dalles of the Columbia River.

The resolution was read, as follows:

Resolved, That the Secretary of War be, and is hereby, directed to examine and report as to the necessity for the improvement of that portion of the Columbia River known as "The Dalles," by the removal of obstructions so as to permit the free navigation thereof; and as to the practicability and probable cost of overcoming such obstructions to navigation by the construction of a steamboat railway around The Dalles and Celilo Rapids, and removing obstructions at Three-Mile and Ten-Mile Rapids.

The PRESIDING OFFICER. The resolution will be printed and laid on the table. The Senator from Massachusetts [Mr. DAWES] has the floor on the resolution submitted by the Senator from Vermont [Mr. MORRILL], which has been under consideration.

Mr. ALLISON. I ask the Senator from Massachusetts to yield to me that I may move an adjournment.

Mr. DAWES. With the understanding that I have the floor when the resolution of the Senator from Vermont comes up again I yield.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 27 minutes p. m.) the Senate adjourned to Monday, December 13, 1886, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December* 9, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

Yesterday and to-day the following additional members appeared and took their seats: Mr. FISHER, Mr. GLOVER, Mr. LANDES, Mr. HAILEY, Mr. PERKINS, Mr. STEWART of Texas, Mr. WHEELER, Mr. CLARDY, Mr. CULBERSON, Mr. ATKINSON, Mr. VAN SCHAICK, Mr. COLLINS, Mr. O'HARA, Mr. HAMMOND, Mr. WALLACE, Mr. RANNEY, Mr. KELLEY, Mr. NORWOOD, Mr. MERRIMAN, and Mr. JONES, of Alabama.

CLAIMS FOR REFUND OF INTERNAL-REVENUE TAX.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a schedule of claims for refunding internal-revenue tax illegally collected, re-examined and certified by the First Comptroller, as required by the deficiency act of August 4, 1886; which was referred to the Committee on Appropriations, and ordered to be printed.

ACCOUNTS ALLOWED BY FIRST COMPTROLLER.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting copies of accounts rendered to and settled with the First Comptroller for the fiscal year ended June 30, 1886; which was referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

CONTINGENT EXPENSES TREASURY DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a report of contingent expenses of that Department for the fiscal year ended June 30, 1886; which was referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

RE-EXAMINATION OF CERTAIN CLAIMS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Second Comptroller, submitting statements of facts relative to certain claims re-examined, as required by the provisions of the deficiency act of August 4, 1886; which was referred to the Committee on Appropriations, and ordered to be printed.

JOSÉ SUTTON.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Interior, transmitting the report of the surveyor-general of New Mexico upon the private land claim of José Sutton, Ojo del Ariel, No. 45; which was referred to the Committee on Private Land Claims.

IMPROVEMENT OF TENNESSEE RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report on the condition of the work of improvement of the Tennessee River at Big Mussel Shoals, Little Mussel Shoals, and Elk River Shoals; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

MISSISSIPPI RIVER COMMISSION.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of the operations of the Mississippi River Commission from July 1, 1886, to November 30, 1886, with financial statements relating to appropriations; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

FINDINGS OF COURT OF CLAIMS.

The SPEAKER also laid before the House the following communications; which were severally referred to the Committee on War Claims:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of Fanny B. Randolph and Dora L. Stark against the United States;

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court and of the order dismissing the case of John A. Farley against the United States;

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court and of the order dismissing the case of William A. Williamson against the United States;

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court and order dismissing the case of F. Louis Morat against the United States;

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court and order dismissing the case of George S. Ayre, administrator, &c., against the United States;

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court and of the order dismissing the case of F. E. Wirt against the United States;

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the opinion and order of that court dismissing the case of Bartelle and Evans against the United States;

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the order of that court dismissing the case of John H. Marshall and others against the United States;

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the opinion and order of that court dismissing the case of Sophia G. Mitchell against the United States;

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the opinion and order of that court dismissing the case of Robert S. McDonald against the United States;

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the opinion and order of that court dismissing the case of Charles C. Burke, administrator, &c., against the United States; and

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the order of that court dismissing the case of Calvin Chearis against the United States.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. KING, for ten days, on account of important business.

To Mr. TRIGG, indefinitely, on account of sickness.

CHANGE OF REFERENCE.

The SPEAKER. The Chair desires to correct an erroneous reference of last session. The bill (S. 1838) to increase the pension of George R. Hooper was referred to the Committee on Claims. It should go to the Committee on Invalid Pensions. Without objection, that order will be made.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 68) for the relief of William P. Chambliss.

FORTIFICATIONS APPROPRIATION BILL.

Mr. FORNEY. I rise to present a report of the committee of conference on the fortifications bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9793) making appropriations for fortifications and other works of defense and for the armament thereof for the fiscal year ending June 30, 1887, and for other purposes, having met, after full and free conference have been unable to agree.

BENJ. BUTTERWORTH,	A. P. GORMAN,
SAM. J. RANDALL,	P. B. PLUMB,
WILLIAM H. FORNEY,	H. L. DAWES,
Managers on the part of the House.	*Managers on the part of the Senate.*

Mr. FORNEY. I ask that the report be accepted, and that a further conference be asked.

The SPEAKER. Without objection the report will be accepted and a further conference with the Senate will be asked. The Chair appoints as conferees the same gentlemen as have hitherto acted on the committee—Mr. FORNEY of Alabama, Mr. RANDALL of Pennsylvania, and Mr. BUTTERWORTH of Ohio.

ADDITIONAL ASSOCIATE JUSTICE, NEW MEXICO.

Mr. JOSEPH. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 9642) and that the same be considered bythe House.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MILLS. I will ask the gentleman from New Mexico whether that bill has been reported from the Committee on the Judiciary?

Mr. JOSEPH. It has; and I ask that the report of the committee, which is very brief, be read.

Mr. HOLMAN. Mr. Speaker, for the present I must object to the consideration of this bill. I was not aware that such a measure was pending. I shall not object to the gentleman bringing it before the House at some later time, after proper inquiry shall have been made as to the facts.

Mr. SPRINGER. That inquiry has been already made. This bill was reported at the last session of the House. There is a large accumulation of judicial business in the courts of New Mexico; there is urgent need for the passage of this bill, and I trust that my friend from Indiana [Mr. HOLMAN] will withdraw his objection. In the Territory of Dakota there are five judges, while in the Territory of New Mexico, with its large and rapidly increasing population, there are only three. This bill is necessary. In fact, it is a positive denial of justice to the people of New Mexico to leave them in their present condition. I am sure that if the gentleman from Indiana [Mr. HOLMAN] were on the Committee on Territories he would not object to the passage of this bill, and I trust that he will now withdraw his objection.

Mr. HOLMAN. Mr. Speaker, a brief inquiry as to whether there has been such an increase of business in the Territory as to justify this legislation can certainly do no harm.

Mr. SPRINGER. But that inquiry has been made, and this bill has been reported from the Committee on the Judiciary.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] objects.

TITLE TO LANDS IN SAN FRANCISCO.

Mr. MORROW. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (S. 1110) to relinquish the interest of the United States in certain lands to the city and county of San Francisco and their grantees, and that the same be put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the right, title, and ownership of the city and county of San Francisco, in the State of California, to the body of land hereinafter described are hereby confirmed, and all the right and title of the United States to said land are hereby granted and relinquished to said city and county, and to those persons, and their successors in interest, to whom portions of said land have been heretofore granted and conveyed by or on behalf of said city and county, to the extent of their interest in said land. Said land hereby granted is described as follows: Situated within the corporate limits of said city and county; bounded on the north by the southern boundary line of the land granted by the United States to said city and county by patent dated June 20, 1884; on the west by the Pacific Ocean; on the south by the line surveyed by Deputy United States Surveyor James T. Stratton, in 1867 and 1868, as the southern line of the land granted to said city and county by act of Congress approved March 8, 1866; and also bounded on the south by the northern boundary of the Rancho Laguna de la Merced, granted by the United States to J. de Haro and others, September 10, 1872, wherever said northern boundary of said rancho is north of said line surveyed by said Stratton; on the east by the western boundary of the Rancho San Miguel, granted by the United States to J. de J. Noe, March 30, 1857.

SEC. 2. That upon the approval of this act the Commissioner of the General Land Office shall issue a patent for said land to said city and county, and said patent shall inure to said city and county and the grantees of the same, and their said successors in interest, as a confirmation of said city and county's grants of said land.

SEC. 3. That all laws in conflict with the provisions of this act are hereby declared inapplicable to the lands hereby granted and relinquished.

Mr. GIBSON, of West Virginia. If the title to this land is in the United States, what reason is there for relinquishing it?

Mr. MORROW. A very brief statement will disclose the reasons for the legislation proposed in this bill. The city of San Francisco is located on a tract known under the Mexican law as a "pueblo," containing four square leagues of land. The title to this pueblo was confirmed by judicial decree in 1865, and confirmed by act of Congress in 1866. Later on there was a survey of the pueblo, under the act of Congress and the judicial decree. That survey established the southern boundary line, a line running east and west across the peninsula. Subsequently controversy arose between claimants and the Government respecting some portions of the northern boundary of the land, in connection with the presidio of San Francisco, and also concerning the line crossing Mission Creek. In consequence of that controversy, and the decision of the Secretary of the Interior in 1883, the boundary of the grant was extended north so as to increase its extent to more than four square leagues. This made another survey necessary, which survey placed the southern line about 981 feet north of the former line, making a strip of land 981 feet wide to which no title has been conveyed, although, under the original survey, the city of San Francisco conveyed to the occupants this particular land. That land has been cut up into blocks and streets; it has paid taxes, and the people in possession were, until the last survey, under the impression that they were within the line of the pueblo. Now the city of San Francisco, by proper resolution, asks that this grant be made, that the title of its grantees may be confirmed. It is recommended by the Interior Department, and there are no adverse claimants.

Mr. WEAVER, of Iowa. Are there any persons there taking title from other sources than the city or county of San Francisco?

Mr. MORROW. No, sir.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. GIBSON, of West Virginia, objected, but subsequently withdrew his objection.

There being no further objection, the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. MORROW moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES R. MARRS.

Mr. McCREARY. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 9183) for the relief of James R. Marrs, and that the House now consider the same.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James R. Marrs, of Boyle County, Kentucky, the sum of $126, to reimburse him for money paid by him to the Post-Office Department of the United States because of money unlawfully taken from the post-office at Danville, Ky., of which James R. Marrs is postmaster, and for the taking of which he was in no respect blamable or responsible.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. McCREARY]?

Mr. COX, of North Carolina. I should like to hear the report in this case.

Mr. McCREARY. I will make a brief statement about the bill. On the 17th of February, 1886, James R. Marrs was postmaster at Danville, Ky., and the office was broken into by burglars, the safe opened and Government property amounting to $293.13 taken therefrom without any fault on the part of the postmaster. Credit was allowed him for $96.13, money-order funds, and for postage-stamps in stamp-drawer to the amount of $71; but he was compelled to pay out of his own money $74 for postal funds taken from the safe and $52 for box-rent funds. An investigation of the whole matter was made by an officer sent to Danville by the Post-Office Department, whose report exculpated Mr. Marrs from all blame and declared that he was in no respect at fault. In view of these facts, I introduced a bill for his relief, which was referred to the Committee on Claims, allowing him $126, the amount which he was compelled to pay from his own funds. This bill has been unanimously reported by the Committee on Claims.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There being no objection, the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill, which was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McCREARY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGE W. LAWRENCE.

Mr. DINGLEY. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 9933) for the relief of George W. Lawrence, and that the House now proceed to consider the same.

The bill was read.

The SPEAKER. Is there objection to the proposition of the gentleman from Maine for the present consideration of this bill?

Mr. WARNER, of Ohio. I think that we should hear the report.

Mr. DINGLEY. This bill, which has been unanimously reported by the Committee on War Claims, simply refers the subject to the Court of Claims. I think there can be no objection to the proposition.

Mr. WARNER, of Ohio. Is the report long?

Mr. DINGLEY. No; it is very brief.

Mr. WARNER, of Ohio. Let it be read.

The report was read.

The SPEAKER. Is there objection?

Mr. EDEN. I object.

THEODORE W. TALLMADGE.

Mr. OUTHWAITE. I ask unanimous consent that the amendment of the Senate to the bill (H. R. 1905) for the relief of Theodore W. Tallmadge be taken from the Speaker's table for immediate consideration. This amendment, which has been suggested by the Commissioner of the General Land Office, is merely formal.

The SPEAKER. This bill was returned from the Senate with an amendment during the last session, but for some reason not now remembered by the Chair it was not referred to any committee. It is therefore still on the Speaker's table. The Clerk will report the amendment of the Senate.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *June* 17, 1886.

Resolved, That this bill pass with the following amendment:

After the words "United States," in line 6, insert "subject to military bounty-land-warrant location."

The SPEAKER. Is there objection to the present consideration of this subject?

Mr. HOLMAN. It was impossible to hear what the proposition was.

Mr. OUTHWAITE. The bill proposes simply to authorize the issue of land scrip to this gentleman in lieu of a bounty-land warrant, of which he was defrauded by an agent of the Government. The bill, after passing the House, was passed in the Senate with a slight amendment, adopted upon the suggestion of the Commissioner of the General Land Office.

Mr. HOLMAN. What is the amendment?

The amendment was again read.

Mr. BURROWS. Let the House bill be read as amended.

The Clerk read, as follows:

Be it enacted, &c., That the Secretary of the Interior of the United States be, and is hereby, authorized and directed to issue and deliver to Theodore W. Tallmadge land-scrip by which the said Theodore W. Tallmadge, or his assigns, upon the presentation thereof to the proper officers of the Land Department, shall be entitled to enter one hundred and sixty acres of the surveyed public lands of the United States subject to military bounty-land warrant location, not mineral or otherwise appropriated, granted to him in lieu of bounty-land warrant numbered sixty-nine thousand six hundred and fifty-one, misappropriated by an employé of the United States land-office at Stevans' Point, Wisconsin.

There being no objection, the House proceeded to the consideration of the amendment of the Senate; which was concurred in.

Mr. OUTHWAITE moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PERSONAL EXPLANATION.

Mr. REAGAN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Texas states that he rises to a question of personal privilege.

Mr. REAGAN. I send to the Clerk's desk a copy of the New York World of December 4, and ask that the article marked be read, with the accompanying head-lines.

The Clerk read, as follows:

REAGAN REBUKED—SCENE AT A COMMITTEE MEETING ON THE INTERSTATE COMMERCE BILL.

[Special to the World.]

WASHINGTON, *December* 3.

There was a lively scene at the meeting of the conference committee on the interstate commerce bill to-day, which for a time made it look as if the struggle over the two bills under consideration would end in a high old row. But the storm blew over and cleared the atmosphere, so that the committee made fair progress afterwards towards an agreement. The members of the committee are trying to keep it quiet, and are pledged to secrecy about the affair, which makes it all the more interesting. The venerable Mr. REAGAN, who has been laboring in season and out of season during the fifteen years he has been in Congress to secure the passage of his bill to regulate the railroads, can not be made to see that there is any other method than by the measures he proposes, and while the Senate committee are willing to concede many things to him, they will not take his bill as it stands.

This morning he made the speech that is familiar to all who have been watching this legislation, for he has delivered it every session in the House for a dozen years and every week in the committee-room. He had reached that point where he declares that every man who will not accept his bill is a friend and defender of the grasping monopolies, and was going on to say that the Senate bill was a sham and intended to humbug the people, when Senator CULLOM interrupted him. The Senator said he did not propose to listen to any more such talk. The gentleman from Texas had made that same speech the day before, and had uttered similar reflections upon himself, the author of the bill, and the Senate, which passed it unanimously. He was willing to hear it once, but did not propose to sit there and have REAGAN reiterate every day that the Senate bill was intended to deceive and humbug the people. The Senate committee had spent three years in studying the question, and believed they understood quite as much about it as the gentleman from Texas, and were quite as honest in their efforts to secure proper legislation as he. It was an insult that he resented when the gentleman from Texas declared that he and his colleagues were the tools of monopolists. He gave notice that the remark could not be repeated in his presence.

Mr. CULLOM was very angry, and Mr. REAGAN was very much surprised. He had made the same assertions so often that they flowed from his lips naturally, and he did not realize what they meant. As soon as he had recovered from his surprise he said he did not intend to reflect upon the honesty of the Senator from Illinois or any of his colleagues. "Then withdraw your words," replied CULLOM, "and don't repeat them here again." Mr. REAGAN did so, and the committee went on with its work.

Mr. REAGAN. I ask the Clerk to read Senator CULLOM's letter in the New York World of December 7.

The Clerk read as follows:

A CARD FROM MR. CULLOM.

To the Editor of the World:

My attention has been called to a Washington dispatch in the World of Saturday which purports to give an account of "a lively scene" that is alleged to have occurred between Judge REAGAN and myself at a meeting of the conference committee on the interstate commerce bill. I deem it but just to Judge REAGAN to say that no such dispute as is described in the dispatch referred to has taken place in the committee, and that the proceedings of the conference committee have been conducted in the most friendly spirit on the part of all those participating and with no more friction than naturally occurs when men honestly differ in their opinions and are called upon to express them.

S. M. CULLOM.

WASHINGTON, *December* 6.

Mr. REAGAN. Let the Clerk also read the World's article of December 8, which I have marked.

The Clerk read as follows:

CAPITAL NEWS NOTES—MORE ABOUT THAT CULLOM-REAGAN ROW OVER COMMERCE.

[Special to the World.]

WASHINGTON, *December* 7.

Senator CULLOM, of Illinois, in a card in to-day's World tries to create an impression that there was exaggeration in a report in the World giving an account of a recent set-to between him and Congressman REAGAN in a conference meeting over the interstate commerce bill. Senator CULLOM did check Mr. REAGAN in his speech and protest against the character of the Texan's remarks. Senator CULLOM would not venture to make oath to the contrary. Other members of the committee have confirmed the report. It was agreed to suppress the story of the difference in the interests of an agreement on the bill. Mr. REAGAN thought that the story might injure his Senatorial chances, and so demanded that Mr. CULLOM should write the card, as part of the pledge of secrecy, and Mr. CULLOM wrote it to secure an agreement on the bill.

Mr. REAGAN. Senator CULLOM's letter shows that no such scene occurred as is described in the World's first article. He states the truth.

The only possible foundation I know of for the statement made in that article may be that in considering the bills before us I said the commission would serve more as a buffer between the people and the railroads than to promote the ends of justice. Referring to this, Senator CULLOM said, with some warmth, that my statement was a reflection upon Senators, and he did not wish it repeated; to which I rejoined that I was speaking of the effects of the bill and had no reference to the motives of Senators.

We then proceeded without further remark with the consideration of the bills before us.

I made no speech on that occasion; no such scene occurred as is described in that article; no injunction of secrecy was made; nothing was said about my remarks being an insult to be resented; no such language was used to me as "then, withdraw your remarks, and don't repeat them here again."

The World's second article is an aggravation of the falsehoods and slanders contained in the first by assuming that Senator CULLOM was "trying to create the impression that there was exaggeration in a report in the World giving an account of a recent set-to between him and Congressman REAGAN in the conference committee over the interstate commerce bill." It then impliedly admits its false statements in the first article by saying "Senator CULLOM did check Mr. REAGAN in his speech" and "would not venture to make oath to the contrary." It also aggravates the former offense by reaffirming that "it was agreed to suppress the story of difference in the interest of an agreement on the bill," and by stating that "Mr. REAGAN thought the story might injure his Senatorial chances, and so demanded that Mr. CULLOM should write the card." I made no demand of Senator CULLOM to write his card or for any other purpose.

I can have no quarrel with a creature base enough to invent and send for publication the falsehoods and slanders contained in the World's articles. But I think it my duty to say that they appear in a newspaper owned, controlled, and published by Joseph Pulitzer, who was lately honored by the people of the city of New York with a seat in this House, and who, during a part of last session, was my associate as a member of the Committee on Commerce. By publishing those statements he shows himself capable of prostituting his paper to create sensation, increase its sale, and make pecuniary profit out of the pain and injustice wantonly inflicted upon others.

Mr. Pulitzer can not excuse himself, inasmuch as he has made no apology for these wrongs, by assuming that these scandalous papers were invented and published by his employés and not by himself. A just and honorable man would not employ or retain in his service men capable of such conduct.

ORDER OF BUSINESS.

The SPEAKER. The Chair will proceed, as the regular order, to call committees for reports, beginning with the Committee on Pensions.

The call of committees was proceeded with.

Mr. DUNN. I move the call be suspended, as it is evident there are no reports to be made.

The motion was agreed to (more than two-thirds voting in the affirmative), and the further call of committees for reports was suspended.

TAXATION OF PARTS OF A GALLON OF DISTILLED SPIRITS.

Mr. MORRISON. Mr. Speaker, I desire to make a privileged report from the Committee on Ways and Means.

The SPEAKER. The gentleman will proceed.

Mr. MORRISON. The Committee on Ways and Means, to which was referred the bill (H. R. 4833) relating to the taxation of fractional parts of a gallon of distilled spirits, have directed me to report the same back with the amendments of the Senate, and to move that the amendments be non-concurred in; and further, that the request of the Senate for a conference on the disagreeing votes of the two Houses be agreed to.

The SPEAKER. Is the reading of the amendments of the Senate demanded? If not, the question will be put to the House upon non-concurrence and upon agreeing to the request of the Senate for a conference.

The amendments of the Senate were non-concurred in, and the request for a conference on the disagreeing votes of the two Houses was agreed to.

The SPEAKER. The Chair will announce the managers of the conference on the part of the House some time during the day.

PRINTING OF THE PRESIDENT'S MESSAGE.

Mr. BARKSDALE, from the Committee on Printing, reported back the resolution providing for the printing of the President's last annual message, with an amendment filling the blank with "20,000;" so the resolution will then read as follows:

Resolved, That there be printed 20,000 additional copies of the President's last annual message, for the use of the House.

The amendment was agreed to; and the resolution as amended was adopted.

Mr. BARKSDALE moved to reconsider the vote by which the resolution as amended was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RESTRICTING OWNERSHIP OF REAL ESTATE IN TERRITORIES.

Mr. PAYSON. I call up as a privileged report from the Committee on Public Lands the amendments of the Senate to the bill (H. R. 3280) to restrict the ownership of real estate in the Territories to American citizens, &c., and to move that the amendments of the Senate be non-concurred in; and further that the request of the Senate for a conference on the disagreeing votes of the two Houses be agreed to.

There was no objection, and it was ordered accordingly.

EXTENSION OF THE FREE-DELIVERY SYSTEM.

The SPEAKER. Under the rules the regular order is the consideration for one hour of bills reported from committees, and the hour begins at 5 minutes before 1 o'clock. The unfinished business is the bill coming over from yesterday, reported from the Committee on the Post-Office and Post-Roads, a bill (H. R. 7536) to extend the free-delivery system of the Post-Office Department, and for other purposes, reported from that committee with amendments.

Mr. DOCKERY. Mr. Speaker, I ask by unanimous consent, if the pending bill be not disposed of in the hour allotted to it, the time shall be extended for at least thirty minutes, when it is expected we shall be able to get through with it.

Mr. DUNHAM. What is the bill?

The SPEAKER. It is the bill for the extension of the free-delivery system reported from the Committee on the Post-Office and Post-Roads.

Mr. CALDWELL. I wish it to be distinctly understood that unless the Committee on the Post-Office and Post-Roads gets through with its bill in this half-hour extension, the House shall then proceed at once to the consideration of the regular order, which is the bill relating to the election of President and Vice-President.

The SPEAKER. That is, thirty minutes after the expiration of the hour?

Mr. CALDWELL. I wish it distinctly understood that they are not to have more than half an hour of extension of time; that if they are not then through they shall give way to the electoral-count bill.

The SPEAKER. Is there objection?

Mr. RANDALL. Yes; I object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, informed the House that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 1424) for the relief of graduates of the United States Military Academy.

The message further announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 1990) to provide for the adjustment of matters connected with certain judicial proceedings in Pennsylvania in which the United States was a party.

EXTENSION OF FREE-DELIVERY SYSTEM.

Mr. DOCKERY. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill pending at the expiration of the hour on yesterday, for the extension of the free-delivery system; and move that all debate upon the first section of the bill and amendments thereto be limited to twenty minutes.

It was so ordered; and the House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. HATCH in the chair).

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the bill (H. R. 7536) to extend the free-delivery system of the Post-Office Department, and for other purposes.

The question is on the amendment of the gentleman from Illinois [Mr. CANNON], and the gentleman from Missouri [Mr. DOCKERY] is entitled to the floor.

Mr. CANNON. Mr. Chairman, after consulting with the Committee on the Post-Office and Post-Roads, and understanding that they propose to offer an amendment which substantially covers the same ground, I withdraw my amendment.

Mr. DOCKERY. Mr. Chairman, I am instructed by the Committee on the Post-Office and Post-Roads to offer the amendment I send to the desk as a substitute for all of the first section after line 6, and down to and including the word "dollars" in the twentieth line.

The Clerk read as follows:

And may be so employed at every place containing a population of not less than 10,000 within its corporate limits, according to the last general census taken by authority of State or United States law; or at any post-office which produced a gross revenue for the preceding fiscal year of not less than $10,000.

Mr. DOCKERY. I do not at this time wish to discuss the measure, but will reserve that portion of the time to which I may be entitled under the order of the House, until I can hear such suggestions as may be made by gentlemen who may oppose the bill.

Mr. COX, of New York. Mr. Chairman, I am glad to welcome the amendment which has been proposed by the gentleman from Missouri just read. That amendment is in the right line, but it might go further. The amendment which is now offered goes to the matter of revenue as well as the matter of boundary of the town or city for which the free-delivery service is proposed.

It is more significant and pertinent to this bill to care for this system with reference to the cost and income of the service than with reference to the mere question of geographical boundary of such city or town. I was prepared yesterday to vote for the amendment of the gentleman from Illinois, as well as to welcome the amendment now proposed by the committee.

This free-delivery system is not thoroughly understood either in the country or the House. May I, therefore, take the liberty, sir, to say—as one who has had what I may call some maternal solicitude over the letter-carrier system—that it is a paying business. It brings a surplus to the Treasury. The surplus by this system began in 1874-'75. It amounted then only to $67,517.55. It has grown steadily, until to-day it amounts to over $1,500,000 and more, or to be accurate, $1,526,936.27. This represents the excess of postage on local matter over the cost. The cost of 1885-'86 was $4,312,306.70. The postage was $5,839,242.97. The 181 letter-carriers carried nearly two billions of pieces—or 1,949,520,590. There is an increase of the business of 11.75 per cent., and an increase of the number of carriers of only 11.08 per cent. The cost is less per piece, less by one-tenth of a mill. The gain of the past year is equal to 17.93 per cent. There is a good surplus, as will be seen. It amounts to nearly a million and a half dollars.

Where does this surplus come from? It comes, the great bulk of it, from the city of New York. This I am proud to say. The letter-carriers of that great city—the Knights of the Letter—day after day have worked at this business and have produced $1,263,339.62 more than it has cost for the service in that city. In other words, the cost in that city has been $642,396.09; the return of this hard-worked and poorly-paid service in that city is $1,905,735.61.

What becomes of that magnificent surplus? Only 18 other cities pay the cost of the service in the United States. Out of the 181 offices which have the free-delivery system, only 19 of them pay the expenses. Of this 19, with a saving of $1,500,000, and more, New York provides over $1,263,000, and therefore when it comes to the question of the disposition of this money, New York should be allowed a voice as well as Philadelphia, Saint Louis, and other cities that combine to produce the surplus.

The amendment of the gentleman from Missouri on the committee should be welcomed; but I should like it to go further. I shall introduce an amendment at the proper time showing wherein this revenue may be utilized even to a greater extent.

The Postmaster-General has said in his report that he desires the bestowal of this grand system of free delivery to the extent of the "utmost privileges of our people." What are the utmost privileges? How will you limit them? They should not be limited to the boundary lines of the city. That is foregone. If the delivery can be made even outside of such lines and give a service that pays, it should not be limited to the amount of revenue, $10,000, as proposed in this bill. True, some limit must be fixed. The committee undertake to do that. But why not go further and allow the Postmaster-General in his discretion, between the decennial periods, or between the periods of State censuses, which are infrequent and irregular, to ascertain by data outside of the census what the populations of these growing cities and towns are from time to time, so that this large surplus, this one and a half millions of dollars set aside by the industry of the letter-carriers and a good administrative system, shall go in the interest and for the "utmost privileges" of the people?

[Here the hammer fell.]

The CHAIRMAN. The Chair will recognize any gentleman who desires to speak in opposition to the amendment.

Mr. COX, of New York. I follow up what I have suggested with the amendment to the amendment, which I send to the desk.

The Clerk read as follows:

In line 18, page 2, after the word "law," insert the following: "or according to any other data satisfactory to the Postmaster-General."

Mr. PETERS. The portion which the gentleman desires to amend it is proposed shall be stricken out.

Mr. COX, of New York. To give some little unity to my remarks I will proceed to say that that amendment is intended to reach those cities and towns which may within the decennial period reach 10,000 population. We cannot always tell by the census how our towns in the West and the Southwest may be growing. We had an illustration of it yesterday, stated by the gentleman from Arkansas [Mr. ROGERS].

In the vicissitudes of our astounding growth there is room for general congratulation, so that if one State or section seems laggard in the race of progress, it is only in seeming. The whole body develops and grows. In the last apportionment for members of this body which I had the honor to propose, I bid the politicians prepare for the inevitable changes made by the census. In the relative strength New England fell from 28 per cent. in 1790, to less than 10 in 1870; the Middle States from 1820 to 1860 fell from 32 to 23 per cent.; the Southern States only fell from 45 per cent. in 1800 to 34.8 in 1860, while the West and Southwest bounded from 3 per cent. relative increase in 1810 to 31 per cent. in 1870. The general increase was 30.07 per cent. At this rate, in 1910 we will have 100,000,000. Where will they be located? The census of 1880 will show. In relative strength Texas mounted to 94, South Carolina to 41, Arkansas to 65, while the New England and the Middle States fall below the relative average. California leaps up to 54, Iowa to 36, Michigan to 38, Minnesota to 77, Oregon to 92, Nebraska to 268, and Colorado to 388. This increase seems decennial, but really it is year by year. A town of one thousand to-day, next year it is five, the year after seven, and the year after that ten thousand. New York would neither stint their growth nor limit their privileges, and out of the profits of one million and a third of the one million and a half dollars made in New York by the system, she would be glad to see the advancing element of every State and town recognized in our practical legislation. It is not in our power to stay the orb of power or eclipse its glory by discriminations based on little town-boundaries. The star will continue to keep its western way for new conquests over the mines and fields of the great heart and extreme border of our land. Along with it arises out of its long trial the Southern Cross, to add its symbolic cluster to the constellation. Let us take a pride on every feasible occasion to foster this advancement by legislation. This amendment is on the line of that principle.

I make this statement, as the committee will see, for the purpose of showing that we can not properly regulate this matter to run by any census returns to the Department or elsewhere.

Now, shall those cities lie out of the privileges—"the utmost privileges," to use the language of the Postmaster-General—to which they would be entitled out of this vast surplus, accumulated by our free-delivery system? I hold, sir, this is a great trust fund. The greater part of this surplus has originated in New York city; but I do not think New York city to-day, through any of her representative men, either in or out of Congress, would object to having the privileges of this most valuable system extended to the new cities and towns that are springing up in the South and Southwest with such marvelous rapidity. Therefore, though I may not expect the adoption of this amendment, yet while I favor the great advance made by the committee in adding, first, forty-three to the number of these delivery cities, and then agreeing to make the addition to the number, under the pending amendment suggested by the gentleman from Illinois, amount to some one hundred and ninety, I would suggest that this additional amendment would only involve a cost of half a million dollars, while there is a surplus of a million and a half of dollars, out of which our country's interests in this matter may be properly subserved.

Mr. DOCKERY. I fully appreciate the interest of my distinguished friend from New York [Mr. COX] in the marvelous growth and development of the West and Southwest. I hail from that quarter, and have personal knowledge of the rapid progress that is being made in the increase of our wealth and population. While that is true, I would not desire to carry the advantages of this free-delivery system to any city the population of which is ascertained by the warp and bias of a local enumeration. The custom and practice of the Post-Office Department have usually been, as I am advised, to base the extension of this service upon an enumeration taken under the authority of Federal or State laws. I know, sir, that in many of the cities of the West and Southwest there have been marvelous strides in the increase of population; but this growth of population is amply provided for by the amendment of the committee, which authorizes the extension of the system to cities the post-offices of which have produced for the preceding fiscal year a gross revenue of $10,000. There are now but eleven cities in the United States that have 10,000 population and do not produce $10,000 gross postal revenue. Therefore, it will be observed that the amendment of the committee does not deny to the growing cities of the West the benefits of this system.

I sincerely hope that the amendment of the gentleman from New York [Mr. COX] will not be adopted. I trust that the House will stand by the action of the committee, which, by the proposed amendment, will extend this system to 179 cities of the American Union. Every State in the Union is benefited under the provisions of this bill; and I do not believe it wise to extend the system any further for the present. Now, Mr. Chairman, allow me a word of explanation in regard to the second and third sections of the bill. These sections make no changes whatever in the salary account of the carrier service, but simply classify it. As the law stands at present there are first and second class carriers and auxiliary carriers. These sections of the bill provide for first, second, and third class carriers, the third class taking the place of the auxiliary carriers. The Attorney-General has decided that where an auxiliary carrier is appointed there must be a principal, either a first or a second class carrier; so that the effect of this bill, if it has any effect at all (and it does affect the salaries to this extent), will be that for the first year of a free-delivery office the Postmaster-General will be authorized to inaugurate the system with third-class carriers, thus saving the difference between the salaries of first and third class carriers.

[Here the hammer fell.]

Mr. BLOUNT. Mr. Chairman, the amendment proposed by the Committee on Post-Offices and Post-Roads is substantially the recommendation made by the Postmaster-General in his report to Congress at the last session. The same recommendation—a repetition of it—is contained in his last report. During the last session of Congress, with the view of enlarging the operations of the free-delivery system, the Committee on Post-Offices and Post-Roads, apprehending that so large a proposed increase of the service might result in no increase at all because of the defeat of the measure, adopted the proposition contained in the bill to which this amendment is now offered. That was the sole reason. The committee at that time felt that it was important that the service should be extended, probably to the extent desired by the Department.

At a meeting of the committee held this morning—the first opportunity they have had to consider the subject this winter—the committee were encouraged to take the forward step proposed in this amendment, first, by repetition of the recommendation in the report of the Postmaster-General; second, by the recommendation of the President, and third, by the additional fact which the report of the Postmaster-General discloses, that the net increase of revenue during the last fiscal year is over $200,000, equal to one-half of the increased expense that would be occasioned by carrying out this proposition, even if the service were all put on by the 1st day of July next, which can not possibly be done, and the increase during the next fiscal year will probably be as great as the proportionate increase of expenditure. For these reasons I think the House will not feel that the committee have been hasty or careless in proposing this measure.

One word more. I trust that the proposition of my friend from New York [Mr. COX] will not be adopted, because it has already been considered by the Department, and has been there regarded as not a wise measure, but as likely to bring in patched-up returns, prepared under the influence of local interests, and calculated to mislead the Postmaster-General and Congress. If it be said that every ten years is not often enough to ascertain the population of our cities, and that it is a hardship that a growing city should be compelled to wait for the next census before it can get the benefit of this service, the answer is that the hardship is greatly ameliorated by the other provision that where the post-office yields a gross revenue of $10,000 this service may be put on. I trust that the Committee of the Whole will see fit to vote down the proposition of the gentleman from New York and to accept that of the Committee on Post-Offices and Post-Roads, and then allow us to go forward to one or two other matters which we desire to have disposed of with as little delay as possible.

Mr. COX, of New York. Mr. Chairman, as the committee have acted so handsomely in regard to the amendment proposed yesterday, I will not stand in the way of their disposing of this bill promptly. I therefore withdraw my amendment. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The time has expired for debate upon the section and amendments. The Clerk will read the pending amendment.

The Clerk read as follows:

Strike out all after line 6, down to and including the word "dollars" in line 20, and insert: "may be so employed at every place containing a population of not less than 10,000 within its corporate limits according to the last general census, taken by authority of State or United States law, or at any post-office which produced a gross revenue for the preceding fiscal year of not less than $10,000."

The amendment was agreed to.

The amendment of the committee as amended was then adopted.

On motion of Mr. DOCKERY, line 26, section 1, was amended by striking out the word "and" after the word "population" and inserting "or."

The next section of the bill was read as follows:

SEC. 2. That there may be in all cities which contain a population of 75,000 or more three classes of letter-carriers, as follows: Carriers of the first class, whose salaries shall be $1,000 per annum; of the second class, whose salaries shall be $850 per annum; and of the third class, whose salaries shall be $600 per annum.

An amendment reported by the Committee on the Post-Office and

Post-Roads to strike out in line 5, after the words "eight hundred," the words "and fifty" was agreed to.

The next section of the bill was read, as follows:

SEC. 3. That in places containing a population of less than 75,000 there may be two classes of letter-carriers, as follows: Carriers of the second class, whose salaries shall be $850 per annum, and of the third class, whose salaries shall be $600 per annum. This act shall take effect on the 1st day of July, A. D. 1886.

Mr. DOCKERY. I am instructed by the committee to move to strike out in lines 6 and 7 of the section just read these words:

This act shall take effect on the 1st day of July, A. D. 1886.

The amendment was agreed to.

Mr. MCADOO. I move to amend the pending section by adding, after the word "annum," in line 6, the following: "All carriers shall not be employed over eight hours in any day without extra pay for each hour over eight they may be kept at work."

Mr. DOCKERY. I hope the gentleman will not press that amendment.

Mr. BLOUNT. I trust it will be withdrawn. Our committee has but little time, and there are several matters of importance which we desire to bring up. To press the amendment which has been read will amount to a defeat of this bill, which I know the gentleman from New Jersey does not desire.

Mr. MCADOO. I will ask my friend from Missouri whether that proposition will come up in a separate bill.

Mr. DOCKERY. Yes, sir.

Mr. MCADOO. I withdraw the amendment.

The last section of the bill was read, as follows:

SEC. 4. That all laws inconsistent herewith are hereby repealed.

Mr. DOCKERY. I move that the committee rise and report back to the House the bill as amended.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 7536) to extend the free-delivery system of the Post-Office Department, and for other purposes, had directed him to report back the same with sundry amendments.

Mr. DOCKERY. I demand the previous question upon the amendments, and on ordering the bill to be engrossed and read a third time.

The previous question was ordered.

Mr. DOCKERY. I suggest that the question on the amendments be taken in gross.

There being no objection, the question was taken upon agreeing to all the amendments reported from the Committee of the Whole on the state of the Union; and they were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. DOCKERY. I demand the previous question on the passage of the bill.

The previous question was ordered.

Mr. WARNER, of Ohio. Ought we not to have the yeas and nays on the passage of this bill?

Several MEMBERS. Oh, no.

Mr. WARNER, of Ohio. I shall vote against the bill, but I will not insist on the yeas and nays.

The bill was passed.

Mr. DOCKERY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BLOUNT. I now yield to my colleague on the committee, the gentleman from Indiana [Mr. WARD].

The SPEAKER. The Committee on Public Lands are now entitled to call up business for consideration.

Mr. BLOUNT. Has the Committee on the Post-Office and Post-Roads no time remaining?

The SPEAKER. The bill just disposed of came over as unfinished business from yesterday, and the time of the committee has been exhausted. The gentleman from Illinois [Mr. PAYSON], representing the Committee on Public Lands, is recognized.

Mr. PAYSON. I am directed by the Committee on Public Lands to call up for present consideration——

Mr. WARNER, of Ohio. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WARNER, of Ohio. The bill just passed did not occupy a full hour yesterday, but only part of an hour. Is not the Post-Office Committee entitled to further time?

The SPEAKER. The bill just passed came up for consideration during the hour yesterday, and was unfinished busines at the expiration of that hour. Under these circumstances, the committee was entitled to the remainder of the hour to-day, if necessary, to complete the consideration of that bill, but for no other purpose.

Mr. BLOUNT. Would it be in order, with the consent of the gentleman from Illinois [Mr. PAYSON], to make a request at this time for unanimous consent?

The SPEAKER. It would be.

Mr. BLOUNT. I ask the gentleman from Illinois to yield for a moment that I may make such a request. The gentleman from Indiana [Mr. WARD], on behalf of the Post-Office Committee, desires to call up a bill authorizing the employment of mail messengers in the postal service—a matter at present unauthorized by law, although indispensable to the business of the Post-Office Department. I think there will be no objection to the passage of a bill legalizing such employment, and I ask unanimous consent that the gentleman from Indiana be allowed to bring up that bill now for consideration.

Mr. PAYSON. Will it provoke any discussion?

Mr. BLOUNT and Mr. DOCKERY. None.

The SPEAKER. The Chair hears no objection.

MAIL MESSENGERS.

Mr. WARD, of Indiana. I am instructed by the Committee on the Post-Office and Post-Roads to call up for present consideration the bill (H. R. 8346) authorizing the employment of mail messengers in the postal service.

The SPEAKER. This bill is in the Committee of the Whole House on the state of the Union.

Mr. WARD, of Indiana. If in order, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill, and that it be now considered in the House.

The SPEAKER. If there be no objection that order will be made.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the Postmaster-General be, and he is hereby, authorized to employ such mail-messenger service as may be necessary for the carriage of the mails in connection with railroad and steamboat service, transfer service between depots, over bridges or ferries, between post-offices, post-offices and branch offices or stations, in cases where by existing laws and regulations of the Post-Office Department railroad companies, steamboat companies, and the masters of vessels are not required to deliver into and take from the post-offices the mails carried on their lines or vessels.

An amendment reported by the Committee on the Post-Office and Post-Roads was read, as follows:

In line 8, strike out "existing" and insert "the."

Mr. WARD, of Indiana. Mr. Speaker, the purpose of this bill, which has the approval of the Post-Office Department, is obvious on its face, and in view of the necessity of the measure, I think there can be no objection to its immediate passage. Unless some gentleman desires to be heard upon the subject, I will ask the previous question.

Mr. HOLMAN. I notice from the reading of the bill that it refers to rules and regulations of the Post-Office Department, as to the transfer and delivery of mails within the distance, I believe, of a quarter of a mile of post-offices.

Mr. DOCKERY. Eighty rods.

Mr. HOLMAN. That matter, I understand, is regulated by law, not by a mere rule of the Department.

Mr. DOCKERY. It is a rule of the Department.

Mr. HOLMAN. I think it will be found to be a law.

Mr. WARNER, of Ohio. There is no law authorizing this messenger service at all, although the service has been performed for the last fifteen years. This bill is designed to make lawful what has thus been practiced for a number of years under regulation of the Department.

Mr. HOLMAN. It has been practiced for more than twenty years past.

Mr. DOCKERY. But under no law.

Mr. HOLMAN. It has been the practice for more than ten years. If there is no law, then what the gentleman proposes may be proper.

The amendment of the committee was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question recurred on the passage of the bill.

Mr. MCRAE demanded a division.

The House divided; and there were—ayes 112, noes 12.

Mr. MCRAE. No quorum has voted.

The SPEAKER appointed as tellers Mr. MCRAE and Mr. WARD, of Indiana.

Mr. BLOUNT. I ask, by unanimous consent, that the hour be regarded as closed after the passage of this bill.

The SPEAKER. If the hour shall expire during the pendency of the bill, it will resume its place on the Calendar.

Mr. BLOUNT. Let the call of the Committee on Public Lands go over until the next morning hour.

Mr. MCRAE. Very well, then; I will withdraw my point of no quorum.

The bill was passed.

Mr. WARD, of Indiana, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELECTION OF PRESIDENT AND VICE-PRESIDENT.

The SPEAKER. The House resumes the consideration of the unfinished business coming over from yesterday, which is an act (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon.

Mr. CALDWELL. Mr. Speaker, recognizing the impatience which has been manifested at the delay, by early adjournment, of the consideration of the electoral-count bill, I gave notice, yesterday, when we resumed its consideration I would ask the House to order the previous question after twenty minutes had been taken up in debate. I propose to stand by that announcement, and now yield five minutes to the gentleman from New York [Mr. BAKER].

Mr. BAKER. Mr. Speaker, the bill under consideration proposes to carry into execution a power conferred by the Constitution, section 8 of Article I, which provides that Congress shall have power—

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

It is conceded that the language quoted is a delegation to Congress of power to provide for carrying into effect the power to open and count the votes of the electors lodged in the President of the Senate.

By section 1 of Article II it is provided by the Constitution that—

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in Congress; but no Senator or Representative or person holding an office of trust or profit under the United States shall be appointed an elector.

Also, that—

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

The bill before us proposes:

1. To fix a day for the meeting of the electors of President and Vice-President;

2. To provide for and regulate the counting of the votes for President and Vice-President; and

3. The decision of questions arising thereon.

If, by appropriate enactment, Congress can provide against a recurrence of the vexed questions that once threatened the welfare and peace of our country; if we shall be able to legislate so as to enable the execution of the constitutional provisions and powers governing the selection of the chief magistrate of the nation, so that the possibility of dissension and strife shall be avoided, this Congress will do much to merit commendation.

In legislating upon this important subject it must be remembered that the power is now vested by the Constitution in the President of the Senate, who "shall, in the presence of the Senate and House of Representatives, open all of the certificates, and the votes shall then be counted." That by the action of the very first Congress at its first session, April 6, 1789, as we learn from the Annals of Congress, volume 1, pages 16 and 17, the two Houses of Congress, having organized in accordance with constitutional requirements, "the President elected for the purpose of counting the votes declared that the Senate and House of Representatives had met, and that he, in their presence, had opened and counted the votes of the electors for President and Vice-President of the United States." That the practice and precedent thus inaugurated and established have ever since governed.

That Congress had in it many of the men who had participated in the deliberations of the body which framed the Constitution, or who had been members of the conventions of the several States by which the instrument had been considered and ratified. Their judgment, thus expressed, has been commented upon and approved by both Kent and Story. The former says:

The Constitution does not expressly declare by whom the votes are to be counted and the result declared. In the case of questionable votes and a closely-contested election this power may be all-important, and I presume in the absence of all legislative provision on the subject that the President of the Senate counts the votes and determines the result, and that the two Houses are present only as spectators to witness the transaction, and to act only if no choice be made by the electors.

The latter, in his Commentaries on the Constitution, says:

In the original plan, as well as in the amendment, no provision is made for the discussion or decision of any questions which may arise as to the regularity and authenticity of the returns of the electoral votes, or the right of the persons who gave the votes, or the manner, or the circumstances, in which they ought to be counted. It seems to have been taken for granted that no question could ever arise on the subject, and that nothing more was necessary than to open the certificates which were produced, in the presence of both Houses, and to count the number and names as returned.

The pending bill, as stated by the gentleman from Tennessee [Mr. CALDWELL] decides, first, that the power to count the vote is not in the President of the Senate. I submit that my friend is in error in that respect. Precedent and the opinions of learned commentators seem to differ with him. If the Constitution, then, does, as I believe, by fair implication, vest in the President of the Senate the power and duty not only to open, but also to count, the votes, then Congress can not, by this or any other legislation, take away or transfer to any other person or officer that power and duty. It has been well said that Congress can not take upon itself any of the power granted to the executive and judicial departments of the Government; that it can not assume unto itself a duty which is imposed upon an officer of the Constitution. Prior to 1804, when the new twelfth amendment was formally adopted, Congress had enacted legislation for the purpose of providing for the execution of the Constitution regarding the election of electors. Again, after the adoption of the twelfth amendment, Congress legislated upon the subject, but at no time does there appear to have been expressed any doubt as to the power to count the votes being lodged in the President of the Senate.

The twelfth amendment reads:

ARTICLE XII.

The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the 4th day of March, next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list; the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

It appears that the Constitution prescribes the duties and powers of the electors when appointed or elected by the several States. Congress can not abridge or enlarge such powers, nor can Congress in any manner interfere with their constitutionally prescribed duties. Such duties are to vote, list their votes, sign and certify such lists and transmit them sealed to the seat of Government of the United States, directed to the President of the Senate. When these duties have been discharged, then, at the time fixed, they are to be opened and counted, and the result announced in the presence of the two Houses of Congress by the President of the Senate, the only officer recognized by the Constitution or authorized to do any act in relation to the subject, and who is required to perform his duties in the presence of the two Houses, upon whom no duty seems to be imposed, no power conferred, unless it appears that no person has a majority of the votes of the electors; in which case the House of Representatives shall immediately, and by ballot, choose as President one of the three persons having the highest number of electoral votes; and in case the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them before the 4th day of March next following, then the Vice-President shall act as President. A failure of the electors to elect a Vice-President confers, under the Constitution, the power on the Senate to elect that officer.

Does the proposed bill enlarge the powers or duties of the Senate and House of Representatives? Does it interfere with the full expression through the electors of the people's preference? Can we conclude that the framers of the Constitution, when they conferred upon the respective Houses of Congress the extraordinary powers prescribed by the Constitution, intended to invest them with the still more extraordinary power of rejecting and thereby creating by themselves and for themselves the contingency which alone gives them the right and power to elect a President and Vice-President? Can the reasoning of a learned Senator be resisted when he says:

The mere statement of such a proposition is its own refutation, and if no such power rests with the two Houses for concurrent action, how much more preposterous does it seem to be to claim that it rests with either House alone, and especially with the House of Representatives, with which body the power to elect a President abides in the event of a failure of the electors to elect.

Such a doctrine would stand as a perpetual menace to the peace of this country. It would establish an ever-present temptation to Congress to intermeddle with the elections of Presidents. When the framers of the Constitution expressly prohibited Senators and Representatives from appointment as electors, they clearly indicated their purpose to exclude them from all power in or over the matter of the election of a President by the electors appointed by the States.

This was the understanding which the members of the First Congress had of the Constitution, as is evidenced by their proceedings in the ascertainment of the results of the first Presidential election. For a long period of time the practice then adopted was followed without substantial change. All through the period when the minds most active in the formation of our Constitution and those of forceful action in the early affairs of our governmental movements controlled or influenced Congress with respect to the ascertainment of the results of Presidential elections the precedent of the First Congress was in all substantial respects followed.

In my judgment, Mr. Speaker, the pending bill is clearly in conflict with the Constitution. This is an effort honestly conceived to remedy what seems to be a defect in that instrument by congressional enactment. I believe our Constitution in the respect indicated is not in the

best form. We can not correct it by our act. We can not confer on ourselves power not authorized by the Constitution.

Let us do now what should have been done some years ago—inaugurate a proceeding for the necessary amendment of the Constitution. Fifteen times the people in the method pointed out by the fundamental law have amended the Constitution. It were far better to do what has been done so many times in the past, secure in the proper method the necessary amendment to the Constitution, rather than incur the risks and dangers incident to the doubtful expedient now under consideration.

[Here the hammer fell.]

Mr. CALDWELL. I now yield for fifteen minutes to the gentleman from Alabama [Mr. HERBERT].

Mr. HERBERT. Mr. Speaker, this bill has come over to us as I understand by a practically unanimous vote on the part of the Senate, Democrats and Republicans. That body has four times passed and sent to this House this bill, or one very similar to it. I hope the time has come when the House is at last ready to pass the bill in some shape or other.

No question has been more thoroughly and ably discussed in the last ten years than that involved in this bill—the counting the electoral vote. Eleven years ago the country was on the eve of civil war because we had a disputed Presidential election and no law provided under which the count could be made. The Electoral Commission was resorted to. The country submitted to the result, but was never satisfied with it. It was the natural, and perhaps the inevitable, result. The country never will be satisfied in any political case with a temporary expedient or device under a law passed at the moment, after parties had taken sides on the question. The party losing under such circumstances will naturally believe it has been cheated. The people of this country are law-loving and law-abiding, but they want laws passed before cases arise, and not with reference to any special case that may have arisen. When a party loses a suit under a law passed beforehand, without reference to his particular case, even though he may believe injustice has been done him, has no feeling of personal wrong or personal indignation against the law-making power, because he knows that human laws must be imperfect. Like the upright judge, when he is compelled to decide what his conscience does not approve, he says: "This, indeed, is very hard, but so the law is written." And therefore it is that an unjust law, an imperfect law, is better than no law at all. Let the people know beforehand what the law is and what they are to expect.

This bill, Mr. Speaker, provides in effect that the President of the Senate shall not count the vote but that it shall be counted under the direction of the two Houses. That construction of the Constitution I understand to be agreed upon by a large majority of the able men who have considered the question in the last ten years. The gentleman from New York [Mr. BAKER] who has just taken his seat contends that the President of the Senate has that power. Once and only once in the history of the Government did the President of the Senate count the vote, and that was in 1789.

Mr. REED, of Maine. The first time?

Mr. HERBERT. Yes, the first time; but the question had never then been debated or discussed as it has been since, and if the precedent was set then it was abandoned immediately afterward, and never from that day to this has it been adopted or followed.

I think it is an open secret that in 1876 the President of the Senate, Mr. Ferry, was ready to count the vote, believing that he would be sustained in this action by the administration; but his party, at that time in control of the Senate of the United States, after a thorough and exhaustive examination of all the precedents which were compiled and collated, decided that he had not the power. The claim was not insisted on, because it could not be sustained.

The ablest speech made, I think, on that question was that of Senator Conkling. It would be impossible to condense his splendid argument or for me to repeat it, but his position, unanswerably maintained, was this: The sole provision in the Constitution touching this question is this: "The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted." Here is a duty imposed upon the President of the Senate. He shall, in the presence of the Senate and House of Representatives, open the certificates. Then the first person is dropped and the third person is taken up; there the sentence changes its construction; there the duty imposed upon the President of the Senate ceases, and afterwards a new part of speech is used—the third person is adopted, and a verb relating to a noun in the third person, "the votes," employed, and a new duty imposed by the words "and the votes shall then be counted."

Again, to quote consecutively the words imposing a duty on the presiding officer—

The President of the Senate shall open all the certificates—

there the duty ceases—

and the votes shall then be counted.

Counted by whom? Let us examine. The provision is that the opening of these certificates shall be in the presence of the Senate and House of Representatives.

Why are they present? They must have a duty to perform, and they can be there but for one purpose, the purpose of superintending the counting of the votes after the President of the Senate shall have opened the certificates. Now this construction has been agreed upon, I think I may say, by nine-tenths of the Democrats in Congress, as well as by nine-tenths of the Republicans.

They have discussed the question over and over again in the Senate; and this bill, as I have said before, has come to us practically in the same shape, and practically by the unanimous vote of both parties in that body, four different times. If this bill is correct, then in its first proposition, that the vote is to be counted in the presence of the Senate and House of Representatives by and under their superintendence and direction, it necessarily follows that it is to be done in the presence of the Senate as an organized body, and in the presence of the House as an organized body.

The words are not in the presence of the members of the Senate, or in the presence of the members of the House of Representatives, but in the presence of the Senate, which can only mean the organized Senate, and the House of Representatives, which can only mean the organized House of Representatives.

Here, then, we have, according to the construction agreed upon by such great weight of authority, two distinct bodies that are to be present and take part in the count of the votes. Just there arises the difficulty this bill proposes to provide for. If two organized bodies, two persons, are to count, there will be no count if they disagree, because counting is an affirmative act. If one says count this vote and the other says no, then there can be no count of that vote. To provide, as far as possible, against such disagreements, the bill provides that the States may appoint tribunals by law enacted before elections take place, and that by these tribunals each State for itself may decide who are its regularly chosen electors.

I have not time to discuss this proposition, but it seems to me fair and reasonable; and if no one has a better plan—and during ten years no more acceptable plan seems to have been suggested—then it does seem that the House of Representatives ought to agree to this proposition. I understand the House Committee having this bill in charge are practically unanimous, nearly all being in favor of decisions by State tribunals; but the minority say they want to reserve to the States the right to pass a law even after an election.

Mr. Speaker, to me this proposition seems mischievous in the extreme. It would simply give the power to any State, after an election was held and a dispute had arisen, to trump up in that State an electoral commission to decide that question according to rules to be made for the occasion, which would enable it to reach precisely the decision desired by the majority in the State Legislature. This is the first objection. The second is equally as strong. Unless you provide beforehand that State laws establishing these tribunals or conferring jurisdiction on tribunals already established shall be passed in advance of the election, no State will take the trouble to pass such laws. If the States know that they can, whenever a case arises, convene the legislature and pass a bill to dispose of each electoral question, you remove all probability of the passage of such laws. I do not know, not having heard distinctly the arguments on the other side, but presume that gentlemen adopt the theory that this is a violation of the rights of the States to prescribe any such condition. Now, to me it seems there is nothing in this argument, because here the Constitution vests in the Federal Government the power to count the votes; and the exercise of that power is a Federal function, to be controlled by the Federal Government. The rules of evidence we have the right to prescribe, because the Constitution is silent upon the question. A power has been given, and it is perfectly plain that the Constitution vests in Congress the power to enact what legislation is necessary and proper to carry out the purposes of the provision granting the power.

One argument used by the gentleman on the other side, who has just taken his seat, is drawn from the writings of Chancellor Kent. In that quotation Chancellor Kent says that while it is his opinion the President of the Senate has the right to count the vote, that it is only "in the absence of legislation," clearly implying that, according to his idea, the right exists in Congress to legislate on the subject.

Now, Mr. Speaker, I find that my time is about to elapse and that I am not able to go on with the argument which I had proposed to offer in connection with this bill. Let me say, however, that I hope the principal amendment recommended by the majority of the committee will prevail. I am for this bill with that amendment, or I am for it without the amendment; but I think it provides one further safeguard that ought to be enacted into law.

In conclusion let me say that a grave responsibility will rest upon us if we fail to provide some mode of counting the electoral vote. We witnessed the peril into which the country was drawn in 1876; we heard the murmurs which followed the decision of the Electoral Commission; we remember how for hours and days the country trembled two years ago at the thought that another disputed Presidential election was at hand and no law providing for its settlement. We have heard the demand coming up from all quarters of the land, and I do hope the House will not refuse to pass some law on the subject.

Mr. CALDWELL. I yield one minute to the gentleman from Alabama [Mr. OATES].

Mr. OATES. I desire to offer an amendment striking out of section 4, in lines 20 and 21, these words:

And the names of the persons, if any, elected.

So that it will read:

The result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote; which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice-President of the United States.

The SPEAKER. The Chair desires to state that unless there is some other understanding on the floor the amendments proposed by the committee, which are always considered as pending, must be disposed of first.

Mr. OATES. I only ask this to be considered after the amendments proposed by the committee are disposed of. I desire to offer it at this stage because the gentleman from Tennessee [Mr. CALDWELL] has notified me he was about to move the previous question on the bill and pending amendments.

The SPEAKER. When the gentleman from Tennessee asks the previous question he can indicate on what amendments he desires it to operate.

Mr. EDEN. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. EDEN. It is whether the amendment I proposed will be cut off by the previous question.

The SPEAKER. The Chair supposes, unless there be some understanding to the contrary, that no amendments are considered as pending at this stage except those of the committee.

Mr. EDEN. I will ask the privilege of offering that amendment, so that it may be covered by the previous question.

The SPEAKER. The Chair would suggest that all gentlemen who desire to offer amendments send them to the Clerk's desk before the previous question is demanded, so that gentlemen representing the committee may hear what they are and decide as to whether they shall be covered by the previous question.

Mr. EDEN. My amendment was sent up at the beginning of the remarks I made yesterday.

The SPEAKER. But it is not pending unless there is some understanding to that effect.

Mr. EDEN. I will ask the privilege of offering it now so that it may be considered as pending after the previous question shall be ordered.

The SPEAKER. The gentleman from Illinois asks consent that the amendment he sent yesterday to the desk shall be considered as pending.

There was no objection.

Mr. CALDWELL. I yield for a moment to the gentleman from South Carolina [Mr. DIBBLE].

Mr. DIBBLE. I simply rise for the purpose of offering formally the amendments contained in the views of the minority of the committee which the Clerk has at the desk.

The SPEAKER. If there be no objection they will be considered as pending.

There was no objection.

Mr. CALDWELL. I now ask the previous question on the bill and amendments.

Mr. FINDLAY. Before the question is taken on ordering the previous question——

Mr. CALDWELL. I insist on my motion.

Mr. FINDLAY. I desire to offer an amendment to correct what the committee themselves, I think, will recognize to be a defect in the verbiage of the bill.

Mr. CALDWELL. I yield to the gentleman from Maryland [Mr. FINDLAY] for a moment that I may understand what he proposes; but in doing so I do not abandon the floor.

The SPEAKER. The gentleman from Maryland will state what he proposes.

Mr. FINDLAY. I have reduced my amendment to writing. I propose to strike out in line 14 of section 3, on page 2, the words "the same," and insert the word "similar." I do this on the principle of *simile non est idem*. You say "the same certificate," and you have already provided that that is to go to the Secretary of State.

Mr. CALDWELL. The language is "the same certificate in triplicate."

Mr. FINDLAY. It is not the same, but similar. And then, in line 15, you should change "certificate" to "certificates," making it plural; so that it will read:

Similar certificates in triplicate under the seal of the State.

I also want to add in line 28 of the same section the words:

And shall also transmit a similar certificate to the President of the Senate.

That is a certificate of the determination which has been made in any case of a controversy or a dispute. The bill does not provide that the President of the Senate shall have the determination certified to him where there has been a dispute or controversy in the State. You provide that it shall go to the Secretary of State. It seems to me the President of the Senate, who has all the other papers, should have certified to him the determination where there has been a controversy or dispute.

Mr. CALDWELL. I decline to yield for those amendments.

Mr. FINDLAY. I send up my amendments.

The SPEAKER. The gentleman from Tennessee declines to yield and has demanded the previous question.

Mr. FINDLAY. What is the effect of ordering the previous question?

The SPEAKER. If the previous question is ordered it cuts off all amendments except those which have been reported by the committee and those which by unanimous consent are considered as pending.

The previous question was ordered.

The SPEAKER. The Clerk will report the first of the amendments proposed by the majority of the committee.

The Clerk read as follows:

On page 5, line 38, after the word "one" insert the word "lawful."

Mr. CALDWELL. I call the attention of the Clerk to the fact that in the report he will find a verbal amendment which comes before that one. It is to insert on page 3 of the bill, line 22, after the words "State of," the word "a;" so that it will read:

And if there shall have been any final determination in a State of a controversy, &c.

This was omitted in the Senate bill; but I find that in the print I have before me the article is inserted.

The SPEAKER. If there be no objection that correction will be made.

There was no objection.

The Clerk read as follows:

Page 5, line 38, after the word "one" insert the word "lawful."

Mr. CALDWELL. The committee have determined to abandon that amendment.

The amendment was not agreed to.

The Clerk read the next amendment, as follows:

Page 5, lines 38 and 39, after the word "rejected" strike out the words "except by the affirmative votes of both Houses."

The question was taken, and there were—ayes 72, noes 70.

Tellers were ordered, and the Speaker appointed Mr. CALDWELL and Mr. ADAMS, of Illinois, to act as tellers.

The House again divided, and the tellers reported—ayes 101, noes 86.

So the amendment was agreed to.

The Clerk read the next amendment, as follows:

Strike out in lines 61, 62, and 63, after the word "which," in line 61, the words "the two Houses acting separately shall concurrently decide to be the lawful votes of the legally appointed electors of such State."

Mr. DIBBLE. Mr. Speaker, the minority of the committee propose to amend that amendment by their amendment No. 3, which is at the Clerk's desk.

The minority amendment was read, as follows:

Amend the amendment proposed by the majority of the committee by striking out from the said amendments the words "unless the two Houses, acting separately, shall concurrently decide such votes not to be the lawful votes of the legally appointed electors of such State."

The amendment of the minority was rejected—ayes 7, noes 89.

The amendment of the committee was then agreed to.

The SPEAKER. These are all the amendments proposed by the committee. The minority propose certain amendments, which will now be read.

Mr. EDEN. Mr. Speaker, the amendment which I offered comes in, I think, before the minority amendments. It was offered with the consent of the majority of the committee.

The SPEAKER. The minority has pending an amendment to section 2, and the amendment of the gentleman from Illinois [Mr. EDEN] is to section 4. That fact, however, would not control the question of priority in considering the amendments.

The Clerk read the next amendment, as follows:

In section 2, lines 1, 2, and 3, strike out the words "laws enacted prior to the day fixed for the appointment of the electors," and insert the word "law;" and in line 8 of the same section strike out the words "so existing on said day."

The amendment was rejected.

The Clerk read the next amendment, as follows:

In section 2, lines 5, 6, and 7, strike out the words "and such determination shall have been made at least six days before the time fixed for the meeting of the electors;" and in line 9 of the same section strike out the words "at least six days," and the word "said" in the same line.

The amendment was rejected.

The SPEAKER. The amendment offered by the gentleman from Alabama [Mr. OATES] comes next in order.

The Clerk read the amendment, as follows:

Amend section 4 by striking out of lines 20 and 21 the following words: "and the names of the persons, if any, elected;" so that the provision, if amended, will read: "who [the President of the Senate] shall thereupon announce the state of the vote; which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice-President of the United States."

The question was taken; and there were—ayes 27, noes 37.

Mr. OATES. No quorum.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint as tellers the gentleman from Alabama [Mr. OATES] and the gentleman from Tennessee [Mr. CALDWELL].

The House again divided; and the tellers reported—ayes 61, noes 90; no quorum voting.

Mr. CALDWELL. I call for the yeas and nays on this question.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 141, nays 109, not voting 72; as follows:

YEAS—141.

Allen, J. M.	Dawson,	Laffoon,	Singleton,
Bacon,	Dibble,	Lawler,	Skinner,
Barksdale,	Dockery,	Le Fevre,	Snyder,
Barnes,	Dougherty,	Long,	Sowden,
Barry,	Dunn,	Lovering,	Springer,
Blanchard,	Eldredge,	Mahoney,	Stewart, Charles
Bland,	Ermentrout,	Martin,	Stone, W. J., Ky.
Blount,	Everhart,	Maybury,	Swope,
Boyle,	Findlay,	McAdoo,	Tarsney,
Bragg,	Fisher,	McCreary,	Taulbee,
Breckinridge, C. R.	Foran,	McMillin,	Taylor, J. M.
Breckinridge, WCP	Ford,	McRae,	Thomas, J. R.
Brown, W. W.	Forney,	Merriman,	Tillman,
Burrows,	Frederick,	Miller,	Townshend,
Cabell,	Gay,	Mills,	Tucker,
Caldwell,	Gibson, C. H.	Morgan,	Turner,
Campbell, Felix	Gibson, Eustace	Morrison,	Van Eaton,
Campbell, J. E.	Glass,	Muller,	Viele,
Campbell, T. J.	Glover,	Murphy,	Wallace,
Candler,	Green, R. S.	Neal,	Ward, T. B.
Carleton,	Green, W. J.	Norwood,	Warner, A. J.
Catchings,	Hall,	Oates,	Warner, William
Clardy,	Hammond,	O'Ferrall,	Weaver, J. B.
Cobb,	Harris,	O'Neill, J. J.	Wellborn,
Collins,	Hatch,	Peel,	Wheeler,
Comstock,	Hemphill,	Pindar,	Whiting,
Cowles,	Herbert,	Ranney,	Wilkins,
Cox, S. S.	Hewitt,	Reagan,	Willis,
Cox, W. R.	Hill,	Richardson,	Wilson,
Crain,	Holman,	Riggs,	Winans,
Crisp,	Hudd,	Robertson,	Wise,
Croxton,	Hutton,	Rogers,	Wolford,
Daniel,	Johnston, T. D.	Rusk,	Worthington.
Dargan,	Jones, J. H.	Sayers,	
Davidson, A. C.	Jones, J. T.	Seney,	
Davidson, R. H. M.	Kleiner,	Seymour,	

NAYS—109.

Allen, C. H.	Farquhar,	Lindsley,	Romeis,
Anderson, C. M.	Fleeger,	Louttit,	Rowell,
Anderson, J. A.	Fuller,	Lyman,	Ryan,
Atkinson,	Funston,	Markham,	Sawyer,
Baker,	Gallinger,	McComas,	Sessions,
Bayne,	Goff,	McKenna,	Spooner,
Bingham,	Grout,	McKinley,	Stephenson,
Boutelle,	Hale,	Millard,	Stewart, J. W.
Brady,	Hayden,	Moffatt,	Stone, E. F.
Brown, C. E.	Haynes,	Morrill,	Strait,
Buchanan,	Heard,	Morrow,	Struble,
Buck,	Henderson, T. J.	Neece,	Swinburne,
Bunnell,	Hermann,	Nelson,	Taylor, E. B.
Butterworth,	Hiestand,	O'Hara,	Taylor, I. H.
Bynum,	Hires,	O'Neill, Charles	Taylor, Zach.
Campbell, J. M.	Hitt,	Osborne,	Thomas, O. B.
Caswell,	Holmes,	Outhwaite,	Thompson,
Conger,	Hopkins,	Owen,	Van Schaick,
Cooper,	Jackson,	Payne,	Wade,
Culberson,	James,	Payson,	Wait,
Cutcheon,	Johnston, J. T.	Perkins,	Wakefield,
Davenport,	Kelley,	Peters,	Weber,
Davis,	Ketcham,	Phelps,	West,
Dorsey,	La Follette,	Pirce,	White, Milo
Dunham,	Laird,	Plumb,	Woodburn.
Eden,	Landes,	Reed, T. B.	
Ely,	Lanham,	Rice,	
Evans,	Lehlbach,	Rockwell,	

NOT VOTING—72.

Adams, G. E.	Dowdney,	Johnson, F. A.	Sadler,
Adams, J. J.	Ellsberry,	King,	Scott,
Aiken,	Felton,	Libbey,	Scranton,
Ballentine,	Geddes,	Little,	Shaw,
Barbour,	Gilfillan,	Lore,	Smalls,
Belmont,	Grosvenor,	Lowry,	Spriggs,
Bennett,	Guenther,	Matson,	Stahlnecker,
Bliss,	Halsell,	Milliken,	Steele,
Bound,	Hanback,	Mitchell,	St. Martin,
Browne, T. M.	Harmer,	Negley,	Stone, W. J., Mo.
Brumm,	Henderson, D. B.	O'Donnell,	Storm,
Burleigh,	Henderson, J. S.	Parker,	Symes,
Burnes,	Henley,	Perry,	Throckmorton,
Cannon,	Hepburn,	Pettibone,	Trigg,
Clements,	Hiscock,	Pidcock,	Wadsworth,
Compton,	Houk,	Randall,	Ward, J. H.
Curtin,	Howard,	Reese,	Weaver, A. J.
Dingley,	Irion,	Reid, J. W.	White, A. C.

So the amendment was agreed to.

The following pairs were announced:

Mr. TRIGG with Mr. HOUK, until further notice.

Mr. DOWDNEY with Mr. BRUMM, until Saturday next.

Mr. STORM with Mr. LITTLE, until further notice.

The following-named members were announced as paired for this day:

Mr. MATSON with Mr. GILFILLAN.

Mr. HENDERSON, of North Carolina, with Mr. GROSVENOR.

Mr. THROCKMORTON with Mr. LIBBEY.

The following-named members were announced as paired on this vote:

Mr. BURNES with Mr. HENDERSON, of Iowa.

Mr. RANDALL with Mr. CANNON.

Mr. CURTIN with Mr. HARMER.

Mr. HALSELL with Mr. WADSWORTH.

The result of the vote was announced as above stated.

Mr. OATES moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Clerk will now read the amendment offered by the gentleman from Illinois [Mr. EDEN].

The Clerk read as follows:

After the word "State," in line 37, of section 4, insert "which shall have been regularly given by electors whose appointment has been certified to according to section 3 of this act;" so that the clause will read as follows:

"And the Speaker of the House of Representatives shall, in like manner, submit such objections to the House of Representatives for its decision; and no electoral vote or votes from any State which shall have been regularly given by electors whose appointment has been certified to according to section 3 of this act, from which but one return has been received, shall be rejected."

The amendment was agreed to; there being—ayes 30, noes 26.

The bill as amended was ordered to a third reading; was accordingly read the third time, and passed.

Mr. CALDWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEPARTMENT OF AGRICULTURE.

Mr. HATCH. I move that the House now resolve itself into Committee of the Whole on the state of the Union, for the further consideration of the bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture.

The SPEAKER. The gentleman from Missouri [Mr. HATCH] calls up for consideration the special order, the bill he has indicated, and moves that the House now resolve itself into Committee of the Whole on the state of the Union, to resume its consideration.

The motion of Mr. HATCH was agreed to.

The House accordingly resolved itself into Committee of the Whole on the State of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture.

Mr. HATCH. Mr. Chairman, I am under the impression that general debate on this bill has been limited by order of the House and that the time has all been occupied with the exception of some forty minutes. I ask the Chairman to turn to the record, and by so doing I think it will be found that the gentleman from Iowa [Mr. WEAVER] is now entitled to the floor, and has remaining some thirty or forty minutes.

The CHAIRMAN. The Chair is informed that the gentleman from Iowa is entitled to the floor for thirty-seven minutes.

Mr. HATCH. What further time for general debate remains under the order of the House?

The CHAIRMAN. The Chair is not advised at present, but will look at the record to ascertain that fact. The gentleman from Iowa [Mr. WEAVER] is now entitled to the floor for thirty-seven minutes.

Mr. REAGAN. I should like to know before the gentleman proceeds exactly how much time remains for debate on this question?

The CHAIRMAN. The Clerk informs the Chair that the time remaining is one hour and fifty-four minutes, of which the gentleman from Iowa is entitled to thirty-seven minutes.

Mr. REAGAN. Does the Chair say the one hour and fifty-four minutes are to be consumed by one side only?

The CHAIRMAN. The discussion on this bill took place at the last session of Congress, and the Chair is not now advised as to what was the division of time.

Mr. REAGAN. It would seem strange that nearly two hours on one side should be taken up in closing the debate.

The CHAIRMAN. The time seems to have been disposed of under an order of the House, for which the Chair is not responsible.

Mr. WEAVER, of Iowa. Mr. Chairman, the object of this bill is to give to the industrial interests of the country an executive department whose head shall be a member of the President's Cabinet, on equal footing with every other member of that body. It may be claimed that it is a new departure. So it is; and so was the bill that established the Department of the Interior at a recent period in the history of the country.

Now, if this bill shall become a law it will give the united industrial interests of the country a status which they have not had during the first century of the Republic. It will give the united labor interests a voice in Cabinet councils, in shaping the policy of administrations, and in criticising laws and policies. They have been excluded for a century. It is time for a change.

To my mind, sir, this is a proper bill. It is an important step toward the solution of the controversy now going on between associated capital and organized labor.

The head of this department will be authorized to make separate reports to Congress, one concerning the condition of labor in the country, and the other concerning the condition of agriculture, to be bound separately, inasmuch as they go to different constituencies.

This bill, Mr. Chairman, comes before the House, and it is unusual, with the sanction of two committees.

I had the honor during the first week of the first session of this Congress to introduce a bill to organize a department of labor. The honorable chairman of the Committee on Agriculture [Mr. HATCH] introduced a bill at the same time to organize the department of agriculture, and the pending bill is a union or combination of all the substantial provisions of both those bills. Wage-workers and agriculturists are associated by the same law, subject to the same vicissitudes, and ought to be represented in the Cabinet councils. I hope the bill may pass and become a law without serious objection.

I reserve the remaining portion of my time.

Mr. HATCH. I yield to the gentleman from Texas for ten minutes.

Mr. REAGAN. Mr. Chairman, I examined this subject to some extent during the last session, but for some time have had my mind withdrawn from the subject. I desire to state, however, the committee's bill has for its effect to make the Commissioner of Agriculture an executive officer, and is limited to such provisions as relate to the interests of agriculture and labor. For the House bill I have offered a pending substitute, which was prepared very carefully by Mr. KENNA, now a Senator from West Virginia. That bill, which I introduced, is a bill (H. R. 8674) to establish the department of industries; and it is as follows:

Be it enacted, &c., That there shall be at the seat of Government an executive department to be known as the department of industries, and a secretary of industries, who shall be the head thereof.

SEC. 2. That there shall be in the department of industries a division of agriculture, and to superintend said division a commissioner of agriculture, who shall be a practical agriculturist, and who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be entitled to receive a salary of $5,000 per annum.

SEC. 3. That for the purpose of collecting and disseminating all important and useful information concerning agriculture, and also concerning such scientific matters and industrial pursuits as relate to the interests of agriculture, the secretary of industries shall organize the following bureaus in the division of Agriculture, namely:

First. The bureau of agricultural products, which shall include divisions of botany, entomology, and chemistry; and the chief of which bureau, who shall be a practical agriculturist, shall investigate the modes of farming in the several States and Territories, and shall report such practical information as shall tend to increase the profits of the farmer; respecting the various methods; the crops most profitable in the several sections; the preferable varieties of seeds, vines, plants, and fruits; fertilizers; implements; buildings; and similar matters.

Second. The bureau of animal industry, to be in charge of a competent veterinary surgeon, who shall investigate and report upon the number, value, and condition of the domestic animals of the United States; their protection, growth, and use; the causes, prevention, or cure of contagious, communicable, or other diseases; and the kinds, races, or breeds best adapted to the several sections for profitable raising.

Third. The bureau of lands, the chief of which shall investigate and report upon the resources or capabilities of the public or other lands for farming, stock-raising, timber, manufacturing, mining, or other industrial uses. And all powers and duties vested in the commission now known as the Geological Survey, together with all clerks, employés, and agents, and all instruments, records, books, papers, &c., are hereby transferred to the department of industries. And the secretary of industries shall institute such investigations and collect and report such information, facts, and statistics relative to the mines and mining of the United States, and facilities for their ventilation and general operation, as may be deemed of value and importance.

SEC. 4. That in addition to the duties imposed by chapter 10, title 7, of the Revised Statutes, the secretary of industries shall cause to be collected and report the agricultural statistics of the United States; and, in addition, all important information or statistics relating to industrial education and agricultural colleges; to markets and prices; to modes and cost of transporting agricultural products and live stock to their final market; to the demand, supply, and prices in foreign markets; to the location, number, and products of manufacturing establishments of whatever sort, their sources of raw material, methods, markets, cost of transportation, and prices; to such commercial or other conditions as may affect the market value of farm products or the interests of the industrial classes of the United States. And the secretary is hereby authorized to establish such divisions in this bureau, and to make such monthly or other reports, as he shall deem most effective for the prompt dissemination of such reliable information respecting crops and domestic and foreign markets as will be of service to the farmers, miners, mechanics, laborers, or other industrialists of the United States.

SEC. 5. That there shall be in the department of industries a division of labor, which shall be under the superintendence of the commissioner of labor; and the bureau of labor, as provided for in chapter 127 of the acts of the Forty-eighth Congress, with its officers and duties, shall be transferred from the Department of the Interior to the department of industries.

SEC. 6. That there shall be in the department of industries a division of commerce, and to superintend said division a commissioner of commerce, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary of $5,000 per annum.

SEC. 7. That all divisions and subdivisions, bureaus or parts thereof, heretofore attaching to the Treasury Department by virtue of the provisions of chapter 10 of title 7 of the Revised Statutes, relating to the Bureau of Statistics, which shall hereafter be known as the bureau of external commerce; title 48, relating to commerce and navigation; title 49, relating to the regulation of vessels in foreign commerce; title 50, relating to the regulation of vessels in domestic commerce; title 52, relating to the regulation of steam-vessels; title 56, relating to the Coast Survey; title 55, relating to lights and buoys; sections 4801, 4802, 4803, 4804, 4805, and 4806, of chapter 1, title 59, relating to hospital relief for seamen; and chapter 265 of the acts of the Forty-fifth Congress, second session, relating to the Life-Saving Service, or by virtue of any law amendatory of said several provisions, or regulations in pursuance thereof, shall, from and after the passage of this act, be parts of the division of commerce in the department of industries; and the secretary of industries shall establish in said division of commerce a bureau of internal commerce, to be organized and governed as other bureaus in said division.

SEC. 8. That all duties devolving upon the Secretary of the Treasury by virtue of the several provisions mentioned in the preceding section shall, from and after the passage of this act, be performed by the secretary of industries. The authority conferred and the duties imposed by said several provisions upon the Register of the Treasury shall, from and after the passage of this act, be exercised and discharged by the commissioner of commerce. All bonds authorized by any of the provisions aforesaid to be made payable to the Register of the Treasury shall, from and after the passage of this act, be made payable to the commissioner of commerce.

SEC. 9. That section 158, title 4, of the Revised Statutes is hereby amended by adding at the end thereof the words: "Eighth. The department of industries."

SEC. 10. That this act shall not be construed to interfere with the present organization of the various Departments, divisions, subdivisions, and bureaus embraced herein, except with reference to the transfer thereof to the department of industries, subject to the general provisions of law relating to regulations in the various Departments of the Government and appointments to office therein.

SEC. 11. That all acts and parts of acts inconsistent with this act are hereby repealed.

I have felt, Mr. Chairman, that I could occupy the time of the House to much better advantage by reading the provisions of this substitute, to show that it is a carefully prepared measure, the result of some years of labor on the part of Senator KENNA, with what labor I could give to it myself, and after full conference with the Departments of the Government.

As will be observed by the reading of the substitute, it makes a transfer of these surplus bureaus from the Treasury and Interior Departments to another Department of the Government, to be called the department of industries, with the necessary officers at its head. You will see also, by reference to the bill, that it is thoroughly perfect and matured, and if this bureau shall be created it will result in the transfer from the other Departments of the Government of everything relating to agriculture, to labor, and to commerce.

[Here the hammer fell.]

The CHAIRMAN. The time yielded to the gentleman has expired.

Mr. REAGAN. This is a very important measure, and I would be glad to be indulged for a few minutes longer.

Mr. HATCH. I will yield five minutes more to the gentleman from Texas.

Mr. REAGAN. Pursuing the same line of thought, it will be seen, Mr. Chairman, that this proposed substitute makes the head of this department of industries a Cabinet officer of the Government. In this it provides that the two interests of greatest possible importance in this country, the great industrial interests, agriculture and commerce, are given a place in the Departments of the Government as well as the benefit of an officer at their head who may be selected on account of his intelligence and ability to take care of and make suitable recommendations in relation to these important subjects.

A bare glance at the provisions of the bill for which that is offered as a substitute, and which I would read if I had the time, will show how much more perfectly drawn are the provisions of the substitute than are those of the original bill. While the original bill does not give a separate head to the department of agriculture, it gives a head to a department covering both agriculture and commerce, and makes the amplest provisions for officers with high salaries at the heads of both agriculture and commerce, so that we may thus collect all the information necessary with reference to the interests of agriculture and with reference to the interests of commerce——

Mr. WEAVER, of Iowa. Will the gentleman permit an interruption?

Mr. REAGAN. Certainly.

Mr. WEAVER, of Iowa. The trouble with the substitute of the gentleman from Texas, in my judgment, is, that it overlooks the great body of wage-workers entirely in this country. It provides a department for agriculture and for commerce, but it leaves out the labor interests of the country entirely.

Mr. REAGAN. I think my friend from Iowa has not paid attention to the reading of the substitute. It provides for a bureau of labor, incorporating the present labor legislation into it; and gives all the officers and powers necessary to collect information that the committee's bill gives on that subject.

In addition to that, while covering all in connection with labor, it covers also the interests of agriculture, providing a detailed organization for the department of agriculture, and also for the interests of commerce, with a detailed organization for the interests of commerce, with provisions, as I have already shown, for transferring the various bureaus from the different Departments of the Government which are properly connected with the department of industry. I feel satisfied that if the House had both bills before them, and could examine and compare them, they would not hesitate to determine that the substitute bill is in every respect preferable to that of the committee; and in order that you may see the force of this assertion, I will venture to read the committee's bill. It provides—

That the department of agriculture, established at the seat of Government of the United States, shall be an Executive Department, to be known as the department of agriculture and labor, under the supervision and control of a secretary of agriculture and labor, who shall be appointed by the President, by and with the advice and consent of the Senate; and section 158 of the Revised Statutes is hereby amended to include such department, and the provisions of title 4 of the Revised Statutes are hereby made applicable to said department.

SEC. 2. That there shall be in said department an assistant secretary of agriculture and labor, to be appointed by the President, by and with the advice

and consent of the Senate, and who shall perform such duties as may be required by law or prescribed by the secretary.

SEC. 3. That the secretary of agriculture and labor shall hereafter receive the same salary as is paid to the Secretary of each of the Executive Departments, and the salary of the assistant secretary of agriculture and labor shall be the same as that now paid to the Assistant Secretary of the Department of the Interior.

SEC. 4. That all laws and parts of laws relating to the department of agriculture now in existence, as far as the same are applicable and not in conflict with this act, and only so far, are continued in full force and effect.

SEC. 5. That there shall be in the department of agriculture and labor a division which shall be under the charge of a commissioner of labor, who shall be appointed by the President, by and with the advice and consent of the Senate. The commissioner of labor shall hold his office for four years, and until his successor shall be appointed, unless sooner removed, and shall receive a salary of $4,000 a year. The commissioner shall collect information upon the subject of labor, its relation to capital, the hours of labor, the earnings of laboring men and women, the means of promoting their material, social, intellectual, and moral prosperity, and the best means to protect life and prevent accident in mines, workshops, factories, and other places of industry.

Which it seems to me is going to a very much greater length than Congress is warranted in going.

The secretary, upon recommendation of said commissioner, shall appoint a chief clerk, who shall receive a salary of $2,000 per annum, and such other employés as may be necessary for said division. The commissioner shall annually make a report in writing to the secretary of agriculture and labor of the information collected and collated by him, and containing such recommendations as he may deem calculated to promote the efficiency of the division.

And I call attention especially to this provision—

The secretary of agriculture and labor shall be empowered to inquire into the causes of discontent which may exist between employers and employés within the United States, and he may invite and hear sworn statements from both such parties concerning the matters in controversy.

Which is going far beyond any power which the House has, in my judgment.

The secretary shall make a report annually to Congress upon the condition of labor in the United States, accompanied by such recommendations as he may deem important; and said reports, with accompanying documents, shall be printed and bound in a volume separate and apart from the reports on agriculture.

SEC. 6. That the act approved June 27, 1884, establishing a bureau of labor, is hereby repealed.

[Here the hammer fell.]

Mr. HATCH. I now yield five minutes to the gentleman from Arkansas [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, when this proposition was first broached in public discussion, I thought it was a good one; but subsequent reflection has satisfied and convinced me that it is bad both as regards the best interests of agriculture and as a question of public policy. In the first place, we propose to change the present industrial department of agriculture into a great political department of the Government, and when that is done we shall proceed to load it down with all manner of work other than that which is strictly germane to agriculture. Agriculture cannot fail to receive far less of practical attention from the Government under this proposed change than it receives at the present time. We now have our Commissioner, reporting only to the President and to Congress, and not liable to be loaded down, as this bill will load him down, with many other different kinds of work.

Then, sir, there is another consideration, and that is that for the first time in the history of this Government it is proposed to establish a great political division of government upon a basis that is not a function of the Government.

This is class legislation, so far as the title and aspects of the bill go, and of decided and vicious character. One of the great functions of government is to conduct operations of war, and hence we have a War Department and a Navy Department. One of the great constitutional functions of government is to deal with matters of taxation and to keep and pay out the public money, and hence we have the Treasury Department. And so you can go on through all the great divisions of public labor and you find that every one of the great political departments of the Government is predicated by name on what is a constitutional function of the Government. Our Government can constitutionally give certain aid to science; it must conduct certain public works, and it has a great commerce power. So, if it were proposed to have a department of science, or a department of public works, or a department of commerce, it would be in exact accord with the divisions of public labor and of public policy which we have followed in the past, and it would be logical and constitutional.

But now it is proposed to have a department of agriculture. The Government does not carry on agriculture. That is a pursuit and function of the people, and not of the Government. We might just as well have a department of surgery; we might just as well have a department of mines and mining; we might just as well have a department of any other pursuit of the people if we are not going to be invidious in our treatment of the various pursuits and classes of the citizens; all of which would be against the Constitution as it is, and as it ought to be. Sir, we want no favors. We want justice. We want no class legislation. We are fighting class legislation. We reject this delusive offer, fraught, as it is, with present injury to agriculture, dragging the present department of agriculture into politics to be presided over, with divided attention, by some politician, instead of, as now, by a practical agriculturalist, with nothing but this business to engage his time. We give away our refusal to be treated as a class in the making of laws, consenting to the creating of new and unnecessary offices and to the increase of expenses that we must pay. We consent by this to an abhorrent breach in the Constitution and in our best political traditions. We sell our birth-right for a mess of pottage; for that which is sounding brass and a tinkling cymbal. We turn aside from our great purposes, and from the true path of relief.

Sir, what we ought to do is to pay proper attention to the commerce of the people, and to render that aid to science which is constitutional and proper; and when the great classes of the citizens in their personal and civil divisions of industry in this country come to Congress for relief, see to it, if they have grievances, that they are properly removed by making the laws of this country such as to apply with absolute equality and without distinction upon all classes of the people alike. Agriculture is not to be benefited by a name. Agriculture is not to be benefited by mere tinsel and frippery. This is but a deception. What agriculture needs is a repeal of those laws which have dethroned her from the imperial position which God gave her and which she ought to occupy in this land to-day.

Sir, it is not the lack of a department of agriculture which made the agricultural State of Indiana in the last decade, when the average increase of wealth in this country was $90 per capita, increase her wealth by only $3 per capita. It was not the lack of a department of agriculture which made the State of Missouri, when the average increase for the whole country was $90 per capita, go back $40 per capita from her estimated actual wealth at the beginning of the decade. It was not this that made my own State of Arkansas lose $16 per capita when the average gain of the nation was $90 per capita. Who got our share and more than their own? It was not so once. In God's name reduce your taxes. Cease making the farmer pay subsidy to privileged classes. You are crushing the people. Away with this delusive bill. You point to it as something done, and it increases burdens. Let us keep our real purposes in full view, obscured by nothing, holding fast to the doctrines of the fathers, and contend for repeals and not for new enactments.

[Here the hammer fell.]

Mr. HATCH. I yield five minutes to the gentleman from West Virginia [Mr. GIBSON].

Mr. GIBSON, of West Virginia. It is to be hoped that those members on this floor who profess to be advocating the interest of agriculture will deal fairly and squarely with this bill. If they do they will tell you that the object of this bill is not to promote the agricultural interests of this country, but that its purpose is to subserve the interests of what they call the wageworkers of the land. In other words, if they deal honestly with the people they will admit that their purpose is to destroy and smother the agricultural interest of this country by blanketing it with an interest directly in opposition to it.

There is no man on this floor but knows that the wageworker demands cheap breadstuffs; that the wageworker demands that that which the farmer produces shall be sold to him at whatever he can buy it for. And at the same time the agricultural interest of this country is complaining that all the legislation tends simply to help those who are engaged in the protected interests, while those engaged in agriculture have no protection whatever for their labor.

If gentlemen desire to protect the agricultural interests of this country, let them break off the shackles of trade and allow the agriculturist to go into the markets of the world and sell his grain. Let them pass laws that will curb the monopolies and the extortion of railroads, so that there will no longer be five or six millions of dollars worth of grain rotting every year in our Western granaries.

But there are other objections to this bill. It undertakes not only to create a department of agriculture, but when we deny to the great Department of War an Assistant Secretary, when we deny to the great Department of the Navy an Assistant Secretary, this bill puts the department of agriculture ahead of either one of these Departments, and creates not only a secretary who shall be equal to the members of the Cabinet, but an assistant secretary also. Not only do they create an assistant secretary, but the bill goes further and creates a commissioner of labor, whose powers shall be as great as the powers of the Commissioner of Agriculture are now.

There is nothing in the world in the necessities of this case demanding such an advance in the creation of a department. If we desire a Department of Agriculture there is no reason why there should be two secretaries in that and only one in the War Department; no reason why there should be two secretaries in that and only one in the Navy Department; no reason why in addition to these two secretaries there should still be a commissioner of labor with the powers now exercised by the Commissioner of Agriculture.

The bill is top heavy. It creates officers for whose services the country has no use. It loads down the civil list of the country, adds to the taxation, and is only one of the many artifices now being used to get rid of that surplus taxation that is drawn from the people.

I want to repeat again that this bill is not in the interest of agriculture. It will not help one solitary farmer in all this land, but, like the much vaunted oleomargarine bill, it will only injure those whom it pretends to benefit.

MESSAGE FROM THE SENATE.

The committee rose informally, and Mr. BRECKINRIDGE, of Kentucky, took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate insisted on its amendments, disagreed to by the House of Representatives, to the bill (H. R. 9798) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1887, and for other purposes; agreed to a further conference, and had appointed as conferees on the part of the Senate Mr. DAWES, Mr. PLUMB, and Mr. GORMAN.

DEPARTMENT OF AGRICULTURE.

The Committee of the Whole resumed its session (Mr. SPRINGER in the chair).

Mr. HATCH. Mr. Chairman, I now yield to the gentleman from Iowa [Mr. WEAVER] for the remainder of the time which he has reserved.

Mr. WEAVER, of Iowa. Mr. Chairman, I can see no force whatever in the suggestion of the honorable gentleman from Arkansas [Mr. BRECKINRIDGE] that this bill proposes to create a great political department. The same may be said of the Treasury Department. The same may be said of the Interior Department. Those are Executive Departments, but they are not necessarily political departments, nor were they created with that view. That they may have political significance is certainly no argument why they should not exist, and that this proposed department might have such significance is no argument why this bill should not pass, if it has intrinsic merits. The Secretary of the Treasury is nothing more nor less than a secretary of capital—capital is the product of labor. It is strange indeed if we may not have a department of labor.

No law can be passed relating to financial matters, no law can be passed affecting the public domain, no law can be passed relating to taxation that does not bear directly upon labor. But for the first hundred years in the history of the Republic labor has had no voice and has not been consulted. Labor has not been present and has had no friend at court.

It is high time that they should claim their rights and demand equal privileges and equal laws. The gentleman from Texas [Mr. REAGAN] thinks there is no warrant for this in the Constitution. We already have the very provision that he criticises in the bureau of labor now under the control of the Interior Department, and the only additional power proposed to be given to the commissioner of labor is the power to inquire into the causes of discontent which may exist between employers and employés, and to make recommendations in regard to remedies for such evils. He may invite the attendance of witnesses and receive the sworn statements of both parties to the controversy. This is a power greatly needed.

The gentleman from Arkansas [Mr. BRECKINRIDGE] concedes that the Government has great power over the commerce of the country. So it has. But what are the sources of commerce? Labor and agriculture. Without them this country would be a barren waste. Without labor and without the agricultural pursuits we should have no commerce. Now, this bill simply proposes to give these great sources of wealth a position commensurate with their dignity and importance; a position where they can make themselves heard and felt; where their criticisms upon policies and upon laws can be given effect, and where they can command the respect of the people and of the law-makers. How any evil can possibly result from this is more than I can comprehend. It will be productive only of good. This bill is demanded by the great body of wageworkers in this country. It is indorsed by the leading labor organizations and by the leading agriculturists of the country, and it has received the unanimous indorsement of the Committees on Labor and on Agriculture. I reserve the remainder of my time.

Mr. HATCH. I yield five minutes to the gentleman from Kansas [Mr. ANDERSON].

Mr. ANDERSON, of Kansas. Mr. Chairman, as regards the objections to this bill on constitutional grounds just presented by my friend from Arkansas [Mr. BRECKINRIDGE], I am not one of those who are limited by constitutional interpretations, either in a desire for legislation or in voting for legislation, which shall protect the working people of this country against such oppressions as may by circumstances be placed upon them; therefore I care nothing whether heretofore executive departments have only been organized upon the basis of a constitutional function of government or not. We have to-day a Department of Agriculture; and the practical question now presented by these bills is whether we shall include in that department commerce and agriculture, according to the substitute proposed by the gentleman from Texas [Mr. REAGAN], or, on the other hand, adopt the committees' bill, which includes in this department labor as well as agriculture.

As to the first proposition, for one I am opposed to combining commerce and agriculture in the same executive department, for the simple reason that it means an attempt to combine the interest of the railroad companies with the interest of the farmers; and those two things are in practical effect to-day as dissimilar and antagonistic as are gunpowder and a coal of fire. Hence I do not want the two brought together. The farmer is oppressed and robbed enough now by railroad corporations, without having the department which for years has been given to him alone, that of agriculture, turned over practically into hands that may be subjected to railway manipulation.

Coming to the other proposition, that of uniting labor and agriculture, we find a natural affiliation between these two great groups. There is a mutuality of interest; and if this is to be a "political department," as has been alleged in the debate, though I do not so understand it, then certainly there are no two classes in this nation that should more properly combine because of a mutuality of interest—I do not mean formally—in securing their rights as against corporate oppression. In my judgment, the sooner and the more completely they act together in common defense the better will it be for them and the whole nation. For this reason, if there must be a union of interests in this executive department, I would very much rather have the union of labor and agriculture than the union of commerce and agriculture.

It seems to me, Mr. Chairman, referring to an objection made, I think, by my friend from West Virginia [Mr. GIBSON], that there is something more proposed by this bill than a mere "name." If it is simply proposed that the present Commissioner of Agriculture shall be called a secretary, and be only the figure-head of a department, if that is all, then let the whole thing fail.

But back of that there is something more. You have to-day represented in Cabinet meeting the financial and manufacturing interests of the country, the interests of our Army and Navy, of patentors, Indians, and railroads. Why shall not the material interests of seven-tenths of our people be represented in Cabinet meetings by a secretary of agriculture and labor? Why not thus do for them whatever it may be possible to do in the way of shaping the policy of an administration when matters are in plastic form? Why not let the men who labor, whether in the furrow or in the shop, the farmers, the mechanics, the day-workers, these great masses of our nation, have a representative at that table—have there at all times some one competent to express their opinions and requirements, and charged with the duty of maintaining their interests as against conflicting interests in a Cabinet meeting?

More is proposed than a "mere name;" more is proposed than simply to have a secretary who shall be called the head of the department of agriculture. It is proposed to have a department, which, by its action month by month, shall give to the farmer and the laboring man of our country such information as shall be of specific advantage to them. In other words, it is proposed to collect from different quarters of the globe information as to the prices of wheat, the condition of crops, the effect of transportation rates—to give this intelligence promptly to the farmer; and equally specific and valuable intelligence for the benefit of the wageworker. What harm can come from this? What is there wrong in it? Why not educate the masses in this way? Why not give to them that exact and special information which will make their labor more profitable to them, and thus enhance the general prosperity?

It does seem to me that the time has come when it is fair and reasonable that a nation like ours, a nation which has its whole power in the people, and from the people, should, under that broad constitutional power and duty to "promote the general welfare," not only establish the department of agriculture and labor, but enlarge it, fully equip it, and give it special direction, so that the laboring men of this country, whether in shops or on the broad prairies, where are to be found to-day the great mass of those who constitute the nation and its power, shall have an intelligent representative in a Cabinet meeting who has direct access to the Presidential ear.

I thank the gentleman from Missouri [Mr. HATCH] for the five minutes yielded me.

[Here the hammer fell.]

Mr. HATCH. Mr. Chairman, I desire to call attention to the fact that the present bill is no new measure in the House of Representatives. The propositions embodied in the first section of this bill, except that embraced in the words "and labor," have been before the House for its consideration and action in the past three Congresses. In the third session of the Forty-sixth Congress, on the 7th of February, 1881, Mr. AIKEN, from the Committee on Agriculture, moved to suspend the rules and pass a bill similar to this, the bill (H. R. 4909) on which motion the yeas were 164, the nays 83, not voting 45; so that the measure failed by only one vote to receive the necessary two-thirds. Again, in the first session of the Forty-seventh Congress a bill (H. R. 4429) was reported to the House by Mr. ANDERSON, from the Committee on Agriculture, was made a special order, and, after full consideration and discussion, passed the House on the 10th of May, 1882, by the overwhelming vote of yeas 183, nays 7, not voting 101.

Again, in the second session of the Forty-eighth Congress, on the 15th of December, 1884, Mr. AIKEN, from the Committee on Agriculture, moved to suspend the rules and pass the bill (H. R. 1457); which, after consideration under the rules, passed the House by the decisive vote of yeas 166, nays 69, not voting 88.

The opposition made to this bill on the part of the gentleman from Texas [Mr. REAGAN], the gentleman from Arkansas [Mr. BRECKIN-

RIDGE], and the gentleman from West Virginia [Mr. GIBSON] I have heard ventilated on this floor during the past three Congresses. Every time this measure has been before the House of Representatives certain members have attacked it on the ground that there is no specific warrant in the Constitution for the establishment of a department of agriculture.

They can find abundant warrant in the Constitution for the establishment of a War Department, with a Secretary of War who has charge to-day of the forces of our little Army, top-heavy with officers, and numbering less than twenty-eight thousand men, I am told! And yet it is perfectly unconstitutional to erect a great department of the Government, having the interest of more than thirty millions of people in charge, more than half of the people of the United States who engage in agriculture!

It is unconstitutional to place a representative of that great interest in the Cabinet of the President, but it is constitutional to have a Secretary of the Navy, with a few boats, not one of which ever dares to get four miles from shore, and which never meets one of these coal-scows, and happens to come into collision with it, without going to the bottom of the sea. [Great laughter.] Yet it is perfectly constitutional to have a Secretary of the Navy with a little navy which you can hide between here and the mouth of the Potomac River. [Laughter and applause.] It is perfectly constitutional to make a Secretary of the Navy, with all the tinselry and tomfoolery round that Department, and place him at the Cabinet table; but thirty millions of people engaged in agriculture are not to be entitled to the same consideration! It is perfectly constitutional and legitimate to erect a Department of the Interior, and let the land question and a few Indians be represented in the Cabinet of the United States, but the great labor interests of the country, agriculture and labor, must be driven out into the cold and insulted on the floor of this House year after year by the charge it is nothing but a seed bureau for the distribution of pumpkin-seed, and for that purpose a Commissioner of Agriculture is enough. [Laughter.]

So long as I hold a seat on this floor my voice will be raised in behalf of that great body of people who have demanded through every authorized organization known to agriculture in this country this bill should pass the Congress of the United States. Agriculture has in the United States a few organizations. We have an organization in this country known as the Grange. It has a national organization, and it has State, county, and local organizations. For the past ten years it has spoken at every one of its meetings in behalf of the passage of this bill. Yet the gentleman from Arkansas [Mr. BRECKINRIDGE] undertakes to say that agriculture does not need it. Who authorized him to utter that sentiment on this floor? Every organization of farmers in the State of Arkansas which has met in the last ten years has declared to the contrary. The rooms of the Committees on Agriculture of the Senate and of the House to-day are filled with petitions from your State in favor of the passage of this bill. Every labor organization in the United States to-day has indorsed the provisions of this bill. We are asking for agriculture and labor simply the recognition of the Congress of the United States, which they have been demanding for the past ten or twelve years, and demanding through every organization known to agriculture and labor.

Why should they not have it? Why should not one-half of the people of the United States engaged in that great industry which is the foundation of your financial and commercial prosperity, why should they not have it? What would you do for commerce if it were not for agriculture? How much commerce would you have in the United States if it were not for that commerce which grows out of the agricultural products of the country? How much finance would you have in this country if it were not for agriculture? Who produces the balance of trade which has to-day made the credit of the United States better than that of any other nation upon the face of the globe? [Applause.] What use would we have for an interstate-commerce bill if it were not to take charge of the products of agriculture? [Laughter and applause.] Take out of the commerce between the States, wheat, corn, cotton, tobacco, rice, cattle, and hogs, and there is not a railroad in the United States to-day upon the roadbed of which grass would not grow inside of six months. [Applause.]

Mr. REAGAN. Does the gentleman inquire what we would do with our agricultural products and with our manufactured fabrics if we had no commerce and no means of transportation?

Mr. HATCH. I do not propose to get rid of commerce. I am in favor of commerce. Agriculture is in favor of commerce. The agriculturists of the country indorse your bill; and yet every time the agriculturists of the country come in here and ask for the measure of justice you roll yourself in front of its car and attempt to stop its progress. [Laughter and applause.]

Mr. REAGAN. The gentleman misrepresents my position, and he knows he misrepresents it. He knows he misrepresents my position. I have introduced a bill which I have presented and urged for two or three years, and which I reported from my committee, embracing the subjects of commerce, agriculture, and labor.

Mr. HATCH. But that is not the agricultural bill. I am simply talking of the obstacle put in the way of the passage of the bill. I know what you have put in the bill to which you refer, and I know two-thirds of its provisions are taken from the bills introduced in the Forty-sixth and Forty-seventh Congresses establishing bureaus which are now in existence under the law.

The CHAIRMAN. The time of the gentleman from Missouri has expired. [Cries of "Vote!"]

Mr. HATCH. The gentleman from Iowa [Mr. WEAVER] has not consumed all of his time.

Mr. WEAVER, of Iowa. I yield the balance of my time to the gentleman from Missouri. [Cries of "Vote!"]

The CHAIRMAN. The gentleman from Iowa has twenty-six minutes of his time remaining.

Mr. HATCH. One of the sections of the proposed substitute contemplates the creation of a bureau of animal industry, and yet a Bureau of Animal Industry has been established under the law, and is now in existence, through the medium of a bill passed in the Forty-sixth Congress.

Mr. REAGAN. And this provides for transferring it into this new department.

Mr. HATCH. But it is already in the department, and does not need to be transferred. The trouble is, that you drew up your bill some years ago, and have not studied your question since, Judge. [Laughter and applause.]

Mr. REAGAN. The difference between us is that the gentleman from Missouri is a little in advance of the legislation on the subject. He is talking of a department that does not exist.

Mr. HATCH. But the Department of Agriculture is in existence.

Mr. REAGAN. Yes; but not as this bill provides for it. It is a very different thing as it exists from what you would make it here.

Mr. HATCH. Ah! but it is a department to-day, separate and independent, and the law declares it is. It is now the Department of Agriculture, and what we want to do is to take it out of the rut of former legislation and place it where it ought to be, make it what it should be, a department in fact as well as in name, and place a secretary over it who shall have a place in the Cabinet councils of this great nation. We have a right to demand it, and these substitutes that are offered, each of them containing some good provisions, will only obstruct and hinder the perfection of legislation upon this subject, although the time will come, after this measure has been adopted, when I will advocate on this floor the adding to this great department of some of the propositions or bureaus embraced in the substitute; but now is not the time. Our proposition is to first establish the department of agriculture and labor; and let me tell you, my friend from Texas, that thirty millions of farmers of this country will not be satisfied to establish a bureau for that purpose that does not name agriculture. [Applause.] Not a department of industries, but a department of agriculture and labor. They do not intend that that department of agriculture shall be floated on any other department, or that its name shall be blotted from the statute-books of the United States. It is there to stay as long as this country exists. [Applause.]

Mr. GIBSON, of West Virginia. Will not the effect of this bill be to blot it out?

Mr. HATCH. Not a bit of it; and you are the only gentleman on this floor that I have ever heard give utterance to such a sentiment. [Laughter and applause.] The fact that we want to dignify and give larger powers and scope and influence to it, is not to blot it out. If it is, it is a singular way of blotting out a great department of the Government.

No, we will not blot it out; and if your President is as wise as I take him to be, if you had the confidence in him that I have, if you gentlemen on this side of the House had a broader appreciation of your President [laughter], you would not only pass this bill, but you would pass it with a rush; you would be glad to pass it, because it would give the President of the United States the opportunity of calling into his Cabinet councils one more of the great representatives of the people of the United States as a safe counselor and guide; and I believe he will make as wise a selection as any President has made within the last twenty-five years. It does not matter to me whom he selects. It is not the man; it is the office, it is the position I contend for. It is the power that a representative of this great industry will have in the Cabinet councils of the country, the power he will have as a member of the Cabinet of the President of the United States. Do you suppose that his counsels will be confined simply to agriculture? The agriculturists of this country are interested in something else as well as in tilling the soil and in selling its products. They are interested in the tariff question; they are interested in the silver question, in finances; they are interested in the proper administration of the powers of the Government; they are to-day the foundation upon which rests not only your prosperity but the hope of the perpetuity of the Government of this Republic. [Applause.]

How long do you suppose free institutions would stand if they rested alone on the rotten boroughs of the cities of the country? How long? It is the fresh blood of the country districts that keeps the cities from becoming like the ancient Sodom and Gomorrah. [Laughter.] It is the healthy political sentiment of the country that keeps

to-day the political status of this country up to the high position it occupies. All the complaints about corruption, and the outrages upon the ballot, come from the cities of the land, not from the country; and the country people, the agricultural people, are interested in a proper administration of the affairs of the Government.

Now we have added, as has been stated by the gentleman from Iowa [Mr. WEAVER], a new section to this bill, transferring from the Department of the Interior to the Department of Agriculture the Bureau of Labor, enlarging its scope, its dignity and powers, and placing it where it belongs, side by side with agriculture in the country; and the secretary appointed will be the secretary of labor as well as of agriculture. He will be secretary, under this bill, of agriculture and labor, a prouder distinction than any Secretary of the American Government has ever yet borne; and the man who first receives his commission under this act will wear the proudest title that any man ever wore in America, except that of President of the United States. [Applause.]

Is it such a great thing simply to be the head of the War Department, or of the Navy Department, or to have charge of the few Indians and the lands of the country, or to run the post-offices of the country? I know my friend from Texas [Mr. REAGAN] has an idea that the greatest position in trust and responsibility upon this earth is the control of the mail service of this country. He made a magnificent postmaster-general. [Laughter and applause.] I had a high admiration for him then and I have never lost it. The fact of it is he did almost as well with the few materials he had at hand during the war in organizing the great postal service in the South as has been done even since the close of the war. I give him great credit for it. But it is nothing in comparison with the representation of thirty millions of our people who to-day are engaged directly in the pursuit of agriculture. And, my friends, let me tell you that for the first time in the history of this country the agriculturists of the country are not only well posted and advised as to the progress of these measures in the House of Representatives and the other branch of Congress, but they are posted and well advised upon all the great material interests of the country. I undertake to say not a gentleman in this House who, during the recent campaign conducted his canvass in the agricultural districts, can say he addressed an audience where more than two-thirds of them were not well posted, as well posted on these material and economic questions of the day as the speaker himself was. They are reading the papers. They know to-day what they want. They demand it through the Committee on Agriculture by all the agricultural associations of the country, and they are going to have it. This bill has passed this House twice before, and they demand its passage now; and I hope when it comes to a vote these gentlemen who have criticized the provisions of this bill will withdraw their opposition and let the vote be taken without further delay. [Applause.]

[Cries of "Vote!"]

Mr. HATCH. I ask for a vote on the substitute.

Mr. TUCKER rose.

Mr. HATCH. I yield back to the gentleman from Iowa [Mr. WEAVER] that portion of his time of which he has control.

The CHAIRMAN. The time allowed for general debate has not expired.

Mr. HATCH. I return to the gentleman from Iowa the balance of the time which he so kindly gave me.

The CHAIRMAN. The Chair has recognized the gentleman from Virginia [Mr. TUCKER].

Mr. TUCKER. What amount of time remains for general debate?

Mr. WEAVER, of Iowa. I will yield a portion of my time to the gentleman from Virginia [Mr. TUCKER]. How much time have I remaining?

The CHAIRMAN. Of the time allowed for general debate forty-five minutes remain, of which the gentleman from Iowa [Mr. WEAVER] has fourteen minutes.

Mr. WEAVER, of Iowa. I will yield five minutes to the gentleman from Virginia.

The CHAIRMAN. The Chair has recognized the gentleman from Virginia. The gentleman from Missouri [Mr. HATCH] yielded the floor and called for a vote; but the time allowed for general debate not having then expired, the Chair was in duty bound to recognize any gentleman who rose for the purpose of general debate.

Mr. TUCKER. How much time have I?

The CHAIRMAN. The gentleman has thirty-one minutes of the time allowed for general debate, and there are fourteen more controlled by the gentleman from Iowa.

Mr. TUCKER. I am much obliged for the odd minute.

The CHAIRMAN. The gentleman from Virginia will proceed.

Mr. TUCKER. Mr. Chairman, this bill has come up unexpectedly to me to-day, and therefore what I shall say will be without any preparation. I hardly know whether there is any use in raising my voice again in this Hall, as I have often done before, in behalf of an instrument nearly a hundred years old, which I find derided sometimes, and, as I fear, contemned on this floor: I mean the old Constitution of the United States.

When I had occasion some time ago to make remarks upon some other bill, the gentleman from Missouri [Mr. HATCH] was kind enough to say that I always stood in the Hall in this central aisle, to call out "unconstitutional" when any such measure was proposed. Mr. Chairman, I know no higher functions a man who claims to be a representative of the people can have than to defend the Constitution of the United States even against the proclamation that thirty millions of farmers demand our votes for a bill that we disapprove. [Applause.] I will not vote for that bill, though thirty millions of farmers demand it, because I believe the whole tendency of the bill is unconstitutional in its character.

Gentlemen say that we have a War Department, yet we can not have the agriculturists represented in the Cabinet. Why, have gentlemen read the Constitution? Not lately, I think. [Laughter.] The power is given to Congress to raise and support armies, and to the President of the United States to command them; to declare war and to carry on war. The constitutional function is prescribed in express terms in the Constitution, and that is the reason we have a War Department. The gentleman speaks of the Navy Department. The power is given in the Constitution to provide and maintain a navy, and that is the reason there is a Department of the Navy. Gentlemen say you have a Post-Office Department. The power is given to establish post-offices and post-roads, and that is the reason you have a Post-Office Department. The power is given to lay and collect taxes and make and regulate appropriations, and that is the reason you have a Treasury Department.

Why do you have a State Department? Because the Federal Government regulates foreign affairs and the relations of this country with all foreign powers. That is the reason you have a State Department.

What else? There is a Department of the Interior. I remember, sir—I was young then, but I remember it—that when the Department of the Interior was established it was said, "You are making a reservoir, empty now, into which men will be pouring power for years to come." What was the effect? The gentleman asks why do you have the Interior Department?

It is a proper department because the public lands are to be regulated by the Government of the United States; because Indian affairs are within the compass of its powers; because pensions and patents are within the powers of the Government—the express powers of the Government. For these reasons you have the Interior Department. But, as the late Senator Carpenter once said, either on the floor of the Senate or in private conversation with me, "If you can find the word 'agriculture' in the Constitution of the United States, I will give it up." But gentlemen say we can regulate commerce. What kind of commerce? Look at the decision of Chief-Justice Marshall in the case of Gibbons against Ogden. There you will find that commerce strictly internal to the States you can not touch. It is interstate commerce, commerce with foreign countries, commerce with Indian tribes, that you can regulate—none other. What would this bill do? It proposes to regulate agriculture. Is agriculture interstate or foreign? Does the land travel from State to State?

Mr. RYAN. A good deal of it does. [Laughter.]

Mr. TUCKER. Well, we will regulate the dump which passes from one side of the river to the other, if you choose to call that an interstate matter. [Laughter.] But gentlemen say "cattle are one of the products of agriculture, and we regulate the cattle trade." How and when do we regulate it? Never, except when it passes from State to State, or from this country to some foreign country, or from some foreign country to this country. Everything that is strictly internal to the State is exclusively reserved to the power of the State. Everything that is interstate or connected with foreign commerce is for the Federal Government to regulate.

A MEMBER. Do not cattle travel from State to State?

Mr. TUCKER. When they do so travel we regulate their transportation; but when they do not travel we have nothing to do with the matter.

But, Mr. Chairman, it is said that the Department of Agriculture already exists. Very well. Let it stand. Do you want a top-heavy concern? A secretary and an assistant secretary? What for? To advise the President? What about? About agriculture? What has the President to do with agriculture? Now, Mr. Chairman, the fallacy of my friend from Missouri [Mr. HATCH] is in this. The executive power of this country is vested in the President of the United States. This is not a Government by a Cabinet.

The President may call his Cabinet together, the heads of the Departments under the Constitution, and require their advice or their opinions in writing, but there is nothing constitutional in the power of the gentlemen who are at the heads of the several Departments to make them a cabinet entitled to regulate, or even to advise, the President. The President appoints those gentlemen to the heads of their several Departments to regulate the special matters belonging to those Departments, and they are intrusted with that power because the Constitution gives to the Federal Government the regulation and control of the matters with which those Departments deal. I say again, there is no reason to establish a Department of Agriculture, because the Constitution gives to the Federal Government no power over agriculture. I hear somebody ask, *sotto voce*, what do I do with the bureau of agriculture.

Sir, that is the trouble about establishing a bureau. A *bureau* al-

ways longs to grow into a *cabinet*. [Laughter.] That is the reason that a bureau officer claims now to be grown into a cabinet officer, and my excellent friend from Missouri [Mr. HATCH] is the best cabinet-maker that I know of in this Hall. [Renewed laughter.] Gentlemen say that the bureau of agriculture is for the collection of information, and that it is part of the larger Bureau of Statistics. To that extent it may be constitutional. Gentlemen ask me then, or may ask me, how do I find it constitutional to have a bureau of statistics. How do I find it constitutional to have a great library, and a great library building, for which I voted with very great pleasure when it was brought forward by my venerable friend from Mississippi [Mr. SINGLETON], whom I see now in his seat.

Why, sir, it is the right, it is the duty of this Government, to furnish us all the means by which we can secure intelligent legislation. All that has ever been written, which is the accretion of ages, and which will give information to you and me as to the mode in which we should conduct our business here, is proper to be piled up in a Congressional library for the benefit of the representatives of the people. I voted to provide increased accommodations for that library in order that it may be as large as we need it to be.

Mr. PETERS. Do you do that under the "general-welfare" clause?

Mr. TUCKER. No, sir, not under the "general-welfare" clause. I will come to the "general-welfare" clause directly. I do it under the power to pass laws "necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof." I have not the power to do my duty here unless I have the means provided by a library. The Library is a necessary means to the execution of the powers vested in the legislative and other departments of the Government.

Now, Mr. Chairman, how about the Bureau of Statistics? That is a most valuable adjunct to Congress and to the whole Government. It collects information from the world at large to aid us in managing these great questions taxation and revenue, of foreign and interstate commerce. I believe in the power to establish a bureau of statistics; and so far as your statistics go into the mere question of labor and agricultural products, I have no objection to your having everything that will fulfill the informing function to this House or to the other House of Congress, or to any branch of the Government. I believe in that. But what is the necessity of establishing a Cabinet officer in order to do that. Why should you not have a department of statistics and a secretary of statistics if you have a secretary of agriculture and labor? If we are to have a secretary of agriculture, let us have a secretary of tobacco agriculture, a secretary of cereal agriculture, a secretary of cotton agriculture, because people engaged in each one of these branches of industry frequently know very little about the others; so that at last your Cabinet may be as large as the body at the other end of the Capitol.

No, sir; the only thing we have to do in making Cabinet officers and departments is to find out what are the proper business functions of this Government, and to put somebody in charge of those business functions in the Executive Department. I insist that the mere matter of the conduct of agriculture has nothing to do with this Government, because it is strictly internal to each State—does not belong to interstate affairs or to foreign affairs nor to any other granted power in the Constitution.

A friend on my right [Mr. PETERS] asked me a while ago something about the "general welfare" clause. Mr. Chairman, in the first speech I ever made in this hall, I defined, as I thought was proper, the limitation of those words in the Constitution. I have not the time (and if I had, I would not detain the House at this late hour of the evening) to go into a full discussion of that constitutional question. Before my term is over, I shall perhaps find some other opportunity to leave as a legacy to my countrymen, upon my retirement, my views on the "general welfare" clause. [Laughter.] I will insert a codicil in my will for the benefit of my friend on my right [Mr. PETERS], which will be for his particular welfare, although pertaining also to the "general welfare" of the country. [Laughter.]

The words "to provide for the common defense and general welfare" are words which, I hold, not only upon authority and contemporaneous exposition, but from the very framework of the clause itself, to be clearly indicative of the purpose of the power to lay and collect taxes—not the grant of a distinct and substantive power. When it was proposed in the convention to give to Congress power "to provide for the common defense and general welfare," the proposition was rejected. When it was proposed that Congress should have power to lay and collect taxes, in order to provide for "the common defense and general welfare," that provision was voted in. As a declaration of the purpose of the revenue power, it was voted in; as the grant of a substantive power, it was kept out.

Now, what is the meaning of "the common defense and general welfare" as declared objects of the exercise of the revenue power? "The common defense" being provided for by the clauses I have mentioned, as the war clauses and the navy clauses; and the "general welfare," by the other clauses, as to post-offices and post-roads, coinage, regulation of commerce, patents and copyrights, and all such things, the modes in which "the common defense and general welfare" were to be promoted were thus specifically indicated in the several clauses of the eighth section of the first article of the Constitution. Therefore, "a great father of the Constitution"—if it had but one, I would mention him as "*the* father of the Constitution"—I mean James Madison—in one of the articles of the Federalist, written contemporaneously with the proceedings for the adoption of the Constitution in the State of New York, and urging the adoption of the instrument upon that State, explained those words as being limited in their general phraseology by the particulars mentioned—that is to say, nothing could be done in the application of money under the words, "common defense and general welfare," which was not specifically mentioned thereafter in the several clauses of the eighth section of the first article or was not necessary to support and maintain the legislative, judicial, and executive departments. Therefore, I hold that unless you can find somewhere in the Constitution the grant to Congress of a power to regulate agriculture in the way indicated in this debate, there is no power to establish a department of agriculture as one of the business departments of the executive branch of the Government.

Mr. Chairman, I have thus stated my views on this question, because I felt it due to myself not to sit quietly here and allow this bill to pass through without a protest upon grounds which I believe to be fundamental.

Mr. Chairman, if you will look at the details of this bill, which I have done to-day, you will find in the regulation of the business of the bureau of labor, the question is to be inquired into how labor is conducted in the mines, in the factories, in the workshops—to inquire into the relationship of employer and employed. That is all within the States—a matter which, according to my view, is entirely reserved to each State, and does not belong at all to the functions of the Federal Government. Therefore, I say, Mr. Chairman, the whole scheme of the bill, its whole frame-work, and all its details, indicate an enlargement of the powers of this Government beyond anything ever contemplated by the framers of the Constitution. [Applause.]

Mr. HATCH. Will the gentleman from Virginia allow me to direct his attention for one moment?

Mr. TUCKER. Certainly.

Mr. HATCH. I will then direct his attention to the fact that we have now upon the statute-book a law which involves every one of the matters he refers to.

Mr. TUCKER. Then why not let it be done by a bureau, and under a commissioner, and why elevate it into a Cabinet position?

Mr. HATCH. The proposition of the bill is to transfer it to the other.

Mr. TUCKER. Yes, I know; that is by making a Cabinet officer out of the gentleman who is now simply a Commissioner of Agriculture. That is to say, it proposes to dignify the officers of the Department, and let the plowmen stay at home between the handles of their plows. [Laughter and applause.] There is nothing which will benefit the farmers in this thing; all the benefit will come only to these bureau officers. It is not required the commissioner should be elevated to the position of a Cabinet officer.

Now I appeal to the House on both sides. I know the appeal made on the other side, that your constituents are, a great many of them, farmers, and one of these days you will have to go back to them; and then what? [Laughter and applause.]

I may say for myself that I am in that happy condition of independence in which I will never go back to my constituents for re-election. But I will say to my friend from Missouri [Mr. HATCH] that I was one of the seven who voted against this bill three or four years ago, and that I went back to my constituents and got back here all the same by their votes. [Laughter and applause.]

Mr. HATCH. I hope my friend from Virginia did not understand me to say, in any remarks submitted by me, anything about his not going back to his constituents.

Mr. TUCKER. No, I did not. I only meant to say I was one of the seven who then voted against this bill, and that when I went back to my constituents after that vote they returned me to this House all the same. [Applause.]

Mr. HATCH. It is a source of profound regret, not only to myself but to the members of the House very generally, that the gentleman from Virginia did not allow himself to go back to his constituents, so that we might have him with us in the next Congress. [Applause.]

Mr. TUCKER. I thank my friend from Missouri. I know my friend, notwithstanding our divergence of opinion in reference to the pending question, would, if he lived in that district, have nevertheless voted for me.

Mr. HATCH. Yes, with all your faults. I am like a great many Virginians. "With all your faults I love you still." [Laughter and applause.]

Mr. TUCKER. I think I could occupy no better position upon this floor than in standing up for the vindication of the Constitution of my country. [Applause.] Let me say in all honesty and sincerity, sir, I am like one lifting up his voice in the wilderness. [Laughter and applause.] Yes, as one crying in the wilderness. [Laughter.]

Mr. BUTTERWORTH. Then why do you not come over to this side? [Laughter.]

Mr. TUCKER. Well, sir, if I abandoned this side as a wilderness and went over to my friend from Ohio, I might find myself in a desert. [Laughter.]

Mr. BUTTERWORTH. It would be just as well, for you require but very little water. [Laughter and applause.]

Mr. TUCKER. My friend from Ohio is trying to immerse me in his wit and divert me from my serious purpose. I was going to say, Mr. Chairman, when my witty friend from Ohio interrupted me, that repeatedly the question is asked, what harm will this do? Just raise this Commissioner of Agriculture to the Cabinet, and what will this Cabinet officer do when he gets there more than he now does in his bureau? He will assume some of the tinsel my friend referred to, and some of the toggery of a Cabinet minister, which perhaps does not belong to a Commissioner of Agriculture. But what will he do more than he does now?

Mr. COWLES. He will draw $3,000 more of salary.

Mr. TUCKER. He will draw $3,000 more per annum, somebody says. [Laughter.] That is doing a good thing in its way. [Laughter.] What would he do more then than he does now? Why, Mr. Chairman and gentlemen of the committee, I have always noticed this, that if you appoint anybody to an office where there is nothing for him to do, he will hunt and nose around until he finds something to do. [Laughter.]

For Satan finds some mischief still
For idle hands to do.

[Laughter.]

The elevation of the Agricultural Bureau into an executive department is nothing but the creation of a reservoir into which new powers will be poured, thus increasing the patronage and power of the executive branch of the Government, already too overgrown. I am for economy and retrenchment, and am opposed to any increase of patronage and power of the Government at the expense of the people. This bill is the beginning of an increase of both, the end of which we can not see—but it will be disastrous.

Mr. PETERS. Then you are not in harmony with your Administration. [Laughter.]

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. TUCKER. May I not be allowed one word by way of benediction? [Laughter.]

The CHAIRMAN. General debate is limited by order of the House. Excepting the minute of time remaining to the gentleman from Iowa——

Several MEMBERS. Let him proceed by unanimous consent.

The CHAIRMAN. The committee can not extend the time.

Mr. WEAVER, of Iowa. I will yield to the gentleman from Virginia for a minute for his benediction.

Mr. TUCKER. Mr. Chairman, when I am confronted, as I am on this and other great questions, with the assertion, "Why, this is a useful thing; what a benefit to this or that industry by the enactment of this law," I am constrained to say I think there is no benefit to the people commensurate at all with the preservation of that great Constitution, in all of its integrity, which has descended to us as the muniment of our liberties from our ancestors. [Applause.] I would rather see the Constitution of the United States restored to its perfect integrity, as gentlemen on all sides will say it may be by a fair construction of its powers, than to see power built up in the high places, and this Government become more munificent in its benefactions to everybody, and furnish the means to promote all the jobs and schemes that can possibly be devised by the wit of man. [Applause.]

I thank the committee for its kind attention.

Mr. HATCH. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture, had come to no resolution thereon.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL, from the Committee on Appropriations, reported a bill (H. R. 10072) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HISCOCK. I desire to reserve all points of order upon the bill.

The SPEAKER. The points of order will be reserved.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same.

A bill (H. R. 1905) for the relief of Theodore W. Tallmadge.

JAMES H. GILBERT.

Mr. DUNHAM, by unanimous consent, introduced a bill (H. R. 10073) for the relief of James H. Gilbert, of Chicago, Ill.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PRINTING OF CORRESPONDENCE ON FISHERIES QUESTION.

Mr. DINGLEY, by unanimous consent, submitted the following resolution; which was read and referred to the Committee on Printing:

Resolved, That —— additional copies of the President's annual message, relative to the denial by the Canadian authorities of commercial privileges to fishing vessels of the United States, with the accompanying correspondence, be printed for the use of the House.

WILLIAM FIELD.

Mr. ELY, by unanimous consent, introduced a bill (H. R. 10074) to increase the pension of William Field; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JANE THORNTON.

Mr. ELY also, by unanimous consent, introduced a bill (H. R. 10075) granting a pension to Jane Thornton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. SENEY to print remarks in the RECORD upon the two bankruptcy bills on the House Calendar.

Also, to Mr. MCADOO, with reference to the bill for the extension of the free-delivery system.

PRINTING EXTRA COPIES OF THE DIGEST.

Mr. ROGERS, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Printing:

Resolved, That there be printed and bound 250 copies of the Digest of the present session, for distribution, under the direction of the Journal Clerk, to the committees of the House, officers of the two Houses, and heads of Departments and bureaus.

And then, on motion of Mr. HATCH (at 4 o'clock and 56 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Petition of gold and silver beaters of the United States, asking an increase of duty on certain articles—to the Committee on Ways and Means.

By Mr. BLISS: Petition of the gold and silver beaters of the United States, asking an increase of duties on certain articles—to the same committee.

By Mr. BOYLE: Petition of gold and silver beaters of the United States, asking for an increase of duty on certain articles—to the same committee.

By Mr. BUNNELL: Resolution of Association of Sixth Regiment Pennsylvania Reserves, to accompany the bill (H. R. 7814) for the relief of Leman D. Forest, late lieutenant Company F, Thirty-sixth Regiment Pennsylvania Volunteers—to the Committee on Military Affairs.

Also, petition of the gold and silver beaters of the United States, asking an increase of duty on certain articles—to the Committee on Ways and Means.

By Mr. CATCHINGS: Papers in the claim of Sarah J. Mosby, of Warren County, and of Thomas Kidd, executor of Samuel R. Bolly, of Hinds County, Mississippi—to the Committee on War Claims.

By Mr. DORGAN: Petition of citizens of Horry County, South Carolina, asking for the passage of the Hatch experiment, station bill—to the Committee on Agriculture.

By Mr. DINGLEY: Petition of Mrs. Elizabeth L. Mace, widow of Richard E. Mace, late of Company I, Third Maine Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. GIFFORD: Petition of citizens of Brookings, Dak., praying for the passage of the bill (H. R. 2933)—to the Committee on Agriculture.

By Mr. GROUT: Resolution of the Vermont Legislature, in favor of the establishment of agricultural experiment stations in the several States—to the same committee.

Also, petition of H. P. Abbott and 23 others, citizens of Brookfield, Vt., praying for the establishment of agricultural experiment stations—to the same committee.

By Mr. HARMER: Memorial of Sarah Jane Larmour and Isabella Larmour, daughters of James Larmour, deceased, relating to pension and arrears of pension—to the Committee on Invalid Pensions.

By Mr. LIBBEY: Petition of non-commissioned officers and privates, in relation to retired-list—to the Committee on Military Affairs.

Also, papers to accompany bill for the relief of Mrs. Margaret T. Dugan—to the Committee on War Claims.

By Mr. OSBORNE: Petition of citizens of Georgia, praying for the passage of the interstate commerce bill now pending, known as the Cullom bill, with amendments—to the Committee on Commerce.

By Mr. PETERS: Petition of Jennie Lawrence, for a widow's pension—to the Committee on Invalid Pensions.

Also, petition of citizens, asking that a pension be granted to James McCaffrey—to the same committee.

Also, petition of Mrs. Eliza A. Moss, for arrears of pension—to the Committee on Pensions.

Also, statement in the claim of William K. Copeland—to the Committee on War Claims.

By Mr. T. B. REED: Petition of O. B. Scofield, for relief—to the Committee on Invalid Pensions.

By Mr. E. B. TAYLOR: Petition of the East Ohio conference of the Methodist Episcopal Church, asking for legislation protecting Chinese from spoliation and outrage—to the Committee on Foreign Affairs.

By Mr. ZACH. TAYLOR: Petition of A. V. Warr, administrator of A. H. Isabell, deceased, of Fayette County, and of Thomas E. Prewett, administrator, of Hardeman County, Tennessee, asking that their claims be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of J. B. Hills, administrator of the estate of Dr. John Millington, of Shelby County, Tennessee, asking that his claim be referred to the Court of Claims—to the same committee.

By Mr. TOWNSHEND: Petition of citizens of White and Hamilton Counties, Illinois, praying that a pension be granted to Andrew J. Nanny, Company B, Fifty-sixth Regiment Illinois Volunteers—to the Committee on Invalid Pensions.

Also, petition of citizens of White County, Illinois, praying for the passage of a bill granting a pension to William Carroll, late of Company D, Thirty-sixth Ohio Volunteers—to the same committee.

By Mr. WADE: Petition of E. L. Weaver, administrator of Felix B. Weaver, deceased, and of W. S. Norfleet, administrator of G. P. Shackelford, deceased, of Greene County, Missouri, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WILLIAM WARNER: Affidavit in the claim of William Whitehouse—to the same committee.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December* 10, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D., as follows:

Almighty and Everlasting God, again this House has been stricken by the hand of death, and another seat is made empty. Console and comfort the wife and the children thus rendered desolate, widowed, and fatherless. Be Thou the stay and the cheer of their hearts in this sudden and awful bereavement. Impress us all in the presence of this ninth death of the House during this Congress with the sense that in the midst of life we are in death; and therefore whatsoever our hands find to do, help us to do it with our might, for there is no work nor device, nor knowledge, nor wisdom in the grave, whither we all are going. O God! be Thou the strength of our hearts and our portion forever. We humbly ask, through Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. TIMOTHY J. CAMPBELL rose.

Mr. RICHARDSON. On the 23d of July the bill (H. R. 5194) was made a special order for this day, immediately after the reading of the Journal. On account of the announcement about to be made by the gentleman from New York [Mr. TIMOTHY J. CAMPBELL], I now ask that that bill be made the special order for next Friday immediately after the reading of the Journal.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to postpone the special order indicated by him until next Friday, immediately after the reading of the Journal.

There was no objection, and it was so ordered.

DEATH OF HON. ABRAHAM DOWDNEY.

Mr. TIMOTHY J. CAMPBELL. Mr. Speaker, it is with sorrow and regret I have to announce to this House the death of one of its members, Hon. ABRAHAM DOWDNEY, one of my associates in the representation of the city of New York. As he was entering his house last evening he was stricken with apoplexy, and died at 8 o'clock this morning. I offer the resolutions which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House has heard with profound regret the announcement of the death of Hon. ABRAHAM DOWDNEY, late a Representative from the State of New York.

Resolved by the House of Representatives (the Senate concurring), That a select joint committee, consisting of seven members of the House and three members of the Senate, be appointed to attend the funeral, and the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of this resolution.

Resolved, That the Clerk communicate the foregoing resolutions to the Senate.

Resolved, As a further mark of respect to the memory of the deceased, that the House do now adjourn.

The resolutions were unanimously agreed to; and in accordance therewith (at 12 o'clock and 17 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. G. E. ADAMS: Petition relating to ventilation on passenger steamships—to the Committee on Commerce.

By Mr. BAKER: Petition of Hon. Leonard Burritt, William B. Arnold, J. D. Decker, and others, of Monroe and Orleans Counties, New York, for the improvement of the harbor at Troutsburg, on Lake Ontario, New York, on the line between Orleans and Monroe Counties—to the Committee on Rivers and Harbors.

By Mr. FINDLAY: Petition of gold and silver beaters of the United States, asking an increase of duty on certain articles—to the Committee on Ways and Means.

By Mr. HIESTAND: Petition of gold and silver beaters of the United States, asking an increase of duty on certain articles—to the same committee.

By Mr. JACKSON: Petition of 22 citizens of Darlington, Pa., asking for the passage of the Hatch experiment-station bill in the interest of agriculture—to the Committee on Agriculture.

By Mr. LYMAN: Petition of gold and silver beaters of the United States, asking an increase of duty on certain articles—to the Committee on Ways and Means.

By Mr. MILLARD: Petition of gold and silver beaters of the United States, asking for an increase of duty on certain articles—to the same committee.

By Mr. O'HARA: Petition of gold and silver beaters of the United States, asking increase of duty on certain articles—to the same committee.

By Mr. CHARLES O'NEILL: Petition of gold and silver beaters of the United States, for increase of duty on certain articles—to the same committee.

By Mr. PARKER: Petition of gold and silver beaters of the United States, for relief—to the same committee.

By Mr. PETERS: Petition of Women's Christian Temperance Union of Kansas, favoring the Blair educational bill—to the Committee on Education.

By Mr. RICE: Petition of E. A. Harwood and others, of North Brookfield, Mass., for agricultural experiment stations—to the Committee on Agriculture.

By Mr. STAHLNECKER: Petition of gold and silver beaters of the United States, asking an increase of duty on certain articles—to the Committee on Ways and Means.

By Mr. VIELE: Petition of gold and silver beaters of the United States, asking for an increased duty on certain articles—to the same committee.

By Mr. WAIT: Petition of gold and silver beaters of the United States, asking an increase of duty on certain articles—to the same committee.

By Mr. WEBER: Petition of gold and silver beaters of the United States, asking an increase of duty on certain articles—to the same committee.

HOUSE OF REPRESENTATIVES.

SATURDAY, *December* 11, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

The following additional members appeared and took their seats: Messrs. O'DONNELL, LOWRY, HOWARD, HOUK, SMALLS, and BALLENTINE.

FUNERAL OF HON. ABRAHAM DOWDNEY.

The SPEAKER announced, under the resolution of the House, the following as the committee to attend the funeral of Hon. ABRAHAM DOWDNEY: Mr. TIMOTHY J. CAMPBELL, Mr. VIELE, Mr. MERRIMAN, and Mr. MULLER, of the city of New York; Mr. O'NEILL, of Missouri; Mr. BRADY, and Mr. SCRANTON.

CONTINGENT FUND OF STATE DEPARTMENT.

The SPEAKER laid before the House a letter from the Secretary of State, transmitting detailed statements of the expenditures of the contingent fund and of all disbursements by the disbursing clerk of that Department; which was referred to the Committee on Expenditures in the State Department, and ordered to be printed.

TREATIES WITH KANSAS INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting with inclosures an amendment to the estimates for fulfilling treaties with the Kansas Indians for 1888, Book of Estimates, page 137; which was referred to the Committee on Indian Affairs, and ordered to be printed.

REPORT OF MISSISSIPPI RIVER COMMISSION.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the annual report of the Mississippi River Commission for the fiscal year ended June 30, 1886; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

REPORT OF MISSOURI RIVER COMMISSION.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the annual report of the Missouri River Commission for the fiscal year ended June 30, 1886; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

NERIO ANTONIO MONTOYO.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a supplementary report of the surveyor of New Mexico on the private land claim of Nerio Antonio Montoyo, No. 51, Ojo del Medio, New Mexico; which was referred to the Committee on Private Land Claims.

LEAVE OF ABSENCE.

By unanimous consent, indefinite leave of absence was granted to Mr. BAYNE.

UNORGANIZED TERRITORY SOUTH OF KANSAS.

Mr. PETERS. I ask unanimous consent that the bill (H. R. 679) to extend the laws of the United States over certain unorganized territory south of the State of Kansas, with amendments by the Committee on the Judiciary, be considered at this time.

The bill was read, as follows:

Be it enacted, &c., That the laws of the United States are hereby extended over the unorganized territory south of the States of Kansas and Colorado and between the Indian Territory and the Territory of New Mexico, known as the public-land strip; and that for the purpose of the execution of said laws said public-land strip is annexed to the judicial district of Kansas and to the southwestern land district in said State; and the Secretary of the Interior is authorized to cause the subdivisional lines of townships in said public-land strip to be surveyed, under current appropriations for the surveying service.

The Committee on the Judiciary recommended the following amendment:

Add to the bill the following proviso:

"*Provided, however*, That said lands be subject to entry only by actual settlers under the homestead laws; and that no patent shall be issued for any lands so entered until after five years' actual residence thereon, to be ascertained under such rules and regulations as may be prescribed by the Commissioner of the General Land Office and approved by the Secretary of the Interior."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PETERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

J. R. M'GOLDRICK.

Mr. BLANCHARD. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 960) for the relief of J. R. McGoldrick, and that the same be put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the sum of $77 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay J. R. McGoldrick, of Louisiana, in reimbursement of his claim for lost remittance of money-order funds mailed by him as postmaster at Coushatta, La., on the 28th of September, A. D. 1883, and directed to the postmaster at Shreveport, La., and which was robbed or stolen from the mail-pouch in transit.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BLANCHARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE SAINT LOUIS RIVER.

Mr. NELSON. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 9987) to authorize the construction of a bridge across the Saint Louis River, at the most accessible point, between the States of Minnesota and Wisconsin.

The bill was read.

Mr. GIBSON, of West Virginia. Mr. Speaker, I would like to ask the gentleman from Minnesota whether that bill has been reported from the Committee on Commerce.

Mr. NELSON. Yes, sir; it has been reported from the Committee on Commerce, and it meets the approval of the Secretary of War. I want to say, in addition, that it is important that the company should get to work upon the construction of this bridge while the ice is in the river, and I trust that there will be no objection to the passage of the bill.

Mr. GIBSON, of West Virginia. I call the gentleman's attention to an omission in the bill. There are no penalties attached for any violation of obligations upon the part of the company. I have no desire to prevent the passage of the bill, but I do think that in every bill of this character there should be penalties provided.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. NELSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM M. MORRISON.

Mr. WILSON, of West Virginia. Mr. Speaker, I move that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 2629) for the relief of William M. Morrison, reported from the Committee on Claims with amendments, and that the bill be put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and instructed to pay to William M. Morrison, of Jefferson County, West Virginia, out of any moneys in the Treasury not otherwise appropriated, the sum of $2,120.50, the same being in full satisfaction for supplies furnished the Otoe and Missouria tribes of Indians under contract, and for goods stolen by said Indians from his storehouse.

The amendments reported from the Committee on Claims were as follows:

In line 6, after the word "appropriated," insert the words "upon receiving report from Commissioner of Indian Affairs recommending same."

In lines 8 and 9 strike out the words "one thousand one hundred and twenty dollars and fifty cents," and insert the words "one thousand eight hundred dollars."

The amendments were agreed to.

There being no objection, the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILSON, of West Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. Mr. Speaker, I move that the morning hour for the call of committees for reports be dispensed with.

The motion was agreed to.

TAXATION OF SPIRITS.

The SPEAKER announced the appointment of Mr. MORRISON, Mr. HARRIS, and Mr. MCKINLEY, as conferees on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. 4833) relating to the taxation of fractional parts of a gallon of distilled spirits.

OWNERSHIP OF REAL ESTATE IN THE TERRITORIES.

The SPEAKER also announced the appointment of Mr. COBB, Mr. VAN EATON, and Mr. PAYSON, as conferees on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. 3280) to restrict the ownership of real estate in the Territories to American citizens, &c.

ORDER OF BUSINESS.

Mr. RANDALL. I now move that the House resolve itself into a Committee of the Whole on the state of the Union, my object being to ask the House to proceed to the consideration of the sundry civil appropriation bill. Before the motion is submitted, I desire to ask unanimous consent that general debate on that bill may be closed in one hour.

Mr. DUNHAM. Oh, no.

Mr. PAYSON. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYSON. I wish to inquire whether the motion of the gentleman from Pennsylvania [Mr. RANDALL] is in order before the expiration of what is known as the second morning hour?

The SPEAKER. Under the rules of the House, the Committee on Appropriations or the Committee on Ways and Means may, at the expiration of the first hour, or when that hour has been dispensed with, move to go into Committee of the Whole for the consideration of appropriation bills or bills raising revenue. The gentleman from Pennsylvania moves that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering general appropriation bills, stating that his purpose is to proceed to the consideration of the sundry civil appropriation bill; and pending that motion the gentleman asks that general debate upon that bill be limited to one hour.

Mr. LANHAM. I ask the gentleman from Pennsylvania whether he will not agree to extend the time for general debate to one hour and a half.

Mr. RANDALL. The gentleman from Texas [Mr. LANHAM] is, so so far as I know, the only member on this side who desires to occupy

any time in general debate; and I am ready to yield him the half hour which will belong to this side if the debate be limited to one hour. I do not propose to occupy any time in general debate, believing I can better promote a full understanding of the provisions of the bill by discussion under the five-minute rule.

Mr. HERBERT. I hope that one hour and a half will be allowed for the general debate. I desire to be heard fifteen minutes on a question of jurisdiction. There are several matters in dispute between the Naval Committee and the Committee on Appropriations involving the jurisdiction of the respective committees; and I desire to be heard on that question. I do not think I could do justice to the matter by discussion under the five-minute rule.

Mr. DUNHAM. I rise to a parliamentary inquiry. It was understood when the House adopted the rule for a second morning hour for the consideration of bills called up by committees that we should have the benefit of that hour for legislation of that class. My parliamentary inquiry is, whether it is necessary at this early day of the session for us to set aside that morning hour in order to take up a general appropriation bill, thereby preventing members from obtaining the consideration of bills reported from other committees.

The SPEAKER. That is not a parliamentary inquiry; that is a question for the House to decide.

Mr. RANDALL. I will only say that I understand my motion to be in order.

Mr. DUNHAM. Perhaps my question was not strictly a parliamentary inquiry; but it has served to get my point before the House.

The SPEAKER. The gentleman from Alabama [Mr. HERBERT] asked the gentleman from Pennsylvania to modify his motion so as to allow additional time for general debate. The Chair did not hear the response of the gentleman from Pennsylvania.

Mr. RANDALL. I think the discussion to which the gentleman alludes could be as well had under the five-minute rule as in the general debate. The amendments to be offered by myself would naturally present the question.

Mr. HERBERT. It will require at least fifteen minutes for me to discuss that question. If it is agreed that I shall have fifteen minutes when the items are reached——

Mr. RANDALL. Then we might require the same length of time.

Mr. RYAN. I suggest to the gentleman from Pennsylvania that he agree to fix two hours as the time for general debate, to be divided equally between the two sides.

Mr. RANDALL. I accept that proposition.

The SPEAKER. The gentleman from Pennsylvania modifies his request, and asks unanimous consent that general debate in Committee of the Whole on the sundry civil appropriation bill be closed at the expiration of two hours. Is there objection? The Chair hears none. The question is now upon the motion that the House resolve itself into Committee of the Whole House on the state of the Union.

The question being taken, there were—ayes 85, noes 80.

Mr. PAYSON. I call for tellers.

Mr. RANDALL. I will ask the yeas and nays at once. I would like to ask gentlemen on the other side who oppose this motion, what is their object; perhaps we can come to some agreement.

Mr. DUNHAM. I will state the object. I will say to the gentleman from Pennsylvania we feel that we ought to have the second morning hour, and that the chairman of the Committee on Appropriations ought to be willing to concede it. Only one hour is all we ask.

Mr. RANDALL. You can get it at some future time.

Mr. DUNHAM. Let us have it now.

Mr. PAYSON. I ask the attention of the gentleman from Pennsylvania for a moment. The Committee on Public Lands is the next committee to be called during the second morning hour. That committee has reported a bill which has been pending here for six years.

A MEMBER. What bill is it?

Mr. PAYSON. The bill for the forfeiture of the Ontonagon and Brulé River Railroad grant. For six years that measure has been pending in one form or another; and now we desire to obtain as promptly as possible the action of the House upon it.

Mr. RANDALL. That can come up when the sundry civil appropriation bill is out of the way.

Mr. PAYSON. Then there will be another appropriation bill or something of the kind in the way.

The SPEAKER. The question is on ordering the yeas and nays upon the motion of the gentleman from Pennsylvania.

The yeas and nays were ordered.

The question was taken; and there were—yeas 118, nays 121, not voting 83; as follows:

YEAS—118.

Allen, J. M.	Bragg,	Clements,	Dargan,
Anderson, C. M.	Burnes,	Collins,	Davidson, A. C.
Bacon,	Bynum,	Comstock,	Davidson, R. H. M.
Ballentine,	Cabell,	Cowles,	Dibble,
Barksdale,	Caldwell,	Cox, S. S.	Dougherty,
Barry,	Campbell, J. E.	Cox, W. R.	Dunn,
Blanchard,	Candler,	Crain,	Eden,
Bland,	Carleton,	Crisp,	Eldredge,
Bliss,	Catchings,	Croxton,	Ellsberry,
Blount,	Clardy,	Culberson,	Ermentrout,
Findlay,	Hudd,	Murphy,	Taylor, J. M.
Fisher,	Irion,	Norwood,	Throckmorton,
Foran,	Johnston, T. D.	Oates,	Tillman,
Ford,	Jones, J. H.	O'Ferrall,	Townshend,
Forney,	Jones, J. T.	Outhwaite,	Tucker,
Frederick,	Laffoon,	Pindar,	Turner,
Gay,	Landes,	Randall,	Viele,
Geddes,	Lanham,	Reagan,	Wadsworth,
Glass,	Lawler,	Richardson,	Ward, T. B.
Green, W. J.	Le Fevre,	Riggs,	Wellborn,
Hall,	Lovering,	Robertson,	Wheeler,
Halsell,	Lowry,	Rogers,	White, A. C.
Hammond,	Martin,	Sayers,	Willis,
Harris,	Matson,	Seymour,	Wilson,
Hatch,	McAdoo,	Singleton,	Winans,
Henderson, J. S.	McCreary,	Snyder,	Wise,
Herbert,	Miller,	Stewart, Charles	Wolford,
Hewitt,	Mills,	St. Martin,	Worthington.
Holman,	Morgan,	Stone, W. J., Ky.	
Howard,	Morrison,	Swope,	

NAYS—121.

Adams, G. E.	Fuller,	McKenna,	Spooner,
Allen, C. H.	Funston,	McRae,	Steele,
Anderson, J. A.	Gallinger,	Millard,	Stephenson,
Atkinson,	Gibson, Eustace	Moffatt,	Stewart, J. W.
Baker,	Goff,	Morrill,	Stone, E. F.
Bound,	Grout,	Morrow,	Strait,
Boutelle,	Hale,	Neal,	Struble,
Brady,	Hayden,	Neece,	Swinburne,
Breckinridge, C. R.	Henderson, D. B.	Nelson,	Symes,
Brown, C. E.	Hepburn,	O'Donnell,	Taylor, E. B.
Brown, W. W.	Hermann,	O'Neill, Charles	Taylor, I. H.
Buchanan,	Hiestand,	Osborne,	Taylor, Zach.
Buck,	Hiscock,	Owen,	Thomas, J. R.
Bunnell,	Hitt,	Payne,	Thomas, O. B.
Burrows,	Holmes,	Payson,	Thompson,
Campbell, J. M.	Hopkins,	Peel,	Van Eaton,
Caswell,	Houk,	Perkins,	Van Schaick,
Cobb,	Hutton,	Peters,	Wade,
Conger,	James,	Phelps,	Wait,
Cutcheon,	Johnston, J. T.	Pirce,	Wakefield,
Davis,	Kelley,	Plumb,	Wallace,
Dingley,	Ketcham,	Reed, T. B.	Warner, William
Dockery,	Kleiner,	Rockwell,	Weaver, A. J.
Dorsey,	La Follette,	Romeis,	Weaver, J. B.
Dunham,	Laird,	Rowell,	Weber,
Ely,	Libbey,	Ryan,	West,
Evans,	Long,	Sawyer,	White, Milo
Everhart,	Loutitt,	Scranton,	Wilkins.
Farquhar,	Lyman,	Sessions,	
Felton,	Markham,	Skinner,	
Fleeger,	McComas,	Smalls,	

NOT VOTING—82.

Adams, J. J.	Davenport,	Lindsley,	Rice,
Aiken,	Dawson,	Little,	Rusk,
Barbour,	Gibson, C. H.	Lore,	Sadler,
Barnes,	Gilfillan,	Mahoney,	Scott,
Bayne,	Glover,	Maybury,	Seney,
Belmont,	Green, R. S.	McKinley,	Shaw,
Bennett,	Grosvenor,	McMillin,	Sowden,
Bingham,	Guenther,	Merriman,	Spriggs,
Boyle,	Hanback,	Milliken,	Springer,
Breckinridge, WCP	Harmer,	Mitchell,	Stahlnecker,
Browne, T. M.	Haynes,	Muller,	Stone, W. J., Mo.
Brumm,	Heard,	Negley,	Storm,
Burleigh,	Hemphill,	O'Hara,	Tarsney,
Butterworth,	Henderson, T. J.	O'Neill, J. J.	Taulbee,
Campbell, Felix	Henley,	Parker,	Trigg,
Campbell, T. J.	Hill,	Perry,	Ward, J. H.
Cannon,	Hires,	Pettibone,	Warner, A. J.
Compton,	Jackson,	Pidcock,	Whiting,
Cooper,	Johnson, F. A.	Ranney,	Woodburn.
Curtin,	King,	Reid, J. W.	
Daniel,	Lehlbach,	Reese,	

So the motion was disagreed to.

During the roll-call,

Mr. PAYSON said: I ask, by unanimous consent, that the reading of the names be dispensed with.

Mr. RANDALL. I am informed unofficially that the motion is lost, and in order to save time I will not make objection, but give notice I will renew the motion.

The SPEAKER. The Chair hears no objection, and the reading of the names is dispensed with.

The following pairs were announced until further notice:

Mr. STORM with Mr. LITTLE.

Mr. FELIX CAMPBELL with Mr. GILFILLAN.

For this day:

Mr. SCOTT with Mr. GROSVENOR.

Mr. WARNER, of Ohio, with Mr. COOPER.

Mr. BOYLE with Mr. BAYNE.

Mr. MULLER with Mr. BRUMM.

Mr. WARD, of Illinois, with Mr. HARMER.

Mr. HENLEY with Mr. BINGHAM.

Mr. BENNETT with Mr. GUENTHER, on this vote.

Mr. SENEY with Mr. HANBACK, on this vote.

Mr. MCKINLEY with Mr. BRECKINRIDGE, of Kentucky, until Monday.

Mr. STAHLNECKER. I was not in the Hall but in the cloak-room when my name was called, and ask leave to have my vote recorded.

The SPEAKER. The Chair thinks under the rules the gentleman's request can not be entertained. The gentleman can state, however, how he would have voted.

Mr. STAHLNECKER. I would have voted in the affirmative.

Mr. McMILLIN. I was detained from the Hall by business, and if here I would have voted in the negative.

The vote was then announced as above recorded.

ORDER OF BUSINESS.

The SPEAKER. The hour for the consideration of bills under the rules begins at ten minutes to 1 o'clock, and the call rests with the Committee on the Public Lands.

ONTONAGON AND WISCONSIN STATE LINE LAND GRANT.

Mr. PAYSON. I am instructed by the Committee on the Public Lands to call up for consideration at this time the bill (H. R. 391) to declare forfeited certain lands granted to the State of Michigan to aid in the construction of a railroad from Ontonagon to the Wisconsin State line, &c.

The bill was read, as follows:

Be it enacted, &c., That all lands granted to the State of Michigan under the act of Congress approved June 3, 1856, to aid in the construction of a railroad from Ontonagon to the Wisconsin State line, and acts amendatory thereof and supplemental thereto, be, and they are hereby, declared forfeited, and the lands covered thereby shall be considered and treated in all respects the same as if said grant had never been made.

The report (by Mr. PAYSON) was read, as follows:

The Committee on the Public Lands, to whom was referred the bill H. R. 391, having had the same under consideration, make the following report:

The bill proposes a forfeiture of a grant of lands made to the State of Michigan to aid in the construction of railroads and now claimed by the Ontonagon and Brulé River Railroad Company.

The history of the grant is as follows:

June 3, 1856, a grant of lands was made by Congress to the State of Michigan to aid in the construction of certain railroads named, among them (and the only ones necessary to be noticed in this connection) from Ontonagon to the Wisconsin State line and from Marquette to the Wisconsin State line. The provisions of the grant were the usual ones, and the condition was that if the said railroads are not completed within ten years no further sales shall be made and the lands unsold shall revert to the United States.

This act may be found in United States Statutes, vol. 11, p. 21, and on page 15 of the "History of the Ontonagon and State Line Railroad Grant," which compilation having been admitted by all parties in interest before us to be a correct statement of facts, we shall, for convenience, frequently refer to.

June 13, 1856, all the lands subject to the operation of the act were withdrawn from sale by the Interior Department (Hist., p. 17). August 20, 1856, the Ontonagon and State Line Railroad was organized, and on January 14, 1857, the Marquette and State Line Railroad Company was organized. It should be stated here that neither of these companies ever located, permanently, any definite line of route, nor filed any map, but were skeleton companies organized only to receive the grant from the State.

February 14, 1857, the State of Michigan conferred the lands pertaining to the proposed lines of these two roads upon the companies, respectively, and created a board of control to manage and dispose of these lands and take general charge and control of these enterprises (Hist., p. 19). March 27, 1857, these two companies consolidated with the Chicago, Saint Paul and Fond du Lac Railroad Company, a corporation authorized to build a line of road in Wisconsin, up to the Wisconsin State line, where these two roads should meet it, thus making a through line from the two points, Ontonagon and Marquette, in Michigan, south to the point of junction, about 6 miles north of the Wisconsin State line, thence south into Wisconsin toward Chicago, via Fond du Lac. (Hist., p. 27.)

The geographical position of these points should be understood fully to comprehend the disputed question to be determined, and we illustrate it in this way: The proposed line of these three roads, the Ontonagon and State Line, the Marquette and State Line, and the Chicago, Saint Paul and Fond du Lac, makes what on the map resembles closely a large capital letter Y, Ontonagon being at the end of the upper left-hand arm and Marquette at the end of the upper right-hand arm, the point of junction of these arms representing a point about 6 miles north of the Brulé River, which stream forms a part of the boundary line between Michigan and Wisconsin. From the point of junction the line runs south to Fond du Lac, Wis., making the lower and perpendicular part of the Y, the 6 miles of the line next north of the Wisconsin line belonging to the two Michigan roads in common, and the two arms, one to each, respectively, and the line south of the Wisconsin State line to the Chicago, Saint Paul and Fond du Lac Company.

The distance from Ontonagon to the State line is about 100 miles, and from Marquette to the same point about 75 miles.

November 27, 1857, the consolidated company, called the Chicago, Saint Paul and Fond du Lac Railroad Company, filed its maps of proposed road with the Department of the Interior. (Hist., p. 31.)

December 3, 1857 (p. 31), the Department accepted the map as to the Ontonagon and State Line Railroad, and April 7, 1858 (p. 32), accepted the map of the Marquette and State Line Railroad.

June 2, 1859 (p. 33), all the property, franchises, &c., of the Chicago, Saint Paul and Fond du Lac Railroad Company were sold (including its lands granted by the United States to Michigan, and by that State to its predecessors), under first mortgage given by that company, and the purchasers organized a new company, under State law of Wisconsin, by name of the Chicago and Northwestern Railway Company.

April 20, 1860 (p. 34), the General Land Office restored to market all the vacant "offered" lands lying outside the six-mile limit on either side of the line of the roads, as shown by the map of location filed in the townships named, and making them subject to private entry at $1.25 per acre.

March 4, 1861 (p. 37), the Legislature of Michigan authorized the board of control to transfer the grant made in aid of the Marquette and State Line Railroad, and to change the route so that the south terminal point should be at the mouth of the Menominee River, on the shore of Green Bay, instead of the former point north of Brulé River. This new proposed line ran southeastwardly and then south from Marquette, instead of a little south of west, as the old route ran.

December 12, 1861 (p. 41), the Interior Department certified by detailed description, to Michigan 142,430 acres of "clear" lands, for the Ontonagon and State Line Railroad Company, and on the same date (p. 61) certified, by detailed description, to the State 41,649 acres of the "common" lands for the Ontonagon and State Line and the Marquette and State Line Railroad Companies, and in like manner, on the same day (p. 68), certain "common" lands for the Ontonagon and State Line Railroad and Marquette and Ontonagon Railroad Company, a company not necessary to be noticed in this report, its rights not being involved.

The Chicago and Northwestern Railroad Company, which had been organized by the purchasers of the property of the Chicago, Saint Paul and Fond du Lac Railroad Company, fearing that its title to the Michigan grants under the foreclosure sale was not perfect, secured the organization of a Michigan corporation known as the Peninsular Railroad Company, and on April 24, 1862 (p. 74), on petition of this company (p. 75), and with the concurrence of the Chicago and Northwestern Railway Company (p. 77), the board of control conferred the grant on the Peninsular Railroad Company, and (p. 80) requested Congress to authorize the change of route, so as to conform to the line of the Peninsular Railroad, terminating at the mouth of the Menominee River, "as if such grant had been originally intended to embrace the route so designated, and the same had been originally conferred upon the Peninsular Company."

July 5, 1862 (p. 80), Congress passed the joint resolution construing the words "Wisconsin State line" in the act of 1856 so as to authorize the location of the line of railroad from Marquette to a point on the Wisconsin State line near the mouth of the Menominee River, and reduced the price to $1.25 per acre, thus again removing the lands from private entry until a second offering at that reduced price.

March 18, 1863 (p. 83), the State Legislature confirmed the grant to the Peninsular Company.

May 6, 1863, the Peninsular Company released the lands, forfeited by the Marquette and State Line Company, to the United States.

October 21, 1864 (p. 87), the Peninsular Company consolidated with the Chicago and Northwestern Railway Company.

May 26, 1865 (R. 3, 1), the Commissioner of the General Land Office withdrew from market all the odd-numbered sections in the Upper Peninsula, including the lands in question, for the protection of the Portage Lake and Lake Superior Canal grant.

February 21, 1867 (p. 100), the Legislature of Michigan authorized the governor to execute surrender of lands on the line of the Marquette and State Line Railroad.

January 1, 1866 (p. 100), the Chicago and Northwestern Railway Company executed a relinquishment to the State of the "clear"* lands of the Marquette and State Line Company, the "common" *lands of the Marquette and State Line and the Ontonagon and State Line; also the "common" lands of the Ontonagon and State Line, and the Marquette and Ontonagon Railroad grants; leaving only the "clear" lands of the Ontonagon and State Line unrelinquished.

May 1, 1868 (p. 106), the governor (Crapo) relinquished these lands to the United States.

July 9, 1868 (p. 109), the deeds for the above lands were transmitted to the Commissioner of the General Land Office, who, on July 13, 1868, wrote to the attorney for the Chicago and Northwestern Railway Company, calling his attention to the fact that the list of lands certified to the State for the "branch line to Ontonagon," 142,430.23 acres, was omitted from the release, and that the State and company should execute release of those lands, and that "will complete the whole matter for both branches." These lands were the "clear" lands of the Ontonagon and State Line grant.

June 17, 1870 (p. 113), after correspondence to ascertain proper description of the lands, the Chicago and Northwestern Railway Company relinquished to the State the "clear" lands in the Ontonagon and State Line grant; and on

August 14, 1870 (p. 118), the governor of Michigan (Baldwin) relinquished all these lands to the United States, following an opinion of the attorney-general of the State (May) of February 10, 1870 (p. 116), as to the validity of such release.

May 29, 1873 (p. 123), the lands in question were ordered restored to market by the Commissioner of the Land Office—"the same having been duly relinquished by the State will be restored to their original condition prior to withdrawal"—and that upon notice these lands would be subject to pre-emption, homestead, and private entry at $1.25 per acre.

July 10, 1873 (p. 137), Governor Bagley wrote the Department that Governor Baldwin had no legal authority to make the release of the Ontonagon and State Line lands, and July 30, 1873 (p. 129), a telegram was sent to the local land officers to suspend the restoration of May 29.

April 12, 1878 (p. 132), Secretary Schurz sent to Congress all papers relating to these lands (Ex. Doc. 77, Forty-fourth Congress, second session).

List of lands (p. 139) in odd sections sold by the Government within the grant from June 4, 1856, to November 1, 1880, 46,130 acres; and (p. 147) list of lands in the even sections sold by the Government at $1.25 per acre, between November 18, 1867, and November 1, 1880, 43,941 acres.

The time prescribed by the act of June 3, 1856, within which the Marquette and State Line and Ontonagon and State Line roads were to be completed under penalty of forfeiture, expired June 3, 1866. At that date no work of any kind or description had been done upon either of said roads, nor has any been done since that date and to the present time except as hereinafter stated.

September 8, 1880, more than fourteen years after the liability to forfeiture had arisen, a new company was organized under the laws of the State, known as the Ontonagon and Brulé River Railroad Company, for the purpose of building a road from Ontonagon to the State line (Railroad History, pp. 155–157); and September 17, 1880, the board of control undertook to declare the grant theretofore made by the State to the Ontonagon and State Line Railroad Company forfeited, for failure to build the road, and to confer said grant upon the said Ontonagon and Brulé River Railroad Company (Railroad History, pp. 158–160).

June 7, 1881, the legislature of Michigan passed an act confirming and ratifying this action of the board, with a protecting clause in favor of homestead settlers. The grant, however, was upon three specific conditions, namely:

1. That the company should accept the grant and conditions within sixty days.

2. That the work of constructing the line should commence on Ontonagon, and that at least 20 miles south from that point should be built by August 1, 1882, the company being at liberty to construct other portions of the line during the same period.

3. That the entire road should be completed by December 1, 1886.

By section 6 of the act it was provided that whenever the company had finished and put in running order any continuous 20 miles of the road, and the same had been accepted as completed by the governor, the company might select "120 sections of land included within any 20 continuous miles of said road as originally located," the equitable title to vest in the company; but no conveyance or incumbrance to be permitted until patented by the State. And it was further provided that no such patents should issue until the entire road had been completed and accepted by the governor. (Railroad History, pp. 181-185.)

It satisfactorily appears that the company accepted the grant (whatever, legally speaking, it was) within the sixty days, and that prior to August 1, 1882, to wit, in the summer, fall, and winter of 1881 and 1882, it had built, after a fashion, a line of railroad running 20 miles south from Ontonagon on the originally located line, and that the same was in fact accepted by the governor as completed. The character of the work done was questioned before the committee, and affidavits and photographs exhibited showing that the road was not properly constructed.

Your committee are of opinion that on the question of fact as to the construction of the 20 miles of road, such construction was only colorable, and insert here a Michigan newspaper comment on certain photographs of the last three or four miles of the "constructed" road, which photographs are in possession of the committee:

"The photographer's camera has been put to a new use, and well has it done

*The words "common" and "clear" may be thus explained: The lands granted lie on each side of the road; where the roads intersect, of course the grants overlap, so that the lands granted from opposite the point of intersection of the two lines are "common" to both; outside the limits of the overlaping, where the grants do not interfere with each other, the lands are called "clear."

its work. We have been accustomed to a great variety of uses for this valuable instrument; so much so, indeed, that we can scarcely feel surprised at anything claimed for it; but it seems a little novel, to say the least, that it should be utilized to testify against a railroad land-grant steal. But this is its latest rôle, and a fine success it is. Our readers are all familiar, in a general way at least, with the Ontonagon and Brulé River Railroad scheme, by means of which land speculators sought to gain possession of an old land grant by virtue of building a railroad. This scheme was worked through the Legislature, and has been 'working' ever since. The railroad was built, too, so it was said, and the land duly awarded to the company therefor. But an artist 'in search of rare bits of nature' has been wandering along the line of this so-called road, and as a result we have a series of pictures, which are fine models of the art, arranged for the stereoscope, which show how the road was not built.

"This series of pictures begins at the southern end of the road, No. 1 being a view on the twentieth mile. No track. Road-bed grown up to brush and grass, and showing no intention of any railroad in that region. No. 2 shows a bridge, which was built without reference to foundation, and has settled into all the conceivable shapes, except the proper one for use, and upon which there are no rails. No. 4 shows a stretch of road with water over the track, ties covered with mud and weeds, and no sign of ballast. No. 5 shows a bunch of brush growing rank between the rails, the track settled entirely out of line, and no trace of ballast. No. 7 shows another stretch of road in even worse condition than No. 5. No. 8 shows that the ties were thrown down hap-hazard, and without spacing, and the rails spiked to only every other one. The track is without any alignment, and no sane engineer would attempt to run his engine over it. But we forbear to enumerate all the beauties which are depicted by this series of excellent photographs.

"They show conclusively that the object of the builders of this road was something very different from that of making a railroad which could be used; and it is safe to say from the results that have followed the building of this road that the only probable object was to secure the land grant. If this be so, it is a deliberate steal. Laying aside all the subsequent quarrels, and the fact that parties in interest are in Washington to secure their 'rights,' the manner of constructing this road was in direct contravention of the law relative thereto, and did not entitle them to the lands they claim. We have been and are still in favor of using the public domain to furnish our newer portions with transportation facilities, but we are not inclined to this kind of railroad building. As shown by these views taken along the line, and which from the nature of the case can not falsify, this road is a burlesque on what it pretends to be. But the animus of their whole scheme is made so thoroughly apparent that there should be no doubt on that point. The acceptance of this road by the State as being properly built should not be allowed to estop against a demand that the company should build a railroad or go out of the market."

This is a sample of the proofs in the files of the committee as to "construction:"

AFFIDAVITS AS TO THE MANNER OF CONSTRUCTION OF THE ALLEGED TWENTY MILES OF THE ONTONAGON AND BRULÉ RIVER RAILROAD.

STATE OF MICHIGAN,
County of Ontonagon, ss:

Lewis W. Bonnin, of said county, being duly sworn, says that he was engaged in the work of construction of the Ontonagon and Brulé River Railroad during the month of January and a portion of the month of February, 1882, and before; that during a part of said months he was engaged in placing the ties within the limits of the last 4 miles of the first 20 miles of said road built from Ontonagon; that in many places within said 4 miles the ties were placed on the top of snow to the average depth of 1 foot, so that a person could truly say that almost the entire last 4 miles was built on snow, and the rails were placed on the ties in that condition.

This deponent remembers the trip of inspection made by the governor of the State of Michigan over said road in the month of February, 1882, and was a passenger during a portion of said trip, and the track was in the condition above described within said four miles at that time; that at the time of said trip there was a heavy body of snow on the ground, so much so as to make it utterly impossible for any one to examine the ditches or drains along said road.

That about 2 miles south of Rockland, on said road, there was a big fill, and this deponent saw an immense pile of brush and logs in the bottom of said fill, and workmen were at that time covering said brush and logs with dirt and grading the road-bed. This, as deponent believes and to the best of his recollection, was in the month of October, 1881.

LEWIS W. BONNIN.

Subscribed and sworn to before me this 1st day of March, A. D. 1883.
CHARLES F. BUTTON,
Notary Public, Ontonagon County, Michigan.

STATE OF MICHIGAN,
County of Ontonagon, ss:

Thomas Powell, of said county, being duly sworn, says that he was employed in the work of construction of the Ontonagon and Brulé River Railroad during portions of the months of December, 1881, and of January and February, 1882, being employed at track-laying during that time on the last 4 miles of the 20 miles of said road built from Ontonagon; that in many places within said 4 miles the ties and rails were laid upon snow, often to the depth of one foot and a half, or even more; that the manner of leveling the greater part of said track within said 4 miles was to raise the ties and rails, and shovel in snow under the ties, and pack the snow down with the feet. This deponent was engaged in work of that kind, and said track was in the condition described above at the time of the inspection thereof by the governor of the State of Michigan.

That in many places along said line, to the knowledge of this deponent, where there were deep fills along the line of said track, a large quantity of logs and under brush would be hauled and dumped in such fills, and dirt and snow thrown on, too, and ties and rails were laid over that.

This deponent remembers the time of the inspection of said road by the governor of said State, and at that time there was a large fall of snow upon the ground, so much so as to make it utterly impossible for any one to see the ditches and drains along said road.

THOS. POWELL.

Subscribed and sworn to before me this 24th day of February, A. D. 1883.
CHARLES F. BUTTON,
Notary Public, Ontonagon County, Michigan.

STATE OF MICHIGAN,
County of Ontonagon, ss:

John Riddle, jr., of the county of Ontonagon, being duly sworn, says that he was connected with the work of construction on the Ontonagon and Brulé River Railroad during the months of November and December, A. D. 1881, and for two days in the month of February, A. D. 1882, being, to the best of deponent's recollection, the first and second days thereof.

That the work of this deponent, during said month of February, 1882, was ballasting portions of the track of said railroad within 4 miles from the southern terminus of the 20 miles of said road built from Ontonagon; that the track within said distance at that time was resting in many places upon snow, sometimes to the depth of a foot and a half, the snow having been thrown off the railroad in some places to level up the track, so that portions of the track would lie on the solid ground, but the depressions in the ground would be filled up, as aforesaid, with snow; that in ballasting said track within said distance when a tie would need to be raised the workmen would jam snow under it, so as to bring it to the proper level, and said track was in that condition at the time of the inspection of said road by the governor of the State of Michigan, which occurred, to the best of this deponent's recollection, on the 2d day of February, A. D. 1882, at which time there was a great depth of snow on the ground, sufficient to make it utterly impossible to see the ditches along said track.

JOHN RIDDLE, JR.

Subscribed and sworn to before me this 15th day of February, A. D. 1883.
CHARLES F. BUTTON.
Notary Public, Ontonagon County, Michigan.

STATE OF MICHIGAN,
County of Ontonagon, ss:

Joseph Andrews, of said county, being duly sworn, says that he was engaged in the work of construction of the Ontonagon and Brulé River Railroad during the month of January and a portion of the month of February, 1882, and before; that during a part of said months he was engaged in placing ties within the limits of the last 4 miles of the first 20 miles of said road built from Ontonagon; that in many places within said 4 miles the ties were placed on top of the snow to the average depth of about 1 foot, and the rails were placed upon the ties in that condition.

JOSEPH ANDREWS.

Subscribed and sworn to before me this 1st day of March, A. D. 1883.
CHARLES F. BUTTON,
Notary Public, Ontonagon County, Michigan.

PHOTOGRAPHIC VIEWS.

To show the present condition of the road claimed to have been built, photographic views were taken in October, 1883, and same, from Nos. 1 to 12, inclusive, have been filed with the committees of Congress. Each of these photographs is authenticated by the affidavit of the photographer, as follows:

W. E. Hook, being duly sworn, deposes and says that he is a photographer and lives in Marquette, Mich.; that on the 24th day of October, 1883, he walked over that portion of the Ontonagon and Brulé River Railroad east of Rockland, Mich., and made the negative from which this photograph was printed from an actual view of that portion of said Ontonagon and Brulé River Railroad which said photograph purports to represent, as stated in the printed matter on the margin of the other side of this card, and that same is a true photographic view of that part of said railroad.

WILLIAM E. HOOK.

Subscribed and sworn to before me this 3d day of December, 1883.
[SEAL.] GAD. SMITH,
Deputy Clerk of United States Circuit Court,
Western District of Michigan, Northern Division.

The descriptive notes given on the margin of the respective views are as follows:

"No. 1. View on twentieth mile, showing the east one-fourth of last mile built. No track. Road-bed grown up to brush and grass, and ruined by 'washouts.' Looking east.

"No. 2. View of bridge on twentieth mile. Built on frost foundations, and ruined by settling of same. Rails and ties taken up and removed from the west end of this bridge to east end of the road, about half a mile. Looking west.

"No. 3. View of same bridge as No. 2. Looking southeast.

"No. 4. View on twentieth mile. Water standing on track. (Many small streams in this neighborhood were dry at the time this view was taken.) Ties sunk in mud. Not ballasted. Weeds and grass growing between rails. Looking west.

"No. 5. View on nineteenth mile. Two years' growth of bushes on 'hump' made by a stump under the track. Weeds and grass growing between the rails. Not ballasted. Road-bed settled out of shape. Looking west.

"No. 6. View on nineteenth mile. Road-bed embankment made of logs. Track not ballasted.

"No. 7. View on nineteenth mile. Water standing on the track. (Many streams were dry in the neighborhood at the time this view was taken.) Marsh grass growing between the rails. Ties sunk in mud. Not ballasted. Looking west.

"No. 8. View on eighteenth mile. Only half the ties spiked to rails. Many ties do not touch the rails. Not ballasted. Impossible to run a loaded train over this part of the road. Looking east.

"9. View on nineteenth mile. Showing manner of spiking, one-half the ties being spiked to the rails, the others lying loose under the rails. Not ballasted.

"No. 10. View of culvert on eighteenth mile. Ties that were spiked to the rails hang suspended 6 to 8 inches above the ground. Ties not spiked lie on the ground 6 to 8 inches below the rails. Road-bed made of logs. Track not ballasted.

"No. 11. View on eighteenth mile. Not ballasted, and road-bed settled out of shape. Rails in back-ground very crooked. Looking east.

"No. 12. View on eighteenth mile. Not ballasted. Ties sunk in mud. Grass and weeds growing between the rails. Looking east."

On the other hand, counter-affidavits and documents were filed and the governor's certificate exhibited as *prima facie*, if not conclusive, evidence that the law had been fully complied with.

After the road for these 20 miles had been so accepted by the governor, the company selected one hundred and twenty sections of land in odd sections within the 6-mile limits, along the south end of the located line and mainly in what are known as the common limits. This it claims was authorized by the provisions of the act of Congress of 1856 and by the Michigan act of 1881 above quoted, allowing such selection "within any 20 continuous miles of said road as originally located."

The company further claim that inasmuch as the board of control undertook to confer these lands upon them and the Legislature ratified such concession; and inasmuch as the company accepted and, as they allege, constructed 20 miles, caused the same to be accepted and thereafter made its selections, all before any action, either legislative or judicial, had been commenced to forfeit the grant, it is therefore out of the power of Congress to forfeit the same, especially in respect to the one hundred and twenty sections already selected.

In this view of the matter your committee do not concur; but, on the contrary, are entirely satisfied that the jurisdiction and power to declare the entire grant forfeited is vested in Congress and should be exercised.

At the date when the present claimants, the Ontonagon and Brulé River Railroad Company, first acquired an interest in or claim to the lands, namely, in September, 1880, the time limited by the act of 1856, within which the road was required to be completed, had expired and over fourteen years had thereafter supervened. For twenty-four years nothing had been done by the State or any of her grantees to earn this grant by complying with the condition subsequent.

Since the pretended construction of the first 20 miles of road in 1881, nothing has been done by this company toward further construction.

In the opinion of your committee, any sale or conveyance, grant or concession, made by the State, after the expiration of the ten years, even admitting her power

to be otherwise ample, would necessarily have been subject to the right of the United States to at any time declare a forfeiture. A grant or assignment properly made within the ten years might be indefeasible; one made afterward would convey not the absolute and perfect title, but a title subject to defeasance at any time by an enforcement of the breach of the condition subsequent. If this were otherwise, the reversionary clause in every land grant made by the United States could be rendered utterly inoperative by a simple assignment after breach of the condition. Your committee can not for a moment suppose that such was the intent of Congress in passing these acts, or that such is the legal effect of the language used. Your committee are therefore clearly of opinion that whatever title the Ontonagon and Brulé River Railroad Company acquired from the State of Michigan, either through the proceedings of the board of control or under the legislative grant, is subject to the right of the United States to declare a forfeiture.

Your committee are furthermore by no means satisfied that the title of the Ontonagon and Brulé River Company, subject to the forfeiture, is good in law. The grant of 1856 was to the State of Michigan, in trust to accomplish certain purposes, to effectuate which she was empowered to do a certain thing, viz, to dispose of the lands. A bare right to dispose of lands would not necessarily or ordinarily embrace the right to attach conditions subsequent by means of which a reversionary interest would remain in the grantor, the State of Michigan, through which it might afterwards resume its title for another disposition. On the contrary, such language would ordinarily create a power which once fully executed would exhaust the authority of the grantee, and leave him thereafter *functus officio*. Hence it is a matter of grave doubt, to say the least, whether the State, having once conferred this grant upon the Ontonagon and State Line Company, could afterwards legally resume its authority for any purpose, especially to confer the grant upon an entirely new corporation.

However this may be, it is entirely clear that in 1862, at the date of the joint resolution of Congress, authorizing a change of the route of the road from Marquette to the State line, it was competent for the United States upon one hand, and the State of Michigan and her grantees upon the other, to make such changes in the then existing condition of the grant under the act of 1866 as might be mutually agreed upon. Congress, by the joint resolution, authorized the proposed change of route, with a grant to the State of a like quantity of land along the new line, upon condition that the governor of the State should file in the General Land Office "the lists of said railroad lands, in whole or in part, as now selected and certified in the General Land Office," such lists to be accompanied by "the certificate of the governor of the State of Michigan, under the seal of the State, that the said State and its assigns surrender all claim to the lands as aforesaid set forth and described in the lists thereof thus certified, and that the same have never been pledged, sold, or in any wise encumbered."

Congress in this joint resolution made no reference whatever to the State Legislature, and did not require its assent or concurrence in the contract. All that was required was that the governor, under the seal of the State, should file the list and accompanying certificates. This was done; first for the lands from Marquette to the State line, including the common limits, and afterwards, upon demand of the land office and advice of the State attorney-general, for all the residue from the common limits to Ontonagon; and the corporation then owning all the title and interest of the State in all the lands, viz, the Chicago and Northwestern Railroad Company, agreed to and united in this release. All parties to the transaction treated the entire body of lands as falling within the operation of the joint resolution; the entire body was surrendered, and the State and her assignee, the Chicago and Northwestern Company, received in lieu thereof an equal quantity and 50,000 acres more along the new line.

Your committee are inclined to the opinion that these proceedings, even if the release from the common limits to Ontonagon was not authorized by act of the Legislature, which is not admitted, were sufficient to revest the unincumbered legal title to all said lands in the Government, and that therefore the pretended grant in 1881 to the Ontonagon and Brulé River Company was invalid. They are clearly of opinion that the State is not in a position to equitably assert anything inconsistent with her former action, even if the doctrine of estoppel does not legally apply.

These considerations apply with even greater force to the lands in the common limits, for there is but little doubt in the mind of your committee that the odd sections within these limits were included in the literal terms of the joint resolution of Congress, as well as that of the Michigan Legislature, authorizing the governor to execute the release required.

With respect to the lands already selected by the Ontonagon and Brulé River Company, your committee is of opinion that no additional right was acquired by virtue of the facts recited. If, as already stated, the right of the State to assign, after the ten years had expired, was subject to the right of forfeiture, these selections were made subject to the exercise of that privilege by the United States. So, too, if the State had no title to convey after the release of the governor, under the joint resolution of 1862, then the company had no right to select any lands here or elsewhere. And in respect to the common limits, where these selections were made, all the odd sections were quite clearly, in the opinion of the committee, within the specific language of the joint resolution of Congress and of the State Legislature.

Therefore the right of the Government to declare a forfeiture, which shall be operative upon all of the grant, can not be questioned, since no portion of the road is claimed to have been completed until fourteen years after the time prescribed by the act of 1856, and only a partial construction of a section of 20 miles since.

Therefore there is a right of forfeiture. How far does it extend?

In Sheppard's Touchstone, 154, it is said:

"It is generally true that he that doth enter for a condition broken doth make the estate void *ab initio*, and that he shall be in of his first estate in the same course and manner as it was when he departed with the possession and at the time of the making of the condition. And hence it is that, if there be any charge or encumbrance on the lands, as if the lessee of land upon condition grant a rent charge out of the land or enter into a statute or recognizance and the conusee has the land in execution and this charge is after the condition is made, in this case when the condition is broken and the party doth re-enter he shall by relation avoid the rent, statute, and recognizance, and hold the land freed from them all."

The same doctrine is found in other authorities. Thus in Coke's Littleton, 202*a*, it is said broadly:

"He who enters for breach of condition regularly shall have the land of his first estate."

At 201*a* it is said:

"In these cases if the rent be not paid at such time or before such time limited and specified within the condition comprised in the indenture, then may the feoffer or his heirs enter into such lands or tenements and them in his former estate to have and to hold and the feoffee quite to ouste thereof."

This is the language of Littleton. Coke says:

"Regularly it is true he that entereth for a condition broken shall be seized in his first estate or of that estate which he had at the time of the estate made upon condition, but yet this fayleth in many cases."

Coke goes on to specify the cases in which it "fayleth." They are placed under the two heads of "impossibility" and "necessity," and have no application here.

Butler and Hargreaves, in their note to this passage, say:

"It may be further observed: First, That as the entry of the feoffer on the feoffee for a condition broken defeats the estate to which the condition was annexed, so it defeats all rights and incidents annexed to that estate, as dower, &c., and all mesne incumbrances of the feoffee."

The same doctrine is in 1 Rolle Abridg., 474, 617. Comyn Dig., tit. Condition, 0.6.

So in Greenleaf's Cruise on Real Property, vol. 2, p. 25, § 10 (in Greenleaf's edition the original six volumes are bound in three, and the passage quoted is therefore in his first volume as bound), it is said:

"Where a particular time is appointed for the performance of a condition, it must be performed at or before that time."

At page 40, § 39, it is said:

"Upon the breach of a condition the feoffer or grantor, or his heir, becomes entitled to the estate to which such condition was annexed."

At page 44, § 52, it is said:

"Where a person enters for a condition broken the estate becomes void, *ab initio;* the person who enters is again seized of his original estate in the same manner as if he had never conveyed it away. And as the entry of the feoffer on the feoffee for a condition broken defeats the estate to which the condition was annexed, so it defeats all rights and incidents annexed to that estate, together with all charges and incumbrances created by the feoffee during his possession; for upon the entry of the feoffer he becomes seized of an estate paramount to that which was subject to these charges."

In section 53 the writer says that on re-entry a rent charge or judgment is gone; and in section 54 he says that the dower of the feoffee's wife is gone on re-entry.

Washburn on Real Property, vol. 2, § 13, says:

"When such entry had been made the effect was to reduce the estate to the same plight and to cause it to be held in the same terms as if the estate to which the condition was annexed had not been granted."

When a forfeiture is declared, the legal effect thereof is well settled. "The grantor is in as of his former estate" (4 Kent, 127), the same as if the grant had never been made, and everything done by the first grantee or his alienees is swept away. This is familiar and undisputed law. To verify it it will suffice to quote a paragraph from Greenleaf's Cruise (vol. 2, title 13, page 35, pl. 52), as follows:

"When a person enters for a condition broken the estate becomes void *ab initio;* the person who enters is again seized of his original estate, in the same manner as if he had never conveyed it away. And as the entry of the feoffer on the feoffee for a condition broken defeats the estate to which the condition was annexed, so it defeats all rights and incidents annexed to that estate, together with all charges and incumbrances created by the feoffee during his possession, for upon the entry of the feoffer he becomes seized of an estate paramount to that which was subject to those charges."

It is also of opinion that no special circumstances exist which equitably call for non-forfeiture. For over twenty-four years no work of any kind was done to earn the grant or any part of it. It had for fourteen years been subject to forfeiture, and was then subject to it. The present claimants acquired their title at that time, charged with that infirmity, and at best they have only constructed 20 miles of the entire line, and that quite imperfectly.

In the view of the case herein taken it has not been considered necessary or material to determine how or in what manner the 20 miles from Ontonagon south were in fact constructed, although from the evidence introduced before the committee it appears that the road was not constructed in a manner that justified its acceptance by the governor of Michigan. The evidence is conflicting, and the fact itself is considered immaterial. Even if the governor's certificate of the fact of completion be considered conclusive, it would, in the judgment of the committee, have no effect upon the legal power of Congress to declare a forfeiture.

Your committee therefore recommend the passage of an act declaring the grant forfeited and the land restored to the public domain, and they report back the bill with the recommendation that it pass.

[H. R. 391, Forty-ninth Congress, first session.]

Mr. PAYSON introduced the following bill:

A bill to declare forfeited certain lands granted to the State of Michigan to aid in the construction of a railroad from Ontonagon to the Wisconsin State line, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all lands granted to the State of Michigan under the act of Congress approved June 3, 1856, to aid in the construction of a railroad from Ontonagon to the Wisconsin State line, and acts amendatory thereof and supplemental thereto, be, and they are hereby, declared forfeited, and the lands covered thereby shall be considered and treated in all respects the same as if said grant had never been made.

Mr. PAYSON. Mr. Speaker, the relief proposed by this bill has been, in one form or another, before this House for the past six years. It has been reported favorably and unanimously by the Judiciary Committee in the Forty-seventh Congress, similarly by the Public Lands Committee in the Forty-eighth Congress, and by the same committee in this Congress. The history of the grant and the literature connected with it are comprised in this collection of printed matter which I hold in my hand, aggregating nearly one thousand printed pages, but I hope to be able, if I may have the attention of the House, to state the substance of it in, perhaps, ten minutes.

The prominent features connected with it, the essential elements of the case, may be, as I think, concisely stated so they may be comprehended in, perhaps, a ten minutes' statement, and I hope gentlemen who may not thoroughly understand me as I proceed will not anticipate me in my statement of it; but, promising when I shall have concluded, if there is anything I have omitted upon which further statement is desired, either by those who do not understand it or any gentlemen who propose to oppose the bill, I shall not only not regard it as an interruption, but as a favor, if the question may be asked me then.

Mr. Speaker, as appears in the report, this grant was made in 1856 to the State of Michigan of betweecn four hundred and five hundred thousand acres of land to aid in the construction of a railroad from the southern side of Lake Superior to the Wisconsin State line in the upper peninsula of Michigan. A railroad system had been devised, by gentlemen who proposed to embark in it, which contemplated the construction of a line of railroad from Chicago north through Northern

Illinois, through the State of Wisconsin and the upper peninsula of Michigan to the shores of Lake Superior, one end at Ontonagon, on Lake Superior, and the other at Marquette.

The line which is involved in this bill especially is that portion of this system from Ontonagon, on Lake Superior, southward to the Wisconsin State line, a distance of 106 miles.

This grant, Mr. Speaker, as I have stated, was originally made in 1856, and provided for the construction of the road within ten years from the date of the grant. The State of Michigan accepted the grant, and under the terms of the act a company was organized in Michigan to construct the road and receive the lands from the State. This company did nothing whatever with reference to the construction of this line of road, not even filing a map of general route or location; but a mere skeleton company was organized without the investment of a dollar of capital, simply to receive the grant from the State and vest it in this corporation. Subsequently the grant was conferred upon other companies organized as successors of the first company; and without going into the details of these various transfers at this time, it is enough to say that in 1859 the Chicago and Northwestern Railroad Company was organized and is still a subsisting company.

These lands were conveyed to that company; but in 1862 this plan, or scheme, which I have already stated, for the construction of this line of railroad from Chicago through this interior portion of the country, was abandoned, and the Legislature of Michigan petitioned Congress to authorize a change of the line of construction of this road, so that the old line should be abandoned, and a new line run across to the mouth of the Menominee River, then down the shore of Green Bay and Lake Michigan, and thence to Chicago, forming a continuous line between the points named by the new route. In July, 1862, Congress passed a joint resolution which authorized this change of location and permitted the construction of a railroad along the shores of Lake Michigan to Marquette, thence across the country to Ontonagon, instead of the line of road the location of which I have already described; and Congress in that resolution provided that all the lands previously granted should be restored, and a new grant was made in aid of the road thus authorized and in place of the grant which had been made in 1866 for this first road. Congress also provided that before the lands should be certified by the Secretary of the Interior for the new line of road that the governor of the State of Michigan should certify back to the Federal Government the lands which had been given by the old act for the construction of this first line of road.

In 1867 and 1868 the governor of Michigan made a certification of the lands which had been conveyed to the State under the terms of the first grant, certifying back, as he supposed, all of the lands; and it was believed by all in the public service who had then anything to do with it that all of the lands embraced in the grant to the State of Michigan had thus been, by the proper authorities of the State government, reconveyed to the General Government.

But it turned out that by an erroneous use of terms, and by some misdescription of the grant, possibly technically, a portion of this land had not been reconveyed; and so the Secretary of the Interior refused absolutely to make any certification of lands for the new line of road until the Michigan authorities would complete the certification of the lands along the line of the proposed road as originally contemplated from Ontonagon to the State line.

The opinion of the attorney-general of the State of Michigan was taken with reference to the necessity or propriety of this supplemental action. He advised the governor that this certification or supplemental certification should be made. The attorney-general was Mr. May, and the then governor—Governor Baldwin—in 1870 made an additional certification of the lands which were not embraced in the first paper, making in this subsequent certification what he believed to be, and what was then generally believed to be—and it is my belief now—that it was a full certification or reconveyance of the lands originally conveyed under the act of 1856.

Some lawyers thought differently, and the question was raised whether that act did reconvey to the General Government the lands; but the officers of the Interior Department were satisfied, and the land embraced in the new grant was certified by the Secretary of the Interior to the State of Michigan for the benefit of the Chicago and North Western Railway Company. This grant exceeded the number of acres embraced in the first grant by something like fifty thousand. That land has been patented to the State of Michigan and certified in due form to the railroad company, which has been in undisturbed possession of the land grant from that time to now, and has disposed of it as if there was no question in reference to it.

So it will be seen, Mr. Speaker, that by this transaction the State of Michigan got 50,000 acres more than under the provisions of the first act. This so remained until the year 1880. The Supreme Court had in the mean time promulgated the decision in the case of Schulenburg *vs.* Harriman, holding that all of these grants remained in abeyance until Congress affirmatively acted restoring them to the public domain; and a few enterprising gentlemen in Michigan organized a railroad company, known as the Ontonagon and Brulé River Company, and made an application to the board of control in Michigan to confer upon it these lands, or whatever legal interest the State of Michigan might have with reference to the lands of the Ontonagon and Wisconsin State Line Company, which it was believed, and which I believe, were properly retransferred or certified to the General Government. The board of control of Michigan assumed to convey the lands to this new company.

I do not use too strong an expression when I say, Mr. Speaker, now and here, that from the time of the organization of that corporation down to this hour, if there has ever been a step taken by the men composing it which does not indicate that the sole purpose of that organization was to grab these lands from the General Government and those who claimed by and under it, the fact has escaped the investigation of the Committee on the Public Lands.

It was organized for speculation, not to say legalized robbery, and all its efforts have been in that direction. It has taken the shape of a bare-faced robbery from the first moment of its organization to this time, as I am prepared to prove and will satisfy the House in the next fifteen minutes, if I may continue to have the attention I am now receiving.

When this corporation was organized for that purpose, this land being in this condition, the General Government had in good faith sold a large portion of lands within the granted and indemnity limits of the company—over 800,000 acres—realizing more than a million of dollars to the General Government, which had been paid into the Treasury, and which remains there to-day.

Knowing this fact—it was a matter which was as well understood in the State of Michigan as any other matter connected with its history—those who had purchased lands from the Government in the belief that they were getting a good title made an outcry against the attempt on the part of the board of control to convey this land to this new company, and give it the color of right as against them as purchasers from the United States; and a corporation known as the Milwaukee, Lake Shore and Western, which was then engaged *bona fide* in the building of railroads in that part of the Union, made this offer to the Michigan Legislature: that they would take this skeleton grant, and would recognize the claims of all who had bought from the General Government; that they would make no claim or assert any right as against the purchasers from the United States; that they would take the skeleton of lands which would remain, to which no claim attached, and build this railroad for that; and they made an offer to the board of control and the proper committee of the Michigan Legislature to deposit $50,000 in cash, as a forfeit, in the State treasury, and put up security, to be approved by a committee of the Legislature, to the amount of $150,000, in advance, if the Legislature would give them the remnant of the grant, and allow them to build the road.

This was not done, but this grant in its entirety upon paper was conveyed to the Ontonagon and Brulé River Railroad Company! In the fall of 1881 they commenced the construction of this road. The law provided it should be examined in 20-mile sections by commissioners to be appointed, and upon the completion and acceptance of any section of 20 miles of road the promoters of the enterprise should have the right to select 20 sections per mile, which would be 120 sections of land there for so much, within the limits of this grant.

During that fall and early winter after, a fashion, they constructed 20 miles of road. It was examined by certain commissioners appointed for the purpose, and was reported as constructed in a first-class manner in compliance with the act of Congress and the legislation in the State of Michigan, and was accepted by the State authorities. The managers of the railroad company then, instead of selecting 120 sections of the land opposite the road which they claimed to have thus constructed, abandoned that public land and went down to the southern end of the State to the vicinity of the Wisconsin State line, 100 miles distant from their constructed section, and selected there 120 sections of land, every acre of which was land which had been bought from the General Government, and of every acre of which men were in possession and control under patents and certificates from the General Government, and upon some of which were very valuable improvements; upon other sections were iron mines which had been discovered and developed, and in the working of which hundreds of thousands of dollars had been expended in good faith. These lands and these only were selected by the promoters of this enterprise, and the selections were made by an examination of the books at the local land office to find the description of lands purchased. Not an acre was selected except of lands which had been sold by the Government.

When this matter was before the Judiciary Committee in the Forty-seventh Congress, of which committee I had the honor to be a member, it was asserted before that committee that this construction was only colorable; that there were simply two tracks of iron laid down, cheaply and imperfectly—and that was all—upon which no trains ran, except over a portion of it, and only extending 12 miles then.

It was asserted that grades were made by throwing logs in and casting brush upon them, and that then the rails were laid upon that; that to make an apparent grade, frequently chunks of ice and snow were put and packed under the ties to make them level; and all that sort of thing. Those statements were made to our committee, and were verified by affidavits of men who were represented to be reputable. But

some gentlemen, members of the Michigan delegation, strenuously denied that anything of that kind was true. It was asserted on this floor, in the presence of myself and other gentlemen, members of that Congress, that there was not a word of truth in any of these statements.

The next spring, after the ice and snow had melted, it was demonstrated precisely by observation and was made apparent as to several miles of this road what its condition was. It was suggested, and by myself, that some pictures of the road in its actual condition would be taken, as it was intended that that bill should not die even if it was defeated in that Congress; so that if the question came up again the condition of the construction of a first-class law-grant road might be demonstrated beyond the possibility of doubt. Photographs were taken, which I have in my hand. I will give a little description of some of them, and will be glad to furnish them for the inspection of any gentlemen who may desire to look at them. Each photograph I have is verified by the affidavit of the photographer who took it. Six different views were taken, and were placed on the files of the Committee on the Public Lands; and there never has been a question raised as to their accuracy and what the facts are since.

I do not deem it improper, Mr. Speaker, to call especial attention to the iniquity of this transaction as bearing upon the question of what this House shall do when the vote shall be taken, in order that it may be demonstrated that not a vote will be cast against the measure of justice which is proposed to be meted out by this bill. The first photograph which I hold in my hand is a picture of a railroad bridge upon this line. It is "humped like a camel and backed like a whale." [Laughter.] Six feet is the difference in altitude between the center of the bridge and one end of it, although the whole bridge is only 120 feet in length, so that upon this railroad bridge there is a steeper grade than that of any mountainous railroad in this country, except the Denver and Rio Grande.

Here is the picture, which gentlemen can see for themselves. The next is a photograph of a mile of the "completed road" which was accepted by the commissioners. One railroad tie is all that appears upon this entire mile of road. [Renewed laughter.] A little grading has been done, but it has grown up to weeds, and, as I have said, one tie is all that appears on this whole mile of "completed road." Here is a picture of a "fill," an embankment 420 feet in length, the filling of which is composed of logs and brush, and nothing else. Here is a "fill" between two hills four hundred and some odd feet in length, and the filling is nothing but logs and brush! Several of these photographs show that after the snow melted the ties, which had been spiked to the rails, were held in suspension, some of them as much as 8 inches above the surface of the ground upon which they were supposed to rest. [Laughter.]

Mr. Speaker, this is an illustration of the devious ways in which the public lands of this country have been plundered by men who have found representatives of their interests upon this floor, and in this case who have succeeded for six years in preventing the consideration of this measure. There are affidavits in this volume under my hand, made by men who were engaged in the construction of this piece of road, showing beyond question that the "ballasting" of the road for several miles was done with nothing but ice and snow, preparatory to inspection and acceptance as completed land-grant railroad.

Mr. OATES. Will the gentlman permit me to ask him a question?

Mr. PAYSON. Yes, sir.

Mr. OATES. Is it not a fact that in the Forty-eighth Congress the Committee on Public Lands were unanimous in favor of this forfeiture?

Mr. PAYSON. I have said that.

Mr. OATES. And there was nothing to prevent the bill passing at that time except that the majority of the committee saw proper to pass it over and take up other measures.

Mr. PAYSON. No, sir; that is not the fact. We tried several times to get it up by unanimous consent, but gentlemen representing the State of Michigan on this floor, friends of those interested in the road, objected to its consideration and prevented it. That was done on at least three several occasions which I happen to remember.

The Committee on Public Lands have been unanimous, as the gentleman from Alabama [Mr. OATES] remarks, in favor of this bill, and of having it considered by the House, and its consideration has been prevented in this House—I speak with knowledge, for the bill has been under my charge for four years—by captious objections permitted by our rules, made by friends of those who had money in the enterprise.

As I was saying, we have the affidavits of men who were engaged in the work, which prove that the "ballasting" of the road was done with ice and snow prior to the time when it was examined by the commissioners.

More than that, Mr. Speaker, by reason of the technicalities which have grown out of the existence of this grant, and non-action by Congress, the lands affected by its scope have been a fruitful field for those who happened to own preferential scrip for location, as against those who were *bona fide* purchasers from the Government; and the record contains scores and scores of pages showing that men who have invested hundreds and thousands of dollars in good faith in developing the mineral resources of that portion of the country have had their mines plastered over by this kind of scrip, which has only a technical recognition by reason of the failure of Congress to remove from the statute-book this old grant.

Further than that, an enterprising scrip-holder has located some of this scrip upon the little cemetery which adjoins the village of Iron River, in the State of Michigan, and has notified those who have friends buried there that if they wish the remains of their dead to rest in peace, his title must be satisfied! If there has ever been a worse exhibition of insensate greed than this, I have never known of it.

The bill, Mr. Speaker, in substance proposes merely to wipe from the statute-book this grant and restore that land to the public domain as though the grant had never been made. The authorities in Michigan believed that they had done this when they made the certification which they did in 1868 and 1870. Governor Baldwin believed it; the attorney-general of that State believed it; everybody else believed it. No harm is done to anybody by this measure. It was by the unanimous request of the Legislature of Michigan that the line of this road was changed. Congress assented to it, and gave 50,000 acres more land for the new road than for the old. The company has received every acre of that, and had the benefit of it; and no one believed that there was any equity on the part of anybody except the Government of the United States and the grantees of the Government as to an acre of the lands embraced in the first grant until 1880, when, by the ingenuity of a few real-estate lawyers, backed by the cupidity of a few speculators in the city of Saginaw, Mich., this scheme to appropriate the land was devised.

This, Mr. Speaker, is, I believe, all I care to say with reference to this bill. The history of the matter is voluminous; but I have stated the substance of the whole matter. I will go farther, and say that I do not know of any member of this House or any preceding Congress who has ever examined this question that has not come to the same conclusion to which I have arrived, and which I have expressed here. Seeing the distinguished gentleman from Ohio [Mr. EZRA B. TAYLOR] in his seat, reminds me of the fact that the report upon this bill in the Forty-seventh Congress was made by him.

Mr. HAMMOND. From what committee?

Mr. PAYSON. From the Committee on the Judiciary, of which the gentleman from Georgia [Mr. HAMMOND] was a member, and unanimously. From that time to the present there has been but one opinion with reference to the right of anybody who was making any claim with reference to this grant.

Now, Mr. Speaker, if I have omitted any statement of facts deemed essential by any gentleman whose vote will be cast on this question, I shall be glad to answer any question now.

Mr. DUNHAM. I would like to have you give us the other side of the question.

Mr. PAYSON. I will say to my colleague from Chicago [Mr. DUNHAM] that there is no "other side," except the attempt on the part of these men to grab 120 sections of land paid for by citizens of the United States, of which they have been in undisputed possession as against the claims of everybody except these men.

Mr. WEAVER, of Iowa. "The other side" can be seen in the photographs which the gentleman has produced.

Mr. PAYSON. I ought to say further that since the colorable construction of the first 20 miles in 1880 there has never been a pick-ax struck by the men behind this enterprise. They have made no attempt at further construction. The road lies there to-day a wreck. Its rolling-stock consists of a 15-ton engine and a little combination car with a room for mail matter and baggage and a few seats for passengers. This engine and car run only from Ontonagon to Rockland, a distance, I believe, of 12 miles; and the road is in such condition that whenever the storms of winter set in and the road becomes encumbered in any way with snow, when the ground thaws out in spring and becomes at all muddy, the people of that country are driven to adopt the more ancient but more reliable method of communication by sleighs or buckboards. The cars never run except in fair weather. [Laughter.]

Mr. Speaker, I confess to a feeling of deep interest in this bill. It is the pioneer bill, out of which the whole subject of railroad land-grant forfeiture has arisen, as it has been presented to and considered by Congress during the past six years. I have been connected with it from the first, and have looked forward with eager interest to the day when it should pass the House. It will quiet the title to over a million acres of land and restore nearly 400,000 acres now held to be outside of Department control—and the bill should pass the House unanimously, as I hope it will.

Mr. GIBSON, of West Virginia, and others. Let us have a vote.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PAYSON. I move to reconsider the vote by which the bill was passed, and move to lay that motion on the table; and I am glad to see that the bill passed without a dissenting vote.

The latter motion, to lay on the table, was agreed to.

ORDER OF BUSINESS.

Mr. PAYSON. Mr. Speaker, although instructed by the Committee on the Public Lands to call up another bill, I have agreed with the gen-

tleman from Arkansas [Mr. McRAE] that he may bring up a bill which the committee has authorized him to present, with the understanding that not exceeding fifteen minutes shall be occupied in its consideration; and if it be not concluded in that time he agrees to withdraw the bill. I inquire how much of the morning hour is left.

The SPEAKER. Twenty-five minutes.

Mr. PAYSON. I am content with that arrangement.

HOMESTEAD SETTLERS ON PUBLIC LANDS.

Mr. McRAE. I ask that the Committee of the Whole be discharged from the further consideration——

Mr. REED, of Maine. Is unanimous consent required to this proposition?

The SPEAKER. The gentleman from Illinois [Mr. PAYSON] has simply announced an understanding between himself and the gentleman from Arkansas that if the bill which the latter gentleman is to call up should not be finished at the expiration of fifteen minutes, it shall be laid aside. The title of the bill will be read.

The Clerk read, as follows:

A bill (H. R. 9111) to grant additional rights to homestead settlers on the public lands, and for other purposes.

Mr. McRAE. Mr. Speaker, I move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill, and that it be considered in the House.

Mr. REED, of Maine. What is the bill?

Mr. PERKINS. Can not the bill be read subject to objection?

Mr. REED, of Maine. I think the bill should be read.

The bill was read, as follows:

Be it enacted, &c., That from and after the passage of this act any homestead settler who has entered less than 160 acres of land may enter other and additional land lying contiguous to the original entry, which shall not with the land first entered exceed in the aggregate 160 acres; and if there can not be found a sufficient quantity of land contiguous, then the said settler may enter so much of any other public land as may be subject to homestead entry, in the same land-district, as when added to the quantity previously entered shall not in the aggregate exceed 160 acres; or if such settler so elect, he or she may surrender the lands first entered to the United States for cancellation, and thereupon be entitled to enter lands under the homestead laws the same as if the surrendered entry had not been made; and the residence and cultivation of such settler upon and of the lands embraced in the first entry shall be considered residence and cultivation for the same length of time upon and of the land entered by the additional or new entry, and shall be deducted from the time of residence and cultivation required by law, and if final proof of settlement and cultivation has been made for the first entry when the additional or new entry is made, then no further proof shall be required and patent shall issue: *Provided*, That the benefits of this act shall not be extended to any person who, at the date of his or her application under it, is the owner of 160 acres of land.

The amendment of the committee was read, as follows:

After the words "subject to homestead entry," insert the words "in a compact body;" so it will read:

Then the said settler may enter so much of any other public land as may be subject to homestead entry, in a compact body, in the same land district.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas [Mr. McRAE] that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill and amendment, and that they be considered in the House?

Mr. COBB. I do not think this bill ought to pass, and therefore I object.

Mr. BLAND. It had better be considered in the Committee of the Whole House on the state of the Union.

The SPEAKER. Objection is made.

Mr. McRAE. I move then that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill and amendment.

The question was put.

The SPEAKER. The noes seem to have it.

Mr. McRAE. I demand a division.

The House divided; and there were—yeas 53, nays 36.

Mr. BLAND. No quorum has voted.

The SPEAKER. The point of no quorum having been made, the Chair will appoint as tellers Mr. McRAE and Mr. BLAND.

The House divided; and the tellers reported—yeas 75, nays 35.

The SPEAKER. The fifteen minutes agreed upon between the gentlemen have expired.

Mr. McRAE. I am sorry that my friend from Missouri [Mr. BLAND] should make objection to this bill, so just in its provisions. I feel satisfied that he would not if he understood the effect of it. Under the homestead law as passed in 1862 the five public-land States of the South then in rebellion were not entitled to the benefits of the act, but by virtue of the first section of the act approved June 21, 1866, which I will now read, its benefits were extended to those States with certain unjust restrictions and limitations. The section of the said act is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act all the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida shall be disposed of according to the stipulations of the homestead law of 20th of May, 1862, entitled "An act to secure homesteads to actual settlers on the public domain," and the act supplemental thereto, approved 21st of March, 1864, but with this restriction, that until the expiration of two years from and after the passage of this act no entry shall be made for more than a half a quarter-section, or eighty acres.

The following table will show by States the number of entries made in those five States during the period of the restriction:

Statement of the number and area of homestead entries made in the following States from July 1, 1866, to June 30, 1868.

State.	1867.		1868.		Total.	
	Entries.	Acres.	Entries.	Acres.	Entries.	Acres.
Alabama	616	47,224.87	1,646	124,085.15	2,262	171,310.02
Arkansas	835	50,418.72	2,830	183,232.36	3,665	233,651.08
Florida	1,505	111,878.15	1,781	115,935.81	3,286	227,813.96
Louisiana	259	20,164.63	.....	.....	259	20,164.63
Mississippi	555	31,427.75	1,602	102,824.45	2,157	134,252.20
Total	3,770	261,114.12	7,859	526,077.77	11,629	787,191.89

Average area of each homestead, 67.60 + acres, or about 67.70 acres. This average is for the total number of homesteads made in the five States for the two years.

No entries were made in Louisiana in 1868, because there were no receivers at the land office during that time.

One of the main objects of this bill is to do a simple act of justice to those 11,629 entrymen who were restricted to 80 acres. The bill, however, goes further than this and seeks to carry out what the committee thought was the intention of the homestead law, and gives to every tiller of the soil a home of 160 acres, and no more. Under the agreement by which I was allowed to call up this bill I am compelled to withdraw it during the morning hour, and leave the responsibility of its failure to pass to these gentlemen who have seen fit to take advantage of my attitude to prevent consideration.

I ask leave to include in my remarks the report of the majority of the committee, as I do not think members opposing the bill understand its provisions.

There was no objection.

The report of the committee (by Mr. McRAE) is as follows:

The Committee on the Public Lands, to whom was referred House bill 9111, have considered the same, and report it back to the House, with the recommendation that it pass, with the following amendment:

Insert after the word "entry," in the tenth line, the words "in a compact body."

In support of the bill as amended by the committee, the following statement is made: The evident theory of the homestead act of May 20, 1862, and subsequent amendatory acts, was to secure to every person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or has declared his intention to become such, one quarter section of land for a homestead. This intention appears very clearly from that part of the act which allows adjoining farm homesteads to persons who own in their own right homesteads of less than 160 acres, which may be found in the last clause of section 2289. Under this law, persons owning and residing on land of a less quantity than 160 acres have been allowed to enter other lands which have not, with the land so already owned and occupied, exceeded in the aggregate 160 acres. So if a person qualified to make an entry should, by purchase or otherwise, become the owner of a less quantity than a quarter section, he can, under the law as it now exists, enter other and additional land, which shall not, with the lands already owned, exceed 160 acres. But if the same person has become the owner of the land embraced in his original entry, under the homestead laws, he is not allowed to make an additional entry except in certain cases, where the right has been given by special act.

The committee can see no good reason for this discrimination, and believe that all entries should be equalized as far as possible without opening the door to fraudulent entries. Many settlers, acting under the feeling and belief that they did not need as much as a quarter section, took less. As their families and necessities increased, they have found that in this belief they were mistaken, and are now insisting that they should be allowed to make an additional entry.

In addition to those who have taken less than the law allowed them, there are a great many settlers who were, by the act of June 21, 1866 (14 Stat., 66), restricted to 80 acres, and thus only allowed one-half of the quantity allowed other settlers. This class of settlers received no benefit from the acts of March 3, 1879, and July 1, 1879, because these acts do not extend to cases where entries were restricted by law to 80 acres for any other reason than that of railroad grants. The bill confines the new or additional entry to the same land district, so that any fraud that may be attempted can be easily detected and exposed by the local land offices. It does not extend the benefits of the act to any person who is the owner of 160 acres of land, and thus prevents any person who owns a homestead of that much land from acquiring title to any land under it.

Several bills seeking substantially the same relief as this have been introduced in the present Congress and referred to this committee, among them (H. R. 8553) by Hon. Samuel W. Peel, on the 3d day of May, 1886. There were other provisions in this and other bills of Mr. Peel, the most important of which has been substantially embodied in bill (H. R. 5826) introduced by Hon. Charles S. Voorhees, and by him reported from this committee at this session. The committee has thought best to present the two main propositions in separate bills, and not to submit them together. The necessity for the passage of this bill has been largely increased by the timely action of the present Congress in repealing the pre-emption and timber-culture laws, and in effect changing the land laws in such manner as to make it practically impossible to acquire title to public land except under the homestead laws. We think this is as it should be, but at the same time think the homestead law should be so changed as to allow every *bona fide* settler to acquire a homestead of one quarter section and no more.

A bill to grant additional rights to certain homestead settlers on the public lands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act any homestead settler who has entered less than 160 acres of land may enter other and additional land lying contiguous to the original entry, which shall not with the land first entered exceed in the aggregate 160 acres; and if there can not be found a sufficient quantity of land contiguous, then the said settler may enter so much of any other public land as may be subject to homestead entry, in a compact body, in the same land district, as when added to the quantity previously entered shall not in the aggregate exceed 160 acres; or if such settler so elect,

he or she may surrender the lands first entered to the United States for cancellation, and thereupon be entitled to enter lands under the homestead laws the same as if the surrendered entry had not been made; and the residence and cultivation of such settler upon and of the lands embraced in the first entry shall be considered residence and cultivation for the same length of time upon and of the land entered by the additional or new entry, and shall be deducted from the time of residence and cultivation required by law; and if final proof of settlement and cultivation has been made for the first entry when the additional or new entry is made, then no further proof shall be required and patent shall issue: *Provided*, That the benefits of this act shall not be extended to any person who, at the date of his or her application under it, is the owner of 160 acres of land.

CINNABAR AND CLARK'S FORK RAILROAD COMPANY.

Mr. PAYSON. I am further directed by the Committee on the Public Lands to call up for consideration at this time a bill (H. R. 5880) granting a right of way to the Cinnabar and Clark's Fork Railroad Company, &c.

The bill was read, as follows:

Be it enacted, &c., That a right of way is hereby granted to the Cinnabar and Clark's Fork Railroad Company, a corporation duly organized under the laws of the Territory of Montana, across such portions of the northern border of the Yellowstone National Park as may be necessary to reach, by the nearest practicable route from Cinnabar, the Clark's Fork mining district, in said Territory of Montana, by the way of the Yellowstone River to its junction with the East Fork of said river; thence by the way of said East Fork to the Soda Butte Creek; thence by said creek to the Clark's Fork mining district, upon such location as may be approved by the Secretary of the Interior, subject to the provisions of the act of Congress entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875. Said right of way hereby granted shall not exceed 100 feet on each side of the center line of said railroad, except at such points, not nearer than 7 miles from each other, as may be designated by said railroad company for station buildings, depots, machine-shops, side-tracks, turn-outs, and water-stations, at which points the right of way shall be not exceeding 200 feet in width on each side of the center line of said railroad, and shall be not exceeding 2,000 feet in length; and no rights of any kind shall vest in said railroad company in or to any part of the right of way herein provided for until plats thereof, made upon actual surveys for the definite location of said railroad, and including the points for station buildings, depots, machine shops, side-tracks, turn-outs, and water-stations, shall be filed with the Secretary of the Interior and be duly approved by him. No timber or other materials to be used in the construction of said railroad shall be cut or taken from any portion of the Yellowstone National Park, except such as may be cut or taken within the right of way hereby granted; and the grants hereby made are limited also so as not to include any coal or other mineral found on said right of way; nor shall said company, or its successors, use the property given hereby for any purpose except in the construction and operation of a railroad.

SEC. 2. That all charges for transportation of either freight or passengers over said railroad shall be reasonable, and without discrimination as to persons, shippers, or consignees; no rebates or drawbacks of any kind or nature shall be allowed, directly or indirectly, to any patron of the railroad; nor shall there be any unjust discrimination in the facilities afforded shippers or consignees at any station on the line of said railroad; and as to these and all kindred matters Congress reserves the right to make all necessary regulations as to said railroad, in consideration of this grant, as well as to alter or amend this act.

SEC. 3. That if said road shall not be constructed and in running order within three years from and after the passage of this act, the right of way hereby granted shall thereupon be forfeited, and this condition is expressly understood to be a condition precedent as to all rights granted hereby; and in case of a breach of the condition of this section, all rights granted hereby shall revert to the United States by operation of this provision, without the necessity of any action by Congress: *Provided*, That the grant hereby shall not be held or construed as exclusive, so as to prevent the allowance of the locating other roads along the valley or route adopted under this act, under such grants and regulations as Congress may make and provide and the courts equitably administer.

Mr. NELSON. Before proceeding with the consideration of this bill, and before making any objection, I should like to inquire of the gentleman from Illinois [Mr. PAYSON] whether the line of this road goes through any Indian reservation.

Mr. PAYSON. No; it does not.

Mr. NELSON. Then, what is the occasion for this bill, there being a general statute giving the right of way to all railroad companies through the public lands of the United States? What is the necessity for giving a special charter in this case?

Mr. PAYSON. Because this reservation is not part of the "public lands of the United States," and it is so held, expressly, by the Interior Department. Hence the necessity for this permit. It is not regarded as any part of the public lands of the United States.

I move, by unanimous consent, that the bill be considered in the House instead of in the Committee of the Whole.

The SPEAKER. Is there objection?

Mr. HOLMAN. Yes; I object.

Mr. PAYSON. Then I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. MCMILLIN in the chair.

The CHAIRMAN. The House is now in the Committee of the Whole, and the pending question is on the bill (H. R. 5880) granting a right of way to the Cinnabar and Clark's Fork Railroad Company, &c., which has been read, and the gentleman from Illinois [Mr. PAYSON] is entitled to the floor.

Mr. PAYSON. Mr. Chairman, this bill was very fully considered by the Committee on the Public Lands, and all objections which were urged against it, or could be, so far as we know, were heard and fully considered. The necessity for its passage arises out of this state of the case: There is located in the Territory of Montana, just south of what are known as the Snowy Mountains, near the upper forks of the Yellowstone River, a mining camp or city known as Cook City. There are something like five hundred mineral locations in that mining camp which have been disposed of by the General Government to citizens, and which have been operated and developed more or less in the last twelve or fourteen years, showing rich, valuable veins, but of refractory ores.

It is well known to all who have taken occasion to examine the situation in that part of the Union that those mountains are full of the precious metals. In the cañons and gulches in the immediate vicinity of Cook City placer mines have been worked, with more or less success, for gold for the last twenty-five years. I was in that location a year ago this summer, and know of some of the matters as to which I am about to speak from personal observation, and as to them and other matters, generally relating to the merits of this bill, there is no dispute.

These mines, so far as they have been developed—and they cover an area of from 9 to 10 miles in one direction, and from 15 to 20 miles in another—are of great richness. The only means of communication between this mining camp and the outside world is by a wagon-road leading along the east fork of the Yellowstone River, 26 miles to the station of Cinnabar on the branch of the Northern Pacific Railroad. This branch road runs from Livingston, on the main line to Cinnabar Station, near the northern line of the Yellowstone Park; and from Cinnabar to Cook City, a distance of about 56 miles. The only means of communication is by an ordinary mountain wagon-road.

Mr. KELLEY. Will the gentleman permit an interruption?

Mr. PAYSON. With pleasure.

Mr. KELLEY. Does any part of this proposed route run within the boundaries of the Yellowstone Park?

Mr. PAYSON. I am coming to that presently if the gentleman will give me his attention.

As I have said, Mr. Chairman, the only means of communication at present existing is by a wagon road between these various points. Cook City is just outside of the boundary line of the Yellowstone Park, in the Territory of Montana, and 56 miles to the west, and just outside of the boundary line is this railroad station of Cinnabar. Now we have a distance which is estimated on some maps to be from two and a half to three miles, and on others from five to eight miles, inside of the northern boundary line of the park, along the east fork of the Yellowstone River, along the line of which this proposed road is to run, and which will define the location of the route if this bill shall become a law. It is proposed that this railroad company may lay its tracks inside the park to that extent only, the distance not exceeding twelve to fifteen miles.

The only objection which has been urged against the bill by anybody is, that it interferes with the objects and purposes for which that reservation was established, and for which a grand national park should be preserved forever to the country in a state of nature, and containing as it does within itself objects of wonder and natural curiosities not elsewhere known in the civilized world.

Another idea is, that if there should be no interference in any way with the game, buffalo, elk, Rocky Mountain sheep and goats, &c., that in the natural course of events these animals now in the park would largely increase their numbers, and thus prevent their total extinction.

Now, Mr. Chairman, as to the first objection, and I speak not only from information, but from a personal knowledge of the facts, for I have been over the ground, there is not an object of natural curiosity between the point at which this railway is proposed to be permitted to enter the park and Cook City, except a mound of an extinct geyser known as Soda Butte, and a small spring by it, and neither of these will be injured or touched by this proposed line of road.

There is not one tourist out of five hundred who would go as far as from here to the proposed site of the national library building to see that natural curiosity. Hundreds and thousands of like mounds are to be met with in the great geyser basin, lying to the south in that park, which, it should be remembered, contains a vast area, being 55 miles in one direction and 65 in the other, while the only object of natural curiosity near the northern boundary of the park in the locality referred to is what is known as the Mamouth Hot Springs, located about 4 miles from the northern line of the park and 3 miles from this proposed line of railroad.

That is all there is of it. There is no question of sentiment embraced in the matter, except the merest shadow. No injury can result to any of the objects of natural curiosity there, and the question is presented here whether or not a mining camp which is believed to be as rich as that of Butte, in Montana, whose output, in my opinion, will be measured by millions upon millions of dollars, shall be permitted to have access to the markets of the world by a suitable outlet of this character instead of long, tedious, expensive hauls by wagon transportation in a mountainous country.

Mr. HENDERSON, of Iowa. Will the gentleman permit me to ask him a question?

Mr. PAYSON. Most certainly.

Mr. HENDERSON, of Iowa. Are the lands at this camp to which you refer all taken up?

Mr. PAYSON. No, sir; there are still some not taken up.

Mr. HENDERSON, of Iowa. Are they open to pre-emption and homestead settlement, like the other public lands?

Mr. PAYSON. No, sir; these are mineral lands, and are not subject, as my friend is aware, to settlement in that manner. They can be only taken up under the mineral-land laws.

Mr. HENDERSON, of Iowa. What proportion of these lands have been taken up?

Mr. PAYSON. My impression is that there are upwards of five hundred locations in this locality and at the end of the proposed line of road, covering a distance of between 9 and 12 miles, perhaps, outside the park.

Mr. HENDERSON, of Iowa. Can the gentleman state whether these interests are held by individuals or by a syndicate?

Mr. PAYSON. Largely by individuals. Some of them, I have no doubt, are held by corporations or partnerships; but they are largely individual locations. I met, when I was there, a great many gentlemen who had made locations there as individuals, who went there long before the Northern Pacific road was built, and engaged in placer mining in the mountains and gulches about there——

The CHAIRMAN. The hour has expired.

Mr. PAYSON. That cuts me off just at a comma, but I will finish the sentence hereafter. [Laughter.]

The hour having expired, the committee rose; and the Speaker having resumed the chair, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 5880) had come to no resolution thereon.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills. The Clerk will report the title of the first bill.

The Clerk read as follows:

A bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes.

The CHAIRMAN. By order of the House all general debate on this bill has been limited to two hours.

Mr. RANDALL. I ask consent that the first reading of the bill be dispensed with.

There was no objection.

Mr. RANDALL. I now yield thirty minutes to the gentleman from Texas [Mr. LANHAM].

Mr. LANHAM. I am very much obliged to the gentleman from Pennsylvania [Mr. RANDALL] for so kindly yielding to me at this time.

In contemplation of a purpose which I have to offer an amendment relating to the trade-dollar to the bill now under consideration, I crave indulgence in the time allowed for general discussion, in the presentment of some views bearing upon the question, which I may not hereafter have the opportunity to express.

While the amendment to be proposed may be subject to a point of order, still I indulge the hope that in view of the difficulty involved in otherwise obtaining action upon the subject at this short session, it will not be interposed. We are already beginning to perceive and realize some of the benefits which have resulted in the passage of an amendment to the sundry civil bill at the last session, of which the country would have been deprived had the point of order been raised. I allude to the provision embodied in that bill which directs the issuance of silver certificates in small denominations. If a similar relaxation of the rigor of the rule can now be allowed, it is hoped that a final disposition of this matter can be had, and legislation enacted which is unquestionably of such importance as to merit the attention of Congress.

The law which brought the trade-dollar into existence is as follows:

The silver coins of the United States shall be a trade-dollar, a half-dollar, or fifty-cent piece; a quarter-dollar, or twenty-five-cent piece; a dime, or ten-cent piece; and said coins shall be a legal-tender at their nominal value for any amount not exceeding five dollars in any one payment. (Act of 12th of February, 1873.)

The same law provided that the trade-dollar should contain 420 grains Troy, and dropped from further coinage in our system of silver money the ordinary silver dollar which had long been in use. Under this law there were coined of these trade-dollars 15,631,000, of which amount $12,580,000 were exported and $3,051,000 remained in the United States and became absorbed in circulation. Whatever may have been the object involved in the coinage of the trade-dollar or the policy of its issuance, it is evident that nearly one-fifth of the amount coined during the three years five and one-third months immediately succeeding the passage of the act mentioned, and by virtue of its operation, was left with our own people for domestic use, and with the undoubted privilege of passing the same as money, and with legal-tender effect in amounts not exceeding five dollars in any one payment.

Whether for export or internal use it was clad with all the insignia and bore all the credentials of American silver money, fully sanctioned by the authority of the Government. It became, by fair and practical popular interpretation, the substitute of the dollar formerly in use but discontinued by the terms of the act quoted. The law invited the bullion owner to bring his silver to the mints, freely and without limit, and have the same coined into trade-dollars. There was nothing upon its face which conveyed any greater notice of a temporary or foreign use of the trade-dollar than the half-dollar, the quarter-dollar, or the dime.

It said "the silver coins of the *United States shall* be a trade-dollar," &c., and they "*shall* be a legal tender" to the extent indicated. No statute could be made more explicit, and the fundamental laws of society required of all our people a full respect for, and warranted a full confidence in, its validity and integrity. The phraseology of the act could not possibly have begotten in the mind of any rational or patriotic citizen the slightest suspicion as to the sincerity and honest purpose of the Government. There was no room for construction, for its meaning was express and apparent. It afforded the unquestioned right to buy and sell with these trade-dollars and to utilize them for any and all monetary purposes the same as any other coin, and led the citizen to feel that he could confidently rely upon the good faith—yea, even the *best faith*—of his Government, to sustain and secure him in the use of a coin created, made current, and regulated in value by its authority.

The financier may anticipate, and in a measure provide against, fluctuations in the commercial value of the amount of silver contained in a dollar or other coin; these fluctuations have always existed, and it may be beyond the power of any one sovereignty to prevent their recurrence; but the ordinary citizen rarely has the time or aptitude for such investigation. While he may not fully comprehend the causes and phenomena of "monetary dislocation" and the agencies and processes whereby our silver and gold are alternately or conjointly "shunted" abroad; he nevertheless has embedded in his philosophy and implanted in his common sense the conviction that when once any government through its legally constituted authority stamps and designates a monetary value upon its coins, it speaks into existence that which it can not unqualifiedly retract and the public conscience and national honor are estopped from repudiating.

If public policy or fiscal convenience demand a change or discontinuance of coins, the highest obligations of justice and fair dealing imperatively require that accompanying such change or discontinuance shall be made ample provision for redemption and the protection of individual holders. Repudiation is not characteristic of the United States, and is repulsive to the genius and theory of all popular institutions. The American citizen has been taught that his is an honest Government and infinitely above and beyond the solicitations or practice of bad faith to its people; and with the law in his hand and the continued coinage of these trade-dollars going on before his eyes, he would have regarded it as a national insult to have been told that the time would come when they would be shorn of their quality as money and left upon his hand as mere disavowed bullion, the shameful evidences of a broken promise.

As admitted by one Secretary of the Treasury, "the reading of the laws taught the people that the trade-dollar was a coin of their sovereignty, and for the redemption of which, at an unabated value, their Government was bound." The past history of this country and England furnishes abundant precedents for the redemption of coins deprived of their legal-tender character, and fully justified the statement made by Mr. Folger.

After the law authorizing the coinage of the trade-dollar had been on the statute-books for nearly three and one-half years, and the amount before stated had been coined, Congress passed a joint resolution which declared—

That the trade-dollar shall not hereafter be a legal tender; and the Secretary of the Treasury is hereby authorized to limit, from time to time, the coinage thereof to such an amount as he may deem sufficient to meet the export demand for the same.

Mr. HENDERSON, of Iowa. What is the date of that resolution?

Mr. LANHAM. July 22, 1876.

By virtue of the discretionary authority thus conferred upon him, silver deposits for coinage into trade-dollars were discontinued by the Secretary of the Treasury in October, 1877, but in the following November he so modified his order as to allow bullion receipts at the Western mints for return in trade-dollars, in response to an alleged demand for these coins on the Pacific coast for Chinese settlements. Since July, 1876, there have been coined $20,328,360, of which amount $16,424,004 have been exported.

The total coinage of trade-dollars, including 6,564 proof-pieces coined since 1878, when the coinage thereof otherwise finally ceased, amounts to $35,965,924. Official estimates show that $2,074,812 have been imported since July 22, 1876; that $500,000 have been remelted at the United States mints; and that there have probably been taken out by Chinese $1,500,000, leaving the estimated amount now in this country at $7,036,732. It is the opinion of the Director of the Mint, after estimating the entire amounts exported and brought back, together with

what has remained at home, making allowance for what has been remelted, used in the arts, and might be returned from abroad hereafter, that the amount which would probably be presented for redemption would not greatly exceed $10,000,000.

Nearly one-half of the entire amount of trade-dollars was coined prior to the repeal of their legal-tender quality, and when the important fact stated by the Director of the Mint is remembered, namely "that all coinage of trade-dollars during the calendar year 1876 bore the stamp of that year, whether coined before or after the date of the act of July 22, 1876," it is safe to assume that more than one-half of the total coinage ought to be regarded as embraced within the period prior to such repeal.

During the year 1876 $6,132,050 were coined, of which amount $2,975,200 were coined subsequent to the 22d of July. The Government can not be allowed to blend and mingle indistinguishably by the same stamp and device, a legal and a non-legal tender dollar, and then require the citizen to determine what the Government itself could not do, the one from the other. It is a well-established principle that no trustee can prejudice the rights of his *cestui que trust* by an admixture of trust funds with those of his own or others. The Government is but an aggregation of individuals, and it is incumbent upon it to practice and exemplify the same rules of fair dealing, the observance of which it makes obligatory upon its individual citizens.

Whatever may be said regarding the redemption of the trade-dollars coined and issued since 1876, I think the conclusion is absolutely irresistible, in law and logic, that it is the manifest duty of the Government to redeem every trade-dollar, not defaced, mutilated, or stamped, which is now outstanding and was coined prior to the 1st day of January, 1877, upon due presentment thereof at its offices. This proposition, it seems to me, is so well supported by principle and circumstance so reasonable and cogent as not to admit of rational controversy, and must address itself with inevitable force to all fair-minded and intelligent men. This disposes of what I will, for the sake of convenience, denominate the first half or legal-tender issue of trade-dollars.

It may be more difficult to maintain the same propositions with regard to the second half or non-legal-tender issue, upon all the grounds which are assigned in support of the first, owing to the change in the law and the expressed object for which subsequent coinage should be allowed; but upon full consideration of the matter it will, I think, appear to be good policy, highly expedient, in keeping with substantial justice, and certainly without detriment to the public good to include that also within the provisions of redemption. I desire to be perfectly ingenuous in the argument, and to suppress the consideration of no objection which ought to be combated.

Perhaps the strongest reason that can be urged against it is the fact that the law itself (22d July, 1876) gave notice that a discretionary power was vested in the Secretary of the Treasury to limit the coinage for purposes of export use, and that thereafter trade-dollars should not be a legal tender. Had there been maintained a strict and cautious observance of the letter and spirit of this change in the law by the agents of the Treasury it would have been practically impossible for the people to have suffered any material or involuntary imposition in consequence of continued coinage; for there would have been no considerable excess, if any at all, over that demanded for foreign use, and but few of these coins could have found their way into local circulation or constituted an important element of attraction for the speculator.

But the coinage was kept up, and more than twenty millions of these dollars were issued and added to the stock already in existence, notwithstanding the limitations in the statute. They were originally made legal and current coins of the United States; the people had been made familiar with and accustomed to their use, and while all men are presumed to know the law and take notice of all its changes, still it is not unnatural to suppose that many of these coins were innocently received by force of habit and in actual ignorance of what Congress had done toward repealing their legal-tender quality or defining the purpose for which additional and continued coinage should be allowed.

If any have been entrapped or deluded into so receiving them; if the credulous and unwary, knowing that they have been money and are still being issued by the Government, and trusting in the good faith and practice of their country, have failed to minutely scrutinize these coins and note the year of their issuance; if incautious wage-earners have received them for their toil, or tradesmen have taken them for their wares, or others have been victimized by the vigilance and compassings of speculation—whatever the results which have ensued, whether of benefit to one or detriment to another, the acts and agencies of Government have not only made these things possible, but furnished the opportunities therefor and facilitated their accomplishment.

Whenever a currency becomes debased or dishonored by the act of its author, the severer and primary consequent injuries are apt to be borne by the poor and ignorant. Their "short and simple annals" are not complicated by bank accounts or scientific financial calculations. When they see a shining silver coin, with stars around its border, encircling the Goddess of Liberty enstamped, and "In God we trust" on the one side, with "United States of America," "*E pluribus unum*," the great American eagle, "420 grains .900 fine" and "Trade-dollar" on the other, the great body of them will be content with the inspection which reveals such proofs of money, and the desire for possession will dispense with further inquiry into laws extant or laws repealed, imports or exports, Chinese or sycees. [Laughter.] But they can and do feel acutely a sense of betrayal of their confidence when they realize that their Government has permitted to be left upon their hands an uncurrent and degraded coin.

The Secretary of the Treasury, by allowing the coinage to continue after July, 1876, and beyond the amount "sufficient to meet the export demand for the same," has enabled designing persons to promote domestic circulation and placed the Government in the attitude of passive permission and acquiescence, if not active co-operation, in the work of furnishing whatever amount may have entered into actual circulation in the United States and contributing to all the incentives to its use among our own people.

It was possible by custom-house returns to have ascertained how much was being exported, and the chosen officers of the Government knew or should have known that more was being coined than went abroad; they knew the extent of the previous operations of the trade-dollar in our own country, the fact that it had been used as money by the people, as well as their liability to continue its use, the motives and opportunities it would excite and promote for profit or loss and the reasonable popular reliance, supported by precedent in our own and European countries, to be indulged in favor of its ultimate redemption; and thus knowing, acting, and permitting, the consequences of responsibility for the conditions which have obtained are as binding upon the Government as if it had been an actual and intentional participant in producing such conditions. Under all the circumstances, it seems to me that the Government would be taking advantage of its own wrong if it should fail to make the necessary reparation and give that public satisfaction which can only be afforded by promptly calling in and redeeming its own existing coin as represented in trade-dollars.

If the duty to redeem be established, it follows that it is immaterial who, of our people, are the possessors of these coins. If any of them have fallen into the hands of speculators, the same may be said of various governmental obligations which have been purchased at a discount. Whatever speculation in these coins may have been possible, the Government by its own action, permission, or acquiescence, is a party to such possibility, and is estopped from refusing redemption on that account.

But what appear to be the facts as to their possession? The report of the Comptroller of the Currency shows that on October 7, 1886, the national banks held of them $1,889,794. The residue is believed to be held by tradesmen, mechanics, laborers, farmers, and business men, as well as by savings banks, benevolent societies, and trust companies. In a very interesting speech delivered in the Forty-eighth Congress by the gentleman from Pennsylvania [Mr. EVANS], an inventory of trade-dollars in the State of Pennsylvania is submitted, which shows as follows:

Held by banks, bankers, trust companies, and private individuals, at their face value and at a discount:

Banks, bankers, and trust companies, at par	$796,749
Private individuals and societies	1,641,134
At a discount from 10 to 15 per cent	123,044
Total	2,560,927

Thus it will be seen that of the more than two and one-half millions of these dollars in the State of Pennsylvania, less than 5 per cent. are held at a discount, and nearly two-thirds of the whole amount are held by private individuals and societies. I take the liberty, in this connection, to quote from a letter, dated April 21, 1886, written by Cyrus T. Fox, secretary of the Berks County Agricultural and Horticultural Society at Reading, Pa., the following:

I may add that between $275,000 and $300,000 in trade-dollars are held by merchants and business men of this county; that the Reading banks hold about $150,000 of the coin as collateral and a special deposit; that two banks, the National and Farmers' National, have $110,000 in trade-dollars on deposit; that there are at least five hundred farmers in the county holding trade-dollars in amounts ranging from $50 to $2,000; that the names of several farmers in Oley and Pike townships can be given having $2,000 each, and that there are a great many small holders of the coin, some of whom received the same as wages and have been holding it in the hope that Congress will pass a law for its redemption, dollar for dollar. * * * It is estimated that $1,500,000 in trade-dollars was circulated in the Schuylkill Valley; about $1,000,000 of this sum having been disbursed in wages to employés by the Philadelphia and Reading Railroad Company. At least $500,000 remains in the hands of innocent holders in the valley, and the remainder is held by banking institutions at Philadelphia, Norristown, Phœnixville, &c.

The presence of so many trade-dollars in Pennsylvania may be accounted for by the fact that $5,107,524 were coined at the mint in Philadelphia, and consequently less liable to exportation, and the balance was coined at the Western mints, in San Francisco and Carson.

It may be stated that the principal amount in the United States is to be found in Pennsylvania and adjacent States. It is true, however, that they have in smaller quantities found their way into other portions of the Union. The distribution of trade-dollars among the national banks by States, Territories, and reserve cities, as shown by the last re-

port of the Comptroller of the Currency, was, on the 7th of October, 1886, as follows:

Maine	$460 00	Alabama	$104 00
New Hampshire	114 25	Mississippi	1 00
Vermont	4,536 61	Texas	1 00
Massachusetts	17,547 27	Arkansas	187 00
City of Boston	497 00	Kentucky	9,153 75
Rhode Island	532 90	City of Louisville	1,750 00
Connecticut	33,869 15	Tennessee	2,665 75
New York	250,986 29	Ohio	36,320 15
City of New York	241,304 05	City of Cincinnati	20,027 00
City of Albany	600 00	City of Cleveland	1,100 00
New Jersey	85,745 70	Indiana	19,709 15
Pennsylvania	650,414 23	Illinois	3,224 75
City of Philadelphia	334,450 00	Michigan	3,961 65
City of Pittsburgh	14,620 00	Wisconsin	130 00
Delaware	23,784 75	Iowa	1,497 79
Maryland	15,620 36	Minnesota	245 00
City of Baltimore	87,626 00	Missouri	815 00
City of Washington	8,031 00	Kansas	880 00
Virginia	8,520 00	Nebraska	1,021 40
West Virginia	7,462 80	Idaho	10 00
North Carolina	201 00	Montana	1 00
South Carolina	25 00	Utah	15 00
Florida	23 80	Washington	2 00

None are reported from Georgia, Louisiana, Colorado, Nevada, California, Oregon, Dakota, New Mexico, and Wyoming. The presence of cents in the enumeration is doubtless attributable to the estimate being made upon the bullion value of the coins.

The amount thus reported from my own State is only $1, though it is interesting to note that on 24th December, 1885, there were reported $167.60; on 1st March, 1886, $8; 3d June, $11, and 27th August, $3,001.

I may take the credit of being actuated by no local or sectional motives in arriving at the conclusions to which a careful investigation of this subject has conducted me; on the contrary, in endeavoring to enforce the same, I am but attempting to discharge a duty incumbent on me as a public representative, by virtue of my committee assignment, and the special reference in the regular order of business to myself and others of the bills relating to the retirement and recoinage of the trade-dollar which have been introduced at this Congress.

The results of the protracted and repeated deliberations of that committee upon the subject are shown by the bill (H. R. 8330) reported April 29, 1886, the passage of which I earnestly believe is dictated by justice and sound policy. It limits the period for redemption to six months after its passage, and permits unimpaired trade-dollars to be received for all Government dues. It allows the holder of the same to present them to the Treasurer or his assistants and receive therefor a like amount and value, dollar for dollar, in standard silver dollars, or in subsidiary coin, at the option of the holder. It provides that when received by the Government they shall not be paid out or reissued, but recoined into standard silver dollars at the expense of the Government, and repeals all former laws authorizing their coinage and issuance. It is not materially different from the bill which passed the House in the Forty-eighth Congress by a vote of 198 to 46, and is in pursuit of the same legislative policy adopted by the House in the Forty-seventh Congress, which passed a bill having the same substantial object.

But to return to the argument: it makes no difference in what sections of the country these coins are to be found, or who own them, when it is once shown or conceded that it is right to redeem them. The present holders of them, whether they "have taken them in the fair way of currency or business," whether they are laboring men or capitalists, in whatever portion of the Union they reside, should be allowed, under the provisions of the bill described, to bring them to the Treasury agents and have them redeemed.

The accomplishment of redemption is not only demanded by precedent, justice to the citizen, and national integrity, but it is highly economical and expedient. It will involve no loss or expense to the Government, and require no appropriation of money. The 7½ grains of silver in the trade-dollar additional to that contained in the standard dollar, and the 35 grains to that contained in the two half-dollars, will not only abundantly defray the cost of redemption, but leave an actual profit to the Government. The Director of the Mint, in his letter of January 28, 1886, to the subcommittee on coinage, composed of my colleagues from Kentucky and New York, Messrs. McCREARY and JAMES, and myself, says:

* * * Should the mints and assistant treasuries of the United States be authorized to redeem in subsidiary coin such trade-dollars as may be purchased for redemption in the sums of $10 or multiples thereof, the profit to the Government in the form of seigniorage would amount to some 8 per cent., or more than enough to defray the expenses of the recoinage.

"Virtue is her own reward," but in this case it seems, if such an argument could apply to a great, free republic, that special inducements in the shape of financial profit are held out to persuade and influence the Government to discharge a public duty.

What would be said of a private individual, thus situated, were he to fail to redeem his promises and perform his obligations? He would be shunned as a commercial leper, and quarantined from contact with honest men of business, regarded as unworthy of confidence among his fellows and bound by no sense of morality. A contract, express or implied, is just as binding upon a government as it is upon a private person. The law constrains men, but men make the laws. Society inculcates honesty; it should practice what it teaches, and thus offer a living example for individual emulation. No man is fit to be a lawmaker who is not honest himself. Equity and good conscience ought to pervade our legislatures. The time hastens, in the advancing thought and improving civilization of our country, when no man can ignore the plain teachings of dignified morality and upright conduct, and maintain public confidence, or hold place or power at the hands of the American people.

The original creation of the trade-dollar containing more silver than the standard dollar and allowance of its equal circulation alongside the latter are anomalous, and it seems to me of doubtful propriety, if not wholly unjustified even by the alleged causes which authorized its coinage. Its retirement and recoinage now, while not expressly declaring a disapproval of the policy of its issuance, would nevertheless operate as a caution in the future and serve in the establishment of a desired uniform and settled system with reference to our silver money. Our people require an American silver dollar; it is dear to the popular heart; they have it and are always going to have it. The time will not come in our history when they will allow it to be demonetized or its coinage to cease, it makes no difference who recommends it. [Applause.]

The redemption of the trade-dollar would revitalize and bring to the channels of business several millions of dollars' worth of what is now dormant and inoperative bullion, and cause its conversion into standard dollars or subsidiary coin, as the demands of trade or the inclination of the holders might suggest. In the latter event it would respond to the recent request of the Treasury Department for the issue of subsidiary coin. It would add to the volume of our metallic money, and to the extent of such addition meet the wants of the people for an increased circulating medium. It would be a step in the direction of the free coinage of silver, an object which my judgment and research convince me ought to be promoted by the most earnest and persistent endeavors of the people's representatives.

In conclusion, I beg to express gratification at the fact that the much-talked-of gap between gold and silver seems to be closing by an advance in the price of silver. The conviction has settled down in the minds of the people, and our past action has assured the world that the silver dollar is a permanency in this great silver-producing country. These facts have doubtless contributed to the appreciation of silver, and every act of legislation which shall tend to its still further confirmance and crystallize an American policy equally favorable to gold and silver coinage, and conservative of the concurrent and coequal employment of the two precious metals as fiscal agencies will expedite the period when parity and equilibrium will be restored and the gap between them be finally closed. The time and effort devoted and directed to the attainment of such an end will be well exerted.

In the treatment of the trade-dollar let us "be just and fear not." Let us preserve the national faith, retain the popular confidence, and merit universal respect. [Applause.]

The CHAIRMAN. By consent of the gentleman from Pennsylvania, communicated to the Chair, the gentleman from Texas occupied forty minutes; leaving twenty minutes to that side.

Mr. RANDALL. I yield fifteen minutes to the gentleman from Alabama [Mr. HERBERT].

Mr. HERBERT. The bill we are discussing proposes to appropriate $19,183,911 for the sundry civil expenses of the Government for the fiscal year ending June 30, 1888. The amount appropriated in the sundry civil bill for 1887 was $22,661,910, making an apparent saving in this present bill of $3,477,999. How that saving is proposed to be made will be explained in part, at least, by a letter which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES UNITED STATES.,
Washington, D. C., December 6, 1886.

DEAR SIR: Referring to the estimates submitted under the titles "Navy Yards and Stations" and "New Naval Observatory," on pages 163 and 164 of the Book of Estimates for 1888, and which aggregate $4,418,961.16, I am directed by Hon. SAMUEL J. RANDALL, chairman of the Committee on Appropriations, to say that the subcommittee in charge of the sundry civil bill are of opinion that said estimates belong to and should be considered as a part of the naval establishment for which the Committee on Naval Affairs are charged, under the rules of the House, with reporting appropriations, and that no recommendation will therefore be made by the Committee on Appropriations touching these estimates.

Very respectfully,

JAMES C. COURTS,
Clerk Committee on Appropriations,
House of Representatives.

Hon. H. A. HERBERT,
Chairman Committee on Naval Affairs,
House of Representatives.

Mr. HERBERT. Mr. Chairman, the committee will observe that here is a formal surrender of jurisdiction over estimates amounting to nearly four and a half millions of dollars, proposed to be made by the Appropriation Committee, to the Committee on Naval Affairs. The sundry civil bill of last session, appropriating for the current year, included every estimate of the class mentioned in that letter with the exception of one—that for the Naval Observatory.

Mr. RANDALL. Will you state the aggregate amount?

Mr. HERBERT. I am not speaking of amounts. I am speaking of a class of estimates. Why this surrender? Those estimates are large. If an appropriation should be made according to the estimates the bill of the present year, instead of being a decrease from that of last year, would be an increase of over a million dollars. Is that the reason why the surrender is proposed to be made?

Mr. RANDALL. The gentleman surely does not want to make that charge.

Mr. HERBERT. I do not charge that that is the reason in the face of the letter which says that the Committee on Appropriations consider that under the rule these items so estimated for belong to the Committee on Naval Affairs.

Mr. RANDALL. The gentleman stated further that the bill would be in excess a million of dollars of what it was last year. Now, the amount appropriated last year——

Mr. HERBERT. What I said is correct, as the gentleman will see if he will not interrupt me. I said if he had appropriated for those items according to the estimates this bill would have been $1,000,000 larger than that of last year.

Now, the point at issue between us is, what do the rules, the present rules distributing appropriations among several committees—what do they mean? The sundry civil bill of last session was passed after the present rules were adopted. There has been no change in the rules since then. If this subject-matter belonged then to the sundry civil bill it belongs there now. I propose to show that it did belong there then. Prior to the amendment of the rules the whole subject of appropriations, with two exceptions, belonged to the Committee on Appropriations. A portion of the jurisdiction over that subject was by the amended rules distributed to several committees.

Among others, the Committee on Military Affairs according to the rules was to have referred to it all proposed legislation on subjects relating—

To the military establishment and the public defenses.

To the Committee on Naval Affairs was to be referred all proposed legislation on subjects relating—

To the naval establishment, including the appropriations for its support.

Now, what was the meaning of that rule? Note that similar words are used in conferring jurisdiction upon both committees. The one is to have jurisdiction over subjects relating to the military establishment, the other over subjects relating to the naval establishment. Of course the changes in the rules must be taken with reference to the well-known condition of affairs in the House. At that time there was a sundry civil bill. Nothing in the new rules proposes anywhere to disturb that bill. That bill, before the new rules were adopted, included appropriations for subjects coming under the Treasury Department, under the Department of the Interior, under the War Department, under the Department of Justice, and under the Navy Department. After the new rules were adopted last session the sundry civil bill was framed upon the idea that that bill was untouched; and so it contained the same appropriations as before.

But this session the bill is brought in leaving out every estimate for the Navy Department, and leaving in the appropriations for the War Department. If conferring upon the Naval Committee jurisdiction over appropriations for "the naval establishment" took all matters relating in any manner to the Navy out of the sundry civil bill, why did not the use of words conferring upon the Military Committee jurisdiction of subjects relating to the military establishment take also out of that sundry civil bill all matters relating in any manner to the Army? Now, if we look at the estimates themselves, we find that in the book containing them there is one chapter containing the estimates for and headed "the naval establishment." Then, looking to the bill of last year and of the year before and of the year before that, we find that those estimates for "the naval establishment" constituted the items, and all the items, included in the bill for the support of the naval service, ordinarily called the naval appropriation bill.

These words, "the naval establishment," had a well-known signification. They constituted the caption of and covered all the estimates for appropriations to be included, and which were from year to year included, in the bill appropriating moneys for the naval service. So it seems to me that the conclusion necessarily follows that these estimates for "the naval establishment" were to go, and they only, to the Committee on Naval Affairs; and so they did last session.

The estimates for a military establishment, comprised in another chapter, likewise went to the Committee on Military Affairs. It is not proposed now, as I understand it, to disturb that. This bill carries the usual appropriations for estimates under the War Department. Why should it leave out only the Navy Department?

It is not any answer to say that these things, to which the letter of the gentleman from Pennsylvania refers, might properly be referred to the Committee on Naval Affairs. So might the arsenals properly be referred to the Committee on Military Affairs, but they never have been. Those estimates for arsenals, which have a certain relation to the Army, have always come in under a chapter headed "Public Works." Docks and yards and naval stations, which, it is true, have a certain relation to the Navy, have always been embraced in the same chapter, "Public Works." That chapter and the estimates in it have always constituted the sundry civil bill. Everything in it, as I understand, except what has been taken out and handed over to the Agricultural Committee and the Committee on Rivers and Harbors, has belonged, without question heretofore, to the sundry civil bill. There is no evidence whatever of any intent anywhere in the rules to disturb the sundry civil bill. The rules were not construed at the last session to have any such effect.

Mr. BLOUNT. Will the gentleman yield for a question?

Mr. HERBERT. Yes, sir.

Mr. BLOUNT. I wish to ask the gentleman whether there is any dispute between him and the Committee on Appropriations as to the fact that the items now in controversy have always gone with the sundry civil bill?

Mr. HERBERT. I do not think there is any. I do not understand the gentlemen on the other side to say that these items have not always gone there.

Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman's time has expired.

Mr. RANDALL. Mr. Chairman, these estimates all come to the Speaker of the House, for the information of the House. The estimates for the Naval Department submitted at the last session were $4,718,337.41. That was the amount of the estimates which the gentleman says properly belonged under the control of the Appropriations Committee; yet the House, upon the recommendation of the committee, passed only $316,595. So that the gentleman's suggestion, that the object or effect of the proposed change is to make a seeming reduction on this bill, has no foundation in fact; and in no event, judging by the appropriation given last year under those estimates, is it likely that this bill would have been increased over $400,000.

More, in the estimates last year was included the Naval Observatory, in like manner, I think, as it appears here to-day; yet, after the Committee on Appropriations had refused to appropriate under that estimate, the Committee on Naval Affairs took jurisdiction of the subject and inserted in their bill the amount required to begin the construction of the Naval Observatory. After this statement, the gentleman will at once see the inconsistency of the position he occupies.

Mr. HERBERT. Do we do that about the navy-yards and stations?

Mr. RANDALL. In 1870, long after the war, there was a desire to get more money for naval affairs than was carried in the naval bill, and at that time arose the practice of appropriating for the Navy in two bills. But at that time all these appropriations, and both these bills in particular, were under a common control. Since then, at the last session of Congress, there has been taken from the Committee on Appropriations the appropriations which relate to the naval establishment, and these estimates naturally belong, and actually do belong, to the naval establishment. They can not belong anywhere else.

Mr. HERBERT. Do they belong there any more than the arsenals belong to the military establishment?

Mr. RANDALL. No, sir; and I want to say further that so far as I am concerned, this is a mere forerunner. I say that the arsenals which are completed should go to the Military Committee. The arsenals that are in course of construction remain with the Committee on Appropriations only because appropriations for public buildings go there of necessity.

Mr. MORRISON. Will the gentleman allow me to interrupt him a moment?

Mr. RANDALL. Certainly.

Mr. MORRISON. Where was this appropriation placed when the Committee on Appropriations had charge of both these bills?

Mr. RANDALL. I have explained that. I have said that in 1870 certain matters were left out of the naval appropriation bill and inserted in the sundry civil bill, and since then two committees have taken charge of the matter.

Mr. MORRISON. But what about two years ago?

Mr. RANDALL. The rules were not changed two years ago.

Mr. MORRISON. But just before the rules were changed?

Mr. RANDALL. We had charge of the subject, and it went into this bill.

Mr. HERBERT. Did you not put it in the right bill; did you not put it where it ought to have been?

Mr. RANDALL. We put it where it had been put since 1870.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. RANDALL] has expired.

Mr. RANDALL. I would like to have a minute or two more.

The CHAIRMAN. The Chair has no discretion in the matter. The gentleman from Pennsylvania may get additional time from some gentleman on the opposite side.

Mr. RYAN. I yield five minutes to the gentleman from Pennsylvania.

Mr. RANDALL. I do not want more than a minute.

The real question involved in this proposition is whether this matter can be best and most intelligently provided for under the direction of the committee which comes into immediate communication with the Navy Department and has in its charge the great bulk of appropriations

for the naval establishment. I am quite willing the House shall determine that question.

Mr. RYAN. Mr. Chairman, the gentlemen on this side of the House who desire to submit remarks in general debate upon this bill prefer to do so on next Monday, or whenever the consideration of the bill may be resumed. If, therefore, the gentleman from Pennsylvania has no objection, I will move that the committee do now rise.

Mr. RANDALL. I would prefer to vary the gentleman's suggestion, so as to give consent that there be an hour's general debate on the day when this bill is next considered, and that we now proceed to take up the items of the bill in detail.

Mr. RYAN. I have no objection to that.

Several MEMBERS. Oh, no; let us adjourn.

Mr. RANDALL. Of course, the gentleman from Kansas [Mr. RYAN] can test the sense of the House on his proposition.

Mr. RYAN. As this is Saturday afternoon, there seems to be a disposition that the committee rise and the House adjourn. Therefore, in order to test the sense of the House, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 10072) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes, had come to no resolution thereon.

Mr. RANDALL. I move that the House do now adjourn.

The motion was agreed to, there being ayes 87, noes 14; and accordingly (at 2 o'clock and 55 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Petition of Norman Smith, M. D., of Croton, Mass., in aid of the Hatch experiment-station bill—to the Committee on Agriculture.

By Mr. BUNNELL: Petition of citizens of the State of Georgia, asking the passage of the interstate-commerce bill, with amendment to the Cullom bill—to the Committee on Commerce.

By Mr. CANDLER: Petition of Martha A. Graham, administratrix of Joseph A. Graham; of John J. Jones; and of James E. Covington, executor of Nathaniel J. Cook, asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. CATCHINGS: Papers relating to the claim of Mrs. Ann Rogers, administratrix of Thomas Culkin, deceased, of Warren County, and of Seraphin Weyer, of Hinds County, Mississippi—to the same committee.

By Mr. COMSTOCK: Petition of gold and silver beaters of the United States for increase of duty on certain articles—to the Committee on Ways and Means.

By Mr. DOCKERY: Petition of John Jackson, of Breckenridge, Mo., asking for a pension—to the Committee on Invalid Pensions.

By Mr. DORSEY: Petition of gold and silver beaters of the United States for increase of duty on certain articles—to the Committee on Ways and Means.

By Mr. ERMENTROUT: Memorial of the New York Chamber of Commerce, asking for the passage of the bill creating a commission to supervise the waters of New York harbor and tributaries—to the Committee on Rivers and Harbors.

Also, petition of gold and silver beaters of the United States for increase of duty on certain articles—to the Committee on Ways and Means.

By Mr. FINDLAY: Resolution of the Board of Trade of Baltimore in favor of the establishment of a light-ship off False Cape, Virginia—to the Committee on Commerce.

By Mr. GALLINGER: Petition of gold and silver beaters of the United States for increase of duty on certain articles—to the Committee on Ways and Means.

By Mr. GIFFORD: Petition of settlers in Big Bend upon a portion of the Winnebago or Crow Creek reservation in Dakota for relief—to the Committee on Indian Affairs.

By Mr. HAYNES: Memorial of Universalist General Convention of New Hampshire respecting marriage and divorce laws and statistics—to the Committee on the Judiciary.

By Mr. D. B. HENDERSON: Petition of gold and silver beaters of the United States for increase of duty on certain articles—to the Committee on Ways and Means.

By Mr. LANDIS: Petition for a special act in favor of William Caughey, Company A, One hundred and seventeenth Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. LANHAM: Papers relating to the claim of Benjamin Martin—to the Committee on War Claims.

By Mr. LONG: Petition of gold and silver beaters of the United States, for increase of duty on certain articles—to the Committee on Ways and Means.

By Mr. MCMILLIN: A bill appropriating $300,000 to continue the improvement of the Cumberland River with locks and dams—to the Committee on Rivers and Harbors.

By Mr. MORGAN: Petition of William McK. Hall, of S. H. Nunally, and of W. J. B. Wooten, of Marshall County, Mississippi, asking that their claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. MORROW: Petition of Charles M. Blake, chaplain United States Army, for relief—to the Committee on Military Affairs.

By Mr. MULLEN: Petition of Margaret Hunter for a special act to allow her a pension as the widow of Patrick Hunter, private Company D, One hundred and seventy-eighth New York Regiment—to the Committee on Invalid Pensions.

By Mr. CHARLES O'NEILL: Petition of Gertrude Strohline, widow of Cornelius Strohline, late of Company A, Fifth Regiment Pennsylvania Cavalry Volunteers, for a pension—to the same committee.

By Mr. OSBORNE: Petition of gold and silver beaters of the United States for increase of duty on certain articles—to the Committee on Ways and Means.

By Mr. PIRCE: Petition of gold and silver beaters of the United States, for increase of duty on certain articles—to the Committee on Ways and Means.

Also, petition of John C. Stillman and others, for the passage of the Hatch experiment-station bill—to the Committee on Agriculture.

By Mr. T. B. REED: Petition and papers in behalf of Gerard Flynn—to the Committee on Invalid Pensions.

By Mr. SNYDER: Petition of Henry Lane, of Charleston, W. Va., for relief—to the Committee on War Claims.

By Mr. STAHLNECKER: Resolutions of the Chamber of Commerce of the State of New York, relative to the bill creating a commission to supervise the waters of New York harbor and tributaries—to the Committee on Rivers and Harbors.

By Mr. SWOPE: Petition of Margaret R. Jones for increase of pension—to the Committee on Pensions.

By Mr. VAN SCHAICK: Memorial of German Aid Society of the city of Milwaukee relative to a reform of naturalization laws, and requiring five years' residence before right of suffrage is conferred—to the Committee on Judiciary.

By Mr. WEST: Petition of gold and silver beaters of the United States, for increase of duty on certain articles—to the Committee on Ways and Means.

By Mr. WHEELER: Petition of John P. Lewallen, legal representative of Madison Lewallen, deceased; of George W. Thornton, legal representative of Mary Thornton; of John Walker, of William A. Thornton, and of Martha A. Pecock, of Jackson County, Alabama, asking that their several claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. A. C. WHITE: Petition for the improvement of the Clarion River—to the Committee on Rivers and Harbors.

SENATE.

MONDAY, *December* 13, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

WADE HAMPTON, a Senator from the State of South Carolina, appeared in his seat to-day.

The Journal of the proceedings of Thursday last was read and approved.

CREDENTIALS.

Mr. MORRILL presented the credentials of GEORGE F. EDMUNDS, chosen by the Legislature of Vermont a Senator from that State for the term beginning March 4,1887; which were read, and ordered to be placed on file.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a report of the Secretary of the Treasury on the collection of duties; which, with the accompanying papers, was referred to the Committee on Finance, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of December 9, 1886, the report of George B. Clark, revenue agent, in regard to the school farms in Beaufort, S. C.; which, with the accompanying papers, was referred to the Committee on Finance, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a communication from the surveyor-general of New Mexico, upon the private land claim of Nerio Antonio Montoya or Ojo del Medio grant No. 51; which, with the accompanying papers, was referred to the Committee on Private Land Claims, and ordered to be printed.

ATLANTIC AND PACIFIC RAILROAD GRANT.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting, in reply to a resolution of December 7, 1886, certain information as to the for-

feiture of lands granted to the Atlantic and Pacific Railroad Company, which will be read.

Mr. INGALLS. As the communication appears to be voluminous, it is not necessary to have it read at length. It may be printed and lie on the table.

The PRESIDENT *pro tempore*. Does the Senator propose to have it printed in the RECORD?

Mr. INGALLS. I prefer to have it printed in the RECORD.

The PRESIDENT *pro tempore*. That order will be made. It will lie on the table.

The communication is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, December 10, 1886.

SIR: I beg to acknowledge the receipt, on the 8th instant, of a resolution, adopted by the Senate on the day before, wherein it was—

"*Resolved*, That the Secretary of the Interior be directed to inform the Senate whether the lands within the grant to the Atlantic and Pacific Railroad, declared forfeited by act of July 6, 1886, have been restored to entry, as provided by said act; and if not so restored, the occasion of the delay."

In reply, I have the honor to state, that on receipt, on August 24, 1886, of a certified copy of the act of July 6, 1886, declaring the forfeiture referred to, the Commissioner of the General Land Office at once proceeded to take the necessary steps to carry out the declared purpose of Congress.

It was necessary to identify exactly the lands covered by the provision of the forfeiting act. To this end it was desirable to ascertain to a certainty what portions of the line of said railroad were uncompleted at the date of said act, and to cause to be made correct diagrams locating said line, and showing the coterminous lands to be restored. All of this involved the consumption of time and the expenditure of much labor.

When the plats were prepared an inspection of them, in connection with the forfeiting act, showed that grave questions, involving much consideration, were presented. After due deliberation the Commissioner, on November 12th ultimo, forwarded to me for approval his recommendations in relation to the subject. Inasmuch as important questions of law were involved, the comunication of the Commissioner was appropriately referred to the Law Division of this Department, where in due order it was being acted upon at the time of the adoption of the Senate resolution.

Since the receipt of that resolution I have acted upon the report from the law division and directed the Commissioner to open to settlement and entry, after proper notice, the forfeited lands found to be in New Mexico, at $2.50 per acre, and to withhold from entry for the present the forfeited lands found to be in California, the latter being within the conflicting limits of a like grant by the same act to the Southern Pacific Railroad. My action and the reasons therefor will be found set out more at length in the letter addressed by me to the Commissioner of the General Land Office on this day, a copy of which is herewith inclosed.

The thirty days' notice required to be given by the local land officers is to afford an equal opportunity to all who may desire to make filings or entries upon said lands. In the mean time, parties who have settled or may settle upon those lands will be entitled to all rights acquired thereby, if thereafter they comply with the requirements of the law in proper time; so that practically but little harm will be caused by the delay.

With regard to the lands within the conflicting limits of the two roads in California, the delay, whilst to be regretted, is unavoidable.

There are six classes of lands in these limits upon which the forfeiting act operates, and in relation to which it will take time to adjust the conflicting claims of the Government and the Southern Pacific Railroad.

The first class is comprised of the odd-numbered sections within the common granted limits of the two roads. The Supreme Court decided, in the case of the Saint Paul Railroad *vs.* Winona Railroad (112 U. S., 720), that in the case of such conflict in the primary limits of two completed roads, said roads took "an equal undivided interest in the lands so situated," without regard to priority of location or construction. If that decision is applicable to the present case, it would but be promotive of injury to the settlers to open to them any of the lands in the common limits, until it be ascertained clearly to what sections thereof the Government is entitled. If the rule, stated in said decision, be not applicable to the present case, it would be because the Southern Pacific, having completed its road in time, and the grant to the Atlantic and Pacific having been forfeited because of its failure to build its road, the former company would be entitled to the full measure of the granted lands along its line; which would leave none for the Government and the settlers.

The second class of lands are within the granted limits of the Southern Pacific and the indemnity limits of the Atlantic and Pacific Railroad.

The third class of lands involved are those within the granted limits of the Atlantic and Pacific and the indemnity limits of the Southern Pacific.

The fourth class comprises lands within the common indemnity limits of both roads.

The fifth class embraces lands within the common granted limits of the Atlantic and Pacific and the Southern Pacific branch line; and the sixth class relates to lands within the indemnity limits of the Atlantic and Pacific and the granted limits of the Southern Pacific branch line.

The mention of the several classes of the lands thus differently situated, and controlled by differing considerations, is enough to show that in their present complicated relations to the two grants and the forfeiting act, much care is necessary in the ascertainment and adjustment of the particular tracts to which the Government and the Southern Pacific respectively are entitled, so that settlements be not made on the wrong land. These matters will be settled as soon as possible, so that all the forfeited lands shall be thrown open to disposal under the general land laws.

Whilst the necessary delay in this case is to be regretted, the expedition of the Land Department in the present instance will compare favorably with the action heretofore taken in other cases of forfeitures declared by Congress.

The grant of the New Orleans, Opelousas and Great Western Railroad Company was declared forfeited July 14, 1870 (16 Stat., 277) and the lands restored September 6, 1877. The grant of the Saint Louis and Iron Mountain Railroad was forfeited June 28, 1884 (23 Stat., 61), and the lands restored March 24, 1885. The grant of the Oregon Central Railroad was forfeited by act of January 31, 1885 (23 Stat., 296) and the lands restored July 8, 1885. And the grant to the Texas Pacific was forfeited February 23, 1885, and the lands restored March 17, 1885.

Very respectfully,

L. Q. C. LAMAR, *Secretary.*

Hon. JOHN SHERMAN,
President of the Senate pro tempore.

DEPARTMENT OF THE INTERIOR, *Washington, December* 10, 1886.

[In the matter of Atlantic and Pacific Railroad. Restoration of forfeited land.]

SIR: Your letter of November 12, 1886, in relation to the restoration to the public domain and fixing the price of the forfeited lands heretofore granted to the Atlantic and Pacific Railroad Company, has been received, and the suggestions and recommendations therein made duly considered.

The act of July 6, 1886 (chap. 637, pamphlet copy, p. 123) provides that all the lands, with certain exceptions named, theretofore granted to the Atlantic and Pacific Railroad Company, "which are adjacent to and coterminous with the uncompleted portions of the main line of said road * * * be, and the same are hereby, declared forfeited and restored to the public domain."

You state that "the portions of said road which remain uncompleted in any land-grant State or Territory are situated in the Territory of New Mexico—between Isleta and the eastern boundary of said Territory—and in the State of California, between the Colorado River and San Buenaventura on the Pacific."

You also state that in your "opinion said act not only forfeited the lands in question, but rendered them subject to settlement immediately upon its passage." In this view I concur. You call attention to the fact that the act of forfeiture fixes no price at which the restored lands are to be held, and you say, "The even-numbered sections have heretofore been rated at double minimum price of $2.50 per acre, but as the road has not been completed and the grant has been forfeited, the reason for such enhanced rating has ceased to exist." You thereupon recommend that, as to the forfeited lands in New Mexico, you be authorized to instruct the local officers of the different districts in which the same are situated "to give notice by publication for at least thirty days that said lands have been restored, and that the books of their respective offices are open for entry of the same at the rate of $1.25 per acre under the pre-emption and homestead laws and other laws relating to unoffered lands, and that the even-numbered sections are reduced in price to $1.25."

I approve of said recommendations, except in so far as they relate to the price to be fixed for said lands, whether in the odd or even section.

The act of July 27, 1866 (14 Stat., 292), making the grant of land to aid in the construction of the Atlantic and Pacific Railroad, contained no provision raising the price of the even-numbered or ungranted sections within the limits of said grant, but said sections were raised to the price of $2.50 by virtue of the act of March 3, 1853 (10 Stat., 244), now to be found in section 2357 of the Revised Statutes. The odd-numbered sections being granted to the railroad, of course there was no legislation affecting their price.

The price of the even-numbered sections being thus raised by act of Congress, must remain as fixed thereby, unless some like authority be shown requiring and empowering their reduction. This reduction or authority to reduce is not to be found in the forfeiting act of July 6, 1886, either by expression or implication, its provisions being shortly stated in one paragraph and simply declaring the forfeiture, and that said lands be "restored to the public domain," as before quoted. If that act, instead of forfeiting only the lands coterminous with the uncompleted portions of the Atlantic and Pacific road, had repealed the granting act entirely, it could have been contended, with plausibility at least, that all the lands along the line of said proposed road were thenceforth to be treated as though the grant had never been made, and therefore were to be disposed of at $1.25 per acre, the price at which they would have been disposed of if the grant had never been made. But that is not the present case.

The original act is yet in force, with the provisions of the act of March 3, 1853, appreciating the price of the even-numbered sections, attaching to them, whenever they became identified by the definite location of said road, as fully as though part of the granting act, the effect of the forfeiting act being only to restore to the United States the full title to the odd-numbered sections along certain portions of said line, but in no wise to affect the even-numbered sections. This being so, I can find nothing in the repealing act to authorize the reduction recommended.

The only other provision of law that I am aware of having any relation whatever to the matter, or which is claimed to have any bearing upon it, is section 2364 of the Revised Statutes, a revision of the act of July 2, 1864 (13 Stat., 374). This section provides that "whenever any reservation of public lands is brought into market the Commissioner of the General Land Office shall fix a minimum price, not less than $1.25 per acre, below which such lands shall not be disposed of."

The word "reservation," as here or elsewhere used in relation to the public lands, applies to such lands as, for any reason or purpose, have been excepted or reserved from settlement, entry, or other disposal, under the provisions of the general land laws. The even-numbered sections within railroad grants are not thus reserved, though spoken of in some granting acts as "reserved" to the United States from said grant; but, on the contrary, are universally held, and sometimes, as by the sixth section of the granting act in this case, expressly declared to be subject to settlement, &c., under the general laws, differing only from other public lands as to the price to be paid for them. The even-numbered sections in the present case never having been in "reservation," but always open to disposal to the public, I am clear the above section of the Revised Statutes is not applicable to them.

In the previous legislation of Congress, when it has forfeited grants to other roads, no fixed rule has been followed, or well could be, because of the varying circumstance connected with the forfeited grant or the restored lands. Of the statutes declaring such forfeiture examined by me I find that in most of them there has been no special provision in relation to the price at which either odd or even sections were thereafter to be sold, nothing being said on the subject. In other of the acts the restored lands were "to be disposed of hereafter as other public lands," or "disposed of under the general land laws." In the act of January 31, 1885 (23 Stat., 296), forfeiting the grant to the Oregon Central, the price of the lands was fixed at $1.25 per acre for both odd and even sections. By the act of February 28, 1885, forfeiting the grant to the Texas and Pacific, the price of the restored lands was fixed at $2.50 per acre. Nor has the practice of the Land Department been uniform in the cases examined—the only ones I am aware of.

In the case of the New Orleans, Opelousas and Great Western Railroad, forfeited by act of July 14, 1870 (16 Stat., 277), the price of the odd sections was fixed at $1.25, and no action was taken in relation to the even sections, the act providing only for the disposal as in the case of other public lands. In the forfeited grant of the Placerville and Sacramento Valley Railroad, April 15, 1874 (18 Stat., 29), both odd and even sections were placed at $1.25 per acre, though no reduction of price was made by the forfeiting act, but only a direction to dispose of the lands as public land. In the case of the Stockton and Copperopolis Railroad grant, forfeited June 15, 1874 (18 Stat., 72), the same action was taken, in the absence of authority conferred by the forfeiting act. In the case of the Saint Louis and Iron Mountain Railroad, lands forfeited by act of June 28, 1884 (23 Stat., 61), the odd sections were restored at $2.50 per acre, and no change made in the price in the even sections, in the absence of any provision other than that the lands were "to be disposed of under the general laws." And in the cases of the Oregon Central and the Texas and Pacific the special provisions of the forfeiting acts were followed.

Finding no legislative enactment nor uniform line of departmental rulings which might have weight as establishing a rule, I must decline to assent to the reduction of the price of the even-numbered sections below the sum of $2.50, at which they were fixed by act of Congress.

With regard to the odd-numbered or granted sections, the case is different. The price of these was in no way affected by the grant to the railroad company. They were reserved, by the act making that grant, from disposition under the general land laws, for the purpose of aiding in the construction of the road. By the act of forfeiture they are now taken out of that "reservation" and restored to the public domain, and I think, under existing law, as now found in section

2364 of the Revised Statutes, before quoted, authority is given to fix the price of such lands, provided it be not less than $1.25 per acre.

Inasmuch as there is, in my opinion, no authority to reduce the price of the even-numbered sections below $2.50, it would obviously be very unwise to fix the price of the odd-numbered sections, side by side with the former, below the same price. You will, therefore, instruct the local officers in New Mexico that the even and odd-numbered sections within the forfeited limits will be disposed of at $2.50 per acre, in accordance with the views herein expressed.

With regard to the forfeited lands along the uncompleted portions of the line of the Atlantic and Pacific Railroad in California, "between the Colorado River and San Buenaventura on the Pacific," you report, and one of the diagrams forwarded shows, that much of said lands are within the conflicting granted limits of the Southern Pacific Railroad Company.

In relation to this matter you say:

"Inasmuch as the grants to these companies were made by the same act, it follows, under the rule laid down by the Supreme Court, that the latter company is entitled to an undivided moiety of all lands in said conflicting limits. In allotting to the Southern Pacific Railroad Company its share of these lands every other alternate odd-numbered section (as sections 1, 5, 9, &c.) can be set apart for said company, and the remaining odd-numbered sections (as sections 3, 7, 11, &c.) restored."

You thereupon suggest "that the restoration of the lands in said conflicting limits be deferred until the proper officers of said company can be communicated with, and its formal consent to this or some other equitable division secured." You also recommend that as to the remaining lands within the conflicting limits of the withdrawal for the Southern Pacific Railroad Company you be authorized to call upon said company to show cause why such lands should not be restored, and "that pending such action the restoration of all lands within conflicting limits be deferred."

Understanding these recommendations to relate entirely to the odd-numbered sections within the conflicting limits of the two roads, as much as I regret the necessity for any delay in the premises, I believe the course proposed is wisest in view of the complications existing, and therefore approve said recommendations. But prompt action should be taken, so that the forfeited lands be opened to the public at the earliest possible day.

Herewith are returned the two diagrams transmitted with your letter of November 12, 1886.

Very respectfully,

L. Q. C. LAMAR, *Secretary.*

The COMMISSIONER OF THE GENERAL LAND OFFICE.

PETITIONS AND MEMORIALS.

Mr. INGALLS. I present a petition of the Women's Christian Temperance Union of Kansas, praying for national aid for the establishment and support of common schools. The bill on that subject having been reported and acted on in this body, I move that the petition lie on the table.

The motion was agreed to.

Mr. CHENEY presented a petition of the Universalist General Convention, praying for certain legislation as to marriage and divorce; which was referred to the Committee on the Judiciary.

Mr. WILSON, of Iowa, presented a petition of Matt. Parrott and 41 other citizens of Waterloo, Iowa, praying for the enactment of a law extending the free-delivery system of the postal service to cities of 10,000 inhabitants or yielding $10,000 of gross revenue; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Adolph G. Hüppl, Daniel Mapes, and 107 other citizens of New York, praying for legislation to authorize the Secretary of War to contract with Charles Stoughton and his associates for the entire work of improving the Harlem River, New York; which was referred to the Committee on Commerce.

Mr. DAWES presented a petition of the Hillside Agricultural Society of Massachusetts, praying for the passage of the bill to establish agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of Mrs. Dora E. Whitney, of Boston, Mass., praying for relief on account of the death of her son of disease contracted while in the military service in the late war; which was referred to the Committee on Pensions.

Mr. CALL. I present, by request, the petition of Charles Van Riper, Smith Williamson, and 100 others, citizens of New York, requesting the Forty-ninth Congress to authorize the Secretary of War to contract with Charles Stoughton and his associates for the entire work of improving the Harlem River, New York. I do not know anything of the merits of the petition. I move its reference to the Committee on Commerce.

The motion was agreed to.

Mr. BUTLER presented the petition of James White, of Aiken, S. C., praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented a letter of E. Johnston Baird, of Charleston, S. C., in regard to the depositors in the Freedman's Bank; which was referred to the Committee on Finance.

Mr. HALE presented the petition of Mercy A. Cutts, of Bangor, Me., praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. HOAR presented the petition of Mary Curtin, widow of Timothy Curtin, late of Company I, Forty-eighth Regiment Massachusetts Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. McMILLAN presented the petition of P. Cudmore, of Faribault, Rice County, Minnesota, praying for the ratification of the treaty with the State of Nicaragua for building the Nicaragua Canal; which was referred to the Committee on Foreign Relations.

Mr. WALTHALL presented a petition of the board of supervisors of Harrison County, Mississippi, praying for the removal of the quarantine station from Ship Island; which was referred to the Committee on Commerce.

Mr. EDMUNDS presented the petition of E. E. Andrews and other citizens of Berlin, Vt., praying for the passage of the experimental agricultural station bill; which was referred to the Committee on Agriculture and Forestry.

Mr. EDMUNDS. I present an affidavit and an accompanying letter of C. H. Joyce, of Rutland, Vt., on the subject of the pension claim of Sarah J. Foy, now before the Committee on Pensions, and I move that these papers be referred to that committee.

The motion was agreed to.

Mr. EDMUNDS. I present the petition of J. A. Chamberlin and sundry other citizens of Grand Isle, Vt., praying that Congress will pass a law authorizing the construction of a highway bridge between the islands of North Hero and South Hero, and in respect to the necessity of a light-house at that channel. I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the joint resolution (S. R. 84) to authorize the Secretary of the Interior to certify lands for agricultural college purposes to the State of Kansas, reported it without amendment.

Mr. INGALLS, from the Committee on the District of Columbia, to whom the subject was referred, reported a bill (S. 2938) regulating the use of avenues, streets, alleys, and reservations in the city of Washington, which was read twice by its title.

He also, from the Committee on the Judiciary, to whom was referred the bill (S. 38) to confirm the title of *bona fide* purchasers of certain lands heretofore granted to the State of Kansas for certain purposes, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2920) amending section 3749 of the Revised Statutes of the United States, reported it with amendments.

BILLS INTRODUCED.

Mr. EVARTS introduced a bill (S. 2939) for the relief of Jeremiah Simonson; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2940) granting an increase of pension to George W. Pancoast; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2941) granting a pension to John Curran, late of the United States Navy; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2942) granting an increase of pension to Clarissa Munson, widow of Elias Y. Munson, for services rendered by him in the war of 1812; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DAWES introduced a bill (S. 2943) for the relief of the Atlantic Works; which was read twice by its title, and referred to the Committee on Claims.

Mr. BUTLER introduced a bill (S. 2944) making appropriation for the jetties in Charleston harbor; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2945) to empower Robert Adger to bring suit in the Court of Claims, for rent alleged to be due him; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 2946) referring the claim of James Marsh to the Court of Claims; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CONGER introduced a bill (S. 2947) providing for the establishment of certain light-houses, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HOAR introduced a bill (S. 2948) granting a pension to Catharine Simmonds; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DOLPH introduced a bill (S. 2949) making an appropriation for continuing the improvement of the Columbia and Lower Willamette Rivers below Portland, in the State of Oregon, and in Washington Territory; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2950) making an appropriation for continuing the improvement of Coquille River, in the State of Oregon; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2951) making an appropriation for continuing the improvement at the entrance to Coos Bay, in the State of Oregon; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2952) making an appropriation for continuing the improvement of the mouth of Yaquina Bay, in the State of Oregon; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2953) making an appropriation for continuing the construction of the canal and locks at the Cascades of the Columbia River, in the State of Oregon; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2954) making an appropriation for continuing the improvement of the Upper Columbia and Snake Rivers, in the State of Oregon, and in the Territory of Washington; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2955) making an appropriation for continuing the improvement of the mouth of the Columbia River, in the State of Oregon and Territory of Washington; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BERRY introduced a bill (S. 2956) for the relief of Elizabeth Damm; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2957) granting a pension to Lemuel R. Rea; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WHITTHORNE introduced a bill (S. 2958) to give the assent of Congress to the construction of a free bridge by the county of Davidson, Tennessee, over the Cumberland River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MCMILLAN introduced a bill (S. 2959) granting a pension to Fredericka Eichler; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 2960) for the relief of George W. Lawrence; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 2961) to amend sections 2990 and 2996 of the Revised Statutes of the United States in relation to the immediate transportation of bonded goods, which was read twice by its title.

Mr. CULLOM. I move that the bill be referred to the Committee on Finance.

Mr. ALLISON. That subject is before the Committee on Commerce.

Mr. CULLOM. Then let the bill be referred to that committee.

Mr. ALLISON. A bill passed the other House and was referred to the Committee on Commerce of the Senate last year. I think it ought to be understood that either one or the other committee has jurisdiction of the question, so that a report may be made upon it.

Mr. CULLOM. I supposed the subject had been before the Finance Committee, but it is not material to me where the bill goes, so that it goes to the proper committee.

Mr. MCMILLAN. What is the bill?

The PRESIDENT *pro tempore*. The title of the bill will be again read.

The CHIEF CLERK. A bill (S. 2961) to amend sections 2990 and 2996 of the Revised Statutes of the United States in relation to the immediate transportation of bonded goods.

Mr. MORRILL. The Committee on Finance really ought to have control of that subject, but I do not care to which committee the bill is referred.

Mr. CULLOM. As another bill on the subject is before the Committee on Commerce, I ask that this bill be referred to that committee, but I have no desire to interfere with the rights of the Finance Committee.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Commerce.

Mr. CULLOM introduced a bill (S. 2962) to revise the rates of wages of certain employés of the Government Printing Office; which was read twice by its title, and referred to the Committee on Printing.

Mr. BOWEN introduced a bill (S. 2963) for the relief of George Maxwell, F. C. Bulkley, and H. L. Newman; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 2964) providing for a new basis for the circulation of national banks, and for other purposes; which was read twice by its title, and referred to the Committee on Finance.

Mr. WILSON, of Iowa, introduced a bill (S. 2965) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 2966) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or between Fort Madison or Keokuk, in the State of Iowa; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HALE introduced a bill (S. 2967) granting a pension to John Child; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2968) granting an increase of pension to Sarah F. Bridges; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 2969) granting an increase of pension to Henry Bilsnig; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MCPHERSON introduced a bill (S. 2970) to authorize the reduction of United States bonds and of the circulation of the national banks; which was read twice by its title, and referred to the Committee on Finance.

Mr. EUSTIS introduced a bill (S. 2971) for the relief of Fanny B. Randolph and Dora L. Stark; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 2972) authorizing the Secretary of the Treasury to audit and refund certain moneys collected on property purporting to be captured and abandoned; which was read twice by its title, and referred to the Committee on Claims.

Mr. INGALLS (by request) introduced a bill (S. 2973) for the relief of William R. Steele; which was read twice by its title, and referred to the Committee on the Library.

Mr. CALL introduced a joint resolution (S. R. 86) directing the Secretary of War to report to Congress the expense of dredging two bars in Tampa Bay; which was read twice by its title.

Mr. CALL. I desire to ask the special and immediate consideration of the Committee on Commerce to this joint resolution. I will state that there is now a line of steamers from Tampa to Havana doing a large business with the West Indies, and it is proposed to extend steamship communication with other portions of Central and South America from Tampa. They are now awaiting information from the Government as to the practicability of dredging the bars. It is important in the interests of the commerce of the United States, and the sale of its manufactures in the West Indies and Central and South America, that the Gulf ports of Florida, which are so favorably situated to engage in this commerce, should be so deepened and improved as to be easy of entrance to the largest ships. Tampa has been selected by some enterprising Americans of large means and public spirit as a port from which to commence this commerce.

It is favorably situated for this. It has a delightful climate—a beautiful and safe harbor easily capable of being deepened so that the largest ships of the Gulf may enter there safely and easily. I earnestly ask the immediate and favorable consideration of this joint resolution.

I move that the joint resolution be referred to the Committee on Commerce.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 391) to declare forfeited certain lands granted to the State of Michigan to aid in the construction of a railroad from Ontonagon to the Wisconsin State line, &c.;

A bill (H. R. 679) to extend the laws of the United States over certain unorganized territory south of the State of Kansas;

A bill (H. R. 960) for the relief of J. R. McGoldrick;

A bill (H. R. 2629) for the relief of William M. Morrison; and

A bill (H. R.) 9987 to authorize the construction of a bridge across the Saint Louis River, at the most accessible point, between the States of Minnesota and Wisconsin.

The message also announced that the House had passed the joint resolution (S. R. 19) directing copies of the official letter-books of the executive department of North Carolina to be furnished to said State.

The message further announced that the House had passed the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon, with amendments; in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 3280) to restrict the ownership of real estate in the Territories to American citizens, &c.; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. COBB, Mr. VAN EATON, and Mr. PAYSON managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 4833) relating to the taxation of fractional parts of a gallon of distilled spirits; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MORRISON, Mr. HARRIS, and Mr. MCKINLEY managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 1905) for the relief of Theodore W. Tallmadge; and it was thereupon signed by the President *pro tempore*.

DEATH OF REPRESENTATIVE DOWDNEY.

The message further conveyed to the Senate the intelligence of the death of Hon. ABRAHAM DOWDNEY, late a Representative from the State of New York, and that the House had passed a concurrent resolution for the appointment of a select joint committee of seven members of the House of Representatives and three members of the Senate to attend the funeral of Mr. DOWDNEY, and that Mr. TIMOTHY J. CAMPBELL, Mr. VIELE, Mr. MERRIMAN, and Mr. MULLER of New

York; Mr. O'NEILL, of Missouri; Mr. BRADY, of Virginia, and Mr. SCRANTON, of Pennsylvania, had been appointed the committee on the part of the House.

AMENDMENTS TO SUNDRY CIVIL BILL.

Mr. MCMILLAN submitted two amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

NATIONAL BANK SYSTEM.

Mr. MORRILL submitted the following resolution; which was referred to the Committee on Finance:

Resolved, That the Committee on Finance be instructed to examine as to the expediency of some practical measure for the maintenance of the system of national banks, with ample security and without additional cost to the Government, and report by bill or otherwise.

REPORT ON ALASKA SEAL ISLANDS.

Mr. FRYE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to furnish the Senate with a copy of the report of Special Agent George R. Tingle upon the condition of affairs on the Seal Islands of Alaska, dated July 31, 1886.

WILLAMETTE RIVER IMPROVEMENT.

Mr. DOLPH submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas it is alleged that the Willamette River near the city of Corvallis is about to cut a new channel by which said city will be left at a considerable distance from the river, the navigation of the river destroyed or greatly impaired, and much damage done to adjacent lands:

Resolved, That the Secretary of War be, and he is hereby, directed to cause an examination of said river at said point to be made and report to the Senate at the earliest practicable day what works, if any, are necessary to prevent such threatened change in the channel of the river, and an estimate, and the cost thereof.

COUNTING OF ELECTORAL VOTES.

Mr. MORGAN. I ask the Chair to lay before the Senate the resolution that I offered on Thursday last, which was ordered to lie on the table and be printed.

Mr. HOAR. Before that is done may I ask the Senator from Alabama to permit the Chair to lay before the Senate the bills which have been sent from the House of Representatives? I wish to move the printing of one of them merely.

The PRESIDENT *pro tempore*. The request for a conference is in the nature of a privileged motion. The Chair lays before the Senate a bill returned from the House of Representatives with amendments, being the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon.

Mr. HOAR. I move that the bill be printed as amended by the other House in such fashion as to show the amendments separately, and that it lie upon the table.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the bill, known as the electoral-count bill, be printed as it stands, with the amendments of the House of Representatives, and that the bill lie upon the table. That order will be made if there be no objection.

ALABAMA COAL AND IRON LANDS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution submitted by the Senator from Alabama [Mr. MORGAN] on the 9th instant, which will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Secretary of the Interior is directed to inform the Senate of the state of facts upon which the sales of coal and iron lands in Alabama have been withheld from sale, contrary to the requirements of the act of March 3, 1883; and that he communicate to the Senate any evidence on the files of said Department which discloses the existence of any conspiracy, or combination, to unlawfully affect a sale of lands under said act, if any such evidence exists.

Mr. MORGAN. I ask for the adoption of the resolution.

Mr. HOAR. Does not that commit the Senate to an affirmation that the withholding of the lands is a violation of the law? It seems to me the word "alleged" should be inserted in the resolution.

Mr. MORGAN. The language is, "contrary to the requirements" of the statute. The statute expressly requires the lands to be sold, and they have not been sold.

Mr. HOAR. It seems to me the Senate should not in any case in dealing with an excutive department, without investigation and without the report of a committee, affirm in the first instance that there has been a violation of the law. Though the Senator from Alabama may have investigated the matter, other Senators have not.

Mr. MORGAN. The requirement of the statute is simply that the lands shall be exposed to sale. Three years have elapsed now and the lands have not been exposed to sale; on the contrary, they have been twice advertised by the President, and he had the advertisements recalled, for what reason I am unable to state. The President has conceded, of course, that it is his duty under the law to sell the lands.

Mr. HOAR. My point is one of universal application; it does not apply to this case alone. I do not think the Senate should ever in any resolution, passed as a matter of course at the suggestion of a single member, put itself on record as charging a violation of law against the President or a Department. I think the Senator should insert the words "as alleged" or something of that kind.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts offer an amendment?

Mr. HOAR. Yes, sir; I make that suggestion.

Mr. INGALLS. Let me make a suggestion to the Senator from Massachusetts and also to the Senator from Alabama. It appears to me obvious that the Senate ought not to be committed to a declaration without debate that there has been any violation of the requirements of law. I therefore suggest to the Senator from Alabama, as an amendment that will cure this difficulty and at the same time enable him to obtain all the information, to strike out the words "contrary to the requirements of the act of March 3, 1883," so that the first clause of the resolution will read:

That the Secretary of the Interior be directed to inform the Senate of the state of facts upon which the coal and iron lands in Alabama have been withheld from sale.

That will involve the whole inquiry, and at the same time enable the Senate to escape the implication that there is some imputation upon the good faith or the integrity of the Department.

Mr. HOAR. I will withdraw my amendment and accept the suggestion of the Senator from Kansas.

Mr. MORGAN. Instead of accepting the amendment of the Senator from Kansas, I am willing to modify the resolution so as to make it read "have been withheld from sale as required by the act of March 3, 1883."

Mr. HOAR. I suggest to the Senator to put in the words "notwithstanding the act."

Mr. MORGAN. My object is not to censure the President or the Department at all in this matter.

Mr. INGALLS. Let the words "the sales of," where they occur in line 2, also be omitted in order to make the sense more apparent.

Mr. MORGAN. It is proper, perhaps, that I should make a little explanation about this matter—a very brief one.

Mr. CULLOM. The Senator from Alabama will allow me to suggest that there was a special order set for to-day at 2 o'clock, of which my colleague [Mr. LOGAN] has charge. He informs me by a note that he is unable to be out to-day, and asks that I have it set for the day after to-morrow at 2 o'clock as the special order. Will the Senator from Alabama allow me to have an order made now to that effect?

Mr. MORGAN. I see other Senators rising. I suppose that matter had better be postponed for a moment or two.

Mr. CULLOM. There will be no discussion about it, I suppose.

Mr. MORGAN. I see that the Senator from Connecticut [Mr. PLATT] rises, I suppose for the purpose of controverting the Senator from Illinois.

Mr. PLATT. I do not understand that the bill referred to by the Senator from Illinois is the first special order. I simply want to say that.

Mr. CULLOM. It is not the first special order.

The PRESIDENT *pro tempore*. The Senator from Alabama has the floor, and declines to yield.

Mr. MORGAN. I introduced a bill in the Senate, and a bill of like character was introduced in the House by Mr. FORNEY, of Alabama, to remove the distinction between agricultural and coal lands in that State, and to allow them to be disposed of under the operation of the general laws of the United States. That bill was sent to the Secretary of the Interior, and he suggested and insisted upon an amendment, which was that the coal lands should be first offered for sale, and after the sale had taken place if any lands remained that were not disposed of, then they should come under the operation of the homestead laws, the pre-emption laws, or laws of private entry, whatever laws prevail in that State.

Both Houses considered the communication sent to us by the Secretary of the Interior, adopted his views, and put that provision into the statute. That was in March, 1883. The law was approved by the President. The President of the United States ordered the sale of the lands in pursuance of that act. Some persons intervened and tried to prevent the sale, and succeeded in doing so.

Quite a considerable period of time elapsed and the President again ordered the sale of the lands, and persons intervened and again prevented the sale upon allegation, as I am informed, that there were conspiracies formed among certain syndicates in Alabama to buy these lands in some fraudulent way from the Government—combinations against the sale.

I never believed that such combinations existed; but however that may have been the laws of the United States are particularly careful to provide against all combinations to affect the sales of public lands, punishing the persons who are concerned in such combinations very severely by imprisonment and fine, and also putting it in the power of the Interior Department to withhold the issue of patents as long as there may be any person to make a reasonable suggestion against the validity of such a sale.

I have never thought that there was any real, substantial ground for interposing to prevent the execution of the act of Congress, but I have

waited to see what might be put upon the records in respect to this matter. My own belief is that a syndicate has been formed in Alabama for the purpose of putting bonds, as I may call them, upon these public lands, as persons who have offered filings for homestead entries, and that an effort is being made to have this sale feature of the statute repealed in order that these may be the first claimants of these very valuable coal and iron lands. So I have thought that wise policy required that the Government should go on and execute the law of Congress.

The fact that two such events should have occurred in respect of these lands and no communication made to Congress on the subject, no information given as to why these sales were suspended, has required of me, as I thought, as a Senator from that State, to inquire why it is that these lands have not been sold under the express requirements of the act of Congress.

Of course I am not intending to reflect upon the Department or upon the administration, either the present or the past one, in this matter. I merely desire to get information, and I very cheerfully adopt any change in the verbiage of the resolution which may relieve it from any imputation. I think it would be better to change the language so as to read as follows:

Withheld from sale according to the requirements of the act of March 3, 1883.

Mr. HAWLEY. I renew the suggestion made by some other Senator, to make the resolution read, "notwithstanding the requirements of the act of March 3, 1883." That will answer the Senator's purpose.

Mr. MORGAN. I will accept that language, "notwithstanding the requirements of the act of March 3, 1883." I will modify my resolution to that extent.

The PRESIDENT *pro tempore*. The resolution as modified by the Senator from Alabama will now be read. The attention of the Senator from Kansas [Mr. INGALLS] is called to it.

The Chief Clerk read the resolution as modified, as follows:

Resolved, That the Secretary of the Interior is directed to inform the Senate of the state of facts upon which the sales of the coal and iron lands in Alabama have been withheld from sale, notwithstanding the requirements of the act of March 3, 1883; and that he communicate to the Senate any evidence on the files of said Department which discloses the existence of any conspiracy or combination to unlawfully affect a sale of lands under said act, if any such evidence exists.

Mr. INGALLS. The words "the sales of" before the words "the coal and iron lands" should be stricken out.

Mr. MORGAN. Yes, those words will come out.

The PRESIDENT *pro tempore*. That modification will also be made. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 6330) to confirm to Emile Guerin and Cheri P. Major title to certain lands; and

A bill (H. R. 6046) for the relief of H. C. Wilkey.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 5890) for the relief of Grafton Monroe, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHAW, Mr. HOWARD, and Mr. MCKENNA, the managers at the conference on the part of the House.

EEL RIVER BAND OF MIAMI INDIANS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 8th instant from the Secretary of the Interior, submitting, with accompanying papers, an estimate of appropriation in the sum of $22,000, prepared in the office of Indian affairs, to provide for the payment to the Eel River band of Miami Indians of a principal sum in lieu of all annuities now received by them under existing treaty stipulations.

The matter is presented for the consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December* 13, 1886.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

The bill (H. R. 391) to declare forfeited certain lands granted to the State of Michigan to aid in the construction of a railroad from Ontonagon to the Wisconsin State line, &c.—to the Committee on Public Lands.

The bill (H. R. 679) to extend the laws of the United States over certain unorganized territory south of the State of Kansas—to the Committee on Territories.

The bill (H. R. 960) for the relief of J. R. McGoldrick—to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 2629) for the relief of William M. Morrison—to the Committee on Indian Affairs.

The bill (H. R. 9987) to authorize the construction of a bridge across the Saint Louis River, at the most accessible point, between the States of Minnesota and Wisconsin—to the Committee on Commerce.

The bill (H. R. 6330) to confirm to Emile Guerin and Cheri P. Major title to certain lands—to the Committee on Private Land Claims.

The bill (H. R. 6046) for the relief of H. C. Wilkey—to the Committee on Post-Offices and Post-Roads.

TARIFF REVISION.

Mr. DAWES. I ask for the present consideration of the unfinished business.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate proceed to the consideration of the resolution submitted by the Senator from Vermont [Mr. MORRILL].

Mr. BECK. Mr. President——

The PRESIDENT *pro tempore*. The question will be stated first. The resolution will be read.

The Chief Clerk read the resolution submitted by Mr. MORRILL, December 7, as follows:

Resolved, That the promise of making any revision of the tariff in a spirit of fairness to all interests, not to injure any domestic industries, but to promote their healthy growth, so that any change of law must be at every step regardful of the labor and capital involved, and without depriving American labor of ability to compete successfully with foreign labor, and without imposing lower rates of duty than will be ample to cover any increased cost of production which may exist in consequence of the higher rate of wages prevailing in this country, appears so obviously hopeless and impracticable that any further attempts at revision by the present Congress, in contravention to the foregoing cardinal declarations, are to be regarded as inexpedient and detrimental to the revival of the trade and industry of the country.

The PRESIDENT *pro tempore*. The question is, Will the Senate now proceed to the consideration of this resolution?

Mr. BECK. Before that is done I desire to make a parliamentary inquiry more than anything else. Just before the close of the last session of Congress, a bill, which had passed the Senate, and was afterwards reconsidered and referred to the Committee on the Judiciary, was reported back with amendments and was made the special order for this morning, being the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States. I do not desire to have that special order displaced, and I do not wish to interfere with the Senator from Massachusetts [Mr. DAWES]. All I want is that this order shall hold its place in some way, if the Senator from Massachusetts desires to go on now.

The PRESIDENT *pro tempore*. The special orders will take their turn in time at 2 o'clock in the order in which they were made.

Mr. BECK. I was not aware of the time, and therefore I wished to raise the point now.

The PRESIDENT *pro tempore*. The unfinished business takes precedence of the special orders. There being no unfinished business for to-day, this is a motion to proceed to the consideration of the resolution submitted by the Senator from Vermont. The special order will come up at 2 o'clock. The question is on agreeing to the motion to proceed to the consideration of the resolution submitted by the Senator from Vermont.

The motion was agreed to.

The PRESIDENT *pro tempore*. The resolution is now before the Senate, and the Senator from Massachusetts has the floor.

Mr. DAWES. Mr. President, I did not seek the floor at the close of the discussion last week upon this resolution with any desire to crowd myself into a debate which more properly belongs to the members of the Committee on Finance, and which has been already carried on with signal spirit and ability; but I had myself introduced a resolution on the second day of the session which seemed to me so completely to cover the whole matter under discussion that it would be impossible to debate the one without debating the other, and therefore I deemed it not improper for me to submit in this discussion the reasons which had led me to offer the resolution that I presented.

It often happens, Mr. President, that the ablest debaters find it convenient to cover up and put out of sight the real point in issue by drawing off the discussion, if possible, to some matters about which there is no dispute; and the Senator from Kentucky [Mr. BECK] will pardon me for saying that I think even he never showed more skill or discretion than in the effort he made in the debate a few days since to keep out of sight by a multiplicity of words upon other things what was and what is the real difference between him and those for whom he speaks and those who were speaking in that discussion.

There are some things which are facts, and it is quite unnecessary and useless to multiply words in the discussion of them. It is certain that all of the interest-bearing public debt within our reach will be paid before the next session of Congress will be half passed. The Senator from Kentucky stated accurately the condition of the public debt. It is just as certain, if the receipts and expenditures shall continue in their volume in the future the same as they are now, that after that extinction of the public debt there will be accumulating in the Treasury beyond the ordinary and proper expenditures of the Government somewhere about the sum he stated, of $100,000,000 per annum. And it is equally certain that no man has openly asserted, and, so far as I know, no one entertains the idea, that the continuation of such a con-

dition of things is desirable. I have not heard that any Senator, and I have yet to learn that any one whose assignment here or whose studies lead him to consider the proper condition of the finances of this country, has ever advocated a continuance of that condition of things.

Long ago the party that had control of the financial condition and of the receipts and expenditures of this Government took the position that it was the duty of the Government to reduce from time to time the customs duties and internal taxes to the point that would come nearest to the economical and proper expenditures of the Government, and to maintain them there. As long ago as the last general revision of the tariff laws before that of 1883 was under consideration, in the tariff revision of 1872, the then chairman of the Committee on Ways and Means, in closing the debate upon that general tariff bill, stated the principles and the purpose of that bill in these words:

Now, sir, let the ultimate adjustment of these necessary duties be equalization. Let no more duties be imposed than the exigencies of the Government demand, but let those duties be so adjusted between manufactured articles and raw material as to equalize the conditions of production in our own country with those of foreign nations, and the highest possible good, the true end of legislation, is attained. Thus will the necessities of the Government be met and no more, and at the same time the material prosperity of the nation assured.

So far as I know, Mr. President, those were the sentiments entertained by all for whom he then spoke. The bill itself was framed upon that principle, was carried through for that end, and from that day to this those who then spoke have maintained that position in reference to the receipts and expenditures of this Government, that they should at all times be brought as nearly as possible in the condition of public affairs side by side, and that whenever the receipts should exceed the expenditures, efforts should be made by the reduction of customs duties and internal taxes to bring them nearer, if possible, together. If called upon to state the position of the Republican party to-day upon the same question, I must use the same words. The position then taken and the bill which then became a law had the support and the vote of the distinguished Senator from Kentucky. If any one has changed position upon this point or upon this policy, it is not those for whom the then chairman of the Committee of Ways and Means then spoke in announcing the policy of the party then responsible for the finances and the expenditures of this Government.

Another point raised by the Senator from Kentucky and in more recent discussions may as well be disposed of here and in this connection. We hear much about taxing raw materials and the cry is raised as something new in certain quarters that the great cure, the panacea for all our trouble, is to make raw materials free. Sir, the bill which became a law in 1872, if any one will open the statute-book and look at it, is full of instruction and is a full and complete answer to the question and to the discussion now and so recently raised by those who for some reason or other are disposed to depart from the policy established early, and announced, and enacted into that law of 1872. That statute contains more than one hundred and eighty different articles put upon the free-list, almost all articles of raw material which entered into the consumption and production of this country. I invoke the inspection of that bill by those who cry out that the present need is to remove war taxes upon raw material. It was done in that bill, and to that policy the Republican party has ever held. Whatever good can come from the putting of raw material (not competing with our own production) upon the free-list was secured by that act.

It was the purpose of that bill to find out every possible article from which the duty could be taken for the purpose of bringing down the receipts to the line of expenditures, and no article of raw material that did not enter into competition with raw material here at home escaped, so far as the knowledge of the committee that framed that bill was concerned, being put upon the free-list. There never was one that had encountered in committee or in the House of Representatives the slightest objection to its going on the free-list.

If it is meant by taking off the tax, as it is called, the duty on raw material, that raw material from abroad, placed at the door of the manufacturer here in this country, shall encounter there the raw material produced in this country, and shall take the place of that and take from the resources of this country and supplant them by the resources of foreign nations, and the labor of this country by the labor of foreign nations—if that is what is meant to-day by the cry that the duty must be taken from raw material, the principles which governed those who made that law, and who maintain it to-day, require that they and that this country should, as between these two articles of raw material, give the preference to the American—give the preference to our own and to the labor spent upon our own. It is but another form of stating the difference between those who believe in the protection of American production and American labor and those who believe that as between American production and American labor on the one side and foreign production and foreign labor on the other there is absolute indifference. And let me say to-day to those calling for free raw material, if there can be found any article of raw material which, after fair effort and reasonable outlay, can not be produced here at home, but which must be brought from abroad to enter into the productions of this country, I have yet to see the man on either side of this Chamber, or elsewhere, who will not vote to place it on the free-list.

When the tariff bill of 1872 became a law, as I have said, every article then known of that kind entered upon the free-list. That there are new articles of that kind not yet upon the free-list, I do not doubt. Every day new elements that enter into consumption and into production in this country are coming to light. That which yesterday was worthless and cast aside becomes to-day by the application of new methods and by the discovery of new elements and new applications of old ones raw material capable of entering into valuable manufactured products and thus contributing to wealth and to the opportunity for labor and the compensation which is the reward of labor. So, I doubt not, there are now, not known then or if known then nobody having interest in them to ask that they be put upon the free-list, articles of raw materials of that kind; but let us not debate the question whether it be proper or not to put them on the free-list until some one stands up here or anywhere responsible for what he says and objects. But if they are of the character that enters into competition with the production of the labor of this country, they stand in the class of those articles which seek to displace our labor and products with those of foreign nations and can be advocated only on the ground that our market deserves at our hands no higher consideration than the markets of foreign nations.

Subsequent events have demonstrated the wisdom of the policy thus reaffirmed in the tariff bill of 1872, first inaugurated in the previous tariff bills which met the great exigencies of the times which called them into existence.

If the revision of 1883 failed in any degree to come up to the conditions there announced and hitherto maintained, it was because it encountered the opposition of those who no longer supported the principles and maintained the enactments under which thus far we had gone. Just so far as that opposition would permit, the purpose and object of the revision of 1883 was the same as that of 1872.

I said that the result, the influence upon the country, upon its wealth, upon its development, upon its industries, manifold in variety and in number, and upon those who earned their livelihood through them, wholly justified the wisdom of the policy that had been the basis and purpose of those laws. Under that policy in a single decade there was added to the wealth of this nation thirteen thousand millions of dollars. The value of the manufactures which sprung up under the beneficent influence of that policy which regards our market with more interest than it does the markets of foreign nations, and considers our products and those engaged in production here more entitled to consideration than those engaged in like pursuits in foreign lands—the value of these manufactures increased from 1860 to 1870 from eighteen hundred million dollars to thirty-eight hundred million dollars, and from 1870 to 1880 from thirty-eight hundred million dollars to fifty-three hundred million dollars, giving employment to two millions of workmen, wage-earners, who supplied by their daily toil their own tables and their own homes with comfort, and made for themselves places of influence and power under a Government that is open alike to all. This number was increased in the last decade to two millions seven hundred and thirty-two thousand five hundred and twenty-five, an army of wage-earners in this country, to whom was paid yearly nine hundred and forty-seven millions of dollars, an increase in wages in the last decade of 52 per cent., and an increase in the number of those finding employment at this increased compensation of 33 per cent. And thus was laid also the foundation for wealth and enterprise in other pursuits out of which 125,000 miles of railroad have been built, and thus has been built up, also, the credit of the nation, which when the first of these tariff bills was enacted was for our 6 per cent. bonds, at a discount of 11 per cent. To-day our 4 per cent. bonds are selling for 27 per cent. premium.

But in the ordinary course of events the increase of importations and curtailment of expenditures render another revision of the tariff in the near future necessary. But others in the mean time have come into the control of the Government. That control has passed out of the hands for the time being of those whose policy has worked these fruits and these beneficent results; and as the day came to be more clear by the payment of the public debt and the increase of receipts and diminution of expenditures, so came to be more clear and near the fact that this revision must soon take place. Those who have come into power have accordingly undertaken the work; but in so doing they have departed from the principles of the tariff bill of 1872, which received the support of their leaders; and this departure excites alarm and apprehension in the vast industries of this country, and the great numbers of wage-earners depend upon those industries for the opportunities of life.

The very first effort at revision of this tariff in these new hands has been in the face of the principles announced when the tariff of 1872 was enacted, and in which, I am happy to acknowledge, those who had it in charge had the earnest and sincere support of the Senator from Kentucky. If they could be now assured that there was to be no departure on his part, leader and controller of the public sentiment of his party in this particular as he is, if the industries of this country, vast in amount as they are, and the army of wage-earners dependent upon their continuance and prosperity could be assured of the continued support of the Senator from Kentucky, they would be greatly relieved and much of the cause for alarm would disappear. They would then

renew with confidence their efforts to develop the wealth and greatness of their country by bringing out of the bowels of the earth and gathering together the supplies of every industry out of which the ingenuity of man can bring value and profit, and at the same time furnish in every avenue, in every workshop, in every mill, and in every private home of the operative the well-earned wages and competence that abundance of labor will always secure in this country.

But, sir, instead of doing as was then done, and in their revision to bring about ostensibly the same end, to wit, the reduction of duties and internal taxes to the line of necessary and proper expenditure; instead of seeking out raw material that does not enter into competition with home production; instead of seeking out those articles paying customs duties that do not enter into competition with home manufactures, the effect of the bills introduced in the House of Representatives for the revision of the tariff has been to strike at those very industries in this country more largely interested and more deeply affected by competition with foreign production than any others.

The great lumber interest of this country, with all the capital invested in it and all the laborers employed by it; the whole fishing interest of the country; all the fishermen employed on our coasts, all the capital invested in it, all the benefits to be derived from it; wool and woolens, cotton productions—one and all—are struck at. The first provision for a revision of the tariff that came from those fresh in power, upon whom is devolved this necessity, is to strike them down and put into our market in place of our productions upon which our labor has been performed, and for which our laborers are receiving their compensation, instead of these, the productions of foreign producers, upon which foreigners have expended their labor and taken their compensation, taking away thereby from the home labor of this country all that is connected with the lumber interest, with the fishing interest, with the wool interest, with the cotton interest; just so far as there can be brought by superior inducements of profit from foreign countries that labor to take their place.

It is true that these great industries and this large body of men looking to them for their support have until lately been lulled into security by the belief that there were dissentients enough in the party representing this idea of free foreign competition to prevent its infliction upon the country; but the course of events has been tending more and more to dispel that illusion. One after another of those in that party who have had courage enough to stand up and express their preferences for their own country and its productions and its labor has dropped out. It has been sounded abroad as the law to govern them in the future that they must be loyal to this idea of indifference to American production and American labor, and stand by the attempt to revise the tariff on the principle that instead of seeking to reduce revenue by taking off duties upon non-competitive articles and reducing internal taxes upon articles that do enter into home consumption and home production, they shall stand by the propositions of the Morrison bill to lay low great and important interests as an entering-wedge to a more perfect and complete consummation of the idea that between this nation and its productions and its wealth and its labor, on the one hand, and those of other nations on the other hand, there is, and ought to be, in the shibboleth of that party, no distinction.

But, sir, the Secretary of the Treasury has come into the field and taken an advanced position in this contest against home-protection and labor, causing increased apprehension and alarm in all the broad industries that fill this land and those dependent upon them—alarm and bewilderment, for it is impossible for one to understand by what principles and upon what theories so novel and so conflicting and so incompatible propositions can be maintained as are announced in the report of the Secretary of the Treasury; sober, conservative business men; thoughtful, anxious, and clear-headed men, dependent upon those industries, inquire seriously upon what they may not be wrecked if such doctrines and such principles and such theories as are announced in this report are to govern in the revision of the tariff which is near us. First he throws overboard entirely and in so many words all idea of protection to American industry. Henceforth, according to his theories and his dogmas, there is to enter into the policy which is to control in imposing the duties of the future no idea of protection to American industry. Let me read what he says:

> The true ground of choice among articles suitable for taxation is not the circumstance that they are produced at home or imported from abroad.

Leaving out the reasoning, I complete his statement:

> The true ground of choice is that among all articles thus consumed within our own borders some are better suited for an equitable taxation than others. They are universally consumed, like sugar, or easily identified, like coffee, or their consumption may be safely impeded, like distilled spirits or fermented liquors or tobacco, or they are luxuries, like wines, silks, and diamonds.

These are the considerations, not what may be the effect upon home production, not whether it shall be advantageous or injurious to the vast interests, more than five thousand millions of dollars in 1880 invested in productions of this country, or the two million seven hundred thousand wage-earners dependent upon them. That has nothing to do with the tariff reform that is to govern this administration. It does not enter into the consideration of the imposition of a duty hereafter in the mind of the Secretary of the Treasury.

> The true ground of choice among articles suitable for taxation is not the circumstance that they are produced at home.

He even looks forward to the time when, after the removal of what he calls the war taxes on raw material, we shall live in the elysium of supplying all our expenditures from the taxes on "whisky, tobacco, and beer," though perhaps we may be driven back to get "ten millions of revenue from 2 cents a pound on coffee and half as much from tea."

He looks forward to the time when our manufacturers, driven out of our home market by a cheaper production from abroad, shall find their compensation in selling at a greater profit in a foreign market, exchanging our own for the uncertain and distant and fluctuating markets of foreign nations. This is the picture presented to those great industries of this country that have so developed and made this country great and strong under the influence of the tariff revisions from time to time; that have maintained until now, for ourselves, our own markets and our own labor with a consistency and persistency worthy of the grand results that have attended it.

Going on with these theories, the Secretary repeats the old cry, that the duties upon protected articles cause a monopoly to a favored few. And then he answers his own statement by declaring that they set on foot "a ferocious competition at cut-throat prices" at home. A monopoly in favor of a favored few, a tax added, says he, to the price paid by the consumer; and yet in the next breath he says that they directly set on foot "a ferocious competition at cut-throat prices" at home, bringing "long periods of glut and so-called overproduction," * * * "entailing overproduction for the home market, reckless competition, with no established outlet in working off the surplus product."

It passes my ability to reconcile all this. If our protection be a monopoly of a favored few, it can not produce overproduction and glut of the market. If it be an addition of the duty to the cost to the consumer, it can not be that it produces the result that the consumer can be compelled to buy otherwise than at the lowest price in a glutted market, and under a ferocious competition at cut-throat prices. The consumer can find no market so favorable to him at which he can purchase that which he consumes at so low a price as the very market which the Secretary of the Treasury says is the direct effect of these protective duties, and no man will pay the addition of the duty to the cost of the material when he can buy in such a market. All this and all these results, the Secretary of the Treasury pronounces "brutal policy." This is cold comfort for that policy which has been crowned with such grand results, which has built up and spread throughout this country these vast manufacturing establishments, has put into the hands of more than 2,700,000 wage-earners in this country the means of livelihood, of fair compensation for every day's work, which has enabled them to place in the savings banks of this country, at this very moment, of wage-earnings, more than $500,000,000, laid up by the wage-earners themselves against a day of need if it shall ever come.

It is a sorry failure to comprehend this policy and these great interests which gives utterance to the opprobrious epithet that it is a "brutal policy," and that it is a policy toward which those who represent power to-day in this country are to turn with hostile hand and deadly opposition.

While the producer and the consumer and the world generally have hitherto believed that the higher the price paid for the labor bestowed on any given article the greater the cost of the article, it has been reserved for this Secretary to dispel this delusion and announce a new law of production—that the very reverse of this is true, and that in fact the higher the price paid for the labor on any given article the cheaper will be that article. "High wages to labor and cheaper product are correlative terms. Low wages to labor and a costlier product are correlative terms." From these theories the Secretary turns to the concrete, and proposes a specific remedy. It is the removal of "war taxes on raw material." He specifies one only—the duty on wool.

We are told in his report that it is not worth while to reduce the receipts by removing $51,000,000 of duties from sugar, because that is only 90 cents to each individual, and he turns from that to the removal of $5,000,000 of duties upon raw wool, which is only 8 cents to each individual, and to the removal of the duty upon ready-made clothing, that would relieve the people of only 2 cents per capita. If it be any reason why we should retain the duty on sugar that it is only 90 cents per capita, is it any reason that we should remove the duty on raw wool that it is only 8 cents per capita, or upon ready-made clothing, which is only 2 cents per capita? The grand climax is reached in the single sentence, printed in capitals:

"UNTAX THE CLOTHING OF SIXTY MILLIONS OF PEOPLE."

And the people are to be relieved just 2 cents each in the clothes they wear while they are still to pay 90 cents each for the sugar on their table, and, if the scheme works well, in addition, "2 cents a pound tax on coffee and half as much from tea."

But look at this proposition to remove the duty upon raw wool and untax in large measure the clothing of sixty million of people by re-

moving the duty upon ready-made clothing and thereby reducing the revenue the paltry amount of $13,000,000. Four-fifths of the woolen manufactures of this country are manufactures for the clothing of the sixty millions of people; and to remove the duty on ready-made clothing is to provide that the cloth for all the clothing made for this country shall first be manufactured abroad and made into garments there and then admitted free of duty. Such are the facilities of intercourse at this time that it is just as easy for the man who wears the finest broadcloth coat to order it made in London as to order it made in New York, and every article, under this proposition, of woolen manufacture, four-fifths of all being made for clothing, will be first made abroad, manufactured into clothing abroad, and then introduced here free. The proposition itself, the day it becomes the law of this land, extinguishes the entire woolen manufacturing interest of this country; and what is that?

His report does not seem to comprehend the magnitude of the interests it is dealing with, from the wanton and careless and thoughtless manner in which it deals with interests the like of which till lately the revenues of the Government itself did not equal. That interest, which could not live an hour if wool were introduced free and all the cloth manufactured for consumption in this country were, in the manner I have indicated, free, has a capital of $158,000,000, employing every year one hundred and sixty-eight thousand hands, paying them at the end of each week of the year what they have earned, amounting at the end of fifty-two weeks to $47,180,618, and producing every year a product of $267,699,504. Great comfort it will be to these great interests and this body of men dependent upon them, while the Secretary's hand is raised in this deadly attitude to strike them down—great comfort it will be to them to hear from the President these softening and quieting words:

In readjusting the burdens of Federal taxation, a sound public policy requires that such of our citizens as have built up large and important industries under present conditions, should not be suddenly and to their injury deprived of advantages to which they have adapted their business.

Comfort, indeed, will it be to the one hundred and sixty-eight thousand men thrown out of the opportunity of their daily labor and daily earnings to gather round their table at night and read these words:

Due regard should be also accorded in any proposed readjustment to the interests of American labor so far as they are involved.

And I have no doubt both classes will take to themselves this exhortation to resignation:

A reasonable and timely submission to such a demand should certainly be possible without disastrous shock to any interest.

I fear, however, that its effect will be much like that of the kind Texas judge upon the doomed man before him for sentence, when he ordered him "to be hung as early the next morning as would be convenient to the sheriff and agreeable to him."

What value can such words be to them, taken from him who has expressly in a letter to the Secretary of the Treasury commended his policy and his method of dealing with the customs duties of this country? They will take note of what is done and lay up for what it is worth what is said.

But, Mr. President, this idea of taking the war tax, as it is called, off from the raw material of wool for the relief of the manufacturers in this country does not meet the approval of the manufacturers themselves. The woolen manufacturer sees clearly that his is not an isolated industry, that industries depend for their permanent development and growth and prosperity one upon another. When in the other branch, two years ago, the idea of striking at the wool and woolen interest was incorporated into a bill for the consideration of Congress, and the woolen manufacturers were summoned before the committee to make report, and to give support to this idea of raw material for them, one of the clearest headed of them, Mr. William Whitman, now at the head of the Woolen Manufacturers' Association of New England, one who sees all its bearings in all the phases in which it may come up, when brought before the committee was asked these questions:

Mr. McKINLEY. How would it affect wool?
Mr. WHITMAN. I think it would drive the wool-producing interest of the country out of existence.
Mr. McKINLEY. As a manufacturer, do you want that?
Mr. WHITMAN. As a manufacturer I am in favor of a duty on wool, so that we will not be dependent upon foreign countries for our raw material.
Mr. HEWITT. Does the duty on wool increase the price of your raw material?
Mr. WHITMAN. Yes.
Mr. HEWITT. Then you want in your business a dearer raw material?
Mr. WHITMAN. No.
Mr. HEWITT. You say that the duty on wool does add to the cost of wool?
Mr. WHITMAN. Yes.
Mr. HEWITT. And raw wool is your raw material?
Mr. WHITMAN. Yes.
Mr. HEWITT. Therefore you want your raw material to cost you a higher price?
Mr. WHITMAN. No; I want cheaper raw material, and I propose to get it by raising such an abundance of wool in this country that it will keep down the price of foreign wool.
Mr. HEWITT. Has that been the effect of the duty on wool?
Mr. WHITMAN. That has been the effect.
Mr. HEWITT. Do you get wool cheaper now than you used to get it?
Mr. WHITMAN. Decidedly. Wool is cheaper now than it has been in my experience.
Mr. McKINLEY. Is not the cost of wool coming down since 1867?
Mr. WHITMAN. Yes, sir.
Mr. HEWITT. If the duty were taken off, would wool be cheaper, or dearer?
Mr. WHITMAN. It would be dearer. We speak first of the immediate effect and then of the future effect. I suppose that if the duty were taken off wool absolutely to-day the first effect of that would be lowering the price of the wool of this country to the level of the price of wool in other countries. That would be the first effect. The discouraging effect of it would be to destroy the sheep-raising industry in this country, and then the price of wool abroad would rise.

That is the voice of the woolen manufacturing interest for the support of which the Morrison bill made the bid of free raw wool.

But the most surprising—I will not say absurd—but the most astonishing feature of this report is that in which the Secretary of the Treasury undertakes to classify industries in this country into such as are not affected by competition, and those that are affected by competition, and those that are partially affected by competition. In order to obtain that classification he does not go to the business itself, he does not go to the marts of trade, he does not go to the man at the helm to inquire what influences are at work to deflect the course of the ship, he does not go to the manufacturer of wool, of cotton, of iron, or of any of the many industries in this country to inquire of him or anybody about him or anybody connected with the business what competition may affect him. He goes to the very respectable gentleman who furnishes assorted statistics to the State Department, and to two mathematicians, one up in the Treasury Department and the other in the employ of the Government here, men learned in their profession, high-minded and honorable men, and men who could tell you the exact position to a quarter of an inch of any planet in the solar system a thousand years hence, or tell you the force and effect of the last quiver of any earthquake that in any reasonable calculation of the next one hundred years this earth might experience, but whose practical knowledge of that which affects labor and the industries of this land hardly exceeds their experience with the servant that attends upon their door or serves their table. From them he obtains the classification of the industries of this land into those not affected by competition, those affected by competition, and those partially affected by competition. No man would have ever asked for such a table as that who had acquired any portion of his education in the committee-room of Ways and Means, or that of Finance in this end of the Capitol. No man who reflects can fail to see that there is no industry in this country so isolated and independent of all other considerations that it matters not with it whether other industries prosper or wane. All of these industries are one grand brotherhood, and that which affects one more or less must affect others. "The eye can not say to the ear, I have no need of thee; nor the head to the feet, I have no need of thee." They are one grand network spread all over this country, and you can not loosen one strand of it without dislocating others and affecting the grand whole. You might as well put to these mathematicians with their logarithmic tables the problem of how many of the particles of the great deep shall have been disturbed and affected, how many rest undisturbed, and how many are "partially affected" by the casting of an anchor in mid-ocean.

It is upon such theories, impossible in themselves, that the Secretary of the Treasury holds out to the great business interests and those dependent upon them the prospect that in such hands and by such wild and wanton methods and theories are these great interests to be controlled and manipulated in the future. But, sir, with all the effort of the Secretary to aid in the reduction of this anticipated $100,000,000, he has been unable to find any other war tax except that on raw wool that he can consent to have taken off, and he succeeds in that way in reducing the surplus, with the help of ready-made clothing, $13,000,000; and what does he propose to do with the rest? The proposition with which he deals with the three hundred and more millions of dollars after this application of his own skill as a tariff reformer is novel, and I venture to say was never heard of before the publication of this report.

Let me read it that he may have the full benefit of it in his own words:

I therefore respectfully recommend: * * * *
Gradual purchase and payment of $346,681,016 outstanding promissory notes of the United States with the present and accruing Treasury surplus, issuing silver certificates in their room, and gold certificates if need be, without contraction of the present circulating volume of the currency.

There was a time when those for whom the Senator from Kentucky spoke on Thursday had an affection for these greenbacks "passing the love of woman." When they were at a discount the war for their protection and for their circulation was waged incessantly, and year after year measures were devised in bills introduced into this Chamber and elsewhere to give them a wide circulation as the fittest and most desirable currency for the people. It is only when they came up to par, when they were worth dollar for dollar with gold in this country and the world over, and there came to be another currency that was below par, that the affection for the greenback was transferred to the silver dollar. The same zeal that characterized the attachment and love for the greenback when it was at a discount manifests itself to-day in the attempt to compel the people of this country to take another currency, of every dollar of which the intrinsic value is but 73 cents, and which is held up only by force, by the strong power of enactment, as a sinking substance in the water is held up by some power above. It is "passing strange" to me that this love of silver is so precisely like that love of the greenback when it was below par, and this

indifference to the greenback bears date and is commensurate with the time that it has become, dollar for dollar, equal to gold in every part of the country and of the world.

The people are told that poor money is cheap money, and therefore when the greenback ceased to be poor money and became par with gold it ceased to bear that quality by which it is commended to the people, and if you cannot get poor money get it as nearly poor money as you can.

As a substitute for the greenbacks, and with them the national banking currency, without contraction of the volume, the Secretary says issue six hundred millions of silver certificates, worth nowhere else but within the force and effect of a statute that holds them above water more than 73 cents upon the dollar. This is the remedy, the last remedy, recommended by the Secretary of the Treasury in his prescription for dealing with this superabundance of receipts over expenditures.

I, for one, can not comprehend the zeal that searches through all the industries and productions of this country for those only from which to take off the duties or internal taxes which, when brought here from abroad, take so much away from the labor and the productions of our own country. What there is about it so fascinating, after having themselves overthrown every argument that pertains to economy in consumption or economy in production, leaving themselves naked and bare of every other consideration except that which holds them to an utter indifference as between their own country and its growth and development and that of foreign countries, I can not see. It is these considerations, as I have said, that have awakened serious and well-grounded apprehension throughout the country in the varied and vast industries, and the many thousand wage-earners dependent on them for their livelihood, and support, and competence, and hope.

It is this attitude of those who have this tariff to reform that leads to this serious apprehension, and they turn to this body, in which alone are those who have hitherto been able to maintain a policy so fruitful of grand and of rich-rewarding results to all classes, high and low, for the alternative. They look to those who speak for this body, as they have spoken for the policy of the Government in the last twenty-five years, to know what the alternative is. They know that under the Constitution the Finance Committee of this body can originate no law that shall remodel or reform the tariff, but they know, too, that it is within the province and the ability of the Finance Committee to consider this question and formulate in a report that shall carry quiet and confidence to the home industries and home labor of this country a method to bring the receipts of this Government down to the line of its expenditures, without impairing the development or prosperity of those industries or diminishing the compensation of that labor. It was for that purpose that I introduced the resolution to which I have alluded. It is in these words:

Resolved, That the Committee on Finance be instructed to inquire, and report as soon as practicable, what specific reduction can be made in customs duties and internal taxes which will, in their judgment, reduce the receipts to the necessary and economical expenditures of the Government, without impairing the prosperity and development of home industries or the compensation of home labor.

The operative words in this resolution are "specific reduction," and the limitation upon those words is, "without impairing the prosperity and development of home industries or the compensation of home labor." Generalizations like those contained in the President's message, wild, wanton, and reckless assaults upon these industries, are not what the public demand and crave at this moment. It is specific reductions, if possible, and it is specific reductions under the imperative limitation that they shall not impair the prosperity and development of home industry, nor shall they diminish the compensation of home labor.

The inquiry submitted in this resolution to this able Finance Committee is whether it be possible to so reduce customs duties and internal taxes as to bring them within the line of reasonable and economical expenditure without impairing the prosperity of these great industries or diminishing the compensation of the labor dependent upon them. I say the limitation is imperative, for there are other evils greater than an accumulation in the Treasury. He who weakens or impairs or diminishes the efficiency, clouds the prospects, and weakens the hopes of the industries of this land or the compensation of its labor, strikes a deadlier blow at the welfare of this country than can be dealt in any other manner short of war. It is treason towards the great underlying interest and prosperity of this country upon which is built its future, and by which alone its stability can be maintained; and he who impairs and weakens these comes very near to sapping and mining the citadel itself.

Therefore, sir, the question is submitted in this resolution, and I believe that these great interests await with confidence the answer that it is possible to so reform this tariff as to bring it within the line which was the doctrine and the basis of the tariff of 1872, reformulated in the resolution I have offered. Therefore, I have thought that it was not out of place in this body, although prohibited by the Constitution from originating legislation upon this subject, yet for its Finance Committee to deliberate upon the situation, to determine upon principles to which they have adhered from the beginning of this policy, and to present to the public the possibility of the reform of the tariff that shall leave these results unimpaired, shall give a freer and broader scope to the energies and enterprise and vigor of this American people.

It is not for me to forestall or foreshadow their report, but, speaking for myself alone, I can see all this accomplished by abolishing the duty on sugar, $51,000,000; the tax on tobacco, $26,000,000; and the tax on alcohol which enters into the mechanic arts; correcting the phraseology of the worsted tariff and that on tin plates, and then putting on the free-list every remaining raw material which can not be by fair outlay and reasonable expenditure produced here at home.

Those who met the exigencies of the past are capable of grasping the problems of the future, and in the great struggle which is upon them for possession of the opportunities open to them in their country, and under their own flag, our home industries and our home labor must turn to those who lifted labor from degradation and servitude to dignity and honor and power, and whose policy has built up the strength and wealth and greatness of the nation.

I shall, therefore, to this end, after the disposition of the resolution now before the Senate, ask the adoption of the resolution I offered on a previous occasion.

Mr. MCPHERSON. Mr. President, I do not intend to make any extended remarks upon this resolution. In fact I had not expected until this moment to say a word. I am of the opinion that this is not the proper time or occasion to discuss the tariff question, there being nothing before the Senate except a resolution containing the expression of the individual opinion of one of its members.

But, sir, I can not let the opportunity pass without calling attention to the fact that while the distinguished Senator who offered the resolution and also the distinguished Senator who spoke to-day upon this subject stated a fact, the fact being, that whatever might have been the opinion of Senators in the past touching the policy of tariffs, whether they should be high or low, a necessity exists to-day for reducing the revenue; yet I have heard no plan proposed by either the Senator from Vermont or the Senator from Massachusetts to relieve the Treasury of the expected surplus which the present rates of taxation (and which they are in favor of continuing) will bring to the Treasury.

It is well known that by the 1st day of July next the 3 per cent. bonds will be paid. There is no visible object to which the surplus in the Treasury can be applied after that time. It has been estimated by the Secretary of the Treasury, and, I believe, concurred in by both the gentlemen who have spoken, that there will be a surplus of $100,000,000; that is, so much money brought into the public Treasury by taxation. Now I should like to ask the Senator from Massachusetts, who has more recently addressed the Senate, if that money is paid into the public Treasury by taxation how he proposes, in the absence of an object to which it can be properly applied, to get it into circulation among the people, who are quite likely to need it, and need it greatly, considering, as we must, the great reduction in national-bank circulation?

There are but two methods, as I understand—one by appropriations which will call the money out of the Treasury, the other by a reduction in taxation, which would prevent it from going into the Treasury. Very well. If it be the purpose of the Republican side of the Chamber to engage in an era of unparalleled extravagance, let it be so understood. Except for reasonable appropriations for an increase of the Navy—for fortifications and guns—and internal improvements as well, requiring but a small part of the expected surplus under present rates of taxation, our Republican friends will find no sympathy on this side of the Chamber.

So far as this side of the Chamber is concerned, or at least speaking only for myself, I am in favor of a reduction of taxation. I am in favor of reducing the burdens of the people. I am not in favor of paying this money into the Treasury if it be not needed for the legitimate purposes of the Government.

Then arises the question, how do you propose to reduce taxation? The honorable Senator from Ohio, the President *pro tempore* of the Senate [Mr. SHERMAN], the other day, as I understood, proposed a policy by which $54,000,000 could be saved from going into the Treasury by taking off the tax from sugar. In the same breath and in the same argument inferentially he declared that the agricultural interests of this country were not protected at all; that practically the only thing in which the agricultural interests were protected was the duty upon wool.

Mr. President, I wish to submit to the Senate a prediction. Perhaps all will not agree with me, but I think the experience of the past four or five years fully justifies me in making the prediction that with the retention of the duty on sugar where it is to-day, within five years from to-day nine-tenths of the entire sugar product consumed in this country will be produced in this country.

During the past few years there has been a gradual lowering in the prices of all agricultural products, until to-day the farmer can not pay the cost of the labor in the production of any product produced upon the farm. Wheat has fallen in value from $1.25 a bushel to 70 cents a bushel, and all kinds of grain in proportion. All kinds of provisions have gone down, until to-day the capital invested in farms returns not

a single dollar to the investor. The labor employed in production consumes every dollar for which the product is sold.

Experiments which have been made in the production of sugar, I think a recent one in the State of California, prove conclusively that in that State, with soils of good quality and with labor compensated perhaps as well as it is anywhere, they have been able to produce sugar at 4.99 cents per pound in large quantities. In my own State, on poorer soils, sugar has been produced, and produced profitably. With all the appliances which can be used in the production of sugar, and with the improved machinery which has recently been invented, the time is not far distant in this country when sugar will become one of its great staples. The State of New Jersey has to-day a large sugar factory in profitable operation, making sugar and competing with the sugar from Cuba. It is true the State has paid a bounty both upon the cane and the sugar for years, but that was done to set the industry upon its feet, and to-day it is going on without the bounty, the State law having expired by limitation.

How is it possible to help the agricultural interests of this country when you subtract from their power to earn the means of supporting the labor employed in this industry by striking down $54,000,000 of that protection which is accorded to agricultural labor? It is my firm conviction that while you might reduce the revenues $54,000,000, or take that amount from the Treasury of the United States, you would simply give Cuba and other sugar-producing countries the benefit, for the very moment you took off your duty they would put on an export duty, and the consumer would be required to pay the same for his sugar that he does to-day.

Now, let us take the question of wool. There are several grades of wool not produced in this country at all, the coarser and the cheaper grades. A duty is levied upon them ranging according to the market value of the wools from 25 to 40 per cent. There are wools grown in Australia, in portions of Russia, in some of the South American states, and so in the highlands of Scotland the like and quality of which we do not produce at all. I saw the statement of an invoice of wool from the city of Glasgow for a few days since. The quotation was four pence a pound, or say 8 cents of our money. That wool was met at the custom-house in New York by a duty of nearly 35 per cent. ad valorem, and as you go up in the grades an increased duty is placed upon the wool. Here was a duty I say of about 35 per cent. ad valorem upon the shipment of wool of which I speak. Now, we produce no wool of that character in this country. We cannot afford to do it. There is no part of the United States where sheep husbandry can be carried on producing wool at 8 cents per pound. It is not done. We grow a better wool, a wool of finer texture, a wool that commands a higher price in the market.

If that wool were allowed to come in duty-free, the result would be that cheaper fabrics might be made from it; cheaper clothing for the use of the poor man, who can not afford to pay high prices for his clothing. Cheaper carpets and blankets, and cheaper fabrics, by mixing it with our other and finer and better wools, could be made from it, and in that way increase the area of our market and give an increased chance to labor.

A great many different fabrics might be made with these coarser and finer wools mixed together, and as the Treasury of the United States does not need the revenue, but is trying to get rid of it—in other words, as there is a promise to us of more difficulty from too much revenue than from not enough—why, then, in the name of common sense, if you wish to give employment to labor, if you wish to increase the profits or wages of labor, do you not give that raw material duty free to the manufacturer, in order that he may afford cheaper clothing and cheaper products to our own people and increase the area of his market?

I have heard it argued on the other side of the Chamber, and I believe in its truth, that there is no country in the world where labor is so intelligent as in the United States or where labor produces more for the money paid for it than in the United States. I believe that with those cheap wools and even with our higher priced labor, but a better labor, we can compete in any market in the world with the low-priced goods if you take the duty off the raw material.

Mr. GEORGE. Does the Senator mean to say that the increased price paid American laborers is fully compensated by the excellence of their work?

Mr. McPHERSON. I will not say that it is fully compensated, but I think it is more nearly compensated than is generally supposed.

Mr. PLATT. May I ask the Senator from New Jersey a question?

The PRESIDENT *pro tempore*. Does the Senator from New Jersey yield to the Senator from Connecticut?

Mr. McPHERSON. Yes, sir.

Mr. PLATT. I understand the Senator to say that he believes with the duty taken off from wool we can compete in the markets of the world with the woolen manufacturers of foreign countries. Is it not true that while we were competing thus with them in the markets of the world we should open our markets to their competition, and would they not come in here to a greater extent than we should be able to gain a foothold in what are called the markets of the world?

Mr. McPHERSON. I am very glad the Senator has asked me the question, and I shall take great pleasure in answering. I want the Senator to understand me that I am not in favor of removing the duty from the wools which we grow in this country, and grow successfully. As to the higher grades of wool which would enter into competition with our wool-growers, I would not remove the duty from such grades. I would not lower the duty to a point where the labor here employed in the woolen industry could not compete successfully with any labor in the world. Understand that I am a protectionist to the extent of giving to labor in this country all the protection it needs to compete with foreign labor. I am in favor of good prices to American labor. God forbid that I should ever consent to put American labor on a par with the pauper labor of any country. But I am in favor of giving labor without tax the material which will enable it to compete with any country by cheapening the product upon which labor lives; and I am in favor of placing upon the free-list the grades of wool which we do not grow. The point of demarkation can easily be found. Any intelligent woolen manufacturer can define the limit or line.

Mr. HOAR. May I ask the Senator now, to understand his proposition, in which my constituents have a pretty considerable interest, does the Senator mean when he takes off the duty on wool to retain the duty on woolen manufactures or to take that off also?

Mr. McPHERSON. I have made no such proposition, and I say most unequivocally that I would give to labor in the woolen factory all the protection it needs, and then help the labor there employed to secure these benefits from the employer.

Mr. HOAR. Then the Senator's proposition, so far as he has stated it, I understand, is to take off the duty on only certain classes of wool and to leave the protection on the manufactures of wool untouched.

Mr. McPHERSON. I would not say untouched, but I will say that I would impose a tariff. I do not say that I agree with the tariff as it stands to-day as to the particular amount levied on each article, but I would protect the labor in woolen mills by a tariff; but I would not impose a duty upon a material which we do not grow in this country, which is needed for cheap clothing and cheap carpets, and which is needed to mix with our better grades of wool, from which we may make a great multitude of fabrics that will find other markets from which we are totally shut out to-day, and in that way give employment to labor.

Mr. PLATT. I do not desire to interrupt the Senator, but I want to get at his precise proposition. It is, as I now understand, that he would only admit free of duty those classes of wool which do not come in competition with wool raised in the United States. Is that it?

Mr. McPHERSON. Is it possible that I have not made that plain before? That is exactly my proposition; assuming, however, as I do, that free, cheap wool would not be a competitor, but a vital aid to our wool-grower, our manufacturer, and to labor.

Let us take the article of salt. How much duty is imposed upon salt? I find that we imposed a duty of 12 cents per hundred pounds by the tariff act of 1883. Twelve cents per hundred pounds would be about 36 cents per barrel. I believe there are usually 300 pounds of salt in a barrel. I was informed the other day by a gentleman largely engaged in the manufacture of salt that owing to the improved machinery employed in its production, to the great extent and area of a late discovery of salt-fields, he would like to make a contract to sell all the salt that his salt-works would produce for a year at 40 cents a barrel. In other words, he said: "I propose to supply you or anybody with all the salt my works will produce for a year, and I think my capacity is 200 barrels a day, for 40 cents a barrel."

The duty we have imposed is 36 cents a barrel, almost 100 per cent. duty. Every poor man, every farmer, every man who uses salt, is forced to pay a large tariff upon the salt product.

Now, about the labor employed in its manufacture; let us see the necessity for the duty, for I hear Senators on that side of the Chamber declare that the reason for the imposition of these heavy duties in one sense is that labor may be protected and that the laborer may not suffer. I visited those salt-works and there I found immense machinery, magnificent boilers and engines. They were pumping water from the lake down into a hole in the ground; they were pumping it out of the hole by the same engine and the same machinery into large evaporators. The only living soul whom I saw about the salt-works was the one individual who was running the engine.

What is salt? It is something born of the sun-light and the air. If you take a basin full of sea-water and set it in the sun-light the result is salt. This one individual was manufacturing salt upon which a duty was laid by the Government of 36 cents a barrel. Said I, "My friend, how much wages do you receive?" "Ninety cents a day." Ninety cents a day paid for wages was producing 200 barrels of salt.

On questioning the gentleman I found that he had been requested by the salt industry to visit Congress in 1881 as a representative of the labor part of that industry to prove to a committee of Congress that unless a protection was afforded upon salt the labor engaged in that industry would starve, and he came here for that purpose. He was getting 90 cents a day, or starvation wages, even with a duty of 100 per cent. as protection to the proprietor of the works. Unfortunately this is the case with most all of our protected industries. If labor received a fair proportion of the benefits of protection there would be less strikes, less

misery, less poverty, in a land where we have more of everything than we can market.

I find also we have a duty on coal. Our duty on coal is 75 cents a ton. From the best estimates I can gather I find that the labor engaged in mining the coal gets less than 40 cents.

Mr. ALLISON. Forty cents a day?

Mr. McPHERSON. Forty cents a ton for mining the coal in the bowels of the earth and placing it on a car at the mouth of the mine. While the mine owner is receiving a protection of 75 cents a ton the miner down in the bowels of the earth digging the coal gets no part of it.

In 1883 we did make a revision of the tariff. The honorable Senator from Vermont [Mr. MORRILL] with myself upon the committee confessedly intended to reduce, and believed that we had reduced, the duties about 20 per cent. What was the result? We found they had practically not been reduced at all. It has run along from that time to this. There has been no reformation, no reorganization of the tariff, until to-day we are confronted by the fact that but one alternate to reduction is left us, that is, extravagance in expenditure or as a consequence tying up of the money in the public Treasury, leaving not sufficient currency to meet the wants of the people. The honorable Senator from Vermont, confronted with this dire condition of affairs, introduces a resolution that it is not wise to in any manner interfere now with the tariff. Well, what would the Senator interfere with that would bring relief?

Mr. MORRILL. I trust the Senator from New Jersey will not misrepresent me. My resolution only went to the extent of saying that it would not be wise to revise the tariff according to any plan which has been so far suggested in another place. I am in favor of a revision, and suggested what I would like to do. The Senator, of course, does not mean to misrepresent me; but I am not opposed to a revision of the tariff.

Mr. McPHERSON. I do not know but that I would agree with the Senator's proposition myself as to committing myself to any particular plan or policy which has been heretofore presented, but at the same time I look upon the Senator's resolution, as I think almost every Senator upon this side of the Chamber does, as having been offered for the express purpose of discouraging anything by way of tariff legislation this winter.

Mr. MORRILL. Not at all.

Mr. McPHERSON. If that be the object of the Senator, I can not agree with him.

Mr. MORRILL. Allow me, as there seems to be a break, to inquire of the Senator in relation to the reduction of the tariff in 1883, if he does not know that the reason there is apparently only a small reduction as to the ad valorem duty is in consequence of the fall of prices. For instance, take sugar; it has gone down immensely. While there is a specific duty upon sugar, translate it into ad valorem and the duty upon it in 1886 as an ad valorem would not be any less than it was in 1883. It is so with a vast number of other articles which are subject to specific duties. It is owing to the fall in prices. If the same prices existed here to-day that existed at the time of the enactment of that tariff, the Senator would find that there would have been a reduction of 20 per cent. ad valorem.

Mr. McPHERSON. Very true; hence we should revise again, and at once.

Mr. President, I was going to call attention to another thing. The Senators who have spoken upon this resolution on that side of the Chamber appear to lay great stress upon the fact that in no other way can the labor interests of this country be protected except by protective duties. We have a labor organization in this country known as the Knights of Labor, claiming to have a million members, who have organized for self-protection, and I want to say here and now, that in my opinion if that organization proves true to the principles and purposes upon which it was founded, it will be the longest lived and the most beneficent in results of any organization since the world began. But can you point to a single petition sent to Congress in which that organization, which is supposed to be as much interested in the results of a tariff according to the view taken on that side of the Chamber as anybody, have asked for a continuance of the present high duties upon articles? Not one. It has been compelled to organize itself for its protection against the protected capital which employs it. Capital is always organized. It can afford to shut up shop and stand idly by while labor starves. Combination is more profitable than competition, hence the manufacturers to-day in almost every branch of industry meet together, they determine the output of goods from the factory, and at the same time they fix the prices at which their goods are to be sold and the tariff permits them to do it. The next thing they do is to fix the wages of labor, and the laborer is compelled to take the prices they fix or go on a strike.

There is no proposition truer than this: The man who gives me employment which I must have or starve, that man is my master, let me call him what I may; and that is the position of labor to-day in the manufactories of the country. We have seen an illustration of it this winter in the great coal combination. Six or seven great railroads owning all the anthracite coal-fields in the country combine together and declare that the price of coal shall be advanced. It is advanced 40 or 50 cents per ton. I want to know if any Senator dare rise in his seat and say how labor is to get any part of the benefit resulting from that increase. The laborer works in the mines still at starvation wages, notwithstanding the rise in coal, and the poor laborer elsewhere forced to buy coal or freeze is compelled to pay the 50 cents advance. This has become a matter of so glaring and outrageous a character that the great State of Pennsylvania has taken notice of it through her executive and her attorney-general.

I am in favor of a revision of the tariff, a fair revision, and an immediate one. I am in favor of such a revision as will not permit the excess above legitimate needs, which we foresee is to trouble us in the near future, to go into the public Treasury at all. I am ready when any bill is submitted which will give us a chance of expressing our opinion and making it into a law to take up each article upon the tariff list and adjust each one in a way that I think ought to be done. But in every case I shall give protection so far as I can to the labor employed in these industries.

I would apply the same principle, however, to every industry that has been applied to the silk industry for a great number of years. In the city of Paterson we have to-day more than a hundred silk mills. The raw material comes into the mills free, and what is the result? No happier community can be found anywhere, no more prosperous one, and Paterson to-day is selling silk at Lyons, France, the very heart of the silk manufacture of the world. I want to know by what process of right or reason the hatters of the city of Newark, 6 miles distant from Paterson, are compelled to pay duty on the raw material from which their hats are made. Ten thousand operatives, if they were given the same privilege accorded to silk manufacture, would be to-day flooding the world with hats, as well as paying a less price for the hats they wear. There are no striking silk weavers and there should be no striking hatters.

This is the Democratic policy, the American policy, and this is the kind of policy I want to see ingrafted in the next tariff bill when it is passed. Make the raw material which goes into your factories as cheap as it can be produced on any spot on the earth, provided it does not interfere seriously with the American labor engaged in its production here. But there is one thing that I would not do; I would not starve ten thousand hat manufacturers in the city of Newark to protect fifty musk-rat trappers on the shores of the Potomac.

Mr. PLATT. Mr. President——

Mr. MORRILL. If the Senator will allow me, I desire to make a motion to refer the resolution now pending to the Committee on Finance.

The PRESIDENT *pro tempore*. The Chair will state the motion of the Senator from Vermont, which is pending——

Mr. BECK. I desire to know what is the motion made by the Senator from Vermont.

The PRESIDENT *pro tempore*. The Senator from Vermont submits a motion to refer the pending resolution to the Committee on Finance. That is the question now before the Senate.

Mr. BECK. I supposed it was.

Mr. PLATT. Mr. President, I do not propose at this time to be drawn into a discussion of tariff questions, although some of the suggestions and statements of the Senator from New Jersey [Mr. McPHERSON] are calculated to provoke reply; but I wish simply now, in a word, to point out the difference between the propositions of the Secretary of the Treasury and the Senator from New Jersey in reference to removing the duty upon wool. I have heard a great deal of this cry of having "untaxed clothing for the people." I agree that the Secretary of the Treasury is, to a certain extent, logical in his proposition, but it seems to me that the Senator from New Jersey in his proposition loses sight entirely of this cry or purpose of "untaxed clothing." The Secretary of the Treasury says:

> I respectfully recommend to Congress that they confer upon the wage-earners of the United States the boon of untaxed clothing, and in order thereto the immediate passage of an act simply and solely placing raw wool upon the free-list.

There are no exceptions there, no limitations, but the broad proposition is made that all wool is to be placed upon the free-list. But the Senator from New Jersey, I understand, only proposes to place upon the free-list those grades of wool which are in no sense in competition with the wool-raisers of the United States. However, it so happens that those grades of wool do not go into clothing at all, or if so, to a very slight extent, only in cases where shoddy is made, as I understand. So the proposition of the Senator from New Jersey, limited as it is to free wool only in those grades which do not come into competition with the wool-growers of the United States, affords no relief in the free-trader's mind to the people who wear clothing subject to what is supposed to be an onerous tax.

Mr. BECK obtained the floor.

Mr. McPHERSON. Will the Senator from Kentucky allow me a moment.

The PRESIDENT *pro tempore*. Does the Senator from Kentucky yield to the Senator from New Jersey?

Mr. BECK. Certainly.

Mr. McPHERSON. I did not clearly catch the idea that the Senator from Connecticut intended to convey, as I did not hear all his re-

marks. If I heard correctly, however, he was criticising my position in this regard, that if it was tenable at all it would give no benefit whatever, because clothing was not made out of cheap grades of wool. I further understood him to intimate that I was in favor of retaining the duty where it is upon the higher grades of wool. I never made any such proposition as that. I am in favor of reducing the duty upon the higher grades of wool, and taking it absolutely off the lower grades of wool. If the cheaper grade of wool will not make good clothing or anything but shoddy, as the Senator characterizes it, the two grades of wool mixed together will make something better than shoddy and something cheaper than the higher grade alone would make. That, I think, is fairly possible.

Mr. PLATT. The cheaper grades of wool, those which do not come in competition with the wool-growers of the United States, almost exclusively enter into the manufacture of coarse carpets, and those carpets sell to-day in the United States, quality for quality, cheaper than in foreign countries.

Mr. BECK. Mr. President, I object to the motion of the Senator from Vermont to refer his resolution to the Committee on Finance. The Senator knows as well as I do that the Committee on Finance can do nothing with it. Neither the Senate nor any of its committees can originate a bill or take any initiatory steps in revenue matters, or in changing the present system of taxation; when he saw fit to introduce a resolution of this character for debate, and that resolution was supplemented by another of like character presented by the Senator from Massachusetts, and elaborate speeches have been made by each of those gentlemen in support of the propositions they have made, it seems to me to be hardly fair to withdraw them from the Senate before any opportunity to reply has been allowed, and send them to "the tomb of the Capulets," under the guise of a reference to his own committee, when he knows that he can not report, does not propose to report, and has nothing to report about, as the whole subject-matter is under the exclusive jurisdiction of the House. All we can do is to advise our friends there either to consider or refuse to consider the subject. Let us do that or drop the subject.

It is an open secret that the House of Representatives is about to act upon the proposition whether Congress shall seek to modify the tariff in any form at this session. If the Senator from Vermont and the Senator from Massachusetts have been successful in consolidating their party friends and in inducing them to vote as a unit against considering any proposition, notwithstanding the obvious necessity for a reduction of taxes so well and so earnestly urged in the message of the President and the report of the Secretary of the Treasury, some of us may want to say something upon these questions and explain to the country why they were precipitated on this body. Until action is had elsewhere, I am willing to consider that they have been brought before the Senate for no purpose except to enable those gentlemen to state the views they entertain in regard to taxation; yet I insist that, being before us, and elaborate speeches having been made, they ought to be allowed to remain upon the table until we observe what takes place at the other end of the Capitol, and then discussion can be had upon their effect and perhaps upon their purpose. I am unwilling to remove them from the table, at least until an expression of the sense of the Senate can be had as to whether some steps in some direction ought not to be taken to reduce the present unnecessary, excessive, and dangerous rate of taxation.

I did not attempt to answer the Senator from Vermont the other day, and I do not propose now to answer the Senator from Massachusetts; but the time may soon come, and I hope it will, with some tangible, practical proposition pending on which action can be had, when I may feel that it is my duty, in common with others, to attempt to answer them both. Therefore, I insist that the resolutions ought to lie upon the table of the Senate, subject to the call of any Senator, and not be hidden away in committee-room of the Senator from Vermont. All that is practical now, all I contend for, is that the representatives of the States at this end of the Capitol, on both sides of the Chamber, shall assist, as far as they have influence or power with their friends in the House, in bringing up some measure that will open these great questions for legitimate debate and decisive action. I care not in what form the House opens the question. Let it be a proposition to put tobacco, or whisky, or sugar on the free list; or salt, or coal, or anything else. The moment any proposition is submitted and taken up for consideration the whole question is opened, and each gentleman in either House can lay before his colleagues what he thinks would be the true way to reduce taxes or give his reasons for refusing to make any change.

But if these speeches are being made and these resolutions are being introduced now for the purpose of influencing the Republican gentlemen of the other House to vote against the consideration of any proposition, they may require further notice. We all know there is some division among Democrats in the House, and that on the last vote in that body 136 Democrats endeavored to bring up the question for discussion and action, and only four Republicans supported them. If the Republicans in the other House are to be told from this Chamber, "stand together as one man, and do not allow anything looking to the reduction of taxes to be considered; if they are urged to let the surplus accumulate in the Treasury, or pay 50 per cent. premium to the bondholders if they demanded it for the bonds they own, if that is a less evil than to let money lie idle in the Treasury, or if they are urged to make extravagant appropriations to get rid of it, and hold Democrats responsible for all that follows—if that is to be the tactics of the Republican financial leaders here, we want to know it, and have their resolutions before us when we seek to develop the facts.

The great mass of the Democratic party in the House of Representatives, indeed at both ends of the Capitol, I can not say with confidence every one of them, earnestly desire that propositions seeking to reduce taxes may be brought forward, and if combinations are to be encouraged by resolutions and speeches here prepared in advance and circulated, as I have in a beautiful covered form on my desk this morning the speech of the Senator from Vermont, and I hope to get one in equally attractive form giving the speech of the Senator from Massachusetts in a day or two, we should be given time to look at them and see what can be said on the other side.

I only desire to say at this time that I am wedded to no scheme. I want taxes reduced. I seek the aid of gentlemen on both sides of the Chamber to secure the consideration by the House of a bill that will give us a chance by sending some proposition here to determine how they can best be reduced. I am one of those who believe that before this country can acquire the high commercial and manufacturing position it is entitled to among the nations of the earth, it must take the old time-honored position it held under Democratic low tariff upon the high seas and carry on its own commerce in its own ships.

I believe as long as there is a tax of 50 per cent. upon every nail, every bolt, every piece of iron that is used to build a ship, and on every piece of cordage that goes into it, and every article or material that helps to set it afloat or run it, we cannot succeed, especially when we have treaties allowing the people of all other nations to buy their ships where they please, as cheaply as they can, and trade with us on equal terms with our own citizens in costly home-built ships. I do not believe that taking the tax off tobacco or the tax off sugar will cheapen the construction of a ship, or open a single manufacturing establishment in the United States to more extended markets than it has now. But giving up the taxes on these things is earnestly urged for the purpose of preventing us from removing taxes on manufactures or materials, and to keep us from doing anything to enlarge our commercial power and send our manufactured goods abroad to compete in the markets of the world with other people.

The men who own the machinery and the men whose fortunes have been built up by a protective tariff are content with this market, and all their pretenses of zeal to aid their laborers only means that they intend to perpetuate by law their power to appropriate this market to themselves—to secure the right to charge what they please. Their laborers may starve before they will give them any chance to work for markets more extended, or carry on business on such a scale that the operatives can have labor all the year, instead of six or eight months, which is about the average now.

The Senator from Massachusetts tells about the immense amount of capital that has accumulated in this country in the last thirty or forty years. I admit what he says; but let me ask how is it distributed? It is in the hands of the Vanderbilts, the Goulds, and the great protected manufacturing companies. What good does all that enormous wealth do the laborer and his family while they are idle for months at a time when combinations such as that of the anthracite coal companies and others are closing up their mines and shops in order to increase prices, so as to make a few men rich and starve the laborers—the protected pets of Congress alone getting richer.

I want laws passed which grant no monopolies or special privileges. I seek to obtain a fair and equal distribution of taxation which will increase the purchasing power of the poor man's wages and give the laborer, whether on the farm, in the factory, or anywhere else, the right to work and make the most out of what he earns. I have no faith in legislative protection and bounty, given to a few at the expense of the many, which seems to be all that some gentlemen think Congress is called together to perpetuate. "Congress has nothing to give, except what it takes from the tax-payer, and it takes nothing from the wealth of the country to give to its pets; it grinds all its subsidies out of the sweat of the poor." When these questions are up we will discuss them, I hope, satisfactorily. I ought, however, to show now what a false position the Senator from Vermont starts out with, to show the importance of not allowing these harangues to go uncontradicted. He says:

> The foremost objections to the proposed reductions of the tariff, however small the reduction, are that they were supremely ill-directed and wholly at war with American industries, and that according to the estimates of the Treasury Department there did not appear to be any surplus of revenue to spare. The revenue, as estimated by the present administration, was to be $315,000,000, and the estimated regular annual and permanent appropriations were $339,589,552, and the actual amount appropriated for 1887 was $328,000,000, although not including a dollar on account of fortifications or for coast defenses. Notwithstanding these stubborn records, a reduction of revenues was proposed in the face of a deficit, as was clearly disclosed by their own highest authority, of $24,589,552, and this estimated deficit the revenue reformers sought to increase.

And on further he says, "there may be some little surplus now; perhaps there is." Why, Mr. President, three days before that speech was

delivered the Secretary of the Treasury and the President had laid before Congress the message and reports, and the Treasurer of the United States had laid before us his report, in which he said, speaking of the fiscal year just closed:

The net receipts of the Government were $336,439,727.06; the net expenditure was $242,483,138.50. The receipts were $12,749,020.68 greater, and the expenditures were $17,743,796.61 less, than last year, making an increase in the net receipts for the past fiscal year over that of 1885 of $30,492,817.29.

The Treasurer shows almost in the next line that all the 3 per cent. bonds were now paid except $64,000,000; that no more could be paid without buying them at a premium until 1891; that the surplus revenue now coerced from the tax-payers by oppressive laws would continue to run from $100,000,000 to $125,000,000 annually beyond all the needs of the Government; and yet the country is told by the chairman of the Finance Committee, and his speech is circulated over the land, that it is a matter of great doubt whether we can reduce taxation at all or do anything looking to relief without making deficits.

That is a specimen of the way this great subject now sought to be withdrawn from the Senate has been treated by him. Again, the Senator from Vermont says some of us are silly enough to repeat the oft-exploded heresy that a man ought to sell where he can sell highest and buy where he can buy cheapest. That he regards as very unpatriotic and fit only for the emissaries of the Cobden Club. I hope some bill will come up. I seek his aid to bring it up in any form; that is all I ask, which will enable us to prove that to be the true policy. We will show that 86 per cent. of all our exports are purely agricultural products, and that they must be sent abroad and have to be sold in competition with all the paupers of Europe, and that the prices of our home crops are controlled by the foreign market price of the surplus exported. Surely the men who have to send their goods abroad should have a right to buy what they want where they can get the most for the least money, as they had to sell their products in competition with paupers, subject only to such a tax as is needed for an honest, economical administration of the Government, and not be robbed by Congress to enrich any body of men who have nothing to do with their trade and did not labor to produce anything they get the money for. This Government does not trade with anybody; other nations do not trade with us; individual men trade with other men. All exports and imports are individual not national property. The farmer's products have to go abroad, and the surplus increases as home machinery supplants human labor, and they have to be sold to somebody. The man who buys them pays the money to the man who sells. He ought to be allowed to use it so as to do him and his family the most good. It is robbery for Congress, under pretense of protecting anybody else, to take from him any more of the money that he has earned or to make him pay more for the things he needs than his proper share of the proper expenses of the Government requires. We will maintain that, heresy or no heresy, when the question is up for debate.

When gentlemen tell the people that the importer pays the tariff tax they know the statement is a humbug, if not a downright falsehood; it is a false statement of the fact. There is not a dollar's worth of goods imported into this country from any part of the world that does not come for consumption here at home. These goods are bought in great part with the proceeds of goods exported by the men who have to sell goods in foreign markets in competition with so-called paupers. Not one dollar would ever reach the Treasury of the United States from customs dues unless each individual man who buys the goods brought from abroad assumes that to be the cheapest way to get them. He is the only man who can judge whether it is cheaper for him to pay the foreign price with the tariff tax than it is to buy the same things at the price asked in this country. He pays the tax only because it is cheaper in his opinion than to buy from the home manufacturer, and because he thinks so the Government gets the tax. The individual American citizen who needs goods is in every case the man who pays the tariff tax; yet we are talking here about these matters as though it was this Government dealing with a foreign Government, and as though the farmer of the Northwest was interested in making every manufacturer in Vermont or Rhode Island or New Hampshire or anywhere else a millionaire, no matter though he and his family might be paying twice what all they bought was worth in order to make these Congressional favorites millionaires.

Has it come to this, that we are to boast of the fact that we are living in a country where we have a few thousand millionaires, made so by legislation of Congress, while fifty-nine millions are starving, or have the right to use the money they work for to the best advantage taken from them in order to make a few men rich by law who refuse to labor in the open markets of the world and that we are to maintain a protective system in order that we may boast that we have a great amount of money in the country distributed to a few by Congress, while the men who earn it and are really entitled to it are getting none of the benefits, but are crushed to the earth under the pretext of protecting American labor?

I repeat that I propose to argue those questions when any tax bill in any shape is presented, and I appeal to gentlemen on both sides of this Chamber to use all the power they have with their respective friends at the other end of the Capitol to bring up in any form any measure that will enable us to discuss them. Then we will go to the country and when the facts are presented I think we will strip the false pretenses and patriotic platitudes that are now paraded about the importance of taxing all the people to protect the pretended guardians of labor when they are merely robbing the men whom they are pretending to protect. I will go as far as any man to protect American labor; I want to give it constant employment; I want its wages to buy as much as the wages of any other laborer will buy; I want to free it from all taxation except what is necessary to support this Government. When the Senator from Massachusetts was telling how the one hundred and sixty thousand men who are operatives in the woolen mills would receive the message of the President when their wages were cut down, I could but think how the twenty millions of men who work upon their farms and who could buy for $3 on Saturday night a hat, a coat, or a suit of clothes that under the protective-tariff robbery cost them $6, would thank God that the President had made the suggestion that induced Congress to pass laws enabling the wages they earned to buy at a reasonable price the things they needed.

But I only rose to protest against these resolutions being taken from before the Senate until I and every Senator who thinks like me shall have a chance to submit our views upon them, and I shall not now longer detain the Senate.

Mr. MORRILL. Mr. President, I would be the last man to cut off the Senator from Kentucky from the opportunity of making a speech on the subject of the tariff. I was not aware that there was anyone on either side of the Chamber who desired further discussion at the present time on this subject, and it was contemplated that this resolution would go to the Committee on Finance, and, possibly, there might be some report made, if no measure should be introduced.

In relation to curtailing the Senator from Kentucky, we all know that it is impossible, for he will discuss the tariff, as usual, upon every question that comes up.

I will not press the motion to refer if there is any objection, but I supposed there would be no objection.

Mr. BECK. I object, for one.

ORDER OF BUSINESS.

Mr. HOAR. As it does not seem to be desired on either side of the Chamber to discuss this matter further at this moment, I move to take up Order of Business 1766, being the bill (S. 512) to repeal certain sections of the Revised Statutes of the United States relating to the appointment of civil officers. That is a bill which a very large majority of the Senate desire to pass, as I am sure, and I think it can be passed in a very few minutes.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves to proceed to the consideration of the bill named by him.

Mr. BECK. I made a suggestion an hour or two ago in regard to the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States. Now that it is getting late, I am content that it may go over until to-morrow or Wednesday, or any fixed day when attention is especially called to it, so that we may dispose of it.

Mr. HOAR. I think this bill can be disposed of in a very short time, and then we can probably spend the rest of the day in executive session.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Massachusetts to proceed to the consideration of the bill (S. 512) to repeal certain sections of the Revised Statutes of the United States relating to the appointment of civil officers.

Mr. PLATT. Mr. President, I rise to make a parliamentary inquiry.

The PRESIDENT *pro tempore*. The question is not debatable.

Mr. PLATT. I suppose a parliamentary inquiry is in order.

As I understand, the regular order of the Senate at this time is the resolution for the consideration of executive nominations in open sessions. We have come to it in its order. Now I wish to inquire what will be the effect of the motion of the Senator from Massachusetts, whether its effect is not to displace that special order? If it is, I object.

Mr. HOAR. It is not my purpose to displace any special order, and the motion was made with no such purpose, but for one I would give unanimous consent that the Senator's special order shall not be displaced, if it requires unanimous consent. I supposed that it would not be desired by the Senate at this hour to take up any question which would involve serious discussion and in regard to which there was a large difference of opinion, and I supposed that in ten or fifteen minutes this bill would be passed and out of the way, and it would be much more convenient to the Senate to spend the time before we go into executive session in that way than in considering the tariff debate, or in taking up the measure of the Senator from Kentucky, or the Senator from Connecticut.

Mr. PLATT. Then why not let that measure, which I understand comes now in its order, be laid before the Senate so as to be the unfinished business?

Mr. HOAR. I understand a special order has that right until it is disposed of. It is not like a matter that goes over as unfinished busi-

ness in the ordinary course; but the Senator's matter stands, if this motion prevails, just as it would stand if it does not stand.

Mr. PLATT. That was a question that I desired to be informed about.

The PRESIDENT *pro tempore*. The Chair will advise the Senator that the resolution to which he refers stands at the head of the special orders; but if the bill proposed by the Senator from Massachusetts is taken up and is unfinished to-day and is left as the unfinished business, it will take precedence to-morrow.

Mr. HOAR. I will not ask to go on with it to-morrow, if it is not finished to-night, to the prejudice of the Senator's resolution.

Mr. PLATT. All right.

Mr. HARRISON. Pending this motion, I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. I hope not. I hope the Senate will stand by this bill and not pass over it.

Mr. HARRISON. There are a number of nominations to be referred.

The PRESIDENT *pro tempore*. Pending the motion of the Senator from Massachusetts, the Senator from Indiana moves that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Massachusetts to proceed to the consideration of the bill (S. 512) to repeal certain sections of the Revised Statutes relating to the appointment of civil officers.

The motion was agreed to.

TENURE-OF-OFFICE ACT REPEAL.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to repeal sections 1767, 1768, 1769, 1770, 1771, and 1772 of the Revised Statutes of the United States; but this repeal is not to affect any officer heretofore suspended under the provisions of these sections, or any designation, nomination, or appointment heretofore made by virtue of the provisions thereof.

Mr. PLATT. I wish the Senator from Massachusetts would inform the Senate precisely the scope of this bill. It is very difficult to understand what is the effect of a bill which simply proposes to amend or repeal certain sections of the Revised Statutes of the United States, when those sections are not even referred to or read to the Senate, and when the bill appears to be likely to pass with such haste that we can not have time to get the Revised Statutes and turn to them.

Mr. HOAR. Mr. President, this bill repeals what is left of what is called the tenure-of-office act, passed under the administration of Andrew Johnson, and as a part of the contest with that President. It leaves the law as it was from the beginning of the Government until that time, and it repeals the provision which authorizes the suspension of civil officers and requires the submission of that suspension to the Senate. Every member of this body who has been a member of the House of Representatives—and I think there is a very large number—has voted for that repeal. Several times it was urged very earnestly by President Grant. It has been urged by every successor of his, I believe, and I suppose there are not five gentlemen in the Senate who object to that repeal.

Mr. EVARTS. Mr. President, I can hardly suppose that a vote will be taken on this measure at this moment.

Mr. HOAR. I suppose it can be taken in a few minutes, but if any Senator manifests a purpose to go into any extended discussion of it, I will not press it at this moment. I hope the Senator from New York will allow the vote to be taken.

Mr. EVARTS. I am in favor of the repeal, but I desire to call up at some proper moment the subject of a communication from the House of Representatives, and unless there can be some evidence that this bill can pass, as it were, by common agreement, I must insist on my right.

Mr. HOAR. The bill has been read. It is plain. Nobody has manifested any purpose to debate it. I hope the question will be tried by putting the vote.

The PRESIDENT *pro tempore*. Does the Senator from New York claim the floor?

Mr. EVARTS. I do not make any motion now.

Mr. PLATT. Let us have the yeas and nays on the bill.

Mr. INGALLS. Mr. President, it appears to me a due respect to this subject that has engaged the attention of this people for so many years would at least justify the reading of the sections of the Revised Statutes that are to be repealed in this summary method, *sub silentio*. I therefore ask that the Secretary may be directed to read the sections of the Revised Statutes that are to be repealed by this bill.

The PRESIDENT *pro tempore*. The sections referred to will be read.

Mr. EVARTS. If I am in order now——

The PRESIDENT *pro tempore*. The Senator from New York has the floor.

DEATH OF REPRESENTATIVE DOWDNEY.

Mr. EVARTS. I call up the message from the House of Representatives relative to the death of a member of that body.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives.

The Chief Clerk reads, as follows:

IN THE HOUSE OF REPRESENTATIVES, *December* 10, 1886.

Resolved, That the House has heard with profound regret the announcement of the death of the Hon. ABRAHAM DOWDNEY, late a Representative from the State of New York.

Resolved by the House of Representatives (the Senate concurring), That a select joint committee, consisting of seven members of the House and three members of the Senate, be appointed to attend the funeral, and the necessary expenses attending the execution of this order be paid out of the contingent fund of the House.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for properly carrying out the provisions of this resolution.

Resolved, That the Clerk communicate the foregoing resolutions to the Senate.

IN THE HOUSE OF REPRESENTATIVES, *December* 11, 1886.

The SPEAKER announced the appointment of Mr. TIMOTHY J. CAMPBELL, Mr. VIELE, Mr. MERRIMAN, Mr. MULLER, Mr. O'NEILL of Missouri, Mr. BRADY, and Mr. SCRANTON, the committee on the part of the House to attend the funeral of Hon. ABRAHAM DOWDNEY.

Mr. EVARTS. Mr. President, I offer resolutions, which I ask may be read.

The Chief Clerk read, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of the Hon. ABRAHAM DOWDNEY, late a Representative from the State of New York.

Resolved, That the Senate concur in the resolution of the House of Representatives providing for the appointment of a joint committee to take order for attending the funeral of the deceased at his residence in the State of New York, and that the members of the committee on the part of the Senate be appointed by the President *pro tempore*.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The resolutions were adopted unanimously.

The PRESIDENT *pro tempore* appointed, in conformity to the above resolutions, the following Senators to attend the funeral: Messrs. MILLER, RANSOM, and VOORHEES.

Mr. EVARTS. Mr. President, I move, out of respect to the memory of the deceased Representative, that the Senate do now adjourn.

The motion was agreed to; and (at 3 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 14, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, *December* 13, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN.

The Journal of the proceedings of Saturday last was read and approved.

COLLECTION OF DUTIES.

The SPEAKER laid before the House a report of the Secretary of the Treasury on the collection of duties; which was referred to the Committee on Ways and Means, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. PETTIBONE, by unanimous consent, obtained indefinite leave of absence, on account of important business.

H. C. WILKEY.

Mr. STONE, of Kentucky. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 6046) for the relief of H. C. Wilkey, and that the same be now put on its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay to H. C. Wilkey, late postmaster at Columbus, Ky., out of any money in the Treasury not otherwise appropriated, the sum of $307.87, and interest thereon from June 8, 1882, for Government money stolen from him by burglars, and which he was required to keep on hand to pay United States postal clerks with, the payment for the loss of which is not provided for in the act of Congress of March 17, 1882.

The SPEAKER. Is there any objection to the request of the gentleman from Kentucky for the present consideration of this bill?

Mr. EDEN. I think we should not allow interest in a case of this kind.

Mr. STONE, of Kentucky. The Committee on Claims unanimously recommended the passage of this bill in its present form, and I see no reason for any amendment. This man has been deprived of the use of his money since the theft, and has been paying interest.

There being no objection, the Committee of the Whole House was discharged from the further consideration of the bill, which was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STONE, of Kentucky, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EMILE GUERIN AND CHERI C. MAJOR.

Mr. THOMPSON. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 6330) and that it now be put on its passage.

The bill was read, as follows:

Be it enacted, &c., That all the right, title, claim, and interest of the United States to a certain tract of land on False River, Pointe Coupée Parish, Louisiana, and described on the official maps of the General Land Office of the United States as lot or section No. 69, in township 5 south, range 10 east, southeastern district, west of the Mississippi River, Louisiana, be, and the same are hereby, confirmed to and in Emile Guerin and Cheri C. Major, holding under the original grantee or his assigns, and to and in their successors, transferees, vendees, and assignees: *Provided*, That this act shall have the effect only of a quitclaim of all right, title, and interest of the United States therein, not to affect any valid adverse right or title to said land, nor create any liability on the part of the United States.

There being no objection, the Committee of the Whole House was discharged from the further consideration of the bill, which was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. THOMPSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OFFICIAL LETTER-BOOKS, NORTH CAROLINA.

Mr. COX, of North Carolina. Mr. Speaker, I ask unanimous consent to discharge the House Calendar from the further consideration of the joint resolution (S. R. 19) and put the same upon its passage.

The SPEAKER. The joint resolution will be read, subject to objection.

The Clerk read as follows:

Resolved, &c., That the Secretary of War is directed to cause to be made out duly certified copies of the official letter-books of the executive department of the State of North Carolina now in the War Department, and to be delivered to the governor of North Carolina, retaining the originals in the War Department.

There being no objection, the joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. COX, of North Carolina, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THOMAS A. OSBORN.

Mr. RYAN. Mr. Speaker, I ask unanimous consent to discharge the Private Calendar from the further consideration of the bill (H. R. 9008) and put it upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, directed to pay to Thomas A. Osborn, late United States marshal for the district of Kansas, out of any money in the Treasury not otherwise appropriated, the sum of $8,701.96, on account of the loss of that amount of public funds by the failure of the banking-house of E. H. Gruber & Co., on the 6th day of October, 1866, the loss being without neglect or fault on the part of said Thomas A. Osborn.

Mr. EDEN. I would like to have the report read, subject also to objection.

The report (by Mr. WARNER, of Missouri) was read, as follows:

That the claimant, Thomas A. Osborn, was United States marshal for the district of Kansas in October, 1866, and for over two years prior thereto; that as such marshal certain money of the United States came into his hands to defray United States court expenses for his district; that his office as marshal was in the city of Leavenworth, Kans., in a room immediately over the banking-house of E. H. Gruber & Co.; that the Government furnished no safe or other depository in which the claimant could deposit the public money in his hands.

It had been, and was, on the said 6th day of October, 1866, the custom of the claimant, on receiving advances from the Government for the court expenses, to deposit the same with the said banking firm of E. H. Gruber & Co.; that the said firm was regarded by the business community of said city as being perfectly safe; the leading and best citizens made their deposits with said bank; that on October 1, 1866, the claimant had a balance in said bank, of funds belonging to the United States, of $2,966.59; that on said 1st day of October he received from the Treasury of the United States the further sum of $6,596 for the purpose of paying the expenses of the October term of the United States district court, which sum he also deposited in said bank on said 1st day of October, 1866; that on the 6th day of October, 1866, the said banking-house of E. H. Gruber & Co. failed, having at the time of failure the sum of $9,562.59 of the moneys of the United States to the credit of the claimant as United States marshal; that the claimant at once made good said amount to the United States.

The committee is of the opinion that the claimant used due care in handling the said money of the United States and that the loss was in no way the result of any negligence on his part.

In February, 1867, the late Hon. Mark W. Delahay, then United States district judge for Kansas, made the following statement:

I have been perfectly conversant with Marshal Osborn's manner of doing business since his appointment. I know that he has been doing his banking business through the house of E. H. Gruber & Co. This house I considered one of the safest in the locality until it failed, on the 6th of October, 1866.

I believe that Marshal Osborn has guarded with unusual diligence the interest of the Government, and that he is in no way to blame for the loss which occurred with E. H. Gruber & Co. Many of the best business men in Leavenworth were doing business with said firm at the time of its failure. I had been doing my banking business with said firm for years.

MARK W. DELAHAY,
United States District Judge for Kansas.

The committee concurs in the opinion expressed in the statement just cited. It is shown to the committee by competent evidence that the claimant received from the assignee of said firm of E. H. Gruber & Co. 9 per cent. of said sum of $9,562.59 and no more. The committee is of the opinion from all the facts and circumstances attending the loss that the sum of $8,701.96 should be paid the claimant.

The committee returns bill H. R. 9008 with the recommendation that the same do pass.

Mr. ROGERS. I want to reserve the right to object until I can ask a question or two of the gentleman from Kansas. I wish to ask whether or not there were at this time any national banking institutions in the city of Leavenworth.

Mr. RYAN. There was no Government depository in Leavenworth at that time.

Mr. ROGERS. That is not the question, but whether there were any national banks.

Mr. RYAN. And my recollection is, further, that there was no national bank at that time. The marshal deposited the funds committed to his care in the banking-house of E. H. Gruber & Co., which was regarded as one of the strongest institutions of the kind in the town. The best business men of the city deposited with them. No safe was supplied to the marshal wherein to deposit the funds which were lost by the failure of Gruber & Co.; and hence he was compelled either to keep the money on his person or in a banking-house for safety. These funds, it should be remembered, were sent—and I call attention to the fact—to the marshal to pay the expenses of the October term of the court. They were sent to him about the 1st of October, and on the 6th of October the bank failed; and this loss was the result. This bill merely provides that he shall be repaid a loss which was the result of no negligence on his part, but was the direct result of the failure on the part of the Government to supply him with proper means of caring for the funds in his possession. There seems to have been no lack of diligence on the part of the marshal in any respect.

Mr. ROGERS. Mr. Speaker, this is a very bad precedent, and I am necessarily compelled to object.

Mr. RYAN. The gentleman says it is a bad precedent. If he will allow me, I want to say to him that I do not think he will find an instance where the House has refused to grant relief in such cases.

Mr. ROGERS. I must insist upon the objection.

GRAFTON MONROE.

Mr. SHAW. Mr. Speaker, I ask unanimous consent to discharge the Committee on Claims from the further consideration of the Senate amendments to the bill (H. R. 5890) for the relief of Grafton Monroe, with a view to non-concurring in the Senate amendments, and agreeing to the conference asked by the Senate.

The SPEAKER. The bill had better be read, as also the amendments of the Senate, for the information of the House.

The bill and proposed amendments were read.

There being no objection, the motion of Mr. SHAW was agreed to, the Senate amendments non-concurred in, and the conference asked on the part of the Senate agreed to.

The SPEAKER announced as managers at said conference on the part of the House, Mr. SHAW, Mr. HOWARD, and Mr. MCKENNA.

ORDER OF BUSINESS.

Mr. GOFF. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 2654) for the relief of William B. Lynch, and put it upon its passage.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ROGERS. I reserve the right to object until the report has been read.

Mr. BARBOUR. I demand the regular order.

Mr. GOFF. Let the report be read, which will take but a short time.

Mr. BARBOUR. I must insist upon the demand.

The SPEAKER. The regular order is the call of the States and Territories for the introduction and reference of bills and joint resolutions. Under this call petitions and memorials from State and Territorial Legislatures are also in order for reference to appropriate committees, and also resolutions of inquiry addressed to the heads of Departments.

SECTION 856, REVISED STATUTES.

Mr. OATES introduced a bill (H. R. 10076) to amend section 856 of the Revised Statutes of the United States in reference to the payment of accounts of marshals and other officers; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CONGRESSIONAL FUNERALS, ETC.

Mr. OATES also introduced a bill (H. R. 10077) to prohibit the appointment of Congressional committees to attend funerals at public expense outside of the District of Columbia, and also to prohibit the draping of public buildings in mourning except upon the order or by the authority of the President of the United States; which was read a first and second time.

Mr. OATES. I ask that that bill be referred to the Committee on the Revision of the Laws.

There being no objection, the bill was referred to the Committee on the Revision of the Laws, and ordered to be printed.

CLERKS TO SENATORS AND REPRESENTATIVES.

Mr. OATES also introduced a bill (H. R. 10078) to authorize the appointment of and prescribe the compensation of clerks to Senators and Representatives who are not chairmen of committees; which was read a first and second time.

Mr. OATES. I ask that the same order be made with reference to that bill.

There being no objection, the bill was referred to the Committee on the Revision of the Laws, and ordered to be printed.

CHINESE TREATY STIPULATIONS.

Mr. MORROW submitted a resolution fixing a day for the consideration of the bill (H. R. 171) supplementary to and amendatory of an act to execute certain treaty stipulations relating to Chinese; which was referred to the Committee on Rules.

SACRAMENTO AND SAN JOAQUIN RIVERS.

Mr. MORROW also introduced a bill (H. R. 10079) to extend the jurisdiction of the Light-House Board to the Sacramento and San Joaquin Rivers, California; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHARLES WILLEY.

Mr. MORROW also introduced a bill (H. R. 10080) for the relief of Charles Willey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

UNITED STATES MILITIA.

Mr. McKENNA introduced a bill (H. R. 10081) to amend the laws governing the militia of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARGARET R. JONES.

Mr. LORE introduced a bill (H. R. 10082) to increase the pension of Margaret R. Jones; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CHARLES C. FITTS.

Mr. BUCK introduced a bill (H. R. 10083) granting a pension to Charles C. Fitts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIGHT-HOUSE ON GASPARILLA ISLAND.

Mr. DAVIDSON, of Florida, introduced a bill (H. R. 10084) making an appropriation for the erection of a light-house on the south end of Gasparilla Island, Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

DREDGING BARS IN TAMPA BAY.

Mr. DAVIDSON, of Florida, also introduced a joint resolution (H. Res. 221) directing the Secretary of War to report to Congress the expense of dredging two bars in Tampa Bay; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

PUBLIC BUILDINGS AT JACKSONVILLE, FLA.

Mr. DOUGHERTY introduced a bill (H. R. 10085) to increase the amount of money appropriated for the erection of a public building at Jacksonville, Fla.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

TREATY WITH SPAIN, 1819.

Mr. DOUGHERTY also submitted a resolution directing the Committee on Foreign Affairs to examine, consider, and report to the House of Representatives whether the obligations of the United States to Spain, under article 9 of the treaty of February 22, 1819, have been fully satisfied and discharged, and what further legislation, if any, is necessary to enable the United States to discharge its obligations under said treaty; which was referred to the Committee on Foreign Affairs.

JOHN F. M'RAE.

Mr. CRISP introduced a bill (H. R. 10086) for the relief of John F. McRae, of Telfair County, Georgia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELIZABETH BURNETT.

Mr. TOWNSHEND introduced a bill (H. R. 10087) granting a pension to Elizabeth Burnett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES EUBANKS.

Mr. TOWNSHEND also introduced a bill (H. R. 10088) to remove the charge of desertion from the record of Charles Eubanks, late teamster in Company F, Fifteenth Illinois Cavalry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WOMAN'S SUFFRAGE CONVENTION.

Mr. TOWNSHEND. I am requested to introduce the resolution which the Clerk will read, and I ask that it be referred to the Committee on Rules.

The Clerk read as follows:

Resolved, That the use of the Hall of the House of Representatives be, and is hereby, granted to the National Woman's Suffrage Convention at and after 7 o'clock p. m. on the evenings of January 25, 26, and 27, 1887, for the purpose of holding the nineteenth National Woman's Suffrage Convention.

The resolution was referred to the Committee on Rules.

HENRY SMITH.

Mr. HITT introduced a bill (H. R. 10089) granting a pension to Henry Smith, of Mount Carroll, Ill., late corporal Company E, Seventh Illinois Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY ATKINS.

Mr. LANDERS introduced a bill (H. R. 10090) granting a pension to Henry Atkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COAST DEFENSES.

Mr. LAWLER submitted the following resolution, which was read:

Whereas the rapidly accumulating surplus in the Treasury, largely in excess of the needs to support the Government and discharge the bonded debt as it is called or may become due, is likely to prove subversive of the commercial interests of the country and detrimental to the welfare of the people in various essentials; and

Whereas the proper executive officers of the Government represent to the Congress that our coast defenses need to be placed in armament so as to meet the requirements of the advanced arts in modern warfare, and afford adequate protection to the large sea-coast and lake-board cities now absolutely exposed to the mercy of a foreign enemy; and

Whereas, although the *personnel* of our Navy is composed of officers and sailors of the highest excellence and patriotism, unsurpassed in ability by that of any other nation, yet we have no vessels of war worthy the name or capable of competing with the armed cruisers of third or fourth rate powers; and

Whereas it is estimated that nearly one million of workingmen are now unemployed throughout the country, and suffering consequent deprivation of the necessaries of life; and

Whereas the happiness and welfare of the Republic are largely dependent upon the employment and contentment of the laboring classes: Therefore,

Be it resolved, as the sense of the House of Representatives of the Forty-ninth Congress of the United States, That a large proportion of the surplus in the Treasury should be expended, through liberal appropriations, for repairing and properly equipping our coast defenses; for construction of war-ships worthy the name of an American Navy, and for such Federal public works as may be needed in various sections of the country, to the end that these surplus moneys may be distributed among the people as wages for their labor to be employed.

Mr. LAWLER. I ask consent that the Committee on Ways and Means be directed to report this resolution one week from to-day.

The SPEAKER. The resolution does not belong to the Committee on Ways and Means. Its appropriate reference is to the Committee on Appropriations.

Mr. LAWLER. The resolution does not appropriate any money. Its object is merely to get an expression of the opinion of Congress.

The SPEAKER. The resolution embodies a proposition that money shall be appropriated for the construction and repair of fortifications and other public works.

Mr. LAWLER. It is to get the sense of this Congress as to what may be done with this money. I ask the resolution be again read, as I do not think the Speaker, from the noise in the Hall, was able to catch the drift of the resolution.

The SPEAKER. Still the Committee on Ways and Means has no jurisdiction whatever, under the rules of the House, over subjects relating to the appropriation of money, and this resolution does relate exclusively to an appropriation of money or the propriety of appropriating money for certain purposes.

Mr. LAWLER. With the leave of the Speaker I wish to suggest——

Mr. HAMMOND. Let it go to the regular committee.

Mr. LAWLER. The resolution merely provides for getting the sense of Congress as to whether this surplus could not be used.

The SPEAKER. The Chair so understands the resolution, but it proposes to take the sense of the House, or rather presents to the House for its consideration the question whether or not money shall be appropriated out of the public Treasury for certain purposes, a question over which the Committee on Ways and Means has no jurisdiction.

Mr. LAWLER. I ask, by unanimous consent, permission then to make that motion.

Mr. HAMMOND. I object.

Mr. REED, of Maine. Let the resolution be again read.

Mr. BARBOUR. I call for the regular order of business.

The SPEAKER. The resolution is referred to the Committee on Appropriations.

STABLE FOR HOUSE HORSES.

Mr. OWEN introduced a bill (H. R. 10091) for the construction of a stable for the use of the horses and wagons for the use of the officers of the House of Representatives; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MARINE CORPS.

Mr. MATSON introduced a bill (H. R. 10092) relating to appoint-

ments and promotions in the Marine Corps; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ELIZABETH AND MARY GLASSBRENNER.

Mr. MATSON also introduced a bill (H. R. 10093) for the relief of Elizabeth Glassbrenner and Mary Glassbrenner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSIAH STANDLEY.

Mr. JOHNSTON, of Indiana, introduced a bill (H. R. 10094) to increase the pension of Josiah Standley, Company I, Ninety-seventh Regiment Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIE S. HOWARD.

Mr. HOLMAN submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Doorkeeper of the House be, and he is hereby, authorized and directed to employ Willie S. Howard as a page in the committee-room of the Committee on Appropriations during the residue of the present session; the said Willie S. Howard to be paid out of the contingent fund of the House the same compensation as now received by pages of the House.

LEGAL-TENDER NOTES.

Mr. WEAVER, of Iowa, submitted the following preamble and resolution; which were referred to the Committee on Banking and Currency:

Whereas the act of Congress entitled "An act to forbid the further retirement of United States legal-tender notes," approved May 31, 1878, provides that it shall be unlawful for the Secretary of the Treasury or other officer under him to cancel or retire any more of the United States legal-tender notes, and when any of said notes may be redeemed or be received into the Treasury under any law from any source whatever, and shall belong to the United States, they shall not be retired, canceled, or destroyed, but they shall be reissued and paid out again and kept in circulation; and that when mutilated notes are canceled and destroyed, new notes of like denomination shall be issued in their stead; and

Whereas, notwithstanding said provisions of law, various Secretaries of the Treasury have from time to time since the passage of said law pursued the policy of canceling and destroying Treasury notes of the denomination of one and two dollars, and issuing in lieu thereof notes of larger denomination; and

Whereas Congress did, by the act approved August 4, 1886, provide that no portion of the sums in said act appropriated should be expended for printing United States notes of large denomination in lieu of notes of small denomination canceled or retired; and

Whereas Congress did, by the said last-named act, provide for the reissue of said one and two dollar notes by an appropriation of money for said purpose; and

Whereas it appears from the late report of the Treasurer of the United States that there have been canceled and destroyed since the passage of the said act, approved August 4, 1886, more than one million dollars of said one and two dollar notes; and that none of like denomination have been again issued and kept in circulation: Therefore,

Be it resolved by the House of Representatives, That the Secretary of the Treasury be, and he is hereby, directed to report to this Hosue as soon as possible:

First. Whether any portion of the money appropriated by the act approved August 4, 1886, known as the sundry civil appropriation act, has been expended in issuing Treasury notes of large denomination in lieu of notes of smaller denomination canceled or retired; and whether any other money belonging to the Government of the United States has been expended for such purpose since August 4, 1886.

Second. How many, if any, one and two dollar notes have been canceled and destroyed since the passage of the act approved August 4, 1886, by what authority said notes were destroyed, and what sum has been expended in their destruction.

Third. How many, if any, of said notes canceled and destroyed were "mutilated notes," and whether notes of like denomination were issued in their stead.

CAPT. JOHN C. FORD.

Mr. CONGER introduced a bill (H. R. 10095) granting a pension to Capt. John C. Ford, Company H, Twenty-first Regiment Iowa Volunteers, late One hundred and sixty-third Company, Second Battalion Veteran Reserve Corps; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEGALIZING PROCEEDINGS OF NATURALIZATION.

Mr. HALL introduced a bill (H. R. 10096) to validate and legalize certain proceedings of naturalization of persons of foreign birth in courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

B. F. MOODY & CO.

Mr. HALL also introduced a bill (H. R. 10097) for the relief of B. F. Moody & Co., and their legal representatives; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BRIDGE OVER MISSISSIPPI RIVER, FORT MADISON.

Mr. HALL also introduced a bill (H. R. 10098) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at Fort Madison or Keokuk, or between those points; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN WAGNER.

Mr. LYMAN introduced a bill (H. R. 10099) for the relief of John Wagner, late a private in Company F, Thirty-fifth Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNA BAUGHMAN.

Mr. PETERS introduced a bill (H. R. 10100) granting a pension to Anna Baughman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL ROCKFORD.

Mr. PETERS also introduced a bill (H. R. 10101) for the relief of Michael Rockford; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FORT LEAVENWORTH MILITARY RESERVATION.

Mr. MORRILL introduced a bill (H. R. 10102) to provide for the sale of certain portions of Fort Leavenworth Military Reservation; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MINERVA ABBEY.

Mr. MORRILL also introduced a bill (H. R. 10103) granting a pension to Minerva Abbey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAROLINE L. SHEDD.

Mr. MORRILL also introduced a bill (H. R. 10104) granting a pension to Caroline L. Shedd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES DE NOYER.

Mr. MORRILL (by request) also introduced a bill (H. R. 10105) for the relief of Charles De Noyer; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSEPH A. HUFF.

Mr. PERKINS introduced a bill (H. R. 10106) granting an increase of pension to Joseph A. Huff; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THEODORE GARDNER.

Mr. FUNSTON introduced a bill (H. R. 10107) granting a pension to Theodore Gardner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPORT OF HEALTH OFFICER, DISTRICT OF COLUMBIA.

Mr. HANBACK offered a joint resolution (H. Res. 222) authorizing the printing of 2500 extra copies of the report of the health officer of the District of Columbia; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

CHARLES DE ARNAUD.

Mr. HANBACK also offered a joint resolution (H. Res. 223) granting a gold medal to Charles De Arnaud; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

A. B. CARLIN.

Mr. STONE, of Kentucky, introduced a bill (H. R. 10108) for the benefit of A. B. Carlin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY J. BARNETT.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 10109) for the benefit of Mrs. Mary J. Barnett; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SMITH R. MENSHON.

Mr. McCREARY also introduced a bill (H. R. 10110) for the relief of Smith R. Menshon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ALLEN WALLACE.

Mr. McCREARY also introduced a bill (H. R. 10111) granting a pension to Allen Wallace; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. L. WADDY.

Mr. McCREARY also introduced a bill (H. R. 10112) for the relief of W. L. Waddy, of Shelby County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SOUTHERN EXPOSITION.

Mr. WILLIS introduced a bill (H. R. 10113) for the relief of the Southern Exposition; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CAROLINE H. WOLFE.

Mr. WILLIS also introduced a bill (H. R. 10114) granting a pension to Mrs. Caroline H. Wolfe, widow of Nathaniel Wolfe, late first lieutenant Second Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

C. T. VENNIGERHOLZ.

Mr. WILLIS also introduced a bill (H. R. 10115) for the relief of C.

T. Vennigerholz; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JUDICIAL DISTRICTS, LOUISIANA.

Mr. BLANCHARD introduced a bill (H. R. 10116) to amend and re-enact section 5 of an act entitled "An act to divide the State of Louisiana into two judicial districts," approved March 3, 1881; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CAPTURED AND ABANDONED PROPERTY.

Mr. BLANCHARD also introduced a bill (H. R. 10117) authorizing the Secretary of the Treasury to audit and refund certain moneys collected on property purporting to be captured and abandoned; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LIGHT-SHIP AT MOUTH OF THE MISSISSIPPI.

Mr. WALLACE introduced a bill (H. R. 10118) to establish a light-ship off the entrance to the jetties at the mouth of the Mississippi River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LICENSING FISHING VESSELS.

Mr. MILLIKEN introduced a bill (H. R. 10119) to amend sections 4321, 4377, and 4391 of the Revised Statutes relative to licensing fishing vessels; which was read a first and second time, referred to the Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

TEMPORARY DOCUMENTS OF VESSELS.

Mr. MILLIKEN also introduced a bill (H. R. 10120) to amend section 4322 of the Revised Statutes requiring temporary documents of vessels to be filed at their home ports; which was read a first and second time, referred to the Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

CHARLES H. WORDING.

Mr. MILLIKEN also introduced a bill (H. R. 10121) for the relief of Charles H. Wording and others, owners of the brig Xenophon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILTON F. WARD.

Mr. MILLIKEN also introduced a bill (H. R. 10122) for the relief of Wilton F. Ward; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANSYL POTTER.

Mr. MILLIKEN also introduced a bill (H. R. 10123) for the relief of Ansyl Potter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. LOVINIA REVES.

Mr. MILLIKEN also introduced a bill (H. R. 10124) granting a pension to Mrs. Lovinia Reves; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH F. BRIDGES.

Mr. MILLIKEN also introduced a bill (H. R. 10125) granting an increase of pension to Sarah F. Bridges; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHOLIC CHURCH, SAINT GABRIEL, LA.

Mr. GAY introduced a bill (H. R. 10126) to admit free of duty certain altars, tablets, and ornaments for the Catholic church at Saint Gabriel, in the parish of Iberville, La.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SUFFERERS AT JOHNSON'S BAYOU, LA.

Mr. GAY also introduced a bill (H. R. 10127) for the relief of the sufferers at Johnson's Bayou, State of Louisiana; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

MACHINERY FOR EXTRACTING CANE-JUICE.

Mr. GAY also introduced a bill (H. R. 10128) to admit free of duty diffusion machinery and fixtures for the extraction of cane-juice; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MRS. ELIZABETH L. MACE.

Mr. DINGLEY introduced a bill (H. R. 10129) granting a pension to Mrs. Elizabeth L. Mace; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIGHT-SHIP, FALSE CAPE, VIRGINIA.

Mr. FINDLAY introduced a bill (H. R. 10130) to establish a light-ship off False Cape, Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PAY OFFICERS OF COAST SURVEY VESSELS.

Mr. GIBSON, of Maryland, introduced a bill (H. R. 10131) fixing the pay of "pay officers" of the Coast Survey vessels, and their clerks; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

INCREASE OF PENSIONS.

Mr. LONG introduced a bill (H. R. 10132) to allow soldiers and sailors in the United States service who have lost both arms an increased pension; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF JOHN F. SHORTER.

Mr. LONG also introduced a bill (H. R. 10133) for the relief of the heirs of John F. Shorter; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ATLANTIC WORKS.

Mr. LONG (by request) also introduced a bill (H. R. 10134) for the relief of the Atlantic Works; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

POSTAL CLERKS.

Mr. ALLEN, of Massachusetts, introduced a bill (H. R. 10135) for the relief of aged, disabled, diseased, and worn-out postal clerks who have devoted the best years of their lives to the (transit) mail service, and who have been in the employ of the Post-Office Department in the arduous and extrahazardous service therein mentioned for a period of not less than twenty years; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

QUALIFICATIONS OF PENSION EXAMINING SURGEONS.

Mr. WHITING (by Mr. LONG) introduced a bill (H. R. 10136) establishing the qualifications of examining surgeons in the Pension Department; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LYMAN F. HODGE.

Mr. LOVERING introduced a bill (H. R. 10137) granting a pension to Lyman F. Hodge; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

VALIDITY OF ENTRIES.

Mr. COLLINS introduced a bill (H. R. 10138) to provide for the adjudication of the validity of certain entries of land under the land laws of the United States before issue of patents; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CRUELTY TO ANIMALS.

Mr. COLLINS also introduced a bill (H. R. 10139) for the prevention of and punishment of cruelty to animals; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RECOVERY OF INTERNAL-REVENUE TAXES.

Mr. COLLINS also introduced a joint resolution (H. Res. 224) to provide for the recovery of internal-revenue taxes and penalties erroneously assessed and paid in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GEORGE PAQUETTE.

Mr. FISHER (by request) introduced a bill (H. R. 10140) to remove the charge of desertion from George Paquette, late a private of Company K, Eighth Michigan Volunteer Cavalry; which was read a first and second time, referred to the Committtee on Military Affairs, and ordered to be printed.

FRANKING PRIVILEGE TO INMATES OF SOLDIERS' HOMES.

Mr. MOFFATT introduced a bill (H. R. 10141) granting the franking privilege to the inmates of soldiers' homes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ROBERT J. MITCHELL.

Mr. CUTCHEON introduced a bill (H. R. 10142) to authorize the payment of extra compensation to Robert J. Mitchell, a clerk in the Treasury Department; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed,

SUPPLIES FURNISHED SIOUX INDIANS.

Mr. STRAIT introduced a bill (H. R. 10143) authorizing and directing the Secretary of the Interior to apply the unexpended balance of the appropriation made by the act of March 3, 1885, entitled "An act to authorize the Secretary of the Interior to ascertain the amount due to citizens of the United States for supplies furnished the Sioux or Dakota Indians of Minnesota subsequent to June 1, 1861, and prior to the massacre of August, 1862, and providing for the payment thereof," now remaining in the Treasury to the payment of interest upon the claims found due by the Department under said act and paid out of said ap-

propriation; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SIOUX SCOUTS.

Mr. STRAIT also introduced a bill (H. R. 10144) authorizing the Secretary of the Interior to ascertain the amount of property and annuities belonging to certain Sioux or Dakota Indians of Minnesota who served as scouts or otherwise in the United States Army during the year 1863, which were confiscated to the United States under the act of February 16, 1863, entitled "An act for the relief of persons for damages sustained by reason of the depredations and injuries by certain bands of Sioux Indians," approved February 16, 1863, and to provide for the payment of the same to said Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

NATIONAL BANKS.

Mr. STRAIT also introduced a bill (H. R. 10145) to amend section 8 of the act approved July 12, 1882, to enable national banking associations to extend their corporate existence, and for other purposes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

BRIDGE ACROSS MISSISSIPPI RIVER.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 10146) authorizing the city of Winona, Minnesota, to construct a bridge across a part of the Mississippi River and a certain island therein; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ADDITIONAL JUDGE FOR MISSISSIPPI.

Mr. MORGAN introduced a bill (H. R. 10147) to provide for an additional judge in the State of Mississippi; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM J. POITEVENT.

Mr. VAN EATON introduced a bill (H. R. 10148) for the relief of William J. Poitevent; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

INLAND NAVIGATION.

Mr. CATCHINGS introduced a bill (H. R. 10149) for the relief of inland navigation; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REPORTS OF HEADS OF DEPARTMENTS.

Mr. BARKSDALE submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed in pamphlet form, separately, for the use of the House of Representatives —— copies of the reports proper of the heads of the Departments, including the report of the Commissioner of Agriculture, of the Director of the Mint, and of the Treasurer of the United States, without the appendices.

ANIMAL INDUSTRY REPORT.

Mr. HATCH introduced a joint resolution (H. Res. 225) to provide for the printing of the fourth annual report of the Bureau of Animal Industry for the year 1887; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

Mr. HATCH. I move that be referred to the Committee on Agriculture for report.

There was no objection, and it was so referred.

AMENDMENT OF STATUTES.

Mr. BURNES introduced a bill (H. R. 10150) amending section 714 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ESTABLISHMENT OF CERTAIN LIGHT-HOUSES.

Mr. CLARDY (by request) introduced a bill (H. R. 10151) providing for the establishment of certain light-houses, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ELLEN M. STURTEVANT.

Mr. GALLINGER introduced a bill (H. R. 10152) granting a pension to Ellen M. Sturtevant; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN T. PHILLIPS.

Mr. BUCHANAN introduced a bill (H. R. 10153) granting an increase of pension to Benjamin T. Phillips, late chaplain Eighty-third New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. M'CLASKEY.

Mr. BUCHANAN also introduced a bill (H. R. 10154) for the relief of John H. McClaskey; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

VENTILATION OF HALL.

Mr. BUCHANAN also submitted the following resolution; which was read and referred to the Committee on Ventilation and Acoustics:

Resolved, That the pipes between the openings of the floor of this Hall be immediately cleansed, and that such openings be protected in some effectual manner from the further deposit of dirt and filth therein.

FRIEDERICKE RAFF.

Mr. LEHLBACH introduced a bill (H. R. 10155) for the relief of Friedericke Raff; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FEDERAL COURTS, NEW JERSEY.

Mr. LEHLBACH also introduced a bill (H. R. 10156) to provide for changing the place of holding Federal courts within the district of New Jersey; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ELENORA B. PETTY.

Mr. PHELPS introduced a bill (H. R. 10157) granting a pension to Elenora B. Petty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD M'DONALD REYNOLDS.

Mr. PHELPS also introduced a bill (H. R. 10158) for the relief of Edward McDonald Reynolds; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN JORDAN.

Mr. PHELPS also introduced a bill (H. R. 10159) for the relief of John Jordan; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PUBLIC LAND, MONMOUTH COUNTY, NEW JERSEY.

Mr. PHELPS also introduced a joint resolution (H. Res. 226) authorizing and directing the Secretary of War to lease to the National Hotel Company of New Jersey certain land in Monmouth County, New Jersey; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CUSTOM-HOUSE, PERTH AMBOY.

Mr. GREEN, of New Jersey, introduced a bill (H. R. 10160) to revive an act to construct a building for a custom-house and post-office at Perth Amboy, N. J., approved March 3, 1857; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WILLIAM HUNT RUE.

Mr. GREEN, of New Jersey, also introduced a bill (H. R. 10161) granting a pension to William Hunt Rue; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE VAN VECHTEN.

Mr. GREEN, of New Jersey, also introduced a bill (H. R. 10162) granting a pension to George Van Vechten; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAYMENT OF INTEREST ON BONDED DEBT.

Mr. HEWITT introduced a bill (H. R. 10163) to authorize the Secretary of the Treasury to anticipate the payment of interest on the bonded debt of the United States, and to provide for special deposits of public money; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

GENERAL ALEXANDER S. WEBB.

Mr. HEWITT also introduced a bill (H. R. 10164) to place the name of General Alexander S. Webb on the retired list of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM J. LEE.

Mr. KETCHAM introduced a bill (H. R. 10165) to amend an act (H. R. 1073, Forty-eighth Congress, first session) to rerate the pension of William J. Lee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH J. PENDLETON.

Mr. WEST introduced a bill (H. R. 10166) for the relief of Sarah J. Pendleton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT TO PENSION LAWS.

Mr. LINDSLEY introduced a bill (H. R. 10167) to amend the pension laws; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WRECK OF STEAMSHIP OREGON.

Mr. JOHNSON, of New York, introduced a bill (H. R. 10168) to establish a light-ship on the place where the wreck of the steamship Oregon is situated; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HEIRS OF ISAAC MURPHY.

Mr. MILLARD introduced a bill (H. R. 10169) for the relief of the heirs of Isaac Murphy; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARGARET WILLMAN.

Mr. MILLARD also introduced a bill (H. R. 10170) granting a pension to Margaret Willman, widow of Joseph Willman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GENERAL ALEXANDER S. WEBB.

Mr. COX, of New York, introduced a bill (H. R. 10171) to place the name of General Alexander S. Webb on the retired-list of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE W. PANCOAST.

Mr. VIELE introduced a bill (H. R. 10172) granting an increase of pension to George W. Pancoast, late of Company F, Eighty-third New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS FLETCHER FOLEY.

Mr. PINDAR introduced a bill (H. R. 10173) for the relief of Thomas Fletcher Foley, alias Thomas Fletcher; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELVIRA COOPER.

Mr. PARKER introduced a bill (H. R. 10174) for the relief of Elvira Cooper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN SHAMPINE.

Mr. PARKER also introduced a bill (H. R. 10175) for the relief of John Shampine; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIGHT-HOUSE AT FORT NIAGARA, N. Y.

Mr. WEBER introduced a bill (H. R. 10176) to provide for a light-house at Fort Niagara, near Youngstown, N. Y.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MINERVA BRANDO.

Mr. DAVENPORT introduced a bill (H. R. 10177) for the relief of Minerva Brando, mother of William B. Brando, late a private of Company D, One hundred and twenty-sixth Regiment New York State Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. JULIA A. SLUDER.

Mr. JOHNSTON, of North Carolina, introduced a bill (H. R. 10178) for the relief of Mrs. Julia A. Sluder, executrix of E. Sluder, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BALERA J. AMAND.

Mr. SENEY introduced a bill (H. R. 10179) granting a pension to Balera J. Amand; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGETOWN AND TENNALLYTOWN CABLE ROAD.

Mr. HILL introduced a bill (H. R. 10180) to incorporate the Georgetown and Tennallytown Cable Company of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

WASHINGTON AND GEORGETOWN RAILROAD.

Mr. McKINLEY introduced a bill (H. R. 10181) to amend an act entitled "An act to incorporate the Washington and Georgetown Railroad Company," approved May 17, 1862, and acts amendatory thereof; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

CHARLES D. STRAWN.

Mr. I. H. TAYLOR introduced a bill (H. R. 10182) granting a pension to Charles D. Strawn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LYDIA CALHOUN.

Mr. ROMEIS introduced a bill (H. R. 10183) granting a restoration of pension to Lydia Calhoun; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LAND SALES UNDER DONATION LAW.

Mr. HERMANN introduced a bill (H. R. 10184) to provide for the private cash-entry sale of fractions of vacant public land, not less than 40-acre subdivisions, made fractional by meander lines along navigable water courses, public reservations, or by special service in locating lands for actual settlement in Oregon and Washington Territory, under the provisions of the donation law; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JASPER N. HALL.

Mr. HERMANN also introduced a bill (H. R. 10185) granting a pension to Jasper N. Hall, of the State of Oregon, late a private of the One hundred and thirteenth Ohio Volunteer Infantry, in the war of the rebellion, for disabilities incurred while a prisoner of war in the confederate prisons of Libbey and Danville, and since suffered, and authorizing the Commissioner of Pensions to place the name of Jasper N. Hall on the pension roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL P. BARNES.

Mr. HERMANN also introduced a bill (H. R. 10186) for payment to Daniel P. Barnes, of the State of Oregon, of the sum of $2,110, for property stolen and depredations committed by hostile Snake Indians, Malheur River, in the State of Oregon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

VOLUNTEER SIGNAL OBSERVERS.

Mr. HERMANN also introduced a bill (H. R. 10187) providing compensation to volunteer signal observers at present recognized in the signal service, and allowing them all the necessary instruments required for observation; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN HUNTER.

Mr. ERMENTROUT introduced a bill (H. R. 10188) granting a pension to John Hunter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMANDA F. WILSON.

Mr. WHITE, of Pennsylvania, introduced a bill (H. R. 10189) granting a pension to Amanda F. Wilson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 10190) for the free coinage of silver, and other purposes; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

DENNIS HANEEN.

Mr. BROWN, of Pennsylvania, introduced a bill (H. R. 10191) granting a pension to Dennis Haneen, late of Companies B and C, Fourteenth United States Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GERTRUDE STROHLINE.

Mr. O'NEILL, of Pennsylvania, introduced a bill (H. R. 10192) granting a pension to Gertrude Strohline, widow of Cornelius Strohline, late bugler of Company A, Fifth Regiment Pennsylvania Cavalry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

R. H. SINGLETON.

Mr. O'NEILL, of Pennsylvania, also offered a resolution for the payment of the funeral expenses of R. H. Singleton, deceased, late an employé of the House, and six months' salary; which was read, and referred to the Committee on Accounts.

FREDERICKA KURTZ.

Mr. O'NEILL, of Pennsylvania, also introduced a bill (H. R. 10193) restoring to the pension-roll the name of Fredericka Kurtz, widow of Jacob Kurtz, late private of Company D, Seventy-third Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOVINA R. WINELAND.

Mr. BOYLE introduced a bill (H. R. 10194) granting a pension to Mrs. Lovina R. Wineland; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TOMLINSON, HARTUPU & CO.

Mr. BAYNE (by Mr. BOYLE) introduced a bill (H. R. 10195) for the relief of Tomlinson, Hartupu & Co.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES D. HUNTER.

Mr. BUNNELL introduced a bill (H. R. 10196) for the relief of James D. Hunter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE WALLACE.

Mr. BUNNELL also introduced a bill (H. R. 10197) granting a pension to George Wallace; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. CLAUDE WHITE.

Mr. BRUMM introduced a bill (H. R. 10198) granting a pension to

J. Claude White, major of the Third Pennsylvania Cavalry; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

NUEVO MOCTEZUMA.

Mr. BINGHAM (by request) introduced a bill (H. R. 10199) to provide for an American register for the steamer Nuevo Moctezuma, of Philadelphia, Pa.; which was read a first and second time, referred to the Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

AMERICAN TRUST COMPANY, DISTRICT OF COLUMBIA.

Mr. BINGHAM also introduced a bill (H. R. 10200) to incorporate the American Trust Company of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

TERMS OF UNITED STATES COURTS IN SOUTH CAROLINA.

Mr. PERRY introduced a bill (H. R. 10201) to regulate the terms of the circuit and district courts of the United States for the district of South Carolina; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JENSEY STYLES.

Mr. NEAL introduced a bill (H. R. 10202) to restore Jensey Styles, alias Jensey Wattenberger, to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SPECIAL DISTRIBUTION OF SEEDS.

Mr. LANHAM introduced a bill (H. R. 10203) to enable the Commissioner of Agriculture to make a special distribution of seeds in the drought-stricken counties of Texas, and making an appropriation therefor; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

ESTATE OF JOHN W. WHITFIELD.

Mr. MILLER introduced a bill (H. R. 10204) for the relief of the estate of John W. Whitfield; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BLOCK 108, HOUSTON, TEX.

Mr. STEWART, of Texas, introduced a bill (H. R. 10205) releasing the title of the United States to Block 108 in the city of Houston, Tex., to said city; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

HARBOR AT PADRE ISLAND, TEXAS.

Mr. SAYERS (by request) introduced a bill (H. R. 10206) to give permission to John Willett and his associates to construct and maintain a harbor on the east shore of Padre Island, in the State of Texas; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

Mr. SAYERS. Mr. Speaker, I have introduced this bill by request and without committing myself to its provisions.

POTTAWATOMIE INDIANS.

Mr. WELLBORN introduced a bill (H. R. 10207) to enable the Secretary of the Interior to pay certain creditors of the Pottawatomie Indians out of the funds of said Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

BATTLE OF BENNINGTON.

Mr. STEWART, of Vermont, introduced a bill (H. R. 10208) relative to the Revolutionary battle of Bennington; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

POSTMASTERS.

Mr. GROUT introduced a bill (H. R 10209) to enable the people to name their postmasters; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LEGAL REPRESENTATIVES OF THOMAS H. CROW, DECEASED.

Mr. O'FERRALL introduced a bill (H. R. 10210) for the relief of legal representatives of Thomas H. Crow, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BUSINESS OF THE DISTRICT OF COLUMBIA.

Mr. BARBOUR introduced the following resolution; which was referred to the Committee on Rules:

Resolved, That the Committee on Rules be directed to inquire into the expediency of setting apart an additional day in each month, by the House, for the consideration of business reported from the Committee on the District of Columbia.

UPPER POTOMAC STEAMBOAT COMPANY.

Mr. BARBOUR also introduced a bill (H. R. 10211) to reimburse the Upper Potomac Steamboat Company; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

SAMUEL C. LUDINGTON.

Mr. GOFF introduced a bill (H. R. 10212) for the relief of Samuel C. Ludington, of Greenbrier County, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. D. BENNETT.

Mr. BRAGG (by Mr. GUENTHER) introduced a bill (H. R. 10213) granting an increase of pension to A. D. Bennett, late of Company A, Second Regiment Wisconsin Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPROVEMENT OF FOX AND WISCONSIN RIVERS.

Mr. GUENTHER introduced a resolution directing the Attorney-General of the United States to report to the House of Representatives the amounts due to the several commissioners to ascertain the flowage damages arising under an act of Congress, entitled "An act to aid in the improvement of Fox and Wisconsin Rivers, in the State of Wisconsin," approved March 3, 1875; which was referred to the Committee on Appropriations, and ordered to be printed.

PETER I. WRIGHT.

Mr. VAN SCHAICK introduced a bill (H. R. 10214) to restore to the pension-rolls the name of Peter I. Wright, late of Second Wisconsin Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TIMOTHY D. PORTER.

Mr. GIFFORD introduced a bill (H. R. 10215) granting a pension to Timothy D. Porter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENITENTIARY NEAR BOISÉ CITY, IDAHO.

Mr. HAILEY introduced a bill (H. R. 10216) to authorize the Secretary of the Interior to build an addition to the United States penitentiary near Boisé City, in the Territory of Idaho; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. HAILEY also introduced a bill (H. R. 10217) to amend section 1858 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

UNIVERSITY IN NEW MEXICO.

Mr. JOSEPH introduced a bill (H. R. 10218) to reserve lands in the Territory of New Mexico for the benefit of a university in said Territory, and providing for the selection and withdrawal of the same from sale or other disposal; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The regular call of States and Territories for the introduction of bills and resolutions is now concluded. If there be no objection, the Chair will now recognize gentlemen who were not in their seats when their States were called.

There was no objection.

JACOB S. SHANNON.

Mr. WOLFORD introduced a bill (H. R. 10219) to increase the pension of Jacob S. Shannon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAREPTA C. LITTLE.

Mr. FORNEY (by request) introduced a bill (H. R. 10220) for the relief of Sarepta C. Little; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FREDERICK PFAFF.

Mr. WHEELER introduced a bill (H. R. 10221) to place the name of Frederick Pfaff on the pension-rolls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALARIES OF CIVIL-SERVICE COMMISSIONERS.

Mr. COX, of North Carolina, introduced a bill (H. R. 10222) fixing the salaries of the civil-service commissioners at $5,000 per annum; which was read a first and second time, referred to the Committee on Reform in the Civil Service, and ordered to be printed.

REPEAL OF INTERNAL-REVENUE TAXES ON TOBACCO.

Mr. COX, of North Carolina, introduced a bill (H. R. 10223) to repeal the law imposing internal-revenue taxes upon tobacco, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

FRANK THORNTON.

Mr. COX, of North Carolina, also introduced a bill (H. R. 10224) granting a pension to Frank Thornton, late of Company H, Fortieth United States Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STATE GOVERNMENT FOR TERRITORIES.

Mr. SPRINGER introduced a bill (H. R. 10225) to enable the people of Dakota, Montana, Washington, and New Mexico to form constitutions and State governments, and to be admitted into the Union on a legal footing with other States; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

LEASING UNOCCUPIED INDIAN LANDS.

Mr. THROCKMORTON introduced a bill (H. R. 10226) to provide for the leasing of unoccupied Indian lands, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

BRIDGE OVER CUMBERLAND RIVER, TENNESSEE.

Mr. CALDWELL introduced a bill (H. R. 10227) to give the consent of Congress for the construction of a bridge over the Cumberland River, near Nashville, Tenn.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MESSAGE FROM THE PRESIDENT.

A message in writing, by Mr. PRUDEN, one of his secretaries, was received from the President of the United States.

QUIETING TITLE, DES MOINES RIVER LANDS.

Mr. HOLMES introduced a bill (H. R. 10228) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ELIZABETH HAGERMAN.

Mr. McCOMAS introduced a bill (H. R. 10229) granting a pension to Elizabeth Hagerman, dependent daughter of Andrew Hagerman, late private Company A, Fourth Maryland Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REVISION OF DISTRICT LAWS.

Mr. ROWELL introduced a bill (H. R. 10230) to provide for the appointment of a commission to revise the laws of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ALBERT O. THOMAS.

Mr. ROWELL also introduced a bill (H. R. 10231) granting a pension to Albert O. Thomas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSION CERTIFICATES.

Mr. LAIRD introduced a bill (H. R. 10232) requiring that certain laws and parts of laws shall be printed on the pension certificates of invalid pensioners for the information of the holders thereof, and for other purposes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISLAND IN FOX RIVER, AURORA, ILL.

Mr. HOPKINS introduced a bill (H. R. 10233) to convey to and confirm in the city of Aurora, in the county of Kane and State of Illinois, a small island in Fox River within the limits of said city; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

MARY M. BIGGS.

Mr. HOPKINS also introduced a bill (H. R. 10234) to place the name of Mary M. Biggs, an army nurse, on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALONZO B. CHATFIELD.

Mr. HOPKINS also introduced a bill (H. R. 10235) to increase the pension of Alonzo B. Chatfield; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. HOPKINS. I ask, by unanimous consent, to present a statement to accompany this bill and to be printed with it.

The SPEAKER. The gentleman can have it referred with the bill by placing it in the petition-box.

Mr. HOPKINS. Very well.

JAMES MOSS.

Mr. FELTON (by request) introduced a bill (H. R. 10236) for the relief of James Moss; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXPENDITURES FOR INDIANS AND YELLOWSTONE PARK.

Mr. HOLMAN submitted the following resolution, which was referred to the Committee on Rules:

Resolved, That Wednesday, January 5, 1887, be set apart for the consideration of House bill 6973, reported from the select committee on expenditures for Indians and Yellowstone Park, to be considered in the House as in the Committee of the Whole House on the state of the Union, not to interfere with general appropriation bills, raising revenue, nor prior orders; and if for any reason said bill should not be considered, or the consideration thereof completed on that day, that this order shall continue from day to day until said bill is finally disposed of by the House.

EMILE GUERIN AND CHERI P. MAJOR.

The SPEAKER. In the bill (H. R. 6330) to confirm to Emile Guerin and Cheri P. Major title to certain lands, which was passed this morning, the name of one of the beneficiaries is incorrectly printed in the body of the bill. It is correctly printed in the title. If there be no objection, the Chair will order the Clerk to make the proper correction. The letter "C" should be "P." It is simply a misprint of one letter. There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

The SPEAKER. Under the rules of the House the remainder of this day is set apart for the consideration of business reported from the Committee on the District of Columbia, if claimed by that committee.

Mr. BARBOUR. I demand the regular order.

The SPEAKER. What business does the gentleman present?

SCHOOL-BOARD, DISTRICT OF COLUMBIA.

Mr. BARBOUR. I am directed by the Committee on the District of Columbia to call up for consideration the bill (H. R. 9125) as a substitute for (H. R. 5235) to create a school-board for the District of Columbia, and to prescribe its powers and duties. I ask that this bill be taken from the House Calendar for consideration.

Mr. SPRINGER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. When this order of business is entered upon, under the rules is it not required that the bills shall be considered in the order in which they appear on the Calendar?

The SPEAKER. That is a matter entirely within the province of the committee. The rule provides that they may call up such business as they see proper.

Mr. SPRINGER. No order, then, is prescribed?

The SPEAKER. None. Of course it is always in the power of the House to determine, when a particular measure is called up, whether the House will or will not proceed to consider it.

Mr. DUNHAM. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DUNHAM. What has become of the bill which was under consideration in the House on the last District day?

The SPEAKER. The bill to which the gentleman from Illinois refers is in the Committee of the Whole House on the state of the Union, and if the House should resolve itself into Committee of the Whole that bill would be the unfinished business and come up immediately, unless passed over by order of the House.

Mr. BARBOUR. I move to take up the bill which I have indicated, and which the Clerk will find on page 29 of the Calendar.

Mr. HOPKINS. Does not the rule require that this bill shall be considered first in Committee of the Whole?

The SPEAKER. The bill now presented?

Mr. HOPKINS. Yes, sir.

The SPEAKER. The Chair has not heard what it is. If it makes an appropriation of money, or requires an appropriation of money to be made to carry into effect its provisions, the rules require that it shall have its first consideration in a Committee of the Whole House on the state of the Union.

Mr. HOPKINS. I claim that this bill does indirectly make an appropriation.

The SPEAKER. The Clerk will report the bill.

The bill is as follows:

Be it enacted, &c., That upon the passage of this act the commissioners of the District of Columbia shall appoint three persons from and residents in each of the eight existing school divisions of the District, who shall constitute the board of education of the District of Columbia. The term of office of one-third of the number of the board first appointed shall end on the 15th day of July, 1887; one-third on the 15th day of July, 1888; and one-third on the 15th day of July, 1889; and all vacancies in the membership of the board resulting from expiration of term of office shall be filled by appointments for three years, and all vacancies resulting from other causes shall be filled by appointments for unexpired terms; but said commissioners may, in their discretion, at any time remove any or all of said members from office and fill the vacancies by new appointments. Each appointee shall, before entering upon the duties of his office, take and subscribe an oath or affirmation to support the Constitution of the United States, and faithfully to aid in executing the powers conferred and performing the duties imposed upon the board by law; and said oath or affirmation shall be filed of record in the office of the commissioners of the District.

SEC. 2. That the board of education of the District of Columbia shall have the power and it shall be its duty—

First. To appoint a secretary for the board, who shall perform such duties as the board may assign to him, and remove him at their discretion.

Second. To nominate (two-thirds of its members concurring) and, by and with the advice and consent of the commissioners, to appoint such superintendents in the public schools as may be authorized by law.

Third. To appoint supervising principals of school divisions, teachers, janitors, and such other employés as may be deemed by the commissioners necessary for the proper administration of the public-school system of the District under the provisions of this act, and which said commissioners may by order authorize it to appoint, and to change such employés at the discretion of the board: *Provided*, That no removals, appointments, or promotions shall be made except by an affirmative vote of a majority of the whole board: *And provided further*, That immediately upon any action by the board relating to the change of *personnel*, such action shall be formally certified to the commissioners for their information.

Fourth. To prescribe and ascertain, by suitable competitive examinations and other satisfactory evidence, the qualifications of candidates for teacherships and

promotions: *Provided*, That the rules adopted by the board for the conduct of the examinations of candidates for teacherships shall be approved by the commissioners of the District of Columbia.

Fifth. To prescribe courses of study and text-books for the public schools; but no book shall be prescribed or changed unless by a vote of two-thirds of the whole board; and the books in all the schools shall be uniform.

Sixth. To suspend, expel, or punish pupils who will not submit to reasonable rules of order and discipline, or to authorize the suspension, expulsion, or punishment of such pupils.

Seventh. To make frequent personal inspections of school-buildings, furniture, and the premises, and to cause monthly examinations and reports of all matters relating to the schools to be made by the superintendents and supervising principals or other competent persons.

Eighth. To report in writing to the commissioners whenever, in the opinion of the board, a new school-building, or an addition thereto, alteration of, or repairs to a school-building, are needed, showing the necessity for such building, addition, alteration, or repairs.

Ninth. To prepare and submit to the commissioners annually, in the month of September, a detailed estimate of the amount of money required for the support of the public schools during the next ensuing fiscal year, showing specifically for what purposes such money is required.

Tenth. To examine and recommend to the commissioners, for approval or disapproval, all bills and accounts against the District for the establishment and maintenance of the public schools.

Eleventh. To make to the commissioners annually, prior to the 1st of September in each year, a report in writing of the work and acts of the board during the preceding school year, including reports from superintendents and other officers and teachers, or such parts thereof as may be required by the commissioners or be deemed of general interest.

Twelfth. To make and execute such by-laws and rules, not inconsistent with law, as may be necessary or convenient for the proper administration of the powers and duties herein granted and imposed, and to amend or abrogate the same at pleasure; but no by-law or rule shall be made, amended, or abrogated unless by a vote of two-thirds of the whole board.

SEC. 3. That upon the recommendation of the board of education the commissioners may change the number or limits, or both, of the school divisions as now established; and such changes, when so recommended and approved, shall effect corresponding changes in the composition of the board.

SEC. 4. That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

Mr. BARBOUR. I ask that the report accompanying the bill be read.

Mr. HOPKINS. I would like a decision on the point of order.

The SPEAKER. The Chair has not been able to discover, from the reading of the bill, that it makes an appropriation or requires an appropriation to be made if it shall be enacted into a law. No compensation appears to be provided whatever for the members of this board.

Mr. HOPKINS. But in the selection of the school sites it indirectly requires an appropriation of money to be made.

The SPEAKER. It does not appear from the bill that this board is more than an advisory board. They are to recommend only.

Mr. HOPKINS. But they are the moving power, and no money can be expended or action taken except with their approval. And while no money is directly expended by them, yet, at the same time, inasmuch as the bill provides that the school sites shall be designated and contracts made for the District in that respect with their approval, involving indirectly an appropriation of money, I claim that it should go to the Committee of the Whole House.

The SPEAKER. The powers of the board in that respect appear to be entirely advisory in their character. It may be that a site for a school-building can not be procured except upon their recommendation; but still, it does not follow that it must be procured upon their recommendation. And, in addition, it has been repeatedly held that unless the bill on its face makes an appropriation, or plainly requires it to be made to execute its provisions, it does not bring it within the rule requiring its consideration in the Committee of the Whole.

Mr. BARBOUR. There is no change from existing law on that point.

The SPEAKER. The Chair thinks it may be considered in the House, under the rule.

Mr. HOPKINS. Then, Mr. Speaker, let the report be read.

The SPEAKER. It has been called for.

Mr. BARBOUR. I have asked for the reading of the report. I am not the special patron of the bill, but wish to give the House all the information in my power in reference to it.

The report (by Mr. BARBOUR) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 5235) to create a school-board, &c., respectfully report that they have had the same under consideration.

They have had several conferences with the Commissioners of the District and the citizens' committee (the latter is the propounder of the bill), and now present a substitute bill, embodying such change in existing law as is asked for and agreed upon by and between the commissioners and citizens, with a single amendment by your committee, which is, in their judgment, a wise and just settlement of the only point of variance, and which is believed to be acceptable to both. The amendment proposed (which is the second clause of section 2) is as follows:

"Second. To nominate (two-thirds of its members concurring) and, by and with the advice and consent of the commissioners, to appoint such superintendents in the public schools as may be authorized by law."

With this amendment your committee report the substitute to the House, with the recommendation that it do pass.

Mr. BARBOUR. Mr. Speaker, I desire to say that upon the language of that report it is shown that there seems to have been some little misunderstanding in regard to the consent of the commissioners. I understand that while at one time they were disposed to yield their objections to the measure, subsequently they withdrew their conclusion to consent to the passage of the bill.

This is a measure, sir, that the people of the District have a large interest in. It is a matter that comes home to everybody, the education of their children; and this movement has been started by a large body of citizens, who have come together and reported their sentiments, as embodied in the bill.

The competition is between the present system, which is the exercise of a one-man power, and the exercise of this same power by a large number of representative citizens whose action is subject to the approval of the commissioners of the District. It is a measure to popularize, as far as may be, the educational system of Washington city.

I desire to have read, in further support of that position, a memorial from several hundred of the most prominent citizens of Washington, and a letter addressed to me also by Chief-Justice Cartter, who presided as chairman at the citizens' meeting. When these are read I shall submit the matter to the consideration of the House so far as I am concerned, and yield a portion of my time to the gentleman from Illinois [Mr. ROWELL].

The Clerk read as follows:

CITIZENS' COMMITTEE ON LEGISLATION FOR THE PUBLIC SCHOOLS,
Washington, D. C., December 6, 1886.

DEAR SIR: I have the honor to transmit herewith a memorial of citizens, who have been, at one time or another, connected with the management of the public schools of this District, either directly, as trustees and superintendents, or indirectly, as mayors and commissioners, and who represent substantially all classes and localities.

These memorialists are among our best-known and most intelligent citizens; and if any body of citizens here is competent to represent the wishes of our people in respect to the proposed school legislation and to give a trustworthy opinion as to its propriety and necessity at the present time these memorialists are that body.

I take this occasion to renew, on behalf of the citizens' committee, our approval of the school-board bill as reported by your committee.

Very respectfully,

D. K. CARTTER, *Chairman.*

HON. JOHN S. BARBOUR,
Chairman Committee on the District of Columbia,
House of Representatives, United States.

MEMORIAL.

WASHINGTON, D. C., *December 6, 1886.*

To the House of Representatives:

In our opinion, House bill 9125, "to create a school-board for the District of Columbia, and to prescribe its powers and duties," including subdivision 2 of section 2 of said bill, which directs the mode of appointing the superintendents of instruction, ought to pass.

We think the best interests of the public schools will be promoted by intrusting their educational management to a board of citizens specially appointed for the purpose and vested with appropriate and adequate powers.

Such a board, with, as it seems to us, substantially such powers, is provided for in the bill referred to; and we therefore beg most respectfully to urge its early and favorable consideration.

Mr. BARBOUR. I yield ten minutes of my time to my colleague on the committee, the gentleman from Illinois [Mr. ROWELL].

Mr. ROWELL. I do not desire to occupy very much time in discussing this bill. I believe it to be true that the public-school system in all the States is organized upon the theory of bringing one portion of the school management as near to the people as possible. In other words, it is a decentralizing system. All the States that have advanced in the public-school system have a State superintendent with certain powers, have State laws prescribing the method of organizing the schools, the qualification of teachers, and certain general regulations. But then they have also county superintendents with certain powers. It is and has been the policy of the States to bring the employment of the teacher down to the smallest body of people interested. Under that system, I think, schools have thrived. The people to be affected have been interested in the schools, and they have prospered. While there are objections to the system because it brings mediocrity in competition, yet as a whole I think it to be the true system.

We have an anomalous form of government in this city. The purpose of this bill in part is to bring the employment of the teachers and the control of the schools near to the people. It proposes to divide this District of Columbia into eight districts and to have out of each of these three members of the board of education, so as to bring into each district a personal interest in the schools, and to that extent assimilate our system to the general system.

But, Mr. Speaker, it will not do to forget the peculiar form of government in the District, nor will it do to incorporate upon that form anything that is antagonistic to it. Therefore, to my mind, there are some things in this bill that ought to be amended. The commissioners of the District are its controlling power. To them must go all estimates for the support of schools. In their hands is the fixing of salaries. To them must go the general supervision of all the expenditures of the members of the board of education because they are the parties to whom Congress looks for information. It seems to me that this bill takes from them one power that they ought to have. The bill gives to the board of education the appointment of all teachers, of all principals and subsuperintendents; of all parties that have any connection with schools in the way of teaching.

The bill goes further and it gives to the board of education the nomination of the executive officer of the schools. To my mind, to that extent, it goes too far. It seems to me that the District commissioners ought to have an agent acting for them, supervising for them, looking over the action of the teachers and superintendents; and that agent ought to be the executive officer of the schools or their superintendent.

I heartily approve of the bill with that exception. I believe it would be perfected, and that the system would be better carried out by giving absolutely the power to nominate and appoint the superintendent to the District commissioners rather than to the board of education.

Mr. TOWNSHEND. Will my colleague explain the necessity for the increase of the board of trustees from eight to twenty-four members?

Mr. ROWELL. I will explain that.

Mr. DUNHAM. Will my colleague also explain to the House what the present system is?

Mr. ROWELL. Under the present system there are eight districts, with one member of the board from each district. The bill proposes to give to each one of the eight districts in the District of Columbia three members of the board of education.

Mr. TOWNSHEND. What is the necessity for that increase?

Mr. ROWELL. The only necessity is to get a larger number of people in the localities where the schools are interested in the schools—to bring our system down to the people in the several localities; the idea being that the teachers selected for any particular locality will really be recommended by the three members of the board living in that special locality of the city.

Mr. DUNHAM. Will my colleague allow me to ask him this question? Will not each one of these three members coming from each district be particularly anxious to have a school-house built in that district, and get the money of the Government for that district?

Mr. ROWELL. I think that would be a very good anxiety. The more school-houses we have the better will we be off. We have not enough of them anywhere in the country; and it is no objection to my mind to this bill that under it you have parties interested in building school-houses and obtaining good teachers. The objection I have to the bill is that it absolutely puts the nomination of the executive officer, the man to whom the commissioners must look for their knowledge, into the hands of the board of education instead of into the hands of the commissioners themselves. By retaining the nomination of the superintendent in the hands of the commissioners themselves we obtain a harmony of the system with what exists in the various States. We will then have a dove-tailed system, bringing the appointment of teachers down to the smallest number of people, and having above them, as in the States, a superintendent not selected by the representative of this small number, but by the commissioners, and so harmonizing the school system with the system of government in the District.

For that reason, while I approve heartily and shall support the general features of the bill, believing it to be a great improvement upon the present system, I do believe that to give the nomination of the superintendent to the board of education is to take away from the schools of this District the opportunity to be improved as they ought to be. I am not satisfied that they have the best system here now, that the schools of Washington are what they ought to be, or are equal to the schools in the best-regulated cities of the country. I believe that by giving the commissioners power to select the best executive officer possible, without regard to local patronage or local influences, we shall get a better system, one which will improve the schools faster than any other and will make the schools of Washington city what they ought to be—the best schools in the United States. For these reasons I shall support the amendment in that particular, and shall heartily support all the other provisions of the bill.

Mr. DINGLEY. Before the gentleman sits down I should like to have an explanation of the existing powers of the board of education, and of the changes proposed by this bill.

Mr. ROWELL. There is a good deal of dispute as to the existing powers of the board. It has been claimed in time past that the board had the power to appoint all the teachers and make all the school regulations, the appointment of the superintendent being in the commissioners themselves. Within the last year or two it has been claimed by the commissioners that the power of appointing teachers, fixing their salaries, and regulating them generally, is in the District commissioners, and that the board of education as it now exists is simply advisory. There is some dispute as to the interpretation of the law. The passage of this bill will settle that controversy.

Mr. HOPKINS. Mr. Speaker——

The SPEAKER. The gentleman from Virginia [Mr. BARBOUR] is entitled to the floor.

Mr. BARBOUR. I reserve the balance of my time.

Mr. HOPKINS. Mr. Speaker, the bill under consideration is a matter of too grave importance to be hastily carried through this House. The interests of over 30,000 school children in this District are involved, and it seems to me that when a bill of this kind is presented to the House it should be accompanied with a report of a character to enlighten the House as to the reasons for the proposed legislation. When I take up the report presented by the District committee I find that they assign no reason whatever for this proposed change. I find that they do not, in their report, allege the existence of any evils under the present management. The only cause that is assigned for this proposed legislation, so far as I can learn, is the letter and petition which have been presented to the House by the chairman of the committee and read by the Clerk. Now, Mr. Speaker, I claim that that petition and that letter do not represent the sentiment of the people of the District of Columbia.

In support of this statement I desire to call the attention of the House to extracts which I shall read from the Washington Critic and the Washington Star of December 9, showing the manner in which the committee was gotten up and its authority to speak for the District of Columbia. I read first from the Critic:

As was to be expected from such hasty work, dissatisfaction with the report was at once expressed. It was claimed that the list included only five from East Washington and three from South Washington. While in the warmth of debate over this matter a cool-headed man moved to adjourn for a week, and, the chairman putting the question, it was carried; and the meeting will accordingly meet on next Wednesday evening, when the committee's report will be considered.

Here, Mr. Speaker, is an indication that that committee and the letter and petition which have been presented to the House this morning are the results of hasty and ill-advised action on the part of a few persons who are seeking to obtain political power in connection with the school system of the District. I desire now to call attention to some statements which appear in the Washington Star of the same date, and which are in the line of the extract which I have just read from the Critic. I read a paragraph from the Star:

Mr. Pelham—and, by the way, it appears that this Mr. Pelham is a gentleman who has taken an active part in connection with this committee—Mr. Pelham objected to the adoption of the report. In the first place, he said there were but few people present at the meeting in comparison with the great number in the city. Another reason was that this meeting did not represent the 200,000 people of this city in any respect, either as to numbers, as to wealth, or as to inteligence.

Now, I have not the pleasure of a personal acquaintance with this gentleman, who, it seems, is a resident of the city, but he states boldly that the persons who constituted that meeting did not represent the 200,000 people of this District, did not represent either the wealth or the intelligence of the District; yet the action taken at the meeting is the only reason assigned by the chairman of this committee for this proposed legislation.

Now, it is a safe principle for us to act on in legislation, never to attempt to enact a new law unless there is some grave reason for it. Unless the District Committee can show to the members of this House that there are some evils existing under the present system in regard to the school board and the schools of the District, it seems to me wise, Mr. Speaker, to leave matters as they are. I claim from the investigation I have made that there is no reason for changing the existing state of affairs; and in support of this I desire to have the Clerk read a statement which I now send to the desk.

The Clerk read, as follows:

It is with great pleasure that the Capital calls the attention of the people of Washington to the improved condition of the public schools and the excellence of school work done during the past year, as exhibited in the closing exercises that have just been held. It is the testimony of all who have had the privilege to be present at these exercises that marked progress has been made during the past year under Superintendent Powell, and that the schools were never in so good a condition as now. The teachers especially feel that this is the case and are encouraged in their work thereby. We are glad to observe that Commissioner Webb, who has charged himself especially with the duty of looking after the schools, has been present at the closing of many of them, has delivered the diplomas in person, and made addresses to the pupils. It will be a pleasure to all our citizens to know that so much care is being exercised in the management of the schools, and that there is so much reason to be satisfied with what has been accomplished during the past year.

Mr. HOPKINS. Mr. Speaker, that article represents, I think, accurately and honestly the sentiment of this District, as expressed at the close of the school year. It is the sentiment of all who have investigated the schools and watched their progress under the superintendency of Professor Powell, that they have never been in better condition than they are now.

When I learned that the District Committee proposed to call up this educational bill to-day, I sent to Commissioner Webb a letter, which I desire to have the Clerk read.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., December 10, 1886.

DEAR SIR: Is House bill No. 9125, "to create a school-board for the District of Columbia and to prescribe its powers and duties," including subdivision 2 of section 2 of said bill, which directs the mode of appointing the superintendent of instruction, favored by the District commissioners?

Second. Will the proposed increase of the board of education to twenty-four persons instead of nine, as under existing law, add to the efficiency of the management of the schools of the District?

Third. What is the condition of the schools under present management?

Respectfully, yours,

A. J. HOPKINS.

Hon. W. B. WEBB,
District Commissioner.

Mr. HOPKINS. In response to that letter I received a communication, which I desire the Clerk to read.

The Clerk read, as follows:

WASHINGTON, D. C., *December* 11, 1886.

DEAR SIR: Your letter of the 10th instant came to hand this morning. In reply I would say, first, that House bill No. 9125, to create a school-board, &c., and particularly subdivision 2 of section 2, directing the mode of selecting superintendents of schools, is not favored by the District commissioners.

Second. The proposed increase of the board of education from nine to twenty-four persons will not increase the efficiency of the management of the schools, but, in the opinion of the commissioners, will greatly detract from that efficiency.

Third. The condition of the schools under their present management is excellent. The commissioners say this without hesitation and without fear of

contradiction. The present superintendent is a most efficient, capable man, and gives all of his energies singly and entirely to the advancement of the schools.

I inclose you herewith two letters, one to Mr. BARBOUR, the chairman of the Committee of the House on the District of Columbia, and the other to Mr. INGALLS, chairman of the Senate committee of District affairs. These letters will show just what the commissioners said about the matter of school legislation at their respective dates. You will perceive that the commissioners distinctly deny any intention to recommend legislation. I wish to say now that with the experience of the working of the present system, as interpreted by them, the commissioners are decidedly of opinion that nothing would be more detrimental to the excellence and harmony of the schools than the enactment of House bill No. 9125.

Very respectfully, your obedient servant,

W. B. WEBB.

Hon. A. J. HOPKINS.

Mr. HOPKINS. Mr. Speaker, the House will see from the article I first sent to the desk to be read, and from these letters, that there is no reason existing for this proposed legislation.

Mr. SPRINGER. Will my colleague allow me to ask him a question?

Mr. HOPKINS. Certainly.

Mr. SPRINGER. As he is a member of the District committee——

Mr. HOPKINS. No, I am not a member of the committee.

Mr. SPRINGER. I desired to ask some gentleman who is a member of the committee whether there have been brought to the attention of the committee any complaints as to the management of the schools in this District.

Mr. HOPKINS. Although I am not a member of the committee, I can answer that question; and I say emphatically, no. Since Professor Powell, the present superintendent, has had charge of the schools, the work of the school system has been an unbroken success. It has been a pleasure as well as an honor to me to know Professor Powell for many years. He was for fifteen years superintendent of the public schools of my city before he was called to this new field; and in my judgment there is no man in America better qualified to take charge of the schools of the District of Columbia than the present superintendent. He is a ripe scholar, and a man of large and varied experience in school matters, and is enthusiastically devoted to the cause of education. He comes here independent of politics, and without any other interest than to render the schools of the District efficient, as efficient as we have them in Illinois, or in any other State in the Union. He is an educator, pure and simple.

Mr. BUTTERWORTH. I would like to ask the gentleman a question. Are we to understand that this bill is in effect simply to get rid of a man who is in the way of certain gentlemen?

Mr. HOPKINS. Yes, sir, that is what I understand to be the fact.

Mr. COBB. There is nothing in the bill authorizing such a statement.

Mr. HOPKINS. I understand there are in the District of Columbia a few discontented spirits who desire to get on this school-board—not, in my judgment, with a view to add to the efficiency of the schools, but for their own private ends. Among the men who have been most persistently lobbying this bill is one in particular, who, as I know, is without a dollar's worth of property in the District, and without a child to send to the schools. Yet he has been persistently laboring, in season and out of season, for the passage of this bill. As I have already said, unless the District committee can show to this House some evil existing in the present state of the school affairs, it would be bad policy to attempt any new legislation.

The gentleman from Maine [Mr. DINGLEY] asked my colleague [Mr. ROWELL] whether there is any trouble between the board of school trustees and the commissioners under the existing law. I can answer that inquiry. Under the present law we have nine trustees. These men come from different portions of the District. They represent the different localities and the different elements in the city of Washington as fully as they would be represented if the number should be increased to twenty-four. In addition to that these men are in harmony with the District commissioners, who are charged in the first place with the proper administration of school affairs here. Now, when we have a law that gives nine trustees, in addition to the three District commissioners, this number being supplemented by the school superintendent and by the supervising principals, I ask whether these officers are not numerous enough to look after the interests of the schools.

Mr. GALLINGER. How does the number correspond with that in other cities as large as this?

Mr. HOPKINS. I am not able to state.

Mr. GALLINGER. It is very much less, I believe.

Mr. HOPKINS. It may be less; but the gentleman will observe that in the cities in the various States the people elect their boards of trustees, and here they do not. So that this is simply a proposition to increase the number, without the prospect of obtaining, so far as I can see, any advantage not now possessed.

Mr. Speaker, this bill is most vicious in character. It is not made, and the object of it is not for the good of the schools of the District, but for the purpose of finding places for those men who desire to be put on this board. I hope, for one, in the interest of the schools of this District, that the members of this House will say to these men who are seeking to pass it through the House, it shall not be allowed to pass until they come here and show there is some wrong to be righted. If that be not done let the House say to them the bill never shall be passed. I yield now for twenty minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. DINGLEY. Before the gentleman sits down I would like to have some information, as doubtless other members would, on this one point. As I understand the gentleman from Illinois, the board of education in this city under existing law is merely an advisory board in its educational management.

Mr. HOPKINS. I do not understand it in that way. I understand there is perfect harmony between them and the board of commissioners.

Mr. DINGLEY. But is the board of education anything more than an advisory board?

Mr. COBB. That is the general rule.

Mr. CANNON. Is not that enough?

Mr. DINGLEY. That does not constitute ordinarily the powers of a board of education. It is proposed to change that for a board having educational management, leaving out the business of financial management. Is that the change proposed?

Mr. HOPKINS. Not entirely.

Mr. DINGLEY. But largely so.

Mr. HOPKINS. It leaves it in some respects as before. These parties can hire teachers with the approval of the commissioners. It creates in no sense an advisory board, but it does increase the number.

Mr. DINGLEY. This question of numbers is of secondary consideration. I want to know what the changes of powers provided in this bill are in regard to the board of education. It is now simply an advisory board, and of no more consequence *than any other* advisory board. Does the bill put into the hands of the board of education as created the educational management of the District?

Mr. HOPKINS. In answer to the gentleman I will state, as the board now exist they exercise substantially the powers proposed to be placed in this board of twenty-four men. The difference is, this law increases the number to twenty-four, so as to render the board more liable to the creation of political combinations for selfish purposes.

Mr. DINGLEY. That hardly answers the question, not in respect to the increase of number, but as to the change in the power of the board.

Mr. HOPKINS. I can not satisfy the gentleman. I must send him to the first sources of information, and let him examine the law for himself.

Mr. BUCHANAN. How much easier for twenty-four men are these combinations than for nine men?

Mr. HOPKINS. Very much easier.

Mr. BARBOUR. I wish to make an explanation.

Mr. SPRINGER. I yield for that purpose.

Mr. BARBOUR. I understand the gentleman from Illinois [Mr. HOPKINS] undertook to say to this House this movement had its intention and animus in affecting the present superintendency of the public schools of the District.

Now, sir, I desire to say as chairman of this committee, and as being somewhat cognizant of the proceedings in reference to the District of Columbia, that no such purpose has ever been manifest so far as the chairman or any gentleman upon that committee is concerned. I have never heard a word on that subject; and, while I know it is cheap for gentlemen to get up and impeach the motives of others——

Mr. HOPKINS (interrupting). So far as the chairman of the committee or the committee itself is concerned I did not mean my language to apply to them; but had reference to certain lobbyists outside, who have taken active part in this agitation.

Mr. BARBOUR. I have only risen, Mr. Speaker, to disclaim on my part as chairman of the Committee on the District of Columbia any such purpose as that alleged by the gentleman. I do not even know the man who is at present the superintendent of the public schools in this district. I know nothing whatever of his politics. I have, I think, heard in a general way that he is a Republican. I suppose that is the reason you are taking such an interest in the matter. It is enough for me to know, without reference to what a man's politics may be, that he is an efficient and faithful official; and if he is, it does not matter whether he be a Democrat or a Republican. His qualifications and the faithful discharge of his duty are the only tests I would require.

Mr. LONG. Are not the twenty-four members to be appointed by the commissioners?

Mr. BARBOUR. Undoubtedly.

Mr. LONG. Then the commissioners will control in the appointment of the superintendent, just as they do now?

Mr. BARBOUR. Certainly; in the first instance, the trustees are to be appointed by the commissioners, and then the trustees nominate the superintendent.

Mr. LONG. Then the present superintendent is in no more danger under the proposed plan than he is now?

Mr. BARBOUR. None whatever. He is just in the position that he is in now, so far as that is concerned. The whole power is vested in the commissioners originally, except that slight feature about the trustees making a nomination. In other respects they control it all.

Mr. CANNON. I wish to ask the gentleman from Virginia a question in good faith and for information simply. Who controls this ap-

pointment now? Do the commissioners control or is the control lodged in the nine trustees?

Mr. COBB. Why, in the commissioners; there is no question of that.

Mr. BARBOUR. Some question was raised last year in which the respective powers of the trustees and the commissioners was involved, and the commissioners assumed and maintained that the whole power was with them.

Mr. CANNON. So they control?

Mr. BARBOUR. Yes, sir; absolutely. They control now, and the same power would remain under the terms of this bill.

So far as the other remark of the gentleman from Illinois is concerned, that in reference to the people who have appeared in this thing, I only wish to say that this measure has come to our committee time and again, and from large and influential bodies of citizens of the District. It has come before us from people who have a marked interest in the good administration of the public-school system in this city; from ministers of the gospel, merchants, business men, and people generally who are interested in the education of their children. They are the people who came.

I have had little to do with the matter myself. The bill was reported by another gentleman on the committee, and I have only taken charge as the organ of the committee. But so far as personal motives are concerned, I disclaim them utterly, and I know nothing of the politics of any man connected with the matter, and care less.

Mr. SPRINGER. I do not desire to occupy so much of the time as has been yielded to me, but I am not sufficiently advised as to the necessity for this measure from the debate which has so far taken place as to induce me to support it.

The first question to be considered, when enacting legislation, is whether there is an abuse to be corrected, some reform to be worked out. I am not aware that there is in the District of Columbia a condition of things, so far as the public schools are concerned, which requires the interposition of Congress to remedy existing wrongs or correct alleged abuses. I have been accustomed to hear the statement from time to time that the school system of the District of Columbia was a good one; that the schools were well officered, had good teachers, a proper system of instruction, and that, in fact, the whole system was satisfactory to the people of the District. If it were otherwise I would certainly be in favor of any proposition looking to a greater efficiency in the school system.

I am in favor of education in its largest sense; I am in favor of aiding every effort in the direction of the efficiency of the public schools in the District of Columbia, so that the children may have an opportunity of attending school for at least eight or nine months in the year. I have been informed that the system, as now in operation here, is giving satisfaction; that the present board of trustees is composed of gentlemen of high character; that they are representative men; that they are discharging faithfully and conscientiously the duties imposed upon them, and that the public schools are in a flourishing condition. I do not know whether or not the board, as now composed, is Democratic or Republican in its political sentiments. I do not know anything about its political sentiments. I do not want to know anything on that subject. It is a question that has no business here. I want to keep the school system entirely out of the domain of party politics. Nor do I know whether there is any movement contemplated by this bill to get rid of the present superintendent of the public schools. I have no knowledge upon that point. I only know that there is a superintendent, have heard his name mentioned, and have heard no complaint of the management. But as to whether or not some other gentleman could better manage the schools than he is a question which I am willing to leave entirely in the hands of the school trustees to deal with. It is a matter that does not concern me.

Mr. COBB. That is not the law. That is what this bill proposes to do. The commissioners make the appointment under the old law.

Mr. SPRINGER. The gentleman from Indiana corrects me by stating that the commissioners of the District appoint the superintendent under the present law. That I think is quite as well, and I am perfectly willing that the commissioners should have this power.

The bill under consideration proposes to increase the school board of this city from the number of nine, as now constituted, to twenty-four. The school board of nine, it seems to me, is quite large enough to administer the affairs of the school system of the District. If you make twenty-four the number that shall constitute this board it will cease to be a board and become a legislative body. They will be compelled to organize as a legislative body; they will be compelled to adopt certain rules, to have secretaries, to have a sergeant-at-arms, to have doorkeepers and desks, and the whole paraphernalia of a legislative system is at once instituted. And as you enlarge the number of these executive officers you diminish the individual responsibility of each. It seems to me that a school board consisting of nine gentlemen is large enough to administer properly the affairs of the schools in this District. Unless gentlemen can show that there is some existing evil to be cured, some great wrong that ought to be remedied, I propose for my part to let well enough alone. I have heard no complaint myself—gentlemen on the committee may have heard it—I have heard, myself, no complaint of the management of the schools in this city; and, as I have said, I prefer to let well enough alone rather than to enact a new system of legislation with regard to the schools of the District.

There is no branch of the public service that ought to be dealt with more carefully than the public school system; and wherever I find a board discharging its duties and giving satisfaction in that respect, I think it is well enough to rest there. If these gentlemen are competent to manage these affairs—and I believe nobody has brought any charges against the *personnel* of the present board—let them proceed with their duties, and let the school system of the District go on as it has been managed heretofore.

I have the highest regard for the gentleman from Virginia [Mr. BARBOUR] who has called up this bill, and also for the District Committee, who have reported it, but it seems to me there are other matters in the District of Columbia that are calling for relief that should have been brought up for consideration rather than this matter relating to the enlargement of the school-board. There are many matters in the District that ought to be legislated upon. There are many matters here that are demanding the attention of Congress; and I hope this bill will be laid aside until some future time, and that the House will proceed to the consideration of other matters pertaining to the District which really require legislation at this time.

Mr. HEMPHILL. I desire to say a few words in justification of the action of the committee in reference to this bill. So far as I am concerned I have no particular interest in it one way or the other. It is simply a question whether or not certain rights which the people of this District desire to be put into their own hands shall be given to them in the management of the schools or whether the whole management shall be intrusted to the three District commissioners in whose selection the people of the District have no voice.

It has been said there have been no complaints against the present management of the school system. I say the man who makes such a statement must certainly have lived in this District in a state of dense ignorance. He can neither have spoken to the people nor have read the newspapers. The committee has been waited upon by a large delegation of the most prominent and intelligent citizens of the city and of the District, who have importuned the committee to bring this bill up and have some legislation on this subject. They have finally agreed with the commissioners on this bill as a measure that would be satisfactory to them. And while the commissioners are themselves not in favor of the passage of it, they say that if the Congress of the United States and the people of the District are in favor of further legislation they do not feel called upon to make any opposition to it.

There are two changes in the law which this bill proposes, which seem to me important. The first is there shall be three persons appointed from the residents of each of the eight existing school divisions of the city. As the matter now stands the commissioners appoint nine school trustees, all of whom may be taken from one district, leaving the other districts without any representation, so far as locality is concerned. This bill provides for an increased number, and provides that the persons on the board shall be respectively residents of the district from which they are appointed.

The next and the only other amendment of consequence is that relating to the appointment of a superintendent, who is to be nominated by these trustees, and whose nomination is to be confirmed by the commissioners. As the law now stands, the whole matter is in the hands of the commissioners to select whomsoever they choose, without reference to the nomination of the board of trustees, and without consulting the wishes of the people. That power, I am informed, is exercised by one of the commissioners. Now, the simple question in reference to that is whether the people whose children are going to school shall have any voice whatever in the selection of the man who shall be the superintendent of the schools.

Now, if this gentleman that my friend speaks about is such a fine educator, the chances are that the people of this District will have sense enough to see it, and there can be no difficulty about his securing the position, if he is the man that he is represented to be, and if, as my friend states, there are but few people opposed to him. It is unfortunate for this bill that the discussion should have been given a personal turn, and it is exceedingly unfortunate for this superintendent that, in considering a matter of legislation which concerns the best interests of all the good people of this District, he should be brought forward here and represented as the man who is instigating all the opposition. I trust that members will determine this question upon the merits of the bill, without any reference whatever to the consideration of how it may affect the present superintendent of schools. I know nothing of him; I do not know him personally; I never heard of him before this occasion, and I desire to say that, so far as I have any knowledge as a member of the Committee on the District of Columbia, there is no purpose to injure him or any other person connected with the public schools. This bill is simply the result of an effort on the part of citizens of the District to exercise some influence in the management of the schools in which they are so greatly interested.

Mr. SPRINGER. I desire to say, Mr. Speaker, that, so far as the present superintendent of schools is concerned, I do not know whether he favors this bill or not, nor do I know whether it is in his interest or adverse to his interest. My opposition to the bill is entirely inde-

pendent and outside of any consideration for the present superintendent of schools.

Mr. HOPKINS was recognized.

Mr. HEMPHILL. Mr. Speaker, I desire to reserve the balance of my time, and will yield a portion of it to the gentleman from Indiana [Mr. COBB] after the gentleman from Illinois [Mr. HOPKINS] shall have concluded.

Mr. HOPKINS. I yield five minutes to my colleague from Illinois, Mr. CANNON.

Mr. CANNON. Mr. Speaker, so far as the interest of the presen. superintendent of schools is concerned, I have nothing to do with itt I have neither seen that gentleman, nor heard from him with reference to this bill. He may be a very competent man, or there may be others far more competent than he is. I do not discuss the bill from that standpoint.

This District, as we all understand, is under the control of Congress. There are two ways in which we can exercise that control. One way is directly, the other is by allowing the people of the District to control.

We have tried both ways. After the people had exercised control of the District through a legislative body authorized by Congress for some years, it resulted in very considerable scandals, and Congress, in its wisdom, saw proper to repeal the law and resume direct control of the District, and we now proceed from time to time, upon the recommendation of the Committee on the District of Columbia, to deal directly with District affairs. Under this system we have constituted a board of three District commissioners and made them responsible for substantially the whole management of the District. Of course it is not practicable for Congress to act directly in matters of administration. We must choose agents of some kind.

Now, as long as we retain the existing system, I think it is the part of wisdom to have as few agents as possible—to let the power remain lodged where it is now, in the hands of the District commissioners, who are nominated by the President and confirmed by the Senate, and to hold them to a strict responsibility. If you divide the power, giving a part of it to a school board of twenty-four members, and then, perhaps, giving the management of the police to another board of twenty-four members, and so on, dividing up this power, we will soon reach a stage where nobody will be responsible. I understand that the law as it now is gives the commissioners control of school matters, as of other District matters, under Congress, they making annual reports to Congress.

It is true that they have a board of education, but the chairman of the Committee on the District of Columbia has told us that the commissioners claim that they have exclusive power and that the board of education is merely advisory. I say again, I think that is a proper way in which to manage District matters. What does this bill propose to do? To divide responsibility? Yes. But it proposes also that the same District commissioners who are now responsible to Congress, having an advisory board of education to instruct their consciences or judgment—that these same commissioners shall appoint the twenty-four school trustees with power to remove them at any time, and then that the trustees, after their appointment, shall appoint the superintendent of schools, if not the teachers, subject to confirmation by the District commissioners. Now, I suspect that if you gave the District commissioners the power to appoint a board of this kind, it would be a board which would prove very subservient to the commissioners. That body, once appointed, would be a very convenient one for the commissioners to shove off responsibility upon when anything went wrong.

The creature of the commissioners, the trustees when once created, would serve to relieve the commissioners of their just responsibility, so that if errors crept in, or if maladministration should arise, the commissioners would be able to say, "Well, Congress has taken away from us the power, and we are not responsible." So far as I am concerned I am not willing to legislate in that way. If this board of school trustees is to be created at all, then amend this bill so as to give the President the power to appoint them, or lodge the power of appointment in the supreme court of the District, make them entirely independent of the District commissioners, and let them report directly to Congress. Then you have responsibility. I think we had better let the law remain as it is; but if it is to be changed, let us give the power to agents that shall be independent of each other for their official existence.

Mr. GROUT. Mr. Speaker, I did not expect to feel called upon to say anything on this bill, though I am a member of the committee that reported it. But there have been made on this floor one or two statements to which, as a member of that committee, I wish to reply. One was the statement of the gentleman from Illinois [Mr. HOPKINS] that the object of this bill is to legislate out of office the present superintendent of the schools of this District. If there be any such purpose in this bill, I join the chairman of our committee [Mr. BARBOUR] in disclaiming all knowledge of it; and I believe a similar disclaimer could be made for the whole committee.

But the gentleman from Illinois, when corrected on that point, suggested that such was the purpose of the "lobbyists who are pushing the bill." I do not know of any "lobbyists who are pushing the bill;" if there be such, I am not aware of it. I am aware that certain citizens of this District are interested in this subject, and one of them is no less a person than the chief justice of the supreme court of the District. He has sent to the chairman of the committee a communication in which he speaks of "a memorial numerously signed by citizens of the District," and forwarded by him.

He speaks of those citizens as "among the best known and most intelligent in the District," and says, "if any body of citizens here is competent to represent the wishes of our people in respect to the proposed school legislation, and to give a trustworthy opinion as to its propriety and necessity at the present time, these memorialists are that body." So if there be any lobbyists here they are the most respectable citizens of this District, headed by the chief-justice of the District supreme court.

Mr. HOPKINS. I would like to ask the gentleman whether in that letter the chief justice in terms approves of this bill.

Mr. GROUT. His language is—and I read again from the letter:

> I take this occasion to renew on behalf of the citizens' committee our approval of the school-board bill as reported by your committee.

This statement is signed "D. K. Cartter, chairman." He was chairman of a large meeting of citizens which has been in session more than once; and from that meeting comes the appeal to Congress for legislation on this subject. This will also answer the remark of the other gentleman from Illinois [Mr. SPRINGER] that there did not seem to be any demand for this bill.

One word in reference to some of the provisions of the bill, and I shall have said all I desire to say. The bill simply proposes to carry into effect what, until the present board of commissioners took charge of the affairs of the District, was, under the confused system of laws prevailing here, understood to be the legal rule, as it was certainly the rule which had been followed. That rule was, in the first place, to leave to the board of trustees the appointment of the teachers of the District. When the present board of commissioners came in they announced the discovery of a statute—and the bill introduced to-day by the gentleman from Illinois [Mr. ROWELL] for the codification of the laws of the District will tend to throw light on this subject, we hope. They claimed that under a certain statute, previously undiscovered, the commissioners were clothed with power to appoint the teachers, and they announced their purpose to exercise that power, taking it from the trustees. Now, this bill lodges that power with the board of trustees.

Let me say, Mr. Speaker, that there are in this city thirty thousand children of school age. There are six hundred schools and eight school divisions or districts. Gentlemen here say that they think a board of nine trustees, taken perhaps from the same school district in the city, is quite sufficient to administer the school system. This bill proposes to give to each district three trustees, resident within the district. Now there are but nine trustees in all; and they can not represent all the different districts; at least, they are not, as a matter of fact, so selected. Under this bill three trustees will be chosen from each school district; and it will be noticed there are four thousand pupils, or a little less, in each district, there being eight districts in all.

Mr. HOPKINS. Under the existing law are not the members of the board of trustees selected from the different districts?

Mr. GROUT. They may or may not be. In point of fact, they are not so selected now.

It will be noticed that gentlemen from Illinois appear to be especially active in opposition to this bill. I have not heard the voice of any one else raised against it. They say that they are interested in behalf of a certain superintendent of instruction, who, they fear, may be displaced under this bill. My colleague on the committee, the gentleman from South Carolina [Mr. HEMPHILL], has very properly suggested that if the present superintendent's reputation in this city as an educator is what is claimed for him he is in no danger. And I say if his work in the schools is not such, and his standing with the parents whose children are in the schools is not such that, with twenty-four men on this school board, selected from the various districts, he can continue to hold the position of school superintendent, then, in the name of popular government, he ought to step down and out. So I believe every man on this floor will say.

Mr. BUTTERWORTH. Whom are you for?

Mr. GROUT. Whom am I for? I will tell the gentleman whom I am for, always:

> I am for the under dog in the fight,
> Unless the other dog is clearly right.

And this puts me on the side of the disfranchised people of this District, who have no hand in the management of their public schools. And I am for this bill because, after a long and patient investigation of this subject in committee, and from the testimony of prominent citizens who are interested in these school matters, I have been convinced that some legislation of this kind should be adopted.

But if the gentleman wants to know whom I favor for superintendent of schools in this city, I will say I am not the advocate of any particular man for that position. Neither myself nor any other member on this floor has any business with that matter. That will be decided under this bill by the twenty-four school trustees created by it, subject always to the approval of the District commissioners.

Complaint is made that this bill proposes to give to the board of trustees the nomination of superintendent. But the commissioners will have a veto power on the nomination. The appointment must eman ate from the two bodies jointly; and it will be very strange if they can not agree upon a suitable man. Do these three commissioners hold themselves able—they do not claim it, but gentlemen here claim it for them—do the commissioners hold themselves able to attend to all the details of the administration of the government of 200,000 people in this city, that government embracing, as it does, the superintendence of the public works and the police system, as well as of the schools for the education of 30,000 pupils?

It is impossible, Mr. Speaker, for them to give personal supervision to all these matters. From the very nature of the case some one must be intrusted with the details of administration in the different departments of the District government; and who will say that three men in each school district in which, as we have seen, there are about 100 schools and about 4,000 pupils to be instructed, are too many to profitably take charge of the school affairs of that district? And who will say that these trustees ought not to be taken from among the residents of the district which they have in charge?

Who will say that this will not be an improvement upon the present system in which there are but nine trustees for the whole eight districts who may all be taken from some one school district? And who wonders that the people of this city, who pay one-half the taxes for the support of these six hundred schools and the instruction of these thirty thousand pupils, should not be accorded what this bill provides, namely, three resident trustees for each school district, who shall have power to appoint teachers and exercise the further poor privilege of advising, simply advising, the commissioners in the choice of superintendent for the whole school work of the city?

But these gentlemen from Illinois object to this through the fear that if twenty-four men from the different school divisions of the city are admitted to a voice in the matter the present superintendent, who is a citizen of their State, may be displaced. Now will these gentlemen allow the suggestion that possibly they flee while no one is pursuing. But still they are filled with fear, and I can not forbear saying to them in the language of a certain great student of the human heart:

> He either fears his fate too much,
> Or his deserts are small,
> That dares not put it to the touch
> To gain or lose it all.

Now, upon the strength of this comforting assurance, let not the friends of this superintendent longer tremble for his "fate," unless, indeed, his deserts be "small." Mark you, I am saying nothing against this superintendent, for I know nothing about him, except that these gentlemen say he is one of the foremost educators of the country; and I hope he is. If so, no harm will come to him from this board of trustees, who will presumably be taken from among the best men of the city. But remember that these twenty-four men have no power over his appointment except to advise; and remember, also, that they are themselves the creatures of the District commissioners, appointed by them and by them subject to removal at pleasure; and if the commissioners find that they have made such an unfit selection of trustees as that they can not be trusted to advise, coming up as they do from the people, as to who shall be appointed superintendent, then they have the power to remove these men and appoint others who will act more worthily and wisely. This feature is given to the bill to keep it in harmony with the idea that is uppermost in the act creating the present District government, namely, that the whole power of government is vested in the commissioners.

Mr. Speaker, the condition of this District is anomalous, located as it is in the midst of a free representative government, and yet with no power left the people to take any part whatever in the matter of government. The people are taxed, but have no voice whatever in the imposition of the tax, nor in the expenditure of the money thus taken from them. And under the construction given the law by the present commissioners they have no voice whatever in the management of their public schools. Now, for one, while I do not propose to attack the present system of District government, which in many respects works well, I am in favor of extending to the two hundred thousand people of this District the privilege accorded by this bill of having twenty-four of their number placed in charge of their public-school system, and of extending to these twenty-four men the further cheap privilege of advising the commissioners in the appointment of school superintendent.

This will meet the demands of the people of the District, will in no way contravene the supreme administrative authority of the commissioners, and will tend to promote the efficiency of the schools by bringing the people and the commissioners nearer together and more into harmony. It will admit the people to some little part in that important, that dear, work to them, the education of their children. It will be a timely and wise concession to a just and reasonable demand on their part for the exercise of some of the rights and duties of citizenship besides the payment of taxes.

When this bill is understood by the House I believe there will be no question about its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. COBB. It occurs to me, Mr. Speaker, that when gentlemen have given this subject the careful consideration it deserves, and which they should do, they will not fail to come to a right conclusion as to what action is required at their hands. There is a peculiar government established in this District, and this bill has grown out of occurrences in reference to which I have some familiarity, although not a member of the committee from which the pending proposition was reported. In the light of that familiarity with the affairs of the District, and in regard to the powers of the Government here, I can account for its production.

Heretofore this District was governed, as now, by three commissioners, with a school board consisting of nineteen members. That was changed some six years ago to nine members. It was thought then that a board of nineteen members was too cumbersome; and I am not sure that theory is not right as to this bill. But that provision in regard to the increase to twenty-four members is an improvement, as I think I can show, on the system as it now stands. That school board, until the past year, employed teachers and janitors, and made necessary improvements in school-houses. They had the power, it seems, to do that. The commissioners gave them that power, and they went on and exercised it from year to year for many years, until this board of commissioners—not the present, but the late board, or some of its members—had to check them. They made a ruling entirely overthrowing the power of the school board. They declared they had no power to do these things, as they supposed they had under the law before. And this bill is in the line of that ruling of the commissioners, by which they assumed to themselves the entire power.

Now, in regard to whether the system is the right one or not, from all we may hear the school system has been well conducted. I do not say it is not well conducted now, but I think it is in danger; and I will show, before I conclude, it is in danger of not being well conducted on the one hand by being limited to the board of commissioners alone. Do you desire the board of commissioners to assume the entire control of the school system here—to employ teachers; not only to build school-houses, but to repair them; to employ janitors—without some one of those more nearly interested approving of the action taken; to select and purchase school-books, and do everything else of the kind, not only hiring the teachers but paying them as well—do you believe, I say, in that system, or do you believe that the representatives of the people, coming up from each school division, can better direct and manage the school system here in this board than it can be done by the board of commissioners? My experience of the commissioners is this; and I think it is the experience of every man who has ever served on the District Committee, or on the Committee on Appropriations, on which latter committee I have had the honor to serve, and to have in charge in the House the bill making appropriations for support of the District. I endeavored then, as did other gentlemen, to find out everything which could be learned in regard to the exact condition of the school system in this District.

I looked into the matter as carefully as I could under the circumstances, and I think I understood the working of the system. I say, then, as I understand it, this can not be done; and what I was about to say is this: that one member of the board of commissioners—and I call the attention of the committee who produced this bill to that fact—that one member of the board of commissioners now controls the whole school system in this District, and has done so for years. That is done for the reason suggested by the gentleman who has just taken his seat—that this is a government by itself, and upon the assumption the government here is in perfection; so that they can build asylums, erect schools, establish sewerage, manage the police force, and do everything else necessary to the government of a great city containing within its limits 200,000 inhabitants. I undertake to say, sir, that no man can overlook the whole of it and understand it as he should, and practice it as the commissioners would no doubt like to do, but are unable.

Now you virtually, as the law stands, vest the whole power over the school system in the hands of one man. If he happens to run wrong, there is no corrective power behind him or elsewhere; and as this bill provides a board of what I may call supervisors, or in other words trustees, coming up from each of the school districts to advise as to the building of school-houses, to advise as to the employment of teachers, as to the repair of school-houses, as to the employment of janitors, to advise as to the text-books to be used, men representing each of these school districts, I ask is it not a good provision. Is it not worthy the consideration of this House to provide that the one man in charge of the school system shall be advised at least by the people directly interested in the perfection of the school system?

There is not now, and never was, and I hope never will be, politics in the school question. It has no place there. I would employ a Republican as readily as a Democrat in that connection; and the man who would not do it, or the man who would make his selection of teachers based on political considerations, is not fit to occupy a position in any department of the school system, no matter how insignificant. It should not be a question of politics; but the best material should be engaged to attend to the duties, no matter where found.

Now, Mr. Speaker, this is more in harmony, I take it, with the public sentiment of the District, and with the spirit of our institutions;

and while I would not go back to the system of fifteen years since, under the one-man government, the board of public works and legislative council, for I do not want that, I do claim that the present system should be assimilated, whenever it can be, to popular government, especially when it is plain that assimilation will produce good results, and reflect the will of the people who are directly interested. But they say there is a lobby here in connection with this matter. For my part, I have never known anything affecting the District in which there was not a lobby interested; but we have to strike out in the right line and do our duty, without reference to what may be attempted in such cases.

I know that certain men are opposed to this bill. I know there are men who are not only opposed to it but who have ever been opposed to a school system in this District. I know some of these men. But, Mr. Speaker, I know, also, that the men whom I have found standing up here in favor of this bill when I stood by the school system when it was under my charge, are the same men that I find now coming up and asking the passage of this bill. I know, also, from my own knowledge of the men, that they are the men who have devoted time and attention to the school system; who are interested in perfecting it, interested in securing the best skill as teachers; men who have children of their own to educate, and who watch the system carefully and industriously.

These men favor the passage of this bill, because they say it will give the board of commissioners the advice of the best men in the city through the trustees. They will get together and advise the board of commissioners, and thereby good will result.

I do not believe any board of commissioners ever existed here or will ever exist which ought to have committed to it the exclusive control of the school system of the District. Their time is usually taken up in other matters, such as I have suggested; and as a result they leave the school system to one man, who acts or may act possibly under the advice of some friend or friends, and not being controlled by the action of a body such as this bill suggests is always liable to get wrong.

Why, they say this bill provides for the removal of the superintendent of public instruction. So it does, and so it should. How? It requires two-thirds of the board of trustees to recommend to the board of commissioners a man or suitable person as superintendent of public instruction, and then the board reject or not as they please. Is there anything wrong about that? Is it not well that these twenty-four men, coming from the eight school divisions in this District, should meet and advise with the board of commissioners as to whom they believe is best capable of taking charge of the whole school system? Is there any man in the world who would raise objection to that? It does not give them exclusive power to appoint the superintendent of the public schools. It gives them power to employ teachers, and that is right.

Why, in my own State this system prevails, and our school system is not excelled on the face of the earth. We have the best school system, in my judgment, that exists in any State of the Union, and I will not except even the great State of Massachusetts, with all its interests in education and with all its investments in school property. We have over $11,000,000 as a school fund now in our State, and it goes out to every child, allowing them six months' time each year at the public schools for purposes of education.

But on the subject of teachers—to go a little into the details of that system—our law provides a director for each school-house. That director calls the people together—those who send their children to this school—and there they take a vote as to whom they will select for a teacher. We have not found it to work badly, but, on the contrary, it has given entire satisfaction. Our people are satisfied, our schools are prosperous, and our children are being educated. Then why should we not extend such a system here? Who would not be willing to send for the three trustees from each division—numbering eight in the District—and bring them to the board of commissioners to give their opinion as to what should be done? I take it that it is a system entirely in harmony with our popular government. It will produce good results; it will produce wholesome fruits, and take the power out of the hands of the commissioners.

Why, Mr. Speaker, when I read a decision of the board of commissioners a year ago declaring they had absolute control of the public school system here, I was shocked. I did not believe it was sound law, and do not now. I believe it to be an assumption of power on their part that ought not to have been tolerated; and hence it is the duty of Congress to take that assumption of power away from them and make the letter of the law plain in that respect, so there can be no mistake in future.

Mr. COMPTON rose.

Mr. BARBOUR. I move the previous question. I think the bill has been debated long enough.

Mr. COMPTON. All right.

Mr. HOPKINS. Will the gentleman from Virginia yield to me for a moment?

Mr. BARBOUR. I think the gentleman from Illinois [Mr. HOPKINS] has had his ample share of debate. There are other matters to get along with, and we want this bill disposed of.

Mr. HOPKINS. I only desire to have five minutes.

Mr. CANNON. I will ask the gentleman from Virginia [Mr. BARBOUR] to allow me to propose an amendment striking out the authority to the commissioners to appoint the board, and intrusting it to the chief justice of the supreme court of the District of Columbia.

Mr. BARBOUR. I am opposed to the amendment suggested by the gentleman from Illinois. As I understand, this came up as a question of power between the commissioners and the people. It was finally agreed there should be a compromise—that the nomination should proceed from the citizens and the appointment from the commissioners. That compromise was originally suggested by one of the commissioners. I thought it was a fair thing to do. I was opposed to the bill until that point was reached; but when it was left to one party to nominate and to the other to appoint, I thought it a fair compromise, and that no harm could be done. I insist on my motion for the previous question.

Mr. CANNON. Then the gentleman does not yield for my amendment?

Mr. BARBOUR. No, sir.

The question being taken on ordering the previous question, there were—ayes 91; noes 33.

Mr. HOPKINS. No quorum.

The SPEAKER *pro tempore* [Mr. CRISP]. A quorum not having voted, the Chair appoints as tellers the gentleman from Illinois [Mr. HOPKINS] and the gentleman from Virginia [Mr. BARBOUR].

The House again divided, and the tellers *reported*—ayes 122, noes 41.

So the previous question was ordered.

Mr. DUNHAM. I move that the House do now adjourn.

The motion was not agreed to, there being—ayes 24, noes 95.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill, on which the previous question has been ordered.

Mr. HOPKINS. I move that when the House adjourns to-day it be till next Wednesday at 12 o'clock.

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. HOPKINS.]

Mr. GROUT. It seems to me that on a bill of this kind it is hardly profitable to enter upon filibustering proceedings. Let me propose, as a member of the committee——

Mr. DUNHAM. I rise to a question of order. I submit that the motion of the gentleman from Illinois is not debatable.

The SPEAKER. The Chair understands the gentleman from Vermont desires to submit a proposition.

Mr. GROUT. That is what I desire to do. If gentlemen object, of course they can prevent me from submitting the proposition. It is to allow all amendments, which gentlemen say they desire, to be offered at this time, and that by unanimous consent those amendments be received and voted on without discussion. The committee, *I am satisfied*, will be content with that arrangement, which will permit the bill to come to a vote on its merits.

The SPEAKER. The gentleman from Vermont proposes that by unanimous consent gentlemen who desire to offer amendments to the pending bill may be permitted to do so, and have a vote on them, notwithstanding the fact that the previous question has been ordered. Is there objection?

Mr. BARBOUR. Without debate?

Mr. GROUT. Without debate. That was my proposition.

Mr. HEMPHILL. I think if consent be given to that proposition there should be an understanding that there will be no factious opposition to the bill; otherwise there will be nothing gained by our side.

The SPEAKER. The Chair will again state the proposition. The gentleman from Vermont asks unanimous consent that gentlemen having amendments to offer—the Chair supposes amendments that would be in order under the rules of the House—be allowed to offer them, and that they be voted on without debate.

Mr. BARBOUR. I ask, for information, how many amendments are proposed to be offered.

The SPEAKER. There has been no agreement reached as yet.

Mr. JAMES. I have one which I desire to offer.

Mr. BUCHANAN. And I have one.

The SPEAKER. Is there objection to the proposition?

Mr. HEMPHILL. I shall object, unless there is an understanding that further opposition to the bill is withdrawn.

Mr. GROUT. Further factious opposition.

Mr. BUCHANAN. The difficulty about that is that those desiring to offer amendments are not making factious opposition.

Mr. DUNHAM. There are members of this House who are opposed to this bill, anyway, even if the suggested amendments were adopted.

Mr. ROGERS. I call for the regular order.

The SPEAKER. Is there objection to the request made by the gentleman from Vermont?

Mr. ROGERS. I object.

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. HOPKINS] that when the House adjourns to-day it be to meet on Wednesday at 12 o'clock.

The question being taken there were—aye 1, noes 108.

Mr. HOPKINS. No quorum.

The SPEAKER. A quorum not having voted, the Chair will appoint as tellers the gentleman from Illinois [Mr. HOPKINS] and the gentleman from South Carolina [Mr. HEMPHILL].

Mr. GROUT. I call for the yeas and nays. It will save time.

The yeas and nays were ordered—twenty-four members voting therefor, more than one fifth of the last vote.

EEL RIVER BAND OF MIAMI INDIANS.

The SPEAKER laid before the House the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I transmit herewith a communication of the 8th instant, from the Secretary of the Interior, submitting, with accompanying papers, an estimate of appropriation in the sum of $22,000, prepared in the office of Indian affairs, to provide for the payment of the Eel River band of Miami Indians of a principal sum in lieu of all annuities now received by them under existing treaty stipulations. The matter is presented to the consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December* 13, 1886.

Mr. DUNHAM. Would it be in order to have the papers read which the President transmits?

The SPEAKER. The Chair thinks it would not be in order.

The message, with accompanying documents, was referred to the Committee on Indian Affairs, and ordered to be printed.

ADJOURNMENT UNTIL WEDNESDAY.

The question was taken; and there were—yeas 0, nays 229, not voting 92; as follows:

YEAS—0.

NAYS—229.

Adams, G. E.	Dunn,	Landes,	Sayers,
Allen, C. H.	Eden,	Lanham,	Seymour,
Allen, J. M.	Eldredge,	Lawler,	Shaw,
Anderson, C. M.	Ellsberry,	Lindsley,	Singleton,
Anderson, J. A.	Ely,	Long,	Skinner,
Atkinson,	Evans,	Lore,	Smalls,
Bacon,	Everhart,	Louttit,	Sowden,
Baker,	Farquhar,	Lyman,	Spooner,
Ballentine,	Felton,	Markham,	Springer,
Barbour,	Fisher,	Martin,	Stahlnecker,
Barnes,	Fleeger,	Maybury,	Steele,
Bennett,	Foran,	McAdoo,	Stephenson,
Bingham,	Ford,	McComas,	Stewart, Charles
Blanchard,	Frederick,	McCreary,	Stewart, J. W.
Bland,	Fuller,	McKenna,	St. Martin,
Bliss,	Gallinger,	McKinley,	Stone, E. F.
Bound,	Gay,	McMillin,	Stone, W. J., Ky.
Boutelle,	Gibson, C. H.	McRae,	Struble,
Boyle,	Gibson, Eustace	Millard,	Swope,
Browne, T. M.	Gilfillan,	Miller,	Symes,
Brown, C. E.	Glass,	Milliken,	Tarsney,
Brown, W. W.	Goff,	Mitchell,	Taulbee,
Buchanan,	Green, R. S.	Moffatt,	Taylor, E. B.
Buck,	Green, W. J.	Morgan,	Taylor, I. H.
Bunnell,	Grosvenor,	Morrill,	Taylor, J. M.
Burleigh,	Grout,	Morrow,	Taylor, Zach.
Burnes,	Hall,	Neal,	Thomas, J. R.
Burrows,	Halsell,	Neece,	Thomas, O. B.
Butterworth,	Hammond,	Negley,	Thompson,
Cabell,	Hanback,	Nelson,	Throckmorton,
Caldwell,	Harris,	Norwood,	Tillman,
Campbell, J. M.	Hatch,	Oates,	Townshend,
Campbell, J. E.	Hayden,	O'Donnell,	Tucker,
Candler,	Haynes,	O'Ferrall,	Turner,
Cannon,	Heard,	O'Hara,	Van Eaton,
Carleton,	Hemphill,	O'Neill, Charles	Van Schaick,
Clements,	Henderson, J. S.	Osborne,	Wade,
Cobb,	Henderson, T. J.	Outhwaite,	Wadsworth,
Compton,	Hepburn,	Owen,	Wait,
Comstock,	Hermann,	Parker,	Wallace,
Conger,	Hiestand,	Payne,	Ward, T. B.
Cox, William R.	Hill,	Peel,	Warner, A. J.
Crain,	Holman,	Perkins,	Warner, William
Crisp,	Holmes,	Peters,	Weaver, J. B.
Croxton,	Houk,	Phelps,	Weber,
Culberson,	Howard,	Pindar,	Wellborn,
Curtin,	Hudd,	Pirce,	West,
Cutcheon,	Hutton,	Randall,	White, A. C.
Daniel,	Irion,	Reagan,	White, Milo
Dargan,	Jackson,	Rice,	Wilkins,
Davenport,	James,	Richardson,	Willis,
Davidson, R. H. M.	Johnson, F. A.	Riggs,	Winans,
Davis,	Johnston, J. T.	Rockwell,	Wise,
Dingley,	Johnston, T. D.	Rogers,	Wolford,
Dockery,	Jones, J. H.	Romeis,	Worthington.
Dorsey,	Jones, J. T.	Rowell,	
Dougherty,	Ketcham,	Rusk,	
Dunham,	Kleiner,	Sawyer,	

NOT VOTING—92.

Adams, J. J.	Caswell,	Glover,	La Follette,
Aiken,	Catchings,	Guenther,	Laird,
Barksdale,	Clardy,	Hale,	Le Fevre,
Barry,	Collins,	Harmer,	Lehlbach,
Bayne,	Cooper,	Henderson, D. B.	Libbey,
Belmont,	Cowles,	Henley,	Little,
Blount,	Cox, S. S.	Herbert,	Lovering,
Brady,	Davidson, A. C.	Hewitt,	Lowry,
Bragg,	Dawson,	Hires,	Mahoney,
Breckinridge, C. R.	Dibble,	Hiscock,	Matson,
Breckinridge, WCP	Ermentrout,	Hitt,	Merriman,
Brumm,	Findlay,	Hopkins,	Mills,
Bynum,	Forney,	Kelley,	Morrison,
Campbell, Felix	Funston,	King,	Muller,
Campbell, T. J.	Geddes,	Laffoon,	Murphy,
O'Neill, J. J.	Reid, J. W.	Sessions,	Viele,
Payson,	Reese,	Snyder,	Wakefield,
Perry,	Robertson,	Spriggs,	Ward, J. H.
Pettibone,	Ryan,	Stone, W. J., Mo.	Weaver, A. J.
Pidcock,	Sadler,	Storm,	Wheeler,
Plumb,	Scott,	Strait,	Whiting,
Ranney,	Scranton,	Swinburne,	Wilson,
Reed, T. B.	Seney,	Trigg,	Woodburn.

So the motion was not agreed to.

Mr. HEARD. Mr. Speaker, I desire to announce that my colleague [Mr. DAWSON] is detained at home by illness.

Mr. GROUT. Mr. Speaker, I ask unanimous consent that the reading of the names of members voting be dispensed with.

Mr. HOPKINS. I object.

The following pairs were announced:

Mr. STORM with Mr. LITTLE until further notice.

Mr. COLLINS with Mr. WHITING until further notice.

Mr. WADE with Mr. DIBBLE for this day, except on the cable railroad bill.

Mr. RYAN with Mr. FORNEY for this day.

Mr. WAKEFIELD with Mr. BYNUM for the balance of this day.

Mr. MULLER with Mr. PETTIBONE.

Mr. SENEY with Mr. WOODBURN.

Mr. DAWSON with Mr. STRAIT.

Mr. O'NEILL, of Missouri, with Mr. LAIRD.

Mr. WILSON with Mr. KELLEY.

Mr. BARRY with Mr. SWINBURNE.

Mr. FELIX CAMPBELL with Mr. BAYNE.

Mr. SNYDER with Mr. SCRANTON.

Mr. T. J. CAMPBELL with Mr. BRADY.

Mr. LE FEVRE with Mr. HENDERSON, of Iowa.

Mr. PIDCOCK with Mr. COOPER.

Mr. LOWRY with Mr. LIBBEY.

Mr. SCOTT with Mr. HARMER.

Mr. ERMENTROUT with Mr. HITT.

The result of the vote was then announced, as above recorded.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 1110) to relinquish the interest of the United States in certain lands to the city and county of San Francisco and their grantees;

A bill (S. 1424) for the relief of graduates of the United States Military Academy, and to fix their pay;

Joint resolution (S. R. 19) directing copies of the official letter-books of the executive department of the State of North Carolina, to be furnished to said State;

A bill (S. 1990) to provide for the adjustment of matters connected with certain judicial proceedings in Pennsylvania, in which the United States was a party.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed the following resolutions:

IN THE SENATE OF THE UNITED STATES,
December 13, 1886.

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. ABRAHAM DOWDNEY, late a Representative from the State of New York; and

Resolved, That the Senate concur in the resolution of the House of Representatives providing for the appointment of a joint committee to take order for attending the funeral of the deceased at his residence in the State of New York, and that the members of the committee on the part of the Senate be appointed by the President *pro tempore*.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The message also announced that the President *pro tempore* of the Senate had appointed Mr. MILLER, Mr. RANSOM, and Mr. VOORHEES the committee on the part of the Senate under the foregoing resolution.

SCHOOL-BOARD DISTRICT OF COLUMBIA.

The House resumed the consideration of the pending bill.

Mr. SPRINGER. For the purpose of testing the sense of the House on this bill, I move to lay it on the table.

Mr. BARBOUR. Mr. Speaker, is it in order to move to lay a bill on the table after the previous question has been ordered?

The SPEAKER. It is. The motion to lay on the table is the only motion directly referring to the measure itself which, under the rules of the House, would be in order at this time.

Mr. BARBOUR. I hope it will be voted down.

The SPEAKER. The motion must be decided without debate.

The question was taken; and there were—ayes 54, noes 94.

Mr. SPRINGER. No quorum having voted, I demand tellers.

The SPEAKER. The point being made that no quorum has voted, the Chair appoints as tellers the gentleman from Illinois [Mr. SPRINGER] and the gentleman from South Carolina [Mr. HEMPHILL].

Mr. BARBOUR. I think we shall save time by having the yeas and nays. I call for them.

The yeas and nays were ordered, 47 voting in favor thereof.

The question was taken; and there were—ayes 43, noes 178, not voting 100; as follows:

YEAS—43.

Adams, G. E.	Grosvenor,	O'Donnell,	Spooner,
Atkinson,	Hall,	Osborne,	Springer,
Bennett,	Henderson, T. J.	Owen,	Steele,
Bound,	Hepburn,	Parker,	Stone, E. F.
Boutelle,	Hermann,	Payne,	Thomas, J. R.
Cannon,	Holman,	Phelps,	Thompson,
Davidson, R. H. M.	Hopkins,	Pirce,	Wait,
Dorsey,	Johnston, J. T.	Randall,	Warner, A. J.
Dunham,	Lyman,	Ranney,	Warner, William
Ely,	Moffatt,	Romeis,	Worthington.
Goff,	Neece,	Rowell,	

NAYS—178.

Allen, C. H.	Dockery,	Jones, J. H.	Rogers,
Allen, J. M.	Dunn,	Jones, J. T.	Sawyer,
Anderson, C. M.	Eden,	Ketcham,	Sayers,
Anderson, J. A.	Eldredge,	Kleiner,	Seney,
Bacon,	Ellsberry,	Landes,	Seymour,
Ballentine,	Evans,	Lanham,	Shaw,
Barbour,	Everhart,	Lawler,	Singleton,
Barksdale,	Farquhar,	Lindsley,	Skinner,
Barnes,	Fisher,	Long,	Smalls,
Belmont,	Fleeger,	Lore,	Sowden,
Bingham,	Ford,	Louttit,	Stahlnecker,
Blanchard,	Frederick,	Martin,	Stephenson,
Bland,	Fuller,	Maybury,	Stewart, Charles
Bliss,	Gallinger,	McAdoo,	Stewart, J. W.
Blount,	Gay,	McComas,	St. Martin,
Boyle,	Gibson, C. H.	McCreary,	Stone, W. J., Ky.
Breckinridge, C. R.	Gibson, Eustace	McKenna,	Struble,
Breckinridge, WCP	Gilfillan,	McKinley,	Swope,
Brown, C. E.	Glass,	McMillin,	Tarsney,
Brown, W. W.	Green, R. S.	McRae,	Taulbee,
Brumm,	Green, W. J.	Millard,	Taylor, I. H.
Buchanan,	Grout,	Miller,	Taylor, J. M.
Buck,	Halsell,	Milliken,	Taylor, Zach.
Bunnell,	Hammond,	Mitchell,	Thomas, O. B.
Burnes,	Harris,	Morgan,	Tillman,
Burrows,	Hatch,	Morrill,	Townshend,
Butterworth,	Hayden,	Morrison,	Tucker,
Cabell,	Haynes,	Morrow,	Turner,
Caldwell,	Heard,	Neal,	Van Eaton,
Campbell, J. E.	Hemphill,	Negley,	Van Schaick,
Carleton,	Henderson, J. S.	Nelson,	Wadsworth,
Clements,	Herbert,	Norwood,	Wallace,
Cobb,	Hewitt,	Oates,	Ward, T. B.
Comstock,	Hiestand,	O'Ferrall,	Weaver, J. B.
Cox, W. R.	Hill,	O'Hara,	Weber,
Crain,	Hiscock,	Outhwaite,	Wellborn,
Crisp,	Holmes,	Peel,	West,
Croxton,	Howard,	Perkins,	Wilkins,
Culberson,	Hudd,	Peters,	Willis,
Cutcheon,	Hutton,	Pindar,	Winans,
Daniel,	Irion,	Reagan,	Wise,
Dargan,	Jackson,	Reed, T. B.	Wolford,
Davenport,	James,	Rice,	Woodburn.
Davis,	Johnson, F. A.	Richardson,	
Dingley,	Johnston, T. D.	Riggs,	

NOT VOTING—100.

Adams J. J.	Dawson,	Le Fevre,	Ryan,
Aiken,	Dibble,	Lehlbach,	Sadler,
Baker,	Dougherty,	Libbey,	Scott,
Barry,	Ermentrout,	Little,	Scranton.
Bayne,	Felton,	Lovering,	Sessions,
Brady,	Findlay,	Lowry,	Snyder,
Bragg,	Foran,	Mahoney,	Spriggs,
Browne, T. M.	Forney,	Markham,	Stone, W. J., Mo.
Burleigh,	Funston,	Matson,	Storm,
Bynum,	Geddes,	Merriman,	Strait,
Campbell, Felix	Glover,	Mills,	Swinburne,
Campbell, J. M.	Guenther,	Muller,	Symes,
Campbell, T. J.	Hale,	Murphy,	Taylor, E. B.
Candler,	Hanback,	O'Neill, Charles	Throckmorton,
Caswell,	Harmer,	O'Neill, J. J.	Trigg,
Catchings,	Henderson, D. B.	Payson,	Viele,
Clardy,	Henley,	Perry,	Wade,
Collins,	Hires,	Pettibone,	Wakefield,
Compton,	Hitt,	Pidcock,	Ward, J. H.
Conger,	Houk,	Plumb,	Weaver, A. J.
Cooper,	Kelley,	Reid, J. W.	Wheeler,
Cowles,	King,	Reese,	White, A. C.
Cox, S. S.	Laffoon,	Robertson,	White, Milo
Curtin,	La Follette,	Rockwell,	Whiting.
Davidson, A. C.	Laird,	Rusk,	Wilson.

So the motion of Mr. SPRINGER to lay the bill on the table was not agreed to.

The SPEAKER. The Clerk will read the additional pairs.

The following-named members were announced as paired for the rest of the day:

Mr. HENLEY with Mr. PAYSON.

Mr. DOUGHERTY with Mr. HANBACK.

Mr. KING with MR. HIRES.

The result of the vote was announced as above stated.

Mr. DUNHAM. I move that the House do now adjourn.

The question being taken there were—ayes 57, noes 93.

Mr. HOPKINS. I call for tellers.

Tellers were not ordered, only ten voting in favor thereof.

So the motion to adjourn was not agreed to.

Mr. HOPKINS. I move that when the House adjourns to-day, it adjourn until Wednesday next, at 2 o'clock.

The SPEAKER. The Chair thinks that motion is not in order, as it would change a standing order of the House in regard to the hour of meeting.

Mr. HOPKINS. I move, then, that when the House adjourns to-day it be to meet on Wednesday next at 12 o'clock.

The question being taken on the motion of Mr. HOPKINS, there were—ayes 4, noes 111.

Mr. HOPKINS. I make the point that no quorum has voted.

Tellers were ordered; and Mr. HOPKINS and Mr. HEMPHILL were appointed.

Mr. BARBOUR. I believe it will be economy of time to have the yeas and nays. I make that demand.

The yeas and nays were ordered, 47 voting in favor thereof.

The question was taken; and there were—yeas 0, nays 199, not voting 122; as follows:

YEAS—0.

NAYS—199.

Adams, George E.	Dorsey,	Jones, J. T.	Sayers,
Allen, Charles H.	Dunham,	Ketcham,	Seney,
Allen, J. M.	Dunn,	Kleiner,	Seymour,
Anderson, C. M.	Eden,	Landes,	Singleton,
Anderson, J. A.	Eldredge,	Lanham,	Skinner,
Atkinson,	Ellsberry,	Lindsley,	Smalls,
Bacon,	Ely,	Lore,	Sowden,
Baker,	Evans,	Lowry,	Spooner,
Ballentine,	Everhart,	Markham,	Stahlnecker,
Barbour,	Farquhar,	Martin,	Steele,
Barksdale,	Fisher,	Maybury,	Stephenson,
Belmont,	Fleeger,	McAdoo,	Stewart, Charles
Bennett,	Ford,	McComas,	Stewart, J. W.
Bland,	Frederick,	McCreary,	St. Martin,
Bliss,	Fuller,	McKenna,	Stone, W. J., Ky.
Blount,	Gallinger,	McKinley,	Stuble,
Bound,	Gay,	McMillin,	Swinburne,
Boutelle,	Gibson, C. H.	McRae,	Swope,
Boyle,	Gilfillan,	Miller,	Tarsney,
Bragg,	Glass,	Moffatt,	Taulbee,
Breckinridge, C. R.	Goff,	Morgan,	Taylor, I. H.
Breckinridge, WCP	Green, R. S.	Morrill,	Taylor, J. M.
Brown, C. E.	Green, W. J.	Morrison,	Taylor, Zach.
Brown, W. W.	Grosvenor,	Morrow,	Thomas, J. R.
Brumm,	Grout,	Neal,	Thomas O. B.
Buchanan,	Guenther,	Neece,	Thompson,
Buck,	Hall,	Negley,	Tillman,
Bunnell,	Halsell,	Nelson,	Townshend,
Burnes,	Hammond,	Norwood,	Tucker,
Cabell,	Hatch,	O'Donnell,	Turner,
Caldwell,	Hayden,	O'Ferrall,	Van Eaton,
Campbell, J. E.	Haynes,	O'Hara,	Van Schaick,
Candler,	Heard,	Osborne,	Wade,
Cannon,	Hemphill,	Outhwaite,	Wadsworth,
Carleton,	Henderson, J. S.	Owen,	Waite,
Clements,	Henderson, T. J.	Payne,	Wallace,
Cobb,	Herbert,	Peel,	Ward, T. B.
Comstock,	Hewitt,	Perkins,	Warner, A. J.
Conger,	Hiestand,	Peters,	Warner, Wm.
Cox, W. R.	Hiscock,	Pindar,	Weaver, J. B.
Crain,	Holman,	Pirce.	Wellborn,
Crisp,	Howard,	Randall,	West,
Croxton,	Hutton,	Reagan,	Wheeler,
Culberson,	Irion,	Richardson,	Wilkins,
Cutcheon,	Jackson,	Riggs,	Willis,
Dargan,	James,	Rockwell,	Winans,
Davenport,	Johnson, F. A.	Rogers,	Wise,
Davidson, R. H. M.	Johnston, J. T.	Romeis,	Wolford,
Dingley,	Johnston, T. D.	Rowell,	Worthington.
Dockery,	Jones, J. H.	Sawyer,	

NOT VOTING—122.

Adams, J. J.	Ermentrout,	Lehlbach,	Robertson,
Aiken,	Felton,	Libbey,	Rusk,
Barnes,	Findlay,	Little,	Ryan,
Barry,	Foran,	Long,	Sadler,
Bayne,	Forney,	Louttit,	Scott,
Bingham,	Funston,	Lovering,	Scranton,
Blanchard,	Geddes,	Lyman,	Sessions,
Brady,	Gibson, Eustace	Mahoney,	Shaw,
Browne, T. M.	Glover,	Matson,	Snyder,
Burleigh,	Hale,	Merriman,	Spriggs,
Burrows,	Hanback,	Millard,	Springer,
Butterworth,	Harmer,	Milliken,	Stone, E. F.
Bynum,	Harris,	Mills,	Stone, W. J., Mo.
Campbell, Felix	Henderson, D. B.	Mitchell,	Storm,
Campbell, J. M.	Henley,	Muller,	Strait,
Campbell, T. J.	Hepburn,	Murphy,	Symes,
Caswell,	Hermann,	Oates,	Taylor, E. B.
Catchings,	Hill,	O'Neill, Charles	Throckmorton,
Clardy,	Hires,	O'Neill, J. J.	Trigg,
Collins,	Hitt,	Parker,	Viele,
Compton,	Holmes,	Payson,	Wakefield,
Cooper,	Hopkins,	Perry,	Ward, J. H.
Cowles,	Houk,	Pettibone,	Weaver, A. J.
Cox, S. S.	Hudd,	Phelps,	Weber,
Curtin,	Kelley,	Pidcock,	White, A. C.
Daniel,	King,	Plumb,	White, Milo
Davidson, A. C.	Laffoon,	Ranney,	Whiting,
Davis,	La Follette,	Reed, T. B.	Wilson,
Dawson,	Laird	Reid, J. W.	Woodburn.
Dibble,	Lawler,	Reese,	
Dougherty,	Le Fevre,	Rice,	

So the motion of Mr. HOPKINS, that when the House adjourns to-day it adjourn to meet on Wednesday next, was not agreed to.

The SPEAKER. The additional pairs will be read.

The following-named members were announced as paired for the rest of the day:

Mr. LAFFOON with Mr. LAFOLLETTE.

Mr. OATES with Mr. E. B. TAYLOR.
Mr. VIELE with Mr. LIBBEY.
Mr. SINGLETON with Mr. SPRINGER.
The result of the vote was announced as above stated.
Mr. BARBOUR. I move that the House do now adjourn.
The motion was agreed to; and accordingly (at 5 o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred, as follows:

By Mr. BARBOUR: Petition of Edward Daniels, president of the Upper Potomac Steamboat Company, for reimbursement for damages sustained in defending title of the United States to wharfage-front in the District of Columbia—to the Committee on Claims.

Also, papers in the claim of James B. Beaver—to the Committee on War Claims.

By Mr. BOUND: Petition of gold and silver beaters of the United States, for increase of duty on certain articles—to the Committee on Ways and Means.

By Mr. BUCHANAN: Petition of the New Jersey State board of agriculture in favor of agricultural-experiment stations—to the Committee on Agriculture.

By Mr. CALDWELL: A bill to appropriate $350,000 to continue the improvement of the Cumberland River above Nashville, Tenn., by locks and dams; and $50,000 to continue the improvement below Nashville, Tenn.—to the Committee on Rivers and Harbors

By Mr. COLLINS: Petition of the Massachusetts Society for the Prevention of Cruelty to Animals, for an act to prevent cruelty to animals in the Territories of the United States—to the Committee on the Judiciary.

By Mr. DAVENPORT: Petition of Minerva Brando, mother of William B. Brando, late a private of Company D, One hundred and twenty-sixth Regiment New York Volunteers—to the Committee on Military Affairs.

By Mr. DINGLEY: Petition of Mercy Knight and Hannah F. Brock, for pensions—to the Committee on Invalid Pensions.

By Mr. ELY: Petition of Charles H. Mayo, for the passage of the Hatch experiment-station bill—to the Committee on Agriculture.

By Mr. EVERHART: Petition of gold and silver beaters of the United States, for incease of duty on certain articles—to the Committee on Ways and Means.

By Mr. FISHER: Petition of George Paquett, for removal of charge of desertion—to the Committee on Military Affairs.

Also, affidavits in the case of George Paquett for relief—to the same committee.

By Mr. FORNEY: Petition of J. H. L. Wood and Sarah Wood, asking compensation for damage to their lands by the improvement of the Coosa River, in Alabama—to the Committee on Claims.

Also, bill making an appropriation to continue the work on the Coosa River, in Alabama and Georgia—to the Committee on Rivers and Harbors.

Also, bill making an appropriation to continue work on the Tennessee River at Mussel Shoals—to the same committee.

Also, petition of Mary Allen, legal representative of Josiah Maples, deceased; of Rose C. Brooks; of James H. Savage, administrator of James Edwards, deceased; and of Henry F. Johnson, of Cherokee County, Alabama, asking that their claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. FUNSTON: Petition for increase of pension of Theodore Gardner—to the Committee on Pensions.

By Mr. GALLINGER: Petition of Amos J. Blake and 8 others, citizens of Fitzwilliam, N. H., asking for the passage of the bill (H. R. 2933) to establish agricultural experiment stations—to the Committee on Agriculture.

Also, papers in the pension case of Ellen M. Sturtevant—to the Committee on Invalid Pensions.

By Mr. GIFFORD: Petition of settlers on Fort Randall Military Reservation, Dakota, asking the passage of an act to allow them to secure the land settled upon under the provisions of the homestead law—to the Committee on Territories.

By Mr. D. B. HENDERSON: Petition of Hon. Matt. Parrott and 51 others, citizens of Waterloo, Iowa, praying for the extension of the free-delivery system with the Cannon amendment—to the Committee on the Post-Office and Post-Roads.

Also, letter from Hon. James C. Davis, mayor of Keokuk, Iowa, relating to granting a bridge charter at Keokuk, Iowa—to the Committee on Commerce.

Also, paper from H. C. Raymond, Charles City, Iowa, urging the passage of the bill (H. R. 2933)—to the Committee on Agriculture.

By Mr. HEPBURN: Petition of many citizens of Wayne County, Iowa, asking for an increase of pension to James Morgan—to the Committee on Invalid Pensions.

By Mr. HOPKINS: Bill for increase of pension of Alonzo B. Chatfield—to the same committee.

By Mr. T. D. JOHNSTON: Petition of Mary C. Woody, president of the Women's Christian Temperance Union of North Carolina, for the passage of the Blair bill—to the Committee on Education.

By Mr. KLEINER: Petition of citizens of Evansville, Ind., in favor of opening the Green and Barren Rivers in Kentucky to navigation—to the Committee on Rivers and Harbors.

By Mr. LORE: Petition of E. H. Bancroft and 19 others, citizens of Delaware, asking for the passage of the bill (H. R. 2933)—to the Committee on Agriculture.

By Mr. LYMAN: Papers to accompany the bill (H. R. 10099) for the relief of John Wagner, late a private of Company F, Thirty-fifth Indiana Infantry—to the Committee on Invalid Pensions.

By Mr. MORRILL: Petition asking for the passage of the Blair educational bill, by the Women's Christian Temperance Union of Kansas—to the Committee on Education.

Also, affidavit in the case of Charles De Moyer—to the Committee on Military Affairs.

By Mr. NEAL: Petition of the heirs of Margaret E. Smith, deceased, of Loudon County, Tennessee, asking that their case be referred to the Court of Claims—to the Committee on War Claims.

Also, papers relating to the claim of Margaret E. Smith, of Eve Mills, Loudon County, Tennessee—to the same committee.

By Mr. O'DONNELL: Petition of gold and silver beaters of the United States, for increase of duty on certain articles—to the Committee on Ways and Means.

By Mr. OSBORNE: Memorial of the Chamber of Commerce of the State of New York, in reference to the bill creating a commission to supervise the waters of New York Harbor—to the Committee on Rivers and Harbors.

By Mr. PARKER: Petition for the relief of Elvira Cooper, foster-mother of Eugene H. Cooper—to the Committee on Invalid Pensions.

By Mr. PINDAR: Petition of gold and silver beaters of the United States, for increase of duty on certain articles—to the Committee on Ways and Means.

By Mr. RANDALL: Petition of Samuel N. Danilly, for a pension for disabilities incurred in firing a salute on the occasion of the death of Admiral Dupont and the return home of soldiers from the late war—to the Committee on Invalid Pensions.

By Mr. ROWELL: Petition for pension to Albert O. Thomas—to the same committee.

By Mr. SENEY: Memorial of Cincinnati Chamber of Commerce, respecting a steamship line between New Orleans and Central and South American states—to the Committee on the Post-Office and Post-Roads.

By Mr. STEELE: Petition of William Bolton and 3,000 others, soldiers of the United States Army, asking that the act of February 25, 1885, be amended to read twenty-five instead of thirty years—to the Committee on Military Affairs.

By Mr. WEST: Petition of Sarah J. Pendleton, asking to be placed upon the pension roll—to the Committee on Invalid Pensions.

By Mr. WHEELER: Petition of William Paten, asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

Also, petition asking for the passage of bill to establish agricultural experiment stations—to the Committee on Agriculture.

By Mr. MILO WHITE: Petition of the Chamber of Commerce, of Saint Paul, Minn., favoring a commission on the cattle plague—to the same committee.

By Mr. WHITING: Petition of gold and silver beaters of the United States, for increase of duty on certain articles—to the Committee on Ways and Means.

By Mr. WILLIS: Petition of H. A. Thurman & Co., Clove & Wilcox, and others, praying for legislation favorable to apple brandy and fruit distilleries—to the same committee.

Also, petition of L. N. Dembig, asking for legislation in regard to outstanding United States bonds—to the Committee on Banking and Currency.

Also, papers to be filed with bill granting a pension to Mrs. Caroline H. Wolfe—to the Committee on Invalid Pensions.

By Mr. WILSON: Petition of D. W. Kilmer, of Berkeley County, and of Isaac Fouke, administrator of Uriah Rutherford, deceased, of Jefferson County, West Virginia, asking that their claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WOODBURN: Papers in the claim of Alexander McNary—to the Committee on Indian Affairs.

SENATE.

TUESDAY, *December* 14, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.
The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in reply to a

resolution of the 8th instant, a report of the Commissioner of Internal Revenue relative to oleomargarine; which, with the accompanying papers, was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. SAWYER presented the petition of Ilsby, Doubleday & Co., Louis Falk, and 103 other citizens of New York, praying legislation authorizing the Secretary of War to contract with Charles Stoughton and his associates for the entire work of improving the Harlem River, New York; which was referred to the Committee on Commerce.

Mr. SEWELL presented the petition of Elizabeth Cheesman, widow of John E. Cheesman, late a private in Company A, Twenty-third New York Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. SPOONER. I present a petition of the German Aid Society of Milwaukee, Wis., praying for a change in the naturalization laws of the United States and for a uniform system of suffrage laws throughout the country. This paper is addressed to the members of Congress from Wisconsin, but it comes to me with an official request that it be presented in the Senate. Coming, as it does, from a society of German-American citizens and relating to a subject of great interest, I ask that it be read at length and that it be then referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. If there be no objection, the petition will be read and so referred.

The petition was read and referred to the Committee on the Judiciary, as follows:

MEMORIAL AND RESOLUTIONS.

To our Representatives in Congress and Legislature:

The philanthropic relations which the members of the German Aid Society have assumed toward new arrivals in this country can not possibly conflict with other obligations which as citizens of this Republic we owe to ourselves and the community in which we live. Paramount among these we recognize the duty of perpetuating our liberal institutions, by fostering an intelligent exercise of the elective franchise, this highest prerogative of American citizenship. We therefore feel justified in advancing the following sentiments, which are deemed timely, although non-political.

Experience has demonstrated that the people of these United States are still far from being a nation, because the conglomeration of native and foreign elements, which compose the population, has not as yet had sufficient time and opportunity to crystallize within itself, and to become one people, possessed of national character, prompted by common national impulses.

Not that we regret the broad liberality, which, for a century and more, has invited the oppressed of all nations to find refuge and homes on the American shores—quite the contrary.

This liberal policy has furnished to a great extent the very nerve and sinew for building up our present wealth and prosperity. It has converted a vast wilderness into a grand country, which we may justly be proud of when compared with others. And therefore it would be unjust if we found fault with any legislation of the past which was deemed advisable to direct immigration to our Western States.

But the condition of things has materially changed, and the time, in our opinion, has now come when (first of all) the suffrage laws need modification and national uniformity!

While we believe it to be highly improper to interpose a check or barrier to the settlement of those who earnestly mean to assimilate with the existing condition of things, and to make this a permanent home for themselves and children, and while we stand ready—in the future as in the past—to extend to all of these a hearty welcome, still there is no further necessity for artificially stimulating immigration to this country, and no satisfactory reason could possibly be assigned for conferring upon the foreign comer a State citizenship (16 Wis., 443), which entitles him to vote and to participate in all elections—national and local, executive and judicial—after but one year's residence, and while still unfamiliar with the wants, the laws, and even the language of the country.

A great many of our political vicissitudes—yea, the constant tremulousness, so characteristic in our public affairs—are, in our opinion, largely attributable to the fact that, after but a short abode among us, any one—who has declared his intention—may participate, alike with all the rest, in Federal, State, and municipal matters—yea, even the election of a President—when not as yet a citizen of the United States, even by name, and while still a foreigner in thought and purpose.

Such a State citizenship, entitling one to vote—yea, even to hold office, State and local, in advance of a naturalization under the United States laws, is an incongruity which ought to be abolished, the sooner the better!

True citizenship, and an intelligent exercise of the elective franchise, whether in State or in national affairs, presupposes a naturalization, not only in law or fiction, but in point of fact; and indispensable thereto seems to be a residence sufficiently long to become familiar with our institutions and the common language of the country.

We, the undersigned, most of us naturalized citizens of this Republic, therefore believe a revision of the respective laws to be timely, and we request that naturalization and suffrage be made to conform throughout the country to an uniform standard, so that the right to vote at national, State, or municipal elections be hereafter conferred only on those who have resided in the United States for at least five years and become citizens in accordance with the laws of Congress, applicable to naturalization.

Consequently, we resolve that our sister societies and other kindred associations be requested to join in the promulgation of the above sentiments, and that a copy thereof be forwarded to our Representatives in Congress and State Legislature.

Respectfully submitted.

GEORGE KOEPPEN,
President.

AUGUST STIRN,
J. L. BARTELS,
JOHN C. KOCH,
Vice-Presidents.

DR. LEO STERN,
C. A. MEISSNER,
G. E. WEISS,
H. ILHARDT,
F. W. COTZHAUSEN,

Mr. WILLIAMS presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that appropriations be made for naval fortifications at that place; which was referred to the Committee on Commerce.

Mr. PLUMB presented the petition of H. S. King, Charles L. Georgei, and 105 other citizens of New York, praying for legislation authorizing the Secretary of War to contract with Charles Stoughton and his associates for the improvement of the Harlem River, New York; which was referred to the Committee on Commerce.

Mr. McMILLAN presented a resolution, adopted by the Saint Paul (Minn.) Chamber of Commerce, favoring such legislation as will suppress cattle diseases in the States and Territories; which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 199) for the retirement and recoinage of the trade-dollar, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. 245) to prevent frauds on American manufacturers, reported it with amendments.

Mr. ALLISON. On the 10th of June, 1886, the President of the United States transmitted to Congress a letter from the Secretary of State relating to the claims for the destruction of the private armed brig General Armstrong. The communication was referred to the Committee on Appropriations. It should have been referred, I think, to the Committee on Foreign Relations. Therefore, the Committee on Appropriations instruct me to report it back and ask its reference to the Committee on Foreign Relations.

Mr. HOAR. I should like to inquire of the Senator what the nature of the claim is?

Mr. ALLISON. It is a claim for the distribution of a portion of the fund appropriated some years ago in reference to the brig General Armstrong.

Mr. HOAR. That bill came from the Committee on Claims, then.

Mr. ALLISON. Very well.

Mr. HOAR. I do not wish to interfere, however.

Mr. ALLISON. Then I move the reference of the message to the Committee on Claims.

Mr. HOAR. Perhaps it should go to the Committee on Foreign Relations.

Mr. COCKRELL. I think the bill was reported originally from the Committee on Foreign Relations. That is my recollection. Senator Pendleton, I think, reported the bill from the Committee on Foreign Relations, and on his report it passed.

Mr. HOAR. Very likely. The bill came originally from the Committee on Claims, but it is very possible that in the subsequent Congress it went to the Committee on Foreign Relations and came from them. I rather think it did. I waive the suggestion I made.

Mr. HARRIS. I am sure that claim has been before the Committee on Claims some years past, for I remember it.

Mr. COCKRELL. I know it was; but the bill was passed on a report from the Committee on Foreign Relations.

Mr. ALLISON. I do not object to a reference to the Committee on Claims. The Committee on Appropriations can not look into the matter, because it requires legislation.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Committee on Appropriations be discharged from the further consideration of the message, and that it be referred to the Committee on Claims.

Mr. HOAR. To the Committee on Foreign Relations, I understood the Senator.

Mr. ALLISON. Yes.

The PRESIDENT *pro tempore*. It is moved that the message be referred to the Committee on Foreign Relations. If there be no objection that order will be made. The Chair hears no objection.

BILLS INTRODUCED.

Mr. HARRISON. I introduce, by request, a bill to increase the pensions of those who have had disabilities equivalent to the loss of a leg or an arm. The pension of this latter class was increased by a bill passed at the last session, and I have been requested to present this subject to the Committee on Pensions.

The bill (S. 2974) to increase the rate of pension for disability equal to the loss of a hand or foot, was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRISON introduced a bill (S. 2975) granting a pension to George Schafer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 2976) granting a pension to John Akers; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2977) granting a pension to James H. Rinard; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2978) granting a pension to Jackson

Beswick; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WILSON, of Iowa, introduced a bill (S. 2979) granting a pension to Lucretia Luckey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAWES (by request) introduced a bill (S. 2980) granting to the Saint Paul, Minneapolis and Manitoba Railway Company the right of way through the Indian reservations in Northern Montana and Northwestern Dakota; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. INGALLS (by request) introduced a bill (S. 2981) for the support of the Washington Inebriate Asylum of the District of Columbia; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. INGALLS. I also offer a bill prepared by the commissioners of the District of Columbia, and presented at their request.

The bill (S. 2982) to authorize the commissioners of the District of Columbia to permit the temporary occupation of the streets by a railway, for the purpose of transporting material to fill about the base of the Washington Monument, was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. EDMUNDS introduced a bill (S. 2983) to authorize the construction of a highway bridge across that part of the waters of Lake Champlain which separates the islands of North Hero and South Hero, in the county of Grand Isle, in the State of Vermont; which was read twice by its title, and referred to the Committee on Commerce.

Mr. RANSOM (by request) introduced a bill (S. 2984) granting a pension to Frank Thornton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 2985) granting an increase of pension to Abram Kelly; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McPHERSON introduced a bill (S. 2986) to amend the act of August 2, 1886, entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation and exportation of oleomargarine;" which was read twice by its title.

Mr. McPHERSON. I move that the bill be referred to the Committee on Finance.

The motion was agreed to.

Mr. BLAIR subsequently said: In regard to the reference of the bill proposing an amendment to the oleomargarine law, I desire to state that that measure was originally referred to the Committee on Agriculture and Forestry. The chairman of that committee is not present, and I desire, if that be the proper way of reaching the point, to enter a motion to reconsider the order of reference to the Committee on Finance so as to leave the matter open until the chairman of the Agricultural Committee may be present.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered. The attention of the Senator from New Jersey is called to the motion made to reconsider the action of the Senate in referring the oleomargarine bill to the Committee on Finance.

Mr. McPHERSON. I have no objection. I believe that the Committee on Agriculture considered the original bill on the subject. I will state, if permitted to do so, that this bill has only reference to a regulation of the export trade, which we find can not be made as the law now stands.

Mr. BLAIR. I move the reference of the bill to the Committee on Agriculture and Forestry.

Mr. McPHERSON. I have no objection to that reference.

The PRESIDENT *pro tempore*. There being no objection, that change of reference will be made.

Mr. McPHERSON introduced a bill (S. 2987) granting arrears of pension to Mrs. Mary Ringgold Archer; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2988) granting a pension to Katharine Quick Pepper; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (by request) introduced a joint resolution (S. R. 87) providing for medals to the officers and enlisted men of the three months' service in 1861; which was read twice by its title, and referred to the Committee on Military Affairs.

CHOCTAW NATION CLAIMS.

Mr. INGALLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Indian Affairs be directed to inquire and report to the Senate what claims for professional or other services exist against the Choctaw Nation on account of the judgments rendered against the United States in favor of said Nation at the October term of the Supreme Court of the United States in cases No. 848 and 850, on appeal from the Court of Claims, and all other matters connected with the prosecution of said claims, with power to summon witnesses, send for papers, and administer oaths, the expenses to be paid out of the contingent fund of the Senate upon the allowance of the chairman of the committee.

COUNTING OF ELECTORAL VOTES.

The PRESIDENT *pro tempore*. If there be no further concurrent or other resolutions, the Calendar is in order.

Mr. HOAR. I move that the Senate non-concur in the amendments of the House of Representatives to the bill (S. 9) known as the electoral-count bill, and request a conference with the other House on the disagreeing votes of the two Houses.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate proceed to the consideration of a bill, the title of which will be read.

The CHIEF CLERK. A bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate disagree to the amendments of the House of Representatives, which will be read at length.

The Chief Clerk read the amendments of the House of Representatives, as follows:

On page 2, line 13, before the word "controversy," insert the word "a."

On page 3, line 13, strike out all after the word "vote" down to and including the word "elected," in line 14.

On page 3, line 30, after the word "State," insert the following:

Which shall have been regularly given by electors whose appointment has been certified to according to section 3 of this act.

On page 4, line 1, strike out the words "except by the affirmative votes of both Houses."

On page 4, line 22, strike out all after the word "which" down to and including the word "State," in line 24, and insert the following:

Were cast by electors whose appointment shall have been duly certified under the seal of the State by the executive thereof, in accordance with the laws of the State, unless the two Houses, acting separately, shall concurrently decide such votes not to be the lawful votes of the legally appointed electors of such State.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate non-concur in these amendments and ask for a committee of conference.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HOAR, Mr. EDMUNDS, and Mr. PUGH were appointed.

USE OF STREETS, ETC., IN WASHINGTON.

Mr. INGALLS. I ask the Senate to consider at this time Order of Business 1883, being the bill (S. 2938) reported yesterday from the Committee on the District of Columbia.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate proceed to the consideration of the bill named by him.

Mr. HOAR. I desire to inquire whether the unfinished business has been laid before the Senate.

The PRESIDENT *pro tempore*. The unfinished business will be laid before the Senate at 2 o'clock, which is the bill to repeal certain sections of the Revised Statutes relating to tenure of office. The question is on the motion of the Senator from Kansas.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2938) regulating the use of avenues, streets, alleys, and reservations in the city of Washington. It provides that the streets, avenues, alleys, or reservations in the city of Washington shall not be used for steam railroads, street railroads, telephone, electric light, or telegraph wires, or pipes for heating or lighting purposes, or for any other than the ordinary public uses for which said streets, avenues, alleys, and reservations are established, without the consent of Congress first obtained.

The bill was reported to the Senate without amendment.

Mr. EDMUNDS. I wish to suggest to the chairman of the Committee on the District of Columbia, being entirely in favor of the bill, whether it would not be advisable to insert a section providing a penalty for violation of this prohibition, so that if a District commissioner, or a superintendent of streets, or anybody else, violates this law (as what I think is the law about these streets in respect of these things is now being violated), there will be an adequate, proper, and direct penalty for it that can be enforced.

Mr. INGALLS. The committee considered the view suggested by the Senator from Vermont, and it was thought better to make the inhibition absolute, understanding that the commissioners could proceed by injunction, if necessary, against persons illegally occupying the streets or public reservations for any other than the uses intended by Congress.

It is perhaps unnecessary for me to call particular attention at this time to the necessity that exists for this declaration of power by Congress. I have no doubt that this statute, if it should become enacted, would simply declare what is now the law; but within the last few months the commissioners of the District, while disclaiming power to grant to corporations the use of the streets for any purposes not now authorized, have assumed to give franchises, notably recently to a company for steam-heating and power purposes, by means of which three or four of the most important business streets of this city have been

rendered practically impassable; and that action was taken in favor of a corporation, composed of citizens of Washington principally, who, desiring to evade the statutory liability and the imposition of taxation imposed by the laws of Congress, obtained their corporate powers under the laws of West Virginia.

It is due to the present board of commissioners to say that being interrogated, they denied the possession of any power whatever to grant the use of these streets for such purposes, but they declared that they found upon the records of the commissioners' office when they came into the discharge of their duties a prior grant of power by their predecessors, which they did not feel at liberty to countermand; and in pursuance of that the power has been granted to this corporation to try an experiment that has failed everywhere else, without compensation to the people of the District for the injury inflicted upon them, and to the great detriment, as I conceive, of the property-holders in the vicinity, and in violation of the laws of Congress upon that subject.

Mr. HOAR. Will the Senator allow me to ask him a question?

Mr. INGALLS. Certainly.

Mr. HOAR. I wish to know in regard to existing steam railroads, street railroads, telephone, electric light or telegraph wires, or pipes for heating or lighting purposes, whether those generally, the gas companies and the street railroads, have the consent of Congress now obtained?

Mr. INGALLS. The gas companies and the telegraph companies claim, of course, that, being chartered by Congress, they have all the necessary powers required for carrying out the functions for which they were incorporated.

Mr. HOAR. But my question is to see whether this bill as it is written would stop the operation of some useful or convenient public work which it is not intended by the committee to interfere with.

Mr. INGALLS. Unmistakably it would not.

The commissioners also had their attention called to the condition of the steam railroads in this city. Those who are familiar with the suburbs, especially in the northeastern parts of this municipality, I think will bear witness that values have been practically destroyed in that region by the unjust occupation of the streets, avenues, and public reservations by the steam railroad companies. Within three or four days, last past, while traversing the southern portion of the city I saw, I am safe in saying, hundreds of cars—freight cars, loaded and unloaded, passenger cars, cabooses, and flat cars—not passing through the streets and highways, but stored and standing therein. Those corporations have assumed to use the avenues, notably Virginia and Maryland avenues, for yard purposes, for storing their cars that are not in motion, and thereby practically destroying that portion of the city for purposes of business and residence.

I saw lately in one of the newspapers a statement to the effect that one of these corporations had succeeded stealthily, privily, without the knowledge of the commissioners, in gaining possession of three public reservations, which they were using for the purpose of switching and storing cars, and in various ways using them for private purposes, when, if they had been private persons, they would have been compelled to have paid hundreds of thousands of dollars for the property whose use and value they thus willfully and wantonly destroy.

Now, Mr. President, that there may be no question or controversy in the future, that no board of commissioners, being in doubt or uncertainty about their authority in the premises, shall yield to importunity, the committee thought best, in view of what has been done in the last three months, that there should be a positive and emphatic declaration by Congress of its power over the streets, alleys, avenues, and reservations in this District.

So far as a penal clause is concerned I think that immaterial. I venture to say that the District commissioners will not hereafter attempt, in view of this declaration, to grant any power to any corporation in violation of the rights of the public, and I am equally sure that if we pass this measure no corporation or individual being subject to injunction for its violation will venture upon any effort like those which have depreciated property and injured the rights of the public heretofore.

Mr. EDMUNDS. I think that it is much safer to add a penal clause to this provision, and therefore I will venture to offer the following:

Every person who shall do any act in contravention of any of the foregoing provisions shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment for a term not exceeding three years, or by both said punishments in the discretion of the court.

The observations of my friend, the chairman of the Committee on the District of Columbia, so far as regards the commissioners doing anything hereafter would be undoubtedly correct, but I think I remember some instances within a few years when, in spite of the commissioners, and sometimes by night, some corporations have endeavored to lay down tracks, or change tracks and increase them in these streets, when the next morning it would be too late for a preventive injunction, and the question whether a court of equity could grant an injunction to redress a prohibited wrong which had been entirely completed, and to remove the tracks, would be a question for the lawyers and for three years in the Supreme Court.

Therefore, as against private offenders (and of course the words ought to be general as to everybody), I think that a penalty would be a great addition to the value and force of the bill, and I trust my friend will not object to its adoption.

Mr. INGALLS. I have no objection at all.

Mr. VAN WYCK. Let me ask for information, where the authority for the steam cars that first occupied the streets referred to was obtained. Was that given by the commissioners?

Mr. EDMUNDS. By charters of Congress.

Mr. INGALLS. It was given by Congress.

Mr. VAN WYCK. I mean the steam cars on Maryland and Virginia avenues.

Mr. INGALLS. Both the street cars and the steam railroads are chartered by act of Congress, and their occupation of the streets, alleys, avenues and reservations within the limits prescribed by their charters is lawful.

Mr. EDMUNDS. They have got a good deal beyond it.

Mr. INGALLS. I know they have.

Mr. VAN WYCK. Then how as to the occupation of the reservations which the Senator has referred to?

Mr. INGALLS. I do not know that there has been any occupation of reservations; but I have seen a statement in the press, publicly made and not controverted, that one of the railroad corporations had, unknown to the commissioners, and, of course, without their consent, taken possession of three public reservations and was using them for private purposes. About that I make no statement, further than to reiterate what I have seen announced in the papers. *I do not know* anything about it, either officially or personally.

Mr. VAN WYCK. Then the bill as now proposed would not reach any preceding unlawful occupation of reservations?

Mr. INGALLS. I think if there is any such occupation that every day's occupation under any unlawful precedent trespass would be a continuing offense, and an offense for which the party would be responsible.

Mr. SEWELL. Let me ask the Senator from Kansas how the grants by the commissioners to make connections with the main line authorized by Congress are to be affected by this bill, the grants for sidings to feed-stores, &c.?

Mr. INGALLS. In my judgment the commissioners are absolutely without authority to grant permission to occupy any single inch of territory beyond that prescribed and defined by the charter granting the company the authority originally. If there be any such occupation under any assumed grant of power by the commissioners, it is unlawful; and if after the enactment of this bill it shall continue, each day's occupation will be a new and continuing trespass, for which the company would be liable under the provisions of section 2 of the bill.

Mr. SEWELL. Then the hundred sidings, for instance, if there be so many, and there are a great many, authorized by the commissioners to be constructed from the main line of any one of these roads authorized by Congress to private property for the purpose of carrying on the business necessary for the community in this city, will be declared unlawful by the bill. Is that the state of affairs?

Mr. INGALLS. I do not know anything about that. I do not know that there is any such case existing. My attention never has been called to a violation of law like that which the Senator from New Jersey defines. The power of the commissioners has been the subject of judicial determination in one of the courts since the last adjournment of Congress in a case in which one of these corporations sought to use a portion, I think, of Fourteenth street. Their authority was denied by the commissioners, and they attempted to occupy the street notwithstanding the refusal of the board to allow them to do so. Judicial proceedings were instituted, and the commissioners were sustained. So it is only a hypothetical question that the Senator from New Jersey raises, and one which does not affect in any way whatever the propriety of the passage of this bill.

Mr. VEST. Before this subject passes away, I should like to ask the chairman of the Committee on the District of Columbia what is the condition of the bill or bills—I believe there are two of them—in regard to a union depot in this city, intended for the purpose of getting rid of these railroads through reservations. That bill has been pending several years, I believe—I know for five years in the Senate, and also in the other House—and it is by far the most important question to the people of this city that is now pending before Congress.

Mr. INGALLS. I quite agree with the Senator from Missouri, and for twice five years my attention has been directed to that subject and my best efforts have been in the direction of some solution of that difficulty; but I presume that the Senator from Missouri knows that the railroad interests in this city are conflicting and hostile. Whatever one corporation wants the other resists. Such has been the conflict, the clashing, that whenever any measure has been brought before the committee or by the committee before the Senate, there have been influences, subtle it may be and undetected, but powerful enough to prevent action, upon the ground, of course, that the public convenience would not be conserved by the measures that have been submitted for consideration.

I am aware, Mr. President, that the condition of the railroad termini in this city and the occupation of large portions of the area of the District by railroad corporations, under present conditions, is simply dis-

graceful. It amounts almost to a crime. Vast numbers of people have had their property practically destroyed and confiscated by the unlawful occupation of the portions of this city lying to the northeast and to the southeast and south of the Capitol for the purposes of locomotion and of car storage. Portions of the city have been rendered practically uninhabitable. The railroads have carried on their business so that it has been impossible to worship Almighty God in the churches erected for that purpose. And suits have been brought, and the people have been petitioning here and representing their wrongs, and measure after measure has been introduced and carried through certain stages; but one corporation having got a tract of land on a public reservation worth $500,000 without paying a cent, a site which it would be required to pay $500,000 for in any other city, has interposed, and interposed successfully, its opposition to all measures requiring it to withdraw from that reservation, to take up its tracks through Sixth street, to cease to bisect that magnificent mall extending from the Capitol to the Naval Observatory, and carry on its operations where it would be as much to the convenience of the public, two squares farther south, on that broad space at the intersection of Virginia and Maryland avenues.

Mr. PLUMB. May I ask my colleague how they came to be there? By what authority?

Mr. INGALLS. They got there by act of Congress.

Mr. PLUMB. Is not Congress to blame then?

Mr. INGALLS. Congress is unquestionably to blame. I am not finding any fault with the railroad corporations. They have a valuable franchise, and they mean to keep it. Here is one of them, under the very eaves droppings of this Capitol, with a terminal station that is a shame and a disgrace to civilization; all its approaches are in the public highways, without decent accommodations for the public, and claiming that it has a vested right under a previous act of Congress to do as it pleases until 1910; and the other corporation, securing special privileges on account of the obloquy that was felt against its rival, has located its sheds and depot on a public reservation, destroying access to one portion of the city by the occupation of avenues and streets with its tracks, and both being able so to combine whenever anything is proposed which threatens their interests that, although absolutely hostile upon every other point, they are united in resisting every attempt to dislodge them from their present injurious occupation of the public property.

I do not blame, as I said, the railroad corporations for occupying this property. They acquired the right to do so lawfully. They claim that they afford better facilities to the people from the North and from the South by being thus enabled to land their passengers within one block of Pennsylvania avenue.

There is a good deal of secret history about this matter, Mr. President; there are a great many open secrets that perhaps it is not well to discuss; but when the Senator from Missouri inquires why it is that this matter has been left unacted upon, why it is the public have been left to suffer under these exactions, I can say to him that it has not been for the want of honest effort repeatedly made to secure the concurrence of these rival interests in some measure that would enable their friends in Congress and out of it to agree upon some site for a union depot, and thus relieve the people from this burden under which they now suffer.

Mr. VEST. Mr. President, I hope I may be permitted to say, without the slightest reflection upon the Committee on the District of Columbia, that it is very obvious that nothing will be done on this subject until some measure is reported from that committee to the Senate.

At the last session of Congress I introduced a resolution referring to the Committee on the Judiciary, of which the Senator from Kansas and myself are both members, the legal question as to the right of Congress to legislate on this subject. It is known very well that the attorneys and the stockholders and directors of these corporations claim that they have vested rights, that they have put improvements on their tracks and on the land that was given to them by Congress for that purpose, and that now we have no authority to interfere with those rights because they are vested.

Mr. MORRILL. Let me remind the Senator from Missouri that in the bill in relation to the Baltimore and Potomac Railroad the right to alter and amend was specially reserved.

Mr. VEST. I was about to refer to that.

Mr. INGALLS. That act was passed in 1872, if I recollect aright.

Mr. VEST. It was passed in 1871 or 1872. I was about to remark that that very reservation of power is in that bill; but understanding that they made this claim my purpose was, with due deference and respect to the Committee on the District of Columbia, to refer to the law committee of the Senate that legal proposition in order that the only question then to be determined by Congress should be the one of expediency alone. After that resolution was offered the Senator from Kansas requested me to allow the matter to go to the Committee on the District of Columbia, as it might be conceived by the public to be a reflection upon the industry or the capacity of the committee of which he was chairman. As a matter of course, I permitted that reference to be made; and it is now in no spirit of cavil or criticism of that committee that I have mentioned the subject at all. I only mentioned it because I hoped it would be an occasion for that committee taking some action in order that we may determine both the legal question and the question of expediency if we have that power.

Mr. VAN WYCK. Mr. President, it must strike those who take an interest in the legislation of Congress affecting the rights of individuals that the statement made by the chairman of the Committee on the District of Columbia is a startling one that the steam railroads entering this city should use the franchise given them to arbitrarily and without authority take occupation of reservations or other property, and that that should be continued year after year and the American Congress denying to two hundred thousand people the right of self-control, should sit here nine months in one year and three in another and leave this community entirely at the mercy of the avarice, the greed, and the extortion of corporations of this nature. It is a startling proposition. There is no excuse for it anywhere; none whatever. There is no allegation that Congress is powerless before such great mammoth corporations. If there could be such an excuse, it would be a worse infamy than the crime alleged against them. Our crime is worse than that of the railroad companies, and the Senator has properly designated their occupation of this franchise as infamous, and so it is.

The citizens of this city will be rejoiced at the statement made by the Senator from Kansas, because it insures to them the coöperation and the power which that Senator from his position on this floor, and as the head of the District Committee, may extend to the people who have been long suffering in this city.

In 1872 the franchise was given to one of these railroad companies, as I understand from the Senator from Vermont; and may I ask him whether when this franchise was given to any railroad company that occupies the streets of this city, there was any provision for damages in any case, or any authority given to assess damages? Does the Senator from Vermont remember?

Mr. MORRILL. I think there was.

Mr. VAN WYCK. Damages for the occupation of the streets, to the adjoining owners? Does the Senator from Kansas remember?

Mr. INGALLS. I was not in the body at that time.

Mr. VAN WYCK. Was there any tribunal fixed whereby damages could be assessed in favor of persons owning residences on these streets, which Congress deliberately turned over to the occupation of these railroad companies? Can any Senator who was in Congress at that time, or by reading afterward in the Judiciary Committee, give any information on that point?

Mr. MORRILL. I have not the terms of the law in my memory at the present time, but I will say that several of the occupants of these streets have obtained damages through the courts.

Mr. VAN WYCK. Precisely. From that I judge that Congress did not furnish any tribunal. They gave authority to the railroad companies to occupy these streets without at the same time providing a tribunal whereby damages could be assessed in favor of the owners of property on these streets. I judge from the fact that the Senator from Vermont says they have been able to obtain damages in the courts that they were driven to the courts; they could only get damages by going to the courts. They were thrown on their common-law rights. Congress, so liberal in bestowing these privileges, I presume did not think it was wise to protect the citizens of Washington having residences upon either side of the streets which they generously turned over to the occupation of railroad corporations, and I think the Senator will find that these citizens were driven to the courts in order to obtain redress. So it seems these mammoth corporations can take Congress by the throat, and, although it sits nine months in one year and three in the next, the great representatives of the American Republic tremble before these huge corporations, and the only remedy for the individual, the citizen (who has no protection by reason of any self-control on the part of the people here or any regulation of their own affairs), is that he must go to the courts single-handed and alone to deny the right of a railroad company to enter the highways, the streets, and destroy the value of his property and make it useless. I judge so from the fact that the people of South Washington have petitioned, not only this year, but the last half-dozen years—petitioned, without redress, Congress to give them some protection, and until this time their request has passed apparently unheeded, until what?

The Senator from New Jersey asks how shall the company's sidings be protected? They have a hundred sidings on the streets of this city, he says. Does the Senator know whether they paid any damages for laying down those tracks and making those sidings? Has the Senator knowledge on that point? It was done by individual owners, he says. What right had individual owners to give this railroad company the right to lay down sidings in a highway of the city, will the Senator tell me?

Mr. SEWELL. I think the siding was for the individual owner's benefit—for the purpose of aiding his business. I know very little about it except the general principle.

Mr. VAN WYCK. But the siding would be of no use merely constructed along the line that belongs to the individual. The siding has to be laid down in the highway, laid down in the street, over which the individual has not the absolute control and ownership so as to deed it away or dedicate it to a use repugnant to the rights of others traveling on that street or others occupying residences on that street. Now,

that hundreds of cars are stored in the avenues of this city without the railroad corporation paying a dollar for that privilege is a well-known fact. Did the Senator from Vermont find anything on the point we were speaking about?

Mr. MORRILL. It is fully provided for—that they are to pay damages.

Mr. VAN WYCK. By assessment? Does it say they shall pay them by judgment of the courts?

Mr. MORRILL. Nothing as to details.

Mr. VAN WYCK. In 1872 Congress then merely declared what was the law—that the owners should be entitled to damages for the occupation of these streets.

Now, Mr. President, I should have preferred, if it would meet the views of the Senator from Kansas, that something in this bill should be retroactive. The streets that are already occupied require the attention of Congress and require some legislation. Year after year the Senator from Missouri says that he has presented petitions or resolutions or bills looking to the construction of a union depot, which is demanded by the interest of trade and travel and commerce, by every interest; and yet there has been no satisfactory answer to why it had not been done in this city except that the railroad corporations were powerful enough to prevent action upon that matter. Why, sir, it would have been competent for this committee or any other suitable committee of this body to have reported a bill which in their judgment was right. That could have been done, and then we should have had an opportunity to see whether these subtle influences could have reached and controlled a body like the Congress of the United States.

Here it stands conceded is the unjust, the injurious occupation of this property, the villainous prostitution of a franchise to the injury of the people, and the Congress that gave it to them fails to demand the reason why.

The Senator says that the act of 1872 provided for the amendment or repeal of this charter. Then certainly Congress has reserved to itself all that is necessary.

The abuse of this franchise was flagrant, so much so that it has been deserved for years and to-day has received the truthful characterization which the Senator from Kansas has given it. I trust now that this may be a little ray of hope to the citizens of Washington that the day of deliverance may be approaching, not only from the exactions and demands and outrages of these corporations of steam railroads but of other corporations which for the last ten years through Congress have compelled a great city and nearly a quarter of a million of population to be subjected in their rights and in their interests to corporations started and created by act of Congress.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Vermont [Mr. EDMUNDS].

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 9918) to provide for grading and paving the approaches to the national cemetery near Danville, Va.; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (S. 1110) to relinquish the interest of the United States in certain lands to the city and county of San Francisco and their grantees;

A bill (S. 1424) for the relief of graduates of the United States Military Academy, and to fix their pay;

A bill (S. 1990) to provide for the adjustment of matters connected with certain judicial proceedings in Pennsylvania, in which the United States was a party; and

Joint resolution (S. R. 19) directing copies of the official letter-books of the executive department of the State of North Carolina to be furnished to said State.

HOUSE BILL REFERRED.

The bill (H. R. 9918) to provide for grading and paving the approaches to the national cemetery, near Danville, Va., was read twice by its title, and referred to the Committee on Military Affairs.

TENURE-OF-OFFICE ACT REPEAL.

Mr. HOAR. I now move to take up the bill (S. 512) which comes over from yesterday as the unfinished business.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 512) to repeal certain sections of the Revised Statutes relating to the appointment of civil officers.

The PRESIDENT *pro tempore*. The reading of certain sections of the Revised Statutes was called for yesterday. They will now be read.

The Secretary read as follows:

SEC. 1767. Every person holding any civil office to which he has been or hereafter may be appointed, by and with the advice and consent of the Senate, and who shall have become duly qualified to act therein, shall be entitled to hold such office during the term for which he was appointed, unless sooner removed by and with the advice and consent of the Senate, or by the appointment, with the like advice and consent, of a successor in his place, except as herein otherwise provided.

SEC. 1768. During any recess of the Senate, the President is authorized, in his discretion, to suspend any civil officer appointed by and with the advice and consent of the Senate, except judges of the courts of the United States, until the end of the next session of the Senate, and to designate some suitable person, subject to be removed, in his discretion, by the designation of another, to perform the duties of such suspended officer in the mean time; and the person so designated shall take the oath and give the bond required by law to be taken and given by the suspended officer, and shall, during the time he performs the duties of such officer, be entitled to the salary and emoluments of the office, no part of which shall belong to the officer suspended. The President shall, within thirty days after the commencement of each session of the Senate, except for any office which in his opinion ought not to be filled, nominate persons to fill all vacancies in office which existed at the meeting of the Senate, whether temporarily filled or not, and also in the place of all officers suspended; and if the Senate during such session shall refuse to advise and consent to an appointment in the place of any suspended officer, then, and not otherwise, the President shall nominate another person as soon as practicable to the same session of the Senate for the office.

SEC. 1769. The President is authorized to fill all vacancies which may happen during the recess of the Senate by reason of death or resignation or expiration of term of office, by granting commissions which shall expire at the end of their next session thereafter. And if no appointment, *by and with the* advice and consent of the Senate, is made to an office so vacant or temporarily filled during such next session of the Senate, the office shall remain in abeyance, without any salary, fees, or emoluments attached thereto, until it is filled by appointment thereto by and with the advice and consent of the Senate; and during such time all the powers and duties belonging to such office shall be exercised by such other officer as may by law exercise such powers and duties in case of a vacancy in such office.

SEC. 1770. Nothing in sections 1767, 1768, or 1769 shall be construed to extend the term of any office the duration of which is limited by law.

SEC. 1771. Every person who, contrary to the four preceding sections, accepts any appointment to or employment in any office, or holds or exercises, or attempts to hold or exercise, any such office or employment, shall be deemed guilty of a high misdemeanor, and shall be imprisoned not more than five years, or fined not more than $10,000, or both.

SEC. 1772. Every removal, appointment, or employment, made, had, or exercised, contrary to sections 1767 to 1770, inclusive, and the making, signing, sealing, countersigning, or issuing of any commission or letter of authority for or in respect to any such appointment or employment, shall be deemed a high misdemeanor, and every person guilty thereof shall be imprisoned not more than five years, or fined not more than $10,000 or both.

Mr. EDMUNDS. Mr. President, I wish to express my earnest opposition to the passage of this repealing bill, which opposition I suspect, with a solid Democracy and a somewhat considerable support of this bill from people who are not Democrats, will be futile; but nevertheless I wish to express my earnest opposition to the passage of this bill.

The statute proposed to be repealed has been in existence for nearly twenty years. It was passed at a time when removals from office by a then acceding President—acceding to Democratic views of things—were being made with great rapidity, even greater than the rapidity of the removals under the present administration, rapid as they have been, and when it was obvious that these removals were in general greatly to the detriment of the public service. The law was then passed in the time of President Johnson. President Johnson did not believe it to be constitutional, but it passed notwithstanding by the requisite constitutional majority of the two Houses of Congress. But notwithstanding the fact that President Johnson believed it to be unconstitutional, he obeyed it and did not choose to risk the question in the judicial courts as he might readily have done by making a case, and of having it determined as between the particular officer removed and the power of removal—of having it determined as to that man whether the law could stand upon constitutional grounds or not. President Johnson obeyed it. I do not remember an instance—and if there were one it was an accident—of his not executing it fairly and in good faith. All his successors, covering a period, as I say, of nearly twenty years, have recognized its validity as the guide and direction and restraint upon the Chief Magistrate of the United States in respect of vacating and so filling offices without the consent of that body that the Fathers in the Constitution provided to be a consenting and an advising body as well for the selection of these persons.

Everybody saw when this law was passed and went into operation that the chief executive power over the patronage of the country, the chief executive power over influencing elections and bending everything to executive will, rested not so much in the power of selecting persons for office—although that is great—as it did in the power of making innumerable and continual vacancies; for if a man were nominated to the Senate and confirmed after consideration by the unanimous vote of this body, without this statute, according to the previous practice of Executives, he could be the day after the Senate adjourned dismissed from his office and a vacancy created, and if thus lawfully dismissed and a lawful vacancy created the President of the United States by the express letter of the Constitution was authorized to fill it of his own motion, and without any advice or consent of the Senate, until the expiration of its next session, which would be on the average at least six months if not more. And without such a law embracing some of these sections,

if at that next session of the Senate the President of the United States proposing the man that he wished to fill the office found that the advice and consent of the Senate could not be given to it, the Senate again adjourning he had the constitutional power to again appoint to this existing vacancy the same man over again, and so on infinitely, if you can use the term "infinitely" as regards an office held by one man.

In other words, without the restraints of this statute and according to the practice that had existed before, the whole real power and patronage of this Government was vested solely in the hands of a President of the United States; his will was the law. No matter how clearly the Senate may have been of opinion that a given nominee ought not to be intrusted with public confidence or employed in public concerns, it was still left within the legal and technical power of the President of the United States to employ him continually. You may say this would rarely happen, and that if it happened often it would be a great abuse, which would deserve being dealt with in another constitutional way. But that does not prove that it is right to open the door to such abuse; far from it. It proves the reverse, as I think.

So then, Mr. President, if there be anything of value in the provisions of the Constitution that have now lasted us on these topics for a hundred years, lacking one or two or three, it is that the restraint on the power of the Executive, which was vested in the Senate of the United States, in regard to what persons should be employed in the public service, that value is to be entirely destroyed by the repeal of this statute, and you turn over, as if you had done it in affirmative language, to the President of the United States not only the power of immediate removal of every one of the public servants who are confirmed by the Senate, and of course indirectly through his heads of Departments every one of the public servants who are not confirmed by the Senate, the power of immediate removal, the power by his own selection and without the advice and consent of the Senate of an immediate filling of those offices, to be repeated as often as his will and his pleasure should think it proper, whether the Senate thought the officer proposed was a suitable appointment or not suitable. That is a very grave and serious step to take.

Certainly it was found, I repeat, that in the state of things which existed when this act was passed, the public service was immeasurably promoted by its passage and the obedience of the President of the United States to its provisions, not only in respect of the *personnel* and character of the persons who were employed in the public service, but in respect of saving the public treasure; and, as I say, every President from that time to this has been enabled to carry on the Government well and faithfully, and, without any serious embarrassment, obeying its provisions.

Now we have an Administration of which it is said on one side that it is not making removals fast enough, and that it is laboring under the restraint, legal or otherwise, of this long-time statutory provision, and that the experiment of very numerous suspensions, universal suspensions under its provisions, would either turn out to be a failure because there was no cause in the conduct of the suspended officers to justify it, or turn out to be a failure because if the suspensions were made for political reasons that body of people in the United States whose votes elected the present President would see that the civil-service pretensions and platforms and proclamations and letters and statements of the Chief Magistrate were not being at all lived up to—one thing or the other. And so, as I said when I began, this bill is brought forward in apparent aid of the wishes of our friends on the other side to relieve the President from the difficulty and embarrassment of having to suspend an officer that he wishes to get rid of, and who by law would be restored to the office if the Senate did not agree to the appointment of his successor and be subject to suspension again, and to invite him, by the action of the Senate and the House of Representatives, if it should concur to make short work of all this civil-service business, and to expel from office at once all the officers of the United States who are now within the purview of this statute by an instant removal, being required to give no explanation and make no suggestions to the Senate or to the House of Representatives upon the subject, and give us five or six or eight or ten or fifteen or twenty or thirty thousand vacancies, whatever the number may be, and I do not know, which are to be filled up by the President according to his own free will and according to the pressure that can be brought to bear upon him by members of the House of Representatives and Senators, &c.

It is, as it looks to me, as if we were to turn our backs now and here upon the principle of civil-service reform, as it is called, and I think it is a reform if it is only carried out. It is a reform in name and would be a reform in practice and is a reform in practice, as I believe, just as far as it is followed fairly and honestly and faithfully. It is to relieve all that, and that we shall all agree that the victors are the persons who are entitled to the spoils, and that every place, every employment under the Government of the United States is a spoil that belongs to the set of men who can carry an election in favor of a man who thinks that way too, and who will therefore gratify the soldiers of the war for spoils in giving them and their friends the places under the Government that has been the object of the contest they have engaged in. I do not believe in that. There are a good many other people in this world who do not believe in it, and who believe that employments under the Government are just as much as possible like the employments under the governments of our respective States, where, either by election or appointment, nearly every officer in a State is secure in the administration of the office the duties of which he has been selected to perform for the period fixed by the constitution of the State or by its law for which he was elected or appointed, and that nothing but his official or personal misconduct—which is something else than having an opinion and expressing it in an honest and manly way—should be the cause of his dismissal from it.

So, Mr. President, it appears to me, with great respect to my friend from Massachusetts who reported this bill, and who I am sure thinks the law he proposes to repeal to be unconstitutional, that the passage of this bill would be the greatest practical step backward on the theory of the reformation of the civil service of the United States, taking its ordinary work and employment out of being the mere contest of politics between parties as distinguished from broad differences among men as to the polity of a country, either foreign or domestic, as we have so many instances of, and where I am glad to say we rarely divide upon pure party lines, as they are called, about such affairs—taking out from what is now a certain amount of security and retardation of those eager political hungerings for place, these employments and occupations, and leaving the administration and Congress with some larger and better things to do than to struggle and scramble once in four years to elect a President for the sole purpose of putting your friends out of office and putting my friends into office. That is the way it looks to me, and therefore I am opposed to it.

Now, as this debate is entirely unpremeditated by me, for I did not know until this morning that the bill was up, I wish to say a single word on the constitutionality of the law that it is proposed to repeal. I have said that my distinguished friend from Massachusetts, for whose legal opinions I always have the greatest respect, sincerely believes that it is contrary to the spirit, if not the letter, of the Constitution.

Mr. HOAR. Before the Senator passes from his first topic, I should like to call his attention to the fact that, unwittingly, undoubtedly, in the beginning of his remarks he spoke of this law as having been passed in the time of Andrew Johnson, not by name, but by the description of the period. This particular law was passed later than the time of Andrew Johnson.

Mr. EDMUNDS. The Senator from Massachusetts is not quite correct, I think, in the way he has stated that. The law was passed in the time of Andrew Johnson. When General Grant came to be President of the United States in 1869 he was led to believe by friends of his who were eager partisans—not eager merely in the sense of public policies, as we all are and all ought to be, but who were eager partisans of place and of having the power of the Executive as large as possible if they had the ear of the Executive to have it exerted in the way they wanted it—that the law would be a great embarrassment to the success of his administration, and he was induced to exert whatever of influence he felt that he properly might—and I will not stop to measure it or to go into it—in favor of its total repeal. The House of Representatives, I believe by a very large majority, passed a bill for total repeal. The Senate did not take that view of the subject, and it resulted in a conference and a report of a conference whereby the duty of the President reporting causes of suspension to the then next session of the Senate was annulled, but whereby the structure and theory and effect of the law as it then stood as a restraint upon the abuse of executive power was left, as it was thought here, in full vigor and force.

Mr. HOAR. Will it disturb the Senator if I call his attention to one proposition?

Mr. EDMUNDS. Not in the least.

Mr. HOAR. The law which was passed in the time of President Johnson enacted that all civil officers should hold office through their term, except that it gave the President the power of suspension and temporary appointment whenever the officer had been guilty of misconduct in office, or crime, or for any reason had become incapable or legally disqualified. In other words, the original law deprived the President of any discretionary power of suspension or removal whatever in regard to those officers. There must be a legal disqualification, an incapacity or a crime—nothing else. Then, in the first term of President Grant, the present law was passed which authorized the President to suspend at his discretion, which would operate as a removal on the confirmation of a successor, requiring of the President no reasons whatever, and under which the power of suspending at discretion for mere political reasons, or for any other, has been exercised ever since at the will and according to the sense of public duty of the successive Executives. And so far as I am aware, there is not a single instance, since this new law passed, of any officer once suspended being restored practically to his official functions. So, without now, of course, interrupting the Senator from Vermont to reply to his argument as to the expediency of the existing law, I respectfully submit that it is not historically accurate to say that the existing law was a law passed during the administration of Andrew Johnson.

Mr. EDMUNDS. With the same amount of respect, I most respectfully submit that it is, that all that was taken out of it in the year 1869 was merely a question of method and procedure; for the law of

1867, while it enumerated, as my friend says, the scope and proper constitutional and beneficial suspension, was broad enough in its language and was intended to be broad enough in its language to include every case except that of mere political opinion.

Mr. HOAR. May I read those lines to my friend?

Mr. EDMUNDS. Certainly.

Mr. HOAR. I will not interrupt the Senator again, but I would like to have this point understood by the Senate. This is the law of 1867:

That when any officer appointed as aforesaid—

After first providing that all officers, except the Cabinet, should hold to the end of their term—

excepting judges of the United States courts, shall, during a recess of the Senate, be shown, by evidence satisfactory to the President, to be guilty of misconduct in office, or crime, or for any reason shall become incapable or legally disqualified to perform its duties, in such case, and in no other, the President may suspend such officer and designate some suitable person to perform temporarily the duties of such office until the next meeting of the Senate, and until the case shall be acted upon by the Senate, and such person so designated shall take the oaths and give the bonds required by law to be taken and given by the person duly appointed to fill such office; and in such case it shall be the duty of the President, within twenty days after the first day of such next meeting of the Senate, to report to the Senate such suspension, with the evidence and reasons for his action in the case, and the name of the person so designated to perform the duties of such office. And if the Senate shall concur in such suspension and advise and consent to the removal of such officer, they shall so certify to the President, who may thereupon remove such officer, and, by and with the advice and consent of the Senate, appoint another person to such office. But if the Senate shall refuse to concur in such suspension, such officer so suspended shall forthwith resume the functions of his office, and the powers of the person so performing its duties in his stead shall cease, and the official salary and emoluments of such officer shall, during such suspension, belong to the person so performing the duties thereof, and not to the officer so suspended: *Provided, however*, That the President, in case he shall become satisfied that such suspension was made on insufficient grounds, shall be authorized at any time before reporting such suspension to the Senate as above provided, to revoke such suspension and reinstate such officer in the performance of the duties of his office.

That was the law which the Senator from Vermont thinks is substantially equivalent to the one now on the statute-book.

Mr. EDMUNDS. I am extremely glad that my friend from Massachusetts has read so carefully the precise clauses that were repealed in the act of 1867. I had some hand at that time in making them, as I presume my friend had at the other end of the Capitol, though I do not remember about that, and some hand in the conference report, as I happened to be one of the men who composed the Senate conferees, which agreed upon the modification of 1869; and with great respect to him I again repeat that the enumeration of causes for suspension, and so if the Senate were satisfied with those causes for the removal of the officer, covered every case in which a person ought to be removed from the place that he holds until his time is out, except the matter of political opinion. There was misconduct; that is clear; there was incapability as distinguished from disqualification, incapacity like extreme sickness or insanity, and when you come to the other branch of it on misconduct, negligence, unfaithfulness, inattention by an officer who has been intrusted with an important trust, and every trust is an important trust in the public service—his misconduct either by doing what he ought not to do or failing to do what his full and bounden duty would require him to do in performing his functions. And then being innocent of misconduct, the old law provided for the other case of a person becoming unable, however good he was, to do his duties. Then he might be set aside. So that by a process of algebra you will see that this enumerates all the cases for which a person ought to be relieved from service and excludes a case where he ought not to be relieved from service, and that is the fact that, like an American citizen, he had a political opinion. That was where it stood.

Some friends of General Grant and his administration—we were all his friends on both sides of the Chamber—but some of his friends got up the idea that it was derogatory to the Presidential office to be called upon to specify and enumerate in his own act which he was responsible for and which the Senate could review, the precise reason and ground and name the thing that he suspended a particular man for; and so this modification was made.

Mr. BUTLER. Will it be agreeable to the Senator now to read the modification in that connection? I should be very glad to hear it.

Mr. EDMUNDS. Yes, sir. The modification was made thus; section 1767 was left to read:

Every person holding any civil office to which he has been or hereafter may be appointed by and with the advice and consent of the Senate, and who shall have become duly qualified to act therein, shall be entitled to hold such office during the term for which he was appointed, unless sooner removed by and with the advice and consent of the Senate, or by the appointment——

Which made two separate things of it, in one case an appointment of a successor would effect the removal of the other man, but the first section provided for his being removed even if the President was not ready to suggest somebody to take his place.

or by the appointment, with the like advice and consent, of a successor in his place, except as herein otherwise provided.

Now we come to the suspension clause—

SEC. 1768. During any recess of the Senate the President is authorized, in his discretion—

Which, I suppose, is a constitutional discretion, a solemn discretion—

to suspend any civil officer appointed by and with the advice and consent of the Senate, except judges of the courts of the United States, until the end of the next session of the Senate, and to designate some suitable person, subject to be removed, in his discretion, by the designation of another, to perform the duties of such suspended officer in the mean time; and the person so designated shall take the oath and give the bond required by law to be taken and given by the suspended officer, and shall, during the time he performs the duties of such officer, be entitled to the salary and emoluments of the office, no part of which shall belong to the officer suspended.

Then—

The President shall, within thirty days after the commencement of each session of the Senate, except for any office which in his opinion ought not to be filled, nominate persons to fill all vacancies in office which existed at the meeting of the Senate, whether temporarily filled or not, and also in the place of all officers suspended; and if the Senate during such session shall refuse to advise and consent to an appointment in the place of any suspended officer, then, and not otherwise, the President shall nominate another person as soon as practicable to the same session of the Senate for the office.

Then, section 1769:

SEC. 1769. The President is authorized to fill all vacancies which may happen during the recess of the Senate by reason of death or resignation or expiration of term of office—

Not by reason of removal; that was not tolerated—

by granting commissions which shall expire at the end of their next session thereafter. And if no appointment, by and with the advice and consent of the Senate, is made to an office so vacant or temporarily filled during such next session of the Senate, the office shall remain in abeyance, without any salary, fees, or emoluments attached thereto, until it is filled by appointment thereto by and with the advice and consent of the Senate; and during such time—

That is the time of abeyance—

all the powers and duties belonging to such office shall be exercised by such other officer as may by law exercise such powers and duties in case of a vacancy in such office.

Now, therefore, you will perceive, Mr. President, I think, with great respect to my friend from Massachusetts, that the fundamental theory of a constitutional (if it be constitutional, which is another question) regulation of the exertion of the power of removal from office was intended to be preserved, and was preserved, and that the result under the act of 1867 and the act of 1869 would be precisely the same. In either case the President was to suspend, if he found good occasion for it in his solemn and official discretion; and in either case, if the President of the United States would not make known to the Senate, or the Senate could not find out any good reason for advising and consenting that that man should be removed from office and another man put in his place, there was the end of the exertion of that power.

Then, in order to guard it still more perfectly under this modified section 1769—and the parts that were retained were left untouched as far as I know—it was provided (and we propose to repeal that, too) that in respect of the case of an ordinary vacancy occurring in the recess which the Constitution gives the President the power to fill up, and which is reaffirmed and named in that section, if he can not, during the next session of the Senate, name somebody to fill that place permanently—that is, for the full term which the law provides for it—he shall not be allowed thereafter, as he had been allowed theretofore, to fill it up without the advice and consent of the Senate; and so on, from year to year, through a whole administration, having the whole service of the Government in respect to that office—and it might be true as respects them all—carried on by a body of persons not one of whom had been selected by and with the advice and consent of the Senate. This law forbids that, and says if the President is unable to nominate to this branch of the Government, upon which the Constitution has imposed the duty of advising and consenting according to the light we have, a person who would meet the approval of a majority of the Senate, he shall not fill it up himself in spite of the Constitution, but that the office shall remain in abeyance, and its duties be performed by whatever person the law provides for it, as it does now probably in every instance, to go on as in the case of a vacancy.

There is where the roads part as broad as can be. Repealing this statute is affirming that the Congress of the United States is willing and desirous that the President of the United States should exercise the power of selecting people to fill offices, whether the Senate advises it or consents to it or not. It is not a mere matter of removal taking the scope of this bill repealing the section I am commenting on. It goes to the extreme in the other direction, and that upon the suggested constitutional ground to which I was coming that the President must not only have the power to remove everybody from office in the civil service of the Government except judges of the regular constitutional courts, in order that he may take care that the laws are faithfully executed, but that he must also have the power of filling every office by somebody in spite of the Senate refusing to advise and consent to the selection of that particular man, for the same reason that it is his duty to take care that the laws are faithfully executed, and if he does not choose to nominate a person to an office under the Constitution that the Senate thinks is fit for it, he may employ him in that office constitutionally although the Senate do not think he is fit for it, and so keep on. That is the logic of the proposition.

I do not believe in that kind of constitutional law. I do not believe in that kind of political expediency, and I use the word "political"

in its just and proper philosophical sense, and not in the sense of party politics at all.

Now, then, the question is whether this law as it stands in the Revised Statutes is an invasion of the constitutional rights and powers of the President. If it is it ought to be repealed, because no one Department of the Government, and no all Departments of the Government ought to invade or justly embarrass the exercise of the constitutional functions of any other Department. That is as clear as anything can be. Security, order, liberty, welfare depend upon a scrupulous regard for preserving the rights of every Department with their checks and limitations and balances, one holding against usurpations by the other and asking for no usurpations in favor of itself. All that is clear enough. If, therefore, I had the slightest doubt as to the constitutionality of this law that has existed for so long I should be willing to consider with the utmost seriousness how far we had trenched on the executive powers as they were created and established by the Constitution, and by just so far as we found that we had trenched upon them to immediately retreat. But if I find on study and examination, and reflection, and observation that these provisions, as they are are only conservative of the public good, exercised for the objects that the founders of the Government had in view, wise and just objects of restraining unlimited power in every branch of the Government, then we ought to stand by them; and I think that is the policy of this law.

Sir, what is there in the Constitution out of which this supposed invasion of executive power is to be evolved? It is only, I believe confessedly, in this one phrase, that it shall be the duty of the President of the United States to take care that the laws be faithfully executed. That is his duty, clearly. It would be his duty if that phrase were not in. That is the function of every executive office; the inherent nature of it; it is to execute the law. But the President of the United States in taking care that the laws are faithfully executed cannot invade the laws. He cannot invade the Constitution in order to faithfully execute the law. If he could, then if the Congress of the United States by both its Houses should refuse to pass an appropriation to pay his salary, he could go to the Treasury and make his sign-manual order on the Treasury of the United States, "Give me $50,000; I can not execute the law without pay, and the law says I shall have pay; Congress has been derelict in its duty in not providing this appropriation; I will take the money without it," although the law has regulated how money is to be got out of the Treasury, and it is by the will of the Representatives of the people and of the States, and in no other way.

In another case—and I only take two or three as they occur to me to illustrate, because, as I say, this discussion, as far as I am concerned, is entirely precipitated—the collector of customs in the city of New York has a salary by law, and he has a thousand or two thousand subordinates. His duties and their duties are fixed by law. What they are to do does not depend upon the will of the President of the United States or upon his discretion. Their salaries are fixed by law. Now, if the President's duty to take care that the laws are faithfully executed is of the immeasurable and unlimited scope as to means that must be drawn from this argument made against the constitutionality of this statute, in case Congress fails to provide means for carrying on the custom-house in the city of New York, the President of the United States must execute the customs laws; if there are not officers enough he may appoint others that the law has not created at all, and vindicate himself on the ground that he is to execute the customs laws of the United States, which say that every vessel that comes into port shall report, make its manifest, return it to the custom-house, and pay its duties. Congress has not given him deputy collectors enough in the city of New York to do it. He therefore, of his own free constitutional will, and under his constitutional duty, has appointed a hundred more in order to take care that the laws for the collection of the revenues may be faithfully executed. That will not do.

What Attorney-General Black said to Mr. Buchanan—if I am correct in what might be called my hasty recollection going into this debate in this way—about the year 1860, always appeared to me to be as clearly stated and as sound a proposition of constitutional law in this country as could be stated, and that great man knew how to state it. It was urged upon President Buchanan that it was his duty to do certain things that the statutes of the United States, as it was said, had not provided for, in order to preserve the Constitution and execute the Constitution itself; and that he must do this thing and do that thing without any intervention of Congress to give him authority to do it, because it fell within his duty of faithfully executing the laws. Mr. Black, however, advised him that his very oath to faithfully execute the law was an oath to obey the law, and to obey it as it stood, and not to create new laws that Congress had not passed or to violate old ones that they had passed, no matter how great the patriotic temptation was to do it, if he would follow the Constitution. I am not using his language, but stating the substance, which we can all understand. I thought so when I read that famous opinion of Mr. Black; I think so still; and therefore I am not able to see that the duty of the President of the United States to take care that the law be faithfully executed involves the right or the duty to put one man into an office that the law has not provided for or to turn one man out of office where the law has not given him the power and provided the right for him to turn out of office, as it has of course in three-quarters of all the offices of the United States, for the Constitution has declared wisely—and I have introduced a bill to carry it still further in respect of its effective administration—that Congress may by law, vest in the President, in the heads of Departments, or in the courts of law, the appointment of the whole mass of the subordinate officers of the United States, and we all agree that these include everything except judges of the courts of the United States, ministers, and consuls.

Then, sir, as it seems to me, the duty of the President of the United States to see that the laws are faithfully executed—not to execute them himself, but to take care that the public will, as found in the Constitution and in the statutes, is exerted and executed—does not by any means imply an authority to remove a postmaster any more than it implies an authority to remove a Senator who he thinks is conducting himself in a way to embarrass the execution of the laws.

Historically it has been said a great many times that the first Congress put this construction upon that phrase, and came to the conclusion in creating some of the first offices in the Government—the first in point of time and the first in point of dignity, the heads of Departments—that Congress gave a legislative recognition to the idea that the clause in the Constitution requiring the President to take care that the laws be faithfully executed, involved and implied the power of removing any officer, no matter how appointed, whether by the President, by and with the advice and consent of the Senate, or otherwise, from office and creating a vacancy, and then putting in his own man, to whom the Senate had not consented to fill the place. If he had the right to make a vacancy he would have a right to put in his own man during a recess of the Senate, because the Constitution says so. That is clear enough. When the first tenure-of-office bill of 1867, therefore, was brought forward, and the friends of the then administration of Mr. Johnson opposed it on constitutional grounds, and asserted this legislative and alleged historical recognition of the power of removal as a part of the Executive power and in order to the faithful execution of the law, I made as careful an examination as I could of the whole debates in the House of Representatives—at that time there were no printed debates of the Senate—to ascertain exactly how the question stood, what it meant that Congress had inserted in the clause as to one of the Secretaries—no matter which one—a provision to be removable at the pleasure of the President of the United States, or whatever the phrase was, because on the face of the statute that would be capable of two interpretations, "unless sooner removed by the President of the United States." Perhaps that was the phrase, but no matter about that.

One interpretation was that that statute conferred upon the President a power that he did not possess by the Constitution, but which it was constitutionally lawful for Congress to impose upon him—to give him. Another interpretation might be that it was a simple recognition of an existing constitutional power. Therefore, on the face of the statute, certainly, no more could be implied in favor of the recognition of an existing constitutional power than could be implied in favor of a conferring upon the President of a power that Congress thought it expedient that he might exercise. On going through the debates, and reading all that was said of these various views, which they stated, and then counting up the votes on the yeas and nays, it was obvious to my mind—but perhaps I was mistaken, and I went over it again in 1869, when a tremendous rush was made to repeal the whole thing—it was obvious to my mind that no such deduction of a recognition of a constitutional power inherent in the President to remove from office could be made from the votes of that House of Representatives, and from the debates, and I think so still.

But let us pass that now; let us come to see what the Constitution does mean. Here are these other clauses which provide that Congress may vest in the President of the United States, the heads of Departments, or the courts of law, the appointment of all officers of the United States, with these exceptions that I have named. I have named them by classes. I state it in this way merely for brevity. That is all the power that is given to Congress, to vest the appointment merely in the President, in the head of a Department, in a court of law. The Constitution does not say by the use of any such words that they are to vest the power of appointment and the power of removal. It simply says you may vest the power of appointing these officers in the President, in the head of a Department, in a court of law.

Now, can it be maintained that Congress, having created the office of collector of customs for the District of Columbia, an office that does not exist by the Constitution, and declared that that office should be an office with such and such duties, that the term of it should be six years, and that the President of the United States should make the appointment on his own responsibility alone and without any advice or consent of the Senate, and that that man should not be removed from office during that six years except by a judicial proceeding in a court of law, as it is in nearly all the States, would that be an unconstitutional law? It has been stoutly maintained that it would be an unconstitutional law, and that, as the Constitution in terms only says you may vest the appointment in the President, if you vest it at all you must vest it at large, with everything that would be implied, by giving a simple power of appointment without any limitation or other regulation about it. But the Supreme Court of the United States has held, and held unanimously, that when Congress vests the power of appointment of any of these offi-

cers that the Constitution authorizes Congress to vest in the President, the heads of Departments, or the courts of law, Congress has the right and the power to regulate the term and tenure of that office and the removal or non-removal from it. It is impossible to maintain that proposition consistently with the proposition that where the Constitution vests the power of appointment of officers that the law creates in the President, by and with the advice and consent of another body, the same law which creates that office and fixes its salary and its term may not provide the conditions and the methods of investigation by which the holder of it shall be expelled from it. To my mind it is impossible to make the distinction.

Let us look a little further. Longer than the memory of man runs back, the laws of the United States as to the military service have provided that no officer should leave the Army of the United States or the Navy of the United States except by due process of law; that is, by a judicial trial, being cashiered and dismissed from service, with the exceptions that from time to time have been stated and have continued for a limited period and perhaps continue yet, that in time of actual warfare the President of the United States may dismiss an officer of the Army or Navy without a trial by a court-martial. If it is unconstitutional to say that the President of the United States shall not have the unlimited and unregulated power of removal of a civil officer, it is unconstitutional equally to say that he shall not have the power unlimited and unregulated of removing a military or a naval officer. The Constitution makes no distinction between civil or military and other officers. They all fall in the same clause; they are all provided for in the same way as officers of the public service of the United States. And if, therefore, we are to repeal these statutes upon the doctrine that they are an invasion of the constitutional prerogative of the President of the United States to remove officers that the Constitution has provided for, or that the Constitution has authorized Congress by law to provide for, you have asserted in him by the passage of this bill the power to dismiss the General of the Armies of the United States and all of his subordinates from day to day according to his free will and pleasure, and to make a vacancy in those offices which he in recess may fill up without the advice and consent of the Senate; or failing their advice and consent after a session of the Senate, he may fill them up again, and so on continuously, thus making every officer in the Army and Navy of the United States the mere servitor, the personal dependent of the one Executive of this nation, when in some time of stress, as times of stress do come, it would be very inconvenient to the liberties of the country that such a power should exist, and such a power as, I believe, has never been claimed; and yet, I think, with great respect that it is impossible to find in the Constitution any warrant for a distinction as it regards the inherent right of removal under the Constitution in the President, between a civil and a military officer.

So, then, without enlarging upon it, it does appear to me that the Senate of the United States will make a mistake which it will live to regret in repealing these statutes: first, because they are a wholesome restraint upon the temptations to abuse in executive power; they are a wholesome promotion of the theory, the just theory, as I believe, that has taken hold upon the public mind in this country of the great value to public interests of taking out of the mere spoil and prize of political contentions mere office-holding, and making them honorable and responsible employments of the Government for fixed terms; and in addition to that, as I believe, you are invading the theory of the Constitution of the United States, and are giving away powers in the Senate that are essential to the safety and welfare of the people.

Mr. HOAR. Mr. President, this bill, which the Senator from Vermont has discussed so elaborately and fully, was introduced on the 14th of December, 1885, and referred to the Committee on the Judiciary at that time. It was reported by the authority of a majority of that committee at the last session. It did not seem to me quite becoming to ask the Senate to deal with this general question while the question which arose between the President and the Senate as to the proper interpretation and administration of the existing law was pending. I thought as a party man that I had hardly the right to interfere with the matter which was under the special charge of my honorable friend from Vermont by challenging a debate upon the general subject from a different point of view. That question has subsided and is past, and it seems to me now proper to ask the Senate to vote upon the question whether it will return to the ancient policy of the Government, to the rule of public conduct which existed from 1789 until 1867, and which has practically existed, notwithstanding the condition of the statute-book, since the accession to power of President Grant on the 4th of March, 1869.

Nobody doubts that this question is one susceptible of good arguments on both sides. It was not necessary to hear the powerful statement of my honorable friend to know that a powerful statement could be made of the reasons which influenced him in defending the law as it stands upon the statute-book. Whenever there has been any political discussion of the limits of the power of the Executive and the Senate, on all the great political occasions in our history when the Senate has been in the hands of one political party and the executive power in another, this debate has come up. The debate in the First Congress in 1789, conducted by Mr. Madison in the House of Representatives on one side and some of the Federal leaders on the other, determined by a majority of eight or ten in that body, and by the casting vote of John Adams in the Senate, has been pronounced by great constitutional authority to be the ablest debate in our history. The debate was renewed in the great contest during the administration of Andrew Jackson, where Mr. Webster, Mr. Calhoun, and Mr. Clay ranged themselves on one side of the question, and the Democratic party under the leadership of President Jackson on the other. It was renewed again during the exceptional condition of things in the administration of President Johnson. And, Mr. President, the question has never been raised that it was not decided by the American people of all parties against the policy now advocated by the honorable Senator from Vermont. The question never has been raised, in my judgment, in the Senate that the claim to control the executive power in this way has not been injurious to the authority, to the reputation, and to the character of the Senate itself. The Senate always has been worsted and always will be worsted in this encounter.

No sooner did a new Congress assemble and a new administration come into power on the 4th day of March, 1869, than, notwithstanding the unpopularity of President Johnson, notwithstanding the vast Republican majority which was returned to both Houses of Congress by the elections of 1868, the House of Representatives almost by its first vote passed a bill wholly repealing what is called the tenure-of-office law by a vote of 138 to 16. That action was repeated in the following year by a vote of 159 to 25, and in 1872 by the House without a division. I believe it is true that every member of this body who has served in the other House, with the single exception of my honorable friend from Vermont [Mr. MORRILL], whose service there was before this question arose, whether Republican or Democrat, is committed by his repeated votes to the repeal of this law. Both the Senators from Massachusetts, both the Senators from Maine, as well as their distinguished predecessor, Mr. Blaine, both the Senators from Illinois, the colleague of my honorable friend [Mr. CULLOM] who now sits near me [Mr. LOGAN] having taken, as he has repeatedly reminded the Senate, a very earnest and active part in promoting the attempt to repeal that legislation.

But the Senate, with whom the memory of the controversy with Andrew Johnson still lingered, held on to a little shadow and remnant of the vast power which they had undertaken to claim during the controversy with Andrew Johnson, a controversy which they believed, as I believe, was a controversy for the constitutional life of the Government as much as the war for the suppression of the rebellion itself.

The Senator from Vermont [Mr. EDMUNDS] undertook in the beginning of his argument to claim that the law now upon the statute-book was the law which was passed in substance and in essential particulars by the Congress of the United States during the administration of President Johnson. I should like to ask the Secretary to read once more, in order that it may go into the report of my remarks, the law as it was originally passed. The Secretary will read the second section of the act of 1867.

The Secretary read as follows:

SEC. 2. *And be it further enacted*, That when any officer appointed as aforesaid, excepting judges of the United States courts, shall, during a recess of the Senate, be shown, by evidence satisfactory to the President, to be guilty of misconduct in office, or crime, or for any reason shall become incapable or legally disqualified to perform its duties, in such case, and in no other, the President may suspend such officer and designate some suitable person to perform temporarily the duties of such office until the next meeting of the Senate, and until the case shall be acted upon by the Senate, and such person so designated shall take the oaths and give the bonds required by law to be taken and given by the person duly appointed to fill such office; and in such case it shall be the duty of the President, within twenty days after the first day of such next meeting of the Senate, to report to the Senate such suspension, with the evidence and reasons for his action in the case, and the name of the person so designated to perform the duties of such office. And if the Senate shall concur in such suspension and advise and consent to the removal of such officer, they shall so certify to the President, who may thereupon remove such officer, and, by and with the advice and consent of the Senate, appoint another person to such office. But if the Senate shall refuse to concur in such suspension, such officer so suspended shall forthwith resume the functions of his office, and the powers of the person so performing its duties in his stead shall cease, and the official salary and emoluments of such officer shall, during such suspension, belong to the person so performing the duties thereof, and not to the officer so suspended: *Provided, however*, That the President, in case he shall become satisfied that such suspension was made on insufficient grounds, shall be authorized, at any time before reporting such suspension to the Senate as above provided, to revoke such suspension and reinstate such officer in the performance of the duties of his office.

Mr. HOAR. I now ask the Secretary to read section 1768 of the Revised Statutes.

The Secretary read as follows:

SEC. 1768. During any recess of the Senate the President is authorized, in his discretion, to suspend any civil officer appointed by and with the advice and consent of the Senate, except judges of the courts of the United States, until the end of the next session of the Senate, and to designate some suitable person, subject to be removed, in his discretion, by the designation of another, to perform the duties of such suspended officer in the mean time; and the person so designated shall take the oath and give the bond required by law to be taken and given by the suspended officer, and shall, during the time he performs the duties of such officer, be entitled to the salary and emoluments of the office, no part of which shall belong to the officer suspended. The President shall, within thirty days after the commencement of each session of the Senate, except for any office which in his opinion ought not to be filled, nominate persons to fill all vacancies in office which existed at the meeting of the Senate, whether temporarily filled or not, and also in the place of all officers suspended, and if the Senate during such session shall refuse to advise and consent to an appointment in the

place of any suspended officer, then, and not otherwise, the President shall nominate another person as soon as practicable to the same session of the Senate for the office.

Mr. HOAR. It is almost unnecessary to point out the vast difference between these two enactments. The first compelled the President to submit to the retention in office of an officer obnoxious to him, unless there was evidence of guilt or misconduct in office or that the officer had become legally disqualified or incapable, which evidence was to be submitted to the Senate with the President's reasons, and the removal could only be made if the Senate thereafter advised the President of its concurrence in his reasons and his judgment upon that evidence.

The statute of April, 1869, authorized, without reason, without responsibility, a suspension of an officer, which should be reported to the next session of the Senate and which should be effectual until the close of that session, permitting the President to renew it, and of the officer being wholly displaced from office if the Senate concurred in the appointment of a successor. Unquestionably the operation of the statute of 1869, in my judgment, is that the suspended officer is restored to his place, subject, however, to an immediate repetition of the suspending process, unless the Senate consent to the nomination and appointment of a successor in the interval. So the only thing left of the law of 1867 is the power on the part of the Senate to force back upon an unwilling Executive an officer once by him suspended, with the power on the part of the President to immediately repeat the process of suspension in the next vacation, if he see fit.

That modification of the law, though assented to by President Grant, in April, 1869, was exceedingly distasteful to President Grant, and in his message of December, 1869, he urged the repeal of this modified act with the following reasons:

It could not have been the intention of the framers of the Constitution, when providing that appointments made by the President should receive the consent of the Senate, that the latter should have the power to retain in office persons placed there by Federal appointment against the will of the President. The law is inconsistent with a faithful and efficient administration of the Government. What faith can an Executive put in officials forced upon him, and those, too, whom he has suspended for reason? How will such officials be likely to serve an administration which they know does not trust them?

The House of Representatives acted upon this recommendation also and passed a bill for the repeal of the statutes of 1867 and 1869 by a vote of 159 to 25. So, Mr. President, I think I am acting under pretty substantial Republican authority in desiring to get rid of what remains of this old legislation of the time of Andrew Johnson.

It seems to me, with all deference to the Senator from Vermont, that it is totally inconsistent with the constitutional theory of our Government that a President who is responsible for the faithful execution of the laws, and in whom the executive power is expressly lodged by the Constitution, should be compelled to answer to that responsibility when the instruments without whom it is impossible for him to act are forced upon him against his will, and are instruments in whom he has no confidence. The effect of this legislation is to destroy executive responsibility, so far as it has any effect at all. The President of the United States, with the very few exceptions of special duties with which he is intrusted, acts through subordinate officers appointed either by himself or the heads of Departments whom he appoints. And has not a President of the United States a perfect right at the close of his official term to go to the people not to answer for the success of an executive administration, as the Constitution pre-supposes, but to go to the people with the declaration that he is under no manner of responsibility whatever for the success of an administration, if the doctrine which is advanced by the Senator from Vermont has been in force? The Senator likens it to the town and county governments in New England and other States, where the officers are chosen for a term of time, and are not subject to removal except for misconduct in office in certain cases.

Mr. EDMUNDS. If I may interrupt the Senator, I would say that I likened it to the State governments, which embrace a good deal more than the mere town and county governments.

Mr. HOAR. Well, those town and county governments are not intended to be conducted under the theory of executive responsibility. Their duties are in many cases legislative. The town itself raises the taxes and determines the amount of public expenditure, and so do the county officers in the same cases, or the amount of public expenditure in the county is determined by the Legislature of the State. These are intended to be a quasi kingdom or realm, with an administration and an executive power of their own, obedient to and regulated by the Legislature of the Commonwealth. But the Constitution of the United States is established on a totally different theory.

The Senator says that this power of the Executive of unchecked removal from office is the last refuge of the spoils system. He did not use that exact phrase, but that is the substance. I do not concur with the Senator in his views upon that question. I have for many years been of the opinion, which I have advocated in season and out of season, that the civil service of this country should be removed from political influence, and that the civil officers, except those whose conduct in office is to be determined by political theories or opinions, should be selected as the officers of a bank or the officers of a church are selected, without the slightest regard to their political opinions; and my belief in that doctrine has kept pace with and been attended by my belief in the doctrine of executive responsibility.

I do not believe there is a single person in this country, in Congress or out of Congress, with the exception of the Senator from Vermont, who has studied the methods of accomplishing this reform in the civil service, who has not been led to the belief that the first step in this direction must be to impose the responsibility of the civil service upon the Executive. Taking from the President of the United States the total control of this subject has been the policy under which the abuses that have grown up of late in the civil service have obtained. I recognize the temptation and I recognize the necessity of the action of the Congress of the United States in their struggle with Andrew Johnson, but everybody knows that out of it among other evils grew the fact that Senators undertook to make the civil service of the Government in many instances an organization for the advancement of their own political fortunes. The appointments in custom-houses, in the internal-revenue service, and in the Post-Office, which had been made in the interests and in the service of party almost ever since the foundation of the Government, ceased to be made even in the interest of a party, and came to be made in the interest of the political fortunes of special political leaders. It was out of such a condition of things that the civil service movement arose, and I believe it will be difficult to find anywhere a serious and thoughtful discussion of this subject in which the person who is engaged in it does not demand as the first step for a reform and purification of the civil service the total overthrow of the claim of individual Senators to keep the obnoxious officials in office against the will of the Executive.

Mr. President, I do not intend to follow my honorable friend into the elaborate and impassioned argument which he has submitted to the Senate. I think the mind of the Senate is made up on this question after more than eighty years of discussion. What practically does any Senator, who is opposed to the present administration in political opinion, think is to be gained by keeping this little scrap of the law upon the statute-book? Has there been an instance in our history for the last twenty years in which any official whom the President of the United States suspended has gone back into his office? Does the Senator from Vermont recollect any? Does anybody believe that the President of the United States, either he who now holds the office or any of his predecessors, refrained from suspending an officer because of the fact that that suspension must be submitted to the Senate and would have to be renewed again at the end of the next session of the Senate, if it were not by them approved? Practically the people of the United States expect and demand that no person shall be kept in office for the discharge of executive functions whom the person responsible for the success of those executive functions does claim is not an instrument in whom he has confidence.

As I said, I do not propose to detain the Senate by any full discussion of the question at this time.

Mr. GEORGE. Mr. President——

Mr. EDMUNDS. Would the Senator like to go on this afternoon? We ought to have an executive session.

Mr. GEORGE. I shall not speak five minutes.

I do not propose, Mr. President, to enter into any extended discussion of this subject at this hour or at this time. I rose for the purpose of correcting a very serious historical error into which the Senator from Vermont has fallen. In speaking of the history of the passage of the first act of Congress upon this subject and in regard to the phrase "to be removable at the pleasure of the President," which is equivocal in its nature, ambiguous, incapable of being construed exactly, meaning either that Congress conferred a power upon the President by the act to remove or as recognizing in the President the constitutional power to make a removal, I understood him to say that that phrase was left in the act and it was passed in that form. The true history of that enactment is as follows: When the bill establishing the Department of Foreign Affairs, now called the Department of State, was introduced into the Congress of the United States, it contained in the first section the phrase referred to by the Senator from Vermont, "to be removable at the pleasure of the President," or, to quote it exactly, as I have it before me, "to be removable from office by the President of the United States." A motion was made to strike out that clause upon the ground that no such power ought to be vested in the President of the United States. A debate for several days occurred upon that motion, in which it was developed that a majority of the House of Representatives entertained the opinion that by the Constitution of the United States the power was vested in the President to make removals.

Mr. Benson, a Representative from New York, then moved to strike out the words "to be removable by the President of the United States," upon the express ground that the language was capable of the construction stated by the Senator from Vermont, as either implying a power in the President by the Constitution to make removals, or, on the other hand, as conferring that power by Congress on the President. Because the language thus used was ambiguous and doubtful, and because it was capable of these two constructions, Mr. Benson moved to strike it out and to insert another clause, which now stands in the statute, and which is incapable of being misunderstood, affirming directly and un-

equivocally the constitutional power of the President to make removals, and disaffirming any right on the part of Congress to confer the power on the President.

Mr. MAXEY. If the Senator from Mississippi will pardon me for a moment, I wish to add to what he has so well said, that, beginning with Mr. Madison, the friends of the position that the power was under the Constitution with the President, opposed the retention of the clause, which was stricken out on motion, upon the very ground that it assumed that Congress had the authority to confer upon the President a power which he had under the Constitution. That appears by the debates.

Mr. HOAR. Has the Senator from Mississippi the language before him?

Mr. GEORGE. I have the language which was stricken out.

Mr. HOAR. I should like to have the Senator read it. I have it here if the Senator has not got it.

Mr. GEORGE. I have the language here. It is to be found on page 455, volume 1, of the annals of Congress.

The first clause of this bill—I quote from the annals of Congress, volume 1, page 455—after recapitulating the title of the officer and his duties, had these words:

To be removable from office by the President of the United States.

That is the language, as I understood the Senator from Vermont, which he supposed was in the statute to-day, and which he claimed was of an ambiguous and equivocal character, capable of both constructions. It was so, and for that very reason, for the very reasons urged by the Senator from Vermont to-day, on motion of Mr. Benson, of New York, supported and seconded by an able speech by Mr. Madison, that language was stricken from the bill. Curiously enough after striking it from the bill, they did not intend to leave it doubtful as to what was the meaning of the Constitution. Some insisted that the Congress of the United States had no right to put a construction upon the Constitution. Mr. Madison replied to that, and affirmed in a powerful argument that upon political questions it was within the competency of Congress to put a construction upon the Constitution. He argued also in favor of the necessity of putting in this new clause that was offered, and which I shall repeat to the Senate directly, as settling forever the question of the constitutional power of the President to make removals. It was got in in rather an awkward way, I admit, but it was put in, and it now appears in the second section of the act creating the Department of Foreign Affairs. I will read it. The second section provides:

That there shall be in the said Department an inferior officer, to be appointed by the said principal officer, to be employed therein as he shall deem proper, and to be called the chief clerk in the Department.

Now follows the language which was inserted for the purpose of removing all doubt as to the meaning of the Constitution.

And who, whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacany, shall, during such vacancy, have the charge and custody of all records, books, and papers appertaining to the said Department.

There was the language put in this second section, avowedly by the consent of everybody, all agreeing that that is what it meant, those who opposed it as well as those who favored it affirming the absolute discretion and power of the President in case of removals.

I desire to add that this language was repeated in the same way in the act creating the Department of War, and also in the same way in the act passed at the same session creating the Department of the Treasury. Afterward, in 1798 or 1799, when Congress came to create the Navy Department, it was inserted again. I assert that up to 1867 every single act of Congress which related to this subject either affirmed expressly the power of the President to make removals, or it proceeded upon the idea that it was acknowledged by every one and uncontested by anybody that he had that power. I have examined all the statutes carefully so far as I could find them by the imperfect indexes, and there was no attempt on the part of any Congress up to the year 1867 either to deny in the passage of an act the power of the President to make removals or any attempt to confer on him the power. All the acts proceeded upon the idea that it was a power vested in the President by the Constitution which Congress could neither enlarge nor diminish.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. I should like to inquire, if I may be permitted, whether there is to be any further discussion of this subject. If there is not, I will ask the Senator to allow a vote to be taken.

Mr. EDMUNDS. I wish to speak further on it myself.

Mr. HOAR. Very well.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-six minutes spent in executive session the doors were reopened, and (at 3 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 15, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 14th day of December, 1886.

ASSISTANT SOLICITOR OF THE TREASURY.

Felix A. Reeve, of Tennessee, to be assistant solicitor of the Treasury, *vice* J. H. Robinson, resigned.

UNITED STATES DISTRICT JUDGES.

Harry T. Toulmin, of Alabama, to be United States district judge for the southern district of Alabama. Original appointment authorized by act of Congress approved August 2, 1886.

William T. Newman, of Georgia, to be United States district judge for the northern district of Georgia, *vice* Henry K. McCay, deceased.

Charles H. Simonton, of South Carolina, to be United States district judge for the district of South Carolina, *vice* G. S. Bryan, resigned.

CHIEF-JUSTICE TERRITORY OF WYOMING.

William L. Maginnis, of Ohio, to be chief-justice of the supreme court of the Territory of Wyoming, *vice* John W. Lacey, resigned.

ASSOCIATE JUSTICE TERRITORY OF WASHINGTON.

William G. Langford, of Washington Territory, to be associate justice of the supreme court of the Territory of Washington, *vice* S. C. Wingard, suspended.

DISTRICT ATTORNEYS.

John T. Carey, of California, to be attorney of the United States for the northern district of California, *vice* S. G. Hilborn, suspended.

Gustavus Van Hoorebeke, of Illinois, to be attorney of the United States for the southern district of Illinois, *vice* J. A. Connolly, suspended.

Daniel N. Lockwood, of New York, to be attorney of the United States for the northern district of New York, *vice* Martin I. Townsend, suspended.

William B. Burnet, of Ohio, to be attorney of the United States for the southern district of Ohio, *vice* P. H. Kumler, resigned.

George A. Allen, of Pennsylvania, to be attorney of the United States for the western district of Pennsylvania, *vice* William A. Stone, suspended.

UNITED STATES MARSHALS.

Lucius M. Lamar, of Georgia, to be marshal of the United States for the southern district of Georgia, *vice* E. C. Wade, suspended.

Fred. A. Barker, of New Hampshire, to be marshal of the United States for the district of New Hampshire, *vice* J. N. Patterson, resigned.

Thomas B. Yancey, of Tennessee, to be marshal of the United States for the western district of Tennessee, *vice* M. T. Williamson, whose term has expired.

Thomas W. Scott, of Virginia, to be marshal of the United States for the eastern district of Virginia, *vice* R. P. Hughes, term expired.

PUBLIC PRINTER.

Thomas E. Benedict, of New York, to be Public Printer, *vice* Sterling P. Rounds, resigned.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Dabney H. Maury, of Virginia, to be envoy extraordinary and minister plenipotentiary of the United States to the Republic of Columbia, *vice* Charles D. Jacob, resigned.

CHIEF EXAMINER CIVIL SERVICE.

William H. Webster, of Connecticut, to be Chief Examiner of the Civil Service Commission, *vice* Charles Lyman, resigned.

CONSULS.

Samuel A. Walton, of Lancaster, Ky., to be consul of the United States at Asuncion, to fill a vacancy.

Lewis Gebhard Reed, of Brooklyn, N. Y., to be consul of the United States at Barbadoes, *vice* Robert Y. Holley, suspended.

Otto E. Reimer, of New York city, N. Y., to be consul of the United States at Santiago de Cuba, *vice* John C. Landreau, suspended.

Alexander C. Jones, of Minnesota, to be consul of the United States at Chin-Kiang, *vice* Enoch J. Smithers, transferred to Tien-Tsin.

Charles T. Grellet, of California, formerly vice and deputy consul at Algiers, to be consul of the United States at that place, to fill a vacancy.

Henry A. Ehninger, of New York city, N. Y., to be consul of the United States at Cienfuegos, *vice* William P. Pierce, suspended.

Amos A. Brown, of Pendleton, N. Y., to be consul of the United States at Clifton, Ontario, *vice* James Low, suspended.

David T. Bunker, of Auburndale, Mass., to be consul of the United States at Demerara, *vice* Philip Figyelmesy, suspended.

Leopold Moore, of New York, to be consul of the United States at Hull.

Edmund Johnson, of New Jersey, formerly consul at Pictou, Nova Scotia, to be consul of the United States at Kehl, to fill a vacancy.

Thomas F. Pettus, of Newton, Miss., to be consul of the United States at Ningpo.

Charles Jonas, of Racine, Wis., to be consul of the United States at Prague, to fill a vacancy.

William Gaston Allen, of South Carolina, to be consul of the United States at Piedras Negras, *vice* Edward D. Linn, resigned.

William C. Hall, of Sackett's Harbor, N. Y., to be consul of the United States at Prescott, *vice* Harry L. Slaght, resigned.

Benjamin Folsom, of New York, to be consul of the United States at Sheffield, *vice* Claudius B. Webster, suspended.

Charles R. McCall, of Alabama, to be consul of the United States at Santos, *vice* Edmund B. Briggs, resigned.

John P. Campbell, of San Francisco, Cal., to be consul of the United States at Tamative, *vice* William W. Robinson, resigned.

John Drayton, of South Carolina, now residing at Tuxpan, to be consul of the United States at that place, *vice* Augustus M. Boyd, deceased.

William R. Greathouse, of New Orleans, La., to be consul of the United States at Tampico, *vice* J. Cecil Legaré, declined.

Enoch J. Smithers, of Delaware, formerly consul at Chin-Kiang, to be consul of the United States at Tien-Tsin, *vice* George T. Bromley, suspended.

Seth A. Pratt, of North Weymouth, Mass., to be consul of the United States at Zanzibar, *vice* Frederic M. Cheney, resigned.

SURVEYORS-GENERAL.

George W. Julian, of Irvington, Ind., who was designated during the recess of the Senate, to be surveyor-general of New Mexico, *vice* Clarence Pullen, suspended.

Charles W. Irish, of Iowa City, Iowa, who was designated during the recess of the Senate, to be surveyor-general of Nevada, *vice* Christopher C. Powning, suspended.

RECORDER OF THE GENERAL LAND OFFICE.

Robert W. Ross, of Vandalia, Ill., who was designated during the recess of the Senate, to be recorder of the General Land Office, *vice* Seth W. Clark, suspended.

PRINCIPAL CLERK ON PRIVATE LAND CLAIMS.

Douglass Tyler, of Loudoun County, Virginia, who was commissioned during the recess of the Senate, to be principal clerk on private land claims in the General Land Office, *vice* William H. Walker, resigned.

REGISTERS OF LAND OFFICES.

Frank Coleman, of Huntsville, Ala., who was designated during the recess of the Senate, to be register of the land office at Huntsville, Ala., *vice* William C. Wells, suspended.

Samuel C. Tucker, of Gainesville, Fla., who was designated during the recess of the Senate, to be register of the land office at Gainesville, Fla., *vice* Louis A. Barnes, suspended.

George M. Sawyer, of Springfield, Mo., who was designated during the recess of the Senate, to be register of the land office at Springfield, Mo., *vice* George A. C. Woolley, suspended.

Henry Rinehart, of Summerville, Oreg., who was designated during the recess of the Senate, to be register of the land office at La Grande, Oreg., *vice* Samuel O. Swackhamer, suspended.

Smith M. Palmer, of Salina, Kans., who was designated during the recess of the Senate, to be register of the land office at Salina, Kans., *vice* John M. Hodge, suspended.

Frank Bacon, of Chanute, Kans., who was designated during the recess of the Senate, to be register of the land office at Oberlin, Kans., *vice* Alonzo L. Patchin, suspended.

Thomas F. Ashby, of Riverton, Nebr., who was commissioned during the recess of the Senate, to be register of the land office at Bloomington, Nebr., *vice* Simon W. Switzer, resigned.

Sterling P. Hart, of Ainsworth, Nebr., who was designated during the recess of the Senate, to be register of the land office at McCook, Nebr., *vice* Gilbert L. Laws, suspended.

Samuel F. Burtch, of Papillion, Nebr., who was designated during the recess of the Senate, to be register of the land office at Valentine, Nebr., *vice* James Morris, suspended.

Michael F. Battelle, of Luverne, Minn., who was designated during the recess of the Senate, to be register of the land office at Fargo, Dak., *vice* Horace Austin, suspended.

John W. P. Laird, of California, who was commissioned during the recess of the Senate, to be register of the land office at Independence, Cal., *vice* David Walker, resigned.

Oliver H. Gallup, of Storey County, Nevada, who was commissioned during the recess of the Senate, to be register of the land office at Carson City, Nev., *vice* W. E. Copeland, who was confirmed at the last session of the Senate, but declined the appointment.

Frank P. Arbuckle, of Denver, Colo., who was commissioned during the recess of the Senate, to be register of the land office at Lamar, Colo., to fill an original vacancy.

Surville J. De Lan, of Denver, Colo., who was commissioned during the recess of the Senate, to be register of the land office at Glenwood Springs, Colo., *vice* James L. Hodges, resigned.

Rudolph Guichard, of Walla Walla, Wash., who was commissioned during the recess of the Senate, to be register of the land office at Walla Walla, Wash., *vice* Chester H. Warner, resigned.

James M. Adams, of Yakima, Wash., who was designated during the recess of the Senate, to be register of the land office at Spokane Falls, Wash., *vice* James M. Armstrong, suspended.

Charles E. Dailey, of Tucson, Ariz., who was designated during the recess of the Senate, to be register of the land office at Tucson, Ariz., *vice* Benjamin M. Thomas, suspended.

RECEIVERS OF PUBLIC MONEYS.

Zachary T. Crawford, of Pine Level, Fla., who was designated during the recess of the Senate, to be receiver of public moneys at Gainesville, Fla., *vice* John F. Rollins, suspended.

Oscar F. Searl, of Solomon City, Kans., who was designated during the recess of the Senate, to be receiver of public moneys at Salina, Kans., *vice* Harper S. Cunningham, suspended.

Frank H. Shrock, of South Pueblo, Colo., who was commissioned during the recess of the Senate, to be receiver of public moneys at Lamar, Colo., to fill an original vacancy.

Bishop Gordon, of Redwood Falls, Minn., who was designated during the recess of the Senate, to be receiver of public moneys at Redwood Falls, Minn., *vice* Andrew Railson, suspended.

Ernst A. Umland, of Rush City, Minn., who was designated during the recess of the Senate, to be receiver of public moneys at Taylor's Falls, Minn., *vice* Peter H. Stolberg, suspended.

William A. Imes, of Bozeman, Mont., who was designated during the recess of the Senate, to be receiver of public moneys at Bozeman, Mont., *vice* John T. Carlin, suspended.

A. W. Eibeshutz, of California, who was commissioned during the recess of the Senate, to be receiver of public moneys at Independence, Cal., *vice* Michael J. Cady, resigned.

Edward T. Hudson, of Lincoln, Nebr., who was commissioned during the recess of the Senate, to be receiver of public moneys at Lincoln, Nebr., *vice* Thomas B. Davis, who was confirmed at the last session of the Senate, but declined the appointment.

Jacob Steinmetz, of Sutton, Nebr., who was designated during the recess of the Senate, to be receiver of public moneys at McCook, Nebr., *vice* Charles F. Babcock, suspended.

Oliver Shannon, of North Platte, Nebr., who was designated during the recess of the Senate, to be receiver of public moneys at North Platte, Nebr., *vice* John D. Seaman, suspended.

Samuel G. Glover, of Arlington, Nebr., who was designated during the recess of the Senate, to be receiver of public moneys at Valentine, Nebr., *vice* J. Wesley Tucker, suspended.

Frederick W. Smith, of Arizona, who was designated during the recess of the Senate, to be receiver of public moneys at Tucson, Ariz., *vice* Daniel H. Wallace, suspended.

Daniel J. Sullivan, of Prescott, Ariz., who was designated during the recess of the Senate, to be receiver of public moneys at Prescott, Ariz., *vice* Chester Thomas, suspended.

GOVERNOR OF DAKOTA TERRITORY.

Louis K. Church, of Huron, Dak., to be governor of Dakota Territory, *vice* Gilbert A. Pierce, resigned.

MEMBER OF TERRITORIAL BOARD OF REGISTRATION.

Abner B. Williams, of Washington, Ark., who was commissioned during the recess of the Senate, to be a member of the board of registration and election in the Territory of Utah, provided for by section 9 of the act of Congress approved March 22, 1882, to amend the law relating to bigamy, *vice* James R. Pettigrew, deceased.

REGISTER OF WILLS IN DISTRICT OF COLUMBIA.

Dorsey Clagett, of Washington, D. C., who was designated during the recess of the Senate, to be register of wills in the District of Columbia, *vice* Hiram J. Ramsdell, suspended.

PENSION AGENTS.

W. H. D. Cochrane, of Nashua, N. H., who was designated during the recess of the Senate, to be pension agent at Concord, N. H., *vice* Thomas P. Cheney, suspended.

Joseph H. Wagner, of Mountain City, Tenn., who was commissioned during the recess of the Senate, to be pension agent at Knoxville, Tenn., *vice* Robert L. Taylor, resigned.

INDIAN AGENTS.

James McNamara, of Freeport, Ill., who was designated during the recess of the Senate, to be agent for the Indians of the Colorado River agency in Arizona, *vice* Charles F. Ashley, suspended.

Charles H. Yates, of Ukiah, Cal., who was designated during the recess of the Senate, to be agent for the Indians of the Round Valley agency in California, *vice* Theodore F. Willsey, suspended.

Hugh D. Gallagher, of Greensburg, Ind., who was commissioned during the recess of the Senate, to be agent for the Indians of the Pine Ridge agency in Dakota, *vice* Valentine T. McGillicuddy, who has been suspended by an Indian inspector.

Israel Greene, of Mitchell, Dak., who was designated during the recess of the Senate, to be agent for the Indians of the Sisseton agency in Dakota, *vice* Benjamin W. Thompson, suspended.

William M. Neal, of Franklin, Ind., who was designated during the

recess of the Senate, to be agent for the Indians of the Lemhi agency in Idaho, *vice* Robert Woodbridge, suspended.

Charles H. Grover, of Leavenworth, Kans., who was designated during the recess of the Senate, to be agent for the Indians of the Pottawatomie and Great Nemaha agency in Kansas, *vice* Isaac W. Patrick, suspended.

Dale O. Cowen, of Batavia, Ohio, who was commissioned during the recess of the Senate, to be agent for the Indians of the Fort Peck agency in Montana, *vice* Samuel L. Gilson, who was confirmed at the last session of the Senate, but declined the appointment.

Jesse F. Warner, of Homer, Nebr., who was commissioned during the recess of the Senate, to be agent for the Indians of the Omaha and Winnebago agency in Nebraska, *vice* Joseph Hollman, who was confirmed at the last session of the Senate, but declined the appointment.

Timothy W. Jackson, of Akron, N. Y., who was designated during the recess of the Senate, to be agent for the Indians of the New York agency in New York, *vice* William Peacock, suspended.

Bartholomew Coffey, of Salem, Oreg., who was designated during the recess of the Senate, to be agent for the Indians of the Umatilla agency in Oregon, *vice* Edward J. Sommerville, suspended.

Jason Wheeler, of Albany, Oreg., who was designated during the recess of the Senate, to be agent for the Indians of the Warm Springs agency in Oregon, *vice* Alonzo Gesner, suspended.

John B. McClane, of Salem, Oreg., who was designated during the recess of the Senate, to be agent for the Indians of the Grand Ronde agency in Oregon, *vice* Patrick B. Sinnott, suspended.

Timothy A. Byrnes, of Atlantic City, N. J., who was commissioned during the recess of the Senate, to be agent for the Indians of the Uintah and Ouray agency (consolidated), in Utah, *vice* William M. Campbell, who was confirmed at the last session of the Senate, but has failed to qualify.

W. Leven Powell, of Winchester, Va., who was designated during the recess of the Senate, to be agent for the Indians of the Neah Bay agency, in Washington Territory, *vice* Oliver Wood, suspended.

Thomas Priestley, of Mineral Point, Wis., who was commissioned during the recess of the Senate, to be agent for the Indians of the Yakima agency, in Washington Territory, *vice* Charles E. Sausser, resigned.

Thomas M. Jones, of Fauquier County, Virginia, who was designated during the recess of the Senate, to be agent for the Indians of the Shoshone agency, in Wyoming Territory, *vice* Sanderson R. Martin, suspended.

COMMISSIONER OF NAVIGATION.

Charles B. Morton, of Maine, appointed under a temporary commission during the recess of the Senate, to be Commissioner of Navigation, *vice* Jarvis Patten, resigned.

GENERAL APPRAISER OF MERCHANDISE.

Philip W. Downes, of Maryland, to be general appraiser of merchandise in the district of Baltimore, in the State of Maryland, in place of H. Wheeler Combs, suspended.

APPRAISERS OF MERCHANDISE.

Thaddeus S. Sharretts, of Maryland, to be appraiser of merchandise in the district of Baltimore, in the State of Maryland, in place of Henry H. Goldsborough, suspended.

Francis B. Laurenson, of Maryland, to be appraiser of merchandise in the district of Baltimore, in the State of Maryland, in place of John L. Linthicum, suspended.

Francis A. Hoffman, jr., of Illinois, to be appraiser of merchandise in the district of Chicago, in the State of Illinois, in place of Charles H. Ham, suspended.

John W. Davis, of Rhode Island, to be appraiser of merchandise for the district of Providence, in the State of Rhode Island, in place of Edward G. Burrows, suspended.

SURVEYOR OF CUSTOMS.

Louis J. Weiler, of Indiana, to be surveyor of customs for the port of Michigan City, in the State of Indiana, in place of Lew Morrill, suspended.

COLLECTORS OF CUSTOMS.

John McCafferty, of Alaska, to be collector of customs for the district of Alaska, in the Territory of Alaska, in place of Peter French, suspended.

Edward Hopkins, of Florida, to be collector of customs for the district of Saint John's, in the State of Florida, to succeed Edwin Higgins, whose term of office has expired by limitation.

John F. Wheaton, of Georgia, to be collector of customs for the district of Savannah, in the State of Georgia, in place of Tomlinson F. Johnson, suspended.

Edward Cushing, of Maine, to be collector of customs for the district of Belfast, in the State of Maine, in place of Isaac M. Boardman, suspended.

John Cousens, of Maine, to be collector of customs for the district of Kennebunk, in the State of Maine, in place of Parker C. Wiggin, suspended.

Samuel D. Leavitt, of Maine, to be collector of customs for the district of Passamaquoddy, in the State of Maine, in place of Noel B. Nutt, suspended.

Joseph E. Moore, of Maine, to be collector of customs for the district of Waldoborough, in the State of Maine, in place of Edwin Sprague, suspended.

Southey F. Miles, of Maryland, to be collector of customs for the eastern district of the State of Maryland, in place of Hance Lawson, suspended.

Charles A. Ward, of Michigan, to be collector of customs for the district of Huron, in the State of Michigan, to succeed William Hartsuff, whose resignation has been accepted.

Daniel J. Campan, of Michigan, to be collector of customs for the district of Detroit, in the State of Michigan, to succeed William Livingston, jr., whose resignation has been accepted.

Cooley Mann, of Mississippi, to be collector of customs for the district of Vicksburg, in the State of Mississippi, to succeed Joseph W. Short, whose term of office has expired by limitation.

Daniel Magone, of New York, to be collector of customs for the district of New York, in the State of New York, to succeed Edward L. Hedden, whose resignation has been accepted.

Quincy A. Brooks, of Oregon, to be collector of customs for the district of Puget Sound, in the State of Oregon and Territory of Washington, to fill vacancy.

Thomas F. Tobin, of Tennessee, to be surveyor of customs for the port of Memphis, in the State of Tennessee, to succeed George A. Hossen, whose resignation has been accepted.

Peter F. Cogbill, of Virginia, to be collector of customs for the district of Petersburg, in the State of Virginia, in place of James D. Bowie, suspended.

SECOND LIEUTENANT IN REVENUE SERVICE.

Third Lieutenant Howard M. Broadbent, of Pennsylvania, to be a second lieutenant in the revenue-marine service of the United States, in place of Second Lieutenant J. E. N. Graham, deceased.

THIRD LIEUTENANTS IN REVENUE-MARINE SERVICE.

Cyrus B. Fengar, of Connecticut, to be a third lieutenant in the revenue-marine service of the United States, to fill a vacancy.

William W. Culver, of Kansas, to be a third lieutenant in the revenue service of the United States, to fill a vacancy.

James H. Brown, of the District of Columbia, to be a third lieutenant in the revenue service, to fill a vacancy.

DEPUTY SECOND AUDITOR OF THE TREASURY.

Jesse B. Caldwell, of Indiana, appointed under a temporary commission during the recess of the Senate, to be deputy second auditor of the Treasury, *vice* Henry C. Harmon, resigned.

DEPUTY FOURTH AUDITOR OF THE TREASURY.

Lawrence N. Buford, of Mississippi, appointed under a temporary commission during the recess of the Senate, to be deputy fourth auditor of the Treasury, *vice* Benjamin P. Davis, resigned.

DEPUTY FIFTH AUDITOR OF THE TREASURY.

Alfred E. Lewis, of Pennsylvania, appointed under a temporary commission during the recess of the Senate, to be deputy fifth auditor of the Treasury, *vice* Jonathan B. Mann, resigned.

DEPUTY AUDITOR OF TREASURY FOR POST-OFFICE DEPARTMENT.

Hugh A. Haralson, of Georgia, appointed under a temporary commission during the recess of the Senate, to be deputy auditor of the Treasury for the Post-Office Department, *vice* Edwin A. Clifford, resigned.

ASSAYER OF THE MINT.

Joseph R. Ryan, of Nevada, to be assayer of the mint of the United States at Carson, in the State of Nevada, in place of Josiah M. Hetrich, suspended.

MELTER AND REFINER.

David K. Tuttle, of Nevada, to be melter and refiner of the mint of the United States at Carson, in the State of Nevada, in the place of William H. Stevens, suspended.

COLLECTORS OF INTERNAL REVENUE.

James A. Hanlon, of New York, to be collector of internal revenue for the twenty-eighth district of New York, in place of Henry S. Pierce, suspended.

Joseph K. Roberts, of Maryland, to be collector of internal revenue for the district of Maryland, in place of John H. Sellman, suspended.

George L. Johnson, of Ohio, to be collector of internal revenue for the tenth district of Ohio, in place of John F. Kumler, suspended.

Thomas Cooper, of Illinois, to be collector of internal revenue for the eighth district of Illinois, in place of Jacob Wheeler, resigned.

Nelson F. Acers, of Kansas, to be collector of internal revenue for the district of Kansas, in place of John C. Carpenter, suspended.

Simeon H. Calhoun, of Nebraska, to be collector of internal revenue for the district of Nebraska, in place of George W. Post, resigned.

Joseph P. McGrorty, of New Mexico, to be collector of internal revenue for the district of New Mexico, in place of Silas W. Fisher, suspended.

POSTMASTERS.

John A. Van Arsdale, to be postmaster at Colton, in the county of San Bernardino and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1886.

Mary A. Camp, to be postmaster at Calistoga, in the county of Napa and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1886.

Julian V. Gault, to be postmaster at Alamosa, in the county of Conejos and State of Colorado, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1886.

Manley R. Morgan, to be postmaster at Hillsboro', in the county of Traill and Territory of Dakota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1886.

Daniel D. Murray, to be postmaster at Mayville, in the county of Traill and Territory of Dakota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1886.

Daniel W. Stanley, to be postmaster at Bartow, in the county of Polk and State of Florida, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1886.

J. Knox Hall, to be postmaster at Toulon, in the county of Stark and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1886.

Mathew Warner, to be postmaster at Lemont, in the county of Cook and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1886.

John M. Baker, to be postmaster at Winamac, in the county of Pulaski and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1886.

David J. Eastburn, to be postmaster at Fowler, in the county of Benton and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1886.

David G. Griffith, to be postmaster at Elkader, in the county of Clayton and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1886.

Buren S. Wasson, to be postmaster at La Porte City, in the county of Black Hawk and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1886.

Eugene P. Bancroft, to be postmaster at Mankato, in the county of Jewell and State of Kansas, the appointment of a postmaster for the said office having, by law, been vested in the President on and after October 1, 1886.

Walter R. Cannon, to be postmaster at Norton, in the county of Clark and State of Kansas, the appointment of a postmaster for the said office having by law become vested in the President on and after October 1, 1886.

Frank Cummins, to be postmaster at Ashland, in the county of Clark and State of Kansas, the appointment of a postmaster for the said office having by law become vested in the President on and after October 1, 1886.

G. Marion Moore, to be postmaster at Pleasonton, in the county of Linn and State of Kansas, the appointment of a postmaster for the said office having by law become vested in the President on and after October 1, 1886.

John Poston, to be postmaster at New Kiowa, in the county of Barber and State of Kansas, the appointment of a postmaster for the said office having by law become vested in the President on and after October 1, 1886.

Thomas J. Douglas, 2d, to be postmaster at Bridgton, in the county of Cumberland and State of Maine, the appointment of a postmaster for the said office having by law become vested in the President from and after October 1, 1886.

Joshua Goodwin, to be postmaster at South Berwick, in the county of York and State of Maine, the appointment of a postmaster for the said office having by law become vested in the President from and after October 1, 1886.

James Blair, to be postmaster at Leslie, in the county of Ingham and State of Michigan, the appointment of a postmaster for the said office having by law become vested in the President on and after October 1, 1886.

Eugene W. Burkhart, to be postmaster at Fowlerville, in the county of Livingston and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1886.

John King, to be postmaster at Portsmouth, in the county of Bay and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1886.

George W. Osgood, to be postmaster at Mendon, in the county of Saint Joseph and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1886.

Henry S. Wyman, to be postmaster at Morenci, in the county of Lenawee and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1886.

James L. Thompson, to be postmaster at Redwood Falls, in the county of Redwood and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1886.

Kittie Bostwick, to be postmaster at Wesson, in the county of Copiah and State of Mississippi, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1886.

Michael H. Cavanaugh to be postmaster at Indianola, in the county of Red Willow and State of Nebraska, the appointment of a postmaster for the said office having, by law, became vested in the President on and after October 1, 1886.

Isaiah B. Miller, to be postmaster at Creighton, in the county of Knox and State of Nebraska, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1886.

William Wilson to be postmaster at Chadron, in the county of Dawes and State of Nebraska, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1886.

Warren S. Barrows to be postmaster at Hinsdale, in the county of Cheshire and State of New Hampshire, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1886.

Mary E. Ferguson to be postmaster at Richwood, in the county of Union and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1886.

Miner R. Potter to be postmaster at Wellston, in the county of Jackson and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1886.

William N. Moore to be postmaster at Roseburg, in the county of Douglas and State of Oregon, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1886.

William B. Delo to be postmaster at Knox, in the county of Clarion and State of Pennsylvania, the appointment of a postmaster for the said office having by law become vested in the President on and after October 1, 1886.

Mary Sue Du Bois to be postmaster at Marion Court House, in the county of Marion and State of South Carolina, the appointment of a postmaster for the said office having by law become vested in the President on and after October 1, 1886.

Mrs. Blanche C. Law to be postmaster at Darlington Court House, in the county of Darlington and State of South Carolina, the appointment of a postmaster for the said office having by law become vested in the President on and after October 1, 1886.

Joseph B. Button to be postmaster at Augusta, in the county of Eau Claire and State of Wisconsin, the appointment of a postmaster for the said office having by law become vested in the President on and after October 1, 1886.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December* 14, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Clerk proceeded to read the Journal of yesterday's proceedings.

Mr. EDEN. Mr. Speaker, I ask unanimous consent to dispense with the reading of so much of the Journal as relates to the formal introduction and reference of bills and joint resolutions.

There was no objection, and it was so ordered.

The remainder of the Journal was read and approved.

TREASURY ESTIMATES.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting estimates of appropriations for the service of the several Executive Departments of the Government for the fiscal

year ending June 30, 1888; and also a statement of the proceeds of the sale of Government property and of expenditures for contingent expenses of the independent treasury.

Mr. HERBERT. Mr. Speaker, there was some dispute between the Committee on Appropriations and the Committee on Naval Affairs as to which of the two committees had jurisdiction of certain items of appropriation embraced in the estimates just submitted to the House. I endeavored to point out on last Saturday that these items in dispute properly belonged to the Committee on Appropriations. Since that time I have had occasion to examine the question more thoroughly in connection with the Committee on Naval Affairs, and have come to the conclusion that I was then mistaken. I have no such pride of opinion as would prompt me to adhere to an erroneous opinion when once convinced of a mistake.

There is no doubt but that at the time the new rules were being considered by the House the House did intend to refer—at least I so understood and think the House did—all those items which had theretofore been embraced in the ordinary naval appropriation bill, as it was called, to that committee, and no more. Adverting to this fact, and having that precedent in mind, and also seeing that in the Book of Estimates the items heretofore considered and embraced in the appropriation bill, called the bill of appropriations for the naval service, were all placed under the head of the "naval establishment," and that those items, and those alone, had constituted that bill heretofore, it occurred to me, and I so argued, that the words "naval establishment" must be understood with reference to that caption and with reference to the items embraced in that chapter.

But, sir, on looking at the rule as it existed prior to the adoption of the new rules or the amendments to the old, we find this subdivision 12 of Rule XI provided—

That all proposed legislation relating to the naval establishment, other than appropriations for its support, shall be referred to the Committee on Naval Affairs.

There in the old rule we also find these words:

Relating to the naval establishment.

There is no doubt that up to that time these words were considered as conferring upon the Naval Committee full and complete jurisdiction over everything relating to the navy-yards, docks, stations, and everything else. A bill authorizing the construction of docks, for instance, was at the last session introduced, and was referred without question to the Committee on Naval Affairs. So a bill authorizing the establishment of a naval station, before the change of the rules, under those words was also referred to the Committee on Naval Affairs. If, then, that be a correct construction of the meaning of these words as they stood in the old rule, and it undoubtedly was the practice prior to the adoption of the new rules to consider all proposed legislation relating to the Navy, as proper subjects to be submitted to that committee, then, in that event, with these words left as they were in the rule then existing unchanged, as I have shown, they are still to have the same construction. All legislation relating to the naval establishment means now just what it meant before the change of the rule. The only change in the rule was the striking out of the words "other than appropriations for its support" from the old rule, and inserting in lieu thereof the words "including appropriations for its support."

These words must necessarily refer to the words "naval establishment" used in the preceding portion of the sentence, and must be construed as they had been construed prior to the adoption of the amendment.

For these reasons, Mr. Speaker, I have concluded, after some hesitation and a somewhat thorough examination of the subject, that the Committee on Naval Affairs were right in instructing me to introduce this resolution:

Resolved, That the estimates submitted under the titles "navy-yards and stations" and "new naval observatory," on pages 163 and 164 of the Book of Estimates for 1888, and which aggregate $4,418,961.16, under the rules of the House should be referred to the Committee on Naval Affairs.

The SPEAKER. The Clerk will report the resolution.

Mr. HERBERT. I know that was not the understanding of the rule at the last session; but it seems to me, on examination, that it is the only correct construction of it, and I therefore offer that resolution.

The SPEAKER. The Clerk will report the resolution.

The resolution was again read.

Mr. BLOUNT. I desire to know if this resolution is in order at this time?

The SPEAKER. The Chair will state that the resolution, as now offered, leaves the remainder of the estimates submitted from the Department undisposed of. They should all be referred or distributed in some manner.

Mr. RANDALL. I was about to say, in answer to the gentleman from Alabama, that the object of the Committee on Appropriations was simply to secure an intelligent consideration by the House of these estimates, and as the subject is now up, it occurs to my mind that the distribution of the estimates should be made under the direction of the Speaker. If the gentleman from Alabama will modify his proposition to that extent I think it will be in the line of useful legislation and reach the object desired.

Mr. HERBERT. For one I am quite willing to agree to that if the remainder of the committee consent. For myself, I should be quite satisfied with any disposition of the estimates that the Speaker would make, and I am quite willing, for one, to consent to the modification of the resolution to that extent, so as to leave the Chair to decide the question.

Mr. BLOUNT. Mr. Speaker, the gentleman from Alabama [Mr. HERBERT] the other day made a very fine speech, as I thought, in reference to the correct construction of the rules as to the distribution of the estimates. I concurred with him entirely, and I have no doubt a great many other gentlemen did. This morning he seems to apologize for having made a mistake in the argument he then presented, and endeavors now to make amends by stating his apology to the House. I do not think, however, he has succeeded in correcting the impression he has made on the minds of several of us.

I think the position occupied by the gentleman from Alabama in his speech the other day was entirely correct. The gentleman has only read a part of the rule in regard to the distribution of appropriations. He has not read, among other things, section 3 of Rule XI, which provides that all proposed legislation on subjects relating—

To appropriation of the revenue for the support of the Government as herein provided, namely: for legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications; for the District of Columbia; for pensions, and for all deficiences—

Shall be referred—

to the Committee on Appropriations.

Now, sir, it has always been the practice of the House—at least it has been the practice for ten or twelve years, from the Forty-third Congress within my personal observation—to place appropriations for docks and yards in the sundry civil bill. And when you come to inquire what the House meant in adopting the rule of sending sundry civil expenses to the Committee on Appropriations, how do you ascertain it? It is not defined in any express forms of words. The only way of reaching it is to take up your sundry civil bill and see what it is by examining the items, and in that way ascertaining what the House did mean.

It is true, as the gentleman from Alabama has said, that the old rule declared that all the legislation on subjects relating to the naval establishment—

Other than the appropriations for its support—

should go to the Committee on Naval Affairs; and that appropriations for the support of the Navy under the new rule go to the Committee on Naval Affairs. That is true; but it is coupled with the other provision that the appropriations for the sundry civil expenses of the Government shall go to the Committee on Appropriations, that has always had charge of them.

Therefore, I take it, the rules of the House intended that the ordinary current expenses for the pay of the Navy, the estimates of the Bureau of Equipment and Recruiting, and the usual items connected with the naval appropriation bill should go to the Committee on Naval Affairs. I take it that the House in adopting that rule meant that and nothing more.

Now, sir, it is important that this House, having adopted its rules, shall see to the correct execution of them. It does not lie within the power of any committee of this House, the Committee on Appropriations or the Committee on Naval Affairs, to determine whether or not this is a correct distribution or an intelligent distribution of the estimates and so undertake to revise it. The question involved is not only as to the duties of the Committee on Appropriations; it is not only as to the duties of the Committee on Naval Affairs. If it was confined to that I should have had nothing to say. But the very same question will arise in reference to postal matters with which I am more immediately concerned, and with reference to the duties of other committees charged with appropriations. And I trust that when this question shall be raised as to what are the duties and powers of committees under the rules of this House it shall not come from any of the committees interested in the question, but shall be brought up by the Committee on Rules and take its regular course.

I conceive it, therefore, to be my duty under the circumstances to object to the consideration of this resolution. It is not in order at this time, and I am not willing for one to consent to the adoption of any other mode than that which we have fixed in our caution and wisdom for changing the rules of the House.

Mr. HERBERT rose.

Mr. RANDALL. Let us have a vote. I want to get on.

Mr. HERBERT. I desire to say a word or two in reply to the gentleman from Georgia. I only want two or three minutes. The gentlemen has twitted me with having changed my mind. I have already admitted that I have done so. I have a friend that divides mankind into two classes, the teachables and the unteachables. I always prided myself that I belonged to the teachables; and if I have come to the conclusion that I am in error, I have always been ready to say so.

As to the point of order, I submit that it comes too late. The gen-

tleman from Georgia discusses the merits of the question, and then, after discussing the merits of the question and after having permitted me to discuss the merits of the question, he concluded by saying the resolution is not in order. I say he makes the point too late. And in the second place I contend that the resolution is in order under Rule XLII, which is as follows:

Estimates of appropriations and all other communications from the Executive Departments intended for the consideration of any committees of the House shall be addressed to the Speaker, and by him submitted to the House for reference.

That is exactly what the Speaker has done; and so this resolution is in order, and it is competent for the House to act upon it. I am willing, however, to accept the suggestion of the gentleman from Pennsylvania [Mr. RANDALL], and allow the Chair to decide this question, if there be no objection. I am satisfied he will decide it correctly; and that is all I desire and all that is desired by the Committee on Naval Affairs.

Mr. BLOUNT. I am certainly content to take the opinion of the Chair, if that satisfies other gentlemen as to the construction of this rule.

The SPEAKER. The Chair has simply, in compliance with the rule of the House, submitted this communication, with the estimates, to the House for reference. The resolution offered by the gentleman from Alabama [Mr. HERBERT] relates only to a very small part of the Book of Estimates, leaving the remainder of the estimates undistributed. The Chair thinks that the resolution, if it is to be passed, ought to be so amended as to dispose of the entire Book of Estimates.

Mr. RANDALL. The Speaker of the House presents those estimates under the rule; therefore the interpretation of the rule belongs to the Speaker.

Mr. HERBERT. Mr. Speaker, there are now, so far as I know, no other items than these about the reference of which there is any dispute.

Mr. CANNON. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. Is it not true that the President's message, with accompanying documents, is now pending in Committee of the Whole for disposition by that committee?

The SPEAKER. It is. So is the report of the Secretary of the Treasury and the report of the Attorney-General. The Chair would state that in the ordinary routine business of the House, when a communication is received from an Executive Department which relates to only one subject, the Chair simply lays it before the House and indicates the committee to which it shall be referred; but when there is a communication which relates to a variety of subjects, some of which belong to one committee and some to another, the Chair has never assumed the authority to distribute the several parts of such a document, but has left that for the action of the House itself.

The case here is that the Book of Estimates transmitted with the communication which has just been read relates to all the appropriations for the support of the Government in all its branches. Some parts of it go to the Committee on Military Affairs, some to the Committee on Naval Affairs, some to the Committee on Foreign Affairs, and so on throughout the entire list of committees having jurisdiction to make appropriations. The Chair thinks, therefore, that the House should either pass a resolution providing for the distribution of these documents, or should adopt some resolution or agree to some motion which will authorize the Speaker of the House to make the distribution so that all the estimates may be disposed of.

Mr. HERBERT. Then, Mr. Speaker, with the permission of the House I will modify my resolution so as to require the Speaker of the House to distribute the estimates where they properly belong under the rule.

Mr. BLOUNT. The resolution involves the construction of the rules of the House. Does not that carry it to the Committee on Rules for inquiry?

The SPEAKER. The gentleman can move to refer it to the Committee on Rules if he desires.

Mr. BLOUNT. Then I do move to refer it to the Committee on Rules. I simply want to have this matter decided right.

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT] moves to refer the resolution of the gentleman from Alabama [Mr. HERBERT], with this communication and the Book of Estimates, to the Committee on Rules.

The motion was agreed to.

CONTINGENT FUND OF THE MILITARY ESTABLISHMENT.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a statemant of expenditures from the contingent fund of the military establishment for the fiscal year ending June 30, 1886; which was referred to the Committee on Expenditures in the War Department, and ordered to be printed.

EMPLOYÉS IN THE WAR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting lists of employés in that Department, and stating that all were usefully employed and that the services of none of them could be dispensed with; which was referred to the Committee on Expenditures in the War Department, and ordered to be printed.

TESTS OF IRON AND STEEL.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Ordnance of the United States Army, a report of tests of iron, steel, and other materials for industrial purposes; which was referred to the Committee on Manufactures, and ordered to be printed.

CONTINGENT FUND, WAR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of the expenditures of the contingent fund of the War Department for the fiscal year ending June 30, 1886; which was referred to the Committee on Expenditures in the War Department, and ordered to be printed.

EXPENDITURES OF AGRICULTURAL DEPARTMENT.

The SPEAKER also laid before the House a letter from the Commissioner of Agriculture, transmitting a report of expenditures in that Department for the fiscal year ending June 30, 1886; which was referred to the Committee on Agriculture, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted, as follows:

To Mr. TUCKER, indefinitely, on account of important business.

To Mr. BROWNE, of Indiana, for the remainder of this session.

To Mr. GLOVER, for the remainder of this week, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. FINDLAY, by unanimous consent, obtained leave to withdraw from the files of the House papers in the case of C. H. Perrott and others, without leaving copies, there having been no adverse report.

SESSIONS OF COMMITTEE ON MILITARY AFFAIRS.

The SPEAKER. At the instance of the gentleman from Wisconsin [Mr. BRAGG], the chairman of the Committee on Military Affairs, the Chair submits a request that the committee have leave to sit during the sessions of the House. Is there objection? The Chair hears none. It is so ordered.

WILLIAM B. LYNCH.

Mr. GOFF. I now renew the request, which I submitted yesterday, that by unanimous consent the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 2654) for the relief of William B. Lynch, and that the bill be put on its passage.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. TAULBEE. I would like to have the report read, the right of objection being reserved.

The Clerk read the report.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. RANDALL. I would like to ask the gentleman from West Virginia [Mr. GOFF] whether this depredation was made under order of the army.

Mr. GOFF. It was not a depredation; it was a case of cattle being taken.

Mr. RANDALL. Were they taken by military order?

Mr. GOFF. They were taken by an officer of the commissary department, and used.

Mr. MORRISON. That does not appear.

Mr. GOFF. The report states that it is fully proven; the evidence is in the Department.

Mr. MORRISON. I object.

The SPEAKER. The bill is not before the House.

APPROACHES TO NATIONAL CEMETERY, DANVILLE, VA.

Mr. CABELL. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 9918) and that it be put on its passage.

The bill was read, as follows:

A bill (H. R. 9918) to provide for grading and paving the approaches to the national cemetery near Danville, Virginia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $10,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of grading and paving Lee street, Danville, Virginia, along the entire front of the national cemetery, to its intersection with Jefferson street, and the said Jefferson street to its intersection with Paxton street, and the said Paxton street to its intersection with Holbrook street, in said city; said sum to be expended under the direction of the Secretary of War, or so much thereof as may be necessary for the purposes aforesaid.

SEC. 2. That before any money shall be expended under the provisions of this act, the city council of Danville, Virginia, shall pass and enter of record an ordinance pledging said city to keep in good condition and repair the approaches to said national cemetery improved by the Government under the provisions of this act.

There being no objection, the Committee of the Whole House on the state of the Union was discharged from the further consideration of the

bill, which was thereupon ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CABELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. As I do not wish to do any injustice, I will not call the regular order at this moment; but I give notice that after one more recognition on the other side, so as to make the division fair, I shall ask the regular order.

GEORGE W. COUSINS.

Mr. WHITE, of Pennsylvania. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 2173) for the relief of George W. Cousins, and that it be put on its passage.

The bill was read.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. WHITE]?

Mr. STEELE. I would like to hear the report read.

The Clerk proceeded to read the report. Before the reading was concluded——

Mr. STEELE said: I object.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL], as the Chair understands, now asks for the regular order.

Mr. RANDALL. I am reluctant to interfere with recognitions by the Speaker; but it is important to save time in order to reach the public business.

CONSTRUCTION OF TARIFF ACT OF 1883.

Mr. BELMONT. I am directed by the Committee on Foreign Affairs to submit a privileged report. That committee has directed me to report back the resolution of inquiry which I send to the desk, with a recommendation that it be adopted.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be requested to inform this House what interpretation is now given by the Treasury Department to the tariff law of 1883, which in one section declares that "fish, fresh, for immediate consumption," shall be free of tax on arrival at our sea-ports or lake-ports, and in another section declares that foreign-caught fish, imported fresh, shall be taxed at the rate of 50 cents for each hundred pounds; and also to transmit to the House copies of all official correspondence, opinions, and decisions bearing on the subject, together with a statement of the duties collected each year since 1865 on the several descriptions of fish caught on the lakes or the Canadian tributaries thereof, and also on the several descriptions caught in the North Atlantic or on the shores of the islands thereof.

Mr. BELMONT. I ask the adoption of this resolution.

The resolution was adopted.

Mr. BELMONT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SCHOOL-BOARD OF THE DISTRICT OF COLUMBIA.

The SPEAKER. The first business is upon ordering to be engrossed and read a third time the bill pending at the adjournment of the House yesterday, the previous question having been ordered upon that question. The title of the bill will be read.

The Clerk read as follows:

A bill (H. R. 9125) to create a school-board for the District of Columbia, and to prescribe it powers and duties.

The SPEAKER. The question is on ordering the bill to be engrossed and read a third time.

The bill was ordered to be engrossed and read a third time.

The SPEAKER. The bill goes over to be taken up as the unfinished business on the next District of Columbia day.

Mr. HOPKINS. The bill goes over and remains on the Calendar?

The SPEAKER. Certainly.

CALL OF COMMITTEES.

Mr. RANDALL. I call for the regular order of business.

The SPEAKER. The next business in order is the call of committees for reports, beginning with the Committee on Elections.

INTERNATIONAL BOUNDARY SURVEY.

Mr. BELMONT. I am directed by the Committee on Foreign Affairs to submit the following resolution for reference to the Committee on Appropriations.

The Clerk read as follows:

The Committee on Foreign Affairs respectfully ask to be discharged from the consideration of the following items, included in the estimates for foreign intercourse (Book of Estimates, p. 86), and that the same be referred to the Committee on Appropriations, similar appropriations having heretofore been included in the sundry civil bill.

International boundary survey, United States and Mexico:

To enable the President to continue the execution of the engagement of the convention of July 29, 1882, between the United States of America and the United States of Mexico, providing for an international boundary survey to relocate the existing frontier line between the two countries west of the Rio Grande, $100,000, or so much thereof as may be necessary.

Haytian arbitration commission:

For expenses of printing for joint commission which sat at Washington to arbitrate the claims of Antonio Pelletier and A. H. Lazare against the Government of Hayti, $1,577.44; and for compensation of the arbitrator, $2,500; in all $4,077.44.

Venezuela and American claims commission:

For compensation of one commissioner, at the rate of $500 per annum.

One-half compensation of third commissioner, the said one-half at the rate of $2,500 per annum.

One-half compensation of secretary of commission, said one-half at the rate of $1,000 per annum.

One-half of incidental expenses, $5,000; or so much thereof as may be necessary.

Alaska boundary survey:

Expenses in making a preliminary survey of the frontier line between Alaska and British Columbia, $100,000, or so much thereof as may be necessary.

The SPEAKER. The Chair will state to the gentleman from New York that the estimates have not yet been referred.

Mr. RANDALL. Let this go to the Committee on Rules.

The SPEAKER. If there is no objection the resolution will be received and referred to the Committee on Rules.

Mr. BELMONT. That is satisfactory to me.

The SPEAKER. It will take that course, if there is no objection.

There was no objection, and it was ordered accordingly.

ARMIES OF INDIA, ETC.

Mr. VIELE. I am directed to report back favorably the resolution submitted by my colleague [Mr. BLISS], and which was referred to the Committee on Military Affairs, requesting the President to transmit to the House of Representatives the report of Lieut. Col. H. M. Lazelle, of the Twenty-third U. S. Infantry, upon the armies of India and upon the military maneuvers of 1886.

The SPEAKER. The Chair will state to the gentleman from New York that under the rules of the House that is a privileged report and can be made at any other time than during this hour. If reported at this time it must go on the Calendar. Does the gentleman withdraw it for the present?

Mr. VIELE. I will withdraw it for the present, and report it when it can be presented for adoption to the House.

MARIA L. STRONG.

On motion of Mr. HERBERT the Committee on Naval Affairs was discharged from the further consideration of a bill (S. 2708) for the relief of Maria L. Strong, and the same was referred to the Committee on Invalid Pensions.

ADDITIONAL LAND DISTRICT, OREGON.

Mr. STRAIT, from the Committee on the Public Lands, reported back favorably a bill (S. 1999) to establish an additional land district in the State of Oregon; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

ADDITIONAL LAND OFFICE, COLORADO.

Mr. STRAIT, from the Committee on the Public Lands, also reported back the bill (H. R. 8302) to establish an additional land office in the State of Colorado; which was laid on the table.

Mr. STRAIT, from the same committee, also reported a bill (H. R. 10237) to establish an additional land office in the State of Colorado; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, LYNN, MASS.

Mr. WILKINS, from the Committee on Public Buildings and Grounds, reported back favorably a bill (S. 1162) for the erection of a post-office building at Lynn, Mass.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, GALVESTON, TEX.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported back a letter from the Secretary of the Treasury, transmitting a letter from the Supervising Architect, recommending that the amount for former estimates for public building at Galveston, Tex., be increased from $125,000 to $155,570.60; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING, CHARLESTON, S. C.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, also reported back favorably a bill (H. R. 10051) for the erection of a public building at Charleston, S. C.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

NEW PUBLIC BUILDING, EASTPORT, ME.

Mr. MILLIKEN, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 10070) to authorize the Secretary of the Treasury to sell and convey the United States cutom-house and post-office property at Eastport, in the State of Maine, lately destroyed by fire, the proceeds thereof to be invested in the purchase of a new site, and to provide for the erection of a new public building at that place; which was referred to the Committee of the Whole

House on the state of the Union, and, with the accompanying report, ordered to be printed.

FORT DOUGLAS MILITARY RESERVATION, UTAH.

On motion of Mr. RANDALL, the Committee on Appropriations was discharged from the further consideration of the bill (H. R. 10014) making an appropriation for lands, &c., at Fort Douglas Military Reservation, Utah; and the same was referred to the Committee on Military Affairs.

IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS.

Mr. REAGAN, from the Committee on Commerce, reported back favorably the bill (H. R. 8923) to amend an act in relation to the immediate transportation of dutiable goods, and for other purposes, approved June 10, 1880; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

By unanimous consent, Mr. REAGAN was granted leave to submit the report hereafter.

BENJAMIN B. LOYALL.

Mr. TUCKER, from the Committee on the Judiciary (by Mr. ROGERS), reported back favorably the bill (S. 2848) for the relief of Benjamin B. Loyall, of the State of Virginia; which was referred to the Private Calendar, and, with the accompanying report, ordered to be printed.

CINNABAR AND CLARK'S FORK RAILROAD COMPANY.

The SPEAKER. The hour for the consideration of bills begins at 3 minutes before 1 o'clock, and the pending proposition is the bill (H. R. 5880) granting a right of way to the Cinnabar and Clark's Fork Railroad Company, &c. The gentleman from Illinois has fifty-five minutes of his hour remaining.

Mr. PAYSON. The bill is pending in the Committee of the Whole House on the state of the Union, and I move the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of that bill. And pending that motion, Mr. Speaker, I move that debate on the bill and amendments thereto be limited to a quarter of an hour.

The SPEAKER. The gentleman can only make his motion in regard to general debate by unanimous consent.

Mr. PAYSON. I ask unanimous consent for that purpose.

Mr. COX, of New York. I object. The gentleman might extend it at least to thirty minutes.

Mr. HOLMAN. Let us take the whole time.

Mr. PAYSON. I will consent to that extension.

The SPEAKER. The Chair will be compelled to suspend public business unless order is observed. There is too much conversation on the floor and in the rear of the seats.

Mr. PAYSON. I will modify my request, and ask that debate be closed after thirty minutes.

The SPEAKER. Is there objection?

Mr. GREEN, of New Jersey. I object.

Mr. PAYSON. I move, then, that general debate be closed in fifteen minutes.

The motion was agreed to.

Mr. PAYSON. I now move the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. MCMILLIN in the chair.

The CHAIRMAN. The House is in the Committee of the Whole for the consideration of the bill (H. R. 5880) granting a right of way to the Cinnabar and Clark's Fork Railroad Company, &c., on which general debate has been limited to fifteen minutes.

Mr. PAYSON. Let the report of the committee be read.

The report (by Mr. PAYSON) was read, as follows:

The Committee on the Public Lands, to whom were referred the bills (H. R. 2881 and H. R. 3756) granting right of way to the Cinnabar and Clark's Fork Railroad Company, respectfully report:

That they have given these bills very careful consideration, and unanimously recommend the passage of the accompanying substitute bill. They have reached this conclusion after careful review of the facts.

The company was chartered in 1884, under the laws of Montana, to construct a railroad from Cinnabar, a point on the Livingston branch of the North Pacific Railroad, to Cook City, in Southern Montana, a total distance of about 56 miles.

Cook is the central point of the New World, or Clark's Fork, mining district. Over five hundred mines have been located and well prospected, and many of them in successful operation, within the range of a few miles from that point. This district is one of remarkable richness, and your committee believe it to be of national importance that its development should be promoted. It is located in a mountainous region, wholly inaccessible by any practicable route except that proposed in the bill. The turns of the river necessarily carry the road into the northern border of the National Park, running out of it again to reach its terminus in Southern Montana.

The park at present is 65 miles in length from its northern to its southern boundary, and will be over 75 miles if the bill to change its boundaries now pending in the Senate should become a law.

By the Government exploration under Professor Hayden, in 1878, the railroad following the course of the river would lie close along the northern boundary of the park, reaching, by a sudden bend of the East Fork to the south, a point about 6, and not exceeding 7, miles below the northern boundary, and this for only a short distance. If, however, the county map of Gallatin County, said to have been made from an actual survey of the river in 1884, be correct, the river, so far as it would be followed by this railroad, lies outside of the park for most of its distance; and the farthest point south which it would reach would not be more than 2 miles below the northern boundary and for a distance not exceeding 10 miles; but whichever map be correct, there is nothing of interest except these mines to attract tourists or travel of any kind to that part of the park which this road would traverse. It would be merely a mining road for ores and bullion and mining supplies.

That these mines are of great value is beyond all question. A large number of mines are being already worked. Three smelters are in partial operation, but the expense of transportation is so great that they must be abandoned if greater facilities be not supplied.

The only access to this district is by a rude wagon road, which for more than half its distance is upon the natural surface of the ground, picking its way among rocks and stumps and over marshes and up and down the sides of steep ravines, where teaming is often dangerous and so expensive as practically to preclude the working of the mines.

It has been represented to the committee that an experimental shipment of about 150 tons of ores from the Black Warrior and Elk Horn Mines at Cook City was made to Omaha, the nearest reduction works. The ores averaged $112.50. The cost of reduction was $16 per ton, and the transportation was $92 per ton, giving to the miner $4.50 per ton to cover mining and other expenses. With railroad facilities the total transportation would not have exceeded $15 per ton.

The committee deem it appropriate further to say that they favor the preservation of the park for the purposes for which it was set apart, but they are unable to see how any such purposes can be interfered with by granting a right of way to a road which merely dips into the northern border of the park for a short distance, in a part of it which contains no objects of interest, and where no other practicable route exists by which those mines can be reached.

The bill carefully guards the interests of the park by prohibiting the taking of any material for construction outside of the limits of the right of way, which is limited to 100 feet each side of the center line, and there is no timber in that portion of the park along the proposed route.

The following extracts from official and other sources are submitted as part of the evidence on which the conclusions of the committee are based:

Daniel C. Kingman, Engineer Corps, United States Army, in charge of improvement of Yellowstone National Park, in his report for 1883 (Senate Ex. Doc. 47, part 3, page 10, Forty-Eighth Congress, first session), recommends an appropriation of $20,000 "for the repair of the Clark's Fork road from Yancies via Soda Butte to the boundary of the park, in the direction of the Clark's Fork mines, and says:

"This route is off the ordinary line of tourist travel. The mines, however, are said to be of unusual richness, and a large mining camp is growing up at Cook City. The inhabitants of this region receive their mail from the terminus of the railroad at Cinnabar, Mont., over this road. In the same way all their supplies, tools, and machinery reach them, and the products of their mines must seek the market by this route.

The present road is in a very bad condition, almost impassable at certain seasons, and there seems to be no way of improving it unless it is done by the National Government. Being in the Park, it does not belong to any county, and these people can hardly be expected to build it for themselves."

On the 29th of February, 1884, Hon. H. M. Teller, Secretary of the Interior, in reply to an inquiry from Hon. G. G. Vest, says:

"It [the Cinnabar and Clark's Fork Railroad] would therefore extend into the park but a comparatively short distance along its northern border. The principal objects of interest to tourists are in portions of the park remote from the route above mentioned, and the operation of a railroad over this route [the same now asked for] would not, therefore, detract from their beauty or grandeur, nor would it interfere with the game of the park to a greater extent than the wagon teams by means of which communication between the points named is now carried on.

"It is known that a flourishing mining camp has been established at Clark's Forks, and valuable and productive mines have been opened at that point.

"To refuse to afford those interested in the development of this mining region the benefits of the cheaper means of transportation a railroad would supply, merely because the road must enter the park, and where its construction would not tend to subvert the purpose for which the park was set aside, or interfere with the public enjoyment of its wonders, would be unreasonable.

"In view of the apparent commercial necessity for its construction, I do not know of any sufficient reason why the desired right of way should not be granted"

Mr. Henry Gannett, of the United States Geological Survey, who made the exploration of the northern portion of the park under Professor Hayden from which the map of 1878 was compiled, in a letter dated February 19, 1884, submitted to the committee, says:

"The road proposed is the only one practicable to reach those mines. The ridges of the Shoshone and Yellowstone range trend in a general north and south direction, and any railroad attempting to reach these mines from the west must cross them nearly at right angles. These mountains are extremely rugged, and contain very few passes practicable even for pack animals. That at the head of the East Fork, which it is proposed to use for this railroad, is the only one available for this purpose.

"In my judgment a railroad on this route cannot injure the park as a pleasure resort. It traverses a region in which there are no objects of interest, with the exception of the third cañon of the Yellowstone and of the Shoshone Mountains, which differ in no essential particular from similar scenery elsewhere."

General A. Anderson, chief engineer of the Northern Pacific Railroad, in a letter of May 10, 1884, says:

"Any route to the Clark's Fork mines, leaving the Northern Pacific Railroad, east of Livingston, must cross the main range of the Snow Mountains, which is very high, of very steep descent on the north side, and can not be surmounted at reasonable cost without the use of grades of probably 150 feet or more per mile. The Snow Mountains are noted for their heavy snow fall, which commences early in autumn and lies late in the spring. It is doubtful if a road could be operated except at an expense far beyond any possible return of cost. To conclude, a railroad to Clark's Fork mines across the Snow Mountains will be so costly of construction, and so difficult and expensive to operate, that it will never be built. The only feasible route is by way of the Yellowstone River. It would pass across a corner of the National Park but little visited by tourists, and wholly devoid, I believe, of those natural features calculated to attract them."

In a letter of January 28, 1886, in reply to further inquiry, General Anderson reiterates his statement that the route up the Yellowstone River is the only practicable route, and says:

"There is no other practicable route existing for a road to the Clark's Fork mines. Several others have been suggested, the principal ones being to build up the stream known as the Clark's Fork from near Billings, and the other to ascend the Boulder River. It is perhaps possible to build a railroad on one or the other of these lines, but from information derived from army officers who have had occasion to pass through the country, I am confident no practicable route exists. Clark's Fork runs for many miles in a cañon, through which, I believe, no one has ever been able to pass.

"The Clark's Fork mines are situated on the headwaters of a stream entering into the Yellowstone River in the National Park, and to reach them through or by the Clark's Fork would require the line to cross the main divide between Clark's Fork and the Yellowstone River, the elevation of which is probably about 9,000 feet above the level of the sea, and can not be surmounted except at great cost, and by using excessive grades, exceeding 200 feet to the mile.

"The route by Boulder River is equally bad, if not worse. It would require

crossing the Snow Mountains, one of the most rugged ranges in Montana and covered with perpetual snow."

The richness and value of the Clark's Fork mining district have been known for many years.

Professor Hayden, in his report for 1872, says:

"About the sources of the Middle Fork and Clark's Fork are some very interesting silver mines, not yet developed to any extent, but the ore, which is galena, looks well; but the mines are so difficult of access, so far from the market, and the seasons are so short, that their value is nominal at this time."

He adds:

"Still, the rapidity with which this Western country develops under the stimulus of rich mines and railroads is so great that these far-away ores may become valuable sooner than we could anticipate. A regular mining district has been formed here and numerous lodes staked out."

Subsequently, and several years after the park had been established, the New World, or Clark's Fork, mining district was legally established, taking in 12 miles from east to west and 6 from north to south. The Government has received and continues to receive the price of all mining claims located therein. Good faith seems to require that the Government, which has established this mining district and invited purchasers, and received the proceeds of sales, should afford to such purchasers reasonable access to their property by railroad, which is the only practicable means, and by the route proposed in this bill, which the committee is satisfied is the only possible road by which these mines can be reached.

These views are confirmed by letters from several other engineers familiar with the country, all of whom concur in saying there is no other practicable route to reach the Clark's Fork mining district, except by the way of the Yellowstone River.

Many letters, memorials, reports of public meetings, &c., have been submitted to the committee, showing an intense interest of the people in Southern Montana, and most earnestly praying that the right of way through the park be granted for this road.

All these papers, and others not cited, and the maps referred to, are in the hands of the committee, and accessible to all who desire to inspect them.

The committee believes the present bill carefully guards the park against any abuse, fully protects the public, and requires the road to be built and running within three years, or the right of way granted shall be forfeited.

[H. R. 5880, Forty-ninth Congress, first session.]

Mr. PAYSON, from the Committee on the Public Lands, reported the following bill as a substitute for H. R. 2881 and 3756:

A bill granting a right of way to the Cinnabar and Clark's Fork Railroad Company, and so forth.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a right of way is hereby granted the Cinnabar and Clark's Fork Railroad Company, a corporation duly organized under the laws of the Territory of Montana, across such portions of the northern border of the Yellowstone National Park as may be necessary to reach, by the nearest practicable route from Cinnabar, the Clark's Fork mining district, in said Territory of Montana, by the way of the Yellowstone River to its junction with the East Fork of said river; thence by the way of said East Fork to the Soda Butte Creek; thence by said creek to the Clark's Fork mining district, upon such location as may be approved by the Secretary of the Interior, subject to the provisions of the act of Congress entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875. Said right of way hereby granted shall not exceed 100 feet on each side of the center line of said railroad, except at such points, not nearer than 7 miles from each other, as may be designated by said railroad company for station buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, at which points the right of way shall be not exceeding 200 feet in width on each side of the center line of said railroad, and shall be not exceeding 2,000 feet in length; and no rights of any kind shall vest in said railroad company in or to any part of the right of way herein provided for until plats thereof, made upon actual surveys for the definite location of said railroad, and including the points for station buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, shall be filed with the Secretary of the Interior and be duly approved by him. No timber or other materials to be used in the construction of said railroad shall be cut or taken from any portion of the Yellowstone National Park, except such as may be cut or taken within the right of way hereby granted; and the grants hereby made are limited also so as not to include any coal or other mineral found on said right of way; nor shall said company, or its successors, use the property given hereby for any purpose except in the construction and operation of a railroad.

SEC. 2. That all charges for transportation of either freight or passengers over said railroad shall be reasonable, and without discrimination as to persons, shippers, or consignees; no rebates or drawbacks of any kind or nature shall be allowed, directly or indirectly, to any patron of the railroad; nor shall there be any unjust discrimination in the facilities afforded shippers or consignees at any station on the line of said railroad; and as to these and all kindred matters Congress reserves the right to make all necessary regulations as to said railroad, in consideration of this grant, as well as to alter or amend this act.

SEC. 3. That if said road shall not be constructed and in running order within three years from and after the passage of this act, the right of way hereby granted shall thereupon be forfeited, and this condition is expressly understood to be a condition precedent as to all rights granted hereby; and in case of a breach of the condition of this section, all rights granted hereby shall revert to the United States by operation of this provision, without the necessity of any action by Congress: *Provided*, That the grant hereby shall not be held or construed as exclusive, so as to prevent the allowance of the locating other roads along the valley or route adopted under this act, under such grants and regulations as Congress may make and provide and the courts equitably administer.

Mr. PAYSON. Mr. Chairman, when this bill was last under consideration, and the time limited under the rules had expired, I was stating that the location of mineral claims in this district that I proposed to be reached by this line of road mainly were individual locations. As to the richness of the mines there is no dispute. Placer mining has been carried on in that locality for the last twenty-five years, long before there was any railroad of communication within a thousand miles of it. All the rights of the Government are so carefully guarded by the provisions of the bill that nothing is left to the railway company except the bare right to maintain and operate a railroad from Gardiner to Cook City. No other right is given, and every other thing that is done in reference to it is under the absolute control and direction of the Secretary of the Interior.

There is no other line by which this location can be reached, as surveys have demonstrated, except this one. Two other trails across the mountains have been followed, but on neither is it possible to construct even a narrow-gauge road.

The wagon-road from this mining district to the end of the railroad as now constructed is a fair mountain road. Freights over it have reached $35 a ton for 56 miles of carriage.

I believe that is all I desire to say in respect to the bill, unless some question may be asked in reference to it as to a question of fact. I yield five minutes to the gentleman from Montana, and then will reserve the balance of my time.

Mr. TOOLE. Mr. Chairman, I have the honor to represent a constituency that is directly interested in this legislation. I undertake to say that the passage of this bill is absolutely a commercial necessity in the interest of these men, the best part of whose lives, energies, and fortunes have been spent in what is known as the Clark's Fork mining district.

In that locality there are between five and six hundred mineral locations—locations that were made long before the establishment of the National Park, and locations which have been kept alive by the performance of the necessary representation work under the laws of the United States, which entitle these parties to remain in occupancy and possession of these claims.

As has been suggested by the gentleman from Illinois [Mr. PAYSON], these are claims which in the main belong to individual citizens of the Territory of Montana, and who reside within that mineral district. The provisions of this bill so guard the rights of the Government, so guard the objects and purposes for which the park itself was originally created, that it can result in no possible detriment either to the Government or to the National Park *itself*. *It simply provides for a right* of way of 100 feet on each side of the central line of the road through a portion of the park, being the extreme northeastern corner.

Mr. BLANCHARD. For how many miles?

Mr. TOOLE. Through the northeastern corner of the park for a distance not to exceed 25 miles; and it passes over the only natural route by which that point can be attained.

It is wholly an unattractive country.

Mr. STEELE. Will the gentleman permit me? Is this not the only home for the game now in the park? Is it not the only place that has been left to them?

Mr. TOOLE. I undertake to say that that is not a correct statement with reference to it. The game passes up further into the park, what there is of it. This provides for the right of way through this northeastern corner only; but there exists a very exaggerated idea as to the extent of the game there. But, Mr. Chairman, even if it were otherwise, is it true that the rights and privileges of citizenship, the vast accumulation of property, and the demands of commerce of this country are to yield to the mere caprice of a few sportsmen bent only on the protection of a few buffalo in the National Park? If this is so, then it seems to me that it is the duty of the Congress to see that some change is made in the rules and regulations respecting the character of game permitted in that park, or that its borders shall be curtailed. In superficial extent the park is 65 miles long by 55 miles wide, an empire in itself.

But, sir, I was proceeding to say that it is wholly an unattractive country. There is nothing whatever in it, no object of interest to the tourist, and there is not one out of twenty who ever visits for purposes of observation this remote section. There is scarcely any timber there, and the bill, which is now being considered, provides that no timber or material out of which the road is to be constructed shall be taken from any portion of the National Park, or any part except this limited amount of land which is granted as a right of way.

Mr. STEELE. Will the gentleman allow me again?

Mr. TOOLE. Certainly.

Mr. STEELE. If the sole purpose of this bill is to grant the right of way to reach this mining district, what is the object of granting additional land at every 7 miles? For the purpose of erecting hotels?

Mr. TOOLE. Well, it does not provide for anything in the way of hotels. It does provide additional ground at specific points for the erection of station-houses, turn-outs, and the necessary equipments of the road.

Mr. STEELE. This is every 7 miles?

Mr. TOOLE. Yes, sir; that is the provision.

Mr. STEELE. And at every one of these points—at every 7 miles—they are to have an additional 200 feet in width?

Mr. TOOLE. Yes, sir, for the erection of station-houses, &c.

Mr. STEELE. And they come to Congress asking only the right of way to reach a mining camp, as they claim, and yet they want land for station-houses every 7 miles?

Mr. TOOLE. Yes; because it is believed to be necessary for the proper equipment of the road to provide station-houses.

[Here the hammer fell.]

Mr. COX, of New York. Mr. Chairman, I believe this bill is wrongly entitled. It should be denominated "A bill for the spoliation of this Yellowstone Park."

This measure is opposed by the Secretary of the Interior in his recent report; and in that report, as well as in the views of the minority of the Senate Committee, the House will see how many gentlemen, military men, engineers, scientists, &c., distinguished in this country, have been and are opposed *in toto* to this proposition.

This is a measure which is inspired by corporate greed and natural

selfishness against national pride and natural beauty! It is a shame to despoil this park for mere mercenary purposes, such as running a railroad to these mines, however valuable, in its northeastern corner.

If the gentleman had not cut us off by so brief a debate, it could be demonstrated that the mines in this location could be reached by other railways already projected, and some, perhaps, partly built. It can be established that they could be reached by connection with the main route to the east by other railways. Besides, we could show that this park would be utterly spoiled by the advent of the locomotive; not merely because the locomotive burns up trees, but fires the forest; and thus denudes the country, making thereby bad sanitation. This produces ruin in various ways to the natural beauties of this "Wonder Land." This bill has a mere limited and mercenary object; the reaching of a few mines in that region is the entering wedge to take away from us absolutely and forever one of the most splendid marvels belonging to the country.

Suppose, sir, this corporation has bestowed on it the privilege for the transportation of their ores, and of reaching the park in another way. Then, my friend from Illinois [Mr. PAYSON] will doubtless say that it will cost more to build a road on the Billings route than to build this Yellowstone road running along the Yellowstone valley. I know it will cost more. It will cost perhaps four or five million dollars. It is on a higher elevation. It will therefore be more difficult to construct; while this road will be shorter and cheaper.

But in dealing with this question we have not merely to do with a matter of mines or money, transportation or commerce. It is a question of preserving this rare laboratory and its surroundings. It is laid out, fixed, and guarded by our law and custodians. It was fixed prudently and carefully. It is some 55 miles by 60 in its proper shape. Not merely for the preservation of game, which are there herded and protected, but to protect the scenery itself against the fires that follow the locomotive. The reports show how the forests of that country have already been burned by the improvidence of the settlers and the carelessness of hunters and tourists. Some sixty fires have been reported. When you regard the fact that it is a national duty to preserve this remarkable park, to say nothing of its sanitary, æsthetic, and scientific value, would it not be well to consider wisely before we allow this railroad, for mere pecuniary profit, to enter upon this charmed land?

I wish I could, in the short time allotted to me, read from the report of the Secretary of the Interior. He dedicates some four or five pages to this subject, together with other communications. He makes a protest that we ought to understand. It is not a question for Montana nor any other Territory or locality. It is not a question for a few people in a territory who desire to be incorporated for mining. It is a question for the United States, and for all that gives elevation and grace to our human nature, by the observation of the works of physical nature.

Again, I oppose this bill because of the way in which it is being engineered through this House—no doubt without the connivance or the help of the gentleman from Illinois [Mr. PAYSON], who does so much to reclaim our acres. I would not charge him with seeking to authorize any railroad monopoly in this splendid part of our country. But I say at the bottom of it and behind it all are men who have but one object—to reach the mines that may be increased in value by the proposed railroad. The mines may be valuable. They desire to reach those mines, not in the interest of the people of the United States, but for their own self-aggrandizement.

The CHAIRMAN. The time for general debate has expired.

Mr. PAYSON. I yield three minutes to the gentleman from Ohio [Mr. GROSVENOR], who desires to offer an amendment.

Mr. GROSVENOR. I move to amend in line 23 of the first section of the bill by striking out "200" and inserting "100;" so that it will read:

At which points the right of way shall be not exceeding 100 feet in width, &c.

That leaves the right of way to be 100 feet wide. We know what sort of premises will require to be occupied by this railroad, and the right of way ought not to be 200 feet wide, which is 100 feet wider than ordinary railroads have.

This bill authorizes the railroad company to take the timber and stone and other material along the line of road for such purposes as they may desire in building this road and the station-houses; and I submit that 100 feet is more than enough for all practical purposes for a mere railroad. I am, therefore, opposed to conveying in this way the right to take this timber and stone upon a greater width of territory than 100 feet.

Mr. PAYSON. I think there is no objection to the amendment proposed by the gentleman from Ohio, and I hope the committee will adopt it so as to make the width of the right of way on each side 100 feet.

Mr. HOLMAN. I wish to inquire of the Chair whether the bill is now before the committee under the five-minute rule.

The CHAIRMAN. The bill has not yet been read by sections for amendment. The Clerk will read the first section.

The Clerk read as follows:

Be it enacted, &c., That a right of way is hereby granted the Cinnabar and Clark's Fork Railroad Company, a corporation duly organized under the laws of the Territory of Montana, across such portions of the northern border of the Yellowstone National Park as may be necessary to reach, by the nearest practicable route from Cinnabar, the Clark's Fork mining district, in said Territory of Montana, by the way of the Yellowstone River to its junction with the East Fork of said river; thence by the way of said East Fork to the Soda Butte Creek; thence by said creek to the Clark's Fork mining district, upon such location as may be approved by the Secretary of the Interior, subject to the provisions of the act of Congress entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875. Said right of way hereby granted shall not exceed 100 feet on each side of the center line of said railroad, except at such points, not nearer than 7 miles from each other, as may be designated by said railroad company for station buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, at which points the right of way shall be not exceeding 200 feet in width on each side of the center line of said railroad, and shall be not exceeding 2,000 feet in length; and no rights of any kind shall vest in said railroad company in or to any part of the right of way herein provided for until plats thereof, made upon actual surveys for the definite location of said railroad, and including the points for station buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, shall be filed with the Secretary of the Interior and be duly improved by him. No timber or other materials to be used in the construction of said railroad shall be cut or taken from any portion of the Yellowstone National Park, except such as may be cut or taken within the right of way hereby granted; and the grants hereby made are limited also so as not to include any coal or other mineral found on said right of way; nor shall said company, or its successors, use the property given hereby for any purpose except in the construction and operation of a railroad.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio [Mr. GROSVENOR].

The Clerk read as follows:

In line 23 strike out the word "two," and insert the word "one."

Mr. HOLMAN. I do not wish either to support or oppose the amendment. I do not attach any importance to the question whether the right of way be 100 feet or 200 feet in width. Practically it is a matter of no consequence, and does not remove any of the objections to the bill. One objection I have to the bill is that there is no real necessity for it; that is to say the mines in the neighborhood of Cook City can be reached by another road equally practicable, but perhaps more expensive, and on that point I wish to call the attention of the committee to what is said on the subject by Professor Arnold Hague, who has spent many years in that park in the employment of the United States Geological Survey. I ask that a question addressed to him and the answer given by him under oath last year before the special committee of the House to inquire into the expenditure of public money in the Indian service and Yellowstone Park may be read to the House.

The Clerk read as follows:

Q. How far, if at all, does a scheme for constructing a railroad to a mining point east of the park called Cook enter into the question made as to a change in the northern boundary of the park?

A. The people who desire a railroad to Cook City wish to make the Yellowstone River the boundary of the park, in order to follow up the north bank. This would make the north boundary of the park considerably south of the forty-fifth parallel, and would leave a wedge-shaped area of Wyoming north of the park. The effect of this would be to throw open an extensive region of timbered country and a large area drained by the east fork of the Yellowstone, which, in my opinion, would be detrimental to the interests of the park and the Yellowstone River. A railroad, if really necessary, could be constructed to reach Cook City from Billings, on the Northern Pacific Railroad, without invading the park.

Mr. HOLMAN. Gentlemen ought of course to understand that this proposed road is virtually a part of the Northern Pacific system, and the professor makes the statement in effect—and he speaks with a more complete knowledge of the subject than perhaps any other living man, because he has been in the park for many years in the employment of the Government Geological Surveys—that the route from Billings, on the Northern Pacific, is just as practicable as the one proposed by the pending bill. I therefore submit that if it is important and necessary that these mines should be reached—mines to which the professor attaches no great importance—there is still a practicable route to reach them without invading the park.

Now, a word with regard to the objections to this project. The proposed railroad would pass along the East Fork of the Yellowstone River, its most important tributary. The Yellowstone River, draining Yellowstone Lake and a great portion of the park, is of special value as a great branch of the Missouri for irrigation, traversing a magnificent valley—probably there is no stream in the West of more importance in that respect, for irrigation is indispensable and the valley of vast extent—and the vast forests on the East Fork of the river are indispensable for the purpose of regulating the flow of water in the Yellowstone and Upper Missouri. But if you denude these vast mountain slopes of their timber—and if you pass this bill this immense area of timber is sure to disappear under the ax or be destroyed by fire—then, instead of a gradual and steady flow of water in the Yellowstone, and instead of a steady supply of water to the Upper Missouri, you will have the water coming down in vast floods and irresistible torrents, which will be destructive of a vast region of country. It is well known that the Upper Missouri River even now is subject to very great and sudden variations of volume; but this would be enormously increased by the destruction of these forests.

It was proposed, as I understand, in the interest of this same railroad enterprise, to remove the northern boundary of the park further south. As to the effect of that measure, in the probable destruction of these forests in this mountain region, Lieut. D. C. Kingman, of the Engineer Corps of the Army, who had been engaged for years in constructing

roads and bridges in the park, testified before the same special committee of the House last year as follows:

I will consider first the injury that will result from the greater change; that is, to the Yellowstone River. This change would take from the park 150,000 acres, in round numbers. The greater part of this area is on the northern bank of the Yellowstone River, and forms part of its watershed. It is generally heavily timbered, and from its exposure it is admirably adapted to catch and hold the snow; it allows the snow to melt gradually during the summer, and so maintains a uniform flow in the streams and springs tributary to the Yellowstone, and thus tends to secure a uniform discharge in the river itself. If this tract of land was taken from the park it would soon be stripped of its timber, for the river would assist very much in logging. The snow would then be unprotected by the timber, would melt quickly in the spring, would cause a sudden freshet, and a corresponding period of very low water.

A uniform and abundant supply of water in the Yellowstone River is of the greatest importance to the farmers all along the Yellowstone valley, from the park down, for they must resort to irrigation in order to secure a crop. The valley of the Yellowstone is wide and continuous, and the slope of the river is such as to make irrigation easy to apply to the whole valley. The valley is fertile and capable of supporting a large agricultural population with unfailing irrigation.

The lower portion of the Yellowstone, I think for about 150 miles from its mouth, is navigable water, and the Government is annually expending money to improve and facilitate its navigation. The improvements, in order to accomplish good results, require a uniform supply of water.

The Yellowstone River is one of the largest tributaries of the Missouri, and whatever affects the water supply of the Yellowstone will affect in the same way that of the Missouri. The Yellowstone is one of the first tributaries to break up in the spring. It discharges a vast quantity of ice into the Missouri. If it breaks up with a freshet instead of gradually, as it now does, it is likely to cause destruction to property and loss of life along the Missouri valley clear to its mouth.

Another reason is that the Yellowstone River in the park is a very clear and beautiful stream. It is filled with trout, and is therefore an object of the greatest interest to all visitors to the park who are fond of fishing. If both banks of the river are in the park and under the direct control of the superintendent of the park, these fish can be protected, and they will be an inexhaustible source of pleasure and amusement to the visitors; but if the north bank of the river is removed from the control of the superintendent by this change of boundary, then it will be impossible to prevent people who fish for the market from using the net, the spear, and dynamite for their capture. This would soon exhaust the stream.

The country about Slough Creek, a tributary from the north of the Yellowstone, is a fine game country, perhaps the best in the park. It is one of the few places where buffalo are found, and elk and bear are very abundant there. All of these would, of course, be destroyed in a few years if this proposed change of boundary is made.

It is thus the judgment of men experienced in that region—it is the judgment of Professor Hague and Lieutenant Kingman, set forth in their statement before that committee—that the preservation of the forests of these elevated ranges is of the greatest importance for the purpose of regulating the flow of water in the Yellowstone and in the Upper Missouri; and I submit that if there is another and practicable route to be had to these mines without interfering with the park, even this consideration alone ought to be sufficient to prevent the passage of this bill. And who shall tell the effect of the destruction of these forests on the climate of our country!

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. STEELE. I move to strike out the last word, and I yield to my colleague [Mr. HOLMAN].

Mr. HOLMAN. I am much obliged to my friend. Another consideration, sir. I believe there has been a great deal of interest felt throughout the country in the fact that the park is the final resort and the last shelter of a portion of the great game—buffalo, elk, deer, and bear—which at one time occupied in countless numbers the forests, prairies, and mountains of our country. If there are any wild buffalo left in the United States, they are in the park. There are a few; they are found in the northeastern portion of the park, not remote from the region which is proposed to be invaded by this railroad. It is a vast and almost inaccessible region, to be sure, but so far as it was visited by the gentlemen who composed the select committee I have named a year ago last summer, by order of the House, it was found to be a very interesting region, filled with the great natural beauties of which the gentleman from New York [Mr. COX] has so fitly spoken, a region of rugged and sublime scenery; and certainly those beauties can not be preserved if we are to adopt legislation which dooms these majestic forests, the grandest feature of the whole region, to destruction. For, let fire and the ax once invade those vast forests, and there will be a speedy end of the existing attractions of the extended regions of these vast mountain slopes.

The select committee I have referred to speak of these forests in their report to Congress as follows:

But on the subject of "utility," mentioned in the provision of law under which this committee was appointed, connected with the real interests of the park for the enjoyment of all the people of the United States, the preservation of the forests, which clothe with verdure the valleys, rugged declivities, and mountain peaks of the whole region, are of special moment.

These magnificent forests, while adding beauty to the rugged grandeur of these mountain ranges, are of the highest value to extended regions of country. In the park are found the sources of the great rivers west of the Mississippi, the Yellowstone and Snake Rivers; the one, traversing an immense region of fertile land, swells the waters of the Missouri, while the other is the main branch of the Columbia.

It is made very clear by the practical and scientific views presented of this subject in the testimony already presented that the regular flow of water in these rivers is greatly dependent on these forests. These mountain regions are of no value for agriculture, while their wealth of forests is of the highest economic value, besides the beneficent influence they probably exert over the rainfall, temperature, and climate of a vast region of country.

The irrigation of the magnificent valleys of the Yellowstone is believed greatly to depend on the gradual and regular flow of water in that beautiful river, greatly dependent on these protecting forests. It is believed that the rapid flow of water from these mountain regions, from barren range of peaks and declivities, would produce widespread disaster in valleys even remote from the mountains.

It is, therefore, in the judgment of the committee, of the highest moment that these forests should be protected from destruction either by fire or the ax. To this extent, having in view at once the beauty of the park as a delightful resort for the people and the value of the great streams of water that issue from the mountains, as well as the benign influence of the forests on climate and health, this park should receive the special care of the Government.

Again, two bills are pending to authorize the construction of railroads into the southern portions of the park. How can you pass a bill to permit the construction of this road without passing those other bills also? Will you not, by this legislation, throw the whole park open to railroad invasion and the vandalism of improvement? These, Mr. Chairman, are my objections to the passage of this measure.

I think that vast forest region should be preserved in its present condition, not merely because of its great natural beauties, but also for its effect upon climate and upon the flow of water in the streams of that region. All these considerations should urge upon Congress the propriety of maintaining the park as it is.

Mr. PAYSON. Mr. Chairman, I desire to correct some misapprehensions which may arise from the remarks made by the gentleman from Indiana [Mr. HOLMAN].

First, as to this railroad running along the Yellowstone River and leading to the destruction of the timber there, I wish to state that it will not touch the river at any place except one, and there not exceeding half a mile in length.

Mr. HOLMAN. But it passes right along the timbered slopes.

Mr. PAYSON. I beg the gentleman's pardon; it does not, and if he will give me his attention I will convince him that it does not, because he was over a portion of the route at the same time that I was. From Gardiner to the East Fork of the Yellowstone River is the only place where this road is proposed to be built, and there is scarcely a tree within sight along the Yellowstone throughout that distance. The gentleman from Indiana will agree that what I say is true. The railroad leaves the Yellowstone River about 4 miles to the northeast of the Mammoth Hot Springs Hotel and bears off eastwardly to Cook City.

Mr. HOLMAN. Undoubtedly the region affected is on the east branch of the river.

Mr. PAYSON. And there is not a tree within sight for miles.

Mr. HOLMAN. Oh, there is no extensive region of country there which is not covered with pine forests.

Mr. PAYSON. As to the remarks of the gentleman from New York [Mr. COX] that railroads are contemplated and in process of construction from the Northern Pacific toward this mining camp, I will say no line of railroad is in process of construction and none is contemplated, except one proposed and entered upon from Billings to Cook City along to the east, a distance of 127 miles; and it is agreed by men who were on that engineering trip that the country can not be traversed by a buckboard. There is no way of reaching this Cook City mine which is deemed accessible by men engaged in engineering enterprises, except this one.

As to the criticism made by the gentleman from Indiana [Mr. HOLMAN] that this is a scheme in the interest of the Northern Pacific Railroad, and by men who are concerned in that road, I will say to the gentleman that there is not upon the list furnished to the Public Lands Committee of the men engaged in this enterprise any man who now is or ever was connected with the Northern Pacific Railroad, directly or indirectly. As to this being a scheme for greed——

Mr. HOLMAN. Will the gentleman allow me a moment?

Mr. PAYSON. I will yield for a question.

Mr. HOLMAN. Undoubtedly the gentleman from Illinois while at the park met Professor Hague?

Mr. PAYSON. I am coming to him in a moment.

Mr. HOLMAN. The gentleman no doubt knows Professor Hague's thorough acquaintance with that whole region of country?

Mr. PAYSON. Professor Hague says that in his judgment a railroad can be constructed with equal facility from Billings, but I have it from Professor Hague that he never was on that line at all; and the judgment he expresses is based upon statements which have come to him from men whom he regards as reliable. His duties confine him to the park; and as to matters connected with the park his judgment is no doubt good. But he says in the same report, a portion of which has been read, that the mines at Cook City are comparatively valueless; that he does not think there are any mineral deposits there which are worth anything. Now I have seen, and the gentleman from Indiana has doubtless seen, coming down that road from Cook City to Cinnabar wagon-loads of ore of such richness that the freight paid upon them for transportation to the railroad, and thence to Omaha to be reduced, was $35 a ton—ore which would yield from $140 to $160 a ton. Hundreds of tons of this ore are lying there to-day upon the dumps of those mines and can not get access to the outside because of the enormous expense attending the transportation.

Now, on the question of sentiment, I agree with the gentleman from New York and the gentleman from Indiana that this park should be preserved in its present condition, so far as that goes; but you might as well say that the building of a street-railway in the city of Baltimore

would interfere with the objects of beauty here in the city of Washington as to say that this proposed railroad will interfere with the natural beauty of Yellowstone Park. I call upon the gentleman from Indiana to attest the truth of what I now say, that there is not an object of natural beauty or curiosity within 4 miles of the line of this proposed road except the Mammoth Hot Springs and the little Soda Butte, which is in the mouth of an extinct geyser. All the other objects of natural curiosity or wonder are in different geyser basins to the south and east of this locality. The shriek of the locomotive whistle can not be heard anywhere in that park from the line of this road, except at the Mammoth Hot Springs Hotel, 4 miles distant. I ask the gentleman from Indiana whether I am not strictly accurate in this statement.

Mr. HOLMAN. Cinnabar is 4 miles from Mammoth Hot Springs.

Mr. PAYSON. Yes; and there is not another object of natural curiosity within 40 miles.

With all my desire to see the National Park with its natural wonders kept intact, I know, from personal observation, that this proposed road will not interfere with that condition; and I confess that I can not understand the sentiment which favors the retention of a few buffaloes to the development of mining interests amounting to millions of dollars, giving profitable employment to perhaps thousands of men, and with all the desirable results flowing from such a condition, and which can, in this case, be made available only by the construction of some railroad, and this is the only one proposed.

Mr. COX, of New York. If in order, Mr. Chairman, I desire to move an amendment to strike out the last word.

Mr. STEELE. I withdraw my amendment.

Mr. COX, of New York. I renew it.

Mr. Chairman, I have already stated that the Secretary of the Interior protests against this bill——

Mr. PAYSON. So he does.

Mr. COX, of New York. As a subversion of the original law for the protection of this park. He protests against it, as I said, because of fires that might take place there. He says:

> I can not but believe that the establishment of a railway in the park would prove a permanent injury to the reservation, and tend to subvert the purposes for which the park was originally set apart. The danger arising from forest fires would be very great, and the large game would disappear, as it has everywhere else, with the appearance of railways. With a railway in the park 50 miles in length, with stations every 7 miles, disagreements difficult to settle would immediately arise between a powerful railway corporation and the management of the park.

When this bill came in—it has now been amended—it was proposed to grant a right of way—

> One hundred feet on each side of the central line of the said railroad, except at such points as may be designated by said railroad company for station-houses, water-tanks, wood-sheds, turn-tables, side-tracks, and spur-tracks, at which points the right of way shall be 400 feet in width, 200 feet on each side of the central line of said railroad, and 2,000 feet long.

Mr. PAYSON. Not exceeding that.

Mr. COX, of New York. Not exceeding that. Now suppose this railroad goes through the meadows of this park, how will it cut them? It will cut them diagonally and in various ways. What becomes of the remnant of the property? It is very likely rendered useless.

The atmosphere is dry there; and when a fire begins in those mountains, as I once saw it in the town of Truckee, it leaves nothing but charred stumps, which are not attractive. I have never visited this park, and never wish to visit it if this railroad should be built.

Mr. PAYSON. If the gentleman had been there he would not come in now to make this opposition.

Mr. COX, of New York. I have seen places in other countries where fire has destroyed the timber. Spain is denuded to-day of forests. In Southern Spain, at places I have visited, you can only get one crop in four years unless you have artificial irrigation. Go to Judea, go to Syria, go to Greece, go to Turkey if you please [laughter], and you will see the whole country denuded of trees by the improvidence of the peasantry and the shepherds with their goats and by the fires which occur so frequently. In this way a land which once supported its millions becomes useless for the purpose of agriculture and for advancing otherwise the welfare of the people.

I now protest in time against constructing this railroad through the Yellowstone Park. This is the entering wedge. If we authorize this road other railroads will follow. We are an advancing people. With the aid of water and its vapor, electricity and the prompt and careless navigation of bills through this House, we know what will follow in the wake of this progress.

The gentleman says there is only one other road projected. I did not mean to say absolutely that some other roads were being constructed, but projected. In fact other roads are projected, according to the Secretary of the Interior. This bill blazes the way for other bills and projects.

This bill sweeps away the park, if not at once, but in the future, by its being the pioneer. We will stop at no point where we can save this park for our people, unless we stop here and now, whether for our tourists, for pleasure, for science or recreation, it will have to go. Why, sir, six thousand tourists visited the park last year. Hotels are placed there for them. It is properly guarded under present legislation. General Sheridan, Mr. Powell—not only Powell, but Phillips, special agents, investigating the park. Professor Arnold Hayne, Professor Kingman, of the Corps of Engineers, and many others are quoted in the reports as having knowledge of the facts. They have entered their earnest protests against the spoliation by this railroad. I hope, therefore, the bill will not only not be amended to make it better; for the better it is the worse it is. [Laughter.] Let us vote it down and preserve this marvelous scenery for our people to-day, and for our posterity. [Applause.]

Mr. KELLEY. I desire, Mr. Chairman, to implore the House to stand by the sanctity of the one national park on this continent. The gentleman from Illinois [Mr. PAYSON], who so ably marshals this bill, admitted there are only a few buffaloes still within the limits of the park. Then he tells us when the tramp of civilization was heard the buffalo inevitably departed. I think, sir, the roar and scream of the locomotives have banished the buffalo. I crossed that portion of the continent in which they herded, in the first sleeping-car that ever passed from the waters of the Atlantic to those of the Pacific. Buffaloes so abounded then that trains were frequently detained until the herd should have passed, and our sportsmen amused themselves by shooting from the car-windows, merely to show that they could take the life of so large an animal as the buffalo, and the remains were allowed to lie and rot upon the plains. When next I traversed that region there were men employed to gather the bones of the buffalo for manufacture into a variety of articles in far-off New England, and the skins were gathered for what might be made out of them in the Eastern States also. But the herds of buffalo had disappeared. Now, if there are a few remaining in that park, and they are protected, there will be more to be seen by the tourists who go there.

It is admitted there are hot springs and soda buttes. I think it is admitted that both will be affected. Now should not the traveler near the northern part of that park, who has not time to traverse its whole length, see what these things are by devoting a few hours to them?

But the great argument is, that if we enter this portion, and another in the south, others will be yielded to and others still, and the sanctity of the National Park will be destroyed. It is safe to stand by it. The Government has pledged itself to maintain it, and all its wonders of still and animal life, for posterity. Why shall we not do it? Why shall we begin at this day? If we yield to any one, then any corporation which wants any portion of it can have it. I protest against any action which will afford any encouragement to any other speculators to ask the American Congress to invade that territory. ["Cries of Vote!"]

Mr. GALLINGER. Mr. Chairman, I have been greatly interested in the fervid eloquence and Oriental imagery of the distinguished gentleman from New York in opposition to this bill, but while his words please the ear, they fail to persuade my mind. He opposes the bill on purely sentimental and visionary grounds. It is said that the beauties of the Yellowstone Park are to be destroyed if the shriek of the steam engine is to be heard on its very margin and the locomotive sparks are to consume every vestige of vegetation in its track. A few years ago I listened to just such talk in my own State. When it was proposed to charter a railroad to the top of Mount Washington our legislative halls resounded with eloquent protests against thus invading the White Mountain region. The most direful prophecies were uttered in words almost identical with those which have fallen from the lips of the gentleman from New York.

But the good sense of our people recognized the necessities of the case, sentiment gave way to public exigency, the railroad was built, and no harm resulted. A few years later a proposition was made to charter a railroad to the famous Crawford Notch in the White Mountains. Again our house of representatives was the scene of eloquent protests against the proposed innovation. Again it was declared that the magnificent scenery of the Switzerland of America would be destroyed, the forests would be consumed, and the region be utterly ruined as a place of summer resort. But this railroad, too, was built, and none of the dire disasters prophesied have come to pass. The scenery remains, no fires have invaded the forests, the locomotive shriek disturbs no one, and the travel to the White Mountains from all over the world grows larger and larger year by year.

The gentleman from New York says six thousand tourists visited the Yellowstone Park last year. Why, ten or twenty times that number go annually to the White Mountains of New Hampshire, and not one of those tourists, and not a citizen of the State, so far as I know, would for a moment think of dispensing with these railroads, the construction of which was fought with the same zeal and bitterness that are displayed to-day in opposition to the measure now under consideration.

I know, Mr. Chairman, the influence that sentiment wields in matters of this kind, but I will venture to express the hope that sentiment will yield to public policy, and that the bill will be enacted into law. This is all I care to say, and I thank the committee for listening so attentively to me.

The CHAIRMAN. The Chair will assume that the *pro forma* amendments are withdrawn in the absence of objection.

Mr. CANNON. I renew the *pro forma* amendments.

Mr. Chairman, I only want to say a word about this bill. It was

my fortune to visit this park a year ago with the gentleman from Indiana, Mr. HOLMAN, and some other members of the House of Representatives. So far as I am personally concerned I care but little about the buffalo and other game said to be there, though I do acknowledge that many gentlemen in this country desire the preservation of the game. That, however, is a question that does not enter into my opposition; and if that was the only objection to the construction of this road I think I should vote for the bill.

My opposition is based upon information gained from those who I think are fully able to give information upon the subject, having had opportunities in connection with their duties touching this park.

The lieutenant of engineers, who has spent several years there, or at least portions of each year, whose duty it is to be there in connection with the improvement of the park, is one from whom I have derived information; also from Mr. Hague, connected with the Geological Survey, and others. They take this position, Mr. Chairman, which strikes me with a great deal of force: This park in the main is covered with timber, small pine timber. There is some large growth, but in the main the growth of timber is small. There is a wonderful snow-fall in the park, and the timber holds what soil there is, and consequently the snow is held, allowing it to melt gradually. Now, gentlemen will understand that the Yellowstone River and also a tributary of the Columbia River have their origin in the park, and if the snow-fall were not preserved to a certain extent by the soil and timber, instead of melting gradually and thus feeding these streams through the dry season, it would suddenly melt and produce great freshets in the spring. And not only would you have great freshets, but the water supply for the summer is gone. If it melts gradually, on the other hand, it feeds the Yellowstone during the summer and can be utilized for purposes of irrigation in that magnificent valley.

The great danger, then, Mr. Chairman, is, if the road is allowed to be built, that the timber will be burned. It burns very easily. Large portions of it have been already burned; and the fear in the mind of the gentlemen to whom I have referred and others who are conversant with the matter is, that if you open this park to the construction of railroads you make it more subject to danger from fire.

There is another thing: These mines spoken of are just outside of the park on the northern border. This engineer officer to whom I have referred says in his evidence that a creek along this border, a tributary of the Yellowstone, carries gold in the gravel of its bed. I suppose from the best information I can get that there is a great deal of mineral wealth in that portion of the park along the Yellowstone and its tributaries, and I submit to the House that if you construct this railroad and throw it open, with the mines being developed just outside of the park, that in the park you can not keep the prospector off, and you had as well throw it all open, not only to the railroad and the miner as well, but to the public generally, and abandon it as a park.

So, to my mind, it is far more important to preserve the timber for the reason I have stated, to feed these streams, one of which runs to the Pacific and one to the Atlantic, for purposes of irrigation along their borders, than to open up this mining camp; and while I sympathize with those gentlemen who desire to construct this road along the route designed, it being the cheapest route they can find, yet I think that in the interest of the whole people of the country it is important that their interest should be preserved by shutting all railroads out of this park.

[Here the hammer fell.]

Mr. MCADOO. Mr. Chairman, there is a more radical objection than any I have yet heard to the passage of this bill. This objection lies in the general condition of the land laws and the rapidly diminishing public domain, which makes it wise to preserve every acre that now belongs to the United States and keep it for the present out of the market. This portion of the public domain is 60 miles by 40. If the pressure ever becomes too great this very large tract can be opened to actual settlers and traversed by as many competing railroads as its business will bring into existence.

The true policy of the United States, in my opinion, in the present crisis of land affairs, is to preserve as much as possible of the public domain. It is an acknowledged fact that there are not to-day over 5,000,000 acres of arable land belonging to the United States subject to settlement under the public-land laws. For one, under this state of affairs, I shall endeavor, so far as my vote in this House is concerned, to preserve all of the public lands that can be possibly saved for the present.

A land-famine is approaching. Our population from natural causes and a tremendous wave of immigration is rapidly increasing. It may be in the near future that the possession of sixty by forty miles of good arable land, subject to settlement, will be a great public benefit. This bill menaces that portion of the public domain. It is the entering wedge. If this railroad is built other railroads will follow, and the public park will disappear, not into hands of honest and thrifty settlers, but to the insatiate land-grabbers, speculators, and corporations.

I agree also with what has been so eloquently said by the gentleman from New York [Mr. COX]. Here is a great wonder-land to be preserved for the benefit of our people, for that innumerable caravan that every year go out to see in the great West the inspiring sights and mysteries of nature that elevate mankind and bring it into closer communion with omniscience; and I believe this park should be preserved upon this, if for no other ground. The glory of this territory is its sublime solitude. Civilization is becoming so universal that man can only see nature in her majesty and primal glory, as it were, in these as yet virgin regions. As a people we are lacking somewhat in sentiment. Let us preserve the wondrous Yellowstone from railroads as New York State has saved the great Falls of Niagara from the vandals of trade and avarice. For that she deserves the blessings of humanity the world over.

But, as I said at the start, this bill takes away from the public domain this great reservation, and at a time, too, when the public-land question is the most important question before the people of the United States. No member on this floor need be afraid to cast his vote against this bill or any bill that takes an acre from the rapidly decreasing domain of the United States. Every member of this House knows that in the recent canvass for the Fiftieth Congress there was no question so pertinent in which the people were so vitally interested as that of preserving the public domain from spoliage and from land robbery.

I hope this bill will be defeated for another reason. This railroad will be a monopoly. If one railroad can go into the park, why not ten railroads? This railroad will be used by tourists, and have the exclusive control of that class of passenger trade, besides being the sole means of carriage between the mines which have been referred to and the Northern Pacific Railroad. The statement, moreover, has not been refuted here that these mines can be reached by another route which will not interfere with the game, the scenery, and the very existence of the park itself. These, in addition to others, are the objections I have to offer to this bill, and I hope it will be defeated.

Let us prefer the beautiful and the sublime and the interests of millions to heartless mammon and the greed of capital.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio [Mr. GROSVENOR].

The amendment was adopted.

The Clerk read sections 2 and 3, as follows:

SEC. 2. That all charges for transportation of either freight or passengers over said railroad shall be reasonable, and without discrimination as to persons, shippers, or consignees; no rebates or drawbacks of any kind or nature shall be allowed, directly or indirectly, to any patron of the railroad; nor shall there be any unjust discrimination in the facilities afforded shippers or consignees at any station on the line of said railroad; and as to these and all kindred matters Congress reserves the right to make all necessary regulations as to said railroad, in consideration of this grant, as well as to alter or amend this act.

SEC. 3. That if said road shall not be constructed and in running order within three years from and after the passage of this act, the right of way hereby granted shall thereupon be forfeited, and this condition is expressly understood to be a condition precedent as to all rights granted hereby; and in case of a breach of the condition of this section, all rights granted hereby shall revert to the United States by operation of this provision, without the necessity of any action by Congress: *Provided*, That the grant hereby shall not be held or construed as exclusive, so as to prevent the allowance of the locating other roads along the valley or route adopted under this act, under such grants and regulations as Congress may make and provide and the courts equitably administer.

Mr. COX, of New York. I move to strike out the enacting words of this bill. I make this motion in order to have a test vote in the committee.

The question being taken on the motion of Mr. COX, of New York, the CHAIRMAN stated that the "ayes" seemed to have it.

Mr. PAYSON. I call for a division.

The committee divided, and there were—ayes 107, noes 65.

So the motion was agreed to.

Mr. HOLMAN. I move that the committee rise and report its action to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 5880) granting a right of way to the Cinnabar and Clark's Fork Railroad Company, &c., had instructed him to report the same back to the House with the recommendation that the enacting words be stricken out.

The SPEAKER. The hour for the consideration of bills has expired.

CONSIDERATION OF REVENUE BILLS.

Mr. MORRISON. In view of the absence from the House of several members I desire to give notice that on Saturday next I will move that the House resolve itself into Committee of the Whole on the state of the Union to consider revenue bills.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of resuming the consideration of the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for consideration of the bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for

the fiscal year ending June 30, 1888, and for other purposes. Further general debate is limited to one hour. The gentleman from Kansas [Mr. RYAN] is entitled to the floor.

Mr. RYAN. Mr. Chairman, this bill carries a little over $12,000,000 less than the estimates and a little over $3,000,000 less than the law for the current year. I deem it proper in this connection briefly to call the attention of the House to some matters or estimates omitted from the bill.

The Secretary of the Treasury says that he needs for construction of public buildings in the next fiscal year $3,444,014.56; but the committee has given in this bill but about $1,000,000 for that purpose. The law for the current year carries over $2,000,000 for that object.

I do not myself believe it wise legislation to be continually making appropriations for the construction of public buildings in driblets. Certain officials are employed in connection with the construction of every public building, and their salaries run until the building is completed; therefore, where it is proposed to make an appropriation for the completion of a building within the next fiscal year, I submit that it is economy to do so. Either the Supervising Architect is incompetent and unfit for his office, or else the Committee on Appropriations has disregarded in this bill the needs of the public service. The estimates for light-houses aggregate $1,380,900. Of this sum, the committee gives in this bill but $247,900, about one-half the amount appropriated in the current law, and, as the House has already been advised, nearly four and a half million dollars of estimates for the Navy Department have been lifted bodily from this bill and transferred to another committee.

For the purpose of reconstructing and making fire-proof the east wing of the Interior Department $160,000 is asked. That has been denied altogether by the committee. Five hundred thousand dollars is asked for to continue the work on the Library building. This has also been rejected by the committee. Now, I do not believe that all of that amount is required, but I am advised and I do believe that $250,000 is absolutely necessary, if there is any disposition on the part of Congress to press the work. For surveying the public lands, the Secretary of the Interior asks, for the next fiscal year, $250,000. Practically we give nothing. It is true we appropriate here $50,000, but $25,000 of that is to be used for inspecting the surveys already made, and the other $25,000, I am advised, will be used for resurveying where imperfect surveys have been made, so that, as I have said, practically we give nothing for the survey of the public lands during the next fiscal year.

In this connection let it be borne in mind that we are carrying on the salary-roll a large list of officials whose duties relate solely to the survey of the public lands. In other words, we are maintaining a plant, so to speak, for the survey of the public lands at a cost of $125,000 per annum, and yet we refuse to survey an acre of them. Another thing I desire to call the attention of the House to is, that in connection with this bill, which covers the service of the Government in every department all over the United States, estimates commonly called "miscellaneous" estimates or "supplemental" estimates are constantly coming in from the several Departments during a session of Congress. These are, of course, in addition to the regular estimates. Evidently these supplemental estimates can have no consideration in this bill, because it is presented altogether too early in the session for that. It has been the practice in the past in the second session of a Congress to present the sundry civil bill in the latter days of February, so that ample time has been given for the consideration of the supplemental estimates in connection with that bill; but in this case, if the estimates which are to come in during the present session are to be considered at all, they must be considered by the Senate and must come before the House in the form of Senate amendments. During the second session of the Forty-eighth Congress sixty-nine executive communications, or supplemental estimates, were referred to the Committee on Appropriations, involving the appropriation of about $3,750,000. These were in addition to the sums submitted in the regular Book of Estimates, and were considered in connection with the sundry civil bill.

During the first session of this Congress, forty-nine, executive communications or supplemental estimates were referred to the Committee on Appropriations and considered in connection with the sundry civil bill, aggregating over two and a half millions of dollars. From this, we may reasonably infer that we shall receive during the present session of Congress supplemental estimates to an amount in the neighborhood of from two to three millions of dollars properly belonging to this bill.

Another thing I desire to call the attention of the House to in connection with this measure, that is, that the Secretary of the Treasury asks Congress to make specific appropriations for the Bureau of Engraving and Printing and sends us specific estimates for that purpose, giving the number of employés and their salaries, or, the salaries which in his judgment ought to be paid them. This has always been regarded as a wholesome method of legislation, and undoubtedly it is so, for nothing can be more vicious than appropriating large sums of money in bulk and pouring it into the lap of the Departments, leaving the executive officers to employ as many or as few as they please at whatever compensation they choose to pay. That practice is vicious in many respects which will readily suggest themselves to the minds of those whom I am addressing. I know of no reason why this request of the Secretary of the Treasury has been refused by the committee unless it be that by making that specific appropriation twenty-seven only of the four hundred and sixty employés of that bureau will come within the provisions of the civil-service law. It seems to me, however, that if the spoils system is so precious, and so desirable to the other side, they might retain it in regard to this bureau by making an appropriation of $30,000 in bulk for "additional clerk hire," and then be specific as to all the rest.

Now, Mr. Chairman, I have done all that I desire to do; I have called the attention of the House to certain features of this bill, and I now wish to know how much time I have remaining.

The CHAIRMAN. The gentleman has thirty-eight minutes remaining.

Mr. RYAN. Of that I yield twenty minutes to the gentleman from Massachusetts [Mr. LONG].

Mr. LONG. Mr. Chairman, my impression is that there is no complaint to be made with regard to the extent of the appropriations embraced in the sundry civil bill of this session. If there is any fault in the bill, I believe it is not that it appropriates too much money, but that it appropriates too little. In the reduction there is some merit and a good deal of humbug. Some credit is claimed because the bill appropriates three and a half million dollars less than the bill of last year. But everybody knows perfectly well that this bill will go from this House elsewhere, and when it comes back, and even by amendments which we shall make here, additions will have been put to it to the extent of three and a half million dollars or more, and that every item in those additions will be just as necessary, and proper, and meritorious as the items now in it.

It is said, also, that this bill (and some credit is claimed on this score) appropriates twelve and one-half million dollars less than the estimates of the Departments. But what does that mean? Mr. Chairman, it means that we are putting into this bill twelve and one-half million dollars less than the Executive Departments of this Government under a "reform" administration are claiming to be necessary, not only for the proper but for the economical administration of the Government.

Nor is the reduction as real as it is apparent. Many of these estimates which we have not included in the bill are estimates for new buildings, for new light-houses, for new vessels, for new improvements. We do not include them in this bill, because there is at present no authority of law for them; and the committee is bound under the rules to report no appropriation unless there be authority of law for it. But every one of these propositions for new works—new buildings, new vessels, new light-houses, &c.—will be referred to the appropriate committee, the Committee on Commerce, or whatever other committee may be proper; and in most cases authority of law will be granted, because the public service requires it and the expenditure is bound to come. So here again an apparent reduction will turn out to be no reduction at all. For instance, the Secretary of War recommends what everybody knows to be necessary—that there should be an appropriation of $30,000 for a supply of water at Fort Douglas, in the Territory of Utah. That comes before our committee. We do not refuse to make that appropriation; we simply refer it to the Military Committee. The Secretary of the Navy estimates $4,000,000 for necessary expenditures in connection with the care and preservation of our navy-yards and naval stations. We do not include those in this bill, and hence arises one-third of that reduction of $12,000,000 from the estimates for which we are getting credit. But we do not refuse to make the appropriation. We simply refer the matter to the Committee on Naval Affairs, because the rule requires that all matters relating to the naval establishment shall go to that committee.

There is another class of cases, however, in regard to which we have taken it into our hands—when I say "we" I mean the majority of the committee—to refuse absolutely the estimates of the Department or to cut them down with a ruthless hand, not so much, I fear, with an eye to the needs of the service as with regard to what is becoming a traditional policy here, perhaps on both sides, to make sure that no appropriation bill of one year shall exceed the appropriation bill of the preceeding year, which I do not believe to be good policy. For instance, the wharf at the Government insane asylum across the river here is so rotten and worn that the director of that institution says it is unsafe for use and he will not permit cargoes of coal to be landed there. Upon his suggestion the Secretary of the Treasury sent in an estimate for the repair of that wharf at a cost of $3,500. The Committee on Appropriations—by that I mean a majority of the committee—refuse to make the appropriation. What is the result? The result is that coal can no longer be landed at that wharf and must be brought by railroad. It costs 50 cents more a ton to bring it by railroad than to dump it on the wharf. The hospital will consume this year 3,500 tons of coal. There is a dead loss of $1,750 to the Government. Continued year after year it would soon make the refusal to repair that wharf a piece of extravagance instead of a piece of economy.

Yet this is one of the ways in which we proceed; not with an eye to

the public service, but to this traditional policy, unreasonable policy I think, of making sure that the sum of appropriations in this bill shall not exceed the appropriation of the preceding year.

I will give another case. Last summer, at the last session of Congress, you passed on the report of the Committee on Commerce a law authorizing the construction of a supply steamer for the light-house service, for the purpose of carrying supplies of oil to light-houses. It would seem as if nothing were left except for the Committee on Appropriations to make the necessary appropriations for that purpose, the law having been passed. You of this House passed the law and said the expenditure is necessary; the Department charged with the execution of the light-house service estimated it as necessary; we of the committee, I mean the majority of the committee, take the bill under our control and say, although Congress authorized the construction of that steamer, and so recommends it, although the Department estimates for it and says it is required, you shall not have it. And so we leave it out—less again, I believe, with regard to the needs of the public service than to keeping down the bill below what it was last year.

The Coast Survey, on the accuracy of which depends the safety of life and property of our immense sea-going commerce, makes its estimate for an expenditure of $561,000. That estimate is returned directly to the bureau officials asking them to cut it down so it shall not exceed the appropriation of last year. The request of course is complied with and the result is that an appropriation is reported of $165,000 less than is estimated for by the Department; still, with the view and purpose, I think, of keeping down the appropriation more than with a careful and full regard for the wants of the public service. Certainly nothing is of more importance than that our harbors should be thoroughly charted and made safe. The result is that the work of surveying in the harbor of New York, a most important work, the work in the survey of Delaware bay, another most important work, and many other places are crippled. Instead of appropriating $10,000, as called for, we appropriated half that sum for the resurvey of San Francisco harbor, which has not been surveyed for thirty years. If you were to attempt to navigate it according to the present Coast Survey chart you would run up streets of that city, streets which have been built and lined with houses where thirty years ago there were fifteen feet of water.

It ought to be said in justice that the Coast Survey is in a condition of suspension, owing to the unaccountable and, I think, culpable neglect of the President to appoint a man of scientific attainment at its head. The Committee on Appropriations have some reason for saying that they do not feel like giving full weight to the recommendation of a superintendent, unless that superintendent be a man of scientific acquirements. The gentleman who is at the head of it—an estimable man, who is doing the best he can, and is to be credited for what he has done—is not and does not pretend to be a man of any fitness or any training for the place. He would frankly say, I have no doubt, that he regards himself merely as a *locum tenens*, transferred from a two thousand-dollar clerkship in the Internal Revenue Bureau to the office of superintendent of the Coast Survey—one of the most scientific in the Department; an office which commands a salary of $6,000, perhaps the largest salary paid to any office to which the President can appoint without confirmation by the Senate; an office filled in the past by Hassler, Bache, Peirce, Patterson, and other scientific celebrities. I presume, as I say, that the present incumbent would frankly admit he holds his place simply as *locum tenens*, and is ready to give it up whenever the President will select the proper man. And yet, sir, for nearly two years the President of the United States, turning a deaf ear to the demands of science and commerce, forgetting that public office is a public trust, neglecting, as I think, his duty, refuses to fill this post, for which there is no lack of worthy material, and is making this Coast Survey the sport almost of public opinion.

One other feature in this bill I desire to refer to, for it is a question of policy. That is in regard to the construction of our public buildings. There has become a settled practice in regard to this matter, which is, I think, a practice such as no good business man would follow in his own affairs. For instance, it is determined to erect a public building, and it is estimated to cost, say, $300,000. Good business policy would certainly require that that whole sum should be made available at once, in order that contracts may be made with reference to the availability of the fund, having the whole amount in hand; and in that way, and that alone, can the work be done promptly and efficiently. But as a matter of fact we adopt just the other course. We begin by appropriating one-fifth or one-quarter of the sum. Instead of making entire contracts, partial contracts are made; delays ensue, and the work is suspended for want of funds. This year you get an appropriation in February; the next is not available until twelve months from the following June. Meantime plans are changed and enlarged; there is a constant and steady friction going on, the result of which is to insure delay and largely increased expenditure. I take it, sir, that the post-office of the city of Boston was some dozen years in building, if I remember aright, and I believe that any private individual erecting that structure on his own account would have completed it in two, three, or, in most, four years, and at 25 per cent. less cost.

I think it is certainly worth while for us to consider whether or not these large gross and ultimate losses are justified by this, as I have called it, questionable policy of keeping down for a single year the annual appropriation bills.

There is another matter, Mr. Chairman, upon which I wish to touch briefly, and which has been referred to by the gentleman from Kansas. I refer now to the Bureau of Engraving and Printing. Mr. Graves, at the head of that bureau, one of the most efficient officers in the Department, who is not only a preacher but a doer of civil-service reform, has increased the amount of work which is done in that bureau, and at the same time diminished the force of employés, reducing it to the extent of some 20 per cent. Employing some eight hundred persons, he has sent us a classification of them, and urged upon us for the second time to embody them in such a classified list as will tend to bring them, or some of them, within the civil-service rules.

It is a fair question whether this bureau, with eight hundred employés, liable, under a spoils system, to be extended into a less efficient force of one thousand or twelve hundred, shall become a part of the civil-service system or be a resource, in less firm hands than those of its present head, for the dispensation of party patronage.

Mr. RYAN. Let me interrupt the gentleman to state that of the four hundred and sixty embraced in his classification only twenty-seven would come within the civil-service rules. The difference is that if his recommendation is adopted it would make the appropriation specific, although it embraces only twenty-seven within the classified civil service.

Mr. LONG. And yet on that small ground our committee reject his recommendation. He wants to embrace them within the civil service, and recommends that the committee report in favor of the adoption of such legislation. I do not know but that the President under his power could embrace them within the civil-service rules at once. I can not say whether that be so. If he has, the responsibility is put upon him. If he has not, he is not to blame.

Taking this bill in connection with the annual and permanent appropriations to be made during this session, it occurs to me that there is some confusion in the statement of the President's message in regard to the surplus revenues. He says that the revenues for the fiscal year ending on the 30th of June next will be three hundred and fifty-six millions of dollars, while the expenditures covering the same period will be two hundred and sixty-six millions, leaving a surplus revenue of ninety millions of dollars. But it should be remembered, Mr. Chairman, that he does not take into this account the sinking fund, which is quite as much as any other item a requisite of law, protected by permanent appropriations and amounting to forty-eight millions of dollars. This item is included in the estimate of the Secretary of the Treasury, who thus reduces the surplus to forty-two millions of dollars.

It should be remembered further, that this does not include the deficit on postal revenues, which last year was seven millions of dollars, and which, if it be the same this year, would further reduce the surplus to something like thirty-five millions of dollars. Nor does it take into account those possible extraordinary expenditures which are likely to occur. I suggest this to show that the question of the surplus revenue is not upon us at this moment as it will be after we have paid off those obligations of the Government which fall due during the next year. After that time, undoubtedly, there is to be a surplus revenue, towards the reduction of which it will become the necessity and duty of Congress to legislate. I do not propose to enter upon the question of the two methods of that reduction. Everybody agrees upon the necessity of the reduction.

[Here the hammer fell.]

Mr. RYAN. How much time have I remaining?

The CHAIRMAN. The gentleman from Kansas has twenty-eight minutes of his hour remaining.

Mr. RYAN. I yield to the gentleman from Pennsylvania [Mr. ATKINSON].

Mr. ATKINSON. Mr. Chairman, the institutions now known collectively as the National Home for Disabled Volunteer Soldiers have been in existence for twenty years. At the present time their capacity is inadequate to afford relief to the many disabled veteran soldiers who are by law entitled to their benefits. The evidence is cumulative upon this point, the managers of all the branches reporting that the buildings under their charge are crowded, while many apply in vain for admission.

In the annual report of General William B. Franklin, president of the board of managers of the National Home for Disabled Volunteer Soldiers, for the fiscal year ending June 30, 1885, it is stated that a portion of the inmates were, during the preceding autumn and summer months, housed in temporary shelters. He also says in the same report that there are now more than one thousand men who have applied for admission to the home who are fully entitled under the law to enter it. They could not be admitted because there were no places for them and because there was not money enough appropriated for their support. He advocated the establishment of another branch of the home at once.

Five branches of the home, namely, the Central, Northwestern, Eastern, Southern, and Western, are now maintained; but these can not accommodate all, and it is claimed that none should contain more than fifteen hundred soldiers, that being the maximum number which can

be properly controlled and cared for in such an institution. By the act of March 21, 1865, it is provided that all inmates of the National Home for Disabled Volunteer Soldiers shall be subject to the rules and articles of war in the same manner as if they were in the Army of the United States. Each branch is organized with a governor and official staff, and all are upon a semi-military footing.

The entire number of the inmates of the home in 1885 was 14,174, of whom there were—native born, 5,186; foreign born, 8,988. At first view the great disparity between the native and foreign born inmates is surprising. I know of no statistics showing the number of foreign-born volunteer soldiers who served in the war for the Union, but from my own observation I do not believe that it exceeded 10 per cent. of the whole. But in the various branches of the home there are 63 per cent. of foreigners and but 36 per cent. of native-born Americans. The question naturally arises, why are there so many foreigners and so few Americans in this home?

It certainly was not the purpose of the founders of the home, nor of its managers, to prefer foreign-born volunteer soldiers to those who are native. Probably no discrimination has been made in favor of the foreigners, and some other cause must be sought to account for their numerical excess. The true reason is that the American soldier is bound to his home by family ties, and is unwilling to sever the associations of a lifetime to secure a bare subsistence. He does not want to be separated from his family, and it is cruel to banish him from his friends in order to enable him to obtain the bounty of the nation which he helped to preserve. He should be permitted to receive at his own home as much money as it would cost to maintain him at the soldiers' home. This was the intention of Congress when the bill establishing the asylum for disabled volunteer soldiers was passed.

The tenth section of the act of March 21, 1866, provides "that the managers of the National Home for Disabled Volunteers are authorized to aid persons who are entitled to its benefits by out-door relief, in such manner and to such extent as they may deem proper, but such relief shall not exceed the average cost of maintaining an inmate of the home." (Revised Statutes, 4833.) The estimated cost of maintaining an inmate of the home for the next fiscal year is $138.77. The amount provided in this bill for out-door relief and incidental expenses is $15,000.

It is evident that after the incidental expenses are taken off but little of the $15,000 will be left for out-door relief.

We are then confronted with this condition of things: There are one thousand men knocking at the doors of the home; they are qualified for admission; but there is no room for them, nor appropriation to pay for their maintenance. There are other thousands entitled to admission under the law, who have served as soldiers, been honorably discharged, who are now disabled, and, by reason of disability, are incapable of making a living.

The act of July 5, 1884, provides that—

all honorably discharged soldiers and sailors, who served in the war of the rebellion, and the volunteer soldiers and sailors of the war of 1812, and of the Mexican war, who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living, shall be admitted into the home for disabled volunteer soldiers.

This law is sweeping in its character, and is intended to benefit all veteran volunteer soldiers who are incapable of earning a living. Its benefits are restricted to a few because the capacity of the existing soldiers' homes is inadequate to accommodate more than a small portion of those who have a right to the advantages of its provisions. If 8,988 foreigners are properly admitted to the homes, the number of Americans who have similar rights is much greater. I am not hostile to the gallant foreigners who joined our armies and helped fight our battles, and I would deprive them of no rights under the law. But it is quite impossible to give shelter at the homes to all who are authorized to receive aid. Those who can not now be admitted to the home should receive out-door relief; and I give notice that at the proper time I shall move an amendment to this bill increasing the appropriation for out-door relief to $2,000,000.

That provision of the original law authorizing out-door relief has become a dead letter, and it is our duty to infuse new life into it. It never was more needed than now.

The Commissioner of Pensions informs us that more than 9,000 old soldiers are in the almshouses of the country. There is not a village nor a township in all the loyal States that has not within its borders some poor volunteer soldier who is disabled, and by reason of this disability, is incapable of earning a living. His friends may maintain him, or perhaps the poor authorities give him relief.

The Pension Office is powerless to aid him, because he can not furnish the measure of proof required to show that his disability was contracted in the military service. Such men are entitled under the law to receive outdoor relief from the board of managers of the Home for Disabled Volunteer Soldiers, and in my judgment it is the duty of this House to make such an appropriation as will enable the managers of the Home to furnish this outdoor relief. This relief is not only required by the disabled volunteer soldiers of the war, but the time is opportune for it.

The Treasury is full to overflowing, and we do not know what to do with the excessive revenues of the Government. Let us give a part, authorized to be given under existing law, to our disabled soldiers. And let us give them this help at their own homes. The report for 1885 shows that of the 14,174 inmates of the Soldiers' Home there were married or having wives living or minor children or both 5,320; single, 8,851.

If we increase the appropriation for outdoor relief, many of the married men now in the Home can return to their families and be as well supported as they now are, while others who are homeless and friendless can take their places in the Home. Other men of family can be relieved at their homes, and the money thus expended will bring comfort to the soldier and his loved ones as well. It will be distributed through a thousand channels, and with advantage everywhere. Family ties will be restored, and the American will receive his due share.

Is it not due to those who fought our battles for us and are now disabled to give them every comfort in their declining years? Is not the society of one's wife and children the greatest of all comforts? Would it not be exceeding cruelty to an officer or soldier who might have a wife and children to take him away from them, and while he was supported with comfort in a home, leave them to starve? Most soldiers would prefer to stay and starve with their families rather than leave them under such circumstances.

Beside this, the inmates of the soldiers' home live in an unnatural way. Deprived of the society of their wives, children, or friends, they are freed from all social restraints, and many of them fall into habits that are bad. Drunkenness is said to be a vice with many, and the house next the home is almost always a saloon.

In the report of the governor of the Central Home for 1884 he states that it is a matter of sincere regret to the respectable citizens of Dayton and vicinity, quite as much as to the authorities of the home, that the first and only building erected on the beautiful avenue, then lately finished, should be a saloon, so placed as to make it easy of access at all times to the men of the home, who after being made drunk can be conveniently hidden in the woods around it. He adds:

The saloon interests in this vicinity have such great political weight that the well disposed, conservative citizens seem powerless to oppose them.

And in the same report the governor of the home states:

The freedom to go and come at will gave men the opportunity to drink more or less every day, which, after a little time, became an established habit; and if they did not succeed in getting a pass they would jump the fence and come home drunk. Many men of this class, having lost their self-respect, have become drunkards.

If this is the experience of the officials of one of the best managed of the homes it is evident that the plan of out-door relief should be tried and no more homes should be built until this experiment has been fully tested. The restraining influence of home and family and friends would doubtless have saved some of those who have "become drunkards," and the gallant men who stood between their country and destruction would not have fallen victims to a more insidious foe.

We have a precedent for the system of out-door relief that I advocate in the practice of the Soldiers' Home at Washington. This home reports that 231 soldiers are allowed to make their residence elsewhere, and receive out-door relief of $8 per month.

The soldiers in the Washington Home belonged to the regular Army exclusively; but I ask can any reason be given why the same privileges should be denied the volunteer soldiers? Many Americans would be relieved who will not submit to banishment from their homes; and no harm would result if they would be permitted to remain there. The American is ambitious. He hopes to accomplish something even if disabled, and he well knows that there might properly be written over the portals of the soldiers' homes: "He who enters here leaves hope behind."

In the interest of many thousand disabled American soldiers who will brave hunger and want rather than be separated from their families and friends; in the interest of the family relation which God has instituted and which should not be disturbed; in the interest of social order, and in the interest of the nation that it may not appear ungrateful to the brave men who maintained its integrity and carried its flag to victory, I ask that this amendment may be adopted.

Mr. RYAN. How much of my time remains?

The CHAIRMAN. Nine minutes.

Mr. RYAN. I do not think any one on this side of the House cares to occupy that time.

Mr. RANDALL. I only want to say a word just now in reply to the gentleman [Mr. ATKINSON] who has just taken his seat. As to the soldiers' volunteer homes, this bill provides for an increased membership of 1,200, according, as I understand it, with the recommendation of the board of managers. It gives every dollar to the maintenance of these soldiers that was asked for. The amount has only been reduced in one particular; that is as to construction; that item we have placed, as I think we did last year, under "repairs," and we have given the amount for repairs that we gave last year.

Now, if these homes are not large enough, or if the managers do not see fit to properly administer the law as to admissions, the Committee on Appropriations has nothing whatever to do with it. The remedy is in another committee of this House—that is, in the Military Committee. If they see fit to increase the number of homes or increase

the capacity of the present homes they will, no doubt, make that recommendation to the House. But I merely arose on account of what might have been an inference from the remarks of the gentleman as though there had been, in this recommendation from the Committee on Appropriations, some neglect of the soldiers. There has been none. Every dollar required, as far as I know, has been given.

Mr. ATKINSON. Will the gentleman permit me to ask him a question?

Mr. RANDALL. Certainly.

Mr. ATKINSON. Does not the existing law authorize the board of managers of the soldiers' homes to give out-door relief?

Mr. RANDALL. The gentleman is perhaps more familiar with that clause of the law than I am and can state its exact purport. I have not read it for some time, but I presume the gentleman is correct, although I do not want to state it from my own recollection.

Mr. ATKINSON. The fact is as I have stated, and I desire to say that I do not censure the Committee on Appropriations.

Mr. RANDALL. I know that; but I did not want any inference to be drawn from the remarks of the gentleman such as I have indicated.

Mr. ATKINSON. But the estimate, as submitted by the managers of the home, was only for $15,000.

Mr. RANDALL. Just there let me say, in reply to the gentleman, there is no estimate at all——

Mr. ATKINSON. I beg the gentleman's pardon. There is an estimate for $15,000, and the amount is found on lines 1727 and 1728 of this bill.

Mr. RANDALL. That is in the bill.

Mr. ATKINSON. It is only $15,000.

Mr. RANDALL. That is all they asked for.

Mr. ATKINSON. And I propose now to increase it. For the reason that the estimate was only $15,000 I do not censure the Appropriations Committee. I admit that they did all they were asked to do.

Mr. RANDALL. Congress at its last session provided, on the recommendation of the Military Committee, for an increase of the capacity of these homes, and appropriated $150,000 for that object. Within a year, also, Congress has provided a new home in the State of Kansas, and there has been a reception into the home of 900 soldiers.

Mr. ATKINSON. That is very true, but it will be impossible to build enough homes within the next ten years to accommodate the old soldiers who are now in the alms-houses and receiving aid as paupers.

Mr. RANDALL. I only wanted to say in reply to the gentleman that I was not willing to allow even an inference to go abroad that there had been any stinting whatever on the part of the Committee on Appropriations in relation to this matter.

Mr. ATKINSON. I have disclaimed any intention to make an assault on the Committee on Appropriations for the reason that they appropriated all that is asked for.

Mr. RANDALL. Now, I ask that we proceed to consider the bill under the five-minute rule, and that the first paragraph be read.

The CHAIRMAN. If no one desires to be heard further in the general debate the Clerk will read the first paragraph.

The Clerk read as follows:

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated for the objects hereinafter expressed for the fiscal year ending June 30, 1888, namely:

UNDER THE TREASURY DEPARTMENT.

Public buildings:

For post-office and court-house at Baltimore, Md.: For continuation of building, $100,000.

Mr. McCOMAS. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 10 strike out "$100,000," and insert "$287,000."

Mr. McCOMAS. I ask the attention of the House to this amendment. This is the first of a series of appropriations for public buildings in this bill. The limit of the cost of the Baltimore post-office and court-house building exceeds over two and one-half million dollars, and the Committee on Appropriations this year doled out $100,000 on a building, the total cost of which may be two and one-half millions. The work of construction would last for about a generation at that rate of progress. This is a large building, as the amount indicates, and the work of construction ought not to be indefinitely prolonged.

One hundred thousand dollars additional to continue the building of a structure for which Congress has allotted two millions and a half! I ask the House to consider whether, when the expenditure has been long ago decided upon, this doling out of appropriations is not a piece of extravagance. Against the bills to undertake the erection of many of these buildings I have contended and voted; but when a building has once been determined upon, it is then proper, as has been said by my colleague on the committee, the gentleman from Massachusetts [Mr. LONG], to complete the building within a reasonable time. I have observed this building; I have seen its proportions rising near the city hall in Baltimore; I knew when I came by on the railroad to attend this session of Congress that the stone work was done, that the masonry was finished, and I heard that the building was ready to receive the roof. I inquired at the office of the Supervising Architect, and I found that the contract had been made for the roofing of the building. There is on hand, not subject to existing contracts, only $192,000. To that sum the Supervising Architect asked the committee to add $300,000. In the pamphlet which the chairman of my committee [Mr. RANDALL] has used as a part of his report there is urgency of expression. In respect to this building the Supervising Architect says that it is necessary, in order to make the contracts for the furring, the lathing, the plastering, the joinery, the marble mantels, and the heating apparatus, to have this money in the present appropriation bill, for otherwise he must wait eighteen months for the money.

Now, under this reform Administration, we certainly ought to have a man for Supervising Architect of the Treasury who knows when a building is nearly completed and what money is necessary in order to its completion; and when, in addition to this statement, you have the testimony of my colleague from Baltimore—I live a hundred miles away from the building—I have no doubt that the House ought to adopt the amendment which I have offered. There the building stands, ready to receive the roof; and this money is required for stairways, for elevators, for plastering, for furring, &c., inside of eighteen months, and here we have the money.

I have made a computation, and I find that for the items of stairways, elevators, mantels, heating, flooring and joiner work, there will be required $379,000; far more than the entire sum which the committee have allotted for this building. Now, I appeal to the committee to say whether this method of making appropriations is not extravagant. You can see for yourselves, gentlemen, that when the architect tells you that a certain sum can be expended and ought to be contracted for within ten months and expended within the next eighteen months, before another appropriation can be made, he ought to have it, unless there be suspicion or mismanagement. In the interval labor which is now unemployed may find employment; materials which are now cheap may rise in value; the architect can, with a saving to the Government, make these contracts within that time. I ask that this $287,000 be allotted for this work; and if so, I am assured by the architect of the Treasury that the building will still be completed more than $300,000 within the limits.

Mr. FINDLAY. I thank my colleague [Mr. McCOMAS] for the amendment which he has offered, and I trust that it will be adopted. I propose to add, and can add in the short space of time allotted to me, but very little to what he has said, and so appropriately said, upon the subject; but allow me to say that the original appropriation for this building and for the site was $2,564,500, and after including in it the estimate made by the Architect of $300,000, we would have reached only the sum of $2,081,000, being short by some $464,000 of the original amount appropriated for the site and the building. The masonry is complete, and the building is ready for the roof to be put on.

For ten years we have been trying to get this building. There is no public building in the city of Baltimore except a small United States court-house. The buildings used there as public buildings are private buildings cut down, modified, and changed, so as to afford only the most contracted, insufficient, and illiberal accommodation for the public service. For ten years we have been trying to get a public building which would accommodate the post-office, the custom-house, and the United States courts under the same roof. Now we have reached a point where we want $300,000, or $287,000, as proposed by the amendment of my colleague [Mr. McCOMAS], to complete this building. Is there any trouble about getting the money? If there was a question about raising the money, then there might be some doubt as to the propriety of making the appropriation. But the money is on hand. The Treasury is not only full, but overflowing. There is more money there than you know what to do with.

Now, then, what is the sense of stopping the erection of a great public work simply for the purpose of making a sham show of economy? None in the world, sir. What sensible man, if he were putting up a private dwelling for himself and had ample means for the completion of it this year, felt that he was cramped and contracted in his present dwelling, he and all his family being anxious to get into more spacious quarters, would hesitate to complete the building this year rather than wait until next year? That is precisely the case here. I speak from knowledge when I say that the public service is suffering for the want of this building. I speak from knowledge when I say that in no great city in this country are the accommodations for similar public service so meager and contracted as they now are in the great city of Baltimore with its 400,000 inhabitants.

We simply ask this sum of $287,000 to finish the work; and if $300,000, as estimated by the architect, were appropriated, we should still be $500,000, or nearly that sum, within the limit originally proposed. That is to say, we are going to buy the site and erect this public building for nearly half a million dollars less than the amount originally estimated. There is nothing extravagant in this; there is absolute economy—economy that might well be imitated—economy that might well be encouraged in this case.

[Here the hammer fell].

Mr. RANDALL. Mr. Chairman, as it is proper that I should have an opportunity to reply to the two speeches which have been made on

the other side of this question, I move to amend the amendment by striking out the last word.

In the first place, it is not clear to my mind from the reading of the law touching the limit of appropriation for this building, that the figure given by the architect conforms to the limit intended by the law. In support of this view, I wish to say that all the plans of this building, including the approaches, have been made upon an estimate which supposed the limit to be $2,081,000. Here are the laws, which the gentlemen from Maryland on both sides of the House can examine; I have not time to refer to them in detail.

Mr. FINDLAY. Will the gentleman allow me to ask him a question?

Mr. RANDALL. Certainly.

Mr. FINDLAY. Suppose the limit to have been $2,081,000; if we allow the $300,000 now estimated for, do we not simply bring the appropriation up to the limit?

Mr. RANDALL. I will come to that point in a moment. What is the exact condition of affairs in reference to this public building? I have no hostility to the public building in Baltimore. The gentleman knows that I participated in the advocacy of such a building—the RECORD shows it. But there is the sum of $219,000 already appropriated for this building and up to November 15 unexpended, although it is dedicated, it is true, to the payment of contracts already made. On the same date there was the sum of $220,000, against which there was no indebtedness contracted, making $439,000 available during the next eighteen months for this building. We propose to give $100,000 more, making $539,000. This, it seems to me, is quite liberal, and such action has not the least semblance of "sham economy." After examination it seems to me this amount is sufficient for the next eighteen months; and when gentlemen predict that this building will be finished and ready for occupancy at the expiration of that time, they have a great deal more confidence on that point than I have.

But what are the items upon which gentlemen base this application for an appropriation of $287,000? I will allude to one of them. It is an item of $40,000 for approaches to that building. Why, sir, everybody knows that the money for the approaches can not be used until the building is actually completed, because any money previously expended for such a purpose would be largely a useless expenditure by reason of the accumulation of rubbish during the construction of the building, and because of the necessary hauling of material. In addition to that, in order to make up this sum of $287,000, there is an item of 10 per cent. for "contingencies;" that is to say, $46,000 additional. Here is a proposed expenditure of $86,000 that we know nothing about. That public building and the city of Baltimore have been treated with liberality by the committee; and when the charge is made that this is not so, there is no foundation for such charge in the action of the committee or in the information by which they were guided.

What confidence can be placed in the recommendations of the Supervising Architect under the existing circumstances? He asks for $300,000, and these gentlemen come here to-day and confess that $287,000, including $40,000 for the approaches, and 10 per cent. for "contingencies" (which is vicious in every particular), will be sufficient. If we are going to increase this appropriation at all, we ought not to grant one dollar of this $86,000. We ought not to invite an expenditure of 10 per cent. by reason of what is termed "contingencies;" nor should any money be expended at this time for approaches. I hope, therefore, that this amendment to appropriate $287,000 will be voted down.

Mr. FINDLAY. Mr. Chairman, it is absolutely necessary I should make an explanation of this subject of the approaches, because on that point there is very serious misapprehension. I do not refer to the amount, but to the character of the approaches. This post-office building in the city of Baltimore is being erected on a square now occupied in part by a building used by the city of Baltimore as a portion of its water department and by the building at present used by the United States court. One of the conditions of the original appropriation was that there should be sufficient space left around the new building to give it light and air, as well as ample surrounding ground. In order to accomplish this it is necessary to take down the building occupied by the water department, and also that occupied by the United States court. This estimate of $40,000, I suppose, was made with reference to the preparation of the approaches by taking down those buildings which are absolutely required to be taken down under the original conditions of the law.

Mr. RANDALL. The provision of law to which the gentleman refers applies to all public buildings.

Mr. FINDLAY. In the case of buildings erected in the midst of a vacant space it can not apply in the same manner that it applies in this case, where buildings are to be taken down.

Mr. RANDALL. My answer to that is this: We do not need to touch the buildings proposed to be taken down until this Government building is completed and we enter upon a general plan of approaches all around the building.

Mr. FINDLAY. I want to say that the city of Baltimore gave the building which is occupied by the water department—made it a present to the United States—and the understanding was that building was to come down; in order to make your approaches to this new building, it is absolutely necessary for it to come down.

Mr. RANDALL. I ask for a vote.

Mr. McCOMAS. I move to strike out the last word in order to say, Mr. Chairman, that if the distinguished chairman of my committee, who does not come from Baltimore, had studied or looked at the ground—that if he had known the facts and had time for his usual care to examine the estimates of the Supervising Architect he would not have made the mistake he has, and probably the committee would have escaped from doing so.

The chairman of the committee talks of the amount of money on hand, and says, adding $100,000 to $220,000 somehow or other, I can not at this instant understand how, he makes $500,000. That is not the old way of computation.

I have taken the trouble to see how this matter is. I find that for the public building at Louisville, where the limit of the building was $1,141,000, there has been given $200,000 in this bill. I can not say what others did in our committee-room, but I voted for it, as it was right to do so. But what did the committee do? I ask the chairman of the committee. He knows how he was affrighted at the amount of money for a building which had a limit of $1,141,000. I find, taking his mode of computation, there was $740,000 authorized; $236,146.98 balance available November 15, 1886, with an appropriation of $200,000 in this bill; that is, the current appropriation, with the amount on hand, makes for that building in Louisville, Ky., $1,141,001.45, as much as this amendment would give Baltimore the same year. Where is the economic conscience of my distinguished chairman, who was affrighted at the idea of having an equal sum of money in this bill for Baltimore city, on a limit of two and a half millions of dollars, to that given Louisville in this bill on a limit of $1,000,000 provided in the case of Louisville?

That is the fact, Mr. Chairman. It is not my assertion. I find it in the report of Mr. RANDALL. I have a letter from the Supervising Architect of the Treasury, bearing date yesterday, which I will not read, but I will insert in my remarks, and there I find the sum on hand at that date was not $220,000. The letter is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, December 13, 1886.

SIR: In accordance with your verbal request, I have the honor to submit herewith a statement showing the necessity for an appropriation of $300,000 for the continuation of work on the post-office building at Baltimore, Md. If an insufficient appropriation is made at this session of Congress, it can hardly be expected that a further appropriation can be obtained until near the close of the next session, or about July, 1888—eighteen months hence. By the statement it will be observed that the estimated amount required is $506,741.40, and that the balance available of funds that can be applied to the payment of indebtedness that may be incurred on this account is $220,283.21, showing a balance required of $286,458.19. The Department has called for, in round numbers, $300,000. Contracts have already been made for two items shown on inclosed list, and the balance available above shown is at this date reduced to $192,078.45. It would seem sufficient to state that within the next eight or ten months contracts can be made for every item on the list, to show the necessity for an appropriation of the full amount asked this session.

At this date the liabilities under existing contracts, or for work authorized, amount to $245,146.03; of this amount $39,876.10 is due as soon as the accounts can be adjusted; $69,358 will be due in two months; $11,755 in about four months; $15,285.93 in about six months; $18,973 in about eight months; and the balance, $89,898 within the next ten months. In regard to the amount shown as liabilities, attention is called to the fact that as soon as a contract is awarded, or an expenditure authorized, the sum involved is immediately charged against the appropriation, and is as much lost thereto as if paid out to the public creditor, as the law does not permit a contract to be made unless there is a balance of appropriation therefor over and above all liabilities.

The present situation, therefore, is as follows:

Balance available for new work	$192,078 45
Amount of appropriation asked	300,000 00
Total	492,078 45
Estimated cost of new work which can be placed under contract within the next ten months	479,741 00

Respectfully yours,

M. E. BELL, *Supervising Architect.*

Hon. L. E. McCOMAS,
House of Representatives.

Instead of $220,000, the sum on hand was reduced to $192,000. To that the committee's bill adds $200,000. I inquired when the contracts are payable, and I find they are from ten days to two months, and some running for ten months, covering every dollar of that fictitious balance to which the chairman refers, whereby you have, instead of $220,000, but $192,000 to be added to the amount in the bill to continue the work for eighteen months.

I say, Mr. Chairman, that is extravagance. Now, I ask this committee to give instead of $100,000 the sum proposed in my amendment of $287,000, as that is the sum which the Supervising Architect asks Congress to appropriate on this building this year; of actual cash about 10 per cent. of the whole amount for the structure. I ask it for Baltimore, which gave the site for this building; for Baltimore, which would put her dingy custom-house, her crowded post-office, her United States courts into this building; and when that is done it will then do what is not often done, save by at least a quarter of a million falling within the limit——

[Here the hammer fell.]

Mr. RANDALL. The law does not state $2,181,000 shall be exclu-

sive of the site. I do not think the estimates under that show that was the purpose of the act in that particular. It is contrary to the nature of things in that Department there ever was any such action as to save a quarter of a million dollars under the limit.

I wish to say a word in conclusion, and will assert that, so far from the committee having any indisposition to grant what is right or to show to the people of Baltimore liberality, I consider the committee have been remarkably liberal.

Mr. FINDLAY. That is a liberal construction of the action of the committee by its chairman.

Mr. RANDALL. I think my word and figures carry something with them in this House.

Mr. FINDLAY. That may be true; and when we quote facts and figures they ought to have equal weight.

Mr. RANDALL. I think if the gentleman understood them he would be earnestly with the committee.

Mr. FINDLAY. I think I have familiarity with the figures and plans of the appropriations to say that the $2,181,000 is exclusive of the site.

Mr. RANDALL. The law does not say so.

Mr. FINDLAY. That is your construction.

Mr. RANDALL. I am not talking of questions of construction now.

Mr. FINDLAY. I say that going to the estimates here by those charged with the execution of the law they will say it is so, and that, adding the cost of the site to the building to be erected, the original limit was fixed at $2,564,500 as estimated.

Mr. RANDALL. And I say, in answer to that statement, that the plans agreed upon in this very Department sustain me in the assertion that the limit of $2,081,000 was to include the site.

Mr. MCCOMAS. Let me say, in answer to the chairman of my committee, that I made the statement I did on authority of an appendix to his own report on this bill.

Mr. RANDALL. The information the gentleman refers to was furnished by the architect's office. It was no part of the report proper or information which the committee laid before the House. It was not prepared by the committee, nor was it relied upon by them. I should be sorry, and I say it with due respect, to rely upon all the figures that come from that office.

Mr. FINDLAY. Upon what theory do you appropriate $100,000 here?

Mr. RANDALL. Because I consider the fact that $219,000 is not yet expended, but contracted for, and $220,000 that has not yet been touched, but which will be under contract in time, and $100,000 additional, making an aggregate of $539,000 or thereabout for the next eighteen months, which the committee regarded as ample.

I ask a vote upon the amendment.

The CHAIRMAN. The Chair will regard the *pro forma* amendments as having been withdrawn, and the question is upon the amendment proposed by the gentleman from Maryland [Mr. MCCOMAS].

The question was taken, the committee divided; and there were—ayes 79, noes 86.

Mr. MCCOMAS. I ask for tellers.

Tellers were ordered.

Mr. MCCOMAS and Mr. HOLMAN were appointed tellers.

The committee again divided, and the tellers reported—ayes 100, noes 96.

So the amendment was agreed to.

Mr. RANDALL. I will ask a vote in the House on that amendment.

The Clerk read as follows:

For court-house and post-office at Concord, N. H.: For approaches and heating apparatus complete, $15,000.

Mr. GALLINGER. I offer the amendment I send to the desk.

The Clerk read as follows:

Amend by striking out, in lines 11 and 12, the words "fifteen thousand" and insert "twenty thousand."

Mr. GALLINGER. I am aware, Mr. Chairman, that the judgment of the Committee on Appropriations of this House is almost infallible; and yet I wish to call the attention of the committee to the fact that the Supervising Architect of the Treasury has recommended $22,000 for the purpose of building approaches and putting in heating apparatus for this building. It is my opinion, and it seems to me it ought to be the opinion of the committee, that the Supervising Architect, being himself an expert in matters of this kind, is better qualified to judge as to the amount of money which will be required to complete a building of this character than any committee of the House.

If but $15,000 is appropriated I have full reason to believe that at the next session of Congress we will be asked to make additional appropriations to complete what should be completed this year.

I trust the committee will vote this trifling additional amount of $5,000, so that we will not be again asked at the next session of Congress to make a further appropriation to complete this necessary work.

The question was taken on the amendment of Mr. GALLINGER, and there were—ayes 54, noes 76.

So the amendment was rejected.

The Clerk read as follows:

For custom-house at Galveston, Tex.: For continuation of the building under the present limit, $50,000.

Mr. CRAIN. I offer the amendment I send to the desk.

The Clerk read as follows:

Strike out "fifty thousand," in line 24, and insert "sixty-five thousand."

Mr. CRAIN. Mr. Chairman, it is not my purpose in offering that amendment to antagonize the Committee on Appropriations. I have considered the amount recommended to be appropriated by the committee, and find that the chairman, in making his report, lost sight of the fact that the Supervising Architect of the Treasury had failed to recommend the appropriation of the entire balance which, under the law passed at the first session of the Forty-ninth Congress, would have been available for the completion of the public building at Galveston.

The Supervising Architect sent a letter to the Secretary of the Treasury, which was by him submitted to the Speaker of the House of Representatives and by accident referred to the Committee on Public Buildings and Grounds, in which he stated that there had been a clerical error committed in his office, whereby the amount submitted to be appropriated was represented as $125,000 instead of $155,000. The chairman of the Committee on Public Buildings and Grounds to-day reported that letter to the House, and asked that it be referred to the Committee on Appropriations, where it properly belongs. The sundry civil bill, however, had been reported to the House, and consequently it was impossible for the Committee on Appropriations to take action on that letter of the Supervising Architect and the accompanying communication from the Secretary of the Treasury.

In considering the appropriation recommended by the Committee on Appropriations it is apparent that the amount which was supposed to be $125,000 was the amount considered by that committee, and that $50,000, or two-fifths of the entire amount, was suggested to the House as a proper sum to be placed in the bill for the completion of the building. As there was consequently a mistake of $30,000 made in the manner suggested in my opening remarks, I am satisfied the Committee on Appropriations, had it known of that clerical mistake made by the Supervising Architect with reference to this city of Galveston within my district, would have inserted two-fifths of the $155,000 instead of two-fifths of the $125,000; and, such being the case, I am satisfied the chairman of the committee will not antagonize the extra $15,000 I ask.

Mr. RANDALL. The original limit was fixed by the last Congress, and at the last session it was increased to $250,000, exclusive of the site, which would cost about $30,000, making the limit now created by law $280,000. There is available $87,000 or thereabouts. The excavation for foundation has been completed and the concrete partially laid for the building as originally contemplated by plans approved under the limit first placed. But since then the new set of plans have been agreed upon, or are about to be agreed upon, and the committee gave the $50,000 on the basis of the $125,000 estimate. I think the gentleman from Texas, having stated the cause of the error, or rather where the error was, will now be content with the amount given, which makes $137,000 for that building for the coming year.

Mr. CRAIN. I will state, with the permission of the gentleman from Pennsylvania, that the plans are all prepared and the bids will be asked for, and advertisements inserted in the papers within the next thirty days. So I am informed. I put it on the same ratio of estimates, and ask only $15,000 more.

Mr. RANDALL. The committee made an equal division, believing that equal division would supply all the money that could possibly be required for that public building until another appropriation bill could be passed. Now the gentleman asks for a correction of the error upon which we based that division. Do I understand him to say that?

Mr. CRAIN. Yes, sir. You based your appropriation on the belief that we were only entitled to $125,000, while the Supervising Architect admits he made a mistake.

Mr. RANDALL. It was not the error of the committee, but of the Architect.

Mr. CRAIN. I am aware of that.

Mr. RANDALL. I accept the amendment for myself, not for the committee.

The amendment was adopted.

The Clerk read the following paragraph:

For post-office and custom-house at Jacksonville, Fla.: For procuring site and commencing the erection of building under present limit, $50,000.

Mr. DOUGHERTY. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by striking out, in line 29, "$50,000," and inserting in lieu thereof "$70,000."

Mr. DOUGHERTY. The object of making this motion is not to consume the time of the House; but being familiar with the prices of real estate in the city of Jacksonville, it is my opinion that the sum of $50,000 appropriated by this bill is not sufficient to make a beginning of the erection of that public building, including the purchase

and site. The real estate necessary for the purpose in an eligible locality in that city will cost the sum of $50,000, and probably more. It is true that the limit in the bill which passed during the first session of this Congress is $150,000. It is hoped that when the matter shall be properly considered by this House that limit will be increased, for the reason that when a piece of real estate eligibly located shall have been purchased and a building erected thereupon which will accommodate the officers of the United States Government, that amount of money, $150,000, will not buy the site and complete the building.

There is no disposition to antagonize the Committee on Appropriations, because I believe that those gentlemen have digested these matters that have been submitted to them as well as it was possible for them to do without the information which they could get from different members who might have appeared before the committee. The time was also so short that members could not appear before that committee and have the hearing which it is proper they should have had before this bill was formulated; and I ask the Chairman of the Committee on Appropriations to consent to the adoption by this House of an amendment increasing the amount to either $65,000 or $70,000. I think if he would accept the proposition of even $65,000 that would purchase the site and start the erection of the building.

Mr. RANDALL. The bill authorizing the construction of this building was passed at the last Congress. The limit in that bill was $150,000; but no money was given at all, and no site has been purchased.

Mr. DOUGHERTY. Will the gentleman from Pennsylvania allow me to interrupt him to state the reason why no money was appropriated by that bill? It was a Senate bill, which came into this House; and I thought it was better and that I could get the matter in shape sooner by allowing the Senate bill to go through than by pressing the passage of the bill I had introduced in this House, and which made an appropriation.

Mr. RANDALL. Still, the fact remains that in that bill no money was appropriated for this public building at Jacksonville, Fla.; and hence no site has been purchased.

Now, the practice of the committee has been to give in such cases about one-third of the amount for the purchase of the site. Hence, we give in this bill for the purchase of the site $50,000, which is one-third of the limit. Now the gentleman from Florida states that that is not sufficient, but that Congress must give more money than is fixed by the act for the completion of the purchase of a site and the erection of a building.

Mr. DOUGHERTY. No, sir; I think the gentleman from Pennsylvania mistakes what I said. I said I did not believe that the amount in the bill which passed at the last session of this Congress was sufficient to erect such a building as would be adequate to accommodate the officers of the Government.

Mr. RANDALL. That is all I intimated that the gentleman said; and that indicates you mean, if you can, to induce Congress to break that limit which the Committee on Appropriations had not the power to do.

Mr. DOUGHERTY. That is most unquestionably my object; but even if the committee should be ultimately confined to the limit of $150,000, an eligible site can not be purchased, and the building can not be commenced for less than, say, $65,000.

Mr. RANDALL. The gentleman from Florida is a better authority than I am as to the value of property in Jacksonville, but I still say that the practice of Congress in such cases has been, acting on the recommendation of the Committee on Appropriations, to allow about one-third of the total amount for the purchase of the site, and that rule has been adhered to in this case.

Mr. DOUGHERTY. I understand that.

Mr. RANDALL. Therefore there is no occasion whatever now to give anything for the construction of the building, as the gentleman concedes. If I understand him, he wants an increased amount for the purchase of the site.

Mr. DOUGHERTY. In order to make myself thoroughly understood by the chairman of the committee, I will make this statement: That even if this building in the city of Jacksonville is to be confined to the limit of $150,000 the desire is to purchase the site and commence the erection of the building without delay, and even if in the end we are not to have more than $150,000 altogether, yet, in my opinion, in order to purchase an eligible site and begin the building the amount which I ask, $65,000 or $70,000, is necessary to be appropriated at this session. Fifty thousand dollars would not buy the site and commence the erection of the building, and if they are to have such a building there at all it certainly seems reasonable and proper that it should be erected in an eligible locality, where it will accommodate the greatest number of people who have business with the officers of the Government whose quarters will be in the building. The object is not to get an amount of money appropriated for the sake of getting an appropriation, but it is to have a sufficient amount to purchase a suitable site and commence the construction of the building. I repeat, even if we are to be confined to the limit of $150,000, let it be that way, but let the site be purchased without delay and the building commenced; let that be done, even if we are to have an inferior building.

Mr. WARNER, of Ohio. Mr. Chairman, I desire to ask the chairman of the Committee on Appropriations a question at this time once for all. My question is whether, in any of these appropriations for public buildings, the committee exceeds, in any case, the limits fixed by the law authorizing the building?

Mr. RANDALL. Not to my knowledge in any instance, and I think I can safely answer no.

Mr. DOUGHERTY. Mr. Chairman, I did not ask the committee to exceed the limit authorized by the law.

Mr. WARNER, of Ohio. I did not intimate that the gentleman did.

The CHAIRMAN. Debate on the amendment is exhausted.

The question was taken, and there were—ayes 27, noes 46.

Mr. DOUGHERTY. No quorum has voted.

The CHAIRMAN. The point being made that a quorum has not voted, the Chair will appoint as tellers the gentleman from Florida [Mr. DOUGHERTY] and the gentleman from Indiana [Mr. HOLMAN].

The House again divided.

Mr. DOUGHERTY (before the announcement of the vote). Mr. Chairman, I am willing to withdraw the point of "no quorum," and to let the result be announced.

Mr. RANDALL. You did not withdraw it soon enough. [Laughter.]

Mr. DOUGHERTY. Then I will stay here with the gentleman and continue the count.

Mr. RANDALL. What is the vote?

The CHAIRMAN. On this question the vote at present is ayes 69, noes 56. Is the point of no quorum insisted upon?

Mr. RANDALL. I did not make the point.

Mr. DOUGHERTY. I withdraw the point.

The CHAIRMAN. Then the amendment is agreed to.

Mr. RANDALL. I shall ask a vote on it in the House.

The Clerk read as follows:

Mr. MAYBURY. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

"After line 29 insert: 'For new post-office and custom-house at Detroit, Mich.; for securing site and commencing the erection of building, $25,000.'"

Mr. RANDALL. The amendment can not go in in that shape because it is subject to a point of order. I think that what the gentleman wants is an appropriation of $25,000 to continue the building already authorized by law.

Mr. MAYBURY. That is what I desire, and if the amendment in its present form does not cover it I will make any change which the chairman of the Committee on Appropriations suggests.

Mr. RANDALL. The word "new" should be stricken out.

Mr. MAYBURY. Then, Mr. Chairman, I consent to have that stricken out. I inserted it merely to avoid the confounding of this building with the old post-office at Detroit.

Mr. RANDALL. I want to reserve the point of order.

Mr. MAYBURY. I would state, Mr. Chairman, that no appropriation appears in this bill for continuing the work on the building at Detroit, and I presume that the action of the committee in regard to the matter has been guided by the fact that there seems to be $238,000 still available.

From the appropriations already made there would be $238,000 subject to the order of the Secretary of the Treasury; but he has already made arrangements for the purchase of a site for the building, and has made an offer of $230,000 to the owners of the property. Public-spirited citizens of Detroit are now collecting a fund to supplement the offer of the Government, in order that the site selected may be purchased by the Secretary of the Treasury; and I have no doubt that within the next thirty days that site will be purchased. The Government will then find itself, unless this amendment be adopted, with less than $8,000 with which to clear the ground and commence the erection of the building. I believe that every member of the House must see that such a sum would be grossly inadequate for the commencement of a work of this magnitude.

I simply ask that $25,000 additional be appropriated, so that when this site is purchased, as it certainly will be, the Government will have about $30,000 on hand with which to clear the ground and commence the foundations of the building. This is all that my amendment contemplates, and I trust it will meet the concurrence of the chairman of the Commtttee on Appropriations.

Mr. RANDALL. Mr. Chairman, if I remember aright, and no doubt the gentleman from Michigan will correct me if I do not accurately state the facts, there was taken from the original appropriation of $500,000 for this building, $80,000 for the purchase of the site first selected. But some of the citizens of Detroit did not like that site and determined that another should be chosen. By reason of their efforts, and perhaps under the authority of Congress, another site was selected. In the mean time excavations have been made on the ground originally chosen; so that the Government, after the expenditure of this $230,000 additional for the second site, is likely to have in its possession two sites in different sections of the city for this one building.

Mr. MAYBURY. I wish to make a further explanation. The

statements of the gentleman from Pennsylvania [Mr. RANDALL] are correct so far as they go.

Mr. RANDALL. I have not got through. [Laughter.]

Mr. MAYBURY. I thought you had.

Mr. RANDALL. I would like to see some provision made for the sale of the original site, so that the money thus realized might be used upon the building where it is now to be erected. It is a case where the committee made no appropriation, because, in fact, no site had been secured; that was the reason. The gentleman from Michigan can now proceed with his statement.

Mr. MAYBURY. Mr. Chairman, I think I can make this matter plain to the House. The Secretary of the Treasury appointed a commission to examine the question of a site for this building, and a unanimous report was made in favor of the new site. A bill passed this House providing a limit of appropriation for the erection of the new building and the purchase of the new site, and especially providing that the old site should be sold and the money paid back into the Treasury of the United States. That provision is a part of the text of the bill.

Mr. RANDALL. Has that been done?

Mr. MAYBURY. It has not been done, because the old building stands upon the border of the new site which has been purchased; and the Secretary of the Treasury deems it best to wait and sell together the old building and the additional ground; he believes, and in this I fully agree with him, that in this way a better sale can be made. He has to-day an offer, which is at any moment open to his acceptance, that will repay to the Treasury every dollar paid for the new ground. The law to which I have referred provides that the money which may be realized from the old building and from the additional site shall be paid into the Treasury of the United States; so that there can be no loss.

Mr. RANDALL. And the moment that is done there will be funds with which to proceed.

Mr. MAYBURY. My friend forgets that the old building can not be vacated until the new building is almost completed, and its completion may be a matter of years. The Government can not undertake to sell the old building until it is ready to go into the new.

Mr. Chairman, I ask that this amendment be adopted.

Mr. RANDALL. Still the fact stands uncontroverted that there is, as yet, no site in possession of the Government.

The question being taken on the amendment of Mr. MAYBURY, it was agreed to.

The Clerk read as follows:

For court-house and post-office at Pittsburgh, Pa.: For continuation of building, $50,000.

Mr. BURLEIGH. I move to amend by inserting after the paragraph just read the provision which I send to the desk.

The Clerk read as follows:

For post-office at Troy, N. Y.: For continuation of building under present limit, $100,000.

Mr. BURLEIGH. Mr. Chairman, this is recommended by the Treasury Department——

Mr. RANDALL. If that amendment is going to pass I should like to have the word "completion" inserted.

Mr. BURLEIGH. All right.

Mr. RANDALL. I suggest that the gentleman use the word "completion," because the appropriation of $100,000 will bring this building up to the limit already fixed by law. Without the word "completion," the gentleman's amendment would be liable to a point of order as changing existing law.

Mr. BURLEIGH. I accept the modification which the gentleman proposes.

The CHAIRMAN. The Chair understands the gentleman from New York to modify his amendment by striking out the word "continuation" and inserting "completion."

Mr. BURLEIGH. Yes, sir.

The CHAIRMAN. Does the gentleman desire to discuss his amendment?

Mr. BURLEIGH. No, sir.

The amendment was agreed to.

Mr. BAKER. I move to amend in lines 47 and 48, as follows:

Strike out all after the word "York," in line 47, and insert "for completing the building under the present limit, $100,000."

Mr. Chairman, I desire to submit in relation to this amendment that the committee evidently were under some misunderstanding as to the true situation in Rochester. The limit was amended during the session last winter, fixing it at $500,000. Of that amount there was appropriated so that the aggregate appropriation towards the completion of the building now made over $400,000. The Supervising Architect of the Treasury in his letter recommends the appropriation of the balance of the limit in order that this building shall be completed.

He informs me it is his purpose to contract for the completion of the building within the next year and a half. The committee, in its appropriation, cut down the amount recommended from $100,000 to $50,000. If it should prevail, as recommended by the committee, it would necessitate a suspension of work on this building, and the contracts necessary could not be made, because, as I understand it, the money must be made available in order that contracts may be made.

Now there is available of the limit about $200,000. The Supervising Architect is about to let the contract for stone and marble work, and is contemplating soon to let the contract for finishing the building. That will necessitate having available the remaining $100,000 of limit.

If this be not done, it will result in just this: that a year from now the building would have to be fenced in, when $400,000 have been expended thereon, and the various departments now provided for in rented quarters, the post-office, the custom-house, the internal-revenue office, the United States marshal, and the United States courts, all are accommodated in buildings outside, nearly all of them, except the court held in our court-house—all provided for in rented quarters, involving annually an expenditure of a great many thousands of dollars—I think $15,000—for rent of various buildings; whereas if the $100,000 remaining is appropriated we will have the building completed in a year and a half, as I am assured by the Supervising Architect. The contract is now being let for the stone and marble work. It did seem to me if the committee had fully understood that fact they would not have cut down the amount asked for by the Department.

All interests in Rochester are clamoring for the completion of this building. It is needed for the accommodation of Government officers in our city, and I hope the chairman of the committee will consent to my amendment being adopted.

Mr. RANDALL. The committee made diligent inquiry as to this matter. The gentleman himself speaks with no certainty about the completion of the building within a year and a half, nor can anybody else with any degree of certainty.

There is $20,000, or was on the 15th of November, unexpended on account of contracts made. There was $204,000 not entered upon, or not involved by any action of anybody at all, which, with the $50,000 given, would make in all $274,000 for that Rochester building for the time between now and when we meet again here to make appropriations.

Mr. BAKER. If my friend will allow me, I will say that the Supervising Architect assures me he will have this building completed in a year and a half; that is, if the additional $100,000 is appropriated.

Mr. RANDALL. I understand the Supervising Architect, under pressure, may say that, but he will not in his sober senses tell me that building will be finished in the time specified.

Mr. HISCOCK. I ask if this is not true, that unless you give this $100,000 it will be impossible for the Architect to enter into contracts for the completion of the building?

Mr. RANDALL. I do not want him to enter into contracts for the whole work, but only as the work can be proceeded with.

Mr. BAKER. The Supervising Architect assures me he must have this appropriation to continue this work.

Mr. RANDALL. He can not have it so far as my vote is concerned.

The committee divided; and there were—ayes 80, noes 72.

So the amendment was agreed to.

The Clerk read as follows:

For custom-house and post-office at Saint Joseph, Mo.: For completion of building under present limit, $110,000.

Mr. ADAMS, of Illinois. I offer the amendment I send to the desk.

The Clerk read as follows:

After line 51 insert "for marine hospital, Chicago, Ill.: For approaches and breakwater, $25,000."

Mr. RANDALL. I reserve whatever question of order may lie against this amendment until I have heard its object.

Mr. ADAMS, of Illinois. Mr. Chairman, I know of no place in this bill for the incorporation of an amendment of this character relating to the marine hospital, except this.

The substance of this amendment is incorporated in the Book of Estimates submitted to Congress. There is an estimate of $200,000 for general repairs, and that the Committee on Appropriations has agreed to. But there are several estimates that were referred to this committee on the subject now under consideration, which it seems to have disregarded or rejected.

Mr. RYAN. Rejected.

Mr. ADAMS, of Illinois. This estimate for the marine hospital is found on page 158 of the book of estimates. I know something of the situation of affairs there. This hospital building, costing several hundred thousand dollars, is situated on the lake shore, just north of Chicago. It is so near the edge of the water that the building has been imperiled by the encroachments of the lake upon the land.

Two years ago I asked for an appropriation of, I think, about $8,000 for the building of a breakwater. That amount was granted and the breakwater was built as well as it could be built for that small amount of money. One of the storms, to which that coast is liable, broke it through, as I know from personal knowledge, last summer, and the result is that if something is not soon done the water will still further encroach upon the land and endanger the very foundation of the building itself.

I ought to be more familiar with the letter accompanying the estimate; but the bill came up in such a way as to surprise me. I noticed that this item was not embraced in the general appropriation for repairs, and that being the case, I have been compelled to present it to the committee and to the House as well as I can in this manner.

I am certain, Mr. Chairman, that this recommendation is founded upon the strongest grounds of economy. I know if that work is not completed, there will be these gradual encroachments of the lake, and a larger sum must be spent next year or the year after to save the very foundation of the building, and for that reason I am convinced that the expenditure of a proper sum of money, and I believe this to be a proper sum, is in the direct line of economy.

As to the item called "approaches," I do not profess to have such intimate knowledge. I presume the appropriation for this purpose is to construct roads from the public streets to that building; but I do know personally that all the grounds belonging to the United States there are simply nothing more than barren wastes of lake sand, which blows around in vast clouds over the fences and on the property of the neighbors; and hence, in its present condition, this Government property is not only unsightly but is a positive nuisance to that locality. It is a town which is rapidly being beautified, that is to say, all of it outside of the property which belongs to the United States. That, as I have said, is a waste of lake-shore sand, and I think it is time, at least, that the United States should not be a nuisance to the thrifty, enterprising people of that town.

Mr. RANDALL. No information whatever covering this estimate came to the Committee on Appropriations. The committee, however, applied to the architect for such information as was in his possession. He stated that the estimates had not come through his department, but came from the marine hospital service; and we developed the fact from the officer in charge that the Government of the United States had been greatly defrauded by the contractor who drove the piles for the protection of the hospital; and that, instead of complying with the contract and driving suitable piles, they are but 8 feet long, and of course when the water washed against them in the storm it washed them out. Further, we were advised that the Government of the United States—the contractor being dead—was seeking to recover the money improperly, to use a mild term, because I always like to speak well of the dead, taken from the Government; and we were left in such a condition of doubt as to the fraud perpetrated by somebody and the suit existing by the Government that we left the matter out altogether. That is the exact condition as far as I recollect it. In other words, it seems to me that the Government of the United States ought to compel the sureties of that contractor who drove the piles to a proper execution of the work.

Mr. ADAMS, of Illinois. Admit all that; will you have the other piles washed out by the next storm? Would you have all the work destroyed?

Mr. RANDALL. I do not think it is in great danger. It is on the west side of the lake, I believe, about 6 miles up; and, as I understand it, a great part of this amount is intended for ornamentation merely.

Mr. ADAMS, of Illinois. I think $10,000 was for the breakwater and $15,000 for the approaches. I want to be frank with the committee. I know personally only about the breakwater.

Mr. RANDALL. I understand that, but your amendment embraces a release on the part of the Government of these sureties on the bond of the contractor.

Mr. ADAMS, of Illinois. I do not understand that.

Mr. RANDALL. That is the effect of it. If the breakwater alone was provided for in the amendment, I do not know if I should individually resist it, although I am instructed by the committee to oppose amendments.

Mr. ADAMS, of Illinois. I move to strike out the last word. I will not say a single word against the facts or suspicions alleged by the gentleman from Pennsylvania.

Mr. RANDALL. They come to me from officers of the Government.

Mr. ADAMS, of Illinois. I will admit for the sake of argument—although I do not know such to be the fact—that these piles were insufficiently driven; if so, I suppose it was because the appropriation was small.

Mr. RANDALL. And the piles were small.

Mr. ADAMS, of Illinois. I suppose it was because they did not expect to get more. I do not blame the gentleman from Pennsylvania; but admitting everything he has said, here is a matter of urgent necessity.

If any one chooses to strike out the appropriation for approaches I have nothing to say, because I know nothing of that. I would not deceive the House in a matter of an appropriation especially, as I could not. But with regard to the $10,000 for the breakwater I am sure it is in the interest of economy. I can not see, and I am surprised, that such a statement should have come from the gentleman from Pennsylvania that an appropriation to repair damages would release the contractor whose negligence has given rise to the necessity for the appropriation.

Mr. RANDALL. I think it would be ultimately a means of releasing the contractor. I think there is no occasion at present for the appropriation of $15,000 for the approaches. If the gentleman will confine his amendment to the breakwater I shall not oppose it.

Mr. ADAMS, of Illinois. I have stated what I know that it is all a waste of sand and a nuisance to the entire neighborhood. Perhaps we can not mend that, but so long as the United States owns a building there, I insist, nothing that has been said would justify the keeping of that hospital in such a condition as to be a nuisance to the neighborhood.

Mr. RANDALL. I ask a division of the amendment.

The CHAIRMAN. The clerk will again report the amendment.

The Clerk read as follows:

After line 51 insert as follows: For marine hospital, Chicago, Ill.: For approaches and breakwater, $25,000.

The CHAIRMAN. The Chair is at a loss to know how that can be divided.

Mr. RANDALL. I want to apply $10,000 for the breakwater and leave out the $15,000 for approaches.

Mr. ADAMS, of Illinois. I suggest to the gentleman from Pennsylvania to move that amendment himself.

Mr. RANDALL. Then I move to strike out the words "approaches and," and to reduce the appropriation to $10,000.

The question being taken, there were—ayes 87, noes 68.

So the amendment to the amendment was agreed to, and the amendment as amended was agreed to.

Mr. BROWN, of Pennsylvania. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 51 insert: For court-house and post-office at Williamsport, Pa.: For the completion of building under present limit, $125,000.

Mr. BROWN, of Pennsylvania. I desire only to say that the reason offered by the committee for not including this appropriation in the bill reported was that the entire ground intended to be used for the site had not been purchased. The delay, however, is easily explainable, and I believe when the committee understand that the ground is very soon to be acquired, and that the whole appropriation should be made available, or, at least, that it will be needed before another appropriation can be had—I believe the committee under those circumstances will not hesitate to grant the appropriation at the present time.

A portion of the ground intended to be used for this building had to be condemned. A delay in this condemnation has grown out of the suspension of the district attorney for the western district of Pennsylvania; and while the proceedings are nearly completed, at the present time there has been a delay on this account. The new district attorney for that district has been recently appointed, and in a very brief time the whole ground will be acquired.

The architect tells me that the whole amount will be needed to complete this building before an opportunity to appropriate money will be had after the present session, and the fact that there have been so many delays in the construction of this building should, it seems to me, influence the committee somewhat.

I believe that there is no excuse offered by the committee, except that a small portion of this amount has not been acquired. But, as I have said, the architect asks the whole amount now. I visited the Attorney-General, and he tells me that in a very short time the proceeding to condemn will be completed, and it is admitted the whole sum authorized will then be needed. I hope the committee will not hesitate to make the whole amount available now.

Mr. RANDALL. The Committee on Appropriations has acted in relation to this matter exactly as they have acted as to buildings in other States under like circumstances. The facts are, a site was procured which was deemed too small, and then, by legislation, they were permitted to increase the area of that site. Meanwhile, that portion of the site has not been acquired by the Government, and no work has been done. That is the reason why the committee left this out of the bill.

Mr. BROWN, of Pennsylvania. I have explained that.

Mr. RANDALL. The gentleman explained, the site is going to be procured.

Mr. BROWN, of Pennsylvania. The obtaining of the ground is authorized by law, and the condemnation has once been had; but on account of the delay in procuring the appropriation a rule was procured to set aside the proceedings, which was made absolute, and proceedings had to be commenced *de novo*.

Mr. RANDALL. It is not any difficulty as to the appropriation, for, if I remember right, the original plot cost only $20,000 and there was $100,000 appropriated. Now, I do not know what this additional ground which is to be attached to the original plot which cost $20,000 is going to cost, but it is not likely that, under condemnation proceedings, the amount will be greater than the cost of the original site, which, as I have said, was $20,000.

Mr. BROWN, of Pennsylvania. I do not see how that makes any difference.

Mr. RANDALL. So that there is actually $78,000 not yet entered upon.

Mr. BROWN, of Pennsylvania. That is very true, but the architect informs me that the whole amount which has been authorized by

law can be expended, or at least that contracts covering the whole amount can with great propriety be made within the next eighteen months.

Mr. RANDALL. So far as I have any information, there has not yet been a single contract made there for either excavation or construction.

Mr. BROWN, of Pennsylvania. That is true; but the building is to be only a two-hundred-and-twenty-five-thousand dollar building; its construction has been delayed now, for one reason or another, for five years, and it seems to me very unreasonable that it should be subjected to further postponement on account of the delay in completing the condemnation proceedings, but which will very soon be consummated.

Mr. RANDALL. I have no doubt that when you do get the site, when the Government actually has the title to the property, the Committee on Appropriations will be quite liberal with you.

Mr. BROWN, of Pennsylvania. I have already explained the reasons for the delay in obtaining the site. The Attorney-General tells me that it will be but a short time before the title is acquired, so that there will be no question so far as that is concerned.

The question was taken on the amendment, and there were—ayes 61, noes 76.

Mr. BROWN, of Pennsylvania. No quorum has voted.

The CHAIRMAN. The point of no quorum being made, the Chair will order tellers; and will appoint the gentleman from Pennsylvania [Mr. BROWN], and the gentleman from Indiana [Mr. HOLMAN].

The House again divided; and the tellers reported—ayes 73, noes 89.

The CHAIRMAN. The amendment is not agreed to.

Mr. BROWN, of Pennsylvania. Do I understand that that vote makes a quorum?

The CHAIRMAN. I do not know what the gentleman understands. The Chair was informed that there was a quorum and, therefore, announced the decision.

Mr. BROWN, of Pennsylvania. I have not withdrawn the point of no quorum.

The CHAIRMAN. The vote as announced makes 162, which the Chair understands to be a quorum.

Mr. DUNHAM. Mr. Chairman, I raise the point of order that one hundred and sixty-two is not a quorum of this House.

The CHAIRMAN. There are three vacancies in the House; so that one hundred and sixty-two makes a quorum. The clerk will continue the reading of the bill.

The Clerk read as follows:

For Treasury Building at Washington, D. C.: For annual repairs to Treasury Building, $8,000.

Mr. LONG. I am instructed by the committee to offer the amendment which I send to the desk.

The amendment was read, as follows:

After line 54 insert "for urgent and necessary repairs to the central and western portions of the Smithsonian Institution Building, $15,000."

The amendment was agreed to.

The Clerk read as follows:

LIGHT-HOUSES, BEACONS, AND FOG-SIGNALS.

Gould Island Light-Station, Rhode Island: For establishing complete a light and fog signal at Gould Island, Narragansett Bay, Rhode Island, $10,000.

Mr. DINGLEY. Mr. Chairman, I offer an amendment to come in after line 59.

The amendment was read, as follows:

After line 59 insert: "Supply-steamer: For the construction of a steamer for the transportation of oil and other supplies to the light-houses on the Atlantic and Gulf coasts, $147,500, or so much thereof as may be necessary."

Mr. DINGLEY. I desire merely to say that by the act of July 28, 1886——

Mr. RANDALL. As the discussion of this question may occupy some time, I will move that the committee rise, if the gentleman from Maine will give way.

Mr. DINGLEY. I yield for that purpose.

Mr. RANDALL. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 10072) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes, had come to no resolution thereon.

Mr. RANDALL. I move that the House do now adjourn.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage of an act (S. 2938) regulating the use of avenues, streets, alleys, and reservations in the city of Washington; in which concurrence was requested.

It further announced non-concurrence in the amendments of the House to the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon, requested a conference on the disagreeing votes of the two Houses and had appointed Mr. HOAR, Mr. EDMUNDS, and Mr. PUGH as managers of said conference on its part.

ORDER OF BUSINESS.

Mr. MCRAE. I ask the gentleman from Pennsylvania to yield to me for a moment. In reference to the bill (H. R. 9111) which was up last Saturday, I have consented to an amendment which removes all objection. I ask unanimous consent that the bill be now taken up and passed.

The SPEAKER. The title of the bill will be read.

The Clerk read as follows:

A bill (H. R. 9111) to grant additional rights to homestead settlers on the public lands, and for other purposes.

Mr. BUCHANAN. I move that the House adjourn.

The SPEAKER. That is the pending motion, if the gentleman demands the regular order.

Mr. BUCHANAN. I do.

Mr. MCRAE. If the gentleman will hear the amendment it will be found that it removes all objection.

Several MEMBERS. Regular order!

LEAVE TO PRINT.

Mr. HOLMAN, by unanimous consent, obtained leave to print in the RECORD additional remarks on the bill (H. R. 2881) granting the right of way to the Cinnabar and Clark's Fork Railroad Company.

The motion of Mr. RANDALL was then agreed to; and accordingly (at 5 o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Papers in the case of Ira Suratt—to the Committee on Invalid Pensions.

By Mr. BALLENTINE: Petition of Mrs. Sarah Loftis, of Dickson County, Tennessee, asking for compensation for property, &c.—to the Committee on War Claims.

Also, papers in the claim of Frederick A. Thompson, of Maury County, Tennessee—to the same committee.

By Mr. BRAGG: Petition of the German Aid Society of Milwaukee, Wis., praying for the establishment by law of a uniform rule of suffrage in the United States—to the Committee on the Judiciary.

By Mr. BUNNELL: Petition and affidavit to accompany the bill (H. R. 10196) granting a pension to James D. Hunter, of Company H, Tenth New York Cavalry—to the Committee on Invalid Pensions.

Also, petition of George Wallace, for a special act pension—to the same committee.

By Mr. FARQUHAR: Petition of gold and silver beaters of the United States, for increase of duty on certain articles—to the Committee on Ways and Means.

By Mr. HARMER: Petition of Joseph W. Tyler, of Philadelphia, Pa., for increase of appropriations—to the Committee on Invalid Pensions.

Also, petition of gold and silver beaters of the United States, for increase of duty on certain articles—to the Committee on Ways and Means.

By Mr. IRION: Papers in the claim of Isabella F. Chambers, widow of W. A. Chambers, deceased, of Tangipahoa Parish, Louisiana—to the Committee on War Claims.

By Mr. KELLEY: Petition of Mary E. Davis, for an invalid pension—to the Committee on Invalid Pensions.

By Mr. LIBBEY: Petition of gold and silver beaters of the United States, for increased duty on certain articles—to the Committee on Ways and Means.

By Mr. LOVERING: Petition of Joseph Davis, for a special-act pension—to the Committee on Invalid Pensions.

By Mr. MITCHELL: Petition of certain citizens of New York, Connecticut, and Rhode Island, asking for an appropriation to complete the topography now being carried on on the coast of Long Island Sound, &c.—to the Committee on Appropriations.

By Mr. PERKINS: Petition of Mrs. Kate H. Biggers, corresponding secretary of the Women's Christian Temperance Union of Kansas, and others, asking for the passage of the Blair educational bill—to the Committee on Education.

Also, affidavit in support of the pension claim of Peter Elford, of Cherokee County, Kansas—to the Committee on Invalid Pensions.

By Mr. SHAW: Resolutions of the New York Chamber of Commerce, in reference to the bill creating a commission to supervise the waters of New York Harbor and its tributaries—to the Committee on Commerce.

By Mr. SPRINGER: Petition of gold and silver beaters of the United States, for increase of duty on certain articles—to the Committee on Ways and Means.

Also, resolution of the Chamber of Commerce of Cincinnati, favoring appropriation for mail communication between New Orleans and the Central and South American states—to the Committee on the Post-Office and Post-Roads.

By Mr. SYMES: Papers in the case of Erastus S. Joslyn, of Oregon—to the Committee on Indian Affairs.

By Mr. TOWNSHEND: Papers relating to the bill for relief of Fannie Pemberton, formerly Glass—to the Committee on Claims.

SENATE.

WEDNESDAY, *December* 15, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. MILLER presented a petition of farmers of the town of Cambridge, N. Y., praying for the passage of the bill establishing agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

Mr. EDMUNDS. I present the petition of James H. Mandeville, of this town, a member of the bar, which sets forth that in respect of the Las Pocitas land grant matter in California the Land Department has done great injustice to his clients and a large number of pre-emptors by assigning the land to the Central Pacific Railroad Company when it belonged to these pre-emptors, and asking for certain relief, together with sundry papers, being maps and opinions of the Commissioner, &c. I move that the petition be referred, with the accompanying papers, to the Committee on Public Lands.

The motion was agreed to.

Mr. DAWES presented the petition of Thomas F. Barker and other citizens of Hinsdale, Mass., praying for the passage of the agricultural experiment station bill; which was referred to the Committee on Agriculture and Forestry.

Mr. FRYE. I present a memorial of the Bath (Me.) Board of Trade, remonstrating against the enactment of a law for the admission of foreign-built ships to American registry. The memorial is from an important board of trade and is brief. I ask that it may be printed in the RECORD, and referred to the Committee on Commerce.

The memorial was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

To the Senate and House of Representatives of the United States of America in Congress assembled:

Respectfully memorialize and represent your petitioner, the Bath Board of Trade, whose membership includes the representative business men of our city, that we view with alarm the possibility of the passage by your honorable body of the (so-called) Dunn bill, providing for the admission of foreign-built ships to an American register. Keenly alive to the wants and necessities of our merchant marine, we have struggled for years to maintain its prestige, hoping for such legislative relief as would enable us to meet a bold and aggressive foreign competition. From the foundation of our Government it has been the distinctive American policy to encourage the building and sailing of ships by American citizens. To protect and strengthen this important service, and the many interests dependent thereon, Congress has in the past granted with generosity much needed legislation. Now at the moment when we can discern some ray of light we are met with a proposition which, if it ever ripens into law, will completely and forever paralyze an important industry whose prosperity is synonymous with the desired material prosperity of our whole land. The far-reaching results of such unwise and cruel legislation are fearful to contemplate. The immense capital invested in our merchant marine might partially save itself when the death blow is struck, but the immense labor interest involved will be crushed beyond all hope of recovery. The traditional policy of our Government has always encouraged the building of ships. Under its benignant influence a vast army of skilled mechanics and artisans have grown up, a clean, bright, and intelligent factor in our body-politic.

Foreign competition and aggression now reach out a grasping hand and would rob our labor of its long established source of maintenance; and more, it would use the law-making power of an American Congress to crush and forever annihilate an important branch of American labor. To what depths of weakness and imbecility have we sunk when we surrender to England our last bulwark of national hope and national defense, and cowardly permit her cheap materials and cheaper labor to masquerade under the Stars and Stripes, doing the little carrying trade that still remains to us. We hope, urge, and pray that our Congress will not adopt a policy so short-sighted and pernicious that a great industry that has founded and maintained so many happy homes, the cornerstones of our Republic, the abode of honest and well-regulated labor, shall not look in vain to its own legislation for protection against foreign aggression, that we may still be permitted to float an American flag over an American bottom, constructed by American capital, skill, and labor.

FRANCIS W. WEEKS,
Secretary Bath Board of Trade, Bath, Me.

Mr. COCKRELL. I present the affidavits of Logan J. McWhorter, A. J. Adams, and Joshua W. Brown, to accompany the bill (S. 1321) granting arrears of pension to Richard H. McWhorter. I move that the papers be referred to the Committee on Pensions, where the bill is pending.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BLACKBURN. I ask unanimous consent at this time to submit a written report to accompany the bill (S. 729) for the relief of Rear-Admiral Carter, reported at the last session of Congress, by order of the Committee on Naval Affairs.

The PRESIDENT *pro tempore*. The report will be received and ordered to be printed.

Mr. WILSON, of Iowa, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 5878) to amend the act entitled "An act to modify the postal money-order system, and for other purposes," approved March 3, 1883, reported it without amendment.

Mr. CONGER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 7536) to extend the free-delivery system of the Post-Office Department, and for other purposes, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 8346) authorizing the employment of mail-messengers in the postal service, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 9183) for the relief of James R. Marrs, reported it without amendment.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 3909) for the relief of Harry Fisk, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. MILLER (by request) introduced a bill (S. 2989) to extend the term of the patent granted to Walter Youmans on the 12th day of November, 1872, for fifteen years; which was read twice by its title, and referred to the Committee on Patents.

Mr. GRAY introduced a bill (S. 2990) to muster Edward G. Pendleton as lieutenant of infantry into the service of the United States, and to pay him for his services from August 31, 1861, to July 10, 1864, inclusive; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CALL introduced a bill (S. 2991) to appropriate $100,000 to deepen and widen the inner and outer bars of Pensacola Bay, so as to afford easy and safe entrance for the largest sized vessels; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2992) to make Tampa, Florida, a port of entry; which was read twice by its title.

Mr. CALL. In introducing this bill I merely desire to ask immediate consideration of it by the Committee on Commerce, and to state that there is now a large foreign commerce carried on at Tampa, which imperatively requires that it should be made a port of entry without delay. I move that the bill be referred to the Committee on Commerce.

The motion was agreed to.

Mr. SPOONER introduced a bill (S. 2993) to quiet the title to certain land in the city of Washington, District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. VANCE introduced a bill (S. 2994) to repeal chapter 27 of acts of 1883, relating to civil service; which was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

Mr. COCKRELL introduced a bill (S. 2995) for the relief of Lazarus Spence; which was read twice by its title, and referred to the Committee on Claims.

Mr. CAMERON introduced a bill (S. 2996) granting a pension to J. Claude White; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLACKBURN introduced a joint resolution (S. R. 88) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia; which was read twice by its title, and referred to the Committee on Printing.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. DOLPH, it was—

Ordered, That Alexander McNary have leave to withdraw his petition and papers from the files of the Senate, for the purpose of being referred to the Committee on Indian Affairs of the House of Representatives.

On motion of Mr. WALTHALL, it was

Ordered, That the Committee on Commerce be discharged from the further consideration of the memorial of the board of supervisors of Harrison County, Mississippi, for the removal of the quarantine station from Ship Island, and that the memorial be withdrawn for reference to the Secretary of the Treasury.

MISSOURI RIVER APPROPRIATIONS.

Mr. HOAR. I rise to move to proceed to the consideration of the bill (S. 512) known as the civil-tenure bill.

Mr. VAN WYCK. Before that is done I should like to offer a resolution.

Mr. HOAR. I yield, of course.

The PRESIDENT *pro tempore*. The resolution submitted by the Senator from Nebraska [Mr. VAN WYCK] will be read.

The Chief Clerk read the resolution, as follows:

Whereas in the appropriation in river and harbor bill of 1886 for the Missouri River it was required that work should be continued at Omaha, Plattsmouth, Eastport, and Brownsville, in Nebraska and Iowa:

Resolved, That the Secretary of War be directed to inform the Senate in what manner the Missouri River Commission apportioned said money so appropriated, and whether any portion was ordered to continue the work at the points above mentioned as provided in said river and harbor bill, and if the Secretary of War approved the refusal of the board so to continue work at the above points.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. INGALLS. Mr. President, there was appropriated in the bill for the improvement of certain rivers and harbors to which the resolution of the Senator from Nebraska refers $300,000, to be expended not only at the points named in the Senator's resolution, but also at certain other points in Kansas, including Atchison, where I reside, Fort Leavenworth, and perhaps one other point. I have been informed that the entire amount of $300,000 has been by order of the Secretary of War directed to be expended at two points in Missouri, to wit, $75,000 at

the city of Saint Joseph and $225,000 at Kansas City. I am not positively informed that this is correct, but I have received information which leads me to believe that the entire amount of $300,000, which was specifically directed by the act of Congress to be apportioned among certain points named in Kansas, Nebraska, and Missouri, has been so disposed of by order of the Secretary of War. If that is the case, it is a direct violation not only of the intent and understanding of those who voted for that appropriation, but of the direct letter of the law itself.

Mr. COCKRELL. Will the Senator let me ask him a question?

Mr. INGALLS. Yes, sir.

Mr. COCKRELL. He speaks of the expenditure at Saint Jo and Kansas City, and also says that Atchison was named. Now, is not the expenditure on the Missouri River at Saint Jo as much for the benefit of Kansas as the expenditure at Atchison would be; and is not also the expenditure at Kansas City as much for Kansas as for Missouri? The river is the dividing line, and is not either side of the river as much benefited as the other?

Mr. INGALLS. Take the case of Fort Leavenworth, for instance, where the danger that threatens is not to the navigation of the stream, but the destruction of a bridge erected at that point by authority of Congress, and which is liable to be thrown inland in consequence of the depredations of this stream. That being the particular emergency which was sought to be guarded against by those who voted that appropriation, in reply to the Senator from Missouri I will ask what good or advantage or benefit will it be to expend $75,000 at Saint Joseph, 50 or 60 miles above that point, to prevent the depredation I have complained of at Fort Leavenworth?

Mr. President, either the Senator from Missouri does not understand the objects and purposes for which this appropriation was made, or his question is intended to divert public attention from the action of the Secretary of War that I have reason to believe has already been taken.

It appears to me that the Secretary of War has inverted the statute so far as its practical operations were concerned and holds that it rested with him only to sanction the distribution of this money as designated by the Missouri River Commission, instead of holding, as he ought, that he has the primal power in the matter and should make the assignment, and that the Missouri River Commission should furnish the plans and estimates for any assignment that may be made by him.

I wish to have the resolution amended so that it may include the other points named in the act, in order that the attention of the Secretary of War may be attracted to the very point in controversy, and that we may learn whether $300,000 having been appropriated for this purpose the whole amount, contrary to the design of Congress, is to be expended at two points named in my previous observations.

Mr. VEST. Mr. President, the Senator from Kansas is under an entire misapprehension as to the provisions of the act. I am a member of the Committee on Commerce, and paid particular attention to this section in the river and harbor bill. The position came originally from the colleague of the Senator from Kansas, which was mandatory upon the Missouri River Commission to expend so much money at the points named specifying particularly the Fort Leavenworth Military Reservation and the town of Atchison. The Commerce Committee declined to make that provision mandatory, and, on the other hand, against my objection, I may say, without violating any parliamentary rule as to what took place in committee, made the following provision, which is now the law:

Improving Missouri River from its mouth to Sioux City: Continuing improvement, including necessary work at Omaha, Atchison, Saint Joseph, Fort Leavenworth Reservation, Arrow Rock, Kansas City, Plattsmouth, Brownsville, and Nebraska City, $375,000; to be expended under the direction of the Secretary of War, in accordance with plans and estimates to be furnished by the Missouri River Commission.

It will be noticed from the language of this provision that it is entirely within the discretion of the War Department, according to plans and estimates to be furnished by the Missouri River Commission, as to what is necessary for the completion of these works. There is nothing mandatory in the section at all. It says that $375,000 shall be appropriated to "improving Missouri River from its mouth to Sioux City: Continuing improvement;" that is, the improvement of the whole river.

Mr. INGALLS. What is the section?

Mr. VEST. It is on page 19 of the pamphlet copy of the river and harbor act.

Mr. INGALLS. What is the section?

Mr. VEST. There seems to be but one section for that matter. It is on page 19.

Mr. INGALLS. Yes, there are six sections in the bill.

Mr. MCMILLAN. It is found in the section containing the items of appropriations.

Mr. VEST. The portion of the act to which I refer is not divided into sections, but paragraphs. I am quoting from the pamphlet copy which just says "*Be it enacted*," &c., and then puts in the different items of appropriation. It is not sectionized at all.

As I was proceeding to say, it will be seen that it is within the discretion of the War Department—of the Bureau of Engineers—to determine whether this work is necessary or not, and that is the law as it stands now upon the statute-book. They have first to determine whether the necessary work exists at these points, and in the second place, the Missouri River Commission is to furnish the plans and estimates.

I have intended to visit the Bureau of Engineers and ascertain the truth as to how these appropriations were being expended. All I have seen has been in the newspapers; and whether the assertion of the Senator from Kansas as to the whole amount being expended at Kansas City and at another point in Missouri is true I am not able now to state. I do know that the work at Kansas City if left in its present condition will result in the destruction of the bridge, a most important one at that point, and will entirely ruin the harbor at that city, now rapidly improving.

As a matter of course I do not want and I do not expect that injustice shall be done to other points upon the Missouri River. I live at Kansas City, and I undertake to say for those people and the people of the entire State of Missouri that we want no unjust discrimination. We want the whole river improved, and we recognize the fact that when the river is improved at any portion of it it inures to the benefit of the people of Kansas City and of the people of the entire State.

Mr. INGALLS. There has been, as I understand it, not less than $300,000 heretofore expended at Kansas City. The Senator from Missouri speaks well of the great importance of that point and of the necessity of the expenditure of money there. But in addition to what I have already said about Fort Leavenworth I may refer to the needs of the river at Atchison. There is a bridge there which cost a million dollars, which affords facilities for transit to eight different railroads, and which is of immense consequence to the business and convenience of a great many hundred thousand people. I have been advised, and I believe, that unless something is done to prevent the encroachments of the river upon the Missouri shore upon which the eastern end of that bridge abuts, within twelve months from this time it will be cut off so that a portion of the stream at least will pass by the east end of the bridge and leave it entirely worthless.

One hundred and twenty thousand dollars has already been expended at that point for this very purpose. In order to complete the work it is necessary to expend a small amount more. There are other members of this body who know about this matter, and some who do not live in either Missouri or Kansas. I submit that the action of the Secretary of War, if, as I am advised, he has directed an expenditure of the appropriation exclusively at those two points, is in violation absolutely of the intent of Congress when the money was appropriated, for I know that the towns of Atchison and Fort Leavenworth were inserted by the Senate on my motion on vote.

It is, in my judgment, proper that the resolution should be so amended as to call the attention of the Secretary of War to all the points named in the act, so that we may know definitely what has been done.

Mr. ALLISON. Let the resolution be read again.

The PRESIDENT *pro tempore*. The resolution will be again read.

The Chief Clerk read the resolution.

Mr. VAN WYCK. I ask the clerk to insert in the resolution the places designated by the Senator from Kansas.

Mr. INGALLS. The points are Atchison, Saint Joseph, Fort Leavenworth reservation, Arrow Rock, and Kansas City.

Mr. ALLISON. I suggest, in lieu of the phraseology proposed by the Senator from Kansas, that the resolution be amended so as to direct the Secretary of War to furnish to the Senate in detail the manner of expending the appropriation, so that we may know not only the places named, but all the points on the Missouri River at which money has been expended.

Mr. MCMILLAN. On the upper part of the river the money is not expended under the direction of the Missouri River Commission.

Mr. SAULSBURY. I desire to call attention to the phraseology of the preamble, which sets out whereas certain money was required to be expended at the points named. If I understood the language read by the Senator from Missouri there was no such provision in the act. Why should we pass a preamble to a resolution asserting a fact which is not sustained by the act itself?

Mr. VAN WYCK. I will explain that to the Senator.

Mr. INGALLS. Let me read the language of the paragraph.

Mr. VAN WYCK. Certainly.

Mr. INGALLS. The language is:

Improving Missouri River from its mouth to Sioux City: Continuing improvement, including necessary work at Omaha, Atchison, Saint Joseph, Fort Leavenworth Reservation, Arrow Rock, Kansas City, Plattsmouth, Brownsville, and Nebraska City, $375,000.

I ask the Senator from Delaware if any law of interpretation under the language of that statute, when those places are specially mentioned and the work declared to be necessary, would justify the Secretary of War or the Missouri River Commission in expending the $375,000 entirely at one single point named in the paragraph of the act?

Mr. SAULSBURY. I will answer the Senator from Kansas that I understand the appropriation was for the whole river.

Mr. INGALLS. The Senator does not understand anything about it, because the next paragraph makes an appropriation for the whole river, and this is for specific places on the river.

Mr. SAULSBURY. From the mouth of the river up to a certain other point.

Mr. INGALLS. Oh no, no.

Mr. SAULSBURY. That is my understanding of it.

Mr. INGALLS. The next paragraph is, "Improving the Missouri River from Sioux City to Fort Benton," and so on.

Mr. SAULSBURY. If the Senator from Nebraska will pardon me——

Mr. VAN WYCK. Certainly.

Mr. SAULSBURY. As I understand the language it applies to all points from the mouth up to Sioux City.

Mr. INGALLS. All the points named.

Mr. SAULSBURY. It applies to the whole river. The appropriation was for the whole river, and the Secretary of War could have expended it at any of the points on the river which the Missouri River Commission designated according to the terms of the act. I say that the Secretary of War, in my opinion, was bound up by the recommendations of the Missouri River Commission. He must expend the money in accordance with the plans and recommendations of that commission, and it was not optional with him.

Mr. INGALLS. I ask the Senator from Delaware if the Missouri River Commission is not bound by this statute?

Mr. SAULSBURY. I do not hold with the Senator from Kansas that the Secretary of War was bound under the terms of the act to expend a single dollar at Atchison or Leavenworth or at any particular point on the river unless it fell within the recommendations and specifications of the commission?

Mr. INGALLS. What I ask the Senator from Delaware is whether the Missouri River Commission under the terms of this statute are not required to make their estimates and plans for the necessary work at the points named?

Mr. SAULSBURY. I do not believe they were required to make any recommendation to expend the money at those points any more than at any other points; and I have no doubt that the Secretary of War has exercised——

Mr. INGALLS. Then let me ask the Senator why these towns were specifically named in the act by Congress?

Mr. SAULSBURY. It includes those points as well as other points on the river, but it does not mean to include those points to the exclusion of other points on the river.

Mr. INGALLS. They were put in for recreation, I presume.

Mr. SAULSBURY. It is a very easy matter to find fault with the Secretary of War; but I have no doubt he has exercised a very wise discretion in the expenditure of the appropriations made by Congress for that river, as at all other points. He has no special interest in one point on the river more than another; and I do not think it is fair, upon the simple presentation of a resolution of inquiry, to rise here and denounce the action of the Secretary of War in this manner.

The PRESIDENT *pro tempore*. The Senator from Nebraska [Mr. VAN WYCK] is entitled to the floor.

Mr. VAN WYCK. The Senator from Delaware will allow me to say that he is entirely mistaken as to the purport, intent, and motive of the resolution. It is not to cast any reflection upon the Secretary of War in the least, because when the Secretary of War answers the resolution, if the Bureau of Engineers report properly, he will no doubt say that he was required to do what he did; that he only had the power of acquiescence; that it belonged to the Missouri River Commission entirely to carry out the provision of the law or to nullify it, and that he was powerless in the matter. That, I understand, is the position which will be taken by the Secretary of War; and there, in my judgment, he is in error.

The Senator from Missouri and the Senator from Delaware will remember that in a previous Congress, when the river and harbor bill was under consideration, an effort was made to accomplish what has been placed in this act. It was done by the Senator from Kansas upon my left [Mr. PLUMB] insisting by amendments that certain points in Kansas should be incorporated in the bill and by myself insisting that points in Nebraska and Iowa should be placed in the bill, but the Committee on Commerce opposed it at that time, and they refused to allow any amendments of this nature to be incorporated in the bill. The result was that the discussion was continued so long upon those amendments that the river and harbor bill failed at that time. I say the river and harbor bill failed at that session because the points now designated in the act were not incorporated in that measure.

At the last session of Congress there was a provision made to include these same points. As far as the Nebraska points are concerned, I introduced an amendment, and had it referred to the Committee on Commerce. The Committee on Commerce approved two of the points, Omaha and Nebraska City, and they reported the bill including those two points. When the bill was up for consideration in the Senate I proposed an amendment as to the two additional points in my original amendment, and it was adopted by the Senate, and the points in Kansas and Saint Joseph, in Missouri, were also inserted, but particularly the points in Kansas were incorporated in the bill.

With the statement of fact that at a previous session the river and harbor bill failed in the Senate because of the unwillingness of the Committee on Commerce to allow these very amendments, and that at the last session, when the bill was passed, it included some of these points with the concurrence of the committee and all of them by the action of the Senate, there is no discretion further than as to the amount of necessary repairs. The language of the statute is imperative; it is an appropriation for the Missouri River; and that there shall be no mistake, to meet what caused the defeat of the river and harbor bill at a previous session, Congress expressly designated that work should be continued at these points, and made appropriation for continuing work there. The only matter of discretion with the commission was as to the amount of necessary work; but that they had authority to array themselves against Congress is a position which certainly can not be sustained.

It was first made known by the public prints that the Missouri River Commission had resolved to expend all the money (with the exception of a little at Saint Joseph) at Kansas City or between Kansas City and the mouth of the river, when this matter had caused the collision in the previous session of Congress, but Congress having in the succeeding session determined this very question. Probably nearly the only act ever done by the Missouri River Commission was to determine that whatever money should be appropriated by Congress for the Missouri River should be expended between Kansas City and the mouth of the river. That was done before the previous session of Congress, and hence it was that when it was determined in advance that whatever money was appropriated for the Missouri River should be expended only between Kansas City and the mouth of the river, it made it necessary that the Senator from Kansas on my left and myself and some other Senators should determine that question. Therefore, as I said, when the Committee on Commerce refused to allow the amendment it was the cause of the defeat of the bill at that session.

I desire my friend from Missouri to bear in mind that fact. There was a difference of opinion between the commission and certain members of Congress, and hence the refusal to pass the bill at that session, or certainly at least because of an unwillingness to yield this money to the entire control of the Missouri River Commission the bill failed at the previous session.

Mr. VEST. I should like to ask the Senator from Nebraska a question.

The PRESIDENT *pro tempore*. Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. VAN WYCK. Certainly.

Mr. VEST. After this provision was enacted, referring to the law as it now stands, did the Senator support the river and harbor bill?

Mr. VAN WYCK. I voted for it, I think.

Mr. VEST. Did not the Senator oppose it in debate here on the floor of the Senate as it was reported from the committee?

Mr. VAN WYCK. In many things I did object to it, and I suppose I opposed the whole bill.

Mr. VEST. I think the RECORD will show that both the Senator from Kansas [Mr. INGALLS] and the Senator from Nebraska [Mr. VAN WYCK] opposed the bill persistently.

Mr. INGALLS. Mr. President, I voted for the bill with alacrity.

Mr. VEST. Then the Senator spoke one way and voted the other, for I very well recollect a most eloquent speech that he delivered here against the whole bill.

Mr. INGALLS. I opposed certain features in the bill with a good deal of vigor, but when it was subsequently reduced, on the motion of the chairman of the committee, 25 per cent. I gave it my cordial adhesion.

Mr. VEST. Exactly. As the bill came from the Committee on Commerce it appropriated $500,000 for the Missouri River, which I contended in committee and in the Senate was a ridiculously low appropriation for that long river, the longest on the continent. But the Senator from Kansas says now that with all his zeal for scattering these appropriations up and down the river, from its mouth to Sioux City, he voted for the bill only when that appropriation was reduced to $375,000; and so the Senator from Nebraska voted for that decrease against my protest in behalf of the Missouri River and all the towns along it.

Mr. VAN WYCK. I think I may state to my friend that I voted for the bill. Generally the river and harbor bill is so full of abominations that a man must necessarily oppose it to some extent, and he is justified almost in voting against it entirely; but my impression is that the RECORD will show that finally I voted for this bill. I will say to my friend, however, that at a previous session the river and harbor bill was defeated because the commission had declared in advance that any and all moneys appropriated by Congress for that river should be expended between Kansas City and the mouth of the river, and because the representatives of the Missouri River on this floor were determined that that should not be done if they could prevent it—that other portions of the river should be protected equally with that between Kansas City and the mouth. It was that which caused the defeat of the river and harbor bill at the previous session. That was an issue clean cut, and everybody understood it. The Engineer Department understood it; the Missouri River Commission understood it; the Committee on Commerce of this body must have understood it, for it was a clean-cut matter of dif-

ference between the river commission and Congress as to the disposition of the money to be expended on the Missouri River.

Mr. VEST. Now, as the Senator goes along it is just as well to have matters put right. I can not permit the statement he has just made to go, because I know personally that it is not in accordance with the real state of the case that occurred here when that river and harbor bill failed. I may appeal, I think, to the almost unanimous memory of this Senate, certainly of the Committee on Commerce. The river and harbor bill which failed antecedent to the passage of the bill we are now considering, came over from the House of Representatives to the Senate within three days of the end of the session. It was simply physically impossible for us to consider it in that time; but we took it up in the Committee on Commerce, and we found that we should be compelled to sit up the entire night and then to come in without opportunity for debate in order to present it to the Senate as the very last measure for consideration. We knew that under the circumstances it would be impossible to pass any bill. One objection would have destroyed it. Every one of my colleagues on that committee knows this to be the fact.

As to this issue between the Missouri River Commission and the Senate, or the commission and the House, I never heard of it, and I undertake to say it was not presented before that committee at all.

But again, if the Senator will permit me a word further, I will not interrupt him again. He says now this issue was made sharply and distinctly between the Missouri River Commission and the friends of these different ports or places that were left outside of the appropriation in the last river and harbor bill as it came here. What was the fact at the last session of Congress? The House of Representatives struck out the Missouri River Commission. They took all power from that commission. The bill came from the House to the Senate in that condition. Then the issue was made whether the Missouri River Commission should still remain in existence or not, and upon that question the Senate sustained the commission. These are the facts, and by this bill, which has become a law, the Missouri River Commission is left intact, with the same power it had under the act which originally created it.

That does not comport with the statement of the Senator from Nebraska. It shows that the Senate determined, with all the antecedent facts before them, to keep the commission in existence, and they did so.

Mr. VAN WYCK. Mr. President, what may have been the understanding in the committee-room I know not; certainly the secret was not an open one that it would be impossible to pass the bill. Of course we are at a loss to know, or even to conjecture, what may have produced that impression. I merely spoke of the fact that has passed into history, and not of the implied or secret understanding of the Committee on Commerce on that matter.

Mr. MCMILLAN. Will the Senator from Nebraska allow me to make a statement?

Mr. VAN WYCK. Certainly.

Mr. MCMILLAN. The Senator from Missouri [Mr. VEST] is correct in his statement, and a written report was submitted by the Committee on Commerce, stating that the time was not sufficient to permit the consideration of the bill and that the matter could not be presented in time for consideration by the Senate. There is no doubt about that, and we had no discussion at all in the Senate, or elsewhere, about any of the items.

Mr. VAN WYCK. That may be. I have no sort of doubt that the committee came here with an apology as to the late day in which that bill was presented. That is undoubtedly correct. We all know that.

Mr. MCMILLAN. We did not present any apology.

Mr. VAN WYCK. Presented an apology to the country by the report which he says they made. They were apologizing to the country to show that the delay or neglect was not with them, but was with the other House. That that bill came here only a few days before the end of the session is true. They did seek to pass that bill. Did not the Senator present the bill to the Senate and seek to pass it? I ask the chairman of the committee.

Mr. MCMILLAN. No; we reported that we could not consider it.

Mr. VAN WYCK. Did you not actually seek to pass the bill by the Senate without regard to the report? What does the chairman say?

Mr. MCMILLAN. We made a report that we could not consider it, and left the whole matter to the Senate without recommendation.

Mr. VAN WYCK. Did not the committee present the bill here and seek to pass it, I ask the chairman?

Mr. MCMILLAN. No, if I understand the question.

Mr. VAN WYCK. Then I will say to the Senator that I have arrayed against him several pages of the CONGRESSIONAL RECORD which I suppose he will acknowledge is history—several pages of the CONGRESSIONAL RECORD which show that the committee stood here seeking to pass that river and harbor bill which they now say they knew they never could pass as they had only three days in which to consider it.

I know the time was short, and that was the only reason why we defeated the proposition of the Missouri River Commission. We knew it; we knew it was an open secret when the committee of this House allied themselves with the Missouri River Commission and insisted that that money when it was appropriated should only be spent between Kansas City and the mouth of the river; and we antagonized the bill which was here pressed. The Senator from Michigan [Mr. CONGER] had it in charge and he pressed it with all the zeal and all the ability and all the eloquence which he can and does command.

Mr. CONGER. The utterances of the Senator from Nebraska pass into history, and it becomes an important fact that they are of record. It therefore may be proper for me to make a statement in regard to that matter.

The statement of the Senator from Missouri was a correct one and the only correct one. The river and harbor bill which I was very anxious, as other Senators were, to have considered and to have passed, came from the House of Representatives to the Committee on Commerce and was printed for the use of the Senate committee only two days, I think, before the adjournment of Congress at the session before last, and there was no possibility of examining that bill as it ought to have been examined and reporting it to the Senate. The committee met and discussed the question and came to the conclusion that they could not, in justice to themselves and to the country, report that bill favorably to the Senate with the short time for examination which they had. That fact and that statement was reported, if I remember aright, by the chairman in writing. It is part of the RECORD and it is reported there, and our whole discussion, as I recollect, was an assent to the propriety of that report. The Senator from Nebraska has confounded other bills and other times with the bill of the session of two years ago. That is my recollection of it and I do not want it to go to the country in any other shape. It is also the recollection of every member of the committee, I will venture to say, who will speak upon the subject.

Mr. VAN WYCK. I have no doubt the committee is confused about the date of these different bills.

Mr. CONGER. No, Mr. President, the committee is not confused, and it does not intend to be confused, as far as I am concerned, by the wild statements of the gentleman from Nebraska.

Mr. VAN WYCK. Certainly we are getting into the RECORD now, whether we got there two years ago or not. I will suggest to the gentlemen of this committee it would have been better to have stated that at the outset and withdrawn the bill when they were satisfied they could not pass it; but the bill was certainly antagonized for the reason I have stated.

I aver that there was an understanding about it, because I myself, and my friend from Kansas, on my left, dissented from the proposition of the Missouri River Commission. They had in advance determined that whatever money was appropriated by Congress for the benefit of the Missouri River, should be expended between Kansas City and the mouth of the river. With that declaration in advance, of course the States lying along that river which were deeply interested in the protection of its commerce, necessarily came to the support of the interests which they represented, and therefore it was that we were brought squarely in conflict with the Committee on Commerce, because without intending it, their action sustained the Missouri River Commission. The river commission boldly said to us in Congress, "Gentlemen, you may appropriate what you please, but we will spend it between Kansas City and the mouth of the river," and they came here with that declaration, and when the committee proposed the expenditure of several hundred thousand dollars without qualifying the manner of its distribution, it left it in the hands of the Missouri River Commission; and hence it was that the Senator from Kansas and myself antagonized that proposition, and we had amendment after amendment, several amendments, on that question, and I had reports for years from the Engineer Department of this Government showing the necessity of the expenditure of the money at the points indicated, which would be wiped out and ignored by the action of the Missouri River Commission. We discussed here long into night, until midnight and probably beyond it, these very questions, and it was only because of the shortness of the time that we were enabled to defeat that river and harbor bill. I suggest to the gentlemen of the committee that they will find it interesting reading to refer back to the RECORD and see the history which they made, and which the Senate made on that occasion.

The refusal of the committee on that occasion to allow amendments such as they did allow in the bill of last session defeated the river and harbor bill of two years ago. That was the fact which I stated, and I will say to my friend from Missouri that I am not only sustained by current history, but by the pages of the CONGRESSIONAL RECORD. That is the history to start with. There was the position of the commission. Here, by the way, if this committee will allow me, I will refer to the fact that the Senator from New York [Mr. MILLER] also antagonized that bill. He desired some amendments, just what I do not know, which helped of course to defeat it in the last hours of the session. But the bill was seriously antagonized by these amendments. The Senator from New York, the Senator from Kansas, and the Senator from Nebraska, were all united in defeating that bill, which now the members of the committee very innocently say they knew they could not pass and did not have any idea that they could pass it when they presented it for the action of the Senate.

Having some knowledge, as they evidently had, as to the necessity

of expenditures at these different river points because the other bill had failed, the very question came up last session on this bill clean cut, as I say, the question whether the commission should control the disposition of all this money appropriated, or whether Congress should interpose and make some suggestion about it; and hence it was before that bill was reported the amendment which I have spoken of, including two points in Nebraska, was presented for the consideration of the committee, and they included them. When the bill was considered in the Senate the other two points were inserted, and the points suggested by the Senator from Kansas were also then inserted.

What then? The appropriation bill is passed, and the next thing we hear is that this Missouri River Commission, in the plenitude of their power, had met together, after the appropriation bill was passed, and resolved to do what they had resolved to do two years ago—that all the money substantially should be expended between Kansas City and the mouth of the river. This was a startling assumption of power on their part. I took the liberty to write to the Secretary of War, and I think from what I saw in the papers the Senator from Kansas on my left [Mr. PLUMB] did the same thing, calling the attention of the Secretary to the fact that Congress had said something about the disposition of this money.

A few days ago I dropped into the Engineer Department and I said: "Why is this?" "The Missouri River Commission has recommended it," I was told. "On what ground?" I inquired. "Well, they thought if the money was expended at those points it would be thrown away." "Well," I said, "the chances are that the whole of it if thrown into the Missouri River between Kansas City and the mouth will be thrown away also." What right had they to sit and speculate as to whether the money would be thrown away, when it was appropriated for the improvement of the river, Congress even designating the points at which the money should be expended? Then it was suggested that this was to be expended like money appropriated to be used under the direction of the Mississippi River Commission. But there is a vast difference between the authority given to the Mississippi River Commission and to the Missouri River Commission. However absolute the authority of the former may be, and was intended to be by Congress, such great powers were not given to the Missouri River Commission, nor were they intended to be. The Missouri River Commission is under the control and direction of the Secretary of War, and his attention probably not being called to that fact, he felt it to be his duty to approve in form its action whether he really in his own judgment approved of it or not, and to give the approval of his office to whatever the commission might suggest or recommend.

If this order is carried out, it will be an ignoring of the direction of Congress and a denial of its authority. The engineers are directed to continue the work. That direction is as emphatic as is the appropriation of the money for the improvement of the river. It is for continuing the work at the points designated, for the necessary improvements there, and the only jurisdiction of the commission is to say how far it may be necessary to go, and how much money it is needul to expend in doing what Congress has directed to be done.

Mr. President, I have offered this resolution, not in any spirit of captiousness or fault-finding with the Secretary of War, but to test the question whether a commission or any other department of this Government, after Congress, having the law-making power, has appropriated money and designated the manner of its expenditure, shall have it in its discretion to thus arbitrarily repeal an act of Congress.

Mr. PLUMB. Mr. President——

Mr. CULLOM. I rise to make a conference report.

The PRESIDENT *pro tempore*. The Senator from Kansas [Mr. PLUMB] has the floor.

Mr. PLUMB. Does the Senator from Illinois want to call up his report now?

Mr. CULLOM. Not to call it up at this time.

The PRESIDENT *pro tempore*. The Chair will receive the conference report.

INTERSTATE COMMERCE.

Mr. CULLOM. Mr. President, during the last days of the last session of Congress a conference was appointed by the two Houses upon the bill (S. 1532) to regulate commerce. The conferees on the part of the Senate have instructed me to make a report, which I send to the desk.

The PRESIDENT *pro tempore*. The conference report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1532) to regulate commerce having met, after full and free conference, have agreed to recommend, and do recommend to their respective Houses as follows——

Mr. CULLOM. The conferees report an amendment to the Senate bill in the nature of a substitute, and, as the Senate will remember, the bill is a pretty long one, and as it is not my purpose to ask the Senate to vote upon it to-day, because I think it is due to the Senate that every member should have an opportunity of seeing what it is, I do not know that it is necessary to have it read. I ask, therefore, that the report be printed and laid upon the table for action hereafter.

Mr. ALDRICH. I would like to suggest to the chairman of the committee that as this is an important bill, and contains important provisions affecting vast material interests which have never been considered by the Senate, a day certain be fixed for its consideration after the holiday recess.

Mr. HOAR. I hope the Senator from Illinois will not call it up before the holidays.

Mr. CULLOM. It is my purpose to ask that the report be printed, as it is in the nature of a new bill, laid upon the table, and then to call it up on Monday or Tuesday of next week. It may be possible, if it is desired on the part of the Senate to discuss it at length, that it may go over the holidays; I do not know how that may be. I hope not, but I am perfectly willing to give fair opportunity for discussion, as the Senate has a right to it whether I were willing or not, but I hope no Senator will insist upon a motion to postpone until after the holidays.

Mr. HOAR. The Senator will allow me to make a suggestion to him. This is a matter in which my constituency as that of every other Senator—there is nothing peculiar in my condition—has a very deep interest indeed, and it is a bill containing, as I understand, a new scheme in part, which demands not only profound study on the part of the legislators who are to vote upon it, but also demands that the business interests of the country should have an opportunity to see it and to make their communications to their representatives here, because everybody knows that this is peculiarly one of those cases in which the suggestions that will be made by practical business men will be extremely instructive to legislators. Next week is a time when the holidays are likely to begin, and a day or two before those holidays is always a bad time for the consideration of important measures. I hope the Senator will now, in order to save any trouble, get the Senate to agree that this measure may be assigned for the second day after the holidays. Then we shall be sure of what is going to happen.

Mr. CULLOM. I do not know that Congress is going to have any holidays, so far as an adjournment is considered. All I desire now is to have this report laid upon the table and printed. It is within the power of the Senate to postpone the consideration of it, if it desires to do so, until the first part of next week, when I shall seek to call it up. I think that the probability is that, if there is a desire for discussion, it may then go over further, but I would prefer not to agree to that at this time. I desire to add to my motion that the report be printed; also that the Senate bill, as it passed the Senate, shall be printed with the amendment proposed by the conference committee to the Senate bill in italics, so that every Senator can see exactly what changes are proposed in the Senate bill.

Mr. HARRIS. I desire to suggest to my colleague on the committee that he give notice at this time, the bill being printed as it will be under the order of the Senate made this morning, that on Monday next he will call up the report. Of course a majority of the Senate will determine then whether it will consider it or not; but I think that will give ample time to every Senator to examine the report, examine the bill, and be prepared to act upon it as well then as at any later day.

Mr. CULLOM. That is my purpose.

Mr. PLATT. Mr. President, as this report——

Mr. CULLOM. My present motion is that this report be printed and that the Senate bill as passed by the Senate be also printed again, with the amendments proposed in italics, so that every Senator can see exactly the changes made in the Senate bill. I desire that motion to be acted upon by the Senate, after which I shall ask the indulgence of the Senate simply to make a statement of fact as to the changes in the bill.

The PRESIDENT *pro tempore*. The Senator will have to make his statement before that action is taken, or otherwise, the report being laid on the table, it would not be debatable.

Mr. ALLISON. I wish to make a suggestion to the Senator from Illinois respecting the printing of this bill and report.

I think the Senate is entitled to each successive step respecting this important matter, and that the first thing to be printed is the Senate bill, and that then the amendment the other House made, a single amendment to that bill, should be printed, and then the Senate bill should be printed with each and every amendment proposed by the conference committee, these amendments being in capital letters, so that we may not make a mistake in respect to what the conference committee propose. In that way we shall have the text of the original bill, the amendment of the House in italics, and the Senate bill with the amendments proposed by the conference committee in capital letters. Then let us also have the substitute by itself, so that we may know exactly how the bill will read if passed as reported by the conference committee.

Mr. CULLOM. In answer to the Senator's suggestion I will say that there is very little in the proposed bill that is the language of any part of the House bill.

Mr. ALLISON. Very well.

Mr. CULLOM. I am not able to see myself that we should get very much information by printing in any particular form the Senate bill as it passed the Senate, and then the House bill as it passed the House, or the substitute for the Senate bill now reported. My judgment is that Senators will be able to know all about the changes that occur by

printing the Senate bill as it passed and then the proposed amendments of the conference committee in italics.

I suggest to the Senator that printing in capital letters, as I understand from some gentlemen who know something about printing, would probably be a difficult matter to do. Hence I think it is not necessary to have it printed in capitals because italics will answer just as well.

Mr. ALLISON. Very well. I do not care about that; I presume capital letters are scarce; but I think in connection with this bill we want the House measure printed in some form.

Mr. CULLOM. I have no objection to that.

Mr. ALLISON. That may be done by way of a supplement if you please.

Mr. CULLOM. I do not want so much printed that you will never find out what is before you.

Mr. ALLISON. Very well.

Mr. CULLOM. Before action on my motion, I desire to make a statement of the changes in the bill. The following is a statement of the changes in the bill as passed by the Senate which have been agreed to and are recommended by the committee of conference:

Section 1 is amended by inserting the words "or the District of Columbia" after the words "United States" where they occur in lines 8 and 9, to make it plain that the act will apply to transportation between the States and Territories and the District of Columbia, as well as between the States and Territories.

I am making this statement that Senators may from the RECORD immediately get an idea of the changes that are proposed; and hence I ask their attention.

The term "railroad" is defined in this section, beginning with line 24, as including "all bridges and ferries used or operated in connection with any railroad;" and to these words the following have been added: "And also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease."

Sections 2, 3, and 4 of the Senate bill, prohibiting discriminations, contained provisions in relation to the recovery of damages. These have been stricken out of said sections, and have been grouped together in one section, which is made section 8 of the committee bill. Except as to this rearrangement, substantially the only change made has been the addition of the provision of the House bill that "a reasonable counsel or attorney's fee" shall be allowed by the court in every case of the recovery of damages. The parts of said sections which are stricken out in consequence of the rearrangement referred to are all of section 2 after the word "unlawful," in line 13, all of section 3 after the word "business," in line 18, and lines 23 to 27, both inclusive, in section 4. No other change is made in section 2.

Section 3 is also amended by striking out the words "and proper," in line 12, and substituting therefor the words "proper and equal," "so as to require railroads to afford "equal" as well as "reasonable and proper" facilities to connecting roads for the interchange of traffic. Also, by striking out the words "but no such common carrier shall be required to give the use of its tracks or terminal facilities to another carrier engaged in like business," and by substituting therefor the following: "And shall not discriminate in their rates and charges between such connecting lines; but this shall not be construed as requiring any such common carrier to give the use of its tracks or terminal facilities to another carrier engaged in like business."

Section 4 of the Senate bill is amended by striking out the words "and from the same original point of departure or to the same point of arrival," in lines 7 and 8, and inserting in lieu thereof the words "the shorter being included within the longer distance;" also, by inserting after the words "in special cases," in line 13, the words "after investigation by the commission."

This section is further amended by striking out the following words in relation to the power of the commission to suspend the operation of the section, beginning in line 16:

Make general rules exempting such designated common carrier in such special cases from the operation of this section of this act; and when such exceptions shall have been made and published, they shall, until changed by the commission or by law, have like force and effect as though the same had been specified in this section.

And by substituting therefor the following words:

Prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

Section 19, requiring an immediate investigation by the commission of the necessity of legislation upon the subject of pooling, has been stricken out, and section 5 of the committee bill contains the provision of the House bill prohibiting pooling, with some modifications of the language.

Section 5 of the Senate bill has been replaced by section 6 of the committee bill, which combines most of the provisions of the Senate and House bills upon the subject of publicity of rates. Section 5 made it the duty of the commission to secure publicity of rates as far as might be found practicable; not only the rates between points on each railroad, but rates over connecting lines as well. The new section requires each railroad to make public the rates between points upon its own line, and in addition the commission is directed to secure publicity of rates over connecting lines so far as may be found practicable.

Section 9 of the committee bill is an addition to the Senate bill, and provides that persons claiming to be damaged by the violation of the act by any common carrier may either make complaint to the commission as provided in the Senate bill, or may institute suits for the recovery of damages in their own behalf in the district or circuit courts of the United States.

For section 7 of the Senate bill, providing for the criminal penalty, section 10 of the committee bill has been substituted, which, though in different terms, is substantially the same in effect.

Section 8 of the Senate bill has been changed so as to provide that the terms of the commissioners first appointed shall run for two, three, four, five, and six years, respectively, from January 1, 1887, without regard to the time of their appointment.

Section 9 of the Senate bill is amended by adding to the provisions for compelling officers of railroads to testify, when summoned by the commission, the following:

The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying; but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

Section 15 of the Senate bill is amended by making the words "all necessary traveling expenses," in line 16, read as follows: "all necessary expenses for transportation."

Nine sections of the Senate bill have not been changed in any respect, except as to the numbering, namely: Sections 6, 10, 11, 12, 13, 14, 16, 17, and 18.

Section 20 of the Senate bill has been amended by inserting the following after the word "religion" in line 8:

Nothing in this act shall be construed to prevent railroads from giving free carriage to their officers and employés, or to prevent the principal officers of any railroad company or companies from exchanging passes or tickets with other railroad companies for their officers and employés.

Also, by striking out all after line 9, and substituting therefor the following:

Existing at common law or by statute, but the provisions of this act are in addition to such remedies: *Provided*, That no pending legislation shall in any way be affected by this act.

The following has been added as a new section:

SEC. 24. That the provisions of sections 11 and 18 of this act, relating to the appointment and organization of the commission herein provided for, shall take effect immediately, and the remaining provisions of this act shall take effect sixty days after its passage.

This statement I have deemed it proper to make to go into the RECORD, so that if Senators desire to look at it, so as to ascertain what changes have been made from the Senate bill, it may be some help to them in determining what they are. I yield now to the Senator from Connecticut.

Mr. PLATT. Mr. President, as the report of the conference committee was not fully read, even the concluding formal part of it being omitted in the reading, the Senate was not informed by the reading of the report that I did not concur by my signature in the conclusions at which the conferees arrived. It is therefore, perhaps, proper that I should say at this time that I was unable to bring my mind to the signature of this report, and it is also perhaps fair that I should state, to some extent, the ground upon which I withheld my signature.

I think I should, though with great reluctance, have consented to all the provisions and recommendations of the report but one. I should have had great reluctance in subscribing to the recommendation for the change of the Senate provision relating to short hauls and long hauls; but if it had been necessary to get an agreement I think I would not have withheld my assent to that change. But I was unable to agree to the surrender of the provision in the Senate bill directing the commission, when it should be appointed, to make an immediate investigation of what is known as pooling between railroads and to report their conclusions and recommendations thereupon to Congress, and substitute therefor the absolute prohibition under penalties of a thousand dollars a day for non-compliance, with the provision which was contained in the House bill or the House amendment to the Senate bill.

I do not at this time deem it necessary to give at length the reasons which made it impossible for me to assent to this recommendation of the committee of conference. If the matter should be discussed, as I suppose it will be in the future, I should hope to be able to satisfy the Senate that those reasons were weighty, and that they were such as fully justified me in the somewhat unusual course of withholding my signature to the report of the conference committee.

I will say now, however, that I think the public prejudice, if there be one, existing against pooling by railroads is largely the result of ignorance on the part of the public as to what railroad pools really are. The Senator from Vermont [Mr. EDMUNDS] suggests "want of information." I do not know that the public is ever ignorant, but I do believe that there exists a very great deal of misapprehension in the public mind as to the nature, the effect, the result upon the general welfare of the country of pooling contracts between railroads; and I believe, as I thought the Senate believed, that the bill as it was passed by the Senate was calculated to cure whatever evils had grown out of

the system of railroad pooling, so that before the report of the commission which was provided for in the Senate bill upon this subject should be made, the people would have become convinced that the evils which they supposed to result from the pooling of freights by railroads were either imaginary or had been cured by the operation of the bill which was passed by the Senate.

I was not unmindful of the fact that all interstate commerce, so far as relates to freight, is to-day transacted under pooling arrangements by the railroads, and that an absolute prohibition of pooling was to break up at once, or, as the bill now reads, within sixty days after its passage, every arrangement by which the interstate commerce business of this country is at present conducted. It seemed to me, with my knowledge of the history of the management of railroads, and with my knowledge of legislation upon this subject, that the result would be an immediate rate-war by all the railroads of the United States. At least that was my apprehension, and I believed that the evils and consequences which would result from that would be very much greater in their injurious effects upon the public, upon the prosperity of the country, than any evils which now exist by reason of what are known as pooling contracts.

I do not desire to say more at this time.

Mr. CULLOM. Mr. President, I did not expect to say anything on the general subject of the bill, and I shall only add a word to what has been stated.

I think that my colleague on the committee is probably laboring under undue fear of the consequences of the passage of this bill on account of the prohibition of pooling. One of the purposes of the bill itself by requiring publicity of rates and preventing change of rates to a higher schedule, except on ten days' notice, is to bring about that stability of rates which the railroad companies themselves are appealing to us to have brought about, because under the system of pooling they have not been able to bring it about.

So, in my judgment, the apprehension of the Senator from Connecticut that it is going to be injurious to the business of the country will prove to be unfounded; at least I hope and I believe so. I think every Senator will bear me out in saying that I have not been disposed to consent to anything going into this bill that was unreasonable, at least in my own judgment. As I said a moment ago, I would not have consented to the provision of the bill prohibiting pooling if I believed that it would bring upon the country that sort of trouble which the Senator from Connecticut indicates that he apprehends. Every one knows that the railroad companies themselves have finally become reconciled to some national legislation, because they have not been able to protect themselves, one from another, and I think that the provisions of this bill in relation to publicity, and the other provisions to guard against various wrong-doings on their part, will have very great force and effect in bringing about that sort of stability which it has been the ostensible purpose at least of pooling to secure. I hope, myself, that when this bill comes up for consideration we shall have fair consideration of it, fair discussion of it, and I believe that the Senate, if it is going to agree to any bill at all on this subject, ought to take the conference report.

Every one knows that this question has been bandied about here from one Congress to another for many years, and Congress has never yet done anything on the subject. The Supreme Court of the United States, within the last two or three months, has made a decision which throws upon Congress the unquestionable duty of legislation regulating interstate commerce if we believe it ought to have any regulation. While the bill is not exactly as I wanted it, while it is not exactly the bill of the Senate, yet except as to the provision in regard to pooling it is practically the Senate bill, and I hope that Senators when the time comes for its consideration will allow the report to be concurred in.

Mr. ALDRICH. Mr. President, I wish to express my surprise that the chairman of the committee should refuse to accede to what seems to me the reasonable request of Senators, that this bill may go over and be set down for a day certain after the coming recess.

The proposition of the chairman of the committee is this, that this bill shall be printed, which will take at least until Friday, and then he proposes to call it up on Monday, which will give Senators one day to understand the elaborate and complex provisions of a bill affecting every person in the United States. It will give us twenty-four hours to consider the bill.

I do not propose at this time to discuss the bill, but I will say that so far as I understand the report its essential provisions are such as the Senate has refused to accede to, or they are propositions which have never been discussed in the Senate at all. That being true, it seems to me that in fairness to all the interests concerned the chairman of the committee should assent to having the bill set down for a day certain after the recess. As the Senator from Massachusetts has very well suggested there are a great many important interests to be considered; the representatives of those interests should have a right to see this bill in print more than twenty-four hours, as well as the members of Congress, before we are called upon to vote on it.

Of course, I have no control over the action of the chairman of the committee, but it seems to me that he should not show what it seems to me is undue haste in a matter of this importance.

Mr. MCPHERSON. I should like to offer a resolution asking for papers.

The PRESIDENT *pro tempore*. This question has not yet been disposed of.

Mr. CULLOM. I hope it will be disposed of before other business is received.

Mr. SABIN. I desire to supplement the request and the statements of the Senator from Massachusetts and the Senator from Rhode Island in reference to this bill, and I appeal to the chairman of the committee to consent to the setting of a day after the recess, and that that day shall not be fixed sooner than at least four or five days or a week after the proposed recess of Congress. It will be impossible for me to be present here on Monday next, the day which he suggests, or to be present from that day until after the recess; and I presume there is not a constituency in this country that has more vital interests at stake in the provisions of this bill than the constituency in Minnesota which I have the honor in part to represent. I have already been flooded with telegrams from shippers and carriers asking for copies of the report of the conference committee. I expect to see a number of those interested parties upon my visit to my home during the recess, and I wish to confer with them in reference to the provisions agreed on by the conference committee. There probably has not been a bill before Congress for many years that has elicited a warmer and deeper interest from the business interests of the country than the bill which it is proposed to consider at the time that may, be fixed.

I appeal again to the chairman to fix a day, and make it at least a week after the reassembling of Congress on the expiration of the proposed holiday recess, which I presume will be taken.

Mr. CULLOM. There is only one motion before the Senate, Mr. President, and that is to lay on the table and print.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the report of the committee of conference be printed with the bill of the Senate, the amendment of the House, and the amendments now reported by the conference committee, in the order named, and that the report lie on the table.

Mr. MCMILLAN. What number of copies will be printed under the general motion?

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Illinois [Mr. CULLOM].

The motion was agreed to.

Mr. CULLOM. I move now that 5,000 copies of the bill as reported from the conference committee be printed for the use of the Senate.

Mr. ALDRICH. I would also suggest that the bill as reported be printed in the RECORD.

The PRESIDENT *pro tempore*. The motion to print the extra copies will be referred to the Committee on Printing.

Mr. ALDRICH. I suggest that the bill as amended be printed in to-morrow morning's RECORD.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves that the bill as amended be printed in the RECORD. Is there objection? The Chair hears none, and that order will be made.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1532) to regulate commerce, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its amendment and agree to the bill of the Senate, with the following amendment thereto, in the nature of a substitute, and that the Senate agree to the same:

AMENDMENT.

Strike out all after the enacting clause and insert the following:

That the provisions of this act shall apply to any common carrier or carriers engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water when both are used, under a common control, management, or arrangement, for a continuous carriage or shipment, from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States, and also to the transportation in like manner of property shipped from any place in the United States to a foreign country and carried from such place to a port of transshipment, or shipped from a foreign country to any place in the United States and carried to such place from a port of entry either in the United States or an adjacent foreign country: *Provided, however*, That the provisions of this act shall not apply to the transportation of passengers or property, or to the receiving, delivering, storage, or handling of property, wholly within one State, and not shipped to or from a foreign country from or to any State or Territory as aforesaid.

The term "railroad" as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "transportation" shall include all instrumentalities of shipment or carriage.

All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, or for the receiving, delivery, storage, or handling of such property, shall be reasonable and just, and every unjust, unreasonable charge for such service is prohibited and declared to be unlawful.

SEC. 2. That if any common carrier subject to the provisions of this act shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person or persons a greater or less compensation for any service rendered, or to be rendered, in the transportation of passengers or property, subject to the provisions of this act, than it charges, demands, collects, or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions, such

common carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful.

SEC. 3. That it shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Every common carrier subject to the provisions of this act shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding, and delivering of passengers and property to and from their several lines and those connecting therewith, and shall not discriminate in their rates and charges between such connecting lines; but this shall not be construed as requiring any such common carrier to give the use of its tracks or terminal facilities to another carrier engaged in like business.

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the commission appointed under the provisions of this act such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

SEC. 5. That it shall be unlawful for any common carrier subject to the provisions of this act to enter into any contract, agreement, or combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof; and in any case of an agreement for the pooling of freights as aforesaid, each day of its continuance shall be deemed a separate offense.

SEC. 6. That every common carrier subject to the provisions of this act shall print and keep for public inspection schedules showing the rates and fares and charges for the transportation of passengers and property which any such common carrier has established and which are in force at the time upon its railroad, as defined by the first section of this act. The schedules printed as aforesaid by any such common carrier shall plainly state the places upon its railroad between which property and passengers will be carried, and shall contain the classification of freight in force upon such railroad, and shall also state separately the terminal charges and any rules or regulations which in any wise change, affect, or determine any part of the aggregate of such aforesaid rates and fares and charges. Such schedules shall be plainly printed in large type, of at least the size of ordinary pica, and copies for the use of the public shall be kept in every depot or station upon any such railroad, in such places and in such form that they can be conveniently inspected.

Any common carrier subject to the provisions of this act receiving freight in the United States to be carried through a foreign country to any place in the United States shall also in like manner print and keep for public inspection, at every depot where such freight is received for shipment, schedules showing the through rates established and charged by such common carrier to all points in the United States beyond the foreign country to which it accepts freight for shipment; and any freight shipped from the United States through a foreign country into the United States, the through rate on which shall not have been made public as required by this act, shall, before it is admitted into the United States from said foreign country, be subject to customs duties as if said freight were of foreign production; and any law in conflict with this section is hereby repealed.

No advance shall be made in the rates, fares, and charges which have been established and published as aforesaid by any common carrier in compliance with the requirements of this section, except after ten days' public notice, which shall plainly state the changes proposed to be made in the schedule then in force, and the time when the increased rates, fares, or charges will go into effect; and the proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept for public inspection. Reductions in such published rates, fares, or charges may be made without previous public notice; but whenever any such reduction is made, notice of the same shall immediately be publicly posted and the changes made shall immediately be made public by printing new schedules, or shall immediately be plainly indicated upon the schedules at the time in force and kept for public inspection.

And when any such common carrier shall have established and published its rates, fares, and charges, in compliance with the provisions of this section, it shall be unlawful for such common carrier to charge, demand, collect, or receive from any person or persons a greater or less compensation for the transportation of passengers or property, or for any services in connection therewith, than is specified in such published schedule of rates, fares, and charges as may at the time be in force.

Every common carrier subject to the provisions of this act shall file with the commission hereinafter provided for copies of its schedules of rates, fares, and charges which have been established and published in compliance with the requirements of this section, and shall promptly notify said commission of all changes made in the same. Every such common carrier shall also file with said commission copies of all contracts, agreements, or arrangements with other common carriers in relation to any traffic affected by the provisions of this act to which it may be a party. And in cases where passengers and freight pass over continuous lines or routes operated by more than one common carrier, and the several common carriers operating such lines or routes establish joint tariffs of rates or fares or charges for such continuous lines or routes, copies of such joint tariffs shall also, in like manner, be filed with said commission. Such joint rates, fares, and charges on such continuous lines so filed as aforesaid shall be made public by such common carriers when directed by said commission, in so far as may, in the judgment of the commission, be deemed practicable; and said commission shall from time to time prescribe the measure of publicity which shall be given to such rates, fares, and charges, or to such part of them as it may deem it practicable for such common carriers to publish, and the places in which they shall be published; but no common carrier party to any such joint tariff shall be liable for the failure of any other common carrier party thereto to observe and adhere to the rates, fares, or charges thus made and published.

If any such common carrier shall neglect or refuse to file or publish its schedules or tariffs of rates, fares, and charges as provided in this section, or any part of the same, such common carrier shall, in addition to other penalties herein prescribed, be subject to a writ of mandamus, to be issued by any circuit court of the United States in the judicial district wherein the principal office of said common carrier is situated or wherein such offense may be committed, and if such common carrier be a foreign corporation, in the judicial circuit wherein such common carrier accepts traffic and has an agent to perform such service, to compel compliance with the aforesaid provisions of this section; and such writ shall issue in the name of the people of the United States, at the relation of the commissioners appointed under the provisions of this act; and failure to comply with its requirements shall be punishable as and for a contempt; and the said commissioners, as complainants, may also apply, in any such circuit court of the United States, for a writ of injunction against such common carrier, to restrain such common carrier from receiving or transporting property among the several States and Territories of the United States, or between the United States and adjacent foreign countries, or between ports of transshipment and of entry and the several States and Territories of the United States, as mentioned in the first section of this act, until such common carrier shall have complied with the aforesaid provisions of this section of this act.

SEC. 7. That it shall be unlawful for any common carrier subject to the provisions of this act to enter into any combination, contract, or agreement, expressed or implied, to prevent, by change of time schedule, carriage in different cars, or by other means or devices, the carriage of freights from being continuous from the place of shipment to the place of destination; and no break of bulk, stoppage, or interruption made by such common carrier shall prevent the carriage of freights from being and being treated as one continuous carriage from the place of shipment to the place of destination, unless such break, stoppage, or interruption was made in good faith for some necessary purpose, and without any intent to avoid or unnecessarily interrupt such continuous carriage or to evade any of the provisions of this act.

SEC. 8. That in case any common carrier subject to the provisions of this act shall do, cause to be done, or permit to be done any act, matter, or thing in this act prohibited or declared to be unlawful, or shall omit to do any act, matter, or thing in this act required to be done, such common carrier shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of any such violation of the provisions of this act, together with a reasonable counsel or attorney's fee, to be fixed by the court in every case of recovery, which attorney's fee shall be taxed and collected as part of the costs in the case.

SEC. 9. That any person or persons claiming to be damaged by any common carrier subject to the provisions of this act may either make complaint to the commission as hereinafter provided for, or may bring suit in his or their own behalf for the recovery of the damages for which such common carrier may be liable under the provisions of this act, in any district or circuit court of the United States of competent jurisdiction; but such person or persons shall not have the right to pursue both of said remedies, and must in each case elect which one of the two methods of procedure herein provided for he or they will adopt. In any such action brought for the recovery of damages the court before which the same shall be pending may compel any director, officer, receiver, trustee, or agent of the corporation or company defendant in such suit to attend, appear, and testify in such case, and may compel the production of the books and papers of such corporation or company party to any such suit; the claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

SEC. 10. That any common carrier subject to the provisions of this act, or, whenever such common carrier is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, who, alone or with any other corporation, company, person, or party, shall willfully do or cause to be done, or shall willingly suffer or permit to be done, any act, matter, or thing in this act prohibited or declared to be unlawful, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter, or thing in this act required to be done, or shall cause or willingly suffer or permit any act, matter, or thing so directed or required by this act to be done not to be so done, or shall aid or abet any such omission or failure, or shall be guilty of any infraction of this act, or shall aid or abet therein, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any district court of the United States within the jurisdiction of which such offense was committed, be subject to a fine of not to exceed $5,000 for each offense.

SEC. 11. That a commission is hereby created and established, to be known as the interstate commerce commission, which shall be composed of five commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate. The commissioners first appointed under this act shall continue in office for the term of two, three, four, five, and six years, respectively, from the 1st day of January, A. D. 1887, the term of each to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Not more than three of the commissioners shall be appointed from the same political party. No person in the employ of, or holding any official relation to, any common carrier subject to the provisions of this act, or owning stock or bonds thereof, or who is in any way pecuniarily interested therein, shall enter upon the duties of or hold such office. Said commissioners shall not engage in any other business, vocation, or employment. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission.

SEC. 12. That the commission hereby created shall have authority to inquire into the management of the business of all common carriers subject to the provisions of this act, and shall keep itself informed as to the manner and method in which the same is conducted, and shall have the right to obtain from such common carriers full and complete information necessary to enable the commission to perform the duties and carry out the objects for which it was created; and for the purposes of this act the commission shall have power to require the attendance and testimony of witnesses and the production of all books, papers, tariffs, contracts, agreements, and documents relating to any matter under investigation, and to that end may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section.

And any of the circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any common carrier subject to the provisions of this act, or other person, issue an order requiring such common carrier or other person to appear before said commission (and produce books and papers if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying; but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

SEC. 13. That any person, firm, corporation, or association, or any mercantile, agricultural, or manufacturing society, or any body politic or municipal organization, complaining of anything done or omitted to be done by any common carrier subject to the provisions of this act in contravention of the provisions thereof, may apply to said commission by petition, which shall briefly state the facts; whereupon a statement of the charges thus made shall be forwarded by the commission to such common carrier, who shall be called upon to satisfy the complaint or to answer the same in writing within a reasonable time, to be specified by the commission. If such common carrier, within the time specified, shall make reparation for the injury alleged to have been done, said carrier shall be relieved of liability to the complainant only for the particular violation of law thus complained of. If such carrier shall not satisfy the complaint within the

time specified, or there shall appear to be any reasonable ground for investigating said complaint, it shall be the duty of the commission to investigate the matters complained of in such manner and by such means as it shall deem proper.

Said commission shall in like manner investigate any complaint forwarded by the railroad commissioner or railroad commission of any State or Territory, at the request of such commissioner or commission, and may institute any inquiry on its own motion in the same manner and to the same effect as though complaint had been made.

No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.

SEC. 14. That whenever an investigation shall be made by said commission, it shall be its duty to make a report in writing in respect thereto, which shall include the findings of fact upon which the conclusions of the commission are based, together with its recommendation as to what reparation, if any, should be made by the common carrier to any party or parties who may be found to have been injured; and such findings so made shall thereafter, in all judicial proceedings, be deemed *prima facie* evidence as to each and every fact found.

All reports of investigations made by the commission shall be entered of record, and a copy thereof shall be furnished to the party who may have complained, and to any common carrier that may have been complained of.

SEC. 15. That if in any case in which an investigation shall be made by said commission it shall be made to appear to the satisfaction of the commission, either by the testimony of witnesses or other evidence, that anything has been done or omitted to be done in violation of the provisions of this act, or of any law cognizable by said commission, by any common carrier, or that any injury or damage has been sustained by the party or parties complaining, or by other parties aggrieved in consequence of any such violation, it shall be the duty of the commission to forthwith cause a copy of its report in respect thereto to be delivered to such common carrier, together with a notice to said common carrier to cease and desist from such violation, or to make reparation for the injury so found to have been done, or both, within a reasonable time, to be specified by the commission; and if, within the time specified, it shall be made to appear to the commission that such common carrier has ceased from such violation of law, and has made reparation for the injury found to have been done, in compliance with the report and notice of the commission, or to the satisfaction of the party complaining, a statement to that effect shall be entered of record by the commission, and the said common carrier shall thereupon be relieved from further liability or penalty for such particular violation of law.

SEC. 16. That whenever any common carrier, as defined in and subject to the provisions of this act, shall violate or refuse or neglect to obey any lawful order or requirement of the commission in this act named, it shall be the duty of the commission, and lawful for any company or person interested in such order or requirement, to apply, in a summary way, by petition, to the circuit court of the United States sitting in equity in the judicial district in which the common carrier complained of has its principal office, or in which the violation or disobedience of such order or requirement shall happen, alleging such violation or disobedience, as the case may be; and the said court shall have power to hear and determine the matter, on such short notice to the common carrier complained of as the court shall deem reasonable; and such notice may be served on such common carrier, his or its officers, agents, or servants, in such manner as the court shall direct; and said court shall proceed to hear and determine the matter speedily as a court of equity and without the formal pleadings and proceedings applicable to ordinary suits in equity, but in such manner as to do justice in the premises; and to this end such court shall have power, if it think fit, to direct and prosecute, in such mode and by such persons as it may appoint, all such inquiries as the court may think needful to enable it to form a just judgment in the matter of such petition; and on such hearing the report of said commission shall be *prima facie* evidence of the matters therein stated; and if it be made to appear to such court, on such hearing or on report of any such person or persons, that the lawful order or requirement of said commission drawn in question has been violated or disobeyed, it shall be lawful for such court to issue a writ of injunction or other proper process, mandatory or otherwise, to restrain such common carrier from further continuing such violation or disobedience of such order or requirement of said commission, and enjoining obedience to the same; and in case of any disobedience of any such writ of injunction or other proper process, mandatory or otherwise, it shall be lawful for such court to issue writs of attachment, or any other process of said court incident or applicable to writs of injunction or other proper process, mandatory or otherwise, against such common carrier, and if a corporation, against one or more of the directors, officers, or agents of the same, or against any owner, lessee, trustee, receiver, or other person failing to obey such writ of injunction or other proper process, mandatory or otherwise; and said court may, if it shall think fit, make an order directing such common carrier or other person so disobeying such writ of injunction or other proper process, mandatory or otherwise, to pay such sum of money not exceeding for each carrier or person in default the sum of $500 for every day after a day to be named in the order that such carrier or other person shall fail to obey such injunction or other proper process, mandatory or otherwise; and such moneys shall be payable as the court shall direct, either to the party complaining, or into court to abide the ultimate decision of the court, or into the Treasury; and payment thereof may, without prejudice to any other mode of recovering the same, be enforced by attachment or order in the nature of a writ of execution, in like manner as if the same had been recovered by a final decree *in personam* in such court. When the subject in dispute shall be of the value of $2,000 or more, either party to such proceeding before said court may appeal to the Supreme Court of the United States, under the same regulations now provided by law in respect of security for such appeal; but such appeal shall not operate to stay or supersede the order of the court or the execution of any writ or process thereon; and such court may, in every such matter, order the payment of such costs and counsel fees as shall be deemed reasonable. Whenever any such petition shall be filed or presented by the commission it shall be the duty of the district attorney, under the direction of the Attorney-General of the United States, to prosecute the same; and the costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States. For the purposes of this act, excepting its penal provisions, the circuit courts of the United States shall be deemed to be always in session.

SEC. 17. That the commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. A majority of the commission shall constitute a quorum for the transaction of business, but no commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest. Said commission may, from time to time, make or amend such general rules or orders as may be requisite for the order and regulation of proceedings before it, including forms of notices and the service thereof, which shall conform, as nearly as may be, to those in use in the courts of the United States. Any party may appear before said commission and be heard, in person or by attorney. Every vote and official act of the commission shall be entered of record, and its proceedings shall be public upon the request of either party interested. Said commission shall have an official seal, which shall be judicially noticed. Either of the members of the commission may administer oaths and affirmations.

SEC. 18. That each commissioner shall receive an annual salary of $7,500, payable in the same manner as the salaries of judges of the courts of the United States. The commission shall appoint a secretary, who shall receive an annual salary of $3,500, payable in like manner. The commission shall have authority to employ and fix the compensation of such other employés as it may find necessary to the proper performance of its duties, subject to the approval of the Secretary of the Interior.

The commission shall be furnished by the Secretary of the Interior with suitable offices and all necessary office supplies. Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. All of the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners, or by their employés under their orders, in making any investigation in any other places than in the city of Washington, shall be allowed and paid, on the presentation of itemized vouchers therefor approved by the chairman of the commission and the Secretary of the Interior.

SEC. 19. That the principal office of the commission shall be in the city of Washington, where its general sessions shall be held; but whenever the convenience of the public or of the parties may be promoted or delay or expense prevented thereby, the commission may hold special sessions in any part of the United States. It may, by one or more of the commissioners, prosecute any inquiry necessary to its duties, in any part of the United States, into any matter or question of fact pertaining to the business of any common carrier subject to the provisions of this act.

SEC. 20. That the commission is hereby authorized to require annual reports from all common carriers subject to the provisions of this act, to fix the time and prescribe the manner in which such reports shall be made, and to require from such carriers specific answers to all questions upon which the commission may need information. Such annual reports shall show in detail the amount of capital stock issued, the amounts paid therefor, and the manner of payment for the same; the dividends paid, the surplus fund, if any, and the number of stockholders; the funded and floating debts, and the interest paid thereon; the cost and value of the carrier's property, franchises, and equipment; the number of employés, and the salary paid each class; the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts from each branch of business and from all sources; the operating and other expenses; the balances of profit and loss; and a complete exhibit of the financial operations of the carrier each year, including an annual balance-sheet. Such reports shall also contain such information in relation to rates or regulations, concerning fares or freights, or agreements, arrangements, or contracts with other common carriers, as the commission may require; and the said commission may, within its discretion, for the purpose of enabling it the better to carry out the purposes of this act, prescribe (if in the opinion of the commission it is practicable to prescribe such uniformity and methods of keeping accounts) a period of time within which all common carriers subject to the provisions of this act shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept.

SEC. 21. That the commission shall, on or before the 1st day of December in each year, make a report to the Secretary of the Interior, which shall be by him transmitted to Congress, and copies of which shall be distributed as are the other reports issued from the Interior Department. This report shall contain such information and data collected by the commission as may be considered of value in the determination of questions connected with the regulation of commerce, together with such recommendations as to additional legislation relating thereto as the commission may deem necessary.

SEC. 22. That nothing in this act shall apply to the carriage, storage, or handling of property free or at reduced rates for the United States, State, or municipal governments, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the issuance of mileage, excursion, or commutation passenger tickets; nothing in this act shall be construed to prohibit any common carrier from giving reduced rates to ministers of religion; nothing in this act shall be construed to prevent railroads from giving free carriage to their own officers and employés, or to prevent the principal officers of any railroad company or companies from exchanging passes or tickets with other railroad companies for their officers and employés; and nothing in this act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this act are in addition to such remedies: *Provided*, That no pending litigation shall in any way be affected by this act.

SEC. 23. That the sum of $100,000 is hereby appropriated for the use and purposes of this act for the fiscal year ending June 30, A. D. 1888, and the intervening time anterior thereto.

SEC. 24. That the provisions of sections 11 and 18 of this act, relating to the appointment and organization of the commission herein provided for, shall take effect immediately, and the remaining provisions of this act shall take effect sixty days after its passage.

S. M. CULLOM,
ISHAM G. HARRIS,
Managers on the part of the Senate.

JOHN H. REAGAN,
CHARLES F. CRISP,
A. J. WEAVER,
Managers on the part of the House.

Mr. INGALLS. Mr. President, the report of the committee of conference on the interstate commerce bill now lies on the table, and I understand according to the practice of the Senate it is subject to be called up at any time. It is unquestionably the most important subject that has been before this session of Congress, and in its bearings upon commerce hereafter is entitled, I think, to very deliberate and free discussion. I have not had the opportunity of examining the report, but I understand that several of the positions that were taken by the Senate, after protracted debate, have been abandoned by the report of the committee of conference, and I think there ought to be some definite understanding now as to the time when this report is to be called up for consideration. And if I am authorized, or can obtain the floor for that purpose now, I wish to submit a motion that the consideration of this report be postponed until the second Monday in January next, which will be a few days after the ordinary reassembling of Congress for the customary holiday recess.

Mr. CULLOM. I gave notice that I would not call up the report during this week, and not until Monday or Tuesday of next week. In the mean time it will be printed, so that every Senator will have an opportunity to see what it is. If, when the time comes for calling it up, it is the judgment of the Senate that it can not be considered before the holidays, or only in part, so far as I am concerned I shall not be disposed to undertake to crowd the measure through the Senate before giving the Senate ample time for proper consideration. But it seems to me that the Senator's motion could be made on Tuesday of next week, when I shall hope to call the report up, if it shall be determined in the mean time to call it up on that day. It may be that

the circumstances of the Senate will be such that I shall determine not to call it up until after the holidays, but I prefer now to give notice to the Senate that on Tuesday next at 2 o'clock I will call it up for consideration. When that time comes, if the Senator insists or thinks it ought to be postponed he can make his motion at that time. I think that would be the better course.

Mr. INGALLS. I presume that we all know now as well as we shall on Tuesday next that this bill and the report of the committee of conference will not be finally acted upon before the 1st of January.

Mr. CULLOM. I do not know whether that is so or not. Nobody knows.

Mr. INGALLS. My impression is that we do know that the questions nvolved are of such magnitude and importance that the action of the committee of conference, if I am correctly informed, has been so in opposition to the expressed determination of the Senate upon some very important points involved in this subject, that with the waning numbers that are liable to occur from this time onward there is no human likelihood or probability that this matter will be considered before the 1st day of January.

The Senator from Illinois says it is not certain that we shall have a holiday recess. Of course it is not, but it is more than probable; and it is certain that, whether there is one or not, the members of this body will in large numbers depart during that festal season. On Tuesday next it is more than likely that I shall be absent myself. I know others intend to be; and therefore I say it is wise and just and proper, and in accordance with justice, that this great measure should not be left hanging up in the atmosphere in this way; that we should all be enabled to see definitely that nothing will be done about it until after there has been time for debate and consideration, which will not occur before the first day of January.

I wish, therefore, the Senator from Illinois—and I can not conceive his reason to be contrary—would consent, for the convenience of us all, for the advantage of debate which will occur in the public prints and elsewhere that we may be enlightened and illuminated, to allow this thing to pass over, as I think the concurrence of a majority of his associates would suggest.

Mr. CULLOM. One word further, Mr. President. As I said a while ago, this subject has been before Congress now for a great many years, and session after session we have failed to pass any law relative to the question until the country has got to believe that we do not intend to pass any law on the subject. This session, as the Senator knows, is a short one. It is only necessary to defeat a measure to postpone its consideration a few times and the session is gone by. I am perfectly willing to consent to any understanding or agreement that will not jeopardize the passage of the bill. After a decision of the Supreme Court has been made throwing upon us the onus of regulating interstate commerce, if we pretend to be in favor of any regulation we cannot afford to allow this session to go by without passing some proper bill, and I say simply that I desire to call the bill up on next Tuesday for consideration. I do not expect that we are going to pass it in a day; but unless we begin its consideration nobody can tell whether we shall ever pass it or not. If the bill is allowed to come up on next Tuesday, let Senators who desire to talk upon it talk, and if we have a recess that comes in before the proper consideration of the bill is disposed of we can take the recess and the bill will go over until after the holidays have passed by. But unless we do press the bill forward with a view to getting it through this branch of Congress and allowing the other branch to have an opportunity to consider it as well—and if we disagree to it we have got to have another conference and perhaps a further one—the result will be, if we do not go on with it as rapidly as possible, that we shall not reach a conclusion at all by which we shall get any legislation.

So I trust any motion which is made now to set the report down for the second Monday or whatever day the Senator names in January will be voted upon with the understanding that I shall call it up on next Tuesday, and if the Senate is prepared to go on and consider it we can do so at that time.

Mr. CALL. Mr. President, I hope the Senate will not postpone the consideration of this bill until after the holidays. The country certainly demands the passage of this bill or something akin to it, and it will not be passed if we postpone it until after the holidays, when there will be not over two months of practical working time.

The bill is certainly one of the most important that could be presented to Congress and one of the most necessary to be passed, and passed without delay. I am not prepared to say that I approve the provisions of the conference report, and some time is needed to consider it, but certainly not longer than the Senator from Illinois proposes before a commencement of the consideration of this bill shall be had. I hope, therefore, that the Senator from Illinois will insist on taking up this bill and commencing the consideration of it at the earliest possible day.

Mr. SABIN. Mr. President, I am unqualifiedly in favor of pressing this bill or some other bill, having in view the objects which it is intended to cover by the measure now before the Senate. It may be that on consideration and examination I shall be unqualifiedly in favor of this bill as agreed upon by the conference committee. But I do not believe that the interests of this great country will suffer by a ten days' postponement of this bill as much as they will suffer by a hasty and ill-advised consideration of it.

I can not see why the chairman of the committee should insist upon calling the bill up on next Tuesday, when certainly it is obvious to me, as it must be to every member of the Senate, that it is going to elicit a very warm and protracted discussion, and for myself I wish very much to be present when that discussion commences, and to be here during its continuance.

If there is any prospect of the bill being called up on Tuesday next, I desire and propose to be here, but it would be a matter of very great inconvenience to myself, and I think it would be to many other members of the Senate. I do not believe that the bill will be hastened or that the objects for which it is intended will be served by pressing the consideration of it at this time. I certainly wish that the motion of the Senator from Kansas may be adopted at this time.

The PRESIDENT *pro tempore*. The Chair did not understand the Senator from Kansas as making any motion, but as making a suggestion. Does the Senator make a motion?

Mr. INGALLS. I submitted to the Chair the parliamentary question whether in the present state of the bill I could make that motion.

The PRESIDENT *pro tempore*. The Chair is of opinion that the Senate may proceed now to consider the bill. It is on the Calendar, having been simply laid on the table, and is open to a motion.

Mr. INGALLS. I understood the action of the Senate to be to lay the bill on the table by motion.

The PRESIDENT *pro tempore*. It is laid on the table, but a motion to proceed to its present consideration the Chair thinks is in order at this time, it being between 1 and 2 o'clock.

Mr. INGALLS. I think on deliberation I will let my motion lie over until Tuesday.

The PRESIDENT *pro tempore*. The Calendar is now in order.

Mr. HOAR. Before this matter passes——

Mr. PLUMB. I thought I had the floor.

The PRESIDENT *pro tempore*. The Senator from Kansas has the floor on the resolution offered this morning.

Mr. HOAR. I ask what number of copies is it proposed to print?

The PRESIDENT *pro tempore*. Five thousand extra copies; and that resolution has gone to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. 1418) for the relief of Henry Martin.

The message further announced that the House insisted upon its amendments to the bill (S. 9.) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CALDWELL, Mr. EDEN, and Mr. COOPER the managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 9110) to amend sections 5191 and 5192 of the Revised Statutes of the United States; and

A bill (H. R. 7648) for the relief of the estate of the late John How, Indian agent, and his sureties.

APPROPRIATIONS FOR MISSOURI RIVER.

Mr. PLUMB. I am not surprised that the Chair in the lapse of time from the moment I yielded the floor to the Senator from Illinois [Mr. CULLOM] should have forgotten that I was entitled to be recognized; nor do I desire at this time to say very much about the matter that has been discussed so widely by my colleague and the Senator from Nebraska. The resolution of the Senator from Nebraska, I believe, is the business before the Senate.

The PRESIDENT *pro tempore*. It is.

Mr. PLUMB. I had something to do with the bill that was finally passed. The House of Representatives had failed to insert in it any appropriation for the continuation of the Missouri River improvement. I was in favor of discontinuing the Missouri River Commission and so voted, but the Committee on Commerce having restored the provision, I sought to have it so amended that there might be an appropriation of money made for the improvement of the river at Fort Leavenworth, where the Government had large interests, and also where there are large private interests, as well as at Kansas City or elsewhere on that stream. I made a suggestion to the Senator from Missouri [Mr. VEST], in fact I offered an amendment, I think, carrying out my idea, which was presented to the Committee on Commerce. The committee did not report the amendment exactly as I sent it down, but made a proposition which I thought would not accomplish the purpose, and so a modification was agreed upon here. Subsequently, on motion of my colleague [Mr. INGALLS], Atchison was added, and on motion of the Senator from Nebraska [Mr. VAN WYCK] certain towns in Nebraska were added also, and so a large number of places were put upon the bill as

the places for which the money appropriated for the Missouri River should be spent.

I thought and still think that the amendment as agreed upon gave to the Secretary of War the authority to determine as to how the money should be spent, and that he was only required to consult with the Missouri River Commission in regard to the plan. He took a different view of the law. I wrote him on the subject last fall, and a few days ago I went to see him about it. He stated to me the embarrassment which he was under in the construction to be put upon the law, and, while finally apparently yielding to the view which I took of the provision, said that he indorsed what the Missouri River Commission recommended, which, of course, put him in the attitude of doing that which I thought he ought to do, and that was assuming the responsibility for expending the money. But he said to me: "Here, as I have $375,000 to spend, and six or seven or eight places are named on the river at which the money shall be spent, the Missouri River Commission said to me, what I on investigation believed to be true, that if I spent some of the money at each one of these places the money so spent would be thrown away and no useful purpose would be accomplished, no improvement would be completed or so nearly completed as that it would stand the spring floods, which would come down, as in other seasons, and take away imperfectly constructed works, which would result in a useless expenditure of a portion of the money."

He said the commission had stated to him that by spending $225,000 at Kansas City that improvement would be made permanent and final; and that by spending $75,000 at Saint Joseph a similar result would be obtained there; and that he had adopted that plan for the expenditure of the money and still adhered to its propriety. As I understand, there are $75,000 of the money yet unallotted, and which can be expended at Leavenworth or any other place that the Secretary of War may determine.

There is great force in what the Secretary says about the impropriety and impolicy of spending money where no good result will be accomplished; and if it be true, as he says, that to spend the money at each one of the places named in the bill would result simply in throwing money uselessly into the river, then I think he is justified in spending it in the way decided on, though there seems to be an express condition that he shall expend some of it at each one of these places.

I do not know whether that is correct or not. I myself would take some exception to the location of at least a portion of the money. I think myself that some better distribution of it could have been made. But the Secretary has directed the expenditure of the money upon what he believed to be evidence on the part of those spending it that the best results would be obtained for the expenditure. I have no doubt that if he has made a mistake, as I rather think he has, he has at all events made it in the right direction; that is to say, in the direction of what he believes to be a saving of the public money.

My own view, however, about the improvement of the Missouri River was that we ought to quit spending money on it at large, casting a little in here and a little there to be washed out by the ensuing flood; and, instead of that, limit ourselves to the protection of private property at important places like Kansas City, Leavenworth, Saint Joseph, Atchison, and so on, until such time as Congress should, if it ever shall, appropriate money enough to carry on a continuous improvement of the river designed seriously to make it suitable for navigation. It was with a view to stop this scattering expenditure that I moved that a portion of the money should be spent at Leavenworth, practically for the protection of the public property there and for the protection of private interests which are threatened by the mutations of the river.

Now, if it be true that to take this pitiable sum of $375,000 and distribute it at half a dozen different points along the river would result neither in the preservation of public property or of private property, nor in the improvement of the navigation of the river, if it would be a simply useless expenditure of money, as he says he thinks it would be, he is justified in what he has done. I can not myself agree that he has made the best distribution of the money he did distribute. I think he might have spent money which it is his proposition to spend at Saint Joseph and at another place with a great deal better result to the public interests, and I think he might have taken the other $75,000 and put it at Atchison, Leavenworth, or some other of the points named, usefully; but still, on the theory on which he operated, undoubtedly he was justified.

Mr. CONGER. Mr. President, since making the remark which I did in regard to the river and harbor bill of two years ago and the discussions about it, I have sent for the RECORD of the session when the bill alluded to by the Senator from Nebraska was before the Senate, and I ask his attention for a moment.

The bill to which the Senator from Nebraska referred was not a bill making specific appropriations for rivers and harbors in detail. My remarks were in reference to such a bill, although I mistook the time; it was on a former occasion when the House bill making appropriations in detail, the usual river and harbor bill, failed to reach the Senate in time for consideration.

At the session two years ago the House sent us a river and harbor bill appropriating $5,000,000 in gross to be applied according to the provisions of the previous bill. The Senate Committee on Commerce increased that amount to $10,000,000, and in the last hours of the session the bill was considered and the amendments offered by the Senator from Nebraska were offered to that bill. I had mistaken the bill, and was speaking myself of a bill which had come in here making specific appropriations. Therefore I desire to state, with great respect, that the Senator from Nebraska, as I find by the RECORD, offered his amendments to the five million bill.

Mr. MCPHERSON. I wish to offer a resolution.

The PRESIDING OFFICER (Mr. FRYE in the chair). The Chair will receive it.

ARTHUR KILL BRIDGE.

Mr. MCPHERSON. I submit the following resolution:

Resolved, That the Secretary of War be instructed to furnish the Senate with a copy of the report of a board of engineers, United States Army, and accompanying documents, made by said board on the location and construction of the proposed bridge over the Arthur Kill between New Jersey and Staten Island.

As I want to look at the papers, I request immediate consideration of the resolution.

The resolution was considered by unanimous consent and agreed to.

ACCIDENT ON LIBRARY SITE.

Mr. SAULSBURY submitted the following resolution:

Resolved, That the committee for providing additional accommodations for the Library be, and they are hereby, instructed to inquire into the circumstances under which the accident occurred in removing the buildings on the lands condemned for the use of the Library, by which it is reported several persons have lost their lives and others been seriously injured, and what, if any, provision should be made by Congress for the families of such deceased and injured persons.

Mr. INGALLS. What is the occasion for the introduction of the resolution? Will the Senator from Delaware explain?

Mr. SAULSBURY. I understand that, a while ago, in removing some houses from land taken for the public library building the walls fell, and it is stated that several persons have lost their lives and that others have been seriously injured. The object of the resolution is to ascertain if any provision should be made by Congress for the families of such deceased and injured persons.

Mr. INGALLS. The Senator has no definite information about the facts yet?

Mr. SAULSBURY. I am advised that the accident has occurred, and I offer the resolution for inquiry.

Mr. INGALLS. It had better lie on the table until we ascertain the facts.

Mr. EDMUNDS. Let the resolution be read again, so that we may know what it is.

The PRESIDING OFFICER. The resolution will be read.

The resolution was read.

The PRESIDING OFFICER. Objection being made, the resolution will go over under the rules and be printed.

Mr. MORRILL. I desire to say that I have just been informed that no lives were lost, and that this work was done under contract with parties to take down the buildings and remove them.

Mr. VOORHEES. As the Senator from Vermont has observed, I understand the work of taking down these walls is let by contract, and in doing so a wall was left standing without any support on either side, which I happened to observe a day or two ago with a good deal of apprehension, which I expressed at the time. It has fallen, and I have been out into the grounds to ascertain the extent of the injury. I heard that three persons had been taken out badly injured; and whether or not there are others under the ruins who have been killed I think is a matter of uncertainty at this time. I think that is about the state of the case.

TENURE-OF-OFFICE ACT REPEAL.

Mr. HOAR. I desire to be permitted to make a statement to the Senate.

I had proposed to ask the Senate to take up in the morning hour, immediately after the routine business, the bill in regard to the tenure-of-office act; but I learned that it was convenient to the Senator from Vermont [Mr. EDMUNDS] not to have that measure taken up at this time, because he desired to make an investigation which he had not quite completed. Accordingly, I did not interpose in the debate that was going on by unanimous consent. Now the hour of 2 o'clock has arrived, and I desire to ask that that measure may go over until to-morrow with the same rights that it has to-day; that is, as the unfinished business, with the understanding that I do not expect to interfere with the rights of the Senator from Connecticut [Mr. PLATT].

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which is the bill (S. 512) to repeal certain sections of the Revised Statutes relating to the appointment of civil officers, and the Senator from Massachusetts asks that it may go over informally until to-morrow, holding its place. Is there objection? The Chair hears none.

EXECUTIVE SESSIONS WITH OPEN DOORS.

Mr. PLATT. I now move that the Senate proceed to the consideration of the first special order, which is the regular order at this time.

The PRESIDING OFFICER. The Senator from Connecticut moves that the Senate proceed to the consideration of a resolution which will be read.

The Chief Clerk read the resolution submitted by Mr. PLATT, January 29, 1886.

The motion was agreed to.

The PRESIDING OFFICER. The resolution is before the Senate.

Mr. PLATT. There is some morning business that the Senator from Virginia [Mr. MAHONE] and the Senator from New York [Mr. EVARTS] wish to present. I yield for that.

REPORTS OF COMMITTEES.

Mr. MAHONE. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 910) for the enlargement, improvement, and completion of the public buildings now being erected at Harrisonburg, Va., to report it back adversely and to ask that it be indefinitely postponed, a bill having already passed the Senate covering the same subject.

The bill was postponed indefinitely.

Mr. MAHONE. I am also directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1573) to increase the appropriation for the erection of a public building at Reading, Pa., to ask the same disposition for the same reason.

The bill was postponed indefinitely.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the following bills, reported them adversely and moved their indefinite postponement; which was agreed to:

A bill (S. 563) authorizing the partition of certain land in Louisville, Ky., belonging jointly to John Echols and the Government of the United States;

A bill (S. 1374) to increase the appropriation for the erection of the public building at Rochester, N. Y.;

A bill (S. 1535) for the purchase of a site and the erection of a public building thereon in the city of La Fayette, Ind.;

A bill (S. 2664) appropriating money for the completion of the public building at Greensborough, N. C.;

A bill (S. 1427) to provide for the erection of a public building in Springfield, Mo.; and

A bill (S. 1736) to provide for an addition to the United States building at Jackson, Miss.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the joint resolution (S. R. 44) authorizing and directing the Department of Justice to transfer certain rooms which have been occupied by the United States courts to the city of Jackson, Miss., reported adversely thereon, and moved its indefinite postponement.

Mr. GEORGE. I wish the Senator would allow the joint resolution in reference to the public building at Jackson to go on the Calendar. I wish to examine the matter.

Mr. MAHONE. I believe I made a mistake about that. What is it?

The Chief Clerk read the title of the joint resolution (S. R. 44).

Mr. MAHONE. I asked the indefinite postponement because I have a joint resolution to report favorably covering the same subject.

Mr. GEORGE. Let it go on the Calendar.

The PRESIDING OFFICER. At the request of the Senator from Mississippi it will be placed on the Calendar.

Mr. MAHONE. There will be no occasion for that.

The PRESIDING OFFICER. Does the Senator from Mississippi still make the request?

Mr. GEORGE. No; if there is another joint resolution to be reported on the same subject.

The PRESIDING OFFICER. The joint resolution will be indefinitely postponed.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the joint resolution (S. R. 51) authorizing and directing the Department of Justice to transfer certain rooms which have been occupied by the United States courts to the city of Jackson, Miss., reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2303) for the erection of a public building at Chester, Pa., reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2901) to provide for the erection of a public building at Eastport, Me., reported it without amendment.

The PRESIDING OFFICER. The Chair desires to call the attention of the Senator from Virginia to the bill reported to provide for the erection of a public building at Eastport, Me.

Mr. MAHONE. I reported it with an amendment to strike out the preamble.

The PRESIDING OFFICER. The present occupant of the Chair handed the Senator from Virginia a bill to take its place.

Mr. MAHONE. Then I withdraw that report for the present. I see I sent up the wrong bill.

The PRESIDING OFFICER. The report will be withdrawn if there be no objection.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 7218) to amend an act entitled "An act for the erection of a public building at Chattanooga, Tenn.," approved February 25, 1885, reported it without amendment.

Mr. HARRIS. I ask the Senator from Virginia to please withhold that report for to-day. There are some facts I want to submit in respect to that matter.

Mr. MAHONE. All right; I withdraw the report.

The PRESIDING OFFICER. The report is withdrawn.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the amendment submitted by Mr. DAWES to the sundry civil appropriation bill providing for an appropriation for the erection and completion of a post-office building at New Bedford, Mass., reported it favorably, and moved its reference to the Committee on Appropriations, which was agreed to.

PUBLIC BUILDING AT SPRINGFIELD, MASS.

Mr. MAHONE. The Committee on Public Buildings and Grounds instruct me to report back the bill (S. 263) providing for the erection of a public building at Springfield, Mass., returned from the House of Representatives with an amendment, and to move that the Senate disagree to the amendment and ask for the appointment of a committee of conference on that bill.

The motion was agreed to.

By unanimous consent the presiding officer was authorized to appoint the conferees on the part of the Senate; and Mr. MAHONE, Mr. DAWES, and Mr. CAMDEN were appointed.

PUBLIC BUILDING AT FORT SCOTT, KANS.

Mr. PLUMB. I move to take from the table the bill providing for the erection of a public building at Fort Scott, Kans., and ask that it may be referred to the Committee on Public Buildings and Grounds.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent to take from the table the bill (S. 1386) for the completion of a public building at Fort Scott, Kans., returned from the House of Representatives with an amendment, and have it referred to the Committee on Public Buildings and Grounds. That order will be made if there be no objection.

PAPERS IN STATE DEPARTMENT.

Mr. EVARTS. Mr. President, I ask unanimous consent to take up Order of Busines No. 1825 on the Calendar and pass it at once. I will state to the Senate the nature of it.

During the examination before the mixed commission with Mexico a foreign subject, an Englishman resident in Mexico, presented his papers and claim. The commission of course rejected it as coming from a foreigner and not within the comprehension of the treaty. The papers were lodged in the State Department, and it is necessary that a joint resolution should authorize the return of them to the executrix of this foreign subject. The resolution passed the House, and was reported from the Committee on Foreign Relations here toward the end of the last session. It is of importance to private interests that these papers should be restored to their owners, and I ask that that resolution may now be passed.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent that the Senate proceed to the consideration of the joint resolution (H. Res. 118) relative to certain papers in the State Department by error.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It is a direction to the Secretary of State to deliver to the person justly entitled to the possession thereof the papers in the claim of the late John Potts, a British subject residing in Mexico, presented to the United States and Mexican Claims Commission through the agency of a Mr. MacManus, also a resident of Mexico, said papers containing certain original documents issued by the Mexican Government on the collectors of customs at sundry ports for the payment of moneys to John Potts, and which moneys he had loaned to the Mexican Government, the papers having been deposited in the State Department by error.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The bill (H. R. 9110) to amend sections 5191 and 5192 of the Revised Statutes of the United States was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 7648) for the relief of the estate of the late John How, Indian agent, and his sureties, was read twice by its title, and referred to the Committee on Indian Affairs.

ORDER OF BUSINESS.

Mr. PLATT. I ask the Senate to proceed with the regular order.

Mr. BECK. The bill (S. 2578) being a bill to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States, was made a special order for last Monday, and I suppose it is in order now. I know of nothing to prevent its consideration.

The PRESIDING OFFICER. The Senate has just decided by a vote

to proceed to the consideration of a prior special order, the resolution relative to executive sessions.

Mr. BECK. I desire to give a notice—as the Senate is thin now—so that gentlemen who may desire to take part in discussing this bill may be here, that I will call it up to-morrow at 2 o'clock and ask the Senate to consider it or make some disposition of it. I do not want to take it up when the Senate is thin; I do not want to take advantage of anybody; but I do not wish the bill to lose its place. I simply want some day to be fixed when we can do something with it.

Mr. HOAR. I am the author of one of the proposed bills on that matter, and I wish to say that I think the Senate is quite full to-day. Gentlemen have gone out for a few moments at this time, as they usually do, but almost all the Senators are here, and I understand that the Senator from Connecticut [Mr. PLATT] does not expect to debate, but only to have a vote on his resolution. The Senate by unanimous consent has just set a matter which is under my charge, the bill to repeal the tenure-of-office law, for to-morrow at 2 o'clock, and I hope the Senator from Kentucky will not antagonize that when he has to-day. Why not have his bill come up now?

Mr. BECK. I desire to have it up now.

Mr. HOAR. I hope that will be done after the vote on the resolution of the Senator from Connecticut.

EXECUTIVE SESSIONS WITH OPEN DOORS.

The PRESIDING OFFICER. The resolution of the Senator from Connecticut [Mr. PLATT] is before the Senate and the question is on agreeing to the resolution which has been read.

Mr. PLATT. There is an amendment pending.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. After the word "considered" it is proposed to insert "and acted upon," and at the end of the resolution to add "and so much of section 2, Rule XXXVI, and section 2, Rule XXXVIII, of the standing rules of the Senate as conflicts with or is inconsistent with the above is to the extent of such inconsistency rescinded."

So as to make the resolution read:

Resolved, That executive nominations shall hereafter be considered and acted upon in open session, except when otherwise ordered by vote of the Senate, and so much of section 2, Rule XXXVI, and section 2, Rule XXXVIII, of the standing rules of the Senate as conflicts with or is inconsistent with the above is to the extent of such inconsistency rescinded.

Mr. PLATT. That amendment is only necessary for formal purposes.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was agreed to.

Mr. PLATT. I think there is also pending another amendment, though I am not sure, submitted by the Senator from Vermont [Mr. MORRILL].

The PRESIDING OFFICER. The Senator from Vermont submitted an amendment which will be read.

The CHIEF CLERK. The proposed amendment is to strike out the words "executive nominations," and insert in lieu thereof the words "reciprocity treaties, so called."

Mr. MORRILL. The amendment which I have proposed will enable the Senate to consider reciprocity treaties in open session. They certainly ought to be considered in an open session as much as a tariff or a tax bill.

I trust that the amendment will be adopted. I am opposed to going any further in opening the doors of the Senate as to executive matters, but this at least I hope will be adopted.

Mr. PLATT. Mr. President, there is an old saying about the Greeks bearing gifts. Now, whatever might be my views upon this particular question, as to whether the Senate should consider reciprocity treaties or purely commercial treaties in open session, I hope the amendment will not be adopted at this time, for it comes from an opponent of the proposition which was originally submitted by my resolution, and the effect of the amendment is to kill my resolution, substituting for it the proposition to discuss commercial or reciprocity treaties in open session. I do not think that is a fair way of disposing of the question raised by my resolution.

If this were an independent question I am by no means sure that I should not be in favor of the proposition contained in this amendment. I think I should vote for it as an independent proposition; but when it is brought here, I will not say for the purpose, but with the effect, if adopted, of destroying the proposition which I ask the Senate to act upon, I must vote against it.

Mr. HOAR. Mr. President, is it in order to move to lay the whole subject on the table?

The PRESIDING OFFICER. It is.

Mr. HOAR. I move to lay the whole subject on the table.

Mr. PLATT. On that question I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the resolution with the pending amendments lie on the table. On that motion the Senator from Connecticut asks for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

The PRESIDING OFFICER (when Mr. HALE'S name was called). My colleague [Mr. HALE] is absent paired with the Senator from Kentucky [Mr. BECK].

Mr. VANCE (when his name was called). I am paired with the Senator from Michigan [Mr. PALMER].

The roll-call was concluded.

Mr. MAXEY. I desire to announce that my colleague [Mr. COKE] is detained from the Senate by sickness, and is paired generally with the Senator from Kansas [Mr. PLUMB].

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. PLATT. I think from what I know of the views of the Senator from Kentucky that the Senator from Nebraska would do no violence to his pair if he were to vote.

Mr. CONGER. My colleague [Mr. PALMER] is necessarily absent, and is paired on political questions with the Senator from North Carolina [Mr. VANCE].

The PRESIDING OFFICER. The Chair announced the absence of his colleague [Mr. HALE], and that he was paired with the Senator from Kentucky [Mr. BECK]. The Senator from Kentucky has voted but it will make no difference, from the fact that my colleague would vote the same way if he were here.

Mr. BECK. I was not aware of his absence.

Mr. RANSOM (after having voted in the affirmative). I have just been advised by my friend from Illinois [Mr. CULLOM] of my pair with his colleague [Mr. LOGAN], and I withdraw my vote. I should vote "yea" to lay on the table if at liberty, and the Senator from Illinois if present would vote "nay."

Mr. CULLOM. The Senator from Colorado [Mr. TELLER] was paired a day or two ago with the Senator from West Virginia [Mr. CAMDEN]. I do not see him here, and I do not know whether he considers the pair still in force or not. I am not aware how the Senator from Colorado would vote on this question if he were present.

The result was announced—yeas 33, nays 21; as follows:

YEAS—33.

Allison,	Evarts,	Mahone,	Sewell,
Beck,	Gorman,	Maxey,	Spooner,
Call,	Gray,	Miller,	Vest,
Cameron,	Harrison,	Morgan,	Walthall,
Chace,	Hoar,	Morrill,	Whitthorne,
Cheney,	Ingalls,	Pugh,	Wilson of Md.
Cockrell,	Jones of Arkansas,	Sabin,	
Colquitt,	McMillan,	Saulsbury,	
Edmunds,	McPherson,	Sawyer,	

NAYS—21.

Berry,	Dolph,	Mitchell of Oreg.,	Voorhees,
Blair,	Eustis,	Mitchell of Pa.,	Williams,
Butler,	Frye,	Platt,	Wilson of Iowa.
Conger,	George,	Plumb,	
Cullom,	Gibson,	Sherman,	
Dawes,	Hawley,	Van Wyck,	

ABSENT—22.

Aldrich,	Fair,	Kenna,	Riddleberger,
Blackburn,	Hale,	Logan,	Stanford,
Bowen,	Hampton,	Manderson,	Teller,
Brown,	Harris,	Palmer,	Vance.
Camden,	Jones of Florida,	Payne,	
Coke,	Jones of Nevada,	Ransom,	

So the motion to lay the resolution with the pending amendments on the table was agreed to.

Mr. HAWLEY. I beg leave of the Senate to say that I voted "nay" because I preferred a direct vote on the main question. I am against the resolution.

Mr. HARRIS. Mr. President——

Mr. BECK. I desire now to call up the bill (S. 2578).

The PRESIDING OFFICER. The Senator from Kentucky calls up the next special order, which is the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grants of lands or pecuniary aid from the United States.

Mr. HARRIS. I rose to address the Chair to record my vote. Has the result been announced?

The PRESIDING OFFICER. The result has been announced.

Mr. HARRIS. I desire to say that if I had been present I should have recorded my vote in favor of laying the resolution for open sessions on the table.

RAILROAD ATTORNEYS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States.

The PRESIDING OFFICER. The question is on the amendment proposed by the Committee on the Judiciary.

Mr. INGALLS. Let the bill be read at length.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read the bill.

The bill was reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and to insert:

That it shall be unlawful for any member of either House of Congress to accept employment as attorney at law, or payment for services of any kind, in opposition to the United States, in any case to which the United States may be a party or in which its interests may be concerned; or from or against any railroad company which obtained its charter, or any grant of lands, or pecuniary aid from the United States, when measures specially affecting the interests of such railroad are pending before Congress; or from or against any bank or corporation, or other officer or agent thereof, which obtained its charter or any pecuniary aid from the United States; or from or against any corporation or company, its officer or agent, engaged in the business of interstate commerce by land or water, or in the business of any interstate transportation, or in the transportation of United States mails; or from or against any corporation, company, firm, or person, or officer or agent thereof, engaged in the production, manufacture, or sale in the United States, or in the business of importing into the United States from any foreign country, any article whatsoever upon the importation of which any customs duty is now levied, or shall at any time hereafter be levied; or from or against any manufacturer of any article on which an excise tax is now levied, or shall at any time hereafter be levied, by any act of Congress.

SEC. 2. That any person who violates the provisions of this act shall be guilty of a misdemeanor, and may be punished by imprisonment not exceeding one year, or by fine not exceeding $500, or by both, in the discretion of the court.

The PRESIDING OFFICER. The question is on agreeing to this amendment.

Mr. BECK. I desire to have the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. PLATT. May the amendment be reported once more? I do not think it is fully understood.

Mr. BECK. Before the vote is taken I desire to say a word.

Mr. PLATT. I ask that the amendment be once more reported.

The PRESIDING OFFICER. The amendment will be read.

The Chief Clerk read the amendment.

Mr. BECK. Mr. President, I am of course obliged to assume that the distinguished Committee on the Judiciary regard this proposition of theirs as wise legislation. It would not be proper for me to assume anything else. When I called up the original bill for consideration the question of reference to the Judiciary Committee was considered, and the Senate by a yea-and-nay vote decided against it. When the question was taken on the final passage of the bill, the Senate by a yea-and-nay vote decided to pass it by 37 yeas to 11 nays, and it was passed. The original bill reads thus:

Be it enacted, &c., That it shall be unlawful for any member of either House of Congress to accept employment as attorney-at-law, or payment for services of any kind, from any railroad company, or any officer or agent thereof, which obtained its charter, or any grant of lands, or pecuniary aid from the United States; and any person who violates this provision shall be guilty of a misdemeanor, and, on conviction, be fined in any sum not exceeding $5,000, and imprisoned not more than one year, in the discretion of the court.

When the bill was again before the Senate on a motion to reconsider the vote by which it passed, it was denounced by the leading members of the Committee on the Judiciary as an infringement on the right of the attorneys in this and the other House of Congress. They insisted that it should be referred to them for examination and consideration. They pledged themselves by their action if not by their language to submit a proposition such as they thought Congress ought to pass. The result of their labors is the substitute just read. By it they have not only indorsed all that was contained in my original proposition, but they have added as an extension of it prohibitions against members of either House, which seem to me so absolutely unjust, and absurd that I am curious to know the ground upon which the members of the Judiciary Committee desire to pass their substitute. For example, they insist that no member of Congress shall appear as attorney or agent for "any corporation, company, firm, or person, or officer or agent thereof, engaged in the production, manufacture, or sale in the United States, or in the business of importing into the United States from any foreign country, any article whatsoever upon the importation of which any customs duty is now levied, or shall at any time hereafter be levied; or for or against any manufacturer of any article on which an excise tax is now levied, or shall at any time hereafter be levied, by any act of Congress."

That is the solemn proposition submitted by the Judiciary Committee as a wise thing for this Congress to do.

Mr. GEORGE. By a majority of the committee.

Mr. BECK. A majority is the committee. It is no answer to say that they are, by their action, endeavoring to make a bill submitted for their consideration absurd by carrying out such legislation to what they may call its legitimate consequences. If the bill as originally presented and submitted to them was a bill that ought not to pass, then it was their duty as one of the committees of this body to say so and to report against it; they had no right to make it more objectionable, by a substitute, and pretend to desire the passage of the more objectionable proposition. Therefore, I am right in assuming that the bill which they have now presented as a substitute for the bill which I introduce meets the concurrence of the members of the committee, and that they, in the face of the responsibility resting upon them as members of the Judiciary Committee, tell the Senate that in the interest of the American people the substitute they present ought to pass. I shall endeavor to maintain that the bill they present is a burlesque on legislation, and I can not help believing that it is so intended by the chairman and the leading members of the Judiciary Committee. If they desire to contradict my assumption of their purpose, I wish to give them an opportunity; and if that is their purpose, then I insist before the Senate that the committee has come short of its duty to this body in substituting a bill which they intend to be a burlesque, in view of the efforts they made to have the vote of the Senate reconsidered, and this bill referred to them for careful consideration.

It was, in my judgment, their duty, if the bill which I presented and which the Senate had passed was a bad one, to say so and recommend its rejection, or to make it better, if it needed amendment. Instead of that, they have presented a confessedly ridiculous proposition, and carried the prohibitions to a point where nobody can vote for their measure. I venture to assert that even the members of the committee will oppose the measure they submit (and for that reason I called for the yeas and nays), unless they vote for it as a means of killing the original bill. I deny the justice and fairness of that mode of proceeding in view of the debates and proceedings had at the last session.

When the bill was originally presented, after it had been read in the Senate, when every gentleman understood it (for there can be no pretenses as to any ambiguity or doubt about what the original bill meant), the Senate, by a vote of 24 to 21, declined to refer it to its enemies on the Judiciary Committee, and upon the passage of the bill the following vote was cast—yeas 37, nays 11; as follows:

YEAS—37.

Allison,	Cullom,	Kenna,	Ransom,
Beck,	Dolph,	McMillan,	Saulsbury,
Berry,	Eustis,	McPherson,	Sherman,
Blair,	Frye,	Mahone,	Vest,
Brown,	George,	Maxey,	Whitthorne,
Butler,	Hale,	Miller,	Wilson of Iowa,
Chace,	Harris,	Morrill,	Wilson of Md.
Cockrell,	Harrison,	Payne,	
Coke,	Hawley,	Plumb,	
Colquitt,	Jones of Arkansas,	Pugh,	

NAYS—11.

Bowen,	Edmunds,	Mitchell of Oreg.,	Sewell,
Cameron,	Evarts,	Riddleberger,	Teller.
Dawes,	Hoar,	Sawyer,	

A motion to reconsider that vote followed, and among other things, without taking time now to redebate the question which I debated fully at that time, I desire to call attention to the objections made by some of the leading members of the Judiciary Committee to the bill I presented. On the 23d of June, as shown by the RECORD of last session, page 6044, the Senator from Alabama [Mr. PUGH] said:

Mr. President, I simply desire to say that I voted for this bill without examining it. Since the motion to reconsider it has been made I have examined it and satisfied myself that it is hasty, inconsiderate, and mischievous legislation. I thoroughly indorse all that was so well said by my friend, the Senator from Florida [Mr. CALL]. I shall vote to reconsider the vote by which the bill was passed, and if that motion is carried I shall vote against the passage of the bill.

That was fair and manly opposition. Yet that distinguished Senator as a member of the Judiciary Committee unites with his colleagues now and says to the Senate that in his opinion as a committeeman the substitute which has just been twice read ought to pass, in which fines and other penalties are not only imposed on members of Congress for acting as attorneys for land grant and subsidized railroads, but it goes to the absurd extent of preventing every man in either House from being attorney or agent for any man who may manufacture any article on which there is a tariff or excise tax; indeed it substantially prohibits members of Congress from practicing law at all.

Mr. PUGH. Will the Senator allow me to interrupt him?

Mr. BECK. Certainly.

Mr. PUGH. I desire to say that I stated my position correctly in the remarks which I made in favor of a reconsideration of the vote by which the bill was passed. I am opposed to all legislation, such as is sought by the bill introduced by the Senator from Kentucky, and I shall vote in favor of substituting the amendment of the Judiciary Committee, if there is to be any legislation on the subject, but when the final vote comes upon the bill as proposed to be amended by the Judiciary Committee, I shall vote against its passage. That is my position. I am opposed to any legislation on the subject. However, I joined in the report of the Judiciary Committee as an amendment, and I shall vote for that amendment in place of the original bill, but on the passage of the bill as amended by the report of the Judiciary Committee, I shall vote against it.

Mr. BECK. That verifies what I said so far as one member of the Judiciary Committee is concerned, that the amendment reported is not offered in good faith, and I insist that it is not fair in a committee occupying the high position the Judiciary Committee does to present any bill or substitute for a bill to the Senate which they oppose merely to avoid the responsibility of a direct vote on the bill they seek to kill.

The Senator from New York [Mr. EVARTS] was equally emphatic in his declarations against and denunciations of the original bill and of all the principles involved in it. I have his speech before me, in which he has said in substance that he regarded the effort to pass such a bill as I had offered and the Senate had approved as a stigma upon the great profession to which he belongs, and of which he is an honorable and an honored member.

Mr. PUGH. I can not feel that it is the purpose of the Senator from

Kentucky to say that in voting for the report of the Judiciary Committee I acted or intended to act in bad faith.

Mr. BECK. I do not know what other gentlemen consider bad faith; but I give my opinion as to a report made and submitted to the Senate for its passage to which the gentlemen who submit the report are themselves opposed.

Mr. PUGH. In the utmost sincerity and without any qualification, I say that if there is to be any legislation it ought to be as comprehensive as this bill is intended to be made by the amendment of the Judiciary Committee, and I should really desire that amendment to become the law, because it is comprehensive enough to embrace every class, and to reach every evil, if there be an evil, intended to be corrected by the original bill. If there is to be legislation I shall most sincerely vote for the amendment of the Judiciary Committee in preference to the original bill; but not believing that it is wise or proper to legislate at all on the subject in the way proposed to be done by the original bill or the amendment, I shall vote against the whole measure when the yeas and nays are called on its final passage.

Mr. BECK. The Senator from Alabama has stated his reasons and his opinions; I have stated my opinion of such a report with such purposes, and the country can decide who is right and who is wrong.

I repeat that the Senator from New York [Mr. EVARTS] was equally emphatic in his denunciation of the original bill; and without reading his speech I assert that he almost exhausted the English language in his denunciation of what he considered as an effort to cripple or curtail the rights of the members of the great profession of which, as I said, he is an honorable and an honored member. Yet he too unites in a report to the Senate and lays before this body a proposition which by his indorsement he tells Senators they ought to pass—a proposition not only going far beyond anything which was suggested in my bill, but which in fact proposes to prevent every member of the bar in either House from taking a fee to attend to any business for any man engaged in the manufacture of any article that is subject to tariff or internal-revenue taxation, or that may be subject to taxation. In other words, he submits a proposition which absolutely deprives every Senator and Representative who is a member of the bar from practicing his profession at all. I should like him to tell the Senate whether he believes that is good legislation or not. I do not believe he thinks so. I believe that he, too, as the Senator from Alabama has said, reported this substitute not intending to support it so as to make it the law of the land, but to use it as a method of killing a bill which the committee had not the courage to vote down directly and assert before the country that they were opposed to. That is my opinion for what it is worth.

The Senator from Vermont [Mr. EDMUNDS], the chairman of the committee, also made a speech, which I have in the RECORD before me, in which he, too, denounced the bill as presented by me, and as it passed the Senate, and yet he offers this substitute to the Senate for its adoption. My word for it, he, too, will vote against his own bantling after it has accomplished the purpose for which it was intended, which is to defeat a measure they did not dare to vote down directly.

All I ask is that the Judiciary Committee will not trifle with us and seek to defeat the original bill by indirection.

Let the question come on the yeas and nays directly upon the bill the Senate has once passed, and let the thirty-seven gentlemen who (against the eleven nays) voted for its passage tell the country why they have changed their opinions now, if any of them have so changed. I protest against doing by indirection what the committee would not venture to do directly. It is unfair opposition to substitute a bill for which nobody can vote, and thus relieve themselves from the responsibility of facing the fair, direct issue made in the original bill, which never would have been sent to the committee except on the most solemn assurances that it would receive fair treatment and careful consideration.

At the last session I avowed that the reason why I desired the bill to pass was because criminations and recriminations had been indulged in in this Chamber and elsewhere, year after year, on account of the immense power and influence of the great land grant and subsidized railroad corporations. They stand in as different relation to Congressional legislation from the business of an ordinary importer of goods or an ordinary manufacturer of tobacco or producer of whisky or a national bank that has to pay taxes, as it is possible to imagine. They hold empires of our land, in regard to the title and taxation of which we have to deal every session. We have forfeited fifty million acres already, and there are bills pending now for the forfeiture of perhaps fifty million acres more. I deny that any attorney of these roads has a right to sit here with the money of those corporations in his pocket, employed, no matter upon what pretense, and vote upon these great questions. Those roads have by their contracts to lay aside a sinking fund for the purpose of securing us for the money that we have advanced for them. Important measures are pending now, and made special orders, I believe, at this session of Congress for their consideration as to whether we shall extend their privileges and give them time for thirty, forty, sixty, perhaps seventy years longer, or whether we shall hold them to their original contracts; and I insist that no attorney of theirs has a right in either House of Congress to vote upon those questions.

Mr. MITCHELL, of Oregon. May I ask the Senator from Kentucky a question?

Mr. BECK. Certainly.

Mr. MITCHELL, of Oregon. My understanding is that an attorney at law is an officer of the court in the State where he is admitted. He is also an officer of a United States court if he has been admitted to practice in a United States court. His qualifications to practice law, as I understand, are prescribed by the law of the State and the rules of the courts, in so far as he is an officer of a State court, and by the law and the rules of practice of the United States courts, in so far as he is an officer of a United States court.

What I wish to ask the Senator from Kentucky is, under what provision of the Constitution of the United States, under what grant of power, direct or inferential, does Congress get the authority to add to or take from the qualifications of an attorney of a State court to practice law in a State court? That is the first question.

Mr. BECK. Let me answer that one. If the Senator from Oregon will ask the chairman of the Judiciary Committee, or the distinguished Senator from New York, or the distinguished Senator from Alabama (and the Judiciary Committee is the high authority upon legal questions) where they get authority to prevent any man from practicing law or from acting as the agent of any person, firm, officer, or agent who is engaged in the production, manufacture, or sale of any article whatever on the importation of which any customs duties are now levied, or may at any time hereafter be levied, or for or against any manufacturer of any article on which an excise tax is now levied, or may at any time hereafter be levied, by Congress, perhaps he will get a satisfactory answer from them.

Mr. MITCHELL, of Oregon. Will the Senator allow me?

Mr. BECK. In one moment. I decline to be interrupted now until I am through with my answer.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. BECK. I have said that any man who would seriously present a bill to prevent any lawyer from doing any of those things would be committing an indecent, improper, and needless outrage upon the profession. I do not propose to do that; but I will tell the Senator where, in my opinion, we get the authority to say that no man shall sit in either House of Congress with the money of a corporation in his pocket when he is voting upon questions involving millions of acres of land or $60,000,000 or $100,000,000 which the United States have loaned to those companies, and the question is how we shall best guard the interest of the people. We have the right to do whatever sound public policy requires; and when any man is acting as the agent of the United States, either as the representative of a State or the people of any district in a State, in dealing with questions involving millions of money and millions of acres of land which those railroads have obtained, some of which at least we say they are holding wrongfully, and we are about to test their right by legislative action, I insist that it is against public policy to allow the agent of the railroads or the attorney of the defendant to have a vote in determining great public questions like these, and that all State constitutions and all State authorities recognize the fact that when a man takes a place as a judge on the bench to do impartial justice between suitors or between the people and corporations he shall cease to be an attorney. He can no longer hold on to the money of his former clients as their lawyer and pretend to be an impartial judge. If he does, he can be impeached under any constitution and laws of any State. It is conduct like that which I propose to prevent—no more, no less. Our powers and duties are as sacred and ought to be as carefully guarded as if we were on the bench.

Mr. MITCHELL, of Oregon. Will the Senator from Kentucky allow me now to interrupt him?

Mr. BECK. Yes, sir.

Mr. MITCHELL, of Oregon. I do not intend that the Senator from Kentucky shall get away from the question by a speech which might seem to some demagogical in its nature. I asked the Senator from Kentucky as a lawyer a plain constitutional question, and that is, where the author of the bill which was originally introduced into this body obtained his power (because he must get the power from the Constitution of the United States either by direct grant or by inference) to prescribe by act of Congress the qualifications of an attorney at law in a State court? The Senator from Kentucky, instead of answering the question, instead of attempting to answer the question, refers me to the chairman of the Judiciary Committee of this body, and suggests that I ask him or ask the members of the Judiciary Committee for an answer to my question.

I do not desire at this time to ask it of the chairman of the Judiciary Committee or any member of the Judiciary Committee, but inasmuch as the bill originally prescribing qualifications to an attorney of a State court and limiting the powers of an attorney of a State court had been introduced by the Senator from Kentucky, and inasmuch as he had very severely criticised a suggestion I had made by way of amendment to that bill, I thought I had a right to ask him the question.

I repeat now, under what provision of the Constitution of the United States does the Senator from Kentucky get the power to limit or pre-

scribe or qualify the rights, powers, or duties of an attorney at law of a State court? In all candor, I think that is a very serious question. The question is not whether some members of Congress are standing here with hundreds of dollars or even $1,000 of railroad money in their pockets and voting this way, that way, or the other way.

The question I submit now (we will consider other questions later) is as to the power of Congress to do that particular thing, and it will not do for the Senator from Kentucky to say that general policy requires it, or that the good of the country requires it. That is no answer. Whatever we do here we must do either under some specific grant of power from the Constitution or under some grant that comes inferentially from a specific grant.

Now, I ask the Senator from Kentucky in all candor where do we get the power to pass any bill here that will take from me, as an attorney of a State court, rights which I now possess under the laws of the State and under the rules of the court which admitted me to practice in that State? That is the question.

Mr. BECK. Mr. President, I do not want to be interrupted again until I finish this answer. The Senator from Oregon introduced an amendment to this bill, which I shall read. He either introduced it in good faith or in bad faith, and he knows which. If introduced in good faith, he had doubtless carefully considered the authority under which he could sustain it and ask the Senate to pass it. If he did not, it is a little too late to ask me such a question now. If he introduced it in bad faith, let him confess it to the country.

Amendment by Mr. MITCHELL, of Oregon.

After punishing the offenses that I had prescribed in my bill, he adds:

Or from any bank or other corporation, or officer or agent thereof, which obtained its charter or any pecuniary aid from the United States; or from any corporation or company, its officer or agent, engaged in the business of interstate commerce, by land or water, or in the business of any interstate transportation, or in the transportation of United States mails; or from any corporation, company, firm, or person, or officer or agent thereof, engaged in the production, manufacture, or sale in the United States, or in the business of importing into the United States from any foreign country, any article whatsoever upon the importation of which any customs duty is now levied, or shall at any time hereafter be levied by any act of Congress; or from any corporation, company, or person, its officer or agent, engaged in the manufacture, production, consumption, or sale of butter, oleomargarine, tobacco, whisky, or wines, or any other product or article whatsoever in any manner now taxable or subject to taxation by any act of Congress; or of any company, firm, corporation, or person, its officer or agent, engaged in raising milch cows, or beef-cattle, or hogs, or in the manufacture or sale of butter, or of the oleo oil from which is manufactured oleomargarine.

Now, was that offered in good faith or in bad faith?

Mr. MITCHELL, of Oregon. Does the Senator want an answer?

Mr. BECK. I do.

Mr. MITCHELL, of Oregon. Mr. President, I disbelieve wholly in the power of Congress to pass any such bill as the Senator from Kentucky introduced. I believe there is no constitutional power to pass any such bill, but I have the right as a member of this body, in view of the fact that the bill introduced by the Senator might pass and might become a law, to offer such amendments as I see proper in order to make it as reasonable as it well could be made, although unconstitutional in the end.

Mr. BECK. Then the answer is that the amendment of the Senator from Oregon was offered in bad faith, and for the purpose of making the measure odious and defeating it. The Senator from Oregon comes in the same category with the distinguished Senators who represent the Judiciary Committee in my opinion in regard to their action. Not one of them wants to pass the bill. Then why not meet the propositions of the original bill squarely, argue it upon its merits as I presented it, let those who oppose it vote against it, and let us all take the responsibility for the legislation, be it good or bad, before the country? That is the manly way to do it; that is the fair way to do it; and it, as I look at things, is the only honest way to do it.

I am not criticising other men's ideas of honesty and fair play. I am giving my own for what they are worth. I do not care at this time to answer any more of the questions of the Senator from Oregon, after reading his own amendment and hearing his own avowal in regard to it, except perhaps I ought to say, with proper respect for him, that it is not only the right but the duty of Congress, as it is of every court, as it is of every body of men, to prescribe rules and regulations which shall secure impartiality in its members; which shall prevent scandal being brought upon it by its being honestly and fairly charged that interested men, pretending to be disinterested, constitute the tribunal which is trying the case; and I say that public policy gives to Congress the right to judge of the qualifications of its own members, and of what rights they shall give up when they see fit to aspire to places in this body, and it seems to me but reasonable to require that they shall not take pay from the people and the land-grant railroads at the same time. They can not serve two masters whose interests are in direct antagonism.

I read from the Revised Statutes, when this subject was up at the last session, provisions showing that the Congress of the United States had passed laws to the effect that members of neither House of Congress shall practice in the Court of Claims. That is a limitation upon the right of the lawyers in both Houses as strong as that I propose. The natural right argued for by the Senator from Oregon would extend to the right of a member of Congress to practice in the Court of Claims. Why was that enactment made? Because the United States is interested. Is not the United States as much interested in obtaining back from these railroads millions and millions of acres of land, if it is held wrongfully, and in securing the $60,000,000 loaned to them, and for which we hold a mortgage on their property, as it is in the little matters that may be involved in a case brought before the Court of Claims?

We have a contract with these land-grant roads that they shall carry our mails upon such terms as Congress may prescribe. Ought not those terms to be prescribed by a body of impartial men and not have the attorneys of those railroads here dictating what the terms shall be? We have power and by law provide in those very charters that our troops and munitions of war shall be transported by these land-grant roads free of charge, and they deny that we have any right except to use the road-bed and put our own cars upon them if we like, and if we demand their cars they can charge for them; they are doing it now. The settlement of that question may come at any time before Congress. We have a right to give our construction as to the true meaning of their obligation to transport our troops and our munitions of war, and we have a right to decide that and all other like questions without having any railroad attorney voting in either House.

I am not seeking to legislate on abstract propositions. There are other provisions under the Thurman act which I might read, showing that there is every reason why the attorneys in land-grant cases should be excluded from our deliberations, but no reason can be given why every one of us should not be an attorney in a private controversy for a man who owns a milch cow or who is engaged in raising hogs or tobacco. Men who can not see the distinction between these two classes of cases are not the men I care to argue with. We have other provisions of law in the Revised Statutes which I read when the debate was last up, punishing with fine and imprisonment—

Every member of Congress or any officer or agent of the Government who, directly or indirectly, takes, receives, or agrees to receive, any money, property, or other valuable consideration whatever, from any person for procuring, or aiding to procure, any contract, office, or place, from the Government or any Department thereof, or from any officer of the United States, for any person whatever, or for giving any such contract, office, or place to any person whomsoever, and every person who, directly or indirectly, offers or agrees to give, or gives, or bestows any money, property, or other valuable consideration whatever, for the procuring or aiding to procure any such contract, office, or place, and every member of Congress who, directly or indirectly, takes, receives, or agrees to receive any money, property, or other valuable consideration whatever after his election as such member, for his attention to, services, action, vote, or decision on any question, matter, cause, or proceeding which may then be pending, or may by law or under the Constitution be brought before him in his official capacity, or in his place as such member of Congress, shall be deemed guilty of a misdemeanor. Such members of Congress so offending shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than two years and fined not more than $10,000.

Double the amount provided in the bill which I offered is prescribed by law against any member of Congress who will aid the humblest or most deserving constituent he has, no matter how much trouble he may be put to, in obtaining a post-office or a post-office contract, or in obtaining any claim from the Court of Claims, or in any way meddling with matters of that sort. Yet it is contended that limitations may be put upon the common right of the lawyer in regard to practice in the Court of Claims, in regard to all the little matters that his own constituents may need his help in; that is all right; that is law now. But it is argued that we are infringing the constitutional right of members of the bar if we tell them that as we have to deal with railroads which hold empires of our land and millions of dollars of our money, who are under contract to pay it back, who are under contract to carry our mails upon the terms we order, and to transport our munitions of war, and our soldiers free of charge, that they shall not sit or vote in either House of Congress if they insist upon acting as attorneys of those roads.

Mr. HOAR. I should like to ask a question of the Senator from Kentucky, if he will allow me, but I wish to assure him that I do not want to put it in any personal sense.

The PRESIDENT *pro tempore*. Does the Senator from Kentucky yield to the Senator from Massachusetts?

Mr. BECK. The Senator from Massachusetts reported this substitute. He had better speak in his own time, and he will then be able to tell us whether he thinks in good faith that a lawyer who is attorney for a man who owns a milch cow or a pig ought not to be a member of Congress, but that he may be if he is an attorney for the Northern Pacific, the Union Pacific, or the Central Pacific Railroads. He can do that in his own time.

Mr. HOAR. I understand the Senator does not want to be interrupted.

Mr. BECK. I would rather not. I think the Senator will have enough to do to defend his bill and show wherein it is an improvement on the one I originally offered.

Mr. HOAR. I will take some time when the honorable Senator from Kentucky feels good natured, as I wished to ask him a question.

Mr. BECK. I am in perfect good humor, but I want to get the facts before the Senate. The Revised Statutes again provide:

SEC. 1782. No Senator, Representative, or Delegate, after his election and during his continuance in office, and no head of a Department, or other officer or clerk in the employ of the Government, shall receive or agree to receive any compensation whatever, directly or indirectly, for any services rendered, or to be

rendered, to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party, or directly or indirectly interested, before any Department, court-martial, bureau, officer, or any civil, military, or naval commission whatever. Every person offending against this section shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than two years, and be fined not more than $10,000, and shall, moreover, by conviction therefor, be rendered forever thereafter incapable of holding any office of honor, trust, or profit under the Government of the United States.

Is not that a limitation on the right of a member of Congress? He can not appear for his constituents, the men who have been his clients, in an honest case, and defend them before a court-martial or defend them on a charge or accusation before any of the bureaus of the Government, because if he takes one dollar or accepts a fee for any service he may have rendered, however meritorious the case of his constituent may be, he is to be forever deprived of holding any office of profit, honor, or trust, and to be fined $10,000 and imprisoned for two years.

That is the law now, and yet when I introduced a bill, because, as I said, all sorts of crimination and recrimination had been indulged in for years among the members of both Houses as to the powers and influence and interest these great railroads have in both bodies, I am told that I am seeking to overthrow the Constitution. Why, Mr. President, when the clerks in our Departments are dismissed or resign, those who may be lawyers cannot practice their profession in any of the Departments in which they were engaged for two years after that time. Is not that a limitation upon the natural right of the lawyer, of the man, to make a living? He accepts the office knowing that those limitations are imposed upon him. Worse than that, the Revised Statutes provide as follows:

SEC. 3739. No Member of or Delegate to Congress shall, directly or indirectly, himself, or by any other person in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, in whole or in part, any contract or agreement made or entered into in behalf of the United States, by any officer or person authorized to make contracts on behalf of the United States. Every person who violates this section shall be deemed guilty of a misdemeanor, and shall be fined $3,000.

* * * * * * *

SEC. 3741. In every such contract or agreement to be made or entered into, or accepted by or on behalf of the United States, there shall be inserted an express condition that no member of Congress shall be admitted to any share or part of such contract or agreement, or to any benefit to arise thereupon.

It is an insult, according to the view of gentlemen on the other side, against every member of Congress and in the face of every contract made to-day in the United States that he shall not have any interest in it. I should like to know, and I hope the Judiciary Committee will tell me, what they find to oppose in the bill which I presented, dealing only with corporations chartered by the United States, not seeking to interfere with those chartered by the States, not seeking to meddle with anything except the great questions that may come before us, when I insist public right, common decency, justice, and the honor of every member of this body and the body at the other end of the Capitol are involved, in having the world understand that a Senator or Representative is not here as the hireling or the retained attorney or the agent of any of the corporations with which we are dealing. In doing that am I insulting this body or any member of it? I had no such purpose and no such thought.

The first honest impulse of the Senate was developed by a vote on the yeas and nays of 37 to 11 that it was a fair and proper thing to do, so that when it was said we were under the influence of railroad corporations or had something to do with them, all of us could say to our maligners, "Go to the courts; they are open to you; you can fine and imprison me if that is the fact; I deny it." Now they can make the charges, and because there is no way of punishing anybody we can all be smirched by the intimations given out, as I read when I spoke before, on leading members of this body that they were dealing with these questions as though they were interested. However, I do not care to go over that again.

I never offered a bill in better faith since I have been a member of this body than I did this bill. I thought it was a bill for which every Senator would be glad to vote and to have it become a law, so as to prevent suggestions that any of us are in the interest or pay of railroad corporations, and I am amazed to find a bill now substituted for it that is going away so far beyond what I supposed any Senator in good faith would want to pass. I can but feel it is offered for the purpose of having it adopted as a substitute and then voted down by the very men who presented it.

All I ask is to have the vote taken as it was before, upon the bill I presented, and let gentlemen who are opposed to it vote against it, and let those who are in favor of it vote for it; but I do not want to have it killed by indirection nor to have it thrown out of this body by any subterfuge or substitute, which the men who offer it avow, as I believe they all will, that they are themselves opposed to.

Mr. MAXEY. Mr. President, I voted for the bill presented by the Senator from Kentucky. There is no doubt whatever in my mind that the Congress of the United States, like any other legislative body, has a right to prescribe the qualifications of a person to be admitted as an attorney and counselor-at-law in the courts of the United States. The State Legislatures do prescribe that a man shall have a good moral character and be a man of honorable deportment, and that must appear to the proper court—in my State from the county court—before he is permitted even to be examined for a license.

The Constitution of the United States confers upon each House the right to punish a member for disorderly behavior. Will any man say that the Senate of the United States would not have a right to punish a member whose conduct was regarded by this body as casting an imputation upon the body, whatever might be the character of that conduct? If the Senate regarded the practice of the profession of the law by one of its members in the courts of the country for a corporation created by the laws of the United States as a stain upon the character of that Senator, and thought it would bring him into suspicion before the people as being interested (because the lawyer in the old Senate Chamber and the legislator in this hall would be in an awkward attitude before the people), have we not the right in the protection of ourselves to say that such a man, if that man be a Senator of the United States, shall not be permitted to practice law in any court organized by the laws of the United States when he as a Senator may have to act on the rights of that corporation as a legislator? I think we have a clear right to do that. That is my judgment about it, and I think we ought to do it.

I admit that the bill so far as it attempts to prescribe qualifications for a lawyer in the State courts is beyond the power of this body. We can not prescribe the qualifications of a lawyer who practices in the State courts; but we can prescribe the qualifications of a lawyer who practices in the courts of the United States, and if we see proper to make such a provision we have a perfect right, in my judgment, to do it, and we can punish the man. Whilst the courts might not exclude him, whilst the court might say that this is a qualification placed upon the lawyer after he has obtained vested rights in the court by the issuance of his license, yet the question is not a question for us as to the course of the courts, but it is, "Have we a right to protect ourselves?"

If we regard the bill as a bill for the protection of the integrity of the Senate of the United States, if Congress should regard it as a bill for the protection of the integrity of the members of Congress, they have a perfect right, in my judgment, to pass the bill. About that I have no doubt, and believing that it would relieve this body and be regarded by all as a relief, and place them in a better position before the country to pass the bill, I voted for it.

At almost every session of Congress we have questions arising in this body in which great corporations are directly and immediately concerned. Take, for example, the question of the forfeiture of land grants, and there are many other great questions which spring up. One comes into this body and votes upon such a measure here, either for or against it. His client is immediately interested in the vote which is taken, and it therefore is a protection to that man to provide that no one here shall have any employment which would interfere with his action as a member of this deliberative body.

My colleague [Mr. COKE], who is now confined to his room by sickness, as a member of the Judiciary Committee, and on behalf of the minority, had prepared an amendment covering not only the members of Congress but any civil officer of the United States, limiting the provision to corporations created by the laws of the United States, not having anything to say as to what should be done in the State courts. In my judgment his amendment is directly in the right line, and I ask the Secretary to read it; and, at the proper time, I shall, on his behalf, if he is not able to do it himself, offer it as a substitute for the bill.

The PRESIDENT *pro tempore*. The proposed amendment will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and to insert:

That it shall be unlawful for any member of either House of Congress, or any civil officer of the United States, to accept employment as attorney-at-law, or payment for services of any kind, or any gratuity whatever, from any railroad company, or any officer or agent thereof, which obtained its charter, or any grant of lands, or pecuniary aid from the United States; and any person who violates this provision shall be guilty of a misdemeanor, and, on conviction, be fined in any sum not exceeding $5,000, and imprisoned not more than one year, in the discretion of the court.

Mr. CALL. Mr. President, when this bill was before the Senate for consideration at its former session I expressed my decided opposition to it for many reasons. First, because there is no necessity for such a bill. If the Senator from Kentucky knows of any case in which a Senator has been corruptly influenced, the remedy provided is by expulsion from this body, and it is his duty to appeal to the Senate for the exercise of its judgment upon this subject. That is the tribunal which the Constitution provides for the preservation of the purity of character and the propriety of conduct of members here. It is not a trial under criminal laws by a different tribunal to control the independence of this body, not by submitting the members of the body to an inferior tribunal, to an inferior court, not even the Supreme Court, for accountability for their conduct in this body.

The Senator from Kentucky refers to railroad grants and proceedings for their forfeiture as a reason for passing this bill. I and others who voted against this bill voted for the forfeiture of the Northern Pacific Railroad grant. The Senator from Kentucky voted against it. We were both honest, but how can he assume that Senators are influenced here because of sympathy with railroad corporations and vote in their interest when he finds that he himself, the advocate of this bill, was

voting for the confirmation of that vast appropriation of the public domain while those who voted against his bill voted for the forfeiture of that great railroad interest? In my opinion it is not possible to give a vote more in the interest of corporations and more against the interests of the people than the vote to confirm the grant of this vast empire of land in violation of the conditions of the grant, as I and many others think, and yet no one doubts that those who gave this vote are influenced by no other than honest opinions, and we know that they are not railroad attorneys nor interested in railroads.

But this bill is not needed by any existing evil, because if Senators are to be bought they will not be prevented from being bought because they can not be retained openly as attorneys. They will be bought as much with the bill of the Senator from Kentucky and a hundred such bills as they will be bought without it. If the Senate is so corrupt that it can not preserve the purity and character of its members, to whom and to whose public spirit and sense of duty the Constitution has committed the entire supervision of their conduct, it is hopeless to suppose that you can find any other tribunal in the country which can coerce them by the fear of penal conviction and punishment into the performance of their duty. There are a hundred ways in which members of Congress may be bought if they are corrupt—much more effective than by retaining them as attorneys. I venture the assertion that there is no member of this body who would accept employment by a railroad company which had interests before this body for consideration and action. And if they should the Senate would not allow it.

But, Mr. President, the bill is clearly unconstitutional. There is not the shadow of a reason or a plausible ground upon which it can be defended. The Senator from Kentucky goes to the Revised Statutes to find out what the Constitution is and what is its obligation upon us here. Let us go to the Constitution itself and see where he gets the power to enact this bill.

Mr. BECK. Will the Senator from Florida allow me to interrupt him, so that he may argue the question more elaborately?

Mr. CALL. Oh, yes.

Mr. BECK. I only want to present a case to give him a chance. On the 18th day of December, 1812, a good while ago, Congress provided by law, and the President approved it, that—

> It shall not be lawful for any judge appointed under the authority of the United States to exercise the profession or employment of counsel or attorney, or to be engaged in the practice of the law. And any person offending against the prohibition of this section shall be deemed guilty of a high misdemeanor.

Has not Congress the same right to prescribe that its members shall not engage in the profession of law on behalf of corporations with which Congress is dealing?

Mr. CALL. Well, let us see. The bill of the Senator from Kentucky provides:

> That it shall be unlawful for any member of either House of Congress to accept employment as attorney-at-law, or payment for services of any kind, from any railroad company, or any officer or agent thereof, which obtained its charter, or any grant of lands, or pecuniary aid from the United States; and any person who violates this provision shall be guilty of a misdemeanor, and, on conviction, be fined in any sum not exceeding $5,000, and imprisonment not more than one year, in the discretion of the court,

The Constitution of the United States provides who shall be a Senator and what his qualifications shall be. The Senator from Kentucky seeks by a statute to add another qualification to a Senator. He proposes to provide that the man who is a Senator with the constitutional qualifications shall be guilty of a misdemeanor if, being a Senator, he does that which he has a lawful right to do, and, being convicted of a misdemeanor, he then becomes subject to expulsion from the Senate. The very qualifications which the Constitution requires of him, and says no other shall be required, are made by the bill of the Senator from Kentucky a cause of disqualification by conviction in a court. The Constitution says that—

> No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

Then thirty years of age, nine years' citizenship of the United States, and inhabitancy of the State from which he shall be chosen constitute the qualifications of a Senator of the United States.

Mr. BECK. Does the Senator from Florida think that I seek to change any of those qualifications?

Mr. CALL. Yes, I do. I think——

Mr. BECK. Allow me to say that I have no idea of changing any qualifications of a Senator at all, but when a Senator with all those qualifications comes here (and the law says now he shall not practice in the Court of Claims, that he shall not take money to obtain offices, that he shall not engage in any contract, that he shall not take a bribe), I propose to say that he shall not be an attorney for a land-grant road; that is all.

Mr. CALL. The Senator unfortunately is not the law, but the bill he has presented provides that if a man nine years a citizen of the United States, thirty years of age, and who is an inhabitant of the State from which he has been chosen, in addition thereto is the attorney of a railroad corporation he shall not be a Senator. That is the effect of the Senator's bill. The Constitution says that if he has these qualifications he has a right to be a Senator. The Constitution says that he shall be subject to expulsion according to the sense of the Senate for his demeanor and conduct here. The bill of the Senator from Kentucky says that although the Senate here has given him an acquittal, although it has conformed its rules to what they regard to be right and allow him to be a railroad attorney if he sees fit, yet the court shall punish him for doing that which he does in conformity with the rules prescribed by the Senate.

The right of expulsion, of course, is in each House. By the Constitution he is amenable to expulsion for what? For any conduct which the Senate may deem a sufficient and proper cause. Now, it is no argument to come and ask for the passage of a law when another body has the constitutional power and authority to do complete and entire justice in the matter. Why refer this question to the courts? Is not this body competent, is not this body of character enough, has not this body the purity of purpose to purge itself of men who are corruptly retained and influenced by corporations? The assumption of the bill is that there is not character enough in these Senators, the representatives of States and the people of the States, to preserve purity and uprightness and disinterestedness in this body.

But that is not all, Mr. President. The Senator from Oregon [Mr. MITCHELL] very properly called attention to that feature of the bill of the Senator from Kentucky which provides that a member of Congress shall accept no retainer or employment from any railroad corporation which had a land grant from the United States in any contingency or under any circumstances, whether it had any interest in the legislation of Congress or had none, and which punishes him and makes him a criminal. Where is the authority of this body to do that?

The Senator from Texas [Mr. MAXEY] says that Congress has authority to regulate the practice of the law in the different courts, to prescribe who shall be lawyers admitted to practice. But what of that? This is not a question of practice in the courts; it is a question by which a Senator of the United States is limited in the civil employments in which he has a right to engage. It is a question whether the Senate or Congress have a right to say to me I shall pursue this, that, or the other employment. It is a question whether Congress has a right to say what contracts a Senator may make. If corporations be corruptly influencing his conduct here, the Constitution has made him responsible to you. If they are not, what right has Congress to say what contracts a man shall make?

A citizen of a State is amenable here to the grants of the Constitution, as stated by the Senator from Oregon, with complete ability to do everything not forbidden by the Constitution of the United States; and where comes the authority of this body to say what contract a citizen of a State shall make? If you limit it to a Senator, the Constitution has said what shall be the qualifications of a Senator. If you divorce the senatorial character and make him a citizen, as this bill proposes to do, and prescribe what business relations he shall enter into, there is no part or parcel of the bill that has even a plausible ground of constitutionality.

Mr. BECK. Will the Senator allow me again to make a suggestion?

Mr. CALL. Certainly.

Mr. BECK. I made the suggestion before I argued the question. The right of any man to trade, to sell or buy goods is undoubted; yet when General Grant sought to make the greatest merchant in New York his Secretary of the Treasury he was met by the fact that for that particular office a man who was engaged in that sort of business could not act as Secretary of the Treasury, and he had to let him go. That was no infringement of Mr. Stewart's right to have the particular place, but he could not hold that place if engaged in that business. Now all I propose to say is that if a lawyer proposes to be a Senator he shall not be an attorney for a land-grant railroad with whom we have important litigation.

Mr. CALL. Exactly. The law was perfectly competent and altogether proper in regard to the qualifications of the Secretary of the Treasury; but here is the difference: The Senator from Kentucky says, and says truly, he wants to pass a law that a Senator shall be something else besides an inhabitant of a State and a citizen of the United States for nine years and thirty years of age; he wants a law that says he shall not be a Senator if he is an attorney of somebody; and that is precisely the difficulty in the case. The difficulty is that the Senator wants a statute to provide an additional qualification for being a Senator or a Member of Congress, and one for which there is no necessity, except upon the assumption that this body and the other House are too corrupt to purge themselves of men who abuse their public trust.

The office of Secretary of the Treasury of course is a creature of Congress, and so also the office of judge may be regulated, though it is not the creature of Congress, by criminal laws.

Mr. GRAY. So are corporations creatures of law.

Mr. CALL. Certainly corporations are, but corporations are not Senators. That is the difficulty in the case.

Members of this body are both Senators and citizens of States. As Senators, for their official conduct in this body, they are immediately amenable to the Senate alone, and mediately to the people of the several States by whose Legislatures they are chosen. They are not subject for their official conduct to laws which the other House of Congress and the President enact; neither House can confer on the other or on the President any part of the power of expulsion, which is only

the power of judging of the propriety of the conduct of a Senator as a Senator, and condemning him for it; a member of Congress as a member of Congress. As Senator he does not and can not practice.

It is as a citizen of a State that he practices law and takes retainers, and makes contracts, and pursues one or another occupation. Now the bill of the Senator from Kentucky and the amended bill of the committee propose to enact a law that a citizen of a State being a Senator shall not make a contract of one kind or another. It assumes authority and power over the citizens of States to declare what contracts they may or may not make, authority and power in Congress to allow some and prohibit others. If Congress has power to declare what contracts the citizens of States may or may not make in one case it has it in all others, for there is no grant concerning it and no limitation or restriction of it. These propositions are too plain for doubt or argument.

I presume the Senator from Kentucky, and all other Senators, will admit that you cannot make a law to indict, convict, and punish a Senator because he entertains one opinion or another, because he advocates this or the other side of any question, because he votes one way or another, because as a Senator he has conducted himself with propriety or impropriety, because he has acted from patriotic or unpatriotic motives, because he has acted from selfish, from corrupt, or incorrupt motives. You can not make a law to indict, convict, and punish a citizen of a State for making contracts lawful in his State, which the State alone can make unlawful, and which no one claims Congress has any right or power to legislate about. But the argument is that although you can not by law punish, regulate, or control a Senator or Member of Congress in his or their official conduct, and although Congress can not by law prescribe the conduct of a citizen or punish him for acts done in pursuance of laws of his State under their rightful power, yet by putting two things together, neither of which you have any power to do, you in some way acquire the power.

But, Mr. President, the whole of this subject is a reflection upon Congress, and that is the point of view in which it has its most serious aspect. It is a declaration by ourselves that we have not the virtue and the courage and the character to perform our constitutional function and duty here of keeping this body pure of corrupt motive and of purging it of men who unworthily perform their functions. That is the declaration of this bill, and, sir, it is not true. Whatever motives may influence men in this body, as they do outside, of sympathy with, of indulgence towards great corporate interests, whatever convictions as to those great corporations there may be, I undertake to say that in this body there has been no considerable influence exerted by a corruptly influenced opinion favorable to corporations.

But, Mr. President, the amendment from the Judiciary Committee is equally objectionable with the original bill. It is equally unconstitutional; it is equally unnecessary; and I shall propose, if it is proper now to do so, to strike out all after the word "Congress" on the eleventh line of the amendment. The difference is simply this: The bill of the Senator from Kentucky proposes to punish with fine and imprisonment "any member of either House of Congress" who accepts "employment as attorney at law, or payment for services of any kind, from any railroad company, or any officer or agent thereof, which obtained its charter or any grant of lands or pecuniary aid from the United States."

The amendment of the Judiciary Committee proposes to inflict a like punishment—

when measures specially affecting the interests of such railroad are pending before Congress.

A member of Congress is not punished under the amendment if he accepts a retainer when measures are not pending before Congress affecting that particular corporation. What possible reason can there be for prohibiting a man from practicing law as an attorney for any person because he is a member of either House, when there is no question concerning the person employing him in any respect whatever? I submit, therefore, that to strike out all after that will to those who believe Congress has the power and believe that the two Houses are too corrupt to purge themselves of men who abuse their trust—those who believe those two propositions—that bill would answer all the purposes of the Senator from Kentucky.

For myself, I believe that the proper power is in Congress, in each House of Congress, not by statute, but by expulsion; and whenever we become so degraded that we can not trust ourselves to perform our high constitutional functions, then we can not by statute give power to some other tribunal to punish us for our own failure to perform our duty.

I am prepared to vote for a rule of the Senate prohibiting Senators from acting as attorney of any corporation, or from having important interests before Congress. In my opinion that is the proper and only remedy, and a very complete and efficient one.

Mr. HOAR. Mr. President, I suppose there will hardly be a vote on this matter to-night. I desire to say something on the question before a vote is taken.

Mr. MORRILL. I will move an executive session.

Mr. HOAR. I was about first to ask that the unfinished business for to-morrow be laid before the Senate, and then I will move an executive session.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks that the unfinished business for to-morrow be laid before the Senate. That action will be taken if there be no objection.

The CHIEF CLERK. "A bill (S. 512) to repeal certain sections of the Revised Statutes relating to the appointment of civil officers."

The PRESIDENT *pro tempore*. Before the Senator makes his motion for an executive session, the Chair will lay before the Senate a message from the President of the United States.

INTERNATIONAL COPYRIGHT.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I transmit herewith for your information a report from the Secretary of State, inclosing the correspondence which has passed between the Department of State and the governments of Switzerland and France on the subject of international copyright since the date of my message of July 9, 1886, on this question.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, December 15, 1886.

The PRESIDENT *pro tempore*. The message of the President with the accompanying documents will be referred to the Committee on Foreign Relations, and printed.

Mr. HOAR. Has not the Committee on Patents charge of the copyright question?

The PRESIDENT *pro tempore*. The same subject-matter is before the Committee on Foreign Relations.

TREASURY ACCOUNTS.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

Mr. MANDERSON. Will the Senator allow me to make a report from the Committee on Printing?

Mr. HOAR. Certainly.

Mr. MANDERSON. I am instructed by the Committee on Printing to report back the letter of the Secretary of the Treasury, transmitting, in compliance with law, the accounts rendered to and settled with the First Comptroller of the Treasury for the fiscal year ended June 30, 1886, with a recommendation that the document be not printed.

The PRESIDENT *pro tempore*. The Senator from Nebraska, from the Committee on Printing, makes a report recommending that the document referred to by him be not printed. It will be so ordered, unless objection be made.

EXECUTIVE SESSION.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, December 16, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 15th day of December, 1886.

POSTMASTERS.

Frederick A. Ross, to be postmaster at Tuscumbia, in the county of Colbert and State of Alabama, in place of John C. Goodloe, jr., suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Charles H. Finley, to be postmaster at Modesto, in the county of Stanislaus and State of California, in the place of John E. Ward, resigned.

Henry Fox, to be postmaster at Healdsburg, in the county of Sonoma and State of California, in place of Leslie A. Jordan, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States, and whose commission expires on the 27th day of January, 1887.

Luman A. Manchester, to be postmaster at Merced, in the county of Merced and State of California, in the place of Samuel A. King, resigned.

Bayard T. Smith, to be postmaster at Pasadena, in the county of Los Angeles and State of California, in the place of A. O. Bristol, resigned.

Philip Stein, to be postmaster at Pomona, in the county of Los Angeles and State of California, in the place of Theodore Ruth, resigned.

Elias B. Hinckley, to be postmaster at Stonington, in the county of New London and State of Connecticut, in the place of James Pendleton, whose commission expired June 16, 1886; G. D. Stanton, who was confirmed July 3, 1886, having declined the appointment, and, therefore, not having been commissioned.

Edward F. Meeker, to be postmaster at Bridgeport, in the county of Fairfield and State of Connecticut, in place of Julius W. Knowlton, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Lucius M. Monroe, to be postmaster at New Canaan, in the county of Fairfield and State of Connecticut, in place of Selleck T. St. John, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Aaron C. Seeley, to be postmaster at Danbury, in the county of Fairfield and State of Connecticut, in place of John Tweedy, suspended

under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

George F. Thorpe, to be postmaster at Westport, in the county of Fairfield and State of Connecticut, in the place of Henry P. Burr, whose commission expired August 7, 1886.

Henry C. Tyler, to be postmaster at Deep River, in the county of Middlesex and State of Connecticut, in the place of S. M. Shipman, deceased.

James W. Forrest, to be postmaster at Georgetown, in the county of Clear Creek and State of Colorado, in the place of Silas C. Bennett, resigned.

David Hammer, to be postmaster at Mitchell, in the county of Davison and Territory of Dakota, in place of George A. Silsby, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Frederick B. Smith, to be postmaster at Columbia, in the county of Brown and Territory of Dakota, in the place of John R. James, resigned.

Jefferson B. Browne, to be postmaster at Key West, in the county of Monroe and State of Florida, in the place of Nelson F. English, whose commission expired July 6, 1886.

M. R. Cooper, to be postmaster at Saint Augustine, in the county of Saint John's and State of Florida, in the place of William W. Dewhurst, whose commission expired July 18, 1886.

Hiram Hubert, to be postmaster at Quitman, in the county of Brooks and State of Georgia, in place of Samuel M. Griffin, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

George W. Lamar, to be postmaster at Savannah, in the county of Chatham and State of Georgia, in place of Alexander N. Wilson, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Thomas B. Gess, to be postmaster at Boisé City, in the county of Ada and Territory of Idaho, in the place of John A. Post, deceased.

James A. Able, to be postmaster at Auburn, in the county of Sangamon and State of Illinois, in the place of William W. Lowdermilk, whose commission expired May 16, 1886.

Robert L. Allen, to be postmaster at Joliet, in the county of Will and State of Illinois, in place of John Woods, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States, and whose commission expires on the 2d day of March, 1887.

Ellis Briggs, to be postmaster at Roodhouse, in the county of Greene and State of Illinois, in the place of John Roodhouse, resigned.

Edward S. Burns, to be postmaster at Hillsborough, in the county of Montgomery and State of Illinois, in place of John V. Coale, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

John Culbertson, to be postmaster at Delavan, in the county of Tazewell and State of Illinois, in place of Rowland J. Beatty, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Conrad Durkes, to be postmaster at Franklin Grove, in the county of Lee and State of Illinois, in the place of Thomas W. Scott, resigned.

Edward Gardner, to be postmaster at Rochelle, in the county of Ogle and State of Illinois, in place of Henry H. Glenn, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

George W. Hess, to be postmaster at Evanston, in the county of Cook and State of Illinois, in place of John A. Childs, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Charles W. Jones, to be postmaster at Griggsville, in the county of Pike and State of Illinois, in place of Abbie M. Lawton, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

William A. McCune, to be postmaster at Sterling, in the county of Whitesides and State of Illinois, in place of Charles M. Worthington, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Frederick M. Mead, to be postmaster at Marengo, in the county of McHenry and State of Illinois, in the place of John Q. Adams, whose commission expired December 20, 1885.

Julian S. Palmer, to be postmaster at Duquoin, in the county of Perry and State of Illinois, in place of Isaac M. Neely, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States, and whose commission expires on the 29th day of January, 1887.

Wilber C. Scanland to be postmaster at Normal, in the county of McLean and State of Illinois, in the place of A. C. Taylor, resigned.

Edward Smith to be postmaster at Carrollton, in the county of Greene and State of Illinois, in place of James Lynn, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

John M. Startzman to be postmaster at Savanna, in the county of Carroll and State of Illinois, in place of Charles L. Howe, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

John W. Toler, to be postmaster at Carbondale, in the county of Jackson and State of Illinois, in place of Simeon Walker, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Samuel P. Tufts, to be postmaster at Centralia, in the county of Marion and State of Illinois, in place of Samuel G. Kell, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Michael E. Tuohy, to be postmaster at Nokomis, in the county of Montgomery and State of Illinois, in place of Dennis P. Brophy, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Charles Wiesemann to be postmaster at Warsaw, in the county of Hancock and State of Illinois, in the place of John E. Johnston, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Eli W. Brown to be postmaster at Columbia City in the county of Whitley and State of Indiana, in place of John W. Baker, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Edwin W. Callis to be postmaster at Martinsville, in the county of Morgan and State of Indiana, in place of James G. Bain, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Noble P. Howard, jr., to be postmaster at Greenfield, in the county of Hancock and State of Indiana, in the place of Henry C. Marsh, resigned.

Sextus H. Shearer, to be postmaster at Huntington, in the county of Huntington and State of Indiana, in place of William H. Hessin, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States, and whose commission will expire on the 16th day of January, 1887.

Richard Burke, to be postmaster at What Cheer, in the county of Keokuk and State of Iowa, in place of Byron S. Brainard, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States, and whose commission expires on the 16th day of January, 1887.

James P. Carleton, to be postmaster at Iowa Falls, in the county of Hardin and State of Iowa, in place of Thomas B. Knapp, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Alexander Charles, to be postmaster at Cedar Rapids, in the county of Linn and State of Iowa, in place of William W. Smith, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

James N. Davis, to be postmaster at Knoxville, in the county of Marion and State of Iowa, in place of William W. Craddick, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States, and whose commission expires on the 1st day of March, 1887.

James Frey, to be postmaster at Sigourney, in the county of Keokuk and State of Iowa, in place of John Morrison, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Richard L. Gidley, to be postmaster at Malvern, in the county of Mills and State of Iowa, in the place of Oscar H. Snyder, whose commission expired August 7, 1886.

Alice H. Groves, to be postmaster at Afton, in the county of Union and State of Iowa, in place of Charles K. Ingham, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Samuel L. Harvey, to be postmaster at Centerville, in the county of Appanoose and State of Iowa, in place of Eugene C. Haynes, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

John Hornstein, to be postmaster at Boone, in the county of Boone and State of Iowa, in place of Newton W. Simmons, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Joseph H. James, to be postmaster at Sac City, in the county of Sac and State of Iowa, in the place of Robert H. Lamoneux, resigned.

Thomas A. Massie, to be postmaster at Logan, in the county of Harrison and State of Iowa, in place of Allen K. Grow, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States, and whose commission expires on the 3d day of March, 1887.

William H. Merritt, to be postmaster at Des Moines, in the county of Polk and State of Iowa, in place of John Beckwith, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States, and whose commission expires on the 27th day of February, 1887.

Frank P. Motie, to be postmaster at Odebolt, in the county of Sac and State of Iowa, in place of F. R. Bennett, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

George P. Neal, to be postmaster at Columbus Junction, in the county of Louisa and State of Iowa, in place of Charles M. Fulton, suspended

under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States, and whose commission expires on the 12th day of February, 1887.

George Paul, to be postmaster at Iowa City, in the county of Johnson and State of Iowa, in place of Jacob Ricord, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Edward K. Pitman, to be postmaster at Leon, in the county of Decatur and State of Iowa, in place of William J. Sullivan, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

George G. Rodman, to be postmaster at Washington, in the county of Washington and State of Iowa, in place of William B. Bell, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States, and whose commission will expire on the 16th day of January, 1887.

George C. Scrimgeon, to be postmaster at Belle Plaine, in the county of Benton and State of Iowa, in the place of William A. Hunter, resigned.

John F. Baker, to be postmaster at Ellsworth, in the county of Ellsworth and State of Kansas, in place of George Huycke, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Walstine P. Eddy, to be postmaster at Columbus, in the county of Cherokee and State of Kansas, in place of Hugh V. Gavigan, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

James R. Hall, to be postmaster at Howard, in the county of Elk and State of Kansas, in place of Adrian Reynolds, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

John E. Ireland, to be postmaster at Iola, in the county of Allen and State of Kansas, in the place of Cyrus M. Simpson, resigned.

John M. Landis, to be postmaster at Oswego, in the county of Labette and State of Kansas, in place of Littleton S. Crum, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Ephraim W. Lyon, to be postmaster at Cherry Vale, in the county of Montgomery and State of Kansas, in the place of William M. Parks, whose commission expired August 7, 1886.

John Q. A. Shelden, to be postmaster at Manhattan, in the county of Riley and State of Kansas, in place of Albert A. Stewart, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Milton Burch, to be postmaster at Georgetown, in the county of Scott and State of Kentucky, in place of Edward C. Barlow, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States, and whose commission expires on the 19th of February, 1887.

Cecile Bailey, to be postmaster at Opelousas, in the county of Saint Landry and State of Louisiana, in the place of Louis Desmarais, whose commission expired August 3, 1886.

James C. Soape, to be postmaster at Shreveport, in the county of Caddo and State of Louisiana, in the place of William McKenna, whose commission expired August 4, 1886.

William J. Bradbury, to be postmaster at Fairfield, in the county of Somerset and State of Maine, in the place of William H. Emery, resigned.

Henry Penniman, to be postmaster at Winthrop, in the county of Kennebec and State of Maine, in place of Elliott Wood, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

John M. Corse, to be postmaster at Boston, in the county of Suffolk and State of Massachusetts, in place of Edward S. Tobey, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Walter L. Keith to be postmaster at Campello, in the county of Plymouth and State of Massachusetts, in the place of Albert Keith, whose commission expired April 17, 1886.

James Shevlin to be postmaster at Sandwich, in the county of Barnstable and State of Massachusetts, in the place of Fred. S. Pope, whose commission expired August 7, 1886.

Agnes J. Smith to be postmaster at Stockbridge, in the county of Berkshire and State of Massachusetts, in the place of Henry L. Plumb, whose commission expired October 14, 1885.

Eucharist Brule to be postmaster at Lake Linden, in the county of Houghton and State of Michigan, in the place of Peter Primeau, resigned.

Ira B. Card, to be postmaster at Hillsdale, in the county of Hillsdale and State of Michigan, in place of Eli Van Valkenburgh, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States, and whose commission expires on the 19th day of February, 1887.

Frank F. Cole, to be postmaster at Albion, in the county of Calhoun and State of Michigan, in place of Martin Haven, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Daniel C. Johnson, to be postmaster at Ithaca, in the county of Gratiot and State of Michigan, in place of Robert Smith, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Abner M. Moon, to be postmaster at Dowagiac, in the county of Cass and State of Michigan, in place of C. L. Sherwood, whose commission expired December 20, 1885.

Hananiah D. Pugh, to be postmaster at Lansing, in the county of Ingham and State of Michigan, in place of Stephen D. Bingham, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States, and whose commission expires on the 7th of February, 1887.

George C. Thompson, to be postmaster at Midland, in the county of Midland and State of Michigan, in place of John H. Kelly, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Louis P. Zent, to be postmaster at Sturgis, in the county of Saint Joseph and State of Michigan, in the place of Marcus D. Kirk, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Henry J. Dane, to be postmaster at Le Sueur, in the county of Le Sueur and State of Minnesota, in the place of John M. Farmer, whose commission expired July 18, 1886.

Edward Fay, to be postmaster at Moorhead, in the county of Clay and State of Minnesota, in the place of Benjamin F. Mackall, resigned.

Ella L. Kempe, to be postmaster at Montevideo, in the county of Chippewa and State of Minnesota, whose commission expired August 3, 1886.

Fred Puhler, to be postmaster at Ada, in the county of Norman and State of Minnesota, in place of Peter Ramstad, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

John Stuart, to be postmaster at Pipe Stone, in the county of Pipe Stone and State of Minnesota, in place of Daniel E. Sweet, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Michael Sullivan, to be postmaster at Marshall, in the county of Lyon and State of Minnesota, in the place of Squire D. How, resigned.

William Groome, to be postmaster at Vicksburg, in the county of Warren and State of Mississippi, in the place of John D. Tinney, whose commission expired October 15, 1885.

Martha J. Tucker, to be postmaster at Okolona, in the county of Chickasaw and State of Mississippi, in the place of R. M. Tindall, whose commission expired August 4, 1886.

James W. Clarke, to be postmaster at De Soto, in the county of Jefferson and State of Missouri, in the place of Philip C. Zollman, whose commission expired July 27, 1886.

Irvin P. Powell, to be postmaster at Montgomery City, in the county of Montgomery and State of Missouri, in place of Stephen D. Ham, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

John S. Preston, to be postmaster at Shelbina, in the county of Shelby and State of Missouri, in the place of John S. Chandler, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States, and whose commission will expire on the 20th of December, 1886.

D. F. Whitsitt, to be postmaster at Pleasant Hill, in the county of Cass and State of Missouri, in place of Charles L. Mayo, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

George W. Carlton, to be postmaster at Deer Lodge City, in the county of Deer Lodge and Territory of Montana, in place of Edward S. Stackpole, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States, and whose commission expires on the 15th of February, 1887.

Frank Campbell, to be postmaster at O'Neill, in the county of Holt and State of Nebraska, in the place of William D. Matthews, resigned.

William F. Wolfe, to be postmaster at Friend, in the county of Saline and State of Nebraska, in place of Edward Whitcomb, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

James C. Hagerman, to be postmaster at Reno, in the county of Washoe and State of Nevada, in place of Orlando Evans, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

James P. Smith, to be postmaster at Elko, in the county of Elko and State of Nevada, in place of Charles H. Sproule, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Ormond E. Colony, to be postmaster at Keene, in the county of Cheshire and State of New Hampshire, in place of Asa Smith, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

William F. Harmon, to be postmaster at Great Falls, in the county of Strafford and State of New Hampshire, in place of Nathan Wentworth, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Edwin Judkins, to be postmaster at Franklin, in the county of Merrimack and State of New Hampshire, in place of Eunice G. Colburn, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Charles E. McIntire, to be postmaster at Lancaster, in the county of Coos and State of New Hampshire, in place of Charles E. Allen, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Charles A. Morse, to be postmaster at New Market, in the county of Rockingham and State of New Hampshire, in place of Samuel H. Greene, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Bridget Lane, to be postmaster at Summit, in the county of Union and State of New Jersey, in place of Theodore F. Littell, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Eckford Moore, to be postmaster at Trenton, in the county of Mercer and State of New Jersey, in place of Charles H. Skirm, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States, and whose commission expires on the 27th of February, 1887.

Edgar M. Young, to be postmaster at Silver City, in the county of Grant and Territory of New Mexico, in place of Owen L. Scott, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States, and whose commission expires December 28, 1886.

Frank B. Brown, to be postmaster at Corning, in the county of Steuben and State of New York, in place of Ephraim P. Rogers, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Harlow E Bundy, to be postmaster at Oneonta, in the county of Otsego and State of New York, in the place of H. D. Nelson, resigned.

Carlos E. Chafee, to be postmaster at Springville, in the county of Erie and State of New York, in place of Theodore B. Norris, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Andrew Dardis, to be postmaster at Cazenovia, in the county of Madison and State of New York, in place of Fred. M. Taylor, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States, and whose commission expires February 26, 1887.

William H. Greenhow, to be postmaster at Hornellsville, in the county of Steuben and State of New York, in place of Francisco M. Cronkrite, whose commission expired July 1, 1886.

Lillian C. Keyes, to be postmaster at Yonkers, in the county of Westchester and State of New York, in place of Merwin N. Jones, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States, and whose commission expires on the 3d day of March, 1887.

Orville F. Levalley, to be postmaster at Naples, in the county of Ontario and State of New York, in place of William R. Marks, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Orville A. Manville, to be postmaster at Whitehall, in the county of Washington and State of New York, in place of John F. Clark, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States, and whose commission will expire on the 12th of February, 1887.

Daniel J. McGrory, to be postmaster at Westchester, in the county of Westchester and State of New York, in the place of Joshua J. Mallett, whose commission expired August 7, 1886.

Thomas A Riley, to be postmaster at Ticonderoga, in the county of Essex and State of New York, in place of Frederick Weed, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Charles E. Rose, to be postmaster at Patchogue, in the county of Suffolk and State of New York, in place of William H. Sharp, resigned.

Michael Tierney, to be postmaster at Salem, in the county of Washington and State of New York, in the place of Robert Cruikshank, whose commission expired July 18, 1886.

Francis A. Willard, to be postmaster at Boonville, in the county of Oneida and State of New York, in the place of William H. Cole, whose commission expired August 7, 1886.

George B. Aten, to be postmaster at Wellsville, in the county of Columbiana and State of Ohio, in place of Thomas W. Butler, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

John Cooke, to be postmaster at Bridgeport, in the county of Belmont and State of Ohio, in place of John M. Todd, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Russell T. Dobson, to be postmaster at Bowling Green, in the county of Wood and State of Ohio, in place of Julius D. Bolles, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States, and whose commission will expire on the 2d of January, 1887.

William H. Gillespie, to be postmaster at Dayton, in the county of Montgomery and State of Ohio, in the place of Abram D. Wilt, whose commission expired January 30, 1886.

Egbert Green, to be postmaster at Medina, in the county of Medina and State of Ohio, in place of James H. Greene, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statues of the United States, and whose commission expires on the 20th day of December, 1886.

John W. Hingeley, to be postmaster at Barnesville, in the county of Belmont and State of Ohio, in the place of Samuel B. Piper, resigned.

Guilford B. Keppel, to be postmaster at Tiffin, in the county of Seneca and State of Ohio, in place of Otis T. Locke, suspended under the provisions of the seventeen hundred and sixty-eight section of the Revised Statutes of the United States, and whose commission expires on the 20th of December, 1886.

J. E. Lohmann, to be postmaster at Hamilton, in the county of Butler and State of Ohio, in the place of Ferdinand Van Derveer, resigned.

Basil Meek, to be postmaster at Fremont, in the county of Sandusky and State of Ohio, in the place of David Betts, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

John R. Meloy, to be postmaster at New Lexington, in the county of Perry and State of Ohio, in place of J. F. McMahon, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States, and whose commission expires on the 5th day of February, 1887.

John C. Riley, to be postmaster at Cincinnati, in the county of Hamilton and State of Ohio, in the place of Smith A. Whitfield, whose commission expired January 31, 1886.

Charles N. Schmick, to be postmaster at Leetonia, in the county of Columbiana and State of Ohio, in the place of Wilson W. Forney, resigned.

John Shaw, to be postmaster at Van Wert, in the county of Van Wert and State of Ohio, in place of David P. Dunathan, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

James Brady, to be postmaster at Washington, in the county of Washington and State of Pennsylvania, in place of James S. Stocking, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

William M. Breslin, to be postmaster at Lebanon, in the county of Lebanon and State of Pennsylvania, in the place of Christopher W. Carmany, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Charles T. Cooper, to be postmaster at Sewickley, in the county of Allegheny and State of Pennsylvania, in place of Andrew W. Woods, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Charles W. Gant, to be postmaster at Irwin, in the county of Westmoreland and State of Pennsylvania, in place of Simon D. Lauffer, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Alexander Graff, to be postmaster at Kittanning, in the county of Armstrong and State of Pennsylvania, in place of Edgar A. Brodhead, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

James C. Henderson, to be postmaster at Media, in the county of Delaware and State of Pennsylvania, in the place of Mrs. Miranda Williamson, whose commission expired December 15, 1885, and who has also resigned.

Daniel W. Neagly, to be postmaster at Millersburgh, in the county of Dauphin and State of Pennsylvania, in the place of Roland Freck, whose commission expired July 6, 1886.

James Sweney, to be postmaster at Chambersburg, in the county of Franklin and State of Pennsylvania, in place of Edward W. Curriden, under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

John H. Turner, to be postmaster at West Grove, in the county of Chester and State of Pennsylvania, in the place of Joseph Pyle, whose commission expired January 12, 1886.

A. Bowman Weaver, to be postmaster at Clearfield, in the county of Clearfield and State of Pennsylvania, in the place of Samuel J. Row, whose commission expired August 3, 1886.

James Mulligan, to be postmaster at Central Falls, in the county of Providence and State of Rhode Island, in the place of George F. Crowningshield, deceased.

Caroline A. Youngblood, to be postmaster at Chester, in the county of Chester and State of South Carolina, in the place of Thomas N. Youngblood, deceased; and the name of the office having been changed from "Chester Court House" to "Chester."

George E. Blake, to be postmaster at Fayetteville, in the county of Lincoln and State of Tennessee, in place of William B. Douthat, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Anna B. Cheatham, to be postmaster at Nashville, in the county of Davidson and State of Tennessee, in the place of Benjamin F. Cheatham, deceased.

Mary B. Johnson, to be postmaster at Clarksville, in the county of Montgomery and State of Tennessee, in place of William F. Green, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Julien M. Byrnes, to be postmaster at Brenham, in the county of Washington and State of Texas, in the place of James E. Shepard, resigned.

Robertson I. Coons, to be postmaster at Albany, in the county of Shackelford and State of Texas, in place of Samuel F. Stinson, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Benjamin Kowalski, to be postmaster at Brownsville, in the county of Cameron and State of Texas, in the place of Joseph Hopkins, deceased.

N. W. Noell, to be postmaster at Cisco, in the county of Eastland and State of Texas, in place of David Redfield, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Dudley C. Brown, to be postmaster at Brandon, in the county of Rutland and State of Vermont, in place of John L. Knight, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Asa M. Dickey, to be postmaster at Bradford, in the county of Orange and State of Vermont, in the place of George E. Gaffield, resigned.

Warren L. Howard, to be postmaster at Fair Haven, in the county of Rutland and State of Vermont, in place of Harris Whipple, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States, and whose commission will expire on the 19th day of February, 1887.

Moses B. Thrasher, to be postmaster at Newport, in the county of Orleans and State of Vermont, in the place of Henry S. Lawrence, whose commission expired August 7, 1886.

Oscar D. Derr, to be postmaster at Roanoke, in the county of Roanoke and State of Virginia, in place of Alexander S. Asberry, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Michael Glennan, to be postmaster at Norfolk, in the county of Norfolk and State of Virginia, in place of James W. Long, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

George G. McNamara, to be postmaster at Port Townsend, in the county of Jefferson and Territory of Washington, in place of W. H. H. Learned, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

James W. Verlander, to be postmaster at Huntington, in the county of Cabell and State of West Virginia, in place of Ira R. Wood, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

John A. Bardon, to be postmaster at Superior, in the county of Douglas and State of Wisconsin, in place of Sidney E. Tubbs, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Patrick H. Carney, to be postmaster at Waukesha, in the county of Waukesha and State of Wisconsin, in place of Elihu Enos, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Jacob J. French, to be postmaster at Sparta, in the county of Monroe and State of Wisconsin, in place of Lewis S. Fisher, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States, and whose commission will expire on the 7th day of February, 1887.

Roderick McGregor, to be postmaster at River Falls, in the county of Pierce and State of Wisconsin, in place of George E. Reed, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes, and whose commission will expire on the 4th day of January, 1887.

James E. Jones, to be postmaster at Portage, in the county of Columbia and State of Wisconsin, in place of Charles C. Dow, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States.

Jeremiah Sullivan, to be postmaster at Ashland, in the county of Ashland and State of Wisconsin, in the place of Ernest H. Wilson, resigned.

Carl Zillier, to be postmaster at Sheboygan, in the county of Sheboygan and State of Wisconsin, in place of Nathan Cole, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States, and whose commission expired on the 12th day of December, 1886.

TERRITORIAL OFFICERS.

Preston H. Leslie, of Glasgow, Kentucky, to be governor of Montana Territory, *vice* Samuel T. Hauser, resigned.

Henry E. Haydon, of Stillwater, Minnesota, to be clerk of the district court for the district of Alaska, *vice* Andrew T. Lewis, to be removed.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December* 15, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

SPRINGFIELD ARMORY.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a statement of expenditures at the Springfield Armory, and of arms fabricated, altered, and repaired at that armory during the fiscal year ended June 30, 1886; which was referred to the Committee on Expenditures in the War Department, and ordered to be printed.

PURCHASES FOR USE OF ARMY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting reports received by the Quartermaster-General of purchases for the use of the Army for the fiscal year ended June 30, 1886; which was referred to the Committee on Expenditures in the War Department, and ordered to be printed.

COUNT OF ELECTORAL VOTE.

The SPEAKER also laid before the House the following message from the Senate, accompanying the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon:

IN THE SENATE, *December* 14, 1886.

Resolved, That the Senate disagree to the amendments of the House of Representatives to the bill of the Senate, No. 9, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. HOAR, Mr. EDMUNDS, and Mr. PUGH be the conferees on the part of the Senate.

The SPEAKER. If there be no objection, the request of the Senate for a conference upon the disagreeing votes of the two Houses on this bill will be agreed to. The Chair hears no objection. During the day the Chair will announce the appointment of conferees on the part of the House.

The Speaker subsequently announced the appointment of Mr. CALDWELL, Mr. EDEN, and Mr. COOPER, as the House conferees.

AVENUES, ETC., IN WASHINGTON, D. C.

The SPEAKER also laid before the House the bill (S. 2938) regulating the use of avenues, streets, alleys, and reservations, in the city of Washington; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. IKE H. TAYLOR, for two days, on account of sickness.

To Mr. MITCHELL, for one week, on account of sickness in his family.

WITHDRAWAL OF PAPERS.

Mr. SMALL, by unanimous consent, obtained leave to withdraw from the files of the House papers filed by him with the bill (H. R. 3667) for the relief of Walter D. Plowden, no action having been had on the bill.

Mr. BOUTELLE, by unanimous consent, obtained leave to withdraw from the files of the House papers in the case of Ella I. Small, filed with the bill (H. R. 1021).

AMENDMENT, NATIONAL BANK ACT.

Mr. WARNER, of Missouri. Mr. Speaker, I ask unanimous consent to take from the House Calendar for immediate consideration the bill (H. R. 9110) to amend sections 5191 and 5192 of the Revised Statutes of the United States, and put it upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, &c., That section 5191 of the Revised Statutes be amended by adding to the list of cities named therein the following, namely: Nashville, Charleston, Atlanta, Richmond, Galveston, Saint Paul, Indianapolis, Kansas City, and Omaha.

SEC. 2. That section 5192 of the Revised Statutes be amended by adding to the list of cities therein named the following, namely: Nashville, Atlanta, Galveston, Saint Paul, Indianapolis, Kansas City, and Omaha.

Mr. BURROWS. It is difficult to understand exactly what this bill covers unless these sections of the Revised Statutes to which reference is made are read.

Mr. WARNER, of Missouri. If the gentleman will pardon me, I think I can make a brief explanation which will show the propriety of the passage of this act.

Mr. BURROWS. That will be satisfactory to me.

Mr. WARNER, of Missouri. Section 5191 of the act creating the national banks provides that national banks located in sixteen cities therein named shall keep on hand, of the moneys of the United States, a sum equal to 25 per cent. of the aggregate amount of the circulation of the bank and of its deposits. All other national banks are required to keep on hand only 15 per cent. of the aggregate amount of the circulation and deposits. Section 5192 provides that the national banks,

located in these cities which are required to keep only 15 per cent. of the aggregate amount on hand, may deposit three-fifths of that reserve fund with national banks located in the reserve cities. This, therefore, simply gives to Kansas City, and those others named in the bill, the same privileges that are now given to Chicago, Saint Louis, New York, Philadelphia, and the other cities embraced in the original act. It enables the national banks doing business in Kansas City, for instance, to keep the reserve fund there, instead of sending it elsewhere. It costs the Government nothing.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. WARNER, of Missouri. I am requested by the committee reporting the bill, or with their consent, to move to strike out the words "Nashville, Charleston, and Richmond," in lines 5 and 6 of section 1. Richmond and Charleston, I will say, are already provided for, and do not wish to assume the additional burdens. I also further move to insert after the words "Saint Paul," in line 6, the word "Minneapolis."

The amendment was agreed to.

Mr. WARNER, of Missouri. Also in section 2, I move to amend by striking from line 3 the word "Nashville," and inserting after the words "Saint Paul" the word "Minneapolis," which makes it conform to the first section.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. WARNER, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN HOW.

Mr. CLARDY. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. 7648) for the relief of the estate of the late John How, Indian agent, and his sureties, and put it upon its passage.

The bill is as follows:

Be it enacted, &c., That Samuel T. Glover, James O. Broadhead, and Gerard B. Allen, sureties of the late John How, formerly Indian agent at the Western Shoshone Agency, Nevada, on the official bond of said John How, be, and they are hereby, released from any and all liabilities of every kind and nature on or growing out of said bond; that no action shall be brought, maintained, prosecuted, or enforced against said sureties, or either of them, their executors, administrators, or heirs, in any court.

The SPEAKER. Is there any objection to the present consideration of the bill?

Mr. EDEN. I would like to have the report read for information, reserving the right to object.

Mr. CLARDY. The report, permit me to say, is quite a long one, and if the gentleman from Illinois will withdraw his demand for the reading of it, I think I can make a statement of the facts which will embody the facts in a few words.

Mr. EDEN. Very well.

Mr. CLARDY. In 1878 John How, an old and respected citizen of Saint Louis, was appointed agent for the Western Shoshone Indian agency in Nevada; and upon his acceptance of the office entered into a bond in the penal sum of $10,000 for the faithful performance of the duties, with Hon. James O. Broadhead, the late Samuel T. Glover, and Mr. Girard B. Allen, all of that city, as his sureties. Near the close or at the expiration of his term of office in 1882, upon charges of irregularity in his official accounts being preferred, an inspector, by the direction of the Commissioner of Indian Affairs, took charge of the agency and made an examination of the accounts. The report submitted by the inspector showed that there had been a violation of the terms of the bond; and upon the face of the report, paying no attention to the appendix, it seemed that the Government had been involved in a loss of some $2,000. But while it appeared that there had been a violation of the bond, an examination of the report further discloses the fact that this violation was a technical one merely, and, in the language of the committee submitting this report, "resulted in no loss to the Government."

The first item is for $162, receipted by marks, and the marks not witnessed. The committee say in their report, after a full examination of this question, (and I may say too that the opinion of the former Commissioner of Indian Affairs corroborates the finding of the present committee of the House), that there has been no loss to the Government, but merely a failure to comply with technical provisions or orders issued by the Department of the Interior.

I do not think that there ought to be any objection to the passage of the bill. My friend from Illinois, [Mr. SPRINGER], who is fully acquainted with the facts of the case, will also make a statement to the House.

Mr. SPRINGER. I have carefully examined the bill, and I am satisfied the Government has sustained no loss by reason of the transactions of this Indian agent, Mr. How. I want to say with regard to that gentleman that he bore during his life a character as high as that of any gentleman in the State of Missouri. He was a man of the very highest character, and nobody that ever knew John How ever believed for a moment that he was capable or could by any indirection be capable of defrauding the Government. He is now dead, and this bill is to do justice to his memory, and also to his indorsers. I ask that it be passed unanimously.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HENRY MARTIN.

Mr. DORSEY. I ask unanimous consent that the House at this time consider the bill (H. R. 1418) for the relief of Henry Martin, with amendments by the Senate; and I shall ask the House to concur in the Senate amendments.

The amendments of the Senate were read.

Mr. HOLMAN. I ask that the bill be read as it now stands, with the Senate amendments.

The Clerk read the bill as proposed to be amended as follows:

Be it enacted, &c., That Henry Martin, of Seward County, Nebraska, or his legal representatives, may select, within one year from the passage of this act, and shall be allowed, a patent for a tract of 80 acres of the unoccupied and unappropriated public lands of the United States in the State of Nebraska, subject to entry, not mineral in character, and in tracts not less than the subdivisions provided for in the United States land-laws; and if unsurveyed when taken, to conform when surveyed to the general system of the United States land-surveys; and the Commissioner of the General Land Office, under the direction of the Secretary of the Interior, shall be authorized to issue scrip, in legal subdivisions, to the said Martin, or his legal representatives, in accordance with the provisions of this act, which scrip shall be received in payment for said land.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendments of the Senate were concurred in.

Mr. DORSEY moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES ALBERT BONSACK.

Mr. DANIEL. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 2950) for the relief of James Albert Bonsack, and to bring it before the House for present consideration.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ANDERSON, of Kansas. I will have to object for the present.

Mr. DANIEL. I ask the gentleman from Kansas to allow me to make a brief explanation; and when the object of the bill is explained I think there will be no objection to it. This James Albert Bonsack, who asks that this bill be passed, was the inventor of a cigarette machine. He applied for his American patent before he applied for his foreign patents; but by reason of delay in the Patent Office here all his foreign patents were granted first.

Now by a Federal statute if any foreign patent lapses the inventor loses the American patent. The statute was intended to apply to those cases where persons had gone abroad and got patents first. It is very expensive to keep up these foreign patents which are of no use to the American patentee; and all that the inventor asks is that he be released of that obligation by a confirmation of his American patent. It is a defect in our own law. This bill has been reported favorably by committees of two Congresses. It is not for the extension of the rights of the patentee, but to remedy a defect in our own law which would otherwise deprive the inventor of the benefit of his invention.

Mr. HENDERSON, of Iowa. Has the bill the unanimous report of the Committee on Patents?

Mr. DANIEL. It has, and also of the committee of the Forty-eighth Congress.

Mr. ANDERSON, of Kansas. I object for the present.

FEES ON PASSPORTS.

Mr. DAVIDSON, of Florida, by unanimous consent introduced a bill (H. R. 10238) reducing the fee collected on passports; which was read twice, referred to the Committee on Foreign Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. HERBERT. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. HERBERT. I move to dispense with the morning hour for the call of committees.

The motion was agreed to (two-thirds voting in favor thereof).

The SPEAKER. The regular order is now the call of committees for the consideration of bills for one hour. The hour begins at 12 o'clock and 32 minutes. The call rests with the Committee on Indian Affairs.

Mr. WELLBORN. I yield the floor to the gentleman from North Carolina [Mr. SKINNER].

ALLOTMENT OF LANDS IN SEVERALTY TO INDIANS.

Mr. SKINNER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SKINNER. The bill I ask to call up for consideration is what is known as the Indian severalty bill; the bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes. It appropriates in one of its sections $100,000 for carrying out the provisions of the bill. I want to know if it can be considered in the House, it being on the House Calendar.

The SPEAKER. The bill is now on the House Calendar, and unless the point of order is made that it must have its first consideration in Committee of the Whole House on the state of the Union, it can be considered in the House.

Mr. WEAVER, of Iowa. I make the point of order.

Mr. SKINNER. For the purpose of saving time, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

Mr. WEAVER, of Iowa. I object.

Mr. WELLBORN. It has been suggested to me, Mr. Speaker, that probably this bill is not subject to the point of order.

The SPEAKER. The Chair has not read the bill, but has accepted the statement of the gentleman from North Carolina [Mr. SKINNER] that it makes an appropriation of $100,000.

Mr. WELLBORN. That money, perhaps, is to be taken out of the Indian fund.

The SPEAKER. The Chair will examine the bill.

Mr. SKINNER. The money is to be appropriated, but it is to be repaid out of the sales of lands as provided in the bill.

Mr. WEAVER, of Iowa. That would make no difference.

The SPEAKER. The Chair will cause section 9 of the bill to be read.

The Clerk read as follows:

SEC. 9. That for the purpose of making the surveys and resurveys mentioned in section 2 of this act there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $100,000, to be repaid proportionately out of the proceeds of the sales of such land as may be acquired from the Indians under the provisions of this act.

The SPEAKER. It will be observed from the reading of this section that the money is to be appropriated out of the Treasury of the United States. The fact that provision is made in the bill for the repayment of the money at some future time makes no difference as to the construction of the rule of the House. The question is on the motion of the gentleman from North Carolina [Mr. SKINNER] that the House now resolve itself into Committee of the Whole on the state of the Union for the consideration of this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. CRISP in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of the bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes.

Mr. SKINNER. Mr. Chairman, from the beginning of our national existence——

Mr. WELLBORN. I suggest, Mr. Chairman, that the bill had better be read.

Mr. SKINNER. I desire that the bill shall be read by sections after I make a brief explanation of it. I think the committee can understand the bill better after this explanation, and then the bill may be read by sections as we proceed in its consideration, thus saving time.

The CHAIRMAN. That can only be done by unanimous consent.

Mr. WEAVER, of Iowa. I insist that the bill shall be read.

The bill was read, as follows:

Be it enacted, &c., That in all cases where any tribes or bands of Indians have been or shall hereafter be located upon any reservation created for their use, either by virtue of treaty stipulations or an act of Congress, the President of the United States be, and he is hereby, authorized to cause a patent to issue for each of such reservations in favor of the tribe or tribes, band or bands, of Indians occupying the same under treaty stipulations or act of Congress, which patents shall be of the legal effect, and declare that the United States does and will hold the land thus patented, for the period of twenty-five years, in trust for the sole use and benefit of the tribes or bands to which it is issued, and that at the expiration of said period the United States will convey the same, by patent, in fee, discharged of said trust and free of all charge or incumbrance whatsoever: *Provided*, That the President may withhold the issuance of the patent in fee in any case for such further time as he may deem to be for the interests of the Indians. And the trust created in the original patent shall be and remain in full force until the patent in fee be issued. Each of said patents shall be recorded in the General Land Office and the Indian Bureau, and shall be then placed in charge of some person designated therefor on the reservation affected thereby, for the inspection and use at all times of any one interested therein.

SEC. 1. That in all cases where any tribe or band of Indians has been or shall hereafter be located upon any reservation created for their use, either by treaty stipulations or by virtue of an act of Congress or executive order setting apart the same for their use, the President be, and he hereby is, authorized, whenever in his opinion any reservation of such Indians, or any part thereof, is suitable and advantageous for agricultural or grazing purposes, and the progress in civilization of the tribe located thereon, or any of the members thereof, shall be such as to encourage the belief that an allotment of lands in severalty to the members of said tribe, or any of them, would be for the best interests of said Indians, to cause said reservation, or such parts thereof as in his opinion are suitable and advantageous for agricultural or grazing purposes, to be surveyed, or resurveyed if necessary, and to allot the lands in said reservation in severalty to the Indians located thereon in quantities as follows:

To each head of a family, one-quarter of a section;

To each single person over eighteen years of age, one-eighth of a section;

To each orphan child under eighteen years of age, one-eighth of a section; and

To each other person under eighteen years now living, or who may be born prior to the date of the order of the President directing an allotment of the lands embraced in any reservation, one-sixteenth of a section.

In case there is not land in any of said reservations suitable and advantageous for agricultural purposes sufficient to allot lands to each individual of the classes above named in quantities as above provided, the lands so suitable and advantageous embraced in such reservation or reservations shall be allotted to each individual of each of said classes pro rata in accordance with the provisions of this act: *Provided*, That where the treaty or act of Congress setting apart such reservation provides for the allotment of lands in severalty in quantities in excess of those herein provided, the President, in making the allotments upon such reservations, shall allot the lands to each individual Indian belonging thereon in quantity as specified in such treaty or act: *And provided further*, That where the lands on any reservation are mainly valuable for grazing purposes, an additional allotment of such grazing lands in quantities as above provided shall be made to each individual; or in case any two or more Indians who may be entitled to allotments shall so agree, the President may assign the grazing lands to which they may be entitled to them in one tract, and to be held and used in common.

SEC. 2. That all allotments set apart under the provisions of this act shall be selected by the Indians, heads of families selecting for their minor children, and the agents shall select for each orphan child, and in such manner as to embrace the improvements of the Indians making the selection. Where the improvements of two or more Indians have been made on the same legal subdivision of land, unless they shall otherwise agree, a provisional line may be run dividing said lands between them, and the amount to which each is entitled shall be equalized in the assignment of the remainder of the land to which they are entitled under this act: *Provided*, That if any one entitled to an allotment shall fail to make a selection within five years after the President shall direct that allotments may be made on a particular reservation, the Secretary of the Interior may direct the agent of such tribe or band, if such there be, and if there be no agent, then a special agent appointed for that purpose, to make a selection for such Indian, which selection shall be allotted as in cases where selections are made by the Indians, and patents shall issue in like manner.

SEC. 3. That the allotments provided for in this act shall be made by special agents appointed by the President for such purpose, and the agents in charge of the respective reservations on which the allotments are directed to be made, under such rules and regulations as the Secretary of the Interior may from time to time prescribe, and shall be certified by such agents to the Commissioner of Indian Affairs, in duplicate, one copy to be retained in the Indian Office and the other to be transmitted to the Secretary of the Interior for his action, and to be deposited in the General Land Office.

SEC. 4. That where any Indian not residing upon a reservation, or for whose tribe no reservation has been provided by treaty, act of Congress, or executive order, shall make settlement upon any surveyed or unsurveyed lands of the United States not otherwise appropriated, he or she shall be entitled, upon application to the local land office for the district in which the lands are located, to have the same allotted to him or her, and to his or her children, in quantities and manner as provided in this act for Indians residing upon reservations; and when such settlement is made upon unsurveyed lands, the grant to such Indians shall be adjusted upon the survey of the lands so as to conform thereto; and patents shall be issued to them for such lands in the manner and with the restrictions as herein provided. And the fees to which the officers of such local land office would have been entitled had such lands been entered under the general laws for the disposition of the public lands shall be paid to them, from any moneys in the Treasury of the United States not otherwise appropriated, upon a statement of an account in their behalf for such fees by the Commissioner of the General Land Office, and a certification of such account to the Secretary of the Treasury by the Secretary of the Interoir.

SEC. 5. That upon the approval of the allotments provided for in this act by the Secretary of the Interior, he shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect, and declare that the United States does and will hold the land thus allotted, for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or, in case of his decease, of his heirs according to the laws of the State or Territory where such land is located, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever. And if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void: *Provided*, That these patents, when issued, shall override the patent authorized to be issued to the tribes or bands occupying reservations created by virtue of treaty stipulations or act of Congress, and shall separate the individual allotment from the lands held in common, which proviso shall be incorporated in each of the tribal patents: *Provided further*, That the law of descent and partition in force in the State or Territory where such lands are situate shall apply thereto after patents therefor have been executed and delivered, except as herein otherwise provided; and the laws of the State of Kansas regulating the descent and partition of real estate shall, so far as practicable, apply to all lands in the Indian Territory which may be allotted in severalty under the provisions of this act: *And provided further*, That at any time after lands have been allotted to all the Indians of any tribe as herein provided, or sooner if in the opinion of the President it shall be for the best interests of said tribe, it shall be lawful for the Secretary of the Interior to negotiate with such Indian tribe for the purchase and release by said tribe, in conformity with the treaty or statute under which such reservation is held, of such portions of its reservation not allotted as such tribe shall, from time to time, consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress, and the form and manner of executing such release shall also be prescribed by Congress; and the principal of all sums agreed to be paid by the United States as the purchase-price of any portion of any such reservation shall be payable only to the Indians or Indian tribe from whom such purchase was made by the express authority of Congress, after the expiration of twenty-five years from the purchase of said lands; but the same shall, in the mean time, be placed in the Treasury of the United States to the credit of the tribe or tribes of Indians entitled thereto; and in the mean time, and until such principal sum shall be paid over to or expended

for the benefit of said Indians, the United States shall pay interest annually upon said principal sums at the rate of 5 per cent. per annum, which interest shall be paid to the Secretary of the Interior for the use and benefit of such Indian tribes, and shall be used for the purpose of educating and preparing them for self-support, and applied to their support and maintenance, as may be necessary. The patents aforesaid shall be recorded in the General Land Office, and afterward delivered, free of charge, to the allottee entitled thereto. And if any religious society or other organization is now occupying any of the public lands to which this act is applicable, for religious or educational work among the Indians, the Secretary of the Interior is hereby authorized to confirm such occupation to such society or organization, in quantity not exceeding 160 acres in any one tract, so long as the same shall be so occupied, on such terms as he shall deem just; but nothing herein contained shall change or alter any claim of such society for religious or educational purposes heretofore granted by law.

SEC. 6. That upon the completion of said allotments and the patenting of the lands to said allottees, each and every member of the respective bands or tribes of Indians to whom allotments have been made shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they may reside; and no Territory shall pass or enforce any law denying any such Indian within its jurisdiction the equal protection of the law. And every Indian born within the territorial limits of the United States to whom allotments shall have been made under the provisions of this act, and every Indian born within the territorial limits of the United States who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States, without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property.

SEC. 7. That in cases where the use of water for irrigation is necessary to render the lands within any Indian reservation available for agricultural purposes, the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules and regulations as he may deem necessary to secure a just and equal distribution thereof among the Indians residing upon any such reservations; and no other appropriation or grant of water by any riparian proprietor shall be authorized or permitted to the damage of any other riparian proprietor.

SEC. 8. That the provision of this act shall not extend to the territory occupied by the Cherokees, Creeks, Choctaws, Chickasaws, Seminoles, and Osages, in the Indian Territory, nor to any of the reservations of the Seneca Nation of New York Indians in the State of New York, nor to that strip of territory in the State of Nebraska adjoining the Sioux Nation on the south, added by executive order.

SEC. 9. That for the purpose of making the surveys and resurveys mentioned in section 2 of this act, there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $100,000, to be repaid proportionately out of the proceeds of the sales of such land as may be acquired from the Indians under the provisions of this act.

SEC. 10. That nothing in this act contained shall be so construed as to affect the right and power of Congress to grant the right of way through any lands granted to an Indian, or a tribe of Indians, for railroads or other highways, or telegraph lines, for the public use, or to condemn such lands to public uses, upon making just compensation.

The amendments reported by the Committee on Indian Affairs were read, as follows:

(1) Strike out sections 1 and 2 of said bill and insert in lieu thereof the following:

"That in all cases where any tribe or band of Indians has been, or shall hereafter be, located upon any reservation created for their use, either by treaty stipulation or by virtue of an act of Congress or executive order setting apart the same for their use, the Secretary of the Interior be, and he hereby is, authorized, whenever in his opinion any reservation of such Indians is advantageous for agricultural and grazing purposes, to cause said reservation to be surveyed, or resurveyed if necessary, and to allot the lands in said reservation in severalty to the Indians located thereon, in quantities as specified in the treaty with said tribes or bands if said reservation was created by treaty: *Provided*, That in all cases where no provision for the allotment of land is made in the treaties, acts, or executive orders creating or relating to said reservations, allotments in severalty may be made thereon as follows:

"To each head of a family, one-quarter of a section;

"To each single person over eighteen years of age, one-eighth of a section;

"To each orphan child under eighteen years of age, one-eighth of a section; and

"To each other person under eighteen years now living, or who may be born prior to the date of the order of the Secretary of the Interior directing an allotment of the lands embraced in any reservation, one-sixteenth of a section: *Provided*, That in case there is not sufficient land in any of said reservations to allot lands to each individual of the classes above named in quantities as above provided, the lands embraced in such reservation or reservations shall be alloted to each individual of each of said classes pro rata in accordance with the provisions of this act."

(2) Strike out all after the word "void," in line 16, section 6, up to the word "Provided," in line 21.

(3) Strike out all after the word "Congress," in line 40, section 6, up to and including the word "necessary," in line 54.

(4) Insert after the word "Osage," in line 3, section 9, the following: "Miamies and Peorias, and Sacs and Foxes."

(5) At the end of the bill add the following:

"SEC. 2. That the provisions of this act shall not extend to any tribe of Indians until the consent of two-thirds of the male members twenty-one years of age shall be first had and obtained."

(6) That the several sections of the bill be renumbered.

We recommend that the bill, when so amended, do pass.

Mr. SKINNER. Mr. Chairman, from the beginning of our existence as a nation the Indian has been the subject of national legislation; but at no time so much as now has there been such pressing necessity for the adoption of a general Indian policy; the enactment of some measure that will lead to a correct solution of the Indian problem.

As long as the great West remained unoccupied or sparsely settled by the white man and abounded with game, the Indian retired before the advancing civilization of the white man, and subsisted by the chase. But now the white civilization of the East has been met by the white civilization from the West. The game has been destroyed, and the food supply from that source is gone from the Indian, and gone forever.

This being a true statement of the situation, the Indian must either perish, depend upon the Government for support, or abandon his thriftless habits, learn to eat bread in the sweat of his face, and finally rise to the level of the civilization that surrounds him and take upon himself the duties and responsibilities of American citizenship. Starvation, pauperism, or independent, self-supporting citizenship—between these the Indian must take his choice, or, rather, we, as his guardians, must choose for him. That the latter may be his destiny is the desire of the Committee on Indian Affairs, and, I believe, of this Congress and the country.

In my opinion, our fathers erred in not at first adopting an Indian policy that could lead to this end. Instead of removing the Eastern Indians from their Eastern homes—instead of massing large numbers of Indians upon one reservation, thus postponing their civilization—they should have left the Indians where they found them and civilized them by piece-meal as they came to them.

But it is useless to grieve over spilled milk or to recount the wrongs that the red man has suffered at the hands of the white man, or the mistakes that our predecessors have made in their attempts to solve the Indian problem, or to postpone its solution. The Indian as he is today confronts us and demands consideration. What shall be his future status? Shall he remain a pauper savage, blocking the pathway of civilization, an increasing burden upon the people? Or shall he be converted into a civilized tax-payer, contributing toward the support of the Government and adding to the material prosperity of the country?

These are the questions that press upon us for consideration. We desire, I say, that the latter shall be his destiny. How is so great a change in his condition to be effected? By what path can we lead him to the plane of citizenship? This is the problem presented for our solution.

The present Commissioner of Indian Affairs, who, in the line of his duty, has given these questions his most earnest thought, says in his annual report, 1885, and reiterates it in his last report, that it should be impressed upon the Indians "that they must abandon their tribal relation and take lands in severalty as the corner-stone of their complete success in agriculture; which means self-support, personal independence, and material thrift."

One of the most successful Indian educators of the day—the pioneer of the present system of Indian education, Capt. R. H. Pratt, the superintendent of the Indian school at Carlisle, Pa.—in a speech before the Military Service Institution, December 10, 1885, said:

> The policy of providing one teacher for from one hundred and fifty to two hundred Indians needs to be reversed to a policy that will provide from one hundred and fifty to two hundred teachers to each Indian. This will be the case when our two hundred and sixty thousand Indians are brought into contact with our fifty million people.

This means that the tribal relations must be broken up; that the practice of massing large numbers of Indians on reservations must be stopped; that lands must be allotted in severalty; that where there is more land in any reservation than the Indians on that reservation can profitably use, such surplus lands must be so disposed of that the white man may get possession of them and come in contact with the Indians.

We offer the pending bill, intending for it to fill the full measure of all these requirements, and believing that it points out the most direct route to citizenship for the Indian.

Under its provisions any individual Indian who desires to do so can take a fee-simple title to a certain quantity of land, sufficient for him to make a living upon as a farmer or grazer, shake off the shackles of tribal authority, and become a citizen of the United States without let or hinderance from the tribe to which he belongs; and whenever a majority of the male adults on any reservation desire it the reservation can be broken up, and the lands, in certain quantities, specified in the bill, allotted in severalty to the Indians who belong on such reservation; and as soon as the allotment is made the allottee becomes a citizen of the United States, the strong arm of the law protects him, as it does any other citizen, in life, liberty, and property; and, in addition thereto, his land is made inalienable and non-taxable for a sufficient length of time for the new citizen to become accustomed to his new life, to learn his rights as a citizen, and prepare himself to cope on an equal footing with any white man who might attempt to cheat him out of his newly acquired property; and, in the mean time, the surplus lands upon such reservations can be sold, and the money arising from such sale can be used in such manner as Congress may direct in each particular case, for the benefit of the Indians to whom the land belonged.

Giving the individual Indian a title to the land upon which he resides will have a tendency to stimulate him to work and improve his land and accumulate property, to make him feel more independent and self-reliant; and by associating him with the white man, which will be the case when the reservations are broken up and the surplus lands opened up to white settlement, he will learn habits of thrift and industry.

The effect of the tribal and reservation policy upon the Indian is to make him dependent, to pauperize him to a greater or less degree, to dwarf his mind, and to clog his energies. Huddle together two hundred and sixty-thousand illiterate white people upon reservations, forbid all intercourse between them and other people, issue rations to them, make them dependent, and you make paupers of the large majority of them, and the next generation would be as adverse to working for a living as the Indian is now.

If when the late war ended the Government had gathered all the negroes in the South upon a reservation and had pursued toward them the same policy that has been pursued toward the Indian, the result would have showed itself in a negro appropriation bill of much longer proportions than the Indian appropriation bill of last year, and the negro race would have deteriorated as rapidly as it has advanced in the scale of humanity.

Twenty-one years ago the negro was suddenly raised from slavery to freedom, and shot at once into citizenship, utterly incompetent to appreciate the meaning of the word or the rights that became his in his new condition; with no book-education, no money, no land; dependent entirely upon his muscle for bread and clothes; and yet in all these years he has been self-supporting, and by long and rapid strides has been advancing in civilization. It is all due to the precept and example of the white people with whom they have come in daily contact.

I am informed by those who know both the Indian and the negro that the Indian is the superior. Give, then, to the red man the black man's chance. Let him become a citizen of the United States and be taught by contact with the white man. And in addition thereto give him his land as is provided in this bill and extend over him and his property the same protection that is accorded to white men and the black, and the Indian will soon cease to be burden to the Government, and in good time will help to bear its burdens and add to the material wealth of the country. The Indian problem will be solved.

Mr. SKINNER. I yield the remainder of my time to the gentleman from Kansas [Mr. PERKINS].

Mr. PERKINS. Mr. Chairman, I desire to add only a few words to the suggestions made by the gentleman from North Carolina [Mr. SKINNER]. This bill is in keeping with the sentiment of the country, as it is, in my judgment, responsive to the best interests of the Indians, the best interests of the whites, and the best interests of the country generally. It has the warm indorsement and approval of the Secretary of the Interior, of the Commissioner of Indian Affairs, and of all those who have given attention to the subject of the education, the Christianization, and the development of the Indian race. It is for the good of the Indians and for the good of all. As suggested by the gentleman from North Carolina [Mr. SKINNER], let us enact this bill, and the Indian problem is substantially solved. The bill provides for the breaking up, as rapidly as possible, of all the tribal organizations and for the allotment of lands to the Indians in severalty, in order that they may possess them individually and proceed to qualify themselves for the duties and responsibilities of citizenship.

The bill, as I have already suggested, is in keeping with the sentiment of the country. Almost every community in the land is asking for such legislation. In the judgment of the great mass of the American people the time has come when the policy of keeping the Indians together in their tribal organizations and restraining and controlling them by bayonets and shotguns must be abandoned and a new era inaugurated—an era of the allotment of lands to the Indians in severalty, an era of education, an era in which they shall be enabled and required to qualify themselves for the duties of American citizenship, and to support themselves by industry and toil. That is the spirit and object of this bill. For that reason, as I have suggested, it meets the warm approval of all the Government officers whose duties bring them in close contact with the Indians, and it has also the indorsement of the Indian rights associations throughout the country, and of the best sentiment of the land.

I desire simply to suggest that of the amendments which we as a committee offer to the Senate bill only two are of much importance. The first which will be offered is to strike out that portion of the first section which provides for a tribal patent. Although the Senate bill has made such provision, the judgment of our committee was and is that the time had passed for the issuance of tribal patents.

Another amendment which we shall offer is to strike out that portion of the sixth section which provides that money accruing from the sale of the Indian lands shall be deposited in the Treasury of the United States to the credit of the Indians for a period of twenty-five years. In the judgment of our committee this provision is wrong. We believe there ought not to be any such stipulation in the bill. When the Secretary of the Interior enters into negotiations with the Indians for the allotment of lands to them in severalty and for the purchase of the remaining lands let him then make the best contract that can be made for their good and for the good of the people generally, leaving the stipulations of that contract to be determined by the circumstances then existing, subject to the approval and ratification of Congress.

Those are, substantially, the amendments which will be offered to the bill as passed by the Senate. This bill was passed by that body at the last session. A similar measure passed the Senate in the Forty-eighth and in the Forty-seventh Congresses. This measure has thus received public attention and has secured the indorsement of those competent to form a sound judgment upon the question.

Unless there are some gentlemen who desire to propound inquiries concerning some of the features of the bill, or unless some members wish to occupy a few minutes in opposition to it, I shall ask that the bill be read by sections for consideration under the five-minute rule. If any gentleman wishes to ask any question or to occupy a short time in opposition to the measure, I am ready to yield a few minutes for that purpose.

Mr. WEAVER, of Iowa. I have an amendment which I wish to suggest when we reach the proper point in the bill.

Mr. STEELE. I wish to inquire of the gentleman from Kansas [Mr. PERKINS] whether this bill provides that Indians may become citizens without the formality of taking out naturalization papers.

Mr. PERKINS. Under section 7 of the bill every Indian born within the territorial limits of the United States to whom allotment shall have been made under the provisions of this act, and every Indian born within the territorial limits of the United States, who has voluntarily taken up within said limits his residence, separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, is declared to be a citizen of the United States, without formal application to the court.

Mr. STEELE. I understand that in some cases which have arisen in the gentleman's own State it has been decided that Indians could not be admitted to citizenship because they had not gone through the formality of taking out naturalization papers.

Mr. PERKINS. I understand that to be the law generally; but Congress has provided by special legislation for the naturalization of certain Indians or of members of certain tribes. In my own State, by act of Congress, certain Indians have become citizens by declaration in the United States courts of the State, upon the court being satisfied of their qualification for the duties of citizenship.

Mr. STEELE. This bill does not propose to require that formality?

Mr. PERKINS. It does not require it; yet it is not in conflict with the provisions of law heretofore enacted.

Mr. ROGERS. I wish to ask my friend from Kansas why in the eighth section the Miamies, Peorias, and Sacs and Foxes, are excepted from the operations of the bill?

Mr. PERKINS. Principally because in a separate bill which has been considered by our committee, and reported favorably to the House, provision has been made for the allotment of their lands to them in severalty, and also for a division of their fund. They have quite a fund, and they have lands which they have purchased. The condition of their lands is much like that of the lands owned by the Cherokees, Choctaws, Creeks, and Seminoles. For this reason, it was thought that those Indians should be excepted from the operations of the bill.

Mr. ROGERS. Did the committee pass upon the power of Congress to apply the provisions of the bill to the five civilized tribes?

Mr. PERKINS. Not formally. The Senate had exempted them from the operations of the bill, and we concurred in that action of the Senate without formally discussing the matter. Of course there was doubt in the minds of many of us as to whether we had any authority to interfere with the rights of those Indians there; yet the committee took no formal action upon that proposition, because the Senate had already exempted those Indians from the provisions of the bill.

Mr. Chairman, I now ask that the bill be read by sections under the five-minute rule.

The first section was read.

Mr. PERKINS. The committee recommend striking out this and the second section, and substituting for these two a new section. Perhaps it is best that the next section should be read, before considering the amendment.

The second section was read.

The amendment proposed by the Committee on Indian Affairs as a substitute for sections 1 and 2 was read, as follows:

That in all cases where any tribe or band of Indians has been, or shall hereafter be, located upon any reservation created for their use, either by treaty stipulation or by virtue of an act of Congress or executive order setting apart the same for their use, the Secretary of the Interior be, and he hereby is, authorized, whenever in his opinion any reservation of such Indians is advantageous for agricultural and grazing purposes, to cause said reservation to be surveyed, or resurveyed if necessary, and to allot the lands in said reservation in severalty to the Indians located thereon, in quantities as specified in the treaty with said tribes or bands if said reservation was created by treaty: *Provided*, That in all cases where no provision for the allotment of land is made in the treaties, acts, or executive orders creating or relating to said reservations, allotments in severalty may be made thereon as follows:

To each head of a family, one quarter of a section;

To each single person over eighteen years of age, one-eighth of a section;

To each orphan child under eighteen years of age, one-eighth of a section; and

To each other person under eighteen years now living, or who may be born prior to the date of the order of the Secretary of the Interior directing an allotment of the lands embraced in any reservation, one-sixteenth of a section: *Provided*, That in case there is not sufficient land in any of said reservations to allot lands to each individual of the classes above named in quantities as above provided, the lands embraced in such reservation or reservations shall be allotted to each individual of each of said classes pro rata in accordance with the provisions of this act.

Mr. SKINNER. After this bill, with the amendment just read, had been reported to the House, the Committee on Indian Affairs formulated some other amendments to this portion of the bill, which I desire now to have read for consideration and adoption.

The Clerk read as follows:

In section 1, line 10, after the word "reservation," add the words "or any part thereof;" and in line 12, after the word "to," insert the words "any or all;" strike out the word "the," and after the word "thereon" add the words "upon their application."

Strike out all after the word "quantities," in line 13, section 1, up to the word "as," in line 18; and add at the end of the section the following:

"*And provided further*, That where the treaty or act of Congress setting apart such reservation provides for the allotment of lands in severalty in quantities in excess of those herein provided, the Secretary of the Interior, in making allotments upon such reservation, shall allot the lands to each individual Indian belonging thereon in quantities as specified in such treaty or act: *And provided further*, That when the lands allotted are only valuable for grazing purposes, an additional allotment of said grazing lands in quantities as above provided shall be made to each individual."

In line 24, section 1, after the word "other," insert the word "single."

Mr. WEAVER, of Iowa. Who offered that?

Mr. SKINNER. That is offered by the committee.

Mr. WEAVER, of Iowa. It provides for the allotment of double the quantity of land.

Mr. SKINNER. Yes; when it can not be used for agricultural purposes.

Mr. WEAVER, of Iowa. That will lead, in my judgment, to a very dangerous construction. Everything will be grazing land—everything will be unfit for cultivation. I do not think you ought to pass that amendment.

Mr. SKINNER. I am not authorized to withdraw it, as I have presented it from the committee, where it was adopted on full consideration.

Mr. WEAVER, of Iowa. The quantity designated in the bill for allotment to individual Indians is ample; and I think the amendment offered providing for a double quantity of land for grazing purposes ought not to be pressed.

The CHAIRMAN. Is there objection to the amendment of the committee?

Mr. WEAVER, of Iowa. Yes; I object to that amendment.

The CHAIRMAN. It will be put to the House. Is there objection to any other amendment of the committee?

Mr. THROCKMORTON. I desire to be heard on the question——

The CHAIRMAN. The question is not before the committee, but the Chair is asking whether there is objection to the amendment proposed by the committee. The gentleman from Iowa [Mr. WEAVER] objects to one amendment. Is there objection to the other amendments? [After a pause.] The Chair hears none, and the amendments with that exception are agreed to.

The question now recurs on the amendment to the amendment proposed by the Committee on Indian Affairs, which will be again read by the Clerk.

The Clerk read as follows:

Provided further, Where the lands allotted are only valuable for grazing purposes an additional allotment of such grazing lands in quantities as above provided shall be made to each individual.

Mr. WEAVER, of Iowa. Mr. Chairman, that amendment, in my judgment, is not a good one; that is in the case where lands are determined to be unfit for agricultural purposes it provides for the allotment of double the quantity of land. Now just what the decision might be as to the character of land in question may lead to an entire subversion of the idea upon which the bill has been drawn. It provides for giving every head of a family 160 acres, and so on, in smaller quantities as you descend. Here, in case of grazing lands, it is proposed to allot twice the quantity, or 320 acres. One hundred and sixty acres is enough to allot to the head of a family, and 80 acres to those under eighteen years of age. The bill makes ample provision, while the amendment would give 720 acres. That is too much, in my judgment, and I hope the bill will be allowed to go through as it stands.

Mr. THROCKMORTON. Mr. Chairman, there has been so much confusion in the Hall I do not understand just what objection has been made. I believe the amendment of the committee is right, and that in the case of lands which are not arable lands and not fit for cultivation the allotment should be doubled.

Mr. WEAVER, of Iowa. The amendment provides that where lands are unfit for cultivation the allotment shall be doubled.

Mr. THROCKMORTON. In my judgment the double quantity should be given outright. There should be no hesitation about that. We can not expect wild Indians to live upon as little an amount of land as white men.

The first thing we ought to do is to give them grazing lands, and then give them agricultural lands. Give them grazing lands and give them also agricultural lands. You will not induce these people to become agriculturists until they become herders. You have to teach them to herd and feed stock. They have first to become the owners of stock and herders of stock on grazing lands before they succeed in becoming agriculturists. My judgment, therefore, is the amendment of the committee should be adopted, which provides for granting double the quantity of grazing lands. While I am up I will take occasion to say that the information is spreading among these Indians that Congress has determined to grant them lands in severalty. During the vacation twelve or fifteen members of one of the tribes upon the Comanche reservation visited me for the purpose of urging Congress to take this action and give them land in severalty. It is an inducement which will make them work whenever they ascertain the Government will devote a particular piece of land to each individual Indian where he may settle, and where the improvements which may be made, as well as the land itself, will be his—where all the improvements which shall be put upon the land will inure to his benefit and to the benefit of his children. It will be a stimulus to him to go to work and become an agriculturist.

While the bill provides for the allowance of 160 acres to each Indian of agricultural lands, I think it is proper also they should have a double quantity of grazing lands for their use and benefit. Three hundred and twenty acres of these grazing lands is not too much for the head of a family—160 acres of arable land and 320 of grazing land. By so doing you will induce them to become owners of herds of cattle and flocks of sheep by giving them these grazing lands upon which they may raise their herds. I hope, therefore, the amendment of the committee will prevail.

Mr. WEAVER, of Iowa. I differ from the gentleman in the opinion which he has expressed. I think the Indian never will cease to become a herder until he becomes an agriculturist. He is a natural herder.

The white man must be considered in this matter as well as the Indian. Under the bill, if the amendments be adopted, a family of four persons, supposing the children to be over eighteen years of age, will be allotted 360 acres of arable land and 360 acres of grazing land, or 720 acres in all. In my judgment that is too much, but on the contrary you will sooner civilize them if you will confine them to a less area.

The CHAIRMAN. The question is on the amendment proposed by the committee.

The committee divided and there were—ayes 78, noes 8.

Mr. WEAVER, of Iowa. No quorum has voted.

The CHAIRMAN. The hour for the consideration of the bill has expired.

Mr. WEAVER, of Iowa. I move the committee rise.

The motion was agreed to; and the committee accordingly rose, and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes, and had come to no resolution thereon.

CONSOLIDATION OF NAVY BUREAUS.

Mr. HERBERT. I move the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of taking up for consideration the special order for the day, the bill (H. R. 7635) to consolidate certain bureaus of the Navy, and for other purposes.

Mr. RANDALL. If the House shall resolve itself into the Committee of the Whole House on the state of the Union will not the sundry civil appropriation bill be first in order?

The SPEAKER. There is a special order for to-day, and the gentleman from Alabama proposes to go into committee to take up that special order.

Mr. BOUTELLE. But is not that special order subject to appropriation bills?

The SPEAKER. It would be. If the gentleman from Pennsylvania should move to go into the Committee of the Whole to consider appropriation bills, the Chair would have to put that question first.

Mr. HERBERT. My motion is before the House.

Mr. RANDALL. I make the motion so as to give the House a choice between the two matters.

Mr. HERBERT. I hope the gentleman will withdraw his motion, as mine is the special order.

The SPEAKER. Does the gentleman withdraw?

Mr. RANDALL. I prefer the House shall determine the question, and therefore insist on the motion. I have no objection to considering the motion which the gentleman from Alabama indicates, but I think the House should decide, and not the gentleman from Alabama.

The House divided; and there were—ayes 122, noes 31.

So Mr. RANDALL'S motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the further consideration of the bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes.

The Chair desires to state that on yesterday he ruled that 162 made a quorum. That may become an important question, and the Chair desires to say it is an open one.

The Clerk will read the pending amendment, submitted by the gentleman from Maine [Mr. DINGLEY] last evening.

The Clerk read as follows:

"After line 59 insert: Supply steamer: For the construction of a steamer for the transportation of oils and other supplies to the light-houses on the Atlantic and Gulf coasts, $147,500, or so much thereof as may be necessary."

Mr. DINGLEY. Mr. Chairman, this amendment proposes an appropriation to carry out a law enacted at the last session of Congress. By an act of July 28, 1886, which was adopted by both Houses after full discussion on a unanimous report of the Committee on Commerce of

both Houses and the recommendation of the Secretary of the Treasury and the Light-House Board, the Secretary of the Treasury was directed and authorized to cause the construction of one supply steamer for the South Atlantic and Gulf light-house districts, and one for the fourth light-house district. In the last sundry civil appropriation bill an appropriation was made for a small steamer for the fourth light-house district, but no appropriation was made for the large steamer for the South Atlantic and Gulf light-house districts. The Secretary of the Treasury and the Light-House Board in communications represent it is indispensable this steamer to supply the light-houses of that district should be at once constructed. But there is no provision in the bill as reported by the Committee on Appropriations for that purpose.

The Secretary of the Light-House Board states this steamer is necessary—first, because the present small steamer is inadequate for the wants of the two districts. It is also required as a buoy tender. The representation is further made by the Light-House Board, more than two-thirds, or nearly two-thirds, of the mineral oil sent to light-house districts along the South Atlantic and Gulf coasts is obliged to be sent by freight. As it can not be sent by passenger steamers carrying freight there is great delay. The saving of cost in supplying light-houses in the two districts by the construction of this steamer would be more than sufficient to pay the interest on the expense of construction and running of the steamer which is asked. It seems to me, after the two Houses of Congress after deliberate consideration have decided this light-house supply steamer should be constructed, and that act has become a law, and when the Light-House Board and the Secretary of the Treasury say it is indispensable, there ought not be any further delay in making the necessary appropriation therefor.

Mr. CLARDY. Mr. Chairman, the merits of the amendment proposed by the gentleman from Maine were discussed at some length when the bill authorizing the construction of the steamer to which it refers was under consideration in the last session of this Congress. That discussion was participated in by the gentleman from Maine himself who now offers the amendment, by the gentleman from Pennsylvania [Mr. RANDALL], and others, and the bill passed the House unanimously. I trust there will be no objection now on the part of the Committee on Appropriations to the amendment the gentleman proposes.

Mr. RANDALL. Mr. Chairman, the facts of the case with reference to this steamer are as follows: There is a law authorizing the construction of this vessel. There is an estimate for the amount necessary to construct it submitted to Congress; but the committee omitted it from the bill for the reason that by the construction of the fourth district light-house tender there is another vessel, the Geranium, which is released from that service and can be applied to the service intended by the construction of this new vessel proposed by the amendment. The Fern is now engaged in the transportation of mineral oils, and the Geranium, by the construction of the new fourth district light-house tender, will be released from that service as well. These two vessels will then be able to perform the duty which is proposed to be accomplished by the amendment. This is the ground upon which the committee opposed the construction of the vessel provided for in the amendment.

I may state, however, that it was not the purpose of the committee ultimately to resist the construction of the vessel, but only for the time being; believing that the service could be amply supplied by the Geranium.

Mr. DINGLEY. But, let me ask the gentleman, ought not the statement of the Light-House Board, the recommendations of the Treasury Department, and the action of Congress as to the necessity for the construction of this new vessel, control, or have at least some weight with the committee in a matter of this character? These recommendations indicate that this is indispensable.

Mr. RANDALL. I do not think it is indispensable to comply with the estimates in every case.

Mr. DINGLEY. But Congress thought so when it passed the law directing the Secretary to cause such a vessel to be constructed.

Mr. RANDALL. But the Light-House Board have not importuned us personally about it, which would probably have been the case if it were necessary; and, besides, we knew as a matter of fact that that other vessel was released and could be utilized for this service.

Mr. DINGLEY. But that has been transferred to the buoy service.

Mr. RANDALL. I think not; I do not so understand. No such information comes to the committee. On the contrary, the officer at the head of the Light-House Board made no such recommendation.

Mr. DINGLEY. And besides, I understand that the vessel to which the gentleman from Pennsylvania refers is entirely unfit for the service in the Gulf and South Atlantic waters.

Mr. RANDALL. If, as has been shown, it is fit for the service in the North Atlantic, it is certainly fit for the service in the calmer and more pacific waters of the south.

Mr. CLARDY. In reply to the gentleman from Pennsylvania let me say that the Light-House Board in its report, in which they ask an appropriation for the construction of a steamer for the fourth light-house district, say they have other uses for the Geranium.

Mr. RANDALL. I have no doubt of that, because they want another steamer constructed. But this is the use we thought it could be applied to, and the committee believed it therefore unnecessary to construct another vessel for the same service.

Mr. CLARDY. And I suppose there will be the same objection to that vessel as to the Fern.

Mr. RANDALL. The trouble with the Fern is that it is alleged to be too small to perform the service; but when the other vessel is applied to this service, the two can certainly perform it.

Mr. CLARDY. But the operation of two vessels will be much more expensive, I imagine; and on the score of economy we had better have one large enough.

Mr. RANDALL. That is a question. But for the present, while we have the vessels, they may as well be applied to this service.

Mr. CLARDY. They say in their report, too, that there is some other use for the Geranium.

Mr. RANDALL. That may be, but this is the use to which it should be applied. There is no question whatever that the Fern and Geranium together are sufficient to perform the necessary transportation for the mineral oils for the Light-House Board.

Mr. DINGLEY. There is a statement from the Light-House Board that they are not sufficient to perform the service.

Mr. RANDALL. I understand that. It is because they want another vessel built.

The CHAIRMAN (Mr. HATCH in the chair). The Chair thinks that the time allowed for debate on this amendment is exhausted.

Mr. RANDALL. Let us have a vote.

The question was taken on the amendment of Mr. DINGLEY; the committee divided, and there were—ayes 55, noes 64.

Mr. DINGLEY. For the purpose of having a vote by tellers I make the point that no quorum has voted.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. DINGLEY and Mr. RANDALL were appointed tellers.

The committee again divided, and the tellers reported—ayes 91, noes 73.

So the amendment was agreed to.

The Clerk read as follows:

Mosquito Inlet Light-Station, Florida: For completing the construction of the light-house at Mosquito Inlet, Fla., $20,000.

Mr. DAVIDSON, of Florida. I offer the amendment I send to the desk.

The Clerk read as follows:

In lieu of line 71, page 4, between the word "bay" and the word "at" insert "at or near the anchorage in Santa Maria de Galvaez Bay."

Mr. DAVIDSON, of Florida. The words to be inserted, should this amendment be adopted, will be found in the bill which became a law at the last session of Congress, and by authority of which these lights are to be established. In the preparation of the Book of Estimates at the Treasury Department the words were overlooked and unintentionally left out. My amendment does not increase the appropriation at all.

Mr. RANDALL. This is an error of the Department. There is an omission in the estimates, and therefore it does not appear in the bill.

The amendment was agreed to.

The Clerk read the following paragraph:

For salary of one superintendent for life-saving stations and for the houses of refuge on the coasts of South Carolina, Georgia, and Florida, $1,200; of one superintendent for the life-saving and life-boat stations on the coast of the Gulf of Mexico, $1,500; and of one on the coasts of Lakes Ontario and Erie, $1,800.

Mr. DOUGHERTY. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend in line 113 by striking out "$1,200" and inserting "$1,500."

Mr. RANDALL. I reserve the point of order.

Mr. DOUGHERTY. What is the point of order?

Mr. RANDALL. It is that the amendment changes existing law.

Mr. DOUGHERTY. Mr. Chairman, in view of the great length of the sea coast of those States, and being somewhat familiar with the seacoast of Florida, knowing something of the duties of the superintendent of the life-saving stations and the houses of refuge, I can see no reason why other superintendents who have shorter distances to travel and not so much labor to perform should receive a greater sum of money as compensation for their services than is accorded to the superintendent of the life-saving stations for the district of South Carolina, Georgia, and Florida.

The gentleman from Pennsylvania has reserved the point of order. While I will not pretend to say what the action of this House will be, I think it is an injustice to that superintendent to require him to perform his arduous duties—and there are a number of wrecks occurring continually on that coast—it is an injustice to him to require him to perform those duties and to give him, in comparison with the salaries paid to the other superintendents of life-saving stations, what seems to me inadequate pay for the services required of him. I hope the amendment will prevail.

Mr. RANDALL. These salaries, if I am correctly advised, are fixed

by existing law; but in any event it is part of the administrative work of that branch of the Government, and should be left to the discretion of the officer in charge. I now have the law to sustain the point of order and send it to the Chair. It is the general law reorganizing the Life-Saving Service.

The CHAIRMAN. The law to which the gentleman refers will be read.

The Clerk read as follows:

For the seventh district, embracing the eastern coast of Florida and the coast of Georgia and South Carolina, $1,200 per annum.

The CHAIRMAN. The Chair thinks the point of order is well taken.

The Clerk read the following paragraph, under the head "Engraving and Printing:"

And the Secretary of the Treasury is hereafter authorized and required to issue silver certificates in denominations of one, two, and five dollars; and the silver certificates herein authorized shall be receivable, redeemable, and payable in like manner and for like purposes as is provided for silver certificates by the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar, and to restore its legal-tender character;" and denominations of one, two, and five dollars may be issued in lieu of silver certificates of larger denominations in the Treasury, or in exchange therefor upon presentation by the holders; and to that extent said certificates of larger denominations shall be canceled and destroyed.

Mr. RANDALL. I desire to state to the House that, with the exception of one word, this is the exact provision of the last appropriation act. There was some doubt whether that provision applied only to the moneys appropriated by that act. The committee, therefore, thought best to recommend the re-enactment of that provision—which I think has been acceptable to the people of the United States in every way—changing the word "hereby" as in the existing law and which controlled the act of last year, to the word "hereafter," so that if there was any doubt as to the last law, whether it was continuous or not, this word "hereafter" will make it plain and clear. But I was unwilling that these words should be changed, that "hereby" should be stricken out and "hereafter" inserted, without fully advising the House, as the committee do in their report on this bill, of this change.

The Clerk read the following paragraph:

Lighting of rivers: For establishing, supplying, and maintaining post-lights on the Hudson River, New York; Cape Fear River, North Carolina; Savannah River, Georgia; Saint John's River, Florida; at the mouth of Red River, Louisiana; on the Mississippi, Missouri, Ohio, Tennessee, and Great Kanawha Rivers; on the Columbia and Willamette Rivers, Oregon, $190,000.

Mr. RANDALL. It will be observed that in this paragraph relating to river lights the river Tennessee and the Great Kanawha River have been inserted.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. WARNER, of Ohio, having taken the chair as Speaker *pro tempore*, a message from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

SUNDRY CIVIL BILL.

The Committee of the Whole resumed its session.

The Clerk read the following paragraph:

Transportation of coin gold: For the transportation of gold coin from San Francisco to New York, $5,000.

Mr. SYMES. I move to amend this paragraph by adding $10,000, making the amount $15,000, for the transportation of gold coin and bullion between the different assay offices and mints of the United States.

The CHAIRMAN. The gentleman will send up his amendment in writing.

Mr. SYMES. I will reduce it to writing after I have given some explanation of it.

There has been in the appropriation bills for many years a paragraph appropriating several thousand dollars for the transportation of gold coin and bullion from one assay office or mint in the United States to another, the object of which is that when gold bullion is purchased, as it is required to be by the statute, at the different assay offices or mints in the West, it may be transported to San Francisco, New York, or Philadelphia, or wherever it is required, free of charge to the person who sells it to the Government.

Under the system which amounts to the free coinage of gold and after the establishment of assay offices and mints throughout the Western country it is certainly just that the miner who takes his gold bar to the assay office in Denver, Colo., shall receive exactly the same price for it, without any discount, as the merchant or the bullion broker who may take a gold bar to the assay offices or mints in Philadelphia or New York. There has usually been an appropriation for that purpose. I see none in this bill.

There is nothing in this bill, except $5,000, to be used for the transportation of gold coin from San Francisco to New York. Therefore I offer the amendment providing that that sum be made $15,000; $10,000 for the purpose of paying for the transportation of gold bullion or coin from one assay office or mint in the United States to another.

Mr. RANDALL. Mr. Chairman, I reserve the point of order on the amendment—that part of it which relates to bullion.

The CHAIRMAN. If the amendment be reduced to writing, the Chair will hear the gentleman from Pennsylvania on the point of order.

Mr. SYMES. I will reduce the amendment to writing, Mr. Chairman. I think, however, that the chairman of the Committee on Appropriations understands it now.

Mr. RANDALL. I understand that the paragraph in the bill is in accordance with the law as it now is, and that the modification proposed by the gentleman would be a change of existing law. As to the amount involved, I shall have something to say about it when we reach that part of the amendment. Perhaps I may say now that we gave $10,000 for the current year; the estimate is only $10,000 for the next year, and we are advised that the money already appropriated has not been expended.

The CHAIRMAN. Is the point of order insisted upon?

Mr. RANDALL. Yes, sir.

The CHAIRMAN. The Chair can not determine the point of order on a motion not in writing. The Chair does not know what the motion is.

Mr. SYMES. Mr. Chairman, a friend of mine is reducing the motion to writing. In the mean time I desire to say, in reply to the chairman of the Committee on Appropriations, that I do not understand that my amendment changes the law. It simply adds to the appropriation for the transportation of gold coin and bullion, and in every appropriation bill passed by this House I think I may say (having examined the subject) the past ten years may be found a clause similar to this amendment. Is not that so, Mr. Chairman?

Mr. RANDALL. We are not transporters of bullion, and there is no law that I know of which permits the Government of the United States to transport bullion in this way. This is for transportation from the assay offices to the mints.

Mr. SYMES. To the mints; or, as the Treasury Department usually regulate the matter, to the assay office in New York.

Mr. RANDALL. The Government is not a transporter of bullion at all except for its own special requirements.

Mr. SYMES. I beg the gentleman's pardon, the Government is a transporter of bullion in this sense: that under the law which provides for the free coinage of gold, the Government, for its convenience and the convenience of its citizens, establishes mints and assay offices in different parts of the country, and, to enforce that law, it has gold coin and currency for the purpose of paying for gold bullion wherever it is offered, whether it be at the mint in Carson City, Nev., or at the assay office in Denver, Colo., or at the assay office in New York city.

Then the Government transfers that bullion to some mint for coinage, and it is the Government's duty, mark you, to pay the expense of the transfer. Yet, under a system characteristic of drawing distinctions between the assay offices in the Eastern cities and the assay offices in the Western States and Territories, after they buy a miner's gold bar and pay him the free-coinage price for it, so to speak, then they keep out a percentage to pay the expense of transferring the bullion to the Mint at Philadelphia.

Mr. RANDALL. Why not?

Mr. SYMES. Under the existing law, as it has been construed, they have no right to do that; but if we do not provide the funds to pay for that transportation, they may have some excuse for doing it.

Mr. RANDALL. The Government of the United States wants bullion. The practice is that that bullion shall be delivered where the coinage is going to take place. The proposition of the gentleman from Colorado [Mr. SYMES] would vary that practice and would make a law which does not exist, providing that the owner of the bullion at the mine should have the right to receive the cost of transportation to the assay office or the mint. Now, that is a course which we do not wish to enter upon.

Mr. SYMES. If the gentleman will pardon me, I will say that the issue between us is this: Under the present law, the free-coinage law, and under the laws and the practice of the Treasury Department, which has established these different assay offices to carry out the free-coinage law, it is the right, under that law, of any citizen to go to the assay office in the city of Denver and demand for his gold bar as many gold dollars as there are $23\frac{22}{100}$ grains of standard gold in that bar; and he is entitled to receive those gold dollars without any discount whatever.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. ADAMS, of Illinois. Mr. Chairman, I move to strike out the last word, and I yield my time to the gentleman from Colorado.

Mr. SYMES. I am obliged to the gentleman. Now, Mr. Chairman, it has been the practice for the last year or two—not a practice, for it is a violation of an old, well-established practice—but during the last year or two, for want of funds to pay the cost of transferring to the Mint at Philadelphia this bullion which has been bought or received under the free-coinage law by the assayer at Denver, when he proceeds to pay a man for his bullion, under that law, he keeps back a certain percentage or discount, which he reckons at a rate sufficient to pay for the transfer of the bullion to the Mint at Philadelphia.

That, Mr. Chairman, is in violation of the statute law of this country, and I will defy any lawyer, or any gentleman as intelligent as the chairman of the Committee on Appropriations, to contend otherwise. Therefore, I am not asking for a change of law; I am simply asking

for an appropriation of $10,000 to carry out the law, so that the free-coinage law of this country may be executed as it is written on the statute-book; so that an assay office of the United States shall not go into the business of discounting the bullion of a miner when he takes it at an office in the West, and that the owner of the bullion shall receive for his gold bar as many standard dollars as there are $23\frac{22}{100}$ grains of standard gold in it. I am, in fact, asking for the enforcement of the law, not for an addition or a change.

Mr. WARNER, of Ohio. Mr. Chairman, I do not understand that by the law as it now exists the Government is bound to receive at its assay offices either gold or silver bullion at its coining value. Free coinage by the Government means coinage at the mints, not at the assay offices. It is the duty of any one having gold bullion which he wishes to have coined to deliver it at the place of coinage. He may have it assayed at an assay office in order to determine its weight and fineness, to determine the quantity of pure metal in the bar. But this bullion is coined only at the mints; and under the free-coinage law the metal is to be delivered by the owner at the mint, there to be certified and stamped—not at the assay office. The Government is under no obligation, and has not assumed, to convey bullion from any and every assay office to its mints. The duty of delivering the bullion at the mint belongs to the owner of the bullion. In other words, free coinage does not include free transportation.

Mr. SYMES. I move to amend the amendment by striking out the last word. I wish to say in reply to the gentleman from Ohio [Mr. WARNER]——

The CHAIRMAN. The pending question is one of order. If the gentleman from Colorado [Mr. SYMES] can refer to any statute which he thinks authorizes the proposed amendment, the Chair will be glad to have that statute pointed out. The merits of the proposition are not at present under debate.

Mr. SYMES. I supposed that my brief on this subject was in my desk; but I do not find it. I did not suppose this question would come up to-day. I am satisfied, however, that under the statutes providing for the free coinage of gold the miner has the right to take his bullion to a United States assay office and demand the same number of gold dollars to which he would be entitled, for instance, at the mint in Philadelphia.

Further than that, there is a statute to which I could readily turn if time were allowed, requiring the Treasurer of the United States to keep on deposit in these assay offices money to pay for this bullion at the free-coinage rate.

Mr. RANDALL. If I am correctly advised, the law provides for the receipt of this bullion at mints only, not at the assay offices. I do not think the law authorizes the deposit of bullion in this way at an assay office.

Mr. SYMES. It does; and I have cited the statutes which expressly so provide.

Mr. RANDALL. I understand the gentleman to maintain—but I do not agree with him—that under the existing law the miner may take his bullion to an assay office and there receive the same price for it that the Government would pay at any of its mints; so that the Government would be obliged to pay on this bullion the expense of transportation to Philadelphia, New Orleans, or wherever it might be coined. The Chair will no doubt be able to ascertain by reference to the statutes what is the provision of the law on this subject.

The CHAIRMAN. The Chair has before him section 3519 of the Revised Statutes, which provides that—

Any owner of gold bullion may deposit the same at any mint, to be formed into coin or bars for his benefit.

In the absence of any statute to the contrary exhibited to the Chair, the Chair is disposed to hold that the amendment is out of order.

Mr. SYMES. The Chair will allow me to say that there are other provisions of law—I can not turn to them at this moment—which modify the provision just read in the direction I have stated. I submit to the chairman of the Committee on Appropriations whether I may not have a vote upon this matter in the House; and by that time I shall be prepared to show the statute giving this right for which I contend.

Mr. RANDALL. I do not know that there is any appropriation required for this purpose at all, as no money was spent by the Government last year under this head; yet as a matter of precaution, so that there may be no difficulty in this respect, we have inserted an appropriation of $5,000. I cannot accede to the proposition of the gentleman from Colorado.

Mr. SYMES. The appropriation of $5,000 is confined to the transfer of gold coin from New York to Philadelphia.

Mr. RANDALL. I think the law provides for the receipt of this bullion at mints alone, though I cannot speak with absolute certainty.

The CHAIRMAN. The Chair sustains the point of order.

Mr. RANDALL. I ask that the words "coin gold" in the heading of this paragraph be transposed, so as to read "gold coin."

The CHAIRMAN. If there be no objection. that modification will be made.

There was no objection.

MESSAGE FROM THE SENATE.

The committee rose informally; when a message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment the joint resolution (H. Res. 118) relative to certain papers in the State Department by error.

The message also announced that the Senate disagreed to the amendments of the House to the bill (S. 263) for the erection of a public building at Springfield, Mass., asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. MAHONE, Mr. DAWES, and Mr. CAMDEN.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole House on the state of the Union resumed its session.

The Clerk read as follows:

Recoinage of gold and silver coins: For recoinage of gold and silver coins in the Treasury, to be expended under the direction of the Secretary of the Treasury, $20,000.

Mr. LANHAM. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 628 insert—

Provided, That for a period of six months after the passage hereof, United States trade-dollars, if not defaced, mutilated, or stamped, shall be received at their face value in payment of all dues to the United States, and shall not be again paid out or in any other manner issued. That the holder of any United States trade-dollars, during the period aforesaid, on presentation of the same at the office of the Treasurer or any assistant treasurer of the United States, if said coins be not defaced, mutilated, or stamped, may receive in exchange therefor a like amount and value, dollar for dollar, in standard silver dollars or in subsidiary coins (at the option of the holder) of the United States. That the trade-dollars received by, paid to, or deposited with the Treasurer or any assistant treasurer or national depositary of the United States shall not be paid out or in any other manner issued, but, at the expense of the United States, shall be transmitted to the coinage mints and recoined into standard silver dollars. That all laws and parts of laws authorizing the coinage and issuance of United States trade-dollars are hereby repealed.

Mr. MORRISON. I object to and raise the point of order on that amendment.

The CHAIRMAN. The Chair thinks the point of order is well taken. If the gentleman from Texas differs from the Chair, the Chair will hear him.

Mr. LANHAM. I hope, Mr. Chairman, that the gentleman from Illinois will not insist on his point of order. I fear we may not have an opportunity to pass the bill reported from the Committee on Coinage, Weights, and Measures in any other way during this session. I think it is important it should be passed. It is a meritorious measure that has received the earnest consideration of the Committee on Coinage, Weights, and Measures. It has been reported by that committee without a dissenting voice. It is possible that the point of order may be well taken. In fact, I am assured by gentlemen who are better parliamentarians than myself that it is well taken, and I therefore can only ask the gentleman from Illinois not to insist upon it at this time, but to allow the amendment to come before the committee for action.

Mr. MORRISON. I would much like to oblige the gentleman from Texas, but must insist on the point of order, as I am opposed to the proposition itself.

Mr. LANHAM. Let me make a statement. I have changed the second section of this bill in order to obviate the objection raised by the gentleman from Illinois in the discussion of the conference report upon the surplus resolution at the last session of Congress, wherein he insisted, under the terms of the second section, that trade-dollars which were impaired might be received at the offices of the Treasury. I have changed that so as expressly to state that coins mutilated, defaced, or stamped should not be received. If that be the only objection the gentleman has to it, I have removed it by the change I have suggested.

The CHAIRMAN. The point being insisted on, the Chair sustains it, and the amendment is ruled out.

The Clerk read as follows:

Pay of assistant custodians and janitors: For pay of assistant custodians and janitors, including all personal services in connection with all public buildings under control of the Treasury Department outside of the District of Columbia, $425,000; and the Secretary of the Treasury shall so apportion this sum as to prevent a deficiency therein.

Mr. HENDERSON, of Iowa. I ask the attention of the chairman of the committee for some little light on this paragraph. I see that in 1885 the appropriation for custodians and janitors of public buildings was $300,000. There was another large reduction in the appropriation for the preceding year. Resulting from that reduction we find a deficiency of $94,478.29. Notwithstanding that warning, that $300,000 was insufficient for the public service, the House again appropriated only $300,000, and again a deficiency bill had to be brought in, amounting to $50,000. The result of this, notwithstanding the experience of two acts of legislation under this head forced a reduction of 30 per cent. in the working force of janitors and custodians on public buildings. The result of this freezing process of course became apparent. A large number of officers were removed, but subsequently the appropriation was restored to $400,000, and now we are asked to appropriate an amount of $425,000.

I would like the chairman of the Committee on Appropriations to

give us a little light on this subject and to state whether there is any good explanation for it beyond the advantage of squeezing the sponge and getting out of it everything they could of Republican custodians and janitors, and then going back to Republican figures and allowing the Democratic boys to run the public buildings. If there is any other explanation I should like to hear it.

Mr. RANDALL. I do not think there is any politics designed in this paragraph. I should like to say, in my own city most of those are Democrats.

Mr. REED, of Maine. They had better luck than the rest.

Mr. RANDALL. The gentleman from Iowa will notice this item has been somewhat increased. In 1884 it was $300,000. I am not able to say, without the books at hand, whether, as the gentleman says, there was a deficiency. Next year there was an expenditure of $395,000, and next year about $350,000. Last year we gave $400,000, and we are advised there will be no deficiency on that amount. This year we increased it to $425,000 for the same reason we increased the amount last year. This year there are additional public buildings, requiring janitors and custodians.

I take it the increase is not political at all, but grows out of the necessity for a larger sum in taking care of an increased number of public buildings. And that is all I have to say, except that the Department asks for much more than we have given.

Mr. HENDERSON, of Iowa. That is not as satisfactory as I would like to have it. It seems there was $94,000 of deficiency in that appropriation of 1885, and it will not be forgotten that from one end of the country to the other the Democratic press gave great credit to the Democratic House for their economy in cutting this down to the low standard to which it was reduced. Now, when the appropriations have reached a point higher than ever, I do not think an increase of public buildings will give an explanation which will rest in the mind even of our Democracy. Why not be frank and say the reduction made in 1885 and 1886 was a political move on the political chess-board, and not in the interest of economy, as alleged.

Mr. RANDALL. The gentleman is mistaken, so far as the custodians of public buildings are concerned. I think he acted on the principle these men were Republicans. No charges were made against them; but they were naturally succeeded by Democrats.

Mr. HENDERSON, of Iowa. Their predecessors went out when the sponge was squeezed, didn't they?

Mr. RANDALL. Nobody was squeezed.

Mr. HENDERSON, of Iowa. Does the gentleman not know the fact that 30 per cent. went out under the "reducing" process?

Mr. RANDALL. That may be, but it was not on account of any political considerations. The committee appropriated what their investigations led them to believe was necessary.

Mr. HENDERSON, of Iowa. But there was a deficiency. I am not discussing how they got Republicans out and Democrats in, but am asking attention to the plain facts I have stated.

Mr. RANDALL. And the Administration is in harmony, or will have to be in harmony, with the Committee on Appropriations and the House of Representatives in its economy in that particular. I hope this additional $25,000 will be more than sufficient, and that the same economy which the committee has recommended in this respect will be practiced in all of the public buildings.

But, in answer to the gentleman's first question, the additional $25,000 grows out of the increased expenditure necessitated by the care of new public buildings.

Mr. HENDERSON, of Iowa. The gentleman will observe that during all of this reducing process in 1886 the estimates were $431,000, and in 1887 they were $474,000; but notwithstanding the estimates, notwithstanding the deficiencies, you held it down to $300,000, until 30 per cent. of the officials were squeezed out to make room for others to come in.

Mr. RANDALL. I do not think that anybody was squeezed out. They were invited out politely. [Laughter and applause.]

Mr. HENDERSON, of Iowa. That I admit; but it was done under the plea of economy, I believe.

Mr. RANDALL. No, sir; it was done for the good of the service.

Mr. HENDERSON, of Iowa. And under the plea that "we as Democrats want the offices."

Mr. REED, of Maine. It was a very shrewd expedient, then, for he has got credit for economy and got the Democratic janitors in office, too. [Laughter and applause.] A very shrewd thing; only equaled by his skillful answers to you. [Renewed laughter.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Fuel, lights, and water for public buildings: For fuel, lights, water, electric-light plants, including repairs thereto, in such buildings as may be designated by the Secretary of the Treasury, for electric-light wiring, and miscellaneous items required by the janitors and firemen in the proper care of the buildings, furniture, and heating apparatus, exclusive of personal services, for all public buildings, including marine hospitals, under the control of the Treasury Department, inclusive of new buildings, $600,000. And the appropriation herein made for gas in any of the public buildings in the District of Columbia under the control of the Treasury Department shall include the rental or use of any gas-governor, gas-purifier, or other device for reducing the expenses of gas, when first approved by the Secretary of the Treasury and ordered by him in writing: *Provided*, That no sum shall be paid for such rental or use of such gas-governor, gas-purifier, or device greater than the one-half part of the amount of money actually saved thereby.

Mr. RANDALL. I am instructed by the Committee on Appropriations to move the following amendment:

The Clerk read as follows:

On page 29, in line 681, after the word "dollars," strike out all that follows down to and including line 690.

The amendment was agreed to.

The Clerk read as follows:

The President of the United States is hereby authorized, in case of threatened or actual epidemic of cholera or yellow fever, to use the unexpended balance of the sum appropriated therefor by the act approved August 4, 1886, in aid of State and local boards or otherwise, in his discretion, in preventing and suppressing the spread of the same and for maintaining quarantine and maritime inspections at points of danger.

Mr. DAVIS. I offer the amendment I send to the desk.

The Clerk read as follows:

Amend by adding at end of paragraph the words "The President is authorized to use of the same unexpended balance a sum not exceeding $10,000 for the purpose of investigating the merits of the method practiced in Mexico and Brazil for preventing yellow fever by inoculation."

Mr. RANDALL. I reserve the point of order upon that.

Mr. DAVIS. A bill providing for this investigation was introduced by the Committee on Commerce at the first session of this Congress, but the time allotted for its consideration did not permit its passage. The vote, however, upon incidental questions connected therewith showed that it commended itself to a majority of the House. Afterwards it was modified; the appropriation was diminished, and in that form it received the unanimous support of the committee, and would doubtless have passed the House with almost entire unanimity if it could have been reached for consideration.

I do not desire to consume any of the time of the committee, as I understand this is not objected to by the chairman of the Committee on Appropriations, and I am satisfied that all will recognize the importance of such a proceeding.

Mr. RANDALL. This is a change of the law. I think the discretion is already vested in the President of the United States, and power conferred upon him to look into just such matters. I do not think that the Congress of the United States had better arbitrarily direct him in a case like this where he has full discretion already.

Mr. DAVIS. I understand the matter has been brought to the attention of the President since the last session of Congress, and he expressly declined to act, because he did not think he had authority under the provisions of the law. I am satisfied that any member of the House who looks at it will take the same view of the case.

Mr. RANDALL. I was called upon in this connection by the gentleman from Louisiana [Mr. BLANCHARD], and we conferred with reference to it, examining the question quite thoroughly. If the gentleman from Louisiana, who is now in his seat, will state what his opinion is in that direction, as to the discretion of the President, I shall be glad.

The CHAIRMAN. The Chair understood the gentleman to make the point of order that there was no law for this.

Mr. RANDALL. No; but that this changed the existing law. I would be glad to hear the gentleman from Louisiana, as I have asked him to make a statement.

Mr. BLANCHARD. Mr. Chairman, I had the same idea that my friend from Massachusetts has, that this paragraph in the bill, perhaps, should be amended so as to give the President authority, in his discretion, to send one or more medical officers of the Government to Brazil and Mexico to make an investigation of the prevention of the yellow fever by the process of inoculation. In looking into this matter, and after talking with the chairman of the Committee on Appropriations, I sought an interview with Dr. Hamilton, of the Marine-Hospital Service, in which he stated to me that an amendment of the law in this particular was not necessary, because now, under the wording of the law making an appropriation for an epidemic fund, that authority was already vested in the President, and that the President has at this time the power, which has been exercised on certain occasions in the past, to detail officers of the medical service of the Government to make similar investigations as that contemplated by the amendment of my friend from Massachusetts.

It was because of this statement to me by Dr. Hamilton that I withdrew my intention of proposing an amendment similar to the one offered by the gentleman from Massachusetts.

Mr. RANDALL. I insist on the point of order.

Mr. DAVIS. If I can be heard for a moment——

The CHAIRMAN. The Chair will be glad to hear the gentleman on the point of order.

Mr. DAVIS. I wish to state the plain language of the provision only permits the President to act in case of threatened or actual epidemic, and I beg to state to the House that that is the view of the President of the United States himself on the subject.

The CHAIRMAN. If the Chair understands the gentleman from Massachusetts correctly, he concedes that it would change the present law. If it does it is out of order.

The Clerk read the following paragraph under the heading "Department of the Interior—Public Buildings."

That as soon as completed as provided for in the sundry civil act approved August 4, 1886, the Secretary of the Interior shall, within the fiscal year 1888, cause to be removed to the Pension building, the General Land Office, Indian Office, Bureau of Education, office of Commissioner of Railroads, Bureau of Labor, and the office of the agent for the payment of pensions in the District of Columbia, and office of the Geological Survey, and vacate the buildings rented for and now occupied by said offices and bureaus, or portions thereof: *Provided, further*, That the office of the Quartermaster-General shall, on or before the 31st day of January, 1887, be removed to rooms in the east wing of the new State, War, and Navy building.

Mr. RANDALL. I desire to correct an error in line 817, by the amendment which I send to the desk.

The Clerk read as follows:

Strike out "1887" where it occurs, and insert "1888;" and strike out the word "east" and insert in lieu thereof the word "west."

The amendment was agreed to.

The Clerk read the following paragraph:

For the United States Geological Survey: For the Geological Survey, and the classification of the public lands, and examination of the geological structure, mineral resources, and products of the national domain, and to continue the preparation of a geological map of the United States, including the pay of temporary employés in the field and office, and all other necessary expenses, to be expended under the direction of the Secretary of the Interior, $400,000.

Mr. HERBERT. I desire to ask the chairman of the Committee on Appropriations why it is that these expenses of the Geological Survey are put down in a lump sum of $400,000. I notice that the expenses of the Coast and Geodetic Survey are all itemized, running through thirteen pages; while the expenses of the Geological Survey, including this and the paragraphs which follow, cover only a page and a half.

Here are $400,000 in a lump, sum for what, in my opinion, is a very extravagant bureau extravagantly conducted. Unless there is itemizing it is absolutely impossible, if it is desired to make an amendment, to know how to get at it. The law, as I understand, requires that these things shall be itemized. That law is enforced as against the Coast and Geodetic Survey. Why not enforce the same law as against the Geological Survey, and require its expenditures to be itemized?

Mr. RANDALL. I should like to have that done.

Mr. HERBERT. It seems to me that could be done as well with reference to one bureau as with reference to the other.

Mr. RANDALL. I think so.

Mr. HERBERT. I hope the gentleman from Pennsylvania will insist on that hereafter. Meanwhile I will offer an amendment with a view to accomplishing that purpose.

Mr. RANDALL. I will listen to the gentleman's amendment. And I wish to say, in answer to the gentleman from Alabama, that I supposed the Committee on Appropriations had followed every recommendation made by the commission, of which the gentleman from Alabama was a member, in connection with this bureau, especially in relation to printing and other matters. I do not now recollect—my memory may be at fault—but I do not remember to have read of any recommendation from that commission as to the subdivision of that $400,000. But if the gentleman will propose an amendment which looks to a subdivision of the items and the distinct payment of each officer of that bureau, I will hail it with pleasure.

Mr. HERBERT. As I understand, there is a general law now providing that these things shall be itemized.

Mr. RANDALL. I do not know where that law is.

Mr. HERBERT. It is the law of 1885.

Mr. RANDALL. It is a practice in the committee to require such itemizing, and a very good one. It ought to apply everywhere, and hence I approve the suggestion of the gentleman from Alabama.

Mr. RYAN. I will suggest to the gentleman from Alabama that the law he refers to relates only to printing.

Mr. HERBERT. I was under the impression there was such a law. I will offer now the amendment I have indicated.

Mr. RANDALL. All the itemizing made as to the Coast and Geodetic Survey was the result of years of struggle; and if anybody wants to undertake a like struggle with reference to the Geological Survey he will be very apt to have my co-operation.

While the gentleman from Alabama is preparing his amendment I want to say further that as regards the Coast Survey this system of itemizing was begun by the gentleman from New York [Mr. HISCOCK] when chairman of the Committee on Appropriations, but was not entirely completed within the limit of his two years of service on that committee. I followed him and took up his work in that particular; and only last year did we finally succeed in the accomplishing of the object which he inaugurated.

The CHAIRMAN. The Chair would suggest that while the gentleman from Alabama is preparing his amendment the Clerk may continue the reading of the bill.

Mr. RANDALL. I consent to that.

Mr. CANNON. I object.

The Clerk read the amendment proposed by Mr. HERBERT, as follows:

Add at the end of line 936 the following:
"And hereafter the estimates for all moneys wanted by the Geological Survey shall be itemized."

Mr. RANDALL. I have no objection to that.

The amendment was agreed to.

The Clerk read as follows:

For furnishing new building for convict and homicidal insane persons, $5,000.

Mr. THOMPSON. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

After the word "dollars," in line 985, insert "For cottage at cemetery, $900."

Mr. RANDALL. I reserve the point of order on that amendment.

Mr. THOMPSON. Mr. Chairman, I had occasion recently to visit the Government Hospital for the Insane, where the insane of the Army and Navy, of the Marine Corps, of the revenue-cutter service, and of the national homes for disabled volunteer soldiers are treated. My business was to make inquiry about a soldier from my district who died there and was buried in the hospital cemetery. This cemetery is nearly a mile distant from the hospital, and there is no provision for its proper keeping or for the protection of the soldier dead who lie buried there—no protection from the ghouls who desecrate the graves of the dead. This fact I know is a matter of much concern and distressful apprehension to the friends and relatives of these dead. It seems to me that it is only necessary to bring the matter to the attention of the House in order to have the proper provision made for the protection and safe-keeping of this cemetery. This amendment proposes to appropriate $900 for the erection of a cottage at the cemetery grounds as a residence for a man who shall take charge of those grounds, keep them in order, and protect them from unlawful intrusion. There is no one in charge there now, and no provision whatever for the care of the cemetery.

I do not care to discuss the matter at any length. It is enough to state it. It seems to me it is a case that addresses itself to the House's sense of what is right and decent. It seems to me that the services to the country of the soldiers who are buried in that cemetery entitle them to protection for their final resting-place, and I hope that this amendment will be adopted, in order that in future that cemetery may have the protection which it requires and which heretofore it has not had.

Mr. RANDALL. There is no authority of law for such an appropriation.

The CHAIRMAN. What does the gentleman from Ohio say to the point of order that there is no authority of law for the appropriation?

Mr. THOMPSON. Do I understand the gentleman from Pennsylvania [Mr. RANDALL] to make that point of order now against this amendment?

Mr. RANDALL. Yes, sir.

The CHAIRMAN. The point of order was made at the beginning and reserved.

Mr. THOMPSON. I hope the point will not be insisted upon.

Mr. RANDALL. I am sorry that I am not able to accommodate the gentleman.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Benicia arsenal, Benicia, California: For new machinery for carpenter and machine shops, $3,000.

Mr. MCKENNA. Mr. Chairman, I desire to offer an amendment to that paragraph.

The amendment was read, as follows:

On line 1076 after the word "dollars" insert "for construction, preservation, and repair of roads, walks, and fences, and preservation and repairs of public buildings, $10,000."

Mr. MCKENNA. Mr. Chairman, this amendment is an exact quotation from the Book of Estimates and the recommendation of the Secretary of War. That might be said to constitute some argument in its favor, to some minds it ought to constitute a conclusive argument in favor of the amendment, granting him to be competent and informed, and I assume that he is both. It seems to me like a business proposition that we should preserve those things that are in existence from further decay, and certainly the amount of $10,000 recommended by the Secretary of War is within the principle of a government economically administered. I hope, sir, the amendment will be adopted.

Mr. RANDALL. The estimate for the preservation and repair of the arsenals is $50,000. We have the entire sum, and it is sufficient for all. The head of the ordnance bureau stated before the Committee on Appropriations that there need not be any separate provision made for repairs of arsenals, and he made that statement in the presence of the Secretary of War, who was before the committee at the same time. I hope the amendment will not prevail, and I do not think that the Benicia arsenal will suffer at all in consequence of its being voted down.

The question was taken, and there were—yeas 52, nays 75.

So the amendment was rejected.

The Clerk read as follows:

Piccatiny powder depot, Dover, N. J.: For erecting magazines and other necessary buildings, cleaning, draining, and grading grounds, making roads, building fences, and all expenses incident thereto, $35,000.

Mr. PHELPS. Mr. Chairman, I move to amend by striking out the

words "thirty-five," in line 1085, and inserting "one hundred," so that the appropriation embraced in the paragraph just read will be $100,000 instead of $35,000.

I offer this amendment in the interest, as I believe, of a true economy. Its object is to complete at once the work in this powder depot which has been in progress for eight or ten years, and which ought to have been completed before this time. It is necessary work, and for these reasons: It is the only depot for the storage of powder which the Government has on the Atlantic coast for its navy-yards, its forts, and its arsenals. It has been ascertained that powder can not be stored in any of the forts upon the coast without a deterioration so rapid as to make such storage criminally extravagant. Experiments have established the fact, which is not disputed, that this deterioration is at the rate of 12 per cent. per annum, so that in eight years the powder stored in any of these places would, by the dampness of the atmosphere, be rendered absolutely worthless.

Recognizing this scientific truth, it has been the policy of the Government, a policy pursued with a fair amount of assiduity, to build within the 2,000 acres which have been selected for this purpose in the vicinity of Dover, N. J., remote from the influence of sea air and where for local reasons the surrounding atmosphere is very dry, an extensive collection of magazines, in which may be stored all the powder necessary for the Atlantic coast. The quantity of powder necessary to be stored here for the ordinary purposes of the Atlantic coast is estimated at 50,000 barrels. Under the appropriations already made for this purpose there have been constructed during seven or eight years three of these magazines, and the appropriation proposed in this bill will enable the Government to complete the fourth. But, in order to store all the 50,000 barrels necessary for ordinary purposes, it is important we should have a fifth magazine. While the appropriation of $35,000 will complete the fourth, the appropriation of $100,000 which I propose will not only do that, but will enable the Government to construct a fifth. These five magazines will then be complete, and all the powder of the Government necessary for the Atlantic coast will be safely stored. As this work must be done, why should it not be done immediately, in order that the powder now scattered about in forts where it is deteriorating at the rate I have stated may be gathered and preserved in this national depot?

Mr. RANDALL. While this amendment proposes to increase the appropriation to $100,000, the estimate of the War Department is only $50,000. Besides, we have a statement from the Chief of Ordnance that the amount we gave last year for this purpose was sufficient to complete one of these magazines. We propose to give the same amount this year, and thus add another magazine. I think the amendment ought not to prevail, as it proposes to expend double the amount of the estimate.

Mr. PHELPS. Mr. Chairman, the point made by the chairman of the Committee on Appropriations [Mr. RANDALL], from the fact that the appropriation proposed in my amendment is not asked by the Department and is not embraced in the estimates, would seem to be sound; but the reason this sum is not asked by the Department and the reason it is not in the estimates is that the Department have for years urged just the reasons which I now urge, some years asking $175,000, some, $150,000, and some, $125,000 for this purpose, and have always found the gentleman from Pennsylvania unwilling to give any more than a sum sufficient to build a single magazine. On that account the officers of the Department have lost courage, and in this instance have simply asked what they thought he would be willing to grant.

Mr. RANDALL. A rare instance of "loss of courage."

Mr. PHELPS. They have never yielded their judgment that these magazines ought all to be built promptly, and that the necessary appropriation ought to be made.

Mr. RANDALL. Mr. Chairman, I think I have uniformly co-operated with the gentleman from New Jersey in reference to this matter, and have always been willing, so far as my vote was concerned—the only vote I could control—that enough money should be given each year to build a new magazine. This, I think, is all that even the Department has in view. I hope the gentleman will not press his amendment, for I am quite sure he will agree that the Department is better advised in this matter than either of us.

Mr. PHELPS. I must press the amendment in the interest of economy; but I am not unwilling to admit that the chairman of the Committee on Appropriations, according to his light, has been uniformly kind and generous in his treatment of this matter.

The question being taken, the amendment of Mr. PHELPS was rejected; there being—ayes 51, noes 76.

ENROLLED BILL SIGNED.

The committee rose informally; and the Speaker having resumed the chair, Mr. NEECE reported that the Committee on Enrolled Bills had examined and found truly enrolled the bill (H. R. 1418) for the relief of Henry Martin; when the Speaker signed the same.

INTERNATIONAL COPYRIGHT.

The SPEAKER also laid before the House the following message from the President of the United States; which, with the accompanying papers, was referred to the Committee on the Judiciary, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for your information a report from the Secretary of State, inclosing the correspondence which has passed between the Department of State and the Governments of Switzerland and France on the subject of international copyright since the date of my message of July 9, 1886, on this question.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, December 15, 1886.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole House on the state of the Union resumed its session.

The Clerk read as follows:

For telegraphing reports, messages, and other meteorological information in connection with the observation and report of storms, $125,000.

Mr. SYMES. I move an amendment in line 1225 by striking out $125,000 and inserting in lieu thereof $138,000.

Mr. Chairman, this increases the appropriation $13,000. It makes it $138,000. That is the amount of the present estimate for the next year.

It seems to be necessary, from all the information I can obtain, to increase this appropriation $13,000, to make it in accordance with the estimate of the Signal Service Bureau and to make available all the valuable information obtained by that bureau.

It is a fact that over five thousand letters have been received by the Signal Service Bureau during the past six months asking for reports in certain cities and towns throughout the country where they do not now receive the same; it is a fact that now these Signal Service reports are received and made available at the expense of the Government in four hundred cities and towns of the United States. It is a further fact that over one thousand cities and towns in the United States which are calling for these reports do not obtain them at the expense of the Government, but they are paid for by associations and municipal governments.

I submit to this House whether or not, if we go to the expense of maintaining the bureau, if we expend a few hundred thousand dollars a year in keeping its machinery in motion and advancing it in accordance with the progress and material prosperity of the country, we shall not increase this appropriation $13,000, so that this information may be made available.

It will not be denied, sir, on this floor that the reports of the Signal Service giving notice of approaching storms, and particularly of cold waves and blizzards, save millions and millions of money. As I say, this only asks for a pittance of $13,000, so this information may be made more completely available. I can show from statistics and reports of that office this $13,000 is very much needed to make available the few hundred thousand dollars expended *in support of this* bureau and to keep up the signal stations and for telegraphing the information. It is asked that it may be distributed more widely in the country.

Mr. RYAN. I do not think this amendment is necessary unless it is the disposition of the House to enlarge and expand this service. The expenditure for this branch of the service last year was something like $7,000 less than the appropriation. The thing to be taken into consideration is that under the decision of the Department, where subsidized lines are used the cost is placed to the credit of those lines, as required by law, which would make a difference of thirteen or fourteen thousand dollars, which added to the $7,000 would make something like $20,000 less than last year was required of actual cash expenditure. You will see our reduction is made on that basis.

Mr. RANDALL. I quite agree with my colleague on the committee; there is no need to increase the appropriation.

Mr. RYAN. I do not know but that this may be necessary in the interest of good service. It is not necessary, in my judgment, unless the disposition of the House is to enlarge and expand the service.

Mr. SYMES. I demand a division.

The committee divided, and there were—ayes 20, noes 65.

So the amendment was disagreed to.

The Clerk read as follows:

For expenses of storm, cautionary, offshore, cold-wave, and other signals on the sea, lake, and Gulf coasts of the United States, and in the interior, announcing the probable approach and force of storms, including the pay of observers, services of operators, lanterns, and flags, $10,000.

Mr. BUCHANAN. I move in line 1230 to strike out "ten" and insert "eleven"; and I will simply say to the House this increases the appropriation $1,000, and $1,000 only. According to the estimate for this service the money is imperatively needed and needed in the interest of commerce. I understand there is no particular objection to the amendment, and I hope it will pass.

Mr. RYAN. The appropriation for that service in 1885 was $10,000. Last year it was $11,000 by a clerical mistake. For the current year it is $10,000, as it is in this bill.

The committee divided; and there were—ayes 32, noes 64.

Mr. BUCHANAN. No quorum.

The Chairman appointed as tellers Mr. HOLMAN and Mr. BUCHANAN.

Mr. RANDALL. I hope the gentleman will withdraw the point of no quorum.

Mr. BUCHANAN. Inasmuch as it is evident more than half the members of the House are attending business elsewhere, I will withdraw the point of no quorum.

So the amendment was disagreed to.

Mr. GALLINGER. I desire to make inquiry of the chairman of the committee whether there is anywhere in the Book of Estimates provision for repairing the observatory on Mount Washington, as recommended last year?

Mr. RANDALL. I do not remember that there was. The gentleman from Kansas [Mr. RYAN] is perhaps better authority on the signal service than I. I have no recollection of this matter.

Mr. RYAN. I think no such recommendation came to us.

Mr. GALLINGER. I understand, Mr. Chairman, that no such recommendation was made, and I have no amendment, therefore, to offer.

The Clerk read as follows:

For rent, hire of civilian employés, furniture, light, stationery, ice, stoves and fixtures, repairs, rent of telephones, text-books, lumber, and other expenses of offices maintained as stations of observation outside of Washington, District of Columbia, $35,000.

Mr. SYMES. I offer the amendment I send to the desk.

The Clerk read as follows:

Amend lines 1244 and 1245 by striking out $35,000 and inserting $40,000.

Mr. SYMES. Mr. Chairman, this, as will be seen, increases the appropriation $5,000. It is applicable to that branch of the Signal Service particularly which consists in the establishment of offices and the payment of employés, rent, &c.

I am informed, sir, by estimates that have been made by the Signal Office, in accordance with requests from associations of citizens in the Western country, that it would enable that office or bureau to establish five additional stations, one in the northeast corner of Colorado, or northwest corner of Kansas, for the benefit of the range and ranch cattle interests in that vicinity; also one at Falstaff, Ariz., for the same purpose; one at Rollins, in Wyoming Territory, for this purpose, and particularly for the purpose of notifying those shipping large quantities of fruit from the Pacific coast to the States on the eastern slope of the Rocky Mountains, and sometimes farther east, in the winter season of the approach of cold waves and freezing weather.

It is a well-known fact to merchants dealing in fruit, and shipping from the Pacific coast and the Salt Lake valley towards the east, that by the failure to obtain information relative to the approach of a cold wave immense quantities of fruit are damaged by freezing. Millions of money will in the future be lost on such shipments of fruit, consisting sometimes of whole train-loads, unless there are three or four stations established on the Pacific railroad for the purpose of affording such information.

Then, too, it is in the interest of the men engaged in the cattle industry along the Rocky Mountains that I ask this mere pittance of $5,000 to be added to the appropriation for the purpose of establishing these additional stations in the discretion of the Signal Bureau, and where the western communities may ask for them as being most necessary for their protection.

The question was taken; and on a division there were—ayes 72, noes 81.

So the amendment was rejected.

Mr. SYMES. No quorum has voted.

The CHAIRMAN. The Chair thinks it is too late to make the point of order after the result of the vote has been announced.

Mr. SYMES. How can I tell what the vote is until the Chair announces it? I stated that no quorum had voted as soon as I could. I was watching to make the point, and as soon as the Chairman had announced the vote I rose to my feet and made the point.

Mr. RANDALL. I trust the gentleman will not insist upon that point of order.

Mr. SYMES. I think it is time we should insist upon something for the purpose of the public good. If we can not get an appropriation of $5,000 to save millions of dollars of loss, it is time to make a point of order or to take some steps to correct the evil.

The CHAIRMAN. The Chair begs to state that he has no interest whatever in the matter, but simply announced the vote and then the result, and it was after that that the question of a quorum was raised. The Chair thinks it is too late.

Mr. SYMES. Then I have another amendment to offer to that paragraph. I move to amend lines 1244 and 1245 by inserting in lieu of $35,000, $41,000 instead of $40,000, the last amendment.

Now, I desire to say that we are expending hundreds of thousands of dollars for the purpose of maintaining a Signal Service Bureau. We have stations, or are supposed to have them, already established all over the American continent, where they will be available to utilize this information for the benefit of the commerce of the country. There is a new branch of commerce which has grown up within the last few years, and which now reaches an immense amount annually in the Western States. It is the shipment during all seasons of the year of millions of dollars' worth of fine fruits from the shores of the Pacific to the eastern slopes of the Rocky Mountains and to the Western States, where we do not at the present time raise any fruit, comparatively speaking.

I repeat, sir, it often happens that the proper information, by signal stations at proper points, of the approach of a cold wave will save the destruction of a great many train loads of valuable fruit. Also, sir, the information of a cold wave or blizzard from the North to the range and ranch cattle business will often save the destruction of thousands of valuable cattle. I am asking now an appropriation of only $6,000 additional for the purpose of protecting these great interests.

We find here the chairman of the Committee on Appropriations preparing this bill for sixty millions of people. This particular branch of the bill is a very important one; and I apprehend if you take the percentage of increase that I am asking at this time, it will not equal the percentage of increase during the past year of population, wealth, and commerce throughout the portions of the country where it is sought to establish this additional signal service.

I do not envy a gentleman who lives on the Atlantic coast, whose whole horizon of narrow-minded statesmanship is bounded by a line which does not cross the Mississippi or Missouri, or the plains of the Rocky Mountains, but stops when it gets out near the Mississippi River.

I say to him, sir, that if he does not progress far enough in his principles of statesmanship to extend the same privileges to the people throughout the great northwestern country, the people of that country will see that men are made chairmen of Committees on Appropriations whose vision extends beyond the few signal offices of the Atlantic coast, which we have always supported, to give notification of approaching storms that may destroy commerce in the coasting trade. The trade that I am referring to is just as important as the coasting trade along the coast of the Atlantic Ocean; and I ask this House to give us this pittance that we may protect the interests of commerce throughout the eastern and western slopes of the Rocky Mountains. [Applause.]

Mr. RANDALL. I want to say, in reply to the gentleman from Nevada——

Several MEMBERS. Colorado.

Mr. RANDALL. I want to say, in reply to the gentleman from Colorado, that my vision in this bill has extended beyond the East; that there has been more appropriation of money for the Pacific coast than usual in this bill, and relatively more than for years past.

Now, I can perform my duty here, I think, and understand it moderately well; and I do not propose to be driven or have any terrors exhibited here to frighten me from that line of duty; and certainly that will not be done by the words of such demagoguery as have emanated from the gentleman from the Western State.

Mr. SYMES. I move to strike out the last word. [Laughter.]

Several MEMBERS. The word "demagoguery."

Mr. SYMES. Mr. Chairman, I desire to say, in reply to the gentleman from Pennsylvania, when he says that he does not propose to give way upon this matter after there has been what he calls demagogue talk, that he had better read in the dictionary the meaning of the term. I say that while I may not be a particular critic as to the meaning of such words, yet it seems to me that the definition of a demagogue, as given by the best political writers, applies to men who are pretended leaders of great parties, and who have, as their only stock in trade, the fact that they can go through an appropriation bill with a cheese-paring knife, and can cut down a few dollars here and a few dollars there, and make the whole bill $5,000,000 less than last year, and then have their strikers send it all over the country by telegraph that they have benefited the nation and the Democratic party by a great big plea of economy.

This is the cheapest character of statesmanship and demagoguery that ever led our country on to material prosperity. When the United States statutes provide that the salary of a certain officer at a certain office in the western country is $3,000, we find an appropriation in the gentleman's bills of $2,500 to pay a $3,000 salary. And we find the Supreme Court, sitting in the center of this Capitol, holding that that officer at the close of the year, after having received his $2,500, may sue in the Court of Claims and recover the other $500 and mulct the United States in costs. I watched it here in the former session of this Congress; and as I was a new member I did not feel like standing here and leading in the criticism of it. I propose henceforth to do so if necessary, and I propose to hold up before the country that great and grand character of statesmanship which proposes to appropriate less money to an officer than the statutes of the United States give him in the face of the decision of the Supreme Court that he may collect the balance and mulct the United States in costs. If that is the statesmanship of the great leaders of the Democratic party, God save the country from such leadership. [Applause on the Republican side.]

Mr. RANDALL. The Democratic party will live, thrive, and control in this country without regard to the gentleman's opinion as to its leadership. [Applause on the Democratic side.] I do not know of any salary changed in this bill at all. I only wanted to correct the gentleman's statement of facts.

The CHAIRMAN. The Chair will treat the *pro forma* amendment of the gentleman from Colorado as withdrawn. The question is on the amendment proposed by that gentleman.

The committee divided; and there were—ayes 70, noes 89.

Mr. SYMES. No quorum.

The CHAIRMAN. A quorum not having voted, the Chair will ap-

point as tellers the gentleman from Colorado [Mr. SYMES] and the gentleman from Pennsylvania [Mr. RANDALL].

The committee again divided; and the tellers reported—ayes 69, noes 96.

So the amendment was not agreed to.

The Clerk read as follows:

For pay of one brigadier-general and sixteen second lieutenants, $29,500; for longevity pay to officers of the Signal Corps, to be paid with current monthly pay, $4,680; for pay of not exceeding one hundred and fifty sergeants, thirty corporals, and two hundred and ninety privates, including payment due on discharge, $180,000; for mileage to all officers when traveling on Signal Service duty under orders, $5,000: *Provided*, That in disbursing this sum the maximum sum to be allowed and paid shall be 4 cents per mile, distance to be computed over the shortest usually traveled routes, and, in addition thereto, the cost of transportation actually paid, exclusive of sleeping or parlor car fare; for commutation of quarters to commissioned officers at places where there are no public quarters, $5,500; in all, $223,680. And the Secretary of War is authorized, in his discretion, to detail for the service in the Signal Corps not to exceed five commissioned officers of the regular Army, to be exclusive of the second lieutenants of the Signal Corps authorized by law; and the regular Army officers herein authorized to be detailed for the Signal Corps shall receive their pay and allowances from the appropriation for the support of the Army; and no money herein appropriated shall be used for pay and allowances of second lieutenants appointed or to be appointed from the sergeants of the Signal Corps, under the provisions of the act approved June 20, 1878, in excess of the number of sixteen, or for the pay and allowances of exceeding four hundred and seventy enlisted men of the Signal Corps.

Mr. ADAMS, of Illinois. Mr. Chairman, I raise the point of order against the proviso beginning on line 1276 and extending down to the word "car fare," in line 1280.

Mr. RANDALL. The point of order was made on the provision which is now in the law, when it was pending at the last session, and the Chair decided that it was merely a limitation of the appropriation.

The CHAIRMAN. The Chair is willing to hear the gentleman from Illinois [Mr. ADAMS] on the point of order if he desires; but it seems that this proviso does not change the law but simply limits this particular appropriation. Does the gentleman desire to be heard upon the point?

Mr. ADAMS, of Illinois. I do not.

The CHAIRMAN. Then the point of order is overruled.

Mr. BARKSDALE. Having been temporarily absent, I ask unanimous consent to return to line 1261, with the view of offering an amendment.

The CHAIRMAN. The Chair will allow the amendment to be read for information, the right of objection being reserved.

The amendment was read, as follows:

In line 1261 strike out "7" and insert "12;" so that the paragraph will read:
"For observations, and expenses incidental thereto, announcing the probable approach and severity of frosts or rains, for the benefit of the cotton region of the United States, $12,000."

Mr. RANDALL. We have given the amount of the estimate, and I hope the amendment will not prevail.

The CHAIRMAN. Is there objection to going back to consider the amendment offered by the gentleman from Mississippi?

There was no objection.

Mr. BARKSDALE. I trust that the chairman of the committee will hear me in relation to this amendment.

Mr. RANDALL. Certainly I will hear the gentleman.

Mr. BARKSDALE. Mr. Chairman, upon inquiry I have ascertained that the amount proposed by the committee is the same which has been heretofore appropriated for the purposes specified in this clause; but I have ascertained, also, that it is entirely inadequate to the magnitude of the interests which are designed to be protected and promoted. Take my own State (Mississippi) for an example, which will illustrate the facts as to others. Permit me to read an extract from a letter from the Chief Signal Officer. In reply to a communication which I addressed to him I had the honor to receive the letter from which I will read:

I would say that there is no doubt as to the advantage which would result to he local weather service of your State by the establishment of two full meteorological stations of this service within its limits, one at the capital and one at the southern extremity of the State, on the Gulf. Your State service is in cooperation with the Signal Service in the distribution of cold-wave warnings, and, although of recent organization, I have received many statements showing the value of the work of the service to the people of the State. I am not able to place these additional stations in your State, owing to the limited number of men and the small appropriations. It will require probably $2,500 for each additional station, &c.

Now, Mr. Chairman, the sum proposed by the committee is but $7,000 for the protection of the great cotton interests of the Southern States. I submit that it is entirely inadequate, and that the sum which I propose, $12,000, is a mere bagatelle compared with the magnitude of the industry designed to be benefited. I will not consume the time of the committee further than to express the hope that my amendment will be adopted.

Mr. RANDALL. The amount given in the bill is the amount of the estimate, and the amount which has been given for several years past. I do not think it safe for us to exceed the amount of the estimates in the manner now proposed. I concur in all that the gentleman from Mississippi has said touching the importance of this service; but I do not concede the propriety of appropriating a greater amount than is asked by those who execute this part of the Government service.

Mr. BUCHANAN. We were unable to hear distinctly on this side the statement just made by the chairman of the Committee on Appropriations [Mr. RANDALL]. Does he state that the appropriation embraced in the bill is the amount of the estimate in full?

Mr. RANDALL. It is.

Mr. BARKSDALE. I have just read to the committee a communication from the Chief Signal Officer, stating that the amount which the bill proposes to appropriate is inadequate, and that this service is important. This is a sufficient answer to the point just made by the gentleman from Pennsylvania.

Mr. RANDALL. I take it these estimates come from that same officer.

Mr. BARKSDALE. The estimate is inadequate, though it may come from him. His communication to me settles that point.

Mr. SYMES. Mr. Chairman, I did not hear all that was said by the gentleman from Mississippi [Mr. BARKSDALE] in support of this amendment, but I have no doubt he presented very clearly good reasons for its adoption. I think there is probably no interest which requires greater protection in this regard than the cotton interests of the Southern States. The Signal Service Bureau is frequently enabled to predict during the spring and early summer the approach of a frost or any storm which is likely to injure the crop. Hence the importance of this amendment.

Sir, I am satisfied that when enough of these great interests of the West and South and other parts of the country combine, the narrow-minded statesmanship that has kept out of this bill to-day two little amendments designed to protect great interests in this country will be voted down in this House. I hope the amendment of the gentleman from Mississippi will be adopted.

I desire to add that when I refer to the "leaders" on this committee or any of the "leaders" on the other side of the House, I except from my references the distinguished, undisputed leader, my friend from Mississippi [Mr. ALLEN]. [Laughter.]

The question being taken on the amendment of Mr. BARKSDALE, it was rejected, there being—ayes 19, noes 53.

The Clerk read as follows:

NATIONAL CEMETERIES.

For national cemeteries: For maintaining and improving national cemeteries, including fuel for superintendents of national cemeteries, pay of laborers and other employés, purchase of tools and materials, $100,000.

For superintendents of national cemeteries: For pay of seventy-three superintendents of national cemeteries, $60,000.

Mr. RANDALL. I understand some gentlemen here desire to get away from the House to-day a little earlier than usual. I do not wish to impose on the good nature of the House. We have made such good progress in the consideration of this bill that I want to show my appreciation of the fact. I therefore move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. ROGERS having taken the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 10072) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes, had come to no resolution thereon.

PRINTING AND BINDING DEFICIENCY.

Mr. BURNES, from the Committee on Appropriations, reported a bill (H. R. 10239) making an appropriation to supply a deficiency in the appropriation for public printing and binding for the fiscal year ending June 30, 1887, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. BURNES. I desire to call attention to the fact that this is an "urgent deficiency" bill, and contains one item at least which requires that the bill become a law by next Saturday night.

IMPROVEMENT OF FOX AND WISCONSIN RIVERS.

Mr. RANDALL, from the Committee on Appropriations, reported back with a favorable recommendation the following resolution:

Resolved, That the Attorney-General is hereby directed to report to this House at his earliest convenience the amounts due to the several commissioners to ascertain flowage damages caused by the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin, arising under an act of Congress entitled "An act to aid in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin," approved March 3, 1875.

The resolution was adopted.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I move that the House adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Papers in the claim of Henry McWilliams, of Fairfax County, Virginia—to the Committee on War Claims.

By Mr. CASWELL: Petition of the Women's Christian Temperance Union of Wisconsin, praying for the passage of the Blair educational bill—to the Committee on Education.

By Mr. CROXTON: Papers in the claim of Elizabeth Flippins, of Lancaster County, Virginia—to the Committee on War Claims.

By Mr. A. C. DAVIDSON: Petition of the different grange organizations in the State of Alabama, asking for the passage of the bill appropriating $1,500 to each State to establish experimental stations—to the Committee on Agriculture.

By Mr. ELDREDGE: Petition of officers of Washtenaw County, Michigan, Pomological Society, praying for the passage of the bill (H. R. 2933)—to the same committee.

By Mr. FLEEGER: Petition of gold and silver beaters of the United States for increase of duty on certain articles—to the Committee on Ways and Means.

Also, petition of members of A. G. Reed Post, No. 105, Department of Pennsylvania, Grand Army of the Republic, for the passage of a bill to place the name of Samuel Miller, late private Company C, Eleventh Pennsylvania Reserves, on the pension-rolls—to the Committee on Invalid Pensions.

By Mr. R. S. GREEN: Petition for an act reviving act of March 3, 1857, providing for the erection of a United States building at Perth Amboy, N. J.—to the Committee on Public Buildings and Grounds.

By Mr. GROSVENOR: Petition of gold and silver beaters of the United States for increase of duty on certain articles—to the Committee on Ways and Means.

By Mr. GUENTHER: Petition of the Women's Christian Temperance Union of Wisconsin, praying for the passage of the Blair bill—to the Committee on Education.

By Mr. HUDD: Petition of Amy C. Kellogg, Eunice C. Bascom, Mary M. Eaton, and Maria S. Johnson, representing the Women's Christian Temperance Union of Wisconsin, praying for the passage of the Blair bill—to the same committee.

By Mr. MAYBURY: Petition of Rosa Bougy, of Detroit, Michigan, for relief—to the Committee on Claims.

By Mr. NEAL: A bill making an appropriation of $2,500 to continue improvements in the Hiwassee River, Tennessee—to the Committee on Rivers and Harbors.

Also, a bill appropriating $10,000 to continue improvements in the Tennessee River above Chattanooga—to the same committee.

Also, a bill appropriating $500,000 to continue improvements in the Tennessee River below Chattanooga—to the same committee.

Also, a bill appropriating $5,000 to continue improvements in the Little Tennessee River—to the same committee.

By Mr. O'HARA: Petition asking for the passage of the bill (H. R. 8511)—to the Committee on Education.

Also, petition of the Women's Christian Temperance Union of North Carolina, praying for the passage of the Blair educational bill—to the same committee.

By Mr. CHARLES O'NEILL: Petition of James Marshall, for restoration to the pension-roll—to the Committee on Invalid Pensions.

By Mr. RANDALL: Petition of gold and silver beaters of the United States, for increase of duty on certain articles—to the Committee on Ways and Means.

By Mr. T. B. REED: Petition of Abbie R. Brown, to be placed on the pension-rolls—to the Committee on Invalid Pensions.

By Mr. ROMEIS: Petition of Lydia Calhoun, asking to be restored to the pension-roll (to accompany the bill H. R. 10183)—to the same committee.

By Mr. SNYDER: Petition of Lewis H. Ellis, for special-act pension—to the same committee.

By Mr. STEELE: Petition of E. S. Whiting and 300 others, soldiers of the United States Army, asking that the act of February 25, 1885, be amended to read twenty-five instead of thirty years—to the Committee on Military Affairs.

By Mr. J. M. TAYLOR: Papers in the claims of Richardson W. Henley, of Lauderdale County, and of James Rodgers and Isaac W. Drake, of Humphreys County, Tennessee—to the Committee on War Claims.

By Mr. VAN SCHAICK: Petition of the Women's Christian Temperance Union of Wisconsin, in favor of the Blair bill—to the Committee on Education.

By Mr. WHITING: Petition of Alvan Barrus and others, in aid of the Hatch experiment bill—to the Committee on Agriculture.

SENATE.

THURSDAY, *December* 16, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting the report of the Superintendent of the Coast and Geodetic Survey for the year 1886; which, with the accompanying report, was referred to the Committee on Printing.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of the Interior transmitting in reply to a resolution of July 26, 1886, a report of the Commissioner of the General Land Office, relative to the progress made in satisfying and adjusting the confirmed and unsatisfied private-land claims in Louisiana. As this communication is accompanied by maps and other extensive documents, if there be no objection, it will be referred to the Committee on Printing with a view to the question of printing. The communication from the Secretary of the Interior will be printed.

PETITIONS AND MEMORIALS.

Mr. WILSON, of Iowa. I present resolutions in the nature of a petition from the George H. Strong Post No. 19, Grand Army of the Republic, of Fairfield, Iowa, and other papers, praying that a pension be granted to Mrs. M. E. Woods, of Fairfield, Iowa. I move that the resolutions and papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. VEST. I present a memorial of the Catlin Tobacco Manufacturing Company and a number of other tobacco manufacturers of Saint Louis; Covington, Ky.; Cincinnati, Ohio; Middletown, Ohio; Dayton, Ohio; and also a memorial of a number of other manufacturers in Louisiana, Missouri; Quincy, Ill.; Dubuque, Iowa; Chicago, Ill.; Milwaukee, Wis.; Detroit, Mich.; and Cleveland, Ohio, protesting against the passage of the bill (H. R. 8738) which provides that cut tobacco may be put up in bulk packages containing 10 pounds each, and also abolishes the 20, 40, and 60 pound packages of fine-cut chewing tobacco now in use. I move that the memorials be referred to the Committee on Finance.

The motion was agreed to.

Mr. RANSOM. I beg leave to present memorials on the same subject from tobacco manufacturers of New York, Philadelphia, Baltimore, Lynchburg, Durham, and the Eastern cities, presenting their objections to the passage of the bill (H. R. 8738). I move that the memorials be referred to the Committee on Finance.

The motion was agreed to.

Mr. EVARTS presented a memorial of the board of supervisors of Richmond County, New York, remonstrating against the proposed establishment of a Government marine hospital on Staten Island, New York; which was referred to the Committee on Public Buildings and Grounds.

Mr. EDMUNDS presented the petition of C. P. W. N. Shaw and 56 other members of the Vermont State Grange, praying for the passage of the bill providing for the establishment of agricultural experiment-stations; which was referred to the Committee on Agriculture and Forestry.

PAY OF CONGRESSIONAL EMPLOYÉS.

Mr. ALLISON. The Committee on Appropriations instruct me to report favorably and without amendment the joint resolution (H. Res. 220) authorizing and directing the payment of the salaries of the officers and employés of Congress for the month of December, 1886. I ask for its immediate consideration.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It directs the Secretary of the Senate and the Clerk of the House of Representatives to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of December, eighteen hundred and eighty-six, on the twentieth day of the month.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. WILSON, of Iowa, introduced a bill (S. 2997) granting a pension to Mrs. M. E. Woods; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 2998) to increase the pension of Alonzo B. Chatfield; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CAMERON introduced a bill (S. 2999) to incorporate the American Trust Company of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PUGH introduced a bill (S. 3000) fixing the salaries of the Commissioner of Education and the Commissioner of Labor at $5,000 each per annum; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. SPOONER introduced a bill (S. 3001) for the erection of a public building at Milwaukee, Wis.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. INGALLS introduced a bill (S. 3002) for the relief of William M. Hendrix; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 3003) concerning the transfer of the stock of railroad and other corporations engaged in interstate commerce; which was read twice by its title, and referred to the select Committee on Interstate Commerce.

Mr. BOWEN introduced a bill (S. 3004) to establish two additional land offices in the State of Colorado; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. VAN WYCK introduced a joint resolution (S. R. 89) proposing an amendment to the Constitution of the United States in relation to the election of United States Senators; which was read twice by its title, and referred to the Committee on the Judiciary.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MORRILL, it was

Ordered, That the papers on the files of the Senate with Senate bill 795, Forty-seventh Congress, be referred to the Finance Committee in connection with Senate bill 995, Forty-ninth Congress.

Mr. PAYNE. I ask for the following order:

Ordered, That the papers on file in the Secretary's office of the Senate in the case of Harry S. Kellogg, administrator of Lyman M. Kellogg, be taken from the files and be referred to the Committee on Claims.

Mr. EDMUNDS. Has there been an adverse report in that matter?

Mr. PAYNE. There has been no report.

The PRESIDENT *pro tempore*. The order will be agreed to subject to the rules.

REBATE ON IMPORTED MATERIAL.

Mr. BLAIR submitted the following resolution; which was read:

Resolved, That the Committee on Finance be directed to inquire into the subject, and if, in their opinion, it be for the public interest, to prepare and report to the Senate a bill providing for the payment of a rebate upon all imported materials which are incorporated with domestic material, or which may be converted into other articles without incorporation with domestic material and exported to foreign countries for sale, thereby providing for the extension of our foreign trade by placing the domestic producer and manufacturer upon a fair basis of competition with foreign producers and manufacturers in foreign markets without reducing the price of American labor or in any wise interfering with the existing prices of labor or production in the home market.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. BLAIR. Mr. President, in regard to this matter, which is not a new one, and to which I have endeavored to call attention during several Congresses, I wish to say just a word, and that is that the objections sometimes urged to a general rebate upon foreign materials manufactured into domestic commodities for exportation and sale in a foreign market is the difficulty in the practical administration of such a law. But I have found by inquiry of Treasury officials and others that in their opinion there would be no serious difficulty in its administration. It is already the law with reference to materials used in several industries, and the same machinery which is necessary in the administration of the law with reference to those articles, by a slight extension, could be made to cover nearly everything that we manufacture in this country from foreign materials or in part from foreign materials that might by suitable encouragement find their way for sale in foreign countries.

If this be so, if there be found to be no practical or insuperable objection in the way of administration, the result would be the building up of a business that we have not at all now—the sale of American diversified manufactures in the markets of the world, placing the American manufacturer, without injury to American labor or a reduction of American wages, upon the same basis as the foreign manufacturer in his own markets or in those of other countries to which he may export for sale.

It has seemed to me for a long time that upon this line there could be legislation which, while not interfering with the control of our own markets for our own manufacturers and producers, would yet give the opportunity of a great extension of our foreign trade, and that too without disturbing the laws under which our domestic prosperity has been built up, and by the preservation of which alone can that industry and prosperity be retained.

I hope that the Committee on Finance will take the matter into serious consideration, so that, if not at the present session, yet, before long, at some future session, there may be a bill carefully provided extending the principles already adopted with reference to several industries in such a way as to cover nearly everything that we can produce for exportation and for sale abroad.

The resolution was agreed to.

MISSOURI RIVER APPROPRIATIONS.

Mr. VAN WYCK. I ask that the resolution which I submitted yesterday may be taken up for disposition.

The PRESIDENT *pro tempore*. If there be no further concurrent or other resolutions, the Chair lays before the Senate the resolution submitted yesterday by the Senator from Nebraska, which will be read.

The Chief Clerk read the resolution, as follows:

Whereas in the appropriation in river and harbor bill of 1886 for the Missouri River it was required that work should be continued at Omaha, Plattsmouth, Eastport, and Brownsville, in Nebraska and Iowa:

Resolved, That the Secretary of War be directed to inform the Senate in what manner the Missouri River Commission apportioned said money so appropriated, and whether any portion was ordered to continue the work at the points above mentioned as provided in said river and harbor bill, and if the Secretary of War approved the refusal of the board so to continue work at the above points.

Mr. VAN WYCK. I desire the Chief Clerk to insert in the resolution the points mentioned by the Senator from Kansas [Mr. INGALLS] yesterday. I send to the desk a copy of the resolution with the points mentioned in it.

The PRESIDENT *pro tempore*. The resolution as modified will be read.

The Chief Clerk read as follows:

Whereas in the appropriation in the river and harbor bill of 1866 for the Missouri River it was required that work should be continued at Atchison, Saint Joseph, Fort Leavenworth Reservation, Arrow Rock, and Kansas City in Kansas and Missouri, and Omaha, Plattsmouth, Eastport, and Brownsville in Nebraska and Iowa:

Resolved, That the Secretary of War be directed to inform the Senate in what manner the Missouri River Commission apportioned said money so appropriated, and whether any portion was ordered to continue the work at the points above mentioned, as provided in said river and harbor bill, and if the Secretary of War approved the refusal of the board so to continue work at the above points.

Mr. VAN WYCK. Mr. President, only one word further. I stated yesterday with great distinctness, as I supposed, that the point in dispute now between the Missouri River Commission and the Congress of the United States was a clean-cut distinction, made some two years ago, when that very question was up for consideration in the Senate as an amendment to the then river and harbor appropriation bill; and I stated distinctly yesterday that this matter of difference caused the defeat of the river and harbor bill in March, 1885. From that proposition the Senator from Missouri [Mr. VEST], the Senator from Minnesota [Mr. MCMILLAN], and the Senator from Michigan [Mr. CONGER], members of the Committee on Commerce, at first dissented, and insisted that the position was not as stated by myself.

I only desire now in this connection to express my gratification that the Senator from Michigan, a member of the Committee on Commerce, and who had charge of the bill in March, 1885, after fully examining the RECORD found that the statement of fact as I had made it—the position as stated there between the river commission and Congress—was correct, and it appeared in the RECORD, and that the matter of dissent on the part of the Committee on Commerce from the position which I had taken was a mistake which they had made in supposing it was some other bill to which reference was made.

When I suggested the position of the Missouri River Commission I ought to have stated that the position of the commission was dictated by a majority of that board, but that the minority of the commission, those appointed from civil life—one upon the board from Missouri and one from Nebraska—opposed the position taken by the Army engineers.

The difficulty is that the Army engineers who are controlling the Mississippi River as well as the Missouri River Commission, are determined that every appropriation, as far as they can, even assuming power to do it, made by Congress shall be expended in carrying out their theory, which is only a theory. In justice to the civil engineers on the Missouri River Commission I desire to say that they dissented; and, since this appropriation was passed at the last session, in their conferences they have insisted and desired that the money should be expended as Congress had directed; but the Army engineers, being a majority of that board, with their usual pertinacity insisted upon seizing upon Congress and repealing its acts.

The PRESIDENT *pro tempore*. The question is upon agreeing to the resolution as modified.

The resolution as modified was agreed to.

AID TO COMMON SCHOOLS.

Mr. BLAIR. I ask an order for reprinting the bill (S. 194) the edition of which has been exhausted.

Ordered, That Senate bill 194 be reprinted.

Mr. EDMUNDS. What is that bill?

Mr. BLAIR. It relates to national aid to common schools.

The order was agreed to.

MYRON E. DUNLAP.

Mr. CAMERON. I ask unanimous consent of the Senate for the consideration at this time of the bill (H. R. 2013) being Order of Business 1649.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves that the Senate proceed to the consideration of a bill the title of which will be stated.

The CHIEF CLERK. "A bill (H. R. 2013) for the relief of Myron E. Dunlap."

Mr. ALLISON. Let the bill be read.

Mr. HOAR. I inquire for information whether it will take any time.

Mr. CAMERON. I do not think it will. There is a report on it from the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk read the bill, as follows:

Whereas Myron E. Dunlap, late first lieutenant of Company E, Fourteenth Regiment New York Heavy Artillery, was cashiered from the service for tendering his resignation; and

Whereas said dismissal was based upon insufficient grounds: Therefore,

Be it enacted, &c., That the said First Lieut. Myron E. Dunlap, late of Company E, Fourteenth Regiment New York Heavy Artillery, be, and he is hereby, honorably discharged from the military service of the United States, as if he had been regularly mustered out of the military service of the United States on the 23d day of July, 1864; and the Secretary of War is hereby directed to enter upon

the proper records of the War Department the corrections made by this act of the military record of said officer: *Provided*, That this act shall never be construed so as to grant any pay or allowance to the beneficiary under the same.

Mr. INGALLS. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. CAMERON July 6, 1886:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2013) for the relief of Myron E. Dunlap, submit the following report:

The facts out of which this claim for relief arises will be found clearly stated in House Report No. 50, first session, Forty-eighth Congress, which report is hereto annexed.

It appears that the reasons set forth in this report fully establish the justness of the claim, and the committee therefore report the bill back with the recommendation that it pass.

Myron E. Dunlap entered the military service of the United States as second lieutenant of Company I, Seventy-eighth Regiment New York Volunteers. His associates in that regiment bear testimony to his fidelity to duty as an officer during the time he served with it. He was honorably discharged from that regiment on the 6th day of December, 1862. The motives which led to his discharge were these: His health had become impaired and he felt unable to perform the duties devolving upon him. He subsequently entered the military service as first lieutenant in the Fourteenth New York Artillery, and served with that regiment until the 23d day of January, 1864, when he was sentenced by a general court-martial to be cashiered and to be forever disqualified from holding any office of profit or trust under the United States Government.

During the time he served in the Fourteenth Regiment of Artillery he made an excellent military record. Lieut. Theodore P. Cook, of the Fourteenth New York Artillery, says:

"He (Dunlap) went to the field with the Fourteenth New York Artillery, and was with the regiment doing active service from the crossing of the Rapidan until the time of his discharge, and was with the regiment in all the engagements during that time. At the battle of the Wilderness he was conspicuous in commanding the skirmish line in front of our brigade, and in capturing a number of prisoners. Again, on the 17th of June, 1864, at Petersburg, he had charge of the skirmishers in our front, and was exposed to a galling fire most of the day. In the evening of the same day he was wounded in the shoulder from a piece of shell which glanced from a tree near where the line was being formed. Lieutenant Dunlap was a brave, honorable soldier, and I have always regarded his dismissal as a great outrage and a crime, and the Government ought to set it right by placing him back on the muster-rolls of his regiment, and by treating him in all respects as though he had been mustered out with his regiment at the close of the war."

Lieut. C. A. Veeder, of the same regiment, testifies substantially in the same way, and speaks in the highest terms of the soldierly qualities and bearing of Lieutenant Dunlap.

Col. John Fisk, of the Second Mounted Rifles, New York Volunteers; Capt. B. R. Keefler, of the Seventy-eighth New York Volunteers: General E. G. Marshall, who commanded the brigade in which the Fourteenth New York Artillery was placed, severally speak in the most complimentary manner of Lieutenant Dunlap's high character and efficiency as an officer.

It also appears that Lieutenant Dunlap was active in raising two companies for the service, the first of which was attached to the Seventy-eighth New York Regiment, and of which Dunlap was second lieutenant. The other company was attached to the Fourteenth New York Artillery, and Dunlap was made first lieutenant of that company.

There is no doubt whatever that the conduct of Lieutenant Dunlap, from the time he first entered the service up until the time he had some difficulty with the officer in command of the Fourteenth New York Artillery, was unexceptionable and praiseworthy. The difficulty arose in this way: Dunlap was senior first lieutenant of Company A on the first day of June, 1864, when he was transferred to Company C, in which he was junior officer. He protested against this transfer, and addressed his protest to brigade headquarters, but no notice having been taken of it, Dunlap believes that Capt. L. J. Jones, the officer in command of the regiment, did not forward it. He inquired of Captain Jones why it was that he was transferred from Company A to Company C. Captain Jones replied that he was incompetent to command a company.

On the 24th day of July, 1864, Dunlap was transferred to Company E of his regiment. He felt that the last transfer indicated an intention not to return him to his own command, where he would have been in the line of promotion. Feeling aggrieved, Lieutenant Dunlap tendered his resignation, whereupon Captain Jones procured charges to be made against him. A court-martial was convened at the headquarters of the First Division of the Ninth Army Corps. The charge was, "conduct prejudicial to good order and military discipline." There were two specifications to the charge. The first set forth that Dunlap did tender his resignation while in front of the enemy and under their fire. The second, that he did offer as a reason why his resignation should be accepted that he was incompetent. When the charges and specifications were read to him he asked that the hearing should be continued to the next day. This was refused. He informed the court that he would plead guilty to the specification that he had tendered his resignation, but to nothing else. The court thereupon considered the case, found him guilty of the charge and specifications, and sentenced him to be cashiered and forever disqualified from holding any office of profit or trust under the United States. When apprised of the civil disabilities imposed, Dunlap made application to the President for their removal, which was granted upon the recommendation of Judge-Advocate-General Holt. The following is his opinion:

WAR DEPARTMENT, BUREAU OF MILITARY JUSTICE,
October 5, 1864.

To the PRESIDENT:

In the case of Lieut. Myron E. Dunlap, Fourteenth New York Heavy Artillery, the following report is respectfully submitted:

He was tried by general court-martial at headquarters First Division Ninth Army Corps, July 28, 1864, for "conduct prejudicial to good order and military discipline." There were two specifications to the charge. The first set forth that he "did tender his resignation while in front of the enemy and under their fire." The second set forth that he "did offer as a reason why his resignation should be accepted that he was incompetent." He pleaded guilty to the specifications, and not guilty to the charge. He then requested an extension of time, to produce a witness for the defense, which the court refused. He was found guilty of the charge and specifications, and sentenced "to be cashiered, and forever disqualified from holding any office of profit or trust under the United States."

Lieutenant Dunlap, in making application for removal of the disability imposed by the sentence, says that the judge-advocate of the court had expressed the opinion that no severe punishment could be inflicted, and if the court thought the case merited so severe a punishment they should have given him the benefit of all the evidence he could produce. In a case of this description, in which the gravity of the offense depends so much upon the circumstances under which it was committed, every opportunity should have been given for the introduction of evidence.

No evidence was offered, and the accused did not avail himself of the privilege of making a statement. It appears, however, from the copy of a communication addressed by Lieutenant Dunlap to the assistant adjutant-general, Ninth Army Corps, that his reason for offering his resignation was that he had been in command of Company A, and on June 1, 1864, was transferred to Company C, in which he was junior officer, the commanding officer of the regiment giving as a reason for the transfer that he was incompetent to command a company. He protested to the commanding officer of the brigade, but no notice was taken of his protest; he remained with Company C until July 24, when he was ordered to take command of Company E. Feeling that if he was incompetent to command Company A he was equally incompetent to command Company E, he offered his resignation on the ground of incompetency.

It is probable that his action was dictated by wounded pride, and not by a consciousness of incompetency; but though it was highly improper and deserving of punishment, it is conceived that the sentence of the court is heavier than the circumstances justified, especially as there is no express allegation in the specifications, and no evidence upon the trial, that his conduct was the result of cowardice or other improper motive.

Lieutenant Dunlap has filed the petition of twenty-six officers of his regiment, in which they certify to his character as a man and his efficiency as a soldier, and ask that this disability imposed by the sentence be removed.

In consideration of all the circumstances of the case, and the high standing of Lieutenant Dunlap as an officer, it is recommended that the request of the petitioners be granted.

J. HOLT, *Judge-Advocate-General.*

The adjudication of this case is singularly objectionable. The denial of Dunlap's request for the postponement of the hearing that he might produce witnesses was extraordinary even for a court-martial; for the Army Regulations expressly provide that the judge-advocate shall summon the necessary witnesses for the trial; and the Articles of War also provide for the taking of depositions of witnesses.

See article 73, edition 1861, and article 93 of the revised Articles of War, which says: "A court-martial shall, for reasonable cause, grant a continuance to either party for such time and as often as may appear to be just." Also, in the decisions of the Judge-Advocate-General (1880), page 299, paragraph 13, it is made the duty of the judge-advocate of the court to see that the accused has a fair trial and an opportunity to make full defense.

In addition to this the Army Regulations expressly authorized volunteer officers to resign. On page 12, Army Regulations, 1861, paragraph 24, it is provided that "no officer will be considered out of the service on the tender of his resignation until it shall have been duly accepted by the proper authority." And paragraph 28, on same page, says: "In time of war, or with an army in the field, resignation shall take effect within thirty days from the date of the order of acceptance." And again, on page 497, Army Regulations, 1861, paragraph 1647, we find authority for resignations in the following most emphatic language: "Officers of the volunteer service tendering their resignations will forward them through the intermediate commanders to the officer commanding the department or *corps d'armée* in which they may be serving, who is authorized to grant them honorable discharges;" not to court-martial them for it, but to grant them honorable discharges, as the law provides. (*Vide* act approved July 22, 1861, section 10; Army Regulations, 1863, page 507.)

In the Digest of Opinions of the Judge-Advocate General, page 430, he says: "While in time of peace an officer in the Army in good standing is in general entitled to tender and have accepted his resignation, yet, in time of war, or when grave embarrassment to the service or prejudice to discipline may result from his leaving his duty, the acceptance of his resignation may be refused."

But nowhere does he say that an officer in time of war shall be court-martialed and dismissed for tendering his resignation, except in the case where it is tendered pending an engagement, and then the charge against him would be cowardice, and not "conduct prejudicial to good order and military discipline," as charged in this case.

As to the proper form of relief in such cases, it is laid down in the decisions of the Judge-Advocate General, *supra*, page 478:

"In the case of a volunteer officer unjustly dismissed by sentence or order during the war, and applying for restoration, there is the obstacle (not encountered in the case of a regular officer) that the volunteer contingent of the Army has been long since disbanded, so that a restoration to office in the same is impracticable. And as a dismissed officer can not of course be granted an honorable discharge from the Army without first being readmitted to the Army by a new appointment, and as a volunteer officer can not as such be so readmitted, advised (February, 1880), in a case of a volunteer officer applying for relief on account of an unjust dismissal, that the form of relief most apposite to his case would be a special enactment giving him pay from the date of his dismissal—reciting that the same was based upon insufficient grounds—to the date of the final muster out of his regiment, precisely as if he had continued in the service during the interval."

As several acts of Congress have been passed since the close of the late war for the purpose of correcting the military records of dismissed officers and privates, the relief sought for in this case is not without precedent.

The following are some of the acts of Congress passed at former sessions to correct military records and grant honorable discharges: See Private Acts, first session Forty-fourth Congress, p. 7, act April 13, 1876; Private Acts, first session Thirty-third Congress, p. 336, No. 87; p. 383, No. 147; p. 437, No. 244. See also pp. 343, 367, 394, 491 of same session. Acts were passed at previous and subsequent sessions.

General Marshall, whose brilliant military record and high character entitle whatever he may say to the highest consideration, wrote a letter in relation to the petition of Lieutenant Dunlap, as follows:

LEHIGH GAP, PA., *January* 31, 1882.

DEAR SIR: I have fully examined the case of the dismissal of First Lieut. M. E. Dunlap, Fourteenth New York Artillery, who was so dismissed for tendering his resignation. I was absent on account of wounds, and firmly believe if I had been present commanding my brigade, of which my regiment, Fourteenth New York Artillery, was then a part, that he would not have been brought before a court-martial. I feel certain that if the late General and Senator Burnside were alive he would as feelingly as myself coincide with me that an error, a great moral wrong, had been done this officer in his dismissal. I can only account for it that the Ninth Army Corps about that time went into the charge that succeeded the Petersburg mine explosion.

I shall be thankful if you will please examine his case in its legal sense; also, if you desire, my military record, and trust you will take an interest to correct the great wrong done him, his children, and family. I know him in no other light than as a gallant and faithful officer, and I can have but one feeling of asking that justice may be done him.

I am, very respectfully, your obedient servant,

E. G. MARSHALL,
Col. and Bvt. Brig. Gen., U. S. A., and Bvt. Maj. Gen. Vols.

General THOMAS M. BAYNE, M. C.

Lieutenant Dunlap simply desires that the stain upon his record shall be removed. He does not ask for pay or allowances of any kind. The restoration of his good name is all that he seeks for. The question as to the power of Congress to set aside the judgment of the court-martial ought not to be raised in this case. Whatever may be the power of Congress in that regard, it will surely not be contended that a judgment founded upon a charge under an article of

war which had no application, and a specification which was not cognate to the charge, can be otherwise than nugatory. It lacks such a judment; lacks all the essentials of validity, and amounts to little more than a stain upon the military record of the party convicted.

Your committee contends, however, that Congress has power to set aside and make void the judgment of a court-martial, though it may be regular and strictly in accordance with military law. The power of Congress to legislate upon all subjects that fall within the purview of the Constitution is unlimited, unless the Constitution expressly or by implication forbids the exercise of the power. Congress has no power to pass a bill of attainder or an *ex post facto* law, nor any law which will impair the obligations of contracts. But when Congress enacts laws and articles of war which subject certain classes of the people to their control, to the performance of certain duties, or to the duties of the military or naval service, it can surely undo and extinguish that which has been done, regular or irregular, in pursuance of such laws, unless the undoing of it should violate some mandate of the Constitution.

The committee therefore holds that Congress has the power to remove the judgment in this case.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, and was read the third time.

Mr. COCKRELL. I desire to say that I do not concur in the recommendations for relief in this case. However, I do not propose to enter any special objection to the passage of the bill. I think it is a very dangerous precedent, and I doubt whether Congress has any such power as is contemplated in the bill. I do not believe it is right that Congress should enter upon the discussion of such questions now, and attempt to mete out justice. I think it is a tribunal incapable of doing justice in such cases. It has been a long time since this case occurred before the officers. No doubt the beneficiary is a very clever and worthy gentleman, and there is an undesirable stain upon his record, but I do not believe that Congress is the proper tribunal to undertake to adjust such matters.

The bill was passed.

ORDER OF BUSINESS.

Mr. HOAR. I intended to call up at this time the civil-tenure bill, but as that is the unfinished business for 2 o'clock I have been requested by several Senators to allow other business to go on until that time.

The PRESIDENT *pro tempore*. The morning business being closed, the Calendar is now in order under the eighth rule. The first bill on the Calendar will be stated.

OBSTRUCTION OF NAVIGABLE WATERS.

The bill (S. 64) to prevent the obstruction of navigable waters and to protect public works against trespass or injury was announced as first in order upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be read at length, subject to objection.

The Chief Clerk read the bill.

Mr. BUTLER. Does that bill come up in regular order?

The PRESIDENT *pro tempore*. It comes up in regular order on the Calendar, subject to objection.

Mr. BUTLER. I object to its present consideration.

The PRESIDENT *pro tempore*. Objection being made to its present consideration, the bill goes over under the rule.

CINNABAR AND CLARK'S FORK RAILROAD COMPANY.

The bill (S. 980) granting the right of way to the Cinnabar and Clark's Fork Railroad Company was announced as next in order on the Calendar.

Mr. EDMUNDS. I object to that, Mr. President.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over under the rule.

GEORGE W. SAULPAW.

The bill (S. 474) for the relief of George W. Saulpaw was announced as next in order.

Mr. WILSON, of Iowa. I should like to have the report read.

The PRESIDENT *pro tempore*. The report will be read.

Mr. HOAR. The report was read in full when the bill was reached on the Calendar at the last session, but it may be read again.

Mr. WILSON, of Iowa. Is this the bill which the Senator from Illinois [Mr. LOGAN] opposed so vigorously at the last session?

Mr. HOAR. Yes, sir; it is the bill.

Mr. WILSON, of Iowa. Then, in his absence, I think I shall have to object to its consideration now.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

REAR-ADMIRAL CARTER.

The bill (S. 729) for the relief of Rear-Admiral Carter was announced as next in order and was read.

Mr. EDMUNDS. What does that mean, and is there a report? Let us have the report read.

The PRESIDENT *pro tempore*. The report was filed but yesterday, and has not yet come from the printer.

Mr. EDMUNDS. Then let the bill go over. It need not lose its place, so far as I am concerned.

Mr. WHITTHORNE. I was just going to ask that it retain its place.

The PRESIDENT *pro tempore*. The bill goes over without displacement.

Mr. McMILLAN. Does that apply to the cases that have gone over before?

The PRESIDENT *pro tempore*. It does not. The other cases have gone over to take their places under the ninth rule.

Mr. McMILLAN. Then why not have this take the same course? I do not see why there should be any distinction between them.

The PRESIDENT *pro tempore*. Does the Senator from Minnesota object?

Mr. McMILLAN. Oh, no.

CITIZENS' BANK OF LOUISIANA.

The bill (S. 709) for the relief of the Citizens' Bank of Louisiana was announced as next in order.

Mr. DOLPH. I object to that.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over under the rule.

THEOPHILUS FISK MILLS.

The bill (S. 2023) providing for the payment of $2,500 to Theophilus Fisk Mills for executing a model and design for an equestrian statue of the late General John A. Rawlins was announced as next in order.

Mr. VOORHEES. Let that go over for the present.

The PRESIDENT *pro tempore*. Under what rule?

Mr. VOORHEES. Just let it go over so that it does not lose its place. I wish to have a little time to examine some papers that I have.

The PRESIDENT *pro tempore*. If there be no objection, the bill will go over without displacement, retaining its place on the Calendar.

DISTRICT COMMISSIONERS.

The next business on the Calendar was a resolution submitted March 31, 1886, by Mr. VAN WYCK; which was read, as follows:

Resolved, That the commissioners of the District of Columbia inform the Senate whether either of the said commissioners is now stockholder or director or attorney of either of the street horse railways or national banks of the District of Columbia, or of the Washington Gaslight Company. Also, if not now, whether heretofore either of them has been stockholder, director, or attorney of either of said corporations, and if so, when he ceased to be such stockholder, director, or attorney as aforesaid.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. INGALLS. I do not suppose that the Senator from Nebraska desires seriously to press that matter at this time.

Mr. VAN WYCK. Let it go over.

The PRESIDENT *pro tempore*. The resolution goes over without prejudice.

B. B. CONNOR.

The bill (S. 1537) for the relief of B. B. Connor, of Louisville, Ky., was announced as next in order on the Calendar.

The PRESIDENT *pro tempore*. There being a minority report the Chair supposes that the bill goes over, as that is in the nature of an objection. The Chair will state that where a minority report has been made against a bill it has usually been regarded as in the nature of an objection. But the Chair will not make the objection.

Mr. BECK. I should like to have the bill remain on the Calendar if an objection is made now.

The PRESIDENT *pro tempore*. No objection has been made.

Mr. BECK. I beg pardon, I thought there was.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk read the bill.

Mr. ALLISON. Let the bill go over without prejudice.

The PRESIDENT *pro tempore*. It goes over without prejudice.

ARKANSAS HOT SPRINGS.

The bill (S. 2079) to provide for the control of the reservation of public lands and the distribution of hot water, Hot Springs, Ark., was announced as next in order on the Calendar.

Mr. VEST. Let that go over.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

ADMIRALTY SUITS AGAINST THE UNITED STATES.

The bill (S. 4) to permit the owners of certain vessels, and the owners or underwriters of cargoes laden thereon, to sue the United States, was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert the following:

That the owner or owners of any American ship or vessel engaged in or belonging to the United States merchant-marine service, and the owners or underwriters of the cargoes laden thereon, and the owners or underwriters of any property on board thereof, may, and they are hereby authorized and empowered to, sue the United States in any United States district court in which the parties so suing, or any of them, may reside, sitting as a court of admiralty and acting under the rules governing such courts, for any damage, loss, or injury to such ship or vessel, or her owner or owners, or to the owners or underwriters of any cargo laden thereon, or of any property on board thereof, arising from or attributable

to the mismanagement of any vessel owned by the United States, or to the negligence or want of skill of those in charge thereof, by collision; and the said district court is hereby authorized to enter a judgment or decree for the amount of such injury, loss, or damage, if any shall be found due, against the United States, in favor of such owners or underwriters, upon the same principles and measure of liability, with costs, as in like cases in the admiralty between private parties, and with the same rights of appeal that now exist by law in civil cases in which the United States are a party: *Provided, however*, That this act shall not extend to cases occurring prior to the passage thereof, nor in any case shall any such suit be brought more than six years after the collision shall have occurred.

SEC. 2. That the process or procedure by which such suits may or can be brought, and service on or notice to the United States or its officers shall be made or given, may be regulated by courts of admiralty by rules or orders made therein; and it shall be the duty of the Attorney-General of the United States to cause the United States attorney in each district to appear for and defend the United States in any such suit brought in his district.

Mr. MCMILLAN. This bill is reported favorably by a majority of the Judiciary Committee. It was before the Senate at the last session of Congress, and I think was partially considered and discussed at that time. I then stated my objections to the bill. It introduces a new principle entirely into the administration of the justice of this country. It makes the Government liable for the negligence of her officers in charge of vessels of the United States, both for negligence and for tort of every kind.

I am opposed to that principle. I do not believe that the Government of the United States, or any sovereign power, should be required to be responsible for the negligence of officers that are appointed under the general system of her laws. It has never been so. And why underwriters or why owners of cargoes should be permitted to have this right at this day I am unable to see. The Government has enough to be responsible for now. She exercises great care in the appointment of her officers, and to that extent she is responsible to her citizens for the proper discharge of her duties; but this is extending her responsibility far beyond that, and beyond anything that has ever been required of her heretofore.

I am opposed to the bill, and shall vote against it.

Mr. EVARTS. Mr. President, at the last session of Congress this bill was taken up, but under circumstances where a debate of more than five minutes could not be allowed to any member. Is that the condition now?

The PRESIDENT *pro tempore*. The same rule applies at the present moment. If the Senator desires, the bill may go over to the Calendar to the ninth rule, under which debate is not limited.

Mr. EVARTS. I do not wish to take long about the matter.

The PRESIDENT *pro tempore*. The five-minute rule is in force on this call of the Calendar.

Mr. EVARTS. The objection was then made to this bill by one of the honorable Senators from Missouri that this did not go far enough, he thinking that a recourse to the courts was a better resort for people having claims against this Government than that Congress should be burdened and entangled in the presentation of claims.

There are two diverse opinions, therefore, the first being that it is better that our citizens should have the courts open to them when they have what they consider rightful claims against the Government, and that the defeat and delay of their justice should not be accomplished, as it is from session to session, here. Now, this is a bill introduced in the straightest possible circumstances for the opening of courts. It applies solely to torts at sea, injuries that are committed between vessels that as between private owners are cognizable by the courts of admiralty, and are there to be determined.

We certainly do not wish to give any license to the management of United States vessels that they and their officers shall be wholly irresponsible; nor do we wish to say to the public that their property thus exposed is to be remedilessly lost because some general principle precludes them from an assertion of their rights. What, then, is the result? Hitherto, when such mischiefs have occurred, when such rights ought to be redressed, when the Government ought to listen to both in the sense of relieving the grievance and in the sense of curbing the administration of the management of vessels, it comes here, and the instances are in the records of Congress of applications here by claimants.

Now, every one will, I think, understand that if there is any subject which is to be rectified by a real investigation, and reaching the right and wrong of collisions at sea, a committee of this body, or a committee of the other House, is the least competent that may be imagined. Before an experienced and competent admiralty judge, where the witnesses testify from opposite vessels honestly, under the bias that belongs to them, perhaps not always truly, but honestly differ from the aspect presented to them in two moving bodies, nothing is more difficult in the administration of questions of fact than for an admiralty court to determine the right.

This is said to be an opening wedge. Well, some how or other justice should be done to the people of the United States that suffer wrong from this Government or its agents. If they need and should receive redress there should be some opportunity for them to have at least the facts examined and the truth known, and not to have that redress dependent upon the caprices, or the opportunities, or the obstructions of other business against such rightful presentation of claims.

I have therefore thought, and I believe that the great body of the Judiciary Committee were agreed, that this was a very proper thing by itself unless it did obstruct or oppose some necessary principle of protection against suits.

The PRESIDENT *pro tempore*. It is the duty of the Chair to remind the Senator from New York that his five minutes have expired.

Mr. EVARTS. I hope that now the Senate will pass this bill, which has been carefully guarded, I believe, in its phrases. I do not think any objection is made to the completeness of the guarantee.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Committee on the Judiciary.

Mr. MCMILLAN. Let it be read.

The PRESIDENT *pro tempore*. It has been read. Does the Senator desire it read again?

Mr. MCMILLAN. No, sir.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. GEORGE. Mr. President, this is a very important measure; it is a very revolutionary measure; it makes a very extraordinary change in the attitude of the Government of the United States in reference to the acts of its officers and agents.

As was well remarked by the Senator from Minnesota, hitherto no government, especially the Government of the United States, has ever felt itself bound to make reparation or give redress for the wrongful or the negligent acts of its officers and agents. If the principle of this bill is adopted (and I see no reason why if it apply to cases of vessels it should not be applied everywhere) we ought to guarantee all property that is transmitted by mail; we ought to be responsible for every trespass and every negligence of every marshal in the United States, and of every other officer of the United States. If the principle of this bill is adopted generally it will cost the Treasury of the United States not less than $50,000,000 per annum. It makes the United States the absolute guarantor in the case of the negligence of every single officer who may be appointed by it. It is true it only applies in terms to vessels of the United States, but no man can give a sound reason why the principle should stop there.

Why, sir, it goes further—and I desire to call the attention of the Senate to that—in making the United States responsible for the negligence or want of skill of its seamen, than is applied to private owners of vessels, because the private owner of a vessel is only liable to the extent of his interest in the vessel which does the damage, and can not be held liable beyond that. Here, sir, the vessel belonging to the United States may be of insignificant value and the damage done may be to one of the finest vessels that sails on the ocean, and the responsibility of the United States would not be limited, as in the case of private owners, to the value of its own vessel, but would extend to the value of the vessel destroyed.

I hope, sir, that this bill will not pass.

Mr. DOLPH. Mr. President, as has been stated by the Senator from Mississippi, the principle involved in this bill is far-reaching in its effects. Early in the present session I introduced a resolution, which was adopted by the Senate, directing the Judiciary Committee to inquire into and report as to how far the Government of the United States should be held responsible for the wrongful or negligent acts of its agents, and if they should determine that the Government ought to be held responsible for such acts to report a general bill upon the subject. I do not know whether that resolution has been considered by the committee; certainly no report has been made upon it, and we are still in the same situation that we were then and have been in for years. Thousands of bills for private relief are introduced and referred to the several committees; some are reported favorably, some adversely, and a few of those that are reported favorably are considered and passed, while the great mass of claims, many of them meritorious, are postponed from year to year and bills providing for their payment are presented year after year.

I should have been much better satisfied to vote upon this bill if the Judiciary Committee had also considered and reported upon the general question as to how far the Government should hold itself liable to persons who have been injured in person or property by the wrongful or negligent act of its agents. I can conceive of no distinction between torts at sea and torts upon land. I know of no reason for a law of Congress which authorizes the United States to be sued by persons who have been injured by the torts of its agents at sea and withholds that remedy from persons who have been injured by torts on land; and when you come to consider the general question of the liability of the Government, as was well said by the Senator from Mississippi, it will embrace every Department of the Government and the acts and omissions of every agent of the Government in every Department.

We have a bill pending now, which has gone over under the ninth rule upon my objection, to pay damages to a person who alleges that he was injured in an elevator in a public building in San Francisco. It would be just as reasonable for the Government to be required to pay damages in the case of a mail-wagon driven by an employé of the Government running into a pedestrian on the streets and injuring him as it would to allow the owners of a vessel or a cargo to sue the United States because the vessel or the cargo had been injured by a collision with a Government vessel on the high seas. As was said by the Sen-

ator from Mississippi, to extend this principle to its legitimate end would be to hold the Government liable for the transportation of the mails as an express company or a person engaged in the express business is liable.

I think it would be the part of wisdom to have the question first determined as to how far the Government ought to hold itself liable in any event for the acts of its agents, and that then there should be some general law upon the subject covering all such cases. If it is determined that the Government shall be liable, and shall respond in damages for the wrongful or negligent acts of its agents in all the Departments of the Government, then this is a proper bill. If not, it does not seem to me that it is. It is simply a matter of partiality to a class of citizens who are injured on the high seas while the same remedy is denied to those who are injured by torts on land.

No government can be made liable in damages for the acts of its agents except by its consent; no government can be sued except under some provision of law authorizing it. That principle applies to the Government of the United States. It applies also to the State governments. In England in such cases after suit is instituted application is made to the lords of admiralty for permission to prosecute, and leave must be first obtained before the suit can proceed.

Under the provisions of this bill, as I understand, any person injured on the high seas by collision with a Government vessel through the negligence or wrongful act of a Government employé or agent may bring and prosecute his suit in the courts of the United States. As has been said, it is an innovation, it is a radical change in the law. It is establishing a precedent which if followed to its legitimate conclusion will cost the Government many millions of dollars. It may be right, but before considering this bill I would much prefer that the general question should be determined as to whether or not the Government will hold itself liable for the wrongful and negligent acts of its agents in all cases, or if not in all in what cases, so that all should understand the magnitude of the question.

Mr. HOAR. I do not understand, Mr. President, that this bill introduces any innovation in the principle which has governed the United States since the inauguration of the Constitution. We have always recognized that it was the duty of the Government to see to it that there was not added to the perils of the sea (against which we undertake to guard our citizens and the whole maritime world in a thousand ways by light-houses, by improving harbors, by life-saving appliances) the danger of death or of the loss of property or of injury to person or property by reason of the negligent action of the Government itself; and that rule prevails in some method of application with all civilized nations. Whether they allow themselves to be holden for the torts of their servants on land, whether they admit a liability for failure of the duties of government to citizens or to strangers, they always admit an obligation to protect persons at sea against injury by reason of their act and from the mismanagement of their government vessels; and we have always on petition either referred the applicant setting forth a case of such grievance to a committee of this or the other House, and Congress has given relief itself, or of late years we have been accustomed to send such cases to the Court of Claims by special act. There have been several such statutes passed since I have been a member of this body, and there is no instance of a *prima facie* case of loss at sea by reason of the negligence of the officers or managers of a United States vessel where the remedy has been denied.

Now the Court of Claims is a very inconvenient tribunal. Its judges are not expected to be learned admiralty lawyers. It sits at Washington, distant very often from the residence of the owner of the vessel; distant very often from the transaction which is to be inquired into. Sailors can not be kept on shore as witnesses until the case can be reached in order in the Court of Claims. An admiralty court where the owner lives, in the port to which the vessel is taken, is always open; the proceedings are summary; they are conducted by magistrates learned in the law of admiralty. The object of this bill, therefore, is not to create a new obligation on the part of the Government; it is only to create a new and more convenient remedy.

Mr. MCMILLAN. Does the Senator pretend to say that the Government of the United States is now legally bound for negligence on the part of an officer?

Mr. HOAR. I do not. What I say is that the Congress of the United States always recognizes the obligation. Of course it is not a legal obligation in the sense of an existing remedy without new legislation; but, wherever the claim is made, the claim is investigated and the remedy is given either by sending the party to the Court of Claims or by a special act of Congress. The claimant never is turned away on the ground that we do not recognize that as an obligation.

This bill proposes simply to change the existing practice by giving the party the opportunity as of right to present himself in an admiralty court in the district where the owner resides.

Mr. MCMILLAN. And recognizes and establishes the principle that the court of admiralty is bound to hold the Government responsible.

Mr. HOAR. Certainly, just as Congress acts on the principle that it is bound to hold the Government responsible.

Mr. MCMILLAN. I have never known Congress to make any recognition of that principle.

Mr. HOAR. The Senator was chairman of the Committee on Claims, and he must have reported such bills himself.

Mr. MCMILLAN. I remember but one case, of a vessel which was injured by collision at sea or in any of the harbors, and that was the case of a vessel owned by a former member of this body. The bill, I think, was reported adversely once or twice. I think at the last session the case was perhaps referred to the Court of Claims.

Mr. HOAR. When the Senator himself was a member of the Committee on Claims he reported in favor of sending to that court the owner of a vessel which was injured by a collision on the Potomac River by a Government vessel.

Mr. MCMILLAN. That was the case to which I referred.

The PRESIDENT *pro tempore*. The time of the Senator from Massachusetts is out.

Mr. HOAR. I should like to say one or two words more if there be no objection, as my time was chiefly occupied by the Senator from Minnesota.

The PRESIDENT *pro tempore*. The Senator will proceed, unless objection be made.

Mr. HOAR. I wish to say, as one member of the Judiciary Committee, that I am prepared to state the principle which I think should govern the United States in recognizing by sea or by land—although the case of liability for collision at sea is much stronger in principle and stands on its own reason—its obligation for the acts of its agent. Wherever the Government is engaged in a business, such as the manufacture of arms at Springfield, or in carrying the mails through the streets, and the driver of a mail-wagon runs into another, I do not see any reason why the citizen should be exposed to loss by the negligence or carelessness of our agents without compensation, any more than in the like case of private citizens; but where the Government is exercising the functions of government, as for instance in the carriage of the mails for a person who deposits his mail-matter to be carried, or where judges or jurors or marshals or legislators err, the people can not be held responsible; the people act in these things by imperfect instrumentalities, and all that the citizen has a right to expect is that he shall have from the Government itself the best service of such instrumentalities as the people provide. There is a broad distinction between compensating citizens for the errors of courts or jurors, or injuries done by officers of the Government in exercising its functions and the injuries sustained from instrumentalities which the Government, as a business agency, is exercising. One we should deny, and the other, I think, we should admit.

Mr. CONGER. Mr. President, whether the principle of this bill be correct, and should be extended to all cases where the Government might consider itself liable, I do not discuss now; but there is no limitation in the bill or by any of its provisions against the bringing of innumerable suits under it against the United States. The bill provides:

> That the owner or owners of any American ship or vessel engaged in or belonging to the United States merchant-marine service, and the owners or underwriters of the cargoes laden thereon, and the owners or underwriters of any property on board thereof, may, and they are hereby authorized and empowered to sue the United States in any United States district court in which the party so suing, or any of them, may reside.

I call the attention of the Senator from Massachusetts to that point. I say under the provisions of this bill there is authority for persons having any claim under the bill against the United States to commence suit in any district where they, or any of them, reside. It extends to the owners of all goods, underwriters, and vessel-owners. There is no limitation to the number of suits. If they were all brought in one court they might be consolidated under the admiralty practice; but a vessel upon the lakes between Buffalo and Chicago may have cargoes belonging to a hundred or a thousand people from San Francisco to Portland, and if they have a cause of action they may bring suits throughout the whole length and breadth of the United States in any district where they reside, whether the damages be great or small. It seems to me that a new provision of law changing the usual current of judicial proceedings against the United States should make provision for a suit, if at all, in which all parties interested should join, and not give the right to sue in any and in all districts of the United States where any of these parties may reside.

I am a little uncertain whether this bill in fact confines the damages recovered to the actual damage sustained by collision. It would look as if the different paragraphs might indicate that suits might be brought for mismanagement and damage caused otherwise than by collision.

Mr. HOAR. I understand it was intended to be confined to damage "arising from or attributable to the mismanagement of any vessel owned by the United States, or to the negligence or want of skill of those in charge thereof, by collision."

Mr. CONGER. I suppose that was probably meant, though it is not clear from the language. Now, under our law and under the regulations of the Treasury Department, revenue-cutters are required to delay vessels, to overhaul them, to examine their papers. They are required also to go to assist vessels in storms, to tug them, to get them into harbor. I venture to say that, under the provisions of this bill, if a revenue-cutter went out in a storm to assist a vessel into port, and in the course of the tempest had a collision with the vessel she was going

to assist, and injured it, or injured its cargo even in the effort to save it, the owner of the cargo and the owner of the vessel could bring a suit under this bill against the United States to recover damages. I do not say they could succeed, but they could commence suit. They could harass the officers of the Government.

I do not think the bill is sufficiently guarded. I think there should be a provision that but one suit should be commenced on account of one collision.

The PRESIDENT *pro tempore*. The time of the Senator from Michigan has expired.

Mr. CONGER. I did not propose to occupy further time than was necessary to ask these questions. The Senator from New York was not in when I spoke of the number of suits that might be brought. I said they might be brought by the owner of the vessel or by any owner of the cargo, and there was a possibility of a suit being brought in every district of the United States.

Mr. EVARTS. It stands on the same footing with private claimants, and the admiralty courts then combine all such suitors and make one litigation.

Mr. DOLPH. I would like to inquire if an amendment to the amendment of the committee is now in order?

The PRESIDENT *pro tempore*. The amendment of the committee has been agreed to. It would be in order only to amend by adding additional clauses.

Mr. DOLPH. It would not be in order to amend by striking out certain words?

The PRESIDENT *pro tempore*. It would not. The amendment has been agreed to in Committee of the Whole and in the Senate.

Mr. DOLPH. I ask permission to submit a few additional remarks in regard to the bill.

The PRESIDENT *pro tempore*. The Senator from Oregon asks leave of the Senate to speak twice upon this bill. Is there objection? The Chair hears none.

Mr. DOLPH. In the remarks which I submitted upon the bill I did not intend to be understood as opposing the measure. I have already made a report, Report No. 242, Forty-ninth Congress, first session, on a resolution which passed the Senate, authorizing certain parties to sue the Government in the Court of Claims in a similar case. What I desired to do was to call the attention of the Senate again to the necessity for some general legislation on this subject of claims against the Government for the wrongful or negligent acts of its agents.

The amendment I proposed to make was to strike out in lines 25 and 26 of section 1 the words "cases occurring prior to the passage hereof, nor in any." I see no reasons why the committees of Congress should be left to struggle with claims which have already accrued against the Government, and this act be made applicable only to claims that hereafter arise. If the principle is good it ought to be extended to all existing claims of this kind.

Mr. EVARTS. Allow me to say that it was thought by the committee that it was prudent that the new legislation should operate upon after-occurring acts, not on past acts. We are not aware of any important case heretofore occurring which is not provided for; but, as a general principle, legislating without evidence before us as to past occurrences our purpose was to make our accessibility for recourse in the courts apply to circumstances arising afterwards.

Mr. DOLPH. To throw possibly some additional light on the subject, at least to let the matter appear in the RECORD, I propose to refer to a case or two decided by the Supreme Court of the United States. The Supreme Court has decided that a liability in cases covered by this bill already exists on the part of the Government. The only trouble is that the Government has not allowed suit to be brought in such cases, but they have gone so far as to hold that where the court had acquired jurisdiction, as in the case of a prize vessel which had been ordered sold and the proceeds were in the registry of the court, a party intervening for damages on account of a collision between the prize vessel while being navigated to the port where it was libeled and condemned and another vessel, might prefer his claim and the court would entertain jurisdiction to have the claim paid out of the proceeds of the condemned vessel, the court having jurisdiction, that that might be done without special authority of law. In the case of the Siren, 7 Wallace, 152, it was held:

> A claim for damages exists against a vessel of the United States guilty of maritime tort as much as if the offending vessel belonged to a private citizen, and although for reasons of public policy, the claim can not be enforced by direct proceedings against the vessel, yet it will be enforced by the courts whenever the property itself upon which the claim exists becomes, through the affirmative action of the United States, subject to their jurisdiction and control.

In that case Mr. Justice Field, in speaking for the court, said:

> It is a familiar doctrine of the law that the sovereign can not be sued in his own court without his consent. The doctrine rests upon reasons of public policy, the inconvenience and danger which would follow from any different rule.

Then, also, in the case of the Siren the practice of England is stated, to which I referred before:

> In England when the damage is inflicted by a vessel belonging to the Crown it was formerly held that the remedy must be sought against the officer in command of the offending ship—

That is to say, the government repudiated any liability for the injury—

> but the present practice is to file a libel *in rem*.

As I understand, the present bill only authorizes a suit *in personam* against the Government of the United States, the ordinary suit in damages; and therefore the inconvenience which would follow from libeling a Government vessel while in Government service would not follow a suit under the provisions of the present bill. But, to read again:

> But the present practice is to file a libel *in rem*, upon which the court directs the register to write to the lords of admiralty requesting an appearance on behalf of the Crown, which is generally given, when the subsequent proceedings to the decree are conducted as in other cases.

I shall vote for the bill, but I should have been much better pleased to vote for a general bill to cover the whole ground. I am not prepared myself to say that I would be willing to go as far as I understood the Senator from Massachusetts to go, and to vote for an act which would allow persons to sue the Government in the courts of the United States for every injury occasioned by every wrongful or negligent act of any of the Government agents; but where the line is to be drawn is a very delicate and important question, and it is one that ought to receive the immediate attention of the Judiciary Committee and of Congress, because all such claims are now presented to Congress and the time of the committees and a large portion of the time of Congress is occupied by bills for private relief in cases where parties ought to be remitted to the courts.

The PRESIDENT *pro tempore*. The question is, shall the bill be engrossed for a third reading?

Mr. GEORGE. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MAXEY (when Mr. COKE'S name was called). My colleague [Mr. COKE] is absent on account of sickness. He is paired generally with the Senator from Kansas [Mr. PLUMB].

Mr. JONES, of Arkansas (when his name was called). I am paired generally with the Senator from Indiana [Mr. HARRISON]. I do not see him present, and therefore do not vote.

The roll-call was concluded.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present I should vote "yea."

Mr. FRYE. My colleague [Mr. HALE] is paired with the senior Senator from Kentucky [Mr. BECK].

The result was announced—yeas 34, nays 17; as follows:

YEAS—34.

Aldrich,	Eustis,	McPherson,	Spooner,
Blair,	Evarts,	Miller,	Stanford,
Cameron,	Frye,	Mitchell of Oreg.,	Van Wyck,
Chace,	Gibson,	Mitchell of Pa.,	Vest,
Cheney,	Gray,	Morrill,	Voorhees,
Conger,	Hawley,	Payne,	Williams,
Cullom,	Hoar,	Saulsbury,	Wilson of Iowa.
Dolph,	Ingalls,	Sawyer,	
Edmunds,	Kenna,	Sewell,	

NAYS—17.

Berry,	Hampton,	Plumb,	Vance,
Cockrell,	Harris,	Pugh,	Walthall.
Colquitt,	McMillan,	Ransom,	
George,	Maxey,	Sabin,	
Gorman,	Platt,	Sherman,	

ABSENT—25.

Allison,	Camden,	Jones of Florida,	Riddleberger,
Beck,	Coke,	Jones of Nevada,	Teller,
Blackburn,	Dawes,	Logan,	Whitthorne,
Bowen,	Fair,	Mahone,	Wilson of Md.
Brown,	Hale,	Manderson,	
Butler,	Harrison,	Morgan,	
Call,	Jones of Arkansas,	Palmer,	

So the bill was ordered to be engrossed for a third reading.

The bill was read the third time, and passed.

OPEN SESSIONS.

The next business on the Calendar was the following resolution, submitted by Mr. RIDDLEBERGER April 12, 1886:

> *Resolved*, That all matters other than those relating to treaties shall be considered and acted upon by the Senate in open session.

Mr. WILSON, of Iowa. I suggest that, in the absence of the Senator from Virginia who offered that resolution, it go over without losing its place on the Calendar.

The PRESIDENT *pro tempore*. If there be no objection that order will be made.

MARINE HOSPITAL SERVICE.

The next business on the Calendar was the bill (S. 780) to regulate appointments in the Marine Hospital Service of the United States.

Mr. GORMAN and Mr. COCKRELL. Let that go over.

Mr. McMILLAN. Let it go over without prejudice.

The PRESIDENT *pro tempore*. If there be no objection the bill will go over without prejudice.

ADJUSTMENT OF STATE CLAIMS.

The next bill on the Calendar was the bill (S. 309) to settle and ad-

just the claims of any State for expenses incurred by it in defense of the United States.

The bill was reported from the Committee on Claims with amendments.

Mr. MCMILLAN. I should like to hear some explanation of that bill. As the Senator who reported it is not in, let it go over without prejudice.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

JOSEPH FRANCIS.

The next business on the Calendar was the joint resolution (H. Res. 125) in recognition of the services of Joseph Francis.

Mr. MCMILLAN. Let that go over.

The PRESIDENT *pro tempore*. It will go over, objection being made.

Mr. EVARTS. Without prejudice?

Mr. EDMUNDS. We can not consider it under the five-minute rule.

Mr. EVARTS. May I ask where it will go if it is now passed over?

The PRESIDENT *pro tempore*. It will go to the Calendar under the ninth rule, subject to a motion to take it up at any time in the morning hour.

Mr. EVARTS. And with opportunity for debate?

The PRESIDENT *pro tempore*. Then it will be without limitation of debate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 1526) amending sections 4756 and 4757 of the Revised Statutes relating to pensions to certain disabled persons who have served in the Navy or Marine Corps; and

A bill (S. 830) for the retirement of certain officers of the Navy of the United States.

The message also announced that the House insisted upon its amendments to the bill (S. 263) providing for the erection of a public building at Springfield, Mass., disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILKINS, Mr. WORTHINGTON, and Mr. ROCKWELL the managers of the conference on the part of the House.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7507) for the relief of James M. Hagar;

A bill (H. R. 4981) to provide for the settlement of an account with the Vicksburg and Meridian Railroad Company for internal revenue tax, and to refund the amount of said tax erroneously assessed and collected;

A bill (H. R. 356) granting a pension to Lucinda Barrett;

A bill (H. R. 5477) to restore to John W. Mears a fine improperly imposed on him; and

A bill (H. R. 9859) to amend sections 2533 and 2534 of the Revised Statutes and making Hartford, in the State of Connecticut, a port of entry, in place of Middletown.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 118) relative to certain papers in the State Department by error; and it was thereupon signed by the President *pro tempore*.

BARBARA FUCHS.

The bill (H. R. 6489) granting a pension to Mrs. Barbara Fuchs was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Barbara Fuchs, stepmother of John Fuchs, late of Company H, Sixth Regiment of Wisconsin Infantry Volunteers.

Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report submitted by Mr. SAWYER, May 11, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 6489) granting a pension to Mrs. Barbara Fuchs, have carefully examined the same, and adopt the report of the House of Representatives, and report in favor of the passage of the bill.

The claimant filed her application for a pension as the dependent stepmother of John Fuchs, late private of Company H, Sixth Regiment Wisconsin Infantry Volunteers, and who was killed in action June 19, 1864, at Petersburg, Va. Soldier was never married. Claim was rejected on the ground that there is no title in claimant, she not being the natural mother of soldier.

M. Feelder and Jacob Blum testify that they knew claimant as the stepmother of soldier; that soldier at the time of his father's (Sebastian Fuchs) marriage with said claimant was a child of about three years of age.

John G. Steiger and Phillip Eder testify that claimant's husband, at soldier's death, was feeble and unable to support her.

Michael Feelder and Jacob Blum further testify that claimant has not remarried since the death of soldier's father, April 5, 1867. He was a laboring man, sickly and unable to support his family. He used to mend shoes, and had no income from his real estate. Since his death claimant has supported herself by selling the real estate she owned. They owned some real estate in Fountain City, Wis., worth about $2,000, and she has sold the most of it to support herself. Soldier worked for his parents prior to his enlistment, and gave all his earnings to them, and did this for three years before his enlistment.

In soldier's letter to parents, bearing date February, 1864, at Camp Washburn, he sends for their support $60 out of his bounty of $75; he also sent them his certificate of muster, to enable them to draw the bounty given by the town, with instructions to use it for their support.

The applicant at the death of her husband (soldier's father) was left with four girls to support, the oldest being seventeen and the youngest two and one-half years of age. The soldier's letter written but a few months before his death, and his sending a large portion of his earnings to the support of his parents, strengthened with other testimony showing that prior to and at the time of his enlistment he felt it his duty to contribute to the support of his father's family, evidence the fact that had he lived he would have cared for her who cared for him in his infancy in her now poor and helpless condition.

Your committee therefore recommend the passage of the bill.

Mr. EDMUNDS. All right.

Mr. COCKRELL. This bill establishes a dangerous precedent. I think there is no justice or equity in it. The claimant in this case has two thousand dollars' worth of real estate, as shown by the report. There are a great many tax-payers in the United States who have not that amount of property. I object to the bill. Let it go over under the other rule.

The PRESIDENT *pro tempore*. The bill will be passed over.

Mr. CAMERON. I move that the Senate proceed with the consideration of the bill notwithstanding the objection.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves that the Senate proceed with the consideration of this bill notwithstanding the objection.

Mr. COCKRELL. Can that be done in the morning hour?

Mr. CAMERON. It can be done by a vote of the Senate.

Mr. EDMUNDS. That is the regular motion.

The PRESIDENT *pro tempore*. The motion is perfectly in order. The question is on the motion of the Senator from Pennsylvania that the Senate proceed to the consideration of this bill notwithstanding the objection.

The motion was agreed to, and the consideration of the bill was resumed as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. COCKRELL. I simply desire to record my vote against the principle of the bill, and the injustice and inequality and wrong perpetrated by such special legislation.

The PRESIDENT *pro tempore*. The bill has passed.

Mr. EDMUNDS. I think I shall ask for the yeas and nays on the passage of the bill. The Senator from Missouri has stated his objection; I think it is right that we should all be recorded on that report, and I ask for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from Vermont asks for the yeas and nays on the passage of the bill.

Mr. COCKRELL. Is not the question decided? The Chair distinctly stated that that bill was passed.

The PRESIDENT *pro tempore*. The Chair did decide that the bill had passed.

Mr. COCKRELL. Then it is now too late to call for the yeas and nays.

Mr. EDMUNDS. Then I move to reconsider the vote by which the bill was passed; and on that motion I call for the yeas and nays.

The PRESIDENT *pro tempore*. That motion is in order. The Senator from Vermont moves that the Senate reconsider the vote by which the bill was passed.

Mr. EDMUNDS. Now, Mr. President, I have a word to say. It appears to me from this report that this is a clear case of justice, and that probably the only ground on which the Pension Office refused this woman a pension was the fact that this boy was her step-son, and not her natural son, although he had been taken by her in his infancy and had been the child of the family.

As objection is made to the passage of the bill, and there being no dispute that this report states the case as it is, I want to take the judgment of the Senate by yeas and nays on the question whether they will grant relief in this case or not. I of course shall vote against the motion to reconsider, but under the decision of the Chair it is the only way we have of voting in favor of this claim.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate reconsider the vote by which *this bill* was passed, and on that question calls for the yeas and nays.

The yeas and nays were ordered.

Mr. KENNA. Before the question is put I should like to call the attention of the Senate to the fact that, as I understood the situation—I may be wrong—the bill was passed without the yeas and nays being called for.

Mr. EDMUNDS. It passed under the protest of the Senator from Missouri.

Mr. KENNA. I am not speaking of the protest, but I did not understand the Chair to have announced a single negative vote, and if this performance is simply——

The PRESIDENT *pro tempore*. The Chair declared the bill passed in the ordinary way, without announcing the vote, there being no yeas and nays. The bill was passed.

Mr. KENNA. I think, as a matter of fact, there was not any negative vote.

Mr. EDMUNDS. Oh, yes; several.

Mr. KENNA. The Senator from Missouri may have voted "no," but I understood the Senator to recognize the fact that the bill was

passed, and he did not rise till it had passed, the difference being that we voted unanimously without a yea-and-nay vote, and then to get a yea-and-nay vote a reconsideration is moved. I suppose the question of reconsideration becomes one of great magnitude and importance.

The PRESIDENT *pro tempore*. The Secretary will call the roll.

Mr. BLAIR. Before the roll is called I would say, in reply to the suggestion of the Senator from Missouri, that the Senate has passed many bills involving precisely the same principle, and I never before heard of opposition to one of those bills.

Mr. COCKRELL. I say that precious few bills of this kind have ever been passed by the Senate. This is going beyond the provisions and authority of the general law, to extend dependence to a step-mother or step-father. This is an extension of it to that class.

Mr. BLAIR. It is very true that is not the general law. If it were the general law there would be no bill of this kind before the Senate. While I can not now particularize, I remember several cases, I think half a dozen, since I have been connected with the Committee on Pensions—and the Senator from Connecticut [Mr. PLATT] says more than that, and he is right—in which the same principle was adopted and ratified by the Senate in the enactment of special laws. I never knew of such a case brought before the Senate and referred to the committee, and examined by the committee, whereon the report was not favorable, and whereon the action of the Senate and of the other House was not favorable. I never knew of such a bill being defeated on the ground that it afforded relief to a step-father or step-mother, when it was shown that the step-father or step-mother discharged substantially the duties and the obligations of the natural parent.

Mr. COCKRELL. Mr. President, this is establishing a new principle of granting pensions—a new class of cases—pensions to step-fathers and step-mothers. Now, I should like to see some such cases which have been passed.

The law authorizing the granting of pensions to fathers and mothers is based on the relation of dependence—that the child is obligated to support and maintain the parent; and when the parents are dependent upon such child, or upon his earnings or wages, and that child dies in the service, or is killed in the line of duty, and the parent is deprived of the benefit and advantages of his services, then the law grants a pension. The evidence here shows clearly that this claimant was the step-mother. Now, as to the relation of dependence, what is the evidence here? The evidence, as recited in this report, shows that this soldier remitted to his parents, his father then living, portions of his wages, portions of his bounty. He was killed in action in 1864, and his father died in 1867—on the fifth of April, 1867. When the application for pension was made, if made at all, to the Pension Office, is not disclosed. It is not disclosed that any application was made to the Pension Office distinctly; at least the date of it is not given. The report says:

> Soldier was never married. Claim was rejected on the ground that there is no title in claimant, she not being the natural mother of soldier.

Now, I say the dependence contemplated by the pension laws and regulations can not exist, as the step-mother is the owner of $2,000 worth of real estate. That is not the dependence the law contemplates. She doubtless had personal property, and had other property besides this. What do the committee say about her property?

> They owned some real estate in Fountain City, Wis., worth about $2,000, and she has sold the most of it to support herself.

And further:

> Since his death claimant has supported herself by selling the real estate she owned.

She owns over $2,000 worth of real estate. What is the helplessness of this family? Is there any charge here that this step-mother is unable to work? Is there any charge here that her children, four girls, one of whom was at that time seventeen years of age, were unable to work; that any of them were helpless; that any of them were crippled, decrepit, unable to earn a living, unable to earn a support, with $2,000 of property to go on, with good health and good physical condition? There are thousands and hundreds of thousands of widows and orphans of soldiers who lost their lives that to-day are not in the condition of this alleged dependent step-mother. I am opposed to the bill.

The PRESIDENT *pro tempore*. The Secretary will call the roll.

Mr. EDMUNDS. I want to make a little speech, even if I have to move to go on with this bill after 2 o'clock.

We have now got two questions. The first is whether it is right to give a pension to a dependent step-mother of a soldier who came into her family, or she came into his, when he was a mere infant, and who stood as a mother to him in all the early years of his life. That the Senate has settled, and Congress has settled, and the President has settled over and over again; and as this report says (and we must take it to be true, and there is no suggestion that it is not correct) the sole ground on which the Pension Office rejected this claim—and it was a legal ground, and the Pension Office could not help it—was that the law did not provide for mothers who stood *in loco parentis* by law by the fact of having married the father of this child instead of being the natural and actual mother of this soldier boy. The Pension Office was bound to reject it; it could not help it, and that, as the report says, was the only reason why it did reject it.

Mr. COCKRELL. I beg pardon. It does not say that is the only reason.

Mr. EDMUNDS. It says it was rejected on that ground.

Mr. COCKRELL. It says it was "rejected on the ground that there is no title in claimant."

Mr. EDMUNDS. Exactly. That is it.

Mr. COCKRELL. It does not say it was the only ground.

Mr. EDMUNDS. But I should suppose it would be a fair construction of the report which says the Pension Office rejected the claim on a ground which was stated, that that was the only ground on which the Pension Office acted. Now that being gotten over and we being willing to put the step-mother on the footing of the natural mother when she has acted in every respect as a natural mother from the infancy of this child, the question then is whether there was a state of dependence within the spirit and meaning of the statute. Now the statutes say, if I recollect them correctly——

The PRESIDENT *pro tempore*. The Senator from Vermont will pause. It is the duty of the Chair, the hour of 2 o'clock having arrived, to announce the unfinished business of yesterday, being the bill (S. 512) to repeal certain sections of the Revised Statutes of the United States relating to the appointment of civil officers.

Mr. EDMUNDS. I ask unanimous consent that that be laid aside informally for a few minutes, till we finish this bill.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent of the Senate that the unfinished business be laid aside informally with a view to finishing the pending pension bill. If there be no objection that will be considered the order of the Senate.

Mr. EDMUNDS. I will only trespass on the patience of the Senate for two minutes, on the subject of dependence.

The statutes of the United States, if I remember them correctly, on the subject of pensions to dependent parents, treating this old lady as a dependent parent, are, that if the parent were dependent upon the soldier in whole or in part—I think that is the language, and I am right—then the party is entitled to a pension. Now what do we find? We find that this family, the father and the mother, with another family growing up of three or four or five or six children, were in possession of a piece of real estate in a village that could be appraised at $2,000. There would be the cottage and the little garden of an eighth or a quarter of an acre. But where is the bread to come from, the father feeble and sickly, as is stated. The boy that this mother had brought up had gone to the war, and he knew and felt that the family could not get on, and so he sent back his wages as a soldier, and his bounty and so on, to keep his father and mother, and his half-brothers and half-sisters from starvation.

If that is not a case of dependence in part, although they had a piece of ground and a roof over their heads that was worth $2,000, then I do not know what is.

Mr. PLATT. Mr. President, I simply desire to say a single word. The Senator from Missouri said that he would like to see some of the bills that had been passed of a similar character to this. When he said that, I took the laws of the last session of Congress, and although I have not had time to examine them all, I think I am safe in saying that some six or seven acts that passed at the last session of Congress which received the approval of the President were for the benefit of dependent step-fathers and dependent step-mothers. I do not include now some bills that were allowed to become laws because the President said he had not time to examine them carefully. But I think a careful examination—I have not had time to go through with it all—will show that at least six bills of this character were passed at the last session of Congress which did meet the approval of the President.

Since I have been in the Senate, having been some portion of that time upon the Pensions Committee, I am able to say that I have never heard an objection made in the Senate before to the pensioning of a dependent step-father or step-mother when the case showed that a pension would be granted under similar circumstances to a real father or mother. I have not examined the facts in this case, and therefore do not speak with reference to it.

Mr. COCKRELL. I admit that there may have been cases—I recollect one or two under extraordinary circumstances—where the step-father or step-mother may have been granted a special pension, but it was because of utter dependence and helplessness and inability to do anything at all. I say the relation of dependence does not exist here. With this widow with four stout, hearty children, and herself able-bodied and stout and young comparatively, so far as the record goes, and two thousand dollars' worth of property, I say that the relation of dependence does not exist.

The PRESIDENT *pro tempore*. The Secretary will call the roll on agreeing to the motion to reconsider the vote on the passage of the bill.

The Secretary proceeded to call the roll.

Mr. BECK (when Mr. HALE'S name was called). I am paired with the Senator from Maine [Mr. HALE], who is necessarily absent from the Senate Chamber.

The roll-call having been concluded, the result was announced—yeas 8, nays 36; as follows:

YEAS—8.

Berry,	Harris,	Payne,	Vance,
Cockrell,	Maxey,	Pugh,	Vest.

NAYS—36.

Allison,	Dawes,	Kenna,	Sawyer,
Blair,	Dolph,	McMillan,	Sewell,
Bowen,	Edmunds,	McPherson,	Sherman,
Butler,	Evarts,	Mitchell of Oreg.,	Spooner,
Camden,	Frye,	Mitchell of Pa.,	Stanford,
Cameron,	Hampton,	Morrill,	Van Wyck,
Cheney,	Hawley,	Platt,	Whitthorne,
Conger,	Hoar,	Plumb,	Williams,
Cullom,	Ingalls,	Sabin,	Wilson of Iowa.

ABSENT—32.

Aldrich,	Eustis,	Jones of Arkansas,	Palmer,
Beck,	Fair,	Jones of Florida,	Ransom,
Blackburn,	George,	Jones of Nevada,	Riddleberger,
Brown,	Gibson,	Logan,	Saulsbury,
Call,	Gorman,	Mahone,	Teller,
Chace,	Gray,	Manderson,	Voorhees,
Coke,	Hale,	Miller,	Walthall.
Colquitt,	Harrison,	Morgan,	Wilson of Md.

So the motion to reconsider was not agreed to.

The PRESIDENT *pro tempore*. The Senate having refused to reconsider, the bill stands passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 10239) making an appropriation to supply a deficiency in the appropriation for public printing and binding for the fiscal year ending June 30, 1887, and for other purposes; in which it requested the concurrence of the Senate.

RAILROAD ATTORNEYS.

Mr. EDMUNDS. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order will be stated.

The CHIEF CLERK. "A bill (S. 512) to repeal certain sections of the Revised Statutes relating to the appointment of civil officers."

Mr. BECK. I thought the business at 2 o'clock to be proceeded with was the bill which was argued in part yesterday in regard to members of Congress acting as attorneys for railroads.

The PRESIDENT *pro tempore*. Pending that bill yesterday the Senator from Massachusetts [Mr. HOAR] moved that the unfinished business for to-day be laid before the Senate, which was done in due order upon motion. Perhaps the attention of the Senator from Kentucky was not called to the matter.

Mr. HOAR. The Senator from Kentucky has probably forgotten that this bill was in order yesterday, and that I gave way to his bill with the understanding that this should not lose its right to-day.

Mr. BECK. I was not aware of that. Will the Senator from Massachusetts allow me now, before he goes on with his bill, to make a remark or two somewhat personal to myself in regard to the bill which was under discussion yesterday? It will take only a moment.

Mr. HOAR. I yield for that purpose.

Mr. BECK. Mr. President, I find on looking over the RECORD this morning that yesterday, in discussing the bill relative to attorneys for railroads, not knowing really when I rose that I should speak five minutes, in a somewhat blunt way, as I am rather too apt to do, I used expressions which Senators on the Judiciary Committee and some of their friends may think I meant as being personal when I spoke of "bad faith." That is a harsh phrase, and I desire to assure the Senate and Senators that I did not mean to apply any remark of that sort as personal to any Senator. What I was seeking to do was to show that those Senators did not propose to vote for the measure they themselves had presented; and if there was anything in my language which would induce any Senator to believe that I thought he had personally done anything unbecoming in a Senator or a gentleman, I desire to apologize and retract it.

My friend from Alabama [Mr. PUGH] at the time, as I remember and as I see by the RECORD now, put the question to me whether I meant anything personal to him. I answered in the hurry of debate, and without knowing precisely what I was saying, or perhaps the exact effect of my language. I desire now to assure him, especially, that I could not, by any possibility, be brought to the point of saying anything that I thought would be offensive to him. I would just as soon offend any member of my own family. And so with any other Senator. I do not conduct debates, if I know it, upon personal grounds. However, I see that language was used by me which might, perhaps, be construed that way, and if so, I desire to retract it.

Mr. PUGH. Mr. President, I simply desire to say that my relations with the Senator from Kentucky have always been of the most intimate and friendly character. I have always admired him for his ability and learning and for his great usefulness to the country, and I have felt and have said that it would be a great loss to the country for him to be lost to the Senate.

I did construe his language used on yesterday as personally offensive. It was difficult for me to believe that he so intended it; and when I explained to him my action upon the bill as a member of the Judiciary Committee I thought he would then say what he has now said. What he now says is entirely satisfactory to me and gratifying to me, and by it I am relieved from a necessity which would have been very painful of giving further attention to the remarks which I considered offensive.

SETTLERS AND PURCHASERS OF LANDS IN NEBRASKA AND KANSAS.

The PRESIDING OFFICER (Mr. MANDERSON in the chair). The unfinished business, being the civil-tenure bill, is before the Senate as in Committee of the Whole, and the Senator from Vermont [Mr. EDMUNDS] is entitled to the floor.

Mr. VAN WYCK. I ask the indulgence of the Senator from Vermont for a moment.

Mr. EDMUNDS. I yield, Mr. President.

Mr. VAN WYCK. I ask that I may be allowed a moment to have a bill which was made the special order for Tuesday last made a special order for some day early in January. In doing that I desire to say that the bill, which is one for the relief of settlers and purchasers of lands in Nebraska and Kansas adjoining the Denver and Saint Jo Railroad, was made a special order for Tuesday last, but could not be reached, as the unfinished business, the tenure-of-office repeal bill, had precedence. Doubting whether it can be reached this week, I ask to have it made the special order for the second Tuesday of January next at 2 o'clock. In doing so, it is due to myself to make a simple statement.

The land contemplated by this bill was entered by homestead and pre-emption and payment in cash about sixteen years ago. Soon thereafter the railroad company claimed it; but the Secretary of the Interior decided adversely. Patents were duly issued, and for ten years or more no question or doubt was raised as to legality of title.

The road became insolvent; sold all its assets, good and bad. This old claim was sold, revived, and finally received the sanction of the United States Supreme Court.

Upon this land taxes have been paid nearly fifteen years. Much of it has been cultivated into productive and valuable farms. Upon some of it children have been born and buried.

The marshal, by order of the court, was directed to dispossess such occupants and owners, when, to save their homes and possessions, they accepted the terms of the claimant, which were liberal from one whose title had been adjudged good by the highest court in the nation, and paid $3.50 per acre to make good the Government patent.

The only remedy then was to ask the Government to return the money paid to protect its own title. In the Forty-seventh Congress a bill was introduced by myself, reported from the Public Lands Committee, and after discussion passed the Senate, but failed in the House. The same bill, after discussion, again passed the Senate of the Forty-eighth Congress, but failed in the House.

The same bill again passed the first session of this Congress. And a bill substantially the same, with an additional section, reported by the Claims Committee of the House, could only be considered in that body by the friends of the bill agreeing in advance to an amendment granting $3.50 per acre to actual settlers, meaning homestead settlers, but to all who had paid the Government cash, only $1.25 per acre.

The Nebraska delegation, upon conference, deemed it best to accept the amendment rather than have no action on the bill, trusting to disagreement on the part of the Senate, and then by a conference committtee reconciling, if possible, the difference. And so the amended bill passed the House. Then it came to the Senate, and the Public Lands Committee reported to strike out the amended House bill and insert the Senate bill already passed, which is now on the Calendar.

It was a fact, understood in Congress and out, that I was an owner of a portion of these lands; and, through malicious falsehoods, some papers in Nebraska circulated that the settlers could be paid, except that I insisted that my title should be protected the same as all others.

I concluded summarily to dispose of that falsehood by stating to the Representative in Congress from the district where this land is located that I would end the contest by recommending the Senate to accept the House amendment, and thus relieve myself from an attack so false and vicious; but he remonstrated on the ground that many other innocent persons would be injured. I deferred the contemplated action until he could ascertain from Nebraska the number of persons wronged. Learning there were large numbers, he again remonstrated against concurrence by the Senate.

I also received remonstrances from citizens of Nebraska, and found that many actual settlers and cultivators of the land would be wronged. The House amendment only contemplated $3.50 per acre to homestead settlers, whereas many of the cultivators of the land had obtained the same by purchase from those who had obtained the same from Government by cash purchase, and these certainly had the same equity as a homestead settler. So that I was thus precluded from recommending the House amendment. To protect myself from calumny I had no right to abandon the claims of those who had a legal and equitable demand against the Government.

My ownership of some of this land has been an open fact in Nebraska, for it was made the basis of an infamous falsehood. So also has it been an open fact in the Senate and the United States Supreme Court. The case of Van Wyck *vs.* Knevals, was the suit carried to the Supreme Court to test the questions involved, and decided the Government did

not own the land it had many years before patented. This case has frequently been referred to in both branches of Congress, and beseechingly alluded to by all land-grant railroads.

In the committee-room of the Public Lands I have distinctly stated such ownership and my relation to this bill, and in the Forty-seventh Congress, when this bill was first considered, after the bill and report had been read and before any discussion, as will be found in the RECORD, Vol. 13, Part 5, first session, page 5072, I said:

It may be proper to state at the outset that I myself—because it is due to the Senate that I should explain my own action—some years ago was unfortunate enough to claim some of the very land mentioned between the dates named, between the 28th day of March and the 15th day of April, 1870. While that connection might be of such a nature as not to justify me in voting upon this bill, it is due that I should state the fact to the Senate, as I stated it to the Committee on Public Lands at the time it was under consideration there.

So that in the courts, committee-room, and Senate my relation to this land and this bill was open and well known.

And I only desire to call attention to what was or might have been known by any one desiring to be informed.

I have not only publicly proclaimed this fact in committee and Senate, but have always refrained from voting either in committee or Senate.

True I have, as was my duty as Senator and to the citizens of Nebraska interested, faithfully obtained all the facts and zealously presented them to the consideration of the Senate.

I only desire now, calling attention thus publicly to the fact of my own relation to this bill, to say to the Senate that I intend to leave the matter to their sense of justice without further suggestion, and if they can do ample justice to those who have trusted implicitly to the contract, good faith, and honor of the Government by excluding any claim I may have from benefit by operation of this bill, I should not only advise but cheerfully consent to such determination.

I only ask justice toward some of my constituents who have been wronged by the courts or the Government, to have this bill placed on the special Calendar for early consideration, so that opportunity and time may be given, should the Senate non-concur, for an agreement between the two Houses.

The PRESIDING OFFICER. The Senator from Nebraska moves that the bill referred to by him, being the bill (H. R. 1413) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas, be made the special order of the Senate for the second Tuesday in January, at 2 o'clock.

The motion was agreed to, two-thirds of the Senators present voting in the affirmative.

ENROLLED BILLS SIGNED.

A message from the House of Representatives by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bill and joint resolution:

A bill (H. R. 1418) for the relief of Henry Martin; and

A joint resolution (H. Res. 220) authorizing and directing the payment of the salaries of the officers and employés of Congress for the month of December, 1886.

HOUSE BILLS REFERRED.

The bill (H. R. 7507) for the relief of James M. Hagar was read twice by its title.

The PRESIDING OFFICER. The bill will be referred to the Committee on Commerce if there be no objection.

Mr. FRYE. I think it should go to the Committee on Claims.

Mr. EDMUNDS. What is the bill? Let it be read if it is short.

The Chief Clerk read the bill.

The PRESIDING OFFICER. On the suggestion of the Senator from Maine the bill will be referred to the Committee on Claims.

The bill (H. R. 4981) to provide for the settlement of an account with the Vicksburg and Meridian Railroad Company for internal-revenue tax, and to refund the amount of said tax erroneously assessed and collected, was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 356) granting a pension to Lucinda Barrett was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. 5477) to restore to John W. Mears a fine improperly imposed on him was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 9859) to amend sections 2533 and 2534 of the Revised Statutes, and making Hartford, in the State of Connecticut, a port of entry, in place of Middletown, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 10239) making an appropriation to supply a deficiency in the appropriation for public printing and binding for the fiscal year ending June 30, 1887, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

TENURE-OF-OFFICE ACT REPEAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 512) to repeal certain sections of the Revised Statutes relating to the appointment of civil officers.

Mr. EDMUNDS. Mr. President, I am satisfied the holidays are so near that nobody wishes to hear much said on the important subject of repealing the laws which are mentioned in this bill. We are all hungry for the Christmas goose, if that is the proper phrase, and impatient of debate. So, only for Buncombe—I wish that was the name of one of the counties in Vermont—or still better, for the historic accuracy of this discussion, I wish to ask the indulgence of the Senate for ten or fifteen minutes, to reply to the observations of my learned and distinguished brother from Mississippi [Mr. GEORGE] and my friend from Massachusetts [Mr. HOAR] on the topic we discussed the other day.

Mr. GEORGE. Mr. President, we can not hear over this way. I am anxious to hear what the Senator from Vermont is saying.

Mr. EDMUNDS. I can not hear either.

The PRESIDING OFFICER. The Senate will please be in order, and gentlemen will resume their seats. The Senator from Vermont will suspend until the Senate is in order. The Chair again requests that Senators who are standing shall be seated and that conversations shall cease.

Mr. EDMUNDS. I am probably the person who deserves the censure of the Chair for having suggested that I was talking for Buncombe, so that everybody might have justly felt justified in talking about his own affairs. But I said that because I am perfectly aware that with the probable solid vote of gentlemen who do not agree with us of this side in political opinion, and with the vote of those on this side who believe that this law has always been unconstitutional and improvident, the measure will carry; but it is right, nevertheless, to know precisely what we are doing and why we do it.

So, I now come to the observations of my friend from Mississippi the other day as to the meaning of the changes which were made in the House of Representatives in the bill establishing the Department of Foreign Affairs, as it was then called, in 1789.

I had stated, not professing to use the exact verbal language, the phrase in one way which would have made fairly and legally just the observations of the Senator from Mississippi, but I had not stated the language precisely as it was as the bill was finally adopted, although in substance I intended to do it, and thought I did, and think I did.

In Committee of the Whole House, when the bill was up, the clause "to be removable by the President of the United States," or words to that effect, was retained by a small majority. Then, when the matter came to be again considered in the House proper, the first step was to make an amendment in another part of the bill that in the case of death or vacancy, &c., and when the chief officer, the Secretary of State, as we now call him, should be removed by the President of the United States, the chief clerk should perform its duties until the office was properly filled. That having, after discussion, been carried on a yea-and-nay vote, stating that this chief officer should be removable at the pleasure of the President of the United States, the clause formerly agreed to in Committee of the Whole was stricken out.

The Senator from Mississippi was quite right in saying—and I think I said it myself, but not so well as he did—that a certain number of gentlemen of the House of Representatives wished to make that change upon the ground that the President of the United States possessed by the Constitution an inherent and inalienable authority to remove any person in the service of the United States from office. A certain other body of gentlemen in that House of Representatives were of opinion that the Constitution of the United States did not import or imply, or confer, or give, any such power; but they were desirous, as an act of legislative wisdom and policy, for the time being, to confer upon the President that power. So these changes were made.

My friend from Mississippi thinks, if I correctly understand him, that the effect of the discussion and of the voting, which took place upon it by yeas and nays, was to show clearly that a majority of the House of Representatives thought that the President of the United States did possess by the Constitution this inherent and inalienable power as a part of the function of his office. In that I think my friend from Mississippi was mistaken.

When President Johnson was under impeachment and there was drawn into question in this body the matter of power of removal from office by a President without the consent of the Senate, and without any provision of law, &c., as one of the sworn judges, as we all were—not acting merely as Senators but under judicial oaths to impartially hear, try, and determine that great and historic cause—I was desirous of ascertaining precisely what that proceeding in the House of Representatives was; and with the utmost faithfulness of which I was capable, and with the utmost care of which I was capable, I read carefully and annotated the whole debate, and analyzed the yeas and nays every time they were taken. In the opinion which I expressed on the impeachment of President Johnson I stated it, and I read it here as the shortest possible way of stating it again.

An analysis of the debates—

I am now speaking of the House of Representatives in 1789—

An analysis of the debates and votes upon the act of 1789, creating the Department of Foreign Affairs, will demonstrate the inconclusiveness of tests of this sort.

That is just such a test as was stated by my friend from Mississippi a day or two ago—

Of the 54 members of the House of Representatives present, those who argued that the power of removal was, by the Constitution, in the President were Sedgwick, Madison (who had maintained the opposite)—

In an earlier part of the debate—

Vining, Boudinot, Clymer, Benson, Scott, Goodhue, and Baldwin. Those who contended—

That is, in the debate—

That the President had not the power, but that it might be conferred by law, but ought not to be conferred by law, were Jackson, Stone, and Tucker.

Those who believed that the President had not the power, and that it could not be conferred, were White, Smith of South Carolina, Livermore, and Page.

Those who maintained that the President had not the inherent power, but that it might be bestowed by law and that it was expedient to bestow it, were Huntington, Madison, at first—

Who afterwards changed his ground—

Gerry, Ames, Hartly, Lawrence, Sherman, Lee, and Sylvester—twenty-four in all, speaking—

On all these various phases of the question.

Of these, fifteen thought the Constitution did not confer this power upon the President, while only nine thought otherwise. But those who thought he had the power and those who thought the law ought to confer it were seventeen.

Thirty did not speak at all, and in voting upon the words conferring or recognizing the power they were just as likely to vote upon the grounds of Roger Sherman as upon the reasons of those who merely intended to admit the power. On the motion to strike out the words "to be removable by the President," the ayes were 20, and the noes 34.

That was in committee.

But no guess, even, can be formed that this majority took one view rather than the other. Indeed, adding only the eight who spoke against the inherent power, but for the provisions of law, to the twenty opponents of both, and there is a clear majority adverse to any such inherent power in the President. And when on the next day it was proposed to change the language to that which became the law, among the ayes are the names of White, Smith of South Carolina, Livermore, Page, Huntington, Gerry, Ames, and Sherman, all of whom, as we have seen, were of opinion against the claim of an inherent power of removal in the President. All this, with a possible error as to one or two persons—

And by that I meant that you could not certainly determine from the reported debate precisely what their views were—

with a possible error as to one or two persons, arising from the vagueness or contradictory character of their language, is in the record of the proceedings, obvious to any one who will undergo the labor of its examination.

So, Mr. President, if we are to find out what is now constitutional by what the gentlemen of the House of Representatives in the year 1789 thought in creating the Department of Foreign Affairs, I submit to my learned friend from Mississippi and to all other Senators, saying nothing now about tradition or history or acquiescence since, but just as it stood then as a historical fact, it is not correct to say that a majority of the members of the House of Representatives at that time admitted or voted that there did reside in the President of the United States the inherent constitutional power of removing any officer appointed by him and by and with the advice and consent of the Senate under the Constitution.

It is just and right to say that a long acquiescence in a particular view, whether erroneous or otherwise, as to the construction and meaning of a constitution or law, is to have great weight to those who are to decide it later in respect of what its true interpretation ought to be. Yet we find that after the establishment of those departments there was nothing which could justly be called acquiescence in any other sense than that nobody undertook to change these laws, which said that when the President of the United States should remove a head of a department the chief clerk should act until somebody else lawfully came in.

Therefore, the acquiescence was simply in non-repeal, while on the other hand, when the real spoils system—and I use the common phrase without intending any offense to anybody or anybody's feelings—when the real spoils system came in, twenty-five or thirty or forty years later, whatever the time may have been, there was a state of parties and conditions which led nobody to desire (that is, nobody who could effectuate anything by getting any votes of a majority, to make any change. But when the state of parties came to be such in one House or the other (certainly in this one; I do not know about the other), there was an opposition of a political character to a President of the United States in this body, and the tremendous danger to the public interests of an Executive being a king in this country, in respect of all the patronage and employments of the Government, came to be apparent. Then gentlemen of the highest intelligence and the greatest learning in law of both political parties came to consider the question and to remonstrate against the power, and to deny the proposition that in this land of liberty and law, as distinguished from liberty and government, there was inherent in the President of the United States, under our Constitution, the entire command and control of the whole body of persons who are employed to execute the law. And the various historic instances—which I shall not take your time, or that of my brother Senators, to go over again—which are so familiar to you all—the reports of committees in this body, inquiries in respect of patronage, &c.—took place. When it became apparent that this early action of Congress was to be made the precedent for this enormous control of patronage by a President of the United States, unrestricted by any law, there was, in one form or another, a continual protest by gentlemen most eminent, and in all parties, from time to time.

So I think it is safe to say that after twenty years of the existence of and obedience to a law which is contrary to the idea claimed by my friend from Mississippi, that the President had such an inherent power of removal, we can fairly on this question of acquiescence put in opposition twenty years of experience, under a law which did limit the power of removal as against a supposed acquiescence, with a constant protest when it came to be of consequence, for the twenty or thirty or forty or fifty years before.

Then we come back again to the question of what the Constitution really is. I had the honor to state the other day, which I shall not now repeat at large, the circumstance which no gentleman has yet referred to with any answer that I remember, that if this be true as to a civil officer it is also true as to a military officer; and that if the Senate of the United States now repeals this law as to a civil officer, if it be true to the principle which is supposed to be involved, that it is unconstitutional and therefore ought to be repealed, it also ought to add a provision repealing those sections of the Revised Statutes, so long the law in this country, acquiesced in by everybody, which prevent the President of the United States from removing a military or a naval officer in time of peace at his free will. For there is not in the Constitution, as I said before, any hint of a distinction between the power of the President in faithfully executing the laws, or as a part of the executive power, as applied to a military, a naval, or a civil officer. It is either one thing or the other as an entirety. The President of the United States, under our Constitution, either has the power of the Queen of Great Britain or the Emperor of Germany of holding in his hand and at his will the tenure of the office of every civil and military officer of the Government, or he has not, under the Constitution, any such power at all as to either of them. They can not be separated. They are not separated in the Constitution as to appointments to office in any single particular that I can imagine. Nobody has suggested that they can be separated.

If, then, on the principle of the unconstitutionality of the existing law, this bill is to pass, it ought to contain a provision repealing those sections of the present statutes which forbid the President of the United States to remove the General of the Armies of the United States and every officer down to a corporal at his free will and pleasure; and the same in the Navy. It is everything or it is nothing in a constitutional point of view. But I pass that now.

I come next to the question of expediency: What is best for the welfare of a country which is a country of law, as the Constitution says—which is a country where the law is to be executed, and not made, by the President? It is a country where the law, the will of Congress under the Constitution, is to be put in force everywhere under the superintendence of the President, or else it is a country where the law upon certain topics and in certain ways is to be executed by the President of the United States through such means and such agencies, from day to day, as he chooses to employ. That is exactly the law for the Queen of Great Britain, for the Emperor of Germany, and for every other kingly power, I suppose, in the world; but I think those who made the organic law for this country did not intend to repose in any chief magistrate any such power; they thought they ought not to do it; and I repeat what I stated the other day, that I believe (but I have not examined all their constitutions) there is not a State in this Union, and there never has been a State in this Union, and I think I can say with some safety there never will be a State in this Union, which confers upon its chief magistrate the unrestricted power of removal of the persons who have been employed under the law for the execution of the law. Perhaps there are exceptions. If there are, I do not know where they are to be found, and so I state it under reserve, for I have not examined all the State constitutions.

My friend from Massachusetts says that the autonomy of States is different from the autonomy of the United States under their respective constitutions. In form, so it is; it must be; but in substance have not the United States and each respective State the same autonomies for the preservation of liberty, the promotion of social progress by similar means and in similar ways? If in every one of the States it is thought unsafe that their modest and moderate executive should be intrusted with the kingly power to determine at all times who shall and who shall not execute the laws of those States, is it not a thousand times more important that a greater executive, with an infinitely wider reach of authority and of influence, should not be intrusted with the same power that the States deny to their executive and within their own narrow borders? I think there can be no denying that.

So I submit with great respect to my learned friend from Massachusetts that the philosophical analogy, that the analogy of public safety, that the preservation of liberty against executive power and executive corruption, make it more important on the question of policy that the President of the United States should not possess the entire *jus disponendi* of every official act and every official person in the United States than it is that the executive of any one State should not possess it. That is the way it seems to me.

Now, what is to be the effect of this proposed legislation? The measure proposed to be repealed was passed at a time when, by the constantly growing power of executive patronage over elections, over legislation, over public affairs, from the mere circumstance that the Executive, as the laws then stood, whether by the Constitution or otherwise, had this enormous power, there was a steady accumulation of abuses, as everybody knows, and whenever there was a change of administration,

sometimes even in the same party, there was a wholesale sweep of men who were faithful to the performance of their duties in the offices to which they had been appointed, for the mere purpose of finding a place for the repayment of political services to the President, or to the party to which he belonged.

So it went on accumulating until Mr. Johnson came in under the circumstances we all so well understand, and then both Houses of Congress, acting under their oaths, believing that they were acting for the public good (and from my knowledge of it I can say so far as it goes, and it goes a good way, knowing that they were acting for the public good), passed this law of restraint. I am not going again into what change was made in 1869, which in my view is of no importance on the principle of the thing. President Johnson was impeached for a violation, not of this law, because this law only operates in a recess, and his removal of Mr. Stanton took place during a session of the Senate, but he was impeached for the unconstitutional attempt to remove the Secretary of War. Two-thirds of this body lacking one, two, or three, I do not remember what number, but in round numbers and substance two-thirds of this body, leaving, so far as it is possible for human nature to leave, the arena of politics, the arena of legislation, and taking a new and solemn oath as judges, held that that was an unconstitutional act and so voted. Johnson went by as everybody goes by. The law continued in force. It restrained him in a very large degree the moment it was passed, for he obeyed it in substance and in particular so far as I remember.

Grant came in, and then the same sort of appeal and stress about offices, and having the ear of the Executive, &c., led to a strong effort to repeal the act. It was modified. I am not going into how much it was modified, or how little. That is entirely apart from my present purpose; but there was so much left of it that at the next session of Congress, in December, 1869, General Grant in his message again said that the law was a great restraint upon him; that it impaired his capacity to have a better administration of the laws by the officers who were employed in the public service, &c., and he urged Congress, as he had a constitutional right to do, to repeal it. Congress did not choose to do so.

I am now speaking of the last, the modified law, what was left of the original act. His own political friends in possession of both Houses of Congress did not choose to do anything about that; and so the law has stood obeyed by all Presidents to this day.

That it has been a restraint and has produced a diminution of the evils which had been accumulating from the time of the system of changing officers as the mere consequence of political changes in the country is perfectly clear. It is a restraint now, notwithstanding the President of the United States makes great numbers of suspensions, and the passage of this bill, as it appears to me, is an invitation—it is more than an invitation, it is a recognition and approval of the idea that upon purely political grounds of opinion the President of the United States ought, as his predecessors did before the law went into effect, in 1867, to remove immediately everybody who does not agree with him or with somebody else who belongs to some of his parties, or with his party, from office and put in people who do.

Now, I think, as I said before, that this is taking a step twenty-five years backward in the progress of removing from pure political sport and fortune and prize and stakes to be played for the mere working operations of the Government. As I believe that ought not be so put in as the sport of politics, and believe that all these offices ought to be held by the men to whom they have been intrusted if they behave themselves and do their duty for the term for which they were appointed, and am perfectly willing to admit that the President of the United States may for every vacancy select a man of his own persuasion if he likes him better and thinks he will do the business as well, and he will fill out his term if there be a change as I trust and hope and believe there will be in a couple of years hence. Thus we shall between both parties have removed all these matters from the mere strife and spoil and contention of party affairs.

I am not able to speak any longer, Mr. President.

Mr. GEORGE. Is the Senator from Vermont through?

Mr. EDMUNDS. I have said in substance all I wish to say.

Mr. GEORGE. Mr. President, I desire to make some observations on the point stated by the Senator from Vermont as to the question of fact on which there is a difference of opinion between us. I will first state the issue between us, so that the Senate may understand clearly the exact point in controversy between the Senator from Vermont and myself.

The contention on the part of the Senator from Vermont, as he announced a few days ago, was that the debate in 1789 and the bill as then passed left it ambiguous and equivocal as to what was the intention of that Congress in passing the bill so far as the question of the power of removal of officers by the President was concerned. That I understand to be his position. My position, on the contrary, is that the debate and the proceedings in the House of Representatives in the First Congress, in 1789, and the true meaning of the words as they were inserted in the act as passed, plainly and clearly show an intention on the part of that Congress to fix a congressional or legislative construction of the Constitution affirming the power of the President, derived from the Constitution itself, to remove civil officers, as that was the only matter involved.

Mr. President, it must be remembered that the debate upon this bill, namely, to create a Department of Foreign Affairs, occurred at the very first session of the Congress of the United States; the very first assembly of the legislators who were to act under and construe the Constitution. They had no precedent to go by; there had been no previous practice under the Constitution; it was their office and duty to initiate a practice in accordance with that true-meaning instrument. A very long and able debate occurred upon this question. In that debate various opinions were expressed. I remember, sir, that some of the members of Congress advocated this position, that it was a power vested by the Constitution in the President to remove officers. Others insisted that the power was vested by the Constitution in the President by and with the advice and consent of the Senate. Others insisted that it was a *casus omissus* in the Constitution, and that it devolved on Congress to make a grant of power and regulate its exercise.

Men's minds upon this question had not been matured. Mr. Madison himself, who probably knew as much about the Constitution as any man who ever lived, as the Senator from Vermont admits, changed his views during the progress of the debate. Other members did the same thing. The debate was very able and very exhaustive. The question was new. It was the first time that it was raised under the Constitution. Men's opinions were in a formative process; they had no clear and well-defined views until the debate had proceeded for a considerable time.

After many days spent on this subject, and after the Committee of the Whole had inserted these words in the first clause of the act, "to be removable by the President;" after they had received the sanction of a majority of the House of Representatives; after this difference, to which I have alluded and to which the Senator from Vermont also alluded, in the opinions of members as to the true construction of the Constitution, had been fully developed; after there had been announced changes in opinion by members of the House, Mr. Benson of New York arose and spoke, as I shall read his speech and that of others from the annals of Congress, so as to be exactly accurate and correct:

Mr. Benson moved to amend the bill by altering the second clause, so as to imply the power of removal to be in the President. The clause enacted that there should be a chief clerk, to be appointed by the Secretary of Foreign Affairs, and employed as he thought proper, and who, in case of vacancy, shall have the charge and custody of all records, books, and papers appertaining to the department; and the amendment proposed—

By Mr. Benson—

that the chief clerk, whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy, shall during such vacancy have the charge and custody of all records, books, and papers appertaining to the department.

Mr. Benson declared that if he succeeded in this amendment he would move to strike out the words in the first clause—

Which had been inserted as I have stated—

"to be removable by the President," which appeared somewhat like a grant. Now, the mode he took would evade that point, and establish a legislative construction of the Constitution. He also hoped his amendment would succeed in reconciling both sides of the House to the discussion and quieting the minds of gentlemen.

Mr. Page expressed a desire of calling the yeas and nays on the question which had so long agitated them. He was apprehensive that, by shifting the ground in the manner now proposed, the journal would not declare truly the question which had been so long contested.

Mr. Lawrence viewed the clause as a legislative declaration; for which reason he should be well satisfied with it as it stood. He should be glad to meet the gentlemen on ground of accommodation; but he did not think it likely to be effected by the proposed alteration.

Mr. Madison admitted the objection made by the gentleman near him [Mr. Benson] to the words in the bill; they certainly may be construed to imply a legislative grant of the power. He wished everything like ambiguity expunged, and the sense of the House explicitly declared, and therefore seconded the motion. Gentlemen have all along proceeded on the idea that the Constitution vests the power in the President; and what arguments were brought forward respecting the convenience or inconvenience of such a disposition of the power were intended only to throw light upon what was meant by the compilers of the Constitution.

Now, as the words proposed by the gentleman from New York expressed to his mind the meaning of the Constitution, he should be in favor of them, and would agree to strike out those agreed to in committee.

Mr. SMITH, of South Carolina. I believe gentlemen are convinced of the impropriety of the clause carried in the committee; and though they are not willing to relinquish openly their principles, yet they will do it by agreeing to the amendment. Will they pretend to carry their point by a side blow, when they are defeated by fair argument, on due reflection? For my part, Mr. Speaker, I hold any declaration whatsoever an infringement on the Constitution; but at the same time, if it be done, I hold it more candid and manly to do it in direct terms than by an implication like the one proposed.

Then followed a speech by Mr. Sedgwick, and then another by Mr. Benson, and then Mr. Madison made this argument, which I will read:

Mr. Madison withdrew his second to the gentleman's motion for the present, and proposed to the gentlemen who thought the Constitution vested the power in the President and Senate, to try their opinion by moving to add, after the words "to be removable by the President," "by and with the advice and consent of the Senate." This motion, he thought, would give gentlemen a fair opportunity of trying the question and recording their opinions. He begged gentlemen in opposition would not consider the motion of the gentleman from New York [Mr. Benson] as a dereliction of the principle hitherto contended for, because it had no other effect than varying the declaration which the majority were inclined to make.

Here is the statement I call the attention of the Senator from Ver-

mont to, made by Mr. Madison himself as to what were the opinions of the majority of that body:

Because it had no other effect—

Said he—

than varying the declaration which the majority were inclined to make.

And so the amendment of Mr. Benson was adopted on this explicit statement by the mover of the amendment of its object and purpose, concurred in and reiterated by Mr. Madison, and on the statement made by Mr. Smith opposing its adoption, because that was its object and purpose, all the speakers, those who opposed and those who favored the motion made by Mr. Benson, all agreeing that if it was adopted it would have the effect of declaring in a law the opinion of the First Congress that the power to remove civil officers was vested in the President of the United States.

Mr. EDMUNDS. If my friend will allow me to interrupt him, I beg to suggest to him—I was not able quite to finish all I wished to say—that I wish he would examine the records of the votes at that time to see whether or not I was correct when I read my opinion in the impeachment case in stating that sundry gentlemen voted for this change who had definitely expressed their opinion that the Constitution did not inherently contain any such inalienable power on the part of the President.

Mr. GEORGE. I take that to be correct because it is stated by the Senator from Vermont, but I answer that it is shown all through this debate that members all along changed their views during the discussion, and among those who changed their views was Mr. Madison himself.

Here, then, we have the motion made avowedly by its author for the purpose of putting this construction upon the Constitution. Here was it sustained and seconded by Mr. Madison avowedly for the same purpose. Here it was opposed by Mr. Smith because that would be its effect. Here was no man on either side asserting that any other result would follow from the adoption of the amendment of Mr. Benson than the one suggested by himself and by Mr. Madison. With that the House of Representatives, by a vote of 30 to 18 or 19——

Mr. EDMUNDS. Thirty-one to 19 at last, I believe.

Mr. GEORGE. Thirty to 18 on the insertion of Mr. Benson's amendment. On the insertion of this clause, thus explained, thus defended, thus opposed, the vote was 30 to 18. And then on the same day, after Mr. Benson had succeeded in getting this amendment inserted in the second clause because it was not equivocal, because it was not ambiguous, because it plainly and clearly and explicitly declared the meaning of the Constitution to be that the power of removal was in the President by virtue of the Constitution, and that it was not in the competency of Congress to grant it to him—after that was done, then, by a vote of 31 to 19, the ambiguous clause was stricken from the bill. So the result of that discussion and of that action was to declare—and I want to call the Senator's attention to the fact as Mr. Madison himself had declared openly in the presence of all the members of the House—the sense of a majority of the House to be that the true meaning of the Constitution was that it vested in the President alone the power of removal.

So, then, Mr. President, it is not left to inference or argument to ascertain or to speculate about what was the meaning and the intention of Congress in inserting the amendment of Mr. Benson. He avowed its purpose; Mr. Madison avowed its purpose. Mr. Smith accepted the avowal and opposed it on that ground; and then Mr. Madison in the presence of the House stated that such was the opinion of a majority of the members of the House, and then immediately, in five minutes afterwards, was the vote of the House affirming the declaration of Mr. Benson and Mr. Madison and Mr. Smith. This would seem to settle the controversy.

Mr. EDMUNDS. If my friend will allow me to interrupt him a moment again, as I hope not to trespass any more on the time of the Senate, I wish to suggest that that would seem to me to be just as conclusive and no more so than if my friend having concluded, we were to take a vote now on the repeal of this law and the bill should pass by three to one, and then we were to find out day after to-morrow upon what ground we passed it, would anybody have a right to say that it passed upon the ground that a majority of the Senate believed the provision it repealed to be unconstitutional, or only a right to say it either must have passed upon that ground, or, believing it to be constitutional, that it was not a good law to have?

I intended to have called the attention of the Senator and of my friend from Massachusetts [Mr. HOAR] to the act of 1820—the first act on the general subject of offices after the departments were created—the act of May 15, 1820, in which it was provided—

That from and after the passing of this act all district attorneys, collectors of customs, naval officers, and surveyors of the customs, navy agents, receivers of public moneys for lands, registers of the land offices, paymasters in the Army, the apothecary-general, the assistant apothecaries-general, and the commissary-general of purchases, to be appointed under the laws of the United States, shall be appointed for the term of four years, but shall be removable from office at pleasure.

Not saying that when removed by the President of the United States something should happen, but using language which was exactly in substance like the language in the bill as agreed upon in committee in the House of Representatives in 1789.

I also ask the Senator's attention now, because I do not wish to interrupt him without his consent, to the act of Congress of 1863, or whatever the date was, establishing the national banks and a Comptroller of Currency, and wherein Congress in creating the office of Comptroller of the Currency provided by law a limitation upon the President's power of removal, giving it to him, but requiring him to communicate his reasons for such removal to the Senate, which I intended if I had not broken down in my voice to have called the attention of my two friends to as having some bearing upon the question of constitutional construction.

I thank my friend from Mississippi for allowing me to interrupt him.

Mr. GEORGE. I had intended to allude to the act of 1820, referred to by the Senator from Vermont.

Now, Mr. President, having been interrupted by the Senator, to which I readily yielded, I repeat that, the question having been settled in this solemn manner by men a large number of whom had been members of the convention which framed the Constitution; men who had met for the first time under the Constitution to inaugurate the Government created by it; men of the highest learning, of the greatest talent, of the purest patriotism, without any party question being up—because the absence of all party feeling in this matter was alluded to frequently in the debate as a reason why that was an auspicious time to settle the meaning of the Constitution—now after all this I claim that it is clear that is settled by the proceedings I have set out, and also upon the authority of the positive statement of Mr. Madison himself that a majority of Congress agreed with him that the true meaning of the Constitution was that it had vested in the President alone the absolute power of removing civil officers of the United States.

Mr. HOAR. Will the Senator allow me to make one suggestion to him at that point, which very likely he is about to state; but I think it should go with his very clear and strong statement? That is that of the members of the House of Representatives at that time who had been members of the convention which framed the Constitution: every one voted for this construction with a single exception. I think there were six or seven for the construction, and only one the other way.

Mr. GEORGE. I was not about to state that, because I was ignorant of the fact. I am very glad the Senator from Massachusetts has stated it.

Mr. HOAR. I have the list here.

Mr. GEORGE. I am very glad the Senator from Massachusetts has made the statement.

Then, Mr. President, look at the force of the words stricken out and the force of the words inserted, and see what they mean. In the first clause it has been provided that a Secretary of Foreign Affairs shall be appointed, "to be removable by the President." That was an equivocal expression. It was capable of the construction that Congress then and there granted to the President the power to remove him. It was liable to the objection made to it by Mr. Madison and Mr. Benson. And what were the words inserted in lieu of them? Are they equivocal? Is there any doubt about their meaning? Let us see:

That there should be a chief clerk, to be appointed by the Secretary of Foreign Affairs, and employed as he thought proper, and who, in case of vacancy, shall have the charge, &c., * * * whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy.

It would result at once from reading that language that you might as well say that Congress had conferred on the President the power to make a vacancy in any other way than by removal, as to say that it conferred it in case of removal. The language scrupulously refers simply to an existing state of facts or a state of facts which might exist, without saying that the President is authorized or is empowered or is granted the privilege of doing it. If Congress had intended to confer upon the President the power to make the removal, the way was easy. It was the easiest thing in the world to say "in case of removal by the President, the power to do which is hereby granted." The language used assumes that the power already exists, and if it existed then without a legislative grant it existed under the Constitution itself, because no legislation had then taken place under the Constitution on that subject. There had been no practice, there had been no precedent. This was the beginning of the Government. It was the inauguration of the system under the Constitution of the United States.

Then again, Mr. President, this language thus put in the second section of the act creating the Department of Foreign Affairs, was repeated *verbatim*, and for the same express purpose, at the very same session of Congress, by the same men who had made the former declaration in the acts creating the Department of War and the Department of the Treasury.

Clear and conclusive as this is, it is true that there is something occurring in that same Congress which makes if possible plainer still that they intended to declare this construction.

Mr. MAXEY. Will the Senator yield to me for a moment?

Mr. GEORGE. Yes, sir.

Mr. MAXEY. I desire to call the attention of the Senator from Mississippi to the decision of the Supreme Court of the United States

in the case of *ex parte* Hennen, which applies directly to the point made by him. These are the words of Mr. Justice Thompson, in deciding the matter of Duncan N. Hennen, January 7, 1839 (13 Peters, page 258):

The power of removal from office was a subject much disputed, and upon which a great diversity of opinion was entertained in the early history of this Government. This related, however, to the power of the President to remove officers appointed with the concurrence of the Senate; and the great question was, whether the removal was to be by the President alone, or with the concurrence of the Senate, both constituting the appointing power.

But it was very early adopted as the practical construction of the Constitution, that this power was vested in the President alone. And such would appear to have been the legislative construction of the Constitution.

This decision is directly on the point of what the debate of 1789 meant.

Mr. GEORGE. This case shows that the construction put upon the act of Congress by me has received the sanction of the Supreme Court of the United States. I am glad the Senator from Texas has brought it to the attention of the Senate.

Now I want to call the attention of the Senate to another act passed by that very same Congress. Within a month after the passage of the act establishing the Department of Foreign Affairs, Congress came to consider and did pass a judiciary bill. Now let us note what provision is made about removals there, and compare it with the provision made in the three acts to which I have alluded creating the executive departments. In the 27th section of the judiciary act, passed on the 27th of September, 1789, I find the following language:

That a marshal shall be appointed * * * for the term of four years, but shall be removable from office at pleasure.

In creating the three Executive Departments the First Congress used the language to which I have called the attention of the Senate avowedly for the purpose of fixing a construction upon the Constitution of the United States. Having done that in three instances, when they came to enact the judiciary bill they changed the verbiage. In every other case the recognition is distinct that the removal is to be made by the President, and that he has the power to make the removal from the Constitution itself. When it comes to the marshal the enactment is that he shall hold for four years. If that stood alone it might have been concluded that Congress had undertaken to destroy or in some way impair or regulate the power of the President to make the removal before the expiration of the term fixed for the office. So it became necessary, in order to exclude that conclusion, to insert the words "but shall be removable from office at pleasure."

But, Mr. President, you will note that it does not say who shall make the removal, it does not say whether it shall be made by the President alone or whether it shall be made by the President by and with the advice and consent of the Senate, as had been contended for by a portion of those who had argued against the construction of the Constitution maintained by Mr. Madison and sanctioned by that very Congress, but it merely declares, notwithstanding his appointment for four years, the marshal "shall be removable from office at pleasure." At the pleasure of whom? No name is given, but "at the pleasure of the President" was the construction put upon it by that Congress and by all succeeding Congresses and courts up to the present time.

How can you get the meaning and force of the words "of the President" after the word "pleasure," in language I have quoted, except upon the admitted, undenied, and undeniable proposition that the power of removal was in the President? Would the same men who had passed with so much care, and with a distinct avowal of the purpose of settling the Constitution, the first three acts recognizing the power in the President of his own will and pleasure to make removals—would that same body of men in less than a month after they had enacted these three great statutes in which they had put this construction on the Constitution have enacted this clause with any other meaning than the one I have stated? They said only "removable at pleasure," referring back to the first three acts to determine at whose pleasure the marshal is to be removed.

The Senator from Vermont said that there has been only silent acquiescence in this construction of the Constitution; that there has been no actual assertion that that was the true construction of the Constitution. In reply to that I say that from the time of the passage of these acts up to 1867 every single President, including George Washington down to Abraham Lincoln, exercised, actively, affirmatively, the power of removal, and he had no other sanction for this power except the Constitution of the United States. I affirm, and I asserted it in debate last winter, although the Senator from Vermont had stated the contrary, that there had not been one single statute ever enacted prior to 1867 which pretended to confer upon the President the power of removal. On the contrary, I assert that every single statute passed upon the subject recognized in distinct terms as an existing constitutional power the power of the President to make removals. I will allude to some of these statutes.

So that it shall not be understood that after these acts—the Senator only referred to one, but there were three, all to the same effect—after these great acts passed in July, August, and September, 1789, affirming this power of the President, that it may not be understood that the country, Congress, and everybody else went to sleep and acquiesced, in this dormant condition, in the exercise of this power, I will show that the belief and conviction that this power thus recognized in the three acts referred to was a living, active principle of administration all through the long period of history from 1789 to 1867.

I have already alluded to the judiciary act, which would be unmeaning, which would be insensible, which would actually be a disgrace to the men who passed it for its imperfection, if it were not upon the understanding and conviction that "removable at pleasure," without stating by whom, was well understood by everybody to mean "removable at the pleasure of the President of the United States."

Mr. DOLPH. Mr. President——

Mr. GEORGE. I shall be through directly, and I would rather go on.

Mr. DOLPH. I merely rose to make a suggestion about a statute passed in 1862 that I suppose contained an authority to the President to remove an officer.

Mr. GEORGE. Very well.

The PRESIDING OFFICER. The Senator from Mississippi declines to yield.

Mr. GEORGE. On the 2d of March, 1799, an act was passed on this subject in which it was provided:

That in case of the death, resignation, or removal from office of the Postmaster-General, all his duties shall be performed by his assistant.

In the case of death, resignation, or removal, without stating by whom removed or by whom to be removed, proceeding upon the idea as I have just stated it that nobody doubted or disputed the power of the President to remove. So on April 30, 1798, the very same provision with reference to the chief clerk succeeding to the duties of the office of the Secretary in case of removal or vacancy in the office was applied to the chief clerk of the Navy Department.

Now I come down to the act of 1820, to which the Senator from Vermont called my attention, and which he read. I shall not read all of it, but I wish to call the attention of the Senate to the provision on the subject of removal there. After enumerating the various officers to which the statute applied and fixing their term at four years, then we have this language:

But shall be removable from office at pleasure.

Without saying whose pleasure or by whom, meaning of course the pleasure of the President of the United States, as he had all along up to that time exercised that power and as he continued to exercise it without complaint of usurpation after the act passed.

Now the Senator from Vermont thinks that was conferring power on the President. Why, sir, it is a recognition, a plain recognition of the the power, and nothing else. If it conferred power, no person is named, even by implication, on whom it is conferred.

And here I want to call the attention of the Senate to the fact that there never is in any of these statutes anything said about the removability of the officer, after these three first great statutes had been passed, except only in cases where a term of office was fixed in the statutes. In the First Congress, I have shown to the Senate, when they came to provide for the office of marshal they fixed his term at four years, and then to exclude the conclusion that Congress meant that he should hold that irrevocably, independent of the will of the President, they put in the words "subject to removal;" and so in this act of 1820 which fixed a term of four years for a long list of officers the same provision is made, simply and solely for the purpose of excluding the conclusion that from the words "hold their offices for the term of four years" Congress meant that they should not be removed during that term. By the language used Congress adopted and referred to the settled constitutional practice of the country, that the removal should be at the pleasure of the President without mentioning him.

So then, sir, up to the war—and I have not examined the legislation during the war—there was no statute passed by Congress on this subject that did not recognize the power of the President to make the removal as a power vested in him by the Constitution, and there is no statute that undertakes to confer the power on the President, every statute proceeding on the idea that the President already had the power.

I might close my argument here, being sustained by the First Congress, sustained by Mr. Madison, sustained by every act of Congress ever passed up to the year 1861, sustained by every President, including George Washington, from 1789 down to 1861, by the practice of the country, the settled, uniform, unbroken practice. And this settled, uniform and unbroken practice applied as well up to that time to military officers as it did to civil officers, for the first act that ever was passed which interfered with the power of the President to remove military officers, as far as I can learn, was in 1866.

But the Senator from Vermont says that it is conceded that the President can not exercise the power of removal as to military officers, and if the power is not good for them it is not good for civil officers. This is not a question for the Senate in reference to the power of the President over military officers. It may as well be argued that if he has the power over civil officers he has the power over military officers, as that if he has not the power over military officers he has not it over civil officers.

Mr. MAXEY. Will the Senator from Mississippi allow me to suggest that there is a very great distinction? The Constitution has a clause declaring in terms that Congress shall have power to make rules and regulations to govern the Army and Navy, and therefore an act

of Congress relating to the military establishment is wholly different from the executive power of the President over civil officers.

Mr. GEORGE. That is one ground, but I do not want to argue that now. As the Senator from Texas has suggested, I was about to state that was a distinct power; but there is something else, too, in a military officer which does not apply to a civil officer, and which deserves consideration, and which, when that question comes up, if it ever does come up, it will be time enough to argue.

There is involved in the relation of a military officer to the Government of the United States the idea of a contract that is not involved in the idea of a civil officer. A civil officer is allowed to resign when he pleases. You can not force him to discharge the duties of his office. You can shoot a military officer if he does not discharge his duties as he ought to do. He can not resign without the approbation of the commander-in-chief. So there is something of the idea of a contract entered into by the United States with a military officer, which does not exist in the other case, and that is entitled to weight in considering that question.

I express no opinion about that now. That is not the question before the Senate. The question here is whether we shall repeal the statute passed in 1867, and amended in 1869, which destroyed the power of the President in reference to a civil officer, the power which he had exercised from the beginning of the Government down to 1867, recognized by every Congress, exercised by every President from the beginning down to that time as his just and lawful right; whether now, after this acquiescence for three-quarters of a century, undisputed by any act of Congress—it may have been disputed by certain individuals, disputed by certain great men; but undisputed in the official administration of the Government; undisputed in the legislative acts of Congress—we shall reverse all this? That is the question.

Now, sir, this power of the President is fortified, if anything is or can be fortified by precedents, by precedents established at the period in our history when political and party passions were asleep, when only patriotism, a desire to advance the welfare and the glory of this great nation, was the moving-spring to the action of statesmen. Whether a construction thus and under these circumstances, and by such men, deliberately adopted, deliberately reaffirmed through three-quarters of a century, deliberately and continuously acted upon by every President, including Washington and Abraham Lincoln—whether that construction is now at this day to be thrown aside and trampled under foot as wrong—I do not believe that the Senate will do this.

Mr. EVARTS. Mr. President, I might perhaps give my vote for the repeal of these sections of the Revised Statutes, as I shall, without saying anything upon the subject, and I would do so but for my desire to draw a distinction between the grounds of unconstitutionality, which will not govern my vote, and the grounds of expediency, which will, as by recurrence to the early debate in the famous Congress of 1789 it will be found that the double topic of constitutionality and of expediency or civil prudence governed now one and now another of the members of that body. My own view of the constitutional relation of the removal of officers is that the power is vested in the President, and that the Senate is not at all involved by the constitutional provision in any participation in removals.

The debate that has been referred to, and in which the Senator from Mississippi has been correct in his view, and the Senator from Vermont has accurately displayed the votes, took up a very great question in government. It was undoubtedly a very important difference in the frame work of this Constitution of ours and of this Government in its workings, whether by proper inferences in the silence of the terms of the Constitution there was laid the power of removal by the President or only the power of removal with the consent of the Senate. The inferences were powerfully presented that as no appointment could be made by the Constitution without the concurrence of the Senate, so in the silence of any cutting short of the office, if the conclusion was to be drawn as to where the regulative and administrative powers of appointment were to be lodged, the removal should require the same concurrence of the Senate; and as there were no express provisions whatever, it was not merely a question of interpretation as if it were a deed or a will, but to be interpreted in the aspect of its application to the unfolding and expanding interests of the great nation that was expected to fall under and to support this Government.

Therefore, as it has always seemed to me without reference to any controlling consideration of interpretation (which I think does not favor an inference by itself even that the Senate should participate in removals) on the larger scale of whether or not the Senate should be and should need to be in active and constant communication with the Executive for the welfare of the country in the unforeseen, the unexpected, but, nevertheless, the, perhaps, vital interests that might arise for the removal of officers, there is but one solution.

It will be readily seen, too, that if removals from office were to turn upon two concurrent and independent judgments, and upon those judgments under the political system of ours, varying in their estimates one from the other, the Executive from the Senate, as to what was prudent, what was right, what was judicious, and what would be injurious, we could have nothing established in this Government in that behalf but two powers that must constantly communicate, and might, in the nature of things, be constantly in oppugnation, and then the result must follow that the repugnance of the Senate must keep in office under the President a man that he desired to dispense with, and with whose action under him he could not accomplish his duty.

We can find in the British constitution an illustration of the impossibility of any such working repugnance. The Senator from Vermont has referred to the system of England and of Russia where this imperial power now sought to be continued or restored to the President is the possession of the Crown. But does not the Senator know, does not every Senator know, that when the limited monarchy had been reduced to the relation that the monarch must have a responsible ministry drawn from the House of Commons, the result has grown up that, though the Queen appoints in council by and with the consent and advice of that council, though the Queen stands vested with this hereditary traditional power, yet by the necessity that there can not be in the constant exercise of the executive duty of removal from office an opportunity of repugnance between the Queen and the responsible ministry, to-day in the working of the British constitution every removal and every appointment is made by the cabinet—a committee of the House of Commons. And so when the very extreme case was raised of what seemed an entertaining, but was, nevertheless, an important question, the bed-chamber question, the Ministry insisted that the Queen must be surrounded by officers of the appointment of the Ministry.

I cite this only as evidence that under whatever scheme of government, and by whatever official or titulary authority this power may be exercised, there never can be a good working in the constant increase of appointments and removals if two independent bodies are to exercise it. If it remains in the Queen in practical exertion it can not be in the Ministry, who are responsible for it.

We therefore recognize higher considerations, as it seems to me, than mere questions of interpretation; and by a great vote in the body first charged with the responsibility concerning this determination, whether rested wholly upon constitutional necessity that this power must be lodged in the President and exercised by him, and not curbed, or whether it rested in prudence that if it were now presently to be decided it would by Congress be vested in the action of the Executive, such was the result, the body deciding, as the Senator from Massachusetts suggests, against its own prerogative so far as the Senate was concerned. And as was stated while the Senator from Mississippi was addressing the Senate, by a suggestion of the Senator from Massachusetts, of the seven members who were in the convention who discussed and voted upon this measure, six out of the seven held the power to be constitutionally in the President as I understand, and only one single member of the seven dissented from that view, but he concurred also in voting that it should be reposed in the Executive.

Now, Mr. President, having stated this view, I will briefly say that I do not consider it a just constitutional inference from this constitutional proposition, which I concur in, that in all laws in the constitution of office it shall not be competent, within the power of Congress, to affix a durable tenure on an office. In my judgment, that inference from the silence of the Constitution in terms and this constitutional rule which is educed by inference and by expediency, would transcend both the inference and the expediency if it was to be held that the two Houses of Congress (in whom is vested the whole legislative power, including the President's right of revision) had not the right to impress upon an office an indelible durability according to the will of the law-making power.

The whole subject in this point of view, it seems to me, swings entirely clear of the question whether you can invade the constitutional power of the President, or whether you can assert an unconstitutional power of the Senate in respect to appointments. If the interests of this community in vital points shall require that there shall be such a constitution of an office as that it shall last for five years or six years, and that the incumbent shall not be removed by any power, by the President, or by the President with the concurrence of the Senate, but by no power whatever, except by impeachment, under the Constitution, I can not hold that such an exercise of legislative power is unconstitutional by inferences drawn out of the appointing or the removing power. It belongs, certainly, in its substance, and in all its necessity, in the very bed of law-making authority.

The President in his appointments, the Senate in concurrence, the removals by the President, all are for the laws, that they, such as they are, shall not be either enlarged or disparaged by any executive power or by any mere senatorial authority.

That legislation *eo nomine* and in that purpose of restriction of the power of appointment or the power of removal by the President, would be unconstitutional, all agree, in regard to appointments; but that to provide for filling a fiscal place, so that the officer should stand as a mere custodian of the public fisc, as is an office existing in England that is unremovable except on impeachment, should be within the power of the government of this country, if, by their legislative authority, they chose to exert it, I do not doubt. In that point of view in the very careful examinations which I was obliged to make of the virtue of the

tenure of office act in my former relations to the subject and in my consideration of it as a Senator, I have never been able, though looking at it from the side that I did, and under such bias as you may suppose might have affected me, to conclude that a law which should affix a certain degree of durability in tenure of an office was in and of itself unconstitutional. I have sought to draw attention to this matter that it may be seen that when I vote, as I shall, for the repeal of these clauses, I do not cover the proposition that the law-making power of this Government is precluded from giving a durable tenure to an office.

For the same reasons which induce me now, and I hope on all occasions, to avoid anything that would cripple the just faculties of the Constitution, however much we may fail to foresee all the scope and grasp that may need to be lodged in any one of its provision; for the same reasons which prevent me from undertaking to cripple the executive authority in respect to appointments and removals, I have an equal indisposition in advance by any authority of my vote to cripple the authority of the legislative power of the United States in respect to the durability of offices.

And now for the question of expediency. I think we shall all feel, if all will not confess, that the legislation of 1867, however patriotic, and, if you please, for my present purpose however constitutional, was a piece of legislation that was improvident. If the exigency required this legislation it was required in respect to the incumbent of the chief executive office and the views of public affairs which in the execution of his office he was supposed to, and, if you please, was expected to pursue. It was a very vigorous piece of legislation. In my judgment, it placed the executive power in a straight-jacket. *In vinculis* was the exercise of his duties in regard to appointment to and removal from office. No more remarkable instance of the possibility of such a constraint can be imagined than that of the inability of the President of the United States to remove a member of his own Cabinet. Is not the President imprisoned if his Cabinet are to be his masters by the will of the Senate? And there you see that no imaginable prudence or civil exigency could induce legislation at that time except by some occasion arising in the particular character and conduct of the incumbent. I pass no judgment one way or the other upon the views of the President and his policy, or the exercise of this legislative power; my only point is that it was exercised and with power so as to paralyze in a great degree the function of the President and that all agree is lodged by the Constitution in that great magistrate.

We have now by the repeal of that measure and the substitution of the present statute the enactment as it stands. The latter may perhaps be called a relic of what was left. The Senator from Vermont announces in his judgment that these two measures are in principle alike. In my judgment no two could be more different. The gist, the force of the former measure was to put the President of the United States with no power of removal, not only except by the concurrence of the Senate, but no power in the recess or *ad interim*, no power except on the principle of cause and not discretion, cause provable, ascertainable, measurable, ponderable, and a removal placed him under the responsibility of an accusation and an accountability to the judgment of this body whether his action had been sincere and lawful in morals and political duty at least.

But now this vigorous restraint is removed, and all that is left is that in the case of officers having a fixed term, the President has the power of suspension in his discretion. His power of removal never was anything but the power of removal in his discretion. For caprice, for injury to the public service he was always amenable, as every officer in this Government is amenable to some judgment at law. He was amenable to impeachment. So the discretion in the power of removal is the very measure and outline of the power of the President concerning the change of officers.

What then remains? Why, this removal is called a suspension, which is not a constitutional power, lawful if you please when it may be accorded by the law-making authority, and there is left no real substance that either constrains the President, as we all can see in looking back upon what has been done under some previous Administrations, as well as more conspicuously under the present Administration. It no longer involves accusation; it no longer covers accountability of reasons and amenability to the judgment of this body concerning them, and it now seems to me as really only an entanglement and confusion concerning what should be right and plain of the power and the responsibility of the President and of the power of the Senate and its right to call him to accountability under that constitutional power.

As I should vote for repealing the scheme of the statute of 1867, if it was on the statute-book now, on the grounds that would be insisted upon in reference to its interference with executive authority, I shall vote for the repeal here, although robbed of those constraints, because in the working between the two authorities of the Government—the Senate and the President—there must necessarily be an imperfect ability on our part to supervise the matter of suspension, and it is to the President an embarrassment only in the form and manner in which he executes his power. When, therefore, we consider all the essential element of constraint over the Executive, which was the product of *ad hominem* legislation, I find nothing that would justify it in this matter of appointments and the Senate's constitutional right in regard to appointments that should keep that measure of suspension in existence.

Suspension from office is, in my judgment, under any system of government, not a desirable working or recognized form of authority. I am satisfied with the power of removal and responsibility of removal; and I do think that this manipulation of offices which perhaps has never been used in the sense in which I now suggest, that of suspension and restoration, may be a power and a faculty which may be wielded to the public detriment. If a man can be suspended because he resists in his action a certain purpose of the President, and can be restored when he yields to that impression, you have a working power lodged in executive authority which in my judgment can not be usefully vested anywhere.

There is, however, some repugnance on my part to the repeal of section 1769, which does not seem to me to be absolutely or perhaps essentially in its main force and feature one connected with appointment or with the question of removal. This section, as the Senate will remember, relates to the condition in which, under the admitted interpretation of the Constitution, the President may have the power from one period of incumbency to another to keep in office an appointee who has never been accepted by the Senate, and has been absolutely rejected. I suppose it will be agreed that the clause, which in the public interest allows the President to fill up vacancies occurring in the recess till the end of the next session of the Senate, is a provision for a public occasion which ought not to be overlooked, and should be, as it was, provided for. Controversy arose whether that meant vacancies which actually occurred as for the first time during a recess, and the interpretation, and I think the correct interpretation, was that any vacancy which happened to subsist or persist in the recess was to be filled. Then there comes this situation, and this section of the statute only refers to that constitutional power of appointment from occurrences of vacancies in a recess as interpreted in our constitutional jurisprudence.

The meaning of that was in the Constitution that a President should fill without the concurrence of the Senate, only for that occasion, and when in the relation between the Senate and the President in regard to the appointment of a man to office the Senate shall have rejected him as unsuitable for appointment, that on the adjournment of Congress there should be an opportunity of immediately filling up the place with the same rejected officer and that is to continue during the next session of the Senate, and thus step by step there should be a resolute purpose of the President of the United States that under a liberal interpretation of constitutional authority for vacancies occurring in recess he should take to himself from that mere circumstance a power of keeping in place from time to time against the rejection of the Senate, is a perversion of constitutional authority that ought to be curbed in some way or other.

If I correctly view these matters constitutionally, I understand that a permanent system of that kind on the part of any President of the United States (and no occasion has arisen in our history to make an imputation of that kind), if it should occur, would be plainly a matter for impeachment; but as we all know this subject is one that if it be constitutional on the part of Congress to curb any perverse or dangerous tendency on the part of the Executive, I am not sure that section 1769 ought to be repealed, which simply deals with the question of the office, and provides that when the President comes in that relation to the Senate that he does not and will not fill the place by the concurrence of the Senate it shall be vacant. When by rejection the Senate has expressed its judgment, this section expresses the effect of that exercise of the constitutional function of this body.

I am not at all sure that section 1769 ought to be repealed, which provides that when the office shall be left in this condition it shall pass out and shall not need to be filled. If I could separate the vote on that section from the others I might vote to retain it. Unquestionably it is treated as if it were necessarily in substance and in its logic on a footing with the other sections named. It seems to me to rest upon a separate proposition. I make the reservation that by that section now being repealed, if it should receive my vote on the bill, as that covers all without the extrication of that section from them, it is not to be treated as a conclusion of any votes in this body that it is not within the power of legislation to prevent an excess of Presidential usurpation by some other means than those of impeachment.

Mr. HOAR. I had desired to address the Senate very briefly in answer to the Senator from Vermont, but if there be no other Senator desiring to discuss this question so that we can have a vote to-night I will forego that opportunity. If any other Senator desires to speak to the bill I will move an executive session. [A pause.] I am informed by the Senator from Kansas [Mr. INGALLS] that there will probably be some further debate on the bill. I therefore move that the Senate proceed to the consideration of executive business, I retaining the floor.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 37 minutes p. m.) the Senate adjourned until to-morrow, Friday, December 17, 1886, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 16th day of December, 1886.

UNITED STATES DISTRICT JUDGE.

Erskine M. Ross, of California, to be United States district judge for the southern district of California. Original appointment authorized by act of Congress approved August 5, 1886.

ATTORNEY OF THE UNITED STATES.

J. Marion Brooks, of California, to be attorney of the United States for the southern district of California. Original appointment authorized by act of Congress approved August 5, 1886.

ASSISTANT APPRAISER OF MERCHANDISE.

Thomas S. Tice, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York, to succeed Frank Hay, whose resignation has been accepted.

COLLECTOR OF CUSTOMS.

Frank B. Genovar, of Florida, to be collector of customs for the district of Saint Augustine, in the State of Florida, to succeed Francis E. Witsell, whose term of office has expired by limitation.

PROMOTIONS IN THE ARMY.

General Officer.

Colonel Orlando B. Willcox, of the Twelth Regiment of Infantry, to be brigadier-general, October 13, 1886, *vice* Potter, retired from active service.

Corps of Engineers.

Colonel James C. Duane, to be Chief of Engineers, with the rank of brigadier-general, October 11, 1886, *vice* Newton, retired from active service.

Lieutenant-Colonel George H. Mendell, to be colonel, September 16, 1886, *vice* Stewart, retired from active service.

Lieutenant-Colonel Henry L. Abbot, to be colonel, October 12, 1886, *vice* Duane, appointed Chief of Engineers.

Major Peter C. Hains, to be lieutenant-colonel, September 16, 1886, *vice* Mendell, promoted.

Major George L. Gillespie, to be lieutenant-colonel, October 12, 1886, *vice* Abbot, promoted.

Capt. James C. Post, to be major, September 16, 1886, *vice* Hains, promoted.

Capt. James F. Gregory, to be major, October 12, 1886, *vice* Gillespie, promoted.

First Lieut. Eugene Griffin, to be captain, September 16, 1886, *vice* Post, promoted.

First Lieut. Willard Young, to be captain, October 12, 1886, *vice* Gregory, promoted.

Second Lieut. Irving Hale, to be first lieutenant, September 16, 1886, *vice* Griffin promoted.

Second Lieut. James C. Sanford, to be first lieutenant, October 12, 1886, *vice* Young, promoted.

Additional Second Lieut. Mason M. Patrick, to be second lieutenant, September 16, 1886, *vice* Hale, promoted.

Additional Second Lieut. Charles S. Riché, to be second lieutenant, October 12, 1886, *vice* Sanford, promoted.

Medical Department.

Lieut. Col. John Moore, assistant purveyor, to be Surgeon-General with the rank of brigadier-general, November 18, 1886, *vice* Murray, retired from active service.

Maj. Joseph C. Baily, surgeon, to be assistant medical purveyor with the rank of lieutenant-colonel, November 18, 1886, *vice* Moore, appointed Surgeon-General.

Capt. Robert M. O'Reilly, assistant surgeon, to be surgeon with the rank of major, November 1, 1886, *vice* Clements, deceased.

Capt. Charles L. Heizmann, assistant surgeon, to be surgeon with the rank of major, November 18, 1886, *vice* Baily, removed.

Paul Clendenin, of Illinois, to be assistant surgeon with the rank of first lieutenant, November 5, 1886, *vice* O'Reilly, promoted.

George L. G. Anderson, of Maryland, to be assistant surgeon with the rank of first lieutenant, November 5, 1886, *vice* Wales, resigned.

Robert R. Ball, of Virginia, to be assistant surgeon with the rank of first lieutenant, November 19, 1886, *vice* Heizmann, promoted.

Pay Department.

Lieut. Col. Rodney Smith, deputy paymaster-general, to be assistant paymaster-general with the rank of colonel, December 8, 1886, *vice* Febiger, retired from active service.

Maj. William R. Gibson, paymaster, to be deputy paymaster-general with the rank of lieutenant-colonel, December 8, 1886, *vice* Smith, promoted.

Ordnance Department.

First Lieut. J. Walker Benét, Fifth Artillery, to be first lieutenant in the Ordnance Department, to date from October 26, 1886, *vice* Medcalf, deceased.

Cavalry.

Second Lieut. Walter M. Dickinson, to be first lieutenant Fourth Regiment of Cavalry, September 1, 1886, *vice* Huse, resigned.

David L. Brainard, of New York (late a sergeant in the Signal Corps), to be a second lieutenant in the Second Regiment of Cavalry, to rank as such from October 22, 1886, *vice* Lewis, promoted.

Second Lieut. J. Y. Mason Blunt, Tenth Infantry, to be second lieutenant Fifth Cavalry, November 10, 1886, with rank in the cavalry arm from October 23, 1886, *vice* Barnett, retired from active service.

Artillery.

First Lieut. Lowell A. Chamberlin, to be captain First Regiment of Artillery, November 25, 1886, *vice* Taylor, deceased.

Second Lieut. James E. Runcie, to be first lieutenant First Regiment of Artillery, November 25, 1886, *vice* Chamberlin, promoted.

Second Lieut. Edward H. Catlin, to be first lieutenant Second Regiment of Artillery, November 4, 1886, *vice* Wolfe, deceased.

Second Lieut. Samuel E. Allen, to be first lieutenant Fifth Regiment of Artillery, October 26, 1886, *vice* Benét, transferred to the Ordnance Department.

Infantry.

First Lieut. Butler D. Price, adjutant, to be captain Fourth Regiment of Infantry, September 17, 1886, *vice* Von Herrmann, retired from active service.

Second Lieut. Carver Howland, to be first lieutenant Fourth Regiment of Infantry, October 1, 1886, *vice* Webster, appointed adjutant.

Second Lieut. George N. Chase, to be first lieutenant Fourth Regiment of Infantry, November 10, 1886, *vice* Scott, deceased.

Sergt. George E. French, Company A, First Infantry, to be second lieutenant Fourth Regiment of Infantry, *vice* Howland, promoted.

Capt. William J. Lyster, Nineteenth Infantry, to be major Sixth Regiment of Infantry, October 13, 1886, *vice* Bush, promoted to the Eleventh Infantry.

Sergt. Frank Owen, Company C, Ninth Infantry, to be second lieutenant Eighth Regiment of Infantry, *vice* Terrett, promoted.

Maj. George M. Brayton, Fifteenth Infantry, to be lieutenant-colonel Ninth Regiment of Infantry, September 6, 1886, *vice* Anderson, promoted to the Fourteenth Infantry.

Sergt. Maj. Harry Fletcher Bateman, Eighth Cavalry, to be second lieutenant Tenth Regiment of Infantry, October 22, 1886, *vice* Clarke, promoted.

Maj. Edward G. Bush, Sixth Infantry, to be lieutenant-colonel Eleventh Regiment of Infantry, October 13, 1886, *vice* Townsend, promoted to the Twelfth Infantry.

First Lieut. Leon A. Matile, adjutant, to be captain Eleventh Regiment of Infantry, August 7, 1886, *vice* Schwan, appointed assistant adjutant-general.

First Lieut. Albert L. Myer, to be captain Eleventh Regiment of Infantry, December 8, 1886, *vice* Wikoff, promoted to the Fourteenth Infantry.

Second Lieut. Jonas A. Emery, to be first lieutenant Eleventh Regiment of Infantry, December 8, 1886, *vice* Myer, promoted.

Second Lieut. Robert J. C. Irvine, to be first lieutenant Eleventh Regiment of Infantry, August 24, 1886, *vice* Raphall, retired from active service.

Second Lieut. Pierce M. B. Travis, to be first lieutenant Eleventh Regiment of Infantry, August 24, 1886, *vice* Taylor, retired from active service.

Second Lieut. Benjamin F. Handforth, to be first lieutenant Eleventh Regiment of Infantry, September 5, 1886, *vice* Irvine, appointed adjutant.

Cadet Arthur Johnson, to be second lieutenant Eleventh Regiment of Infantry, *vice* Irvine, promoted.

Sergt. Maj. Odon Gurovits, Sixth Infantry, to be a second lieutenant Eleventh Regiment of Infantry, *vice* Travis, promoted.

Lieut. Col. Edwin F. Townsend, Eleventh Infantry, to be colonel Twelfth Regiment of Infantry, October 13, 1886, *vice* Willcox, appointed brigadier-general.

Maj. William F. Drum, Fourteenth Infantry, to be lieutenant-colonel Twelfth Regiment of Infantry, December 8, 1886, *vice* La Motte, promoted to the Thirteenth Infantry.

Lieut. Col. Robert S. La Motte, Twelfth Infantry, to be colonel Thirteenth Regiment of Infantry, December 8, 1886, *vice* Bradley, retired from active service.

Maj. John C. Bates, Twentieth Infantry, to be lieutenant-colonel Thirteenth Regiment of Infantry, October 19, 1886, *vice* Crofton, promoted to the Fifteenth Infantry.

Sergt. Carl Koops, Troop C, Second Cavalry, to be a second lieutenant Thirteenth Regiment of Infantry, *vice* Weinberg, deceased.

Lieut. Col. Thomas M. Anderson, Ninth Infantry, to be colonel Fourteenth Regiment of Infantry, September 6, 1886, *vice* Hunt, deceased.

Capt. Charles A. Wikoff, Eleventh Infantry, to be major Fourteenth Regiment of Infantry, December 8, 1886, *vice* Drum, promoted to the Twelfth Infantry.

Lieut. Col. Robert E. A. Crofton, Thirteenth Infantry, to be colonel Fifteenth Regiment of Infantry, October 19, 1886, *vice* Whistler, retired from active service.

Capt. Hugh A. Theaker, Sixteenth Infantry, to be major Fifteenth Regiment of Infantry, September 6, 1886, *vice* Brayton, promoted to the Ninth Infantry.

First Lieut. Theophilus W. Morrison to be captain Sixteenth Regiment of Infantry, September 6, 1886, *vice* Theaker, promoted to the Fifteenth Infantry.

Second Lieut. Warren H. Cowles to be first lieutenant Sixteenth Regiment of Infantry, September 6, 1886, *vice* Morrison, promoted.

Corp. Stephen M. Hackney, Company G, Sixteenth Infantry, to be a second lieutenant Sixteenth Regiment of Infantry, *vice* Cowles, promoted.

Corp. George W. Martin, Company H, First Infantry, to be a second lieutenant Eighteenth Regiment of Infantry, *vice* Wood, promoted.

First Lieut. Henry H. Adams, to be captain Eighteenth Regiment of Infantry, October 15, 1886, *vice* Keeler, deceased.

Second Lieut. William T. Wood, to be first lieutenant Eighteenth Regiment of Infantry, October 15, 1886, *vice* Adams, promoted.

First Lieut. John G. Leefe, to be captain Nineteenth Regiment of Infantry, October 13, 1886, *vice* Lyster, promoted to the Sixth Inantry.

Second Lieut. William P. Evans, to be first lieutenant Nineteenth Infantry, October 13, 1886, *vice* Leefe, promoted.

Capt. David D. Vanvalzah, Twenty-fifth Infantry, to be major Twentieth Regiment of Infantry, October 19, 1886, *vice* Bates, promoted to the Thirteenth Infantry.

Second Lieut. John S. Parke, jr., to be first lieutenant Twenty-first Regiment of Infantry, October 21, 1886, *vice* Fletcher, retired from active service.

First Lieut. Owen J. Sweet, to be captain Twenty-fifth Regiment of Infantry, October 19, 1886, *vice* Vanvalzah, promoted to the Twentieth Infantry.

Second Lieut. Harvey D. Reed, to be first lieutenant Twenty-fifth Regiment of Infantry, August 17, 1886, *vice* Andrews, appointed adjutant.

Second Lieut. Carroll A. Devol, to be first lieutentant Twenty-fifth Regiment of Infantry, October 19, 1886, *vice* Sweet, promoted.

PROMOTIONS IN THE NAVY.

Commodore Walter W. Queen, a resident of the District of Columbia, to be a rear-admiral in the Navy from the 28th August, 1886, *vice* Rear-Admiral John H. Russell, retired.

[During the interim of Congress Commodore Queen was commissioned a rear-admiral by the President from the 28th August, 1886, to fill a vacancy—to continue until the "end of the next session of the Senate"—and he was retired on the 6th of October, 1886, by reason of age.]

Commodore Ralph Chandler, a resident of New York, to be a rear-admiral in the Navy from the 7th October, 1886, *vice* Rear-Admiral W. W. Queen, retired.

Capt. Aaron W. Weaver, a resident of the District of Columbia, to be a Commodore in the Navy from the 7th of October, 1886, *vice* Commander W. W. Queen and Ralph Chandler, promoted.

Commander Cornelius M. Schoonmaker, a resident of New York, to be a captain in the Navy from the 7th of October, 1886, *vice* Capt. A. W. Weaver, promoted.

Lieut. Commander George W. Pigman, a resident of Indiana, to be a commander in the Navy from the 7th of October, 1886, *vice* Commander C. M. Schoonmaker, promoted.

Lieut. Henry N. Manney, a resident of Minnesota, to be a lieutenant-commander in the Navy from the 7th of October, 1886, subject to the examinations required by law, *vice* Lieut. Commander G. W. Pigman, promoted.

Lieut. Ten Eyck De Witt Veeder, junior grade, a resident of New York, to be a lieutenant in the Navy from the 7th of October, 1886, *vice* Lieut. H. N. Manney, promoted.

Lieut. Charles B. T. Moore, junior grade, a resident of Illinois, to be a lieutenant in the Navy from the 5th of August, 1886, *vice* Lieutenant E. P. McClellan, deceased.

Ensign William P. Hogg, a resident of the District of Columbia, to be a lieutenant, junior grade, in the Navy, from the 5th of August, 1886, *vice* Lieutenant C. B. T. Moore, junior grade, promoted.

Ensign William F. Fullam, a resident of New York, to be a lieutenant, junior grade, in the Navy, from the 7th of October, 1886, *vice* Lieut. T. E. D. W. Veeder, junior grade, promoted.

NOMINATION WITHDRAWN.

Samuel A. Walton, of Lancaster, Kentucky, he having declined the appointment of consul of the United States at Asuncion.

CONFIRMATION.

Executive nomination confirmed by the Senate, December 16, 1886.

UTAH COMMISSIONER.

Arthur L. Thomas, of Pennsylvania (now secretary of the Territory of Utah), to be a member of the board of registration and election in the Territory of Utah, provided for by section 9 of the act of Congress approved March 22, 1882, to amend the law relating to bigamy.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December* 16, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN.

The Journal of yesterday's proceedings was read and approved.

RECOINAGE OF GOLD AND SILVER COINS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Treasurer, with inclosure, and submitting a deficiency estimate for the recoinage of gold and silver coins for the present fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

PAPER FOR SILVER CERTIFICATES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of an appropriation to supply deficiency in appropriation for paper for silver certificates for the present fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

COAST SURVEY REPORT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting the report of the Superintendent of the Coast and Geodetic Survey for the fiscal year ended June 30, 1886; which was laid on the table, and ordered to be printed.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

The SPEAKER also laid before the House annual report of the Freedman's Savings and Trust Company; which was referred to the Committee on Banking and Currency, and ordered to be printed.

JOHN R. M'DOWELL, ADMINISTRATOR, ETC.

The SPEAKER also laid before the House a letter from the Assistant Clerk of the Court of Claims, transmitting a copy of the findings of fact by that court in the case of John R. McDowell, administrator, &c.; which was referred to the Committee on War Claims.

PUBLIC BUILDING, SPRINGFIELD, MASS.

The SPEAKER also laid before the House the following message from the Senate:

IN THE SENATE OF THE UNITED STATES, *December* 15, 1886.

Resolved, That the Senate disagree to the amendments of the House of Representatives to the bill (S. 263) providing for the erection of a public building at Springfield, Mass., and ask a conference with the House of Representatives on the disagreeing votes of the two Houses.

Ordered, That Mr. MAHONE, Mr. DAWES, and Mr. CAMDEN be the conferees on the part of the Senate.

Attest: ANSON G. McCOOK, *Secretary*.

The SPEAKER. If there be no objection, the House will agree to the conference as requested by the Senate.

There was no objection, and it was ordered accordingly.

The SPEAKER appointed as managers of said conference on the part of the House Mr. WILKINS, Mr. WORTHINGTON, and Mr. ROCKWELL.

ADDITIONAL ASSOCIATE JUSTICE, NEW MEXICO.

On motion of Mr. JOSEPHS, by unanimous consent, the Committee of the Whole House on the state of the Union was discharged from the further consideration of the bill (H. R. 9642) to provide for an additional associate justice of the Supreme Court of the Territory of New Mexico; and the same was referred to the Committee on the Territories.

LEAVE OF ABSENCE.

Mr. WILSON, by unanimous consent, was granted leave of absence for the remainder of the week, on account of sickness in his family.

HARTFORD A PORT OF ENTRY.

Mr. BUCK. I ask, by unanimous consent, that the House Calendar be discharged from the further consideration of the bill (H. R. 9859) to amend sections 2533 and 2534 of the Revised Statutes, and making Hartford, in the State of Connecticut, a port of entry in place of Middletown.

The bill was read, as follows:

Be it enacted, &c., That paragraph 3 of section 2533 of the Revised Statutes of the United States of America is hereby amended so that said paragraph shall read as follows:

"Third. The district of Hartford; to comprise the waters and shores of the towns of Saybrook, Clinton, Westbrook, Old Saybrook, Essex, Chester, Haddam, East Haddam, Middletown, Cromwell, Chatham, Portland, Wethersfield, Rocky Hill, Glastonbury, Hartford, East Hartford, Windsor, Windsor Locks, East Windsor, South Windsor, Suffield, and Enfield, as bounded on the 1st

day of January, 1886; in which Hartford shall be the port of entry, and Saybrook, Clinton, Westbrook, Old Saybrook, Essex, Chester, Haddam, East Haddam, Middletown, Chatham, Portland, Cromwell, Rocky Hill, Wethersfield, Glastonbury, and East Hartford, ports of delivery."

SEC. 2. That paragraph 3 of section 2534 of the Revised Statutes of the United States of America is hereby amended so that said paragraph shall read as follows:

"Third. In the district of Hartford a collector, who shall reside at Hartford."

The report (by Mr. O'FERRALL) was read, as follows:

The Committee on Commerce, to whom was referred the bill H. R. 8350, being a bill to make Hartford, in the State of Connecticut, a port of entry, beg leave to report the accompanying substitute for said bill, and recommend its passage.

Middletown, a city situated on the right bank of the Connecticut River, in the State of Connecticut, was made a port of entry by the act of March 2, 1799, when most of the importations of foreign merchandise coming to the people who lived in the valley of the Connecticut River were consigned to that place.

The territory for which Middletown was then made a port of entry included the town of Hartford, which is also situated on the right bank of the river, and is about 16 miles above the former place.

Since 1799 the consignments of imported merchandise at Hartford have greatly increased, while the consignments at Middletown have been reduced, so that very little business is now being done at the latter place in the way of importations.

Between July 1, 1885, and April 30, 1886 (ten months), there were received at Hartford three hundred and forty "immediate transportation" entries, representing an appraised value of $802,458. The assessed duties on these entries was $321,334.37; amount of duties paid by Hartford merchants during said ten months was $251,866.55, and the duty on merchandise which was in bond (duty not yet paid) at Hartford on June 1, 1886, was nearly $100,000. During the past twelve months duties on merchandise coming to Middletown have amounted to only about $500.

By these figures it will be seen that since 1799 Hartford has become the real commercial center for the customs district of Middletown, and your committee are of the opinion that for the convenience of the business community in this district the change proposed by the bill should be made. The Government already owns a large and commodious building at Hartford in which are accommodations for the collector and his assistants.

The change will not increase expenditures in the collection of the revenue, or otherwise; on the contrary, your committee can see no reason why the expense of collecting the duties in this customs district will not be considerably reduced from what it is likely to be in the future if the custom-house and its officers are to be kept in one place, while the larger part of business is in another place, 16 miles away, and being done in a branch office.

There was no objection, and the House Calendar was discharged from the further consideration of the bill, and it was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BUCK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN W. MEARS.

Mr. CROXTON. I ask, by unanimous consent, the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 5477) to restore to John W. Mears a fine improperly imposed on him.

Mr. COX, of North Carolina. Let the bill and report be read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is, directed to pay to John W. Mears the sum of $200, being amount of fine improperly imposed upon and collected from him and which was turned into the Treasury of the United States.

The report (by Mr. TRIGG) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 5477) to restore to John W. Mears a fine improperly imposed upon him, respectfully report:

The claimant was master of the schooner Briton M. Tilton, of Onancock, Va. On his return from James River to Chincoteague Bay, Virginia, on the evening of March 22, 1884, he ran his schooner into Wachapreague Inlet to land some of the men who had gone to Norfolk with him. He anchored at least a mile above the anchorage for vessels, where the channel is not more than a hundred yards wide. He went ashore in the afternoon, expecting to return to the schooner by sunset, and omitted to tell the crew, who were new men, to place the lights in position. Claimant was detained on shore, and the crew, thinking the anchorage was not on a navigable stream, failed to place the lights upon the schooner, as required by Revised Statutes, section 4233. The schooner was without a light for a few hours in the early part of the night and before the return of claimant on board. While in this condition a small revenue-cutter (drawing 2 feet 6 inches of water), which had been detained in the bay above by the tide, passed by, and the schooner was reported for not having lights, and the fine of $200, provided by section 4234 Revised Statutes, was imposed upon claimant, and he was compelled to pay the same, and it was covered into the Treasury before he obtained judicial action in the premises.

George Toy, the collector at that point, in a letter of October 27, 1884, to the Secretary of the Treasury, says, "I am satisfied it was not the intention of Mr. Mears to violate the law in the premises;" and he recommends that the fine be remitted.

Your committee are of opinion that the fine should have been remitted, and they therefore recommend that the bill (H. R. 5477) which they have had under consideration do pass.

There was no objection, and the Committee of the Whole House on the state of the Union was discharged from the further consideration of the bill, and it was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CROXTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PENSIONS TO DISABLED PERSONS, NAVY OR MARINE CORPS.

On motion of Mr. BURROWS, by unanimous consent, the Committee of the Whole House on the state of the Union was discharged from the further consideration of the bill (S. 1526) amending sections 4756 and 4757 of the Revised Statutes, relating to pensions to certain disabled persons who have served in the Navy or Marine Corps.

The bill was read, as follows:

Be it enacted, &c., That section 4756 and section 4757 of the Revised Statutes of the United States be, and the same are hereby, amended by inserting the words "or as an appointed petty officer, or both," after the words "as an enlisted person" in the former section, and after the words "as an enlisted man" in the latter section.

The report (by Mr. ELDREDGE) was read, as follows:

This bill has been once reported from the Committee on Pensions favorably, and the same is now in Committee of the Whole. This being identical with the House bill, the committee recommend its passage, and in addition to the report of this committee already made upon the House bill hereby adopt as a part of this report Senate Report No. 452.

Section 4756 provides for the payment of a pension out of the naval pension-fund to persons who "served as an enlisted person in the Navy or Marine Corps," &c., and section 4757 provides for aid from that fund to "every disabled person who has served in the Navy or Marine Corps as an enlisted man," &c. This bill is designed to cover the cases of those who actually rendered the same service as appointed petty officers, although not actually enlisted.

Your committee are in receipt of the following letter from the Navy Department in regard to this bill, recommending it to the favorable consideration of Congress:

NAVY DEPARTMENT, *Washington, April* 6, 1886.

SIR: I have the honor to invite your attention to Senate bill No. 1526, and to recommend it to the favorable consideration of the Committee on Pensions of the United States Senate.

Under existing laws enlisted persons performing certain duties are entitled to service pensions when they become disabled, while persons performing the same duties under appointments are deprived the benefits of such service.

This bill has my heartiest commendation, as it will not only afford justice to a large class of very deserving persons, but will have the tendency to induce men of experience to remain in the service, which will be of great advantage, particularly in view of the contemplated increase in the number and efficiency of vessels of war.

I would earnestly invite the early consideration of the bill.

Very respectfully, your obedient servant,

W. C. WHITNEY,
Secretary of the Navy.

Hon. J. I. MITCHELL,
Chairman of the Committee on Pensions, United States Senate.

The following letter also shows the necessity for this action, and the inequalities of the present law:

UNITED STATES NAVAL HOSPITAL, *Norfolk, Va., April* 1, 1886.

SIR: Senate bill 1526, referred to the Committee on Pensions, is one in which I with other unfortunates take a very keen interest. Should its provisions become law a long-delayed justice would be done the "appointed petty officers" in the Navy, apothecaries and pay yeomen, who, owing to the vascillating policy of the Navy Department in changing their status at frequent intervals, are entirely debarred from all benefits for long service.

I have served as an apothecary in the Navy a great many years, before, during, and since the late war, and yet have no claim now that I have grown old. There are many others similarly situated and to whom the passage of the above bill, 1526, would afford relief.

For myself and others, I most respectfully ask your favorable consideration and support when the bill is before you for action.

I have the honor to be, most respectfully, your obedient servant,

R. S. BARRY,
Apothecary, United States Navy.

The amendment proposed in this bill will cover but a comparatively small number of cases, but it will save your committee the trouble of considering special bills in their behalf, and as it seems to be in the line of previous legislation, as well as but an act of simple justice to old servants of the Government, we report back the bill with a recommendation that it do pass.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. BURROWS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RETIREMENT OF CERTAIN OFFICERS IN THE NAVY.

On motion of Mr. WISE, by unanimous consent, the Committee of the Whole House on the state of the Union was discharged from the further consideration of the bill (S. 830) for the retirement of certain officers of the Navy of the United States.

The bill was read, as follows:

Be it enacted, &c., That Vice-Admiral Stephen C. Rowan and Rear-Admiral John L. Worden may, after forty years' service, be retired from active service by the President, upon their own application, with the highest pay of the grade to which they belong.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WISE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES M. HAGAR.

Mr. DINGLEY. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. 7507) for the relief of James M. Hagar, and put it upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and hereby is, directed to pay, from any money in the Treasury not otherwise appropriated, to James M. Hogar, managing owner of the ship Saint James, of Richmond, Me., the sum of $1,325, that being the amount illegally exacted from said ship by the United States consul at Bremerhaven and covered into the Treasury, which sum said James M. Hogar is entitled to have refunded to him, as appears by statements of the Secretary of State and Fifth Auditor of the Treasury.

The committee recommend the adoption of the following amendments:

Strike out the name "Hogar" wherever it occurs, and insert "Hagar;" also
Strike out the sum proposed by the bill and insert "$1,112.78;" also
To amend the title so as to read: "A bill for the relief of James M. Hagar."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. This is unanimously reported by the Committee on Claims, and is in accordance with the recommendation of the Secretary of the Navy. The report of the Committee on Claims will show the whole facts.

Mr. COX, of North Carolina. I would like to have the report read.

The report (by Mr. WARNER, of Missouri) was read, as follows:

That it appears by communications from the State Department and Treasury Department, and from the petition of the claimant, that in the month of August, 1871, the American ship Saint James, of which James M. Hagar, of Richmond, Me., was managing owner, arrived at Bremerhaven, Germany, and that immediately on arrival several seamen deserted, whereupon the United States consul at that port, without giving notice to the captain of the vessel, and without proper investigation into the facts, exacted three months' extra wages of the vessel, claiming to act under section 4600 of the Revised Statutes, repealed by the shipping act of 1884, amounting to $1,112.78 in gold, or $1,325 in American currency and exchange, in which latter currency said James M. Hagar paid the exaction. The master of the vessel paid the amount, under protest, in order to obtain his clearance papers, and at once appealed to the American minister at Berlin, Mr. Bancroft, who caused the case to be investigated, and subsequently reported to the State Department that the exaction was illegal, and that the consul, who had required the payment of the same without warrant of law, should be removed.

The State Department, after further investigation, affirmed the decision of Minister Bancroft, and removed the consul by abolishing the office. The consul, in the mean time, finding that he had got into trouble by his course, forwarded the sum exacted of the vessel, amounting to $1,112.78 in coin (worth at that time $1,325 in American currency), and it was covered into the Treasury in 1871. The illegal conduct of the consul is further shown by this course, because, if he had acted under the law (now repealed) by which he attempted to justify his course, he should have paid two-thirds of the sum to the seamen (who evidently received nothing), and only one-third of the amount should have been paid into the Treasury.

It was not until the return of the ship to the United States, some time after the transaction, that all the facts became known to the managing owner, when he applied to the Treasury Department to have the amount illegally exacted returned to him. He was informed that this would require action by Congress, as the amount had been covered into the Treasury. Subsequently application was made to Congress, but up to this time no action has been had.

Your committee believe that it is clear the claimant should have refunded to him the sum illegally exacted from him and actually covered into the Treasury in coin in 1871, and therefore report back the bill favorably, with an amendment striking out the words "thirteen hundred and twenty-five dollars," and inserting instead, "eleven hundred and twelve dollars and seventy-eight cents." We also recommend amending the bill by striking out the name "Hogar" wherever it occurs in the bill and title, and inserting in lieu thereof the word "Hagar."

There being no objection, the amendments recommended by the committee were agreed to, and the bill as amended ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title of the bill was amended to conform to the amendments adopted.

Mr. DINGLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

VICKSBURG AND MERIDIAN RAILROAD COMPANY.

Mr. BARKSDALE. I ask unanimous consent, Mr. Speaker, to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. 4981) to provide for the settlement of an account with the Vicksburg and Meridian Railroad Company for internal-revenue tax, and to refund the amount of said tax erroneously assessed and collected, and put the same upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and required to examine and adjust the account with the Vicksburg and Meridian, formerly the Southern, Railroad Company of Mississippi, for internal-revenue tax, and to refund to the said company the amount found by him to have been collected from said company as tax on its bonded debt for the years 1865 and 1866; and a sufficient sum, not to exceed $6,025.35, is hereby appropriated for that purpose, out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PERKINS. I would like to hear an explanation of the bill or the reading of the report subject to objection.

The SPEAKER. If there be no objection the gentleman from Mississippi will be permitted to make a brief explanation.

There was no objection.

Mr. BARKSDALE. A verbal explanation, Mr. Speaker, of the bill will economize the time of the House and save the reading of quite a lengthy report.

As will be observed by the bill, it does not authorize the payment of any money from the Treasury until the accounts of the railroad company have been examined and adjusted by the Secretary of the Treasury, as he is required to do. The facts of the case are as follows: The tax thus authorized to be refunded, in the event he shall find it has been unjustly exacted from the company, was a tax illegally levied under the act of June 30, 1864. According to judicial interpretation, and I have that in my hand as set forth in the report of the committee, it was the intent of the law to levy the tax in the event that profits were derived by the railroad company from its business operations.

Where there was a net profit on the business, the tax was to be collected, but if there was no profit, or net earnings, then, by the terms of the law, no tax was to be levied.

It seems, however, that the Internal Revenue Department construed the law to require the collection of the tax without reference to this condition; and the head of that Department did collect it, though it was shown that the road so far from doing a profitable business, was in fact doing a very losing business. In 1877 the Internal Revenue Department brought suit against the company for taxes which had accrued the preceding years; obtained judgment, and the money was paid over. On the trial of the case, however, the railroad company offered to offset the judgment obtained against them to the amount of $6,025.35, the sum which had been illegally collected. The court refused to allow the offset upon the trial upon the technical ground that it was barred by the statute of limitations. That fact is shown by the report, two reports I may say, for there have been two favorable reports on this very subject, one to the Forty-seventh Congress and one to the Forty-ninth; and precisely the same question was presented in the case of the Cumberland Valley Railroad Company. There, also, a tax was illegally collected, as in this case of the Vicksburg and Meridian Railroad Company, which was refunded by an act of Congress February 19, 1879.

Now, Mr. Speaker, I simply ask, not that this money be paid over unconditionally to the company, but that the Secretary of the Treasury be instructed to examine the accounts and adjust them and pay over the money he finds to be due upon the conditions stated. They are all set forth in the report of the committee, or in the reports, for I will repeat that there have been two reports upon this subject—one to the Forty-seventh and one to the present Congress.

Mr. WEAVER, of Iowa. This bill limits the amount to be refunded?

Mr. BARKSDALE. Yes, to the amount $6,025.35, in the event it shall be found due.

Mr. PERKINS. I understand this is for the refund of an income tax which was levied upon the earnings of the company.

Mr. BARKSDALE. Yes, upon the earnings of the road. The road, however, was far from deriving a profit upon its business—was, in fact, doing a losing business.

Mr. WEAVER, of Iowa. When was this paid?

Mr. BARKSDALE. In 1865 and 1866.

Mr. WEAVER, of Iowa. Were they doing a losing business then?

Mr. BARKSDALE. Yes, sir; and that fact is fully substantiated by the report of the committee.

Mr. WEAVER, of Iowa. But how could the tax have been levied? Were they not compelled to make a return under oath as to the income of the road?

Mr. BARKSDALE. They were not, so far as I am aware.

Mr. WEAVER, of Iowa. No officer of the road?

Mr. BARKSDALE. I think not.

Mr. WEAVER, of Iowa. Private individuals were, and I was under the impression that corporations were also required to make such returns.

Mr. BARKSDALE. I am not sure, but I think not. At any rate the report of the managers of the road shows that it was doing a losing business at that time.

Mr. LANHAM. I will state to the gentleman from Iowa it will be left to the Secretary of the Treasury anyway. There is no appropriation in the bill.

Mr. WEAVER, of Iowa. Does the bill leave it discretionary with the Secretary of the Treasury as to the amount to be allowed, or whether any amount shall be allowed?

Mr. BARKSDALE. The amount is limited.

Mr. WEAVER, of Iowa. Does it leave it discretionary with the Secretary of the Treasury whether any amount shall be allowed?

Mr. BARKSDALE. It requires that he shall examine and adjust the account.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BARKSDALE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

LUCINDA BARRETT.

Mr. THOMAS, of Illinois. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 356), and that the House do now consider the same.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lucinda Barrett, widow of Thomas S. Barrett, deceased, late a private in Company M of the Sixth Regiment Illinois Cavalry.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. THOMAS, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC LANDS IN ALABAMA.

Mr. MARTIN. I ask unanimous consent that the bill (H. R. 32) to amend an act entitled "An act to exclude the public lands in Alabama from the operation of the laws relating to mineral lands," approved March 3, 1883, be taken from the House Calendar and considered by the House at this time.

The bill was read in part.

Mr. WEAVER, of Iowa (interrupting the reading). I think there is too much in that bill to allow us to pass it now without investigation.

Mr. MARTIN. I hope the gentleman will not object until he gives me an opportunity of explaining the bill.

Mr. WEAVER, of Iowa. I have no objection to hearing a statement from the gentleman, subject to my right to object.

Mr. MARTIN. Mr. Speaker, prior to the year 1879 all the lands in the State of Alabama were subject to homestead and pre-emption entry. At that time the lands in ten counties of the State were withdrawn from homestead and pre-emption entry and were classed as mineral lands, and could only be taken up by paying at the rate of $10 an acre for the same. Shortly after that there was a modification made, by the terms of which, upon any one making it appear to the General Land Office that the lands were not mineral lands, they could be entered for homesteads as theretofore.

In the year 1882, I think it was, the Secretary of the Interior directed the withholding of all patents. In that way a great wrong was about being done to those who had occupied the lands, some of them as much as ten or fifteen years. In order to remedy that, bills were introduced, one in the Senate of the United States by General MORGAN, our Senator, and another in the House by the Representative of the seventh district [Mr. FORNEY], providing against anything of that kind. I think this same bill, to which I refer, was the one which provided that all of the lands in the State of Alabama should be exposed to public sale, and that after the public sale had been made, then the lands should again be the subject of homestead and pre-emption entry.

Under that law, in last December, if I mistake not, the President of the United States caused the publication of a proclamation offering all these lands for sale. In January last the people of Alabama, becoming apprised of the fact that the lands of the State would, under that sale, fall into the hands of syndicates, and that instead of being taken up as homes for the people they would be held and the people would be kept out of those lands, caused representations to be made by myself and others to the President of the United States through the Secretary of the Interior setting forth all of these facts; and in deference to the wishes of the people of Alabama the President caused his proclamation to be revoked and the lands to be withdrawn from sale. Now, the object of this bill is simply to allow the people of Alabama to pre-empt and enter lands for homesteads. All the lands under the provisions of the bill are held for homesteads alone.

Mr. WEAVER, of Iowa. In what quantities?

Mr. MARTIN. In quantities not to exceed 160 acres—I believe the same as everywhere else.

Mr. WEAVER, of Iowa. Does it require actual occupation?

Mr. MARTIN. Yes, sir. It requires proofs of actual occupation. It contains everything that is required to protect the public interest.

Mr. HOLMAN. In the confusion I could not hear distinctly the whole of the explanation of the gentleman from Alabama. I wish to ask him in what respect does this bill change the existing law? As the law now stands, in the State of Alabama lands are subject to be taken under the pre-emption law, under the homestead law, and by private entry after lands have been offered for sale. There are those three modes in which lands may be acquired.

Mr. MARTIN. Not now.

Mr. HOLMAN. Yes; now.

Mr. OATES. Mr. Speaker, I think I can answer the gentleman from Indiana [Mr. HOLMAN] to his satisfaction. This is the same bill which we passed in the Forty-eighth Congress, and which the gentleman approved and amended.

Mr. HOLMAN. The bill introduced by Mr. HEWITT?

Mr. OATES. Yes, sir.

Mr. HOLMAN. That bill was exactly right. The object of it was to cut off the last two modes of disposing of those lands—by pre-emption and by sale.

Mr. OATES. It does that.

Mr. HOLMAN. That is right.

Mr. WEAVER, of Iowa. Mr. Speaker, I have no objection to the consideration of the bill.

Mr. MARTIN. The objection is withdrawn, Mr. Speaker.

Mr. HOLMAN. While I do not make any motion, I suggest that the other five Southern States, Louisiana, Florida, Arkansas, Georgia, and Mississippi, be included in the provisions of the bill, and I trust the gentlemen representing those States will not object.

Mr. NELSON. Mr. Speaker, I wish to ask the gentleman from Alabama [Mr. MARTIN] a question with reference to this bill. If I understand it correctly, the first provision is designed to wipe out in Alabama the mineral-land law and make mineral and coal lands procurable under the homestead law?

Mr. MARTIN. Yes, sir.

Mr. VAN EATON. That was done by the act of 1883.

Mr. NELSON. So that mineral and coal lands in that State can be obtained in homestead lots of 160 acres. That is the provision in the first part of the bill. The other part of it is designed to legalize a lot of such entries that have been made in the past. Is not that so?

Mr. MARTIN. The object is to put the people of Alabama upon the same footing in reference to the public lands as the people of Minnesota or of any other State in the Union.

Mr. NELSON. There is no other State in which mineral lands and coal lands can be obtained under the homestead laws, and in my opinion that provision is the vicious part of this bill, though I make no objection to the consideration of the bill.

Mr. VAN EATON. By the act of 1883 it is provided that in the State of Alabama "all public lands, whether mineral or otherwise, shall be subject to disposal only as agricultural lands." That act further provides that "all lands *heretofore reported to the* General Land Office as containing coal and iron, shall first be offered at public sale." Now, the object of this bill is simply to correct that provision.

Mr. NELSON. If the gentleman will read the first part of this bill, he will see that it allows mineral lands to be entered under the homestead law.

Mr. VAN EATON. Of course it does. Congress has already placed the mineral lands of Alabama in that position and made them subject to sale as agricultural lands, but the act of 1883 contains a provision that they must first be offered at public sale, and the Committee on Public Lands, having the fear that, when so offered, they would be bought in large quantities, have brought in this bill, and in their report say this:

> There are, therefore, but three amendments proposed by this bill: 1. It repeals that clause which requires the public lands to be offered at public sale; 2. It confines hereafter the disposal of public lands in Alabama alone to the homestead laws; 3. It confirms *bona fide* pre-emption entries to the same extent and under the same restrictions" that the act of 1883 confirmed homestead entries theretofore made.

That is to say, all these lands have been made by Congress subject to entry as agricultural lands, but under the act of 1883 they must first be offered for sale, and with the object of preventing the evils that might arise when they were so offered at public sale it is proposed to confine them solely to homestead entries.

Mr. OATES. All the best mineral lands in Alabama are already taken up. Those that are now denominated "mineral lands" are really lands which have only a small portion of mineral, the great bulk of them being agricultural. It has been thought best, therefore, to let poor people take them up in homesteads of 160 acres, and receive whatever benefit may arise from the sale of the small quantity of minerals which the lands contain.

Mr. WEAVER, of Iowa. What objection can there be, then, to requiring actual occupancy for at least five years before the patent issues?

Mr. VAN EATON. That is the homestead law.

Mr. WEAVER, of Iowa. No; it is not.

Mr. OATES. This bill provides for the occupation of the land.

Mr. NELSON. The only question is, as to the policy of allowing mineral lands to be entered as homestead lands.

Mr. VAN EATON. I will ask the gentleman whether is it better to allow poor people to take up these mineral lands under the homestead law or to allow the public lands to be bought up in bulk by syndicates?

Mr. HOLMAN. Let me call my friend's attention to the fact that when those lands were offered for sale many members of the House went to the recent Secretary of the Interior and pleaded with him not to permit them to be bought up for purposes of speculation, and is it not much better that those lands should be entered as homesteads by actual settlers than that they should be bought in large quantities and held for speculation?

Mr. WEAVER, of Iowa. I would much rather see them held by actual settlers.

Mr. BRUMM. Would not the principal result of this bill be to allow people to enter these lands as homesteads, not really for the purpose of settling there and making homes, but for the purpose of getting the title from the Government for nothing, and then selling the lands as mineral lands to the highest bidder? The only difference is that as the law now stands the Government would get the actual value of these lands as mineral lands; but under the system here proposed speculators would be enabled to make entries by fraud under the homestead system, getting the lands for nothing and thus cheating the Government to that extent.

Mr. VAN EATON. Let me answer the gentleman from Pennsylvania [Mr. BRUMM]. As was stated by the gentleman from Alabama [Mr. OATES] there are no mineral lands left in this part of the country

that are supposed to be worth anything; all the mineral lands have been taken up.

Mr. BRUMM. Then there is no use in passing the bill.

Mr. VAN EATON. These lands happened formerly to be classed as mineral lands. All that we now want to do is to correct the effect of the act of 1883. Already, by the action of Congress, these lands have been made subject to entry as agricultural lands only; but it was provided that they must first be offered for sale. Fearing that if so offered, the lands would be bought for speculation, we wish to repeal or correct that provision of the law, simply making these lands subject to homestead entry.

In further reply to the gentleman from Pennsylvania, I will say there is no possible chance that there should be any more swindling under the homestead law in respect to these lands than anywhere else.

Mr. OATES. This bill is better guarded than the general law.

Mr. VAN EATON. Yes, this proposed enactment is better guarded than the general law.

Mr. BRUMM. I prefer that the bill should not be passed in this hurried way; and I think I must object for the present.

Mr. VAN EATON. I shall be very sorry if the gentleman feels it his duty to object. He will allow me to say that the Committee on Public Lands examined this bill very fully.

Mr. HENDERSON, of Iowa. Has the committee reported unanimously?

Mr. VAN EATON. The Committee on Public Lands examined the question very carefully, and this is a unanimous report. These lands are about to be sold; and fearing they would get into the hands of speculators, we hurried to bring in this bill.

The SPEAKER. Does the gentleman from Pennsylvania [Mr. BRUMM] object?

Mr. VAN EATON. I hope not.

Mr. McADOO. Do the timber-culture and pre-emption laws apply to these lands?

Mr. VAN EATON. No, sir.

Mr. BRUMM. How many acres are involved in this?

Mr. VAN EATON. About 1,000,000.

Mr. HOLMAN. If the bill be extended to all of the five States suggested it would embrace a great deal more than 1,000,000 acres.

Mr. VAN EATON. I hope the bill will not be incumbered with that provision. This relief is designed especially for the people of Alabama; and I trust we shall let them have it.

Mr. RYAN. I desire to ask the gentleman from Mississippi whether this will confirm any entries of lands in Alabama which have been reported to the Department as fraudulent?

Mr. VAN EATON. No, sir; not one.

The SPEAKER. The Clerk has not finished the reading of the bill.

The reading of the bill was resumed and concluded.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WEAVER, of Iowa. I desire to offer an amendment.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. ROWELL. I desire to ask why this bill proposes to require actual residence of only two years on the homestead, instead of five years.

Mr. VAN EATON. That is the same commutation clause which is in all the homestead laws; only, in this case, additional guards are provided in reference to proof.

Mr. ROWELL. In this bill you withdraw any right to commute, and provide for only two years' residence. I object.

The SPEAKER. Objection being made, the bill is not before the House.

ORDER OF BUSINESS.

Mr. RANDALL. I call for the regular order. We are losing too much time from the appropriation bill.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled joint resolution (H. Res. 118) relative to certain papers in the State Department by error; when the Speaker signed the same.

AMERICAN FISHING VESSELS IN CANADIAN WATERS.

Mr. FARQUHAR. I am directed by the Committee on Printing to make a privileged report.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES, *December* 9, 1886.

Mr. DINGLEY submitted the following resolution; which was referred to the Committee on Printing:

"*Resolved*, That —— additional copies of the President's message relative to the denial by the Canadian authorities of commercial privileges to fishing vessels of the United States, with the accompanying correspondence, be printed for the use of the House."

The Committee on Printing, to whom was referred the House resolution of December 9, 1886, providing for the printing of additional copies of the President's message relative to the rights of American fishermen in British North American waters, having fully considered the same, recommend that 4,000 additional copies be printed for the use of the House, at an estimated cost of $335, and that the resolution as amended by the insertion of the words "four thousand" in line 1 be passed.

The question being taken on the amendment reported by the committee to insert before the words "additional copies" the words "four thousand," it was agreed to.

The resolution as amended was adopted.

Mr. FARQUHAR moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIE S. HOWARD.

Mr. ADAMS, of Illinois, by unanimous consent, from the Committee on Accounts, reported back favorably the following resolution:

Resolved, That the Doorkeeper of the House be, and he is hereby, authorized and directed to employ Willie S. Howard as a page in the subcommittee-room of the Committee on Appropriations during the residue of the present session, the said Willie S. Howard to be paid out of the contingent fund of the House the same compensation as now received by pages of the House.

Mr. ADAMS, of Illinois. I ask for the present consideration of the resolution.

There was no objection; and the resolution was adopted.

Mr. ADAMS, of Illinois, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

R. H. SINGLETON, LATE CLERK LIBRARY COMMITTEE.

Mr. SPOONER, by unanimous consent, from the Committee on Accounts, reported back favorably the following resolution:

Resolved, That the Clerk of the House of Representatives be directed to pay out of the contingent fund of the House to the father of R. H. Singleton, deceased, late an employé of the House, for the benefit of his orphan children, a sum equal to his salary for six months, and also the expenses attending his last illness and funeral; said expenses not to exceed $250.

The resolution was adopted.

Mr. SPOONER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN AIGERY.

Mr. SPOONER also, by unanimous consent, from the Committee on Accounts, reported back, with an amendment, the following resolution:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized to pay out of the contingent fund of the House to the widow or legal representatives of John Aigery, late a laborer of the House of Representatives, a sum equal to his salary for six months; also the necessary expenses of his late illness and funeral, not to exceed the sum of $250.

The amendment was read, as follows:

In line 3 strike out the words "or legal representatives."

The amendment was agreed to; and the resolution, as amended, was adopted.

Mr. SPOONER moved to reconsider the vote by which the resolution as amended was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. I move to dispense with the hour for the call of committees for reports.

Mr. SPRINGER. I will not interpose an objection if the Delegate from New Mexico [Mr. JOSEPHS] is permitted to make one report from the Committee on the Territories.

Mr. RANDALL. I do not object to that.

ADDITIONAL ASSOCIATE JUSTICE, NEW MEXICO.

Mr. JOSEPHS, by unanimous consent, from the Committee on the Territories, reported back the bill (H. R. 9642) to provide for an additional associate justice of the supreme court of the Territory of New Mexico; which was referred to the Committee on the Territories, and, with the accompanying report, ordered to be printed.

SAINT PAUL, MINNEAPOLIS AND MANITOBA RAILROAD COMPANY.

Mr. NELSON, by unanimous consent, from the Committee on Indian Affairs, reported back, with an amendment, the bill (H. R. 10056) granting to the Saint Paul, Minneapolis and Manitoba Railroad Company the right of way through the Indian reservations in Northern Montana and Northwestern Dakota; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALBION S. KEITH.

Mr. THOMAS, of Illinois, from the Committee on Naval Affairs, reported back favorably the bill (H. R. 1085) for the relief of Albion S. Keith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. RANDALL. I now move that the morning hour for the call of committees be dispensed with for to-day.

There was no objection, and it was ordered accordingly.

Mr. RANDALL. I should like also to test the sense of the House on

dispensing with the next hour. [Cries of "No!" "No!"] I will make the motion to do so, as that is my privilege.

The SPEAKER. The gentleman can make the motion to go into the committee, which will test the sense of the House.

Mr. RANDALL. Yes; and those who desire the morning hour can vote in the negative.

Mr. DINGLEY. Has the morning hour for the consideration of bills been entered upon?

The SPEAKER. It has not. The gentleman from Pennsylvania moves to go into the Committee of the Whole.

Mr. DINGLEY. That would take away the hour.

The SPEAKER. Those that want the hour can vote for the motion to go into committee. The question is on the motion of the gentleman from Pennsylvania to dispense with the second hour.

The House divided; and there were—ayes 80, noes 95.

So the motion was disagreed to.

ALLOTMENT OF LANDS IN SEVERALTY TO INDIANS.

The SPEAKER. The hour for the consideration of bills begins at seven minutes past 1, and the call rests with the Committee on Indian Affairs.

Mr. SKINNER. I move that the House resolve itself into the Committee of the Whole House on the state of the Union to further consider the bill reported from the Committee on Indian Affairs yesterday.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. CRISP in the chair.

The CHAIRMAN. The House resumes the consideration of the bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes; and the pending amendment will be reported by the Clerk.

The Clerk read as follows:

Provided further, Where the lands allotted are only valuable for grazing purposes an additional allotment of such grazing lands in quantities as above provided shall be made to each individual.

Mr. WEAVER, of Iowa. The House was dividing on that amendment when the point of no quorum was made.

Mr. SKINNER. It appears the amendment was defeated, whereas such is not the case.

The CHAIRMAN. The point of no quorum was made, and tellers will be appointed——

Mr. PERKINS. I hope that will not be insisted upon, but that the vote will be taken over again.

Mr. WEAVER, of Iowa. I do not object to that, if I am permitted to make a brief statement.

The CHAIRMAN. The Chair hears no objection.

Mr. WEAVER, of Iowa. My objection simply is that this amendment allows double the quantity of land where it is arid land, fit only for grazing purposes.

Now, Mr. Chairman, I think this opens a door very wide for fraud under an improper construction of what is the meaning of the term "arid lands." I believe there is but little land unfit for agriculture upon which good grass may not be grown, or at least a sufficiency for cattle-grazing to a certain extent.

With that statement I am willing to test the sense of the committee by a rising vote instead of by tellers.

Mr. SKINNER. I am willing that the vote may be taken in that way.

The question was taken; the committee divided, and there were—ayes 53, noes 21; so (no further count being demanded) the amendment was agreed to.

Sections 3, 4, 5, and 6 of the bill were read.

Mr. PERKINS. Mr. Chairman, the gentleman from North Carolina has some amendments to this section, section 6.

Mr. SKINNER. There are two amendments already proposed to that section by the committee: first strike out all after the word "void," in line 17 of section 6, down to and including the words "provided further" in line 23.

The language stricken out here is that portion of the section which provides that these patents when issued shall override the patents authorized to be issued to the tribes or bands. It is entirely superfluous, and this amendment is the natural sequence of striking out that portion of the first section of the bill relating to this subject.

Mr. PERKINS. There is no necessity for it in consequence of the amendment to the first section.

Mr. SKINNER. No, sir; the first section being amended this language is simply surplusage.

Mr. WARNER, of Ohio. Let me ask the gentleman from North Carolina what is the object of striking out all after the word "Congress," in the forty-third line of page 9, providing that the money arising from the sale of these lands shall be paid into the Treasury of the United States, and made payable only to the Indian or Indian tribe from whom such purchase was made under authority of Congress after the expiration of twenty-five years from the purchase of such land.

Mr. SKINNER. The object of striking out that portion of the section to which the gentleman from Ohio refers is because each purchase, as made, ought to be submitted to Congress and ratified by Congress; and it was thought by the committee that a provision for the taking care of the money in each individual instance could be made by Congress and applied to each purchase better than by undertaking to do it generally in one bill. For instance, one tribe might have its lands set apart in severalty and sell the lands, which would be qualified to have the money at once. Their condition might be such as to justify Congress in paying the money over without delay, while another tribe might not be in such condition for five years, and another for twenty-five years. Hence we thought it better to leave to Congress the question of dealing with each individual case arising under the operation of the law.

Mr. ROGERS. That is a good provision.

Mr. HOLMAN. I wish to ask the gentleman a question with reference to a portion of the language on page 8, where provision is made that the United States will hold the land thus allotted for a period of twenty-five years, at the expiration of which period it will "convey the same by patent to said Indian or his heirs in fee, discharged of any trusts and free of any charge or incumbrance whatever." Now, this provision is an express stipulation with the tribes that at the end of the twenty-five years a patent shall issue. I think in many instances, in fact I am certain, judging from the past history of these tribes, that it will be absolutely fatal to the Indians to have these patents issued and lands acquired in absolute fee. I suggest, therefore, whether it is not safer to provide in lieu of the language used, "Unless Congress——"

Mr. WEAVER, of Iowa. Or the President.

Mr. HOLMAN. "Shall, for the benefit of the Indian or Indians entitled to any such patents, extend the period."

Mr. SKINNER. I am perfectly willing, though I am of opinion that if an Indian, no matter how wild he may be, after the United States has offered so many inducements for education, is not competent to take charge of his land in that period, then no other period will avail him, even if you extend it to five hundred years.

Mr. PERKINS. I will suggest to the gentleman from Indiana, instead of the language he uses, or instead of requiring the formal action of Congress, whether it would not be sufficient that these patents should issue in the discretion of the Secretary of the Interior?

Mr. HOLMAN. I have no objection to that; or place it in the discretion of the President.

The CHAIRMAN. The first vote is on the amendment of the committee striking out the lines indicated in the bill.

Mr. HOLMAN. I wish to offer first a substitute for the lines which I presume will be stricken out, and to which I presume there will be no objection.

The Clerk proceeded to read the amendment of Mr. HOLMAN.

The CHAIRMAN. The Chair will state that this applies to the second amendment. The question will be taken on the first amendment.

The first amendment was agreed to.

Mr. HOLMAN. Perhaps it would be better to let the vote be taken on striking out before I move to amend.

The CHAIRMAN. The question is now on the amendent proposed by the committee, which the Clerk will read.

The Clerk read, as follows:

Amend section 6 by striking out all after the word "Congress" in line 43 down to and including the word "necessary" in line 59.

Mr. SPRINGER. Let the words proposed to be stricken out be read.

The Clerk read, as follows:

And the principal of all sums agreed to be paid by the United States as the purchase price of any portion of any such reservation shall be payable only to the Indians, or Indian tribe, from whom such purchase was made by express authority of Congress, after the expiration of twenty-five years from the purchase of said lands; but the same shall, in the mean time, be placed in the Treasury of the United States to the credit of the tribe or tribes of Indians entitled thereto; and in the mean time, and until such principal sum shall be paid over to or expended for the benefit of said Indians, the United States shall pay interest annually upon said principal sums at the rate of 5 per centum per annum, which interest shall be paid to the Secretary of the Interior for the use and benefit of such Indian tribes, and shall be used for the purpose of educating and preparing them for self-support, and applied to their support and maintenance, as may be necessary,

Mr. HOLMAN. I rise to inquire if the portion of the section which has been read shall be stricken out, will it then be in order to move to add to the section?

The CHAIRMAN. It will be.

Mr. SPRINGER. I desire to oppose the amendment for the purpose of having the matter more thoroughly explained. I want to ask the gentleman having charge of this bill what is proposed in lieu of the provision which it is recommended shall be stricken out. This proposes that the money derived from these sales shall be placed in the Treasury to the credit of the tribes after the expiration of twenty-five years.

Mr. SKINNER. It is proposed that that shall be left to future legislation.

Mr. SPRINGER. Why not provide for it now?

Mr. PERKINS. Because the conditions of the tribes are different.

A period of twenty-five years which might be advisable for one tribe might not be advisable for another. It was the sense of the committee that it was best not to fix by an arbitrary provision the period of time.

Mr. SPRINGER. It seems to me that it would be as well to consider and settle this matter now as to leave the question of the disposition of the funds arising from the sale of these lands to Congress on each particular occasion as it arises. I do not see why there should not be uniformity, perfect uniformity, in regard to all these tribes—uniformity as to the time and uniformity as to the rate of interest—so that when a deposit is made to the credit of any tribe it will be known of all people what are the conditions upon which that deposit is made. If you leave this for settlement by Congress in each particular case hereafter there will be as many different rules on this subject as there are tribes in the country. Often it would be impossible to have the matter arranged between the time for the settlement with the tribe and the time when an act of Congress could be passed applicable to the particular fund.

I think the provision as it stands is a good one, and that the circumstances of the Indians are such that they can all be placed under one general rule on this subject. If any amendment is to be made to this part of the section I would suggest that the provision stand as it is, except that the rate of interest be reduced from 5 to 4 per cent. It seems to me the rate of interest proposed in the bill is very large.

Mr. WEAVER, of Iowa. It ought not to be over 3 per cent.

Mr. SPRINGER. The rate proposed in the bill certainly seems to me very large. I would prefer that a fixed rate be established now, so that all the tribes will get the same rate of interest and that they will know when they are making negotiations under the provisions of this bill just how much interest they are to receive from year to year from the money proceeds arising from the sale of lands.

Mr. WEAVER, of Iowa. I suggest that the gentleman from Illinois offer an amendment making the rate of interest 3 per cent.

Mr. SKINNER. I will say to the gentleman from Illinois that if the matter is arranged as he desires, we might deal with some tribe in such a way that their bed would be so short they could not lie in it and their covering so narrow that they could not cover themselves with it. The Miamis and Peorias are as qualified now to take all the money coming to them, right in cash, as any white man in the United States. The Arapahoes, on the other hand, are not qualified and may not be qualified in twenty-five years to do so. Hence we can not make a general law to fit all these cases. And we can not tell what rate of interest will be right ten years from now—whether we will have to pay 10 per cent. or whether we can get all the money we want for 1 per cent. We cannot make a general law to fit all cases.

Mr. SPRINGER. I am not convinced by the argument of the gentleman from North Carolina [Mr. SKINNER] that this provision should be stricken from the bill. It seems to me that Congress should establish the policy that these funds should not be paid to the tribes in any case; that the funds should always be placed in the Treasury of the United States, and that they only shall receive interest upon them for educational purposes.

Mr. SKINNER. You would have them kept wards time out of mind?

Mr. SPRINGER. I would have them kept wards until some remote period in the future when the Congress then assembled might determine whether they were in a condition to be placed in an entirely independent position. But I know of no Indian tribe now in this broad land that should receive the proceeds of the sales of their lands to be the prey of speculators and designing persons who will rob the Indians of their funds.

Let the Government hold on to these funds, appropriate the interest from year to year for educational purposes, and then the Indians will get the highest benefit possible from the proceeds of the sales of their lands.

Mr. HOLMAN. Does my friend consider the fact that many years must elapse before those lands will be sold? They are not going to be sold next year or the year after, or for several years to come. [Cries of "Vote!" "Vote!"]

Mr. SPRINGER. I call for a vote upon the amendment striking out the provision.

The question was taken, and the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee rose informally.

A message from the Senate, by Mr. MCCOOK, their Secretary, informed the House that the Senate had passed without amendment the joint resolution (H. Res. 220) authorizing and directing the payment of the salaries of the officers and employés of Congress for the month of December, 1886.

ALLOTMENT OF LANDS TO INDIANS IN SEVERALTY.

Mr. PERKINS. I move to amend the bill, line 10, page 8, by inserting after the words "United States will" the words "in the discretion of the President."

Mr. HOLMAN. I think the gentleman had better put that in the form of a proviso: "*Provided, however*, That the President of the United States may prolong the period."

Mr. WEAVER, of Iowa. That is better; it is more express.

Mr. SPRINGER. That the President may, in his discretion, extend the period.

Mr. PERKINS. That is the way I have it.

Mr. SKINNER. That is right.

Mr. WEAVER, of Iowa. Let the amendment be read.

The Clerk read as follows:

It is proposed to strike out, in line 10, the word "will," and to insert the words "may, in the discretion of the President;" making the clause read:

"In case of his decease, of his heirs according to the laws of the State or Territory where such land is located, and that at the expiration of said period the United States may, in the discretion of the President, convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever."

Mr. HOLMAN. That is likely to create some confusion. I suggest to the gentleman that after the word "whatsoever" he insert the words: "*Provided*, That the President of the United States may, in his discretion, extend the period."

Mr. SKINNER. There is no objection to that.

The CHAIRMAN. Does the Chair understand the gentleman from Kansas [Mr. PERKINS] to withdraw his amendment?

Mr. PERKINS. I will accept the suggestion of the gentleman from Indiana.

A MEMBER. Let the amendment in the proposed form be read.

The Clerk read as follows:

In line 13, after the word "whatsoever," insert the words "*Provided*, That the President of the United States, in his discretion, may extend the period."

The question was taken, and the amendment was agreed to.

Mr. WEAVER, of Iowa. Now, Mr. Chairman, I ask unanimous consent to go back to section 2 for the purpose of making a change, to which I think there will be no objection.

There was no objection.

Mr. WEAVER, of Iowa. I move to amend in line 14, page 6, by striking out the word "five" and inserting "one." One year is long enough. The bill as it stands allows five years.

Mr. SKINNER. I suggest to the gentleman that he make it two years. The committee will have no objection to that change.

The amendment was agreed to.

Mr. BUCHANAN. I would like to hear the reasons in favor of this amendment. It seems to me it makes the time very short.

Mr. SPRINGER. The time proposed is two years.

Mr. BUCHANAN. I am aware of that.

Mr. WEAVER, of Iowa. Five years would be too long.

Mr. BUCHANAN. Why too long? That is what I want to know.

The question being taken on the amendment of Mr. WEAVER, of Iowa, it was agreed to.

The Clerk read the amendment of Mr. HOLMAN, as follows:

In line 43, after the word "Congress" insert:

Provided, however, That all lands adapted to agriculture, with or without irrigation, so sold or released to the United States by any Indian tribe, shall be held by the United States for the sole purpose of securing homes to actual settlers, and shall be disposed of by the United States to actual and *bona fide* settlers only, in tracts not exceeding 160 acres to any one person, on such terms as Congress shall prescribe, subject to grants which Congress may make in aid of education.

Mr. SKINNER. The committee have not authorized me to speak for them in reference to this amendment, but individually I have no objection to it. I think it ought to be adopted.

The amendment was agreed to.

The Clerk read section 7 of the bill.

The amendment recommended by the Committee on Indian Affairs to insert, after the word "act," in line 11, the words "or under any law or treaty," was agreed to.

Mr. ROGERS. I move to amend by adding to the pending section the provision which I send to the desk.

The Clerk read as follows:

And hereafter, in the employment of Indian police or of other employés in the public service among any of the Indian tribes or bands affected by this act, and where Indians can perform the duties required, those Indians who have availed themselves of the provisions of this act and become citizens of the United States shall be preferred.

Mr. SKINNER. There is no objection to that.

The amendment was agreed to.

The Clerk read sections 8 and 9.

The following amendment proposed by the Committee on Indian Affairs was read:

After the word "Osages," in the third line of the section last read, amend by inserting "Miamis and Peorias and Sacs and Foxes."

Mr. SPRINGER. I move to strike out this section; and I desire to make a statement in regard to the operation of this bill upon the tribes excepted by the pending section. I think that the tribes occupying the Indian Territory—that is to say, the tribes mentioned in this section and those included in the amendment just read—should not be excepted from the provisions of this bill, but should be included in it. There are in that Territory about seventy-five thousand Indians, I believe.

Mr. WEAVER, of Iowa. About sixty-two thousand.

Mr. SPRINGER. I mean in the whole Territory.

Mr. WEAVER, of Iowa. In the whole Territory there are about sixty-two thousand.

Mr. SPRINGER. I accept the gentleman's correction. It makes the case all the stronger for my argument. Those sixty-two thousand Indians have lands larger in area than the whole State of Missouri—70,000 square miles. The time has passed when those lands can be valuable to the Indians for hunting purposes. They are valuable for agricultural purposes only—for grazing and other farming operations. Under existing circumstances those lands are practically useless to the Government of the United States and to the Indian tribes themselves. Some portions of those lands have already been leased—illegally, as I maintain, and as the Attorney-General of the United States has decided—to cattle syndicates, and rentals are being paid for the use of those lands by such syndicates. The syndicates taking the leases from the Indians turn about and sublet the lands for rentals far in advance of what the Indians receive. In this way immense profits are realized by syndicates from these lands, which are used for grazing purposes.

I see no reason why the provisions for the holding of lands in severalty should not be applied to these Indian tribes. In fact, the tribes in question are in a better condition for receiving their lands in severalty than are any other tribes in the United States. They are now ripe for this reform. I suggest, therefore, to the gentleman in charge of this bill that, in the interest of the Indians themselves, this whole section be struck out, and the provisions of the bill applied to the Indian nations occupying the Indian Territory, so that these Indians, who are better prepared for the proposed change than any other Indians, may be permitted to avail themselves of the provisions of the bill. For these reasons I have moved to strike out the whole section.

Mr. SKINNER. I have not time to answer fully all that the gentleman from Illinois [Mr. SPRINGER] has said, because the hour for the consideration of this matter has nearly expired. I can only say that the lands of Indians in the Indian Territory and of the Seneca Indians in New York are held by a different title from the lands of other Indians of this country. I quote from a letter written to the committee by the Commissioner of Indian Affairs.

The exemption of the Seneca Reservation is right and proper, because the United States has no title or interest of any kind in the lands of said reservation, which, when the original title is extinguished, will become invested in fee in the Ogden Land Company, or its successors.

Mr. SPRINGER. This bill is bottomed upon the consent of the Indians in every case, as I understand.

Mr. SKINNER. Let us have a vote first on the amendment of the committee.

Mr. SPRINGER. Very well; I withdraw my amendment for a moment, in order that the amendment proposed by the committee may be voted on.

The question being taken, the amendment proposed by the Committee on Indian Affairs was agreed to.

Mr. SPRINGER. I will modify my motion so as to strike out "Creeks, Choctaws, Cherokees, and Seminoles," and leave in "Osages." They are the five civilized tribes.

Mr. THROCKMORTON. Mr. Chairman, I do not wish unnecessarily to detain the committee, but I do want to say emphatically that no greater outrage could be put upon any people than to include the five civilized tribes in this bill.

Several MEMBERS. We will vote it down.

Mr. THROCKMORTON. It would be a gross outrage if it were permitted to be done.

Mr. SPRINGER. Why so?

Mr. THROCKMORTON. I have not time to go into the discussion now, but it would be an outrage perpetrated upon these civilized tribes.

Mr. SPRINGER'S amendment was disagreed to.

Mr. HOLMAN. I do not wish to detain the committee for any length of time. It is proposed in this bill, Mr. Chairman, to appropriate $100,000 to carry out that which is contemplated by the second section. Now, I wish to say to my friend from North Carolina that it will be found to be impracticable. The usual survey of public lands into sections and quarter sections is not adapted to the purpose of making allotments in severalty to these Indians. They must be made upon a different principle, for these Indian lands require irrigation, and you must take into consideration water facilities in dividing them up.

Now, Mr. Chairman, on that account it has been suggested to me to move as an amendment to this bill the one prepared by the Interior Department, which is known as the Indian commission bill. That bill is in perfect harmony with this bill, and would make it practicable. I do not think it is practicable without it.

Inasmuch, however, as the further discussion of that measure might imperil this one, which I regard as an important one, I have consented to yield that it may be postponed to another day. Large portions of the reservations have been surveyed in the usual way, and they will not be as valuable, in most instances. I do not feel justified in making the motion to add that bill without the consent of the gentleman having charge of the pending proposition, although I know it would make it practicable.

Mr. SKINNER. We have not time, and I hope the gentleman will not insist upon his amendment.

Mr. HOLMAN. Then I will not insist upon it.

The CHAIRMAN. The Clerk will read the next amendment of the committee.

The Clerk read as follows:

SEC. 11. That the provisions of this act shall not extend to any tribe of Indians until the consent of a majority of the male members twenty-one years of age shall be first had and obtained.

Mr. SKINNER. I move to amend the amendment so as to strike out the words "the provisions of this act shall not extend to any tribes of Indians," and insert in lieu thereof the words "nothing in this act shall be construed as authorizing the Secretary of the Interior to abolish any reservation."

Mr. SPRINGER. That is all right.

Mr. SKINNER. There can be no objection to that.

Mr. WELLBORN. That is all right.

The amendment was agreed to; and the amendment of the committee as amended was adopted.

Mr. SKINNER. I move by unanimous consent the sections be renumbered so as to conform to the amendments which have been adopted.

There was no objection, and it was ordered accordingly.

Mr. SKINNER. I move that the committee rise and report the bill and amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes, and had directed him to report the same back to the House with sundry amendments.

Mr. SKINNER. I demand the previous question on the bill and amendments.

The motion was agreed to.

Mr. SPRINGER. I move, by unanimous consent, the hour be considered as having expired when this bill has been passed.

There was no objection, and it was ordered accordingly.

The amendments were concurred in, and the bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. SKINNER moved to reconsider the vote by which the bill was passed; and also moved to lay that motion on the table.

The latter motion was agreed to.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of general appropriation bills, and pending that motion I yield to the gentleman from Missouri, who desires to ask consent of the House to take up and consider the urgent deficiency bill providing for the continuance of the public printing.

The SPEAKER. The gentleman from Missouri [Mr. BURNES] desires to ask unanimous consent to take up for present consideration the urgent deficiency appropriation bill reported on yesterday; is there objection?

There was no objection.

Mr. BURNES. I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 10239) making an appropriation to supply a deficiency in the appropriation for public printing and binding for the fiscal year ending June 30, 1887, and for other purposes, and consider the same in the House.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the following sums, or so much thereof as may be necessary, be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the objects hereinafter expressed for the fiscal year ending June 30, 1887, namely:

PUBLIC PRINTING AND BINDING.

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the Executive Office, and the Departments, including salaries or compensation of all necessary clerks and employés, for labor (by the day, piece, or contract), and for all the necessary materials which may be needed in the prosecution of the work, $85,000.

DISTINCTIVE PAPER FOR UNITED STATES SECURITIES.

For paper, including transportation, salaries of register, two counters, one captain of the watch, four watchmen, one laborer, and expenses of officer detailed from the Treasury as superintendent, and necessary expenses, $17,000.

RECOINAGE OF SILVER COINS.

For recoinage of silver coins in the Treasury, to be expended under the direction of the Secretary of the Treasury, $5,000.

The SPEAKER. The question is on ordering the bill to be engrossed and read a third time.

Mr. REED, of Maine. What is the occasion for this deficiency?

Mr. BURNES. Mr. Speaker, it will be remembered, perhaps, that in the last sundry civil appropriation bill the appropriation for the support of the printing department was allotted, first, to the six months of the fiscal year, second, to the third quarter, and lastly to the fourth quarter.

The expenditures up to the present moment indicate very clearly that before the first day of January, when the next allotment will be available, this sum of $85,000 will be required, inasmuch as the Public Printer cannot draw upon that appropriation set apart for the third and fourth quarters. I will say further to my friend from Maine, that the occasion of the deficiency is simply the expenditure of the money appropriated for the first six months.

Mr. REED, of Maine. I thought I heard some provision there for watchmen and other employés.

Mr. BURNES. No, sir; the appropriation is for the general ordinary purposes of the Public Printer.

Mr. REED, of Maine. Are they to take the place of some that have been discharged?

Mr. BURNES. No, sir.

Mr. REED, of Maine. Then is it an increase of the force?

Mr. BURNES. No, sir. I will state to the gentleman that this appropriation is made necessary for the general purposes of the office. The salary list is largely diminished, and expenses are being curtailed. As to the item of $17,000, the Bureau of Engraving and Printing can do a certain amount of work only; and the amount now remaining at the disposal of the Secretary for that work is not sufficient to meet the requirements of the Treasurer for the silver certificates; hence this $17,000 have been asked for, and is recommended by the Secretary for the purpose of insuring the continuance of the work by procuring distinctive paper needed for the silver certificates.

This paper must be provided in advance, as the capacity of the bureau is limited, and the work must be continuous in order to meet the requirements of the Treasurer and the demand for silver certificates.

The remaining item, $5,000, is for the loss sustained in recoining the subsidiary coin into dimes. It is the difference between the nominal value according to count and the value after recoinage. This recoinage ought to go on for the public convenience, and the appropriation is exhausted. These, I believe, are the three items covered by the bill.

Mr. CANNON. Mr. Speaker, I would like the gentleman to yield to me for a moment.

The SPEAKER. The gentleman from Illinois is recognized.

Mr. CANNON. I only want to say a word. The last two items of this bill are evidently proper, and the first item is also proper for the reason stated by the gentleman from Missouri. As to the first item, however, I want to say that the amount appropriated for the current year for public printing is $2,000,000. That is increased by certain other amounts, for instance the pay of employés who are absent under the fifteen-days' leave, as the law was amended, and by the sale of certain waste-paper, &c. Now, according to the statement of the Public Printer, there remains $103,000 unexpended for December, and he says——

Mr. BURNES. Not quite that.

Mr. CANNON. Well, in round numbers.

Mr. BURNES. One hundred and three thousand dollars, less $30,000, which he is compelled to hold for the specific purpose of paying the printers who are entitled to leave of absence.

Mr. CANNON. But the two millions of dollars are increased by that amount, and he says he must have $85,000 to continue the work. The committee in charge of the preparation of this bill propounded a number of queries to the Public Printer, from the answers to which it appears that when he took possession of the office there was no inventory made of the material on hand; and as to what was on hand, or has been purchased out of the appropriations for the first six months of the year, or whether he has certain kinds of material on hand sufficient to run the office into and beyond the next six months, the committee has no information and we do not know.

Mr. RANDALL. Nevertheless the Public Printer encroached upon the six months' million.

Mr. CANNON. Of course he encroached upon the six months 'allotment. There has been such an amount of the six months' allotment expended that he must have $85,000 for printing or the office stops, as I understand. Whether it was encroached upon, in fact, I do not know, considering the amount of material that was purchased and the amount now on hand.

Mr. RANDALL. But he should not have expended any money on the purchase of materials out of that million which would embarrass him in the paying for the printing.

Mr. CANNON. That, no doubt, is true, provided he could do the printing required for the amount allotted.

Mr. RANDALL. I want to go along safely in my criticism.

Mr. BURNES. This is not the time to review the action of the Public Printer. This House will perhaps have occasion to review his action and his attempts at reform before the session expires. I think the Public Printer was entirely frank and entirely sincere in his statements to the committee; and I understood my esteemed colleague at the time as being entirely satisfied with his statements made.

Mr. CANNON. I am not now finding fault with them.

Mr. BURNES. He did not come into the office at the beginning of the fiscal year. The former incumbent remained until some time in September; and whether the fault of this deficiency belongs to the present Public Printer or to his predecessor is not now worthy of consideration; or at least, it need not now be considered. It is sufficient to say, however, that the present Public Printer is confident that in the future he can do all this public printing for the appropriations made—$2,000,000—instead of $2,400,000, which heretofore has been expended, I believe, for that purpose. But be that as it may——

Mr. HENDERSON, of Iowa. He says he can do that provided you give him an entirely new outfit of the office—new type, new boilers, &c.

Mr. BURNES. We will not go into that now. We will give you a chance before the session ends to contrast the work of the present Public Printer with that of his predecessor.

Mr. HENDERSON, of Iowa. It should be understood he is to do all that with an "if."

Mr. RANDALL. There is no "if" in the other case where the money was spent.

Mr. HENDERSON, of Iowa. There is an "if" here. He says he can do this if he has the office all reorganized, with new type, new boilers, &c.

Mr. CANNON. Does my friend from Missouri want to be understood as claiming that $1,000,000 for the remainder of the year can do $2,000,000 worth of public printing which Congress has ordered or may order in the future?

Mr. BURNES. I would have the House understand that unless there is some extraordinary and unexpected accumulation of work, unless there is something that has never occurred before in that office, the Public Printer is confident he will be able during the next six months to do the work for the million remaining, and not only that but he will be able to do the work from year to year for $2,000,000.

Mr. CANNON. And keep up with the work Congress has ordered?

Mr. RANDALL. And do as much work as the last Public Printer. That is as I understand him.

Mr. BURNES. That he will do as much work as ever has been done for $400,000 less money annually.

Mr. HENDERSON, of Iowa. Provided you give him a practically new office, new type, and new machinery. He is to do it with a great advantage which Mr. Rounds did not have.

Mr. BURNES. All right; we will come to that in proper time.

Mr. HENDERSON, of Iowa. It was the gentleman from Missouri who started this discussion.

Mr. BURNES. I beg the gentleman's pardon. It was my friend from Illinois [Mr. CANNON] who started it.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BURNES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER announced that the question on the motion of Mr. RANDALL that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills, had been decided in the affirmative.

The committee accordingly resolved itself into the Committee of the Whole House on the state of the Union—Mr. HAMMOND in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of resuming the consideration of the bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes.

The Clerk read the following paragraph:

Support and medical treatment of destitute patients: For the support and medical treatment of eighty-five medical and surgical patients who are destitute, in the city of Washington, under a contract to be made with the Providence Hospital by the Surgeon-General of the Army, $17,000.

Mr. RANDALL. The committee will notice there is an increase of $2,000 in this item for the Providence Hospital. An examination of the report of the committee accompanying this bill will show that that hospital has for four or five years had a number of patients in excess of the number under the contract, which is seventy-five. An examination shows that this year there will in all probability be an average daily of ninety-five patients in the hospital instead of seventy-five. The hospital has never charged anything for the excess, nor has it ever refused any patient because the number was in excess of the contract.

The committee recommended that this advantage should not be taken of the hospital, which arises in part from the fact that there are no salaries to be paid. The service is a service of charity. The committee have not gone up to the maximum of the patients there, but have deemed it wise, just and fair to increase the number by ten, which is half way up to the average of ninety-five. I thought it due to the committee to make this statement.

The Clerk read as follows:

Publication of the Official Records of the War of the Rebellion, both of the Union and confederate armies, as follows: For continuing the publication of the Official Records of the War of the Rebellion, and printing and binding, under direction of the Secretary of War, of a compilation of the official records, Union and confederate, so far as the same may be ready for publication during the fiscal year, to be distributed as required by act of March 3, 1885, $36,000.

Mr. RANDALL. Mr. Chairman, in connection with that paragraph, I suggested to the Committee on Appropriations the propriety of including the civil records of the Confederate States as well as the military. The civil as well as the military records of the confederate government are in the hands of the United States, and I call attention to the subject now so that members may consider it with reference to future action. There is no estimate presented from the Department for the publication of the civil records.

The Clerk read as follows:

For out-door relief and incidental expenses, $15,000; in all, $1,650,556. And hereafter the detailed statement of the expenses of the Board of Managers of the National Home for Disabled Volunteer Soldiers shall be reported direct to Congress in the annual report of the Board of Managers. But all of the expenditures of the said home, including the expenses of the Board of Managers, shall be audited by the proper accounting officers of the Treasury, in the same manner and as fully as other expenditures of the several Departments of the Government are by law required to be audited: *Provided, further*, That no person shall be eligible to or hold any position or employment in the government or management of any home who is interested in or connected with, directly or indirectly, any railroad, brewery, mercantile house, manufactory, dram-shop, or distillery in the State where such home is located.

Mr. ATKINSON. Mr. Chairman, I move to amend that paragraph by striking out, in lines 1727 and 1728, the words "fifteen thousand dollars" and inserting instead "two millions of dollars."

Mr. RANDALL. I wish to reserve the right to object.

Mr. ATKINSON. Does the gentleman make a point of order against this amendment?

Mr. RANDALL. I do not say that the point of order will lie against it; but I wish to examine it and see.

Mr. ATKINSON. No point of order can be made against the amendment.

In addition to what I had the honor to present in my remarks heretofore made, I wish to say that the purpose of this increased appropriation is to remove from the alms-houses the nine thousand soldiers that the Commissioner of Pensions reports are now being supported as paupers in this country. Under existing pension laws this seems impossible. Besides, I believe it to be sufficient to keep a still greater number of poor and disabled soldiers from becoming paupers. The money will be expended by the Board of Managers of the National Home for Disabled Volunteer Soldiers, who are expressly empowered by existing law to make such expenditures.

This Board of Managers is composed of the President of the United States, the Chief Justice, and the Secretary of War, who are members *ex officiis*. To these are added nine other gentlemen of high character, who have been selected by Congress, including among them General John C. Black, Commissioner of Pensions. General William B. Franklin is the president of the Board of Managers, and General George B. McClellan was a member of the board until his death.

My colleague on this floor, General JAMES S. NEGLEY, General Martin S. McMahon, of New York, and General John A. Martin, governor of Kansas, are also members of this board.

Surely no one will doubt the ability of these gentlemen to distribute relief to disabled volunteer soldiers.

Their high character is a guarantee that this money will be properly and judiciously expended, while the fact that the Commissioner of Pensions is a member of the Board of Managers will insure harmonious action with the Pension Office and co-operation also, so far as that would be warranted by existing law.

They can avail themselves of the aid of the Grand Army of the Republic, which has already given material assistance to the Pension Office in its investigations. The posts of this organization are found almost everywhere; all are engaged in charitable work, and they would supply through their charity committees full reports of the poor and disabled soldiers in their respective localities.

The importance of out-door relief, for which this appropriation is asked, can not be exaggerated. I have recently been informed that while the capacity of the soldiers' home at Hampton is equal to the proper entertainment of twelve hundred men, there are now there twenty-two hundred, some of whom are stowed away in attics, over the boiler houses, and at other improper places, and the pressure for admission shows no abatement. I have also been informed that out-door relief has been given to a very limited extent, because of lack of means, to soldiers who reside at their own homes in the cities of Dayton, Ohio, and Augusta, Me., branches of the home being located at those cities.

Mr. Chairman, this appropriation is imperatively demanded. It will be expended with propriety, and the resources of the nation are ample to meet the cost. Under these circumstances I feel justified in pressing for the adoption of the amendment.

[At the end of five minutes and before the conclusion of Mr. ATKINSON'S remarks the hammer fell.]

Mr. MCCOMAS. Mr. Chairman, if I am recognized I will yield my time to the gentleman from Pennsylvania [Mr. ATKINSON] to finish his remarks.

Mr. RANDALL. Mr. Chairman, before that is done I would like to ask gentlemen on that side how much time they desire for the discussion of this matter.

Mr. CANNON. I think the discussion had better run on for a while without any limit being fixed. The subject is a very important one.

Mr. RANDALL. I do not propose to restrict the discussion at all, but I thought we might come to some satisfactory understanding as to the time that would be consumed.

Mr. CANNON. Probably we can, a little further on.

Mr. MCCOMAS. We can judge much better after two or three speeches have been made.

Mr. ATKINSON. I expected, Mr. Chairman, to be governed by the rules, and I have not consulted my colleagues on this side of the House as to the time that should be taken for the discussion of this question; but I favor the suggestion that the discussion be allowed to run on without limit at present.

The CHAIRMAN. Under the rule the Chair will be obliged to recognize one gentleman for five minutes on either side; but if an agreement can be arrived at a different order may be observed.

Mr. ATKINSON. I will ask my colleague [Mr. RANDALL] to make a suggestion as to the time.

Mr. RANDALL. Gentlemen with whom I have just conferred seem to desire that the discussion may run on for a little while without any limit being fixed, and I am quite content to conform my action here to the wishes of the House.

The CHAIRMAN. This debate is proceeding under the five-minute rule.

Mr. RANDALL. I do not wish to disturb that rule at all.

Mr. MCCOMAS. If I am recognized, I will yield to the gentleman from Pennsylvania [Mr. ATKINSON], so that he may conclude his remarks.

The CHAIRMAN. The gentleman from Maryland [Mr. MCCOMAS] is recognized.

Mr. MCCOMAS. I yield to the gentleman from Pennsylvania [Mr. ATKINSON].

Mr. ATKINSON then concluded his remarks as printed above, and yielded the remainder of his time to Mr. GROSVENOR.

Mr. GROSVENOR. Mr. Chairman, I desire to present this question from the standpoint of economy rather than that of mere sentiment. It is proposed to take $2,000,000 this year and appropriate it for the purpose of what is called in this bill (and what seems to have been the term adopted heretofore in these appropriations) "out-door relief" to the disabled soldiers of the country. The per-capita cost of the support of these soldiers, as shown by the reports, is about $138 a year. It is believed that if this fund were administered in the way proposed by the bill and the amendment, it would go much farther, and that $100 a year per capita would be sufficient. That would enable the directors of these institutions, or this board, to protect from the ravages of famine twenty thousand veteran soldiers. Of that number, nine thousand are already objects of relief in the charitable institutions of the country, living in the poor-houses—a stigma, in my judgment, upon the character of the American people.

It is proposed to double this number—to make an appropriation large enough to administer relief to twenty thousand. I submit that, aside from any sentiment which may be involved here, it is a matter of absolute economy. We do not appropriate any money through the Pension Office simply to relieve the necessitous soldiers; we require that he shall be not only disabled but his disability shall have resulted from his service in the Army or in the Navy, and we require that that fact shall be established by evidence. Experience teaches that the proof now required of applicants is scarcely obtainable at this long distance from the close of the war.

While this proof is being made these men are going to the poor-house. While this proof is being made the head of the Pension Department, Mr. Black, reports that in this great country of ours, so proud and so rich, 9,000 of the men who marched and fought to save the Union have gone "over the hill to the poor-house." The statement is a startling and humiliating one.

This proposition would relieve the Pension Office very much from the demand made upon it, and would distribute by a hand more equal in its beneficence this bounty to the soldiers of the country. While Congress refuses to make an appropriation through the pension laws for the support of men whose disability did not arise directly from their military service, this is a line of legislation which looks not only to justice but, in my judgment, to actual economy.

[Here the hammer fell.]

Mr. O'DONNELL. If I can be recognized I yield my time to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. I do not put this matter upon the ground simply of sentiment; I put it upon the ground of economy, and upon the ground that while the pension laws remain as they are, this bounty of the Government will reach a class of individuals who can not be reached by the provisions of the pension laws—a class as meritorious as those covered by the laws.

I may be permitted to say one word, Mr. Chairman, upon the attitude of the Government toward these men. I know it has been said by a high official of the Government (whose administration I do not desire to criticise) that no other nation of the world has been so generous, so liberal toward its soldiers as has the Government of the United States. I take issue with that public statement. The nations that have been especially pointed out in that official report were Great Britain, Germany, and France. Now I do not deny that the pension-roll of this country, taken as a simple, isolated fact, may appear to demonstrate the truth of that official utterance; but when you come to look behind the figures and ascertain the actual facts the discrepancy becomes very significant. The question is not how much money do we distribute through the Pension Bureau. The question is, how much relief is given by these Governments, respectively, to the men who have upheld their honor upon the battlefield, and how many men do we neglect? When you can find in a poor-house of Germany a soldier who carried his musket in the campaigns of the great war with France, who fought for the honor of Fatherland at Sedan and Paris, the illustration will be a pertinent one. When you can find in a poor-house a French soldier who followed the eagles of France at Waterloo or in support of the ambition of the Second Empire, or who stood between the overthrow of the French army and the advance of the Germans in the late war, you will have a fitting parallel. When you can find in a British poor-house a soldier of Balaklava, of Inkerman, of Sebastopol, or even of the Egyptian war, you will have an analogous case. I say nothing of the kind can be found. Either upon the rolls of the standing armies or in the soldiers' homes, or upon rolls of pensioners of those foreign countries their disabled soldiers are carefully protected from the necessity of taking refuge in the poor-houses.

Yet this proud Republic, saved by the valor of these soldiers of our nation, refuses to appropriate money to save them from the disgrace and suffering of finding a home in the poor-house, because, forsooth, they cannot prove that their disabled and indigent condition has arisen directly from their service in the war. Their children are in asylums supported by charity, and are being educated, in too many cases, to lives of vice and sorrow.

These soldiers made this country all that it is worth; they put into the Treasury this surplus about which we are quarreling; they made the bonds of this Government worth something more than brown paper; they extended the area of this nation across the continent, and built up the improvements of which we are to-day proud. A nation like ours can not discharge its debt to these men by letting them go to the poor-houses of the country. The country owes it to its own honor that these men be taken from the almshouses. It owes it to its own honor among the nations. It owes it to the dead of the war. It can pay a small installment of its debt if we agree to this amendment.

Mr. CANNON. Mr. Chairman, I am in favor of this amendment for several reasons. I call the attention of the House to the requisites for admission to the soldiers' home or for outside relief, stating before I do so that under the organic act soldiers who were disabled in the line of duty can be admitted to the soldiers' home or may receive outside relief.

Admission is regulated by section 4832 of the Revised Statutes, as follows:

The following persons only shall be entitled to the benefits of the National Home for Disabled Volunteer Soldiers, and may be admitted thereto upon the recommendation of three of the Board of Managers, namely: All officers and soldiers who served in the late war for the suppression of the rebellion, and the volunteer soldiers and sailors of the war of 1812 and of the Mexican war, and not provided for by existing laws, who have been or may be disabled by wounds received, or sickness contracted in the line of duty; and such of these as have neither wife, child, nor parent dependent upon them, on becoming inmates of this home, or receiving relief therefrom, shall assign thereto their pensions, when required by the Board of Managers, during the time they shall remain therein or receive its benefits.

Section 4833 authorized outside relief, and is as follows:

The managers of the National Home for Disabled Volunteers are authorized to aid persons who are entitled to its benefits by out-door relief in such manner and to such extent as they may deem proper; but such relief shall not exceed the average cost of maintaining an inmate of the home.

The class for admission was enlarged by the following provision, to be found in the act of July 5, 1884:

That all honorably discharged soldiers and sailors who served in the war of the rebellion, and the volunteer soldiers of the war of 1812, and of the Mexican war, who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning their living, shall be admitted into the home for disabled volunteer soldiers, provided such disability was not incurred in the service against the United States.

It will be observed that all those soldiers who are, from any cause, disabled—through age or otherwise, and by reason of such disability are incapable of earning their living, are entitled to admission under one section of the statute, and under an additional section are entitled to outside relief. This is the rule; and such relief is being extended under the amended law to a portion of those who are entitled to the benefits of this act.

I have before me the report of the Board of Managers of this institution, not for this year, but for last year; the report for this year is not yet printed. In this document I find, upon hasty examination, some very interesting things. I believe that about 80 per cent., perhaps more than that, of the persons receiving relief, either outside relief or in the soldiers' home, are also receiving pensions, and that less than 20 per cent. of those receiving relief through the homes are not receiving pensions.

I am not here to say that anybody is receiving relief improperly. I presume such is not the case. I have no doubt that in the main the relief is proper. Yet this system of extending relief works unequally. The returns of persons receiving relief during the last year illustrate with singular force the unequal action of the system. The soldiers from the State of Illinois cared for by the home for the year ending the 30th of June, 1885, numbered 1,082; those of Ohio, 2,121, double the number from Illinois. The soldiers of New York numbered 2,564; Indiana, 911; Pennsylvania, 1,929; Wisconsin, 640; Massachusetts, 1,010, and so on.

It can be seen, with only equal claims, the State of Ohio has people who receive this outside relief, as well as relief in the soldiers' homes, far more than the State of Illinois. Now, what I wish, Mr. Chairman, is that this law shall be enforced; so that if there be soldiers entitled to outside relief proximity to a soldiers' home should not make any difference. You can see with the great soldiers' home in Ohio, where relief is given inside and outside, and with the other branch homes—I say you can see at once a far greater proportion would receive inside the homes the relief provided where they live contiguous to such homes.

I do not know whether you can provide for all the people entitled to relief under this law, but I do know it is in our power to make appropriations to provide for every honorably discharged soldier who served in the late war, and for every sailor; for every one who served in the war of 1812, and the Mexican war, who may be disabled by disease or otherwise.

The CHAIRMAN. The gentleman's time has expired.

Mr. HENDERSON, of Illinois. I will take the floor, and yield my time to my colleague.

Mr. CANNON. Mr. Chairman, in conclusion I say even-handed justice and fair play require all shall be treated alike; hence I shall vote for the amendment. But I would state frankly that, in my opinion, when the next year shall close, if the $2,000,000 is given, it will be found insufficient. But I am willing, nevertheless, to try the experiment and appropriate that much for relief as far as it will go. So long as this law is upon the statute-book, and so long as I have the honor to serve in Congress, I shall insist, with the gentleman from Pennsylvania, that the amount shall be sufficient to relieve all, and not only a favored few—not those who receive pensions only—not those who by vigilance, living near by the homes, get outside relief, but the thousands of people who are not so fortunately situated, but equally deserving, equally worthy, equally meritorious, and equally entitled to relief.

[Here the hammer fell.]

Mr. RANDALL. Mr. Chairman, this amendment involves now two millions of expenditure. It has been stated it is to meet what the Commissioner of Pensions states to be the necessities of nine thousand disabled soldiers now in almshouses. It goes further, because, on the calculation of $100 expense for each soldier, it gives, as the gentleman from Ohio stated, relief to twenty thousand. I have never heard the estimate of this class of soldiers to be provided for in this manner can possibly be under one hundred thousand. I have heard it stated as high as one hundred and fifty thousand; but if it be one hundred thousand, the minimum, it will ultimately involve an annual expenditure, in addition to the pension laws, of ten millions of money.

The amendment in fact seeks to accomplish what the board of managers have not asked, because the Committee on Appropriations recommend the full amount estimated by that board. But it goes further, and proposes to accomplish what was sought in the bill passed by the Senate, and which, I think, is now on the Speaker's table of this House, looking to this benefit. And it increases the amount to $2,000,000 without any of the safeguards being thrown around it, such as that proposed legislation would give. In other words, the effect of this amendment is to make the managers a law unto themselves, and put them in the distribution of this amount of money beyond the law and beyond the action of Congress.

I confess to have a strong disposition to take care of all disabled soldiers. This, however, changes the practice of the Government, and, while it does not establish, as it were, a service-roll, it certainly does establish what I may characterize as a disability-roll, because it establishes what now is not provided for by the pension law, that is, that parties who served in the Army and have since been disabled by causes remote from their service, and entirely disconnected from the service, shall be made pensioners to the extent of $100 per annum.

Mr. ATKINSON. The amount to be expended is not defined in the amendment.

Mr. RANDALL. And that is one of the objections I have to it. It can not exceed $140 for each soldier.

Mr. ATKINSON. It can not exceed the amount expended for the maintenance of any soldier at a soldier's home.

Mr. RANDALL. That is about $138.

Mr. ATKINSON. Yes; that is right.

Mr. RANDALL. Somewhere about $140; and if you make your calculation on that basis, then more money is required—one-third more than I have stated.

Mr. GROSVENOR. The law provides now for this class.

Mr. RANDALL. But, in fact, it establishes a new roll of pensioners.

Mr. CANNON. But is it not already established? Is it not established now, and does not this tend to give to all what only the favored few now receive?

Mr. RANDALL. In that very connection let me say that the original act creating this corporation provided that those soldiers who had been disabled in the line of duty—I will not enumerate the other requirements for admission—should be admitted; and section 4834 of the Revised Statutes then provides that these men shall be entitled to this out-door relief. The act of some years later—I do not remember the exact date—changed the qualifications for admission or the character of disability under which the man should be laboring to entitle him to admission to the home, so that he can go there now whether he has been disabled in the line of duty or not. Is not that correct?

Mr. ATKINSON. That is the law, as I understand it.

Mr. RANDALL. Moreover, while the original act of incorporation permitted the assignment of pensions on the part of the person entering the homes, a subsequent act has taken from that admission all of that condition of assignment of pensions. For instance, a man can go into the home who was a soldier, whether he was disabled in the line of duty or not, and still keep intact his pension without regard to the one hundred and forty dollars he costs the Government, and get his living there.

I confess, Mr. Chairman, that I would like to see the law so changed that those soldiers who do not now receive a pension at all should at least have the preference in regard to this relief.

Mr. GROSVENOR. That is correct; I think so, too.

Mr. ATKINSON. It was expected, let me state to my colleague, that this would be the result of the increased appropriation provided by my amendment.

Mr. RANDALL. I fear not. I will go with the gentleman in that direction most heartily. But I do not believe this would accomplish it.

But following out what I was going on to say a moment since: That change of the law as to admissions into the homes from admission on account of disability in the line of service to an admission on account of disability, without requiring that it should be contracted in the line of duty, I would like to ask the gentleman from Illinois [Mr. CANNON] whether he thinks, legally, that out-door relief clause of section 4834 is continued in force by this new character of admission?

Mr. CANNON. I think that would be a proper construction of it.

Mr. ATKINSON. I will answer that question if my colleague will permit me.

Mr. RANDALL. Certainly.

Mr. ATKINSON. While the act of 1884 increased the number that might be relieved, it deprived the managers of the homes of no power that they previously had to provide out-door relief.

Mr. RANDALL. Oh, yes; as to the assignment of pensions, for instance.

Mr. ATKINSON. I beg pardon of my colleague; I misunderstood his question.

But as to admissions, I believe the right to give out-door relief extends to those who are entitled to admission under the act of 1884 as well as under the act of 1866.

Mr. RANDALL. And also the act of 1873?

Mr. ATKINSON. Yes, sir.

Mr. RANDALL. Now, these acts of 1866 and 1873 provided the machinery of the law, and the act of 1884 opened the door wide to admissions. Now do you say that the original act of incorporation of the homes, for it is a corporation, whether by that subsequent legislation there followed also a power of out-door relief to people outside of the Home on the same qualifications as applies towards those in the homes?

Mr. ATKINSON. Yes, sir; under the act of 1884; I have no doubt about it.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. ATKINSON. I ask unanimous consent that the gentleman's time may be extended.

Mr. WARNER, of Ohio. If I may be recognized hereafter, I will take the floor now and yield to the gentleman from Pennsylvania.

Mr. RANDALL. I do not think there is anybody here who does not want to do full and exact justice to the soldiers, and soften the pillow of their declining years, but is it not better for us when we enter upon this change of policy, when in effect we make a new roll of pensioners, to do it by a separate and distinct act, such as that resting now upon the Speaker's table, instead of this way on an appropriation bill?

Mr. REED, of Maine. It not only rests there, but probably will rest there.

Mr. ATKINSON. That is exactly what the trouble is. I am afraid we will not have such pension legislation, I will state to my colleague; and therefore I am endeavoring to secure the incorporation of this provision into the present appropriation bill.

Mr. RANDALL. Again, Mr. Chairman, as far as I know of their report the managers of these homes do not recommend this change of the law. Do they?

Mr. ATKINSON. Not that I know of; but it is recommended by the body of the soldiers and also by the people.

Mr. RANDALL. Well, I would rather take the recommendation of the body of the soldiers. I do not know if the effect of this out-door relief might not be to reduce in fact the number of inmates in the several homes.

Mr. ATKINSON. I have no doubt it will. There are at Hampton twenty-two hundred where there should be but twelve hundred; among them are men of family who should be at home enjoying the comforts of association with their wives and children.

Mr. RANDALL. And many of them drawing large pensions, as I showed. There are more than six hundred inmates in these homes that are drawing large pensions, $24 a month and upwards, as I am told by the Representative of the Dayton district. Now when we are making this amendment or bringing about this new action, enacting this new beneficiary law, why not give the preference in some way to those that draw no pensions? I now yield to the gentleman from Ohio [Mr. WARNER].

Mr. WARNER, of Ohio. It seems to me, Mr. Chairman, it would be necessary if we are to appropriate so large a sum for out-door relief to provide at the same time proper machinery for affording the relief. Simply to authorize the managers of the soldiers' homes to extend relief in such manner as they may think best, it seems to me, would be a very loose way of spending money. Besides, I do not understand whether it is contemplated by this amendment to extend the relief to soldiers all over the country or only to those who gather around the homes or live in reach of them.

Mr. ATKINSON. It is intended to extend relief to all volunteer soldiers who are entitled under existing law to admission to the soldiers' homes. That is the purpose of it.

Mr. WARNER, of Ohio. By what machinery and in what way?

Mr. ATKINSON. I will answer the gentleman's question. As was stated by my colleague, this organization known as the National Home for Disabled Volunteer Soldiers is a corporation, and the Board of Managers by the act of incorporation have power granted to them to make rules and regulations for the purpose of performing the duties that are enjoined upon them or expected of them in that law.

Mr. WARNER, of Ohio. That would amount practically to a new order of pensions to be granted, temporarily, perhaps, by the Board of Managers of the Soldiers' Home instead of through the Pension Office. At any rate, before this is done the necessary machinery for carrying the plan out and for securing the proper responsibility which the expenditure of so much money imposes ought to be carefully provided. How is the board to find out who is and who is not entitled to relief? If this system of aid is to reach over the whole country somebody must ascertain the facts about each case. How is this to be done, and who is to do it? The Board of Managers of the Soldiers' Homes are not Government officers. Who is to audit their accounts? Who is to say how much is to be applied here and how much somewhere else? Who is to give bond, or is none to be required? Surely it can not be intended to appropriate so large a sum to be expended without responsibility. The amendment I propose to offer relates first to the admission of soldiers to the homes. It is a regulation now, I believe, to give the preference to those not drawing pensions.

Mr. CUTCHEON. That is not so.

Mr. WARNER, of Ohio. It ought to be so.

[Here the hammer fell.]

Mr. RANDALL was recognized, and yielded his time to Mr. WARNER, of Ohio.

Mr. WARNER, of Ohio. I offer an amendment which will give preference in the admission of soldiers to the national homes to those not drawing pensions, and limits aid to those not receiving pensions in excess of $20 a month. It seems to me that aid, if such aid is to be given, should be limited to those not drawing large pensions. The limit I have fixed is certainly high enough. I can not see that equity lies in granting to one man for a given disability a given pension, and then to another man for a like disability not only the same pension but in addition shelter, clothing, subsistence, care, medical treatment, and everything else at a soldiers' home. Why should not the soldier when he enters the home while in the home surrender his pension unless required in whole or part for the support of his family? A widow's pension is $12 a month. Up to the limit of a widow's pension his family might be allowed his pension, but there is no justice and no equality in giving only a pension to one, and to another for the same disability giving a pension and full support besides at a home; and surely if the proposed amendment to allow this outside aid to be given is to pass, it should be limited to those not drawing pensions, or pensions insufficient to support them.

The Clerk read as follows:

Add the following proviso:

"*Provided*, That in the admission of ex-volunteer soldiers and sailors preference shall be given to those who are not drawing pensions, and no part of this appropriation shall be expended for the support or care of any one drawing a pension of over $20 a month."

Mr. GOFF. Does the gentleman intend that as an amendment to the amendment?

Mr. PETERS. I had intended to offer an amendment to the amend-

ment of the gentleman from Pennsylvania [Mr. ATKINSON], but as an amendment has now been offered, I believe a third would not be in order.

I desire to say a word in relation to the original amendment offered by the gentleman from Pennsylvania. The principle of extending out-door relief has been established by law, and, therefore, the question is not before us as to whether this out-door relief shall be granted. The act as it is at present provides that out-door relief may be granted by the Board of Managers of the Soldiers' Homes. It therefore is simply a question of policy as to the amount that shall be granted, and nothing more. The amount allowed in the original bill is $15,000. The amount proposed by the amendment is $2,000,000.

Now, we must do either one of two things. We must either erect more soldiers' homes or we must increase the amount provided for out-door relief; or else we must ignore the needs and wants of the soldiers entirely.

I am not in favor of increasing the number of soldiers' homes when we can afford relief, as I think we can, in a much more economical manner. To increase the number of soldiers' homes would necessitate a large expenditure in the purchase of land and in the erection of buildings, and also an additional expenditure annually for the management and control of the homes. The proposition of the gentleman from Pennsylvania [Mr. ATKINSON] avoids all this outlay. This fund can be distributed by the present officials without any additional cost, so that every dollar that may be appropriated for this out-door relief can go directly to those for whose benefit it is intended. I think that is an important point to be taken into consideration. If we are to determine what policy we will pursue, and if we must take one or the other course, must either increase the number of our soldiers' homes or increase the amount to be given for out-door relief, then certainly, as was suggested by the gentleman from Ohio, the most economical method will be to increase the amount for out-door relief.

There is one other point to which I desire to call attention in connection with this question, a suggestion which I intended to embody in an amendment. I believe that the relief to be extended under the provisions of this law does not go far enough. It goes only to soldiers who have been honorably discharged, but it should go also to the widows and orphans of those soldiers who, if living, would be entitled to this relief, and it has been my intention to offer an amendment providing that in deserving cases the Board of Managers might extend such relief to the widows and orphans of those who, if living, would themselves be entitled to it.

[Here the hammer fell.]

Mr. ROWELL was recognized, and yielded to Mr. PETERS.

Mr. PETERS. It is a well known fact, Mr. Chairman, that to-day many of the widows and orphans of soldiers of the United States are in the poor-houses in different parts of the country, and if, as has been said, it is a disgrace to this country that the soldier, after he has become disabled and disqualified for making a living, must seek refuge in a charitable institution, then I say it is a still greater disgrace that the widows of soldiers who died in the line of duty, or who have since died in consequence of wounds or disabilities received in the service, must go "over the hill to the poor-house" to spend there the remainder of their days. The relief provided in this bill does not go far enough. It ought to be extended so as to take in all necessitous and deserving cases of such widows and orphans.

I yield the remaining time to the gentleman from Illinois [Mr. ROWELL].

Mr. ROWELL. Mr. Chairman, I take it for granted that whatever relief ought to be extended to soldiers because of the fact that they were soldiers, ought to be extended by the United States instead of by the several States. It is very true that many of the States of the Union have, at their own expense, established soldiers' homes, or are establishing such homes, because of the neglect of the United States to make provision for the care of the soldiers.

It is true that nearly every Grand Army post in the United States has upon its hands some disabled soldier or soldiers to be cared for. Now, it is the experience of everybody extending relief that out-door relief is not only the cheapest, but the best that can be resorted to. Many a man is made self-supporting by a little assistance in the hard portion of the year, and is thus kept out of the poor-house. It seems to me that this limited sum of money might well be appropriated by unanimous consent, so that we might try the experiment of reaching out, through the various Grand Army posts, to find these men who are struggling to keep their heads above water and to support their little families, and thus save hundreds and thousands of them from the disgrace of going into town or county poor-houses. It is comparatively a little matter. We can try the experiment through this Board of Managers of the Soldiers' Homes, and at least make a start toward doing justice to that large class of gallant men who have served their country, but whose names do not appear upon the pension-rolls.

Mr. MCMILLIN. Mr. Chairman, I do not believe that it is safe to adopt this amendment unrestricted. In this bill we find $15,000 appropriated to be used in the discretion of the officers of the soldiers' homes under such circumstances as may seem to them to warrant its expenditure for the benefit of such destitute soldiers as they may designate who are not now sufficiently provided for. What does this amendment propose? It proposes to strike out that appropriation of $15,000 and insert $2,000,000. The chairman of the Committee on Appropriations has already told the House that this means not simply an increase from $15,000 to $2,000,000 but that ultimately it will probably take $10,000,000 or more to meet the demand. My candid opinion, considering that this appropriation is for only one year, is that $50,000,000 will not meet the ultimate demands of this legislation. I have just talked with one of the managers of the soldiers' homes, who tells me this is almost sure to destroy the homes or their efficiency.

If there is necessity for an increase of pensions, why do we not like men come up and increase them by statute? Why do we propose to throw open the doors of the Treasury and give a discretionary power with reference to the disbursement of this money to certain officers without any law regulating or fixing that discretion or responsibility, except their own will, these officers being virtually independent of the Government.

What class of soldiers needs the relief here proposed? Name the class; and if the necessity appears, let us increase their pensions under the law, and let the country generally know what is being done and how it is being done. But this is a proposition to give a large discretionary power to the officers I have described in the disbursement of millions of dollars of the public funds. You do not know, and I do not know, how the money will be expended. No law fixes or controls the expenditure; no statute has been enacted regulating it; and the gentleman who proposes the amendment has not devised any machinery by which responsibility shall be fixed or the expenditure controlled. I insist that this is neither a fair nor a manly way to legislate. How are the managers of the homes to know who needs it most? You supply them with no power to take evidence; no officers to investigate; no machinery to properly manage the expenditure of this vast sum.

As I have already said, if the pensions now paid are not sufficient we should make them so. There is no disposition in this House to stint the pensioner. There has been no disposition of that kind manifested during the eight years I have been here; and I suppose the member who has had longest experience in the House will give similar testimony. The country is liberal; Congress is liberal, and liberal to such a degree that even the assembly of former soldiers of this Government at their last meeting, held in California, looked strongly, as I understand, toward calling a halt in reference to uncalled-for pensions and bounties.

Mr. GROSVENOR. Will the gentleman allow me to make a correction?

Mr. MCMILLIN. With pleasure.

Mr. GROSVENOR. The national encampment at California refused to indorse the eight-dollar service-pension bill, because for five successive years they had found it impossible to get that relief which their committee had prayed for at the hands of Congress.

Mr. MCMILLIN. Did the assembly of soldiers in California call for this legislation? If so, point out the resolution making the demand. It never did. This is conceived crudely here, and in the crudest state sought to be thrust upon the country.

Mr. REED, of Maine. They called for the equivalent of it.

Mr. MCMILLIN. Then let us adopt "the equivalent," if necessary, instead of it. This proposed legislation would open the door in the disbursement of this fund to all kinds of favoritism that can be conceived. Why, sir, if a soldier makes application and does not get the amount that he wants (and there is no provision fixing the amount to which he shall be entitled) he can complain nowhere; he can appeal to no tribunal to right any injustice done, because there is to be lodged with these officers a discretion which no statute will control.

I insist that this is not the right kind of legislation. The gentleman from Maine [Mr. REED] says that "the equivalent" of this legislation has been asked for. I have never known the soldiers of this country to ask for the appropriation of $2,000,000, or what will ultimately be more than $10,000,000, without any statute to control the expenditure, without any bond being given by the officers who are to make the disbursement, and without any regulation of the discretion which they are to exercise. If such a law were passed we should have complaints from all parts of the country from men who would feel that their applications had been rejected for some insufficient reason, perhaps on account of politics, and the door would be open to all sorts of favoritism and partiality.

Why, suppose this money is drawn by the officers intrusted with it and deposited with the banks; they, in case of failure, would not, according to our decision, be liable on the bonds executed as required by law as Government depositories, and security for reimbursement would have to come from some other source. I would do justice to every maimed or disabled soldier, but we at the same time should see that proper safeguards are thrown around all expenditures of the people's money.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

The committee rose informally; and, Mr. Townshend having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr.

McCOOK, its Secretary, announced that the Senate had passed, without amendment, House bills of the following titles:

A bill (H. R. 2013) for the relief of Myron E. Dunlap; and

A bill (H. R. 6489) granting a pension to Mrs. Barbara Fuchs.

The message also announced that the Senate had passed a bill (S. 4) to permit the owners of certain vessels, and the owners or underwriters of cargoes laden thereon, to sue the United States; in which the concurrence of the House was requested.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole House on the state of the Union resumed its session.

Mr. CUTCHEON. Mr. Chairman, the first question that should engage our attention in discussing this matter is as to the sufficiency of the existing law to authorize the disbursement of this fund. The law on this subject will be found in section 10 of the act of March 10, 1866, providing for the organization of the soldiers' home:

And be it further enacted, That the managers of the asylum—

Which was then the name of the soldiers' home—

shall have power and authority to aid persons who are entitled to its benefits by out-door relief in such manner and to such extent as they may deem proper; provided such relief shall not exceed the average cost of maintaining an inmate of the asylum.

That statute is still in force, though the institution is no longer called the "asylum," the name having been changed to "The National Soldiers' Home." It will be observed that the section just read gives to the Board of Managers plenary power to administer this fund "in such manner and to such extent as they may deem proper."

The next question is, who are entitled to be the beneficiaries of out-door relief? This question is answered in the quotation already made by the gentleman from Illinois [Mr. CANNON] from the act of July 5, 1884:

SEC. 5. That all honorably discharged soldiers and sailors who served in the war of the rebellion, and the volunteer soldiers and sailors of the war of 1812 and the Mexican war, who are disabled by age, disease, or otherwise, and, by reason of such disability, are incapable of earning their living, shall be admitted into the Home for Disabled Volunteer Soldiers; provided such disability was not incurred in the service against the United States.

There we have designated the classes who are entitled to admission; and every person entitled to admission to the National Soldiers' Home is, if not admitted, entitled to out-door relief. Thus far we have solid ground under our feet.

The next question is, are there any persons not already cared for, for whom provision ought to be made by this or some other measure? It happened to be my fortune, Mr. Chairman, in the Forty-eighth Congress, to be one of the investigating committee of five who visited and investigated all the soldiers' homes. We spent nearly two months in the performance of that duty. The gentleman from Indiana [Mr. STEELE] and myself are, I think, the only members of that committee who now occupy seats on this floor. We then found it to be universally true that the capacity of these homes was entirely inadequate to give accommodation to those entitled to the relief provided by law. Since that time a branch of the Home has been opened at Leavenworth; but we find it still the fact, that at every one of these branches of the National Soldiers' Home, the applications of those entitled under the law to be admitted are vastly in excess of the accommodations for their admission. Taking as correct the statement of the Commissioner of Pensions (though I do not know how he collected his statistics) there are about nine thousand of these veterans who not only can not be admitted to the National Soldiers' Home, but who are actually the inmates of poor-houses in different parts of the country.

Now, I do not say, Mr. Chairman, that it would be wise to initiate all at once such an extensive experiment as is contemplated by the amendment of the gentleman from Pennsylvania, but I do think, if we have proper machinery—and proper machinery we have in the Board of Managers of National Soldiers' Homes—for the administration of this fund, that it is a move in the right direction to afford this relief at the homes of the beneficiaries rather than to congregate and aggregate them in great numbers in these vast caravansaries, where they are now collected.

At the Dayton Soldiers' Home there are about five thousand, and in others a less number, but everywhere crowded to excess. The investigating committee found the chief difficulty of the management in these homes was in the great number brought together, and it was, I believe, the universal opinion of all connected with the management of the homes from the chairman of the board down through the various officers, that if some system could be adopted to prevent these large aggregations at the homes at a few points, it would be to the advantage of the beneficiaries mentally, morally, and physically. Now, this amendment contemplates an effort in that direction, to administer this aid at the fireside of the beneficiary, where he can be surrounded by the mental, moral, and social influences of the family and the neighborhood rather than to separate him from his home with all its humanizing and elevating tendencies.

[Here the hammer fell.]

Mr. REED, of Maine. If nobody on the other side wishes to speak, I will proceed.

Mr. BRAGG. It really seems to me, sir, it is almost impossible to consider any question touching the soldier, or his interests, or any matter connected with him and expect it to be considered and dealt with on fair business principles. The moment the name of soldier is heard in legislation, and there is a prospect of giving some soldier some money, everybody seems to struggle with his fellow to see who shall be at the front shouting, "More money for soldiers!" [Laughter.]

Now, Mr. Chairman, it seems to me, in a business point of view, and looking at it as a business man would look at it, that no man who draws a pension should be received in a soldiers' home; because the law fixing pensions gave a pension for the purpose of helping support and care for the disabled soldier who had been in the service of his country. Now, if the Government, instead of giving him a pension, says, I will take care of you; and he says, I prefer to be taken care of entirely by you rather than receive the partial pension you promised, and he goes to a home and is fed, and clothed, and lives there, and is put to no expense whatever, I say that is more than the Government contracted. They have provided for him in full, and such a man should receive no pension, which was only designed to be given to help take care of him. There is no need to help to take care of him when the master makes provision and takes care of him. And that remark I make touching the amendment of the gentleman from Ohio on my left.

Now in regard to the amendment touching outside relief. In a business point of view, this amendment becomes absolutely ridiculous, when you consider it, and still I expect this House will vote for it. Why ridiculous? Gentlemen talk about out-door relief. It is easy to say the bounty of the Government should be distributed alike and fairly to the soldiers entitled to the favor of the Government. That is easy to say, but not easy to do. Here is an appropriation of millions of money to be given to the managers of soldiers' homes, to be distributed for out-door relief. Where is the agency by which the managers of soldiers' homes are to go into each ward, each township, each county, where the soldiers may be, and find out who needs out-door relief? Unless there is some one to make the investigation and find who needs the relief, $100,000,000 would not go through six months in this country. There is no machinery to do it. If we distribute two millions of money, some gentlemen say "Send to the Grand Army posts." Are we going to make whoever shall be elected commander of a Grand Army post, scattered as these posts are all over this country, a disbursing officer of the United States, and place thousands and tens of thousands of money in his hands without his being bonded? What guarantee can we have he will properly distribute that fund? None whatever.

[Here the hammer fell.]

Mr. REED, of Maine. Mr. Chairman, I think we are all agreed that a soldier who has served his country and has become disabled not by any fault of his own, ought not to go to the poor-house. Being agreed, then, upon the result to be attained, the thing that we are to consider now is the means by which we are to arrive at that result.

Legislation, I am sorry to say, is not always as logical as the gentleman from Tennessee [Mr. MCMILLIN] or the gentleman from Wisconsin [Mr. BRAGG], else I am afraid a great deal that is done in this world would not be done at all.

The gentleman from Pennsylvania [Mr. RANDALL] suggests that we shall pass the pension bill, which has already been passed by the other branch of Congress and sent to this body. We all of us, looking each other in the face, know that that can not be done. I will not stir party feeling by saying why—and this brings me to remark that among the methods of preventing something being done which men are not ready to face in opposition, is the flank movement of proposing to do it in some other way. We all know that legislation is a matter to be accomplished when it can be accomplished; not in ideal fashion, but as we can get it done. Now, then, is this a fair and reasonable opportunity?

This is a proposition to confer, on behalf of the nation, benefits upon men in regard to whose merits we are all agreed, and its purpose is to give them such relief in their necessities that they may be kept out of the poor-house. We already by one method have sought to accomplish this, and that is by the reception of such men in the soldiers' homes.

This relief is extended by this very body of commissioners. Has there been any favoritism about that? Have not these managers performed that duty faithfully and well; and will not the performance of that very duty give to them the facilities to know the condition of men who ought to receive the out-door relief proposed by this amendment?

It is also to be said, and should be remembered, that if there are irregularities, such as the admission of men who receive large pensions, here is an opportunity for the adjustment of a system which will effectually prevent such irregularities.

That being the case I should therefore object to such amendments as have been offered to that of the gentleman from Pennsylvania. I should be willing to trust the out-door relief to the same hands to which we have intrusted the management and care of the soldiers' homes, and thus far with the approbation of the people of this entire country.

It is true that a system has got to be established; but who shall establish it? Gentlemen here on the floor of Congress, with such observations as they have made on this subject showing how they will do

it? Or skilled men who have the means of information and the leisure?

Nor is it proposed to give them charge of a very large sum of money—only $2,000,000. With that amount they can feel their way to a broader expenditure perhaps; and if that broader expenditure is needed there is no man here who will stand up squarely in opposition to it, whether the amount be two millions or five millions of dollars.

Now, then, we all want to accomplish this object. Shall we try to delude ourselves and others by talking about other methods of accomplishing it which we know cannot be reached? In other words, here is a result we want; here is a method against which not even a plausible objection has been urged, a method within the law, in harmony with the statutes, consonant with common sense. Then let us adopt that method, and not endeavor to defeat the result we want to reach by a flank movement.

[Here the hammer fell.]

Mr. MATSON. Mr. Chairman, the amount of increase proposed by the amendment would certainly make this a very grave matter; but independently of that I think there is something even of more weight connected with the proposed legislation, and it is that this is a proposition to enter upon the field of general relief to the disabled and needy soldiers of the Government. I believe, therefore, that it is a matter that should have more consideration than it can have here, and that when that field is entered upon it ought to be entered upon very carefully; and not only entered upon carefully, but that the provisions of such a law should be so drawn that it can be administered in such a way as to do justice to all soldiers.

I believe if $2,000,000, as it is now proposed in this amendment, were placed in the hands of the managers of the soldiers' homes, that those who can reach the homes might have the benefit of the expenditure, but that those who are not within easy reach of the homes would never receive the benefit of it, or if they did it would be by a system of most expensive administration. Agents would have to be appointed and sent out, men of character and integrity, to look into these cases and ascertain the conditions of each case.

There is no proposition here to administer this relief in any way except by the managers themselves; and certainly if that was done by them or their agents it would be done in a very expensive way, and the money would likely be wasted, if not taken by the managers themselves. For, as I understand this amendment, there is no proposition that a disbursing officer holding two millions of dollars should give even a bond. These suggestions, it seems to me, are enough to show that this legislation is certainly illy considered and ought not to be adopted in its present form.

I am in entire sympathy with the proposition of giving relief to the soldiers that are disabled where they are required to depend upon their labor for their support. I believe in that proposition, but I believe in giving it to them according to well-established and tried rules, in a way that the Government has practiced for many years, and not in undertaking to place $2,000,000 or any other great sum of money in the hands of men to be administered without any rules at all to govern either the manner of its administration or the persons to whom it shall be given.

Mr. STEELE. Why has not the gentleman called up the bill (S. 1886) which came to the House in June?

Mr. MATSON. Just as soon as I can, whenever I get the opportunity, I will do so. My colleague [Mr. STEELE] has had the same opportunity as I have had.

Mr. STEELE. I am not at the head of the Committee on Invalid Pensions, as the gentleman is.

Mr. ATKINSON. I wish to ask the gentleman from Indiana [Mr. MATSON] this question: Has he not endeavored for several years to liberalize the pension laws in this direction, and been defeated or at least failed to accomplish that purpose?

Mr. MATSON. I have already said I believe in the proposition that there should be legislation looking in the direction of giving relief to soldiers who are disabled and dependent on their daily labor. Why have I failed in getting that legislation?

Mr. ATKINSON. I did not censure you. I presume you did the best you could.

Mr. MATSON. The failure of that legislation is not my responsibility, but the responsibility of the gentleman from Pennsylvania [Mr. ATKINSON] and of other members of this House.

Mr. STEELE. Is my colleague in favor of the passage of the bill (S. 1886)?

Mr. MATSON. I have always insisted that that should be done and still insist; but when it is done it should be done in a business-like way.

Mr. GOFF rose.

Mr. RANDALL. I should like now to have a limit put to the debate. It will be recollected I made a suggestion of that sort at the opening of the debate, and it was said we had better leave it to run a little. I think the time has now come when both sides will assent to the limitation of the time. I ask that further debate on the pending paragraph and amendments thereto be limited to twenty minutes, to be equally divided between the two sides.

Mr. ATKINSON. I suggest an hour. There are several gentlemen who have not yet spoken who desire to be heard.

Mr. RANDALL. If we extend the debate for an hour we will carry this bill over to Saturday, for which a special notice has been given.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania that the time for debate be limited to twenty minutes? The Chair hears none, and that order is made.

Mr. BROWN, of Pennsylvania. I understood that objection was made unless the time was extended to an hour.

The CHAIRMAN. The Chair put the question whether there was any objection to the time for debate being limited to twenty minutes, and no objection was made until after the Chair made the announcement.

Mr. ATKINSON. I understood that my suggestion of an hour amounted to an objection.

Mr. RANDALL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union having had under consideration the sundry civil appropriation bill had come to no resolution thereon.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of further considering the sundry civil appropriation; and pending that motion I move that debate on the pending paragraph and amendments thereto be closed in twenty minutes.

Mr. BROWN, of Pennsylvania. I move to amend by making the time forty minutes.

Mr. RANDALL. I desire to be quite reasonable in this matter, and will say thirty minutes.

Mr. CUTCHEON. That will be enough.

Mr. BROWN, of Pennsylvania. Very well.

The question having been taken on the motion of Mr. RANDALL as modified, that debate on the pending paragraph and amendments thereto be limited to thirty minutes, it was agreed to.

ENROLLED BILL SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a joint resolution of the following title; when the Speaker signed the same:

A joint resolution (H. Res. 220) authorizing and directing payment of the salaries of the officers and employés of Congress for the month of December, 1886.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. The question recurs on the motion of the gentleman from Pennsylvania, that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair, and resumed the consideration of the sundry civil appropriation bill.

The CHAIRMAN. By order of the House all debate on the pending paragraph and amendments thereto is limited to thirty minutes, fifteen minutes of which will be occupied on each side. The gentleman from West Virginia [Mr. GOFF] is recognized.

Mr. GOFF. The gentlemen who oppose this amendment seem to do so and to base their objections exclusively on the idea that there would be no legislation or no rules in accordance with which this money would be expended and by which the parties intended to be benefited could avail themselves of this legislation. I insist that that is a mistake. I say that under existing law there is ample provision and ample security for the expenditure of this money. Section 4332 of the Revised Statutes provides how the disabled soldiers of the country can enter these homes, and it is expressly stipulated that it shall be by virtue of the order of three members of the board.

The gentleman from Indiana [Mr. MATSON] and the gentleman from Wisconsin [Mr. BRAGG] are mistaken when they say that this money would be expended in sending agents all over the country to find out who these soldiers might be. On the contrary, on representations made to the board when by three members of that board approved, the intended recipient is entitled to admission to the home; and it is easy to send a draft for the amount to the soldier in monthly installments and not send agents all over the country.

And the amount is limited by the legislation itself to a hundred and odd thousand dollars a year. Therefore there is no danger of the money being misappropriated. It is not a case, then, as the gentleman from Tennessee [Mr. MCMILLIN] suggests, of the mere discretion of the managers of the soldiers' homes or their governors. They are bound by this law. They are directed as to the class of soldiers who may be admitted—not all those who are disabled on account of injuries received in the service or in the line of duty, as was originally provided, but those who, subsequent to leaving the service, may have incurred disabilities in the ordinary avocations of life, and who to-day, on account of age or disease, are unable to earn a living. That is the character of disability that the soldiers' homes are required to consider when admission is granted to those homes. Therefore this talk about the want of legislative provisions to insure the proper expenditure of this money has no force or effect, when you look at the pro-

visions which surround those homes; nor is it complimentary to the men who control the homes and direct their expenditures.

The President of the United States will give his attention to this matter, as under the law he is obliged to do, and we are to presume at least that the President of the United States, as the head of this board, like the king, can do no wrong. When the gentleman from Tennessee [Mr. MCMILLIN] says that this expenditure is enormous, I would like him to answer this question: If it be ascertained that it will take some two millions of dollars to render proper aid to the nine thousand soldiers that the Commissioner of Pensions reports are to-day in the almshouses of the country, being unable to obtain admission to the soldiers' homes, and who do not appear upon the pension-rolls, will the gentleman still rise in his place in this House and say that such expenditure is enormous?

Mr. MCMILLIN. I say that the appropriation of two millions of dollars without any statute governing its expenditure is enormous. It is an enormous expenditure to be made without legislative supervision.

Mr. GOFF. Will you answer my question? That is an evasion of it.

Mr. MCMILLIN. I did not understand the gentleman's remark.

Mr. HEPBURN was recognized.

Mr. ATKINSON. I reserve the balance of my time, Mr. Chairman.

The CHAIRMAN. The Chair does not recognize the right of the gentleman to reserve time.

Mr. ATKINSON. I thought, Mr. Chairman, that my right to control the time would be recognized, inasmuch as I had presented the amendment.

The CHAIRMAN. The Chair will recognize the gentleman for five minutes; but he can not now reserve any time.

Mr. ATKINSON. I yield to my colleague from Pennsylvania [Mr. BROWN].

The CHAIRMAN. The Chair has recognized the gentleman from Iowa [Mr. HEPBURN], and he is now upon the floor. Later, the Chair will recognize the gentleman from Pennsylvania [Mr. ATKINSON] for five minutes.

Mr. HEPBURN. Mr. Chairman, the Commissioner of Pensions has sought to ascertain the number of discharged soldiers who are now in the different poor-houses throughout the United States. He has received responses from 1,242 of the 2,581 counties in the United States, and he finds that there are 9,178 inmates of poor-houses who were honorably discharged soldiers of the Union Army. The purpose of this amendment is to enable the properly constituted officers to relieve that class of men. There is no new legislation in this proposed amendment. The law imposes upon certain officers the duty of caring for these men. It is a duty that is already recognized by the laws of the United States, but it has been the will of Congress heretofore to withhold from the hands of those officers the means whereby this duty could be performed, and the purpose of the amendment of the gentleman from Pennsylvania [Mr. ATKINSON] is to remedy this failure and to give them proper means to discharge this duty which is imposed upon them by law.

The obligation to care for those men was recognized more than a decade ago. It is just as incumbent upon this Congress, in my humble judgment, to make this needed appropriation to carry out this pledge as it is to provide for the administration of any other branch of the Government; and there is just as much of offense in withholding this necessary appropriation as there would be in withholding the salary of the President of the United States. I hope the House will not be deluded by the talk of gentlemen about providing for the performance of this duty in some other way. There is no better way to do it than this, and no better time than now. The law prescribes the mode and manner of these expenditures, and it imposes the responsibility upon officers of the Government. It says how the payments shall be made; it points out the class of persons to whom they are to be made, and it fixes a limit to the amount. There is no new legislation necessary. All we are required to do is simply to give the properly constituted officers the means of executing a duty. I believe we ought to do it.

Gentlemen who have talked about their willingness "upon all proper occasions" to extend the necessary aid to the soldiers ought not so to talk in the presence of this House. We know how absolutely insincere all that kind of talk is. We know——

[Here the hammer fell.]

Mr. ANDERSON, of Ohio. Mr. Chairman, it is certainly quite evident to all of us that some additional relief ought to be furnished to the class of persons contemplated by this provision. But I doubt the propriety of the plan proposed by the gentleman from Pennsylvania. I do not see how under his proposition the relief is to be afforded to those who are designed to be its beneficiaries. There is no soldiers' home in Pennsylvania or Iowa or Kentucky or Michigan; and I do not see how persons living in those States are to receive the benefits of this provision. If an application is made for relief in those States, to whom shall it be made? To the Board of Managers. Where are they? Scattered through nine different States. How will they ascertain whether the applicant comes within the class of disability contemplated by the statute? How can they make the necessary examination? How shall the money be distributed—upon what plan and through what agencies?

But there is one objection, Mr. Chairman, which strikes me as more forcible than all others. I fear there are now in these homes thousands who are dissatisfied with that place of residence, and who, if this provision be adopted, will immediately go outside to live among friends and relatives and take the benefit of this legislation. If that should be the result it would destroy the whole policy of our soldiers' homes.

I am decidedly in favor of increasing the number of soldiers' homes. There is now pending in this House a bill for the erection of one of these homes on the Pacific slope. At the last session we enlarged three different homes to the extent of an appropriation of $50,000 for each. These homes ought to be enlarged or their number increased, so that all honorably-discharged soldiers who are now found in almshouses should be taken care of under the policy of our soldiers'-home legislation.

What kind of relief is this out-door relief to be? The object in view at the time this clause was enacted in the statute was evidently to provide temporary relief—nothing more. Last year the board of managers expended $16,000 in that direction; and they found it very troublesome indeed to handle that small amount in that way. The principal part of it was expended at Leavenworth, because of the fact that there was then in course of erection a soldiers' home at that place. The board of managers say that at the other homes, already established and in running order, they can not and will not carry out the idea of distributing local aid in adjoining counties or adjoining States. Mr. Chairman, the scheme here proposed is impracticable; it will be found impossible to execute it satisfactorily. How will the board of managers be able to inquire into the details of each particular case? If $15,000, the sum contemplated by this bill, be thought an insufficient amount for spanning over the present emergency, make any reasonable addition to the sum——

Mr. STEELE. It ought not to require much investigation to take out of the poor-houses 9,000 soldiers who are there now.

Mr. ANDERSON, of Ohio. What will be done with them? In the gentleman's own State there is no soldiers' home. Suppose in the infirmary of his own county there are soldiers——

Mr. STEELE. The fact of there being no soldiers' home there is one reason I am in favor of extending this relief at the homes of the soldiers.

Mr. ANDERSON, of Ohio. How will the money be distributed?

Mr. STEELE. By the Board of Managers, in such manner as they think proper.

Mr. ANDERSON, of Ohio. See what a corps of agents will be required.

Mr. STEELE. There ought not to be objection to employing the number of agents that may be necessary to get those nine thousand soldiers out of the poor-houses.

Mr. ANDERSON, of Ohio. But what is to prevent the thousands who are already residing in these homes from going out and taking the benefit of this relief while residing with their friends or relatives? And will not the policy of the soldiers'-home law be in that way defeated?

[Here the hammer fell.]

Mr. ATKINSON rose.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. ATKINSON].

Mr. ATKINSON. I reserve my time until gentlemen on the other side have been heard.

The CHAIRMAN. There are ten minutes remaining for gentlemen on the right, and five minutes for gentlemen on the left.

Mr. ATKINSON. I yield two minutes to my colleague from Pennsylvania [Mr. BROWN]. I have other engagements that make it impossible for me to give him more time.

Mr. BROWN, of Pennsylvania. It seems to me rather unfair that I should be limited in this way, after I succeeded in getting the additional ten minutes, so that I might occupy five. [Laughter.]

The CHAIRMAN. The time is being counted against the gentleman from Pennsylvania.

Mr. BROWN, of Pennsylvania. Mr. Chairman, the gentleman last on the floor [Mr. ANDERSON, of Ohio] thinks there will be great difficulty in the adoption of proper methods for the distribution of this money if appropriated. The gentleman from Iowa [Mr. HEPBURN] has just told us that after inquiry it has been ascertained that five thousand soldiers of the Republic are in the poor-houses and not more than half the country has been gone over to find this number.

It would take $500,000 of money to get this number out of the poor-house. It is admitted there must be about five thousand more distributed over the country, not known, and that would absorb $500,000 more, and thus a million of the money proposed by the amendment will have been taken to get the soldiers out of the poor-houses! Certainly little machinery of the law would be required to do that!

But suppose a little legislation is required to make the appropriation available, why not enact such laws as are needed? We are here for that purpose. But I contend no additional legislation is needed. It would require no more investigation to entitle the soldier to out-door relief than is required to admit him to the soldiers' home. The gentlemen on the other side all complain that it would be hazardous to place the matter of expenditure of so much money in the Board of Managers of the

Soldiers' Home. Why more hazardous than in the hands of the Commissioner of Pensions?

The CHAIRMAN. The gentleman's time has expired; he had only two minutes of time remaining.

Mr. BROWN, of Pennsylvania. Do I understand I am cheated out of three minutes? [Laughter and applause.]

Mr. GROSVENOR. Mr. Chairman, I only wish to add to what has been said, and in reply to the gentleman from Tennessee [Mr. McMILLIN], that there is in this proposition complete analogy to the existing laws in most of the States relating to the distribution of funds of this character. The soldiers and sailors orphans' homes, the State soldiers' homes, and the poor-houses and other charitable institutions, all have systems of "out-door relief." Why not this fund? That is all I wish to say. I yield the remainder of my time to the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. Mr. Chairman, only a word in closing. The chief objection urged to this amendment is not the direction of its object, but the mode of its administration. It is alleged that there is no machinery for its administration—no means of ascertaining who are these beneficiaries. I think there is little force in that objection. The same machinery which will determine whether or not a soldier is entitled to enter a soldiers' home will also determine whether he is entitled to out-door relief, because they are identical as to the class of persons.

It is said by my colleague from Ohio [Mr. ANDERSON] that there must be an examination of these applicants for out-door relief. The Pension Office has examiners throughout the United States, and if the Board of Managers of the National Soldiers' Homes see fit to adopt them as their agents to examine these veterans you will have all the machinery necessary—you will have an application to be passed on by them on affidavits and filed precisely as in the case of an application for admission to a soldiers' home—then an examination to be had through examiners of the Pension Office. I see no reason why under this provision the Board of Managers can not administer $2,000,000 as well as the Commissioner of Pensions can administer $75,000,000.

[Here the hammer fell.]

Mr. RANDALL. Mr. Chairman, the question before the committee is the expenditure of $2,000,000 for out-door relief to disabled soldiers. The more I reflect over the matter, the more I am convinced it would be far better to expend this money in the erection of two more homes wherein these soldiers can be taken care of. Two million dollars would, in all probability, with the liberality of citizens of States who always stand ready to give land for such objects, construct five, and perhaps six homes, with a capacity each for fifteen hundred inmates, thus increasing the membership of these homes to about nine thousand.

How is this fund used at the present? It is used for the purpose of meeting the expense of management, and the expenditure necessary to maintain soldiers whom it is dangerous to remove from these homes, and, further, to pay for the support of soldiers during their transit from the place where they may be to the homes where they are to be taken.

I agree with gentlemen who have spoken on this subject with regard to the Board of Managers, because I have in common with them the most perfect, the most absolute confidence in each and all of them; but I doubt if there is a single manager of these homes who would feel justified in undertaking the distribution or administration of this $2,000,000 without any plan, or any method, or any system.

It would be totally and entirely, in my judgment, impossible, under existing laws, to be properly expended.

Under the law, the managers are in fact a corporation; and in answer to a letter addressed by me to the Second Auditor of the Treasury, he states that under a decision of the Second Comptroller they have not a proper audit of their accounts even. This is his language in a letter bearing date December 6, addressed to me:

Under this decision—

alluding to a decision made in 1883 by the then Second Comptroller, as follows:

While the corporation known as the National Home for Disabled Volunteer Soldiers is a trustee, and while its acts are in many respects similar in their effects to those performed by disbursing officers, its functions are in some particulars entirely different from those of an ordinary disbursing officer, inasmuch as the money placed in the custody of the latter remains the sole and exclusive property of the United States and is still part of the funds of the Treasury; whereas when money is lawfully placed in the custody of the home, in pursuance of the act of March 3, 1875 (18 Stat., 359-360), the legal title vests in that corporation for the time being, and until Congress shall otherwise direct. (Digest of Decisions of Second Comptroller, vol. 2, section 722.)

In reference to that decision the Second Auditor says:

Under this decision, which has not been revoked or modified, the auditing of the national home accounts has been of a somewhat perfunctory nature. If vouchers, duly certified and receipted, are furnished for disbursements made at the various "branches" of the home, and if the computations are correct, the accounts have been passed to the Second Comptroller for his action thereon, without objection.

This very statement shows us the absolute necessity of throwing around all legislation of this character, providing for the expenditure of money for out-door relief, every safeguard that does not now exist; and if this system, if this mode of expenditure, is entered upon in preference to the erection of five or six homes with the $2,000,000, which will accommodate nine thousand more inmates, then it ought to be accompanied by such legislation as will insure the safe disbursement of the money, and not seek to throw the responsibility for the expenditure of so large a sum upon gentlemen who do not wish to assume such authority.

Mr. STEELE. That is all the more reason why they should be intrusted with its expenditure.

Mr. RANDALL. We have no right to require it of them. They are volunteers. They are not officers of the Government in any sense of the word. They are not officers receiving a dollar of emolument. They do this duty as a gratuity and for the love they bear the soldiers of the country.

Mr. STEELE. They account for every cent they expend.

Mr. RANDALL. I have just read—the gentleman did not listen to me—that they do not account for every cent in manner as other public money is accounted for by the Government officers; nor are their accounts, as stated by the Second Auditor, more than a mere perfunctory statement.

Mr. CANNON. Yes, but you can amend the bill in this particular, and they will then be accounting officers.

Mr. RANDALL. You do not propose to do that, but to blindly appropriate $2,000,000 without any legislative provision guarding it.

I ask for a vote upon the amendment.

Mr. WARNER, of Ohio. I will withdraw my amendment for the present.

The CHAIRMAN. The question then recurs upon the amendment of the gentleman from Pennsylvania.

Mr. STEELE. I renew the amendment of the gentleman from Ohio.

Mr. RANDALL. The gentleman from Ohio withdrew his amendment at my suggestion, so that a vote could be first taken on the main question; then, if the appropriation is voted in, this might follow.

Mr. STEELE. I withdraw the amendment.

The question being taken on the amendment of Mr. ATKINSON, the committee divided; and there were—ayes 93, noes 113.

Mr. GROSVENOR and Mr. ATKINSON demanded tellers.

Tellers were ordered.

Mr. GROSVENOR and Mr. RANDALL were appointed tellers.

The committee again divided; and the tellers reported—ayes 101, noes 117.

So the amendment was rejected.

Mr. WARNER, of Ohio. Mr. Chairman, I withdraw that amendment and offer another, to come in after the word "audited," in line 1738.

The Clerk read as follows:

Provided, That in the admission of ex-volunteer soldiers or sailors to national homes preference shall be given to those not drawing pensions; and no one shall be admitted to a home who is drawing a pension exceeding $12 a month unless he surrenders while in the home all in excess of that sum.

Mr. BOUTELLE. I raise the point of order upon that amendment that it is new legislation.

Mr. WARNER, of Ohio. I suppose the amendment is subject to the point of order; but I think it is a most proper thing to put into this bill.

The CHAIRMAN. The point of order is sustained.

The Clerk read the following paragraph:

For payment of United States district attorneys and their assistants, $255,000.

Mr. RANDALL. I offer the amendment which I send to the desk.

The Clerk read as follows:

In lines 1827 and 1828 strike out the words "and their assistants."

Mr. REED, of Maine. Why is that proposed?

Mr. RANDALL. Because they are provided for in the next paragraph.

The amendment was agreed to.

The Clerk read the following paragraph:

For fees of clerks, $175,000: *Provided*, That hereafter no part of the appropriations made for the payment of fees for United States marshals or clerks shall be used to pay the fees of United States marshals or clerks upon any writ or bench warrant for the arrest of any person or persons who may be indicted by any United States grand jury, or against whom an information may be filed, where such person or persons is or are under a recognizance taken by or before any United States commissioner, or other officer authorized by law to take such recognizance, requiring the appearance of such person or persons before the court in which such indictment is found or information is filed, and when such recognizance has not been forfeited or said defendant is not in default, unless the court in which such indictment or information is pending orders a warrant to issue; nor shall any part of any money appropriated be used in payment of a per diem compensation to any attorney, clerk, or marshal for attendance in court except for days when business is actually transacted in court, and when they attend under sections 583, 584, 671, 672, and 2013 of the Revised Statutes, which fact shall be certified in the approval of their accounts: *And provided further*, That when one person holds the offices of both the district and circuit clerk, his compensation shall not exceed $4,000 per annum, or exceed that rate for any time less than a year.

Mr. ADAMS, of Illinois, and Mr. STEWART, of Vermont, made the point of order against the last proviso of the paragraph.

Mr. REED, of Maine. I should like to make the point of order against the other proviso. The point of order I propose covers all after the word "provided," in line 1833.

The CHAIRMAN. The Chair desires to understand what points of order are raised. As the Chair understands, the gentleman from Maine [Mr. REED] raises the point of order on the proviso from line 1833 to

line 1856, ending with the words "approval of their accounts." What was the point of order of the gentleman from Vermont [Mr. STEWART]?

Mr. STEWART, of Vermont. I make the point of order on the last proviso.

The CHAIRMAN. What is the point of order of the gentleman from Illinois [Mr. ADAMS]?

Mr. ADAMS, of Illinois. My point of order applies to the remainder of the paragraph.

The CHAIRMAN. Then it is the same as the point of order made by the gentleman from Vermont.

Mr. RANDALL. I desire to state that there are three changes in this paragraph. The first is that the word "hereafter" is inserted so as to make it permanent. The next is the insertion of the word "attorney" when used lower down in connection with clerks and marshals. And, then, the latter proviso is new legislation. But I want to say with these exceptions the paragraph is existing law. It was suggested by my distinguished friend from Ohio [Mr. GROSVENOR], whom I see in front. It does not appear to me that the clause is subject to the point of order, except that the word "hereafter" may be.

Mr. REED, of Maine. I think the word "hereafter" would cover more than the present appropriation.

Mr. RANDALL. It is so intended.

Mr. REED, of Maine. I want to know what it covers?

Mr. RANDALL. I hope the gentleman from Maine will not compel Congress to be continuing this provision from year to year. I think he will see it is preferable to make it permanent.

Mr. REED, of Maine. The remark of the gentleman from Pennsylvania recalls to my mind the discussion in which the gentleman from Ohio [Mr. GROSVENOR] participated, and I think I agreed with him at the time.

Mr. RANDALL. You voted with him. I admit that the word "hereafter" is new legislation and makes the proviso subject to the point of order. But I think the legislation should be made permanent, as both the Senate and the House have agreed to it.

Mr. REED, of Maine. I withdraw my point of order.

The CHAIRMAN. Is the other point of order insisted upon—that which applies to the last proviso?

Mr. RANDALL. That is new legislation. Does the gentleman from Vermont insist on the point of order?

Mr. STEWART, of Vermont. Yes, sir.

The CHAIRMAN. The point of order being insisted upon, the last proviso will be considered as ruled out.

The Clerk read the following paragraph:

For fees of United States commissioners, and justices of the peace acting as United States commissioners, $50,000. And hereafter the whole of the compensation and fees paid a commissioner, and to which he may be entitled, for services in the examination of criminal charges, shall not exceed $800 per annum or exceed that rate for any time less than a year.

Mr. STEWART, of Vermont. I make the point of order on that paragraph, because of the word "hereafter."

The CHAIRMAN. The Chair thinks the word "hereafter" makes the clause beginning in line 1863 new legislation and obnoxious to the point of order.

Mr. RANDALL. I offer as an amendment to the paragraph what I send to the desk.

The Clerk read as follows:

Provided, That this limitation shall not apply to commissioners that reside in cities of 150,000 inhabitants and upwards.

The CHAIRMAN. The gentleman from Pennsylvania will understand the Chair. The Chair has ruled out the last sentence of the pending paragraph under the point of order. The gentleman's amendment is treating it as if still there. There is no such limitation in the existing law.

Mr. RANDALL. I propose to amend the paragraph by adding to it the words which I have sent to the desk.

The CHAIRMAN. Does the gentleman from Pennsylvania propose to substitute the word "hereby" for the word "hereafter?"

Mr. RANDALL. No, sir; I want to keep in what has been ruled out, with the limitation I have sent to the desk.

The CHAIRMAN. The Clerk will read the clause, with the addition proposed by the gentleman from Pennsylvania.

The Clerk read as follows:

And hereafter the whole of the compensation and fees paid a commissioner, and to which he may be entitled for services in the examination of criminal charges, shall not exceed $800 per annum, or exceed that rate for any time less than a year: *Provided*, That this limitation shall not apply to commissioners that reside in cities of 150,000 inhabitants and upwards.

Mr. REED, of Maine. That is open to the same point of order.

The CHAIRMAN. The Chair thinks that is obnoxious to the same point of order.

Mr. RANDALL. I will leave out the word "hereafter."

Mr. REED, of Maine. It will still be open to the point of order. I think the paragraph is subject to grave animadversion.

Mr. RANDALL. There have been gross abuses in some of the districts. The original paragraph would have affected some districts where there have not been any abuses alleged. This draws the line so to prevent its operating against commissioners against whom no objection has been raised. It affects only those who have been charged with a system of extortion.

Mr. REED, of Maine. I am afraid it will be found that the wording of this paragraph carries out some not very enlarged views of the First Comptroller, which it is scarcely worth the while of the House to do.

Mr. RANDALL. I am carrying out an attempt to remedy one of the most vicious practices that attaches to the administration of justice in the United States.

Mr. REED, of Maine. What is it?

Mr. RANDALL. The arrest of people by one commissioner and then their rearrest by another commissioner.

Mr. REED, of Maine. There is nothing in this that touches that. Under this provision you can re-arrest them $800 worth.

Mr. RANDALL. I will give the figures. While the average cost of a commissioner of a district is about $7,700, there are districts such as the following: Northern district of Alabama, $23,500; middle and southern district of Alabama, $26,532; northern district of Georgia, $19,100; northern district of New York, $28,421; western district of North Carolina, $35,100; eastern district of Tennessee, $18,745; middle district of Tennessee, $16,850.

And this is done by a system of procedure which may perhaps be permitted by the law, but it is done merely to annoy citizens and secure fees.

Mr. REED, of Maine. Mr. Chairman, there is no doubt that if such a thing is done it ought to be prohibited and stopped. It is infamous. But here is a proposition to limit all United States commissioners outside of cities having 150,000 inhabitants to $800 a year. Now that is not a *sequiter* from the abuse at all.

Mr. LONG. Mr. Chairman, I make the point of order that this subject should be referred to the Committee on the Judiciary.

Mr. RANDALL. Mr. Chairman, I would like to insert in this connection a letter from the First Comptroller, and a statement which appears in the report of the Committee on Appropriations touching this matter, so that gentlemen may see exactly who is affected by this provision.

Mr. REED, of Maine. I for one should like to know, because if it is going on by consent and if there is any abuse which can be remedied it ought to be remedied.

The following are the letter and statement:

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
Washington, D. C., December 13, 1886.

SIR: As indicating, to some extent, the importance of the legislation that your committee has proposed in connection with the appropriation for fees of United States commissioners in the sundry civil bill, I beg to call attention to the following official figures, which show the amount of money already used in the districts enumerated below to pay witness fees for the fiscal year 1886; and I estimate that a further sum of at least $40,000 is needed to supply deficiencies in the witness appropriation for that year. These districts are those in which the peculiar modes obtain whereby commissioners swell their fees to an amount exceeding $800 a year, and by reason of which a heavy expense is entailed on the whole class of judiciary appropriations. If the demands for witness money were equal throughout the United States in the various judicial districts, there would be $7,746.47 for each district with the appropriation at its present size:

Northern District of Alabama	$23,500 00
Middle and Southern District of Alabama	26,532 43
Northern District of Georgia	19,100 00
Northern District of New York	28,421 61
Western District of North Carolina	35,100 00
Eastern District of Tennessee	18,745 00
Middle District of Tennessee	16,850 00

Very respectfully,

M. J. DURHAM, *Comptroller.*

Hon. S. J. RANDALL,
Chairman Appropriations Committee,
House of Representatives.

UNITED STATES COMMISSIONERS.

The following named are the United States commissioners throughout the United States that receive in excess of $800 per annum for their services in examination of criminal charges:

Alabama—John C. Moore, Fayette Court House; H. L. Jeffers, Anniston; Samuel Thompson, Birmingham; J. T. Green, Birmingham; W. H. Hunter, Tuscumbia; O. D. Laird, Cross Plains; W. L. Goodwin, Fayette Court House; D. W. Cooper, Fayette Court House; J. H. Bone, Huntsville; Robert Barber, Montgomery; B. W. Bell, Montgomery; G. A. Robbins, Selma; J. H. Wallace, Mobile; Paul Ravesies, Mobile; W. D. McKinstry, Mobile; C. A. Mareton, Mobile; W. H. Strong, Brewton.

Arkansas—E. B. Harrison, Fayetteville; J. Q. Tufts, Muscogee, Ind. T.; James Brizzolara, Fort Smith; Stephen Wheeler, Fort Smith.

California—L. S. B. Sawyer, San Francisco.

Georgia—Will Haight, Atlanta; James B. Gaston, Gainesville; Orlando McClendon, Newman; Seth M. Walker, Dalton; J. A. Bledsoe, Ellijay; John M. Allred, Jasper; J. C. Brittain, Dahlonega; L. M. Erwin, Macon.

Illinois—P. A. Hoyne, Chicago; J. S. Bradford, Springfield.

Iowa—Alfred Hobbs, Dubuque; T. G. Henderson, Sioux City; F. M. Hunter, Council Bluffs; E. J. Leech, Keokuk.

Kentucky—R. S. Friend, Prestonburgh.

Louisiana—William Wright, New Orleans.

Massachusetts—Henry L. Hallett, Boston.

Minnesota—I. N. Cardoza, Saint Paul.

Missouri—McLane Jones, Kansas City; McLain Jones, Springfield.

New York—J. J. Allen, Brooklyn; J. I. Davenport, New York city; W. M. Gilbert, Rochester; C. W. Mead, Albany; J. A. Murray, Buffalo; Mark McDonough, Lockport; John E. Pound, Lockport; J. M. Landon, Troy.

North Carolina—G. G. Evans, Marion; W. G. B. Morris, Hendersonville; J. T. Patterson, Morganton; J. Wiley Shook, Pigeon Valley; H. C. Goodell, Tryon City; S. Henry, Murphy; W. G. Bogle, Lenoir; D. D. Davies, Cullowhee; E. K. Cunninghan, Franklin; J. M. Stafford, Bakersville.

Oregon—Paul R. Deady, Portland.

Tennessee—R. M. Barton, Chattanooga; John W. Green, Knoxville; G. L Ogden, Morristown; Thomas F. Bowman, Alexandria; H. S. Thompson, Columbia; A. H. Faulkner, McMinnville; M. J. Julian, Bloomington; J. M. Phillips, Livingston.
Texas—Joseph Rickets, Sherman; N. M. Burford, Dallas.
Utah Territory—William McKay, Salt Lake City.

Mr. RANDALL. What limit does the gentleman from Maine [Mr. REED] propose so as to prevent these unwarranted arrests.

Mr. REED, of Maine. My objection is this: Under the proposition there would be two difficulties:

First. When a commissioner has earned his $800 he will stop, and another one will go on to earn the same sum; therefore, the same abuses which now exist or are said to exist from the piling up of fees will continue.

Second. There is a provision that the commissioner shall not have either his $800 or any aliquot part of that sum in excess of the limit. If he should happen in the first quarter to do more than two hundred dollars' worth of work, the Treasury could not pay him until he got through the year, so as to see whether he exceeded the $800 or not.

You not only limit the commissioner to the $800 a year, but, under certain circumstances, you refuse to pay him for his first quarter's work until the whole year is completed.

Mr. RANDALL. Well, modify it. State the limit to which you are willing to go.

Mr. REED, of Maine. I do not see any sense in any limitation if you have a good commissioner. The United States commissioner is, to a certain extent, a judicial officer. He performs judicial functions, and it is for the advantage of every district that some commissioner in it should have enough work to learn to do his work thoroughly well. I know that in my own district the work was in the hands of a son of Mr. Justice Clifford, who performed it well because he had enough of it to do to make it an object. Since his time it has been in the hands of another commissioner, who has had enough work, so that he could learn to do it thoroughly and become familiar with the somewhat difficult forms of United States practice. But if you limit a man to $800 a year, or to any particular sum, you are going to destroy the efficiency of a class of officers who are very much needed in the administration of justice so far as the commissioners administer it.

Mr. RANDALL. I can make the gentleman's mind easy on the subject of Maine.

Mr. REED, of Maine. Oh, I have no uneasiness on that subject. When I make these personal allusions I make them simply to show that I know something of what I am talking about.

Mr. RANDALL. Well, the gentleman picked out an individual, and I want to satisfy him.

Mr. REED, of Maine. Mr. Chairman, I am not aware that there is anybody in my State or in my section who is in the slightest degree affected by this provision.

Mr. RANDALL. I can assure the gentleman there is not.

Mr. REED, of Maine. I did not suppose there was. But the observations I have made are true, and they are inconsistent with assent to this proposition. Now, I submit to the gentleman that he ought to be able to propose some amendment which would reach the difficulties with which he wishes to deal. This proposition certainly does not reach the case at all.

Mr. RANDALL. I think it does.

Mr. REED, of Maine. If I had any disposition beyond a desire to arrive at what is just and reasonable in the matter, I could cut this proposition off on the point of order; but I want the committee to see not only that it is obnoxious to the point of order, but that it is wrong in itself. The matter should be referred to the Committee on the Judiciary.

Mr. RANDALL. Of course, if the gentleman makes the point of order, I can not resist it.

Mr. REED, of Maine. The gentleman from Iowa will insist on the point of order if I do not.

The CHAIRMAN. The point of order is sustained.

Mr. HOLMAN. I offer an amendment, which I send to the desk.

The amendment was read, as follows:

No part of this appropriation shall be expended in the payment of more than $800 per annum to any commissioner for services in the examination of criminal charges, or at that rate for any time less than a year. But the provision shall not apply to commissioners in cities of more than one hundred thousand inhabitants.

Mr. LYMAN. I make the point of order on that.

The CHAIRMAN. The Chair does not think it is obnoxious to the point of changing the existing law.

Mr. REED, of Maine. It does not only change the right of the commissioner, but he has to go through the Court of Claims.

Mr. HOLMAN. That is all.

Mr. REED, of Maine. Well, I hope that we shall not pass any such legislation as that. What an absurdity! The United States does not pay its debts, but we deliberately propose to send the parties to the Court of Claims!

Mr. RANDALL. This only applies to criminal proceedings before commissioners, not to civil proceedings.

Mr. BRECKINRIDGE, of Kentucky. I desire to suggest an additional amendment, to insert after the word "dollars," in line 1863——

The CHAIRMAN. The gentleman, as the Chair understands, is moving an amendment to language which has already gone out on a point of order.

Mr. SPRINGER. The amendment of the gentleman from Indiana has not yet been voted on?

The CHAIRMAN. It has not.

Mr. SPRINGER. This can be moved as an amendment to that, if germane.

The CHAIRMAN. It is impossible for the Chair to determine whether it is germane until he hears it.

Mr. BRECKINRIDGE, of Kentucky. I will read the amendment, and the Chair can then decide whether it is germane.

Mr. RANDALL. Does the gentleman from Kentucky propose his amendment as a substitute for that of the gentleman from Indiana?

Mr. BRECKINRIDGE, of Kentucky. I will offer it as an amendment to that amendment.

Mr. RANDALL. The amendment of the gentleman from Indiana has been held to be in order.

Mr. HOLMAN. It simply limits the expenditure.

Mr. BRECKINRIDGE, of Kentucky. I desire to move my proposition as an amendment to that amendment.

The CHAIRMAN. That is permissible. The gentleman will please send up his amendment.

Mr. BRECKINRIDGE, of Kentucky. I would like to read it myself, because I doubt whether my writing will be legible to any one else:

Provided, That no part of any money hereby appropriated shall be used to pay any fees to United States commissioners, marshals, or clerks for any warrant issued or arrest made, or other fees, in prosecutions under the internal-revenue laws, unless the prosecution has been approved by the attorney of the United States and the collector of internal revenue in the district where the offense is alleged to have been committed or that the prosecution is by indictment.

Mr. HOLMAN. If the gentleman will insert "and" instead of the word "provided" that will be all right as an amendment to my amendment.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, the object of this amendment is simply to attempt to remedy some of the evils——

Mr. REED, of Maine. Is this proposition offered as a substitute for the amendment of the gentleman from Indiana?

Mr. HOLMAN. As an addition.

Mr. REED, of Maine. Then we are to have this in addition to the Court of Claims amendment of the gentleman from Indiana.

Mr. SPRINGER. Yes, sir; some more of the same kind, only still better. [Laughter.]

Mr. BRECKINRIDGE, of Kentucky. I am not at all wedded to this amendment in its present form. If gentlemen think it does not sufficiently cover the evil at which it is aimed, I am perfectly willing to withdraw it. I submit it merely in the nature of a suggestion.

Several MEMBERS. Do not withdraw it.

Mr. HOLMAN. I hope the two propositions taken together may be read.

Mr. BRECKINRIDGE, of Kentucky. The evil complained of is that there are unnecessary prosecutions, and that prosecutions are, in some instances, instituted for improper purposes; the evil in this respect growing, in the main, out of alleged offenses against the internal-revenue laws. Now, if we require that these prosecutions shall be approved by the United States district attorney and the collector of internal revenue of the district where the offense is alleged to have been committed, though this provision may not be a complete protection against the evils which the amendment seeks to remedy, it would certainly furnish some protection against unnecessary and trivial prosecutions.

Mr. REED, of Maine. Then, under this amendment, the marshal, before he makes an arrest, must hunt up, not only the commissioner, but the district attorney and the collector of internal revenue.

Mr. BRECKINRIDGE, of Kentucky. Not necessarily.

Mr. REED, of Maine. Does not the gentleman from Kentucky think this is giving the "moonshiner" rather more chance than he ought to have. I agree that he ought to be hunted fairly——

Mr. BRECKINRIDGE, of Kentucky. I did not catch the remark of the gentleman.

Mr. REED, of Maine. I agree with the gentleman from Kentucky that the "moonshiner" should be hunted fairly, and according to proper legal rules, but I do not want the case loaded too much against the Government. [Laughter].

Mr. BRECKINRIDGE, of Kentucky. I do not know that "the gentleman from Kentucky" said anything about the "moonshiner," or whether he should be hunted fairly or otherwise. That is altogether a figment of the very vivid imagination of my friend from Maine. The sole object of the amendment—and I think the object is proper, whether the accused be a "moonshiner" or anybody else—is that trivial prosecutions, arbitrarily and unnecessarily instituted in the name of the United States, may be so far as possible avoided. They can not be altogether prevented, but they can be diminished. Whether this or

some other provision which may be suggested will best accomplish that object I do not pretend to say. I am not at all wedded to this proposition.

In my part of the country—it may seem strange to the gentleman from Maine—we have no "moonshiners." If he will come and pay me a visit I will show him the place where the liquor which has given some celebrity to the State of Kentucky is made. Not that a gentleman coming from Maine would ever drink it, but the odor of it is pleasant. [Laughter.]

Mr. REED, of Maine. This is rather a sad fate that the gentleman predicts for me. [Laughter.] But I want to suggest to the gentleman from Kentucky that while he may desire that frivolous prosecutions shall be prevented, he ought not to require of the United States officials, in pursuit of men guilty of crime against the law, too many things. Now, according to his amendment it would be necessary to find a commissioner and get a warrant first, would it not? It would be necessary to find a collector of internal revenue and get his sanction. It would be necessary to find a district attorney and get his sanction also. This is certainly extending every facility to an alleged criminal.

Mr. BRECKINRIDGE, of Kentucky. The gentleman from Maine seems to forget that in the pursuit of a criminal—and he is only an alleged criminal until he is convicted—necessary preliminary steps are always taken. It can not commence until certain preliminaries required by the law are completed. Now it requires, in the first place, an affidavit, by regulation, and the approval of certain officers appointed by the law.

I attempt by this amendment to make what are now mere regulations of the department, in certain cases, matters of law instead of regulation. The person who sets a prosecution on foot, and who may institute it by simple affidavit, the animus of which may or may not spring from a desire to vindicate the law, or from other reasons, is, if this amendment be adopted, required to do something more. He must obtain, first, the issuance of the warrant; and he must further obtain as a part of the necessary prescribed precedents to the pursuit of the alleged criminal by the officer of the law upon his affidavit, the approval of the district attorney and the approval of the collector of internal revenue.

[Here the hammer fell.]

Mr. SPRINGER. One word in reference to the proposition of the gentleman from Kentucky. It is precisely in accordance with the instructions of the Attorney-General; and orders to this effect were issued by Attorney-General Brewster, which orders are now operative upon all marshals and district attorneys throughout the United States.

Mr. STEWART, of Vermont. Then why is it necessary to enact a new law?

Mr. SPRINGER. To make it permanent and compulsory.

I say this is done now all over the country in pursuance of an order of a Republican Attorney-General. It is the practice to-day; and instead of this being in the interest of criminals, no prosecution under the internal-revenue law can be begun except upon authority of the district attorney and the collector of internal revenue.

Mr. REED, of Maine. The amendment of the gentleman from Kentucky will not remedy the evils that gentlemen speak of.

Mr. SPRINGER. I do not say that prosecutions are not begun without this; but these are the orders of this Department now, though they are often practically violated for the purpose of making fees; and the amendment of the gentleman will prevent them from getting the fees when they disregard it.

Mr. MCMILLIN. Prosecutions are often commenced in a contrary way, much to the detriment of the public service and the embarrassment of the people.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Kentucky.

The amendment to the amendment was agreed to.

The question recurred on the amendment as amended.

Mr. BUCHANAN. I ask for the reading of the amendment as amended.

The amendment was again read.

Mr. BUCHANAN. I desire to offer a mere verbal amendment, which will correct what is evidently an inaccuracy in the amendment. I propose the insertion after the word "year" of the words:

And more than one month.

The pay of a United States commissioner is $5 per day. If he has but one or two cases in a year it leaves his compensation at between two and three dollars. Now, I would propose to make it not less than a year or more than one month; and that gives him the proportion of the amount he ought to receive.

The matter is very plain. A United States commissioner is paid $5 a day. This says he shall not be paid at a rate exceeding $800 a year, or at that rate for any time less than a year. Now, if he has but two or three cases he receives his $5, and the proportion for the remainder of the time that the $800 bears to a year. My amendment says that the pay shall be for a period not more than one month; so it will give him his proportion. It does not increase the amount at all.

Mr. RANDALL. I am inclined to think, if I understand the amendment, that the gentleman is correct about it.

Mr. BUCHANAN. It gives $5 up to a month, and beyond that he gets under the rate per annum.

Mr. REED, of Maine. I must make the point of order upon that. It changes existing law.

The CHAIRMAN. The Chair will hear the gentleman from Maine on the point of order.

Mr. RANDALL. It does; but it is simply a limitation.

Mr. REED, of Maine. It changes the law unless the commissioner has the right to go to the Court of Claims.

The CHAIRMAN. The Chair has nothing to do with that. It is a limitation upon the expenditure of this $50,000.

Mr. REED, of Maine. And the Chair rules that that is all the effect?

The CHAIRMAN. The Chair does not see it has any other effect.

Mr. REED, of Maine. If it has no other effect it is not obnoxious to the point of order.

The CHAIRMAN. That is the opinion of the Chair.

Mr. TAULBEE. I would like to ask one question as to the effect of the amendment offered by my colleague [Mr. BRECKINRIDGE]: Whether or not under that amendment the approval of the prosecution by the collector and district attorney is necessary to be had prior to the prosecution, or whether the payment can be had for the prosecution when the approval is had subsequent to the rendition of the service?

The CHAIRMAN. That is not a parliamentary question.

Mr. TAULBEE. I would like to have the amendment again read.

The amendment was again read.

Mr. TAULBEE. I desire to amend the amendment by inserting the word "first."

Mr. BUCHANAN. I understand there is no objection to my amendment. I suggest that a vote be taken upon it.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from New Jersey [Mr. BUCHANAN] to the amendment.

The amendment to the amendment was agreed to.

Mr. TAULBEE. Is my amendment in order now?

The CHAIRMAN. It is.

Mr. TAULBEE. I move to amend by inserting the word "first," preceding the word "approved," so that it will read "first approved."

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Kentucky to the amendment.

The amendment to the amendment was not agreed to.

The CHAIRMAN. The question recurs on the proposed amendment.

Mr. REED, of Maine. I would like to have the House understand the amendment now before it. The first, or the Court of Claims amendment, is open to one or two objections. First, it limits, so far as this bill is concerned, each commissioner to the compensation of $800 per annum. If he expects to get his pay under this bill he has got to quit work when he has done $800 worth of work. In addition to that, if during the first quarter he should happen to do more than $200 worth he can not receive pay until the end of the year. You not only stop his emoluments but you stop the payment of them.

Then, in addition to that, if he goes on and performs the work that is given him to do, instead of collecting his compensation in the regular way, he will be obliged to go to the Court of Claims in order to collect it; because it is admitted on all hands that this amendment can not prevent a commissioner from earning $2,000 or $3,000 a year, and it can not prevent him from collecting it. It only hands him over to the tender mercies of the First Comptroller, and to the perhaps tenderer mercies of the Court of Claims, instead of paying him in the regular way.

We deliberately by enactment determine we will not pay the commissioner unless he brings a suit against the United States. This is an excellent specimen of nine-penny repudiation; and yet I suppose it will pass under the head of economy. The other amendment—which, not coming from a moonshining district, I shall not characterize as such—provides that it shall be absolutely necessary to have the approval of the internal revenue collector and of the district attorney, while no provision whatever is made for their absence. I submit that this amendment, taken altogether, has rather more charms than ought to soothe even our Democratic brethren. I do not think we ought to get up here and deliberately refuse to make payment of the debts of the Government except through litigation. And if we have any objection to the payment of the present set of fees, why would it not be a good plan to meet that objection, instead of sending men to the Court of Claims? We have got some officials of this Government to-day who are absolutely refusing payments which have received the sanction of the Supreme Court of the United States. This ought not to have the encouragement and example of this House.

Mr. HOLMAN. I think the gentleman from Maine misapprehends the effect of going into the Court of Claims upon such a proposition. The Supreme Court has uniformly held where Congress has appropriated a less sum than an annual appropriation already fixed by law, without indicating any intention of making it in full compensation for the services rendered, the officer may go into the Court of Claims and recover the difference between the sum actually paid and the salary or compensation. But where it is apparent on the face of the law that it was the intention of Congress to make the sum appropriated the full com-

pensation the officer can not recover against the Government. That has been the uniform current of decisions. Therefore, it was sought in the last session to incorporate on the consular and diplomatic bill the words "in full compensation," those words having been inserted by the Senate. And here the language indicates the exact sum to be paid, beyond which Congress does not intend payment to be made. So that it is possible on the authority of the decision of the Supreme Court that in a case like this recovery can be had of $800.

Mr. SPRINGER. Mr. Chairman, my attention has been called to the language of the amendment offered by the gentleman from Kentucky [Mr. BRECKINRIDGE], which speaks of the "attorney of the United States." I would suggest that it be changed so as to read: "The district attorney of the United States," that being the technical term.

Mr. REED, of Maine. It would be more binding if you got the Attorney-General's approval. [Laughter.]

Mr. BRECKINRIDGE. I will accept the amendment of the gentleman from Illinois [Mr. SPRINGER].

The CHAIRMAN. The Chair does not recognize the right of the gentleman to accept it.

The question was taken on the amendment of Mr. SPRINGER, and it was rejected—ayes 57, noes 59.

The amendment as amended was then agreed to—ayes 88, noes 67.

The Clerk read as follows:

For other miscellaneous expenses authorized by the Attorney-General, including the employment of janitors and watchmen in rooms or buildings rented for the use of courts, interpreters, experts, and stenographers; of furnishing and collecting evidence where the United States is or may be a party in interest, and moving of records, $214,400.

Mr. RANDALL. I ask unanimous consent to modify the language of that paragraph by striking out in line 1886 the words "other miscellaneous expenses," and inserting "payment of such miscellaneous expenses as may be."

The amendment was agreed to.

The Clerk proceeded to read the paragraph headed "public printing and binding."

Mr. WEAVER, of Iowa. Mr. Chairman, I suggest to the gentleman from Pennsylvania that it is getting late——

Mr. RANDALL. Five minutes will probably suffice to complete the reading. Then, if there is to be debate on this paragraph, well and good; but if not, I shall ask that we may get this bill out of committee before we adjourn.

The Clerk completed the reading of the paragraph.

Mr. RANDALL. In obedience to the law of last year, the committee have recommended the itemizing of the appropriations for the Coast and Geodetic Survey, the Hydrographic Office, the Signal Service, and the Geological Survey. These are all the changes that have been made, and they are in obedience to law. I now move that the committee rise and report the bill, with the amendments, to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND, from the Committee of the Whole, reported that they had had under consideration the bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes, and had instructed him to report the same to the House with sundry amendments.

Mr. RANDALL. Now, Mr. Speaker, I move the previous question on the adoption of the amendments, and on ordering the bill to be engrossed and read a third time.

The motion was agreed to.

Mr. RANDALL moved to reconsider the vote by which the motion was agreed to, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I move that the House do now adjourn.

Mr. ROGERS. I ask the gentleman to withdraw that motion for a second. I want to ask unanimous consent—— [Cries of "Regular order!" "Regular order!"]

The motion of Mr. RANDALL was agreed to; and the House accordingly (at 5 o'clock and 28 minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. J. ADAMS: Memorial of the Protestant Episcopal Church, for a uniform law of marriage and divorce throughout the United States—to the Committee on the Judiciary.

By Mr. BALLENTINE: Petition of B. F. Scroggins, of Giles County, Tennessee, asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. C. R. BRECKINRIDGE: Papers in the claim of Mary Bringle, of Arkansas County, Arkansas—to the same committee.

By Mr. CLEMENTS: Papers in the claim of Rosannah Griffin, of Floyd County, and of Micajah C. Wilson, of Polk County, Georgia—to the same committee.

By Mr. DINGLEY: Remonstrance of the boards of trade of San Francisco, Cal., of Minneapolis, Minn., of Bridgeport, Conn., and of Bath, Me.; and of William H. Webb, a former ship-owner and builder; of the Harlan & Hollingsworth Company, Wilmington, Del.; of Edward E. O'Brien, a large ship-owner, of Thomaston, Me.; of the Pacific Coast Ship-owners' Association; and of Carleton, Norwood & Co., ship-owners and ship-builders, against the passage of the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. DUNN: Papers in the claim of John T. Jones, of Phillips County, and of James E. Wilman, of Elgin, Ark.—to the Committee on War Claims.

By Mr. ELY: Petition of Mary Dacey, to relieve Daniel Cahoone from the charge of desertion, and for other purposes—to the Committee on Naval Affairs.

By Mr. GAY: Papers in the claim of James A. Noulen, of Madison Parish, Louisiana—to the Committee on War Claims.

By Mr. J. S. HENDERSON: Petition of Mrs. Mary Woody and 4 other ladies of the Women's Christian Temperance Union of Greensborough, N. C., earnestly requesting the passage of the Blair educational bill—to the Committee on Education.

By Mr. HIRES: Petition of gold and silver beaters of the United States, for increase of duty on certain articles—to the Committee on Ways and Means.

By Mr. MCRAE: Papers in the claim of John R. Carter, of Clark County; of James D. Scott, of Clark County; and of Imogene Holloway, of Ashley County, Arkansas—to the Committee on War Claims.

By Mr. MORGAN: Petition of Robert Cunningham and others, for relief—to the same committee.

By Mr. MORRISON: Memorial of the Illinois State board of agriculture, for agricultural-experiment stations—to the Committee on Agriculture.

By Mr. MORROW: Petition of San Francisco Chamber of Commerce against the passage of the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. PIRCE: Petition of John G. Clarke and others, of Rhode Island, for the passage of the Hatch experimental-station bill—to the Committee on Agriculture.

By Mr. J. H. ROGERS: Papers in the claim of Noah H. Bodgett, of Pulaski County; and of Susan Cunningham, and of Josiah and John Foster, of Crawford County, Ark.—to the Committee on War Claims.

By Mr. SPRINGER: Letter of J. Alexander Fulton, urging the claim of George F. Wardle—to the Committee on Claims.

By Mr. STONE, of Missouri: Petition of ex-soldiers of Missouri, urging the passage of Senate bill 1886—to the Committee on Invalid Pensions.

By Mr. E. B. TAYLOR: Petition of Edward Whitehouse, for honorable discharge—to the Committee on Military Affairs.

By Mr. ZACH TAYLOR: Petition of M. E. Stone and J. M. Williams, legal representatives of Henry Williams, deceased, of Shelby County, Tenn., asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

SENATE.

FRIDAY, *December* 17, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

The PRESIDENT *pro tempore* signed the following enrolled bill and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

A bill (H. R. 1418) for the relief of Henry Martin; and

Joint resolution (H. Res. 220) authorizing and directing the payment of the salaries of the officers and employés of Congress for the month of December, 1886.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Commissioner of Agriculture, transmitting, in compliance with a resolution of August 4, 1886, a report on the subject of irrigation; which, with the accompanying papers, was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. DAWES presented resolutions adopted by the Brookfield (Mass.) Farmers' Club and resolutions adopted by the Berkshire County (Massachusetts) Grange, in favor of establishing agricultural experiment stations; which were referred to the Committee on Agriculture and Forestry.

Mr. CONGER. I present four petitions of citizens of Michigan, praying that the license tax on oleomargarine may be reduced to correspond with the license tax for retail dealers in whisky and tobacco and beer and other necessaries of life, and that the charges upon the license for selling butter or butterine may not be greater than for selling these

other luxuries. I move the reference of the petitions to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. CULLOM presented petitions of 139 consumers of oleomargarine in Chicago, Ill., of 20 citizens of Springfield, Ill., of 15 visitors at the fat-stock show at Chicago, of 40 citizens of Monmouth, Ill., and of 6 consumers of oleomargarine in Kensington, Cook County, Illinois, praying for a reduction of the special taxes on oleomargarine to make them correspond with the taxes on tobacco and whisky; which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of J. B. Cosh and 234 citizens and cattle-men at the National Stock-yards, East Saint Louis, Ill., praying for the reduction of the special taxes and for the repeal of the "obnoxious, prohibitory, and monopolistic features" of the oleomargarine bill; which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted at a meeting of the Illinois State board of agriculture in favor of the passage of a bill providing for the establishment of agricultural experiment stations; which were referred to the Committee on Agriculture and Forestry.

Mr. SPOONER presented the petition of Amy C. Kellogg, president, Emma C. Bascom, vice-president, Mary M. Eaton, corresponding secretary, and Maria S. Johnson, treasurer of the Wisconsin Women's Christian Temperance Union, praying for the passage of the Blair educational bill; which was ordered to lie on the table.

Mr. MCMILLAN presented the petition of Mrs. H. A. Hobart, president of the Women's Christian Temperance Union of Minnesota, and Mrs. E. S. Wright, corresponding secretary of that association, praying for the passage of the Blair educational bill; which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Duluth, Minn., praying that an appropriation be made for the purpose of dredging the inner harbor of Duluth and Saint Louis Bay to Grassy Point, in accordance with the plans recommended by the United States engineers; which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of Duluth, Minn., praying that an appropriation of $50,000 be made for the purchase of a site in Duluth for a building to be used by the United States court, custom-house, and post-office; which was referred to the Committee on Public Buildings and Grounds.

Mr. HOAR. I present the petition of John S. Moulton and 107 others, citizens of Boston, Mass., praying for a reduction of the special taxes and for the repeal of certain clauses of the oleomargarine act, which they describe in the petition as "obnoxious, prohibitory, and monopolistic." I move the reference of the petition to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. INGALLS presented a petition of 18 consumers of oleomargarine, of Atchison, Kans., praying for a reduction of the special taxes on oleomargarine so as to correspond with those on tobacco and whisky; which was referred to the Committee on Agriculture and Forestry.

Mr. GEORGE presented the petition of Richard D. Jones, of Marshall County, Mississippi, praying for certain relief under the provisions of the act of Congress of March 3, 1883; which was referred to the Committee on Claims.

Mr. SAWYER presented a petition of the Women's Christian Temperance Union of Wisconsin, praying for the passage of the Blair educational bill; which was ordered to lie on the table.

Mr. CHACE presented the memorial of H. H. Stedman & Co. and 142 others, citizens of Providence, R. I., praying for a reduction of the special taxes and for the repeal of the "obnoxious, prohibitory, and monopolistic features" of the oleomargarine bill; which was referred to the Committee on Agriculture and Forestry.

Mr. MITCHELL, of Oregon, presented a petition of 7 citizens of Portland, Oreg., praying for a reduction of the special taxes on oleomargarine so as to correspond with those on whisky and tobacco; which was referred to the Committee on Agriculture and Forestry.

CENTENNIAL CELEBRATION IN WASHINGTON.

Mr. GORMAN. I present the memorial of a large number of citizens of the United States in relation to the centennial celebration of the adoption of the Federal Constitution and the world's exposition to celebrate the discovery of the continent of America by Columbus.

This memorial is signed by a very large number of citizens of the United States, and contains also the proceedings of a convention recently held in the city of Washington on that subject. It is an interesting matter, and I ask unanimous consent that the memorial may be printed in the RECORD, and referred to the special committee on that subject.

The PRESIDENT *pro tempore*. The Senator from Maryland asks the unanimous consent of the Senate that the memorial and proceedings presented by him be printed in the RECORD. Is there objection?

Mr. ALLISON. What is the nature of the memorial?

Mr. GORMAN. It is a memorial, with the proceedings of a convention held in this city, in relation to the proposed exposition to commemorate the centennial of the adoption of the Federal Constitution and of the discovery of the American continent.

The memorial with the accompanying proceedings was referred to the Select Committee on the Centennial of the Constitution of the United States, and ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *December* 13, 1886.

To the Congress of the United States:

The undersigned, a committee appointed by a convention assembled at Washington on Tuesday, December 7, for the purpose of considering the subject of a centennial celebration of the adoption of the Federal Constitution, and of a world's exposition, in celebration of the discovery of the continent of America by Columbus, respectfully submit to the Senate and House of Representatives in Congress assembled the proceedings of the body they represent, and the accompanying memorial.

The convention, which was composed of delegates from twenty-four States and Territories, was organized by the choice of the Hon. William Claflin, of Massachusetts, as president; Hon. A. A. Ames, of Minnesota, Hon. E. John Ellis, of Louisiana, Hon. Amor Smith, jr., of Ohio, Charles D. Fisher, esq., of Maryland, A. R. Little, esq., of Pennsylvania, and Hon. A. P. Williams, of California, as vice-presidents; and Alex. D. Anderson, esq., as secretary, and adopted the following resolutions:

"*Resolved*, That a committee, to consist of fifteen members, five of whom shall be a quorum, be appointed by the chair, whose duty it shall be to prepare and present to Congress a memorial of this convention, with the signatures of its members appended, urging upon that body:

"1. To take action for such a celebration in 1889, at Washington, of the one hundredth anniversary of the establishment of constitutional republican government in America, as may be deemed appropriate to the grandeur of the occasion and worthy the dignity of the nation, and that the republics of the world be invited by the President of the United States to participate therein, and that all other nations be invited to be present as guests. It is suggested that the celebration should extend over several days, and include addresses by some of the foremost men of each republic.

"2. Necessary appropriations for the proposed extension of the National Museum and such other buildings as may be required to enable the officers of that institution to carry more fully into effect, on a comprehensive scale, all the objects for which it was founded.

"3. Necessary appropriation for a suitable building or buildings on some public reservation in Washington, to constitute a part of the Patent Office, in which to exhibit working models in actual operation of such useful inventions by American inventors in general use, patented by the United States, as may be selected by the Commissioner of Patents.

"4. To allot the requisite space on some public reservation in Washington for the erection of, and suitable surroundings for, a building or buildings of sufficient capacity for a national and international expositon of the arts and industries, products and manufactures, of the several States and Territories of the United States and of all the nations of the world, to be held in 1892 in commemoration of the four hundredth anniversary of the discovery of the Western hemisphere by Columbus.

"5. To provide for the appointment of a board of Government directors, who shall have authority to cause or permit the erection of such exposition buildings, upon plans to be approved by the Secretary of the Interior, whenever sufficient funds therefor shall be provided for the purposes, and not before.

"6. To provide that the Government directors appoint a secretary and treasurer, the secretary to give to each subscriber to the exposition fund a receipt for the amount subscribed and paid by him, which shall entitle the holder to a pro rata amount of any net proceeds accruing from said exposition, not to exceed the amount contributed by him. If any surplus remains after the reimbursement of subscribers, the same to remain subject to disposition by Congress. The treasurer to receive into the treasury all contributions and all proceeds of the exposition, and to pay out the same only on drafts authorized by the said Government directors.

"7. To make all necessary provision for the operations of said exposition.

"8. To cause the erection of a statue to Columbus on the exposition grounds."

The committee appointed to prepare and present this memorial respectfully ask, therefore, that, in addition to the things generally set forth in said resolutions, specific provision be made by Congress for the following:

First. The appointment of a board of location to consist of five members, who shall have the authority and whose duty it shall be, subject to the subsequent approval by Congress within three months from the passage of such act, to select the requisite space on the public reservations within the city of Washington for the purpose named in the fourth of said resolutions; and this committee suggests as proper officers to compose such board: the Secretary of the Interior, the president of the board of District commissioners, the engineer in charge of public buildings and grounds, and one member of each House of Congress, to be named by the presiding officer thereof respectively.

Second. The appointment of a board of twenty-one Government directors to perform the duties named in the fifth and sixth of said resolutions; and this committee suggests that in the construction of this board seven be appointed by the President of the United States, seven by the President of the Senate, and seven by the Speaker of the House of Representatives.

Third. The appointment of an advisory commission of one from each State and Territory to be named by the governor thereof.

Your memorialists further say that the object of asking the appointment of directors by the Government to receive and disburse all moneys in connection with the proposed exposition is to guarantee to the nations, States, and individuals, whose liberality is relied on to insure the success of the undertaking, that the financial part of it will be under the control of the Government of the United States.

Respectfully submitted.

J. W. THOMPSON,
W. B. WEBB,
GEORGE B. LORING,
STILSON HUTCHINS,
GEORGE C. GORHAM,
HALLET KILBOURN,
ALEX. D. ANDERSON,
E. W. FOX,
N. G. ORDWAY,
JEFF CHANDLER,
THOMAS J. LUTTRELL,
MYRON M. PARKER,
THOMAS E. WAGGAMAN,
JOHN R. BLAND,
OWEN A. GILL,
Committee of Memorialists.

The following were members of the convention: Hon. Robert A. Howard, representing the governor of Arkansas; Hon. A. P. Williams, representing the San Francisco Chamber of Commerce; M. Hayes, esq., secretary Delaware board of agriculture; Hon. J. J. Finley, of Florida; Hon. Judson C. Clements, representing the governor of Georgia; Hon. George Hillyer, mayor of Atlanta, Ga.; Hon. Charles F. Muhler, mayor of Fort Wayne, Ind.; Silas T. Bowen, esq., president of Indianapolis Board of Trade; Hon. E. H. Conger, representing the city of Des Moines, Iowa; Hon. Samuel J. Crawford, representing the governor of Kansas; General John Marshall Brown, representing the governor of Maine; Hon. Frank Brown, president of Maryland Agricultural Association; Charles D. Fisher, esq., president Baltimore Board of Trade; C. T. Crane, esq., secretary Baltimore Board of Trade; E. M. Shryver, esq., president Baltimore Corn and Flour Exchange; John R. Bland, esq., secretary Merchants and Manufacturers' Exchange of Baltimore; J. Frank Supplee, esq., Baltimore, Md.; Frank Frick, esq., Baltimore, Md.; Thomas W. Johnson, esq., Baltimore, Md.; William T. Biedler, esq., Baltimore, Md.; E. Levering, esq., Baltimore, Md.; C. A. Gill, esq.,

Baltimore, Md.; George R. Skillman, esq., Baltimore, Md.; Hon. J. B. Wakefield, representing the governor of Minnesota; Hon. A. A. Ames, representing the city of Minneapolis; Hon. Charles W. Johnson, representing the board of trade of the city of Minneapolis; Hon. Charles H. Dewey, representing the Omaha Board of Trade; H. M. Baker, esq., representing the governor of New Hampshire; Hon. Nicholas T. Kane, representing the mayor of Albany; Henry S. Thayer, esq., representing the mayor of Buffalo, N. Y.; William Thurston, esq., representing Merchants' Exchange and Board of Trade, Buffalo, N. Y.; Hon. W. R. Cox, representing the governor of North Carolina; Hon. Amor Smith, jr., mayor of Cincinnati, Ohio; Hon. James P. Goodwin, mayor of Springfield, Ohio; S. J. Ritchie, esq., of Akron, Ohio; C. D. Firestone, esq., president Board of Trade, Columbus, Ohio; Hon. Samuel F. Forbes, mayor of Toledo, Ohio; X. X. Crum, esq., representing the Cleveland (Ohio) Board of Trade; Amos R. Little, esq., representing the governor of Pennsylvania; W. R. Johns, esq., representing Oil City Board of Trade; Hon. A. J. Caldwell, representing the governor of Tennessee; Hon. Zachary Taylor, representing the Merchants' Exchange of Memphis, Tenn.; Hon. W. H. Crain, representing the mayor of Galveston, Tex.; Hon. John T. Caine, representing the mayor of Salt Lake City, Utah; X. X. Chartters, representing the National Grange and Virginia State Grange; John Trimble, esq., representing the National Grange; John T. Edwards, esq., president Tobacco Association of Lynchburg, Va.; Hon. Philip Pendleton, representing the governor of West Virginia; Noyes S. Burlew, esq., president Board of Trade, Charleston, W. Va.; Joseph Ruffner, esq., secretary Board of Trade, Charleston, W. Va.

The following are a national board of promotion, who either in person or by correspondence have expressed a warm interest in the enterprise and have accepted their appointment on the board:

Alabama—T. G. Bush, esq., president Mobile Chamber of Commerce; A. Pope St. John, esq., secretary Mobile Chamber of Commerce; R. H. Bolling, esq., superintendent Mobile Cotton Exchange; Miss Florence Gilmer, secretary State Grange; Thomas J. Key, esq., secretary State Agricultural Society.

Alaska—Hon. A. P. Swineford, governor of Alaska.

Arizona—Hon. C. Meyer Zulick, governor of Arizona; G. W. F. Johnson, esq., secretary Arizona Industrial Exposition Association.

Arkansas—Hon. Simon P. Hughes, governor of Arkansas; J. O. Bagnell, esq., secretary Helena Chamber of Commerce.

California—Hon. George Stoneman, governor of California; H. L. Dodge, esq., president San Francisco Chamber of Commerce; Eugene Germain, esq., president Los Angeles Produce Exchange; E. L. Stern, esq., president Los Angeles Board of Trade; A. M. Lawrence, esq., secretary Los Angeles Board of Trade.

Colorado—Josiah Hughes, esq., president Pueblo Board of Trade.

Connecticut—Hon. Henry B. Harrison, governor of Connecticut; Hon. M. G. Bulkeley, mayor of Hartford; Hon. George F. Holcomb, mayor of New Haven; James D. Dewell, esq., president New Haven Chamber of Commerce; T. Atwater Barnes, esq., secretary New Haven Chamber of Commerce; Hon. Civilion Fones, mayor of Bridgeport; Hon. H. I. Boughton, mayor of Waterbury; Arthur Sikes, esq., secretary State Grange.

Dakota—Hon. Gilbert A. Pierce, governor of Dakota; W. F. T. Bushnell, esq., secretary Territorial Farmers' Alliance and Dakota Board of Agriculture; W. R. Bierly, esq., secretary Grand Forks Chamber of Commerce; H. P. Rucker, esq., president North Dakota Agricultural Exposition; W. T. Collins, esq., secretary North Dakota Agricultural Exposition.

Delaware—Hon. C. B. Rhoads, mayor of Wilmington; Mrs. Margaret A. Comegys, vice-regent for Delaware of Mount Vernon Association; M. Hayes, esq., secretary State Board of Agriculture; William B. Records, esq., secretary State Grange.

Florida—Hon. E. A. Perry, governor of Florida; J. J. Daniel, esq., president Jacksonville Board of Trade; James M. Fairlie, esq., secretary Jacksonville Board of Trade; L. M. Merritt, esq., president Pensacola Board of Trade; Thomas C. Watson, esq., secretary Pensacola Board of Trade; James M. Fairlie, esq., secretary Florida State Park Association.

Georgia—Hon. John B. Gordon, governor of Georgia; Hon. George Hillyer, mayor of Atlanta; Robert J. Lowry, esq., president Atlanta Chamber of Commerce; M. M. Welch, esq., secretary Atlanta Chamber of Commerce; Fred. M. Hull, esq., president Savannah Board of Trade; E. C. Grier, esq., secretary State Agricultural Society.

Idaho—Hon. Edward A. Stevenson, governor of Idaho.

Illinois—Perley Lowe, esq., president Chicago Lumberman's Exchange; George W. Hotchkiss, esq., secretary Chicago Lumberman's Exchange; Samuel B. Raymond, esq., president Chicago Commercial Exchange; W. S. Knight, esq., secretary Chicago Commercial Exchange; George W. Linn, esq., president Chicago Produce Exchange; R. P. McGlincy, esq., secretary Elgin Board of Trade; Hon. J. Parkhurst, mayor of Quincy; Thomas Keady, esq., secretary State Grange; Hon. Lewis B. Thomas, mayor of Bloomington.

Indiana—Silas T. Bowen, esq., president Indianapolis Board of Trade; Hon. Caleb S. Denny, mayor of Indianapolis; Hon. Charles F. Muhler, mayor of Fort Wayne; Milton Trusler, esq., master State Grange; Hon. J. C. Kolsem, mayor of Terre Haute.

Indian Territory—Joshua Ross, esq., secretary Indian International Agricultural Society and Fair Association.

Iowa—Hon. William Larrabee, governor of Iowa; Hon. J. H. Philips, mayor of Des Moines; Hon. James C. Davis, mayor of Keokuk; Hon. A. G. Adams, mayor of Burlington and president Burlington Board of Trade; G. R. Badgerow, esq., secretary Sioux City Chamber of Commerce; Hon. John Glab, mayor of Dubuque; John R. Shaffer, secretary State Agricultural Society.

Kansas—Hon. John A. Martin, governor of Kansas; Hon. R. L. Cofran, mayor of Topeka; Hon. S. H. Kelsey, mayor of Atchison; Mrs. Jennie M. Ward, vice-regent for Kansas of Mount Vernon Association; H. Miles Moore, esq., secretary Leavenworth Board of Trade; George Black, esq., secretary State Grange; George Y. Johnson, esq., secretary State Fair Association; J. D. Bowersock, president Lawrence Chamber of Commerce; H. C. Whitehead, esq., secretary Lawrence Chamber of Commerce; Robert Atkinson, esq., president Ottawa Board of Trade.

Kentucky—Hon. J. Proctor Knott, governor of Kentucky; H. A. Dudley, esq., secretary Louisville Board of Trade; Mrs. Eliza B. Woodward, vice regent for Kentucky of Mount Vernon Association; Hon. James C. Wright, mayor of Newport.

Louisiana—Hon. S. D. McEnery, governor of Louisiana; Hon. N. D. Wallace, president New Orleans Produce Exchange; Henry H. Smith, esq., secretary New Orleans Produce Exchange; Wm. M. Burwell, esq., secretary New Orleans Chamber of Commerce; Pearl Wright, esq., president New Orleans Mexican, South American and Central American Commercial Exchange; G. T. McCune, esq., secretary New Orleans, Mexican, South American and Central American Commercial Exchange; Mrs. Ida A. Richardson, vice-regent for Louisiana of Mount Vernon Association; Isaac N. Maynard, esq., manager New Orleans Clearing House; A. K. Miller, esq., president New Orleans Maritime Association; L. Lacombe, esq., secretary New Orleans Maritime Association; Daniel Morgan, esq., master State Grange; H. W. L. Lewis, esq., secretary State Grange; R. N. McKellar, esq., president Shreveport Cotton Exchange; J. V. Nolan, esq., secretary Shreveport Cotton Exchange.

Maine—Hon. Frederick Robie, governor of Maine; Mrs. Margaret J. M. Sweat, vice-regent for Maine of Mount Vernon Association; Hon. Charles J. Chapman, mayor of Portland; Joseph E. Blabon, esq., president Portland Merchants' Exchange; M. N. Rich, esq., secretary Portland Merchants' Exchange; A. J. Fuller, esq., president Bath Board of Trade; F. W. Weeks, esq., secretary Bath Board of Trade; Charles S. Pearl, esq., secretary Bangor Board of Trade; Frederick A. Allen, esq., secretary State Grange.

Maryland—Hon. James Hodges, mayor of Baltimore; Charles D. Fisher, esq., president Baltimore Board of Trade; Charles T. Crane, esq., secretary Baltimore Board of Trade; E. M. Shryver, esq., president Baltimore Corn and Flour Exchange; William F. Wheatly, esq., secretary Baltimore Corn and Flour Exchange; John E. Hurst, esq., president Baltimore Merchants and Manufacturers' Association; John R. Bland, esq., secretary Baltimore Merchants and Manufacturers' Association; Hon. Frank Brown, president Maryland Agricultural Association; H. M. Murray, esq., master State Grange.

Massachusetts—Hon. William Claflin, president New England Shoe and Leather Association; Charles S. Ingalls, esq., secretary New England Shoe and Leather Association; ————, president Boston Board of Trade; Charles F. Crosby, esq., secretary Boston Board of Trade; Hon. Edwin D. Metcalf, mayor of Springfield; Hon. William S. Greene, mayor of Fall River; Hon. A. B. Bruce, mayor of Lawrence; Hon. William E. Russell, mayor of Cambridge; Hon. John M. Raymond, mayor of Salem; George Jewett, esq., president Fitchburg Board of Trade; Arthur A. Brigham, esq., secretary State Grange.

Michigan—Hon. J. W. Walsh, mayor of Detroit; F. William Lichtenburg, esq., president Detroit Board of Trade; George M. Lane, esq., secretary Detroit Board of Trade; T. H. Hinchman, esq., president Detroit Merchants and Manufacturers' Exchange; J. T. Cobb, esq., secretary State Grange.

Minnesota—Hon. L. F. Hubbard, governor of Minnesota; J. M. Bohrer, esq., president Saint Paul Board of Trade; W. G. Gates, esq., secretary Saint Paul Board of Trade; Hon. Edmund Rice, mayor of Saint Paul; William F. Phelps, esq., secretary Saint Paul Chamber of Commerce; Hon. A. A. Ames, mayor of Minneapolis; Isaac Atwater, esq., president Minneapolis Board of Trade; R. C. Judson, esq., secretary State Agricultural Society; W. S. Chowen, esq., secretary State Grange; Edgar R. Mills, esq., secretary Duluth Chamber of Commerce; Lucien J. Barnes, esq., secretary Duluth Produce Exchange; Ralph W. Baker, esq., secretary Duluth Board of Trade; M. J. Forbes, esq., president Duluth Board of Trade; M. J. Daniels, esq., president Rochester Board of Trade; A. T. Stebbins, esq., secretary Rochester Board of Trade; B. B. Herbert, esq., secretary Red Wing Board of Trade.

Mississippi—Hon. Robert Lowry, governor of Mississippi; Philip Crutcher, esq., secretary Vicksburg Cotton Exchange; L. F. Chiles, esq., secretary State Fair Association.

Missouri—J. W. Sanborn, esq., secretary State Board of Agriculture; W. H. Miller, secretary Kansas City Commercial Exchange; F. W. Wyman, esq., president Hannibal Board of Trade; Charles O. Harrington, esq., secretary Carthage Board of Trade; H. R. W. Hartwig, esq., president Saint Joseph Board of Trade; John L. Motter, esq., secretary Saint Joseph Board of Trade; Joseph H. Alexander, esq., president Saint Charles Commercial Exchange.

Montana—Hon. S. T. Hauser, governor of Montana; Robert C. Walker, esq., secretary Helena Board of Trade.

Nebraska—Hon. James W. Dawes, governor of Nebraska; Hon. James E. Boyd, mayor of Omaha; Max Meyer, esq., president Omaha Board of Trade; George M. Nattinger, esq., secretary Omaha Board of Trade; R. W. Furnas, esq., secretary State Board of Agriculture.

New Hampshire—Hon. Moody Currier, governor of New Hampshire; Col. William H. Sise, president Portsmouth Board of Trade; William H. Stinson, esq., master State Grange; N. J. Bachelder, esq., secretary State Grange; H. K. Slayton, esq., secretary Manchester Board of Trade.

New Jersey—Hon. Jesse Pratt, mayor of Camden; Hon. William S. Strong, mayor of New Brunswick; B. H. Campbell, esq., president Elizabeth Board of Trade; C. A. Swift, esq., secretary Elizabeth Board of Trade; P. T. Quinn, esq., secretary Newark Board of Trade; M. D. Dickinson, esq., secretary State Grange.

New York—Hon. D. D. Whitney, mayor of Brooklyn; Hon. Philip Becker, mayor of Buffalo; Hon. Thomas E. Kinney, mayor of Utica; Albert J. Wright, esq., president Buffalo Merchants' Exchange; William Thurston, esq., secretary Buffalo Merchants' Exchange; J. R. Joslyn, esq., secretary Elmira Board of Trade; Hon. John Boyd Thacher, mayor of Albany; S. H. Parker, esq., secretary Geneva Board of Trade; Edward C. Boynton, esq., secretary Newburg Board of Trade.

North Carolina—Hon. A. M. Scales, governor of North Carolina; J. H. Currie, esq., president Wilmington Produce Exchange; T. C. Williams, esq., secretary State Agricultural Society; W. R. Williams, esq., master State Grange.

Ohio—Hon. Amor Smith, jr., mayor of Cincinnati; Hon. George W. Gardner, mayor of Cleveland; Hon. Samuel F. Forbes, mayor of Toledo; William Edwards, esq., president Cleveland Board of Trade; X. X. Crum, esq., secretary Cleveland Board of Trade; Denison T. Smith, esq., secretary Toledo Produce Exchange; C. D. Firestone, esq., president Columbus Board of Trade; Charles G. Lord, esq., secretary Columbus Board of Trade; Hon. James P. Goodwin, mayor of Springfield; Hon. Ira Crawford, mayor of Dayton; M. Churchill, esq., president Zanesville Board of Trade; William M. Shinnick, esq., secretary Zanesville Board of Trade; J. H. Brigham, esq., master State Grange; T. R. Smith, esq., secretary State Grange.

Oregon—Hon. Z. F. Moody, governor of Oregon; Donald Macleay, esq., president Portland Board of Trade; Hon. John Gates, mayor of Portland.

Pennsylvania—Hon. Robert E. Pattison, governor of Pennsylvania; Hon William B. Smith, mayor of Philadelphia; J. Wesley Supplee, esq., president Philadelphia Commercial Exchange; C. Ross Smith, esq., secretary Philadelphia Commercial Exchange; George E. Paul, esq., president Philadelphia Produce Exchange; Howard Austin, esq., secretary Philadelphia Produce Exchange; John F. Dravo, esq., president Pittsburgh Chamber of Commerce; S. L. McHenry, esq., secretary Pittsburgh Chamber of Commerce; Thomas J. Edge, esq., secretary State Board of Agriculture; Leonard Rhone, esq., master State Grange; Hon. Ezra H. Ripple, mayor of Scranton; Dr. E. G. Martin, president Allentown Board of Trade; Benjamin Blum, esq., secretary Meadville Board of Industry; W. R. Johns, esq., secretary Oil City Board of Trade; J. B. Olmsted, esq., president Titusville Merchants' Association; E. H. Ames, esq., secretary Titusville Merchants' and Manufacturers' Association; Isaac McHose, esq., president Reading Board of Trade; J. F. Keever, esq., secretary Reading Board of Trade.

Rhode Island—Hon. G. F. Robbins, mayor of Providence; C. W. Smith, esq., secretary Rhode Island Society for Encouragement of Domestic Industry.

South Carolina—Hon. John P. Richardson, governor of South Carolina; Thos. D. Jenry, esq., president Charleston Chamber of Commerce; A. Walton Taft, esq., president Charleston Exchange; Geo. W. Bell, esq., secretary Charleston Merchants' Exchange; S. A. Pearce, esq., president Columbia Board of Trade; Robert M. Anderson, esq., secretary Columbia Board of Trade; James N. Lipscomb, esq., master State Grange; Thos. W. Holloway, esq., secretary State Grange and secretary State Agricultural and Mechanical Society; E. L. Roche, esq., secretary Agricultural Society of South Carolina.

Tennessee—Hon. William B. Bate, governor of Tennessee; Hon. Thomas A. Kercheval, mayor of Nashville; H. C. Hensley, esq., president Nashville Merchants' Exchange; O. H. Hight, esq., secretary of Nashville Merchants' Exchange; W. J. Chase, president Memphis Merchants' Exchange; E. A. Keeling, esq., secretary Memphis Merchants' Exchange; G. C. Connor, esq., president Chattanooga Iron and Coal and Manufacturers' Association; H. M. Wiltse, esq., secretary Chattanooga Iron and Coal and Manufacturers' Association; Hon. A.

J. McWhirter, State commissioner of agriculture; W. H. Nelson, esq., master State Grange; S. M. Wilson, esq., secretary State Grange.

Texas—Hon. John Ireland, governor of Texas; Hon. R. L. Fulton, mayor of Galveston; Hon. J. W. Robertson, mayor of Austin; Hon. John Henry Brown, mayor of Dallas; Dr. H. S. Broiles, mayor of Fort Worth; R. T. Kennedy, esq., secretary State Grange; E. C. Bartholomew, esq., secretary State Fair Association.

Utah—Hon. Caleb W. West, governor of Utah; Hon. Francis Armstrong, mayor of Salt Lake City.

Vermont—Hon. Samuel E. Pingree, governor of Vermont.

Virginia—General Fitzhugh Lee, governor of Virginia; Mrs. Emma R. Ball, vice-regent for Virginia of Mount Vernon Association; Philip Haxall, esq., president Richmond Grain and Cotton Exchange; B. A. Jacob, esq., secretary Richmond Grain and Cotton Exchange; George A. Ainslie, esq., president Richmond Chamber of Commerce; Hon. W. C. Carrington, mayor of Richmond; E. B. Freeman, esq., secretary Norfolk and Portsmouth Merchants and Manufacturers' Exchange; W. H. Holmes, esq., president Norfolk and Portsmouth Cotton Exchange; John H. Hume, esq., president Portsmouth Board of Trade and Exchange; Hon. Barton Myers, mayor of Norfolk; C. E. Burton, esq., secretary Petersburg Chamber of Commerce; John T. Edwards, esq., president Lynchburg Tobacco Association; James Franklin, esq., secretary Lynchburg Tobacco Association; George W. Mayo, esq., secretary State Agricultural Society; Hon. Randolph Harrison, State commissioner of agriculture: X. X. Chartters, esq., master State Grange; Thomas S. Stadden, esq., secretary State Grange.

Washington Territory—Hon. Watson C. Squire, governor of Washington Territory; John W. Sprague, esq., president Tacoma Chamber of Commerce; E. N. Fuller, esq., secretary Tacoma Chamber of Commerce.

West Virginia—Hon. E. W. Wilson, governor of West Virginia; Mrs. Ella B. Washington, vice-regent for West Virginia of Mount Vernon Association; Noyes Burlew, esq., president Charleston Board of Trade; Joseph Ruffner, esq., secretary Charleston Board of Trade; J. E. Hall, esq., master State Grange; William Haynes, esq., secretary State Grange; George Hook, esq., secretary West Virginia Exposition Association.

Wisconsin—John Johnston, esq., president Milwaukee Chamber of Commerce; W. J. Langston, esq., secretary Milwaukee Chamber of Commerce; Mrs. Martha Mitchell, vice-regent for Wisconsin of Mount Vernon Association; Hon. D. A. Olin, mayor of Racine; A. Hirshheimer, esq., president La Crosse Board of Trade; R. Calvert, esq., secretary La Crosse Board of Trade; S. C. Carr, esq., master State Grange.

Wyoming—Hon. Francis E. Warren, governor of Wyoming; Thomas Sturgis, esq., secretary Wyoming Stock Growers' Association.

At large—Thomas L. Airey, esq., president National Cotton Exchange of America; Mrs. Lily L. Macalester Laughton, regent Mount Vernon Association of the Union; Put Darden, esq., master National Grange; John Trimble, esq., secretary National Grange; Dr. J. M. Blanton, chairman executive committee of National Grange.

REPORTS OF COMMITTEES.

Mr. VANCE, from the Committee on the District of Columbia, to whom was referred the bill (S. 2839) for the relief of the Church of the Ascension, in the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (S. 2982) to authorize the commissioners of the District of Columbia to permit the temporary occupation of streets by a railway for the purpose of transporting material to fill about the base of the Washington Monument, reported it without amendment.

Mr. CULLOM, from the Committee on Territories, to whom was referred the bill (H. R. 3760) to enlarge the jurisdiction of the probate courts in Wyoming Territory, reported it with an amendment, and submitted a report thereon.

PUBLIC BUILDING AT EASTPORT, ME.

Mr. MAHONE. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2901) to provide for the erection of a public building at Eastport, Me., to report it with an amendment.

Mr. HALE. This is a bill which I introduced on the second day of the session. I asked for its immediate consideration at that time, but objection being made it went to the committee which has investigated the subject and made this report. As the building and the town itself was nearly all burned down, and it is a very important port and an important custom-house, I ask that the Senate consider the bill now. I presume there will be no objection to it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Public Buildings and Grounds was to strike out all after the enacting clause and insert:

That the Secretary of the Treasury is hereby authorized and directed to sell at public auction, in the town of Eastport, Me., to the highest bidder, after thirty days' notice in all of the newspapers published in the town of Eastport, the land and premises known as the United States custom-house and post-office, on Washington and Water streets in said town of Eastport, Me.; the time and place of said sale in said town to be fixed by the Secretary of the Treasury at a date not later than sixty days after the passage of this act, with power to reject any or all bids, and to readvertise the said property in like manner as often as may be necessary to secure the value thereof, and the cost to be paid from the proceeds of sale of said property.

SEC. 2. That the Secretary of the Treasury shall invest the purchase-money of the said property received by him, so far as the same may go, in the purchase or acquisition by condemnation of a site, and cause to be erected thereon a suitable and commodious fire-proof building, with fire-proof vaults, for the use and accommodation of the post-office, custom-house, and other Government offices, at the town of Eastport, in the State of Maine. The cost of said building, including site, approaches, and heating apparatus, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the sum of $100,000; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until the valid title to the said site shall be vested in the United States, nor until the State of Maine shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

SEC. 3. That the sum of $100,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be used and expended for the purposes provided in this act.

Mr. COCKRELL. I should like to ask the Senator from Maine why the lot the Government now owns should be sold and a new lot purchased?

Mr. HALE. The old lot is very small, to begin with, and it is situated on the wrong side of the street, away from the water. Eastport is a seaport. The Treasury Department has investigated the matter itself by its agents and prepared this bill. In conference with the citizens of the town they decided that it would be much more convenient for the business of the office to purchase a new site on the opposite side of the street and next to the sea, where vessels could approach and where it would be more convenient in every way. It is for that purpose that the change is suggested.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Secretary of the Treasury to sell and convey the United States custom-house and post-office property at Eastport, in the State of Maine, lately destroyed by fire, the proceeds thereof to be invested in the purchase of a new site for and to provide for the erection of a new public building at that place."

BILLS INTRODUCED.

Mr. CAMERON introduced a bill (S. 3005) providing for appointments in the Marine Corps; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. CONGER introduced a bill (S. 3006) authorizing and directing the Secretary of War to send to Wallace Brown's Post, No. 190, of Birch Run, Mich., fifty unserviceable muskets and accouterments; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 3007) for the relief of James H. Gilbert; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3008) granting arrears of pension to George H. Campbell; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3009) granting a pension to Frank P. Winchester; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WHITTHORNE (by request) introduced a bill (S. 3010) to remove the charge of desertion from the military record of William Hamilton; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BLAIR introduced a bill (S. 3011) for the relief of Andrew J. Edgerly; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MORGAN introduced a bill (S. 3012) to regulate the fees and salary of district attorneys of the United States for the Territories of New Mexico and Arizona; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. MANDERSON introduced a bill (S. 3013) for the relief of First Lieut. James Regan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. BECK introduced a bill (S. 3014) to fix the charge for passports at $1; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Foreign Relations.

Mr. ALDRICH introduced a bill (S. 3015) to provide for the reduction of interest on the bonded debt of the United States, and for other purposes; which was read twice by its title, and referred to the Committee on Finance.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. DOLPH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ADJOURNMENT TO MONDAY.

On motion of Mr. ALLISON, it was

Ordered, That when the Senate adjourn to-day it be to meet on Monday next.

RELATIONS WITH MEXICO.

Mr. BUTLER submitted the following resolution; which was read:

Whereas the close proximity of Mexico to this country, the increasing commerce between the two countries, and the common interests of the two republics in many respects make it most desirable that there should exist between them the closest ties of friendship: Therefore,

Resolved, That a select committee of five Senators be appointed by the President of the Senate, whose duty it shall be to visit such places along the frontier as they may deem proper, and also the City of Mexico, with the approval of the Mexican Government, in order to inquire into and report upon any disturbances that may have occurred between citizens of the two countries; and if any disturbances have occurred to inquire and report the cause thereof. That said committee may send for persons and papers, employ a stenographer, and such

other persons as may be necessary for the proper accomplishment of the object and purposes of said inquiry. That said committee may sit during the recess of Congress.

Mr. BUTLER. I ask that the resolution be printed, and lie on the table for the present.

The PRESIDENT *pro tempore*. The resolution will lie on the table and be printed.

RIGHTS OF AMERICAN VESSELS IN BRITISH WATERS.

Mr. FRYE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That such evidence, papers, and documents as may be deemed necessary by the Committee on Foreign Relations be printed for the use of said committee in its investigation of the fisheries question under the resolution of the Senate adopted on the 24th day of July, 1886, under the direction of said committee.

THE TRADE-DOLLAR.

The PRESIDENT *pro tempore*. Are there further concurrent or other resolutions? If not, the morning business is closed and the Calendar is in order.

Mr. MILLER. I desire to ask the Senate to take up the bill (S. 199) Order of Business 1885. I think that with a word of explanation there will be no objection to the consideration of the bill, and that it may be passed without debate.

The PRESIDENT *pro tempore*. Pending the consideration of the Calendar, the Senator from New York moves that the Senate proceed to the consideration of the bill (S. 199) for the retirement and recoinage of the trade-dollar.

Mr. MILLER. Mr. President, this bill was reported a few days ago from the Finance Committee. It is a compromise between the different views which have been heretofore held in regard to this question.

The bill proposes to redeem all the trade-dollars which may be presented at the Treasury of the United States between the passage of the bill and the 1st day of July, 1887, which are not defaced, mutilated or stamped.

It proposes to regard the trade-dollars thus redeemed as silver bullion at its bullion value, and that value is to be deducted from the Treasury purchases of $2,000,000 per month, but during no month is more than $500,000 to be so deducted.

Two views have been held by various members of the Senate and of the Committee on Finance. Nearly all have agreed, however, that the trade-dollar should be redeemed; that for the Government to continue to refuse to take its own coin is little else than robbery of its own citizens. Some have held that it should be redeemed at its face value and reissued, and not counted as a part of the $2,000,000 of silver bullion to be purchased per month. Other Senators have held that there should be deducted at once from the purchases of $2,000,000 per month whatever amount might be redeemed during the month. It has finally been agreed as a compromise that not more than $500,000 per month should be taken from the Treasury purchases.

Substantially this measure in its present form was passed here once before. Last summer it will be remembered that an amendment for this purpose was offered to what was known as the Treasury surplus resolution, and it passed the Senate, but was finally rejected by the committee of conference which had that measure under consideration.

That amendment was so drawn that it would have led to the redemption of all the trade-dollars now held abroad, particularly in China, where it is estimated that at least twenty millions of them have gone. Under this bill, as it now stands, they can only be redeemed up to July 1, and none are to be redeemed which have been defaced, mutilated, or stamped. It is a well known fact that all the trade-dollars which have gone into circulation in China or elsewhere have been stamped officially, either by the Government or by Chinese merchants, and under this bill the trade-dollars now held abroad would not be redeemed.

It is estimated by leading bankers in New York and others who have investigated this question that only from six to nine million trade-dollars are now held in the United States by our citizens. They have been out of circulation now for two or three years. The people holding them have lost the interest upon them; the currency has been withdrawn from circulation, and great loss has come to many of our people. But our citizens have thus far refused to sell these trade-dollars for bullion, because they hold, and I think properly hold, that the Government of the United States can in honor do nothing less than redeem them at their face value.

If this bill can be passed this morning and go to the House of Representatives, I believe it can pass there before the adjournment previous to the holiday recess, and that then the people of this country will at once return their trade-dollars to the Treasury of the United States and receive for them standard dollars.

I need not say that I have always favored this measure of justice to our people, and I trust that as the Finance Committee has finally agreed upon this bill, and as it has been heretofore fully discussed in this body, it may now be taken up and passed.

The PRESIDENT *pro tempore*. The Senator from New York moves that the Senate proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 199) for the retirement and recoinage of the trade-dollar.

The bill was reported from the Committee on Finance, with amendments.

The first amendment was in section 1, line 3, before "United States," to strike out "eighty-six" and insert "eighty-seven;" so as to make the section read:

That until July 1st, 1887, United States trade-dollars, if not defaced, mutilated, or stamped, shall be received at the office of the Treasurer or any assistant treasurer of the United States, in exchange for a like amount, dollar for dollar, of standard silver dollars of the United States.

The amendment was agreed to.

The next amendment was in section 2, after the words "coinage mints," at the end of line 4, to strike out "and under the act of February 28, 1878," and insert "and shall be regarded and treated as silver bullion, and, at their bullion value, shall be deducted from the amount of bullion required to be purchased and coined by the act of February 28, 1878, and," so as to read:

SEC. 2. That the trade-dollars received by the Treasurer or any assistant treasurer of the United States shall not be paid out or in any other manner issued, but, at the expense of the United States, shall be transmitted to the coinage mints, and shall be regarded and treated as silver bullion, and, at their bullion value, shall be deducted from the amount of bullion required to be purchased and coined by the act of February 28, 1878, and shall be recoined into standard silver dollars, according to the provisions of said act:

The amendment was agreed to.

The next amendment was to add to section 2 the following proviso:

Provided, That the amount to be so deducted as provided in this section shall not exceed $500,000 in any month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

POST-OFFICE FREE-DELIVERY SYSTEM.

Mr. CONGER. I move that the Senate proceed to the consideration of the bill (H. R. 7536) to extend the free-delivery system of the Post-Office Department, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senator from Michigan to the fact that in the printed bill a word is misprinted which may require an amendment. Instead of "that" in line 2 of section 3 the word should be "than."

Mr. CONGER. It is a clerical error, which can be corrected by the clerks.

The PRESIDENT *pro tempore*. The engrossed bill has been sent for to ascertain whether it is an error in the print or in the engrossment. Is there any amendment to the bill?

Mr. CONGER. There is no amendment. The bill was reported from the committee as it was brought from the other House.

The bill was reported to the Senate without amendment.

Mr. CONGER. Was that found to be an error in print?

The PRESIDENT *pro tempore*. The word was found to be correct in the engrossed copy, and the error is in the printed copy. The bill needs no amendment.

The bill was ordered to a third reading; read the third time, and passed.

POSTAL MONEY-ORDER SYSTEM.

Mr. WILSON, of Iowa. I move that the Senate proceed to the consideration of the bill (H. R. 5878) to amend the act entitled "An act to modify the postal money-order system, and for other purposes," approved March 3, 1883.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading; read the third time, and passed.

MAIL MESSENGERS.

Mr. CONGER. There is another bill which it is important should be passed in regard to postal matters. It is the bill (H. R. 8346) reported from the Committee on Post-Offices and Post-Roads with amendments.

The PRESIDENT *pro tempore*. The Senator from Michigan moves that the Senate proceed to the consideration of the bill (H. R. 8346) authorizing the employment of mail-messengers in the postal service.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Post-Offices and Post-Roads with amendments.

The first amendment was in line 4, to strike out the word "employ" and insert the words "contract for," so as to read:

That the Postmaster-General be, and he is hereby, authorized to contract for such mail-messenger service as may be necessary for the carriage of the mails in connection with railroad and steamboat service, transfer service between depots, over bridges or ferries, between post-offices, post-offices and branch offices or stations, in cases where, by the laws and regulations of the Post-Office Department, railroad companies, steamboat companies, and the masters of vessels are not required to deliver into and take from the post-offices the mails carried on their lines or vessels.

The amendment was agreed to.

The next amendment was to add to the bill the following words:

And said contracts shall be let to the lowest bidders, after due advertisement at such times and places as the Postmaster-General may direct, and upon the same terms and conditions as other contracts for carrrying the United States mails on star-routes as may be provided by law.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to read a third time.

The bill was read a third time, and passed.

Mr. CONGER. I ask that upon the amendments made by the Senate a committee of conference be appointed, and that a corresponding committee be requested from the other House.

The PRESIDENT *pro tempore*. The Senator from Michigan moves that the Senate insist on its amendments and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. CONGER, Mr. CHACE, and Mr. MAXEY were appointed.

GRAFTON MONROE.

Mr. MAXEY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5890) for the relief of Grafton Monroe, after full and free conference, have agreed to recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to section 1, and agree to the same.

That the Senate recede from its amendment to section 2, and agree to the same.

S. B. MAXEY,
O. D. CONGER,
JONATHAN CHACE,
Managers on the part of the Senate.

FRANK T. SHAW,
JONAS G. HOWARD,
J. McKENNA,
Managers on the part of the House.

Mr. COCKRELL. What will be the bill as agreed to? We can not tell by a mere statement of amendments to section No. 1 and to section No. 2.

Mr. MAXEY. I will state that the first amendment makes more plain the purpose and design that the account shall be clearly stated by the auditor before it can be allowed.

It is simply the claim of a postmaster who had been robbed of certain money-order funds, stamps, and postal funds. The proof was entirely satisfactory to the committee of the Senate, the committee of the House, and the conference committee, that the funds had been lost without any fault or negligence on the part of the postmaster. The trouble with the conferees on the part of the Senate was, that acting as we had always done, we were not disposed ever to allow for money-order funds lost under any state of case. But the action of this body and the action of the other House upon like cases coming from other Departments of the Government where the equities were conclusive, satisfied us that we ought to yield to the action of the House in that regard.

I will state that there was no question in the mind of any member of the conference committee on the part of the Senate or of the House that the claim was a just claim. It was merely a question as to whether technically it ought to be allowed. We believed that the equities overrode the technicality, and we therefore agreed to the action of the House.

The report was concurred in.

TRIAL BY JURY TO PENSION CLAIMANTS.

Mr. BLAIR. I move that the Senate proceed to consider Order of Business 1607, being the bill (S. 816) to give the right of trial by jury to claimants of pensions, under the laws of the United States, whose applications have been rejected by the Secretary of the Interior on appeal from the decision of the Commissioner of Pensions.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate proceed to the consideration of the bill named by him. The question is on that motion.

The question being put, it was declared that the motion was not agreed to.

Mr. BLAIR. I would like the question to be taken in a satisfactory way.

Mr. ALDRICH. I ask that the title of the bill be again read.

The PRESIDENT *pro tempore*. The title of the bill will be read.

The Chief Clerk read the title of the bill.

Mr. ALLISON. Let the bill be reported in full.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore*. The Chair will again put the question on the motion to proceed to the consideration of the bill. [Putting the question.] The noes appear to have it.

Mr. BLAIR. I ask for the yeas and nays, and I wish to make a statement in regard to this bill; or I would like, as the report of the committee is short, that the report be read, for evidently Senators do not understand what the bill is. The report is brief, and I ask that it be read.

Several SENATORS. Let the report be read.

Mr. HARRIS. Is not the reading of the report in the nature of debate, and is it not contrary to the rules?

The PRESIDENT *pro tempore*. The Chair is of opinion that the reading of a report is in the nature of debate, and that it can not be read at this stage if there is objection.

Mr. HARRIS. I do not object if there is a desire to hear it.

The PRESIDENT *pro tempore*. If there is no objection, the report will now be read. The Chair hears no objection.

The Chief Clerk read the report, submitted by Mr. BLAIR June 24, 1886, from the Committee on Pensions; as follows:

The Committee on Pensions, to whom was referred the bill (S. 816) to give the right of trial by jury to claimants of pensions under the laws of the United States whose applications have been rejected by the Secretary of the Interior on appeal from the decision of the Commissioner of Pensions, have considered the same, and report herewith the bill, and recommend its passage.

A great number of pension claims, after years of earnest prosecution at great expense to the parties, are finally rejected by the Department, often where the evidence is very conflicting and great doubt exists of the justice of the decision. The methods of trial, substantially *ex parte* and without the advantage of personal examination of the party and witnesses in presence of the tribunal which decides the cause, can not be remedied under the present system of adjudication. Yet the rights concluded are of much greater pecuniary importance than the ordinary amounts involved in litigation, and to the soldier, his widow, minor children, and dependent relatives the determination of these questions generally involve the comforts of life and not unfrequently existence itself.

The great mass of applications for relief by special legislation grow out of the dissatisfaction of claimants who have prosecuted their claims for many years under the greatest difficulties with the final, and as they believe unjust, decision of their claims. Consequently they come to Congress, and their petitions must be heard. The present session there have been more than 4,500 bills for special acts of pension introduced in the two Houses of Congress—3,788 in the House and 764 in the Senate—and probably not less than 5,000 will be introduced before the Congress ends. Of these, 618 have passed the Congress. How many will become laws is unknown to the committee. Probably at least nineteen-twentieths of the bills are substantially appeals from the decision of the Pension Office.

There is every reason to believe that this army of petitioners for redress will increase annually for many years. There is no escape from the consideration of these cases by Congress or by some local tribunal, with opportunity to examine the parties, witnesses, and proof and decide finally upon these controversies.

We can conceive of no possible reason why the trial by jury should not be allowed to these applicants, since it is insured by constitutional provisions in every other case of vested rights. No other tribunal but the regular judiciary of the country can settle, to final satisfaction, these claims. We believe that the passage of this bill would substantially remove the overwhelming labor which oppresses the Congress and the Executive with a work which can neither be ignored nor yet satisfactorily performed.

The great mass of cases would still continue to be finally decided by the Department of Interior, which, notwithstanding the imperfections inherent in the system, is able to adjudicate satisfactorily upon claims under the pension laws; but something must be done to provide for those who now come to Congress for relief, and in most cases with righteous demands, under the general laws, which they have not been able to establish to the satisfaction of the Department which is compelled to try their causes under every embarrassment and difficulty surrounding the forms of investigation and the formation of just conclusion in the premises.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate proceed to the consideration of the bill.

Mr. BLAIR. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BLAIR. Can I have a minute to say a word in regard to this bill before the vote is taken?

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent of the Senate to debate this bill. Is there objection? The Chair hears none.

Mr. BLAIR. This is a bill which was reported without any minority report, and so far as I know, certainly at the time of action in the committee, without opposition. Its purpose is to remove, if possible, the occasion for special legislation in regard to pension cases to such extent as is possible. The report sets forth most of the facts, though not to the full extent that they exist at the present time in the history of this Congress, for the reason that the report was submitted several months ago. Any one connected seriously, who has really anything to do with the business of the Pensions Committee, and whose membership of that committee is not merely nominal, so far as its labor is concerned, will know very well that it is highly important that some method be contrived by the wisdom of Congress that will give the opportunity of adjudicating, in a satisfactory manner, the pension claims which now come here, and must continue to come here for special legislation.

The existing law contemplates that cases be prosecuted to a final decision by the Secretary of the Interior. The cases which come to Congress arising under the general laws comprise, as I think, at least four-fifths of all those that we are called upon to act upon at all. If we could give to these parties in their own vicinity, where they live, the opportunity of trying their cases over again at their own expense, as the bill leaves them to do, if at all, by the action of the district court, either the decision of the judge or an auditor, or a jury, if the party choose to ask for a jury, it would relieve Congress entirely of this class of applications, for there would be no use remaining for coming to this body. Where a man can get his jury trial and his adjudication by the laws of the land, in accordance with the procedure of the com-

mon law, he ought to be satisfied and would be satisfied, and it would be a sufficient answer to such a man coming to Congress to say to him: "Apply to the court in your own vicinity, and abide the action of a jury of your own neighbors."

It is with this view that this bill is devised. Of course there would be still remaining special cases that arise outside of general laws which come here on petition; but the great mass of the work which now embarrasses the committee and which does not always result satisfactorily to the claimant, and which is also attended with great sacrifice of time and great labor and great expense to the claimant, or at least usually so, would be obviated.

I am entirely at a loss to conceive of any rational opposition that can be made to a bill of this kind. Senators who have served upon the committee and who know something of the work that is placed upon them, and the manner in which it has to be done, if done at all, will, I think, appreciate the necessity of some legislation of the kind that is here attempted. If better legislation can be devised, it may be suggested in debate; but upon the question of consideration, it seems to me, the Senate ought to be agreed. Something should be done, and I do not know any better opportunity of taking up the bill than now. If action is to be had it must go to the other House, and the sooner we get it there before the holidays the better.

Mr. EDMUNDS. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Vermont asks the unanimous consent of the Senate to be allowed to debate this question. Is there objection? The Chair hears none.

Mr. EDMUNDS. Mr. President, I have gone with my friend from New Hampshire firmly and gladly in favor of every just pension provision, either general or particular as to particular cases; but my belief is that this bill will be injurious to pension claimants as well as to public interests, and therefore I shall vote against taking it up at all. It is impracticable in my judgment. The claimant will be eaten up with costs and expenses and arrangements with his lawyers, even if he succeeds. A jury, in my opinion, is not the proper and fit tribunal to try questions of that kind, because in order to do justice to all soldiers and pensioners you must have a perfectly impartial means of deciding them, and not go by neighborhood sympathy. That is due to all the soldiers and their widows.

In the next place, my belief is that if we pass this bill a great many more cases will be rejected at the Pension Office and by the Secretary of the Interior on appeal than are now, because the natural feeling will be "this claimant has the right to try this over again before a jury, and, while if it were left to us finally we should take the utmost care to scrutinize it and give him the benefit of every fair doubt, we will just reject it and let him try it."

Therefore, as it seems to me, with great respect to my friend from New Hampshire, it is a bill injurious to the interests of the people whose welfare I know he has so much at heart, and I hope I have also, and I shall vote against taking it up.

Mr. ALDRICH. As a member on the Committee on Pensions, I desire to say that if the bill is taken up I shall move that it be recommitted to that committee. I presume that it is reported by order of the committee, although three members of the committee, all the members who are now present except the gentleman who is acting as chairman, are opposed to the bill. If no minority report was made it is because the members of the committee did not know when the report was acted on, or that it had been made. I believe that a majority of the Committee on Pensions are opposed to the bill because they believe it would impose improper and unjust burdens on pension claimants, to say nothing about its other impracticable features.

Mr. BLAIR. I have to say, in reply to the suggestion of my friend who last spoke, that if he failed to know the action of the committee it was not the fault of the committee. The matter came up and was reported by order of the committee in due form.

So far as a motion to recommit is concerned, I have no objection to such a motion as that if the Senate shall see fit to make that disposition of the bill.

But, with reference to the suggestions of the Senator from Vermont, I can see nothing more in them than might be made to the right of jury trial in important interests between parties and the Government in any other case whatever. This is not designed to reach any excepting those who have preferred their claims before the Commissioner of Pensions and failed there, appealed to the Secretary of the Interior and failed there, and whose next step is naturally to come to Congress; and the question is whether their claims shall end finally or whether they shall obtain relief by the action of Congress.

We have had a great deal of difficulty the last session and for many sessions on account of the extent of this business. It is increasing rather than diminishing, and I do not know of any way that this work can be avoided. I can assure the Senators who have not had much of it to do—and I know of scarcely any of them who have not had occasion to have much of it done if I can judge from the applications which have been made to me personally to undertake it—that it is a matter of absolute public necessity, as well as needful for the vindication of private rights, that there be some legislation to reach this class of cases.

So far as the matter of expense is concerned, the Government pays no expense whatever of the pensioner in any case. If he can prosecute his claim here in Washington, a distance sometimes of three or four thousand miles from home, at his own expense, it seems that he might, with the assistance of all the evidence which this bill provides shall be transmitted to the local tribunals, be able to prosecute his claim there as well as here. The matter of expense certainly is much less for the man to try his case at home than here before Congress at Washington. If he has not such a case that he can get a verdict of a jury with the general popular sympathy with such claims, it is fair to conclude that he ought not to have his pension. If he can do so, then he acquires his right to the same judgment that is decisive of the right of a citizen in all other cases whatever.

I hope the Senate will take up the bill and proceed with its consideration.

Mr. HOAR. I desire to make a suggestion in regard to what has fallen from the Senator from Rhode Island. It seems to me that a bill of this importance ought not to be taken up if it is reported by a majority of a committee, when all the members of that committee but one are absent, because the absent members certainly would desire to be heard on so important a matter. I therefore suggest that we have unanimous consent to take up the bill and recommit it to the Committee on Pensions, and the Senator from New Hampshire can report it back at any time. That will dispose of it. I understand that to be satisfactory to my friend from Rhode Island.

Mr. BLAIR. I want to make some progress in some way; and so I will agree to that.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent of the Senate that the bill may be considered at this time with a view to its reference to the Committee on Pensions.

Mr. HARRIS. Taken up and recommitted to the Committee on Pensions, as I understand the Senator from Massachusetts.

Mr. HOAR. That is it.

The PRESIDENT *pro tempore*. The Chair will put it in that form. Is there objection to that suggestion? The Chair hears none. The bill is before the Senate, and is now recommitted to the Committee on Pensions. The Calendar is now in order. The first case on the Calendar will be stated.

REAR-ADMIRAL CARTER.

The bill (S. 729) for the relief of Rear-Admiral Carter was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to consider it. It provides for the payment to Rear-Admiral Samuel P. Carter, of the Navy, of the pay and compensation of a rear-admiral on the retired-list from and after the date of his promotion on the retired-list to the rank of rear-admiral.

Mr. EDMUNDS. Let us hear the report.

The Secretary read the following report, submitted by Mr. BLACKBURN December 15, 1886:

The Committee on Naval Affairs, to whom was referred the bill for the relief of Rear-Admiral S. P. Carter, submit the following report:

This is an anomalous case. Soon after the beginning of the late war (in July, 1861), S. P. Carter, then a lieutenant in the United States Navy and a citizen of Tennessee, was detached by the Secretary of the Navy and ordered to report to Hon. Simon Cameron, then Secretary of War, for special duty, and was by him directed to proceed to East Tennessee and organize and drill volunteers to be called into the service of the United States.

In September following he was made acting brigadier-general by General George H. Thomas, and placed in command of the East Tennessee Brigade, which he (Lieutenant Carter) had organized.

On May 1, 1862, he was commissioned brigadier-general of United States Volunteers. He served during the war, being in command of brigades and divisions (infantry and cavalry), rising to the rank of major-general.

The records of the War and Navy Departments show that he performed his various duties with zeal and faithfulness. Early in 1866 he was honorably mustered out of the military service and returned to his duties in the Navy. In 1881 he was retired as commodore, and in the following year was nominated by the President, and confirmed by the Senate, as rear-admiral on the retired list. During his service in the Army he, of course, lost all opportunity of being specially advanced in the Navy, as happened to numbers of his fellow-officers.

Believing, as the committee do, that it was not the intention of either the President or Senate to confer a mere empty honor on this officer, whose whole record is so honorable, they, as an act of simple justice to him, recommend that this bill do pass.

Mr. EDMUNDS. I should be glad to hear some oral explanation about that. I do not quite understand this case from this report. Is it possible that under the laws of the United States this gentleman held at the same time a commission in the naval service and a commission in the military service? If he did not and could not, as I should suppose he could not, he entered upon his career in the Army and went through with it and then was reappointed into the Navy.

It would seem that the object of this bill is to put him in a pecuniary condition that he might have been in if he had been specially advanced had he staid in the Navy. Well, special advances are only made for acts of extraordinary gallantry or from extraordinary public service of some kind which depended upon the fact that it was accomplished and done. Now to give this gentleman this large amount of money or small amount, whatever it may be, upon the score that he lost the chance of doing a very extraordinary thing in the Navy which would have been thought to merit and would have received if he had done it and had been thought to merit it an advance in the line of promotion, being

put forward twenty numbers, seems to me to be going far beyond the notion of proximate causes, even on any ground upon which a special grant could be made to this gentleman. But perhaps it can be all explained. It certainly does not look very inviting to me just now.

Mr. HARRIS. I ask that the bill be informally passed over. The Senator reporting the bill [Mr. BLACKBURN] is not in his seat.

Mr. EDMUNDS. I did not observe that. I ask that it be informally passed over.

Mr. HARRIS. So that it may be called up at any time.

Mr. EDMUNDS. That is right.

The PRESIDENT *pro tempore*. The bill will be passed over informally.

THEOPHILUS FISK MILLS.

The bill (S. 2023) providing for the payment of $2,500 to Theophilus Fisk Mills for executing a model and design for an equestrian statue of the late General John A. Rawlins, was announced as next in order.

Mr. VOORHEES. I have not had time to get certain papers which I want to look at before the consideration of that bill comes before the Senate. Let it be passed over, retaining its place on the Calendar.

The PRESIDENT *pro tempore*. That will be the order.

B. B. CONNOR.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1537) for the relief of B. B. Connor, of Louisville, Ky.

It proposes to direct the Secretary of the Treasury to refund and pay to B. B. Connor & Brother, now of Louisville, Ky., surviving partners of the late firm of B. B. Connor, Brother & Swan, of Nashville, Tenn., $4,420.32, net proceeds paid into the Treasury from sale of 170 tierces and 120 barrels of lard, shipped by them March 24, 1862, from Nashville to Louisville, without a permit, in ignorant violation of law and trade regulations, and seized, libeled, and sold by the United States, the same having been so shipped after due inquiry, without willful negligence or intent to violate any law or trade regulations.

The bill was reported to the Senate without amendment.

Mr. HOAR. There was a minority report in that case, and while I do not think it proper to resist the consideration of the question by the Senate, I think the bill ought not to pass. I hope the case will be stated in some way to the Senate, and I should like to state the objection.

Mr. JONES, of Arkansas. This bill was reported by the Committee on Claims some months since. The question raised is as to the propriety of paying the claimants in this bill for a certain lot of lard which they shipped without a Treasury permit from Nashville, Tenn., just prior to the capture of that city by the Federal forces in 1862. It appears from the papers in the case that the claimant was not aware that he violated any regulation in shipping this lard. It was shipped on a Government boat by the permission of a Government officer. It was afterward libeled and condemned in the Federal court at Louisville. On account of the difficulty of communicating with the Treasury Department at the time, there was a failure on the part of the claimant to get a remission from the Treasury Department.

There was also some question raised at one time as to the loyalty of the claimant. He subsequently came to Congress and was here ten, twelve, or fifteen years. An adverse report was made some years ago on the ground that the claimant was not very clearly shown to have been loyal. Subsequently additional proof was taken, and the loyalty of the claimant was shown, it seems to me, beyond any sort of question.

I regard it as a case of unquestioned hardship to the claimant. He was the owner in good faith of property in Nashville, Tenn., which he shipped on a Government boat, believing that he was complying with every regulation of the law, to Louisville, Ky., to be sold; the property was libeled, and on account of his failure to comply with a technical regulation of the Treasury Department at the time, the property was seized by the Government, and the proceeds went into the Treasury of the United States. It seems to me to be proper that his money should be restored, and I hope the Senate will concur in that view.

Mr. HOAR. The members of the committee differed upon the merits of this case. A majority of the committee thought that upon the facts it was a meritorious case. A minority thought it was not. I do not propose to go into the discussion of that question at this moment, but I should like to ask the attention of the Senate to one view of this matter.

The law unquestionably made the act which the claimant committed penal, and there is no question whatever that the claimant was properly convicted and fined, and he paid his fine. The law in those cases provided an ample remedy, to wit, that where it was claimed that there was a mere technical violation of the law the judge of the district court should report the facts to the Secretary of the Treasury and the Secretary of the Treasury should hear the case and determine whether it was a fit case for a remission of the penalty. That was done. The judge of the court, Judge Ballard, reported the facts. There was a careful hearing by Mr. Secretary Chase, and he, afterward Chief-Justice of the United States, held that upon the facts it was not a proper case for remitting the penalty.

Now, more than twenty years afterwards, the claimant comes to Congress for a reconsideration of that decision of the Secretary of the Treasury. I submit that his decision ought to be final. It is not sound policy for Congress to reconsider a decision of a tribunal, a fit, proper, able, and competent tribunal, made twenty years ago on that subject. The remedy of an application to the Secretary is all that the Government ought to provide, and it is ample and sufficient. It is not a case of a claimant coming under some contract where there is no remedy in court and it is necessary to come to Congress; it is not a case of application to the bounty of the Government setting forth merit; but it is the case of a judicial hearing and trial by an able and competent officer and a decision on these same facts twenty years ago against the complainant. I think that should be final.

Mr. BECK. The bill passed the House of Representatives in the Forty-third Congress, again in the Forty-fourth Congress, and has been earnestly pressed all the time in the two Houses.

Mr. HOAR. These facts happened in 1862. There was no presenting of the matter till the Forty-third or Forty-fourth Congress. The substance of my point, however, is not the mere laches, that for sixteen or eighteen years there was no application. The substance of my point is that this is a case where we have provided an ample, proper, and sufficient remedy; and Congress ought not to sit here and retry these applications or appeals from the Secretary of the Treasury.

Mr. JONES, of Arkansas. It seems to me that my distinguished and usually very fair friend from Massachusetts overlooks one point in this connection. In the report which I had the honor to make from the majority of the committee, on page 2, this language is used:

> There is nothing in the papers in the case to show when the claimant learned of this adverse ruling, but there is a letter, dated January 14, 1873, replying to a letter of January 6, relative to petition of B. B. Connor and Swan for remission of forfeiture, in which William A. Richardson, Acting Secretary of the Treasury, says that, the proceeds of the sale having been covered into the Treasury, he can not consider the case, and suggests an application to Congress.

That was in 1873, and in the very next year this man came to Congress and asked for relief. There was not a delay of sixteen or eighteen years; there was not a delay of one year. As soon as he understood that he was not to receive the relief he asked for at the Treasury of the United States he came to Congress, and has persistently asked for it ever since.

As the Senator from Kentucky said just now, it has been decided favorably by both branches of Congress. The bill passed here unanimously, I believe, in 1882.

Mr. HOAR. Will the Senator allow me to state that Mr. Chase's adverse decision was April 8, 1864, in which he says that he has made a careful review of the summary examination by the judge of the district court, and that he sees no sufficient reason to grant the prayer of the petitioner. Now the Senator says that it does not appear when the claimant found that out. Suppose it does not, does any body doubt that he knew it at the time when he appealed to the Secretary of the Treasury? The Secretary of the Treasury notified his neighbor, the district attorney. It does not appear that he did not know it at the time. To say that there is nothing in the papers to show that for the next twenty years he did not know it seems to me very strange.

Mr. JONES, of Arkansas. My recollection is that after the decision of Mr. Chase had been sent to the district judge, to meet the objections which had been made, additional evidence was taken, and the case was again presented to the Secretary of the Treasury, and on that final appeal no decision was had.

Mr. HOAR. In 1864 the decision was made.

Mr. JONES, of Arkansas. The letter of Secretary Richardson was in 1873, and since that time each branch of Congress has repeatedly passed acts in favor of the claimant. The only fight that has been in this case up to this time in Congress has been on the new issue presented of want of loyalty on the part of the claimant. That question was not raised against him in any United States court; that question was not considered in the court at Louisville. Upon that side issue, which has been raised since the trial, the case has been delayed for years and years, and, as I believe, gross injustice has been done an honest man, who has a claim for which he ought to have been compensated by the United States Government years ago.

The PRESIDENT *pro tempore*. Shall the bill be engrossed for a third reading?

Mr. HOAR. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JONES, of Arkansas (when Mr. BERRY'S name was called). I am generally paired with the Senator from Indiana [Mr. HARRISON], but as he is absent I take the responsibility of transferring the pair and announcing the pair of my colleague [Mr. BERRY] with the Senator from Indiana [Mr. HARRISON].

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from New York [Mr. MILLER]. I should vote "yea" if he were present.

The roll-call was concluded.

Mr. MAXEY. My colleague [Mr. COKE] is absent, sick. He is paired with the Senator from Kansas [Mr. PLUMB].

Mr. KENNA. My pair with the Senator from New York [Mr. MILLER] is transferred to the Senator from Kentucky [Mr. BLACKBURN]. I vote "yea."

Mr. MANDERSON. My pair with the Senator from Kentucky [Mr. BLACKBURN] having been transferred I am at liberty to vote.

The result was announced—yeas 26, nays 15; as follows:

YEAS—26.

Beck,	Gorman,	Maxey,	Spooner,
Call,	Hampton,	Mitchell of Pa.,	Vance,
Cameron,	Harris,	Morgan,	Vest,
Colquitt,	Jones of Arkansas,	Payne,	Walthall,
Conger,	Kenna,	Pugh,	Wilson of Md.
Eustis,	McPherson,	Ransom,	
Gibson,	Manderson,	Saulsbury,	

NAYS—15.

Aldrich,	Frye,	Ingalls,	Sherman,
Allison,	George,	Morrill,	Stanford,
Cullom,	Hawley,	Platt,	Wilson of Iowa.
Dawes,	Hoar,	Sawyer,	

ABSENT—35.

Berry,	Cockrell,	Jones of Florida,	Riddleberger,
Blackburn,	Coke,	Jones of Nevada,	Sabin,
Blair,	Dolph,	Logan,	Sewell,
Bowen,	Edmunds,	McMillan,	Teller,
Brown,	Evarts,	Mahone,	Van Wyck,
Butler,	Fair,	Miller,	Voorhees,
Camden,	Gray,	Mitchell of Oreg.,	Whitthorne,
Chace,	Hale,	Palmer,	Williams.
Cheney,	Harrison,	Plumb,	

So the bill was ordered to be engrossed for a third reading.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 1333) for the relief of William H. Randle, of Nashville, Tenn.

The message also announced that the House had passed the bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes, with amendments; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 830) for the retirement of certain officers of the Navy of the United States;

A bill (S. 1526) amending sections 4756 and 4757 of the Revised Statutes relating to pensions to certain disabled persons who have served in the Navy or Marine Corps;

A bill (H. R. 2013) for the relief of Myron E. Dunlap; and

A bill (H. R. 6489) granting a pension to Mrs. Barbara Fuchs.

LANDS IN SEVERALTY TO INDIANS.

Mr. DAWES. May I ask the indulgence of the Senate for a moment to have the bill which has just been received from the House of Representatives printed with the amendments of the House inserted in their proper place and then referred to the Committee on Indian Affairs?

The PRESIDENT *pro tempore.* The Senator from Massachusetts moves that the bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes, just received from the House of Representatives, be printed with the amendments of the House and referred to the Committee on Indian Affairs. That order will be made if there be no objection.

BRIDGE OVER CUMBERLAND RIVER.

Mr. CONGER. I desire at this time to report back from the Committee on Commerce a bill (S. 2958) to give the assent of Congress to the construction of a free bridge by the county of Davidson, Tennessee, over the Cumberland River, with two amendments; and I am requested to ask for its consideration now, in order that the county may, within the time limited by the bill, make its arrangements for the construction of the bridge.

The PRESIDENT *pro tempore.* The Senator from Michigan asks the unanimous consent of the Senate to proceed to the consideration of this bill, just reported, at this time. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment reported by the Committee on Commerce was, in section 3, line 35, after the word "Tennessee," to strike out "in which any portion of said obstruction or bridge may be located;" so as to read:

And in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river caused or alleged to be caused by said bridge, the case may be brought in the circuit court of the United States of the middle district of Tennessee.

The amendment was agreed to.

The next amendment was, at the end of section 4, to insert:

And provided further, That unless the construction of said bridge shall be commenced within one year from the date of the passage of this act and completed within three years from the same date, all rights and privileges granted by thi act shall be forfeited and cease.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE ACROSS SAINT LOUIS RIVER.

Mr. MCMILLAN. I am instructed by the Committee on Commerce to report favorably with amendment the bill (H. R. 9987) to construct a bridge in Minnesota, and I ask for its present consideration. It is a House bill that was passed there at the last session. We have passed a bill of the same character heretofore.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9987) to authorize the construction of a bridge across the Saint Louis River at the most accessible point between the States of Minnesota and Wisconsin.

Mr. MCMILLAN. There are some formal amendments reported.

The PRESIDENT *pro tempore.* The amendments will be stated.

The first amendment of the Committee on Commerce was, in section 3, line 1, after the word "that," to strike out the word "if;" and after the words "shall be," at the end of line 1, to strike out "constructed as a draw-bridge and shall be;" so as to read:

SEC. 3. That any bridge built under this act shall be constructed as a pivot draw-bridge, with a draw over the main channel of the river at an accessible and the best navigable point, and with spans of not less than 110 feet in length in the clear on each side of the central or pivot pier of the draw.

The amendment was agreed to.

The next amendment was, in section 5, line 5, before the word "charge," to insert the word "greater;" so as to read:

SEC. 5. That any bridge and accessory works, when built and constructed under this act and according to the terms and limitations thereof, shall be a lawful structure; and said bridge shall be recognized and known as a post-route, upon which also no greater charge shall be made for the transmission over the same of the mails, the troops, and munitions of war of the United Saates than the rate per mile paid for the transportation over the railroads or public highways leading to said bridge, &c.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MCMILLAN. I move that the Senate insist on its amendments, and ask for a conference with the House of Representatives thereon.

The motion was agreed to; and, by unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. MCMILLAN, Mr. CONGER, and Mr. VEST were appointed.

BRIDGE AT MEMPHIS, TENN.

Mr. HARRIS. I ask unanimous consent that the Senate proceed at this time to the consideration of Order of Business 1563, being the bill (S. 2516).

The PRESIDENT *pro tempore.* The Senator from Tennessee moves that the Senate proceed to the consideration of the bill named.

Mr. WILSON, of Iowa. What is the bill?

The PRESIDENT *pro tempore.* The title of the bill will be stated.

The CHIEF CLERK. "A bill (S. 2516) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn."

The PRESIDENT *pro tempore.* The question is on the motion to take up the bill.

The motion was agreed to; and the Senate as in Committee of the Whole proceeded to consider the bill.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was in section 3, line 2, after the word "spans," to insert the word "the;" after the word "two," in the same line, to insert "middle or channel;" in line 3, before the word "hundred," to strike out "five" and insert "six;" in the same line, after the word "hundred," to strike out "and fifty;" after the word "than," in line 4, to strike out "three hundred" and insert "four hundred and fifty;" in line 5, after the word "feet," to insert "in length;" in line 6, after the word "least," to strike out "sixty-five" and insert "seventy-five;" and in line 22, after the words "United States," to strike out "in which" and insert "within whose jurisdiction;" so as to make the section read:

SEC. 3. That said bridge shall be made with unbroken and continuous spans. The two middle or channel spans thereof shall not be less than 600 feet in length in the clear, and no span shall be less than 450 feet in length in the clear. The lowest part of the superstructure of said bridge shall be at least 75 feet above extreme high-water mark, as understood at the point of location, and the bridge shall be at right angles to and its piers parallel with the current of the river. No bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said river; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such alterations shall be made and all such obstructions be removed at the expense of the owner or owners of said bridge; and in case of any litigation arising from any obstruction or alleged obstruction

to the free navigation of said river, caused or alleged to be caused by said bridge, the case may be brought in the circuit court of the United States within whose jurisdiction any portion of said obstruction or bridge may be located: *Provided further*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt this bridge from the operation of the same.

The amendment was agreed to.

The next amendment of the Committee on Commerce was in section 7, line 16, after "United States," to strike out "in which" and insert "within whose jurisdiction;" in line 18, after the word "of," to strike out "the cost thereof" and insert "the amount so expended by the Government and all costs of such proceedings;" so as to make the section read:

SEC. 7. That it shall be the duty of the Secretary of War, on satisfactory proof that a necessity exists therefor, to require the company or persons owning said bridge to cause such aids to the passage of said bridge to be constructed, placed, and maintained, at their own cost and expense, in the form of booms, dikes, piers, or other suitable and proper structures for the guiding of rafts, steamboats and other water-craft safely through the passage-way, as shall be specified in his order in that behalf; and on failure of the company or persons aforesaid to make and establish such additional structures within a reasonable time, the said Secretary shall proceed to cause the same to be built or made at the expense of the United States, and shall refer the matter without delay to the Attorney-General of the United States, whose duty it shall be to institute, in the name of the United States, proceedings in any circuit court of the United States within whose jurisdiction such bridge or any part thereof is located, for the recovery of the amount so expended by the Government and all costs of such proceedings; and all moneys accruing from such proceedings shall be covered into the Treasury of the United States.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, after section 7, to add:

SEC. 8. That if the construction of the bridge hereby authorized shall not be commenced within one year from the time this act takes effect, and be completed within four years after the same date, then this act shall be void, and all rights hereby conferred shall cease and determine.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, after section 8, to add:

SEC. 9. That an act entitled "An act to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.," approved February 26, 1885, be, and the same is hereby, repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TENURE-OF-OFFICE ACT REPEALED.

The PRESIDENT *pro tempore*. The unfinished business of yesterday is now before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 512) to repeal certain sections of the Revised Statutes relating to the appointment of civil officers.

The bill was reported to the Senate without amendment.

The PRESIDENT *pro tempore*. The question is on the engrossment and third reading of the bill.

Mr. CALL. Let the bill be read.

The PRESIDENT *pro tempore*. The bill will be read again.

Mr. CALL. I withdraw the call. I understand it.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT *pro tempore*. The question now is on the passage of the bill.

Mr. DOLPH. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GORMAN (when Mr. MCPHERSON'S name was called). The Senator from New Jersey [Mr. MCPHERSON] is paired with his colleague [Mr. SEWELL]. Mr. MCPHERSON would vote "yea" if present.

Mr. CONGER (when Mr. PALMER'S name was called). My colleague [Mr. PALMER] is necessarily absent. He was paired with the Senator from North Carolina [Mr. VANCE], but that pair has been transferred to the Senator from Nevada [Mr. FAIR]. My colleague is now paired with the Senator from Nevada. If he were present, my colleague would vote "nay."

Mr. PLUMB (when his name was called). On this question I am paired with the Senator from Texas [Mr. COKE]. If he were present he would vote "yea" and I should vote "nay."

The roll-call was concluded.

Mr. MAXEY. My colleague [Mr. COKE] is confined to his room by sickness. If present, he would vote "yea." He is paired with the Senator from Kansas [Mr. PLUMB], who would vote "nay."

Mr. JONES, of Arkansas (after having voted in the affirmative). I am paired generally with the Senator from Indiana [Mr. HARRISON]. I observe that he is not in his seat. I voted inadvertently. I withdraw my vote.

Mr. COLQUITT. I wish to announce that my colleague [Mr. BROWN], who is absent on account of sickness, is paired with the Senator from Illinois [Mr. CULLOM] on this bill.

Mr. CULLOM. I am paired with the Senator from Georgia [Mr. BROWN].

Mr. RANSOM. I am paired with the Senator from Illinois [Mr. LOGAN] on party questions. This not seeming to be a party question, I shall vote "yea," if there be no objection.

Mr. MCMILLAN. My colleague [Mr. SABIN] has been called from the city for a short time. He is paired generally with the Senator from West Virginia [Mr. KENNA]. Both Senators are now absent from the Chamber. I am not prepared to say how the Senator from West Virginia would vote. My colleague would vote "nay," as I am informed, if present.

Mr. CALL. I wish to ask if there is not some Senator on the other side paired with my colleague [Mr. JONES, of Florida], who is absent?

The PRESIDENT *pro tempore*. The reading of the names will proceed.

Mr. RANSOM. I have just heard from some friends of the Senator from Illinois [Mr. LOGAN] that I am regarded as paired with him on this question. I am ready to withdraw my vote. I voted in the affirmative. However, with the consent of the Senator from Illinois [Mr. CULLOM], I will transfer the pair to the Senator from Florida [Mr. JONES] and let my vote stand.

Mr. CULLOM. I have no objection to that if the Senator from Florida is not paired with any one else.

The result was announced—yeas 30, nays 22; as follows:

YEAS—30.

Beck,	Eustis,	Ingalls,	Vance,
Berry,	George,	Maxey,	Vest,
Blackburn,	Gibson,	Mitchell of Oreg.,	Voorhees,
Butler,	Gorman,	Morgan,	Walthall,
Call,	Gray,	Payne,	Whitthorne,
Chace,	Hampton,	Pugh,	Wilson of Md.
Cockrell,	Harris,	Ransom,	
Colquitt,	Hoar,	Saulsbury,	

NAYS—22.

Aldrich,	Dolph,	Manderson,	Spooner,
Allison,	Edmunds,	Mitchell of Pa.,	Stanford,
Blair,	Frye,	Morrill,	Williams,
Cameron,	Hale,	Platt,	Wilson of Iowa.
Cheney,	Hawley,	Sawyer,	
Conger,	McMillan,	Sherman,	

ABSENT—24.

Bowen,	Evarts,	Kenna,	Plumb,
Brown,	Fair,	Logan,	Riddleberger,
Camden,	Harrison,	McPherson,	Sabin,
Coke,	Jones of Arkansas,	Mahone,	Sewell,
Cullom,	Jones of Florida,	Miller,	Teller,
Dawes,	Jones of Nevada,	Palmer,	Van Wyck.

So the bill was passed.

RAILROAD ATTORNEYS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the next special order, which is the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States.

Mr. BECK. Perhaps the Senator from Massachusetts [Mr. HOAR] is better advised than I am; but the evening before last the Senator from New York [Mr. EVARTS] came to me and requested that I should not press the passage of the bill to-day, because he was compelled to be absent and desired to speak. I said I would not, but that he had better see the Senator from Massachusetts.

Mr. HOAR. I should not myself call the bill up in the absence of the Senator from New York, who desires to address the Senate upon it. Is it now before the Senate?

The PRESIDENT *pro tempore*. It is now before the Senate.

Mr. HOAR. I should like to retain it before the Senate for a moment so far as to say that, while I stand upon record as having reported the amendment of the Committee on the Judiciary, my views are represented by the amendment which I myself offered in the Senate, which is in print, and at the proper time before taking the question on the substitute reported by the Judiciary Committee I shall move to perfect the bill of the Senator from Kentucky by the amendment which I offered, which confines its provisions to the acting as attorneys for certain railroads, and confines it to what I deem the constitutional limit of the authority of legislation and to the cases where there may be some danger of abuse.

With that explanation I leave the subject for the present.

Mr. EDMUNDS. Mr. President, of course it is proper and fair to the Senator from New York who desires to be heard on this bill and is necessarily absent that it should go over, and I have not the least objection to its going over, retaining its place as a special order; but I think it right, now that the matter is before the Senate, to say to my friend from Kentucky that in his observations the other day about the Judiciary Committee and its chairman, he, without intending it, did me a personal injustice in respect to any amendment to his bill.

My desire in the committee was (if I may state it, and perhaps I may without objection) that the proposition of the Senator from Kentucky should be taken just as he wished it to be taken, as it stood, and I thought the bill ought to be reported adversely without undertaking to put it on a footing where it might be constitutional and proper; and so he did me an injustice, without in the least knowing

it or meaning it, I am sure, in saying that the chairman of the committee had been a party to or concerned in any way in putting the bill into its present shape.

That is all I wish to say at this time, and I ask now that this bill may go over, retaining its place as a special order until the Senator from New York can get back.

The PRESIDING OFFICER (Mr. JONES, of Arkansas, in the chair). If there be no objection, that will be taken as the order of the Senate. The next special order will be stated.

MILITARY SITE ON LAKE MICHIGAN.

The joint resolution (S. R. 78) authorizing the Secretary of War to accept certain lands, &c., near Chicago, Ill., was announced as the next special order on the Calendar.

Mr. CULLOM. That is a measure introduced by my colleague [Mr. LOGAN] who has been detained at home by severe illness for the last few days, and I ask that it go over retaining its place as a special order, as I desire that my colleague shall be here when it is considered.

The PRESIDING OFFICER. Such will be the order of the Senate if there be no objection. The next special order will be stated.

NEW ORLEANS, BATON ROUGE AND VICKSBURG RAILROAD GRANT.

The bill (H. R. 3186) to declare a forfeiture of lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company, to confirm title to certain lands, and for other purposes, was announced as the next special order on the Calendar.

Mr. MCMILLAN. Was not that fixed for another day?

Mr. INGALLS. On whose motion was that assigned as a special order?

The PRESIDING OFFICER. The Chief Clerk informs the Chair that this was made a special order for next Monday. There was a mistake in announcing it now. The regular special order next in order will now be announced.

STEAMBOAT INSPECTOR AT DULUTH.

Mr. MCMILLAN. As there seems to be no order of business before the Senate just now, I ask that the Senate take up the bill (H. R. 3504). It is a bill relating to a locality in my State that will not require any discussion.

Mr. EDMUNDS. What is the subject?

Mr. MCMILLAN. Authorizing the appointment of a local inspector of hulls and boilers at Duluth.

The PRESIDING OFFICER. The Senator from Minnesota moves to take up the bill, the title of which will be stated.

The CHIEF CLERK. A bill (H. R. 3504) to amend section 4414 of the Revised Statutes, relating to inspectors of hulls and boilers.

Mr. EDMUNDS. Let it be read at large for information.

The bill was read, as follows:

Be it enacted, &c., That section 4414 of the Revised Statutes is hereby amended by inserting, after the word "Savannah," in the second line of the sixth paragraph of said section, the words "Duluth, Minnesota."

Mr. MCMILLAN. This is a House bill which has been reported favorably by the Treasury Department and also by the Senate Committee on Commerce.

Mr. EDMUNDS. I have no objection to its consideration or passage.

The PRESIDING OFFICER. The question is on the motion of the Senator from Minnesota to take up the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. CALL. I should be glad to hear the Senator who reported that bill to state the changes made by it in the law.

Mr. MCMILLAN. It merely creates an inspector of hulls and boilers at Duluth, Minn., on Lake Superior.

The bill was passed.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and (at 2 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, December 20, 1886, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, December 15, 1886.

CHIEF NAVAL CONSTRUCTOR.

Naval Constructor Theodore D. Wilson, a resident of New York, to be Chief of the Bureau of Construction and Repair and Chief Constructor in the Department of the Navy, with the relative rank of commodore.

NAVY PAYMASTER-GENERAL.

Pay-Director James Fulton, a resident of Tennessee, to be Chief of the Bureau of Provisions and Clothing and Paymaster-General in the Department of the Navy, with the relative rank of commodore.

NAVAL PAY DIRECTOR.

Pay-Inspector Rufus Parks, a resident of New York, to be a pay-director in the Navy, from the 10th August, 1886.

NAVAL INSPECTOR.

Paymaster James E. Tolfree, a resident of New York, to be a pay-inspector in the Navy, from the 10th August, 1886.

NAVAL PASSED ASSISTANT PAYMASTER.

Assistant Paymaster John Corwine, a resident of Ohio, to be passed assistant paymaster in the Navy, from the 2d November, 1885.

Executive nominations confirmed by the Senate, December 17, 1886.

COLLECTOR OF CUSTOMS.

Quincy A. Brooks, of Oregon, to be collector of customs for the district of Puget Sound, in the State of Oregon and Territory of Washington.

Charles A. Ward, of Michigan, to be collector of customs for the district of Huron, in the State of Michigan.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December* 17, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

CLERICAL FORCE IN LAND OFFICE.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting, with letters from the Secretary of the Interior, additional estimates for clerical force in the General Land Office; which was referred to the Committee on Appropriations, and ordered to be printed.

IRON PLATES FOR PENSION OFFICE BUILDING.

The Speaker laid before the House a letter from the Acting Secretary of the Treasury, transmitting a letter from the Secretary of the Interior, with inclosures, submitting the account of the Pittsburgh Bridge Company for iron plates furnished for the Pension Office building; which was referred to the Committee on Appropriations, and ordered to be printed.

ANNEX TO ARMY MEDICAL MUSEUM.

The Speaker also laid before the House a letter from the Secretary of War, transmitting a letter from the Surgeon-General recommending an amendment to the sundry civil appropriation bill making an appropriation for an annex to the Army Medical Museum and Library; which was referred to the Committee on Appropriations, and ordered to be printed.

INDEBTEDNESS OF VERMONT FOR ARMS

The SPEAKER also laid before the House a letter from the Attorney-General, transmitting a letter from the Secretary of War, with inclosures, relating to the alleged indebtedness of the State of Vermont for arms furnished by the Government in the years 1863 and 1864, which was referred to the Committee on the Judiciary, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WARNER, of Missouri, for five days, on account of important business.

To Mr. GALLINGER, indefinitely, on account of sickness in his family.

ROSANNA FLAHIFF.

The SPEAKER also laid before the House the following request:

Mr. BYNUM asks unanimous consent that the Committee of the Whole House be discharged from the further consideration of House bill No. 571, for the relief of Rosanna Flahiff, and that the same be recommitted to the Committee on Invalid Pensions.

There being no objection, it was ordered accordingly.

AMENDMENT OF REVISED STATUTES.

Mr. BLOUNT, by unanimous consent, introduced a bill (H. R. 10240) to amend section 3342 of the Revised Statutes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

AMERICAN LOSSES, ETC., IN CANADIAN FISHERIES.

Mr. BELMONT, by unanimous consent, introduced a bill (H. R. 10241) for the appointment of a commission to investigate concerning losses and injuries inflicted since December 31, 1885, upon United States citizens engaged in the British North American fisheries; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the

committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 1526) amending sections 4756 and 4757 of the Revised Statutes, relating to pensions to certain disabled persons who have served in the Navy or Marine corps;

A bill (S. 830) for the retirement of certain officers of the Navy of the United States;

A bill (H. R. 2013) for the relief of Myron E. Dunlap.

E. B. DAWSON.

Mr. PHELPS. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 5326) for the relief of E. B. Dawson, and that it be now passed with the amendment reported by the Committee on Claims. The sole object of the bill is to refund to a postmaster $66.52, which was stolen by burglars who broke open his safe.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to E. B. Dawson the sum of $166.52, as relief for damages sustained by him through the breaking open of his safe and stealing therefrom the Government money, in April, 1883, while said Dawson was postmaster at Boonton, N. J.

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the Committee on Claims to strike out in line 6 the words "one hundred and," so as to make the appropriation $66.52, was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PHELPS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JUDICIAL DISTRICTS IN IOWA.

Mr. FREDERICK. I ask unanimous consent that the bill (H. R. 5990) amending the act of July 20, 1882, dividing the State of Iowa into two judicial districts, be taken from the House Calendar for present consideration.

The bill was read.

Mr. MURPHY. I object to the consideration of that bill; and I can furnish a reason for the faith that is in me, if there is any occasion to state it.

The SPEAKER. Objection being made, the bill is not before the House.

SURVEYORS GENERAL.

Mr. CANNON, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Whereas it is proposed by the Department of the Interior, in the estimates submitted to Congress for the fiscal year ending June 30, 1888, to consolidate certain of the offices of the surveyors-general: Therefore,

Resolved, That the Committee on Appropriations be, and is hereby, instructed to inquire fully into said recommendation; and that it shall be in order to propose reduction, by abolition or consolidation of any of the offices of the surveyors-general, on an appropriation bill.

Mr. CANNON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM H. RANDLE.

Mr. JOHN M. TAYLOR. I move, by unanimous consent, that the Committee of the Whole House be discharged from the further consideration of a bill (S. 1333) for the relief of William H. Randle, of Nashville. Tenn., and the same beput on its passage at this time.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and hereby is, authorized and directed to pay to William H. Randle the sum of $400, out of any money in the Treasury not otherwise appropriated, on account of the loss of a registered letter containing $400, by reason of a defective postal car, which sum was paid by said Randle immediately after the loss of said letter.

Mr. HOLMAN. Let the report be read.

The report (by Mr. NEAL) was read, as follows:

The committee find that this bill is identical with the House bill 5111, for the relief of William H. Randle, and heretofore reported from this committee (Report No. 2732) and now on the Calendar. The committee therefore report this bill back to the House with a favorable recommendation, and that it be considered in connection with the House bill on the same subject.

Mr. OATES. Does this relate to the loss of a registered letter which was afterward recovered?

Mr. JOHN M. TAYLOR. No; it was not found, but after the loss was ascertained this postmaster paid the money out of his own pocket.

Mr. HOLMAN. The money never was paid by the Post-Office Department?

Mr. JOHN M. TAYLOR. It was not. The loss occurred by reason of a defective car. The bill has passed the Senate and is reported favorably by the committee of this House.

Mr. OATES. Was the report unanimous?

Mr. JOHN M. TAYLOR. It was.

There was no objection; and the Committee of the Whole House was discharged from the further consideration of the bill, and it was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. JOHN M. TAYLOR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The bill (H. R. 5111) will be laid upon the table, if there be no objection.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. NEGLEY. I will take the floor, and yield to the gentleman from Ohio [Mr. ANDERSON] to call up a bill, which he will indicate.

Mr. ANDERSON, of Ohio, took the floor and sent up a bill to the Clerk's desk to be read.

Mr. CANNON. I demand the regular order of business.

The SPEAKER. That amounts to an objection.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL. Let us have the regular order of business.

The SPEAKER. The regular order of business is the bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes, coming over from yesterday with the amendments reported from the Committee of the Whole House on the state of the Union, and with the previous question ordered on the amendments and the engrossment and third reading of the bill. Is a separate vote demanded on any amendment?

Mr. RANDALL. There are sixteen amendments in all. Seven relate merely to change of phraseology, about which there is no controversy. Nine concern the appropriation of money, one relating to the Baltimore public building, the second to the Rochester public building, and the third to the light-house supply steamer.

The SPEAKER. The Chair will be compelled to suspend business unless order is preserved. The Sergeant-at-Arms will please request gentlemen to suspend conversation. As the Chair understands, the amendments on which a separate vote is asked are, first, the amendment relating to the Baltimore building; second, the Rochester building, and third, the light-house supply steamer.

Mr. RANDALL. The vote can be taken on the other amendments in gross.

The SPEAKER. Is a separate vote demanded on any other amendment? [After a pause.] The Chair hears none, and the amendments are concurred in.

Mr. RANDALL moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The vote will now be taken on the following amendments on which a separate vote has been requested.

The Clerk read as follows:

Strike out "$100,000" and insert "$287,000; so the paragraph will then read: For post-office and court-house at Baltimore, Md.: For continuation of building, $287,000.

Mr. RANDALL demanded a division.

The House divided; and there were—ayes 125, noes 61.

So the amendment was agreed to.

The next amendment on which a separate vote was asked was, in lines 47 and 48, to strike out "continuation of" and insert "completion;" and strike out "fifty" and insert "one hundred," so it will read:

For court-house and post-office at Rochester, N. Y.: For completion of building under present limit, $100,000.

The House divided; and there were—ayes 107, noes 97.

Mr. RANDALL. I suppose I can save time by having the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 144, nays 110, not voting 67; as follows:

YEAS—144.

Adams, G. E.	Burrows,	Dorsey,	Haynes,
Allen, C. H.	Butterworth,	Dunham,	Henderson, D. B.
Anderson, J. A.	Campbell, Felix	Ely,	Henderson, T. J.
Atkinson,	Campbell, J. M.	Evans,	Hepburn,
Baker,	Carleton,	Everhart,	Hermann,
Barnes,	Caswell,	Findlay,	Hewitt,
Bingham,	Catchings,	Fleeger,	Hiestand,
Bound,	Compton,	Fuller,	Hires,
Boutelle,	Conger,	Funston,	Hiscock,
Brady,	Cox, S. S.	Gilfillan,	Holmes,
Brown, C. E.	Cutcheon,	Goff,	Hopkins,
Brumm,	Daniel,	Grosvenor,	Houk,
Buchanan,	Davenport,	Grout,	Irion,
Buck,	Davis,	Hale,	Jackson,
Bunnell,	Dibble,	Harmer,	James,
Burleigh,	Dingley,	Hayden,	Johnson, F. A.

Kelley,	Negley,	Rowell,	Tarsney,
Ketcham,	Nelson,	Rusk,	Taylor, E. B.
Laird,	O'Donnell,	Ryan,	Taylor, Zach.
Lawler,	O'Hara,	Sawyer,	Thomas, O. B.
Lehlbach,	O'Neill, Charles	Sayers,	Thompson,
Libbey,	Osborne,	Scranton,	Tillman,
Lindsley,	Owen,	Shaw,	Van Schaick,
Long,	Parker,	Smalls,	Viele,
Lore,	Payne,	Snyder,	Wade,
Louttit,	Payson,	Spooner,	Wadsworth,
Lyman,	Perkins,	Stahlnecker,	Wait,
Maybury,	Perry,	Steele,	Wakefield,
McComas,	Peters,	Stephenson,	Warner, William
McKenna,	Phelps,	Stewart, Charles	Weaver, A. J.
McKinley,	Pindar,	Stewart, J. W.	Weaver, J. B.
Millard,	Pirce,	Stone, E. F.	Weber,
Moffatt,	Reed, T. B.	Strait,	West,
Morrill,	Rockwell,	Struble,	White, A. C.
Morrow,	Rogers,	Swinburne,	White, Milo
Murphy,	Romeis,	Symes,	Wilkins.

NAYS—110.

Allen, J. M.	Davidson, A. C.	Johnston, T. D.	Richardson,
Anderson, C. M.	Davidson, R. H. M.	Jones, J. T.	Riggs,
Bacon,	Dawson,	Kleiner,	Robertson,
Ballentine,	Dockery,	Laffoon,	Seymour,
Barksdale,	Dunn,	Landes,	Skinner,
Barry,	Eden,	Lanham,	Sowden,
Bennett,	Eldredge,	Le Fevre,	Springer,
Blanchard,	Ellsberry,	Lovering,	St. Martin,
Bland,	Foran,	Lowry,	Stone, W. J., Ky.
Blount,	Forney,	Martin,	Stone, W. J., Mo.
Boyle,	Frederick,	Matson,	Swope,
Breckinridge, WCP.	Geddes,	McAdoo,	Taulbee.
Burnes,	Glass,	McCreary,	Taylor, J. M.
Bynum,	Green, R. S.	McMillin,	Throckmorton,
Cabell,	Green, W. J.	McRae,	Townshend,
Caldwell,	Hall,	Miller,	Trigg,
Campbell, J. E.	Halsell,	Mills,	Turner,
Candler,	Hammond,	Morgan,	Van Eaton,
Clements,	Harris,	Morrison,	Wallace,
Cobb,	Hatch,	Neal,	Ward, J. H.
Comstock,	Heard,	Neece,	Wellborn,
Cowles,	Hemphill,	Oates,	Wheeler,
Cox, W. R.	Henderson, J. S.	O'Ferrall,	Willis,
Crisp,	Herbert,	Outhwaite,	Winans,
Croxton,	Hill,	Peel,	Wise,
Culberson,	Holman,	Pidcock,	Wolford.
Curtin,	Howard,	Randall,	
Dargan,	Hudd,	Reagan,	

NOT VOTING—67.

Adams, J. J.	Ermentrout,	King,	Sadler,
Aiken,	Farquhar,	La Follette,	Scott,
Barbour,	Felton,	Little,	Seney,
Bayne,	Fisher,	Mahoney,	Sessions,
Belmont,	Ford,	Markham,	Singleton,
Bliss,	Gallinger,	Merriman,	Spriggs,
Bragg,	Gay,	Milliken,	Storm,
Breckinridge, C. R.	Gibson, C. H.	Mitchell,	Taylor, I. H.
Browne, T. M.	Gibson, Eustace	Muller,	Thomas, J. R.
Brown, W. W.	Glover,	Norwood,	Tucker,
Campbell, T. J.	Guenther,	O'Neill, J. J.	Ward, T. B.
Cannon,	Hanback,	Pettibone,	Warner, A. J.
Clardy,	Henley,	Plumb,	Whiting,
Collins,	Hitt,	Ranney,	Wilson,
Cooper,	Hutton,	Reid, J. W.	Woodburn,
Crain,	Johnston, J. T.	Reese,	Worthington.
Dougherty,	Jones, J. H.	Rice,	

So the amendment was agreed to.

On motion of Mr. RANDALL, by unanimous consent, the reading of the names was dispensed with.

The following pairs were announced until further notice:

Mr. TUCKER with Mr. BROWNE, of Indiana.

Mr. STORM with Mr. LITTLE.

Mr. COLLINS with Mr. WHITING.

The following pairs were announced for this day:

Mr. O'NEILL, of Missouri, with Mr. HANBACK.

Mr. MULLER with Mr. IKE H. TAYLOR.

Mr. GLOVER with Mr. FELTON.

Mr. T. J. CAMPBELL with Mr. PETTIBONE.

Mr. SCOTT with Mr. COOPER.

Mr. WILSON with Mr. BAYNE.

Mr. ERMENTROUT with Mr. BROWN, of Pennsylvania.

Mr. GIBSON, of West Virginia, with Mr. LA FOLLETTE.

Mr. REESE with Mr. GALLINGER.

Mr. KING with Mr. HITT.

Mr. HENLEY with Mr. LAIRD.

Mr. MITCHELL with Mr. PLUMB.

Mr. REID, of North Carolina, with Mr. MILLIKEN.

Mr. CRAIN with Mr. WORTHINGTON.

Mr. SENEY with Mr. JOHNSTON, of Indiana, on this vote.

The result of the vote was then announced as above recorded.

The SPEAKER. The Clerk will report the next amendment, on which a separate vote is demanded.

The Clerk read as follows:

After line 59 insert:

"Supply steamer: For the construction of a steamer for the transportation of oil and other supplies to the light-houses on the Atlantic and Gulf coasts, $147,000, or so much thereof as may be necessary."

The question was taken, and on a division there were—ayes 127.

Before the negative vote was counted,

Mr. RANDALL. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 158, nays 91, not voting 72; as follows:

YEAS—158.

Adams, G. E.	Dunham,	Lanham,	Sayers,
Allen, C. H.	Ellsberry,	Lawler,	Scranton,
Anderson, J. A.	Ely,	Lindsley,	Smalls,
Atkinson,	Evans,	Long,	Snyder,
Baker,	Everhart,	Lore,	Spooner,
Belmont,	Findlay,	Lovering,	Steele,
Bingham,	Fleeger,	Lyman,	Stephenson,
Blanchard,	Fuller,	Maybury,	Stewart, Charles
Bound,	Funston,	McComas,	Stewart, J. W.
Boutelle,	Gilfillan,	McKenna,	St. Martin,
Brady,	Goff,	McKinley,	Stone, E. F.
Brown, C. E.	Grosvenor,	Millard,	Strait,
Brumm,	Grout,	Miller,	Struble,
Buchanan,	Guenther,	Mills,	Swinburne,
Buck,	Hale,	Moffatt,	Symes,
Bunnell,	Harmer,	Morrill,	Tarsney,
Burleigh,	Hayden,	Morrow,	Taylor, E. B.
Burrows,	Haynes,	Negley,	Taylor, Zach.
Butterworth,	Henderson, D. B.	Nelson,	Thomas, J. R.
Caldwell,	Henderson, T. J.	O'Donnell,	Thomas, O. B.
Campbell, Felix	Hepburn,	O'Hara,	Thompson,
Campbell, J. M.	Hermann,	O'Neill, Charles	Throckmorton,
Campbell, J. E.	Hewitt,	Osborne,	Van Eaton,
Cannon,	Hiestand,	Owen,	Van Schaick,
Caswell,	Hill,	Parker,	Viele,
Catchings,	Hires,	Payne,	Wade,
Conger,	Hiscock,	Payson,	Wadsworth,
Cox, S. S.	Hitt,	Perkins,	Wait,
Cox, W. R.	Holmes,	Peters,	Wakefield,
Crain,	Hopkins,	Phelps,	Wallace,
Crisp,	Houk,	Reagan,	Warner, William
Culberson,	Irion,	Reed, T. B.	Weaver, A. J.
Cutcheon,	Jackson,	Rice,	Weber,
Dargan,	James,	Rockwell,	Wellborn,
Davenport,	Johnson, F. A.	Rogers,	West,
Davidson, R. H. M.	Jones, J. H.	Romeis,	White, A. C.
Davis,	Jones, J. T.	Rowell,	White, Milo
Dibble,	Kelley,	Rusk,	Wolford.
Dingley,	Ketcham,	Ryan,	
Dorsey,	Laird,	Sawyer,	

NAYS—91.

Allen, J. M.	Eldredge,	Le Fevre,	Shaw,
Anderson, C. M.	Foran,	Lowry,	Singleton,
Bacon,	Forney,	Martin,	Skinner,
Ballentine,	Geddes,	Matson,	Sowden,
Barksdale,	Glass,	McAdoo,	Springer,
Barnes,	Green, R. S.	McCreary,	Stahlnecker,
Barry,	Green, W. J.	McMillin,	Stone, W. J., Ky.
Bennett,	Hall,	McRae,	Swope,
Bland,	Halsell,	Morgan,	Taulbee,
Blount,	Hammond,	Morrison,	Taylor, J. M.
Boyle,	Harris,	Murphy,	Tillman,
Burnes,	Hatch,	Neal,	Townshend,
Cabell,	Heard,	O'Ferrall,	Trigg,
Candler,	Hemphill,	Outhwaite,	Turner,
Carleton,	Henderson, J. S.	Peel,	Ward, J. H.
Clements,	Herbert,	Perry,	Weaver, J. B.
Cobb,	Holman,	Pidcock,	Wheeler,
Cowles,	Howard,	Pindar,	Wilkins,
Croxton,	Hudd,	Randall,	Willis,
Daniel,	Johnston, T. D.	Richardson,	Winans,
Davidson, A. C.	Kleiner,	Riggs,	Wise,
Dockery,	Laffoon,	Robertson,	Worthington.
Eden,	Landes,	Seymour,	

NOT VOTING—72.

Adams, J. J.	Dawson,	King,	Plumb,
Aiken,	Dougherty,	La Follette,	Ranney,
Barbour,	Dunn,	Lehlbach,	Reid, J. W.
Bayne,	Ermentrout,	Libbey,	Reese,
Bliss,	Farquhar,	Little,	Sadler,
Bragg,	Felton,	Louttit,	Scott,
Breckinridge, C. R.	Fisher,	Mahoney,	Seney,
Breckinridge, WCP	Ford,	Markham,	Sessions,
Browne, T. M.	Frederick,	Merriman,	Spriggs,
Brown, W. W.	Gallinger,	Milliken,	Stone, W. J., Mo.
Bynum,	Gay,	Mitchell,	Storm,
Campbell, T. J.	Gibson, C. H.	Muller,	Taylor, I. H.
Clardy,	Gibson, Eustace	Neece,	Tucker,
Collins,	Glover,	Norwood,	Ward, T. B.
Compton,	Hanback,	Oates,	Warner, A. J.
Comstock,	Henley,	O'Neill, J. J.	Whiting,
Cooper,	Hutton,	Pettibone,	Wilson,
Curtin,	Johnston, J. T.	Pirce,	Woodburn.

So the amendment was agreed to.

On motion of Mr. RANDALL, by unanimous consent, the reading of the names was dispensed with.

The following additional pair was announced:

Mr. NEECE with Mr. JOHNSTON, of Indiana, on this vote.

The result of the vote was then announced, as above recorded.

The bill as amended was ordered to be engrossed and read a third time.

The question recurred on the passage of the bill.

Mr. RANDALL. On that I demand the previous question.

Mr. ATKINSON. I desire to move to recommit with instructions——

Mr. NEGLEY. Before that I wish to ask unanimous consent that the concluding portion of the proviso, in relation to the soldiers' homes, be stricken out. As stated in the bill it is a reflection upon the Board of Managers, which I presume is not intended by the committee. I

would be pleased if the chairman of the committee would make a statement as to why this should not be stricken from the bill.

Mr. RANDALL. I have no authority from the committee to act in the direction suggested.

Mr. REAGAN. Let the proviso be read, to which reference is made.

The Clerk read as follows:

Provided further, That no person shall be eligible to or hold any position or employment in the government or management of any home who is interested in or connected with, directly or indirectly, any railroad, brewery, mercantile house, manufactory, dram-shop, or distillery in the State where such home is located.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. LE FEVRE. I object.

Mr. NEGLEY. While I have the floor I beg the gentleman's attention to one portion of this paragraph——

Mr. RANDALL. I ask for the regular order.

Mr. ATKINSON. I wish, Mr. Speaker, now to submit a motion to recommit with instructions.

Mr. GROSVENOR. Before that, I ask unanimous consent to submit an amendment to this paragraph, as follows:

In lines 1742 and 1743 strike out the words "railroad," "mercantile house," "manufactory," and at the end of the paragraph insert the words:

Nor shall it be lawful for any person holding any such position or employment to be interested directly or indirectly in any contract for or sale of any article to be used at or in any such home, nor in any railroad carrying passengers or freight to any home.

Mr. RANDALL. Let the paragraph be read as it will be if the amendment is agreed to.

The Clerk read as follows:

Provided further, That no person shall be eligible to or hold any position or employment in the government or management of any home who is interested in or connected with, directly or indirectly, any brewery, dram-shop, or distillery in the State where such home is located; nor shall it be lawful for any person holding any such position or employment to be interested directly or indirectly in any contract for or sale of any article to be used at or in any such home, nor in any railroad carrying passengers or freight to any home.

Mr. BOUTELLE. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BOUTELLE. I desire to ask whether this clause is now subject to a point of order.

The SPEAKER. No amendment is in order at all at this stage, except by unanimous consent. The gentleman from Ohio [Mr. GROSVENOR] has asked unanimous consent to make the amendment which has been read.

Mr. BOUTELLE. I should perhaps put my inquiry in a different form. I desire to ask whether the original subject-matter in this clause of the bill is subject to the point of order.

The SPEAKER. Not now.

Mr. GROSVENOR. I understand that the amendment I have suggested can only go in by unanimous consent. And if gentlemen desire that the bill shall be passed in its present unfortunate condition rather than be improved that much, they can object.

Mr. DINGLEY. I call the attention of the gentleman from Ohio [Mr. GROSVENOR] to the importance of dividing the amendment which he has presented. Let the question first be on striking out certain words, and then separately on the words he proposes to add.

The SPEAKER. There can be no vote taken at all on this proposition, either in whole or in part. Whatever is done with regard to it must be done by unanimous consent.

Mr. DINGLEY. I suggest that there would be no objection to the second part of the amendment.

Mr. LE FEVRE. I will object to any further amendment except that which has been offered by the gentleman from Ohio [Mr. GROSVENOR].

The SPEAKER. That is the matter that is now before the House.

Mr. NEGLEY. I rise to a question of personal privilege. I ask the gentleman from Ohio [Mr. GROSVENOR] to state explicitly his reasons for casting this slur upon the board of management.

Mr. RANDALL. The committee meant no slur on the board of management.

Mr. GROSVENOR. There is no slur cast on anybody.

Mr. NEGLEY. Then what is the occasion for it?

Mr. LE FEVRE. There might be such an abuse.

Mr. GROSVENOR. I hope the House will not pass the bill in its present shape.

Mr. BLAND. I call for the regular order.

Mr. BOUTELLE. I think it is due to the House——

The SPEAKER. The regular order is demanded.

Mr. BOUTELLE. I do not think it will be demanded against my suggestion that this matter be explained by the chairman of the Committee on Appropriations, so that gentlemen will understand whether this is a direct imputation on some gentlemen who are now members of the Board of Managers, or who occupy prominent positions in connection with the homes.

Mr. RANDALL. There is no imputation cast on any one. There is an effort to correct what is alleged to be an abuse.

Mr. BLAND. I call for the regular order.

The SPEAKER. The regular order is demanded, and the Chair recognizes the gentleman from Pennsylvania [Mr. ATKINSON].

Mr. ATKINSON. I move to recommit the bill to the Committee on Appropriations with instructions to amend by striking out the words "fifteen thousand dollars," in lines 1727 and 1728, and inserting instead the words "two million dollars."

The question being taken on the motion of Mr. ATKINSON, the the Speaker stated the "noes" seemed to have it.

Mr. ATKINSON. I call for a division.

Mr. BURROWS. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 124, nays 138, not voting 59; as follows:

YEAS—124.

Adams, G. E.	Funston,	Lindsley,	Ryan,
Allen, C. H.	Geddes,	Long,	Sawyer,
Anderson, J. A.	Gilfillan,	Louttit,	Scranton,
Atkinson,	Goff,	Lovering,	Seney,
Baker,	Grosvenor,	Lyman,	Sessions,
Bound,	Grout,	Markham,	Smalls,
Boutelle,	Guenther,	McComas,	Spooner,
Brady,	Hale,	McKenna,	Steele,
Brown, C. E.	Hanback,	McKinley,	Stephenson,
Brumm,	Harmer,	Millard,	Stewart, J. W.
Buchanan,	Hayden,	Moffatt,	Stone, E. F.
Buck,	Haynes,	Morrill,	Strait,
Bunnell,	Henderson, D. B.	Morrow,	Struble,
Burleigh,	Henderson, T. J.	Murphy,	Swinburne,
Burrows,	Hepburn,	O'Donnell,	Taylor, E. B.
Bynum,	Hermann,	O'Hara,	Taylor, Zach.
Campbell, J. M.	Hiestand,	O'Neill, Charles	Thomas, J. R.
Campbell, J. E.	Hires,	Osborne,	Thomas, O. B.
Cannon,	Hiscock,	Owen,	Thompson,
Conger,	Hitt,	Parker,	Van Schaick,
Cutcheon,	Holmes,	Payne,	Wade,
Davenport,	Hopkins,	Perkins,	Wadsworth,
Davis,	Houk,	Peters,	Wait,
Dingley,	Jackson,	Phelps,	Wakefield,
Dorsey,	James,	Pirce,	Warner, William
Dunham,	Johnson, F. A.	Ranney,	Weaver, A. J.
Ely,	Kelley,	Reed, T. B.	Weaver, J. B.
Evans,	Ketcham,	Rice,	Weber,
Everhart,	Laird,	Rockwell,	West,
Fleeger,	Lehlbach,	Romeis,	White, A. C.
Fuller,	Libbey,	Rowell,	White, Milo.

NAYS—138.

Allen, J. M.	Davidson, R. H. M.	Kleiner,	Sayers,
Anderson, C. M.	Dawson,	Laffoon,	Seymour,
Bacon,	Dibble,	Landes,	Shaw,
Ballentine,	Dockery,	Lanham,	Singleton,
Barksdale,	Dunn,	Lawler,	Skinner,
Barnes,	Eden,	Le Fevre,	Snyder,
Barry,	Eldredge,	Lore,	Sowden,
Belmont,	Ellsberry,	Lowry,	Springer,
Bennett,	Findlay,	Martin,	Stahlnecker,
Bland,	Fisher,	Matson,	Stewart, Charles
Boyle,	Ford,	Maybury,	St. Martin,
Breckinridge, C. R.	Forney,	McAdoo,	Stone, W. J., Ky.
Breckinridge, WCP.	Frederick,	McCreary,	Stone, W. J., Mo.
Burnes,	Gay,	McMillin,	Swope,
Cabell,	Gibson, C. H.	McRae,	Tarsney,
Caldwell,	Glass,	Miller,	Taylor, J. M.
Campbell, Felix	Green, R. S.	Mills,	Throckmorton,
Candler,	Green, W. J.	Morgan,	Tillman,
Carleton,	Hall,	Morrison,	Trigg,
Caswell,	Halsell,	Neal,	Turner,
Catchings,	Hammond,	Norwood,	Van Eaton,
Clardy,	Harris,	Oates,	Viele,
Clements,	Hatch,	O'Ferrall,	Wallace,
Cobb,	Heard,	Peel,	Ward, J. H.
Cowles,	Hemphill,	Perry,	Ward, T. B.
Cox, S. S.	Henderson, J. S.	Pidcock,	Wellborn,
Cox, W. R.	Herbert,	Pindar,	Wheeler,
Crain,	Hill,	Randall,	Wilkins,
Crisp,	Holman,	Reagan,	Willis,
Croxton,	Hudd,	Richardson,	Winans,
Culberson,	Hutton,	Riggs,	Wise,
Curtin,	Irion,	Robertson,	Wolford,
Daniel,	Johnston, T. D.	Rogers,	Worthington.
Dargan,	Jones, J. H.	Rusk,	
Davidson, A. C.	Jones, J. T.	Sadler,	

NOT VOTING—59.

Adams, J. J.	Comstock,	La Follette,	Reid, J. W.
Aiken,	Cooper,	Little,	Reese,
Barbour,	Dougherty,	Mahoney,	Scott,
Bayne,	Ermentrout,	Merriman,	Spriggs,
Bingham,	Farquhar,	Milliken,	Storm,
Blanchard,	Felton,	Mitchell,	Symes,
Bliss,	Foran,	Muller,	Taulbee,
Blount,	Gallinger,	Neece,	Taylor, I. H.
Bragg,	Gibson, Eustace	Negley,	Townshend,
Browne, T. M.	Glover,	Nelson,	Tucker,
Brown, W. W.	Henley,	O'Neill, J. J.	Warner, A. J.
Butterworth,	Hewitt,	Outhwaite,	Whiting,
Campbell, T. J.	Howard,	Payson,	Wilson,
Collins,	Johnston, J. T.	Pettibone,	Woodburn.
Compton,	King,	Plumb,	

So the motion was not agreed to.

On motion of Mr. ATKINSON, by unanimous consent, the reading of the names of members voting was dispensed with.

The following additional pairs were announced:

Mr. TOWNSHEND with Mr. NEGLEY, on this vote.

Mr. BLOUNT with Mr. BINGHAM, for this day.

Mr. NELSON with Mr. NEECE, on this vote.

Mr. BINGHAM. Mr. Speaker, in connection with my pair I desire to have it recorded that I would have voted "aye." How Mr. BLOUNT would have voted I do not know.

The result of the vote was then announced as above recorded.

Mr. RANDALL moved to reconsider the vote by which the motion to recommit was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. Mr. Speaker, I ask unanimous consent to modify the language of one paragraph of the bill. The modification is made at the suggestion of the Second Auditor, and is in relation to the auditing of the accounts. It will make no material difference, but the Auditor thinks the phraseology he suggests is better than that contained in the bill.

The proposed modification was read, as follows:

In line 1735, after the word "managers," insert the words "shall be made subject to the general laws governing the disbursement of public moneys, and," so that, if amended, the provision will read: "But all of the expenditures of the said home, including the expenses of the Board of Managers, shall be made subject to the general laws governing the disbursement of public moneys, and shall be audited," &c.

There being no objection, the modification was agreed to.

Mr. RANDALL. I now move the previous question on the passage of the bill.

The previous question was ordered; and under the operation thereof the bill was passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

M'MINNVILLE AND MANCHESTER RAILROAD COMPANY.

The SPEAKER. This being Friday, a day set apart, under the rules, for the consideration of private bills, the first business in order is the bill (H. R. 5194) directing the Quartermaster-General to settle with the McMinnville and Manchester Railroad Company, and for other purposes. This bill was reported from the Committee of the Whole without recommendation, and the question is upon the demand for the previous question upon ordering the bill to be engrossed and read a third time.

Mr. BURROWS. What is the bill, Mr. Speaker?

The SPEAKER. Perhaps the bill had better be reported at length.

The bill was read, as follows:

Be it enacted, &c., That the Quartermaster-General of the United States Army be authorized, and he is hereby directed, to settle and adjust the claims of the McMinnville and Manchester Railroad Company against the United States for iron, chairs, spikes, and switches, upon the basis of estimates furnished by A. Hibard, engineer of repairs, under orders of Major-General George H. Thomas, commanding department, dated July 18, 1865, taken and used by the United States army, the items thereof being for railroad-iron, $231,880; for chairs, $7,200; for spikes, $6,300; and for switches, $1,500; making a total of $246,880, which sum shall be allowed said company in making such settlement.

SEC. 2. That from the value of the property thus taken and used, which is hereby declared to be said sum of $246,880, the Quartermaster-General will deduct the amount now due and owing to the United States by the McMinnville and Manchester Railroad Company, which is evidenced by a judgment in the United States circuit court at Nashville, Tenn.

SEC. 3. That any balance thus found to be due said McMinnville and Manchester Railroad Company shall be paid to the McMinnville and Manchester Railroad Company, or their successors, the Nashville, Chattanooga and Saint Louis Railway, in the bonds or indebtedness of the latter company held by the United States for material purchased of the United States since the close of the war, and said judgment shall thereupon be satisfied of record.

The question was taken on ordering the bill to be engrossed and read a third time, and there were—ayes 81, noes 34.

Mr. BRUMM. No quorum.

Mr. GROSVENOR. I demand the yeas and nays.

The SPEAKER. The point is made that no quorum has voted, and pending that, the gentleman from Ohio [Mr. GROSVENOR] calls for the yeas and nays.

Mr. GROSVENOR. I withdraw the demand for the yeas and nays.

Mr. BRUMM. And I will withdraw the point of no quorum.

The SPEAKER. Then the ayes have it; the previous question is ordered, and the question now is on ordering the bill to be read a third time.

Mr. GROSVENOR. On that I demand the yeas and nays.

Mr. GEDDES. Mr. Speaker, I move to recommit this bill to the Committee on War Claims.

The SPEAKER. The previous question is operating now. The gentleman's motion would be in order even though the previous question had been ordered on the passage of the bill, but it is not in order at this stage.

Mr. RICHARDSON. I now move the previous question on the passage of the bill.

The SPEAKER. The matter has not yet reached that stage. The question now is upon ordering the bill to be engrossed and read a third time. Upon that question the gentleman from Ohio [Mr. GROSVENOR] demands the yeas and nays.

Mr. GROSVENOR. I will withdraw the demand for the yeas and nays upon that question, asking to be recognized to renew the demand upon the question of the recommittal of the bill.

The SPEAKER. The gentleman has that right.

The bill was ordered to be engrossed and read a third time.

Mr. RICHARDSON. Now, Mr. Speaker, I demand the previous question on the passage of the bill.

Mr. GEDDES. And I now move to recommit the bill to the Committee on War Claims.

Mr. GROSVENOR. And upon that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 101, nays 131, not voting 89; as follows:

YEAS—101.

Anderson, C. M.	Evans,	James,	Riggs,
Anderson, J. A.	Everhart,	Johnston, T. D.	Romeis,
Bacon,	Fisher,	Jones, J. H.	Rowell,
Baker,	Fleeger,	Laird,	Ryan,
Bennett,	Foran,	Landes,	Seney,
Bland,	Ford,	Lehlbach,	Singleton,
Bound,	Forney,	Lore,	Skinner,
Boyle,	Frederick,	Lowry,	Sowden,
Brumm,	Fuller,	Martin,	Springer,
Buchanan,	Funston,	Matson,	Stahlnecker,
Buck,	Gay,	Maybury,	Stone, W. J., Mo.
Bunnell,	Geddes,	McRae,	Swinburne,
Burrows,	Gilfillan,	Mills,	Swope,
Bynum,	Grosvenor,	Morrill,	Thomas, J. R.
Campbell, Felix	Hall,	Murphy,	Thomas, O. B.
Campbell, J. M.	Halsell,	Neece,	Thompson,
Campbell, J. E.	Harmer,	Nelson,	Wait,
Cowles,	Hatch,	O'Donnell,	Ward, T. B.
Cox, W. R.	Henderson, J. S.	Osborne,	Weaver, A. J.
Cutcheon,	Hiestand,	Owen,	Weaver, J. B.
Davenport,	Hitt,	Parker,	West,
Davidson, A. C.	Holman,	Payson,	Winans,
Davis,	Hopkins,	Peel,	Worthington.
Dockery,	Howard,	Perkins,	
Eden,	Hudd,	Pindar,	
Eldredge,	Hutton,	Randall,	

NAYS—131.

Ballentine,	Findlay,	Lyman,	Scranton,
Barbour,	Glass,	Markham,	Sessions,
Barksdale,	Goff,	McAdoo,	Shaw,
Barnes,	Green, R. S.	McCreary,	Snyder,
Barry,	Green, W. J.	McKinley,	Spooner,
Bliss,	Grout,	McMillin,	Steele,
Boutelle,	Guenther,	Millard,	Stewart, Charles
Brady,	Hammond,	Milliken,	Stewart, J. W.
Breckinridge, C. R.	Hanback,	Moffatt,	St. Martin,
Breckinridge, WCP	Harris,	Morgan	Stone, E. F.
Brown, C. E.	Hayden,	Morrison,	Stone, W. J., Ky.
Caldwell,	Haynes,	Morrow,	Struble,
Candler,	Heard,	Neal,	Symes,
Cannon,	Hemphill,	Negley,	Tarsney,
Caswell,	Henderson, T. J.	Norwood,	Taulbee,
Catchings,	Hepburn,	Oates,	Taylor, E. B.
Clardy,	Herbert,	O'Ferrall,	Taylor, J. M.
Clements,	Hewitt,	O'Hara,	Taylor, Zach.
Cobb,	Hires,	O'Neill, Charles	Throckmorton
Conger,	Hiscock,	Payne,	Tillman,
Cox, S. S.	Holmes,	Perry,	Turner,
Crain,	Houk,	Peters,	Van Schaick,
Crisp,	Irion,	Pidcock,	Viele,
Croxton,	Johnson, F. A.	Pirce,	Wadsworth,
Culberson,	Jones, J. T.	Ranney,	Wakefield,
Dargan,	Kelley,	Reagan,	Ward, J. H.
Davidson, R. H. M.	Kleiner,	Reed, T. B.	Wellborn,
Dawson,	Laffoon,	Richardson,	White, A. C.
Dibble,	Lanham,	Robertson,	Wilkins,
Dorsey,	Le Fevre,	Rockwell,	Willis,
Dougherty,	Libbey,	Rogers,	Wise,
Dunham,	Lindsley,	Sawyer,	Wolford.
Ely,	Lovering,	Sayers,	

NOT VOTING—89.

Adams, G. E.	Cooper,	Lawler,	Smalls,
Adams, J. J.	Curtin,	Little,	Spriggs,
Aiken,	Daniel,	Long,	Stephenson,
Allen, C. H.	Dingley,	Louttit,	Storm,
Allen, J. M.	Dunn,	Mahoney,	Strait,
Atkinson,	Ellsberry,	McComas,	Taylor, I. H.
Bayne,	Ermentrout,	McKenna,	Townshend,
Belmont,	Farquhar,	Merriman,	Trigg,
Bingham,	Felton,	Miller,	Tucker,
Blanchard,	Gallinger,	Mitchell,	Van Eaton,
Blount,	Gibson, C. H.	Muller,	Wade,
Bragg,	Gibson, Eustace	O'Neill, J. J.	Wallace,
Browne, T. M.	Glover,	Outhwaite,	Warner, A. J.
Brown, W. W.	Hale,	Pettibone,	Warner, William
Burleigh,	Henderson, D. B.	Phelps,	Weber,
Burnes,	Henley,	Plumb,	Wheeler,
Butterworth,	Hermann,	Reid, J. W.	White, Milo
Cabell,	Hill,	Reese,	Whiting,
Campbell, T. J.	Jackson,	Rice,	Wilson,
Carleton,	Johnston, J. T.	Rusk,	Woodburn.
Collins,	Ketcham,	Sadler,	
Compton,	King,	Scott,	
Comstock,	La Follette,	Seymour,	

So the motion of Mr. GEDDES to recommit the bill was not agreed to.

The following additional pairs were announced:

Mr. JACKSON with Mr. CABELL, on this vote.

Mr. TOWNSHEND with Mr. LONG, on this bill.

Mr. STEPHENSON with Mr. VAN EATON, on this vote.

Mr. STRAIT with Mr. WARNER, of Missouri, on this vote.

Mr. HENDERSON, of Iowa, with Mr. MCCOMAS, on this vote.

The result of the vote was announced as above stated.

Mr. RICHARDS. I now ask the previous question on the passage of the bill.

The previous question was ordered.

The SPEAKER. The question is now on the passage of the bill.

Mr. EDEN, Mr. GILFILLAN, and others called for the yeas and nays.

Several MEMBERS. Oh, no.

Mr. GROSVENOR. Yes, I hope we shall order the yeas and nays. There are other war claims of just this sort amounting to a hundred million of dollars that will follow one after another if this bill be passed. They lie right along the lines of the Southern railroads.

The yeas and nays were ordered, there being—ayes 45, noes 100.

The question was taken; and it was decided in the affirmative—yeas 117, nays 116, not voting 88; as follows:

YEAS—117.

Adams, G. E.	Dougherty,	Lindsley,	Seymour,
Ballentine,	Dunham,	Louttit,	Shaw,
Barksdale,	Dunn,	Lyman,	Smalls,
Barnes,	Ely,	Markham,	Snyder,
Barry,	Findlay,	McAdoo,	Steele,
Blanchard,	Gay,	McCreary,	Stephenson,
Bliss,	Gibson, C. H.	McKinley,	Stewart, Charles
Brady,	Glass,	McMillin,	Stewart, J. W.
Breckinridge, C. R.	Green, R. S.	Morrison,	St. Martin,
Breckinridge, WCP.	Green, W. J.	Morrow,	Stone, W. J., Ky.
Brown, C. E.	Grout,	Neal,	Taulbee,
Burleigh,	Hammond,	Negley,	Taylor, J. M.
Burnes,	Hanback,	Oates,	Taylor, Zach.
Butterworth,	Harris,	O'Ferrall,	Throckmorton,
Caldwell,	Hayden,	O'Hara,	Tillman,
Candler,	Haynes,	Perry,	Van Eaton,
Cannon,	Heard,	Pindar,	Van Schaick,
Catchings,	Henderson, T. J.	Pirce,	Wadsworth,
Clardy,	Hepburn,	Ranney,	Wakefield,
Clements,	Hewitt,	Reagan,	Wallace,
Conger,	Hiscock,	Reed, T. B.	Ward, T. B.
Crain,	Holmes,	Richardson,	Wellborn,
Crisp,	Houk,	Rockwell,	Wheeler,
Croxton,	Irion,	Rogers,	White, A. C.
Culberson,	Jones, J. T.	Romeis,	Willis,
Curtin,	Kelley,	Rusk,	Wise,
Dargan,	Kleiner,	Sawyer,	Wolford.
Davidson, R. H. M.	Lanham,	Sayers,	
Dibble,	Lawler,	Scranton,	
Dorsey,	Libbey,	Sessions,	

NAYS—116.

Allen, C. H.	Eden,	Ketcham,	Randall,
Anderson, C. M.	Eldredge,	Laird,	Riggs,
Anderson, J. A.	Evans,	Landes,	Rowell,
Bacon,	Everhart,	Lehlbach,	Ryan,
Barbour,	Fisher,	Lore,	Seney,
Bennett,	Fleeger,	Lowry,	Singleton,
Bland,	Foran,	Martin,	Skinner,
Bound,	Forney,	Matson,	Sowden,
Boyle,	Frederick,	McRae,	Spooner,
Bragg,	Fuller,	Millard,	Springer,
Brumm,	Geddes,	Milliken,	Stahlnecker,
Buchanan,	Gilfillan,	Mills,	Stone, W. J., Mo.
Buck,	Goff,	Moffatt,	Struble,
Bunnell,	Grosvenor,	Morgan,	Swinburne,
Burrows,	Guenther,	Morrill,	Swope,
Bynum,	Hall,	Murphy,	Thomas, J. R.
Campbell, Felix	Halsell,	Neece,	Thomas, O. B.
Campbell, J. M.	Hatch,	Nelson,	Thompson,
Campbell, J. E.	Hermann,	O'Donnell,	Turner,
Carleton,	Hiestand,	O'Neill, Charles	Viele,
Caswell,	Hitt,	Osborne,	Wade,
Cobb,	Holman,	Outhwaite,	Wait,
Cowles,	Hopkins,	Owen,	Ward, J. H.
Cox, S. S.	Howard,	Parker,	Weaver, A. J.
Cox, W. R.	Hudd,	Payson,	Weaver, J. B.
Cutcheon,	Hutton,	Peel,	West,
Davidson, A. C.	James,	Perkins,	White, Milo
Dawson,	Johnston, T. D.	Peters,	Winans,
Dockery,	Jones, J. H.	Pidcock,	Worthington.

NOT VOTING—88.

Adams, J. J.	Ellsberry,	Laffoon,	Rice,
Aiken,	Ermentrout,	La Follette,	Robertson,
Allen, J. M.	Farquhar,	Le Fevre,	Sadler,
Atkinson,	Felton,	Little,	Scott,
Baker,	Ford,	Long,	Spriggs,
Bayne,	Funston,	Lovering,	Stone, E. F.
Belmont,	Gallinger,	Mahoney,	Storm,
Bingham,	Gibson, Eustace	Maybury,	Strait,
Blount,	Glover,	McComas,	Symes,
Boutelle,	Hale,	McKenna,	Tarsney,
Browne, T. M.	Harmer,	Merriman,	Taylor, E. B.
Brown, W. W.	Hemphill,	Miller,	Taylor, I. H.
Cabell,	Henderson, D. B.	Mitchell,	Townshend,
Campbell, T. J.	Henderson, J. S.	Muller,	Trigg,
Collins,	Henley,	Norwood,	Tucker,
Compton,	Herbert,	O'Neill, J. J.	Warner, A. J.
Comstock,	Hill,	Payne,	Warner, William
Cooper,	Hires,	Pettibone,	Weber,
Daniel,	Jackson,	Phelps,	Whiting,
Davenport,	Johnson, F. A.	Plumb,	Wilkins,
Davis,	Johnston, J. T.	Reid, J. W.	Wilson,
Dingley,	King,	Reese,	Woodburn.

So the bill was passed.

The following additional pairs were announced:

Mr. WILKINS with Mr. PAYNE, on this vote.

Mr. HERBERT with Mr. HARMER, for the remainder of the day.

Mr. TOWNSHEND with Mr. LONG, on this vote.

The result of the vote was announced as above stated.

Mr. RICHARDSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The SPEAKER. The question is upon laying on the table the motion to reconsider.

Mr. PAYSON. On that I demand the yeas and nays.

The yeas and nays were ordered, there being—ayes 45, noes 82.

Mr. RICHARDSON. Can I withdraw the motion to reconsider, pending the demand for the yeas and nays on the motion to lay the motion to reconsider upon the table?

The SPEAKER. The question now pending before the House is not the motion to reconsider, but the motion to lay the motion to reconsider on the table; and on that motion the House has ordered the yeas and nays, so that the motion to reconsider can not be withdrawn.

Mr. PAYSON. I rise to a parliamentary inquiry. I think, owing to the confusion in the Hall, there is misunderstanding as to the pending question. Is not the pending motion to lay on the table the motion to reconsider?

The SPEAKER. It is, as the Chair has already stated it. The vote will now be taken on the motion made by the gentleman from Illinois to lay the motion to reconsider on the table.

Mr. GIBSON, of West Virginia. Let me ask a parliamentary question. If the motion to lay on the table is defeated, then the next vote will be on the motion to reconsider?

The SPEAKER. It will.

The question was taken; and it was decided in the affirmative—yeas 117, nays 116, not voting 88; as follows:

YEAS—117.

Adams, G. E.	Dunn,	Lovering,	Shaw,
Atkinson,	Ely,	Lyman,	Smalls,
Baker,	Findlay,	Markham,	Steele,
Ballentine,	Funston,	McCreary,	Stephenson,
Barnes,	Gibson, C. H.	McKinley,	Stewart, Charles
Barry,	Glass,	McMillin,	Stewart, J. W.
Blanchard,	Grout,	Millard,	St. Martin,
Bliss,	Hammond,	Miller,	Stone, E. F.
Boutelle,	Hanback,	Morrison,	Stone, W. J., Ky.
Brady,	Harris,	Morrow,	Strait,
Breckinridge, C. R.	Hayden,	Neal,	Symes,
Breckinridge, WCP	Haynes,	Norwood,	Taulbee,
Brown, C. E.	Heard,	Oates,	Taylor, J. M.
Burleigh,	Hemphill,	O'Ferrall,	Taylor, Zach.
Burnes,	Henderson, T. J.	O'Hara,	Throckmorton,
Butterworth,	Hepburn,	Perry,	Tillman,
Caldwell,	Hermann,	Pindar,	Trigg,
Cannon,	Hewitt,	Pirce,	Van Schaick,
Catchings,	Hiscock,	Ranney,	Wadsworth,
Clardy,	Holmes,	Reagan,	Wakefield,
Clements,	Houk,	Reed, T. B.	Wallace,
Conger,	Irion,	Richardson,	Ward, T. B.
Crisp,	Jones, J. T.	Rockwell,	Wheeler,
Croxton,	Kleiner,	Rogers,	Wilkins,
Culberson,	Laffoon,	Rusk,	Willis,
Dargan,	Lanham,	Sawyer,	Wise,
Davidson, R. H. M.	Lawler,	Sayers,	Wolford.
Dibble,	Libbey,	Scranton,	
Dorsey,	Lindsley,	Sessions,	
Dougherty,	Louttit,	Seymour,	

NAYS—116.

Allen, C. H.	Dawson,	Johnston, T. D.	Pidcock,
Allen, J. M.	Dockery,	Jones, J. H.	Randall,
Anderson, C. M.	Eden,	Ketcham,	Rice,
Anderson, J. A.	Eldredge,	Laird,	Riggs,
Bacon,	Evans,	Landes,	Rowell,
Barbour,	Everhart,	Le Fevre,	Ryan,
Bennett,	Fisher,	Lehlbach,	Seney,
Bound,	Fleeger,	Lore,	Singleton,
Boyle,	Foran,	Martin,	Skinner,
Bragg,	Ford,	Matson,	Sowden,
Brumm,	Forney,	Maybury,	Spooner,
Buchanan,	Fuller,	McAdoo,	Springer,
Buck,	Geddes,	McKenna,	Stahlnecker,
Bunnell,	Gilfillan,	McRae,	Struble,
Burrows,	Goff,	Moffatt,	Swinburne,
Bynum,	Green, W. J.	Morgan,	Swope,
Campbell, Felix	Grosvenor,	Morrill,	Thomas, J. R.
Campbell, J. M.	Guenther,	Neece,	Thomas, O. B.
Campbell, J. E.	Hall,	Nelson,	Thompson,
Carleton,	Halsell,	O'Donnell,	Turner,
Caswell,	Hatch,	O'Neill, Charles	Van Eaton,
Cobb,	Hiestand,	Osborne,	Ward, J. H.
Cowles,	Hires,	Outhwaite,	Weaver, A. J.
Cox, S. S.	Hitt,	Owen,	Weaver, J. B.
Cox, W. R.	Holman,	Parker,	Weber,
Cutcheon,	Hopkins,	Payson,	Wellborn,
Davenport,	Howard,	Peel,	West,
Davidson, A. C.	Hudd,	Perkins,	White, Milo
Davis,	Hutton,	Peters,	Worthington.

NOT VOTING—88.

Adams, J. J.	Collins,	Frederick,	Jackson,
Aiken,	Compton,	Gallinger,	James,
Barksdale,	Comstock,	Gay,	Johnson, F. A.
Bayne,	Cooper,	Gibson, Eustace	Johnston, J. T.
Belmont,	Crain,	Glover,	Kelley,
Bingham,	Curtin,	Green, R. S.	King,
Bland,	Daniel,	Hale,	La Follette,
Blount,	Dingley,	Harmer,	Little,
Browne, T. M.	Dunham,	Henderson, D. B.	Long,
Brown, W. W.	Ellsberry,	Henderson, J. S.	Lowry,
Cabell,	Ermentrout,	Henley,	Mahoney,
Campbell, T. J.	Farquhar,	Herbert,	McComas,
Candler,	Felton,	Hill,	Merriman,

Milliken,	Phelps,	Spriggs,	Wade,
Mills,	Plumb,	Stone, W. J., Mo.	Wait,
Mitchell,	Reid, J. W.	Storm,	Warner, A. J.
Muller,	Reese,	Tarsney,	Warner, William
Murphy,	Robertson,	Taylor, E. B.	White, A. C.
Negley,	Romeis,	Taylor, I. H.	Whiting,
O'Neill, J. J.	Sadler,	Townshend,	Wilson,
Payne,	Scott,	Tucker,	Winans,
Pettibone,	Snyder,	Viele,	Woodburn.

So the motion to reconsider was laid on the table.

During the roll-call, Mr. SOWDEN asked, by unanimous consent, to dispense with the reading of the names.

Mr. MCMILLIN objected.

The following additional pairs were announced:

Mr. ROBERTSON with Mr. WARNER, of Missouri, for the rest of the day.

Mr. CANDLER with Mr. NEGLEY.

Mr. TOWNSHEND with Mr. LONG, on this vote.

Mr. LOWRY with Mr. KELLEY, on this vote.

The vote was then announced as above recorded.

Mr. PAYSON. I think it is proper the House should now adjourn.

Mr. SPRINGER. The bill has been passed.

Mr. PAYSON. Yes, and the proper thing is to adjourn.

The House divided; and there were—ayes 19, noes 85.

So the House refused to adjourn.

MRS. JANE R. M'QUAIDE.

Mr. CONGER. I call up for present consideration the bill (S. 1852) granting a pension to Mrs. Jane R. McQuaide.

The SPEAKER. This bill comes over with the previous question ordered on its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Jane R. McQuaide, mother of F. G. McQuaide, deceased, late a private in Company C, Ninth Regiment of Pennsylvania Infantry Volunteers.

Mr. MATSON. I ask for the reading of the report.

The SPEAKER. That is in the nature of debate, and can only be done by unanimous consent.

Mr. MATSON. I supposed fifteen minutes were allowed on each side.

The SPEAKER. That is so unless there was debate before the previous question was ordered.

Mr. CONGER. There was debate.

Mr. MATSON. I ask in the interest of the bill that the report be read.

The report (by Mr. CONGER) was read, as follows:

This bill is for the relief of a dependent mother; the merit of the case is fully set forth in the Senate report appended hereto.

Your committee therefore adopt the same as their own, and recommend that the bill do pass.

The petitioner is the mother of F. G. McQuaide, deceased, late a private in Company C, Ninth Regiment Pennsylvania Volunteers. The application was rejected on the ground that the claimant was not dependent on the soldier at the date of his death.

The evidence shows that the father and mother were living on a farm at the time of the son's enlistment, prior to which he had contributed by his labor to their support; that he sent them a portion of his monthly pay; that he died shortly after his discharge from disease contracted in the service; that his father owned a farm, but it was heavily mortgaged, and that the dockets contained innumerable judgments against him; that he died poor, leaving his widow in destitute circumstances; that she is still very needy.

The committee report the bill favorably, with a recommendation that it do pass.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

Mr. CONGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed, without amendment, bills of the House of the following titles:

A bill (H. R. 3504) to amend section 4414 of the Revised Statutes, relating to the inspection of hulls and boilers; and

A bill (H. R. 5878) to amend an act entitled "An act to modify the postal money-order system, and for other purposes," approved March 3, 1883.

It further announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5890) for the relief of Grafton Monroe.

Also, that the Senate requested a committee of conference on the amendments of the Senate to the bill (H. R. 8346) authorizing the employment of mail messengers for the postal service, and had appointed Messrs. CONGER, CHACE, and MAXEY as conferees on the part of the Senate.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested, namely:

A bill (S. 199) for the retirement and recoinage of the trade-dollar;

A bill (S. 512) to repeal certain sections of the Revised Statutes of the United States relating to the appointments of civil officers;

A bill (S. 1537) for the relief of B. B. Connor, of Louisville, Ky.; and

A bill (S. 2901) to authorize the Secretary of the Treasury to sell and convey the United States custom-house and post-office property at Eastport, in the State of Maine, lately destroyed by fire, the proceeds thereof to be invested in the purchase of a new site for and to provide for the erection of a public building at that place.

GENERAL BENJAMIN F. KELLY.

The SPEAKER. The next pension bill coming over is the bill (S. 838) granting an increase of pension to General Benjamin F. Kelly; upon which the previous question has been ordered upon its passage.

The Clerk will again report the bill.

The bill was read at length.

Mr. MATSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MATSON. I wish to ask whether that bill was debated?

The SPEAKER. It was; having been considered by the House on 23d of July last, as the Chair is informed.

Mr. MATSON. I ask unanimous consent to have the report read.

There being no objection, the report was again read at length.

The question being taken on the passage of the bill, the House divided; and there were—ayes 92, noes 52.

Mr. MATSON. No quorum has voted.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. MATSON and Mr. GOFF were appointed tellers.

The House again divided; and the tellers reported—ayes 128, noes 48.

Mr. MATSON. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. WISE. I move that the House do now adjourn.

Mr. MATSON. I hope the gentleman will not insist on that motion, but move to take a recess until half-past seven, in pursuance of the special order.

Mr. RANDALL. What is the special order?

Mr. MATSON. The regular Friday evening session for pension bills.

Mr. SPRINGER. Let us dispose of this bill before we do anything else.

Mr. WISE. I insist on the motion.

Mr. BRAGG. Pending that, I ask the gentleman to allow me to submit a report. [Cries of "Regular order."]

The SPEAKER. The regular order is the motion of the gentleman from Virginia, that the House do now adjourn.

The question was taken; the House divided, and there were—ayes 49, noes 79.

So the House refused to adjourn.

The question was taken on the passage of the bill, and there were—yeas 150, nays 84, not voting 87; as follows:

YEAS—150.

Adams, G. E.	Dunham,	Johnson, F. A.	Ryan,
Allen, C. H.	Ely,	Laird,	Sawyer,
Anderson, C. M.	Evans,	Landes,	Scranton,
Anderson, J. A.	Everhart,	Lawler,	Seney,
Atkinson,	Findlay,	Le Fevre,	Sessions,
Bacon,	Fleeger,	Lehlbach,	Skinner,
Baker,	Foran,	Libbey,	Smalls,
Bliss,	Frederick,	Lindsley,	Springer,
Bound,	Fuller,	Lore,	Stahlnecker,
Boyle,	Funston,	Loutlit,	Stephenson,
Brady,	Geddes,	Lyman,	Stewart, J. W.
Breckinridge, C. R.	Gibson, C. H.	Markham,	St. Martin,
Breckinridge, W C P	Gilfillan,	Martin,	Stone, E. F.
Brown, C. E.	Goff,	McAdoo,	Stone, W. J., Mo.
Brumm,	Green, R. S.	McComas,	Struble,
Buchanan,	Grosvenor,	McKenna,	Swinburne,
Buck,	Grout,	McKinley,	Symes,
Bunnell,	Guenther,	Millard,	Taylor, Zach.
Burleigh,	Hall,	Moffatt,	Thomas, J. R.
Burnes,	Hanback,	Morrill,	Thompson,
Burrows,	Hayden,	Morrow,	Townshend,
Butterworth,	Haynes,	O'Donnell,	Van Schaick,
Campbell, Felix	Henderson, D. B.	O'Hara,	Viele,
Campbell, J. M.	Henderson, T. J.	Osborne,	Wade,
Campbell, J. E.	Hepburn,	Outhwaite,	Wadsworth,
Carleton,	Hermann,	Owen,	Wait,
Caswell,	Hewitt,	Parker,	Wallace,
Conger,	Hiestand,	Payne,	Ward, T. B.
Crain,	Hill,	Peters,	Weaver, A. J.
Curtin,	Hires,	Phelps,	Weaver, J. B.
Cutcheon,	Hiscock,	Pirce,	Weber,
Davenport,	Holmes,	Plumb,	West,
Davidson, R. H. M.	Hopkins,	Randall,	White, A. C.
Davis,	Houk,	Ranney,	Wilkins,
Dingley,	Howard,	Rice,	Wolford,
Dockery,	Hudd,	Rockwell,	Worthington.
Dorsey,	Jackson,	Romeis,	
Dougherty,	James,	Rowell,	

NAYS—84.

Adams, J. J.	Barnes,	Bland,	Cabell,
Allen, J. M.	Barry,	Blount,	Caldwell,
Ballentine,	Bennett,	Bragg,	Catchings,
Barksdale,	Blanchard,	Bynum,	Clements,

Cobb,	Gay,	Lowry,	Sayers,
Comstock,	Glass,	Matson,	Shaw,
Cowles,	Green, W. J.	McCreary,	Singleton,
Cox, S. S.	Halsell,	McMillin,	Steele,
Crisp,	Hammond,	McRae,	Stewart, Charles
Croxton,	Harris,	Miller,	Stone, W. J., Ky.
Culberson,	Hatch,	Mills,	Swope,
Dargan,	Heard,	Morgan,	Taulbee,
Davidson, A. C.	Hemphill,	Morrison,	Taylor, J. M.
Dawson,	Holman,	Neal,	Tillman,
Dibble,	Hutton,	Neece,	Trigg,
Dunn,	Johnston, T. D.	Peel,	Turner,
Eden,	Jones, J. H.	Perry,	Van Eaton,
Eldredge,	Jones, J. T.	Reed, T. B.	Wellborn,
Fisher,	Kleiner,	Richardson,	Wheeler,
Ford,	Laffoon,	Riggs,	Willis,
Forney,	Lanham,	Rogers,	Wise.

NOT VOTING—87.

Aiken,	Gibson, Eustace	Muller,	Snyder,
Barbour,	Glover,	Murphy,	Sowden,
Bayne,	Hale,	Negley,	Spooner,
Belmont,	Harmer,	Nelson,	Spriggs,
Bingham,	Henderson, J. S.	Norwood,	Storm,
Boutelle,	Henley,	Oates,	Strait,
Browne, T. M.	Herbert,	O'Ferrall,	Tarsney,
Brown, W. W.	Hitt,	O'Neill, Charles	Taylor, E. B.
Campbell, T. J.	Irion,	O'Neill, J. J.	Taylor, I. H.
Candler,	Johnston, J. T.	Payson,	Thomas, O. B.
Cannon,	Kelley,	Perkins,	Throckmorton,
Clardy,	Ketcham,	Pettibone,	Tucker,
Collins,	King,	Pidcock,	Wakefield,
Compton,	La Follette,	Pindar,	Ward, J. H.
Cooper,	Little,	Reagan,	Warner, A. J.
Cox, W. R.	Long,	Reid, J. W.	Warner, William
Daniel,	Lovering,	Reese,	White, Milo
Ellsberry,	Mahoney,	Robertson,	Whiting,
Ermentrout,	Maybury,	Rusk,	Wilson,
Farquhar,	Merriman,	Sadler,	Winans,
Felton,	Milliken,	Scott,	Woodburn.
Gallinger,	Mitchell,	Seymour,	

So the bill was passed.

Mr. GOFF. I ask unanimous consent to dispense with the reading of the names.

There was no objection.

The following additional pairs were announced:

Mr. OATES with Mr. GALLINGER, until further notice.

Mr. FELIX CAMPBELL with Mr. BURLEIGH, for the rest of the day.

Mr. DAWSON with Mr. WOODBURN.

Mr. SNYDER with Mr. WAKEFIELD.

Mr. PINDAR with Mr. O'NEILL, of Pennsylvania.

Mr. THROCKMORTON with Mr. STRAIT.

Mr. KELLEY with Mr. CLARDY.

Mr. O'NEILL, of Missouri, with Mr. SPOONER, on this vote.

The result of the vote was then announced, as above stated.

Mr. GOFF moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FRIDAY EVENING SESSIONS.

Mr. MATSON. I ask unanimous consent that the order for Friday evening sessions shall be changed so that the House shall meet after the recess at 7.30 p. m. instead of 8 p. m. The original order was for a meeting at 7.30 p. m., and as the days lengthened the hour was changed as a matter of convenience to 8 o'clock. Now, as the days are shortened, I ask that the recess shall be from 5 until half past 7.

The SPEAKER. Is there objection to the request made by the gentleman from Indiana?

There was no objection, and it was so ordered.

Mr. BRAGG. I ask unanimous consent that there be included in the order of business for the Friday evening sessions what was applied for by a resolution of the Committee on Military Affairs at the last session, so that private bills reported by the Military Committee, except such bills as relate to the retiring or restoring of officers, shall be in order for consideration.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin [Mr. BRAGG]?

Mr. LIBBEY. I object.

ORDER OF BUSINESS.

Mr. MATSON. I move that the House take a recess until half past 7 o'clock for business under the order of the House.

Mr. BRAGG. I ask the gentleman to yield to me for a moment to report a bill from the Committee on Military Affairs.

Mr. MATSON. I yield to the gentleman.

ARMY APPROPRIATION BILL.

Mr. BRAGG, from the Committee on Military Affairs, reported a bill (H. R. 10242) making appropriations for the support of the Army for the fiscal year ending June 30, 1888, and for other purposes; which was read twice, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

GRAFTON MONROE.

Mr. SHAW. I rise to present a privileged report, the report of a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5890) for the relief of Grafton Monroe, after full and free conference, have agreed to recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to section 1, and agree to the same.

That the Senate recede from its amendment to section 2, and agree to the same.

FRANK T. SHAW,
JONAS G. HOWARD,
J. McKENNA,
Managers on the part of the House.

S. B. MAXEY,
O. D. CONGER,
JONATHAN CHACE,
Managers on the part of the Senate.

The statement by the managers on the part of the House was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5890) for the relief of Grafton Monroe, submit the following statement:

The Senate amendment to section 1, at the end of said section, adds the following words: "Provided that it shall be proven to the satisfaction of said auditor that said postage stamps and money-order funds were lost, as aforesaid, without fault or negligence on the part of said postmaster."

The recession of the Senate from its amendment to section 2 leaves said section as it heretofore passed the House.

FRANK T. SHAW,
JONAS G. HOWARD,
J. McKENNA,
Managers on the part of the House.

The report of the committee of conference was agreed to.

Mr. SHAW moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RICE. There is one other pension bill on which the previous question has been ordered. I hope that that will now be disposed of.

The SPEAKER. There is a motion to take a recess pending.

Mr. ROGERS. I ask the gentleman from Indiana [Mr. MATSON] to yield to me for a moment that I may offer a resolution to which I think there will be no objection.

Mr. MATSON. I yield to the gentleman for that purpose.

HARBOR AT VAN BUREN, ARK.

Mr. ROGERS, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be requested to furnish to the House of Representatives any information showing what changes, if any, have recently occurred in the harbor at Van Buren, Ark., affecting navigation and facilities for commerce, and also plans and estimates, if any be necessary, to restore the harbor and improve the navigation and commercial facilities at that point.

Mr. ROGERS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MILLS. I call for the regular order.

The SPEAKER. The question is on the motion of the gentleman from Indiana [Mr. MATSON] that the House take a recess until 7.30 p. m.

The question being taken, there were—ayes 59, noes 69.

So the motion was not agreed to.

Mr. BRAGG. I move that the House do now adjourn.

The question being taken, there were—ayes 75, noes 93.

Mr. BRAGG. I call for tellers.

Mr. BRUMM. To save time, I call for the yeas and nays; but if the call for tellers shall be withdrawn I will withdraw the call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were ayes 23—not one-fifth of the last vote.

So the yeas and nays were not ordered.

Tellers were not ordered, only 7 members voting therefor—not one-fifth of a quorum.

So the motion to adjourn was not agreed to.

Mr. MATSON. I move that the House take a recess until half-past 7 o'clock, for business under the order of the House.

The motion was agreed to; there being—ayes 113, noes 10.

And accordingly (at 4 o'clock and 10 minutes p. m.) the House took a recess until 7.30 p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 7.30 p. m.

ORDER OF BUSINESS.

Mr. MATSON. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole for the consideration of the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HATCH in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the transaction of business under the special order, which the Clerk will read.

The Clerk read as follows:

Resolved, That on each Friday the House shall take a recess from 5 o'clock p. m. until 7.30 p. m., at which evening sessions private bills granting pensions reported from the Committee on Invalid Pensions and the Committee on Pensions, and bills reported from the Judiciary Committee to remove political disabilities, only, shall be considered.

Mr. MATSON. I ask unanimous consent that members present be allowed to call up such bills as they desire.

Mr. BRADY. I call for the regular order.

The CHAIRMAN. The regular order is demanded. The Clerk will report the first bill on the Calendar.

SECTIONS 4756 AND 4757 REVISED STATUTES.

The first business on the Private Calendar was the bill (H. R. 4702) amending sections 4756 and 4757 of the Revised Statutes, relating to pensions to certain disabled persons who have served in the Navy or Marine Corps.

Mr. MATSON. I ask for the reading of the bill, with the view of making a point of order against it. I suppose it to be a general bill.

The bill was read.

Mr. MATSON. I make the point of order that that is not a private bill, and therefore is not in order at this evening session.

The CHAIRMAN. The point of order is sustained. The bill is evidently on the wrong Calendar. It is not a private bill. The Chair suggests to the gentleman from Indiana [Mr. MATSON] that in the House the reference of the bill ought to be changed.

JACOB S. BIDDLE.

The next business on the Private Calendar was the bill (H. R. 4712) to place the name of Jacob S. Biddle on the pension-roll.

Mr. SWOPE. Mr. Chairman, the gentleman who introduced that bill [Mr. CAMPBELL, of Pennsylvania] not being present, I ask unanimous consent that it be passed over informally, retaining its place on the Calendar.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. BYNUM. Mr. Chairman, I ask unanimous consent that bills be called in their regular order on the Calendar, and that when a bill is called, if no member rises and asks its consideration, it shall be passed over informally, retaining its place on the Calendar.

There was no objection, and it was so ordered.

FRIDOLINE GLASTETTER.

The next business on the Private Calendar was the bill (S. 2132) granting a pension to Fridoline Glastetter.

Mr. MORRILL. I ask the consideration of that bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Fridoline Glastetter, late a private in Company F, Second Illinois Light Artillery Volunteers.

Mr. MCMILLIN. Let us hear the report.

The report (by Mr. MORRILL) was read, as follows:

Your committee, after a full consideration of this case, adopt the following Senate report:

"The petitioner was a private in Second Illinois Light Artillery. He enlisted December 12, 1861, and was honorably discharged December 14, 1864. He applied for a pension for rheumatism, alleged to have been contracted by breaking through the ice on the Mississippi River on the 9th of January, 1864, and subsequent exposure in wet clothing, while on his return from furlough. The Commissioner of Pensions does not deny the existence of the disability, but says it was not contracted in the line of duty. Appeal was made to the Secretary of the Interior, who sustains the rejection by the Commissioner. The records verify his service, and show that he was granted a furlough from November 21, 1863, to December 20, 1863, to enable him to provide a home for his children, his wife having died about that time. It is charged that he overstaid his time, and that it was after the expiration of his furlough that the accident occurred.

The Adjutant-General informs the Pension Office that there is no charge against him for desertion or absence without leave, and the committee are of opinion that a severe construction should not be put upon his delinquency, in view of the fact that he was absent on the sad errand of providing a home and protection for his motherless children, and the necessity for his prolonged absence may have been imperative. At all events, there is no evidence that it was criminal; and inasmuch as it is the principal ground of his rejection, the committee report the bill favorably, with a recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

GRACE F. EDES.

The next business on the Private Calendar was the bill (S. 2144) granting a pension to Grace F. Edes, reported adversely.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby directed to place on the pension-roll the name of Grace F. Edes, widow of Benjamin Long Edes, late a lieutenant-commander in the United States Navy, and to pay her a pension at the rate of $50 per month from and after the passage of this act.

Mr. MORRILL. I observe that that bill is reported adversely, and I would like to hear the report.

Mr. MCMILLIN. I move that the bill be reported to the House with the recommendation that it lie upon the table.

Mr. HATCH (Mr. MCMILLIN in the chair). Mr. Chairman, I see that the report in this case was made by Mr. LOVERING, one of the members of the Committee on Invalid Pensions. The bill has been brought to my attention once or twice by the gentleman from Pennsylvania, Mr. RANDALL, and others interested in it, who are not present this evening. I know that both Mr. LOVERING and Mr. RANDALL desire to make statements to the Committee or the House in regard to it.

Mr. TAULBEE. There is an adverse report upon the bill.

Mr. HATCH. I know; but the evidence was not complete at the time that report was made. The committee will remember that the husband of this lady while in the torpedo service lost his life by the premature explosion of a submarine torpedo, I think in the harbor of Newport. He was down in the water at the time in the performance of his duties, and by the premature discharge of a torpedo he was killed. It is one of the saddest cases that have occurred in the Navy for many years, and I hope that gentlemen who have objected to the consideration of the bill will withdraw their objections. It is a Senate bill, and simply proposes to increase this lady's pension to $50 a month.

Mr. LOUTTIT. What pension is she drawing now?

Mr. HATCH. I am not advised upon that point; I am not familiar with the details, but, knowing some of the facts from the newspaper reports at the time the accident occurred, and having had the case brought to my attention here, I think it is a very proper case for favorable action; and I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. LOUTTIT. I think her present pension is $30 a month.

Mr. TAULBEE. After the statement of the gentleman from Missouri [Mr. HATCH] that when the committee reported adversely on this bill, the proof which has since been obtained was not before the committee, I would have no objection to a proposition that the bill be referred back to the committee for further consideration or be laid aside informally. But I shall object to this class of bills being reported to the House with a recommendation that they do pass. Bills of this kind, I think, ought not to pass.

Mr. HATCH. Then I will ask that the bill be laid aside informally until the gentlemen who have it in charge can be present and make a statement.

Mr. TAULBEE. I shall not object to that.

The CHAIRMAN (Mr. MCMILLIN). If there be no objection, the bill will be laid aside informally, not to lose its place on the Calendar.

There being no objection, it was ordered accordingly.

DANIEL SCHULTHEIS.

The next business on the Private Calendar (called up by Mr. MATSON) was the bill (H. R. 7911) granting a pension to Daniel Schultheis.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Daniel Schultheis, late of Company H, Forty-ninth Illinois Volunteers.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

WAITIE F. HARRIS.

The next business on the Private Calendar (called up by Mr. SPOONER) was the bill (H. R. 8258) granting a pension to Waitie F. Harris.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Waitie F. Harris, a volunteer nurse in the late war, and to pay her the sum of $25 per month from and after the passage of this act.

An amendment reported by the Committee on Invalid Pensions to strike out "twenty-five" before the word "dollars," in line 6, and insert "twelve," so as to make the pension $12 a month, was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL E. TRACY.

The next business on the Private Calendar (called up by Mr. PIRCE) was the bill (S. 1660) granting a pension to Samuel E. Tracy.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samuel E. Tracy, late of the United States Navy.

Mr. TAULBEE. Let us have the report read.

The report (by Mr. LOVERING) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1660) granting a pension to Samuel E. Tracy, respectfully report that they have had the same under consideration, and, adopting the Senate report as their own, report the bill back to the House with the recommendation that it do pass.

[Senate Report No. 747, Forty-ninth Congress, first session.]

The claimant, Samuel Edward Tracy, was a private in the First Regiment Rhode Island Volunteers, from May 2, 1861, to August 2. He afterward enlisted

in the Navy, and served on the United States steamer Anacostia from August 30, 1861, to August 29, 1864. The claimant is suffering from total disability resulting from a wound in his head, which he received some time in the summer of 1863, while on duty, as he claims. The fact is established by abundant testimony that Tracy was a sound and healthy man at the time of his enlistment in the Navy. His family were first advised of his wound in the head in the summer of 1863, when he was home on a furlough, but the wound does not seem to have seriously troubled him until some time after his discharge, when it began to be very painful.

Since the time of filing the original application for a pension, in July, 1863, the claimant's mental and physical condition have become such that he has not been able to give any definite and intelligent statement of the circumstances under which he was wounded or of his treatment in hospital immediately following the wound. During this time his sufferings have at times produced violent insanity, the paroxysms of pain have been of the most intense character, and are fast reducing him to a state of mental imbecility. The case has been examined by several special examiners, who were impressed with the fact that the case was a meritorious one; but from the facts above stated and the further fact that the principal officers of the steamer at the time can not be found render it impossible to obtain the necessary testimony to establish the origin of the disability in the line of duty. These examiners have, however, suggested to the Pension Office that the claimant should receive relief by special act of Congress. The examining surgeon, member of the board at Providence, a man of skill and reputation, reports his belief that the disability, which is total, was incurred in the service. The claimant belongs to a family of the highest respectability, and two of his brothers served in the Army during the war.

The committee therefore recommend the passage of the bill.

Mr. TAULBEE. I would like to ask if any gentleman present can state whether or not the application in this case has been rejected at the Pension Office. [A pause.] I think it a bad precedent to pass bills granting pensions when the remedies afforded by existing law have not been exhausted.

Mr. PIRCE. I assume from the language used in this report that the application of this case has been rejected at the Pension Office. The bill has received the favorable action of the Senate, and has been reported unanimously by the committee of this House. I suppose it is all right, and that the applicant's name could not be placed on the rolls by the Pension Office; otherwise this proposition would not have been presented here.

Mr. LOUTTIT. I observe that this report was prepared by the gentleman from Massachusetts [Mr. LOVERING]; and I believe it is a rule with him not to report any of these bills favorably unless the applications have been rejected at the Pension Office.

Mr. TAULBEE. After the statement of the gentleman from California [Mr. LOUTTIT], my colleague on the committee, to the effect that it is the custom of the gentleman from Massachusetts [Mr. LOVERING], who made the report in this case, not to state in his reports the fact that the cases have been rejected by the Pension Office, I shall offer no further opposition to this bill. I think the language implies, at least, that there has been unfavorable action at the Pension Office.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY M'MAHON.

The next business on the Private Calendar (called up by Mr. SPOONER) was the bill (S. 2372) for the relief of Mary McMahon.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary McMahon, widow of Peter McMahon, late a private in Company E, Second Regiment Rhode Island Infantry, and pay her a pension from and after the passage of this act.

Mr. MCMILLIN. Let us have the report read.

The report (by Mr. LOVERING) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 2372, having had the same under consideration, adopt the Senate report, and report back the bill and recommend its passage.

That Peter McMahon, the husband of Mary McMahon, enlisted as a private in Company E, Second Regiment Rhode Island Volunteers, August 1, 1861. That on the 5th of June, 1864, at the battle of Cold Harbor, Va., he was wounded in the shoulder by a musket ball, and was discharged for disability on the 17th of October, 1864. He was pensioned August 4, 1865, for the disability resulting from his wound. His pension was increased from time to time, until at the time of his death, January 29, 1879, he was receiving $18 per month. The application of the widow was rejected by the Pension Office because the medical reviewer did not feel satisfied that the disease from which he died was traceable to the wound in the left shoulder. The following affidavit of Dr. A. C. Dedrick, a leading physician of Warwick, R. I., and late surgeon in the Army, who attended him at the time of his death, seems to clearly establish the fact that the fatal disease resulted from the injury for which the soldier was pensioned, and which wound was received in the battle of Cold Harbor, as stated above:

"I, A. C. Dedrick, a regular practicing physician, residing and practicing in the town of Warwick, State of Rhode Island, upon oath depose and say that I was called upon to treat professionally, in his last sickness, Peter McMahon, late of Company E, Second Rhode Island Volunteers, and found him suffering from double pleuritis, with slight pneumonitis in the right lung, which disease, by increasing the duties of the left lung, in all probability caused the reopening of an old injury to the left lung, received, in my opinion, at the time that he received the gunshot wound in the shoulder, producing pneumo-hydrothorax in the left side, of which complication he died on or about January 29, 1879. At my first examination of the patient I observed a large cicatrix over the left breast, which he informed me was the site of a large abscess which had formed there, and had opened and discharged large quantities of pus and several pieces of dead bone while he was under treatment in general hospital for wound in shoulder, which abscess, the surgeon in charge informed him, was caused by the passage of some foreign substance through the lung when he was wounded, and lodging in the wall of the chest anteriorly. As the inflammatory action was not at any time severe, it is my opinion that his death resulted from the original wound in the left shoulder, affecting the left lung in manner and form as above set forth.

"I have no interest in the claim of widow McMahon for pension whatever.

"ALBERT C. DEDRICK, M. D.,
"*Late Assistant Surgeon, Fourth Rhode Island Volunteers.*

"STATE OF RHODE ISLAND, *County of Providence, ss:*

"Sworn to and subscribed before me this 2d day of January, 1882, and I certify that A. C. Dedrick is a regular practicing physician, and a respectable and credible person; also, that I have no interest in the prosecution of this claim; the word 'left' erased and the word 'right' substituted before execution; also, the months 'December' and 'January' interlined in jurat.

"WILLIAM M. JOYCE,
"*Notary Public.*"

In view of the foregoing facts your committee report the bill with the recommendation that it pass.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

E. A. M'FADDEN.

Mr. PERKINS. Mr. Chairman, I came into the hall just as the Clerk was reading the title of the bill (H. R. 7699). I thought at the time, though I was not certain, that it was a bill introduced by me. I sent a page for the bill, but before he returned the Clerk had passed on to other bills. I ask unanimous consent that the bill (H. R. 7699) granting a pension to E. A. McFadden be now taken up for consideration.

The CHAIRMAN. If there be no objection the bill will be read and considered.

There being no objection, the bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of E. A. McFadden, late second lieutenant of Company G, Second Regiment Ohio Volunteers in the Mexican war, and pay him a pension from and after the passage of this act.

Mr. MCMILLIN. I call for the reading of the report in this case.

Mr. PERKINS. This is the case of an old soldier of the Mexican war.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. MCMILLIN] insist upon the reading of the report in this case? It is a bill to pension a soldier of the Mexican war.

Mr. MCMILLIN. I do not insist on the reading in this case, because I do not desire to seem to discriminate; but I think these reports, as a rule, ought to be read.

The CHAIRMAN. The report is not lengthy.

Mr. PERKINS. This is the case of an old soldier of the Mexican war, who is now almost dead.

The report (by Mr. WHITE, of Pennsylvania) was read, as follows:

The claimant, E. A. McFadden, enlisted May 29, 1846, in Company G, Second Regiment Ohio Volunteers, Mexican war, and mustered into service July 2, 1846, and was discharged October 31, 1846, on account of disability. Claimant made application for pension in 1852, and also in 1879, but for lack of satisfactory evidence it was not allowed.

As in the opinion of your committee the evidence clearly shows that claimant served in the Mexican war and was discharged on account of disability, and as he made an application for pension in 1852, although not conclusive, is satisfactory evidence that claimant incurred permanent disability in said service. They would recommend the passage of the bill.

Mr. MATSON. This bill appears to be defective in its terms, as it does not fix the amount of the pension, nor does it provide that the person shall be pensioned, "subject to the provisions and limitations of the pension laws."

Mr. PERKINS. I move to amend by inserting at the end of the bill the words "subject to the provisions and limitations of the pension laws." I think those words were a part of the bill as I introduced it, but I am not certain. As a matter of precaution I offer this amendment, though it is somewhat doubtful whether it is necessary.

The amendment was agreed to.

The bill as amended was laid aside, to be reported to the House with a recommendation that it do pass.

THOMAS M. TATEM.

The next business on the Private Calendar was the bill (H. R. 6241) granting a pension to Thomas M. Tatem (reported from the Committee on Invalid Pensions by Mr. SWOPE).

Mr. SWOPE. I am informed by the member who introduced that bill that the pension has been granted by the Pension Office. I therefore move it be laid aside to be reported to the House with the recommendation that it be laid on the table.

The motion was agreed to.

HERMAN BAUMHAGER.

On motion of Mr. HERMANN, the bill (S. 2149) granting an increase of pension to Herman Baumhager was taken up for consideration.

The bill was read, as follows:

Be it enacted, &c., That the pension of Herman Baumhager, of East Portland, Oreg., of $30 per month (certificate 23293), be, and the same is hereby, increased to $40 per month.

The report (by Mr. SWOPE) was read, as follows:

The Senate report, hereto attached, represents the present condition of this claimant, which, in the opinion of this committee, entitles him to receive the relief granted by the Senate. They therefore report the bill favorably, and ask that it do pass.

The petitioner was a private in the Fifth Regiment Minnesota Volunteers, Company E. He was pensioned for paralysis of the right side, a disability resulting from his service. He was first allowed $20 a month, and was advanced to $30 a month on account of increasing disability. His infirmities have grown upon him, so that at the present time he is comparatively helpless. His attending physician certifies to his protracted knowledge of his condition, and describes paralysis of right arm, hand, and leg, and partial loss of speech. His helplessness is such that he requires an attendent to dress and feed him.

The committee report the bill with an amendment, changing the word "fifty" to "forty," in the sixth line, and, as amended, recommend that it do pass.

The amendment of the committee was agreed to; and the bill as

amended was laid aside to be reported to the House with the recommendation that it do pass.

THERESA SCHLEYER.

On motion of Mr. ELLSBERRY, the bill (S. 1191) granting a pension to Theresa Schleyer was taken up for consideration.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Theresa Schleyer, widow of Charles Schleyer, late captain of Company F, One hundred and sixth Ohio Volunteer Infantry.

The report (by Mr. ELLSBERRY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1191) granting a pension to Theresa Schleyer, having examined the same, concur in the Senate report hereunto attached, and recommend the passage of the bill.

The Committee on Pensions, to whom was referred the bill (S. 1191) granting a pension to Theresa Schleyer, beg leave to report back the same, with recommendation that it do pass.

Theresa Schleyer is the widow of Charles Schleyer, deceased, late captain of the One hundred and sixth Ohio Infantry Volunteers, who enlisted in that regiment on the 11th day of August, 1862, was commissioned first lieutenant of that regiment November 11, 1862, and captain March 21, 1864, and was honorably discharged from the service June 29, 1865, by reason of the disbandment of the Volunteer Army at the close of the war. On the 17th of February, 1867, said Schleyer was legally married to Theresa Hauselman, by whom he had in wedlock four children, who are still living and none of them yet of age; and on the 6th day of August, 1879, he was struck and killed by lightning, leaving the said Theresa his widow, who has never since married and still survives him. Her application for a pension, which was made July 12, 1882, was rejected by the Pension Office "on the ground that the immediate cause of soldier's death was not one due to his Army service."

The facts remain, and are shown by papers in the labor of your committee, that the widow has since the death of said Charles Schleyer been compelled to support herself and the four children by her own labor as a laundress or washerwoman; that she is and has been in feeble health, which made it painful and onerous for her to perform such severe service; that she and her children—who are also the children of a brave and faithful soldier—have endured much suffering and poverty, which the passage of this bill would serve to greatly relieve.

The views of the minority were then read, as follows:

VIEWS OF THE MINORITY.

We are unable to assent to the views and recommendations of the majority of this committee. The soldier's death was in no way attributable to or connected with his Army service. He was killed by lightning long after his discharge. In similar cases, equally meritorious, this committee has heretofore uniformly reported adversely. No reason exists for granting a pension in this case that might not be applied to thousands of cases where soldiers have been killed or have died of diseases not connected with the service since the war. This is a field of gratuities upon which Congress has heretofore refused to enter. We can not consent that this widow shall be singled out above all others, in violation of rules and practices heretofore adhered to, and accordingly beg leave to dissent from the recommendations of a majority of this committee, and ask that the bill may lie upon the table.

Mr. MORRILL. Who signed those minority views?

The Clerk read as follows:

Martin A. Haynes, C. C. Matson, E. N. Morrill, John A. Swope, Edwin B. Winans, W. P. Taulbee, H. B. Lovering, J. N. Pidcock, E. H. Conger.

Mr. WALLACE. Mr. Chairman, this case fulfills the requirements we have all been looking for. This is the case of a soldier who was struck by lightning after the war was over. I think, considering the large minority representation of the committee, that bill should be laid aside to be reported to the House with the recommendation that it be laid upon the table.

The motion was agreed to.

CAROLINE C. M'NAIR.

On motion of Mr. FULLER the bill (H. R. 7689) granting a pension to Caroline C. McNair was taken up for consideration.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Caroline C. McNair, of Canisteo, Steuben County, New York, at the rate of $25 per month.

The report (by Mr. CONGER) was read, as follows:

That Miss Caroline C. McNair was one of those self-sacrificing, heroic Christian women who left the comforts of a pleasant Northern home, with health and vigor, early in 1861, and for four years and more followed the fortunes of war; endured its hardships, privations, and agonies; gave her time, strength, and health to the arduous and dangerous duties of hospital service as a volunteer nurse in the United States Army, and returned to her home and friends with health broken, having incurred disability in said service, that has continued to exist to the present time, and which renders her incapable of performing manual labor, or engaging in any business whereby she may support herself. She has never married, and must depend upon her friends for maintenance.

The following certificates and affidavits clearly set forth her distinguished services, their excellence, their unusual merit, and the broken health resulting therefrom:

OFFICE SANITARY COMMISSION, *Saint Louis, Mo., December* 28, 1861.

Miss Carrie C. McNair has this day been appointed nurse in the military hospitals of the Western department by authority delegated to the Sanitary Commission by Miss D. L. Dix, general superintendent of nurses in military hospitals in the United States.

D. L. DIX,
For JAMES E. YEATMAN,
President of Sanitary Commission.

[Certificate.]

WESTERN SANITARY COMMISSION.

This is to certify that Miss Carrie C. McNair has been employed in hospital as nurse for three years, and in other positions connected with the service, and discharged her duties as such faithfully and well; for which this certificate, with the thanks of the Western Sanitary Commission, is respectfully tendered. She has re-enlisted as a veteran.

JAS. E. YEATMAN, *President.*

SAINT LOUIS, *January* 20, 1865.

ROOM WESTERN SANITARY COMMISSION,
Saint Louis, August 4, 1862.

Miss CARRIE C. MCNAIR:

The Sanitary Commission have awarded to you and Miss Collins a premium of $5 each, which was decided to be given to twenty of the best female nurses in this department, besides a certificate and vote of thanks, which you will call and get when you visit the city.

Very respectfully,

JAS. E. YEATMAN, *President.*

NASHVILLE, TENN., *June* 13, 1865.

Miss CARRIE C. MCNAIR:

I am unwilling that you should leave Nashville without taking with you to your friends in Saint Louis some written acknowledgment of the estimation in which you are held in Nashville, for the valuable services you have rendered in aid of sick and wounded soldiers in our general hospital at this post. I am well acquainted with those services, and know that your work has been well and faithfully done. I have never heard any one speak of you except to praise you; and it gives me pleasure to say that you carry with you to your home the love and respect of all who know you.

With sincere wishes for your future welfare, I am your friend,

E. ROOT,
Agent in Charge U. S. Sanitary Commission, Nashville, Tenn.

Miss Carrie McNair is about to leave our employment, simply because the necessity for her service has ceased. While we are thankful that the war is ended and hospitals closed, we are sorry to part with one who, through all our labor, we have found a most faithful, untiring, and devoted co-worker and friend of the soldier.

MRS. ALFRED CLAPP,
Pres. L. A., U. S.

Many other testimonials of like character as to the value of her services are on file, but it is not necessary to quote further from them.

E. I. Weisner, late captain of Company D, Third Iowa Infantry, testifies:

"I was well acquainted with Miss Caroline C. McNair prior to 1861, while she was a resident of this place, and know that she was a healthy, able-bodied person, and that she enlisted in the United States service as a hospital nurse in 1861. That I was a captain in the Third Iowa Infantry Volunteers, and while stationed at Saint Louis, Mo., I saw her frequently in the discharge of her duties as hospital nurse in the Fourth-street hospital in said city, and know that she not only gave her time and service in alleviating the sufferings of sick and wounded soldiers of the United States Army, but she also contributed of her scanty earnings in procuring delicacies for those under her care, and that she remained in the service until the close of the war."

William B. Taylor, of Canisteo, N. Y., testifies:

"I have been acquainted with Caroline C. McNair since the year 1851. At that time and up to the time she went into the hospital service she was a sound and healthy woman. That she was a school teacher, and during the years 1854 and 1855 worked at that business more than 3 miles from her residence, and that she walked to and from the school-house each day she taught. That I have lived within 1 mile of her the whole of the time since 1853 or 1854, except while she was in the service. That immediately after her return from the service I saw her, and she was using crutches, being lame, as was at that time alleged, from continual traveling in said service, and that the said claimant has been wholly incapacitated for manual labor from that time up to the present time."

Victoria A. Green testifies to same facts.

Eli Soule makes affidavit of like import.

Lura B. Taylor testifies:

"She first became acquainted with Miss Caroline C. McNair in the year 1873, when she came to us on crutches. The summer of 1874 was spent in company with said Miss McNair at a sanitarium at Castile, N. Y.; that she (Miss McNair) was suffering from a serious complication of diseases. She did not lose courage, but talked of what she hoped to accomplish when restored. She has never recovered her health, and is unable to engage in any pursuit requiring physical strength."

Dr. M. D. Ellison, of Canisteo, N. Y., testifies:

"He is a practicing physician, and has been acquainted with Miss Caroline C. McNair for about nine years, and that she has been afflicted with nervous prostration since his acquaintance in 1877; that he has prescribed for and treated her for the same at times since that date; she is subject to numbness of the left side of the body, pains along the spinal column, twitching of the muscles of the left side, and obstinate constipation; she was constantly under my care in 1880, is weak physically, and unable to perform manual labor."

Dr. C. P. Chamberlain, in a long affidavit, sets forth a like state of facts, and certifies to a continuing disability and treatment therefor.

Your committee are of the opinion that the high character and long-continued services of this nurse, the resulting disability, and her present helpless condition, should entitle her to a pension, and therefore recommend the passage of the bill, after striking out of the last line the words "twenty-five" and inserting the word "twelve."

The CHAIRMAN. The question is on the amendment of the committee to strike out "twenty-five" and insert "twelve;" so it will read:

At the rate of $12 per month.

Mr. ELLSBERRY. I object to this bill. I do not think there is more merit in this case then in the Schleyer case, which was reported to the House with the recommendation it be laid upon the table. There it was proposed to grant a pension to Theresa Schleyer, the widow of Charles Schleyer, deceased, late captain of the One hundred and sixth Ohio Infantry Volunteers. Here the pension is to be granted no doubt to an estimable woman, but to a nurse who was paid for her service. She asks for a pension when there is no law covering her case, and members are willing to grant her a pension, while a moment ago they refused to grant a pension to the widow of a brave soldier who served for four years in the war, and whose case is supported by the petitions of hundreds of as good citizens as there are in the State of Ohio. It is alleged that this nurse is poor and broken down in health. The widow of the soldier who was struck by lightning is also poor, and needs a pension. Yet this House has refused to grant a pension to that soldier's widow, and now seems to be willing to grant a pension

to this schoolmistress who served as nurse. Where is the distinction which can be drawn in favor of the nurse and against the widow whose husband lost his life? There is no just distinction which can be drawn against the widow and in favor of the nurse. And if this woman is entitled to a pension, then the widow of the dead soldier is also entitled to a pension. I am not in favor of granting a pension in this case just after we have refused to grant a pension in the other. Not one voted in favor of the widow, and yet in this case I have no doubt the bill will be carried through the House by a large majority. Let gentlemen, if they can, reconcile the inconsistency of their action.

The amendment of the committee was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH F. KIRKHART.

The next business on the Private Calendar (called up by Mr. CONGER) was the bill (H. R. 9167) granting a pension to Joseph F. Kirkhart.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the requirements and limitations of the pension laws, the name of Joseph F. Kirkhart, late a private in Company E, One hundred and seventeenth Ohio Volunteers, second lieutenant of Company D, Fourth Independent Battalion Ohio Volunteers, and first lieutenant of Company A, Thirteenth Ohio Cavalry.

The report (by Mr. CONGER) is as follows:

This claimant enlisted October 8, 1862, in Company E, One hundred and seventeenth Ohio Volunteers, but was taken sick before muster-in and is marked on company description book:

"Discharged November 9, 1862, by Surg. J. L. Feristone, at Camp Ashland, Kentucky. Remarks: Rejected by mustering officer; cause not stated."

After sufficiently recovering he was commissioned as second lieutenant Company D, Independent Battalion Ohio Cavalry; afterwards as first lieutenant Company A, Thirteenth Ohio Cavalry, from which he was discharged May 3, 1865.

He filed his applica ion for pension July 23, 1881, on account of rheumatism, and gunshot and shell wounds received in battle before Petersburg, July 30, 1864. His claim was rejected May 5, 1886, because of "no pensionable disability from wounds, and because rheumatism is alleged to have been incurred while serving under the enlistment in the first organization, namely, One hundred and seventeenth Ohio Volunteer Infantry, into which he was never mustered."

Joshua Grove, captain Company C, Thirteenth Regiment Ohio Volunteer Cavalry, testifies as follows (and his affidavit is fully corroborated by the records in the War Department):

"That he has been well and personally acquainted with said Joseph F. Kirkhart for 21 years or more, and that said Joseph F. Kirkhart was commissioned a lieutenant in (his) Company D, Fourth Independent Battalion Ohio Volunteer Cavalry, on or about the 1st day of August, 1863, and continued in said service till said battalion was mustered out on the expiration of its six months' term of service, on or about the 14th day of March, 1864, when the said organization was mustered in the Thirteenth Regiment Ohio Volunteer Cavalry, and the said Joseph F. Kirkhart was recommissioned in (his) Company C of said regiment. That said Lieut. Joseph F. Kirkhart, in the said first service, in the autumn of the year 1863 became disabled for general duty by reason of an attack of rheumatism, from exposure on duty, after a sickness of fever at Cumberland Gap, Tenn., where the battalion was stationed in the fall and winter of 1863, and was so afflicted by reason thereof as to be relieved of general duty, yet continued to serve with the company whenever actively engaged before the enemy. That when said battalion was mustered out and mustered into the Thirteenth Cavalry, said lieutenant was commissioned in my company, C, of said regiment, and subsequently assigned to Company K, of the same regiment. He was still suffering from the continued affliction of rheumatism of the year previous, yet participating with the regiment in every action in which it was engaged through Virginia, till it reached Petersburgh, Va., where, upon the movement of Grant upon Lee's works, the fort before Petersburgh, on the 30th day of July, 1864, said Lieutenant Kirkhart was wounded, and taken prisoner in the action, from which imprisonment he was not exchanged till the close of the war.

"Further, that in May or June I met said lieutenant in Washington, D. C., just returned on his exchange from imprisonment, so seriously afflicted from continued rheumatism and from prison confinement as to be merely able to walk with the aid of a cane. When I last saw him, about two years since, he was manifestly declining from same causes. From reasons to be inferred from the foregoing statements, I do verily believe that said Lieutenant Kirkhart, from disease, broken health, contracted in the military service of the United States, is disabled from obtaining his subsistence by manual labor. He was a good soldier, a competent, efficient, and faithful officer."

Continuance of his disability from discharge is proven by neighbors and physicians.

The last official medical examination describes—

"Gunshot wound of left leg below the knee, and shell wound above the knee, but does not ascribe any disability directly to wounds, but says he has rheumatism all over, especially in left leg and back; that he has pain and lameness. He uses a cane, and limps. There is no apparent stiffness of joints nor swelling; and the muscle and tendons furnish no physical sign of rheumatism; legs uniform in development. In view of his statement of his long service, with seven months in prison, and his declaration of pain, the board believe his statements are true, and that he has sciatic rheumatism as a result of the wounds above described, and would recommend a rating of one-fourth."

We have, then, this state of facts: Soldier had two attacks of rheumatism in service, yet continued to do duty, was wounded and taken prisoner in battle; was imprisoned for seven months, has been disabled ever since, and is now suffering with sciatic rheumatism as a result of his wounds.

Your committee believe his claim to a pension is clearly established, and therefore recommend the passage of the bill.

Mr. WALLACE. I ask that that bill be laid aside with the recommendation that it be laid upon the table, as I do not see anything in it to justify the granting of a pension.

Mr. CONGER. I move to amend the motion by laying it aside with the recommendation that it do pass.

The CHAIRMAN. The latter motion takes precedence.

The motion of Mr. CONGER was agreed to.

The bill was accordingly laid aside to be reported to the House with the recommendation that it do pass.

LUKE HOROBIN.

The next business on the Private Calendar (called up by Mr. HOLMES) was the bill (H. R. 8949) granting a pension to Luke Horobin.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll of the United States, subject to the regulation of the pension laws, the name of Luke Horobin, late a private in Company D, Fifty-first Regiment of Indiana Volunteers.

The report (by Mr. CONGER) is as follows:

That this soldier was a private in Company D, Fifty-first Indiana Volunteers, and alleges in his application for pension, filed April 3, 1877, that from exposure in the service and from caring for the sick, dying, and dead in hospital at Bardstown, Ky., in January, 1862, he contracted black-bone erysipelas in right leg, resulting in permanent disability of the same. His application was rejected on the ground of "claimant's inability to establish origin in the service in line of duty; unable to furnish any evidence whatever as to soundness at enlistment."

As the law now is, prior soundness is presumed; but we have as corroborative of this presumption the affidavits of Joseph Salt and James Smedley that they were intimately acquainted with claimant prior to his enlistment, except about six months immediately preceding his enlistment, and they know he was a sound and healthy man, free from erysipelas and varicose veins.

He was discharged May 24, 1862, for the following, as appears in his certificate of disability for discharge:

"Enlarged thyroid gland, interfering seriously with respiration and deglutition. He has had caries of the shin-bone, and muscular abscesses of the thigh and shoulder. He is evidently, in my opinion, of scrofulous diathesis."

Dr. David W. Flora, late acting assistant surgeon, and the same that signed the soldier's certificate for discharge, certifies:

"He saw said soldier in the fall of 1861 at Bardstown, Ky. His leg was attacked by phlymonous erysipelas, for which he treated him about four days, when he was then sent to general hospital. Said soldier was next seen by me at Louisville, Ky., in the month of May, 1862, at which time he was compelled to go upon crutches. His leg had been the seat of several abscesses, which had caused extensive destruction of muscular tissue and contraction of tendons. It was my professional opinion at that time that said soldier would never again perform military duty, nor gain a livelihood by manual labor. About this time the soldier received his discharge from the service of the United States."

An examination by Hiram Neill, examining surgeon, discloses his present condition, as follows:

"Erysipelas of right leg and thigh; measurements of legs over each calf show the affected leg to be 1 inch the smaller at that point; similar measurements below the knee show the affected leg to be one-half inch the smaller. Nine cicatrices, evidently once the seat of ulcers, appear upon the leg and thigh. The first cicatrix is located over metacarpal bone of great toe; second, internal to crest of tibia, about 4 inches above internal malleolus. This ulcer probably affected the bone, as there is a depression in the bone. The other cicatrices appear along the course of internal saphenous vein. All the cicatrices are very tender. The leg and thigh are about one inch and a half shorter than sound side. A large ecchymosis appears upon the external part of leg, showing that leg must have been recently inflamed. Applicant's leg and thigh are tender at many different points, especially along internal saphenous vein. The calf and the crest of the tibia, all branches of saphenous vein, are varicose. Applicant is lame."

And he rates him at $12 per month. The record in the Adjutant-General's Office shows that soldier was in hospital as alleged. The certificate of disability for discharge shows that he was disabled. The subsequent affidavit of surgeon describes and defines his disability as the same disease which disables him now.

Your committee can not understand the rejection of this case at the Pension Office, unless from the reference to scrofula in the certificate of discharge they presume prior existence of the disability.

The law authorizes the opposite presumption, which, if given to the soldier, makes his case one of merit, and in the judgment of your committee he should be pensioned; therefore we recommend that the bill do pass.

The bill was laid aside, to be reported to the House with the recommendation that it do pass.

CHARLES T. WORNOM.

The next business on the Private Calendar, called up by Mr. LYMAN, was the bill (H. R. 9169) to place on the pension-roll the name of Charles T. Wornom.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations, restrictions, and provisions of the pension laws, the name of Charles T. Wornom, of Atlantic, Iowa, late of Company F, Twelfth Illinois Cavalry.

The report (by Mr. CONGER) is as follows:

This soldier enlisted June 15, 1861, in the Seventeenth Illinois Volunteers; discharged October 29, 1861; enlisted again July 1, 1862, in First Illinois Cavalry, and was mustered out with the regiment July 14, 1862; enlisted November 20, 1863, and discharged January 28, 1865.

He filed his declaration for a pension August 15, 1870, which was rejected on the ground that "disability existed prior to enlistment."

This rejection is based upon the following statement by the surgeon in his first discharge, viz, "because of incipient phthisis, of hereditary origin."

In his last discharge we find the following, by his company commander:

"By reason of disease of the lungs contracted while in the service of the United States."

And in same, by the assistant surgeon:

"Asthma, for which he has received medical treatment in hospital and in camp, without any beneficial effect. He has done no duty in the field since enlistment, and he is not fit for invalid corps. Degree of disability, one-third."

The last official medical examination is as follows:

"This applicant claims to have been attacked with bleeding from the lungs while on duty at Napoleonville, La., in July, 1864, and has had a cough and more or less expectoration of blood and pus ever since. I find the bronchial murmur all over the upper lobe of the left lung, and it is very dull on percussion. He now has a continual hacking cough, but only expectorates on using physical exertion, about every three or four weeks. Disability results from weakness, and the general results following phthisis, entitling him to total third grade, or $18 per month."

There is on file ample lay testimony to prove prior soundness. The two certificates of discharge name a different disability, thus throwing a doubt upon their accuracy. He was three times accepted into the service, so far as the record shows, without objection. He was disabled at date of discharge, and has been ever since. Following the strict letter of the law the claim was probably properly rejected by the Pension Office, but Congress can and should give the

soldier the benefit of all doubt; wherefore the passage of the bill is recommended by your committee.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ALEXANDER TRIMBLE.

The next business on the Private Calendar (called up by Mr. CONGER) was the bill (S. 1897) granting a pension to Alexander Trimble.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Alexander Trimble, late a member of Company H, Seventeenth Regiment of Iowa Infantry Volunteers.

The report (by Mr. CONGER) is as follows:

"The claimant was a private in Company H, Seventeenth Iowa Infantry. He enlisted in 1862, and was discharged in 1865. He claims disability, permanent and acute, from chronic dyspepsia. There is no testimony of his having been sick in the service, and he says the physician who treated him is dead, and he finds it impossible to procure the testimony required. The Adjutant-General's report, however, does show that he was several months a prisoner in the South, which is very strong circumstantial evidence that he may have incurred not only chronic dyspepsia, but almost any other disease to which the soldier is liable. His record as a soldier from the beginning to the end of his service is excellent, and his reputation as a man is of the best. His neighbors, quite a number of them, certify to his physical depreciation, and to his inability to do manual labor more than a small portion of the time. The examining surgeon testifies that he is ill from the cause specified by him; that he is reduced in strength; that his heart is affected, and his respiration at times difficult; and he adds that he has personal as well as professional knowledge of his disabled condition.

"The committee are of the opinion that the claimant is entitled to the relief he claims and needs, notwithstanding his inability to furnish the full amount of testimony required. The bill is therefore reported favorably, with the recommendation that it *do* pass."

After a careful examination of the papers in this case on file in the Pension Office, your committee adopt the above, and find further that there are none of the records of the Seventeenth Iowa Infantry on file in the Surgeon-General's Office, and hence could be no record of his medical treatment in service. But his sound, healthy condition at enlistment is clearly proven, and the fact of disability at discharge and continuance since is well established.

His application for pension was rejected for want of this record evidence of disability, which it seems was no fault of claimant that it was not preserved.

Your committee believe the case a meritorious one, and therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

FRANKLIN SWEET.

The next business on the Private Calendar, called up by Mr. DORSEY, was the bill (H. R. 7540) to increase the pension of Franklin Sweet.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Franklin Sweet, late captain of Company E, Sixty-second Regiment of Pennsylvania Volunteers, to the rate to which he would have been entitled had his muster as a captain been made prior to the date of the incurring of the disability for which he was pensioned.

The report (by Mr. MORRILL) is as follows:

This bill asks that the pension now granted to claimant for wounds received in battle at Gettysburg be increased to the rate to which he would be entitled had he been at the time mustered as captain.

The facts in this case as shown by the papers submitted to your committee seem to be that claimant was orderly sergeant of Company E, Sixty-second Regiment Pennsylvania Volunteers. That on the 25th of March, 1863, he was commissioned captain of that company, to fill vacancy caused by the dismissal of its former captain. In the latter part of June, 1863, Lieutenant-Colonel Hull, commanding the regiment, ordered the lieutenant commanding the company under arrest, and placed Sergeant Sweet in command of the company. A few days after he was seriously wounded while commanding his company at the battle of Gettysburg. He was sent to the hospital, and upon his discharge therefrom was mustered as captain of his company. Section 4696 provides that—

"Every commissioned officer of the Army, Navy, or Marine Corps shall receive such, and only such, pension as is provided in the preceding section for the rank he held at the time he received the injury or contracted the disease which resulted in the disability on account of which he may be entitled to a pension; and any commission or Presidential appointment regularly issued to such person shall be taken to determine his rank from and after the date as given in the body of the commission or appointment conferring said rank: *Provided*, That a vacancy existed in the rank thereby conferred, that the person commissioned was not disabled for military duty, and that he did not willfully neglect or refuse to be mustered."

Claimant was commissioned captain March 25, 1863, a vacancy then existing in the captaincy, took command of the company in June, 1863, was severely wounded at the battle of Gettysburg July 2, 1863, was sent to the hospital, and was mustered as captain after his discharge therefrom.

Your committee recommend the passage of the bill.

Mr. MATSON. Mr. Chairman, I wish to hear that bill read again. I think it ought not to be retroactive in its provisions, so as to give this man a pension dating back as if this rank had been held at the time of receiving the injury.

I have always believed that there was no reason for giving a greater pension to a volunteer officer than to a volunteer soldier. Whatever may be the reason for it in the regular service, certainly there is none for it in the volunteer service, and I think this is an exception to the practice of the committee. A number of such cases have been reported adversely, on account of an attempt to rate the pension by reason of the applicant having subsequently filled a higher rank than the real rank at the time of receiving the injury. Many applications have been refused on that ground. I ask that the bill be again read.

The bill was again reported.

Mr. MATSON. I move to add the words, "Such increase to begin from and after the passage of this act."

Mr. DORSEY. That is satisfactory to me.

Mr. NEECE. That is the effect of the bill.

The amendment was agreed to.

The bill as amended was laid aside, to be reported to the House, with the recommendation that it do pass.

NANCY GUNSALES.

The next business on the Private Calendar (called up by Mr. MORRILL) was the bill (H. R. 3931) to grant a pension to Nancy Gunsales.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll the name of Nancy Gunsales, widow of Samuel Gunsales, late of Company K, One hundred and ninetieth Regiment Pennsylvania Volunteers.

The report (by Mr. MORRILL) is as follows:

Claimant is the widow of Samuel Gunsales, late of Company F, One hundred and ninetieth Pennsylvania Volunteers, and applied for pension as such widow, alleging that the soldier died January 23, 1885, of disability contracted in the service aforesaid. The soldier was a pensioner at the time of his death, at the rate of $12 per month, for gunshot wounds of right leg, left thigh, and left testicle. Claimant was married to the said soldier January 28, 1845.

Dr. James Haller, of Burlingame, Kans., who had examined the soldier in 1882 and 1884, on his application for increase of pension, testifies, under date of March 16, 1886, as follows:

"I am sixty-two years of age, a resident of Burlingame, Osage County, Kansas, and have been for the past seventeen years; have practiced medicine and surgery for thirty-five years last past; that I was acquainted with Samuel Gunsales, deceased, late a private Company K, One hundred and ninetieth Pennsylvania Infantry Volunteers, and examined him in June, 1882, for an increase of pension, 176,263, granted because of disability incurred in the Army from gunshot wounds of right leg, left thigh, and left testicle, and for which I rated him at that time, to the best of my judgment, in accordance with the physical condition then found.

"Again, in March, 1884, by order of Commissioner of Pensions, I made a special examination, going to his residence, 17 or 18 miles distant; found an aggravation of disability arising from wounds over last examination, and rated accordingly. Also found, from his own statement, one of his physicians (he having had three or four), and that of his neighbors, he had been disabled for manual labor for a year, and because of anasarca of lower extremities and abdominal dropsy had been confined to the house for four months. Two months previous to my visit paracentesis was practiced; a gallon of water drawn; abdomen, however, soon refilled. A physical exploration under the extreme distension of abdomen exhibited, so far as I was able to determine, no increase in size of liver. Spleen I expected to find enlarged; it was not. Said he never had any malarial difficulty. Most that I learned from kidneys was subjective. Urine had been normal in quantity and color until abdomen began to fill; was now scanty and high-colored. Tested, it contained albumen and urates and slight increase of specific gravity. I regarded the case as one of fibroid liver and kidney, and if it was sequence of disease incurred in the Army and in line of duty, which I believed it was, he was entitled to an additional rating, 'second grade.'

"Although I had seen the decedent a number of times, I never prescribed for nor conversed with him except on the two occasions of examination. Those who were best acquainted with him said he was strictly temperate in his habits, did not use alcohol in any form; the most frequent cause of such scleroses."

Dr. E. N. Weems, of Marion, Kans., testifies:

"At different times I was called to visit and prescribe for Samuel Gunsales from September 4, 1881, to January 21, 1885. During his last sickness I was called to see him November 25, 1883. His condition at that time was one of general dropsy. On the last above-mentioned date I performed the operation of paracentesis and visited him almost every day thereafter until January 17, 1884. I was not permitted to visit him again. I can not state positively, in the absence of proper data, as to the cause of his trouble. His trouble was not acute, but chronic. There was a general anasarca of all the tissues of the body, beginning with the lower extremities. I was not in immediate attendance on him at the time of his death; hence can not give the immediate cause of death. His general health from the time I first met him, in September, 1881, was poor; there seemed to be a failing of all his vital organs."

Three neighbors testify to his death from dropsy. The only question in this case is as to whether the soldier's death was the result of his wounds. The evidence is not so clear and positive as to comply with the requirements of the Pension Office. The evidence of the physicians seems to make a reasonable case that the dropsy was the result of the wounds, and the consequent debility arising therefrom.

Your committee therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM DICKENS.

The next business on the Private Calendar (called up by Mr. MORRILL) was the bill (S. 2269) granting a pension to William Dickens.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Dickens, late of Company A, Twenty-fourth Regiment Missouri Volunteers.

The report (by Mr. MORRILL) is as follows:

The facts in this case are fully set forth in the following Senate report:

"The soldier claims pension for disability resulting from sunstroke incurred at the battle of Yellow Bayou, Louisiana, and from rupture by hard marching with General Banks on the Red River expedition. The office rejected his claim on the ground that there is no record or medical evidence; but the medical reviewer says:

"'If the regimental surgeon could identify the claimant as the man he treated for sunstroke, the claim might be admissible.'

"If only those claims that are substantiated by the reports of the adjutant and surgeon generals were allowed there would be very few pensions granted. The imperfect condition of their records is a serious disadvantage to the soldier.

"The case was put in the hands of special examiners, one of whose reports was favorable, but rejected by the office. Another contains the testimony of Dr. L. H. Baker, late surgeon Twenty-fourth Missouri Volunteers, the claimant's regiment, which he thus reports. The doctor testifies that he remembers that there was a man named Dickens in the regiment, and thinks he must have treated him. Remembers treating a case of sunstroke at Yellow Bayou, La., about May, 1864. The special examiner adds:

"'I deem it proper to say that the doctor received no intimation from me as to the basis of the claim. In answer to question, the doctor said, 'I could not say positively. What does he claim?' I said, 'Not for any wound.' Then followed his testimony about a case of sunstroke."

"The doctor testifies that there was only one such case. Several comrades testify to service with him in the field at this battle; to seeing him fall of sunstroke; to seeing him carried to the rear on a stretcher; to Surgeon Baker's attendance on him; to their having been his neighbors and friends all their lives; to his prior soundness; to his subsequent and present broken-down condition; and one of them swears to the rupture while on the Red River march. Dr. Baker's reputation is admitted to be good, and, with one exception, all the witnesses are rated reputable. The soldier is sick; has been unable to work since his discharge; is advanced in years; and worthy."

While it is not clearly proven that the claimant received a sunstroke at Yellow Bayou, the presumption is very strong that he was the soldier treated at that place by Dr. Baker. Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ANDREW J. BURRELL.

The next business on the Private Calendar (called up by Mr. PERKINS) was the bill (S. 1826) granting a pension to Andrew J. Burrell.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Andrew J. Burrell, late captain of Company A, Fiftieth Regiment Indiana Volunteer Infantry.

The report (by Mr. MORRILL) is as follows:

The claimant in this case was captain of Company A, Fiftieth Indiana Volunteers, enlisting September 12, 1861, and receiving his discharge April 3, 1863. In 1871 he applied for a pension, alleging that he contracted hemorrhoids in the service. His claim was rejected on the ground that he suffered from the same disease prior to enlistment. The certificate of disability upon which his resignation was accepted states that the disability existed prior to enlistment, but was greatly aggravated by his military service. The hospital records show that he had camp dysentery while in the service, and suffered terribly from the disease for which he claims pension. The fact that the disease existed prior to enlistment has deprived this soldier of a pension for twenty-three years. That the disease was greatly aggravated and rendered incurable by his Army service seems to be clearly shown. It would seem but simple justice to now place him upon the pension-roll. Your committee, after a careful examination of the papers, recommend the passage of the bill.

The report of the Senate Committee on Pensions is hereto attached and made a part of this report:

"The petitioner is Andrew J. Burrill, late captain of Company A, Fiftieth Regiment Indiana Volunteers. He applied for a pension in February, 1871, alleging disability from chronic diarrhea resulting in piles. He was rejected by the Pension Office on the ground that the disabilities existed prior to enlistment. In reference to the officer's history, the Adjutant-General furnishes information from the records, for the use of the Commissioner of Pensions, in which is included the certificate of the surgeon of the regiment, who certifies that Captain Burrill has 'camp dysentery.' He has for months been suffering with piles, and from his present condition the surgeon says 'he can never recover in this camp;' 'that in consequence thereof he is unfit for duty;' and upon this certificate the officer is granted a leave of thirty days.

"The history, as further supplied by the Adjutant-General, shows by continuous dates intervals of sickness at home and in quarters, and finally it comes to his resignation, and gives a copy of his letter, in which he says he resigns his commission on account of ill-health; that he has been afflicted with hemorrhoids for some months, and for the last month or two has been unable to perform his duties; that he is now in hospital. Then follows a certificate from the medical department of his regiment, which states that on examination the officer is found unable to perform his duties in consequence of frequent, profuse hemorrhoids of the bowels; that the disease existed prior to entering the service, but has been greatly aggravated by camp life. The examining surgeons certify to the severity of the disabilities.

"Notwithstanding the evidence of prior disability furnished by the War Department, and the declaration of the Pension Office that any additional testimony the claimant may file would not benefit his claim, there have been ten special examinations, resulting in an accumulation of confusing and contradictory testimony, some of it coming from reputable witnesses, vindicating the officer's claim, with a proportion of adverse statements from witnesses, some of whom are apparently candid, while others are strongly biased.

"It is difficult for the committee to determine from such a mass of conflicting proof whether or not the officer was sound when he entered the service. Some affirm, of their personal knowledge, that he was well, while others assume exactly the reverse. The certificate of the regimental surgeon is the most damaging, but he gives no reason in support of his bare statement. The officer entered the service as a lieutenant and was promoted to captain. He was then comparatively and apparently a well man. All the testimony is positive as to his good character and as to his present disabled and suffering condition.

"The committee are of the opinion that he is entitled to some relief, and report the bill favorably, and recommend that it do pass."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ADDISON A. JACKSON.

The next business on the Private Calendar (called up by Mr. PETERS) was the bill (S. 1958) granting an increase of pension to Addison A. Jackson.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Addison A. Jackson, late of Company I, Twelfth Regiment of Illinois Infantry Volunteers, and pay him a pension at the rate of $12 per month, in lieu of the pension he is now receiving.

The report (by Mr. MORRILL) is as follows:

The report of the Senate committee, hereto attached, contains a full statement of the case, except that it was rejected on the ground that it was not clearly shown that the rheumatism was the result of the service, but it is proven that the present condition of the claimant is the result of a continuous decline since his discharge, and the conclusion is irresistible that his present condition is the result of his Army service.

Your committee recommend the passage of the bill.

That the records in this case show that claimant, who was a sergeant in Company I, Twelfth Regiment Illinois Volunteers, enlisted July 24, 1861, and was discharged October 24, 1864. Declaration for pension filed March 24, 1880, alleging gunshot wound left knee and thigh, for which claimant was pensioned at the rate of $2 per month.

It appears from the records that this soldier was a brave man, and although seriously wounded he returned to his regiment and remained with it, participating in every battle until mustered out; that for gallantry in action he was promoted to first lieutenant which rank he held when mustered out.

From the time of the injury until now claimant's health has steadily grown poorer, as is shown by the testimony on file.

The examining surgeon's certificate, dated September 24, 1884, says that in addition to the wound for which claimant was originally pensioned, "His joints all present a puffy appearance. The joints of the fingers of left hand are twice as large as normal. His circulation is very poor, pulse weak and irregular. His stomach large (bloated) and very sensitive to the touch. Liver is large and very tender;" and they rate his disability total.

Taking into consideration all the evidence on file in this case, the committee believe it to be their duty to report in favor of the bill, and recommend its passage. Had claimant been pensioned as of the rank to which he was promoted for gallantry it would have been for a larger sum.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MATSON. I move that the committee now rise and report to the House the bills which have been acted upon.

Mr. OUTHWAITE. I hope the gentleman from Indiana will yield for a moment, till I ask unanimous consent to consider the bill (H. R. 8227).

Mr. PERKINS. There are three or four other gentlemen who would like to be recognized, to call up bills.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio [Mr. OUTHWAITE]?

There was no objection.

SETH WELDY.

The bill (H. R. 8227) granting a pension to Seth Weldy was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Seth Weldy, late a captain in the Twenty-third Regiment of Infantry, United States Army, subject to the provisions and limitations of the pension laws.

The report (by Mr. ELLSBERRY) was read, as follows:

In the matter of pension claim of Seth Weldy, late Captain of Company I, Twenty-third Regiment United States Infantry, the report of the Assistant Adjutant-General shows that the claimant enlisted on the 7th day of August, 1861, and was assigned to Company C, second battalion Eighteenth United States Infantry; that he joined his company from the depot August 30, 1861, and was on the same day appointed first sergeant, and was reported discharged, to take effect June 25, 1862. On July 11, 1862, he accepted a commission as second lieutenant, First Infantry; was promoted first lieutenant May 28, 1864, and appointed captain of the Twenty-third Infantry on July 28, 1866. From the testimony submitted by claimant, his appointment to the Twenty-third Infantry was as captain of Company I, Twenty-third Infantry. The papers on file show that while in command of said company, by order of General Halleck, who was then in command of the military division of the Pacific, he was commanded to build a military road of 250 miles from Willow Creek, Oregon, across the foot-hills of the Blue Mountains, and established the post or camp now known as Camp Harney; that while engaged in said work he claimed he incurred hernia or rupture. Claimant thereafter made application for original invalid pension on the ground that while in the line of his duty as captain aforesaid he became disabled by incurring a hernia or rupture.

The Commissioner of Pensions rejected said claim, for the reason that claimant was unable to produce satisfactory evidence showing that said claim of disability was incurred in the line of duty.

From the testimony produced by the claimant, he admits his inability to state exact time, place, or circumstance under which he sustained the injury; but in his affidavit, filed in the case, claims that said injury was incurred during his service as captain of Company I, Twenty-third Regiment, United States Infantry. The report of the assistant adjutant-general, before referred to, further shows that on December 17, 1866, claimant was examined for his commission as captain Twenty-third Infantry by a board of officers at Louisville, Ky., and his examination mentally and physically was satisfactory; on leave and on detail to March, 1867; with company at Fort Vancouver, Washington Territory, to April, 1867; Fort Dalles, Oregon, to July 15, 1867; *en route* to camp on Willow Creek, Oregon, to September 23, 1867; and Camp Harney, Oregon, to October 25, 1867; and on leave of absence, not sick leave, to date of resignation. He tendered his resignation October 27, 1867 (no reason given), from Camp Harney, Oregon, and it was accepted, to take effect December 16, 1867.

The claimant filed his affidavit stating therein his inability to give required testimony, for the reason that there was only one commissioned officer in his company other than himself, and at the time claimant discovered his injury the said commissioned officer was under arrest, by virtue of claimant's order, for disobedience, and therefore claimant did not impart the information to him, and he further says that from that time he only had official communications with him. As to the second requisite of proof, claimant filed his affidavit stating that the person assigned as surgeon to his company was a discharged hospital steward, in whom claimant had no confidence, and did not consult nor inform said so-called surgeon of his injury. As to the third requisite, the papers show that claimant was an officer of the company—its commander—and did not inform the privates of his injury, nor is it reasonable to suppose that the commander of a company should impart information concerning his injury to the privates of his company. Claimant also filed the affidavit of his physician as to his soundness before enlistment; the affidavit of a surgeon of the United States Army, that at the time he saw claimant (which was immediately after his resignation was accepted), and claimant was then suffering with the injury alleged.

But this testimony did not meet with the technical proof required by the Department, which was to show that he incurred the injury at the time alleged, and requiring proof of time, place, and circumstance of such injury.

But from the direct testimony offered by claimant and from the deductions to be fairly drawn from the examinations made by the board of examiners immediately previous to his commission as captain, and from the testimony of Surgeon Wagner, made immediately after his discharge, the committee recommend that House bill 8227 do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY MERICLE.

Mr. MILLARD. I ask unanimous consent to take up the bill (H. R. 2998) granting a pension to Henry Mericle.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry Mericle, late a private in Company D, Sixth Regiment New York Heavy Artillery.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES H. KING.

Mr. BYNUM. I ask unanimous consent to call up the bill (S. 362) granting a pension to James H. King.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James H. King, late a private in Company D, Ninth Indiana Legion.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. SARAH RANDLES.

Mr. BURLEIGH. I ask unanimous consent to call up the bill (H. R. 7352) granting a pension to Mrs. Sarah Randles.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Randles, widow of William Randles, late captain of Company I, Ninety-third Regiment of New York Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. LOUTTIT. I ask unanimous consent to call up the bill (S. 1481) granting an increase of pension to Col. Charles E. Capehart.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Capehart, late lieutenant-colonel of the First Regiment of Virginia Cavalry, at the rate of $50 per month, in lieu of the pension he now receives.

Mr. MCMILLIN. Let the report be read.

The CHAIRMAN. The Chair will state that the report is very lengthy.

Mr. MATSON. I move that the committee now rise.

Mr. LOUTTIT. There is an amendment to the bill. I can state the substance of the report very briefly to save the reading of it. There is an amendment to cut down the amount to $45.

Mr. MCMILLIN. I suggest to the gentleman from California to let this go over so that the case may be investigated before the next meeting. There seems to be some doubt about it.

Mr. LOUTTIT. There is an amendment recommended in the report to strike out $50 and insert $45.

The CHAIRMAN. The Clerk will read the paragraph making that recommendation.

The Clerk read as follows:

We are of the opinion that an increase should be granted, and recommend that the Senate bill be amended by striking out the word "fifty" and inserting in lieu thereof "forty-five," and that so amended the bill do pass.

The CHAIRMAN. Does the gentleman from Indiana insist upon his motion?

Mr. MATSON. I do.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. HATCH reported that the Committee of the Whole House, having had under consideration pension bills on the Private Calendar, had directed him to report sundry bills with various recommendations.

The SPEAKER *pro tempore*. The Clerk will first report the titles of the bills reported by the Committee of the Whole House to which no amendments are recommended.

DANIEL SCHULTHEIS.

The Clerk read the title of the first bill, as follows:

A bill (H. R. 7911) granting a pension to Daniel Schultheis.

Mr. WALLACE. Mr. Speaker, I did not arrive in time to be present when that bill was called up in Committee of the Whole. I do not think it ought to pass. It struck me in reading the report as a very weak case, and one that ought not to receive the approval of this House. It is a case where a man lost certain powers of locomotion, and now claims that that was owing to the spraining of muscles by marching. The claim struck me as being exceedingly weak. I had intended to enter an objection when the bill should be reached in Committee of the Whole, but as the hour of meeting was changed I did not arrive until after the bill had been laid aside to be reported to the House. I ask that it be not now read a third time, but that it be passed over. The case is one which struck me as having no merit. If the gentleman who has the bill in charge can show it has merit, I shall be glad to hear him.

The SPEAKER *pro tempore*. The gentleman from Louisiana asks unanimous consent that this bill be passed over informally without losing its present status.

Mr. WALLACE. I did not put it in that way. I do not think the bill has any merit, and do not think it should retain its place on the Calendar night after night.

The SPEAKER *pro tempore*. Unless the motion is put in the form in which the Chair has suggested there is no other alternative than to vote on the question. If the gentleman from Louisiana is not making the request for unanimous consent, as the Chair has stated it, the Chair will proceed to put the question on the bill to a vote.

Mr. WALLACE. I do not care to submit it to an issue of that sort.

The SPEAKER *pro tempore*. The other mode presents the only way in which the bill can be passed over so as to allow the other bills to be reached.

Mr. WALLACE. Then I ask that it be passed over in that way.

The SPEAKER *pro tempore*. The gentleman from Louisiana asks unanimous consent that the bill be passed over informally. Is there objection?

Mr. ANDERSON, of Kansas. If that is agreed to I presume the bill does not lose its place.

Mr. BUCHANAN. I should like to understand what would be the effect of passing over the bill informally.

The SPEAKER *pro tempore*. In answer to the gentleman from New Jersey the Chair will state that in that case the bill will necessarily retain its present status and come up as unfinished business at the next meeting for the consideration of this class of business.

Mr. BUCHANAN. I suggest that the bill be passed over until bills that are not objected to be disposed of. I do not see why this bill can not be disposed of to-night.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Louisiana [Mr. WALLACE]? The Chair hears none, and it is so ordered.

Mr. BUCHANAN. Did I understand the Chair to say that there was no objection to the request of the gentleman from Louisiana?

The SPEAKER *pro tempore*. The Chair heard none.

Mr. BUCHANAN. I thought that my suggestion was in the nature of an objection.

The SPEAKER *pro tempore*. The Chair understood the gentleman's suggestion to be directed to the gentleman from Louisiana [Mr. WALLACE]. The gentleman from Louisiana made no response, and the Chair heard no objection to his request. But, not being disposed to take advantage of any gentleman, the Chair will put the question again.

Mr. BUCHANAN. I certainly was under a misapprehension. I did not mean that that request should go without objection.

The SPEAKER *pro tempore*. The Chair will put the question again.

Mr. ANDERSON, of Kansas. If the gentleman from New Jersey [Mr. BUCHANAN] will observe the fact that this bill will come up at the next evening session, I think he will not insist upon his objection.

Mr. BUCHANAN. Oh, the same thing would have to be gone through then; the bill would be at the head of the Calendar.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Louisiana [Mr. WALLACE]?

Mr. BUCHANAN. There is.

The SPEAKER *pro tempore*. The gentleman from New Jersey objects. The question, then, is on the engrossment and third reading of the bill.

Mr. PERKINS. I ask unanimous consent that this bill be laid aside until action has been had upon the bills to which there is no objection.

Mr. WALLACE. I do not see the object of that, Mr. Chairman. I do not see why the bill should not be acted upon now as well as later in the evening. Let the gentleman state the object or purpose he has in view. I object to this bill on the score of its merits. And I object to it as much at 11 o'clock as I do now. I object to it because I do not think it has any merits.

The SPEAKER *pro tempore*. The gentleman from Louisiana [Mr. WALLACE] objects. The question is on the engrossment and third reading of the bill.

The question was taken; and there were—ayes 30, noes 1.

Mr. WALLACE. No quorum.

The SPEAKER *pro tempore*. The point being made that no quorum has voted, the Chair will appoint the gentleman from Louisiana, Mr. WALLACE, and the gentleman from New Jersey, Mr. BUCHANAN, to act as tellers.

Mr. ANDERSON, of Kansas (before the count was completed). Mr. Speaker, I renew the request of the gentleman from Louisiana, and ask unanimous consent that this bill be laid aside, so that bills to which no objection is made be taken up.

The SPEAKER *pro tempore*. Objection has been made to that, and the House is dividing and nothing is in order until the tellers make their report.

Mr. TAULBEE. I call for the regular order.

Mr. GOFF. But, Mr. Speaker, by unanimous consent——

The SPEAKER *pro tempore*. But the regular order is demanded and cuts off unanimous consent. The gentleman from Kentucky [Mr.

TAULBEE] demanded the regular order after the request of the gentleman from Kansas [Mr. ANDERSON] was made.

Mr. BUCHANAN. Mr. Speaker, I made objection to the suggestion of the gentleman from Louisiana [Mr. WALLACE], for the reason that if it prevailed this bill would be left at the head of the Calendar at the next evening session, and I thought the matter might as well be disposed of to-night; but I see that it is stopping all pension legislation, and I am willing to—no, I will—withdraw my objection. [Laughter.]

Mr. MATSON. Mr. Chairman, has the previous question been called on this bill?

The SPEAKER *pro tempore*. It has not.

Mr. MATSON. I ask that it be ordered.

The SPEAKER *pro tempore*. That can not be done pending the objection of the gentleman from Louisiana [Mr. WALLACE], who has asked that the bill be passed over, retaining its present status. In the absence of objection that order will be made.

BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 9167) granting a pension to Joseph F. Kirkhart;

A bill (H. R. 8949) granting a pension to Luke Horobin;

A bill (H. R. 9169) to place on the pension-roll the name of Charles T. Wornom;

A bill (H. R. 3931) to grant a pension to Nancy Gunsales;

A bill (H. R. 8227) granting a pension to Seth Weldy;

A bill (H. R. 2998) granting a pension to Henry Mericle; and

A bill (H. R. 7352) granting a pension to Mrs. Sarah Randles.

House bills of the following titles, reported from the Committee of the Whole House with amendments, were severally taken up, the amendments agreed to, and the bills as amended ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 8258) granting a pension to Waitie F. Harris;

A bill (H. R. 7699) granting a pension to E. A. McFadden; and

A bill (H. R. 7689) granting a pension to Caroline C. McNair.

FRANKLIN SWEET.

The next bill reported from the Committee of the Whole House with an amendment was the bill (H. R. 7540) to increase the pension of Franklin Sweet.

The SPEAKER *pro tempore*. If there be no objection, the amendment to this bill as reported from the Committee of the Whole House will be agreed to, and the question will be on ordering the bill as amended to be engrossed and read a third time.

Mr. ALLEN, of Mississippi. Mr. Speaker, I rise to oppose the passage of this bill. I have no factious objection to make to it. I simply wish to announce to the gentleman who has it in charge that I am opposed to the measure on principle, and that a quorum will be required to pass it.

I listened to the reading of the bill and the report. The proposition, as I understand it, is to give the pension of a captain to a man who is now under the law receiving pension as a private or a non-commissioned officer. Now, as I understand, the purpose of our pension system in cases of this kind is to make good to the soldier, so far as the Government can do so, the disability that he has incurred while serving his country. According to my understanding, the law now giving to this soldier a pension as a private contemplates making good to him by such pension his disability, so far as obtaining a livelihood is concerned.

I am unable to appreciate the justice of saying that because this man, on the particular occasion when he incurred this disability, happened to have stripes on his collar or a sword in his hand instead of a musket we should adopt some special legislation to place him upon a higher plane than those men who carried muskets on that day and who incurred similar disability.

I understand from the chairman of the Committee on Invalid Pensions that the view I now state is no new idea of mine, but that this report, according to his understanding, is an innovation upon the precedents of that committee. I believe this bill should not pass. If the Government is not now compensating sufficiently this soldier and others who incurred similar disabilities under like circumstances, let the pensions of all of them be increased. But I do not believe it right to say that because on that day this man carried a sword instead of a musket he should receive more pension than those who did carry muskets.

I oppose this bill on principle. I do not wish to throw any obstruction in the way of going on with other business here to-night. It seems to me unnecessary that we should go through the formality of calling for a quorum. I simply state to the gentleman who has this bill in charge that I oppose it, and that a quorum will be required to pass it. With this statement, I ask that the bill be laid aside.

The SPEAKER *pro tempore*. The gentleman from Mississippi asks unanimous consent, as the Chair understands, that this bill be passed over informally, not to interfere with other business.

Mr. DORSEY. My friend from Mississippi [Mr. ALLEN] certainly misunderstands this case, or he would not raise this objection.

Mr. MORRILL. Certainly he does.

The SPEAKER *pro tempore*. What is the request of the gentleman from Mississippi?

Mr. ALLEN, of Mississippi. That the bill be laid aside, to be considered in a full House.

Mr. DORSEY. My friend from Mississippi fails to understand this case. Captain Sweet was a sergeant in Company E, Sixty-second Regiment Pennsylvania Infantry. In March, 1863, the captain of his company was dismissed the service, leaving the first lieutenant and the second lieutenant with the company, Mr. Sweet being at that time the first sergeant. In April, 1863, the first lieutenant resigned, and in June of the same year the second lieutenant was placed under arrest, and subsequently was dismissed. Captain Sweet was put in command of the company. On the 2d of July, at Gettysburg, he commanded his company by order of his colonel, as is shown by the evidence before the committee, and was severely wounded, in consequence of which he was taken to the hospital, where he lay until the following December. While in the hospital he received a commission from Governor Curtin, of Pennsylvania, as captain of the company, to date from March 24, 1883.

But he was unable to be mustered. The War Department dates his muster in August, at the time when the second lieutenant was dismissed, claiming, erroneously, that he could not have been mustered into the office of captain so long as there was a commissioned officer with the company. Now the fact is, Mr. Speaker, that he was commissioned in March, but was not mustered until the following December. He drew the pay of captain and held the rank of captain from March, but not being mustered, according to the ruling of the Pension Office, he is held not to be entitled to draw a pension as captain. He is therefore now drawing pension only as a sergeant, although he was a captain in the Army, as I have stated, from the preceding March.

I can see no good reason why this man should not be placed on the pension-roll as a captain, as he was so commissioned prior to the date when he received his injury. He commanded his company on the day when he was wounded, and commanded it until the close of the war.

It is no innovation we are making, but we propose simply to do an act of justice to this man by correcting an erroneous decision of the War Department. If the Secretary of War could have dated his muster back to March, he would then have done full justice. The section of the statute recited in the report of the committee fully covers the case.

Mr. WALLACE. Will the gentleman be good enough to tell the House why this whole question has been delayed until this late day?

Mr. BOUTELLE. For the same reason which applies in other cases.

Mr. DORSEY. He did not apply for it.

Mr. WALLACE. He could have applied in 1865 as well as to-day.

Mr. DORSEY. But his failure to do that should not work him injustice.

Mr. MATSON. It was because probably there was no act under which this man's failure to be mustered could have been corrected, until recently.

Mr. BRADY. I understand this man did duty as captain of his company, and received the wound for which he is to be pensioned while he was in command of his company acting as captain.

Mr. ALLEN, of Mississippi. Mr. Speaker, I did not misapprehend the case at all when I made objection to it. I understood the report just as the gentleman now states it. As I understand the theory and principle of this pension business, it is not to give a man a pension as a captain. The Government is not going to qualify him to earn a living as captain by the pension given him. The principle ought to be to give him what will make him a full man, as if he had not received these wounds.

I do not expect to be able here to reverse the general laws of this land which give to officers better pay than privates.

Mr. MATSON. Pensions.

Mr. ALLEN. Yes; larger pensions than it gives to privates. But I am not going to consent for one to enter into special legislation and to pass special bills to relieve individuals who do not technically come within the law as it is now upon the statute-book.

Mr. Speaker, I have had some little experience in war; I have had the fortune, or the misfortune, to be a private myself, and have stood guard many a night, in snow and rain, with a musket in my hands, while my lieutenants, and captains, and colonels, and generals, were enjoying a good night's sleep. [Laughter.] I have been greatly impressed ever since that time with the fact that privates who carry their muskets and do their duty as soldiers, are entitled to as much from this country in the way of pensions after the war is over as any man who served his country as an officer. The private's life is as hard as any other, and he deserves as much of his country, and I say I am not going for one to consent to any special legislation, where I can prevent it, that would place the man who carried a sword and received wounds at Gettysburg upon a higher plane than the man who received wounds there in the discharge of his duty as a private carrying a musket. That is the ground upon which I oppose the bill. The officers were

better paid, better fed, and had better clothes, and a better time during the war, and that may have been all right, but now that the war is over and we are trying to make good their loss in pensions, give the privates an equal show.

Mr. PERKINS. I suggest, as a compromise, the previous question be ordered and this case go over until we can have a vote on it in a full House.

There was no objection, and it was ordered accordingly.

FRIDOLINE GLASTETTER.

The bill (S. 2132) granting a pension to Fridoline Glastetter, reported from the Committee of the Whole favorably, was considered, the question being upon its third reading.

Mr. WALLACE. Mr. Speaker, this is another bill that has been before the House five or six times, and each time it has been laid over and allowed to hold its place on the Calendar. It delays the House nearly every night we have pension legislation. It is a bill that always impressed me as one entirely without merit. I have talked upon it two or three times, and I do not propose to enter upon another discussion of it to-night. But from my standpoint this bill is one totally devoid of merit; and I shall certainly raise all the issue I can to prevent the Government from being, what I consider, mulcted in the amount of that pension, in a case not justifiable under the laws.

Mr. MORRILL. I have no objection to its going over; but to get rid of it I would ask that the previous question be ordered and that it be referred to a full House.

Mr. WALLACE. I think it very objectionable in this short session to take up the time of the House in that manner.

Mr. MORRILL. I consider this a very meritorious bill.

The SPEAKER *pro tempore*. The Chair will state that these bills, if the previous question is ordered, will go over and come up the first thing after the reading of the Journal to-morrow, conflicting thereby with anything which may have been made a special order for to-morrow.

Mr. TAULBEE. Then I object.

The SPEAKER *pro tempore*. Does the Chair understand the gentleman from Kansas to ask that it be passed over informally?

Mr. MORRILL. No, sir; I will object to that. I would like to have some understanding with reference to the disposition of the bill. I would accept the previous question.

Mr. WALLACE. The gentleman's suggestion is acceptable to me.

The SPEAKER *pro tempore*. But the gentleman from Kentucky has objected, and the question is on the third reading of the Senate bill.

Mr. PETERS. I would like to make this suggestion.

The SPEAKER *pro tempore*. The Chair will hear the gentleman's suggestion.

Mr. PETERS. I ask unanimous consent that the previous question be considered as ordered, and that the bill go over until next Friday to a full House.

The SPEAKER *pro tempore*. It goes over until the next Friday's session of the House if not acted upon to-night.

Mr. TAULBEE. Then, I misunderstood the Chair a moment since in a statement with reference to the parliamentary course which the bill would take in the event that the previous question was ordered to-night and it was suffered to go over to a full House. I understood that it would come up to-morrow.

The SPEAKER *pro tempore*. The Chair says that now. The Chair stated, in response to the gentleman from Kansas, that it would go over until next Friday if no action were taken to-night, and would come up as the unfinished business; but if the previous question is ordered to-night it comes up to-morrow immediately after the Journal is read.

Mr. MATSON. I wish to make a parliamentary inquiry. Would it not be within the province of the House, by unanimous consent, to say that it shall go over until next Friday, the previous question being ordered upon it, and not come up to-morrow for action? My question is, may that order not be made?

Mr. PERKINS. That has been done, I think, in one or two instances.

The SPEAKER *pro tempore*. The Chair supposes that might be done.

Mr. MATSON. Then I ask unanimous consent that the previous question be considered as ordered, and that the bill be passed over until next private bill day, to be acted upon in a full House.

The SPEAKER *pro tempore*. Is there objection?

Mr. BUCHANAN. I do not desire to make objection, for I am willing to do almost anything to have these bills disposed of; but it is well to bear in mind that Friday is private bill day, and some of these gentlemen who are sending the bills over to that day are interested in the Private Calendar.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Kansas that the previous question be considered as ordered upon this bill, and that it be allowed to go over until the next Friday when the House is in session?

There was no objection, and it was so ordered.

SENATE BILLS PASSED.

Senate bills of the following titles, reported favorably from the Committee of the Whole House, were severally ordered to a third reading, read the third time, and passed. Namely:

A bill (S. 1660) granting a pension to Samuel E. Tracy;

A bill (S. 2372) for the relief of Mary McMahon;

A bill (S. 2149) granting an increase of pension to Herman Baumhager;

A bill (S. 1897) granting a pension to Alexander Trimble;

A bill (S. 2269) granting a pension to William Dickens;

A bill (S. 1826) granting a pension to Andrew J. Burrell;

A bill (S. 1958) granting an increase of pension to Addison A. Jackson; and

A bill (S. 362) granting a pension to James H. King.

ADVERSE REPORTS.

Bills of the following titles were laid on the table in accordance with the recommendations by the Committee of the Whole:

A bill (H. R. 6241) granting a pension to Thomas M. Tatem; and

A bill (S. 1191) granting a pension to Theresa Schleyer.

RECONSIDERATION.

Mr. MATSON moved to reconsider the several votes by which bills had been passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MATSON. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Petition of John W. Adams and others, in aid of the Hatch experiment-station bill—to the Committee on Agriculture.

By Mr. BAKER: Petition of C. T. Bush, J. H. Redmon, Eli T. Knowlton, and others, residents of Monroe County, New York, asking for the construction of a harbor at Troutsburg, on the south shore of Lake Ontario, in the State of New York—to the Committee on Rivers and Harbors.

By Mr. BLISS: Petition of Emil Hoeninghaus, Company L, First United States Cavalry, for removal of charge of desertion from his military record—to the Committee on Military Affairs.

By Mr. CATCHINGS: Papers in the claim of John Jones, of Alcorn County, Mississippi—to the Committee on War Claims.

Also, petition of Warren Hall, for payment of war claim—to the same committee.

By Mr. DINGLEY. Memorial of New England Shipping Association, asking that in the revision of the treaty with Spain all American vessels be placed on the same footing in Spanish-American ports as vessels carrying the Spanish flag, and that no discrimination be made against sailing vessels—to the Committee on Foreign Affairs.

Also, memorial of the Philanthropic Union of the Society of Friends, asking the early passage of pending bills in behalf of the Indians—to the Committee on Indian Affairs.

By Mr. GLASS: Petition and proofs of James H. Horr and others, in claim for property taken by the United States Army during the late war—to the Committee on War Claims.

By Mr. PLUMB: Memorial and resolutions of the Illinois State board of agriculture, asking for the passage of the bill providing for agricultural experiment stations—to the Committee on Agriculture.

By Mr. RIGGS: Resolution of the Illinois State board of agriculture, favoring the passage of the bill for the establishment of agricultural experiment stations—to the same committee.

By Mr. ST. MARTIN: Petition of Isaac Bloom, and of Emily V. Glover, of New Orleans, La., asking that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. SKINNER: Papers in the claim of Jonathan T. Mizell, of Carteret County, North Carolina—to the same committee.

By Mr. SPRINGER: Resolution of the Illinois State board of agriculture, favoring the experiment-station bill—to the Committee on Agriculture.

Also, petition of the Illinois conference of the Methodist Episcopal Church, favoring legislation to protect the Chinese—to the Committee on Foreign Relations.

By Mr. O. B. THOMAS: Petition of the Women's Christian Temperance Union of Wisconsin, praying for the passage of the bill known as the Blair educational bill—to the Committee on Education.

By Mr. A. C. WHITE: Petition for the improvement of Clarion River, a tributary of the Allegheny River, in Western Pennsylvania—to the Committee on Rivers and Harbors.

By Mr. MILO WHITE: Petition of the Chamber of Commerce of Duluth, Minn., for a public building—to the Committee on Public Buildings and Grounds.

Also, petition of the chamber of commerce of Duluth, Minn., for an appropriation of $150,000 for dredging Duluth harbor and Saint Louis Bay—to the Committee on Rivers and Harbors.

Also, petition of the Women's Christian Temperance Union of Minnesota, for the passage of the Blair educational bill—to the Committee on Education.

HOUSE OF REPRESENTATIVES.

SATURDAY, *December* 18, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

DEFICIENCY ESTIMATES FOR SIGNAL SERVICE.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting, with a letter from the Secretary of War, deficiency estimates for the Signal Service for the fiscal year ended June 30, 1886; which was referred to the Committee on Appropriations, and ordered to be printed.

BRIDGE ACROSS SAINTE MARIE RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report relating to the construction of a railroad bridge across the Sainte Marie River, and recommending an amendment to the act authorizing said bridge; which was referred to the Committee on Commerce, and ordered to be printed.

MAIL MESSENGERS IN POSTAL SERVICE.

The SPEAKER also laid before the House the bill (H. R. 8346) authorizing the employment of mail messengers in the postal service, with amendments by the Senate, and a request by the Senate for a committee of conference.

Mr. WARD, of Indiana. I ask unanimous consent to move that the House non-concur in the amendments of the Senate and agree to the conference asked by that body.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows.

IN THE SENATE OF THE UNITED STATES, *December* 17, 1886.

Resolved, That the bill from the House of Representatives, No. 8346, authorizing the employment of mail messengers in the postal service do pass with the following amendments:

In line 2 strike out "employ" and insert "contract for."

After "vessels," in line 10, insert "and said contracts shall be let to the lowest bidders, after due advertisement at such times and places as the Postmaster-General may direct, and upon the same terms and conditions as other contracts for carrying the United States mails on star routes as may be provided by law."

Resolved, That the Senate request a conference with the House of Representatives on the said bill and amendments.

Ordered, That Mr. CONGER, Mr. CHACE, and Mr. MAXEY be the conferees on the part of the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER. The question is on the motion to concur in the Senate amendments and to agree to the conference asked by that body.

The motion was agreed to.

Mr. WARD, of Indiana, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER appointed as managers of the conference on the part of the House Mr. WARD, of Indiana, Mr. RIGGS, and Mr. WAKEFIELD.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House bills of the Senate of the following titles; which were severally read twice, and referred as indicated:

The bill (S. 4) to permit the owners of certain vessels and the owners or underwriters of cargoes laden thereon to sue the United States—to the Committee on the Judiciary.

The bill (S. 199) for the retirement and recoinage of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

The bill (S. 1537) for the relief of B. B. Connor, of Louisville, Ky.—to the Committee on War Claims.

The bill (S. 2901) to authorize the Secretary of the Treasury to sell and convey the United States custom-house and post-office property at Eastport, in the State of Maine, lately destroyed by fire, the proceeds thereof to be invested in the purchase of a new site for and to provide for the erection of a public building at that place—to the Committee on Public Buildings and Grounds.

TENURE-OF-OFFICE ACT.

The SPEAKER also laid before the House a bill of the Senate of the following title:

A bill (S. 512) to repeal certain sections of the Revised Statutes of the United States relating to the appointments of civil officers.

Mr. COX, of North Carolina. I ask unanimous consent that the 5th day of January be set apart for the consideration of the bill the title of which has just been read.

Mr. HOLMAN. I trust my friend from North Carolina will name the 6th of January.

Mr. COX, of North Carolina. I have no objection to saying the 6th.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. ANDERSON, of Kansas. Will such an order give that bill precedence over prior special orders?

The SPEAKER. The Clerk will read the order which the gentleman from North Carolina desires to have made.

The Clerk read as follows:

Ordered, That Thursday, the 6th day of January, be set apart for the consideration of the tenure-of-office act now reported from the Senate, and the same be continued from day to day until said bill is disposed of.

Mr. HILL. I object.

Mr. ANDERSON, of Kansas. Will the gentleman agree to except bills forfeiting public lands?

Mr. HILL. I withdraw my objection.

Mr. MILLS. That bill should be considered and disposed of in one day.

A MEMBER. In one hour.

Mr. COX, of North Carolina. I agree to make the exception indicated by the gentleman from Kansas [Mr. ANDERSON].

The SPEAKER. If there be no further objection——

Mr. PETERS. I object.

The bill having been read twice, was referred to the Committee on Reform in the Civil Service.

COMMITTEE APPOINTMENTS.

The SPEAKER announced the appointment of Mr. BACON to fill the vacancies on the Committee on Banking and Currency and the Committee on Expenditures in the State Department occasioned by the death of Mr. Arnot.

PUBLIC BUILDING, CHARLESTON, S. C.

Mr. DIBBLE. I move that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 10051) for the erection of a public building at Charleston, S. C., and that the bill be put upon its passage.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or otherwise provide a site and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the post-office and the circuit and district courts of the United States, and for other Government uses, at the city of Charleston, in the State of South Carolina. The site of said building shall not exceed in cost the sum of $100,000; and the building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $400,000; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sums of $100,000 for the site and $400,000 for the building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of South Carolina shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

SEC. 2. That as soon as the said building shall have been erected and occupied for the uses of the Government, the Secretary of the Treasury shall advertise for sale, and shall sell at public auction, to the highest bidder, for cash, the site and building now used and occupied as a post-office in the city of Charleston, and damaged by the recent earthquake shock in that city; and the proceeds of such sale shall be covered into the Treasury.

SEC. 3. That the sum of $500,000, or so much thereof as may be necessary to carry out the provisions of this act, be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. HOLMAN. Mr. Speaker, I desire to ask the gentleman in charge of this bill what objection there is to using the old site for the proposed new building.

Mr. DIBBLE. There are two objections, Mr. Speaker. One is that the old site, all told, is only 90 feet by 50, and is surrounded by streets, so that it can not be enlarged, and it is the opinion of the Supervising Architect that the building should be put upon a larger piece of ground—should be spread out more—built low and wide.

Mr. SPRINGER. Before the time for objection is passed I desire to ask the gentleman from South Carolina [Mr. DIBBLE] whether he will not agree to an appropriation of $200,000 to continue the work during the next fiscal year. It is unusual to appropriate the whole sum for the completion of a building that can not be completed within two or three years. We usually appropriate in the first instance only for the site.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. HEPBURN. I object.

Mr. DIBBLE. I hope the gentleman will withdraw his objection. The building formerly used there has been destroyed by an earthquake, and this is required to meet a present emergency.

Mr. HEPBURN. It is just for that reason that I make the objection. It seems to me, in view of the recent experiences of that city, that this is not the time to invest $500,000 in a new building there.

Mr. DIBBLE. Then I suppose the business of the Government must be done in the open air.

Mr. HILL. Mr. Speaker——

Mr. DUNN. Regular order, Mr. Speaker.

Mr. DORSEY. Mr. Speaker——

Mr. BARKSDALE. Mr. Speaker——

Mr. DORSEY. I wish to call up a pension bill which has come over from last evening.

The SPEAKER. The gentleman from Mississippi [Mr. BARKSDALE] desires to present a privileged report.

PRINTING REPORTS OF HEADS OF DEPARTMENTS.

Mr. BARKSDALE. Mr. Speaker, I desire to present a privileged report from the Committee on Printing.

The report was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *December* 13, 1886.

Resolved, That there be printed in pamphlet form, separately, for the use of the House of Representatives, —— thousand copies of the reports proper of the heads of Departments, including the report of the Commissioner of Agriculture, of the Director of the Mint, and of the Treasurer of the United States, without the appendices.

The Committee on Printing, to whom was referred the foregoing resolution providing for the printing in pamphlet form of separate copies of the reports proper of the heads of Departments and other reports, report the resolution back to the House with the following amendments:

Strike out the word "thousand" and fill the blank with "seventeen hundred," and insert after the word "agricultural" "of the report of the Comptroller of the Currency;" so that the resolution will read as follows:

"*Resolved*, That there be printed in pamphlet form separately for the use of the House of Representatives 1,700 copies of the reports proper of the heads of the Departments, including the report of the Commissioner of Agriculture, of the Comptroller of the Currency, of the Director of the Mint, and of the Treasurer of the United States, without appendices;"

And do recommend its passage as so amended.

The estimated cost will be about $454.

Mr. HOLMAN. Mr. Speaker, I suggest to the gentleman making this report whether it would not be desirable to embrace in this printing the report of the Commissioner of the General Land Office.

Mr. BARKSDALE. I have no objection to that, Mr. Speaker.

Mr. HOLMAN. I move to amend by inserting the report of the Commissioner of the General Land Office.

Mr. BARKSDALE. Mr. Speaker, there is this to be said in reference to that proposition: The law will not permit the House to pass the resolution if so amended, because it is more than probable that the printing of this additional report will increase the expense beyond the five-hundred-dollar limit.

Mr. HOLMAN. Upon the facts stated in the report, I do not think that this addition will increase the expense beyond the limit, but if there is any such danger, it seems to me that some of the other reports named had better be omitted than the one I suggest, which is a report of very general interest.

Mr. BARKSDALE. I offer no further objection, Mr. Speaker.

The amendment was adopted.

The resolution as amended was then agreed to.

Mr. BARKSDALE moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FRANKLIN SWEET.

Mr. DORSEY. Mr. Speaker, I now move to proceed to the consideration of the bill (H. R. 7540) to increase the pension of Franklin Sweet, which comes over from last evening's session.

The SPEAKER. The Chair will state to the gentleman from Nebraska [Mr. DORSEY] that upon an examination of the Journal it appears that the previous question was ordered last evening simply upon the engrossment and third reading of the bill. That being the case, the bill comes up this morning for a vote upon ordering it to be engrossed and read a third time, and when that vote is taken, if objection be made, the bill will go over until next Friday.

Mr. DORSEY. It was the agreement last night that the vote should be taken upon the passage of the bill this morning.

The SPEAKER. The RECORD does not show that, and the Journal does not show it.

Mr. DORSEY. I understand from the Speaker *pro tempore* that such was the order.

The SPEAKER. The last statement in the RECORD about it is this:

Mr. PERKINS. I suggest, as a compromise, that the previous question be ordered and this case go over until we can have a vote on it in a full House.

That was agreed to without anything being said as to when the vote should be taken.

Mr. DORSEY. Then I now move the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

The question was taken on the passage of the bill, and the Speaker declared that the ayes seemed to have it.

Mr. TAULBEE called for a division, but before it could be had, said: Mr. Speaker, it being perfectly apparent that the majority of the House is in favor of the passage of this bill, I withdraw the demand for a division.

The bill was then passed.

Mr. DORSEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BLAND. I call for the regular order.

The SPEAKER. The regular order is proceeding. The next business in order is the call of committees for reports.

Mr. HILL. I move to dispense with the morning hour for the presentation of reports from committees.

The motion was agreed to; two-thirds voting in favor thereof.

The SPEAKER. The hour for the consideration of bills reported from committees now begins at 36 minutes past 12 o'clock. The call rests with the Committee on the Territories.

ASSOCIATE SUPREME JUSTICE FOR NEW MEXICO.

Mr. HILL. I call up for consideration the bill (H. R. 9642) to provide for an additional associate justice of the supreme court of the Territory of New Mexico.

The Clerk read the title of the bill.

The SPEAKER. This bill is in Committee of the Whole on the state of the Union.

Mr. HILL. I ask that the bill be considered in the House as in Committee of the Whole.

Mr. HOLMAN. I think it had better be considered in Committee of the Whole.

Mr. HILL. I move, then, that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. COX, of New York, in the chair, and proceeded to the consideration of the bill (H. R. 9642) to provide for an additional associate justice of the supreme court of the Territory of New Mexico.

The bill was read, as follows:

Be it enacted, &c., That hereafter the supreme court of the Territory of New Mexico shall consist of a chief-justice and three associate justices, any three of whom shall constitute a quorum.

SEC. 2. That it shall be the duty of the President to appoint one additional associate justice of said supreme court in manner now provided by law, who shall hold his office for the term of four years, and until his successor is appointed and qualified.

SEC. 3. That the said Territory shall be divided into four judicial districts, and a district court shall be held in each district by one of the justices of the supreme court, at such time and place as may be prescribed by law. Each judge, after assignment, shall reside in the district to which he is assigned.

SEC. 4. That the present chief-justice and his associates are hereby vested with power and authority, and they are hereby directed, to divide said Territory into four judicial districts, and make such assignments of the judges provided for in the first section of this act as shall in their judgment be meet and proper.

SEC. 5. That the said district court shall have jurisdiction, and the same is hereby vested, to hear, try, and determine all matters and causes that the courts of the other districts of the Territory now possess; and for such purposes two terms of said court shall be held annually, at such places within said district as may be designated by the chief-justice and his associates, or a majority of them; and grand and petit jurors shall be summoned thereon in the manner now required by law.

SEC. 6. That all offenses committed before the passage of this act shall be prosecuted, tried, and determined in the same manner and with the same effect (except as to the number of judges) as if this act had not passed.

Mr. HILL. Mr. Chairman, I desire simply to say that this bill has been carefully considered by two standing committees of this House—the Committee on the Territories and the Committee on the Judiciary—and that both of those committees have reported in favor of the passage of the bill because of the absolute necessity of additional judicial force in New Mexico to transact the public business there.

I yield five minutes to the Delegate from New Mexico [Mr. JOSEPH].

Mr. JOSEPH. Mr. Chairman, I ask that the report of the Committee on Territories upon this bill be read in my time.

The report (by Mr. JOSEPH) was read, as follows:

Your committee have given this bill careful consideration, and are satisfied that the proper administration of justice in the Territory of New Mexico requires that an additional judge should be provided at an early day.

The Territory of New Mexico embraces an area of 121,201 square miles, its eastern boundary line being 345 in length, and its western line 390, with an average breadth of 335 miles, and in 1880 had a population of 119,565, which, at the same ratio of increase as was realized between the census of 1870 and that of 1880, may now safely be estimated to have reached at least a total of 140,185.

Under existing law this large extent of territory is divided into three judicial districts, with a single judge assigned to reside and hold court in each, and such has been the law from the date of the organization of the Territory, in 1850, when the population was only 61,547, or considerably less than one-half of what it is at the present date.

It is also an important fact that railroad facilities through the Territory are being increased, the effect of which must be to stimulate general business, and consequently augment the volume of judicial business to be disposed of by the courts; in addition to which your committee are possessed of reliable information showing that there is at present an accumulation of business on the dockets of the courts as now constituted that will take at least twelve months to dispose of, much of which consists of criminal cases in which the defendants are under indictment for violation of Federal laws, and it is important to the due administration of justice that such cases should be disposed of promptly.

From carefully prepared data it is known that in what is now the first district there are pending about 1,560 indictments, and in the second about 540, and in the third about 450.

Your committee therefore recommend the passage of the accompanying substitute.

Mr. JOSEPH. Mr. Chairman, since that report was made, my attention has been called to an official report made by an examiner of the Department of Justice, who was sent to New Mexico for the purpose of examining into the condition of the judicial business in the district which this bill proposes to divide. From his report I will read a short extract.

After a summary of the number of criminal and civil cases in the district, this officer goes on to say:

There being two terms of court a year in each county, the above represents but half of the business, making 1,580 cases to be passed upon in one term, in addition to those in the supreme court. Taking this as an average, the total number of cases passed upon during one year by the judge will amount to about 3,214 cases, making an average of a little over ten cases for each working day of the year.

Upon the organization of the Territory of New Mexico, in 1850, when our population did not exceed 60,000, the Congress of the United States provided for the appointment of three judges for that Territory; and though, in the thirty-six years that have since elapsed, our population, wealth, and business have more than trebled, yet the judicial force in that Territory has not been increased. It seems to me, Mr. Chairman, that if the system of territorial government is to be continued over that country, justice demands that Congress should provide a judicial system adequate to meet the wants of that great and growing Territory; and I think it but fair and just that Congress should, at this time, meet that demand by the passage of this bill.

Mr. WARNER, of Ohio. How many districts will be provided for under this bill?

Mr. JOSEPH. Four; there are only three now.

Mr. HOLMAN. Mr. Chairman, when this bill was before the House a few days ago, on a request of the gentleman from New Mexico [Mr. JOSEPH] for unanimous consent for its passage, I very reluctantly interposed a request that the matter be delayed, inasmuch as it did not appear that the amount of business in the Territory required an increased number of judges. I was reluctant to antagonize the gentleman who so well represents that Territory. Three judges have generally been sufficient in each of our Territories, except in Dakota, where the vast extent of the Territory and its enormous population for a Territory have required an increase in recent years in the number of judges, first to four, and finally to five. But, having spent some time in New Mexico, it did not occur to me that so large an increase of business had occurred there within the last few years as would justify an additional judicial force. Hence, at my instance, the Committee on Appropriations addressed to the Department of Justice an inquiry, mainly to ascertain what increase, if any, in the business of the Federal courts in that Territory has occurred during the last two years. I send to the desk the reply which has been received.

The Clerk read as follows:

[File No. 8292, 1886.]

DEPARTMENT OF JUSTICE,
Washington, December 17, 1886.

SIR: The Attorney-General directs me to say in reply to your last message in relation to the volume of business before the courts of the United States in the Territory of New Mexico, that, owing to the changes in the office of attorney of the United States there, no return of business for that district for the annual report of the Attorney-General was made for the year 1885, but a return was made for 1884, and appears in the report for that year. I inclose a brief summary of the statistics for 1884 and 1886.

Very respectfully,

CECIL CLAY,
Chief Clerk.

Mr. J. C. COURTS,
Clerk of the Committee on Appropriations,
House of Representatives.

Memorandum of statistics of business in United States courts in New Mexico.

	1884.	1886.
Civil suits to which the United States was a party terminated in year ending June 30	14	1
Civil suits to which the United States was a party pending July 1	34	34
Criminal prosecutions in circuit and district courts of the United States terminated in year ending June 30	120	61
Criminal prosecutions in circuit and district courts of the United States pending July 1	170	78
Amount of judgments in favor of the United States obtained during year ending June 30	$22,497 31	
Amount of fines, forfeitures, and penalties imposed during year ending June 30	18 50	$1,047 35
Realized from judgments during year		
Realized on fines, forfeitures, and penalties imposed during year		337 35

Mr. HOLMAN. That statement manifestly does not present the whole volume of business in that Territory for the years 1884–'86. Yet it does not appear to be entirely confined to the criminal and civil causes to which the United States was a party. It goes, I think from a hasty reading, beyond that. The inquiry addressed to the Department of Justice went to all the business. I present it only for the purpose of showing the unimportance and insufficiency of the data on which we are called upon to act—data showing an actual decline in the business of those courts as far as it goes.

Let me call attention to the report of the inspector for 1885 for a moment. The state of business in the first district is set forth, the number of causes in the several counties of the district, civil and criminal, are given at a given term of the court in 1875, and this inspector merely doubles the number for the purpose of ascertaining the entire business of that district for the current year on the assumption that the entire docket of each county was cleared off each term. This data is wholly unsatisfactory and indefinite.

I regret, Mr. Chairman, very much to see any increase of public offices, unless there is an imperative necessity for that increase. Yet I present any ground of objection to the passage of this bill with reluctance; for no gentleman commands the respect of this House more than the accomplished and able delegate from that Territory [Mr. JOSEPH], and he seems to be very anxious this bill should pass. He thinks it is a necessary and proper measure. Yet gentlemen can see the data furnished by the Department of Justice of the business of the Territory as far as presented do not seem to justify or require the appointment of an additional judge. The business of the United States in those courts, it will be seen by the statement, is actually declining. It would seem almost impossible, considering the character of the population of the Territory of New Mexico—an unusually peaceful, quiet, and orderly people, more crystallized, more established in their habits than the people of most of the Territories—there should be any material increase of business in the courts of that Territory during the last two years. Heretofore no complaints were made of the insufficiency of the courts of the Territory.

Mr. SPRINGER. The gentleman from Indiana makes the point against this bill that the business of the Territory of New Mexico does not require an additional judge.

Mr. HOLMAN. The gentleman should not put me in that position. I said that, taking the number of suits, the business of the Territory would not seem to require the appointment of an additional judge.

Mr. SPRINGER. I will repeat, then, that the gentleman from Indiana on the data there holds the opinion that the business of the courts does not require the appointment of an additional judge. The Department of Justice is of the opinion that it does. The expert of the Department of Justice is also of a similar opinion. Such, also, is the opinion of the Attorney-General.

Mr. HOLMAN. Have you any opinion of the Attorney-General to that effect?

Mr. SPRINGER. We have his report.

Mr. HOLMAN. Not a report by him, however.

Mr. SPRINGER. It has been transmitted by him on the request of the Delegate of the Territory of New Mexico as to the condition of business there. He sends the report to this House. The Delegate of the Territory, who has lived there from his birth, is also of opinion that the condition of business in New Mexico does require the appointment of an additional judge. The Committee on the Judiciary is also of that opinion, as well as the Committee on the Territories. These two committees, then, as well as the Delegate of the Territory of New Mexico, and the Department of Justice, are all of the same opinion that this Territory requires this additional judge, and I place their opinion against that of the gentleman from Indiana, although in ordinary cases I have the highest respect for his judgment.

Mr. HOLMAN. Will the gentleman also inform me on what data the committee acted?

Mr. SPRINGER. The Committee on the Territories has acted upon the papers to which I have already referred and the information which has come to us through the sources mentioned; as also upon the facts to which I have endeavored to call attention with reference to the excessive amount of work imposed upon these judicial officers.

Mr. HOLMAN. But have you taken the opinion of the Department of Justice as to the necessity for this additional judge? Have you asked for information in the Department of Justice?

Mr. SPRINGER. We have the report which the gentleman has just called attention to. It shows that these judges must decide each and every working-day an average of ten cases, thereby making it impossible for them to take any recreation whatever; and the failure to pass this bill will be practically denying to the citizens of that territory, one hundred and fifty thousand people, that justice which the law accords to all of its other citizens. In view of the fact that the gentleman from Indiana has been only a few weeks in that Territory, and, notwithstanding the very high regard I have for his opinion, I am convinced that he is not fully advised as to this question. I am satisfied that the information upon which the committee acted is reliable, and, consequently, I move that the committee rise and report the bill to the House.

Mr. HOLMAN. My friend must remember that this paper which I now hold in my hand, the report of the inspector, is no official recommendation whatever from the Attorney-General for this action.

Mr. HILL. Before the motion of the gentleman from Illinois is submitted I send to the desk and ask to have read an extract from the message of the governor of that Territory, to which I hope attention will be given.

The Clerk read as follows:

There are now but three judicial districts for this Territory, and the labor of these courts has become exceedingly onerous. A large part of the year is now occupied by each of the three judges actually in court, leaving them but little time for recuperation or for the preparation of opinions upon the many very important cases that come before them for adjudication. The result is that they are greatly embarrassed in the discharge of their duties, and are often unable to clear the docket in one county before court begins in another; important cases, civil and criminal, are obliged to be held over to a later term, to the great detriment of litigants, and with great wrong and the denial of justice to alleged criminals, who are not infrequently compelled to be in jail for another six

months, under accusations of which they claim to be, and sometimes are finally on trial found to be, innocent. Another serious phase of this matter is in the fact that, with but three judges to constitute the supreme court of the Territory, each of the three is required, in order that there may always be a majority for the promulgation of an opinion and the decision of a case, to sit in judgment and reviewal of his own decisions in the court below.

Mr. HILL. Now, I move that the committee rise and report the bill to the House with the recommendation that it do pass.

The committee divided; and there were—ayes 142, noes 17.

Mr. BENNETT. No quorum.

Mr. HOLMAN. In view of the fact that the House is manifestly largely in favor of the passage of this bill, I hope my friend from North Carolina will not insist upon the question of a quorum.

The CHAIRMAN. Does the gentleman from North Carolina withdraw the demand for a quorum?

Mr. BENNETT. No, sir.

The CHAIRMAN. Then the Chair will appoint tellers.

Mr. BENNETT and Mr. HILL were appointed tellers.

The committee again divided, and the tellers reported—ayes 176, noes 8, not voting 80.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 9642), had directed him to report the same to the House without amendment, and recommend its passage.

Mr. HILL. I demand the previous question on the engrossment and third reading of the bill.

The previous question was ordered, and, under the operation thereof, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage of acts of the following titles; in which concurrence was requested:

A bill (S. 2516) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.; and

A bill (S. 2958) to give the assent of Congress to the construction of a free bridge by the county of Davidson, Tennessee, over the Cumberland River.

It further announced the passage of a bill (H. R. 9987) to authorize the construction of a bridge across the Saint Louis River at the most accessible point between the States of Minnesota and Wisconsin, with amendments, asked for a conference on the disagreeing votes of the two Houses on the latter bill and amendments, and had appointed Mr. MCMILLAN, Mr. CONGER, and Mr. VEST as managers of said conference on its part.

TERRITORY OF OKLAHOMA.

Mr. HILL. I now call up for consideration the bill (H. R. 7217) to provide for the organization of the Territory of Oklahoma, and for other purposes.

The SPEAKER. This bill is in Committee of the Whole House on the state of the Union.

Mr. HILL. I move that the House resolve itself into Committee of the Whole for the further consideration of the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. CRISP in the chair.

The CHAIRMAN. The Clerk will report the bill.

Mr. HILL. This bill was read at length when this subject was considered by the House on a previous day.

Mr. HOLMAN. I think the bill had better be again read.

Mr. STRUBLE. It has been read once.

The CHAIRMAN. The Chair will state that on the 1st day of May when the House was in Committee of the Whole it was read. It was also considered on June 3.

Mr. HOLMAN. I shall not insist upon the reading.

Mr. HILL. I yield the remainder of the hour to the gentleman from Georgia [Mr. BARNES], in opposition to the bill.

Mr. BARNES. It seems to me, Mr. Chairman, that I am entitled to more than the remainder of this hour, having presented the minority report.

Mr. HILL. I can not yield you more time than I have.

The CHAIRMAN. If the gentleman from Georgia does not desire to accept the time remaining of the gentleman from Ohio, the Chair will recognize the gentleman from Georgia in his own right as soon as the gentleman from Ohio has exhausted his time.

Mr. HILL. I will yield to the gentleman from Georgia thirty minutes, if that will be satisfactory.

Mr. BARNES. I am unwilling to accept the time in that way. I am entitled to it as a matter of right.

Mr. HOLMAN. Let me suggest to the gentleman from Georgia, if I can have his attention, that the gentleman from Ohio occupy such time as he thinks proper now, in view of the fact that the Chair has stated he would afterwards recognize the gentleman from Georgia.

Mr. HILL. But I do not desire to occupy the time now.

The CHAIRMAN. The Chair learns by reference to the RECORD that the gentleman from Ohio has but eight minutes of his time remaining.

Mr. HILL. But that came out of the time under the special order, and I do not understand that it applies to this morning hour.

The CHAIRMAN. The Chair is of opinion that the fact the bill is called up in the morning hour would not alter the status of the question in that respect.

Mr. HILL. Then, as I understand it, the gentleman from Georgia would be entitled to an hour in his own right.

The CHAIRMAN. Whenever the Chair recognizes the gentleman from Georgia.

Mr. HILL. Then I hope the Chair will recognize the gentleman from Georgia now.

[Mr. BARNES withheld his remarks for revision. They may be found on page 334.]

Mr. SPRINGER. As the consideration hour has expired, I will move, with the permission of the gentleman from Georgia [Mr. BARNES], that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 7217) had come to no resolution thereon.

THE TARIFF.

Mr. MORRISON. I move that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of considering bills raising revenue.

Mr. MCKINLEY. On that motion I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 149, nays 154, not voting 19; as follows:

YEAS—149.

Adams, J. J.	Culberson,	Johnston, T. D.	Seymour,
Allen, J. M.	Daniel,	Jones, J. H.	Shaw,
Anderson, C. M.	Dargan,	Jones, J. T.	Singleton,
Bacon,	Davidson, A. C.	Kleiner,	Skinner,
Ballentine,	Davidson, R. H. M.	Laffoon,	Snyder,
Barbour,	Dawson,	Landes,	Springer,
Barksdale,	Dibble,	Lanham,	Stewart, Charles
Barnes,	Dockery,	Lore,	Stone, E. F.
Barry,	Dougherty,	Lovering,	Stone, W. J., Ky.
Belmont,	Dunn,	Lowry,	Stone, W. J., Mo.
Bennett,	Eden,	Mahoney,	Strait,
Blanchard,	Eldredge,	Matson,	Swope,
Bland,	Findlay,	Maybury,	Tarsney,
Blount,	Fisher,	McCreary,	Taulbee,
Bragg,	Ford,	McMillin,	Taylor, J. M.
Breckinridge, C. R.	Forney,	McRae,	Throckmorton,
Breckinridge, WCP	Frederick,	Miller,	Tillman,
Burnes,	Gibson, C. H.	Mills,	Townshend,
Bynum,	Gibson, Eustace	Morgan,	Trigg,
Cabell,	Glass,	Morrison,	Turner,
Caldwell,	Green, W. J.	Murphy,	Van Eaton,
Campbell, Felix	Hale,	Neal,	Viele,
Campbell, T. J.	Hall,	Neece,	Wakefield,
Candler,	Halsell,	Nelson,	Ward, T. B.
Carleton,	Hammond,	Norwood,	Weaver, J. B.
Catchings,	Harris,	O'Ferrall,	Wellborn,
Clardy,	Hatch,	O'Neill, J. J.	Wheeler,
Clements,	Hayden,	Outhwaite,	White, Milo
Cobb,	Heard,	Peel,	Willis,
Collins,	Hemphill,	Perry,	Wilson,
Compton,	Henderson, J. S.	Pindar,	Winans,
Comstock,	Herbert,	Richardson,	Wise,
Cowles,	Hewitt,	Riggs.	Wolford,
Cox, S. S.	Hill,	Robertson,	Worthington,
Cox, W. R.	Holman,	Rogers,	Carlisle, John G.
Crain,	Howard,	Rusk,	
Crisp,	Hudd,	Sadler,	
Croxton,	Hutton,	Sayers,	

NAYS—154.

Adams, G. E.	Caswell,	Green, R. S.	Ketcham,
Allen, C. H.	Conger,	Grosvenor,	La Follette,
Anderson, J. A.	Cooper,	Grout,	Laird,
Atkinson,	Curtin,	Guenther,	Lawler,
Baker,	Cutcheon,	Hanback,	Le Fevre,
Bayne,	Davenport,	Harmer,	Lehlbach,
Bingham,	Davis,	Haynes,	Libbey,
Bliss,	Dingley,	Henderson, D. B.	Lindsley,
Bound,	Dorsey,	Henderson, T. J.	Long,
Boutelle,	Dunham,	Hepburn,	Louttit,
Boyle,	Ely,	Hermann,	Lyman,
Brady,	Ermentrout,	Hiestand,	Markham,
Brown, C. E.	Evans,	Hires,	Martin,
Brown, W. W.	Everhart,	Hiscock,	McAdoo,
Brumm,	Farquhar,	Hitt,	McComas,
Buchanan,	Felton,	Holmes,	McKenna,
Buck,	Fleeger,	Hopkins,	McKinley,
Bunnell,	Foran,	Houk,	Merriman,
Burleigh,	Fuller,	Irion,	Millard.
Burrows,	Funston,	Jackson,	Milliken,
Butterworth,	Gay,	James,	Moffatt,
Campbell, J. M.	Geddes,	Johnson, F. A.	Morrill,
Campbell, J. E.	Gilfillan,	Johnston, J. T.	Morrow,
Cannon,	Goff,	Kelley,	Muller,

Negley,	Randall,	Spriggs,	Van Schaick,
O'Donnell,	Ranney,	Stahlnecker,	Wade,
O'Hara,	Reed, T. B.	Steele,	Wadsworth,
O'Neill, Charles	Rice,	Stephenson,	Wait,
Osborne,	Rockwell,	Stewart, J. W.	Wallace,
Owen,	Romeis,	St. Martin,	Ward, J. H.
Parker,	Rowell,	Struble,	Warner, A. J.
Payne,	Ryan,	Swinburne,	Weaver, A. J.
Payson,	Sawyer,	Symes,	Weber,
Perkins,	Scranton,	Taylor, E. B.	West,
Peters,	Seney,	Taylor, I. H.	White, A. C.
Pettibone,	Sessions,	Taylor, Zach.	Wilkins,
Phelps,	Smalls,	Thomas, J. R.	Woodburn.
Pirce,	Sowden,	Thomas, O. B.	
Plumb,	Spooner,	Thompson,	

NOT VOTING—19.

Aiken,	Henley,	Pidcock,	Storm,
Browne, T. M.	King,	Reagan,	Tucker,
Ellsberry,	Little,	Reid, J. W.	Warner, William
Gallinger,	Mitchell,	Reese,	Whiting.
Glover,	Oates,	Scott,	

So the motion was disagreed to.

During the roll-call

The SPEAKER said: The Clerk will call my name.

Mr. CARLISLE'S name was called, and he voted in the affirmative.

Mr. BLANCHARD. I wish to announce that my colleague [Mr. KING] is absent by leave of the House. It was impossible to procure a pair. If present, he would vote aye.

Mr. BOYLE. My colleague [Mr. STORM] is unable to be present on account of important business. If present, he would vote to go into committee.

Pairs were announced as follows:

Mr. SCOTT with Mr. LITTLE, until further notice. On the tariff bill Mr. SCOTT would vote for consideration and Mr. LITTLE against it.

Mr. MITCHELL with Mr. WHITING. If present, on the tariff bill Mr. MITCHELL would vote for consideration and Mr. WHITING against it.

Mr. GLOVER with Mr. WARNER, of Missouri, on the tariff bill. Mr. GLOVER would vote for consideration and Mr. WARNER, of Missouri, against it.

Mr. STORM with Mr. HENLEY, on the tariff bill. If present, Mr. STORM would vote for consideration and Mr. HENLEY against it.

Mr. OATES with Mr. GALLINGER, on the tariff bill. Mr. OATES would, if present, vote for consideration and Mr. GALLINGER against it.

Mr. REESE with Mr. PIDCOCK, on the tariff bill. Mr. REESE would vote for consideration and Mr. PIDCOCK against it.

Mr. TUCKER with Mr. BROWNE, of Indiana, on all political questions until further notice.

The vote was then announced as above recorded.

The SPEAKER. The nays have it, and the motion is not agreed to. [Applause.]

ORDER OF BUSINESS.

Mr. HERBERT. I move the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of considering the special order, which is the bill (H. R. 7635) to consolidate certain bureaus of the Department of the Navy, and for other purposes.

Mr. CRISP. Mr. Speaker, in May last, by order of the House, two days were fixed for the consideration of certain bills reported by the Committee on Pacific Railroads. One of these bills, and one of great public importance, was partially considered and the previous question was ordered on its engrossment and third reading. I refer to the bill to adjust the indebtedness of the Pacific railroads to the United States.

The terms of the order provided that the committee shall be allowed two days for consideration of these bills. When it is taken up, and that bill is in condition where the previous question is ordered on its engrossment and third reading, I do not think it will take much time to dispose of it. It is a matter of great importance to the people and the Government, and I ask to call it up.

Mr. HERBERT. This bill for the consolidation of bureaus of the Navy Department is the regular order and has priority. It is entitled to it by the terms of the order.

The SPEAKER. The Chair thinks not. The language of the two orders is precisely the same. In each case a day was set apart for consideration and to be continued from day to day. In the case of the bill called up by the gentleman from Georgia the time fixed by the vote of the House was an earlier day than that fixed by the bill called up by the gentleman from Alabama. And therefore the Chair holds the question must be first put on the motion of the gentleman from Georgia. Does the gentleman from Alabama raise the question of consideration against it?

Mr. HERBERT. I do.

Mr. SPRINGER. I hope the gentleman from Georgia will not press the bill, but will allow it to go over until after the holidays. If it is pressed this evening without affording time for its consideration, I give notice I will resist its passage with all the power which the rules of the House will give me.

The SPEAKER. Questions relating to the priority of business are not debatable.

The Clerk will report the title of the bill called up by the gentleman from Georgia, and against which the gentleman from Alabama raises the question of consideration.

Mr. HERBERT. A vote against that proposition will enable the bill for the consolidation of the bureaus of the Navy Department to be taken up?

The SPEAKER. That will be the effect if the House so orders.

Mr. HERBERT. Then I hope that will be done.

The SPEAKER. The question is not debatable.

Mr. HERBERT. This is a very important matter, and I hope the House will order its consideration.

Mr. CRISP. I hope the House will not do it. This is a very much more important matter than the reorganization of the Navy——

The SPEAKER. This is not debatable.

Mr. CRISP. A question involving as it does the collection of $109,000,000 that is due or will be due the United States.

Mr. WARNER, of Ohio. It is rather a question of extending indefinitely the payment of that amount.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 8318) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of the claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned.

The SPEAKER. The question is, Will the House proceed to consider the bill?

Mr. HOLMAN. I ask for the yeas and nays on this motion.

The yeas and nays were ordered.

Mr. REAGAN. I want to ask permission of the House to record my vote on the motion to go into Committee of the Whole to consider revenue bills. I was not on the floor at the time; but inasmuch as my vote will not change the result I ask the privilege of recording it.

The SPEAKER. The rules of the House expressly provide that it shall not be in order for the Chair to entertain even a request for unanimous consent. The gentleman can state, however, how he would have voted.

Mr. REAGAN. If present, I would have voted to consider the tariff bill.

Mr. DUNHAM. What is the question before the House?

The SPEAKER. The only question pending is the question of consideration; and if the House will be in order the Chair will submit the question.

Mr. SPRINGER. In view of the fact that great confusion is prevailing on the floor, I move that the House do now adjourn.

The question was taken; the House divided and there were—ayes, 117, noes 43.

Mr. HAMMOND, Mr. HERBERT, and others demanded the yeas and nays.

The yeas and nays were not ordered.

Mr. HAMMOND. I demand tellers on the yeas and nays.

Tellers were refused.

So the motion was agreed to; and accordingly (at 2 o'clock and 12 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BUNNELL: Petition of Merchants' Exchange of Saint Louis, and others, urging increased trade relations between the United States and Central and South America—to the Committee on the Post-Office and Post-Roads.

By Mr. CLARDY: Memorial of the Merchants' Exchange of Saint Louis, Mo., asking the establishment of trade relations between the United States and Central and South America—to the same committee.

By Mr. S. S. COX: Petition of James Flynn, Company A, Sixty-Second Regiment New York Volunteers, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. W. R. COX: Petition of the North Carolina Temperance Union Association, in behalf of the Blair bill—to the Committee on Education.

By Mr. DINGLEY: Memorial of New England Ship-owners' Association, for revision of the treaty with Spain so as to not discriminate against American sailing vessels in ports of Cuba—to the Committee on Foreign Affairs.

By Mr. D. B. HENDERSON: Telegram from the National Vinegar Makers' Association, protesting against the Breckinridge vinegar bill—to the Committee on Ways and Means.

By Mr. LIBBEY: Papers to accompany bill granting a pension to William Moneypenny—to the Committee on Invalid Pensions.

By Mr. MORROW: Memorial of the Ladies' Silk Culture Association of California, in behalf of silk culture in California—to the Committee on Agriculture.

By Mr. STEELE: Petition of Benjamin Birdsall and 300 others, soldiers of the United States Army at Fort Douglas, Utah, asking that the

act of February 25, 1885, be amended to read twenty-five instead of thirty years—to the Committee on Military Affairs.

By Mr. STRAIT: Petition of P. Cudmore, of Faribault, Minn., asking the ratification of the treaty with Nicaragua, and for building the Nicaragua Canal—to the Committee on Ways and Means.

Also, resolutions of the Chamber of Commerce of Duluth, Minn., asking an appropriation of $50,000 for a site for a court-house, custom-house, and post-office at Duluth, Minn.—to the Committee on Public Buildings and Grounds.

Also, resolutions of the Chamber of Commerce of Duluth, Minn., asking for an appropriation of $150,000 for dredging the harbor of Duluth and Saint Louis Bay, in accordance with plans and recommendations made by United States engineers—to the Committee on Rivers and Harbors.

By Mr. A. C. WHITE: Petition of 46 prominent lumbermen for the improvement of the Clarion River, in Pennsylvania—to the same committee.

By Mr. WILSON: Petition of George W. Ashly, for a special-act pension—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *December* 20, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

RICHARD COKE, a Senator from the State of Texas, appeared in his seat to-day.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Supervising Architect of that Department relative to a special appropriation for repairs and heating apparatus for certain public buildings; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of December 13, 1886, a report of Special Agent George R. Tingle, in regard to the Seal Islands of Alaska; which, on motion of Mr. FRYE, was, with the accompanying documents, ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions adopted by the National Cattle Growers' convention in favor of throwing open certain Indian reservations to settlement; which were referred to the Committee on Indian Affairs.

He also presented resolutions adopted by the National Grange, Patrons of Husbandry, in favor of the proposed celebration of the centennial of the adoption of the Constitution, the world's exposition, &c.; which were referred to the Select Committee on the Centennial of the Constitution and Discovery of America.

He also presented resolutions adopted by the American Institute of Homeopathy, in favor of the establishment of a school of original research in all that pertains to materia medica, therapeutics, &c., to be connected with the Smithsonian Institution; which were referred to the Committee on Education and Labor.

Mr. DAWES presented the petition of G. I. Colesworthy and 74 other citizens of Boston, Mass., and the petition of Dennis McManus and 107 other citizens of Sommerville, Mass., praying for a reduction of the special taxes, and for the repeal of the "obnoxious, prohibitory, and monopolistic features" of the oleomargarine act; which were referred to the Committee on Agriculture and Forestry.

Mr. CULLOM. I present petitions of importers of the cities of Chicago, Kansas City, Indianapolis, Louisville, Cincinnati, Denver, Saint Paul, Pittsburgh, Hartford, Springfield, Mass., and Boston, Mass., praying for certain amendments of the immediate-transportation act.

I desire to say in connection with these several petitions that they were prepared, in the first place, with reference to a bill which I had the honor of introducing myself before knowing that there had been a bill on the subject already presented by the Senator from Missouri [Mr. COCKRELL]. I am informed by the leading persons whose names are on these petitions that they are entirely satisfied with the bill as introduced by the Senator from Missouri.

I move that the petitions be referred to the Committee on Commerce.

The motion was agreed to.

Mr. CULLOM presented the petition of W. D. Cooper and 180 other citizens of Aurora, Ill., praying for a reduction of special taxes and for the repeal of the "obnoxious, prohibitory, and monopolistic features" of the oleomargarine act; which was referred to the Committee on Agriculture and Forestry.

Mr. MITCHELL, of Oregon. I present memorials of the Board of Trade of Portland, Oreg.; the Columbia River Fishermen's Protective Union of Astoria, Oreg.; the Stevedores, Longshoremen, and Riggers' Union, and the Multnomah Typographical Union of Portland, Oreg.; and of 24 assemblies of the Knights of Labor, and many thousand citizens and residents of the State of Oregon and Washington Territory, alleging that certain fish traps used in the catching of salmon on the Columbia River interfere with the navigation of that river, and praying for the removal of the same.

I move the reference of the memorials to the Committee on Commerce, and I desire to ask the attention of the chairman of the committee to the resolution introduced by me and referred to that committee a few days since. I should be glad to have early action on that resolution.

The PRESIDENT *pro tempore*. The memorials will be referred to the Committee on Commerce.

Mr. MITCHELL, of Oregon, presented a petition of citizens of Warner Valley, Oreg., praying for a resurvey of townships 39 and 40 south, range 24 east, in Lake County, Oregon, with a view of establishing the proper meanders of what is known as Warner Lake in those townships; which was referred to the Committee on Public Lands.

Mr. MAHONE presented a petition of the leading State and city officials and 75 citizens of Norfolk and Portsmouth, Va., praying for a reduction of special taxes and for the repeal of the "obnoxious, prohibitory, and monopolistic features" of the oleomargarine act; which was referred to the Committee on Agriculture and Forestry.

Mr. HOAR. I present the petition of Henry H. Kingsbury and other citizens of Spencer, Mass., praying for the passage of the bill for the establishment of agricultural experiment stations. I also present resolutions adopted by the Spencer (Mass.) grange, Patrons of Husbandry, to the same effect. I move the reference of the petition and papers to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. SPOONER presented the petition of Levi J. Bryant, of Washington, D. C., praying to be allowed compensation for damage alleged to be done to his property by the District government; which was referred to the Committee on the District of Columbia.

Mr. INGALLS presented a petition of citizens of the District of Columbia, praying for relief from alleged unjust taxation; which was referred to the Committee on the District of Columbia.

Mr. EDMUNDS presented the petition of George W. Bolton, of Montpelier, Vt., praying for the passage of an act of Congress removing the charge of desertion against him in the war records; which was referred to the Committee on Military Affairs.

He also presented the petition of Capt. N. B. Proctor and five other navigators, captains of steamers, &c., on Lake Champlain, praying for the removal of obstructions between Grand Isle and South Hero; which was referred to the Committee on Commerce.

Mr. VEST presented a petition of the Merchants' Exchange of Saint Louis, Mo., praying for legislation looking to the increase of trade between the United States and Central and South America; which was referred to the Committee on Commerce.

Mr. MORRILL presented a petition of the Women's Christian Association of the District of Columbia, praying to be allowed an appropriation for the next year; which was referred to the Committee on Appropriations.

He also presented a petition of the National Association for the Relief of Destitute Colored Women and Children of the District of Columbia, praying to be granted an appropriation for the next year; which was referred to the Committee on Appropriations.

Mr. DOLPH presented a petition of citizens and agriculturists in the town of Corvallis, Benton County, Oregon, praying for the passage of the bill establishing agricultural experiment stations; which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES.

Mr. PUGH, from the Committee on the Judiciary, to whom was referred the bill (S. 140) to provide that judges of the United States circuit and district courts shall reduce their instructions to juries to writing in all States wherein by the laws thereof State judges are required to do so, reported it with an amendment.

Mr. FRYE, from the Committee on Foreign Relations, to whom was referred the bill (S. 3014) to fix the charge for passports at $1, asked to be discharged from its further consideration and that the bill be referred to the Committee on Finance; which was agreed to.

BILLS INTRODUCED.

Mr. COKE (by request) introduced a bill (S. 3016) authorizing John Willett and his associates to construct and maintain a harbor on the east shore of Padre Island, in the State of Texas; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MORRILL (by request) introduced a bill (S. 3017) to amend sections 3342 of the Revised Statutes of the United States in relation to spigot-holes in fermented-liquor casks; which was read twice by its title, and referred to the Committee on Finance.

Mr. SAWYER introduced a bill (S. 3018) granting a pension to James Lucas; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3019) for the relief of Niel Nielsson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MITCHELL, of Oregon, introduced a bill (S. 3020) providing for the resurvey of certain public lands in the State of Oregon; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 3021) granting a pension to M. T. Lindsey, of Oregon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STANFORD introduced a bill (S. 3022) to encourage co-operation and to provide for the formation of associations in the District of Columbia for the purpose of conducting any lawful business and dividing the profits among the members thereof; which was read twice by its title.

Mr. STANFORD. I ask that the bill may lie on the table, and at the proper time I shall submit some remarks upon it.

The PRESIDENT *pro tempore*. The bill will lie on the table for the present.

Mr. PLUMB introduced a bill (S. 3023) to authorize the Kansas, Texas, and Southwestern Railway Company to build its road across the Fort Hays Military Reservation; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3024) granting a pension to L. J. McGoffin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER. The Senator from New York [Mr. MILLER] is absent from the Senate attending the funeral of a friend. He has requested me to introduce for him a bill.

The bill (S. 3025) to extirpate contagious pleuro-pneumonia, foot-and-mouth disease, and rinderpest among, and to facilitate the exportation of, cattle and the products of live-stock, and for other purposes, was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. DOLPH introduced a bill (S. 3026) granting to the Washington and Idaho Railroad Company the right of way through the Cœur d'Alene Indian reservation; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. GIBSON introduced a bill (S. 3927) to amend and re-enact section 5 of an act entitled "An act to divide the State of Louisiana into two judicial districts," approved March 3, 1881; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CONGER introduced a bill (S. 3028) to provide for the erection of a building for the use of the Light-House Board at Washington, D. C.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BLAIR introduced a bill (S. 3029) to allow soldiers and sailors in the United States service who have lost both arms increased pension; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. WILLIAMS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. BOWEN submitted an amendment intended to be proposed by him to the bill (H. R. 9110) to amend sections 5191 and 5192 of the Revised Statutes of the United States; which was referred to the Committee on Finance, and ordered to be printed.

ATLANTIC AND PACIFIC SHIP-RAILWAY.

Mr. VEST. I ask leave to submit an amendment intended to be proposed by me as a substitute for the bill (S. 2288) to incorporate the Atlantic and Pacific Ship-Railway Company, and for other purposes; and I ask the Senate to indulge me in a few words in regard to the bill before I submit a motion.

The original bill, together with the substitute, refers to the subject of the inter-oceanic ship-railway, as it is known. The substitute eliminates from the original bill all the provisions in regard to a guarantee on the part of the United States Government, and provides simply for a naked incorporation of a company looking to private subscriptions in this country and in Europe for the purpose of accumulating or getting the means to construct the road.

I ask that the substitute be printed; and I move that the bill to which it relates be made a special order for the second Tuesday in January.

The PRESIDENT *pro tempore*. The Senator from Missouri asks that the substitute be printed, and that the bill to which it relates be made a special order ——

Mr. EDMUNDS. Without a reference?

Mr. VEST. The original bill was reported from the Committee on Commerce. This substitute strikes out all of the original bill except the naked proposition to incorporate. That subject has been before the Committee on Commerce.

Mr. EDMUNDS. It is intended to be proposed as an amendment, I understand.

Mr. VEST. As a matter of course, as a substitute by way of amendment. The subject has been considered by the Committee on Commerce and reported, and all the objectionable features have been stricken out of the bill by the substitute. I want it taken up and disposed of.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the bill referred to by him be made a special order for the second Tuesday in January. The question is on that motion.

The motion was agreed to (two-thirds of the Senators present voting in the affirmative).

RAILROAD RECEIVERS.

Mr. GEORGE submitted the following resolution; which was read:

Resolved, That the Committee on the Judiciary be instructed to inquire into the powers of the Federal courts wherein any receiver for a railroad has been appointed to authorize or permit such receiver to disregard or violate the laws of the State wherein such railroad is operated regulating charges for the transportation of persons or property on the same, so far as such charges are made for transportation beginning and ending in such State, and also to inquire into the necessity for any legislation on that subject, and that they report by bill or otherwise.

Mr. GEORGE. I desire to have the resolution printed and lie on the table. I may submit some remarks in reference to it at some future time.

The PRESIDENT *pro tempore*. The resolution will lie on the table for the present, if there be no objection.

USE OF COLUMBIA RIVER APPROPRIATIONS.

Mr. MITCHELL, of Oregon. I offer the following resolution, and ask for its immediate consideration:

Whereas it is alleged in the public prints of Oregon that a steam-vessel known as "The Cascades of the Columbia, United States Engineers," was heretofore built under the direction of the United States engineer then in charge of work at the canal and locks at the Cascades of the Columbia, under the direction of the Chief of Engineers and Secretary of War at a cost of about $70,000, and paid for out of money heretofore appropriated by Congress for the purpose of continuing the construction of the canal and locks at that point; and

Whereas it is further alleged in such public prints that such vessel is not used in carrying on said work, but is used as a transport and tender to the jetty works now being constructed opposite to the Saint Helen's Bar in the Columbia River, some 80 miles distant from said canal and locks; and

Whereas it is further alleged in such public prints that a steam-launch, now alleged to be used as an excursion boat for the army officers at Vancouver, Washington Territory, was also constructed under the direction of the United States engineers and paid for by a misappropriation of money heretofore appropriated by Congress for the purpose of constructing said canal and locks at the Cascades of the Columbia; and

Whereas it is further alleged that the cost of maintaining these boats has been and is about $10,000 a year, which sum annually, it is alleged, has been paid out of the funds heretofore appropriated by Congress for the purpose of carrying on said work at the canal and locks aforesaid: Therefore,

Resolved, That the Secretary of War be, and he is hereby, directed to advise the Senate at his earliest practicable convenience whether any such steam-vessel known as, licensed, or called "The Cascades of the Columbia, United States Engineers," or any steam-launch, has at any time heretofore, and, if so, when, been built on the Columbia River for use on said river, under the authority or direction or with the approval of the Chief of Engineers or Secretary of War, and, if so, for what purpose was such vessel or vessels built, the date when commenced and when completed, under what authority constructed, the cost of the same and each thereof, if more than one, and out of what appropriation paid for; also in what particular service such vessel or vessels have been employed since their completion, at what particular place or places and how long at each place employed: also the cost and expense of maintaining such vessel or vessels per annum since completed, and from what fund or funds have such cost and expense been paid.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution offered by the Senator from Oregon?

Mr. HARRIS. Let the resolution go over.

The PRESIDENT *pro tempore*. The resolution being objected to, will lie over.

Mr. MITCHELL, of Oregon. Objection being made, I ask that the resolution be printed.

The PRESIDENT *pro tempore*. It will be so ordered.

Mr. MITCHELL, of Oregon. In connection with the same subject-matter, I offer another resolution, which I ask may be printed in the RECORD and also printed as a document, and go over until to-morrow.

The PRESIDENT *pro tempore*. The Senator from Oregon offers a resolution and asks that it be printed in the RECORD and go over with the preceding resolution.

Mr. HOAR. Let it be read if it is to be printed in the RECORD.

Mr. HARRIS. Unless there is some special reason, why not let it be printed as a document and lie on the table with the other resolution?

Mr. MITCHELL, of Oregon. I ask to have the resolution read.

The PRESIDENT *pro tempore*. The resolution will be read.

The resolution was read and ordered to lie on the table, as follows:

Whereas it is alleged in the public prints of Oregon that the wages of the employés at the canal and locks at the Cascades of the Columbia River were, by order of Capt. Charles F. Powell, United States engineer in charge of said work, either under the direction of or approved by the Secretary of War, reduced recently to such an extent that great numbers of them quit work and were hired by the Northern Pacific Terminal Company, a corporation alleged to be owned jointly by the Oregon Railway and Navigation Company and the Northern Pacific Railroad Company; it being further alleged that the wages of some sixty stone-cutters on such work were so reduced to $1.44 per day for eight hours' work, while from this sum they were compelled to pay $4.50 per week for board and lodging to the person keeping the boarding-house at said canal and locks: Therefore,

Resolved, That the Secretary of War be, and he is hereby, directed to inform the Senate at his earliest convenience as to the truth or falsity of such allegations; also what wages are being paid stone-cutters and other laborers employed on said canal and locks, the number of hours exacted for a day's work, and whether such wages have been reduced since October 10 last, and, if so, to what extent; also, whether any such stone-cutters or other laborers, and, if so, what number so employed have quit work by reason of any such reduction of wages and when, and have their places been supplied; and what effect, if any, has

such reduction of wages, if any such reduction has been made, had on the prosecution of such work.

Mr. MITCHELL, of Oregon. I give notice that I shall to-morrow, or at the earliest convenience of the Senate thereafter, move to proceed to the consideration of both these resolutions.

MAJOR POWELL'S REPORT ON ALASKA.

Mr. HOAR. I ask for the adoption of the following resolution:

Resolved, That the report of Major Powell to the Secretary of the Interior in relation to Senate bill No. 1907, to facilitate the settlement and develop the resources of the Territory of Alaska, and to open an overland commercial route between the United States, Asiatic Russia, and Japan, be printed for the use of the Senate.

Mr. PLUMB. I object to that.

The PRESIDENT *pro tempore*. Objection being made, the resolution goes over under the rule.

Mr. HOAR. It is merely a resolution to print a very valuable paper in the ordinary way (not an extra number) for the use of the Senate. Is there any objection to it?

The PRESIDENT *pro tempore*. The Senator from Kansas [Mr. PLUMB] objected to it.

THE SUGAR TRADE.

Mr. ALDRICH submitted the following concurrent resolution; which was read:

Resolved by the Senate of the United States (the House of Representatives concurring), That the President is requested to enter upon negotiations with the governments of the several principal sugar producing countries of the world with a view of securing mutual agreements by which the United States shall agree to admit at its ports free of duty, sugar and molasses the produce of such countries or their colonies, when transported in vessels under the flag of either of the contracting parties, and upon which no export tax or other export charges shall have been levied, upon the condition that such governments shall agree to admit into their respective countries or their sugar-producing colonies, free of duties, the agricultural, mineral, and manufactured products of the United States.

Mr. ALDRICH. I ask that the resolution lie on the table with a view of calling it up for action at a later period.

The PRESIDENT *pro tempore*. The resolution will lie on the table, and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. CLARK, its Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8346) authorizing the employment of mail messengers in the postal service, agreed to the conference asked by the Senate on the bill and amendments, and had appointed Mr. T. B. WARD, Mr. RIGGS, and Mr. WAKEFIELD, managers at the conference on the part of the House.

The message also requested the Senate to return to the House of Representatives the bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the amendments of the Senate to the bill (H. R. 5890) for the relief of Grafton Monroe.

The message also announced that the House had passed the following bills:

A bill (S. 362) granting a pension to James H. King;

A bill (S. 838) granting an increase of pension to General Benjamin F. Kelly;

A bill (S. 1660) granting a pension to Samuel E. Tracy;

A bill (S. 1826) granting a pension to Andrew J. Burrell;

A bill (S. 1852) granting a pension to Mrs. Jane R. McQuaide;

A bill (S. 1897) granting a pension to Alexander Trimble;

A bill (S. 1958) granting an increase of pension to Addison A. Jackson;

A bill (S. 2149) granting an increase of pension to Herman Baumhager;

A bill (S. 2269) granting a pension to William Dickens; and

A bill (S. 2372) for the relief of Mary McMahon.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5194) directing the Quartermaster-General to settle with the McMinnville and Manchester Railroad Company, and for other purposes;

A bill (H. R. 5326) for the relief of E. B. Dawson;

A bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes; and

A bill (H. R. 9642) to provide for an additional associate justice of the supreme court of the Territory of New Mexico.

LANDS IN SEVERALTY TO INDIANS.

Mr. DAWES. I ask unanimous consent that the request of the House of Representatives for the return of the bill (S. 54) be complied with.

The PRESIDENT *pro tempore* laid before the Senate the request of the House of Representatives for the return to that House of the bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the request of the House be complied with. If there be no objection, that order will be made.

SUNDRY CIVIL APPROPRIATION BILL.

The bill (H. R. 10072) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1888, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

INDEBTEDNESS OF PACIFIC RAILROADS.

Mr. HOAR. I ask that the special order for to-morrow, being the Pacific Railroad funding bill (S. 1200) be postponed to the second Monday in January with the same rights that it now has.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the special order for to-morrow, being the Pacific Railroad funding bill, be postponed to and continued as a special order on the same conditions as now until the second Monday in January.

Mr. EUSTIS. What day of the month will that be?

Mr. HOAR. The second Monday of January will be the 10th.

Mr. EUSTIS. I wanted to make a special order myself for that day.

Mr. HOAR. The special orders stand in their order. This matter is a special order for to-morrow. A great deal of the time of the Senate may be saved by this postponement. I hope the subject may be taken up in the other House and disposed of one way or the other.

The PRESIDENT *pro tempore*. If there be no objection, the order will be made. The Chair hears none.

NEW ORLEANS, BATON ROUGE AND VICKSBURG RAILROAD GRANT.

Mr. EUSTIS. The bill (H. R. 3186) to declare a forfeiture of lands granted to the New Orleans, Baton Rouge, and Vicksburg Railroad Company, to confirm title to certain lands, and for other purposes, was on my motion, made the special order for to-day. For the same reason that I asked its postponement previously, the absence of the Senator from Colorado [Mr. TELLER], who, I understand, desires to be present when the bill is considered, I ask that it be made the special order for the second Wednesday in January.

The PRESIDENT *pro tempore*. The Senator from Louisiana moves that the bill indicated by him be postponed to and made the special order for the second Wednesday in January, with the same rights as now.

The motion was agreed to, two-thirds of the Senators present voting in the affirmative.

COMMITTEE SERVICE.

Mr. SPOONER was on his own motion excused from further service upon the Committee on Epidemic Diseases.

Mr. MANDERSON was on his own motion excused from further service upon the Committee on Transportation Routes to the Seaboard.

Mr. CAMERON. I move that the President *pro tempore* be authorized to fill the vacancies now existing in the different committees.

The motion was agreed to by unanimous consent.

TEMPORARY OCCUPATION OF STREETS.

Mr. HARRIS. I move that the Senate proceed to the consideration of the bill (S. 2982) to authorize the commissioners of the District of Columbia to permit the temporary occupation of streets by a railway for the purpose of transporting material to fill about the base of the Washington Monument.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HARRIS. I desire to call attention for a single moment to the necessity for immediate action not only here, but elsewhere upon this bill, if it is to have any effect at all.

In the sundry civil appropriation act of last session there was an appropriation of $57,000 for the completion of the Washington Monument, and among other things for the filling of a portion of what is known as Babcock Lake, to give greater security to the foundation of the monument. The commission in charge of the work, I understand, have advertised for bids for making that fill, and the cost of making it will depend to a very large extent upon the facilities given the contractors to do the filling. It is therefore important that the commissioners be clothed with the power to give permission to lay these temporary tracks for that purpose. That is all I desire to say, sir.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BESSIE S. GILMORE.

Mr. MORRILL. I move that the Senate proceed to the consideration of the bill (S. 1189) for the relief of Bessie S. Gilmore.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to direct the Secretary of the Treasury to redeem United States 5 per cent. coupon bond numbered 38712, for $1,000, act of July 14, 1870, with interest thereon from the 1st of August, 1876, to the 12th of August, 1881; also one

United States 5 per cent. coupon bond numbered 54191, for $500, act of July 14, 1870, with interest thereon from the 1st of August, 1876, to the 21st of May, 1881; also one United States 5 per cent. 10-40 coupon bond numbered 28253, for $500, act of March 3, 1864, with interest thereon from September 1, 1876, to July 18, 1879, in favor of Bessie S. Gilmore, who claims to have been the owner thereof on September 14, 1876, at which time it is alleged they were stolen from her, and who further claims that they were afterward destroyed by the thief or thieves, upon Bessie S. Gilmore furnishing to the Treasury Department a bond of indemnity, with good and sufficient sureties, subject to the approval of the Secretary of the Treasury, to secure the United States against loss or damage in consequence of the redemption of the bonds.

Mr. MORRILL. Mr. President, a single word. These bonds belonged to a lady. They were lost more than ten years ago, and there is provision for security on the part of the lady to the Government. The bill has been reported unanimously by the Committee on Finance.

The bill was reported to the Senate without amendment.

Mr. COCKRELL. I do not intend to contest the passage of the bill, but I think it is a very dangerous precedent. I believe the committee has heretofore reported probably one or two similar cases. I desire to say, as I said in those cases, that I think it is an exceedingly dangerous precedent for Congress to undertake to pass upon the loss of coupon bonds, and to authorize their payment. It is nearly as dangerous as it would be to pass upon the loss of greenbacks, and reimburse persons for their alleged loss.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PATTISON & CALDWELL.

Mr. BECK. I move that the Senate proceed to the consideration of the bill (H. R. 1813) for the relief of Pattison & Caldwell.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The preamble recites that in an attempt to extinguish the fire by which the distillery of Pattison & Caldwell, located at Hamilton, Ohio, was destroyed, water was thrown into, ran into, and became intermixed with certain distilled spirits then in the drawing-off cisterns in the cistern-room of the distillery; that by reason of the intermixture the spirits were reduced twenty degrees below proof; and that, under that provision of law by which a tax of 90 cents is imposed on each and every wine-gallon of distilled spirits when below proof, Pattison & Caldwell were required to pay, and did pay, internal-revenue taxes upon the spirits to the amount of $510.30 in excess of the sum they would have been required to pay had there been no such intermixture.

The bill proposes to pay to Pattison & Caldwell so much, not exceeding $510.30, as it shall be made to appear to the satisfaction of the Commissioner of Internal Revenue they have paid as internal-revenue taxes on the spirits in excess of what they would have been required to pay thereon had there been no such intermixture of water and reduction of proof.

Mr. BECK. I only desire to say that a similar bill passed the Senate unanimously at the last Congress, but it was not reached in the other House. It has now been passed by the other House, and reported unanimously by the Committee on Finance of the Senate, and it is recommended by the Commissioner of Internal Revenue in a written report.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

WILLIAM B. ISAACS & CO.

Mr. MAHONE. I move that the Senate proceed to the consideration of the joint resolution (H. Res. 67) for the relief of William B. Isaacs & Co.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Claims with an amendment to strike out all after the resolving clause and to insert:

That the Court of Claims is hereby empowered to hear the claim of William B. Isaacs & Co., and to proceed with the same in accordance with the provisions of the act approved March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," and report to Congress the facts in the case and the amount of the claim, including any facts bearing upon the question whether there has been delay or laches in presenting such claim, and any facts tending to excuse such delay or laches.

Mr. MAHONE. I am advised that the Committee on Claims are willing to withdraw the amendment. On further consideration they prefer the joint resolution as it came from the other House. The Senator from Massachusetts [Mr. HOAR] made the report.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported from the Committee on Claims.

The amendment was rejected.

Mr. COCKRELL. Let the text proposed to be stricken out be read.

The PRESIDENT *pro tempore*. The original joint resolution will be read.

The Chief Clerk read as follows:

That the petitions and claim of William B. Isaacs & Company for certain assets claimed to belong to them, as successors in interest of certain banks of Virginia, described therein as having been taken by the Government of the United States in the month of August, 1865, with the accompanying papers now on file in the House of Representatives, being Miscellaneous Document No. 5, second session Forty-fifth Congress, be referred to the Court of Claims for judicial ascertainment of the facts; that wherever papers or affidavits are made or executed by persons deceased, not interested in the cause, they shall be considered as evidence by the court and given such weight as they may deserve, but wherever the affidavits are of living persons the evidence shall be taken the usual way, subject to cross-examination on behalf of the United States; that the court shall fully adjudicate upon the rights of the parties and the ownership of the property described in the petitions, and, as matter of law, to whom it should be paid, and report said findings of fact and law to Congress for consideration. The said petitioners shall not be barred of relief in the said court by reason of any act of limitations.

Mr. COCKRELL. I should like to have the Senator reporting the joint resolution explain the difference between the measure as passed by the other House and the proposed amendment of the Senate committee.

Mr. HOAR. The measure as passed by the other House authorizes the Court of Claims to render a judgment, and authorizes them to act upon the affidavits of deceased persons, giving them such weight as they see fit. Quite a number of the witnesses are deceased. The committee preferred in the first instance to send it to the Court of Claims under the Bowman act simply; but on being satisfied by the Senator from Virginia and from other sources that that would in this case operate an injustice, we concluded to let it stand as the House of Representatives passed it.

Mr. COCKRELL. Let me ask one question. Under the amendment proposed by the committee referring the claim under the Bowman act there would be no judgment in the Court of Claims.

Mr. HOAR. It would come back to Congress for consideration as an original case.

Mr. COCKRELL. Now, the whole question as to the propriety or impropriety of these parties being paid this money is taken out of Congress and left to the court?

Mr. HOAR. It leaves it to the Court of Claims.

Mr. MAHONE. They must come back again, as I understand the bill; the case has to come back to Congress for an appropriation.

Mr. HOAR. Yes; the original resolution only authorizes the court to make an adjudication and express its opinion as a matter of law, and report said findings of fact and law to Congress for consideration. It is under the principle of the Bowman act. It does not give the Court of Claims a right to adjudicate or settle the question.

Mr. COCKRELL. All right.

Mr. HOAR. That is the original resolution, I now remember. It has been some time since my attention was drawn to the matter.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE PENSION BILLS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2998) granting a pension to Henry Mericle;
A bill (H. R. 3931) to grant a pension to Nancy Gunsales;
A bill (H. R. 7352) granting a pension to Mrs. Sarah Randles;
A bill (H. R. 7689) granting a pension to Caroline C. McNair;
A bill (H. R. 7699) granting a pension to E. A. McFadden;
A bill (H. R. 8227) granting a pension to Seth Weldy;
A bill (H. R. 8258) granting a pension to Waitie F. Harris;
A bill (H. R. 8949) granting a pension to Luke Horobin;
A bill (H. R. 9167) granting a pension to Joseph F. Kirkhart;
A bill (H. R. 9169) to place on the pension-roll the name of Charles T. Wornom; and
A bill (H. R. 7540) to increase the pension of Franklin Sweet.

The above eleven pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

MILITARY SITE ON LAKE MICHIGAN.

Mr. CULLOM. During the last session of Congress there was a special order made of the joint resolution authorizing the Secretary of War to accept certain lands, &c., near Chicago, Ill., introduced by my colleague [Mr. LOGAN], who is now detained at his home by illness. He is very anxious, so he sends me word, that the joint resolution shall be disposed of before the holidays. There was some opposition to it by the Senator from Kentucky [Mr. BECK] at the close of the last session, but, as I understand from him, he has now withdrawn his opposition on information which he has received.

I ask that the joint resolution be taken up and disposed of at this time.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the Senate proceed to the consideration of the joint resolution (S. R. 78) authorizing the Secretary of War to accept certain lands, &c., near Chicago, Ill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

Mr. CULLOM. This measure has been recommended by the Sec-

retary of War and also by General Sheridan and General Terry, who were appointed to go there, make examination, and report. The Senator from Kentucky made some opposition to the passage of the joint resolution at the last session, but, as I understand, he now has information which justifies him in withdrawing his objections.

The PRESIDENT *pro tempore*. There is an amendment pending to the joint resolution, which will be read.

The CHIEF CLERK. In line 5, after the word "land," it is proposed to insert "when the State of Illinois shall cede jurisdiction of the same to the United States;" so as to make the joint resolution read:

That the Secretary of War be, and he is hereby, authorized and directed to accept deed and conveyance of a certain tract of land when the State of Illinois shall cede jurisdiction of the same to the United States, described as follows: Known as the Highwood tract, in Lake County, Illinois, containing 598½ acres, lying on Lake Michigan, north of the city of Chicago, and distant 25 miles; this land being a tract donated by the Commercial Club of Chicago (represented by John A. Doane, C. B. Farwell, and Alexander P. McClurg) for military purposes.

Mr. CULLOM. There is no objection to that.

The amendment was agreed to.

Mr. BECK. Perhaps it is just to myself to say that when the joint resolution was under consideration at the last session I objected for the purpose of obtaining information on the subject. I have since taken all the pains I could, both when in Chicago and otherwise, to see whether it was right or not. I have a letter from one of the best informed men in the country stating that the site is a very valuable one, a portion of which letter I think I ought to read:

Permitted by the changed aspect of our Indian affairs, and in accordance with these ideas, General Sheridan has already commenced to bring the troops together in large masses, but there are very few posts in existence that are sufficiently large to permit such concentration; he is hampered, therefore, in the execution of his plans by the necessity of building or enlarging posts so that they will accommodate the garrisons proposed. Moreover, nearly all our posts except the artillery posts on the seaboard are situated west of the Mississippi and Missouri Rivers, and surely it would be both wise and just to establish a proper proportion of the Army in the central and eastern sections of the country. It would be neither wise nor just to leave the National Government in those portions of the country which contain the great mass of our population and of our wealth without the means of promptly performing the duties imposed on it by section 4 of Article IV of the Constitution. I could hardly discuss here the question of what points east of the Mississippi should be selected as positions for troops, but there are a few places that I think would naturally come to the mind of every one. Atlanta, Ga., has already been selected as a site for a post of ten companies, and an appropriation has been made by Congress to put up the necessary buildings. Cincinnati, or what is the same thing, Newport, Ky., is another. Chicago is a third, and the most important of the three, though neither place could be considered as the rival of the others. Chicago is probably the most important railroad center in the country; from it troops could be sent with the utmost facility and speed to every point of the compass. Its markets for meats, both fresh and salted, and for breadstuffs and grain are unsurpassed, if equaled. The prices of imported goods are but little above those prevailing on the seacoast. Fuel, water-borne from Pennsylvania, is laid down at rates far below those prevailing at most of our existing posts. For forage the proposed post would have the whole of the shore of Lake Michigan to draw from. I doubt whether there is any place in the country that combines so many advantages, military and economical, as a station for troops.

The land which is offered the Government is a most admirable site for a military post. It is on the shore of the lake about 25 miles above the city, and is nearly a square mile in extent. Its general elevation is about 75 feet above the water, and thorough drainage could be effected with great ease and little expense. There can be no doubt of its salubrity. Its surface is partly covered by woods and partly open, and is diversified by ravines and plateaus, the latter affording ample sites for the buildings of a post and for parade and formal drill grounds; the former giving excellent opportunity for instruction in the movement of troops in rough ground, such as they must encounter in actual service.

Two railroads brush along the edges of the tract, giving direct communication with both Chicago and Milwaukee; and if all railroad communication should be obstructed there would still be water communication with both cities and with every other point in the lake system.

The writer gives other very good reasons why this resolution should pass, which I do not care to detain the Senate by reading. I have concluded not only not to oppose, but to favor the passage of the resolution.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI STATE CLAIMS.

Mr. COCKRELL. I move that the Senate proceed to the consideration of Order of Business 1647, being the bill (S. 2806). It is a very short bill, and will only take a moment.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2806) to authorize the Secretary of the Treasury to cause to be examined certain vouchers filed, or to be filed, by the State of Missouri, or her agent or agents, for sums claimed to be due from the Government of the United States on account of payments made by said State since April 22, 1882, to the officers and enlisted men of her militia forces, for military services rendered to the United States in the suppression of the rebellion, as evidenced by the proper pay-rolls heretofore filed with, examined, and accepted by the Government of the United States, and to report to Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The question now is on agreeing to the preamble.

The preamble was agreed to.

THE JEANNETTE SURVIVORS.

Mr. HALE. I move that the Senate proceed to the consideration of Order of Business 1634, being the bill (H. R. 1659).

The motion was agreed to; and the bill (H. R. 1659) for the relief of the survivors of the exploring steamer Jeannette, and the widows and children of those who perished in the retreat from the wreck of that vessel in the Arctic seas, was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with an amendment in section 3, line 21, after the word "death" to insert:

Provided further, That the surviving child of Henry D. Warren, one of the crew of the Jeannette, shall in like manner be entitled to receive twelve months' pay, and also the amount found due said deceased Warren at the time of his death; and that no moneys shall be paid the widow of said Warren under this act.

Mr. COCKRELL. I should like to know from the Senator in charge of the bill why that provision is put in.

Mr. HALE, Owing to the peculiar circumstances. The wife of the deceased sailor left him in that case and contracted a marriage, which of course was illegal, and therefore the representative of the family desired that the money should go to the child.

Mr. COCKRELL. I should like to ask another question in regard to the general provision here. How much will be paid under section 3 to the heirs of the parties named in section 2, "a sum equal to twelve months' pay?" About how much would that be? What was the annual pay of these parties, respectively, or about what sum?

Mr. HALE. That depends of course on the rate of pay of the officers and of the men at the time. I can not give that exactly, of course.

Mr. COCKRELL. It will be an amount equal to the regular annual salary they were drawing.

Mr. HALE. Yes; equal to the annual pay.

The amendment was agreed to.

Mr. INGALLS. I observe in the preamble a recitation that the steamer Jeannette was "engaged in an exploring expedition by authority of Congress and under the direction of the Secretary of the Navy." I suppose it implies a degree of ignorance for which I ought to feel ashamed, but my impression was that the Jeannette was a private vessel sent out by the beneficence and by the enterprise of citizens of the Republic. It may be that I am mistaken, and that the recitation of this preamble is correct. Of course it is put in there because, I assume, that unless this ship was a Government ship, authorized by act of Congress and under the control of officers of the Government, this bill would be without precedent.

It is with some trepidation that I address myself to the chairman of the committee for some information upon this point. But unless my memory is at fault, the Jeannette never was in the service of the United States, properly speaking. I trust that at least before we are called upon to agree to the preamble the Senator from Maine will inform us, so that we may know definitely whether we are acting in accordance with precedent or whether we are making a precedent. If the former, I have nothing to say. If the latter, I should not hesitate to observe that I think it would be exceedingly detrimental for the Government of the United States to establish the precedent that in regard to all these various expeditions in the north seas and elsewhere, in case of calamity or loss, we are to be called upon to make these great donations to the survivors.

Mr. HALE. Mr. President, I am glad that the Senator from Kansas has called attention to that point, because the explanation is very plain and clear.

The Jeannette was adopted by Congress as an exploring ship. Her officers and crew were officers and enlisted men, and were sent by the Navy Department into these far northern seas upon the Asiatic side. I do not need to call the attention of the Senator from Kansas or others here to the painful circumstances of her loss and of the expedition. The whole subject was investigated by the House committee, and I will say by the way that this is a House bill which has passed that body, and in the last Congress was investigated by the late Senator Miller, of California, who says in his report:

In recommending this bill, or some similar measure of relief for the survivors of the officers and enlisted men of the Jeannette, and for the widows and children of those who succumbed to the privations and fatigues to which they were subjected in consequence of the loss of that vessel, I desire to state that the provision for the relief of the survivors is not intended as a gratuity, but as a reimbursement of the losses sustained by them, and is in accordance with similar action—

This is in reply to the suggestion about the precedent—

in the cases of the Polaris, the Huron, and other vessels wrecked or lost at sea.

The bill is as it came from the House, with the single amendment to which attention has been called by the Senator from Missouri, and is in the line of precedents. It is a painful case, one of great hardship and loss, and these beneficiaries have waited for years. I should be glad if the Senate would now pass the bill.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The preamble was agreed to.

WINDSOR HOTEL COMPANY.

Mr. INGALLS. I move that the Senate proceed to the consideration of Order of Business 1878, being the bill (S. 2761). This is a bill to incorporate a hotel company in this District. I have been, in general, opposed to bills granting acts of incorporation for private purposes when the powers could be obtained under the general law upon that subject; but having examined the statutes I found that the power to incorporate for this purpose does not exist, and therefore the committee reported in favor of the charter asked for by the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2761) to incorporate the Windsor Hotel Company of the District of Columbia.

The bill was reported from the Committee on the District of Columbia with an amendment striking out section 8, as follows:

SEC. 8. That the real estate of the said corporators on which they shall erect a building or buildings for a public hotel shall be exempt from taxation for a period of ten years from the time of completion of the building or buildings and their opening to the public for occupation.

The amendment was agreed to.

Mr. MCMILLAN. Is that section stricken out?

The PRESIDENT *pro tempore*. The amendment is to strike it out; and it has been agreed to.

Mr. MCMILLAN. That is all right.

Mr. VEST. There is one provision of this bill to which I will call attention. I do not know that I shall oppose it; but I do not like it. This company is authorized to issue $1,500,000 worth of bonds. These bonds may be put upon the market and sold throughout the United States; and unless this enterprise is successful there will be a loss on the bonds, and the next thing we shall hear that the Government of the United States having created this corporation and these bonds having been sold and put in the hands of innocent holders, we ought to make good the bonds.

I much prefer that there should be a provision in the bill to remove that impression. If the bill is only to make a corporation I have not any objection; but that feature of it I confess I am apprehensive about. There was the Freedman's Bank, for which the Government was in no way responsible, but now we are called on to pay a million dollars because we created that corporation. Whenever the Government of the United States goes into the work of creating corporations the holders of bonds or securities of the corporation seem to think that the Government ought not to have created the corporation unless it intended to make good any loss resulting from it.

Mr. SAULSBURY. I was going to suggest that that perhaps could be remedied by a provision that the stockholders of the corporation should be personally liable for the obligations and debts of the corporation. I believe that ought to be done. If we incorporate this company, which I have no objection to with proper provisions, especially as we give them power to create debts and issue bonds, there ought to be a provision making the stockholders of the corporation personally responsible for every liability of the corporation. If we incorporate this company simply as a corporation, the individual stockholders may not be bound for the debts of the corporation; but we ought not to create a corporation of this kind without having a special provision that the corporators themselves shall be personally liable for all the obligations and liabilities of the company.

Mr. ALLISON. The stockholders?

Mr. SAULSBURY. The stockholders. I suggest to the Senator from Missouri that a provision of that kind ought to be incorporated in the bill, especially if we give to this corporation the power to issue bonds. I shall certainly support a provision of that kind. I have not the bill before me, or I would prepare an amendment of that character to require the stockholders to be personally liable for the debts and obligations of the corporation.

Mr. COCKRELL. I move an amendment in accordance with the suggestion of my colleague, which I believe would come in properly at the end of section 3:

Provided, That the United States shall in no manner be responsible, directly or indirectly, for any bonds, obligations, or other liabilities of said company.

The PRESIDENT *pro tempore*. The Senator will please reduce his amendment to writing.

Mr. INGALLS. I hope the Senator from Missouri, on a little reflection, will see the unwisdom of incorporating a provision of that kind in this bill. By implication there would be an inference, if that were adopted, that there might possibly be some liability on the part of the Government of the United States. Everybody knows that there is not and can not be any such obligation, and I should regret to see any amendment agreed to that would imply, even by the most indirect and remote assumption, that such liability could exist.

I may say in passing that the incorporators named in this bill are well known gentlemen of character and responsibility, and they would not appear here if they could have become incorporated under the general statute permitting incorporations in the District of Columbia.

So far as I am concerned the obnoxious provision of the bill has been struck out, which was contained in the last section of the bill; and I am willing to agree to any limitation that any Senator thinks would be wise and proper. But there can not be any supposition that the United States would be directly or indirectly liable for any of the bonds or stock or other indebtedness of this corporation. If it is intended to impose personal liability upon the stockholders, it should be done by a direct proposition to that effect, and not by a negative proposition declaring that the United States is not liable.

Mr. HAWLEY. Mr. President, in my judgment there is an objection to the bill in that it is not required that the investors, the shareholders, shall expend any definite sum themselves before they issue these bonds. They may have bought a piece of ground for $100,000 and expended $200,000 in commencing a building, and are then perfectly at liberty under this proposed law to issue bonds for a million and a half. It seems to me a device in order to permit the building of a large and expensive hotel by the issue of bonds. I believe that to be unjust. It would be nearer just, in my judgment, if the bill required these promoters to have expended, say $1,000,000, before they should be permitted to issue, say $750,000 in bonds. I do not specially care what the limitation is. They should expend a larger sum than they issue bonds for; otherwise there may be no security back of the bonds. There may be a million and a half of dollars in bonds out with a million dollars of expenditure; and people buying the bonds in perfect innocence and good faith will find when they foreclose that they have not got much property to seize upon. It is too much like the schemes for building many railroads: the shareholders are scattered and the innocent purchasers of bonds away off are those who suffer the loss eventually.

Mr. ALLISON. Mr. President, it strikes me that section 3 should be amended so that these corporators could proceed without placing upon the community bonds that would not eventually be paid. The third section provides that—

said bonds to be issued shall not exceed $1,500,000.

I move, after the words "shall not exceed $1,500,000," to insert "nor shall they exceed three-fourths of the capital stock actually paid in money."

Mr. HAWLEY. Very good.

Mr. ALLISON. Then the stockholders will be obliged to put up their own money as against the money they borrow. It will then read:

And said bonds to be issued shall not exceed $1,500,000, nor shall they exceed three-fourths of the capital stock actually paid in money.

The PRESIDENT *pro tempore*. The amendment of the Senator from Missouri [Mr. COCKRELL] is first in order.

Mr. ALLISON. I beg pardon; I did not know he had one pending.

Mr. COCKRELL. Let the Senator's be acted on first.

Mr. VEST. What is the amendment of the Senator from Iowa [Mr. ALLISON]?

The PRESIDENT *pro tempore*. It will be read.

The CHIEF CLERK. It is proposed to add to section 3 "nor shall they exceed three-fourths of the capital stock actually paid in money at any time."

The amendment was agreed to.

Mr. COCKRELL. There is no doubt about these gentlemen being of high character. Nobody is reflecting on the gentlemen who are to compose this corporation, but I presume the corporators of the Freedmen's Bank and Trust Company were at the time that company was incorporated gentlemen of just as high character and standing, and yet we now see that it is attempted to impose upon the Government not only a moral but a legal obligation for all deficits of that institution. I say very frankly that I do not believe myself there is either justice or right in that proposition, and I shall vote against it, but I think the chances are overwhelmingly in favor of the passage of such a bill.

Now, here we create this corporation, and we send them out with bonds on the market with probably a special clause in them, "incorporated by special act so and so," and representations may be made—I do not say that these gentlemen would make them—that they were the same kind of bonds with those of the District of Columbia, and the United States assumed those bonds issued by the authorities of the District. Therefore, my amendment is simply to exclude the possibility that the United States recognizes any moral obligation in any way.

Mr. INGALLS. Let me ask the Senator from Missouri if this would not be acceptable to him, using substantially the language of the national-banking act?

The stockholders shall be held individually responsible, equally and ratably, and not one for another, for all debts, contracts, and engagements to the extent of the amount of their stock herein, at the par value thereof, in addition to the amount invested in such stock.

Mr. COCKRELL. I presume that would probably include the idea, as no one pretends that under the banking laws the United States is responsible.

Mr. INGALLS. I move that, if that will be agreeable to the Senator from Missouri and obviate the objection he has, as an amendment to section 2.

Mr. COCKRELL. I withdraw my amendment, then, and accept the amendment of the Senator from Kansas.

The PRESIDENT *pro tempore*. The amendment of the Senator from Missouri is withdrawn, and the Senator from Kansas submits an amendment.

Mr. HOAR. I should like to ask the Senator from Kansas to consider whether, after all, in accepting that amendment he is not yielding more than is just or reasonable. Why should there not be a hotel corporation in the city of Washington, in which, with an amount of indebtedness and capital limited as the amendment of the Senator from Iowa has limited this, stockholders are not individually responsible for debts at all? The creditors who trust the corporation will know that; they will look to its property alone. In my experience, which is not very small in this class of subjects, these provisions which make stockholders personally liable for the debts of corporations fall with great severity and cruelty as a rule on women, on minors, on trust estates, on aged persons who have got past the activities of business.

It is necessary for the sake of the protection of our circulation that this clause should exist in our national-banking act, and I have no fault to find with it there; but it is one of the most cruel provisions of law on the statute-book. The few instances of the failures of national banks have come down with ruin on poor people—women—people who can not take care of themselves in such failures. They do not apply to railroad corporations. They do not apply to banks in the States usually. For myself I believe it is utterly unjust and unreasonable to put such a clause in this bill, and for one I shall vote against it.

Mr. CALL. I agree with the Senator from Massachusetts. The principle of association or incorporation performs so large a part in the business economies of this day that it would be unwise to cripple it by requiring individual responsibility on the part of the stockholders of a corporation. Where the legislature has established proper guards in the creation of a corporate body, and has provided for a proper responsibility in the payment of its stock, it has done all that it is necessary to do. Of course no one can be responsible for the management of the corporation as an individual. It may fail, and the public looks to its assets which were the basis of their credits. I think that it would be eminently unwise and impolitic in many respects to attach a condition of individual liability to those who have honestly put their money into it, and impose upon them a responsibility which they can not properly discharge, for they can not see and know as to the business management of the corporation. It is simply saying, in addition to their spending their money for their stock, that they shall be further liable for the result of the enterprise. We shall have but few corporations if the stockholders are to be individually liable for their debts. We can not estimate the widespread ruin which would result from this principle when applied to railroad or other corporations whose stock is held throughout the country generally, much of it by estates of deceased persons, the property of widows and minors.

Mr. HAWLEY. But, Mr. President, while I share in the gentleman's sympathy for shareholders, I am thinking also that there may be innocent people who have invested in bonds and who have a right to say that the shareholders ought to have taken better care of the property.

I shall vote for the amendment suggested by the Senator from Kansas. I know it is severer than is ordinarily imposed on business corporations, but I would rather be severe here in the District of Columbia. I would rather the legislation should not be loose in these matters. I think of the investors in the bonds when I vote for it.

Mr. HOAR. If that is to be done, it seems to me the true and just thing to do is to make the officers of the corporation, the directors, or the president and treasurer, or the agents, liable for debts contracted in their time. But the liability of shareholders results in this way: the men who are really to blame, the active business men who understand all about the law, get out of the way and sell their stock if bankruptcy or failure is coming, and the real liability falls upon the innocent investors in stock who bought the stock of an incorporation that they supposed was good, or some trustee or agent has bought it for them, and everybody who is to blame gets out of the way, and the widow or orphan or the *cestui que trust* suffers.

I think if the doctrine of the Senator from Connecticut is to be carried out, it should be by an amendment making the officers of the corporation liable for the debts contracted in their time to a certain extent—the amount of the existing capital stock, or the value of the assets, or whatever other standard should be adopted.

Mr. CHACE. If the Senator from Kansas, the chairman of the committee, will look at this bill, I think he will perceive that there may be a method adopted of protecting the bondholders more successful even than his proposition. The bill provides that the capital stock of the company shall be $2,000,000, but I do not discover any provision in the bill requiring that such capital stock shall be fully paid up. It seems to me that if we put a provision into the bill that the capital stock shall be paid up, that will be a better protection to the bondholders than the provision which the Senator from Kansas proposes. I would suggest to the Senator that that would be an absolute money security paid into the corporation, which would be invested in the property and would be a security much better than a claim against the private individuals, for the stock would be liable to be transferred and the bonds carried along, the obligations made until such time as the sound and solvent stockholder might have placed himself in a secure position. I suggest to the Senator whether it would not be better to substitute some such provision as that. I have written a little amendment which I will submit to the Senator. I will pass it up to the desk and ask that it be read.

The PRESIDENT *pro tempore*. The Senator from Rhode Island proposes to submit an amendment which will be read.

Mr. CHACE. An amendment to the pending amendment.

The Chief Clerk read the amendment to the amendment, as follows:

Provided, That until the full amount of the par value of the shares of stock in said corporation shall have been paid, the subscribers to said shares shall be personally liable to an amount equal to the par value of the stock subscribed for, but such liability shall cease whenever he shall have paid in the full amount so subscribed for.

Mr. INGALLS. It appears to me that that suggestion of the Senator from Rhode Island would obviate the necessity of the amendment I offered, and I am entirely willing to accept it.

The only object I have in this matter is, as there seems to be an idea prevalent that there may be some subterranean design to inflict pecuniary injury upon the public, that these unsuspecting purchasers shall be protected. I should be willing myself to accept the amendment offered by the Senator from Rhode Island in lieu of the draught that I submitted.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Rhode Island [Mr. CHACE].

Mr. COCKRELL. I suggest to say "paid in money," so that it will not be considered that a payment by indirection shall suffice.

Mr. CHACE. I have no objection to that. I suppose the word "paid" means in money. This is a similar provision to one that is in a great many charters passed by a number of States that I am aware of, and I think it answers the purpose desired.

The PRESIDENT *pro tempore*. The amendment will be so modified.

The amendment as modified was agreed to.

Mr. VEST. I offer an amendment by way of a new section. I do not mean to intimate that there is any disposition to speculate upon this charter, but our experience in the Committee on Commerce in regard to charters for bridge companies teaches us that a practice has been indulged in to some extent of obtaining a charter from Congress and then selling it out to other persons. I think a provision like this ought to be put on all these bills.

The amendment of Mr. VEST was read, as follows:

If the construction of said hotel shall not be commenced in two years from the passage of this act and be completed in five years from the same date, the privileges herein granted shall cease and determine.

Mr. COCKRELL. I suggest to add:

That Congress reserves the right to repeal, alter, or amend this charter at any time.

Mr. VEST. Very well; I accept that.

The PRESIDENT *pro tempore*. The amendment to the amendment will be read.

The CHIEF CLERK. The amendment to the amendment is to add:

And Congress reserves the right to alter, amend, or repeal this act at any time.

The amendment as modified was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. MORGAN. I offer the following amendment to the bill as a new section:

SEC. —. In consideration of the privileges conferred under this act, the said Windsor Hotel Company shall pay annually a tax not exceeding 1 per cent. on its capital stock, to be assessed by the commissioners of the District of Columbia for the benefit of the poor of the District, which tax shall be assessed and collected in the same manner as other taxes on personal property are or shall be collected in the District of Columbia; and said tax shall not exempt the other personal or real property of said corporation from taxation.

Mr. President, I do not know but that the law as it now is might authorize the taxation of the capital stock of the money corporation we create here, but for fear that it may not I desire to have that provision put in the bill. I can not vote for the bill in the absence of such a provision.

I do not agree with the Senator from Florida and perhaps others in regard to the beneficial effects and advantages of the chartering of so many money corporations in this country. On the contrary, my reflections have led me to the conclusion that they are the source of many of the most flagrant evils that we now live under. The States of this Union have gone forward to make incorporated associations to such an excessive degree that nearly all the important interests of the country are intrusted into the hands of corporations. I find that Congress is continually besieged with applications to regulate and restrain State corporations in their business operations because of the immense privileges that have been thus conferred, many of which they seem to have seriously abused.

The railroad legislation about which both Houses have been concerned and are now concerned, limiting the railroad corporations to make certain charges on freights, and limiting a number of the other privileges that they enjoy under State laws, indicates to my mind sufficiently the necessity, at least on the part of Congress, of restraining our hands when it comes to the organization of any new corporation.

In fact, I do not know of any one trouble (I call it an evil) in this country which in its present and prospective difficulty seems to present more dangerous matter for the consideration of Congress or of any

other body of statesmen than this matter of building up corporations. They derive their privileges entirely from the law. They come to legislative tribunals, either Congress or the State or Territorial Legislatures, for all the advantages and privileges which they enjoy. In their charters they have multiform, peculiar, and exclusive rights which ordinary private citizens do not enjoy. When an individual goes into an enterprise such as the building of a hotel or any other enterprise of a private or public nature, either by himself or in association with copartners or holders of stock in a joint stock company, he puts up his talents, his personal responsibility, and all that belongs to him as a stake upon the success of his enterprise. The creditors of that individual have a right to resort to his property to any and every degree permitted by law for the purpose of collecting out of him their debts. The laws of the country bear upon him and inflict upon him in many instances severe penalties for his failure to comply with his obligations. He has taxes to pay, he has children to educate, he has society to maintain, he has all the burdens of a private citizen upon his shoulders without immunity and without exemption except to the extent, in some of the States, of the exemption of a small portion of real or personal estate for the support of his family.

When we come to create a being which we call a corporation, the mere child of the law, we set about to confer upon that bantling first of all perpetuity, the right of holding property in perpetual succession, and in that way we violate the whole spirit of our system of laws which was adopted at the time we organized an independent government in the United States against establishing perpetuities either in real or personal estate. We put down in the very beginning of our civil system in the United States the law of entail. We declared that a man should not have the right either by deed or by will to entail upon his posterity the ownership of a particular tract of land in perpetuity. All the spirit of our law at that time, and from that time to this, has been contrary to the idea that it was any part of the province of the legislative tribunals of this country to restore these rights of perpetuity in property. But when we come to create a body-corporate, as the one that is now before the Senate for consideration, the first thing we do is to confer upon that body-corporate the right to hold property in perpetuity.

There is no limit of time in reference to which the right of ownership of this property which it is proposed to create here by law is to be controlled, or to be abridged. It goes on and on and on by the transfer of the certificates of stock into the hands of successive generations. It may be that the investment will be immensely profitable, and in this way we enable men to pass from time to time, from generation to generation, a most valuable description of property, without our ability otherwise than by repealing the act to restrain the enjoyment of it in him and his successors or his heirs at law, who are his successors. When that privilege is conferred upon any body of men at all, it ought to be done in reference to some great general advantage or benefit that they are going to confer upon a community, and not merely with reference to the advantage or benefit which they may give to themselves in a money-making way.

I know, sir, that it is the opinion of many of the wisest of our commercial men, and our statesmen also, that the wonderful development of this country has been due in a very large degree to the existence of corporations in their midst. At the same time it must be confessed that losses and embarrassments have been brought upon millions of individuals in the United States since the organization of our Government in consequence of the failure of men who own property in corporations to comply with their obligations. Here we make this creature of the law. We invest it with these peculiar privileges. We set it above other people in the right of its members to combine together in order to invest their money in a very large and expensive hotel, and after we have done that we decline to tax the capital stock. We confer upon them the privilege of the enjoyment of the franchise which we grant them to-day without a response on their part in the nature of taxation, or without any ability, it may be, on our part hereafter to enforce taxation upon them. The rights that we confer upon them under the decision in the case of the Dartmouth College are rights that become vested the moment they commence an expenditure of money to carry into effect the objects of the incorporation. We give them rights which we can not afterwards abridge, that we can not afterwards destroy, except under the power of repealing or amending this charter. But the vested right which they get in this property excluded from the duty of tax-paying is a right which we can not, in my judgment, hereafter abridge or curtail. At all events, now is the time to decide whether those rights of property, when they become vested, are beyond our power to tax them.

Now, let me ask whether it has been stated in this debate, or whether it can be stated, that there is any necessity in the city of Washington for the incorporation of an immense hotel company. Have we not boarding-houses and hotels here almost innumerable, with every rate of charges, for the accommodation of all classes in this city?

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 263) making appropriation for the erection of a public building at Springfield, Mass.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the special order for this hour, being the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States.

Mr. VEST. I move to lay aside that order of business temporarily, in order to allow the Senator from Alabama [Mr. MORGAN] to finish his remarks.

The PRESIDENT *pro tempore*. If there be no objection that order will be made.

PUBLIC BUILDING AT SPRINGFIELD, MASS.

Mr. MAHONE. Will the Senator from Alabama allow me to present a conference report?

Mr. MORGAN. I yield.

Mr. MAHONE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 263) making appropriation for the erection of a public building at Springfield, Mass., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

That the Senate recede from its disagreement to the amendment of the House numbered 2, with an amendment, namely: Strike out "twenty-five" and insert "fifty," and agree to the same as so amended; and the House agree to the same.

WILLIAM MAHONE,
H. L. DAWES,
Managers on the part of the Senate.
BERIAH WILKINS,
N. E. WORTHINGTON,
FRANCIS W. ROCKWELL,
Managers on the part of the House.

The report was concurred in.

HOUSE BILLS REFERRED.

The PRESIDENT *pro tempore*. With a view to expedite business, the Chair will at this time submit House bills for reference.

The bill (H. R. 5194) directing the Quartermaster-General to settle with the McMinnville and Manchester Railroad Company, and for other purposes, was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 5326) for the relief of E. B. Dawson was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 9642) to provide for an additional associate justice of the supreme court of the Territory of New Mexico was read twice by its title, and referred to the Committee on the Judiciary.

COMMITTEE SERVICE.

The PRESIDENT *pro tempore* announced the following appointments on certain committees in pursuance of an order of the Senate adopted this day:

Committee on Claims—Mr. SPOONER, chairman, in place of Mr. PIKE, deceased;

Mr. CHENEY, in place of Mr. SPOONER, made chairman.

Committee on the District of Columbia—Mr. CHENEY, in place of Mr. PIKE, deceased.

Committee on Civil Service—Mr. WILLIAMS, in place of Mr. PIKE, deceased.

Committee on Epidemic Diseases—Mr. CHENEY, in place of Mr. SPOONER, resigned.

Committee on Improvement of the Mississippi River—Mr. WILLIAMS, in place of Mr. PIKE, deceased.

Committee on Transportation Routes to the Seaboard—Mr. WILLIAMS, in place of Mr. MANDERSON, resigned.

RAILROAD ATTORNEYS.

Mr. BECK. The bill that was called up a few moments ago to prohibit members of Congress from acting as attorneys or employés of railroad companies, &c., is to be laid aside because of the absence of the Senator from New York [Mr. EVARTS]. I ask that it be laid aside informally until 2 o'clock to-morrow, and in the mean time I will ascertain when the Senator from New York expects to return, and have some final order made about it.

The PRESIDENT *pro tempore*. The Chair hears no objection to that course, and the special order will be postponed until 2 o'clock to-morrow, holding its position.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 17th instant, approved and signed the act (S. 1990) to provide for the adjustment of matters connected with certain judicial proceedings in Pennsylvania in which the United States was a party.

The message also announced that the President had this day approved and signed the following act and joint resolution:

An act (S. 1424) for the relief of graduates of the United States Military Academy, and to fix their pay; and

Joint resolution (S. R. 19) directing copies of the official letter-books of the executive department of the State of North Carolina to be furnished to said State.

WINDSOR HOTEL COMPANY.

Mr. INGALLS. Now I move that the Senate continue the consideration of the bill that was up when the hour of 2 o'clock arrived.

The motion was agreed to; and the Senate resumed the consideration of the bill (S. 2761) to incorporate the Windsor Hotel Company of the District of Columbia.

Mr. MORGAN. Amongst all this number of hotels and boarding-houses in the city of Washington I am not aware that any one of them is incorporated. We have got along so far with the investment of very large amounts of money and great labor, and very great skill also in the hotel business, without the necessity of the builders or proprietors coming to Congress for an act of incorporation, and I confess that I can see no good reason why we should incorporate a hotel company in the city of Washington any more than we should incorporate a dry goods store. As I observed, I have heard no public necessity stated, nothing in respect to which this corporation can confer any benefit upon the people equivalent to the advantages and privileges which they are gaining under this charter.

I can see that this charter must be valuable. It is pressed here by gentlemen of high character. It seems that they are gentlemen in whom Congress has very great confidence. Why do they come here for a charter to conduct this purely private business, this business for mere personal advantage, when so many others are engaged upon their own capital and their own private responsibility in conducting hotels and boarding-houses? Why should we exempt this hotel corporation under this charter from a personal responsibility of its membership for the debts of the corporation beyond the sum that the stockholders may have paid in as capital stock into the corporation? What benefit are they going to confer upon this community, or upon the people of the United States at large, which justifies us in exempting them from liability for any more money put in this business than that actually paid in?

I confess I do not see the public necessity of incorporating this institution. But aside from that, it is the duty of every Government that creates an incorporation for money-making, for the private advantage of the corporators, to lay a tax upon the capital stock of that corporation; and if this policy had been pursued by the States and by the Federal Government from the time we commenced this loose method of incorporating any and everybody that desired a charter, we should have found ourselves in a very much safer condition commercially and in a very much more agreeable position in respect of the legislation of the country than we are to-day.

What is all this complaint that we hear in the Senate, and in the other House also, about the watering of stocks in railroad corporations and in various other corporations of the country? It is that these men, after they have got a charter for the building of a railroad, or for any other purpose, and after they have begun to make money upon it largely, desire to conceal the real amount of money they are making from the people of the country by increasing, magnifying the amount of stock they have included in it. This evil has been complained of on all hands, and it has been made one of the most strenuous arguments that have yet been urged in respect to the necessity that devolves upon the Congress of the United States for legislating to control the great railroads of this country.

Now, sir, if a tax had been laid upon the capital stock of corporations, if that had been the policy of the States and of the United States Government, this evil would never have been heard of, for no incorporation, whether it be a telephone company, a telegraph company, a railroad company, or any private corporation, would ever have increased its stock in this magnificent way for the purpose of concealing its profits and of distributing its gains among the hands of a new membership it may be. If the governments concerned had placed upon these corporations a tax upon the amount of their capital stock they would not have faced the tax collector with his right of assessment on the capital stock of any corporation for the mere purpose of expanding the number of shares or the amount of the shares that were held in the corporation by the persons interested therein. It is a neglect of this very policy which, in my judgment, has brought these evils on this country. We have not controlled the corporations through the taxing power of the land. They have gone scot-free except in respect of the property that they actually own, personal and real estate that they actually own and that is liable in their hands to taxation just as it is in the hands of any other person. So far as the capital stock of these corporations is concerned, as a rule, if not a universal rule, it has been exempted entirely from taxation.

Now, is it not a correct principle of government that when any body of men come before this tribunal and ask a peculiar privilege, which in its nature is really an exclusive privilege, they should consent to be taxed upon the capital which they put into that establishment? If they come asking privileges and benefits and immunities and exemptions, is it not exactly right and fair that they should pay to the Government something for the enjoyment of these privileges that private men can not enjoy? If they come asking an exemption from indebtedness which they may contract or incur in the conduct of a hotel, is it not rational that they should be entirely willing to pay for the privilege which we confer upon them? And if the privilege we confer upon them is something of value, if we by the enactment of this charter create in them a property which is valuable, why should they not be willing to have that property taxed which we create by this act of incorporation? What is the value of it? First, the privilege of association; second, the privilege of perpetuity; third, the exemption from responsibility beyond the actual amount of stock subscribed and paid in.

Mr. GEORGE. Is the life of the corporation in this bill perpetual?

Mr. MORGAN. It is a perpetual corporation. The only limitation is the power to repeal the charter, put in by the way of amendment.

If these privileges which they esteem to be valuable, which will give them more power in the association of capital and the conduct of this business enterprise than belongs to any private man who has a hotel in Washington, or to any partnership that has a hotel here—if these privileges are valuable, who creates them? We create them by the concession that we are making in this act. Without the concession we make here they are of no value. With the concession that we make they are of very great value. If they were not of great value, this act would not be sought after.

When we are in the act of creating this corporation, this privilege, this value in favor of the corporators, it seems to me that we should specify in the bill itself that this property should be liable to the assessment of a reasonable tax. My amendment proposes a tax not to exceed 1 per cent. upon the capital stock, to be assessed by the commissioners of the District of Columbia, and that the benefits of this tax shall go to the poor of this District.

I trust I shall not be accused of providing for the poor of the District this special tax from any motive to make this amendment popular with the Senate or popular with any person else; but I have been living in this District now about nine years and I have made the acquaintance of many of the poor of this District, and there are scarcely a poorer people on this earth than the poor of the District of Columbia. Whether it is their fault or not, it is not for me to say; but I know the fact. It stares us in the face every day. There is scarcely a housekeeper in the city of Washington whose doors are not besieged for the crumbs that fall from his table by the poor of this District; and there are few places in the world where the poor are worse provided for than here. Private associated effort is doing very much, is conducting a beautiful benevolence in the city of Washington, with a view to relieving the wants and necessities of the poor; but Congress has done very little. Congress has provided some poor-houses, some places of resort for people who are so afflicted by disease or disability that they can not provide for their own wants; but when we come to distribute the money that is in the Government here into the hands of the poor, it must be confessed that Congress has shown at least a great economy, if not parsimony, in extending its beneficence. Those who come hereafter into the District of Columbia seeking charters at the hands of the Congress of the United States ought to have this burden placed upon them, so that we shall have a fund growing up in the District out of which we can provide for the necessities of the very poor. It is for that reason that I have incorporated that view in my amendment.

The amendment, however, does not commend itself to my own judgment so much on account of the charity, the benevolence that it is supposed to contain, as it does upon the ground which I have stated already, that it is time that the people of the United States had realized that much of the strife and controversy that is going on in this land is simply a conflict between incorporated men and men who labor for them in the different vocations of life. If these labor strikes, if these commotions, these acts of violence which seem to be prompted by some underlying necessity that Congress has not been able yet to understand or to grasp, were rightly understood and traced back philosophically to their real origin, in my judgment it would be found that it has been the latitudinous way in which the States and the Federal Government have created these artificial bodies and the peculiar privileges given them that has led to this commotion that we understand so little about and are so illy prepared to meet, for the larger number of these conflicts have arisen between corporations and their employés. Individual capital has few wars with labor.

Here is a man who makes an invention for any purpose whatever and takes a patent for it. He strikes a new and a bright idea, one that relieves the country from the necessity of employing a great deal of labor. It is a labor-saving machine or invention. As soon as its merits become known capital at once associates itself together for the purpose of using that man's invention. They go to him and buy out his invention. They organize an incorporation, upon which they risk just so much money as they put in, and no more. They know nothing about the invention themselves; they are not skilled men; they are not mechanics; they have had nothing to do with enterprises of the character that are included in the invention in regard to which I am indulging

this supposition, and they come together merely as speculators, merely as men possessing money, who by force of their money become the owners of the invention or the controllers of it, and they put it to work. In addition to the inventor's monopoly we give them a charter. We say to them in the charter: "Put in $500,000 of your money for the purpose of developing this invention and of executing the objects of your charter, and then, when you have paid up that money, we shall not hold you responsible for anything at all." That is mere speculative investment. It is not the inventor working his way to fortune. And so it is in respect of almost every important enterprise in the United States.

There are men flocking to my State to-day to invest millions of dollars in coal and iron mines, who never saw a pig of iron cast in their lives, and were never down in a coal shaft. What draws them together? Nothing but the chances of speculation. A man who may have a little furnace or some opening in the earth for the development of coal and bringing it out and sending it to markets, lives in the neighborhood of one of these immense corporations that assemble together under the privileges of the law, in my State for instance. This man understands mining coal; he understands making iron, it is his business, his pursuit, to which he has been trained and in the active manual exercise of which he is trying to earn bread for his family. The immense corporation sits down by the side of such men and demands that they shall sell out to it. "Wherefore," they say; "are not we here delving in the bowels of the earth or working on the surface in order to make an honest living for our families under trades and pursuits that we understand and to which we have been brought up from our childhood?" "Yes; but you are in the way of associated capital; you are not a corporation; you are responsible for every dollar of money that you owe; any creditor you have can take the last rag off your wife's back to pay the debt you may contract. We are differently situated; we are incorporated with a capital of $1,000,000. We have paid in that million dollars; we have bought, adjoining you, this property; we are working it; and we intend to put prices down so that you can not compete with us; and we intend to compel you to submit to us and our aggregated capital and associated power. We intend that you shall submit to us or else see your little establishment go to ruin on your hands. You must take our terms from us."

The small operators have no option; they are compelled to submit to a privileged class. That is the practical operation to-day of this aggregation of capital in the hands of stockholders in their efforts and in their practices, and in the results that they achieve, also, in breaking down those men who are trained to industrial and mechanical pursuits, and in compelling them to bow their necks to the yoke of capital. More of this trouble has come from this one cause than from all others that can be enumerated in the land. Men who speculate in cotton spinning, in iron and steel making, in the building of cars, in the running of lumber mills, in fact in everything, men who have no knowledge of these pursuits, but who have money enough to get a controlling power over them for mere speculative purposes, go and invest their money, and they compel the men who are trained and skilled in these pursuits to become their employés and their servants in executing their will.

Sir, there is no one mechanic in the United States to-day, I do not care how skilled he may be in his trade, who can start out with the labor of his own hands and build him a shop and successfully conduct his business against the power of incorporated capital; I do not care what business you name. That man can not be named, unless it is a village blacksmith, in all this land to-day, no matter how skilled he may be, no matter how industrious, who has the power under the existing condition of affairs to build up his little establishment and go along with it in the presence of associated capital, which has monopolized the same line of business in his neighborhood or somewhere else in reach of his market. Instance after instance of this kind arises to my own memory.

I remember in the State of Alabama where three or four enterprising gentlemen, private parties, established a small mill for the rolling of cotton ties, and one of the number had invented a very excellent buckle, just as good as any that had been invented, and they set themselves down at the mouth of a coal mine, and within 10 miles of an iron furnace in Alabama, with every facility of cheap water and fuel of every description for the conduct of their business, and then went to work to manufacture these cotton ties with this new invention of one of the partners. They made a most excellent tie, which was received by the planters with approbation and used whenever they could get them. What was the result? An immense establishment at Pittsburgh first, and afterwards that had to give way to a great establishment in England, sent their cotton ties over to this country, and they went around the localities where this firm were in the habit of selling their ties. They absorbed the market; they put the price down in all the region of country they reached to such rates that the private parties could not make them, and they had to close up their shop.

Look at the Standard Oil Company; that is another illustration. By an immense accumulation of capital this company has got the power to control every oil well in the United States from Southern New York to California. What do they do? A California man drives a well upon his own land and he strikes oil and it flows in abundance. He has it shipped to San Francisco. He undertakes to refine it. The Standard Oil Company, with its immense power, sells refined oil at a cheaper rate in California than he can afford to sell it, and it can well afford to do it to keep him out of the market. The result is that there is no value to that oil well. The owners have to sell these wells to the Standard Oil Company to get rid of them or to get anything at all out of them, or else agree to a standard of prices prescribed by the Standard Oil Company.

The Senator from Mississippi [Mr. GEORGE] has called my attention to the cotton-seed oil manufacture. Until within the last four or five months the manufacture of cotton-seed oil was in the hands of various different people in various cities and towns in the South. A corporation was organized in the city of New York with a capital of $30,000,000, the object of which was to buy up every cotton-seed oil mill in all the Southern States. They went through the Southern States and bought them all. I do not know of a single exception. They came to the town in which I live——

Mr. GEORGE. And to mine; and paid stock.

Mr. MORGAN. Sometimes a little money, but more frequently a large amount of stock The result was to combine the whole of the cotton-seed oil production in the hands of one immense corporation. They came to the town in which I live, which had been rather the pioneer of the oil production from cotton-seed, out of which some very enterprising and very excellent gentlemen had grown wealthy. They made propositions to them to sell property for about $300,000 that had been offered for $60,000. Of course these gentlemen took the offer, part in stock and part in money. They went into the general organization of the cotton-seed oil syndicate in New York, as it is termed. I do not know what the precise name of the corporation is.

Now, what has been the result? By thus putting in the hands of one corporation all the cotton-seed oil production in the South, and thereby cutting off all enterprise of any private person or any small corporation in the direction of manufacturing cotton-seed oil, they got the control of the market for cotton seed, and seed fell at once from 15 cents to 10 cents a bushel. The loss fell most heavily on the negroes, because they were the greatest patrons of the cotton-seed oil mills.

These are illustrations that show that the power which is being and has been heretofore granted to incorporations in this country is the power that is producing the mischief in the land. I suppose it would hardly be beyond the bounds of reason to say that there are many hundreds of thousands of incorporated money-making establishments in the United States. The census statistics do not give the list of the corporations, or their numbers, or the amount of capital that they have, either actually or nominally, in their possession, or the amount of capital stock, but we know that the number and the amount of stock is immensely great and all the time increasing, and yet there is no restraint upon them. They have fairly taken possession of every great mechanical and industrial pursuit except agriculture, and in the South they are largely engaging in cotton production. They are absorbing this pursuit by the lending of money on mortgages to the planters, and soon they will become great landholders, with the negroes for tenants.

It is time when we commence to incorporate bodies politic and corporate in this country that we should also commence putting some limitations upon them of a practical character, and especially ought we to direct our attention to that feature in every moneyed corporation that when they are allowed to have $2,000,000 of capital stock they shall be required to pay taxes upon that as capital stock and as property, as my amendment recites, without reference to what taxes may be imposed on their other personal or real estate. If the privilege is worth anything it is worth that, and if we can afford to give it in the presence of the dangerous state of facts that exists in this country to-day, the terrible dilemmas that we are in, it ought to be upon the ground that they can afford to place themselves where the law can get hold of them and make them contribute to the support of the Government. Why, sir, a tax of one-fourth of 1 per cent. on the capital stock of the moneyed corporations in the United States to-day would greatly relieve every poor man in this land of taxation, and give him a better chanee to support his natural progeny, while we are compelling him to support artificial creations that we produce by acts of incorporation.

Mr. GEORGE. Will the Senator allow me to ask if he provides for the taxation of stock according to its nominal value or on the amount paid in?

Mr. MORGAN. Nominal value.

Mr. GEORGE. That is right. It should be the face value.

Mr. MORGAN. If there is any doubt about that, I will say "face value," but I have not put in those words.

I have said all I desire to say, sir.

Mr. CALL. Mr. President, the Senator from Alabama [Mr. MORGAN] has discussed one of the most important questions connected with the condition of this country at this time, the question whether or not the combination of individuals for business purposes should be allowed, or whether restrictions should be placed upon it, and, if so, how far; whether the legalized association of persons as corporations, with the right to contract and own property and other personal rights, and the right of succession, shall be forbidden by law, or whether it shall be

encouraged. The manner in which he proposes to limit and restrain this power of association—for a corporation is nothing but the combination of two or three or more individuals for some common purpose with the personal rights given to it by law and with the right of succession—the manner in which he proposes to accomplish this is by taxing the stock.

Now, what is the stock of a corporation? It is nothing but the shares of its property divided into parts and the certificate or title or statement of the individual right to a certain proportion of interest in this common property and in the receipts which may be obtained from it. You tax the earnings of property. There is nothing else to tax. You may tax lands or houses to the end of time, but unless there be some receipts from them, some earnings, or from some other source in the individual who owns them, the tax will be fruitless. You can not take the house nor the property. It is not useful to the Government. The only use of it to the Government is that it shall be occupied and used and made valuable by labor.

I do not think that the method the Senator from Alabama proposes of restricting corporations by taxing the interest in them of the individual or the citizen, that is to tax two or three or four times the worth of the property, to tax its dividends or receipts, and then tax its certificates or evidences of title to the property, is advisable. It does not seem to me that there is any reason or wisdom in that method of taxation, for it is not an honest method of taxation.

If the Senator from Alabama is right, and this power of association in corporations is an evil to-day in the body politic, if it should be forbidden, let there be some positive enactment of law, so far as we have the power forbidding corporations. Let the States do the same. But I apprehend that great as the evils are which have arisen from the unrestrained power of corporations, this power of association, this legalized power of association given to corporate bodies, is eminently useful. Who shall say to the owner of the Alabama furnace, of which the Senator spoke, that three, four, five, ten, or twenty neighbors shall not associate and contribute to the operation of that furnace means sufficient to make it profitable? And if it be a right for them to do so, why should they not have that right permitted by such legislation as will give them secure possession of their earnings, the right of succession, the right of perpetuity, with the power in the legislature to repeal it at any time, to limit it if it becomes too great?

It seems to me that this great question is one deserving mature consideration, the power and the duty of the legislatures of the several States and of Congress to restrain corporations, to limit them and to protect the public against them, and to protect that portion of the public who become members of them. It is a most useful power, the power of association in the shape of corporations. It is one which is necessary to our business system. The poorest man in the country who has $100, under a proper system of legislation creating corporations, may make his investment of that $100 in this associate body and derive the results from it. It is as much in the interest of the poor people as it is in the interest of the rich.

Now, as to the Senator's suggestion in regard to the cotton-seed oil company, there is great force in it, and so in regard to the other. But let us take the other side of the question. What interest shall the consumers of these productions derive from them, and what proportion does the interest of the consumers, the great body of the people, bear to the few producers in having those things which they consume produced upon the cheapest and most economical basis for them? The interest of the great body of the people who are consumers is largely concerned in the cheapening of every production. This is too large a question to be determined in regard to the stock of a hotel corporation. The corporations which have by law the power to tax locomotion and all transportation, as the great railroad and transportation companies have, and exercise that power of taxation upon all the productions of the country, and imposing it so as to pay the interest upon two, three, four, or five times the money actually invested, produces the great evil and oppression in the country of which there is much complaint. But a simple hotel corporation, which has no power of taxation, which can only derive its earnings from those who voluntarily avail themselves of its hospitality and become guests there, that can be of no concern to the public. It is the great transportation companies who by law have the power of taxation upon all locomotion and all transportation and upon the entire production of the country, and who impose that to pay the interest upon millions and millions of bogus securities, which have never had any actual value, and for which no money has ever been paid; but as to the class of hotel corporations I can not see that there is any great importance to be attached further than to see that they are so constituted that they will be upon an honest basis and an honest investment of money.

There is no reason why the stockholders should be liable personally for the debts of the corporation. The corporation is an artificial person, and its property should be the basis of its credit.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is, Will the Senate agree to the amendment proposed by the Senator from Alabama?

Mr. VEST. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed to add a new section to the bill, as follows:

SEC. 9. In consideration of the privileges conferred under this act the said Windsor Hotel Company shall pay annually a tax not exceeding 1 per cent. on its capital stock, to be assessed by the Commissioners of the District of Columbia, for the benefit of the poor of the District, which tax shall be assessed and collected in the same manner as other taxes on personal property are or shall be collected in the District of Columbia; and said tax shall not exempt the other personal or real property of said corporation from taxation.

Mr. SAULSBURY. It strikes me that that will be in the nature of a contract incorporated into their charter which would exempt them from any further measure of taxation which Congress hereafter might see proper to impose. I call the attention of the Senator from Alabama to that point.

Mr. MORGAN. I have provided against that. If the Senator will listen to the last clause in the amendment he will see that that is provided for.

The PRESIDING OFFICER. The Chief Clerk will read the last clause of the amendment again.

The Chief Clerk read as follows:

And said tax shall not exempt the other personal or real property of said corporation from taxation.

Mr. SAULSBURY. True, it does not exempt the other property, but it is entering into a contract in the charter with this corporation by which Congress hereafter, if it see proper to impose an additional amount of taxation to that which you have provided, will be precluded. That is the point.

Mr. MORGAN. The tax is to be not more than 1 per cent. on the capital stock.

Mr. SAULSBURY. Yet it would be a question as to whether Congress designed that this should be the full measure of taxation to which they might at any time hereafter be subject. I do not know as to the proper measure of this taxation, but I do not want to see Congress put into a position where it could not impose an additional tax to that proposed by the amendment of the Senator from Alabama if in the judgment of Congress hereafter such an increased taxation should be necessary. I do not know but that this is ample taxation.

Mr. MORRILL. It would also be two-thirds of the present amount of taxes. I think it would be very much.

Mr. PLATT. It is in addition to all other taxes?

Mr. MORRILL. If it is in addition to all other taxes it would seem to me to be unjust, but if it is only intended for personal property it would be only two-thirds, because for years the tax has not been less than 1½ per cent. on such property here.

Mr. MORGAN. When I offered the amendment I made the inquiry of gentlemen who I supposed would know the fact, whether the capital stock of money corporations was now taxed under the laws of the District of Columbia. I infer from what the Senator from Vermont says that the capital stock is taxed.

Mr. SAULSBURY. As capital stock?

Mr. MORGAN. I ask the Senator from Vermont whether the capital stock of corporations in the District of Columbia is taxed as capital stock?

Mr. MORRILL. All the property they own here is taxed.

Mr. MORGAN. I understand about the tax on real property and personal property, upon the things real or personal, but what I desired to know was whether there was a tax upon the capital stock as stock of any corporation in the District of Columbia.

Mr. MORRILL. I am not informed.

Mr. INGALLS. The capital stock of course is represented in these corporations by their real estate and personal property, and when that is taxed the capital stock practically is taxed. The money that is represented by the stock is put into the plant. In the case of a street railroad corporation it is put into the rails, the road-bed, the horses, and the vehicles. The Senator, I presume, would not insist that it would be just that the money which merely passes through the hands of this corporation and is put into visible, tangible property, should be subjected to double taxation.

Mr. MORGAN. Mr. President, that is precisely the purpose of my amendment. My object is to tax that which we make property by this franchise. We make property out of the capital stock independently of the amount of personal and real estate that this corporation may own. We make for them property out of the privileges that we give them, and I want to tax that sort of property.

Of course it is a very old argument, one that has been made time and again in almost every forum in the country, certainly in a great many courts, that when you tax the real estate and the personal estate owned by a corporation, then to tax the capital stock in addition is a double tax. Nevertheless the States do that thing in a great many instances. We do it in the national-bank act. We put a tax upon the national banks in addition to the value of the real and personal estate that they own, and we do it because we have granted to them a privilege of a valuable character for which they ought to pay a tax to the Government of the United States. That is done by act of Congress.

The precise object of this amendment is that, in addition to the value of the real estate and the personal estate owned by the corporation and

represented by its capital stock there shall be a tax upon the capital stock itself in consideration of the benefits which we confer under this franchise. That was the object of my amendment, and that was the reason why I made the inquiry whether under the laws of the United States the capital stock of a money incorporation within this District was liable to be taxed as capital stock notwithstanding the whole property, personal and real, of that corporation was taxed also under the law.

My purpose is to make men pay for what they get, and if you create property values in their favor with which they can go into the market and sell, and perhaps sell at a large premium, that ought to be taxed. I could name stocks now in my own State which have gone from 15 cents in the dollar to 250 cents within the last two months, or perhaps a shorter time than that. Those stocks ought to be taxed by the State government, and they ought to be taxed by the Federal Government in proportion to their actual face value, to say the least of it. We can not follow the value of it up and down as it may fluctuate in the market, but we can say, and in my judgment we ought to say, whenever we grant a charter of this kind, that a tax ought to be imposed on the capital stock.

The Senator from Delaware suggests that this may be in the nature of a contract. I do say in the amendment "a tax not exceeding 1 per cent." upon the capital stock. I put it at that because I think that is a high tax. After you have taxed the property, real and personal, of a corporation, then to tax its capital stock at 1 per cent. you have got as high a tax as ought to be imposed upon it; but I beg to say to the Senator from Delaware that it is not in the nature of a contract.

Mr. SAULSBURY. The amendment reads "in consideration of the privileges conferred."

Mr. MORGAN. I can strike out the word "consideration," if that has made any impression; it would not alter the sense of the law at all; but it is not in the nature of a contract. More than that, the provision has already been incorporated in the bill that this act may be amended or repealed by any subsequent act of Congress, thus taking from every right that is conferred in this charter the nature of a vested right, except so far as the company have accumulated property in virtue of the enactment.

I do not know that it is necessary for me to explain any further my position in regard to the amendment and what I desire to accomplish by it.

Mr. MORRILL. Mr. President, I have no interest in this bill and do not care anything about what may be its fate, but the Senator from Alabama should see at once that he might as well deny the passage of the bill as to make the proposition he does if it shall be accepted. In looking around upon the various sites now owned by hotel-keepers, it will be noticed that they are constantly enlarging as they can, making additions to their present establishments. It may be very desirable, I should rather think it was, that we should have at least one first-class hotel here, but if the hotel that is now proposed should be subject to a double taxation or a taxation beyond what all the other large hotel-keepers are paying, it is obvious that it can not live, the stock will not be taken; it will be an end of the bill.

Mr. INGALLS. Mr. President, this bill has already consumed more time of the Senate than I supposed it would; and had I anticipated the debate that has arisen I should not have moved its consideration to-day.

A certain number of reputable and responsible gentlemen of this city and the city of New York desired the opportunity of becoming incorporated for the purpose of erecting a hotel in this city that will be commensurate with the needs of the traveling public and the wants of the national metropolis. I presumed that any Senator familiar with the condition of affairs here would readily understand that an investment of that kind would be fortunate if it paid 1 per cent. on the capital employed. They desired incorporation for the advantages that it would afford them, to which the Senator from Alabama has alluded, and I do not propose to follow him into the very interesting subject that he has treated of with regard to the relation of corporations to the business of modern society or the evils that have resulted from their injudicious creation.

I have not any interest whatever in the passage of this bill. The Committee on the District of Columbia having examined the matter, it having been referred to them by the Senate, concluded, in view of all the facts, that as these persons could not become incorporated under the general law, it would be wise to give them the powers named in this bill. If the Senate see fit to decide in the negative it is a matter of entire indifference to me personally. It is a question which concerns solely the convenience and accommodation of the public not only of the city of Washington, but that great public which has occasion from time to time to visit the metropolis.

The amendment proposed by the Senator from Alabama is absolutely destructive to this bill. He knows it. Everybody who has heard it read knows it. I do not assume that that is the purpose or object of the Senator from Alabama. At a proper time I should be glad to consider with him the propriety of a general bill that should impose generally upon all corporations, this as well as others, the burden, of which he has spoken, of taxation in consideration of the privileges which have been granted to them by Congress. But the Senator from Alabama must be aware that this is not the time to consider that subject. This is not the way to consider it. If this incorporation is granted it does not escape the power of Congress to tax it, if we see fit to do so.

Therefore, I hope the Senator from Alabama will see fit to withdraw his amendment, because I think in many ways it has reason to commend it, and that something should be done to exact an equivalent from corporations chartered by Congress for the privileges we grant; but the Senator from Alabama must be aware, as I say, that this is not the manner to deal with a great topic like that, involving the rights not only of this corporation, but prospectively the rights of all other corporations.

I will call his attention to one other fact, that if his amendment should become a law it would impose absolutely a special tax on this corporation, on its capital stock, because it declares that it shall be for the benefit of the poor. Taxes generally are levied for the purposes of revenue, for the payment of the ordinary expenses of Government; and if we should ever see fit to pass a law imposing a specific tax upon the capital stock of corporations for general revenue purposes, the amendment he proposes, declaring that this tax shall be for the benefit of the poor of the District alone, would inevitably be a special tax in addition to the others which would or might be authorized.

As I said before, this matter has occupied too much attention. It is a matter of indifference to me whether the bill passes or whether it does not pass. It concerns the public, I think, that there should be additional accommodation of the kind contemplated by this charter in this city, and why there should be imposed upon it any particular, any odious obligations I can not comprehend. It certainly is not one that threatens the peace or the welfare or the prosperity of the nation. It is not like a great railway corporation that may fix its grip upon the business and the passenger traffic of the country. It is strictly a local affair, confined perhaps to a single square of ground, entirely within the immediate purview and supervision of Congress at any and all times.

I have only to say about this amendment that having, as I think, pointed out its impropriety, its invidious character, and the want of necessity for it, considering the local and circumscribed character of this incorporation, I shall leave the Senate to vote upon it, if the Senator from Alabama does not think best to withdraw it, which I hope he will do, because I shall be glad at any time to unite with him in some measure that shall look to the general subject of taxing all corporations upon their capital stock.

But I may add that if this amendment should prevail, the charter would be absolutely valueless. The amount of tax that is permitted to be imposed upon the capital stock of this company is more, I believe, than would be the annual profit upon the investment which these people would be compelled to make.

Mr. MORGAN. Mr. President, it seems that the general laws of incorporation in the District of Columbia do not include this case.

Mr. INGALLS. Will the Senator permit me?

Mr. MORGAN. Yes, sir.

Mr. INGALLS. The laws on the subject of general incorporation will be found in the Revised Statutes relating to the District on page 63. The purposes for which incorporations may be made are restricted, first, to institutions of learning; second, to religious societies; third, to societies, benevolent, educational, &c.; fourth, to societies for manufacturing, agricultural, mining, mechanical, insurance, mercantile, transportation, market, and savings-bank purposes; fifth, to cemetery associations; sixth, to boards of trade; and, seventh, to railroad corporations; within none of which would this association be included.

Mr. MORGAN. The better proposition, then, would be to amend that statute so as to make it apply to hotel companies. Then all of the citizens of the District of Columbia or persons who might wish to come here and invest their money would be upon an equal footing in respect of their rights of incorporation. But this company prefers to get a special charter, not simply to remove that difficulty, but to get other advantages, among which is the opportunity of selling two million dollars of bonds. That is a valuable privilege granted by the Government of the United States to any corporate body. They come then asking the Government of the United States to grant them a privilege.

We are informed by the Senator from Kansas that all the profits of this establishment will probably not exceed 1 per cent. I must confess that I am amazed at this sort of benevolence which brings a set of capitalists from New York and from the District of Columbia into the city of Washington and causes them to build a vast hotel out of which they can not realize a profit of more than 1 per cent. I do not comprehend it. It is not in accord with the money-making spirit of the age. There must be something else about it, either in the nature of glory or in the nature of money-making, that I do not understand. There must be some privilege.

Mr. MORRILL. If the Senator from Alabama will read the first section of the bill he will see that instead of being from New York all the incorporators are from the city of Washington.

Mr. MORGAN. I do not know any of the gentlemen interested personally at all; I do not know their names. Their names have been read here to-day, but I did not catch them. Some one said that gentlemen from New York and from the city of Washington were engaged in this enterprise. But no matter where they come from; suppose they all

reside here; do they desire to put $4,000,000 or $3,000,000 in the building of a vast hotel in the city of Washington for the mere sake of adorning the town? Is that it; and that therefore they can not afford to pay 1 per cent. tax, or whatever less sum the Commissioners of the District of Columbia may think is proper upon their capital stock?

Mr. President, I must be excused for not taking to that idea. I suppose that when gentlemen associate themselves together and control such large masses of money as are put within the purview of this bill there must be some motive in it besides the mere desire to decorate the town or provide accommodations for first-class people.

Sir, we had just as well incorporate ten companies to build hotels in the city of Washington for fourth-class people, for there are a great many more fourth-class people in the city of Washington to-day than there are first-class in respect of the amount of money they own, or the fashionable lives they lead, or the amount of luxurious indulgence they have in their living.

If I were going to confer a benefit upon the people at large, instead of trying to ornament the city of Washington and make a great caravansary here in which fashion, and state, and wealth might assemble and glitter I would prefer to go and make reasonably fair accommodations for those people, many of whom have to sleep out of doors when they get here, or have to throw themselves upon the mercy and charity of the police for a night's accommodation.

When we come to talk about legislating for people let us legislate for all alike. If this company were desirous to make these great sacrifices for the purpose of having this vast establishment to cost $4,000,000 or more located in the city of Washington for the accommodation of the class of people who will go there, what objection can there be to their consenting to a provision, or to its being put into this measure, that while they are looking out for themselves and for their friends and for their classes of society they shall under the tax laws of the District of Columbia also make some provision for the starving poor of this District who are too proud to go to poor-houses, and who would rather starve in many cases than to expose their misery? The hand of charity fortified by an act of this kind, which should attend upon every measure of the sort that comes before Congress, would distribute benefits among these people that would make the hearts of thousands of poor people very glad, and I prefer to do it.

The Senator from Kansas wants some great measure brought forward first to tax all the corporations of the country. I happen to have been the only Senator, I believe, in this body who ever brought forward a resolution of that character. I had the honor at the last session of this Congress to introduce a resolution, which by the way has not been acted upon, instructing the Committee on Finance to inquire into the expediency and the practicability of assessing a tax upon the capital stock of all moneyed corporations in the United States, to go into the Treasury of the country, believing that thereby we could get a contribution out of these corporations which would be some equivalent for the privileges they enjoy and some equivalent for the expenses the Government of the United States has to be at too frequently in marching armies backward and forward to protect them against the assaults of men in their employment, and men who would never assail them if they did not have some good, substantial reason for it.

So I have been waiting for a measure of this kind to come up. But the only way to reach a matter of this kind in the District of Columbia is to take the bills as they arise and put the provisions in the bills themselves, and then you are sure that you have got it. For my own part, I shall never vote for another act incorporating a monetary corporation in this country unless it is upon the terms and conditions that the capital stock of that corporation, as contra-distinguished from its personal property and its real property, shall be a subject of taxation because of the value that we give to the privilege, the franchise, in making the enactment for the incorporation.

Mr. CALL. Mr. President, the proposition of the Senator from Alabama is a proposition to increase the burdens upon property in this country. It is simply a proposition to impose an additional tax upon every man who shall go to this hotel and avail himself of its comforts. It is a proposition to increase the rates of fare and transportation upon every railroad in the United States when he proposes a general tax upon all corporations. It is a proposition to increase the price of oil manufactured by the Standard Oil Company and every other company in the United States.

If the Senator from Alabama wishes to relieve the poor people of their burdens he can not do it by imposing an additional tax upon them. If he wishes to make this tax upon this hotel corporation he should say that their property, their real estate, their personal property, and their dividends shall be taxed 1 per cent. in addition to all other taxes, because "stock" means nothing but the property of the company.

If you mean to say you are going to tax their property because you give them certain privileges, then say they shall pay 1 per cent. more taxation upon their real and personal estate, for that is nothing but the proposition. As to the effect of it, it is simply a declaration that every person who shall be a guest at this hotel shall pay in the proportion of 1 per cent. more for his entertainment.

I can see no justice and no propriety in a system of taxation of that kind. I will go with the Senator from Alabama to the furthest extent that is just in taxing the large gains of corporations or of individuals, for you can not make a distinction between them. The question is, whether the corporate principle is a benefit to the country; should it be encouraged or should it be prohibited; should it be restrained or limited, and if so, how? You can not deal with that question by imposing an additional tax upon the property of persons who are members of a corporation, and discriminating between those citizens who are stockholders in it and those who are not. You can not discriminate between them. It is the citizens of this country who are stockholders in all corporations, and they are taxed as citizens upon their interest in them. The artificial body is not a member of the State, and the taxes that you gather come through the citizens, through the individual stockholders.

There is no such thing except in the use of the phrase as taxing a corporation. You must tax the citizen who owns an interest in it, and you can not make a proper system of taxation by saying that his stock, his share of the property of a corporation, shall be taxed higher than other property of the same description.

The PRESIDING OFFICER. The question is upon agreeing to the amendment proposed by the Senator from Alabama [Mr. MORGAN].

The amendment was rejected.

Mr. GEORGE. As the yeas and nays were not called on the amendment offered by the Senator from Alabama, I desire to put on record the statement that I am in favor of it.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARICOPA AND PHŒNIX RAILWAY COMPANY.

Mr. DAWES. I ask the Senate to consider for a moment a bill to which I think there is no objection, which passed the House of Representatives at the last session and would have passed the Senate in a few moments then if it had been reached. It seems to be very necessary that it should go through as early as possible. I move that the Senate proceed to the consideration of the bill (H. R. 9736) to grant the Maricopa and Phœnix Railway Company of Arizona the right of way through the Gila River Indian reservation.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Indian Affairs with an amendment, which was to add to section 2 the following additional proviso:

And provided further, That before any such lands shall be taken for the purposes aforesaid the consent of the Indians thereto shall be obtained in a manner satisfactory to the President of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. DAWES. I move that the Senate insist upon its amendment and ask for a conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DAWES, Mr. HARRISON, and Mr. JONES, of Arkansas, were appointed.

CORINTH NATIONAL CEMETERY.

Mr. WALTHALL. I move that the Senate proceed to the consideration of the bill (S. 2725) to construct a road to the national cemetery at Corinth, Miss.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Military Affairs with amendments.

The first amendment was in line 6, after the word "road," to insert the words "or a road partly of gravel and partly of stone," so as to read:

That the sum of $10,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of constructing a macadamized or gravel road, or a road partly of gravel and partly of stone, from the town of Corinth, Miss., to the national cemetery near that town, to be expended under the direction of the Secretary of War, or so much of the above sum as is necessary.

The amendment was agreed to.

The next amendment was to add to the bill the following proviso:

Provided, That the right of way for said road, not less than 60 feet wide, shall first be secured to the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES A. RUFFEE.

Mr. MCMILLAN. I move that the Senate proceed to the consideration of the bill (S. 2408) for the relief of Charles A. Ruffee.

The motion was agreed to; and the Senate, as in Committee of the

Whole, proceeded to consider the bill. It proposes to pay to Charles A. Ruffee $1,350, being the balance due to him for pay as agent of the White Earth agency consolidated, from July 1, 1879, to September 30, 1881, inclusive.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

GEORGE W. SAULPAW.

Mr. HOAR. The bill (S. 474) for the relief of George W. Saulpaw was in my charge, reported from the Committee on Claims, and it came up and was partially discussed at the last session. It was reached the other day on the Calendar and went over on the objection of the Senator from Iowa [Mr. WILSON] on account of the absence of the Senator from Illinois [Mr. LOGAN]. I inadvertently failed at that time to ask the Senator from Iowa to permit it to go over without prejudice. I should like to have it restored to its place on the Calendar. It will be liable to a single objection whenever it comes up as now. I trust the Senator from Iowa has no objection to that course.

Mr. WILSON, of Iowa. I have no objection to that order being made.

Mr. HOAR. I ask unanimous consent that the bill may be restored to its place under the eighth rule.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the bill (S. 474) for the relief of George W. Saulpaw be placed upon the Calendar under the eighth rule, to take its place as before. If there be no objection that order will be made.

Mr. HOAR. To stand in the order where it formerly stood. The Secretary will note that.

AUSTRALIAN INTERNATIONAL EXHIBITION OF 1887.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State in relation to the invitation from Her Britannic Majesty to this Government to participate in an international exhibition which is to be held at Adelaide, South Australia, in 1887.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December* 20, 1886.

AGRICULTURAL EXPERIMENT STATIONS.

Mr. GEORGE. I move that the Senate proceed to the consideration of the bill (S. 372) Order of Business 852.

The PRESIDENT *pro tempore*. The Senator from Mississippi moves that the Senate proceed to the consideration of the bill (S. 372) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and the acts supplementary thereto. [Putting the question.] The ayes appear to have it; the ayes have it, and the bill is before the Senate, as in Committee of the Whole, and open to amendment.

Mr. HALE. What bill is that?

The PRESIDENT *pro tempore*. The bill will be again read by its title.

Mr. CAMERON. As this bill is likely to provoke considerable discussion—I am pretty sure that it will—I move that the Senate proceed to the consideration of executive business.

Mr. PLATT. That will leave it the unfinished business.

Mr. CAMERON. That will leave it the unfinished business for to-morrow.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania [Mr. CAMERON] moves that the Senate proceed to the consideration of executive business.

Mr. GEORGE. I ask the Senator to yield a moment until I make an inquiry. I ask if the bill (S. 372) has been taken up, and if it will be the unfinished business.

The PRESIDENT *pro tempore*. It will be the unfinished business for to-morrow at 2 o'clock. The Senator from Pennsylvania moves that the Senate proceed to the consideration of executive business.

Mr. HALE. What has become of the motion of the Senator from Mississippi to take up the bill indicated by him? I do not understand that it is up.

The PRESIDENT *pro tempore*. The bill is now pending.

Mr. HALE. The motion is now pending? If so, that is all right.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania to proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After twenty-one minutes spent in executive session the doors were reopened, and (at 3 o'clock and 53 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 21, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, December 20, 1886.

UTAH COMMISSIONER.

Abner B. Williams, of Washington, Ark., to be a member of the board of registration and election in the Territory of Utah, provided for by section 9 of the act of Congress approved March 22, 1882, to amend the law relating to bigamy.

COLLECTOR OF CUSTOMS.

Daniel J. Campan, of Michigan, to be collector of customs for the district of Detroit, in the State of Michigan.

POSTMASTERS.

Kittie Bostwick, to be postmaster at Wesson, in the county of Copiah and State of Mississippi.

Orville A. Manville, to be postmaster at Whitehall, in the county of Washington and State of New York.

Willis J. Beach, to be postmaster at Litchfield, Conn.

Willis Lang, to be postmaster at Valdosta, Ga.

Charles B. Pegues, to be postmaster at Paris, Tex.

NOMINATIONS.

Executive nominations received by the Senate the 20th day of December, 1886.

ATTORNEY OF THE UNITED STATES.

William A. Walker, of Wisconsin, to be attorney of the United States for the eastern district of Wisconsin, *vice* A. K. Delaney, resigned.

MARSHAL OF THE UNITED STATES.

David R. Risley, of California, to be marshal of the United States for the southern district of California. Original appointment authorized by act of Congress approved August 5, 1886.

COLLECTORS OF CUSTOMS.

John F. Lynch, of the State of Maine, to be collector of customs for the district of Machias, in the State of Maine, to succeed John L. Pierce, whose resignation has been accepted.

Charles W. Roberts, of Maine, to be collector of customs for the district of Bangor, in the State of Maine, to succeed Daniel F. Davis, whose term of office has expired by limitation.

SURVEYOR OF CUSTOMS.

Walter J. Carter, of New York, to be surveyor of customs for the port of Patchogue, in the State of New York, to succeed Thomas F. Donvan, whose resignation has been accepted.

POSTMASTERS.

Willis J. Beach, to be postmaster at Litchfield, in the county of Litchfield and State of Connecticut, in the place of Howard E. Gates, resigned.

Noah N. Daves, to be postmaster at Ashton, in the county of Spink and Territory of Dakota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1886.

Joseph Hager, to be postmaster at Mandan, in the county of Morton and Territory of Dakota, in the place of Frank A. Briggs, resigned, to take effect January 1, 1887.

George H. James, to be postmaster at Plankinton, in the county of Aurora and Territory of Dakota, in the place of Adelmer M. Andrews, resigned.

Freeman H. Perry, to be postmaster at Vermillion, in the county of Clay and Territory of Dakota, in the place of Calvin G. Shaw, resigned.

John M. Lyon, to be postmaster at Seattle, in the county of King and Territory of Washington, in the place of Ossian J. Carr, whose commission expired December 13, 1886.

Willis Lang, to be postmaster at Valdosta, in the county of Lowndes and State of Georgia, in the place of John J. Newton, deceased.

Reginald F. Beecher, to be postmaster at Wenona, in the county of Marshall and State of Illinois, in the place of Samuel Brown, whose commission expired December 12, 1886.

James B. Dale, to be postmaster at Edwardsville, in the county of Madison and State of Illinois, in the place of John W. Coventry, whose commission expires December 28, 1886.

Thomas E. Garner, to be postmaster at Paris, in the county of Edgar and State of Illinois, in the place of Jacob M. Bell, whose commission expires December 20, 1886.

Richard T. Gill, to be postmaster at Atlanta, in the county of Logan and State of Illinois, in place of John B. Lambert, whose commission expired December 12, 1886.

William C. Green, to be postmaster at Fulton, in the county of Whitesides and State of Illinois, in the place of Joseph C. Snyder, whose commission expired December 12, 1886.

Alexander H. Irvin, to be postmaster at Cairo, in the county of Alexander and State of Illinois, in place of William M. Murphy, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States; Thomas Wilson, who was designated to perform the duties of the office, having since deceased. The term for which said Murphy was appointed will expire on the 12th day of February, 1887.

Samuel S. Jack, to be postmaster at Decatur, in the county of Macon and State of Illinois, in the place of Robert P. Lytle, whose commission expires December 20, 1886.

William F. White, to be postmaster at Barry, in the county of Pike

and State of Illinois, in the place of George W. Chrysup, whose commission expired December 12, 1886.

John D. Sourwine, to be postmaster at Brazil, in the county of Clay and State of Indiana, in the place of Thomas M. Robertson, resigned, to take effect December 31, 1886.

Charles W. Timmonds, to be postmaster at Hartford City, in the county of Blackford and State of Indiana, in the place of John M. Ruckman, whose commission expires December 28, 1886.

Edith Love, to be postmaster at Wellington, in the county of Sumner and State of Kansas, in the place of Thomas R. Love, deceased.

Mary McAtee, to be postmaster at Bardstown, in the county of Nelson and State of Kentucky, in the place of Bernard Goldrick, resigned, to take effect January 1, 1887.

Henry L. Kilgore, to be postmaster at Belfast, in the county of Waldo and State of Maine, in the place of Andrew D. Bean, whose commission expires December 20, 1886.

Thomas F. Gorman, to be postmaster at Whitinsville, in the county of Worcester and State of Massachusetts, in the place of Orrin Wade, deceased.

Richard Welsh, to be postmaster at Annapolis, in the county of Anne Arundel and State of Maryland, in the place of William T. Iglehart, deceased.

Lemuel G. Eblen, to be postmaster at West Plains, in the county of Howell and State of Missouri, in the place of Samuel J. Risley, resigned.

William P. Ainsley, to be postmaster at Williamston, in the county of Ingham and State of Michigan, in the place of Daniel S. Crossman, resigned.

John M. Mathewson, to be postmaster at Lowell, in the county of Kent and State of Michigan, in the place of Milton M. Perry, whose commission expires December 20, 1886.

Samuel R. Robinson, to be postmaster at White Pigeon, in the county of Saint Joseph and State of Michigan, in the place of Theodore E. Clapp, whose commission expires December 20, 1886.

Uriel M. Tobey, to be postmaster at Sauk Centre, in the county of Stearns and State of Minnesota, in the place of Charles F. Hendryx, whose commission expired December 12, 1886.

James W. Carson, to be postmaster at Edgar, in the county of Clay and State of Nebraska, in the place of Milton J. Hull, resigned, to take effect December 31, 1886.

Elijah Ratnour, to be postmaster at Weeping Water, in the county of Cass and State of Nebraska, in the place of Eugene L. Reed, resigned.

Francis H. Demarest, to be postmaster at Englewood, in the county of Bergen and State of New Jersey, in the place of Charles Barr, jr., whose commission expired December 13, 1886.

Joseph T. Matthews, to be postmaster at Orange Valley, in the county of Essex and State of New Jersey, in the place of John L. Yatman, whose commission expired December 13, 1886.

James M. Holton, to be postmaster at Brighton, in the county of Monroe and State of New York, in the place of Otto R. Miller, deceased.

Robert T. Abraham, to be postmaster at East Liverpool, in the county of Columbiana and State of Ohio, in the place of Harry H. Surls, whose commission expires December 20, 1886.

Samuel W. McFarland, to be postmaster at Wapakoneta, in the county of Auglaize and State of Ohio, in the place of David J. Davis, whose commission expires December 20, 1886.

C. S. Vorwerk, to be postmaster at Lorain, in the county of Lorain and State of Ohio, in the place of Thaddeus W. Fancher, whose commission expires December 28, 1886.

Daniel M. Donehoo, to be postmaster at Beaver, in the county of Beaver and State of Pennsylvania, in the place of Mary E. Imbrie, resigned.

B. F. Church, to be postmaster at Calvert, in the county of Robertson and State of Texas, in the place of Timothy J. McHugh, whose commission expired December 12, 1886.

Charles B. Pegues, to be postmaster at Paris, in the county of Lamar and State of Texas, in place of James T. Craigs, resigned, to take effect not later than December 31, 1886.

D. H. Randolph, to be postmaster at Laredo, in the county of Webb and State of Texas, in the place of Hanson A. Burbank, whose commission expired December 12, 1886.

George W. Levis, to be postmaster at Black River Falls, in the county of Jackson and State of Wisconsin, in the place of John Parsons, whose commission expires December 20, 1886.

HOUSE OF REPRESENTATIVES.

MONDAY, *December* 20, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. DOCKERY, indefinitely, on account of important business.

To Mr. WALLACE, until after the holidays, on account of important business

To Mr. FLEEGER, for ten days, on account of important business.

To Mr. BAYNE, indefinitely, on account of important business.

To Mr. PETERS, for this day.

To Mr. MILLARD, for one week, on account of sickness in his family.

WITHDRAWAL OF PAPERS.

On motion of Mr. BUCHANAN, by unanimous consent, leave was granted to withdraw from the files of the House papers in the case of William S. Stryker, without leaving copies, there being no adverse report.

RETURN OF BILL FROM THE SENATE.

The SPEAKER. There was a clerical error in the bill (S. 54) which passed the House recently; and, if there be no objection, the resolution which the Clerk will now report will be adopted.

The Clerk read as follows:

Resolved, That the Clerk of the House be directed to request the Senate to return to the House the bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes.

Mr. RYAN. What is the bill to which reference is made in that resolution?

The SPEAKER. To the bill (S. 54); and the object is to correct a clerical error.

Mr. RYAN. I have no objection.

The resolution was agreed to.

PUBLIC BUILDING, CHARLESTON, S. C.

Mr. DIBBLE. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 10051), and put it upon its passage.

The SPEAKER. The bill will be read, subject to objection.

Mr. DIBBLE. This is the same bill that was read on Saturday. It provides for the erection of a public building in Charleston, S. C.

Mr. BLISS. I object.

Mr. MILLS. I demand the regular order.

PUBLIC BUILDING, SPRINGFIELD, MASS.

Mr. WILKINS. Mr. Speaker, I wish to submit a priviled report from a committee of conference.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 263) providing for the erection of a public building at Springfield, Mass., having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from its amendment numbered 1.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment, as follows:

Strike out "twenty-five" and insert "fifty."

BERIAH WILKINS,
NICHOLAS E. WORTHINGTON,
FRANCIS W. ROCKWELL,
Managers on the part of the House.

WILLIAM MAHONE,
HENRY L. DAWES,
Managers on the part of the Senate.

The statement accompanying the report was read, as follows:

Detailed statement to accompany the report of the committee of conference on the disagreeing votes of the two Houses to bill (S. 263) being an act providing for the erection of a public building at Springfield, Mass.:

The amendment No. 1, from which the House recedes, was to reduce the amount named in the bill from $150,000 to $125,000.

The amendment No. 2, from which the Senate recedes, is the usual provision placed on House bills reported by the Committee on Public Buildings and Grounds, providing that the site shall not be purchased until estimates for the erection of a building, &c., shall have been approved by the Secretary of the Treasury, and that no purchase or plan shall be approved involving an expenditure exceeding the sum limited.

The report was agreed to.

Mr. WILKINS moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ISSUE OF TREASURY NOTES, ETC.

Mr. WILKINS. I desire also to present a privileged report from the Committee on Banking and Currency.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The Committee on Banking and Currency, having had under consideration a resolution introduced by Mr. WEAVER, of Iowa, and referred to this committee December 13, 1886, report the same back with the accompanying substitute and recommend the passage of the same, and that the original resolution lie on the table.

The substitute was read, as follows:

Be it resolved by the House of Representatives, That the Secretary of the Treasury be, and he is hereby, directed to report to this House as soon as possible—

First. Whether any portion of the money appropriated by the act approved August 4, 1886, known as the sundry civil appropriation act, has been expended in issuing Treasury notes of large denomination in lieu of notes of small denominations canceled or retired; and whether any other money belonging to the Government of the United States has been expended for such purpose since August 4, 1886.

Second. How many, if any, one and two dollar notes have been canceled and destroyed since the passage of said act, by what authority said notes were destroyed, and what sum has been expended in their destruction.

Third. How many, if any, of said notes canceled and destroyed were mutilated notes; and whether notes of like denominations were issued in their stead.

Mr. WEAVER, of Iowa. I wish to make an inquiry of the gentleman who has reported this resolution. I believe the resolution reported is identical with the one introduced by myself except that the preamble is omitted.

Mr. WILKINS. It is.

Mr. WEAVER, of Iowa. That is satisfactory.

The SPEAKER. If there be no objection, the original resolution will lie on the table.

There was no objection.

The substitute reported by the Committee on Banking and Currency was agreed to.

Mr. WILKINS moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The regular order, which has been demanded, is the call of the States and Territories for the introduction and reference of bills and joint resolutions. Under this call petitions and memorials from State and Territorial Legislatures are also in order for reference to appropriate committees, and also resolutions of inquiry addressed to the heads of departments.

MILITARY TELEGRAPH LINE IN CALIFORNIA.

Mr. MORROW introduced a bill (H. R. 10243) for the construction of a military telegraph line from San Francisco, Cal., to Point Reyes, Cal., via Point San José, California; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM E. WHEELER.

Mr. SYMES introduced a bill (H. R. 10244) for the relief of William E. Wheeler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ERASTUS S. JOSLYN.

Mr. SYMES also introduced a bill (H. R. 10245) for the relief of Erastus S. Joslyn; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EDWARD RICE.

Mr. SYMES also introduced a bill (H. R. 10246) for the relief of Edward Rice; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

MRS. MARY JANE CASE.

Mr. WAIT introduced a bill (H. R. 10247) granting a pension to Mrs. Mary Jane Case, widow of David Case; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT NEW CASTLE, DEL.

Mr. LORE introduced a bill (H. R. 10248) for a new public building at the city of New Castle, State of Delaware; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SEVENTH LIGHT-HOUSE DISTRICT.

Mr. DAVIDSON, of Florida, introduced a bill (H. R. 10249) making an appropriation for the establishment of a new supply and buoy depot for the seventh light-house district at Key West, Fla.; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

COUNTERFEITING.

Mr. TOWNSHEND introduced a bill (H. R. 10250) to punish having in possession dies, &c., for counterfeiting coins; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INTERNAL-REVENUE LAWS.

Mr. TOWNSHEND also introduced a bill (H. R. 10251) to amend section 3242 of the Revised Statutes relating to the internal-revenue laws; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BRIBERY AT ELECTIONS.

Mr. TOWNSHEND also introduced a bill (H. R. 10252) to punish bribery, &c., in elections; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PASSING OF CONFEDERATE MONEY.

Mr. TOWNSHEND also introduced a bill (H. R. 10253) for punishing the passing of confederate money as true and genuine United States obligations; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES M. GARVIN.

Mr. TOWNSHEND also introduced a bill (H. R. 10254) granting a pension to James M. Garvin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NEW YORK NATIONAL BANK ASSOCIATIONS.

Mr. TOWNSHEND also submitted the following resolution, which was read:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to ascertain whether any national bank association located in the city of New York has, during the present month, loaned its surplus money or deposits to brokers or other persons operating in stocks and bonds, without security and merely upon the receipt of interest on the same, for the purpose of enabling speculators to lock up and prevent the use of money in business transactions, and thereby produce a scarcity of money and greatly increase the rates of interest on loans. And also whether during said period any of said banks, for the purposes aforesaid, knowingly permitted the total liability of any person, company, corporation, or firm to exceed the amount limited by the statute in such cases; and that the said Secretary report all the facts to this House as soon as practicable, with such recommendations as he may deem proper.

Mr. TOWNSHEND. I ask that that resolution be referred to the Committee on Banking and Currency. I think it goes there under the rule.

The SPEAKER. The Committee on Banking and Currency is the appropriate committee.

The resolution was referred to the Committee on Banking and Currency.

RELIEF OF RETIRED NAVY OFFICERS.

Mr. THOMAS, of Illinois, introduced a bill (H. R. 10255) for the relief of certain officers on the retired list of the Navy, and for other purposes; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

DANIEL TANNER.

Mr. WORTHINGTON introduced a bill (H. R. 10256) granting a pension to Daniel Tanner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SECTION 3287 REVISED STATUTES.

Mr. WORTHINGTON also introduced a bill (H. R. 10257) to further amend section 3287 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN K. LE BARON.

Mr. HOPKINS introduced a bill (H. R. 10258) for the relief of John K. Le Baron; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES R. TRUE.

Mr. HITT introduced a bill (H. R. 10259) to grant a pension to James R. True, late private Company H, Seventy-fourth Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EZRA A. BRISTOL.

Mr. LOWRY introduced a bill (H. R. 10260) granting a pension to Ezra A. Bristol, Company E, Sixth Missouri Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC LAND GRANTS.

Mr. LYMAN introduced a bill (H. R. 10261) in relation to grants of public lands by the United States to aid in the construction of railroads; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

LAWRENCE O'CONNER.

Mr. MURPHY introduced a bill (H. R. 10262) granting a pension to Lawrence O'Conner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JESSE W. ELLIS.

Mr. MURPHY also introduced a bill (H. R. 10263) granting a pension to Jesse W. Ellis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. DE FREEST.

Mr. MURPHY also introduced a bill (H. R. 10264) directing the Secretary of War to amend the record of William H. De Freest; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM H. TERRY.

Mr. MURPHY also introduced a bill (H. R. 10265) granting a pension to William H. Terry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HOSPITAL, ROCK ISLAND ARSENAL.

Mr. MURPHY also introduced a bill (H. R. 10266) for the construction of a suitable building for a hospital at the Rock Island Arsenal; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LAZARUS SPENCE.

Mr. FUNSTON introduced a bill (H. R. 10267) for the relief of Lazarus Spence; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CLAIMS FOR ADDITIONAL BOUNTY.

Mr. RYAN introduced a bill (H. R. 10268) to extend the time for filing claims for additional bounty under the act of July 28, 1886, which expired by limitation on July 1, 1880, until July 1, 1890; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MONUMENT TO NEGRO SOLDIERS AND SAILORS.

Mr. RYAN also introduced a bill (H. R. 10269) making appropriation of $100,000 for the erection of a monument to the negro soldiers and sailors who gave their lives for the preservation of the Government; which was read a first and second time, referred to the Committee on Library, and ordered to be printed.

JOHANNA TREW.

Mr. RYAN also introduced a bill (H. R. 10270) granting a pension to Johanna Trew, widow of Daniel Trew, late of Company —, Tenth Regiment Kansas Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GRANT OF PUBLIC LANDS TO KANSAS.

Mr. ANDERSON, of Kansas, offered a joint resolution (H. Res. 227) to authorize the Secretary of the Interior to certify lands to the State of Kansas for the benefit of agriculture and the mechanic arts; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JESSE W. WILLIAMS.

Mr. PETERS (by Mr. PERKINS) introduced a bill (H. R. 10271) granting a pension to Jesse W. Williams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANCY HALEY.

Mr. PETERS also (by Mr. PERKINS) introduced a bill (H. R. 10272) granting a pension to Nancy Haley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTHA J. HUNT.

Mr. PERKINS introduced a bill (H. R. 10273) for the relief of Mrs. Martha J. Hunt, Elk City, Kans.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN M. GIFFIN.

Mr. PERKINS also introduced an act (H. R. 10274) for the relief of John M. Giffin, of Olathe, Kans.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JACOB S. SHUMAN.

Mr. WOLFORD introduced a bill (H. R. 10275) to increase the pension of Capt. Jacob S. Shuman, of Company M, Eleventh Ohio Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HIBBARD WILLIAMSON.

Mr. TAULBEE introduced a bill (H. R. 10276) for the relief of Hibbard Williamson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BARNEY BACK.

Mr. TAULBEE introduced a bill (H. R. 10277) for the relief of Barney Back; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH BANKS.

Mr. TAULBEE also introduced a bill (H. R. 10278) for the relief of Joseph Banks; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SUBSTITUTES IN TREASURY DEPARTMENT.

Mr. TAULBEE also introduced the following resolution; which was referred to the Committee on Reform in the Civil Service:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to inform the House whether or not employés in the Treasury Department are permitted to employ substitutes to perform their duties at a less rate of compensation than is paid to such employés, and the number of such substitutes in such employment, and the rate of compensation paid them, and the salary of their principals; also the number of such substitutes on duty during the months of September and October, 1886, and by what authority such employment is had.

ADVANCE PAYMENTS OF BOND INTEREST.

Mr. TAULBEE also introduced the following resolution; which was referred to the Committee on Ways and Means:

Whereas it is stated in the newspapers of the country that the honorable Secretary of the Treasury has paid the interest on certain bonded indebtedness of the United States before said interest was due and without rebate; and

Whereas it has been stated that said advancements of interest were made for the purpose of affecting the market value of certain stocks in the markets of Wall street: Therefore,

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to inform the House if such interests have been so paid, and if so, why and by what authority.

ELLA A. WARD.

Mr. TAULBEE (by request) also introduced the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Clerk of this House be, and is hereby, directed to pay out of the contingent fund of the House to Ella A. Ward, the daughter of Anna E. Ward, late an employé of this House, a sum equal to her salary for six months, and also the expenses attending her last sickness and funeral, not to exceed the sum of $250.

MACHINERY FOR EXTRACTION OF CANE-JUICE.

Mr. GAY introduced a bill (H. R. 10279) to admit free of duty machinery, fixtures, &c., for the extraction of cane-juice and the manufacture of sugar by the plan of diffusion; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EMPLOYÉS AT NEW ORLEANS SUBTREASURY, ETC.

Mr. GAY also introduced a bill (H. R. 10280) to fix the salaries of the officers and employés of the subtreasury and the branch of the United States mint at New Orleans; which was read a first and second time, referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

OZIAS B. COTTON.

Mr. DINGLEY introduced a bill (H. R. 10281) granting a pension to Ozias B. Cotton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL HOME FOR DISABLED SOLDIERS.

Mr. DINGLEY also introduced a bill (H. R. 10282) to protect the inmates of the National Home for Disabled Soldiers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NAVAL HOSPITAL AND SANITARIUM.

Mr. DINGLEY also introduced a bill (H. R. 10283) to establish a permanent naval quarantine hospital and sanitarium; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

SHIP-BUILDING ESTABLISHMENTS.

Mr. DINGLEY also introduced the following resolution; which was referred to the Committee on Naval Affairs:

Whereas the experience of maritime nations has shown that the possession of numerous well-equipped private ship-building establishments is essential, not only for the maintenance of a large merchant marine, but also for the construction of naval vessels and Government transports in the exigency of war; and

Whereas the founders and the recent defenders of our Government were so impressed with the importance of this truth that Jefferson, speaking for the former in his celebrated report on commerce, declared that establishments in readiness for ship-building are indispensable to the protection of our commerce and the defense of our seaboard, and Admiral Porter, speaking for the latter in his testimony before the Senate Naval Committee of the Forty-eighth Congress, affirmed that, in case of a war with a naval power, "the salvation of the country would depend upon our private ship-building yards" and "their plant accumulated during peace," for which reason, he added, we should encourage the establishment of such yards by means of favorable Government contracts, as Great Britain has done: Therefore,

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of authorizing the Secretary of the Navy, in the construction of vessels for the Navy hereafter, to invite proposals for the building of a part of such vessels, on such special terms as will best secure the end sought, by responsible citizens or companies, who will undertake to establish new iron and steel ship-building establishments at desirable points on our Atlantic, Pacific, and Gulf coasts, and to provide for these establishments such suitable plants as will make them available for the building of iron and steel vessels for the Navy as well as the merchant marine.

CREW OF UNITED STATES STEAMSHIP WYOMING.

Mr. RUSK introduced a bill (H. R. 10284) for the relief of the crew of the United States steamship Wyoming; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SILVER COIN AND CERTIFICATES.

Mr. FINDLAY introduced a bill (H. R. 10285) to prescribe the weight of standard silver for certain coin of the United States, to enlarge the legal-tender character of the half-dollar, and permit the issue of silver certificates upon deposits of the same, and to amend the requirement of law for the purchase and coinage of silver bullion; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

ELIZABETH L. NOTT.

Mr. LONG introduced a bill (H. R. 10286) granting a pension to Elizabeth L. Nott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEANDER W. GROCE.

Mr. LONG also introduced a bill (H. R. 10287) for the relief of Leander W. Groce; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HEIRS OF CAPT. THOMAS SANFORD.

Mr. DAVIS introduced a bill (H. R. 10288) for the relief of the heirs of Capt. Thomas Sanford, of Fall River, Mass.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LAURA M. TOSON.

Mr. HAYDEN introduced a bill (H. R. 10289) granting a pension to Laura M. Toson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARIA B. COPELAND.

Mr. HAYDEN also introduced a bill (H. R. 10290) granting a pension to Maria B. Copeland; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OLIVER PASHO.

Mr. HAYDEN also introduced a bill (H. R. 10291) granting a pension to Oliver Pasho; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS CALLAHAN.

Mr. ELY introduced a bill (H. R. 10292) granting a pension to Thomas Callahan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANCY J. SEARER.

Mr. ALLEN, of Massachusetts, introduced a bill (H. R. 10293) granting a pension to Nancy J. Searer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH DAVEY.

Mr. O'DONNELL introduced a bill (H. R. 10294) for the relief of Elizabeth Davey; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BRIDGE ACROSS RED RIVER OF THE NORTH.

Mr. NELSON introduced a bill (H. R. 10295) authorizing the construction of a bridge across the Red River of the North; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

EVENING SESSIONS.

Mr. STRAIT submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That the rules be so amended as that from and after the first Monday in January, 1887, evening sessions shall be held on Tuesday and Thursday evenings of each week from half past 7 to half past 10 o'clock for the purpose of considering the Private Calendar; and it shall be first in order to take up and consider Senate bills until they are all disposed of, and then to take up and consider House bills in their order.

CEDING TRACT OF LAND TO STATE OF MINNESOTA.

Mr. GILFILLAN introduced a bill (H. R. 10296) ceding to the State of Minnesota the right of possession and occupancy of a tract of land within the military reservation of Fort Snelling for the purpose of erecting and maintaining a soldiers' home; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN A. HEARD.

Mr. BARKSDALE introduced a bill (H. R. 10297) for the relief of John A. Heard; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF JOSEPH BONTURA.

Mr. VAN EATON introduced a bill (H. R. 10298) for the relief of Joseph Bontura's estate; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELISHA L. ELAM.

Mr. STONE, of Missouri, introduced a bill (H. R. 10299) granting a pension to Elisha L. Elam; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER M'NARY.

Mr. WOODBURN introduced a bill (H. R. 10300) for the relief of Alexander McNary; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN H. MARION.

Mr. McADOO introduced a bill (H. R. 10301) for the relief of John H. Marion; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DEPENDENT RELATIVES OF DECEASED SOLDIERS.

Mr. McADOO also introduced a bill (H. R. 10302) relating to dependent relatives of deceased pensioners; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RUTH A. EVANS.

Mr. McADOO also introduced a bill (H. R. 10303) granting a pension to Ruth A. Evans; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM VAN BRUNT.

Mr. BUCHANAN introduced a bill (H. R. 10304) granting a pension to William Van Brunt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COAST DEFENSES, ETC.

Mr. COX, of New York, introduced a joint resolution (H. Res. 228) to provide for coast defenses, &c.; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

EXPULSION OF JEWS FROM RUSSIA.

Mr. COX, of New York, also submitted the following resolution; which was referred to the Committee on Foreign Affairs:

Resolved, That the President of the United States, if not incompatible with the public service, communicate to this House all correspondence in the Department of State between that Department and our minister to Russia, or between that minister and the Russian Government, in relation to the conduct of said Russian Government in the treatment or expulsion of S. Michelbacher, an American citizen, who was expelled from Russia on account of his being a Hebrew; and, further, that if not incompatible with the public service he communicate all other correspondence in the Department between our Government and that of Russia in relation to the condition or expulsion of Hebrews who are American citizens from the territory of Russia.

PUBLIC BUILDING, BROOKLYN.

Mr. CAMPBELL, of New York, introduced a bill (H. R. 10305) to increase the appropriation for the public building at Brooklyn; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MARGARET MADDEN.

Mr. BELMONT introduced a bill (H. R. 10306) for the relief of Margaret Madden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN M'NULTY.

Mr. JAMES introduced a bill (H. R. 10307) for the relief of John McNulty; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HARRIET FAWPELLE.

Mr. JAMES also introduced a bill (H. R. 10308) granting a pension to Harriet Fawpelle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HUBBARD ROLLINS.

Mr. MILLARD introduced a bill (H. R. 10309) granting a pension to Hubbard Rollins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY C. HENDERSON.

Mr. MILLARD also introduced a bill (H. R. 10310) for the relief of Mary C. Henderson; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

DUTIES ON SUGAR, ETC.

Mr. MILLARD also introduced a bill (H. R. 10311) to repeal all duties on raw sugars and molasses imported in American vessels, or vessels owned by citizens of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CHARLES S. SECCOMB.

Mr. SESSIONS introduced a bill (H. R. 10312) granting a pension to Charles S. Seccomb; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY BRADLEY.

Mr. SESSIONS also introduced a bill (H. R. 10313) granting a pension to Mary Bradley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CORNELIUS MARSH.

Mr. PAYNE introduced a bill (H. R. 10314) granting a pension to Cornelius Marsh, late of Company H, Ninth New York Heavy Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WASHINGTON DUTCHER.

Mr. PAYNE also introduced a bill (H. R. 10315) granting a pension to Washington Dutcher, late of Company F, One hundred and eighty-ninth New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAY H. STACEY.

Mr. PAYNE also introduced a bill (H. R. 10316) granting an increase of pension to May H. Stacey, widow of M. H. Stacey, late captain Twelfth United States Infantry; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MARY A. WICKS.

Mr. SAWYER introduced a bill (H. R. 10317) granting a pension to Mary A. Wicks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DISTRIBUTION OF OFFICIAL REGISTER.

Mr. FARQUHAR introduced a joint resolution (H. Res. 229) providing for the distribution of the Official Register of the United States; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

ANDREW J. LOCKE.

Mr. FARQUHAR also introduced a bill (H. R. 10318) for the relief of Andrew J. Locke; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY L. CURRIER.

Mr. FARQUHAR also introduced a bill (H. R. 10319) for the relief of Mary L. Currier; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OVERFLOW OF THE PEE DEE RIVER.

Mr. BENNETT introduced a joint resolution (H. Res. 230) authorizing the Secretary of War to issue rations for the relief of destitute persons in the district overflowed by the Pee Dee River, and making an appropriation to relieve the sufferers by said overflow; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

POLLY DAVIS.

Mr. BENNETT (by request) also introduced a bill (H. R. 10320) granting a pension to Polly Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TENURE-OF-OFFICE ACT.

Mr. COX, of North Carolina, submitted a resolution setting aside the 6th day of next January for the consideration of the bill (S. 512) in relation to tenure of office; which was referred to the Committee on Rules.

MARY ANN SHOOK.

Mr. JOHNSTON, of North Carolina, introduced a bill (H. R. 10321) granting a pension to Mary Ann Shook; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPEAL OF INTERNAL-REVENUE LAWS.

Mr. JOHNSTON, of North Carolina, also submitted a resolution of instruction to the Committee on Ways and Means, to report bill for repeal of internal-revenue laws; which was read, and referred to the Committee on Ways and Means.

CHARLOTTE PRUITT.

Mr. COWLES introduced a bill (H. R. 10322) granting a pension to Charlotte Pruitt, dependent mother of Preston Pruitt, late a volunteer in the United States service; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PILOT AND CREW OF STEAMER PLANTER.

Mr. O'HARA introduced a bill (H. R. 10323) for the relief of the pilot and crew of the steamer Planter; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

UNITED STATES BONDS HELD BY NATIONAL BANKS.

Mr. WILKINS introduced a bill (H. R. 10324) to reduce the amount of United States bonds to be required of national banks, and to restore to the channels of trade the excessive accumulations of lawful money in the Treasury; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

PUBLIC GROUNDS IN WASHINGTON, D. C.

Mr. WILKINS also introduced a bill (H. R. 10325) prohibiting the use of public grounds in the city of Washington by individuals or corporations, and for other purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ORGANIZATION OF POST-OFFICE DEPARTMENT.

Mr. WARNER, of Ohio, introduced a bill (H. R. 10326) to authorize certain changes in the organization of the Post-Office Department; which was read a first and second time, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

MONEY DEPOSITED BY NATIONAL BANKS.

Mr. WARNER, of Ohio, also introduced a bill (H. R. 10327) to provide for the investment of lawful money deposited in the Treasury by national banks for the redemption of their circulating notes, and for other purposes; which was read a first and second time.

Mr. WARNER, of Ohio. I ask that the bill be read at length. I think it should go to the Committee on Ways and Means.

The bill was read.

The SPEAKER. As this bill relates both to national banks and to the bonded debt of the United States, it might either go to the Committee on Banking and Currency or to the Committee on Ways and Means.

Mr. WARNER of Ohio. I move that it be referred to the Committee on Ways and Means.

The motion was agreed to.

The bill was accordingly referred to the Committee on Ways and Means, and ordered to be printed.

JOHN COCKENOUR.

Mr. OUTHWAITE introduced a bill (H. R. 10328) granting a pension to John Cockenour; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY B. HUNTER.

Mr. OUTHWAITE also introduced a bill (H. R. 10329) for the relief of Henry B. Hunter; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ALBERT MUNSELL.

Mr. E. B. TAYLOR introduced a bill (H. R. 10330) granting a pension to Albert Munsell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDGAR JONES.

Mr. E. B. TAYLOR also introduced a bill (H. R. 10331) granting a pension to Edgar Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRY M. CARLEY.

Mr. ROMEIS introduced a bill (H. R. 10332) granting a pension to Harry M. Carley, late of Company A, Twenty-fourth Ohio Volunteers, and Company F, Eighteenth Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OREGON SALMON FISHERY.

Mr. HERMANN submitted the following resolution; which was read, and referred to the Committee on Commerce:

Whereas a leading industry in the State of Oregon is the salmon fishery, the value of the export shipments for 1884 being $3,000,000, and embracing 672,350 cases of canned salmon, while the same year the total wheat and flour export was valued at $5,600,000; and so rapidly has this industry grown in value to the State and nation that in capital employed in fisheries Oregon stands eighth in order among the States; in persons employed, fifth; and in value of fish products the third in order; and

Whereas it is reported that the propagation, increase, and growth of said fish are greatly retarded by injuries received from imperfect and illy-devised fish-ladders, fish-ways, nets, seines, fish-traps, fish-wheels, and other devices, and often from poisonous matter deposited in the navigable streams of said State, and that great quantities of said fish not matured are caught, killed, molested, and injured by said wasteful methods of capture and unhealthy deposits, thereby depleting the great supply and seriously interfering with the proper maturing of the young fish: Therefore,

Resolved, That the United States Commissioner of Fish and Fisheries be, and he is hereby, directed to investigate the methods of fishing pursued in said States, and to ascertain those which are most injurious to the preservation of this industry, as well as to the regulations and stringent measures deemed necessary to prevent future waste and wanton destruction; also to inquire as to the authority and constitutional power of the Government to regulate and protect the fish and fishery interests on navigable waters of the nation, or on any waters forming the boundary between States, or States and Territories, and to report to this House.

ALEXANDER H. SNYDER.

Mr. HERMANN also introduced a bill (H. R. 10333) providing a pension for Alexander H. Snyder, of Coos County, State of Oregon, a private in Company D, One hundred and sixty-ninth Ohio Volunteer Infantry in the late war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIGHT-HOUSE, MOUTH OF THE UMPQUA.

Mr. HERMANN also introduced a bill (H. R. 10334) providing for the establishment of a light-house at or near the mouth of the Umpqua River, in the State of Oregon, and not to exceed in cost the sum of $60,000; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES WOODY.

Mr. HERMANN also introduced a bill (H. R. 10335) to increase the pension of James Woody, of Grant's Pass, State of Oregon, a survivor of the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LIGHT-HOUSE, MOUTH OF THE COQUILLE.

Mr. HERMANN also introduced a bill (H. R. 10336) for the establishment of a light-house at the mouth of the Coquille River, State of Oregon, at a cost not exceeding $40,000; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CLERKS IN UNITED STATES LAND OFFICES.

Mr. HERMANN also introduced a bill (H. R. 10337) authorizing the employment of clerks at all United States land offices whereat the maximum salary and commissions of each per annum shall exceed the sum of $2,000; which was read a first and second time, referred to the Committee on Expenditures in the Interior Department, and ordered to be printed.

MARY E. DAVIS.

Mr. KELLEY introduced a bill (H. R. 10338) granting a pension to

Mary E. Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD EMERY.

Mr. FORD introduced a bill (H. R. 10339) granting a pension to Edward Emery, late of Company D, One hundred and twenty-eighth Regiment Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT DOUGHERTY.

Mr. BOYLE offered a resolution for the relief of Robert Dougherty; which was read, and referred to the Committee on Accounts.

JOHN CRONIN.

Mr. O'NEILL, of Pennsylvania, introduced a bill (H. R. 10340) for the removal of the charge of desertion from the record of John Cronin, late of Company F, Fifth Regiment United States Artillery; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM JONES.

Mr. SCRANTON (by request) introduced a bill (H. R. 10341) granting a pension to William Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLAIMS REFERRED TO COURT OF CLAIMS.

Mr. BINGHAM introduced a joint resolution (H. Res. 231) to refer certain claims to the Court of Claims; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

REANEY, SON & ARCHIBOLD.

Mr. BINGHAM also introduced a bill (H. R. 10342) for the relief of Reaney, Son & Archibold; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MERCY OWENS.

Mr. BUNNELL introduced a bill (H. R. 10343) for the relief of Mercy Owens, widow of Jeptha W. Owens, late of Company C, One hundred and ninety-third Regiment New York Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN ILES.

Mr. NEAL introduced a bill (H. R. 10344) for the relief of John Iles, of Hamilton County, Tennessee; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENT OF RULES.

Mr. MILLS offered the following; which was read, and referred to the Committee on Rules:

After the word "session," at the end of first paragraph of Rule XXVIII, insert: "But a motion to suspend the rules and pass a revenue bill reported by the Committee on Ways and Means shall be in order every Monday after the reading of the Journal, when moved by any member of the Committee on Ways and Means by the direction of said committee, and a majority of those present shall be sufficient to pass the same."

DUTY ON MILK SUGAR.

Mr. GROUT introduced a bill (H. R. 10345) laying a duty on milk sugar; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

UNION SOLDIERS IN SOUTHERN PRISONS.

Mr. GROUT introduced a bill (H. R. 10346) for the relief of Union soldiers who were confined in Southern prisons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FOURTH COLLECTION DISTRICT, VIRGINIA.

Mr. BARBOUR (by request) introduced a bill (H. R. 10347) to change the boundaries of the fourth collection district of Virginia, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SISTERS OF HOLY CROSS, WASHINGTON, D. C.

Mr. BARBOUR (by request) also introduced a bill (H. R. 10348) for the relief of the Sisters of the Holy Cross in the city of Washington, D. C.; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

CAUSES IN COURTS OF DISTRICT OF COLUMBIA.

Mr. BARBOUR also introduced a bill (H. R. 10349) providing for reference of causes in the courts of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

SPECIAL-IMPROVEMENT ASSESSMENTS, DISTRICT OF COLUMBIA.

Mr. BRADY (by request) introduced a bill (H. R. 10350) to extend the provisions of the act entitled "An act to provide for the revision and correction of assessments for special improvements in the District of Columbia, and for other purposes," approved June 19, 1878; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

FEES OF TERRITORIAL COURT OFFICERS.

Mr. DANIEL introduced a bill (H. R. 10351) to extend the act of Congress entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," and approved February 26, 1853, and sections 853 and 837 of the Revised Statutes of the United States to the Territories of New Mexico and Arizona; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

GEORGE W. ASHLY.

Mr. WILSON introduced a bill (H. R. 10352) granting a pension to George W. Ashly; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW J. EDGERLY.

Mr. BRAGG introduced a bill (H. R. 10353) for the relief of Andrew J. Edgerly; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REFUND OF IMPORT DUTIES.

Mr. GUENTHER (by Mr. THOMAS, of Wisconsin) introduced a bill (H. R. 10354) to refund certain import duties; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

YANKTON AND MISSOURI VALLEY RAILWAY COMPANY.

Mr. GIFFORD introduced a bill (H. R. 10355) granting the right of way to the Yankton and Missouri Valley Railway Company through the Yankton Indian Reservation in Dakota; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ASSAY OFFICE, HELENA, MONT.

Mr. TOOLE introduced a bill (H. R. 10356) to provide for the parting and refining of silver and gold bullion at the assay office at Helena, Mont.; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

SETTLERS ON SCHOOL LANDS, WASHINGTON TERRITORY.

Mr. VOORHEES introduced a bill (H. R. 10357) for the relief of certain settlers upon the school lands in Washington Territory; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ADDITIONAL SUPREME JUSTICE IN WYOMING.

Mr. CAREY introduced a bill (H. R. 10358) providing for an additional associate justice of the supreme court of Wyoming, and for other purposes; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

DISEASES OF CATTLE, ETC.

Mr. CAREY also introduced a bill (H. R. 10359) to extirpate contagious pleuro-pneumonia, foot-and-mouth disease, and rinderpest among cattle, and to facilitate the exportation of cattle and the products of live stock, and for other purposes; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories is now completed. If there be no objection, the Chair will recognize, for the introduction of bills and resolutions, gentlemen who were not in their seats when their States were called.

There was no objection.

S. H. MAYFIELD.

Mr. PEEL introduced a bill (H. R. 10360) to pay S. H. Mayfield, of Benton County, Arkansas, for property taken by United States forces in the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. MAHALA FIELDS.

Mr. PEEL also introduced a bill (H. R. 10361) to pay Mrs. Mahala Fields for property taken for use of the Army in the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE UNKS.

Mr. HOWARD introduced a bill (H. R. 10362) granting a pension to George Unks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REBECCA HOCKETT.

Mr. HOWARD also introduced a bill (H. R. 10363) for the relief of Rebecca Hockett; which was read a first and sceond time, referred to the Committee on War Claims, and ordered to be printed.

WILLIS OLIVER.

Mr. HOWARD also introduced a bill (H. R. 10364) granting a pension to Willis Oliver; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER BUSHNELL.

Mr. HOWARD also introduced a bill (H. R. 10365) granting a pension to Alexander Bushnell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM R. BENTLEY.

Mr. HOWARD also introduced a bill (H. R. 10366) for the relief of William R. Bentley; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AUGUST E. GANS.

Mr. WHEELER (by request) introduced a bill (H. R. 10367) for the relief of August E. Gans; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MOSES A. SMITH.

Mr. WHEELER also introduced a bill (H. R. 10368) for the relief of Moses A. Smith, father of John T. Smith, Company D, Thirteenth Illinois Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. E. M. SWOOPE.

Mr. WHEELER also introduced a bill (H. R. 10369) for the relief of Mrs. E. M. Swoope, of Florence, Ala.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES R. BELL.

Mr. HOLMAN introduced a bill (H. R. 10370) granting a pension to James R. Bell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANN P. HENDRICKS.

Mr. HOLMAN also introduced a bill (H. R. 10371) granting a pension to Ann P. Hendricks, of Jefferson County, Indiana; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NOAH W. HALLEY.

Mr. WARD, of Indiana, submitted the following resolution; which was referred to the Committee on Appropriations:

Resolved, That the Committee on Appropriations be directed to appropriate (for the payment of Noah W. Halley) in the general deficiency bill a sum equal to the difference between the compensation of a folder, at $900 per annum, and that of a messenger, at $1,200 per annum, during the period embraced between December 16, 1883, and December 31, 1886.

ADJOURNMENT OVER THE HOLIDAYS.

Mr. MORRISON submitted the following resolution; which was referred to the Committee on Ways and Means:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Wednesday, December 22, 1886, they stand adjourned until Tuesday, January 4, 1887.

JOHN L. KIRK.

Mr. EDEN introduced a bill (H. R. 10372) to increase the pension of John L. Kirk, late captain Company E, Eighth Regiment Tennessee Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS C. SIMPSON, ARKANSAS.

Mr. McRAE introduced a bill (H. R. 10373) to authorize the reissue of certain United States currency to Thomas C. Simpson, of Arkansas; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

ESTATE OF JOHN GIBSON, DECEASED.

Mr. McRAE also introduced a bill (H. R. 10374) for the relief of the estate of John Gibson, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

INTERNATIONAL EXHIBITION.

Mr. BELMONT introduced a bill (H. R. 10375) authorizing the President to accept invitations from foreign states to this Government to participate in international exhibition; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

JOHN CURRAN, UNITED STATES NAVY.

Mr. BELMONT also introduced a bill (H. R. 10376) granting a pension to John Curran, late of the United States Navy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY PIKE.

Mr. BOUTELLE introduced a bill (H. R. 10377) granting a pension to Mary Pike; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, SAVANNAH, GA.

Mr. NORWOOD introduced a bill (H. R. 10378) to provide for condemning a site for a public building in Savannah, Ga.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SECTION 3412, REVISED STATUTES.

Mr. BRECKINRIDGE, of Arkansas, introduced a bill (H. R. 10379) to amend section 3412 of the Revised Statutes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

MARTHA GRAY.

Mr. ADAMS, of Illinois, introduced a bill (H. R. 10380) for the relief of Martha Gray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SIMON PRIMMER.

Mr. WARNER, of Missouri, introduced a bill (H. R. 10381) granting a pension to Simon Primmer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY A. COZARD.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 10382) granting a pension to Henry A. Cozard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENDERSON W. POUNDSTONE.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 10383) granting a pension to Henderson W. Poundstone; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES R. BAYLES.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 10384) granting a pension to James R. Bayles; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DE WITT C. AMEY.

Mr. DAVENPORT introduced a bill (H. R. 10385) for the relief of De Witt C. Amey, One hundred and sixty-fifth New York Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BANKRUPT ESTATES.

Mr. DUNHAM introduced a bill (H. R. 10386) for the redistribution of unclaimed moneys in bankrupt and receivers' estates; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS.

Mr. DUNHAM also introduced a bill (H. R. 10387) to amend sections 2990 and 2996 of the Revised Statutes of the United States, relating to the immediate transportation act; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SARAH DOUGHERTY.

Mr. LANDES introduced a bill (H. R. 10388) granting a pension to Sarah Dougherty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM JAMES.

Mr. LANDES also introduced a bill (H. R. 10389) for the relief of William James; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EZEKIEL SMITH.

Mr. LANDES (by request) also introduced a bill (H. R. 10390) for the relief of Ezekiel Smith; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ARREARS OF PENSION.

Mr. LAIRD introduced a bill (H. R. 10391) to amend section 2 of chapter 187 of the United States Statutes at Large, 1877 to 1879, entitled "An act making appropriation for the payment of arrears of pension granted by act of Congress, approved January 25, 1879, and for other purposes;" which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIGHT-HOUSE BOARD, WASHINGTON.

Mr. MORROW introduced a bill (H. R. 10392) to provide for the erection of a public building for the Light-House Board at Washington, D. C.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

AMENDMENT TO THE RULES.

Mr. SPRINGER submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That clause 4 of Rule XXIII be amended as follows: Add to said clause—

"*Provided*, That on the first and third Fridays of each month if two members object to the consideration of any bill on the Private Calendar when reached, and the report thereon read if demanded, it shall be laid aside, and such objection shall not be withdrawn on that day. At the next sitting of the committee, under this order, the Calendar shall be taken up where suspended and continued from time to time until called through."

DUTIES ON LEAF-TOBACCO.

The SPEAKER. This being the third Monday, under the rules of the House motions to suspend the rules by direction of committees are in order; but there comes over for to-day a pending motion made by the gentleman from New York [Mr. HISCOCK] on the 5th of August, to suspend the rules and pass a bill which the Clerk will now read.

The Clerk read as follows:

A bill relating to duties on tobacco.

Be it enacted, &c., That the paragraph beginning with the words "leaf-tobacco," being the second paragraph in Schedule F, section 2502, chapter 121 of the statutes of the United States of America, passed at the second session of the Forty-seventh Congress, is hereby amended so that said paragraph shall read as follows:

"Leaf-tobacco in any bale, box, package, or bulk, any part of which is suitable for wrappers, if not stemmed, 75 cents per pound; if stemmed, $1 per pound, upon the whole contents of such bale, box, package, or bulk."

SEC. 2. That this act shall take effect on and after its passage.

The SPEAKER. The fifteen minutes allowed by the rules of the House for debate in support of the motion was exhausted when the subject was before the House on the occasion referred to. Fifteen minutes remain in opposition to the motion to suspend the rules and pass the bill.

Mr. MORRISON. Mr. Speaker——

Mr. HISCOCK. Mr. Speaker, I hope that by unanimous consent I may have a little time allowed me on the bill.

The SPEAKER. How much time does the gentleman ask?

Mr. HISCOCK. If there are fifteen minutes in opposition to the motion, I hope I may be allowed fifteen minutes in support of it.

Mr. BLOUNT. I must object.

Mr. MILLS. Let him give an additional fifteen minutes on this side.

Mr. BLOUNT. I object to that.

Mr. HISCOCK. I hope the gentleman will yield to me five minutes of his time.

Mr. MORRISON. I have not the time to yield. I have but five minutes myself. I will not hurt you. You do not want any tariff agitation or tariff legislation, and that is what I am now trying to prevent. [Laughter.]

Mr. Speaker, since this proposition was introduced, and only as late as our last legislative day—on Saturday last—the House decided not to consider revenue bills—bills to revise the tariff or change existing rates of tariff taxation.

Mr. HISCOCK. I desire right here to make a suggestion.

The SPEAKER. The Chair will hear the gentleman.

Mr. HISCOCK. As I understand it, on the day when this question was up no one availed himself of the fifteen minutes in opposition, and the time was waived. The fifteen minutes in support was exhausted, and the only question at the time, had not the time fixed for adjournment arrived, would have been a vote on the motion.

The SPEAKER. The recollection of the Chair is that when the gentleman from New York had exhausted the time allowed him under the rules of the House it was suggested that the matter should go over until the reassembling of the House in this session, and that was agreed to. The RECORD, however, will show just what occurred, and the gentleman will suspend until the Chair causes the RECORD to be examined.

Mr. TOWNSHEND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. I understand this is the day when committees are permitted to move to suspend the rules?

The SPEAKER. It is.

Mr. TOWNSHEND. The motion of the gentleman from New York was made on the day when individuals are entitled to move a suspension, and I desire to ask whether it can be brought up to-day, even if it is unfinished business?

The SPEAKER. The Chair thinks so. It is the character of the business which determines whether or not it is in order.

Mr. TOWNSHEND. But the character of business depends on whether it comes from individuals or from committees.

The SPEAKER. A committee or an individual might have made this motion. It is a motion to suspend the rules, and belongs to that class of business.

Mr. TOWNSHEND. But the motion was made on the first Monday of the month.

The SPEAKER. The motion was not made on the first Monday of the month. It was made on one of the last six days of the session. But even if it had been made on the first Monday of the month it would have come over as unfinished business in the class of business to which it belongs. That class of business is a motion to suspend the rules, and two motions to suspend the rules could not be pending at the same time. Moreover, the point of order is made too late, because the unfinished business has been taken up and debate has commenced upon it.

The Chair will cause to be read the report in the RECORD, from which it will be seen that the gentleman from New York [Mr. HISCOCK] exhausted his fifteen minutes, and by consent the matter went over, the gentleman stating he did not desire to give up any advantage he had.

The Clerk read as follows:

The SPEAKER. The gentleman from New York [Mr. HISCOCK] has two minutes remaining.

Mr. BROWNE, of Indiana. I object to the gentleman yielding to anybody.

Mr. HISCOCK. I do not propose to yield the position I hold with reference to this bill. By constant watchfulness I have succeeded in obtaining this position [applause], and propose to hold it until I obtain a vote from this Congress upon this bill. I believe a vote will be obtained during the next session; and I congratulate myself on holding this position. Without expecting to procure a vote to-day I propose to give up no advantage which I have secured.

[Here the hammer fell.]

Mr. SPEAKER. The Chair will state that a few minutes afterward the House adjourned for the session without transacting any other business, except, perhaps, receiving a message from the President announcing the approval of certain bills. Certain requests were made by gentlemen for leave to print, which were objected to, and nothing further was done. So the matter comes over as unfinished business.

Mr. MORRISON. When interrupted I was about to say that the House no longer ago than last Saturday, with the concurrence of the gentleman from New York [Mr. HISCOCK], decided not to have any revenue legislation.

Several MEMBERS. No! No!

Mr. MORRISON. Yes, just that. It decided neither to increase nor diminish any rate of duty; in fact, decided not to consider the subject at all, and I had hoped that in obedience to that decision and the will of the House so expressed, with his concurrence, the gentleman from New York would withdraw this proposition to increase this duty already enormously high.

The purpose of this bill is to impose on all imported leaf-tobacco suitable for cigar wrappers a duty or tax of 75 cents per pound if unstemmed, if stemmed $1 a pound. The greater portion of that now imported pays a duty of 35 cents a pound. A smaller portion, the Sumatra leaf, requiring one hundred leaves to weigh a pound, now pays what by this bill will be laid on all—75 cents a pound.

The pretext for this amendment of the gentleman from New York is that the law as now framed is evaded. This law was enacted without ever being considered or even so much as read in this House, under what was known as the Keifer-Reed device, scheme, or contrivance, or a change of rules. [Laughter.]

The Tariff Commission was asked to impose that duty, and after investigating the whole question, declined to report in favor of any change in the law which fixed the duty on all imported leaf-tobacco at 35 cents on the pound. So much of the present law as lays this 75 cents and $1 to the pound duty first found its way into a bill at the other end of the Capitol. It was then passed here in the manner indicated, after the Tariff Commission of 1883 had rejected it upon full investigation and inquiry. What that commission would not lay on in duty or tax when asked in the name of protection by its advocates, prudent legislators might well have shunned.

The alleged purpose of this proposition for a 75 cents per pound duty is to protect the farmer and farm laborer and compensate them for the difference in the cost of producing a pound of tobacco in our own country, for which the authors of this scheme tell us the 35 cents per pound rate now laid on all leaf-tobacco is not enough. We exported last year 292,773,890 pounds of leaf-tobacco, valued, as shown by our own Bureau of Statistics, at $27,158,457, or less than 10 cents a pound. If all the labor, capital, and profit in a pound of tobacco is less than 10 cents it would seem that our labor in a pound of 10-cent tobacco is fairly well-protected with a duty of 35 cents a pound on imported tobacco.

The price of last year was low, but the ordinary leaf-tobacco is a very profitable crop in this country at 12 cents. There are higher qualities of leaf-tobacco grown, chiefly in Pennsylvania, some in New York, Connecticut, a little in Wisconsin, and it is chiefly in the interest of the growers and dealers in these States, where the wrapper-leaf is worth from 12 to 25 cents, that this measure would operate if by any possibility it could become a law.

This measure is aimed at the Sumatra tobacco, grown in the East Indies and controlled by the Netherlands. That country sends to us in all less than 4,000,000 pounds, on a small part of which 75 cents duty is paid; on most of it 35 cents per pound is paid. While that country sends to us this comparatively small quantity at this already high rate of tax, we export and sell to that country 17,000,000 pounds of leaf and more pounds of stems than all the tobacco they sell us, and all our tobacco is admitted into that country and sold there at a mere nominal rate, substantially without being taxed at all. Such further discrimination against that country as this bill proposes is unfair to its people and unjust to our own.

The government of the Netherlands has complained to ours by way of protest against such discrimination as is proposed by this bill. The President, in his annual message, calls our attention to the subject and I desire to have read, and will ask the Clerk to read what the President says.

Mr. BUTTERWORTH. While that is being sent to the desk I desire to ask the gentleman from Illinois a question. This tobacco affected by this bill, if I am correctly informed, is the kind used by all the manufacturers of cigars. Am I correct?

Mr. MORRISON. I think most of them use the Sumatra tobacco when they can get it.

Mr. BUTTERWORTH. It will increase, therefore, the cost of the production of cigars.

Mr. MORRISON. As a protectionist, you do not object to it on that account, do you?

The SPEAKER. The Clerk will read what has been sent to the desk.

The Clerk read as follows:

The government of the Netherlands has exhibited concern in relation to certain features of our tariff laws, which are supposed by them to be aimed at a class of tobacco produced in the Dutch East Indies. Comment would seem unnecessary upon the unwisdom of legislation appearing to have a special national discrimination for its object, which, although unintentional, may give rise to injurious retaliation.

Mr. MORRISON. This message of the President upon the unwisdom of such further discrimination as this bill proposes is addressed to us with considerate caution, and in conclusion I beg to call attention to the enormous duty which this bill proposes to lay, under the pretense that there has been some evasion of the old law.

The SPEAKER. What gentleman demanded a second?

Mr. MORRISON. The gentleman from Missouri [Mr. BLAND] demanded a second, and by arrangement yielded his time to the gentleman from Arkansas [Mr. BRECKINRIDGE] to whom I am indebted for so much as I have occupied.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, in the debate upon this bill at the close of the last session of Congress the gentleman from New York [Mr. HISCOCK] remarked that if this bill passed the effect would be to reduce the revenue received from the importation of tobacco. In other words, it is a proposition to double the duty and halve the revenue; or, to express it in still other terms, it is simply a case of protection for the sake of protection.

Now, sir, in calculating the benefits that these gentlemen already enjoy, and what they still desire, we should recollect that the production of this character of tobacco is some 1,500 pounds to the acre, while the average production of the tobacco crop of the Middle, Southern, and Western states is only some 800 pounds to the acre. Upon the latter crop, which is the great tobacco crop of the country, the crop grown by the millions and not by simply a few thousand people, as is the article for "wrappers," which we are now considering—upon that crop, I say, there is no protection, there can be no protection, and it gets no benefit whatever. Some 500 pounds per acre of a "wrapper" crop goes as ordinary tobacco, all the leaves not being fit for wrappers, while some 1,000 pounds per acre is protected. These are the people, then, and this is the extent of their crop, two-thirds, that get all the protection that does or that can inure under the law, either as it is or as it can be made, for our tobacco crop proper is grown in great surplus, and it does and must meet the competition of the world.

Now, having seen the scope, let us take a look at the amount or per cent. of protection these gentlemen enjoy, and that also which they still desire. Their cost of production for domestic "wrappers" is given at 7 cents per pound. The competing article, imported from the Netherland colony of Sumatra, is taxed 35 cents a pound. Internal taxes on the cigars are the same, and as there is no internal tax on leaf, but only on manufactured tobacco, the internal taxes can be left out of the calculation. It is just and proper to say that it is claimed by the growers of "wrapper" tobacco that 1 pound of Sumatra leaf will wrap as many cigars as will 4 pounds of our domestic leaf. We will divide 35 then by 4, and that gives us $8\frac{3}{4}$. A 7-cent pound of tobacco, then, is now protected $8\frac{3}{4}$ cents per pound, or 125 per cent. For aught I know the other 500 pounds per acre is thrown in as a bonus. If not, it at least takes care of itself, as other tobacco has to do. But a 125 per cent. subsidy is not enough. They want the 35 cents a pound duty increased to 75 cents a pound. They want the subsidy increased to 321 per cent.—more than double what it now is—and this avowedly for subsidy, for we have been told, and we did not need the telling, that by this step, while taxes are more than doubled and are only to be paid to these privileged gentlemen, revenues to the Government will fall off.

Now, for the use of what class of our fellow-citizens is this character of wrapper employed? It is very well known that it has become customary of late years to make the cigars that are consumed by the workingmen and the people of small means in this country by machinery. To a large extent a medicated preparation of paper was at one time employed as a wrapper of sufficient strength to bear rolling by machinery, but that has gone out of use, and this Sumatra-tobacco wrapper, which has greater strength than our better-flavored but more brittle American wrapper, is employed to make the cigars that are consumed by that class of our fellow-citizens. Already that class of people alone in this country pay an annual tax upon their cigars, growing out of the use of this character of wrapper, to the amount of nearly $1,000,000. It is proposed, sir, to further deprive those people of the opportunity they now have of indulging in the comfort of an occasional cigar, although they are already paying for the wrappers, upon any computation that may be made, a subsidy of 125 per cent. to some seven thousand people in this country, in addition to the regular tax to the Government. This proposition will not run as respects this wrapper alone, but will run as respects the great body of the wrappers that are produced in this country, thus making a far greater increase of tax than appears at the custom-house, and falling almost exclusively upon the laboring people and the people of moderate circumstances in the country.

I was very much struck, sir, during some of the proceedings in this connection before the subcommittee (which are here in printed form). One gentleman who appeared before us was asked why, if his industry, subsidized as it now is, while other people engaged in raising other kinds of tobacco and in other employments enjoyed no benefit whatever from taxation—why, if the subsidy was not sufficient, he did not go into some other branch of business. "Why," said he, "I can not go into the growing of wheat, for there is no money in that; I can not go into the growing of pork, for there is no money in that." And when asked how, then, he expected the people, who were already so loaded down with burdens as to be almost unable to live, to pay this increased subsidy that he asked for, his humane reply was: "That is a question that it is not for me to answer."

Mr. Speaker, there is no commercial reason, no financial reason, relating to the interests of the public at large, for the passage of a bill of this character. It is a proposition of subsidy pure, simple, unadulterated, and I trust, sir, that the day will come when the people of this country will view in its proper moral aspect a proposition to the American Congress to subsidize one class of citizens of this country at the cost of other citizens of this country. Give it, sir, such garniture and sophistry as you may, and after all it is but human servitude and robbery under the forms of law. I hope, sir, soon to see a public sentiment of such robust integrity of purpose and of such high and firm sense of justice to all classes of the people, that it will lash these subsidy-mongers from the corridors of the Capitol as the money-changers were scourged from the Temple.

Sir, if there were any necessity of a public character, any obligation arising from good faith as to the original intent of the law, I would be perfectly willing to agree to a bill, but no such necessity or reason exists that can excuse the bill before us. The proposition of the gentleman from New York [Mr. HISCOCK] is peculiar. It is not simply to tax 75 cents or $1 per pound, if stemmed, all wrapper-tobacco that is in the bale, but it is a proposition to tax at that rate all the tobacco that is in the bale where there is even as much as a single pound or a single leaf of it which is suitable for wrapping purposes.

Mr. BUCK. Can not they import wrapper tobacco separately?

Mr. MORRISON. They can, at additional cost.

Mr. BRECKINRIDGE, of Arkansas. They can, but if they make the slightest mistake, if there is any portion of the bale which is suitable for wrappers, or which anyone in authority chooses to consider suitable for wrappers, the entire bale is to be treated as subject to this proposed duty and inquisitorial treatment. Provisions in the tariff bill of the Ways and Means Committee, now on the Calendar, cover the original intent of the law—provisions drawn by the gentleman from New York [Mr. HEWITT] on my right. It omits these pains and penalties and traps uncalled for, and searches out all that the law meant to reach, and that is more than ought really to be.

Sir, this hostile bill, so far exceeding anything ever contemplated by our past laws, is a thrust at a country of fruitful commerce and honest people. We should cultivate feelings of amity instead of engendering social and commercial antagonisms. The Netherlands and its dependencies take yearly over twenty million dollars' worth of our products, and we take only nine million dollars' worth of theirs. Have we not subsidized selfish classes enough in this country, at the cost of money direct from the masses and to the provocation of many foreign consumers of our staples? We provoked and suffer from the commercial hostility of Germany and France. Shall we leave the people neither cash nor commerce?

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Arkansas. I call for a vote.

The SPEAKER. The time allowed under the rule for debate on this question has expired.

Mr. HISCOCK I should like to have five minutes to reply to the gentleman who has just taken his seat.

A MEMBER. Your side has already had fifteen minutes.

Mr. HISCOCK. If a request like this were made to me by any gentleman on the other side, I would cheerfully grant it. [Cries of "regular order!"]

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

Mr. MORRISON. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 90, nays 164, not voting 67; as follows:

YEAS—90.

Allen, C. H.	Brown, W. W.	Cutcheon,	Findlay,
Anderson, C. M.	Buck,	Davenport,	Fleeger,
Atkinson,	Bunnell,	Davis,	Foran,
Baker,	Burleigh,	Dingley,	Funston,
Bingham,	Campbell, J. M.	Ely,	Gilfillan,
Bound,	Caswell,	Ermentrout,	Goff,
Boutelle,	Conger,	Evans,	Grout,
Boyle,	Cooper,	Everhart,	Hanback,
Brady,	Curtin,	Farquhar,	Harmer,

Haynes,	Lore,	Osborne,	Spooner,
Henderson, T. J.	Louttit,	Parker,	Stephenson,
Hepburn,	Markham,	Payne,	Swope,
Hermann,	McComas,	Pettibone,	Taylor, E. B.
Hiestand,	McKenna,	Phelps,	Thomas, O. B.
Hiscock,	McKinley,	Pirce,	Thompson,
Hitt,	Millard,	Ranney,	Wade,
Houk,	Milliken,	Reed, T. B.	Wadsworth,
Jackson,	Morrill,	Rockwell,	Wait,
James,	Morrow,	Romeis,	Weaver, A. J.
Kelley,	Negley,	Sawyer,	West,
Ketcham,	Nelson,	Scranton,	Wolford.
La Follette,	O'Donnell,	Sessions,	
Lindsley,	O'Neill, Charles	Seymour,	

NAYS—164.

Adams, G. E.	Dougherty,	Le Fevre,	Shaw,
Allen, J. M.	Dunham,	Lovering,	Singleton,
Anderson, J. A.	Dunn,	Lowry,	Skinner,
Ballentine,	Eden,	Lyman,	Snyder,
Barbour,	Eldredge,	Mahoney,	Spriggs,
Barksdale,	Ellsberry,	Martin,	Springer,
Barnes,	Fisher,	Matson,	Stahlnecker,
Barry,	Ford,	Maybury,	Steele,
Belmont,	Forney,	McCreary,	Stewart, C.
Bennett,	Fuller,	McMillin,	Stone, W. J., Ky.
Blount,	Geddes,	McRae,	Stone, W. J., Mo.
Bragg,	Gibson, C. H.	Merriman,	Strait,
Breckinridge, C. R.	Gibson, E.	Miller,	Struble,
Breckinridge, WCP	Glass,	Mills,	Swinburne,
Brown, C. E.	Green, R. S.	Morgan,	Tarsney,
Burnes,	Green, W. J.	Morrison,	Taulbee,
Butterworth,	Hall,	Murphy,	Taylor, J. M.
Bynum,	Halsell,	Neal,	Taylor, Zach.
Cabell,	Hammond,	Neece,	Thomas, J. R.
Caldwell,	Harris,	Norwood,	Throckmorton,
Campbell, F.	Hatch,	O'Ferrall,	Tillman,
Campbell, J. E.	Hemphill,	O'Neill, J. J.	Townshend,
Campbell, T. J.	Henderson, D. B.	Outhwaite,	Trigg,
Candler,	Henderson, J. S.	Owen,	Turner,
Carleton,	Herbert,	Payson,	Van Eaton,
Catchings,	Hewitt,	Peel,	Van Schaick,
Clements,	Hill,	Perkins,	Wakefield,
Cobb,	Holman,	Perry,	Ward, J. H.
Collins,	Holmes,	Pindar,	Ward, T. B.
Cowles,	Hopkins,	Randall,	Warner, A. J.
Cox, S. S.	Howard,	Reagan,	Weaver, J. B.
Cox, W. R.	Hutton,	Richardson,	Wellborn,
Crisp,	Johnson, J. T.	Riggs,	Wheeler,
Croxton,	Johnston, T. D.	Robertson,	White, M.
Culberson,	Jones, J. H.	Rogers,	Wilkins,
Daniel,	Jones, J. T.	Rowell,	Willis,
Dargan,	Kleiner,	Rusk,	Wilson,
Davidson, A. C.	Laffoon,	Ryan,	Winans,
Davidson, R. H. M.	Laird,	Sadler,	Wise,
Dawson,	Landes,	Sayers,	Woodburn,
Dibble,	Lanham,	Seney,	Worthington.

NOT VOTING—67.

Adams, J. J.	Dorsey,	Lawler,	Scott,
Aiken,	Felton,	Lehlbach,	Smalls,
Bacon,	Frederick,	Libbey,	Sowden,
Bayne,	Gallinger,	Little,	Stewart, J. W.
Blanchard,	Gay,	Long,	St. Martin,
Bland,	Glover,	McAdoo,	Stone, E. F.
Bliss,	Grosvenor,	Mitchell,	Storm,
Browne, T. M.	Guenther,	Moffatt,	Symes,
Brumm,	Hale,	Muller,	Taylor, I. H.
Buchanan,	Hayden,	Oates,	Tucker,
Burrows,	Heard,	O'Hara,	Viele,
Cannon,	Henley,	Peters,	Wallace,
Clardy,	Hires,	Pidcock,	Warner, W.
Compton,	Hudd,	Plumb,	Weber,
Comstock,	Irion,	Reid, J. W.	White, A. C.
Crain,	Johnson, F. A.	Reese,	Whiting.
Dockery,	King,	Rice,	

So the motion to suspend the rules was not agreed to.

The following pairs were announced:

Mr. REESE with Mr. CANNON, on this vote.

For this day:

Mr. FREDERICK with Mr. PETERS.

Mr. LAWLER with Mr. WEBER.

Until further notice:

Mr. SCOTT with Mr. LITTLE.

Mr. MITCHELL with Mr. WHITING.

Mr. GLOVER with Mr. WARNER, of Missouri.

Mr. TUCKER with Mr. BROWNE, of Indiana.

Mr. OATES with Mr. GALLINGER.

Mr. DOCKERY with Mr. DORSEY.

Mr. CLARDY with Mr. BAYNE.

Mr. WALLACE with Mr. RICE.

Mr. STORM with Mr. STEWART, of Vermont.

Mr. BLAND with Mr. SYMES.

The result of the vote was announced as above stated.

ARMS AND EQUIPMENT FOR MILITIA.

The Committee on the Militia being called,

Mr. FORNEY said: I am directed by the Committee on the Militia to move to suspend the rules so that the Committee of the Whole House on the state of the Union may be discharged from the further consideration of the bill (S. 222) to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia; and that the bill be now passed with the amendment reported by the Committee on the Militia. The bill has already passed the Senate, and has been favorably reported by the Committee on the Militia of this House with a single amendment.

The bill with the amendment of the Committee on the Militia, striking out, in line 6, "six hundred thousand" and inserting "four hundred thousand," was read, as follows:

Be it enacted, &c., That section 1661 of the Revised Statutes be, and the same is hereby, amended and re-enacted so as to read as follows:

"SECTION 1. That the sum of $400,000 is hereby annually appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purpose of providing arms and ordnance stores, quartermaster's stores, and camp equipage for issue to the militia.

"SEC. 2. That said appropriation shall be apportioned among the several States and Territories, under the direction of the Secretary of War, according to the number of Senators and Representatives to which each State, respectively, is entitled in the Congress of the United States, and to the Territories and District of Columbia such proportion and under such regulations as the President may prescribe: *Provided, however*, That no State shall be entitled to the benefits of the appropriation apportioned to it unless the number of its regularly enlisted, organized, and active militia shall be at least one hundred men for each Senator and Representative to which such State is entitled in the Congress of the United States. And the amount of said appropriation which is thus determined not to be available shall be covered back into the Treasury.

"SEC. 3. That the purchase or manufacture of arms and ordnance stores, quartermaster's stores, and camp equipage for the militia under the provisions of this act shall be made under the direction of the Secretary of War, as such arms, ordnance, and quartermaster's stores and camp equipage are now manufactured or otherwise provided for the use of the regular Army, and they shall be receipted for and shall remain the property of the United States, and be annually accounted for by the governors of the States and Territories, for which purpose the Secretary of War shall prescribe and supply the necessary blanks and make such regulations as he may deem necessary to protect the interest of the United States.

"SEC. 4. That all arms, equipments, ordnance stores, or tents which may become unserviceable or unsuitable shall be examined by a board of officers of the militia, and its report shall be forwarded by the governor of the State or Territory direct to the Secretary of War, who shall direct what disposition, by sale or otherwise, shall be made of them; and if sold, the proceeds of such sale shall be covered into the Treasury of the United States."

The SPEAKER. Is a second demanded on the motion to suspend the rules?

Mr. HOLMAN. In order that we may have an explanation, I ask a second, which, I hope, may be ordered by unanimous consent.

There being no objection, the motion to suspend the rules was seconded.

Mr. FORNEY. Mr. Speaker, this bill proposes to amend section 1661 of the Revised Statutes, which provides that—

The annual sum of $200,000 is appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purpose of providing arms and equipments for the whole body of the militia, either by purchase or manufacture, by and on account of the United States.

The pending bill as reported by our committee proposes to amend this section by increasing the annual appropriation to $400,000. The section was enacted in 1808, when we had a population of 8,000,000. Now, when we have some fifty or sixty millions of people, it is proposed to make this increase in the appropriation. The real object is to encourage the organization of the militia of the country, to give them tents and camp equipage when they meet in their encampments for their annual drill, and also to give them arms of light caliber, so that, in the event of disturbance, we may have a large body of organized militia.

To-day we have about 85,000 organized militia and over 7,000,000 of unorganized militia. This bill, if passed, will, it is expected, encourage the organization of the militia. In New York, Pennsylvania, Massachusetts, and Connecticut those States aid and assist their militia.

New York has over 12,000 well organized militia, Pennsylvania over 8,000, Massachusetts over 4,000, and Connecticut over 2,000. If this bill shall pass we think it will encourage other States, because it aids and assists the young men of the country, who are ready and willing to organize companies, by giving them tents, &c.

The bill also changes the law in another respect. It shows how the money appropriated is apportioned in other States. It is in section 2. It is to be according to the number of Senators and Representatives to which each State is entitled in the Congress of the United States, and to the District of Columbia, under such rules and regulations as may be prescribed, provided no State shall have any portion unless the number enlisted, organized militia, shall be one hundred men for each Senator and Representative. Section 3 also cures a defect in the present law by requiring the governors of the States and Territories annually to account for all the property turned over to them.

That is really, Mr. Speaker, about all there is in the bill. I will yield now to my friend from Illinois [Mr. HOPKINS].

Mr. HENDERSON, of Iowa. Before yielding will the gentleman permit me to ask him a question?

Mr. FORNEY. Certainly.

Mr. HENDERSON, of Iowa. Does the bill provide for the exchange of new for old arms, or must the cash be paid to the State for that purpose?

Mr. FORNEY. It is intended to be given to the State. Section 4 provides—

That all arms, equipments, ordnance stores, or tents which may become unserviceable or unsuitable shall be examined by a board of officers of the militia, and its report shall be forwarded by the governor of the State or Territory direct to the Secretary of War, who shall direct what disposition, by sale or otherwise, shall be made of them; and if sold, the proceeds of such sale shall be covered into the Treasury of the United States.

Mr. HENDERSON, of Iowa. Then the old arms, as I understand the gentleman, are to be replaced by new arms from the General Government?

Mr. FORNEY. Yes, sir.

Mr. HEMPHILL. Will the gentleman from Alabama be kind enough to state how much this increases this appropriation?

Mr. FORNEY. Two hundred thousand dollars annually. If the bill shall pass this will become a permanent appropriation of $400,000, instead of $200,000.

Mr. HEMPHILL. Have numerous petitions from the North and South asked for this?

Mr. FORNEY. We have received petitions from every part of the United States asking for the passage of this bill. I will yield now to the gentleman from Illinois [Mr. HOPKINS].

The SPEAKER. The gentleman does not seem to be in the Hall.

Mr. FORNEY. Then I will yield to my colleague on the committee, the gentleman from New Jersey [Mr. MCADOO].

Mr. MCADOO. Mr. Speaker, as a member of the Committee on the Militia I desire to say a few words in behalf of this bill. I think it needs but little advocacy. In the first place, the militia of the country was specially favored by the Constitution. Gentlemen will recollect it is a part of the organic law of the land that the militia shall be fostered and encouraged. It provides for organizing, arming, and disciplining the militia, and governing such part of them as may be employed in the service of the United States. It simply shows that the founders of the Government were specially concerned there should always be a special militia of the Government. This is merely reformatory of the former law. Under the old law $200,000 is given for the militia, but no machinery is provided for the distribution of that fund. It is simply an appropriation of money without any means of carrying out the intention of the law in any orderly way. This bill increases the amount from $200,000 to $400,000. The Senate propose to appropriate $600,000, but the Committee on the Militia of this House thought that the amount should not exceed $400,000.

Mr. WILSON. Why?

Mr. MCADOO. I think a majority of the members of the House will agree with me this bill is an admirable one. Petitions have poured in to our committee from all portions of the country asking for its passage. You will have a just distribution of this fund, and under it you will have uniformity in the arms and accouterments of the militia. In one State now they have one style of arms and in another State another style of arms. Under this bill the distribution will be fairly apportioned and the militia will be uniformly and effectively armed throughout the United States. I hope sincerely the bill will pass.

Mr. WILSON. How is the amount to be distributed?

Mr. MCADOO. It is to be distributed equally to the States according to population.

Mr. WILSON. Is the whole amount of the annual expenditure consumed, or does any portion of it go back to the Treasury?

Mr. FORNEY. I understand the whole amount is expended.

Mr. WILSON. If the whole amount is not expended, I do not see the necessity of doubling it.

Mr. FORNEY. We want a larger body of militia. We only have 85,000, and we want to increase it to 200,000. We have about 25,000 men in our Army, and only 85,000 in the militia, while we have about 7,000,000 fighting men in the country.

Mr. WEAVER, of Iowa. What is the necessity of having any fighting men now?

Mr. FORNEY. "In time of peace prepare for war;" that is the only reason I know. [Laughter.]

Mr. STEELE. I notice in section 2 of this bill it provides that the States and Territories are to have these arms. Then further along, in line 19, it says "no State shall have the benefit of this act unless it has a number of regularly enlisted men, &c.," leaving out altogether the word "Territories."

Mr. FORNEY. What is the gentleman's suggestion?

Mr. STEELE. I think in line 18, after the word "State," there should be added the words "or Territory," so as to make it comply with the preceding provision in line 12.

Mr. FORNEY. The gentleman will discover before the word "provided" that the arms to be distributed in the Territories and the District of Columbia are to be distributed under regulations to be prescribed by the President of the United States. The following are the words of the bill:

> And to the Territories and District of Columbia such proportion and under such regulations as the President may prescribe.

I think it is safe as it is.

Mr. ROCKWELL. I would like to ask the chairman of the committee a question. Why has this committee cut the appropriation from $600,000, as reported by the Senate, down to $400,000?

Mr. FORNEY. Because they thought $400,000 was sufficient for the purpose. You will bear in mind that this is a permanent appropriation, and that there is a steady improvement going on in arms. If you purchase a large quantity under the terms of the bill, and improvements are made hereafter, such purchase will have to be thrown aside.

Mr. ROGERS. And you think $200,000 is too little?

Mr. FORNEY. The committee think $400,000 a proper sum.

Mr. COX, of North Carolina. How much does our standing army cost the Government now?

Mr. FORNEY. About $25,000,000 annually. We have somewhere about 25,000 men, so that the cost is about $1,000 a man.

Mr. ROCKWELL. Four hundred thousand dollars is the amount fixed in the army appropriation bill, I believe. Now, do I understand this is to be in addition to that?

Mr. FORNEY. Yes, sir. This is given to the militia of the country, and to provide them with tents. The real object is to give them tents, or protection when they are in their annual encampment.

At present those who are able to do so purchase their own tents, and those who are not must do without. This is to encourage them when they enter the encampment.

Mr. ROCKWELL. If you appropriate annually $400,000 in the army bill and pass $400,000 here, do you think it would be sufficient to carry out the object the committee had in view?

Mr. FORNEY. I do certainly. I believe that it will be sufficient.

Mr. STEELE. I believe I have the floor, and while I do not insist upon occupying it, I do insist upon the right to hear what is going on. [Laughter].

The SPEAKER. The Chair has been endeavoring to preserve order. The gentleman from Indiana is entitled to the floor.

Mr. STEELE. As I understand section 3 of this bill, the militia or the governor of the State, or the adjutant-general, will make requisition upon the General Government for all the arms and ordnance stores and tents they need. This still remains the property of the United States. It goes into the hands of the militia for their temporary use. Say to-day the Government issues $200,000 worth of arms and camp equipage, and it goes into the hands of the militia. They may go on a "bender" to-morrow, and allow the tents to be put away in a wet condition and no care taken of the ordnance stores. The tents will be damaged by the wet, become rotten and worthless, and then they have only to call a board of militia officers and say, "here, we have destroyed these tents and we want others;" and yet the very board of officers that permitted them to be destroyed will pass upon that question and say it is necessary and desirable that they should have new tents and stores. The old ones are turned back to the United States Government and a new supply furnished. Where is the protection afforded to the Government?

Mr. FORNEY. It is left to the Secretary of War to say what he will do. He can approve or disapprove the issue.

Mr. STEELE. There is no provision that they shall care for the property. They may take it, leave it out in the wet to become useless, rotten, or mildewed, and there is no provision requiring that any one shall be responsible for its care. It seems to me that there ought to be a limit to the time. They should not have the privilege of getting new tents every day, or every other day.

Mr. MCADOO. I think the bill is sufficiently guarded as it is. The United States would not accept property which had been destroyed by carelessness.

Mr. STEELE. What provision do you make for protecting the property?

Mr. MCADOO. The provisions of the third section impose certain duties upon the officers of the Government in charge of the stores. The Secretary of War is to examine and approve or disapprove the requisition.

Mr. STEELE. I am in favor of the organization of the militia, and believe in encouraging it; but it seems to me there ought to be some limitation here.

Mr. HERBERT. The amount of the appropriation here is so small that there can not be any loss. There will not be enough in fact to go round, and it will necessitate the best possible care of this property.

Mr. STEELE. But it is the property and still remains the property of the United States, and ought to be turned back to the United States in good condition.

Mr. LONG. But that is already the law.

Mr. HERBERT. There is a standing appropriation now for this purpose. That has been the rule for seventy-five years.

Mr. GIBSON, of West Virginia. This only increases the amount.

Mr. STEELE. I have not been here for seventy-five years; if that is the law now I shall not object.

Mr. WEAVER, of Iowa. I would like permission to ask the gentleman from Alabama a question.

Mr. STEELE. I am informed it is the law now. If it is I am surprised it is in the bill; but if so I shall not object.

Mr. HERBERT. I am informed that that is the law; that it is substantially the same now as it has been heretofore.

Mr. GIBSON, of West Virginia. I will state to the gentleman that it is the law now. These arms are given out to the governors of the States, and are issued by the governors to the companies under rules and regulations adopted by the State government. The governor of the State is responsible to the Federal Government.

Mr. STEELE. The language of this bill is:

> They shall be receipted for and shall remain the property of the United States, and be annually accounted for by the governors of the States and Territories, for which purpose, &c.

Mr. WEAVER, of Iowa. That is in keeping with the whole bill. The whole bill is wasteful in its character and unnecessary.

Mr. BURROWS. I desire to ask the gentleman from Alabama if the Secretary of War asks for this additional $200,000, or is it recommended by any Department?

Mr. FORNEY. It is, sir. If the gentleman will read the report he will find that the Chief of Ordnance has been asking for this for a number of years.

Mr. WEAVER, of Iowa. The Chief of Ordnance?

Mr. FORNEY. The Secretary of War generally adopts what the Chief of Ordnance recommends.

Mr. BURROWS. Is it in the interest of any manufacturer of arms?

Mr. FORNEY. They are to be American arms.

Mr. WEAVER, of Iowa. I will ask the gentleman from Alabama a question. He said: "In time of peace prepare for war." What war are you preparing for now?

Mr. FORNEY. I hope the next war will be in the distant future, perhaps some fifty years hence.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed a joint resolution of the following title:

A joint resolution (H. Res. 220) authorizing and directing the payment of salaries of officers and employés of Congress for the month of December, 1886.

ARMS AND EQUIPMENTS FOR THE MILITIA.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill with an amendment changing $600,000 to $400,000.

The question being taken, there were—ayes 126, noes 25.

Mr. WEAVER, of Iowa. No quorum.

The SPEAKER. The Chair will appoint tellers.

Mr. HENDERSON, of Iowa. I ask for the yeas and nays.

The yeas and nays were ordered, 67 members voting therefor.

The question was taken; and there were—yeas 199, nays 44, not voting 78; as follows:

YEAS—199.

Adams, G. E.	Dingley,	Kleiner,	Ranney,
Allen, J. M.	Dougherty,	Laffoon,	Reagan,
Anderson, C. M.	Dunham,	Lanham,	Reed, T. B.
Anderson, J. A.	Dunn,	Lehlbach,	Rockwell,
Atkinson,	Eldredge,	Libbey,	Romeis,
Baker,	Ellsberry,	Lindsley,	Rowell,
Ballentine,	Ely,	Long,	Ryan,
Barksdale,	Ermentrout,	Lore,	Sadler,
Barnes,	Evans,	Louttit,	Sayers,
Barry,	Everhart,	Lovering,	Scranton,
Bennett,	Findlay,	Lyman,	Seney,
Bingham,	Fleeger,	Mahoney,	Seymour,
Bliss,	Foran,	Martin,	Shaw,
Blount,	Forney,	Maybury,	Skinner,
Boutelle,	Fuller,	McAdoo,	Smalls,
Brady,	Funston,	McComas,	Snyder,
Breckinridge, C. R.	Geddes,	McCreary,	Spooner,
Breckinridge, WCP	Gibson, C. H.	McKenna,	Spriggs,
Brown, C. E.	Gilfillan,	McKinley,	Stahlnecker,
Brown, W. W.	Glass,	Merriman,	Steele,
Bunnell,	Goff,	Millard,	Stewart, Charles
Burleigh,	Green, R. S.	Miller,	Stone, E. F.
Butterworth,	Green, W. J.	Mills,	Stone, W. J., Ky.
Bynum,	Grout,	Moffatt,	Stone, W. J., Mo.
Cabell,	Halsell,	Morgan,	Strait,
Caldwell,	Hanback,	Morrill,	Struble,
Campbell, Felix	Hatch,	Morrow,	Swinburne,
Campbell, J. M.	Hayden,	Murphy,	Symes,
Campbell, J. E.	Haynes,	Neece,	Taylor, Zach.
Campbell, T. J.	Hemphill,	Negley,	Thomas, O. B.
Candler,	Henderson, D. B.	Nelson,	Thompson,
Cannon,	Henderson, J. S.	Norwood,	Throckmorton,
Carleton,	Henderson, T. J.	O'Donnell,	Tillman,
Caswell,	Hepburn,	O'Ferrall,	Turner,
Catchings,	Herbert,	O'Hara,	Van Eaton,
Collins,	Hermann,	O'Neill, Charles	Wade,
Comstock,	Hewitt,	O'Neill, J. J.	Wait,
Cooper,	Hill,	Osborne,	Ward, J. H.
Cox, W. R.	Hires,	Outhwaite,	Ward, T. B.
Crain,	Hiscock,	Owen,	Warner, A. J.
Crisp,	Hitt,	Parker,	Weaver, A. J.
Croxton,	Holmes,	Payne,	West,
Curtin,	Hopkins,	Payson,	Wheeler,
Cutcheon,	Howard,	Peel,	Wilkins,
Dargan,	James,	Perkins,	Wilson,
Davenport,	Johnson, F. A.	Perry,	Winans,
Davidson, A. C.	Johnston, J. T.	Pettibone,	Wise,
Davidson, R. H. M.	Jones, J. H.	Phelps,	Wolford,
Dawson,	Jones, J. T.	Pindar,	Woodburn.
Dibble,	Ketcham,	Pirce,	

NAYS—44.

Bound,	Eden,	Landes,	Swope,
Boyle,	Ford,	Lowry,	Tarsney,
Bragg,	Hall,	Matson,	Taulbee.
Burrows,	Hammond,	McRae,	Taylor, E. B.
Clements,	Harris,	Morrison,	Taylor, J. M.
Cobb,	Hiestand,	Neal,	Townshend,
Cowles,	Holman,	Richardson,	Weaver, J. B.
Cox, S. S.	Houk,	Riggs,	Wellborn,
Culberson,	Hutton,	Rogers,	White, Milo
Daniel,	Jackson,	Singleton,	Willis,
Davis,	Johnston, T. D.	Springer,	Worthington.

NOT VOTING—78.

Adams, J. J.	Felton,	Le Fevre,	Sowden,
Aiken,	Fisher,	Little,	Stephenson,
Allen, C. H.	Frederick,	Markham,	Stewart, J. W.
Bacon,	Gallinger,	McMillin,	St. Martin,
Barbour,	Gay,	Milliken,	Storm,
Bayne,	Gibson, Eustace	Mitchell,	Taylor, I. H.
Belmont,	Glover,	Muller,	Thomas, J. R.
Blanchard,	Grosvenor,	Oates,	Trigg,
Bland,	Guenther,	Peters,	Tucker,
Browne, T. M.	Hale,	Pidcock,	Van Schaick,
Brumm,	Harmer,	Plumb,	Viele,
Buchanan,	Heard,	Randall,	Wadsworth,
Buck,	Henley,	Reid, J. W.	Wakefield,
Burnes,	Hudd,	Reese,	Wallace,
Clardy,	Irion,	Rice,	Warner, William
Compton,	Kelley,	Robertson,	Weber,
Conger,	King,	Rusk,	White, A. C.
Dockery,	La Follette,	Sawyer,	Whiting.
Dorsey,	Laird,	Scott,	
Farquhar,	Lawler,	Sessions,	

So the bill was passed.

Mr. FORNEY. I ask unanimous consent to dispense with the reading of the names.

There was no objection.

The following additional pairs were announced:

Mr. FELIX CAMPBELL with Mr. WAKEFIELD, until further notice.

For this day:

Mr. PIDCOCK with Mr. GROSVENOR.

Mr. ADAMS, of New York, with Mr. HARMER.

Mr. GIBSON, of West Virginia, with Mr. KELLEY.

Mr. HENLEY with Mr. IKE H. TAYLOR.

Mr. ROBERTSON with Mr. BUCK, on this vote.

The result of the vote was then announced as above stated.

INTERNATIONAL EXHIBITION, SOUTH AUSTRALIA.

The SPEAKER, by unanimous consent, laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State in relation to the invitation from her Britannic Majesty to this Government to participate in an international exhibition which is to be held at Adelaide, South Australia, in 1887.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December* 20, 1886.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 5878) to amend the act entitled "An act to modify the postal money-order system, and for other purposes," approved March 3, 1883.

A bill (H. R. 3504) to amend section 4414 of the Revised Statutes relating to inspectors of hulls and boilers.

A bill (H. R. 5890) for the relief of Grafton Monroe.

JURISDICTION IN PATENT CASES.

Mr. TOWNSHEND. Mr. Speaker, in behalf of the Committee on Patents I move to suspend the rules and pass the bill which I send to the desk.

The bill was read, as follows:

Be it enacted, &c., That hereafter the United States district and circuit courts shall have no jurisdiction to hear or to try any case arising from the actual use of any patent right, or its infringement by such use, by any person in or citizen of the United States or the Territories, wherein the amount in controversy does not exceed $200 against one person or citizen.

SEC. 2. That purchasers of any patent right for actual use shall not be liable to damages, royalty, or for value of the same, or for infringing the same in any manner, who at the date of such purchase had no knowledge of the claims of any third person, or that the inventor of the same has an interest therein adverse to the seller thereof. That no person who shall in good faith purchase, use, manufacture, or sell without previous knowledge of the existence of a patent therefor, any article, machine, machinery, or other thing for the exclusive use, sale, or manufacture of which any patent has been or hereafter may be granted to any person, persons, or corporation whatever, shall be liable, in damages or otherwise, for an infringement of such patent until after written notice of the existence thereof shall have been personally served on such person or persons or corporation, as the case may be, and such infringement shall be thereafter continued.

SEC. 3. That all laws or parts of laws inconsistent herewith are hereby repealed.

SEC. 4. That nothing herein contained shall affect any pending suit or proceeding in any of the courts of the United States or in any court of any of the several States.

Mr. HAMMOND. Mr. Speaker, before demanding a second I wish to ask the gentleman from Illinois whether this bill comes from the Committee on Patents.

The SPEAKER. Debate is not permissible until a second has been ordered.

Mr. HAMMOND. I thought I had a right to know whether the gentleman was reporting this bill from a committee.

Mr. TOWNSHEND. I desire to say to the gentleman from Georgia that I am familiar enough with the rules of this House to know that on the third Monday of the month no one has a right to move to suspend the rules without authority from a committee; and I would state further to the gentleman that the Committee on Patents authorized me to present this bill to the House and move to suspend the rules and pass it during the last session. That resolution of the committee has not been altered in any degree whatever, and I stand here now repre-

senting the majority of that committee; and further, I will say to the gentleman that the bill which I have presented was shaped by the committee and I was instructed to present it.

Mr. HAMMOND. The word "yes" would have answered my inquiry. I demand a second.

The SPEAKER. A second being demanded, the Chair appoints the gentleman from Georgia [Mr. HAMMOND] and the gentleman from Illinois [Mr. TOWNSHEND] to act as tellers.

Mr. TOWNSHEND. Mr. Speaker, I ask that there be unanimous consent for a second.

Mr. HAMMOND. I object.

The House divided; and the tellers reported—ayes 108, noes 60.

The SPEAKER. There is a second, and, under the rules of the House, thirty minutes are allowed for debate, fifteen minutes in support of the motion and fifteen minutes in opposition. The Chair will recognize the gentleman from Illinois [Mr. TOWNSHEND] to control the time in support of the motion, and the gentleman from Georgia [Mr. HAMMOND] in opposition to it.

Mr. TOWNSHEND. Mr. Speaker, the bill is so plain and so easily understood that I have no disposition to discuss it, unless there be a desire upon the other side to debate it. I am willing to submit the question without discussion.

Mr. HAMMOND. I desire to discuss it.

Mr. TOWNSHEND. Then, Mr. Speaker, I will say generally of the bill at this time that the object and purpose of it is to protect innocent purchasers of patented articles who have bought them in the open market, without knowledge or intention of infringement upon the rights or privileges of any patentee. The purpose of the bill is to protect such innocent purchasers from abuses which are now practiced upon them. There is no design in the bill to interfere with or to injure in any degree honest patentees of any honest invention, nor is its intention to interfere with the value of the patent rights of any individual, but that the sole purpose of the bill is to protect the masses from prosecutions for infringements or fancied infringements which have occurred from ignorance of the purchase of patents.

Speaking for my own section of the country, I can say that the people have been greatly vexed and greatly annoyed by black-mailers and those who have or who claim to have patents upon articles which have been purchased innocently by farmers and other innocent purchasers in the open market under the belief that they had a right to do so, but who have been compelled at great inconvenience and hardship to respond to suits in the Federal courts upon charges of infringements.

I do not intend to enter upon a discussion of the details of the bill at this time. I desire simply to state my position and to emphasize the statement, that the sole purpose of the Committee on Patents, who have carefully studied the subject and prepared this bill, is to protect such innocent purchasers from the persecutions which they are now subjected to at the hands of black-mailers and other unjust claimants. I reserve the remainder of my time. How much time have I consumed, Mr. Speaker?

The SPEAKER *pro tempore*. Four minutes.

Mr. HAMMOND. Mr. Speaker, in the four minutes consumed by the gentleman from Illinois [Mr. TOWNSHEND] he stated four times that the object of this bill is solely to protect innocent purchasers against "black-mailers." If that be the object, the gentleman who framed the bill understands neither the use of the English language nor the law of patents. Let us look at the matter for a moment. The first section seems to undertake to take away from the United States courts jurisdiction in all cases of patents in which the amount of damage is not at least $200 against each individual defendant. The last section declares that—

Nothing herein contained shall affect any pending suit or proceeding in any of the courts of the United States or in any court of any of the several States.

It has been held over and over, until it is laid down as familiar doctrine in Curtis on Patents, and every other book on patents, that a State court has no jurisdiction whatever of the infringement of a patent. The section on this subject in Curtis is 496. This bill seems, therefore, a declaration that in all cases where the damages do not exceed $200 against each person sued there shall be no suit for the infringement of a patent right. I do not know the statistics on the subject, but I will venture to guess that seven-eighths of the patents granted in this country are of such character that individual infringements will not amount to $200 damages each. This bill seems, therefore, a declaration that the constitutional protection which is thrown around patent rights shall belong only to those great and magnificent patents involving thousands of dollars, while the men who by their brain and toil have brought forth the small patents shall have no protection from this Government.

Mr. Speaker, the section from which I come has very little interest in patents so far as the protection of the patentee is concerned. I can, therefore, have no wish in opposing this bill but to protect the rights of American citizens wherever they are involved. The Constitution declares that Congress shall have power—

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

The Supreme Court of the United States has more than once declared that a patent is a solemn contract between the patentee and the Government, by which the exclusive use is granted to him for a limited time in consideration of public use ever afterwards, and which, like any other contract, can be set aside only for fraud. This bill, therefore, in effect seems to declare that seven-eighths of all the patents in the United States shall by these three sections be cut down so as to be practically valueless. For, mark you, the bill gives no jurisdiction to a State court, and under the present law no State court has jurisdiction of any suit for the infringement of a patent.

This first section, it will be observed, has nothing to do with good faith or bad faith. Under it a man may in open market buy or sell a patent without authority in the patentee's face, and answer, "I damage you only to the amount of $199, and you can not sue me anywhere." That is the first section of the bill as it seems to be intended.

Mr. ROWELL. Suppose, in a suit, damages to the amount of $250 were claimed, but only $50 damages proved; would that defeat the jurisdiction of the court?

Mr. HAMMOND. I do not know whether that is the intention. Nobody can answer with certainty what is the intended effect of this bill in that particular. But here is the declaration that no court of the United States shall have—

Jurisdiction to hear or to try any case arising from the actual use of a patent right or its infringement by such use, by any person in, or citizen of, the United States, or the Territories, wherein the amount in controversy does not exceed $200 against one person or citizen.

In reply to the gentleman's question I will give my own opinion. I think that "the amount in controversy" in such cases must be determined by the declaration, and that, therefore, this bill, while it seems to hold out a promise to individuals that they may infringe patents and avoid suits in this way, is a trap in which they will be caught, for the amount necessary to give jurisdiction of the controversy can, in each case for damages, be stated in the declaration.

Mr. EZRA B. TAYLOR. If jurisdiction is given by the amount claimed, then of what value is that first section?

Mr. HAMMOND. None in the world, but to mislead the country, if the provision means what I understand it to mean.

Mr. TOWNSHEND. Let me ask the gentleman, and I hope he will be candid enough to reply, whether the Supreme Court of the United States has not already declared that the jurisdiction of the court is fixed by the verdict, by the amount which may be found due upon the final trial, and not by the amount claimed in the declaration?

Mr. HAMMOND. For damages in patent cases?

Mr. TOWNSHEND. In any case where the jurisdiction of the court is involved?

Mr. HAMMOND. No such decision was ever made in a patent case for damages, and I venture to say no such decision will ever be made.

Mr. TOWNSHEND. No, sir; because the United States courts have exclusive jurisdiction in all patent cases.

Mr. HAMMOND. Therefore the question of limitation of amount in a patent case is out of consideration.

Mr. TOWNSHEND. But may be governed by the rule generally established, that it is only the amount found due that fixes the jurisdiction of the court.

Mr. HAMMOND. I mean to be perfectly respectful when I say, that is nonsense.

Now, let us look at the next section, the section as to *bona fide* purchasers. I have shown that the first section has nothing to do with good or bad faith. Here is the section in regard to *bona fide* purchasers:

SEC. 2. That purchasers of any patent right for actual use shall not be liable to damages, royalty, or for value of the same, or for infringing the same in any manner, who, at the date of such purchase, had no knowledge of the claims of any third person, or that the inventor of the same has an interest therein adverse to the seller thereof.

Now, Mr. Speaker, when a man obtains a patent, he is required by the law to have marked on it that the article is patented. His letters patent are of record here, just as our title-deeds to real estate are recorded in the proper offices.

There is no such thing as a *bona fide* purchaser of a patented article without notice that it is patented. If the mark of patent right is on the thing, the man who buys it with his eyes open can not be an innocent purchaser against the right of the patentee.

Again, that declares if he buys it for his personal use he may infringe it in any way whatever and not be liable. He may buy an article to use it personally and put men all over the country to manufacture it, and yet not be liable in damages, because he was an innocent purchaser without notice.

The next paragraph of that section declares that no person who shall in good faith purchase, use, manufacture, or sell, without previous knowledge of the existence of a patent therefor, any article, machine, machinery, or other thing for the exclusive use, sale, or manufacture of which any patent has been or hereafter may be granted to any person, persons, or corporation whatever, shall be liable, in damages or otherwise, for an infringement of such patent until after written notice of the existence thereof shall have been personally served, &c.

All a scoundrel has to do is to infringe a patent and run faster than the marshal. The greater the rascal and the better the racer are all

the tests whether there can be recovery. He is a witness in court. He can swear to his good faith, after he is caught; before he is caught he he will not be liable at all, because he is liable under the bill only for damages occurring after personal service of notice of his wrong.

I have said all I wish to say about this matter. I repeat that in my section of the country there are very few patentees. We have but little enough concern, care little for them in any such sense as that. And if I were seeking to place myself upon the side which the gentleman from Illinois calls the "masses," I would go in for depriving patentees of their constitutional right. They are decidedly in the minority. But I understand that the same good faith, that the same high consideration which should actuate us in keeping treaties with foreign nations, ought, with double force, to compel us to keep constitutional contracts with our own fellow-citizens. For these reasons I hope this bill will not pass.

I reserve the balance of my time.

The SPEAKER. The gentleman from Georgia has one minute of his time remaining.

Mr. HAMMOND. I thought I was reserving much more time.

Mr. BUTTERWORTH rose.

Mr. REED, of Maine. This is a matter with which the gentleman from Ohio is somewhat familiar.

The SPEAKER. The gentleman from Georgia has four minutes remaining.

Mr. HAMMOND. I yield that time to the gentleman from Ohio.

Mr. BUTTERWORTH. Mr. Speaker, four minutes is not time enough to discuss this bill as it ought to be discussed. I submit if ever there was a bald attempt to kill the goose that lays the golden egg this is such an attempt. The industries of this country depend for their origin and growth more upon the encouragement given to the inventor by our patent system than upon every other influence and all other causes combined. It is due to our patent system that we to-day excel all others as a manufacturing nation. This bill practically "wipes out" our patent system; and, as my honored friend on the left [Mr. HAMMOND] said, while it may leave in a degree unimpaired some monopolies, if such a thing as a monopoly can in fairness be said to exist in this country—and there is what is near allied to a monopoly—while the provisions of this bill leave them unharmed, they at the same time not only leave unprotected but practically confiscate the property of thousands who by lives of thought and toil have laid the foundation of our magnificent industries. It legalizes the robbery of these, the most deserving and most numerous class of inventors.

As has well been said by the gentleman from Georgia [Mr. HAMMOND], not one in a thousand need be swindled unless he consents to be, and is in fact, consciously, a party to it. The law requires that each patented article shall be so stamped, including the date of the patent, that no one need be imposed upon if he exercises care. It is true there may be devices covered by patents which are parts of a machine and so located as not to be observable, but these are rare exceptions, and fraud or imposition in such cases is unheard of. Every intelligent person knows that under every system of laws, however perfect, some hardships will result. It is impossible to conceive of a system so perfect as to be free from hardships in individual cases, and our patent laws, in their practical operations, may, in isolated instances, be the instrument of wrong and frequently of annoyance, but compared with the inestimable blessings the patent laws, as administered, confer with lavish hand upon all our people, the inconveniencies a few may suffer are as nothing, and certainly can offer no semblance of justification for the wholesale confiscation of property in patents as would result from the enactment of such a law as is here proposed. What does this bill propose? To take away the remedy in case of trespass upon and injury to the class of property created by our patent laws. It in effect authorizes A to appropriate to himself the property of B, without compensation and without redress. The right is left, the remedy taken away.

In my judgment this bill could not be more offensive to justice unless it literally legalized the calling of the foot-pad, and afforded immunity to pickpockets. Since it must be evident that the acts named differ from those permitted by this bill only in this, that the foot-pad places the victim under duress before he robs him, while this bill authorizes the appropriation of the property of another without violence, and leaves the victim without remedy and without redress. In each case the victim loses his property, but in case the foot-pad takes it, it may be recovered, but the individual who is robbed under the provisions of this bill is remediless.

Not to exceed 10 per cent. of all the patents issued by the Government of the United States prove valuable to the patentee. Why? Because the larger per cent. of patented machines and devices mark so slight an improvement, although an important improvement, in the art that the inventor is unable to reap substantial profits. Nevertheless, each improvement marks an advanced step in the art to which it belongs; and while it is usually the men who make great strides, extraordinary improvements in an art, who realize great profits, yet it is the seemingly less important improvements that have built up and made prosperous the vast and varied industries of our country.

This bill has for its manifest object to deprive the honest inventor, whose labors have added to the wellbeing of the whole people, of his remedy to recover from the person who has willfully and knowingly taken from him his property, that which the Constitution and the laws of the country say shall be his property for a term of years. I say you prevent his recovering from the man who willfully and in violation of the Constitution and the laws of the country takes possession of his property and converts it to his own uses. Pass this bill and you authorize every man to seize upon and convert to his own use the property of his neighbor. The product of the brain and hands of one of our citizens—if it is a new and useful improvement in any art—is by law property as much as a horse or cow, and the offense of taking the one without compensation is as great as taking the other, and is in conscience, and should be in law, as censurable.

This bill, if it should become a law, wipes out at one stroke of the pen property rights of more than one hundred millions of dollars in value. It is, in fact, impossible to calculate the mischief it will do. Ninety per cent. of the present thriving industries of the country are built upon inventions covered by patents. "But then," says some friend, "we are being robbed by the system."

Mr. Speaker, I can show you—can demonstrate that instead of that being true this system has cheapened every product that is used in the house, in the barn, in the field, in the mill, in the shop, the forest, the factory, and on the ocean. It has cheapened all the articles we use. Instead of imposing burdens it has scattered blessings, and this covert attempt to steal the blessings while destroying the source from whence they proceed is utterly indefensible. I wish I had time to examine this bill in detail in order to show its enormities.

[Here the hammer fell.]

Mr. REED, of Maine. I will ask unanimous consent, in view of the importance of this subject, that the gentleman from Ohio be permitted to have five minutes more.

Mr. RANDALL. There ought to be no objection to that.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

Mr. TOWNSHEND. Mr. Speaker, I object; for the reason that I want the bill to be disposed of as soon as possible.

The SPEAKER. Objection is made.

Mr. TOWNSHEND. I yield now three minutes to the gentleman from Mississippi [Mr. MORGAN].

Mr. MORGAN. Mr. Speaker, it seems to me almost impossible to make any satisfactory explanation of this measure in the short space of three minutes; but it is due to the House to say this much: that there was brought before the Committee on Patents information of an unlimited number of abuses of the patent laws of the United States, which this bill is designed to remedy.

This bill is not intended to affect the patent system of the country, or the rights of patentees under it, as has been suggested by the gentleman from Ohio. It has no such object in view. It is intended to prevent abuses which have been perpetrated under the patent laws of the country and upon innocent purchasers or users of patented articles. The committee have information of the fact that owners of patents in numerous instances have knowingly and without protest seen their rights infringed, and then have gone before the courts and brought suit against the innocent purchasers of the patented article with a view of obtaining damages for the alleged injury. This bill only prohibits damages in such cases; and if a man sees that an infringement is going on of his rights let him take out an injunction and restrain such acts, or else prevent him from recovering damages from innocent users.

But gentlemen say that these patents are registered, just as in a court of registry in our counties, and that all persons have legal notice. Why, sir, it is 3,000 miles or more to California; and parties claiming to have rights under patents and making sales, on examination of the records here in the city of Washington, where alone they are kept, it is found there never was a valid transfer perhaps, and hence suits are instituted for damages.

Now, the meaning of all this is to put a restraint upon such abuses, not to interfere with the law or to prevent the encouragement of the system of patents. It is to promote the patent system instead of bringing it into disrepute before the people of the country. It will protect the people while it protects the rights of the patentee, by preventing the injustice and abuses of the present law.

The gentleman from Georgia on my left refers to the courts and the construction of the law as laid down in patent cases. Of course it is well known that no court has jurisdiction except a United States court; but it has it for even 5 cents in amount, so that there is no difficulty upon that point. But when a party stands up and sees his rights infringed by an innocent purchaser this prevents any recovery for damages in such cases beyond the amount fixed in the bill.

[Here the hammer fell.]

Mr. TOWNSHEND. I yield three minutes to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON, of Iowa. Mr. Speaker, the gentleman from Georgia takes exception to this bill on account of the remedy being defective. In reply, I have simply to say that the lawyers who represent a patent right would have no trouble in shaping their pleading to give jurisdiction to the Federal court. They are ingenious fellows. He also makes objection because, he says in section 4, it refers to pending cases in the State courts, and will not interfere with them.

He makes fun of the fourth section, because the last clause in it makes this reference to patent cases in the State court; but he must admit that the purpose of that section is fully stated when it prevents interference with any suits now pending. That is the sole purpose of the fourth section, and he will not contend that the section does not guard pending cases.

I concede that the last clause might be omitted because only the Federal courts have jurisdiction; but it does not hurt the bill and should not be a stumbling-block in the way of any gentleman, whether he be a constitutional lawyer or not.

The real purpose of the bill is this: that the masses of the people, those who do not enjoy the benefits of the "golden egg" referred to by my friend from Ohio [Mr. BUTTERWORTH], but who buy the patented instruments, shall not be involved in damages and dragged into the courts by wealthy corporations until served with written notice. That is the central point in the bill, and that legislation is needed. Take for instance one or two counties in my own district. Hundreds of farmers have been led by oily-tongued gentlemen to invest in the drive-well patents, and other patents of that class, and supposed, having made the purchase, that they were entitled to use them. These farmers have been carried from the United States circuit court to the United States Supreme Court, and are here now trying to protect themselves at the national capital, in that court-room, from the injury sought to be inflicted by speculators in patent rights.

The purpose of this bill is to prevent this gross injustice to poor, ignorant men, who can not judge of the question whether patents have been properly issued or whether there is a good title in the man who comes to them with a patent. The purpose of the bill is that, and that alone. And now those who are fighting that object simply carp and make fun of a section which may be a little broader than is necessary to protect present pending litigations.

I say, Mr. Speaker, this bill provides much-needed legislation. The patent system is becoming too powerful. My friend from Ohio [Mr. BUTTERWORTH] who is always eloquent, and who can always put things in the superlative, talks about the "golden egg," and would convey the impression that the very foundations of the Republic would tumble from beneath our feet if this bill becomes a law. Yes, sir, this is the golden egg to powerful corporations. We know that often in these inventions it is not the genius of America that is protected. The brainy man who gets up the invention is taken hold of, his inventions and discoveries are taken out of his hands and fortunes are made by men of wealth. And not only does he lose the fruits of his invention, but farmers and poor men all over the country suffer from the inroads made upon them by the power of these wealthy men. I submit this is a good, safe bill to vote for, and is an additional guard for the masses of the people.

[Here the hammer fell.]

Mr. TOWNSHEND. I yield two minutes to the gentleman from Michigan [Mr. O'DONNELL].

Mr. O'ODNNELL. Mr. Speaker, while the House is considering the measure before it I desire to call attention to some facts in regard to our patent laws.

THE INGENIOUS NATION.

That this is an ingenious and inventive nation is attested by the fact that since the organization of our system of government 343,451 articles have been patented in this country, embracing about everything which can be thought of. In this number are not included 14,451 designs, 10,677 reissues, 12,910 trade-marks, and 4,695 labels, but the more than a third of a million embrace only valuable inventions and discoveries. Up to the year 1836 there were only 9,957 patents granted by this Government.

In 1840 there were 1,445 issued, the intervening years producing many thousands. The rate kept growing, and in the year 1850 6,981 inventions covered by letters patent. This was followed by accretions each week, and in 1860 there were 26,642 granted. In the next decade the number increased each year, 1870 showing 98,460, to be swelled to 223,211 in 1880, and up to the beginning of the present year the total is, as I have stated, 343,451 articles of about every name and device, protected by letters patent from the Government of the United States of America. In fifty years our people invented and obtained patents on 333,494 improvements. During last year nearly 2,000 patents per month were granted, the exact figures being 23,331. The inventive genius of our people has brought into being and maintains a great department of the Government, whose cost last year was $1,024,378.85; but it is but fair to state that notwithstanding this outlay the department paid a profit of $163,710.30, and that division has a balance in the Treasury of very nearly $3,000,000.

THE INVENTIONS OF THE WORLD.

In all the governments of the world during the past year 62,894 patents were issued under governmental sanction. More than a third of this number were inventions by the people of the United States of America. I have taken occasion to obtain the figures, and I find that during the last calendar year patents were granted as follows by the nations of the earth: United States of America, 23,331; Great Britain, 16,101; France, 6,722; Germany, 4,018; Belgium, 3,682; Austro-Hungary, 2,470; Ontario, 2,239; Italy, 1,350; Spain, 500; Sweden, 200; Russia, 181; Norway, 100; China, Japan, Turkey, Mexico, and the British colonies each issued a few, aggregating about 2,000. You will see the universal Yankee nation nearly beats the world in the march of improvement. The inventive genius of our land has contributed wonderfully to man's enjoyment, lightening labor and making many hard tasks easier.

THE INCREASE OF PATENTS.

The people of all the world are turning attention to inventions. I have noted the increase of patents in this country. In England, Scotland and Ireland in the year 1700 but 2 patents were issued; fifty years after the number had increased to 7; in 1800, to 117; in 1850, to 1,281; in 1866, to 6,363, and last year the number issued, as already stated, was 16,101. Invention has engrossed the faculties of all peoples, but in no land has the spirit been as prevalent or as productive of good as in our own favored country.

LIBERAL PATENT LAWS.

Our laws are generous in their protection to inventors, which is simply right and just. An inventor fairly earns governmental protection for that improvement evolved from his study, thought, and genius. Very many patents have conferred great benefits upon humanity and aided progress. The first patent granted was in 1591, in England, for the exclusive privilege of printing books, an excellent commencement of great results. The inventor who brings a new device or invention that shall aid man and lighten his burdens, is a benefactor of the race, and is so regarded in law and in fact. The statutes secure to him the exclusive benefit that may arise from his invention for seventeen years. There is but one Government (Belgium) which is more generous with the inventor than ours.

Invention has been termed an exact science, and the Government designs to throw strong protection about the rights and property of the inventor. No one desires to disturb the patentee in the enjoyment of his rights in reaping the golden fruit of his toil and brain. Many inventions are the product of a lifetime of study, and no one feels that the law is unjust in that it gives the minimum advantage to the inventor and inflicts the maximum disadvantage on the public. It is conceded that a person who has worked out an original and valuable process from his own brain, and may have incurred great expense in bringing it to a practical issue—it may be after years of protracted toil and anxiety—should have secured to him by law during a reasonable time the exclusive privilege of gathering the substantial reward of his own invention. That is only just and reasonable. The law provides for that; no one questions the propriety of the statute. Inventors earn the gratitude of mankind. For years their lot is filled with failure and distress, often a bitter experience. This can be summed up in the statement that not one patent out of the hundred granted ever returns value to the originator.

PATENT WRONGS.

Having spoken thus of patent rights, I desire to call attention to patent wrongs. The patent laws of this nation are the occasion of much injustice and rapacious injury. In every section citizens are persecuted and swindled by the provisions of the patent laws. The burden of wrong is becoming unbearable, and the people are growing indignantly restive under the infliction of this patent plunder under the form of law. This species of legalized robbery is carried on under the guise of infringements. A citizen buys an article from a dealer, pays him for it, uses what he has bought and paid for, and in a few years thereafter is called upon by a stranger, who acquaints him with the fact that for years he has been violating the laws of the land by using an implement or machine, as the case may be, which he has bought and paid for, but which, it is alleged, is an infringement on some patent.

The manufacturer and dealer should be made responsible, but frequently their whereabouts is unknown, and in consequence the purchaser and user is made amenable. His violation of law can be compromised easily, for the owner of the infringed patent does not worry about the law so long as he can be reimbursed; and he generally extorts a good price, which is paid to avoid litigation. There is not a member of this House but who can recall a constituent who has been plundered by the infringement device. In Michigan the farmers especially have been mercilessly plundered, and I have no doubt the same wrong obtains in other States. In the majority of cases the money thus obtained does not inure to the benefit of the inventors or their representatives, but is enriching speculators who have obtained control of the patent and gone forth on their conquering infringing war. They reap where others sow. They swim freely and profitably among the windings of the law.

In the district I have the honor to represent the farming community have suffered grievously from this legalized wrong. I know of many cases, but cite but one: A farmer ordered through an agent a certain machine; the demand that year was far in excess of the supply, and the farmer was induced to take that of another manufacturer, as it was guaranteed to do as good work as the one he preferred. He accepted it on trial, and finding it unsatisfactory, returned it. The product passing through the machine in the brief time it was used sold for $10. Afterward the manufacturers of the machine the farmer wanted and ineffectually endeavored to obtain notified him the one he had used on

trial was an infringement, and after investigation the farmer found that under our patent laws he was technically liable for having used the machine a few hours, and to save the costs of law paid at the rate of about $5 per hour for his infringement of a patent. This is one of the thousands of cases of legal extortion coming under notice everywhere. The person who unwittingly infringes is subject to expensive prosecution and is liable to punishment for violation of the law of the land when he never dreamed that he was transgressing any statute.

The patent speculators gather their greatest returns among the farming community, the honest tillers of the soil, who seek to deal fairly and justly, but are, under our patent laws, made victims of gross wrong. The word "patent" is from *pateo* (I lie open), but often the word is a misnomer. Under the present system a purchaser is not safe in buying a patented article until he secures a first-class patent attorney to explore the chambers of the Patent Office to ascertain if the machine or device he intends securing is an infringement on some one's invention. All citizens are not able or willing to retain attorneys versed in the intricacies of patent law, as the fees might amount to more than the cost of the article they designed buying. Owing to this circumstance the people, in the presence of the manifold and numerous abuses they have been compelled to endure, ask relief from Congress, and they should be heard.

THE REMEDY.

Knowing the injustice the people had suffered these many years, and, desiring to lift that burden from them, on the 1st day of February I offered a bill in this House providing immunity for innocent purchasers of patented articles from prosecution for damages and infringement. This bill is numbered 4965, and I believe is a very good one. Its provisions are simple and calculated to right a wrong. I quote the section designed to relieve the people. It enacts:

That the purchaser of any device, implement of husbandry, machine, article, compound, process, discovery, or other invention covered by existing patents in whole or in part, or for which patents have been or may be hereafter applied for, where said article was purchased for a valuable consideration, for the personal use of said purchaser, without knowledge that said article was covered by patent or patents, or patents on the same applied for, shall not be liable in any manner for damages, royalty, or otherwise for an infringement of said patents by having used the same; and no suit at law for damages, royalty, or for the value of said patented article shall be sustained in any court against any person or persons for alleged infringement where the defendant purchased said invention in good faith for his own personal use.

Such a law is imperatively demanded. The purchasers are not the only ones who suffer from our patent laws. The manufacturer should also be friendly to the bill I have offered, for at present a competitor who sets up a claim of infringement on an article another manufacturer is making can frighten people to such extent as to deter them from buying, for they do not want to hazard a lawsuit even when they are convinced the claimant possesses no rights. As a rule manufacturers are responsible; and if there is any question of infringement raised let the patentee seek redress from them. The *bona fide* purchaser should in no way become liable; the farmer, especially, should not be involved in these "nice, sharp quillets of the law." The great producing classes deserve better treatment.

UNCONSTITUTIONAL.

Many gentlemen of ripe legal minds tell me the bill 4965 will, if passed, be unconstitutional. No member of this House has a more sacred regard for that grand instrument than I have. If the Constitution is a league with patent sharpers and despoilers and this proposed enactment is contrary to its provisions, then an amendment is in order, for it should not be the source of such rank injustice—such oppression and legalized wrong.

TIME TO ENACT.

Mr. Speaker, this bill 4965 went to the Committee on Patents over nine months since, and, I understand, has been considered. A somewhat similar measure has been agreed on, and is before us, but strong objections are urged against it.

I have been in hopes the bill I have quoted from would be reported favorably and placed on its passage. The Committee on Patents has not been heard from, I understand, until to-day, for many sessions. Now that they offer this measure let us enact it though another bill is preferable. This House owes it to the nation that some measure be enacted that shall take away the legal right to inflict great wrongs. The people should not be compelled to suffer longer. Shall this just measure be passed, and thereby remove causes for litigation and expense? I grant that the bill reported by the gentleman from Illinois [Mr. TOWNSHEND] has a feature that is objectionable to some. Strike out that portion and give the relief an oppressed community ask; or, as I think, better still, enact the bill 4965, which I had the honor of offering, and which, like the one now before us, has but one design—to protect innocent purchasers of patented articles from prosecution for infringement.

Mr. TOWNSHEND. This is the old struggle between monopoly and anti-monopoly which I have witnessed on this floor on patent bills during the last ten years I want to say, Mr. Speaker, that I have never known a case where the interest of the people came in conflict with monopoly on this floor but some one would arise and endeavor to create the belief that the bill protecting the rights of the people was unconstitutional. That was done in the case of the interstate commerce bill, it was done in reference to the bill which passed last session known as the oleomargarine bill. What we witness to-day is but a repetition of what has heretofore taken place on occasions when the same bill in substance has been under consideration.

There are some gentlemen who put on a Sir Oracle air, and who take it for granted that none but themselves have ever read or are able to comprehend the Constitution.

This bill, or substantially the same bill, was introduced into this House in 1882 by the gentleman from Wisconsin [Mr. CASWELL], and the vote then taken, notwithstanding the flings and sneers at those who have been seeking to obtain this relief, notwithstanding the objections, constitutional and otherwise, of members, passed that bill by over two-thirds majority.

But, Mr. Speaker, I desire to say, in reply to the gentleman from Georgia [Mr. HAMMOND], that he is mistaken when he asserts that an inventor has any constitutional right in his invention. The Constitution simply clothes Congress with the power to protect inventors under just such conditions as Congress in its discretion may prescribe. The bill before the House simply seeks to provide a remedy, for abuses practiced upon those charged with infringements. As I said in my opening remarks, the bill does not seek to protect any wrongdoer in willful infringement of an invention. It simply seeks to protect the honest and innocent purchaser and user who buys an article in the open market without any previous knowledge whatever that he is infringing on the rights of any one.

The SPEAKER. The time allowed for debate has expired.

Mr. MILLS. I move that the House do now adjourn.

Mr. TOWNSHEND. Do not let us have filibustering over this bill.

The SPEAKER. The question is on the motion of the gentleman from Texas that the House do now adjourn.

The House divided; and there were—ayes 97, noes 87.

Mr. TOWNSHEND. I call for the yeas and nays.

On the question of ordering the yeas and nays there were—ayes 38, noes 124; the affirmative being more than one-fifth of the whole vote.

Mr. MILLS. I call for tellers or the yeas and nays.

Tellers were ordered, and Mr. MILLS and Mr. TOWNSHEND were appointed.

The House again divided; and there were—ayes 52, noes 88.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

Mr. MILLS. I move to reconsider the vote ordering the yeas and nays.

Mr. TOWNSHEND. I submit the question to the Chair, whether the motion to reconsider is in order when the yeas and nays have been ordered on a motion to adjourn.

The SPEAKER. It is. But there can not be another motion to reconsider if the House shall again order the yeas and nays.

Mr. SPRINGER. Is not this the rule that where the original motion can not be reconsidered, a subsidiary motion to that can not be reconsidered?

The SPEAKER. But the original motion here can be reconsidered.

Mr. SPRINGER. A motion to adjourn can not be reconsidered.

The SPEAKER. That motion has not yet been voted on. It has been always held that the House can reconsider a vote once. By the Constitution one-fifth of the members present can order the yeas and nays. The vote ordering them can be reconsidered by a majority, and the ordering of the yeas and nays is then subject to the renewed demand of one-fifth of the members present.

Mr. MILLS. I withdraw the motion to reconsider the vote ordering the yeas and nays.

A MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the bill (S. 263) providing for the erection of a public building at Springfield, Mass.

The message also announced that the Senate returned to the House of Representatives, in compliance with its request, the bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes.

The message further announced that the Senate had passed bills and joint resolutions of the following titles:

A bill (S. 2982) to authorize the commissioners of the District of Columbia to permit the temporary occupation of streets by a railway for the purpose of transporting materials to fill about the base of the Washington monument.

Joint resolution (S. R. 78) authorizing the Secretary of War to accept certain lands near Chicago, Ill.;

A bill (S. 2806) to authorize the Secretary of the Treasury to cause to be examined certain vouchers filed or to be filed by the State of Missouri or her agent or agents for sums claimed to be due from the Government of the United States on account of payments made by said State since April 22, 1882, to the officers and enlisted men of her militia forces for military services rendered to the United States in the sup-

pression of the rebellion, as evidenced by the proper pay-rolls heretofore filed with, and examined and accepted by, the Government of the United States, and to report to Congress;

A bill (S. 1189) for the relief of Bessie S. Gilmore; and

A bill (S. 2725) to construct a road to the National Cemetery at Corinth, Miss.

The message further announced that the Senate had passed without amendments the bill and joint resolution of the following titles:

A bill (H. R. 1813) for the relief of Pattison & Caldwell; and

Joint resolution (H. Res. 67) for the relief of William B. Isaacs & Co.

The message further announced that the Senate had passed with amendments the bill (H. R. 1659) for the relief of the survivors of the exploring steamer Jeannette, and the widows and children of those who perished in the retreat from the wreck of that vessel in the arctic seas.

It further announced that the Senate had agreed to a conference with the House of Representatives on the bill (H. R. 9736) to grant the Maricopa and Phœnix Railway Company, of Arizona, the right of way through the Gila River Indian reservation, and had appointed Mr. DAWES, Mr. HARRISON, and Mr. JONES of Arkansas, as the conferees on the part of the Senate.

ORDER OF BUSINESS.

The question was taken on the motion of Mr. MILLS to adjourn; and there were—yeas 122, nays 127, not voting 72; as follows:

YEAS—122.

Allen, C. H.	Davidson, A. C.	Jones, J. T.	Sayers,
Bacon,	Dawson,	Laffoon,	Seymour,
Barbour,	Dibble,	Lanham,	Singleton,
Barksdale,	Dougherty,	Le Fevre,	Smalls,
Barnes,	Dunn,	Libbey,	Snyder,
Barry,	Eden,	Long,	Spriggs,
Belmont,	Everhart,	Lore,	Springer,
Bennett,	Felton,	Mahoney,	Stahlnecker,
Blount,	Foran,	Martin,	Stewart, Charles
Boyle,	Ford,	McAdoo,	St. Martin,
Bragg,	Forney,	McCreary,	Stone, E. F.
Breckinridge, C. R.	Frederick,	McMillin,	Stone, W. J., Ky.
Breckinridge, WCP	Gibson, C. H.	McRae,	Tarsney,
Cabell,	Glass,	Merriman,	Taylor, J. M.
Caldwell,	Green, R. S.	Miller,	Throckmorton,
Campbell, J. E.	Green, W. J.	Mills,	Tillman,
Campbell, T. J.	Hammond,	Morgan,	Trigg,
Candler,	Harris,	Morrison,	Turner,
Catchings,	Hayden,	Neal,	Van Eaton,
Clements,	Heard,	Neece,	Wadsworth,
Collins,	Hemphill,	Norwood,	Ward, J. H.
Comstock,	Henderson, J. S.	O'Ferrall,	Warner, A. J.
Cowles,	Herbert,	Outhwaite,	Wellborn,
Cox, S. S.	Hewitt,	Peel,	West,
Cox, W. R.	Hiestand.	Perry,	Wheeler,
Crain,	Hill,	Randall,	Wilkins,
Crisp,	Hires,	Reagan,	Willis,
Culberson,	Hutton,	Richardson,	Wilson,
Curtin,	Irion,	Riggs,	Wise.
Daniel,	Johnston, T. D.	Rogers,	
Dargan,	Jones, J. H.	Sadler,	

NAYS—127.

Adams, G. E.	Ely,	Lindsley,	Romeis,
Anderson, C. M.	Ermentrout,	Louttit,	Rowell,
Anderson, J. A.	Evans,	Lovering,	Scranton,
Atkinson,	Farquhar,	Lowry,	Seney,
Baker,	Fisher,	Lyman,	Sessions,
Bingham,	Fuller,	Matson,	Sowden,
Bliss,	Funston,	Maybury,	Spooner,
Bound,	Geddes,	McComas,	Steele,
Boutelle,	Goff,	McKenna,	Stephenson,
Brown, C. E.	Grout,	McKinley,	Stone, W. J., Mo.
Brown, W. W.	Hall,	Milliken,	Strait,
Buchanan,	Halsell,	Moffatt,	Struble,
Buck,	Hanback,	Morrill,	Swinburne,
Bunnell,	Hatch,	Morrow,	Swope,
Burleigh,	Haynes,	Negley,	Symes,
Burrows,	Henderson, D. B.	Nelson,	Taulbee,
Butterworth,	Henderson, T. J.	O'Donnell,	Taylor, E. B.
Bynum,	Hepburn,	O'Hara,	Taylor, Zach.
Campbell, J. M.	Hermann,	O'Neill, Charles	Thomas, J. R.
Cannon,	Hitt,	O'Neill, J. J.	Thomas, O. B.
Carleton,	Holman,	Osborne,	Thompson,
Casswell,	Holmes,	Owen,	Townshend,
Cobb,	Hopkins,	Parker,	Van Schaick,
Conger,	Howard,	Payne,	Wade,
Cooper,	Jackson,	Payson,	Ward, T. B.
Cutcheon,	James,	Perkins,	Weaver, A. J.
Davenport,	Johnson, F. A.	Pindar,	Weaver, J. B.
Davis,	Johnston, J. T.	Pirce,	White, Milo
Dingley,	Kleiner,	Plumb,	Winans,
Dunham,	La Follette,	Ranney,	Wolford,
Eldredge,	Landes,	Reed, T. B.	Worthington.
Ellsberry,	Lehlbach,	Rockwell,	

NOT VOTING—72.

Adams, J. J.	Campbell, Felix	Gibson, Eustace	Kelley,
Aiken,	Clardy,	Gilfillan,	Ketcham,
Allen, J. M.	Compton,	Glover,	King,
Ballentine,	Croxton,	Grosvenor,	Laird,
Bayne,	Davidson, R. H. M.	Guenther,	Lawler,
Blanchard,	Dockery,	Hale,	Little,
Bland,	Dorsey,	Harmer,	Markham,
Brady,	Findlay,	Henley,	Millard,
Browne, T. M.	Fleeger,	Hiscock,	Mitchell,
Brumm,	Gallinger,	Houk,	Muller,
Burnes,	Gay,	Hudd,	Murphy,
Oates,	Rice,	Skinner,	Wakefield,
Peters,	Robertson,	Stewart, J. W.	Wallace,
Pettibone,	Rusk,	Storm,	Warner, William
Phelps,	Ryan,	Taylor, I. H.	Weber,
Pidcock,	Sawyer,	Tucker,	White, A. C.
Reid. J. W.	Scott,	Viele,	Whiting,
Reese,	Shaw,	Wait,	Woodburn.

During the roll-call the following additional pairs were announced:

Mr. SNYDER with Mr. MILLARD, for the remainder of the day.

Mr. BALLENTINE with Mr. FUNSTON, for the remainder of the day.

Mr. DAVIDSON, of Florida, with Mr. KETCHAM, for the day.

Mr. SKINNER with Mr. WAIT, for the day.

Mr. BURNES with Mr. RYAN, on this vote.

LEAVE TO PRINT.

Mr. BUCK, by unanimous consent, obtained leave to print remarks in the RECORD on the bill (H. R. 4434) relating to duties on tobacco.

ORDER OF BUSINESS.

Mr. TOWNSHEND. Mr. Speaker, I wish to make a parliamentary inquiry. What will be the status of this bill if the House shall now adjourn?

Several MEMBERS. "Regular order."

Mr. TOWNSHEND. Does it come up as unfinished business on the next suspension day?

The SPEAKER. It comes up as the regular business on the next suspension day.

The yeas are 124, the nays 121; so that the motion is agreed to.

The House accordingly (at 4 o'clock and 25 minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Papers in the case of Nancy J. Seaver—to the Committee on Invalid Pensions.

By Mr. BARBOUR: Papers in the claim of Elmira F. Seaton, of Shelton Shumate, and of Mahethalen Dodd, of Fauquier County; of Robert E. Russell and Elijah P. Myers, of Loudon County; and of Susan S. Samuel and John Scott, of Culpepper County, Virginia—to the Committee on War Claims.

Also, petition of citizens of Fairfax County, Virginia, asking legislation in behalf of the agricultural interests of the country—to the Committee on Agriculture.

By Mr. BELMONT: Petition of Margaret Madden, widow of Christopher Madden, late private Company B, Eighty-fourth Regiment New York Volunteers, praying for the passage of a special act granting her a pension from August 10, 1866—to the Committee on Invalid Pensions.

By Mr. BLISS: Memorial of Francis Rotch, only son of Col. Francis M. Rotch, of the New York militia—to the Committee on Military Affairs.

By Mr. BUCHANAN: Petition of William Van Brunt, for an original pension—to the Committee on Invalid Pensions.

Also, Petition of citizens of Egg Harbor City, N. J., for the passage of the Hatch bill—to the Committee on Agriculture.

By Mr. CONGER: Petition of citizens of Greenfield, Iowa, asking that a pension be granted Capt. John C. Ford—to the Committee on Invalid Pensions.

By Mr. DIBBLE: Concurrent resolution of the General Assembly of South Carolina, in favor of the speedy completion of the Charleston Jetties—to the Committee on Rivers and Harbors.

By Mr. DINGLEY: Petition of Hon. Benjamin Williams, mayor of Rockland, Me., and other prominent citizens of Maine, for the establishment of a permanent quarantine hospital and sanitarium on Widows Island, Penobscot Bay, Maine—to the Committee on Naval Affairs.

By Mr. DUNHAM: Memorial of ——— Packard of New York, urging laws to improve American Commerce, and relieve the shipping interest from its burdens—to the Committee on Commerce.

By Mr. FELTON: Petition of brewers and wine merchants of San Francisco, Cal., for the allowance of drawbacks on the exportation of imported bottles, corks, &c.—to the Committee on Ways and Means.

By Mr. FUNSTON: Petition of Lazarus Spence asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. GLASS: Petition of William J. Vaughn, of Obion County, Tennessee, asking that his claims be referred to the Court of Claims—to the same committee.

By Mr. HAYNES: Petition of ——— ———, for relief from taxes for improvements—to the Committee on District of Columbia.

By Mr. D. B. HENDERSON: Papers, letters, and proofs in the claim of Mrs. Clementine Hartinger—to the Committee on Invalid Pensions.

By Mr. HOLMAN: Petition of James R. Bell for original pension—to the same committee.

Also, petition of A. O. Bachman Post, No. 26; John A. Hendricks Post, No. 107; and Maj. John N. Patton and 79 other Union soldiers, for the granting of a pension to Ann P. Hendricks, of Jefferson County, Indiana—to the same committee.

By Mr. IRION: Petition of Francis Bougligny, of Baton Rouge; of Mrs. Johanna Muckle, of Clinton; and of John Moebins, administrator of Mrs. Irma Brown, deceased, and of Virginia McLaughlin, of Point Coupe Parish, Louisiana, asking reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. JACKSON: Petition of 151 citizens of New Brighton, Pa., asking for the passage of a law to pension the widows of all soldiers who, at the time of their decease, were entitled to pensions or drawing pensions under existing laws—to the Committee on Invalid Pensions.

By Mr. LAIRD: Memorial of the National Cattle Growers' Association of America, and of Chicago Live Stock Exchange, protesting against extortionate freight charges on live stock shipped east from Chicago by rail, and asking remedial legislation—to the Committee on Commerce.

By Mr. LONG: Petition of Elizabeth L. Nott, for widow's pension—to the Committee on Invalid Pensions.

Also, petition of Leander W. G. Grace, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. LORE: Petition of Grand Lodge of the Independent Order of Good Templars of Delaware in behalf of 900 members, for the passage of the bill (S. 1579) relating to intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LOWRY: Petition of Ezra A. Bristol, for an invalid pension—to the Committee on Invalid Pensions.

By Mr. O'DONNELL: Petition of Elizabeth Davy, for removal of the charge of desertion—to the Committee on Military Affairs.

By Mr. CHARLES O'NEILL: Petition of Kate A. Cronin, for the removal of the charge of desertion from the record of John Cronin, late of Company F, Fifth Regiment, United States Artillery—to the same committee.

By Mr. OSBORNE: Resolution of the Merchants' Exchange of Saint Louis, in the interest of trade between the Mississippi Valleys and the Central and South American States—to the Committee on Post-Offices and Post-Roads.

By Mr. RICHARDSON: Petition of Professor W. M. Barkerville and Casimir Zdanowiez, of Vanderbilt University, asking that duty on books, particularly those printed in foreign languages, be repealed—to the Committee on Ways and Means.

By Mr. RYAN: Petition of Woman's Christian Temperance Union of Kansas, for the passage of the Blair educational bill—to the Committee on Education.

By Mr. SAWYER: Petition of Mary A. Wicks, for a widow's pension—to the Committee on Invalid Pensions.

Also, petition for an appropriation for the harbor of Troutsburg, New York—to the Committee on Rivers and Harbors.

By Mr. SCRANTON: Petition of William Jones, for original pension—to the Committee on Invalid Pensions.

By Mr. STEELE: Petition of James Leham, Fort Clark, Tex., and 300 others, soldiers of the United States Army, asking that the act of February 25, 1885, be amended so as to read twenty-five instead of thirty years' service before retirement—to the Committee on Military Affairs.

By Mr. STEPHENSON: Petition of the officers of the Women's Christian Temperance Union of Wisconsin, for the passage of the Blair educational bill this session—to the Committee on Education.

By Mr. SYMES: Petition of citizens of Fort Collins, Colo., for the passage of the Hatch experiment-station bill—to the Committee on Agriculture.

By Mr. E. B. TAYLOR: Petition of Albert Munsell, for an original pension—to the Committee on Invalid Pensions.

By Mr. TRIGG: Petition of Miss Emma Clark, daughter and heir of Peter Clark, of Washington County, Virginia, asking that her war claim be referred to the Court of Claims—to the Committee on War Claims.

Also, memorial of Charlotte K. Sibley and others—to the Committee on Claims.

By Mr. TOWNSHEND: Papers relating to the bill for the relief of James B. Logan—to the Committee on Pensions.

By Mr. WAIT: Petition of Mary P. Case, for relief—to the Committee on Invalid Pensions.

By Mr. A. J. WEAVER: Petition of Hon. W. G. Whitmore and 9 others, of Valley, Nebr., for the passage of the Hatch experiment-station bill—to the Committee on Agriculture.

By Mr. WHEELER: A bill for improving the navigation of the Tennessee River—to the Committee on Rivers and Harbors.

By Mr. MILO WHITE: Petition of the committee of the National Stock-growers' Association for the passage of the pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. WILKINS: Petition of S. H. Willard for payment of property taken by John Morgan on his raid through Ohio—to the Committee on War Claims.

By Mr. WILSON: Petition of the Women's Christian Association, for an appropriation—to the Committee on Appropriations.

Also, petition of the National Association for Destitute Colored Women and Children, for an appropriation—to the same committee.

Also, papers in the claim of Mrs. Rydia Miller, of Jefferson county, West Virginia—to the Committee on War Claims.

By Mr. WISE: Papers in the claim of Wm. Bailey, of Cold Harbor, Va.—to the same committee.

By Mr. WORTHINGTON: Petition of Daniel Tanner, for dependent father's pension—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *December* 21, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a report of the Supervising Architect of that Department as to the necessity of an additional vault for the storage of silver; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Supervising Architect of that Department in regard to an appropriation for additional ground at Saint Paul, Minn.; which, with the accompanying report, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the Government directors of the Union Pacific Railroad Company, and calling attention to suggestions as to legislation affecting that company and its interests contained in that report; which, with the accompanying report, was referred to the Committee on the Judiciary, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. BECK. I present the petition of John E. Clements and 20 others, citizens of Louisville, Ky., praying for a reduction of the special tax on oleomargarine. It ought to go to the Committee on Finance, I think, after reading it.

The PRESIDENT *pro tempore*. Similar petitions have heretofore been referred to the Committee on Agriculture and Forestry.

Mr. BECK. I beg pardon; that committee has nothing to do with the subject-matter. The petition is very brief, and reads thus:

To the honorable Senate and House of Representatives of the United States in Congress assembled:

We, the undersigned, respectfully represent that we are consumers of oleomargarine in our own homes. We respectfully petition your honorable bodies that the annual license tax charged against dealers in oleomargarine, both wholesale and retail, be reduced to correspond with the annual license taxes on dealers in whisky, beer, tobacco, and cigars. And we also request that permission be given to dealers to take out license for the sale of oleomargarine by the month, such privilege being always granted to dealers in spirits and tobaccos. We call your attention to the manifest unfairness which compels a marketman, or provision dealer, or grocer, or any one who sells necessary household supplies, to pay from five to fifty times as much license for the sale of oleomargarine and butter substitutes as is required from a dealer in whisky, beer, tobacco, or cigars. Also, a dealer who needs a license for one or two months should not be compelled to pay for an entire year. The tax of two cents per pound on oleomargarine, when sold by the manufacturer, is ample and abundant to carry out the objects of the statute without the unreasonable hardships caused by the exorbitant license-fees imposed in the law as it now stands.

That, I insist, is purely a matter for the Finance Committee.

The PRESIDENT *pro tempore*. The Chair will submit to the Senate the motion of the Senator from Kentucky to refer this petition to the Committee on Finance. Similar petitions have heretofore been referred to the Committee on Agriculture and Forestry.

Mr. BECK. I can not help that.

The PRESIDENT *pro tempore*. If there be no objection, the petition will be referred to the Committee on Finance. The Chair hears no objection, and it is so referred.

Mr. HOAR. I present several similar petitions of E. W. Blanchard, and 89 others, citizens of Boston, Mass., which I move be referred to the Committee on Agriculture and Forestry.

The PRESIDENT *pro tempore*. The Senator from Massachusetts presents similar petitions and moves that they be referred to the Committee on Agriculture and Forestry. That reference will be made, if there be no objection. The Chair hears none.

Mr. ALLISON. I present a similar petition signed by several citizens of Davenport, Iowa, and move its reference to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. ALLISON presented the petition of Harman Combes, Charles B. Shaw, and 105 other citizens of New York, praying for legislation authorizing the Secretary of War to contract with Charles Stoughton and his associates for the entire work of improving the Harlem River, New York; which was referred to the Committee on Commerce.

Mr. DAWES. I present the petition of Francis Rotch, of Morris, Otsego County, New York, in reference to the service of his father in

the Army during the late war. I move the reference of the petition to the Committee on Military Affairs.

The motion was agreed to.

Mr. MANDERSON presented a petition of 69 ministers (representing 5,000 church members) of the North Nebraska Conference of the Methodist Episcopal Church, praying for the passage of the Chinese indemnity bill; which was ordered to lie on the table.

Mr. GIBSON presented a petition of the executive committee of the Grand Lodge of the Independent Order of Good Templars, State of Louisiana, praying for the passage of the bill (S. 1579) relative to the manufacture and sale of intoxicating liquors in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SAULSBURY presented a petition of the executive committee of the Grand Lodge of the Independent Order of Good Templars, State of Delaware, praying for the favorable consideration and early passage of the bill (S. 1579) granting to the people of the District of Columbia the right to determine by ballot whether intoxicating liquors may hereafter be legally manufactured and sold in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. COCKRELL. I present the petition of a very large number of leading importers and merchants of Saint Louis, Mo., favoring the early enactment of the bill (S. 1877) the object of which is the enlargement of the provisions of the present act, commonly called the immediate-transportation act, approved June 10, 1880, so that the facilities of importation to merchants at the interior ports may as nearly as possible correspond with those at the outer ports, and suggesting that the bill referred to affords many such needed reforms and relief, and at the same time as amply protects the revenue as does the present law; and they urge speedy action upon that bill.

I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. WILSON, of Iowa. I present the memorial of J. Goldsborough Bruff relative to a national coat of arms. It is accompanied by certain explanatory papers and memoranda, together with illustrative drawings. I ask that the memorial and explanatory papers and memoranda (excluding the drawings of course) may be printed in the RECORD and referred to the Committee on the Library.

The subject is a very interesting one, and the papers accompanying the memorial which I have looked over show very great research upon the part of the memorialist and are very interesting.

The PRESIDENT *pro tempore*. The Senator from Iowa presents a memorial and certain papers and asks the unanimous consent of the Senate that they may be printed, without the drawings, in the RECORD. If there be no objection that order will be made, and the memorial and accompanying papers will be referred to the Committee on the Library.

The memorial and accompanying papers are as follows:

To the honorable Senate and House of Representatives
of the United States of America in Congress assembled:

This memorial doth most respectfully represent: That as during the period of our country's infancy the art of heraldry was unknown, and standard works on the subject unattainable; in consequence thereof the new Republic was unable to obtain a proper device for its national signet until June 20, 1782, and that the device then adopted of admirable symbolism is defective of the first principle of an heraldic achievement, is a baseless fabric, not being blazoned upon an escutcheon or shield, and hence we have never had a national escutcheon of heraldic arms, unprecedented in the annals of heraldry. Being thus deprived of that basis, the prerequisite of all heraldic achievements, Government utilizes a subcharge of the arms proper, and it is popularly denominated the national shield or escutcheon, which it is not nor can ever be. The legitimate shield being withheld, other unprecedented irregularities were consequent, as the commingling of the crest with the arms proper, &c. Most respectfully referring to the accompanying papers, a complete and lucid explication and exemplification of this important national subject with illustrative drawings are appended, including a device for a Great Seal upon which is delineated the justified arms: heraldically perfect.

And your memorialist, as in duty bound, will ever pray.

J. GOLDSBOROUGH BRUFF.

CITY OF WASHINGTON, *December* 15, 1886.

The national arms of the United States:

The baseless and otherwise unheraldic blazonry as adopted and perpetuated. See graphic illustrations Nos. 1 and 3.

"The device of an armorial achievement and reverse of a Great Seal for the United States in Congress assembled is as follows: Arms: Paleways of thirteen pieces, argent and gules, a chief, azure, the escutcheon on the breast of the American bald eagle displayed proper, holding in his dexter talon an olive branch and in his sinister a bundle of thirteen arrows all proper, and in his beak a scroll inscribed with this motto: *E pluribus unum*." "For the Crest: Over the head of the eagle which appears above the escutcheon a glory or breaking through a cloud, proper, and surrounding thirteen stars forming a constellation argent on an azure field."

REMARKS.

Heraldic laws governing the blazonry of coat-armor throughout the civilized world are very concise, precise, and inviolable. In all descriptive blazonry of arms the shield or escutcheon on which the arms are to be blazoned (delineated correctly) is, in brevity of its technical terms, named first simply by its tincture or color, omitting the presupposed fact of the shield's being a prerequisite; hence the terms, escutcheon, shield or field, are never used; in the oldest heraldic works such terms were employed.

Then the coat of arms supporters, if any, the crest (invariably placed above the shield of arms), and lastly the motto, as invariably below the completed coat of arms.

The small escutcheon upon the breast of the national bird is properly an inescutcheon, added as an augmentation of honor [the *ægis* of the bird of Jove]. But in the quasi blazonry of the arms, the true arms as correctly blazoned in accord with heraldic laws and usages, see graphic blazonry.

Arms—argent: An American bald eagle displayed, in dexter talons an olive branch, in sinister thirteen arrows, all proper. On the eagle's breast an escutcheon, paley of thirteen, argent and gules, a chief, azure; crest; azure, a six-pointed star of thirteen argent, environed by a circlet of clouds, proper, a glory breaking through; or, motto—*E pluribus unum*.

Your memorialist has assumed for the tincture of the national escutcheon silver, emblematic of purity and worth. Gold (or) represents riches and high worth, regality, &c., and would be too dark a ground for our purpose. Heraldic laws forbid putting of color upon color, or metal upon metal.

On reference to the graphic illustrations, the eagles of the corrected arms represent sufficient characteristics of our national bird to identify the precise specie required; the original and all others are of the generic species denominated heraldic or conventional eagles.

It is rendered emphatically an "escutcheon of pretense," being first described as though it were the arms proper, yet astonished with the explanation the escutcheon on the breast of the American bald eagle displayed. And this "escutcheon of pretense" has been by the necessities of the case applied and represented as the national shield or escutcheon notwithstanding the unfortunate fact that the Republic never had one. Everything—governmental and executively official; documents of state, &c., the national currency, coinage, seals, stamps, &c., all bear the impress of the falsely assumed escutcheon.

The description of the crest is of the same imperfect and transposed ambiguous character as the arms; that which should be first is last, and *vice versa*. The term "constellation" is indefinite, unless precisely expressed as I have done above. Of the arms: a "bundle" of arrows is inadmissible, because a bundle must fail to express the number—13.

The absolute disadvantages and the injustice to the State from the want of a Government standard in reference to the seals, currency, coins, &c.

The national cognizance of sovereignty of the United States of America with few exceptions ranges from indifferent and peculiar to absurd, as misrepresented upon the national coin. All nations of the civilized world save our own have enstamped upon their gold and silver coinage the true heraldic arms of their individual sovereignty, and with strict numismatic propriety exclude unrelevant, fanciful ideas. "The American bald eagle" is displayed in every conceivable attitude and position, and degenerated to numerous species of the United States mint genus.

The peculiar style of distributing the elements of the National Arms over the faces of the coin, including mottoes and legends, unregardful of significant propriety, is a remarkable art exhibition of the genius of our free institutions. Compare the dignified propriety represented in the devices upon some of the earlier coinage: Obverse, a classic bust with legend "Liberty," and reverse, the National Arms as adopted, which compare with the handsome female head filleted "Liberty," though crowned with grain, &c., as if also to represent the goddess Ceres or Abundance, doubtless a multifold genius, as the motto overhead would intimate, "*E pluribus unum*." Upon close examination a small cap is seen amidst the redundant ringlets, apparently falling off. Reverse, a crucified eagle (severely "displayed," minus "the escutcheon upon his breast," or the eagle volant (without its appropriate motto, "Excelsior.") As though disgusted with his vicissitude and general bad treatment by the ruling powers he has discarded his "shield of the Union," olive branch and three arrows (typical we suppose of thirteen) and ascends to the starry regions of purity and truth. (The square, heavy perspective is good, but why extend his legs, as storks and herons do?) In another issue an enraged eagle has discovered the discarded "American shield" prostrate in the weeds, and having picked up the arrows and branch pounces upon the debased escutcheon, defiantly warning off the despoilers. Mottoes become legends, and legends mottoes. The Goddess of Liberty, duly labeled, rests herself upon a rock, with staff and cap and escutcheon, but looks back apprehensive of some mishap. This is another phase of the ever-varying obverse. Reverse of which may be one variety (there are several of them) of the lame eagle; dexter wing horizontally extended, and sinister, or left, nearly closed and vertical, and the usual distribution of stars, motto, &c. The latest absurdity, so eminently puritanical, not in keeping with the times, unauthorized by enactment, is the Gothic legend between the wings of the crucified eagle of "In God we trust."*

Our patriotic fathers put their trust in God and kept their powder dry. Oliver Cromwell had engraved upon some bronze guns, "Teach us to shower forth thy praise, O, Lord." Too lengthy for our coin, but so applied more beneficent—in diffusion of wealth. The most appropriately consistent devices for embellishment of the coin of our country would be—obverse: A bust of the laureated head of the Father of His Country, with motto of Liberty. Reverse: The precise heraldic arms of the United States of America, and no other stellar ornament than the constellated crest, and no other legend than the title, value, and date, and motto of arms. Such would be creditable to our nationality, and place us among the most favored nations of Christendom.

With profound respect,

J. GOLDSBOROUGH BRUFF.

MEMORANDA.

Dollar, 1792.—A small bird flying across the field; has the appearance of a grouse.

Dollar, 1794.—A small bird intended for the American eagle, encircled by a laurel wreath.

Gold $20, 1795.—An eagle standing upon a palm branch, outstretched wings, in beak a wreath.

Dollar, 1796.—National arms as known, but branch and arrows transposed.

Dollar, 1796.—Eagle standing upon a rock or cloud within a wreath of palm or laurel.

Dollar, 1797-'98.—The arms as known.

Gold $5, 1803.—An eagle displayed behind a great shield, in style of the seals.

Dollar, 1803.—Similar to that of 1796.

Dollar, 1803.—An eagle squatting, arrows and branch; right wing up, left wing down.

Dollar, 1815 and 1835.—Same.

Dollar, 1836.—The eagle volant (the flying fancy).

Gold $20, 1840.—Emerging from behind an immense square shield an eagle, displayed over him the crest of thirteen stars, ovally environed by clouds; radiations on the field; on each side a heavy sculptured architectural S (scroll), upper part overlaying the bird's wings—an inexplicable deformity.

Octagonal gold $50 piece, 1851.—Eagle with expanded wings, standing on left foot, with right holds out to the front nearly horizontally an immense "American escutcheon," perspectively inclined. He holds in beak a scarf, part of which has blown over and around his right wing. The national significance of these peculiarities unknown.

Dollar, 1853.—A reproduction of that of 1835.

Dollar, 1854.—An exasperated and alarmed eagle, with expanded wings and head low, looking to the rear with open mouth, stands upon another prostrate (debased) escutcheon. Perhaps this is symbolic of the recovery of the escutcheon of 1851, dropped soon after by the exhausted eagle of that date.

*The emphasis given to this new faith (unauthorized by act of Congress) is paramount to *E pluribus unum*, Liberty, and the bird of Jove, exemplified in old English Gothic.

Dollar, 1877.—The renowned trade-dollar. Ob., a female seated upon a bale of goods, looking to her right. (Her emaciated arms seemingly indicate delicate constitution.) Her extended right hand to the front holds a bunch of leaves and berries, somewhat in imitation of the figure of Britannia, on the pennies. Her left hand down at her side holds a ribbon inscribed "Liberty." At her back another bale of goods supports a sheaf of wheat. In background a shipless ocean. *In exergue* that remarkable inspiration of somebody—"In God we trust"—and the thirteen stars of the exploded crest around the circumference. The drapery of the infirm genius of liberty is well executed. Rev., an eagle standing, wings partly open (such in Heraldry is called "close"); is not our American bald-eagle, but another species of the mint eagle; has a hairy neck, like unto the cassowary, a swelled throat, and very square body; slightly in perspective, left leg crippled, the talons grasping a laurel branch, and the right three arrows. In label overhead the national motto; *in exergue* "Trade-Dollar."

1878.—Dollar popularly known as the "dollar of our dads." Ob., the head of Ceres, and Liberty with falling cap, &c.; a small, acute, tongue-like projection from throat seems to be the fragment of a bust.

N. B. In numismatic art, exclusive of the heraldic portion, emblematic and symbolical forms are significant of appropriate nationalities.

J. G. BRUFF.

WASHINGTON, *December*, 1886.

THE CITY OF WASHINGTON, *December* 20, 1886.

The undersigned, now advanced three months in his eighty-third year of age, is the eldest employé of the Government of the United States, having given the best abilities of his faculties, in drawing and designing, to the service of the State, and for very moderate pay, for a term of about sixty-three years. Subjects of design, seals, medals, vignettes, &c., swords, buttons, and other insignias; military, naval, revenue marine, &c., architectural ornamental work of every kind, &c. It was a necessity to become acquainted with heraldic art fifty years ago, by which and the fact so evident that our country only of all the nations of Christendom did not have a shield or escutcheon for the basis of her arms, and the crest was confusedly added to the device for the arms. For many years it became an anxious concern, I may say, patriotically, that such was the case, yet hoping on, from year to year, that such patent errors would be seen to be presented in due form for our national legislature to consider and have corrected. Many years since, deeming it a high duty to my country, I did have a memorial, rather hurriedly engrossed, presented. It was referred to the Commitee on the Library, and slept. Now (that which must inevitably hereafter, otherwise) I have the honor to submit this very important national subject to the sovereign fount of promoting national progress and prosperity and sustainer of national rights among the nations of the world. Of course, the basis and standard of the regeneration of our national arms must unquestionably be in the national signets, the great and the lesser seals of State, and the reform in the Executive Department of Government must soon ensue. An act for a new great seal of State, and smaller ones, on the obverse of which to be properly delineated, in the best style of art, the true heraldic arms of the United States of America correctly emblazoned.

With the highest considerations of respect, I am, obediently, &c.,

J. GOLDSBOROUGH BRUFF.

Mr. CALL. I present a petition of the Atlanta (Ga.) Board of Trade and Chamber of Commerce, praying that an appropriation be made for the improvement of the port of Tampa, in Florida. This petition states that a saving of many million dollars can be made to the citizens of the South and West and Southwest on goods now consumed by them, coming from the Island of Cuba and city of Havana and the northern seacoasts of South America. It also states that a large amount of work can be given to the Southern and Southwestern railroads, amounting in imports to nearly $66,000,000, and in exports to nearly $30,000,000. It also states that the distance from Tampa Bay, Fla., to Chicago, the great inland market of the United States, is the same as it is from Tampa Bay to New York, and that these goods could be placed in Saint Louis and Louisville and Chicago long before they could reach New York by the way they are now shipped.

It also states that a very large part of the products which are the subjects of this commerce are perishable and require speedy transportation to enable the consumer to obtain them at a small cost. It also states the imports of fruit through New York in 1885 were of the value of $4,686,710, leaving out sugar, rice, coffee, and rubber, and that $1,343,305 in value perished in the long shipment. It also states that vessels and cargoes in value amounting to $100,000,000 have been lost on the route now taken by this commerce, and that $7,000,000 of insurance has been paid in ten years, amounting to $107,000,000, which will be avoided and saved in the future by improving the channels of Tampa Bay, Fla., so as to enable vessels requiring deep water to enter there easily and safely. Mr. President, the port of Tampa is now connected by an excellent railway system, under the best management, with all parts of the United States. A superior class of vessels of the finest construction, all built in the United States, are now engaged in this commerce with the West Indies; and others only await assurances that Congress will give proper consideration to the necessity of adequate appropriations for deepening the channel of Tampa Bay before engaging in the Central and South American commerce.

Mr. President, I earnestly urge the Committee on Commerce to give immediate attention to the necessity of making an appropriation for the port of Tampa.

The petitioners pray that Congress may make an appropriation adequate to the improvement of the port of Tampa in such a manner as to admit vessels suitable for that commerce, and that they will immediately report favorably a bill making Tampa a full port of entry.

The large foreign commerce now carried on at that port, and capable of very large development, imperatively demands the passage of these bills without delay.

I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (H. R. 1776) for the relief of Faran & McLean, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 1075) to provide for marking with a monument the grave of General Daniel Morgan in the cemetery at Winchester, Va., reported it, with amendments, and submitted a report thereon.

PASSPORT FEE.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (S. 3014) to fix the charge for passports at $1, to report it without amendment.

As the bill is very brief, and has been favorably considered by the Committee on Foreign Relations, and unanimously agreed to by the Committee on Finance, I ask for its present consideration.

The bill was read, and by unanimous consent the Senate as in Committee of the Whole proceeded to consider it.

Mr. INGALLS. What is the fee now?

Mr. MORRILL. Five dollars.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read a third time, and passed.

Mr. BECK. I ask that the report sent in by the Secretary of State, and which accompanies the bill, be printed in the RECORD, so that the House of Representatives may see it. It is very short.

The PRESIDENT *pro tempore*. If there be no objection the report of the Secretary of State accompanying the bill will be printed in the RECORD.

The document is as follows:

To the Senate:

In response to a resolution of the Senate of the 5th instant, inquiring as to the necessity for the continuance of the present charge for passports for American citizens desiring to visit foreign countries, I transmit herewith the report of the Secretary of State on the subject.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, May* 17, 1886.

To the President:

The Secretary of State has received from the Senate a resolution bearing date the 5th instant, of which the following is the text:

"*Resolved*, That the Secretary of State be, and he is hereby, directed to inform the Senate what necessity, if any, exists for the continuance of the present charge for passports to citizens of the United States desiring to visit foreign countries, and whether in his opinion the charge now made can be reduced or dispensed with without detriment to the public service."

In reply the Secretary of State has the honor to state that the possession of passports by American citizens traveling in Russia, Germany, Turkey, and Spain, and the dependencies of these countries, is still there a subject of legal requirement. In addition, it is desirable that all naturalized citizens of the United States visiting the country of their origin should carry passports as proof of their acquired citizenship.

The present legal fee for a passport is $5, and in the year commencing March 7, 1885, and ending March 7, 1886, there were issued 4,600 passports, and from the fees charged a revenue of $23,000 was derived.

I am disposed to recommend a reduction in this charge to $1 for each passport, as the fees derived therefrom would fully pay for all the clerical force, stationery, and postage made necessary.

Respectfully submitted.

T. F. BAYARD.

DEPARTMENT OF STATE, *Washington, May* 17, 1886.

DEFICIENCY APPROPRIATION FOR PRINTING, ETC.

Mr. ALLISON. The Committee on Appropriations instruct me to report back favorably with amendments the bill (H. R. 10239) making an appropriation to supply a deficiency in the appropriation for public printing and binding for the fiscal year ending June 30, 1887, and for other purposes.

The PRESIDENT *pro tempore*. Does the Senator from Iowa ask for the present consideration of the bill?

Mr. ALLISON. I should be glad to have it considered at this moment, or considered immediately after the routine morning business is disposed of. This bill ought to be considered to-day.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The amendments reported by the Committee on Appropriations will be stated.

The first amendment was, at the end of line 21, to insert:

To be expended for the foregoing purposes ratably and in the proportion provided in the act making appropriations for sundry civil expenses of the Government for the current fiscal year.

So as to read:

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, Library of Congress, the executive office, and the Departments, including salaries or compensation of all necessary clerks and employés, for labor (by the day, piece, or contract), and for all the necessary materials which may be needed in the prosecution of the work, $85,000; to be expended for the foregoing purposes ratably and in the proportion provided in the act making appropriations for sundry civil expenses of the Government for the current fiscal year.

The amendment was agreed to.

The next amendment was, in line 24, after the word "counters," to strike out the words "one captain of the watch, four," and insert

"five;" and in line 26, after the word "superintendent," to strike out the words "and necessary expenses;" so as to read:

For paper, including transportation, salaries of register, two counters, five watchmen, one laborer, and expenses of officer detailed from the Treasury as superintendent, $17,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PUBLIC BUILDING AT FORT SCOTT, KANS.

Mr. MAHONE. I am directed by the Committee on Public Buildings and Grounds, to whom were referred the amendments of the House of Representatives to the bill (S. 1386) for the completion of a public building at Fort Scott, Kans., to move that the Senate disagree to the amendments of the House of Representatives and ask for a conference on the disagreeing votes of the two Houses.

The PRESIDENT *pro tempore*. Does the Senator from Virginia desire to have the amendments read?

Mr. MAHONE. No, sir.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Virginia.

The motion was agreed to.

Mr. PLUMB. In that case a committee of conference is desired.

The PRESIDENT *pro tempore*. The order for a conference has been made.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. MAHONE, Mr. PLUMB, and Mr. VEST were appointed.

BILLS INTRODUCED.

Mr. PLUMB introduced a bill (S. 3030) granting an increase of pension to James B. Phillips; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3031) granting a pension to Edwin Miller; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 3032) authorizing the Secretary of the Interior to issue certificates to certain persons who owned buildings on Hot Springs reservation for the value thereof, which buildings had been condemned and afterwards burned; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PUGH introduced a bill (S. 3033) regulating the proceedings in Congress upon private claims; which was read twice by its title, and referred to the Committee on Claims.

Mr. SAULSBURY (by request) introduced a bill (S. 3034) supplementary to the acts relating to naturalization, prescribing the mode for persons of foreign birth to become citizens; which was read twice by its title.

Mr. SAULSBURY. I desire to say that this bill was prepared by a member of the judiciary in a very large city, who has to deal very largely with naturalization. I move that it be referred to the Committee on the Judiciary.

Mr. HOAR. I suggest to the Senator from Delaware that the bill might be appropriately referred to the Committee on Privileges and Elections, of which the Senator is a member. That class of subjects has of late years gone to that committee.

Mr. SAULSBURY. It seems to me proper to have it referred to the Judiciary Committee. I have introduced the bill by request. It was prepared by a distinguished member of the judiciary of another State from my own, with the request that I should introduce it. Of course I know very little about it.

Mr. HOAR. I suggest to the Senator that it go to the Committee on Privileges and Elections.

Mr. SAULSBURY. I think myself that the appropriate committee is the Committee on the Judiciary.

Mr. HOAR. Well, I make no point on it.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on the Judiciary.

Mr. HALE introduced a bill (S. 3035) granting a pension to Lovinia Reves; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SEWELL introduce a bill (S. 3036) granting a pension to William Moneypenny; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3037) for the relief of Margaret Callanan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MAHONE introduced a bill (S. 3038) to provide for a light-house at Newport News Point, Virginia; which was read twice by its title, and referred to the Committee on Commerce.

Mr. KENNA introduced a bill (S. 3039) to authorize the construction of bridges across the Great Kanawha River below the Falls, and to prescribe the dimensions of the same; which was read twice by its title, and referred to the Committee on Commerce.

He also (by request) introduced a bill (S. 3040) to establish an additional land district in the State of Colorado; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. MITCHELL, of Oregon, introduced a bill (S. 3041) granting the Spokane and Palouse Railway Company the right of way through the Cœur d'Alene Indian Reservation; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. DAWES introduced a bill (S. 3042) granting the right of way to the Yankton and Missouri Valley Railway Company through the Yankton Indian Reservation in the Territory of Dakota; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. SPOONER introduced a bill (S. 3043) to authorize the Wisconsin Railway and Navigation Company, its successors and assigns, to construct a bridge across Sturgeon Bay at any accessible point in the county of Door, State of Wisconsin; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MORRILL introduced a joint resolution (S. R. 90) appointing James B. Angell a member of the Board of Regents of the Smithsonian Institution; which was read twice by its title, and referred to the Committee on the Library.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WILLIAMS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DOLPH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Fisheries, and ordered to be printed.

SMITHSONIAN INSTITUTION REGENT.

Mr. SEWELL. I am directed by the Committee on the Library, to whom was referred the joint resolution (S. R. 90) appointing James B. Angell a member of the Board of Regents of the Smithsonian Institution, to report it without amendment; and I ask for its present consideration.

Mr. EDMUNDS. Let us hear what it is?

Mr. INGALLS. Let it be read for information.

The Chief Clerk read the joint resolution, as follows:

Resolved, &c., That the existing vacancy in the Board of Regents of the Smithsonian Institution of the class "other than members of Congress" shall be filled by the appointment of James B. Angell, of the State of Michigan, in place of John Maclean, deceased.

Mr. EDMUNDS. There is no objection. It is a very good selection.

By unanimous consent, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NICARAGUAN SHIP-CANAL.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President of the United States be requested, if in his opinion it is not incompatible with the public service, to communicate to the Senate any correspondence with the Government of Nicaragua since February, 1885, relating to the construction of a ship-canal through that country, or relating to the treaty on that subject which was pending in the Senate on March 4, 1885.

ARREARS OF PENSIONS.

Mr. INGALLS. I move the adoption of the resolution that I send to the desk.

The resolution was read, as follows:

Resolved, That the Committee on Pensions be discharged from the further consideration of Senate bill No. 35, to remove the limitation in the payment of arrears of pensions.

Mr. INGALLS. Mr. President, as this resolution is somewhat unusual in its terms I take occasion to say that it is presented with no design of making any reflection either upon the diligence or the patriotism of the members of the Committee on Pensions.

I introduced this bill on the 8th of December, 1885, and it was referred on the same day to the Committee on Pensions, where, so far as I know, it has since been reposing.

The bill concerns a subject which has been exhaustively debated in this body and elsewhere for many years. Every pensioner now upon the rolls who filed his claim prior to the 1st day of July, 1880, had his pension adjudicated and allowed to date from the time of his disability or discharge, or, if a dependent relative, from the death of the person on whose account the pension was granted.

It appears to me that thirteen months is sufficient time for deliberation, and I assume, as the committee have taken no action, either that there is an irreconcilable difference of opinion, or else a disinclination to allow the Senate to vote on this measure.

My mails are burdened with supplications from those who think that they are entitled to the relief which this bill would grant. I owe them a duty which I want to discharge by asking a vote of the Senate upon the proposition, whether they favor this measure or whether they do not.

I therefore hope that the Senate will allow the resolution to be acted upon this morning, and I shall ask for the yeas and nays upon its adoption.

The PRESIDENT *pro tempore*. If there be no objection to the present consideration of the resolution, the question is on its adoption.

Mr. BLAIR. Before there is action on the resolution I desire to say a word.

Mr. HOAR. If this matter is to be debated——

Mr. BLAIR. I desire to speak but a moment—not as long as the Senator from Kansas has spoken.

Mr. HOAR. I propose to interpose an objection unless a resolution merely providing for the printing of a document which comes over from yesterday can be first considered. That is all.

The PRESIDENT *pro tempore*. Objection being made, the resolution goes over under the rule.

Mr. HOAR. No; I shall not make an objection if the Senator from New Hampshire will allow my resolution for printing a document to pass in the first place.

The PRESIDENT *pro tempore*. If there be no objection, the Senator from New Hampshire [Mr. BLAIR] will proceed.

Mr. BLAIR. I wish to occupy but a moment. I do not propose to take any time.

Mr. HOAR. I ask the Chair to lay before the Senate the resolution which went over yesterday—to print a document.

The PRESIDENT *pro tempore*. The Senator from Massachusetts is understood to object to the present consideration of the resolution submitted by the Senator from Kansas.

Mr. HOAR. For the present; I shall make no objection after that is done.

The PRESIDENT *pro tempore*. Are there further concurrent or other resolutions? If not, it is the duty of the Chair to lay before the Senate the resolutions which have come over under objection.

Mr. INGALLS. What has become of the resolution that I offered?

The PRESIDENT *pro tempore*. The Chair understood the Senator from Massachusetts to object to its present consideration.

Mr. INGALLS. No, he expressly said he did not object to it.

Mr. BLAIR. I understood him to object unless it could be waived for a moment until a resolution offered by him yesterday was acted on.

Mr. INGALLS. He desired action upon his resolution calling for the printing of a document.

Mr. HOAR. That is all.

Mr. INGALLS. But disavowed any desire to make objection to this resolution.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Massachusetts as objecting to the resolution offered by the Senator from Kansas.

Mr. HOAR. Merely for a moment.

The PRESIDENT *pro tempore*. The Chair does not understand the rule as allowing an objection for a moment.

Mr. HOAR. I ask that the resolution offered by me yesterday may come up as of right. I desire to be absent at the meeting of a conference committee. It may be called up and passed, and then I make no further objection to the resolution of the Senator from Kansas.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 222) to amend section 1661 of the Revised Statutes making an annual appropriation to provide arms and equipments for the militia, with an amendment; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution providing that when the two Houses adjourn on Wednesday, December 22, 1886, they stand adjourned until Tuesday, January 4, 1887; in which the concurrence of the Senate was requested.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 3504) to amend section 4414 of the Revised Statutes relating to inspectors of hulls and boilers;

A bill (H. R. 5878) to amend the act entitled "An act to modify the postal money-order system, and for other purposes," approved March 3, 1883; and

A bill (H. R. 5890) for the relief of Grafton Monroe.

MAJOR POWELL'S REPORT ON ALASKA.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution submitted yesterday by the Senator from Massachusetts [Mr. HOAR], which comes over under objection.

The resolution was read, and agreed to, as follows:

Resolved, That the report of Major Powell to the Secretary of the Interior in relation to Senate bill No. 1907, to facilitate the settlement and develop the resources of the Territory of Alaska, and to open an overland commercial route between the United States, Asiatic Russia, and Japan, be printed for the use of the Senate.

ARREARS OF PENSIONS.

Mr. HOAR. I now make no further objection to the resolution submitted by the Senator from Kansas.

Several SENATORS. Let the resolution be read.

The resolution was read, as follows:

Resolved, That the Committee on Pensions be discharged from the further consideration of Senate bill No. 35, to remove the limitation in the payment of arrears of pensions.

Mr. BLAIR. That bill was introduced early in the last session and referred to the Committee on Pensions, of which I was acting chairman. The chairman himself is now in the city, but I do not see him in the Chamber this morning. The committee has considered the bill several times. Personally I have made strong efforts to get it reported favorably. A majority of the committee is against the bill. I have always been in favor of it; and I join with the Senator from Kansas in his effort to bring the Senate to a vote upon the merits of the bill by his motion to discharge the committee from its further consideration.

Mr. INGALLS. I ask for the yeas and nays on the passage of the resolution.

Mr. GORMAN. I object to the consideration of the resolution.

The PRESIDENT *pro tempore*. Objection being made, the resolution goes over under the rule, and will be printed.

USE OF COLUMBIA RIVER APPROPRIATIONS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution submitted yesterday by the Senator from Oregon [Mr. MITCHELL], which comes over under objection.

The resolution was read, as follows:

Whereas it is alleged in the public prints of Oregon that a steam-vessel known as "The Cascades of the Columbia, United States Engineers," was heretofore built under the direction of the United States engineer then in charge of work at the canal and locks at the Cascades of the Columbia, under the direction of the Chief of Engineers and Secretary of War at a cost of about $70,000, and paid for out of money heretofore appropriated by Congress for the purpose of continuing the construction of the canal and locks at that point; and

Whereas it is further alleged in such public prints that such vessel is not used in carrying on said work, but is used as a transport and tender to the jetty works now being constructed opposite to the Saint Helen's Bar in the Columbia River, some 80 miles distant from said canal and locks; and

Whereas it is further alleged in such public prints that a steam-launch, now alleged to be used as an excursion boat for the army officers at Vancouver, Washington Territory, was also constructed under the direction of the United States engineers and paid for by a misappropriation of money heretofore appropriated by Congress for the purpose of constructing said canal and locks at the Cascades of the Columbia; and

Whereas it is further alleged that the cost of maintaining these boats has been and is about $10,000 a year, which sum annually, it is alleged, has been paid out of the funds heretofore appropriated by Congress for the purpose of carrying on said work at the canal and locks aforesaid: Therefore,

Resolved, That the Secretary of War be, and he is hereby, directed to advise the Senate at his earliest practicable convenience whether any such steam-vessel known as, licensed, or called "The Cascades of the Columbia, United States Engineers," or any steam-launch, has at any time heretofore, and, if so, when, been built on the Columbia River for use on said river, under the authority or direction or with the approval of the Chief of Engineers or Secretary of War, and, if so, for what purpose was such vessel or vessels built, the date when commenced and when completed, under what authority constructed, the cost of the same and each thereof, if more than one, and out of what appropriation paid for; also in what particular service such vessel or vessels have been employed since their completion, at what particular place or places and how long at each place employed; also the cost and expense of maintaining such vessel or vessels per annum since completed, and from what fund or funds have such cost and expense been paid.

Mr. MITCHELL, of Oregon. I simply desire to say that so far as the charges recited in the preamble are concerned I know nothing personally in reference to them. I do know that the charges have been made and reiterated in the public prints of Oregon. If they are false it is nothing more than right that the War Department should have an opportunity to answer them. If they are true then it is due to the people interested in river and harbor improvements in Oregon and due to Congress that the truth should be known.

The resolution simply calls for information, and I presume there will be no objection from any source to a resolution of that character under the circumstances.

Mr. GORMAN. I move the reference of the resolution to the Committee on Commerce.

The PRESIDENT *pro tempore*. The Senator from Maryland moves that the resolution be referred to the Committee on Commerce.

Mr. GORMAN. I desire to say to the Senator from Oregon that I make the motion for this reason: The Senate has within the last ten days or two weeks passed a resolution calling upon the Secretary of War for information in relation to the construction of these works and a change of the engineers. I think under the circumstances we had better wait until an answer to that resolution is furnished to the Senate. Therefore I have moved the reference of this resolution to the Committee on Commerce.

Mr. MITCHELL, of Oregon. I hope the resolution will not be referred. I regret very much that the Senator from Maryland should

move the reference of the resolution. What is there to be considered by a committee? There is a recital in it that certain grave charges have been made in the public prints in reference to the use of money appropriated by Congress for the purpose of carrying on a great public improvement. The preamble simply recites the fact that such charges have been publicly made in the public prints, and the resolution concludes by calling upon the Secretary of War for information, first, as to whether these boats have been constructed; second, out of what funds they have been paid for; and, in the third place, whether if constructed out of the funds appropriated by Congress for a specific purpose, with a view of using the boats in carrying on the work for which such funds were appropriated, whether it is true as alleged in the public prints that the vessels are not used for the purpose for which they were constructed, but are being used for some other and different purpose.

I regard that as a very grave charge. I hope it may turn out that there is not one word of truth in it. If there is no truth in it, as I stated before, then it seems to me the War Department would be glad to have the opportunity of replying to it and stating the facts in connection with the whole business; but, as I said before, if the charges are true, it is the right of the people interested in these works, and it is a right that the Senate has, to know the facts. I hope the Senator from Maryland will withdraw his motion to refer and allow the resolution to be adopted.

Mr. HAWLEY. I do not wish to advise the Senator from Oregon in this matter, but I beg to observe that it is quite a common thing that rumors get into circulation in the public press concerning public business which could be set entirely at rest by a single personal inquiry if it were thought worth while to follow it up. I do not know whether the Senator has made any such inquiry in this case; but I can say that, for myself, I sometimes, when I deem a matter of that sort of sufficient consequence, write as a Senator to the proper officer of the Government, and I receive an ordinary formal communication which disposes of the whole subject. It is possible it may be so in this case. Here is rather a formidable series of charges or intimations that there has been something very wrong. It is possible that a single page from the War Department would set the matter entirely right. I do not know whether this is giving the matter undue dignity or not, but I know that is often done.

Mr. GORMAN. I have serious objections at any time to the passage of resolutions in such a form as this.

The Senator from Oregon knows very well that there was a resolution adopted on his motion some ten days ago calling on the Secretary of War for all the information relative to the construction of these works. I voted for it with great pleasure. I think the resolution then offered will bring out all the facts in relation to the change in the character of this work and the change of the officers in charge.

Now I submit to the Senator from Oregon that to bring in here a resolution with a number of whereases and based alone upon statements in the partisan press is not a proper way to reach this matter, and will only tend to obstruct this great work on the Columbia River.

The War Department, for some reason not yet communicated to the Senate, has seen proper to consolidate both these works at the mouth of the Columbia River and the lock at the Cascades under one engineer. The Government owns these boats. The engineer officer unquestionably needs them for either purpose, at the mouth of the river or at the Cascades. When the information in answer to the resolution the Senator before offered comes from the War Department, the Committee on Commerce, as a matter of course, I take it, will be bound to examine the whole subject, and then will be the time for the consideration of these allegations made in the public press.

I can not therefore withdraw my motion to refer the resolution to the Committee on Commerce.

Mr. MITCHELL, of Oregon. Mr. President, I desire to say to the Senator from Maryland that there is an almost universal belief among the people of Oregon and Washington Territory interested in the speedy opening up to free navigation of the Columbia River that there is not that expedition, to use a very mild phrase, that there might have been or ought to have been, on the part of the executive officers of the Government, in expending and properly utilizing the money which has been appropriated from time to time by Congress with which to carry on these improvements. Whether that belief is well founded or not I am not prepared to say just now; but it is expected, I can state to the Senator and to the Senate, by the people of Oregon and Washington Territory, irrespective of party, that the Department should be called on by the Senate to make explanation. As I said before, I hope the answer and the explanation may be entirely satisfactory as to the various statements that are being made in the press in Oregon and Washington Territory in regard to this matter.

Now I will say to the Senator from Maryland, because I know he takes a deep interest in the improvement of the Columbia River, if he thinks that it is proper, and he has suggested that it is proper, that action should not be had on this resolution until an answer comes in from the War Department in response to the other resolution which passed the Senate some days since calling for information, I will agree that this resolution may lie on the table until the answer to the other from the Secretary of War is received, reserving the right, after we have examined that answer, to press this resolution further or otherwise as I may think proper, and as I may think the facts justify.

I ask, therefore, that the pending resolution lie on the table until the answer is received from the Secretary of War to the former resolution adopted by the Senate in reference to the work on the canal and locks at the Cascades of the Columbia River.

The PRESIDENT *pro tempore*. If there be no objection, that order will be made.

There is another resolution on the same subject, offered by the Senator from Oregon yesterday. Does the Senator ask action on it?

Mr. GORMAN. I suggest that the Senator had better allow both resolutions to go over.

Mr. MITCHELL, of Oregon. I ask the same order on that.

The PRESIDENT *pro tempore*. The order will be made.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. PAYNE, it was

Ordered, That the papers in the case of E. C. Garlick be withdrawn from the files and referred to the Committee on Claims.

ARMS, ETC., FOR THE MILITIA.

Mr. SEWELL. I ask the Senate to take up the bill (S. 222) which was returned from the House of Representatives with an amendment.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the amendment of the House of Representatives to the bill (S. 222) to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia; which will be read.

The Chief Clerk read the amendment, which was, on page 1, line 3, before the words "hundred thousand," to strike out "six" and insert "four;" so as to read:

SECTION 1. That the sum of $400,000 is hereby annually appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purpose of providing arms and ordnance stores, quartermaster's stores, and camp equipage for issue to the militia.

Mr. SEWELL. I move that the Senate disagree to the amendment made by the House of Representatives, and ask for a conference on the disagreeing votes.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. SEWELL, Mr. HAWLEY, and Mr. COCKRELL were appointed.

ORDER OF BUSINESS—CONFERENCE REPORTS.

The PRESIDENT *pro tempore*. The morning business is now closed, and the Calendar is in order.

Mr. VEST. I move that the Senate proceed to the consideration of the bill (S. 2589) being Order of Business 1453.

Mr. CULLOM. I desire to call up the conference report on the bill (S. 1532).

The PRESIDENT *pro tempore*. That is not now in order until the question is taken on the motion of the Senator from Missouri [Mr. VEST].

Mr. EDMUNDS. Let the title of the bill be read for information.

The PRESIDENT *pro tempore*. The title of the bill the Senator from Mississippi proposes to take up will be read.

The CHIEF CLERK. "A bill (S. 2589) authorizing the construction of a bridge over the Mississippi River at Saint Louis, Mo."

Mr. ALLISON. I hope the Senator from Missouri will not ask the Senate to take up that bill to-day. There is a contest respecting the manner of constructing this bridge, as the Senator knows, and many people are interested in it. I understand an examination is now being made by the engineers of the War Department respecting the proper mode of constructing a bridge at this point, having reference to the preservation of the navigation of the river. I think that report will be in after the holidays. I trust the Senator will allow the bill to go over without prejudice until after that time.

Mr. VEST. I can not agree to that. The bill has been pending here now several months. It was reported by the Committee on Commerce months ago. I know there is a contest about it; but I want that contest settled. If the bill is put off until after the holidays it delays the construction of the bridge; there is no other result.

This is a bill of the very greatest importance to the people of the West, not only to the city of Saint Louis but to the States beyond. It is a proposition to construct a free bridge across the Mississippi River at Saint Louis. I know the interest the Senator from Iowa speaks of that is opposing it. All we want is a fair discussion and an immediate decision. Therefore I insist on my motion.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Missouri.

Mr. GEORGE. If that motion prevails, what effect will it have on the unfinished business?

The PRESIDENT *pro tempore*. None at all. The question is on the motion of the Senator from Missouri.

Mr. ALLISON. I ask for the yeas and nays on the motion.

Mr. MCMILLAN. I desire to say that I think this matter will lead to a prolonged discussion. There is a report of the committee in favor

of this bill, but it is not a unanimous report. There was a decided conflict and difference of opinion in regard to the matter in committee, so that it will lead to a long discussion, and on the eve of an adjournment for the holiday recess I think it had better not be taken up.

Mr. HARRIS. I rise to a parliamentary inquiry.

The PRESIDENT *pro tempore*. The Chair will hear the Senator.

Mr. HARRIS. The question that I want to propound is, is not the motion of the Senator from Illinois [Mr. CULLOM] a privileged question, and does it not take precedence of the motion of the Senator from Missouri [Mr. VEST]?

The PRESIDENT *pro tempore*. The Chair is of the opinion that under the rules the motion to take up bills must be taken in their order without debate. Debate is out of order.

Mr. HARRIS. The motion of the Senator from Illinois was to take up the report of the conference committee on the interstate-commerce bill. My opinion is that it is a privileged question, that he has a right to call it up at any moment he chooses to do so.

The PRESIDENT *pro tempore*. The Chair will examine the rules. [A pause.] The Chair will have Rule IX read.

The Chief Clerk read as follows:

RULE IX.

ORDER OF BUSINESS.

Immediately after the consideration of cases not objected to upon the Calendar is completed, and not later than 2 o'clock, if there shall be no special orders for that time, the Calendar of General Orders shall be taken up and proceeded with in its order, beginning with the first subject on the Calendar next after the last subject disposed of in proceeding with the Calendar; and in such case the following motions shall be in order at any time as privileged motions, save as against a motion to adjourn, or to proceed to the consideration of executive business, or questions of privilege, to wit:

First. A motion to proceed to the consideration of an appropriation or revenue bill.

Second. A motion to proceed to the consideration of any other bill on the Calendar, which motion shall not be open to amendment.

Third. A motion to pass over the pending subject, which, if carried, shall have the effect to leave such subject without prejudice in its place on the Calendar.

Fourth. A motion to place such subject at the foot of the Calendar.

Each of the foregoing motions shall be decided without debate, and shall have precedence in the order above named, and may be submitted as in the nature and with all the rights of questions of order.

Mr. HARRIS. I ask the Chief Clerk to read the rule on the subject of conference reports. That is the rule to which I referred.

Mr. FRYE. Rule XXVII.

The PRESIDENT *pro tempore*. Rule XXVII will be read.

The Chief Clerk read as follows:

RULE XXVII.

REPORTS OF CONFERENCE COMMITTEES.

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

Mr. CULLOM. That indicates, I think, that I have a right to make the motion whenever I can get the floor to do so; but it is in the power of the Senate to determine whether it will consider the subject or not.

If I may be allowed to make a statement in reference to this subject at this time, I will do so.

The PRESIDENT *pro tempore*. The Chair will determine the point of order in the first place. The Chair is of opinion that pending a motion to proceed to the consideration of a bill, under the last clause of the eighth rule, it would be in order to move to proceed to the consideration of a conference report. The two rules when construed together give to a conference report the privilege of being taken up at the pleasure of the Senate as against every other question except a motion to adjourn or when the Senate is dividing. So when the Senator from Illinois shall make such a motion—the Chair does not understand that the Senator has yet made the motion—the Chair will put it.

Mr. CULLOM. I rose to make the motion, and I only want to say, if I may be allowed, that I desire to call up the report of the conference committee on the bill (S. 1532) for consideration to-day for the purpose of giving the Senator from Iowa [Mr. WILSON] an opportunity to make some remarks upon the bill, after which, in accordance with the suggestion of very many Senators on both sides of the Chamber that it would be impracticable to consider and vote upon the conference report before the holidays, I have determined that, so far as I am concerned, I shall consent, after the remarks of the Senator from Iowa, to let the bill go over until after the holidays, with the announcement now that whenever the Senate shall resume its sessions I shall call up the report again for consideration, and shall insist upon its consideration from day to day until it is disposed of.

The PRESIDENT *pro tempore*. Does the Senator submit a motion now to proceed to the consideration of the conference report?

Mr. CULLOM. I make the motion now to proceed to the consideration of the conference report.

The PRESIDENT *pro tempore*. The Chair is of opinion that the motion is in order. The question is on the motion of the Senator from Illinois to proceed to the consideration of the report of the committee of conference on the bill (S. 1532) to regulate commerce.

The motion was agreed to.

The PRESIDENT *pro tempore*. The conference report is before the Senate.

Mr. WILSON, of Iowa. Mr. President——

HOLIDAY RECESS.

Mr. HOAR. I think it would be exceedingly convenient to the Senate, in reference to the arrangement of business, and also to many individual Senators, to know at as early a time as possible what disposition is to be made of the House resolution of adjournment; and with the leave of the Senator from Iowa [Mr. WILSON] I should like to ask his colleague [Mr. ALLISON] whether that may not be determined now, as he is chairman of the Committee on Appropriations.

Mr. ALLISON. It is proper, in response to the inquiry of the Senator from Massachusetts, to say that the Committee on Appropriations in an informal way have considered the question of adjournment for the holidays, such resolutions usually having been referred to that committee. I do not know that that course will be pursued now by the Senate; but I will say that the Committee on Appropriations do not intend to interpose any obstacle in the way of the passage of the resolution as it came from the House.

Mr. HOAR. On that statement I will take the liberty to ask the Chair, with the leave of the Senator from Iowa [Mr. WILSON], to lay that House resolution before the Senate now and have it acted upon.

The PRESIDENT *pro tempore*. Does the Senator from Iowa yield for that purpose?

Mr. WILSON, of Iowa. For that purpose, if it will not consume time, as I presume it will not.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution from the House of Representatives.

The Chief Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Wednesday, December 22, 1886, they stand adjourned until Tuesday, January 4, 1887.

The resolution was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 1659) for the relief of the survivors of the exploring steamer Jeannette and the widows and children of those who perished in the retreat from the wreck of that vessel in the arctic seas; and

A bill (H. R. 9987) to authorize the construction of a bridge across the Saint Louis River at the most accessible point between the States of Minnesota and Wisconsin.

The message also returned to the Senate the bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes, with the amendments of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 7536) to extend the free-delivery system of the Post-Office Department, and for other purposes;

A bill (H. R. 1813) for the relief of Pattison & Caldwell; and

Joint resolution (H. Res. 67) for the relief of William B. Isaacs & Co.

INTERSTATE COMMERCE.

The Senate resumed the consideration of the report of the Committee on Commerce on the bill (S. 1532) to regulate commerce.

Mr. WILSON, of Iowa. Mr. President, it is more than a decade since the agitation which finds a result in the report now commanding our attention became active in Congress. It had moved upon the minds of the people and made its presence felt by the instrumentalities of State governments before it appeared here. At its inception it manifested staying powers which portended ultimate success. It was an assertion, by disturbed conditions and interests, of sections, localities, business, of the forceful doctrine of equality on which our system of government is founded. It was a cumulative declaration that that doctrine is not confined in its application to the individual and his distinctive personal relations, but extends to all of the affairs, interests, and relations that are evolved and established by organized communities and movements of government. It was an assertion that the equality which has been our boast and pride from the beginning is a principle of society applicable to all things upon which government can act. Hence, the agitation, in the very nature of things, had staying powers equal to all of the exactions which the struggle precedent to success might impose.

A comparatively new system of transportation had, in effect and substantially, reversed all of our methods of domestic trade and commerce. It had assaulted all of the doctrines of our long established law relative to the duties and responsibilities of common carriers. It had asserted a masterful control of the doctrine of equal rights, and established in its stead a practice of discrimination that at last shocked the people's sense of justice and fair play. It laid its usurping hand upon sections,

localities, associations, and individuals, and all of their interests of trade, commerce, and business of whatsoever kind. It has steadily and unreasonably refused to recognize the simplest business principles, and marked out lines of action for itself, which have excited the resentment of almost every interest it was created to serve. It has made itself an intermeddler in almost every department of business and in almost every detail thereof. It has refused to admit that it was created to serve the proper purposes and interests of society, and has assumed to direct and control them. Not the public interests, but its own have been its study, forgetting that the true method of conserving the best conditions of both is to recognize the equal rights of each.

The managers of this system, while admitting great defects in it in respect of its own affairs, have resolutely opposed all efforts of the State and National Governments to project and establish reforms which would tend to assure justice and promote the common interest, and this explains why some conservative and proper legislation for the regulation of the unsatisfactory conditions existing in the interstate commerce of the country was not years ago enacted by Congress. There has been no disposition on the part of the managers of our transportation system to aid in the formulation of legislation which would tend to correct the abuses that they, in common with afflicted individuals and communities, admit to exist. They have tried among themselves to find remedies for some of these things in so far as they affect themselves and the immediate interests committed to their charge, and have uniformly failed. They will neither keep faith with each other or allow the public to aid them; and in all this they have done violence to their own interests and have intensified the demand of the people for some legislative remedy. It will not be wise to longer delay some affirmative response to this demand.

Mr. President, the contest which has attended this subject has been long and tedious. We have now reached a point in the movement when something may be done. The adoption of the report of the conference committee which we are now considering, by both Houses of Congress, while it will not accomplish all that I should like to have done, will afford the country an opportunity to test a regulative remedy, unless objections by the President be interposed by a veto of the bill. That differences of opinion prevail relative to the various propositions embodied in the report, we all know. But this is not a new phase of the movement. From the very commencement of the agitation which has culminated in the bill now before us, these differences have existed.

The most earnest friends of legislative regulation of interstate commerce have never wholly agreed. But they have toilsomely pursued the subject. Study, investigation, earnest effort they have pursued for years. Both Houses of Congress have had their proper committees at work on the subject for more than a decade. The public press has given it prolonged attention and forceful discussion. All of these agencies of information and effort, in so far as they have tended to affirmative action, have been confronted by the opposition of the forces of the transportation system of the country. These forces are active now, pleading for further delay and more investigation. In the New York Tribune of the 19th instant I read a reported interview with the president of the New York, Lake Erie and Western Railroad, and from it I make the following extract. The question having been put to him, "What do you suggest?" he answered:

> That Congress at once pass a bill something like this, appointing five boards of commissioners of three members each, to examine all questions involved and clothed with all powers necessary to obtain thorough, accurate information, including the examination of the books and accounts of the railroad companies, one of these boards to act in the territory of the Pacific roads, one for the roads northwest of Chicago, one for the States between the Mississippi and Ohio Rivers, one for the Southern States, and one for the trunk lines; these commissioners to assume their duties immediately upon their appointment by the President and confirmation by the Senate, and be required to have their reports ready by October 1, 1887. Then these fifteen commissioners, as a board, should recommend to Congress when it reassembles next December suitable legislation to meet the requirements of the case and to settle this difficult problem.

No one need have any difficulty in arriving at the true meaning of this statement. It simply means delay. For more than ten years this has been the policy of the managers of the transporting companies of the country. Their constant and ever repeated declaration has been that Congress is not sufficiently informed in respect of the intricacies of the transportation problem to act with due caution and wisdom thereon. But Congress has for years been informing itself concerning all of the phases of the question. Committees have spent months of time in the investigation. They have visited various sections of the country, examining hundreds of witnesses, and given to all parties and interests ample opportunity to present their views. Report after report has been made, accompanied by thousands of pages of printed testimony, all of which have been open to the inspection of whomsoever cared to devote their time and give their attention thereto. There is not a proposition either important or unimportant in the conference report now before the Senate that has not been considered in the investigations of the committees of Congress time and again and year after year. During all this time the demand has been for more delay, and it has been allowed until the public has become tired of it and now demands action.

But it is urged that there is great diversity of opinion relative to what ought to be done in the premises. This is true. It has been true from the beginning of the agitation. Will delay change this feature of the case? Will the practices of the transporting companies in respect of the things complained of by the people and concerning which this report proposes remedies cease? Answering these questions in the light of past experience, a negative must be given to each of them. How are we to resolve this conflict of opinion except by doing something? Theories have been having free course of assertion for years. They are as divergent now as ever. Delay will not change this fact. Another committee, whether it be composed of Senators and Representatives or of Commissioners of inquiry, will bring us no more definite result than we now have before us. And so, in my judgment, there is but one way to an effective resolution of this conflict of opinion.

We must have affirmative action. We must enact a law for the regulation of interstate commerce, and by experience under its administration come to a knowledge of the right and wrong of the war of opinion now obstructing our way. We may investigate and debate forever and still be apart. But action and the experience it will enforce are sure to bring an end to the contention that will conserve the true interests of all concerned. If we elect the opposite course then will we invite into the case the elements of danger; for a continuance of the many real iniquities which have found lodgment in our transportation system may induce a resentment on the part of the people that may not be satisfied with the character of experiment it is now proposed to try.

Mr. President, no one who has studied the railroad problem and has come to a knowledge of the men who manage our railroad corporations can doubt its difficulties, nor dispute the very great aggregation of commanding ability found among those who handle the great interests involved. But while these men possess very great ability and are marked intellectual forces, they have, it seems to me, fallen short in one essential element. Had they possessed this at its best, I doubt if the railroad problem with its present involvements could have appeared in this country. That one element is what is usually denominated common sense. Most of the facts on which the complaints of the people relative to the management of the transportation of the country are based may be accounted for by the absence of this essential element.

There is no other way by which to account for the present unfortunate involvement of the transportation question. The average amount of prudential action found in ordinary business affairs of men would, if applied to railroad management, have avoided our present predicament. This is apparent not only in their relations with the public but also in those pertaining to the corporations themselves. Let a man step out of active railroad management, though still retaining his investment interest, and he is very apt to acknowledge the truth of all that I have said in this regard. I found such a case reported in the Chicago Tribune a few days ago. An ex-railroad manager, still largely interested in Eastern and Western roads, in talking with a reporter of that paper in respect of the very measure we are now considering, said:

> It would prevent reckless competition between the various roads and stop the craze for constructing useless lines in territory already sufficiently supplied with railroad facilities. He was particularly enthusiastic about the provision prohibiting pooling. This, he said, was the best feature of the bill, and he could not see why any particular opposition should be shown toward it by Senator Platt. The law itself would accomplish all and much more than was expected of the pools. There being no longer any reckless competition, no unjust discrimination, and the publicity and uniformity of rates assured, there would no longer be any use for pools. Those pools had proved a most expensive experiment, and no adequate results were gained. Enough would be saved by having no longer to support high-salaried commissioners, assistant commissioners, arbitrators, armies of clerks, and from office rents, advertising, commissions, rebates, &c., to pay the dividends for many of the lines which are now barely able to meet the interest on their indebtedness.

This statement of the case is forceful and true. It comes from a man who has had experience as a railroad manager, and who, as such, doubtless participated in the very follies which, as an investor, he now denounces. He sees how great reform would come from the enactment of this bill. No one thing has given the railroads greater cost and more trouble than the pool system. No one thing has done more to demoralize railroad managers, officers, agents, and all involved either directly or indirectly in its administration than the railroad pool. Indeed, it has come to be expected that the pool of to-day will be disregarded by some of its members to-morrow, and it has come to be the basis of the hope of reward to railroad officers and agents to successfully enlarge business in violation of such arrangements. But such practices can not be kept under cover forever, and then comes the rate war and loss of revenue from points of competition.

Under the present system, however, these losses are unloaded on to the business of intermediate or local points. This practice, in itself an outrage, is a most fruitful source of complaint on the part of the people. But even when the obligations of the pool are observed the traffic is often conducted on a basis of rates less than fairly remunerative, when compared with those charged at the local stations. A vast amount of the railroad traffic of the country is done from so-called competing points at rates less than half those charged at local points on the same lines. This is an inequity that ought not to be tolerated, and which the bill we are now considering will prevent, if it shall become a law. Let this be done, and no one can fail to see that it will go very far towards correcting the bad state of feeling existing between the railroads and the people. It will serve the true interests of the railroads, because it will prevent the foolish, wasteful, and demoraliz-

ing rate wars; for no railroad company will grant a less than remunerative rate for through freight if it can not unload its loss on the local stations along its line. It will serve the interests of the people whose business goes to and from the local stations, because it will assure them at least as reasonable rates as are given to others, and this is one of the most desirable results that can be found in the entire field covered by the present controversy. If it can be reached and established it will go far towards restoring that equality to localities that has been so perfectly eliminated from our transportation system.

The two sections of the bill reported by the conference committee which most tend to bring about this result are the fourth and fifth. They read as follows:

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

SEC. 5. That it shall be unlawful for any common carrier subject to the provisions of this act to enter into any contract, agreement, or combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof; and, in any case, of an agreement for the pooling of freights as aforesaid, each day of its continuance shall be deemed a separate offense.

The fourth section is a modification of the provision as it originally passed the Senate. It preserves the clause of that bill which declared that the provision relative to the shorter and longer distances shall not be construed as authorizing any common carrier within the terms of the act to charge and receive as great compensation for the former as for the latter. It is also modified so as to make it more effective in respect of the prohibition against greater charges being made for the shorter than the longer distance; and it limits the power of the commissioners to authorize the charging of less for a greater than a shorter distance to special cases. Each one of these modifications is in the line of the original bill as it passed the Senate, and, it seems to me, improves it.

The two sections quoted have been sharply criticised by the representatives of the railroad companies by letters, in the public press and by telegrams from the day they were first given to the country in the report of the conference committee. It is objected that the provision of the fourth section in respect of distances will, if enacted into law, establish a rule of mileage rates; that it can only be obeyed by the companies by charging the same rate per mile, no matter what the distance may be. I shall not stop to discuss the subject presented by this objection. It is sufficient to say that the section presents no such proposition, and I shall discuss what we have before us instead of wasting time on what is not here. The language of the section is:

That it shall be unlawful for any common carrier subject to the provisions of this act to charge and receive for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than a longer distance over the same line, in the same direction, the shorter being included in the longer distance.

What does this mean? Let me answer this question by an illustration. In round numbers it is, say, 500 miles from Omaha, Nebr., and Council Bluffs, Iowa, to Chicago, Ill. Suppose the railroad companies operating lines between these points should, in the event of this bill becoming a law, fix a rate on any particular class of freight at $40 per car for the entire 500-mile haul, what would result as to intermediate points? Why, that each of such points could not be charged more than $40 per car for a shorter haul of like class of freight over the same line.

The charge for the haul over the entire line would be the maximum rate for carriage over a part of the line. If the charge be $40 per car from Council Bluffs over the Chicago, Burlington and Quincy line, then no more than that can be charged from Red Oak, Chariton, Ottumwa, Fairfield, or any other station on the line in Iowa to Chicago, or from any of them to any station on the same road in the State of Illinois. The establishment of this rule by law will be a great relief to all of the people and business on all of said lines, and like results will come to the people and business of every other State, and the Territories as well, on every railroad in the country within the terms of the act. The experience of intermediate stations, under this rule, would be very different from that which the practice of the railroad companies now inflicts them with.

Now it is not uncommon for intermediate stations to be forced to pay for the transportation of freight both to and from them double the rates charged between the terminal points of the roads on which they are situate. And this great wrong is one of the most forceful causes of the complaints which have come up from the people relative to railroad management. While it exists there will be discontent, and there ought to be, for the practice is in every sense wrong. It proceeds upon the theory that it is the privilige of the railroad companies to unload upon the hitherto helpless intermediate stations all of the losses and burdens which have resulted from the bad management of the administrators of the affairs of the corporations.

Another inquiry relative to the fourth section has been made in respect of the rates which may be charged under its provisions. Does it authorize a railroad company in all cases to charge as much for a shorter as for a longer distance? If this question were directed against the bill as it came from the House of Representatives it would admit of none other than an affirmative answer; for it simply declared that no railroad company subject to its terms should charge and receive any greater compensation for a shorter than for a longer distance, thus clearly raising the implied power to charge as much by virtue of the terms of the bill itself. But when the question is applied to the bill as it passed the Senate, and to the terms of the report now before us, the answer must be in the negative; for the implication created by the House bill is expressly avoided by the declaration of both the Senate bill and the report that the language employed by them—

Shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance.

Hence the charge fixed for the greater distance will not, by operation of law, become the indisputable rate for the shorter carriage. The question of the reasonableness of the rate is left just as it now exists. So that, if the rate for the long haul of 500 miles be fixed at $40, as put in the illustration I have used, it will not conclude the shipper from contesting a charge of the same amount for a carriage of 200, or 100, or 50, or any other number of miles.

The first office of the section in respect of its limitation on rates is to protect the people and business of intermediate points from being forced, as they are under present practices, to make good the losses which result from mismanagement or wrong practices, of whatsoever kind, of the administrators of our railway system. The second is to preserve to them the right to contest the reasonableness of the charges imposed just as they now possess it. These are simply the proper rules of conservative business, and are not obnoxious to the criticisms aimed at them by those who may have been engaged in their violation.

But it is objected that the fifth section, which I have already quoted, is harsh, unreasonable, and unjust. Why? Is there anything in it that applies to railroad management a new and exceptional business rule? Do not men get on well in other departments of business without resorting to the practice of pooling? Suppose the managers of our railroads should devote as much time, care, and ability in applying to their affairs the ordinary and conservative business rules which other men observe, could they not present the results of success which appear in other fields of enterprise? Do they not all know from actual experience that the railroad pool is a delusion and a snare? What is more common among them than violations of pooling agreements? What calls them together oftener than these violations?

Do they not know that the whole system and the practices under it tend to business demoralization, and to a sort of moral obliquity in the management of affairs? And are not these things sufficient to suggest to the really able and keen-witted men who control the railroads of this country that it is quite time for them to abandon a practice which hurts quite as much as it helps, is unreliable, vexatious and expensive; first to the corporations and finally to the public? If they do not know these things, then it is quite time to establish a rule of public law which shall not only instruct them but forbid their further practice of the vicious system. I have already quoted from one who has come to realize that the time has come for a change. The fifth section of the bill before us will establish the change if it shall become the law. And when the change shall have been effected, and the strong, vigorous, practical minds in direction of our railroad companies get down to the dutiful work of reforming the abuses which they have too long fostered, I can but believe that they will approve the wisdom of the action which I trust this body is about to take.

Mr. President, another section of the bill deserves special notice. It is the third, and reads as follows:

SEC. 3. That it shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

This section, given the aid of the others I have noticed, is of very great practical value. It asserts the doctrine of equality to which I referred in the early portion of my remarks. It does not introduce a new principle of law. It merely restates the old doctrine of equal rights, which underlies and permeates our entire civil structure.

Persons, companies, firms, corporations, localities, and traffics are all factors of our civil society, and each is entitled to equality in rights and treatment, so necessary to the maintenance of our institutions. Neither the States nor the General Government may interfere with this equality. Much less can it be rightfully interfered with by the instrumentalities of society and its progress created by public law. But it has been interfered with by the railroad corporations in respect of each and every one of the matters and things mentioned in this section. Nothing has been more common in the practices of the railroad

companies than the perpetration of the things therein denounced. Preferences and advantages therein prohibited have been common disbursements by the railroad companies. With them the business interests of persons, firms, companies, corporations, and localities have been made or destroyed at will.

The special rates, rebates, drawbacks, and devices denounced as unlawful by the second section of the bill have assured prosperity or enforced disaster in instances almost beyond computation. This is all wrong, and I can but hope that we have reached a time when these things are to cease by command of law; and it is a cause of congratulation, and will so be regarded by the people, that this command is to be enforced by penal sanctions. In this regard the tenth section of the bill is comprehensive, and can but receive general public commendation. This section will make it the personal interest of all those who manage our transportation system to obey the law, and I here direct special attention to it by quoting it at length. It is as follows:

SEC. 10. That any common carrier subject to the provisions of this act, or, whenever such common carrier is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, who, alone or with any other corporation, company, person, or party, shall willfully do or cause to be done, or shall willingly suffer or permit to be done, any act, matter, or thing in this act prohibited or declared to be unlawful, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter, or thing in this act required to be done, or shall cause or willingly suffer or permit any act, matter, or thing so directed or required by this act to be done not to be so done, or shall aid or abet any such omission or failure, or shall be guilty of any infraction of this act, or shall aid or abet therein, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any district court of the United States within the jurisdiction of which such offense was committed, be subject to a fine of not to exceed $5,000 for each offense.

Taking this section in connection with the others I have noticed, it seems to me that the enactment of this bill will assure substantial reforms in the respects named, and, indeed, I may say that the general structure of the bill gives promise of an effective start in the matter of regulating the great subject of which it treats. It is not a harsh and vindictive bill, as some who will come under its regulative provision in the event of its enactment have alleged. In some respects it is not as radical as I would have wished; but I am willing to try it as it is, and therefore will vote for its passage. It does not seem to me that it will work the harm to the proper and legitimate interests of the carrier companies of the country that some seem to fear it will. No one can be helped by doing injustice to them. Nor do the people ask that this shall be done. They recognize the helpful aid the railroads have given to the development and progress of the country, but they insist on the enactment of a law which will aid them in recovering some of their lost rights. They are willing that the railroad companies shall prosper and be reasonably paid for their service, but they will not recognize them as masters, for they know that they were created to be servants; and it may be set down as one of the things irrevocably resolved upon that the public demand which has induced the presence of this bill here will not cease until justice shall be intrenched in the transportation system of the country.

The progress made toward effecting the demand of the people for proper regulative legislation does not seem to have impressed itself in any considerable practical degree upon the minds of the railroad managers of the country. They have thus far defeated all efforts for such legislation. But they do not seem to have improved their methods. An illustration of this statement may be found in Iowa at this time relative to the agricultural interests of the State. The western portion of the State produced a large corn crop this year. The eastern part of the State had a very light yield of this cereal. The result is that corn is selling at a low price in the western part of the State. The farmers in the eastern section need this cheap corn to feed their stock; for they have horses, cattle, and hogs without number.

Do the railroad companies take these facts into account, and adjust their rates to harmonize with these exceptional conditions? Not at all. On the contrary they go right on as though nothing out of the line of ordinary agricultural events had transpired in Iowa. On the 16th instant, corn was selling in Western Iowa at from 20 cents to 25 cents per bushel. In Chicago it was quoted at from 36⅝ cents to 36¾. At Ottumwa, in Southeastern Iowa, the price was 40 cents to 42 cents per bushel. So that Western Iowa corn was selling in Chicago at from 3 to 6 cents cheaper per bushel than the Eastern Iowa farmer could buy it for use on his farm; and these conditions have existed from the day that corn crop matured down to the present time.

Mr. GEORGE. I should like to ask the Senator from Iowa to repeat that statement. It is a very important one, and I did not catch it fully.

AGRICULTURAL EXPERIMENT STATIONS.

The PRESIDING OFFICER (Mr. MITCHELL, of Pennsylvania, in the chair). The hour of 2 o'clock having arrived it becomes the duty of the Chair to lay before the Senate the unfinished business, being the bill (S. 372) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto.

Mr. CULLOM. I hope that matter will be laid aside informally.

Mr. HARRIS. I ask that the unfinished business be informally laid aside in order that the Senator from Iowa may complete his remarks.

Mr. HALE. I do not understand what is the unfinished business.

The PRESIDING OFFICER. It will be stated again.

The SECRETARY. A bill (S. 372) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto.

Mr. HALE. I do not understand that that bill has yet been taken up. When the Senate went into executive session last evening it was on the motion of the Senator from Mississippi [Mr. GEORGE] that this bill be taken up, but the Senate did not decide to take it up; and the motion to take it up, I understand, is the unfinished business.

Mr. HARRIS. I think the Chair announced that it was taken up, was before the Senate, and would be the unfinished business.

Mr. HALE. I called attention, as the Senator from Tennessee will remember if he was here, to the exact status of the bill, and the Chair stated that the motion to take up was the unfinished business. Certainly no such motion ever passed the Senate.

Mr. HARRIS. The remark of the Chair may have misled me as to the impression I have just stated.

The PRESIDING OFFICER. The Secretary will read from the RECORD what was done yesterday.

The Secretary read as follows:

Mr. GEORGE. I ask the Senator to yield a moment until I make an inquiry. I ask if Senate bill 372 has been taken up, and if it will be the unfinished business.

The PRESIDENT *pro tempore*. It will be the unfinished business for to-morrow at 2 o'clock. The Senator from Pennsylvania moves that the Senate proceed to the consideration of executive business.

Mr. HALE. What has become of the motion of the Senator from Mississippi to take up the bill indicated by him? I do not understand that it is up.

The PRESIDENT *pro tempore*. The bill is now pending.

Mr. HALE. The motion is now pending? If so, that is all right.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania to proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business.

Mr. HALE. The motion to take up I understand was not voted on. If anything else has been journalized, it is incorrect. I rose for the purpose of calling the attention of the Chair and the Senate to that particular thing, that the motion had not been passed upon.

The PRESIDING OFFICER. The Chair remembers that the Senator from Maine did so. The Secretary will read further from the proceedings of yesterday.

Mr. CULLOM. I hope all this will be informally laid aside, every question retaining its right to be considered after the Senator from Iowa concludes his speech.

Mr. HALE. This will take but a minute. I do not suppose that the Senator from Mississippi claims that any vote was taken on his motion to take up the bill.

Mr. GEORGE. I understood that it was. It was so announced by the Chair.

The PRESIDING OFFICER. The Secretary will read from the RECORD.

The Secretary read as follows:

Mr. GEORGE. I move that the Senate proceed to the consideration of Senate bill 372, Order of Business 852.

The PRESIDENT *pro tempore*. The Senator from Mississippi moves that the Senate proceed to the consideration of the bill (S. 372) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and the acts supplementary thereto. [Putting the question.] The ayes appear to have it; the ayes have it, and the bill is before the Senate, as in Committee of the Whole, and open to amendment.

Mr. HALE. What bill is that?

The PRESIDENT *pro tempore*. The bill will be again read by its title.

Mr. CAMERON. As this bill is likely to provoke considerable discussion—I am pretty sure that it will—I move that the Senate proceed to the consideration of executive business.

Mr. PLATT. That will leave it the unfinished business.

Mr. CAMERON. That will leave it the unfinished business for to-morrow.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania [Mr. CAMERON] moves that the Senate proceed to the consideration of executive business.

Then comes what was read before.

Mr. PLATT and others. Go on.

The Secretary continued the reading, as follows:

Mr. GEORGE. I ask the Senator to yield a moment until I make an inquiry. I ask if Senate bill 372 has been taken up, and if it will be the unfinished business.

The PRESIDENT *pro tempore*. It will be the unfinished business for to-morrow at 2 o'clock. The Senator from Pennsylvania moves that the Senate proceed to the consideration of executive business.

Mr. HALE. What has become of the motion of the Senator from Mississippi to take up the bill indicated by him? I do not understand that it is up.

The PRESIDENT *pro tempore*. The bill is now pending.

Mr. HALE. The motion is now pending? If so, that is all right.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania to proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business.

Mr. HALE. I clearly understood, if I understood anything, that the motion to take up had not been passed. I did not desire that that bill, which would give rise to large debate, should come up before the holidays, partly because there was not time to prepare for its consideration, and partly because there were many other matters upon the Calendar which would create no debate that Senators were desirous of considering, and I did not want the time monopolized. The RECORD

is clearly wrong with reference to the understanding that I had or that I think Senators generally had at that time. If it is necessary I can meet what I purpose by entering a motion to reconsider the vote whereby the Senate agreed to take up the bill.

Mr. HARRIS. Yes, or move to postpone to a day certain.

Mr. HALE. I do not know that the Senator from Mississippi desires, in view of the passage of the resolution to adjourn to-morrow, to bring up his bill before the holidays. I should be glad to know how that is.

Mr. GEORGE. I called up the bill at the request of several Senators, and I supposed we were ready to act upon it. I remember very well that this bill was on the list presented by the Republican caucus committee at the last session of Congress to be acted upon before final adjournment, and I was anxious myself, and I was under the impression that Senators generally were, to have it called up and acted on. It meets a very general desire throughout the States. Perhaps we can not get through with the bill before the holidays. I prefer, however, that the question lie over until the Senator from Iowa concludes his remarks, and then we can make some disposition of it.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Tennessee [Mr. HARRIS] that——

Mr. CULLOM. I hope the Senator from Iowa will be allowed to conclude his remarks, after which this question can be settled.

The PRESIDING OFFICER. The Chair was about to submit the proposition of the Senator from Tennessee, that this subject be laid aside informally until the Senator from Iowa has finished his remarks.

Mr. HALE. Let nothing further be done about it until after the speech of the Senator from Iowa.

The PRESIDING OFFICER. And that nothing further in relation to the question as to whether this bill be the unfinished business or not be done at this time.

Mr. CAMDEN. I wish to make an inquiry in reference to the pending question, which is whether any order of business would take the place of the pending matter before the Senate, the conference report on the interstate-commerce bill.

Mr. CULLOM. I hope the Senator will delay any inquiry in reference to that subject until the Senator from Iowa completes his remarks.

Mr. CAMDEN. Very well; I shall make the inquiry after the Senator from Iowa has finished.

INTERSTATE COMMERCE.

The PRESIDING OFFICER. There being no objection, the Senator from Iowa will proceed with his remarks on the conference report on the interstate-commerce bill.

Mr. WILSON, of Iowa. Mr. President, when this interruption occurred I understood the Senator from Mississippi to ask me to repeat the statement I had made relative to the conditions existing in Iowa, as he said he had not distinctly heard my remark.

Mr. GEORGE. I made that request.

Mr. WILSON, of Iowa. I had stated that somewhat peculiar conditions were existing in Iowa with respect to the agricultural interests in this, that in the western part of the State an abundant corn crop had been the result of the season; that in the eastern part of the State it had been practically or largely a failure, and that the corn of Western Iowa was needed for the use of the farmers of Eastern Iowa. Then I gave an illustration of the unjust effect of the transportation rates by saying that on the 16th of this month corn was selling in Western Iowa at from 20 to 25 cents per bushel, in Chicago it was quoted at from 36⅝ to 36¾ cents a bushel, while at Ottumwa, in Southeastern Iowa, the price was 40 to 42 cents per bushel. So that Western Iowa corn was selling in Chicago at some 3 to 6 cents less than the Eastern Iowa farmer could buy it for use on his farm to feed his stock; and these conditions have existed from the day that that corn crop matured down to the present time.

What results have we from this state of facts? Why, that the farmers have been forced to sell their horses, cattle, and hogs in a depressed market, and at whatever prices they could get.

From Iowa newspapers I learn that this subject was brought to the attention of the railroad companies. At a meeting of the Live-Stock Breeders' Association, held in the State, the subject was acted on by the adoption of the following preamble and resolution, namely:

> Whereas, on account of the unparalleled drought, the farmers in Eastern and Central Iowa have a surplus of stock, while Western Iowa and Nebraska have a surplus of corn; and
>
> Whereas the present railroad tariff is driving to Chicago corn that is greatly needed at home: Therefore,
>
> *Be it resolved*, That we respectfully ask the railroads running through Iowa to reduce their local freight rates, that farmers may be able to obtain grain to feed out their stock.

This action has produced no result. Prices range at about the same figures I have already stated, and the depression of agricultural interests continues, and this in face of the fact that the railroad companies could have extended relief without hurting themselves. If they had given the farmers of Eastern Iowa even the Chicago rate on Nebraska and Western Iowa corn, they would have tided them over the present exceptional period of depression and loss. Can there be a more suggestive illustration of the absence of the element of common sense in business management than these facts present? But this is only one illustration out of scores and even hundreds that might be cited; and while these things are practiced we may be sure that the demand for regulative legislation will not lower its tone nor reduce its exactions. Let us give the response which the bill of the conference committee presents. We will then have practiced the virtue of action, and the future will tell us whether we have done too much or too little. If we make mistakes in either the one direction or the other, we will learn which it is and to what extent. We will then have knowledge which comes from experience. This is a surer guide than all of the theories which perplex the subject of which this bill treats can give to us. For ten years and more we have debated; now let us act.

Mr. CAMDEN. I now make the inquiry as to what position this bill will occupy if it is allowed to go over until after the adjournment. In making this inquiry I would remind the Senator [Mr. CULLOM] in charge of the bill of the fact that two years ago a commission was appointed to investigate and report to Congress on this subject; that they made a very elaborate and able report after spending much time and labor on the subject. This report and the bill before Congress at the last session occupied a very large portion of the time of the session. That bill was matured and passed after due deliberation, and went to a conference committee of the two Houses. The conference committee has reported what I conceive to be a very wise and conservative bill on this subject.

The country demands the passage of some bill. The country demands relief on the questions involved in this bill, which it is the duty of Congress to act upon. This is the short session. A very large proportion of the time of the session after the holidays will be taken up in the consideration and passage of the appropriation bills which have the right of way over all other bills brought before the Senate. I wish in making this inquiry to remind the Senator in charge of this bill of the fact that unless this bill is acted upon promptly and in the early part of the session it is likely not to be acted upon at all, and will go over for want of time.

Mr. CULLOM. The Senator suggests a point which I appreciate evry fully. I desire to say that my own preference would be to proceed with the consideration of this bill until the last hour before the recess, in the hope that we might get it disposed of; but there has seemed to be so unanimous a desire that the bill should not be pressed for consideration at this time in view of the fact that we adjourn to-morrow for the holidays, many Senators desiring to go home this evening, that I thought it wise and proper only to ask for the consideration of the bill to-day that the Senator from Iowa might make his remarks upon the subject.

I desire to add now that I appreciate the fact that we can very easily allow this bill to fail for want of time; but so far as I am concerned it shall not fail if I have the power to prevent it in the Senate. I shall ask the Senate to again resume the consideration of the report of the committee of conference after the Senate resumes its session, and shall insist upon its consideration from day to day until it is disposed of.

Mr. HARRIS. Immediately on the reassembling of the Senate?

Mr. CULLOM. Immediately on the reassembling of the Senate after the recess.

Mr. PLATT. That is January 4.

Mr. CULLOM. I believe we have voted to take a recess until the 4th of January. I hope that Senators will be prepared, if they desire to make any remarks upon the subject, to make them without delay, so that we can get a vote upon the question as early as possible.

As I said some days ago, this is the short session; we have been upon this subject now for eight or ten years, those of the Senators who have been here that long, and we have never before come so near to the point of agreeing upon a bill as we seem to be to-day, and I hope that we may be able to pass this bill through the Senate and let it go to the other House for consideration there very early after the Senate resumes its session in January. With these remarks I have no disposition to press the consideration of the report further until after the recess of the Senate.

Mr. CAMDEN. I have but one word further to say in regard to this matter.

I can appreciate that, as the Senate will adjourn to-morrow for the holidays, there will be no opportunity of giving adequate consideration to this bill before that time, and probably no delay will arise if we have the distinct understanding that immediately upon the reassembling of Congress after the recess this bill will be taken up and pressed for consideration. That I understand to be the intention and desire of the Senator having the bill in charge, and I have no doubt that understanding will be satisfactory.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 20th instant approved and signed the act (S. 1110) to relinquish the interest of the United States in certain lands to the city and county of San Francisco and their grantees.

AGRICULTURAL EXPERIMENT STATIONS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business of yesterday, being the bill (S. 372) to estab-

lish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto.

Mr. HALE. I judge from the statement of the Chair that I did not succeed in what I attempted to do and what I thought I had done last evening. I certainly called the attention of the Chair, before any motion was put and carried, to take up this bill to its status before the Senate. No motion had been carried, as I distinctly recollect. I rose simply for the purpose of objecting at that late hour in the session to the Senate passing upon the question presented by the motion of the Senator from Mississippi [Mr. GEORGE], and the Chair stated distinctly in response to my question that the unfinished business was the motion of the Senator from Mississippi to take up this bill; and upon that, remarking that it was all right and all that I sought to accomplish, I proceeded no further. I do not care to raise any issue now with the reporters, or with the Journal, or with the Chair, but content myself with appealing to the Senator from Mississippi not to push this bill until after the holidays, as it is an important measure, upon which there are several amendments, and upon which there will be more or less extended discussion.

Mr. GEORGE. I have no desire to press any measure unduly. I believe unanimous consent is required to have the bill go over until after the holidays, to come up on the meeting of the Senate in January as the unfinished business. If that is agreeable to the Senator from Maine and others who desire a postponement, I shall not object to it. I do not want the bill to lose the right it now has as being the unfinished business.

Mr. HALE. I should like to have a statement from the Chair of his opinion as to what its status will be then.

The PRESIDENT *pro tempore*. The Chair is clearly of opinion, as the RECORD shows (and it conforms to the recollection of the Chair), that the bill was taken upon motion and declared to be before the Senate in Committee of the Whole and open to amendment. Then the inquiry was made by the Senator from Maine—

What bill is that?

After some conversation, again the Chair, in response to the interrogation of the Senator from Mississippi [Mr. GEORGE], said:

It will be the unfinished business for to-morrow at 2 o'clock. The Senator from Pennsylvania moves that the Senate proceed to the consideration of executive business.

The Senator from Maine [Mr. HALE] then made the remark:

Mr. HALE. What has become of the motion of the Senator from Mississippi to take up the bill indicated by him? I do not understand that it is up.
The PRESIDENT *pro tempore*. The bill is now pending.

The Chair regarded it as before the Senate, having been taken up on express motion. As he sees here stated the Chair put the question and said:

The ayes appear to have it; the ayes have it, and the bill is before the Senate, as in Committee of the Whole, and open to amendment.

Mr. HALE. Perhaps it was my fault that I did not make my wishes more clearly known. As I have said, I do not wish to raise any question, and it would be useless if I did wish to raise it. I only ask now what will be the status, if this bill goes over, of the bill; where will it come up, and at what time, and how will it in any way antagonize as unfinished business the subject-matter that has just passed from the Senate in charge of the Senator from Illinois?

The PRESIDENT *pro tempore*. It will come up as unfinished business at the next sitting of the Senate, subject, however, to a motion made by any Senator to take up any other business. The unfinished business may at any time be displaced by a motion.

Mr. HALE. At what hour?

The PRESIDENT *pro tempore*. Two o'clock.

Mr. HALE. After the morning hour?

The PRESIDENT *pro tempore*. After the morning hour.

Mr. HALE. I am entirely content it shall go over under that arrangement.

PRINTING OF INTERSTATE COMMERCE BILL.

Mr. ALLISON. I ask unanimous consent that the interstate-commerce bill, so called, may be reprinted for the use of the Senate. There was a resolution, referred to the Committee on Printing, I believe, to print 5,000 extra copies; but for reasons which are satisfactory to that committee they have not been able to report, and the present supply of the printed bill in the form that we usually have it on our desks is about exhausted. I ask that there may be a reprint in bill form showing the Senate bill and the amendments.

Mr. HALE. How many copies?

Mr. HAWLEY. With the conference report?

Mr. ALLISON. What I wish is the form of print we have had laid on our desks.

The PRESIDENT *pro tempore*. The Senator from Iowa will please reduce his motion to writing.

Mr. HAWLEY. Perhaps I can give the Senate some information on this point.

The request for further copies of this very important report and bill was a perfectly reasonable one. The Senate ordered 5,000 extra copies printed. There is a demand all over the country for them. The order comes within the rule of the Senate in this, that the Senate can order that many by itself without requiring a concurrent resolution, because the cost is less than $500; that is to say, we find that it will cost only $45 to print these 5,000 copies. But some Senators may remember that in one of the appropriation bills last session—whichever one contained the appropriation for public printing—there was some legislation of a kind which I always regard as mischievous—general legislation on an appropriation bill—which provided that accompanying a proposition to print there shall be from the Public Printer an estimate of the cost of the document it is desired to print.

That is now required by our Senate rule, but it is also put into the statute. Further it is required by this existing law that the Public Printer in giving his estimate of the cost of the execution of the new order shall also state how much has been expended of the appropriation under previous orders, so that the Senate and the House of Representatives may each know what its limit is.

On sending down, in accordance with the law and our previous usage, to the Printing Office for an estimate, we are informed that it will cost only $45, and it is our practice to have that done immediately. But the Public Printer's attention was then called to this statute. He replied at considerable length that he was aware of it and had been endeavoring to execute it, but that it was an utter and absolute impossibility for him to comply with the letter of the law as he understood it, for it would take many weeks or months yet before he could make up such an account as that law seems to require. He could send in a rough estimate of the cost of printing as it was ordered, he could keep a rough account; but as to keeping anything like an accurate account, it was impossible.

I will make a single illustration. When the President's message was read, at the commencement of the session, the Presiding Officer said, "it will be printed, with the accompanying documents." That is in accordance with the statutes and usage; but it is a pretty serious business. As a matter of printing it involves twelve to fifteen octavo volumes that vary in size from two hundred to five hundred pages; and it would be quite a little matter for the Printing Office to estimate what that printing would cost. That is only one illustration of the uncertainty under which we proceed under existing laws.

The Public Printer delays executing that order for forty-five dollars' worth of those very important reports, because he can not make up the account required under the existing statute. The committee is in session at this moment, upstairs, with the Public Printer to see if there may not be some escape from it in some practicable way, so that we can get that forty-five dollars' worth of printing done.

Mr. ALLISON. I do not understand that the Senator from Connecticut in any way proposes to interfere with my suggestion that we shall have a reprint of this bill in bill form.

Mr. HALE. How many copies will that give to the Senate?

Mr. ALLISON. The usual number.

Mr. HALE. What is that?

Mr. ALLISON. Nineteen hundred and fifty. I suppose I could not enlarge the motion without a reference to the Committee on Printing, and therefore I simply make a motion to reprint this bill.

Mr. HAWLEY. I certainly desire that that printing shall be done. I only wished to explain to the satisfaction of the Senator from Illinois and others why those 5,000 extra copies are not yet printed.

Mr. CULLOM. May I inquire of the Senator from Connecticut whether he thinks the order for printing 5,000 copies of the report will be carried out without new legislation?

Mr. HAWLEY. I think so. The Public Printer should take a reasonable view of the statute and make a rough estimate, as he can not be expected before a thing is printed to tell exactly what it is going to cost.

Mr. CULLOM. We should have this bill some way or other, or else the demands on Senators for copies of it can not be complied with at all. I have probably fifty calls for copies of the report that I have not been able to fill.

Mr. COCKRELL. As I understand, the copies are all exhausted now and have been for some time.

Mr. HALE. There is a very great demand.

Mr. HAWLEY. Nineteen hundred and fifty copies can be reprinted under the suggestion of the Senator from Iowa.

Mr. ALLISON. I hope that I can make myself understood. My motion is for a reprint of this bill in bill form, having no reference to the proposition now pending before the Committee on Printing. The print that I propose is the bill print, the Senate bill as amended by the report of the conference committee.

The PRESIDENT *pro tempore*. The Senator from Iowa submits a motion, which will be read.

The Chief Clerk read as follows:

Resolved, That Senate bill No. 1532, showing the amendments proposed by the committee of conference, be reprinted in bill form.

The resolution was agreed to.

LANDS IN SEVERALTY TO INDIANS.

Mr. DAWES. I ask that the bill (S. 54) which has been returned

from the House of Representatives, may be recommitted to the Committee on Indian Affairs with the amendments of the House of Representatives.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes. The Senator from Massachusetts moves that the bill, with the House amendments, be referred to the Committee on Indian Affairs.

The motion was agreed to.

AGRICULTURAL EXPERIMENT STATIONS.

Mr. GEORGE. Has any disposition been made of the pending bill (S. 372) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and the acts supplementary thereto?

The PRESIDENT *pro tempore*. The bill is before the Senate.

Mr. GEORGE. I desire to ask unanimous consent that it may be passed over informally until after the holidays, retaining its place as unfinished business.

The PRESIDENT *pro tempore*. It is liable, then, to be displaced to-morrow by unfinished business coming over from to-day.

Mr. GEORGE. If laid aside informally?

MR. HAWLEY. I am in strong sympathy with the general purposes of the bill; but I am very glad that the Senator from Mississippi has consented to the postponement. I have a substitute for the whole bill pending, and, since I offered that in July or the beginning of August, I have received numerous suggestions from persons connected with agricultural schools and experimental stations for further amendments. I should be very glad to submit them to the Committee on Agriculture, so that there may possibly be an agreement which may supersede the necessity of extended debate on each amendment in the Senate. I am glad the matter is going over anyhow, but I am afraid that those of us who desire to amend the bill will not be ready on the first day of the meeting after the recess.

The PRESIDENT *pro tempore*. The Senator from Mississippi asks unanimous consent of the Senate that the pending bill be considered as the unfinished business after the recess.

Mr. HALE. I suppose the Senator from Mississippi will not insist on taking this bill up on the first day or two after the recess, if Senators who desire to take part in the debate are not present.

Mr. GEORGE. I propose to afford every facility for debate.

The PRESIDENT *pro tempore*. If there be no objection that order will be made.

TOWN-SITE OF WALLACE, KANS.

The PRESIDENT *pro tempore*. The Calendar is now in order.

Mr. PLUMB. I move that the Senate proceed to the consideration of Order of Business 1714, being the bill (S. 2837).

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate proceed to the consideration of the bill (S. 2837) relative to the location of the town-site of Wallace, Kans.

The motion was agreed to; and the Senate as in Committee of the Whole proceeded to consider the bill. It declares that so much of the Fort Wallace Military Reservation, in the State of Kansas, as is comprised within the northeast quarter of section 24, township 13 south, of range 39 west, and the northwest quarter of section 19, township 13 south, of range 38 west, not otherwise disposed of, shall be a part of the public domain, for the purpose of entry by the town of Wallace under the laws, rules, and regulations governing town-site entries upon the public lands of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 22, 1886, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 21, 1886.

LAND OFFICE REGISTER.

Frank P. Arbuckle, of Denver, Colo., to be register of the land office at Lamar, Colo.

RECEIVER OF PUBLIC MONEYS.

Frank H. Shrock, of South Pueblo, Colo., to be receiver of public moneys at Lamar, Colo.

POSTMASTERS.

B. F. Church, to be postmaster at Calvert, in the county of Robertson and State of Texas.

Mary McAtee, to be postmaster at Bardstown, in the county of Nelson and State of Kentucky.

John McQuaid, to be postmaster at Clinton, Worcester County, Massachusetts.

NOMINATIONS.

Executive nominations received by the Senate the 21st day of December, 1886.

RECORDER OF DEEDS.

James C. Matthews, of New York, to be recorder of deeds in the District of Columbia, *vice* Frederick Douglass, resigned.

COLLECTOR OF CUSTOMS.

Adelard Guernon, of Minnesota, to be collector of customs for the district of Minnesota, in the State of Minnesota.

POSTMASTERS.

Patrick H. Devine, to be postmaster at Ishpeming, in the county of Marquette and State of Michigan, in the place of Julius Ropes, whose commission expires December 22, 1886.

Charles H. Gwynn to be postmaster at Covington, in the county of Fountain and State of Indiana, in the place of Lewis Nebeker, whose commission expired December 20, 1886.

William E. Henkel, to be postmaster at Rockville, in the county of Parke and State of Indiana, in the place of Charles W. Stryker, whose commission expired December 12, 1886.

Mattie D. Todd, to be postmaster at Cynthiana, in the county of Harrison and State of Kentucky, whose commission expired December 20, 1886.

John S. Richardson, to be postmaster at Bel Air, in the county of Harford and State of Maryland, in the place of John T. Spicer, whose commissioned expired December 20, 1886.

John McQuaid, to be postmaster at Clinton, in the county of Worcester and State of Massachusetts, in the place of Charles M. Dinsmore, whose commission expires January 2, 1887.

James W. Hopkins, to be postmaster at Uhrichsville, in the county of Tuscarawas and State of Ohio, in the place of John Milone, resigned.

Lewis Brown, to be postmaster at Newport, in the county of Newport and State of Rhode Island, in the place of Thomas Coggeshall, whose commission expired December 20, 1886.

John J. Christie, to be postmaster at Bristol, in the county of Bristol and State of Rhode Island, in place of John B. Pearce, whose commission expired December 20, 1886.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December* 21, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. WILLIAM H. MILBURN, D. D.

On motion of Mr. PAYSON, by unanimous consent, the reading of so much of the Journal of the proceedings of yesterday as related to the introduction and reference of bills and resolutions was dispensed with.

Mr. TOWNSHEND. Mr. Speaker, I rise to a question of order.

The SPEAKER. The Chair desires to call the attention of the House to an error in the announcement of the vote yesterday afternoon upon the question of adjournment. The vote as passed up to the Chair showed 124 in the affirmative and 121 in the negative. Thereupon the Chair so announced it, and the House adjourned. Upon re-examination of the roll-call it appears that the vote was 121 in the affirmative and 127 in the negative; so that by the vote the House really refused to adjourn. The error, the Chair thinks, grew out of the fact that during the roll-call there was considerable confusion, and after the call was completed quite a number of gentlemen rose and changed their votes, one after another, in rapid succession, so that the tally clerk failed to get them all recorded accurately.

Mr. TOWNSHEND. Now, then, Mr. Speaker, I wish to raise a question of order. This being still the legislative day of Monday——

The SPEAKER. But it is not the legislative day of Monday.

Mr. TOWNSHEND. The House refused to adjourn, as the RECORD shows.

The SPEAKER. The Chair thinks the House did adjourn. [Laughter.] The Chair announced the vote; the House acquiesced in the announcement and adjourned. The Chair has simply called attention to the matter this morning in order that the fact might be disclosed exactly as it occurred.

Mr. TOWNSHEND. But, Mr. Speaker——

The SPEAKER. It is true that the House voted not to adjourn, as appears upon an inspection of the RECORD; but the Chair announced that the affirmative vote prevailed, and the House thereupon did in fact adjourn.

Mr. TOWNSHEND. The members did disperse.

Mr. ANDERSON, of Kansas. Parliamentarily, this is Monday's session.

Mr. TAULBEE. Mr. Speaker, does the RECORD show the true vote?

The SPEAKER. The Journal shows the vote as it was actually cast; and the RECORD also shows the vote actually cast, but gives the numbers in the affirmative and negative incorrectly by one vote, as the Chair thinks.

VAULTS FOR STORAGE OF SILVER.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting estimates for vaults required for the storage of silver dollars; which was referred to the Committee on Appropriations, and ordered to be printed.

REPAIRS, ETC., OF PUBLIC BUILDINGS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Supervising Architect relative to the proposed appropriations for repairs and heating apparatus in certain public buildings; which was referred to the Committee on Appropriations, and ordered to be printed.

APPROPRIATION FOR DISTRICT REFORM SCHOOL.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General in relation to the insufficiency of the appropriation for family building and brick tank-house for the reform school of the District of Columbia; which was referred to the Committee on Appropriations, and ordered to be printed.

UNION PACIFIC RAILROAD.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Interior, transmitting report of Government directors of the Union Pacific Railroad; which was referred to the Committee on Pacific Railroads, and ordered to be printed.

CONTINGENT FUND, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a letter from the president of the board of commissioners of the District of Columbia, transmitting a statement of the expenditures of the contingent fund of the District of Columbia for the fiscal year ended June 30, 1886; which was referred to the Committee on the District of Columbia, and ordered to be printed.

MARICOPA AND PHŒNIX RAILWAY COMPANY.

The SPEAKER. The Chair will lay before the House bills which have been received from the Senate.

The amendment of the Senate to the bill (H. R. 9736) to grant to the Maricopa and Phœnix Railway Company of Arizona the right of way through the Gila River Indian Reservation was read, as follows:

On page 2, line 12, after the words "United States," insert: "*And provided further*, That before any such lands shall be taken for the purposes aforesaid the consent of the Indians thereto shall be obtained in a manner satisfactory to the President of the United States."

Mr. BEAN. I ask that the House concur in this amendment of the Senate.

The SPEAKER. Is there objection?

Mr. COBB. I should like to know whether this measure has the approval of the Secretary of the Interior.

Mr. BEAN. Yes, sir; his approval has been obtained, and the bill has passed both the House and the Senate.

There being no objection, the amendment was concurred in.

Mr. ANDERSON, of Kansas, moved to reconsider the vote by which the amendment was concurred in, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS SAINT LOUIS RIVER.

The message from the Senate accompanying the bill (H. R. 9987) to authorize the construction of a bridge across the Saint Louis River at the most accessible point between the States of Minnesota and Wisconsin, was laid before the House.

The SPEAKER. This bill, with the amendments of the Senate, will be referred to the Committee on Commerce.

Mr. NELSON. There is a request from the Senate for a conference on that bill. I ask that the request be agreed to.

The SPEAKER. The House has not yet acted on the amendments of the Senate. Does the gentleman ask consent that the amendments be non-concurred in?

Mr. NELSON. Yes, sir; and that the House agree to the conference asked by the Senate.

Mr. HOLMAN. Let the amendments be reported.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *December* 17, 1886.

Resolved, That the bill from the House of Representatives, No. 9987, entitled "An act to authorize the construction of a bridge across the Saint Louis River at the most accessible point between the States of Minnesota and Wisconsin," do pass with the following amendments:

Page 2, line 9, strike out "if."

Page 2, lines 9 and 10, strike out "constructed as a draw-bridge, and shall be."

Page 3, line 19, after "no," insert "greater."

Resolved, That the Senate request a conference with the House of Representatives on said bill and amendments.

Ordered, That Mr. MCMILLAN, Mr. CONGER, and Mr. VEST be the conferees on the part of the Senate.

Mr. NELSON. I should like to make a brief statement.

The SPEAKER. The Chair hears no objection.

Mr. NELSON. Those are merely formal amendments to correct a few errors in the House bill. I ask by unanimous consent those Senate amendments be concurred in.

There was no objection; and the amendments were concurred in.

Mr. NELSON moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SURVIVORS OF EXPLORING STEAMER JEANNETTE.

The SPEAKER also laid before the House a bill (H. R. 1659) for the relief of the survivors of the exploring steamer Jeannette, and the widows and children of those who perished in the retreat from the wreck of that vessel in the Arctic seas, returned from the Senate with an amendment.

The Clerk read as follows:

Page 3, line 9, after the word "death," insert "*Provided further*, That the surviving child of Henry D. Warren, one of the crew of the Jeannette, shall in like manner be entitled to receive twelve months' pay, and also the amount due said deceased Warren at the time of his death; and that no money shall be paid the widow of said Warren under this act."

Mr. BUCHANAN. I ask, by unanimous consent, that the amendment be concurred in. It does not increase the appropriation.

The SPEAKER. Is there objection?

Mr. HOLMAN. I trust there will be a word of explanation as to the reason for this.

Mr. BUCHANAN. The explanation is simply this: the widow of this deceased seaman has married again, and it is asked the money shall be paid to the minor child and not to the widow.

There was no objection, and the amendment was concurred in.

Mr. BUCHANAN moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SENATE BILLS REFERRED.

The following bills from the Senate were taken from the table, read a first and second time, and referred as indicated below:

The bill (S. 2982) to authorize the commissioners of the District of Columbia to permit the temporary occupation of streets by a railway for the purpose of transporting materials to fill about the base of the Washington Monument—to the Committee on the District of Columbia.

The bill (S. 2806) to authorize the Secretary of the Treasury to cause to be examined certain vouchers filed or to be filed by the State of Missouri or her agent or agents for sums claimed to be due from the Government of the United States on account of payments made by said State since April 22, 1882, to the officers and enlisted men of her militia forces for military services rendered to the United States in the suppression of the rebellion, as evidenced by the proper pay-rolls heretofore filed with, and examined and accepted by, the Government of the United States, and to report to Congress—to the Committee on War Claims.

The bill (S. 1189) for the relief of Bessie S. Gilmore—to the Committee on Claims.

The bill (S. 2725) for the construction of a road to the national cemetery at Corinth, Miss.—to the Committee on Military Affairs.

The bill (S. 2958) to give the assent of Congress for the construction of a free bridge, by the county of Davidson, Tennessee, over the Cumberland River—to the Committee on Commerce.

The bill (S. 2516) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.—to the Committee on Commerce.

The joint resolution (S. Res. 78) authorizing the Secretary of War to accept certain lands near Chicago, Ill.—to the Committee on Military Affairs.

CORRECTION OF ERROR.

The SPEAKER also laid before the House a bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes; returned from the Senate by request of the House.

The SPEAKER. This bill was returned to the House by the Senate, on request of the House, for the purpose of correcting an error. The bill before it passed the House was so amended as to strike out the word "five," in section 2, and insert the word "two;" but as enrolled and sent to the Senate the word five remained in the bill. It should read:

Provided, Any one entitled to an allotment shall fail to make a selection within two years after the President shall direct an allotment to be made, &c.

It was sent to the Senate with the words "five years" instead of "two years." If there be no objection the correction will be made.

There was no objection, and it was ordered accordingly.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. EVERHART, until the recess, to attend a funeral.

To Mr. WAIT, until after the holiday adjournment, on account of important business.

To Mr. SAWYER, for Tuesday, December 22, on account of important business.

To Mr. SKINNER, until the 7th of January, 1887, on account of important business.

To Mr. SPOONER, from the 21st instant until after the holiday recess.

To Mr. PIRCE, from the 21st instant until after the holidays.

To Mr. WEBER, for Monday, Tuesday, and Wednesday.

To Mr. JONES, of Alabama, for five days.

To Mr. OUTHWAITE, for three days, on account of important business.

To Mr. DARGAN, for three days.

To Mr. WHITE, of Pennsylvania, for one week, on account of important business.

To Mr. MOFFATT, until January 4, 1887, on account of important business.

To Mr. MILLER, of Texas, until after the recess, on account of important business.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same; namely:

A bill (H. R. 7536) to extend the free-delivery system of the Post-Office Department, and for other purposes;

A bill (H. R. 1813) for the relief of Pattison & Caldwell; and

Joint resolution (H. Res. 67) for the relief of William B. Isaacs & Co.

HOLIDAY RECESS.

Mr. MORRISON. I am authorized by the Committee on Ways and Means to report back the following resolution for holiday recess, and ask its adoption.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *December* 20, 1886.

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Wednesday, December 22, 1886, they stand adjourned until Tuesday, January 4, 1887.

Mr. MORRISON. I ask the previous question on the adoption of the resolution. It is the usual resolution heretofore passed for the like purpose.

The previous question was ordered.

The question was taken on the adoption of the resolution; and on a division there were—ayes 132, noes 35.

Mr. HATCH. I demand the yeas and nays.

The yeas and nays were refused.

So the resolution was adopted.

Mr. MORRISON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROPOSED WORLD'S EXPOSITION, 1892.

Mr. BUTTERWORTH. Mr. Speaker, I renew the request made a moment since for unanimous consent to submit at this time for proper reference a communication from the National Grange, Patrons of Husbandry, with the further request that the communication be printed in the RECORD.

There being no objection, the memorial was ordered to be printed in the RECORD, and referred to the Committee on the Library.

It is as follows:

[National Grange, Patrons of Husbandry, John Trimble, secretary, 514 F street.]

OFFICE OF SECRETARY, *Washington, D. C., December* 11, 1886.

DEAR SIR: I have the honor to forward to you the following resolutions, unanimously adopted at the twentieth session of the National Grange, Patrons of Husbandry, held in the city of Philadelphia from November 10 to 18, at which thirty-four States and three Territories were represented, and to ask your favorable attention to the same:

Whereas it is proposed to have at the national capital in 1889 an inter-American and inter-republic celebration in honor of the centennial of the Constitution of the United States; a world's exposition in 1892, in honor of the four hundredth anniversary of the discovery of America by Columbus, and thereafter a permanent exposition or museum of the antiquities, history, arts, and industries of the three Americas;

Whereas it is also proposed to establish at the national capital a permanent exhibit of the resources, arts, and industries of the forty-six States and Territories, and a building for the display of working models of important American inventions:

Resolved by the Patrons of Husbandry in National Grange assembled, That we heartily favor the consummation of this important and patriotic work, and urge all American citizens and legislative bodies to support it in a manner becoming the dignity, greatness, and grandeur of the Republic.

Resolved, That we specially favor the proposed permanent State and Territorial exhibit as a matter of great practical importance to the Patrons of Husbandry of the several States and Territories.

Resolved, That the secretary of the National Grange be directed to transmit a duly certified copy of these resolutions to the President of the United States, the United States Senate and House of Representatives, and to the governors and Legislatures of the several States and Territories.

Very respectfully,

[SEAL.] JOHN TRIMBLE,
Secretary National Grange.

Hon. J. G. CARLISLE,
Speaker House of Representatives.

STEAM-VESSELS FOR TRAINING SERVICE.

Mr. HARMER, by unanimous consent, introduced a bill (H. R. 10393) for the construction of two composite steam-vessels for the training service of the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

INDIAN APPROPRIATION BILL.

Mr. WELLBORN, from the Committee on Indian Affairs, reported a bill (H. R. 10394) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1888, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HISCOCK. I reserve all points of order on the bill.

HENRY NEAL.

Mr. ROGERS. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 8597) for the relief of Henry Neal, and put it upon its passage.

The SPEAKER. The bill will be read subject to objections.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Henry Neal, out of any money in the Treasury not otherwise appropriated, the sum of $120 as compensation for services rendered by him as an employé of the House of Representatives.

There being no objection, the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROGERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALBION S. KEITH.

Mr. LONG. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 1085) for the relief of Albion S. Keith and put it upon its passage.

The bill was read, as follows:

Whereas Albion S. Keith, late a naval cadet in the United States Navy, having successfully passed his final examination for graduation, and being found mentally, morally, and professionally qualified for promotion to the rank of ensign, has been, however, found physically disqualified for promotion by reason of a disease contracted from exposure in the line of duty at sea, which entirely disables him, and because of which he was honorably discharged: Therefore,

Be it enacted, &c., That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint the said Albion S. Keith an ensign in the United States Navy on the retired-list.

The SPEAKER. Is there objection?

There being no objection, the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. LONG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLAIM OF THE STATE OF MISSOURI.

Mr. HEARD. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 1377), and put it upon its passage.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill to authorize the Secretary of the Treasury to cause to be examined certain vouchers filed, or to be filed, by the State of Missouri, or her agent or agents, for sums claimed to be due from the Government of the United States on account of payments made by said State since April 22, 1882, to the officers and enlisted men of her militia forces for military services rendered to the United States in the suppression of the rebellion, as evidenced by the proper pay-rolls heretofore filed with, examined, and accepted by the Government of the United States, and report to Congress.

The SPEAKER. The bill will be read subject to objection.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HEARD. I hope I will be permitted to make a brief explanation, which will not take more than two minutes.

Mr. BRAGG. I object. As far as my ear is able to allow me to hear, I think very much such a bill as this for the benefit of the State of Missouri was introduced and referred this morning to the Committee on War Claims. It does not seem to be just exactly the thing to bring in another bill which covers either the whole or part of the substance of that bill, and ask the House to take immediate action upon it without explanation.

Mr. HEARD. A brief explanation will show that the gentleman is mistaken, and I ask leave to make a short statement.

The SPEAKER. Is there objection to the gentleman's making a brief statement?

There was no objection.

Mr. HEARD. Mr. Speaker, under an act of Congress passed in 1866,

supplementary to the reimbursement acts of 1861 and 1862, the State of Missouri made settlement with the General Government on account of disbursements made for the purposes mentioned in this bill. When the Government settled the accounts then presented by the State of Missouri the Government of course required of the State the delivery to her of the pay-rolls on which these payments were made. These pay-rolls were delivered by the State of Missouri to the Government, and are now and have been ever since the time of the delivery in the Third Auditor's office.

At the time the settlement was made by the State with the General Government there were certain claims for officers and enlisted men embraced in the pay-rolls which had not then been paid by the State, and which were not paid to the State.

Mr. GIBSON, of West Virginia. Was the settlement in 1866?

Mr. HEARD. It was in 1867. Since that time Congress has passed one or two acts authorizing the reimbursement of the State on account of claims paid by the State, and which were evidenced by these same pay-rolls on file.

Mr. BRAGG. Will the gentleman permit me to ask him a question?

Mr. HEARD. Yes, sir.

Mr. BRAGG. Did not the United States appoint a commission and send to Missouri to find out what was due to the State of Missouri by reason of advances to the State militia? Did not that commission report, and did we not pass a bill at the last Congress authorizing payment?

Mr. HEARD. No, sir; no bill was passed in the last Congress for that purpose. But in the Congress before a bill was passed which provided for settlement with the State, and $234,000 were paid on account of payments made by the State, as evidenced by these same pay-rolls.

Mr. BRAGG. Was there not a bill passed by the last Congress ratifying that, or in the former session of this Congress?

Mr. HEARD. No, sir. One word further and I shall have concluded. The Forty-seventh Congress passed a bill which reimbursed the State $234,000 of this same class of claims. The State of Missouri, in 1883, provided for the payment of similar claims of officers and soldiers of the State if presented within one year from the date of the passage of the act authorizing said payment.

At the expiration of that year, when the limitation referred to attached, less than $1,000 of said claims had been paid. Under that law there were presented and paid by the State $997, for the reimbursement of which this bill is designed to provide; and a bar has been established by said law of the State of Missouri against the further presentation of claims of that character. These claims are supported by the pay-rolls already on file and in possession of the Government, and which have been accepted and repeatedly paid on by the Government. A settlement has been made except for this pittance of $997, which has been paid by the State; and the State having enacted a bar against further presentation, there can be no further demands on this account presented, although there is about $6,000 that would have been paid to the State on these pay-rolls if the State had paid her soldiers in full.

Mr. CUTCHEON. How much does the gentleman say that this bill involves?

Mr. HEARD. Nine hundred and ninety-seven dollars; and, as I have said, the State has enacted a bar against any further presentation of claims of this class.

Mr. GIBSON, of West Virginia. Why include in this bill a provision for the payment of claims which may hereafter be filed without limitation?

Mr. HEARD. That only authorizes the presentation of the evidences of payment by the State of claims already paid; and, as I have stated, the State herself has imposed a bar against further payment.

A MEMBER. But she can repeal that bar.

Mr. BRAGG, and Mr. GIBSON, of West Virginia, objected to the present consideration of the bill.

GEORGE W. COUSINS.

Mr. CUTCHEON. I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 2173) for the relief of George W. Cousins, and that the same be now considered.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War is hereby authorized and directed to cause the records to be so amended as to remove the charge of desertion from the record of George W. Cousins, late a private in Company K, One hundred and fourth Regiment Pennsylvania Volunteers, and that an honorable discharge be granted said George W. Cousins, with all the pay and emoluments due him at date of expiration of his term of service.

Mr. BRAGG. I object.

Some time subsequently,

Mr. BRAGG said: When I objected to the consideration of the bill called up by the gentleman from Michigan [Mr. CUTCHEON] I was under a wrong impression as to what bill it was. I withdraw my objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CUTCHEON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TRANSPORTATION OF DUTIABLE GOODS.

Mr. SEYMOUR. I ask unanimous consent to call up from the House Calendar for present consideration the bill (H. R. 8923) to amend an act in relation to the immediate transportation of dutiable goods, and for other purposes, approved June 10, 1880.

The bill was read, as follows:

Be it enacted, &c., That section 7 of the general statutes of the United States, chapter 190, approved June 10, 1880, being "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes" (Statutes at Large, volume 21, page 174), be, and the same is hereby, amended by inserting in line 4 of said section 7, after the word "Middletown," the word "Bridgeport;" so that the privileges of immediate transportation of dutiable goods extended by said act to certain cities therein named shall be also extended to said Bridgeport, Conn.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SEYMOUR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NEW LAND DISTRICT, WYOMING.

Mr. CAREY. Mr. Speaker, I move that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (S. 1566) to establish a new land district in the Territory of Wyoming, and that the same be put upon its passage.

The SPEAKER. The bill will be read; after which the Chair will ask for objections.

The bill was read.

Mr. MORRISON. I object.

Several MEMBERS. Regular order.

MEMORIAL ADDRESSES.

Mr. HEWITT. Mr. Speaker, I ask that the regular order be waived for a moment. In accordance with the announcement made at the time the resolutions were adopted in regard to the death of three members of the New York delegation, Hon. LEWIS BEACH, Hon. JOHN ARNOT, jr., and Hon. ABRAHAM DOWDNEY, that the delegation would ask the House to fix a suitable time for the delivery of eulogies upon our departed colleagues, I am now instructed by the New York delegation to ask that Thursday evening, the 20th of January, next, at half past 7 o'clock, be fixed as the time.

There was no objection, and it was so ordered.

Mr. HEWITT. Mr. Speaker, as I shall not at that time be a member of this House, but would like to take my share in this sad duty of the occasion, I ask unanimous consent to be allowed to send to the House, to be printed in the RECORD, a few remarks in reference to my late friends and colleagues.

There was no objection.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. WHEELER. Mr. Speaker, I am directed by the Committee on Military Affairs to report to the House the bill (H. R. 10395) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1888, which I submit with an accompanying report.

Mr. HOLMAN. Mr. Speaker, I wish to reserve all points of order on that bill.

The bill was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The SPEAKER. All points of order are reserved.

Several MEMBERS. Regular order.

The SPEAKER. The regular order is the call of committees for reports.

UNITED STATES COURTS, MISSISSIPPI CITY.

Mr. HAMMOND, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 10040) to provide for holding terms of the United States courts at Mississippi City, Miss.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LIGHT-HOUSE, COB POINT BAR, MARYLAND.

Mr. IRION (by Mr. BYNUM), from the Committee on Commerce, reported back, with an amendment, the bill (H. R. 6750) for the establishment of a light-house at Cob Point Bar, at the mouth of the Wicomoco River, in the State of Maryland; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

HENRY B. JAY.

Mr. WOLFORD, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (H. R. 1449) to remove the charge of desertion from the military record of Henry B. Jay; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY F. POTTS.

Mr. ATKINSON, from the Committee on Patents, reported back, with a favorable recommendation, the bill (S. 244) for the relief of Mary F. Potts; which was referred to the Committee of the Whole House on

the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGES OF REFERENCE.

On motion of Mr. HAYNES, the Committee on Invalid Pensions was discharged from the further consideration of the bill (S. 2730) granting an increase of pension to Elizabeth S. de Krafft; and the same was referred to the Committee on Pensions.

On motion of Mr. TAULBEE, the Committee on Invalid Pensions was discharged from the further consideration of the bill (S. 2259) to increase the pension of Thomas Chapman; and the same was referred to the Committee on Pensions.

On motion of Mr. ELLSBERRY, the Committee on Invalid Pensions was discharged from the further consideration of the bill (S. 2587) granting a pension to Elizabeth Ward; and the same was referred to the Committee on Pensions.

INVESTIGATION OF CLAIMS.

Mr. SPRINGER from the Committee on Claims reported back, with amendments, the bill (S. 2643) supplemental to an act approved March 3, 1883, entitled an act to afford assistance and relief to Congress and the executive departments in the investigation of claims and demands against the Government; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. ELY, from the Committee on Private Land Claims, reported back adversely the bill (H. R. 9622) granting to Arthur J. Carrier section 18, in township 109, of range 71 west of the 5th parallel meridian, Dakota Territory; and it was laid on the table.

CHANGE OF REFERENCE.

On motion of Mr. SPRINGER, the Committee on Claims was discharged from the further consideration of the bill (H. R. 7908) for the relief of Fannie Pemberton, formerly Fannie Glass; and the same was referred to the Committee on War Claims.

VENTILATION OF THE HALL.

Mr. O'DONNELL, when the Committee on Ventilation and Acoustics was called, presented a report, which the Clerk proceeded to read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *December* 13, 1886.

Resolved, That the pipes beneath the openings in the floor of this hall be immediately cleansed, and that said openings be protected in some effectual manner——

The SPEAKER (interrupting the reading). The Chair will state to the gentleman from Michigan, that if this report be presented during the present call the resolution must, under the rules, go to the Calendar; but if presented at some other time it is a privileged matter, as it relates to the comfort and convenience of members of the House.

Mr. O'DONNELL. I withdraw the report for the present.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, the bill (H. R. 10239) making an appropriation to supply a deficiency in the appropriation for public printing and binding, for the fiscal year ending June 30, 1887, and for other purposes.

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House was requested:

A bill (S. 2761) to incorporate the Windsor Hotel Company of the District of Columbia;

A bill (S. 2408) for the relief of Charles A. Ruffee;

A bill (S. 3014) to fix the charge for passports at $1; and

Joint resolution (S. R. 90) appointing James B. Angell a member of the board of regents of the Smithsonian Institution.

The call of committees was resumed and concluded, no further reports being presented.

SIMMONS W. HARDEN.

Mr. WEAVER, of Nebraska. Mr. Speaker, I desire to call up a privileged matter.

The SPEAKER. The gentleman will state it.

Mr. WEAVER, of Nebraska. I call up for present consideration the bill (H. R. 1406) together with the President's veto message thereon.

The SPEAKER. The gentleman from Nebraska calls up as a matter of privilege a bill which has been returned by the President with his veto. The bill will be read.

The Clerk read as follows:

A bill (H. R. 1406) granting a pension to Simmons W. Harden.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll the name of Simmons W. Harden, late a private in Company L, First Regiment of Iowa Cavalry Volunteers, subject to the conditions and limitations of the pension laws, at the rate of $16 per month.

Mr. WEAVER, of Nebraska. I now send up to be read the report of the Committee on Invalid Pensions——

Mr. BRAGG. Mr. Speaker, I desire, under the rules, to antagonize the proposition of the gentleman from Nebraska.

The SPEAKER. Does the gentleman from Wisconsin raise the question of consideration?

Mr. BRAGG. I do.

The SPEAKER. The question of consideration is raised by the gentleman from Wisconsin.

Mr. BRAGG. I desire to move that the House go into Committee of the Whole for the consideration of general appropriation bills.

The SPEAKER. That motion can not be made while this privileged matter is before the House.

Mr. SPRINGER. The gentleman from Wisconsin [Mr. BRAGG] simply gives notice that his object in raising the question of consideration is to go into Committee of the Whole.

The SPEAKER. The question is, Will the House now proceed to the consideration of the bill indicated by the gentleman from Nebraska, together with the veto message of the President thereon?

The question being taken, there were—ayes 68, noes 70.

Mr. WEAVER, of Nebraska. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 101, nays 109, not voting 111; as follows:

YEAS—101.

Adams, G. E.	Frederick,	Long,	Sessions,
Anderson, C. M.	Fuller,	Louttit,	Steele,
Anderson, J. A.	Funston,	Lyman,	Stephenson,
Atkinson,	Gilfillan,	Markham,	Stone, E. F.
Baker,	Goff,	McComas,	Strait,
Bingham,	Grout,	McKenna,	Struble,
Bound,	Guenther,	Morrill,	Swinburne,
Boutelle,	Hayden,	Morrow,	Symes,
Brady,	Haynes,	Negley,	Tarsney,
Brown, C. E.	Henderson, D. B.	Nelson,	Taulbee,
Brown, W. W.	Henderson, T. J.	O'Donnell,	Taylor, E. B.
Buchanan,	Hepburn,	O'Neill, Charles	Thomas, J. R.
Bunnell,	Hermann,	Osborne,	Thomas, O. B.
Burrows,	Hires,	Owen,	Thompson,
Butterworth,	Hiscock,	Parker,	Van Schaick,
Bynum,	Hitt,	Payne,	Wade,
Campbell, J. M.	Holmes,	Payson,	Wadsworth,
Campbell, J. E.	Hopkins,	Perkins,	Weaver, A. J.
Cannon,	Houk,	Peters,	Weaver, J. B.
Conger,	Howard,	Phelps,	West,
Cooper,	James,	Plumb,	White, Milo
Dunham,	Johnson, F. A.	Reed, T. B.	Wilkins,
Ely,	Johnston, J. T.	Romeis,	Woodburn.
Evans,	Kelley,	Rowell,	
Everhart,	Libbey,	Scranton,	
Farquhar,	Lindsley,	Seney,	

NAYS—109.

Bacon,	Findlay,	Le Fevre,	Singleton,
Barbour,	Forney,	Lore,	Sowden,
Barksdale,	Geddes,	Lovering,	Spriggs,
Barnes,	Gibson, C. H.	Martin,	Springer,
Bayne,	Gibson, Eustace	Matson,	Stahlnecker,
Belmont,	Glass,	McAdoo,	Stewart, Charles
Bennett,	Green, R. S.	McCreary,	Stone, W. J., Mo.
Bliss,	Green, W. J.	McMillin,	Swope,
Blount,	Halsell,	McRae,	Taylor, J. M.
Bragg,	Hammond,	Merriman,	Throckmorton,
Breckinridge, C. R.	Harris,	Mills,	Tillman,
Cabell,	Hatch,	Morgan,	Trigg,
Caldwell,	Heard,	Morrison,	Turner,
Candler,	Hemphill,	Murphy,	Van Eaton,
Catchings,	Henderson, J. S.	Neal,	Viele,
Clements,	Herbert,	O'Ferrall,	Ward, J. H.
Cobb,	Hewitt,	Peel,	Ward, T. B.
Collins,	Hill,	Pindar,	Warner, A. J.
Cowles,	Holman,	Randall,	Wellborn,
Cox, S. S.	Hutton,	Reagan,	Willis,
Cox, W. R.	Irion,	Richardson,	Wilson,
Crain,	Johnston, T. D.	Riggs,	Winans,
Culberson,	Jones, J. H.	Robertson,	Wise,
Curtin,	Kleiner,	Rogers,	Wolford,
Daniel,	Laffoon,	Sadler,	Worthington.
Davidson, R. H. M.	Landes,	Sayers,	
Eden,	Lanham,	Seymour,	
Eldredge,	Lawler,	Shaw,	

NOT VOTING—111.

Adams, J. J.	Davis,	Ketcham,	Reese,
Aiken,	Dawson,	King,	Rice,
Allen, C. H.	Dibble,	La Follette,	Rockwell,
Allen, J. M.	Dingley,	Laird,	Rusk,
Ballentine,	Dockery,	Lehlbach,	Ryan,
Barry,	Dorsey,	Little,	Sawyer,
Blanchard,	Dougherty,	Lowry,	Scott,
Bland,	Dunn,	Mahoney,	Skinner,
Boyle,	Ellsberry,	Maybury,	Smalls,
Breckinridge, WCP	Ermentrout,	McKinley	Snyder,
Browne, T. M.	Felton,	Millard,	Spooner,
Brumm,	Fisher,	Miller,	Stewart, J. W.
Buck,	Fleeger,	Milliken,	St. Martin,
Burleigh,	Foran,	Mitchell,	Stone, W. J., Ky.
Burnes,	Ford,	Moffatt,	Storm,
Campbell, Felix	Gallinger,	Muller,	Taylor, I. H.
Campbell, T. J.	Gay,	Neece,	Taylor, Zach.
Carleton,	Glover,	Norwood,	Townshend,
Caswell,	Grosvenor,	Oates,	Tucker,
Clardy,	Hale,	O'Hara,	Wait,
Compton,	Hall.	O'Neill, J. J.	Wakefield,
Comstock,	Hanback,	Outhwaite,	Wallace,
Crisp,	Harmer,	Perry,	Warner, William
Croxton,	Henley,	Pettibone,	Weber,
Cutcheon,	Hiestand,	Pidcock,	Wheeler,
Dargan,	Hudd,	Pirce,	White, A. C.
Davenport,	Jackson,	Ranney,	Whiting.
Davidson, A. C.	Jones, J. T.	Reid, J. W.	

So the motion was disagreed to.

During the roll-call,

On motion of Mr. SPRINGER, by unanimous consent the reading of the names was dispensed with.

The following pairs were announced, until further notice:

Mr. REESE with Mr. MOFFATT.

Mr. ADAMS, of New York, with Mr. MILLARD.

Mr. MULLER with Mr. BUCK.

Mr. PIDCOCK with Mr. ALLEN, of Massachusetts.

Mr. BALLENTINE with Mr. SPOONER.

Mr. MAHONEY with Mr. PIRCE.

Mr. SKINNER with Mr. FLEEGER.

Mr. JONES, of Alabama, with Mr. WAIT.

Mr. OUTHWAITE with Mr. DAVENPORT.

Mr. BLANCHARD with Mr. JACKSON.

Mr. MILLER, of Texas, with Mr. GROSVENOR.

Mr. DINGLEY with Mr. DUNN.

Mr. TOWNSHEND with Mr. RYAN.

Mr. FELIX CAMPBELL with Mr. WAKEFIELD.

Mr. OATES with Mr. GALLINGER.

Mr. TUCKER with Mr. BROWNE, of Indiana.

Mr. GLOVER with Mr. WARNER, of Missouri.

Mr. WALLACE with Mr. RICE.

Mr. CLARDY with Mr. BAYNE.

Mr. DOCKERY with Mr. DORSEY.

Mr. STORM with Mr. STEWART, of Vermont.

Mr. BLAND with Mr. SYMES.

Mr. SCOTT with Mr. LITTLE.

Mr. MITCHELL with Mr. WHITING.

Mr. MCKINLEY with Mr. BRECKINRIDGE, of Kentucky, on all questions until after the recess.

Mr. DAVIDSON, of Alabama, with Mr. BRUMM on all political questions, and all motions to adjourn, and on the tariff question.

Mr. WISE with Mr. HARMER, on all political questions until after the recess.

On this vote:

Mr. NEECE with Mr. LA FOLLETTE.

Mr. LOWRY with Mr. WEBER.

Mr. ERMENTROUT with Mr. HANBACK.

Mr. BOYLE with Mr. IKE H. TAYLOR.

Mr. ELLSBERRY with Mr. SAWYER for December 21.

The vote was then announced as above recorded.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. BELMONT, from the Committee on Foreign Affairs, reported a bill (H. R. 10396) making appropriations for the diplomatic and consular service of the Government for the fiscal year ending June 30, 1888, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HOLMAN. All points of order are reserved.

URGENT DEFICIENCY BILL.

The SPEAKER laid before the House the bill (H. R. 10239) making appropriations to supply a deficiency in the appropriation for public printing and binding for the fiscal year ending June 30, 1887, and for other purposes, with amendments from the Senate.

The amendments were read.

Mr. RANDALL. The gentleman from Missouri [Mr. BURNES] who had charge of this bill in the House when it passed is not in his seat. So far as I know, having examined the Senate amendments, they are unobjectionable. But I do not want to interfere with business which has been in charge of the gentleman from Missouri, and I ask unanimous consent that the matter may lie over to be called up as soon as the gentleman from Missouri is present.

The SPEAKER. The Chair hears no objection, and the bill and amendments will lie upon the table for the present. The Chair will lay it again before the House some time during the day.

VENTILATION.

Mr. O'DONNELL. I rise to a privileged question from the Committee on Ventilation and Accoustics, and report back the following resolution:

DECEMBER 13, 1886.

Mr. BUCHANAN submitted the following; which was referred to the Committee on Ventilation and Acoustics:

Resolved, That the pipes beneath the openings in the floor of this Hall be immediately cleansed, and that said openings be protected in some effectual manner from the further deposit of dirt and filth therein.

Attest: JNO. B. CLARK, JR., *Clerk*.

The SPEAKER. The question is on the adoption of the resolution. Is the reading of the report of the committee asked for?

Mr. BUCHANAN. I ask for its reading.

The Clerk read as follows:

Mr. O'DONNELL, from the Committee on Ventilation and Acoustics, submitted the following report, to accompany resolution introduced by Mr. BUCHANAN, and referred to said committee December 13, 1886:

The Committee on Ventilation and Acoustics, to whom was referred above resolution, ask leave to make the following report: Your committee have given the said resolution careful and painstaking consideration. The terms of the resolution referred are as follows:

Resolved, That the pipes beneath the openings of this Hall be immediately cleansed, and that said openings be protected in some effectual manner from the further deposit of dirt and filth therein.

Your committee would recommend that the Architect of the Capitol be instructed to cause the pipes aforesaid to be thoroughly cleansed each day, prior to the commencement of the sessions of the House, and that the expense thereof be paid from the contingent fund of the House of Representatives. Your committee are unable at this time to recommend methods to effectually prevent the deposit of dirt and filth in the openings. The perforated brass openings and registers are calculated for heating and ventilation, but many of the members of the House and its employés are of the impression that said openings are designed for cuspidors, and in consequence the openings are daily defiled by expectoration. Under the present circumstances your committee can only impress upon the members and employés of the House that the openings aforesaid are not, as their constant use would imply, promoters and depositories of *sputa*, but on the contrary are not designed for such purpose.

The great American habit of expectorating is fully exemplified on the part of the members of this branch of the law-making department of the Government, and your committee reluctantly, mournfully, but firmly confesses its inability to devise measures which will put an end to this reprehensible practice—a practice that lowers the dignity of this august assemblage and imperils the health and well-being of the servants of the Republic. Attention is directed to the fact that there are in this Chamber two hundred and sixteen nickel-plated cuspidors furnished by the munificence of the nation with the sole design of being employed for the purpose for which they are provided, but for some reason unknown to your committee are ignored, and the perforations in the brass ventilators employed as the receptacles of expectoration. In the premises, and to meet the exigencies of the case and obey the mandate of the resolution referred to your committee, the Committee on Ventilation and Acoustics unanimously recommend that the great truth be graven on the minds of each and every member and employé of this House that the perforation in ventilators and registers in this House are not to be used as cuspidors, but the two hundred and sixteen receptacles for saliva are alone to be employed in receiving the ejected liquids with the too frequent accompaniment of nicotian refuse.

Mr. GIBSON, of West Virginia. Is it in order to refer that resolution to the Committee on Civil Service Reform? [Laughter].

The SPEAKER. It is in order to move its reference to any committee of the House.

Mr. BUCHANAN. Notwithstanding the language of this report and the levity with which it has been received, this is a serious matter to members occupying seats near to the center of this Hall. The deposit of filth in these air-pipes has been going on all this session.

This practice has been growing until it has become unbearable. I know it may be the result of inadvertence and thoughtlessness; but the fact remains. The air we breathe comes up through these openings, and the openings themselves and the ducts beneath are contaminated and defiled minute by minute by the means spoken of in this report. Hence the air we breathe coming up through this filth must be filthy and unhealthy, its unwholesomeness increasing day by day.

It is a matter affecting the personal comfort, convenience and healthfulness of the members of this body, and I ask that the matter be treated not as a trivial thing, but that the committee's recommendation be concurred in. That is simply that for the present the pipes under the Hall and leading into it, the air ducts, be thoroughly cleaned each morning, in order that this filth may be taken out of the way of the air we breathe. This is a modest request, and intended to operate as a present remedy; and at some future time the committee will devise means, they assure us, by which the deposits in the pipes may be prevented.

I reserve the remainder of my time, except that I yield to the gentleman from Chicago [Mr. DUNHAM] such time as he may desire.

Mr. DUNHAM. I shall only want about five minutes.

Mr. BROWN, of Pennsylvania. Let me ask the gentleman from New Jersey a question.

Mr. BUCHANAN. Certainly.

Mr. BROWN, of Pennsylvania. What would be the effect upon the air of the Hall if the rule which prohibits the practice of smoking were enforced?

Mr. BUCHANAN. I think the enforcement of that rule would produce a decided improvement in the atmosphere of the Hall, especially if the practice of cigarette-smoking were prohibited. I may also add it is a fact that many of the cigars used are not in quality always the best. [Laughter.]

Mr. DUNHAM. Mr. Speaker, in a very few words permit me to say that I have had some experience on this question of the ventilation of large halls. The hall of the Chicago Board of Trade, which is a very large building, some one hundred and seventy feet square, was originally ventilated in the same manner as this Hall—that is, by pumping air into the hall through openings in the floor.

We made up our minds there some ten years ago that the plan was a failure, inasmuch as the air which was forced up through the floor carried all the dust, produced by the shuffling of feet over the floor, with it into the hall, where it was breathed by the occupants of the building, just as we are compelled to breathe it here.

We decided that the proper way to ventilate the hall was to bring the air in from the top of the building or in at the windows, and draw it out through the floor. The result of this change was that instead of forcing the dust up through the openings in the floor it was carried off by the currents of air under the floor; and I believe that if the House had an opportunity of investigating that question and saw the result, it would change the system here in the same way. I believe from the experience of Chicago that the way this is attempted to be done here is just the cause of the failure. Draw the air in at the top

of the building; take it, Mr. Speaker, from the top of the Dome, as I understand a company has offered to do, and furnish it pure and free into this Hall; drive it out through the floor and it will carry the dust with it.

As now the effect of the up currents of air is to drive this dust out into the air we breathe.

Mr. O'DONNELL. May I interrupt the gentleman for a moment?

Mr. DUNHAM. Certainly.

Mr. O'DONNELL. The committee will soon make a recommendation to the House to carry out the idea expressed by the gentleman.

Mr. DUNHAM. The gentleman from Michigan states that the committee will make that recommendation soon. I think the sooner it is made the better for the occupants of the Hall.

Mr. BUCHANAN. Mr. Speaker, this is a simple matter and easily understood. The only question for the present is, shall the pipes below the floor be cleansed. Has any one any objection to that? If not, let us vote and go on with the public business.

Mr. STRUBLE. Then why don't you ask the previous question?

Mr. BUCHANAN. I have not charge of the resolution.

Mr. GIBSON, of West Virginia. I want a little time on this.

Mr. BUCHANAN. I will yield five minutes of my time to the gentleman.

Mr. GIBSON, of West Virginia. I am very much obliged to the gentleman, but I was desirous of occupying the floor in my own right.

Mr. BUCHANAN. Then I reserve my time.

Mr. BRAGG. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRAGG. In the condition of business in which this report was permitted to come in does it open the door for general debate?

The SPEAKER. Unless the previous question is demanded and ordered.

Mr. BUCHANAN. Let us have a vote.

Mr. GIBSON, of West Virginia. I object to this report for several reasons. The first is that the report is made by what I might call an assertion of jurisdiction on the part of the committee. The report so far as it undertakes to accomplish anything good is utterly useless. Nobody objects to having the pipes cleaned out as the committee recommend.

Mr. BOUTELLE. Then let us vote on the question.

Mr. GIBSON, of West Virginia. But I do not understand that the committee has a right to go outside of its legitimate Congressional business and reflect upon the habits, manners, or decency of other members of this body, and that is just exactly what this report does. Now, perhaps, there may be one or two gentlemen here who do not chew tobacco. I do not chew it myself, but I have yet been unable to see any such indecency or filthy habits on the part of the members of this House as would justify the committee to make any such report as that now presented. It is entirely gratuitous in its flings at members. It is outside of the business or province of the committee. They were called upon to report a mode, or method, of aiding or improving the ventilation and acoustics of the Hall, but instead of that, they go entirely outside of their business.

The gentleman from Illinois [Mr. DUNHAM] has remarked upon the methods in which the ventilation in this House might have been improved. Why did not the committee report on that subject? They have not reported how better or purer air might be brought in here, but deal solely with the subject of where members spit and how often and how much tobacco they chew; surely, a very beautiful subject for a Congressional investigating committee! And I will say to my friend, as the Committee on Civil Service Reform of this House is engaged in cleansing all the civil service in all the Departments of the Government, I would suggest that we turn this matter over to that committee.

Mr. GREEN, of North Carolina. I desire to say a word in reply to the lecture which has been read by the gentleman from West Virginia [Mr. GIBSON] to the Committee on Ventilation and Acoustics, over which I have the honor to preside. The committee have had the subject intrusted to them under careful consideration for a long time. We have had witnesses before us from all parts of the country, and we propose shortly after the reassembling of Congress after the holidays to make a report which will cover the whole subject.

The committee have not been idle. They have devoted themselves assiduously to their duties. This matter which has been reported this morning was duly referred to that committee; and I see no good cause for making light of the report or treating it in the manner the gentleman from West Virginia seems disposed to do.

Mr. BOUTELLE. I hope this matter of cleansing the air pipes will not be made a party question.

Mr. GREEN, of North Carolina. I trust not. If it is it came from that gentleman's side of the House.

I call for the previous question.

The previous question was ordered, and under the operation thereof the resolution was adopted,

Mr. O'DONNELL moved to reconsider the vote by which the resolution was adopted, and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ARMY APPROPRIATION BILL.

The SPEAKER. The question is on the motion of the gentleman from Wisconsin [Mr. BRAGG] that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

Mr. BRAGG. Pending that motion I desire to state I make it with the view of calling up the appropriation bill for the support of the Army, and I ask unanimous consent that general debate upon that bill be limited to one minute.

I will say in reference to that, however, if there are any gentlemen here who desire to discuss any paragraph or proposition contained in the bill at greater length than the five-minute rule permits, when that is reached and they will signify the time they desire I will consent now that it may be understood such debate may be had upon the bill.

The SPEAKER. Pending the motion that the House resolve itself into Committee of the Whole House on the state of the Union, the gentleman from Wisconsin asks unanimous consent that general debate on the bill be closed in one minute, with the statement that if any gentleman will indicate any paragraph on which he desires to speak at length consent will be given to debate when that paragraph or section is reached.

Mr. ROCKWELL. I give notice that at line 427 I shall move to amend at the proper time by striking out "$300,000" and inserting "$400,000;" and I shall desire about fifteen minutes.

The SPEAKER. That will be understood. Is there objection to the request of the gentleman from Wisconsin [Mr. BRAGG]?

There was no objection.

The motion of Mr. BRAGG was agreed to; and the House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. COX, of New York, in the chair, and proceeded to the consideration of the bill (H. R. 10242) making appropriations for the Army for the fiscal year ending June 30, 1888, and for other purposes.

The CHAIRMAN. By order of the House, general debate on the pending bill has been limited to one minute.

Mr. BRAGG. I ask unanimous consent to dispense with the first reading of the bill.

There was no objection.

The Clerk proceeded to read the bill by paragraphs for amendment, and read the following paragraph:

For mileage to officers when traveling on duty, not to exceed $85,000: *Provided*, That in disbursing this amount the maximum sum to be allowed and paid to an officer shall be 4 cents per mile, distance to be computed over the shortest usually traveled routes, and, in addition thereto, upon the officer's certificate that it was not practicable to obtain transportation from the Quartermaster's Department, the cost of the transportation actually paid by the officer over said route or routes, exclusive of sleeping or parlor car fare and transfers; making in all for pay of the Army $12,666,918.69.

Mr. BRAGG. I offer the amendment which I send to the desk.

After the word "transfers," in line 130, insert the following:

"*And provided further*, That when any officer so traveling shall travel in whole or in part, on any railroad on which the troops and supplies of the United States are entitled to be transported free of charge, he shall be allowed for himself only 4 cents per mile as a subsistence fund for every mile necessarily traveled over such last-named railroad."

The amendment was agreed to.

The Clerk read the following paragraph:

For construction of quarters for hospital stewards, including the extra-duty pay of enlisted men employed on the same, $12,500: *Provided*, That the posts at which such quarters shall be constructed shall be designated by the Secretary of War, and the quarters shall be built by contract, after legal advertisement, whenever the same is practicable; but the cost of construction of quarters at any one post shall in no case exceed $800.

Mr. BRAGG. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 351, after the word "construction," insert the words "and repairs."

The amendment was agreed to.

The Clerk read the following paragraph:

MEDICAL DEPARTMENT.

Medical and hospital department: For the purchase of medical and hospital supplies, expenses of medical purveying depots, pay of employés, medical care and treatment of officers and enlisted men of the Army on duty at posts and stations for which no other provision is made, advertising, and other miscellaneous expenses, including disinfectants, and the service and supply of the Army and Navy hospital, at Hot Springs, Ark., in all $210,000; and not over $36,000 of the money appropriated by this paragraph shall be applied to the payment of civilian employés of the Medical Department.

Mr. BRAGG. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 376, after the words "is made," insert "for the proper care and treatment of cases in the Army suffering from contagious or epidemic diseases."

The amendment was agreed to.

Mr. BRAGG. I beg to propose a further amendment.

The Clerk read as follows:

In line 378, after the word "disinfectants," insert the words "for general post sanitation:" and strike out the words "service and" before the word "supply" in the same line.

The amendment was agreed to.

Mr. BRAGG. I offer an amendment to come in at the end of line 380.

The amendment was read, as follows:

In line 380 strike out the words "and ten" before the word "thousand."

The amendment was agreed to.

Mr. BRAGG. I offer another amendment to come in at the end of the paragraph.

The Clerk read as follows:

After line 383 insert: "Army and Navy hospital at Hot Springs, Ark.: For services at the Army and Navy hospital at Hot Springs, $10,000."

The amendment was agreed to.

The Clerk read as follows:

Medical Museum and Library: For Army Medical Museum, preservation of specimens, and the preparation or purchase of new specimens, $5,000; for the library of the Surgeon-General's Office, $10,000; in all, $15,000.

Mr. HOLMAN. Mr. Chairman, I move to strike out the last word of that paragraph simply for the purpose of making inquiry. I have noticed that the sum of $10,000 has been appropriated every year for a number of years past for this library, and I wish to call the attention of the gentleman from Wisconsin [Mr. BRAGG] to the fact that this sum is materially larger than the amount appropriated for similar purposes in other Departments of the Government. An appropriation of $10,000 each year is certainly an unusually large one for such a purpose.

The books required for such a library are, of course, to a large extent works of a scientific character bearing upon military employments, and it would hardly seem that so large a sum as $10,000 should be required annually for such a purpose.

Mr. BRAGG. Mr. Chairman, this appropriation is a legacy which has come to the Committee on Military Affairs from the distinguished committee of which my friend from Indiana [Mr. HOLMAN] is a member. Ten thousand dollars was fixed several years ago as the proper sum to be appropriated for the maintenance of such a medical library as it was believed should be maintained here at the seat of Government. When the Army bill came to be prepared and the estimates were examined the subcommittee requested the officers in charge of the library belonging to the Medical Department to appear before them, the object being to ascertain why it was that so large a sum as $10,000 should be asked for such a purpose. Upon the explanation made by the officers the committee became satisfied that the sum was necessary.

The money is expended, Mr. Chairman and gentlemen of the committee, in procuring all the monthly issues of journals, pamphlets, and other publications as they appear in every language on the continent of Europe, in order that medical science in America may be kept abreast with discovery and improvement in the Old World. With this view subscriptions are made to every medical journal in every language. Those journals and publications come regularly to the department and are there kept on file. The library is really for the benefit of the medical profession of the whole country, because, under the rules which govern its management, gentlemen anywhere in the United States who will furnish security for the safe return of books, are entitled to take them out for use in any medical case simply, or in any legal case involving medical questions.

I must say for myself that in the outset I thought the appropriation altogether too large, but when I got through making a personal examination of the extent and requirements of the library, I came to the conclusion that scarcely any money expended by the Government would be better expended than this appropriation.

Mr. HOLMAN. It is very true, Mr. Chairman, that $10,000 had been appropriated for this purpose each year for a number of years prior to the last session of Congress when the committee which is honored by having the gentleman from Wisconsin [Mr. BRAGG] as its chairman took charge of the Army appropriation bill; but since that time, indeed while the bill was still under the charge of the Committee on Appropriations, this subject of libraries was carefully examined, and it was discovered, I think, that where the appropriation was made annually there could be a very material reduction in the amount without depriving any department of the Government of books or other publications which it ought to have. It would be interesting to know in detail just how this money is expended, what works bearing on international law or on the profession of arms, even though gathered together from all countries, could swell up the cost annually to the amount of this appropriation.

Mr. BRAGG. Mr. Chairman, I desire to call the attention of the gentleman from Indiana to the fact that this is for medical works. It is not for works on international law, although it does embrace constitutional works—works affecting the constitution of the individual, not of the country. [Laughter.]

Mr. HOLMAN. I was quoting, Mr. Chairman, from the gentleman from Wisconsin himself, repeating forms of expression that he had used. I am aware that this Medical Museum library is mainly devoted to works on medical science, but it is not confined entirely to works of that kind, as the gentleman will discover if he will examine it. I believe that Congress should be exceedingly liberal in appropriating money to keep up the libraries of the various Departments of the Government. And this is undoubtedly a field in which quite large expenditures can properly be made. Certainly the library should have the means of procuring all works bearing upon the sanitary condition of the Army——

Mr. BRAGG. I wish to say to the gentleman, Mr. Chairman, that this has nothing to do with the Army especially. This is for the world.

Mr. HOLMAN. My friend suggests that this is something which concerns all mankind, but, after all, this appropriation is made in the main for the benefit of the Army of the United States. However, I merely wished to call attention to the subject, and if the gentleman is satisfied that this appropriation is not too large, I shall not offer any objection.

The Clerk read as follows:

For manufacture of arms at the national armory, $300,000: *Provided*, That not more than $60,000 of the money appropriated on the Ordnance Department in all its branches shall be applied to the payment of civilian clerks in said Department.

Mr. BRAGG. I desire to offer an amendment to correct the phraseology of this paragraph. I move to amend by striking out after the word "appropriated," in line 429, the word "on" and inserting "for;" so as to read "appropriated for the Ordnance Department."

The amendment was agreed to.

Mr. ROCKWELL. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 427 strike out "three" and insert "four;" so that the paragraph will read: "For the manufacture of arms at the national armory, $400,000," &c.

Mr. ROCKWELL. Mr. Chairman, under agreement I was to have fifteen minutes to discuss this proposition. I respectfully request the Chair to notify me when I have occupied ten minutes, as I wish to reserve five minutes for reply.

Mr. Chairman, in this matter the Committee on Military Affairs report in the same manner as they did last year. I wish to make a statement as to the amount of arms on hand at the Springfield Armory. On August 31, 1884, there were on hand 106,078 rifles and carbines; on July 1, 1885, 131,822; on July 1, 1886, 150,127. I make this statement in order to show that the increase in arms varies from year to year. I observe in the report of the committee the statement that the appropriation of last year will bring this number up to a little over 189,000.

It is also claimed in the report that there will be about 40,000 arms manufactured under this appropriation, and that these 40,000 arms will remain in the armory. I suggest that if the Book of Estimates and the report of the Chief of Ordnance be examined it will be seen that these carbines and rifles are distributed not only to supply the Army but to various colleges throughout the country, and to the militia, under the law of 1808; and I think I am right in this matter, although I differ with the chairman of the committee in reference to it. I simply mention this in order to show that the number of arms which will be in the armory at the expiration of the fiscal year will not be as large as that named in the report of the committee by some 20,000.

Mr. Chairman, the amendment I have submitted proposes to appropriate in this bill $400,000 for the manufacture of arms at the National Armory, this being the same appropriation which has been made for the last few years. Last year, although the House did not agree to the amendment proposing this appropriation, it was agreed to in the Senate, and the provision became a law, so that the annual appropriation remained the same.

Now, one reason why this annual appropriation should remain at $400,000, as it has been for the last few years, is in consideration of the action of the House yesterday in the passage of the bill for the distribution of arms and equipments to the militia. During the consideration of that bill, as will be found by reference to page 311 of the RECORD, the following colloquy took place between the gentleman from Alabama [Mr. FORNEY], the chairman of the Committee on the Militia, and myself:

Mr. ROCKWELL. Four hundred thousand dollars is the amount fixed in the Army appropriation bill, I believe. Now, do I understand this is to be in addition to that?

Mr. FORNEY. Yes, sir. This is given to the militia of the country, and to provide them with tents. The real object is to give them tents, or protection when they are in their annual encampment.

At present those who are able to do so purchase their own tents, and those who are not must do without. This is to encourage them when they enter the encampment.

Mr. ROCKWELL. If you appropriate annually $400,000 in the Army bill and pass $400,000 here, do you think it would be sufficient to carry out the object the committee had in view?

Mr. FORNEY. I do, certainly. I believe that it will be sufficient.

Mr. Chairman, I allude to this portion of the debate of yesterday to show that these two matters go together; that the Committee on the Militia, in cutting down the appropriation of $600,000, made by the Senate bill, for arming and equipping the militia, to $400,000, did so in consideration of the very fact that there would be in this Army appropriation bill an annual appropriation of $400,000 for the manufacture of arms. The two things go together, as admitted by the chairman of the Committee on the Militia. I submit, therefore, that in consideration of the action of the House yesterday upon the amendment cutting down the appropriation for arming and equipping the militia from $600,000 to $400,000, we should, in the pending bill, appropriate $400,000 for the manufacture of arms, as we have done for the past few years.

Allow me to state another reason why this appropriation should remain at the amount which has heretofore been allowed. Upon this matter the distinguished chairman of the Committee on Military Affairs seems to differ with the Chief of Ordnance. By reference to the Book of Estimates, page 108, it will be found the Secretary of War estimates that the number of arms to be reserved in store should be 500,000, differing in this respect very materially from the distinguished chairman of the Committee on Military Affairs, who thinks that 150,000 is about enough to be held in store. I think it proper, Mr. Chairman, to state the difference of opinion, and to urge upon this Committee of the Whole the fact that the Department having this matter in charge is perfectly well qualified to determine the number of arms which should be kept in store.

I have no time to-day to go into an elaborate argument, as I did last session, in reference to the necessity of keeping such number of arms in store. I will say, however, briefly, if war arises we cannot procure arms in time. We have 6,000,000 militiamen in the United States, and 150,000 arms distributed among them would be a small number indeed.

If war arises it may end, as foreign wars have done, inside of six months, and we could not have an order filled for arms if we tried to purchase.

The difference between the Department and the distinguished chairman of the committee, and the fact that the militia bill was passed in connection with this appropriation, ought to be a sufficient reason why this appropriation should remain as usual. The chairman of the Militia Committee said in effect that this bill passed yesterday, although it is for arming and equiping the militia, was in the main to provide them with equipments, tents, &c. Although under the law of 1808 some part of the $200,000 appropriation was expended in the national armory, still the design of this increase to $400,000 in the militia bill is to throw a larger amount in other directions than for the manufacture of arms. Consequently, the surplus of arms manufactured may have to be drawn on for the purpose of carrying out the design of that bill.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MCCREARY having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. MCCOOK, its Secretary, announced disagreement to the amendment of the House to the bill (S. 1386) for the completion of a public building at Fort Scott, Kans., requested a conference on the disagreeing votes of the two Houses thereon, and stated it had appointed Mr. MAHONE, Mr. PLUMB, and Mr. VEST as conferees on its part.

It further announced concurrence in resolution of the House for the adjournment of the two Houses from Wednesday, December 22, 1886, until Tuesday, January 4, 1877.

ARMY APPROPRIATION BILL.

The committee resumed its session, Mr. COX, of New York, in the chair.

Mr. BRAGG. The Committee on Military Affairs have reported by this bill, that in their judgment $300,000 for the manufacture of arms at Springfield is all the necessities of the Government require; and I may say for myself that I believe $100,000 is all that is necessary, and beyond the actual requirement of the Government.

The reason the Committee on Military Affairs arrived at that conclusion is this: We have an army of 25,000 men already equipped. We have 150,000 stand of arms in Government arsenals, separate and distinct from all the arms held by all the militia of the United States. So we are in condition to-day to put into the field a regular army of 175,000 men equipped, just so soon as stores could be shipped from Springfield and other places of keeping arms to the camps where the troops are situated.

When is it the war is to come to make for America the necessity for a standing army of more than 175,000 men? It is away off in the distance, and in the mean time we expend $400,000 each year for supplying the army which is to spring up in the future with muskets, and after we have gone on for ten, fifteen, or twenty years filling up our storehouses with these arms, an improved arm comes into use, and we will then be informed by the Ordnance Department the American Army, to be equipped properly, should not be equipped with a second-rate arm, and we will be asked to give a larger appropriation in order to furnish the best arm then discovered, and all the old arms will become obsolete, like all the arms they manufactured before the breech-loading musket and improvements. We think there is no necessity for any such investment.

Last year the gentleman from Massachusetts [Mr. ROCKWELL] used as his argument, that it was necessary to keep the appropriation up to $400,000 for the purpose of keeping the skilled labor together necessary to manufacture arms. This time I hear nothing about skilled labor. And why? Because the militia bill which passed the House yesterday makes a standing appropriation of $400,000 for the manufacture and purchase of arms, and camp and garrison equipage, under the direction and at the discretion of the Secretary of War, and as we have but one armory for the manufacture of arms, a portion of that $400,000 will be turned over for the manufacture of arms, and it will increase the sum to be expended at Springfield, and more than would be expended had we appropriated $400,000 in this bill and allowed that militia bill to stand.

But the gentleman says the Committee on the Militia said they must go hand in hand with the bill in reference to this appropriation. The Committee on the Militia speaks for itself; the Military Committee speaks for itself. By the terms of the bill we passed on yesterday the gentleman's position must fall; for we passed that bill for the purpose of purchasing or manufacturing arms and such quartermaster stores as were necessary for the militia.

Will the gentleman maintain for a moment that we have a standing appropriation of $400,000 to expend every year to buy tents to send out to the companies and squads of militia in the different States?

Four hundred thousand dollars a year for tents! Why, the thing looks absurd when you come to consider it in its proper aspect.

It is for arms and equipments, the arms being the greater, the equipments the lesser, part of the expense. So that with the appropriation as now of $300,000, and the increase of $200,000 added to the militia bill, you give Springfield $500,000 for expenditure this year instead of the $400,000 of last year; and still they are not satisfied.

Now, Mr. Chairman, a word about these recommendations of the Ordnance Department. The Ordnance Office states, I know, and Congress will bear in mind, that they have a wonderful number of things to do. If the gentleman from Massachusetts were as familiar with the working of the Ordnance Department as the Committee on Military Affairs, he would know that the grouping of a great many things to furnish a great big sentence sometimes enables the office to recommend an appropriation for a very small thing. First, we are asked to bear in mind that, in addition to the supply to the Army and militia, &c., under the law of 1879 the Ordnance Department is instructed to supply or equip the Marine Corps, to furnish muskets to the few colleges that teach military tactics in the country, and furnish arms to guard the treasure of the United States when it is being moved to and fro between different points. They have had since 1879 to equip the Marine Corps. It is not a large body. It has but a few hundred men. These little squads which go with the money and the treasure to guard it—certainly it would not take more than eight years to equip them. Then the colleges have had eight or ten years to obtain the few arms that is necessary in those colleges where military training is a part of the course. So that, although the Ordnance Office makes a big paragraph of these little things, when you come to sift it down it turns out to be a very small kernel of wheat in a very large bushel of chaff.

Again, as to "supplying the Army in addition to the militia," that is true. This in addition to the militia; but the Ordnance Office were not so ingenuous as they usually are when they appended that note to the estimates, because the money appropriated here for the manufacture of arms has nothing to do with the manufacture of arms for the militia, as such.

The arming of the militia comes under the old sections of the law; that is, the law of 1808, which is a standing appropriation, and any diversion of the appropriation that is proposed here to the militia would be a malversation on the part of the Ordnance Office. This is a bill for the support of the Army, not for the support of the militia; and the money here appropriated is for the use of the Army, and not for the militia. The militia have a standing appropriation which is increased from $200,000 to $400,000 by the action of the House on yesterday; and all arms that grow out of this appropriation have to be paid for at the arsenal. So there is no need of making an appropriation by reason of the fact that the Ordnance Department supplies the militia.

This Congress at its last session agreed with the views of the Committee on the Militia that $300,000 was sufficient for this purpose. Now, when we have increased the appropriation for the Springfield arsenal, I hope that the House will stand by its action then, and support the committee in its recommendations.

Mr. ROCKWELL. In reply to what the gentleman from Wisconsin has said, I would refer him to the letter of the Secretary of War furnishing information to the House of Representatives, and embodied in House Executive Document No. 35 of the present session, in which there is an item under the head of expenditures of $46,384.79, for arming and equipping the militia. Also, for the manufacture of arms at the national armories, $395,922.84.

I would refer any inquisitive man also to the Revised Statutes, section 1667, where the distribution of arms and equipments to the militia is required to be made on the basis of the representation of the States by Members and Senators in Congress, and I claim that out of the arms manufactured at the Springfield armory the militia is supplied. That, of course, takes away from the number of arms in store, and I am sustained by the language which appears in a note appended to the estimates of the War Department, on page 108 of the Book of Estimates, where it says:

Besides supplying the regular Army, the militia, the various colleges, &c.

Mr. BRAGG. Let me ask the gentleman a question.

Mr. ROCKWELL. If the gentleman will give further time I will yield to him with pleasure.

Now, the gentleman from Wisconsin said further that this bill which

we passed on yesterday is to add to the annual appropriation for the Springfield Armory $200,000. Who can tell that?

That bill appropriates $400,000 for arming and equipping the militia. The chairman of the committee said the bill was to provide equipments for the militia, so that they might meet and have their trainings. Some of them, he said, had to provide their own tents, and that bill was especially brought in here for the purpose of providing the militia with the necessary equipments, so that they may meet and have their encampments, &c.

Now, you can not tell how much of that fund is to be expended at the Springfield Armory. I say it is fair to presume the intention of the committee will be carried out at the Ordnance Department, and that these matters, equipments, &c., will be furnished the militia, and that the output of the Springfield Armory will not be materially increased.

I am sorry, indeed, to find the distinguished chairman of the Military Committee disagreeing with the chairman of the Committee on the Militia and with the Ordnance Department. We heard last year of his disagreement with the Ordnance Department. This year he also disagrees with the Militia Committee. I think under the circumstances it is fair to say to the House that there is as much wisdom reposing in the Ordnance Department and the Committee on Militia as there is in the Committee on Military Affairs. I think it is fair to make that suggestion. And when we find the Ordnance Department in favor of increasing this surplus of arms till it reaches 500,000, having as yet only reached 150,000, and when we find the Committee on the Militia saying that this bill, which they have reduced from $600,000 to $400,000, is to be taken in connection with this annual appropriation for the manufacture of arms, I think under these circumstances we have a right to judge as a House for ourselves whether or not the weight of argument is not with the Committee on the Militia and the Ordnance Department.

The gentleman from Wisconsin has been pleased to say that I have omitted an argument that I used last year as to the four hundred and fifty-nine men employed at the national armory, many of whom were skilled laborers. That argument holds just as good now as it did last year. Those skilled workmen should be kept. If the whole of the one hundred and fifty thousand surplus stand of arms were to be thrown away to-morrow it would still be proper for this Government to carry on the only armory at which it manufactures arms, because otherwise the supply of arms required, and the skilled workmen, could never be gotten together when the emergency arises.

The gentleman talks as if an emergency would not arise for seventy-five or one hundred years. Who has given him this right to prophesy? The Ordnance Department do not prophesy in the same way. The Committee on the Militia do not prophesy in that way.

And by what divine right is the distinguished chairman of the Military Committee entitled to say there shall not be a war in which this country shall be engaged in the next seventy-five or one hundred years? I wish he were a true prophet. I wish this country could be on such a peace basis that it would not be necessary to have appropriations for the Navy or the manufacture of arms. I wish we could live at peace with all the world, but I know full well one of the best things this country can do, in the existing state of human affairs, is to be prepared for any emergency which may arise. To-day we are the laughing stock of the world and our seaboard cities can be ruined in an hour by any fourth-rate foreign power. Shall we then also neglect this department which we have hitherto kept up or have been trying to keep up to the proper standard?

I say there is propriety in our being prepared so that this great country, when she gives forth her opinion, shall be respected by the other great powers of the world. There is something more in this than is involved in the talk about the peace basis. There are the rights of fifty millions of people at stake. There are the rights at stake of a country where liberty is held in honor and respect. I believe in placing this country—not only its navy, but its army—on such a basis that it shall not fear any nation on the globe, and that its liberty and the principles which we have inherited and to which we are all loyal, shall be respected, and our words and laws shall be respected around the globe. For these reasons I favor a proper appropriation for this purpose. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. ROCKWELL].

Mr. STEELE. It is due to a part of the Committee on Military Affairs to state they were in favor of leaving the appropriation at $400,000, and one of the main objects I had in view was that we might save ourselves from the Fourth-of-July speech that we have had again to-day from the gentleman from Massachusetts. He has made that speech now for the last three years, and very effectively, and I like to hear it; but when he goes to draw his comparisons between the great military chieftains of the Committee on Military Affairs and an ordinary company of militia of the other committee it is more than I can stand. I believe with the gentleman that with the bill which we passed yesterday, and which is now before the Senate, they will be able to use up the $400,000 in camp-meetings and parades without using it for the purchase of a single gun. For that reason I am in favor of the $400,000.

I do not believe there will ever be a more effective arm manufactured than the Springfield breech-loading rifle which is now manufactured at Springfield. There has been a great deal of talk about a magazine-gun; and no doubt for wholly defensive operations, where you can have the ammunition at hand, the magazine-gun would be preferable to any other arm; but for general service it has been the experience of soldiers that one of the greatest difficulties has been to get enough ammunition to the front. Should we have a war, I believe that with the use of the present Springfield gun a great problem would be to get ammunition fast enough to be fired away.

I remember that in 1861 many of us went to the front with old Harper's Ferry muskets with flint locks—guns in firing which there was about as much danger at one end as at the other. [Laughter.] I do not know that we are going to have war, I do not think we shall have war, but as we are manufacturing what I believe to be the best gun in the world, I think we ought to have a good many of them on hand in case any emergency should arise. For that reason I shall support the amendment.

The question was taken on the amendment offered by Mr. ROCKWELL, and the Chairman announced that the noes seemed to have it.

Mr. ROCKWELL. I ask for a division.

The House divided; and there were—ayes 73, noes 71.

Mr. BRAGG. I demand tellers.

The CHAIRMAN appointed Mr. BRAGG and Mr. ROCKWELL to act as tellers.

The House again divided; and there were—ayes 74, noes 73.

The CHAIRMAN. The amendment is agreed to.

Mr. HOLMAN. There is no quorum voting, Mr. Chairman.

The CHAIRMAN. The point being made that no quorum has voted, the tellers will resume their places.

Mr. DUNHAM. Mr. Chairman, I wish to make a parliamentary inquiry. After the Chair has stated that the amendment is agreed to, is it not too late to make the point of no quorum?

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] was on his feet making the point, but, in the confusion, the Chair did not hear him.

Mr. HOLMAN (before the count was completed). Mr. Chairman, I withdraw the point of no quorum.

The tellers reported—ayes 86, noes 79.

So the amendment was agreed to.

Mr. BRAGG. I shall call for a vote in the House by yeas and nays on this amendment.

The Clerk concluded the reading of the bill.

Mr. BRAGG. I move that the committee now rise and report this bill with the amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, from the Committee of the Whole, reported that they had had under consideration the Army appropriation bill, and had directed him to report the same back to the House with sundry amendments.

Mr. BRAGG. Mr. Speaker, I move the previous question on the amendments and upon ordering the bill to be engrossed and read a third time.

The previous question was ordered.

The SPEAKER. Unless a separate vote is demanded upon some amendment, the Chair will put the question on the amendments in gross.

Mr. BRAGG. I demand a separate vote on the amendment offered by the gentleman from Massachusetts [Mr. ROCKWELL] in line 427 of the bill.

The SPEAKER. No other separate vote being demanded, the Chair will put the question on the other amendments in gross.

The remaining amendments were agreed to.

Mr. BRAGG moved to reconsider the vote by which the amendments were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Clerk will now report the amendment on which the gentleman from Wisconsin [Mr. BRAGG] demands a separate vote.

The amendment was read, as follows:

In line 427 of the bill strike out the word "three" and insert "four," making the provision read: "For manufacture of arms at the National Armory, $400,000."

Mr. BRAGG. On that I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 94, nays 104, not voting 123; as follows:

YEAS—94.

Adams, G. E.	Brady,	Collins,	Farquhar,
Anderson, J. A.	Brown, C. E.	Conger,	Fuller,
Atkinson,	Brown, W. W.	Cooper,	Gilfillan,
Baker,	Buchanan,	Cutcheon,	Goff,
Bingham,	Burrows,	Dunham,	Grout,
Bliss,	Campbell, J. M.	Eldredge,	Guenther,
Bound,	Campbell, T. J.	Ely,	Hayden,
Boutelle,	Cannon,	Everhart,	Haynes,

Henderson, T. J.	Lore,	Owen,	Strait,
Hewitt,	Lovering,	Payne,	Struble,
Hiestand,	Lyman,	Perkins,	Swinburne,
Hires,	Markham,	Peters,	Taylor, E. B.
Hitt,	McComas,	Plumb,	Taylor, Zach.
Holmes,	McKenna,	Reed, T. B.	Thomas, J. R.
Hopkins,	Merriman,	Rockwell,	Thomas, O. B.
James,	Milliken,	Romeis,	Thompson,
Johnson, F. A.	Morrow,	Rowell,	Wade,
Johnston, J. T.	Murphy,	Scranton,	Wadsworth,
Laird,	Negley,	Sessions,	Ward, J. H.
Lawler,	Nelson,	Spriggs,	Weaver, A. J.
Lehlbach,	O'Donnell,	Steele,	West,
Libbey,	O'Hara,	Stephenson,	White, Milo.
Lindsley,	O'Neill, Charles	Stewart, Charles	
Long,	Osborne,	Stone, E. F.	

NAYS—104.

Allen, J. M.	Culberson,	Laffoon,	Seymour,
Anderson, C. M.	Davidson, R. H. M.	Landes,	Shaw,
Bacon,	Ermentrout,	Lanham,	Singleton,
Barksdale,	Findlay,	Le Fevre,	Sowden,
Barnes,	Fisher,	Martin,	Springer,
Barry,	Ford,	Matson,	Stahlnecker,
Bennett,	Forney,	Maybury,	Stone, W. J., Ky.
Blount,	Frederick,	McAdoo,	Stone, W. J., Mo.
Bragg,	Geddes,	McCreary,	Swope,
Breckinridge, C. R.	Gibson, C. H.	McMillin,	Tarsney,
Burnes,	Glass,	Mills,	Taulbee,
Bynum,	Green, R. S.	Morrison,	Taylor, J. M.
Cabell,	Green, W. J.	Neal,	Throckmorton,
Caldwell,	Halsell,	Neece,	Tillman,
Campbell, J. E.	Hammond,	Norwood,	Trigg,
Candler,	Harris,	Peel,	Turner,
Carleton,	Hatch,	Perry,	Van Eaton,
Catchings,	Hemphill,	Pindar,	Viele,
Clements,	Henderson, J. S.	Randall,	Ward, T. B.
Cobb,	Herbert,	Reagan,	Weaver, J. B.
Comstock,	Holman,	Richardson,	Wellborn,
Cowles,	Hutton,	Riggs,	Wheeler,
Cox, S. S.	Irion,	Rogers,	Willis,
Cox, W. R.	Johnston, T. D.	Sadler,	Wilson,
Crain,	Jones, J. H.	Sayers,	Winans,
Crisp,	Kleiner,	Seney,	Wolford.

NOT VOTING—123.

Adams, J. J.	Dockery,	Jones, J. T.	Rice,
Aiken,	Dorsey,	Kelley,	Robertson,
Allen, C. H.	Dougherty,	Ketcham,	Rusk,
Ballentine,	Dunn,	King,	Ryan,
Barbour,	Eden,	La Follette,	Sawyer,
Bayne,	Ellsberry,	Little,	Scott,
Belmont,	Evans,	Louttit,	Skinner,
Blanchard,	Felton,	Lowry,	Smalls,
Bland,	Fleeger,	Mahoney,	Snyder,
Boyle,	Foran,	McKinley,	Spooner,
Breckinridge, W. C. P.	Funston,	McRae,	Stewart, J. W.
Browne, T. M.	Gallinger,	Millard,	St. Martin,
Brumm,	Gay,	Miller,	Storm,
Buck,	Gibson, Eustace	Mitchell,	Symes,
Bunnell,	Glover,	Moffatt,	Taylor, I. H.
Burleigh,	Grosvenor,	Morgan,	Townshend,
Butterworth,	Hale,	Morrill,	Tucker,
Campbell, Felix	Hall,	Muller,	Van Schaick,
Caswell,	Hanback,	Oates,	Wait,
Clardy,	Harmer,	O'Ferrall,	Wakefield,
Compton,	Heard,	O'Neill, J. J.	Wallace,
Croxton,	Henderson, D. B.	Outhwaite,	Warner, A. J.
Curtin,	Henley,	Parker,	Warner, William
Daniel,	Hepburn,	Payson,	Weber,
Dargan,	Hermann,	Pettibone,	White, A. C.
Davenport,	Hill,	Phelps,	Whiting,
Davidson, A. C.	Hiscock,	Pidcock,	Wilkins,
Davis,	Houk,	Pirce,	Wise,
Dawson,	Howard,	Ranney,	Woodburn,
Dibble,	Hudd,	Reid, J. W.	Worthington.
Dingley,	Jackson,	Reese,	

So the amendment was not agreed to.

The SPEAKER, during the roll-call, said: The Chair suggests that gentlemen who are paired with the understanding that they may vote in order to make a quorum had better vote when their names are called; and if it should be ascertained afterward that there is a quorum without their votes, the votes can then be withdrawn. But under the rules of the House, if gentlemen do not vote during the roll-call, they are not permitted to vote afterward.

The call of the roll was resumed and concluded.

Mr. DUNN. Mr. Speaker, I desire to withdraw my vote on this question, and also on the question under consideration at a former hour to-day in regard to a bill returned with the Presidential veto. I am paired with the gentleman from Maine [Mr. DINGLEY]. I voted the first time inadvertently; and upon this question I have voted in order to preserve a quorum.

The SPEAKER. If there be no objection, the vote of the gentleman from Arkansas [Mr. DUNN] upon the question of considering the vetoed pension bill this morning will be withdrawn. The Chair hears no objection. The gentleman has the right to withdraw his vote upon the present question.

The following additional pairs were announced:

Mr. O'FERRALL with Mr. FUNSTON.

Mr. MCRAE with Mr. STRAIT, until further notice.

The following named members were announced as paired for the rest of the day:

Mr. GREEN, of New Jersey, with Mr. HANBACK.

Mr. HENDERSON, of Iowa, with Mr. MORGAN.

Mr. DAWSON with Mr. LAFOLLETTE.

Mr. DIBBLE with Mr. HOUK.

Mr. WILKINS with Mr. BUTTERWORTH.

Mr. O'NEILL, of Missouri, with Mr. MORRILL.

The result of the vote was announced as aboved stated.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had disagreed to the amendment of the House to the bill (S. 222) to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia, asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. SEWELL, Mr. HAWLEY, and Mr. COCKRELL.

The message also announced that the Senate had passed a bill (S. 2837) relative to the location of the town site of Wallace, Kans.; in which the concurrence of the House was requested.

PENSION APPROPRIATION BILL.

Mr. TOWNSHEND, from the Committee on Appropriations, reported a bill (H. R. 10397) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1888, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed, all points of order being reserved by Mr. NELSON.

DISTRIBUTION OF PRESIDENT'S MESSAGE.

Mr. MORRISON. Mr. Speaker, I am directed by the Committee on Ways and Means to report back the ordinary resolutions for the distribution of the President's message and ask that they be referred to the Committee of the Whole House on the state of the Union. The report is in the usual form, and unless somebody demands the reading of the resolutions, I ask their reference without reading, but request that they be printed in the RECORD.

There being no objection, the resolutions were referred to the Committee of the Whole House on the state of the Union, and ordered to be printed in the RECORD. They are as follows:

Resolved, That so much of the annual message of the President of the United States to the two Houses of Congress at the present session as relates to our foreign affairs, including appropriations therefor, together with the accompanying correspondence and documents; the question of claims of American citizens against Chili for injuries during late war; the limitation of Chinese immigration and protection to Chinese subjects here; isthmian transit; international protection to submarine cables; the British-American fisheries; settlement of boundary between Alaska and British Columbia; the reorganization of our consular and diplomatic service, and the question of consular inspection and reports, be referred to the Committee on Foreign Affairs.

Resolved, That so much of said message and accompanying documents as relates to the public debt and the public revenues, to the national finances, to the revenue provisions of treaties with Mexico, Hawaii, and other countries, the commercial relations with foreign countries having connection with revenue questions, the necessity of a reduction of the revenue to the necessary expense of an economical administration, to the wants and condition of the Treasury, and the reduction of its surplus, be referred to the Committee on Ways and Means.

Resolved, That so much of said message and accompanying documents as relates to the appropriation and expenditure of the public moneys for the support of the Government, *i. e.* for legislative, executive, and judicial expenses, for sundry civil expenses, for fortifications, for the District of Columbia, for pensions, and for all deficiencies, be referred to the Committee on Appropriations.

Resolved, That so much as relates to the judiciary of the United States, to legislation touching citizenship, naturalization and extradition, and international copyright, and the reorganization of the Department of Justice, be referred to the Committee on the Judiciary.

Resolved, That so much as relates to the currency and to national banking associations be referred to the Committee on Banking and Currency.

Resolved, That so much as relates to the coinage and the mints of the United States be referred to the Committee on Coinage, Weights and Measures.

Resolved, That so much as relates to the regulation of interstate commerce and the regulation of international commerce be referred to the Committee on Commerce.

Resolved, That so much as relates to the improvement of rivers and harbors, including appropriations therefor, be referred to the Committee on Rivers and Harbors.

Resolved, That so much as relates to agriculture, including appropriations therefor, be referred to the Committee on Agriculture.

Resolved, That so much as relates to the Army of the United States and to the Department of War, including appropriations therefor, and to providing an armament for the defense on the seacoast, be referred to the Committee on Military Affairs.

Resolved, That so much as relates to the Navy of the United States, and the reconstruction of our naval establishment, including appropriations therefor, be referred to the Committee on Naval Affairs.

Resolved, That so much as relates to postal affairs, including appropriations therefor, be referred to the Committee on Post-Office and Post-Roads.

Resolved, That so much as relates to the public domain and legislation to prevent frauds and revive the homestead policy, in the disposal of our public lands, be referred to the Committee on Public Lands.

Resolved, That so much as relates to the care, education, and management of the Indians, including appropriations therefor, be referred to the Committee on Indian Affairs.

Resolved, That so much as relates to the organization and government of the Territories, be referred to the Committee on the Territories.

Resolved, That so much as relates to the care and improvement of public buildings and grounds, be referred to the Committee on Public Buildings and Grounds.

Resolved, That so much as relates to patents, be referred to the Committee on Patents.

URGENT DEFICIENCY BILL.

The SPEAKER. The Chair will again lay before the House the Senate amendments to the bill (H. R. 10239) making an appropriation to supply a deficiency in an appropriation for public printing and binding for the fiscal year ending June 30, 1887, and for other purposes. The Clerk will report the amendments of the Senate.

The amendments were read.

Mr. BURNES. Mr. Speaker, I desire to say that the three amendments adopted by the Senate are merely verbal and formal in their character, and need not be explained particularly to the House, as they make no material change in the bill. In view of the fact that this is an urgent deficiency, unless some gentleman desires to make some inquiry, I will ask the previous question on the adoption of the amendments.

Mr. HOLMAN. I would like to ask the gentleman one question with reference to the amendment changing, as I understand it, the title of the captain of the watch.

Mr. BURNES. There is no change except in the mere title. We appropriated for five watchmen, and in this bill we appropriated for one captain of the watch and four watchmen. The Senate simply strike out the one captain and make it five watchmen. In other respects there is no change.

The SPEAKER. Unless there be a separate vote demanded the question will be on agreeing to the amendments of the Senate in gross.

The amendments were agreed to.

Mr. BURNES moved to reconsider the vote by which the amendments were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House do now adjourn.

The question was taken; and on a division there were—ayes 97, noes 44.

Mr. HATCH demanded the yeas and nays.

The yeas and nays were not ordered.

Mr. BURNES. I demand tellers on the yeas and nays; and pending that I desire to make a parliamentary inquiry. If the House should now adjourn, will it be possible for this deficiency bill to be enrolled, and signed by the Speaker, so as to be presented to the President to-night?

The SPEAKER. It will not.

Mr. RANDALL. It could not reach him anyhow to-night, because the Senate has already adjourned.

Mr. HATCH. But a good deal of other business can be attended to.

Mr. BURNES. I suggest that a recess be taken for half an hour, so as to give time for the enrollment of the bill.

The SPEAKER. But there is a motion pending to adjourn. Does the gentleman demand tellers on the yeas and nays?

Mr. BURNES. I do.

Tellers were ordered.

Mr. BURNES and Mr. RANDALL were appointed tellers.

The House again divided, but before the count was concluded Mr. BURNES withdrew the demand.

So, no further count being demanded, the motion was agreed to; and accordingly (at 3 o'clock and 40 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. M. ANDERSON: Petition of the Women's Christian Temperance Union of Kansas, in favor of the Blair educational bill—to the Committee on Education.

By Mr. BUNNELL: Petition of Mercy Owens, widow of Jeptha W. Owens, late of Company C, One hundred and ninety-third Regiment New York Cavalry, to accompany the bill (H. R. 10343)—to the Committee on Invalid Pensions.

By Mr. CONGER: Petition of the executive committee of the grand lodge of the Independent Order of Good Templars of Iowa, on behalf of a membership of 11,000, for the early consideration and passage of the bill (S. 1579) granting to the people of the District of Columbia the right to determine by ballot whether intoxicating liquors shall be sold in said District—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. DINGLEY: Memorial of Vessel-owners' and Captains' National Association, for the passage of the House bill to place coastwise sailing vessels on the same basis as steam-vessels in respect to pilotage, and to relieve them from the payment of compulsory fees to State pilots not used—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, remonstrance of the Pensacola (Fla.) Board of Trade and of the Portland (Oreg.) Board of Trade, against the free-ship bill—to the same committee.

By Mr. FARQUHAR: Petition and papers in the claim of R. W. Clark—to the Committee on War Claims.

By Mr. GOFF: Petition of the West Virginia conference of the Methodist Episcopal Church, relative to the treaty of 1880 between China and the United States—to the Committee on Foreign Affairs.

By Mr. LA FOLLETTE: Petition of Francis Little and 39 others, citizens of Iowa County, and of William Bottomly, James W. Trestrail, and 16 others, citizens of La Fayette County, Wisconsin, for the passage of the bill (H. R. 2933) establishing agricultural experiment stations—to the Committee on Agriculture.

Also, petition of Amy C. Kellogg and others, officers of the Women's Christian Temperance Union of Wisconsin, for the passage of the Senate bill giving national aid to education—to the Committee on Education.

Also, petition from Mrs. Juliette Main and 30 others, citizens of Verona and Oregon, Wis., relating to woman suffrage—to the Committee on the Judiciary.

By Mr. MAHONEY: Petition for the improvement of Gowanus Channel, New York—to the Committee on Rivers and Harbors.

By Mr. MORGAN: Petition of John D. Baum, for relief under the act of March 3, 1883—to the Committee on War Claims.

By Mr. ROMEIS: Petition of Harry M. Carley, for an original pension—to the Committee on Invalid Pensions.

By Mr. STAHLNECKER: Petition of the Merchants' Exchange of Saint Louis, Mo., in favor of liberal appropriations for mail facilities between the United States and Central and South American States—to the Committee on the Post-Office and Post-Roads.

By Mr. ZACH. TAYLOR: Petition of Charles F. Tising, of Memphis, Tenn., for an invalid pension—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: Memorial from the chambers of commerce and boards of trade of Saint Louis, Kansas City, Minneapolis, Saint Paul, Memphis, New Orleans, Cincinnati, and Pittsburgh, in favor of mail service to South America—to the Committee on the Post-Office and Post-Roads.

By Mr. WHEELER: Petition of Farmers' Central Club, of Madison County, Alabama, urging the passage of the bill to establish experiment stations, &c.—to the Committee on Agriculture.

Also, paper relating to the claim of Mrs. E. C. Swope—to the Committee on War Claims.

By Mr. WHITING: Petition of the Farmers' Club of Royalston, Mass., and of the Hillridge Agricultural Society of Cummington, Mass., praying for the passage of the bill (H. R. 2933)—to the Committee on Agriculture.

By Mr. WILLIS: Papers in the care of C. T. Vennigerholz—to the Committee on Claims.

By Mr. WISE: Petition of citizens of Virginia in favor of the establishment of a light-house at Newport News Point—to the Committee on Commerce.

SENATE.

WEDNESDAY, *December* 22, 1886.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. BECK. I present a petition of a number of citizens of Paducah, Ky., praying for a reduction of the special taxes and the repeal of the prohibitory features of the oleomargarine act. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. HOAR presented the petition of Henry B. Jencks and other citizens of Hubbardston, Mass., praying for the passage of the Hatch experiment-station bill; which was ordered to lie on the table.

Mr. WILSON, of Iowa, presented a petition of the executive committee of the Grand Lodge of the Independent Order of Good Templars, State of Iowa, praying for the passage of the bill (S. 1579) granting to the people of the District of Columbia the right to determine by ballot whether intoxicating liquors may hereafter be legally manufactured and sold in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. BLAIR presented a petition of the executive committee of the Grand Lodge of the Independent Order of Good Templars, State of New Hampshire, on behalf of a membership of four thousand, praying for the passage of the bill (S. 1579) granting to the people of the District of Columbia the right to determine by ballot whether intoxicating liquors may hereafter be legally manufactured and sold in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. BLAIR. I also present a petition of the Women's Christian Temperance Union, for the protection of women, setting out their desire for the enactment of a statute on that subject, signed by the president of the union and its officers. I move the reference of the peti-

tion to the Committee on the District of Columbia, which, I believe, has that subject under consideration.

The motion was agreed to.

Mr. CONGER presented the petition of A. B. Franke and 17 other citizens of Bay City, Mich., praying for a reduction of the special taxes on oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. CULLOM. I present petitions from importers of the cities of Philadelphia, Pa., Providence, R. I., and Buffalo, N. Y., praying for the passage of the bill introduced by the Senator from Missouri [Mr. COCKRELL] proposing to amend the immediate-transportation act. I move the reference of the petitions to the Committee on Commerce.

The motion was agreed to.

Mr. DAWES presented a petition of the Agricultural Society of Essex County, Massachusetts, praying for the passage of the Hatch experiment-station bill; which was ordered to lie on the table.

Mr. CAMERON. I present the memorial of Amos R. Little, chairman, Clinton P. Paine, vice-chairman, and others, executive committee of the constitutional centennial commission, in favor of the co-operation by the Government of the United States in a proper celebration of the centennial anniversary of the framing and promulgation of the Federal Constitution, at Philadelphia, in September, 1887. I move its reference to the Select Committee on the Centennial Celebration, and as it is brief I ask that it be printed in the RECORD.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks the unanimous consent of the Senate to print this memorial in the RECORD. Is there objection?

Mr. EDMUNDS. What is it about?

Mr. CAMERON. It relates to the proposed centennial celebration of the framing and promulgation of the Constitution.

Mr. EDMUNDS. We ought not to print anything of the kind in the RECORD, but I shall not object this time.

The PRESIDENT *pro tempore*. There being no objection, the memorial will be printed in the RECORD, and referred to the Select Committee on the Centennial of the Constitution and the Discovery of America.

The memorial is as follows:

To the Senate and House of Representatives of the United States of America:

Your memorialists have the honor to represent the constitutional centennial commission, which was organized at Philadelphia on the 2d of December, 1886, by the commissioners appointed by the governors of the States and Territories, for the purpose of providing for the proper celebration by the nation of the centennial anniversary of the framing and promulgation of the Federal Constitution.

No national memorial celebration can be of deeper significance than that which relates to the completion of the structure of our Government by its architects and builders, and its solemn dedication to the service of the people and mankind. That hour marked the most momentous epoch in our history. The labors of that day preserved for all time the precious fruits of freedom and self-government. Unique in origin; without a prototype in design; of enduring strength, and of phenomenal success, in the history of political philosophy the Constitution stands alone. Tested by danger and adversity, as well as by peace and prosperity, endeared to us by tradition and hallowed by experience, it has become the object of our reverential and affectionate regard. To it no American mind can be too attentive, and no American heart too devoted, and it is believed that the people will gather, as around a shrine, to commemorate by appropriate exercises the great work which was accomplished in Philadelphia by the statesmen of the Revolution, and to return in a devout and heartfelt manner their thanks to Divine Providence for the blessings which they have enjoyed during a century of federal constitutional government.

Animated by these feelings, and conscious of the sublime meaning of the approaching event, the commissioners have framed and outlined a programme of exercises which in their judgement would be appropriate. They have provided for the delivery of an oration and a poem in commemoration of the signing of the Constitution. They have determined that there shall be a military display, in which the United States shall be invited to be represented by each branch of its military and naval service; that the several States and Territories and the District of Columbia shall be invited to be represented by their militia and volunteer service; that the President of the United States be requested to designate officers to command the same; that there shall also be an industrial processional display. That invitations to participate in the celebration shall be extended to the President of the United States and his Cabinet, to the Federal judiciary, to Congress and the representatives of all departments of the Federal Government, to the governor of each State and Territory, to the judiciaries and legislatures of the same, and the representatives of the several departments thereof; to the Commissioners of the District of Columbia, and to the various civic organizations and associations of the Union; and that the resident representatives of the foreign governments having friendly relations with the United States be invited to participate. The commission also resolved that there should be created in the city of Philadelphia a suitable memorial, commemorative of the signing and adoption of the Constitution and of the progress of the nation since that period.

Thus the commissioners have endeavored to gather the people together in the city of that august convention which framed the Constitution; and have invited them to visit the hallowed ground of its birthplace, and by reviewing the scenes, recalling the deeds, and reviving the memories of the great statesmen who framed it, to renew their vows of fealty to the Constitution, and knit in closer bonds of union the members of our great Republic.

Your memorialists respectfully urge upon the attention of your honorable bodies the fitness of your hearty co-operation, and ask you by timely and appropriate action to authorize the Secretary of War and the Secretary of the Navy to arrange for the proper representation and participation by the military and naval services of the United States; to designate the troops and marines and their officers which are to take a part, and to provide for the proper supplies and encampment of the men.

And your memorialists further petition that Congress shall by appropriate resolutions recognize the importance and the dignity of the coming celebration and pledge their hearty co-operation; that the nation shall be represented by competent commissioners who shall be clothed with authority to unite with the commissioners of the different States and Territories in the prosecution of the work of carrying out the details of the programme, and particularly in the erection of a suitable memorial, to which each State and Territory shall contribute, but to which the nation shall furnish the cap-stone and the crown.

And your memorialists further petition that the President be authorized to designate a competent commission, to be charged with the duty of collecting and publishing all documents, whether drawn from the public archives or from private sources, which relate to the history and formation of the Constitution, including the debates in the Federal conventions and in the conventions of the several States which successively adopted and ratified the Constitution, so that a monument of historical literature may be built up, and a fund of information furnished for the instruction of the philosopher and the student when contemplating the political achievements of mankind.

And your memorialists further petition that Congress heartily co-operate in our work and insure the success of a celebration, national in its character and world-wide in its significance.

AMOS R. LITTLE (*Chairman*),
CLINTON P. PAINE (*Vice-Chairman*),
N. G. ORDWAY,
C. J. HARRAH,
HAMPTON L. CARSON (*Secretary*),
Executive Committee of the Subconstitutional Centennial Commission.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I am directed by the Committee on Foreign Relations, to which was referred so much of the President's message as relates to the execution of the treaty with China on the subject of the opium traffic, to report a bill to carry into execution the second article of the treaty of 1881, which embraces that subject, and to submit with the bill a written report. I ask that the bill may be read the first and second times and placed on the Calendar, and as early as possible on the reassembling of the Senate I shall ask the Senate to consider it.

The bill (S. 3044) to provide for the execution of the provisions of article 2 of the treaty concluded between the United States of America and the Emperor of China on the 17th day of November, 1880, and proclaimed by the President of the United States on the 5th day of October, 1881, was read twice by its title.

Mr. SHERMAN, from the Committee on Foreign Relations, asked to be discharged from the further consideration of the letter of the Secretary of State addressed to the chairman of the Committee on Foreign Relations, concerning the unsettled claim of Messrs. Bishop & Co., bankers, of Honolulu, against the Government of the United States for interest and charges upon money advanced to C. S. Mattoon, United States consul, for the relief of destitute American seamen, and that it be referred to the Committee on Claims; which was agreed to.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom were referred the following bills, reported them severally without amendments and submitted reports thereon:

A bill (H. R. 960) for the relief of J. R. McGoldrick; and
A bill (H. R. 6046) for the relief of H. C. Wilkey.

INTERSTATE COMMERCE.

Mr. MANDERSON. On behalf of the Committee on Printing I report back the resolution submitted by the Senator from Illinois [Mr. CULLOM] to print 5,000 extra copies of the conference report on the bill (S. 1532) being the interstate-commerce bill.

There has been considerable delay in the action of the Committee on Printing, caused, however, by the difficulty in complying with a provision in the sundry civil appropriation act passed at the last session of Congress. The delay has been caused by the difficulty experienced by the Public Printer in making a correct estimate of the printing ordered by Congress during the present fiscal year. As this is the first report made in compliance with that law, I ask that the report be read and that there may be immediate consideration of the resolution.

The PRESIDENT *pro tempore*. The Senator from Nebraska, from the Committee on Printing, submits a report and asks that it be read. It will be read.

The Chief Clerk read the report, as follows:

The Committee on Printing, having had under consideration a resolution of the Senate for printing 5,000 additional copies of the report of the committee of conference on the disagreeing votes of the two Houses on Senate bill 1532, to regulate commerce between the States, being Senate Miscellaneous Document No. 12, have ascertained from the Public Printer that the estimated cost of said printing will be $45.55, and that the cost of work previously ordered by Congress within the fiscal year is $40,775.65. The committee reports favorably on the passage of the resolution, and submits as part of its report the correspondence with the Public Printer in the matter of estimates for the printing of this report and of compliance with the requirements of the act of August 4, 1886.

Papers accompanying the report of the Committee on Printing on printing 5,000 additional copies of the report of the committee of conference on interstate commerce.

SENATE COMMITTEE ON PRINTING,
Washington, D. C., December 17, 1886.

SIR: I am directed by the chairman of the Senate Committee on Printing to request from you an estimate of the cost of printing 5,000 extra copies of the report of the conference committee on Senate bill 1532, Senate Miscellaneous Document No. 12.

In making this request I would invite your attention to a clause in the act approved August 4, 1886. (See laws session 1, Forty-ninth Congress, page 255, top of page.)

This (which did not emanate from the Committee on Printing) seems to require an elaborate statement from you to accompany each estimate. It occurs to me that it might be well to have blanks prepared, asking the estimate, with another for it and the information required, and I have thought it proper to bring the same to your attention.

I would also repeat my verbal statement that the law requires the standard of paper to be fixed early in the session, and that it has always been thought desirable that the standard should be fixed and the advertisement approved by the joint committee and sent out before the holiday recess.

Very respectfully,
BEN: PERLEY POORE,
Clerk of Printing Records.

Hon. THOMAS E. BENEDICT, *Public Printer.*

GOVERNMENT PRINTING OFFICE,
Washington, D. C., December 18, 1886.

SIR: The estimated cost of printing 5,000 extra copies of the report of the conference committee on the Senate interstate-commerce bill, No. 1532, being Senate Miscellaneous Document No. 12, is $45.55.

Very respectfully,

G. H. BENEDICT, *Chief Clerk.*

Maj. BEN: PERLEY POORE,
Clerk of Printing Records, United States Senate.

SENATE COMMITTEE ON PRINTING,
Washington, D. C., December 18, 1886.

SIR: I have received yours of this date, in answer to a request from the Senate Committee on Printing, for the estimated cost of printing 5,000 copies of the report of the conference committee on the Senate bill 1532. In my letter of the 17th to the Public Printer, requesting this estimate, I invited his attention to a clause in the act approved August 4, 1886.

I am directed by the chairman of the Senate Committee on Printing to return the estimate sent, and to request that it may be accompanied "with a statement from the Public Printer of the amount and cost of work previously ordered by Congress within the fiscal year for which the appropriation is made."

I am further directed by the chairman of the Committee on Printing to request that the estimate may be returned, "together" with the statement required, at the earliest possible moment, as there is a great demand on the part of Senators for the extra copies of the report.

Very truly yours,

BEN: PERLEY POORE,
Clerk of Printing Records.

G. H. BENEDICT,
Chief Clerk, Government Printing Office.

GOVERNMENT PRINTING OFFICE,
Washington, D. C., December 20, 1886.

SIR: Yours of December 17, inviting my attention to "a clause in the act approved August 4, 1886," and a further communication of December 18, 1886, addressed to my chief clerk, stating that you have been "directed by the chairman of the Senate Committee on Printing (C. F. M.) to return the estimate sent, that it may be accompanied "with a statement from the Public Printer of the amount and cost of work previously ordered by Congress within the fiscal year for which the appropriation is made," have been duly received. Both communications have had my prompt and serious consideration, and a reply to the first communication had been drafted when the second was received. I trust that it will suit the convenience of the committee that I include my reply to the first, and a statement of the reason for a failure to render an immediate statement as requested in the second, in one communication.

The question of the adoption of methods to meet the mandatory clause of public resolution 117, approved August 4, 1886, has, I am informed, received the attention of the experienced clerical force of this office at different times since the passage of the resolution, and every effort to meet its requirements has been given up as an absolute impossibility, and the law considered as entirely inoperative. Under the methods of account and record keeping in this office when I assumed its charge, and continued with slight changes to this date, such an effort would be necessarily a failure. As an illustration of this, on September 13 last not a single item of the Congressional work for the fiscal year of 1885 had been charged up, the same being upward of a year in arrears, and it was only by insisting on much extra labor on the part of the clerical force that I have just succeeded in getting the accounts of the last fiscal year in shape for the annual report to Congress. The Congressional work for the present fiscal year has not yet been touched, and it would take some weeks of steady labor to bring it up to date. I beg to call your attention to the fact that I am not responsible in any way for this condition of the accounts of this office, and to the further fact that I have made the most unremitting efforts to bring order out of confusion, and have all my arrangements made, after months of labor, for beginning on January 1 a complete system of book and account keeping in this office, which will remedy all apparent deficiencies in our present system.

I am as yet not fully prepared to agree with the experienced and competent heads of the printing and clerical departments of this office that the law in question is inoperative. Yet I recognize clearly the almost insuperable difficulties in the way of obeying it. The law seems to contemplate that the Public Printer, whenever he receives notice from the joint committee to furnish an estimate, shall accompany the same with a statement of the actual amount and cost of all work previously ordered by Congress for the same fiscal year. This is an impossibility, for the simple reason that work "ordered by Congress" is frequently held for months in the hands of those preparing the copy, or is delayed by failure to return proofs, or is kept waiting to receive illustrations, or, by the difficult and extensive character of the printing, can not be completed within months, and often years, after it is ordered. I believe it to be a fact that work ordered by Congress upward of seven years ago is still lying uncompleted in this office for various reasons which it has not appeared to be in the power of the Public Printer to remedy.

It is proper to assume, however, that Congress has not required the Public Printer to perform an impossibility, and that what the law contemplates is that he should furnish a reasonable estimate of the probable cost of work previously ordered by Congress. A statement of the actual "amount and cost" of the work ordered by Congress for the present year would not include over 15 per cent. of said work, for the reason that that amount is all that is fully completed and in a condition to be charged up, and no record exists or can exist of the actual "amount and cost" of uncompleted work.

It is a difficult and embarrassing question to consider the question even of furnishing an estimate of the amount and cost of work ordered by Congress with each request for a new estimate, and it apparently could not be done without additional legislation. Only a portion of the work now ordered by Congress is estimated upon by the Public Printer (namely, that recommended by the Committee on Printing), while all other work ordered is proceeded with without estimate. To render any system of estimates at all approximate it would seem to be necessary to amend the law to require the Public Printer to estimate on all the work ordered by Congress. Of course this would include the necessity of Congress providing that the copy and illustrations of all work should be prepared and submitted to the Public Printer previous to being ordered, and he should, as a business necessity, be given some time in order to make an approximately correct estimate. The work would require a large special clerical force, consisting of experienced printers, and would necessarily add considerable to the expenses of this office. It is estimated that the uncompleted work ordered by Congress now in this office would reach $500,000; and it is all chargeable to the appropriation for the year during which it is finished.

I am ready to make any and every effort to carry out the law, provided I can master the difficulties which have puzzled the oldest and most experienced employés of this office in previous efforts to solve them. I can give no date for beginning to furnish the statements required by the committee, and it is absolutely out of my power to respond to the request to furnish a statement in accordance with the law to accompany estimate rendered December 18, which is herewith returned. It is the opinion of the clerk in charge of Congressional work that even a partial statement (including not over 25 to 30 per cent. of work ordered) could not be rendered without several weeks of continuous labor directed to that end.

In conclusion, I will state that I am ready with the form of advertisements and proposals for the quantity of paper required for the ensuing year, together with samples of the kinds required, and will be ready to report to the committee at its earliest convenience.

Very respectfully, your obedient servant,

TH. E. BENEDICT, *Public Printer.*

BEN: PERLEY POORE, Esq.,
Clerk of Printing Records, United States Senate.

GOVERNMENT PRINTING OFFICE,
Washington, D. C., December 21, 1886.

SIR: In compliance with instructions of the Public Printer, I transmit herewith for the Joint Committee on Printing a statement of the amount of work estimated for since the 1st day of July, 1886, as requested by said committee, showing date of estimate, to whom sent, number of copies, title of work, and the estimated cost thereof; in addition to which I submit the following as the estimated cost for printing 5,000 additional copies of the report of the conference committee on the Senate interstate-commerce bill No. 1532, being Senate Miscellaneous Document No. 12, $45.55.

Very respectfully,

G. H. BENEDICT, *Chief Clerk.*

Maj. BEN: PERLEY POORE,
Clerk of Printing Records, United States Senate.

Estimates furnished since the 1st day of July, 1886.

Date.	Furnished to the—	Number of copies.	Title.	Estimated cost.
1886.				
July 6	House	5,000	Menocal's Report on Interoceanic Canals.	$3,175 00
10	Senate	6,000	Digest of Opinions of Attorneys-General of the United States from 1789 to 1881.	2,361 50
17	House	26,000	Third Annual Report, United States Civil Service Commission.	1,440 00
23	House	45,000	Third Annual Report, Bureau Animal Industry.	24,425 00
27	Senate	1,900	Haskell Multicharge Gun	265 00
27	Senate	5,000	Navigation and Customs Collection Laws.	2,065 50
28	House	2,500	Report of Electrical Conference.	585 00
	House	2,000	Digest of the Rules of the House.	2,775 00
Dec. 8	House	25,000	President's Annual Message	550 85
14	House	1,000	Fishery Question (H. Ex. Doc. No. 19).	88 75
14	House	250	Digest of the Rules of the House	301 75
15	House	1,000	President's Message	23 90
15	House	1,000	Report proper, Secretary Treasury.	25 70
15	House	1,000	Report proper, Secretary War	26 00
15	House	1,000	Report proper, Secretary Navy	19 55
15	House	1,000	Report proper, Secretary Interior.	38 30
15	House	1,000	Report proper, Attorney-General.	16 65
15	House	1,000	Report proper, Postmaster-General.	30 25
15	House	1,000	Report proper, Treasurer United States.	28 05
15	House	1,000	Report proper, Comptroller of Currency.	36 70
15	House	1,000	Report proper, Director of the Mint.	38 30
15	House	1,000	Report proper, Commissioner Agriculture.	23 90
15	Senate	3,000	Veto Messages	1,135 00
16	House	2,500	Report Health Officer of District of Columbia.	1,300 00
			Total	40,775 65

The PRESIDENT *pro tempore.* The resolution reported from the Committee on Printing will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That 5,000 extra copies of the conference report on Senate bill 1532 be printed.

The resolution was considered by unanimous consent, and agreed to.

BILLS INTRODUCED.

Mr. MCMILLAN (through Mr. CONGER, in his own necessary absence) introduced a bill (S. 3045) to authorize the construction and maintenance of a bridge by the Duluth, Pierre and Black Hills Railroad Company, across the Missouri River at Pierre, Dak.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BLAIR. By request of the Union Veteran Army Association of the United States, I introduce a bill to amend certain sections of the Revised Statutes of the United States and certain laws relating to pensions enacted since the revision of these statutes, and for other purposes.

This bill is quite voluminous. It embraces a great many features of proposed amendment of pension laws, some of which have already been acted upon by the Senate, but I see no way to eliminate them from the rest of the bill. I therefore introduce the bill as drawn, and ask that it be referred to the Committee on Pensions.

The bill (S. 3046) to amend certain sections of the Revised Statutes of the United States relating to pensions and certain laws relating to pensions enacted since the revision of these statutes, and for other

purposes, was read twice by its title, and referred to the Committee on Pensions.

Mr. INGALLS introduced a bill (S. 3047) to increase the pension of J. A. Underwood; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL, of Oregon, introduced a bill (S. 3048) granting an increase of pension to Enoch G. Adams; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DOLPH introduced a bill (S. 3049) to establish an assay office at Portland, in the State of Oregon; which was read twice by its title, and referred to the Committee on Finance.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WILLIAMS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. MITCHELL, of Oregon, submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 9736) to grant the Maricopa and Phœnix Railway Company of Arizona the right of way through the Gila River Indian reservation; and

A bill (H. R. 10239) making appropriations to supply a deficiency in the appropriation for public printing and binding for the fiscal year ending June 30, 1887, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 263) providing for the erection of a public building at Springfield, Mass.;

A bill (H. R. 1659) for the relief of the survivors of the exploring steamer Jeannette and the widows and children of those who perished in the retreat from the wreck of that vessel in the arctic seas;

A bill (H. R. 9987) to authorize the construction of a bridge across the Saint Louis River at the most accessible point between the States of Minnesota and Wisconsin; and

A bill (H. R. 10239) making appropriations to supply a deficiency in the appropriation for public printing and binding for the fiscal year ending June 30, 1887, and for other purposes.

The PRESIDENT *pro tempore.* The Chair thinks it important to have certain enrolled bills sent to the President of the United States, and the members of the Committee on Enrolled Bills of the Senate are not in the city. What action shall be taken? By the unanimous consent of the Senate they may be sent without a formal examination by the committee.

Mr. EDMUNDS. I move that the Chair have authority to appoint for the time being a temporary Committee on Enrolled Bills, consisting of three persons. We ought not to send a bill to the President without its being examined.

The PRESIDENT *pro tempore.* The bills have been examined by the proper officers—the clerks.

Mr. EDMUNDS. They ought to go through the regular order, for safety.

The PRESIDENT *pro tempore.* The Chair is advised that they were examined by the committee yesterday. So the Chair is of opinion that the appointment of the committee suggested is not necessary.

Mr. EDMUNDS. Then I withdraw my motion, and simply suggest that the Chair send the bills.

REPORT OF COMMISSIONER OF EDUCATION.

Mr. BLAIR. I ask leave to submit a concurrent resolution calling for the printing of the usual number of the report of the Commissioner of Education, and also, accompanying the resolution, a letter from the Commissioner. I ask to have the resolution and accompanying paper referred to the Committee on Printing.

The Chief Clerk read the concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That of the report of the Commissioner of Education for 1885–'86 there be printed 6,000 copies for the use of the Senate, 12,000 copies for the use of the House, and 25,000 copies for distribution by the Commissioner.

The PRESIDENT *pro tempore.* The resolution will be referred to the Committee on Printing under the rule, with the accompanying communication.

RIVER AND HARBOR BILL.

Mr. HOAR. I offer two resolutions. The first should be adopted, and then the second should go under the rule to the Committee on Contingent Expenses.

The PRESIDENT *pro tempore.* The resolutions will be read for information.

The Chief Clerk read the resolutions, as follows:

Resolved, That the Committee on Commerce be directed, when the river and harbor appropriation bill shall be reported, to report as to each public work for which an appropriation is made in said bill, the facts which render such appropriation advisable and of national importance, and the condition of the work, if begun.

Resolved, That there be an additional clerk for the Committee on Commerce for the remainder of the session.

Mr. HOAR. I ask that the resolutions be considered separately.

The PRESIDENT *pro tempore.* The question is on the adoption of the first resolution.

Mr. COCKRELL. I do not see any members of the Committee on Commerce here; but I should like to ask if that is not a labor which could be performed by the regular clerk.

Mr. HOAR. It is agreeable to the committee to have it done, and the work was performed last session. It is the same resolution which was adopted last year for the convenience of the Senate.

The PRESIDENT *pro tempore.* The question is on the adoption of the first resolution.

The first resolution was agreed to.

The PRESIDENT *pro tempore.* The question is now on the adoption of the second resolution.

Mr. EDMUNDS. The second resolution must be referred.

Mr. HOAR. I ask that the second resolution be referred to the Committee on Contingent Expenses.

The PRESIDENT *pro tempore.* It will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate under the rules.

ARREARS OF PENSIONS.

The PRESIDENT *pro tempore.* If there be no further concurrent or other resolutions, the Chair lays before the Senate a resolution which comes over from yesterday under the rule; it will be read.

The Chief Clerk read the resolution submitted by Mr. INGALLS December 21, as follows:

Resolved, That the Committee on Pensions be discharged from the further consideration of Senate bill No. 35, to remove the limitation in the payment of arrears of pensions.

The PRESIDENT *pro tempore.* The question is on the adoption of the resolution.

Mr. PLATT. I do not think the Senator from Kansas desires to press that resolution this morning in the thin condition of the Senate.

Mr. INGALLS. I am very desirous of securing a vote upon the resolution at the earliest practicable moment, but so many Senators have already departed in anticipation of the approaching adjournment for the holidays, and so many others are paired, that the resolution may go over and be placed on the Calendar of General Orders; and as soon as practicable after the reassembling of Congress I shall ask a vote upon it.

The PRESIDENT *pro tempore.* The resolution will go over and be placed on the Calendar.

JAMES W. SCHAUMBURG.

Mr. MITCHELL, of Oregon. On the 12th of July last, by instruction of the Committee on Claims, I reported a bill (S. 2840) for the relief of the legal representatives of James W. Schaumburg. The bill is now on the Calendar, being Order of Business 1697. I am now instructed by the committee to ask the recommittal of the bill to the Committee on Claims, the object being to consider the propriety of making a slight change in the recommendation heretofore made. I move, therefore, that the bill be recommitted to the Committee on Claims.

The motion was agreed to.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore.* The Calendar is now in order.

Mr. EDMUNDS. There lacks about one of a quorum, I am afraid, here now; but I will assume there is a quorum. However, there is not anything like a quorum of gentlemen who are unpaired, and if we come to any real business we shall fail at once. I therefore move that the Senate do now adjourn.

Mr. DAWES. Will the Senator allow me to dispose of a resolution which will take no time?

Mr. EDMUNDS. I withdraw the motion.

The PRESIDENT *pro tempore.* The motion is withdrawn.

REDUCTION OF CUSTOMS DUTIES AND INTERNAL TAXES.

Mr. DAWES. On the second day of the session, it will be recollected, I introduced a resolution in reference to tariff reduction. The debate which has sprung up has been on the resolution offered by the Senator from Vermont [Mr. MORRILL]. There does not seem to be any objection to the passage of the resolution which I offered, and I ask that it may be adopted now. It is only a resolution instructing the Committee on Finance to inquire into the matter. It leaves the debate just where it was before.

Mr. EDMUNDS. What is the point the Senator wishes to accomplish?

Mr. DAWES. I wish to have the resolution adopted so that it can go to the committee, who are considering the matter. If there is any debate on it, of course I shall not press it at this time.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate proceed to the consideration of the resolution heretofore submitted by him. The resolution will be read.

The Chief Clerk read the resolution submitted by Mr. DAWES December 7, 1886, as follows:

Resolved, That the Committee on Finance be instructed to inquire and report as soon as practicable what specific reduction can be made in customs duties and internal taxes which will, in their judgment, reduce the receipts to the necessary and economical expenditures of the Government without impairing the prosperity and development of home industries or the compensation of home labor.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

REPORT OF VISITORS TO WEST POINT.

Mr. MANDERSON. On behalf of the Senator from Louisiana [Mr. GIBSON] and myself, constituting the members of the Board of Visitors to the West Point Military Academy, appointed by the President *pro tempore* of the Senate, I submit a report.

The PRESIDENT *pro tempore*. The report will be printed and referred to the Committee on Military Affairs.

Mr. EDMUNDS. Now, I renew the motion to adjourn.

The motion was agreed to; and (at 12 o'clock and 35 minutes p. m.) the Senate adjourned, the adjournment under the concurrent resolution of the two Houses being until Tuesday, January 4, 1887, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December* 22, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

The SPEAKER. If there be no objection, the Chair will submit at this time a report from the Committee on Enrolled Bills, inasmuch as one of the bills, at least, should reach the President without delay.

There was no objection.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (H. R. 1659) for the relief of the survivors of the exploring steamer Jeannette and the widows and children of those who perished in the retreat from the wreck of that vessel in the arctic seas;

A bill (H. R. 9987) to authorize the construction of a bridge across the Saint Louis River at the most accessible point between the States of Minnesota and Wisconsin; and

A bill (H. R. 10239) making an appropriation to supply a deficiency in the appropriation for public printing and binding for the fiscal year ending June 30, 1887, and for other purposes.

SCHEDULE OF CLAIMS ALLOWED.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting schedules of claims allowed by accounting officers under appropriations, balances of which have been exhausted or carried to the surplus fund; which was referred to the Committee on Appropriations, and ordered to be printed.

BOARD OF MANAGERS, SOLDIERS' HOME.

The SPEAKER also laid before the House a letter from the President of the Board of Managers of the National Homes for Disabled Volunteer Soldiers, transmitting the annual report of said board; which was referred to the Committee on Appropriations, and ordered to be printed.

REFERENCE OF SENATE BILLS.

The SPEAKER, under the rule, laid before the House bills of the Senate of the following titles; which were severally read a first and second time, and referred as indicated, namely:

The bill (S. 2837) relative to the location of the town-site of Wallace, Kans.—to the Committee on Military Affairs.

The bill (S. 2761) to incorporate the Windsor Hotel Company of the District of Columbia—to the Committee on the District of Columbia.

The bill (S. 3014) to fix the charge for passports at one dollar—to the Committee on the Judiciary.

The bill (S. 2408) for the relief of Charles A. Ruffee—to the Committee on Claims.

Joint resolution (S. R. 90) appointing James B. Angell a member of the Board of Regents, Smithsonian Institution—to the Committee on the Library.

ARMS AND EQUIPMENTS FOR THE MILITIA.

The SPEAKER also laid before the House the bill (S. 222) to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia, with House amendment disagreed to by the Senate, and request for a committee of conference on the disagreeing votes of the two Houses.

Mr. FORNEY. I ask the House to agree to the conference asked for by the Senate.

The SPEAKER. In reference to this bill, which has been amended by the House and the amendment disagreed to by the Senate, the Houses have reached that stage of disagreement when a conference has been asked by the Senate; and the gentleman from Alabama moves to agree to the request of the Senate.

There was no objection.

The SPEAKER. The Chair will appoint the managers on the part of the House some time during the day.

REGENT OF THE SMITHSONIAN INSTITUTION.

Mr. SINGLETON. Mr. Speaker, I ask unanimous consent to take up for present consideration the joint resolution (S. R. 90) appointing James B. Angell a member of the Board of Regents of the Smithsonian Institution, in the place of one of the regents deceased. The board meets in a few days and it is desirable that this appointment should be made without delay to fill the vacancy.

The joint resolution was read.

Mr. MILLS. Mr. Speaker, I desire to ask the gentleman from Mississippi [Mr. SINGLETON] why it is necessary to name the appointee in the joint resolution?

Mr. SINGLETON. The appointment is made by Congress. I will say to the gentleman, if he wishes the information, that this appointment is made in place of a northern gentleman, deceased.

Mr. BLOUNT. Can the gentleman from Mississippi inform us whether this is the usual way of filling these vacancies?

Mr. SINGLETON. It is, sir.

Mr. MILLS. We have had considerable discussion here at different times about this question of appointment, and it has been contended that Congress has no power to make appointments——

Mr. BRECKINRIDGE, of Arkansas. The gentleman will find that this is the usual way of making these appointments.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. MILLS. I object, Mr. Speaker.

PUBLIC BUILDING, FORT SCOTT, KANS.

The SPEAKER. Upon the bill (S. 1386) for the completion of a public building at Fort Scott, Kans., the Senate disagrees to the amendments of the House, and asks for a committee of conference. If there be no objection the request will be granted, and the Chair will appoint the conferees at some time during the day.

There was no objection.

SECTION 1661 REVISED STATUTES.

The SPEAKER. Upon Senate bill (S. 222) to amend section 1661 of the Revised Statutes, the Chair appoints as managers of the conference on the part of the House, the gentleman from Alabama, Mr. FORNEY, the gentleman from New Jersey, Mr. MCADOO, and the gentleman from Illinois, Mr. HOPKINS.

REPORT OF VISITORS TO THE MILITARY ACADEMY.

The SPEAKER also laid before the House a report of the Visitors to the Military Academy at West Point; which was referred to the Committee on Military Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. O'DONNELL, for the day, on account of important business.

To Mr. SKINNER, for this day, on account of important business.

To Mr. MCRAE, until after the holiday recess, on account of important business.

To Mr. AIKEN, indefinitely, on account of sickness.

To Mr. DIBBLE, for two days, on account of important business.

To Mr. COMSTOCK, for this day.

SAINT PAUL, MINNEAPOLIS AND MANITOBA RAILWAY COMPANY.

Mr. TOOLE. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 10056) granting to the Saint Paul, Minneapolis and Manitoba Railway Company, the right of way through the Indian reservations in Northern Montana and Northwestern Dakota; and that the bill be put upon its passage.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That the right of way is hereby granted, as hereinafter set forth, to the Saint Paul, Minneapolis and Manitoba Railway Company, a corporation organized and existing under the laws of the State of Minnesota, for the extension of its railroad through the lands in Northwestern Dakota set apart for the use of the Arickaree, Gros Ventre, and Mandan Indians by executive order dated July 13, 1880, commonly known as the Fort Berthold Indian reservation, and through the lands in Northern Montana set apart for the use of the Gros Ventre, Piegan, Blood, Blackfeet, and other Indians, by act of Congress approved April 15, 1874, and commonly known as the Blackfeet Indian reservation.

SEC. 2. That the line of said railroad shall extend from Minot, the present terminus of said Saint Paul, Minneapolis and Manitoba Railway, across said Fort Berthold reservation, north of the township line between townships numbered

153 and 154 north; thence along the Missouri River by the most convenient and practicable route to the valley of the Milk River; thence along the valley of the Milk River to Fort Assinnaboine; thence southwesterly to the Great Falls of the Missouri River.

SEC. 3. That the right of way hereby granted to said company shall be 75 feet in width on each side of the central line of said railroad as aforesaid; and said company shall have the right to take from said lands adjacent to the line of said road material, stone, earth, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station-buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, not to exceed in amount 300 feet in width and 3,000 feet in length for each station, to the extent of one station for each 10 miles of its road.

SEC. 4. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way, and provide the time and manner for the payment thereof; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including the points for station-buildings, depots, machine-shops, side-tracks, turnouts, and water-stations, shall be filed with and approved by the Secretary of the Interior, and until the compensation aforesaid has been fixed and paid; and the surveys and construction of such railroad shall be conducted with due regard for the rights of the Indians, and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision.

SEC. 5. That the right of way across lands occupied or reserved for military purposes along the line of said railroad is hereby granted to said company the same as across said Indian reservations: *Provided, however*, That the survey and location of said railroad across such lands shall be first approved by the Secretary of War.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. COX, of North Carolina. Mr. Speaker, I would like to hear the report in that case.

The report was read, as follows:

The reservations through which this right of way is granted are situated in the northwestern part of Dakota and the northeastern part of Montana, and were set aside largely by statute (vol. 18, p. 28) and executive orders, and intended by the Indian Department to be more in the nature of temporary hunting grounds than permanent reservations for the tribes, which only partially occupy the same. The line passes through the northern limit of the Fort Berthold reservation, through a rough country known as the "Dog Dens," which is not and has not been occupied for any purpose by the Indians, whose camps are on the Missouri River very far to the southward. The reservation in Montana embraces 33,000 square miles, occupying all the northern approaches to that Territory. Upon it are located only three small Indian agencies, each hundreds of miles apart from the others, while all the intervening country is unoccupied. The game having been exterminated, it is no longer even hunted over. This vast area of solitude seems to be maintained only as an impediment to civilization, preventing settlement, obstructing progress, forming a place of refuge for the lawless, and blockading the routes of trade and commerce so necessary to the welfare of the great mining towns and agricultural settlements of the Territory.

In addition, the reservation has long been condemned by the Indian Department as an unfortunate location for the Indians; first, because of the difficulties of improvement, and, secondly, because its contiguity to the British possessions is the cause of continuous raids and reprisals across the border, which are now the subject of diplomatic correspondence. In order to obviate these objections a law was passed at the last session of Congress which met the approval of the President, and under which he has appointed a commission for the purpose, if possible, of removing these Indians from the border and providing them with suitable lands in some more hospitable valley, with a milder climate and more productive soil. If this had been previously done these lands would now be covered by the provisions of the general statute granting to all railroads the right of way across the public lands (vol. 18, p. 482), but from the provisions of which all reservations are excepted without the consent of Congress.

When we consider that in order to procure the building of transcontinental railways across the plains and mountains the Government has been obliged to carpet the road-beds of some lines with its interest-bearing bonds, and to endow others with vast grants of the public lands, its policy should warmly encourage those who, desiring no subsidy and seeking no land grant, only ask permission, from their own resources, to give the Government and the people the benefit of other roads. This it did in the broad and beneficent act which grants to enterprise a general right of way through the public lands open to all, and granting exclusive privileges to none, which has invited competition and destroyed monopoly in the rapidly developing Territories of the West. In so much of these reservations as are covered by treaty the right of way to build every kind of road and railroad is expressly conceded by the eighth article of the treaty of October 17, 1855 (vol. 11, pp. 658-9), under which the Indians hold their rights.

This article is in the following words:

"For the purpose of establishing traveling thoroughfares through their country, and the better to enable the President to execute the provisions of this treaty, the aforesaid nations and tribes do hereby consent and agree that the United States may, within the countries respectively occupied and claimed by them, construct roads of every description, establish lines of telegraph and military posts, use materials of every description found in the Indian country, build houses for agencies, missions, schools, farms, shops, mills, stations, and for any other purpose for which they may be required, and permanently occupy as much land as may be necessary for the various purposes above enumerated, including the use of wood for fuel and lands for grazing, and that the navigation of all lakes and streams shall be forever free to citizens of the United States."

Such portions as are covered by statute and executive orders are merely set apart for the occupancy of the Indians. The fee remains in the Government. No right to the soil is conferred. The power that set them aside can modify them. But notwithstanding this the bill out of abundant caution carefully provides for all of the rights of the Indians and their proper compensation. It is known that the construction of the road is earnestly desired by them. Congress has for several years past made special appropriations for their relief in winter, but on one occasion at least the charity of the Government failed, as, owing to their remote position, it was found impossible to reach them with supplies, and many perished from starvation. They thoroughly understand that the construction of a railroad would remove such danger in the future. Such construction will also greatly reduce the cost of transporting the Government supplies, and effect an immense saving, not only at the Indian agencies, but also at the military posts. For these reasons the Army officers, as well as the Indian officials, eagerly look for the construction of the road, and warmly advise the passage of this bill, which will remove the only obstructions.

The company designated is one of the most reliable and capable in the Northwest and has ample means to complete the enterprise speedily. Your committee is advised that the grade is completed and the track laid down to the eastern edge of these reservations, and a large amount of work has been done beyond in the West. The executive officers of the Government have the power under the article of the treaty cited to permit the construction to go on across the reservation, but they prefer that the consent of Congress should be obtained. The Secretary of the Interior has been duly consulted about this bill, and having examined it carefully recommends it to the committee (see his letter and that of the Commissioner of Indian Affairs hereto attached) and the committee, after due deliberation, report it to the House and recommend its passage with an amendment in the form of an additional section, to be known as section 6.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 11, 1886.

SIR: I return herewith House bill No. 10056, Forty-ninth Congress, second session, "A bill granting to the Saint Paul, Minneapolis and Manitoba Railway Company the right of way through the Indian reservations in Northern Montana and Northwestern Dakota," referred to the Department for examination by the House Committee on Indian Affairs, and have the honor to state that so far as this office is concerned there is no objection to its passage.

Very respectfully, your obedient servant,

J. D. C. ATKINS, *Commissioner.*

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, December 11, 1886.

SIR: I have the honor to acknowledge the receipt of your letter of 9th instant, inclosing, for views, &c., House Report No. 10056, of the current session, "granting to the Saint Paul, Minneapolis and Manitoba Railway Company the right of way through the Indian reservations in Northern Montana and Northwestern Dakota."

In reply, you are respectfully informed that the Commissioner of Indian Affairs, to whom the bill in question was referred, reports, under date of 11th instant, that, so far as his office is concerned, there is no objection to its passage.

A copy of his report is herewith inclosed.

This Department is not aware of any reason why the bill should not become a law.

Very respectfully,

L. Q. C. LAMAR, *Secretary.*

The CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.

Mr. BLOUNT. I will ask the gentleman from Montana [Mr. TOOLE] whether this is a unanimous report.

Mr. TOOLE. Yes, sir; a unanimous report.

Mr. HOLMAN. If the gentleman will permit me, I wish to inquire whether the amount of land appropriated by this bill for stations, a strip 300 feet in width and 3,000 feet in length, is not a good deal more than we have been in the habit of setting apart for such purposes; also whether it does not go beyond the spirit of the article of the treaty which has been read in the report of the committee. That treaty contemplates the amount of ground which is necessary for stations, residences of agents, and the like; but is not this more than is necessary, as well as more than we have been in the habit of setting apart in such cases?

Mr. NELSON. If the gentleman from Indiana [Mr. HOLMAN] will permit me to answer him, I will say that in reference to this matter we followed the rule which has been adopted in reference to right-of-way bills through the Indian Territory, and the amount given by this bill is really less than the Government allows by the general act in relation to roads crossing public lands. That act gives twenty acres for stations at every ten miles.

Mr. HOLMAN. That certainly is not uniform.

Mr. NELSON. That is the general law. It also gives a right of way 200 feet wide, while this is only 150 feet—75 feet on each side of the track.

Mr. HOLMAN. Well, if this is in conformity with the general law, I shall not object.

Mr. COX, of New York. Mr. Speaker, I wish to make an inquiry in reference to this bill. I listened attentively to the reading of that clause of the treaty which the committee have recited in their report. Will the gentleman undertake to say that there is no treaty with these Indians with which this bill is inconsistent?

Mr. TOOLE. Yes, sir.

Mr. NELSON. I will say to the gentleman that the last treaty is that of 1855, referred to in the report, by which treaty the Government expressly reserves the right of way for all public roads, turnpikes, or highways.

Mr. WEAVER, of Iowa. Mr. Speaker, I wish to ask the gentleman having charge of this bill whether there is any objection to inserting a clause providing that the mortgage shall not exceed the actual cash invested in the construction of the road.

Mr. NELSON. I think that is implied in the phraseology of the bill. The company are allowed to mortgage the right of way and the franchise for the purpose of raising money to construct the road, and for no other purpose; so that any mortgage going beyond that would be outside the law—irregular and illegal.

Mr. COX, of New York. Has this bill ever been vetoed?

Mr. NELSON. No, sir.

The amendment reported by the committee was read, as follows:

SEC. 6. That said company shall not assign or transfer or mortgage this right of way for any purpose whatever until said road shall be completed: *Provided*, That the company may mortgage said franchise, together with the rolling-stock, for money to construct and complete said road: *And provided further*, That the right granted herein shall be lost and forfeited by said company unless the road is constructed and in running order within two years from the passage of this act.

The amendment proposed by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. NELSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WARNER, of Ohio. I ask that before there be any further recognition for the passage of bills by unanimous consent, committees having reports to make may present them.

There being no objection, it was ordered accordingly.

PROMOTION OF TELEGRAPHIC FACILITIES.

Mr. WARNER, of Ohio. The Committee on the Post-Office and Post-Roads, which, by a resolution of February 26 last, was directed to make inquiry in relation to land-grant telegraph lines, have directed me to present a report upon the subject, accompanied by a bill, which is reported in lieu of a number of bills on this subject that have been referred to the committee. I ask that the bill, with the report, be referred to the House Calendar, and ordered to be printed.

The bill (H. R. 10398) supplementary to the act of July 1, 1862, entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," and also to the act of July 2, 1864, and other acts amendatory of said first-named act, was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MAURICE RUDDLESDEN.

Mr. GIBSON, of Maryland, from the Committee on Accounts, reported back favorably the following resolution, which was referred to the Committee on Appropriations:

Resolved, That the Committee on Appropriations be requested to provide for the payment to Maurice Ruddlesden, in one of the general appropriation bills, the difference between the pay of a laborer and that of a messenger, at the rate of $3.60 per day, from July 1, 1885, to June 30, 1887.

BRIDGE ACROSS MISSOURI RIVER.

Mr. WEAVER, of Nebraska, from the Committee on Commerce, reported back, with amendments, the bill (H. R. 10026) to authorize the construction of a bridge across the Missouri River, between the cities of Omaha, Nebr., and Council Bluffs, Iowa, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN H. KINKEAD AND OTHERS.

Mr. MORROW. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (S. 1353) and that it be now considered and passed.

The bill was read, as follows:

A bill (S. 1353) referring to the Court of Claims for adjudication the claims of John H. Kinkead, Samuel Sussman, and Charles O. Wood.

Whereas John H. Kinkead, of Nevada, and Samuel Sussman, of California, did, on the 28th day of October, 1868, purchase a certain building situate on lot known as No. 1 on the official plat of the town of Sitka, in the Territory of Alaska, from the Russian-American Company, the owner of said building; and

Whereas said building had been declared by the protocol of the transfer of Russian-America to the United States to be private property; and

Whereas thereafter the collector of customs of the United States did take from said Kinkead and Sussman a lease of a portion of said building, and entered thereupon; and

Whereas afterward General Jefferson C. Davis did seize the whole of said building, on the ground that the same was the property of the United States, notwithstanding the commissioners appointed to ascertain private property had certified the same to be private property; and

Whereas afterward said Kinkead and Sussman did present their petition to the United States Court of Claims claiming rent for said building; and

Whereas said court did, on the 11th day of June, 1883, dismiss said claim, for want of jurisdiction only; and

Whereas Charles O. Wood, of Ohio, did in like manner purchase a certain other building, situate on lot known as No. 24, from said Russian-American Company, and did in like manner present his petition to the Court of Claims for rent of the same, the same having been in like manner seized for the use of the United States, notwithstanding the same had been certified to be private property; and

Whereas said Court of Claims did in like manner dismiss the claim of said Wood, for want of jurisdiction only: Therefore,

Be it enacted, &c., That jurisdiction be, and is hereby, conferred on the Court of Claims to hear the claims of John H. Kinkead and Samuel Sussman, and Charles O. Wood, for the rent and value of certain buildings in the town of Sitka, in the Territory of Alaska, alleged by them to have been acquired by virtue of purchase from the Russian-American Company, upon the evidence already filed in said court and such additional legal evidence as may be hereafter presented on either side; and if said court shall find that said parties acquired a valid title to said buildings, respectively, alleged to have been purchased by them, said court shall award to said parties a fair and reasonable rent for the use of the said buildings for the time, if any, the same have been occupied by the United States, and also a suitable indemnity for said buildings themselves; and the receipt of such rent and indemnity shall thereafter bar any further claim by said parties for the use of said buildings or for the value thereof; and before receiving the same all of said parties shall execute a release to the United States for all right, title, and interest whatever in and to the said property; and any defense, set-off, or counter-claim may be pleaded by the United States as defendants, as in cases within the general jurisdiction of the court, and either party shall have the same right of appeal as in such cases.

There being no objection, the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill, and the House proceeded to consider the same.

The bill was ordered to a third reading; and it was accordingly read the third time.

Mr. HOLMAN. I suggest that the preamble to this bill is hardly necessary.

Mr. MORROW. It is a Senate bill.

Mr. HOLMAN. If it is a Senate bill I make no objection.

The bill was passed.

Mr. MORROW moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MILITARY RESERVATION NEAR SAN ANTONIO, TEX.

Mr. SAYERS. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 6313), and that it be now put on its passage.

The bill was read, as follows:

A bill (H. R. 6313) to release unto the city of San Antonio, Tex., for its use as a public thoroughfare, certain portions of the military reservation near said city.

Be it enacted, &c., That the Secretary of War be, and is hereby, authorized and directed to open up and to release unto the city of San Antonio, Tex., for public use as a thoroughfare, that portion of the military reservation adjoining said city which, at the time said reservation became the property of the United States, was known upon the map of said city as Pine street.

There being no objection, the Committee of the Whole House on the state of the Union was discharged from the further consideration of the bill; and the House proceeded to consider the same.

An amendment reported by the Committee on Military Affairs was read, as follows:

Add, after the word "street," in line 8, the words:

"*Provided*, That for a distance of 656 feet north of Grayson street, the east side of said street proposed to be opened shall be on a north and south line, parallel to and 16 feet 6½ inches west of the old east side of Pine street: *And provided further*, That the said right of way be granted upon the express understanding and condition that the Government reserves its right to the continued use of its target range, under such regulations as may be necessary to provide all proper precautions against injury to passing persons and vehicles."

The amendment was agreed to.

Mr. SAYERS. I move further to amend by striking out, in lines 3 and 4, after the word "authorized," the words "and directed."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SAYERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT EASTPORT, ME.

Mr. BOUTELLE. I ask unanimous consent that the Committee on Public Buildings and Grounds be discharged from the further consideration of the bill (S. 2901), and that the bill be now considered and passed.

The bill was read, as follows:

A bill (S. 2901) to authorize the Secretary of the Treasury to sell and convey the United States custom-house and post-office property at Eastport, in the State of Maine, lately destroyed by fire, the proceeds thereof to be invested in the purchase of a new site for and to provide for the erection of a new public building at that place.

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized and directed to sell at public auction, in the town of Eastport, Me., to the highest bidder, after thirty days' notice in all of the newspapers published in the town of Eastport, the land and premises known as the United States custom-house and post-office, on Washington and Water streets in said town of Eastport, Me.; the time and place of said sale in said town to be fixed by the Secretary of the Treasury at a date not later than sixty days after the passage of this act, with power to reject any or all bids, and to readvertise the said property in like manner as often as may be necessary to secure the value thereof, and the cost to be paid from the proceeds of sale of said property.

SEC. 2. That the Secretary of the Treasury shall invest the purchase-money of the said property received by him, so far as the same may go, in the purchase or acquisition by condemnation of a site, and cause to be erected thereon a suitable and commodious fire-proof building, with fire-proof vaults, for the use and accommodation of the post-office, custom-house, and other Government offices, at the town of Eastport, in the State of Maine. The cost of said building, including site, approaches, and heating apparatus, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the sum of $100,000; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until the valid title to the said site shall be vested in the United States, nor until the State of Maine shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

SEC. 3. That the sum of $100,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be used and expended for the purposes provided in this act.

There being no objection, the Committee on Public Buildings and Grounds was discharged from the further consideration of the bill, and the House proceeded to consider the same.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

Mr. BOUTELLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GREENSBURGH LIMESTONE COMPANY AND OTHERS.

Mr. HOLMAN. I move that the Committee of the Whole House be discharged from the further consideration of the following bill, and that the same be passed.

The Clerk read as follows:

A bill (H. R. 7017) for the relief of Greensburgh Limestone Company and others.

Mr. MILLS. I would like to ask the gentleman from Indiana what is the amount of that claim?

Mr. BRAGG. I think this is too important a bill to be passed in this hasty manner. [Laughter.]

Mr. HOLMAN. The gentleman from Wisconsin will at least allow me to make a statement. The bill to which I refer, I find on reflection, is a Senate bill, and the bill which was read by the Clerk is the House bill of the same import.

Mr. ROGERS. Is this explanation subject to a point of order?

The SPEAKER. It is. The bill sent up and read is a House bill.

Mr. HOLMAN. The bill pending before the House on my motion is a Senate bill, and the Clerk has been reading from the copy reported to the House. It is a Senate bill, and is on the Speaker's table, I presume. It came from the Senate after pending there for several years, at any rate, I think, for five or six years, and seems to have been carefully considered by the Senate Committee on Claims. I understand the case underwent a thorough examination by the House Committee on Claims, and, I understand, was reported from that committee unanimously.

The bill involves a question growing out of a contract for stone for the Cincinnati public building. The parties furnishing the stone insist that a wrong construction was put on the contract, and they were required to furnish a more valuable stone than the contract called for. The bill is so drawn as to guard against any possible misinterpretation on the part of the Court of Claims, so that no possible injustice can be done to the Government. The bill, as I have already stated, was referred in the House to the Committee on Claims, and reported back, as I understand, unanimously. I know something of the facts.

Mr. MILLS. What is the amount of this claim?

Mr. HOLMAN. I can not state the amount claimed. I do not know. I think it is not large. It is whatever the court may find justly due the parties furnishing the stone under the contract. It is for furnishing the stone for the basement of the post-office and United States court building at Cincinnati.

Mr. BUCHANAN. Allow me——

Mr. HOLMAN. Excuse me for a moment. These parties who make the claim furnished the stone for the basement of the Cincinnati public building, as I have mentioned. The main structure of the building is of granite from the State of Maine. The limestone used in the basement of the building, as I understand, was furnished by these claimants—was furnished from the county of Decatur, in my own district.

Mr. BUCHANAN. I wish to say, in reference to the report from the Committee on Claims, that while it is true, as stated by the gentleman from Indiana, that it was a unanimous report, yet it was not reported by a full committee.

Mr. HOLMAN. I do not know, of course, anything about that. This whole question arose under a contract, as I have mentioned; and the question is whether or not these parties were bound to furnish stone of a given quality, and character, and value, or an article of less value, under the contract.

The SPEAKER. The Chair understands that the gentleman from Wisconsin objects.

Mr. BRAGG. Yes; it is too important a bill to be passed in this hasty way. The statute of limitations runs against this claim. [Laughter.]

Mr. HOLMAN. The gentleman will certainly withdraw his objection.

Mr. BRAGG. Well, under the circumstances, I will withdraw my objection. [Laughter and applause.]

The SPEAKER. The Chair will state the bill sent to the Clerk's desk and read is a House bill.

Mr. HOLMAN. It is, however, in terms, the same bill; but I will now move that the House discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (S. 1829) for the relief of the Greensburgh Limestone Company and others, and that the same be put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the Greensburgh Limestone Company, a corporation duly organized under the laws of the State of Indiana, William W. Lowe, Daniel W. Levett, and Oliver M. Thompson, partners doing business under the firm-name of W. W. Lowe & Co., and John L. Scanlon, being the parties of the second part named in a certain contract in behalf of the United States made by Samuel Hannaford, such contract being one for the delivery of certain stone as therein described for the erection of a custom-house and post-office at Cincinnati, Ohio, and bearing date the 21st day of August, 1874, or the survivors of such parties, are hereby authorized and empowered to bring in the Court of Claims a suit against the Government of the United States, upon the said contract, for the damages by them sustained, in regard to the premises in said contract provided for, by reason of their being required, in the execution of such contract, by the superintendent and others in charge of the construction of the said building, to deliver stone, as is alleged, of sizes and character different from those called for in the said contract, or different from those which they were entitled to deliver thereunder. And the said court is hereby authorized and directed to take jurisdiction in said case, and to render judgment therein for whatever sum, if anything, shall be shown by the evidence to have been the increased cost, damage, and expense to which the said claimants were subjected by reason of their being required, as aforesaid, to deliver stone different from that provided for in said contract, if the court shall hold that such requirement was not authorized thereby: *Provided*, That such recovery shall in no case be in excess of what shall appear from the said evidence to have been saved to the Government in avoiding loss or waste of stone, in the expense of cutting and fitting the said stone for the structure or structures for which they were designed, as provided in said contract, and in handling and setting such stone in said structure or structures; the claimants in no case to recover for anything that they shall not show to have been done by them not required by the contract, nor for anything that they shall not show to have been saved to the United States in the cost of the building by reason of the departure therefrom. And in the said action each party to the same shall be entitled to give in evidence all competent and relevant testimony already heretofore taken and filed in said court in a certain action, numbered 11972, heretofore prosecuted on said contract, and also all other competent and relevant testimony which either party may offer in the case. And each party to the said cause shall be entitled to take an appeal from the judgment of the Court of Claims to the Supreme Court of the United States, as in other cases.

Passed the Senate June 8, 1886.

Attest:

ANSON G. McCOOK, *Secretary*,
By CHARLES W. JOHNSON, *Chief Clerk*.

The Committee of the Whole House was discharged from the further consideration of the bill, and it was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to. [Applause].

EDWARD G. PENDLETON.

Mr. BINGHAM. I move that the Committee of the Whole House be discharged from the further consideration of a bill (H. R. 7807) to muster Edward G. Pendleton as captain of cavalry into the service of the United States, and to pay him for his services from August —, 1861, to July 10, 1864, inclusive, together with the amendments thereto reported by the Committee on War Claims, and that the same be put upon its passage.

Mr. COX, of North Carolina. Let the report be read.

Mr. BRAGG. I object.

Mr. BINGHAM. I hope the gentleman will allow the report to be read. It will take but a few minutes.

Mr. BRAGG. If you wish to take up the time of the House I do not object, but any claim coming from the Committee on War Claims changing an officer's muster can not pass here by unanimous consent.

Mr. BINGHAM. Let the report be read.

Mr. BRAGG. I do not care whether the House listens to the report or not; I insist on my objection.

The SPEAKER. Objection is made, and the bill is not before the House.

CONSTITUTIONAL CENTENNIAL COMMISSION.

Mr. RANDALL. Mr. Speaker, I ask unanimous consent to present at this time for reference a memorial of the Constitutional Centennial Commission of Philadelphia asking the co-operation of Congress for a celebration by the nation of the centennial anniversary of the framing and promulgation of the Federal Constitution. I am advised that this has been already printed by order of the Senate, and it need not again be duplicated in the RECORD.

There being no objection, the memorial was referred to the Committee on the Library.

DAVID RYAN.

Mr. MORRISON. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 9122) to confer jurisdiction upon the Court of Claims to hear and determine the claim of David Ryan against the United States; and put it upon its passage.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, &c., That jurisdiction is hereby conferred upon the Court of Claims to hear and determine the claim of David Ryan, of Alton, Ill., against the United States for extra work, if any, done by him for the United States upon the national cemetery road at Springfield, Mo., and to render judgment thereon as in other cases, with right of appeal to each party to the Supreme Court.

Mr. McMILLIN. Let the report be read.

The report (by Mr. SPRINGER) was read, as follows:

The bill covers a claim to the amount of $3,000 for extra work by the claimant upon the national cemetery road at Springfield, Mo. The facts are complicated, and your committee are unable to determine whether the claimant is entitled to relief or not. But the case is such as, in justice to the claimant, entitles him to a judicial investigation. Your committee, therefore, recommend the passage of the accompanying bill, referring the case to the Court of Claims for judicial determination, as a substitute for the bill H. R. 7233, and recommend that the latter bill lie upon the table.

There being no objection, the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. MORRISON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THOMAS MATHEWS AND OTHERS.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 3554) for the relief of Thomas Mathews and others, and put it upon its passage with the amendments recommended by the committee.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to investigate the claims of Thomas Mathews, for the sum of $57; H. A. Crane, for the sum of $37.80; William McChesney, for the sum of $19.80; John K. Post & Co., for the sum of $652.80; E. W. Rathbun & Co., for the sum of $586.60; Irwin & Sloan, for the sum of $613.40; C. C. Morton, for the sum of $104.80; Charles H. Getman, for the sum of $114.80; Edward Morrow, for the sum of $122.60; Smith, Murdock & Co., for the sum of $107.60; Getman, Boyd & Co., for the sum of $66.20; Daniel L. Couch, for the sum of $145; Tailing & Pratt, for the sum of $71.40; Tailing & Randall, for the sum of $46; L. A. Card, for the sum of $75.40; E. L. Thornton, for the sum of $35; Page, Fairchild & Co., for the sum of $61.60; D. P. Fairchild, for the sum of $55; O. M. Bond & Co., for the sum of $59.40; I. P. Wetmore, for the sum of $31; Ross & Co., for the sum of $74; Bond & Jenkins, for the sum of $23; Crane, Belden & Co., for the sum of $46.40; Bond, Kenyon & Co., for the sum of $8.60; Kenyon, Wright & Co., for the sum of $40.20; Charles O'Hara, for the sum of $10; Page & Co., for the sum of $7.20; Hagaman & Murdock, for the sum of $36.40; Cheney, Ames & Co., for the sum of $10.80, now or formerly importers in the customs district of Oswego, N. Y., being the several amounts of fees alleged to have been unlawfully collected of them, respectively, by collectors of customs at the port of Oswego, N. Y., from the 1st day of April, 1873, to the 31st day of December, 1882, inclusive, under section 2654 of the Revised Statutes of the United States (second edition); and in case he shall be satisfied that such claims, or any part or parts thereof, were unlawfully collected, he shall refund the same to the said firms or parties, or their legal representatives, out of any money in the Treasury of the United States not otherwise appropriated.

The committee recommend the following amendments:

In line 15 strike out the name "Morrow" and insert "Monen;" also,
In lines 20 and 21 strike out the word "Tailing" and insert "Failing."

Mr. COX, of North Carolina. Let the report be read.

The report (by Mr. BROWN, of Ohio) was read, as follows:

That this bill is identical with a bill (No. 7106) introduced in the House of Representatives, Forty-eighth Congress, and under the rules then referred to the Committee on Ways and Means and by them reported favorably to the House February 18, 1885, too late for action by the House. We adopt their report, as follows:

That the collector of customs at the port of Oswego, N. Y., from the 1st day of April, 1873, to the 31st day of December, 1882, inclusive, demanded and collected of the persons and firms hereinafter named the several sums set opposite their respective names. These several sums are made up of fees collected by the collector at said port during the time named for certificates claimed to be of the character authorized and covered by section 2654 of the Revised Statutes (section 2, act of March 2, 1879, Statutes at Large, vol. 1, page 706). The legality of these several payments was tested in the case of Cochrane *vs.* Schell, Supreme Court of the United States, October, 1882, term, in which decision it was held that the stamp affixed to consular invoices (on importations similar to those made by the persons named in the bill) was not such a certificate as warranted the collection from the importer of a fee of 20 cents. In a letter from the Secretary of the United States Treasury concerning the subject-matter of this bill and the fees therein mentioned, dated December 19, 1884, the Secretary disposes of the whole matter. Following is a copy of the letter:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY.
Washington, D. C., December 19, 1884.

SIR: In response to a communication made under your direction on the 24th of June last to the Secretary of the Treasury, submitting for his consideration (H. R. 7106) a bill for the relief of Thomas Mathews and others, I have the honor to return herewith a copy of a letter, under the date of the 10th instant, from the collector of customs at Oswego, N. Y., advising the payment to Thomas Mathews and the other persons named in the bill of the amounts set opposite the several names of the same persons in his letter. The claims to these sums arise under a decision of the Supreme Court of the United States procured at the October term, 1882, in the case of Cochrane *vs.* Augutus Schell, in which decision it was held that the stamp affixed to consular invoices (on importations similar to those made by the persons named in the bill) was not such a certificate as warranted the collection from the importer of a fee of 20 cents. The sums named in the letter were for fees of this character exacted under the supposed authority of section 2654 of the Revised Statutes (section 9, act of March 2, 1879, Stats. at Large, vol. 1, page 706). Accompanying the letter are detailed statements of the sums collected from each person named in the bill, with the date of collection, as taken from the records of the collector's office.

The claimants would seem to be justly entitled to a refund of the amounts exacted of them.

Very respectfully,

CHAS. E. COON,
Acting Secretary.

Hon. H. A. HERBERT,
Of the Committee of Ways and Means, House of Representatives.

The following is a list of the persons and firms affected by this bill and covered by the letter of the Secretary of the Treasury and the letter of the collector of the port of Oswego, N. Y., to wit:

Charles H. Getman	$115 20
J. K. Post & Co	324 20
E. W. Rathbun & Co	585 20
Kinyon, Wright & Co	41 80
Paige, Fairchild & Co	64 00
Cheeney, Ames & Co	10 80
William McChessney	20 20
Crane, Belden & Co	46 20
Bond & Jenkins	23 20
O. M. Bond & Co	49 20
Failing & Pratt	71 40
Ross & Co	72 60
L. A. Card	75 20
H. A. Crane	37 80
Daniel L. Couch	142 80
Irwin P. Sloan	611 40
Edward Monen	124 60
Smith, Murdock & Co	107 60
Hogoman & Murdock	35 60
Cnarles O. Harra	10 40
Page & Co	$7 20
Bond, Kinyon & Co	8 40
C. C. Morton	103 20
Thomas Mathews	54 80
E. L. & S. Thornton	35 80
Failing & Rundell	45 60
D. P. Fairchild	55 20
I. P. Wetmore	32 00
Total	2,911 60

These sums, there is no doubt, were collected without authority of law, and in the opinion of your committee ought to be returned to the parties named. These several sums are now in the Treasury of the United States.

Your committee find that said bill ought to be amended as follows, to wit: In line 15 the word "Morrow" should be stricken out and the word "Monen" inserted in its place. In line 20 the word "Tailing" should be stricken out and the word "Failing" inserted in its place. In line 21 the word "Tailing" should be stricken out and the word "Failing" inserted in its place.

And the bill as amended we recommend be passed.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MCMILLIN. Before the right of objection is waived I wish to ask the gentleman from New York whether these are the only parties who claim under this provision, or whether this is the beginning of the reopening of all these claims on the part of those who imported goods during that period.

Mr. PAYNE. I do not know whether there are others or not. These have been presented to me, and I present them to the House. They are founded upon a decision of the United States Supreme Court, which holds that all such claims are collectible and can be enforced against the collector.

Mr. MCMILLIN. Why did they not proceed in the Court of Claims?

Mr. PAYNE. To save the expenses of litigation both to themselves and to the Government.

I repeat, they are founded on a decision of the United States Supreme Court and recommended by the Committee on Ways and Means of the last House and the Committee on Claims of the present House.

There being no objection, the amendments were considered and agreed to, and the bill as amended ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. PAYNE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PORT OF DELIVERY, LEWES, DEL.

Mr. LORE. I ask unanimous consent to take from the House Calendar the bill (S. 2256) to create a port of delivery at Lewes, Del., and put it upon its passage.

The bill was read, as follows:

Be it enacted, &c., That Lewes, in the State of Delaware, shall be, and is hereby, constituted a port of delivery within the collection district of Delaware; and the deputy collector of customs stationed there shall have power to enter and clear all vessels, whether foreign or domestic, coming to that port.

Mr. RANDALL. Before consent is given, I wish to ask whether that is a unanimous report from the Committee on Commerce?

Mr. LORE. I understand it is.

Mr. RANDALL. I do not want any misunderstanding about this, and I say that in perfect respect to my friend from Delaware. My colleague [Mr. O'NEILL] is a member of that committee, but is absent from the House to-day. I am willing to have it come up at any time hereafter when my colleague is present.

Mr. HOLMAN. This is for the creation of a port of delivery?

Mr. LORE. Yes, sir.

Mr. HOLMAN. There is no officer to be appointed?

Mr. LORE. No, sir.

Mr. RANDALL. But there is an officer necessarily.

Mr. HOLMAN. No, not if it is the creation of a mere port of delivery.

Mr. LORE. I will state to my friend from Pennsylvania that I submitted this to his colleague from Pennsylvania on the committee——

Mr. RANDALL. I will not object to the present consideration of the bill if the gentleman from Delaware will allow me to open the question by a motion to reconsider hereafter, in case there shall be reason to do so on account of the objection of my colleague.

Mr. LORE. I will make no objection whatever to that.

The SPEAKER. It will be understood, then, that the motion to reconsider may be made hereafter.

Mr. RANDALL. Yes; say upon the first day of the session after the holidays.

There being no objection, the bill was ordered to be read a third time; and having been read the third time, was passed.

The SPEAKER. The understanding is that a motion to reconsider the motion by which the bill passed may be made on the first day of the session after the holidays.

DES MOINES RIVER LANDS.

Mr. HOLMES. Mr. Speaker, I ask unanimous consent to take from the House Calendar the bill (H. R. 640) to quiet the title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes, and consider the same with the amendments I send to the desk.

The SPEAKER. The bill will be read, subject to objection.

The Clerk proceeded to read the bill.

Mr. BRAGG. Mr. Speaker, there is no need of that; I object to the bill.

Mr. EZRA B. TAYLOR. I demand the regular order.

Mr. HOLMES. I hope that motion will be withdrawn.

May I inquire who demanded the regular order?

The SPEAKER. The gentleman from Ohio [Mr. TAYLOR] demanded the regular order.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees for reports.

PRESCOTT AND ARIZONA CENTRAL RAILWAY COMPANY.

Mr. CAREY, from the Committee on Military Affairs, reported back, with amendments, the bill (H. R. 9339) granting the right of way to the Prescott and Arizona Central Railway Company across the Fort Whipple barracks military reservation, in Arizona; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STABLE FOR HOUSE OF REPRESENTATIVES.

Mr. OWEN, from the Committee on Public Buildings and Grounds, reported back, with a favorable recommendation, the bill (H. R. 10091) for the construction of a stable for the horses and wagons for the use of the officers of the House of Representatives; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

WARREN HALL.

Mr. JOHNSTON, of Indiana, from the Committee on War Claims, reported back, with a favorable recommendation, the bill (H. R. 1774) for the relief of Warren Hall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The hour for the consideration of bills under the rule begins at twenty minutes past 1 o'clock. The call rests with the Committee on Territories.

TERRITORY OF OKLAHOMA.

Mr. HILL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. CRISP in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of the bill (H. R. 7217) to provide for the organization of the Territory of Oklahoma, and for other purposes. The gentleman from Georgia [Mr. BARNES] has forty minutes of his time remaining.

Mr. BARNES. Mr. Chairman, I would not have made any point on this question of time did I not know from the study I have given to the subject that the issues involved are so numerous and so important that no man can do full justice to it in the hour allowed. If the questions which are raised by the bill, Mr. Chairman, were mere matters of policy, if it merely involved the policy to be pursued by the General Government toward the five civilized tribes inhabiting the Indian Territory, I would possibly have felt willing, in consequence of my lack of experience in the treatment of this Indian question, to have refrained from entering into a discussion of the subject. But feeling as I do feel that the issues involved in this bill affect the honor of this nation, ay, more, sir, believing they affect the good faith which a great and powerful people should observe toward weak and defenseless tribes, I can not, with my convictions of duty as a member of the Committee on Territories, remain silent.

The bill presents objections at the very threshold. When we go to organize certain areas in Territorial governments wise statesmanship at least requires that there should be clearly ascertained and well-defined boundaries; wise statesmanship further requires that there should be at least within those areas a settlement of people constituting a sufficient nucleus for a well-organized society. The bill upon your table, Mr. Chairman, is not a bill with clearly defined boundaries. It is a bill on its face presented in an alternative character. It proposes to organize a Territory to be composed, in a certain contingency only, of what is known as the Public Land strip, but under certain other circumstances, if the consent of the five tribes can be secured—I should say, more properly speaking, if the consent of the five tribes, under the provisions of the bill, can be coerced, if there can be such a thing as the coercion of consent—why, then, Mr. Chairman, the Territory is to consist of an entirely different area. In the one case of the Public Land strip it includes 3,600,000 acres—5,740 square miles. In the other case it is to include 44,000,000 acres. And yet for either of these areas, whatever may be the area of this Territory, the same governmental machinery is provided, the same governor, the same legislature, the same judiciary, the same constabulary force—all the machinery of a government in the one case the same as in the other.

Is that wise statesmanship? Look at the population. Why, in the Public Land strip alone there is not a lawful settler; there is not a lawful settler within its limits. You take the Public Land strip, and this House, only on last Saturday, has stripped this bill of this feature of it by the passage of a bill at the instance of my friend from Kansas, Judge PETERS, by which the Public Land strip is annexed to the judiciary department of Kansas, and also to the land district of Kansas. That is what has become of this portion of the area, and the only area over which this Government has any right whatsoever to erect a Territorial government.

Well, if we take the other contingency. What is the population of the Indian Territory? The whole population of the Indian Territory is about 79,000 Indians, of whom about 64,000 are in the five civilized tribes, and the other 15,000 are uncivilized Indians. Is there a nucleus for society there? In addition to that, we are told in the report of the Secretary of the Interior that there are some 36,000 whites besides, composed, he tells us, of "licensed traders, railroad men, laborers, claimants to Indian citizenship, cattle men, intruders, thieves, loafers, gamblers," &c. Such is the population for which we are to erect a great government.

Why, Mr. Chairman, the idea of talking about erecting a government for a country of this kind, in the one event to consist of 3,600,000 acres, in the other of 44,000,000 acres—it would be as wise, when we do not own this land, when this land is to be hereafter acquired, and wherein there is no population constituting the nucleus of a future political State—it would be as wise as the conduct of an architect who should attempt to construct a magnificent temple and buy the land afterward on which to locate it. That is the wisdom and the statesmanship which are displayed in this bill.

But I said, Mr. Chairman, and that is my great objection to this bill, that good faith toward a weak and defenseless people required that it should not pass. In order to understand that, I am compelled to go somewhat into the history of the Indian Territory, and I beg the attention of those who are interested in this matter while I briefly go over that history. The Indian Territory so-called has never been organized as a political department of the Government. It was a part of the territory acquired from France in 1803, and to which the Indian title of the Osages was extinguished in 1825. As early as 1804, shortly after the acquisition of the Indian Territory, or rather the acquisition of Louisiana, the Congress of the United States passed an act by which it was provided that the President in his discretion might settle Indians then east of the Mississippi River on lands west of the Mississippi River; they to exchange their lands on the east for the lands they were to receive on the west.

In pursuance of that policy, as early as 1809 a delegation of Cherokees had an interview with Mr. Jefferson, and as early as 1817 the Cherokees, then residing in Georgia, North and South Carolina, Alabama, and Tennessee, became divided in their minds as to the policy of removal, but a portion of the tribe determined to remove, and, in pursuance of that determination, they removed and settled in the then Territory of Arkansas. By the year 1817 fully one-third of the tribe had removed. In 1828 the Government made a treaty with those Indians then residing in Arkansas, by which it was provided that they should be removed from Arkansas and be assigned new homes in what is now the Indian Territory. And here I propose to read a single clause from the terms of that treaty:

> The United States, on the 6th of May, 1828, declaring it to be the wish of the Government to secure permanent homes for the Cherokee nation, as well those residing in Arkansas as those residing east of the Mississippi—a home that shall never in all future time be embarrassed by having extended around it the lines, or placed over it the jurisdiction, of a Territory or State, nor be pressed upon by the extension in any way of any of the limits of any existing Territory or State, declare, by treaty of that date, that the United States "agree to possess to the Cherokees and guarantee it to them forever, and that guarantee is hereby solemnly pledged, of seven millions of acres therein described, together with a perpetual outlet west, and a free and unmolested use of all the country lying west of the western boundary of the previously-described limits and as far west as the sovereignty of the United States and their right to the soil extend."

It was an exchange of land. It was made for a consideration. There was a *quid pro quo*. They acquired the title to the land for that consideration. They surrendered the Indian title of occupancy to a vast body of land in the States of North Carolina, South Carolina, Georgia, and Alabama, upon the inducement and upon the distinct terms that they were to have a permanent home, which should never in all future time be disturbed or molested by the white man, to which they were to hold indisputable title, and over which no State or Territorial government was to extend.

In 1833 a new treaty was made, which again confirmed this possession, and again in 1835 at New Echota, in the State of Georgia, with the Cherokees then remaining in Georgia a third treaty was made. Under that treaty the provisions of the former treaties were reaffirmed and reguaranteed, and a further cession was made to this people of 800,000 acres of land which was afterwards discovered to lie in the State of Kansas, and which has been subsequently receded. It was provided by that treaty that the land included in the original cession of 7,000,000 acres, the land included in the outlet west, and the 800,000 acres should all be guaranteed to them in one patent, and the Government of the United

States, in pursuance of that treaty and of the act of Congress of 1830, to which I will soon refer, executed a patent on the 31st of December, 1838, by which the land in those three several tracts, amounting to over 14,000,000 acres, was patented to those Cherokees, and their title, by that treaty and by this patent, is as clear and indisputable as the title of any white man to any homestead which he holds in this country to-day. I have said that under the act of 1804 there was provision simply for an exchange of lands, but in 1830, when again, in the further progress of our Indian policy, this question of the removal of the Indians came up, the Government went a step further and provided that, if the Indians saw fit, the lands upon which they were settled west of the Mississippi should be patented to them.

In 1832 and 1833 the Creeks were removed to the lands immediately south of those on which the Cherokees had been settled, and their line extended west to the western boundary of the Indian Territory. The Seminoles of Florida were originally part of the Cherokees, and were settled on the same tract with them and occupied the lands immediately south. In 1830 a treaty was made with the Choctaws and the Chickasaws who were in Mississippi. The Choctaws and Chickasaws were located on the same lands in the Indian Territory and were settled immediately south of the Creeks.

Now, what I wish to call the attention of the House to is that the treaties with the Creeks, the treaties with the Choctaws, the treaties with the Seminoles, the treaties with the Chickasaws, reaffirmed in terms the same obligations which the United States had taken upon itself in reference to the treaties with the Cherokees, namely, that no State or Territorial line should be extended over those people without their full and free consent.

Mr. Chairman, these cessions to the Cherokees, the Creeks, the Seminoles, the Choctaws, and the Chickasaws embrace the entire Indian Territory as it is now set down on the map. It is apparent that there was one great purpose on the part of our fathers in reference to the location of these tribes in that Territory. You may say what you please about the policy of the thing; it is apparent there was, throughout, a general purpose or scheme, which was the establishment of a permanent home for these people with which no white man should ever interfere; and in the exercise of their rights there they were never to be molested by any State or Territorial government.

My friend who sits before me [Mr. STRUBLE] made at the last session of Congress a speech which I read with great interest. He cited a great many authorities in support of certain views which he presented in reference to the claims of the Indians in this Territory. My friend read a great deal from different writers on the law of trusts, and from law dictionaries, and from legal decisions; but he seems to have forgotten one great leading principle in the construction of all instruments. I read his exposition of the law with great interest, and I do not know but that I may have occasion to use it wherever I find a case to which it is applicable. [Laughter.]

But, sir, when I find that this Government, in the establishment of treaty after treaty, has reaffirmed these obligations, has pursued one main controlling purpose, that there has been one leading scheme, the establishment of this territory as permanent homes for these Indians, has time and again solemnly covenanted with these people that no State or Territorial government should be placed over them; when I come to construe these treaties and these subsequent contracts, I take them all together, and treating them as one matter, just as I would do in ascertaining the intention of the testator in a will, or of the parties to a contract, I seek to ascertain the leading, controlling purpose; and when that is ascertained, all your precedents, all your decisions, all your technical rules must give way. Technical rules of construction are of service, Mr. Chairman, when they aid us in ascertaining the meaning of the parties of an instrument; but when your technical rules are introduced for the purpose of obscuring that meaning, I resort to the controlling purpose, and I say precedents and adjudicated cases must give way.

Mr. Chairman, I endeavored in the remarks which I had the honor to submit on Saturday last to show, first, that it would be unwise and unstatesmanlike to establish a Territorial government over a territory of uncertain area; and, secondly, that it would be equally unwise and unstatesmanlike to establish such a government over any territory where we did not have such a population as would constitute the nucleus for a future political State. In maintaining those two propositions I had called the attention of the House to the fact that, under this bill, it being alternative in its character, there was a provision that there should be a Territorial government, under certain circumstances, over simply what is known as the Public Land strip, a territory which in its area is about one-twenty-fifth the size of Montana and about one-twenty-sixth the size of Dakota. I had also shown that in reference to other territory which might be incorporated under this Territorial government, it was dependent altogether upon how it might be acquired or whether it could be acquired in further negotiations with the Indians.

I had shown, Mr. Chairman, in reference to the lands in the Indian territory, that, under treaties which had been made in 1828, in 1833, and in 1835, this Government had entered into a solemn covenant that no State or Territorial government should ever exist over that Indian territory. I had shown that, in conformity with the act of Congress passed in 1830, the United States Government on the 31st of December, 1838, had granted a title to the Cherokee Indians, in the first place, to 7,000,000 acres of land, then to a perpetual outlet as far west as the sovereignty of the United States extended, and, besides, to 800,000 acres of land situated in the State of Kansas; making altogether some 14,000,000 acres of land to which letters patent had been granted. That is as far as I had proceeded in the historical narrative which I had the honor of submitting to the House.

We further find, Mr. Chairman, that in 1842 the Government of the United States, by letters patent, granted a fee-simple title to the entire southern portion of the Indian Territory, occupied by the Choctaws and Chickasaws, as far as the one hundredth degree of west longitude, and in 1852 granted a further patent to the Creeks (including the Seminoles) for all that portion of the Indian Territory which lay between the territory of the Choctaws and Chickasaws and that of the Cherokees. These three letters patent, of 1838, of 1842, and of 1852, cover the entire area of what is known as the Indian Territory. Thus it follows that that entire territory is secured to the Indians, both by letters patent from the Government of the United States granting them a fee-simple title to the lands, and further, by the solemn treaty engagements of the Government.

The question arises, how far has the situation been modified by subsequent treaties? I propose to state those modifications with the utmost frankness as I understand them, and I will state them in the order of time. In 1855 the Government of the United States entered into a treaty with the Choctaws and Chickasaws under which all the land west of the ninety-eighth degree of longitude extending to the one hundredth degree south of the possessions of the Creeks and the Seminole; was leased to the United States. That is the language of the treatys but, Mr. Chairman, while the word "lease" is used in the treaty, it is declared that the land is leased for a permanent home for the Wichitas and such other Indian tribes as the Government may see fit to locate thereon. Therefore, while the transaction was nominally a lease, it was to all intents and purposes an absolute conveyance, because the declaration accompanies the lease that the territory is conveyed as a permanent home for these Indian tribes.

In 1866, after the war, this lease was converted in terms into an absolute conveyance; and when I first examined this treaty I was led, with other members of the committee who signed the minority report, into the error of supposing that this conveyance was free from any condition or limitation whatsoever. A further examination, however, disclosed the fact that the conveyance was made subject to the treaty of 1855 and subject to the original treaties, which provided for the integrity of the entire Indian Territory, and that the treaty of 1866 contained a provision by which the Government reaffirmed and reassumed and reobligated itself by all the preceding covenants. That has been the construction which has been placed upon it by the officials of the Interior Department. It has been frequently stated in a previous discussion on this question that Acting Commissioner Holcombe has given it as his opinion that this cession was accompanied by this trust that the land should be used entirely for the settlement of Indians. (See letter of Acting Commissioner Holcombe to Hon. S. T. Kirkwood, Secretary of the Interior, April 25, 1881, furnished by Secretary Kirkwood in response to a resolution of the Senate, Forty-seventh Congress, first session, Senate Executive Document No. 111.)

Mr. Chairman, I find that Secretary Schurz on two occasions in 1879 gave the same opinion, holding that there was nothing in the treaty of 1866 which was a departure from the original scheme of settling this land with Indians and providing them with a permanent home, and expressly asserting that the title acquired by the Government by the treaties of 1866 was secured in pursuance and furtherance of the same purpose of Indian settlement, which was the foundation of the original scheme. (See Executive Document No. 50, Forty-eighth Congress, second session.) But, Mr. Chairman, an examination of the treaty of 1866 discloses this further fact: that the United States in the treaty required the Choctaws and the Chickasaws to assent to certain provisions to the effect that there should be a general legislative assembly for the Indian Territory, which was to be composed of at least one representative from each Indian tribe numbering as many as five hundred, and that in addition there should be a representative for each thousand Indians in the Territory. This was to constitute a general legislative assembly; and it was further provided that the Commissioner of Indian Affairs or some other person to be designated by the Secretary of the Interior should be the governor of this proposed Territory.

It is true, Mr. Chairman, that this provision has never been carried formally into effect; but the insertion of these clauses in the treaty shows what was clearly contemplated at the time, namely, the erection of an Indian legislative assembly in the Territory. The treaty of 1866 with the Choctaws and Chickasaws, as well as the treaty of 1866 with the Creeks and Seminoles and the treaty of 1866 with the Cherokees, contained a provision that there should be this legislative assembly, to which all these tribes consented and in which every tribe of Indians lawfully resident in the Territory was to be represented.

I infer from this, Mr. Chairman, that it was clearly contemplated at

the time that here was to be a great legislative department of government which was to regulate the internal affairs of the Territory; and, Mr. Chairman, the existence of such an organization is utterly inconsistent with the idea of establishing such a Territorial government as is contemplated by this bill. The two things can not coexist; one or the other must give way. The treaties of 1866 provided for the establishment of this legislative government; and in providing for it they necessarily did away with the idea of the establishment of any such government as this bill proposes.

That was the provision in reference to the Chocktaw and Chickasaw settlement. Now, we come to the cession which was made by the Creeks and Seminoles. The Creeks, by Article III of the treaty of 1866, ceded the west half of their entire domain. The article reads:

In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Creeks hereby cede and convey to the United States, to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon, the west half of their entire domain, to be divided by a line running north and south; the eastern half of said Creek lands, being retained by them, shall, except as herein otherwise stipulated, be forever set apart as a home for said Creek Nation; and, in consideration of said cession of the west half of their lands, estimated to contain 3,250,560 acres, the United States agree to pay the sum of 30 cents per acre.

The Seminoles ceded their entire domain. Article III of their treaty reads:

In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Seminoles cede and convey to the United States their entire domain.

Now, the purpose of the cession is clearly manifest from the language of these treaties. Some of my friends who favor the passage of this bill have referred us to definitions of what constitutes a trust, and argued that no trust accompanied this cession. We have had references to Perry on Trusts; and I do not know but these gentlemen, in their zeal and diligence, have gone as far back as Coke on Littleton.

But, Mr. Chairman, bearing in mind that here was the Government of the United States on one side, and that the other parties to this agreement were Indians, half civilized Indians, I take it we are to interpret this treaty according to a fair construction of the meaning of its words. Here is the purpose clearly made manifest that it was for the settlement of Indians and other freedmen; and it has been held by the Department of the Interior in the construction of this treaty that there was a trust which accompanied this cession, and that the Government was, and is, bound by the terms of this treaty to locate thereon none but Indians and freedmen, and that the freedmen referred to were negroes who were held in slavery by the Creeks and Seminoles themselves. That is the construction which has been placed upon the treaty by the Government. That was the opinion of Acting Commissioner Holcombe. That was the opinion of Secretary Schurz, in two letters written in 1879. That is the opinion of Judge Parker, in his decision in the Paine case, where he holds that no particular form of words is necessary to show that a piece of land has been designated for a special purpose, but if the meaning can be clearly ascertained from the words, the inference is indisputable that it had been assigned specially for that purpose.

We come now to what has been called—improperly called in this bill—the cession of the Cherokees; and I want the committee to understand that while this bill speaks of the cession of the Cherokee outlet, there never has been a cession by the Cherokees of one foot of their lands, so far as relates to the Cherokee outlet.

The sixteenth article of the treaty of 1866 with the Cherokees is as follows:

ARTCLE XVI. The United States may settle friendly Indians in any part of the Cherokee country west of 96°, to be taken in a compact form in quantity not exceeding one hundred and sixty acres for each member of each of said tribes thus to be settled; the boundaries of each of said districts to be distinctly marked, and the land conveyed in fee-simple to each of said tribes to be held in common or by their members in severalty, as the United States may decide.

Said lands thus disposed of to be paid for to the Cherokee nation at such price as may be agreed on between the said parties in interest, subject to the approval of the President; and if they should not agree, then the price to be fixed by the President.

The Cherokee nation to retain the right of possession of and jurisdiction over all of said country west of the ninety-sixth degree of longitude until thus sold and occupied, after which their jurisdiction and right of possession to terminate forever——

As to what?

as to each of said districts thus sold and occupied.

Here is no cession to the United States at all. Here is an agreement to cede to friendly Indians whom the United States may see fit to settle on these lands—to be ceded in that form—not to exceed 160 acres to each, and until so ceded and so occupied by these friendly Indians, there is express provision retaining in the Cherokee Nation the jurisdiction and authority over all these lands.

Whatever may be said in reference to the other portions of the Territory, certainly as to the Cherokee outlet there can be no question whatever. There is no attempt here to call this a trust.

Now, Mr. Chairman, it is sought in this bill to get rid of the difficulties, which are apparent even to the majority of the committee, by a commission to be appointed under the provisions of the bill, which is to negotiate with these Indians for the surrender of their rights.

My first objection, Mr. Chairman, to this commission is just this: The bill proposes to establish a Territorial government in the first place, and appoint a commission to go there to acquire the lands afterwards. It seems to me, Mr. Chairman, the wiser course would be to appoint a commission to secure the surrender of the Indian title in the first place, and then establish the government afterwards.

Mr. STRUBLE. I would like at this point to ask the gentleman whether or not he is aware of the passage of an act by the Forty-eighth Congress authorizing the President to proceed by the appointment of a commission to negotiate with these Indians for the surplus lands in the Territory, with a view to open the same to homesteaders for settlement?

Mr. BARNES. I have never examined the act in question, but I understand some such act was passed, and that the Secretary of the Interior, in his report, has given certain reasons why that act has not been carried out. That is the act to which, I suppose, the gentleman refers.

Mr. STRUBLE. Have you examined those reasons?

Mr. BARNES. I can not say that I have. I know that act has not been carried out.

Mr. STRUBLE rose.

Mr. BARNES. If the gentleman will wait I will, in the course of my argument, show what I favor. And on that very question I understand the Secretary of the Interior took the position it was not obligatory on him to appoint a commission, and therefore it has not been done.

These Indians have themselves already, in advance, insisted on their rights in separate legislative council of each of these tribes, and in general council of the five tribes.

Again, time and again, by their respective delegations, before the Committee on Territories, they have insisted on the maintenance of their rights, and that they would not surrender these lands.

I do not think they would, under the provisions of the bill, accept the commission, because they are not to treat with these Indians on terms of equality. And that is this bill—the creation of this territorial government *in terrorem* over them. It seeks to compel their acquiescence by saying through this commission, you have no choice. See the Government of the United States, against which you are helpless, in the plenitude of its power is determined to erect this territorial government. In fact it has already erected it. Why should you hold out any longer? Why not surrender?

I say that is not the free, the full, the fair and untrammeled consent which our fathers in 1828, 1833, and 1835 guaranteed to these people. It is not a free consent. It is consent forced, and forced in violation of the solemn covenants of these treaties. It is consent so extorted that it amounts to a repudiation of those treaties, and such repudiation, in the language of the board of Indian commissioners in one of their reports, would be such dishonor as would excite the scorn of the civilized world.

Mr. Chairman, this bill goes further and seeks to declare null and void special rights known as the Cherokee strip lease.

Now, what is that lease and what were the circumstances under which it was made? It is true, as I understand, that it is occupied by certain cattle syndicates. I am not here to advocate any cattle syndicate, nor am I here to stand up in favor of any cattle monopoly or any other monopoly, but I am here to stand up and maintain the solemn guarantees into which we entered with these people. I repeat, What were the circumstances under which this Cherokee strip lease was made?

Why, before it was made the Indian agent, Tufts, resident in the Territory in March, 1883, reported that there were constant lawless incursions being made into the Territory upon these lands from the surrounding States. People were grazing their cattle there, and were paying nothing to the Indians; that the Indians were receiving no benefit, or that they were receiving nothing for the pasturage; that these people were cutting down timber and destroying it as far as the Cimarron River, as much as 60 miles south of the Kansas line; that unless this wholesale destruction was stopped all timber on these lands would be destroyed within three years, and that much of the land would be rendered worthless.

Mr. Price was then the Commissioner of Indian Affairs, and called the attention of Chief Bushyhead, of the Cherokees, to the facts as reported by the agent. What does he do? He calls a council of the Cherokees, and when they assemble they pass an act in which provision is made for a contract for a lease, as it is called, of the lands to a certain incorporated company in the State of Kansas. It has been stated that the Government never approved of this lease, but Chief Bushyhead furnishes a copy of that lease to the Commissioner of Indian Affairs. Is any objection raised by the Government about it? If there was an objection to it, then was the time to make the objection.

If it was not fair, if it was not equitable or legal, why was not the objection then made to it?

Mr. PETERS. Let me ask the gentleman was there not this objection: Did not the Secretary of the Interior state positively that he would not approve the lease, but that he would protect the lessees as against any other party or parties who went in there without a lease?

Mr. BARNES. I do not understand the latter part to be true. I

understand the position of the Secretary of the Interior to be just this: that the Cherokees had a perfect title to the land and that it was no business of the Government of the United States what they saw proper to do with it; that he, the Secretary of the Interior, would not interfere in any way; that while he did not approve or disapprove of the lease the reason was because they had as much title to the lands as any white man had.

Mr. WEAVER, of Iowa. The gentleman does not pretend to state that that was the official decision of the Secretary of the Interior.

Mr. BARNES. I do, sir; and I will quote that opinion in full after a while. That was the ground of the decision, that these people had the title just like a white man had; and so the Secretary of the Interior, Mr. Teller, refused to approve or disapprove the lease because the Government had no right to interfere either for approval or disapproval.

I may as well here refer to the answer of Secretary Teller to a resolution of the Senate of December 3, 1884, inquiring concerning leases of lands in the Indian Territory, to be found in Senate Executive Document No. 17, Forty-eighth Congress, second session:

The Cherokees have a fee-simple title to their lands, and they do not recognize the right of the Department to interfere in the management of their affairs with reference thereto.

And again, speaking of the Cherokee strip, on page 5:

The land is theirs, and they have an undoubted right to use it in any way that a white man would use it, with the same character of title, and an attempt to deprive the nation of the right would be in direct conflict with the treaty as well as the plain words of the patent. They are quite capable of determining, without the aid of the Indian department or Congress, what is to their advantage or disadvantage, and the Government can not interfere with their rightful use and occupation of their lands, which are rightfully theirs, as the public domain is that of the United States, subject only to the provisions of article XVI of the treaty of 1866, which, at most, is only a contract to sell certain portions of the land; but, until the Government settles friendly Indians thereon and pays for the land, the right of possession and occupancy is especially reserved.

This letter of Secretary Teller still controls the Department of the Interior, for Commissioner of Indian Affairs Atkins, in his letter of July 10, 1885, in the Faucett case, thus expresses himself in regard to it:

The opinion of the Department as to the title by which the Cherokee Nation holds its lands is a matter of official record in Department letter of January 3, 1885. And "under the general power of supervision of Indian affairs, vested by law in the Secretary of the Interior, the views of the Department as thus expressed must, until reversed or modified by competent authority, be held to govern this office."

Mr. PERKINS. I do not wish to interrupt the gentleman, but would like to ask this question: If it was not the position or the opinion of the Attorney-General that, as you suggest, the Government of the United States had no right to interfere, but yet it was a matter that was being discussed and considered by Congress, and for that reason he would take no formal action, but leave it to be determined by Congress?

Mr. BARNES. No, sir; I do not find any such statement as that from the Attorney-General.

Mr. PERKINS. I understand that was his position.

Mr. BARNES. I do not think it was.

Mr. STRUBLE. His position, if I understand it, was expressly against the legality of the leases without reference to Congressional action.

Mr. BARNES. But that is another question entirely. I will come to that directly.

The opinions of the Attorneys-General have been quoted here—two Attorneys-General—that of Mr. Devens and of Attorney-General Garland. Both have been quoted in the majority report. The opinion of Mr. Devens was that the Cherokees could not settle Indians or Cherokees in that Territory; and why? Because, while they might go there temporarily, they could not make a settlement.

A settlement implies a permanent residence, and his opinion was that they could not permanently locate there, because, under the provisions of the sixteenth article of the treaty of 1866, such permanent location would conflict with the clear right of the United States under that treaty to settle friendly Indians thereon; and to allow the Cherokees to settle thereon would consequently render it impossible to carry out the provisions of this treaty.

Mr. WEAVER, of Iowa. Then the gentleman concedes that if they can not settle Indians there they can not allow white men under leases to occupy the lands.

Mr. BARNES. That, the allowance of white men to graze cattle thereon is another and quite a different question, and I will answer it in the course of time. I am perfectly willing to answer any question, but really this is taking up too much of my time, and I expect to answer all such questions in the course of the discussion. While on this question about the opinions of the Attorneys-General I want to dispose of what has been said by Attorney-General Garland, in which he held that these leases themselves were void.

In the first place, in reference to that opinion, it is entirely *obiter dictum*, so to speak. It is entirely extra-official. It is not in response to the facts upon which the opinion was asked. The circumstances under which that opinion was sought by the Commissioner of Indian Affairs was this: There were certain disturbances growing out of the leases of lands occupied by the Cheyenne and Arapaho Indians, and it was a question whether the proper authority among the tribes had made the leases, and it was on these lands the whole disturbance arose. There was no disturbance in reference to the Cherokee strip at all.

After Commissioner Atkins took charge of the Office of Indian Affairs, in 1885, in a letter of June 25 to the Secretary of the Interior he calls attenion to the disturbances in the Cheyenne and Arapaho reservations. He says not a word of the Cherokee strip or lease, and in the letter which was sent to the Secretary of the Interior, and which was subsequently sent by the Secretary of the Interior to Attorney-General Garland, dated July 7, 1885, for his opinion, he expressly says that these inquiries concerning validity of contracts, leases, &c., have no reference whatever to the lands now occupied by the five civilized tribes. Secretary Lamar, it is true, does extend the inquiry further, but there were no facts giving occasion for any such extension of the inquiry. The Commissioner of Indian Affairs, in his two letters, mentions the facts, confines his inquiries to them, and specially excludes the lands of the five civilized tribes.

There were disturbances only among the Cheyennes and the Arapahoes. I want to call attention to the further fact that when the President of the United States, two days after this answer of Attorney-General Garland, issues his proclamation, he does not say one word about the Cherokee strip—not one syllable.

The President issued his proclamation within two days after the Attorney-General's opinion, showing that that opinion had been given in response to questions based on a state of facts reported by the Commissioner of Indian Affairs, and confined that proclamation entirely to the lands occupied by the Cheyennes and the Arapahoes. More than that, when the cattle were driven out from the Cheyenne and Arapaho reservations and were being driven on other lands—many of them on this Cherokee strip; and General Schofield in his official telegram to the Government reports the fact that they are being driven over the Cheyenne and Arapaho reservation on the Cherokee strip—not a word is heard from the President, from the Secretary of the Interior, or from the Commissioner of Indian Affairs, claiming that it was illegal to locate them on that strip. So much for the opinion of the Attorney-General on this subject. It was entirely extra-official.

Mr. MORGAN. Did the Attorney-General frame the proclamation of the President?

Mr. BARNES. I do not know whether he did or not. I have not inquired about that.

But let us look at this question for ourselves.

Section 2116 of the Revised Statutes reads:

No purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity unless the same be made by treaty or convention entered into pursuant to the Constitution.

Section 2117 of the Revised Statutes provides that:

Every person who drives or otherwise conveys any stock of horses, mules, or cattle to range and feed on any land belonging to any Indian or Indian tribe, without the consent of such tribe, is liable to a penalty of $1 for each animal of such stock.

Now, I do not wish to argue about the mere names of things. I do not care whether you call this contract which was made in regard to this Cherokee outlet by the Cherokee nation (who held a perfect title to it) with this syndicate—I do not care whether you call it a lease or a contract. I shall not go into any technical definition nor look into the work of any dictionary maker to see whether it comes up to his definition of what is or what is not a lease. Section 2116 of the Revised Statutes prohibits a certain kind of contract being made; section 2117 of the Revised Statutes allows a certain kind of contract to be made.

Now, section 2117 does refer to the right of pasturage, and that is all that is contemplated by this contract with this Cherokee Live-Stock Company. They are prohibited from making any permanent settlement; they are prohibited from erecting any permanent structure. It is declared positively that the contract is in conformity with the sixteenth article of the treaty of 1866. They are to do nothing but graze their cattle. Secretary Teller says, in his opinion, that until lately this right of pasturage has never been doubted. How could it be doubted?

The very difference which exists between the provisions of section 2116 and the provisions of section 2117 of the Revised Statutes is based on the distinction between a fee-simple title and a title such as all Indians hold, the right of occupancy. As far back as the case of Johnson vs. McIntosh, in 8 Wheaton Reports, the Supreme Court of the United States recognized the distinction between the two cases, holding that while the Indian did not hold his land under a fee-simple title, he had an unlimited right to the use of the products of that land at his discretion. This view has been reaffirmed by the Supreme Court of the United States, in 19 Wallace, in the case of The United States vs. Cook.

That is a case to which I call the attention of the committee—the case of uncivilized Indians having merely a title by occupancy. In that case the court says:

The right of use and occupation by the Indians is unlimited. They may exercise it at their discretion. If the lands are desirable for purposes of cultiva-

tion, they may be cleared of their timber to such extent as may be reasonable under the circumstances. The timber so cut may be sold. * * * Any cutting beyond this would be waste, and such timber could not be sold. The timber while standing is a part of the realty, and it can only be sold as the land could be. * * * When rightfully severed, as for purpose of cultivation, its severance is only a legitimate use of the land, * * * and it can be sold. [The court is preserving throughout the distinction between a sale of land and a sale of the use of it.]

The court subsequently states the doctrine more broadly, thus:

These are familiar principles in this country, and well settled, as applicable to tenants for life and remainder-men. But a tenant for life has all the rights of occupancy in the lands of the remainder-man. The Indians have the same rights in the lands of their reservations. What a tenant for life may do upon the lands of a remainder-man the Indians may do upon their reservations, but no more.

Now, Mr. Chairman, here is a clear distinction recognized by the Supreme Court of the United States from the earliest decisions down to the very latest; so that even the uncivilized Indian who holds merely by the right of occupancy can use the lands and the products of them at his discretion; and Secretary Teller says that the right of the Indian to the use of the pasturage of his lands never has been questioned until lately.

Further than that, we have a statute, not yet referred to at any time in the course of this debate (22 Stat. 590), wherein the Government of the United States has seen fit to make a distinction between the right of pasturage and the right to the products of the soil in the case of the five tribes, and the same rights in the cases of the other Indians throughout the country.

[Here the hammer fell.]

Mr. LORE. I ask unanimous consent that the gentleman be allowed 10 minutes to conclude his remarks.

Mr. WEAVER, of Iowa. I think we ought to allow him to conclude his remarks with the understanding that general debate shall conclude to-day, but that no vote shall be taken. I ask unanimous consent that the gentleman be allowed to go on and conclude his remarks.

Mr. SPRINGER. There will be no objection, I suppose, to allowing me to reply to the gentleman from Georgia to-day?

The CHAIRMAN. At the end of an hour from the time when the committee began its session the committee must rise. The House may extend the time, but the committee can not.

Mr. HOLMAN. By unanimous consent the gentleman may proceed without objection.

The CHAIRMAN. Is there objection to the gentleman from Georgia [Mr. BARNES] proceeding with his remarks?

Mr. BURROWS. The trouble with that, Mr. Chairman, is that it can not be done by unanimous consent.

Mr. HOLMAN. It could be done by unanimous consent.

Mr. BURROWS. Not where the House has made an order.

Mr. SPRINGER. If I can be recognized, I will yield ten minutes of my time to the gentleman from Georgia [Mr. BARNES], and I do this, with the full belief that the House, in order to give me sufficient opportunity to reply, will extend me equal courtesy.

Mr. BARNES. Mr. Chairman, thanking the gentleman from Illinois for his courtesy, I will endeavor not to detain the committee much longer.

Availing myself of the privilege accorded me, I will here reply to what has been said about Georgia and the Indians. All that has been said concerning the treatment of the Cherokees by Georgia is utterly irrelevant. It has no more to do with this question than whether Queen Elizabeth was or was not engaged in the African slave-trade. Our fathers fought over this subject in Congress sixty years ago, and they indulged in crimination and recrimination, citing and reciting the statutes and the history of the different States and colonies, to show what had been the treatment in each of the Indian tribes located therein. That is altogether now a question of the past. I will only state Georgia in 1802 had ceded to the General Government the vast territory now constituting the States of Alabama and Mississippi. The cession was accompanied by the condition that the General Government would extinguish as speedily as possible the title of the Indians to lands within the State of Georgia. The General Government had long neglected to do this. Georgia insisted upon the performance of treaty obligations to her as a State. I to-day am insisting here on strict adherence by the General Government to its covenants with the Indians.

I was remarking when interrupted that the statutes of the United States have recognized the distinction as to the use of the products of the soil between the Indians generally and the five civilized tribes, because in the twenty-second volume of the Statutes at Large, page 590, it is provided that the income of other tribes from pasturage, &c., shall be covered into the Treasury; but the five civilized tribes are specially excepted.

Now, here are people holding these lands by the same sort of title by which any white man holds title to his land. Here they have made a contract by which this Cherokee Strip Live-Stock Association comes into possession of this land, a contract made with full knowledge on the part of the Government, and with no objection raised at the time whatever. Here is this distinction, which has been recognized from the foundation of the Government, that the Indian has the right, even where he holds his land by the mere title of occupancy, to the unlimited use and disposition of the products of the soil.

I say, Mr. Chairman, that to step in now when the lease has been made under such circumstances, if you call it a lease—I say, strictly speaking, it is not a lease, but as I have remarked I care not for names; here is a contract which has been entered into—to step in now and say that this lease shall be void—what is it to do? It is to confiscate this land. The Cherokee Indian can not make use of it himself, and you say he shall not rent it out to the white man; you say he shall not have the profits from the pasturage of that land as a white man should. Why, sir, this is to confiscate the land; and when you do this, you hold out to him this inducement—that if he will consent to this Territorial government and give up the possession of this land under these circumstances, you will pay him a good price; and you call that free, full, and fair consent! You go with a bribe in one hand and with the instruments of coercion in the other, and you seek in this way to deprive these people of some six million acres of land. I say such a proceeding is unbecoming the character of a great Government in its dealings with a weak and helpless people.

Do you ask me (for that question has been asked) whether I do not believe that the Government of the United States has the power to abrogate these treaties? I recognize, of course, the fact that the Government can, by a law, repeal a treaty. That has been frequently decided. But I recognize it as equally true that the courts have always held, that while you may by law repeal a treaty, yet when, under a law or treaty, property rights have been acquired, you can not extinguish and destroy those property rights of Indians by a mere statute repealing a treaty.

When you address to me a question about the power to repeal a treaty, I say this is not a question of power; it is a question of right; it is a question which addresses itself to the judicial conscience of this House, whether you will exercise this power. Why, Mr. Chairman, are there to be no restraints on the exercise of power unless you can find such a restraint in a statute or decision? Are there no moral restraints on the exercise of power? Before I would break the covenants of this treaty (much as I would like to see those lands open to white settlement), I would say, let the Indian Territory stand a perpetual monument of our fidelity to our engagements.

But we are not obliged to do this. There is a way of escape in this matter—a wise way. Your committee which was appointed to investigate our relations with the Indians—a committee of which the distinguished gentleman from Indiana [Mr. HOLMAN] was chairman, has reported to this House a bill, under the operations of which a commission is to be appointed, not merely to treat with the five civilized tribes, but with the Indians generally, the negotiations looking to cutting down their reservations to such lands as they may need, and the opening of the other lands to white settlement. The gentleman from Indiana states in his report that, after his interviews with these Indians, he believes they are willing to surrender the lands now occupied by Indians in the western part of the Territory, that those Indians may be concentrated farther eastward, thus opening up the western lands to settlement.

Now, here is a scheme of negotiation which is open, which is fair, which is above-board. It is a scheme upon which the Indian himself is ready to enter. I am persuaded, from conversations that I have had with numbers of leading Indians during their visits to Washington, since my investigation of this subject, that they are ready and willing to enter into this negotiation. I had a talk on this subject only last week in my room with a leading Indian, whose expressions confirm me in these opinions. Here we have an opportunity, by the appointment of this commission, to carry out such a negotiation. I would say to my friend from Iowa [Mr. STRUBLE] you need not leave it voluntary; you can make it obligatory on the Government.

Mr. STRUBLE. That is the way it ought to be done, in my judgment.

Mr. BARNES. Let this commission go out there and enter into the negotiation. They will find the Indians willing to treat with them; and when a treaty has been made, when these lands have been surrendered under the terms of the treaty and without a breach of any former treaties, you will have abolished cattle syndicates, and you will have no more "monopoly" of this land; we shall hear no more of that cry; and when you have thus by legitimate means opened up a vast body of land to white settlement, you will have secured "homes for the homeless" in a manner consistent with the promotion of the public welfare and the maintenance of the national honor. [Loud applause.]

Mr. SPRINGER. Mr. Chairman, I have listened with attention to the remarks of the gentleman from Georgia [Mr. BARNES] on this subject. I regret, however, to be compelled to say that except in the time I yielded to the gentleman he has scarcely referred to the bill before this committee.

The gentleman from Georgia has a high regard for the honor of the nation in reference to these Indian tribes. I am not surprised, sir, that the gentleman should have such tender feeling for the Cherokee Indians. If there is any gentleman on this floor who should stand up here and plead for the honor of the Government and the sacredness of

treaties with the Cherokee Nation of Indians, that gentleman should be a Representative from the State of Georgia. These Indians, or the ancestors of the present Cherokees, formerly resided in the State of Georgia, and I regret to be compelled to reiterate the truth of history when I state they were driven from that State at the point of the bayonet. They were subjected to greater outrages by the gentleman's constituents, or rather the ancestors of his constituents, than have been perpetrated upon any other Indian tribe in this country.

Mr. BARNES rose.

The CHAIRMAN. Does the gentleman yield?

Mr. SPRINGER. I will yield for a question, but not for a speech.

Mr. BARNES. It is an unfair mode of argument to make an attack on my State as the gentleman has done while in conclusion. I will say what he has said is not true according to history. He may hunt up any argument he pleases——

Mr. SPRINGER. I did not yield for a speech. The gentleman has said it is not true.

Mr. BARNES. I will say that what he has said is not true, and even if it were true it would show that I have improved upon my ancestry and he has degenerated from his. [Laughter and applause.]

Mr. SPRINGER. I am very glad to hear the gentleman say he has improved on his ancestors; I would never have known it had he not said so himself.

The gentleman will find that on the Indian question, so far as my ancestors are concerned, the Indians were treated as one foe treats another. My ancestors, during the Indian occupancy, lived in what is now known as the blue-grass region of Kentucky—the land of Davy Crockett—where they met the Indians on the "dark and bloody ground," and vanquished them in many a hard-fought battle. But the ancestors of the gentleman's constituents sought only to repudiate treaty obligations, and finally declared the Indians outlaws, and would not allow them to testify in the courts of that State in suits in which a white man was a party; and they were hunted down as wild beasts and compelled to seek a home in the far West. And when they went to the West, so great were the outrages perpetrated upon them by the people of that State that they stipulated in the treaty of 1835 that the lands west of the Mississippi ceded to them should in no future time, without their consent, be included within the territorial limits of any State or Territory.

The cruel treatment to which they had been subjected in the gentleman's own State caused them to incorporate the provision to which he has appealed in their treaties.

But the gentleman has remarked that the provision was to the effect they should never be placed under any Territorial government. I will read the article. The fifth article of the treaty of 1835 provides:

That the United States hereby covenants and agrees that the lands ceded to the Cherokee Nation in the foregoing article shall, in no future time, without their consent, be included within the territorial limits of any State or Territory.

That was the clause put into their treaty after they had been so outraged by the people of the State of Georgia. They wanted no more Territorial or State jurisdiction placed over them, without their consent.

Mr. CASWELL. Does the gentleman from Illinois intend to follow up this line of persecution? [Laughter.]

Mr. SPRINGER. No, sir; we have departed from the precedent set by the gentleman's constituents in this regard. Hereafter we propose to treat them as human beings, and not to hunt them down as wild beasts. By this bill we invite them to the sacred council chamber, to the treaty-making and law-making power of the Government. This bill does not propose to interfere with any of the land in the territory owned by the five civilized tribes. They are no more included in this bill than any lands in the State of Georgia itself are included within its provisions, except in the establishment of courts, which is expressly enjoined upon us by existing treaties. And I regret the gentleman from Georgia should have founded the greater portion of his argument on the assumption that this bill does interfere with the lands of these five civilized tribes of Indians.

If language can be clearer than this I would like to know how it would be constructed. I read from the first section of the bill:

Provided, That nothing in this act shall be construed to impair the rights of person or property or to impair any patent to lands now pertaining to the Indians in said Territory under the laws and treaties of the United States, or to include any territory occupied by any Indian tribe to which title has been conveyed by patent from the United States, without the consent of said tribe, or any territory which by treaty or agreement with any Indian tribe is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries and constitute no part of the Territory of Oklahoma, until said tribes shall signify their assent to the President of the United States to be included in the said Territory of Oklahoma, except for judicial purposes as provided herein, or to affect the authority of the Government of the United States to make any regulation or enact any law respecting such Indians, their lands, property, or other rights, which it would have been competent to make or enact if this act had never passed.

So that all that portion of the speech of the gentleman from Georgia relating to treaty obligations with the five civilized tribes has no more to do with this bill than it has to do with the Indians on the Blackfeet reservation in the Territory of Montana. They are by the very terms of the bill excluded from every one of its provisions.

What does the bill provide? It provides for opening up the lands beyond those owned by the five civilized tribes, or, more clearly speaking, that portion of the Territory west of the tribes known as the five civilized tribes. How does it propose to deal with them? There is a commission provided in the bill in its eighth section, which is to be appointed by the President of the United States, and which commission is to treat with the Indians prior to any interference with or any change of existing contracts with them. So that, outside of the civilized tribes and outside of the lands which have been ceded to them, this bill will not allow any white man to enter upon a foot of territory included in the provisions of the bill, until the Indian tribe affected by it, or the tribes, if more than one, shall have first signified their assent thereto.

Mr. HERMANN. May I ask the gentleman a question?

Mr. SPRINGER. Certainly.

Mr. HERMANN. In the event of the passage of this bill by the House, and the Indian tribes fail to give it effect by withholding their assent, does it not apply exclusively, so far as the public land is concerned, to the strip known as "No Man's Land," which has but few Indians upon it?

Mr. SPRINGER. It will take effect upon the strip of land to which the gentleman refers, which is that portion of land secured from the State of Texas and on which there are no Indians.

Mr. HERMANN. Embracing some three and a half millions of acres.

Mr. SPRINGER. Embracing some three and a half millions of acres only; or to be perfectly exact, 3,672,640 acres. It can only affect that portion without the consent of the Indian tribes.

Mr. LORE. What is the population of that strip?

Mr. SPRINGER. I will come to that after a while.

The CHAIRMAN. The hour for the consideration of bills has expired.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 7217) had come to no resolution thereon.

Mr. SPRINGER. Would it be in order to ask unanimous consent at this time to be permitted to conclude my remarks upon this bill?

The SPEAKER. Does the gentleman desire to go into Committee of the Whole?

Mr. SPRINGER. It can be done in the House or in committee.

Mr. BRECKINRIDGE, of Arkansas. How long does the gentleman want?

Mr. ROGERS. He gave ten minutes of his time to the gentleman from Georgia, and he ought to have that at least.

Mr. HOLMAN. This does not extend the right to consider the bill.

The SPEAKER. It only extends the time to permit the gentleman to conclude his remarks, and the bill will afterwards take its place upon the Calendar as unfinished business.

Mr. BRECKINRIDGE, of Arkansas. The gentleman is to complete his hour, as I understand it.

The SPEAKER. That is the understanding. Is there objection? There was no objection.

Mr. SPRINGER. I desire that there may be no misapprehension as to what this bill does provide. The first section defines the boundaries and excludes expressly the five civilized tribes; the second provides for the Territorial government, and the third provides that all laws of the United States, not in conflict, shall be applied to this Territory. In order that there may be no doubt as to the meaning of this section, or as to the intention of the bill to guard the rights of the Indians, there is a provision in this section as follows:

Provided, That nothing in this act shall be construed to interfere with the local governments of any of the Indian tribes which may now be provided for by the laws and treaties of the United States, &c.

There is a most careful and unequivocal guarding of the rights of the Indians all through the bill.

There are also provisions for opening up the lands known as Oklahoma proper and the Cherokee strip to settlement. A commission is provided by section 8 to treat with the Indians and obtain their consent before any of these lands are opened up to settlement by white people.

Mr. WEAVER, of Iowa. Is it not also provided that this act is not to go into effect until the President of the United States shall have issued a proclamation to that effect?

Mr. SPRINGER. Yes, sir; I am coming to that after awhile. Until the President shall have issued a proclamation, and declared the lands open for settlement as provided in the bill, there can be no legal residents of the proposed Territory. It is unlawful for white men to go there now and take possession of the lands.

The bill provides that the lands in the region known as "No Man's Land" shall be taken under the provisions of the homestead laws only. Indian lands are also to be taken under that law, except that the actual settler shall pay $1.25 per acre, in quantities not to exceed 160 acres, in square form, to each settler. All persons who are heads of families, or twenty-one years of age, and who are citizens of the United States, or who have declared their intention to become such, shall be entitled to become actual settlers on such lands by paying the price required. An actual account shall be kept by the Secretary of the Interior of the money received as proceeds of the sales of such lands.

The amounts so received, less the cost of sale and the amount already paid to the Indians therefor, shall be placed to the credit of such tribes on the books of the Treasury.

It must be remembered that the Indian lands embraced in the provisions of this bill have not been occupied by any Indian tribes for more than twenty years; that the lands known as Oklahoma proper, nearly two million acres in the center of the Indian Territory, have already been purchased and paid for by the United States, with the declared purpose to settle friendly Indians thereon. The lands known as the Cherokee strip have been conditionally purchased for a like purpose. The United States may now without further legislation settle friendly Indians upon those lands. The lands in Oklahoma proper have already been paid for, and the title has vested absolutely in the United States. The Cherokee strip may be settled with friendly Indians by paying 49 cents an acre to the Cherokee tribe. But in view of the fact that there are no friendly Indians who can be settled on such lands, this bill provides for their settlement, with the consent of the Indians from whom we purchased, by white people, by paying the Indians the full Government price of $1.25 per acre. No Indians are to be removed from their present possessions; no lands occupied by them are to be taken, but wild unoccupied lands are to be opened to settlement by actual *bona fide* settlers under the provisions of the homestead laws of the United States.

The tenth section of the bill abrogates the leases which have been made by the Cherokee tribes to the cattle companies, and the eleventh section of the bill forfeits all land grants made heretofore to railroads in that Territory outside of the right of way. The twelfth section prohibits subsidies being granted hereafter by the Territory to be occupied. This concludes the provisions of the bill.

Now, as to the manner of dealing with these people. It is conceded that the Government acquired that portion of the Indian lands known as Oklahoma proper, embracing 1,887,800 acres, for the purpose of settling friendly Indians thereon. We paid under that treaty, I believe, only 25 cents an acre for the land, and obtained a deed in fee-simple to the property.

Mr. WEAVER, of Iowa. Thirty cents an acre.

Mr. SPRINGER. Thirty cents an acre. In view of the fact that the Government desires to change its purpose in regard to this land and settle upon it white men instead of Indians, the whole subject of title is opened up and the Government offers to pay the Indians the regular price, $1.25 per acre, provided they consent to let white men settle upon these lands instead of friendly Indians. The whole question rests, therefore, upon the consent of the tribes having this interest in the lands. If they do not agree to it the bill does not affect the legal status of the land, and it will continue to be reserved for settlement thereon of friendly Indians.

So with the Cherokee strip, which embraces a larger area of land, namely, 6,022,855 acres, it is provided that before any settlement shall be made upon the land this commission shall treat with the Cherokee Indians to secure from them their consent to the settlement of white men upon it instead of friendly Indians, as was contemplated in the original contract of purchase.

We have not yet completed the purchase of all the Cherokee strip. Only a portion of it has been included within the terms of our purchase. We agreed to pay nearly 50 cents an acre for it to settle friendly Indians thereon, but if this bill passes and the Indians consent, they will receive the full price of $1.25 per acre for the lands, and white men will be permitted to settle upon them. The remainder of the lands covered by the bill are in what is known as "No Man's Land," a strip of territory which has never belonged to the Indians, but which was acquired by the Government from the State of Texas. The three areas of land embraced in the provisions of this bill aggregate 11,583,295 acres, larger in extent than the States of Massachusetts, Rhode Island, and New Jersey. The lands are generally rich and suitable for agriculture, and will furnish homes and farms for more than half a million people.

Mr. HERMANN. If the gentleman will permit me, I wish to ask him a question.

Mr. SPRINGER. Certainly.

Mr. HERMANN. Have not the purposes been subserved for which "No Man's Land" was to be included within the limits of the Territorial government? That is to say, has not that "No Man's Land" by the recent action of this House been embraced within the land district as well as within the judicial district of the State of Kansas; and in that way have not all the purposes intended to be attained by embracing it in the Territorial form of government been subserved?

Mr. WEAVER, of Iowa. That does not interfere in any way with our bill.

Mr. SPRINGER. The bill to which the gentleman from Oregon refers has passed the House, but has not passed the Senate. There is no legislation on the subject at this time.

Mr. HOLMAN. That bill proposes, I think, to extend the laws of the State of Kansas over that strip.

Mr. WEAVER, of Iowa. But that does not affect this bill.

Mr. SPRINGER. The bill to which the gentleman refers may never pass. There is urgent necessity for some legislation on the subject. There are a great many people going in there now and settling in what is called "No Man's Land," and I trust they will be allowed to organize a government which in time will extend to other portions of the territory.

Mr. HERMANN. What is the necessity for establishing a Territorial government over that strip of land?

Mr. WEAVER, of Iowa. The bill that has been referred to does not extend the laws of the State of Kansas over "No Man's Land," but the laws of the United States. The strip is simply annexed to the State of Kansas for judicial purposes.

Mr. SPRINGER. The Public Land strip embraces 3,672,000 acres of land, an area nearly as large as the States of Rhode Island and Connecticut. It has never been organized under any government, and has been for years the refuge of criminals of all kinds. It is time, therefore, that something should be done, and I hope that something will now be done, to establish law and order in it, by including it within the provisions of this bill. If this bill should pass about 11,000,000 acres will be opened up for settlement, of which all except about 3,500,000 acres will depend upon the consent which the Indians are to give to that settlement.

Mr. HERMANN. And in the event of the failure of the Indians to consent to the provisions of this bill, will not that narrow strip be an exclusive territory within itself?

Mr. SPRINGER. Yes; it ought to be. It is larger than the State of Connecticut.

Mr. HERMANN. And without inhabitants.

Mr. WEAVER, of Iowa. It will not have a Territorial Legislature unless the President sees fit to give it.

Mr. SPRINGER. The gentleman from Oregon seems to be very much concerned about what is known as "No Man's Land." But I fear that his concern is not about that strip. The concern of himself and the other gentlemen opposing this bill is not about that strip. Their concern is as to the Cherokee strip and the Oklahoma lands which are provided for in this bill. Now, what is the position of those lands at this time? The Cherokee lands are held by a lease executed by the Cherokee Nation to the Cherokee Live Stock-Association, for which lease that association pays the Indians an annual rental of $100,000, and then sublets the lands to stock corporations at an annual rental of about $500,000. Thus the cattle company has an annual net income of $400,000 upon these Indian lands, a profit which accrues to a corporation which has no assets except this lease.

Mr. HOLMAN. Does not the Cherokee outlet west of the Arkansas River stand, as to title and all other conditions, on exactly the same foundation as the balance of the Cherokee lands, and do not the treaty stipulations apply to the outlet exactly as they apply to the balance of the lands?

Mr. WEAVER, of Iowa. They do not apply in the same way, Mr. Chairman, because the Indians have sold a portion of those lands and received $300,000 in part payment.

Mr. SPRINGER. Mr. Chairman, I will not be diverted from my argument. So far as this bill is concerned I do not care what the title to the Cherokee strip is now. It does not make any difference. That land can never be diverted to the purposes contemplated by this bill without the consent of the tribe; and if they consent to making a new treaty that will meet the purposes of the bill. Therefore, it is going beyond the matter now pending to consider what are their rights under the existing contracts or treaties. A new contract or treaty is to be made under the provisions of this bill. Nothing can be done without the consent of the Indian tribe, the same consent which made the first treaty, the second treaty, and the last treaty, and which is the only consent that can make the transaction valid.

Mr. WEAVER, of Iowa. Has not the whole 6,000,000 acres been appraised and the price fixed, and do not the Indians hold that there has been more than $300,000 paid upon it?

Mr. HOLMAN. East of the Arkansas River.

Mr. SPRINGER. There have been pending negotiations, agreements, treaties, and acts of Congress for many years with regard to this Cherokee strip, but whatever may be the existing status, that status is not to be changed by this bill without the consent of the tribe. If the tribe consents to make a new treaty with this commission, I contend it has a right to do so. Gentlemen who are opposing this bill take the position that the tribe shall not abrogate the old treaty with the United States or make a new one. That is the only question involved.

Mr. CUTCHEON. Suppose this bill should be passed and become a law, who would be the citizens of the Territory upon whom it would take effect?

Mr. SPRINGER. Everybody knows—I presume the gentleman from Michigan knows it well, and did not ask for this information—that no white man can lawfully reside in the Indian Territory at the present time.

Mr. CUTCHEON. I understand that.

Mr. SPRINGER. There are none there now, lawfully; there never can be any unless we can make a treaty which will permit those lands to be opened up to settlement. It is for that reason this bill is reported. The proposed Territorial government will be in abeyance except as to the strip called "No Man's Land" until we can get the consent of the

Indians to the occupancy of the other portions of the Territory by white men.

Mr. CUTCHEON. The gentleman holds that there are in fact no white residents on the Cherokee strip at the present time?

Mr. SPRINGER. There can not be legally; there are some "cowboys" there now.

Mr. CUTCHEON. Would it not be best to appoint a commission first, and then organize the Territory afterward?

Mr. SPRINGER. I am coming to that point; I am glad the gentleman has made the suggestion.

What is the obstacle now to the passage of this bill? It is the lease of the Cherokee strip by the Cherokee Nation to a cattle company—the largest land lease ever put on record in this country, covering an area of over 6,000,000 acres, as large as the States of Rhode Island and Massachusetts. That is the extent of the lease to the Cherokee Strip Live-Stock Association.

Now, I want to call attention to this lease, which this bill abrogates—declares null and void. The gentleman from Georgia [Mr. BARNES] holds that we have no right to abrogate that lease. I ask the House to understand that unless we abrogate that lease we can never make another treaty with those Indians. The Cherokee Strip Live-Stock Association pays the Indians $100,000 a year under that lease, and sublets it for $500,000, making a margin of $400,000 annually. This constitutes a fund with which the cattle company may corrupt the Indian tribes and send a lobby here to Washington to oppose this bill. We can never get a new agreement from those Indians until this lease is stricken down by an act of Congress and declared to be null and void. The gentleman from Georgia maintains the validity of this lease against the opinion of two Attorneys-General of the United States, and against the distinct provisions of three acts of Congress, which declare that where leases shall be made by any of the Indian tribes of their lands without the consent of Congress such leases shall be void.

Mr. STRUBLE. The lease is also in violation of express treaty stipulations between the Government and these Indians.

Mr. SPRINGER. Yes, sir; it is not only in conflict with acts of Congress but in violation of existing treaty stipulations with these Indians themselves. This lease has been made, and it is now insisted that the Indians have the right to lease these lands to cattle syndicates and prohibit the United States from opening that country to settlement by white citizens.

Mr. CUTCHEON. Does the gentleman recognize the mere right of occupancy on the part of the Indians in this Cherokee land strip?

Mr. SPRINGER. No, sir; there is no right of occupancy.

Mr. CUTCHEON. Then the gentleman is consistent. If they have no right of occupancy of course they can not confer any; but if their right of occupancy be conceded, they can confer a grazing right, such as that lease provides for.

Mr. SPRINGER. Attorney-General Devens decided—his opinion will be found in one of the volumes of the Opinions of the Attorneys-General—that the Cherokee Nation had no right to settle one of their own tribe upon this Cherokee strip.

Mr. CUTCHEON. I think it is conceded that they have no right to settle any tribe permanently upon it, but a mere right of occupancy—a right of grazing or pasturage—presents a different question.

Mr. SPRINGER. Attorney-General Garland, in an opinion delivered July 21, 1885, decided that this very lease, among others, was void; and he cites the acts of Congress to show that the Indians had no right to make it.

My friend from Georgia [Mr. BARNES] says that opinion is *obiter dictum*. Then, sir, every opinion of an Attorney-General is *obiter dictum*. It is not an opinion given in any case at law, and is in the nature of what would be called, in judicial parlance, *obiter dictum*. Yet, it is the opinion of the highest law officer of this Government, and that opinion was given in a disinterested and impartial manner, after a careful review of the law, for the guidance of the Secretary of the Interior upon this very question.

It is the alleged sacredness of this cattle lease which is interfering with the organization of the Territory of Oklahoma. It is the alleged right of "cattle kings" to occupy Indian lands as against the rights of white settlers—that is, preventing the passage of this bill. That cattle syndicate, as I have remarked, has a margin of $400,000, which it is annually realizing from these Indian lands and annually appropriating to itself as the price for which it sublets them. That company has no assets except this naked lease. Shall we concede that this lease is higher than the authority of Congress; that we have no power to abrogate it when it is made in express violation of an act of Congress? If we concede this, then we give over this land indefinitely to the "cattle kings" and to Indian tribes who can not occupy it legally. There has not been an Indian occupying any of the lands covered by this bill during the past twenty years. No occupancy by any Indian. The only occupancy is illegal occupancy under leases unlawfully obtained, and without any semblance of authority whatever.

Will we leave this territory in this condition indefinitely? That is the question presented to this House.

The gentleman from Georgia [Mr. BARNES] calls attention to the bill of the gentleman from Indiana [Mr. HOLMAN], and says, let us proceed under that bill, and acquire the consent of these Indian tribes. Why, sir, as long as you proceed under that bill you will be confronted with the interests of the cattle syndicates, and those cattle syndicates will control every Indian tribe, and prevent any treaty being made with them which will interfere with these cattle leases.

Mr. HOLMAN. Under this bill would not the same trouble be confronted, except as to the provision of the bill which annuls the leases? If the gentleman desires simply to annul the leases why does he not bring in a bill for that purpose, instead of organizing a Territory over a region of country where there are no people and no lands surveyed.

Mr. SPRINGER. This bill proposes to strike down these leases first. The gentleman proposes to let the leases stand, and to negotiate with the Indians with these leases still in existence. The pending bill proposes to strike down the leases, and then to negotiate with the Indians. That is what my friend from Georgia calls coercion.

Mr. HOLMAN. Will the gentleman allow me a word right there?

Mr. SPRINGER. Certainly.

Mr. HOLMAN. Can you not annul these leases without incurring the expense of a costly system of Territorial government over a small district of country unsurveyed and without population?

Mr. SPRINGER. Why does not the gentleman from Indiana put a provision in his bill to strike down these leases, if he is so anxious to strike them down?

Mr. HOLMAN. Is the gentleman anxious to strike them down? The bill I offered—prepared in the Interior Department—covered the whole Indian question—the whole 123,000,000 acres. It was not intended for any such purpose as to regulate a single local interest.

Mr. SPRINGER. I have studied the gentleman's bill. It proposes, he says, to cover the whole Indian question. It leaves in existence, however, leases of six millions of Indian lands illegally executed and now unlawfully in operation for the benefit of cattle syndicates.

Mr. HOLMAN. Will the gentleman allow me a word?

Mr. SPRINGER. Certainly.

Mr. HOLMAN. There are millions of acres of land beyond those six millions occupied by cattle-men under contracts with Indian tribes. You will find them up as far as the northeastern slope of the Cascade ranges. This is not the only instance of cattle kings on Indian lands.

Mr. SPRINGER. The gentleman has gone out among the Indian tribes during vacation on an investigating tour and has come back and tells us the cattle kings are now occupying the Indian lands everywhere. Will he not allow us to strike down these leases by which they are illegally occupying them?

Mr. HOLMAN. I do not object to it.

Mr. SPRINGER. But the gentleman objects to this bill.

Mr. HOLMAN. I am objecting that the gentleman is establishing, on the pretense of annulling these leases, an extravagant and expensive government where there are no people.

Mr. SPRINGER. It will not establish the government until the people go there. Let me assure the gentleman that in six months after these lands are opened up for settlement there will be at least a hundred thousand people settled upon them. The authority to establish a government must be given at the same time that settlement by white people is authorized. Is it because there can never be any people there that the gentleman allows these cattle kings to occupy these lands?

Mr. HOLMAN. That is not open to settlement.

Mr. PAYSON. As the Attorney-General has decided these leases are invalid because of the want of power on the part of the Indians to make them, I ask this question for information: Has any step been taken by the Interior Department on that opinion furnished by the Attorney-General?

Mr. SPRINGER. I believe not.

Mr. PAYSON. Why not?

Mr. SPRINGER. As far as the Cherokee strip is concerned?

Mr. PAYSON. Has this committee taken steps to inquire why the Interior Department, after calling for the opinion of the Attorney-General, and he has given it as the law officer of the Government, that these Indians had no power to make leases, and therefore they are void—has this committee taken any steps to inquire why this administration has not acted as to these cattle leases? I would be glad to be advised.

Mr. SPRINGER. I can not give the gentleman the information he requires; I have not asked Mr. Lamar the reason why he has not acted upon the opinion of the Attorney-General. The President did act upon it so far as the Cheyenne and the Arapaho reservation was concerned.

Mr. MORRISON. Why does not the gentleman offer a resolution making the inquiry?

Mr. ROGERS. The inquiry made by the Secretary of the Interior of the Attorney-General did not cover the Cherokee strip or any part of it.

Mr. WEAVER, of Iowa. But the answer did.

Mr. ROGERS. But I am answering your question.

Mr. SPRINGER. My answer to the gentleman from Arkansas is that it did.

Mr. ROGERS. You are mistaken, then; that is all.

Mr. SPRINGER. Then I will read the opinion of the Attorney-General.

Mr. ROGERS. No; read the inquiry addressed to him.

Mr. SPRINGER. This is the question that was presented by the Interior Department:

Whether there is any law empowering the Interior Department to authorize Indians to enter into contract with any parties for the lease of Indian lands for grazing purposes; and also whether the President or the Interior Department has any authority to make a lease for grazing purposes of any part of any Indian reservation, or whether the approval by the President or the Secretary of the Interior would render any such lease made by Indians with other parties lawful and valid?

These questions are propounded with reference to certain Indian reservations, namely:

1. The Cherokee lands in the Indian Territory west of the ninety-sixth degree of longitude, except such parts thereof as have heretofore been appropriated for and conveyed to friendly tribes of Indians.
2. The Cheyenne and Arapaho reservation in the Indian Territory.
3. The Kiowa and Comanche reservation in the Indian Territory.

Mr. WEAVER, of Iowa. Then the inquiry did cover it.

Mr. SPRINGER. It did.

Mr. HAMMOND. But you are reading from the opinion of the Attorney-General, not from the inquiry.

Mr. SPRINGER. But the opinion covered the question, and quotes it. I am reading now from the opinion of the Attorney-General who quotes the language of the Secretary of the Interior, which embraces all of these lands except that portion conveyed to the friendly tribes. The gentleman can find it here for himself. The opinion of the Attorney-General covers this very point. It embodies the inquiry, and the answer to the inquiry; and it was his opinion that the leases are illegal.

Mr. HOLMAN. What, then, is the purpose to be accomplished by the bill in reference to the leases? If the leases are void it requires but an exercise of the executive prerogative of the Government to remove these trespassing cattle kings from the land. That being true, no legislation is required.

Mr. ROGERS. Let me suggest to my friend from Illinois that he ought to state to the House that he is reading from a letter addressed by the Department of Justice to the Secretary of the Interior; and the part he has read is not in quotation marks, as giving the language of the Secretary of the Interior.

Mr. SPRINGER. I repeat, I read from the letter of Attorney-General Garland, dated July 21, 1885, on this subject, and that letter set forth the question propounded to the Department of Justice by the Department of the Interior. The Attorney-General, in his letter, gives the quotation marks to this part of his letter; and I assume, therefore, that the Attorney-General quoted correctly from the language of the Secretary of the Interior.

Mr. BARNES. If the gentleman will allow me, I think I can state the exact facts in a moment. The truth of the business is that the Secretary of the Interior does put the inquiry; but his letter was based upon a letter from the Commissioner of Indian Affairs which accompanied the Secretary's letter; and the Commissioner of Indian Affairs says the inquiry (based upon the facts which called forth the letter) did not apply to the lands owned by the five civilized tribes.

Mr. ROGERS. That is it.

Mr. SPRINGER. I will print it in full in my remarks, so that any gentleman can examine it for himself who desires to do so. But I am amazed that the gentleman from Georgia ever disputed the fact that the leases were illegal. He assumed that the lease was a mere contract for grazing purposes.

Mr. HOLMAN. Then that part of the bill is of no avail—that part which undertakes to annul the leases.

Mr. SPRINGER. It not only annuls them but it directs the President of the United States to issue a proclamation requiring the cattlemen to remove from the lands they now occupy.

Mr. WEAVER, of Iowa. It is an expression on the part of Congress of its opinion or its views, based on the opinion of the Attorney-General.

Mr. SPRINGER. Yes, sir; it is an expression of an opinion on the part of Congress acting on the opinion of the Attorney-General, and giving force and effect to what the gentleman from Georgia calls an *obiter dictum*.

Mr. CUTCHEON. Will the gentleman permit me to ask him a further question in the line of the question propounded a few moments ago?

Mr. SPRINGER. Certainly.

Mr. CUTCHEON. You insist that you do not concede the right of occupancy or right of possession in the Cherokees. I find by article 16 of the treaty of 1866 the following provision:

The Cherokee Nation to retain the right of possession of and jurisdiction over all of said country west of 96 degrees of longitude until thus sold and occupied, after which their jurisdiction and right of possession to terminate forever as to each of said districts thus sold and occupied.

When was this treaty stipulation of article XVI abrogated which deprived them of the right of possession?

Mr. SPRINGER. I will refer the gentleman to the opinion of Attorney-General Devens, volume 16, page 470, of Opinions of Attorneys-General, where he decided in a case in point that the Cherokee Nation had relinquished its right to settle one of its own tribes on these lands.

Mr. CUTCHEON. But your answer is not as broad as my question.

Mr. SPRINGER. I can not go over all the acts of Congress and all the contracts and treaty stipulations with regard to this matter. To do that would take four or five hours of anybody's time. It is a long history. I simply cover the whole ground by referring to the opinion of Attorney-General Devens, which was to the effect that the Cherokees had relinquished the right to occupy those lands by several agreements made with the Government.

Mr. CUTCHEON. Does the gentleman claim that their right has been abrogated by any subsequent treaty stipulation or by any subsequent statute of the United States?

Mr. SPRINGER. I do; and it has been so held by the Department of Justice, in the opinion of Attorney-General Devens.

Mr. HAMMOND. What treaty and what statute?

Mr. SPRINGER. If the gentlemen will examine the opinion I have referred to they will find the whole subject fully discussed.

Mr. HAMMOND. You can not tell us, then, except by reference?

Mr. SPRINGER. I have not the dates of those several acts before me, and there is not a member of the House that has them in his mind. Negotiations have been going on for thirty, or forty, or fifty years with these Indians, and the agreements, treaties, statutes, and stipulations would fill a large volume. It is utterly immaterial, so far as this bill is concerned, what is the present legal status of these lands, or what are the provisions of existing treaties. The bill proposes to make a new treaty, in a lawful manner, and with full consent of the Indians.

Now, Mr. Speaker, I ask the House to consider this bill upon its merits and not upon any imaginary idea that we are violating any treaty stipulation. I would go as far as any gentleman on this floor in carrying out in good faith every treaty that has been made by this Government with the Indian tribes of this country. I would not violate any of those treaties. But I believe the whole policy of the Government in regard to the Indians has been wrong, and that we are now in a position, or ought to put ourselves in a position, to treat with them upon a different basis and with different objects. We should provide for treating with them so that they can hold their lands in severalty and not perpetuate the tribal relation, which is the sure foundation of the barbaric practices of the Indian tribes. We should abandon the tribal system. We should pass this bill and the bill authorizing the Indians to hold lands in severalty, and make them citizens and subject to the laws as white men are, so that they shall no longer be left in the condition in which they have been all along and are at the present time.

The only change that this bill makes with regard to the civilized tribes authorizes courts to be held in the Indian Territory. Authority to establish courts within that Territory is provided for by express treaty stipulations. Their establishment is recommended in the report of the Commissioner of Indian Affairs, Mr. Atkins, for the fiscal year ended June 30, 1886. He says:

The time-honored maxim, "There is no wrong without a remedy," seems to have no application to the Indian Territory, and some remedy for this unsatisfactory, and I may add alarming, situation should be wisely considered and promptly applied by Congress. The immediate necessity for the establishment of a United States district court within the heart of the territory of the five civilized nations, at some convenient point accessible by railroad—say Muskogee or Fort Gibson—no longer admits of a doubt. It is the promptest remedy that can be applied to arrest the evils referred to. In this opinion I am sustained by the late Senatorial committee of which Hon. H. L. DAWES was chairman, which last year visited this Territory under a Senate resolution; and Judge Parker, eminent for his learning, efficiency, and patriotism, fully concurs as to the necessity for the immediate establishment of this court.

The treaties made with the civilized tribes in 1866 all contained provisions for the establishment of a United States court in the Territory, with such jurisdiction and organized in such manner as may be prescribed by law; and I understand that there is a general wish among the leading and more intelligent Indians themselves that Congress at once pass the necessary law for its establishment. Measures have been repeatedly introduced, in fact are now pending in Congress, for the establishment of such a court, and I trust that the suggestions made may be deemed worthy of consideration.

To such an extent has this uncertainty of jurisdiction and authority prevailed that the borders of these nations have become the refuge of thousands of evildoers who have fled from their homes in the States and made this region a Botany Bay. Murderers, horse-thieves, gamblers, and other violators of law have flocked thither by hundreds, and are there to-day, and in many instances in open defiance of the United States marshal. Another despicable class of persons have made this country a refuge to shield them and their property from the just claims of legal creditors. They obtain upon credit the property of citizens of adjoining States, and then secretly skip across the line into the Indian country, where they are secure from arrest and their property from judicial process.

This bill provides for the establishment of the courts so earnestly recommended by the Commissioner of Indian Affairs.

It provides that criminals who have escaped into this Territory shall be extradited. It provides that the Territory shall no longer be what the Secretary of the Interior and the Commissioner of Indian Affairs say it has been, the refuge of thieves, cut-throats, and all sorts of outlaws. It provides that it shall be a place where the law shall be supreme, and where the rights of person and of property shall be protected by the laws and the Constitution of the United States.

Mr. HERMANN. Let me ask the gentleman whether the bill which is known as Mr. HOLMAN'S bill will not answer all the purposes which are sought to be accomplished by this one. And will it not be more honorable for this Congress first to negotiate with the Indians before attempting to give them an organized Territorial government?

Mr. SPRINGER. I have already covered that part of the argument, Mr. Speaker, but I will recur to it again. The gentleman from Oregon [Mr. HERMANN], the gentleman from Georgia [Mr. BARNES], and my

friend from Indiana [Mr. HOLMAN] seem to think it possible to make a treaty with these Indians while that cattle lease continues to exist. They never can do it. The existence of the cattle-syndicate leases will prevent any further treaty with the Indians, and my friend from Oregon and those who are co-operating with him will prevent in the future any settlement of Oklahoma lands as long as they allow them to be dominated by the cattle syndicates. It is a question to be determined now by the House whether those lands shall be held for the benefit of the white people of this country, or for the benefit of a large cattle syndicate which derives an enormous revenue from them.

Mr. HERMANN. If the leases are void, what has that to do with this question?

Mr. SPRINGER. But you have signed a minority report with the gentleman from Georgia and others which holds that the leases are valid. We want to settle that disputed question by passing this bill.

Mr. MCADOO. I would like to ask the gentleman from Illinois [Mr. SPRINGER] a question touching the substance of this case. The gentleman says that this land is about the best in that part of the continent.

Mr. SPRINGER. I have not said so, but it is the fact.

Mr. MCADOO. The land is very fertile, I understand, and the climate good. The gentleman wants to open that land for the benefit of all the people of the United States. Now is it not the fact that the land to be embraced in this new Territory of Oklahoma is to-day fringed with an organized band of "boomers," who, just as soon as this bill is passed, will step in, in advance of everybody else, and occupy these lands? In other words, will not the provisions of the bill inure to the benefit of the people who are right on the ground ready to step in, as against the citizens of the older portions of the country?

Mr. SPRINGER. I am very glad the gentleman has asked that question, because I presume some such notion as that, inspired by those who are opposing this bill, may have had its influence with the press. The gentleman from New Jersey, however, I am fully aware, asks the question for information. This bill provides that any one who, prior to the agreement with the Indians, and before the President opens this Territory for settlement, shall go into it without authority shall be incapable of acquiring lands in the Territory at all. This is a material fact; and when the lands are to be acquired the applicant must swear that he went into the Territory after the President's proclamation declaring the lands open for settlement.

Mr. MCADOO. Are not the people of whom I speak right alongside the Territory—not within it; and have they not organized to take advantage of this bill as soon as it is passed, by stepping in and taking possession of the lands?

Mr. SPRINGER. If they are now organized, they will have to wait some time before the provisions of this bill can be carried out. Of course, due notice will be given that the lands are to be opened for settlement, and everybody will have an equal chance. The gentleman's constituents will have ample opportunity to go from Jersey City to the borders of the Indian Territory, and be there ready to enter at the first moment the lands are opened for settlement.

Mr. PETERS. The gentleman from Illinois [Mr. SPRINGER] will permit me to say that all this idea about a "boomer" organization is erroneous, so far as its supposed magnitude is concerned. The men embraced in that organization to enter the Territory have never at any time numbered more than two or three hundred.

Mr. WEAVER, of Iowa. And there is no such organization there now.

Mr. SPRINGER. This apprehension that preference is to be given to anybody is altogether imaginary. This bill is one of the fairest to the Indians, to the white man, and to all concerned, that could possibly be framed. We have entered upon this subject with the greatest deliberation, and have scrupulously guarded in the provisions of the bill every right of Indian or white man. There is not a line of the bill under which any Indian in this country can be deprived of any right without his consent duly had in a legal and constitutional manner—the same manner in which Indians have consented to all the treaties heretofore made. I would oppose any bill which would interfere with any Indian lands without the consent of the Indians. All the operations of this bill are to proceed with their consent, fairly and legally given; and why my friend from Indiana [Mr. HOLMAN] should oppose it I am at a loss to understand, unless it is because it will cost something to provide for a Territorial government in that new Territory when the white people go there. [Laughter.]

Mr. HOLMAN. But the people are not there now; and I hope my friend from Illinois and others will consent to wait until there are some people there to be organized into a Territory and until there are some lands which they can occupy; because even this "No Man's Land" strip, as it is called, embracing three and one-half million acres, has no population, and the lands have not been surveyed. I had the pleasure of passing through that region of country a short time ago.

Mr. SPRINGER. The gentleman from Indiana says that no man can go there, and that there are no people there now.

Mr. HOLMAN. I did not say no man could go there. I said the lands have not been surveyed, and there is no population.

Mr. SPRINGER. No population! There is a population on the Cherokee strip and in the Oklahoma region——

Mr. HOLMAN. I was not speaking of the Cherokee strip.

Mr. SPRINGER. I am.

Mr. HOLMAN. I was speaking of the strip over which your Territorial government is first to be organized. There are three and one-half million acres there that have not been surveyed.

Mr. CUTCHEON. And that is the only territory that can be organized, to begin with, until the consent of the Indians can be obtained.

Mr. SPRINGER. The gentleman says there is no population there now. There is a population there, and also on the Cherokee strip, consisting of employés of the "cattle kings," who have placed their barbed wire fences over all that region, who are occupying that country now, with hundreds and thousands of cattle, and who have built houses there in which the employés of the company live. The gentleman from Indiana, so far as I know, up to this time, has never raised his voice against the illegal occupation of this land. Before he opposes this bill I want him to incorporate in his bill a provision striking down these cattle leases, which do recognize the right of people to go there and herd cattle, but do not recognize the right of people to go there and found school-houses and churches, and rear children in a civilized country. [Applause.]

It is very well for gentlemen to hold up their hands in holy horror when we talk about expelling those "cattle kings" from that country. They are the only obstacle to the acquirement of these lands by the Government and their settlement by lawful means. As long as they are permitted to maintain their leases we can take no step toward reclaiming any part of that territory for *bona fide* settlers under our homestead laws.

Mr. HOLMAN. The point which my friend makes in the discussion of this bill is that those "cattle kings" are permitted to occupy that land, and to pay into the treasury of the Cherokee Nation some hundreds of thousands of dollars annually. Now, if that is really the object you had in mind, if that is the main object, why not bring before the House a bill, if necessary to annul those leases, directing the Secretary of the Interior to say the cattle on those lands shall be removed? But is not the annulling of those leases an unimportant and subordinate feature?

Mr. SPRINGER. The gentleman calls it unimportant. I am surprised he should say it is unimportant. [Laughter and applause.] It is important to this cattle syndicate to get $400,000 a year on leases of Indian lands or the public domain——

Mr. HOLMAN. The unimportance about it is, so far as I know, that no one is objecting to it.

Mr. SPRINGER. Ah! [Laughter.]

Mr. HOLMAN. The gentleman can incorporate it into this other bill if he thinks proper. I heard no one objecting to that feature except those who thought these lands should not be made productive. Now, if these lands can pay into the treasury of the Cherokee nation several hundred thousand dollars a year, is not that better than that they should remain idle and unproductive?

Mr. SPRINGER. The gentleman has at last let the cat out of the bag. [Laughter.]

A MEMBER. You mean let the cattle into the ranch. [Laughter.]

Mr. SPRINGER. Yes. The gentleman asks is it not better these lands should be held by the cattle-kings than to open them up with a view to white settlement?

Mr. HOLMAN. The gentleman does not quote me at all.

Mr. SPRINGER. Ah! but I think I do.

Mr. HOLMAN. No, the gentleman does not quote me correctly.

Mr. SPRINGER. The gentleman from Georgia [Mr. BARNES] said these leases are legal, and he maintained that position he said on constitutional and legal principles. Now the gentleman from Indiana [Mr. HOLMAN] comes and defends them on the ground of utility. He says it is better for all concerned that cattle syndicates should occupy these lands.

Mr. HOLMAN. No; that we should not interfere with their productiveness until we acquire title to them.

Mr. SPRINGER. That is what the cattle-kings say.

Mr. HOLMAN. Is not that true?

Mr. SPRINGER. It is not true. Because these cattle syndicates have violated the law, because these Indian tribes have violated the law, that is no reason why Congress should sanction such violations of law. Nearly all our troubles with Indian tribes have grown out of difficulties which result from white men encroaching upon their lands. The practice results inevitably in bloodshed, in frauds upon the Indians, and in all manner of evils.

Mr. WEAVER, of Iowa. Will the gentleman yield to me for a question?

Mr. SPRINGER. Not now. The gentleman from Indiana and the gentleman from Georgia are virtually pleading for the occupancy of these lands by the great cattle syndicates as against the right of actual settlers to occupy them. They are obstructing the acquisition of this territory for the use of white citizens—actual *bona fide* settlers. Their attention has been called for nearly two years to the existence of these cattle leases, and neither the gentleman from Indiana nor the gentle-

man from Georgia has taken occasion to condemn these unlawful leases of Indian land.

Mr. HOLMAN. The gentleman from Georgia is present, and if he thinks it important to answer that, I do not.

Mr. SPRINGER. The gentleman is uneasy about this matter. I wish to call the attention of himself and his constituents to the fact that he was out in the Indian Territory—he was out where the Indians have their lands—and he admitted to-day that he discovered the cattle kings were leasing them all the way from the British possessions down to the Staked Plains.

Mr. HOLMAN. More or less, and occupying them without leases.

Mr. SPRINGER. More or less; probably more, but more or less; and notwithstanding that fact, and notwithstanding the further fact there is no gentleman on the floor better posted on Indian treaties and Indian rights than he is, and knowing, as he must know, that no Indian tribe has the right to make a lease of that kind, and that the Secretary of the Interior can not sanction such a lease, knowing the occupancy existed, why has he not raised his voice before this in an appeal to strike down all such leases, and in favor of prohibiting illegal and unauthorized occupation of Indian lands?

Now the bill provides for getting rid of a great obstacle in the way of white settlement. That obstacle is the claim of the Cherokees and other civilized tribes to the use and occupation of the Cherokee strip and their right to lease it. So long as they are permitted to lease it and to receive a large rental for it, as they are now doing, we can never make any treaty with them which looks to the settlement of the land by white people. Therefore, these gentlemen say it is best to allow the illegal occupation, to allow the illegal appropriation of Indian lands to stand in the way of the lawful acquisition of Indian title and the opening up of this territory to the settlement of white people. Nothing else interferes; it is the cattle kings who stand in the way of the settlement by white people.

The opposition to this bill inures to the benefit of a cattle company who by their lease pay the Indians $100,000 and sublet the lands for $500,000. It is that syndicate which has fought the bill from the time it was first introduced in Congress until this moment. It is through their agency that its passage has been obstructed at every step through the House. It is their purpose to defeat its passage at all hazards.

Mr. HOLMAN. Will the gentleman permit me to ask him one question just on this subject?

Mr. SPRINGER. I will yield for a question on this point only.

Mr. HOLMAN. In passing over the Yakama reservation, a very fertile region, I found that thousands of head of cattle were wandering over the rich valleys and on the hillsides, and on inquiring at the agency I was informed that the owners of the cattle pastured the land without any contract being made or any authority given, and without paying anything.

Mr. WEAVER, of Iowa. Where was that?

Mr. HOLMAN. On the Yakama reservation, on the eastern slope of the Cascade Range. As I say, I was told that these cattle were allowed to range and graze in there without any authority or lease whatever or without paying the Indian occupants of the reservation anything for the privilege, and that they had no power to remove them. My question therefore to the gentleman from Illinois is this: Would it not be better for the Indians there to realize—and they are a pretty well advanced class of Indians—ten or fifteen thousand dollars a year for the use of the pastures than to have them entirely unprotected, and the cattle kings occupying their lands without paying them a cent for the privilege? Do not the cattle kings occupy a large portion of the public domain?

The same is also true of the Jacko reservation. There were cattle in large numbers there. Nothing but the military forces could keep them off. Now I claim that these lands ought to be made valuable to the Indians until the lands are acquired under a bill which the Secretary of the Interior has approved and which is before the House. You can not, except by military force, keep the cattle off. They occupy the whole public domain without military force, and that being true, is it not better that these Indians during the pendency of this legislation should derive some value from their property and not leave it to be entirely taken up by the cattle kings without compensation?

Mr. SPRINGER. I did not yield for a speech.

Mr. WEAVER, of Iowa. I want to ask this question——

Mr. SPRINGER. I will yield the floor for a moment.

Mr. WEAVER, of Iowa. Does the gentleman from Indiana claim that it is better to allow these men to occupy that country in violation of law than to enforce the law? And if there is no way but by military force to keep the cattle off I will suggest to him that nothing but the military can keep the people off.

Mr. HOLMAN. I think that ought to be done, myself.

Mr. WEAVER, of Iowa. Well, that is the first time the gentleman has stated his opinion clearly to the House.

Mr. HOLMAN. Does the gentleman want the cattle-men to have free and full possession without an equivalent; or does he want the country there entirely unprotected against the cattle rings? Is that what you want?

Mr. WEAVER, of Iowa. I will tell the gentleman——

The SPEAKER. The gentleman from Illinois has only one minute of his time remaining.

Mr. SPRINGER. Then I hope these interruptions will not be taken out of my time. I yielded ten minutes to the gentleman from Georgia but have been so constantly interrupted that I have not been able to proceed.

The SPEAKER. The gentleman will not be interrupted without his consent.

Mr. SPRINGER. I maintain, Mr. Speaker, that Congress should do nothing that will sanction the right of the cattle syndicates to the occupancy of the Indian lands.

Mr. HOLMAN. I agree with you there.

Mr. SPRINGER. That occupancy is exactly what we are trying to strike down by this legislation. But the gentleman says, why not allow it to be done; why not wink at it?

Mr. HOLMAN. The gentleman is certainly not undertaking to quote me now.

Mr. SPRINGER. I am stating the gentleman's position in my own language. I am simply trying to point out the gentleman's real position. He seems to think that no wrong can result to anybody by allowing the illegal occupancy of the Indian lands.

Mr. HOLMAN. I repeat, the gentleman is not quoting from me.

Mr. SPRINGER. I do not desire to misrepresent the gentleman from Indiana. I understood him to say that the lands ought to be made valuable to the Indians until they are acquired under the bill which he has introduced. That is just what the cattle syndicates on the Cherokee strip maintain. They are willing to make the lands valuable to the Indians, provided they can make them more valuable to themselves. Suppose we pass the bill which the gentleman has introduced, and then stop and await the result. This generation will pass away before the Cherokee strip passes out of the possession of the Cherokee Live-Stock Association. If this will not be the result I have failed to comprehend his language.

I do not understand him as expressing any other opinion than that which I have stated, that is to give the cattle syndicates the right to occupy illegally the Indian lands.

Mr. HOLMAN. No, sir; not my opinion.

Mr. SPRINGER. Then if that is not the gentleman's position he ought not to tolerate the abuses that are now being practiced. If he is opposed to the lease of the Cherokee strip to the cattle syndicates we ought to agree upon this legislation. If he desires them to occupy it we disagree, and that is all there is of it.

Mr. CUTCHEON. You have not told us yet why it is best to negotiate first and organize the government afterwards.

Mr. SPRINGER. The gentleman asks, is it not best to negotiate first and organize afterwards? I say we can never negotiate with the Indians unless you put the machinery in motion which is to follow the negotiation, and strike down at the same time the cattle syndicates and their leases. We must do that or otherwise all our efforts will be in vain.

[Here the hammer fell.]

Mr. SPRINGER. I desire to print as a part of my remarks the opinion of Attorney-General Garland in full. It is as follows:

DEPARTMENT OF JUSTICE, *Washington, July* 21, 1885.

SIR: By your letter of the 8th instant, inclosing a communication from the Commissioner of Indian Affairs of the 7th, the following questions are, at his suggestion, submitted to me with request for an opinion thereon:

"Whether there is any law empowering the Interior Department to authorize Indians to enter into contract with any parties for the lease of Indian lands for grazing purposes; and also whether the President or the Interior Department has any authority to make a lease for grazing purposes of any part of any Indian reservation, or whether the approval by the President or the Secretary of the Interior would render any such lease made by Indians with other parties lawful and valid."

These questions are propounded with reference to certain Indian reservations, namely:

1. The Cherokee lands in the Indian Territory west of ninety-sixth degree of longitude, except such parts thereof as have heretofore been appropriated for and conveyed to friendly tribes of Indians.
2. The Cheyenne and Arapaho reservation in the Indian Territory.
3. The Kiowa and Comanche reservation in the Indian Territory.

Our Government has ever claimed the right, and from a very early period its settled policy has been, to regulate and control the alienation or other disposition by Indians, and especially by Indian nations or tribes, of their lands. This policy was originally adopted in view of their peculiar character and habits, which rendered them incapable of sustaining any other relation with the whites than that of dependence and pupilage. There was no other way of dealing with them than that of keeping them separate, subordinate, and dependent, with a guardian care thrown around them for their protection. (3 Kent Com., 381; Beecher *v.* Wetherby, 95 U. S., 517, where most of the cases on this subject are cited and discussed).

Thus in 1783 the Congress of the Confederation, by a proclamation, prohibited "all persons from making settlements on lands inhabited or claimed by Indians, without the limits or jurisdiction of any particular State, and from purchasing or receiving any gift or cession of such lands or claims, without the express authority and directions of the United States in Congress assembled," and declared "that every such purchase or settlement, gift or cession, not having the authority aforesaid, is null and void, and that no right or title will accrue in consequence of any such purchase, gift, cession, or settlement." By section 4 of the act of July 22, 1790, chapter 33, the Congress of the United States enacted "that no sale of lands made by any Indians, or any nation or tribe of Indians within the United States, shall be valid to any person or persons, or to any State, whether having the right of pre-emption to such lands or not, unless the same shall be made and duly executed at some public treaty, held under the authority of the United States." A similar provision was again enacted in section 8 of the act of March 1, 1793, chapter 19, which by its terms included any "purchase or grant of

lands, or of any title or claim thereto, from any Indians or nation or tribe of Indians, within the bounds of the United States." The provision was further extended by section 12 of the act of May 19, 1796, chapter 30, so as to embrace any "purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto." As thus extended it was re-enacted by the act of March 3, 1799, chapter 46, section 12, and also by the act of March 30, 1802, chapter 30, section 12.

In the above legislation the provision in terms applied to purchases, grants, leases, &c., from individual Indians as well as from Indian tribes or nations; but by the twelfth section of the act of June 30, 1834, chapter 161, it was limited to such as emanate "from any Indian *nation* or *tribe* of Indians." And the provision of the act of 1834, just referred to, has been reproduced in section 2116, Revised Statutes, which is now in force.

The last-named section declares: "No purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity, unless the same be made by treaty or convention entered into pursuant to the Constitution."

This statutory provision is very general and comprehensive. Its operation does not depend upon the nature or extent of the title to the land which the tribe or nation may hold. Whether such title be a fee-simple, or a right of occupancy merely, is not material; in either case the statute applies. It is not, therefore, deemed necessary or important, in connection with the subject under consideration, to inquire into the particular right or title to the above-mentioned reservations held by the Indian tribes or nations respectively which claim them. Whatever the right or title may be, each of these tribes or nations is precluded, by the force and effect of the statute, from either alienating or leasing any part of its reservation, or imparting any interest or claim in and to the same, without the consent of the Government of the United States. A lease of the land for grazing purposes is as clearly within the statute as a lease for any other or for general purposes, and the duration of the term is immaterial.

One who enters with cattle or other live-stock upon an Indian reservation under a lease of that description, made in violation of the statute, is an intruder, and may be removed therefrom as such, notwithstanding his entry is with consent of the tribe. Such consent may exempt him from the penalty imposed by section 2117, Revised Statutes, for taking his stock there, but it can not validate the lease, or confer upon him any legal right whatsoever to remain upon the land; and to this extent and no further was the decision of Judge Brewer in United States *vs.* Hunter, 21 Fed. Rep., 615.

But the present inquiry in substance is (1) whether the Department of the Interior can authorize these Indians to make leases of their lands for grazing purposes, or whether the approval of such leases by the President or the Secretary of the Interior would make them lawful and valid; (2) whether the President or the Department of the Interior has authority to lease for such purposes any part of an Indian reservation.

I submit that the power of the Department to authorize such leases to be made, or that of the President or the Secretary to approve or to make the same, if it exists at all, must rest upon some law, and therefore be derived from either a treaty or statutory provision. I am not aware of any treaty provision, applicable to the particular reservations in question, that confers such powers. The Revised Statutes contain provisions regulating contracts or agreements with Indians, and prescribing how they shall be executed and approved (see section 2103); but those provisions do not include contracts of the character described in section 2116, hereinbefore mentioned. No general power appears to be conferred by statute upon either the President or Secretary, or any other officer of the Government to make, authorize, or approve leases of lands held by Indian tribes; and the absence of such power was doubtless one of the main considerations which led to the adoption of the act of February 19, 1875, chapter 90, "to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations, and to confirm existing leases." The act just cited is, moreover, significant as showing that, in the view of Congress, Indian tribes can not lease their reservations without the authority of some law of the United States.

In my opinion, therefore, each of the questions proposed in your letter should be answered in the negative, and I so answer them.

I am, sir, very respectfully,

A. H. GARLAND, *Attorney-General.*

The SECRETARY OF THE INTERIOR.

I desire also to print a copy of the lease of the Cherokee strip to the cattle syndicate, taken from Senate Executive Document No. 17, Forty-eighth Congress, second session. It is as follows:

This indenture, made the 5th day of July, in the year of our Lord 1883, by and between Dennis W. Bushyhead, principal chief of the Cherokee Nation, for and on behalf of said Cherokee Nation, party of the first part, and E. M. Hewins, J. W. Hamilton, A. J. Day, S. Tuttle, M. H. Bennett, Ben. S. Miller, A. Drumm, E. W. Payne, and Charles H. Eldred, directors in trust for and on behalf of the Cherokee Strip Live-Stock Association, a corporation organized and existing under and by virtue of the laws of the State of Kansas, for themselves, as directors in trust and assigns, parties of the second part—

Witnesseth, That the said party of the first part, for and in consideration of the rents, covenants, and agreements hereinafter mentioned, reserved, and contained on the part and on behalf of the party of the second part, and their successors in trust and assigns, to be well and faithfully kept and performed, doth, by authority of law in him vested as principal chief, by and through an act of the national council, which said is entitled "An act to amend an act to tax stock-grazing upon Cherokee lands west of the ninety-sixth meridian," approved in special session May 19, A. D. 1883, which said act is especially referred to and made part of these presents, does by these presents lease for grazing purposes only unto the aforesaid E. M. Hewing, J. W. Hamilton, A. J. Day, S. Tuttle, M. H. Bennett, Ben. S. Miller, A. Drumm, E. W. Payne, and Charles H. Eldred, directors in trust as aforesaid, their successors and assigns, parties of the second part, all and singular, the unoccupied lands of and belonging to the Cherokee Nation, being and lying west of the ninety-sixth "meridian" and west of the Arkansas River, not including any portion occupied, sold, and conveyed to the Pawnees, Poncas, Nez Percés, Otoes, Missourias, Osages, and Kansas Indians, or the Salines, set apart to be leased separately under act of Congress approved August 7, A. D. 1882, as hereinafter set forth; the said portion herein leased for grazing purposes containing 6,000,000 acres, more or less, and lying east of the one hundredth meridian, and the said hereinbefore named parties of the second part, their successors and assigns, shall, for the purpose herein set forth, have and hold the above mentioned and described premises from and after the 1st day of October, 1883, for and during the term and period of five years thence next ensuing from said date, subject to the qualifications hereinafter provided for, and upon yielding and paying for the same the amounts of money as hereinafter provided for; and the said E. M. Hewins, J. W. Hamilton, A. J. Day, S. Tuttle, M. H. Bennett, Ben. S. Miller, A. Drumm, E. W. Payne, and Charles H. Eldred, directors in trust as aforesaid, hereby covenant and agree, on behalf of themselves as such directors in trust for said Cherokee Strip Live-Stock Association, their successors in trust and assigns, and not otherwise, in consideration hereof, and of the leasing aforesaid, to pay, on the order of the principal chief aforesaid, into the treasury of the Cherokee Nation at Tahlequah, Ind. T., yearly, and for each and every one of said five years, the annual sum of $100,000 lawful money of the United States, the same to be paid in two equal semi-annual payments, to be made and so paid in advance, to wit: On the first day of October and the first day of April in each and every year during the said term. Provided always, and it is further covenanted and agreed between the said parties hereto, that if the said semi-annual payment in advance, or any part thereof, shall remain unpaid after the expiration of thirty days after the date the same becomes due as herein agreed to be paid; or if default shall be made in any of the covenants hereinbefore or hereinafter set forth, or as contained and required by the act of the national council approved May 19, A. D. 1883, as aforesaid, on the part and in behalf of the said parties of the second part, then and from thenceforth it may be lawful, and is agreed, that said principal chief, or his successors in office, may declare the lease to be forfeited and annulled, and the said party of the first part may enter into and resume possession of the premises herein leased.

And it is further agreed, in accordance with the act of said national council, that in case the lands hereinbefore described, or any part of them included in the terms of this lease, shall be disposed of under present existing laws, or laws hereinafter to be passed by the Congress of the United States, by the said Cherokee Nation, that on the party of the first part giving six months' notice thereof to the party of the second part, that then, and in that event, the terms and conditions of this lease and the lease thereof shall terminate on the expiration of the said six months from the date of said notice, to all or to any portion of said tract of unoccupied Cherokee land thus sold or disposed of, and the parties to whom said lands or any portion of them should then be disposed of or sold to may enter into and take possession of the same; but then, and in that event, the said party of the second part, their successors and assigns, shall not be chargeable with rent on the lands so sold, but shall be allowed a rebate on all subsequent payments made on account of this lease at the rate of 1⅛ cents per acre per annum on the lands so sold or disposed of.

Further, it shall be the privilege of said party of the second part, their successors or assigns, to erect on said lands such fences, corrals, and other improvements as may be necessary and proper and convenient for the carrying on of their business and for utilizing said lands for the purposes for which they are leased. And in case this lease shall be terminated as to all or any part of said lands by the disposal of the same as heretofore provided and set out, the said party of the second part shall have the right to remove all of said improvements, fences, and corrals, except such portions thereof as may be made from the timber or other property of the Cherokee Nation, or timber for which has been obtained from the aforesaid tract. It shall further be the privilege of said party of the second part, their successors and assigns, to cut from the territory herein leased such timber as may be necessary for the purpose of building the fences, corrals, and improvements hereinbefore authorized to be erected on said leased premises, and to cut from said lands such timber as may be necessary for firewood and fuel, but not otherwise, and to commit no waste thereon.

And the said party of the second part doth further covenent and agree with the said Dennis W. Bushyhead as aforesaid, and as parts and conditions of this lease or contract, well and truly and without deduction or delay, to make all payments as required in the foregoing, in the manner limited and prescribed; and in case of any failure as aforesaid, the said party of the second part agree that they will peaceably surrender the premises herein leased, and all improvements or erections thereon; and the said party of the second part, their successors and assigns, further agree and obligate themselves, and this is one of the conditions of this lease, to make no permanent improvements (the improvement the right to make which is hereinbefore granted, being considered temporary improvements) on the aforesaid premises or leased tract, and only such temporary improvements as are authorized by the act of the national council approved May 19, 1883, hereinbefore referred to; and on the expiration of the lease or its being declared forfeited by default in the payments, as hereinbefore provided, then, and in either event, all improvements, structures, or erections thereon shall be and become the property of the Cherokee Nation; and said nation shall have possession of the same, and all and singular of such erections and improvements shall absolutely revert to and become the property of the Cherokee Nation, party of the first part.

And the party of the second part further covenants and agrees with the said party of the first part, as one of the conditions of this lease, that they will cut no timber for removal from said lands, or take or remove any material or property being part of the premises so leased; or remove or ship material therefrom; and that they will use all due diligence to prevent the cutting or removing of any timber or other material therefrom; and that they will faithfully observe the intercourse laws of the United States; that they will obstruct no mail or stage line, and that they will not interfere with the salines, located or to be located, under the provisions of the act of Congress, before mentioned, approved August 7, 1882. And it is further agreed between the parties of the first part and the second part that the grounds excepted and reserved from, and not included in, the terms of this lease, necessary for the manufacture of salt at the said salines, may and shall not exceed in the aggregate for said salines, and all of them, 100,000 acres, with a right of way to and from said salines, such as may be required properly to work them; and the said party of the second part do hereby obligate themselves, for themselves as directors in trust aforesaid, their successors and assigns, *well* and truly to observe and faithfully execute all and singular of the foregoing agreements and covenants, which are declared to be part of the agreement, in consideration of which this lease is granted. And the said party of the first part, principal chief of the Cherokee Nation, in accordance with the act of the national council, as aforesaid, and on condition of the faithful payment of the sum of money, as hereinbefore stipulated, in the manner and with the conditions hereinbefore prescribed, and as the further condition that the said party of the second part will well and truly fulfill all of the conditions, covenants, and agreements herein set forth, doth hereby covenant and agree by these presents that the said E. M. Hewins, J. W. Hamilton, A. J. Day, S. Tuttle, M. H. Bennett, Ben. S. Miller, A. Drumm, E. W. Payne, and Charles H. Eldred, directors in trust for the Cherokee Strip Live-Stock Association, their successors in trust, and assigns, shall and may at all times during the said term, subject to the conditions as aforesaid, peaceably hold and enjoy all the privileges of lease on the said premises, free, clear, and harmless from any let or hindrance whatsoever, together with all the privileges and rights of said party of the first part, in reference to the same, according to law and treaty stipulation.

In testimony whereof the said party of the first part, the said D. W. Bushyhead, principal chief, has signed his name as such principal chief, and caused the seal of the Cherokee Nation to be affixed to these presents, and the said parties of the second part, the said E. M. Hewins, J. W. Hamilton, A. J. Day, S. Tuttle, M. H. Bennett, Ben. S. Miller, A. Drumm, and E. W. Payne, directors in trust, have caused these presents to be signed on their behalf by Charles H. Eldred, their true and lawful attorney in fact, evidence of his authority being attached to the lease retained by the party of the first part, and the said Charles H. Eldred, director in trust, signing himself.

Done in duplicate, at Muscogee, Indian Territory, this the 7th day of July, in the year of our Lord 1883.

The signatures are omitted. It was duly executed by the parties named in the lease, or by their attorneys in fact.

Under the leave to print which was given me by the House, I desire to place on record some of the incidents in the early history of the Cherokee Indians. Mrs. Helen Hunt Jackson, in her book entitled "A Century of Dishonor," recently published, gives an account of the treatment received by them previous to their settlement in what is

now known as the Indian Territory. They occupied the country along the Tennessee River and the wilds of Georgia, Carolina, and Alabama, a country which is described by the historian as "the loveliest region east of the Mississippi River, beautiful and grand, with lofty mountains and rich valleys, fragrant with flowers and forests of magnolia and pine, filled with the singing of birds and the melody of streams, rich in fruits and nuts and wild grain; it was a country worth loving, worth fighting, worth dying for."

Numerous treaties were made with these Indians by which portions of their land were ceded, always attended with more or less difficulty, and concessions always made reluctantly. In 1816 they gave up all their land in South Carolina. Previous to that they had ceded from time to time large areas of their reservation. In 1817 an important treaty was concluded, making still further concessions of lands. A portion of the Cherokee Nation had moved away, with the President's permission, to Arkansas in 1809. The eighth clause of the treaty of 1817 provided that the United States would give every head of an Indian family residing on the east side of the Mississippi, when he wished to become a citizen, "a reservation of 640 acres of land, in which they will have a life estate, with reversion in fee-simple to their children." Detailing minutely each step in the process of divesting the Cherokees of their lands east of the Mississippi, Mrs. Jackson says:

What imagination could have foreseen that in less than twenty years the chiefs of this Cherokee Nation would be found piteously pleading to be allowed to remain undisturbed on these very lands? In the whole history of our Government's dealings with the Indian tribes there is no record so black as the record of its perfidy to this nation. There will come a time in the remote future when to the student of American history it will seem well-nigh incredible. From the beginning of the century they had been steadily advancing in civilization. As far back as 1800 they had begun in the manufacture of cotton cloth, and in 1820 there was scarcely a family in that part of the nation living east of the Mississippi but what understood the use of the card and spinning-wheel. Every family had its farm under cultivation.

The Territory was laid off into districts, with a council-house, a judge, and a marshal in each district. A national committee and council were the supreme authority in the nation. Schools were flourishing in all the villages. Printing-presses were at work. Their territory was larger than the three States of Massachusetts, Rhode Island, and Connecticut combined. It embraced the northwestern part of Georgia, the northeast of Alabama, a corner of Tennessee and of North Carolina. They were enthusiastic in their efforts to establish and perfect their own system of jurisprudence. Missions of several sects were established in their country, and a large number of them had professed Christianity, and were living exemplary lives.

There is no instance in all history of a race of people passing in so short a space of time from the barbarous stage to the agricultural and civilized. And it was such a community as this that the State of Georgia, by one high-handed outrage, made outlaws, passing on the 19th of December, 1829, a law "to annul all laws and ordinances made by the Cherokee Nation of Indians;" declaring "all laws, ordinances, orders, and regulations of any kind whatever, made, passed, or enacted by the Cherokee Indians, either in general council or in any other way whatever, or by any authority whatever, null and void and of no effect, as if the same had never existed; also, that no Indian or descendant of any Indian residing within the Creek or Cherokee Nations of Indians shall be deemed a competent witness in any court of this State to which a white man may be a party."

What had so changed the attitude of Georgia to the Indians within her borders? Simply the fact that the Indians, finding themselves hemmed in on all sides by fast-thickening white settlements, had taken a firm stand that they would give up no more land. So long as they could cede and cede, and grant and grant tract after tract, and had millions of acres still left to cede and grant, the selfishness of white men took no alarm; but once consolidated into an empire, with fixed and inalienable boundaries, powerful, recognized, and determined, the Cherokee Nation would be a thorn in the flesh to her white neighbors. The doom of the Cherokees was sealed on the day when they declared, once for all, officially as a nation, that they would not sell another foot of land. This they did in an interesting and pathetic message to the United States Senate in 1822.

Georgia, through her governor and her delegates to Congress, had been persistingly demanding to have the Cherokees compelled to give up their lands. She insisted that the United States Government should fulfill a provision, made in an old compact of 1802, to extinguish the Indian titles within her limits as soon as it could be peaceably done. This she demanded should be done now, either peaceably or otherwise.

"We can not but view the design of those letters," says this message, "as an attempt bordering on a hostile disposition toward the Cherokee Nation to wrest from them by arbitrary means their just rights and liberties, the security of which is solemnly guaranteed to them by these United States. * * * We assert under the fullest authority that all the sentiments expressed in relation to the disposition and determination of the nation never to cede another foot of land are positively the production and voice of the nation. * * * There is not a spot out of the limits of any of the States or Territories thereof, and within the limits of the United States, that they would ever consent to inhabit, because they have unequivocally determined never again to pursue the chase as heretofore, or to engage in wars, unless by the common call of the Government to defend the common rights of the United States.

* * * * * * *

"The Cherokees have turned their attention to the pursuits of the civilized man; agriculture, manufactures, and the mechanic arts and education are all in successful operation in the nation at this time; and while the Cherokees are peacefully endeavoring to enjoy the blessings of civilization and Christianity on the soil of their rightful inheritance, and while the exertions and labors of various religious societies of these United States are successfully engaged in promulgating to them the words of truth and life from the sacred volume of Holy Writ, and under the patronage of the General Government, they are threatened with removal or extinction.

* * * * * * *

"We appeal to the magnanimity of the American Congress for justice and the protection of the rights and liberties and lives of the Cherokee people. We claim it from the United States by the strongest obligation which imposes it on them—by treaties; and we expect it from them under that memorable declaration, 'that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness.'"

The dignified and pathetic remonstrances of the Cherokee chiefs, their firm reiteration of their resolve not to part with their lands, were called by the angry Georgian governor "tricks of vulgar cunning" and "insults from the polluted lips of outcasts and vagabonds;" and he is not afraid, in an official letter to the Secretary of War, to openly threaten the President that, if he upholds the Indians in their rejection of the overtures for removal, the "consequences are inevitable," and that, in resisting the occupation of the Cherokee lands by the Georgians, he will be obliged to "make war upon, and shed the blood of brothers and friends."

Mrs. Jackson, after reciting the assurances given the Cherokees by Mr. Jefferson and by General Washington, who assured them that no State or person could purchase their lands unless at some public treaty held under the authority of the United States, and that the General Government would never consent to permit them to be defrauded in any way, says:

What could Cherokee men and women have thought when, only thirty years later, they found this United States Government upholding the State of Georgia in her monstrous pretensions of right to the whole of their country, and in her infamous cruelties of oppression toward them? when they found this United States Government sending its agents to seduce and bribe their chiefs to bargain away their country; even stooping to leave on the public records of official instructions to a commissioner such phrases as these: "Appeal to the chiefs and influential men—not together, but apart, at their own houses;" "make offers to them of extensive reservations in fee-simple, and other rewards, to obtain their acquiescence;" "the more careful you are to secure from even the chiefs the official character you bear, the better;" "enlarge on the advantage of their condition in the West: there the Government would protect them." This the Secretary of War called "moving on them in the line of their prejudices."

She then sets forth the report submitted to the War Department in 1825 by Thomas L. McKinney, in which he gave a glowing description of the Cherokee country and nation at that time, and shows the great resources of the country which they occupied, and describes the numerous and flourishing villages and the amount of manufacturing done, showing that cotton and woolen goods and blankets of various dimensions were manufactured by Cherokee hands and a large trade carried on between them and the white people surrounding them, showing the progress made in religion and education and the high state of civilization which the Cherokee Nation had attained.

The following extracts will show how they were encouraged in their efforts to improve their condition by the white people who were fast surrounding them. Mrs. Jackson says:

Never did mountaineers cling more desperately to their homes than did the Cherokees. The State of Georgia put the whole nation in duress, but still they chose to stay. Year by year high-handed oppressions increased and multiplied; military law reigned everywhere. Cherokee lands were surveyed and put up to be drawn by lottery; missionaries were arrested and sent to prison for preaching to Cherokees; Cherokees were sentenced to death by Georgia juries and hung by Georgia executioners. Appeal after appeal to the President and to Congress for protection produced only reiterated confessions of the Government's inability to protect them—reiterated proposals to them to accept a price for their country and move away. Nevertheless, they clung to it. A few hundreds went, but the body of the nation still protested and entreated. There is nothing in history more touching than the cries of this people to the Government of the United States to fulfill its promises to them.

Mrs. Jackson gives the following account of the case of a suit instituted by the Cherokee Nation against the State of Georgia:

As a last resort the Cherokees carried their case before the Supreme Court, and implored that body to restrain the State of Georgia from her unjust interference with their rights. The reports of the case of the Cherokee Nation *vs.* The State of Georgia fill a volume by themselves, and are of vital importance to the history of Indian affairs. The majority of the judges decided that an Indian tribe could not be considered as a foreign nation, and therefore could not bring the suit. Judge Thompson and Judge Story dissented from this opinion, and held that the Cherokee tribe did constitute a foreign nation and that the State of Georgia ought to be enjoined from execution of its unjust laws. The opinion of Chancellor Kent coincided with that of Judges Thompson and Story. Chancellor Kent gave it as his opinion that the cases in which the Supreme Court had jurisdiction would "reach and embrace every controversy that can arise between the Cherokees and the State of Georgia or its officers under the execution of the act of Georgia."

But all this did not help the Cherokees; neither did the fact of the manifest sympathy of the whole court with their wrongs. The technical legal decision had been rendered against them, and this delivered them over to the tender mercies of Georgia; no power in the land could help them. Fierce factions now began to be formed in the nation, one for and one against the surrender of their lands. Many were ready still to remain and suffer till death rather than give them up; but wiser counsels prevailed, and in the last days of the year 1835 a treaty was concluded with the United States by twenty of the Cherokee chiefs and headmen, who thereby, in behalf of their nation, relinquished all the lands claimed or possessed by them east of the Mississippi River.

So many outrages had been perpetrated by the white people upon the Cherokee Indians during their sojourn within the jurisdiction of the State of Georgia that the treaty of 1835 contained, among other things, the following provision in the fifth article, namely:

The United States hereby covenant and agree that the lands ceded to the Cherokee Nation in the foregoing article shall in no future time, without their consent, be included within the territorial limits or jurisdiction of any State or Territory.

In reference to the ratification of this treaty, Mrs. Jackson says:

Even after this treaty was made a great part of the nation refused to sanction it, saying that it did not represent their wish; they would never carry it out. Hundreds refused to receive any longer either money or supplies from the United States agents, lest they should be considered to have thereby committed themselves to the treaty. In 1837 General Wool wrote from the Cherokee country that the people "uniformly declare that they never made the treaty in question. So determined are they in their opposition that not one of all those who were present and voted in the council held but a day or two since at this place, however poor or destitute, would receive either rations or clothing from the United States, lest they might compromise themselves in regard to the treaty."

These same people, as well as those in the mountains of North Carolina, dur-

ing the summer past preferred living on the roots and sap of trees rather than receive provisions from the United States. Thousands, I have been informed, had no other food for weeks. For two years, to the very last moment allowed them by the treaty, they clung to their lands, and at last were removed only by military force. In May, 1838, General Scott was ordered to go with a sufficient military force to compel the removal."

Thus were the Cherokees driven from their homes east of the Mississippi River, denying as they went that they had ever made a treaty relinquishing their lands, and refusing to depart except when driven by military force.

ORDER OF BUSINESS.

Mr. CULBERSON. I move that the House do now adjourn.

Mr. HEMPHILL. Before that I ask unanimous consent to consider Senate amendments to a House bill.

The SPEAKER. Does the gentleman yield?

Mr. CULBERSON. I insist on my motion to adjourn.

The question was taken; and there were—ayes 36, noes 49.

So the House refused to adjourn.

BONDS OF EXECUTORS IN THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL, by unanimous consent, reported back from the Committee on the District of Columbia, the bill (H. R. 7879) to amend the laws relating to bonds of executors in the District of Columbia, and moved that the House concur in the Senate amendment.

The amendment was read, as follows:

At the end of the bill add the following section:

"SEC. 2. That any will hereafter executed devising real estate in the District of Columbia from which it shall appear that it was the intention of the testator to devise property acquired after the execution of the will, shall be deemed taken and held to operate as a valid devise of all such property."

The amendment was concurred in.

Mr. HEMPHILL moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Several MEMBERS. Regular order!

LEAVE TO PRINT.

Mr. BARNES. Mr. Speaker, before the regular order is proceeded with I wish to ask unanimous consent to extend my remarks in connection with the discussion which has just taken place. The gentleman from Illinois [Mr. SPRINGER] saw fit in the opening of his speech to-day to bring in the name of the State of Georgia. What his object was I do not understand, but he has misrepresented that State, sir, and I feel that it is my right and my privilege to set forth correctly the record of my State on this subject. Therefore I now ask unanimous consent that in extending my remarks I be allowed to print a reply to him on that point.

There was no objection, and it was so ordered.

Mr. SPRINGER. And, Mr. Speaker, I ask leave to print in the same connection the official record of the State of Georgia in reference to this matter.

There was no objection.

L. J. WORDEN.

Mr. FUNSTON. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 8760) for the relief of L. J. Worden, and that the same be put upon its passage.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. REAGAN. I object.

Mr. McMILLIN. Let us have the report.

The report was read.

Mr. ROGERS. Mr. Speaker, I wish to ask the gentleman who has charge of this bill a question. Do I understand that this clerk-hire proposed to be allowed is for the last fiscal year?

Mr. FUNSTON. It is for the fiscal year 1883. It has been allowed for 1882.

Mr. RANDALL. It occurs to my mind, Mr. Speaker, that this is opening up a new class of claims, and I think that if it goes anywhere this claim ought to go upon the deficiency bill.

Mr. FUNSTON. Will the gentleman allow me to explain?

Mr. RANDALL. Certainly.

Mr. FUNSTON. This man was allowed this extra hire for clerks for the fiscal year 1882. He then claimed it for 1883, 1884, and 1885. The Postmaster-General allowed it for 1884 and 1885, because there were funds still remaining from box-hire, &c., but he disallowed the claim for 1883, because there were no funds remaining for that year. Further than that, he could not make the allowance for 1883, because even if there had been funds for that year still remaining they had reverted to the Treasury, because two years had elapsed.

Mr. RANDALL. The gentleman's statement only shows that this is a deficiency. I do not mean to interpose an objection myself. I simply wish the House to understand that they are entering upon a new field of claims.

Mr. FUNSTON. But the Postmaster-General has allowed this for 1884 and 1885.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. REAGAN. I object.

Mr. McMILLIN. Let us have the regular order.

Mr. DUNN and Mr. HAMMOND moved that the House adjourn.

Mr. FUNSTON. The gentleman from Texas [Mr. REAGAN] withdraws his objection.

The SPEAKER. But the motion to adjourn is not withdrawn. [Laughter].

The question was taken on the motion to adjourn; and there were—ayes 24, noes 52.

So the House refused to adjourn.

ORDER OF BUSINESS.

Mr. McMILLIN. I call for the regular order.

The SPEAKER. The regular order is the unfinished business, which the Chair thinks is a bill in relation to the debt of the State of Georgia. [Laughter].

The Clerk will report the title of the bill.

Mr. ROGERS. I hope Georgia will have a chance.

Mr. HAMMOND. On that bill the gentleman from Massachusetts [Mr. RANNEY] has the floor for thirty minutes.

A MEMBER. The gentleman from Massachusetts is absent.

The Clerk read the title of the bill, as follows:

A bill (H. R. 3) to prevent the claim of the war taxes under the act of August 5, 1861, and acts amendatory thereof, by the United States, as set-off against States having claims against the General Government.

Mr. LONG. I move that the House adjourn.

JAMES A. UNDERWOOD.

Mr. PETERS, by unanimous consent, introduced a bill (H. R. 10400) to increase the pension of James A. Underwood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATHANIEL GRIGSBY.

Mr. PETERS also, by unanimous consent, introduced a bill (H. R. 10401) granting a pension to Nathaniel Grigsby; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

The motion of Mr. LONG was then agreed to; and accordingly (at 3 o'clock and 35 minutes p. m.) the House, in accordance with concurrent resolution, adjourned until Tuesday, January 4, 1887.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Petition of Frank Wheeler and others, of Concord, Mass., in aid of the Hatch experiment-station bill—to the Committee on Agriculture.

By Mr. BACON: Petition of Litisha Sparks, for relief—to the Committee on Invalid Pensions.

By Mr. ELY: Petition of the Essex Agricultural Society, for the enactment of the Hatch experiment-station bill—to the Committee on Agriculture.

By Mr. CASWELL: Petition of citizens of Rock County, Wisconsin, for the passage of the Hatch experiment-station bill—to the same committee.

By Mr. COLLINS: Petition of the Essex County Agricultural Society praying for the passage of the bill establishing experimental stations, &c.—to the same committee.

By Mr. LANDES: Petition of the business men of Olney, Ill., for the passage of the interstate-commerce bill—to the Committee on Commerce.

By Mr. LORE: Petition of the Women's Christian Temperance Union of Delaware, for the passage of the Blair educational bill—to the Committee on Education.

By Mr. LOVERING: Resolutions of the Essex County Agricultural Society of Massachusetts, in relation to the House bill establishing agricultural experiment stations—to the Committee on Agriculture.

By Mr. McCOMAS: Petition of Robert W. Grove and others, for the payment of his war claim—to the Committee on War Claims.

By Mr. PETERS: Petition of Nancy Haley, for a pension—to the Committee on Invalid Pensions.

Also, petition of Jesse W. Williams, for an original pension—to the same committee.

By Mr. ROCKWELL: Petition of Hampden Harvest Club, of Hampden County, Massachusetts, for the enactment of the bill (H. R. 2933) known as the Hatch bill—to the Committee on Agriculture.

By Mr. W. J. STONE, Missouri: Petition of Scott Nesbit and 18 others, citizens of Saint Clair County, Missouri, for the relief of Capt. Sanford Framel—to the Committee on Military Affairs.

By Mr. WILLIS: Petition of Thomas Crawford, for relief—to the Committee on Claims.

By Mr. WILSON: Petition of S. V. Niles, for an appropriation for the benefit of the Children's Home, District of Columbia—to the Committee on District of Columbia.

SENATE.

TUESDAY, *January* 4, 1887.

HENRY M. TELLER, a Senator from the State of Colorado, appeared in his seat to-day.

The Chaplain, Rev. J. G. BUTLER, D. D., offered the following prayer:

PRAYER.

To whom can we come but unto Thee, O Lord, our God, who livest and reignest forever, for wisdom, and counsel, and guidance, and comfort, and grace in our times of need? Thou crownest the year with Thy goodness; Thy paths drop fatness; Thy years have no end. Our life is only a vapor. Thou art reminding us continually of our mortality.

We seek comfort from on high for those who are bereft. Thou judge of the widow and father of the fatherless ones, we pray for the indwelling of Thy spirit, that we may be guided with right purposes, that we may be strengthened in every time of duty, that we may be succored from temptation, that in every time of need we may have God's help, living as we do under a consciousness of Thy nearness to us. Thou art the helper of Thy people in every time of need.

We pray that Thy blessing may abide upon these, Thy servants in their persons, in their families, in their official relations, and that we may be enabled so to live that when the end shall come we may have peace—the peace of God that passeth all understanding. Give unto us true contrition for sin; help us to depart from all evil, to keep conscience void of offense toward God and toward men, and so to live usefully here that we may finally enter into the rest where death can not come. We ask for all with forgiveness and grace. In the name of the Great Redeemer. Amen.

THE JOURNAL.

The Journal of the proceedings of Wednesday, December 22, 1886, was read and approved.

DEATH OF SENATOR LOGAN.

Mr. CULLOM. Mr. President, "the angel of death has been abroad throughout the land." His visitation has been most unexpected during the recent brief recess of the Senate, and has imposed upon me a duty which I have scarcely the heart to perform—the duty of announcing the death of my late distinguished colleague. At his home, which overlooks this capital city, at 3 minutes before 3 o'clock on Sunday afternoon, the 26th of December, the spirit of JOHN A. LOGAN took its flight into the unknown realms of eternity. On Friday last the funeral ceremonies were conducted by the Senators and Representatives present, in this Senate Chamber, and his mortal remains were conveyed to the silent tomb.

We are called upon to mourn the loss of one of the bravest and noblest of men—a man loved by the patriotic people of his State and of the nation, known to his country and to the civilized world as great in war and in peace, and for nearly fourteen years a distinguished member of this Senate.

I shall not at this time, Mr. President, attempt to pronounce the words which are due to the memory of him who, for so many years, performed so important and conspicuous a part in the affairs of this Republic. At an early day I shall seek to introduce appropriate resolutions, and shall then speak as best I may be able of the character and public services of our late associate, when an opportunity will be given to honorable Senators to pay fitting tribute to his memory.

Mr. President, out of respect to the memory of the deceased Senator LOGAN, I move that the Senate do now adjourn.

The motion was agreed to unanimously; and (at 12 o'clock and 9 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 5, 1887, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 4, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Wednesday, December 22, 1886, was read and approved.

BOSTON LIGHT-HOUSE.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting with inclosures a communication from the Light-house Board, recommending that certain disbursements of Maj. C. W. Raymond and Capt. A. H. Payson, United States Army, for new dwelling for light-house keeper at Boston light-house, Massachusetts, be authorized by act of Congress; which was referred to the Committee on Appropriations.

MAJ. J. A. SMITH.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting with inclosures a communication from the Light-house Board, recommending that certain expenditures by Maj. J. A. Smith, United States Army, for burial of the bodies of General O. E. Babcock and Mr. Levi P. Luckey, be authorized by act of Congress; which was referred to the Committee on Appropriations.

ISSUE AND REDEMPTION OF MINOR COINS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Director of the Mint, suggesting amendments to the Revised Statutes relative to the issue and redemption of minor coins; which was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

PRIVATE LAND GRANTS, NEW MEXICO.

The SPEAKER also laid before the House communications from the Secretary of the Interior, transmitting reports by the surveyor-general of New Mexico on the private land claim, Cañon del Rio Colorado No. 93, and the claim known as the Estancia grant No. 70, New Mexico; which were severally referred to the Committee on Private Land Claims.

RESIGNATION OF A MEMBER.

The SPEAKER also laid before the House the following communication; which was read, and ordered to be laid on the table:

NEW YORK, *December* 30, 1886.

SIR: I have the honor to inform you that I have this day forwarded to the governor my resignation as a Representative from the tenth Congressional district of the State of New York, to take effect on the 1st day of January, 1887.

Very respectfully, your obedient servant,

ABRAM S. HEWITT.

Hon. JOHN G. CARLISLE,
Speaker House of Representatives.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STONE, of Kentucky, indefinitely, on account of important business.

To Mr. BYNUM, indefinitely, on account of important business.

To Mr. BACON, indefinitely, on account of important business.

To Mr. LOWRY, for one week, on account of important business.

To Mr. PINDAR, indefinitely, on account of important business.

To Mr. KING, indefinitely, on account of important business.

To Mr. MITCHELL, indefinitely, on account of sickness in his family.

PUBLIC BUILDING, FORT SCOTT, KANS.

The SPEAKER announced as the conferees on the part of the House on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1386) for the completion of the public building at Fort Scott, Kans., Mr. DIBBLE, Mr. WALLACE, and Mr. WADE.

RICHARD H. AND JAMES PORTER.

Mr. VAN EATON. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (S. 1368) for the relief of Richard H. and James Porter, and put it upon its passage.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury pay to Richard H. Porter and James Porter the sum of $10,100, less the sum of $750 heretofore paid them, in full for all claims for damages or compensation for property impressed by order of Colonel Johnston, in command of United States troops en route for Utah in 1857.

Mr. HOLMAN. I hope the report in that case will be read.

Mr. WARNER, of Ohio. Reserving the right to object.

The report (by Mr. WARNER, of Missouri) was read, as follows:

The committee have heretofore considered House bill 8168, which is the same in substance as Senate bill 1368, and have made favorable report on said bill (H. R. 8168) by report No. 2696.

The committee report back bill S. 1368 with recommendation that the same do pass.

Mr. HOLMAN. That report I think, Mr. Speaker, conveys no information to the House whatever as to this claim; and I trust the gentleman from Mississippi will make an explanation which will furnish the House with the facts, and especially why this claim has been allowed to remain in abeyance for twenty-seven or eight years without action.

The SPEAKER. If there be no objection, the gentleman from Mississippi will be allowed to make a brief explanation.

There was no objection.

Mr. VAN EATON. Mr. Speaker, in addition to the report which has just been read, I hold in my hand another report from the Committee on Claims, and which was adopted by the committee, as shown by the report just read.

The bill provides payment for certain property taken by General Johnston, who commanded the Utah expedition in 1857. It was referred in 1861 to the Third Auditor, and by him reported favorably and payment asked. Thereupon the opinion of the Attorney-General, Hon. Edward Bates, was asked and he approved the claim, but the Secretary still hesitating, the claim was again referred to the Auditor and rereferred several times, and the report to which I refer contains a synopsis of the action taken with regard to the matter in the Department from time to time.

Mr. HOLMAN. I trust my friend from Mississippi will allow that report to be read for the information of the House.

Mr. VAN EATON. I have no objection whatever, although it is rather a lengthy report.

Mr. HOLMAN. I hope it will be read.

The SPEAKER. Without objection the report will be read.

The report was read at length.

The SPEAKER. Is there objection to the present consideration of the bill.

Mr. ADAMS, of Illinois. I object.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 7879) to amend the law relating to bonds of executors in the District of Columbia; and

A bill (H. R. 9736) to grant the Maricopa and Phœnix Railway Company of Arizona the right of way through the Gila River Indian Reservation.

ORDER OF BUSINESS.

Mr. STRUBLE. I ask unanimous consent to take from the House Calendar for present consideration the bill (S. 149) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

Mr. STRUBLE. This bill has been twice read in the House. I ask that the reading at this time be dispensed with.

Mr. TAULBEE. I would like to hear the bill read.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WAKEFIELD. I object.

Mr. STRUBLE. I hope the gentleman will not object. Before this matter is disposed of——

The SPEAKER. The gentleman has objected.

Mr. STRUBLE. I ask unanimous consent to make a brief statement, and when that shall have been made perhaps the gentleman will not object.

The SPEAKER. Is there objection to the gentleman from Iowa making a brief statement?

Mr. WAKEFIELD. I object.

Mr. STRUBLE. I am very sorry the gentleman from Minnesota should object to my making a brief statement, and hope he will withdraw his objection.

WILLIAM WRIGHT.

Mr. BRECKINRIDGE, of Arkansas. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 137) for the relief of the estate of William Wright, and that the same be considered at this time.

The bill was read, as follows:

Be it enacted, &c., That the sum of $800 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation to the estate of William Wright for rent of office-rooms at Pine Bluff, Ark., during the war of the rebellion.

The bill was reported by the Committee on War Claims with an amendment striking out in line 3 "$800," and inserting in lieu thereof "$653.33."

Mr. COX, of North Carolina. I ask for the reading of the report.

The report (by Mr. SMALLS) was read, as follows:

William Wright was the owner of two rooms in Pine Bluff, Ark., on the 1st of November, 1863; the United States authorities took possession of said rooms and occupied them as a military telegraph office till the 22d of May, 1865. At the time they were taken possession of Mr. Wright had stored in said rooms personal property, consisting of beds, bedding, mattresses, tables, chairs, clothing, and a writing desk, to the amount of $150.

This claim was duly presented to the Third Auditor of the Treasury for payment November 29, 1865.

On May 23, 1865, a board of survey, in pursuance of a special order, met at Pine Bluff, Ark., and among other cases investigated the claim of William Wright, and made the following report thereon:

"The board having examined the rooms referred to in account, marked 'A,' inclosed with these papers, are of the opinion that the estate of William Wright is entitled to rent for the same from the 1st day of November, 1863, to the present date, eighteen months and twenty-two days, at the rate of $35 per month, amounting to $653.33."

The proof clearly shows that the rent of the rooms was worth more than the amount found by the board.

Your committee therefore recommend that the accompanying bill be amended by striking out the words "eight hundred dollars," and inserting the words "six hundred and fifty-three dollars and thirty-three cents," and the passage of the bill as amended.

There being no objection, the Committee of the Whole House was discharged from the further consideration of the bill, the amendment recommended by the Committee on War Claims was adopted, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BRECKINRIDGE, of Arkansas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WESLEY W. TAYLOR.

Mr. CANNON (by Mr. HITT), by unanimous consent, introduced a bill (H. R. 10402) for the relief of Wesley W. Taylor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SPRING GROVE CEMETERY, CINCINNATI, OHIO.

Mr. BUTTERWORTH, by unanimous consent, introduced a bill (H. R. 10403) to authorize the Secretary of War to purchase 10 acres of ground of the Spring Grove Cemetery Association of Cincinnati, Ohio, for enlarging the national cemetery in Spring Grove Cemetery, at Cincinnati, Ohio, and making an appropriation therefor; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

DEATH OF SENATOR JOHN A. LOGAN.

Mr. THOMAS, of Illinois. I offer the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House has heard with great sorrow the announcement of the death of Hon. John A. Logan, late a Senator of the United States from the State of Illinois.

The resolution was unanimously adopted.

Mr. THOMAS, of Illinois. As a further mark of respect to the memory of the deceased statesman, I move that the House do now adjourn, giving notice that on a later day I shall ask that the proceedings of the House be suspended in order that his colleagues and friends may bear testimony to his worth.

The motion was agreed to; and accordingly (at 12 o'clock and 40 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rules, and referred as follows:

By Mr. BRAGG: Petition of citizens of Washington County, Wisconsin, praying for the passage of the bill (H. R. 2933)—to the Committee on Agriculture.

By Mr. CONGER: Resolutions of the Western Iowa Horticultural Society, indorsing and urging the early passage of the Hatch bill for the establishment of agricultural experiment stations—to the same committee.

By Mr. CANNON: Petition of Wesley W. Taylor, late private Company D, Seventy-ninth Regiment Illinois Infantry—to the Committee on Invalid Pensions.

By Mr. DUNN: Petition of Charles E. Creecy, inclosing decision of the United States Supreme Court in connection with the bill (H. R. 9930) reported by the Committee on the Judiciary—to the Committee on the Judiciary.

By Mr. ELDREDGE: Petition of Louis F. Ellis and 19 others, of Bradford, Pa., asking for the passage of an arrears of pension law—to the Committee on Invalid Pensions.

By Mr. ERMENTROUT: Memorial of the New York Board of Trade and Transportation for changes in the customs laws regarding the certification of entries and payment of invoices—to the Committee on Ways and Means.

Also, memorial of the New York Board of Trade and Transportation, for the passage of a bankrupt law—to the Committee on the Judiciary.

Also, memorial of the Pennsylvania Division of the Travelers' Protective Association of the United States, for the passage of the bills (H. R. 164) and (S. 1732)—to the Committee on Commerce.

By Mr. FREDERICK: Resolutions of the Iowa State Horticultural Society, asking for the passage of the experimental station bill—to the Committee on Agriculture.

By Mr. GIFFORD: Petition of settlers on the Crow Creek reservation, in Dakota, for the opening of the same to settlement—to the Committee on Indian Affairs.

Also, petition from Mrs. H. M. Barker and Hettie T. Stacy, of Chamberlain, Dak., relating to scientific temperance instruction—to the Committee on Education.

Also, petition from Mrs. H. M. Barker, Mrs. D. E. Hyde, and Mrs. M. E. Kline, of Mitchell, Dak., for the same—to the same committee.

Also, petition of citizens of Cass County, Dakota, praying for the passage of a measure for the relief of fourth class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. GROUT: Petition of W. R. Connol and 35 others, citizens of Orleans County, Vermont, for the passage of the experiment-station bill—to the Committee on Agriculture.

By Mr. D. B. HENDERSON: Resolution of the Western Iowa Horticultural Society, favoring the bill for the establishment of experimental stations in the several States—to the same committee.

By Mr. HERMANN: Resolutions of the Chamber of Commerce of

Astoria, Oreg., for continued appropriations for Cascade locks and mouth of Columbia, in Oregon—to the Committee on Rivers and Harbors.

By Mr. IRION: Papers relating to claim of Mrs. Johanna Merckle, of East Feliciana Parish, and of Mrs. Irma Brown, of Point Coupée Parish, Louisiana—to the Committee on War Claims.

By Mr. T. D. JOHNSTON: Papers relating to the claim of Speight B. West, administrator of Thomas Beeton, deceased, of Lenoir County, North Carolina—to the same committee.

By Mr. KLEINER: Memorial from the Women's Christian Temperance Union, in favor of the Blair educational bill—to the Committee on Education.

By Mr. LONG: Petition of E. S. Rayner and 15 others, of North Reading, Mass., for the passage of the agricultural experiment-station bill—to the Committee on Agriculture.

By Mr. LYMAN: Petition of the Iowa Division of the Travelers' Protective Association, for the passage of the James commercial travelers' bill—to the Committee on Commerce.

Also, resolutions of Holtzinger Post, No. 210, G. A. R., Department of Iowa, for the passage of the Edmunds-Tucker bill—to the Committee on the Judiciary.

Also, resolutions of the National Cattle Growers' Association of America, and of the Chicago Live Stock Exchange, in reference to rates of transportation—to the Committee on Commerce.

Also, papers in support of the bill (H. R. 10099) for the relief of John Wagner, late Company F, Thirty-fifth Indiana Volunteers—to the Committee on Invalid Pensions.

By Mr. MARTIN: Papers relating to the claim of Thomas West, of Jefferson County, West Virginia—to the Committee on War Claims.

By Mr. PEEL: Petition of county officials of Fulton County, Arkansas, for relief of drought and hail sufferers—to the Committee on Appropriations.

Also, petition to grant a pension to Elizabeth Phillips, of Madison County, Arkansas—to the Committee on Invalid Pensions.

By Mr. PETERS: Resolutions of the Short Horn Breeding Association of Kansas, in favor of the interstate-commerce bill, and for the suppression of pleuro-pneumonia and other contagious diseases—to the Committee on Agriculture.

Also, petition of Michael Rockford, for relief from the charge of desertion—to the Committee on Military Affairs.

By Mr. ROGERS: Petition of Missouri Hendricks, praying that her war claim be referred to the Court of Claims—to the Committee on War Claims.

Also, by request, memorial of the Women's Christian Temperance Union of Arkansas, for relief—to the Committee on the Judiciary.

Also, petition of citizens of Saline County, Arkansas, in favor of the Hatch experimental-station bill—to the Committee on Agriculture.

SENATE.

WEDNESDAY, *January* 5, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in reply to a resolution of December 7, 1886, a report of the Chief of Engineers relative to certain river and harbor improvements in Oregon and Washington Territory; which, with the accompanying papers, was, on motion of Mr. MITCHELL, of Oregon, ordered to lie on the table and to be printed in the RECORD, as follows:

WAR DEPARTMENT, *Washington City, December* 21, 1886.

The Secretary of War has the honor to transmit to the United States Senate a report of the 14th instant from the Chief of Engineers, and its accompanying papers, the same being furnished in response to the following resolution of the Senate of December 7, 1886:

"*Resolved*, That the Secretary of War be, and he hereby is, directed to advise the Senate, at his earliest practicable convenience, as to what change or changes, if any, have been made in the United States engineers in charge of the construction of the canal and locks at the Cascades of the Columbia River since the 5th day of August last, and in charge of any of the river or harbor improvements in Oregon and Washington Territory since said date, and the date and character of any such change or changes, the names of the engineers relieved, changed, or transferred, and in what respect changed or transferred, and their rank respectively, and the reasons for such change or changes; also, in case any such change has been made, whether the engineer relieved had, prior to such change or transfer, submitted to the Chief of Engineers his project or plan for the expenditure of such appropriations, and whether or not the same had been approved or rejected by the Chief of Engineers, or acting chief of engineers, or War Department, prior to such change or transfer of engineers in charge; also, what change, if any, has been made in the plan of work or the manner of proposed expenditure of such appropriation since the date of such change of engineers; also, if such change of engineers was made, what works were in charge of such engineers respectively for the two years prior to such change; and further, what river or harbor works or improvements have such engineers been in charge of since the date of such change.

"Also, that the Secretary of War be further directed to report to the Senate further, at his earliest practicable convenience, whether it is true or otherwise that the work at the mouth of the Columbia, at the entrance to Yaquina Bay, and at Coos Bay, Oregon, has been postponed until next spring, and the reasons in detail for such postponement. And further, that he transmit to the Senate, with such reports, and as a part thereof, full copies of all correspondence, whether by letter or telegram, occurring between the War Department or any of its officers and any officer, board of trade, chamber of commerce, water-way convention, or person whomsoever, since August 5, 1886, relative to the expenditure of the appropriations above referred to, and each of them."

It will be seen from the inclosed report that Maj. W. A. Jones, Corps of Engineers, was relieved of the charge of the canal at the Cascades of the Columbia River, under date of October 6, 1886, and that Capt. C. F. Powell, Corps of Engineers, was placed in charge of that work, but that no other change has been made of officers in charge of any river and harbor works in Oregon or Washington Territory since August 5, 1886.

Attention is invited to the accompanying copy of a letter from Col. John G. Parke, the officer in charge of the office of the Chief of Engineers when the transfer of the above-mentioned officers was made. Upon full consideration of the reasons of the transfer, as submitted to me by Colonel Parke in a personal interview, I deemed it my duty to relieve Major Jones and to detail Captain Powell to do this work.

The report of the Chief of Engineers shows that no change has been made in the plan for construction of the work since the transfer of the officers, but that a change was made in the project for the expenditure of the funds appropriated by the river and harbor act of August 5, 1886, as will appear from the accompanying projects of Major Jones and Captain Powell.

In reference to so much of the resolution as refers to the postponement of work at mouth of Columbia, at Yaquina Bay, and at Coos Bay, Capt. Charles F. Powell, Corps of Engineers, states with regard to the mouth of the Columbia River, that—

Under existing unavoidable circumstances the stone for the Columbia jetty must be unloaded from barges at the Fort Stevens wharf, where during the late fall and winter the cost and time of stone delivery are considerably more than during spring and summer. Moreover, the face of this wharf, the only one available, is bare at low tide, from a sand fill to a height of about 5 feet; one year ago the depth of water there was 15 feet at low tide. For present jetty work a wharf extension is necessary, which, if made, would shoal again by next spring. It would be almost a waste of money to go on with the jetty before spring. The main operation for this season now under way consists of developing quarry sites already explored and which can be reached by land, and if a sure stone supply is found, of building a railroad to the jetty.

At Yaquina Bay it may be said that the improvement in progress is the construction of a jetty on the south side of the entrance. In view of the possible increase of trade an extension of this project has been deemed important, so as to afford a greater depth of channel than at first intended. It was in consequence concluded, owing to the late date at which the appropriation act was passed, to take advantage of the remaining short season of work this year for obtaining the necessary information about currents and character of bottom to enable a conclusion as to the above extension and defer jetty work until early spring.

In reference to Coos Bay, Captain Powell's recommendation was to limit operations during the fall and winter to certain quarry work and to getting out piles from the United States land for a new jetty tramway, the building of which would require several weeks, and then throw the jetty into the season of storms and short days, and subject the tramway for a short period of work to damage by drift and seas; whereas, commencement of its construction next spring would give a full season's work without exposure and risk. The appropriation is about 20 per cent. of the estimate, and the method of work for its judicious application was matter for careful study and consideration in order to avoid risk.

WM. C. ENDICOTT, *Secretary of War.*

The PRESIDENT *pro tempore of the United States Senate.*

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in reply to a resolution of December 15, 1886, a report of the board of engineers for fortifications, &c., relative to the proposed bridge over the Arthur Kill, between New Jersey and Staten Island; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in reply to a resolution of December 16, 1886, a report of the Chief of Engineers as to the apportionment of the money appropriated by the river and harbor act for improving the Missouri River; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in reply to a resolution of December 13, 1886, a report of the Commissioner of the General Land Office relative to the withholding from sale coal and iron lands in Alabama; which, on motion of Mr. MORGAN, was referred, with the accompanying papers, to the Committee on Public Lands, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the surveyor-general of New Mexico on the private land claim designated as the Estancia grant No. 70; which, with the accompanying papers, was referred to the Committee on Private Land Claims, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the surveyor-general of New Mexico on private land claim Cañon del Rio Colorado, tract No. 93; which, with the accompanying papers, was referred to the Committee on Private Land Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Women's Christian Temperance Union of Indiana, praying for the passage of the Blair educational bill; which was ordered to lie on the table.

He also presented the petition of Joseph R. Nichols, president, and other officers of the Women's Temperance Union of Indiana, praying for the passage of laws for the punishment of crimes against women; which was referred to the Committee on the District of Columbia.

He also presented resolutions adopted by the Chamber of Commerce of Cincinnati, Ohio; resolutions and proceedings of the Merchants and Manufacturers' Association of Cincinnati, Ohio; a resolution of the Board of Trade of Columbus, Ohio, and a memorial of business men of Massilon, Ohio, remonstrating against the passage of the bill to regulate interstate commerce; which were ordered to lie on the table.

He also presented a memorial of the board of supervisors of Saint Croix County, Wisconsin, protesting against unlawful claim to lands by certain railroads under the acts granting lands to the State of Wisconsin to aid in the construction of railroads; which was referred to the Committee on Public Lands.

Mr. VEST. I ask leave to present an amended petition of Edward C. Fiedler, of the city of New York, praying the Government of the United States of America to constrain the Government of Brazil to make compensation for the charter of the steamship Circassian. I ask that this petition be referred to the Committee on Foreign Relations, and that leave be granted to withdraw the original petition, this amendatory petition to take its place.

The PRESIDENT *pro tempore*. If there be no objection the order of withdrawal will be made, and the petition now presented will be referred to the Committee on Foreign Relations.

Mr. VEST presented a petition of the Grand Lodge of Good Templars of Missouri, representing 10,000 members, praying for the passage of the bill (S. 1579) granting to the people of the District of Columbia the right to vote upon the question of the manufacture and sale of intoxicating liquors in the District; which was referred to the Committee on the District of Columbia.

Mr. FRYE presented a petition of the executive committee of the Grand Lodge of Good Templars, State of Maine, representing 20,000 members, praying for the favorable consideration of the bill (S. 1579) relating to the sale of liquor in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the New York committee for the prevention and State regulation of vice, officially signed, praying that any extradition treaty with Great Britain which may be ratified by the Senate, in relation to the surrender of criminals, may include the crimes of rape and seduction, and make due provision for the suppression of the alleged international traffic in girls for immoral purposes; which was referred to the Committee on Foreign Relations.

Mr. PLUMB. I present the petition of a large number of residents of what is known as "No Man's Land," setting forth that they are without the protection of law and asking that that strip, or so much of it as adjoins the State of Kansas, be annexed to that State.

I ask that the petition may be read. I am not quite certain as to what committee it should go, but in the absence of any request from a Senator on the subject, I suggest that it go to the Committee on Public Lands.

There being no objection, the petition was read, and referred to the Committee on Public Lands, as follows:

PETITION.

To the honorable Congress of the United States of America:

GENTLEMEN: The undersigned, residents of the public-land strip commonly called "No Man's Land," the same not belonging to any State or Territory, and hence without civil government or municipal law, respectfully petition your honorable body to take such legal steps as may be necessary to cause to be attached to the State of Kansas the aforesaid public-land strip, or so much thereof as borders on the State of Kansas, to the end that the settlers on these lands may enjoy more fully the benefits of law and order.

Further, your petitioners would respectfully represent that the territory embracing the aforesaid strip is about 34 miles wide, and lying between the State of Texas on the south and the States of Kansas and Colorado on the north, and about 170 miles long, extending from the one hundredth meridian on the east to the Territory of New Mexico on the west, an area of 5,712 square miles; that the same is being very rapidly settled, and is capable of sustaining, when properly cultivated, a population to the square mile equal to the average of the State of Kansas.

Mr. HOAR. I present the memorial of Stephen Salisbury, vice-president, John D. Washburne, recording secretary, Nathaniel Paine, treasurer, and E. M. Barton, librarian of the American Antiquarian Society.

The memorial represents that "there is a vast amount of manuscript material relating to American history in the public archives of Great Britain, Holland, France, Spain, and other European states, and in libraries and private collections in Europe, which has never been printed, and of which no index or calendar has ever been published." This material is of great value to our Government and to the State governments and scholars who desire to write our history. It is very difficult of access in foreign archives and libraries, and the memorialists request that an appropriation may be made, not exceeding $100,000, for the procuring of copies.

The memorial is accompanied by a letter from Francis Parkman, librarian of Harvard University, Charles Deane, vice-president of the Massachusetts Historical Society, Edward E. Hale, the famous scholar and writer, John Ward Dean, and a considerable number of other eminent scholars to the same effect.

I move that the memorial be referred to the Committee on the Library.

The motion was agreed to.

Mr. MAHONE presented proceedings of a meeting of citizens of Mecklenburg County, Virginia, praying that an appropriation be made for the improvement of the Roanoke River, in that State; which were referred to the Committee on Commerce.

Mr. CULLOM. I present resolutions of the Chamber of Commerce of Pittsburgh, Pa., indorsing the bill (S. 1532) to regulate commerce. As the resolution is very brief I ask that it be printed in the RECORD.

The PRESIDENT *pro tempore*. If there be no objection the resolution will be printed in the RECORD and ordered to lie on the table.

The resolution is as follows:

CHAMBER OF COMMERCE OF PITTSBURGH,
Pittsburgh, Pa., January 3, 1887.

DEAR SIR: At a special meeting of the chamber held this day the following action was had, and I have been instructed to forward same to you.

"The committee on transportation and railroads of the chamber, to which the bill 'to regulate commerce,' now pending in Congress, had been referred, made report recommending the indorsement of the conference report (S. 1532). On motion the report of the committee was received and unanimously approved."

Respectfully, yours,

G. FOLLANSBEE, *Superintendent.*

Hon. SHELBY M. CULLOM,
United States Senate, Washington, D. C.

Mr. CULLOM. I also present resolutions adopted by the convention of the boards of railroad commissioners of Iowa, Nebraska, Colorado, Dakota, Minnesota, Missouri, and Kansas in relation to legislation to regulate interstate commerce. These resolutions are also brief, and I ask that they be printed in the RECORD.

There being no objection the resolutions were ordered to be printed in the RECORD and to lie on the table, as follows:

DES MOINES, IOWA, *December 16, 1886.*

DEAR SIR: By instruction of the convention of the boards of railroad commissioners of Iowa, Nebraska, Colorado, Dakota, Minnesota, Missouri, and Kansas, we herewith transmit a copy of a resolution adopted by said convention at its session in Des Moines, December 16, 1886.

"*Resolved*, That this convention of boards of railroad commissioners of the States of Iowa, Kansas, Missouri, Nebraska, Colorado, and Minnesota, and the Territory of Dakota, while regretting the differences which have occurred between the true friends of interstate regulation, leading to the failure of the 'Cullom bill,' yet we rejoice to learn that the conference committee of the Senate and House of Representatives of the Congress of the United States have agreed upon a measure retaining the essential features of the Cullom bill.

"That it is the sense of this convention that the State railway commissions will not attain to the full measure of their usefulness till they are supplemented by a national commission, having control of interstate commerce, and that we regard any regulation of rates based upon a prorated scale of mileage as detrimental to the interests of our respective States and Territories."

Respectfully submitted.

PETER A. DEY, *President.*

Attest:

H. M. WARING, *Secretary.*

Hon. SHELBY M. CULLOM,
Chairman Senate Select Committee on Interstate Commerce.

Mr. CULLOM presented a petition of W. Loucks and 20 other citizens of Peoria, Ill., and a petition of James Rafferty and 18 other citizens of Chicago, Ill., praying for a reduction of the special taxes and for the repeal of the "obnoxious, prohibitory, and monopolistic features" of the oleomargarine bill; which were referred to the Committee on Agriculture and Forestry.

Mr. CAMERON presented a resolution adopted by the Chamber of Commerce of Pittsburgh, Pa., remonstrating against the present construction of a bridge across the Mississippi River at the Grand Chain, between the mouth of the Missouri River and Saint Louis; which was ordered to lie on the table.

Mr. SPOONER presented the petition of the West Wisconsin Conference of the Methodist Episcopal Church, praying Congress to enact without delay such measures as will enable the officers of the law to suppress all efforts to persecute and drive out the Chinese and to secure to them the same protection afforded to all other persons, and especially that the indemnity bill pending before Congress be passed without delay; which was referred to the Committee on Foreign Relations.

He also presented resolutions of Pomona Grange of Saint Croix County, Wisconsin, urging upon Congress the necessity of agreeing, during the present session, upon some bill which will remove excessive charges, discriminations, and pooling in the interest of railways; which were ordered to lie on the table.

Mr. SPOONER. I also present the petition of Jonathan Ramsden and others, citizens of Trempealeau County, Wisconsin, praying for the passage of the Hatch experimental-station bill (H. R. 2933). Perhaps I ought to say that that measure is identical with the bill introduced upon the same subject, and now pending in the Senate, by the Senator from Mississippi [Mr. GEORGE]. I move that the petition lie on the table.

The motion was agreed to.

Mr. SPOONER presented the petition of S. C. Carr and others, members of the State Grange of Patrons of Husbandry of Wisconsin, and the petition of John F. Brewin and others, of Trempealeau, Wis., praying for the passage of the Hatch experiment station bill; which were ordered to lie on the table.

He also presented the memorial of S. C. Carr and others, remonstrating against the passage of the bills (H. R. 9757) and (S. 2813) for the relief of David L. Garver; which was referred to the Committee on Patents.

He also presented a petition of the Board of Supervisors of Saint Croix County, Wisconsin, praying for a return to the tariff of 1846, and also remonstrating against any reduction or repeal of the tax on whisky; which was referred to the Committee on Finance.

Mr. MITCHELL, of Oregon, presented a petition and papers relating to the application for a pension of Dr. E. G. Chase, formerly sur-

geon of United States volunteers, and brevet lieutenant-colonel; which were referred to the Committee on Pensions.

He also presented a petition and papers in the case of Henry Pulsky, of Oregon, relative to his application for a pension; which were referred to the Committee on Pensions.

He also presented a petition of the Chamber of Commerce of Astoria, Oreg., praying that further appropriations be made to carry on the works at the Cascades and the mouth of the Columbia River; which was referred to the Committee on Commerce.

Mr. PAYNE presented the memorial of Hon. George H. Ely and other owners of vessels, of Cleveland, Ohio, remonstrating against the construction of a second railroad bridge across the Saint Marie River; which was referred to the Committee on Commerce.

Mr. DOLPH presented the memorial of the Chamber of Commerce of Astoria, Oreg., representing the urgent need of a further appropriation by Congress to carry on the Government works at the Cascades and the mouth of the Columbia River; which was referred to the Committee on Commerce.

Mr. WALTHALL presented a petition of leading merchants and citizens of Natchez, Miss., praying for the repeal of certain provisions of the oleomargarine act and a reduction of the special taxes imposed therein; which was referred to the Committee on Agriculture and Forestry.

Mr. MANDERSON presented a petition numerously signed by citizens of Seward, Nebr., praying for the passage of the Blair education bill; which was ordered to lie on the table.

Mr. MANDERSON. I also present a petition of prominent citizens of New York city representing different steamship lines, praying that Congress authorize the Secretary of War to contract for the improvement of Harlem River, in accordance with a joint resolution pending before Congress. I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

Mr. MITCHELL, of Pennsylvania, presented a petition of the Pittsburgh Grain and Flour Exchange, praying for the passage of the bill (S. 1532) to regulate interstate commerce; which was ordered to lie on the table.

He also presented a petition of the Grand Lodge of the Independent Order of Good Templars, praying for the passage of the bill (S. 1579) relative to the manufacture and sale of intoxicating liquors in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Chamber of Commerce of Pittsburgh, Pa., in relation to the bill (S. 2589) for the construction of a bridge across the Mississippi between the mouth of the Missouri River and Saint Louis; which was ordered to lie on the table.

Mr. WILSON, of Iowa, presented resolutions in the nature of a petition of the Western Iowa Horticultural Society, praying for the passage of the bill providing for agricultural experiment stations in the several States; which were ordered to lie on the table.

He also presented a petition of E. G. Bartlett and other citizens of Iowa, praying for the passage of the bill granting a pension to Joseph F. Kirkhart; which was referred to the Committee on Pensions.

Mr. BLAIR. I present the memorial of the Bethel African Methodist Episcopal church of New York city, signed by M. B. Derrick, D. D., and Frederick Savage, church clerk, being resolutions in relation to the Blair educational bill, praying for its passage and setting forth some of the reasons which induced them as representatives of their race to ask for the passage of the bill. I move that the memorial lie on the table.

The motion was agreed to.

Mr. BLAIR. I present also the petition of the directors of the Colored World's Fair Association, a body incorporated under the general laws of the State of Alabama, having a capital stock of $20,000, in which they respectfully represent that a colored world's exposition will be held in the city of Birmingham, Ala., commencing September 22, 1887, and closing about January 31, 1888, to commemorate and illustrate the progress of the colored race, especially in America, since emancipation, and inclusive of the race in all parts of the world, by a display of works of art, live stock, field products, machinery, manufactures, and all other articles fabricated, produced, or owned by colored people.

The petitioners state that the mayor and board of aldermen of Birmingham, the General Assembly of Alabama, and the State Agricultural Society of Alabama, have indorsed the exposition, as will be seen by the resolutions attached and made a part of the petition. They pray for an appropriation of, I think, $600,000 to assist in carrying out this object. They set forth some other matter, but not at great length, in the petition, and as it is a matter of pressing importance and will require action at the present session, I ask that the petition may be printed in the RECORD. It is signed by Hon. Philip Joseph, a prominent colored man, and many other prominent representatives of the colored race.

Out of order, accompanying the petition, I ask leave to introduce a bill.

The PRESIDENT *pro tempore*. The introduction of bills is not yet in order. The Senator from New Hampshire asks unanimous consent to have the petition printed in the RECORD. Is there objection? The Chair hears none.

The petition is as follows:

To the honorable Senate and House of Representatives of the Congress of the United States:

The undersigned, your petitioners, the Colored World's Fair Association, a body corporate under the general laws of the State of Alabama, having a capital stock of $20,000, would respectfully represent unto your honorable bodies that a colored world's exposition will be held in the city of Birmingham, Ala., commencing September 22, 1887, and closing about January 31, 1888, to commemorate and illustrate the progress of the colored race especially in America since emancipation, and inclusive of the race in all parts of the world, by a display of works of art, live-stock, field products, machinery, manufactures, and all other articles raised, fabricated, produced or owned by colored people; that the mayor and board of aldermen of Birmingham have pledged their co-operation and aid, and the General Assembly of Alabama and State Agricultural Society of Alabama have indorsed the said exposition, as will be seen by the resolutions herewith attached and made a part of this petition.

Wherefore, the premises considered, your petitioners would humbly pray your honorable bodies to take such favorable action as will tend to the success and furtherance of said fair association, and that you will show your appreciation of this beneficent enterprise in such substantial and public manner as in your wisdom and discretion you may deem most appropriate, both as to the character and amount of the assistance you may determine to give.

Petitioners suggest that some such aid be extended to said fair association as your honorable bodies by law authorized to be made to the World's Exposition in New Orleans in 1884–'85, and your petitioners will ever pray, &c.

At a regular meeting of the city council, Mayor Lane presiding, the following resolutions, introduced by Alderman Wheelock, were passed without a dissenting voice:

"Whereas the colored people of the South, and United States generally, being anxious to secure some permanent place for the holding of the 'World's Exposition,' for the purpose of exhibiting the works of art, agricultural and mechanical industries of their race; and

"Whereas in our opinion such exposition will greatly contribute to the elevation of their race by stimulating them to industry and refinement, and will also tend to draw closer the bonds between the white and colored races of our country:

"*Be it resolved*, That the mayor and aldermen of Birmingham do heartily indorse the 'world's exposition of the colored race,' and believe it worthy the aid and co-operation of citizens both South and North, and the world generally, and would recommend the city of Birmingham as the proper place of holding such exposition.

"*Be it resolved*, That the mayor and council of Birmingham render to the board of directors full co-operation to aid them in making their enterprise a success."

In the senate, Colonel Brewer, of Lowndes, introduced the following joint resolutions, which were adopted unanimously and ordered to the house forthwith without engrossment, namely:

"Whereas there will be a world's exposition held in the city of Birmingham, Ala., commencing September 22, 1887, and continuing four months, to commemorate and illustrate the progress of the colored race by a display of works of art, live-stock, field products, machinery, manufactures, and all other articles raised, fabricated, produced or owned by colored people, especially throughout the United States of America, and inclusive of the colored race in all parts of the world; and

"Whereas this exposition would materially contribute to the elevation and advancement of the colored race by stimulating their energies and arousing their self-reliance, and thus redound to the benefit of the whole country: Therefore,

"*Be it resolved by the General Assembly of Alabama*, That the said world's exposition is commendable in its object and must attract to its support and countenance the earnest co-operation of all enlightened men; and that we most cordially approve of it as a movement in favor of our colored citizens.

"*Resolved*, That a copy of this preamble and resolutions be sent to each of the Senators and Representatives in Congress from this State, with the request that the same be laid before the Federal Congress, and that such favorable action be urged in that body by our members as will tend to the success and furtherance of this interesting and important object."

The resolutions were referred to the judiciary committee in the house, reported back favorably by the committee, and passed the house without opposition.

The executive committee of the Agricultural Society of Alabama held a meeting in the reading rooms of the Exchange Hotel, Montgomery, and Mr. Anderson offered the following resolution, which was unanimously adopted:

"*Resolved*, That the executive committee of the Agricultural Society of Alabama, views with pride the progress made in agriculture by the colored people of Alabama as evidenced in their desire to inaugurate a world's fair at Birmingham, Ala., in 1887, and that the State Society of Agriculture, through its executive committee, indorses the action of the Legislature in memorializing our Representatives in Congress to advocate national aid in their laudable undertaking."

Mr. BLAIR. I move that the petition be referred to the Committee on Appropriations, and I shall introduce the bill when that order of business is reached.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Appropriations, if there be no objection.

REPORTS OF COMMITTEES.

Mr. SEWELL, from the Committee on Fisheries, to whom was referred the amendment proposed by Mr. DOLPH providing for an appropriation of $20,000 for the establishment of a salmon hatchery upon the Columbia River, reported it favorably and moved its reference to the Committee on Appropriations; which was agreed to.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 2396) for the relief of Louis Charles Perret, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. FRYE, from the Committee on Foreign Relations, to whom were referred the following petitions and memorials, reported adversely thereon and asked to be discharged from their further consideration; which was agreed to:

A petition of citizens of African descent, for an appropriation to pay their passage to Liberia;

A petition of colored citizens of Lancaster County, South Carolina, for an appropriation to aid in paying their passage to Liberia;

A memorial of Rev. A. A. Lewis, of Florida, praying for an appropriation of $100 per capita, to be expended under the direction of the American Colonization Society, for expenses of colored emigrants to Liberia;

A petition of colored citizens praying that Congress appropriate money to transport them to Liberia;

A petition of colored citizens of Whitfield County, State of Georgia, for an appropriation to pay the expenses of emigrants to Liberia;

A memorial of colored citizens of Buncombe County, North Carolina, asking for aid to enable them to emigrate to Liberia;

A memorial of colored citizens of North Carolina, asking for aid to enable them to emigrate to Liberia,

A petition of colored citizens of Grayson and other counties of Texas, for an appropriation to aid them to emigrate to Liberia; and

A petition of citizens of Manhattan, Kans., for an appropriation to aid colored citizens to emigrate to Liberia.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (H. R. 7507) for the relief of James M. Hagar, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL, of Oregon. I am instructed by the Committee on Claims to report back the bill (S. 2840) for the relief of James W. Schaumburg, with an original bill as a substitute, and also a report recommending its passage.

The bill (S. 3051) for the relief of the heirs or legal representatives of James W. Schaumburg was read twice by its title.

Mr. MITCHELL, of Oregon. I will state that the bill (S. 2840) was reported favorably at the last session, and had its place on the Calendar, but on the day of final adjournment before the recess it was recommitted simply to correct a matter in regard to the recommendation. I ask unanimous consent that the original bill now reported may take the place on the Calendar which was occupied by the other bill before the recommittal.

The PRESIDENT *pro tempore*. The bill having been recommitted, the Senator from Oregon asks that it take its place where it stood on the Calendar before recommittal. Is there objection? The Chair hears none, and it is so ordered.

MARY S. LOGAN.

Mr. MITCHELL, of Pennsylvania, from the Committee on Pensions, reported a bill (S. 3050) granting a pension to Mary S. Logan; which was read the first time by its title.

Mr. MITCHELL, of Pennsylvania. If there is no objection I ask for the immediate consideration of the bill. I will state that it proposes to place Mrs. Logan upon the pension-roll, and to grant her the same pension that is granted to the widow of the late General Hancock and the widow of General Thomas—$2,000 a year.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks for the immediate consideration of the bill.

Mr. COCKRELL. I think we had better have it printed and let it come up regularly to-morrow.

The PRESIDENT *pro tempore*. Objection being made, the bill goes on the Calendar.

Mr. MITCHELL, of Pennsylvania. I stated—the Senator did not hear me—that it was by the direction of the committee that I reported the bill.

The PRESIDENT *pro tempore*. Still, in the face of an objection the bill must go on the Calendar.

Mr. COCKRELL. Let the bill be read. I do not understand it. I understood from the explanation of the Senator from Pennsylvania that there were three or four cases in one measure.

Mr. FRYE and others. No.

The PRESIDENT *pro tempore*. The bill will be read at length, subject to objection.

The bill was read the second time at length, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary S. Logan, widow of JOHN A. LOGAN, a major-general of United States volunteers in the late war for the Union, and to pay her a pension from the passage of this act, for and during her natural life, at the rate of $2,000 per annum.

Mr. BLAIR. The bill should be corrected in the initial letter "S." It should be "A." I ask unanimous consent that that amendment be made.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. COKE. Let the bill lie over until to-morrow.

The PRESIDENT *pro tempore*. The bill will lie over until to-morrow on objection.

BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 3052) to extend the time for filing claims in the Court of Claims under the provisions of an act entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to July 31, 1801;" which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. COKE introduced a bill (S. 3053) to annul certain titles to land acquired by judicial proceedings in the courts of the United States in Texas, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3054) for the relief of S. D. Barclay, G. D. Adams, and W. H. Kimbrew; which was read twice by its title, and referred to the Committee on Claims.

Mr. MCPHERSON introduced a bill (S. 3055) for the extension and repair of the public building at Newark, N. J.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. MORRILL introduced a bill (S. 3056) extending the provisions of the franking privilege; which was read the first time by its title.

Mr. MORRILL. I ask to have the bill read.

The bill was read the second time at length, as follows:

Be it enacted &c., That from and after the passage of this act the historical publications and printed annual reports, or any part thereof, of any incorporated historical society shall, under the frank of the secretary of such society, to be written by himself, be carried in the mail free of postage, under such regulations as the Postmaster-General may prescribe.

Mr. MORRILL. I desire to call the attention of the Committee on Post-Offices and Post-Roads to the importance of this bill.

It is known to all that in almost every State there are one or more historical societies. They are supported without charge to the General Government or the State governments, merely by the annual fees of members of the societies. They publish from time to time a volume of historical collections, and they have therefore a very small amount of funds to pay for the distribution of these volumes, which are considered of great value as educational publications and for the diffusion of knowledge among men.

This would be no tax at all upon the General Government, and I hope the proposition will be treated with favor by the committee, as I am sure it would be treated with favor by the people throughout the country. I move that the bill be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. MAHONE introduced a bill (S. 3057) directing the Secretary of the Treasury to examine and settle the accounts of certain States and the city of Baltimore growing out of moneys expended by said States and the city of Baltimore for military purposes during the war of 1812; which was read twice by its title, and referred to the Committee on Claims.

Mr. CAMERON introduced a bill (S. 3058) granting a pension to Tobias Baney; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3059) granting a pension to Morgan Gordon; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 3060) authorizing and directing the Secretary of War to place the name of Francis M. Rotch upon the rolls of the militia employed in the United States military service during the rebellion; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SAWYER introduced a bill (S. 3061) to give the assent of Congress to the construction of a toll bridge by John Leathem and Thomas H. Smith over Sturgeon Bay in the county of Door and State of Wisconsin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. ALLISON introduced a bill (S. 3062) to authorize the construction of a high wagon and foot passenger bridge over the Mississippi River between the city of East Dubuque, in the State of Illinois, and the city of Dubuque, in the State of Iowa; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3063) granting a pension to Lawrence O'Conner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BUTLER introduced a bill (S. 3064) to regulate the terms of the circuit and district courts of the United States for the district of South Carolina; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CALL introduced a bill (S. 3065) making an appropriation for the erection of a light-house on Dog Island, Florida; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3066) to establish agricultural farms or stations, under the superintendence of the Commissioner of Agriculture, in the several States; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. DOLPH (by request) introduced a bill (S. 3067) providing for the operation of a canal between Lakes Union and Washington and Puget Sound, in Washington Territory, and granting the right to impose and collect tolls, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MITCHELL, of Oregon, introduced a bill (S. 3068) for the relief of certain settlers upon school lands of Washington Territory;

which was read twice by its title, and referred ta the Committee on Public Lands.

He also introduced a bill (S. 3069) providing an appropriation for the improvement of the Umpqua River, Oregon, between Elkton and the mouth of said river; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3070) granting a pension to Elmore Y. Chase; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3071) granting a pension to Henry Pulsky; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3072) granting a pension to James T. Hood; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 3073) to grant arrears of pension in certain cases; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MANDERSON. In behalf of the Senator from Indiana (Mr. HARRISON) who is absent, and at his request, I introduce a bill. The bill (S. 3074) granting an increase of pension to James L. Powner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WILSON, of Iowa, introduced a bill (S. 3075) granting a pension to Mrs. Ellen Hand; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3076) granting a pension to Daniel Scott; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 3077) for the relief of John Sullivan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3078) allowing extra pay to certain officers of the volunteer army in the war of the rebellion; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3079) authorizing the Secretary of War to procure and present suitable medals to the survivors of the "forlorn hope storming party" of Port Hudson; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3080) to fix the amount of United States bonds to be required of national banks, and for other purposes; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 3081) to grant the right of way through the Indian Territory to the Winfield, Geuda Springs and Southern Railroad Company, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. BLAIR introduced a bill (S. 3082) for an appropriation to promote the colored people's world's exposition, to be holden at the city of Brimingham, Ala., commencing on the 22d day of September, 1887; which was read twice by its title.

Mr. BLAIR. A like bill was introduced in the last Congress. It was then proposed by this association to hold the exposition in the city of Chicago. Great encouragement from the citizens, railroads, and business men was given to hold it there; but circumstances have arisen which inclined them to hold the exposition more nearly among their own people, and they have selected Birmingham, in the State of Alabama. It is the original movement enlarged and invigorated. I move that the bill be referred, with the accompanying papers, to the Committee on Appropriations.

The motion was agreed to.

Mr. PLUMB introduced a joint resolution (S. R. 91) for the relief of Capt. John Jackson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MANDERSON introduced a joint resolution (S. R. 92) providing for the binding and distribution of the Congressional Globe; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Printing.

BILL RECOMMITTED.

On motion of Mr. MAHONE, it was

Ordered, That the bill (H. R. 2539) authorizing the Secretary of the Treasury to exchange property purchased at Abingdon, Va., as a site for a public building, for more suitable property, be recommitted to the Committee on Public Buildings and Grounds.

NEBRASKA SCHOOL LANDS.

Mr. MANDERSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas it is alleged that the State of Nebraska is entitled to additional school lands by way of indemnity for prior pre-emptions, fractional townships, and reservations; and

Whereas it is claimed that upwards of 3,000 acres of such school lands located north of Lodge Pole, on the Platte River, in Cheyenne County, Nebraska, were selected by the proper and legally constituted authorities of the State of Nebraska in 1884, the approval of the Commissioner of the General Land Office had and obtained, which lands have never been fully confirmed to said State; and

Whereas it is alleged that public entries of said lands, so selected as aforesaid, are now being made, and are being received by the local land officers in Nebraska: Therefore,

Resolved, That the Secretary of the Interior be, and he is hereby, directed to communicate to the Senate all information in his possession and of record touching the amount of school lands confirmed to the State of Nebraska, the total amount selected, approved for selection, and the aggregate amount due said State, together with copies of all and any documents on file relating to the selection of additional school lands claimed to be due the State of Nebraska by way of indemnity for prior pre-emptions, fractional townships, and reservations, and that in the mean time the Commissioner of the General Land Office be requested to suspend all entries of public lands described in the preamble hereto, designated, or selected by the State authorities as aforesaid.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 1353) referring to the Court of Claims for adjudication the claims of John H. Kinkead, Samuel Sussman, and Charles O. Wood;

A bill (S. 1829) for the relief of the Greensburgh Limestone Company and others; and

A bill (S. 2901) to authorize the Secretary of the Treasury to sell and convey the United States custom-house and post-office property at Eastport, in the State of Maine, lately destroyed by fire, the proceeds thereof to be invested in the purchase of a new site for, and to provide for the erection of, a new public building at that place.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 7879) to amend the law relating to the bonds of executors in the District of Columbia.

The message further announced that the House insisted upon its amendment to the bill (S. 1386) for the completion of a public building at Fort Scott, Kans., agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DIBBLE, Mr. WALLACE, and Mr. WADE the managers at the conference on the part of the House.

The message also announced that the House insisted upon the amendment to the bill (S. 222) to amend section 1661 of the Revised Statutes making an annual appropriation to provide arms and equipments for the militia, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FORNEY, Mr. MCADOO, and Mr. HOPKINS managers of the conference on the part of the House.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 137) for the relief of William Wright;

A bill (H. R. 1085) for the relief of Albion S. Keith;

A bill (H. R. 2173) for the relief of George W. Cousins;

A bill (H. R. 3554) for the relief of Thomas Mathews and others;

A bill (H. R. 6313) to release unto the city of San Antonio, Tex., for its use as a public thoroughfare, certain portions of the military reservation near said city;

A bill (H. R. 8597) for the relief of Henry Neal;

A bill (H. R. 8923) to amend an act in relation to the immediate transportation of dutiable goods, and for other purposes, approved June 10, 1880;

A bill (H. R. 9122) to confer jurisdiction upon the Court of Claims to hear and determine the claim of David Ryan against the United States;

A bill (H. R. 10056) granting to the Saint Paul, Minneapolis and Manitoba Railway Company the right of way through the Indian reservations in Northern Montana and Northwestern Dakota; and

A bill (H. R. 10242) making appropriations for the support of the Army for the fiscal year ending June 30, 1888, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 7879) to amend the law relating to the bonds of executors in the District of Columbia; and

A bill (H. R. 9736) to grant the Maricopa and Phœnix Railway Company of Arizona the right of way through the Gila River Indian reservation.

INDEBTEDNESS OF PACIFIC RAILROAD COMPANIES.

Mr. MCPHERSON. I submit a resolution, and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be, and is hereby, requested to inform the Senate, as soon as practicable, the sums of money which were owing to the United States by the bond-subsidized Pacific railroad companies, respectively, on the 1st day of January, 1887, giving detail of all payments made on account of the same, and also the sums which are due, and to become due, principal and interest, under existing law, severally and collectively, from said companies, and what difference will result to the Treasury if Senate bill No. 1200 should become a law.

The PRESIDENT *pro tempore*. The Senator from New Jersey asks for the present consideration of the resolution. The Chair hears no objection, and the question is on the adoption of the resolution.

Mr. HOAR. It seems to me that if the resolution is to pass it should also be accompanied by a direction to the Secretary of the Treasury to inform Congress of all existing questions in dispute, so far as known, between those roads and the Government.

Mr. MCPHERSON. I can not hear the Senator.

The PRESIDENT *pro tempore*. The Senate will please come to order. There is too much conversation in the Chamber.

Mr. HOAR. I move to amend the resolution by adding to it—

And a statement of all existing questions in dispute between said roads, or any of them, and the Government, so far as known to the Secretary.

Let those words be inserted in the proper place. I suppose the Senator from New Jersey will have no objection to the amendment.

Mr. McPHERSON. If the Senator will bear with me a moment he can very well see what his amendment would entail. I do not expect or desire the Secretary of the Treasury to enter into a discussion of the merits of any bill before Congress. My resolution simply asks for information from the head of the proper Department of the Government who can give the information, but only touching the debt statement.

Under the Thurman act the bonds of the subsidized railroads and the legislation touching them and the accounts which were to be rendered were to be made to and through the Treasury Department of the Government. I desire to have a statement made by the proper officer of the Government, and not by any paid attorney of the railroads. In saying this I make no accusation.

If I am correctly informed, and my information is largely verified by the investigation that I have been enabled to make, if the bill (S. 1200) should become a law we would be giving to the Pacific railroads more values as a contribution out of the Treasury of the United States than the entire value of all the landed property which we have been here for the past three or four years trying to get back on the forfeited land grants.

The Secretary of the Treasury can give that information, and as to the argument of which the Senator from Massachusetts speaks, I would just as soon hear that from him as from the Treasury, and I think the public would perhaps be as well advised. But the pure, simple statement of the account, and that as compared with what the Senate bill proposes to do, is all I ask to have done, which can be done promptly. As the Senator well knows this bill (S. 1200) stands at the head of the Calendar almost, and can be called up at any day. It is necessary that the information should be given promptly and at once, and without having attached to it any extraneous matter whatever.

The PRESIDENT *pro tempore*. The Senator from Massachusetts offers for adoption an amendment, which will be stated.

The CHIEF CLERK. It is proposed to add to the resolution the following words:

And a statement of all existing questions in dispute in regard to the amount of such debts between said roads, or any of them, and the Government, so far as known.

Mr. McPHERSON. Now, Mr. President, I want the Senate to distinctly understand what the effect of that amendment will be. It will be to deprive the Senate of the information asked for by my simple resolution in sufficient time to enable the Senate to have the benefit of that information if this bill is to be considered at the present session of Congress. If the Senator from Massachusetts will say to me that in this short session, of which we have now less than two months' time, with the multitude of questions pressing on the attention of the Senate of a public character, that he will not ask for the consideration of the Pacific Railroad bill (S. 1200), or any matters relative to that subject until the next session of Congress, but will agree to a resolution fixing a time, say on the first day of the next session of Congress, I will withdraw my resolution and obtain the information for myself at my convenience.

Mr. HOAR. Mr. President, the Senator from New Jersey has a sincere eye for the public good in his resolution; nobody doubts that; but I am exceedingly surprised at his proposition, for the arrangement he makes is a very unusual one. Whenever the Senate comes to deal with the subject, it is of course important that it should have before it in some authentic way exactly the information which the Senator asks. It has most of it before it in two or three different reports—reports of the Secretary of the Treasury and reports of the Railroad Commissioner—but it is entirely reasonable that the Senate should have in one place put by itself, as the Senator asks, a statement of the amount of debt of these roads and a statement of the opinion of the head of the Treasury Department what the effect of this particular bill would be. That is very clear, and I make no objection to it.

But it is equally true that if that statement of the amount of these debts depends upon the Secretary's opinion of certain disputed or doubtful questions, some of which are pending in the courts, and which make a difference of millions upon millions of dollars in the result, the fact that those questions are pending or are raised between the representatives of the Government and the representatives of the railroads should be also known to the Senate, so that it may judge of the questions and may determine them.

Now, the information which I propose to have is, I have no doubt, all in the report of the Railroad Commissioner, and can be extracted from that report; but it will be a little more convenient, as we have part of this information in one place, to have it all there together.

I will say to the Senator in regard to his suggestions that there may be a possible delay; that if I were to agree not to call up the bill until the next session it would only interest stock-jobbers and not legislators. Such a postponement I can not agree to; but I shall not call it up, as far as I am concerned, until this information is obtained.

Mr. McPHERSON. That is a concession for which I thank the Senator.

Mr. HOAR. If it should not come in within a reasonable time, I would consent to have the resolution divided, and have a call sent which could be answered promptly.

Mr. McPHERSON. I prefer to have a vote upon the amendment offered by the Senator from Massachusetts now. Let me read the amendment as proposed by the Senator:

And a statement of all existing questions in dispute in regard to the amount of such debts between said roads, or any of them, and the Government, so far as known.

Why, Mr. President, this would require considerable time and a large clerical force to copy decisions. My resolution simply calls for a statement of the accounts of the debt between the Pacific railroads, and a comparison as to what the result will be under the operation of the Thurman bill and the proposed bill which is before the Senate. All I want is that statement. I want no argument from the Treasury Department touching the disputed questions. The country well knows, the Senate knows, what the questions in dispute are. If they do not they can readily learn. The effect of this amendment is simply to postpone action.

One word further. I do not charge the Senator from Massachusetts——

Mr. HOAR. The Senator will pardon me. I think I know something about this little question and the state of the public records. I do not believe my amendment will postpone action or postpone the answer to the Senator's resolution five minutes.

Mr. McPHERSON. Will the Senator offer it as a separate proposition, if he please? Then it will not interfere in any way with my call.

Mr. HOAR. Let it be offered now as a separate proposition and voted upon with the other.

Mr. McPHERSON. Let us vote on the other proposition first.

I wish to say one word more before I take my seat. Many of the statements publicly made are misleading to the railroad companies, and intended to be misleading, and therefore I think that it is the duty of Congress to thoroughly understand this question. I should like to ask the Senator from Massachusetts, or any Senator, why it is that this so-called funding bill, which proposes to confer upon the stockholders and owners of the Pacific railroad property this vast benefit—for nobody doubts that it is a great benefit to them—is supposed to be necessary to secure the Government debt on these roads when their junior securities, coming after the Government debt, in the shape of bonds, are selling at 15 per cent. premium to-day? Those who hold junior securities to a large amount of these subsidized roads, notwithstanding the great fears expressed here that the Government will not be able to collect its debt, value their securities at 15 per cent. premium.

Sir, I intend to show, and I think I can show, at all events I will attempt to show that by the operation of legislation pending in Congress to-day, if it shall become a law the effect will be to give as a donation to these Pacific railroads more money than the value of all the lands which we have been proposing to forfeit for the past three years. I do not believe it it the intention of the Senate to do such a thing, and therefore I want this information. I want it from the Government, from the proper officer of the Government, and hence I have asked for it.

Mr. HOAR. Mr. President, it seems to me this is a very extraordinary proceeding. Here is a bill which was reported in its general features at the last Congress. There is to be a debt amounting, in round numbers, to $150,000,000, which will fall due to the Government on an average of eleven or twelve years from this time. There is due from the same corporations, the subsidized corporations, an equal amount as the principal of that debt, to which the Government claim on these roads was subordinated, which will fall due about the same time. There are various railroads, four or five in all, the two principal ones being the Union Pacific and the Central Pacific, to which that state of things applies. The Judiciary Committee was satisfied that it would not be expedient for the Government of the United States at the end of this time to drive these roads into bankruptcy and to have them sold in the market, on the one hand, or to take possession of them and run them itself as a Government operation, on the other; and if there is any Senator who differs from the Committee on either of these propositions I shall be surprised to learn the fact. The Senator from New Jersey is too experienced in the politics of this country and too experienced a legislator to have such a view on his part.

Some of these roads, I suppose, if they could be assured that the United States would make no claim to assert its authority over the road for any purpose, but would simply let them rest, would now or very soon be able to make an arrangement for a new loan which would pay off the Government loan, and go on taking it at its market value; but they cannot do it if they are not to know what the Government is to do until the debt matures.

It has been recommended by the present administration, who have responsibility in regard to it, that the present worth of that indebted-

ness should be ascertained; that to that present worth should be added a rate of interest a little exceeding the rate on which the Government can obtain money, and that that should be spread over a period of from fifty to sixty, or seventy, or eighty years, and the debt removed upon those terms, allowing each road to pay so much a year.

A bill based upon that theory was reported to the Senate from the Judiciary Committee at the last session. A similar bill is said to be pending elsewhere, in the House of Representatives; and having charge of the Senate bill, I announced to the Senate at the end of the last session and again at the beginning of this that it was so doubtful what would be the fate of the bill there that it seemed not worth while to trouble the Senate with an attempt to bring the matter up here until the other House had acted. If it should disapprove the whole proposition, it would be of no use to urge it here; while if the other House should mature a plan we could act on that plan with knowledge of the opinion of the House of Representatives a little more intelligently than we could before we had that knowledge. Therefore the matter has been put off from week to week.

Now, the Senator from New Jersey suddenly gets up and for the first time after all this asks to have laid before the Senate—which I do not object to—a statement from the Secretary of the Treasury of what is the amount of that debt—we have it in fact in a dozen forms already—and what will be the effect on the Government of making the arrangement contemplated by the Senate bill. I do not object to that; but certainly if that be reasonable it is also reasonable that the existing questions of law now in litigation should be also stated by the Secretary of the Treasury when he makes that answer. If my amendment does not prevail, the Secretary of the Treasury must, I think, comply with that request. He is not going to throw away any even plausible claim that has been made or may be made on the part of the Government, and therefore he must, of course, state every proposition that affects the Government debt. There are some of these questions as to which the Court of Claims unanimously decided in favor of the roads. They have gone up and are pending in the Supreme Court. There are others in which the Supreme Court has decided in favor of the roads, and there are others still undecided. My suggestion simply is that the Secretary shall accompany this statement of the debt with a pointing out to the Senate how much is certain and how much is in dispute. That is all.

Mr. MCPHERSON. Mr. President, it will be observed that my resolution asks for information touching facts, figures, accounts, papers, and the very proper place to seek that is from the officer of the Government who has charge of these accounts. The amendment of the Senator from Massachusetts relates to discussions of law, statements of conflicting claims. It seems to me that his amendment very properly should be referred to the law officer of the Government.

I now wish to ask the Senator if he is unwilling that I should obtain the information I seek, information upon questions of fact purely and simply, without having it trammeled with his questions of law?

Mr. HOAR. What does the Senator mean by that?

Mr. MCPHERSON. I mean exactly what I have said.

Mr. HOAR. The statement has not any meaning at all, because the question of fact involves the question of law. You ask the Secretary of the Treasury to tell Congress how much a particular railroad company owes the Government; and how is he to do that without determining in his own mind the principles of law by which that debt is to be ascertained?

Mr. MCPHERSON. You ask his opinion on certain disputed points, upon which the courts have not passed. How much would his opinion be valued by the Senator?

Mr. HOAR. Very well. When he states that it involves his passing on every single one of these questions in dispute—for he can not answer the Senator's question until he does that—I only want him to add to his answer a statement of the questions in dispute upon which he has passed. That is all. You can not cover the answer to the Senator's question without having the answer to mine.

Mr. MCPHERSON. It would be a most singular condition of affairs if a question so important to the people of this country as this question is known to be should be permitted to pass through this body without the opinion of the law committee of the Senate. It would be a most singular condition of things if the gentlemen who constitute the Judiciary Committee of this body should not be prepared to answer any question or give any information touching the status of a bill it had reported favorably to this body. But in order that we may understand as a purely financial business transaction how much money we are voting into the pockets of a lot of stockholders, who, the present president of this road declares, never paid a dollar in the world for their stock, I ask for this information. If we are to continue these payments, and to continue them out of the public Treasury, it is the duty of every Senator on this floor to understand thoroughly what he is about before he casts his vote in that direction.

I have asked only one thing—that I may have the state of the accounts. As to the other matters, I expect to be informed by the honorable committee who have charge of these matters in this body.

Mr. EDMUNDS. This subject has got so interesting that I should like to say a word myself.

Mr. CULLOM. Is the resolution before the Senate for consideration?

The PRESIDENT *pro tempore*. The resolution is pending before the Senate by unanimous consent.

Mr. EDMUNDS. And I have the floor.

The PRESIDENT *pro tempore*. The Senator from Vermont has the floor.

Mr. EDMUNDS. I shall occupy but a minute.

If the Senator from New Jersey will look at the report of the Railroad Commissioner of last year bringing matters down to the end of the last fiscal year before this one, and if he will get the pamphlet copy of the report of this year, which, I believe, is printed for the Department but which under the reform administration of the Government Printing Office is not yet printed for the use of Congress although it has been in a month now, he will find all the information that he asks for in this resolution, with one exception which I will mention presently; and the Senator from Massachusetts will also find I think in the report of this year (which, if I remember it correctly, is like the one of last year in form, as it undoubtedly is), a statement of what are the disputes between the United States and the companies in regard to allowances for transportation, mails, &c.

Mr. HOAR. The Senator from Vermont will pardon me for remarking that I have so stated to the Senate already.

Mr. EDMUNDS. So that altogether in an official public document of last year and of this too—although for this year I can not lay my hand on it because the Public Printer has not yet in a month got it printed, it seems—the Senators will find brought together and not separate and on four or five pages of that report altogether and stated very clearly and very well indeed, I am bound to say for the present Railroad Commissioner, all this information, the total amount of the principal of the original bonds issued to each one of these companies, and then the aggregate to all; the total amount of all the interest the United States has paid; the total amount of the coupons outstanding which the United States are bound to pay and which have not been presented; the total amount that has been reimbursed to the United States by the services of the companies; the total amount that has been got into the Treasury by the sinking fund under the Thurman act so called. Then it goes on to state the subjects of controversy between the respective companies and the Government and what has been done about them, what the Court of Claims has decided and what the Supreme Court has decided, and how those decisions settle matters as far as they have gone. So all the information of facts which is asked for here is already before us, as it seems to me, in the most compact and intelligible way possible.

Now we come to the end of this resolution.

Mr. MCPHERSON. This report, I understand the Senator, is made by the Railroad Commissioner.

Mr. EDMUNDS. By the Railroad Commissioner, who by law has charge of all these accounts of the railroad companies.

Mr. MCPHERSON. The Senator will observe that I have asked that a report be made by the Treasury Department, so that I may have two reports.

Mr. EDMUNDS. Inasmuch as the Treasury Department has not, under the law, got the means of giving the information that the Interior Department through the Railroad Commissioner has under the law, the report of the Secretary of the Treasury will necessarily (unless he borrows it from some other Department) be less full than the report of the Secretary of the Interior embodying the report of the Commissioner of Railroads. That is clear enough.

Now we come to the end of this resolution asking the opinion of the Secretary of the Treasury—which he is under no obligation to give any more than I or any other citizen—as to what will be the effect of the passage of the bill reported from the Committee on the Judiciary as to money affairs. That is a proposition so simple within the first four rules of arithmetic that I do not believe the Secretary of the Treasury, as eminent as he is, can know any more about it than any intelligent Senator or any other intelligent citizen. It is a mere question of arithmetical computation, and that is all there is to it.

The United States, on the theory of the bill which has been spoken of—and I am not going to discuss it at large—rather than to have its mortgage run in with one hundred millions of dollars and upwards due in 1896, in round numbers—ten years hence—and be obliged to foreclose and take possession of this property, is willing to extend the time of payment at a lower rate of interest, requiring an absolute payment every year, so that there can be no ground for haggling or dispute, and that any dispute concerning transportation claims shall not affect the duty of the railroad companies to pay the full amount of the bonds due every year or every six months as it comes around. But if they have any claim against the Government beyond what the Government is willing to allow they must fight them out like anybody else. They can not hold back their payment on the bonds on any such theory as having an offset. All that is prevented. Whether it is wise or unwise for the United States to extend this debt for a definite length of time, having it reduced by a definite proportion every year at a low rate of interest, is a question for consideration. Gentlemen may differ upon it; but that is the proposition and all of it, except that in arranging

the present worth of this debt the United States has been able to get nearly one-half of the amount of interest upon the interest that we have paid, which the Supreme Court decided we were not yet entitled to, if we ever were, the companies contending that when the time comes when we are to be reimbursed for those coupons we are paying from year to year we are not entitled to interest upon them.

Some members of the Committee on the Judiciary, at least, if not all, were of opinion that when the time came we could probably recover interest upon these sums that we have been paying during this course of years in coupons. But that is a disputed point; it must be admitted that it is not clear. But I felt strongly enough upon the subject to insist upon it that we should get a share in this readjustment, and fixing the sums they were to give new bonds for, of what the interest on these sums we have paid would amount to, so as to save to the United States a great many millions of dollars, which it is very far from being clear we could secure when the time comes. Whether that is wise or unwise is another question; but asking the opinion of the Secretary of the Treasury as to what is the arithmetical effect of renewing a debt at 3 per cent., instead of collecting it at 6, is a thing that I do not see any use in, I must confess. If anybody wants it, and the Secretary is willing to give it, it is his affair.

Mr. McPHERSON. It is well known that the Treasury Department is furnished with experts who will be able to make this computation and make it in a manner to be intelligible to everybody. There appears before the Senate a bill so complicated and involved that I doubt very much if even the honorable Senator, distinguished as he is and earnest and zealous as he is, feels to-day that it is exactly the proper thing for this Government to do, and that he is really satisfied in his own mind with it.

Mr. EDMUNDS. If the Senator refers to me I will say that I am satisfied with the bill as the best thing that the Government under the circumstances can do. The Government at present is in great danger. We are not getting into the sinking fund as much money, if the thing is to go on as it is, as we ought to get. This bill provides that if the companies or any one of them does not accept this bill in terms and do what the bill requires, then the amount to be paid into the sinking fund shall be largely increased.

We ought to bear in mind another thing, if we are to speak of the matter as we have begun to do, and I will only take a moment; and that is that there is no existing provision of law now which authorizes the President of the United States or the Secretary of the Treasury or anybody else to redeem the first mortgage which is ahead of us, or to take care of it in any way; and without any provision of law they can not do it. If we let this thing run until the time comes when the first mortgage is due, which is the same time that our bonds are due, and there is no law to act under, a foreclosure can be made by confession, and the United States will be foreclosed out as a second mortgagee without the possibility of redress. The Committee on the Judiciary, looking to that, reported a separate bill to authorize the President of the United States in all such cases to interfere and protect the interests of the Government; but we can not get it passed into a law. Reform has got so rampant that it is impossible to do anything to protect the interests of the United States, apparently.

Mr. McPHERSON. Now if the Senator from Vermont should happen to be convinced after a careful computation has been made by the Treasury Department that he is mistaken with respect to the character of the bill before the Senate, I presume the Senator would change his mind on this question.

Mr. EDMUNDS. Very likely.

Mr. McPHERSON. One word more while I am upon my feet. It is well known that we passed a bill here known popularly as the Thurman bill, with which I think the Senator from Vermont had perhaps more to do than any Senator in this body to-day. The Supreme Court has decided it to be a proper exercise of the power of Congress. We declared there that the Pacific railroads should pay a certain sum of money into the public Treasury as a sinking fund. Now if we have the power to require a certain amount of money of the earnings of these roads to be paid into the sinking fund, there is certainly no limit to our power to require that all the net earnings should be turned into the sinking fund.

How much better it would be for the Senate acting in the same direction that it was then, increasing the amount in the sinking fund by the operation of the Thurman act extended, a matter which everybody understands, already decided by the Supreme Court to be within the legitimate power of Congress, and within their right under the charters! That is a plain, practical proposition for every Senator. We understand exactly the meaning of it. Instead of lessening their obligations to the Government—as they should have done—the Pacific railroad companies have since the passage of the Thurman act spent millions upon millions of money in building side lines and feeders to the Pacific railroad systems, part of which could just as well have been paid into the public Treasury as a sinking fund and liquidate the debt to that extent. But no, they are continually building branches, and they are building them to-day from the surplus earnings of the roads over and above the amount paid into the sinking fund, and this, too, in the face of the fact that at the time of the passage of the Thurman act the Pacific railroads declared that they could not pay the amount required by that act without oppressing them.

Further than that, the bond securities of the roads junior to the Government debt are to-day selling at a large premium in the market. The stock of the roads which did not pay a single dollar to their construction, so said by the present president of the road, some of whose statements I shall take occasion to read to the Senate if the bill ever comes before this body, declaring as he does almost in terms that the road never cost one-half its present capitalization.

Now I claim and will show, if I can have the statement which I ask for, that the bill proposes a simple donation to the Pacific railroads of a large sum of money that the roads do not need. There is no danger of the Government debt on these roads if you compel them to pay a part of their net earnings in addition to that now paid into the sinking fund; then no harm can come to the Government.

Those intelligent, wise financiers who to-day hold millions upon millions of the junior securities of these roads which are behind the Government debt are to-day expecting confidently that the companies will pay off the first and second mortgage bonds; else why are the junior securities quoted far above par?

The effect, Mr. President, will be that it will become a magnificent stock-jobbing concern. That is the meaning of it in its result. Look at the millions of money that these railroads have paid in dividends upon stock costing nothing to the stockholders. They came here in 1878 when the Thurman bill was before the Senate, and declared that they could not pay the small amount demanded by the provisions of that bill into a sinking fund to protect the Government debt, but since then they have expended more than $30,000,000 in building branch lines alone.

I wish to know whether the general mortgage the Government has is a lien on the branch lines. I notice, however, that the branch lines are mortgaged largely, as I am informed, beyond their value, and if the Government lien should cover them also it is not a first lien; that is a matter, however, which is yet to be investigated.

Another thing that is being done, of which I have the proof, is that when freight is taken upon these side lines and carried over them to the parent line, or the subsidized road, from whose earnings the railroad company is required to pay a certain proportion into the public Treasury, the major part of the earnings are given to the branch line, and the subsidized line which pays the Government under the operation of the Thurman bill gets but a small portion. In other words, the earnings of the subsidized line are kept down to the minimum by a division of the earnings between the two lines. A method of bookkeeping unfair to the Government is resorted to.

Now, Mr. President, I simply ask for the figures and a comparative statement made by experts paid out of the public Treasury of the United States to give it. I am encountered by an amendment to the resolution which involves, if it involves anything at all, a demand upon the law officer of the Government instead of upon the Treasury.

Mr. HOAR. Mr. President, I can not conceive what interest can be promoted unless it be the interest of some stock speculator somewhere, some bull or bear, by undertaking to discuss weeks in advance a measure which may possibly come before the Senate two weeks hence, and possibly may not reach discussion here at all at the present session. I do not think, therefore, that it would be profitable for me to enter upon a discussion of this measure at this time. Justice, however, to the persons interested requires me to say that the Senator from New Jersey, when he stated the character of the owners of the stock or the method by which the stock was obtained in any of the roads, refers to a period that has long gone by. It is true that in the years between 1864 and 1868, the period of the construction of the Union Pacific Railroad, there were transactions which when disclosed excited the interest and indignation of the American people. I myself was charged with the duty of writing a history of those transactions, which I performed to the best of my power in the other House, and I have no disposition to make any deduction from the statements there made. But Congress at that time had the question submitted to it, whether it should cause legal proceedings to be instituted to vacate that charter, whether it should undertake to take possession of the road by public authority, or what other terms it would attempt to avail itself of. It determined that it would not undertake to vacate the charter of the road at that time. It left, therefore, the stock of that road in the possession of its owners; it left the road in the possession of the stockholders, and from that time to this, a period of eighteen years from the time of the original transactions, the stock of this road has remained in the market, the investment constantly changing. It is hardly fair, therefore, in determining the question what we shall do with one of these roads to-day, to cite the misconduct of the stockholders or managers of twenty or twenty-two years ago.

The management of the road is entirely changed. Jay Gould is said to have had control of it at one time; but some two years and a half or two years ago his interest in it was entirely parted with, it is understood, and a new set of officers were elected, the offices of the road were moved from New York to Boston, and a gentleman against whose integrity I have never heard a charge assumed the management of the road—Mr. Charles Francis Adams, jr., as he then was—who declared that it should be his object to see that every obligation, direct or in-

direct, legal or equitable, of that road to the Government and people of the United States should be thenceforth performed, and to the performance of that promise he pledged whatever of character or integrity or capacity he possessed. Knowing something about the history of that road from that day to this, I declare that I have never heard in public or in private, and have never read, a charge or claim that Mr. Adams had failed to carry out that promise to the best of his ability.

I do not think the wildest man in the community charges the gentleman who is now at the head of the Union Pacific Railroad with any want of absolute good faith to the Government and to the people, as well as to the road which is in his charge. I say this speaking of a gentleman with whom I have been for more than four years opposed in political opinion, and whose public influence, so far as politics is concerned, is exerted against the cause and party and the opinions which I hold dear. So, in saying this, I am doing justice to an opponent, not defending his character that I have any personal duty or obligation to defend.

It so happened that about three or four years ago, before this gentleman went into the charge of this road, he made a public statement that he had investigated the Union Pacific Railroad—I think he was then Government director, or had some relation representing the public—and that he believed that it would be in the end a permanent, steady, 6 per cent. paying stock, and that the public might put confidence in it. It was at a time when it was almost impossible to get any safe and secure investment except at a very high premium, and the result was, especially in the State of Massachusetts, that trustees and guardians and widows, persons of small means, hastened to buy when they could not have got, I suppose, the stock of the Boston and Albany road, or any other of our principal railroads, for less than 180 or 175. They bought the stock of the Union Pacific Railroad, and it went from a very small sum, 20 or 30 cents on the dollar, up to 110 and 115. These investments were so general in the State of Massachusetts that a single broker in the city of Worcester, where I live, is said to have placed at about that time over three million dollars' worth of stock in the hands of the people in that vicinity. Whether that is true or not I do not know, but I have heard it so asserted.

Mr. Adams sent into the committee a few leaves cut—copies of course but copied from leaves of the present stock registry of the road, showing the nature and character of the stockholders, the small amounts they hold, the number of women and guardians and trustees, taken at random.

Now, the Senator from New Jersey gets up and cites to the public a statement made by this gentleman when he was attacking the wrongs and errors of that road twenty years ago, before he was president of the company, as if he were stating—and anybody who did not hear the explanation would have understood from the Senator from New Jersey that that is the condition of the stock owned in the road to-day. The statement of course was not so intended, but it does very great injustice to the subject.

Mr. BECK. I wish to ask the Senator a question; or I can make a statement and he can answer it afterwards.

Mr. HOAR. I would rather not yield for that purpose. If the Senator wants to ask a question, I will yield, but I do not wish him to make a statement until I get through.

Mr. BECK. What I desire to know is whether, since 1878, twenty or thirty millions of the earnings in part of each of these roads has been expended in building branch roads, as stated by the Senator from New Jersey; and if so, whether the United States retains its lien upon those branch roads subject only to the first mortgage; and next, whether a rate of freights is charged over these branch roads, as asserted, greater than is charged over the main line, either for the purpose or to have the effect of decreasing the net profits which legitimately go to the sinking fund? My object is to ascertain how far these gentlemen are in good faith trying to protect us, before we extend further privileges to them.

Mr. HOAR. The question of the Senator from Kentucky will be, when this bill comes up, a very pertinent one—one which demands and should have an answer.

Mr. BECK. I would not have asked it now but for the statement made here.

Mr. HOAR. I understand. I do not suppose that the net earnings of this road, a percentage of which belongs to the Government, have been ever expended in what would be literally or technically described as the construction of branch roads. It is undoubtedly true that the resources of the company have been expended—and I should rather refer to the documents before undertaking to make the explanation—in acquiring in various ways interests in roads which were necessary for the protection of the business of that road itself. In one instance it has been the acquiring of stock; in another instance it has been the acquiring of bonds where the bondholders controlled the branch; but the control of branch roads undoubtedly has been obtained by the Union Pacific Railroad Company. We should have roads leading to the capital for the necessity of our business of legislating here.

In regard to the matter of the difference in the price of freights, I am not able to answer the Senator from Kentucky, and I will not undertake to do so.

Mr. BECK. Do these branch roads add to our security, or may they become competing lines?

Mr. HOAR. These branch roads are not a part of our present security. One of the features of the bill, as proposed, is that it requires as a condition of this legislation that all the branch roads and all the newly-acquired properties of the company whatever are to be put into our mortgage. That arrangement is to be made before the bill becomes operative. That is the answer to that question.

But, Mr. President, I wish to repeat my sense of—I will not say the indecency, but the impropriety—the unfairness of undertaking to prejudice the public mind or the mind of the Senate in regard to a measure which may never reach us here at all at the present session by springing in advance on the Senate a discussion of this complicated subject when the Senate can not act upon it at all until the bill is regularly before us, which possibly will not happen at all during the present session of Congress or until the other House has acted.

I wish to recall the Senate to this point, that if the Secretary of the Treasury is to be asked to state the amount of this debt, which is the principal and bottom fact which we wish to know in determining what we will do with it, he ought to accompany that statement with a statement of what part of that debt, as he finds it, is free from dispute, and what part depends upon the determination of doubtful questions of law which are pending in the courts.

Now will any fair-minded Senator doubt or dispute the truth of that affirmation? If you are to know or to act upon a belief as to the amount of this debt, do you not want to know how much of it is disputed and what the question is in dispute?

Mr. McPHERSON. Mr. President, one word more, because perhaps in some remarks of mine I may not have been as exact as I ought to have been, for I do not now remember the exact figures that I used, my statement being a general one. But I will now speak by authority, in order that the Senator from Kentucky may understand exactly what I mean, that the mileage of the Union Pacific subsidized line at the time of the passage of the Thurman act was 1,360.41 miles, made up as follows: The main line, including the bridge at Omaha, 1,042.41 miles; the Colorado Central 178 miles; the Omaha and Republican Valley 50 miles; and the Utah and Northern 80 miles. The mileage of the branch lines equaled 318 miles at the time of the passage of the Thurman bill. The amount invested in them, according to the report of the Government directors, was, in the Colorado Central $266,176, in the Utah and Northern $130,800, in the Omaha and Republican Valley $817,500; total $1,615,464. It had also invested in the Utah Central $277,000, and in the Utah Southern $1,020,500.

The total investments in the five lines at the time of the passage of the Thurman act equaled $2,912,956. The Utah Central and the Utah Southern are not included in the Union Pacific system, the latter company owning only a minor part of the stock and bonds of the two companies now consolidated as the Utah Central. The company first published a balance-sheet in 1880. Its annual reports in 1878 and 1879 gave no account of these branch lines nor of the amount invested in them. In 1880 the mileage of the branch lines had increased to 1,033.20 miles. The amount invested in them at the close of 1880 was $19,507,615, the increase of investment being $16,995,059. The question is, where did this money come from?

Mr. HOAR. The Senator stated it at $30,000,000 awhile ago.

Mr. McPHERSON. I am correcting my statement. At the close of 1885 the branch lines of the company equalled 2,687.81 miles, the increase from the passage of the Thurman act equalling 2,308.78 miles. The investment in the branch lines increased from $1,615,466 to $41,777,412, an increase equalling $40,181,956, or, deducting the investment in the Utah Central and Southern lines, $38,000,000 and odd. Mr. Adams declared that the investment equalled $46,000,000. In such case the increase in eight years, between 1878 when the Thurman act was passed and 1885, exceeded $43,000,000, upon which I believe the Senator from Kentucky says we have no lien.

Mr. BECK. I inquired if we had any lien.

Mr. McPHERSON. I am not prepared to say. I do not want to make any statement that I can not verify. I think what I have already said has been sufficiently verified. I think the bill of the Senator from Massachusetts proposes to give the Government a lien on the branch lines, therefore I assume it has no lien on them at present.

Now, Mr. President, I want to know, if in right or reason, any Senator can object to a plain resolution asking for information, asking for facts and figures, or seek to load it with an amendment calling for information that can properly not be given by any Department of this Government save the Law Department.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment proposed by the Senator from Massachusetts.

Mr. HOAR. I call for the yeas and nays. I think this matter had better go over until to-morrow morning.

The PRESIDENT *pro tempore*. If there be no objection the Chair will announce the arrival of 2 o'clock, as it lacks but a minute or two of that hour, in order to dispose of some business on his table.

Mr. McPHERSON. Do I understand that objection is made to the present consideration of the resolution?

The PRESIDENT *pro tempore*. The Chair is of opinion that an objection is now too late.

Mr. HOAR. But it goes over, at any rate. I do not care about taking the floor for one minute.

Mr. HARRIS. Two o'clock would carry it over anyhow.

The PRESIDENT *pro tempore*. The Chair avails himself of the mean time to lay before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The following bills this day received from the House of Representatives were severally read twice by their titles and referred to the Committee on Claims:

A bill (H. R. 137) for the relief of the estate of William Wright;

A bill (H. R. 8597) for the relief of Henry Neal;

A bill (H. R. 9122) to confer jurisdiction upon the Court of Claims to hear and determine the claim of David Ryan against the United States.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 2173) for the relief of George W. Cousins; and

A bill (H. R. 6313) to release unto the city of San Antonio, Tex., for its use as a public thoroughfare, certain portions of the military reservation near said city.

The bill (H. R. 3554) for the relief of Thomas Mathews, and others, was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 1085) for the relief of Albion S. Keith was read twice by its title, and referred to the Committee on Naval Affairs.

The bill (H. R. 8923) to amend "An act in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 10056) granting to the Saint Paul, Minneapolis and Manitoba Railway Company the right of way through the Indian reservations in Northern Montana and Northwestern Dakota, was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 10242) making appropriations for the support of the Army for the fiscal year ending June 30, 1888, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 20th of December, 1886, approved and signed the act (S. 830) for the retirement of certain officers of the Navy of the United States.

The message also announced that the President had on the 23d of December, 1886, approved and signed the act (S. 1526) amending sections 4756 and 4757 of the Revised Statutes relating to pensions to certains disabled persons who have served in the Navy or Marine Corps.

The message further announced that the President had on the 3d of January, 1887, approved and signed the act (S. 263) providing for the erection of a public building at Springfield, Mass.

COMMERCE WITH CENTRAL AMERICAN STATES.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

Referring to my message of the 12th of January last, transmitting the final report of the commissioners appointed under the act of July 7, 1884, to visit the States of Central and South America, I have now to submit a special report by Commissioner Thomas C. Reynolds on the condition and commerce of Nicaragua, Honduras, and Salvador.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, January* 5, 1887.

AMENDMENTS TO BILLS.

Mr. DAWES submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, with the accompanying papers, and ordered to be printed.

Mr. EUSTIS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

INTERSTATE COMMERCE.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, being the bill (S. 372) to establish agricultural-experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementing thereto.

Mr. CULLOM. I move that the conference report on the bill (S. 1532) be now taken up for consideration.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the conference report on the interstate-commerce bill be now taken up.

The motion was agreed to; and the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (S. 1532) to regulate commerce.

Mr. CULLOM. Mr. President, when the conference report was made by the committee the report was not read in full. I only desire to call the attention of the Senate to that fact, but I do not propose at this moment to have it read, as the Senator from Connecticut [Mr. PLATT] is prepared to address the Senate on the subject, and I will waive the reading for the present.

Mr. PLATT. Mr. President, the utterances of Senators in this Chamber are so liable to be misunderstood, I will not say misrepresented, that I takeoccasion to say before proceeding with my remarks, and to say it with what emphasis I may, that I am in favor of legislation for the regulation of the business of the railroads of the country within the extreme limits of the Constitution, which I understand to be for the regulation of that portion of the business done upon the railroads of the country which comes within the definition of "interstate commerce." I wish that it were so that Congress had power to go further in the subject of railroad legislation.

More than that: I am in favor of this bill with one exception. I have labored earnestly, with what diligence I might, conscientiously, to endeavor to perfect the bill and to assist the chairman of the committee and the other members of the committee in coming to conclusions upon this subject, and I am ready to agree with the report of the conference committee upon all the points except the one to which I shall call the attention of the Senate.

It is not a question of whether we shall legislate for the regulation of interstate commerce transacted by railroads, but it is a question of how we shall legislate. It is a vast and complicated subject that we deal with, vaster and more complicated, I think, than any one apprehends until he has made a careful and exhaustive study of the subject. The very fact that there were moved upon the railroads of the United States in the year 1885, 437,000,000 tons of freight, a very large proportion of which, I suppose 60 per cent. at least, came under the definition of interstate commerce, the fact that the entire receipts of the railroads of this country in the year 1885 were $765,000,000, a sum more than twice as great as the entire income of the Government, of which $519,000,000 were from freight receipts alone, shows how vast the question is. How complicated it is no one can ever know except those who have been practically engaged in the operation of railroads.

The basis upon which we must legislate, as it seems to me, is simple. The justification for legislation is that the railroad business, unlike other business, is of a mixed nature. It is partly private business and partly public business. I think that we should refrain as far as possible from legislating to affect purely private business in this country. But when a private business is "charged with a public use," as the phrase is, when the railroad undertakes to discharge a public duty as well as to conduct its private business, it is eminently proper and necessary that there should be legislation to make sure that the public business is conducted for the public welfare; that its public duty is faithfully discharged, and that no abuses are allowed to exist.

I said the basis of legislation was simple. It should be the enforcement of the common law—that, and nothing more. Congress may not justify itself, in my judgment, in stepping outside of the well-defined principles of the common law in legislation. Those principles affecting interstate railway business have had a growth of centuries. They provide the remedy for every difficulty which can arise in the operation of railroads. The application of those principles to every evil or abuse which can be charged against railroads and railroad operations will solve the difficulty and remedy the evil. The difficulty is only in the application.

So then, I think, we should confine our legislation to the enforcement of the common law. That is simple. It is only this; it can be expressed in a word: The rates charged by common carriers must be reasonable, and such carriers must only charge like rates for like services. That is all. It has been the intention of this committee to confine legislation within these limits. A careful study of the bill as it was passed by the Senate will show that we did not go outside of those limits, that we undertook to make no new law for the regulation of railroads and the business of railroads and interstate commerce in this country, but that we did undertake to hold the railroad management of this country up to the strict letter of the common law.

We did this intentionally. We did it because in the light of experience in this and other countries we believed that that was the best method of dealing with the railroad problem, because those State Legislatures which had legislated thus and stopped there had done most toward a favorable and satisfactory solution of the railroad problem in the States. For instance, all the legislation of the State of Massachusetts upon this subject is to be found in a single statute which is in chapter 225 of the acts of May 16, 1882. I read it. It is an amendment to a former statute which imposed penalties for violations of the common law. It is this:

SECTION 1. Chapter 94 of the acts of the year 1882 is amended by striking out the first and second sections thereof and inserting instead the following words: "No railroad company shall in its charges for the transportation of freight or in

doing its freight business make or give any undue or unreasonable preference or advantage to or in favor of any person, firm, or corporation, nor subject any person, firm, or corporation to any undue or unreasonable prejudice or disadvantage."

That and a short-haul law upon which largely the short-haul provision of the Senate bill was modeled, and a single statute in relation to the transportation of milk, is all the remedial legislation which has been resorted to in the State of Massachusetts.

In addition to that, they have a railroad commission. That commission has very little power. It has power to hear complaints and to make report to the attorney-general of the State and to the Legislature. That simple legislation has been found to be the most effective State legislation in the United States, and it is in that State where the legislation has been most simple, where it has been strictly confined to a declaration and enforcement of the common law, where the fewest complaints against railroads now exist. It is in those States which have legislated most severely and rigidly where the most numerous complaints, and, in my judgment, the best-founded complaints, of railroad abuses now exist.

The committee believed that it was not best in experimental legislation to go too far, and this legislation is experimental. They believed that it was unwise to attempt to prescribe a remedy for every alleged abuse in railroad management by specific legislation, by hard and fast iron-bound statutes applying thereto. I think the committee were right, and therefore I have great pleasure in standing by the committee bill with the single exception to which I am to-day to call the attention of the Senate.

The discussion upon this bill is narrowed to two issues, and I think the committee and the Senate may be congratulated that the work of the committee has been practically adopted by both branches of the national legislature, with the exception of these two topics which still excite discussion. These two questions are, first, whether the Senate will adopt the modification proposed by the conference committee in the short-haul section, and, second, will it prohibit pooling instead of leaving it for the present to the investigation of the commission.

Now that these two issues come clearly before the Senate, I wish to put in juxtaposition, side by side, the provisions of the Senate bill and the provisions of the bill recommended by the conference committee upon these topics. First, I read the short-haul clause of the Senate bill, section 4:

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, and from the same original point of departure or to the same point of arrival; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time make general rules exempting such designated common carrier in such special cases from the operation of this section of this act; and when such exceptions shall have been made and published they shall, until changed by the commission or by law, have like force and effect as though the same had been specified in this section.

That is all there is of it except the penalty clause, which appears elsewhere in the conference bill. The section in the conference bill is this:

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance.

It will be seen that those words have been substituted for the words "and from the same original point of departure or to the same point of arrival."

But this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

The main change, as will be seen, recommended by the conference committee is as I have indicated, the striking out in the Senate bill of the words "and from the same original point of departure or to the same point of arrival," and substituting therefor the words "the shorter being included within the longer distance."

Now, I read the Senate bill provision with regard to the subject of pooling. It is this:

SEC. 19. That the said commission shall specially inquire into that method of railroad management or combination known as pooling, and shall report to Congress what, if any, legislation is advisable and expedient upon that subject.

I read next the section in the bill proposed by the conference committee on the subject of pooling:

SEC. 5. That it shall be unlawful for any common carrier subject to the provisions of this act to enter into any contract, agreement, or combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof; and in any case of an agreement for the pooling of freights as aforesaid, each day of its continuance shall be deemed a separate offense.

Elsewhere in the bill it is provided that the commission of any act which it is provided shall be unlawful may be punished by a fine not exceeding $5,000.

Now, with regard to the change in the short-haul clause, I have this to say: I do not think as an original proposition the change was a wise one. I do not think it is an improvement of the bill as it left the Senate. I think the Senate bill recognized a principle which was sound, and that principle was that the question of what is a reasonable charge upon freight to a station or from a station is not to be determined by the question of what is charged for freight to or from another station. In other words, the question of reasonable freight charges must vary with the location of the place to or from which the freight is shipped, the volume and character of the business to be transacted going to and from that place. I believe that was a wise provision based upon a sound principle, and I do not think it was wise to depart from it; and I think that these words which have been inserted about the shorter distance being included within the longer distance are uncertain and ambiguous. I do not think any man knows to-day what they do mean. I think it will greatly trouble courts and commission to decide what they mean.

It is certain that the introduction of these words makes an exception to the rule. It is certain that the bill, as it stands reported by the conference committee, implies that there are some shorter distances for which more may be charged than for longer distances. It is for courts and the commission to find out what those shorter distances are, for, mathematically speaking, every shorter distance is included within the longer distance. But this bill says on this subject that it shall not be lawful to charge more on the same line in the same direction, under similar conditions and circumstances, for a like kind and amount of freights, for the shorter than for the longer distance which includes the shorter. Mathematically speaking, we should say that was impossible. Speaking of the words when put into a statute, we know they must have a construction. I have never yet seen the man who was able to say what those shorter distances were in which railroads were to be permitted to charge more than for longer distances. They are there in the bill if it passes, and the courts will have to say what they mean.

But, notwithstanding all this, I stand by the short-haul clause for the purpose of getting legislation on this subject. I am willing to surrender, so far, my judgment as to what is wise and best. Right here I want to allude to an objection based upon a possible construction which I have heard urged against this short-haul clause.

I am told that there is fear in many quarters that this construction will be put upon it: that where two or more independent lines of railroad (independent in ownership and operation) contract with each other to forward freight over the entire line so made up, and for each independent link the railroad company owning and operating it to accept a certain proportion of the through freight as its share, that portion which it so agrees to accept under these circumstances will be made the measure of the charge upon freight shipped over its own road or any portion of it. I do not think that such can be the construction of the bill.

Every road must stand by itself. It is upon the company's own road that the short-haul clause takes effect. If a number of independent companies, having independent lines which together form a continuous through route, contract as to the freights which shall go over those routes, then they, as contracting parties, are bound as to freight which is shipped over those roads as to the price, and may not charge more on freight sent under contract between those points for the shorter than for the longer distance; but the share which each road may receive for carrying such through freight does not, in my judgment, furnish the measure by which any one of those independent and independently-operated companies is to measure the rate for other freight upon its own road.

I have said this much to explain the fact that, although I do not think we have improved the Senate bill on this subject, I still take it and stand by it.

But the section of the bill proposed by the conference committee which prohibits pooling under criminal penalties I can not consent to. I would for the sake of getting legislation assent to it if I did not believe in my inmost mind that it was impolitic, unjust, and calculated to embarrass and possibly defeat the beneficial operation of the bill.

I do not think that to justify my dissent I must hold affirmatively that pooling contracts are legal and right. I think the burden of proof is upon them who would make such contracts criminal. Can it be that in the Senate of the United States and in the House of Representatives of the United States crimes are to be made and penalties of $5,000 a day are to be inflicted, and the parties who propose it are not to show why the contracts for which those fines are imposed are illegal or wrong? And to give reasons why I can not assent to such legislation, must I prove affirmatively that such contracts are right and are according to the common law? It is for those who say that pooling between railroads shall be criminal to show that such arrangements are either op-

posed to the common law, condemned by the common law, or they are so far wrong in principle, as being opposed to public policy, that it is just and wise legislation to make them criminal offenses.

Mr. President, we must get back to definitions. I apprehend that these contracts, which are known as "pooling contracts," are entirely misunderstood in character, in purpose, in results, and it is the evil significance which attaches to this unfortunate word "pool," which railroads never apply to these contracts, which has created an unreasonable prejudice in the minds of the people of the country, upon which it is supposed that, without investigation and without affirmatively showing anything wrong or improper in these contracts, we are to brand the making of them as criminal. It is said that "that which we call a rose by any other name would smell as sweet," but the converse of that proposition does not hold true. These contracts under other names would never be supposed to be against the public interest. Railroad companies have tried to escape from the fateful influence of that name. They have called such contracts what they more properly are—co-operation—contracts for traffic unity—but without avail; that unfortunate name is fastened upon these contracts. But I do not propose, therefore, to strike at what can not be shown to be wrong, improper, or against the public welfare or opposed to public policy.

What is a pool? What is a pooling contract? It is simply an agreement between competing railroads to apportion the competitive business; that, and nothing more. I repeat it—it is an agreement between competing railroads to apportion the competitive business. It does not touch the local business; it does not reach it; it has no reference to it. The local business is left to each individual company. It is non-competitive. A pool has nothing to do *per se* with making rates.

And right here I want to call attention to a glaring inconsistency in this proposed legislation. The proposed prohibition of pooling does not prohibit the railroad companies from making rates. Indeed, the whole bill compels agreements between competing roads for the making of rates. The section does not propose to prohibit a hard and fast agreement between railroads to maintain rates. Indeed, it almost compels it. It does not propose to interfere with any other means which railroads may adopt, which are inducements to the railroads themselves to maintain rates. All that it does propose to do is to make criminal the apportionment of freight between competing railroads, or the division of earnings by competing railroads. With that criminal clause in the bill, it would still be open to railroads to enter into any other kind of contracts which they might invent for the purpose of maintaining rates agreed upon. It would be open to competing roads to put a sum of money in the hands of a commissioner or an arbitrator to be used as penalties, as liquidated damages to be recovered by the other companies of any company that should violate the agreement to maintain rates. It does not apply to a hundred means by which railroad companies may in some way make it for their interest to maintain the rates which they themselves have fixed and have legally agreed to maintain under this bill. Is it not pretty remarkable legislation that there should be left the right of competing roads to fix rates jointly for competitive business; that there should be left the right to agree to maintain those rates and not cut or vary from them; that there should be left free to them every means to protect themselves against the violation of those agreements, except just this matter of apportioning between them the competitive business of the roads or the division of joint earnings?

It may be said that perhaps it is not so bad a measure after all if it leaves all those things open to the railroads, but the inconsistency of it is intensified many times.

Mr. MCPHERSON. Would it interfere with the Senator to ask a question at that point?

Mr. PLATT. I think not, though I am making an argument which rather requires a connected thread of thought in order to be intelligible, not to say effective.

Mr. MCPHERSON. I shall not ask the question.

Mr. PLATT. I say, then, that the thing which it is proposed to make criminal is contracts for the pooling of freights of different and competitive railroads or the division between them of the aggregate or net proceeds of the earnings of such railroads. Now, I want to read a word from Mr. Nimmo's report, which is called the report on the Internal Commerce of the United States in 1879, showing what a pool really is. And I want to say a word about Mr. Nimmo, whom I shall frequently quote during this discussion; I shall not quote railroad presidents, with a single exception or two; I shall not quote pool commissioners. I propose to fortify what I have to say on this subject by quotations from men who have studied this question from an independent standpoint and with no interest to favor railroads. Mr. Nimmo, Chief of the Bureau of Statistics until 1884, is an able statistician and a careful student of political problems, who in the nice adjustment of offices to civil service reform principles by the present administration was asked to make way for another man. Mr. Nimmo is certainly good authority by reason of the attention which he has given to this subject. As far back as 1879 he said:

> The use of the term "pool" as a designation of the agreements entered into between railroad companies for the apportionment of traffic, or the receipts from traffic, is of recent application. The term has usually been applied to a game of *chance*, in which all the players contribute toward making up the stake or pool, and the winner in the game gets the whole, whereas what is now known as a railroad "pool" is simply an agreement entered into between companies for the apportionment or division of the traffic between roads engaged in competitive traffic. By this arrangement they take no chance, but seek to escape the chances that, under unrestrained competition, they may be able to secure less than what they deem to be their equitable share of traffic and reduce to a certainty the share of the traffic which they shall secure. The main object, however, is to avoid the great losses inevitably resulting from wars of rates. In its application to the apportionment of division of railroad traffic, the meaning of the word "pool" appears to be, in a double sense, the reverse of its ordinary significance in its application to games of chance.

Again, in 1881, he said:

> A railroad freight pool is simply an agreement that, at competing points, the several contestants for traffic shall be allowed a certain percentage of it, or of the receipts therefrom, to be determined either by arbitration or by a convention of the representatives of all the competing roads. When such an agreement is faithfully observed, it is found to be comparatively an easy matter to decide as to the rates which shall be charged and to maintain them.

Sometimes the same authority agrees upon and fixes the rates, and sometimes it does not—the same authority which apportions or divides the traffic. The maintenance of rates is in no sense *per se* part of the pooling contract, and it is not so treated in the bill, as I have shown. It is not so treated in the bill which prohibits and makes criminal only a thing independent of and distinct from the making of rates and the agreeing to maintain them.

Now I call attention for a moment to Judge Cooley's explanation of a pool, which is to be found upon page 2 of a pamphlet by Judge Cooley in 1884, originally published in the Railway Age of Chicago, entitled, "Popular and Legal Views of Traffic Pooling." He says:

> In this country the method of pooling seems to be for the several contracting parties to create some common authority upon which will be conferred the power to establish and change rates for the transportation of property within a certain territory or over a certain line, and also to apportion the business between them. The apportionment will be made upon a consideration of what the companies severally would be likely to obtain under the operation of free competition, and it will be changed from time to time if found to be relatively unjust. The feature of arbitration upon controversies arising between the contracting parties will also be prominent in the arrangement.
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> The avowed purpose in pooling is to avoid ruinous competition between the several roads represented, and the unjust discrimination between shippers which is found invariably to attend such competition.

Would you believe that in a bill largely and mainly aimed at the prevention of unjust discrimination a clause would be found making criminal that practice to which railroad companies have resorted to prevent unjust discrimination?

A pooling contract is based—that is to say, the percentage of freights or the portion of freights which each company agrees to be satisfied with—is based upon the results of traffic for several years under free competition; and it is a strange thing that, however fierce the competition, the amount of competitive traffic which a road secures remains practically the same; whether competition be fierce or whether there be little competition, the amount of traffic which a competing road secures is practically the same. This apportionment of traffic, then, is based upon what returns for some years under open competition—when competition has been fierce and when it has not been fierce—have been secured by each competing road.

The fact to which I have alluded shows that there is for every competing railroad its natural, normal share of the competitive business, business which will come to it whatever the competition may be. A competing railroad company may be justified in saying that such share of the competitive business belongs to it so long as it maintains only reasonable rates for doing it. It is upon that theory that the apportionment is made. If it constitutes an agreement for the prevention of competition, for non-competition, it is this, that the railroad company will not fight for more than its natural share of the business. Its object is, as I have shown by the quotation from Judge Cooley, to remove the inducement which exists for railroads to enter into ruinous competition or into unnatural strife for business which does not belong to them.

It may be said that the purpose of pooling is to maintain and establish equal and stable rates. What is this bill for? What has been the purpose of the committee in this bill? They have heard from all over this land that one of the chief and greatest causes of complaint against railroads was the fluctuation of rates, rates which were up to-day and down to-morrow, up for the retailer and down for the wholesaler, and fluctuating up or down as the caprice of the railroads or the emergencies of the competitive strife should require. Look at the report of the committee, look at the testimony before the committee, and you find that one of the main objects of this bill is to make rates stable and permanent when they have been found to be reasonable. I challenge any man to show that the object or purpose or faithful observance of a pooling contract—by which I mean the apportionment of the competitive traffic, or of the earnings derived from such competitive traffic—can be anything else except the maintenance of stable rates. It is supposed, I think, on the part of the public, that in some way these railroad pools fix unreasonable rates.

I challenge proof of it. I heard petitions presented at that desk this morning praying for the passage of this bill. For what purpose? To prevent excessive rates, discriminations, and pooling. It shows the utter and lamentable ignorance of what pooling contracts really are.

There is not a man who ever studied them, there is not a man who ever investigated their operation, but what will tell you that the main purpose of them is to prevent discriminations; and yet here we have a bill in which we propose to make criminal the means which the railroad companies adopt to prevent discrimination. Others may agree to it for the sake of getting legislation. I will not.

I know this is no place to discuss a legal question thoroughly and exhaustively, but I say the advocates of the prohibition of pooling can not maintain that these contracts are objectionable under the common law, certainly not that they are illegal at common law; nay, more, I would with confidence stand before the Supreme Court of the United States, or the supreme court of any of the great States of this country, and undertake to maintain that, one thing being assumed, such contracts are legal and would be enforced by the courts, and that one thing to be assumed is that the rates shall be reasonable.

A pooling contract—a contract to apportion between competing roads the competitive business for which reasonable rates have been agreed on—I undertake to say, in my judgment, will be held valid at common law.

I am not unmindful of the general principle that contracts in restraint of trade are held to be illegal—that is, in the sense that they will not be enforced by the courts. I am not unmindful of the fact that combinations wholly to prevent competition in trade would be held illegal by the courts to the extent that they would not be enforced, that courts would say to the parties to such contracts, "these are voluntary agreements of yours; you can get no sanction from the courts, because we think they are against public policy.". That is what is meant when it is said such contracts are illegal.

But contracts in partial restraint of trade have been held to be valid for the last one hundred and sixty years in all the courts of England and America. And I hold that combinations for the partial prevention of competition are governed by the same rules as govern contracts for the restraint of trade, and that contracts only for the partial restraint of competition will never be declared to be illegal and void unless it clearly appears that they are injurious to the public interest. The law of this country is well stated by the commentator in Smith's Leading Cases, commenting on the great case of Mitchell *vs.* Reynolds, decided, I think, in 1711, thus:

The present doctrine is that while contracts in total restraint of trade are void, yet if the restraints imposed be partial, reasonable, and founded on good consideration they are valid and will be enforced.

And Judge Bradley, of the Supreme Court of the United States, held in that very same language, in a case reported in 20 Wallace, that that was the doctrine of the common law as it exists in this country. You can not, therefore, jump to the conclusion, because a contract for the division and apportionment of freights between competing roads may in some sense to some extent regulate or limit competition, that it is illegal. I undertake to say that, with the exception of one or two cases to which I will allude, in this country there can not be a case found where such contracts have been held to be illegal unless they were for the total prevention of trade within certain limits, or unless they related to the control of a production like coal or iron, as well as the carrying of the same. It depends on whether the prevention aimed at is total, unreasonable, and injurious.

As I said, the common law of England certainly is that such contracts are legal. The common law of England and America is the same. And yet the English courts, law and chancery, each hold just such contracts as it is proposed to declare illegal and criminal to be valid, and enforce them. I want to put this question to the Senate of the United States: England has had as much experience in railroads as we have; it has had the experience of thirty years of legislation it; has experienced all the evils; it has tried all the remedies for abuses; and does the Senate of the United States propose deliberately to-day to say that arrangements which English courts with all this experience hold to be legal and valid shall subject the parties practicing them to criminal penalties of $5,000 a day? I cite from the last legal treatise on railway law, Wood's Railway Law, volume 1, published in 1885. The author is an approved law-writer both in this and other branches of the law. I read from section 207, page 590:

SEC. 207. Pooling arrangements. In England it is held that "pooling" contracts, or arrangements between competing roads by which they agree to divide their joint earnings upon certain classes of business, or even their entire earnings, are legal and valid, where it does not appear that the interests of the shareholders or of the public are prejudiced thereby. But the English authorities upon many questions connected with railway law are hardly safe guides upon similar questions in this country, for the reason that their railway system is essentially different from ours, and such companies are under the direct and immediate supervision of a court of railway commissioners, which by statute is invested with authority to hear complaints and make orders, which relieve the public against any particular oppression or illegal action of the companies; yet upon this question such authorities are entitled to weight, because they are predicated upon the common law, and not upon statutory grounds.

The two leading cases in which the English courts held that such contracts were legal are on all-fours with the contracts which it is proposed to prohibit and make criminal by this bill. One was for a division of earnings; one for a division of traffic between competing roads running between two great points. Now I want to read what, when the case was tried at law, Judge Campbell said to the Court of Queen's Bench:

The question, then, is whether the agreement is void in law.

That agreement was this:

Here two groups of railway companies, being respectively the owners of independent conterminous routes from London to Edinburgh, the west route and the east coast route, agreed to divide the profits of the whole traffic in certain fixed proportions, calculated on the experience of the past course of traffic.

They agreed to divide the whole traffic.

Lord Campbell says:

The question, then, is, whether the agreement is void in law. As it has been clearly settled that an agreement to withdraw opposition to a railway bill for a pecuniary or other consideration is not illegal, the agreement in question would only be void in case it was illegal upon other grounds, such as those suggested on the part of the defendants—that it was injurious to, and therefore in a legal sense a fraud upon, the public or the shareholders. The defendant's counsel contended that it was injurious to the public by giving, in effect, a monopoly to the plaintiffs, and thereby depriving the public of the benefit that might be derived from competition.

That bugbear of free competition was invoked there as here.

If this were so, and the parties proposed by their agreement to endeavor to prevent competition generally, there might be weight in the objection; but the effect of the agreement is only that the one company shall not compete or interfere with the other upon the particular line mentioned in the agreement; this is no more illegal than it would be for two persons engaged in trade to agree that one shall not exercise his trade nor compete with the other within a particular district.

I shall not read further, but I will say that it having been settled that such contracts are valid in England, are held to be not injurious to the public, not against public policy, this law-writer reviewing the whole question of decisions in America comes to this conclusion:

It is believed that, except when prohibited by statute, contracts for "pooling" earnings by rival lines, when made in good faith for self-protection, and which do not result in the creation of a monopoly injurious to the public, are valid and not obnoxious to the charge of being opposed to public policy.

Judge Stevenson Burke (I said I should quote but few railroad authorities, and I quote Judge Burke because he was an eminent judge before he became a railroad man) says:

In England, Parliament has established a railway commission and sanctioned by law contracts of the character and kind under consideration, but before Parliament acted upon this subject the English courts held such contracts valid.

And he closes his argument for the legality of legal pooling contracts in these words:

Many similar quotations might be made, but the single point which I set out to maintain is that such traffic contracts or arrangements honestly and fairly made in the interest of the public and of the shareholders of railway companies, are not only not void as against public policy, but they are in all respects commendable, promotive of public and private interest, and conducive in all respects to the public welfare, and, therefore, of necessity lawful.

Judge Cooley, in a very exhaustive work, from which I have already quoted, "Popular and Legal Views of Traffic Pooling," goes thoroughly into the question. He says:

The suggestion of pooling, though likely, perhaps, to occur anywhere, comes to us from England, where pooling contracts in the railroad business and others of a semi-public nature have been held not to be illegal, both when they were made on the basis of an equal division of profits and where the basis was a division of business between the contracting parties.

Judge Cooley in his argument clearly maintains that such contracts ought not to be held illegal in this country, but he says it is impossible to tell what the courts may do on the subject, as the question is still an open question.

I should not be treating this subject fairly if I did not admit that there were two cases decided in the State of New York in 1847 which seem to be conclusive so far as the law of that State is concerned, and until they are overruled it is there held that such contracts are against public policy and therefore void. Those are the only two cases. They have not escaped criticism. They have been very severely handled by other courts, and it is more than probable that they would not be followed.

I will read what Judge Cooley says about those cases. First, let me say, however, that such contracts when executed have always been held to be good by the courts of the United States. Judge Nelson, in the circuit court in Massachusetts, and Judge Matthews, in the circuit court in Ohio, have explicitly decided that when once executed the law would compel a party who had in his hands any money which, under the contract, should be paid to another party, to pay it over. It may be said that the doctrine of estoppel comes in there, but the doctrine of the legality of contracts was raised in those cases, although it was not specifically passed upon by the judges who decided them. Contracts for the pooling of business and receipts between continuous roads—roads forming a continuous line—have been repeatedly held to be good in this country.

Now, I come to what Judge Cooley says about the two New York cases, referring to the class of cases to which I have just been alluding. He says:

Before either of these cases was decided it had been held by the supreme court of New York (in 1847) that a contract between the proprietors of canal-boats for fixing rates and for a division of net earnings was void, though the object was expressed to be "to establish and maintain fair and uniform rates of freight and to equalize the business of forwarding on the Erie and Oswego Canals among themselves, and to avoid all unnecessary expenses in doing the same." The argument of the court is brief, and is summed up in two short sentences: "The object of this combination was obviously to destroy competition between the several lines in the business engaged in. It was a conspiracy, between the individuals contracting, to prevent a free competition among themselves, in the business of transporting merchandise, property, and passengers upon the public canals." "It is a familiar maxim that competition is the life of trade. It follows that whatever destroys or even relaxes competition in trade is injurious if not fatal to it."

I will not stop to read the decision in the other case because it followed the decision already referred to. Judge Cooley continues:

These cases have not passed entirely without criticism in this country. They were cited to the Supreme Court of Wisconsin not long after they were made, and were there dissented from in very vigorous terms. Referring to the maxim that competition is the life of trade, Judge Howe, speaking for the court, said that it "is one of the least reliable of the host that may be picked up in every market place. It is, in fact, the shibboleth of mere gambling speculation; and is hardly entitled to take rank as an axiom in the jurisprudence of this country. I believe universal observation will attest that for the last quarter of a century competition in the trade has caused more individual distress, if not more public injury, than the want of competition. Indeed, by reducing prices below or raising them above values—as the nature of the trade prompted—competition has done more to monopolize trade, or to secure exclusive advantages in it, than has been done by contract. Rivalry in trade will destroy itself, and rival tradesmen, seeking to remove each other, rarely resort to contract, unless they find it the cheapest mode of putting an end to the strife. And it seems to me not a little remarkable that in the case of Stanton *vs.* Allen—

In which I did not read the opinion of the court—

it should have been urged against the agreement that its object was to exempt the standard of freights, &c., from the wholesome influence of rivalry and competition. For it is very certain that because of that very purpose—because they did tend to protect the party against the influence of rivalry and competition—courts of law have upheld like agreements in partial restraint of trade ever since the case of Mitchell *vs.* Reynolds.

Judge Howe was afterward Senator Howe, and I need not say to Senators who served with him that he was an exceptionally good lawyer.

Those New York cases decided in 1847, thus criticised and dissented from by Judge Howe, may have been cited in the English cases; at least they were decided long before the English courts held precisely the opposite doctrine. Those two New York cases are the only ones in this country on which, as it seems to me, any expectation that our courts will hold such contracts illegal can be based.

Contracts for the division of competitive business of railroads, or of the earnings thereof, are not agreements to enhance or depress prices—are not agreements to control production, or the market for certain products—as in case of agreements to limit the output of coal or iron, or the supply of coal, or iron, or salt, or other commodities. Contracts for the apportionment of traffic between competing roads are easily distinguishable from the class of cases to which I have just referred.

I must not omit a *dictum* of Judge Deady in the circuit court in Oregon upon this very point, for although a *dictum* it is significant. The case is stated and his opinion quoted in full in the report of the Committee on Interstate Commerce, pages 121, 122.

The State of Oregon passed a law conforming as nearly as the circumstances of the case would admit—that is, as State jurisdiction would admit—to what is known as the Reagan bill in Congress. It was called in Oregon the "Hoult law." A receiver who was to manage a road in Oregon went to Judge Deady, of the circuit court, to know what he was to do in view of that law.

The Senators from Oregon will recollect the case undoubtedly. Judge Deady was the judge who held the court to which the receiver applied. He said that, as regarded this matter of not making any pooling arrangements, he did not think that the law was applicable, because the roads which the receiver was managing were not "different and competing roads," the language being the same which is used in this conference report bill, but that one was a supporting road to the other, and therefore he did not think that the receiver need trouble himself as to what the construction of that clause of the statute should be. But he said more—he went out of the way to say it, showing what Judge Deady would decide when such a contract was brought before him:

Pooling freights or dividing earnings is resorted to by rival and competing lines of railway as a means of avoiding the cutting of rates, which, if persisted in, must result in corporate suicide. It is not apparent how a division of the earnings of two such roads can concern or affect the public so long as the rate of transportation on them is reasonable.

Sound common sense, if not sound law. I apprehend it will be found to be sound law.

But I want to refer to the report of this very Committee on Interstate Commerce on the subject of pooling. It is not very long since this report was made. What did the Committee on Interstate Commerce think on this subject as to whether pooling should be prohibited under criminal penalties? When they reported the bill originally to the Senate, on page 200 of the report, they said:

In view, however, of the active competition which exists at the great commercial centers, the successful enforcement of legislation requiring the operation of the entire transportation system upon a basis of fixed rates would seem to depend upon a general predetermination of the rates to be established by the carriers interested. It seems necessary, therefore—

"Necessary," the committee said then—

to leave a way open by which such agreements can be made, in order to avoid the constant friction that would otherwise be occasioned.

They said it in view of this very bill and of its provisions, which it is now claimed may do away perhaps with the necessity of pooling.

If competition is to have full sway, as it does now, the constant changes it would necessitate would render it impossible to maintain fixed rates, just as it is now. It should be understood, therefore, that a statute requiring the posting of rates and prohibiting changes without notice must of necessity operate in restraint of competition if enforced.

I commend to those who believe that competition must not be interfered with, what this committee say on the subject of competition:

It would not destroy the benefits of legitimate competition, but it would place a wholesome restraint upon reckless competition, and in that way lessen unjust discrimination, which is developed in its most objectionable forms under the nourishing influence of unrestricted competition.

* * * * * * *

But, in any event—

They go on to say—

the evils to be attributed to pooling are not those which most need correction, and, if agreements between carriers should prove necessary to the success of a system of established and public rates, it would seem wiser to permit such agreements rather than, by prohibiting them, to render the enforcement and maintenance of agreed rates impracticable. The majority of the committee are not disposed to endanger the success of the methods of regulation proposed for the prevention of unjust discrimination by recommending the prohibition of pooling, but prefer to leave that subject for investigation by a commission when the effects of the legislation herein suggested shall have been developed and made apparent.

The majority of the committee when this report was made believed that to prohibit pooling would endanger the success of the methods of regulation proposed in the bill. What new light has dawned since? How is it that the views of the minority of that committee come now to be the recommendation of a majority of the conference upon the bill? There is but one answer, and that is, that what has been believed to be a wise principle has been surrendered for the sake of not imperiling legislation on this subject.

I have taken the testimony of the witnesses before the Interstate Commerce Committee; I have analyzed the testimony of two hundred of them who testified on the subject of pooling, and with what result? About three-fourths of the witnesses examined say: "Do not prohibit-but legalize pooling." I agree that a good many of them were rail, road men, men of vast experience in railroad business. I agree that some of them were men like Mr. Albert Fink and Mr. George R. Blanchard, men like President King of the Erie Railroad, and other railroad presidents, some then being in and some being out of the business.

I agree that they were unanimous in favor of legalizing pooling arrangements, but I do not ask you to rely upon their opinion, not that I think a man's judgment becomes impaired or warped necessarily because he is a railroad president or manager, not because I think he has become dishonest, not because I have not respect for him myself, but because I know that whatever a railroad president may say in this country, no matter how justly it reflects the light of his experience, will go for nothing with a certain portion of the people. But every railroad commissioner and every ex-railroad commissioner who testified before the committee, with one single exception, said, "Do not prohibit, but legalize and regulate pooling." A large proportion of shippers and business men said the same.

Now, take the one-fourth of the witnesses (about that proportion) who said, "prohibit." Mark this fact. Out of the two hundred about one hundred and fifty men said, "do not prohibit, but legalize." Among the fifty men, more or less, who said, "prohibit," there are not three to be found who claimed that pools resulted in unreasonably high rates, and it was manifest that they did not know very much about it when they claimed it. The reasons given were diverse. The reasons of the witnesses who wish to have pooling prohibited may be divided in this way, and about equally divided:

First, pooling prevents competition.

Second, it encourages the building of new railroads.

Third, it produces unjust discrimination.

The latter may be dismissed; for surely we cannot strike at pools because unjust discriminations have been the result of not observing the pooling contract. What we propose to do in the future, if investigation shall develop that to be the wisest thing, is to legalize and to regulate pools. That will compel their observance, and I undertake to say that there was never discrimination in this country by parties to a pooling contract when the contract was observed. It is only when the contract is broken that the discrimination comes. We lay aside, then, that objection; it is not a valid objection. The fact is that the non-observance of the practice results in discrimination.

Then these two reasons—one that they prevent competition and one that they encourage the building of new railroads—do not agree very well, because the building of new railroads is competition, the fiercest kind of competition, the worst kind of competition, competition which the Government, if it had the power, ought to put its hand upon; and everybody who will think a moment about it will agree with me in this.

Take this instance: Here are two railroads, we will say—I do not know whether there are, if not there soon will be—between here and New York. We will say, for illustration, that each one of them cost $10,000,000 to build. What is the result? There is so much business between Washington and New York. That business must pay, if the railroad is to be fairly remunerative—and I apprehend it is for the welfare of this whole country that railroads should be fairly remunerative—that business must pay enough to pay operating expenses, all fixed charges on both roads, and reasonable dividends upon the stock capital of each road. Say it is $20,000,000, each road costing $10,000,000, and all represented in capital stock, so that after the operating expenses

and fixed charges are paid it takes $800,000 to pay an 8 per cent. dividend on the stock of each. Then you have got to have out of that business, net, $1,600,000.

Now, suppose another ten million dollar road is built between here and New York, what then? That is competition. Competition must not be restrained, no matter in what form it comes. What is the result? There is another ten million dollar capital on which $800,000 more must be paid, in dividends, in addition to paying the operating expenses, and fixed charges out of a business which could just as well have been done by the two roads. There is no more ruinous kind of competition in the world, none more against the public welfare, than the building of competing railroads where none are needed. It is that evil which has led to the necessity of these contracts for the apportionment of competitive business.

But about a third of these, fifty men out of the two hundred, who said prohibit pooling, put it on the ground that it was against public policy to restrain competition, that the pooling contracts were in restraint of competition, and therefore they were against public policy and should be declared criminal.

As I have suggested, there is a class of people in this country who hold that any competition between railroads is for the public interest. It comes from men usually who want this whole railroad question to revolve around their city or their farm, or their store, their mine, their manufactory, or their bank. There are men who would be glad to have their wheat and their cattle and their coal carried for nothing. There are shippers who would rejoice to get secret rates, or pass-rates, if I may use the word, for their freight, and they welcome all competition which puts down prices to unremunerative points. Such individuals gain by such competition, but it is to the injury of every other citizen of the United States; it is to the demoralization of all business; it is the breaking down of all business honesty and lawful trade. There is a competition which is worse than the combination and co-operation of railroads.

I said I assumed in discussing these pooling contracts that the rates were always reasonable, and I challenge proof or fact to show that a competitive rate in this country is unreasonable unless it be relatively so. I agree that there are some cities which say they do not get as low rates as others do in proportion, but that would be a matter for a commission to fix. However, on a question of what is reasonable in any man's estimation, I challenge denial when I say that the competitive rates, the rates for competitive business in this country, are not unreasonably high. Indeed, all rates have gone down under pooling arrangements, both competitive rates and local rates. It is not true, as the petitions presented this morning stated, that pooling makes excessive rates, any more than it is true that it makes unjust discrimination.

There is a world of figures which might be introduced for the purpose of proving the fact that under pooling arrangements all kinds of rates have steadily on the average diminished in this country. I remember in the testimony before the Interstate Commerce Committee that question came up as to the Union Pacific. It was admitted that the through rate, the competitive rate, was as low, perhaps, as could be asked. It was shown that it had been going down steadily, year by year, until the managers of the road said they did not know what they were going to do. But it was urged that the local rate had not been reduced as the competitive rate had been reduced. The superintendent of that road, by figures, showed that about the same ratio of reduction had taken place in local freight as in competitive freight.

I take a single table, which I propose to put into my remarks, and only one, and to get it I confess that I called upon the terrible trunk-line commission in New York. I asked them to answer one question, and they did. I say that because it is headed, "Trunk Line Commission, New York, December 29, 1886."

TRUNK LINE COMMISSION, *New York, December* 29, 1886.

Statement showing the average earnings per ton per mile by the following roads during the years 1876 *and* 1885; *also showing decrease in earnings per ton per mile during* 1885 *as compared with* 1876.

Road.	1876.	1885.	Decrease in 1885.
	Cents.	*Cents.*	*Cents.*
New York Central and Hudson River	1.051	0.680	0.371
New York, Lake Erie and Western	1.099	0.656	0.443
Pennsylvania	0.892	0.627	0.265
Pittsburgh, Fort Wayne and Chicago	0.930	0.580	0.350
Lake Shore and Michigan Southern	0.817	0.553	0.264
Michigan Central	0.878	0.560	0.318
Average six roads	0.957	0.625	0.332

It is not competitive business alone, mind you, that this table refers to. It is all the business of these roads, competitive and non-competitive, through and local, the New York Central and Hudson River, the New York, Lake Erie and Western, the Pennsylvania, the Pittsburgh, Fort Wayne and Chicago, the Lake Shore and Michigan Southern, and the Michigan Central. I take those roads because they are roads most directly interested in the movement of freight between New York and Chicago. There are other roads in what is called the trunk-line commission, but these are the ones which I think fairly illustrate the influence of pooling managements upon the price of freight.

From this table it will be seen that the average earnings per ton per mile, or what is the same, the average charges per ton per mile of these roads in 1876 was 9½ mills, almost 1 cent per ton per mile; while in 1885, the time during which this trunk-line commission has been in operation, the average had been reduced to 6¼ mills per ton per mile upon all the business of these roads, competitive, non-competitive, through and local, and the reduction is equal to 33⅓ per cent.

Mr. PLUMB. Can the Senator supplement that statement by saying how evenly that reduced rate was distributed among the transporters on the various lines of railroads?

Mr. PLATT. Of course I can not. I am not saying that there are not abuses in railway management, but I say that you will not reach them by declaring these pooling contracts criminal. I say pooling contracts are in aid of remedying the abuses of which you complain, and I shall show it before I get through, if I have not already shown it.

I might turn the attention of Senators to the statement of Mr. Edward Atkinson in the Century for the present month, where he gives in a table the charge per ton per mile for moving merchandise over the New York Central and Hudson River Railroad in each year from 1855 to 1885. In 1855 it was 3¼ cents per ton per mile in gold. In 1885 it was $6\frac{5}{10}$ mills per ton per mile. This, of course, includes non-competitive as well as competitive business.

I do not deny that discriminations exist. It is one of the reasons why this bill should be passed. Discriminations exist in spite of pools by the breaking of pooling contracts, not by the observance of them. Do not, in the name of common sense, declare that criminal which has for its end the purpose which you avow is one of the main purposes of the bill.

I want to look this bugbear of so-called free competition, which it is claimed must not be limited, in the eyes for a few minutes. I have heard the maxim that "competition is the life of trade." I have heard much talk of the so-called law of nature and social life and economic life, "the law of competition and the survival of the fittest." In the sense in which they are invoked, I deny and repudiate them both. There is a competition which is not lawful, which is not legal, which is not honest. There is a competition which degenerates from true competition, and becomes simply war and strife—war carried on and conducted upon the old maxim that "all is fair in love and war." If by "competition and the survival of the fittest" is meant competition and destruction of the weakest, I say it is anti-Christian; it is anti-republican. I say that that kind of competition which results in the destruction of the weakest, the survival of the fittest, if permitted, would lapse us into barbarism. It would be the old pagan idea—the old despotic idea—that "might makes right;" that men are ruled by the strong hand, and not by regard for the moral law. It is expressed in that common phrase, "Every man for himself and the devil take the hindmost." Talk about such competition being demanded on the grounds of public policy! The sooner Governments put an end to such competition the sooner humanity will be free to advance along that upward pathway by which it is to reach its final glorious elevation; the sooner Governments will come to that beneficent standard designed by the Creator for the happiness of mankind.

I shall show pretty soon that you cannot stop competition. Pooling arrangements do not tend to stop it. Their only province is to regulate it. The regulation of competition is not only not against public policy, but is really in furtherance of the public welfare. But I wish to verify what I have been saying by reference to the opinions of some other men. As I said, I am not going to quote railroad men, except in one instance, on this subject. I want to quote on the subject of what competition is, this free competition which it is said must not be prevented by pooling contracts—on the subject of what it is and what it accomplishes, I wish to quote some men who I think will be listened to in the Senate even if I am not. I quote from the report of Messrs. Thurman, Washburne, and Cooley, constituting an advisory commission on differential rates by railroads between the West and the seaboard. I think no man will accuse Mr. Thurman of being a subsidized railroad attorney, or Mr. Washburne, or Mr. Cooley, and I think what they have to say on this subject of competition will have some weight.

Mr. EDMUNDS. What is the date of that?

Mr. PLATT. The date of this is 1882. They say:

We have found, however, in the course of our investigations, that a species of competition has prevailed from time to time which has brought satisfaction to few persons, if any, and which has resulted in inequalities and disorders greatly detrimental to trade. Such competition exists when the railroad companies, or those who are permitted to solicit business and to make contracts on their behalf, set out with the determination to withdraw freights from their rivals and secure them for themselves at all hazards and regardless of gain or loss; and when acting upon this determination they throw to the winds all settled rates, and in the desperate strife for business offer any inducement in their power which will secure it. The country not long since had experience of such a season, and everywhere we listened to complaints of the injury which legitimate business suffered from it.

Again—

Under such circumstances persons were favored, and localities were favored, when the object to be immediately accomplished seemed to require it—regardless of the just maxims of legitimate business, and of the rules of the common

law, which enjoin upon common carriers that they shall deal with all customers upon principles of equity and relative fairness. Legitimate business, it was said, necessarily passes into an unsettled and speculative state while this condition of things exists; safe and close calculations are impossible; transportation becomes cheap, but neither producer nor consumer is certain to reap the profit, for the middleman can not calculate upon the steadiness in low rates, and as he takes the risk of their being raised upon him, so he is in the best position to appropriate the benefit while they continue. Meantime, railroad profits disappear, and dividends cease to be paid, to the great distress of thousands who rely upon them for their living; and every interest in any degree dependent on railroad prosperity must participate in the depression and disaster which accompanies the ownership of railroad shares.

The mere statement of these results is sufficient to show that this is not what in other business is known and designated as competition. Competition is the life of trade, but this is its destruction; competition brings health and vigor, and secures equality and fairness, but this paralyzes strength and makes contracts a matter of secrecy and double dealing.

In the light of that are you going to declare as criminal these contracts, these arrangements, which nobody will deny have been resorted to by the railroads simply for the purpose of preventing this kind of competition described by Judge Thurman and Washburne and Cooley?

I am going to venture to quote a little from what Mr. Charles Francis Adams says on the subject of competition. He is a railroad president. Do not believe him if you do not want to, but I quote him because before he became a railroad president he was a most approved student of the railroad problem from a scientific standpoint. Now, in the light of his added experience, if you please, he said, in an argument before the Committee on Commerce of the United States House of Representatives on the bills to regulate interstate railroad traffic:

What, then, is this mysterious underlying cause of which the railroad abuses I have referred to as so notorious are the outward manifestations? With all possible confidence I assert that it is excessive and unregulated railroad competition. This, and nothing else. In saying what I am about to say, let me first premise that I have no intention of making myself ridiculous to you by attempting any general attack on the great laws of trade. I fully recognize their efficiency; and, as respects railroads, I concede at once all the wonderful results that have been accomplished through the free operation in this country of the particular law of competition. But all that has nothing to do with the present question. Competition is a great thing, but it works in rough ways. In other words, every abuse in the railroad system, so far as the interstate commerce of this country is concerned, can be shown to be the direct, the logical, the inevitable outcome of unregulated and desperate competition, and a mere outward skin symptom of it.

Oh, yes, prohibit these arrangements by which the railroads seek to prevent this illegitimate competition, declare them criminal, if you will, but do it with your eyes open.

I wish to take Mr. Nimmo's report and see what he says about it. Mr. Nimmo has made this an eight years' study. If anybody wants to get full information on the history and effect of pooling all he has to do is to read Mr. Nimmo's reports. He will find an almost exhaustless storehouse of facts. Mr. Nimmo says:

During the struggles referred to success waited upon intrigue and false representations. The freight agents deceived the merchants, and the merchants deceived the freight agents. For several years the railroad transportation interests of the country ran at loose ends. The contest, being carried on independently of leadership and without method, lost the name of competition and ended in demoralization.

And to-day it may be said that in some parts of this country, owing to the non-observance of apportionment contracts, just that condition of things exists which calls most loudly for the interposition of legislation.

Going on, Mr. Nimmo says:

It appears hardly necessary to observe that such a contest, involving results in the highest degree detrimental to the interests of productive industry, of commerce, and of transportation, had in it none of those conservative elements of legitimate competition which attach to ownership and to personal responsibility for results.

Let me quote a gentleman whom I regard to be the most thoroughly informed student of the railroad problem in the United States, a man who is beyond the suspicion of having an interest in railroads, a man who is so close to the industrial interests of this country that he was selected as labor commissioner of the State of Connecticut. I refer to Professor Hadley, of Yale College. I wish to read a little of what he says about this kind of competition. I read from the May number of The Popular Science Monthly, from an article entitled "The Difficulties of Railroad Regulation:"

While railroad competition has been in some respects a beneficent force it cannot be trusted to act unchecked. To the business community regularity and publicity of rates are more important than mere average cheapness. Business can adjust itself to high rates easier than to fluctuating ones. And railroad competition of necessity makes rates fluctuate. It tends to bring them down to the level of operating expenses regardless of fixed charges. If it acts everywhere as in the case of the New York Central and West Shore it leaves little or nothing to pay fixed charges, and means ruin to the investor, followed by consolidation. If it acts at some points and not at others, those points which have the benefit of competition have rates based on operating expenses, while the less fortunate points pay the fixed charges. Then we have discrimination in a dangerous form.

As long as competition exists, there is no escape from this alternative. If it exists at all points, it means ruin; if it exists at some points, it means discrimination.

I read from Professor Hadley's book on Railroad Transportation, published in 1886, a book which I commend to every student of the railroad question. Referring to combinations to prevent competition, mainly of combinations among laborers, and incidentally of combinations by way of pools to prevent indiscriminate and illegal railroad competitions, he says:

While the experiments in State socialism have been so often bad, there has been a tendency in a great many cases to go too far to the opposite extreme, and to call everything bad which restricted competition in any way.

That is the only ground upon which you propose to make these pooling contracts illegal.

Courts and legislators have tried to stop the growth of industrial monopoly by shutting their eyes to industrial facts. They have tried to prohibit such combinations altogether, the courts saying that they would not enforce contracts in restraint of trade, the legislators trying to render it illegal to make such contracts.

They could not stop such combinations because they were a necessity of business. The result of trying to prohibit them was what always happens when you try to prohibit a necessity; the worse features of the system were intensified. Secret combination was substituted for open; short-sighted and arbitrary policy was encouraged. By prohibiting the whole system the courts deprived themselves of the power of dealing with specific evils, such as secret favors or arbitrary discriminations.

I repeat what I said a little while ago: the only competition which these contracts for the apportionment of competitive business seek to prevent is the competition which discriminates between individuals, by which railroads cheat one another, and by which they violate the common law of England and America.

Competition in railroad transportation differs from every other kind of competition in the world. I do not say that it is not to be judged by the same legal rule, but I say in essence and in character it is different from competition in any other business. In the first place, it is not competition in trade. The railroad buys nothing of the producer; it sells nothing to the consumer. It simply carries—it distributes; that is all. Contracts in restraint of trade may operate the same with reference to contracts between common carriers as between merchants; but the two kinds of business differ in character. It differs from every other business, because whatever the result of the competition and the rivalry the railroad stays. Ricardo is a great advocate of the doctrine that competition is the life of trade; but he writes from a banker's standpoint. In banking, capital is circulatory. If competition drives it out of the banking business it may go into the manufacturing business. But the railroad stays, whatever the result of the competition. If "competition and the survival of the fittest" means the physical removal of the weakest, the pretended law is inapplicable, for you can not remove the railroad. When its iron rails are laid down from point to point, there it stays; and however many companies may be bankrupted by competition, there stands another company ready to take its place and to be bankrupted in turn. It is not so on the highways. It is not so on the water-ways. If two rival coach proprietors disagree and one is bankrupted, the coaches can go elsewhere and run on other roads. If rival steamboat lines disagree and by competition one is bankrupted, the boats can go elsewhere. The world is full of free highways, but the railroad is not a free highway.

Mr. HARRIS. I desire to ask the Senator from Connecticut if he wishes to conclude his remarks this evening or would he prefer to finish them to-morrow morning.

Mr. PLATT. I would prefer to finish to-morrow if I could do so.

Mr. HARRIS. I move then, if the Senator from Connecticut yields for that purpose, that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-three minutes spent in executive session, the doors were reopened, and (at 4 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 6, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 5th day of January, 1887.

ASSOCIATE JUSTICE SUPREME COURT OF DAKOTA.

James Spencer, of Whitehall, N. Y., to be associate justice of the supreme court of the Territory of Dakota, in the place of Louis K. Church, who has been nominated to be governor of the Territory of Dakota.

DISTRICT ATTORNEY.

Rhydon M. Call, of Florida, to be attorney of the United States for the northern district of Florida, *vice* Edward M. Cheney, term expired.

CONSULS.

Joseph L. Hance, of New York, to be consul of the United States at Turk's Island, *vice* N. K. Sawyer, recalled.

William S. Preston, of New York, to be consul of the United States at Verviers and Liege, *vice* Gilbert D. Robertson, recalled.

SUPERVISING INSPECTOR OF STEAM VESSELS.

James Curran, of Maryland, to be supervising inspector of steam vessels for the third district, in place of John Meushaw, suspended.

MILITARY PROMOTIONS.

Cavalry.

Second Lieut. Frederick D. Holton to be first lieutenant, Second Regiment of Cavalry, December 12, 1886, *vice* O'Brien, deceased.

Second Lieut. Charles N. Clinch, Twenty-fourth Infantry, to be sec-

ond lieutenant, Third Cavalry, January 4, 1887, with rank in the cavalry arm of the service from June 15, 1884.

William P. Chambliss, late major in the Fourth Regiment of Cavalry, to be major of cavalry, to rank as such from March 30, 1864.

Infantry.

Second Lieut. Frederic S. Calhoun to be first lieutenant Fourteenth Regiment of Infantry, December 3, 1886, *vice* Austin, deceased.

First Lieut. Charles A. Vernou to be captain Nineteenth Regiment of Infantry, December 18, 1886, *vice* Wharton, retired from active service.

Second Lieut. Edward B. Ives to be first lieutenant Nineteenth Regiment of Infantry, December 18, 1886, *vice* Vernou, promoted.

Second Lieut. Robert N. Getty to be first lieutenant Twenty-second Regiment of Infantry, December 17, 1886, *vice* Campbell, deceased.

Second Lieut. Wendell L. Simpson, Third Cavalry, to be second lieutenant Twenty-fourth Infantry, January 4, 1887, with rank in the infantry arm of the service from June 15, 1884.

POSTMASTERS.

Bessie McAllister, to be postmaster at Florence, in the county of Lauderdale and State of Alabama, in the place of John W. McAlester, deceased.

Samuel Q. Hale, to be postmaster at Tuskegee, in the county of Macon and State of Alabama, the appointment of a postmaster for the said office having by law become vested in the President from and after January 1, 1887.

Calvin A. Elliott, to be postmaster at Tucson, in the county of Pima and Territory of Arizona, in the place of M. P. Freeman, resigned.

A. J. Head, to be postmaster at Prescott, in the county of Yavapai and Territory of Arizona, in place of J. H. A. Marsh, suspended under the provisions of the seventeen hundred and sixth-eighth section of the Revised Statutes of the United States.

J. A. Israel, to be postmaster at Salida, in the county of Chaffee and State of Colorado, in the place of Milton R. Moore, resigned.

Marshall P. Dowe, to be postmaster at Danielsonville, in the county of Windham and State of Connecticut, in the place of Francis A. Shumway, whose commission expired December 20, 1886.

Henry M. Fitzgerald, to be postmaster at Greenwich, in the county of Fairfield and State of Connecticut, in the place of Alfred A. Rundle, whose commission expired January 2, 1887.

Sidney B. Warner, to be postmaster at East Haddam, in the county of Middlesex and State of Connecticut, the appointment of a postmaster for the said office having by law become vested in the President from and after January 1, 1887.

Abraham H. Morgan, to be postmaster at Way Cross, in the county of Ware and State of Georgia, the appointment of a postmaster for the said office having by law become vested in the President from and after January 1, 1887.

Charles E. Axt, to be postmaster at Odell, in the county of Livingston and State of Illinois, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

Frederic D. Jay, to be postmaster at Elmwood, in the county of Peoria and State of Illinois, in the place of Edwin R. Brown, resigned.

Robert F. Pace, to be postmaster at Mount Vernon, in the county of Jefferson and State of Illinois, in the place of Robert N. Hinman, whose commission expired January 2, 1887.

Robert D. Templeton, to be postmaster at Brookville, in the county of Franklin and State of Indiana, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

Anthony Brandt, to be postmaster at Bellevue, in the county of Jackson and State of Iowa, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

Robert Hafschmidt, to be postmaster at Lansing, in the county of Alamakee and State of Iowa, in the place of James Ruth, whose commission expired December 20, 1886.

William McClintock, to be postmaster at West Union, in the county of Fayette and State of Iowa, in the place of Charles H. Talmadge, whose commission expired December 20, 1886.

Charles M. McElroy, to be postmaster at Fairfield, in the county of Jefferson and State of Iowa, in the place of Thomas L. Hoffman, whose commission expired December 22, 1886.

Frederick A. Peck, to be postmaster at Humboldt, in the county of Humboldt and State of Iowa, in the place of Byron H. Harkness, whose commission expired December 29, 1886.

Dwight R. Phelps, to be postmaster at Sanborn, in the county of O'Brien and State of Iowa, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

Daniel L. Cline, to be postmaster at Coldwater, in the county of Comanche and State of Kansas, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

William W. Dill, to be postmaster at Cimarron, in the county of Ford and State of Kansas, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

Lycurgus W. Lee, to be postmaster at Neodesha, in the county of Wilson and State of Kansas, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

Clara L. Nichols, to be postmaster at Fort Leavenworth, in the county of Leavenworth and State of Kansas, in the place of Clara L. Nichols, whose commission expired December 13, 1886.

George H. Titcomb, to be postmaster at Waterville, in the county of Marshall and State of Kansas, the appointment of a postmaster for the said office having by law become vested in the President from and after January 1, 1887.

George R. Bibb, to be postmaster at Russellville, in the county of Logan and State of Kentucky, in the place of Mrs. Elizabeth Porter, whose commission expired December 13, 1886.

Henry F. Libby, to be postmaster at Pittsfield, in the county of Somerset and State of Maine, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

Simeon Mudgett, to be postmaster at Dexter, in the county of Penobscot and State of Maine, in the place of Henry L. Wood, whose commission expired December 20, 1886.

John W. Baldwin, to be postmaster at North Wilbraham, in the county of Hampden and State of Massachusetts, the appointment of a postmaster for said office having by law become vested in the President from and after January 1, 1887.

Caleb Holbrook, to be postmaster at Ashland, in the county of Middlesex and State of Massachusetts, in the place of Addison Foote, resigned.

Horace C. Metcalf, to be postmaster at Walpole, in the county of Norfolk and State of Massachusetts, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

Howard Perkins, to be postmaster at Mansfield, in the county of Bristol and State of Massachusetts, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

William I. Ruggles, to be postmaster at Reading, in the county of Middlesex and State of Massachusetts, in the place of Lewis E. Gleason, whose commission expired January 2, 1887.

William J. Twohig, to be postmaster at North Easton, in the county of Bristol and State of Massachusetts, the appointment of a postmaster for the said office having by law become vested in the President from and after January 1, 1887.

Lowell H. Glover, to be postmaster at Cassopolis, in the county of Cass and State of Michigan, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

Charles B. Anderson, to be postmaster at Zumbrota, in the county of Goodhue and State of Minnesota, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

James W. Polleys, to be postmaster at Wells, in the county of Faribault and State of Minnesota, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

Albert L. Ward, to be postmaster at Fairmount, in the county of Martin and State of Minnesota, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

Samuel C. Mead, to be postmaster at Slater, in the county of Saline and State of Missouri, in the place of Richard P. Gwinn, whose commission expired December 20, 1886.

John A. Reneau, to be postmaster at Clarksville, in the county of Pike and State of Missouri, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

David Campbell, to be postmaster at Auburn, in the county of Nemaha and State of Nebraska, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

Marcellus Dearborn, to be postmaster at Wayne, in the county of Wayne and State of Nebraska, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

James R. Fairbanks, to be postmaster at Ord, in the county of Valley and State of Nebraska, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

Edgar Hilton, to be postmaster at Blue Hill, in the county of Webster and State of Nebraska, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

Isaac T. Merchant, to be postmaster at Broken Bow, in the county of Custer and State of Nebraska, the appointment of a postmaster for

the said office having by law become vested in the President on and after January 1, 1887.

Thomas B. McPherson, to be postmaster at Arapahoe, in the county of Furnas and State of Nebraska, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

Curtis E. Dalton, to be postmaster at Suncook, in the county of Merrimack and State of New Hampshire, the appointment of a postmaster for the said office having by law become vested in the President from and after January 1, 1887.

Herbert H. Follansbee, to be postmaster at Bristol, in the county of Grafton and State of New Hampshire, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

William J. Harrison, to be postmaster at Lakewood, in the county of Ocean and State of New Jersey, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

Moses P. Smith, to be postmaster at South Orange, in the county of Essex and State of New Jersey, in the place of Lewis P. Taylor, whose commission expired December 20, 1886.

Caleb T. Smith, to be postmaster at Islip, in the county of Suffolk and State of New York, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

Charles S. Ware, to be postmaster at Mount Kisco, in the county of Westchester and State of New York, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

Martin L. Willard, to be postmaster at Antwerp, in the county of Jefferson and State of New York, the appointment of a postmaster for the said office having by law become vested in the President from and after January 1, 1887.

Benjamin F. Logan, to be postmaster at Shelby, in the county of Cleveland and State of North Carolina, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

Mary Beyersdorfer, to be postmaster at Ripley, in the county of Brown and State of Ohio, in the place of Henry Biehm, whose commission expired December 28, 1886.

George Lower, to be postmaster at Columbiana, in the county of Columbiana and State of Ohio, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

Josephine Doty, to be postmaster at South Oil City, in the county of Venango and State of Pennsylvania, the appointment of a postmaster for the said office having by law become vested in the President from and after January 1, 1887.

Hiram E. Field, to be postmaster at Columbus Grove, in the county of Putnam and State of Ohio, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

Micajah Hutt, to be postmaster at Waverly, in the county of Pike and State of Ohio, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

John C. Forsyth, to be postmaster at Northumberland, in the county of Northumberland and State of Pennsylvania, the appointment of a postmaster for the said office having by law become vested in the President from and after January 1, 1887.

Ignatius Garner, to be postmaster at Saint Mary's, in the county of Elk and State of Pennsylvania, in the place of Charles McKean, whose commission expired July 18, 1886.

Otis G. Kelts, to be postmaster at Kane, in the county of McKean and State of Pennsylvania, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

Israel P. Loucks, to be postmaster at Tarentum, in the county of Allegheny and State of Pennsylvania, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

Edward H. Mosher, to be postmaster at Blossburgh, in the county of Tioga and State of Pennsylvania, the appointment of a postmaster of said office having by law become vested in the President on and after January 1, 1887.

John A. Pyle, to be postmaster at West Chester, in the county of Chester and State of Pennsylvania, in the place of Ezra Evans, deceased.

Arthur B. Rowley, to be postmaster at Eldred, in the county of McKean and State of Pennsylvania, the appointment of a postmaster for said office having by law become vested in the President on and after January 1, 1887.

Andrew H. Simpson, to be postmaster at North Clarendon, in the county of Warren and State of Pennsylvania, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

F. I. Thompson, to be postmaster at Curwensville, in the county of Clearfield and State of Pennsylvania, in the place of Edmund Goodwin, whose commission expired August 3, 1886.

Mattie V. Borum, to be postmaster at Dyersburg, in the county of Dyer and State of Tennessee, the appointment of a postmaster for the said office having by law become vested in the President from and after January 1, 1887.

Stephen Lacy, to be postmaster at Henderson, in the county of Rusk and State of Texas, the appointment of a postmaster for the said office having by law become vested in the President on and after October 1, 1886.

William B. Viall, to be postmaster at West Randolph, in the county of Orange and State of Vermont, in the place of James Hutchinson, whose commission expired December 20, 1886.

George Booker, to be postmaster at Fortress Monroe, in the county of Elizabeth City and State of Virginia, in the place of Mrs. E. C. Bainbridge, resigned.

Tipton D. Jennings, to be postmaster at Lynchburg, in the county of Campbell and State of Virginia, in place of Robert P. W. Morris, suspended under the provisions of the seventeen hundred and sixty-eighth section of the Revised Statutes of the United States, and whose commission expires on the 4th day of January, 1887.

Joseph R. Naylor, to be postmaster at Wellsburgh, in the county of Brooke and State of West Virginia, in the place of Emma L. Ackison, whose commission expired December 20, 1886.

James Ryan, to be postmaster at Appleton, in the county of Outagamie and State of Wisconsin, in the place of Alexander J. Reid, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 20, 1886.

TERRITORIAL GOVERNOR.

Thomas Moonlight, of Leavenworth, Kans., to be governor of Wyoming Territory.

REGISTERS OF LAND OFFICE.

John W. P. Laird, of California, to be register of the land office at Independence, Cal.

Rudolph Guichard, of Walla Walla, Wash., to be register of the land office at Walla Walla, Wash.

RECEIVER OF PUBLIC MONEYS.

A. W. Eibeshutz, of California, to be receiver of public moneys at Independence, Cal.

POSTMASTERS.

Mary A. Camp, to be postmaster at Calistoga, in the county of Napa and State of California.

John A. Van Arsdale, to be postmaster at Colton, in the county of San Bernardino and State of California.

Eugene P. Bancroft, to be postmaster at Mankato, in the county of Jewell and State of Kansas.

David G. Griffith, to be postmaster at Elkader, in the county of Clayton and State of Iowa.

Daniel W. Stanley, to be postmaster at Bartow, in the county of Polk and State of Florida.

Julian V. Gault, to be postmaster at Alamosa, in the county of Conejos and State of Colorado.

Walter R. Cannon, to be postmaster at Norton, in the county of Norton and State of Kansas.

Frank Cummins, to be postmaster at Ashland, in the county of Clark and State of Kansas.

Mary Sue Du Bois to be postmaster at Marion C. H., in the county of Marion and State of South Carolina.

Mrs. Blanche C. Law to be postmaster at Darlington C. H., in the county of Darlington and State of South Carolina.

Joseph B. Button to be postmaster at Augusta, in the county of Eau Claire and State of Wisconsin.

Charles H. Finley, to be postmaster at Modesto, in the county of Stanislaus and State of California.

Bayard T. Smith, to be postmaster at Pasadena, in the county of Los Angeles and State of California.

Luman A. Manchester, to be postmaster at Merced, in the county of Merced and State of California.

Philip Stein, to be postmaster at Pomona, in the county of Los Angeles and State of California.

James W. Forrest, to be postmaster at Georgetown, in the county of Clear Creek and State of Colorado.

Jefferson B. Browne, to be postmaster at Key West, in the county of Monroe and State of Florida.

M. R. Cooper, to be postmaster at Saint Augustine, in the county of Saint Johns and State of Florida.

Conrad Durkes, to be postmaster at Franklin Grove, in the county of Lee and State of Illinois.

Wilber C. Scanland, to be postmaster at Normal, in the county of McLean and State of Illinois.

Richard L. Gidley, to be postmaster at Malvern, in the county of Mills and State of Iowa.

Joseph H. James, to be postmaster at Sac City, in the county of Sac and State of Iowa.

John E. Ireland, to be postmaster at Iola, in the county of Allen and State of Kansas.

Ephraim W. Lyon, to be postmaster at Cherry Vale, in the county of Montgomery and State of Kansas.

Cecile Bailey, to be postmaster at Opelousas, in the county of Saint Landry and State of Louisiana.

James C. Soape, to be postmaster at Shreveport, in the county of Caddo and State of Louisiana.

Martha J. Tucker, to be postmaster at Okolona, in the county of Chickasaw and State of Mississippi.

James W. Clark, to be postmaster at De Soto, in the county of Jefferson and State of Missouri.

Thomas A. Riley, to be postmaster at Ticonderoga, in the county of Essex and State of New York.

Caroline A. Youngblood, to be postmaster at Chester, in the county of Chester and State of South Carolina.

Anna B. Cheatham, to be postmaster at Nashville, in the county of Davidson and State of Tennessee.

Julien M. Byrnes, to be postmaster at Brenham, in the county of Washington and State of Texas.

Benjamin Kowalski, to be postmaster at Brownsville, in the county of Cameron and State of Texas.

Jeremiah Sullivan, to be postmaster at Ashland, in the County of Ashland and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 5, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

LIGHT-HOUSE ON BUSH'S BLUFF, VIRGINIA.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Light-House Board asking an additional appropriation for substructure of light-house on Bush's Island, Virginia; which was referred to the Committee on Appropriations, and ordered to be printed.

BUREAU OF ENGRAVING AND PRINTING.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Chief of the Bureau of Printing and Engraving in relation to an increase in the appropriation required for the construction of a sewer from the building of that bureau; which was referred to the Committee on Appropriations, and ordered to be printed.

LOUISVILLE AND PORTLAND CANAL.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of the Chief of Engineers in response to a resolution of the House calling for information relative to the right of the city of Louisville to drainage in the Louisville and Portland Canal; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

NAVAL HOSPITAL AT WIDOW'S ISLAND, MAINE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate by the Surgeon-General of the Navy of an appropriation to erect a permanent hospital for the Navy at Widow's Island, Maine; which was referred to the Committee on Naval Affairs, and ordered to be printed.

SUSPENDED ENTRIES OF PUBLIC LANDS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Interior, transmitting a list of adjudications of suspended entries of public lands for the year ended June 30, 1886; which was referred to the Committee on Public Lands, and ordered to be printed.

DAMAGES BY FOX AND WISCONSIN RIVER IMPROVEMENTS.

The SPEAKER also laid before the House a letter from the Attorney-General in response to a resolution of the House calling for a report of the amounts due the commissioners to ascertain the flowage damages caused by the improvements on the Fox and Wisconsin Rivers; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WINANS indefinitely, on account of severe sickness in his family.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees for reports.

Mr. DUNN. I move to dispense with this call.

The motion was agreed to, two-thirds voting in favor thereof.

RACHEL GENT.

Mr. TAULBEE, by unanimous consent, introduced a bill (H. R. 10404) for the relief of Rachel Gent; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. SMITH.

Mr. TAULBEE also, by unanimous consent, introduced a bill (H. R. 10405) for the relief of John H. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. B. EVERSOLE.

Mr. TAULBEE also, by unanimous consent, introduced a bill (H. R. 10406) for the relief of W. B. Eversole; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PLEASANT WHITELY.

Mr. TAULBEE also, by unanimous consent, introduced a bill (H. R. 10407) for the relief of Pleasant Whitely; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN L. HATCHER.

Mr. TAULBEE also, by unanimous consent, introduced a bill (H. R. 10408) for the relief of John L. Hatcher; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The hour for the consideration of bills called up by committees begins at 12 o'clock and 5 minutes. The call rests with the Committee on Railways and Canals.

ERIE AND OSWEGO CANALS.

Mr. DAVIDSON, of Florida. I am directed by the Committee on Railways and Canals to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 1577) for the permanent improvement of the Erie and Oswego Canals, and to secure the freedom of the same to the commerce of the United States.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. CRISP in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 1577). The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue and deliver to the State of New York, and to take the receipt of the comptroller of said State therefor, coupon or registered bonds of the United States to the amount of $5,000,000, in denominations of not less than $100 each, or so much thereof as may be necessary to make the permanent improvements upon the Erie and Oswego Canals, in said State, hereinafter mentioned. Said bonds shall bear interest at the rate of 2½ per cent. per annum, payable semi-annually, and shall, with the interest, be payable in coin. They shall be redeemable at the pleasure of the Government at any time after ten years from their date, and due at the expiration of fifty years from their date.

SEC. 2. That said bonds shall not be issued or delivered until the said State of New York shall, by act or joint resolution of its Legislature, have pledged itself that, after the delivery of said bonds, said canals shall be maintained by said State free to the commerce of the United States, and shall forever be free for the use of the United States Government from any toll or other charge whatever for any property or vessels of the United States Government or persons in its service passing through the same, and that in case at any time said canals shall cease to be free to the commerce of the United States, the said State will repay to the United States the said $5,000,000, or so much thereof as may be paid to said State.

SEC. 3. That said bonds shall be so issued and delivered to the State of New York to reimburse it for any and all expenditures it may make or may have made since January 1, 1886, in improving the said canals by furnishing a depth of 9 feet of water, excepting over culverts and aqueducts (over which the depth shall be 8 feet), throughout their entire lengths, and by lengthening one tier of all their locks to double their present length, with the exception of those at Lockport; and that said bonds, or so many thereof as may be necessary, shall be so issued and delivered upon the completion of said improvement, and after said State shall have complied with the provisions of the second section of this act, upon presentation to the Secretary of the Treasury of a requisition of the governor of said State, accompanied by the certificate of its comptroller, State engineer, and superintendent of public works, certifying the completion of said improvement and the cost thereof.

The bill was reported by the Committee on Railways and Canals with the following amendment:

In section 2, line 6, after the words "United States," insert "from any toll or other charge whatever."

Mr. DAVIDSON, of Florida. I yield the floor to the gentleman who has charge of the bill, the gentleman from New York [Mr. WEBER].

Mr. TOWNSHEND. Will it not be in order to have the report read?

Mr. DAVIDSON, of Florida. It can be read in the time of the gentleman from New York.

Mr. WEBER. I ask that the report be read.

The report (by Mr. WEBER) was read, as follows:

The Committee on Railways and Canals, to whom was referred the bill (H. R. 1577) to provide for the permanent improvement of the Erie and Oswego Canals and to secure the freedom of the same to the commerce of the United States, beg leave to submit the following report:

The Erie and Oswego Canals are located in the State of New York, and are links of vital importance in the great water-route system, by the aid of which there has been wrought the marvelous prosperity and growth of the United States during the past half century. Their influence in the past as agencies to people our prairies and to build thousands of thriving cities is clearly established by the statistics of trade, and their influence to-day as regulators of the transportation charges of nearly the entire country is attested by authority the fairness and conclusiveness of which is beyond dispute.

Senator Windom, as chairman of the Select Committee on Transportation Routes to the Seaboard, in his very able report to the United States Senate in

1873, and again later in a masterly speech in the United States Senate in 1878, on the same subject, says:

"The chief instrumentalities by means of which those (competitive) forces will exert their power are the Mississippi River on the one side and the northern water routes on the other. * * * Both routes constitute indispensable parts of one grand system. * * * Each is needed to regulate the other and both as regulators of railway charges. Each has some advantages which the other lacks, and some impediment which the other has not; but on the whole their trade forces, commercial facilities, and economic capacity for cheap transportation will be so evenly balanced as to insure a healthy, active, and permanent competition.

* * * "But the competitive power and influence of the two great contestants (the water and railroad lines) will not be limited to any one locality, but will extend to nearly every State in the Union, and will hold in check and regulate the charges on every railroad from the interior to the seaboard. The wide sweep of competitive influence exerted by the Erie Canal is not generally understood or appreciated. You would doubtless be surprised, Mr. President, if I told you that the 'little ditch' which runs through your State holds in check and regulates nearly every leading railroad east of the Mississippi River, and that it exerts a marked influence on the cost of transportation over all the country extending from the interior of the Gulf States to the Saint Lawrence River, and from the great plains of the eastern foot-hills of the Rocky Mountains to the Atlantic Ocean. And yet such is the fact.

"Lest it may be thought that my enthusiasm on this subject has betrayed me into an exaggeration, I will give you the words of Mr. Albert Fink, a gentleman who has no prejudice in favor of water transportation, but whose ability and experience as a railroad manager is recognized everywhere. Mr. Fink has given more attention to the philosophy of transportation and written more wisely in regard to it than any other man in the United States. * * * I quote:

"'OFFICE OF COMMISSIONER, No. 346 BROADWAY,
"'*New York, May* 3, 1878.

"'DEAR SIR: In your letter of April 29 you ask me to explain the effect of the opening of navigation on the lakes upon rates of transportation charged by the railroads extending from the West to the interior Gulf States. You are aware that when the rates are reduced between Chicago and New York on account of the opening of the canal this reduction applies not only from Chicago, but from all interior cities (Saint Louis, Indianapolis, Cincinnati) to New York. If that were not the rule the result would be that the roads running, say, from Saint Louis, Indianapolis, and Cincinnati to Chicago would carry the freight to Chicago, from which point low rail or water rates would take it to the East and leave the direct railroad routes from these interior points to the seaboard without any business. Hence, whenever the rates are reduced on account of the opening of navigation from Chicago and the lake ports, the same reduction is made from all interior cities, not only to New York, where the canal runs, but also to Boston, Philadelphia, and Baltimore. Although the latter cities have no direct water communication with the West, yet they receive the benefit as far as low railroad rates are concerned, to the same extent as if a canal was actually running from the lakes direct to those cities, because whenever rates from Chicago to New York are reduced, it becomes absolutely necessary to reduce correspondingly the rates from Chicago to Boston, Philadelphia, and Baltimore; otherwise these cities could do no business, as it would all go to New York.

"'The reduction of the rates from Chicago and Saint Louis to New York, Baltimore, &c., reduces the rates on shipments from western points via New York, Baltimore, and ocean to the Southern Atlantic ports, to Norfolk, Wilmington, Port Royal, Savannah, Brunswick, Fernandina, &c., and from there into the interior Atlantic Gulf States by rail or water routes to Augusta, Atlanta, Macon, Montgomery, Selma, Houston, &c. The railroads running direct from Chicago and Saint Louis, via Louisville, Nashville, and Chattanooga to the same points are obliged to follow the reductions made via the rail and ocean routes, and which reductions were primarily made on account of the existence of the Erie Canal and the opening of navigation; it follows, therefore, that the Erie Canal influences the rates of transportation from Chicago, Saint Louis, Cincinnati, &c., to the interior of the Gulf States.

"'The same is true in relation to the west-bound freight. When rates are reduced from New York to Chicago the roads from New York to Louisville reduce their rates on shipments made by way of Louisville to Memphis, Nashville, Montgomery, Selma, &c., and the direct Southern transportation lines from New York via Norfolk, Wilmington, Charleston, Savannah, &c., have to reduce their rates to meet those made by the Northern lines to the same points, and *vice versa*.

"'It appears from the above statement that the Erie Canal and the lakes exercise their influence over the Southern country until it reaches a line where low ocean rates from New York to the Gulf cities—Mobile, New Orleans and Galveston—exercise their influence upon the rates to the adjacent interior points, to Augusta, Macon, Selma, Montgomery, Houston, &c., so that it may be said that all the rail rates are kept in check by water transportation.

"'There need be no fear that extortionate rates will be charged by railroad companies; on the contrary, the fear is that water competition will be so effective as to prevent railroads from securing paying rates.

"'Very truly, yours,
"'ALBERT FINK.

"'Hon. WILLIAM WINDOM, *Washington, D. C.*'"

VALUE OF SAVING EFFECTED BY CHEAPENING TRANSPORTATION.

Our exports for the year ending June 30, 1885, of breadstuffs reduced to measure were 193,749,351 bushels. A saving in transportation of 2 cents per bushel upon this amount, which it is believed the improvements contemplated by the pending bill will effect, will amount to $3,874,987.02, and, with the same gain upon merchandise going westward, the outside sum provided in the bill for a work national in its benefits and permanent in its character will be saved in a single season.

Mr. Dodge, statistician to the Department of Agriculture, furnished the following estimate of grain affected by cheapening canal transportation:

DEPARTMENT OF AGRICULTURE,
Washington, D. C., January 26, 1885.

SIR: The conclusion of our work of revision of estimates enables me to give the amount of grain affected abstractly by the cheapening of canal freights from Buffalo west to the Missouri. The product is thus given:

States.	Bushels.	States.	Bushels.
West Virginia	3,318,000	Iowa	31,270,000
Kentucky	13,425,000	Missouri	27,500,000
Ohio	41,186,000	Kansas	34,990,000
Michigan	29,772,000	Nebraska	28,325,000
Indiana	33,745,000	Dakota	22,330,000
Illinois	32,374,000		
Wisconsin	20,083,000	Total	359,625,000
Minnesota	41,307,000		

On the amount, as above given by Mr. Dodge, 1 cent per bushel would give $3,500,000 for distribution between the farmers and consumers.

THE NECESSITY OF CHEAPENING TRANSPORTATION.

For the year ending June 30, 1885, our total exports reached the sum of $726,682,946. Of this total cotton and breadstuffs furnished $374,169,875, or more than one-half. How to continue this absorption of our surplus products in the face of the rapidly growing competition of the eastern countries bids fair to become, if it be not already, one of the gravest questions to be considered. The comprehensive commercial system of Great Britian should not in admiration of its vastness blind us to the significance of her steady advances. She is energetically and persistently pursuing a policy of internal development of her dependencies, so that she may feed and furnish the raw materials with which to clothe her subjects and control the manufactures of the world. With one-seventh of the land surface of the globe and one-fourth of the population of the earth under her control, she rests uneasily under her present dependence upon other countries for her vast food supplies and the raw cotton for her factories. An examination of the statistics will show that this is no idle alarm, and wise statesmanship suggests the use of every means in our power by internal improvements to avert the threatened danger.

In this connection the following extracts from the report of Consul-General Cramer, dated February 12, 1885, are worthy of attention:

"Thus the export of wheat from India to Europe is annually increasing. The same is the case as to the export of wheat from Southern Russia. It has been estimated by competent authority that India will soon be, if it is not already, able to export annually about 320,000,000 bushels of wheat.

"The cost of producing wheat in India (although in a rather primitive method) is estimated to be from 8 to 9 cents per bushel, while in Dakota it is estimated to be 18 to 19½ cents.

"The cost of transportation from Bombay to England is calculated to be about 4½ cents per bushel, and from Kurrachee 2 cents more. This calculation was made before the Suez Canal dues had been reduced, which were rather high, and there is a probability that they will be entirely abolished on wheat. The Government of India contemplates constructing a railroad net of about 15,000 miles, at from 3 to 3½ per cent. interest on the money required. In England and India grain elevators and grain cars are being constructed to facilitate transportation, while plows specially adapted for Indian soil are made in and shipped from England to India. All this will cheapen the production and transportation of wheat for the European market. Of course, Switzerland will derive the same benefits therefrom as England.

"The inferences to be drawn from all this are obvious. India wheat will become, or is already, a strong competitor with American wheat in the markets of Europe.

"South America and Australia are also booming up as competitors with the United States in the wheat markets of the world. They were formerly our customers in this respect, while at present they are expected to have a surplus of wheat of about 25,000,000 bushels.

* * * * * * *

"These are hard facts, and it behooves our wheat growers and wheat exporters to look them fairly and squarely in the face and govern their actions accordingly."

* * * * * * *

In 1870 India exported of wheat 145,988 bushels. In 1884 this comparatively insignificant amount had grown to over 39,000,000 bushels, and for the present statistical year, embracing the latest reports, the figures show for eight months an export of nearly 30,000,000 bushels.

With improved machinery, improved methods of raising, which experience will develop, with farm labor at eight to nine cents per day, she needs but cheapness of transportation and better facilities for handling to make her products an important factor in the markets of Europe, where our surplus must meet in competition, and to do which we must depend upon the reduction of transportation to the lowest possible figure. Neither can we afford to rest upon a supposed superiority of the quality of our wheat products, for careful tests show that, with a proper mixture with other wheats, that of India yields from five and a half to eight and a half per cent. more flour than American spring wheat.

THE EFFECT OF THE REDUCTION OF WATER TRANSPORTATION UPON THE NATION'S PROSPERITY.

The following tables, taken from the reports on trade and navigation of the General Government by Mr. Nimmo, show the balance of trade against us before tolls were cut down, and the balance in our favor since the low-tolls and no-tolls policy was adopted:

Balance of trade against us for ten years, from 1866 *to* 1875, *under high tolls.*

Years.	Exports.	Imports.	Excess of imports over exports.
1866	$348,859,522	$434,812,066	$85,952,544
1867	294,506,141	395,761,096	101,284,955
1868	281,952,899	357,436,440	75,483,541
1869	286,117,697	417,506,379	131,388,682
1870	392,771,768	435,958,408	43,186,640
1871	442,820,178	520,223,684	77,403,506
1872	444,177,586	626,595,077	182,417,491
1873	522,479,922	642,136,210	119,656,288
1874	586,283,040	567,406,342	
1875	513,442,711	533,005,436	19,562,725
			836,306,372
			18,876,698
Balance against us in ten years			817,429,674

There was an excess of exports over imports in 1874 of $18,876,698.

Value of the exports and imports for ten years with low tolls.

Years.	Exports.	Imports.	Excess of exports over imports.
1876	$540,384,671	$460,741,190	$79,643,481
1877	602,475,220	451,323,126	151,152,094
1878	694,865,766	437,051,532	257,814,234
1879	710,439,441	445,777,775	264,661,666
1880	835,638,658	667,954,746	167,683,912
1881	902,377,346	612,664,628	289,712,718
1882	750,542,257	724,639,574	25,902,683
1883	823,839,402	723,180,914	100,658,488
1884	740,513,609	667,697,693	72,815,916
1885	742,189,755	577,527,329	164,662,426
Total			1,544,707,618

Balance in favor of this country, $1,544,707,618 under low tolls.

The reasons for this great change in our favor will be seen by looking at the changes in freight rates during the past seventeen years, average freight charges per bushel for transportation of wheat from Chicago to New York since the year 1868, and also canal tolls.

Average rates per bushel.

[First 3 columns from Nimmo's "Report on Foreign Commerce of the United States, 1884." Second 2 columns from "A Sketch of the Commerce, &c., of Buffalo," by William Thurstone, secretary Merchants' Exchange, and last 3 from "Report of Auditor of New York Canals, 1881."]

Calendar year.	By lake and canal.*	By lake and rail.	By all rail.	By lake.	By canal.	Freights by lake	Freights by canal.	Canal tolls.
	Cents.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
1868	24.54	29.0	42.6	.....	.....	7.14	15.65	6.21
1869	23.12	25.0	35.1	.....	.....	6.81	16.31	6.21
1870	17.10	22.0	33.3	.....	.....	5.88	11.22	3.10
1871	20.24	25.0	31.0	.....	.....	7.62	12.62	3.10
1872	24.50	28.0	33.5	.....	.....	11.15	13.10	3.10
1873	19.19	26.9	33.2	.....	.....	7.62	11.57	3.10
1874	14.10	16.9	28.7	3.9	10.0	4.03	10.11	3.10
1875	11.43	14.6	24.1	3.5	7.9	3.42	8.01	2.07
1876	9.58	11.8	16.5	2.9	6.6	3.11	6.72	2.07
1877	11.24	15.8	20.3	3.7	7.4	3.57	7.39	1.03
1878	9.15	11.4	17.7	3.1	6.0	3.17	5.99	1.03
1879	11.60	13.3	17.3	4.7	6.8	4.72	6.96	1.03
1880	12.27	15.7	19.7	5.7	6.5	5.70	6.50	1.03
1881	8.19	10.4	14.4	3.2	4.7	3.40	4.88	1.03
1882	7.89	10.9	14.6	2.5	5.4	.....	.....	1.03
1883	8.40	11.5	16.5	3.5	4.9	.....	.....	.....
1884	6.60	9.75	13.0	2.1	4.2	.....	.....	.....

* Including Buffalo transfer charges and tolls.

This is a great improvement over the $100 per ton charged for transportation from Albany to Buffalo before the completion of the canal.

The following extracts are from Mr. Nimmo's report of 1884 on foreign commerce:

"The reduction in the average rates of transportation by lake and canal from 24.54 cents per bushel in 1868 to 6.60 cents per bushel in 1884, in the rates by lake and rail from 29 cents per bushel in 1868 to 9.3 cents per bushel in 1884, and in the 'all-rail' rates from 42.6 cents per bushel in 1868 to 15.5 cents during the year 1884, was the direct result of the sharp competition which prevailed between competing railroads, and between the railroads and the water line formed by the lakes, the Erie Canal, and the Hudson River. Each transportation line has exerted a regulating influence over every other transportation line, and this competition has strongly tended to reduce freight charges.

* * * * * * *

"The completion of the Erie Canal in 1826 was the first important measure whereby the vast agricultural resources of the States and Territories situated west of the seaboard States were placed in direct communication with Atlantic sea-ports. The value of the exports of breadstuffs and provisions from the United States increased from $8,374,483 in 1826 to $73,664,431 in 1856."

In 1885 they have increased to $267,703,277. Thirty years ago our largest lake craft for transporting freight did not exceed 20,000 bushels, or 600 tons. Now 100,000 bushels or 3,000 tons is the maximum. Then the depth on the Saint Clair Flats was 9½ feet; now it is 16 feet. The depths, according to General Poe, have been to 1858, 9½ feet; to 1871, 12 feet; to 1874, 13 feet, and to the present time, 16 feet.

The proposed canal enlargement and improvement it is estimated will reduce the cost of transportation 2 cents per bushel, and bring it down to so low a figure that no further expectation of reduction can reasonably be indulged in.

WHY NEW YORK CAN NOT BE EXPECTED TO UNDERTAKE THE WORK AT STATE EXPENSE.

Several hundred miles of tributary canals have been grafted upon the trunk lines of the Erie, and every movement looking to the improvement of the main canals becomes complicated by arousing the jealousies of local interests connected with the lateral canals. All tolls were removed in 1882, and since the beginning of the season of 1883 the canals are free to the nation, while their care and maintenance fall upon the tax-payers of New York. This maintenance, embracing only absolutely necessary and ordinary repairs, amounts to about $800,000 annually, and until the canal debt of the State is extinguished about as much more is annually required to provide for that. For the present year the estimates of the comptroller of the State of New York require the levying of a tax for canal purposes of $1,702,102.30.

This burden the people of the State can not reasonably be expected to add to by undertaking the enlargement without which the canals are likely to fall into disuse or be abandoned to private corporations. Only eighteen of the sixty counties of the State border on the Erie and Oswego Canals, and the hostile sentiment of the people off the line of the canals should not be permitted development by increase of burdens, lest this outlet of the great grain fields of the West and Northwest and this controller and regulator of the transportation interests of the country be strangled by the railroad monopolies of the land.

For the year ending December 31, 1885, there was delivered at New York of flour, grain, and meal (excepting beans and buckwheat), reduced to measure, 126,637,431 bushels, by the following routes:

Routes.	Bushels.	Per cent. of total by each route.
New York Central and Hudson River Railway	36,079,712	28.60
New York, Lake Erie and Western Railway	24,979,551	19.73
Pennsylvania Railway	15,229,591	12.02
Delaware and Lackawanna Railway	5,718,428	4.52
West Shore and Buffalo Railway	10,001,299	7.90
Various routes	959,959	.75
By river and coastwise	3,738,304	2.75
By canal	29,930,587	23.63
Total receipts	126,637,431	.....

In a commercial sense these canals originally were largely local in character, but gradually and regularly they have been changing, and are now of national benefit and importance. In 1836 the Western States furnished us but one-seventh of the total tonnage, while in 1882 seven-eighths of it came from the West, as the following tables will show. Also table of tolls collected, showing amount of revenue relinquished, the benefit of seven-eighths of which falls to the West, as per statement:

Statement of the tons of property going from tide-water and the tons arriving at tide water from the Western States and from this State from 1836 to 1883.

Years.	Going from tide-water.	Arriving at tide-water by way of Erie Canal.		Toll to the State.
		From Western States.	From this State.	
1836	133,796	54,219	364,906	.....
1837	122,130	56,255	331,251	$1,202,623
1838	142,808	83,233	336,016	1,590,911
1839	142,035	121,761	264,596	1,616,382
1840	129,580	158,148	309,167	1,775,747
1841	162,715	224,176	308,344	2,034,882
1842	123,294	221,477	258,672	1,749,196
1843	143,595	256,376	378,969	2,081,590
1844	176,737	308,025	491,791	2,446,374
1845	195,000	304,551	655,039	2,646,181
1846	213,815	506,830	600,440	2,756,106
1847	288,267	812,840	618,412	3,635,381
1848	329,557	650,154	534,183	3,252,293
1849	315,550	768,659	498,065	3,268,226
1850	418,370	841,501	530,358	3,273,899
1851	467,961	1,045,820	462,857	3,329,727
1852	521,527	1,151,978	492,726	3,118,244
1853	584,141	1,213,690	637,748	3,204,718
1854	531,831	1,094,391	602,167	2,773,566
1855	504,696	1,092,876	327,839	2,805,077
1856	573,733	1,212,550	374,580	2,748,212
1857	340,176	1,019,998	197,201	2,045,641
1858	287,073	1,273,099	223,588	2,110,754
1859	317,459	1,036,634	414,699	1,723,945
1860	373,735	1,896,975	379,086	3,099,597
1861	340,736	2,158,425	291,184	3,908,785
1862	417,623	2,594,837	322,257	5,188,943
1863	456,800	2,279,252	368,437	4,645,207
1864	493,913	1,907,136	239,498	3,983,982
1865	458,684	1,904,156	174,205	3,839,955
1866	626,974	2,235,716	287,948	4,435,639
1867	792,573	2,129,405	96,707	4,088,058
1868	1,067,020	2,215,222	163,350	4,246,563
1869	772,201	2,028,568	229,121	3,778,501
1870	940,429	2,048,947	241,751	2,611,578
1871	801,538	2,473,832	175,045	3,100,838
1872	926,228	2,456,022	214,383	3,072,411
1873	795,117	2,359,455	255,900	2,976,718
1874	753,981	2,200,364	269,933	2,637,071
1875	701,253	1,664,056	250,886	1,590,032
1876	745,797	1,402,768	342,552	1,340,004
1877	978,991	2,010,081	287,927	880,896
1878	783,150	2,450,512	381,278	393,348
1879	992,434	2,196,177	349,825	941,584
1880	1,264,179	2,801,282	425,076	1,155,419
1881	1,056,196	1,804,120	389,182	632,390
1882	1,038,003	1,824,129	278,311	655,826
1883	982,772	*2,007,786		None.

*Not separated.

During the calendar year 1885 the west-bound freight received at Buffalo was 494,280 tons.

The bill provides for the issuing by the Secretary of the Treasury of bonds bearing 2½ per cent. interest, to an amount not exceeding $5,000,000, to be delivered to the State of New York upon the completion of certain improvements therein specified; and after the State has pledged itself that said canals shall be maintained by said State free to the commerce of the United States, or in the event that these canals shall cease to be free to the commerce of the United States, the State will repay so much as shall have been so received.

Believing that, from a commercial point of view, these canals are national in character, that their beneficial influences, directly and indirectly, are and will be felt and shared by a very great portion of our interests and people, the committee recommend the passage of the bill with the following amendment, viz:

On page 2, section 2, line 5, between the word "States" and the word "and," insert the words "from any toll or other charge whatever."

Mr. WEBER. Mr. Chairman, the bill now under consideration is for the permanent improvement of the Erie and Oswego canals of the State of New York, and to secure the freedom of the same to the commerce of the United States.

It is proposed to submit some facts, figures, and arguments that may induce an examination of a subject which, sooner or later, in some shape or proposition, will come here for disposal.

One of the provisions of the bill requires from the State of New York, by legislative act or concurrent resolutions, a pledge of free maintenance to the commerce of the nation. A joint meeting of the canal committees of the senate and assembly of New York, by a vote of 14 to 1, ordered the drafting of such resolutions, which passed the Senate with an amendment that the State would guarantee the freedom of the canals only so long as it maintained them; and which amendment would have been offered at the proper time. The resolutions were defeated in the assembly—according to information received at the time—by what appears to have been a combination of railroad interests, State pride sentimentalists, and those who thought the bill did not go far enough in the direction of relief to the tax-payers of the State. Believing that the true sentiment of New York was not properly expressed in this action of the assembly, conclusive results are not now aimed

at or expected, and until the people of the State manifest a clear and emphatic desire in such direction, no steps will be taken to press the measure to a vote.

I desire first to read a portion of the report of the committee thereon, which will explain in part the favorable recommendation for the passage of the bill, after which I wish to elaborate some of the more salient features, and answer, so far as the time allotted to me will permit, such objections as have thus far come within my observation.

In asking for this sum for the purposes stated it is hoped and expected that it has been shown that the importance of these links in the great water system of the West and Northwest, their influence upon the tariffs of nearly all the railroad lines between the Mississippi and the Atlantic Ocean, and the necessity of action which by reason of peculiar existing conditions, the National Government alone can inaugurate promptly, warrants at least the very careful consideration of this body. Such consideration, it is believed, will justify the expectation of your approval.

If the influence and regulatory power of the water-route be admitted, and if, as Mr. Fink says, "transportation reductions are primarily made on account of the existence of the Erie Canal," then it follows that the direct saving effected on exported breadstuffs alone will reach nearly $4,000,000 annually.

But the saving effected reaches far beyond these figures in fact, as a careful examination will show. The figures in the report given by Mr. Dodge embrace only wheat, for the grain raised in the thirteen States referred to amounts to over 2,100,000,000 bushels.

PRICE FIXED IN FOREIGN MARKETS.

It is well established that the price of our surplus products exported is fixed in the foreign market, irrespective of what it costs to raise or transport it, and that price governs the market here. It follows then that every penny saved in transportation remains in the pocket of the producer, wherever he may be, and affects every bushel of such grain raised as is susceptible of export, except that actually consumed by the grain grower upon his farm. Admitting that but one-half of the grain grown in this country is affected, a gain of over $10,000,000 per annum results from the saving of but 1 cent per bushel.

In this connection a comparison of the transportation rates by lake and Erie Canal for the years 1868 and 1884 are interesting and showing a reduction of nearly 18 cents per bushel. This saving upon the basis stated reaches fabulous figures, and would pay our national debt, principal and interest, within eight years. These reductions are owing to wise and judicious improvements of the water-route system by the United States and the State of New York, and not only enables the Western farmer to avoid the necessity of burning his corn for fuel, as has been done, but furnishes a cheaper substitute in the shape of coal. We share with you, gentlemen of the West, in the just pride you feel because of your gigantic strides in prosperity, but we modestly claim some credit for the magnificent results, and invite a study of the figures which establish the facts.

Those tables will show that as tolls were gradually lowered and finally abolished, the freights on the New York canals correspondingly sank, bringing with each reduction, surely and regularly, an acknowledgment of their controlling power in the lowering of rates on all the railroads leading to the seaboard.

COMPETITION IN THE EAST.

The threatening competition of the grain producers of the Eastern countries has been referred to in the report; but its vast importance entitles it to a place in the front rank of the questions now engaging the attention of our political economists.

Our shipments of breadstuffs to foreign lands is next to the first factor which turns the balance of trade in favor of this country, and furnishes nearly one-fourth of our entire exports. When you weaken the agricultural interest of our country you undermine the foundations of the nation's prosperity. We must not only produce from the soil, but we must have a market for our surplus. If agriculture ceases to be profitable through inability to use the surplus product, the acreage and yield will be reduced by lessening the number of those now engaged in it. This will reverse existing conditions.

Heretofore our agricultural fields have been the outlet of the crowded avenues of labor in our cities during times of depression, and have been the safety valve which prevented the extreme destitution of the workers, so common in other less-favored countries. When this outlet shall become closed in the one direction, and the flow shall be the other way, the consequences can not be pleasant to contemplate in these days of labor strikes.

Nor should we look with complacency upon—or fail to regard with anxiety—any condition of our international traffic which reduces, or threatens to reduce, the balance of trade in our favor. It is a cardinal business principle with a trader, always to receive "boot."

Some of the silver speeches with which we were favored during the last session scout the idea of financial disaster because of the continuance of coinage or free coinage, so long as the balance of trade is in our favor. Now, whatever may be our respective opinions upon that subject, we are all agreed that it is better for the country's prosperity that the balances with foreign nations should come here, and it would therefore seem that whatever is necessary to continue or improve the present condition of our national ledger should be promptly done.

CHEAPENING TRANSPORTATION.

The improvements made by the General Government on the lakes permitted increased tonnage without appreciable addition of expenses beyond the extent of handling the increased portion of the cargo. This saving will apply to canal transportation with the completion of the proposed improvements, as I will proceed to show.

In 1879, under the direction of Horatio Seymour, jr., the State engineer of New York, a careful test was made of the economy of moving grain on the Illinois system of coupling two boats together, propelling and steering them by an engine, wheel, and rudder, in the rear boat. The trip, including detentions incidental to an experimental trial, consumed ten days from Buffalo to New York.

A careful record was kept of the speed, consumption of coal, and detention at the locks. I quote from his report:

> The canal from Buffalo to Lockport is 9 feet deep, and from Lockport to Rochester will average nearly 8 feet. The average time of the steamer and consort between these points, after deducting the effect of the current, was 2.2 miles per hour, with an expenditure of fuel of 25.7 pounds of coal to the mile; while from Clark's bridge to the Richmond aqueduct, on July 15, where the water was less than 7 feet deep, the speed was only 1.7 of a mile per hour, and the coal burned 52.1 pounds per mile, or 30 per cent. less speed with more than twice as much fuel. If the canal throughout was as deep as it is from Buffalo to Rochester the running time could have been reduced at least seventeen hours, with 2 tons less coal, or with the same amount of coal I have no doubt that a saving in time of twenty-four hours could have been effected.

The detentions on the canal for lockage on this trip aggregated twenty-six hours and fifty-one minutes, which the lengthening of the locks will reduce one-half. With the improved locks and increased depth it is calculated that a steamer with three consorts can carry 39,000 bushels of wheat making 50 miles per day at a quarter of the expense of a horse boat with 8,000 bushels moving 30 miles per day. The reduction of time and expense will readily effect a saving of 2 cents per bushel. Mr. Seymour, in an interview some time ago, said the proposed improvements will reduce the cost of transportation one-third, if not one-half.

WHO SHALL IMPROVE THE CANALS.

If we arrive at the conclusion that the improvement and enlargement are necessary and wise, the question then arises as to the propriety of the National Government making appropriations for the work. National aid to the Erie Canal is not an idea of recent development. It existed before the work was begun. According to Hon. Israel T. Hatch, a former member of this House, the application for such aid made by the commissioners appointed by the State of New York was approved by President Madison in 1811, and by the then Secretary of the Treasury, Mr. Gallatin, and only the anticipated rupture with Great Britain, realized the following year, prevented its being a national undertaking from the start. Hon. D. S. Bennett informs me that his bill, introduced in 1870, received the approval of the members of the Committees on Commerce and on Appropriations, all of whom favored the measure whenever the State of New York by joint resolution would accept the provisions of the bill, which called for $8,000,000 for the work. The Legislature of the State failed to act or pass such a resolution. We were then collecting tolls upon the canal commerce not only sufficient to pay for maintenance but to pay the interest and provide for the sinking funds to liquidate the canal debt.

The bill of the Hon. Edward Wemple, introduced at the first session of the Forty-eighth Congress, appropriating $1,000,000 per annum for ten years for this object, was reported favorably and unanimously by the Committee on Railways and Canals. This committee concluded their report as follows:

> In conclusion we say that, considered in its commercial aspect, the Erie Canal is now in every repect national in its character, aiding the citizens of this whole General Government, even those located at its farthest border, and so deserving of aid, and we therefore recommend the passage of the bill with amendments.

The pending measure differs from those referred to as having met the approval of the important committees having them in charge; and these differences, it is hoped and believed, will commend the measure even more strongly than the others. We have lengthened one lock on the Erie Canal, by way of experiment, and are now able to speak from actual experience as to the improvement and its cost. The cost of lengthening this lock was $27,000. There are seventy-two locks on the Erie Canal. The five at Lockport it is not proposed to alter. One is already completed, and a few will be superseded by the lengthening and deepening, making one lock take the place of two to be improved. An average cost of $27,000 will aggregate, for the sixty locks remaining to be improved, $1,620,000.

The cost of bottoming out a foot and raising the banks a foot has been estimated by competent engineers at $1,000,000, who say that careful surveys show and actual experience in bottoming out proves that the estimate is ample. Here we have an expenditure, based on actual experience, of $2,620,000 for the contemplated improvement and enlargement of the Erie Canal, with its 352 miles. The Oswego Canal is 38 miles long, and has eighteen locks. So that we can, with good reason, assume that the total cost of the work will come within the sum named in this bill. The work can be completed in one season

without interfering with navigation. Neither will the proposed improvement disturb the relation between the size of the present boats and the size of the canal, as the boats now in use have a capacity for 50 tons more than the present depth allows them to carry.

This bill calls for the sum of $5,000,000 (it may be less) when the work has been completed, and not before. It is not an entering wedge, leading to the expenditure of fabulous sums. We know what is required in the shape of improvement, and all calculations that I have seen on the subject agree that the reduction of the cost of transportation will soon balance the outlay for the work. The State of New York agrees to maintain the canals in their ordinary expenses, and pledges itself to repay to the General Government the sums expended for this improvement in case tolls are again imposed or levied. This proposition is fair to the nation and to the State, for the sum to be expended is for permanent improvement or betterments, the use of which the nation will enjoy, or in the event that the canal ceases to be free, they are permanently improved by the sum so expended, which New York should properly refund.

WHY NEW YORK SHOULD NOT FOOT THE BILL.

The question of canal improvement in New York is complicated because of the extent of the canal system of the State. Several hundred miles of tributary canals and river improvements have been grafted upon the trunk line of the Erie. Some of these have been abandoned, it is true, but the history of the State shows that every movement looking to the improvement of the main canals arouses the jealousies of the local interests connected with the lateral canals, and propositions for expenditures for the one have been met with demands for a proportionate outlay for each of the others. To make the improvements necessary, even if the sentiment of our people was responsive, would cost the State a much greater sum than would be necessary if the funds were furnished by the General Government for specific purposes as is proposed by the bill in question.

Since all tolls were abolished, the care and maintenance of the canals fall upon the tax-payers of New York. Under the most favorable circumstances, this maintenance reaches to the sum of about $800,000 annually. They provide also for the sinking fund toward the extinguishment of the canal debt of the State about $500,000 a year, and pay the interest on the canal debt until extinguished, averaging, say about $250,000, or in round numbers they are taxed $1,500,000 per year to support the canal, the benefits of which are shared by nearly the entire nation. For the last year the estimates of the comptroller of the State of New York required the levying of a tax for canal purposes of $1,702,102.30.

The Erie and Oswego Canals run through or border on eighteen of the sixty counties of the State. While it is conceded that these canal counties are important in wealth and population, yet all of their people are not such friends of the canal as to voluntarily tax themselves to maintain the present system, let alone the enlargement and improvement, so vitally necessary.

To show that this is not an idle statement I read a resolution unanimously passed recently at one of the most largely attended meetings of the Farmers' Institute of Erie County, New York. Next to New York, Erie is the most important canal county in the State:

That as tax-payers of this State we emphatically protest against any appropriation by the Legislature for the purpose of such improvement, and favor such improvement only in accordance with the plan involving the same substantial principles underlying the so-called "Weber federal aid bill," now pending in the House of Representatives.

The New York Central and West Shore Railroad parallel the Erie Canal the entire length with six tracks. It is claimed by some that these corporations are not too kindly disposed toward the canal, but it is not necessary to enter upon this feature at present. They are now combined under one control and represent a powerful influence. With an army of employés, a perfect organization, and a capital of over $200,000,000, it is safe to assume that when they choose they can divide the public sentiment upon the question of canal or no canal in the very canal counties of the State. Add to their side the vote of the counties off the line of the canals, whose people are nearly unanimously opposed to further State appropriations for improvements, and the danger looms up with such threatening force as may result in the re-imposition of tolls or the virtual abandonment of the canal system of the State. An appeal to State pride, when coupled with satisfactory prospects of direct or indirect benefits, may produce liberal expenditures for improvement, but State pride alone did not build and will not now save our canals. The mutterings of discontent as expressed in some of the newspapers of Buffalo, Rochester, Syracuse, Troy, and Albany, canal cities, grow into open revolt in the districts not contiguous to the canal.

This feeling of discontent will not lessen, for the necessities of prompt and effective measures of improvement become more and more apparent, while the burdens of canal maintenance and expenses will not diminish, but, on the contrary, will grow. These canals, if improved at all upon the basis of a free commerce, must be improved by the General Government. In view of the fact that the benefits are national in extent, it is difficult to make our people understand why the burden should not fall upon the beneficiaries, especially when it is so clearly demonstrated that a burden borne by the nation for a short period will secure benefits which will stretch far into the future. New York will pay her full share and more than her share under the proposed measure. With one-tenth of the population of the country within her borders, it is estimated that she pays one-seventh of the taxes of the Government. If this be true she will pay one-seventh of the sum called for by this improvement, and will maintain free to the commerce of the nation the ordinary expenses of operating the important link of the great water-route system which regulates and controls almost the entire transportation interests of the land. If in the future the changed condition of affairs brings a reimposition of tolls on the canal commerce, then you will have her pledge to repay the sums advanced under and by virtue of the provisions of the pending measure.

AID TO WESTERN FARMERS.

For the purpose of showing how the situation is regarded by experienced and practical men of the West, I quote from a report for 1883, made by Mr. Dennison B. Smith, secretary of the Toledo Produce Exchange. This acknowledges the beneficent results of the concessions made by the State of New York in the abolition of tolls, points to the dangers to Western interests of neglect to properly maintain the canals, and unequivocally favors national assistance. He says:

A free water highway to the seaboard, in cheapening and regulating the rates of transportation for Western producers, is of inestimable worth. No Western farmer can assert that his crop of wheat or corn is not appreciated in value 10 cents per bushel by the maintenance of the Erie Canal and its salutary restraint over the whole question of transportation. But the question assumes a higher and national importance when we consider that this cheap transport to the seaboard is quite indispensable to the export of our products in competition with the increased and cheapened productions in India, South America, and Russia.

It is to be regretted, however, that as one consequence of the absence of revenue considerable difficulty was experienced near the close of the season in navigating the canal on account of the neglect of the authorities to maintain the necessary repairs.

If this may be assumed to be the result of the concession of tolls, it follows that in a short period the canal must be unfit for use. Such a contingency would be disastrous to Western interests. The State of New York can not be expected to maintain a free canal at a great yearly cost, with widely resulting benefits to the commerce of the whole country, and especially to all interests west of Buffalo; and I am decidedly in favor of such appropriations by the General Government to the State of New York as will fairly aid in maintaining this great commercial avenue.

OBJECTIONS TO FEDERAL AID.

And now, Mr. Chairman, I desire to consider such objections as have been brought to my attention, most of which come from my own State. In such consideration I do not intend to impugn their sincerity or impute improper motives to those who see fit to make them; but whether conscious or unconscious of the fact, they are the most dangerous enemies of the canals. They may not be inspired by railroad interests, and such interests may not be inimical to water transportation; but if there were railroad enmity and opposition, the arguments and objections I imagine would have a suspicious similarity to those which fall from the lips of pretended friends of the water ways. If as is said that as "the usefulness and business of the railways shall increase, the more important will the canals become as the regulators of the railways," it is difficult to understand that railroad managers should be so friendly to canal interests, and encourage a power which shall control and check their freight schedules.

Railroads are not apt to invite competition, at least that is not the experience of the people of New York. That is not the history of the war waged by the New York Central against the West Shore Railroad, which terminated in the absorption of the latter by the former, which now controls and manages the entire system. The canals, so long as they are controlled by the people, can not be absorbed by the railroads; and because I fear that the continuance of the present burden and the additions proposed, made necessary, as nearly every one admits, will result in throwing them off, no matter where they fall so long as relief comes to our tax-payers, I favor the only plan practicable, feasible, and just, which shall continue such control by placing the burden where the benefits fall.

Railways can not profitably compete with the water ways, it is said; therefore there is no danger. But they do compete, and, as acknowledged by high railroad authority, they carry such freights as properly and naturally belong to the water routes at less than actual cost of operating expenses. Is there not some reason in this? Their managers are astute, capable, and far-seeing officials. They simply follow one of the cardinal principles of monopolies, to break down the competitor, and when that is accomplished they recompense themselves by levying increased tribute upon their helpless victims. And though the public may look complacently upon railroad wars which bring reduced rates temporarily, in the long run they will be made to pay for the entertainment. Therefore it would seem to be quite natural that the railroad managers do not take kindly to the idea of national aid for the improvement of our canals, for the General Government seems now to be the only power which they have not yet overridden.

We are asked, too, at home "why should we suspend the great and important work of maintaining and improving our canals until we can induce the General Government to furnish us the means for carrying forward this work." The answer is, you need not suspend twenty-four hours. This bill does not delay your efforts through the New York Legislature. While we are urging our claims for assistance from Congress

upon the justice and merits of the demand you can present and urge your reasons to our people why their State representatives should make the necessary appropriations to begin the work, the precise nature of which we are almost unanimously agreed upon, it being the plan recommended by Horatio Seymour, jr., State engineer, by IRA DAVENPORT, comptroller of the State, now a member of this body, and by the canal conference held at Utica a year ago last summer, presided over by the late Horatio Seymour, and when that objection is urged at home it inclines one to the belief that the bill in question has not been carefully or sincerely read.

THE STATE CALLED A BEGGAR.

We are told that "unless we have degenerated in enterprise, self-reliance, and pluck we shall undertake and accomplish this work without calling upon anybody for aid outside ourselves," and that it is humiliating to the pride of our great State to come here as a beggar for "the mere pittance of a few millions." Is it the amount which transforms a beggar's appeal into a just demand? Do not we who favor this bill stand precisely where our fathers who projected and built our canals stood? They came to Congress for aid at a time when the circumstances made the work almost entirely local in its character, when but a very small portion of the traffic could be expected from beyond the limits of our State. We come here with the same demand, but with circumstances so changed that no one can successfully dispute the justice of the demand, even though they may doubt its wisdom or propriety. We can stand the term of beggars as well as those to whose "enterprise, pluck, and reliance" we are indebted for the work.

If these gentlemen from New York who may see fit to oppose this measure understood that the main reason for hostility at home, on the part of sections off the line of the canals, is based upon that provision of the bill which guarantees the freedom of the commerce of the nation, they might realize that they are sitting on a limb and sawing vigorously between themselves and the trunk of the tree. I do not understand why a demand made for the improvement of a harbor, or the erection of a Government building, works which in character certainly are more local than national in benefit, should be considered proper, while a demand for a work decidedly more national than local in character should be stigmatized as the appeal of beggars.

But we are told by these gentlemen that there must be no log-rolling. By this I presume is meant that we must not vote or agree to vote for other measures in consideration of receiving support from the friends of such other propositions. I can only say that no such tender has been made or received with reference to any bill now pending in this House. All that is asked is that this bill be treated upon its merits, that it be accorded a degree of attention worthy of its importance and befitting its national character, a fair consideration, and that your votes be cast upon the simple merits of the case, just as I, speaking only for myself, shall vote upon other measures as they are brought up for disposal. And I shall not be deterred from voting for any other measure if it commends itself to my judgment because it may involve the risk of being charged with the offense of log-rolling.

Again it is said if the work is done by the State of New York it will cost but a fraction of the amount which would be expended under the General Government. This statement was seriously made in the State capitol at Albany, an edifice which will go down in history as a monument of extravagance second to none other in the record of our State or nation. But as the bill provides that the work shall be done under the direction of the State authorities, this objection falls, and I shall hope and pray that if the bill becomes a law, there will be no change of "architects" during the progress of construction.

And when it is said that the members from the State of New York should not accept national aid for the canals because it would prevent them from voting against other measures, I wonder in what degree they have been able to prevent unwise legislation heretofore enacted when no measure of this character was pending. New York is a great and influential State, but the country outside is grander and more powerful. New York city is likewise great and important, but the rest of the State can and does outvote her. I am proud of both, but I fear that we are apt to overestimate our influence and strength in the councils of the nation. Passing resolutions at home does not startle or electrify the members outside of our State.

We from New York prick up our ears when such resolves are showered down upon us, in anticipation of the suspension of the rules and prompt consideration. But it is simply the painful truth to state that many of these papers are carefully filed—in the waste-basket. Silver coinage continues still, and other questions, big with importance in the minds of our citizens at home, are still hung up in the committees, whose members do not seem to be inspired with that awe and reverence which the loyal New Yorker feels. And with all proper respect for the citizens of the metropolis, I fear that they, too, overestimate their strength in the Legislature of our State. I am afraid that they will realize when too late that upon this question of canal maintenance there is a sentiment of hostility which bodes no good to the commercial supremacy of the chief city of the Union so far as that depends upon the canal system of our State as freight-carriers and regulators.

VOTE ON ABOLISHING TOLLS.

I am aware that great faith is placed upon the vote of 1882, abolishing tolls on the canals, and we are pointed to those figures as conclusive evidence of the devotion of our people to our canal interests. These figures are not only interesting but instructive. Only about one-half of our citizens voted upon that constitutional amendment. Only about two-thirds of the voters who cast their ballots that day for governor had interest enough or understood the question sufficiently to vote upon that canal amendment. Of the 312,000 majority for the measure nearly 300,000 came from the four counties, Albany, New York, Kings, and Erie. In the counties of New York, Kings, and Erie, all important railroad centers, over 282,000 votes were cast in favor, and less than 2,000 against. This unanimity is singular, if not suspicious. The railroads must indeed have been very friendly (or very weak in their opposition) to assist in or permit the bringing about a result which would force them to still lower freight rates.

There are those who believe that it was a masterpiece of railroad strategy to make the canals a burden upon our tax-payers in order that a realization of its weight would induce uneasiness, discontent, and finally bring about an overwhelming clamor for relief in the shape of abandonment. I do not know, of course, if this was the moving cause of their hearty support, but the figures will convince every one who examines them and is fair enough to admit that the influence of railroads reaches far beyond the paltry nineteen hundred votes cast in opposition, that the railroad interests in those four counties were heartily in favor of the abolition of tolls; and they will soon reap their reward—the abandonment of our canals—unless the General Government prevents.

The circumstances surrounding us render us helpless. We are not paupers. We seek not charity, but demand justice, and that relief which we can not obtain at home, protection for interests which in scope outreach any of the public works of this nation. Five millions are demanded, the interest upon which amounts to $125,000 per annum, for which we give the freedom of canals which at the lowest rate of tolls ever levied yielded a revenue of over $665,000, for the single and last year of such collections. Why, sir, the Mississippi River alone has been accorded since the war appropriations amounting to nearly $22,000,000, and the end is not yet.

And here let me furnish some figures concerning expenditures which are both interesting and instructive.

Of the total appropriations made at the last session of the Forty-eighth Congress for public works, amounting to $6,048,524.71, New York received $645,750, or about one-tenth. New York pays one-seventh of the national taxes.

The river and harbor appropriation bill of that Congress reached nearly $15,000,000. New York, which contains within her territorial limits the chief city and harbor of the Union, the financial and commercial center of the republic, from which was exported last year nearly one-half the entire exports of the country, received less than one-fifteenth of the total. Sixteen of the Southern States, with a population of 18,507,324, a little over one-third, received more than one-half of the total appropriation. The statement of postal receipts and expenditures for the fiscal year ending June 30, 1885, shows a deficiency of $7,485,391.38. The sixteen States alluded to as having a little over one-third of the entire population of the country contributed to this deficiency $4,188,406.99, nearly half a million of dollars more than one-half. New York shows a profit in this account of nearly $2,000,000, about $200,000 more than all the other States combined that show an excess of receipts over expenditures.

I desire, also, to submit a table showing the collections of internal revenue by States for the year ending June 30, 1885, the expense, and the percentage of cost to the collections.

Internal revenue.

District.	Collections.	Expenses.	Per cent.
Alabama	$73,315 34	$19,660 59	26.8
Arkansas	87,292 48	27,033 63	30.9
California	2,613,160 13	110,595 34	4.2
Colorado	195,194 89	18,279 52	9.4
Connecticut	412,626 19	26,796 25	6.5
Delaware	244,184 44	12,460 78	5.1
Florida	218,837 09	13,619 48	6.2
Georgia	316,441 40	70,994 48	22.4
Illinois	23,075,864 61	311,812 56	1.4
Indiana	4,031,866 00	106,277 74	2.6
Iowa	2,222,059 15	55,499 29	2.5
Kansas	170,202 02	17,783 90	10.4
Kentucky	14,842,475 44	691,644 56	4.7
Louisiana	538,814 89	30,501 88	5.6
Maine	53,950 16	7,253 00	13.4
Maryland	2,774,384 20	107,098 34	3.8
Massachusetts	2,287,453 96	83,270 49	3.6
Michigan	1,528,155 16	38,623 49	2.5
Minnesota	492,704 97	21,748 55	4.4
Mississippi	47,951 13	15,797 49	32.9
Missouri	6,276,165 85	125,279 72	2.0
Montana	90,565 20	19,324 98	21.2
Nebraska	1,971,296 12	34,864 30	1.7
Nevada	55,938 66	9,180 77	16.4
New Hampshire	383,478 83	10,966 96	2.8
New Jersey	3,661,358 75	63,064 83	1.7
New Mexico	66,969 85	12,672 65	19.0

Internal revenue—continued.

District.	Collections.	Expenses.	Per-cent.
New York	13,823,644 60	298,291 41	2.2
North Carolina	1,686,828 95	271,847 19	16.1
Ohio	12,565,516 62	264,846 00	2.1
Oregon	119,723 07	15,536 15	12.9
Pennsylvania	7,371,209 62	321,568 32	4.3
Rhode Island	127,587 62	9,109 25	7.1
South Carolina	94,518 23	29,539 89	31.2
Tennessee	1,057,189 43	118,349 08	11.1
Texas	181,829 61	44,223 91	24.3
Vermont	29,889 83	6,473 72	21.7
Virginia	3,052,639 72	156,035 42	5.1
West Virginia	543,188 59	31,793 88	5.9
Wisconsin	3,033,017 78	71,925 60	2.4
Total	112,421,121 07	3,696,585 29	3.3
Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia	22,198,133 71	1,489,247 60	6.7
Northern and Western	90,222,987 36	2,207,337 69	2.4
Southern States without Kentucky	8,355,658 27	797,603 04	9.6

LEGISLATING FOR THE NATION.

I do not call up these figures for the purpose of making invidious comparisons, but as it may be claimed that the Southern States have little or no direct interest in this water system, it is hoped that these statistics will prompt them to acknowledge that at least upon a basis of fair distribution of benefits we are entitled to the consideration demanded.

I do not begrudge the expenditure alluded to because the people of some States receive a greater local benefit from them than do we. I realize, for instance, that when we ask the Southern members to vote appropriations for pensions to our soldiers, made necessary to discharge the obligations incurred in the preservation of the Union, the prosperity of any part of which is reflected in a great or lesser degree upon the remotest corner of our country, it must bring to their minds a fresh realization of their own great and sorrowful sacrifices.

I am not so narrow in mental construction as to prompt opposition to expenditures in which my section does not directly share in benefit. I am more in harmony with the expressions made by the Massachusetts Legislature in reply to an application which those beggars, our fathers, made to assist in the construction of the great Erie Canal, which, outside of China, is the most important in the world, and the free use of which we now tender for the improvement not only necessary to prevent its disuse, but essential to its very existence and preservation.

Said our commissioners in their report of the action of States in 1811 upon the question of national aid:

> Massachusetts, with the impartial and dignified wisdom of conscious greatness, resolved unanimously that the Senators of that commonwealth be instructed and their representatives be requested to use their influence for promoting by all reasonable encouragement, in such mode as Congress in their wisdom might direct, the opening of a communication by means of a canal navigation between the great lakes and Hudson River.

I am more in accord with the sentiments expressed by Daniel Webster in his celebrated speech on Foote's resolution, in reply to Mr. Hayne, when he said:

> We who come here as agents and representatives of these narrow-minded and selfish men of New England consider ourselves as bound to regard with an equal eye the good of the whole in whatever is within our powers of legislation. Sir, if a railroad or canal beginning in South Carolina and ending in South Carolina appeared to me to be of national importance and national magnitude, believing as I do that the power of the Government extends to the encouragement of works of that description, if I were to stand up here and ask what interest has Massachusetts in a railroad in South Carolina, I should not be willing to face my constituents. These same narrow-minded men would tell me that they had sent me to act for the whole country, and that one who possessed too little comprehension, either of intellect or feeling, one who was not large enough both in mind and in heart to embrace the whole, was not fit to be intrusted with the interest of any part.

COST OF NEW YORK CANALS.

Statements are made, and for lack of investigation pass current for truth, that the canals of New York have paid over and above all costs and charges anywhere from thirty to sixty millions of dollars into the treasury of the State, and that, therefore, it is not becoming to apply to the nation for assistance so long as the canals have so magnificent a sum on the credit side of their account with our tax-payers. These statements can be demonstrated by figures only when part of them are omitted from the calculation or when the Erie is singled out from the system without reference to the accounts of the tributary canals, which assisted the traffic of the trunk canal, or those necessarily kept up as feeders. You can not fairly separate these accounts, for these canals are substantially one system, of which the Erie is the main stem or trunk.

The account on September 30, 1883, shows that after deducting the canal debt outstanding and unprovided for there remains a net profit of $2,078,169.85. But in this calculation there is no charge for the interest on the canal debt, which has been and is raised annually by taxation, and which on September 30, 1883, had reached the sum of $39,844,966.21. Deduct from this sum the net profit as just stated and there remains as the cost of the canal system of the State of New York $37,766,796.36. That was the sum on September 30, 1883, which has since been increased over $4,000,000 for interest on the debt and the expense of care and maintenance. So that to-day that system owes to our tax-payers over $42,000,000, which will be swelled by the annual interest charge and maintenance, until the debt is extinguished, to over $50,000,000. These are our figures, and thus stands the account, a simple presentation of which punctures that feature of the flimsy charge against the beggars.

This, Mr. Chairman, is our case; and I close with the statement that whatever may be the fate of this measure, I have endeavored to present a fair, candid view of the situation without intending to misrepresent or cause needless alarm, but with the sincere belief and impression, based upon a study of the sentiment at home, intended to be thorough and extensive, that the fate of this great national outlet to the Eastern seaboard rests in the hands of Congress.

The hour for the consideration of bills having expired, Mr. WEBER retaining the floor, the Speaker resumed the chair; and Mr. CRISP reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 1577) for the permanent improvement of the Erie and Oswego Canals, and to secure the freedom of the same to the commerce of the United States, had come to no resolution thereon.

TITLES TO CERTAIN LANDS IN TEXAS.

Mr. JONES, of Texas, introduced a bill (H. R. 10409) to amend certain titles to lands acquired by judicial proceedings in the courts of the United States in Texas, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LAKE FRONT, CHICAGO.

Mr. ADAMS, of Illinois, introduced a joint resolution (H. Res. 232) relating to the title of the United States in the lake front at Chicago, Ill.; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House, by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved bills and joint resolutions of the following titles:

An act (H. R. 6983) for the relief of certain soldiers of the Twelfth Michigan Volunteer Infantry dishonorably discharged under Special Order 92, War Department, Adjutant-General's office, dated March 1, 1866.

An act (H. R. 1905) for the relief of Theodore W. Tallmadge.

An act (H. R. 68) for the relief of William P. Chambliss.

Joint resolution (H. Res. 118) relative to certain papers in the State Department by error.

An act (H. R. 10239) making appropriations to supply a deficiency in the appropriation for public printing and binding for the fiscal year ending June 30, 1887, and for other purposes.

An act (H. R. 1418) for the relief of Henry Martin.

An act (H. R. 3504) to amend section 4414 of the Revised Statutes relating to inspectors of hulls and boilers.

An act (H. R. 1813) for the relief of Pattison & Caldwell.

An act (H. R. 1659) for the relief of the survivors of the exploring steamer Jeannette and the widows and children of those who perished in the retreat from the wreck of that vessel in the arctic seas.

An act (H. R. 5878) to amend the act entitled "an act to modify the postal money-order system, and for other purposes," approved March 3, 1883.

An act (H. R. 7536) to extend the free-delivery system of the Post-Office Department, and for other purposes.

A joint resolution (H. Res. 67) for the relief of William B. Isaacs & Co.

An act (H. R. 5890) for the relief of Grafton Monroe.

An act (H. R. 9987) to authorize the construction of a bridge across the Saint Louis River at the most accessible point between the States of Minnesota and Wisconsin.

An act (H. R. 2013) for the relief of Myron E. Dunlap.

An act (H. R. 6489) granting a pension to Mrs. Barbara Fuchs.

ORDER OF BUSINESS.

Mr. WELLBORN. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. MCMILLIN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the consideration of general appropriation bills. The Clerk will report the first bill.

The Clerk proceeded to read the title of the Indian appropriation bill.

Mr. REED, of Maine. Mr. Chairman, at the close of the last session was there not under consideration in Committee of the Whole a bill relating to fortifications, and is not that the first bill in order?

The CHAIRMAN. The Chair is informed that such a bill was before the House, but that it is now in the hands of a committee of conference. The Clerk will report the title of the pending bill.

The Clerk read as follows:

A bill (H. R. 10394) making appropriations for the support and contingent expenses of the Indian Department, for fulfilling treaty stipulations with the various Indian tribes, for the year ending June 30, 1888, and for other purposes.

Mr. WELLBORN. I ask unanimous consent that the first formal reading of the bill be dispensed with.

There was no objection, and it was so ordered.

Mr. WELLBORN. Mr. Chairman, in preparing this bill the Committee on Indian Affairs have adhered strictly to the rule which forbids legislation on general appropriation bills, and therefore no changes are proposed in existing law. The bill simply appropriates for the expenses of the Government under the law as it now is. I shall not therefore enter into any general discussion of Indian policies; but perhaps it may be appropriate for me to give in a few minutes the general outlines of the bill as compared with the features of the Indian appropriation bill passed at the last session of Congress, and that is all that I shall undertake to do. The various appropriations contained in the bill, according to the usage which has prevailed for many years, are grouped under seven heads:

1. Current and contingent expenses.
2. Fulfilling treaty stipulations.
3. Support of various tribes of Indians.
4. Miscellaneous.
5. General and incidental expenses of the Indian service.
6. Support of Indian schools.
7. Interest on trust funds.

With reference to the first class of appropriations, the aggregate of this bill is the aggregate of the bill of the last session of Congress.

With reference to the second class of appropriations, those for fulfilling treaty stipulations, the amount of the bill of last session was $2,384,107.84, while the amount of the corresponding items in the bill now presented is $2,179,537.64, being $204,570.20 less than the bill of last session.

The aggregate of the third class of items, those for support of Indians, was, in the bill of last session, $1,047,500. This year the aggregate of the corresponding appropriations is $990,000, the bill of the present session being $57,500 less than the bill of last session.

The appropriation in the bill of last session for general and incidental expenses was $131,000. Those items this year aggregate $129,000.

In reference to the next class of items—miscellaneous—the aggregate last year was $483,000, while the aggregate of appropriations of that class as recommended in this bill is $466,000.

As to the next class of items—the appropriations for support of schools—the aggregate of the appropriations in the last bill was $1,211,415; in this bill, it is $1,155,915, being a reduction of $55,500.

The aggregate of the appropriations contained in the last bill was $5,561,262.84. The aggregate of the present bill is $5,224,662.64, making the aggregate reduction in this bill as compared with the bill of last year $336,570.20, the reduction upon the estimates being $384,191.

These statements, Mr. Chairman, give the general outlines of this bill; and in presenting the bill now for the consideration of the Committee of the Whole, I have nothing further to say.

The CHAIRMAN. The Clerk will proceed to read the bill by paragraphs for amendment under the five-minute rule.

The Clerk read as follows:

For pay of physician and two teachers, $2,500; in all, $49,000.

Mr. THROCKMORTON. I move to amend by inserting after the word "thousand," in line 166, the words "two hundred;" so as to make the appropriation $49,200. I will state my object in offering this amendment. The physician at the agency under consideration has frequently to travel 100 miles in going from and returning to the agency to see the different bands of Indians who are under his charge; and the agent of those Indians has informed me that the physician does not get enough compensation, his present pay being only $1,000. In view of the long distances he has to travel, and other considerations of that kind, I am satisfied that he ought to receive at least $200 more.

Mr. WELLBORN. Mr. Chairman, I have no authority to accept that amendment on behalf of the Committee on Indian Affairs; but, as my colleague from Texas [Mr. THROCKMORTON] states that this increase of $200 is necessary, I am willing to submit the question to the Committee of the Whole.

The amendment was agreed to.

The Clerk read as follows:

IOWAS.

For interest, in lieu of investment, on $57,500, balance of $157,500, to July 1, 1886, at 5 per cent. per annum, for education or other beneficial purposes, under the direction of the President, per ninth article of treaty of May 17, 1854, $2,875.

Mr. WELLBORN. I move to amend by striking out in line 322 the word "6" and inserting "7." This merely changes the date "1886" to "1887."

The amendment was agreed to.

The Clerk read as follows:

KANSAS.

For interest, in lieu of investment, on $200,000, at 5 per cent. per annum, per second article of treaty of January 14, 1846, $1,524.

Mr. WELLBORN. By reason of an inadvertence this paragraph in relation to the Kansas Indians needs correction. I move to amend by striking out the whole paragraph and substituting what I send to the desk. The amendment makes no change in the amount of the appropriation, but is merely more specific.

The Clerk read as follows:

Strike out lines 328 to 331, and insert in lieu thereof the following:

For interest in lieu of investment on $200,000, $10,000 being the *pro rata* amount due the Kansas tribe of Indians per second article of treaty of January 14, 1846, $1,524.02.

The amendment was agreed to.

Mr. WELLBORN. I move also to amend by striking out, in line 367, the word "seven," and inserting "eight;" so as to make the date read "1888," instead of "1887."

The amendment was agreed to.

The Clerk read as follows:

For interest on $50,000, at the rate of 5 per centum per annum, to be paid annually, for the support of schools, as per third article of treaty of March 21, 1862, $2,500.

Mr. WELLBORN. I move to amend by striking out "1862," in line 553, and inserting "1866."

The amendment was agreed to.

The Clerk read as follows:

For pay of second blacksmith, and furnishing iron, steel, and other material, per eighth article of same treaty, $1,600; in all, $1,218,500.

Mr. WELLBORN. I move to amend by striking out, in line 694, the word "two," and inserting the word "three;" so as to make the amount $1,318,500. This amendment merely makes the aggregate conform to the various items embraced in the paragraph.

The amendment was agreed to.

The Clerk read as follows:

For eighteenth of thirty installments, to be expended under the direction of the Secretary of the Interior, for clothing, blankets, and such other articles as he may deem proper and necessary, under eleventh article of same treaty, $30,000.

Mr. WELLBORN. I move to amend by striking out, in the first line of the paragraph just read, the word "eighteenth," and inserting "nineteenth."

The amendment was agreed to.

The Clerk read as follows:

Incidental expenses of Indian service in Wyoming: For general incidental expenses of the Indian service, including traveling expenses of agents, $1,000.

Mr. TOOLE. I move to amend by adding, after the clause just read, the paragraph which I send to the desk.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to negotiate with the Crow Indians in the Territory of Montana for a reduction of their reservation, and for that purpose any unexpended balance, or so much thereof as may be necessary, of the amount heretofore appropriated, incident to the reduction and change of reservations in the State of Minnesota and the Territories of Dakota, Montana, Idaho, and Washington, is hereby appropriated and made available.

Mr. WELLBORN. I will reserve a point of order on that amendment, but I do not know that I shall urge it. I will first hear the explanation of the gentleman from Montana [Mr. TOOLE].

Mr. TOOLE. Mr. Speaker, this amendment will involve, as I believe, no additional appropriation. At the last session of Congress the Secretary of the Interior was authorized to negotiate for the reduction of certain reservations in the State of Minnesota and the Territories of Montana, Dakota, Idaho, and Washington; and an appropriation of $15,000 was made for that purpose. That appropriation has not been exhausted; and it is desirable that if there remains any unexpended balance of the appropriation, it be made available for the purpose of enabling the Secretary of the Interior to negotiate with the Crow Indians in the Territory of Montana, who are desirous, as I know, of having their reservation curtailed.

Mr. NELSON. I think the amendment proposed is wholly unnecessary. Under the language of the amendment made last year full authority is given to treat with these Indians, and an appropriation of $15,000 was made for the purpose of making negotiations of treaties with Indians in Minnesota, Dakota, and Northern Montana, which will include these Indians. I am informed there is still left an unexpended balance of that appropriation.

Mr. WELLBORN. Will the gentleman allow me to ask him a question?

Mr. NELSON. Yes, sir.

Mr. WELLBORN. My information is that that is a continuing appropriation. How is that?

Mr. NELSON. Yes; that is a continuing appropriation; and nearly $10,000 of it, as I understand, yet remains unexpended, and there is a

commission now out there in Montana engaged in negotiating with the different tribes.

Mr. WELLBORN. There is no objection if the amendment——

Mr. TOOLE. If the gentleman will allow me I will say that while the appropriation is a continuing one, nevertheless, so far as the reservations in Montana are concerned, it applies only to the Blackfeet reservation which is in Northern Montana. I also ask to have it apply to the Crow reservation in east Montana, making it dependent upon the fact there is an unexpended balance, which will relieve the objection, of course, of the chairman of the committee.

Mr. NELSON. Let me quote the language as it stands upon the Statute Book:

To enable the Secretary of the Interior to negotiate with the several tribes and bands of Chippewa Indians in the State of Minnesota for such modification of existing treaties with said Indians and such change of their reservation as may be deemed desirable by said Indians and the Secretary of the Interior, and as to what sum shall be a just and equitable liquidation of all claims which any of said tribes now have upon the Government; and also to enable said Secretary to negotiate with the various bands or tribes of Indians in Northern Montana and at Fort Berthold, in Dakota, for a reduction of their respective reservations, or for removal therefrom to other reservations.

I think the Crows are a portion of the Indians included by this language which I have just read. The Crow reservation is north of the Northern Pacific. There is no doubt about it, and that this language was intended to cover them all.

Mr. TOOLE. If that is understood to be the effect of the language, then there is no necessity, perhaps, for the amendment.

Mr. NELSON. It is a continuing appropriation, and ought to be left undisturbed. Under it, all that the gentleman from Montana desires can be accomplished.

Mr. TOOLE. With that understanding, then, that it does include all that my amendment seeks to accomplish, I will withdraw it.

Mr. BUCHANAN. At the end of line 948, I move to insert the following.

The Clerk read as follows:

No money appropriated for the payment of agency farmers shall be expended for the payment of any agency farmer hereafter appointed who shall not, at the time of said appointment, have been for five years in all previous thereto practically engaged in the occupation of farming.

Mr. WELLBORN. I make the point of order on that amendment.

The CHAIRMAN. Does the gentleman reserve his point of order, or insist upon it at this time?

Mr. WELLBORN. I will hear the gentleman make his statement, of course, before insisting on the point of order.

Mr. BUCHANAN. The amendment I propose does not affect any agency farmer now in office. It does provide that no part of the money appropriated by this bill shall be available for the payment of any agency farmer hereafter appointed who was not engaged for a period of five years in all, previous to his appointment, in occupation as a practical farmer. It only applies to appointments hereafter to be made. I wish I could have reason to believe the House would go far enough to make it apply to agency farmers now employed, but fearing a proposition so radical as that might meet with effective opposition I have drawn it to apply only to future appointments.

Why should not this limitation on this appropriation be made? It does not change existing law. It is a limitation on the appropriation which in the Committee of the Whole has been repeatedly decided to be in order on an appropriation bill. I see by the next item two sets of farmers are provided for in the bill—"practical farmers" and "agency farmers." They ought all to be practical farmers. If there is any man in the world who should be a practical farmer it is that man who is paid by the Government to teach agriculture to these Indians, now ignorant of the art of agriculture. The teachers should themselves be familiar with that art which they profess to teach. Shall the blind lead the blind? Shall the maimed and halt be taken to support the lame and crippled? Let these men hereafter be in fact what they are now in name—farmers.

As to the point of order, I have only to repeat that this is simply a limitation of the appropriation, and does not in any way change the existing law.

Mr. WELLBORN. I raised the point of order on the amendment, not having heard it when it was read; but if it is simply a limitation on this appropriation I concede the proposition is in order.

The CHAIRMAN. Let the Clerk again report the amendment.

The amendment was again reported.

Mr. WELLBORN. As that amendment is drawn it is not confined to the appropriations in this bill, but is general in its character.

Mr. BUCHANAN. I will insert the word "hereby."

Mr. WELLBORN. I concede with that amendment the point of order would not apply. I desire to say, Mr. Chairman, however, that I hope the amendment will not prevail. I think that is a matter which can be better left to Executive discretion, and that to adopt the arbitrary limitation proposed by the amendment would not be wise. I hope for that reason the amendment will not prevail. The point of order, I concede, is not well taken.

Mr. BUCHANAN. In the one minute of time remaining I desire to say that under administrations previous to this one, as well as this one—I do not limit it to the present Administration—there has been too much left to Executive discretion; and for that very reason I have moved the amendment now before the committee for action.

The CHAIRMAN. The point of order being withdrawn, the question recurs on the amendment.

Mr. BUCHANAN demanded a division.

The committee divided; and there were—ayes 41, noes 36.

So the amendment was agreed to.

Mr. PERKINS. I send to the desk an amendment, to follow line 949.

The Clerk read as follows:

That the Secretary of the Interior is hereby authorized to use the money which has been, or may hereafter be, covered into the Treasury under the provisions of the act approved March 3, 1883, and which is carried on the books of the Department under the caption of "Indian moneys, proceeds of labor," for the benefit of the several tribes on whose account said money was covered in, in such way and for such purposes as in his discretion he may think best.

Mr. PERKINS. I desire to explain briefly the provisions of this amendment. Until 1876 there never had been any account taken of the fund accruing at the various agencies from the sale of hay, grass, coal, down timber, and material of that kind. Under orders of the Interior Department, in 1876 the agents commenced taking account of the funds accruing from these sources, but did not cover the moneys into the Treasury, but kept them to be expended for the benefit of the Indians under the direction of the Commissioner of Indian Affairs. In 1883 the Committee on Appropriations inserted an item in the deficiency appropriation bill requiring that the money should be covered into the Treasury by the agents; and further, that it should be expended for the benefit of the Indians under the orders of the Secretary of the Interior.

The Secretary of the Interior construed that act to give to him authority to draw orders upon the fund as in his judgment it should be drawn out. The Treasury Department, however, has taken a different view of the matter, and thus this money can not now be drawn from the Treasury upon the orders or warrants of the Secretary of the Interior.

To avoid this conflict, and to provide a construction of the act of 1883, this amendment is offered. This is prepared by the Commissioner of Indian Affairs, and is recommended by the Secretary of the Interior. It is also recommended by the President. The object, as I have already suggested, is simply to amend the act of 1883, so that this fund can be paid out for the benefit of the Indians to whom it belongs upon the orders of the Secretary of the Interior. I concede that the point of order may be made in opposition to the amendment, but the subject was considered by our committee, and it was thought that no point of order should be urged against it, and I hope it will not be.

Mr. WELLBORN. Mr. Chairman, perhaps the point of order would lie against the amendment, but its purpose is simply to settle differences which exist in construing a statute between the Interior and Treasury Departments. I shall not, therefore, raise the point of order against it; and I hope the amendment will prevail.

The amendment was agreed to.

The Clerk read as follows:

Pay of Indian police: For the service of not exceeding 700 privates, at $8 per month each, and not exceeding 70 officers, at $10 per month each, of Indian police, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations, and within the Territory of Alaska, in the discretion of the Secretary of the Interior, and for the purchase of equipments and rations for policemen of non-ration agencies, $90,000.

Mr. ROGERS. Mr. Chairman, I submit the amendment I send to the desk.

The Clerk read as follows:

After line 964 insert:

"That immediately upon and after the passage of this act any Indian committing against the person of any Indian policeman or any Indian United States deputy marshal, while engaged in the execution of any United States process, or engaged in any other duty imposed upon such policeman or marshal by the laws of the United States any of the following crimes, namely, murder, manslaughter, or assault with intent to kill, within the Indian Territory, shall be subject to the laws of the United States relating to such crimes, and shall be tried by the district court of the United States exercising criminal jurisdiction where said offense was committed, and shall be subject to the same penalties as are all other persons charged with the commission of such crimes, respectively; and the said courts are hereby given jurisdiction in all such cases."

Mr. WELLBORN. I reserve the point of order upon that amendment, desiring to hear the gentleman make a statement showing the necessity for its presentation.

Mr. ROGERS. I desire to invite the attention of all the members of the House who feel any interest in Indian affairs to the purpose for which this amendment is offered, and to that end I send to the desk a letter which I received in this morning's mail from an officer of the Government located at the Five Agencies, an extract from which I will ask the Clerk to read, although it is a personal letter and not intended for public use.

The Clerk read as follows:

You have doubtless heard of the cruel murder of Captain Sam Sixkiller. He was shot down in the streets of Muscogee, on Christmas eve, by Dick Vann and Alf. Cunningham. He was unwell and unarmed. His body was riddled with balls.

Although Sixkiller was a deputy United States marshal and a United States Indian policeman at the time of his death, I understand that Judge Parker rules that he has no jurisdiction in the case—that Sixkiller was an Indian, and the matter is triable before their court.

If such is the law, the United States statutes should be so amended as to protect United States Indian police when acting as United States Marshals, just as other marshals are protected in the discharge of their duties Unless some such legislation be had, the police force in the Territory will become dispirited and inactive, and outlaws will, to the same extent, be emboldened to deeds of violence. I present this point to you for elaboration, and feel that you will give it that attention which it deserves. The United States must not release their grasp on this Territory. To remand it to Indian rule is to consign this fair land to anarchy, red ruin, and utter woe, or, as Tennyson puts it in his last poem, "Cosmos, Chaos! Chaos, Cosmos!"

Mr. ROGERS. The Commissioner of Indian Affairs in his report for 1885 alludes to this Indian police, and it is one of the curious anomalies of the condition of things now obtaining in that Indian country. I desire to invite attention very briefly to a passage contained in the report of the Commissioner of Indian Affairs, showing the importance of the duties devolving upon the Indian police of recent years, provided and paid for by the Government of the United States.

INDIAN POLICE.

The rapidity with which the entire area of the western part of the country is being opened up and settled brings settlers to the very doors of the Indian reservations, oftentimes introducing a class of men none too scrupulous regarding the rights of others; men who regard the property of the Indian as lawful prey, and the life of the Indian as no obstacle to the possession of it; men who are without many of the necessaries of life, needing fuel, needing horses or ponies, needing beef, needing grazing ground, and a thousand other things, many of which are possessed by the Indians through issues made by the United States. This has made some kind of a constabulary force on Indian reservations an actual necessity, and the necessity has been increasing ever year in a ratio far exceeding the relief granted. Agencies, which, a year ago, few white men had ever crossed, may be almost surrounded this year with settlers and invaders. Mines, real or prospective, have tempted thousands of men into localities heretofore occupied only by Indians. Without regard to the rights of the Indians, they are constantly trespassing, harassing the Indians, provoking quarrels, thieving, and making the life of the agent one of constant anxiety and vigilance. Agency employés are very few, and cannot be spared for police duty.

Under these circumstances relief has come through and by the Indians themselves; for, fully realizing the situation, Congress has for the past few years provided for the appointment and equipment of Indian police. To a great extent they have met the necessities of the situation and have proved valuable aids to the Indian agents in preventing trespassing and robbery by lawless whites, and in suppressing disorder, violence, and incipient revolt among the more restless of their own people. Many instances of surprising fidelity to the trust imposed upon them, under circumstances which would swerve many a white man from his duty, might be related of these Indian policemen.

Commencing with the present fiscal year, the salary was increased for the officers from $8 to $10 per month, and for the privates from $5 to $8 per month. This has enabled the agents to select a better class of men for the service, and will tend to make the force more stable, most of the resignations heretofore having been caused by meager salaries. I also confidently expect that the better class of men will render the force still more efficient, so that notwithstanding the increasing necessity for this class of employés their greater efficiency will enable me to lessen their number, and I have therefore estimated for only 700 privates and 70 officers for the fiscal year ending June 30, 1887.

In the report of the Commissioner of Indian Affairs for the present year there will be found a passage also upon the same subject. Among other things he says:

INDIAN POLICE.

The greatest number of Indian police in the service at any one time during the fiscal year ending June 30, 1886, was 701. Considering the very meager compensation allowed, namely, $10 per month for commissioned officers and $8 per month for non-commissioned officers and privates, the service has been very satisfactory. The members of the police force are selected on account of their good character and influence among their people; a majority of them have families to support. They have proven themselves to be worthy of confidence, and have rendered valuable assistance to the agents in maintaining order and suppressing crime on the reservations. They are almost without exception courageous, determined men, who will without flinching face any danger in carrying out their instructions.

To bring the police service up to the highest degree of efficiency it is necessary that the entire time and attention of the men be devoted to their work; but it is often difficult to obtain the services of proper men on account of the small compensation. It would tend greatly to increase the efficiency of this branch of the service if a more liberal compensation could be allowed, even though the number of men should be reduced. The police in the discharge of their duties often come in contact with outlaws and men of desperate character, and being thus called upon to face danger and death, it is but fair that they should receive a compensation in some degree commensurate with the service rendered.

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Kentucky, was recognized, and yielded his time to Mr. ROGERS.

Mr. ROGERS. I thank the gentleman from Kentucky for his courtesy. The report of the Commissioner proceeds:

The cost of their support is money well spent, as at most agencies they are the only means which the agent possesses for protecting his Indians against liquor traffic, cattle thieves, the inroads of bad white men, and for the suppression of every kind of vice and lawlessness on the reservation. Without them he would have much less power either to punish the bad or protect the good; and the knowledge that he has this reliable force always at hand has a much greater influence for good than appears on the surface.

Now, sir, we have the curious anomaly presented by the Commissioner of Indian Affairs in these two consecutive reports, that these officers when they are selected by the Government of the United States either as deputy marshals or to be placed on the police force, may be shot down by men of their own tribes or any other Indian who belongs to these reservations, in cold blood while in the execution of a Government process; and yet the Government of the United States takes no notice, no cognizance of the offense.

Why, Mr. Chairman, this thing is appalling when you recollect the fact that all that one of these persons who live on the Indian reservations after failing, as is too often the case, to execute their own laws in a proper way—all a man who has committed an offense has to do is to cross the line of the Territory and he is as safe as the lawless persons and desperadoes from the States who take refuge in their country. Within the last three years, a man was charged with a public offense against the laws of the Indian Territory and took refuge in our own State, and when the governor of the Cherokee Nation applied for his extradition the district court of the United States for the western district of Arkansas properly declared that the Indian Territory was not a Territory or State within the meaning of the Constitution, and that the extradition laws did not apply to the Indian Territory.

Under this state of things, I submit the Government of the United States, which has seen fit to employ these men in the discharge of very important public duties, ought to protect them by throwing the panoply of its own laws and courts over them, and punishing those who shoot down these men in cold blood in the execution of its processes.

I state, not from personal knowledge, but from the general reputation of that distinguished officer who was shot down on Christmas eve in the town of Muscogee, this Indian policeman, Capt. Sam. Sixkiller, that he had no superior for courage, for manhood, for fidelity to public trust. When he was engaged in the service of his process he was shot down by this brace of conspirators and murderers, one of them a pardoned convict from the penitentiary. Yet no court in the land except the Indian courts can punish them for this offense against an officer of the United States.

Under these circumstances, Mr. Chairman, I trust that the distinguished gentleman who is the chairman of the Committee on Indian Affairs will unite and coincide with me, instead of raising any point of order, in the effort to procure some law that shall protect the officers of the Government in the faithful and upright and honest discharge of their public duty.

Mr. WELLBORN. I am satisfied from the explanation of the gentleman from Arkansas [Mr. ROGERS] that the purpose which his amendment contemplates is meritorious, and while it is clearly open to a point of order, yet I am so thoroughly in accord with his amendment since he has stated its purpose that I for one will not press the point of order, and now withdraw it so far as I am concerned so as to let the matter go before the committee on its merits.

Mr. NELSON. While I am inclined to agree in the general object of the amendment I think it ought perhaps to be amended. It goes a little too far. It says:

That immediately upon and after the passage of this act, any Indian committing against the person of any Indian policeman or any Indian United States deputy marshal while engaged in the execution of any United States process, &c.

Now, I desire to call the attention of the committee to this fact, that under the laws of the Indian Territory they have their local police, and I submit that as to their local policemen we should have no legislation in this Indian appropriation bill; but that their Indian police, in respect to any official duty performed by them, should be amenable to and look for protection under their own laws. I think that we, in legislating here for this purpose, ought not to go further than to protect the deputy United States marshal in executing the process of the United States court or performing any duties the court imposes upon him.

Mr. WELLBORN. Will the gentleman from Minnesota permit me a question?

Mr. NELSON. Yes, sir.

Mr. WELLBORN. Are the local police to whom the gentleman refers the police provided for in this bill?

Mr. NELSON. That is one of the clauses. I will read that clause of the amendment again:

That immediately upon and after the passage of this act any Indian committing against the person of any Indian policeman or any Indian United States deputy marshal while engaged in the execution of any process, &c.

Now I propose first, that we strike out the words "Indian policeman." I offer that amendment.

Mr. ROGERS. Mr. Chairman——

Mr. NELSON. I am not through yet, Mr. Chairman. Then I propose two other amendments. I move to insert the word "lawfully" after the word "while," so that the provision will read, "any Indian policeman or any Indian United States deputy marshal, while lawfully engaged in the execution of any United States process," &c.

Mr. ROGERS. I accept that.

Mr. NELSON. I propose also to amend by inserting the word "lawfully" before the words "engaged in any other duty," &c.

Mr. ROGERS. I accept that also.

Mr. NELSON. Now, Mr. Chairman, as I have already said, I think it is unwise and injudicious for this House to interfere in respect to these Indian policemen. It is as though we should undertake to legislate here not merely to protect United States marshals or deputy marshals within the borders of a State, but should also undertake to protect the constables, the sheriffs, or other officers chosen under the authority of the State. I think that so far as this provision relates to the duties of Indian policemen appointed under the local Indian laws, it should be amended so as to leave that matter to their own courts and tribunals.

Mr. PEEL. Mr. Chairman, I hope my colleague on the committee (Mr. NELSON) will not press the point of order he has presented, because, while these Indian policemen are located in the Indian country or the Indian Territory, they are really as much officers of the United

States as the marshals are. In fact, their authority emanates from the United States Government; they are officers of the United States, and are entitled to the same protection from the United States Government that it gives to its other officers engaged in the performance of their duties.

Mr. NELSON. Will the gentleman permit me to call his attention to one fact? This provision applies to what is known as the Indian Territory, and we have no Indian police there such as we have, under the appropriation bill, at the other agencies and reservations.

Mr. PERKINS. Oh, yes, in portions of it.

Mr. PEEL. I think the gentleman from Minnesota [Mr. NELSON] is mistaken.

Mr. PERKINS. Mr. Chairman, I am in accord with the amendment offered by the gentleman from Arkansas [Mr. ROGERS], and, as my colleague on the committee [Mr. PEEL] has suggested, I trust that no point of order will be made against any part of this amendment. Knowing as I do the necessity for legalized and respected authority in the Indian Territory, I am in favor of any legislation that will give protection to the Government officers who are engaged there in discharging the duties imposed upon them, and of any legislation that will give to the courts of the United States authority to try offenders who obstruct them or strike them down. It is necessary, as suggested by the gentleman from Arkansas [Mr. ROGERS], that these Indian policemen and these deputy marshals shall be protected by the Government of the United States in the performance of the duties imposed upon them by their superior officers. Indeed, if it were possible, I would go further than this bill goes. I would make it the duty of the chiefs of the several tribes to recognize the processes of the courts of the United States, and surrender such offenders for trial. Perhaps, however, that is going further than we can go at this time; but, unless the point of order is made against the amendment of the gentleman from Arkansas [Mr. ROGERS], we can go to the extent proposed by that amendment, and I hope we shall do so, because of the necessities of the case so well set forth by him.

Mr. ROGERS. It was perhaps well, Mr. Chairman, that my friend from Minnesota [Mr. NELSON] made the suggestion he did in regard to this, and I desire to obviate the point which he makes by qualifying the language of the amendment with reference to these Indian policemen. I did not intend that the provision should apply to the Indian policemen appointed by the Indian local government, but only to the police appointed under the authority of the public law of the United States. Therefore I propose, with the consent of the House, to change the amendment in that regard, so as to make it read, "Any Indians committing against the person of any Indian policeman appointed under the law of the United States," &c.

Mr. NELSON. That is right. I understand that the gentleman agrees also to the other two amendments which I have proposed.

Mr. ROGERS. Yes; I accept the insertion of the word "lawful" in both cases. It is necessary.

The question was taken on the amendment of Mr. ROGERS as modified and amended, and it was agreed to.

The Clerk read as follows:

Indian-depredation claims: For continuing the investigation and examination of certain Indian-depredation claims originally authorized, and in the manner therein provided for, by the Indian appropriation act approved March 3, 1885, $20,000; and the examination and report shall include claims, if any, barred by statute, such fact to be stated in the report; and all claims whose examination shall be completed by January 1, 1887, shall then be reported to Congress, with the opinions and conclusions of the Commissioner of Indian Affairs and the Secretary of the Interior upon all material facts, and all the evidence and papers pertaining thereto.

Mr. WELLBORN. Mr. Chairman, I desire to offer an amendment to line 994, simply to change a date.

The amendment was read, as follows:

Amend in line 994 by inserting the word "eight" instead of the word "seven."

The amendment was agreed to.

The Clerk read as follows:

For support of Indian industrial school at Carlisle, Pa., and for transportation of Indian pupils to and from said school, $80,000; and said sum shall be disbursed upon the basis of an allowance not exceeding $167, exclusive of transportation, for the support and education of each pupil actually maintained in and supported and educated at said school; but actual cost of transportation and other expenses of such pupils as are sent out of said school among farmers for support and education may be disbursed from said funds; for annual allowance to Capt. R. H. Pratt, in charge of said Indian industrial school, $1,000; in all, $81,000.

Mr. THROCKMORTON. I see by the footings on the last page of this bill that it appropriates in the aggregate for the support of schools, $1,384,000. That embraces $650,000 for the support of day and industrial schools, and also the appropriations for the school at Chilocco, Ind. T., the schools in Alaska, the schools at Carlisle, Pa., Salem, Oreg., Genoa, Nebr., Hampton, Va., and Lawrence, Kans., as well as the Lincoln Institution at Philadelphia, Pa., and the Saint Ignatius Mission School on the Jocko reservation, Montana. I now move to strike out this appropriation of $81,000 for the school at Carlisle. If this amendment should prevail, I shall move to strike out the items for the school at Hampton and the Lincoln Institution, to which the Indian children have to be transported so long a distance. This would be a saving of $134,440, leaving an appropriation of $1,273,875 for education, at the day schools and other schools located in the States and Territories west of the Mississippi River.

This question has been so often under consideration in this House that I see no necessity of arguing it at the present time, as every member must understand it.

Mr. WELLBORN. If I understand the purpose of my colleague [Mr. THROCKMORTON] it is to strike out the appropriations for the Indian schools in Pennsylvania, the school at Hampton, and other Indian schools located in the East, away from the reservations.

Mr. THROCKMORTON. Yes, sir, that is what I propose.

Mr. WELLBORN. I do not think the amendment of my colleague ought to prevail. I confess that were this a new proposition as to the propriety and expediency of establishing these schools at distances remote from the reservations, I should hesitate long before assenting to an appropriation for such a purpose. But the three schools particularly under consideration have been in existence some four or five years. At the Hampton school there are now some five hundred pupils. If this amendment should prevail, what is to become of these Indian children? I do not believe that these three Indian schools in the East ought to be extended, nor would I be willing to increase the appropriations for them; but under the circumstances confronting us to-day I do not deem it practicable to attempt to destroy these institutions. For that reason I am not in favor of the amendment.

Mr. THROCKMORTON. I call the attention of my colleague to the title of this bill: "A bill making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year ending June 30, 1888, and for other purposes."

Now, the children in these schools are already provided for up to June 30 of the present year, 1887. If my amendment should prevail, there would be ample notice of the discontinuance of these schools, so that no more children would be brought to the East to be placed in them. But if my colleague, the chairman of the Committee on Indian Affairs, is not satisfied with that, I will offer another amendment providing that the appropriations for the Lincoln Institution and for the schools at Carlisle and Hampton shall cease after the year 1888. As a matter of course Congress could repeal such a provision and keep these institutions going; but I believe the time has come when these appropriations should cease. We provide in this bill for other Indian schools in the States and Territories, nearer to where the Indians reside; and these appropriations ought to answer all the purposes of Indian education.

Mr. PERKINS. If the last amendment indicated by the gentleman from Texas [Mr. THROCKMORTON] is now offered for adoption, I desire to make a point of order against it. I will inquire of the gentleman whether he simply gave notice of that amendment, or whether it is now pending.

Mr. THROCKMORTON. The amendment now pending is to strike out the paragraph.

Mr. PERKINS. I understood the gentleman to say he would offer another amendment.

Mr. THROCKMORTON. I suggested that to the chairman of the Indian Committee, to ascertain whether he would accept it.

Mr. PERKINS. I concur with the chairman of the Committee on Indian Affairs [Mr. WELLBORN] in the hope that this amendment will not prevail. It is very important to the educational interests of the Indians that these schools be continued. This matter was very fully discussed at the last session of Congress, and I will not spend time in repeating what was then said upon the subject.

The question being taken on the amendment of Mr. THROCKMORTON, it was not agreed to.

Mr. THROCKMORTON. I will ask the chairman of the Committee on Indian Affairs whether he will not give us a yea-and-nay vote in the House on this proposition.

Mr. WELLBORN. It can not be done under the rules of the House, as the amendment has not been adopted.

The Clerk read as follows:

For support and education of 120 Indian pupils at the school at Hampton, Va., $20,040.

Mr. THROCKMORTON. I move to strike out the paragraph just read.

The amendment was not agreed to.

The Clerk read as follows:

For support and education of 450 Indian pupils, at $175 per annum each, at the Indian school at Lawrence, Kans., $61,250; pay of superintendent of school, $2,000; purchase of material and erection of shops, cottages, and out-buildings, and necessary repairs, $4,750; in all, $85,500.

Mr. WELLBORN. I move to amend by inserting, in line 1070, the words "seventy-eight" instead of "sixty-one."

The amendment was agreed to.

Mr. WELLBORN. I move to amend by inserting "seven" instead of "two" in line 1070; so it will read:

For support and education of four hundred and fifty Indian pupils, at $175 per annum each, at the Indian school at Lawrence, Kansas, $78,750.

The amendment was agreed to.

The Clerk read as follows:

For support and education of two hundred Indian pupils at Lincoln Institution, Philadelphia, Pa., at a rate not to exceed $167 per annum for each pupil, $33,400.

Mr. THROCKMORTON. I move to strike out that entire paragraph.

The amendment was disagreed to.

The Clerk read as follows:

For trust-fund interest due Kaskaskia, Wea, Peoria, and Piankeshaw school-fund, $1,441.

Mr. WELLBORN. I move to amend by inserting the word "nine" instead of the word "one;" so it will read:

For trust-fund interest due Kaskaskia, Wea, Peoria, and Piankeshaw school-fund, $1,449.

The amendment was agreed to.

The CHAIRMAN. The reading of the bill has been concluded.

Mr. WELLBORN. I ask, by unanimous consent, to go back for an amendment which will be offered by my colleague from Texas [Mr. THROCKMORTON], and which is rendered necessary by an amendment of the committee.

Mr. THROCKMORTON. On page 8, lines 165 and 166, the amendment adopted by the committee was to increase the sum to $49,200; and in order to make it correspond to the balance of the sentence "twenty-seven" should be inserted instead of "twenty-five;" so it will read:

Apaches, Kiowas, and Comanches:
For twentieth of thirty installments, as provided to be expended under the tenth article of treaty of October 21, 1867, concluded at Medicine Lodge Creek, in Kansas, with the Kiowas and Comanches, and under the third article of treaty of the same date with the Apaches, $30,000;
For purchase of clothing, as provided in the same treaties, $12,000;
For pay of carpenter, farmer, blacksmith, miller, and engineer, $4,500;
For pay of physician and two teachers, $2,700; in all, $49,200.

Mr. WELLBORN. That is an amendment which has been agreed upon.

The CHAIRMAN. Is there objection to recurring to the section referred to?

There was no objection; and Mr. THROCKMORTON'S amendment was received and agreed to.

Mr. PERKINS. I ask, by unanimous consent, to recur to line 365 on page 16 for the purpose of making an amendment, inserting after word "year" the letter "s," making it plural, and at the end of line 365 inserting "eighty-six," so it will read:

During the summer and fall of the years 1885 and 1886, to be available for expenditure until June 30, 1887.

The CHAIRMAN. Is there objection to recurring to the section referred to, for the purpose indicated?

There was no objection.

Mr. PERKINS' amendment was received and agreed to.

Mr. WELLBORN. I move the committee rise and report the bill and amendments to the House.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the Chair, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 10394) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes, for the year ending June 30, 1888, and for other purposes, and had directed him to report the same back to the House with sundry amendments.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. WELLBORN. No, sir.

The SPEAKER. The question, then, will be on the amendments in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. WELLBORN. I demand the previous question on the passage of the bill.

The previous question was ordered, and under the operation thereof, the bill was passed.

Mr. WELLBORN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. WHEELER. I move the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. ROGERS in the chair.

The CHAIRMAN. The committee takes up for consideration a bill (H. R. 10395) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1888.

Mr. WHEELER. I move, by unanimous consent, that the first reading of the bill for information be dispensed with.

There was no objection, and it was ordered accordingly.

The CHAIRMAN. The bill will now be read by sections for amendment.

The Clerk read as follows:

For renewing furniture (desks and benches) in section-rooms, and repairing the same, $500.

Mr. WHEELER. I move to add, after line 208, the following:

The Clerk read as follows:

For contingent fund, to be expended under the direction of the academic board; for instruments, books, repairs to apparatus, and other incidental expenses, not otherwise provided for.

The amendment was agreed to.

The Clerk read as follows:

For remodeling and rebuilding the academic building, putting an additional story thereon, and rendering it fire-proof and suitable for section-rooms for instruction of cadets, $70,000.

Mr. WHEELER. I move, in line 222, after the word "dollars," to add as follows:

To be available, and to be expended under the direction of the Secretary of War upon plans and detailed specifications to be approved by the academic board.

The amendment was adopted.

Mr. WHEELER. I move that the committee rise and report the bill and amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ROGERS reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 10395) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1888, and had directed him to report the same back to the House with sundry amendments.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. WHEELER. No, sir.

The amendments were then agreed to; and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. WHEELER. I demand the previous question on the passage of the bill.

The previous question was ordered; and under the operation thereof the bill was passed.

Mr. WHEELER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMERCE OF NICARAGUA, ETC.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed.

To the Senate and House of Representatives:

Referring to my message of the 12th of January last, transmitting the final report of the commissioners appointed under the act of July 7, 1884, to visit the states of Central and South America, I have now to submit a special report of Commissioner Thomas C. Reynolds on the condition and commerce of Nicaragua, Honduras, and Salvador.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January* 5, 1887.

DUTIES ON AMERICAN EXPORTS.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Ways and Means, and ordered to be printed:

To the House of Representatives:

I transmit herewith a letter from the Secretary of State inclosing statement of customs duties levied by foreign nations upon the produce and manufactures of the United States.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January* 5, 1887.

ORDER OF BUSINESS.

Mr. HERBERT. I move that the House now resolve itself into Committee of the Whole to consider the bill (H. R. 7635) to consolidate certain bureaus of the Navy Department, and for other purposes; which was made a special order by the House.

The question was taken; and on a division there were—ayes 40, noes 42.

Mr. HERBERT. I demand tellers.

Tellers were ordered.

Mr. HERBERT and Mr. REED, of Maine, were appointed tellers.

The House again divided; and the tellers reported—ayes 72, noes 51.

Mr. GOFF. No quorum.

Mr. HERBERT. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 112, nays 60, not voting 149; as follows:

YEAS—112.

Anderson, C. M.	Dibble,	La Follette,	Scott,
Anderson, J. A.	Dockery,	Landes,	Seymour,
Barbour,	Dunn,	Lanham,	Springer,
Barnes,	Eldridge,	Lovering,	Stahlnecker,
Bennett,	Ellsberry,	Martin,	Stewart, Charles
Bliss,	Ermentrout,	McAdoo,	Stone, W. J., Mo.
Blount,	Foran,	McCreary,	Storm,
Boyle,	Ford,	McKenna,	Swope,
Bragg,	Forney,	McMillin,	Taulbee,
Breckinridge, C. R.	Frederick,	McRae,	Thomas, J. R.
Breckinridge, WCP	Fuller,	Merriman,	Throckmorton,
Cabell,	Gay,	Milliken,	Tillman,
Caldwell,	Glass,	Mills,	Townshend,
Campbell, J. E.	Green, R. S.	Morgan,	Trigg,
Campbell, T. J.	Green, W. J.	Morrison,	Tucker,
Carleton,	Hall,	Neal,	Turner,
Catchings,	Halsell,	Neece,	Van Eaton,
Clements,	Harris,	Oates,	Viele,
Cobb,	Hatch,	O'Ferrall,	Wadsworth,
Compton,	Herbert,	O'Neill, J. J.	Ward, T. B.
Comstock,	Hill,	Outhwaite,	Warner, A. J.
Cowles,	Howard,	Peel,	Weaver, J. B.
Cox, W. R.	Hudd,	Perry,	Wellborn,
Crisp,	Hutton,	Randall,	Wheeler,
Croxton,	Irion,	Reagan,	Wilkins,
Culberson,	Johnston, T. D.	Richardson,	Willis,
Dargan,	Jones, J. H.	Rogers,	Wise,
Davidson, R. H. M.	Kleiner,	Sayers,	Wolford.

NAYS—60.

Adams, G. E.	Fleeger,	Johnston, J. T.	Pirce,
Allen, C. H.	Funston,	Laird,	Plumb,
Atkinson,	Grosvenor,	Lehlbach,	Ranney,
Brown, C. E.	Grout,	Long,	Romeis,
Brown, W. W.	Hayden,	Lyman,	Rowell,
Buchanan,	Henderson, D. B.	Markham,	Ryan,
Burrows,	Hepburn,	McComas,	Scranton,
Butterworth,	Hermann,	Moffatt,	Smalls,
Campbell, J. M.	Hires,	Nelson,	Struble,
Cooper,	Hitt,	O'Donnell.	Swinburne,
Dingley,	Holmes,	O'Hara,	Taylor, Zach.
Evans,	Hopkins,	O'Neill, Charles	Thomas, O. B.
Everhart,	Houk,	Osborne,	Wade,
Farquhar,	James,	Parker,	Wakefield,
Felton,	Johnson, F. A.	Peters,	White, A. C.

NOT VOTING—149.

Adams, J. J.	Dawson,	Libbey,	Sessions,
Aiken,	Dorsey,	Lindsley,	Shaw,
Allen, J. M.	Dougherty,	Little,	Singleton,
Bacon,	Dunham,	Lore,	Skinner,
Baker,	Eden,	Louttit,	Snyder,
Ballentine,	Ely,	Lowry,	Sowden,
Barksdale,	Findlay,	Mahoney,	Spooner,
Barry,	Fisher,	Matson,	Spriggs,
Bayne,	Gallinger,	Maybury,	Steele,
Belmont,	Geddes,	McKinley,	Stephenson,
Bingham,	Gibson, C. H.	Millard,	Stewart, J. W.
Blanchard,	Gibson, Eustace	Miller,	St. Martin,
Bland,	Gilfillan,	Mitchell,	Stone, E. F.
Bound,	Glover,	Morrill,	Stone, W. J., Ky.
Boutelle,	Goff,	Morrow,	Strait,
Brady,	Guenther,	Muller,	Symes,
Browne, T. M.	Hale,	Murphy,	Tarsney,
Brumm,	Hammond,	Negley,	Taylor, E. B.
Buck,	Hanback,	Norwood,	Taylor, I. H.
Bunnell,	Harmer,	Owen,	Taylor, J. M.
Burleigh,	Haynes,	Payne,	Thompson,
Burnes,	Heard,	Payson,	Van Shaick,
Bynum,	Hemphill,	Perkins,	Wait,
Campbell, Felix	Henderson, J. S.	Pettibone,	Wallace,
Candler,	Henderson, T. J.	Phelps,	Ward, J. H.
Cannon,	Henley,	Pidcock,	Warner, William
Caswell,	Hewitt,	Pindar,	Weaver, A. J.
Clardy,	Hiestand,	Reed, T. B.	Weber,
Collins,	Hiscock,	Reid, J. W.	West,
Conger,	Holman,	Reese,	White, Milo
Cox, S. S.	Jackson,	Rice,	Whiting,
Crain,	Jones, J. T.	Riggs,	Wilson,
Curtin,	Kelley,	Robertson,	Winans,
Cutcheon,	Ketcham,	Rockwell,	Woodburn,
Daniel,	King,	Rusk,	Worthington.
Davenport,	Laffoon,	Sadler,	
Davidson, A. C.	Lawler,	Sawyer,	
Davis,	Le Fevre,	Seney,	

So the motion was agreed to.

Mr. HERBERT. I ask unanimous consent to dispense with the reading of the names.

Mr. GOFF. I object.

The Clerk then recapitulated the names of those voting.

The following were announced as being paired until further notice:

Mr. KING with Mr. BROWNE, of Indiana.

Mr. PIDCOCK with Mr. WEST.

Mr. PINDAR with Mr. MILLARD.

Mr. DAVIDSON, of Alabama, with Mr. GALLINGER.

Mr. BYNUM with Mr. LITTLE.

Mr. COX, of New York, with Mr. CANNON.

Mr. DUNHAM with Mr. COLLINS.

Mr. MITCHELL with Mr. WHITING.

Mr. BLAND with Mr. SYMES.

Mr. GLOVER with Mr. WARNER, of Missouri.

Mr. HEARD with Mr. DORSEY.

Mr. WALLACE with Mr. RICE.

Mr. JONES, of Alabama, with Mr. WAIT.

Mr. MAHONEY with Mr. PIRCE.

Mr. MULLER with Mr. BUCK.

Mr. BLANCHARD with Mr. JACKSON.

The following were announced as paired for this day:

Mr. MILLER with Mr. BAKER.

Mr. MAYBURY with Mr. SPOONER.

Mr. DOUGHERTY with Mr. BAYNE.

Mr. DAWSON with Mr. CASWELL.

Mr. SKINNER with Mr. PHELPS.

Mr. JOHN M. TAYLOR with Mr. BURLEIGH.

Mr. BELMONT with Mr. ISAAC H. TAYLOR.

Mr. CLARDY with Mr. GILFILLAN.

Mr. BALLENTINE with Mr. MORRILL.

Mr. FELIX CAMPBELL with Mr. STEELE.

Mr. ROBERTSON with Mr. HISCOCK.

Mr. HENDERSON, of North Carolina, with Mr. STEWART, of Vermont.

Mr. LAFFOON with Mr. DAVENPORT.

Mr. LAWLER with Mr. HARMER.

Mr. SOWDEN with Mr. HENDERSON, of Illinois.

Mr. SENEY with Mr. PAYSON.

Mr. BARRY with Mr. STEPHENSON.

Mr. HALL. My colleague, Mr. MURPHY, has been detained in his room by sickness. If present he would vote "ay."

Mr. DAVIDSON, of Florida. Mr. Speaker, I wish to state that I am informed by a telegram from my colleague [Mr. DOUGHERTY] that he has been detained on his way to this city by reason of a railroad accident.

The result of the vote was then announced as above recorded.

RESIGNATION OF A REPRESENTATIVE.

The SPEAKER. Before the House goes into committee the Chair will lay before the House a communication, which the Clerk will read.

The Clerk read as follows:

WASHINGTON, D. C., *December* 31, 1886.

SIR: I hereby respectfully resign my office as a Representative in the Forty-ninth Congress for the fifth Congressional district of the State of North Carolina, to take effect from date.

Respectfully, yours,

JAMES W. REID.

Hon. JOHN G. CARLISLE,
Speaker of the House of Representatives.

The communication was laid on the table.

CONSOLIDATION OF NAVY BUREAUS.

The House then resolved itself into Committee of the Whole on the state of the Union (Mr. SPRINGER in the chair) for the consideration of the bill (H. R. 7635) to consolidate certain bureaus of the Department of the Navy, and for other purposes.

The bill was read, as follows:

Be it enacted, &c., That section 419 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 419. That the business of the Department of the Navy shall, except as otherwise provided by law, be distributed in such manner as the Secretary of the Navy shall judge to be expedient and proper, among the following bureaus:

"First. A bureau of navigation.

"Second. A bureau of ordnance.

"Third. A bureau of medicine and surgery.

"Fourth. A bureau of material, construction, and repair.

"Fifth. A bureau of supplies and accounts."

SEC. 2. That the chief of the bureau of material, construction, and repair may be appointed from civil life or from the active-list of officers of the Navy, who shall be skilled in naval architecture.

SEC. 3. That the chief of the bureau of supplies and accounts shall be appointed from the active-list of officers of the Navy.

SEC. 4. That a chief of bureau appointed from civil life shall have the highest pay of the grade of commodore, and any officer of the Navy below the grade of commodore shall have the rank or relative rank of commodore while filling the office of chief of bureau.

SEC. 5. That the bureau of material, construction, and repair shall contain the following divisions:

First. A division of construction and equipment.

Second. A division of steam-engineering.

SEC. 6. That the bureau of supplies and accounts shall contain the following divisions:

First. A division of supplies and purchases.

Second. A division of accounts and audit.

SEC. 7. That officers assigned to duty as heads of divisions shall, while so serving, have the highest pay of their respective grades.

SEC. 8. That the clerks and other employés authorized by law for the Department of the Navy shall be assigned to duty in said Department as the Secretary may deem expedient: *Provided*, That there shall be in the bureau of supplies and accounts a chief accountant, at a salary of $2,500 a year.

SEC. 9. That there shall be in the Department of the Navy a board of council, composed of the chiefs of the bureaus of navigation, ordnance, material, construction, and repair, and supplies and accounts, and three officers of the Navy, to be detailed from time to time by the Secretary of the Navy; and officers so detailed shall, while on such duty, receive the highest pay of their respective grades: *Provided*, That there shall always be a naval constructor and a chief engineer of the Navy members of the board.

SEC. 10. That the Secretary of the Navy shall, *ex officio*, be president of the board of council; in his absence the senior officer present shall preside.

SEC. 11. That it shall be the duty of the board of council to consider and report upon such questions relating to naval affairs and naval policy as shall be referred to it from time to time by the Secretary of the Navy: *Provided, however*, That the said board shall have no administrative or executive powers whatsoever.

SEC. 12. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 13. That this act shall take effect from and after the 1st day of July, 1886.

Mr. HERBERT. I ask that the report of the Committee on Naval Affairs be read.

The report (by Mr. HERBERT) was read, as follows:

The Committee on Naval Affairs, to whom was referred so much of the President's message and the accompanying documents as relates to a reorganization of the Navy Department, have considered the same, and believing its enactment would conduce to economy and efficiency, beg leave to report and recommend the passage of the bill tendered herewith, entitled "A bill to consolidate certain bureaus of the Department of the Navy, and for other purposes."

The present organization of the Navy Department is largely the creature of executive orders and customs, so long acquiesced in that they have almost the force of positive law. This body of orders and customs has grown up around the following skeleton, now section 419 of the Revised Statutes:

"The business of the Department of the Navy shall be distributed in such manner as the Secretary of the Navy shall judge to be expedient and proper among the following bureaus: (1) A Bureau of Yards and Docks; (2) a Bureau of Equipment and Recruiting; (3) a Bureau of Navigation; (4) a Bureau of Ordnance; (5) a Bureau of Construction and Repair; (6) a Bureau of Steam Engineering; (7) a Bureau of Provisions and Clothing; (8) a Bureau of Medicine and Surgery."

Each of these bureaus is independent of the others. Each claims absolute power over the matters within its jurisdiction, subject only to the Secretary of the Navy. The result is that they seem to stand related to each other and to the Secretary in a manner which is precisely analogous to the relations the several Departments of this Government bear to each other and to the President. In other words, these eight bureaus have become eight little Navy Departments. As the business in and about which they are engaged is, to so great an extent, one business, this division of powers and duties brings about many conflicts of authority, and results in much needless expenditure of money.

The testimony on this point of those who have been concerned in the management of the Navy Department, and especially of those who have officially investigated and reported upon its workings, is so uniform and convincing that we can not more clearly illustrate the defects of the present system than by quoting from orders and reports heretofore made.

There may be some difference of opinion as to what the true remedy is, but there seems to be absolute concurrence in the proposition that the evils we have suggested really exist and ought to be provided against.

It will be observed that some have contended, in testimony taken before the committee, that the Secretary has now, under the law, in the exercise of his power to distribute duties as he may deem expedient, ample authority to remedy all existing evils.

It will be seen, however, that the Secretary of the Navy, who has familiarized himself with the law and its operations, does not think he has this power. Indeed, as a question of law simply, it is very doubtful how far the Secretary would have power to consolidate authority which the law has indicated an intention to distribute among separate bureaus.

However this may be, as a simple question of law, the facts will show that, though these evils have often been pointed out, no Secretary has yet been found who has really been equal to the task of correcting them without the aid of Congress.

A former Secretary tried this and failed, and the present Secretary does not believe he is equal to the task.

In our citations we will not go further back than the two Presidential terms preceding this.

Nine years ago, in order to reconcile the conflicts of authority necessarily growing out of the division of the business of the Department among so many independent bureaus, Secretary Thompson resorted to the method shown in the following order:

"*United States Navy Regulation Circular No.* 1.

"NAVY DEPARTMENT, *Washington, March* 15, 1877.

"The chiefs of bureaus of the Navy Department will meet twice each week, at the hour named by the Secretary of the Navy, who will preside over them as a board. In his absence the senior in rank will do so.

"Each chief of bureau, as directed by the Secretary, will lay before him the actual condition of the affairs of the Bureau; the exact condition of its funds; the supplies on hand; all supplies supposed to be required for its efficiency, and to what extent, and in what manner he proposes to supply them; and any supposed obligation or indebtedness entered into and existing.

"The obtainment of supplies for each bureau; the opening and discussion of bids; the assignment of contracts proposed; the failure of contractors to properly fulfill their contracts; the proposed expenditures of all moneys on estimates, stating their purposes, will be laid before the Secretary by the chief of bureau having cognizance of that branch of the Department, and will be passed upon by him, with the assent of the Secretary. If any other chief of bureau should regard the subject discussed adversely he will state briefly the ground of his dissent, which will be entered upon the record, but will not control in any manner the proposed expenditure appropriated for the bureau concerned.

"Any proposed increase or decrease of the working force at the several navy-yards, of an extensive character, will be discussed, and the reasons given therefor, and passed upon in like manner as above; and instructions will be issued to the commandants of the said navy-yards, when discharges are to be made, to select for discharge those least efficient, and to retain no employés that are not necessary, useful, and effective in their vocation, whether found to be employed by the recommendation of the Department or otherwise.

"A record shall be kept of the proceedings, which will be read and approved by the board at the next meeting.

"R. W. THOMPSON,
"*Secretary of the Navy.*"

In addition to this order he adopted the following rule (see the testimony of Commodore Wilson):

"In case of dissent by a chief of a bureau present at a meeting of the board to the recommendations of another chief of bureau, these two officers, with a third member of the board, were directed by the Secretary to carefully consider the subject and report to him at the next meeting."

Subsequent Secretaries did not consider these orders a solution of the difficulty.

The evils complained of still existed, and under an act of Congress, approved August 5, 1882, the then Secretary of the Navy appointed a commission on navy-yards. This commission consisted of Commodore S. B. Luce, an officer of the line; Chief Engineer Loring, of the staff corps, and Mr. A. B. Mullett, a civilian.

This board made a very thorough and complete investigation of the navy-yards of the United States, and June 6, 1883, made the following recommendation:

"We recommend a reorganization and concentration of the mechanical departments in every navy-yard, so that there shall be but one shop in each for the performance of the same class of work. This involves the following changes: The abolition of all shops doing the usual work of machine-shops, all coppersmiths, all boiler shops, and all foundries except those of steam engineering. Also of all joiner and all paint shops except those of construction.

"We also recommend such a concentration of work, that each of the several articles that form a part of the outfit of every ship shall be made in a single shop, to be established in such yard as may have the best facilities and conveniences therefor. Some of the principal articles being boats, blocks, bags, hammocks, tarpaulins, steam-cutter machinery, engine and boiler mountings, gun-carriages, and gun-fittings.

"We also recommend that whenever there is not, as at present, sufficient work to warrant the expense of maintaining separate shops, all plumbing and iron-plating work be transferred to the coppersmith, machine, and boiler-shops of steam engineering.

"We recommend, further, that at each yard a central steam generating establishment be erected, which shall furnish steam for all motive power and for heating purposes; a great reduction in the cost of fuel and of attendance will unquestionably be secured thereby, as well as greater convenience and efficiency."

The facts found by this commission were of so serious import, and the recommendations made by them were deemed so important, that Secretary Chandler determined to enforce them; so he immediately undertook it. We cite here the material portions of an order he addressed to Commodore Wilson, Chief of the Bureau of Construction and Repair:

NAVY DEPARTMENT,
Washington, June 23, 1883.

SIR: Your attention is called to the "memoranda on the reorganization of the navy-yards, and the disposition proposed to be made of each yard," submitted to the Department by the navy-yard commission in advance of their formal report to Congress.

You will immediately give such orders and make such recommendations to the Department as are necessary to carry into effect, under your bureau, the recommendations of the commission.

You will further examine the "Statistics of Navy-Yards," in Appendix No. 20 to the report of the Department to the President of November 29, 1882 (page 177), and endeavor to discover additional reductions which may be made in the list of civil employés at each navy-yard, whether in your own or any other bureau, and either make or recommend such reductions.

Your attention is specially called to the large number of persons engaged in clerical duties, either as clerks or writers, and you will endeavor to direct or recommend the discharge of some of these.

The statistics referred to show an enormous daily expenditure on the 16th day of November, 1882, namely: For 657 foremen, clerks, and employés, other than ordinary mechanics and workingmen, $2,179.72, and for 3,805 other employés, $9,139.65, making 4,462 total employés at a daily compensation of $11,319.37, or at the rate of over $3,000,000 a year, when the only work in progress on ships of war at all the yards was repairing the Omaha, Shenandoah, Trenton, Ossipee, Mohican, and Alert. This enormous expenditure for such feeble results is inconsistent with faithful administration, and the Department stands pledged that all unnecessary work shall be discontinued, and all employés not needed dismissed. It will be impossible that this pledge shall be carried out unless with the cordial and vigorous co-operation and action of the heads of the Bureaus. You are confidently relied upon to do your part in this work of economy.

Very respectfully,

WM. E. CHANDLER,
Secretary of the Navy.

Chief Constructor T. D. WILSON,
Chief of Bureau of Construction and Repair.

It will be seen by looking at the evidence of Commodore Wilson, to whom this vigorous letter was addressed, that he replied, giving his objections at length, and he testifies:

"My objections to the order were so forcible that Secretary Chandler delayed carrying it out; in other words, he stated that until I was instructed further, the order would not be put in force in the construction department.

"Q. Then it has never been put in force?

"A. No, sir.

"Q. When was that order made?

"A. As near as my memory serves me, it was about two years ago."

It thus appears that, by reason of the opposition in the Department, and perhaps, also, of inherent difficulties in the way, Secretary Chandler, having no help from Congress, failed in his attempt to accomplish this reform.

After his failure to secure that "cordial and vigorous co-operation and action of the heads of the Bureaus" which he had besought, the Secretary addressed another letter to the commission, and, in their reply, October 11, 1883, they use the following language, portions of which we italicize:

"In the memorandum already referred to, an attempt was made in the direction implied by this inquiry. The scheme for the reorganization of the working force of our navy-yards, as contained in that paper, was the best that could be devised under the circumstances; it was a step toward a concentration of forces and economy and dispatch in the method of doing work. It was submitted in the belief that a fair trial would soon develop whatever was impracticable and lead to proper amendment; and that in a short time the new system would adjust itself so as to run smoothly, as it certainly would economically.

"To a proper understanding of the subject, it should be stated that the present wasteful extravagance in employing so great an excess of non-producers, and the inefficient system of doing business which has for years past been steadily increasing in our navy-yards, is but the natural outgrowth of the constitution of the Navy Department itself. There can be no manner of doubt of this. *Each navy-yard is made up of a number of separate and comparatively independent establishments, little principalities, as it were, each owing allegiance to its own sovereign, the chief of the bureau to which it belongs. The heads of departments of a navy-yard have extensive and responsible duties, and a large patronage, and are naturally jealous of the interference of any one but their own chiefs.*

"Thus each department has been gradually building itself up so as to be independent of all other departments, and is constantly striving to do all its own work. Each of the principal departments has its own body of artisans, its own machinery, its own steam generators, and its own peculiar method of doing business. As an illustration, we take from official 'schedule of wages' (Form 9) of civil engineer's office, the following ratings: *Boiler-makers, boiler-makers' helper, calkers, coopers, cabinet-makers, core-makers, ship-joiners, ship-carpenters, machinists, machinists' helpers, molders, oakum-pickers, and pattern-makers*—a little ship-yard in itself.

"In this way it has come that some of our yards are filled up with machinery far beyond their actual needs, *and it is no exaggeration to say that there is to-day enough machinery of various kinds in either the New York or Boston yard to do the work of its own particular class of the entire Navy during peace.* We habitually speak of a private ship-yard as a 'plant;' but each of our national ship-yards is a segregation of 'plants,' each having its own separate organization, and each its own internal regulations. Many illustrations might be given to show how, through the want of concert of action among these several 'plants,' useless and vexatious delays occur, to say nothing of the waste of time and of public money due to such diffusion.

"*To make such radical changes as we proposed in our memorandum was no easy task, nor did we expect that they could be effected without considerable friction, not to say opposition; but supposing the changes to be made on the basis laid down by the*

commission, it is hardly to be hoped that under present conditions they will be permanent. For whatever changes may be introduced now, and how beneficial soever they may be, still the same causes remaining in active operation must inevitably produce the same results, and in time restore the system of independent plants, with all its attendant evils. Hence we conclude that to organize our navy-yards on a just and permanent basis, to consolidate their several plants, to introduce thrift in the management and promptness in the methods of doing work, with a proper system of accountability; to secure, in short, in each of our yards unification, method, economy, and dispatch, with an administration of its affairs agreeable to the principles of business as understood in civil life, it is absolutely necessary to begin within the Navy Department itself."

The facts given and the reasoning employed in this extract seem conclusively to show that the work of consolidation "should begin within the Navy Department itself." The commission expresses the opinion that unless the reforms they recommend should begin by consolidation in the Navy Department itself "it is hardly to be hoped that under the present conditions they will be permanent," because "the same causes remaining in operation must inevitably produce the same result."

Then we find Secretary Chandler, in his next report, December 1, 1883, using the following language, which we in part italicize:

"It is, however, beyond dispute that methods of naval construction must change with the transition from wooden to steel vessels. *It will be found impossible for two independent and equal bureau chiefs to design and supervise the construction of a modern vessel, the one that of the hull and the other that of the machinery, and bring all parts together in one perfect ship, without differences of opinion which can not longer be safely decided by a common superior who does not possess technical skill. The true solution of the conflict is to unite these two bureaus as a single bureau of naval construction, having for its chief the most competent naval architect that can be found, whether among the present officers of the Navy or in civil life.*"

Again, Secretary Chandler, in his report for 1884, said:

"*It is again recommended that the two Bureaus of Construction and Repair and Steam-Engineering be united as a single bureau of naval construction, to have for its chief the most competent naval architect who can be found, whether among the present officers of the Navy or in civil life; and it is further recommended that the equipment work be transferred from the present bureau to such enlarged bureau of construction.*

"Elsewhere in this report the necessity is argued of one technical superintending head of each Government workshop at the navy-yards. Even more indispensable will be found one technical head of the construction offices of the Department which are to design the ships and to supervise their construction, whether in private or public shops. The Secretary, the chief constructor, the engineer-in-chief, the chiefs of the Ordnance and Equipment Bureaus, and the advisory board, twelve persons in all, have managed to agree fairly well concerning the designs and the work upon the new cruisers, *but this extreme distribution of functions will not answer as a permanent organization.*"

We have italicized the sentence above in which the former Secretary recommends "that construction and repair and steam-engineering be united in a single bureau," and "that the equipment work be transferred" to the same bureau. This is what has been done, and, in fact, constitutes the most important feature of the bill we report.

To the same effect is the testimony of the distinguished officer who now presides over the Bureau of Equipment and Recruiting.

Commodore Schley testifies, on page 24 of the evidence, in reference to a bill more radical in its reforms than that we now recommend:

"I think again the Department is defective in its organization in this particular: The Bureau of Construction and that of Engineering and that of Equipment could be combined, because their duties are to some extent of the same general character. That, of course, could be wiped out and made one bureau."

"By the CHAIRMAN:

"Q. To that extent you agree with the bill?

"A. Perfectly.

"By Mr. BUCK:

"Q. Which three of the bureaus did you name?

"A. Construction, Engineering, and Equipment Bureaus might readily be combined because they appertain, you may say, in the same general way to construction; they all have to do with the construction of ships."

Here we have the somewhat uncommon spectacle of an officer testifying that in the interest of efficiency and economy his own office ought to be abolished.

We witness the same spectacle in the testimony of that other distinguished officer, Commodore Harmony, at present Chief of the Bureau of Yards and Docks, which will be abolished under this bill, as was also proposed in the bill about which he was testifying when he said, on page 19:

"As to the Bureau of Material, Construction, and Repair, that involves the building of ships more particularly than anything else, and the necessity for one head, where everything connected with the building of a ship should be concentrated, must be so clear to the mind of any person who has had anything to do with the construction of great objects that there cannot be a shadow of a doubt of its necessity."

Secretary Whitney is no less emphatic than was Secretary Chandler in urging this reform, both in his report and his evidence.

The following statements, illustrating the working of the present bureau system in the matter of purchases, are taken from the report of the Secretary of the Navy for 1885:

"The open purchases of the Navy Department for the year ending June 30, 1885, amounted to $841,285.84, while the purchases by contract amounted to only a little over a million. A large proportion of the open purchases consisted of articles of either comparatively small value or more or less difficult of classification; but $138,000 of the amount was spent by the seven bureaus, each acting independently of the other, for coal bought—not in one lot, but at one hundred and sixty-six several open purchases (this does not include coal bought by ships on foreign stations); two hundred and ninety-nine different open purchases of stationery were made by eight different bureaus; $121,315.66 was spent for lumber and hardware by six bureaus in four hundred and ninety-nine separate open purchases; seven bureaus spent $46,000 for oils and paints in two hundred and sixty-nine separate purchases; one hundred and seventeen different open purchases of iron and steel were made, at an expense of $41,524.48; $68,881.59 was spent for hemp and cordage in forty-five different open purchases. Eight bureaus supply stationery to ships; three bureaus supply ships with lamps and lanterns. To the same ship one bureau supplys electric lights and the light for general illuminating purposes, another supplies electric search lights, and a third oil and light for the engine and fire rooms.

* * * * * * *

"Each bureau in the matter of purchases being practically independent of every other, and charged with duties to which these are generally subordinate, with no immediate responsibility to any common head, it is not only not surprising, but it is inevitable that their purchases should be made without the precautions and the judgment and the sagacity which might be expected if that class of duties were confided to an individual selected for the purpose, and upon whom its entire responsibility could be concentrated. With such a concentration of responsibility, the financial operations of the Department would all center at a single point; a system of books would be kept that would show at a glance all the financial transactions of the Department, and at the same time would establish, what is sadly lacking at present, an exhibit of all the property of the Department, for which some one would always be accountable."

The bill we present leaves untouched the discretionary power the Secretary now has in the distribution of the business of the Department among the bureaus authorized by law. But it proposes a different organization. Leaving the Bureaus of Navigation, of Ordnance, and of Medicine and Surgery to remain as now, it abolishes the other five bureaus and creates a bureau of material, construction, and repair, and another of supplies and accounts. Under the first of these will be brought everything relating to the building and equipping a ship except ordnance. We do not propose to disturb that bureau, principally because of the magnitude and importance of the subject-matter involved, and partly in deference to the objections urged against any more radical changes in the organization.

It is clear, also, that if all the other interests concerned in the building and equipment of ships are harmonized and brought under one management, we may expect the relations between this one comprehensive bureau and the Bureau of Ordnance to be much more easily adjusted than has been found to be possible as between Ordnance and the four other bureaus, which were all concerned in this same business of completing a ship.

Especially will this be so when the Secretary finds himself aided in the distribution of business by having a bureau of supplies and accounts, under which he will put all the numerous storehouses and storekeepers, &c., and by the aid of which he will make all payments and purchases and keep account, under one head, of all expenditures.

This consolidation of business under this bureau and the consolidation under the bureau of material, construction, and repair of machine shops, blacksmith shops, head coppersmiths, molders, painters, pattern-makers, engineers, joiners, and of all the other supervisory force now employed under the various bureaus in the navy-yards, will result, we believe, not only in greater efficiency but also in a large saving of expenditures.

Commodore J. G. Walker, in his testimony, makes, at the request of the committee, the following estimate of reduction in clerks and supervisory force in New York navy-yard resulting from the proposed reorganization of the Navy Department.

Estimate of reduction in clerks and supervisory force in New York navy-yard.

Office.	Steam engineering.	Construction.	Yards and docks.	Equipment and recruiting.	Ordnance.	Provision and clothing.	Navigation.	Present total.	Proposed total.
Chief, or principal, clerk	1	1	1	1	1	1	1	7	4
Store clerk	2	1	1	.....	1	.....	1	6	3
Messengers	2	1	4	1	1	1	.....	10	6
Draughtsmen	1	6	.....	.....	.....	.....	.....	7	4
Writers	1	3	3	1	.....	1	.....	9	5
Receivers	1	1	.....	1	.....	4	.....	7	4
Master machinists	1	.....	.....	.....	.....	.....	.....	1	1
Master machinists, second class	1	.....	.....	.....	.....	.....	.....	1	.....
Leading machinists	2	.....	.....	.....	.....	.....	.....	2	2
Laborers, quartermen, or leading	.....	1	2	1	.....	2	.....	6	4
Laborers, skilled	.....	6	.....	2	.....	.....	1	9	5
Furnaceman	1	.....	.....	.....	.....	.....	.....	1	1
Pattern-makers, foreman	1	.....	.....	.....	.....	.....	.....	1	1
Pattern-makers	6	3	.....	.....	.....	.....	.....	9	6
Boiler-makers, master	1	.....	.....	.....	.....	.....	.....	1	1
Boiler-makers, quartermen	2	.....	.....	.....	.....	.....	.....	2	2
Coppersmiths	1	.....	.....	.....	.....	.....	.....	1	1
Molders, master	1	.....	.....	.....	.....	.....	.....	1	1
Molders, leading	1	.....	.....	.....	.....	.....	.....	1	1
Smith, master	.....	1	.....	.....	.....	.....	.....	1	1
Smith, leading	.....	1	.....	1	.....	.....	.....	2	1
Painters, leading, or first class	.....	2	1	.....	.....	.....	.....	3	2
Boat-builders, master	.....	1	.....	.....	.....	.....	.....	1	.....
Rigger, quarterman	.....	.....	.....	1	.....	.....	.....	1	1
Joiner, master, or first class	.....	1	1	.....	.....	.....	.....	2	2
Model-fitter	.....	1	.....	.....	.....	.....	.....	1	1
Iron-plater, quarterman	.....	1	.....	.....	.....	.....	.....	1	1
Shipwright, master and quarterman	.....	3	.....	.....	.....	.....	.....	3	2
Spar-maker, quarterman	.....	1	.....	.....	.....	.....	.....	1	1
Plumber, master	.....	1	.....	.....	.....	.....	.....	1	.....
Calkers, quarterman	.....	3	.....	.....	.....	.....	.....	3	2
Sail-maker, foreman	.....	.....	.....	1	.....	.....	.....	1	1
Wheelwright	.....	.....	1	.....	.....	.....	.....	1	1
Teamster, quarterman	.....	.....	1	.....	.....	1	.....	2	1
Firemen	.....	4	5	.....	.....	1	.....	10	7
Engine-tenders	2	5	2	1	1	1	.....	12	9
Compass-fitters	.....	.....	.....	.....	.....	.....	1	1	1
Coopers	.....	6	.....	.....	.....	2	.....	8	6
Total	.....	.....	.....	.....	.....	.....	.....	137	92
Reduction	.....	.....	.....	.....	.....	.....	.....	.....	45
Per cent	.....	.....	.....	.....	.....	.....	.....	.....	33

Mr. BOUTELLE. I ask for the reading of the minority report.

The Clerk read the views of the minority, as follows:

This bill was prepared as the outcome of the views of the President, expressed in his annual message of December 8, 1885, and of those of the Secretary of the Navy, contained in his report of November 30, 1885, concerning the necessity of a reorganization of the Navy Department.

The President said:

"I deem it my duty to specially direct the attention of Congress to the close of the report of the Secretary of the Navy, in which the humiliating weakness of the present organization of his Department is exhibited, and the startling abuses and waste of its present methods are exposed. The conviction is forced upon us with the certainty of a mathematical demonstration that before we proceed

further in the restoration of a navy we need a thoroughly reorganized Navy Department. * * * Every attempt to revive our Navy has thus far, for the most part, been misdirected, and all our efforts in that direction have been little better than blind gropings and expensive, aimless follies."

The Secretary said: "There is something radically wrong with the Department," and "a reform in our organization is indispensable." He asserted that the existing bureaus, (1) Yards and Docks, (2) Equipment and Recruiting, (3) Navigation, (4) Ordnance, (5) Construction and Repair, (6) Steam-Engineering, (7) Provisions and Clothing, (8) Medicine and Surgery, should be legislated out of existence, and the whole busines of these bureaus redistributed under three bureaus only, as follows: (1) the bureau of personnel, (2) the bureau of material and construction, and (3) the bureau of finance and account.

When the Secretary, in pursuance of the foregoing comprehensive programme of reform promulgated by the President and himself, first laid before the committee his proposed bill, it provided for (1) a bureau of personnel; (2) a bureau of material, construction, and repair; (3) a bureau of supplies and accounts; the first to have three subdivisions, (*a*) of detail and records, (*b*) hydrography, and (*c*) medicine and surgery; the second to have three subdivisions, (*a*) of construction and equipment, (*b*) steam-engineering, and (*c*) ordnance; and the third to have two subdivisions, (*a*) of supplies and purchases, and (*b*) accounts and audit. It thus provided for three bureaus and eight subbureaus, or eleven in all, in the place of eight equal bureaus.

This first proposed bill having been withdrawn by the Department, it next submitted the bill now reported favorably by the majority of the committee, which establishes bureaus and subbureaus as follows:

"*Bureaus.*—(1) Navigation; (2) ordnance; (3) medicine and surgery; (4) material, construction, and repair; (5) supplies and accounts.

"*Subbureaus.*—(6) Construction and equipment, (7) steam-engineering (under bureau of material); (8) supplies and purchases, (9) accounts and audit (under bureau of supplies and accounts)."

Or nine organizations in place of the present eight. If a subdivision of yards and docks, which would seem to be necessary, were to be added, there would be under the reformed method ten organizations instead of the present eight.

It will be noticed that in the Department's second bill the bureau of personnel is omitted. This the Secretary in his report placed as the first of the three new bureaus which would constitute the "natural division of the work of the Department." The first bill proposed to declare by law that the chief of this principal bureau of personnel "shall have charge of the Naval Observatory, the naval asylum, and the naval educational establishments, shall direct the movements and inspection of fleets and of vessels acting singly, shall have charge of all ships in commission, and the correspondence relative thereto, as well as the movements, employment, and instruction of officers and men, and shall keep their records of service."

Under such a provision the President and Secretary of the Navy would be deprived by law of the authority to issue and sign any orders to naval officers, and such orders could only be legally signed by the chief of the bureau.

The Secretary of the Navy sensibly withdrew this feature of his reform organization of the Department which after an experience of nine months he had declared to be one of the indispensable conditions of successful administration. The Secretary also in his first bill abolished the Bureau of Navigation, and changed the Bureau of Ordnance (under a new name of "director of ordnance") and the Bureau of Medicine and Surgery from independent bureaus to mere divisions of other bureaus. His second bill now restores these three bureaus as independent bureaus and abandons that feature of his first bill.

The Secretary's wise abandonment of the foregoing parts of this reorganization plan operates strongly with the minority of the committee in inducing them to oppose the passage of any bill for the radical reorganization of the Navy Department at the present session. If the Secretary has determined that more than one-third of his plan is injudicious it is quite probable that further reflection and additional experience gained in another year's conduct of his Department may lead him to conclude that the adoption of the two other thirds would be an injury instead of a benefit to the Navy. If he has already become convinced that the eight independent bureaus which he at first felt must certainly be reduced to three can not be reduced below five, may not further reflection convince him that the other three should be retained? It will be easier a year later to adopt his ripened proposals under these two heads than it will be to undo any mischief which may result from the hasty acceptance by Congress of the opinions of the Secretary concerning the natural divisions of the work of the Department which have been so frankly and judiciously admitted by him to have been incomplete and immature.

The eight bureaus of the Navy Department are the growth of many years of experience. With them the Department successfully managed the Navy during the war of the rebellion. The four staff Bureaus of Construction and Repair, Steam Engineering, Provisions and Clothing, and Medicine and Surgery represent four different corps of naval officers, which have existed some of them nearly a century, and the chief of each bureau, whether the senior officer or not, has generally been recognized as the head for the time being of his corps. To annihilate these bureaus or to place them under line officers as chiefs would be justly regarded as doing great injustice to the various staff corps, and would revive dissensions that could not fail to work incalculable mischief to the Navy. The attempt has been given up as to the Medical Corps. The question presented to Congress by the proposed bill is whether it shall be persisted in as to the naval constructors, naval engineers, and paymasters.

The bill provides that the chief of the Bureau of Material, Construction, and Repair shall be appointed from civil life or from the active-list of officers of the Navy, and that the Chief of the Bureau of Supplies and Accounts shall be appointed from the active-list of officers of the Navy. The present chiefs of the bureaus now corresponding to the proposed new bureaus and subbureaus are, as they must by law be, a naval constructor, a naval engineer, and a paymaster. The proposed bill creates two new bureaus and their four subdivisions, at the head of which it would be possible to place officers of even the lowest junior grade on the active-list of the Navy.

In opposing the transfer of these two staff bureaus to line control the minority of the committee do not wish to be understood as in any way antagonizing the line of the Navy. The line officers are the commanding officers and the present list embraces officers of the highest culture, capacity, and distinction. They should be sustained and strengthened in the possession of the functions, honors, and emoluments which legitimately belong to them.

But equal justice should be extended to the staff officers, and their appropriate field to work should not be encroached upon by the line. In time of peace, with insufficient work for the Navy to do, the line may be tempted to crowd over into the domain of the construction, engineering, and pay corps, and even to incline to eliminate some or all of them from the establishment. Such a disposition and tendency is a mistake. In time of war the line are wanted for their dangerous and important executive duties, and indeed would not be willing to be withdrawn from them to build ships, run engines, or purchase or handle provisions, clothing, and supplies. As the staff officers referred to are indispensable in time of war, they must be protected and respected in time of peace, as they might not be if they and their bureaus are made subordinate to officers outside of their own corps, placed between them and all connection or communication with the Secretary of the Navy. What reason can there be to suppose that the condition of the Pay Corps will be improved simply by placing it under a line chief of a bureau of supplies and accounts, with two line chiefs of the divisions of supplies and purchases and accounts and audits? What will be the probable effect upon the professional pride and zeal of the naval constructors and naval engineers if they are placed under a naval captain, chief of a bureau charged with the whole work of building, equipping, and repairing the hulls and engines of all men-of-war, while their own distinctive bureaus are abolished and their functions subordinated. Yet these results are probable under the proposed bill, and the minority of the committee believe they are intended by its authors.

The proposed bill, it is true, in form allows the bureau of material, construction, and repair to be placed under a chief from civil life, with the pay of a commodore, namely, $5,000 per year. But the minority are by no means persuaded that any civilian naval architect, competent to be put over the heads of all the present constructors and engineers, is to be found in the country, and if there were such a one his services could not be secured for $5,000 per year.

The minority are not averse to improved methods of administration and organization in the Navy Department, to be effected by the voluntary action of the Secretary, or even by mandatory legislation if necessary, provided the evil to be remedied is clearly seen to be in existence and the proposed remedy seems likely to be effective. It is common, and may be admissible under some circumstances, for professed reformers to grossly exaggerate the evils they seek to cure. But such a method of achieving reform is hardly open to public officials of as high position as that of the President and Secretary of the Navy. The assertion by the former that the Navy Department is simply "*a shabby ornament to the Government*," and the declaration of the latter that the whole organization of the Department is *vicious*, and that all the eight bureaus must be swept away at one blow, and three new bureaus, with entirely new names and with anomalous and enormous powers, must be established, is a misconception of facts and remedies which has alarmed the whole service, and should be carefully scrutinized by Congress before accepting it.

Some inconveniences have been, from time to time, pointed out in naval administration, mainly those growing out of the continual repairing and reproducing of old wooden ships. But during nearly half a century of organization under a simple and natural subdivision of the business among several bureaus, the head of each of which has been the immediate agent of the Secretary, responsible directly and only to him, no suggestion has ever been made that the whole organization has been fundamentally wrong, or that it has been solely responsible for what faults of administration have occurred. It was reserved for the present Secretary of the Navy, immediately after entering the Department and without any experience of its workings, to discover that its ancient organization was radically and fatally vicious; that the eight bureaus were all bad, and that the true natural division of the work should be among three bureaus, one of personnel, one of material, and a third of finance.

On this point the Secretary testified before the committee as follows:

"Q. This bill proposes a very radical change in the methods of the Department. As the result of the observation you have made in the past year of the working of the Department, do you feel entire confidence in recommending this radical change in the system?

"The SECRETARY. I do; yes, sir; I think it is the natural system for doing business.

"Q. Have your opinions in that regard been formed by your own personal observation during the time you have been in the office, or by reference to the views or recommendations expressed to you during the past by others?

"The SECRETARY. Well, as I remarked before, my views were formed from observation. I think an outsider coming into a department like the Navy, if he is a person who has had anything to do with business, has this advantage, that a thing strikes him more readily than it does a man accustomed to routine. As I said before, my views began to form from my observation in regard to the manner in which the navy-yard work was done, and then up through the Department, the way in which the Secretary was left alone. It was largely observation that formed my views.

"Q. Did you organize a board for the purpose of considering this reorganization?

"The SECRETARY. No, sir; not on this subject at all.

"Q. I was under the impression they had considered this subject. What was the subject-matter of the consideration of that board?

"The SECRETARY. That was with regard to the *personnel* of the bureaus—the way in which the work was done, the character of the clerks, their official positions, and so on.

"Q. This is a proposition, as I understand, to reorganize the Department under three distinct heads. To your knowledge, has that system *ever been recommended* in any official way *prior to your report of December last?*

"The SECRETARY. I do not know that it has, but it is a system that is in general use everywhere but here.

"Q. I am speaking about our own service, whether there ever has been any official recommendation in our service.

"The SECRETARY. I do not know of any other, but you will find that in other countries there is the same general distribution of functions into these three branches, and the organization is on that basis."

Commodore J. G. Walker testified as follows:

"Q. When was your attention first called to this plan—this specific method of having three heads in the Department—do you remember?

"A. I don't remember when it was first talked of, but I should say last summer.

"Q. Have you ever recommended anything of that specific character in the past year?

"A. I have been in favor of this——

"Q. Have you ever recommended it officially?

"A. No, sir; not officially; I have recommended it in conversation.

"Q. Do you know of any public recommendation of this plan or any official recommendation of it prior to the Secretary's report last December?

"A. Not carrying it to this extent.

"Q. I mean this specific plan.

"A. I think many officers of the Navy have been in favor of some consolidation of the bureaus in the Navy Department for many years past; but I do not know that any one has recommended consolidation to the extent that this bill proposes."

Nothing whatever was shown to the committee in proof of the assertion that the navy department of any nation is organized on the principle of three natural divisions—bureaus of personnel, material, and finance. The Secretary and his associates are entitled to the credit of having invented the plan.

Nearly all the evils recited by the Secretary in his reports are evils not of organization but of administration, and can be corrected by energetic and persistent attempts on his part.

One of the instances given by him is as follows:

"In the summer of 1883 an order was given for sixty-one thousand dollars' worth of canvas to a person who was not a dealer in the article and at a time when there was the usual supply of canvas on hand.

"Under an order made by Secretary Thompson in 1877 it was understood that the limit of any single purchase under a 'certificate of necessity' was $500. For purchases involving a larger amount resort must be had to the ordinary contract system. Several months were consumed in the delivery of this sixty-one thousand dollars' worth of canvas, and the bills were made out in sums of less than $500 each. The 'certificate of necessity' accompanied each one, and in that form the bills passed the Treasury Department.

"Two or three of these bills, with the bureau officer's certificate of necessity upon them, would sometimes be dated and presented on the same day.

"During the same year coal was purchased by different paymasters from the

same person on or about the same days, deliverable at the very same place, of like quality and character, but at prices differing from 50 to 65 cents a ton.

"It is idle to suppose that abuses of the character I have glanced at can be prevented merely by a change in the personnel of the Department. It is the system that is vicious."

Clearly the Secretary was mistaken in supposing the abuses so related by him were due to a vicious system. They arose from neglect or failure or misconception of the law and order of the Secretary on the part of the officers making the purchases.

A marked instance of the exaggeration by the Secretary of the condition of his Department is contained in the following statement in his report:

"I have taken measures to obtain a complete inventory of the stock on hand in our various navy-yards and stations. *It is the first that has been made in seven years.* In view of the defective system under which the Navy Department has been allowed to drift during the last twenty years I was not greatly surprised to discover that the stock on hand fails to agree with the amounts shown by the books of the Department. In some cases it is largely in excess, in others there is a deficiency."

When writing the above severe indictment of the navy system the Secretary appears to have been in complete ignorance of section 2 of the naval appropriation act of August 5, 1882, which required as follows:

"SEC. 2. That it shall be the duty of the Secretary of the Navy, as soon as may be after the passage of this act, to cause an account to be taken of the stock of stores and supplies pertaining and belonging to the several bureaus of the Navy Department, in which account shall be stated the original cost of each article and the date of purchase, so far as the same is known, and cause an appraisement of the present value of such stores and supplies to be made and entered in such account; and said appraised value, when so entered, shall hereafter be the price at which they shall be charged in accounting with the several bureaus. Such appraisal shall be made by boards of officers of the Navy to be designated by the Secretary; and all such stores and supplies as shall be found by boards of appraisers to be unserviceable for use in the Navy shall be condemned and sold in the manner hereinafter provided for the sale of old materials, and the proceeds thereof, after deducting the cost of such appraisal, condemnation, and sale, shall be paid into the Treasury. And no old material of the Navy shall hereafter be sold or exchanged by the Secretary of the Navy, or by any officer of the Navy, which can be profitably used by reworking or otherwise in the construction or repair of vessels, their machinery, armor, armament, or equipment, but the same shall be stored and preserved for future use. And when any such old material can not be profitably used as aforesaid, the same shall be appraised and sold at public auction after public notice and advertisement shall have been given according to law under such rules and regulations and in such manner as the said Secretary may direct. The net proceeds arising from the sale of such old materials shall be paid into the Treasury. It shall be the duty of the Secretary of the Navy annually to report in detail to Congress, in his annual report, the proceeds of all sales of materials, stores, and supplies made under the provisions of this act, and the expenses attending such sales."

It further appears by the reply of the Secretary of January 4, 1886, to a resolution of the Senate (Senate Ex. Doc. No. 23, 49th Cong., 1st sess.), that the accounts and appraisals required by the law of August 5, 1882, had been carefully and fully made, and the Secretary says:

"So far as the Department is advised, no part of the requirement of the law was not complied with except as to reporting to Congress, *in detail*, the proceeds of all sales of material, stores, and supplies made under its provisions. Such reports were made in general statements in annual reports of the Department, and an account of the deposits into the Treasury for the sales published in the annual Book of Estimates."

Congress could hardly have intended by using the word "detail" that the name and description of every article sold should be reported to Congress. The fact that the Secretary did not even know that the inventory had been taken when he made his report, suggests that he may be mistaken as to other charges upon which he arraigns the system of departmental organization which prevailed when he entered office. Further time, investigation, and reflection may additionally modify his views concerning the system, and opportunity for this should be allowed him by suitable delay on the part of Congress in acting on his sweeping propositions for so-called reform legislation.

A bureau of accounts or a division of accounts and audit is entirely unnecessary. The Secretary in his report, and a majority of the committee, urge the desirability of the concentration of the duties of purchasing and handling naval supplies; but not one word is uttered by either showing the need of any different system of accounts and audits from that now existing. Purchases may be made by the different bureaus as now; or by simple order of the Secretary there may be concentration of the purchases in the Bureau of Provisions and Clothing, at the head of which is a member of the Pay Corps, and the officers of which corps now make all the purchases for the Navy not made directly by the chiefs of the bureaus. In either event the present system of accounting is sufficient and nearly perfect. Appropriations are made by Congress in detail for each bureau. Each bureau is responsible for the expenditure of the moneys belonging to it, keeps full, accurate, and elaborate accounts, and can at a moment's notice inform the Secretary of the Navy of its financial condition, its balances of money, and property on hand. In addition, duplicate accounts of all the transactions of each bureau are to be found in the office of the Fourth Auditor of the Treasury, who, with his 44 clerks, does no other business except watch the naval expenditure and audit the naval accounts. To establish a bureau or a division of a bureau solely to audit the accounts of naval expenditures would be a needless triplication of entries and records. Its establishment could only be justified if either the Fourth Auditor or the Secretary of the Navy were to be formally legislated out of existence, which steps neither the Secretary nor the majority of the committee propose. The whole outcry that the system of naval accounting is imperfect and that a bureau or division of accounts and audits is required is frivolous and baseless.

It is said that economy of expenditure is to be promoted by the proposed new organization of the Navy Department. This may well be doubted. If there are now many cases in which two men are employed to do one man's work, and by consolidation of bureaus one-half such employés are to be discharged, there will be a gain. But if of the present employés each does a day's work consolidation will effect no reduction. The same work will still remain to be done, and the same number will be required to do it. The minority are skeptical about the reduction of 33 per cent. in the clerks and supervisory force in the navy-yards, which it is claimed in the estimate prepared by Commodore J. G. Walker will be accomplished by the proposed consolidation of bureaus. The promise is more than the performance is likely to be. An analysis of the estimate would show that some of the reductions can not be made, that some can be made without consolidation, and that the useful net reduction from that cause will be slight.

The promoters of the bill, while very free to promise reductions of a few leading low-paid mechanics at the navy-yards, have not shown that any reduction is to be expected, but rather an increase of high-salaried employés, from the consolidation of bureaus. There are now eight chiefs of bureaus; the first proposed reorganization bill required eleven chiefs of bureaus and divisions, and also a chief accountant; the present proposed bill requires nine chiefs and the chief accountant, or ten officers where there are now eight.

The following table shows the clerks and supervisory force within the Navy Department, none of which are to be reduced or dispensed with in case of the proposed consolidation of bureaus:

Bureau.	Chief.	Total force.
Bureau of Navigation	John G. Walker	103
Bureau of Ordnance	M. Sicard	11
Bureau of Medicine	F. M. Gunnell	9
Bureau of Construction	No present chief	8
Bureau of Steam Engineering	C. H. Loring	16
Bureau of Provision and Clothing	No chief	13
Bureau of Yards and Docks	D. B. Harmony	9
Bureau of Equipment and Recruiting	W. S. Schley	12
Secretary's office		36
		217

The minority would be very glad to see an estimate of the reduction in the above force to result from the proposed reorganization of the Navy Department.

The minority regret to notice that the majority of the committee have omitted from their proposed reorganization what the Secretary in his report says should be an "*essential feature*" of the system of organization indicated by him, namely, an Assistant Secretary of the Navy. This essential feature of the Secretary's plan is the only one which would be agreed to by Congress with substantial unanimity, and yet it is the only one which was left out of the bill first prepared, and it is also left out of the present bill. An Assistant Secretary would be a valuable addition to the civilian representation in the Department now depending substantially upon the Secretary alone. In this connection the minority call attention to the annexed letter of a former Secretary, dated January 16, 1883, giving reasons why the Department should have an Assistant Secretary.

The minority therefore are opposed to the passage at this time of the bill reported for the reasons stated:

(1) Because it follows and is intended to be a justification and vindication of sweeping and baseless aspersions upon the whole organization of the Navy Department as it has existed during the last half century.

(2) Because the bill is intended to place all the bureaus of the Navy Department under the control of one branch of the service, and thus to impair the dignity and independence of the corps of naval constructors, naval engineers, and paymasters, which would be likely to prove a deadly blow at the peace and prosperity of the naval establishment.

(3) Because the bill does not decrease but increases the number of high officials to be engaged in conducting the business of the Department, and because there is no sufficient reason for believing that it will result in the economy and reform predicted.

(4) Because the bill does not provide for an Assistant Secretary of the Navy, who should be an essential feature of any improved organization, in order that the Secretary may be supplemented and aided in maintaining full civilian influence in the Department. The action contemplated if the present bill passes will diminish civilian control to the lowest point possible without abolishing the office of Secretary.

N. GOFF.
C. A. BOUTELLE.

NAVY DEPARTMENT,
Washington, January 16, 1883.

SIR: I have the honor to state the reasons why there should be an Assistant Secretary of the Navy.

The peculiar and appropriate duties of the Secretary are more than can be continuously and efficiently performed by one person. He needs an assistant to aid him at all times in investigating and directing the affairs of the Department, to sign regularly a portion of the correspondence and orders, and to act as the head of the Department during the occasional necessary absence of the Secretary. Economically it would be cheaper to employ an Assistant Secretary and to dispense with the services of lower subordinates receiving salaries equal to his.

But the important need of an Assistant Secretary is to strengthen civil influence in a Department constituted almost entirely of naval officers with military habits and opinions, and holding life commissions. There are about 2,500 officers, receiving about five millions in annual salaries, and expending annually over fifteen millions of the public money. This great establishment is not commanded by a supreme military captain, also with a life commission, but is, according to our republican Constitution, controlled by the President, who comes for a limited period from civil life, and for the time being as commander-in-chief is supposed to direct the Navy wisely and impartially for the national interests and according to the will of the people as expressed from time to time in the laws of Congress.

This control and direction the President is supposed to exercise solely through a Secretary of the Navy, who is also taken temporarily from civil life, and is a civil and not military officer. The Secretary acts through the Navy Department with eight bureaus, all of whose acts are by law his acts, as his acts are by law the acts of the President. How are these bureaus organized? Every one is headed by a naval officer.

There is, in addition, a solicitor, nominated by the President and confirmed by the Senate, who is an accomplished major in the Marine Corps, and has acquired an excellent knowledge of the general principles of law by studying since he became a marine officer, but has never practiced law. The sole civilian assistants of the Secretary are the chief clerk and a few other subordinate clerks.

In the whole establishment there is no lawyer but the Secretary himself. When he ventures away there is no civil authority left except that of the conservative chief clerk; and he can not become the acting Secretary, but a naval officer must be made such.

Thus has conformity to the constitutional theory concerning the direction of the Navy been reduced to a minimum.

The situation in the War Department, if I may properly refer to it, is even worse than in the Navy Department, because it is so much larger; and therein 2,500 Army officers, receiving annually salaries of six millions and disbursing forty-five millions of public money, are expected to be efficiently ordered by a secretary and chief clerk, with no other civilian legal aid and with no other civil assistants except subordinate clerks. It is remarkable that while all the other Departments have retained their assistants—three in the State Department, three in the Post-Office Department, three in the Department of Justice, two in the Treasury, and one in the Interior Department—the Assistant Secretaries of War and of the Navy have been gradually eliminated from those Departments, and each Secretary, with only a chief clerk, been instructed by Congress to do his best to fairly and judiciously adjudicate between rival officers and contending corps, and to control and wisely and legally manage an overgrown and expensive military establishment.

It might be better to reverse our theory and entirely withdraw the civilian Secretaries and give supreme military control to the General of the Army and Admiral of the Navy. But I hesitate not to say that the real public interests require a return to the traditional policy and the placing in each Department of a Secretary, one or more assistant secretaries, and a solicitor learned in the law, to be taken from the ablest men in civil life whom liberal salaries will secure.

In 1865 the present Secretary entered the Navy Department as its solicitor. Mr. Wells was Secretary, Mr. Fox Assistant Secretary, and Mr. Faxon, chief clerk. Civil influence did not even then seem to me to be unduly dominant. Now it depends solely on the chief clerk and myself.

The delay in appointing an Assistant Secretary arises entirely from the difficulty of making a suitable selection.

Very respectfully,

WM. E. CHANDLER.

Hon. FRANK HISCOCK;
Chairman Committee on Appropriations,
House of Representatives.

Mr. SAYERS obtained the floor.

Mr. HERBERT. As it is getting late I ask the gentleman from Texas to yield to me, that I may move that the committee rise.

Mr. SAYERS. I yield for that purpose.

Mr. HERBERT. Did the Clerk read how many signatures were appended to the views of the minority?

Mr. BOUTELLE. He read two good names.

Mr. HERBERT. And only two. They are signed by only two members of the committee.

The CHAIRMAN. If the committee should now rise, the gentleman from Texas [Mr. SAYERS] will be entitled to the floor when the committee resumes the consideration of the bill.

The motion of Mr. HERBERT was agreed to.

The committee accordingly rose; and Mr. HATCH having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 7635) to consolidate certain bureaus of the Department of the Navy, and for other purposes, had come to no resolution thereon.

PHILIP STOTSENBERG.

Mr. LORE, by unanimous consent, introduced a bill (H. R. 10410) for the relief of Philip Stotsenberg, late a private in Company K, Fortieth Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID R. LINTON.

Mr. HITT, by unanimous consent, introduced a bill (H. R. 10411) for the relief of David R. Linton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. HERBERT. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 48 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Affidavit in the case of Michael Flynn, applicant for special act restoring his name to the pension-roll—to the Committee on Invalid Pensions.

By Mr. BAYNE: Resolutions of the Pittsburgh (Pa.) Chamber of Commerce, and of the Pittsburgh (Pa.) Grain and Flour Exchange, indorsing the conference report on the interstate-commerce bill—to the Committee on Commerce.

By Mr. T. M. BROWNE: Petition of the officers of the Women's Christian Temperance Union of Indiana, in favor of the Blair educational bill—to the Committee on Education.

Also, petition of the same, asking for additional legislation—to the Committee on the Judiciary.

By Mr. CANNON: Petition of R. E. McKindley and others, asking the passage of an act to pension W. W. Taylor, of Edgar County, Illinois—to the Committee on Invalid Pensions.

By Mr. CONGER: Petition of J. M. Davisson, of Warren County, Iowa, asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. DINGLEY: Remonstrance of Philadelphia Board of Trade against the free-ship bill—to the Select Committee on American Ship-Building and Ship-Owning Interests.

By Mr. FUNSTON: Petition for the removal of charges of desertion against Daniel Van Winkle—to the Committee on Military Affairs.

By Mr. HALSELL: Petition of Clement Calhoun, of Nelson County, Kentucky, asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. HATCH: Petition of the executive committee of the Order of Good Templars of Missouri in favor of the bill (S. 1579)—to the Committee on the District of Columbia.

By Mr. B. D. HENDERSON: Resolutions of the New York Board of Trade and Transportation, favoring the passage of the Lowell bankruptcy bill—to the Committee on the Judiciary.

Also, paper from the national legislative committee of the Travelers' Protective Association of the United States, favoring the bill (H. R. 1621)—to the Committee on Commerce.

By Mr. HOWARD: Petition of the Women's Christian Temperance Union of Indianapolis, Ind., requesting the passage of the Blair educational bill—to the Committee on Education.

By Mr. HUDD: Petition of citizens of Manitowoc County, Wisconsin, praying for the passage of the bill (H. R. 2933)—to the Committee on Agriculture.

By Mr. LANDES: Petition to correct record of the War Department relative to Henry Dulgar, of Rose Hill, Ill.—to the Committee on Military Affairs.

By Mr. LIBBEY: Petition of John J. Christian, of Augusta County, Virginia, requesting that his claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. LYMAN: Resolution of Western Iowa Horticultural Society in favor of the experiment-station bill—to the Committee on Agriculture.

By Mr. McCOMAS: Petition of William A. Wroe, of the District of Columbia; of Maria and Mary Reynolds, administratrixes of James Reynolds, deceased, of Alleghany County; of Robert H. Cushen, administrator of Eliza Cushen, of Washington County; of the heirs of Grafton Beall; of P. M. Smith, administrator of Nicholas R. Darby; and of B. R. White, of Montgomery County, Maryland, asking that their claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. MORROW: Memorial of James A. Garfield Post, No. 34, Grand Army of the Republic, Department of California, in favor of the passage of the Edmunds-Tucker bill relative to polygamy in the Territories—to the Committee on the Judiciary.

Also, resolutions of the California State Grange in favor of the passage of the agricultural experiment-station bill—to the Committee on Agriculture.

By Mr. O'FERRALL: Petition of Joseph A. Peck, John D. Watson, and other citizens and agriculturists, and of R. F. Harris, R. T. W. Dulee, jr., John E. Massey, and 50 others, citizens and agriculturists, of Albemarle County, Virginia, for the passage of the experiment-station bill—to the same committee.

By Mr. PERKINS: Resolutions of the Chamber of Commerce of Lawrence, Kans., in opposition to the interstate-commerce bill as agreed upon by the conference committee—to the Committee on Commerce.

By Mr. PETERS: Resolutions of the Chamber of Commerce of Lawrence, Kans., opposing the interstate-commerce conference report—to the same committee.

By Mr. RANDALL: Petition of the executive committee of the grand lodge of the order of Good Templars of Pennsylvania, to grant to the people of the District of Columbia the right to determine by ballot whether intoxicating liquors may be manufactured and sold in said District—to the Committee on the District of Columbia.

By Mr. RIGGS: Petition of Selim H. Peabody, regent of the Illinois Industrial University, in favor of agricultural experiment stations—to the Committee on Agriculture.

Also, memorial of the Illinois Horticultural Society, in favor of agricultural experiment stations—to the same committee.

By Mr. RYAN: Petition of Short Horn Breeders' Association of Kansas, for relief—to the same committee.

By Mr. STRUBLE: Petition of the L. G. Ireland Post, G. A. R., No. 118, at Sibley, Iowa, in relation to the rating of pensions by boards of examining surgeons; also in relation to the publicity of the records of such boards—to the Committee on Invalid Pensions.

Also, resolutions passed by the Western Iowa Horticultural Society, favoring the passage of the Hatch experiment-station bill—to the Committee on Agriculture.

By Mr. THROCKMORTON: Petition of Pleasant M. Faught, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. TILLMAN: Papers relating to the claim of Mary L. Loadholtz, of Beaufort County; and of Elizabeth Pealtz, of Barnwell County, South Carolina—to the same committee.

By Mr. WHEELER: Papers relating to the claim of William Parham, of Peter F. Garrett, of Elizabeth L. and James L. Coleman, of James L. Cowan, of James W. Bridgeforth, of Hamilton F. Arthur, of Warren W. Phillips, of John D. Holt, and of Elizabeth L. Coleman, of Limestone County; of Robert E. Tweedy, of Lawrence County; of William F. Ricks, of Colbert County; of Archibald Rutherford, of Jackson County; and of John Turrentine, administrator of Andrew McWilliams, of Limestone County, Alabama—to the same committee.

By Mr. MILO WHITE: Petition of the Band of Hope, 84 members, of Independence, Preston County, West Virginia, for the enactment of laws to prohibit the sale of intoxicating liquors in the District of Columbia, the Territories, and the Capitol Building—to the Select Committee on the Alcoholic Liquor Traffic.

Also, resolutions of the Grand Army of the Republic Post 117, in relation to a pension to Perry D. Martin—to the Committee on Invalid Pensions.

By Mr. WHITING: Petition of the Essex Agricultural Society; and

of citizens of East Charlemont, Mass., for the passage of the Hatch experiment station bill—to the Committee on Agriculture.

Also, petition of citizens of Leominster, Mass., praying for the passage of the Hatch experiment-station bill—to the same committee.

By Mr. WILLIS: Petition of McFerran, Shallcross & Co., for further legislation to stamp out pleuro-pneumonia—to the same committee.

By Mr. WILSON: Papers relating to the claim of Joseph West, of Berkeley County, and of Samuel Ridenour, of Jefferson County, West Virginia—to the Committee on War Claims.

Also, petition of Saint Rose Industrial School, for an appropriation—to the Committee on Appropriations.

Also, petition of the M. E. Conference of West Virginia, for the passage of the indemnity bill for Chinese, and other relief to them—to the Committee on Foreign Affairs.

Also, petition of Washington Hospital for Foundlings for an appropriation—to the Committee on Appropriations.

SENATE.

THURSDAY, *January* 6, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

JOHN P. JONES, a Senator from the State of Nevada, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. EDMUNDS presented the petition of Edwin Hoyt, of West Addison, Vt., praying for the passage of a law extending the time for filing pension claims; which was referred to the Committee on Pensions.

He also presented a petition of the executive committee of the Grand Lodge, Independent Order of Good Templars of Vermont, praying for the passage of the bill (S. 1579) touching the sale of liquor in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. EDMUNDS. I present the petition of Rev. John H. Elliott, Hon. Edmund H. Bennett, and Hon. J. C. Bancroft Davis, a committee of the general convention of the Protestant Episcopal Church of the United States, acting in behalf of that convention, praying Congress to provide for obtaining statistics of marriage and divorce. I move that the petition be referred to the Committee on the Judiciary, who had the matter under consideration at the last session.

The motion was agreed to.

Mr. WILLIAMS presented a petition of the State Grange of California, praying for the passage of the Hatch experiment-station bill; which was ordered to lie on the table.

He also presented a petition of the Military Order of the Loyal Legion, praying for legislation to enable them to wear the insignia of the order when in uniform and while on duty; which was referred to the Committee on Military Affairs.

He also presented a petition of James A. Garfield Post, No. 34, Department of California, Grand Army of the Republic, praying for the passage of the so-called Edmunds-Tucker bill in relation to Mormonism in Utah; which was ordered to lie on the table.

Mr. SPOONER presented resolutions adopted by the State Grange of Wisconsin, urging Congress to agree upon an interstate-commerce bill; also, that the public domain be disposed of only to actual settlers, and demanding that Congress pass laws that will put a stop to the entry and purchase of large tracts of land by aliens; also, favoring the passage of a bill making the Commissioner of Agriculture a member of the President's Cabinet; which were referred to the Committee on Public Lands.

He also presented resolutions adopted by the State Grange of Wisconsin, favoring the passage of the Hatch experimental station bill; which were ordered to lie on the table.

Mr. BLAIR. I present numerous memorials remonstrating against the violation of the Sabbath by the running of railway trains and the performance of public work upon the Sabbath, and praying for the enactment of laws prohibiting such violation on the part of the Postmaster-General's Department and in the transaction of the business of interstate commerce and the War and Navy Departments. These memorials are signed by many of the ablest and best women and men in the country. They are very numerous from all parts of the country. They are signed by Julius H. Seelye, president of Amherst College and ex-member of Congress; Joseph Cook, lecturer and pastor, of Boston, Mass.; George H. Vibbert, of Boston; Rev. J. O. Peck, pastor of the Methodist Episcopal church of New Haven, Conn.; J. F. Shorey, superintendent of the McAuly mission of New York city; James H. Kellogg, member of the New York State Temperance Society; Frances E. Willard, of Evanston, Ill., president of the National Women's Christian Temperance Union; Mary B. Willard, Mrs. Elizabeth W. Andrews; Charles E. S. Fielden and Ruby I. Gilbert, editors and managers of the Union Signal; William J. Batt; J. C. Bateham, national superintendent of the Women's Christian Temperance Union for Sabbath Observance; O. G. Peters, of the Columbus Buggy Company, of Columbus, Ohio; and various others, a large number in all, praying for the passage of laws in the direction I have indicated.

I also present petitions making the same prayer from the following State unions: The Women's Christian Temperance Union of New Jersey, representing 6,000 members; of Indiana, representing 2,500; of Massachusetts, representing 6,000; of Delaware, representing 8,000; of Illinois, representing 9,000; of Iowa, representing 6,000; of Pennsylvania, representing 6,000; of Dakota, representing 1,000, and of the National Women's Christian Temperance Union, 200,000, signed by officers of the national and various other unions.

I have here making the same prayer a petition from the Northern New York Methodist Conference, signed by Bishop Warren and prominent men in that body, as well as officially by the conference; also by vote of their organizations from the Ohio Women's Christian Temperance Union, with 4,000 members, the first district of the Women's Christian Temperance Union, with 450 members, and the Lake County Union, with 150 members; also, the Kansas State Women's Christian Temperance Union, with 2,192 members, the Emporia Union, with 60 members, the sixth district, with 500 members, and the fifth district, with 1,000 members. From Wisconsin, official indorsement by vote of their organization from the State Women's Christian Temperance Union, with 2,000 members, the second Congressional district convention; also, the sixth district and the eighth district, and convention of Independent Order of Odd-Fellows, all signed by officers of these various organizations and many others. Also, from California, official indorsement by vote of their organizations from the State Women's Christian Temperance Union, with 3,000 members; the Brentwood Union, with 31, and Antioch Union, with 34 members, the Brentwood Methodist church, with 50, and Christian with 120 members, and other ministers and teachers from Antioch; also, by the official indorsement by vote of their organizations from most of the leading denominations of the country; the presbytery of New York; the General Congregational Association of Ohio; the Lexington Methodist Episcopal Conference, representing Ohio, Kentucky, Indiana, and Illinois; the General Congregational Association of Michigan; the United Presbyterian Presbytery of Michigan; the General Congregational Association of Dakota; the Dakota annual conference of the Methodist Episcopal Church, and the general assembly of the United Presbyterian Church of North America, with 87,637 church members, eight different orders in all. Other large bodies, notably the National Congregational Council and the American Sunday School Union, voted approval, but failed to authorize the signatures.

I have here another, from New Hampshire, containing official indorsement byorder of their organizations from the State Sunday School Association with 54,554 members, the Methodist churches of Concord, Bristol, and Littleton, with names of educators and prominent men. I present another petition from Michigan containing the official indorsement by vote of their organizations from the State Women's Christian Temperance Union with 6,300 members, the Grand Rapids District Association of the Methodist Episcopal Conference Women's Missionary Society, also the Women's Missionary Society of the Big Rapids District Conference, and the Grand Traverse District Conference; also from New Hampshire, by official indorsement by vote of their organizations, from the Yearly Meeting of Free-will Baptists, with 8,732 members, the State Young Men's Christian Association, and the State Women's Christian Temperance Union, with 1,400 members.

I also present a petition from Eskridge, Kans., containing the official indorsement of vote of their organizations, of the Methodist Episcopal church with 150 members, the Congregational with 50 members, the Baptist, the Reformed Presbyterian, 80 members, with many names of prominent men, the Women's Christian Temperance Union, and the Foreign Missionary Society, very largely and numerously signed.

I move the reference of these petitions in the first instance to the Committee on Education and Labor.

The motion was agreed to.

Mr. BLAIR. I desire to add to my statement with reference to the petitions which I have just presented, that all the petitions are signed by the same parties and the petitions are united, and they set forth as their respectful petition to Congress, "to pass a law instructing the Postmaster-General to make no further contracts which shall include the carriage of the mails on the first day of the week, and to provide that hereafter no mail matter shall be collected or distributed on that day;" second, that Congress will enact laws "to forbid interstate commerce on the first day of the week by railroad trains;" and third, that laws may be enacted "to forbid military drills, musters, and parades of the United States cadets, soldiers, and marines on the first day of the week, in times of peace, as interfering not only with the soldier's right to the day of rest but also with his right of conscience."

Being applied to, I have written to the parties interested in these petitions and who desire a hearing, that probably as the matter was so important and the movement so extensive it would be impossible to have a hearing to their satisfaction during the present session, and I suppose the matter will be postponed until another Congress. Therefore I moved, as the general subject seems to be proper for the considertion of the Committee on Education and Labor, that in the first instance these petitions be sent to that committee. Evidently, if action should

be taken, there must be subsequently a report recommending that these various remedial suggestions be referred to their appropriate committees.

Mr. EVARTS. I present the petition of J. Henry Koennecke and 43 other citizens of New York city and Brooklyn, N. Y., praying for a reduction of the special taxes and for the repeal of the "obnoxious, prohibitory, and monopolistic features" of the oleomargarine bill. As that subject has been in charge of the Committee on Agriculture and Forestry, I move that the petition be referred to that committee.

The motion was agreed to.

Mr. SAULSBURY presented the petition of Mrs. Annie H. Martindale, president of the Women's Christian Temperance Union of the State of Delaware, and other ladies, officers of that association, praying for the passage of the Blair educational bill; which was ordered to lie on the table.

Mr. CALL. I present the petition of the executive committee of the Grand Lodge of the Independent Order of Good Templars, State of Florida, on behalf of a membership of six hundred I. O. of G. T's of the State, asking for the favorable consideration and early passage of the bill (S. 1579) granting to the people of the District of Columbia the right to determine by ballot whether intoxicating liquors may hereafter be legally manufactured and sold in said District or not. I move its reference to the Committee on the District of Columbia.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Foreign Relations, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was ordered to be printed and referred to the Committee on Appropriations with the accompanying papers.

Mr. SEWELL, from the Committee on the Library, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. EDMUNDS, from the Committee on Foreign Relations, to whom was referred the bill (S. 2636) to incorporate the Maritime Canal Company of Nicaragua, reported it with amendments, and submitted a report thereon.

Mr. EDMUNDS. I am instructed, or rather authorized informally, by the Committee on the Judiciary, to whom was referred the bill (H. R. 755) to refer the claims of the Eastern and Western bands of Cherokee Indians to the Court of Claims, to report it back and ask that the Committee on the Judiciary be discharged, and that the bill and papers be referred to the Committee on Indian Affairs, and the same in respect of the bill (S. 375) to refer the claims of the Eastern and Western bands of Cherokee Indians to the Court of Claims. The matter was before the Committee on Indian Affairs at a former session, and under the law was sent to the Court of Claims for a report, which was made. By accident the bills and reports were referred to the Committee on the Judiciary, while they should have gone to the Committee on Indian Affairs. I move that the Committee on the Judiciary be discharged from the further consideration of both these bills, and that they, with the papers, be referred to the Committee on Indian Affairs.

The motion was agreed to.

ALBION S. KEITH.

Mr. DAWES. I am instructed by the Committee on Naval Affairs, to which was referred the bill (H. R. 1085) for the relief of Albion S. Keith to report it favorably; and I am also instructed by the committee to make a brief statement to the Senate and ask for the passage of the bill at this time.

Mr. ALLISON. Let the bill be read in full.

The Chief Clerk read the bill, as follows:

Whereas Albion S. Keith, late a naval cadet in the United States Navy, having successfully passed his final examination for graduation, and being found mentally, morally, and professionally qualified for promotion to the rank of ensign, has been, however, found physically disqualified for promotion by reason of a disease contracted from exposure in the line of duty at sea, which entirely disables him, and because of which he was honorably discharged: Therefore,

Be it enacted, &c., That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint the said Albion S. Keith an ensign in the United States Navy on the retired-list.

Mr. DAWES. If the Senate will indulge me in a brief statement and there is then the slightest objection I shall not press the bill. It had passed the House just before the recess upon the simple statement which I am about to make, and if the Senate does not agree with me, of course I will put it upon the Calendar.

This cadet graduated in 1883 among the very first cadets in his class, a very promising young man in every respect, of whom the Academy, according to the letter of the superintendent, had great expectations. I was one of the visitors that year, and my special attention was called by the faculty to the promise of this young man.

He was put to sea under the regulation which requires two years' service at sea, and when abroad was taken with inflammatory rheumatism. His quarters were in a very exposed position in the ship. He lay there and the surgeon of the ship did not seem to be aware of the perilous condition he was in, and, without reflecting upon the surgeon, he was wofully neglected. He tried to get permission to be sent to a hospital in the foreign port, but for reasons that were satisfactory to the surgeon, the surgeon insisted upon keeping him on board the ship. He was kept under a promise that when they got to a better port he would be put in a foreign hospital, but at that time when the surgeon of the vessel came to examine him he found him, to his utter astonishment, a perfect wreck. He was brought out of the vessel and sent home by a special steamer, and is now the most perfect wreck that ever one saw in the world.

He came home and on his bed was examined at the end of the two years, and then passed, under those circumstances, the twelfth in a class of forty-three. But they have been obliged to discharge him from the service because of his utter wreck. He is upon crutches and has to be helped from door to door, and there is no prospect of his ever being better, and he probably will not live more than a very brief time.

All of the departments recommend that he should be an ensign retired. Technically under the law which was passed that very year those who graduate in the four years' course must serve two years at sea before they get a commission. That is the reason why he is not put upon the retired-list without action of Congress.

The Secretary of the Navy, the Superintendent of the Academy, the surgeon, the commander of the ship, and all join in saying that justice requires that he be put where he would have been if he had had the commission of ensign.

I ask that the bill may be considered now.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

BILLS INTRODUCED.

Mr. DOLPH introduced a bill (S. 3083) for the relief of Louisa A. Ingram; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. VANCE introduced a bill (S. 3084) for the protection of the morals of minors in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. VANCE. There is accompanying the bill a petition from citizens of this District containing some valuable statistics with reference to crime, destitution, &c., among the children of the District. I ask unanimous consent that the petition may be printed along with the bill for the information of the Senate.

The PRESIDENT *pro tempore*. If there be no objection the order will be made.

Mr. MITCHELL, of Oregon, introduced a bill (S. 3085) for the relief of the legal representatives of Chauncy M. Lockwood, for extra mail service; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. PLUMB introduced a bill (S. 3088) to grant a right of way through the public-land strip to the Chicago, Kansas and Western Railroad Company; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MANDERSON introduced a joint resolution (S. R. 93) providing for the sale of the United States map; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Printing.

KILLING OF CAPTAIN CRAWFORD.

Mr. MANDERSON. January 19, 1886, during the last session of Congress, I introduced a resolution asking the Committee on Foreign Relations to make investigation concerning the killing of Captain Crawford, late of the United States Army, by Mexican troops. This killing occurred during the month of January, 1886. The Senate has not yet been favored with anything in the nature of a report from the Committee on Foreign Relations, and in view of an investigation had by the State Department and investigation also made by the War Department the committee has probably thought that such report was not needed.

Preparatory to introducing a bill looking to the relief of the heirs and legal representatives of this gallant officer, which bill I propose to refer to the Committee on Foreign Relations, I should like to call their attention, with the consent of the Senate, to certain statements of fact made in the last report of the Secretary of War. It seems to me that they will show to that committee and to the Senate a case of exceeding hardship and one that calls for the character of relief provided for by the bill. The Secretary of War in reference to this matter says:

In the execution of the Lieutenant-General's instructions to pursue, capture, or destroy the hostiles under Geronimo, a sad and unexpected encounter with a body of Mexican troops, said to have been pursuing the same object, led to the death of Captain Crawford. He was a soldier of great endurance, energy, and courage; admirably fitted for the work he had undertaken. His untimely end in an obscure skirmish, and in the very act of calling a parley, is sadly to be deplored as a loss to the Army and the country.

Passing the recital of facts connected with the pursuit of the hostiles, I read further along in the report:

During the pursuit Captain Crawford had given them no rest, and had exhibited perseverance and intelligence in the highest degree. The Indians were dispirited and worn out by his pursuit, and finding him close upon their trail,

and knowing his character and ability, there is little room to doubt that the result of the meeting between Crawford and Natchez would have been the absolute surrender of the hostiles and the closing of this campaign, so full of all that makes Indian wars horrible.

But the meeting was not destined to occur. Early on the morning of the 11th a body of Mexican soldiers attacked Crawford's camp, wounding one of our scouts. The officers succeeded in stopping our return fire in about fifteen minutes, and Captain Crawford and an interpreter, Mr. Horn, went forward for a parley. While it was in progress, suddenly, and without warning, the Mexicans opened fire, wounding Captain Crawford mortally and the interpreter in the arm. The Mexicans continued to fire for an hour and a half, and only consented to reply to our officers after it was evident they could not capture our position. Captain Crawford and his officers all wore uniforms, but without insignia of rank. The general opinion of the white men with Crawford's command was that they must have known that Crawford was a white man and soldier of the United States. The Mexicans were irregular and not national troops, and asserted that they were following the trail of the hostiles, and seeing the Indian scouts thought they were the Indians they were pursuing.

Mr. President, I read this extract for the purpose of showing that the charges made in the report of Lieutenant Maus and presented by me to the Senate in February last were statements of truth and fact. I now desire to call the attention of the Committee on Foreign Relations to the remarkable character of the claim or demand that has been made on the Mexican Government in this matter.

The only claim thus far made on the part of the United States is based upon the proceedings of a board of survey, which found that, on the day following the engagement in which Crawford was killed, Lieutenant Maus was "compelled by these irregular Mexican troops to turn over to them a number of mules and their equipments under circumstances which rendered it quite impracticable for him to have done otherwise." The report of Lieutenant Maus is published with the reports of General Crook.

So it appears from this report of the Secretary of War that the only claim made on the Mexican government is in the nature of indemnity for the mules taken from the officer who succeeded to the command of our troops after the killing of Captain Crawford. It seems to me that under the facts as narrated by the Lieutenant-General of the Army and the Secretary of War in their reports, stronger and more urgent demand for indemnity should be made upon the Mexican government. But, if it is not to be so, if no redress is to be asked from Mexico, then I submit that something in the way of relief should be afforded to the family of this gallant soldier who met with such a horrible death.

He leaves a mother who, I understand, is insane, who was dependent upon him for her support and maintenance, and there survives him a brother entirely unfitted by reason of physical disability (contracted, I believe, during the war of the rebellion as a soldier) who was also dependent upon him.

The reason of my interest in this matter, aside from that which I feel as a citizen anxious that fair indemnity should be given to those who suffer in the public service and for the public good, and desirous that there should be some sort of explanation or apology for that which is in the nature of an insult to the flag of the country, is because I number these people among my constituents.

I hope, Mr. President, that the bill which I introduce, passing as it will to the Committee on Foreign Relations, will receive very speedy and very thorough investigation.

The bill (S. 3086) for the relief of the heirs and legal representatives of the late Captain Emmet Crawford, United States Army, killed in Mexico by Mexican troops, January 11, 1886, was read twice by its title, and referred to the Committee on Foreign Relations.

AMENDMENTS TO APPROPRIATION BILL.

Mr. MITCHELL, of Oregon, submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 10395) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1888, in which it requested the concurrence of the Senate.

INDEBTEDNESS OF PACIFIC RAILROAD COMPANIES.

The PRESIDENT *pro tempore*. If there are no concurrent or other resolutions the Chair lays before the Senate a resolution which comes over from yesterday under objection.

The resolution submitted yesterday by Mr. MCPHERSON was read, as follows:

Resolved, That the Secretary of the Treasury be, and is hereby, requested to inform the Senate, as soon as practicable, the sums of money which were owing to the United States by the bond-subsidized Pacific railroad companies, respectively, on the 1st day of January, 1887, giving detail of all payments made on account of the same, and also the sums which are due and to become due, principal and interest, under existing law, severally and collectively, from said companies, and what difference will result to the Treasury if Senate bill No. 1200 should become a law.

Mr. HOAR. That resolution was taken up by unanimous consent yesterday. It comes over as unfinished business, I believe. No objection was made to it.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Massachusetts to object.

Mr. HOAR. No, sir; I said that it wanted one minute of 2 o'clock, and I did not wish to take the floor for one minute only. The Chair did not hear me, possibly.

Mr. EDMUNDS. The RECORD shows that to have been the fact.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Massachusetts as objecting.

Mr. HOAR. No, sir.

The PRESIDENT *pro tempore*. But still the Chair would hold the objection as coming too late.

Mr. MCPHERSON. I think I distinctly asked the Chair if an objection was made to its consideration. If the Chair rules that it is not in order to come up as unfinished business I move that the resolution be taken up.

The PRESIDENT *pro tempore*. If there be no concurrent or other resolutions the Chair will put the question on taking up the resolution of the Senator from New Jersey.

Mr. ALLISON. I desire to offer a resolution asking for information.

The PRESIDENT *pro tempore*. The Senator from Iowa offers for adoption a resolution, which will be read.

The resolution submitted by Mr. ALLISON was read, as follows:

Resolved, That the Secretary of War be directed to communicate to the Senate the report of the board of engineers recently made and other information in his Department respecting the question of bridging the Mississippi River at or near Saint Louis, in the State of Missouri.

Mr. ALLISON. I ask for the immediate consideration of the resolution.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. MCPHERSON. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. HOAR. If I may be permitted to make one statement I should be glad to do it.

The PRESIDENT *pro tempore*. Objection being made, the question arises on the motion of the Senator from New Jersey to proceed to the consideration of the resolution submitted by him yesterday.

Mr. HOAR. From whom did the objection come?

The PRESIDENT *pro tempore*. The Chair understood that objection was made to the resolution of the Senator from Iowa.

Mr. ALLISON. I did not understand any one to object.

The PRESIDENT *pro tempore*. The Senator from New Jersey objected.

Mr. MCPHERSON. With a view to get on with the consideration of the other matter.

Mr. ALLISON. Very well; we shall see how the Senator from New Jersey gets along.

Mr. HOAR. If I may be permitted to make a statement for one moment, I think I can relieve the whole matter. I desire to withdraw the amendment which I proposed yesterday and to consent to the passage of the resolution of the Senator from New Jersey without the amendment, because I am satisfied on examining it that all the amendment calls for will be accomplished by the resolution without amending it.

I desire to say in regard to the question put by the Senator from Kentucky [Mr. BECK] that while I am now enabled to answer that question imperfectly, I prefer rather to defer the answer until the subject comes up again in some other way, when I shall have the complete statistical information in my possession.

So, with the leave of the Senate, I desire to withdraw my amendment and suggest that the resolution as originally offered be passed without any further discussion.

Mr. MCPHERSON. Mr. President, I have a single word to say. I did not object to the resolution of the Senator from Iowa except upon the ground that it displaces my resolution, which is properly before the Senate. I only want to have it acted upon at once, and then I shall very gladly withdraw the objection.

Mr. EDMUNDS. I wish to say that I have now obtained a Department copy of the report of the Commissioner of Railroads, General Johnston, which completely and fully and in detail answers every question there is in this resolution, except requesting—which is the right thing to do, and that is the form of the resolution, if you are going to ask anybody's opinion, which we have no right to ask—except requesting the opinion of the Secretary of the Treasury as to how the thing will stand if a certain bill is to be taken as the basis of our action. It is a mere matter of opinion, and so it comes to a question of this resolution being merely a request to the Secretary of the Treasury to advise us on a subject of arithmetic. If the Senator from New Jersey wants to do it, I certainly have no objection.

Mr. MCPHERSON. The Senator from New Jersey does not want to do that. He wants to direct the Secretary of the Treasury, and if the resolution is not in those words I desire to have it so amended.

BRIDGE AT SAINT LOUIS.

The PRESIDENT *pro tempore*. The pending question is the request of the Senator from Iowa [Mr. ALLISON] that the Senate proceed to

the present consideration of the resolution submitted by him, which will be again read, the objection having been withdrawn.

The resolution submitted by Mr. ALLISON was read.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. MCPHERSON. I do not exactly understand that I have withdrawn my objection to the immediate consideration of the resolution of the Senator from Iowa. I stated that the Chair having ruled, as I understood, that the resolution which I had the honor to offer yesterday is now before the Senate, I was not willing to have any matter come in and supersede it or displace it from consideration; and that I should withdraw any objection to the Senator's resolution after this was considered. The Senator from Massachusetts now having withdrawn his amendment, I can see no reason whatever why the resolution which I offered shall not be considered.

Mr. HOAR (to Mr. ALLISON). Let it pass. There will not be any objection to it.

Mr. ALLISON. I do not care.

The PRESIDENT *pro tempore*. The Chair is of opinion that the resolution of the Senator from Iowa has precedence, and the resolution of the Senator from New Jersey will, as a matter of course, come next.

Mr. EDMUNDS. It certainly has precedence under the rule.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution submitted by the Senator from Iowa?

Mr. VEST. I do not object, but should be glad to make an observation in regard to it.

The PRESIDENT *pro tempore*. The Chair will hear it, if there be no objection.

Mr. VEST. At the last session of Congress I introduced a bill for the construction of a bridge across the Mississippi River at Saint Louis. The bill was regularly referred to the Committee on Commerce of the Senate. It was considered before that committee and argument heard pro and con, the Senator from Iowa himself appearing in opposition to the bill, and the chairman of the committee, the Senator from Minnesota [Mr. MCMILLAN], also opposing the bill.

After this discussion and examination the bill passed the committee, and I was authorized to report it favorably to the Senate, which I did. It was placed upon the Calendar and has been there for several months.

While the bill was pending in the House of Representatives and in the Senate and before the committees of the respective bodies the Bureau of Engineers made a report favorable to the construction of the bridge. To my surprise, at the close of the session of the Senate, just before the recess, in a running discussion between the Senator from Iowa and myself, when I attempted to have the bill taken from the Calendar and considered, he made the statement that a board of engineers or a commission of engineers had been sent by the Bureau of Engineers out to Saint Louis for the purpose of examining and reporting upon the matter.

During my eight years' service in this body I have never heard of such a proceeding before. It was an *ex parte* order, made by the Secretary of War, without notice to the friends of this measure. The result has been that the people of Saint Louis, who are now attempting to build a free bridge there in opposition to the monopoly of Mr. Jay Gould, had only two days' notice in which to produce any evidence before that board of engineers.

It is now no longer a secret that that board, upon this *ex parte* testimony taken by the opponents of the measure, have made a report against this bridge bill. It was an unfair parliamentary proceeding, I care not from what source it emanated.

I called upon the Chief of the Bureau of Engineers and asked him how this order had been made. He first said that it was made upon the application of the Committee on Commerce of the Senate. I told him I was a member of that committee and knew that no such order had been made. He then said that certain Senators had called upon him and asked him to make the order for this board; that he informed them he had no such authority, and he next received directions from the Secretary of War to make a detail of engineer officers to proceed to Saint Louis. I then called upon the Secretary of War to know how this *ex parte* proceeding had been carried on without notice to my colleague, to myself, to the Board of Exchange of Saint Louis, or to any citizens of that city. Mr. Endicott informed me that he had made it *pro forma;* that he did not know there was any contest about the bill at all; that he did not know it was reported from the Committee on Commerce; that he did not know it was pending in the Senate; and that he simply made the order in obedience to the personal request of the Senator from Iowa, the Senator from Minnesota, and the Senator from Wisconsin.

The result has been what I have already stated, that upon two days' notice the people of Saint Louis were rushed into this examination, and this is the report for which the Senator from Iowa now asks. That is all I want to say about it.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

Mr. ALLISON. I desire to say just one word in response to the remarks made by the Senator from Missouri.

This bill, it is true, has been pending here for some time. I think it was reported last summer from the Committee on Commerce. The report was made, as I understand the facts to be, without any examination by the board of engineers or any member of that board, which was an unusual proceeding.

There is no contest respecting the construction of another bridge at Saint Louis. The contest is as to the character of that construction with reference to its effect upon the navigation of the Mississippi River, all the people above the mouth of the Missouri claiming that the proposed construction would have the effect to materially interfere with the navigation of the river. So petitions came from every part of the Northwest, from Minnesota, from Wisconsin, from the State in which I live, and from Illinois, asking that a board of engineers be sent to Saint Louis for the purpose of making examination with reference to the proposed construction. These petitions were carried to the Chief of Engineers by Senators, and were then transmitted to the Secretary of War, making the request that a board of engineers should be sent to make this examination.

That was a perfectly proper and rightful request, as no examination had hitherto been made. I did not consult the Senator from Missouri, as I believe the other Senators interested did not, although there was no design or intention in any way to interfere with the completest publicity with reference to this matter.

The board was appointed by the Secretary of War. I understand they went to Saint Louis and made a thorough and exhaustive examination of this subject, not with reference to the construction of another bridge, because no one objects to the construction of another bridge; it is to the proposed method of construction which has been recommended here by the Committee on Commerce without a suggestion from any engineer who has ever examined this subject until now.

What I desire, is that this report, whatever it is—I have not seen it and I do not know its contents—may be brought into the Senate for the information of the Senate if it is of any value. I do not even know who the members of the board were. I take it for granted they were men eminent in the profession of engineering. That is all I have to say.

Mr. VEST. I am not objecting to that report coming here because I am very well aware that if I wanted to suppress it—which is not the fact—the Senator from Iowa could obtain a copy of it and read it here as a portion of his remarks before the Senate. I want to answer, though, one allegation of the Senator from Iowa, and that is that no engineer officer ever made any suggestion or recommendation in regard to this bridge before the action of the Committee on Commerce. If that be true, then the Bureau of Engineers was guilty of culpable and almost criminal neglect of duty, because we had before that committee the recommendation of the board of engineers in favor of this bill.

The Senator says now there was no examination. Then he seems to enjoy the confidence of that bureau, as I do not; but I say that the official recommendation of this bill was before the committees both of the House of Representatives and of the Senate when they acted on it.

Mr. ALLISON. May I ask the Senator is it not a fact that no examination was made by the local engineer at Saint Louis or by a local board of engineers with respect to the location and construction of this bridge?

Mr. VEST. Why, Mr. President, no examination could have been necessary. Every foot of the territory, any portion of which could have been selected as a site for this bridge, was as familiar to all these engineers as the floor of this Senate is to me now; and so far from the Bureau of Engineers not having passed upon it, the local engineer opposed it; Mr. Corthell, another engineer, advocated it; and the question between the engineers was in regard to the difference between a high bridge and a low bridge across the Mississippi River.

Now, the Senator says that an exhausted examination was had by this board of engineers. I deny it. I do not propose to discuss the merits of the thing now, but I deny any such statement. They went there when the river was covered with ice. They did not examine the site of the bridge at all; they did not go outside of the city of Saint Louis. The mayor of the city requested them to take, at the expense of the city, carriages, or a steamboat if it could make its way through the ice, to the mouth of the Missouri River and examine the banks at the proposed site of the bridge, and they declined to do so.

This whole thing is *ex parte* from beginning to end. The point that I made—and the Senator does not deny it—is that this order for a board of engineers to examine a question which has created more feeling than any other local question that has come before this Congress was made without any notice to the friends of this bill, without my colleague or myself ever hearing of it, and without consulting the boards of exchange or the citizens of Saint Louis. That is all I want to say about it.

Mr. CULLOM. Mr. President, I desire simply to say that I hope the resolution of the Senator from Iowa will pass.

The PRESIDENT *pro tempore*. This debate is only by unanimous consent.

Mr. CULLOM. As my constituents have some interest in the subject, I think it proper that I should say a word. I am in favor of a bridge at the point where it is proposed to build one according to the bill of the Senator from Missouri. At the time when the bill was first

reported I was inclined to think I was in favor of the bill as reported; but I find on examination that a very great number of the people of Illinois, up and down the Mississippi and the Illinois Rivers, and in the northern part of the State are exceedingly anxious that the report of the engineers spoken of here should be had before Congress takes action on the bill. I desire, so far as I am concerned, and so far as my people are concerned, to see another bridge built at the point indicated; but I think it is a very important matter, before the character of the bridge is determined upon, that we have all the information we can get on the subject. I hope the resolution will pass so that we may get the report of the board of engineers that is called for by it.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

The resolution was agreed to, as follows:

Resolved, That the Secretary of War be directed to communicate to the Senate the report of the Board of Engineers recently made and other information in his Department respecting the question of bridging the Mississippi River at or near Saint Louis, in the State of Missouri.

INDEBTEDNESS OF PACIFIC RAILROAD COMPANIES.

Mr. McPHERSON. I now call up the resolution I offered yesterday.

The PRESIDENT *pro tempore*. The resolution which comes over from yesterday is pending before the Senate. The Senator from Massachusetts [Mr. HOAR] withdraws his amendment. The resolution will be again read.

The Chief Clerk proceeded to read the resolution.

Mr. EDMUNDS. It is not necessary to read the resolution again. It has been read half a dozen times.

Mr. McPHERSON. I wish to change the word "requested" to "directed."

Mr. EDMUNDS. I do not think we ought to do that in regard to one part of the resolution. We are asking the Secretary to do a thing which he is not bound by law to do for us; that is, to give his opinion. I noticed the phrase in the resolution, and supposed perhaps it was adapted to that very fact. The Secretary might very rightfully reply to us, if we attempt to direct him to give his view upon certain subjects, that we have gone entirely beyond our province. The matter has been stated here so many times that I hope the Senator from New Jersey will consent to leave his resolution exactly as it is. It is a request that the Secretary will give us his ideas on a certain subject.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution as offered.

The resolution was agreed to.

MARY A. LOGAN.

Mr. MITCHELL, of Pennsylvania. I ask unanimous consent that the Senate proceed at this time to the consideration of the bill I reported yesterday for the benefit of Mrs. Logan, widow of the late General LOGAN. It will take but a moment. Many Senators desire that it should be disposed of.

The President *pro tempore*. The Senator from Pennsylvania moves that the Senate proceed to the consideration of the bill (S. 3050) giving a pension to Mary A. Logan.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to the consideration of the bill.

Mr. MITCHELL, of Pennsylvania. I desire simply to say that if this bill is passed it will do for Mrs. Logan precisely what we have done for the widow of General Hancock and for the widow of General Thomas. It is true that General LOGAN was a volunteer officer. His military record is so well known that it seemed unnecessary for us to go into that in committee. We base this report upon the well-known historical facts of his eminent services as a general, of the sufferings that he underwent in the cause of his country, wounded five times in all, and of the disease under which he suffered during that service from which we are satisfied he died.

The Senator from Illinois [Mr. CULLOM] has a brief record of his military services, which I understand he intends to present to the Senate. It appears to me that it is not necessary to detain the body any longer in relation to this matter.

Mr. MAXEY. I should like to understand some points in connection with this bill that have not been disclosed by the chairman of the committee.

No man has a higher regard for the personal character or the military services of General LOGAN than myself, but the theory upon which pensions have been granted is that they are on account of disease contracted or injuries received in the service. There is nothing disclosed here as yet by the report of the chairman of the committee showing that the death of General LOGAN resulted from disease contracted or wounds received in the service. That is a point which ought to be explained if the bill is on the theory heretofore practiced.

The Senator states that this bill places Mrs. Logan on the same ground as to granting pension as the widow of General Hancock and the widow of General Thomas. There is, to my mind, a wide difference between these cases. General Hancock passed his whole life in the military service of the country. A man who has spent his life in the service of his country, in the military service especially, where it would be impossible for him to engage in any business whereby to accumulate money for his family, should have his family provided for after his death. Equally is that true of General Thomas, who passed his whole life in the military service, both these gentlemen being distinguished soldiers and men who were within a short period of retirement at the time of their death. I do not now remember the age of General Thomas when he died; but he must have been sixty years old, and General Hancock was over that age when he died.

General LOGAN was a citizen, to be placed, so far as pensions are concerned, on the same principles as any other citizen, it seems to me. That is to say, if he contracted disease in the military service from which he died, or if his death was occasioned by reason of wounds received in that service, it would be sufficient ground for a pension to the widow. Whether the committee are satisfied of that proposition I do not know, because it has not been disclosed here. We have simply a naked bill without any explanation whatever which shows the facts of the case. I would prefer to have some further explanation than we have had up to the present time before we pass the bill.

Mr. MITCHELL, of Pennsylvania. In view of what the Senator from Texas has said, and in view of the report made on every occasion of a proposed pension, unless there be specially exceptional and historical circumstances as in this case, I think it is not inappropriate that I refer to a case which I think is a precedent and one of historical importance also—that of the widow of the late General Francis P. Blair.

A bill was introduced in the Forty-fourth Congress for pensioning the widow of General Blair, and I find that there was no report in either House upon the case. Evidently it was passed upon the general knowledge and information of the two Houses of Congress in relation to that case. Subsequently, in 1884, a supplement was passed. I find a report in that instance, but there is nothing in that report on the question of disability or requiring any proof upon it. More was done in that case than to increase the pension of Mrs. Blair to $50 a month. Five thousand dollars in gross sum was granted her by the special act of 1884.

It seems proper in this case that we should not put the parties to the delicate endeavor of securing expert testimony at this time upon that question. I took a little pains, however, to do that in a proper way by inquiring of the surgeon who attended General Logan in his last sickness and who has been the family physician for fifteen years past, but he himself is now sick and unable to make a formal statement.

I have myself in conversation with General LOGAN heard him state that he was five times wounded in the late war, that he was undoubtedly entitled to a pension, but that he had never thought it proper to ask for one. I have often been reminded when I have seen him walk into this Chamber of the beautiful sentence which Charles Lamb quoted from one of the ancient dramatists, "It is a brave sight to see a veteran scarred." But in addition to this, I remember also in that conversation that he said he had suffered from rheumatism, from the effects of which, as we all understand, as a matter of public notoriety, he unquestionably died, caused by wounds received while he was in the military service.

I believe the statement which will be presented by the Senator from Illinois will bear out these facts. I think, therefore, that we make no dangerous precedent but only follow the line of others which have been already made and are consistent with the general rule that public bodies like this may well take notice of historical characters and of their lives, to this extent at least, that we may base this legislation on the proposition that the pension is granted to the widow of a man who died from the effects of disease contracted in the service during the war of the rebellion.

Mr. CULLOM. Mr. President, the statement that I have had placed on my table in reference to General LOGAN'S military career is a statement taken from the military record of General LOGAN. I do not think it is important that I should read it to the Senate, as there are three or four pages of memoranda simply giving the dates of the battles in which he was engaged from day to day during the period of his service. In it are also references to the battles in which he received wounds.

I may state the fact that he has told me no less than four or five times, the last one on the evening of the day he was taken sick in that sickness which resulted in his death, that his old rheumatic trouble had come upon him again, which he contracted at the battle of Fort Donelson, where he lay in the snow and sleet over night and fought during the day until the victory was won by the Union army. There is no question of the fact that he died from rheumatism contracted while he was in the service of his country.

I do not think it necessary that this memorandum should be read to the Senate, but for the sake of the record, if it is desired, I will have it inserted in the CONGRESSIONAL RECORD, showing his military history and showing the fact that he was wounded at five different times, wounded, twice in the battle to which I have specifically referred, and that he had rheumatism contracted at that time or immediately afterward.

I was with him two or three times before the last period when he was suffering from rheumatism, and he frequently referred to the fact that when a snow-storm came upon the country it affected him with the old rheumatic trouble that he had contracted when he lay in the snow on the field of battle.

I do not think it necessary for me to trespass longer on the Senate, but I hope the bill will pass, as there is no question about the fact of his receiving his disability in the service as a volunteer soldier. I hope there will be no further objection to the passage of the bill.

The PRESIDENT *pro tempore*. If there be no objection the memorandum will be printed in the RECORD. The Chair hears none.

The memorandum is as follows:

SERVICE OF JOHN A. LOGAN.

Second lieutenant, Company H, First Illinois Volunteers, Mexican war.
Mustered, June 8, 1847.
Acting adjutant and regimental quartermaster on duty at Santa Fé, N. Mex.
Mustered out, October 10, 1848.

Rebellion of 1861–'65.

Served as a private in Second Michigan Volunteers at the battle of Bull Run, Virginia, July 21, 1861.
Colonel of Thirty-first Illinois Volunteers, August 16, 1861.
First brigade, first division, Army of Tennessee, October 14, 1861.
Belmont, Mo., November 7.
Capture of Fort Henry, Tennessee, February 6, 1862.
Fort Donelson, February 13–15; wounded twice (shoulder and side).
Brigadier-general United States Volunteers, March 5; in command of first brigade, first division, reserve, Army of Tennessee, April, 1862.
Siege of Corinth, Miss., April 30, May 30.
In command of post at Jackson, Tenn., June to November, 1862, and Yocona expedition, December 5–22, 1862.
In command of third division, right wing, Army of Tennessee, November 1, 1862.
Major-general United States Volunteers, November 29, in command of the third division, Seventeenth Army Corps, January 11, 1863.
Operations on Lake Providence Canal, March—April, 1863.
Passage of the Mississippi River, May 1, 1863.
Port Gibson, May 1.
Operations on Bayou Pierre, May 2.
Ingram Heights, May 3.
Raymond, May 12.
Jackson, May 14.
Champion Hills, May 16.
Siege of Vicksburg, May 19 to July 4.
Assault on Vicksburg: struck by spent ball, slight wound in neck; May 19–22.
Fort Hill, June 25.
Military governor of Vicksburg, July to November, 1863.
Commanding Fifteenth Army Corps, December 11, 1863; September 23, 1864; January 25 to May 19, 1865.
Rocky-Faced Ridge, Georgia, May 5–9, 1864.
Snake Creek Gap, May 8.
Sugar Valley, May 10.
Camp Creek Hills, May 13 and 14.
Battle of Resaca May 13–16.
Battle around Dallas, May 28 to June 4.
Wounded, May 28; arm, between elbow and shoulder.
Big Kenesaw Mountain, June 15.
Little Kenesaw Mountain, June 27–30.
Wounded, June 30.
Nicka Jack Creek and capture Marietta, July 4.
Before Atlanta, July 21 and 22 (Hood's first sortie).
Commanding Army and Department of Tennessee, July 22.
Ezra Chapel, July 28 (Hood's second sortie).
Siege of Atlanta, Ga., July 28 to September 2.
Utoy Creek, August 5 and 6.
Jonesboro', August 31 to September 1.
Fall of Atlanta, September 2.
Campaign of the Carolinas, January to May, 1865.
Combahee River, South Carolina, January 25.
Passage of Salkahatchie, February 3–9.
Congaree, February 15.
Columbia, February 16 and 17.
Lynch and Black Creek; Great Pedee River, March 5 and 6.
Battle of Bentonville, N. C., March 19–21.
Passage of Heusas River, April 10.
Surrender of Johnson, April 26.
In command of Army of Tennessee, May 19.
Grand review, Washington, D. C., May 24.
Resigned and honorably mustered out, August 17, 1865.
First suffered from rheumatism after exposure during the siege of Fort Donelson, and has periodically suffered from it ever since.

Mr. SEWELL. I desire to bear my testimony in this case. I am sorry the question has been raised as to the disability having occurred within the line of duty of the late Senator LOGAN. I have day after day, time and again, in this Chamber and in the corridors, listened to him describing his sufferings, and dating them to different fields during the war. It was so patent to everybody connected with the Pensions Committee that his death was from that cause that it was not deemed necessary to inquire any further into the matter. We simply made up our minds on our own knowledge of the facts of the case.

That his family should be taken care of by the nation there is no doubt and no question in our minds. There is no man living, and there is no man who has died since the war, with probably one, or perhaps two exceptions, who rendered such distinguished service to the country as our late companion on this floor. Brave and gallant gentleman as he was, there should not be a doubt or question as to giving this sum to his widow.

Mr. VEST. Mr. President, I offer an amendment to the bill which I ask may be read.

The Chief Clerk read as follows:

And that Apolline A. Blair, widow of the late Francis P. Blair, jr., a major-general of the United States volunteers in the late war for the Union, shall also be paid from the passage of this act for and during her natural life a pension of $2,000 per annum, in lieu of the pension of $50 per month now paid to her.

Mr. VEST. Mr. President, I do not suppose that any Senator present who has any feeling of sympathy in him whatever has any doubt of the propriety of the proposed legislation, and I do not offer this amendment in order to antagonize the pending bill. I was a personal friend of General LOGAN, and I am very glad to say that no difference of political opinion ever came between us in our social relations.

When the bill giving a pension to the widow of General Hancock was before the Senate, I considered the propriety of this amendment, but for the reasons which have been well expressed to-day by the Senator from Texas I concluded to waive the amendment at that time.

The widows of twenty-two officers in the Army and Navy of the United States now receive $50 a month as a pension from the Government. Among this number is the widow of General Francis P. Blair. The friends of General Blair in Missouri know very well that his constitution was utterly wrecked by his military services in the war. To a great extent there is a striking analogy between the careers of General LOGAN and General Blair. Both were Western men, both were volunteer soldiers, and both impressed themselves distinctly and extensively upon the results of the war in our section of the country.

I am not here to draw any comparison between these two great soldiers, but I am here as one who opposed them both during that struggle, to say that within my personal knowledge no man did more for the Union cause, and I make no exception, than Francis P. Blair. Born in a slave State, a slaveholder by inheritance, it is within my personal knowledge that he was the first Free-soiler within the State of Missouri. At the risk of his life, unaided and alone, he upheld the Union cause from beginning to end. They were both Senators of the United States, they were both candidates for the Vice-Presidency, and both were defeated.

Mrs. Blair was left penniless. Frank Blair like JOHN LOGAN served his country for more than twenty-five years and left no private fortune to his family after him. Mrs. Blair receives to-day $50 a month as a pension. Her husband was a major-general of volunteers. If the widow of any man is to be paid out of the public Treasury in proportion to public services rendered to the Union cause, Mrs. Apolline A. Blair is most assuredly that woman.

I do not offer this amendment to oppose the pending bill, but I say now and here that it would be eminently proper that the families of both these great volunteer officers, without any suspicion of any partisan inducement to action, should be alike provided for by the bounty of the nation.

Mr. HAWLEY. I wish the Senator from Missouri would waive his amendment to this bill. I assent to every word he has said in acknowledgment of the great merits of General Blair. I will say as much and more. No man could feel more kindly toward his widow or the proposition to do whatever may be just or more than just if possible, generous. Her case has been passed upon and a pension of $600 a year awarded. If it be thought that more ought to be done, let that matter be referred also to the Pensions Committee, and let the committee report on the subject.

Mr. CULLOM. Allow me to make a suggestion. As a matter of fact the Congress of the United States voted in the first place the sum of $5,000 to the widow of General Blair in full compensation for money and time expended by General Blair in raising men, organizing troops, &c.; and also a pension to the widow of $50 a month. I mention those provisions in the act as a matter of information.

Mr. HAWLEY. Whatever may have been done in that case, if it be thought by her friends or by the Senate generally that more ought to be done I hope it will be; but I prefer that the measure should be referred to the Pensions Committee and properly reported and stand upon its own merits.

I beg leave to say that to those of us who entertained for General LOGAN, as many or as most did who were near him, and as all did who really knew the man, profound affection as well as respect, it will take away something of the grace of this act of justice and generosity to couple it with another. I would rather each stood precisely on its own merits. I would like to do this thing for the memory of General LOGAN, for the good of his family, and not couple it with anything else, I do not care how meritorious it is. I wish the Senator from Missouri would make an independent proposition of his suggestions.

Mr. CULLOM. I hope I may be allowed to say one word.

It was my good fortune to know General Blair probably as intimately as almost any man as near him as I was, and I appreciate every word that the Senator from Missouri has said in behalf of his record as a soldier and as a man, and I am prepared to vote whatever the judgment of the Senators representing his State may think is proper under the circumstances. But the case of the widow of General Blair has been passed upon heretofore by an act giving her $5,000 in one sum and then providing for a pension, and if anything further is necessary to be done I shall be very glad indeed to join the Senator from Missouri in doing it; but I would be exceedingly grateful to him if in this case he would not insist upon the amendment as an attachment to the bill giving to the widow of General LOGAN a pension that I believe the Senate are pretty much all agreed she ought to have. I will join the Senator from Missouri with the greatest pleasure in doing for the widow of General Blair whatever he thinks ought to be done; but I trust that this bill will be allowed to stand upon its own merits separate from any other. As the Senator from Connecticut has said, it would seem to be an effort to make an omnibus arrangement and take away some-

what from the expression of gratitude that the passage of this bill would convey if it was passed by itself.

Mr. HOAR. And take away from both.

Mr. CULLOM. It would take away from both, as the Senator from Massachusetts suggests. I hope the Senator from Missouri will withdraw his amendment, and then let us take up the other case and do exactly what is right by it.

Mr. VEST. My own desire was to place the widow of General Blair on the same footing with the widow of another general officer of the Union Army of the same rank. I was perfectly sincere and frank in my statement that I was not opposed to the pending bill, and do not offer the amendment for that purpose. After what has been said by Senators, and as I see what the vote will be, I withdraw this amendment with the view of to-morrow, or perharps earlier, offering a bill giving a pension of $2,000 a year to Mrs. Blair.

It has been suggested to me that $50 a month was all that Mrs. Blair asked for. She asked for nothing. Frank Blair never asked for a dollar from the Government, although he spent three times the amount of $5,000 in raising troops for the Union Army before the Government had appropriated a dollar. Mrs. Blair asked nothing; but her friends in the House of Representatives, who originated the bill of 1884—the first bill not fixing the pension satisfactorily—of their own motion, without consulting her, placed the pension at $50 a month. She took it without a word and has never asked more. I am acting now on my own responsibility, without consultation with her or her family. On to-morrow I shall introduce the bill.

The PRESIDENT *pro tempore*. The amendment is withdrawn.

The bill was reported to the Senate without amendment.

Mr. BERRY. Mr. President, if this bill passes without objection, and without the call of the yeas and nays, each Senator present is committed to the support of its provisions. I have no hope that anything which I can say will prevent the passage of the bill, but I am not in favor of its passage.

If Mrs. Logan be allowed $2,000 a year there can be no reason why the widow of each major-general who served in the late war should not also be allowed $2,000 a year; and if the widows of major-generals, why not of the brigadiers, of the colonels, of the majors, of the captains, of the privates? There is no difference that I can see in principle, and there ought to be no difference in practice.

A few years ago Mrs. Lincoln was allowed a pension as widow of a President. That was made a precedent, and to-day each widow of an ex-President receives a pension of $5,000 a year.

It is claimed that the bill for Mrs. Hancock makes a precedent for the granting of this pension, and so this will be a precedent for other cases. I believe that granting pensions indiscriminately and recklessly and for such large amounts is detrimental to the best interests of the country, and I am opposed to it.

I wish to say, however, that no prejudice against the character of General LOGAN, or want of appreciation of the services he rendered the country, induces this opposition. There was no man on the opposite side of the Chamber for whom I had a higher regard; no man whose services I appreciated more. I regarded him as an open and a manly man. He fought hard where he was attacked, but he never wantonly wounded the feelings of any one for the mere pleasure of giving pain. I admired him greatly; but I believe that General LOGAN while living would have been the last man to desire that his widow should be placed upon a footing superior to that of the widows of his comrades in arms. I therefore am opposed to the passage of the bill.

Mr. CALL. Mr. President, I shall take very great pleasure in voting for this bill for the relief of the widow of General LOGAN. I consider the bill justified by every principle of public policy. The country can not have the benefit of distinguished public service without furnishing some inducement for it. If those who sacrifice their lives or their property or devote themselves with distinction to the public service are to be punished instead of rewarded by having their relatives and those for whose welfare their dearest efforts are given left penniless and dependent, we are depriving the public service of one of the greatest inducements which could be offered to men to devote their lives and efforts to the country.

In addition to that, Mr. President, while it is impossible for us to reward with equal justice and liberality every private soldier and to pension the widow of every private and every officer with the largest sum awarded to distinguished merit, it is possible and right for us to reward the most distinguished military service by an adequate and larger provision for those they leave behind them; and certainly General LOGAN held the highest position as a devoted military servant of the republic.

Then, added to his military fame is his civil service. He was a Senator respected here for his private and his public integrity of character, for his excellent judgment, and his unyielding devotion to the public service. That certainly detracts nothing from the reward due to him for his military service, but in my judgment adds largely to the claim he leaves upon us, his colleagues, the witnesses of his labors, to recognize in some unusual manner his extraordinary services and his remarkable traits of character.

For one, therefore, I desire to express my earnest approval of this bill, and while I would rejoice at the opportunity of doing equal justice to the widow of the distinguished citizen of Missouri, General Blair, I am gratified that the Senator from Missouri has withdrawn that amendment and left the Senate to an act of grateful recognition of the distinguished service of our late colleague.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TREATY WITH CHINA AS TO OPIUM.

Mr. EDMUNDS. I ask the Senate to proceed to the consideration of Order of Business 1899, being the bill (S. 3044) to carry into effect the treaty stipulations of the United States made in 1880 with the government of China, for the suppression of the opium traffic. It has been urged upon us repeatedly by the Presidents of the United States, and I am sure it will not take five minutes if it can only be understood; and it ought to be passed for the honor of our country.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont to proceed to the consideration of the bill (S. 3044).

The motion was agreed to; and the bill (S. 3044) to provide for the execution of the provisions of article 2 of the treaty concluded between the United States of America and the Emperor of China on the 17th day of November, 1880, and proclaimed by the President of the United States on the 5th day of October, 1881, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

APOLLINE A. BLAIR.

Mr. VEST introduced a bill (S. 3087) to increase the pension of Mrs. Apolline A. Blair; which was read twice by its title.

Mr. VEST. I ask the Senate to consider the bill now, without a reference. It is a bill perfectly understood. There is no question about it.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent of the Senate to proceed now to the consideration of the bill introduced by him. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3087) to increase the pension of Mrs. Apolline A. Blair.

The bill was read, as follows:

Be it enacted, &c., That Apolline A. Blair, widow of the late Francis P. Blair, jr., a major-general of United States volunteers in the late war for the Union, shall be paid from the passage of this act, for and during her natural life, a pension of $2,000 per annum, in lieu of the pension of $50 per month now paid to her.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

FORT HAYS RESERVATION.

Mr. MANDERSON. I ask consent at this time to make a favorable report from the Committee on Military Affairs on the bill (S. 3023) to authorize the Kansas, Texas and Southwestern Railway Company to build its road across the Fort Hays Military Reservation; and as this is a matter of entirely local importance but of pressing need I ask that it may be now considered.

There being no objection the bill (S. 3023) to authorize the Kansas, Texas and Southwestern Railway Company to build its road across the Fort Hays Military Reservation was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

WIDOW OF FRANK M. SMITH.

Mr. DAWES submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, out of the miscellaneous items contingent fund of the Senate, to Mrs. Helen M. Smith, widow of Frank M. Smith, deceased, late laborer in the employ of the Senate, the sum of $720, the said sum to be considered as including funeral expenses and all other allowances.

JAMES B. RUSSELL.

Mr. COCKRELL. I ask the Senate to consider at this time—it will only take a moment—Order of Business No. 1188, a bill for the relief of James B. Russell, a pension bill, which has been postponed from time to time at my instance. The man is one of my own constituents, and I desire that the bill may be now taken up that I may make an explanation in regard to it.

The motion was agreed to; and the bill (H. R. 5692) for the relief of James B. Russell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James B. Russell, late first lieutenant of Company H, Second Regiment East Tennessee Cavalry.

Mr. COCKRELL. I desire to say that about the time this bill was first reached upon the Calendar—it was reported in May last—I had

information from a gentleman who claimed that he was a Union soldier and a neighbor of this applicant stating that the claim was not a just one. In view of the charges made I thought it best to delay action until the matter could be investigated. So I applied to General Black, the Commissioner of Pensions, and asked him to send a trusted and reliable special examiner to the neighborhood to make a thorough and full investigation in regard to the merits of this case and the character and standing of this applicant, and to ascertain whether it was a just and meritorious or a fraudulent claim. I have just received from General Black a letter which I will read, omitting some names:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., January 5, 1887.

SIR: Referring to claim for pension, No. 164408, of James B. Russell, late first lieutenant, Company H, East Tennessee Cavalry, for whose relief a bill is now pending before the Senate of the United States, I have the honor to advise you that in compliance with your request of May 27 last an investigation has been had of the allegations made by one ——— ———, of Ozark, Mo., in a communication addressed to you and that the result thereof is as follows: The special examiner in the course of his investigation procured the testimony of six persons among, which is that of the said ——— ——— and two of his brothers.

All the testimony is favorable to the claimant, excepting that of ——— ———

This person who preferred the charge—

whose standing does not seem to be good, and against whom, but for the statutes of limitations, criminal proceedings would have been instituted for forgery in connection with the claim for pension of Henry Burger, No. 141185.

The testimony further shows that about a year ago a misunderstanding occurred between the claimant and the said ——— ——— with regard to the amount of compensation due the latter for notarial service in connection with said claim.

Very respectfully,

JOHN C. BLACK, *Commissioner.*

Hon. F. M. COCKRELL,
United States Senate.

Now I ask that the bill may be passed.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

The bill (H. R. 10395) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1888, was read twice by its title, and referred to the Committee on Appropriations.

STENOGRAPHER FOR COMMITTEE HEARINGS.

Mr. HOAR submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Library, to whom were referred certain petitions in relation to procuring copies of historical documents in foreign archives, be authorized to employ a stenographer at the hearing on such petitions, to be paid for from the contingent fund of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 10394) making appropriations for the support and contingent expenses of the Indian Department, for fulfilling treaty stipulations with the various Indian tribes, for the year ending June 30, 1888, and for other purposes; and

A bill (H. R. 10397) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1888, and for other purposes.

INTERSTATE COMMERCE.

Mr. CULLOM. I move that the Senate proceed to the consideration of the conference report on the interstate-commerce bill.

The motion was agreed to; and the Senate resumed the consideration of the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce.

Mr. PLATT. Mr. President, I regret that I consumed as much time as I did yesterday, and yet perhaps there is no reason why I should apologize in view of the fact that probably never in the history of governments was a bill under consideration which would inevitably affect, either directly or remotely, so great financial and industrial interests as this bill. It will reach every hamlet, every industry, every laboring man, and every laboring man's family in the United States with its results, either for evil or for good; and therefore I think that I need not apologize for the time which I have already taken and shall take in discussing it. I will endeavor, however, this morning to be brief.

I endeavored to show yesterday that contracts which are called pooling contracts were much misunderstood. I undertook to show that, though abuses may have attended the administration and performance of those contracts, there was nothing inherently wrong in them, nothing inherently injurious to the public welfare. I maintained, that, before the Senate and House of Representatives should stamp and brand them as criminal, somebody should show that they were inherently wrong, and that any evils or mistakes which had arisen in connection with their execution were merely incidental and not a necessary result of the system.

I undertook to show that they were recognized, sanctioned, and enforced by the decisions of English courts, and that it was at least an open question in this country whether they would not be sanctioned by our own courts upon full consideration. I undertook to show that they were not injurious to public policy, not injurious to the public interests, by combating the doctrine that every kind of competition in trade and business is for the public welfare and the public interest. I tried to say—not expressing it as well as I would like to have expressed it—that unnatural, illegal competition is always opposed to the public interests, and that if there is any such law as has found popular expression in the phrase "competition and the survival of the fittest," it is a law which encourages only that competition which results in the best and the permanence of the best. I claimed that these contracts in their nature and in their proper execution were not opposed to the competition which has for its object the encouragement of the best and the permanence of the best.

When I gave way to a motion to proceed to executive business I was speaking upon this proposition: That the business of the railroad carrier was unlike any other business so far as it was governed and influenced by the law of competition. I had shown that the railroad was not a free highway, not a highway upon which all the citizens of the United States are free to put their carriages and transport goods; that for that very reason the law of competition and the survivalship of the fittest was not applicable to it, for that involves the physical removal of the weakest, and you can not remove the railroad.

You may bankrupt the management of the road, but in other business when you bankrupt the management the capital is destroyed and other capital goes on relieved for the time from the pressure of competition; but when you destroy the business management of a railroad the capital is not destroyed. The capital is mainly invested in the road. There it remains. There comes to take the place of the bankrupt corporation another corporation which utilizes the capital already invested; and the result is, differing from results in any other kind of business (and the history and experience of railroad management in this country shows it), that the newcomer inflates the capital, and after bankruptcy there is more capital upon which dividends must be paid than there was before competition produced the bankruptcy; that railroad capital always grows with what it feeds upon. It is probably not out of place in this discussion to speak of this evil which results from the inflation of railroad capital.

I refer only to the acknowledged fact that when competition has destroyed one competitive railroad corporation another takes the place of the vanquished with a larger capital, to be in turn destroyed or to be in turn the master of the other competitor.

There is another sense in which interstate commerce is not like any other business so far as it is affected by the law of competition. The business is largely of a public nature. As I said yesterday, it is the discharge of a public duty which the railroad engages in, certainly in the building of its road. It follows as a matter of course that the railroad company, in so far as it is discharging that part of its duty which is public, must discharge it as the state would discharge it; that in that respect it is properly limited to the same laws of competition, the same laws of business, the same methods of regulation and of doing business to which the state would in justice be limited and to which it would in justice be subjected.

The railroad company assumes in this business a portion of the power and duty of the state. Now, suppose the United States was operating the railroads, as they are operated in Germany, and to some extent in other countries of Europe, will any Senator say that the United States should enter into the kind of competition which railroad companies are inevitably forced into when there are competing roads and competing traffic and no pooling? Will any Senator say that a state operating railroads should under any circumstances allow rates to be put down to a point where they are ruinously low or practically unremunerative?

I apprehend that the Senator who should claim that it was for the public welfare and the public advantage that a state operating a railroad should carry freight for less than cost or for a sum which barely paid cost, operating expenses, and fixed charges, would be told that while certain favored citizens who wanted to ship certain commodities over the state railroads might be benefited by such a policy, the remainder of the public was taxed for the benefit of the few. And that argument holds just as good when private corporations are managing the railroads as it would if they were managed by the state.

There seems to be a great misapprehension in some portion of the public mind as to the question of what are unreasonable rates. Some people never apply that term except when the rates are too high. They have no idea that the rates can be too low. I maintain that a rate for carrying freight which only pays operating expense and fixed charges is as much unreasonable as a rate which is too high, and which will pay too large a dividend upon railroad property. We are here to do justice by the railroads and by the people. We are, like judges, to hold the scales of justice with even hand, and not act from prejudice or act wantonly. An unremunerative rate is just as unreasonable and just as injurious, though in a different direction, as an unreasonably high rate.

The railroads of this country must see to it, if the public welfare is to be promoted, that remunerative returns are received from freights and passengers. I do not stop to say what remunerative rates are. I

do not stop to speak of the great question which comes up when that is to be considered as to whether remunerative rates mean such rates as will pay dividends upon the inflated capital of the railroads of the country. That is out of this discussion. I mean to say that it is the duty of railroads discharging a public duty as well as a private duty to see to it that if possible the business which they do yields remunerative returns to the capital investment, and that you can not endanger the public prosperity or destroy the public welfare any quicker than to establish rates or to let rates be established by competition which will not give fair remuneration to the capital invested in railroad enterprises. The whole history of the country shows it. I have seen two railroad-rate wars which resulted in such demoralization of business in this country as produced what might have been called two years' continuous panic.

Unremunerative rates injure, first, the investors in railroad securities; next, railroad employés; next, corelated industries; and, lastly, all industries; and it is the last wave of the enlarging circle of disturbance that is most disastrously felt. The injury produced by unreasonably low rates is finally felt by every citizen. The toiler in remote hamlets feels the baneful effects of the general depression, but usually ascribes the result to every cause but the primary one, which is the railroad-rate war and the unreasonably low rates produced thereby. The interests of the people are so closely united that an injury to one branch of business is felt by all. Here, truly, an injury to one is the concern of all. How appropriate in this connection the language of inspiration: "We are many members, yet but one body; and the eye can not say unto the hand, I have no need of thee; or again the head to the feet, I have no need of thee."

I think people misapprehend the question in this respect. It is within the power of one railroad president to practically depress the entire business of the nation; and the West Shore Railroad and its management is a recent example and illustration of what I say. For this reason railroads are not subject to the same law of competition as other kinds of business are.

There is another reason, which is seldom alluded to. The competition, mark you, which it is claimed must not be prevented is the competition between competing railroads for competitive business. The proposition is that no matter what that competition is, no matter what the result of it is as to the lowering of rates or the discriminations which ensue, it must not be prevented, and therefore pooling must be prohibited. It is to that proposition that I desire to hold the discussion of this question.

The reason which I last alluded to is this: When rates are forced below the remunerative point, how does the railroad manager and the railroad president attempt to make money? Not from the legitimate business of the railroad, but by stock gambling. Unremunerative rates inevitably substitute stock gambling for the legitimate profit of business, substitute the effort to get money by stock gambling for the effort to earn it legitimately by railroad business. It is inevitable; it is in the nature of things.

It is not the remunerative railroad that furnishes the business for the stock exchange. It is not dealing in the remunerative railroad securities that produces panic, that makes millionaires and makes paupers in this country. The inducement to this business comes from the fact that by strife for competing business railroad managers are unable to make profit in a legitimate way. And so I say that the law of competition claimed, though it may be just as to other business, is inapplicable to the business of the management of railroads.

But, Mr. President, contracts such as I have described, arrangements such as this bill proposes to prohibit, can not essentially interfere with or prevent competition between railroads. That kind of competition, which it is supposed is prevented by such contracts, is the mere speck which floats upon the mighty current of competition always flowing. There are a thousand forces which compete in rivalry for the reduction of the rates of transportation, and you can no more stop those forces, no more stop the competition that goes on by the clash of rival commercial interests in this country and the world than you can sweep back the ocean with a broom.

The Mississippi River, the Welland Canal, great cities at different parts of the country forming commercial centers with different interests to be subserved, the ocean, the Canadian lines, the transit of the Isthmus, the ever-clashing interests of diversified business—all these are potent factors, continually, by their rivalry competing for the reduction of railroad freights. Cotton in the South, and in Egypt; wheat in Dakota and in India; petroleum in the United States and in Russia; coal in Pennsylvania; iron in Spain, all these things, and a thousand others, form an anti-monopoly league stronger than individuals or boards of trade, or commercial exchanges can form. They make it impossible that this purely competitive business can be done at excessive rates charged by common carriers. These contracts for division of business or apportionment of freight are but a trifle among the great forces which carry on the great war of competition which has so materially reduced the charges for the transportation of freight, and which will go on until the lowest limit possible with remunerative returns is reached.

If I had time I should like to stop here for a moment to speak of my belief that the limit has not yet been reached. The capacity of freight-cars has been increased from 10 tons to 20 tons; Bessemer steel rails have taken the place of iron rails; improvements in machinery, in locomotives—all these things have marvelously reduced the cost of transportation. Sometimes we feel that the end is reached, but I am told that freight-cars are now in process of construction which will carry 25 tons, or 50,000 pounds, in place of the original cars with a capacity of 20,000 pounds; that engines are being built whose ten driving wheels will wonderfully increase the power of locomotion, and that these improvements in engines and cars will necessitate the relaying of the iron rail, substituting a heavier rail, perhaps a 100-pound rail for 60-pound rails. The limit of the cheapening of the cost of transportation has not begun to be reached, and these little arrangements between railroad companies, adopted for their self-protection and for the protection of the public as well, have very little part to play in this great competition which is going on and must go on in relation to this business.

But there is another ground on which I ask the Senate to pause before it declares such arrangements between railroad companies to be criminal. I want them to consider a question which takes hold of the future of this country. These contracts and agreements and arrangements between railroad companies are in the nature of business combinations between different railroad corporations. Admit, if you please, that there is something bad about them, for the sake of argument; they must be tolerated, or the alternative is consolidation of railroad capital. I dread that result. Some political economists, some railroad men, and some men interested in what they think they see in the future, the grand co-operative commonwealth, believe that that is the best outcome of the railroad problem.

I wish to emphasize this point: George Stephenson said that where combination was possible, competition was impossible; and no man ever said a truer thing. This bill leaves open and invites the worst kind of combination which this country may fear; that is, the combination and consolidation of railroad corporate capital.

What are the railroads to do if forbidden from making these arrangements? Experience teaches that the old rate war will begin; the bill encourages it. It requires no notice from a railroad company to put down its rates, but notice in order to advance its rates. The whole bill is an invitation to the individual railroad company to put down its rates without public notice, and that means private notice in advance for the purpose of securing business. The war is to go on if it is not restrained by those arrangements which the railroad companies believe best for themselves in the interest of protection, and the result will be, as it always is, consolidation—capitalistic consolidation.

Why, Mr. President, the monopolies of this country are built on the graves of weak competitors, and this bill invites that grand monopoly of railroad capital in this country which will be built upon the graves of railroads that are not able to stand in the competition, which railroad monopoly will be the master of the people. I have not learned that such results are to be regarded with favor. I can not unlearn all the teachings of my youth at the demand of these economists, these professors of political economy, these railroad men, and these socialists. I believe that it is better to keep business in a good many hands, if you can, than to concentrate it in a few hands. I believe it is better to let the little stores in the country live than to build up the great mercantile establishments at their expense. I believe it is better to let the little factories live than to build up the great manufacturing corporations at their expense. I believe it is better to let the weak railroads live in this country than it is to build up one gigantic railroad corporation which shall occupy to the railroad business of the country the same position which the Western Union Telegraph Company occupies to the telegraph business of the country.

I believe we are holding up a false standard to our young men. I believe that the "little farm well tilled" is better than many leagues of land in one ownership tilled by capitalists whose laborers come and go, and who have little sympathy with the proprietors; that a "little house well filled" is better than the marble palace with its interior decorations of gold, its hangings of silk, and artistic carpets from the marts of foreign nations, better in their tendency to the advancement of the prosperity of the nation and the welfare of its people. But this bill presents these alternatives.

Senators may feel, perhaps, that I am overstating this matter. I want to turn them for a moment to history.

The railroads of this country have not had a long life. What has been the history with regard to consolidation—I mean a consolidation of capital, not combination by these business arrangements, which I defy any man to say are inherently wrong? I turn to Mr. Hadley's book, and I find that since 1853 the New York Central Railroad Company, then composed of fifteen or sixteen separate organizations, has consolidated and consolidated, until now it has a system including more than 4,000 miles of railroad line.

I find that the Pennsylvania Railroad Company, originally composed of local roads, has under one system and one management 7,000 miles of railroad track. I find that what is called the Wabash system, originally composed of many small railroads, is now welded into one gigantic management of 9,500 miles. Where is this to stop? It is the dream and vision of the railroad man that it shall go on. That is the

outcome of the problem for him. It is only a temporary check that he supposes is put upon it by these pooling arrangements.

Let me turn for a moment to the testimony of one railroad man on this subject. I read from Charles Francis Adams's testimony before the Interstate Commerce Committee on the subject of pooling, page 1204 of the report:

So far as pooling is concerned—a subject I see a good deal discussed—pooling, as I regard it, is a mere makeshift. It is an attempt on the part of the railroads to hold in check a natural law which would result in the survivalship of the fittest. If competition worked with its full severity and legislation put a stop to all pooling, saying absolutely to the railroads, "There you are, and you have *got* to compete"—and this I take to be the object of the proposed law—I do not suppose there would be at the end of two years more than three or four leading corporations in the country that would not be in the hands of receivers. It would be the condition of affairs now temporarily existing in New York between the Central and West Shore roads perpetuated and made chronic by force of law. Everlasting warfare among railroads would be provided for by statute. The thing is absurd and unworthy of discussion. Of course the railroads would in some way agree to divide traffic, and to divide traffic is to pool it. But supposing the pooling or division of the traffic effectually forbidden by law; then, so far as I can judge, the natural result would follow, a result which I for one do not object to at all, though it would be attended with immense waste of wealth and would wipe out of existence forms of securities which in amount probably would far exceed the national debt of the country.

The result would be that, as the companies became bankrupt, those who got possession of their properties would combine and consolidate them, and you would have one railroad corporation in the country in the course of a few years which, as compared with the corporations you now have, would occupy about the position the Western Union Telegraph Company occupies among telegraph companies; that is, one wholly predominating company. In other words, the legislation intended to prevent the pooling of traffic and insure competition would produce exactly what it was meant to prohibit. The railroads would be pooled themselves, and competition would be done away with through consolidation.

Then he goes on to say:

In order to secure so far as may be what you desire—that is, to preserve competition and prevent this consolidation into great corporations—the course that Congress should pursue would be the exact opposite of what is now suggested. Congress should legalize pooling, and impose a heavy penalty on any violation of pooling agreements. That would keep the weaker corporations alive and prevent their being absorbed by the large ones, as they inevitably soon must be the way things are now going on.

It will be observed that this bill does not in any line of it prohibit the consolidation of railroad capital, and in my judgment by prohibiting pooling and making it criminal it invites that result.

Now, I desire, Mr. President, to answer in advance, if I can, an argument which I know will surely be made in reply to what I say. It is that when the bill prohibits discrimination the necessity of pooling will be done away with. Suppose that to be so, for a moment. It is rather hard, even in that case, to say that a practice which has been resorted to with the avowed purpose, and only for the purpose, whatever its results may have been, of preventing discrimination, shall be declared criminal because the bill declares that discrimination must cease. I maintain that that is illogical.

But I do not believe that this bill unaided and alone will do away with discrimination, and I say so because it is the experience of foreign countries that rigid laws aimed against discrimination have been ineffectual except as aided by the efforts of the railroads themselves by pooling. The experience of foreign countries is worth something, and I want here to state what is said on that subject by Mr. Hadley. I do not know but that I read it yesterday, but I wish to emphasize what he says in these few words:

We are thus reduced to the simple alternative, pooling or discrimination. Each effort to prohibit both at the same time only makes the necessity more clear. The governments of continental Europe have ceased to struggle against it. Rightly judging that discrimination is the main evil, they recognize pools as the most effective method of combating it.

And yet for years and years they have had these anti-discrimination statutes which they can not enforce, and it was only by a resort to a system of pooling that they were able to enforce their laws. Is it not a strange thing, a solecism, that it should be urged here that an effort among railroad companies to secure the same thing which you say is to be accomplished by this bill should be declared criminal? Is it wise to discard any aid or agency which may help to carry out and make effective in its operation so important a bill as this and the removal of which may throw discredit upon the whole legislation and render it absolutely ineffectual?

I wish to read what the real situation with regard to pooling is in foreign countries.

Believing Professor Hadley, to whom I have so frequently referred in this discussion, to be the most thoroughly informed and thoroughly independent student of the railroad problem in the country, I wrote him asking for information as to the present status of pooling arrangements in Europe.

NEW HAVEN, *December* 25, 1886.

MY DEAR MR. PLATT: Please excuse the unavoidable delay in answering your letter.

The most conspicuous examples of the public use of pooling are found in Belgium, Germany, and Austria. Fifteen years ago all these countries had a good deal of active railroad competition; and it was found in each country that under any such active competition it was impossible to secure obedience to any law against discrimination. The reckless and speculatively managed roads were able to force not merely the sounder private roads but the state roads themselves into discriminations of the worst kind.

You know the general history, and I will only mention one or two recent facts:

I. The Belgian state railroads have within the last two years concluded a pooling agreement with the only private system of importance, which provides for an almost permanent division of traffic and is intended to render competition forever impossible.

II. Although nearly all the railroads in Germany are State owned, the rivalry between different systems is so strong that a pool is necessary to regulate the action of the officials themselves; and in order that the system may be thoroughly carried out, a recent imperial ordinance *forbids the shipper to select the route over which his goods are to be sent.*

III. In Austria not merely do the state roads divide traffic with the private roads, but also with competing water-routes; and the government authorities say explicitly that they regard this as the only possible method of securing justice to local points. There has been no recent change in legislation, but the practice is becoming more fully established every day.

These are the countries where the most positive authority is given to pools; they are also those where railroads are the best managed, rates on the whole lowest, and traffic developing most harmoniously. The other countries may be divided into two classes. In one class are France and Italy, where the country is districted between different railroads, and competition thus rendered impossible—a division of the field instead of a division of the traffic. Yet these countries pool their international traffic, which can not be thus districted.

The second class includes those countries where pooling is merely tolerated rather than encouraged—Switzerland, Russia, Holland, or England. It is noticeable, 1, that these countries suffer from more abuses and discriminations than those previously mentioned; 2, that they are worst where natural causes have hindered the growth of pools, as shown by a recent investigation in Holland; 3, that government authority over rates, however great, is ineffective to prevent discrimination, Russia being a strong instance in point.

As far as I know, no European country directly prohibits pools.

Sincerely yours,

ARTHUR T. HADLEY.

I do not think that we can afford to overlook the importance of the experience of these countries in this respect.

There is a single other feature of this bill to which I wish to refer in this connection. It contains a short-haul clause or law. Why? Why the necessity for it? The inexorable logic of the case is that the competitive rate is too low and the railroads are attempting to earn remunerative rates by putting unreasonable charges upon local traffic. Is there any other reason for a short-haul law? What is to be the effect of the prohibition of pooling? To make the competing rates still lower, they being now too low, and to force the railroad company, if it be possible, to raise its local rates.

How a man who insists upon the necessity and justice of a short-haul law can also insist upon the necessity and justice of a prohibition of pooling, I am unable to see. You propose to remedy the already too low competitive rates by saying that the railroads shall not recoup for their losses upon the local traffic, and yet you propose to prohibit that very thing which the railroad companies have adopted as the only means known to them to prevent competitive rates from going still lower. You put the railroad companies in the condition of a man under what was claimed to be the old Calvinistic theology, of which it was wittily rather than truly said that under its doctrine a man is "damned if he does, and damned if he don't." That is precisely what this bill proposes to do with the railroad companies of the country. In my judgment, a more glaring inconsistency in legislation was never attempted than in this proposal to insert a short-haul law and the prohibition of pooling in the same bill.

But there is another point to which I did not allude at length when I was speaking of the competition which exists, that it seems to me makes pooling necessary and makes its prevention entirely improper. The American railroads which are competing between the West and the East under this bill with pooling prohibited will be absolutely at the mercy of the Grand Trunk Railroad of Canada. Whatever effect a short-haul and long-haul clause may have upon that traffic as diverting it to Canada, you may rest certain, I think—and I think experience justifies me in the assertion—that if pooling is prohibited the traffic of the West comes to the seaboard through Canada and not over American roads. Why? Because by this bill you invite the Grand Trunk road to put down its rates without notice. It desires first of all things to insure business. Then it can put them up, probably.

It is to-day making its arrangements, by the outlay of great amounts of money in securing improved cars and engines and the improvement of its track, to do a greater through business. Now, prohibit pooling, put the bill in operation, and what will be the result? The Grand Trunk road may put all through business from the West to the seaboard down to an unremunerative point and make up for it by recouping upon the local traffic through Canada, and we are powerless to prevent it. You may say that pooling would not prevent it; but it is the only means which the American roads have to secure any terms with the Grand Trunk road which shall give them any considerable share of the traffic which shall pass from the West to the seaboard.

I have already occupied more time than I desired, and, instead of stating my own conclusion as to what pooling has accomplished, I prefer to state the conclusions of Mr. Nimmo, from whom I have frequently quoted during this argument and whom I quote with the more satisfaction because I think he has given the matter as careful study perhaps as any man investigating it outside of railroad circles. As will be seen by his reports, he devoted at least eight years to a scientific and practical study of this problem. The history of every pool, the results of every pooling arrangement almost, are to be found in the tables and statistics of his internal commerce reports from 1879 to 1884. The conclusions of such an investigator are entitled to weight, and as

they are clearly and tersely stated and coincide entirely with my own, I wish to adopt them:

In conclusion, the following general observations may be made in regard to railroad federations or pooling organizations:

First. They have been instrumental in preventing unjust discriminations through special secret rates to favored shippers, and the consequent demoralization of trade.

Second. They have prevented many unjust and ruinous discriminations against towns and cities, and against particular States or sections of the country.

Third. They have put a stop to violently fluctuating rates.

Fourth. They have had the effect of protecting the weaker lines and of preventing their absorption by the stronger lines, and thus of conserving elements of competition in transportation.

Fifth. By preventing the absorption of the weaker by the stronger lines, they have prevented the threatened danger to the country of its being districted among a few great corporations, by which means the regulating influence of the competition of trade forces would have been eliminated, and transportation would have gotten the mastery of trade.

Sixth. They have tended to prevent those shocks to the financial interests of the country which generally accompany the bankruptcy of great railroad corporations.

Seventh. Since they have been adopted the railroad transportation facilities of the country have been greatly extended. The volume of traffic has also enormously increased, and rates have constantly fallen. These facts seem to prove that railroad federation has not had the effect of obstructing the beneficial operation of the competition of trade forces and of the direct competition between transportation lines. Statistics hereinbefore presented clearly indicate this fact.

Eighth. The most hopeful aspect of federations for the division or pooling of traffic is that thereby the railroads have been brought to a condition in which their accountability to the public interests may be more clearly defined, and in which any departure from undoubted principles of right can be observed and the responsibility therefor located. It is believed to be much easier to regulate great federations of railroads with respect to matters relating to commerce among the States than to regulate a great number of railroads acting independently, for the reason that these federations constitute concrete expressions of relationships and antagonisms both among railroads and among trade centers, and tend to illustrate the relative force of the same.

Ninth. Railroad pools have not proved to be rigid compacts, but they have been constantly subject to change. Occasional and even protracted wars of rates render their requirements at times almost entirely inoperative. This must, in the light of public interests, be regarded as a favorable symptom of their practical workings. The conditions surrounding and governing the commercial and transportation interests of the country are constantly subject to change, and it is impracticable that any fixed rules or set of rules should be formulated which in practice would tend to prevent such changes.

The Senator from Massachusetts [Mr. HOAR] asks me if I have in my mind statistics bearing on the point as to whether the net receipts of the railroad companies pay more on the average than a fair rate upon the capital invested. I think that was the question. I have not the exact figures. I sent home to Connecticut, my own State; I found this to be true of Connecticut, that the amount paid as dividends upon railroad stock in the State of Connecticut during the past year would average upon the whole capital stock of Connecticut railroads about 4½ per cent. Of course some roads do not pay any, and one pays as high as 10 per cent., but the average upon the capital stock of all railroads in the State would be 4½ per cent. The statistics for the whole country are not accurately in my mind at this time, but I think I will venture upon my recollection to say that the entire railroad dividends of the United States in the year 1885 applied to the entire capital stock of the railroad companies of the United States would produce a dividend of about 2½ per cent.

Mr. HOAR. Do you mean stock unwatered?

Mr. PLATT. I mean the stock as it stands, watered, if it has been watered, and undoubtedly it has been. The Senator from Colorado [Mr. TELLER] says that is true in all cases. I think it is not universally true. Here is a railroad running into Washington—the Baltimore and Ohio—that has not increased its capital stock in many years, which has to-day, as I remember, only twenty millions of capital stock, though its property equals in value the property of roads whose capital is three or four times as much. It is not true in a good many instances that might be mentioned. It is lamentable that it is too true in this country; but, as I said, the discussion of what rate of interest shall be paid upon the capital as it stands, including water, is outside of this discussion which I am now carrying on. I should say as severe things on that subject, probably, as any member of the Senate. I should be glad if there were some way to eliminate fictitious capital. I might regard competition as a blessing if when it bankrupted a railroad management the water should be eliminated before another management was set on foot; but that never will be.

Mr. President, I have heard it suggested in reply to all this that we can pass this law and then pass another law directing the commission to investigate; and if the commission shall, on the whole, conclude on its investigations that pooling arrangements are not injurious to the public welfare, then we can repeal the section prohibiting pooling. That is after the fashion of what is known in Scotland as Jedburgh justice, for border marauders, "hang them first, try them afterwards." That is not a correct principle in legislation. We had better investigate first. All investigation so far, the weight of all testimony, the weight of all the testimony of students who have given the most attention to this problem, and the weight of the best informed railroad officers and railroad commissioners, shows the wisdom of legalizing and regulating, rather than prohibiting, pooling.

I suppose that Senators will rise and tell me of specific instances where justice has not been done to localities or to individuals under pools. I reply, first, legalize them and then regulate them by this commission and the evils will disappear. They are not inherent in the system. I reply, second, those evils would not be remedied by prohibitions of pooling. They would exist still and be intensified. Do not charge upon the pool that for which it is not responsible. Do not make it criminal to engage in such contracts because certain things occur, not chargeable to them, which you do not like.

The issue here, however, is not between legalizing immediately and prohibiting. It is between the proposition now before the Senate and the Senate bill, which, very properly in my judgment, sought to refer this matter for further investigation to the commission to be appointed under the bill. I submit to the Senate that a majority of its Senators to-day believe that it is the wise thing to do; that the intelligent judgment of Senators must bring them to this conclusion. If it is wise, why surrender it? Shall we surrender it for the fear that if we do the wise thing here there may be obstinacy elsewhere which shall prevent any legislation at all? If that principle is to be adopted, then we are driven to this in the Senate, that whenever legislation upon any subject is desirable and we have determined what legislation is wise and politic and just, we are to surrender our views as to that and agree to legislation which we deem impolitic, unwise, and unjust, because otherwise we cannot get any legislation at all.

Mr. President, others may yield their judgment upon what they consider vital matters for the purpose of getting some kind of legislation, but for one I am content to stand and take the judgment of the country upon my action when I vote only for what upon mature deliberation I believe is the best legislation. I do not believe that the legislation will fail if this bill goes back to a conference with an indication that the Senate will not consent to brand as criminal practices those arrangements which railroads have made to accomplish the precise object which is intended to be accomplished by legislation in this bill. I believe we may trust to the good judgment of conferees and of legislators not to do a thing which, upon reflection and investigation, they must be satisfied will probably, I may say almost inevitably, break up and demoralize the existing conditions of railroad service in this country.

Nine-tenths of all the interstate-commerce business done to-day is done under those arrangements which are sought to be damned because of the evil meaning which has been given to the word "pooling."

Whatever of stability has been given to the railroad business, and through it to other business of the country, has been secured by these traffic arrangements, and in my judgment a bill which breaks them all up ruthlessly within sixty days, which invites the competition which is to demoralize business, will be far-reaching in its injurious results. For one, I prefer to stand by my judgment. I will try to have the courage of my convictions. I will try to do what I believe to be right, and I can not assent to a bill which, though I accept its other provisions, contains a provision which I regard as positively vicious and wrong.

Mr. MORGAN. Mr. President, it is very late in this debate, after it has occupied the attention of both Houses now for several years, for any one to attempt to advance an argument that has not already been sifted and winnowed thoroughly, and I shall not attempt to convince the Senate of anything to-day by arguing this question before them, but shall merely state the reasons which influence my own vote against this bill.

I am not content with the bill in respect of its practical effects upon the people of my own State, for Alabama is at the farther southern margin of the United States, and the markets in which we buy our dry goods and a large portion of our groceries are in the far northeast, and there is a broad intervening area of country between them. The markets in which we buy our supplies are also far distant from Alabama; they are in Chicago, Saint Louis, and Cincinnati chiefly. The markets in which we sell our products are all distant from our homes, and we have a vast tract of country to cross with transportation in getting over to the market of purchase or the market of sale.

So I think that any bill which forces the railroads of this country to raise the price of charges of freights for long hauls is necessarily inimical to the best interests of all the different business occupations in my State. That practical statement of the reasons why I might oppose this bill will be quite sufficient I think to justify me in the course that I feel compelled to take toward it, but I have other reasons which I will proceed to state as briefly as I may.

I deprecate the task which the decisions of the Supreme Court seem to have imposed upon Congress, of taking control of all internal commerce under the guise of regulating interstate commerce.

Had that court left to the States the field of jurisdiction, clearly open to them (in the absence of legislation by Congress), they would have dealt with the great lines of transportation in a way to benefit every community, and that, of course, would have benefited the whole country.

Every State can be trusted to take care of its own people, and their concurrent endeavors to restrain common carriers within due bounds would have been far more effectual than anything Congress can do, looking to this result. But the Supreme Court is about to force Congress into reluctant action, by having declared that the States can not regulate, within their own limits, the transportation of commerce des-

tined to reach other States or countries. Congress has long resisted this demand upon its alleged powers and duties, by silence and inaction, until now it is declared by the Supreme Court that the States can not constitutionally exert any of these powers, because they are expressly conferred upon Congress.

They hold that all commerce becomes interstate that is destined to cross a State line, though it might traverse hundreds of miles within the State of its origin and only a few feet in the State where it is delivered.

For example, a car-load of merchandise shipped at Alexandria, Va., for Bristol, would be interstate commerce if it is delivered on the south side of a street in Bristol through which the line between Virginia and Tennessee runs. It would be Virginia commerce if delivered on the north side of that street.

A question of disputed jurisdiction between two governments, in which the most important questions are involved, would be made in such a case to hang upon the accident whether the delivery of the freight is made in Virginia or Tennessee. Or if the point of shipment and destination of the goods are to determine this question of jurisdiction, the matter would be quite as uncertain, for the shipper has the right with the consent of the carrier to end the transit of goods destined for Bristol in Tennessee at the State line. I do not present this to show upon how narrow a margin of territory may hang this grave question of jurisdiction, but to bring into view the question whether the jurisdiction of either government to regulate the commerce that may be in the transit of the goods can be rationally determined alone, as is done in this bill by the location on the map of the points of shipment and of delivery.

As the purpose of all regulation of interstate commerce must be to control the transit among the States, the law that regulates it must operate upon the goods, the vehicle of transportation, the carrier, the shipper, and all concerned in the transportation at the time the journey is begun, and must continue its control until the destination is reached.

Once the power of the United States has attached to the subject it can not be displaced in favor of the State by the act of the parties engaged in the transportation of the goods.

If the criminal law proposed in this bill is violated in respect of a shipment of goods to Bristol in Tennessee, the crime can not be condoned, nor can the criminal escape punishment by cutting short the journey by a matter of ten feet, and delivering the goods in Bristol, Virginia.

The crime in such cases would consist in the intent to transport goods into Tennessee contrary to this act of Congress, although a lawful agreement was afterwards made between the culprits that they should stop in Virginia 10 feet short of the Tennessee line.

The intent is the crime, if its execution is entered upon, although the thing to be done is not in itself criminal, and although it is never done, but is prevented by a lawful agreement.

I am not attempting to illustrate my point by presenting a difficulty in the execution of the law as proposed in this bill. I am endeavoring to show that it is a mistake, if not a legal impossibility, to measure the constitutional power of Congress to regulate commerce among the several States by the mere fact that the points of delivery and shipment of goods were in different States. This power of Congress rests on quite different grounds than these narrow and embarrassing views of the subject.

If commerce gains a national character because it is shipped from one State to or through another, and in virtue of that character falls within the exclusive protection of Congress, to the exclusion of the right of any State to regulate it, what would be the character of commerce shipped from Buffalo to New York city on a line of railroad running through Pennsylvania? The points of shipment and destination are in the same State; would that fact make it State commerce while it is passing through Pennsylvania? New York could not protect this commerce while it is beyond her borders, and the United States could not protect it because it was State commerce when it was shipped and when it was delivered, and could not change this character while it was in transit.

The geography of the United States was not made the foundation plan on which the power of Congress to regulate commerce among the several States was laid. It was placed on a higher plane of reason than that, and it can never be justly measured by so low and artificial a standard. If goods are shipped at Knoxville, Tenn., by steamboat to Nashville, which must traverse the Tennessee, Ohio, and Cumberland Rivers, passing a long distance of the route through Alabama, the points of shipment and destination being both in Tennessee, the commerce would not be national in its character, according to this bill, and Congress could not regulate it. Yet for more than half the journey it was beyond the borders of Tennessee.

If there is any case in which the power of Congress to protect this commerce ought to exist it is in the case I have stated, where the State of its origin and delivery can not protect it. Yet the geographical definition of the power of Congress to regulate commerce among the States deprives this commerce of all protection while it is not within the State of Tennessee. If this cargo, while passing through Alabama, should meet with some law of that State that imposed upon it any unjust tax, restriction, or burden, or some person, acting under color of such law, to impose such burden, a law of Congress removing such impediments and punishing persons engaged in imposing them on this commerce would find its full warrant in the Constitution and would protect it.

If a thief should steal a part of this cargo while the boat was in Alabama the laws of that State would punish him, whether the commerce on which his raid was directed was State or national in its character. These illustrations sufficiently indicate my view of the nature of the regulations that Congress may enforce in respect of the commerce among the several States and that the points of shipment and delivery are not the proper tests of the limits of this jurisdiction or of the cases to which it is applicable.

I regard it as a deplorable mistake that the decisions of the Supreme Court have rested on this erroneous ground, in which the physical and political geography of the United States is made to define the limits of a power delegated to Congress.

The assumption of this bill is the same that the Supreme Court have made that all articles of commerce intended to be carried from one State to another are, when in transit, subject to the United States laws that regulate the transit. The deduction they make from this premise is that the State laws do not apply to such articles while in transit or to the persons engaged in moving them.

Admitting, as they do, the plenary jurisdiction of the States over all regulations of the transit of commerce completed within their limits, they omit to give any effect to the fact that the laws of the United States in every case must encroach on this State jurisdiction to the extent that they control the transit of articles of commerce within a State.

It may be assumed, without any irreverence or any neglect of filial duty, that it is just as wrong for Congress to interfere with commerce in the States as it is for any State to interfere with the commerce between it and any other State. We ought, if we can, to find some proper and useful field of operation for the power of Congress to regulate commerce between the States that will not bring Congress and the State governments into constant and irreconcileable controversy over these delicate and important subjects.

In the case I have mentioned, of the transportation of goods 400 miles, from Alexandria, Va., to the Tennessee line and 20 feet across that line to the point of delivery, it is a patent absurdity to say that a law of the United States that controls the price of the freight through Virginia is not a law that controls and regulates commerce within Virginia. Such an act of Congress is quite as open to question upon constitutional grounds as a law of Virginia would be that provided a fixed rate per ton per mile on freight for the whole distance it is carried within that State.

But under this bill the national character imparted to the freight by consigning it to Bristol in Tennessee rides down and defies the power of Virginia over her own people, her railroads that the State may own, and over commerce and trade in articles grown on her soil, and relegates the entire control of all these to Congress on a margin of ten feet of Tennessee soil included in the designated line of transit. The supremacy of the laws of Congress over those of Virginia in such a case ought to have a more rational basis. On this basis, no matter which of these laws gives the greatest security, justice, equality, and freedom to commerce, the supremacy is accorded to geography. Congress can not create nor can it prohibit commerce between the States in time of peace.

It can not repress commerce between the States by embargo, nor by any other means, except to prevent or repress crime. Its duty is to foster commerce, and to this end it may regulate it by the prevention and surpression of all improper obstructions by State laws that abridge its freedom.

It was the preservation of the freedom of commerce that caused the framers of the Constitution to give to Congress the power to regulate it among the States. The freedom of commerce between the States is as sacred in American policy and constitutional law as the freedom of speech, and, for a better reason, it should not be controlled by statutes, except to prevent the growth of abuses which will in the end destroy its freedom.

These are personal rights which the law may regulate, so as to preserve them and protect their proper enjoyment; but none of them has been placed under the power of any Government, State or Federal, to be admeasured to the people by statutes, or to be clipped and curtailed, from time to time, so as to conform the freedom of their enjoyment to the legislative will.

All our personal liberties came to us under the sheltering wing of the common law, which was wide enough to protect them in the courts without the aid of statutes. But, in forming our more perfect Government, the liberty of unrestricted trade among the States needed to be guarded by special provisions in the Constitution, which gave to them a more cautious security and a plainer recognition than our other personal rights, for the following reasons:

When the States were colonies they had the right, as the dominion of Canada now has, to levy duties on all goods coming into or passing

through their respective borders. As to each other they were foreign countries in this respect. After their independence was achieved, when they met in the confederacy, they expressly reserved to each of the States this same power, in the following language, found in the "Articles of Confederation:"

ARTICLE III. The said States hereby severally enter into a firm league of friendship with each other for their common defense, the security of their liberties, and their mutual and general welfare; binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever.

ARTICLE IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions, as the inhabitants thereof respectively: *Provided*, That such restrictions shall not extend so far as to prevent the removal of property imported into any State to any other State, of which the owner is an inhabitant: *Provided*, That no imposition, duties, or restriction shall be laid by any State on the property of the United States or either of them.

The next reference to this general topic in the articles of confederation is found in Article IX:

ARTICLE IX. The United States in Congress assembled shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article; of sending and receiving embassadors; entering into treaties and alliances: *Provided*, That no treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever, &c.

The next reference I find is in the same article further on:

The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States; fixing the standard of weights and measures throughout the United States; regulating the trade and managing all affairs with the Indians, not members of any of the States: *Provided*, That the legislative right of any State within its own limits be not infringed or violated.

The powers thus reserved to the States in the articles of confederation were sovereign attributes, inherent in every independent State. They were the chief barriers to the formation of the "more perfect union;" and the change of these powers and the relations between the States that they created was the chief purpose of the constitutional convention. The subject was considered with the most careful attention. Three most important matters were to be cared for:

1. The privileges and immunities of citizens in each of the States.
2. The powers to be reserved to the States in respect of commerce.
3. The powers to be conferred on Congress over the States and their citizens.

As to the privileges and immunities of citizens in the several States, they were preserved in the Constitution as they were declared in the articles of confederation, and almost in the same words.

As to the powers reserved to the States in respect of commerce, their general designation was declared in the tenth amendment of the Constitution, which was only an expression of the true meaning of that instrument, as it was understood by its framers, namely:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

There were reserved to the people in the articles of confederation the following distinct rights:

The people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions as the inhabitants thereof respectively.

Under the tenth amendment, which I have just quoted, it is not possible to argue, logically, that the power of Congress "to regulate commerce among the several States" includes this right of the people as to the freedom and privileges of trade and commerce within the States.

These rights were reserved to the people, and their protection was left to the States, as they were under the articles of confederation. They were not conferred upon Congress, nor were they destroyed. They remain, with many others of like kind, under the guardianship of the States. In construing, therefore, the nature and extent of the power conferred upon Congress "to regulate commerce among the several States," we are not permitted to disregard the history of its origin, nor to assume that it was intended to include within its scope the regulation of every right of the citizen connected with or relating to interstate commerce.

While it is admitted by the Supreme Court and by everybody that commerce within a State is a matter over which Congress has no power to legislate, it is not conceded by many that Congress has an equally exclusive right to regulate commerce between the people of the several States.

The instance I have just cited from the Articles of Confederation presents in distinct form a great right of the people that was never given up to the power of Congress, a right so important that the States placed it in their first solemn compact of union as one that should be inviolable. That right survived the formation of the more perfect Union, was placed under the shelter of the tenth amendment, and still exists as strong and distinct as it did when it was guaranteed to the people in express terms in the Articles of Confederation.

If this is a right of the people that we are still bound to respect, while we are regulating commerce among the States it is worth our while to examine it and to see whether Congress is about to ignore or to destroy it.

What is it worth to the people of Minnesota that they shall enjoy in the State of New York "all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions as the inhabitants of" New York? The value of the freedom to commerce of the Erie Canal is one significant answer to that question.

A low rate of freight fixed by a law of New York on wheat conveyed on cars from Buffalo to New York city would be an important matter to the people of Minnesota.

If Congress, in fixing or limiting or controlling or regulating the rates of freight from Saint Paul to New York city, should take the whole subject out of the legislative control of the State of New York because commerce between those cities is interstate commerce, and should give to the canals and railroads in that State the right to charge higher rates on such commerce than they could on commerce that is local, within the State, would not the people of Minnesota be thereby made subject to different "duties, impositions, and restrictions" within the State of New York from those that the people of the latter State would suffer in respect of their local traffic?

The people of Minnesota have the right to every advantage and facility given to commerce by the laws of New York when they are transporting their property through that State or into it, that the people of New York enjoy when transporting their property from place to place within that State.

Congress can neither depreciate nor destroy any right gained by any man under any State law relating to interstate commerce that does not discriminate against the people of another State, or, in some way, injuriously affect their business.

It must be remembered that neither Indian tribes nor foreign nations have the same rights and privileges that our Constitution secures to our own people, and in regulating commerce among our States we must look to the powers of the States and the rights of our people as so many checks and limitations upon the powers of Congress. A commercial regulation of the United States in respect of foreign people or governments can not raise a question in their behalf as to the power of the Government to make it, but the States and the citizens of the United States have a basis of solid rights on which to stand and question the powers of Congress.

These rights are what every power of the Federal Government was intended to secure, and all its powers of legislation are made subordinate to them.

What, then, is included within the power of Congress to "regulate commerce among the several States?" The answer is, whatever is done under color of authority of the laws of any State that taxes, or impedes, or restricts, or in any way discriminates to the disadvantage of the commerce coming from, or through, another State, or that is entering another State, Congress has the right to prohibit and to punish by statute.

The rights of a citizen to the freedom of the markets in other States, and to transport his property into, or through, another State, must be protected by laws that operate among the States to prevent any State from interfering with them. Laws of Congress are needed to protect these rights because the Constitution is not, in these respects, self-executing; and not because the Constitution created the rights, nor because an act of Congress can create them, for it can not create them.

The rights of the people as to the freedom and security of commerce are so important to each individual and to every community, that the framers of our Constitution had the strongest reason to expect that the States, having formerly enjoyed the privilege of regulating commerce with other States, would continue to discriminate in their laws and commercial regulations in favor of their own people. They had to yield the power thus to make discriminations in favor of their own people in respect of duties, charges, and restrictions upon trade, in order to form the more perfect union under the Constitution. They did this reluctantly, and are not yet quite satisfied about it. Continual efforts are now being made by State Legislatures to tax commercial agents, insurance companies, and other commercial agencies of other States. It was the intention of the framers of the Constitution to prevent any such exercise of power by the States, and to aid them in securing to commerce among the States absolute equality and freedom.

To accomplish this it was not necessary that Congress should take hold of the regulation of commerce between man and man, and enact laws to define and settle the infinite variety of questions that arise between common-carriers and the persons who employ them. The States were perfectly competent to do this, as far as the law-making power can do such things, and they never yielded to Congress this wide range of powers. They did yield to Congress as to interstate commerce the full power to regulate it, so as to prevent the States from discriminating in their laws against the people of other States.

In this view of the powers of Congress they are national; in the view

that includes within those powers the control of all articles of commerce, all vehicles of commerce, and all persons engaged in commerce or travel that pass from State to State, they become local and lose their national character. Congress should never assume to itself under such a grant of power the right to regulate the charges of warehousemen, commission merchants, wagoners, and draymen, or water-craft that haul or store or sell goods brought from Jersey City to New York, when it is admitted that no such power exists as to goods brought from Brooklyn to New York.

This absurd category was never necessary. The common law covered our whole country, as the air does, and regulated these matters alike in every State. It was never intended to supersede this splendid system of law with all its principles rooted in the experience of our race, and with its intricate adaptation to the protection of every personal and property right connected with commerce by substituting in its place acts of Congress for the regulation of men in their infinitely varied relations to the conduct of commercial affairs. The rights of men, connected with commerce, were as well understood and were as distinct when our Constitution was adopted as they are now. We shall never make them plainer to the courts than they are now. The principles on which they are founded have not been changed or enlarged by the construction of railroads and telegraphs. Neither has the Constitution of the United States been amended by the invention of all these new vehicles of commerce.

The power of Congress to regulate commerce was opposed, in the Constitution, to the selfish greed of the States, and was not given to Congress to aid the citizen in compelling other citizens engaged in commercial pursuits, such as carriers, commission merchants, or bankers, to haul his freights at a rate fixed by law, or to sell them for a commission fixed by law, or to discount his bills drawn against the cargo at a rate fixed by law. If the power to regulate commerce implies, as it must of necessity, the power to regulate all its proximate incidents, we shall find our task, that we are now beginning, endless in its labors, with no stopping place or place of rest short of commercial anarchy.

As we progress with our work of legislating upon the personal rights and duties of men engaged in commerce we shall amend and repeal the common law until our system will be entirely artificial, awaiting every change of competitive railroad lines for the enactment of a new law to meet a new emergency, not of natural trade, but of trade that we have forced into new and unexpected channels. Every new law will be, as this one is, a merely tentative experiment, enacted to find some hoped-for relief from the confusion and trouble we are now about to inflict upon the whole people of the country. We will deprive every shipper of goods, every creator of values in articles of commerce, of the personal right to make a fair contract with a carrier for a fair rate of transportation.

We will substitute commissions, deriving their powers and instructions from the legislative and executive branches of the Government, for the courts, which are the constitutional tribunals for the settlement of the private rights and the redress of wrongs of the citizen.

It seems to me that this bill makes a distinct inroad upon a field that is forbidden to Congress, which will lead to other and further invasions, until the management of railroads must become one of the most absorbing labors of Congress. I dread to enter this field, and will not do it voluntarily.

The States have enough of power, and they have the will, as appears in many instances in their legislation, to handle the railroads, which owe to them their existence and their continued life, so that they shall not abuse the people with extortion, cheat them with unjust discriminations, and bribe their patronage and favor with rebates and other favoritism. I know that it is held by the Supreme Court that their powers are limited to State commerce as distinguished from interstate commerce. I bow to the decision as a citizen. As a legislator I question it with a sense of duty that will not permit me to adopt it as the guide to my vote.

I admit that Congress can overcome all State laws and all the agents empowered to enforce them, and all claiming rights under them, that aid a common carrier to inflict injustice on the people of another State. I go further, and declare that it is the duty of every State to repress and prevent by law within its borders all such wrongs to the people of other States.

The States, almost all of them, have done this; and none of them give the shelter of their laws to any wrong or extortion, discrimination or favoritism, as against their own people, or the people of any other State, in favor of railroad or river carriers.

Laws exist in all the principal railroad States that deal with these wrongs with wise precaution and merited severity of punishments. If these laws were permitted to operate as they are entitled to do the evil we use now trying to suppress would not have appeared.

The States can not deal with commerce within their own borders carried upon railroads or rivers that reach them, without affecting in some important way interstate commerce. Neither can Congress deal with interstate commerce so as to avoid touching, in a material way, State commerce.

Friction and conflict will occur in a large percentage of the cases, involving at once the grave questions of power and jurisdiction that often arise in our dual system of government. If this can be avoided by a reasonable construction of the Constitution, I earnestly plead that Congress will adopt it, and so declare. This is a political question, involving the right of Congress to refuse to go beyond the limits of its legislative power, and if Congress, following the broad road of construction, now become a highway for the guidance of the States and the people, will plant their decision firmly on that, and deny to themselves a power that is doubtful, obscure, and ill-defined, dangerous, and leading to licentious abuses, rather than adopt a construction of the Constitution that is technical and is confined to the letter of the text, to the destruction of its spirit, its right to declare this to be a political question will be conceded; and the States will be free in their efforts to throttle the railroads in their persecutions of the people.

Congress has power to pass uniform laws of bankruptcy, yet such laws may be enacted by the States to operate upon their own citizens, or upon non-residents when they appear in the proceedings, without any grant of power for that purpose in the Constitution. If the United States occupy the field, however, with a general bankrupt law, while it is so occupied the States can not act in this matter.

Congress can improve the bay of Mobile, but when no law of the United States for that purpose is in operation, though such laws existed before and after the State began a work of like improvement, the State law authorizing such work in that bay is valid, and such a law was enforced by the Supreme Court of the United States in Kimball *vs.* The City of Mobile.

Why the States may not, in the absence of laws enacted by Congress, pass laws to facilitate all commerce, State and interstate, by repressing all extortionate and discriminative conduct of public carriers, when they can facilitate commerce by deepening bays and channels, I can not understand. Counterfeiting the coins, money, bonds, and other securities of the United States may be punished by the States although they are prohibited from coining money or emitting bills of credit. In every crime against the Federal Government, and in every impediment to its lawful authority, the people of the States are deeply concerned, and the States may aid in the duty of removing the one and punishing the other.

Their laws, adapted to these ends, may have extra-territorial effect in the consequences resulting from their enforcement, but they do not operate, as laws, beyond the boundaries of the States enacting them. Their effect, if they aid the common law in repressing wrongs done to the people, are precisely in line with the purposes of legislation that are at the foundation of this bill. If the effect is otherwise, they are in restraint of free commerce, and Congress can annul them by its powers of legislation rightfully included in the power to regulate commerce among the several States.

I can not subscribe to the doctrine that interstate commerce can only receive protection against the wrongful acts of private persons, or public and private corporations, through the action of Congress in providing laws and tribunals for their regulation or punishment.

This bill is based solely on that false premise. It opens the door to the interference of Congress with every regulation of trade and commerce, whether sanctioned by universal custom or by express or implied agreements between the parties concerned. It exposes the charter rights of every railroad company, given by the States, to modification and repeal by acts of Congress.

It multiplies indefinitely the list of crimes punishable by statute in the Federal courts, and correspondingly narrows the power of the States to punish their own citizens for crimes committed within their borders, because the commerce against which the crime is directed is interstate commerce, and is therefore within the exclusive jurisdiction of Congress.

This claim of the exclusive power of Congress to legislate, whether for the freedom of commerce or against it, is made in this bill to depend on the interstate character of the traffic, and that is made to depend on the will of the shipper. The States can make no regulations touching the subject, or objects of interstate commerce, according to the theory of this bill and of the Supreme Court. If they should enact statutes for the punishment of crimes against interstate commerce committed by their own people, in the very language of this bill their laws would fall to the ground because, as this bill assumes, they could not touch the subject.

The States, it appears, can take an officer from the Army or Navy or from one of the civil Departments of the United States and hang him for murder; but they can not, on the theory of this bill, punish a man for killing an engine or kidnapping an engineer who is about to cross the line of a State and enter another State if he is engaged in interstate commerce, and is for that reason under the sole jurisdiction of the United States.

Congress has power to regulate interstate commerce, but there is a limit to this power, and it is not so far an exclusive power as to annul all acts of the State Legislature, as well in the absence as in the presence of laws of Congress, through which this power may be exerted.

For a hundred years the States have assisted and protected interstate commerce by their many statutes and by many hundreds of judgments in their courts. Congress, doubting the extent of its powers, has permitted this assistance and protection on the part of the States, and, in

doing so, has blessed the country by its silence and inaction. In that time commerce has hewn its own highways through the mountains and built its grand structures across great rivers and chasms; the arid deserts have bloomed under its footsteps, the wilderness has bowed a welcome to its coming, and every river and bay opening into lakes or oceans has floated the burden of its wealth out among the nations of the earth.

The States have done all this, so far as legislation has been required to assist commerce in its wonderful struggle for freedom and expansion. They granted the charters to the railroads; they protected the railroads and those who dealt with them by State laws; they did it all, knowing that the purpose of all these great enterprises was to create and conduct interstate commerce.

The States consented to the consolidation of railroad lines leading into other States, and so made of them lines for interstate commerce. Without that consent, Congress could have had no jurisdiction over a foot of these lines according to the theory of the Supreme Court; with it, Congress claims exclusive jurisdiction over the entire lines of railway thus consolidated and the power to repeal every State law existing when the consolidation was made that was intended to protect commerce over them.

When these laws were enacted they were valid, because the commerce over these lines was, as to the railroads, necessarily commerce within the States; when the lines of railway were extended by consolidation the laws became invalid according to the theory of this bill, because they then applied to interstate commerce. Thus, if the theory of this bill is true the States, by consenting to such consolidation, gave new powers to Congress and made sudden havoc of all laws enacted by them for the protection of their railways and the commercial traffic they were engaged in. I do not accept the verity of this legislative romance.

In legislating to regulate commerce it is impossible to follow a line that will truly demark the limits of the power to regulate it so as to distinguish between the subject and the object, the traffic and the things that are transported, bought, or sold; or between the traffic and the persons engaged in it. The power to regulate commerce includes the regulation of all of these.

If there is any limit upon the power of Congress to regulate commerce among the States, it is not to be found in the nature of the commerce, the points of shipment and destination, or the special character of the business in which the carrier is engaged; for every regulation by Congress based on these circumstances detracts from the power of the States reserved to them in the Constitution, as I think I have shown, over their own people and over their commerce, while they are yet within their own limits.

But there is a limit to this power of Congress, and it is found in the purpose for which the power was given. That purpose, I repeat, was to protect interstate commerce in absolute freedom from the power of the States to control it within their own limits by any law or regulation that would operate to the detriment of the people of other States. A State law that imposed no such restraints or burdens on interstate commerce, but increased its freedom and security, is a valid law; but a State law that does impose any such burdens or restraints upon interstate commerce would fall under the denunciation of the Constitution; and Congress would have the power, as well as the courts, to annul the law and free commerce from its burdens.

The power of Congress under such limitations is benign and useful. Without such limitations it is dangerous, and will become aggressive and uncontrollable. It will end in making merchandise of politics, while it rules and ruins the commerce of trade.

I dread to set in motion a doubtful and dangerous power which will soon become a factor of immense influence in the party politics of this Republic. It is urged that the railroads will absorb and corrupt the State Legislatures if we leave to them the duty of checking their enormous powers. The thirty-eight Legislatures number more than four thousand men.

Is it easier to corrupt four thousand men, scattered through thirty-eight States, than it is to corrupt four hundred who are assembled in Washington? Or, is it easier to corrupt these four hundred representatives than it is to corrupt five commissioners intrusted with very broad discretionary powers? I believe it is not.

It is urged that the States are too weak to encounter these railroad barons and their retainers—these vast corporations and their employés. The States, I think, can be safely trusted to take care of their own people. If they ever exhibit any weakness, it will not be the weakness of indifference to the rights, or wrongs, of their people.

The same sentiment that will influence one State will impel all of them to use their full powers to protect their people against extortion, discrimination, favoritism, and any form of oppression that the railroads may attempt to practice upon them.

The States will oppose the powers of thirty-eight great sovereignties—the same that created the railroad corporations—against that of the timid owners of great accumulations of capital. That contest can not be doubtful if the State governments are honest. If the people are honest, as they are free, they will have honest State governments.

If Congress, instead of holding the States in check by a constant distrust or denial of their powers, will open their way to the full and free control of the men and corporations engaged in domestic commerce, through civil and criminal laws, and will hold over the States its corrective authority, so as to prevent any of them from doing injustice to the other States or their people, the States will soon settle all the knotty problems about long and short hauls, pools, drawbacks, bribes, and bonuses, and will close the doors of their penitentiaries upon those who offend against their laws made to secure the people against wrong and the honest freedom of commerce against injustice and obstruction.

If we will respect the rights reserved to the people under the ninth and tenth amendments of the Constitution and the protection of which was reserved to the States because they were not placed under the powers delegated to Congress, the description of which I have already quoted from the language of the Articles of Confederation, we need give ourselves no concern about the care with which the States will guard these rights of the people.

I admit all that has been said about the wrongs and injustice that the people have suffered through the overbearing insolence and oppression of the railroad companies. Their greed is destructive to the people and the governments from whom they derived their powers, but in finding a remedy for this evil I neither wish to find for the people a new master, remote from them and their influence, in the Congress of the United States, nor to place in the hands of that master a power over their trade and traffic more dangerous than the power of the railroad companies.

In Alabama we have four great staples of commerce. They are cotton, timber, coal, and iron. Each of them must find a market far distant from home. Iron, coal, and lumber must find their market by rail in the interior of the United States, at least for the present. High prices for long hauls on railroads are the best inventions for the destruction of these industries. If I had no other reason for disagreeing to this bill that one would determine my vote; but I have stated others in which everybody is equally concerned.

True, it must be that this bill would drive all our heavy productions to the coast, and the Alabama River would float them to the sea at Mobile as the cheapest line of transportation. This will come after a while in spite of railroads and the rates of long hauls or short hauls. I will greatly rejoice when that day arrives. But to force it now by cutting off our mines, forests, and cotton fields from the benefits of fair rates of railroad transportation and from the advantages of fair rates of freight on the return shipments of food products of the Northwest, on which their industries must rely, would be to them and to the country an incalculable evil against which I must protest.

As I read this bill, the interpretation of which is so uncertain that every one must needs adopt his own, it necessitates an increase of rates on long hauls of freight in every case where the roads can not sacrifice a large part of their income and still live. I am convinced that the roads leading to our mineral fields in Alabama can not do this, and the burden will fall very heavily upon our new industries and probably destroy them.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

Mr. CULLOM. I ask the Senator from Pennsylvania to withdraw that motion to allow me to make a statement.

Mr. CAMERON. Certainly.

Mr. CULLOM. I desire to state to the Senate that I am exceedingly anxious to have the interstate commerce bill disposed of at as early a day as is practicable consistent with deliberate discussion. I therefore wish to announce that on Tuesday or Wednesday, at the furthest, of next week I shall ask the Senate to remain in session until the subject is disposed of.

Mr. HOAR. I hope that will not be done. Here is a proposition which, in my judgment, would be destructive to great business interests in the country, especially to the export business of the principal city of the State which I represent. I hope the public interests affected will have a full opportunity to be heard. We shall do very little business on Saturday, and I hope the Senator from Illinois will not undertake to shorten the discussion.

Mr. CULLOM. In answer to that I will state that I think the Senate and country have had quite a period of time since the conference report was made, and it does not in very many particulars differ from the bill which passed the Senate a year ago.

Mr. EDMUNDS. I hope the Senator from Illinois will insist on finishing the bill to-morrow.

Mr. CULLOM. I wish to say to the Senator from Massachusetts that in my judgment, with due reference to the Senator's greater ability, the bill if passed will not interfere with foreign commerce at all or the interests of the city and State he represents.

Mr. CAMERON. I renew my motion that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). Pending that motion the Chair will lay before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives this

day, were severally read twice by their titles, and referred to the Committee on Appropriations:

A bill (H. R. 10394) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with the various Indian tribes for the year ending June 30, 1888, and for other purposes; and

A bill (H. R. 10397) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1888, and for other purposes.

CALIFORNIA SCHOOL LANDS.

Mr. PLUMB. I wish to withdraw a motion entered by me at the last session to reconsider the vote by which the Senate passed the bill (S. 990) to enable the State of California to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands. On my motion the House was requested to return the bill, and I entered a motion to reconsider the vote by which the bill was passed. I now ask leave to withdraw that motion.

The PRESIDING OFFICER. The request of the Senator from Kansas has been heard. Is there objection? If not, the motion to reconsider is withdrawn.

EXECUTIVE SESSION.

Mr. CAMERON. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 7, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 6th day of January, 1887.

DISTRICT ATTORNEY.

Thomas P. Bashaw, to be United States district attorney for the eastern district of Missouri, *vice* William H. Bliss, resigned.

MINISTER AND MINISTER RESIDENT.

Thomas C. Manning, to be envoy extraordinary and minister resident of the United States to Mexico, *vice* Henry R. Jackson, resigned.

Hugh A. Dinsmore, to be minister resident and consul-general of the United States to Corea, *vice* William H. Parker, resigned.

CONSUL.

Robert E. Culberth, to be consul of the United States at Apia, *vice* Berthold Greenebaum, resigned.

CONFIRMATION.

Executive nomination confirmed by the Senate January 6, 1887.

POSTMASTER.

J. A. Israel, to be postmaster at Salida, in the county of Chaffee and State of Colorado.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 6, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

W. W. JOHNSON.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting, with inclosures, an estimate from the Attorney-General of an appropriation to pay W. W. Johnson for services in prosecuting Jessie H. Robeson for embezzlement of United States post-office funds and letters; which was referred to the Committee on Appropriations, and ordered to be printed.

J. W. JACOBS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, with inclosures, an estimate from the Attorney-General of an appropriation to pay J. W. Jacobs, sheriff of Keokuk County, Iowa, for services in arresting persons concerned in the burglary at the post-office in Webster City, Iowa; which was referred to the Committee on Appropriations, and ordered to be printed.

PATRICK K. WINSTON, JR.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, with inclosures, an estimate from the Attorney-General of an appropriation to pay Patrick K. Winston, jr., for legal services in the defense of Thomas Hill, captain of police, Nez Percé agency; which was referred to the Committee on Appropriations, and ordered to be printed.

AUGUSTUS G. RUGGLES VS. UNITED STATES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, with inclosures, a letter from the Third Auditor relative to the discrepancy between the amount of judgment in favor of Augustus G. Ruggles against the United States and the amount appropriated therefor in the deficiency appropriation act of August 4, 1886; which was referred to the Committee on Appropriations, and ordered to be printed.

STATISTICS OF SURGICAL OPERATIONS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, with a letter from the Secretary of the Interior, an estimate by the Commissioner of Pensions of an appropriation for the collection of statistics relative to the influence of surgical operations; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STEWART, of Texas, till Monday next, on account of important business.

To Mr. STEWART, of Vermont, for two weeks, on account of sickness in his family.

To Mr. BARRY, for to-day.

CHANGE OF REFERENCE.

The SPEAKER. The bill (H. R. 1689) to reimburse the depositors of the Freedman's Savings and Trust Company was referred to the Committee on Claims; the bill (H. R. 6191) relating to the same subject was referred to the Committee on the Judiciary. Subsequently the report of the Comptroller of the Currency with accompanying documents relating to this subject has been referred to the Committee on Banking and Currency, and that committee has now charge of the subject. If there be no objection those two committees will be discharged from the consideration of the bills indicated, and they will be referred to the Committee on Banking and Currency.

There being no objection the Committee on Claims was discharged from the further consideration of the bill (H. R. 1689) to reimburse depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company, and the same was referred to the Committee on Claims; and the Committee on the Judiciary was discharged from the further consideration of the bill (H. R. 6191) to amend section 8 of an act approved February 21, 1881, entitled "An act amending the charter of the Freedman's Savings and Trust Company and for other purposes," and the same was referred to the Committee on Banking and Currency.

ORDER OF BUSINESS.

Mr. DIBBLE. I ask unanimous consent——

Mr. HERBERT. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

ANNIE E. GARDINER.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back the bill (S. 2660) granting a pension to Annie E. Gardiner; and the same was referred to the Committee on Pensions.

GEORGE SCHNEIDER.

Mr. THOMPSON, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 306) granting a pension to George Schneider; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. THOMPSON, from the Committee on Pensions, also reported back with an adverse recommendation the bill (S. 1047) for the relief of Patrick H. Estes, a veteran invalid soldier of the Mexican war; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. THOMPSON, from the Committee on Pensions, also reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 2200) granting a pension to William Gilmore; and

A bill (H. R. 1553) for the relief of Sarah Carter.

ORDER OF BUSINESS.

The SPEAKER. The hour for the consideration of bills begins at 17 minutes past 12 o'clock. The call rests with the Committee on Railways and Canals.

IMPROVEMENT OF THE ERIE AND OSWEGO CANALS.

Mr. DAVIDSON, of Florida. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the bill (H. R. 1577) for the improvement of the Erie and Oswego Canals.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. CRISP in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the State of the Union for the further consideration of the bill (H. R. 1577) for the permanent improvement of the Erie and Oswego Canals, and to secure the freedom of the same to the commerce of the United States. The gentleman from New York [Mr. WEBER] has five minutes of his time remaining, fifty-five minutes having been consumed in the reading of the report and by the gentleman in the remarks which he made yesterday.

Mr. DAVIDSON, of Florida. But, Mr. Chairman, is there not another hour to-day?

The CHAIRMAN. The Chair merely announced that there were five minutes remaining of the time to which the gentleman from New York [Mr. WEBER] is entitled.

Mr. RANDALL. Can not we have a vote on this bill now? I do not think it is very likely to pass, and instead of discussing it we might better save the time for other business.

Mr. WEAVER, of Iowa. We do not want a vote upon this bill until we get the Hennepin Canal attached to it. [Laughter.]

Mr. WEBER. Mr. Chairman, I desire to be informed who controls the balance of the hour to-day.

The CHAIRMAN. Any gentleman who is recognized after the gentleman from New York [Mr. WEBER] will be entitled to the floor.

Mr. WEBER. But is not the hour under the control of the chairman of the committee?

The CHAIRMAN. The chairman of the committee was recognized and yielded to the gentleman from New York [Mr. WEBER].

Mr. WEBER. I understood that he was to yield to me the balance of the time to-day.

Mr. DAVIDSON, of Florida. Mr. Chairman, I will state to the gentleman from New York [Mr. WEBER] that when his time expires some other member of the committee will take the floor and will yield him as much additional time as he requires.

Mr. WEBER. That will be satisfactory.

[Mr. WEBER resumed his remarks. They may be found on page 370].

During the delivery of the concluding portion of his address the following proceedings took place:

The CHAIRMAN (after Mr. WEBER had spoken five minutes). The time of the gentleman from New York has expired.

Mr. PLUMB was recognized.

Mr. PLUMB. I will ask the gentleman from New York [Mr. WEBER], how much additional time he requires.

Mr. WEBER. I think about twenty minutes.

Mr. PLUMB. Then, Mr. Chairman, I yield twenty minutes to the gentleman from New York [Mr. WEBER], and after that I will yield ten minutes to the gentleman from Kansas [Mr. ANDERSON].

Mr. WEBER then concluded his remarks.

Mr. ANDERSON, of Kansas. Mr. Chairman, I am much obliged to my friend from Illinois [Mr. PLUMB] for giving me an opportunity to express my hearty concurrence in the object designed to be attained by the bill before us. In brief, it proposes that in the event the State of New York shall double the length of the locks in the Erie Canal and deepen the draught of water to 9 feet, the Government of the United States will then reimburse the State of New York in the sum of five millions of dollars. To the feature of the bill which proposes to make this reimbursement in the form of bonds, I am opposed, preferring to pay directly five millions out of the Treasury rather than to make any further issue of bonds.

But as to the object to be attained by the proposed enlargement and improvement of the Erie canal as the great artery of lake commerce, in my judgment the State of Kansas has a greater direct interest in the attainment of that object than has the State of New York; for this simple reason: Every one knows that the farmer who raises wheat, or ships corn or hay in the form of pork or beef, always pays the freight to the final market. Now, the enlargement of this canal, enabling boats to carry double the cargoes they now carry, will necessarily have the effect of reducing the rate of freight upon grain at least 2 cents per bushel, and when the State of Kansas raises and ships 50,000,000 bushels of wheat, the farmers raising that wheat will receive for it $1,000,000 more in price than they now receive, simply because there will be a saving of $1,000,000 of freight upon the shipment. A similar reduction would occur on all kinds of traffic. And what is true of Kansas is true of Kentucky, of Ohio, of Indiana, of Missouri, of all the Northwestern States and of the Southern States.

For this reason, sir, there has been no measure proposed at this session of Congress which seems to me to promise more direct practical and lasting benefit to the great farming interest of the country than the proposed enlargement of this canal, and for this reason I regard it as a national and not in the least as a State measure.

But, Mr. Chairman, there is another reason why I advocate the bill, namely, the fact that the Erie Canal stands to-day as the great check upon the rapacity of the railway companies in their freight charges. It would be worth a hundred million dollars to the New York Central, the Erie, the Pennsylvania, the Baltimore and Ohio, and the other trunk lines if, by any means, they could wipe out the Erie Canal. And, just to the extent that this is true, it is true also that it is to the interest of the people of the whole nation, and especially of the farming classes, to take care that the Erie Canal not only shall not be suffered to pass into disuse, not only that it shall not be kept at its present limited capacity, but shall speedily have that capacity enlarged and given the greatest efficiency.

You will find in the near future that the control of freight charges must chiefly be effected by water ways. Coming from the State which I in part represent, I shall advocate, not only this enlargement of the Erie Canal, but also the construction of the Hennepin Canal. Why? In order that we of the West may have a direct water way to serve as the great controller of all the trunk lines, whether they pool or do not pool, whether you have an interstate-commerce bill or not. In other words, the good God who made this world, who so constituted things that there is less friction in moving vast weights through water than there is in carrying them by any means on land, gave to us a principle of nature which is higher and more effective than any other which can be formulated in an interstate-commerce bill or similar legislation of Congress.

The real relief for the present, and also for the future, to the people of the country against the ruthless greed of railways is in waterway communication. By this I do not mean the building of a lot of levees away up above the surface of the water on the Mississippi, or tumbling a million or two of dollars into some scheme that can not furnish a great national highway, but I mean the development of such water ways as will give to the people of the West and the South direct communication with the Atlantic seaboard, so that cheap transportation by water shall stand as the great corrective, through competition, of the, at present, unbridled rapacity of the railroads. The following statement by Mr. Dodge shows how broad and important an interest is at stake:

DEPARTMENT OF AGRICULTURE,
Washington, D. C., January 26, 1885.

SIR: The conclusion of our work of revision of estimates enables me to give the amount of grain affected abstractly by the cheapening of canal freights from Buffalo west to the Missouri. The product is thus given:

States.	Bushels.	States.	Bushels.
West Virginia	3,318,000	Iowa	31,270,000
Kentucky	13,425,000	Missouri	27,500,000
Ohio	41,186,000	Kansas	34,990,000
Michigan	29,772,000	Nebraska	28,325,000
Indiana	33,745,000	Dakota	22,330,000
Illinois	32,374,000		
Wisconsin	20,083,000	Total	359,625,000
Minnesota	41,307,000		

On the amount as above given by Mr. Dodge 2 cents per bushel would give $7,000,000 to the farmers.

Mr. PLUMB. I now yield eight minutes to the gentleman from Iowa [Mr. MURPHY].

Mr. MURPHY. Mr. Chairman, I am glad to say that, as a member of the Committee on Railways and Canals, I voted for this report; but I am not pleased to see the little attention that is paid by members on this floor when a matter of this importance is brought before them and their intelligent action demanded. I listened with pride, as well as pleasure, to the remarks of the distinguished gentleman from Kansas [Mr. ANDERSON].

Like him, Mr. Chairman, I am in favor of this canal. And I favor it for the same reasons that I favor the construction of the Hennepin Canal. Because we all know that while "the course of empire westward takes its way," commerce makes its course eastward; and wherever you can connect two great bodies of water like the ocean and the lakes or the lakes and the Mississippi River, thereby aiding transportation and reducing its expense, you do that much toward accomplishing an end, the attainment of which is with the American people to-day all over this Union a matter of serious thought and constant agitation.

Why, sir, let me ask, is there anything that has agitated the public mind in this country in the last few years more than the interstate-commerce bill—whether the Reagan or the Cullom bill? And what is the object that the people look to in this agitation? Is it not that the producer of the West and the consumer of the East may get some relief from the burdens which have been imposed upon them by the railroad monopolies?

Now, what is the first proposition? Any man who has given this matter any thought or consideration knows that water transportation is 50 per cent. cheaper than any other mode of transportation. If, then, it is the cheapest, why should we not bend our energies in the right direction, instead of wasting our breath in wholesale declarations which result in no practical good? What the people want to-day is practical results—some relief from the burdens which have been imposed upon them in the past. Hence, while I favor the improvement of all our

water ways, whether North or South, East or West—rivers, harbors, or canals—I take this position because I believe it will reduce the extortionate rates of the railroads, and furnish to the consumer and the producer cheaper traffic than they now enjoy.

Mr. PLUMB. I yield four minutes to the gentleman from Minnesota [Mr. NELSON].

Mr. NELSON. Mr. Chairman, in the brief time allotted to me I can do little more than simply testify to the "faith that is in me" with respect to this question of cheap water transportation. One of the most important questions that has engrossed the attention of Congress during the last dozen or more years is the question of affording cheaper and better transportation facilities. This is a question in which the people throughout the length and breadth of this land feel intense interest; and this feeling among the people has found expression in legislation of various kinds in nearly all the States of this Union. But it has been found that such legislation is insufficient to accomplish the purpose sought—to make through transportation from the interior of the country to the seaboard cheaper and better than it has been.

For the last eight or ten years a large portion of the time of the Congress of the United States has been engrossed with this matter of cheap transportation. We have had the Reagan and the Cullom bills, so-called, and we have discussed those matters, and to-day, perhaps, there is no proposition pending in Congress, aside from fiscal and tariff legislation, so engrossing and of such importance to the people at large as this matter of regulating and controlling interstate commerce and our transportation from the interior to the seaboard.

While we can do a great deal, Mr. Chairman, in the shape of legislation, I feel confident there is nothing so effective, and which will accomplish so much good for the whole country, as this matter of enlarging and extending the Erie Canal. Coming, as I do, from the country at the headwaters of the Mississippi and Saint Lawrence Rivers, from a country which is one of the greatest cereal-producing sections of this Union, we have a vital interest in having our transportation facilities made as cheap, as fair, and as equitable as possible. And our people can conceive of no method so efficacious, so fully regulating this matter of the carrying trade of the Northwest to the seaboard as enlarging and extending our canals.

In my own State, and in the Territory of Dakota, during this last year, nearly 90,000,000 bushels of wheat were produced, and the bulk of that wheat finds its outlet to the eastern seaboard. It passes down the chain of great lakes to Buffalo, and thence to New York and other ports. And I venture the assertion, Mr. Chairman, if we could have the Erie Canal enlarged so that vessels drawing from 15 to 20 feet of water could be used in the transportation of this grain, without breaking bulk, it would make a difference in the profit of our farmers of a million dollars annually. In the district I represent, sir, 20,000,000 bushels of wheat were raised last year, of which, beside what we use for home consumption, nearly all finds its way to the seaboard through the chain of great lakes by way of the Erie Canal. At least 12,000,000 bushels of the 20,000,000 raised in my district are thus shipped and exported. At the rate of 5 cents per bushel—the amount saved by transportation over this water route as against railroad transportation if untrameled—$600,000 would be saved annually to the farmers of my district. This water route is emphatically one of the greatest regulators of railroad rates.

[Here the hammer fell.]

Mr. PLUMB. I will now yield to the gentleman from New Jersey [Mr. BUCHANAN].

Mr. BUCHANAN. I do not rise to discuss the merits of the proposition, but to call attention to what seem to me to be some defects of detail in the bill. The bill provides for the payment by the General Government to the State of New York, upon compliance with certain conditions, of the sum of $5,000,000. This payment is to be made, not in cash, but in bonds.

In my judgment if this payment is to be made at all it should be made in cash. We hear much about the surplus of cash in the Treasury. Millions of dollars are now locked up in its vaults and thus withdrawn from circulation and use in business. Why issue more bonds while this cash lies idle? It is true that various plans for reducing this surplus have been talked about, but so far the only bill affecting the revenue the members of this House have been given an opportunity to consider is a bill the undoubted effect of which would be to largely increase this surplus by stimulating importations. The majority of the members of this House have so far thought it inadvisable to further increase the surplus, and especially so at the expense of American skill and American labor, and so have voted on two separate occasions not to consider that bill.

Bills, many in number, to reduce or abolish the internal-revenue taxes have been offered here, but not one of them has been allowed to come up for action. Internal-revenue taxes are, in essence and in fact, war taxes, and yet those who cry the loudest against war taxes would not touch those. Without intending at this time to indicate my own views upon this question, I will express the opinion that the demand for the abolition or material reduction of these internal taxes is rapidly becoming stronger and more widespread.

Only this morning I received the following petition:

To the honorable the Senate and House of Representatives of the United States of America:

The petition of the undersigned, citizens of Camden and other places in the State of New Jersey, respectfully represents:

1. That internal taxation was resorted to by the General Government as a war measure and should not be maintained during times of peace. A number of internal taxes, which were impediments to commerce or were petty exactions which annoyed and cost the people more than they benefited the revenue, were wisely repealed in 1883.

2. Others produce an enormous and unnecessary revenue, creating a surplus which endangers the economical administration of the Government.

3. The tax on tobacco is an exceptional burden upon agriculture.

4. The tax on spirits requires an army of detectives and another army of soldiers to prevent illicit distillation and keeps portions of the country in a disturbed condition. As spirits are largely used in the arts and in medicines the tax on them is a real burden upon the people who use them for these purposes or who consume the articles produced from them. Repeal of this tax would tend to do away with the injurious adulterations now extensively practiced.

5. The collection of internal taxes involves a supervision by the Government, which employs several thousand agents at a cost of millions of dollars annually.

For these reasons we pray that the internal taxes may be reduced as rapidly as the condition of the Treasury will allow.

C. E. ELMER.	EDW. C. WEBSTER.
THOMAS H. DUDLEY.	ALONZO WOOD.
JOHN M. MOORE.	R. C. MASON.
JAMES H. NIXON.	D. J. DUBOIS.
C. F. LEAMING.	H. B. LIPPINCOTT.
BENJ. F. LEE.	H. M. HEULINGS.
W. TAYLOR.	JOS. H. SHINN.
EDWARD DUDLEY.	B. A. STARR.
A. J. STRONG.	

Whatever plan may be ultimately agreed upon for this reduction, one thing must be beyond question—no more bonds should be issued for any purpose while so large a surplus remains.

A second defect, it seems to me, in the bill is the provision which directs the payment of this sum upon the certificate of the officials of the State of New York that the canal has been deepened and the locks lengthened, as required by the bill. No provision is made for any inspection by any official of the Government before the payment is to be made. It seems to me that before any payment is made this Government should be advised by the report of its own engineers or other proper officers that the work the bill requires the State to do has been fully and properly performed.

Another point: If the Erie Canal is to be deepened, as this bill proposes, at the expense of the General Government, it is a serious question whether this bill goes far enough. It only proposes a net depth of 8 feet. That would afford but little relief, and it would still necessitate reshipment from the lake vessels to lighter-draught vessels at the head of the canal, as the average draught of lake vessels is about 13 feet. If the canal were deepened so as to allow vessels loaded at Duluth and other lake ports to pass through it to tide-water, then the project certainly would assume more of a national importance than it has in its present shape. Such a project may be impracticable; but, on the other hand, is not the present one, in its present shape, of doubtful use, or at least of but limited national importance?

Mr. PLUMB. I yield now to the gentleman from New York.

Mr. FARQUHAR. Mr. Chairman, in the few minutes allotted to me on a bill of this character, and representing as I do on this floor the second great commercial city of the State of New York, I feel disinclined to enter into any of the particular merits of the pending measure, and will simply say, on behalf of my own constituency, that while the State of New York at present is divided as to the means that may be adopted, the pecuniary considerations or plans for the fiduciary aid which may be brought to this enterprise, they are all of one mind as to its utility, as to the demands of commerce for its enlargement; and as is evident to-day from the Western Representatives who have spoken on this measure, it is the demand of the Western producers that their commodities, that their products should reach by as cheap waterway as possible the Eastern consumers.

The Federal side of aid for the Erie Canal has been presented so ably by my colleague [Mr. WEBER], both through the report and through his remarks, that I feel disinclined to say one word for or against the dividing question in my State. We have had two canal conventions called along the line of the canal—delegated conventions, representing commercial bodies, associations, &c., and these conventions have declared, unequivocally, that the present State aid should prevail in settling this question for the present. Yet I am free to say that in the State of New York, within the last year, there has grown a large and determined opinion in favor of Federal aid, if not immediately, yet in the near future. I am satisfied that the solution of this question, although by this Congress it may be relegated to another, yet within six years at the furthest the American Congress must take it up and settle it. This bill, were there a guarantee from the State as to its bonds, would meet my co-operation and my heartiest indorsement.

[Here the hammer fell.]

Mr. PLUMB. Will the Chair be kind enough to state what amount of time is yet remaining?

The CHAIRMAN. Seventeen minutes of the hour remain.

Mr. PLUMB. Then I would request the Chair to notify me when

I shall have exhausted sixteen minutes, as I desire to reserve one minute for the chairman of the committee, the gentleman from Florida [Mr. DAVIDSON].

Mr. Chairman, in my opinion, there has not been presented to this House a more important question than that which now engages its attention. It is, sir, nothing less than a question of public improvements upon a scale that has not hitherto received legislative favor for many years. It is a question that many years ago claimed the attention of the foremost thinkers and ablest statesmen in this land.

Long before those troubles which culminated in the late war engrossed the public mind the thought of the country was in the direction of public improvements; and distinguished statesmen from every part of the country were its ardent advocates. We have now entered upon the era of peace. We are now discussing the questions which pertain to peace, and that being the case we most naturally turn our attention to the great question of our public improvements.

It has been urged against improvements of this character being undertaken by the General Government that they are altogether within one of the States, and that therefore they should not receive the encouragement and support of the Federal treasury, and some have gone so far as to declare such support unconstitutional, and yet it has been the constant practice to make just such improvements.

It is not a question whether the improvement is wholly within a State or whether it extends through all of the States. The question is this, and this only: Is it for the benefit of the whole people of the country?

Why, sir, we have without hesitation voted millions of dollars to improve a river—the Tennessee River—entirely within the State of Alabama, the object of the improvement being to better the navigation of that river to improve the commerce of that section of country. Now, if we look at the amount of commerce that is interested in the improvement of this great New York canal and compare it with the commerce affected by the improvement of the Tennessee River, we shall find ten arguments in favor of the former to one in favor of the latter.

This proposition is demonstrated by a consideration of the following facts, showing the amount of goods made in this country and imported from abroad, as shown by estimates based on the census of 1880 and the reports of the Secretary of the Treasury for the past year:

Total value of manufactures in the United States for the year 1886	$6,228,711,861
Value of goods imported	625,000,000
Total	6,853,711,861

It will be conceded that by far the greater portion of these goods is made and sold in the East for transportation and distribution in the West and must be affected by the freight rates paid thereon.

Now, Mr. Chairman, what do we propose? We propose to improve navigation and cheapen transportation on articles that are produced in the West and consumed in the East. Have we any idea how much we do produce in the West? In that region of country what articles, what numbers of tons, what numbers of bushels of grain are to be transported the transportation of which will be reduced in cost by the proposed improvement? Sir, I hold in my hand a statement, which is taken from authentic sources, which shows the quantities of cereals raised in the great grain-growing States of the West, but I will confine my statement to the quantities produced in six States and Territories.

The following tables are compiled from the report of the statistician, Department of Agriculture, No. 25, made to Hon. Norman J. Colman, Commissioner, for the year 1885:

CORN.

States and Territories.	Acres.	Bushels.
Illinois	8,559,036	268,998,000
Wisconsin	1,088,019	32,750,000
Minnesota	648,913	18,431,000
Iowa	7,549,542	242,496,000
Missouri	6,295,728	196,861,000
Kansas	3,526,475	129,426,000
Dakota	530,100	15,345,000
Nebraska	3,526,475	129,426,000
Total	31,724,288	1,033,733,000

WHEAT.

Illinois	1,255,905	10,683,000
Wisconsin	1,362,785	15,665,000
Minnesota	3,084,274	34,285,000
Iowa	2,683,944	30,332,000
Missouri	1,517,598	11,275,000
Kansas	1,000,250	11,197,000
Nebraska	1,755,252	19,828,000
Dakota	2,187,084	27,913,000
Total	14,847,092	161,178,000

OATS.

Illinois	3,290,081	107,968,000
Wisconsin	1,412,474	47,778,000
Minnesota	1,076,393	37,544,000
Iowa	2,210,338	74,718,000
Missouri	1,267,849	28,312,000
Kansas	853,920	27,145,000
Nebraska	700,048	24,028,000
Dakota	352,800	13,229,000
Total	11,163,903	360,722,000

RECAPITULATON.

Total corn	31,724,288	1,033,733,000
Total wheat	14,847,092	161,178,000
Total oats	11,163,903	360,722,000
Grand total	57,733,283	1,555,633,000

Have you the slightest idea how much this is? It is, sir, a quantity so vast that the human mind can not easily grasp its magnitude. As an illustration, if these products were loaded on wagons and thirty feet granted to each wagon for travel-way, and were started around the globe in one continuous train, it would reach eight times around the world. That single train that would load up this crop of cereals raised in these six States of the West! With eight wagons abreast in one train, it would reach once around the globe, and this, be it remembered, with the products of these States in one single year.

Mr. Chairman, although there is but a small portion of these cereals transported, yet it must be admitted that every bushel produced is affected in value by the cost of transportation, and if the cost of transportation increases the value of this amount only 1 cent a bushel it would make a total of $15,000,000 per annum; and, sir, it is shown by the following tables that years of experience have demonstrated the fact that the saving between water and railroad transportation between the cities of Chicago and New York amounts to 6 cents a bushel instead of 1.

There can be no question about the necessity for this work. The amount required is only $5,000,000 of 2½ per cent. bonds to be issued by the United States, while the saving to each of the great States of the West—I mean those that lie west of Chicago, and that are devoted chiefly to the production of cereals—would be equal to the amount of the expenditure for this work.

The following statements are copied from a public document entitled "Commerce and Navigation, 1884:"

Statement showing the average freight per bushel on wheat from Chicago to New York for ten years.

Years.	Lake and canal.	Lake and rail.	All rail.
	Cents.	*Cents.*	*Cents.*
1874	14.10	16.9	28.7
1875	11.43	14.6	24.1
1876	9.58	11.8	16.5
1877	11.24	15.8	20.3
1878	9.15	11.4	17.3
1879	11.60	13.3	17.3
1880	12.27	15.7	19.7
1881	8.19	10.4	14.4
1882	7.89	10.9	14.6
1883	8.40	11.5	16.5
1884	6.60	9.75	13.0

As I said, sir, in the beginning, the time has come for us to see what can be done by improving these channels of commerce and thus reducing the cost of freight. We have a vast amount of money in the Treasury lying idle, and there is so much concern about the surplus that it has even been suggested, as I understand, to call an extra session of Congress to dispose of the surplus. But if we were doing our duty, if we were turning our attention to the subject of canals and rivers and the improvement of our commerce, and spending the surplus as we might profitably, there would be no such question to be raised. It is a mistake, sir, to suppose that the people of the United States are so anxious to get rid of taxation that they are unwilling to have this money used in the best way to promote their welfare. Every dollar of surplus now in the Treasury of the United States might be used profitably in the way to bring back to each of the people of the United States a hundred-fold profit, and it is well now to turn our attention in that direction.

By a wise selection of such public improvements as are to-day actually required for the cheapening of transportation and a vigorous prosecution of these, work, labor, and capital would find profitable employment, and all strikes and rumors of strikes would at once cease.

I hope this measure will become a law. I hope, sir, that not only this but the Hennepin Canal itself will be provided for before the close

of the session, and that we shall enter upon the great business of securing cheap transportation for the people of the West as well as the people of the East.

It should be remembered that more than one-half of all that is produced and all that is consumed moves west in a line from New York to Chicago. This is the great thoroughfare necessarily of the nation. It is in that isothermal line where business moves. It is here that population goes westward, and it is in this line that traffic goes eastward. The amount of that traffic can hardly be conceived. The amount of it has already been shown by the manufactures that are produced in the United States.

It is safe to conclude that more than one-half of all this vast amount of goods moves westward over the line occupied by the Erie Canal and which it is contemplated to improve; that it goes to the great valley of the Mississippi; goes to that valley where more than one-half of the population of the United States now resides; goes to that valley that has more acres of tillable land than any other portion of the country; goes where there are more goods consumed and where there are more cereals produced than in any other portion. This is the great thoroughfare. Nature intended it to be the track of a great water course. The Adirondacks were pushed back seemingly on purpose to give space to the Mohawk River in order that the Erie Canal might find its way to the chain of lakes; and the chain of lakes carries on the line to Chicago, that great city of the West, the greatest distributing point of the interior.

The proposition is to improve the navigation between the metropolis on the sea-coast and the great inland metropolis, the city of Chicago. It is of the utmost importance to this country, and the small pittance that is asked in this bill can be given without any serious injury to any part and with decided advantage to the whole country. I hope, sir, when the time comes for a vote upon this bill it may receive the cordial support of this House, and become a law.

I have but one more remark to submit and I am done. I know that there is a common feeling that the day has passed for the building of canals. This sentiment has obtained to such an extent that it almost passes for an axiom. It is said that we must build railroads and not canals. But I desire the committee to take notice of this fact, that the attention of the civilized world is now being called anew to the building of canals everywhere.

Sir Vernon Harcourt, in his late work on rivers and canals, says there are in use in Great Britain 3,138½ miles of canal; in France, 2,954 miles; while Holland and Italy are famed for their extensive systems of canals. In India canals are utilized for both irrigation and transportation, one of the most important being the Lower Ganges Canal, 582 miles in length, just completed. In concluding a chapter on canals this distinguished authority says:

It is evident that rivers and canals, when properly maintained and developed, still form important routes of inland communication. Their commercial value has in most cases been considerably impaired by railways, but they are gradually recovering from the depression into which they were thrown by the keen competition of the railway systems. Though canals can not hope to compete with railways in the conveyance of passengers and of light, perishable articles, it is certain they possess advantages for the transport of heavy and bulky goods.

He concludes by saying:

Canals, if maintained, extended, and, when necessary, enlarged, as is being done now in France, and if not suffered to fall into the hands of the proprietors of railways traversing the same districts, both foster a healthy competition with railways and tend consequently to reduce the cost of transport to the advantage of the public.

I have prepared, Mr. Chairman, a series of statements of facts which I have not taken the time of the committee to read. But I will ask for myself the privilege of incorporating them in my remarks, and I also ask that other gentlemen may have the like privilege.

The CHAIRMAN. The gentleman from Illinois [Mr. PLUMB] asks unanimous consent that any gentleman may be permitted to print remarks on this subject.

There was no objection.

Mr. DAVIDSON, of Florida. Lest my position with regard to this bill might be misunderstood I desire to say I do not favor the bill; and at another time, if it should become necessary, I will state the reasons for my opposition. I move that the committee do now rise.

The CHAIRMAN. The hour for the consideration of bills under the rule has expired, and the committee will rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 1577) for the permanent improvement of the Erie and Oswego Canals, and to secure the freedom of the same to the commerce of the United States, had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

Mr. HERBERT rose.

The SPEAKER. The motion of the gentleman from Illinois has precedence over the order of the gentleman from Alabama [Mr. HERBERT].

Mr. HERBERT. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 7635) to consolidate certain bureaus of the Navy Department, and for other purposes.

The SPEAKER. That motion can not be made while the other motion is pending. The only way to reach that is to refuse to agree to the motion of the gentleman from Illinois, which has precedence under the rule. The question is on the motion of the gentleman from Illinois.

The question being taken, there were—ayes 94, noes 28.

So (further count not being called for) the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills. The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 10397) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1888, and for other purposes.

Mr. TOWNSHEND. I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection.

Mr. TOWNSHEND. I now ask the Clerk to read so much of the report as relates to the bill.

The Clerk read from the report (by Mr. TOWNSHEND) as follows:

The Committee on Appropriations, in presenting the bill making appropriations for the payment of invalid and other pensions for the fiscal year 1888, submit the following in explanation thereof:

The estimates upon which the bill is based will be found on page 153 of the Book of Estimates for 1888, and amount to $76,252,500.

The accompanying bill appropriates $76,247,500, apportioned as follows:

For the payment of pensions	$75,000,000
For fees and expenses of examining surgeons	1,000,000
For salaries of pension agents	72,000
For clerk-hire	150,000
For rents	15,000
For fuel	750
For lights	750
For stationery and incidentals	9,000

The amount for payment of pensions is the same as was appropriated for 1887.

The amount for examining surgeons is increased $179,000 over the sum given for the current year, and the appropriation is limited to payment for services rendered within the fiscal year 1888.

The salaries of pension agents is fixed by law; consequently no change is made in the amount for their compensation as compared with the sum given for 1887.

The amount recommended for rents is reduced from $20,000 to $15,000, and the following provision is incorporated in the bill:

"And the Secretary of the Treasury shall cause suitable rooms to be set apart in the public buildings under his control in cities where pension agencies are located which shall be acceptable to the Secretary of the Interior, for the use and occupancy of the said agencies respectively."

The provisions of the bill are based upon existing law, and without regard to any legislation that may hereafter be enacted.

REFERENCES.

Section 4755 of the Revised Statutes provides that Navy pensions shall be paid out of the "Navy pension fund," upon an appropriation by Congress, so far as the same may be sufficient.

The naval pension fund at present amounts to $14,000,000, bearing interest at the rate of 3 per cent. per annum, and is created under the provisions of sections 4751 and 4752 of the Revised Statutes.

The payments on account of Navy pensions during the fiscal year 1886 aggregated $813,449.51.

The compensation of pension agents is fixed by the act of June 14, 1878 (Supplement to the Revised Statutes, pp. 347 and 348), by the act of July 4, 1884, and by the act of March 3, 1885 (Statutes at Large, vol. 23, pp. 99 and 362).

The compensation of examining surgeons is fixed at $2 for each examination by section 4 of the act of July 25, 1882 (Statutes at Large, vol. 22, pp. 175 and 176), and the act of March 3, 1885 (Statutes at Large, vol. 23, p. 362).

Mr. TOWNSHEND. Mr. Chairman, I ask that the reading of the remainder of the report be omitted, as it consists simply of tables, which do not explain the character of the bill or throw any light directly upon its provisions. I have no remarks to make, and unless there be a desire for debate, or unless some gentleman wishes further explanation of the bill, I will ask that the Clerk proceed to read it by sections.

The CHAIRMAN. If there be no objection, the committee will proceed to consider the bill under the five-minute rule.

There was no objection, and it was so ordered.

The bill was accordingly read and considered by sections.

Mr. TOWNSHEND. Mr. Chairman, I move that the committee now rise and report this bill to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 10397) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1888, and for other purposes; and had instructed him to report the same back to the House with the recommendation that it do pass.

The bill was ordered to be engrossed, and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TOWNSHEND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPRINT OF A REPORT.

The SPEAKER. The gentleman from New York [Mr. BELMONT], chairman of the Committee on Foreign Affairs, asks consent to have reprinted a report made by that committee on the consular and diplomatic appropriation bill, because of errors in the original print.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. HERBERT. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole on the state of the Union, for the purpose of further considering the special order, the bill to consolidate certain bureaus of the Navy Department.

The question was taken on the motion of Mr. HERBERT; and there were—ayes 83, noes 51.

Mr. BOUTELLE. No quorum, Mr. Speaker.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint to act as tellers the gentleman from Alabama [Mr. HERBERT] and the gentleman from Maine [Mr. BOUTELLE].

Mr. HERBERT. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 133, nays 77, not voting 109; as follows:

YEAS—133.

Adams, J. J.	Davidson, R. H. M.	Lanham,	Seymour,
Allen, J. M.	Dibble,	Louttit,	Singleton,
Anderson, C. M.	Dockery,	Lovering,	Snyder,
Anderson, J. A.	Dougherty,	Lowry,	Springer,
Barbour,	Eldredge,	Martin,	Stahlnecker,
Barksdale,	Ellsberry,	McAdoo,	Stone, W. J., Ky.
Barnes,	Felton,	McCreary,	Stone, W. J., Mo.
Belmont,	Ford,	McKenna,	Storm,
Bennett,	Forney,	McMillin,	Struble,
Bland,	Frederick,	McRae,	Swope,
Bliss,	Fuller,	Merriman,	Taulbee,
Blount,	Gay,	Mills,	Taylor, Zach.
Boyle,	Geddes,	Morgan,	Thomas, J. R.
Bragg,	Gibson, C. H.	Morrow,	Thomas, O. B.
Breckinridge, C. R.	Glass,	Muller,	Throckmorton,
Breckinridge, WCP	Green, R. S.	Murphy,	Tillman,
Buck,	Green, W. J.	Neal,	Townshend,
Burnes,	Hall,	Neece,	Trigg,
Cabell,	Halsell,	Oates,	Turner,
Caldwell,	Hammond,	O'Ferrall,	Van Eaton,
Campbell, Felix	Harris,	O'Neill, J. J.	Viele,
Campbell, J. E.	Hatch,	Outhwaite,	Ward, T. B.
Campbell, T. J.	Haynes,	Peel,	Warner, A. J.
Catchings,	Henderson, J. S.	Perry,	Weaver, J. B.
Clements,	Herbert,	Pindar,	Wheeler,
Cobb,	Hill,	Ranney,	White, A. C.
Compton,	Howard,	Reagan,	Wilkins,
Cowles,	Hutton,	Richardson,	Willis,
Cox, W. R.	Johnston, T. D.	Riggs,	Wilson,
Crain,	Jones, J. H.	Robertson,	Wise,
Crisp,	Kleiner,	Rogers,	Wolford.
Croxton,	Laffoon,	Rusk,	
Culberson,	La Follette,	Sayers,	
Curtin,	Landes,	Scott,	

NAYS—77.

Allen, C. H.	Everhart,	Kelley,	Rowell,
Baker,	Farquhar,	Ketcham,	Ryan,
Bayne,	Fleeger,	Laird,	Sawyer,
Bingham,	Funston,	Libbey,	Scranton,
Bound,	Goff,	Lindsley,	Smalls,
Boutelle,	Grosvenor,	Long,	Spooner,
Brady,	Grout,	Lyman,	Stone, E. F.
Brown, W. W.	Hanback,	Markham,	Swinburne,
Brumm,	Hayden,	McComas,	Symes,
Buchanan,	Hepburn,	Moffatt,	Taylor, E. B.
Burrows,	Hermann,	Nelson,	Taylor, I. H.
Butterworth,	Hires,	O'Donnell,	Thompson,
Campbell, J. M.	Hitt,	Osborne,	Wade,
Caswell,	Holmes,	Owen,	Wakefield,
Cooper,	Hopkins,	Payne,	Weber,
Cutcheon,	Houk,	Perkins,	White, Milo
Davis,	Jackson,	Peters,	Woodburn.
Dingley,	James,	Pettibone,	
Ely,	Johnson, F. A.	Phelps,	
Evans,	Johnston, J. T.	Plumb,	

NOT VOTING—109.

Adams, G. E.	Cox, S. S.	Hale,	Mahoney,
Aiken,	Daniel,	Harmer,	Matson,
Atkinson,	Dargan,	Heard,	Maybury,
Bacon,	Davenport,	Hemphill,	McKinley,
Ballentine,	Davidson, A. C.	Henderson, D. B.	Millard,
Barry,	Dawson,	Henderson, T. J.	Miller,
Blanchard,	Dorsey,	Henley,	Milliken,
Browne, T. M.	Dunham,	Hiestand,	Mitchell,
Brown, C. E.	Dunn,	Hiscock,	Morrill,
Bunnell,	Eden,	Holman,	Morrison,
Burleigh,	Ermentrout,	Hudd,	Negley,
Bynum,	Findlay,	Irion,	Norwood,
Candler,	Fisher,	Jones, J. T.	O'Hara,
Cannon,	Foran,	King,	O'Neill, Charles
Carleton,	Gallinger,	Lawler,	Parker,
Clardy,	Gibson, Eustace	Le Fevre,	Payson,
Collins,	Gilfillan,	Lehlbach,	Pidcock,
Comstock,	Glover,	Little,	Pirce,
Conger,	Guenther,	Lore,	Randall,
Reed,	Skinner,	Tarsney,	Weaver, A. J.
Reese,	Sowden,	Taylor, J. M.	Wellborn,
Rice,	Spriggs,	Tucker,	West,
Rockwell,	Steele,	Van Schaick,	Whiting,
Romeis,	Stephenson,	Wadsworth,	Winans,
Sadler,	Stewart, Charles	Wait,	Worthington.
Seney,	Stewart, J. W.	Wallace,	
Sessions,	St. Martin,	Ward, J. H.	
Shaw,	Strait,	Warner, William	

So the motion of Mr. HERBERT was agreed to.

The following pairs were announced:

Mr. ERMENTROUT with Mr. HIESTAND, on this vote.

Mr. MATSON with Mr. CONGER, for the remainder of the week.

Mr. RANDALL with Mr. HENDERSON, of Iowa, on this vote. Mr. RANDALL would vote "aye" and Mr. HENDERSON "no."

The following named members were announced as paired until further notice:

Mr. JONES, of Alabama, with Mr. WAIT.

Mr. MAHONEY with Mr. PIRCE.

Mr. WALLACE with Mr. RICE.

Mr. MITCHELL with Mr. WHITING.

Mr. GLOVER with Mr. WARNER, of Missouri.

Mr. STEWART, of Texas, with Mr. STEWART, of Vermont.

Mr. PIDCOCK with Mr. WEST.

Mr. CANDLER with Mr. MILLARD.

Mr. BYNUM with Mr. LITTLE.

Mr. DUNHAM with Mr. COLLINS.

Mr. DAVIDSON, of Alabama, with Mr. GALLINGER.

Mr. KING with Mr. BROWNE, of Indiana.

Mr. CLARDY with Mr. GILFILLAN.

Mr. BALLENTINE with Mr. HENDERSON, of Illinois.

Mr. BLANCHARD with Mr. STEPHENSON.

Mr. SKINNER with Mr. DORSEY.

Mr. LAWLER with Mr. STEELE.

Mr. JOHN M. TAYLOR with Mr. PAYSON.

Mr. COX, of New York, with Mr. CANNON.

The following named members were announced as paired for this day:

Mr. MILLER with Mr. GUENTHER.

Mr. SENEY with Mr. HARMER.

Mr. NORWOOD with Mr. DAVENPORT.

Mr. SOWDEN with Mr. BURLEIGH.

Mr. DARGAN with Mr. BUNNELL.

Mr. DAWSON with Mr. MORRILL.

Mr. MAYBURY with Mr. HISCOCK.

The result of the vote was announced as above stated.

CONSOLIDATION OF NAVY DEPARTMENT BUREAUS.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. SPRINGER in the chair), and resumed the consideration of the bill (H. R. 7635) to consolidate certain bureaus of the Department of the Navy, and for other purposes.

The CHAIRMAN. On this question the gentleman from Texas [Mr. SAYERS] is entitled to the floor.

Mr. HERBERT. If the gentleman from Texas will yield a moment, I desire to see whether we can make some arrangement with gentlemen opposing this bill as to the limit of time for general debate. I would like to know how long they want for discussion on their side.

Mr. BOUTELLE. Mr. Chairman, it does seem to me that we ought not to begin to talk about limiting the time for discussion when this bill has only been read. Here is a proposition to reorganize one of the great Departments of this Government, and it is very strange that the gentleman from Alabama should urge at the very outset a limitation of the debate. I think the debate ought to go on until we can form some judgment as to how much discussion is necessary.

Mr. HERBERT. Well, let it go on. I supposed gentlemen on the other side would not consent.

The CHAIRMAN. The gentleman from Texas is entitled to the floor.

Mr. SAYERS. Mr. Chairman, the bill under consideration has for its object the promotion of an economical, harmonious, and successful administration of the Naval Department. It is not a political measure. As now constituted it can not be doubted there exists, and has existed for years, in this particular branch of the military service a want of responsibility and unity of action among those charged with the most important functions, producing great and unnecessary extravagance and resulting in an almost total incapacity to accomplish any valuable and extensive work.

The proceedings of Congress and the records of the Department disclose the appropriation and expenditure of enormous sums of money for the repair of vessels and for the maintenance of the navy-yards. Yet we find ourselves to-day without a navy worthy of the name and without a single yard in a commendable condition.

It will be unnecessary for me, Mr. Chairman, to consume the time of the committee in adducing evidence as to the present disgraceful and unparalleled worthlessness of our fleet, either for defensive or offensive purposes. The reports of the Admiral, made and published time and again, inform us that our vessels of war can scarcely perform the

duties of a peace establishment, and, in case of hostilities, would have to abandon the high seas altogether until peace should be restored.

The miserable and dilapidated condition of our yards and stations corresponds—alas, too well—with the feebleness and decrepitude of our vessels and amply sustains the report of the Chief of Bureau of Yards and Docks, in which we find the following passage:

Your attention was called to this condition of affairs last year in the statement made by me in my annual report, which I now beg leave to repeat:

"Scarcely a week has passed since I assumed control of this bureau that reports have not been received of buildings tumbling down, or liable to do so at any moment, roofs leaking to such an extent as to involve destruction of property, wharves rotting and falling into the water, and others so defective that they can not be used, water service defective on account of worn-out pipes, and a complaint of decay that implies general destruction."

When, Mr. Chairman, we consider the vast expenditures which have been made in the construction and repair of our ships and of the buildings, docks, wharves, and machinery in our yards, we can not, however much we might desire, escape the conclusion that very serious, if not criminal, blunders have been committed in the management of our naval affairs.

From the most reliable and authentic sources we are advised that the vessels which constituted our Navy at the conclusion of the last fiscal year, and were then completed, had been built and repaired at a cost to the Government of $76,593,360.47, of which sum $40,300,176.33 was expended for repairs.

Now, to this expenditure upon vessels add the total cost of permanent improvements and repairs, including the sites at the yards, from their establishment to June 30, 1886, which was—

Portsmouth	$4,371,387 18
Boston	7,434,853 42
New York	11,859,948 29
League Island	1,760,248 94
Washington	4,396,171 81
Norfolk	7,881,013 69
Mare Island	9,090,294 84
Pensacola	6,337,310 18
Philadelphia (old yard)	2,954,175 43
Total	56,085,403 78

And we have for the total of such expenditures at the date stated the enormous sum of $132,678,764.25.

Contrast this vast amount of money with the results it has accomplished as manifested in the reports of the Admiral of the Navy and of the Chief of Bureau of Yards and Docks, and accept the lesson which the comparison teaches and with all the responsibility it imposes.

It will be observed, Mr. Chairman, that I have called the attention of the committee to the cost of the construction and repair of such ships only as were comprised in our naval establishment at the close of the last fiscal year. If I had also taken into account the expenditures upon such vessels as have gone out of commission and have been condemned and sold since the termination of the late civil war, and considering only the cost of the repairs made on such vessels since June 30, 1868, the sum total of disbursements would have been very largely increased.

But it occurs to me that enough, and more than enough, has been shown to justify the fixed conclusion in every unprejudiced mind that the administration of the Navy Department has not been conducted in the interest of economy and efficiency.

It behooves us then, as the representatives of the people, upon the great majority of whom the burdens of this Government are now resting with an exceedingly oppressive weight, and as legislators professing anxiety to inaugurate all needful reforms, to earnestly seek after the true cause of the evil and to apply such remedial measures as will give immediate and permanent relief. I do not believe that the fault lies with the *personnel* of the Navy. Its officers are gentlemen of integrity, skill, experience, courage, and patriotism. They are devoted to their profession and are the peers of any who are performing similar duties in other countries and under other flags. Beyond all question they are worthy the high reputation which they enjoy both at home and abroad. The honor and safety of the country is secure in their hands, provided only they be furnished with the proper implements of war. But if the *personnel* of the Navy be not justly responsible for the sad condition of our war-vessels and naval workshops, whither are we to look in order to ascertain the source from which has sprung such an unfortunate administration as has characterized the management of this Department of the Government?

Turning to the annual report of ex-Secretary Chandler for 1883, we find him asserting in strong and vigorous language the pressing necessity of a radical reform in the method under which the navy-yards were being operated—complaining of the great and insurmountable difficulties experienced by him in attempting such reforms in consequence of the opposition of persons interested in the existing system, and recommending that Congress should quickly interpose and accord him effective assistance in the shape of specific legislation upon the subject.

Says Mr. Chandler, in the same report, the arguments and facts which show that reforms should be instituted are overwhelming.

And what picture could be more striking or be better calculated to arrest and to challenge the attention of the most careless observer, than the one drawn by the same official in his report, made a year later, respecting the administration of the navy-yards? It is from the pencil of a master, made so by a thorough and personal acquaintance with the practical operation of the bureau system, as then and as now constituted. The ex-Secretary has thus recorded himself:

The most perplexing question in the reconstruction of the Navy will be the disposition and management of the navy-yards, each having numerous workshops, and each workshop being engaged in producing or refitting separate portions of every one of the naval vessels constructed or repaired, while there are many heads of the work and no one technical superintendent responsible for and supervising the whole.

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Too many persons are in form or in fact connected with the work; too much routine and formality exist; promptness of decision and action does not prevail; and responsibility for neglect, delays, or failures can not be definitely fixed.

* * * * * * *

At the present time navy-yard administration is overloaded with traditions and customs, the work is obstructed by a cumbrous organization, technical responsibility is lost in the elaborately graded multitude of semi-technical and semi-military officials; instead of smoothness is to be found friction; instead of promptness, delay and procrastination; instead of thrift, extravagance; instead of unity of action, a mass of discordant interests.

* * * * * * *

This reform is believed to be practicable and necessary. If the force of accumulated traditions and the excessive conservatism of the service prevent its adoption, it would be better to discontinue our yards for all working purposes, and not only build but repair our vessels and engines by contract.

Admiral Porter, whose skill, experience, and disinterestedness will be readily acknowledged by all, addressing the present Secretary, tells him—

Ever since you assumed charge of the Navy Department you must have perceived the necessity of reorganizing the whole Navy.

* * * * * * *

The Navy has been allowed for years to run in a rut, and not even a formidable war could eliminate the defects from the bureau system.

* * * * * * *

No objection can be made to most of the officers who have served as chiefs of bureaus; the fault is in the system.

The *personnel* of the Navy Department is sufficient to conduct the affairs of half a dozen navies if it were properly organized.

And, again the same high authroity, speaking upon the same question, expresses himself thus:

I beg leave to refer to a subject in which I believe you are warmly interested, and to which you have given considerable attention—that is, the reorganization of the different branches of the Navy, and especially the Navy Department.

I think the opinion is general throughout the service that until the Department is reorganized we can have no system, maintain no proper discipline, and build no effective ships; but that a reorganization of the Department will bring order out of chaos, and the Navy will run along as smoothly as it did previous to 1842, when the board of Navy commissioners were the advisers of the Secretary of the Navy and had administrative and executive authority.

This reorganization must take place sooner or later, and whoever achieves so great a victory will deserve the thanks of the country.

I have seen the workings of both systems—the old and the present—and, with no prejudices whatever in the matter, I have for the past twenty-five years strenuously advocated a change for reasons which, as they appear in most of my previous annual reports to the Department, it is unnecessary to repeat.

I think we should adopt a system in the Department somewhat similar to the British board of admiralty, the Secretary of the Navy to be the political, judicial, and financial head of the Navy, holding somewhat the relation to a board of control that the first lord of the admiralty does to the board of admiralty.

The bureau system, under proper restrictions, has many good points, but it is insufficient in its present condition to build up an effective navy or carry on war.

There should be a change in the number of bureaus. That of provisions and clothing should be merged into a bureau of accounts and purchases, to purchase everything required for the Navy and settle all accounts of the various bureaus and departments of the service, placing them in final shape for presentation to the Fourth Auditor. The name of the proposed bureau will indicate its duties.

There should be a single bureau of construction, steam engineering, and repair, under one head. This would prevent the caviling which has heretofore existed in regard to the placing of engines, masts, &c., and would make one person responsible for any mistakes committed in the construction and repair of ships and machinery.

This simple change in the bureau system could be easily brought about without friction, and the necessary changes made in the detail of the bureaus would naturally be indicated by the nature of the work to be accomplished.

In consequence, Mr. Chairman, of the repeated and urgent recommendations of ex-Secretary Chandler to take some action in the premises, Congress, in 1882, directed the appointment of a commission to investigate the navy-yard management. The commission was organized with Commodore S. B. Luce, Chief Engineer Charles H. Loring, and A. B. Mullett, a civilian, as members. These gentlemen, after a thorough and exhaustive inquiry into the evils so often and vigorously complained of, reported their conclusions, among which was the following:

The third query invites an expression of our views as to whether "any improvements can be made in the system of performing work at the navy-yards which will promote efficiency and reduce expenses."

In the memorandum already referred to an attempt was made in the direction implied by this inquiry. The scheme for the reorganization of the working force of our navy-yards, as contained in that paper, was the best that could be devised under the circumstances; it was a step toward a concentration of forces and economy and dispatch in the method of doing work. It was submitted in the belief that a fair trial would soon develop whatever was impracticable and lead to proper amendment, and that in a short time the new system would adjust itself so as to run smoothly, as it certainly would economically.

To a proper understanding of the subject, it should be stated, that the present wasteful extravagance in employing so great an excess of non-producers, and the inefficient system of doing business which has for years past been steadily increasing in our navy-yards, is but the natural outgrowth of the constitution of the Navy Department itself. There can be no manner of doubt of this. Each navy-yard is made up of a number of separate and comparatively independent establishments, little principalities, as it were, each owing allegiance to its own sovereign, the chief of the bureau to which it belongs. The heads of departments of a navy-yard have extensive and responsible duties and a large

patronage, and are naturally jealous of the interference of any one but their own chiefs.

Thus each department has been gradually building itself up so as to be independent of all other departments, and is constantly striving to do all its own work. Each of the principal departments has its own body of artisans, its own machinery, its own steam generators, and its own peculiar method of doing business. As an illustration, we take from official "schedule of wages" (Form 9) of civil engineer's office the following ratings: Boiler-makers, boiler-makers' helper, calkers, coopers, cabinet-makers, core-makers, ship-joiners, ship-carpenters, machinists, machinists' helpers, molders, oakum-pickers, and pattern-makers—a little ship-yard in itself.

In this way it has come that some of our yards are filled up with machinery far beyond their actual needs, and it is no exaggeration to say that there is to-day enough machinery of various kinds in either the New York or Boston yard to do the work of its own particular class of the entire Navy during peace. We habitually speak of a private ship-yard as a "plant," but each of our national ship-yards is a segregation of "plants," each having its own separate organization, and each its own internal regulations. Many illustrations might be given to show how, through the want of concert of action among these several "plants," useless and vexatious delays occur, to say nothing of the waste of time and of public money due to such diffusion.

To make such radical changes as we proposed in our memorandum was no easy task, nor did we expect that they could be effected without considerable friction, not to say opposition; but supposing the changes to be made on the basis laid down by the commission, it is hardly to be hoped that under present conditions they will be permanent. For whatever changes may be introduced now, and how beneficial soever they may be, still the same causes remaining in active operation must inevitably produce the same results, and in time restore the system of independent plants, with all its attendant evils. Hence we conclude that to organize our navy-yards on a just and permanent basis, to consolidate their several plants, to introduce thrift in the management and promptness in the methods of doing work, with a proper system of accountability; to secure, in short, in each of our yards unification, economy, and dispatch, with an administration of its affairs agreeable to the principles of business as understood in civil life, it is absolutely necessary to begin within the Navy Department itself.

Surely, Mr. Chairman, additional and better evidence will not be deemed necessary in order to establish, beyond all cavil, the fact that the true and the only cause of the failure of the Naval Department to accomplish results proportionate to the extraordinarily large expenditures with which it stands charged lies in the want of a proper administrative organization—the practical operation of which sets at defiance every well-known and generally-accepted principle and policy of successful private enterprise.

As is well known, the administration is subdivided into eight bureaus, each of which is organized independently of the others. From 1842 to 1862 there existed only four of these bureaus—Yards and Docks, Construction, Equipment and Repair, Medicine and Surgery, Provisions and Clothing. This organization was changed at the latter date, and additional bureaus were formed and the duties differently divided, as follows: Yards and Docks, Construction and Repair, Steam Engineering, Equipment and Recruiting, Navigation, Ordnance, Provisions and Clothing, Medicine and Surgery.

This is also the present organization. The story comes down to us that the chiefs of these bureaus got together one day in 1867 and, over their walnuts and wine, apportioned out to themselves, with the consent of the then Secretary, the entire power of the Department, so that each might have one of his own, with clerks, writers, messengers, telegraph operators, and every other kind of employé that might be necessary to the dignity and respectability of the bureau system. Thus, using the language of the commission of 1882, each navy-yard became made up of a number of separate and comparatively independent establishments, little principalities as it were, each owing allegiance to its own sovereign, the chief of the bureau to which it belonged.

One, however superficial, can readily perceive that this division of authority among officials, independent of one another, could not but beget discord, irresponsibility, extravagance, and failure, Out of so incoherent and unnatural a connection of independent authorities no good thing could possibly come. Eight petty monarchs in every navy-yard—each one vain of his own authority and jealous of the importance of others; resentful of every attempted encroachment upon his jurisdiction; and expending the revenues, allowed him by law, with reckless prodigality—were too powerful for even so strong a Secretary as Mr. Chandler in his attempt to correct the evils and to reform the abuses that characterized the administration of the Naval Department during his term of office.

Mr. Chandler failed in the attempt, and so will every other Secretary fail unless Congress aid him with appropriate and specific legislation.

To illustrate, Mr. Chairman, the mischievous operation of the bureau system I beg to call the attention of the committee to certain portions of the annual report of the present Secretary.

Says he, in his communication of 1885 to the President:

> For the security of the public it is provided by law that the purchases at the Navy Department shall be by contract, after advertisement, and shall go to the lowest bidder; that only "regular dealers" shall be dealt with by the Department, which has been interpreted to mean persons whose occupation it is to deal in such articles with the general public. The contract system can be dispensed with only when there is an emergency certified to by the bureau officer for the immediate purchase, doubtless largely intended for a time of war.
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> The open purchases of the Navy Department for the year ending June 30, 1885, amounted to $841,285.84, while the purchases by contract amounted to only a little over a million. A large proportion of the open purchases consisted of articles of either comparatively small value or more or less difficult of classification; but $138,000 of the amount was spent by the seven bureaus, each acting independently of the other, for coal bought, not in one lot, but at 166 several open purchases (this does not include coal bought by ships on foreign stations); 299 different open purchases of stationery were made by eight different bureaus; $121,315.66 was spent for lumber and hardware by six bureaus in 499 separate open purchases. Seven bureaus spent $46,000 for oils and paints in 269 separate purchases; 117 different open purchases of iron and steel were made at an expense of $41,524.48; $68,881.59 was spent for hemp and cordage in 45 different open purchases. Eight bureaus supply stationery to ships; three bureaus supply ships with lamps and lanterns. To the same ship one bureau supplies electric lights and the light for general illuminating purposes; another supplies electric search lights, and a third oil and light for the engine and fire rooms.
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> These facts are taken from the records of the year ending June 30, 1885, and its showing is more favorable than that for the previous year.
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> Illustrations of a rather extraordinary character of the resort to this certificate of necessity for immediate purchases as a convenience appear among these records.
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> In the summer of 1883 an order was given for $61,000 worth of canvas to a person who was not a dealer in the article, and at a time when there was the usual supply of canvas on hand.
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> Under an order made by Secretary Thompson in 1877 it was understood that the limit of any single purchase under a "certificate of necessity" was $500. For purchases involving a larger amount resort must be had to the ordinary contract system. Several months were consumed in the delivery of this $61,000 worth of canvas, and the bills were made out in sums of less than $500 each. The "certificate of necessity" accompanied each one, and in that form the bills passed the Treasury Department.
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> Two or three of these bills, with the bureau officer's certificate of necessity upon them, would sometimes be dated and presented on the same day.
>
> During the same year coal was purchased by different paymasters from the same person on or about the same days, deliverable at the very same place, of like quality and character, but at prices differing from 50 to 65 cents a ton.
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> * * * * * * *

And speaking of the Bureaus of Construction and Repair, Steam Engineering, Equipment and Recruiting, and Ordnance he says:

> Take the Omaha for an example. She has been rebuilt within the last four years, at an expense of $572,000. It was an act of the greatest folly. She is a repaired wooden vessel, with boilers, machinery, and guns, all of which would at the time have been sold for what they would have brought by any other nation on earth. In the event of a war she can neither fight nor run away from any cruiser built contemporaneously by any other nation. Her rebuilding cost the full price of a modern steel ship of her size and all modern characteristics.
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> Now, if one should seek to ascertain who is responsible for the decision that the Omaha should be rebuilt, it would be found that no one so decided after discussion and an intelligent knowledge of facts. The chief constructor will deny responsibility except for the survey; the engineer-in-chief the same; and the Secretary of the Navy, if he should be able to recall the circumstances, would doubtless remember that he was advised that she needed general repairs and rebuilding, and gave the orders in ignorance of the probable result of his decision.
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> At present the four heads of these bureaus, instead of co-operating, work independently of each other and not always in harmony in producing their respective parts of a completed ship. After the Omaha had been commissioned and was ready for sea, it appeared that the several bureaus working independently upon her, had between them so completely appropriated her space that they had left her coal room for not more than four days' steaming at her full capacity. Each bureau, too, finds it necessary to maintain its separate shops in the several navy-yards, each with a separate organization of foremen, quartermen, leading men, &c., so that shops doing precisely the same class of work—carpenter-shops and machine-shops, for instance, are commonly duplicated and sometimes triplicated in the same navy-yard with a corresponding multiplicity of foremen and organization expenses—a state of things which, under the present organization of the Department, it is almost impossible to correct.

Having constituted a board to take an inventory of all the stores and material at the several navy-yards and stations, the Secretary, in his report of 1886, refers to its action in this wise:

> The inventory shows a very large and unnecessary accumulation of stores and supplies by the different bureaus, aggregating over $20,000,000 in appraised value. The board reports between three and four millions in value to be obsolete and useless at the present time, only entailing expense for keepers and constant care to preserve them in condition. Among these accumulations some very absurd facts appear. At the eight navy-yards there have accumulated altogether of augurs and bits 46,566, of which 25,274 have been lying for several years at closed yards where no work has been or is likely to be done. Twenty-nine thousand five hundred and forty-two gross of screws are on hand, 10,896 gross lying at closed yards. There are 146,385 files in stock, 42,142 of them lying at closed yards. There are 11,813 paint-brushes in stock, 2,246 of these in the stores at closed yards. All of these tools are serviceable, mostly new.
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> [There are found to be over 12,000 tons of cast and wrought iron lying in scrap about the yards, 759,000 pounds of composition and brass, 159,000 pounds of old copper, and 193,000 of old lead.]
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> Of most of these articles some bureaus have recently made considerable purchases, and are even doing so at the present time, while to the credit of other bureaus there are very large amounts in stock. Captain Meade, president of the inventory board, says:
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> "In going through one of the yards where the construction department was short of cut nails, the storehouse in charge of steam engineering was found filled from floor to ceiling with barrels on barrels of the needed nails. I asked the officer in charge how long at his present rate of expenditure it would take to use up those nails that construction and repair so badly needed; and he replied, 'Well, sir, I think about fifty years.'"
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> These stores of tools or machinery are periodically oiled or painted; in the mean time require large storage room, a force of watchmen, &c., and are constantly becoming obsolete and useless. The expenditure entailed in a series of years exceeds in all probability the value of the property.

Mr. Chairman, when the Committee on Naval Affairs were taking testimony relative to the reorganization of the Department, Mr. HEWITT, at that time a member of the committee, whose reputation for ability, experience, and general and varied information is second to that of no member of this House, in a statement made by him to the committee, said:

> By way of illustrating this point further, Mr. Chairman, I want to call attention to the fact that in the repair of a certain vessel at the Norfolk navy-yard, for instance, it was found that the hull was repaired on certain dimensions agreed upon at the time by the construction department; the boilers and machinery were constructed on certain dimensions, and at the time agreed upon by the steam-engineering department; the rigging and spars were agreed upon by the heads of that department, and when they came to get the whole machinery together the boilers would not go in, they would not fit, because there had been no consultation between the heads of the department, or supervision

by the Secretary compelling them to agree upon all the different points, and so when they came to put them together it was found that they would not fit.

Also—

I know that in the case of the Pinta the error I mentioned occurred, and I remember another vessel, the name of which I can not recall, but which I can furnish if necessary, where the vessel was condemned because her machinery was so much out of proportion that it could not be got into her.

And Commodore Harmony, before the same committee, stated:

But until 1867 we had a single storekeeper, through whom everything was issued. The navy agent first purchased, and he received the purchases; he received everything, and everything was delivered through him. It was a very good system, and carried us through the war without trouble; and I think it now could be returned to with great profit. In all navy-yards each storekeeper has as many clerks as the one storekeeper we had during the war had. There are eight storekeepers in each of the navy-yards, because each bureau has control of its own stores. I might call attention here to one instance to show how it has grown by referring to a single building opposite the commandant's office in New York, covering at least 6,000 square feet of ground, and three and a half stories. That was the storehouse built for all the Departments in 1867, but that building has finally come down to be the storehouse of one bureau, with perhaps a little room in a corner for some other officer. During the war we had a three-story building that I don't think covered more than 4,000 square feet, and out of that all the ships in the service were supplied; but in 1867 these matters were divided into these different bureaus, and each bureau was made independent of the other as to its storekeeper.

Q. Where there are eight storekeepers are there eight separate store-rooms?

A. Oh, yes; and it is not a small store-room, but each department has a building. As I say, there is one building of 6,000 square feet at least that is used as a store-house for one department.

Q. Then, in the present age, when things have so changed in relation to the building of ships, if we had the old system of one storekeeper for all the yards we would require as many buildings as now, would we?

A. No, sir. I think at the New York navy-yard, which is the principal one, that the one store-house now used by one department would be more than ample for the whole.

Q. And the other store-rooms might be utilized for other purposes?

A. Yes, sir.

Q. Now, then, there is that other bureau this bill proposes to establish—supplies and accounts?

A. I was referring to that in connection with the storekeeper duties.

Q. What do you think of that?

A. That is what I referred to in that connection. I think it is absolutely necessary the thing should be done, because now we have a multitude of clerks, to such an enormous extent in the different bureaus, each of which is independent of the others, and buying its own stores and keeping its own accounts. It simply seems to be absurd. No mercantile or manufacturing establishment could be carried on six months under the system that we have now in the Navy.

Q. Do you think the adoption of the system proposed by the bill could be properly carried out with any considerable saving to the navy-yards?

A. I do not see how it could be otherwise. Possibly experience may show that I am in error.

Q. You said there were eight different storekeepers of divisions?

A. Yes, sir.

Q. If the stores were consolidated, how many storekeepers would be needed?

A. One, under an efficient officer.

Q. How much could the force of clerks, &c., be reduced?

A. I should say about one-sixth of the present number.

By Mr. SAYERS:

Q. Do you mean to say one-sixth of the present number?

A. Yes, sir; that involves a store clerk and an assistant and a laborer—a store laborer who generally does writing, and another store laborer who generally takes care of the things in the store; that is about forty-two people, and I think six people could do it. I only judge by what was my experience during the war, and how we did it in a single store-house in the New York navy-yard.

Also:

We know ships have been built and engines constructed and ordnance designed, and when the three were put together it was found that they did not fit; and there is where the difficulty comes. In one case parts of a ship had to be cut away to get in the boilers, and ports had to be changed to put the guns in proper place and give them sufficient room to work, simply because the three persons who had control of the matter did not confer together; they were acting independently. I have seen that occur in the navy-yard; I have seen it in a case of ordnance, and I know in steam engineering and construction, where the three persons who had control of the essential parts of the ships, without conference, went on in their own way, and afterward each found the others had not worked with him in accordance with his plans, and things had to be changed in consequence. I think you will find that the case in some of these new ships.

Mr. REED, of Maine. What was the bill there referred to, this bill at present under consideration or the previous one?

Mr. SAYERS. I will state to the gentleman from Maine the question and the answer which I have read applied as well to the bill under consideration as to the previous bill.

Mr. REED, of Maine. To which was the statement intended to apply?

Mr. SAYERS. It was intended at the time to apply to the previous one.

Mr. REED, of Maine. To the previous bill, which is quite different from this one?

Mr. SAYERS. Not in this respect. There is no difference in the two bills as regards the subject-matter of the statement I have just read.

It would seem that the administration of the Bureau of Medicine and Surgery should, from the very nature of its appropriate duties, be entirely free from complication; yet we find that if a man be sick he is transported to a hospital at the expense of the Bureau of Equipment and Recruiting, but if he be insane the cost of his transportation must be borne by the Bureau of Medicine and Surgery. And if the sick man be taken to a hospital outside of the United States the charge for his transportation and for his maintenance at the hospital falls upon the Bureau of Medicine and Surgery. The patient recovering, he returns to his ship at the cost of the Bureau of Equipment and Recruiting; but dying, his funeral expenses are defrayed by the Secretary of the Navy.

There is a certain grim humor in all this. From the very moment the poor fellow entered into the service until life departed from his exhausted body, the chiefs of bureaus, each in his turn, maintained with jealous care exclusive jurisdiction over him. The instant, however, that he ceases to breathe they turn coldly and carelessly away from his lifeless remains. But dead he is more honored than when living.

A Cabinet officer pauses a while from the duties of his exalted station and gives to the neglected body an appropriate burial.

Mr. REED, of Maine. What is to prevent the Secretary from changing all those things of his own motion? Why should he permit such absurdities?

Mr. SAYERS. I will answer the gentleman from Maine in the language of ex-Secretary Chandler, a man who served with ability in the Navy Department for full four years and who may be presumed to have known what he was talking about. Mr. Chandler in his report for 1883 uses this language:

Much difficulty has been experienced in effecting navy-yard reforms owing to the opposition of persons interested in the existing system, not only to closing the repair shops in yards to be hereafter kept only as naval stations and arsenals, but also as to concentration and economy at yards which are to be kept open for work. The specific directions of Congress should therefore be sought and effectively accorded. The arguments and facts which show that reforms should be instituted are overwhelming.

Mr. BOUTELLE. What reform is referred to there by Secretary Chandler?

Mr. SAYERS. Reform in the Navy Department from top to bottom and from side to side.

Mr. BOUTELLE. Did Secretary Chandler demand that?

Mr. SAYERS. Reform everywhere is what Secretary Chandler demanded.

Mr. BOUTELLE. Is my colleague on the committee [Mr. SAYERS] now quoting Secretary Chandler or the gentleman from Texas himself?

Mr. SAYERS. I was quoting the language of Secretary Chandler when I read it.

Mr. BOUTELLE. Do you say that he said the Department should be reorganized?

Mr. SAYERS. Yes, sir. I will get through with that directly and will come to a higher authority than Secretary Chandler.

Mr. BOUTELLE. But I am very much interested now in Secretary Chandler's authority. I want to find out where those quotation marks come in.

Mr. SAYERS. Mr. Chairman, I do not propose to consume the time to which I am entitled in bandying words with the gentleman from Maine. Here are the reports, and if during the four or six years the gentleman from Maine has been a member of the Committee on Naval Affairs he had paid proper attention to his duties he would now be as well posted as myself. [Laughter.]

Mr. REED, of Maine. Still, if it is not disturbing my friend from Texas too much, I do not see how his quotation from Secretary Chandler answers my question about these refusals to pay the transportation of sailors under different circumstances.

Mr. SAYERS. I am not responsible, Mr. Chairman, for the gentleman's failure to understand the answer.

Mr. REED, of Maine. Perhaps the gentleman from Texas will explain, and sort of approach the things to each other.

Mr. SAYERS. I will do it in my own good time.

Mr. REED, of Maine. It may be a good way or it may not. That remains to be seen.

Mr. SAYERS. Mr. Chairman, the gentleman from Maine [Mr. BOUTELLE], one of the members of the Naval Committee, propounded an interrogatory to Commodore Harmony, and was answered as I now read:

Question. Do you know of any reason why the present Secretary, with the hearty co-operation which I assume he would command from the present heads of bureaus, would be unable to rectify these things?

A. Yes, sir; I can put it in this way: It is a very hard thing to break up a system that has obtained for so long, and there are so many people accustomed to it that do not want a change. That is our condition.

Q. But there is no insuperable obstacle in the way?

A. Not that I know of. But here are these separate bureaus, which have control of their own money, and that of itself stops the Secretary. The Secretary has not absolute control of one penny that is appropriated.

And, Mr. Chairman, right here I want to call the attention of the committee to the fact that year after year Congress has been appropriating specific sums to each of these bureaus, and that over the money so appropriated the Secretary has not the slightest control. He can not order the transfer of money from one bureau to another, for Congress provides that the money shall be committed, in each case, to the custody of the chief of the particular bureau. That is one of the reasons why it is impossible for the Secretary to require, when a sick man or an insane man has to be carried to the hospital, that his transportation shall be paid by any particular bureau. It is also a reason why, when a man dies, none of these bureaus will take charge of his remains, but will turn him over to the custody of the Secretary of the Navy himself. The bureaus, as now constituted, are independent, in great measure, of one another and also of the Secretary. As their warrant of authority and jurisdiction they point to the act of Congress which organized our present bureau system in 1862.

Mr. GOFF. In 1842, you mean.

Mr. SAYERS. No; 1862. In 1842 a law was enacted providing for five bureaus. But in 1862 another act was passed constituting eight bureaus instead of five. And they do not want to yield. That is the reason there was found upon every desk in this House a written memorial against the passage of this bill.

Mr. GOFF. It was the adoption of the system to which I alluded, not the additions to it. I say the system was adopted in 1842; I understood the gentleman to say it was adopted in 1862.

Mr. SAYERS. I said the present bureaus were established in 1862.

Mr. GOFF. The additions were made in 1862, but the system was adopted in 1842.

Mr. SAYERS. The history of the Naval Department, Mr. Chairman, for the past twenty years is full to the overflowing of instances of unpardonable extravagance, irreconcilable discord, and fatal irresponsibility, resulting in a great measure from the unwise constitution of the present bureau system. Its baneful effects may be plainly seen, as I have before said, as well in the utter worthlessness of our war vessels as in the deplorable condition of our yards, and we have it from the highest and most trustworthy of living authorities, Admiral Porter, that we can have no system, maintain no proper discipline, and build no effective ships until the Department is reorganized.

This reorganization, if it is to be of any value whatever, must have for its controlling features the principles of unity of action and responsibility; and the subdivisions of work that is to result must be upon those lines which have been long since and plainly established by the great and successful business concerns of the country in the management of their own affairs; and, in addition to these essential requisites, the Secretary must be supplied with the means that will enable him to act promptly, decisively, and wisely upon all questions submitted him.

The bill under consideration, Mr. Chairman, is a substantial compliance with such form of organization. It has been carefully considered and matured, and the Committee on Naval Affairs confidently submit it to the House as a practical and needful measure of reform. In every essential particular it meets the demands of the hour, and is a suitable response to the many and pressing calls, made by those responsible for the proper administration of the Naval Department, upon Congress for such specific legislation as would enable them to repress abuses, restore efficiency, promote economy, and induce harmony in this important branch of the military service.

It begins with the distribution of the business of the Department among five bureaus—Navigation, Ordnance, Medicine and Surgery, Material, Construction, and Repair, Supplies and Accounts.

The Bureau of Material, Construction, and Repair is made to contain two divisions—construction and equipment and steam-engineering. If I have not been misinformed, Mr. Chairman, it is against this particular feature of the measure that the greatest, if not the only, objection will be urged. It is, indeed, a most important provision and is expected to accomplish the most favorable results if the bill should become a law. It has the support of not only a large majority of the Committee on Naval Affairs but also of two Secretaries of the Navy, of the Admiral, and of the chiefs of several bureaus as now constituted.

Mr. Chandler, in his annual report of 1883, expresses himself with much emphasis as to the policy of uniting the Bureaus of Construction and Repair and of Steam-Engineering. The language used by him is too plain to be misunderstood. Says he:

It is, however, beyond dispute that methods of naval construction must change with the transition from wooden to steel vessels. It will be found impossible for two independent and equal bureau chiefs to design and supervise the construction of a modern vessel, the one that of the hull and the other that of the machinery and bring all parts together in one perfect ship without differences of opinion which can not longer be safely decided by a common superior who does not possess technical skill. The true solution of the conflict is to unite these two bureaus as a single bureau of naval construction, having for its chief the most competent naval architect that can be found, whether among the present officers of the Navy or in civil life.

And in his report of 1884:

It is again recommended that the two Bureaus of Construction and Repair and Steam-Engineering be united as a single bureau of naval construction, to have for its chief the most competent naval architect who can be found, whether among the present officers of the Navy or in civil life; and it is further recommended that the equipment work be transferred from the present bureau to such enlarged bureau of construction.

And Commodore Walker, Chief of the Bureau of Navigation, before the Naval Committee:

Q. Now, another question. The important function of this bureau—that is, the Bureau of Construction, Material, and Repair, as provided in this bill under these three subdivisions—do you know of any private concern, any manufacturing concern, organized on a large scale that has not been driven to precisely that principle of organization; that is to say, not provided with a superior head, commonly called the manager, to supervise the operations of the subordinates in his department?

A. That is the plan of organization in all large concerns of which I have knowledge, and the practical one.

Q. If you were to go into a private concern—a concern, if you will, for the building of steamships—and find that the proprietor, when you went to him on business, told you to go first to the man who had charge of the engines, and another man who had charge of the boilers, and another who had charge of the hulls, and you were to wander around in that way for information in regard to the ships and prices, would you not think such a concern badly organized?

A. Yes, sir; I should expect to find the information in the central office.

Q. With some one responsible?

A. Yes, sir.

Q. You would expect to find with regard to the ship a place where every question could be answered as to every department of the ship?

A. Yes, sir; where it could be given at a glance.

Q. Of course when it came to minor questions you would expect the man in charge when he was in doubt to send out for the information from some of the subordinates?

A. Yes, sir; there would be minor details for which he would have to send to his subordinates, but all matters of consequence should be known at the central office and be available without difficulty.

Q. This bill is based upon the division of labor, first of the co-ordination of the results of this labor under one general head; is that generally regarded as a sound principle of carrying on large operations?

A. I think it is.

And Commodore Schley, Chief of the Bureau of Equipment and Recruiting:

By Mr. BOUTELLE:

Q. Do you think the evils you point out—is it your idea that they require a statutory enactment to remove them?

A. I said a moment ago that the difficulties appear more functional than organic. The law which creates the present organization of the Navy Department places its business and its administration in the hands of the Secretary of the Navy, so that if it fails it must be administrative rather than organic. I can see that the present organization is defective. There are three bureaus that should be brought into one; that is, the Bureau of Construction and Repair, of Engineering, and of Equipment. That is a reform that I would suggest. I would put these three together.

* * * * * * *

By the CHAIRMAN:

Q. You have stated that in your opinion Construction, Equipment, and Steam Engineering, which now constitute three separate bureaus, ought to be consolidated?

A. Yes, sir.

Q. Now, will you state how that could be done under the present law?

A. It could not.

Q. You think, then, there ought to be a law authorizing that to be done?

A. I think so.

Q. Then your statement, if you said so, that the Secretary of the Navy has full power under the law as it exists to make such organization as he sees proper, must be qualified?

A. I did not make that statement. If I did, I did not intend to make any such statement.

Q. You do not think, then, that the Secretary has full power to make any such organization under the present law?

A. No, sir; he can not do it, unless enabled by an act of Congress to do so.

And Commodore Harmony, Chief of the Bureau of Yards and Docks:

As to the bureau of material, construction, and repair, that involves the building of ships more particularly than anything else, and the necessity for one head where everything connected with the building of a ship should be concentrated must be so clear to the mind of any person who has had anything to do with the construction of great objects that there can not be the shadow of a doubt of its necessity. In former times, when the Bureau of Construction was organized, there was under the Bureau of Construction the designing and construction of ships under the supervision of the chief constructor; the equipment was also under that officer.

The opinions of Commodores Schley and Harmony, Mr. Chairman, are not only entitled to great consideration because of their ability, skill, and experience, but also because of the fact that if the pending measure should become a law the bureaus over which they preside will immediately cease to exist.

I will not read from the reports of the present Secretary, though they are able, exhaustive, and convincing as to the pressing necessity of consolidating the duties and functions of the Bureaus of Construction and Repair, Steam Engineering, and Equipment and Recruiting under one head.

It will be seen that the committee have abundant and trustworthy authority for the proposition. In this particular we were not acting upon a fanciful theory, nor groping in the dark, nor relying upon our own unaided selves.

But there are sources, other and higher than those mentioned, from which we drew the information that induced the committee to recommend such action to the House. One of these sources is to be found in the recorded expression of the Admiral—an officer full of years and of honors, laboring to crown the achievements of a long and an active life with the restoration of the naval Department to its ancient efficiency, economy, and renown. Let me again read from his report.

Mr. LONG. Does he say what kind of reorganization?

Mr. SAYERS. Yes, sir. These are his exact words:

There should be a change in the number of bureaus. That of Provisions and Clothing should be merged into a bureau of accounts and purchases, to purchase everything required for the Navy, and settle all accounts of the various bureaus and departments of the service, placing them in final shape for presentation to the Fourth Auditor. The name of the proposed bureau will indicate its duties.

There should be a single bureau of construction, steam engineering, and repair, under one head. This would prevent the caviling which has heretofore existed in regard to the placing of engines, masts, &c., and would make one person responsible for any mistakes committed in the construction and repair of ships and machinery.

The other source is the experience of nearly twenty years, from 1842 to 1860, during which time the Navy of the United States, although small as compared with other nations, had the best ships and guns afloat.

Under the organization of 1842, steam engineering and equipment and recruiting were embraced in construction and repair. Our ships were during those years unsurpassed for speed, for strength, and for those other qualities, which gave to the people of America the reputation of having the most efficient, if not the largest in point of numbers, navy in the world.

The necessity, Mr. Chairman, for concentration under one head of all the departments entering into the construction of a vessel is too obvious to require lengthy discussion, nor does it require a knowledge of naval architecture to appreciate the wisdom of such policy.

The frequent failures made in our vessels built in navy-yards during the past twenty years are, no doubt, due to the divided responsibility which has existed. The contractor designs the vessel and makes his calculations for placing the engines and boilers, and the distribution of the masts and sails; the engineer plans the engines, and in some cases it has occurred that when they are put together they do not fit, and failure is the result.

By placing these departments of construction, engineering, and equipment under one head, provision will be made when designing the vessels, under the control of the one chief of construction, who, being alone responsible, will see to it that there are no incongruities, but everything will be so designed that when the several parts shall have been completed there will be the most perfect harmony among them all.

So much, Mr. Chairman, for the character of the workmanship to result from the consolidation of these three bureaus. It will be unnecessary for me, I trust, to speak of the saving of expenditures if such a plan be adopted. In every yard each one of these departments has its own shops, material, implements, and employés, store-house and clerical force, the larger portion of which will be dispensed with if this bill should become a law.

Let us now briefly consider the second most important provision of the bill—the one creating the bureau of supplies and accounts.

I have already, Mr. Chairman, called the attention of the committee to the many and heavy purchases made by the several bureaus, from which it will be readily seen that the most wasteful extravagance has been committed in the unnecessary purchase of material and supplies. No regard whatever seems to have been paid to what was on hand. Each bureau seems to have vied with the others in the accumulation of supplies, evidently making it an especial point to have no surplus on hand at the end of the fiscal year. It will be gratifying, however, to know—using the language of Mr. Secretary Whitney—that useless expenditures have, in a large number of cases, been cut off; rings formed to get and control Department contracts have been broken up, and the work of the Department fallen into the hands of well known and established houses. The following is a statement of these expenditures, with the surplus or deficiencies at the end of each year:

Year.	Ordinary expenditures.	Surplus balance.	Deficiency.
1883	$6,560,701 67	.....	$121,859 28
1884	6,142,256 52	.....	149,935 75
1885	5,435,292 57	.....	105,942 65
1886	5,020,942 30	$380,125 19	.....

In this statement there are not included the pay of the Navy, expenses of the Marine Corps and Naval Academy, and objects specially appropriated for, which are controlled by statute.

The loose and extravagant plan upon which purchases have been heretofore conducted is well illustrated, as stated by the chairman of the Naval Committee [Mr. HERBERT], in the fact that there was at the commencement of the present administration in two bureaus canvass enough to serve our present Navy for thirteen years, but has become worthless; spectacle-irons or clews to last over fifty years; pea-jackets to last over fifty years, and monkey-jackets to last over five years; all of which were purchased in 1870, 1871, and 1872.

These purchases, at such short intervals and in such large quantities, demonstrate, beyond cavil, the absolute necessity for the establishment of a better system for obtaining stores and material for the Department.

I will, however, call the attention of the committee to the statement of Commodore Walker, Chief of the Bureau of Navigation, that the policy of the pending measure in the creation of this particular bureau may be better understood:

Q. Take one example—railways for instance. Have you ever had any experience in railway service?
A. Yes, sir; I was an officer of the Chicago, Burlington and Quincy Railroad for about two years at one time, and I was also engaged on what is now the Iowa division of that railway, but which was then the Burlington and Missouri River Railroad, for something less than a year.
Q. What position did you fill in these corporations?
A. On the Chicago, Burlington and Quincy Railroad I was secretary of the corporation.
Q. Had you occasion to study the mode of doing business of that corporation as secretary?
A. Yes, sir; I had a good deal to do with it.
Q. Allow me to ask you as to the methods of carrying on the business of such a corporation. That is to say, is it divided into bureaus or divisions very much of the nature which the Navy has got for the transaction of its business; is it subdivided into heads and into several departments?
A. Yes, sir; there are certain divisions for the various kinds of work.
Q. The repair and machine shops being under the superintendence of a master of machinery, I suppose, and so on?
A. The shops are under the superintendent of machinery.
Q. And the division of purchases and supplies is under one officer?
A. Purchases are made and supplies furnished through an officer called the purchasing agent.
Q. And if anything is required to be bought or sold—the two to go together—is that left to the discretion of the person in charge of the respective divisions, or does it go through the great division of purchase and supply?
A. It is all done through the purchasing officer.
Q. Now the accounting of these great corporations—of course it is an absolute necessity that every dollar received and every dollar expended shall be accounted for somewhere—is that left to the several divisions, or does it finally come to one grand division where all the accounts are kept?
A. That is all done under the general auditor of the company.
Q. So that if you want any information as to what has been done with any money received or expended you do not go to the various divisions, but go to the auditor's office and ask for the books?
A. Yes, sir.
Q. Has any corresponding system been adopted by the Navy Department for carrying on its great work?
A. Not that I know of.
Q. And to-day if you wish to get any information as to what has been done with the Government's money you would have no place to go particularly, but would be compelled to go into the several bureaus to ascertain that information?
A. Yes, sir; you would have to go to the various bureaus and to the Secretary's office, and even into the Treasury Department.
Q. You would have to go to the different bureaus and to the Department and into the Treasury—you would have to go through all that detail?
A. Yes, sir.
Q. Now, this organization in private concerns is, I suppose, the result of experience and necessity?
A. Yes, sir.
Q. Could the business of a great corporation like the Chicago, Burlington and Quincy Railroad or the Pennsylvania Company—which I regard as the perfection of human organization—could that business go on without infinite confusion and damage to stockholders if it were not organized on the system described?
A. It could not be run a day organized as the Navy Department is; it could not run a day.
Q. It could not run at all on such a system as prevails in the Navy Department?
A. No, sir.

Can any fair-minded person, Mr. Chairman, with the facts that I have laid before the committee, hesitate to believe that a radical and a speedy reform is necessary to the proper and economical purchase and distribution of supplies for the Naval Department?

The bill, it is confidently believed, will afford the requisite relief, and if enacted into a statute we may surely expect better and more satisfactory results from future appropriations.

We now come to the third most distinguishing feature of the measure, which is to be found in the ninth section, and provides for a board of council to consider and report upon such questions relating to naval affairs and naval policy as shall be referred to it from time to time by the Secretary.

There can scarcely be a doubt as to the propriety of establishing such a board. Its existence is absolutely essential to a wise and successful administration. It is in accordance with the genius of our institutions that the Secretary is taken from the walks of civil life. He undertakes the management of affairs that often require technical skill and long experience in order that they may be properly directed. He has no such skill and possesses no such experience. This board, without either administrative or executive powers, will supply that which is lacking. Thus assisted the Secretary will be enabled to act promptly, vigorously, and judiciously. His decisions will be received with respect and his policy will command approval.

With this explanation, Mr. Chairman, of the more important provisions of this important bill, I will conclude. I trust that it will receive the earnest and careful consideration of the committee. As I have before stated, it should not be regarded as a party measure. It certainly has not been prepared and presented with a view to party advantage or success. Whatever concerns the Army and the Navy should be viewed and disposed of from a non-partisan standpoint, and the efforts of all, Democrats and Republicans alike, should be to do that which will insure the speedy revival of our supremacy upon the seas and the early restoration of our decaying navy-yards to a condition of thorough efficiency.

Mr. BOUTELLE. Mr. Chairman, I am opposed to this bill. I am opposed to it because I believe it to be contrary to the interests of the naval service, and that its passage would, therefore, be detrimental to the interests of the United States Government. I am opposed to the bill because I do not believe it stands before the House representing what it purports to be. I am opposed to this bill because, instead of being a specific, carefully prepared, and judicious measure of reorganization, submitted by the Navy Department, it is, as I believe, a makeshift, based upon an entire departure from and absolute surrender of the principles that were declared essential when the original proposition for reorganizing the Department was offered.

Mr. HERBERT. May I ask the gentleman whether he was in favor of that original bill?

Mr. BOUTELLE. I am inclined, Mr. Chairman, to be very generous in everything connected with debate, and nothing would give me greater pleasure than to consider this measure in a running discussion, but since I have been admonished by my colleague from Texas that it is a waste of the time of the House to "bandy words with the gentleman from Maine," I do not wish my distinguished friend, the chairman of the committee, to put himself into such an unfortunate and useless position.

Mr. HERBERT. The gentleman refuses, then, to answer my question.

Mr. BOUTELLE. I believe that this measure is unnecessary. I

believe this measure has not been called for by any authoritative expression either of popular sentiment or from those who have been charged with the administration of our naval affairs or the management and conduct of the various branches of our naval service.

I believe, Mr. Chairman, that the organization of the Navy Department to-day is adequate to all the demands of the present, and to all the probable requirements of the future. I hold that when a proposition is made to tear up by the roots the organization of one of the great fundamental branches of the United States Government, which has grown year after year as the result of intelligent investigation, the fruit of practical experience—I hold that the obligation rests upon those who champion such a measure to show that it is necessary, and not upon those who oppose it to prove that it is not.

The present organization of the Navy Department was begun more than forty years ago, and has been developed by the needs of the service. Under that organization the Navy of the United States has made a record of achievements unparalleled in the naval history of the world. Under the organization, as it stands to-day, the United States Navy Department, confronted in 1861 with a more formidable task than is likely to confront us in the immediate future, was enabled, almost in the twinkling of an eye, as if by the wand of magic, to call into existence a naval force so great in its power and resources that it could cope successfully with the immense exigencies of a great civil war, and at the same time maintain a blockade of an extent previously unknown in the annals of warfare.

As the Secretary of the Navy of that period, Hon. Gideon Welles, stated in his report of December 5, 1865:

> When hostilities against the Government were commenced in the spring of 1861, and the ports on our southern coast were ordered to be closed under the form of international blockade, instead of the municipal form of an embargo, the labor, embarrassments, and responsibilities suddenly and unexpectedly imposed upon this Department were immensely increased.
>
> To create and organize a navy such as the order for the blockade required would have been at any time an immense undertaking, but the task was vastly more onerous when the country, after a long interval of peace, was beginning to be rent by civil convulsions. In this condition of affairs, with the navy reduced during fifty years of peace to a low standard of efficiency, without experience or precedent to guide the application of modern inventions to war purposes, with restricted and wholly insufficient navy-yards for the construction and repair of vessels, and without any adequate establishment for the stupendous work before it, the Department was compelled to feel its way and press on its work at the very time when a duty was imposed upon it which a nation fully prepared and furnished with abundant ships and men and material would have found difficulty in performing. But the resources of the country were equal to the emergency. With only limited means at the command of the Department to begin with, the Navy became suddenly an immense power.
>
> An unrelaxing blockade was maintained for four years from the capes of the Chesapeake to the Rio Grande, while a flotilla of gunboats, protecting and aiding the Army in its movements, penetrated and patrolled our rivers through an internal navigation almost continental from the Potomac to the Mississippi.
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> From 7,600 men in service at the commencement of the rebellion, the number was increased to 51,500 at its close. In addition to these the aggregate of artisans and laborers employed in the navy-yards was 16,880, instead of 3,844 previously in the pay of the Government. This is exclusive of those employed in the private ship-yards and establishments, under contracts, constituting an almost equal aggregate number.
>
> Two hundred and eight vessels have been commenced and most of them fitted for service during this period. A few of the larger ones will require still further time for completion. Only steamers, the propellers also having sailing power, have been built by the Government during my administration of the Department.
>
> Since the 4th of March, 1861, four hundred and eighteen vessels have been purchased, of which three hundred and thirteen were steamers, at a cost of $18,366,681.83, and of these there have been sold three hundred and forty vessels, for which the Government has received $5,621,800.27.

Under that organization we took the Navy which, in 1861, embraced upon its rolls only 7,600 men, and in four short years trained, equipped, and put into active service 51,500 seamen and officers; and from a force of 3,844 employed in our navy-yards at the outbreak of the rebellion we had organized and efficiently managed a force of mechanics aggregating nearly 17,000 at the various yards throughout the country. During that same period the Government purchased over four hundred vessels, put upon them the armament and equipment necessary to enable them to complete its cordon of fire around our extensive coast, and at the same time placed under construction more than two hundred new ships, some of which are afloat to-day, and although in the mutations of naval architecture they have become obsolete in type they are still bearing the flag of the American Union proudly at mastheads where it was borne through the smoke of naval conflicts such as never before were witnessed on this globe. I say, sir, there rests upon the committee, therefore, the responsibility to show to the country the inefficiency of that organization which has produced results like these.

If we are to have a superior organization, where are we to go for our model and our pattern? Is it to the navy of Great Britain, or of Germany, or of France? Can they point to more glorious proofs or grander fruits of efficient organization than is comprised within this volume of the reports of the Navy Department from 1861 to 1865?

Mr. Chairman, it is somewhat peculiar and significant that the organization of the United States Navy Department, which responded to and so capably met every demand of the Government and of the people during the most important period of our national career, should only have been discovered to be radically incompetent and inefficient after the accession to political power of that party organization which was opposed to the United States Navy, both at the North and at the South, during the time when the letters "U. S. N." were being emblazoned in glory upon our national flag. Perhaps it may be a cause of national regret that in the organization of the Navy Department we did not have during that important period to which I have alluded, which was the trying era in the history of the United States Navy, the benefit of the counsel and assistance of our present ambitious Secretary of the Navy and the indefatigable chairman of the Naval Committee and his able associates upon that side of the Chamber. But as the future Secretary was then laying the foundations for a political career in the metropolis, and our worthy friends of the committee on the other side were engaged at that time, after their own peculiar fashion, in efforts to "consolidate" the United States Navy and reduce the expenses of the Department by getting rid as fast as possible of the surplus of its officers and men by the skillful use of torpedoes and minie balls, we were unable to have the benefit of their suggestion and co-operation.

We had to do the best we could and to get along with such counsels as we could command, and I may say that we have thought, up to this time at least, that we got along pretty well. Now, however, the proposition is made that in order to commence the work of rehabilitating the American Navy we must begin by uprooting the organization under which everything most creditable to the Navy has thus far been achieved.

Mr. Chairman, I have intimated my disbelief in the sincerity of this measure. In doing so I have no desire to reflect upon the motives of any man, but I do purpose to call the attention of this House to some facts in connection with this matter which I think will justify my criticism. After the election of a Democratic President by the people, or perhaps I ought to qualify that by saying after the induction of a Democratic President into office under due forms of law, and the appointment of a Democratic Secretary of the Navy, and the organization of a Democratic House of Representatives in which very naturally those who like myself had the fortune or the misfortune to wear clothing of a certain color during the "late unpleasantness" found ourselves seated at the foot of the table, a proposition came with the tacit or understood indorsement of the Navy Department for a reorganization of that Department upon a distinct and specific basis. I will not stop to read the bill, which I will print with my remarks. Suffice it to say that in place of the eight bureaus now constituting the organization it was proposed to establish three—a bureau of personnel, a bureau of material, construction, and repair, and a bureau of supplies and accounts.

The bill is as follows:

A bill to consolidate the bureaus of the Navy Department, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the 1st day of July next the business of the Department of the Navy shall be distributed by the Secretary of the Navy among the following bureaus and divisions:

First. A bureau of personnel.

Second. A bureau of material, construction, and repair.

Third. A bureau of supplies and account.

SEC. 2. That the chief of the bureau of personnel shall be appointed from the active-list of officers of the Navy, not below the grade of commander.

SEC. 3. That the chief of the bureau of material, construction, and repair may be appointed from civil life or from the active-list of officers of the Navy.

SEC. 4. That the chief of the bureau of supplies and accounts shall be appointed from the active-list of officers of the Navy.

SEC. 5. That a chief of bureau appointed from civil life shall have the highest pay of a commodore.

SEC. 6. That the bureau of personnel shall contain the following divisions:

First. A division of detail and records.

Second. A hydrographic division.

Third. A division of medicine and surgery.

SEC. 7. That the bureau of material, construction, and repair shall contain the following divisions:

First. A division of construction and equipment.

Second. A division of steam engineering.

Third. A division of ordnance.

SEC. 8. That the bureau of supplies and accounts shall contain the following divisions:

First. A division of supplies and purchases.

Second. A division of accounts and audit.

SEC. 9. That officers assigned to duty as heads of divisions shall, while so serving, have the highest pay of their respective grades.

SEC. 10. That the head of the ordnance division of the bureau of material, construction, and repair shall be called the director of naval ordnance. He shall have the relative rank and pay and be appointed in the same manner as the heretofore chief of the Bureau of Ordnance.

SEC. 11. That the head of the division of medicine and surgery of the bureau of personnel shall be entitled the Surgeon-General of the Navy. He shall have the relative rank and pay and be appointed in the same manner as heretofore.

SEC. 12. That all supplies, stores, and materials of every nature required for the use of the Navy or of the Department of the Navy, to be purchased in the United States, or to be purchased abroad and delivered in the United States, shall be purchased by the bureau of supplies and accounts, under the conditions and restrictions provided by law; and the Secretary of the Navy shall, from time to time, establish such regulations regarding the purchase, and the inspection thereof by expert officers, of all supplies, stores, and material as shall assure their being of proper quality and at fair prices.

SEC. 13. That the bureau of supplies and accounts shall be accountable for all supplies, stores, and materials of every nature, ashore or afloat, until actually expended for use by proper authority.

SEC. 14. That at every navy-yard there shall be a pay-officer of the Navy as storekeeper, responsible for all supplies, stores, and materials of every nature in store at such navy-yard, until withdrawn from store for issue or use, on requisition approved by proper authority. His books shall show at all times the number, quantity, or amount of every article received or expended under each head or for each purpose and on hand, with the moneyed value thereof.

SEC. 15. That the bureau of material, construction, and repair shall, under

the direction of the Secretary of the Navy, maintain and repair all navy-yards with their docks, slips, quay-walls, machine-shops, and each and every building or construction contained therein, together with all vessels of the Navy not in commission. It shall, under the direction of the Secretary of the Navy, design, erect, and repair all buildings and other public structures in the United States erected for the use of the naval service or any of its branches; or if designed, repaired, or built by contract, shall supervise and inspect such work.

SEC. 16. That the bureau of material, construction, and repair shall, under the direction of the Secretary of the Navy, have charge of and be responsible for the construction and repair of all hulls, engines, boilers, machinery, spars, sails, rigging, and all other outfits, and all ordnance and other equipments for ships built or prepared at the navy-yards, as well as for the supervision and inspection of all construction and repairs executed for the Navy by private parties under contract with the Navy Department.

SEC. 17. That the bureau of personnel, under the direction of the Secretary of the Navy, shall have charge of the Naval Observatory, the Naval Asylum, and the naval educational establishment; shall direct the movements and inspection of fleets and of vessels acting singly; shall have charge of all ships in commission and the correspondence relating thereto, as well as the movements, employment, and instruction of officers and men, and shall keep their records of service.

SEC. 18. That the clerks and other employés authorized by law for the Department of the Navy shall be assigned to duty in said Department as the Secretary may deem expedient: *Provided*, That there shall be in the Bureau of Supplies and Accounts a chief accountant, at a salary of $2,500 a year.

SEC. 19. That any business in the Department of the Navy, not provided for above, shall be distributed as the Secretary of the Navy shall judge to be expedient and proper.

SEC. 20. That there shall be in the Department of the Navy a board of council, composed of the chiefs of the several bureaus, the director of naval ordnance, and three officers of the Navy to be detailed from time to time by the Secretary of the Navy; and officers so detailed shall, while on duty, receive the highest pay of their respective grades: *Provided*, That there shall always be a naval constructor and a chief engineer of the Navy members of the board.

SEC. 21. That the Secretary of the Navy shall, *ex officio*, be president of the board of council. In his absence the senior officer present shall preside.

SEC. 22. That it shall be the duty of the board of council to consider and report upon such questions relating to naval affairs and naval policy as shall be referred to it from time to time by the Secretary of the Navy: *Provided, however*, That the said board shall have no administrative or executive powers whatsoever.

SEC. 23. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 24. That this act shall take effect from and after the 1st day of July, 1886.

On that the Secretary rested his case, as I understood. It came to us with the sanction and indorsement of the Department. The Secretary had said that these constituted the "natural divisions of the work of the Department." We discussed that measure. We had the attendance of the Secretary and various bureau officers. We had many hearings upon the subject, the result of which was that the measure was entirely abandoned and withdrawn. Subsequently another measure, the bill now before the House, was brought forward in its place. I contend that the measure now under consideration does not fulfill the conditions of the measure originally advocated by the Navy Department. I further contend that in all of the hearings that were had no expression of opinion, so far as I am aware, from any authorized representative of the Navy, or from any one of the heads of the departments, has been made in favor of this measure now before us. Now let us see, Mr. Chairman, as to the novelty of this proposition.

When the Secretary of the Navy was before the committee I asked him the question——

Mr. WISE. What page?

Mr. BOUTELLE. I read now from page 11. I asked him this question:

I should like to ask you, Mr. Secretary, a few questions. Of course we all realize that this is a very important question, and one on which we wish to get all the light we can, and such questions as I shall propound to you I need hardly say will be with a sincere desire to elicit information to enable me to act intelligently. I want to ask you about how many years the present system has been in operation—that is, the substantial features of the present system.

The SECRETARY. Since about 1843 or 1844.

Q. This bill proposes a very radical change in the methods of the Department. As the result of the observation you have made in the past year of the working of the Department, do you feel entire confidence in recommending this radical change in the system?

That is, the bill to which I have referred setting up three distinct bureaus.

The SECRETARY. I do; yes, sir; I think it is the natural system for doing business.

Now, right there, Mr. Chairman, I desire to interpolate the remark that if that bill embodied the natural system for doing business the bill before the House must embody an unnatural system, because it is an entirely different one.

Q. Have your opinions in that regard been formed by your own personal observation during the time you have been in the office, or by reference to the views or recommendations expressed to you during the past by others?

The SECRETARY. Well, as I remarked before, my views were formed from observation. I think an outsider coming into a Department like the Navy, if he is a person who has had anything to do with business, has this advantage, that a thing strikes him more readily than it does a man accustomed to routine. As I said before, my views began to form from my observation in regard to the manner in which the navy-yard work was done, and then up through the Department, the way in which the Secretary was left alone. It was largely observation that formed my views.

Q. Did you organize a board for the purpose of considering this reorganization?

The SECRETARY. No, sir; not on this subject at all.

Then a little farther on:

Q. This is a proposition, as I understand, to reorganize the Department under three distinct heads. To your knowledge, has that system ever been recommended in any official way prior to your report of December last?

The SECRETARY. I do not know that it has, but it is a system that is in general use everywhere but here.

Q. I am speaking about our own service, whether there ever has been any official recommendation in our service?

The SECRETARY. I do not know of any other, but you will find that in other countries there is the same general distribution of functions into these three branches, and the organization is on that basis.

Mr. Chairman, it will be seen that the Secretary placed his whole recommendation upon this specific basis of dividing the bureaus into three distinct branches, and, as I said before, I know of no recommendation that has been made in behalf of the present subdivision provided for by this bill. What then is the difference? The bill now before the House provides for five bureaus instead of three. In the original bill the Bureau of Yards and Docks, the Bureau of Medicine and Surgery, the Bureau of Steam Engineering, the Bureau of Equipment and Recruiting, and the Bureau of Ordnance were abolished; and they were all merged under these three heads. The present bill revives the Bureau of Ordnance, and it revives the Bureau of Medicine and Surgery.

I have neither heard or read any explanation of the restoration of the autonomy of the Bureau of Ordnance and of the Bureau of Medicine and Surgery, although I believe that both bureaus should be preserved. Nor have I had any explanation of the fact that while in this bill the Bureau of Ordnance and the Bureau of Medicine and Surgery are restored, the Bureau of Steam Engineering is abolished.

Here, for instance, are two great mechanical departments of the Navy—the Bureau of Ordnance that deals with the design and manufacture of guns and gun-carriages and gun equipments. This bill says that department is of sufficient importance to be maintained as a bureau, although every argument advanced by the Secretary of the Navy applied as strongly to the merging and abolition of that Bureau as to either of the others. But at the same time that the framers of this bill restored the autonomy and the dignity of the Bureau of Ordnance and the Bureau of Medicine and Surgery they abolished that other great mechanical bureau of the Department, the Engineering Corps, upon which we are depending more and more as the years go by, and toward which responsibility has been more and more centering for the past quarter of a century. I say I do not know why these distinctions have been made. With a brief experience in the naval service, and such investigation as I have been able to make since this subject has been under consideration, I can find no valid reason for destroying the spirit of emulation or degrading and breaking down the rank, position, and influence of a great department of the naval service which every man who reads and thinks must know is becoming more and more prominent in the construction and maintenance of a naval establishment.

Mr. Chairman, I know something of the jealousies, the rivalries, the unfortunate bickerings that have at times existed between the two corps of the naval and the military service, "the staff and the line," and if I have any prejudice it has naturally caused me to lean toward that corps, the line, with which I was personally identified; but with all the pride that I feel in the prowess of American sailors, dating away back from the days of Jones and Hull and Decatur and Perry, I can not fail to recognize the fact that the tendency has been toward furling the canvas and increasing the steam power—I cannot fail to recognize that in that great conflict of ironclads at Hampton Roads we reached a turning point in the history of the navies of the world, and that from then until now the eyes of the people of every country have been turned more and more to the great mechanical bureaus for the construction of naval engines of warfare. Not that I believe, Mr. Chairman, that any improvements in armament, any modification in the weapons of warfare, will ever take the place of gallantry, of skill, of seamanship, of devotion, of that genius which snatches victory from the jaws of defeat. No. I agree with a former Representative on this floor from New York, Mr. Dorsheimer, who said that in spite of your triple armament of steel the defense of a country upon the sea is still to be found in the hearts of the men that sail the ships and man the guns.

In eighteen hundred and the sixties if a board of naval officers from any country in Europe could have been convened and asked to pass their opinion upon the feasibility of taking a wooden naval fleet past the batteries of Fort Jackson and Fort Saint Philip, on the Mississippi River, doubtless the verdict of such a board would have been that it was impracticable. If a board of naval experts had been called to determine whether the passage of the tremendously fortified gates of Mobile Bay by a fleet of wooden vessels was advisable or justifiable, probably the decision would have been against it. But the genius of Farragut, that magnificent grasp of the situation, that challenging of fate itself which signalizes splendid achievement in war on land or sea, enabled the great admiral to see and to seize his opportunity and to accomplish the impossible by the indomitable heroism of his attempt.

And yet, we can not go to sea in paper ships. We can not trust our vessels of war to be floated about on the ocean by the winds and the waves. We are obliged to keep step to the march of improvement, and the march of improvement—regret it as we may, who have become attached, by a life-time of association, to the swelling canvas and the tapering mast—the march of improvement in fighting ships is in the line of engineering invention and mechanical achievement.

At such a time as this, with the history of the world before us, with the example of every other nation at our command, it is not a good

thing to commence a reorganization of the Navy Department which proposes to put a stigma upon, or at least to break down the ambitious and to diminish the honors of, a great corps to which we are looking to-day for the solution of the greatest problems that confront us in regard to this question of a modern navy.

On that point let me quote an authority that ought to be respected by gentlemen on the other side of the House, who are seeking, as they say, to formulate the opinions and wishes of the Navy Department—a tribute which I might say has been almost unconsciously paid by the present head of the Navy Department to this very bureau which it is proposed to wipe out of existence. Criticism has been made in certain quarters to the effect that our engineering bureau has failed to achieve its purposes or vindicate its ability.

Mr. Chairman, that is aside from the discussion of this question, because this bill does not touch the *personnel* of the bureaus, except in regard to regulating the rank and position of the chiefs. But, in answer to these criticisms, let me quote in behalf of a corps of my former comrades for whom I learned to feel respect in "times that tried men's souls," let me cite in their behalf the tribute of the present Secretary of the Navy. In his last annual report, speaking of the new vessels that it is proposed to construct, he refers to those that are to be built upon an English model—those British cruisers that are to bear the American flag—and then he goes on to say:

The Department during this time has kept itself in consultation with the leading ship-builders of the country, who feel themselves greatly concerned and interested in the success of the Department in these matters. The Department, having in the course of its efforts purchased plans including the detailed drawings of the motive power of two of the most recent productions of Sir William Armstrong & Co., was strongly recommended by the several practical ship-builders who were consulted to reproduce the machinery in two of the new ships, and to construct the other three upon the designs of the bureaus. This course has been adopted. This intention has greatly stimulated the work of the Department, and *it is hoped that the four thousand-ton ship designed by the bureaus will mark not only a very great advance over the last ships designed by them, but even over those built on the plans which have been obtained from abroad.*

The Secretary here tells us that the engineering bureau is expected by him to produce results superior to the best that he has been able to obtain abroad; yet at the same time we are informed by implication—and only by implication, for I find no such direct recommendation by the Secretary—we are informed that the Secretary is proposing to break down the autonomy of this great engineering bureau, and, at the very hour when Congress and the country are looking to it to place the American Navy, as he says, in advance of the best achievements of the world, to deprive that bureau of its honors, take away the spur to its ambition, and refuse that recognition of its dignity and importance to which it has hitherto been deemed entitled.

Mr. HERBERT. Will the gentleman permit me to correct him at this point?

Mr. BOUTELLE. Very briefly.

Mr. HERBERT. The bill does not propose to break down the "autonomy" of the Bureau of Engineering, but simply to make that bureau a division of engineering, its "autonomy" remaining the same but its independence a little less. It is proposed to make it a division of a bureau, which bureau shall have to do with everything that concerns the construction of a ship, engines and all. The "autonomy" of the Construction Bureau, as well as that of the Engineering Bureau, is preserved, but those bureaus are simply made subordinate, under one common head. That is all.

Mr. BOUTELLE. It may be that my friend from Alabama states this matter a great deal better than I do; but he does not state it differently at all.

Mr. HERBERT. I thought I did.

Mr. BOUTELLE. I think it is not necessary for the gentleman to enforce upon the House that which I have been painstakingly attempting to set forth for about half an hour. This bill does destroy the autonomy of the Naval Bureau of Engineering; it wipes it out of existence. Pass this bill and the Bureau of Steam-Engineering goes "glimmering through the dream of things that were." Yet the gentleman says that his bill does not disturb it! He has taken the original bill in which all these bureaus were merged into three, and after setting that aside he has come forward and restored the Bureau of Ordnance and the Bureau of Medicine and Surgery and relegated the Bureau of Steam-Engineering to the rank of a mere division. Yet he tells me that he has not interfered with the dignity of that bureau!

I think I understand the significance of ordinary language; I think I appreciate the difference which will be effected if this House shall amend this bill by putting in a line restoring the "Bureau" of Engineering. I think that to have a bureau of Material, Construction, and Repair, in which the Bureau of Steam Engineering merges its identity, and to which it surrenders all its independence, is a different thing from maintaining the bureau as at present. The chief of the Bureau of Material, Construction, and Repair may be appointed from civil life or from the active-list of the officers of the Navy and shall be skilled in naval architecture. The head of that bureau is not required to have even a primary knowledge of marine engineering. This bill abolishes a great bureau of the service, and does it, as I believe, upon an absolutely insufficient pretext and basis.

But I do not rest my case there; that is only a sample; that is only one of the objectionable features of this bill. The argument was made that this consolidation, so called, was rendered necessary in order to do away with the duplication of functions in the various navy-yards. The complaint originally—and I was very familiar with it at the time—the complaint originally was that among the subordinates at the navy-yards different functions were multiplied; that, for instance, the Engineering Bureau had a painter, the Construction Bureau a painter, the Bureau of Supplies a painter, and so on; that there were too many of these because each of the bureaus had its own painters and blacksmiths, &c., workmen and foremen. This has been reported upon time out of mind.

Everybody who knows anything about the Navy knows how the things complained of came about; and I believe that everybody who knows as much as he ought to know about the Navy, knows that if we were plunged into a great war again, and called upon to work night and day in building ships and fitting them out, we would in all probability have just that duplication and multiplication of minor employés. The criticism is that of a time of peace. When we were engaged in fitting out ships on the instant, it was deemed necessary for every department to be prepared to perfect its work in the speediest manner possible; and I believe as firmly as I believe anything that the most competent officer you may put at the head of a navy-yard to-day, if called upon to put that yard at work to the utmost limit of its capacity, would, in many cases, duplicate these functions, just as has been done hitherto. What did it amount to?

Take the New York navy-yard. In time of war you are building there a number of ships and repairing a number of others. There is engineer work to be done, ordnance work, carpenter work, the building of spars, &c. Now there is painting to be done in all these departments. One man can not do it; you must have a number of painters; and in the course of your organization you delegate one painter to take charge of the painting for the Engineer Bureau; another to take charge of the painting for the Construction Bureau, &c. The result is that by mere force of convenience and system, if you have a well organized system, you have men trained for specialties, men engaged in doing specific things, with their proper tools assembled at the proper place, conveniently at hand, to do the business required of them. Now, disband your Navy; drop from a war footing to a peace footing in a moment; then go to your navy-yards, and you will find a great many more painters there than you need; you will find more blacksmiths than you need; you will find more foremen, more leading men, than you need.

You find, perhaps, at a given time that one man with a paint brush and a paint pot can go around the yard and do all the painting that is necessary for the different departments. Then you set up a cry that the whole system has been wrong; that you must reform it altogether; that you must begin by reorganizing the bureaus of the Navy Department.

Now, this majority report has undertaken to give here the report of an expert board and to make it appear—again I say I am not imputing improper motives—but the majority report, if it means anything, means to convince the members of this House that a commission of naval officers, appointed to consider this subject of reorganizing the Navy Department, has favored some such plan as that embodied in this bill. Mr. Chairman, I hold in my hand the original book. It is the report of a commission, not on the Navy Department, not on the reorganization of naval bureaus, but the "report of the commission on navy-yards." And every word of recommendation in that report is with reference to consolidating, simplifying, and putting on a peace basis the work of the different mechanical departments in the navy-yards.

Let us read. The majority report lays great stress upon the recommendation that is undoubtedly made by these gentlemen to do away with the duplication, or rather the multiplication, of these petty officers or employés, but the report of the majority quotes from that report down to a certain point and then stops. Where the report stops was within just seven lines of the completion of the commission's report. I do not pretend to say why my friend, the chairman of the Committee on Naval Affairs, did not manage to squeeze in the other seven lines, but he did not, and I am going to read them here to show the House that this report of Admiral Luce, Chief Engineer Loring, and Mr. Mullett did not recommend and did not apply their recommendations to a reorganization of the Navy Department.

Said this board in conclusion:

Upon the consummation of so desirable an event, *which need not necessarily change the general character of the present organization of the Department*, the scheme for the consolidation, the proper classification of duties, and the abolition of all unnecessary employés in the navy-yards can be carried into effect without difficulty and with the essential elements of permanency insured.

Mr. Chairman, this bill, in favor of which this report is quoted, legislates out of existence the Bureau of Yards and Docks, and yet the very report from which the chairman quotes makes the following recommendations as to the method of achieving the reform they desire and propose:

We, therefore, recommend for the proper execution of these suggestions that full plans and estimates for each of the above-mentioned yards be prepared under the immediate *supervision of the Chief of the Bureau of Yards and Docks.*—

* * * * * * *

Further:

To carry out these views, we recommend a special board be appointed, and that plans be prepared under the immediate *supervision of the Chief of the Bureau of Yards and Docks.*

And yet, with those specific recommendations for the accomplishment of reform, by and through the co-operation of the Chief of the Bureau of Yards and Docks, they quote that report as in favor of abolishing that chief and his bureau outright.

The report specifically says that it refers to "improvements in the system of performing work at the navy-yards." The scheme, it says, is "for the reorganization of the working force of our navy-yards." All the way through this report the commission devote themselves and apply their recommendations solely to the reorganization of the work in the navy-yards.

And more than that, they did not indulge in wholesale denunciation of what they found in the yards, but they distinctly recognize the transition from a time of war to a time of peace.

But, Mr. Chairman, another argument in behalf of some such measure as this was attempted to be made on the ground that there is no systematic method of controlling the accounts of the Navy. When this bill was under consideration special stress was laid upon the allegation that at the present time there is no method of ascertaining or keeping the accounts of the disbursement and the receipts of the Navy Department. When we had the Department officers before us I put a question to the Secretary of the Navy in regard to that matter, and the Secretary was mistakenly under the impression there did not exist any method of keeping account of the expenditures and receipts of these various bureaus. I quote from the report of the committee hearing:

The SECRETARY. There is no set of books, as I understand, in the Navy Department where an account of the different supplies of the various bureaus is kept as a merchant keeps his stock account, and where you can find at any time what you have got, how much has been expended, or where it has gone. Now it is proposed in this bill to organize that matter and put it into one branch of the service.

Mr. BOUTELLE. Suppose you have your system—and we will take this purchase for the Engineering Bureau, for instance; they purchase a large amount of coal, and these purchases are reported to the Chief of the Bureau of Supplies. What would that officer do, or what could he do, in regard to these expenditures other than is now done by the Auditor?

The SECRETARY. The Auditor does not keep any of these accounts.

Mr. BOUTELLE. He examines them to see whether the expenditures are made according to law.

The SECRETARY. He keeps no books by which you can see how much coal has been bought for the Engineering department.

Mr. BOUTELLE. No; but you can find that in the Engineering department.

The SECRETARY. I doubt if you can.

Mr. THOMAS. You mean that you can find the number of bushels of coal, but no financial account, and it is the same way with Equipment and Surgery. The account shows so much quinine, bandages, &c., but there is no account that shows how much they cost and how much has been expended for them, or the value of what is on hand.

Mr. BOUTELLE. You mean no account in the Navy Department?

Mr. THOMAS. Yes, sir. It is for the purpose of bringing these things into a financial department that this change is proposed, and I think it is a very wise one.

There was set forth a distinct and unequivocal allegation of a grave defect in the methods of the Department. When the chiefs of bureaus were examined, however, a very different light was thrown upon the subject. I read a question to Commodore Harmony, Chief of the Bureau of Yards and Docks, and his reply:

By Mr. BOUTELLE:

Q. I understood this morning some one to say—I don't know precisely who made the statement—that at present it is impossible to ascertain at the Navy Department the expenditures in any department. Is it not a fact that the expenditures in the Bureau of Yards and Docks, the Bureau of Provisions and Clothing, the Bureau of Equipment and Supplies, and the Bureau of Ordnance are all accurately kept?

A. I can say as far as my own bureau is concerned that in fifteen minutes I can show the expenditures and the balance on hand.

The following positive answers were given by Commodore Schley, Chief of the Bureau of Equipment and Recruiting:

By Mr. THOMAS:

Q. In regard to this matter of duplication of shops, &c., in the navy-yards, is it not a fact that under the authority of the Secretary alone more or less consolidation has already been effected in some of the bureaus?

A. Yes, sir; I think that is the case.

Q. I would like to ask you one question bearing somewhat on matters that came up here yesterday. Is it or is it not true that at the present time, if I were to go to the Navy Department this morning, I should be unable to obtain information there as to the expenditures in the Bureaus of Equipment and Recruiting, and Surgery, or Ordnance?

A. I do not think it would take you five minutes to ascertain anything you wanted.

By Mr. THOMAS:

Q. Do you keep an account in your bureau of the value of the articles purchased for that bureau?

A. Yes, sir.

Q. Do you keep an account of the money value of the articles expended in your department?

A. Yes, sir; it is submitted to me monthly.

Q. Where do these accounts go to from you?

A. They do not go out of my bureau at all.

Q. There is no supervision of that?

A. Not beyond myself.

Q. There is no point in your Department where the whole financial transactions of that Department can be found in a summarized condition?

A. No; not at present.

Q. You can tell, you say, in five minutes the exact financial condition of your bureau?

A. I said in five. I would say in ten.

Q. In ten minutes?

A. Yes, sir.

Q. As to the money value of all stores on hand?

A. Yes, sir.

Q. As to how much has been expended during the month?

A. Yes, sir.

Q. And how much—not only in quantity but in value—on hand at the end of the month?

A. Yes, sir.

Q. Is that true of the Bureau of Medicine and Surgery?

A. That I do not know.

Q. Is that true as to the Bureau of Provisions and Clothing?

A. I do not think there is a doubt of it.

In reply to a question by Mr. LORE, Surgeon-General Gunnell also said on this subject:

Each chief of a bureau makes to the Secretary of the Navy every week a report of all the business of his office, the several purchases made, all the contracts made, &c. The chief of the bureau is required to draw upon the Secretary for the transfer of money to the pay-officers of the Navy, to enable them to pay the bills of the office. He thus informs the Secretary a second time of his transactions. These papers go to the disbursing officer of the Navy Department—a very experienced and competent officer—who is supposed to examine them before they go to the Secretary. In reply to a question just now, I can say that the Bureau of Medicine is ready at any time to furnish the account of the money on hand, the money expended, and the property on hand, and where it is.

By Mr. THOMAS:

Q. Together with its value?

A. Well, there is no difficulty in that, because we have so little money to be paid; but where large contracts are to be made in some of the bureaus it may require very much more care. With regard to the suggestion made by Commodore Schley, that there might be an office of audit in the Department, I would say again that there is a disbursing clerk who is, to some extent, such an auditing officer, and it could be done by adding to the office of the Secretary of the Navy an experienced Navy pay-officer, to whom all contracts and requisitions for money would go before a dollar was expended.

Q. Can that be done now?

A. By order of the Secretary it can. I am surprised that that has not been done. The Secretary can detail a pay-officer of experience, who has been on duty in every part of the world, making inspection of purchases, as well as performing the other duties of paymaster; a bonded officer, who handles large sums of money, and into his hands every requisition and proposed contract would pass. Of course there is a law officer in the Department to pass on the legality of such contracts.

By Mr. BOUTELLE:

Q. That is the judge-advocate?

A. Yes, sir.

Q. You are in favor of such an office?

A. I think as these papers are sent from each bureau to the Secretary they could go to the hands of the chief clerk, and to the officer thus attached to the Department, an experienced man, before a dollar was transferred; and, if there was any fault, either to return the papers to the bureau for correction or let the Secretary call for an explanation of it.

Q. Would you have them keep the books showing the business of each bureau?

A. No, sir; because the books of the bureau are always open. Each bureau has its monthly account of all amounts on hand, and makes weekly statements of every dollar it spends. So long as we are anxious about the management of the office, and looking for all possible faults to be found, it is not probable that an accident of any kind can happen to us. Of course, no office can be more honest than the men that manage it; *but if the men in the Navy Department are careful I can not see how under the present system a dollar of money can be lost to the Government.* If this officer I speak of be appointed, I do not see how an error could occur without detection.

By Mr. THOMAS:

Q. Under the present system are there any reports made to you at stated periods of the expenditures on medical and surgical appliances?

A. Quarterly and annual reports.

Q. In which the quantity as well as the value is stated?

A. Yes, sir; the quantity; and the values are noted on invoices.

Q. And the balance on hand is also stated?

A. Yes, sir; that has to be done whenever a medical officer makes the requisition. We have forms for quarterly requisitions, and on them is a column in which the amount on hand is stated as well as the amount required. I am sorry that it did not occur to me that these questions would come up, or I would have had these forms here.

Commodore Loring, Chief of the Bureau of Steam-Engineering, bore similar testimony in reply to questions, as follows:

By Mr. THOMAS:

Q. Could not the Secretary, by means of a Department order, require a full and complete financial and material statement to be transmitted to him from each of the several bureaus and from each of the several departments?

A. It could be done by my bureau daily. We have weekly statements of purchases from each yard and monthly statements of labor and material expended on each piece of work in hand.

Q. Suppose, as has been suggested, that a paymaster of experience and ability should be detailed to take charge of the accounts, and that all these accounts, by direction of the Secretary, were sent to him, could not the Secretary in that way and without the aid of additional law be able to ascertain the condition of affairs as completely as if a department of accounts was authorized by law?

A. Quite so; decidedly; I see no limit to his power in that direction.

Q. As the Secretary of the Navy is the responsible head of the Department, could not this office of accounts be attached to his office?

A. Yes, sir.

Q. And thereby be brought as completely under his control and under his direction and supervision as if a separated department was authorized by law?

A. I see nothing of the kind that is not quite possible under the present law.

Q. Don't you think that would be a very wise step to take?

A. Yes; a very desirable step.

But it does not seem necessary to quote further evidence to show that the Secretary of the Navy was laboring under serious misapprehension in regard to the system of records and accounts in operation in the various bureaus of the Department, or to demonstrate that so far as the demand for reorganization was based upon his erroneous views as to the manner in which the business is conducted it appears to be unsustained.

But if it could be shown that a new system of keeping accounts is necessary it would by no means follow that it would require a reorganization of the Navy Department to accomplish the result. Those of us who oppose this bill insist that the Secretary of the Navy has ample authority under existing laws to establish all such administrative changes or reforms as are advocated by him, and in the report of the minority of the committee is cited the official evidence that such authority has been exercised by other Secretaries. General Order 293 of March 30, 1882, issued by Secretary Hunt, sets forth and specifically prescribes the duties of each of the bureaus of the Department.

In 1877 Secretary Thompson, of his own volition and under the existing laws, organized a board of council in every way as authoritative and effective as that proposed to be provided for by law in this bill.

But more pertinent to this discussion is the fact that the present Secretary has himself asserted the sufficiency of his power in this regard by issuing a general order on December 4, 1886, in which he makes a sweeping transfer of the property of the various bureaus to the custody of the Bureau of Provisions and Clothing:

[General Order No. 355.]

NAVY DEPARTMENT,
Washington, December 4, 1886.

On the 1st day of January, 1887, all stores and supplies, and the records of all property and plants at navy-yards and stations, appertaining to and belonging to the Navy Department, with the exceptions of vessels and of stores and supplies coming under the cognizance of the Bureau of Medicine and Surgery and of the Marine Corps, will be transferred to the Bureau of Provisions and Clothing.

At the navy-yards and stations there will be an officer of the pay corps designated as the general storekeeper, who will, on the above date, be given charge of all stores and supplies, and of the records of property and plants at their respective yards and stations, and inventories embracing the same, showing quantities and values in detail, will be furnished to him by the officers representing the several bureaus, and now in charge of said property, and he will receipt for the same, subject to such corrections as may be found necessary when said inventories can be verified to his satisfaction.

The 1st day of July, 1887, is fixed upon as the date, by which time proper arrangements must be made for having concentrated, in one or more store-houses, such stores and supplies as should be so stored and guarded as to enable the general storekeeper to assume a rigid responsibility for their proper care and expenditure.

The property accounts of the several bureaus will be kept separate, and until the 1st day of July, 1887, the necessary books and blank forms now prescribed will be used, and the reports and returns required by existing orders and regulations will be regularly made and forwarded.

The civil employés and laborers now connected with the accounts and care of the stores and supplies will be transferred to the office of the general storekeeper, and he will control their services, they being continued on the rolls and paid by the bureaus from which they are transferred.

An officer of the Engineer Corps, a boatswain, a carpenter, and a sailmaker will be assigned to duty under the general storekeeper, and he will define their duties and responsibilities.

On board of vessels, all equipments, outfits, and supplies, with the exceptions of those pertaining to the medical department and Marine Corps, will, on the first day of the quarter following the receipt of this order, be transferred to the charge of the pay officer, and complete inventories will be furnished to him by those now having charge of said property, for which receipts will be given. The pay officer, until further instructed, will use the books and blank forms now prescribed in making reports and returns to the several bureaus.

A separate property account in each department will be kept, and all articles in use and under the control of officers will be receipted for, and such receipt will carry with it an accountability for the same.

The engineers and the equipment yeomen will be attached to the pay department.

Any and all orders or regulations conflicting with this order are hereby annulled.

WILLIAM C. WHITNEY,
Secretary of the Navy.

Whatever may be thought of the feasibility and desirability of this new departure, the issuing of that circular is a proclamation by the Secretary that the enactment of such a bill as that now pending is not necessary to the accomplishment of one of the most important changes in the methods of doing business which he has advocated.

But, Mr. Chairman, my time will not suffice to state in detail many other important objections to this bill. I find that my hour has nearly expired and I must depend upon the opportunities of the debate under the five-minute rule to briefly call attention to other features of this sweeping measure which should, as I believe, deprive it of the sanction of members of Congress who have at heart the future usefulness and honor of the United States Navy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOUTELLE. I ask permission to extend my remarks in the RECORD.

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. MILLS took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 1085) for the relief of Albion S. Keith; and

A bill (H. R. 5692) for the relief of James B. Russell.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3023) to authorize the Kansas, Texas and Southwestern Railway Company to build its road across the Fort Hays Military Reservation;

A bill (S. 3044) to provide for the execution of the provisions of article 2 of the treaty concluded between the United States of America and the Emperor of China on the 17th day of November, 1880, and proclaimed by the President of the United States on the 5th day of October, 1881;

A bill (S. 3050) granting a pension to Mary A. Logan; and

A bill (S. 3087) to increase the pension of Mrs. Apolline A. Blair.

The message also returned to the House of Representatives the bill (S. 990) to enable the State of California to take lands in lieu of the sixteenth and thirty-sixth sections, found to be mineral lands.

CONSOLIDATION OF NAVY BUREAUS.

The Committee of the Whole resumed its session.

Mr. MCADOO. I am glad that it seems to be recognized on both sides of the Chamber that this is a purely business question as to the proper administration of a great establishment of the Government, and has no connection whatever with either person or politics.

Mr. Chairman, if an individual should find himself in possession of the naval establishment of the United States to run it from the national Treasury as it is now managed by the Department he would be confronted at the outset with eight little principalities, absolutely independent of each other, instead of one concentrated head management. On entering the navy-yards of the country he would find that there are eight duplicate sets of shops for as many bureaus, if they need them; that each one of these bureaus was as distinct from the other as a petty kingdom in Germany, before it became the now consolidated Empire of Germany was from its fellows; that if he wished to have repairs made to a vessel it would be a grave question as to which of these bureaus should perform the work. He would be confronted by more than that. He would meet a system of official caste such as is without parallel except in the history of the Hindoos. My esteemed and eloquent friend from West Virginia [Mr. GOFF] calls attention to the fact that this bureaucratic system began in 1842. If I did not know him to be an extremely truthful man I would be inclined to doubt the accuracy of that statement.

I have before me an "Encyclopedia of Biblical, Theological, and Ecclesiastical Literature" [laughter], which is of course religious and certainly true, and which deals with the question of Hindoo caste, and I think that both of my able colleagues who have addressed the House upon this question, after hearing me read from it, will agree with me that the bureaucratic system of the United States Navy, from the great similarity existing between them, must have been founded upon this Oriental religion. Says this writer:

There is, however, after a general fashion, a maintenance of the general classifications, as (1) Brahmins, (2) Kshattriyas, (3) Vaishyas, and (4) Sudra, below which is a yet more debased class (5) known as Pariahs, or outcasts, to be found in all portions of the country. The four greater castes above named answer to priestly, warrior, agricultural, and artisan, or servant class. We note in this census return hereditary priests, rope-dancers, sweepers, elephant-drivers, turban-winders, ear-piercers and cleaners, charmers, makers of crowns for idols, and even hereditary beggars and common blackguards.

[Laughter.]

Rules: These castes are all hereditary, the son always following the occupation of the father, however overburdened some departments of occupation may become by the accidents of birth. No classes except the highest two assume to intermarry, and all eschew contact with a lower class. They do not eat together, nor cook for, nor serve food to each other. This dislike of contact extends to their vessels and other utensils. The usages, however, seem often arbitrary. Smoking from the bowl of another's pipe may not be an offense, if one can make a stem of his fist; but the stem or snake of the pipe must not be touched, or it is rendered worthless to all parties. It is in accordance with caste requirements that brass or copper utensils should be moved from place to place, but an earthen vessel once used for cooked food or water must not be transported to another locality. Loads may be carried on the head by some castes, on the back by some, and not at all by others.

Probably like the bureau system of the Navy here, this being its equivalent among the Hindoos:

The poorest Hindoo family do not wash their own clothes, yet the loin cloth must always be washed by the wearer of it. If the Hindoo were touched by a man of inferior caste while eating he would not only throw away all the food he had cooked, but would spit out what might chance to be in his mouth at the instant.

The accumulation of motive for the preservation of caste purity is astounding. The slightest variation from custom is at once visited with punishment or fines, while the gravest offense becomes the ground of expulsion literally from all human society, and of disabilities in business and disinheritance, and, believing in ancestor worship as the Hindoo does, and that the happiness of his departed relatives is dependent on his performing the *manes*, the additional curse comes upon him of being disabled from performing these ceremonies because of caste impurity. The caste policy of India checks genius; yet as from the first the individual knows what his life business is to be, he pursues it, and attains a skill in handicraft unequaled. The India system tends likewise to give permanence to institutions, but it unfortunately perpetuates evils also.

Why, sir, in the United States Navy to-day this caste system has gone so far that it can only be paralleled by the situation of an American in India who is compelled to have eight or ten servants in place of two, for if one servant of one class lays down an iron pot, it can only be raised up by another of the same class. A servant of a different class dare not touch it.

Now, sir, the case on behalf of this bill has been so fully, so ably, and thoroughly presented by my colleague from Texas [Mr. SAYERS]

that I need say little in its defense; but I want to answer some few objections which have been made in opposition to it. The strongest argument of the gentleman from Maine [Mr. BOUTELLE] is this: that under this system the Navy of the United States was carried through the great civil war; and the gentleman very forcibly and ably, and no doubt truthfully, presents its remarkable achievements during that struggle—achievements marked by an invention and daring seldom if ever before equaled.

Mr. Chairman, does the gentleman reflect that so far as the people of the Northern States were concerned in that struggle they were determined that no amount of treasure or sacrifice of blood should prevent the preservation of the Union? And I am firmly convinced in looking over the history of naval expenditures for twenty-five years past that while that Navy did achieve and perform extraordinary feats of valor, some of them unparalleled in the history of naval operations, I believe that owing to this bureaucratic system it was at an increased cost to the tax-payers of this Union.

In other words, I believe that if the consolidated bureau system had been adopted in 1859 the same results would have been secured, the same glory would have been achieved by the United States Navy, while at the same time it would have been accomplished at a far less cost to the people of the United States than has resulted from the fact of the existence of these eight independent bureaus of the Navy Department. Indeed, the efficiency of the Navy, great as it was, would have been increased, while its economic administration would have been secured, and, better than all, we should really have had some Navy left after the conflict was over.

Why, Mr. Chairman, I think the severest commentary upon the existing system is the deplorable condition in which our Navy was left at the close of the war, and in which it has continued since the war up to this day. What are the fruits of this system as exhibited by the official figures? The fruits of this system, Mr. Chairman, are apparent to all men. I need not go into the minute details, as has been done here on the floor to-day, to show that we have absolutely no navy. But I call the attention of the House to this startling array of figures showing that the Secretary of the Navy for this year asks $25,435,979.02 to conduct an establishment that has as its best vessel but one second-rate wooden cruiser carrying ten smooth-bore guns. Twenty-five millions and over of dollars for a naval establishment that floats on the high seas to-day one second-rate wooden cruiser with obsolete guns, incapable of defense and incapable of offense! Our Navy can not fight, it can not run away; it could not even sink in comparative decency.

If the gentleman from Maine is willing to have this bureaucratic, autocratic system tried by its fruits, well and good. If these are the results it has produced, then I bespeak for this bill the unanimous vote almost of this intelligent House. And we have the further fact that the yards and docks of seven navy-yards and two naval stations are in such a condition to-day that nearly $5,000,000, it has been estimated by the chiefs of the bureau which has control of them, will be required to put them even in a state of decent repair.

Now, Mr. Chairman, I think, as regards the members of this House who are not connected with the Naval Committee, and consequently may not have devoted the same care and attention to this subject as the members of that committee, there is one thing that must appear to them as very singular. The gentleman from Maine, in his labored defense of the present system, called attention to the various criticisms which have been made upon it by admirals, by commodores, by boards, by commissions, and by secretaries, and seeks to defend it from the aspersions and criticisms which they have cast upon it.

It is singular indeed, Mr. Chairman, that in all this mass of official correspondence, in all these findings of commissions, in these reports of commodores and chiefs and secretaries, not one word is to be found in favor of the existing system. The gentleman may endeavor to contort the language of criticism of Secretary after Secretary, of chief and commodore, and admiral after chief, and commodore, and admiral, but he can not find one single word in all this mass of official communication, finding, report, or decision—not one single line—in behalf of the eight bureaus which exist to-day. The witnesses are all against him, and he has no evidence to offer in rebuttal. If this system is a grand, efficient, and glorious one, why do they not say so?

Mr. Chandler, a man of marked mental ability, was for four years at the head of the Navy Department. Mr. Chandler, in report after report, called attention to the fact that concentration of these bureaus was necessary; that there was a prolixity and a diffuseness, if I may use the terms, in regard to the conduct of naval business. He brought that matter to the attention of Congress by his reports, and if he did not persevere as Mr. Whitney is now doing in demanding that Congress shall by law allow him to carry out his reform, it is no reflection on Mr. Chandler.

The first objection made in the minority report to the passage of this bill is the fact that it casts aspersion upon what has already existed; so that we are asked to perpetuate the system of official bureaucratic red tape, to perpetuate these abuses, to preserve these duplications and multiplications of workshops, these little, separate armies of the same class of workmen, because, forsooth, we might cast an aspersion upon that which has existed for so long a time. In other words, Mr. Chairman, the age of the abuse, the continuance of it for so many years, is held up as an unanswerable argument why we, the representatives of the people, should not pass this bill and reform this abuse altogether.

As to some results, Mr. Chairman, which have grown up under this abuse I may state to the members of this House that while from some one of the navy-yards may come a requisition for a single article from a certain bureau, another bureau in that very yard may have sufficient of the same article to supply the Navy for a period of years. I here read from Secretary Whitney's report:

> The inventory shows a very large and unnecessary accumulation of stores and supplies by the different bureaus, aggregating over $20,000,000 in appraised value. The board reports between three and four millions in value to be obsolete and useless at the present time, only entailing expense for keepers and constant care to preserve them in condition. Among these accumulations some very absurd facts appear. At the eight navy-yards there have accumulated altogether of augers and bits 46,566, of which 25,274 have been lying for several years at closed yards, where no work has been or is likely to be done. Twenty-nine thousand five hundred and forty-two gross of screws are on hand, 10,896 gross lying at closed yards. There are 146,385 files in stock, 42,142 of them lying at closed yards. There are 11,813 paint brushes in stock, 2,246 of these in the stores at closed yards. All of these tools are serviceable, mostly new.
>
> [There are found to be over 12,000 tons of cast and wrought iron lying in scrap about the yards, 759,000 pounds of composition and brass, 159,000 pounds of old copper, and 193,000 of old lead.]

When stock was taken of the stores in the possession of these bureaus at the yards it was found that we had a supply of some articles beyond the requirements of the Navy for all time almost, while at the same time we were actually buying the very same things for another bureau. Why, Mr. Chairman, as an object lesson, these eight bureaus are so distinct, they have so much individuality of their own, their autonomy has been so carefully preserved, that you might erect to-day in this capital city eight large public buildings to hold each one of these bureaus with its retinue of retainers. The Bureau of Engineering is as distinct from the Bureau of Medicine and Surgery as the Post-Office Department from that of the Interior. The portions of the navy-yards which these men rule over are little principalities, and the foot of no intruder is allowed within the sacred precincts of the department where they preside.

It is not, Mr. Chairman, the fault of the *personnel* of the Navy. The officers to-day in charge of the United States Navy are as able, as efficient, as brave, as patriotic as any similar body of men in the world. They are as capable of conducting and fighting a great navy as the officers of any similar institution anywhere in the universe. But the Navy has been hampered, has been clouded, has been retarded, by this official red-tapeism which has crushed its endeavors to increase its material and its efficiency.

The gentleman from Maine [Mr. BOUTELLE] alludes to the report made by Commodore Luce as one of the commissioners to investigate these abuses. He says that while the commodore presents the evils which exist, he declares that the remedy is not to be found in consolidation. At that time no such bill as this had been mooted. The commodore's attention had not been directed to any such scheme as that which is now presented to this House. But from the strength with which he sets forth the evils that exist, and from the way in which he calls attention to the existing system of duplication, I am convinced that if this bill had been presented to that commission of honorable and upright officers they would have indorsed it.

Another criticism made by the gentleman from Maine [Mr. BOUTELLE]—I presume made by him, as he signs the minority report—is that the present Secretary of the Navy has receded from his first position; that he made a more radical proposition at first, namely, that there should be three bureaus, one of personnel, one of construction, and one of purchase and accounts, and that he has abandoned that proposition. That the Secretary retreated from the proposition for a bureau of personnel seems to the gentlemen who signed the minority report an argument why we should not accept any proposition coming from that same source.

But, Mr. Chairman, what are the facts of the case? When the bill first came to the committee it is true that there was a provision for a bureau of personnel. That proposition was assailed in the Committee on Naval Affairs and was abandoned. That the Secretary of the Navy, without retracting anything which he has advanced, without altering his opinions in any particular, should be willing to take from this House what he can get, is not, to my mind, singular; but it is singular that that fact should be advanced here as a reason why this House should refuse to pass any measure of reform. That the Secretary started out to radically reform the Department and this bureau system, and that he is now willing to take a measure of reform—is that to be advanced as an argument why we should refuse to pass this bill, which is designed to give some measure of relief to the overcrowded naval establishment?

It is said by the gentleman from Maine [Mr. BOUTELLE] that there is already a sufficient check upon the accounts of the Navy Department. While he admits that you can not go to any central authority and find out just how much has been expended, yet he says that by going to each bureau and getting the several amounts and adding them together

you can thus obtain the total which has been spent upon the naval establishment; and then, he says, you have also the Fourth Auditor as a check upon the naval accounts.

What is the duty of the Fourth Auditor in connection with the accounts of the naval establishment? A mere perfunctory auditing of the accounts. The bills, in the first place, go to the bureau which incurs them, and they are paid. Then they go to the Fourth Auditor, who audits them; but he has no knowledge of the bills, and therefore his auditing of them is simply perfunctory, and is no check whatever upon extravagance.

Mr. Chairman, what objection can there be to a consolidation of the bureaus which shall buy supplies and keep the accounts?

Mr. BOUTELLE. Will my colleague permit me to interrupt him?

Mr. McADOO. Certainly.

Mr. BOUTELLE. Do I understand my colleague on the committee to assert that better results would be obtained by having the accounts audited by the same bureau that incurs the liabilities?

Mr. McADOO. No; I am arguing the very opposite of that.

Mr. BOUTELLE. But I understood my friend to object to the auditing of these accounts by the Fourth Auditor, on the ground that that officer is not familiar with the details of the bills.

Mr. McADOO. No. I am sorry the gentleman misunderstood me. My argument is that the auditing of these accounts by the Fourth Auditor is merely perfunctory, and therefore that it does not do away with the necessity for the consolidation asked for in this bill.

Mr. BOUTELLE. How would you have the accounts audited?

Mr. McADOO. I would have them audited by the Fourth Auditor, as a Treasury official. But if I understood the gentleman from Maine right he adduced as a reason why this purchasing and accounting bureau should not be consolidated the fact, as he claims it to be, that we have safety now in the supervision of the Fourth Auditor. I, on the other hand, contend that there will be greater safety in providing that one bureau shall buy and keep the accounts.

Mr. BOUTELLE. The same bureau?

Mr. McADOO. One bureau to buy all the stores and keep the accounts.

Mr. BOUTELLE. That is just what I understood the gentleman's argument to be. Then the gentleman does believe that it is better to have the accounts audited by the same bureau that incurs the bills?

Mr. McADOO. I believe it is better to have the accounts kept by a bureau of supplies and accounts; and if they are afterward audited in the Treasury Department also, well and good.

Mr. Chairman, there is another and somewhat subtle argument against this bill—that it will interfere somewhat with the chiefs of certain bureaus, and may militate somewhat against the staff as in favor of the line. If we in this House are going to refrain from working a reform in government simply because some person may be injured, then reform will never be accomplished. It may be true—I do not say it is not—that some one man of long experience and of great value in his department may find his powers curtailed by this bill. That some portion of the staff may have their ambition somewhat checked may be true.

But is that a reason, Mr. Chairman, why we should not reduce to common-sense principles, why we should not conduct on a sound business basis a great establishment of the Government, simply because we are afraid of stepping on the official toes of some dignitary of the Navy? I can not, for myself, see anything in this bill that does injury to any branch of the naval establishment, whether staff or line. There is not one word in the bill that takes from the Secretary of the Navy the right to put a staff officer at the head of a bureau. There is not one word that takes a single power from the Secretary of the Navy. I would be opposed to the bill if it had any such effect; for I believe that in a republic like ours there should always be between the people and a military establishment a civilian head.

I was opposed to the proposition which was sought to be incorporated in a former bill to provide a bureau of personnel who should direct solely, and as I thought autocratically, the movements of the military arm of the Navy; because I believed then, as I have now stated, that in a popular government it is right that there should be a man of the people at the head of the military branch of the Government. That objection has been removed. This bill leaves the Bureau of Navigation and all these other bureaus as they are to-day, solely at the command of the Secretary of the Navy, and does not take from him one iota of his discretion or his ability to carry out any reform that he may think necessary.

Mr. BOUTELLE. Will my colleague on the committee state what disposition under this bill is to be made of yards and docks?

Mr. McADOO. I confess to my colleague on the Naval Committee—I will be entirely frank with him—that if there is a weak spot in this bill it is the failure to preserve the autonomy of the Bureau of Yards and Docks. But I stand on a different footing from my colleague—with all due respect to him.

Mr. BOUTELLE. Is there anything in the bill to indicate what shall be done with the yards and docks?

Mr. McADOO. If my colleague will offer an amendment to provide for preserving the autonomy of that bureau, or the making of a division which shall have charge of that subject, his proposition shall have my support; but I will not imperil what I consider a great public measure, framed in the interest of genuine reform, by any captious objection even on behalf of that bureau. I am honored by the friendship of many of the able officers who preside over these various bureaus, but even great respect and much friendship will not deter me from performing a public duty.

Mr. BOUTELLE. Certainly my colleague does not regard it as "captious" criticism to suggest that this bill omits to provide for one great function.

Mr. McADOO. It will come under the general head of the bureau of material, construction, and repair.

Mr. BOUTELLE. There is nothing to indicate that.

Mr. McADOO. That is where it will naturally go. There is no doubt, Mr. Chairman, that under a fair construction of this bill matters relating to yards and docks will fall within the province of that bureau having control of the building of ships in the shop and in the dock. My only objection was that I did not wish to have it so.

Mr. BOUTELLE. I do not wish to interrupt my colleague, but do you not under this bill depend upon the Secretary of the Navy to use his authority to assign the functions connected with yards and docks to one of these bureaus?

Mr. McADOO. There is no doubt, from any fair reading of the bill, that such matters will go to the Bureau of Material, Construction, and Repair; that is undoubtedly where the Secretary will send them.

Mr. BOUTELLE. The question I have asked was intended as preliminary to this further question: if, under this bill, you are going to depend upon the exercise by the Secretary of the Navy of his authority in assigning functions, is not the Secretary, under the law as it stands to-day, fully panoplied and empowered to assign the functions of every one of these bureaus according to his own judgment?

Mr. McADOO. I think not. I think that where the law provides a number of bureaus, the Secretary is obliged, so far as possible, to assign to those bureaus the subjects which naturally belong to them.

Mr. BOUTELLE. I refer my colleague to the general order of Secretary Hunt, in which he specifically assigns the functions of the different bureaus.

Mr. McADOO. Well, that was Secretary Hunt's opinion; probably it was never contested, and no issue raised.

Another objection stated in the minority report, if I have understood it correctly, is that all the trouble can be obviated by giving to the Secretary of the Navy an assistant. I have found what I must say was a Saul-like conversion on the part of my very able friend from Maine to the idea of increasing the number of secretaries. In the minority report it is stated with great force that there should be an Assistant Secretary, and the opinion of the late Secretary of the Navy, Mr. Chandler, is cited in that behalf. But, sir, with the bureau system provided for in this bill, with this concentration and consolidation, but without such great centralization as might interfere with the proper authority of the Secretary of the Navy, there will be no need of an Assistant Secretary of the Navy.

If the gentleman will give his vote for this bill, by which these bureaus of the Navy Department are concentrated, by which the Secretary of the Navy gets efficient aid, by which he can consult with the proper officers as to his movements in connection with naval matters, by which his hands can be held up, by which the Navy can be rebuilt, by which the service can be regenerated, by which this branch of the Government itself can be reformed, he will have no need of an assistant Secretary of the Navy.

Mr. BOUTELLE. Does my colleague propose to accomplish that by a change from eight bureaus to six?

Mr. McADOO. The concentration proposed by this bill, with the council provided whereby the Secretary of the Navy at any time can gather round him the heads of these various bureaus, by which he can get from their wisdom and experience the advice he seeks, by which he can direct his great Department——

Mr. BOUTELLE. No law is needed for that.

Mr. McADOO. With that concentration you will remove from him a great deal of the care and responsibility and work of detail which is now imposed upon him, and it can then be done without incurring the necessity for any assistant secretary.

Why, Mr. Chairman, that is the argument advanced by the Secretary himself; that is, that the head of a vast establishment of the Government, from whom it is demanded by the people a respectable and efficient American Navy shall be built, if we only will so consolidate and concentrate the bureaus and powers of the great naval establishment, he will be so far freed from minor work of detail as to be able to give the best effort of his intellect, as well as the whole of his time, to executing a true policy in the construction of a new navy.

The gentleman from Maine read from the report of the naval commission signed by Commodore Luce. If there could be any stronger indictment, if there could be any more vivid statement of the evils and abuses of the present system than that report, I do not know of it. Let me read from it.

To a proper understanding of the subject, it should be stated, that the present wasteful extravagance in employing so great an excess of non-producers, and

the inefficient system of doing business which has for years past been steadily increasing in our navy-yards, is but the natural outgrowth of the constitution of the Navy Department itself. There can be no manner of doubt of this. Each navy-yard is made up of a number of separate and comparatively independent establishments, little principalities, as it were, each owing allegiance to its own sovereign, the chief of the bureau to which it belongs. The heads of departments of a navy-yard have extensive and responsible duties and a large patronage, and are naturally jealous of the interference of any one but their own chiefs.

Thus each department has been gradually building itself up so as to be independent of all other departments, and is constantly striving to do all its own work. Each of the principal departments has its own body of artisans, its own machinery, its own steam-generators, and its own peculiar method of doing business. As an illustration, we take from official "schedule of wages" (Form 9) of civil engineer's office the following ratings: Boiler-makers, boiler-makers' helper, calkers, coopers, cabinet-makers, core-makers, ship-joiners, ship-carpenters, machinists, machinists' helpers, molders, oakum-pickers, and pattern-makers—a little ship-yard in itself.

Why, Mr. Chairman, the logic of the present system would lead to the creation of eight distinct establishments.

Mr. BOUTELLE. I ask my colleague would it be possible to repair a ship without the interposition of every one of those mechanics?

Mr. McADOO. I ask the gentleman from Maine in return, whether it would not be better to build our ships with one great department, with one official head, responsible for all that is to be done.

Mr. BOUTELLE. I think so.

Mr. McADOO. And responsible for all pertaining to it.

Mr. BOUTELLE. That is the system I am advocating.

Mr. McADOO. So that you shall not have duplicate sets of coopers and caulkers, but that you shall have instead one great department, presided over by an intelligent head, and its efforts directed to the building of efficient naval vessels.

Let me read further from the report:

In this way it has come that some of our yards are filled up with machinery far beyond their actual needs, and it is no exaggeration to say that there is to-day enough machinery of various kinds in either New York or Boston yard to do the work of its own particular class of the entire Navy during peace. We habitually speak of a private ship-yard as a "plant;" but each of our national ship-yards is a segregation of "plants," each having its own separate organization, and each its own internal regulations. Many illustrations might be given to show how, through the want of concert of action among these several "plants," useless and vexatious delays occur, to say nothing of the waste of time and of public money due to such diffusion.

Mr. BOUTELLE. I know that my colleague desires to be entirely candid in his statement; I therefore wish to ask him whether it is not a fact to his own personal knowledge that the recommendations in that report have been already carried out under the present bureau system?

Mr. McADOO. As a matter of fact it is impossible to carry them out under that system.

Mr. BOUTELLE. That seems to be a sufficient answer.

Mr. McADOO. It is true that under the orders of the present Secretary of the Navy he has sought to bring about the reforms, so far as he can under the present system; but as a result of that experiment to my own knowledge within a recent date he has admitted that it can not be done, and therefore to enable him to do so he has asked Congress to pass this provision of law to carry on the good work.

Mr. BOUTELLE. When did he ask it?

Mr. McADOO. In his last annual report.

Mr. BOUTELLE. I have in my desk a circular issued by the Secretary of the Navy within a few weeks in which he has exercised the entire power and authority necessary to accomplish the results.

Mr. BUCK. But if my colleague will permit me, in his annual report he recommends the passage of this bill.

Mr. McADOO. There is no doubt of the attitude of the Secretary of the Navy. He came from civil life to this position. As he states in that report, and I think myself it is a most excellent point, the evils and abuses which had grown up under former administrations had not attracted the attention of his predecessors, who had become accustomed to them as a matter of routine, while on the contrary they appear to a stranger with a great deal of force; and in his report, acting upon these impressions, he asked Congress that there might be a concentration of the business of the Navy Department by the passage of this bill. He has followed that request this year by a similar application.

I do not wish to weary the gentleman from Maine and others by reading from that report. It has been read here already in the course of the debate. He has, however, in the interim very properly undertaken to carry out under the present law the system of concentration so far as the law will allow him. I will allow that the gentleman from Maine has seen the circular.

Mr. BOUTELLE. And is it not being carried into effect? I ask my colleague as a matter of fact if he understands the Secretary of the Navy has abandoned the purpose of effecting the reforms he suggested under the present system?

Mr. McADOO. I answer the gentleman once for all: The Secretary of the Navy has attempted to carry out the reforms so far as the present law will allow him. He is now estopped, and will be estopped, unless this bill is passed. If the bill is passed, then the work of concentration will go on, not otherwise.

Mr. BOUTELLE. I must beg pardon of my colleague for again interrupting him to say that my opinion is that the Secretary of the Navy is now carrying out in full detail the very work of consolidating the corps of supply under one head.

Mr. McADOO. So far as the law will allow him, I admit.

Mr. BOUTELLE. And fully.

Mr. McADOO. I do not wish to detain the committee, nor is it necessary to read from the various official sources to show the present condition of our naval system, or to show the results—the evils—of this bureaucratic management which now prevails in the naval establishment. They are apparent to the House and the country. The question is a very simple one. The House has presented to it a practical business proposition. In the carrying out of that idea it may be true that some personal interest will be injured. For myself, I do not wish to do injustice to any officer of the Navy, be he high or low in rank; but as a representative of the people, and one of the trustees of their interests on this floor, regardless of personal considerations, gain, or pain—regardless of who, in the *personnel* in the Navy, may have his authority curtailed, or his emoluments cut off, or his ambitions checked, I insist, sir, that it is the duty of this House to hold up the hands of the Secretary of the Navy in carrying out one of the greatest works of reform that has ever been attempted in connection with any Government establishment.

How much time have I remaining?

The CHAIRMAN. The gentleman has 18 minutes of his time remaining.

Mr. McADOO. The gentleman from Illinois [Mr. THOMAS] desires to occupy the floor, and I will yield to him the remainder of the time.

Mr. BUCHANAN. Before that, if my colleague will permit me, I wish to ask him a question, as this is entirely new to me. I would like to know how long these abuses, which it is now proposed to remedy, have existed?

Mr. McADOO. Since 1842. They have been growing steadily since their infancy, until now they have attained ripe manhood. They have never had a defender until now. They have had an array of critics, but not a solitary defender upon the floor of Congress.

Mr. BUCHANAN. When did the first legislative attempt to remedy the evils take place?

Mr. McADOO. So far as I know, this is the first time.

Mr. BUCHANAN. It seems to be a very late awakening to a gigantic evil.

Mr. McADOO. My colleague, I am sure, is entirely honest, and I know he is asking simply for the purpose of obtaining the best information upon the subject.

Mr. BUCHANAN. Certainly.

Mr. McADOO. If he will read the official report of the late Secretary of the Navy, Mr. Chandler, if he will read the findings of the naval commission and reports of the heads of the bureaus, as well as the annual report of the present Secretary of the Navy, then my colleague, being an honest and intelligent man, will be so utterly convinced of the importance of this legislation that he will vote for the bill.

Mr. BUCHANAN. That was not my question. It was this: When was the first legislative attempt made to remedy this evil? I am informed that it was not till this bill was presented. I would like to know why it is, no earlier legislative attempt has been made to remedy these evils if they exist and in such magnitude as my colleague has portrayed this day.

Mr. McADOO. I presume the people in charge have temporized with these evils.

Mr. BUCHANAN. But I speak of legislative attempts.

Mr. McADOO. They may have attempted to remedy the evils to some extent under existing law, but that has been hopeless.

Mr. BUCHANAN. But this is the first bill reported by any Naval Committee on this subject.

Mr. McADOO. So far as I know it is.

I reserve the balance of my time.

The CHAIRMAN. The gentleman from New Jersey [Mr. McADOO] has fifteen minutes of his time remaining.

Mr. HERBERT. Before the committee rises I desire to ask the gentlemen who are opposing the bill if we can not agree now on some limit to the discussion. I would like to have an agreement of that kind made before moving that the committee rise. What does the gentleman from West Virginia [Mr. GOFF] say?

Mr. GOFF. What does the chairman of the committee say?

Mr. HERBERT. On our side we do not want more than an hour and a half.

Mr. GOFF. And we do not want to take less than that against the bill.

Mr. HERBERT. Will you be satisfied with that?

Mr. GOFF. Yes, sir.

Mr. HERBERT. It is understood, then, that this general debate will be closed within three hours. With that understanding, I move that the committee rise.

Mr. HENDERSON, of Iowa. An hour and a half being allowed to each side.

The CHAIRMAN. If there be no objection it will be ordered that all general debate on this bill shall be limited to three hours, an hour and a half to those in favor of the bill, and an hour and a half to those

opposing it. The Chair hears no objection, and it is so ordered. The gentleman from Alabama moves that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 7635) to consolidate certain bureaus of the Department of the Navy, and for other purposes, had come to no resolution thereon.

BRIDGE OVER MISSISSIPPI AT DUBUQUE.

Mr. HENDERSON, of Iowa, by unanimous consent, introduced a bill (H. R. 10412) to authorize the construction of a high wagon and foot-passenger bridge over the Mississippi between the city of East Dubuque, in the State of Illinois, and the city of Dubuque, in the State of Iowa; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM H. HOISINGTON.

Mr. HITT, by unanimous consent, introduced a bill (H. R. 10413) for the relief of William H. Hoisington, son of Capt. Job Hoisington; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 362) granting a pension to James H. King;

A bill (S. 838) granting an increase of pension to General Benjamin F. Kelly;

A bill (S. 1333) for the relief of William H. Randle, of Nashville, Tenn.;

A bill (S. 1660) granting a pension to Samuel E. Tracy;

A bill (S. 1826) granting a pension to Andrew J. Burrell;

A bill (S. 1852) granting a pension to Mrs. Jane R. McQuaide;

A bill (S. 1897) granting a pension to Alexander Trimble;

A bill (S. 1958) granting an increase of pension to Addison A. Jackson;

A bill (S. 2149) granting an increase of pension to Herman Baumhager;

A bill (S. 2269) granting a pension to William Dickens; and

A bill (S. 2372) for the relief of Mary McMahon.

Mr. SOWDEN. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BOYLE: Petition of citizens of Westmoreland County, Pennsylvania, for the passage of an act for the relief of Mrs. Rebecca Brougher—to the Committee on Invalid Pensions.

By Mr. BUCHANAN: Petition of citizens of Camden, N. J., for the repeal of internal taxes—to the Committee on Ways and Means.

By Mr. CAINE: Petition of Peter Greenhalh, and 21 others, citizens of Meadow, Millard County, Utah, urging the passage of the Hatch experiment-station bill—to the Committee on Agriculture.

By Mr. DINGLEY: Petition of the Grand Lodge of Good Templars of Maine for a law authorizing the people of the District of Columbia to determine by ballot whether intoxicating liquors shall be manufactured and sold in the District—to the Committee on District of Columbia.

By Mr. ERMENTROUT: Memorial of David Keiser against the passage of the bill (H. R. 4458) to limit the jurisdiction of United States courts in patent-cases—to the Committee on Patents.

By Mr. LA FOLLETTE: Resolutions of the Wisconsin State Grange indorsing and urging the passage of the agricultural experiment-station bill; also, of such an interstate-commerce law as shall prevent discriminations in freight rates as to persons and places to prevent greater charges for short than for long hauls, and to prevent pooling; also, a law preserving the public domain for actual homestead settlers; also, for the passage of the bill creating the Department of Agriculture, with a Secretary who shall be a member of the Cabinet—to the Committee on Agriculture.

By Mr. FUNSTON: Petition to have the name of Robert Chawner placed on the pension roll—to the Committee on Invalid Pensions.

By Mr. GLASS: Petition of A. A. Young, executor of William Young, deceased, of Giles County, Tennessee, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. GROUT: Memorial from the Executive Committee of Grand Lodge of Good Templars of Vermont, praying for the passage of a law granting the people of the District of Columbia the right to determine by ballot whether intoxicating liquors may be hereafter manufactured and sold in said District—to the Committee on District of Columbia.

By Mr. HITT: Petition of David R. Linten, for removal of charge of desertion—to the Committee on Military Affairs.

Also, petition of the Buffalo Historical Society for a pension for the surviving children of Capt. Job Hoisington, killed in the defense of Buffalo—to the Committee on Pensions.

Also, petition of 49 citizens of Rochelle, Ill., for the same—to the same committee.

Also, petition of William H. Hoisington for a pension for himself and Mrs. Sarah Buxton, children of Capt. Job Hoisington—to the same committee.

By Mr. HOUK: Petition of William Bradley and 92 others; of Patrick Thomas and 113 others; of William R. Hamright and 350 others, and of J. F. Webb and 343 others, citizens of the second district of Tennessee, praying for the passage of the bill repealing timber-culture, pre-emption, and desert-land acts, and other measures—to the Committee on the Public Lands.

Also, petition of ex-soldiers in relation to invalid pension laws—to the Committee on Invalid Pensions.

By Mr. F. A. JOHNSON: Petition of Benjamin J. Wever and 23 other citizens of Schuyler Falls, N. Y., for repeal of law limiting benefits of arrears of pensions to claims filed before July 1, 1880—to the same committee.

By Mr. LIBBEY: Petition of ship-owners, masters of vessels, and others, of Newport News and Elizabeth City County, Virginia, protesting against the bill (H. R. 6390) relating to pilotage—to the Committee on Ship-building and Ship-owning Interests.

By Mr. MOFFATT: Petition of J. W. Van Leman and 20 other citizens of Benzie County, Michigan, for the passage of the bill H. R. 2933) to establish agricultural experiment-stations—to the Committee on Agriculture.

By Mr. MORGAN: Petition of James Kizer, of Marshall County, Mississippi, administrator *de bonis non* of James Glover, deceased, for relief under provisions of the act of Congress of March 3, 1883—to the Committee on War Claims.

By Mr. O'FERRALL: Petition of Frank Gilmer and 18 others, citizens and agriculturists of Albemarle County, Virginia, for the passage of the experiment-station bill—to the Committee on Agriculture.

By Mr. PERKINS: Resolutions of the Kansas State Short Horn Breeders Association, in favor of the interstate-commerce bill, and also asking for efficient legislation to suppress pleuro-pneumonia and other infectious diseases, and for an appropriation to pay for infected cattle destroyed—to the Committee on Agriculture.

By Mr. PLUMB: Petition of H. B. Seutt & Co., Shreppler & Van Fleet, and 9 other manufacturers of barbed-wire fencing, asking for the removal of the duty on wire rods—to the Committee on Ways and Means.

By Mr. STORM: Memorial of Connor Post, No. 177, G. A. R., of Pennsylvania, in favor of the Edmunds-Tucker bill—to the Committee on the Judiciary.

By Mr. TOOLE: Petition of Grand Lodge of Good Templars of Montana, asking the passage of the bill (S. 1579) to provide for the suppression of the traffic in intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. VAN SCHAICK: Resolutions of the Wisconsin State Grange, Patrons of Husbandry, urging the passage of the bill establishing agricultural experiment-stations, and the bill making the Commissioner of Agriculture a member of the President's Cabinet—to the Committee on Agriculture.

Also, resolution of the Business Men's Club, of Kenosha, Wis., indorsing the interstate-commerce bill—to the Committee on Commerce.

By Mr. A. C. WHITE: Petition for the repeal of limitations of arrears of pensions—to the Committee on Invalid Pensions.

By Mr. MILO WHITE: Resolutions of Saint Paul Chamber of Commerce relative to Fort Snelling—to the Committee on Military Affairs.

By Mr. WILSON: Petition of Band of Hope (84 members), of Independence, Preston County, West Virginia, for the enactment of laws to prohibit the sale of intoxicating liquors in the District of Columbia, the Territories, and the Capitol building—to the Committee on the District of Columbia.

SENATE.

FRIDAY, *January* 7, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, transmitting a communication from the Mississippi River Commission in regard to the river and harbor act of August 5, 1886; which was referred to the Committee on Commerce, and ordered to be printed.

REPORT OF PUBLIC PRINTER.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the annual report of the Public Printer, which, if there be no objection, will be referred to the Committee on Printing. There being large accompanying documents the question of printing will be referred also.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of business men of Dayton, Ohio, remonstrating against the passage of what is known as the Reagan bill; which was ordered to lie on the table.

Mr. SAWYER presented the petition of the Business Men's Club, of Kenosha, Wis., praying for the passage of the interstate-commerce bill; which was ordered to lie on the table.

He also presented the petition of the Wisconsin State Grange, praying for the passage of the Hatch bill, providing for agricultural experiment-stations, the interstate-commerce bill, a bill restricting the sale of public lands to actual settlers, and a bill making the Commissioner of Agriculture a Cabinet officer; which was referred to the Committee on Public Lands.

Mr. HAWLEY. I present resolutions adopted by farmers of Connecticut in State Grange assembled, favoring the passage of what is known as the Hatch bill, or the bill introduced in the Senate by Mr. GEORGE, for the establishment of agricultural experiment-stations. I move that the resolutions lie on the table.

The motion was agreed to.

Mr. WILSON, of Iowa. I present a petition of the Upper Iowa Conference of the Methodist Episcopal Church, composed of 230 ministers and representing 21,000 church members, praying for the enactment of such measures as will enable the officers of the law to suppress all efforts to persecute and drive out the Chinese, and to secure to them, wherever they may be in our wide domain, the same protection afforded to all other persons in "life, liberty, and the pursuit of happiness," and especially that the indemnity bill now pending before Congress be passed without delay. I move the reference of the petition to the Committee on Foreign Relations.

The motion was agreed to.

Mr. WHITTHORNE presented the petition of Louise Paul, widow of the late Brig. Gen. Gabriel R. Paul, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. TELLER. I present a petition signed by William Steinway, J. B. Simpson, and 203 other prominent citizens of New York, praying that the Secretary of War be authorized to contract with Charles Stoughton and his associates for the entire work of improving the Harlem River in New York. I move the reference of this petition to the Committee on Commerce.

The motion was agreed to.

Mr. HOAR presented the petition of Milton J. Watkins, late a private in Company B, Eleventh Regiment Massachusetts Volunteers, praying for the enactment of a law extending the time for filing pension claims; which was referred to the Committee on Pensions.

Mr. CAMERON presented the petition of Samuel Hutchinson and other citizens of Philadelphia, Pa., praying for the reduction of internal taxes as rapidly as the condition of the Treasury will allow; which was referred to the Committee on Finance.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 362) granting a pension to James H. King;

A bill (S. 838) granting an increase of pension to General Benjamin F. Kelly;

A bill (S. 1333) for the relief of William H. Randle, of Nashville, Tenn.;

A bill (S. 1660) granting a pension to Samuel E. Tracy;

A bill (S. 1826) granting a pension to Andrew J. Burrell;

A bill (S. 1852) granting a pension to Mrs. Jane R. McQuaide;

A bill (S. 1897) granting a pension to Alexander Trimble;

A bill (S. 1958) granting an increase of pension to Addison A. Jackson;

A bill (S. 2149) granting an increase of pension to Herman Baumhager;

A bill (S. 2269) granting a pension to William Dickens; and

A bill (S. 2372) for the relief of Mary McMahon.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WILLIAMS submitted ten amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. SEWELL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HOAR submitted an amendment intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

PAYMENT OF FUNERAL EXPENSES.

Mr. ALLISON. I offer a resolution and ask unanimous consent that it may be considered now.

The resolution was read, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the actual and necessary expenses incurred by the committees and officers of the Senate in arranging for and attending the funerals of ex-President Arthur, deceased, and of the late Senator of the United States A. F. PIKE, deceased; also, the actual and necessary expenses of the funeral of the late Senator of the United States J. A. LOGAN, deceased, upon vouchers audited and approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT *pro tempore*. The Senator from Iowa asks the unanimous consent of the Senate to proceed to the consideration of the resolution at this time, notwithstanding the terms of the rule. Is there objection? The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

FLORIDA LAND FORFEITURE.

Mr. CALL submitted the following resolutions, which were read:

Resolved, That the grant approved May 17, 1856, granting lands to the State of Florida for the construction of a line of railroad from Fernandina, Fla., to Tampa, Fla., and from the Saint Johns River, Florida, to Pensacola, Fla., should be forfeited as to all lands not earned before the time fixed in the act for the expiration of the grant, namely: ten years from the date of the approval of the act in May, 1856; and that the said lands so forfeited shall revert to the United States and be subject to homestead settlement, reserving to all actual settlers the right to 160 acres of land, and the right to enter, at the price of $1.25 per acre, 80 acres of land where they have purchased the same or the improvements on it; and that the Committee on Public Lands be instructed to report a bill to the Senate to this effect.

2. *Resolved*, That the Attorney-General of the United States be instructed to bring suit through the district attorneys of the United States for an injunction against all corporations, or their agents, attempting to sell, or advertise for sale, the lands of the United States embraced in any grants made to the States or railroad companies while bills for the forfeiture of the same are pending before Congress as to all grants that have been recommended by the committees of either House of Congress to be forfeited.

Mr. CALL. I ask that the resolutions lie upon the table, and I give notice that I shall call them up for the purpose of submitting some remarks thereon and asking for their consideration at an early day.

The PRESIDENT *pro tempore*. The resolutions will lie upon the table.

REAR-ADMIRAL CARTER.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions," the Calendar is now in order. The first case on the Calendar will be reported under the 8th rule.

The bill (S. 729) for the relief of Rear-Admiral Carter was announced as first in order.

Mr. ALLISON. Let that go over.

The PRESIDENT *pro tempore*. The bill will go over under objection.

Mr. ALLISON subsequently said: At the suggestion of the Senator from Pennsylvania [Mr. CAMERON], the chairman of the Committee on Naval Affairs, I withdraw my objection to the consideration of the bill (S. 729).

The PRESIDENT *pro tempore*. The objection is withdrawn, and the bill will be read.

The bill was read, and the Senate, as in Committee of the Whole, proceeded to consider it. It proposes to give Rear-Admiral Samuel P. Carter the pay and compensation of a rear-admiral on the retired-list from and after the date of his promotion on the retired-list to the rank of rear-admiral.

Mr. COCKRELL. Let the report be read in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the report submitted by Mr. BLACKBURN December 15, 1886, which was printed in the RECORD of December 18, 1886.

The bill was reported to the Senate without amendment.

Mr. EDMUNDS. I have some papers from the Navy Department showing the state of the retired rear-admirals who have been promoted to the retired-list from commodores, and the compensations that are given to them, which show rather an incongruous and irregular and perhaps an improper state of things. I should be glad to have this bill go over until I can bring the papers here and call the attention of the Senate to them.

Although something very like this, and perhaps worse, has been done in one or two instances, it is open to great question whether it is right as a matter of general principle and of general practice to do this thing. With every good wish for Admiral Carter, who is a very gallant man, I should be glad to have the bill go over until we can look into it.

The PRESIDENT *pro tempore*. Objection being made the bill goes over under the rule.

Mr. EDMUNDS. I do not object to its staying on the rule-eight Calendar.

The PRESIDENT *pro tempore*. The bill will retain its place on the Calendar, without prejudice.

THEOPHILUS FISK MILLS.

The bill (S. 2023) providing for the payment of $2,500 to Theophilus Fisk Mills, for executing a model and design for an equestrian statue of the late General John A. Rawlins, was announced as next in order on the Calendar.

Mr. HOAR. The Senator who has special knowledge of the bill is the Senator from Indiana [Mr. VOORHEES]. When it was reached before it went over on his request, on the ground that the papers were absent; and I think it had better go over now, without prejudice.

The PRESIDENT *pro tempore*. If there be no objection the bill will be passed over, without prejudice.

EXECUTIVE SESSIONS WITH OPEN DOORS.

The next business on the Calendar was the resolution submitted by Mr. RIDDLEBERGER April 12, 1886, in relation to the consideration of business in open session.

The PRESIDENT *pro tempore*. If there be no objection, in the absence of the Senator from Virginia [Mr. RIDDLEBERGER] the resolution will be passed over.

Mr. HOAR. I think the resolution may as well be dismissed from the Calendar at this time. The subject has been voted upon and a similar resolution has been indefinitely postponed.

The PRESIDENT *pro tempore*. The Senator from Virginia [Mr. RIDDLEBERGER] being absent, it is suggested that the resolution go over. The next case on the Calendar will be reported.

GEORGE W. SAULPAW.

The consideration of the bill (S. 474) for the relief of George W. Saulpaw was resumed as in Committee of the Whole. It proposes to pay to George W. Saulpaw $7,000, in full compensation for his steamer Alfred Robb, taken by the United States for the use of the Government during the late rebellion.

Mr. SAULSBURY. Is there a report accompanying the bill?

Mr. MORRILL. It is the same bill that has passed as many, I think, as three times in the Senate heretofore.

Mr. HOAR. The report was read a few weeks ago.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARINE HOSPITAL SERVICE.

The bill (S. 780) to regulate appointments in the Marine Hospital Service of the United States was announced as next in order.

Mr. GORMAN. Let that bill go over. I object to its consideration.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

ADJUSTMENT OF STATE CLAIMS.

The consideration of the bill (S. 309) to settle and adjust the claims of any State for expenses incurred by it in defense of the United States was resumed.

The PRESIDENT *pro tempore*. The Chair is informed that the bill has been heretofore considered as in Committee of the Whole and the amendments acted upon.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRIVATE LAND CLAIMS.

The bill (S. 11) to provide for ascertaining and settling private land claims in certain States and Territories was announced as next in order.

Mr. TELLER. Let that go over.

The PRESIDENT *pro tempore*. The bill goes over under objection.

ILLEGAL TONNAGE DUES.

The consideration of the bill (S. 1651) authorizing the Secretary of the Treasury to make final adjustment of claims of certain foreign steamship companies arising from the illegal exaction of tonnage dues was resumed as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EQUALIZATION OF BOUNTIES.

The bill (S. 778) to equalize the bounties of soldiers, sailors, and marines of the late war for the Union was announced as next in order.

Mr. COCKRELL. That is an exceedingly important bill. It is quite a lengthy bill and there is a report in the case. I do not think it can be considered in the morning hour under the five-minute rule, and therefore, to save time, I ask that it be passed over.

The PRESIDENT *pro tempore*. Objection being made, the bill will be passed over under the rule.

JOHN M'NAUGHTON.

The bill (H. R. 1877) for the relief of John McNaughton was announced as next in order on the Calendar.

The PRESIDENT *pro tempore*. This bill having been reported adversely, it will be considered as objected to, and will go over.

Mr. CAMERON. Why can it not be considered at this time?

The PRESIDENT *pro tempore*. If the Senator desires it, the bill will be considered as it comes up in order. The bill will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to John McNaughton, of Gervais, Scioto County, Ohio, the pay and allowances due said John McNaughton for services rendered the United States as second lieutentant of Company G, First Regiment of West Virginia Cavalry Volunteers, from the 16th day of August, A. D. 1863, to the 5th day of February, A. D. 1864.

Mr. HARRIS. I thought that was a case reported adversely.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania [Mr. CAMERON] asks that the bill be considered, and under the rule it must be considered unless objected to.

Mr. HARRIS. I ask that it go over. There is an adverse report.

Mr. CAMERON. I move that the Senate proceed to the consideration of the bill.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves that the Senate proceed to the consideration of the bill, the objection to the contrary notwithstanding.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. Is there a report in that case?

Mr. CAMERON. There is a minority report.

The PRESIDENT *pro tempore*. The views of the minority will be read.

The Secretary read the following views of the minority, submitted by Mr. CAMERON May 17, 1886:

The undersigned begs leave to dissent from the report of the majority of the Committee on Military Affairs on the bill (H. R. 1877) for the relief of John McNaughton.

The bill authorizes the Secretary of the Treasury to pay, out of any moneys in the Treasury not otherwise appropriated, to John McNaughton, of Gervais, Scioto County, Ohio, the pay and allowances due said John McNaughton for services rendered the United States as second lieutenant of Company G, First Regiment of West Virginia Cavalry Volunteers, from the 16th day of August, A. D. 1863, to the 5th day of February, A. D. 1864.

This bill has received the favorable consideration of the House Committee on War Claims, has passed the House of Representatives, and was referred to the Senate Committee on Military Affairs.

The undersigned, having been appointed the subcommittee to examine and report upon this bill, after full and due consideration of all the circumstances concerning it, is satisfied that it is meritorious, and that Congress in all justice and equity ought to pass the bill and grant the relief asked for.

The merits of this case are very briefly set forth in the report of the House Committee on War Claims, as follows:

"John McNaughton, now of Gervais, Scioto County, Ohio, was enrolled as a private, Company G, First Virginia Cavalry Volunteers, on the 14th day of August, A. D. 1861, and was discharged, as first sergeant of said company, on the 15th day of August, A. D. 1863, for promotion to second lieutenant of said company. He was commissioned as second lieutenant of said company on the 12th day of August, A. D. 1863, by the governor of West Virginia, and was assigned to duty, and served as such until the 5th day of February, A. D. 1864. As soon as his duties in the field permitted he applied to the proper officer for muster, but his application was refused on the ground that his company did not have the requisite number of men, under General Orders No. 182, Adjutant-General's Office, series of 1863, to entitle it to a second lieutenant. Notwithstanding he had been mustered out as an enlisted man, and had been refused muster as lieutenant, yet he was held to service without pay, rations, or clothing until February 5, 1864, and during all that time performed service as second lieutenant. Since then he made application to the proper department for pay, but his claim was rejected because there was no law governing his case.

"In view of these facts the committee recommends the passage of this bill for his relief."

The case of Lieutenant McNaughton is unlike the many bills of a somewhat similar character which the Senate Committee on Military Affairs have reported adversely at this session, in that he was commissioned a second lieutenant by the governor of West Virginia, and performed the duties of that rank, but received neither pay, rations, nor clothing for his services, either as a second lieutenant or an enlisted man, during the period of five months. The Secretary of War, in a letter to the undersigned, recognizing the justice of the case, says "that although McNaughton appears to be equitably entitled to relief, such relief can only be afforded him by special legislation." The letter of the Secretary of War and the report of the Adjutant-General are hereunto attached.

There is abundant, undisputed, and satisfactory proof that McNaughton performed the services of the rank of second lieutenant as claimed, as will appear from the following:

HEADQUARTERS FIRST VIRGINIA CAVALRY,
Hartwood Church, Va., August 25, 1863.

Lieutenant MCNAUGHTON: You will report at these headquarters to-morrow at 7 o'clock a. m., to take command of twenty men from third squadron, fitted for picket duty.

By order of Major Capehart.

W. W. WILSON,
Lieutenant and Acting Adjutant, First Virginia Cavalry.

[Special Order No. 146.]

HEADQUARTERS CAVALRY CORPS, ARMY OF THE POTOMAC,
August 30, 1863.

The following-named enlisted men are hereby discharged, to enable them to accept commissions, to take effect from date set opposite their names:

* * * * * * * *

First Sergeant John McNaughton, First Virginia Cavalry, second lieutenant from August 12, 1863.

* * * * * * * * *

By command of Major-General Pleasonton.

A. J. COHEN,
Acting Adjutant-General.

HEADQUARTERS FIRST VIRGINIA CAVALRY, *August* 31, 1863.

Lieut. J. MCNAUGHTON: You are hereby detailed as officer of the guard for to-morrow (September 1) to report at guard mounting.

By order of Col. N. P. Richmond.

W. W. WILSON,
Lieutenant and Acting Adjutant.

FAIRFAX COURT-HOUSE, VA., *October* 18, 1863.

SIR: You will please assign Lieut. John McNaughton, Lieutenant Malone, and Lieutenant Haug to duty with their companies, and all will be right, and you will cause them to be regularly reported on the morning report.

* * * * * * *

Your friend,

CHAS. E. CAPEHART,
Major, First Virginia Cavalry.

Maj. HARRY FARABEE,
Commanding First Virginia Cavalry.

HEADQUARTERS FIRST VIRGINIA CAVALRY,
New Creek, W. Va., December 28, 1863.

Lieut. John McNaughton has permission to be absent from camp for twenty-four hours, for the purpose of going to Cumberland, Md., to be mustered into the United States service.

CHAS. E. CAPEHART,
Major, Commanding Regiment.

CAMP FIRST VIRGINIA CAVALRY,
Stephensburg, Va., September 18, 1863.

To whom it may concern:

I certify that John McNaughton, formerly first sergeant of Company G, First Virginia Cavalry, was promoted to second lieutenant in said company the 14th day of August, 1863, and has been doing duty as such to the present date.

WILLIAM ST. CLAIR,
First Lieutenant Commanding Company G, First Virginia Cavalry.

The above-named sergeant was recommended by me for second lieutenant in Company G, First Virginia Cavalry, for meritorious conduct in the late campaign in Maryland and Pennsylvania, and received his commission as such to date 12th August, 1863. I certify that the above-named officer has performed the duties of second lieutenant, Company G, First Virginia Cavalry, from the 16th day of August, 1863.

CHAS. E. CAPEHART,
Major Commanding Regiment.

The above evidence shows conclusively that McNaughton was mustered out of service as first sergeant by his superior officers for the purpose of accepting a commission as second lieutenant, was recognized by his fellow officers as second lieutenant, and did guard and picket duty in that capacity.

As soon as his duties in the field permitted, Lieutenant McNaughton applied to the proper officer for muster, but that officer refused to muster him for the reason that his company had not the legal number of men to entitle it to a second lieutenant. He was afterward commissioned as a first lieutenant by the governor of West Virginia, and although he repeatedly asked to be mustered, was refused, but was required to continue on duty as a second lieutenant.

He was thus placed in the peculiar position of being neither an enlisted man, an officer, nor civilian, as he was held for service and not allowed to take advantage of his discharge as first sergeant or his commission as second lieutenant, but at the same time was granted neither pay, clothes, nor rations.

The undersigned sincerely believes that this is a case of hardship. Here was a soldier who honestly and faithfully served his country in the hour of peril, and is denied five months' pay for that service which he justly earned, and Congress has no right to take advantage of a technical quibble and withhold compensation from him which the War Department says he is "equitably entitled to," and if there is any fair and valid reason why he should not receive his pay the undersigned fails to comprehend it.

In view of all the circumstances above set forth, the undersigned respectfully recommends that the Senate will pass the bill, notwithstanding the majority of the Committee on Military Affairs are adverse to it.

J. D. CAMERON.

WAR DEPARTMENT, *Washington City, April 13, 1886.*

SIR: I have the honor to acknowledge the receipt of your letter of the 27th ultimo, inclosing, for the views of this Department, (H. R. 1877) Forty-ninth Congress, first session, "An act for the relief of John McNaughton," late of Company G, First West Virginia Cavalry, with the accompanying papers in the case. In reply I beg to inclose herewith a report from the Adjutant-General's Office of the 7th instant, which contains a statement of the military service of John McNaughton, and from which it will be seen that his assignment to duty as second lieutenant in the First West Virginia Cavalry was in violation of the act of March 3, 1863, and General Order No. 182, of 1863, based thereon, Company G being, during the period mentioned in the bill below the minimum number. He was commissioned second lieutenant August 12, 1862, and appears to have rendered service from that date to February 5, 1864; and although he appears to be equitably entitled to relief, such relief can only be afforded him by special legislation.

The bill inclosed in your letter and its accompanying papers are herewith returned, as requested.

Very respectfully, your obedient servant,

WM. C. ENDICOTT, *Secretary of War.*

Hon. J. D. CAMERON,
Of the Committee on Military Affairs, United States Senate.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 7, 1886.

SIR: I have the honor to submit herewith communication (with inclosures) of Hon. J. D. CAMERON, of Committee on Military Affairs, United States Senate, inclosing papers in support of a claim for the recognition of John McNaughton as a second lieutenant First West Virginia Cavalry Volunteers, together with House bill No. 1877, Forty-ninth Congress, first session, for his relief, and requesting on behalf of said committee to be furnished with whatever information the files of this office may afford relative thereto, and to report as follows:

The records of this office show that John McNaughton was enrolled August 14, 1861, and mustered into service, and appointed sergeant Company G, First West Virginia Cavalry Volunteers, September 14, 1861, to serve three years.

He was promoted first sergeant November 1, 1862, and is borne as of that grade, present for duty, to April 30, 1863.

On roll for May, June, July, and August, 1863 (four months' muster roll), he is reported second lieutenant, present, with remark "Promoted from first sergeant to second lieutenant August 12, 1863, *vice* Swintzel, killed; was assigned to duty as lieutenant August 15, 1863." For September and October, 1863, "second lieutenant, present; discharged as first sergeant for promotion August 12, 1863; performed duty as second lieutenant since August 16, 1863, to October 31, 1863." For November and December, 1863, second lieutenant, present; "discharged as first sergeant for promotion August 12, 1863; performed duty as second lieutenant since August 16, 1863, to December 31, 1863." For January and February, 1864, second lieutenant, "absent on recruiting service."

Regimental returns for the months of January and February, 1864, are not on file.

Muster-out roll of non-veterans of the company (next on file), dated November 21, 1864, reports him "promoted to second lieutenant August 15, 1863; could not be mustered as such; mustered out as sergeant, to date August 15, 1863; relieved from duty by Secretary of War."

The records further show that Company G, First West Virginia Cavalry Volunteers, was below the minimum number during the period mentioned in the inclosed bill, and had two commissioned officers, a captain and a first lieutenant.

From the foregoing it will be seen that the assignment of John McNaughton to duty as second lieutenant Company G, August 16, 1863, was in violation of the act of Congress, approved March 3, 1863, and General Order No. 182 of 1863, based thereon, and that he continued to perform said duties to a date that can not be definitely determined, in consequence of the incomplete condition of the records of his regiment.

It appears, however, from the evidence submitted that on February 5, 1864, the adverse decision of the Department on an application for his muster as a second lieutenant was transmitted to him by Brigadier-General Kelly, commanding department West Virginia, and it is believed he severed his connection with the First West Virginia Cavalry Volunteers on that date.

Although Mr. McNaughton was commissioned second lieutenant First West Virginia Cavalry Volunteers August 12, 1863, and appears to have rendered service as of that grade from August 16, 1863, to February 5, 1864, the relief to which he is equitably entitled can only be afforded by special legislation.

I am, sir, very respectfully, your obedient servant,

J. C. KELTON,
Acting Adjutant-General.

The SECRETARY OF WAR.

Mr. COCKRELL. On the 3d of March, 1863, Congress passed a law requiring that thereafter no promotions should be made or appointments to vacancies in regiments or companies where the regiments or companies were below a certain minimum. During the period between that and June, 1863, and afterward there were large numbers of officers who were commissioned by the governors of their respective States when their regiments and companies were below the minimum. The United States authorities refused to recognize those commissions or to muster in the officers to their new or promoted positions.

The Committee on Military Affairs has uniformly refused to remove the limitation of that law. If the Committee on Military Affairs were to recommend or if the Senate were to pass a bill to remove that limitation it would involve hundreds of thousands if not millions of dollars.

As a rule, and with scarcely an exception, when these promotions were made they were made of a second lieutenant to first lieutenant, or of a first lieutenant to captain, or of a captain to major, or of a major to lieutenant-colonel, or of a lieutenant-colonel to colonel, or of a sergeant to second lieutenant; and as an almost universal rule the officers or sergeants continued to draw the pay of the positions they were in until they were recognized in their higher positions.

When this case was before the Committee on Military Affairs I did not see the distinction between it and the principle heretofore asserted by the committee, that they would not allow the increased pay to a sergeant or to a second lieutenant or a first lieutenant or a captain for a promotion attempted to be made in violation of law. We have uniformly adhered to that rule, but here is a case which is entirely different. Here this sergeant was absolutely mustered out of the service as a sergeant, and as the report says (and I presume there is no question of that; the records show it), as a sergeant he drew no pay or compensation whatever and yet performed under a commission which was not legal the duties of a second lieutenant.

It would be a very great injustice to this soldier to deprive him of all pay. If he had continued in the position of sergeant and had drawn the pay of a sergeant then the rule established by the Military Committee would have applied to his case, and he would not have been entitled under our rule to any compensation; but as he was deprived of the pay of a sergeant by being mustered out and then deprived of any pay of a lieutenant, the duties of which office he was performing, because he could not be mustered in, I believe very frankly and candidly that he is entitled to some relief, and therefore I wish to place myself upon the record as favoring the bill if properly modified.

Mr. PLUMB. I should like to have the Senator from Missouri explain why it is, if this bill is to be passed, that a similar bill which has been before the committee now for some time for the relief of Mr. Huddleston has not been considered by that committee.

I wish to say further, however, that the principle applied to this bill has been denied in numerous cases. While I was a member of that committee this matter was thoroughly discussed with a view to the perfection of a bill such as was subsequently passed. If this bill is passed it opens the door to very many thousand cases, I will not say cases having no equity, but cases which will involve long investigation, large expenditure of money, and a thorough overhauling of the entire official military service of the United States during the war of the rebellion.

There are at least fifty cases which have occurred within my own knowledge which are precisely similar to this in principle, and almost similar to it in point of literal fact; but the Committee on Military Affairs adopted as a fundamental rule that no commission to a place which was not legally vacant at the time should carry with it any pay or emolument.

This bill violates that rule. This person was commissioned to a place which had no existence. Similar cases are numbered by thousands, and I think perhaps by even tens of thousands, where the governors of States with no responsibility upon them, because the commission carried with it nothing except the right to be mustered, issued commissions to officers where there were no vacancies. I know hundreds of cases myself, I was going to say. In fact, I think I know that there were some seven or eight different regiments in which every officer originally appointed would have the same claim to pay that this person would have. Yet they never have been paid, and can not be paid under the existing state of the law.

I should like to have the Military Committee adopt one rule or the other, and give to the officers of the United States Army or persons

who were under commissions in the United States Army and rendered service the same chance that is proposed to be given to Mr. McNaughton. I imagine that when they come to frame that general rule which ought to be framed, if we are to enter upon this legislation at all, they will find that it involves very great difficulty. Nothing was more familiar to all persons who knew of what was occurring in the service than that men served in a rank to which they had not been commissioned, persons serving as first lieutenants who were commissioned merely as second lieutenants and doing the duties of that rank; persons serving as brigadier-generals who were only colonels and sometimes only majors, and persons serving as major-generals who were only brigadier-generals, doing the duty of the rank above that for which they had pay. The passage of this bill establishes the principle of paying all of them, and they amount to as many as the entire number of the officers of the United States Army during the war.

In addition to that, as I said before, many thousands of persons were commissioned to places which they could not fill, because there was no legal vacancy, because, which is precisely the case of this man, there was no such office as that of second lieutenant of the company in which he purported to serve, because under the law, by reason of the diminution in the numbers of the company, that office lapsed, it had no existence. The Governor of West Virginia might just as well have commissioned a man a major-general and sent him out on the top of one of the highest hills in that State and kept him there during the entire period of war, and he would have had just as much of an equitable claim to pay as this man has to the pay of this particular rank.

I do not mean to say that there is no equity of some kind; there is in all these cases, but it ought to be an equity which is recognized by a general bill which will put them all on the same footing; and unless the committee is prepared for the report of such a bill as that upon due investigation, it seems to me we ought not to enter upon this legislation.

I have a bill in my hand which I introduced in 1885 for the relief of Elkanah Huddleston. It has been before the Committee on Military Affairs since that date. The bill is in language as follows:

That the Secretary of War be, and he is hereby, authorized and directed to place the name of Elkanah Huddleston on the rolls as first lieutenant of Company A, First Regiment Kansas Colored Infantry Volunteers (afterward known as the Seventy-ninth Regiment United States Colored Troops), as of the date of August 1, 1862; and that the proper accounting and pay officers shall allow and pay to said Huddleston the pay and emoluments of a first lieutenant from said date until the 13th day of January, 1863, deducting any sum or sums he may have received on account of military service during said period.

That person was detailed by order of the Secretary of War, appointed by the Secretary of War as a lieutenant in the First Regiment of Kansas Colored Infantry, and did the duties of that office for months; but because he was not finally permitted to be mustered he never received any pay. While he did not have technically a commission he had a command from his superior officer, the Secretary of War, which was superior in authority to any commission issued by the governor of any State.

There are probably thirty cases of that precise kind in that one regiment alone. In nearly all the regiments that were raised in the State of Arkansas, by reason of the fact that there was no governor, persons were assigned to duty in the various offices to be filled by order of the Secretary of War, and received no pay for all the probationary period which they served, amounting many times to months in charge of recruiting stations, in performing military duty in command of detachments, &c., prior to muster, and not a single one of them ever received a dollar of pay. There was the case, too, of a large portion of the official staff of the Indian regiments that were afterward organized.

I have no doubt every one at all familiar with the service will bring to mind on reflection many cases where the equity is just as strong as in this case. What I say against this is simply that this should not be taken up and passed under the apprehension that the rule to be established here does not apply to a large number of cases, to many thousands and tens of thousands of cases even. Entering on this legislation is simply opening the door to bringing them all in. Many of them, I think, ought to come in, but they ought to come in under a rule settled by a statute and applied by the executive department, and not leave the Senate and Congress to be confronted at each session with applications for personal relief in the shape of special bills.

I am very much surprised that the Senator from Missouri, who is thoroughly posted upon these matters and who has given such thorough and exhaustive attention to them heretofore, should have committed himself to the principle of this bill, without insisting at the same time that it should be applied by means of a general law, and not in special cases alone.

Mr. COCKRELL. I am equally surprised that my good friend from Kansas did not note the absolute and broad distinction between this and the case of Lieutenant Huddleston and others to which he has referred. I stand with him unqualifiedly in his position in regard to the enforcement of the law of March 3, 1863, and have uniformly so voted upon the Committee on Military Affairs; and if any relief is extended to the class of officers coming within that law, it must be by general law. I now hold in my hand public act No. 43 of the Forty-eighth Congress, an act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces. That was passed as a general law, approved June 3, 1884, and under it a great many officers have been relieved, and the Committee on Military Affairs has uniformly reported against allowing compensation to any officer coming within the terms of this general law. Now the Senator discovers that in the case of Lieutenant Huddleston he was drawing pay and was assigned to the higher place and continued to draw the pay of the lower place.

This man McNaughton was a sergeant, but he was mustered out of the Army and was not allowed pay as a sergeant. If he had been allowed pay as a sergeant during this time the rule of the Committee on Military Affairs would have excluded him, and I should have been against the bill, in accordance with the uniform usage of the committee. But here this man has drawn no pay whatever as a sergeant or as a lieutenant. I think he ought to draw the pay of a sergeant. If he had not been mustered out he would have continued to draw the pay of a sergeant, and the Committee on Military Affairs would have been adverse to allowing the higher pay because he was drawing compensation.

The Senator has well remarked that there are millions of dollars depending on these technical questions as to whether a captain serving as major and commanding a regiment as a colonel in the temporary absence of the lieutenant-colonel shall receive the pay of the office he performed, and so as to a second lieutenant performing the duties of first lieutenant or captain, and often a sergeant performing the duties of a company commander. The Committee on Military Affairs have continuously thought that no additional compensation under any circumstances should be allowed in such cases, and I do not believe that any should be allowed. But this is an exceptional case. It is the only case during my experience on the Committee on Military Affairs that I can recall of the kind—the only solitary one. I was against the bill in full committee—voted against it—believing that it came within the class of cases referred to by the Senator from Kansas, but since I have read the report of the Secretary of War and the documents I see that I was mistaken in my view of the case, and therefore, as a matter of justice and right and equity and fair dealing, I am inclined to favor it, but it must first be amended.

Here is a soldier; he was a sergeant; he was discharged as a sergeant; he could no longer draw pay as a sergeant, but he continued in the service; he was performing the duties of a second lieutenant. He was discharged for the purpose of taking the position of second lieutenant; it was not a general discharge, but the authorities discharged him because they thought he would immediately receive his commission as a lieutenant. He was deprived of pay both as a lieutenant and as a sergeant. Under the rule of the Committee on Military Affairs, as adhered to, he ought to be paid the pay of a sergeant instead of the pay of a lieutenant, and then he would be on a perfect equality with all the cases referred to by the Senator from Kansas, and there would be no injustice done and no new rule established. If this bill established the rule that the Senator refers to, I should be against it. If this man had received pay as a sergeant during this time, I would be against it. But the man received no pay whatever, and he ought to receive either the pay of a sergeant or the pay of a lieutenant, and I think that justice and equity require that he receive in pursuance of the uniform rule and practice of the Committee on Military Affairs the pay and emoluments of a sergeant, the position he was mustered out of under the supposition that he would take the position of second lieutenant.

Mr. PLUMB. Will the Senator then move to amend the bill?

Mr. COCKRELL. I will. I move to amend by striking out the words giving the pay of a second lieutenant and inserting "pay of sergeant."

Mr. CAMERON. I hope that amendment will not prevail. It seems to me if this man is entitled to anything at all he is entitled to pay for the service he actually rendered. He was mustered out as a sergeant, not at his own desire or wish, but because his services were needed in a higher grade. It appeared afterwards that under the law of 1863 there were not sufficient men in the company to entitle it to a captain and a first and a second lieutenant, but at the same time he performed all the duties of second lieutenant, and if he is paid anything at all he ought to receive the pay of the rank in which he served.

The argument of the Senator from Kansas that this is going to involve a great many other cases, it seems to me is not a fair one and not an equitable one. It makes no difference that it may involve millions. If the bill is right it ought to pass; if it is wrong it ought not to pass; and it ought not to be mixed up with a hundred or a thousand other cases that are not exactly similar.

This is a peculiar case. As was stated by the Senator from Missouri, the man performed the duties of lieutenant and received neither the pay of a sergeant nor of a lieutenant, and having performed the duties of lieutenant he ought to be paid as such. It seems to me that it would be very small in the Congress of the United States to cut him down from the pay of second lieutenant to that of sergeant, simply to save $20 per month, in all $120.

Mr. PLUMB. The vital point is that there was no vacancy which the governor could lawfully commission him for; and if we are to allow

this simply because the governor commissioned this man we must give the same to every man who held a governor's commission, no matter whether it was for a position that could be legally filled or not, and pay him for whatever service he rendered.

If the amendment the Senator from Missouri speaks of is adopted, that will leave the action of the Senate in this case consistent with the action of the Military Committee heretofore. Unless we are to enter on this business generally, that ought to be done. If it is I have no objection, because I should be very glad to give the committee some two or three hundred cases to act upon at once in the same line.

Mr. CAMERON. If there is any justice in the cases, they ought to go before the committee and be acted on.

Mr. PLUMB. I sent a bill there over a year ago and it has not been acted on.

Mr. CAMERON. And the Senator opposes this bill because his has not been acted on.

Mr. PLUMB. Not at all, but I do not wish to make fish of one and flesh of another.

Mr. COCKRELL. My amendment is after the word "allowances" to strike out down to "Company G," and insert in lieu thereof:

Of a first sergeant.

So as to read:

The pay and allowances of a first sergeant Company G, First Regiment West Virgina Cavalry Volunteers.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Missouri.

The question being put, there were on a division—ayes 20, noes 7; no quorum voting.

Mr. CAMERON. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. SEWELL. The Military Committee having this case under consideration reported adversely on the bill, as they have been in the habit of doing in such cases for years. A number of similar cases have been before them, and two years ago they reported and Congress passed a general act under which officers who were commissioned and could not get mustered because their commissions had not reached them in the field or in hospital, or out-of-the-way places in the line of their duty, were permitted to be mustered back to the date of their commissions, provided there was a vacancy in the regiment at that period.

There seems to be some equity in this case. But if the Congress of the United States pass this bill, recognizing that a man who was not in the service legally, who could not be mustered in under the law, was an officer, and pays him as such, it will give us a great deal of special business in the future; it will involve thousands of cases. Recognizing the equity arising from the service of this person, I believe that the amendment offered by the Senator from Missouri should prevail. The man should have something.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri [Mr. COCKRELL], on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. JONES, of Arkansas (when his name was called). I am paired with the Senator from Indiana [Mr. HARRISON] generally, and not knowing how he would vote on this question, I withhold my vote.

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from New York [Mr. MILLER].

Mr. RANSOM (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON].

Mr. SPOONER (when his name was called). On this question I am paired with the Senator from Delaware [Mr. GRAY]. If he were present he would vote "yea," and I should vote "nay."

The roll-call was concluded.

Mr. SAULSBURY. I desire to say that my colleaugue [Mr. GRAY] is absent, paired with the Senator from Wisconsin [Mr. SPOONER].

The result was announced—yeas 28, nays 12; as follows:

YEAS—28.

Beck,	Colquitt,	Hawley,	Sewell,
Berry,	Edmunds,	Maxey,	Vance,
Blackburn,	Eustis,	Mitchell of Oreg.,	Vest,
Blair,	George,	Morgan,	Walthall,
Camden,	Gibson,	Plumb,	Whitthorne,
Cockrell,	Gorman,	Pugh,	Williams,
Coke,	Harris,	Saulsbury,	Wilson of Md.

NAYS—12.

Call,	Dolph,	Mitchell of Pa.,	Sherman,
Cameron,	Hampton,	Platt,	Stanford,
Cheney,	Manderson,	Sabin,	Wilson of Iowa.

ABSENT—35.

Aldrich,	Evarts,	Jones of Florida,	Payne,
Allison,	Fair,	Jones of Nevada,	Ransom,
Bowen,	Frye,	Kenna,	Riddleberger,
Brown,	Gray,	McMillan,	Sawyer,
Butler,	Hale,	McPherson,	Spooner,
Chace,	Harrison,	Mahone,	Teller,
Conger,	Hoar,	Miller,	Van Wyck,
Cullom,	Ingalls,	Morrill,	Voorhees.
Dawes,	Jones of Arkansas,	Palmer,	

So the amendment was agreed to.

Mr. MAXEY. The question presented to the Senate is one that I have knowledge of from many years service upon the Committee on Military Affairs. The question is presented very often, and there are cases of overwhelming equity where relief ought to be granted.

The statement made by the Senator from Kansas is entirely true within my knowledge. In Arkansas especially there were a great many cases where the equity of the case entitles the parties to relief. I have in mind one case of that sort where the company was within the legal limit and was organized, and some of its members were on detailed duty at distant stations, and therefore were not present with the company when they should have been mustered. The company was reduced below the minimum number prescribed by law, the result of which is that the claim of an officer has been rejected by the Department because his company was not of sufficient numbers to justify his commission at the time he was ready to be mustered. During all this time he was regularly assigned to duty by the department commander as a second lieutenant and responsible as such. That is a case, it seems to me, of overwhelming equity.

What I think ought to be done by the Committee on Military Affairs is to report some bill that will cover cases where the equities overwhelm and override the naked point of law.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HEIRS OF ERSKINE S. ALLIN.

Mr. PLATT. I ask the Senate to go back to a case which went over under objection just at the close of the last session because there was not time to consider it. It is Order of Business 967, being the bill (S. 1359). I wish to go back and have that bill taken up for consideration. It may as well be considered at this time as at any other. It is a bill which was objected to by the Senator from Missouri [Mr. COCKRELL].

The PRESIDENT *pro tempore*. Pending the consideration of the Calendar, the Senator from Connecticut moves that the Senate proceed to the consideration of the bill (S. 1359) for the relief of the heirs of Erskine S. Allin.

Mr. COCKRELL. Can that motion be made during the regular call of the Calendar?

The PRESIDENT *pro tempore*. It can be made under the express terms of the rule whenever a Senator gets the floor to make it; but it can only prevail by the vote of the Senate. The question is on the motion to proceed to the consideration of this bill.

Mr. COCKRELL. I should like to hear some reason why we should go back and violate the rule we have been adhering to all the session. If there is any just reason why we should lay aside the call of unobjected cases and go back to take up those that have had their day once in the Senate, I should like to know it.

Mr. PLATT. Begging the indulgence of the Senate, as I suppose debate is not in order——

The PRESIDENT *pro tempore*. It is not in order.

Mr. PLATT. I will state why I think it is entirely right and proper to go back.

Here is a claim that is just as important as the claim which was last considered. It was reached on the Calendar at the close of the last session when business of a public character was pressing, and so it went over under an objection. Now, I insist that it is not fair that that bill going over in that way should not have its day in the Senate, and therefore I ask that it may be taken up at this time. I think it is as good a time as we shall have to take it up.

Mr. COCKRELL. Let it be placed on the Calendar in the same position as if it had not been objected to at that time.

Mr. PLATT. That is the same thing.

The PRESIDENT *pro tempore*. If the bill be taken up by vote of the Senate it will be open to debate. The question is on the motion of the Senator from Connecticut to proceed to the consideration of the bill (S. 1359) for the relief of the heirs of Erskine S. Allin.

Mr. PLATT. Let us have the yeas and nays.

The yeas and nays were ordered and taken.

Mr. JONES, of Arkansas. I am paired with the Senator from Indiana [Mr. HARRISON].

The result was announced—yeas 31, nays 11; as follows:

YEAS—31.

Aldrich,	Dolph,	Hoar,	Spooner,
Allison,	Eustis,	Manderson,	Stanford,
Berry,	Frye,	Maxey,	Teller,
Call,	George,	Mitchell of Oreg.	Vance,
Cameron,	Gibson,	Morgan,	Whitthorne,
Cheney,	Gorman,	Platt,	Williams,
Cullom,	Hampton,	Saulsbury,	Wilson of Iowa.
Dawes,	Hawley,	Sawyer,	

NAYS—11.

Beck,	Coke,	Pugh,	Walthall,
Blackburn,	Colquitt,	Sherman,	Wilson of Md.
Cockrell,	Harris,	Vest,	

ABSENT—33.

Blair,	Fair,	McMillan,	Ransom,
Bowen,	Gray,	McPherson,	Riddleberger,
Brown,	Hale,	Mahone,	Sabin,
Butler,	Harrison,	Miller,	Sewell,
Camden,	Ingalls,	Mitchell of Pa.,	Van Wyck,
Chace,	Jones of Arkansas,	Morrill,	Voorhees.
Conger,	Jones of Florida,	Palmer,	
Edmunds,	Jones of Nevada,	Payne,	
Evarts,	Kenna,	Plumb,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1359) for the relief of the heirs of Erskine S. Allin.

The bill was reported from the Committee on Patents with amendments.

The first amendment was in line 3, before the word "thousand" to strike out "one hundred" and insert "thirty," so as to read:

That the sum of $30,000 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be paid in equal parts to Fannie T. Allin, of Springfield, Mass., and Augusta M. Ladd, of Holyoke, Mass., respectively widow and daughter of the late Erskine S. Allin.

Mr. COCKRELL. Let the report in that case be read.

Mr. PLATT. Let the amendment be made.

Mr. COCKRELL. Let us hear the report before we vote at all.

The PRESIDENT *pro tempore*. The reading of the report being called for, it will be read.

The Secretary read the following report submitted by Mr. PLATT April 28, 1886:

The Committee on Patents, to whom was referred the bill (S. 1359) for the relief of the heirs of Erskine S. Allin, have had the same under consideration, and beg leave to report:

Erskine S. Allin was master armorer at the United States armory located in Springfield. He spent about fifty years in the service of the Government at said armory. He made an invention for improvement in breech-loading fire-arms (letters patent No. 49959, dated September 19, 1865). He was not employed by the Government to make this invention, nor was it suggested to him by any Government official. It was his own invention. He need not have authorized the use of it by the United States if he had not so chosen, but he did, on the 30th day of October, 1867, execute a license to the Government to use the invention, a copy of which license is appended to this report. No compensation was paid by the Government to him for the use of the invention. He was not the first inventor of that feature of the alteration of the Springfield musket to the Springfield rifle which is known as the swinging breech-block pivoted to the barrel, swinging upward and forward, so that a fixed cartridge could be inserted in the barrel, and then closing so that a solid resistance was furnished to the recoil of the cartridge, but seems to have been the first inventor who made such feature a practical operative improvement in the alteration of muzzle-loading fire-arms to breech-loaders.

A great many improvements have since been made to his proposed method of alteration, both at the armory and by the adoption of outside inventions, which are now in use, making a perfect method of alteration. The gun known as the model of 1865 included all the devices of Allin set forth in his patent, and 5,020 Springfield muzzle-loading rifles were changed to breech-loaders by use of the devices shown in the Allin patent. Subsequent improvements, as has been intimated, were made, and the improved guns were known at the armory as the models of 1866, 1868, 1870, 1873, 1879, and 1884. The history of such improvements shows the gradual and successive approach toward the perfection of the arm as now manufactured. Of the models of 1866, 1868, 1870, 1873, 1879, and 1884, 432,873 Springfield rifles have been manufactured. All of these rifles thus made since the original 5,020 contain one feature of the Allin patent, namely, the locking device, and perhaps the mechanical equivalent of the second claim of his patent, but they also contain a large number of improvements thereon.

No settlement has ever been made by the Government with the inventors and patentees whose inventions have been appropriated by the Government in the alteration of the Springfield muzzle-loading rifle to breech-loaders. In two, and perhaps more, instances suits by patentees whose inventions had been adopted in making the perfected improvement were brought against the former superintendent of the armory, and recoveries were had.

Mr. Allin left a widow and daughter, who are without any means of support left by him, and are poor.

The letter of the Secretary of War addressed to the committee in reply to inquiries, with papers submitted by the Secretary of War, are appended to this report.

By the communication of General S.V. Benét, Chief of Ordnance, it will be seen that he considers that 10 cents per gun containing the improvement made by Mr. Erskine S. Allin would be a fair and reasonable compensation. If this rule of compensation were adopted the amount would be $43,331.56. But in view of the fact that a license was obtained by the Government from said Allin under which a large proportion of the arms to which the improvement was applied were manufactured, the committee are of the opinion that some deduction should be made from the amount recommended by the Chief of Ordnance, and recommend as an adequate compensation to the heirs of said Erskine S. Allin the payment of $30,000.

The passage of the bill referred to the committee is recommended if amended so as to make the sum named therein $30,000, and further amended by inserting after the word "of," in the ninth line, the words "improvements used in the manufacture of."

Mr. COCKRELL. Let the exhibits be read; they are an important part of the report.

The PRESIDENT *pro tempore*. All will be read.

The Secretary read as follows:

WAR DEPARTMENT, *Washington City, March* 1, 1886.

SIR: I have the honor to acknowledge the receipt of your letters of the 10th and 18th ultimo, inclosing Senate bill 1359, providing for the appropriation of the sum of $100,000 for the relief of the heirs of Erskine S. Allin, who was the inventor of the Springfield breech-loading rifle-musket.

In response to your inquiries whether all or any of the essential features of the Allin patent have been or are now used in the manufacture of the Springfield rifles; how many Springfield muskets were altered to breech-loaders by use of the Allin patent alone, and if Mr. Allin had the foundation patent that appears in the improvements now in use, I beg to inclose herewith a report of the 1st instant from the Chief of Ordnance, and copies of reports from the master armorer and the commanding officer of the National Armory, Springfield, Mass., which will, it is believed, furnish the information requested, so far as the records of this Department show.

Very respectfully, your obedient servant,

WM. C. ENDICOTT,
Secretary of War.

Hon. O. H. PLATT,
Chairman Committee on Patents, United States Senate.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, D. C., March 1, 1886.

SIR: I have the honor to acknowledge receipt of letters from the chairman of the Senate Committee on Claims, dated 10th and 18th ultimo, inclosing Senate bill No. 1359, for the relief of the heirs of Erskine S. Allin.

These papers are herewith returned together with reports from the master armorer and the commanding officer of National Armory, dated 23d and 24th ultimo, which answer all the inquiries of Senator PLATT as far as the records of this office show.

Very respectfully, your obedient servant,

S. V. BENÉT,
Brigadier-General, Chief of Ordnance.

The Hon. SECRETARY OF WAR.

NATIONAL ARMORY,
Springfield, Mass., February 24, 1886.

SIR: In reply to your instructions of the 19th instant, inclosing two letters from the chairman of the Senate Committee on Patents, with Senate bill 1359, for the relief of the heirs of E. S. Allin, formerly master armorer of this armory, to give as full report as the records of the armory and the personal knowledge of myself, the present master armorer, and other employés of the armory can furnish, I have the honor to report, returning herewith the papers referred to above, that the records of the armory show that 5,020 Springfield muzzle-loading rifles were changed to breech-loading arms by using the Allin devices described below, and are known as the Allin alteration or model, 1865, and that 432,873 Springfield (models 1866-'68-'70-'73-'79-'83) rifles, exclusive of the aforesaid, have been manufactured since to include the 23d day of February, 1886, having at least one feature claimed in the Allin patent, No. 49959, of December 19, 1865. A copy of the license to the United States to manufacture the claims of said patent is herewith inclosed.

The claims of the Allin patent are as follows: "In this invention a hinged breech-block, lifting upward and forward, causes a slide to move back a certain distance and then liberates a spring tooth on the retractor, allowing a re-engagement on the closing of the breech. The thumb-piece of the latch which locks the breech-lock is covered by the nose of the hammer on its descent, thereby securing the safe closure of the breech before the charge can be fired."

"*Claims.*—(1) The combination of a solid recoil block, A, with a pinion, U, and rack, *m*, the first tooth, *s*, of which is hung on a spring, in the manner and for the purpose described. (2) Beveling the front end of recoil block at *c'*, and forming a corresponding bevel, *c*, on the barrel, as and for the purpose described. (3) The projection X, in combination with the lever *f* and hammer *v*, substantially in the manner and for the purpose described."

The aforesaid 5,020 altered Springfield rifles have all the three devices claimed. The 432,843 arms aforesaid have the third or last construction claimed, and what may be considered the mechanical equivalent of the second; that is, the bevel *c'* on the recoil block and corresponding bevel *c* on the barrel do not appear at all, but the two devices, viz, in model 1866 the front end of recoil block, when closed, enters into, for a certain distance, the cartridge-head recess in the chamber of barrel behind the cartridge, and in all subsequent models the fall of the breech-block, being in the same plane with the axis of motion, that is, with the axis of the hinge-pin, the round hinge-lugs of receiver on each side project over, when the block is closed, corresponding cuts in the front end of breech-block, thus securing it from throwing an upward strain on the hinge-pin when under the action of recoil. These constructions perform the same office as the bevels aforesaid, and may, as said, be considered mechanical equivalents, though they do not at all resemble the bevels, and in respect to all models subsequent to model 1868, the location is not the same. The construction of the third claim, what is called now the firing-pin guard of the cam-latch thumb-piece, is on all the arms, as above stated, substantially as patented. I believe the above and inclosures answer specifically all the questions of the chairman of the Committee of the Senate on Patents and give a complete history of the matter as personally known here and shown by the armory records. The master armorer's views are stated in his letter of the 23d instant, herewith inclosed.

Respectfully, your obedient servant,

A. R. BUFFINGTON,
Lieutenant-Colonel of Ordnance, Commanding.

The CHIEF OF ORDNANCE,
Washington, D. C.

NATIONAL ARMORY, *Springfield, Mass., February* 23, 1886.

SIR: In obedience to your instruction of even date, I have the honor to state my opinion concerning the E. S. Allin patent on fire-arms, No. 49959, September 19, 1865, as having been applied to the Springfield rifles made at this armory, as follows, to wit: The guns known as the model 1865 included all the devices as claimed in said patent. Those of the models of 1866, 1868, 1869, 1870, 1873, and 1884 include the locking device for holding the breech-block closed when in the act of firing, as stated in the Allin third claim, letter X.

I am, sir, very respectfully, your obedient servant,

SAMUEL W. PORTER, *Master Armorer.*

Col. A. R. BUFFINGTON,
U. S. Army, Commanding.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, D. C., March 10, 1886.

SIR: I have the honor to return letter of the 4th instant from the chairman Senate Committee on Patents, inclosing a bill (S. 1359) for the relief of the heirs of Erskine S. Allin, inquiring "whether it is the opinion of the War Department that the heirs of Mr. Allin are entitled to compensation from the Government, and if so what would be regarded by the Department as a reasonable compensation for the invention which Mr. Allin seems to have made, so far as the same has been adopted and used by the Government," and to report.

The court of inquiry, of which Maj. Gen. George H. Thomas was president, and Generals Hancock and Terry members, and Judge-Advocate General Holt, judge-advocate, which convened in October, 1868, expressed the following opinion:

"The court is of the opinion that when a person in the military employment of the Government, either as an officer, soldier, mechanic, or laborer, devises a new and valuable improvement in any kind of military material, and with his own means makes experiments and brings to perfection his invention, there is no reason why he should not be permitted to secure to himself any pecuniary value which his invention may have by obtaining letters patent for his invention under the patent laws of the United States or of foreign countries.

"In such a case should the Government make use of the invention it is but just that it should make compensation to the patentee. Even should the Government tools, materials, and labor be used in perfecting the invention, in cases where the object for which the inventor is employed is not such as to make it his duty to devise improvements, if it be in his power to do so, the fact that the public has contributed to the invention should not be a bar to the right of the inventor to recover compensation from the Government if it makes use of his invention. It may and should be considered in determining the amount of compensation equitably due to him for the use.

"But when any person is employed for the express purpose of making experiments with a view to the discovery of improvements in the construction or manufacture of military material, and is paid for his time, and supplied with tools, machinery, materials, and labor, so that the whole expense of the experiments from which the invention results is borne by the Government, the invention, in the judgment of the court, although under our patent laws it is the legal property of the inventor, belongs, equitably, to the Government, at least to the extent that the Government should have the right to use it without further compensation to the inventor. In such case the inventor, in devising his improvement, has done only that which he was expressly employed to do, only that which he was paid by the Government to do for its benefit."

Mr. Allin was, at the time he made this invention, the master armorer of the Springfield armory. He was not "employed for the express purpose of making experiments with a view to the discovery of improvements in the construction and manufacture" of the Springfield rifle, but he did make this invention while in the employ of the Government and receiving its pay, and licensed the United States to make free use of patent granted to him. While he has no legal claim on the United States for compensation, in equity his heirs are entitled to some remuneration.

In my opinion 10 cents per gun containing his improvement would be a fair and reasonable compensation for the invention.

Of course this office does not pretend to decide on the validity of the patent, although the validity of the "locking device" used by the United States invented by Mr. Allin has never been questioned, as far as this office is aware.

Very respectfully, your obedient servant,

S. V. BENÉT,
Brigadier-General, Chief of Ordnance.

The Hon. SECRETARY OF WAR.

Whereas Erskine S. Allin, in the county of Hampden and State of Massachusetts, has invented certain new and useful improvements in breech-loading firearms; and

Whereas the United States has aided in developing, perfecting, and applying to practical use the said improvement by furnishing to said Allin, at the United States armory in Springfield, Mass., the labor, material, and other requisites to that end:

Now be it known that, for and in consideration of the aid aforesaid, and $1 received by me, the said Allin, I have granted, bargained, and sold, and by these presents do grant, bargain, and sell and assign to the United States of America, the right to manufacture the said improvement in all the armories and arsenals of the United States, and the right to use said improvement so manufactured everywhere, together with the right, title, and interest that I have, or may have, to said improvement under any letters patent dated December 19, 1865, or any renewal or extension thereof that have been or may be granted therefor to the extent of the grant and license aforesaid to manufacture and use said improvement.

In testimony whereof I have hereunto set my hand and seal this 30th day of October, 1867.

[SEAL.] E. S. ALLIN.

Witnesses:
FRANK R. YOUNG,
WILLIAM H. BRADBURY.

The date December 19, 1865, interpolated on eighteenth line, was by my consent.

E. S. ALLIN.

HAMPDEN, *ss:*

SPRINGFIELD, *October* 30, 1867.

The foregoing named E. S. Allin personally appeared and acknowledged the foregoing instrument, by him subscribed, to be his free act and deed.

Before me:

W. G. CHAMBERLAIN,
Justice of the Peace.

Official copy of copy of armory records.

A. R. BUFFINGTON,
Lieutenant-Colonel of Ordnance.

Mr. COCKRELL. Mr. President, I confess that the reading of this report confuses me. I do not know whether the tax-payers of the United States have any rights, immunities, or privileges against the cormorant claims of patentees or not. I do not know what guard and protection the tax-payers have. I can not see the light in which the committee viewed this case in making a favorable report.

Now, what are the facts? Here is a master armorer in the employ of the United States, receiving a full compensation for his services and his skill; and while in that service he goes to experimenting with the labor which the United States has paid for, with the material which the United States has issued at his hands, and in the buildings and with the machinery of the United States. He makes an invention while so in the employ of the United States, with the time paid for by the United States, the labor, the machinery, and the material of the United States. The United States begins to use this patent in a very small way. This is done in 1865. Up to 1867 the United States probably used this patented device to the extent of five or six thousand muskets that were changed. The United States have, in other words, perfected his invention, and then this man, honest and just as he was, made a bill of sale, a transfer, a conveyance absolute and unqualified, to the United States of his patent and all the rights and privileges, so far as the United States was concerned, in the use of it then and for all future time. Here is the bill of sale; it is as absolute and unqualified as language can make it:

Whereas Erskine S. Allin, in the county of Hampden and State of Massachusetts, has invented certain new and useful improvements in breech-loading firearms; and

Whereas the United States has aided in developing, perfecting, and applying to practical use the said improvement—

How?

by furnishing to said Allin, at the United States armory at Springfield, Mass., the labor—

Not only his own labor, but other labor—

the labor, material, and other requisites to that end:

Now be it known that, for and in consideration of the aid aforesaid, and $1 received by me, the said Allin, I have granted, bargained, and sold, and by these presents do grant, bargain, and sell and assign to the United States of America, the right to manufacture the said improvement in all the armories and arsenals of the United States, and the right to use said improvement so manufactured everywhere, together with the right, title, and interest that I have, or may have, to said improvement under any letters patent dated December 19, 1865, or any renewal or extension thereof that have been or may be granted therefor to the extent of the grant and license aforesaid to manufacture and use said improvement.

For a full equivalent, for a full compensation according to his own honest, unbiased judgment, he sells, assigns, and transfers to the United States the absolute, unquestioned right to use this improvement; and then what? The United States officials, relying upon this conveyance, relying upon this assignment, relying upon having made full compensation for this device, then go on and alter and change and manufacture some three or four hundred thousand Springfield muskets, using only one little bit of this patented device, only one item of it. Then after this armorer is dead and in his grave we are confronted here with a claim for $100,000 against the tax-payers of the United States.

Mr. President, I fail to see that there is a glimmering of equity, much less justice or right, in this claim.

Mr. PLATT. Mr. President, I am one of those who do not believe that the tax-payers of the United States have any objection to doing what is just and equitable and right by way of compensation, either to parties who have made inventions which the United States have used, or, if they are dead, to their representatives if they are poor and needy, especially when the Secretary of War recommends and the Chief of Ordnance recommends that a larger sum should be paid than is proposed to be paid. The bill is not for $100,000; it is for $30,000. I will state very briefly what the facts are.

Mr. Erskine S. Allin was master armorer at the Springfield Armory. He gave fifty years of his life to the service of the Government, and was paid as a master armorer was paid. While there he invented an improvement which lies at the foundation of the alteration of the Springfield musket from a muzzle-loader to a breech-loader, and although other subsequent improvements were added which make the present Springfield musket, Mr. Allin had the foundation patent, without which any of them would be useless. He did assign his invention to the Government, but the Government never paid him a cent for it, and that is found in the report. So it is not true that he received any full and adequate compensation for services in making the invention.

It was his invention. Not only Judge-Advocate-General Holt and others have so decided, but the Supreme Court of the United States has decided that an invention made under such circumstances belongs to the inventor and not to the Government. He need not have assigned it to the Government, but he did. After his death without receiving one cent of compensation, after others who had patents not so meritorious as his, which were not foundation patents, patents which could not have been used without using his, have brought suit against the officers of the Government and recovered in one instance $75,000 and in another $22,000, his wife and daughter come to Congress and ask that the Government shall make to them a fair compensation for the service which the husband and father rendered to the Government.

As I said, it is recommended by the Secretary of War, and it was recommended for a larger amount; it was recommended by the Secretary of War for $43,000 and over, and the committee made the allowance somewhat less, $30,000, a lump sum.

I want to say another thing which does not appear in this report, that the Government has sold muskets in which this improvement has been made to other countries, and made profit enough out of that operation to pay this claim three times over. I do not think it is in the mouth of the Government of the United States under the circumstances to refuse such compensation as this.

Mr. BECK. This man did bring a claim for $100,000, of which the Secretary or War says:

WAR DEPARTMENT,
Washington City, March 1, 1886.

SIR: I have the honor to acknowledge the receipt of your letters of the 10th and 18th ultimo, inclosing Senate bill 1359, providing for the appropriation of the sum of $100,000 for the relief of the heirs of Erskine S. Allin, who was the inventor of the Springfield breech-loading rifle-musket.

That is the bill.

Mr. PLATT. That was not his bill. The bill is for the relief of his heirs.

Mr. BECK. I mean that the claim was asserted for $100,000, and the committee have seen fit to bring it down to $30,000, while they say that a recommendation of $43,000 was made somewhere else, showing, to begin with, that it is simply a question of guessing at what each one thinks is equity and not what anybody asserts is right.

Mr. Allin himself, the Senator from Connecticut says, gave fifty years of his life to the Government. I suppose he gave those fifty years to its service as very many other people give such service after getting all the influence they can everywhere to get the place and keep

everybody else out of it. He held on to it for fifty years and received all the pay allowed it. That is the meaning of giving that time to the Government. If he had been turned out at any time, I suppose he would have had every Senator from New England here protesting against the injustice of his being turned out of that place that he had held so long and filled so well. So there is nothing in that part of the case.

When he got a patent for this invention, a part of which the Government used, he thought it was to his interest to make a conveyance to the Government of the right to use it, and he recited why he did it. The Government he says—and he knows better than anybody else—"has aided in developing, perfecting, and applying to practical use the said improvement by furnishing to said Allin, at the United States armory in Springfield, Mass., the labor, material, and other requisites to that end." When the Government had done that, as he himself asserted twenty years ago over his hand and seal, and he desired to develop it and sell it to all the nations of the earth and to all the private individuals who might see fit to use that patent, if after the Government had furnished him with the labor, material, and other requisites for the purpose of making it, he could get the Government of the United States to use it, to give it a start and the name of its authority to indicate that this was a valuable invention, it doubled, it quadrupled perhaps, his power to sell to everybody else this invention as he had the right to do and retain for his own use the proceeds.

Mr. HOAR. Will the Senator from Kentucky allow me to put a question to the Senator from Connecticut in regard to that particular point as to the fact?

Mr. BECK. Certainly.

Mr. HOAR. I should like to ask the Senator from Connecticut if this man has ever received anything from any source?

Mr. PLATT. He has not. That does not appear in the report, but it appeared on the trial before the committee.

Mr. BECK. The fact remains—I know nothing of what he did—that he had the right to sell, and that that right was certainly rendered very much more valuable by the adoption of a portion of his patent by the United States.

Mr. DAWES. I would suggest to the Senator that he is laboring under a mistake as to the nature of this patent. It was not one that could be availed of by foreign Governments or by anybody else than our Government. It was a patent method of transferring our Springfield muzzle-loading guns into what is known as the Springfield breech-loading rifle; therefore, nobody could use it but those who had the Springfield muskets. It was a patent applicable to that one purpose, and all that has been done under it is to transform Springfield muskets, which we had on hand useless because of the improvements in fire-arms, into this breech-loading rifle, and all the use that could be made of it, as I understand, was the application of this patent to those muskets. Five thousand nearly of our muskets have been transformed into breech-loading rifles, to the saving of a great amount of money to the Government, and also enabling our Government to sell those otherwise useless muskets to foreign nations, and make for ourselves quite a large profit in that transaction.

As I understand, this patent is of a kind that would be of no value to anybody who did not have these Springfield muskets.

Mr. BECK. Of course I do not know wherein the Springfield muzzle-loading musket differs from any other musket upon the face of the earth in the hands of any people, so that this invention transforming it from a muzzle-loading to a breech-loading instrument could not be applied to any other gun of the same general quality, whether called a Springfield or not. I can hardly imagine the possibility of there being such a difference between that and other muskets as to make this invention useless for any other purpose.

Mr. DAWES. It is proper that I should state that I can not make the distinction; I only know in point of fact that that is the length and breadth of the use of this patent, and half-a-dozen others built on it which the Government has been obliged in suits to pay a royalty on. They would not be of a particle of value to anybody if this patent had been held by the original inventor. I do not mean to say that I can tell why. I only state that such is the fact.

Mr. BECK. This condition of things is plainly apparent, there is no question about it. The man himself sets forth in his agreement with the United States that in his own opinion he had obtained from the United States in the form of labor, materials, and other requisites to that end a sufficient consideration for him to bargain and sell, as he does by these presents, to the United States the right to manufacture and use that portion of his patent which they saw fit to use for that purpose. There is no doubt about that. That therefore destroys all legal claim.

Other persons, it seems, have sued for the use of some other inventions which they had made and which the Government had used; but those other people were not our master armorers, they had not used the materials, the labor, or other requisites to perfect their patents which Mr. Allin says he did and which belonged to the Government. We invaded their rights and we were responsible as it seems from the statement in regard to the judgments of the courts. Here perhaps but for this conveyance, as the Senator from Missouri very well said, no use could have been made of the patent at all. The fact also remains that our use of it was an indication to all the world, to all other nations, and to individuals that in the changing of muzzle-loaders to breech-loaders this could be used for some purpose and made the invention that much more valuable, for he retained all except the rights that we were given under his patent and he obtained whatever benefit his patent would receive from the advertisement we gave it by adopting it to that extent.

I can not see myself any merit in the claim.

Mr. DAWES. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Massachusetts is reminded that in one minute the time will come for the unfinished business.

Mr. PLATT. Let me inquire of the Senator from Illinois whether he thinks the Senate is prepared to go on to-day with the discussion of the interstate-commerce bill?

Mr. CULLOM. So far as I am concerned I am anxious that the Senate shall proceed with the consideration of that bill. If there is any gentleman who desires to talk upon it I should like to know it. If not I should like to have a vote upon it.

The PRESIDENT *pro tempore*. The hour of two o'clock having arrived the unfinished business is before the Senate.

Mr. HOAR. I hope the Senator will allow that bill to be laid aside informally. I suppose the Senators who oppose as well as those who favor the passage of the Allin bill would be willing that it should be determined by the Senate at once rather than be called up another day.

The PRESIDENT *pro tempore*. It is the duty of the Chair to lay before the Senate the unfinished business.

Mr. HOAR. I understand the Chair has performed that duty.

The Secretary read the title of the bill (S. 1532) to regulate commerce.

Mr. HOAR. Now I ask unanimous consent, with the leave of the Senator from Illinois, that that may lie aside informally for the time being until the Senate disposes of the bill (S. 1359).

Mr. CULLOM. I have no objection.

The PRESIDENT *pro tempore*. The question is on the suggestion of the Senator from Massachusetts to lay aside informally the unfinished business and continue the consideration of the bill (S. 1359). The Chair hears no objection.

ADJOURNMENT TO MONDAY.

Mr. BECK. Before the debate goes further I should like consent to make a motion now. To-morrow is Saturday, and to-morrow is the 8th of January as well, and I was about to ask leave to move now that when the Senate adjourn to-day it be to meet on Monday next.

The PRESIDING OFFICER (Mr. FRYE in the chair). The Senator from Kentucky moves that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. COLQUITT submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SEWELL submitted an amendment intended to be proposed by him to the Military Academy appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

ERSKINE S. ALLIN.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1359) for the relief of the heirs of Erskine S. Allin.

Mr. DAWES. Mr. President, this inventor spent fifty years of his life in the armory at Springfield, which is near my own residence, and yet I never saw him nor any member of his family, nor have I ever had any communications with them on the subject of this claim. But the relation of this man to the armory and to its success as a Government armory is notorious to every one who has any knowledge of the War Department of this Government. He was an enthusiast in his devotion to the interests of that armory. *He devoted his whole life to* making the productions of that armory superior, if possible, to those of any other armory in the United States or abroad. He did not seek employment there to get compensation for his labor, for he was a man of such skill that he could have commanded much greater compensation elsewhere.

But in the armory he made this invention to carry out the plans of the Government, and being devoted to the interests of the Government, when he had done it he told the Government they might have the use of it. It turned out to be the basis of other patents which would be of no avail without his, which were of immense value to the Government, and which in suits by the patentees against the Government demonstrated that through his patent as the basis the Government had made immense sums of which they had to pay a royalty to other patentees. He continued his services until the end of his life, and died a poor man, having contributed greatly to the wealth and strength of the Government by this invention. When he made this invention, without knowing its real advantages to the Government, and out of his desire

to show the Government that he did not wish to make money out of his position for himself, he told the Government they might have the use of it, and out of this use they have made all this money. Now, his family, left poor by him because, instead of going out into the private armories of the country and making what he could, he preferred to stay there and serve his Government, are cut off in the courts (as the Senator from Kentucky says every one knows) from a legal claim, not because he was an employé of the Government, but simply because he told the Government they might have the use of his invention.

He made this invention while in the armory. He was not employed to make it, and he made it in his own hours that belonged to him. Out of all that the Government has made from his invention is it an unreasonable thing that this bill should pass allowing $30,000 to his widow and his daughter to relieve them in the straits to which they have been put because he devoted himself so exclusively to the interests of the Government? That is the amount of it. They do not come here saying that they have a claim which they could assert in the courts, because they would not be here if they had. The reason they can not assert a claim in the courts is because of that instrument he gave to the Government to show the Government his devotion to their interests, for which the Government did not pay him a penny. And now is it quite fair for the Government to try to shield itself from such an equitable claim as this behind that paper for which it did not give him a penny?

I do not think it is exactly large business. I will not say it is small business; I will simply say it is not very large business for the Government of the United States to meet an honest, fair, equitable claim of this character with such a defense as that. That is not a proper ground, as it presents itself to my mind, but that is the attitude of the opposition to this bill. I do not mean to reflect on Senators making opposition, but that is the real force of the opposition. The Government, on the other hand, knowing just how they obtained the paper that prevents the assertion of a legal claim in the courts, say that something ought to be paid. The Government say they ought to pay $43,000. And yet of course in the line of their duty, and not to be criticised for their motive, Senators urge here in opposition to the bill that because this man was in the employ of the Government at the same time, though he did not make the invention in their time, his heirs shall have nothing for this valuable invention. He thought so much of the service he was rendering to the Government that he was willing to let the Government have the use of his invention, and the Government took it without paying a dollar; and now at the end, knowing how much value it is to them, they say he ought to have compensation for it; but there is opposition here on the ground I have stated. I do think Senators should not make such an opposition.

Mr. HOAR. I desire to add merely a sentence or two. It seems to me that this is not simply a question of the amount of a private claim, but it is a question which involves a very important public policy.

No speculator, no claimant, who is trying to make up a case against the Government presents himself here. This is the case of a widow and an orphaned daughter of a public servant who gave, as my colleague said, fifty years of his life to the public service and died a poor man.

Is it or not sound policy for this Government to avail itself of the resources which the inventive genius of the country can put at its command in time of war in naval and military operations? We do not keep a trained standing army; we do not have a powerful navy. We differ from every other nation on earth in that particular, because every other nation on earth is of the opinion that it is for its interest to have an army and a navy to the extent of its pecuniary resources and capacity, so that, as has been well said, every laborer in Europe carries a soldier on his back.

We trust to a different means for our defense and for our power. In the first place, we have a country that everybody is willing to fight for when it is in danger. Next, we have a wealthy and strong people whose wealth is fostered without the burden of a great military preparation in time of peace. And thirdly, and perhaps more than anything else, we rely on the inventive genius of our people. God has given inventive skill to the brain of man in this country which He has given to no other country and no other people on the face of the earth, and to this age which has been given to no other since the beginning of time. Warfare is to be, both by land and sea, hereafter very largely a conflict of mechanical forces, mechanical resources, and mechanical ingenuity. The machinery of warfare is constantly improving, constantly changing.

Now, it seems to me that it is for the interest of this Government to let the mechanical genius of this country understand that whenever a great military or naval invention is made the inventor will be regarded as a public benefactor with whom we shall not deal in the spirit of pleas in abatement or a captious looking after our mere legal rights or our mere legal defenses, but that everybody who has inventive power and turns it in the direction of military or naval mechanism shall know when he does it that, if he accomplishes a result by which the military or naval strength of this county is increased, he is to be regarded as a public benefactor whom the law-making power of this country will be inclined to deal with liberally and to reward.

Here is a man who enabled the Government of the United States to take an old stock of disused and outgrown and antiquated arms and transform them into the best modern arms known to civilized man; and the officers of the Government, not apt to encourage such claims, come in and say that man deserves a recompense very much larger than that which has been reported by our committee; and a unanimous committee, with the Senator from Connecticut [Mr. PLATT] at its head, who is always cautious, takes the careful side in favor of the Government in all such cases, comes in here and recommends the allowance of this sum. It seems to me that those authorities will warrant the Senate and House of Representatives in passing the bill for this small sum.

Mr. SAULSBURY. I voted to take the bill up for consideration as a matter of courtesy to the Senator from Connecticut, as he desired its consideration. That vote might be construed as committing me in favor of this bill, but I am not. I can see nothing in the claim set up either of a legal or an equitable character that entitles it to the favorable consideration of this body. I believe the friends of this measure do not claim that there is any legal claim binding on this Government to make any allowances whatever to these ladies as representatives of the deceased inventor; but they rest upon equitable considerations. For my life I can not see upon what ground even an equitable claim can be based for this allowance. If it were pressed as a mere gratuity, an appeal to the liberality of Congress, it would be another thing; but it is now pressed by its friends on the ground that it is an equitable claim against the Government. If I have understood aright the exhibits which have been read, every claim of a legal or equitable character has been cut off by the assignment made by the patentee. Now after he is dead, departing from the assignment of the invention to the Government, the heirs come here and claim that in equity the Government of the United States is under obligation to indemnify them for the invention of the father and the husband. I can not see that there is the slightest equity whatever involved in the case.

If it were an appeal to the generosity, to the liberality, to the bounty of Congress to aid people in indigent circumstances, that might be a consideration on which we might act, but I can not recognize that there is any claim on the Government. If I could believe there was a claim, legal or equitable, I would not be averse to making some proper allowance; but as a mere matter of generosity, there are so many objects which desire the liberality and generosity of the Government that I could not vote in favor of this measure in preference to others. There are hundreds of thousands of widows and daughters in the country as meritorious as these ladies, I have no doubt, are. I do not question that they are meritorious and worthy people; but there are hundreds and thousands in even more indigent circumstances in the country to-day than they are; and why can not they come as a mere matter of bounty and appeal to the Senate in favor of some allowance?

I am not disposed to doubt that Mr. Allin made a very useful invention. I have no doubt that he was enthusiastic in his profession, as was said by the Senator from Massachusetts [Mr. DAWES], but I apprehend that being in the service of the Government, a master of ordnance, pleased with this position he held under the Government, he went to work to perfect the ordnance over which he had some control, and he called in the aid of the Government of the United States; he used the material of the Government of the United States, and the labor furnished by the Government of the United States, in the shops of the Government of the United States, and did succeed in making a very useful invention to the Government, I have no doubt.

Recognizing his obligation to the Government for the assistance rendered him in the invention, he voluntarily made a transfer of it. He never made a claim himself so far as I am aware, but he voluntarily made a transfer of any claim which he might have to the Government of the United States. The equitable claim that is now set up is an after-consideration on the part of those who succeeded the man who voluntarily transferred to the Government any interest or right which he had in the invention, which was perfected by the assistance he received from the Government, as he recognized in the very instrument making the transfer.

That the Government has the right to grant an allowance, I have no question; but that does not entitle the parties to any equitable claim, because all their claim of any character, legal or equitable, was cut off by the assignment of the patentee himself. It is a mere appeal, then, to the generosity of the Government.

But it is said that the officers of the Government recognized the right of these parties to some indemnity because of the transfer by the originator of his claim. That may be the view of the officers connected with that Department. They are entitled to their view, but their views are not to control our judgment absolutely. We ought to give them proper consideration, but we are not to determine our votes simply by the recommendation either of the Secretary of War or of any subordinate of the War Department. We are here to act upon our own judgment.

For my part, while I have no doubt that these are worthy people, while they may be in indigent circumstances, there are so many other people in the country who are fully as indigent and as worthy as these

ladies that I can not select them out as the objects of the bounty of the Government.

Now in reference to patents generally, I concur with the view of the Senator from Massachusetts last on the floor [Mr. HOAR] that the inventive genius of America is very great, that it has contributed very much to the advancement of the interests of the country; but I want to say here and now that while the inventive genius of our people is a matter of which we ought to be proud, it has been a very considerable tax upon many of the industries of this country. If you go through the agricultural section of the country to-day, there is scarcely a plow in use in tilling the soil but has the stamp of a patent upon it. The very implements by which we raise the bread we eat and the bread that feeds the country is taxed by patents. The wire fencing around the farms is taxed because some man made a hook and hitched it to a wire.

While there have been great advantages there have been many disadvantages arising out of the patents which have been granted by this Government. In the whole account between the advantages and disadvantages which have resulted to the people of this country from the operations of the Patent Office, I am not certain that the country is much the gainer by such an institution.

Mr. President, I shall not vote for this bill. I think I have as generous a heart as most people, and if as a mere matter of gratuity I were willing to give away with liberality the means of the Government to needy people I should no doubt be as willing to contribute from the public fund as anybody; but I do not regard the Senate as an almoner of bounty, especially from the Treasury of the United States. Individually in the exercise of our own rights, out of our own pockets, we might be disposed to deal generously, but there ought to be a limitation upon our action in reference to the pocket-books of the tax-payers of this country. For one I shall not vote to give away the money which is paid into the Treasury by the tax-payers of the country, merely on appeals to generosity of feeling of the Senate in reference to widows or orphans.

Mr. TELLER. Mr. President, this is not a question whether the patent laws are desirable or valuable. We have the patent laws upon the statute-book. I do not believe any intelligent person will ever question the propriety of the enactment of those laws. The great benefit that has been derived from inciting the inventive genius of this country is too apparent. It is too late in the day now to discuss that question, even if it was pertinent and proper in the consideration of the pending measure, as it is not.

This is not a new question. There are a great many precedents of this character which have passed the Senate and passed the House and been enacted into law. The Government of the United States has not any right to use the patent of a person employed in its service, unless it employs that person for the purpose of inventing improvements of the kind patented, because the inventor was in the service of the Government at the time of the invention. That has been decided by the Supreme Court of the United States on more than one occasion. The rule is laid down as it was stated by the board of inquiry presided over by Thomas, Hancock, and Terry in this very case, that unless the party inventing the device was in the employ of the Government for the purpose of doing that particular kind of work, that is to invent, he can recover. A great number of cases can be cited where Congress has voted compensation.

In this case Mr. Allin made an assignment, not as the Senator who last spoke said, because the Government had developed this patent, not because the Government had assisted him in devising this invention, but because the United States aided in developing, perfecting, and applying it to practical use. Therefore he made the assignment. The Government had all the benefit of it. In some cases where, as stated by the chairman, a minor patent had been used, the Government was compelled by the courts to pay in one instance 10 cents a gun, and in another 25, and in one case the aggregate was more than $75,000. None of these patents would have been available but for the fact that they were based upon this patent. This is the ground-patent of the whole, as I understand, and all the other inventions subsequent thereto are minor in character.

I have here a list of precedents of this very kind of case. I recollect one case in particular that I think the Senator from Missouri, if I am not mistaken, favored.

Mr. COCKRELL. Will the Senator permit me to call his attention to this particular case? I ask if there is on record in the Senate of the United States one solitary case where Congress has made compensation when the patentee had made an absolute grant of the patent to the Government before it was used.

Mr. TELLER. Oh, Mr. President, if the Senator puts it upon that ground, that this man generously donated to the Government the use of his patent (and not only the Government but the world got the benefit of it to a very great extent), and when his heirs come here and ask for a small sum, if the Senator proposes to rely upon the fact that there was an assignment, of course I doubt whether another case of the kind can be found. But we can find a great number of cases where compensation was paid to persons in the employ of the United States who made inventions where the Government used them, as the Government did use this for many years under a claim of right.

For many years it was asserted by all departments of the Government that a man in the employ of the Government making an invention of this character had not any title to it against the Government. That was the theory of the Government until the Supreme Court of the United States decided otherwise. I say that the people who made these inventions in the employ of the United States have subsequently come to Congress or gone to the courts and found redress and compensation for the use of their patents.

This assignment was made years before the decision of the Supreme Court, when the Government of the United States was declaring that it had the right, when the officers were saying to the inventor, "you are in the employ of the Government and you can not have any property in a patent." Nobody knows what influence was brought to bear upon him to compel him to make the assignment, whether it was voluntary or involuntary.

Mr. COCKRELL. I should like to have the Senator adduce proof of that statement.

Mr. TELLER. It does not make any difference when the case is presented here as an equitable claim against the Government, and that is what it is. If it was a legal claim, the heirs could do as other people who have inventions of this kind; they could go into the courts and compel a recognition of this claim. Now if the Senator wishes, I will hear him.

I was about to say that I have here a list of precedents which can be cited:

C. P. Hartt, widow of the late naval constructor, S. T. Hartt, for the use of a gun-elevating screw used on iron gun-carriages of the United States Navy, the sum of $3,000. (See Statutes, volume 15, page 461.)

Authorizing the Postmaster-General to pay for patented instruments for post-marking mail packages, and cancellation of postage stamps, the sum of ——. (See Statutes, volume 16, page 670.)

A. G. Snyder, of the Watervliet Arsenal, Troy, N. Y., for the use of his patented bullet machine in the United States arsenals, the sum of $5,000. (See Statutes, volume 16, page 700.)

R. M. Green, for his patent for a machine for bending chain cable-links, connecting shackles and tackle hooks, the sum of $10,000. (See Statutes, volume 17, page 711.)

J. B. Emerson, for an infringement by the Government of the United States of his letters patent, dated March, 1834, the sum of $25,610. (See Statutes, volume 17, page 737.)

T. J. Rodman, for improvements by him in cannon while an officer in the Army of the United States, a sum amounting to over $300,000.

William H. Bell, for an elevating screw for a cannon, $20,000.

The legal representatives of Henry M. Shreve, deceased, for the patented snag-boat invented by said Henry M. Shreve while in the employ of the United States Government, the sum of $50,000.

If I am not very much mistaken the last case came from the Committee on Claims, of which at that time the Senator from Missouri who has addressed the Senate on this subject was the chairman. I believe it had his approval both in the committee and on this floor.

Mr. COCKRELL. What case is that?

Mr. TELLER. That is the snag-boat case, the Senator will remember. I believe Mr. Shreve was a citizen of Missouri.

Mr. COCKRELL. No, he was not a citizen of Missouri.

Mr. TELLER. At all events the snag-boat was largely used in the waters of Missouri.

Mr. COCKRELL. He has been dead ten or fifteen years.

Mr. TELLER. I recollect that he received at the hands of Congress $50,000. At the time when that invention was made he was an employé of the United States, and asserted his right to a patent. He was denied his right; but after the decision of the Supreme Court his heirs came here and obtained an appropriation of $50,000.

There is a great number of these cases cited in the document before me, some of them being exactly in point and others not. In some of them the parties were in the employ of the Government, and in other cases they were not. We have paid as high as a dollar a gun royalty for some of the inventions which have been used in the manufacture of arms. In this case the representatives of Mr. Allin claimed $100,000. The War Department reported that they were entitled to 10 cents a gun, or about forty-three thousand and some odd dollars. The committee, believing it was a case where the Government of the United States has had the benefit of the inventive genius of one of its citizens without compensation, determined that a fair compensation would be $30,000. In that the committee are supported by a long line of precedents, some of which I have mentioned; and there are very many more, running back many years before.

I submit that the tax-payers of the United States are not specially disturbed when the Government of the United States pays its honest debts, nor when the Government of the United States pays an equitable claim that is held against it by any citizen of this Republic. There might have been a time in the early history of this country when we were poor and distressed and largely in debt, when the people were complaining of being taxed to an extent that they are not now complaining, when it might have been said that $30,000 was a pretty large sum to pay where there was no legal obligation; but in these days of

an overflowing Treasury, with a surplus in the Treasury accumulating at the rate of a hundred millions a year beyond the possibility of its expenditure, I do not believe the people want the Government of the United States to adopt any picayunish policy with reference to claims of this character.

It has become a settled idea among the people of the United States that a claim against the Government of the United States, no matter how legal it may be, is of but little value to a claimant; that it is all eaten up and wasted in the expenses attendant upon securing its passage through this body and the other, or through the courts, if it is a case proper to go to the courts of law. We are able to pay our debts. We ought to be willing to pay our debts. We ought not to stand upon any technicality. Because the party in ignorance of his right, under duress, as it were, by his employers, may have assigned his invention, or because he was generous enough to say, "I will turn over and give to this great Government the benefit of my invention," we ought not to avail ourselves of a technicality of that kind to deny to his destitute wife and destitute child a fair compensation such as we would have been compelled by law to have given to them if the ancestor, the father and the husband, had not been so generous in his treatment of the Government.

Mr. CALL. Mr. President, I think it must be very difficult to find any reasonable ground upon which there can be any opposition to this bill. I apprehend that the question of an assignment will not properly have any part in its proper consideration. I have no doubt that if the Senator from Missouri had received a gift of a valuable property from any person and that person's children should come to him in distress afterward and say to him, "My father gave to you a valuable property from which you have derived great benefit; I am now in destitution, and I ask of you out of your abundance to relieve me," he would scarcely say, "You have not any legal claim upon me; your father gave to me that valuable property."

But, Mr. President, the Congress of the United States never acts from legal obligations. It is above the law. It makes the law. It acts from principles of equity and honesty and fair-dealing with the citizens of this country.

Who shall say that this patent, being the property of this citizen, he having generously allowed the Government to use it, the people of the United States deriving every benefit from the use of his private property, he being uncompensated and his children being now in want and necessity, that this great people from their abundant means shall not recognize the patriotism, the liberality of this citizen in his donation, and make some compensation to his heirs?

There can be but one side to this question. It is not a matter of legal obligation, but it rests upon the same foundation that all legal obligation rests upon—services have been given, a valuable consideration bestowed, and no compensation made.

Mr. COCKRELL. Mr. President, I am always moved when I hear the "overflowing Treasury" referred to as an excuse why we should make an appropriation; it is such a conclusive constitutional argument of the right, power, and duty of this body to put its hands into the pockets of the tax-payers and make gratuities to objects worthy or unworthy! And I am always moved when the widow's plea is brought in; the poor widow and the orphan.

That reminds me of a most effective appeal of a poor widow some few years ago which was brought before the Senate and the Committee on Patents. The poor widow came down here to Washington to get an extension of a patent-right, and Senators were appealed to to aid the poor widow. The question was raised as to whether she had not assigned her right, and Senators were assured by her paid attorneys that the benefit would go to her. But still some doubted, and she was taken before the Committee on Patents, and there, under oath, disclosed that all her sympathy, her widowhood and all, was wrapped up in $20,000, which were to be paid to her in the event that the patent-right was extended. This is the kind of appeals which are made to Senators and to Congress to get money out of the Treasury. Some shrewd claim agent or attorney gets a widow and orphan and brings them before Congress and hides behind them, and Senators' sympathies are appealed to, and they are pointed to the "overflowing Treasury" as a reason why their sympathies should yield to unjust demands.

Mr. President, I say this case is absolutely without one particle of equity upon the report made by the committee. Let us analyze it just one moment. I doubt seriously, and the committee doubts, whether this is any patent-right at all that is valid. I do not believe that this patent-right could be established in a court of justice, Let us see. The committee say:

He—

Referring to Allin—

He was not the first inventor of that feature of the alteration of the Springfield musket to the Springfield rifle which is known as the swinging breech-block pivoted to the barrel, swinging upwards and forwards, so that a fixed cartridge could be inserted in the barrel, and then closing so that a solid resistance was furnished to the recoil of the cartridge, but seems—

"But seems," mysteriously "seems"—

to have been the first inventor who made such feature a practical operative improvement in the alteration of muzzle-loading fire-arms to breech-loaders.

There is a confession of the committee that this invention was used before this man asserted his patent to it, and that it could not be established in a court of justice as a patent-right. There is the deliberate language of the Senator from Connecticut [Mr. PLATT], and he can not go back on it.

Mr. PLATT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. COCKRELL. With infinite pleasure.

Mr. PLATT. If the Senator's knowledge of patents and mechanical inventions was as great as his hostility to them seems to be, he would not see any such confession in the language as he thinks now he has discovered.

Mr. COCKRELL. I read it. People generally understood the English language. The distinguished Senator's love for patentees and their rights as against the tax-payers of the country may blind him to his own language. He says that Mr. Allin was not the first inventor of that feature. Does that mean that he was? Is that the meaning of the Senator's language?

Mr. PLATT. No claim has been made, either in the report or elsewhere, that he invented the swinging over of the breech-block, but the claim is that he did make an invention which made that a practical, operative matter.

Mr. COCKRELL. Then that has never been tested. I will read from the Chief of Ordnance to show that he doubted whether there was any valid patent or not.

He was not the first inventor of that feature, * * * but seems to have been the first inventor who made such feature a practical, operative improvement in the alteration of muzzle-loading fire-arms to breech-loaders. A great many improvements have since been made to his proposed method of alteration, both at the armory and by the adoption of outside inventions which are now in use, making a perfect method of alteration. The gun known as the model of 1865 included all the devices of Allin set forth in his patent, and 5,020 Springfield muzzle-loading rifles were changed to breech-loaders by use of the devices shown in the Allin patent. Subsequent improvements, as has been intimated, were made, and the improved guns were known at the armory as the models of 1866, 1868, 1870, 1873, 1879, and 1884.

General Benét, in referring to this matter in his report, says:

Of course this office does not pretend to decide on the validity of the patent, although the validity of the "locking device" used by the United States invented by Mr. Allin has never been questioned, as far as this office is aware.

Why did he put that in if there had not been some question about the validity of the patent? That question was raised by the committee itself. It is extremely doubtful whether this man had any patent at all that he could assert in a court of justice or before any proper tribunal.

The distinguished Senator from Massachusetts nearest me [Mr. DAWES] says that this patent was used only in the alteration of muskets. I do not so understand the committee; I do not so understand the record. The committee say:

The history of such improvements shows the gradual and successive approach toward the perfection of the arm as now manufactured. Of the models of 1866, 1868, 1870, 1873, 1879, and 1884, 432,873 Springfield rifles have been manufactured.

Not altered. Five thousand muskets were altered, but 432,000 have been manufactured according to the report, and so the same language is used. There was but one single device of this alleged or claimed patent that was used.

Mr. President, I say that this is an anomalous case. It is a case where a man for a full equivalent has made an absolute conveyance and assignment.

Mr. DAWES. Why do you say "full?"

Mr. COCKRELL. I say "full equivalent," because it is a grant. It is not a gift. There is no gift about it. The word "gift" is not used. It is a grant, bargain, and sale. For what? For the sum of $1, and from the fact that the United States had—

aided in developing, perfecting, and applying to practical use the said improvement by furnishing to said Allin * * * the labor—

Not his own labor, but the labor of others—

material—

Not his own material, but bought material—

and other requisites to that end.

In other words, they furnished him labor, material, machinery, and everything that he might go on, and they paid him for his labor besides. That is certainly an equivalent.

Mr. DAWES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. COCKRELL. Certainly; with pleasure.

Mr. DAWES. The Senator did not quite understand my question. I asked him what made him say it was a full equivalent. While he is on his feet I should like to ask him on what ground he says it is extremely doubtful whether Mr. Allin had any patent. I ask on those two points.

Mr. COCKRELL. I said the first because the committee say so.

Mr. DAWES. Do they say that it is doubtful?

Mr. COCKRELL. No, they do not say that, but I say it from their language. He was not the first inventor, they say.

Mr. DAWES. But there can be two inventors and both inventions be valid, one upon another, can there not?

Mr. COCKRELL. No, sir; there can not be two inventors of the same identical thing, as a matter of course not.

Mr. DAWES. I always supposed there could be, but I may be mistaken.

Mr. COCKRELL. I do not think the Senator would do himself the injustice to say that there can be two inventors of the same thing under the patent laws of the United States.

Mr. DAWES. I hope the Senator will wait until I have said it before he makes that remark. I asked him if there could not be two inventors, one after another, upon the same thing—one invention built upon another, an improvement upon one thing. That is what I asked him.

Mr. COCKRELL. Yes; he can be the inventor of the improvement, but he can not claim anything for the original.

Mr. DAWES. Nobody has done so.

Mr. COCKRELL. But he must claim for the improvement.

Mr. DAWES. The trouble with the Senator is that nobody has made any claim on any ground that the Senator has been controverting. Nobody has claimed that in an action at law such a form of assignment would not be a bar; nobody has asserted otherwise. The Senator has argued that at great length against nobody; nobody has claimed that; and when those who took the invention say that they took it without consideration and ought to pay notwithstanding the assignment, the Senator says that the inventor received full satisfaction!

Mr. COCKRELL. I say that there is not one particle of evidence in the report to sustain the statement of the Senator. There have been a great many gratuitous statements made here about this matter. I say there is not a word to show that the men who accepted this conveyance ever made any pledges or any statement of the kind referred to by the Senator; not a word of it.

Mr. DAWES. Nobody said they had made any pledges. The Government took this paper, and it is the Government whose documents are before the Senator saying that the heirs of the inventor ought to have $43,000.

Mr. COCKRELL. I beg pardon, it is not the Government. The Chief of Ordnance is not the Government of the United States, and he is the only man who pretends to say anything about the value of it.

Mr. DAWES. Is he not the man who knows most about it?

Mr. COCKRELL. The Chief of Ordnance says:

> In my opinion 10 cents per gun containing his improvement would be a fair and reasonable compensation for the invention.

Mr. DAWES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. COCKRELL. As a matter of course, with a great deal of pleasure.

Mr. DAWES. I only want to inquire if the Chief of Ordnance, who transacted all this business, does not know what he is talking about.

Mr. COCKRELL. He is not the United States by any means, and his gratuitous statement, made twenty years after the transaction, can not bind the United States. This letter was written March 10, 1886. He was no party to this transaction.

Why did Mr. Allin make this conveyance? Here is the truth of it now; there is no use in disguising the fact: He held an important position. He was only too glad to hold it. He was getting the pay of a skilled mechanic in that position. He wanted to retain it. He had been devoting his own labor to these inventions. He had used the Government material; he had used the employés in the Government armory there to aid him; he had used the machinery of the Government to perfect this invention; he was paid his own salary all the time, and he was retained there fifty years. He feels, like an honest employé of the Government, that he has no right to leave any claim in his own hands or the hands of his heirs to be pressed by claim agents that compensation should be made for that kind of an invention, and therefore as an honest man, and doubtless with some understanding with the officers who were then, in 1867, in the armory, he made the assignment. Those officers are not there now. They are not the officers who made this report. Here is the record of this transfer found. The parties who made it are not permitted to come in and make any explanation. He doubtless told them, "Here; I will make a conveyance, a grant, an assignment of this patent right to the Government. You have permitted me to do this, and you retain me in the service;" and he was retained there until his death, was he not?

Mr. DAWES. Now, Mr. President——

Mr. COCKRELL. Was he not retained until his death?

Mr. DAWES. Now, let me ask——

Mr. COCKRELL. Not just now; I want to know if he was not retained until his death?

Mr. PLATT. The report says so.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. COCKRELL. I will yield to a question but not to a speech, for I want the Senator to have his own chance when I get through.

Mr. DAWES. I wish to ask a question. Suppose the statement is true that the Government of the United States got the assignment out of him under threat that he would lose his place?

Mr. COCKRELL. I am not saying that. That is your supposition.

Mr. DAWES. I understood——

Mr. COCKRELL. That is your supposition. All kinds of suppositions are made against the Government of the United States and none in its favor.

Now, there was the consideration. It was a fair one; it was a just one. It was a full equivalent; and doubtless this gentleman expected that by giving the right to the United States to introduce this patent, as he had to develop it and make it perfect, it would become immensely valuable elsewhere. He may have been unfortunate. He may have made millions of dollars and spent them and his wife and children be in poverty to-day for aught I know. That is all speculation. There is no evidence about it except that they are poor; and now, after he is dead, twenty years nearly since the conveyance was made, his widow and heirs, it is said, come in and make this claim.

Now, suppose the Senator from Massachusetts was the president of a corporation the money of whose stockholders had been invested in machinery and materials and they had employed a master workman or a superintendent and were paying him wages out of their means, and they imagined that he could make some useful invention which would enable them to increase their manufactured product and realize handsomely from it, and would give him their other laborers, other employés, furnish him material, furnish him the machinery, the man receiving full wages all the time, and he went on using this labor of others, this material, and this machinery, and made some invention which was useful to the firm in whose employ he was engaged, and after it was done, not immediately but two years afterwards, and after his corporation had developed and perfected it, then if that employé should make to the corporation a grant, an absolute, unconditional grant, bargain, sale, and assignment, and should deliver it to the company, and twenty years after that time, after the company had retained that master workman in their employ until his death, if his widow and children were to come in and ask the Senator from Massachusetts to put his hand into his own pocket and take his money out and give a gratuity to them, would he do it? No, sir; there is not a Senator on this floor who would; and yet that is precisely the case here, nothing more and nothing less.

The PRESIDING OFFICER. The question is on agreeing to the first amendment reported by the Committee on Patents reducing the amount from $100,000 to $30,000.

The amendment was agreed to.

The next amendment of the Committee on Patents was, in line 9, after the words "inventor of," to insert "improvements used in the manufacture of;" so as to read:

> The said Allin being the inventor of improvements used in the manufacture of the Springfield breech-loading rifle-musket, for which neither he nor his heirs have received any compensation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The PRESIDING OFFICER. The question is on ordering the bill to be engrossed for a third reading.

Mr. COCKRELL. Let us have the yeas and nays.

Mr. PLATT and Mr. TELLER. Take the yeas and nays on the passage of the bill.

Mr. COCKRELL. We may just as well take them on the pending question.

The PRESIDING OFFICER. On this question the Senator from Missouri demands the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. I do not know how he would vote on this question, and therefore I refrain from voting.

The roll-call having been concluded, the result was announced—yeas 26, nays 21; as follows:

YEAS—26.

Aldrich,	Cullom,	McPherson,	Spooner,
Allison,	Dawes,	Mahone,	Stanford,
Blair,	Dolph,	Mitchell of Oreg.,	Teller,
Bowen,	Evarts,	Mitchell of Pa.,	Williams,
Call,	Frye,	Platt,	Wilson of Iowa.
Cameron,	Hawley,	Sawyer,	
Cheney,	Hoar,	Sewell,	

NAYS—21.

Beck,	Eustis,	Morgan,	Walthall,
Berry,	George,	Plumb,	Whitthorne,
Camden,	Gibson,	Pugh,	Wilson of Md.
Cockrell,	Hampton,	Saulsbury,	
Coke,	Harris,	Vance,	
Colquitt,	Maxey,	Vest,	

ABSENT—28.

Blackburn,	Gorman,	Jones of Nevada,	Payne,
Brown,	Gray,	Kenna,	Ransom,
Butler,	Hale,	McMillan,	Riddleberger,
Chace,	Harrison,	Manderson,	Sabin,
Conger,	Ingalls,	Miller,	Sherman,
Edmunds,	Jones of Arkansas,	Morrill,	Van Wyck,
Fair,	Jones of Florida,	Palmer,	Voorhees.

So the bill was ordered to be engrossed for a third reading; and it was read the third time, and passed.

INTERSTATE COMMERCE.

Mr. MANDERSON. I should like to make a report from the Committee on Military Affairs, and ask for the consideration of a bill.

Mr. CULLOM. The Senator from Nebraska will allow me to say that the report of the committee of conference on the bill in relation to interstate commerce is entitled to be taken up and considered on motion.

Mr. PLATT. It was only laid aside informally.

Mr. CULLOM. It was laid aside informally and is entitled to the right of way. I should like to have the consideration of that bill continued to-day. I am informed, however, by four Senators who are anxious to address the Senate upon the bill that they are not prepared to go on to-day. I therefore have been disposed to give way to other business, and I will say now that I shall not call up the report to-day with the understanding that immediately after the morning business on Monday next I shall ask the Senate to proceed to its consideration; and I shall ask the Senate on Wednesday next to remain in session until it is disposed of.

Mr. HARRIS. I suggest to the Senator that he also ask that it be informally laid aside now with the distinct understanding that it shall be the unfinished business on Monday. That is its position now, and I would not prejudice it by letting it go over without such an understanding.

Mr. CULLOM. I will ask that if it is necessary to do so.

The PRESIDING OFFICER. The Senator from Illinois asks that the report of the committee of conference on the bill known as the interstate-commerce bill be laid aside informally and that it be considered the unfinished business for Monday next. Is there objection? The Chair hears none.

MILITARY INSTRUCTION.

Mr. MANDERSON. I ask leave to report from the Committee on Military Affairs a House bill, and I would request the present consideration of the bill. It will take but a moment to dispose of it.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent to make a report from the Committee on Military Affairs at this time. Is there objection? The Chair hears none.

Mr. MANDERSON. From the Committee on Military Affairs I report, with an amendment, the bill (H. R. 7192) to provide a school of instruction for cavalry and light artillery, and for the construction and completion of quarters, barracks, and stables at certain posts for the use of the Army of the United States.

The PRESIDING OFFICER. The Senator from Nebraska further asks for the present consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. MANDERSON. There is an amendment to the bill reducing the appropriation from $175,000 to $85,000. I ask that it be acted on.

The PRESIDING OFFICER. The Chief Clerk will report the amendment.

The CHIEF CLERK. It is proposed to strike out section 2 of the bill, and insert:

SEC. 2. That the Secretary of War is hereby authorized and directed to complete the quarters and barracks at Fort D. A. Russell, in the Territory of Wyoming, at an expense not exceeding $30,000, and to complete the quarters and barracks at Fort Robinson, in the State of Nebraska, for a garrison of ten companies, at a cost not to exceed $55,000; and there is hereby appropriated for the purposes mentioned in this section, out of any moneys in the Treasury not otherwise appropriated, the sum of $85,000, or so much thereof as may be necessary.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANDERSON. I move that the Senate insist on its amendment to the bill, and ask for a conference upon the disagreeing votes of the two Houses thereon.

The PRESIDING OFFICER. The Senator from Nebraska further moves that the Senate insist on its amendment and ask for a conference thereon. Is that the pleasure of the Senate? It is agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. MANDERSON, Mr. HAWLEY, and Mr. HAMPTON were appointed.

BILLS INTRODUCED.

Mr. CAMERON (by request) introduced a bill (S. 3089) granting permission to Lewis M. Haupt to test a system of current deflectors; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PLUMB introduced a bill (S. 3090) granting an increase of pension to Andrew Franklin, alias McKee; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

BANGS, BROWNELL & CO.

Mr. SPOONER. I move that the Senate proceed to the consideration of the bill (H. R. 1034) for the relief of Bangs, Brownell & Co.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Bangs, Brownell & Co. $5,000 for tar and wood seized by the United States and sold and for use of vessel and loss of tools and materials.

Mr. EDMUNDS. Let us hear the report.

The PRESIDING OFFICER. The report will be read.

The Chief Clerk read the following report, submitted by Mr. SPOONER July 14, 1886:

That the bill passed the House of Representatives on the 16th of June, 1886, upon the recommendation of the Committee on War Claims, which committee made the following report:

The Committee on War Claims, to whom was referred the petition of Bangs, Brownell & Co., report as follows:

That the claimants being engaged, under military permit and regulation, in the manufacture of tar on the coast of Florida, on the 18th of April, 1865, a vessel, the schooner Martha M., under charter to them and laden with tar and wood, was seized by the military authorities of the United States at Barrancas, Fla., while making the voyage from Florida to New Orleans. The cargo was removed from the vessel and subsequently turned over to the agent of the Treasury, and, finally, on the 16th of June, 1865, the vessel was returned to the claimants. The claim is as follows:

For 246 barrels of tar, at $10	$2,460 00
For 15 cords of wood, at $10	150 00
For loss of tools and materials	1,000 00
For use of vessel from April 18 to June 16, 1865	1,800 00
Total	5,410 00

The petitioners filed their claim with Hon. E. M. Stanton, Secretary of War, early in 1866, by whom the same was referred to the Quartermaster-General for examination, who turned over the papers to the chief quartermaster of the Military Division of the Gulf for examination. After investigation by this official the claim was passed on and disallowed for want of jurisdiction, though the entire justice of the claim was admitted, as the Comptroller of the Treasury, in his letter of April 12, 1867, says:

"This claim is just, but not being founded on contract, express or implied, and there being no law of Congress authorizing its settlement and payment, and being for property appropriated by the military authorities in one of the rebel States, the accounting officers have no power to act in the premises. Congress alone has jurisdiction, and on a proper showing I have do doubt will grant adequate relief."

On May 6, 1872, this claim was filed with the commissioners of claims, who also disallowed it for want of jurisdiction. In their report they say:

"The vessel and cargo were seized and Mr. Brownell arrested, imprisoned, tried before a military commission and acquitted, and after two or three months' detention Mr. Brownell was released and the vessel restored to him, but the tar had been turned over to the Treasury agent and shipped away, and the proceeds of it are probably in the public Treasury at this time. The whole proceeding against Mr. Brownell and this property was unjustifiable on the part of the local commanding officers, and was severely censured by the department commander. But as the property was not taken for the use of the Army or Navy of the United States, the claim is not within the jurisdiction of the commissioners and must be disallowed."

In view of the foregoing statement of facts your committee must regard this claim as just in its character, though too large in amount, and recommend the payment of $5,000, and report a bill appropriating the sum of $5,000, and recommend its passage.

Your committee adopt the statement of facts contained in the above report, and therefore report back the bill with the recommendation that the same do pass.

Mr. EDMUNDS. I should like to ask my friend from Wisconsin what was the difficulty of jurisdiction with the Southern Claims Commission in respect of hearing this claim, and whether that is the commission that said they had not jurisdiction?

Mr. SPOONER. That, as I understand, is the commission referred to in the report, and they decided that they had not jurisdiction and refused to entertain the claim. I have not looked to see on what ground they based their decision.

Mr. EDMUNDS. If the Southern Claims Commission decided that they had not jurisdiction of this claim—which, so far as I can understand from the reading of the report, would be strange—then I have no objection to make on this report; but if the Southern Claims Commission had jurisdiction of this claim, it is extremely dangerous to have it left out of the scrutiny of that body, which had the power to summon and examine witnesses and find out the whole truth and have it come into Congress afterward. But my friend from Wisconsin says that the claims commission referred to in the report was the Commission for Southern Claims, and that they decided that they had not jurisdiction. Taking that to be so, I have nothing to say against the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SEMON, BACHE & CO.

Mr. EVARTS. I ask consent to call up the bill (S. 2871) which is No. 1792 on the Calendar. It was reported toward the close of the last session by the Claims Committee without amendment and without dissent. It is a simple transaction of paying out of the Treasury to some merchants in New York city, Semon, Bache & Co., the sum of $3,562.56 for the purpose of refunding the duties paid by the firm upon glass from imported stock furnished to the National Museum and to the New Orleans, Louisville, and Cincinnati expositions for exhibition cases. The whole matter is in a nutshell. This imported glass, if ordered for the United States, would have been paid for at what is called the short price, and no duty would have been collected; but there was an immediate demand on the part of the Government for these exposi-

tions and the use of this glass therefor. It was then in stock and the duty had been paid. The Government paid these merchants the short price, and now they only ask that the duty may be refunded to them, as the price that was paid them was based on the fact that the duty was to be refunded. It was brought to the notice of Congress by the Smithsonian management, and it speaks for itself on the face of the bill.

The PRESIDENT *pro tempore*. The Senator from New York moves to proceed to the consideration of the bill (S. 2871).

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2871) for the relief of Semon, Bache & Co.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RAILROAD ATTORNEYS.

Mr. MAHONE. Mr. President——

Mr. BECK. I do not want to interfere, but while the Senator from New York [Mr. EVARTS] is here I wish to suggest that a bill that has been called up and argued a good deal, relative to members of Congress acting as railroad attorneys, has been postponed from time to time awaiting the presence of the Senator from New York. I hope he will be able to tell us about what time he desires to have the bill taken up, as I want it disposed of one way or the other.

Mr. EVARTS. I shall be very glad to have it considered next week, but it will make no difference to me whether it is taken up before the interstate-commerce bill or afterwards; but I suppose it will have to wait for that.

Mr. BECK. I was about to suggest to have it taken up immediately after the disposition of the interstate-commerce bill, that we may dispose of it one way or the other.

Mr. EVARTS. That will suit me.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 127) for the relief of H. K. Belding; and

A bill (S. 1577) to amend the third section of an act entitled "An act to provide for the sale of the Sac and Fox and Iowa Indian reservations in the States of Nebraska and Kansas, and for other purposes," approved March 3, 1885.

The message also requested the Senate to send to the House of Representatives a duplicate engrossed copy of Senate bill (S. 938) for the relief of Chittenden Brothers, which passed the Senate August 4, 1886, the original engrossed copy having been lost.

The message further announced that the House had passed the bill (S. 229) to provide for the erection of a public building at Wilmington, N. C., with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5131) for the relief of A. F. and N. C. Saint John;

A bill (H. R. 5262) for the relief of Mrs. Frances Marshall;

A bill (H. R. 5775) for the relief of James M. McKamey; and

A bill (H. R. 6312) for the relief of James M. Grigsby.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 1085) for the relief of Albion S. Keith; and

A bill (H. R. 5692) for the relief of James B. Russell.

CLAIMS UNDER EIGHT-HOUR LAW.

Mr. MAHONE. I move to take up the bill (S. 1884).

The PRESIDENT *pro tempore*. The Senator from Virginia moves to take up the bill (S. 1884) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law.

Mr. COCKRELL. I should like to hear some explanation of that.

The PRESIDENT *pro tempore*. Debate is not yet in order. The bill has not been taken up.

Mr. COCKRELL. Let the bill be read for information, so that we may know what we are acting on.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill.

Mr. EDMUNDS. Pending the motion to take up that bill, I move that the Senate proceed to the consideration of executive business.

Mr. MCPHERSON. Will the Senator from Vermont yield to me to submit an amendment?

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Virginia to take up the bill indicated by him, pending which the Senator from Vermont moves to proceed to the consideration of executive business.

Mr. EDMUNDS. I yield to my friend from New Jersey.

INTERSTATE COMMERCE.

Mr. MCPHERSON. I desire consent to submit an amendment to a bill now before the Senate, which in its present stage is not properly amendable; but, at the same time, as the Senate may insist upon its former action touching that bill and certain facts are necessary to be before the conference, and also that that committee shall be instructed, I desire to offer this amendment simply for the information of the Senate, that it my be printed and laid before the Senate pending action on the conference report.

The PRESIDENT *pro tempore*. If there be no objection the proposed amendment will be received and printed.

Mr. MCPHERSON. I should like to have it read.

Mr. HARRIS. I suppose it relates to the interstate-commerce bill.

Mr. MCPHERSON. It is the interstate commerce bill to which I have alluded.

Mr. HARRIS. It is not in order to present an amendment to that bill, but I shall be glad to allow the Senator to have his proposition printed, but not in the form of an amendment offered to the bill.

Mr. MCPHERSON. I simply offer it that it may be printed, and I desire to state in this connection that it is my intention——

The PRESIDENT *pro tempore*. Debate is not in order. If there be no objection the order to print will be made. The Senator from Vermont moves that the Senate proceed to the consideration of executive business.

Mr. MCPHERSON. I ask that my proposition be printed in the RECORD.

The PRESIDENT *pro tempore*. The Chair hears no objection to the suggestion of the Senator from New Jersey.

The amendments proposed by Mr. MCPHERSON to the conference report are as follows:

At the end of section 5 add:

"*Provided, however*, That after full investigation the commission or a majority thereof are of the opinion that the interests of both shippers and carriers will be best promoted by an equitable division of the traffic, or of the proceeds thereof, between the carriers, the provisions of this section may not be enforced prior to January 1, 1888; and it shall be the duty of the commission to report their action with the reasons therefor to Congress in December next."

In line 3, section 11, strike out "five" and insert "nine."

In line 17, section 11, strike out "three" and insert "six."

EXECUTIVE SESSION.

Mr. CALL. I appeal to the Senator from Vermont not to press his motion. There are a number of small bills here that might be disposed of this evening.

Mr. EDMUNDS. I know, but there is a large amount of executive business which it is important should be disposed of, and the matter that is about to come up, and properly, for it should be fully and fairly considered, is one of such importance that we can not attend to it at this time. I think it better, therefore, for the public interest that we should attend to some of our executive duties at this time.

Mr. CALL. I agree with the Senator in regard to that bill, and I hope the Senator from Vermont will not press his motion at this time.

Mr. EDMUNDS. I think it is better that we should attend to the other business.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour spent in executive session, the doors were opened, and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, January 10, 1887, at 12 o'clock.

NOMINATIONS.

Executive nominations received by the Senate the 7th day of January, 1887.

SURVEYOR OF CUSTOMS.

Robert Brand, of Illinois, to be surveyor of customs for the port of Galena, in the State of Illinois, to succeed Christov Barner, whose term has expired by limitation.

POSTMASTERS.

Samuel Brown, sr., to be postmaster at Ravenswood, in the county of Cook and State of Illinois, the appointment of a postmaster for the said office having by law become vested in the President on and after January 1, 1887.

Michael F. Cunningham, to be postmaster at Gibson City, in the county of Ford and State of Illinois, in the place of William E. McMullen, whose commission expired January 2, 1887.

John F. Blackburn, to be postmaster at Hutchinson, in the county of Reno and State of Kansas, in the place of Ralph M. Easley, whose commission expired January 2, 1887.

John Poston, to be postmaster at Kiowa, in the county of Barber and State of Kansas, the appointment of a postmaster for the said office having by law become vested in the President on and after October 1, 1886, and the name of the office having been changed from "New Kiowa" to "Kiowa." The nomination of John Poston to be postmaster at New Kiowa, Kans., is withdrawn.

William T. Johnson, to be postmaster at Cambridge, in the county of Dorchester and State of Maryland, in the place of Thomas H. Medford, whose commission expired January 5, 1887.

Henry J. Wilkinson, to be postmaster at Granite Falls, in the county of Yellow Medicine and State of Minnesota, in the place of Charles A. Bennett, whose commission expires January 16, 1887.

Edward Bowman, to be postmaster at Brunswick, in the county of Chariton and State of Missouri, in the place of John J. Heisel, whose commission expired January 6, 1887.

Sallie Shelton, to be postmaster at Windsor, in the county of Henry and State of Missouri, in the place of Thomas M. Shelton, deceased.

James B. Ryan, to be postmaster at Saint Clairsville, in the county of Belmont and State of Ohio, in the place of John B. Longley, whose commission expires January 29, 1887.

Rufus Thompson, to be postmaster at Albany, in the county of Linn and State of Oregon, in the place of John M. Irving, whose commission expired January 2, 1887.

Joshua S. Leiby, to be postmaster at Newport, in the county of Perry and State of Pennsylvania, in the place of John P. Clark, whose commission expired December 12, 1886.

John P. Ryan, to be postmaster at South Bethlehem, in the county of Northampton and State of Pennsylvania, in the place of Levin C. Peysert, whose commission expired January 2, 1887.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 5, 1887.

DEPUTY FOURTH AUDITOR.

Lawrence N. Buford, of Mississippi, to be Deputy Fourth Auditor of the Treasury.

DEPUTY FIFTH AUDITOR.

Alfred E. Lewis, of Pennsylvania, to be Deputy Fifth Auditor of the Treasury.

LAND OFFICE REGISTER.

Smith M. Palmer, of Salina, Kans., to be register of the land office at Salina, Kans.

RECEIVER OF PUBLIC MONEYS.

Oscar F. Searl, of Solomon City, Kans., to be receiver of public moneys at Salina, Kans.

ARMY APPOINTMENTS.

Second Regiment of Cavalry.—David L. Brainard, of New York (late a sergeant in the Signal Corps), to be second lieutenant in the Second Regiment of Cavalry, in the Army of the United States, to rank as such from October 22, 1886.

Eleventh Regiment of Infantry.—Cadet Arthur Johnson, a graduate of the Military Academy, to be second lieutenant, to date from August 28, 1886.

Corps of Engineers.—Lieut. Col. George H. Mendell, to be colonel, September 16, 1886.

Lieut. Col. Henry L. Abbot, to be colonel, October 12, 1886.

Maj. Peter C. Hains, to be lieutenant-colonel, September 16,1886.

Maj. George L. Gillespie, to be lieutenant-colonel, October 12, 1886.

Capt. James C. Post, to be major, September 16, 1886.

Capt. James F. Gregory, to be major, October 12, 1886.

First Lieut. Eugene Griffin, to be captain, September 16, 1886.

First Lieut. Willard Young, to be captain, October 12, 1886.

Second Lieut. Irving Hale, to be first lieutenant, September 16, 1886.

Second Lieut. James C. Sanford, to be first lieutenant, October 12, 1886.

Fourth Regiment of Cavalry.—Second Lieut. Walter M. Dickinson, to be first lieutenant, September 1, 1886.

First Regiment of Artillery.—First Lieut. Lowell A. Chamberlin, to be captain, November 25, 1886.

Second Lieut. James E. Runcie, to be first lieutenant, November 25, 1886.

Second Regiment of Artillery.—Second Lieut. Edward H. Catlin, to be first lieutenant, November 4, 1886.

Fifth Regiment of Artillery.—Second Lieut. Samuel E. Allen, to be first lieutenant, October 26, 1886.

Fourth Regiment of Infantry.—First Lieut. Butler D. Price, adjutant, to be captain, September 17, 1886.

Second Lieut. Carver Howland, to be first lieutenant, October 1, 1886.

Second Lieut. George N. Chase, to be first lieutenant, November 10, 1886.

Sixth Regiment of Infantry.—Capt. William J. Lyster, Nineteenth Infantry, to be major, October 13, 1886.

Ninth Regiment of Infantry.—Maj. George M. Brayton, Fifteenth Infantry, to be lieutenant-colonel, September 6, 1886.

Eleventh Regiment of Infantry.—Maj. Edward G. Bush, Sixth Infantry, to be lieutenant-colonel, October 13, 1886.

First Lieut. Leon A Matile, adjutant, to be captain, August 7, 1886.

Second Lieut. Robert J. C. Irvine, to be first lieutenant, August 24, 1886.

Second Lieut. Pierce M. B. Travis, to be first lieutenant, August 24, 1886.

Second Lieut. Benjamin F. Handforth, to be first lieutenant, September 5, 1886.

Twelfth Regiment of Infantry.—Lieut.-Col. Edwin F. Townsend, Eleventh Infantry, to be colonel, October 13, 1886.

Thirteenth Regiment of Infantry.—Maj. John C. Bates, Twentieth Infantry, to be lieutenant-colonel, October 19, 1886.

Fourteenth Regiment of Infantry.—Lieut.-Col. Thomas M. Anderson, Ninth Infantry, to be colonel, September 6, 1886.

Fifteenth Regiment of Infantry.—Lieut.-Col. Robert E. A. Crofton, Thirteenth Infantry, to be colonel, October 19, 1886.

Capt. Hugh A. Theaker, Sixteenth Infantry, to be major, September 6, 1886.

Sixteenth Regiment of Infantry.—First Lieut. Theophilus W. Morrison, to be captain, September 6, 1886.

Second Lieut. Warren H. Cowles, to be first lieutenant, September 6, 1886.

Eighteenth Regiment of Infantry.—First Lieut. Henry H. Adams, to be captain, October 15, 1886.

Second Lieut. William T. Wood, to be first lieutenant, October 15, 1886.

Nineteenth Regiment of Infantry.—First Lieut. John G. Leefe, to be captain, October 13, 1886.

Second Lieut. William P. Evans, to be first lieutenant, October 13, 1886.

Twentieth Regiment of Infantry.—Capt. David D. Vanvalzah, Twenty-fifth Infantry, to be major, October 19, 1886.

Twenty-first Regiment of Infantry.—Second Lieut. John S. Parke, jr., to be first lieutenant, October 21, 1886.

Twenty-fifth Regiment of Infantry.—First Lieut. Owen J. Sweet, to be captain, October 19, 1886.

Second Lieut. Harvey D. Reed, to be first lieutenant, August 17, 1886.

Second Lieut. Carroll A. Devol, to be first lieutenant, October 19, 1886.

Pay Department.—Lieut. Col. Rodney Smith, deputy paymaster-general, to be assistant paymaster-general with the rank of colonel, December 8, 1886.

Maj. William R. Gibson, paymaster, to be deputy paymaster-general with the rank of lieutenant-colonel, December 8, 1886.

Eleventh Regiment of Infantry.—First Lieut. Albert L. Myer, to be captain, December 8, 1886.

Second Lieut. Jonas A. Emery, to be first lieutenant December 8, 1886.

Twelfth Regiment of Infantry.—Maj. William F. Drum, Fourteenth Infantry, to be lieutenant-colonel, December 8, 1886.

Thirteenth Regiment of Infantry.—Lieut. Col. Robert S. La Motte, Twelfth Infantry, to be colonel, December 8, 1886.

Fourteenth Regiment of Infantry.—Capt. Charles A. Wikoff, Eleventh Infantry, to be major, December 8, 1886.

NON-COMMISSIONED OFFICERS TO BE SECOND LIEUTENANTS, TO DATE FROM OCTOBER 22, 1886.

Fourth Regiment of Infantry.—Sergt. George E. French, Company A, First Infantry.

Eighth Regiment of Infantry.—Sergt. Frank Owen, Company C, Ninth Infantry.

Eleventh Regiment of Infantry.—Sergt. Maj. Odon Gurovits, Sixth Infantry.

Thirteenth Regiment of Infantry.—Sergt. Carl Koops, Troop C, Second Cavalry.

Sixteenth Regiment of Infantry.—Corpl. Stephen M. Hackney, Company G, Sixteenth Infantry.

Eighteenth Regiment of Infantry.—Corpl. George W. Martin, Company H, First Infantry.

Corps of Engineers.—Additional Second Lieut. Mason M. Patrick, to be second lieutenant, September 16, 1886.

Additional Second Lieut. Charles S. Riché to be second lieutenant, October 12, 1886.

Tenth Regiment of Infantry.—Sergt. Maj. Harry Fletcher Bateman, Eighth Cavalry, to be second lieutenant, October 22, 1886.

General officer.—Col. Orlando B. Willcox, of the Twelfth Regiment of Infantry, to be brigadier-general, October 13, 1886.

Medical Department.—Lieut. Col. John Moore, assistant medical purveyor, to be Surgeon-General, with the rank of brigadier-general, November 18, 1886.

Corps of Engineers.—Col. James C. Duane, to be Chief of Engineers, with the rank of brigadier-general, October 11, 1886.

First Lieut. J. Walker Benét, Fifth Artillery, to be first lieutenant in the Ordnance Department, to date from October 26, 1886.

Second Lieut. J. Y. Mason Blunt, Tenth Infantry, to be second lieutenant Fifth Cavalry, November 10, 1886, with rank in the cavalry arm from October 23, 1886.

POSTMASTERS.

Daniel W. Neagly, to be postmaster at Millersburg, in the county of Dauphin and State of Pennsylvania.

James Sweney, to be postmaster at Chambersburg, in the county of Franklin and State of Pennsylvania.

John H. Turner, to be postmaster at West Grove, in the county of Chester and State of Pennsylvania.

A. Bowman Weaver, to be postmaster at Clearfield, in the county of Clearfield and State of Pennsylvania.

Thomas B. Gess, to be postmaster at Boisé City, in the county of Ada and Territory of Idaho.

Charles T. Cooper, to be postmaster at Sewickley, in the county of Allegheny and State of Pennsylvania.

James Brady, to be postmaster at Washington, in the county of Washington and State of Pennsylvania.

Charles W. Gant, to be postmaster at Irwin, in the county of Westmoreland and State of Pennsylvania.

Alexander Graff, to be postmaster at Kittanning, in the county of Armstrong and State of Pennsylvania.

James C. Henderson, to be postmaster at Media, in the county of Delaware and State of Pennsylvania.

Samuel R. Robinson, to be postmaster at White Pigeon, in the county of Saint Joseph and State of Michigan.

Robert T. Abraham, to be postmaster at East Liverpool, in the county of Columbiana and State of Ohio.

Samuel W. McFarland, to be postmaster at Wapakoneta, in the county of Auglaize and State of Ohio.

C. S. Vorwerk, to be postmaster at Lorain, in the county of Lorain and State of Ohio.

William B. Delo, to be postmaster at Knox, in the county of Clarion and State of Pennsylvania.

George H. James, to be postmaster at Plankinton, in the county of Aurora and Territory of Dakota.

Freeman H. Perry, to be postmaster at Vermillion, in the county of Clay and Territory of Dakota.

John M. Lyon, to be postmaster at Seattle, in the county of King and Territory of Washington.

William P. Ainsley, to be postmaster at Williamston, in the county of Ingham and State of Michigan.

John M. Mathewson, to be postmaster at Lowell, in the county of Kent and State of Michigan.

John W. Hingeley, to be postmaster at Barnesville, in the county of Belmont and State of Ohio.

J. E. Lohmann, to be postmaster at Hamilton, in the county of Butler and State of Ohio.

Charles N. Schmick, to be postmaster at Leetonia, in the county of Columbiana and State of Ohio.

Noah N. Daves, to be postmaster at Ashton, in the county of Spink and Territory of Dakota.

Joseph Hager, to be postmaster at Mandan, in the county of Morton and Territory of Dakota.

Mary E. Ferguson, to be postmaster at Richwood, in the county of Union and State of Ohio.

Miner R. Potter, to be postmaster at Wellston, in the county of Jackson and State of Ohio.

William N. Moore, to be postmaster at Roseburgh, in the county of Douglas and State of Oregon.

Frederick B. Smith, to be postmaster at Columbia, in the county of Brown and Territory of Dakota.

Euchariste Brule, to be postmaster at Lake Linden, in the county of Houghton and State of Michigan.

Daniel D. Murray, to be postmaster at Mayville, in the county of Traill and Territory of Dakota.

James Blair, to be postmaster at Leslie, in the county of Ingham and State of Michigan.

Eugene W. Burkhart, to be postmaster at Fowlerville, in the county of Livingston and State of Michigan.

John King, to be postmaster at Portsmouth, in the county of Bay and State of Michigan.

Henry S. Wyman, to be postmaster at Morenci, in the county of Lenawee and State of Michigan.

James W. Hopkins, to be postmaster at Uhrichsville, in the county of Tuscarawas and State of Ohio.

Michael H. Cavanaugh, to be postmaster at Indianola, in the county of Red Willow and State of Nebraska.

Isaiah B. Miller, to be postmaster at Creighton, in the county of Knox and State of Nebraska.

William Wilson, to be postmaster at Chadron, in the county of Dawes and State of Nebraska.

Manley R. Morgan, to be postmaster at Hillsboro', in the county of Traill and Territory of Dakota.

Executive nomination confirmed by the Senate, January 7, 1887.

POSTMASTER.

Richard T. Gill, to be postmaster at Atlanta, in the county of Logan and State of Illinois.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 7*, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

Mr. HENLEY appeared and resumed his seat to-day.

UNITED STATES LEGATION, ETC., IN COREA.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting, with inclosures, a letter from the Secretary of State in relation to the establishment of United States legation and consulates in Corea; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

SALARIES, ETC., OF COLLECTORS OF INTERNAL REVENUE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Commissioner of Internal Revenue and asking an immediate additional appropriation for salaries and expenditures of collectors of internal revenue for the current fiscal year, required to execute provisions of the oleomargarine act and of the act in relation to the inspection of exported tobacco; which was referred to the Committee on Appropriations, and ordered to be printed.

DAM SITE AT HERR'S ISLAND.

The SPEAKER also laid before the House a letter from the Secretary of War, with inclosures, recommending legislation authorizing the purchase of land for a dam site at Herr's Island, Allegheny River; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

SURVEY OF WISCONSIN RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report from the board of engineers upon the examination and surveys of Wisconsin River from Portage to its mouth; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

MISSISSIPPI RIVER COMMISSION.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a communication from the Mississippi River Commission in reference to the works of protection to the banks of that river, also to the failure to make provision for the expenses of the commission; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

COOSA RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a letter from Captain Hoxie, Corps of Engineers, referring to purchase of site for lock No. 4 and dam on the Coosa River; which was referred to the Committee on Rivers and Harbors.

AMITE RIVER, LOUISIANA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a letter from Maj. W. H. Heuer, Corps of Engineers, recommending that appropriations for Amite River, Louisiana, be applied also to the improvement of its tributary, Bayou Manchac; which was referred to the Committee on Rivers and Harbors.

BALTIMORE HARBOR.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with inclosures, an estimate from the Chief of Engineers of the cost of widening Baltimore Harbor; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

CONTRACTS BY THE WAR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a statement of contracts made by the War Department and its bureaus for the fiscal year ended June 30, 1886; which was referred to the Committee on Expenditures in the War Department, and ordered to be printed.

PATRICK CORR.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with inclosures, a letter from the Adjutant-General recommending that the salary of Patrick Corr, general-service clerk, be increased to $1,200 per annum; which was referred to the Committee on Appropriations, and ordered to be printed.

SAINT MARY'S RIVER, MICHIGAN.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with inclosures, an estimate from the Chief of Engineers of cost of improving Saint Mary's River, Michigan, and of continuing work on a new lock; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House Senate bills of the following titles; which were read twice, and referred as indicated:

The bill (S. 3023) to authorize the Kansas, Texas and Southwestern Railway Company to build its road across the Fort Hays Military Reservation—to the Committee on Military Affairs.

The bill (S. 3044) to provide for the execution of the provisions of article 2 of the treaty concluded between the United States of America and the Emperor of China on the 17th day of November, 1880, and proclaimed by the President of the United States on the 5th day of October, 1881—to the Committee on Foreign Affairs.

The bill (S. 3050) granting a pension to Mary A. Logan—to the Committee on Invalid Pensions.

The bill (S. 3087) to increase the pension of Mrs. Apolline A. Blair—to the Committee on Invalid Pensions.

MINERAL LANDS IN CALIFORNIA.

The SPEAKER also laid before the House the bill (S. 990) to enable the State of California to take lands in lieu of the sixteenth and thirty-sixth sections, found to be mineral lands.

Mr. MORROW. I ask that that bill be placed on its passage. It has been before the Committee on Public Lands and is reported favorably.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WEAVER, of Iowa. Has that bill been considered by the committee of the House?

Mr. MORROW. It has. A similar bill has been considered by the committee of the House, and that bill is now on the House Calendar.

Mr. SPRINGER. I object to the present consideration of the bill.

The bill was read twice, and was referred to the Committee on the Public Lands.

WITHDRAWAL OF PAPERS.

Mr. LOVERING, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Persis M. Thompson, no adverse report having been made thereon.

PRE-EMPTION OF PUBLIC LANDS, ETC.

The SPEAKER announced the appointment of Mr. STRAIT, in place of Mr. PAYSON, absent, as a conferee on the bill (H. R. 7887) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, and for other purposes.

MRS. FRANCES MARSHALL.

Mr. WILLIS. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 5262) for the relief of Mrs. Frances Marshall, and that the same be now considered.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Frances Marshall, widow of the late Humphrey Marshall, of Louisville, Ky., the sum of $1,800, being the amount covered into the Treasury about January 9, 1863, as the proceeds of said Humphrey Marshall's library, condemned in the United States district court for the southern district of Ohio under act of July 19, 1862.

The bill was reported by the Committee on War Claims with the following amendment:

In line 7 strike out "$1,800" and insert "$500."

Mr. WEAVER, of Iowa. Let the report be read.

The Clerk proceeded to read the report.

Mr. WEAVER, of Iowa (interrupting the reading). That is sufficient.

Mr. BURROWS. Let the report be read through.

The report (by Mr. KLEINER) was read in full, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 5262) for the relief of Mrs. Frances Marshall, having carefully considered the same and accompanying papers, submit the following report:

The facts out of which this claim against the United States arises are fully set forth in the affidavit of claimant, which is as follows:

"STATE OF KENTUCKY, *County of Jefferson:*

"The affiant, Frances E. Marshall, on her oath states that heretofore, to wit, in the year 1861, she was the sole and absolute owner of a large miscellaneous library, consisting of a great number of works from the pens of the most celebrated authors of ancient and modern times up to that time; that she is unable to give a full detailed statement of the names of the different authors or the titles of the books she owned; that her said library was most excellent and the books therein most elegantly bound, and her said library was of very great value; that her said library was packed in a great number of boxes and shipped from her country residence, 'Buckland Farm,' on the Kentucky River, the title of which was in her at that time, to Carrollton, Ky., for greater safety, the country being at that time full of soldiery and in a state of uncertainty; at that point affiant is informed they were afterward seized by the United States authorities and taken to Cincinnati, Ohio, and neighboring cities and sold at public auction, and the money or some part of it realized from the sale was forwarded to Washington, D. C., and paid into the Treasury of the United States, said money not by any means representing the value of her splendid library; that the statements contained in this the foregoing affidavit are true."

This affidavit is properly executed before a notary public of Jefferson County, Kentucky, and bears date of February 12, 1886.

Harvey M. Buckley, colonel of infantry in the Union Army, and others, in affidavits, fully substantiate the statement made by Mrs. Marshall.

The proof clearly shows that the library, or at least a large portion of it, belonged to and was purchased by Mrs. Marshall, and was her own separate property, held in her own right.

The committee are satisfied that the claimant was loyal to the United States Government.

Your committee therefore report the accompanying bill (H. R. 5262), with the following amendment: In lines 6 and 7, strike out the words "one thousand eight hundred," and insert the words "five hundred," and recommend that it do pass.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILLIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALLOTMENT OF INDIAN LANDS IN SEVERALTY.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Committee on Indian Affairs be discharged from the further consideration of the bill (S. 1577) and that the bill be put upon its passage.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That section 3 of the act entitled "An act to provide for the sale of the Sac and Fox and Iowa reservations, in the States of Nebraska and Kansas, and for other purposes," approved March 3, 1885, be, and the same is hereby, amended so as to read as follows:

"SEC. 3. That if any member of said Sac and Fox or Iowa tribe of Indians, properly enrolled at the Pottawatomie and Great Nemaha agency, shall elect to remain upon the reservation of his respective tribe, he shall be allowed to select an allotment of land in quantity as follows: If he be the head of a family, 160 acres; if a single person over eighteen years of age, or orphan child under eighteen years of age, 80 acres; and if a minor child under eighteen years of age, 40 acres; heads of families selecting land for themselves and minor children, and the United States Indian agent for orphan children. The lands so selected shall be held from sale as provided for herein, and shall be accepted at their fair valuation, to be ascertained by the Secretary of the Interior, in part satisfaction of his interest in and to said reservation, and of the moneys or fund realized from the sale thereof: *Provided*, That his right to share in the other funds and credits of the tribe shall not be impaired thereby; and the Secretary of the Interior shall cause a patent to issue to each of the allottees, under the provisions of this act, and the act to which this act is an amendment, for the lands selected by or for such allottee, which patent shall be of the legal effect, and declare that the United States does and will hold the land thus patented for the period of twenty-five years, in trust for the sole use and benefit of the allottee, or, in case of his decease, of his heirs according to the laws of the State in which said land is situated, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever; and if any conveyance shall be made of the lands thus allotted, or any contract made touching the same, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void; and such lands, during such time, shall not be subject to taxation, alienation, or forced sale, under execution or otherwise."

Mr. PERKINS. Mr. Speaker, I would like to make a brief explanation of the bill, subject to objection.

The SPEAKER. If there be no objection the gentleman may proceed.

There was no objection.

Mr. PERKINS. This Senate bill was prepared by the Commissioner of Indian Affairs, is recommended by the Secretary of the Interior, and was sent to the first session of the Forty-ninth Congress by the President in an executive message. It is to amend an act which was passed in 1885, giving to these Sac and Fox Indians allotments in severalty of their lands in Kansas, and providing for the sale of the excess. The act of 1885 did not provide for the allotment of lands in severalty to minors and orphans. The object of this amendment is to provide for allotments to them the same as to adults. The Commissioner finds difficulty in executing the present statute, and in his recent report he says that no attempt will be made to execute that statute until this amendment is made. Therefore it will be seen that it is upon the recommendation of the Interior Department that the amendment is asked for.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. PERKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, WILMINGTON, N. C.

Mr. BENNETT. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (S. 229) and that the bill be taken up and passed with the amendments recommended by the Committee on Public Buildings and Grounds.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a

suitable building, with a fire-proof vault extending to each story, for the accommodation of the post-office, custom-house, United States court-rooms, and other Government offices, at the city of Wilmington, in the State of North Carolina. The site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of $200,000: *Provided*, That no money to be appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of North Carolina shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof: *Provided*, That the site on which the said building shall be erected shall be so selected as to leave an open space around the same of not less than 40 feet in width, including streets and alleys.

The amendments recommended by the Committee on Public Buildings and Grounds were read, as follows:

In line 12, strike out "two hundred" and insert "one hundred and fifty;" so as to make it read "$150,000."

After the word "dollars," in line 12, insert the following: "Nor shall any site be purchased until estimates for the erection of a building which shall furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $150,000."

In line 27, after the word "thereof," insert "for all purposes, except the administration of the criminal laws of said State, and the service of civil process therein."

The amendments were agreed to.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BENNETT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

H. K. BELDING.

Mr. WHITE, of Minnesota. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (S. 127) for the relief of H. K. Belding, and that the same be put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That there be paid by the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, the sum of $1,566 to H. K. Belding, of Minnesota, the amount due him for carrying the mails of the United States between the years 1858 and 1862.

The SPEAKER. Is there objection?

Mr. MCMILLIN. Let us have the report read.

The report (by Mr. DOUGHERTY) was read, as follows:

This claim was reported upon favorably by the Committee on Claims of the House of Representatives at the first session of the Forty-fifth, Forty-sixth, Forty-seventh, and Forty-eighth Congresses, and passed the House of Representatives at the Forty-sixth Congress, and was reported upon favorably by the Senate Committee on Claims and passed the Senate at the first session of the Forty-eighth Congress. The report is as follows:

"They find that said H. K. Belding was contractor on mail-route No. 13585, from Brownsville, Minn., to Carimona, in the same State; that the contract was for four years from July 1, 1858. The contract price for carrying the mail on this route was $1,800 per annum. Mr. Belding performed the service under the contract until May, 1859, and was paid the contract price therefor. In 1859 there was a failure of sufficient appropriation for this route, and an order was issued by the Post-Office Department reducing the service on the same one-third.

"There was some correspondence between the contractor and the Post-Office Department about continuing the full service, and the contractor was informed there was no objection, except there was no money to pay until Congress convened and made an appropriation.

"Mr. Belding did perform full service from May 1, 1859, to October, 1860, and has received but two-thirds of the contract price therefor, and claims that having rendered the service in good faith he should receive the full compensation named in his contract.

"This full service was performed for seventeen months after the order of reduction, and at the contract rate Mr. Belding should have received $150 per month. He did receive but $100 per month, and he asks to be paid $50 per month additional, or $850 for the service so performed.

"The service having been performed with the knowledge of the Department and for the manifest benefit of the community, the committee think it just and equitable that Mr. Belding should be paid for the service actually performed the contract price for the same.

"They therefore recommend the payment to Mr. Belding of the sum of $850 for the seventeen months of service as above stated.

"Mr. Belding makes an additional claim, and the committee find the following facts:

"Prior to the 1st of October, 1860, the route from Brownsville to Carimona was extended, and the contract with Belding annulled. Mr. Belding complained to the Department that he had left a good business and made large investments to perform his contract, and would suffer very great injury if compelled to give it up. He was informed that he would be reinstated and his contract renewed. The service at this time was lessened 5 miles at one end of the route and increased 12 miles at the other, and the compensation was increased $110 per year.

"Negotiations continued between Mr. Belding and the Post-Office Department from October 1, 1860, to February 14, 1861, four months and fourteen days, when the contract was renewed with Mr. Belding. During this four months and fourteen days Mr. Belding performed the service and has received no pay therefor. This route over which Mr. Belding performed the service had been included in a much larger one, and let to other parties. They never performed any service upon it, but collected the pay under their contract for the service performed by Mr. Belding.

"It clearly appearing that the original contract with Mr. Belding was annulled for no fault or omission on his part; that he continued to perform the service in good faith under the assurance that he would be reinstated; that his doing so was well known to the Post-Office Department, and that he was subsequently reinstated, we are of the opinion that the payment to other parties for this service, under the circumstances, should not relieve the Government from paying Mr. Belding therefor. We therefore report back the bill without amendment, said bill including payment of the two sums allowed by the committee, and recommend that the bill pass."

Your committee concur in the above report and recommendations, and recommend that the bill do pass.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WHITE, of Minnesota, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES M. GRIGSBY.

Mr. THROCKMORTON. Mr. Speaker, I ask by unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 6312) for the relief of James M. Grigsby, and that the same be put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the Postmaster-General is hereby authorized to adjust and settle the claim of James M. Grigsby, late postmaster at Montague, Tex., for money-order funds lost in transit through the mails, notwithstanding the provisions of the act entitled "An act authorizing the Postmaster-General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. WARNER, of Ohio. Let the report be read.

The report (by Mr. LANHAM) was read, as follows:

The Committee on Claims, to whom was referred *House bill 6312, for the relief* of James M. Grigsby, find that the said Grigsby was postmaster at Montague, Tex.; that on the 26th of October, 1883, said postmaster transmitted $25, money-order funds, to the postmaster at Sherman, Tex., in registered package No. 46. The deputy postmaster testifies under oath that he placed the money in the registered package, properly sealed and directed to the postmaster at Sherman, Tex., and placed the same in a mail pouch, locked it, and delivered to the mail-carrier on the route. These facts are testified to by another witness, who swears the same was done in his presence.

The postmasters at Saint Joe and Marysville, the next two offices on the route, swear that the package No. 46 passed through their offices in good condition. The postmaster at Gainesville swears that the package was not received at that office, and further certifies that the United States mail was robbed on the evening of the 26th of October, 1883, between Marysville and Gainesville. The postmaster at Sherman certifies that the registered package No. 46 and funds were not received at his office.

The postmaster at Montague swears that at the time of his next weekly statement after the robbery he notified the Superintendent of the Money-Order Bureau of the Post-Office Department of the loss, and asked a credit for the same. He gave the Department no further notice.

The funds in this case were properly transmitted, and that the United States mail was robbed is abundantly sustained by the evidence, and the claim would have been allowed under the act of March 17, 1882, if the postmaster had notified the Postmaster-General within three months after the loss; but, instead, the postmaster notified the Superintendent of Money-Order Offices at the Department at his next weekly statement, which was in time, but directed it to the wrong authority.

Although the sum is small, in view of all the facts, we believe the claimant should be relieved.

Therefore the committee recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. THROCKMORTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES M. M'KAMEY.

Mr. HOUK. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 5775) for the relief of James M. McKamey, and that the bill be put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and is hereby, authorized and directed to remove the charge of desertion from the record of James M. McKamey, late of Company E, Third Regiment Tennessee Infantry Volunteers, who is reported to have deserted from his command, captured by the enemy at the battle of Richmond, Kentucky, and to discharge him therefrom as of the day before the date of his muster as a first lieutenant and recruiting officer for the Eleventh Regiment Tennessee Cavalry, and also to muster him as a lieutenant as aforesaid from the 1st day of October, 1862, and to discharge him from this last service as on the 1st day of November, 1864, that his record may be made consistent with the facts proven.

The SPEAKER. Is there objection?

Mr. WARNER, of Ohio. Let the report be read.

The report (by Mr. HOUK) was read, as follows:

That on the 12th of February, 1862, Mr. McKamey enlisted as a private in Company E, Third Tennessee Infantry, and was mustered into the service and served as such until the 26th day of August, 1862, when, at the battle of Richmond, Ky., he was made a prisoner of war; that in that engagement the detachment of his regiment with which he was engaged was so utterly routed it was weeks before a sufficient number of the survivors of that detachment could be gotten together for the purpose of forming a reorganization and rejoining their regiment.

That shortly after Mr. McKamey's capture he was paroled, and while on his way to join his regiment he was commissioned second lieutenant and recruiting officer for the Eleventh Tennessee Cavalry, under and by virtue of authority of Andrew Johnson, then military war governor of Tennessee; that upon the 1st of October, 1862, he entered upon and continued to discharge his duties as such until the 1st of November, 1864, when the Eleventh Tennessee Cavalry, by consolidation, became merged into the Ninth Tennessee Cavalry, and that in the apportionment of officers under the consolidation Mr. McKamey was left out; that on the 8th of November, 1864, he enlisted as sergeant, Company I, Seventh Tennessee Mounted Infantry, and faithfully served in that capacity until the 27th of July, 1865, when he was discharged; that the charge of deser-

tion made against Mr. McKamey, on the 24th of August, 1862, was erroneously made; that instead of being a deserter he was a prisoner of war.

Touching Mr. McKamey's commission as second lieutenant and recruiting officer, although the records in the Department do not show the fact, yet there is abundant evidence to warrant your committee in finding that he was commissioned, and that he did serve as such second lieutenant and recruiting officer of the Eleventh Tennessee Cavalry from the 1st of October, 1862, to the 1st of November, 1864—evidence of officers and soldiers who saw and inspected his commission, and knew of the performance of service by him under that commission, which fact, coupled with his imprisonment, no doubt gave color to the charge of desertion which was made of record against him.

In view of these facts, your committee beg leave to recommend that the prayer of Mr. McKamey's petition be granted, and that the accompanying bill for his relief be passed.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOUK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

A. F. & N. C. SAINT JOHN.

Mr. TRIGG. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 5131) for the relief of A. F. & N. C. Saint John, and that it be now put on its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay A. F. & N. C. Saint John, of Smyth County, Virginia, the sum of $54.33, with interest from the 30th day of October, 1865, the value of subsistence stores furnished to the Army of the United States in October, 1865, out of any money in the Treasury not otherwise appropriated or that may be hereafter appropriated for that purpose.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BRAGG. I ask that the report be read.

The report (by Mr. TRIGG) was read, as follows:

The Committee on Claims, to whom was referred House bill 5131, beg leave to report that upon investigation of the facts they ascertain that on or about the 15th day of October, 1865, and some months after the close of the late war between the States, the claimants, A. F. & N. C. Saint John, of Smyth County, Virginia, furnished to Capt. George C. Gibbs, provost-marshal, and in command of a company of United States cavalry then stationed at Marion, Va., 155½ dozen oats of the value of 35 cents per dozen, making the sum of $54.33. When the company left this section all similar bills that were presented were paid; but these claimants failed to present this bill, and it has never been paid.

Your committee recommend its payment without interest, and recommend that the bill be amended by striking from it the words "with interest from the 30th October, 1865."

There being no objection, the Committee of the Whole House was discharged from the further consideration of the bill, and the House proceeded to consider the same.

The amendment reported by the Committee on Claims, to strike out, in lines 6 and 7, the words "with interest from the 30th day of October, 1865," was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TRIGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT CAMDEN, N. J.

Mr. HIRES. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (S. 228) for the erection of a public building at Camden, N. J., and that the House now proceed to consider the same.

The bill was read.

Mr. McMILLIN. Let us have the report read.

The report was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. COX, of North Carolina. I desire to ask the gentleman from New Jersey [Mr. HIRES] whether there is a United States court held at the place named in this bill.

Mr. HIRES. No, sir; not at present.

Mr. COX, of North Carolina. I object.

Mr. SPRINGER. I call for the regular order.

ENGROSSED COPY OF A BILL.

The SPEAKER, by unanimous consent, laid before the House the following resolution; which was read, considered, and adopted:

Resolved by the House of Representatives, That the Senate be requested to send to the House a duplicate copy of Senate bill No. 938, for the relief of Chittenden Brothers, which passed the Senate August 4, 1886, the original engrossed copy of said bill having been lost.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 1085) for the relief of Albion S. Keith; and

A bill (H. R. 5692) for the relief of James B. Russell.

ORDER OF BUSINESS.

The SPEAKER. This being Friday, the regular order is the call of committees for reports of bills of a private nature.

Mr. HATCH. I move to dispense with the morning hour.

The motion was not agreed to; there being—ayes 57, noes 60.

The SPEAKER proceeded to call the committees for reports.

CLEMENTINE HARTINGER.

Mr. CONGER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10025) granting a pension to Clementine Hartinger; which was referred to the Committee of the Whole House on the Private Calender, and the accompanying report ordered to be printed.

ELIZA J. BELL.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 9490) for the relief of Eliza J. Bell; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SARAH E. NORTON.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back with amendment the bill (S. 2699) granting a pension to Sarah E. Norton; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 1022) granting a pension to Mary E. Baker;

A bill (H. R. 7568) granting a pension to Ira Colburn;

A bill (H. R. 3542) granting a pension to Charles E. Mudgett; and

A bill (H. R. 5471) granting a pension to John B. Hays.

GEORGE W. DE MOTTE.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (S. 791) granting a pension to George W. De Motte; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM F. HARMON.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1642) granting a pension to William F. Harmon; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM H. H. PRICE.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2369) granting an increase of pension to William H. H. Price; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHARLES G. PARIS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1673) granting a pension to Charles G. Paris; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. LANDES, from the Committee on Pensions, reported back adversely bills of the following titles; which were severally laid upon the table, and the accompanying reports ordered to be printed:

A bill (H. R. 4591) granting a disability pension to Nathaniel Moody; and

A bill (H. R. 3406) granting a pension to Jacob Copes.

M. LOUISE BUTLER.

On motion of Mr. STRUBLE, the Committee on Pensions was discharged from the further consideration of a bill (S. 773) granting a pension to M. Louise Butler; and the same was referred to the Committee on Invalid Pensions.

BARTOLA THEBANT.

Mr. STRUBLE, from the Committee on Pensions, also reported back favorably a bill (S. 2151) to pension Bartola Thebant, a soldier in the Florida Seminole Indian war of 1849 and 1850; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompaning report, ordered to be printed.

ADVERSE REPORTS.

Mr. STRUBLE. I have some adverse reports to make, and in deference to the request of the gentleman from Kentucky [Mr. WOLFORD] I ask that the first bill, instead of being laid upon the table, be placed upon the Private Calendar.

The SPEAKER. It is a Senate bill, and the Chair will state to the gentleman it is customary to place such bills upon the Private Calendar.

Mr. STRUBLE, from the Committee on Pensions, reported back adversely bills of the following titles; which were severally referred to the Committee of the Whole House on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (S. 2217) for the relief of Andrew T. McReynolds;
A bill (S. 1103) granting a pension to Caroline E. French;
A bill (S. 1214) granting a pension to Reamus G. Morris;
A bill (S. 1463) granting arrears of pension to Mary Helena Mahan;
A bill (H. R. 1559) for the relief of Fordyce Foster; and
A bill (H. R. 9897) for the relief of Zemia Shepherd.

WILLIAM J. POITEVENT.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably a bill (H. R. 10148) for the relief of William J. Poitevent; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PIROMIS H. BELL.

Mr. PERRY, from the Committee on War Claims, reported back favorably a bill (H. R. 8079) for the relief of Piromis H. Bell, administrator of Marcus A. Bell, deceased, and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM TABB.

Mr. KLEINER, from the Committee on War Claims, reported back favorably a bill (S. 1310) for the relief of William Tabb; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JACOB MATHIS.

On motion of Mr. LYMAN, the Committee on War Claims was discharged from the further consideration of a bill (H. R. 2832) for the relief of Jacob Mathis; and the same was referred to the Committee on Military Affairs.

The call of committees for reports was then concluded.

ORDER OF BUSINESS.

Mr. HATCH. I move to dispense with the business on the Private Calendar for to-day. [Cries of "No!"]

The motion was disagreed to.

Mr. SPRINGER. I desire to move that the House now resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar. But before that question is put I offer the following resolution in reference to the mode of procedure in the consideration of the bills when we get into Committee of the Whole.

The Clerk read as follows:

Resolved, That when the House resolves itself into the Committee of the Whole for the consideration of bills on the Private Calendar the bills shall be taken up in their order; but if the consideration of any bill is objected to it shall be laid aside for this day, but not lose its place on the Calendar, and the committee shall proceed to consider the next bill. When objection is made to the consideration of any bill such objection shall not be withdrawn during the day.

The SPEAKER. Is there objection?

Mr. OATES. I object.

Mr. ADAMS, of Illinois. Is objection made?

Mr. SPRINGER. The bill which the gentleman from Alabama [Mr. OATES] desires to reach is not in the Committee of the Whole, but has been reported from that committee, and is now before the House.

Mr. OATES. If this resolution does not apply to that bill I will withdraw my objection.

Mr. ELY. I renew the objection.

Mr. SPRINGER. Then I ask unanimous consent to pass this order.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Resolved, That Friday, the 14th day of January, 1887, after the morning hour, be set apart for the consideration of Senate bills on the Private Calendar of the House.

The SPEAKER. Is there objection?

Mr. MORRISON. I object.

Mr. SPRINGER. Then I insist upon my motion to go into Committee of the Whole.

The motion was agreed to.

Mr. OATES. Before the House resolves itself into Committee of the Whole——

The SPEAKER. But the House has resolved to go into Committee of the Whole.

Mr. OATES. I wish to raise a question of order as to a bill on the Calendar.

The SPEAKER. The Chair will state that the bill to which the gentleman doubtless refers was, by an order of the House, postponed until Friday, July 30. On that day no action whatever was taken in regard to it, and therefore it becomes unfinished business and comes up for consideration when the committee rises to-day.

Mr. OATES. That is what I wanted to ascertain—the status of that bill.

The House accordingly resolved itself into Committee of the Whole (Mr. MCMILLIN in the chair).

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of bills on the Private Calendar.

The Clerk will report the first bill.

The Clerk read as follows:

A bill (H. R. 4840) to confirm a certain private-land claim in the Territory of New Mexico.

Mr. HALSELL. Mr. Chairman, I desire to state that at the last session of Congress there was a general bill passed by the House embracing this and the three following bills on the Calendar, but which has not yet been acted upon by the Senate. I ask unanimous consent, therefore, that this bill and the three immediately following it be laid aside informally, not to lose their places on the Calendar.

There was no objection, and it was so ordered.

The next business on the Private Calendar was the bill (H. R. 2140) for the relief of the Columbia Bank in Pennsylvania.

Mr. HIESTAND. I ask unanimous consent that this bill be laid aside informally, retaining its place on the Calendar.

There was no objection, and it was so ordered.

JOHN R. HARRINGTON.

The next business on the Private Calendar was the bill (H. R. 1773) for the relief of James J. Johnston.

Mr. LEHLBACH. I ask unanimous consent to substitute for this bill a bill which is on the same page of the Calendar, a few lines further down, the bill (H. R. 4594) for the relief of John R. Harrington. I ask to lay this bill aside informally with a view to taking up and considering the other in its place.

There was no objection.

The bill is as follows:

Be it enacted, &c., That John R. Harrington have leave to apply to the Commissioner of Patents for an extension for the term of seven years of the reissued letters patent numbered 2415 and 2416, each dated December 11, 1866, for improvements in carpet-lining and means for producing the same, from and after his decision thereon; such application to the Commissioner of Patents to be made within three months from and after the date of the passage of this act, and the proceedings before said Commissioner to be made to conform to the statute relating to the extension of letters patent granted for the term of fourteen years.

SEC. 2. That no right of action to recover damage shall accrue to the patentee, or his assignee, from the time of the expiration of said patents until the extension as contemplated by the first section of this act.

Mr. TOWNSHEND. Let the report be read.

The report (by Mr. LEHLBACH) was read, as follows:

The committee adopts the House report No. 2592, Forty-eighth Congress, second session, as follows:

"That the applicant is an old man and entirely blind, and has been so during the greater portion of the lifetime of the patents, and for this reason he failed to realize any adequate compensation for his invention and expenses.

"The invention consists in the improvement of carpet-lining, and is a foundation one, and of great merit. It appears that the most influential dealers in the carpet trade in all parts of the United States have petitioned for renewal of the patents to the said John R. Harrington, and that the manufacturers are in favor of the same.

"No opposition appears to be made to the granting of the relief prayed for by the applicant. The committee are confident from all the evidence that the failure to obtain compensation is not from any neglect or default of the applicant."

The committee recommend an amendment to the bill by striking out all of section 1, after the word "act," in line 11, and inserting as follows:

"And the Commissioner of Patents is hereby authorized and empowered to renew and extend to said John R. Harrington each of said patents for the term of seven years from and after his decision thereon, with the same force and effect as if each of said patents had been originally granted for the term of seven years from the date of his decision thereon, if, in his judgment, the same should be renewed and extended."

The committee recommend the passage of the accompanying bill as amended.

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. SOWDEN. I ask unanimous consent that the next business on the Calendar, being the joint resolution No. 60, be laid aside informally, not to lose its place on the Calendar.

There was no objection, and it was so ordered.

Mr. SPRINGER. I ask unanimous consent that the next bill on the Calendar (H. R. 4235), reported adversely from the Committee on Military Affairs, be laid aside informally, retaining its place on the Calendar.

There was no objection, and it was so ordered.

WILLIAM PIKE.

The next business on the Private Calendar was the bill (H. R. 527) for the relief of William Pike.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William Pike, of Tipton County, in the State of Indiana, out of any money in the Treasury not otherwise appropriated, the sum of $850, for money paid by said Pike for a substitute during the late war.

Mr. WARD, of Indiana. Let the report be read.

The report (by Mr. KLEINER) is as follows:

The committee find the facts to be as stated in House report No. 2115, Forty-eighth Congress, first session, which report is hereto annexed and made a part of this report, and is as follows:

"The claimant was, about the middle of November, 1864, at the county of Tipton, in the then eleventh Congressional district of Indiana, drafted into the military service of the United States, pursuant to the act of Congress approved March 3, 1863, for 'enrolling and calling out the national forces.' Immediately upon

being so drafted he procured one Thomas O. Bosworth to go as his substitute' and paid said Bosworth for going into the military service of the Government, as such substitute for said claimant, the sum of $850. It appears clearly from the evidence that said Thomas O. Bosworth was duly accepted by the Government authorities as such substitute, was mustered into the naval service of the United States as such substitute, and so served until the close of the war. But, notwithstanding these facts, the said claimant, after he had furnished said substitute, was compelled, under the same draft, against his will and over his protest, to enter the military service of the United States and serve until the 3d day of April, 1865, at which time he was honorably discharged. The evidence clearly shows that the claimant was compelled to perform this service for the Government without any fault or negligence on his part, but solely through the mistake or fraud of the agents of the Government, and that he has never been repaid, from any source, any part of the said sum of $850, which he was compelled to expend in order to procure said substitute.

"Your committee have no hesitation, under the facts, in recommending that said claimant be allowed and paid the said sum of $850. They accordingly report in favor of the passage of the bill."

Your committee therefore adopt said House report as the report of this committee, and report the accompanying bill (H. R. 527) for his relief, with recommendation that it pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE W. BALDWIN AND OTHERS.

The next business on the Private Calendar was the bill (H. R. 529) for the relief of George W. Baldwin, Charles L. Baldwin, and Dora Thompson.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George W. Baldwin, Charles L. Baldwin, and Dora Thompson (the only heirs at law of William F. Baldwin, deceased), of Tipton County, in the State of Indiana, out of any money in the Treasury not otherwise appropriated, the sum of $850, for money paid by the said William F. Baldwin for a substitute during the late war for the Union.

The CHAIRMAN. The question is on laying the bill aside.

Mr. PETERS. Let us have the report read, or at least some explanation as to why this man should be paid.

The report (by Mr. KLEINER) was read, as follows:

The committee find the facts to be as stated in House Report No. 2117, Forty-eighth Congress, first session, which report is hereto annexed and made a part of this report, and is as follows:

"The claimants are, respectively, in the order in which their names appear in the bill, the father, brother, and sister of William F. Baldwin, deceased, and they are all of full age. The said decedent, William F. Baldwin, was, about the middle of November, 1864, at the county of Tipton, in the State of Indiana, in the then Eleventh Congressional district of said State, drafted into the military service of the United States, pursuant to the act of Congress approved March 3, 1863, 'for enrolling and calling out the national forces.' Immediately upon being so drafted, he procured one Timothy O. Reagan to go as his substitute, and paid said Reagan for going into the military service of the Government, as such substitute for said decedent, the sum of $850.

"It appears clearly from the evidence that said Timothy O. Reagan was duly accepted by the Government authorities as such substitute, that he was mustered into the naval service as such substitute, and so served until the close of the war. But, notwithstanding these facts, the said decedent, after he had furnished said substitute, was compelled, under the same draft, against his will, and over his protest, to enter the military service of the United States (being assigned to the Twenty-third Regiment of Indiana Volunteers), and served until the 16th day of February, 1865, at which time, and when still in the service, he died. The evidence clearly shows that the decedent was compelled to perform this service for the Government without any fault or negligence on his part, but solely through the mistake or fraud of the agents of the Government, and that neither he nor the claimants, or any of them, who are his sole heirs at law, have ever been paid by any one, or from any source, any part of the said sum of $850 which decedent was compelled to expend in order to procure said substitute.

"Your committee have no hesitation, under the facts, in recommending that said claimants, as such heirs at law of said decedent, be allowed and paid the said sum of $850. They accordingly report in favor of the passage of the bill."

Your committee therefore adopt said House report as the report of this committee, and report the accompanying bill (H. R. 529) for their relief with recommendation that it pass.

The CHAIRMAN. The question is on laying the bill aside.

The committee divided; and there were—ayes 54, noes 7.

Mr. O'FERRALL. No quorum has voted.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. O'FERRALL and Mr. WARD, of Indiana, were appointed tellers.

The committee again divided; and the tellers reported—ayes 100, noes 19.

Mr. O'FERRALL (one of the tellers). I will withdraw the call for a quorum, and when the question comes up in the House I will ask for the yeas and nays.

So (further count not being called for) the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN M. HIGGINS.

The next business on the Private Calendar was the bill (H. R. 940) for the relief of John M. Higgins, reported by the Committee on War Claims with an adverse recommendation.

The bill was read, as follows:

Be it enacted, &c., That the sum of $3,600 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay John M. Higgins for horses, mules, hogs, cattle, pork, corn, wheat, and other supplies taken and used by the United States Army in 1862, 1863, and 1864; and the Treasurer of the United States is hereby instructed to pay the amount herein named to the order of the said Higgins.

Mr. STONE, of Kentucky. I move that the bill be reported to the House with a favorable recommendation.

Mr. EDEN. I ask that the report be read.

The report (by Mr. GEDDES) was read, as follows:

The claimant in this case seeks compensation for property owned by him in the month of June, 1864, at Dalton, Ga. He says it was worth $3,550, and that the same was taken from him by the Army of the United States under the command of Lieutenant Haste, of Indiana, and Colonel Laibolot, of the Second Regiment of Missouri Volunteers. He avers that he was loyal to the Government of the United States.

Conceding this claim to be correctly stated, as matter of fact no compensation can be allowed for the loss. It was property held and owned in an insurrectionary State, and was seized during active hostilities. All the general legislation of Congress has been against allowing this class of claims, and your committee see no good reason for a change of that policy. There is nothing so exceptional in this case as to warrant your committee in departing from the general rule, and therefore recommend that the bill in this case do lie upon the table.

The views of the minority (presented by Mr. STONE, of Kentucky) were read, as follows:

I do not concur in the report of the majority of the Committee on War Claims in the case of John M. Higgins.

W. J. STONE.

Mr. SPRINGER. I move that the bill be laid aside with the recommendation that it do lie on the table.

Mr. STONE, of Kentucky. Mr. Chairman, this bill comes here with an adverse report or a statement that the claim should not be paid on account of the simple fact that it originated, as claimed in the majority report, in the State of Georgia. I am aware of the fact it has been the custom not to pay claims of this character originating in States declared to be in rebellion. But here the facts and the state of the case are very different from cases of this kind that the Congress of the United States has refused to pay.

Mr. Higgins was a citizen of the State of Kentucky. He moved to the State of Alabama in 1860 and took this property with him from Kentucky to Alabama. When the war broke out, or when it became evident to Mr. Higgins that war was to break out, he made his arrangements to move his property back to Kentucky, not having become properly a citizen of Alabama. He went to Kentucky and made his arrangements to move back there, and went to Alabama for the property. He started for Kentucky but found it impossible to pass through the lines and stopped for the time being in the State of Georgia. When the United States Army reached Dalton, Ga., where Mr. Higgins was located, they took his property by order of officers of the United States Army and appropriated it to the use of the army. These facts are clearly proven in the evidence, and beyond that the loyalty of Mr. Higgins is not disputed. It is thoroughly established by the proof furnished in the papers. And I hold that Mr. Higgins was virtually a citizen of Kentucky, a State not in rebellion; that he was loyal to the United States Government; and that his property ought to be paid for. If property of loyal citizens is paid for anywhere the property of Mr. Higgins should be paid for.

The Congress of the United States has paid many claims of this kind. The Forty-ninth Congress has passed bills paying many claims that were not anything like as just as this. Justice demands that this claim be paid by this Government.

Mr. EDEN. Will the gentleman yield to me for a question?

Mr. STONE, of Kentucky. Yes, sir.

Mr. EDEN. I ask the gentleman from Kentucky why Mr. Higgins did not present his claim to the commissioner of claims who had jurisdiction over claims of this sort in the insurrectionary States?

Mr. STONE, of Kentucky. He was then a citizen of Kentucky and was not aware of the remedy he had.

Mr. SPRINGER. This bill comes clearly within the rule laid down by the committees both of this House and of the Senate in regard to unauthorized depredations by Federal troops during the late war and should not be paid. If it is it opens up a class of cases the cost of the payment of which is beyond the comprehension of any one.

I have in my hand the report of this Committee on War Claims of the House in the case of Frederick Klor, one of my constituents. I introduced a bill in behalf of this claimant at the first session of this Congress. It was referred to the Committee on War Claims, and on the 9th of March last was reported back with the recommendation that it do not pass. I desire to read the report in that case, which is very brief, in order to show the line of decisions which this committee is following:

The claim in this case comes clearly within the principle involved in numerous cases reported by your committee to the present Congress. It clearly appears that the loss was the result of the unauthorized depredations of Federal troops.

Your committee therefore feel compelled, in pursuance of past Congressional action, to report adversely, and recommend that the bill do lie on the table.

This claimant resided in Sangamon County, Illinois. These depredations were perpetrated in that county. The party never was inside of an insurrectionary district. The property never was there. It was a matter which occurred entirely in a Northern State where there were no operations of war within two or three hundred miles. But the property was taken without lawful authority, and it was therefore denominated a depredation by Federal troops unauthorized by any officer of the Army.

This case is not as strong as the other. It is a case simply of a loss in the midst of war, such a loss as is inevitable in the movements of

armies; simply a destruction of property as the armies marched on and as battles took place.

It could not have been avoided, and all such cases as that have been rejected heretofore by both Houses of Congress. I do not remember that any case of the kind has passed this House since I have been a member of Congress. There have been cases passed where the question was in dispute whether they came within this category or not, but here is a case where there is no dispute about the fact or as to the nature of the loss.

Mr. STONE, of Kentucky. The gentleman from Illinois [Mr. SPRINGER] wholly misstates the case. He undertakes to draw a parallel between this and the case of a depredation committed by soldiers in Illinois. This was not a case of depredation; this was not a case of the wanton destruction of property. The proof in this case is that the property was taken under the orders of United States officers and used for the benefit of the United States.

The chairman of the Committee on War Claims, who is as careful a man upon questions of this character as can be found in the House, can find no objection to this bill, except the fact that the property at the time it was taken was in the State of Georgia. But the House will remember that this property was taken and used for army purposes; so that it is not at all like the case in the State of Illinois which has been cited here, where the soldiers went out and took property as depredators without any authority from anybody. I do not believe there is a member of the Committee on War Claims who would have the audacity to ask that one of his constituents should be paid for losses resulting from depredations; but in this case the gentleman from Illinois [Mr. SPRINGER], who is the peculiar guardian of the Treasury, who wants to be considered the lock to the money-box—that gentleman comes in here and objects to the payment of this just claim for property which was taken by the United States troops and was used for the maintenance of the United States Army, and he wants such a claim as this rejected because a claim that he has made for the unauthorized taking of some chickens and fence-rails by soldiers in Illinois has been refused payment! Now, I ask this House whether it is just or fair that because this property, owned by a loyal man, happened to be within an insurrectionary State—not permanently there—the owner of it, as I have said, a loyal citizen of a State not in insurrection—payment shall be refused.

I ask gentlemen to say whether it is fair or just that, simply because of his misfortune in being unable to get this property within the limits of a State still in the Union and which never attempted to go out, whether it is just that this man's misfortune shall operate to his injury and to the loss of his property, when other people who did not happen to be so situated are being paid for their property taken in like manner.

He was virtually a citizen of Kentucky. He was really and truly a loyal man. Testimony to this man's loyalty is on file from men of as undoubted loyalty as any that ever the flag of the Union waved over. There is no question about the propriety of the claim except as to the point of the property having been temporarily in the State of Georgia; but the property was taken by the Army and used for army purposes, and there is no parallel whatever between this case and a case referred to in the State of Illinois, where "the boys" went out and took a few chickens that they happened to find roosting conveniently. [Laughter.] I hope the motion of the gentleman will be voted down, and that Mr. Higgins, a good and loyal citizen of Kentucky, will receive justice from this Forty-ninth Congress of the United States.

Mr. WOLFORD. Mr. Speaker, I have listened with a good deal of pain to efforts that have been made here at this late day to stain the character of men who believed in the Union, simply because they happened to live at the South. I, for one, would like to know, and the people of this country would like to know, sir, whether it is a crime for a Union man to have lived in a disunion State during the time of war. That is the question. It brings itself down to that. It is admitted, even by the distinguished gentleman from Illinois [Mr. SPRINGER], that the claimant in this case was loyal to his country, that the Union forces did take his property, and that it was taken by authority. Now the question is, shall he be paid for that property? I stand not here, sir, to quibble with any gentleman as to whether the property was taken in the State of Georgia or in the State of Kentucky. What is the difference? A Union man, a man devoted to his country, a man who loved the flag of the United States, has his property taken from him by the Union forces by direction of Union officers, and used for the purposes of the Government, and now when he comes and asks for payment shall this great Government, in this day of peace, refuse to compensate that man?

There was a contest in our country—I remember it well—and the State of Georgia said she would go out of the Union. We said she should not go out; we said those States could not go out; we said that secession was unconstitutional; we said that disunion was wrong. We went to war about it; and there were some noble hearts in Georgia that loved the old flag, that loved the land of their fathers, that loved the history and the memory of Washington, and they said, "Although Georgia may go out, we will not go out." Among them was this brave man, a good man, a true man, who stood by his country. You went to him in the name of the Union; you robbed him in the name of the Union; and now in time of peace, when the contest is over and he comes to this great Government that robbed him and says, "Pay me for my property; I am a Union man; I was always a Union man; I love my country; I always loved it"—when this Union man comes here and presents this just claim, the distinguished gentleman from Illinois says: "Oh, Congress has passed a rule that they will not pass bills for the payment of claims of this kind." Do you tell me that Congress passed a rule to defy the Constitution of my country, to disinherit the loyal men of the South who stood true to the Union? Congress had no right to adopt such a rule. It is usurpation on the part of anybody to undertake to pass such a rule. I say—and I hope the House will listen to me—Congress can pass no rule to prevent a Representative here from voting for the righteous claim of a loyal man. I hope that when we come to vote upon this question the report of the committee will be disregarded, and that justice will be done to a true, devoted, gallant, Union-loving man, who happened to be caught in Georgia during the war. [Laughter and applause.]

Mr. JOHNSTON, of Indiana. Mr. Chairman, there are doubtless a great many of these cases which may be selected from the mass, and which may appear to have some considerations of equity in their support; but when the Government has drawn a line in accordance with which it will pay or refuse payment in the case of war claims, it becomes the duty of a committee of this House to confine itself within the rule. Here is a claim for property which was taken in the State of Georgia—an insurrectionary State. We are prohibited from paying for it by an act of Congress; and by the rulings of the War Claims Committee claims of this kind have always been rejected.

In this case the attempt is made to escape the operation of the rule by saying that the claimant was a resident of the State of Kentucky, which was never declared in rebellion; that, for the purpose of following the pursuits of a farmer in the State of Georgia, he had taken certain articles of personal property there. But he voluntarily took his property beyond the line within which the Government guaranteed him protection; by his own volition he was with his property in an insurrectionary State for the purpose of gain. The property having been taken under such circumstances, the case comes clearly within the rule.

I see no more reason why this man should be paid for his property than that every loyal man who lost property in Georgia under like circumstances should be paid. If in this case you abandon the rule and pay this man for his property you open the door for the payment of every loyal man whose property was taken in an insurrectionary State. Congress has already gone far enough in the direction of paying claims which are not authorized, claims which have arisen in insurrectionary States. It is time that we should call a halt, that we should follow the law and adhere to the rulings made by both Houses of Congress upon these war claims. I hope that the motion to report the bill to the House with a recommendation that it be laid on the table will be agreed to.

Mr. SPRINGER. Mr. Chairman, one word in response to the gentleman from Kentucky [Mr. STONE]. The claim to which I referred as having arisen in the State of Illinois was the taking of property by the Army in a State which was not in insurrection. That property, as no one disputes, was used for the purposes of the Army. It was a case where the troops went out into the fields and took corn and hay, the produce of a man's farm, which was carried into camp and used. No vouchers were given. The case came within the ordinary operations of soldiers in camp, where requisitions for supplies were not made.

In the present case, the Army, in the midst of hostilities, passed through a hostile district of country. The claimant had his property there before the Army came; and when the Army had passed he had not the property. That is all he can say about the matter. Now, if it had been taken regularly, according to the forms of law, a voucher would have been given and the claimant could have gone long ago, under the general law, to the Claims Commission and secured the payment of his claim. This not having been done, the case belongs to another class, as to which it has been the rule of Congress heretofore not to make payment. If Congress is disposed in the present case to open this wide door, then a number of cases which have been reported here adversely should be sent back to the War Claims Committee; we should reverse the action adopted by Congress up to the present time, and should begin the payment of a class of claims which will involve an expenditure of hundreds of millions of dollars. I submit that the committee has drawn the line at the right place, and it behooves us to maintain that line unbroken. Here is a case which comes within the class heretofore rejected; and I hope the vote of the House will be unanimous against the payment of this claim.

Mr. STONE, of Kentucky. I wish to call the attention of the Committee of the Whole to one remark of the gentleman from Illinois [Mr. SPRINGER]. The only objection which he seems to urge against the payment of this claim is the fact that a certain claim for depredations in the State of Illinois was not paid. The gentleman says that the present case originated in the midst of hostilities; that Mr. Higgins had the property before the Army passed through that district of country, and after the Army had gone his property was not there. The

gentleman takes it for granted that the taking of the property was what is known as a "depredation;" in other words, to put the matter plainly, that the soldiers stole the property. That was not the fact. The property was taken and used by the officers of the Army for the support of the Army. The property when taken was in Georgia; but Mr. Higgins was a resident of Kentucky; his real home was there; and he had been endeavoring to get his property into Kentucky. Now, suppose he had been enabled to cross the line with his property; suppose he had succeeded in getting back to his home and then had lost his property under similar circumstances; the committee, instead of making a report against this bill, would have reported in its favor. The whole objection to this claim is based upon the fact that the property when it was taken and used by the Army was in the State of Georgia. Now, if you are going to pay for property used by the Army when that property belonged to loyal men who lived in a State not in insurrection, why should you not pay Mr. Higgins?

As I have said, after all the straining to find a reason why this claim should not be paid, the whole objection rests upon the fact that the property, when taken, was in the State of Georgia, and the further fact, urged by the gentleman from Illinois, that a claim for depredations in the State of Illinois was not paid. I ask this Committee of the Whole whether these are valid objections.

There is no "opening a door" in this case. Congress is asked simply to follow exactly the line in which it has been going for the last twenty years; that is, paying claims of this kind when they could be brought up for consideration, and when the justice of the claim and the loyalty of the party were established. Whenever that could be done, you have been paying claims of this kind ever since 1864. Why stickle now about this case, and refuse payment, simply because the property was taken in the State of Georgia? There is no "opening a flood-gate" in this case. This talk about "opening a door" and "opening a flood-gate" is used to scare Representatives here from the payment of just claims. Why not promptly do justice to one of your citizens when the facts have been established in his case just as they have in hundreds of other cases which have been paid? I can see no reason why this bill should be rejected, and I hope the Committee of the Whole will report it favorably to the House.

Mr. SPRINGER. One moment, Mr. Chairman, before the vote is taken. The committee reporting this bill uses this language:

It was property held and owned in an insurrectionary State, and was seized during active hostilities. All the general legislation of Congress has been against allowing this class of claims, and your committee see no reason for change in that policy. There is nothing so exceptional in this case as to warrant your committee in departing from the general rule, and therefore recommend the bill in this case do lie upon the table.

That is the report of every member of the Committee on War Claims with the exception of the gentleman from Kentucky [Mr. STONE], who gives us the views of the minority:

I do not concur in the report of the majority of the committee in the case of John M. Higgins.

Now, if the gentleman from Kentucky wished to have enlightened the House in the minority report which he presented he might have stated the facts in the case, showing in what respect the report of the majority of the committee had misrepresented them. But there is no dispute about the facts at all. The committee reported the facts unanimously, and the gentleman from Kentucky does not dispute them. These facts as reported show that this property was seized in the midst of active hostilities. Such a case has never heretofore been allowed by this Congress, and in my judgment never will be.

Mr. RYAN. Let us have a vote.

Mr. STONE, of Kentucky. There is no necessity, Mr. Chairman, for anything like an extended statement of the facts in the report of the minority, as there is no disagreement in the committee as to the facts of the case. There is no denial in this case of the fact that Mr. Higgins lived in Kentucky, nor that the property when taken was in Georgia. Neither is there denial of the fact this property was taken and used for the benefit of the United States Army. Those are the facts in the case, and there is no dispute about them.

But, sir, the majority of the committee decided the claim should not be paid simply because the property was in the State of Georgia. That is where the disagreement is. There is no disagreement as to any other point.

I do not concur with the majority report, because I believe the property belonging to a man who lived in Kentucky, although that property was in the State of Georgia, should be paid for when taken by the Government just as quickly as if it had been across the line. There is no question about his loyalty—that was established by the testimony of men whose loyalty has never been questioned.

The question recurred on Mr. SPRINGER'S motion that the bill be laid aside to be reported to the House with the recommendation it be laid upon the table.

The committee divided; and there were—ayes 46, noes 37.

Mr. STONE, of Kentucky. No quorum.

The CHAIRMAN appointed as tellers Mr. SPRINGER and Mr. STONE, of Kentucky.

The committee again divided; and the tellers reported—ayes 67, noes 54.

Mr. STONE, of Kentucky. I will withdraw the point of no quorum, and give notice I shall call for the yeas and nays on the question in the House.

So Mr. SPRINGER'S motion was agreed to; and the bill was laid aside to be reported to the House with the recommendation that it be laid on the table.

CLAIM FOR TONNAGE DUES.

The next business on the Private Calendar was the bill (H. R. 4583) authorizing the Secretary of the Treasury to make final adjustment of claims of certain foreign steamship companies arising from the illegal exaction of tonnage dues.

It was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized to allow and pay, out of any moneys in the Treasury not otherwise appropriated, to the North German Lloyd Steamship Company of Bremen, the Hamburg American Packet Company of Hamburg, and the Norse American Line of Sweden, interest at the rate of 5 per cent. per annum on such moneys as have been exacted from such companies in contravention of treaty provisions, and heretofore refunded under the act of June 19, 1878; such interest to be computed from the date of the respective payments by such companies up to the time of refunding the same under the act aforesaid: *Provided, however*, That such interest shall be accepted by said companies, respectively, in full settlement of all claims on account of said moneys exacted from them in contravention of treaty provisions, as above stated.

Mr. SOWDEN. I ask for the reading of the report of the committee.

Mr. BUCHANAN. Allow me to suggest to the gentleman from Pennsylvania that this report occupies eleven pages of fine type, and that even if the report were read, because of matters which have transpired since it was made, it would be necessary for me to make a statement. I suggest, therefore, that I be allowed to make such a statement, and then if the gentleman wishes to do so he can insist upon the reading of the report.

Mr. COX, of New York. Mr. Chairman, I insist upon the reading of all these reports. This is an old case; I am familiar with it, having served on the Foreign Affairs Committee. The principal was paid on this claim. This is a claim for interest. I ask my friend what is the amount?

Mr. BUCHANAN. The interest computed upon the principal was, upon one series of these claims, a little rising $80,000, and on another series a little over $70,000; but this computation was at the rate of 6 per cent., whereas the bill provides for only 5. I suppose, however, if the reading of the report is insisted upon it may as well be read previous to any debate, but not in my time.

The CHAIRMAN. The Clerk will read the report.

The Clerk proceeded to read the report.

Mr. BUCHANAN. Mr. Chairman, I would suggest, in view of the fact that this is a very lengthy report, and as the House has been in session some time this morning, that by unanimous consent this case be allowed to go over until next Friday, retaining its place on the Calendar, so that it may come up for action early in the day.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

The next business on the Private Calendar was the bill (H. R. 2175) for the relief of Dr. W. S. Hosack.

Mr. WHITE, of Pennsylvania. I ask unanimous consent that this bill be passed over to retain its place on the Calendar without prejudice.

There was no objection, and it was so ordered.

ELON A. MARSH AND MINARD LAFEVER.

The next business on the Private Calendar was the bill (H. R. 5894) for the relief of Elon A. Marsh and Minard Lafever.

The bill is as follows:

Whereas heretofore, to wit, on the 28th day of December, A. D. 1880, in due form of procedure and in all legal respects, letters patent numbered 236052 of the United States of America were duly granted and issued to Elon A. Marsh and his assignee, Minard Lafever, of Battle Creek, in the county of Calhoun and State of Michigan, one of the United States, for a new and useful improvement in steam-engine valve-gear, save that the said letters patent were not, by accident or mistake, at the said time of issuing, to wit, on the 28th day of December, 1880, signed, as by law required, by the Secretary of the Interior; and

Whereas the said named letters patent were afterward, to wit, on the 24th day of February, A. D. 1882, but not before, duly signed by the then Acting Secretary of the Interior: Therefore,

Be it enacted, &c., That the letters patent named in the preamble of this act are hereby and by this act made legal, valid, complete, and operative, in law and equity, from the 28th day of December, 1880, to the same extent and for the same term that the same would have been legal, valid, complete, and operative if the signature of the Secretary of the Interior had, at the time of the supposed issue of said letters patent on the day aforesaid, been placed thereon, and the omission of said signature thereon had not occurred.

Mr. SPRINGER. Let the report be read.

Mr. MORGAN. I ask that the views of the minority be read in that case.

The Clerk proceeded to read the report.

Mr. MORGAN. I think, Mr. Chairman, it would perhaps obviate the necessity of reading the two reports if I may be permitted to make a brief statement. After a consultation with the members constituting the majority of the committee they agree that the amendment suggested by the minority may be incorporated in the bill. If that amendment is adopted as a part of the bill it will obviate our objections and save the reading of the reports.

Mr. WARNER, of Ohio. Let the amendment be read.

The Clerk read as follows:

We therefore respectfully recommend that the bill be amended by adding at the end thereof the following proviso, to wit:

"*Provided, however*, That the provisions of this act shall not be held or construed to apply to or affect any suits now pending, nor any cause of action arising prior to its passage."

Mr. SPRINGER. I desire to have the body of the bill read again.

The bill was again read.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL H. MOER.

The next business on the Private Calendar was the bill (H. R. 3365) for the relief of the heirs or legal representative of Samuel H. Moer.

The bill is as follows:

Be it enacted, &c., That the proper accounting officers of the Treasury be, and they hereby are, authorized and directed, in the settlement and adjustment of the accounts of Samuel H. Moer, deceased, to allow credit for the disbursement of the public funds disbursed by him under the authority of William Gilpin, late governor of Colorado Territory, of the amount with which he now stands charged upon the books of the Treasury, upon satisfactory evidence being furnished of the actual disbursement of said fund for the benefit of the public service.

SEC. 2. That the Secretary of the Treasury be, and he hereby is, authorized and directed, upon such settlement and adjustment being made as aforesaid, to pay, out of any moneys in the Treasury not otherwise appropriated, to the heirs or legal representative of the said Samuel H. Moer the pay and allowances due him by reason of his services as captain and assistant quartermaster of volunteers during the late war, and withheld on account of non-settlement of his accounts.

Mr. SPRINGER. Let the report be read.

Mr. JOHNSTON, of Indiana. This man was selected for the disbursement of certain quartermasters' funds in the service of the Department and purchased certain property, using all the funds; but his vouchers, or one set of them, were rejected on account of some informality. He afterward and before the rectification of the informality died. The Government got possession of the property which had been accounted for, and the only mistake was in reference to the formality of the vouchers. This bill proposes simply to allow settlement with the heirs the same as if the vouchers had been corrected.

Mr. SPRINGER. About what amount is involved?

Mr. JOHNSTON, of Indiana. The whole amount was $65,000. There is a deficiency of about $16,000 I think in the vouchers.

Mr. SPRINGER. I think we had better have the report read.

The report (by Mr. JOHNSTON, of Indiana) is as follows:

The facts as presented by the petition and the evidence are as follows: That in 1861 the legal authorities of the United States placed in the hands of Governor Gilpin, of Colorado, the sum of $65,198.67 to be expended for quartermaster stores, and for subsisting and equipping United States troops; that Samuel H. Moer, then a citizen of Denver, was selected by said governor as his agent for the disbursement of said funds; that in pursuance of said appointment, said Moer disbursed said funds, and forwarded vouchers therefor to the proper authorities; but vouchers covering the sum of $16,075 were found in some manner to be defective, and were returned for correction, but the evidence fails to show that the vouchers thus returned ever came to the possession of said Moer, as he was then in the military service of the United States. The evidence further shows that subsequently the Government detailed and authorized one Captain Alley to take charge of said store, and that said stores were actually in store when said Captain Alley took possession thereof, but that said Alley said there was no necessity for his receipting for the same, and he refused to do so.

There is no doubt but said money was properly expended by said Moer, and that the Government got the stores purchased therewith, and only has an account against said Moer in form and not in justice. It further appears that the Government still owes said Moer for services as a soldier rendered during the rebellion, and refuses to pay the same because said account is unsettled.

As the present bill authorizes and directs the proper accounting officer of the Treasury to allow a settlement of said account by allowing a credit for the amount covered by said imperfect vouchers, and authorizes the payment of any sum due said Moer for his services as a soldier, your committee think it is but just and right, and therefore recommend the passage of the same.

Mr. SPRINGER. Mr. Chairman, I wish to ask if this bill requires that the Secretary of the Treasury shall adjust this account as he may determine, or does it require a settlement upon the basis of the bill?

The CHAIRMAN. If there be no objection the bill will be again reported.

The bill was again read.

Mr. JOHNSTON, of Indiana. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

The bill was accordingly laid aside to be reported to the House with the recommendation that it do pass.

WASHINGTON L. PARVIN AND HENRY A. GREENE.

The next business on the Private Calendar was the bill (H. R. 5535) for the relief of Washington L. Parvin and Henry A. Greene.

The bill is as follows:

Be it enacted, &c., That it shall be the duty of the proper accounting officers of the Treasury to examine and determine the amounts justly due Washington L. Parvin for expenses incurred by him in recruiting, transporting, and subsisting Company F, First Regiment California Infantry Volunteers, in the year 1861, in the State of California; also what is justly due Henry A. Greene for expenses incurred by him in recruiting, transporting, and subsisting Company G, First Regiment California Infantry Volunteers, in the year 1861, in the State of California; but in no case shall the amount allowed thereon to the said Washington L. Parvin exceed $991.10, nor shall the amount allowed to the said Henry A. Greene exceed the sum of $3,303. And the sums so found to be due to said Washington L. Parvin and Henry A. Greene, respectively, shall be paid to them by a disbursing officer under the direction of the Secretary of War: *Provided*, That acceptance of such payment shall be in full of all claims on account of said expenses: *Provided further*, That no claim under the provisions of this act shall be audited and paid unless presented within one year from the passage of this act.

The report (by Mr. LYMAN) is as follows:

We copy and adopt as our own a report made by the Committee on War Claims of a former Congress on this same claim, viz:

The claim made by these applicants for relief, as provided in the bill referred to the committee, is for money which Captain Parvin and Captain Greene actually expended, the one in enlisting Company F, and the other Company G, of the First Regiment of California Volunteers in the year 1861, under the first call of President Lincoln for troops to defend the lawful authority of the Government.

At this time there was no step taken by the executive of the State of California to comply with the call. Under these circumstances Captains Parvin and Greene each raised a company of the First California Regiment, and each at his own expense enlisted, subsisted, and provided transportation for their respective companies until they were mustered into the service for three years, or the war, by order of General Sumner, some time in 1861.

The entire expense of enlisting, subsisting, and transporting these companies from the northern part of the State, a distance of about 200 miles, to San Francisco, was paid by these applicants up to the time when the companies were mustered into the service in the First California Regiment, under the command of Col. James H. Carleton. No part of these expenses was paid by the State of California, nor has any claim been made by that State on the General Government for any part thereof.

The evidence before the committee shows very clearly that in raising Company F Captain Parvin expended $1,932.50, of which he has received from the Government the amount by him expended, except for subsistence. Under the rule of the War Department he could be allowed only 40 cents per day for the ration of each soldier, while, as it appears by the evidence before the committee, the actual cost and the actual amount which he paid for each man exceeded $1.50 per day. His claim is for the balance, being about $1,000.

Upon the application of Captain Greene to the War Department for the money which he expended in raising, subsisting, and transporting his company he was informed that as he could obtain of the Department only an allowance of 40 cents a day for rations, and as his claim was for an actual expenditure of more than $1.50 per day for each man, it would be as well to seek relief from Congress for the whole as to receive from the Department a part, and still be obliged to seek relief from Congress for the balance.

The committee have carefully examined the affidavits and other papers which have been referred to them, and are entirely satisfied that Captain Parvin and Captain Greene has each expended the money for which they now seek to be reimbursed, and that except as stated, a part payment to Captain Parvin, no part of the money thus expended has been reimbursed either by the State of California or by the General Government.

The States in raising troops in defense of the Republic have been reimbursed all the expenses incurred in recruiting, subsisting, and transporting troops up to the time of being mustered into the service.

In raising these two companies of the First Regiment California Volunteers, the executive furnished neither place of rendezvous, subsistence, nor transportation. Captains Parvin and Greene made their advances until their companies were mustered into the service, and the committee can see no reason why as individuals they should not be placed upon an equal footing with States in this respect.

Although a long time has elapsed since these disbursements were made, it appears that the applicants since they left the service at the end of the war have been diligent in seeking the relief which they now ask.

A similar bill has once passed the Senate. That bill was considered and recommended by the Military Committee of the House, but failed for want of time to be presented for the approval of the House.

The committee therefore report and recommend the passage of the bill which was referred to them. This bill simply directs the proper accounting officer to examine and determine the amounts justly due to Washington L. Parvin, not exceeding $991.10, for expenses incurred by him in recruiting, subsisting, and transporting Company F, First Regiment Infantry, California Volunteers, in the year 1861, and also what is justly due Henry A. Greene, not exceeding $3,303, for expenses incurred by him for a like purpose with reference to Company G, of the same regiment.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

PATRICK FLYNN.

The next business on the Private Calendar was the bill (H. R. 331) for the relief of Patrick Flynn, reported adversely by the Committee on War Claims.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay out of any moneys in the Treasury not otherwise appropriated, to Patrick Flynn the pay and allowances of a major of infantry from March 10, 1863, to November 26, 1863, inclusive, deducting therefrom the pay he received during said period.

Mr. ROWELL. I see by the Calendar that this bill is reported adversely by the Committee on War Claims. I think that report was made under a misapprehension of the facts. The same bill was reported favorably by the same Committee on War Claims in the Forty-eighth Congress, and I think that but for a misapprehension it would have been reported favorably again.

Patrick Flynn was a captain of the Ninetieth Regiment of Illinois Volunteers. March the 1st, 1863, the lieutenant-colonelcy of that regiment became vacant, and the governor of Illinois, who was by law authorized to appoint the commissioned officers of the regiments of the State, commissioned Major Stewart as lieutenant-colonel and Captain Flynn as major of the regiment.

The colonel of the regiment was hostile to these officers. I know something of the regiment. It was an Irish regiment, and a very excellent one, but the colonel was one of those men who believed in fighting without discipline, and these officers were men who believed that discipline was necessary to make a good regiment.

These commissions were issued by the governor of the State of Illinois, and transmitted to the colonel on the 6th of April, and he refused to deliver them to these officers so that they might be mustered. He alleged as a reason that the regiment at that time was below the minimum, and therefore not entitled to a lieutenant-colonel or to a major; misapprehending the law which provided that where a regiment was below the minimum and the colonelcy became vacant there should be

no promotion to that office. The colonel of the regiment wrote to the governor of the State, asserting his right to name the field officers and nominating others to the positions. The governor, asserting his own right and in the interests of the regiment, refused to commission the officers nominated by the colonel. He, therefore, refused to deliver these commissions, holding them in his possession, preventing these officers from being mustered to the positions to which they had been commissioned.

In September the colonel withdrew his opposition to the mustering of the major promoted to lieutenant-colonel, and he was mustered. In November the colonel finally withdrew his opposition to the muster of the major, Captain Flynn, and he was then mustered in as major of the regiment.

This bill proposes to pay him the difference between the pay of a captain and that of a major from the date of the reception of his commission till the date of his final muster; and it is based upon the principle that the governor of the State had the lawful right, as he had the duty, to commission these officers and to name who they should be; that the colonel of the regiment, by his unlawful and arbitrary act, prevented their going upon duty in these several offices; that the United States was entitled to have these offices filled; that the governor of the State did fill them; that these officers were prevented from being mustered by the arbitrary act of the colonel, and that therefore the United States ought to pay for this service.

The only reason why this muster can not be corrected under a general law is the fact that this man was prevented from discharging the duties of major under his commission by the act of his colonel.

I therefore move, Mr. Chairman, that the bill be laid aside, to be reported to the House with a favorable recommendation.

Mr. BRAGG. I trust that the report of the Committee on War Claims will be sustained by this House. If this officer is entitled to pay we have provided by general laws how he shall receive his pay and what proof shall be required in order to entitle him to his pay.

The proof required under the law as it now stands is, first, that he shall have had a commission; second, that there shall have been a vacancy in the office to which he has been commissioned; third, that he shall have discharged the duties of the office. Then he will be entitled to his pay whether he was mustered or not.

The case as presented by the gentleman from Illinois [Mr. ROWELL] contains two of the elements necessary for the officer to receive pay; but it fails to contain the third and vital element upon which all pay is based; that is that the man discharged the duty for which you propose to pay him. By the statement of the advocate of the bill against the report it is conceded that this officer did not discharge the duty. Why, then, shall he be paid for doing a duty which it is conceded he did not do? If he did not do the duty he ought not to have his pay, and the majority report is manifestly correct. It is no answer to that to say that somebody else prevented him from doing the duty. We are not here to wash the dirty linen that grew up in the quarrels between the officers of an Illinois regiment or any other regiment. That is a matter for them to settle with themselves. With us the simple question is whether the man was entitled to pay by reason of duty performed and under circumstances where the law recognized its performance as entitling him to pay; which is an element absent in this case.

Mr. LYMAN. I desire to say but a word on the matter before the committee. This bill was under my charge as a subcommittee of the Committee on War Claims, and the report was made by myself by the direction of that committee.

The facts as stated by the gentleman from Illinois [Mr. ROWELL] are substantially correct, as I understand them. There was a quarrel in the regiment between the colonel and other officers of the regiment. The commissions were issued to this officer, Captain Flynn, as major, and to another officer, Major Stewart, as lieutenant-colonel. The colonel of the regiment withheld these commissions for some time—indeed, until about the time of his death.

Now the record shows that this regiment was not up to the maximum; that it was indeed much below the minimum at the time these commissions were issued. And here I must take issue with the gentleman from Illinois as to what the law was on that subject. He states that at that time when a regiment was below the minimum a vacancy in the colonelcy could not be filled. The understanding I have of that law is that when there was a vacancy in any of the three field offices, colonel, lieutenant-colonel, or major, and the regiment was below the minimum, that vacancy could not be filled; that a regiment below the minimum was not entitled to more than two field officers.

The same was true, as I understand the law, of a company; if it was below the minimum it was entitled to only two field officers, and a vacancy would not be filled. That is the understanding that I have always had of that law, and that was the understanding generally throughout the portion of the army in which I served. Personally, I would be glad if the law were different, for I myself carried a commission for a higher grade for a long time because my regiment was below the minimum, and I could not be mustered. The colonel was alive, and the lieutenant-colonel was in the service. Now, the view which the committee took of the present case was this: The record shows that this regiment was below the minimum, and that it was not entitled to three field officers, and I think it shows affirmatively that this man did not perform the duties of major—at all events, it fails to show that he did perform them. He was carried on the rolls as a captain, and was in command of his company until the date of his muster, the date when he began to draw pay as a major, and if we have not misapprehended the law entirely, we can not pass this bill without opening the door to hundreds, I might say thousands, of claims of like character. Those who were in the service well know that there were many officers who were promoted and received their commissions and carried them, but could not be mustered because their regiments were below the minimum.

We have an act providing that in cases where an officer entered upon the duties of an office and actually performed those duties, he can be paid by the Department. There is no difficulty about a case of that kind. But this is not that case. So far as the record shows, this officer, Captain Flynn, never performed the duties of a major until the date of his muster. The gentleman from Illinois [Mr. ROWELL] says that the colonel finally withdrew his objection to the muster of Captain Flynn, who was then mustered.

I do not so understand the record, as presented before the Committee on War Claims. That record shows that Captain Flynn was mustered after the colonel of the regiment had been killed in battle, and that he was mustered at a time when (the colonel having been killed) the regiment was entitled to two field-officers, the lieutenant-colonel and the major. I do not know whether the gentleman from Illinois [Mr. ROWELL] means to say that the record shows that this officer was mustered by reason of the withdrawal of the objection of the colonel, though I understand him to say that that was the fact. But however that fact may be, it would have nothing to do with the case, as I understand it, and it does not appear in the record. The record shows that he was mustered when the colonel had been killed.

Mr. ROWELL. It is true, Mr. Speaker, as the gentleman from Iowa [Mr. LYMAN] states, that this man was not mustered until after the colonel was killed, but it is also true that before the battle in which the colonel was killed he had withdrawn his objection, and had delivered the commission. Almost immediately after that they went into battle, and the colonel was killed. The gentleman misapprehends the law as it was misapprehended in the Western army for a short time. The law provided that general orders should be issued regulating the number of officers when a regiment came below the minimum, and those orders provided that if the colonelcy became vacant there should be no promotion to colonel; or, if the second lieutenantcy in a company became vacant there should be no promotion to the second lieutenantcy. This colonel, after being informed of his misapprehension of the law, as appears by the record before the War Claims Committee, sent to the governor of Illinois nominations different from Captain Stewart and Captain Flynn to fill the two positions of lieutenant-colonel and major.

The governor of Illinois asserted his own right in the interest of good discipline to determine who should fill those two offices, and declined to comply with the request of the colonel. This man, Captain Flynn, failed to discharge the duties of major, not through any fault on his part, because he was present with the regiment and ready to perform those duties, not for lack of a commission issued by lawful authority, because a commission had been issued to him by the governor of Illinois and placed in the hands of the colonel, but because of the arbitrary act of the colonel of his regiment in refusing to deliver that commission to him in order that he might be mustered. The Government of the United States was in duty bound to pay the salary of a lieutenant-colonel and of a major of that regiment, when, by the act of one of its own officers, the lieutenant-colonel and the major failed to obtain their commissions, so that they might be mustered.

It is an old plea in opposition to a just bill that other claims may come in; yet, in the Forty-eighth Congress, we passed a law authorizing the remuster of all officers who had been commissioned, but had failed to be mustered on their commissions, provided that they went upon duty, and that the regiment was entitled to such officers. An officer who was commissioned for a regiment in which there was no vacancy, or a regiment which, under the law, was not entitled to such an officer, could not by law be remustered. The only trouble in regard to the remuster in this case is that the man was prevented from entering upon the performance of his duty; not that there was no vacancy to which he might be promoted. The single fact that his commission was not delivered, and for that reason he was not permitted to enter upon the discharge of his duties, makes the passage of this bill necessary in order that this man may not be deprived of the rights granted to him under the commission of the governor of Illinois. It seems to me justice demands the passage of this bill.

This man is not a constituent of mine; and I do not know him personally. I knew the regiment, its service, and the necessity for these officers, because I served near that regiment. I look upon this case as one in which remedial action should be adopted by Congress.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois [Mr. ROWELL] that this bill be laid aside to be reported to the House with a favorable recommendation.

The question being taken, the motion was not agreed to, there being ayes 36, noes 50.

Mr. BRAGG. I move that the bill be reported to the House with a recommendation that it lie on the table.

The CHAIRMAN. In view of the vote just taken by the House, if there be no objection, the motion of the gentleman from Wisconsin [Mr. BRAGG] will be considered as agreed to. The Chair hears none, and it is so ordered.

MESSAGE FROM THE SENATE.

The committee rose informally; when a message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed, with an amendment, in which the concurrence of the House was requested, the bill (H. R. 1877) for the relief of John McNaughton.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

A bill (S. 309) to settle and adjust the claims of any State for expenses incurred by it in defense of the United States;

A bill (S. 474) for the relief of George W. Saulpaw;

A bill (S. 1359) for the relief of the heirs of Erskine S. Allin; and

A bill (S. 1651) authorizing the Secretary of the Treasury to make final adjustment of the claims of certain foreign steamship companies, arising from the illegal exaction of tonnage dues.

The Committee of the Whole House on the Private Calendar resumed its session.

SUFFERERS BY WRECK OF STEAMSHIP ASHUELOT.

The next business on the Private Calendar was the bill (H. R. 2110) for the relief of the sufferers by the wreck of the United States steamship Ashuelot.

Mr. BUCHANAN. This bill has been reported by the House committee with amendments. The bill (S. 250) on page 63 of the Calendar, is in precisely the same form as the House bill with the amendments of the committee. I therefore ask unanimous consent that the bill (S. 250) be taken up instead of the bill (H. R. 2110) and substituted therefor.

The CHAIRMAN. The gentleman from New Jersey [Mr. BUCHANAN] asks unanimous consent that the bill he has indicated be taken up in lieu of the one the title of which has just been read. Is there objection? The Chair hears none, and it is so ordered. The Clerk will report the bill.

The bill (S. 250) was read, as follows:

Be it enacted, &c., That to reimburse the officers of the United States Steamer Ashuelot, wrecked off the Lamock Islands, in the China Sea, on the night of the 18th of February, 1883, for the loss incurred by them, respectively, in said wreck, there shall be paid, out of any money in the Treasury of the United States not otherwise appropriated, the following sums, namely: To Andrew J. Iverson, lieutenant; Ambrose B. Wyckoff, lieutenant; Henry T. Stockton, lieutenant; Frank R. Hotchkin, lieutenant, junior grade; T. E. D. W. Veeder, lieutenant, junior grade; Edward N. Whitehouse, paymaster; Samuel H. Dickson, passed assistant surgeon; and James M. Pickrell, assistant engineer, each $1,000. To Silas H. Wright, naval cadet; Samuel H. Williamson, naval cadet; William T. Webster, naval cadet; Robert Stewart, naval cadet; A. F. Callander, mate; and David Monat, pay clerk, each $700.

SEC. 2. That the widow, child, or children, or in case there be not such, then the surviving parent or parents of those in the service who were lost in the wreck of the United States steamer Ashuelot, namely: William Gronan, seaman; George Valentine, captain of the hold; Fritz Rackenbach, quartermaster; William Bronson, landsman; Saint Leger Crone, quarter-gunner; Ah Kid, painter; Sun Shing, carpenter's mate; George Ashton, carpenter; Ah Too, landsman; Andrew Scotland, private marine; and Benjamin H. Wohlrab, landsman, shall be entitled to and receive, out of any money in the Treasury of the United States not otherwise appropriated, as follows, to wit: The relatives, in the order named, of the persons connected with the United States steamer Ashuelot, hereinbefore referred to, a sum equal to twelve months' sea-pay of each person lost: *Provided*, That in any case where heretofore a pension has been granted, or may hereafter in fact be granted, to any such widow, child, or dependent parent, by reason of the death of any of the persons named in this section, in the payment of such pension account shall be taken of any sum paid as above provided, and to the extent of its account said sum shall be in lieu and stead of such pension, and no further: *Provided further*, That the legal representatives of the above deceased persons who were in the service of the Government shall also be paid from the Treasury of the United States any arrears of pay due said deceased at the time of their death.

Mr. MARTIN. I desire to offer an amendment, which I send to the desk.

The Clerk read as follows:

Amend by inserting, after the word "surgeon," in line 14, the names of "James Entwistle and Robert R. Leach, passed assistant engineers."

Mr. MARTIN. It seems that the name of James Entwistle was stricken out of this bill upon the supposition that he had been guilty of gross neglect of duty. From all the information that I can gather, there is a misapprehension existing on this subject. It appears that after he had cleared the vessel and had left it, and had so reported, one man went back to the vessel for the purpose of getting something, and in doing so lost his life. This is the only neglect of duty that could by any means be attributed to Entwistle; and I think that, under the circumstances, there is no more reason why his name should be stricken out than there is for striking out the name of any other person mentioned in the bill. I hope, therefore, that my amendment will be adopted, and the language of the bill restored as it was originally.

Mr. BUCHANAN. Mr. Chairman, I hope the amendment will not be adopted, and for reasons which I will briefly state. The gentleman from Alabama [Mr. MARTIN] is in error in saying that these names were stricken out of the bill. They were not in the bill as introduced in the present Congress. They were in the bill which was introduced in the Forty-eighth Congress; and upon that bill a report was made, favorable in its character, except as to these two engineers. That report, drawn up by the honorable member from Virginia [Mr. WISE], a member of the Committee on Naval Affairs, I hold in my hand; and from it I gather that at the time of this collision there was neglect of duty, in consequence of which a court-martial was convened, before which these engineers were tried. They were found guilty of neglect of duty, and suffered the sentence of that court-martial.

It may be the sentence pronounced by the court-martial should be taken by the country as expiation of the faults of these two men. The bill as it came before the Committee on Claims in the present House did not contain their names, and we were not under the necessity of passing on their cases. So far as this bill is concerned, these names now appear for the first time, and the question for this House to consider is whether the other worthy claimants shall have their bill endangered in its passage through Congress this session for the benefit of these two gentlemen who were found by court-martial guilty of neglect of duty at such a critical period, and who suffered the sentence pronounced against them in punishment of that neglect.

I do not know whether the sentence thus pronounced against these officers was too severe or not, but I do know the sentence of one was that he should be reprimanded by the honorable Secretary of the Navy, and that the other officer be suspended from duty for one year on leave-of-absence pay and maintain his present grade during that period. Now, it might be that on reinvestigation of the matter, so far as these officers are concerned, that I would not object to the introduction of their names into this bill, if it were not for the fact that at present the introduction of their names into the pending measure must seriously endanger its passage. And it seems to me that justice to these worthy claimants should not be now postponed longer for the convenience of those whom a court-martial found guilty of neglect of duty.

Mr. LONG. Let me inquire of the gentleman from New Jersey whether the loss of the Ashuelot was found to be due to their carelessness.

Mr. BUCHANAN. I am asked by the honorable gentleman from Massachusetts whether the loss of the Ashuelot was found to be due to the negligence of these officers, and I will say, from information, that while the actual loss of the vessel was not due to the negligence of these officers, that the loss of life was.

Mr. MARTIN. It seems to me, Mr. Chairman, that the information of the gentleman from New Jersey either is incorrect or that I am myself in error. From what I gather in regard to this case it appears these parties were tried by a court-martial; and while they were exonorated from all blame, they were nevertheless, by the censure inflicted upon them, subjected to a certain punishment or penalty which each one of these parties has undergone. I think the gentleman understands full well that whatever the sentence of that court-martial was in each instance it has been fully executed.

Mr. BUCHANAN. And I so stated in my remarks.

Mr. MARTIN. Both were punished to the extent which the court-martial thought they ought to have been punished.

What are the facts in reference to the case to this man Entwistle? He reported everything was clear in his department, and everything was at that time. The loss of life which resulted afterward was due to the circumstance that a man went back into that department under the charge of Entwistle for the purpose of bringing something out, and while attempting to do so lost his life. If the matter could be reinvestigated, I am told, it would appear fully and completely that this man is in no respect responsible for the loss of life which occurred on that occasion. It was a misfortune.

But even if it were so, if there were a degree of carelessness, if even that were attributed to him, he has undergone the sentence of the court-martial and should not be asked to suffer any further.

Why should these men, then, be prevented from sharing the bounty, or whatever it may be called, which the Government proposes to give to those who suffered by reason of this disaster. I have myself no interest in the matter. I offered an amendment in the interest of a gentleman who seems to be acquainted with everything connected with the matter, who knows this party and declares him to be a most deserving man, and who believes that, having suffered the full penalty of the sentence of the court-martial, there should be an end to it and that he should be allowed to be provided for with the others in this bill.

Mr. BUCHANAN. If there is a case where the doctrine of laches should apply it is the present one. It was presented to Congress in January, 1886, and referred to the Committee on Claims and promptly acted on by that committee, the report being submitted to the House on the 2d of March, 1886. No one appeared in that committee in behalf of these gentlemen to have their names placed in it, and there has been no such effort to place their names in it except within the last half hour, when a gentleman appeared on this floor and asked to have their names inserted.

Now, why should these worthy claimants have justice to them longer postponed by having their bill endangered and jeopardized by the insertion of the names of these two officers, however they may have suffered and however unjustly they may have been condemned, when those officers failed to put in an appearance before the committee so their

names might be placed in the bill? In my judgment, now to place them in the bill would practically defeat the passage of the bill.

As to allegations in reference to their conduct, I do not go back of the findings of the court-martial. I take the facts as I find them there, and they are as I have stated them. The Committee on Naval Affairs of the last House in their report used this language:

As to the engineers, your committee are of the opinion they ought also to be excluded from the provisions of the bill because of neglect of duty at a time of great peril, when it was incumbent upon them to be more than ordinarily brave, prompt, active, and vigilant. Your committee think it would furnish a bad precedent to remunerate them for their loss.

I do not know these gentlemen; I know nothing about them. I only know that at this, the eleventh hour, ay, at half past the eleventh hour, they come in here and ask that these others be postponed unless they can be considered. I hope, Mr. Chairman, they will be remanded to their own separate bill for their own relief, in order that the judgment of the House may deal with each case as it is presented and as it deems best.

With reference to the particular facts of the case, whether they have been punished sufficiently or not, it is impossible for us to determine, because, as I said before, their names did not appear in the original bill, and hence the committee had no occasion to investigate that subject. I hope the amendment will not prevail.

Mr. MARTIN. I ask a vote on the amendment.

The question was taken; and on a division there were—ayes 16, noes 36.

Mr. MARTIN. No quorum has voted.

Mr. SPRINGER. Then I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MCMILLIN reported that the Committee of the Whole House having had under consideration business on the Private Calendar had directed him to report sundry bills with various recommendations.

MOBILE AND OHIO RAILROAD COMPANY.

The SPEAKER. The Clerk will report the title of the first business coming over from a previous session of the committee.

The Clerk read, as follows:

A joint resolution (H. Res. 72) to provide for the settlement of accounts with the Mobile and Ohio Railroad Company.

The SPEAKER. The question is on the passage of the joint resolution.

Mr. OATES. Mr. Speaker, I wish to be indulged in a very brief explanation or statement of the facts on which this joint resolution is founded, and I think if gentlemen will give me their attention they will have no difficulty in determining how to cast their votes upon it.

At the close of the late civil war, in 1865 or 1866, nearly all of the railroads in the Southern States were in a bankrupt condition and had no rolling-stock and no money with which to buy it. The Government owned all of the rolling-stock throughout the country and sold it to the different railroads on time, taking bonds from them bearing 6 per cent. interest for the payment. In 1875, on February 23 of that year, Congress passed an act organizing a board consisting of the Attorney-General and the Secretary of War, and vested them with power and authority to adjust the claims of the Government and the counter claims of these various railroads, and gave them authority to allow deductions from the price at which they had purchased the rolling-stock not to exceed 25 per cent. within their discretion.

Applying that rule to this particular company, the Mobile and Ohio Railroad, they found that the payments made by the company, added to the amount due for services rendered the Government, would exceed the amount of its liability, which, when it was carried out, amounted to $505,000 or $555,000, I forget exactly which.

Under that law they had not the power or authority to draw on the Treasury for the surplus found due in favor of the company, and hence failed to adjust this claim. This bill proposes therefore simply an extension of that act which will invest the Attorney-General and the Secretary of War with the power and authority to audit, adjust, and settle the accounts between this company and the Government of the United States, and it allows them to exercise all the discretion which was vested in the same officers under the original act; that is, to allow to this company a deduction to the extent of 25 per cent., or any less sum; or if in their judgment they ought not in equity to have any deduction then it is within their power to withhold it. It simply invests them with a sound discretion, which they will exercise, and arrive no doubt at a just conclusion.

If any deduction is proper it will be allowed. After casting up the accounts in favor of the company for money paid and services rendered the Government and the $505,000 which the company are to pay for the rolling-stock and the interest, being therefore simply a matter of the settlement of the accounts, the auditing and adjusting and settling of the claim.

It seems to me there is no possibility of danger here, and that it is not only a matter of right, but a simple matter of justice. I move the previous question upon the passage of the resolution.

The previous question was ordered; under the operation of which the resolution was passed.

Mr. OATES moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SAMUEL SAWYER.

The next business reported from the Committee of the Whole with a favorable recommendation was the bill (H. R. 4028) granting a pension to Samuel Sawyer, the question being upon the passage of the bill.

The bill was passed.

DANIEL SCHULTHEIS.

The next business reported from the Committee of the Whole with a favorable recommendation was the bill (H. R. 7911) granting a pension to Daniel Schultheis, the question being on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. SPRINGER. I desire to ask how these bills come before the House.

The SPEAKER. They come over as unfinished reports from the Committee of the Whole on a previous session, and are taken up in their order.

Mr. SPRINGER. Were these not bills that were objected to at night sessions when the question of a quorum was raised, and they were sent to a full House to be acted upon?

The SPEAKER. The Chair thinks that would make no difference. They come over as unfinished reports from the committee, and are first in order when that class of business is taken up.

The bill was passed.

FRIDOLINE GLASTETTER.

The next business reported from the Committee of the Whole with a favorable recommendation was the bill (S. 2132) granting a pension to Fridoline Glastetter.

The bill was ordered to be read a third time; and having been read the third time, was passed.

JOHN R. HARRINGTON.

The bill (H. R. 4594) for the relief of John R. Harrington was reported from the Committee of the Whole House with an amendment.

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

WILLIAM PIKE.

The bill (H. R. 527) for the relief of William Pike was reported from the Committee of the Whole House with a favorable recommendation.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

GEORGE W. BALDWIN ET AL.

The bill (H. R. 529) for the relief of George W. Baldwin, Charles L. Baldwin, and Dora Thompson was reported from the Committee of the Whole House with a favorable recommendation.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JOHN M. HIGGINS.

The bill (H. R. 940) for the relief of John M. Higgins was reported from the Committee of the Whole House with an adverse recommendation.

The SPEAKER. The question is on agreeing to the recommendation of the Committee of the Whole House that the bill be laid upon the table.

Mr. STONE, of Kentucky. Upon that question I demand a vote.

The question being taken,

The SPEAKER stated that the "ayes" seemed to have it.

Mr. STONE, of Kentucky. I call for a division.

The House divided; and there were—ayes 67, noes 9.

So (further count not being called for) the bill was laid upon the table.

ELON A. MARSH ET AL.

The bill (H. R. 5894) for the relief of Elon A. Marsh and Minard Lafever was reported from the Committee of the Whole House with an amendment.

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

REPRESENTATIVES OF SAMUEL H. MOER.

The bill (H. R. 3365) for the relief of the heirs or legal representative of Samuel H. Moer was reported from the Committee of the Whole House with a favorable recommendation.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

WASHINGTON L. PARVIN ET AL.

The bill (H. R. 5535) for the relief of Washington L. Parvin and

Henry A. Greene was reported from the Committee of the Whole House with a favorable recommendation.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

WRECK OF THE UNITED STATES STEAMER ASHUELOT.

The bill (H. R. 2110) for the relief of the sufferers by the wreck of the United States steamer Ashuelot was reported by the Committee of the Whole House with the recommendation that it be laid on the table.

The bill (H. R. 2110) was laid upon the table.

PATRICK FLYNN.

The bill (H. R. 331) for the relief of Patrick Flynn was reported by the Committee of the Whole House with an adverse recommendation.

The SPEAKER. The Chair is advised that the committee did not direct this bill to be reported to the House.

Mr. SPRINGER. The chairman of the Committee of the Whole announced that the committee having refused to report back the bill with a favorable recommendation, that was equivalent to directing it to be reported back with an adverse recommendation.

The SPEAKER. The committee must expressly direct the bill to be reported. The refusal to report a bill with an adverse or a favorable recommendation does not take the bill out of the committee.

Mr. BRAGG. A motion was made to report the bill back adversely with the recommendation that it be laid upon the table, whereupon the chairman of the Committee of the Whole stated what the effect of the former vote would be, that it was the same as directing the bill to be reported with the recommendation that it be laid on the table; that legitimately construed, that action had the same effect as giving unanimous consent to the bill being reported.

The SPEAKER. If an arrangement of that sort is made and acquiesced in, it would bring the bill before the House.

Mr. MCMILLIN. A statement to that effect was made at the time, and no objection was made to the motion of the gentleman from Wisconsin [Mr. BRAGG] that the bill be reported adversely.

The bill was laid upon the table.

RECONSIDERATION.

Mr. SPRINGER moved to reconsider the several votes by which bills had been passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPRINGER. There is one hour of time before the House will take a recess. I ask unanimous consent that a bill reported from the Committee on Claims looking to the adjudication of all private claims against the Government by the Court of Claims shall have consideration at this time; the object being to get the matter into the hands of a conference committee so that the whole subject of private claims and the disposition of them may be determined at this session of Congress. The Senate has passed a bill amending what is called the Bowman act. The Committee on Claims has had it under consideration and recommends striking out all after the enacting clause and inserting in lieu of it the bill reported by the House Committee on Claims on that subject.

The House is not asked to determine any question on this subject, but to put this whole matter in a shape that we can have a conference committee. And I will state for the information of the House that it is desired to consider at the same time the bill reported by the Committee on the Judiciary, so that the whole subject may be embraced in one act and come before us for action at this session. If the House will adopt this motion I will give the assurance that, the Chair assenting, the committee of conference will embrace the chairman of the Judiciary Committee, so that we may cover all the matters involved.

Mr. BRAGG. I hope the suggestion of the gentleman from Illinois will not be acceded to by the House. I remember we had a long and severe struggle over the passage of what is called the Holman act——

Several MEMBERS. Bowman act.

Mr. BRAGG. It was Holman and Bowman, and everybody else that was connected with it. The question involved is such a one as I think ought to receive the careful consideration of the House.

The questions involved in the bill should be discussed in the House. This very clever offer to go out in conference with three or four gentlemen and fix up some legislation and bring it in here to be adopted by the House in the form of a conference report I think ought not to be accepted upon an important measure like this, intended to deal with the disposition of all claims against the Government of the United States. I have great confidence in the wisdom of conference committees, but I also have great distrust at times of their action, and I hope the suggestion of the gentleman from Illinois will prevail.

Mr. SPRINGER. Let me say to the gentleman from Wisconsin [Mr. BRAGG] that this subject has received consideration not only at this session but at every session of Congress since I have been here, and that the Judiciary Committee has at this session reported a very thorough bill upon the subject. The Committee on Claims has also prepared a bill, and those two measures, together with the action of the Senate, would cover the whole subject of private claims in Congress. It seems to me, Mr. Speaker, that when we have just frittered away another day upon such claims and have accomplished scarcely anything, the representatives of the people ought to be willing to consider whether or no this matter of adjudicating private claims should not be provided for in another way, namely, by taking them out of Congress and placing them where they should be, in the hands of a court.

Mr. BRAGG. Mr. Speaker, I move that the House now take a recess.

The SPEAKER. A single objection prevents the consideration of the bill this afternoon. The gentleman from Wisconsin [Mr. BRAGG] moves that the House now take a recess until half past 7 o'clock.

ELIZABETH S. DE KRAFFT.

Mr. STRUBLE, by unanimous consent, reported from the Committee on Pensions a bill (S. 2730) granting an increase of pension to Elizabeth S. de Krafft; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ST. DOMINICK'S CHURCH, DISTRICT OF COLUMBIA.

Mr. STORM, by unanimous consent, introduced a bill (H. R. 10414) for the relief of St. Dominick's church, in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 1829) for the relief of the Greensburg Limestone Company, and others;

A bill (S. 1353) referring to the Court of Claims for adjudication the claims of John H. Kinkead, Samuel Sussman, and Charles O. Wood; and

A bill (S. 2901) to authorize the Secretary of the Treasury to sell and convey the United States custom-house and post-office property at Eastport, in the State of Maine, lately destroyed by fire; the proceeds thereof to be invested in the purchase of a new site for, and to provide for the erection of, a new public building at that place.

The question was taken on the motion of Mr. BRAGG for a recess, and the Speaker declared that the noes seemed to have it.

A division being called for, the House divided; and there were—ayes 71, noes 14.

The SPEAKER. The motion for a recess is agreed to. At the evening session the gentleman from Tennessee [Mr. MCMILLIN] will preside.

The House accordingly (at 4 o'clock and 5 minutes p. m.) took a recess until 7.30 p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 7.30 p. m., Mr. MCMILLIN in the chair as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The Clerk will read the order under which this evening session is held.

The Clerk read as follows:

Resolved, That on each Friday the House shall take a recess from 5 o'clock p. m. until 7.30 p.m., at which evening sessions private bills granting pensions reported from the Committee on Invalid Pensions and the Committee on Pensions, and bills reported from the Judiciary Committee to remove political disabilities only, be considered.

Mr. SWOPE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering the order for this evening.

Mr. DOCKERY. Before that motion is put, Mr. Speaker, I desire to ask unanimous consent (if it is proper to ask it in the House) that members present may be allowed to call up such bills as they desire.

The SPEAKER *pro tempore*. That will be a matter to be determined in Committee of the Whole.

The motion of Mr. SWOPE was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. TOWNSHEND in the chair.

The CHAIRMAN. The Clerk will read the pending bill.

CHARLES E. CAPEHART.

The Clerk read as follows:

An act (S. 1481) granting an increase of pension to Col. Charles E. Capehart.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Capehart, late lieutenant-colonel, First Regiment of Virginia Cavalry, at the rate of $50 per month, in lieu of the pension he now receives.

An amendment reported from the Committee on Invalid Pensions was read, as follows:

In the seventh line of the printed bill strike out "fifty" and insert "forty-five," making the provision read "at the rate of $45 per month."

The CHAIRMAN. Upon this amendment the gentleman from California [Mr. LOUTTIT] is entitled to the floor.

Mr. ALLEN, of Mississippi. I ask that the report be read.

The CHAIRMAN. The Clerk informs the Chair that the report has already been read.

Mr. DINGLEY. I suggest that the gentleman from California state the substance of the report.

Mr. LOUTTIT. I can state the substance of it if desired.

Mr. Chairman, the objection, I understand, is withdrawn; and the question now recurs on the amendment.

Mr. ALLEN, of Mississippi. I am making no objection. I merely wanted to know what reason there was why we should vote to increase this pension.

Mr. LONG. This amendment is to cut it down.

Mr. ALLEN, of Mississippi. I do not want to do injustice by decreasing any pension without sufficient reason, and therefore I desire the reading of the report.

The CHAIRMAN. Unless the gentleman from California [Mr. LOUTTIT] desires to have the report read or to make some explanation, the gentleman from Mississippi will be recognized and can himself call for the reading of the report.

Mr. ALLEN, of Mississippi. I do not want to interrupt these proceedings, but I would like to know what there is in this case.

Mr. LONG. We might pass the bill first, and the gentleman can read the report afterward. [Laughter.]

The amendment of Mr. LOUTTIT was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. DOCKERY. I now renew my request that the regular order be dispensed with and that members be recognized for the purpose of calling up from the Calendar such bills as they may designate.

Mr. BRADY. I call for the regular order.

The CHAIRMAN. The regular order will be the reading of the first bill on the Calendar.

Mr. BRADY. Upon the solicitation of several gentlemen I withdraw the call for the regular order.

The CHAIRMAN. If there be no objection, the proposition of the gentleman from Missouri [Mr. DOCKERY] will be adopted.

There being no objection, it was ordered accordingly.

LIFURS ROBERSON.

Mr. JOHNSTON, of North Carolina. I call up the bill (H. R. 3167) to restore the name of Lifurs Roberson to the pension-roll.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to restore the name of Lifurs Roberson, late of the First North Carolina Regiment, Mexican war, to the pension-roll.

The amendment reported by the committee, to strike out, in lines 4 and 5, the words "the First North Carolina Regiment," and insert "Company K, Fifth Tennessee Volunteers in the," was read and adopted.

The bill as amended was ordered to be laid aside to be reported to the House with a recommendation that it do pass.

JAMES H. YOUNG.

Mr. LONG. I call up the bill (H. R. 8424) granting a pension to James H. Young.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James H. Young, late of Company I, Sixth Regiment Kansas Cavalry Volunteers.

Mr. LONG. I ask that the bill be laid aside to be reported favorably to the House.

Mr. MCMILLIN. Let the report be read.

The report (by Mr. LOVERING) was read, as follows:

James H. Young enlisted October 7, 1861, and was mustered out August 19, 1865. Originally mustered as private, he passed through the several grades, and when mustered out was captain of Company C, Fifteenth Kansas Cavalry. He made a declaration for pension February 13, 1886, alleging "rupture, injury to right thigh, and hemorrhoids." Claim was rejected April 20, the same year, on the ground that there was no record of alleged rupture, injury to right thigh, and piles, and claimant's inability to furnish any testimony as to their incurrence in service and line of duty.

The evidence and papers in the case show Captain Young to have been a brave and efficient officer, and that he did contract disabilities in the service. By hard riding and saddle service he contracted piles, Dr. T. B. Lester, of Kansas City, Mo., operating upon him surgically twice for the same, but producing only temporary relief, not a cure; also, during the Price raid, when between Forts Smith and Gibson, in November, 1864, his horse fell, catching him under the saddle, causing rupture and injury to hip, so much so that for the rupture he has been obliged to wear a truss and bandage ever since.

Robert R. Roberts, M. D., testifies to treatment in New Orleans, 1875, where he—

"Treated claimant for partial paralysis and rheumatism of right hip and leg, the seat of the diseases being located in the lumbar and coccygeal regions of the spine, being result of injuries received while in service of the United States; also treated him for right inguinal hernia of right abdominal region, he then being unable to walk without crutches; have known him ever since, and to my certain knowledge he has not been able, and is not now able, to perform physical labor."

The board of surgeons at Washington, D. C., who examined claimant rate him at total for hernia and one-fourth total for piles.

It seems to be established that claimant was free from all disease when he enlisted; that he performed hard and exhaustive service in the saddle in Kansas and Missouri; that he contracted the disabilities as alleged, from which he has suffered ever since. He is now sixty-three years of age, infirm and poor, with the burden of disabilities increasing year by year; but, like many another gallant soldier, he has delayed asking the Government for what he had justly earned, so long as he could do for himself and get along without its help, until now, compelled by increasing age and infirmity to ask for aid, he finds that those to whom he must look for that strict evidence required by the Department are dead or scattered, whither he knows not.

Your committee, therefore, in view of all the facts, think this claimant has richly earned and should receive the assistance asked for, and therefore report back the accompanying bill and recommend its passage.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

LINNÆUS W. RISLEY.

Mr. NEAL. I call up the bill (H. R. 8670) granting a pension to Linnæus W. Risley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Linnæus W. Risley, late of Company D, Eighteenth Indiana Volunteers.

Mr. MCMILLIN. Let the report be read.

The report (by Mr. TAULBEE) was read, as follows:

Claimant enlisted June 14, 1861, and was discharged January 21, 1863.

Claimant alleges that August 19, 1862, he fell from the third story of hospital No. 1, at New Albany, Ind., where he had been confined sick. Said fall caused concussion, which resulted in vertigo and insanity. Also, while drilling State militia at Lawrenceburg, Ind., August 28, 1862, he accidentally discharged a shotgun which he had in his hand, wounding himself in left foot. He was acting under orders of Colonel Spooner.

Claim was rejected on the ground that said wound was not received in line of duty, and of no record in the War Department of alleged injury resulting in vertigo, and his inability to furnish satisfactory testimony showing origin of said injury in the service and line of duty.

The records of the War Department do not show cause of detail.

Certificate of disability shows him wounded in right foot while handling a shotgun.

Surgeon Carpenter, of the United States medical director's office, Cincinnati, Ohio, who signed the certificate of disability, states in said certificate that claimant did not receive said wound in line of duty. Upon what grounds he based this statement is not shown. It is fair to presume that it was not from personal knowledge, as he was a hospital surgeon at Cincinnati, Ohio, when claimant was brought to him.

Martha M. Soper testifies that claimant shot himself in left foot while under an attack of hallucination, and she and Dr. Harding took claimant to hospital in Cincinnati, Ohio.

Dr. Harding testifies that he treated claimant for vertigo in January, 1863, when claimant told him it was caused by a fall from a window of a hospital at New Albany, Ind.

The report of the Surgeon-General United States Army, shows him sick in hospital No. 1, New Albany, Ind., from August 18, 1862, to September 4, 1862.

Captain Hutchinson, late of Company D, Eighteenth Indiana Volunteers, in his affidavit of claimant's disability, says that claimant fell from the third story of hospital No. 1, at New Albany, Ind., the concussion of the fall causing insanity which affected him until he was discharged. He further states that claimant was a brave soldier and often led the skirmish, and that said fall was the cause of his affliction. Claimant states he was ordered to drill the State militia when he was wounded. If he was he ought to be considered in line of duty. He was not with his company any more after he was sent to the hospital at New Albany, Ind.

There is nothing adverse to the merit of the claim except the statement of Surgeon Carpenter, and he locates the wound as being on right foot, while the hospital record testimony and medical examinations show that it was the left foot. There may be a doubt as whether the wound was received in line of duty, but taking into consideration the circumstances of the case, your committee are of the opinion that the doubt should be given in favor of claimant, and therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

LIZZIE BROWN.

Mr. DINGLEY. I call up the bill (H. R. 7716) granting a pension to Lizzie Brown.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the pension laws, the name of Lizzie Brown, the dependent and crippled sister of Webster Brown, late of Company L, First Maine Heavy Artillery, who was killed in the battle of the Wilderness.

The amendments reported by the Committee on Invalid Pensions, were read, as follows:

Strike out, in lines 4 and 5, the words "subject to the pension laws."

At the end of the bill add the words "and pay her a pension at the rate of $12 per month."

Mr. DINGLEY. The report in this case is very brief; let it be read.

The report (by Mr. HAYNES) was read, as follows:

Lizzie Brown filed a claim as dependent sister of Webster Brown, a private in Company L, First Maine Heavy Artillery, who was killed at the battle of the Wilderness. Claim was rejected on the ground that she had attained the age of sixteen years prior to the death of soldier. On account of this absolute bar the question of dependence and contributions was not gone into.

From the affidavits hereto appended it appears that this claimant is now and has been for the greater part of her life a hopeless invalid and cripple; that for twelve years she did not sit up or stand upon her feet; that both of her parents are dead, and she is dependent on charity. Her only brother, who had contributed to the support of his unfortunate sister, was killed in battle. These are the simple facts, and they constitute a strong and equitable claim.

The committee accordingly recommend that the bill be amended so as to fix her pension at $12 per month, and that as so amended it do pass.

STATE OF MAINE, *county of Lincoln, ss:*

In case of Lizzie Brown's petition for pension we, the undersigned, D. W. Hiscock, aged fifty-seven years, and J. Allen Jewett, aged forty-five years, both of the town of Alna, and both selectmen of said town of Alna, in the county of Lincoln and State of Maine, having been duly sworn, depose and say upon our oaths that we well knew Luther Brown, of this town; that he was the father of the said Lizzie Brown; that he died in this town March 16, 1876; that he had

but one son, Webster Brown, who was killed in battle of the Wilderness, in Virginia; that the said Lizzie Brown was born April, 1848, and that for many years she has been wholly unable to earn her living, and has been, much of the time, for fifteen years confined to her bed in consequence of sickness, resulting in leaving her in a crippled condition; that she has no property to our knowledge to the amount of $100; that she has been, since the death of her said brother, Webster Brown, and her father, dependent upon the charity of her friends, with no prospect of her ever being restored to health or being able to earn her own living, and that unless the Government should give her a pension she must suffer.

We have no interest in the prosecution of this claim for pension.

D. W. HISCOCK.
J. ALLEN JEWETT.

Personally appeared the above-named D. W. Hiscock and J. Allen Jewett, whom I certify to be reliable men, and selectmen of said Alna, and made oath to the foregoing statement this 28th day of April, A. D, 1886.

EDWARD WEEKS,
Justice of the Peace.

STATE OF MAINE, *county of Lincoln, ss:*

Personally appeared before me, this 1st day of June, A. D. 1886, Addison Carney, aged fifty-five years, and Hellen Carney, aged forty-six years, both of New Castle, in said county and State, who, having been sworn according to law, do depose and say they have been well acquainted with Lizzie Brown, of Alna, in said county and State, for the past twenty-five years, and well knew her brother, Webster Brown, who was killed in battle while in the service of the United States; that to our personal knowledge the said Webster Brown did supply his said sister with funds for her support during his lifetime, he being her only brother, not having any property of her own, and being an invalid for life, and that this supply of funds was for years prior to his death. We also depose and say we have no interest in the claim of the said Lizzie Brown for pension. In witness of the foregoing statement we hereunto set our hands and seals.

ADDISON CARNEY. [SEAL.]
HELLEN CARNEY. [SEAL.]

JUNE 1, 1886.

STATE OF MAINE, *county of Lincoln, ss:*

Then personally appeared the above-named Addison Carney and Hellen Carney and made oath to the above statement, and I certify that the said witnesses are credible and entitled to belief. I have no interest in the claim of Lizzie Brown for pension.

[SEAL.]

F. IRVING CARNEY,
Notary Public.

BATH, ME., *November* 29, 1885.

SIR: In March or April, 1884, I made application for a pension for Miss Lizzie Brown, on account of her only brother, Webster Brown. She was a cripple at the time of his enlistment, and for twelve years she did not sit up or stand upon her feet. By the skillful treatment of a doctor from New York she got so she could walk around, but not able to do any work. Webster Brown enlisted December, 1863, in Company L, First Maine Heavy Artillery, in the war of the rebellion. He was killed in the battle of the Wilderness, May, 1864. Her father and mother are both dead, and Webster was her dependence, and she is an invalid, and under medical treatment now. She is not able to do any work. * * *

Yours respectfully,

JOSEPH BROWN.

Hon. NELSON DINGLEY, Jr.

The amendments reported by the Committee on Invalid Pensions were adopted.

The bill as amended was laid aside to be reported to the House with a recommendation that it do pass.

JOHN SELBY.

Mr. WILLIS. I call up the bill (H. R. 6026) granting a pension to John Selby.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Selby, dependent father of George Selby, late a private in Company C, Seventy-third Ohio Volunteers.

The report (by Mr. TAULBEE) was read, as follows:

Soldier George Selby enlisted January 11, 1862, as private Company C, Seventy-third Ohio Volunteers, and was killed in battle of Bull Run, August 30, 1862.

Claimant John Selby claims pension as the dependent father of said George Selby; soldier left no wife, mother, or child surviving him.

Claim was rejected on the ground that claimant was able and did earn adequate means of support for himself and family at time of soldier's death.

Dr. Woddle states that claimant was not able to work for some time previous, and since 1862. For the last four years has treated claimant for disease of bladder and prostate gland. General health feeble; claimant is old and infirm, not able to support himself and family.

Jo. Hicks and James Vail testify that they have known claimant from 1862 to the present time, and that he has not been able to work half his time.

The auditor of Ross County, Ohio, says claimant's property, real and personal, was $750 in 1862.

Dr. Woddle says he bought claimant's house in 1867 for $900, which was heavily mortgaged. Knew claimant from 1860 to 1868, and that claimant depended on his own and son's labor for support.

Charles Russell states that claimant's only means of support was his own and son's earnings.

The board of United States examining surgeons of Louisville, Ky., says that claimant is wholly unable to do any kind of work.

It is the opinion of your committee that the claim is meritorious, and recommend that the bill do pass.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

MRS. HENRIETTA M. DRUM HUNT.

Mr. ANDERSON, of Kansas. I call up the bill (H. R. 8869) granting a pension to Mrs. Henrietta M. Drum Hunt.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henrietta M. Drum Hunt, widow of the late Lieut. Henry J. Hunt, United States Navy, and pay her a pension of $50 per month from and after the passage of this act.

The amendment reported by the Committee on Invalid Pensions was read, as follows:

In line 8, strike out "50," and insert "40;" so as to make the pension $40 per month.

The report (by Mr. SCOTT) was read, as follows:

The committee recommend the passage of the bill with the following amendment:

In line 8, after the word "of," strike out the word "fifty" and insert the word "forty."

Mr. ANDERSON, of Kansas. Mr. Chairman, this bill is *verbatim* the same as the one which has already passed the Senate. I am not certain whether that bill is on the Calendar, but if I can find it there I shall ask unanimous consent that it be substituted for this bill. I ask for the reading of the Senate report, which states fully the facts in the case.

The report of the Senate Committee on Pensions (by Mr. BLAIR) was read, as follows:

The claimant, Henrietta M. Drum Hunt, is the widow of Henry J. Hunt, late a lieutenant in the United States Navy, who died at Washington, D. C., May 5, 1886. The widow filed her application before the Department May 13, 1886, basing the title to pension upon the death of Lieutenant Hunt from disease contracted in the line of duty while serving on board the steamer Alert, in the Greely relief expedition to the arctic regions.

The present bill is based upon the following petition of the widow, in which the naval history of the officer is briefly given:

WASHINGTON, D. C., *June* 3, 1886.

To the Chairman of the Committee on Pensions, United States Senate:

SIR: The undersigned begs to represent that her late husband, Henry Jackson Hunt, was appointed a midshipman in June, 1870, and was graduated from the Naval Academy in 1875. He shortly after joined the Swatara and engaged in the survey of the Amazon River; was detached from the Swatara in 1877 and ordered to the training-ship Minnesota, from which he was detached and ordered to the ship Enterprise, of the European squadron. In May, 1880, he was detached from the Enterprise and placed on waiting orders, and in September of the same year was ordered to the receiving-ship Passaic, whence he was detached for duty in the Hydrographic Office, Navy Department.

In April, 1881, he was ordered to the ship Rodgers, sent to search for the Jeannette in the arctic seas. As a member of this ship's party he endured all the hardships, exposure, and privation incident to service within the Arctic Circle, especially in the survey of Wrangel Island and the examination of cairns on Herald Island.

After the Rodgers reached her winter quarters at Saint Lawrence Bay, she was burned November 30, 1881, on which occasion Ensign Hunt was exposed not only to the inclemency of a severe winter in extreme northern latitudes, but in his efforts at saving the lives of his comrades and the supplies for their subsistence suffered severely.

On the 8th of February, 1882, he left Saint Lawence Bay in company with his comrade, Lieutenant-Commander Berry, and traveled in sledges along the coast of Siberia to the westward as far as the Lena River, searching for the Jeannette party. Learning on arrival that De Long and some of his companions had landed in the delta of the Lena, and that one boat was missing, he at once volunteered for service to search the mouths of the Lena and the seacoast for Lieutenant Chipp, of the Jeannette, and his boat's crew, and also aided in the removal of the bodies of De Long and his party from the Lena delta to the United States. He returned to the United States, bringing with *him* such of the crew of the Jeannette as were saved, and was detached from the Jeannette search expedition April 13, 1883. His arctic service is thus rated at two years, in which he was conspicuous for devotion to duty, and doing all in the power of any one man to do in aid of the success of the expedition.

In March, 1883, he was promoted to the grade of lieutenant, and assigned to ordnance duty at the navy-yard at Washington soon thereafter. From this he was detached in April, 1884, and ordered to the expedition fitted out for the relief of the Greely party. During this voyage his health gave way and he was not again employed on duty. He died May 5, 1886.

HENRIETTA M. DRUM HUNT.

We also append the following letter, giving some account of the services performed by this gallant officer:

NAVY DEPARTMENT, BUREAU OF EQUIPMENT AND RECRUITING,
Washington, May 24, 1886.

MY DEAR SIR: If it has not been done already, I would like to inclose the record of the late Lieut. H. J. Hunt, for whose widow you so kindly introduced a bill for pension.

Lieutenant Hunt's last service at sea was under my command, in the expedition sent in 1884 to the relief of Lieut. A. W. Greely. I feel, therefore, that I ought to say that I believe it was the exposure of this cruise and that in the search for the Jeannette survivors that hastened this gallant young officer's death.

In performing both of these memorable services young Hunt went forth with full determination to do or die, if need be, in the effort to save those of these two ill-fated expeditions imperiled in the desolate ice fastnesses of the north; and, as his early death was in a large degree the outcome of exposure in the line of his duty in performing extra perilous service, it is confidently hoped that his bereaved widow may obtain proper pension.

Very respectfully, your obedient servant,

W. S. SCHLEY,
Commander, United States Navy,
Commanding the Greely Relief Expedition of 1884.

Hon. BENJAMIN HARRISON.
United States Senate, Washington, D. C.

Certificates from the physicians who attended him during his last illness are also filed with your committee.

Your committee are of opinion that the premature death of this gallant young officer was a sequence of the great hardship, suffering, and privation he underwent in his service, especially in the expeditions to the arctic regions. We therefore report back the bill with a recommendation that it do pass, with the following amendment: Strike out the word "fifty," in the eighth line, and insert the word "forty" in lieu thereof.

Mr. McMILLIN. I ask the gentleman in charge of this bill to state what pension this widow is now drawing. If the report makes any statement on that point, it has escaped my attention.

Mr. ANDERSON, of Kansas. She is drawing no pension now, I believe. Lieutenant Hunt died within the last year.

Mr. McMILLIN. Why has no pension been granted at the Department?

Mr. ANDERSON, of Kansas. This was an exceptional case in this respect: Lieutenant Hunt volunteered in the original Jeannette arctic expedition, and, as the report shows, served for two years, performing all the arduous duties and undergoing all the sufferings connected with that expedition. In this way his health was seriously affected. Subsequently, when the Greely expedition was being organized, he volunteered to take part in that second expedition; and I can say that, by reason of his arctic experience and of the record he had made in the Department, his services were very much desired.

At the time his health was failing the expedition went forth, but before they had reached the point he was attacked by consumption of the throat. Long before they had returned Lieutenant Hunt had entered upon the first stage of the final disease. That he clearly and distinctly lost his life because of his volunteering and engaging in this arctic expedition is as certain as any fact can be. His service is so distinct, the duty he did is so rare, that I certainly feel this a case where, leaving as he does a widow and two children without means of support, that this recommendation of $40 per month is simply an equitable and fair recognition of his gallantry in performing this rare and exceptional service. That is my answer to the question of my friend.

Mr. ROWELL. What would be the pension allowed in this case if it were granted by the Pension Bureau?

Mr. BRADY. Seventeen dollars a month.

Mr. McMILLIN. How is it that more is to be given in the case of the widow of an officer whose death did not occur on the battle-field than in the case of the widow whose husband was killed in battle? Where is there just ground upon which to base any such distinction between the two cases?

Mr. ANDERSON, of Kansas. So far as that is concerned my friend from Tennessee will understand that his point is germane and pertinent.

Mr. McMILLIN. I think if the pension be granted, it should be at the rate allowed those of the same rank who lost their lives in battle.

Mr. ANDERSON, of Kansas. There should, however, Mr. Chairman, this fact always be borne in mind, that this duty which was performed by Lieutenant Hunt is regarded as outside of the ordinary line of naval service.

Mr. McMILLIN. But voluntary, however.

Mr. ANDERSON, of Kansas. Voluntary, of course. But where a young officer volunteers to undergo all the hardship and with almost the certainty that death will follow as the result of his arctic service, yet who undergoes all the hardship of such arctic service during the period of two years, and then when it is intimated to him that volunteers for another expedition are being called for, and that there is need of his service, and the Government would like to have him—I will not say the Department, and yet I might say something on that point—when it is intimated his information and experience are needed, and then this officer volunteers, although he knows it is almost certain to lead to his death, a case is presented, to my mind, distinct and different from all others for the relief proposed. Now, while it is true, of course, that his family were in no different position from the family of an officer who was killed on the battlefield, yet it appears to me there is a distinct and marked difference between the two cases.

Mr. McMILLIN. I see no higher merit in such a case as that which the gentleman has stated than in the case of an officer who volunteers for the general defense of his country in time of war and is involuntarily marched up to the cannon's mouth and dies for his country upon his country's soil. Therefore, while I doubt very seriously the policy of granting pensions before action has been taken by the Pension Bureau, yet, in view of some of the facts stated by the gentleman from Kansas, I am willing to allow action to be taken here on the case; but I think it should not be placed upon any higher ground or at any higher rate than in the case of the widow of a meritorious officer of the same rank who had been killed in battle.

Mr. ROWELL. Is there not some difference between the case of an officer who volunteers in a forlorn hope and one who obeys the ordinary orders? Is there not some difference in those two cases in favor of the officer who volunteers to lead a forlorn hope?

Mr. McMILLIN. My mind is not acute enough to see how the widow of an officer whose husband died gallantly as he did suffers any more than the widow of an officer whose husband was shot down in battle. If there is any difference at all it is in favor of the one whose husband was killed in battle. There the husband could not get away from his duty. I will not characterize it in strong terms; but the other is the case of volunteering for a duty which could have been avoided.

Mr. WEAVER, of Iowa. I will say to the gentleman from Illinois that army life was full of forlorn-hope expeditions. I remember a great many cases where forlorn hopes came to the rescue and where men lost their lives, but I do not remember those cases were distinguished by granting extra or exceptional pensions.

Mr. ROWELL. I recognize the fact that army life was a constant forlorn hope, but I also recognize the further fact that sometimes a call is made for volunteers to engage in more than ordinarily dangerous duty, such as going out upon these peculiarly dangerous expeditions into the Arctic regions. Therefore, as a recognition, a fitting recognition, on the part of the American people of such unusual service, it would not certainly impoverish the nation to grant a little larger pension than is usual. That is all there is of it, and that is the only point to which I wished to call attention.

Mr. McMILLIN. I move to amend by inserting the regular pension that is allowed by law for an officer of this grade, $17 a month, I understand.

Mr. ANDERSON, of Kansas. I move to amend by making it thirty.

Mr. BRADY. Let me suggest to the gentleman from Tennessee that he offer his amendment in this form: subject to the provisions and limitations of the pension law.

Mr. McMILLIN. I think the amount had better be fixed. I have no objection, however, to the phraseology, if the gentleman from Virginia desires to offer the amendment in that form. I move the amendment as I first suggested.

Mr. ANDERSON, of Kansas. Let me ask the gentleman if he would not be willing to accept a modification of his amendment and make it thirty?

Mr. McMILLIN. I do not think it well to do so for the reasons already stated, and which I think are conclusive. When you tax the widow whose husband was killed on the battle-field to pay a larger pension to one situated as this lady is, you do an act of injustice which I regard as inexcusable; but when we frame our legislation on a general principle, and stick to it, we will usually enact wiser laws, give greater satisfaction, and produce better results to all than if we undertake to act in the manner proposed here.

This widow, as I understand, could not obtain a pension at all through the ordinary channels.

Mr. ANDERSON, of Kansas. Oh, yes, she could; you are entirely mistaken.

Mr. McMILLIN. I have understood from some one near me that she was not entitled to a pension.

Mr. ANDERSON, of Kansas. There is no question that she is.

Mr. McMILLIN. Then this amount that I have suggested is, I am satisfied, a reasonable and proper one.

Death is death, and the deprivation of a husband is the same in every case. Why then make an exceptional pension here and give to other widows but $17 a month? There is no difference in the two cases except a difference in favor of the man who was killed in the service of his country, for he could not have avoided the duty, while here it was a voluntary act.

Mr. ANDERSON, of Kansas. This man was killed in the service of his country, and in that respect was just as certainly killed in the service as any man who perished on the field of battle. This was a United States expedition under the command of United States officers. He was killed clearly in the line of his duty. My friend from Tennessee seems to be laboring under a misapprehension in regard to the case.

This lady is now entitled to a pension under the existing law. Without the passage of this bill she can make application and receive the pension.

Mr. McMILLIN. I think that is the proper course to pursue. I do not like this method of undertaking by Congressional action to anticipate the Pension Office, when the office is so liberal and ready to do justice to the soldiers of the country.

Mr. WEAVER, of Iowa. Mr. Chairman, as a compromise amendment, I would suggest the insertion of $25 a month.

The CHAIRMAN. Does the gentleman from Tennessee withdraw his amendment?

Mr. McMILLIN. I will let the gentleman offer his amendment and take a vote upon it.

The CHAIRMAN. But it can not be offered now unless the gentleman withdraws his amendment, as there are two pending.

Mr. McMILLIN. Then I withdraw the amendment for the present.

The question being taken on the amendment of Mr. WEAVER, of Iowa, it was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN H. STUCKER.

The next business on the Private Calendar (called up by Mr. DOCKERY) was the bill (H. R. 7748) granting a pension to John H. Stucker.

The bill as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John H. Stucker, late of Company B, Eighteenth Regiment Missouri Volunteers (Grundy County Battalion Missouri Militia).

The report (by Mr. MORRILL) is as follows:

The evidence submitted in this case shows that claimant enlisted in Company B, Eighteenth Missouri State Militia, in September, 1862, and was discharged April 23, 1864. On July 19, 1875, he filed application for pension, alleging gunshot wound of left hand, received at Alpha, Mo., while disarming a rebel bushwhacker. The claim was rejected, November 18, 1875, on the ground that he was not pensionable under existing law. The following evidence was submitted in the case:

William Dunlop, lieutenant of Company B, Thirtieth Missouri Militia, testifies that he has known claimant since 1861, and that while in the line of duty as sergeant of said company, in the northeast part of Livingston County, Missouri, claimant received a gunshot wound of left hand, from which wound he was totally disabled from military duty, and from the use of said hand ever since. Affiant says he knows the facts of which he testifies from personal knowledge.

Jonathan T. Wilson testifies that he was a member of the same company, and that, while acting under regular orders in disarming rebels, they attempted to disarm one Wilson, an acknowledged rebel and bushwhacker, when said Wilson fired upon and shot said Stucker in the hand, tearing it all to pieces. That affiant was the first to pick up said Stucker after his being shot.

Newton Buckner testifies that he was with claimant when he was shot; that they were detailed to disarm rebels and bushwhackers, and while in the line of duty Stucker was shot in the hand, badly mangling it. Affiant took care of claimant until he was able to be around again.

Dr. S. W. Elmore testifies that he treated him professionally for the wound immediately after he received it, and as long as he needed medical attendance.

The examining surgeon at Jameson, Mo., reports August 12, 1875, that—

"The left hand is useless from gunshot wound; aperture of entrance at middle of second metacarpus, destroying that and third metacarpus; shot scattering and making exit at different points on outside of hand, several shots remaining encapsuled on palm or surface of hand; hand very much deformed; bones of carpus enlarged, and wrist anchylosed; fingers drawn tight to palm, and useless; very painful at wrist and elbow joint."

This regiment was enrolled and mustered into service under a general order of the commanding officer, Department of Missouri, and was under the command of United States Army officers. Claimant did not file his application for pension until after the expiration of the limitation provided for in section 4693, Revised Statutes, and therefore the claim can not be allowed in the Pension Office.

Claims of this character have invariably been recommended by the committee and allowed by Congress, and your committee therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SALLY W. RICE.

The next business on the Private Calendar called up by Mr. PETERS was the bill (H. R. 8791) granting a pension to Sally W. Rice.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sally W. Rice, dependent mother of Henry S. Rice, late of Company K, One hundred and forty-first New York Infantry Volunteers.

The report (by Mr. MORRILL) is as follows:

Claimant is the mother of Henry S. Rice, late hospital steward, United States Army, who died at Newberne, N. C., September 25, 1864. She made application for pension December 15, 1879, and the same was rejected. The records of the War Department show the death of the soldier as alleged, and the only question is that of dependence.

Dr. D. W. Hand, late medical director, surgeon United States Volunteers, testifies that—

"In 1863 and 1864 the soldier was detailed as his confidential clerk, and so continued until his death by yellow fever in October, 1864. That the soldier often talked about the feeble condition of his parents, and to affiant's certain knowledge during said two years the soldier forwarded his pay regularly to his mother, and after his death affiant visited the claimant and saw that the soldier's contributions had been of great importance to her."

A large number of letters from the soldier to his parents show that he remitted his pay to them with regularity, as received in varying amounts up to $62 at one time.

The husband of claimant was a physician at the time the soldier was in the Army, and continued in the practice for a number of years, but all the time he was in feeble health and unable to give his attention to business, so that his income from his business ran down from $700 in 1864 to about $100 per year.

S. W. Everett, of Garfield, Kans., says he has known claimant for thirty years last past; that he was a man of light constitution and feeble health, and of late years has been unable to do any manual labor sufficient to maintain his family in comfortable circumstances.

Gabriel L. Smith testifies, June 18, 1883:

"He has known Dr. Rice, the husband of Sally W. Rice, since before 1860, and that in 1830 and 1861 Henry Rice was a student in the law office of deponent, and also in 1862, up to the time he went into the Army. It may be he came in my office in 1861, but I think in 1860. Said Dr. Rice, the husband and father, was a man in poor health, and lived in the city of Elmira, Chemung County, New York, during the war and up to about 1870, according to my best recollection, but he did not succeed as a physician at all, owing to his poor health, as he would not attend a patient regularly, and would not go out in the night at all, as I knew from him and from common report. In 1870, I think it was, Dr. Rice went away out of town for a few months, but returned the same year, and tried to practice in a little village a few miles out of Elmira, called Pine City, but did not succeed any better there, and then, about 1875, he went into Pennsylvania for a few months, and then came back to Elmira and did no better than before, having no real paying business, and being always in want. I remember of hearing of his real estate being sold out on a mortgage, and his personal property being sold on a chattel mortgage, and in 1878 or 1879 he left the city of Elmira, since which time I have not known how he has got along. I do not believe for the last twenty years he has been able to support his family, and I know, so far as one can know who was not a member of the family, that he has failed to furnish a reasonable and proper support for his wife and family by reason of his poor health. This I say previous to his leaving Elmira in 1878 or 1879."

D. W. and Lydia A. Seeley, of Granger, Minn., testify, June 22, 1885:

"We were intimately acquainted with the soldier, Henry S. Rice, in his lifetime, and also with his mother, Sally W. Rice, and lived near neighbors to the said Rice family in the year 1863, and lived as near neighbors to them from that time up to the time of his enlistment in the service aforesaid; that the said son resided with his mother at home, at Elmira, N. Y., and we know that at the date of his enlistment, and for three years prior thereto, he contributed all his earnings to the support of his said parents in contributing his wages that he obtained for days-work; that the said Henry S. Rice was a single man when he enlisted in the service; that he died unmarried, leaving no widow or child or children surviving him."

S. W. Everett further testifies, July 9, 1881:

"I formerly knew them in Elmira, Chemung County, New York; then S. W. Rice (claimant) kept a private boarding house for the purposes of the family, and since she has been here (Garfield, Kans.) she has worked for me in the hotel by the week for the benefit of the family. She was sick last summer, and the friends deemed it necessary to render them pecuniary aid, and continued to do so. His income for the last four years has not exceeded $100 each year, and from his profession only."

The only property of claimant and her husband, as appears by the evidence, is 80 acres of school land in Pawnee County, Kansas, appraised at $208, on which $30 of the purchase-money has been paid, the balance running for twenty years. The case is rejected in the Pension Office on the ground that the income of the father at the time of the death of the soldier was sufficient for the support of the family. It is well established that a short time before his death the mother needed and received pecuniary assistance from the soldier, and that soon after the husband's income was insufficient for their support.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GRACE F. EDES.

The next business on the Private Calendar (called up by Mr. RANDALL) was the bill (S. 2144) granting an increase of pension to Grace F. Edes.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby directed to place on the pension-roll the name of Grace F. Edes, widow of Benjamin Long Edes, late a lieutenant-commander in the United States Navy, and to pay her a pension at the rate of $50 per month from and after the passage of this act.

Mr. RANDALL. I ask for the reading of the House report accompanying this bill.

The report (by Mr. LOVERING) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill S. 2144, respectfully report that they have had the same under consideration, and report it back to the House with an adverse recommendation, and recommend that it do lie upon the table.

Mr. RANDALL. I now ask to have read the Senate report where this bill originated.

The Senate report (by Mr. ALDRICH) was read, as follows:

That Benjamin Long Edes was appointed a midshipman in the United States Navy September 23, 1861, promoted to ensign in March, 1868, to master in August, 1868, to lieutenant in April, 1869, and to lieutenant-commander in April, 1881.

During the period of his service he was for a large portion of the time at sea; he also served at the Naval Observatory, in the Hydrographic Office, and in the Ordnance Department. In 1881 he was ordered to the torpedo station at Newport, R. I., and while in service at that station he was killed by the premature explosion of a torpedo on 29th of August, 1881. He was at the time in a boat with Lieut. L. G. Spalding, engaged in laying a mine in the stretch of water in front of the torpedo station, when, by some unknown cause, the mine, consisting of some 25 pounds of powder, was prematurely exploded, killing Lieutenant Edes instantly, and mutilating his body in a horrible manner.

His widow was left with two small children dependent upon her for support. She was completely prostrated by the manner and suddenness of her husband's death, and for a long time was wholly incapacitated from the physical exertion necessary to maintain herself and family, and she has never recovered from the shock to her nervous system.

In view of these circumstances the committee recommend the passage of the accompanying bill.

Mr. RANDALL. Mr. Chairman, in the consideration of this bill I do not want the adverse report of the House committee to weigh against it without making a statement that the committee have acted consistently and as has been their habit in such cases, which is not to report favorably any of these bills which look to the increase of pension above what the law allows, with the exception, I think, in the case of the widows of brigadier-generals, where the House itself has established the precedent.

This case is a peculiar one. There are two strong points in connection with it. One is that this officer was assigned to a hazardous duty in connection with torpedo experiments without attaching to his name in the event of his death during the experiments that glory which is incident to death on the battlefield. His death was the result of no fault of his own, or of any one as far as it has been possible to ascertain. As stated in the Senate report, the explosion was by some unknown cause. We are prosecuting experiments in this direction and are appropriating large sums to keep up the experiments, which are most dangerous in connection with this torpedo service.

The second point to which I wish to allude is the fact that this poor lady was left with two small children absolutely dependent upon her own exertions, and the sum which the law would give her is altogether inadequate to her support and that of her children.

I think this is a peculiar case of which the Senate was entirely justified in making an exception, and I hope that the consistent course of the committee in the House in this connection, in like cases, will not weigh against this, because we all understand there are exceptions to all rules. The House has taken the responsibility of granting many pensions where the committee would not. I do not know that there is on the part of the committee any disposition to resist the passage of this bill except so far as the leading object with them is to maintain their consistency, in which course I think they are commendable and entirely entitled to my respect and sympathy.

Mr. WEAVER, of Iowa. What is the amount granted?

Mr. RANDALL. Twenty dollars additional.

Mr. MCMILLIN. And how much do the children get under the general law?

Mr. RANDALL. The widow under the general law gets $30 and the children $2 a month each.

Mr. MCMILLIN. This is a case which appeals to one's sympathy, and I do not expect by anything I can say to defeat the claim.

Mr. CUTCHEON. What is the total amount granted by the bill?

Mr. RANDALL. Fifty dollars.

Mr. MCMILLIN. But this, like the other cases, should stand under the general law. I do not believe it is either wise or well to flood Congress with cases of special applications where the very widows who do not get more than the law allows have to help to pay the additional amounts given here.

Mr. RANDALL. I hope the gentleman from Tennessee will not insist on his objection.

Mr. MCMILLIN. I shall not make the point of a quorum upon the bill, but I wish to state what I think is the proper thing to be stated and to be observed; and having done so, I dislike to make any further exertion against the bill.

Mr. RANDALL. I only want to add that this officer was one of the ablest officers in the Navy, and he was assigned to this duty as having the courage to go and develop this peculiarly dangerous service.

Mr. MCMILLIN. It is creditable to the valor of our people that they have the courage to go wherever they are assigned——

A MEMBER. Even to Congress.

Mr. MCMILLIN. Yes; even to Congress. [Laughter.] But then, we first admit officers of high rank by special act of Congress, and then we go on and on, until Congress is flooded with applications for Congressional action on behalf of officers of particular rank. I believe most of the time spent here in discriminating against one class of pensioners in favor of another by special act might as well be spent in another direction.

Mr. RANDALL. Will the gentleman permit me to say to him that he will be surprised if he examines the pension payments to find how little money really is paid out of the Treasury in consequence of these acts of special legislation passed on Friday evenings as compared with the large amount paid under the general law.

Mr. MCMILLIN. I have had occasion to examine that, and what I am complaining of is not the amount of money but the fact that when you enter on this class of legislation you put a premium on the bringing of special acts before Congress for relief; and you leave the hundreds of thousands who do not get special relief with just cause of complaint.

Mr. RANDALL. Yes; but by such legislation as this you encourage brave officers to undertake hazardous service for their country when they feel that in doing so they have a Government which will appreciate their services if their lives are lost in that service, and which in that event will take care of their widows and their orphans.

Mr. MCMILLIN. And there has been no instance in which the Government of the United States has failed to evince that spirit. The gentleman from Pennsylvania would not be rash enough to urge that there has been any want of consideration on the part of the people of the United States toward their soldiers.

Mr. RANDALL. No, sir; and I want to continue a policy which presents one of the brightest spots in the history of this nation.

Mr. MCMILLIN. Precisely; and when that policy is continued in equal and exact justice to all classes of the same rank and grade, then it will continue in the same form as heretofore.

Mr. BRADY. I wish to suggest to the gentleman from Tennessee [Mr. MCMILLIN] that this bill does not appropriate any money out of the Treasury. It provides a pension for a widow of an officer of the Navy, and there is a special fund for that purpose.

Mr. MCMILLIN. Still, it comes out of the Treasury. The fund to which the gentleman refers is not sufficient to meet all these pensions.

Mr. BRADY. The interest of the fund is almost sufficient to pay them.

Mr. RANDALL. But the gentleman from Virginia [Mr. BRADY] will understand, as I understand, that that fund is not adequate, and I do not want the House to pass this bill on the assumption that it is. The bill does, in effect, take some money out of the Treasury. The interest on the Navy fund is not sufficient to pay all of the Navy pensions.

The CHAIRMAN. In the absence of objection the bill will be laid aside to be reported to the House with a favorable recommendation.

Mr. JOHNSTON, of Indiana. I object.

The CHAIRMAN. What is the motion of the gentleman from Indiana?

Mr. JOHNSTON, of Indiana. I am willing the bill shall go to the House to be voted on in a full House.

Mr. RANDALL. The bill will, of course, have to be voted on in the House.

The CHAIRMAN. What motion does the gentleman from Pennsylvania submit?

Mr. RANDALL. I move that the bill be laid aside to be reported favorably to the House.

The question being taken on Mr. RANDALL'S motion, the chairman stated that the "ayes" seemed to have it.

Mr. JOHNSTON, of Indiana. I call for a division.

The committee divided; and there were—ayes 32, noes 6.

So (further count not being called for) the motion was agreed to; and the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY E. HEDRICK.

Mr. HEPBURN. Mr. Chairman, I call up the bill (H. R. 8623) granting a pension to Mary E. Hedrick.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Hedrick, widow of Thomas H. Hedrick, late captain of Company K, Fifteenth Iowa Volunteers.

The report (by Mr. CONGER) was read, as follows:

Mrs. Mary E. Hedrick is the widow of Thomas H. Hedrick, late captain of Company K, Fifteenth Regiment Iowa Volunteers, who enlisted on the 29th day of November, 1861; was wounded in battle at Atlanta, Ga., July 22, 1864, and died April 18, 1885. She filed her application for pension on the 19th day of August, 1885, which was rejected on the ground "that death was not a result of wound of right arm, for which soldier was a pensioner, and not otherwise chargeable to his United States military service."

Dr. E. L. Lathrop, the physician who attended Captain Hedrick in his last illness, testifies:

"That he knew the soldier for about thirteen years; that while in the Army soldier was shot in arm, which wound was followed by gangrene; that he prescribed for soldier first in 1872 for an inactive condition of liver and chronic cough; found him emaciated, thin, and nervous at various times from 1872 to time of death; for those troubles and acute attacks was with him three to four days before death; found acute congestion of lungs, kidneys, and liver—liver almost inactive; regard his condition at that time and death as attributable to his wound and resultant disease following said wound. He was very emaciated at time of death; consider his death as caused by his physical condition, which was caused by wound received while in the Army. No post mortem was made. Physical examination showed enlargement of liver and hepatization of lower posterior lobe of lungs. Did not know soldier prior to 1872. When prescribing for him had to take into consideration his diminished vitality, caused by his wound followed by gangrene and blood poisoning."

Dr. Jason Holloway, examining surgeon, gives as the result of medical examnation, May 15, 1865:

"The wound is on the right arm. The ball entered the humerus above the middle third, shattering the bone. About 3 inches of the bone was removed; the parts became gangrenous, and extensive sloughing followed. It still continues discharging and fragments of bone passing off."

Also Dr. M. J. Davis, medical examiner, May 8, 1865, that—

"Gunshot wound of right arm, followed by exsection of the middle third (3 inches); operation not very successful and had to be repeated in a year, at which time numerous spicula of bone were removed."

Hon. G. L. Finn, of Bedford, Iowa, testifies as follows:

"That he has been well and personally acquainted with Thomas H. Hedrick for ten years, and that the last two years of his life he was a law partner and worked in same office at Bedford, Iowa, constantly with him; knew that his wound interfered with him constantly, causing him great pain, and forcing him to at times abandon his work, and believe it contributed directly to the causes of his death, and so understood from him and the doctors in charge during his last sickness; that before his final sickness he was by it reduced to so low condition of flesh and health, such as to make any severe ailment fatal; that it was understood that had it not been for such condition so induced by such wound, his last illness would in all probability not been fatal; that he had been steadily growing worse for the years affiant knew him."

General J. M. Hedrick, of Ottumwa, Iowa, on June 5, 1886, makes the following affidavit:

"In the matter of the application of Mary E. Hedrick, widow of the late Capt. Thomas H. Hedrick, for an invalid pension, I, J. M. Hedrick, of Ottumwa, Wapello County, Iowa, and late colonel and brevet brigadier-general of the Fifteenth Iowa Volunteer Infantry, have to make the following statement, to wit:

"The said Capt. Thomas H. Hedrick entered the United States service as a private in K company of the aforesaid regiment, which I then commanded, in 1861, and that he was promoted through the various grades to the captaincy of his company, and at the close of the war was brevetted major for gallant and meritorious service; that he was in command of his company at the battle of Atlanta, before Atlanta, Ga., on the 22d day of July, 1864; and that he was under my immediate observation, and while he was most gallantly performing his duty was severely wounded in the right arm near the shoulder, which required the operation of exsection, taking out 3 or 4 inches of the bone; that having been wounded at the same time myself, I was with him in the rear and in hospitals some two months, and most of the time in close proximity to him; that at Clay Hospital, Louisville, Ky., especially, he was critically attacked with gangrene in his arm and shoulder, and that his surgeon, whose name I have forgotten, informed me and him that he could not possibly live; that he had gangrene in his wound for months, and that he was more or less afflicted with gangrene and its results, to wit, blood poison, from the date of his wound; that he was frequently treated for his wound and the general disability resulting from it up to the day of his death, in April last, and that, in my opinion, his death was as directly attributable to his wound as if he had been instantly killed on the battlefield. His yellow, cadaverous, and exceedingly thin and emaciated appearance was constantly a matter of remark by his relatives and friends, after his partial recovery and return to business, who had been familiar with his rugged appearance prior to his being wounded. The said Captain Hedrick was my brother, and I had the most intimate relations with him, and the very best of opportunities to know of his services and his condition from and before receiving the wound which disabled him and resulted in his death. I may add that he had originally remarkable tenacity of life, and was perfectly free from all hereditary and constitutional diseases, which condition he inherited from the paternal and maternal sides of his family.

"I furthermore certify that I am in no way financially interested in the prosecution of this claim."

There are several other affidavits on file in the case of same character, showing distressing disability caused by the wounds, and a constant and continual drain upon his system from discharge until death. It seems to your committee a reasonable conclusion that so severe a wound, two painful and unsuccessful surgical operations, with gangrene and blood poisoning following, would have resulted in such a diseased and debilitated condition of the system as to be unable to withstand or rally from attacks of disease which under other conditions would probably have been neither serious or fatal.

Captain Hedrick gave his right arm and his health to his country. His widow was then deprived of the support and comforts which his health and strength would have furnished her. She is the widow of a brave and efficient soldier; and while there may be sufficient uncertainty in the cause of her husband's death to warrant a refusal of pension by the Pension Office, yet there is not enough to justify a refusal of relief by Congress. Therefore your committee recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH WARD.

Mr. ELLSBERRY. Mr. Chairman, I call up the bill (S. 2587) granting a pension to Elizabeth Ward.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension law, the name of Elizabeth Ward, the dependent widow of General Durbin Ward, and to pay her a pension at the rate of $100 per month.

Mr. SOWDEN. I ask for the reading of the report.

The report (by Mr. ELLSBERRY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2587) granting a pension to Elizabeth Ward, widow of the late General Durbin Ward, having considered the same, make the following report:

The Senate at the first session of this Congress passed the accompanying bill granting the claimant a pension of $100 per month, after a careful examination of the Senate report hereunto attached, in which his distinguished and brilliant services are fully set forth. Your committee concur in the Senate report and adopt the same as their own, with the following amendment: Strike out the words "one hundred," in the seventh line, and insert in lieu thereof the word "fifty," with the recommendation that the bill as so amended do pass.

The Committee on Pensions, to whom was referred the bill (S. 2587) granting a pension to Elizabeth Ward, have examined the same, and report:

The applicant is the widow of Durbin Ward, late colonel of the Seventeenth Regiment Ohio Volunteers, honorably discharged on account of wounds November 8, 1864, and pensioned at $30 per month, recently deceased, one of the most distinguished volunteer officers of the late war, and one of the favorite soldiers of the State of Ohio in that great struggle. His death has elicited the warmest spontaneous tributes to his patriotism and gallantry from the soldiers, not only of that State, but throughout the Union. Mrs. Ward is left in poor health, enfeebled by approaching age, and without any means of support.

This appears to be a case where a proper recognition of the daring and devotion of one of the great soldiers of the Republic, who in his lifetime failed to receive full acknowledgment and proper reward, demands of the country as a small tribute to his sacrifices and his worth a full provision for the comfort and support of his surviving and helpless widow. Your committee are not prepared to recommend the high rate of pension provided for in this bill except in a very few and most conspicuous instances of high desert. To give less than this amount in the present case will, we are satisfied, be deemed unsatisfactory to that strong public sentiment which has been manifested in this case. The Grand Army of the Republic, and it may be said the whole State of Ohio, demand it, and we believe that the whole country will cheerfully respond to the action of the committee.

We append hereto the memorial signed by leading citizens of the State of Ohio, many of them soldiers; also a sketch of his military career and statement submitted by Mr. CAMPBELL, member of Congress of Ohio, who is familiar with all the circumstances and condition of the claimant, as well as with the services and character of her distinguished husband.

We report back the bill and recommend its passage.

LEBANON, OHIO, *May* 26, 1886.

To the Congress of the United States:

The undersigned, this day attending the funeral of General Durbin Ward, in view of his distinguished services as a soldier, permanently disabled on the field of battle, and of the fact that he leaves no estate for the support of his family, would most earnestly pray for the speedy passage of a law giving to his widow, Mrs. Elizabeth A. Ward, a pension of at least $100 per month. She has no property other than the house in which she lives, and this is heavily incumbered. And we especially request the Senators and Representatives from Ohio to urge the passage of such a law.

A. G. Thurman, Columbus; Geo. W. Houk, Dayton; De Witt C. Jones, Columbus; John A. McMahon, Dayton; Robt. A. Johnston, Cincinnati; F. Van Derveer, Hamilton; John L. Wilson, Morrow; L. A. Russell, Cleveland; D. A. Haynes, Dayton; David A. Houk, Dayton; Lewis Dwyer, Dayton; R. R. Dickey, Dayton; H. Elliott, Dayton; Joseph Cox, Cincinnati; Thos. McDougall, Cincinnati; Michael Ryan; Lewis W. Irwin, Cincinnati; A. J. S. Rice, Cincinnati; S. Craighead, Dayton; C. A. Palmer, Washington Court-House; J. Kierstett, Cincinnati; A. R. Van Cleef, Circleville; Edward F. Noyes, Cincinnati; Charles Ford, Mainville; A. S. Dudley, Morrow; W. S. Foster, Foster's; Ed. A. Parrott, Dayton; P. H. Kumler, Cincinnati; R. B. Milliken, Hamilton; J. K. Aydelotte, Hamilton; W. H. Page, Batavia; H. C. Gray, Hamilton; W. H. Van Skiek, Dayton; Quincy Corwin, Dayton; Samuel F. Hunt, Cincinnati; Walter S. Dilatuth, Lebanon; Harry Wilson, Lebanon; W. R. Morrill; Benj. H. Stokes; Horace Clinton, Loveland; Jno. H. Harper, Loveland; Werner Opes, Morrow; W. D. Wilson, Morrow; Louis F. Coleman, Lebanon; W. S. Marshall, Dayton; W. S. Dechaud, Lebanon; I. N. Walker, Lebanon; Chas. F. Coleman, Lebanon; S. W. Keener, Lebanon; Albert Stubbs, Lebanon; Walter Rockhill, Lebanon; Geo. R. Riley; Daniel Collins, Morrow; Geo. W. Jack, Morrow; J. W. McKeown, Lebanon; T. E. McKeown, Lebanon; Jas. A. Wilkinson, Cleveland; John S. Mowry, Milan; Geo. W. Carey, Lebanon; W. Dunlevy, Lebanon; S. A. Chamberlin, Lebanon; T. F. Thompson, Lebanon; W. F. Eltzroth, Lebanon; C. M. Thompson, Lebanon.

General Durbin Ward, of Ohio, was one of the most distinguished and useful volunteer soldiers of that State. He is credited with having been the first person to enter the ranks, as he began to raise a company before the attack on Sumter. He rose by merit and valor to be colonel of the Seventeenth Ohio Infantry Regiment and a brevet brigadier-general. Whitelaw Reid, in "Ohio in the War," thus writes of him:

"He participated in the battles of Wild Cat, Mill Springs, Corinth, Perryville, Stone River, Hoover's Gap, Tullahoma, Chickamauga, and throughout the Atlanta campaign, during which he commanded his regiment with his left arm in a sling, from the effect of the very severe wound he received at the battle of Chickamauga. Throughout his military career he was a bold, zealous, fighting officer, having the full confidence of his men."

General Ward was also a man conspicuous for his eloquent speeches and inspiring letters. The same authority above quoted says of him: "Some of the most fervid and effective addresses from the Army to the voters at home came from his pen."

With his sword and pen General Ward has served his country too notoriously to render a recital necessary. During his life, which terminated in May, 1886, he received a pension for his severe wounds. His death occurred after a few weeks' sickness with inflammatory rheumatism resulting in blood-poisoning. There is no doubt that his death was hastened and probably caused by his wounds, but it is not thought that the chain of medical history can be made necessary to comply with the technical rules of the Pension Office.

This bill proposes to pension his widow, who is in advanced years and reduced circumstances. The passage of the bill is petitioned for by the leading citizens of Ohio, headed by Allen G. Thurman, and is especially desired by the Ohio department of the Grand Army of the Republic.

The Committee on Invalid Pensions recommended an amendment striking out, from line 7 in the printed bill, the words "one hundred," and inserting in lieu thereof the word "fifty;" so as to make the provision read, "a pension at the rate of $50 per month."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

BETSEY COONEY.

Mr. HAYNES. Mr. Chairman, I call up the bill (H. R. 9426) granting a pension to Betsey Cooney.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll at $12 per month, subject to the provisions and limitations of the pension laws, the name of Betsey Cooney, sister of Stephen Cooney, late of Company C, Third Regiment New Hampshire Volunteers.

The report (by Mr. HAYNES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9426) granting a pension to Betsey Cooney, submit the following report:

This claim is based upon the service of Stephen Cooney, who was mustered into the United States service in August, 1861, in Company C, Third New Hampshire Volunteers, and died of wounds received at the battle of Drewry's Bluff, Va., in 1864, and is buried in the national cemetery at Hampton, Va.

Cooney was but twenty-one years old when killed, and left a mother and two sisters. The mother was pensioned at his death, and died about a year ago. The two sisters are still living. One, the beneficiary named in this act, has been blind from birth, and her only support is from the labor of the other sister, who is herself partially crippled, and only able to do a light work known as "drawing in" at a cotton mill, which can be performed sitting. It is only a question of time how long she can perform this, as it requires good eyesight, and both are not far from fifty years old.

It is shown that up to the time of his death he contributed materially to the support of his mother and his unfortunate sisters.

These facts are stated under oath by John C. Linehan and Henry F. Brown, who are known by a member of this committee to be gentlemen of the very highest reputation and veracity. Both have known the family since a period before the war, and both served in the same regiment as the soldier.

This blind, dependent sister can have no standing before the Pension Office under the rules by which its action is circumscribed, but the equities of the case are so overwhelming in her favor, and her condition so pitiful, that we have no hesitation in recommending the passage of the bill for her relief.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

OWEN P. WILSON.

Mr. HALSELL. Mr. Chairman, I call up the bill (H. R. 6069) granting a pension to Owen P. Wilson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Owen P. Wilson, of Edmundson County, Kentucky, dependent father of James R. Wilson, deceased, late a private in Company I, Twenty-seventh Regiment Kentucky Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. TAULBEE) was read, as follows:

Claimant states that he was dependent on his son, the soldier, at the time of his death.

The records of the War Department show that soldier died of typhoid fever while in the Army.

The claim was rejected on the ground that claimant was not dependent upon soldier at the time of his death.

Mr. J. T. Coats testifies that at the time of soldier's enlistment claimant was not in good health, and had no property except a farm which affiant sold him, which was poor land, and claimant was not able to improve it by clearing more.

Mr. Richard Holton confirms the above statement.

Dr. Hatcher certifies that he was well acquainted with claimant ten years prior to 1870, and knows that he was not able to support himself and family for several years.

Oliver P. and Margaret Shackleford state that claimant was not an able-bodied man at soldier's enlistment.

Mr. Gideon McDaniel states that in 1861, 1862, and 1863 claimant was able to do about one-half labor.

Assessor's record show that claimant was the owner of 400 or 530 acres of land, assessed at from $400 to $1,000 from 1862 to 1872, and from 1872 to 1882 it was assessed in the name of his wife.

Mr. James Esters states that the soldier contributed to claimant's support at the time of his (soldier's) enlistment.

Richard Holton, Taylor Coats, William Holton, and Dabney McDaniels corroborate the statement of Mr. Esters.

An examination by a United States examining surgeon finds claimant diseased, and rates his disability for manual labor at three-fourths of his time.

Claimant is now seventy-four years old. He is dependent upon the generosity of his children for support and unnamed legacy in his wife's will.

In view of the testimony, claimant's age, and his inability to perform manual labor your committee are of the opinion that the claim is meritorious, and recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ISAAC RANSOM.

Mr. FUNSTON. I call up the bill (S. 2334) granting a pension to Isaac Ransom.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Isaac Ransom, late a private in Company C, Forty-ninth Regiment Indiana Volunteer Infantry, for such diseases as now exist.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2334) granting a pension to Isaac Ransom, submit the following report:

The following report from the Senate Committee on Pensions contains a statement of the facts in this case as disclosed by the papers on file:

"That the records in this case show that claimant was a private in Company

C, Forty-ninth Regiment Indiana Volunteers, and enlisted October 15, 1861, and was discharged September 13, 1865. It also appears that claimant was pensioned for rheumatism from September 14, 1865, to December 31, 1880, when the pension was discontinued on the ground that claimant had recovered from the disease. It was claimed originally that soldier was sunstruck four times while in the service, but the claim was not allowed, and he was pensioned for rheumatism.

"The records show that claimant was a sound man prior to enlistment; that he was a good soldier. The fact of his having been sunstruck is testified to by his captain, John Nafius, by the assistant surgeon of the regiment, and also by Capt. John M. Williams; also by the regimental surgeon, who treated him for other diseases besides rheumatism contracted in the line of his duty.

"There is also abundant testimony from the claimant's neighbors, who knew him before enlistment and after his discharge, showing that he was a sound man when he enlisted; and since his return from the Army he has been unfitted by his disabilities from performing manual labor."

Your committee recommend the passage of the bill with an amendment striking out the words "for such diseases as now exist," in line 5.

The Committee on Invalid Pensions recommend an amendment striking out from line 5 of the printed bill the words "for such diseases as now exist."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SARAH O'BRIEN.

Mr. PINDAR. I call up the bill (H. R. 9130) granting a pension to Sarah O'Brien.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Sarah O'Brien, widow of Hugh O'Brien, late a private in Company C, One hundred and seventieth New York Infantry Volunteers, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CAROLINE P. BOLTON.

Mr. LYMAN. Mr. Chairman, I call up the bill (H. R. 9004) for the relief of Caroline P. Bolton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll of the United States the name of Caroline P. Bolton, mother of Edwin W. Bolton, deceased, late a member of Company I of the Twenty-first Regiment Iowa Volunteer Infantry, subject to the provisions, limitations, and restrictions of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CAROLINE SEES.

Mr. SOWDEN. I call up the bill (S. 1207) granting a pension to Caroline Sees.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Caroline Sees, of Harrisburg, Pa., widow of Maj. Oliver W. Sees, at the rate now allowed to a widow of a major of volunteers.

Mr. COWLES. I ask for the reading of the report.

The report (by Mr. SWOPE) was read, as follows:

As the report of the Senate Committee on Pensions fully sets forth all the facts of the case, your committee adopt it as their own, and report the bill favorably, and ask that it do pass.

The report of the Senate committee is hereto attached.

The claimant, Caroline Sees, is the widow of Oliver Sees, late a chief of transportation and telegraphy on the staff of Maj. Gen. D. M. Couch, commanding the Department of the Susquehanna during the invasion of Pennsylvania by the Confederate army in the month of June, A. D. 1863.

The widow states in her petition that she was married to the soldier September 28, 1857; that her husband was appointed chief of transportation and telegraph department in the militia of the State of Pennsylvania by an order of the governor; that he continued in the discharge of the duties of said office until the invasion of the State of Pennsylvania by the Confederate armies in June, 1863, when, the United States having assumed the payment of the expenses of the transportation of the militia, he was placed temporarily in their service, and assigned to a position upon the staff of Major-General Couch, commanding the Department of the Susquehanna. He was also one of the trusted custodians of the secret signals and ciphers used in the military service of the United States. These facts also appear by the documents submitted in support of this claim.

It also appears that after thus being virtually taken into the service of the Government, and while in the discharge of the duties devolving upon him on the staff of General Couch, as well as on the battlefield of Gettysburg, he contracted disease from which he died on September 30, 1863.

M. S. Quay, ex-secretary of state of Pennsylvania, and now State treasurer, states under oath that he was well acquainted with Major Sees; that he was employed in the service of the United States at the time of the invasion of Pennsylvania by the Confederate army under General Lee, and that the extraordinary labors and duties during the period he served upon the staff of General Couch, and subsequently in the care of the sick and wounded soldiers at and after the battle of Gettysburg, produced the illness and disease of which he died.

Eli Slifer, who was secretary of the Commonwealth during the whole period of the war, corroborates the above, and says:

"That the pressure upon Major Sees was so great and long continued that health and strength gave way and nature proved too much exhausted to rally, and speedy dissolution followed. As the husband and father in the duties under which he succumbed rendered far greater services to his country than he possibly could have done in the field, and his death was as clearly occasioned by those services as if he had fallen in battle, the petitioner would respectfully suggest that the widow and children of Major Sees are entitled to the liberal compensation which the humane and just policy of the Government awards to the dependent survivors of its fallen defenders."

The papers show that Major Sees was treated during his last illness, but the physicians are now dead.

No application has been made at the Pension Office, inasmuch as the claimant has been advised that as her husband was not formally commissioned or enlisted in the military service of the United States, notwithstanding his disease was contracted while in active service, such application would be futile, as her case does not come within the purview of any general law.

Your committee, however, are of opinion that this case does come within the spirit of the pension laws, and is one of just that class which it is the province of Congress to provide for by special act. There would seem to be no doubt that this brave officer lost his life in the service of his country, and we therefore report back the bill, and recommend that it do pass with the following amendments:

Strike out all after the word "Sees," in the sixth line, to and including the word "three," in the eleventh line; also strike out all after the word "volunteers," in the twelfth and thirteenth lines.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LIVINGSTON CLARK.

Mr. SAWYER. Mr. Chairman, I call up the bill (H. R. 7547) granting a pension to Livingston Clark.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll of the United States, subject to the provisions and limitations of the pension laws, the name of Livingston Clark, late of Company G, Twenty-first New York Cavalry.

The report (by Mr. SAWYER) is as follows:

That it appears from the papers on file in the Pension Office that the claimant enlisted as a private in Company I, Thirteenth Regiment New York Volunteers, December 5, 1861, for two years. It is clearly established by the evidence that the claimant at the time of his enlistment was in sound health and mentally bright.

The report of the Surgeon-General shows as follows:

"Livingston Clark appears on a list of sick and wounded on board hospital transport Elm City, July 1, 1862; diagnosis and disposition not stated. That Livingston Clark entered G. H. McKim's mansion, Baltimore, Md., July 1, 1862; diagnosis not stated, and was transferred July 6, 1862. He entered post hospital, Fort McHenry, near Baltimore, Md., July 8, 1862, with bronchitis; disposition not stated. He entered convalescent hospital, Fort McHenry, near Baltimore, Md., July 10, 1862; diagnosis not stated, and was discharged from service August 9, 1862. No hospital records of the Thirteenth New York Volunteers were ever on file."

His certificate of discharge shows him discharged August 9, 1862, for phthisis pulmonalis.

Dr. David Little testifies that he was surgeon of the Thirteenth New York Volunteers during its two years' service; that he knew the claimant.

"That claimant was ill in regimental hospital from May 24 until the latter part of June, when in the course of the seven days' fight he was left at Savage Station. The disease for which claimant was under deponent's care was diarrhea, probably of a severe nature, else he would not have been an inmate of the regimental hospital."

The evidence shows that he re-enlisted in Company G, Twenty-first Regiment New York Cavalry, December 23, 1863, and was discharged July 7, 1866; that the regimental records and company books are not on file.

The condition of claimant while in his first service, and the fact of his sickness, is fully shown by the Surgeon-General's report, and also by the testimony of witnesses.

As to claimant's condition during his last service there is but little evidence.

There is the testimony of several witnesses, whose character is fully indorsed, showing him at his first enlistment to be a strong, healthy, bright man; that since his discharge from the service he has been in feeble health, gradually failing both mentally and physically, until now, and since December, 1883, he has been in a state of idiocy, and totally incapacitated from performing any labor or business, and has been an inmate of the poor-house of the county where he resides—a public charge. That it further appears that during nearly, if not quite, the whole time his claim was being prosecuted at the Pension Office, he was in such a condition mentally as to be of very little, if any, assistance in procuring evidence in his behalf. He has a wife and one child, with no means for their support except their own manual labor.

His claim for pension was filed in May, 1883, and was finally rejected for want of sufficient proof.

It seems reasonable to suppose that his claim might have been successful if the claimant had been in such a condition mentally as to have aided in procuring the necessary evidence.

The committee believe in view of the extreme poverty of the claimant, and his long-continued mental imbecility, and his being a public pauper, and the fact of his service to his country as a faithful soldier, that his case is a meritorious one, and therefore recommend that the bill do pass, with the following amendment added thereto: "The amount of his said pension to be paid to his duly appointed committee or trustee for his benefit."

The Committee on Invalid Pensions recommended an amendment, adding to the bill, after the word "cavalry," the words "the amount of his said pension to be paid to his duly appointed committee or trustee for his benefit."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH M. KING.

Mr. CAMPBELL, of Ohio. Mr. Chairman, I call up the bill (H. R. 9443) granting a pension to Elizabeth M. King.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth M. King, mother of Dudley King, late a lieutenant of Company C, Eighty-ninth Regiment Ohio Volunteers, during the war for the suppression of the rebellion.

Mr. SOWDEN. I ask that the report in that case be read. The report (by Mr. ELLSBERRY) was read, as follows:

The claimant is the mother of Dudley King, who enlisted at the age of eighteen years in Company C, Eighty-ninth Regiment Ohio Volunteers, July 25, 1862, was promoted to second lieutenant of Company K, same regiment, March 6, 1864, and to first lieutenant of Company F, of said regiment, March 30, 1864. He was wounded in battle, near Atlanta, Ga., August 13, 1864, and died same day from the effects of said wound, leaving neither wife nor child surviving him.

The mother's claim was rejected by the Pension Office on the ground that the evidence failed to show dependence upon the soldier son at date of his death.

The father of the soldier and husband of the claimant was at time of the son's death about sixty-five years of age, and died in 1879. The records of the county in which he resided show that in the year of the son's death his property, real and personal, was assessed at $2,500.

Dr. A. M. Ellsberry testifies that during the late war and up to 1879 he was the family physician of the claimant; that in 1864 claimant's husband was considerably enfeebled from age and nervous prostration, of which he died in the month of April, 1879.

There are with the papers on file in the Pension Office in this case several letters written by the soldier to his parents while in the Army, all referring to contributions made to them out of his pay, and showing that as high as $100 at a time were sent home by him for the use and benefit of claimant and her husband.

Old age and accompanying debility gradually reduced the value of claimant's husband's estate, so that after his death there was not sufficient property left to pay the claimant one year's support. She is now eighty-five years of age, and dependent upon the charity of friends.

Your committee are of opinion that this is an extraordinarily strong case, and as the Pension Office holds that because claimant's husband at the time of the son's death did earn something for her support by the practice of his profession, that of a lawyer, she is not provided for by the general pension law, we are of opinion that the relief asked for should be granted, and therefore report favorably on the bill, and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH C. WRIGHT.

Mr. ZACH. TAYLOR. I desire to call up the bill (S. 1614) granting a pension to Sarah C. Wright.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah C. Wright, widow of John W. Wright, late of Company D, Seventy-seventh Regiment enrolled militia of Missouri, and who was pensioned by special act of Congress approved January 31, 1885.

Mr. COWLES. Let us hear the report.

The report (by Mr. MORRILL) was read, as follows:

The facts in this case are fully set forth in the following Senate report. Congress has invariably granted pensions in similar cases.

Your Committee recommend the passage of the bill.

"John W. Wright, the husband of Sarah C. Wright, was a member of Company D, Seventy-seventh Enrolled Missouri Militia. In his original application for a pension he claimed that he was shot through the left breast and left arm during the charge of the First Missouri Cavalry by mistake. The Pension Office rejected his application on the ground that he was not in the military service of the United States, and not entitled to a pension under existing law. Inasmuch as he was enrolled to aid the Union Army, and was nearly killed by bullets fired by those who were in the service of the United States, he was pensioned by a special act. Having recently died, his widow appeals to Congress. The requisite proof of the death of her husband and of their marriage is in the hands of the committee. It is also shown that he died, after years of suffering, of the wounds received in the manner described.

"The bill is reported favorably, with a recommendation that it pass."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ROBERT POTTS.

Mr. SWOPE. I ask consideration of the bill (H. R. 9119) granting a pension to Robert Potts. This is a bill which was introduced by the late member from New York, Mr. BEACH.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert Potts, formerly a member of Company F, Third New Jersey Volunteers, for rheumatism and resulting disease of heart.

Mr. SOWDEN. Let us hear the report.

The report was read in part, when Mr. SOWDEN said: I do not ask for the further reading of this report.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CLARA B. DAVIDSON.

Mr. MORRILL. I call up the bill (S. 2321) granting an increase of pension to Clara B. Davidson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Clara B. Davidson, widow of General John W. Davidson, United States Army, and pay her a pension of $50 per month, in lieu of the amount she is now receiving.

Mr. COWLES. I ask for the reading of the report in this case.

The report (by Mr. MORRILL) was read, as follows:

The report of the Senate Committee on Pensions, which is hereto attached, sets forth fully the military history of the gallant officer whose widow now asks an increase of pension. Congress has invariably granted the amount asked for to widows of officers of this rank, and your committee therefore recommend the passage of the bill.

[Senate Report No. 1306, Forty-ninth Congress, first session.]

The claimant, Clara B. Davidson, is the widow of John W. Davidson, late a major-general, United States Volunteers. She was pensioned at the rate of $30 from August 6, 1881. The present bill proposes to increase this amount to $50.

The following statement of the military services of this officer has been filed with the committee:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 26, 1886.

Statement of military service of John W. Davidson, late of the United States Army, during the war of the rebellion, compiled from the records of this office.

He served as captain with his regiment—First Dragoons—in California from January 3 to some time in November, 1861; promoted major Second Cavalry November 14, 1861; was *en route* to and in the Army of the Potomac to February 20, 1862. He was appointed brigadier-general United States Volunteers February 3, 1862, and commanded a brigade in the Army of the Potomac from February 21 to July 24, 1862; absent, sick, to August, 1862; commanded the district of Saint Louis, Mo., to November 13, 1862; the Army of Southeast Missouri to February 23, 1863; the district of Saint Louis, Mo., to June 6, 1863; the cavalry division, Army of Arkansas, to February, 1864, and the cavalry depot at Saint Louis, Mo., to June, 1864; was chief of cavalry, military division of the West Mississippi, to January, 1865; commanded the district of Natchez, Miss., to June 13, 1865; the sub-district of Southwest Mississippi to July 17, 1865, and the southern district of Mississippi to January 17, 1866, excepting while on leave from October 28 to December 16, 1865. He was honorably mustered out of the volunteer service January 15, 1866. He was breveted lieutenant-colonel United States Army June 27, 1862, "for gallant and meritorious services at the battle of Gaines's Mill, Va;" colonel June 28, 1862, "for gallant and meritorious services at the battle of Golding's Farm, Va;" brigadier-general March 13, 1865, "for gallant and meritorious services at the capture of Little Rock, Ark.;" major-general March 13, 1865, "for gallant and meritorious services in the field during the war," and major-general United States volunteers March 13, 1865, "for meritorious services during the war."

J. C. KELTON,
Assistant Adjutant-General.

Additional statement by Clara B. Davidson, the widow of the deceased General John W. Davidson, who is the applicant for the increase of pension under this bill.

John W. Davidson graduated at the Military Academy in 1845. He served in the Mexican war as a second lieutenant, and also served faithfully and honorably all during the war of the rebellion.

The non-commissioned officers and privates of the Third Iowa Cavalry presented him with a magnificent sword, costing $2,000, for his gallantry and bravery in the capture of Little Rock. That sword is now in my possession. He never wore it but once, and that was on the occasion of the obsequies in commemoration of President Lincoln, at Natchez, Miss., 1865.

At the commencement of the war he was captain of the First Dragoons, and when General Sidney Johnston said: "Davidson, you must come with us; you belong with us in our army, and we will make you a general," to which General Davidson, though a Virginian by birth, family ties, and education, replied: "Oh, no, general, I'll stand by the flag that I promised to protect." And this he said, although his brother Hunter Davidson, and his uncle Thomas Hunter, each of the Navy, had joined the Southern Confederacy, and he did his duty as a good and honorable soldier.

His grandfather Davidson, from South Carolina, served in the Revolutionary war, and was a general officer. He was killed in an action against General Tarleton. His father, William Benjamin Davidson, was a graduate of West Point, and served in the regular army as captain of the Third Artillery, under General Harney, during the Indian wars of Florida.

"In the Army of the Potomac, under General McClellan, General John M. Davidson had a sunstroke in a battle in July, 1862, that shattered his system so severely that he never recovered entirely from the effects of it. He was on duty at Fort Custer at the time he received injuries that caused his death, and that was in this wise: On the 7th of February, 1881, an officer had reported that the beef was fed on refuse forage from the stables, and he went, accompanied by Lieutenant Hoppin, the commissary, down to inspect the forage, and it being an intensely cold day, the horses were very restless, and the one upon which General Davidson was riding gave a sudden spring and turned a somersault, precipitating him over an embankment 20 feet deep, which was covered with snow. The saddle struck him in the side and stomach, breaking two of his ribs, which the doctors say caused cancer of the stomach, from the effects of which he died on June 26, 1881.

"Having raised and educated a large family before his death, he left no money for my support, and I am compelled to rely entirely upon my pension for my support during the remainder of my life."

Your committee, after a consideration of all the facts in this case, and in view of the many precedents for this increase, report back the bill and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BENJAMIN OBEKIAH.

Mr. HIRES. I ask for the consideration of the bill (S. 2173) granting a pension to Benjamin Obekiah.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Benjamin Obekiah, late of Company K, Twenty-second United States Colored Infantry, on the pension-roll, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

DAVID B. CALDWELL.

Mr. ROMEIS. I call up the bill (H. R. 7390) granting a pension to David B. Caldwell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of David B. Caldwell, late a lieutenant of Company I, Seventy-fifth Regiment of Ohio Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELVIRA BLISS SHELDON.

Mr. CUTCHEON. I ask the consideration of the bill (S. 2029) granting an increase of pension to Elvira Bliss Sheldon.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elvira Bliss Sheldon, an ex-Army nurse, and widow of Joel S. Sheldon, late a commissary and lieutenant of volunteers, and pay her a pension at the rate of $30 per month, in lieu of the pension now received by her.

Mr. COWLES. I ask for the reading of the report in this case.

The report was read in part, when

Mr. COWLES said: I will withdraw my demand for the reading of the report, if the gentleman from Michigan [Mr. CUTCHEON] will make a brief statement of the reasons in favor of granting this pension. The proposition appears rather extraordinary.

Mr. CUTCHEON. Mr. Chairman, a very few words will suffice to explain this bill, which has passed the Senate and been favorably reported upon by the Committee on Invalid Pensions of this House. Mrs. Elvira Bliss Sheldon is the widow of Lieut. Joel S. Sheldon, of the Sixth Michigan Cavalry, who lost his life in consequence of his services in the army. She served herself for more than two years as an army nurse in the hospitals of this city, and also in the field. While serving in the field at City Point, during the siege of Petersburg, she was stricken down with that malignant disease, camp fever, which was succeeded by chronic diarrhea, from which she has suffered up to the present time. She is now, and has been ever since the war, a chronic invalid. She has no dependence in the world, except her little pension of $17 a month, which this bill proposes to increase to $30.

I am somewhat acquainted with Mrs. Sheldon. She has resided in this city, attempting to eke out a subsistence by type-writing and things of that sort; but her health has so completely failed that she has now absolutely no dependence but her small pension. So far as I am aware, she has no friend or relative in the world to whom she can look for support. This bill proposes to give her a pension of $30 a month, being an increase of $13 upon what she is now receiving. I hope there will not be a single vote against the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY GRIMES.

Mr. BROWN, of Pennsylvania. I call up the bill (H. R. 9247) granting a pension to Mary Grimes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll of the United States the name of Mary Grimes, the mother of William Grimes, late a private in Company K, Twelfth Regiment New York Volunteers, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LOUISE AMBRECHT.

Mr. BRADY. I call up the bill (S. 1201) granting a pension to Louise Ambrecht.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Louise Ambrecht, the widow of Augustus L. Ambrecht, late a surgeon in the Army of the United States.

Mr. BRADY. There is evidently a mistake in the draughting of this bill. I move to amend by striking out, in the last line, the word "surgeon," and inserting "sergeant."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

FREDERICK RICHMOND.

Mr. ELLSBERRY. I call up for present consideration the bill (H. R. 9444) granting a pension to Frederick Richmond.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Frederick Richmond, late a private in Company B, Thirty-sixth Regiment Ohio Volunteers, now insane, payment of pension to be made to his legally constituted guardian.

There was no objection, and the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. ABBIE B. HEATH.

Mr. PERKINS. I call up for present consideration the bill (S. 1997) granting a pension to Mrs. Abbie B. Heath.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Abbie B. Heath, widow of John T. Heath, late of Company B, Twenty-fourth Regiment of Indiana Volunteers.

There was no objection, and the bill was laid aside to be reported to the House with the recommendation that it do pass.

PHILA CLARK.

Mr. WEBER. I call up for present consideration the bill (H. R. 8847) for the relief of Phila Clark.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Phila Clark, dependent mother of Olin Clark, late of Company C, Eighth New York Heavy Artillery Volunteers.

The amendment of the Committee on Invalid Pensions was read, as follows:

After the word "authorized" insert "and directed;" so it will read, "authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws," &c.

The amendment of the committee was agreed to; and the bill, as amended, was laid aside to be reported to the House with the recommendation that it do pass.

ORRIN P. COOLEY.

Mr. ROWELL. I call up for present consideration the bill (S. 1844) granting a pension to Orrin P. Cooley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Orrin P. Cooley, late of Company C, Forty-second Illinois Volunteers, at $25 per month, from and after the passage of this act.

The amendment of the Committee on Invalid Pensions was read, as follows:

Strike out "at $25 per month, from and after the passage of this act," and insert in lieu thereof "subject to the provisions and limitations of the pension laws."

The amendment of the committee was agreed to, and the bill, as amended, was laid aside, to be reported to the House with the recommendation that it do pass.

CLARA M. TANNEHILL.

Mr. CONGER. I call up for present consideration the bill (H. R. 9672) granting a pension to Clara M. Tannehill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Clara M. Tannehill, blind daughter of Martin V. Tannehill, late of Company D, Thirty-fourth Regiment Iowa Volunteers, and pay her a pension of $12 per month from and after the passage of this act.

There was no objection, and the bill was laid aside to be reported to the House with the recommendation that it do pass.

MICHAEL TODD.

Mr. LEHLBACH. I call up for present consideration the bill (H. R. 7335) granting a pension to Michael Todd.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Michael Todd, father of James H. Todd, deceased, late of Company K, Sixty-ninth Pennsylvania Volunteers.

There was no objection, and the bill was laid aside to be reported to the House with the recommendation that it do pass.

ANTHON EITAPENCE.

Mr. FARQUHAR. I call up for present consideration the bill (S. 2330) for the relief of Anthon Eitapence.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Anthon Eitapence, of Utica, N. Y., father of Adam Eitapence, late of Company H of the One hundred and forty-sixth Regiment New York Volunteers.

There was no objection, and the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM HUTCHISON.

Mr. WHITE, of Pennsylvania. I call up for present consideration the bill (H. R. 4852) granting a pension to William Hutchison.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Hutchison, and pay him a pension from and after the passage of this act.

The amendment of the Committee on Invalid Pensions was read, as follows:

Insert after the word "Hutchison" the words "late a private in Company H, First Regiment Tennessee Volunteers, in the Mexican war."

The amendment of the committee was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARGARET CASHIN.

Mr. LITTLE. I call up for present consideration the bill (H. R. 5398) granting a pension to Mrs. Margaret Cashin.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret Cashin, widow of Patrick Cashin, late of Company D, Forty-fourth Ohio Volunteers, and Company M, Eighth Ohio Volunteers.

There was no objection, and the bill was laid aside to be reported to the House with the recommendation that it do pass.

ISAAC ASKIE.

Mr. O'HARA. I call up for present consideration the bill (H. R. 8485) granting a pension to Isaac Askie.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Isaac Askie, late a private in Company C, Thirty-seventh United States Colored Troops, subject to the provisions and limitations of the pension laws.

There was no objection, and the bill was laid aside to be reported to the House with the recommendation that it do pass.

NIRIUS CISSELL.

Mr. WHITE, of Minnesota. I call up for present consideration the bill (H. R. 9026) granting a pension to Nirius Cissell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nirius Cissell, late of Company L, Fifth Regiment Missouri Cavalry.

There was no objection, and the bill was laid aside to be reported to the House with the recommendation that it do pass.

EMILY LUTHER.

Mr. LONG. I call up for present consideration the bill (H. R. 8632) for the relief of Emily Luther.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emily Luther, widow of Herbert M. Luther, late of the Eighteenth Massachusetts Volunteers.

The amendment of the Committee on Invalid Pensions was read, as follows:

Strike out, in the sixth line of the bill, the words "of the" and substitute therefor the words "sergeant Company G."

The amendment of the committee was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. SWOPE. I move that the committee rise and report the bills to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. TOWNSHEND reported that the Committe of the Whole House had had the Private Calendar under consideration and had directed him to report back to the House sundry bills with various recommendations.

BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole without amendments, were severally considered, and ordered to be engrossed for a third reading; and being engrossed, were read the third time, and passed:

A bill (H. R. 8424) granting a pension to James H. Young;
A bill (H. R. 8670) granting a pension to Linnæus W. Risley;
A bill (H. R. 6026) granting a pension to John Selby;
A bill (H. R. 7748) granting a pension to John H. Stucker;
A bill (H. R. 8791) granting a pension to Sally W. Rice;
A bill (H. R. 8623) granting a pension to Mary E. Hedrick;
A bill (H. R. 9426) granting a pension to Betsey Cooney;
A bill (H. R. 6069) granting a pension to Owen P. Wilson;
A bill (H. R. 9130) granting a pension to Sarah O'Brien;
A bill (H. R. 9004) for the relief of Caroline P. Bolton;
A bill (H. R. 9443) granting a pension to Elizabeth M. King;
A bill (H. R. 9119) granting a pension to Robert Potts;
A bill (H. R. 7390) granting a pension to David B. Caldwell;
A bill (H. R. 9247) granting a pension to Mary Grimes;
A bill (H. R. 9444) granting a pension to Frederick Richmond;
A bill (H. R. 9672) granting a pension to Clara M. Tannehill;
A bill (H. R. 7335) granting a pension to Michael Todd;
A bill (H. R. 5398) granting a pension to Mrs. Margaret Cashin;
A bill (H. R. 8485) granting a pension to Isaac Askie; and
A bill (H. R. 9026) granting a pension to Nivins Cissell.

Bills of the following titles, reported with amendments, were considered, the amendments agreed to, and the bills as amended ordered to be engrossed for a third reading, read the third time, and passed:

A bill (H. R. 3167) to restore the name of Lifurs Roberson to the pension-roll;
A bill (H. R. 7716) granting a pension to Lizzie Brown;
A bill (H. R. 8869) granting a pension to Mrs. Henrietta M. Drum Hunt;
A bill (H. R. 7547) granting a pension to Livingston Clark;
A bill (H. R. 8847) for the relief of Phila Clark;
A bill (H. R. 4852) granting a pension to William Hutchison; and
A bill (H. R. 8632) for the relief of Emily Luther;

Senate bills of the following titles, reported with amendments, were severally considered, the amendments agreed to, and the bills as amended read the third time, and passed:

A bill (S. 1481) granting an increase of pension to Col. Charles E. Capehart;
A bill (S. 2587) granting a pension to Elizabeth Ward;
A bill (S. 2334) granting a pension to Isaac Ransom;
A bill (S. 1844) granting a pension to Orrin P. Cooley; and
A bill (S. 1201) granting a pension to Louise Ambrecht.

Senate bills of the following titles, reported without amendment, were severally considered, ordered to be read the third time, and passed:

A bill (S. 2144) granting an increase of pension to Grace F. Edes;
A bill (S. 1207) granting a pension to Caroline Sees;
A bill (S. 1614) granting a pension to Sarah C. Wright;
A bill (S. 2321) granting an increase of pension to Clara B. Davidson;
A bill (S. 2173) granting a pension to Benjamin Obekiah;
A bill (S. 2029) granting an increase of pension to Elvira Bliss Sheldon;
A bill (S. 1997) granting a pension to Mrs. Abbie B. Heath; and
A bill (S. 2330) for the relief of Anthon Eitapence.

Mr. SWOPE moved to reconsider the several votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM B. BARNES.

Mr. WEAVER, of Iowa. Mr. Speaker, I have not been recognized to-night, and now ask the indulgence of the House to submit a request for unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 9250) for the relief of William B. Barnes, and put it upon its passage.

The SPEAKER *pro tempore*. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William B. Barnes, dependent father of Louis W. Barnes, late of Company I, Sixteenth Regiment of Infantry Iowa Volunteers.

There being no objection, the bill was ordered to be engrossed for a third reading; and being engrossed, it was read the third time, and passed.

Mr. WEAVER, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SWOPE. I move that the House do now adjourn.

Mr. SOWDEN. I move that when the House adjourns to-day it be to meet at 3 o'clock on Monday next.

Mr. TOWNSHEND. That would not be in order, as it is a change of the rule.

Mr. LONG. Regular order.

Mr. SOWDEN. I move, then, to make it 12 o'clock on Monday next.

The SPEAKER *pro tempore*. Pending the motion to adjourn the gentleman from Pennsylvania [Mr. SOWDEN] moves that when the House adjourns it be to meet on Monday next.

The motion was not agreed to.

The motion of Mr. SWOPE was agreed to; and accordingly (at 9 o'clock and 53 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. J. ADAMS: Petition of Kasimir Seiler, late of Company D, Seventh New York Veteran Volunteers, and Company A, Eighty-eighth New York Volunteers, for a special act to remove the charge of desertion from his military record—to the Committee on Military Affairs.

By Mr. BARBOUR: Petition of the subcommittee of the committee of 100 citizens of Washington, D. C., that the bill (S. 2982) may not become a law—to the Committee on the District of Columbia.

By Mr. BARKSDALE: Petition of Evan Cook, administrator of John S. Cook, deceased, of Hinds County, Mississippi, asking reference of claim to the Court of Claims—to the Committee on War Claims.

By Mr. BLOUNT: Petition of W. T. Hollingsworth, of Bibb County, Georgia, asking reference of his case to the Court of Claims—to the same committee.

By Mr. BRADY: Petition of Mrs. Adaline T. Blick, of Ream's Station, Va., praying for an allowance of her claim—to the same committee.

Also, papers relating to the claims of Alfred Anderson, of Amelia County; of Benjamin Schenck, of Asa Tucker, and of Benjamin K. White—to the same committee.

By Mr. DINGLEY: Memorial of marine insurance companies of Boston, for the passage of bill to place sailing vessels in the coastwise trade on the same basis as to pilotage as steam vessels in such trade—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. HALL: Papers relating to the bill for the relief of B. F. Moody & Co.—to the Committee on Claims.

By Mr. HENLEY: Petition and papers relating to the claim of John Nelson, of Thibodeaux, La.—to the Committee on War Claims.

By Mr. KELLEY: Petition of certain citizens of Philadelphia, Pa., praying for the repeal of internal taxes—to the Committee on Ways and Means.

By Mr. LAIRD: Petition of citizens of Boone County, of Merrick County, of Douglas County, of Madison County, of Brown County, of Knox County, of Johnson County, of Harlan County, and of Lancaster County, Nebraska, urging the passage of the Hatch experiment bill—to the Committee on Agriculture.

By Mr. LIBBEY: Papers relating to the claims of J. B. Brickhouse,

of Norfolk, Va.; and of Noah K. Eagle, of York County, Virginia—to the Committee on War Claims.

By Mr. LOVERING: Petition of the Massachusetts Fish and Game Association, favoring the passage of the bill (S. 2436) to amend the act setting apart land near the headwaters of the Yellowstone River as a public park—to the Committee on the Public Lands.

By Mr. MILLIKEN: Petition for a pension for Fernando G. Pratt—to the Committee on Invalid Pensions.

By Mr. MURPHY: Resolutions of the Iowa Horticultural Society in favor of agricultural experiment-stations—to the Committee on Agriculture.

By Mr. OSBORNE: Petition of Mrs. Emily Dailey, to accompany the bill (H. R. 7866) granting a pension to Emily Dailey—to the Committee on Invalid Pensions.

By Mr. PEEL: Petition of John McCracken, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. STAHLNECKER: Petition of the United American Clay Tobacco Pipe Manufacturers' Association, asking that the tariff on manufactured clay pipes be changed—to the Committee on Ways and Means.

By Mr. TOWNSHEND: Petition of citizens of Illinois, praying that a pension be granted to John W. Gott—to the Committee on Invalid Pensions.

By Mr. WHEELER: Petition of S. H. Bruff and V. A. Bruff, asking that their claims be referred to the Court of Claims—to the Committee on War Claims.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January* 8, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

EMPLOYÉS IN STATE DEPARTMENT.

The SPEAKER laid before the House a letter from the Secretary of State, transmitting a list of the employés in that Department, stating the time actually employed, and that they are usefully employed, and that their services can not be dispensed with; which was referred to the Committee on Expenditures in the State Department, and ordered to be printed.

GEOLOGICAL SURVEY OF THE TERRITORIES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, with inclosures, estimates from the Secretary of the Interior of appropriations for the publication of volume 3, book 2, final report of the United States Geological Survey of the Territories; which was referred to the Committee on Appropriations, and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Attorney-General of an additional appropriation for continuing the investigation of French spoliation claims; which was referred to the Committee on Appropriations, and ordered to be printed.

O. M. LARRAWAY.

The SPEAKER also laid before the House a letter from the Postmaster-General, with inclosures, recommending that the account of O. M. Larraway, postmaster at Minneapolis, Minn., be credited with amount of loss by burglary, and that an appropriation be made therefor; which was referred to the Committee on Claims.

INDIAN DEPREDATION CLAIMS.

The SPEAKER also laid before the House a letter from the acting Secretary of the Interior, transmitting, with a letter from the Commissioner of Indian Affairs, a schedule of Indian depredation claims examined prior to January 1, 1887, with the determination of the Department thereon; which was referred to the Committee on Indian Affairs, and ordered to be printed.

JOHN M'NAUGHTON.

The SPEAKER also laid before the House the bill (H. R. 1877) for the relief of John McNaughton, with an amendment by the Senate.

Mr. THOMPSON. I ask unanimous consent that the House proceed to the immediate consideration of the Senate amendment, and that it be concurred in.

The amendment of the Senate was read, as follows:

In lines 4 and 5 strike out the words "due said John McNaughton for services rendered the United States as second lieutenant" and insert "of a first sergeant."

There being no objection, the amendment was considered and concurred in.

Mr. THOMPSON moved to reconsider the vote by which the Senate amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House bills of the Senate of the following titles; which were read twice and referred as indicated:

The bill (S. 309) to settle and adjust the claims of any State for expenses incurred by it in defense of the United States—to the Committee on War Claims.

The bill (S. 474) for the relief of George W. Saulpaw—to the Committee on War Claims.

The bill (S. 1359) for the relief of the heirs of Erskine S. Allin—to the Committee on Claims.

The bill (S. 1651) authorizing the Secretary of the Treasury to make final adjustment of the claims of certain foreign steamship companies, arising from the illegal exaction of tonnage dues—to the Committee on Claims.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. REAGAN, indefinitely.

To Mr. GALLINGER, for one week, on account of sickness.

To Mr. LYMAN, indefinitely, on account of death in his family.

To Mr. CANDLER, indefinitely, on account of sickness in his family.

JACOB COPES.

The SPEAKER. The gentleman from Kansas [Mr. PERKINS] asks to have the bill (H. R. 3406) granting a pension to Jacob Copes, which was reported adversely yesterday by the Committee on Pensions, placed upon the Calendar. The gentleman has the right to have that done, and it will be so ordered.

CHANGE OF REFERENCE.

The SPEAKER. A memorial of the constitutional centennial commission was referred to the Committee on the Library. The gentleman from Pennsylvania [Mr. O'NEILL] asks that it be referred to the Committee on the Judiciary. The Chair thinks that is the proper reference, and if there be no objection the memorial will be referred to the Committee on the Judiciary.

There was no objection.

MOBILE AND OHIO RAILROAD COMPANY.

The SPEAKER. Yesterday the House passed a joint resolution (H. Res. 72) to provide for the settlement of accounts with the Mobile and Ohio Railroad Company. This is a resolution which came over from the last session of Congress. It appears from the RECORD it was amended by the Committee of the Whole House, but in the engrossment of the joint resolution the amendment was omitted. The Chair thinks the correction ought to be made before the joint resolution is transmitted to the Senate.

Mr. OATES. I was in charge of this joint resolution and offered the amendment myself. It was by an oversight that it was omitted from the engrossment. In fact I had forgotten about it or I would have called attention to it yesterday and would have asked that it should be passed upon and incorporated in the bill before the vote was taken. The amendment was adopted in the Committee of the Whole without dissent. I ask unanimous consent that the correction be made.

The SPEAKER. If there be no objection the joint resolution will be again engrossed and the amendment included. The RECORD shows that the amendment was offered by the gentleman from Alabama, in Committee of the Whole House, and agreed to.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. HERBERT. I call for the regular order.

Mr. SINGLETON. I ask the gentleman from Alabama to withhold the call for the regular order for a moment, that I may call up for action at this time the joint resolution (S. R. 90) appointing James B. Angell a member of the Board of Regents of the Smithsonian Institution to fill a vacancy.

Mr. HERBERT. I think we ought to have the regular order.

Mr. SINGLETON. This will not take more than a moment.

Mr. HERBERT. I must insist on the regular order.

The SPEAKER. The regular order is the call of committees for reports.

INDIAN TRAINING SCHOOL, OREGON.

Mr. HAILEY, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (S. 2060) to authorize the purchase of a tract of land near Salem, Oreg., for the use of an Indian training school; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, BROOKLYN, N. Y.

Mr. WILKINS, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H.

R. 10305) to increase the appropriation for the public building at Brooklyn, N. Y.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT HOUSTON, TEX.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (S. 93) authorizing the construction of a public building for a post-office in the city of Houston, Tex.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT DENVER, COLO.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, also reported back with a favorable recommendation the bill (S. 1592) to change the limit of appropriation for the public building at Denver, Colo.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MARIA L. STRONG.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. 2708) for the relief of Maria L. Strong; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

APPOINTMENT OF CIVIL OFFICERS.

Mr. COX, of North Carolina, from the Committee on Reform in the Civil Service, reported back with a favorable recommendation the bill (S. 512) to repeal certain sections of the Revised Statutes of the United States relating to the appointment of civil officers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STEAMER NUEVO MOCTEZUMA.

Mr. DUNN, from the Committee on American Ship-building and Ship-owning Interests, reported back with a favorable recommendation the bill (H. R. 10199) to provide for an American register for the steamer Nuevo Moctezuma, of Philadelphia, Pa.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of the committees for reports is now completed. The hour for consideration of bills reported by committees begins at 12.30 p. m., and the call rests with the Committee on Manufactures.

The SPEAKER (when the Committee on Mines and Mining was called). The gentleman from Ohio [Mr. HILL] was compelled to leave the city temporarily, and he requested that when this committee was reached in the call it should be passed.

Mr. CLARDY. I trust, Mr. Speaker, that that may be done without objection.

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. JOHNSON, one of its clerks, announced that the Senate had passed a bill (S. 2871) for the relief of Semon, Bache & Co.; in which the concurrence of the House was requested:

The message also announced that the Senate had passed, without amendment, the bill (H. R. 1034) for the relief of Bangs, Brownell & Co.

The message further announced that the Senate had passed with an amendment, in which the concurrence of the House was requested, the bill (H. R. 7192) to provide a school of instruction for cavalry and light artillery, and for the construction and completion of quarters, barracks, and stables at certain posts for the use of the Army of the United States; also that the Senate requested a conference with the House upon said bill and amendment, and had appointed as conferees on the part of the Senate Mr. MANDERSON, Mr. HAWLEY, and Mr. HAMPTON.

PUBLIC BUILDING, CHARLESTON, S. C.

Mr. DIBBLE (when the Committee on Public Buildings and Grounds was reached). I call up the bill (H. R. 10051) for the construction of a public building at Charleston, S. C. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering that bill; and, pending that motion, I ask unanimous consent that debate upon each bill called up by the Committee on Public Buildings and Grounds be limited to five minutes.

Mr. STORM. I object.

Mr. WARNER, of Ohio. Better have no debate at all.

Mr. MORROW. Mr. Speaker, is that intended to include the reading of the report?

The SPEAKER. The reading of a report would be in the nature of debate. However, objection is made by several gentlemen to the request of the gentleman from South Carolina [Mr. DIBBLE].

The motion of Mr. DIBBLE was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. COX, of New York, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of the bill (H. R. 10051) for the erection of a public building at Charleston, S. C.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or otherwise provide a site and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the post-office and the circuit and district courts of the United States, and for other Government uses, at the city of Charleston, in the State of South Carolina. The site of the said building shall not exceed in cost the sum of $100,000; and the building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $400,000; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sums of $100,000 for the site and $400,000 for the building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of South Carolina shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

SEC. 2. That as soon as the said building shall have been erected and occupied for the uses of the Government the Secretary of the Treasury shall advertise for sale, and shall sell at public auction, to the highest bidder, for cash, the site and building now used and occupied as a post-office in the city of Charleston, and damaged by the recent earthquake shock in that city; and the proceeds of such sale shall be covered into the Treasury.

SEC. 3. That the sum of $500,000, or so much thereof as may be necessary to carry out the provisions of this act, be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. DIBBLE. Mr. Chairman——

Mr. HEPBURN. I ask that the report of the committee be read.

Mr. DIBBLE. Will that come out of my time?

The CHAIRMAN. No, sir.

Mr. DIBBLE. Well, I understand that I retain the floor, Mr. Chairman.

The CHAIRMAN. The gentleman from South Carolina [Mr. DIBBLE] has the floor. The report will now be read.

The Clerk read as follows:

The post-office building in the city of Charleston, S. C., was so badly damaged by the earthquake of August 31, 1886, that it will be necessary to take it down. It has been rendered safe for temporary use by timber props within and timber braces on the outside; but this was done simply to meet the immediate necessities of the Government. An emergency exists, therefore, for an immediate appropriation to provide permanent accommodations for the post-office of that city.

Prior to the earthquake three public buildings were occupied by the Government in the city of Charleston. Two of them, the old club-house building, purchased and formerly used for the sessions of the United States circuit and district courts, and the post-office building, are so much injured as to be beyond the possibility of permanent, substantial repair. The club-house building is a complete wreck, and the post-office building is propped up, as hereinbefore stated, so as to be used temporarily. The United States courts are now held in the custom-house building, the main structure of which is not damaged, except in the ceilings and plastering, and only the porticoes and parapets of which have suffered displacement and fracture. The space occupied by the United States courts is needed for other branches of the public service, and the location of the custom-house building is exceedingly inconvenient for the sessions of the courts.

The present post-office site is entirely occupied by the building, the front entrance of which encroaches several feet upon the sidewalk, and which is only 90 feet long by 50 feet wide, and it is incapable of enlargement from the fact that it is bounded on each side by a public street or thoroughfare. The building is a very old one, erected in colonial days, when Charleston was a small settlement of about one-tenth of its present area, and about one-thirteenth of its present population, as the council building of the British province of South Carolina.

It seems to be a measure of economy to erect the new building required upon a larger site, and to combine in its appointments the necessary accommodations for the United States circuit and district courts, as well as for the city post-office and railway mail service; and to use the custom-house for the accommodation of all remaining Government officials; and they occupy two sound and fire-proof and well-appointed structures, instead of three buildings, as heretofore.

In consequence of the recent experience of earthquake disturbance at Charleston, while it is to be hoped that the city will not suffer from so severe a visitation in the future, yet in planning a structure sufficient to withstand such a contingency it will be requisite to occupy a larger area of ground than usual in order to get the floor space ordinarily gained by adding stories. Hence, it is not deemed prudent to rebuild on a site which is only 90 feet by 50 feet, giving a surface area of only 4,500 square feet.

A suitable building, constructed of the most substantial materials, and built with a special view of sustaining considerable vibratory shock without demolition or serious injury, will require for its erection, in the opinion of the Supervising Architect, the sum of $400,000, and in this view the committee concurs.

The ordinary postal facilities for a city of over 60,000 inhabitants are to be supplied; and in addition the officers of the railway mail service between Charleston and Wilmington, N. C., Columbia, S. C., Savannah and Augusta, Ga., Jacksonville and Key West, Fla., and intermediate points, in charge of a chief clerk, with a large force of railway postal clerks, who handle, among other mails, the fast mails on the Atlantic coast line, having as its terminal points Boston, Mass., and Tampa, Fla., and embracing the Cuban foreign mails.

The United States circuit and district courts, in general or special term, or in admiralty business, are in session about three-fourths of the year; while all original writs in civil cases for suits in Federal courts, in any part of the State of South Carolina, are issued from the offices of the clerks of such courts in Charleston, where all the records are kept.

The reports made to the Secretary of the Treasury, and to the Supervising Architect, concerning the condition of the post-office building are hereto appended as a part of this report.

Mr. DIBBLE. Mr. Chairman——

Mr. HEPBURN. Mr. Chairman, I desire that the report be read in full.

Mr. DIBBLE. The report has been read. There are some appendices to it which have not been read.

The CHAIRMAN. The Chair would state that the reading of the report has been nearly completed and the Clerk will now complete it.

The Clerk resumed the reading, as follows:

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Mr. DIBBLE. I have the floor; the reading of the report is in my time, and I claim that it has been completed.

Mr. HEPBURN. Mr. Chairman, the closing sentence read by the Clerk declares that the exhibits are made a part of that report. That is the statement of the committee. Now if the exhibits are a part of the report, I desire that they be read.

Mr. DIBBLE. Well, Mr. Chairman, the gentleman has no parliamentary right to have the report read. I have the floor, and merely as a matter of saving time and with due regard to other bills which the committee desire to present, and not for the sake of excluding from the knowledge of the House any matter in connection with this bill, I ask that the reading of those exhibits be deferred, as they will consume all the time. I move that the committee now rise for the purpose of limiting debate.

The CHAIRMAN. That motion is in order.

The question was taken on the motion of Mr. DIBBLE; and the Chairman declared that the ayes seemed to have it.

Mr. HEPBURN. I desire to raise a question of order. The House is now engaged in the reading of this report, which was directed to be done; and I submit the reading should be concluded before the motion of the gentleman from South Carolina can be in order.

The CHAIRMAN. The Chair will state to the gentleman from Iowa [Mr. HEPBURN] that under the rules the reading of the report has been in the time of the gentleman from South Carolina. The Chair deferred to the request of the gentleman from Iowa for the reading of the report, because the gentleman from South Carolina acquiesced in it.

Mr. HEPBURN. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HEPBURN. Can I not, as a matter of right, call for the reading of the report?

The CHAIRMAN. The gentleman would have the right to call for the reading in his own time.

Mr. HEPBURN. Mr. Chairman, I submit that the ruling just made by the Chair can not be just, because at present I have no time.

The CHAIRMAN. The Chair will have the rule read for the satisfaction of the gentleman.

The Clerk read as follows:

It has been held, and that ruling on appeal sustained, that the reading of the report accompanying the pending proposition can not be demanded as a matter of right except in the time of the member making such demand. It has been repeatedly held that the reading of a report is in the nature of debate, and of course such reading must be governed by the rules regulating debate.

The CHAIRMAN. The Committee of the Whole has decided to rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole on the state of the Union having had under consideration the bill (H. R. 10051) for the erection of a public building at Charleston, S. C., had come to no resolution thereon.

Mr. DIBBLE. I move that the House again resolve itself into Committee of the Whole for the further consideration of House bill No. 10051, and pending that motion I move that all debate in Committee of the Whole on the pending bill be limited to ten minutes, of which (if the motion prevail) I am willing to give the gentleman from Iowa [Mr. HEPBURN] eight minutes. On this motion I call the previous question.

Mr. HEPBURN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEPBURN. Is it in order at this time to limit all debate—general debate and the debate upon amendments?

The SPEAKER. The motion does not affect the debate on amendments, but proposes simply to limit the general debate on the bill. The House has no power now to close debate on amendments.

The question being taken on ordering the previous question upon the motion to limit debate, there were—ayes 100, noes 8.

Mr. HEPBURN. I make the point that no quorum has voted.

Tellers were ordered; and Mr. HEPBURN and Mr. DIBBLE were appointed.

The House again divided; and the tellers reported—ayes 160, noes 3.

So the previous question was ordered; and under the operation thereof the motion of Mr. Dibble to limit debate to ten minutes was agreed upon.

The question then recurring on the motion of Mr. DIBBLE that the House resolve itself into the Committee of the Whole on the state of the Union, it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. COX, of New York, in the chair) and resumed the consideration of the bill (H. R. 10051) for the erection of a public building at Charleston, S. C.

The CHAIRMAN. On this bill general debate is, by order of the House, limited to ten minutes. The gentleman from South Carolina is entitled to the floor.

Mr. DIBBLE. I yield eight minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN addressed the committee. [See Appendix.]

Mr. DIBBLE. In deference to the other bills, and as I know the sentiment of the House to be in favor of the city of Charleston in this matter, whose people to-day are going on erecting their private buildings and have been increasing in progress and population instead of declining, as I could show if I had the time by statistics—in deference to the other bills demanding attention, I will now move that the committee rise and report the bill to the House with the recommendation that it do pass.

Mr. BURROWS. Are we not entitled to have the bill read by sections for amendment?

Mr. DIBBLE. I will withdraw my motion until the gentleman from Iowa has consumed his two minutes.

Mr. HEPBURN. I ask that the bill be read by sections for amendment.

The CHAIRMAN. It will be read, of course, by sections for amendment. That is the gentleman's right. The Clerk will read the first section of the bill.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or otherwise provide a site and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the post-office and the circuit and district courts of the United States, and for other Government uses, at the city of Charleston, in the State of South Carolina. The site of the said building shall not exceed in cost the sum of $100,000; and the building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $400,000; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sums of $100,000 for the site and $400,000 for the building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of South Carolina shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein

Mr. HEPBURN. I move to strike out "$400,000" wherever it occurs in the first section, and in lieu thereof to insert "$100,000."

The CHAIRMAN. The ayes seem to have it.

Mr. DIBBLE. I demand a division.

The committee divided; and there were—ayes 22, noes 172.

So the amendment was rejected.

Mr. DIBBLE. I move the committee rise for the purpose of limiting debate.

Mr. HEPBURN. I have another amendment to offer.

Mr. DIBBLE. I submit my motion is in order.

The CHAIRMAN. It is. The gentleman can move to rise for the purpose of closing debate.

Mr. STORM. Can the committee rise while any member desires to make an amendment?

The CHAIRMAN. By all means.

Mr. STORM. But the gentleman's motion is to rise for the purpose of limiting debate.

The CHAIRMAN. The motion to rise takes precedence.

Mr. STORM. If the motion to limit debate carries, does that cut off all amendments?

The CHAIRMAN. That motion is offered in the House and not in the committee.

Mr. HEPBURN. I demand a division on the motion to rise.

The committee divided; and there were—ayes 149, noes 3.

Mr. HEPBURN. No quorum has voted.

Mr. DIBBLE. A quorum is not necessary.

The CHAIRMAN. No quorum is necessary.

So the motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. COX, of New York, reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 10051) for the erection of a public building at Charleston, S. C., and had come to no resolution thereon.

Mr. DIBBLE. I move that the House resolve itself into Committee of the Whole House on the state of the Union to further consider the bill (H. R. 10051) and, pending that, I move that all debate on the bill and amendments thereto be limited to five minutes, on which motion I demand the previous question.

Mr. HEPBURN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEPBURN. The second section of this bill has not yet been considered. I ask if it is competent now to entertain the motion of the gentleman from South Carolina?

The SPEAKER. It is not if the point of order is made. The House can only limit debate upon the section which has been read.

Mr. HEPBURN. I make that point of order.

Mr. DIBBLE. Then I make the motion to conform to the point of order. I move that all debate upon this section and amendments thereto be limited to five minutes.

Mr. HEPBURN. I hope the gentleman will not undertake to limit debate in that way. There are some very important questions here.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and on a division there were—ayes 111, noes 6.

Mr. HEPBURN. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. HEPBURN and Mr. DIBBLE were appointed tellers.

The House again divided; but before the result of the vote was announced the hour expired.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the unfinished business, being the bill in relation to the debts of the State of Georgia.

Mr. HERBERT. I move that the House resolve itself into Committee of the Whole House on the state of the Union to further consider the special order, being the bill (H. R. 7635) to consolidate certain bureaus of the Department of the Navy, and for other purposes.

The question was taken; and on a division there were—ayes 88, noes 3.

Mr. BROWN, of Pennsylvania. No quorum has voted.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. BROWN, of Pennsylvania, and Mr. HERBERT were appointed tellers.

Mr. HERBERT. I call for the yeas and nays on the motion.

The yeas and nays were ordered.

The question was taken; and there were—yeas 151, nays 33, not voting 135; as follows:

YEAS—151.

Allen, J. M.	Dibble,	Laffoon,	Rusk,
Anderson, C. M.	Dockery,	La Follette,	Sayers,
Anderson, J. A.	Dougherty,	Landes,	Scott,
Barksdale,	Eden,	Lanham,	Seney,
Barnes,	Eldredge,	Lore,	Seymour,
Barry,	Ely,	Louttit,	Snyder,
Bayne,	Farquhar,	Lovering,	Sowden,
Belmont,	Felton,	Lowry,	Springer,
Bennett,	Fisher,	McCreary,	Stahlnecker,
Blanchard,	Foran,	McKenna,	Stewart, Charles
Bland,	Ford,	McMillin,	Stone, E. F.
Bliss,	Forney,	McRae,	Stone, W. J., Ky.
Blount,	Frederick,	Merriman,	Stone, W. J., Mo.
Boyle,	Fuller,	Miller,	Storm,
Breckinridge, C. R.	Gay,	Mills,	Struble,
Breckinridge, W. C. P.	Geddes,	Morgan,	Swope,
Buck,	Gibson, C. H.	Morrill,	Taylor, J. M.
Burnes,	Glass,	Morrison,	Taylor, Zach.
Cabell,	Green, R. S.	Morrow,	Thomas, J. R.
Caldwell,	Green, W. J.	Muller,	Thomas, O. B.
Campbell, Felix	Hall,	Neal,	Throckmorton,
Campbell, J. E.	Halsell,	Neece,	Tillman,
Campbell, T. J.	Hammond,	Norwood,	Townshend,
Carleton,	Hanback,	Oates,	Trigg,
Catchings,	Harris,	O'Donnell,	Tucker,
Clardy,	Hatch,	O'Ferrall,	Turner,
Clements,	Heard,	O'Neill, Charles	Van Eaton,
Cobb,	Hemphill,	Outhwaite,	Viele,
Cowles,	Henderson, J. S.	Parker,	Wadsworth,
Cox, S. S.	Herbert,	Payne,	Warner, A. J.
Cox, W. R.	Hermann,	Peel,	Weaver, J. B.
Crisp,	Hopkins,	Perry,	Wheeler,
Croxton,	Howard,	Peters,	White, A. C.
Culberson,	Hutton,	Pindar,	Wilkins,
Daniel,	Johnston, T. D.	Ranney,	Willis,
Dargan,	Jones, J. H.	Richardson,	Wise,
Davidson, R. H. M.	Jones, J. T.	Robertson,	Wolford.
Dawson,	Kelley,	Rogers,	

NAYS—33.

Baker,	Grout,	Little,	Sessions,
Brown, W. W.	Haynes,	Lyman,	Smalls,
Bunnell,	Hepburn,	McKinley,	Spooner,
Burrows,	Hiestand,	Nelson,	Wade,
Campbell, J. M.	Holmes,	Osborne,	Wakefield,
Caswell,	Houk,	Perkins,	Weber.
Cutcheon,	Johnson, F. A.	Phelps,	
Everhart,	Johnston, J. T.	Pirce,	
Funston,	Laird,	Sawyer,	

NOT VOTING—135.

Adams, G. E.	Bynum,	Evans,	Hitt,
Adams, J. J.	Candler,	Findlay,	Holman,
Aiken,	Cannon,	Fleeger,	Hudd,
Allen, C. H.	Collins,	Gallinger,	Irion,
Atkinson,	Compton,	Gibson, Eustace	Jackson,
Bacon,	Comstock,	Gilfillan,	James,
Ballentine,	Conger,	Glover,	Ketcham,
Barbour,	Cooper,	Goff,	King,
Bingham,	Crain,	Grosvenor,	Kleiner,
Bound,	Curtin,	Guenther,	Lawler,
Boutelle,	Davenport,	Hale,	Le Fevre,
Brady,	Davidson, A. C.	Harmer,	Lehlbach,
Bragg,	Davis,	Hayden,	Libbey,
Browne, T. M.	Dingley,	Henderson, D. B.	Lindsley,
Brown, C. E.	Dorsey,	Henderson, T. J.	Long,
Brumm,	Dunham,	Henley,	Mahoney,
Buchanan,	Dunn,	Hill,	Markham,
Burleigh,	Ellsberry,	Hires,	Martin,
Butterworth,	Ermentrout,	Hiscock,	Matson,
Maybury,	Plumb,	Skinner,	Wait,
McAdoo,	Randall,	Spriggs,	Wallace,
McComas,	Reagan,	Steele,	Ward, J. H.
Millard,	Reed,	Stephenson,	Ward, T. B.
Milliken,	Reese,	Stewart, J. W.	Warner, William
Mitchell,	Rice,	St. Martin,	Weaver, A. J.
Moffatt,	Riggs,	Strait,	Wellborn,
Murphy,	Rockwell,	Swinburne,	West,
Negley,	Romeis,	Symes,	White, Milo
O'Hara,	Rowell,	Tarsney,	Whiting,
O'Neill, J. J.	Ryan,	Taulbee,	Wilson,
Owen,	Sadler,	Taylor, E. B.	Winans,
Payson,	Scranton,	Taylor, I. H.	Woodburn,
Pettibone,	Shaw,	Thompson,	Worthington.
Pidcock,	Singleton,	Van Schaick,	

So the motion was agreed to.

Mr. SOWDEN. I ask unanimous consent to dispense with the reading of the names.

Mr. BRADY. I object.

The Clerk then recapitulated the names of those voting.

Mr. WEST. Mr. Speaker, I desire to state that I was temporarily absent during the roll-call, but if present I should have voted in the affirmative.

The following pairs were announced until further notice:

Mr. HOLMAN with Mr. CANNON.

Mr. BYNUM with Mr. PAYSON.

Mr. REAGAN with Mr. HISCOCK.

Mr. MATSON with Mr. CONGER.

Mr. SKINNER with Mr. DORSEY.

Mr. LAWLER with Mr. STEELE.

Mr. PIDCOCK with Mr. GILFILLAN.

Mr. BALLENTINE with Mr. HENDERSON, of Illinois.

Mr. DAVIDSON, of Alabama, with Mr. GALLINGER.

Mr. KING with Mr. BROWNE, of Indiana.

Mr. STEWART, of Texas, with Mr. STEWART, of Vermont.

Mr. CANDLER with Mr. MILLARD.

Mr. WALLACE with Mr. RICE.

Mr. MITCHELL with Mr. WHITING.

Mr. GLOVER with Mr. WARNER, of Missouri.

The following were announced as paired for to-day:

Mr. MARTIN with Mr. BINGHAM.

Mr. ELLSBERRY with Mr. WAIT.

Mr. RANDALL with Mr. RYAN.

Mr. CRAIN with Mr. HITT.

Mr. LE FEVRE with Mr. MCCOMAS.

Mr. WILSON with Mr. HENDERSON, of Iowa.

Mr. ERMENTROUT with Mr. BRUMM.

Mr. ADAMS, of New York, with Mr. HARMER.

Mr. HILL with Mr. STEPHENSON.

Mr. MCADOO with Mr. GUENTHER.

Mr. MAHONEY with Mr. DAVENPORT.

Mr. TAULBEE with Mr. BURLEIGH.

Mr. DUNN with Mr. DINGLEY, on this vote.

The result of the vote was then announced as above recorded.

CONSOLIDATION OF NAVAL BUREAUS.

The House resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the further consideration of the bill (H. R. 7635) to consolidate certain bureaus of the Department of the Navy, and for other purposes.

By unanimous consent all general debate on the bill has been limited to three hours; one hour and a half to the friends of the bill and the remainder to those opposing it.

Mr. GOFF. The Secretary of the Navy, in his report dated November 30, 1885, says:

> There is something radically wrong with the Department, and a reform in our organization is indispensable.

He also, in his report, styles the organization of the Department as "vicious." I take it for granted that the Secretary, in the instances that he cited, with the addition of the report that has been filed by the chairman of the Committee on Naval Affairs, and which is the report of the majority of that committee, together with the citations given by the witnesses who were examined before that committee, and the eloquent orations, I may say, that have been delivered on this floor by the distinguished gentleman from Texas [Mr. SAYERS] and the gentleman from New Jersey [Mr. MCADOO], gives all the reasons why the present organization of the Department is considered vicious. We are to presume, at least, that everything has been said in favor of the report, that everything has been adduced that the Secretary of the Navy found it in his power to lay before this House for its consideration.

The organization of the Department then is on trial to-day; an organization that has existed from 1842 down to the present time; an organization that was formulated into life, I may say, in the year 1842, and was at that time really the essence of the then existing management of the Department. While, theretofore, it had been conducted by a board of commissioners—the naval commissioners—when this organi-

zation was effected in 1842 they simply divided out among the officials of the Department those duties that, theretofore, those officers had virtually performed under the guidance of the commissioners.

Now, then, the system that has been so in force—I may say since the foundation of the Government, with but slight modifications—this system to-day, we are told, is vicious, and is fit only to be abolished. I submit, Mr. Chairman, that a system which has wrought the great results that this system has wrought, that has done the great good that this system has done, is not, ay, can not be vicious.

The system then is on trial. The Secretary of the Navy is the prosecutor. This Congress is the jury. Will you tell me, sir, upon what evidence you will condemn? I say here now that neither the Secretary of the Navy, nor the chairman of the Committee on Naval Affairs, nor the gentleman from Texas, nor the gentleman from New Jersey, nor a single witness who testified before the Naval Committee gave us a single reason why the system itself is "vicious." On the contrary—and I challenge denial—on the contrary every isolated instance that they have cited, if it be upon this that they rely, was a mere instance of maladministration, or mistake on the part of subordinate officers, and not of viciousness in organization. Every instance that the Secretary cites in his report, and I take it for granted the Members of the House have read it, and I will not now detain them by rereading it, is a mere citation of the acts of subordinate officers of the Department, that, if they were mistakes or wrongs, the Secretary himself could have remedied by the mere stroke of his pen.

I challenge the chairman of this committee, who laughs at that statement, to deny it in his remarks.

A MEMBER. He may deny, but he can not disprove it.

Mr. GOFF. The gentleman from Texas [Mr. SAYERS], in his remarks upon this bill a few days since, read to this House those citations of the Secretary, and passages from a report made by a board that was appointed by the Secretary; and then strangely and illogically, as it seemed to me, argued therefrom that it demonstrated beyond cavil that the organization itself was in fault.

Now, I ask the gentlemen who propose to vote for this bill if the organization of the Department is defective, and these instances prove it, how do you remedy the evil by passing this bill? We are told that the bureau system is defective and vicious, and yet, Mr. Chairman, we are asked here to re-enact the bureau system. The bureau system is not done away with—not in a single instance. We are told by the majority of the committee that they abolish certain bureaus; but I call the attention of this House to the fact that, while they abolish them in name, they breathe into them again the breath of legal life, and create them again as divisions of other bureaus.

You say you want responsibility, and you want that this divided responsibility as it exists to-day shall cease. But I say that on the contrary, instead of having responsibility, you diffuse it among subordinate divisions of bureaus that have not hitherto existed. I ask this House, I ask the gentlemen of this committee who will follow me in this discussion, to point out wherein I err in this particular. If the system is vicious the system should be changed. If my friends base their arguments in favor of this bill upon the citations that have been made by the Secretary and the committee, then those citations show that the bill they are advocating to-day has no standing in this House.

Let us see for one moment what this organization is. The organization of the Navy Department, as now provided for by law, is to be found in sections 415 to 426, inclusive, of the Revised Statutes of the United States. We have now eight bureaus in that Department—the bureaus of Yards and Docks, of Equipment and Recruiting, of Navigation, of Ordnance, of Construction and Repair, of Steam Engineering, of Provisions and Clothing, and of Medicine and Surgery. Will you tell me, Mr. Chairman of the Naval Committee, which one of these bureaus you will abolish? I concede you recommend an abolishment in name; but in effect will you tell me which one of these bureaus you abolish?

Mr. HERBERT. What does the gentleman say about the Bureau of Yards and Docks?

Mr. GOFF. I will speak of that in a moment.

Mr. HERBERT. And of the Bureau of Equipment and Recruiting?

Mr. GOFF. Do you abolish that?

Mr. HERBERT. Yes, sir.

Mr. GOFF. I say that as bureaus they are abolished, but as subdivisions they must necessarily be retained; and they are in every instance, except the case of the Bureau of Yards and Docks. And, Mr. Chairman, I am glad the gentleman has called my attention to that point at this time, because it is utterly impossible for this great Department of the Government to be conducted in a satisfactory and efficient manner without a Bureau of Yards and Docks. The gentleman from New Jersey [Mr. MCADOO], who advocated this bill the other day, conceded, when he was questioned, that this was the weakest point of the committee's bill, and said he believed that the Bureau of Yards and Docks in all of its original dignity and power should be retained in the Department. Now, then, I say to the chairman of the committee, if that bureau is abolished absolutely by this act, then, under the general grant of power given to the Secretary to diffuse the duties of the Department among his subordinates, he will be compelled to assign to one of those subordinates the duties heretofore performed by the Bureau of Yards and Docks. I ask the chairman of the committee is not that true?

Mr. HERBERT. Yes; but I say there is no such division as yards and docks provided for.

Mr. GOFF. Certainly not. But the duties of it, as now performed, must be provided for, and performed by some one somewhere.

Mr. REED, of Maine. Then the proposition is to abolish the name but to keep the substance.

Mr. HERBERT. As a matter of course the duties are to be performed, but they are placed elsewhere. There is no such division as yards and docks created by the bill.

Mr. GOFF. I have conceded that, Mr. Chairman.

Mr. HERBERT. There is neither a division nor a bureau of yards and docks, but the duties are, of course, to be performed.

Mr. GOFF. There is neither a bureau nor a division of yards and docks provided for in this bill, but the work of that bureau as it now exists must be done, and should this bill pass, then the Secretary, under the act, will assign the work now done by that bureau to one of the new bureaus provided for in this bill, under the general power given him. You have it here in this proposed section, which provides that the business of the Department of the Navy shall, except as otherwise provided by law, be distributed, in such manner as the Secretary of the Navy shall judge to be expedient and proper, among the following bureaus.

Then comes the enumeration of the five bureaus that your bill creates.

Mr. HERBERT. Instead of eight.

Mr. GOFF. Yes; five bureaus instead of eight. I will discuss that presently. Now is it proposed to dispense altogether with yards and docks? The gentleman says, no. Certainly he must say that. Can we have a Navy, can we construct great vessels, can we repair them, can we utilize them, without such a bureau or division? I want to call the attention of the chairman of the committee to the fact that we have not to-day docks of proper size and capacity at which to dock the vessels we are now constructing; and his committee, recognizing that fact, has reported to this House the absolute necessity of an appropriation of nearly two millions of dollars for the purpose of constructing docks. Is not that true? The Secretary calls the attention of Congress to the lamentable condition in which the yards and docks are. The gentleman from Texas [Mr. SAYERS] alluded to that the other day, and called attention to the fact that more than fifty million dollars had been expended for yards and docks, yet that the buildings were in a ruinous condition, and that we really had no docks for our vessels.

The Secretary says that an appropriation of a million and a half of dollars should be made to repair the yards and docks, and then—wonderful to me it seems, extremely farcical it appears—he comes into this House and recommends that the bureau which has charge of the construction of the new docks, which he advises us to provide for, shall be abolished, and the chairman of the Committee on Naval Affairs acquiesces in that suggestion!

We are to appropriate at this present session of Congress $2,000,000 for the repair and extension of yards and docks, and at the same session we are to abolish the Bureau of Yards and Docks. It seems to me that if the Secretary of the Navy, under this general grant of power, assigns to some one of these bureaus (as the chairman concedes and must concede he will do) the duties now discharged by the Bureau of Yards and Docks, then it is much better for us to retain that bureau in all its dignity and power, and to provide that the President of the United States shall appoint a man, who shall be confirmed by the Senate under the Constitution, to perform the duties of this great office.

You want responsibility; then give us responsible men.

You require to have men in charge of these bureaus and in the discharge of these great duties who do not dread the head of the Department. You require men there whose tenure of office is secure. You do not want men detailed by a mere order of the Secretary and permitted for a time to perform these duties, holding their commissions and their authority simply as long as it pleases the head of the bureau, or so long as they dance to the music of the imperial head of the Department. I say that the head of that bureau should not be so situated, and should not be placed in such a position by any bill that we pass here.

Now, Mr. Speaker, I am advised by the chairman of the Committee on Naval Affairs that his bill proposes five bureaus instead of eight. That, I suppose, is in the line of "reform." That is in the line of "economy." It is the kind of economy that we have been treated to lately. We are to have five bureaus instead of eight, the gentleman says. Will he tell us how many subdivisions we have in those five bureaus? We have four subdivisions. Now, I call the gentleman's attention to the fact that instead of eight bureaus we shall have virtually nine, because these subdivisions are and must of necessity be bureaus, at least in the sense in which he uses the word. So we shall have nine chiefs.

But that is not all. In addition thereto, we have three members of a council that we have never had before. Nine and three make twelve; therefore, we have twelve officers instead of eight. And that is not all. We have also under this bill a chief accountant whom we have not had

before; and this officer, added to the twelve, makes thirteen. Therefore, we have thirteen officers instead of eight. That is economy; that is the diffusion of power, is it? Where is your concentration and your responsibility? That is in the nature of the reorganization which the Secretary of the Navy recommends! If so, then your claim for economy is a false claim, and your "reform" diffuses and does not concentrate responsibility.

Is it not true, then, that you have four subdivisions and five bureaus, making nine? Therefore, when you call my attention to the statement that you have five bureaus instead of eight, I say, as the gentleman from Maine remarked a moment ago, that the change is only in name, not in fact.

It is very captivating, Mr. Chairman, to come in here and preach economy and reform in that manner; but I say when you analyze this bill, when you look at these subdivisions and bureaus, and this new council, and your chief accountant, you have thirteen officers instead of eight; and you increase the expenditure of that Department vastly. No man here who will examine the matter in the light of the existing law and the proposed changes will controvert the statement I make, or can do so successfully.

Now, as I said a moment ago, we have these eight bureaus under the organization of 1842; and it is proposed now to dispense with a number of them. Hitherto it has been conceded, both in legislation and in practice, that the staff corps and the line should be kept separate to a certain extent, so far as the different bureaus or corps were concerned. That is reasonable; that is sensible. We do not expect our surgeons and physicians to preside in our courts of justice; nor do we take our great jurists and ask them to perform surgical operations. Neither do we take naval constructors or naval architects, place them upon our vessels of war, and expect them to command them in great engagements. But we do expect a line officer to command a vessel after it has been constructed by those whose duty it is to do the work. We would not take the admiral, although we expect him to do great things in engagements, and expect his attention to be exclusively devoted to the details of construction or steam-engineering. And such has never been the practice in this Department from 1842, when it was reorganized by statute, down to the present time.

Now, I would like my friend on the other side, when he comes to speak upon this bill, to explain, if he can, to the satisfaction of this House why, in doing away with the Bureau of Construction and Repair, the Bureau of Steam Engineering, the Bureau of Equipment and Recruiting, and placing them under one general head, he does not provide in his bill that the chief of the Division of Steam Engineering shall be, according to the old law and according to what has always been the practice, a Chief Engineer in the Navy. You do not do so. You put a line officer (let him be an expert constructor, if you please) over your great bureau of material and construction; but over the subdivision of that bureau, where the Bureau of Steam Engineering is merged, you let a man, so far as the law is concerned, step in and hold that position who is not an engineer at all.

If there is a reason for this I should like to hear it. The omission is not accidental, because attention has been called to it on several occasions. I ask this committee, is this right? Gentlemen, do you believe that the interests of this Government in its Naval Department will be benefited by an enactment which thus, I may say, totally annihilates one of the great departments of the Navy? We have men who are great experts in this business, who have spent years of their lives in it——

Mr. BUCK. The gentleman will allow me to ask him whether he does not understand that the words "who shall be skilled in naval architecture," at the end of the second section, would apply in the case to which he refers?

Mr. GOFF. No, sir.

Mr. BUCK. The provision could very easily be amended, so as to apply in that way. I think it does now.

Mr. GOFF. The gentleman suggests that the language of the bill can very easily be amended——

Mr. BUCK. It was understood in the committee that the language I have quoted would cover (though possibly it does not) the first clause of the section. It was my intention, at any rate, that it should do so.

Mr. BOUTELLE. What does the gentleman from Connecticut [Mr. BUCK] understand the words "skilled in naval architecture" to cover?

Mr. BUCK. In my judgment, those words at the close of the section would cover both the preceding clauses. The section now reads:

That the chief of the bureau of material, construction, and repair may be appointed from civil life or from the active-list of officers of the Navy, who shall be skilled in naval architecture.

Mr. BOUTELLE. Does the gentleman think that language would require skillfulness in marine engineering?

Mr. BUCK. I think it would require a person skilled in naval architecture.

Mr. GOFF. With all deference to my friend from Connecticut, I do not agree with him.

Mr. BUCK. I am ready to vote for an amendment which will remove all doubt upon that point.

Mr. GOFF. I will read the section, and then ask whether there can be any question as to the construction which would be put upon this language:

SEC. 2. That the chief of the bureau of material, construction, and repair may be appointed from civil life or from the active-list of officers of the Navy, who shall be skilled in naval architecture.

That is, the chief of this bureau under whom you place these men who for a half century we have been educating for this expert duty——

Mr. BUCK. You assume that an incompetent man will be appointed.

Mr. GOFF. I am assuming no such thing. I am assuming that this House will be incompetent if it permits this bill to be enacted. I am assuming that we should act as incompetents if we should place at the head of this bureau a man so skilled and then have the great duties of the office performed by a person not an expert himself, and who can be detailed by the mere stroke of the Secretary's pen, and who, if he does not perform his duties in a manner to please the chief of the bureau, can be sent back to his ordinary duties with the frown of the Department upon him.

If that is the reform you want, save the Department from it. If you believe by such legislation as this you are going to benefit the Department of the Navy, you are greatly mistaken. My friend from Connecticut [Mr. BUCK], I infer at least from his interruption, deems the point I make is a good one, but he endeavors to claim it is protected in the second section, and therefore my criticism is not well taken. I submit to the House I am right, and I believe the gentleman, when he examines this question, will admit that I am correct.

Why, gentlemen, this is only one of the many inconsistencies in which this bill abounds—only one of the many. Will you tell me why, also, in your division of construction and equipment you do not have a like provision? You do away with a great bureau, you make it a division of a new bureau, and yet I say there is no provision in the bill which makes the chief of that division an expert in the duties of the division as created. Let me call the attention of the House to the character of legislation on this subject which has existed from 1842 down.

Mr. HERBERT. Will the gentleman allow me to interrupt him for a moment?

The CHAIRMAN. Does the gentleman from West Virginia yield for that purpose?

Mr. GOFF. I do.

Mr. HERBERT. There is no intent at all but that the chief of construction shall be a man skilled in that work, or that the chief of engineering shall be anything else than a chief engineer. If the bill be amended in that particular, I, for one, should not object. There is no purpose to do otherwise than as I have indicated.

Mr. REED. Do you intend to have the heads of these divisions confirmed by the Senate?

Mr. HERBERT. No, I do not.

Mr. GOFF. It is only provided that chiefs of bureaus shall be confirmed. The heads of divisions are to be designated by the Secretary.

Mr. HERBERT. There is no such purpose as the gentleman imputes to it.

Mr. BOUTELLE. My colleague from West Virginia is discussing the bill as it is before the House, and not as it might have been presented.

Mr. GOFF. I know not what the intention of the chairman of the committee may be—probably that is a little broad, too, because I was with him in committee—but I say it is fair for me now here, leaving the secrets of the committee to the committee, to speak on this floor of the bill presented to the House.

Mr. HERBERT. The committee covers no secrets of mine. I never in committee or anywhere else advocated, or for a moment supposed the chief of the division of engineering should not be an engineer. There is nobody who advocates the bill who has an idea of putting at the head of one of these divisions any but one qualified for the positions, at the head of engineering a chief engineer and at the head of construction a constructor. It is so palpable that is the intention it was not thought necessary to put it in. I say for one I will not object to an amendment which will remove that objection.

Mr. GOFF. Does the gentleman think that provision should be in the bill?

Mr. HERBERT. I do not think it is necessary.

Mr. GOFF. You do not think it should be in?

Mr. HERBERT. No Secretary is ever going to do anything else but put a man to build the hull of a ship who knows something about the work, and to put a man to the construction of an engine who knows something about steam-engineering. What we want to-day is to coordinate these men all under one control so that the work of building the hull of a ship as well as the engine of a ship shall be done by those who are best fitted for that purpose. That is all.

Mr. GOFF. That is all, the gentleman says. Has not the Secretary control of all the bureaus now? Is not the Secretary of the Navy to-day the man to whom you allude?

Mr. HERBERT. No, sir.

Mr. GOFF. No, sir. I say under the acts of Congress as they read to-day the Secretary of the Navy is the chief of that Department, and he has absolute control over all its bureaus. He can mold them to his will. He can direct them as he pleases under this law. He has done

so, and he will do so. To say there is no power in the Secretary to call these bureaus to an account and make them do the proper thing is to say, in the light of this law, that which at least is uncalled for, and might be termed nonsensical.

Mr. HERBERT. I do not wish to interrupt the gentleman and take his time, but I wish to say right here that the Secretary of the Navy is not now and never has been skilled in the building of ships. He wants to have some one under him who is more or less skilled, who knows more or less what needs arise from day to day, whom he can hold immediately responsible for everything connected with the building of a ship, its engines and equipment.

Mr. BOUTELLE. Why does not he do it?

Mr. HERBERT. Why does not he do it? Simply because the law stands in the way now, which erects a Bureau of Engineering and another of Equipment.

Mr. GOFF. Point to the law.

Mr. HERBERT. He has three bureaus, every one independent.

Mr. GOFF. The powers and duties of each can be, in fact are, prescribed by the Secretary of the Navy.

Mr. HERBERT. I beg the gentleman's pardon; I do not mean to take his time.

Mr. GOFF. I will answer the gentleman. The act of 1842 gave the Secretary experts at the head of all the bureaus. The Secretary advised with them, but he controlled their action. The chairman of the committee now wants the chief of the bureau also to have an intermediary—in other words, the true and responsible expert is to speak through another to the Secretary; now there is but one in each bureau. Who is he? Why, he is the Chief of the Bureau of Construction. He is the Chief of the Bureau of Engineering, and——

Mr. HERBERT. That is two men, is it not?

Mr. GOFF. Certainly it is two men; but now I will meet you on that point by the very provisions of your own bill. There are eight men under the present organization of the Department; will there not be five under yours?

Mr. McKENNA. Let me ask the gentleman a question. Under the present bureau system is the Chief of the Bureau of Naval Construction required to be a person skilled in that particular branch of the service?

Mr. GOFF. Yes, sir.

Mr. McKENNA. Is your construction of the law so broad—I mean now the bill you are discussing—as to prohibit the President from appointing a line officer to that duty?

Mr. GOFF. There is no question about it. Under the bill, as it is now offered to the House, the President can appoint a line officer, and one who has never given any attention whatever to the duties of the particular division of steam engineering. No gentleman can look into the question carefully and come to any other conclusion.

Now, Mr. Chairman, it is provided by section 422 of the Revised Statutes that—

> The Chief of the Bureau of Yards and Docks, of the Bureau of Equipment and Recruiting, of the Bureau of Navigation, and of the Bureau of Ordnance, shall be appointed from the list of officers of the Navy not below the grade of commander.

Again, it is provided by section 423 that—

> The Chief of the Bureau of Construction and Repair shall be appointed from the list of officers of the Navy not below the grade of commander, and shall be a skillful naval constructor.

Mr. BUCK. We have substantially the same provision.

Mr. GOFF. Now, my friend says they have substantially the same thing. We have substantially the same as to the bureau of material, construction, and repair, but not a word as to the divisions to which I am alluding.

Mr. McKENNA. Is it necessarily true that the Chief of the Bureau of Construction and Repair must be a naval architect? Does not that designate a quality instead of a class of officers; and might not a line officer be appointed by the President under the words of the bill you have been discussing?

Mr. GOFF. I have no doubt of it.

Mr. McKENNA. Then it would require an amendment to the bill so as to provide that he should be a skillful naval constructor.

Mr. GOFF. But you must remember that he is now the head of a bureau. I am talking of the subdivisions into which it is proposed to divide the bureau.

Mr. BOUTELLE. Is it not a fact that the words "naval constructor" in the statute have a technical meaning?

Mr. GOFF. They have always been so construed.

Mr. BOUTELLE. It requires that the Chief of the Bureau of Naval Construction shall be of the grade of naval constructor. That is the present law and has been so interpreted to this date.

Mr. GOFF. Now it is provided also, by section 424, that—

> The Chief of the Bureau of Steam Engineering shall be appointed from the chief engineers of the Navy and shall be a skillful engineer.
>
> SEC. 425. The Chief of the Bureau of Provisions and Clothing shall be appointed from the list of paymasters of the Navy of not less than ten years' standing.
>
> SEC. 426. The Chief of the Bureau of Medicine and Surgery shall be appointed from the list of surgeons of the Navy.

Now, in the present bill there is no provision except as to the chief of the bureau of material, construction, and repair, that I have just been alluding to and have had this friendly controversy with my colleagues about, as to the requirements of expert knowledge on the part of the chiefs of bureaus, and when you come to the divisions in these bureaus there is not the slightest allusion as to the qualifications of the heads of the divisions.

My friend, the chairman of the committee, seems to think that immaterial. I think it most material. I say the head of the division should be an expert, and should not be designated by the chief of the bureau, nor by the Secretary. Remember, that the chief is appointed by the President, confirmed by the Senate, and is to perform all duties hitherto performed by the Chief of the Bureau of Steam Engineering, and the engineer now becomes a mere subordinate officer of the bureau of material, construction, and repair.

The chief of that bureau can ask the Secretary to detail an engineer officer of the Navy to-day, and if that officer does not agree with the head of the bureau, does not indorse his views on any particular point, then he can be sent back to other duty. He is not nominated by the President or confirmed by the Senate, and if there were no other objections to the bill than this—affecting the four subdivisions of the bill—it would, in my opinion, be fatal. Officers of this grade, and for the discharge of such duties, should not be so assigned to their positions, and should not hold their place on such frail tenure.

My friend from Texas [Mr. SAYERS] in his argument the other day, and the chairman of the committee a moment ago, states there is no central authority, that there is no way by which the business of this Department can be conducted in an economical manner, by which we can see at a glance the condition of the Department or center the responsibility upon any one head. There never was a greater mistake. Section 420 of the Revised Statutes provides:

> The several bureaus shall retain the charge and custody of the books of records and accounts pertaining to their respective duties; and all of the duties of the bureaus shall be performed under the authority of the Secretary of the Navy, and their orders shall be considered as emanating from him, and shall have full force and effect as such.

And I say to my friend from Texas [Mr. SAYERS] there was not one single case that he cited, or that the Secretary himself has cited, of "maladministration" in that Department—if you choose so to call it—that could not have been corrected by an order of the Secretary himself under existing law. If there was such a case I would like the gentleman now to call my attention to it.

Mr. SAYERS. Does the gentleman from West Virginia not remember a letter addressed by Secretary Chandler to the Chief of the Bureau of Construction and Repair, calling his attention to extraordinary expenses at one particular time?

Mr. GOFF. I do.

Mr. SAYERS. Was that order obeyed, and were the expenses cut down?

Mr. GOFF. The gentleman's question concedes that an order of the Secretary is sufficient. The chief of the bureau responded to that letter and gave the Secretary reasons why in his opinion that order should not be enforced, and the Secretary of the Navy seeing that the reasons were of great force and that to enforce the order would be to mutilate the navy-yards, withdrew it. The Secretary could have enforced his order if he had deemed it proper. But in this exercise of a wise discretion he did not.

Mr. SAYERS. Then I understand the gentleman from West Virginia to say that while under the present law the chief of each bureau may be authorized to purchase, under the appropriations given to that particular bureau by Congress, whatever supplies may be necessary, still the Secretary of the Navy has a right to divert that appropriation from that particular bureau?

Mr. GOFF. I have said nothing of the kind. But my friend was much mistaken when he said the Secretary of the Navy has not charge of all the appropriations made for the naval establishment. While the appropriations made by Congress are made directly to these different bureaus, to be expended by them, not a cent of that money can be expended without the order of the Secretary.

Mr. SAYERS. But the question I mean to ask is this: Can the Secretary divert an appropriation from a particular bureau to another bureau if the exigencies of the service require it?

Mr. GOFF. If the gentleman is referring to a direct appropriation by Congress to a special bureau, I should say not.

Mr. SAYERS. That is the trouble now.

Mr. GOFF. That is no trouble; that is right. If that is a trouble, will not the five bureaus which it is proposed to establish under this bill labor under the same difficulty?

Mr. SAYERS. No, sir; because in this bill two of these bureaus are put in one bureau.

Mr. GOFF. But I say the five bureaus under this bill will have the same difficulty. If that is a fault of organization it will apply to your new system as well as to the present system.

But not one dollar of money can be expended except by order of the Secretary, under the forms provided. You talk about the money being

squandered, and about there being no central head, and about the funds being dissipated here, and dissipated there; I tell you every dime of that money goes out of that Department by virtue of the legislation that has existed for half a century. Every form is prescribed by the Second Comptroller of the Treasury. Section 273 of the Revised Statutes says:

It shall be the duty of the Second Comptroller to report to the Secretaries of War and of the Navy the official forms to be issued in the different offices for disbursing the public money in those departments, and the manner and form of keeping and stating the accounts of the persons employed therein.

Now, if these bureaus are keeping these books, as you say, and it is utterly impossible to ascertain the financial status to-day, it is owing to the fact that the Second Comptroller of the Treasury has prescribed those forms. It is not owing to the fact that the heads of the bureaus do not know their duty and do not perform it. And not only does the Second Comptroller prescribe these forms, and say how these books shall be kept, but we have another Department officer, the Fourth Auditor, with his fifty odd clerks, who does nothing under God's heaven but sit by and cast up the accounts sent in by these bureau officers. And yet we are told there should be an accountant in the Department. What will you do with the Fourth Auditor of the Treasury? We have an accountant there now, and he performs these duties, and has performed them well.

It does seem to me if gentlemen would examine the mode of appropriation and the manner of expenditure and see what careful safeguards are thrown around all the money appropriated by this Congress and expended by the Navy Department these wonderful criticisms that have been made here would not be submitted.

Mr. THOMAS, of Illinois. Will my colleague permit me to ask him a question?

Mr. GOFF. Yes, sir.

Mr. THOMAS, of Illinois. Is it not true that the Fourth Auditor has nothing to do with the accounts at all until after the expenditure has all been made?

Mr. GOFF. Certainly; that is what I have just said.

Mr. THOMAS, of Illinois. No account is audited until months perhaps after the expenditure has been made.

Mr. BOUTELLE. That would seem to be an essential element of auditing. An account can not well be audited till it has transpired.

Mr. THOMAS, of Illinois. The purpose of this bill is to see that the appropriations are properly expended, and this can only be done before the expenditures are made, and not after.

Mr. SAYERS. I ask the gentleman from West Virginia this question: Do I understand him to say that the method of purchasing supplies by each one of these bureaus is more economical and more efficient than it would be if one single person had the charge of that particular duty?

Mr. GOFF. I will answer that question. You have one single person in charge of that particular duty. Now, what does that one single person do? He goes to the Bureau of Yards and Docks and says, "What do you want?" The bureau then proceeds to make out its requisition. Then he goes to the Bureau of Steam Engineering and says, "What do you want?" And the chief of this bureau makes out its requisition.

Mr. SAYERS. And as the bureaus are now constituted, if one bureau has a surplus of supplies that is needed by another bureau the chief of the latter bureau goes forward and makes his purchases notwithstanding that the Government owns supplies of the very same character which this bureau needs.

Mr. GOFF. That is another question altogether. That is a matter the Secretary of the Navy has under his express control.

Mr. SAYERS. If this bill becomes a law, when one particular bureau makes a requisition on the purchaser of supplies he looks to the amount of supplies there are on hand, and disburses from them.

Mr. BOUTELLE. There is nothing of that kind in this bill. It does not change the rule as to that which prevails in these bureaus.

Mr. GOFF. The gentleman from Texas [Mr. SAYERS] is jumping about from one thing to another. We were on one proposition and he is now calling my attention to another.

Mr. BUTTERWORTH. Will my friend from West Virginia permit me to ask him a question?

Mr. GOFF. Yes, sir.

Mr. BUTTERWORTH. In conversing about this bill I understood if one bureau has one hundred thousand dollars' worth of supplies of a particular character which another bureau requires the other bureau, as the law now is, as I understand, is required to purchase them instead of going to the bureau which does not need them but has them, and have them transferred to it.

Mr. GOFF. That is not done under the law; but that has been done some times.

Mr. BOUTELLE. This bill does not touch that at all.

Mr. GOFF. It is a fault of administration and not of organization.

Mr. BOUTELLE. There is no provision in this bill to touch that at all. It does not touch the periphery of it.

Mr. BUTTERWORTH. I do not know as it does, but it has been presented here as an argument in favor of this bill.

Mr. GOFF. Now, Mr. Chairman, let us go a little further. I will read section 161 of the Revised Statutes:

The head of each Department is authorized to prescribe regulations, not inconsistent with law, for the government of his Department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property pertaining thereto.

Mr. BUTTERWORTH. Then, if my friend will indulge me, I understand that it is perfectly competent for the Secretary of the Navy to correct this abuse, if any such abuse exists?

Mr. GOFF. There is no doubt about it. Gentlemen may proclaim to the contrary, but they have not the ability on this floor, in the light of the law as it is written, to demonstrate any such thing.

Mr. BUTTERWORTH. Then, if the abuse spoken of exists, it is the fault of the Secretary and not of the law?

Mr. GOFF. Undoubtedly.

Mr. THOMAS, of Illinois. The gentleman from West Virginia [Mr. GOFF] said a moment ago that the Secretary had no power to divert appropriations from one bureau to another.

Mr. GOFF. He has not.

Mr. THOMAS, of Illinois. Then if materials purchased by one bureau are not needed by that bureau, and are needed for another—construction, for instance—can the Secretary divert the appropriation by assigning it to construction?

Mr. GOFF. Now, you touch upon an evil of administration. The original fault there is that there has been an improper purchase made, and made with the consent of the Secretary, and the Secretary himself is responsible for it.

Mr. BUTTERWORTH. And not made in pursuance of proper estimates?

Mr. GOFF. Certainly not. The Secretary himself has been derelict in his duty when such a thing occurs.

Mr. THOMAS, of Illinois. That does not answer the question.

Mr. GOFF. It does answer the question.

Mr. THOMAS, of Illinois. No. You have taken the position here (which is undoubtedly correct) that the Secretary has no power to divert appropriations from one bureau to another. Now, if he can not divert the cash, he can not divert supplies, and hence we find vast amounts of property in one bureau which are needed in another, and which the Department, under the present system, has no power to transfer or use, because the law does not allow the Secretary to divert an appropriation made for one purpose to another purpose.

Mr. BOUTELLE. Then bring in a bill to remedy that evil.

Mr. THOMAS, of Illinois. We have a bill here which does remedy it entirely and perfectly.

Mr. GOFF. Will you tell me why the Secretary made those purchases—he could do the same thing under the proposed law—or why the bureau officers recommended it?

Mr. THOMAS, of Illinois. No, sir. I will not tell you that. But I tell you that he made them probably because they were recommended by the chiefs of the several bureaus, and the Secretary, not possessing the necessary technical knowledge of the affairs of each of the bureaus, was unable to determine whether they were needed or not.

Mr. BOUTELLE. How is he going to determine it any better under the proposed system?

Mr. THOMAS, of Illinois. He is going to have at the head of the construction bureaus men in whose judgment he can have confidence.

Mr. BOUTELLE. More than he has now?

Mr. THOMAS, of Illinois. And he will have a council which will enable him to control the expenditures.

Mr. BOUTELLE (to Mr. THOMAS, of Illinois). You give away your case.

Mr. THOMAS, of Illinois. Not at all.

Mr. GOFF. Now, Mr. Chairman, as I have already said, these are errors of administration, not of organization. The case cited by the gentleman from Illinois [Mr. THOMAS] as well as the citations of the gentleman from Texas [Mr. SAYERS] show that there was an original error committed by the subordinate officers of the Department in recommending the purchase of certain articles, when, in fact, a sufficient supply was on hand. But what is to prevent the same error of judgment under this bill, that we are asked to vote for? Suppose the purchasing agent should be misinformed, as the Secretary was misinformed in the cases in question, would we not then have on hand a greater quantity of supplies than we needed? That would simply be a mistake of administration——

Mr. BUTTERWORTH. And if the purchasing agent, provided for under the pending bill, should buy more than was necessary for any particular bureau those supplies could not be transferred under this bill, could they?

Mr. GOFF. Not at all. Only articles purchased by appropriations made for the different bureaus can be used by those bureaus, as appropriations have been and, under the proposed bill, will be made.

Mr. BUTTERWORTH. Then this bill would not cure the evil, would it? It would depend upon the estimates.

Mr. THOMAS, of Illinois. It would not depend upon the estimates; it would depend upon the law.

Mr. BUTTERWORTH. Exactly; but as I understand, if a single

purchasing agent should purchase, for instance, more for one bureau than was needed, he could not transfer it to another bureau.

Mr. BOUTELLE. Not at all.

Mr. BUTTERWORTH. How will that evil be guarded against by the present bill?

Mr. BOUTELLE. Oh, they are going to have better men!

Mr. REED. No; we are going to have lump appropriations, instead of definite ones, thus returning to one of the evils which our recent appropriations have sought to correct.

Mr. THOMAS, of Illinois. When it comes my turn to occupy the floor, I shall take pleasure in answering the gentleman from Ohio [Mr. BUTTERWORTH].

Mr. E. B. TAYLOR. I hope the gentleman from West Virginia will be permitted to proceed without these interruptions. We are very desirous to hear his views.

Mr. GOFF. It is true these interruptions occupy time, but perhaps in a conversational way we can reach an understanding about the merits of the controversy better than in any other manner. I have no special objection to it.

The CHAIRMAN. The time of the gentleman from West Virginia has expired.

Mr. BOUTELLE. I trust his time will be extended.

Mr. GOFF. I think my time has not expired.

Mr. HERBERT. By order of the House, an hour and a half was to be allowed to the opponents of the bill; and the gentleman from West Virginia, who controls that time, can, if he desires to do so, go on for half an hour more.

Mr. BOUTELLE (to Mr. HERBERT). I think you had better not limit the gentleman to half an hour, after occupying a third of the time yourself.

Mr. HERBERT. Oh, no; I did not. I have not interrupted the gentleman, and I hope nobody else will.

The CHAIRMAN. The present occupant of the chair was not informed of the arrangement which has been stated by the gentleman from Alabama.

Mr. HERBERT. The gentleman from West Virginia [Mr. GOFF] controls the whole of the hour and a half allowed to that side.

The CHAIRMAN. If there be no objection the gentleman from West Virginia will proceed.

There was no objection.

Mr. GOFF. Now, Mr. Chairman, it has been urged, especially by the gentleman from Texas [Mr. SAYERS], and also by the gentleman from New Jersey [Mr. MCADOO], that there are evils in the organization of the Department, and that it should be reorganized for the reason that during the last twenty years the enormous sum of $76,000,000 has been expended, to use the language of the gentleman from Texas, in the construction, repair, and equipment of vessels; or, to use the language of the Secretary of the Navy, in his report, that $70,000,000 has been expended since 1868 in the construction, repair, and equipment of vessels; and it is urged that the system must be vicious when we take into consideration the fact that we have no vessels on the sea today.

The gentleman from Texas now speaks in favor of new ships—of a new navy. When I heard that argument from him I thought it would have been well for the country if it had been made here years ago by some one from his side of this House. When I read the report of the Secretary of the Navy it struck me that it was a singular document to be sent by the head of a great Department of a Democratic administration to a Democratic House of Representatives. It would have been much fairer if the Secretary and the gentleman from Texas had divided their amounts and said that $5,000,000 had been expended during these twenty-odd years in the construction of vessels, and $70,000,000 in their repair, equipment, and ordnance.

Why, sir, the argument which has been made on this side for the last twenty years when the naval appropriation bills have been under consideration has been that Congress should appropriate to the Navy Department the money which would enable its then organization to construct ships; and regularly did our friends on the other side of the House interpose not only objections, but their votes. Regularly did they adopt the estimates for repairs and strike out the estimates for construction. You want to hold the organization of a Department responsible for results in not constructing a navy, when you have uniformly for years, and when you had control of this House, refused to give that Department a dollar with which to build a navy. Now, as the result, we have no navy on the sea, and we are told by the very men who are responsible for this condition of affairs that we have no navy, because the Department of the Navy has not been properly conducted, and because the plan of organization adopted is a failure. A most singular argument in the face of the facts.

Now, when you say that $75,000,000 have been expended for construction, repair, equipment, and ordnance, it may be true; but if you want to know what amount has been expended for construction, throwing out of consideration the old vessels upon which you have forced these repairs, the amount will not reach $5,000,000. Yet the great Department of the Navy is held responsible for this result, when the Congress alone is to blame.

Mr. BUTTERWORTH. What period of time does the gentleman cover in that statement?

Mr. GOFF. I am covering the period from 1868 down to 1881, because in 1881, when this side of the House recovered control here, it commenced, in fact and in earnest, the construction of a navy. It appropriated the first money for that purpose; it provided for the appointment of the first board to carry out that policy; it took measures for the rehabilitation of the Navy. But during all the years when my friends on the other side were in the majority in this House not a dollar was appropriated except for repairs or vessels commenced years before.

Why, when the effort was made to secure appropriations for construction the gentlemen on that side who had control of the appropriation bills invariably, in reporting their measures to the House, stated they had eliminated therefrom all matters for construction, and that they gave all that was necessary, to use the language of Mr. Hiester Clymer, of Pennsylvania, a distinguished citizen of that State, who was then a member of the House, they gave all that was necessary "for actual repair of the present vessels."

Mr. BUTTERWORTH. Let me ask my friend, if, at that time, there were included in the estimates suggestions of necessity for appropriation for construction?

Mr. GOFF. Frequently, over and over again; and my friends on the other side, for a reason I suppose they had, and which we probably can surmise, have uniformly excluded it. They did not intend a Republican administration should build a navy, or should have the credit of placing new vessels of war upon the sea.

There was no complaint made then that the administration of the Department was defective on account of vicious organization. There was no complaint made then. We could not, under this law, build these vessels. There was an intimation we would not properly spend the money. The provisions of the law surrounded all appropriations; if they were not sufficient they should have been amended. In fact every dollar appropriated has been faithfully accounted for.

And now, I say, when my friends are not only in power on that side of the House, but also at the other end of the Avenue, and when this side of the House concedes the necessity of a Navy, and meets you more than half way, and joins hands joyfully in its construction when we are asking it, then we are told before a navy can be completed it is necessary to reorganize the "vicious department," so that when we have this navy dancing on the ocean wave and carrying our flag proudly over the seas to all ports, your side will rise up and say, Behold what we have done by virtue of the new law that we passed when we came into power!

Gentlemen, the change you make is a change only in name. You have the substance here yet. You strike down the Bureau of Engineering and build up the subdivision of engineering. You strike down the Bureau of Yards and Docks, but you are compelled to have your Secretary transfer its duties to another.

Mr. Chairman, this very bill that has been offered here perpetuating the bureau system of the Navy Department is the grandest eulogy that can be offered in behalf of our present organization, coming from the gentlemen it does. They have endeavored to tear down, they have endeavored to dethrone it; their President has called it a shabby ornament; their Secretary has told us it is vicious; and yet, after spending months of study and a long session of advisement and consultation, they present to the House as the result of their great efforts and long communing—what? They give us the old system over again. A rose by any other name will smell as sweet. There is no change, only in name. [Laughter.]

Gentlemen, we are going to finish the Navy; we on this side are going to do it, and we can do it under our present bureau system. We will do it, not you; we are going back to the "House of our fathers," and the places that have known us will soon know us again forever; and we can complete the Navy under the system that our friends, the enemy, when they present this bill to us, say, in effect, can not be improved. [Applause.]

I reserve the balance of my time.

Mr. BUCK. Mr. Chairman, I am very sure that if any member of this House could convince me that I am in error in my judgment in regard to the provisions of this bill, that gentleman is the gentleman from West Virginia who has just taken his seat, and my only embarrassment in this matter is that so cool and clear a head as he carries on his shoulders should come to a conclusion which is so much at variance with my own judgment and the conclusion at which I have arrived. I certainly did not anticipate that the gentleman would be so strong in his opposition to this measure.

This bill is the outgrowth of days and weeks of discussion in the Committee on Naval Affairs, and many of its features were not objected to; and, so far as I knew, at the time of its report to the House no objection whatever was made by a vote, although the gentleman from Maine and the gentleman from West Virginia, I believe, reserved to themselves the right to object, and, if necessary, to present a minority report.

Mr. BOUTELLE. I must ask my colleague from Connecticut to permit me to state to him that he is mistaken.

Mr. BUCK. I am stating simply the facts.

Mr. BOUTELLE. I ask my colleague if it is not a fact that I am on record in the committee as offering amendment after amendment?

Mr. BUCK. I have not said anything to the contrary.

Mr. BOUTELLE. I do not wish to be placed in a wrong position. I ask if I did not offer amendments——

Mr. BUCK. I was not speaking of amendments, and I certainly do not wish to be interrupted in regard to a matter to which I am not alluding.

Mr. BOUTELLE. I am asking you not to place me in a false position.

Mr. BUCK. I will say this in reply to the gentleman from Maine, that he did offer two or three amendments in regard to the officers.

Mr. BOUTELLE. And reserved the right to oppose the bill.

Mr. BUCK. The gentleman was opposed to it, and will be through all eternity, for what I know.

Mr. BOUTELLE. I shall be.

Mr. BUCK. I only alluded to that to show my great surprise at the turn affairs have taken.

In the first place, Mr. Chairman, it is important for us who are to give a vote upon this matter by-and-by to know what changes we have made in existing law. The old law provided for eight different bureaus. We have provided for a Bureau of Navigation. That bureau the old law provided for, and we do not disturb it.

We have provided for the professional Bureau of Ordnance, and that was a provision in the old law which is not disturbed. We have provided for the professional Bureau of Medicine and Surgery. That was in the old law, and we do not disturb it. Now the only two bureaus that we add to these are the bureaus of "Materials, Construction, and Repair," and the bureau of "Supplies and Accounts."

In all the argument which the gentleman from West Virginia made I have not heard him object to the last bureau, that of supplies and accounts. The bureau of supplies and accounts simply relates to the supplies of the Navy and the Navy Department and the accounts which result from the furnishing of such supplies. I will assume that no member of the House has, therefore, any objection to the creation of a bureau such as that. Mind you, we have now disposed of every bureau with the exception of two—materials, construction and repair, and supplies and accounts—and I have shown that so far as the bureau of supplies and accounts is concerned there is and can be no objection whatever to it. So that our controversy is reduced to a smaller point; and perhaps we may be better able to understand the issue by confining our attention alone to that point.

Mr. ROUTELLE. Do I understand you to say that no objection was made to the bureau of supplies and accounts?

Mr. BUCK. I have not heard of any.

Mr. BOUTELLE. We are not responsible, of course, for your failure to hear it.

Mr. BUCK. I say that in my judgment no man can reasonably object to it.

Mr. BOUTELLE. Then I wish to be put on record as unreasonably objecting to it.

Mr. BUCK. I assume then that the only controversy existing relates to the fourth bureau, that of material, construction, and repair.

In this bureau of material, construction, and repair several of the old bureaus have been consolidated; the Bureau of Yards and Docks is there, the Bureau of Steam Engineering is there, the Bureau of Equipment and Construction is there; but you will observe one thing, gentleman, that everything that has gone into that bureau relates to the one subject-matter, and one subject-matter only, and that is to the building of a ship. There is one simple thing to do in that bureau, and that is to build a ship; but, after it is built, if it becomes out of repair, then it is the duty of that bureau to repair it. The building and repairing of ships is the only thing the bureau can deal with, or has jurisdiction over, under this bill.

I wish to call the attention of the committee also to this point: whether there is a single business man on the floor of this House who would not so arrange his business that every part of it belonging to one subject should be under one head and one control? The vote cast for the present order of things is a vote against good business principles, is against simplicity in business, is against clearness in accounts, and against economy in administration.

The gentleman from West Virginia objected to doing away with the Bureau of Yards and Docks. The yards and docks are for the repair and building of ships, and that chief of bureau which has the control of the construction and repair of the ships should also have the control of the place where they are constructed or repaired. That is a sensible arrangement.

The gentleman from West Virginia [Mr. GOFF] seemed to think that because we dissolved the Bureau of Yards and Docks we were dissolving yards and docks themselves; and he went forward to show their cost, and alluded to the remarks of the gentleman from New Jersey [Mr. MCADOO] who spoke so well the other day in regard to yards and docks; and he almost carried me out of the line of my own thoughts and judgment by the eloquent words he used in appealing to the history and legislation and administration of the Republican party in regard to measures connected with the Navy. But I shall not permit him to lead me away by his eloquence.

I agree with the gentleman from West Virginia in what he has said as to the efforts of the Republican party to construct a navy and to repair the Navy, and as to its glorious history during the war and all through it under Gideon Welles, of old Hartford, and all the way down under the orders of the various Secretaries of the Navy, including the gentleman from West Virginia himself. The gentleman leads us away from the main issue. He carries us away on the tide of his eloquence.

It seems to me that the gentleman from West Virginia has mistaken the question here. It is a question of reducing this business of the Navy Department to simplicity and clearness, so that we may all be able to understand it; and I repeat here that there can be no controversy about any other bureau that we have provided for except this. In this bureau it is provided there shall be a division of steam engineering; and the gentleman calls that a bureau, and he is frightened about that professional bureau of steam engineering and fears somebody's head may be cut off. I say to this committee that from the drift of this debate, it has seemed to me that there was more of personal matters in the objections to the bill than there was of any real sensible argument against it. I know of nobody's head that is to come off. I have not, at all events, heard that anybody is to be displaced or removed, although I do not know but there may be. But I say this, that this bill provides for all that is necessary in regard to that bureau when it provides that the head of it shall be skilled in naval architecture.

If the gentleman from West Virginia will be better satisfied with putting in an amendment that the chief of the division of steam engineering shall be a good steam engineer I will vote for it with the greatest pleasure indeed. And if he is to assume in his argument that this chief of the bureau who is to be skilled in naval architecture would himself do an improper thing in the administration of the affairs of his bureau and appoint a man that has no knowlege of steam engineering, then I am perfectly willing, so far as my vote is concerned, to relieve him of his fears on that point and vote for an amendment that the person appointed shall be a steam engineer; but the gentleman's fears I think are groundless.

Further, I do not propose to stand here in my place to-day and admit for a single moment that the present administration has any credit at all for originating this measure. I do not concede that the present Secretary of the Navy is the originator of this scheme. He recommends what other Secretaries have recommended. For ten years we have labored to bring about this very result. Secretary after Secretary is on record in favor of a measure substantially like the one now under discussion. In 1877 the then Secretary of the Navy, Mr. Thompson, issued an order under the provisions of the law of 1842, by which order the business of the Navy Department has been conducted substantially from that day to this.

The operations under that order in time became unsatisfactory, and in 1882, by a provision of Congress, the then Secretary of the Navy, Mr. Chandler, appointed a commission to look into this matter. That committee consisted of Mr. Luce (now Commodore Luce, I believe), an officer of the line; Chief Engineer Loring, of the staff corps, and Mr. Mullett. Mr. Loring is the present efficient chief of the Bureau of Steam Engineering, than whom there is not a more able engineer in the United States, or, in my judgment, in the world. He was a member of the commission. That commission in June, 1883, said this:

> We recommend a reorganization and a concentration of the mechanical departments of every navy-yard, so that there shall be but one shop in each for the performance of the same class of work.

That is what this bill provides for, and that is all that the provisions of this bill can be tortured into doing, notwithstanding the eloquence of the gentleman from West Virginia [Mr. GOFF].

Mr. GOFF. Can not that reform be accomplished by an order of the Secretary?

Mr. BUCK. Not as well. That order of Secretary Thompson was made in 1877, and by 1882 it was violated and was working badly. It was alluded to in 1883 by Secretary Chandler, and the Secretaries from that time down to the present have endeavored to correct these evils that have been alluded to, by calling attention to them in their reports over and over again, and by issuing these orders. That, I say, has been done by every Secretary, including the gentleman from West Virginia himself [Mr. GOFF], who at one time held that office. Can argument go further than this?

Mr. GOFF. You have cited Chief Engineer Loring.

Mr. BUCK. I have cited Chief Engineer Loring.

Mr. GOFF. He was examined by the committee. His opinion was not asked as to this bill.

Mr. BUCK. Oh, I know he disapproves it now. If you merely want to ask me a question, I do not object to being interrupted, but if you want to read, I must object. I know that Chief Engineer Loring opposes this change now. I know he does not want it to-day; but I appeal from Mr. Loring of to-day to Mr. Loring of 1883. Mr. Loring of to-day is objecting to this bill, for what reason I will not undertake to say, but the Chief Engineer Loring of June, 1883, was either another man or else he has changed wonderfully in the interval if he objects to this measure now.

At that time he said:

We recommend a reorganization and a concentration of the mechanical departments of every navy-yard.

That is the language of Chief Engineer Loring of 1883, but the gentleman from West Virginia [Mr. GOFF] says that now, in 1887, Mr. Loring is opposed to this bill, although all it does, is to carry out substantially what he has recommended.

Mr. GOFF. Mr. Loring was in favor of the reorganization of the navy-yards. The gentleman from Connecticut should bear in mind the difference between the navy-yards and the Navy Department.

Mr. BUCK. Wait a moment, then, and I will satisfy you that he went even further.

Mr. GOFF. He recommended the consolidation of the yards, but the yards can be consolidated by the order of the Secretary of the Navy.

Mr. BUCK. "Hold your horses" a moment, and I will show you that Mr. Loring went much further. In 1883, when the commission made this report, Mr. Chandler, then Secretary of the Navy, called attention to the fact that the expenses upon the Omaha, the Shenandoah, the Ossipee, the Mohican, and the Alert were enormously beyond what they ought to be. He called the attention of Constructor Wilson to that fact, and Mr. Wilson replied in an able letter which completely upset the then Secretary and discouraged him from any further attempt in that direction. He got around the matter, however, by extending another invitation in the fall of 1883 to the same gentlemen of the commission to give their opinion again, and then there came another opinion from the same commission, which will satisfy the gentleman from West Virginia [Mr. GOFF] on the point he has now raised. The gentleman from West Virginia suggests that Mr. Loring's recommendations related only to the navy-yards.

Mr. GOFF. I say that what you have quoted from Mr. Loring relates only to the reorganization of the navy-yards.

Mr. BUCK. I read now from this other report of Mr. Loring:

Hence we conclude that to organize our navy-yards on a just and permanent basis, to consolidate their several plants, to introduce thrift in the management and promptness in the methods of doing work with a proper system of accountability, to secure, in short, in each of your yards unification, method, economy, and dispatch, with an administration of its affairs agreeable to the principles of business as understood in civil life, it is absolutely necessary to begin with the Navy Department itself.

Mr. BOUTELLE. Now, will my colleague, in fairness to this House, read the concluding sentence of that report?

Mr. BUCK. You can read it yourself.

Mr. BOUTELLE. I ask you, as a matter of common fairness, to read it.

Mr. BUCK. You did not read this, so I have read it.

Now, let us see what Secretary Chandler says after he gets that letter from the commission and from Chief Engineer Loring. I am not attacking Chief Engineer Loring. I like him; I admire him; and woe be to the Secretary of the Navy that displaces him. But the gentleman from West Virginia undertakes to cite him and to convince me that I am in error when I say that Chief Engineer Loring was in favor of the reorganization of the Navy Department in 1883 whatever may be his position in 1886.

Mr. GOFF. I beg the gentleman's pardon. I said that this officer was not in favor of the mode of reorganization proposed by this bill.

Mr. BUCK. I know he is not; but I say that all that this bill proposes to do, substantially, is to unite the two Bureaus of Naval Construction and of Steam Engineering.

Mr. REED. Why do you not put in ordnance?

Mr. BUCK. Because the two bureaus I have named are similar in their functions. The steam engineering goes with the structure of a ship, while the manufacture of ordnance is a distinct profession and not necessarily connected with the building of the ship.

Now, Mr. Chairman, as to the question whether this or the preceding administration is entitled to credit for first suggesting this measure, I say it is the preceding administration.

Mr. BOUTELLE. Nobody on this side wants any credit for it.

Mr. BUCK. What does Secretary Chandler say in 1883 after that last letter?

Mr. BOUTELLE. That emphasizes my statement.

Mr. BUCK. The gentleman keeps interrupting me. If he has any question to put to me directly I will try to reply to him. Secretary Chandler says:

The true solution of the conflict is to unite these two bureaus as a single bureau of naval construction, having for its chief the most competent naval architect that can be found, whether among the present officers of the Navy or in civil life.

He was not satisfied with this recommendation. He continued to work at the question another year; and in 1884 he again talks magnificently on this question, but in an entirely different strain from the gentleman from Maine and the gentleman from West Virginia.

Mr. GOFF. Not at all, sir; you will find that he makes the very point that I did about the destruction of the staff corps of the Navy.

Mr. BUCK. The gentleman from West Virginia and I do not understand the language alike. I am, perhaps, unfortunate in not understanding its proper construction. Secretary Chandler, in 1884, says:

It is again recommended that the Bureaus of Construction and Repair and Steam Engineering be united as a single bureau of naval construction, to have for its chief the most competent naval architect that can be found——

Mr. GOFF. That is what I said.

Mr. BUCK continuing to read:

whether among the present officers of the Navy or in civil life.

Furthermore he says:

The Secretary, the chief constructor, the engineer-in-chief, the Chiefs of the Ordnance and Equipment Bureaus, and the officers of the board—twelve persons in all—have managed to agree fairly well concerning the designs and the work upon the new cruisers; but this extreme distribution of functions will not answer as a permanent organization.

That is the opinion of Secretary Chandler as to the present law.

I agree on this question with Secretary Chandler. I think he was right; and this bill, with the exception of the provision for the bureau of supplies and accounts, is identical with his recommendation in 1883 and 1884, and the commission report of Chief Engineer Loring.

I will not permit the gentleman from West Virginia to drive me away from my base by telling me that this measure belongs particularly to the present administration, and which, if it becomes a law, will glorify that administration. I do not begrudge this administration a single laurel that it has won for itself, or may win, by helping to build up the United States Navy as we have pleaded and begged for its building up for years since the war closed, or building up the United States Army, which ought to be increased.

Let this administration have all the glory that it can get from doing right. As to the evils of the present organization I will not stop to enumerate them; they are too numerous. But the gentleman from Illinois [Mr. THOMAS] has suggested that under this bill supplies can not be transferred from one bureau to another; and the gentleman from West Virginia asked me whether an order from the Secretary of the Navy providing for this reorganization would not do as well as a law. Not at all. An order from the Secretary of the Navy may be given at one time and may subsequently be set aside or modified. Secretary Thompson gave his order in 1877, which was set aside or modified in 1884, in 1886, and still further in 1887 by Mr. Secretary Whitney. Each succeeding Secretary may have a different idea on this question. Secretary after Secretary may add order upon order; these orders may be piled up like Pelion upon Ossa, and, at last, we shall have only a mass of Secretaries' orders instead of a positive law.

I do not suppose that all these evils can be remedied by this bill. We must assume something in regard to the honesty of men in the administration of affairs. We must assume that this Chief of the Bureau of Material, Construction, and Repair will appoint competent men for his division officers. It must not be assumed that he will appoint incompetent men. There are piled up to-day in all the yards of the United States forty-six thousand augers and bits, twenty-five thousand of which are in yards which are not in use at all; yet these remain there as if hermetrically sealed, and can not, as the law exists, be transferred from one bureau to another.

What is the case in another navy-yard? I will not mention its name, but some may know what yard it is when I say they undertook to get some cut nails for the construction department in that yard and found that the construction department had not a cut nail, but that in the Bureau of Steam Engineering the floors were piled up with barrels upon barrels of cut nails; so that when the superintendent in charge of it inquired as to how long these cut nails would last that Bureau of Steam Engineering he answered, "Well, sir, about fifty years." [Laughter.] Think of it! Fifty years' stock of cut nails in one bureau, and not a cut nail in the bureau right alongside of it, and no power to transfer one cut nail from where there were too many, to the bureau where there was not one and where they were so much needed. [Renewed laughter.]

Will you follow the gentleman from West Virginia [Mr. GOFF] to perpetuate such a system as this or will you vote for this bill which will simplify the law and make it plain and so administer it that these subjects, which relate to one particular matter, such as the building of ships, shall be under one bureau with one head? Or will you leave the Bureau of Medicine and Surgery under one head, or the Bureau of Navigation under one head, or the Bureau of Ordnance under one head, and yet take the construction of a ship, the most important of all to our prosperity and national defense, and distribute the construction of that work among three or four bureaus, each one having its own particular views as to how accounts should be kept, and each one having its own cash account, each one having its own system?

Mr. BAYNE. Will the gentleman permit me to ask him a question?

Mr. BUCK. Certainly.

Mr. BAYNE. If this bill becomes a law, does the gentleman think it will remedy a difficulty like that which he has mentioned?

Mr. BUCK. Certainly I think it will, because it takes those subjects which relate to one particular matter and puts them all under the head and control of one man, thereby simplifying them. If you simplify a matter of business you make it easier to carry it on. If you take the Bureau of Steam engineering and put it by itself, and the Bureau of Construction by itself, and you go to work to build a ship you will find this state of things: The man who is in charge of the construction runs around to the man in charge of steam engineering and asks "how long

is your engine going to be?" and he answers "I do not know; how long is your ship going to be? And so they go back and forth from one to the other.

There was evidence before the committee that in one instance in the construction of an engine there was a mistake in some part of the engine or shafting, so that it would not fit into the ship for which it was designed. [Laughter.] It was constructed in another bureau and under a different system, and that is the reason why they could not fit it.

I say to the gentleman from Pennsylvania that is the reason why, I think, this bill will remedy that difficulty; so that we will not have an excessive stock of cut nails in one bureau and not a single cut nail in another. [Laughter.]

But I do not care to discuss this question further. I should not have spent the time I have taken up had it not been that the gentleman from West Virginia [Mr. GOFF] had so led me away in admiration of his eloquence that I had almost forgotten my old-fashioned judgment of the bill, and was inclined to run after him. He had so many flags and feathers flying in favor of the action of the Republican party that I had almost forgotten the measure which my judgment approved.

But I now come back to my base. I come back to my own judgment. It is said sometimes that a "no" vote is always a safe vote for a man in the minority. But I tell you, gentlemen, the day will come when "no" votes will be out of fashion where they are not right. The day is not far distant when "no" votes in this House must be based on an intelligent understanding of the merits of the matters which they relate to. They are not to be indulged in merely because they are asked for by members who may choose to carry chips on their shoulders, while all the while they have politics in their eyes. [Laughter and applause.] It will not do for them to say they have discovered mares' nests, or to sound the party slogan, and cry out they must be followed in the course they choose to take. [Renewed laughter and applause.]

Mr. BUTTERWORTH. May I ask the gentleman from Connecticut a question?

Mr. BUCK. Certainly.

Mr. BUTTERWORTH. I understand that this bill has been recommended over and over again and persistently by Republican Secretaries of the Navy. Am I correct?

Mr. BUCK. There is no doubt of it.

Mr. BUTTERWORTH. And the recommendations and orders have been disregarded by a Democratic House?

Mr. BUCK. I do not know about a Democratic House disregarding the orders of a Republican Secretary of the Navy——

Mr. BUTTERWORTH. I do not mean orders. I mean recommendations.

Mr. BUCK. Well, I agree with the gentleman that a Democratic House is about as bad as you can call it [laughter] to build up anything to defend the country either on the sea or its coasts or elsewhere. But when you tell me that a Democratic House can change an order of the Secretary of the Navy, I tell you they can not do it.

Mr. BUTTERWORTH. But as soon as a Democratic Secretary of the Navy, following in the wake and example of a Republican Secretary of the Navy, recommends the same thing our Democratic brethren give their assent.

Mr. THOMAS, of Illinois. That is about the size of it.

Mr. BUCK. I might add this, that after our Republican Secretaries of the Navy, in 1883 and 1884 and for years, have recommended this precise change, yet when we come here where a Democratic Secretary of the Navy recommends it to be done, the gentleman from West Virginia and the gentleman from Maine say we must not do it now, and change position and go just the other way.

Mr. BUTTERWORTH. When they follow our lead they are usually safe. [Laughter.]

A MEMBER. They do not flop with us now; that is all.

Mr. BUCK. It is only a question of flopping one way or the other, as the gentleman says. These gentlemen seem to be in favor of our flopping because a Democratic side of the House has flopped.

Mr. BOUTELLE. I wish to ask the gentleman from Connecticut a question before he takes his seat. Will the gentleman permit me to do so?

Mr. BUCK. Certainly.

Mr. BOUTELLE. I do not suppose the gentleman really desires to place anybody in a false position——

Mr. BUCK. Ask your question.

Mr. BOUTELLE. I wish to ask whether you have any foundation for asserting or intimating that "the gentleman from West Virginia and the gentleman from Maine" have at any time or anywhere ever favored any such measure as this, destroying as it does the functional organization of the Navy Department, though recommended by a Republican Secretary of the Navy, and now change front and face the other way because a Democratic Secretary of the Navy is in control.

Mr. BUCK. I never made such an intimation; you are opposed to it.

Mr. BOUTELLE. I am glad the gentleman gives me his categorical denial.

Mr. BUCK. You were opposed to it yesterday, you are opposed to-day, and will be opposed to-morrow, and everlastingly as long as a Democratic Secretary of the Navy is in power. [Laughter and applause.]

Mr. BOUTELLE. I am opposed to it, and have been all along.

Mr. BUCK. I yield the remainder of my time to the gentleman from Illinois [Mr. THOMAS].

Mr. THOMAS, of Illinois. Mr. Chairman, owing to my present physical condition, suffering as I am from a terribly sore throat, I shall not be able to speak at any great length concerning this measure. I will therefore cut my remarks very short and allude to only a few of the principal points which occur to me in considering the bill. Much that I had thought of saying has been anticipated by the gentleman from Connecticut [Mr. BUCK], as well as by the gentleman from Texas, Governor SAYERS. I had intended to try to disabuse the mind of the members of the House of the idea that this was a Democratic measure. That, it seems to me, has been effectually done by those who have preceded me.

I remember distinctly that Secretary Hunt, in his day, called attention to the unhappy condition of affairs growing out of the present bureau system in the Navy Department, and urged with all his power that some change be made which would prevent wasteful expenditures of the public money. I remember that Secretary Chandler, following after him, urged in his peculiarly nervous language and forcible manner the same thing. I call attention to one extract only from the annual report of Secretary Chandler for 1884, showing the position occupied by him on this question. He says:

The next defect is of the same character as that which exists in the organization of the Navy Department itself, namely, the subdivision of the direction of work upon vessels among the naval constructor, the chief engineer, and the equipment officer—all three engaged upon one vessel, all having co-ordinate powers, and none of them under any control on the spot except that of the line officer of high rank who commands the naval station. Under these circumstances unity of action and effective direction and superintendence of the building or repairing of a ship are impossible.

The remedy for these defects must be found in placing one technical head—a competent ship-builder—over all the persons engaged in building or repairing the ship; over the work on the hull, the machinery, and the equipment. The difficulty of finding within or without the naval corps persons fit for the service required, and of placing them in their appropriate positions in the naval establishment, is recognized. But they must be found, if the Government workshops are to be worthy of the name. When found and installed, they must be made in all technical matters practically independent of the commander of the naval station.

I read this to show that in the navy-yards, which are but subdivisions of the Navy Department, this consolidation was recommended by Secretary Chandler. Why there should be three separate heads in the mechanical and construction departments of a ship is beyond my comprehension, knowing as I do that there has been too often a lack of harmony between the Construction, the Steam-Engineering, and the Equipment Bureaus. The purpose of this bill is to put them all under one head, so that the supplies which may be purchased by the different bureaus may be used wherever needed, instead of being hoarded up in this navy-yard or that, as is done under the present system. Common sense dictates that all supplies should be under the control of one head, and should be used either for steam engineering, or for construction, or for equipment as occasion requires.

I call attention to a few of the articles of property which have accumulated in the different bureaus, which shows the wastefulness of the present system. It is claimed by the distinguished gentleman from West Virginia [Mr. GOFF] that these are matters of maladministration rather than of a vicious system. That may be true, or it may not. But the bureaus, like the court of chancery of England, have each striven with might and main to aggrandize their powers, to get all they can and keep all they get, each striving to be an independent little navy department of itself.

Thus we find in the different navy-yards the following property which can not be used outside of the particular bureau under which it was purchased: Augers and bits to the number of 46,860; paint brushes, 11,813; files, 146,385; screws, 29,542 gross. We have in another bureau, that of provisions and clothing, pea-jackets, which have been piling up and up, from year to year, until we have on hand enough to last for fifty years. And yet year after year purchases have been made of the articles.

Shall we, because there happens to be a Democratic administration, continue to tolerate this evil? Shall we stand here and oppose this reform when we have condemned the system ourselves—when officers of the same party with ourselves have said it is wrong? Now that the Democrats have at last come to their senses and propose to do a right thing, shall we under those circumstances stand here and object to it? I think not.

There are some objections to this bill which I would have urged when it was considered in the Committee on Naval Affairs had I been present; but not being able to be present I could not present them, and I will now exercise the inherent right of a member and point out those objections. It has been urged that this bill grows out of a fight between the line and the staff. I think that objection can be obviated by a very slight amendment. I shall offer to the second section of this bill a provision which will make it read as follows:

That the chief of the bureau of material, construction, and repair may be ap-

pointed from civil life or from the active-list of officers of the line or staff of the Navy, who shall be skilled naval constructors and architects.

I am opposed to putting a man at the head of this bureau who is not a skilled naval constructor and architect. It has been urged in private conversation and elsewhere that one of the most efficient executive officers we ever had in the Navy Department was ex-Assistant Secretary Fox; that he understood the ins and outs of all the different systems, and that during the war of the rebellion he exercised almost imperial power. That is true, and in time of war he was one of the most effective officers that ever presided over the Department. But he presided over the *personnel* of the Navy and not over its construction. We must have a naval constructor, one who has the necessary technical knowledge; who is master, in other words, of the profession of naval architecture and of naval construction, that he may properly and efficiently administer that branch of the Navy Department.

Then in section 3 of the bill I shall offer the same amendment, so as to put the line and staff upon the same footing. It has been urged that "an officer on the active list of the Navy" means a line officer; as the staff officers have only relative rank it has been claimed that they are not really officers. Therefore it has been urged, and plausibly, too, that this is in the interest of the line officers. I am opposed to that idea and to that construction of the bill. I think the best man should be selected without reference to whether he belongs to the line or the staff. Therefore I put it "the line or the staff." We want to have that objection to the bill removed.

Mr. McKENNA. That does not take it out.

Mr. THOMAS, of Illinois. We can not have both line and staff.

Mr. McKENNA. We can have one or the other, according as they fit the position.

Mr. THOMAS, of Illinois. True; and that is what I am trying to provide for. With these amendments I shall support the bill. I think this is a move in the right direction, and that it ought to be taken, and taken at once.

If time and health would permit I could go on and cite so many instances of maladministration, as General GOFF calls it, or wasteful extravagance, if you prefer that term, for either one will apply properly to the wrongs and outrages perpetrated and practiced under the present system—that all with one accord would condemn the existing organization of the Navy Department. But it is not necessary to do that. There have been and are wrongs, and we have the opportunity here of righting them; and we ought to do it without regard to whether we have a Democratic President and a Democratic Secretary of the Navy or not.

It has been suggested here that the Democratic party did everything on earth it could to keep us from building ships. That is true. The first ships authorized since the war were authorized by a Republican Congress.

It authorized the construction of the Boston, the Atlanta, the Chicago, and the Dolphin; and at the same time, recognizing the viciousness of the existing system, authorized the appointment of a naval advisory board to superintend the building of those vessels and the expenditure of the money. That same Republican Congress expressly took the expenditure of that money out of the hands of the bureaus in order that it might be done economically and intelligently. The best possible results have not been realized, it is true, and yet they are the best ships that this country has ever built. Now, when the existing system is found fault with by the Democrats for the first time, I want my Republican friends to remember that a Republican Congress found the same fault with it long ago. There is no politics in this measure. All this talk about its being a political scheme appears to me to be without any foundation whatever. It is a move in the interest of an honest and intelligent management of a great department of the Government; a move in the interest of economical and wise administration. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia [Mr. WISE].

Mr. WISE. I am very much obliged to the gentleman, but I do not desire to speak now.

Mr. THOMAS, of Illinois. Then I yield the time to the chairman of the committee [Mr. HERBERT].

Mr. HERBERT. I will reserve my time, Mr. Chairman, until after the gentleman from West Virginia [Mr. GOFF] has concluded.

Mr. BOUTELLE. The gentleman from West Virginia, I understood, yielded a portion of his time to the gentleman from Delaware [Mr. LORE].

Mr. HERBERT. Does the gentleman from Delaware wish to speak?

Mr. LORE. I do.

The CHAIRMAN. Eighteen minutes remain to the gentleman from West Virginia [Mr. GOFF].

Mr. LORE. Mr. Chairman, I regret to say that I am not in sympathy with the majority of the committee in the advocacy of this bill. Whenever any effort is to be made to apply a remedy it seems to me that the first thing to do is to seek to know the evils that are to be remedied. I have listened to what has been said on the subject of reorganization of the Navy Department on this floor. I heard and have tried carefully to analyze the testimony that was produced before the committee to show the evils that exist in the Navy Department, the material portions of which have been read in the hearing of this committee, and I think it will not be disputed by any member of the committee, that the testimony shows those evils to be simply the accumulation of large quantities of stores in the different Government depositories belonging to the Navy Department, and the duplication of machine shops and other works in the navy-yards.

If these are the evils, then there is only one feature of this bill which applies to them, the feature in relation to the purchase and distribution of supplies. And I think this committee will bear me out in saying not only that there is power in the Secretary of the Navy under existing law to correct them, but that he in fact is correcting them to-day. He has provided a system by which all purchases are to be made, and by which all purchases when made are to be distributed to the respective bureaus. That power is in the Secretary to-day; the present Secretary is putting it in actual operation, and Secretary Chandler recognized the fact of its existence when he issued an order to Chief Constructor Wilson, commanding him to make the necessary changes in the respective yards. In that case Commander Wilson in his reply conceded the power of the Secretary of the Navy, and simply gave reasons why what the Secretary desired should not be done. Those reasons were satisfactory to Secretary Chandler, and he did not enforce the order, not, however, from lack of power to do so.

Under that order of the Secretary, and under the admission of the chief constructor, then, and under the actual operation and working of the Department at this time, that power is admitted to exist. If that be so, then the existence of these evils becomes simply a question of maladministration. What is the remedy? Why, sir, there is a remedy to-day. It is not to change but to enforce the law and exercise the power now possessed. The accumulation of these stores, probably, has grown out of the fact that during the last twenty to twenty-five years there has been an enormous increase in the amount of supplies needed in the Navy and an enormous draft upon the Navy. In short, this accumulation of surplus stores is an outgrowth of the great war through which we have passed, and because the purchase of them was not properly watched.

Under the system now adopted by the Secretary of the Navy all supplies will be purchased through one agency and distributed through one agency, and there will be no difficulty whatever in getting them just when they are wanted, and there will be no unnecessary accumulation. Therefore the existing law is sufficient for the remedy of these evils. However, if the bill for the reconstruction of the Navy Department stopped there I should have no hesitancy in supporting it. But it does not stop there. It takes hold of a system which has grown up during the last forty-four years. That system has grown up under Whig, under Democratic, and under Republican administrations. It has crystallized under the logic of necessity and of fact. Secretary Whitney, in his report to the first session of the Forty-ninth Congress, gave the following history of the transitions in the Navy Department organization:

Historically it is a fact that up to the time that the present bureau system was created, in 1842, and for some time thereafter, the American Navy, though inferior in numbers to the navies of some other countries, was as formidable as any for its tonnage, and seems to have contributed to, and appropriated improvements in, the art of naval warfare as largely and as rapidly as any other naval power.

During the thirty years between the close of the war of 1812 and the commencement of the Mexican war, our naval force increased fifty-fold and the navies of no other power were superior to it except in the number of their vessels. "As respects the navies of this hemisphere, it was supreme, the united marines of all the rest of this continent being unable to contend against it for an hour." (Cooper's Naval History: Preface.)

Prior to 1842 the business of the Department had been managed by a board of naval commissioners, and the result of my reading leads me to the conclusion that while the affairs of the Department were intelligently administered so far as the general scope of the conduct of its affairs was concerned, yet the system failed in executive force.

In 1839 Congress called upon the Secretary of the Navy by resolution to propose a plan of reorganization, embracing "a division of the duties performed by the board of naval commissioners and their assignment to separate bureaus." In compliance with this resolution the Secretary reported in December, 1839, a system, and in 1842 bureaus with independent heads were first established. It was quite evident that with the application of steam to naval vessels a new problem, and one which has been greatly multiplied since by the constant progress of arts, had been brought to the Department for solution. The Secretary says:

"Should the introduction of steam as an auxiliary to naval warfare be sanctioned by the results of experience, it must be obvious that new and very important duties will devolve on the Secretary of the Navy, rendering the aid of professional science and experience still more indispensable in the administration of the Department."

Up to that time a naval commission, composed of naval officers without responsible executive heads subordinate to them, had resulted for a long time satisfactorily, but finally had failed with the accumulation of labor and with the problems which science had thrown upon the Department.

History discloses the fact, therefore, that no political party can justly claim credit for the present organization of the Navy Department, and the question is in nowise a party question. A Democratic Congress in 1839 by a resolution called upon James K. Paulding, the then Democratic Secretary of the Navy, for a plan of organization; the Secretary reported the present bureau system, which, in 1842, under the then Secretary of the Navy, Abel P. Upshur, was put into operation, and constituted the frame-work of our present system. From that time until the present, under the administrations of Presidents Tyler, Polk, Taylor, Fillmore, Pierce, Buchanan, Lincoln, Johnson, Grant, Hayes, Gar-

field, and Arthur, embracing every shade of political opinion, this system has been enlarged and perfected by the wisdom and experience of these successive administrations as the necessities of our national life demanded. It has the additional recommendation of having been tested and approved by one of the most gigantic wars ever waged in human annals.

Well may it be said, therefore, that it is the outgrowth of the wisdom and experience of all these years; the child of no political party, but a system inherited by us from the statesmen, and not the politicians, of the past.

This system was ably urged upon Congress in 1841 by Matthew F. Maury, who was one of the most distinguished of all the officers who have graced the American Navy, and his articles in the Southern Literary Messenger for that year are acknowledged to have been comprehensive and exhaustive treatises on that subject. It seems to me, therefore, in the light of the foregoing history, that there is a lack of statesmanship in the effort apparently made by some members to drag this subject down into the turgid pool of politics. We should therefore hesitate to take that structure thus built up, tested by experience, although it be blotted here and there by occasional excess—we should hesitate to take that structure and "at one fell swoop" strike it out of existence, and venture at once upon the broad sea of experiment.

I beg this committee to remember for a moment and say whether there has been adduced here, in behalf of this measure, any other argument than simply this accumulation of stores and duplication of plants. If that can be remedied by the Secretary—if he is doing it now—why make this radical, sweeping change in the whole organization of the system?

It is said—and I regret exceedingly that my friend from Connecticut [Mr. BUCK], who is usually so fair, did not give us the whole report of Engineer-in-Chief Loring—it is said that Mr. Loring recommended this reconstruction of the Navy Department. Permit me to say that he did no such thing. He did advocate the removal of administrative abuses in the system. He did, in speaking of the navy-yards, say that the reform must begin with the Navy Department; that is, that the Secretary of the Navy himself must make the order which would reform the evil. In fairness, why not state in full what Mr. Loring did say? His position to-day is consistent with his position at that time. I am not his defender. It is only justice to him to say that he does not occupy any different position to-day from what he did then. At the end of that report he says that the consummation of the desirable end of which he speaks need not necessarily change the general character of the organization of the Department. Mr. Loring and those who joined him in making that report (Rear Admiral Luce and Mr. Mullett) say that the reforms to be worked out in the navy-yards do not involve a change in the structure of the Navy Department. Yet, my friend from Connecticut would have you believe that those officers advocated a change in the structure of that Department.

My objection goes farther than this point. I can not recognize this proposed change as one conducive to economy. It is advocated upon that ground. But do you economize by abolishing eight bureaus and practically substituting nine? for that is the effect of this bill. Do you economize by adding to the Navy Department new officers as heads of bureaus or divisions, whose pay will amount to more than $8,000? for, as I understand upon a careful computation, the additional force provided for in this bill will involve an expense of about $8,500. This is not legislation in the line of economy.

Again, it is urged that this change will enable us to fix responsibility. This claim, it seems to me, is not sustained by an examination of the provisions of the bill. How does it tend to fix responsibility? Under the present system there are eight heads of bureaus, responsible directly to their chief, the Secretary of the Navy. By this bill you propose to abolish four of these bureaus; and you propose to place between the Secretary of the Navy and the great divisions of Construction and Steam Engineering—the two greatest divisions in your Navy—some intermediary; so that whenever the head of one of these divisions, skilled in his department, wants to communicate with the Secretary of the Navy, he must do it through an intermediate officer. You remove from the Secretary of the Navy by one additional step the skilled men who should be in immediate contact with him. You divide responsibility while you concentrate power. You put it within the power of the officer who is to preside over that bureau to remove at will the skilled engineer, or skilled constructor, a man whose whole life, perhaps, has been spent in acquiring peculiar fitness for his duty. And the officer who is to exercise this power may be a mere politician—a mere figurehead. I assume that he certainly can not be skilled in the business of both these departments; for I need not say to this intelligent body that a man, to become a thoroughly skilled engineer, or a thoroughly skilled constructor of hulls, must devote his whole life to his specialty. Between the Secretary of the Navy and these skilled men, who should have immediate and direct communication with their chief, you interpose—whom? A man through whom everything must be filtered before it can reach the ear of the Secretary.

Can it be said that the man who will thus be placed over these two great divisions will be thoroughly skilled in both steam engineering and in construction? Such a man does not exist!

If the intermediary have a smattering of both of these professions the link between the skilled head of division and the Secretary of the Navy would be incompetent to fairly transmit the needed intelligence. If he be skilled in one and not in the other branch the medium in the unskilled branch will be alike defective. In either case a premium would be placed upon incompetency; and ignorance, not intelligence, would be placed next to power. You diffuse and scatter responsibility while you concentrate power.

I do not know that I can present this more clearly than I have done; but let me illustrate how, in my view, instead of enabling the Secretary of the Navy to locate responsibility, you divide it. Suppose that, in a vessel which is being built, there is some mistake in regard to the adaptation of the engine and the vessel to each other. There are now but two men who can be responsible—either the steam engineer or the constructor. Suppose you have, between them and the Secretary of the Navy, an intermediate officer, then you will have three officers among whom the responsibility for the mistake will be divided.

I submit to this committee, that the proposed change, instead of making our vessels more perfect and beautiful, will make it more difficult to secure their construction than is the case now.

Again, the theory of the bill is not perfect. If a ship of war is worth anything she must be adapted, not simply the engine to the hull, and the hull to the engine, but her ordnance must be fitted and adapted to both hull and engine. Yet you keep the Ordnance Bureau separate and distinct. If you wish to carry out your hypothesis and put the construction of a war-vessel under one great, strong, controlling mind, why was an exception made in the case of the Ordnance Bureau?

But I can conceive of no such directing and controlling mind, skilled in all branches of knowledge for the perfection and harmony of the construction of hull, engine, and boilers, unless it be the Almighty himself; for there is no one upon the face of the green earth who at the same time is perfectly skilled in ordnance and in the construction of the hull and the building of the engine, and in every other matter. Such a man—skilled in all these branches—does not exist, and never will. If, therefore, your theory be worth anything, there should be no exception to it in case of the Ordnance Department; but on the contrary, you must have the engine and boilers, the hull, the ordnance, all provided for and harmonized and constructed under the control and by the direction of one man, so that when the vessel shall be constructed and launched upon the ocean it will be perfectly fitted and adapted for the purposes of offense and defense.

Now, Mr. Chairman, under your present system, before one single stroke of work is done or any action is taken in reference to the construction of a war vessel, plans and specifications have to be carefully prepared, and when those plans and specifications have been approved, after a most careful examination, they are then placed in the hands of the respective officers for the execution of the *details* of the work. They are put in the engineering shops for the purpose of constructing the engine precisely according to the plans and specifications, which have been furnished. The construction of the hull and its adaptation in every respect to the engine and the ordnance is placed in the hands of the constructor, and he is bound to follow carefully the plans and specifications which are before him. If there be any defect anywhere, if the work be not done in accordance with the plans and specifications, the responsibility for that defect can be located and placed upon the party who is guilty of it.

If it be the purpose to place all these departments under one man, then, so far as that control is concerned, you have in this bill left out the ordnance, which is an integral part of the complete war vessel; indeed the unit of power, and is also the primal consideration with the architect in designing the hull.

This committee can not place too great weight upon the consideration that to-day more depends upon the engineer who puts into the ship the engine which inspires it with throbbing and active life, and which drives her with Titanic force, and with almost lightning speed, across the seas. For the last fifty years the lines of beauty in the construction of our vessels have changed but little. To-day we have advanced not far from the Clipper model, which sailed from out the port of Baltimore and became, at once, the mistress of the ocean. To-day, in the matter of hulls, we are but little in advance of the men, who, upon our northern coast, sent out vessels remarkable for their beauty, speed, and power.

But, to-day, the important man is the one who puts in the vessel the engine which drives it through the ocean; that machine whose intricate delicacy and marvelous power are the wonder of the world, and which in war is to carry our ordnance which will reach with destructive power the enemy's vessels at the distance of many miles. Yet the bill abolishes, to my mind, this, the most important of all the bureaus, and degrades it to a division, in charge, it is true, of a skilled engineer and a skilled constructor, who are removable at the discretion of an unskilled intermediary. It degrades a large and honorable corps and takes away the stimulus of all possible recognition or reward for merit and service. Indeed, it is turning back the finger of progress on the dial of time, and is experimenting hypothetically in the face of past experience.

The Bureau of Steam Engineering was not accidental in its creation.

It was the outgrowth of necessity molding the highest intelligence' In 1862 John Lenthall, who was then the Chief of the Bureau of Construction, and acknowledged to be one of the most able and accomplished constructors who ever lived, insisted that the steam-engineering department, which was at that time part of the Bureau of Construction, should constitute a distinct bureau.

This bill proposes again to consolidate these bureaus, to ignore the experience of the past which demonstrated the necessity of separation: that, too, in the face of the fact that steam engineering was then in its infancy and steam war-vessels were few, while now it constitutes the great arm of the service.

For these and many other reasons that I have not time now to elaborate, I am constrained to oppose this bill. [Applause.]

[Here the hammer fell.]

Mr. HERBERT. Mr. Chairman——

Mr. McMILLIN. Let me interrupt the gentleman from Alabama to ask, in view of the fact that it is hardly possible this bill can be completed to-night, whether it will be agreeable to him to yield to a motion that this committee now rise?

Mr. TOWNSHEND. Let us go on with the bill, and save time.

Mr. BOUTELLE. It can not be passed in its present form. The chairman has himself admitted the necessity of amendments.

Mr. HERBERT. I have talked with a number of gentlemen who are opposed to the bill and think it will be impossible to get through with it to-night. I therefore yield for that motion.

Mr. McMILLIN. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union having had under consideration the bill to consolidate certain bureaus of the Department of the Navy, had come to no resolution thereon.

REGENT SMITHSONIAN INSTITUTION.

Mr. SINGLETON. I ask unanimous consent to report back a Senate joint resolution which simply provides for the filling of a vacancy in the Board of Regents of the Smithsonian Institution. It has already passed the Senate, and meets the indorsement of the Committee on the Library. I ask that it be put upon its passage.

I will state that they have a meeting next Wednesday, and it is important the vacancy on the board should be filled before that time.

The SPEAKER. The title of the joint resolution will be read subject to objection.

The Clerk read as follows:

Joint resolution (S. R. 90) appointing James B. Angell a member of the Board of Regents of the Smithsonian Institution.

There being no objection, the Senate joint resolution was read by its title a third time, and passed.

Mr. SINGLETON moved to reconsider the vote by which the Senate joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. McMILLIN. I move that the House do now adjourn.

The SPEAKER. Pending the motion to adjourn, the Chair, if there be no objection, will submit a report from the Committee on Enrolled Bills.

There was no objection.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (H. R. 1034) for the relief of Bangs, Brownell & Company;

A bill (H. R. 1877) for the relief of John McNaughton.

INDEBTEDNESS OF PACIFIC RAILROADS.

Mr. SPRINGER. Mr. Speaker, I ask the gentleman from Tennessee to yield to me for a moment for the purpose of asking unanimous consent to have printed in the RECORD an amendment which I propose to offer to the bill (H. R. 8318) in relation to the Pacific railroads.

Mr. McMILLIN. I yield for that purpose.

The SPEAKER. The gentleman will send the amendment to the desk.

The amendment proposed by Mr. SPRINGER is as follows:

Amend House bill No. 8318 by striking out of section 1 all after line 16 to the end of said section, and inserting in lieu thereof the following:

"PARAGRAPH A. The companies aforesaid shall, respectively, on the 1st day of October, 1887, and semi-annually thereafter, pay into the Treasury of the United States a sum equal to the amount which the United States is required to pay semi-annually as interest on the subsidy bonds advanced to each of said companies, respectively, in aid of the Pacific railroads and branches, until the date of the maturity of said bonds, respectively, less the amount of any payments or reimbursements made by any of said companies, respectively, during the six months previous to any such payment upon their indebtedness under any act of Congress heretofore passed.

"PARAGRAPH B. At the respective dates of the maturity of said subsidy bonds, the Secretary of the Treasury shall add to the sum of the principal of such matured bonds all the interest paid by the United States upon the same. From said amounts, so ascertained, shall be deducted any payments or reimbursements made by any of said companies upon their indebtedness at any time before the 1st day of October, 1887, and also the amounts in the sinking fund properly applicable to the respective companies (computing the value of any bonds in such sinking fund at their market value at a day to be agreed upon by the presidents of the companies interested therein and the Secretary of the Treasury), and simple interest at the rate of 3 per cent. per annum upon said amounts in the sinking fund from such day agreed upon until the average date of the maturity of the subsidy bonds.

"PARAGRAPH C. Upon the sum of the principal of said subsidy bonds remaining due and unpaid at the respective dates of the maturity thereof, the said companies shall pay into the Treasury of the United States interest thereon at a rate which shall equal but shall not exceed the rate of interest at which the bonds of the United States, issued in aid of said companies, can be extended; and the Secretary of the Treasury is hereby authorized to extend the same not exceeding ten years from the respective dates of their maturity and at the lowest rate of interest at which such bonds can be extended at par for that time.

"PARAGRAPH D. Upon the sum of the interest upon said subsidy bonds remaining due and unpaid by the said companies at the respective dates of the maturity of said subsidy bonds, the said companies shall pay into the Treasury of the United States interest at the rate of 4 per centum per annun, payable semi-annually on the first day of October and the first day of April of each year during such time as the principal of said bonds shall be extended as herein provided.

"PARAGRAPH E. It is further provided that the said companies respectively may extend the liens of the first mortgage bonds, now issued by the respective companies, for the further term of ten years after the respective dates of the maturity thereof, but at no higher or greater rate of interest than 4 per centum per annum, upon this further condition, that the difference between the rate now paid by said companies upon said first mortgage bonds and that of 4 per centum per annum shall be applied exclusively to liquidate the principal of the indebtedness of said companies to the United States.

"PARAGRAPH F. At the time to which the payments of the said subsidy bonds shall be extended, as herein provided, the said companies are respectively authorized to issue bonds, secured by mortgages on their franchises and property, to an amount equal to their indebtedness to the United States and to their indebtedness secured by prior liens to that of the United States, but such new bonds shall not become prior liens until the extinguishment of the indebtedness of said companies, respectively, to the United States. And if, at the date to which the last issue of said subsidy bonds was extended, said companies shall have complied with the provisions of this act, and shall continue thereafter to pay into the Treasury of the United States semi-annually an amount equal to the interest upon such extended bonds, and 4 per centum upon the amount of such interest indebtedness still due and payable, the Secretary of the Treasury is authorized to allow one year to said companies thereafter, in which to complete the payments of the whole amount of principal and interest due the United States under this act and all acts of Congress relating to said railroad companies.

"PARAGRAPH G. In making payments under the provisions of this act and the acts to which this is an amendment, the Central Pacific Railroad Company and its successors shall pay into the Treasury of the United States, when the same shall become due and payable as aforesaid, the installments of the indebtedness of itself and the Western Pacific Railroad Company; the Union Pacific Railroad Company (successor to the Union Pacific Railroad Company and the Kansas Pacific Railroad Company) and its successors shall pay those of the Union Pacific Railroad Company, and the Kansas and Pacific Railroad Company; the Central Branch Union Pacific Railroad Company and its successors shall pay those of itself; and the Sioux City and Pacific Railroad Company and its successors those of itself."

Mr. SPRINGER. The time to which it is proposed to extend the indebtedness of the Pacific roads in my amendment is 1907—the time when $737,000,000 of 4 per cent. bonds of the United States are due and payable.

The SPEAKER. If there be no objection the proposed amendment will be printed in the RECORD.

There was no objection. The amendment is printed above.

Mr. ANDERSON, of Kansas. I ask unanimous consent also to have printed in the RECORD an amendment which I propose to offer to the same bill.

There was no objection.

The proposed amendment is as follows:

Add as an additional section:

SEC. —. Nothing in this act shall be construed as sanctioning or confirming the consolidation of the Union Pacific Railroad Company with the Kansas Pacific Railway Company and the Denver Pacific Railroad Company and the transferring of their franchises and property to a corporation known as the Union Pacific Railway Company; but the legal status of all of the companies mentioned in this act shall be and remain as heretofore, except as herein expressly provided.

ORDER OF BUSINESS.

Mr. McMILLIN. There are several gentlemen who have bills to introduce, and I will withdraw the motion to adjourn temporarily to allow them that privilege.

INTERNAL-REVENUE TAXES, ETC.

Mr. HISCOCK, by unanimous consent, introduced a bill (H. R. 10415) to reduce internal-revenue taxation and duties on raw sugar, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

OATHS OF CERTAIN OFFICERS.

Mr. TUCKER, by unanimous consent, introduced a bill (H. R 10416) prescribing the mode of administration of oaths to the officers, directors, and agents of banking associations; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SECTION 3709, REVISED STATUTES.

Mr. TUCKER, by unanimous consent, also introduced a bill (H. R. 10417) to amend and re-enact section 3709 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SECTION 5209, REVISED STATUTES.

Mr. TUCKER, by unanimous consent, also introduced a bill (H. R.

10418) to amend and re-enact section 5209 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS, from the Committee on Rivers and Harbors, reported a bill (H. R. 10419) making appropriations for the construction, preservation, and repair of certain works on rivers and harbors for the fiscal year ending June 30, 1888, and for other purposes; which was read a first and second time, ordered to be printed, and recommitted to the committee.

Mr. STORM. All points of order are reserved on that bill.

RESTORED INDEMNITY LANDS.

Mr. NELSON, by unanimous consent, introduced a bill (H. R. 10420) for the relief of purchasers of restored indemnity railroad lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

TERM OF UNITED STATES COURT, DULUTH.

Mr. NELSON, by unanimous consent, also introduced a bill (H. R. 10421) to provide for a term of court at Duluth, Minn.; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SECTION 5159, REVISED STATUTES.

Mr. MORRILL, by unanimous consent, introduced a bill (H. R. 10422) to amend section 5159 of the Revised Statutes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

Mr. MCMILLIN. I now renew the motion.

Mr. SOWDEN. I demand the regular order.

The motion of Mr. MCMILLIN was then agreed to, and accordingly (at 4 o'clock and 25 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Petition of James Bulger and others, for compensation for damages to property on South Capitol street, between B and C streets south—to the Committee on the District of Columbia.

By Mr. BARNES: Petition of Johnson County, Georgia, Agricultural Club; of Richmond County, Georgia, Agricultural Club, and of the Howard Agricultural Club, of Burke County, Georgia, in favor of the Hatch experiment-station bill—to the Committee on Agriculture.

By Mr. BLOUNT: Papers in the case of Walter T. Hollingsworth, of Bibb County, Georgia—to the Committee on War Claims.

By Mr. BOUND: Petition of the Merchants' Exchange of Saint Louis, looking to the increase of trade relations between the United States and Central and South America—to the Committee on the Post-Office and Post-Roads.

By Mr. BUCK. Petition of the Connecticut State Grange, in favor of the Hatch experiment-station bill—to the Committee on Agriculture.

Also, petition of Peter J. Soby, for honorable discharge and removal of charge of desertion—to the Committee on Military Affairs.

By Mr. J. E. CAMPBELL: Petition of William Rapp and 20 others, citizens of Clermont County, Ohio, for the payment of Morgan raid claims—to the Committee on War Claims.

By Mr. CURTIN: Petition of the Erie conference of the Methodist Episcopal Church, praying for the enactment of such laws as will suppress all efforts to persecute and drive out the Chinese residents in this country, and for the passage of the Chinese indemnity bill—to the Committee on Foreign Affairs.

By Mr. FUNSTON: Petition of J. H. McComack and others, of Lookout Post, No. 96, Grand Army of the Republic, for the passage of pension laws—to the Committee on Invalid Pensions.

Also, remonstrance of Chamber of Commerce of Lawrence, Kans., against the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. GALLINGER: Petition of the executive committee of the Grand Lodge of the Independent Order of Good Templars of New Hampshire, asking for the favorable consideration and early passage of the bill (S. 1579) granting to the people of the District of Columbia the right to determine by ballot whether intoxicating liquors may hereafter be manufactured and sold in said District or not—to the Committee on the District of Columbia.

By Mr. GAY: Papers relating to the claim of Mrs. Ozenice Bordreau, of Saint Martin's Parish, Louisiana—to the Committee on War Claims.

By Mr. GROUT: Petition of George P. Williams, for repayment of money paid by drafted men for substitutes in the late war—to the Committee on Invalid Pensions.

By Mr. HALL: Paper in the claim of William H. Manning, of Keokuk, Iowa—to the Committee on Claims.

By Mr. HARMER: Petition of citizens of Germantown, Philadelphia, Pa., in favor of a reduction of internal taxes—to the Committee on Ways and Means.

By Mr. HERMANN: Petition of 214 citizens of Oregon, asking for the passage of the Hatch experiment-station bill—to the Committee on Agriculture.

By Mr. LA FOLLETTE: Petition from members of the Wisconsin Valley Grange, No. 151, praying for the passage of the bill (H. R. 2933) for the establishment of agricultural experiment-stations—to the same committee.

By Mr. MORROW: Memorial of the Chamber of Commerce of Eureka, Cal., accompanied by statistics regarding the commercial importance of Humboldt Bay, &c., praying for an appropriation to improve the channel in the entrance to the harbor—to the Committee on Rivers and Harbors.

By Mr. NEAL: Petition of John M. Kimbrough, of Monroe County, Tennessee, asking that his case be referred to the Court of Claims—to the Committee on War Claims.

By Mr. OSBORNE: Petition of the Consolidated Cattle Growers' Association of the United States, relating to the suppression of exotic diseases among the cattle of the United States—to the Committee on Agriculture.

Also, resolutions of the New York Board of Trade and Transportation, relative to a national bankrupt law—to the Committee on the Judiciary.

By Mr. PERKINS: Resolutions of the Board of Trade of Topeka, Kans., protesting against certain features of the interstate-commerce bill as agreed to by the conference committee—to the Committee on Commerce.

Also, resolutions of the Arkansas City Post, Grand Army of the Republic, asking for the passage of a bill granting a pension to Mrs. Mary Pittman, widow of Alexander H. Pittman, a soldier of the late war—to the Committee on Invalid Pensions.

Also, resolutions of the same for the passage of the pension bills recommended by the legislative committee of the Grand Army of the Republic—to the same committee.

By Mr. RYAN: Remonstrance of the Board of Trade of Topeka, Kans., against the interstate-commerce bill—to the Committee on Commerce.

By Mr. ZACH TAYLOR: Petition of Louise Paul, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. VAN EATON: Papers relating to the claim of Varina B. Gaither, of Adams County, Mississippi—to the Committee on War Claims.

SENATE.

MONDAY, *January* 10, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

JOSEPH E. BROWN, a Senator from the State of Georgia, appeared in his seat to-day.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Supervising Architect of that Department, recommending an appropriation for the extension of the public building at Newark, N. J., and an appropriation for heating apparatus in certain other public buildings; which, with the accompanying paper, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 6th instant, a report of a board of engineers in regard to bridging the Mississippi River at or near Saint Louis, Mo.; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a recommendation of the Chief of Ordnance, that an appropriation of $20,439.88 be made for the completion of a new fireproof milling shop at the National Armory at Springfield, Mass., to be included in the sundry civil appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

CHITTENDEN BROTHERS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution from the House of Representatives, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *January* 7, 1887.

Resolved by the House of Representatives, That the Senate be requested to send to the House a duplicate engrossed copy of Senate bill 938, for the relief of Chittenden Brothers, which passed the Senate August 4, 1886, the original engrossed copy of said bill having been lost.

The PRESIDENT *pro tempore*. If there be no objection the request of the House of Representatives will be granted, and the order suggested will be made.

PUBLIC BUILDING AT WILMINGTON, N. C.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 229) to provide

for the erection of a public building at Wilmington, N. C.; which were referred to the Committee on Public Buildings and Grounds.

HOUSE BILLS REFERRED.

The following bills received on Friday last from the House of Representatives were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 5131) for the relief of A. F. and N. C. Saint John;

A bill (H. R. 5262) for the relief of Mrs. Frances Marshall.

The bill (H. R. 6312) for the relief of James M. Grigsby was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 5775) for the relief of James M. McKamey was read twice by its title, and referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of the Chamber of Commerce of Cincinnati, Ohio, praying that the expenses of keeping the western rivers clear of snags be made a permanent charge on the Treasury; which was referred to the Committee on Commerce.

The PRESIDENT *pro tempore*. The Chair presents a memorial of the Minneapolis (Minn.) Board of Trade, remonstrating against sections 4 and 5 of the interstate-commerce bill, as agreed upon by the conference committee, with the request that it be printed in the RECORD.

There being no objection, the memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

THE INTERSTATE-COMMERCE BILL.

To the Senators and Representatives in Congress from Minnesota:

GENTLEMEN: The Minneapolis Board of Trade, at its regular meeting of December 22, 1886, unanimously adopted the following resolutions:

"*Resolved*, That while this board of trade fully approves the general principle of national legislation for the control and regulation of our interstate carrying trade, and while in the main it concurs in the provisions of the compromise bill now pending before Congress, it thoroughly disapproves and deprecates the provisions of section 4, relating to what is known as the long and short haul, and of section 5, relating to pooling arrangements between parallel or competing railway lines. In the judgment of this board, section 4, if enacted, would give to the proposed national commission powers whose exercise would always be dangerous and might easily become destructive to the interests of the distinctively agricultural sections of the country.

"*Resolved*, That a committee be appointed with instructions to forward the foregoing resolution to our Senators and Representatives in Congress, accompanied with a letter of transmission which shall more fully set forth the views of this board."

In forwarding these resolutions to you, permit the undersigned, as the committee appointed for the purpose, to call your attention to the following brief summary of objections, which, in the judgment of our board of trade, lie against sections 4 and 5 of the pending interstate-commerce bill, and respectfully to express the opinion that you can in no way render a more important or timely service to your constituents than by aggressively helping to secure the omission of these sections from the measure before it becomes a law. Allow us also, in passing, to remind you of the fact that, of the entire membership of the Minneapolis Board of Trade, representing all leading branches of legitimate business and productive industry, not half a dozen have any pecuniary interest in railroads, direct or indirect, and we do not know of half that number who are so interested. The board speaks for the producers and shippers of the Northwest. Further, it is fully recognized that national supervision of our railway system is necessary and best, in the interest both of the people and of the railways themselves; that this supervision has already been too long delayed; that there are wrongs to be righted and corporate abuses to be corrected, and that the pending interstate-commerce bill, when duly amended, will constitute a wise first step in the right direction. It is simply insisted that a measure which is necessarily experimental and which deals with the most complicated and far-reaching commercial problems known to mankind, vitally affecting the interests of every class and of every section, should not go so far, or attempt so much, at the outset, as to cause infinite damage where it might accomplish unmeasured good.

OBJECTIONS: THE "LONG AND SHORT HAUL."

(1) Section 4, relating to the "long and short haul," is, intentionally or unintentionally, vague and ambiguous in its language. If enacted into law its interpretation by the courts must, therefore, be wholly uncertain, its practical application doubtful, and some of its effects impossible to predict. This is sufficiently shown beforehand by the known fact that scarcely two persons understand the section alike—even zealous advocates of the bill, as it stands, differing widely as to the real meaning and intent of the words employed.

(2) Assuming that the section means what its language naturally imports, the consequence of enforcing such a law would, we believe, be gravely injurious to many important interests in all parts of the country, but especially would such enforcement prove destructive in its effect upon the great agricultural section, of which our own State forms so important a part.

It would very greatly increase the cost to our people of heavy commodities of all kinds which are brought in from Eastern sections, including coal, without which our prairie farms could not be occupied.

It would ruinously depreciate the value of every bushel of wheat and every pound of beef produced in Minnesota, by compelling the railroads to adopt a freight tariff on through shipments eastward, which, if not prohibitory, would leave to our farmers no reward for their labor and invested means.

It would depress manufacturing industries and deprive many workingmen of employment.

It would reduce to a minimum the trade of the Northwest by largely destroying the purchasing ability of our producers.

It would drive a large share of the long-distance traffic from American to Canadian lines.

It would cripple, if it did not bankrupt, many railroads, by compelling them to relinquish a large part of either their through or their local traffic—both of which are essential to their solvency.

The very people who ought to derive most benefit from legislation of this general character—the farmers and wage-earners of the country—would be the first and greatest sufferers from its injurious effects.

(3) It is not a sufficient answer to say that the bill gives to the proposed commission discretionary power to avert these otherwise inevitable calamities. The ambiguity of language, already mentioned, renders it doubtful whether this power is fully given; and even if it is conferred, its exercise would be a most unnecessary and dangerous prerogative to be vested in any untried commission, however able and disinterested, under an untried statute, in a difficult field, where national legislation is now making its first tentative venture. At best, it gives to five men, about whose competency, experience, and integrity nothing can be known in advance, almost autocratic power over the market value of hundreds of millions of dollars of railway stocks and bonds, over the market value of the agricultural products of half a continent, as well as of the lands upon which these products are grown.

So great a power and so tremendous a temptation to its abuse ought not to be presented unnecessarily to any committee of citizens or be made the foot-ball of politics. Besides, so enormous would be the task undertaken, and so extensive its domain, that no commission, however capable, could successively consider and adjust the inevitable frictions and controversies in time to prevent the predicted evils, if those evils in fact impend.

THE PROHIBITION OF RAILWAY POOLING.

(4) Section 5, which arbitrarily prohibits the pooling of railway earnings, is not less objectionable than section 4. It proceeds upon the assumption that an amicable apportionment of traffic among substantially parallel railway lines destroys wholesome competition, creates a "monopoly," results in exorbitant transportation charges, and thus wrongs the general body of producers, shippers, and consumers, who constitute the people. With exceptions so rare as only to prove the rule, this assumption is a fallacy, and legislation based upon it must prove a hurtful blunder. The facts are that such apportionments of traffic are a natural and necessary outgrowth of the development of our national transportation system; that they constitute the only plan of self-preservation for railroads which time and thought and experience have been able to evolve from a most difficult and perplexing situation; that they are the only known and feasible alternative for that system of cut-throat competition which foments chronic "rate wars," and which, unless held in check, would end in the bankruptcy, first of the weak lines, and then of the strong ones—for a bankrupt railway, having no responsibility to bondholders or shareholders, is the most reckless and destructive of competitors. These adjustments and divisions of traffic, known as railway pools, do not raise transportation charges above a reasonable level. Almost without exception they have resulted in holding rates steadily at the lowest point at which the business can be done at a living profit. This is notably illustrated just now, as you are aware, in our own section. Never was there a closer pooling arrangement between trunk lines than that which now exists between the six roads leading from Minneapolis to Chicago, yet never were freight tariffs so low as at the present time, and never were the people better accommodated.

The well-known fact that, concurrently with the development of the railway pooling system, railway rates have steadily, greatly, and everywhere decreased is a summary refutation of the whole theory on which section 5 is founded.

The pooling or apportionment system, besides preserving railways from insolvency, and railway investments from destruction, directly benefits every business community by giving some degree of uniformity and stability to transportation charges, and thus enabling business men to shape their course with greater certainty and safety. A railway rate war, although it temporarily reduces the market price of transportation below actual cost, is universally and justly regarded as a misfortune to all legitimate lines of trade. Obviously it is of no advantage to the public to enjoy any service at less than its reasonable cost, including a fair return upon the capital invested in rendering that service. The rule of unregulated and unreasoning competition, followed by the "survival of the fittest," when applied to railroads, means their own ruin, with resulting calamity to every other business interest which is worth preserving.

The railway pool, honestly administered, is the natural balance-wheel of interstate commerce. Secton 5 of the pending bill does not provide or suggest any substitute for this regulative and conservative agency. On the contrary, it would seem to render commercial chaos legally obligatory.

(5) It is not a sufficient answer to say that if found to be injurious in their working, these provisions may be repealed at the next session of Congress. The mischief that can be accomplished by their operation during a single business season is simply immeasurable, and there is not the slightest necessity for assuming the risk.

The interstate-commerce bill has adequate scope for its initial purpose without including the sections to which objection is here made. Omitting these, the bill lays the broad foundation of a system of salutary legislation, which a little time and experience will develop and perfect. It is evolution, and not revolution, that the situation calls for. Such a policy will avoid the risk of serious and disastrous mistakes; at least it will not invite that demoralization of now reviving business, that shock to commercial confidence, that stagnation of enterprise, that aggravation of the labor difficulties, that wholesale depreciation and destruction of values which many competent and disinterested students of the problem foresee in case the bill becomes a law in its present form. The panic of 1873 was precipitated and intensified, if it was not largely caused, by injurious State legislation affecting railroads, hastily enacted in response to unreasoning clamor. It would seem to be hardly the part of wisdom or of statesmanship to incur even the liability of repeating that experience, and on a larger scale, during the present century.

With great respect, your obedient servants,

A. B. NETTLETON,
H. A. TOWNE,
EDMUND J. PHELPS,
T. B. WALKER,
Committee.

MINNEAPOLIS, MINN., *January* 5, 1887.

Mr. CAMERON presented the petition of Albert F. Damon and other citizens of Philadelphia, Pa.; the petition of William Spencer and other citizens of Germantown, Pa.; and the petition of James Doak, jr., and others, employés of the Standard Mills of Philadelphia, praying for a reduction of internal taxes; which were referred to the Committee on Finance.

Mr. DAWES presented the petition of Daniel Rowe and others, of Gardner, Mass., praying for the enactment of the Hatch experiment-station bill; which was ordered to lie on the table.

Mr. SPOONER presented the petition of Jerome B. Burke and others, a committee of the Grand Army of the Republic, Department of the Potomac, praying for the passage of the bill for the relief of ex-Union soldiers, sailors, and marines, or their dependent families, in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. GIBSON. Mr. President, I have the honor to present a petition from merchants, planters, steamboatmen, officers of the General Government, and others, respectfully presenting their petition, begging therefor careful consideration of its reasons, and soliciting the relief prayed for.

They represent that in the State of Louisiana there is a large natural stream of water, known as Bayou Lafourche, which is fed from the

Mississippi River, at a point on which is located a town called Donaldsonville, about 190 miles above the mouth of the Mississippi River, at the delta or jetties thereof. It commences at a point between the thirtieth and thirty-first degree of north latitude, and between the fourteenth and fifteenth degrees of west longitude, and flows southerly from that point into the Gulf of Mexico.

This Bayou Lafourche is, during high water of the Mississippi River, say between January and August annually, a navigable stream, having an average depth of about 20 feet, and sufficient to enable vessels of 750 tons burden to navigate the same from its mouth at Donaldsonville to its entry into the Gulf of Mexico, by reason of the influx into the bayou of the waters of the Mississippi River.

During the remaining months of the year the bayou is navigable only for flatboats of about two feet draught of water, and burden insufficient to accommodate the interstate trade and commerce, and the necessary State commercial affairs of the citizens of the United States, living in various towns and owning properties on or contiguous to the bayou.

The petitioners further represent that between the months of July and January the planters harvest their crops of rice, sugar, and molasses, and it is their desire to ship at once to market, but they are unable to do so in consequence of the extreme low water in said Bayou Lafourche. For the same reason they are put to great expense and inconvenience in getting their supplies necessary to supply the wants of their farmers, laborers, and citizens. During the months of October, November, and December, 1886, the navigation of the Bayou Lafourche was, for the greater portion of those months, suspended even for flatboats of the smallest capacity. The crops of the season of 1885-'86 were as follows: 35,491,500 pounds of sugar, 2,263,700 gallons of molasses, 67,024 barrels of rice, besides large crops of potatoes, onions, and other products, making a total valuation of, say, $2,280,929.50, and the supplies shipped will fully aggregate the value of the products raised on the Bayou Lafourche—aggregating about $6,000,000.

There are several towns situated on this bayou, notably Donaldsonville, with a population of 3,000; Thibodeaux, with a population of 5,000; and Franklinville, with 3,000.

I will state for the benefit of the petitioners that it would have been a great deal better for them to have applied to the engineer in charge of this district, because the uniform course of Congress is to make such appropriations only as are recommended by the engineers of the district in which the streams are located.

I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. PAYNE presented a petition of 44 citizens of Northern Ohio interested in the navigation of the upper lakes, praying for the continued improvement of the harbor of Grand Marais, Mich.; which was referred to the Committee on Commerce.

He also presented the memorial of George H. Ely and 134 vessel-owners, iron and coal companies, and leading business men of Cleveland, Ohio, earnestly remonstrating against the passage of the bill (H. R. 6104) providing for the construction of another bridge across the Saint Marie River; which was referred to the Committee on Commerce.

Mr. BUTLER presented a concurrent resolution of the General Assembly of South Carolina, favoring an appropriation for the work of completing the Charleston jetties; which was referred to the Committee on Commerce.

Mr. WILLIAMS presented a petition of the Chamber of Commerce of the city of Eureka, Cal., praying that an appropriation of $500,000 be made to improve the channel of Humboldt Bay; which was referred to the Committee on Commerce.

Mr. TELLER presented a petition of the executive committee of the grand lodge of the Independent Order of Good Templars of the State of Colorado, on behalf of a membership of 3,000, praying for the favorable and early passage of the bill (S. 1579) granting to the people of the District of Columbia the right to determine by ballot whether intoxicating liquors may hereafter be legally manufactured and sold in that District or not; which was referred to the Committee on the District of Columbia.

Mr. HAWLEY presented a petition of the Board of Trade of Bridgeport, Conn., praying for the passage of the bill (H. R. 8923) extending the privilege of immediate transportation of dutiable goods to Bridgeport, Conn.; which was referred to the Committee on Commerce.

He also presented the petition of William Flood, George E. Brown, and other residents of Greenwich, Conn., praying for the repeal of the limitation of payments of arrears of pensions; which was referred to the Committee on Pensions.

Mr. MITCHELL, of Pennsylvania, presented a petition of the Erie (Pa.) Conference of the Methodist Episcopal Church, praying for the passage of laws protecting the Chinese residents of the United States against outrage, and for the passage of the pending indemnity bill without delay; which was referred to the Committee on Foreign Relations.

Mr. EVARTS. I present a memorial of the Chamber of Commerce of New York, embracing a report and resolutions of that body unanimously adopted on the 6th instant, on the subject of interstate commerce, now pending.

The results to which this important commercial body came on this very serious question were unanimous, and the memorial is accompanied with some statements and explanations of the reasons from a practical point of view by the merchants of the city of New York. They favor the general system of having a commission and of having the pending bill adopted; but on the subject of the fourth and fifth sections, relating to the long and short hauls and the pools, they present their reasons against the permanent adoption of any such regulations without further investigation, and suggest very grave reasons why they should not be adopted at all.

The considerations which are embraced in this examination by these intelligent representatives of the great city of New York, give a very concise and perfect statement of the views of the business community. I ask that the memorial may lie upon the table, and that it may be printed and appear in the RECORD to-morrow. I may desire to make some comment upon the measure and should be glad to have the text of the memorial before the Senate that it may be understood.

The PRESIDENT *pro tempore*. The Senator from New York asks the unanimous consent of the Senate to have printed in the RECORD the memorial presented by him from the Chamber of Commerce of New York. Is there objection? The Chair hears none, and it will be so ordered. The memorial will lie on the table.

The memorial is as follows:

THE INTERSTATE-COMMERCE BILL.

At the monthly meeting of the Chamber of Commerce of the State of New York, held January 6, 1887, the following report and resolutions in regard to the interstate-commerce bill, before the United States Senate, were unanimously adopted:

To the Chamber of Commerce:

The undersigned committee, requested by the executive committee of this chamber to examine the bill known as the bill (S. 1532) to regulate commerce, beg leave repectfully to report that, upon analysis of the bill in question, the following provisions are found to be embodied therein:

ANALYSIS OF THE BILL.

Section 1: The bill is not to apply to the transportation of passengers or property wholly within any one State. It declares that all charges made for or in connection with any transportation (covered by the bill) shall be reasonable and just, and all others are prohibited, and declared to be unlawful.

Sections 2 and 3 prohibit, directly or indirectly, any special rebate or drawback, and any discrimination in charges against any person, firm, or locality, or against any particular description of traffic, in transportation of passengers or property, under like or substantially like circumstances and conditions; and also require that every common carrier subject to the provisions of this act shall accord all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines, but provides "this shall not be construed as requiring any such common carrier to give the use of its tracks or terminal facilities to another carrier engaged in like business."

Section 4 makes it unlawful for any common carrier to charge or receive any greater compensation for the transportation of passengers or property, under substantially like circumstances and conditions, for a shorter than for a longer haul over the same line in the same direction, unless the common carrier receive in special cases, after investigation, authority from the commission to charge less for the longer than for the shorter haul; and the commission is empowered to prescribe the extent to which the common carrier may be relieved from the operation of this section of the act.

Section 5 is an absolute prohibition against pooling in any form.

Section 6 obliges the common carrier to plainly print in large type, and keep for public inspection, schedules showing the rates and fares, including terminal charges, for the transportation of passengers and property, and which shall also include the classification of freight in force upon such railroad. It also provides that no change in rates shall be made without ten days' previous public notice thereof; and, further, that every common carrier shall file with the commission copies of all contracts, agreements, or arrangements with other common carriers in relation to any traffic affected by the provisions of this act; it also provides for the enforcement of these provisions by the circuit courts of the United States.

Section 7 makes it unlawful for a common carrier to enter into any contract or agreement, express or implied, or, by other means and devices, to prevent the carriage of freights from being continuous from the place of shipment to the place of destination.

Sections 8, 9, and 10 prescribe the damages for a violation of this act, and methods of legal procedure.

Sections 11 to 17 provide for a commission of five persons, to be appointed by the President; regulates their terms of office; defines their qualifications, one of which is, that they shall not hold stock or bonds of any carrier embraced within the bill; also their powers and duties, and prescribes their relations to the courts, and further outlines the legal proceedings connected with the enforcement of this act.

Section 18 fixes the annual salary of each commissioner at $7,500, and provides for a secretary at $3,500 per annum, and allows mileage to commissioners when traveling.

Section 19 establishes the office of the commission at Washington city, but permits commissioners to *prosecute inquiries* and *hold* special sessions in any part of the United States, when so required by circumstances or necessity.

Section 20 requires full annual reports from all common carriers, subject to the provisions of this act.

Section 21 requires a report to be annually made to the Secretary of the Interior, to be by him transmitted to Congress; said report to contain any information and data collected by the commission, with such recommendations for additional legislation as they may deem necessary.

Section 22 excludes from operation of this law property carried free for the United States, the States, or municipal governments, or for charity.

Section 23 appropriates $100,000 for the purposes of this act for the fiscal year ending June 30, 1888.

Your committee believe that the national welfare requires that an interstate commission should be appointed, and they are of the opinion that this bill, in its main features, has been carefully considered and wisely framed.

They believe that the absolute publicity and uniformity required by this bill will largely cure the evils of which the public have in former years had good reason to complain. They believe that experience has demonstrated that secret rates, drawbacks, and like devices for concealing discriminations, on the part of the common carriers, to favored persons, firms, or localities, have been the principal cause of the public dissatisfaction with railroad management.

Your committee believe that rates on the railroads should be as uniform, under like circumstances, and as well known to the public as custom-house duties.

Your committee are of opinion that (section 4) the prohibition to charge more for a shorter haul than a longer one is objectionable and certain to work against the public welfare. If enacted, it would do little good to any one. Local rates would not be thereby reduced, but "through traffic," which, on the average, furnishes not to exceed one-quarter of the revenues of the trunk lines, would be either refused, or raised to a standard of local rates—thus obstructing and materially decreasing the moving and exportation of cotton, grain, petroleum, and other products. Upon the utmost freedom in making through contracts from the West to the seaboard depends the development of the entire West and its farming lands. The gigantic results already witnessed, due to the fortuitous combinations of railroads and water transportation, and the ability to carry this through traffic for trifling additional cost, and so far at very moderate rates of freight, has produced a wealth to the whole nation so far exceeding any possible local benefits to be gained by the proposed prohibition as to forbid its consideration. Nor is this provision necessary to protect the local resident from imposition; his remedy is provided in the bill, quite independent of the through traffic. If a local rate is unjust it must be remedied; but the consideration thereof must depend upon the particular surroundings and circumstances of that individual case, and not upon that of others further on the line, who may have competing roads, water transportation, and many other things affecting rates of freight not at all applicable to the case in question. One immediate and inevitable effect of such a prohibition would be to divert most important volumes of freight to competing Canadian roads running to the seaboard.

As to section 5, your committee is also of opinion that the absolute prohibition against pooling is unwise, and much more likely to work injuriously to the public than beneficially. If it be considered, it will be evident that most if not all of the evils of unequal rates, discriminations, and partiality have arisen from unrestricted competition, the only result aimed at by the proposed prohibition, while a uniform tariff between all competing lines, arranged upon planes of equity to all shippers, and enforced by an agreed volume of tonnage apportioned to each road, is the very end to be accomplished by the bill itself—and this is "pooling." Its actual operation has been to do away with discriminations against individuals and localities; it has secured greater uniformity of rates; it has been found of greater advantage to shippers to deal with a "pool" commissioner, representing all the trunk lines, than to be compelled to confer with many officials in detail—as instanced in the late dry-goods classification agreement—its existence has secured a steadily decreasing average rate of freight, which has developed during the whole period of "pooling." In general the system seems to have been productive of good to the public, and in many instances where injustice has arisen it has been from lack of good faith to keep its conditions on the part of the common carrier. While, on the other hand, its tendency has been to avoid disastrous railroad wars, entailing upon the investors serious loss, and always productive of disastrous effects upon the laboring classes and the commerce of the country.

For these reasons this committee would urge that any action looking to prohibition of pooling be at least deferred, and the subject referred (as was originally proposed by the Senate bill on this subject) to the commission to be established by this bill, for full investigation, report, and suggested legislation, if they deem any needed, in the future.

It is true that the framers of this bill, evidently fearing the strict operation of section 4 (as it regards the long and short haul), have lodged the discretion with the commissioners to limit or suspend, after investigation, its operation in certain cases. And if it be wise to confide to them so great a power, it can not be unreasonable to leave the whole subject (affected by sections 4 and 5) to them and their discretion, which would be the case were no clauses of this character contained in the bill. If any discrimination of an unjust character arises, the commissioners are fully vested with power to investigate and correct the same, and this seems to be all that is required at present, and until more experience is gained by the commission.

To this chamber the public are largely indebted for the investigation of the Hepburn committee, which led to the appointment of the railroad commission of this State. This commission has proved eminently satisfactory both to the public and the railroads, and has performed great public service.

The experience of our State railroad commission should furnish a valuable guide and precedent for the larger and more important duties of an interstate commission. When a law was passed creating a railroad commission in this State the powers and duties of the State commission were largely advisory. This chamber was of the opinion that the powers of this commission were too limited, but experience has demonstrated that the law was wise and salutary. The advice of the commission to the railroad managers has been followed in most instances, in spirit if not in letter. Publicity and public opinion have satisfactorily supplied the place of mandatory provisions of the law in this State.

In conclusion, your committee beg leave to offer the following resolutions:

Resolved, That the Chamber of Commerce approve of Senate bill known as 1532, with the exceptions of section 4, prohibiting greater charges for the shorter than the longer haul, and also section 5, which contains an absolute provision against pooling. They believe these sections, for reasons stated in above report, should be stricken out or amended as suggested herein.

2. *Resolved*, That as the commissioners under the proposed law will be charged with important and intricate business duties, they should, as far as the political and non-partisan considerations mentioned in the bill will admit, be selected with reference to their experience and knowledge of the business interests of the country, and that the agricultural, commercial, and railroad interests should all be represented upon such a commission.

All of which is respectfully submitted.

CHARLES S. SMITH,
CORNELIUS N. BLISS,
A. FOSTER HIGGINS,
Committee.

NEW YORK, *January* 4, 1887.

JAS. M. BROWN, *President.*

A true copy. Attest:
[SEAL.]

GEORGE WILSON, *Secretary.*

Mr. EVARTS presented a petition of the Chamber of Commerce of New York city on the subject of the coast defenses, and praying for the passage of a bill in relation thereto; which was referred to the Committee on Coast Defenses.

Mr. VANCE presented a petition of manufacturers of North Carolina, praying for the repeal of the internal-revenue laws and a reduction of the tariff; which was referred to the Committee on Finance.

Mr. VEST. I present the petition of Gerard B. Allen and a number of other citizens of Saint Louis, praying that an appropriation of $80,000 be made for the improvement of the old custom-house in that city. I move the reference of the petition to the Committee on Appropriations, as the Committee on Public Buildings and Grounds have authorized me to report an amendment to the sundry civil appropriation bill carrying out the purpose of the petition.

The motion was agreed to.

Mr. BLAIR. I present a petition of the Brooklyn Library Union, urging the passage of the bill (S. 194) known as the Blair educational bill, setting forth therein in a preamble that whereas the foundation-stone of republican government is based in the intelligence and moral rectitude of its people, they therefore respectfully urge Congress to pass a bill whereby suchnational aid to education may be given as the importance and exigency of the matter may seem to warrant. The petition is signed by the officers of the union. I move that it lie on the table, the Senate having acted on the bill.

The motion was agreed to.

Mr. BLAIR. I present the petition of the National Women's Temperance Union of the United States, addressed to the President and the two Houses of Congress, in which they set forth that "the undersigned, committee of the National Women's Christian Temperance Union, on behalf of their constituents, numbering 200,000 Christian women of the United States, most respectfully but most earnestly pray the President and your most honorable body to investigate the appalling evils resulting from the liquor traffic which is forced upon the helpless natives of the Independent State of Congo by the civilized nations who ought to be their teachers and protectors, and in view of these evils to prohibit the further importation of alcohol in any form into that country by any citizen of the United States." Signed by Frances E. Willard, president of the organization; Caroline B. Buell, corresponding secretary; Mary A. Woodbridge, recording secretary; L. M. N. Stevens, assistant secretary; and Esther Pugh, treasurer; also by the secretary of the World's Christian Temperance Union, it being an international organization as well as national.

In presenting this petition and asking its reference to the Committee on Foreign Relations, I should like to call the attention of the chairman and such members of that committee as are present to the fact that this is a matter of importance; that the principal commerce now being carried on with the sixty millions of men, women, and children in the Congo State, which through our agency-in-chief came to be recognized by civilized nations, is on our part intoxicating liquors, and is rapidly murdering that sixty millions of people, as civilization has hitherto destroyed by substantially the same means populations less developed in other parts of the world.

I saw not long since a well-authenticated statement that New England rum carried into a negro village in one of those states, in a single drunken wrangle had resulted in the death of two hundred of the natives; and our consuls report to the Department that a very large proportion—I designed to have had the data with me so as to have given the facts more definitely to the Senate—a very large proportion of what we ourselves carry to the Congo state and other civilized nations is simply the destructive agency of that alcohol in one form or another.

This is a petition praying for the investigation of this subject. I ask its reference to the Committee on Foreign Relations, and I assure that committee that I shall call attention to it again unless it is reported upon.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Foreign Relations.

Mr. WHITTHORNE presented a petition of the trustees of the Triune church, Williamson County, Tennessee, praying for pay for property taken and used by the United States Army; which was referred to the Committee on Claims.

Mr. INGALLS presented resolutions adopted by the Board of Trade of the city of Lawrence, and resolutions adopted by the Board of Trade of the city of Topeka, in Kansas, favoring certain modifications in the pending bill to regulate interstate commerce; which was ordered to lie on the table.

Mr. McPHERSON presented a petition of citizens of Bound Brook, N. J., praying for a repeal of certain taxes; which was referred to the Committee on Finance.

Mr. PLUMB presented a resolution adopted by the Chamber of Commerce of Topeka, Kans., and resolutions adopted by the Chamber of Commerce of Lawrence, Kans., favoring certain modifications in the bill to regulate interstate commerce; which were ordered to lie on the table.

Mr. GORMAN presented a petition of certain masters and owners of vessels, praying for the erection of a light-house at Maryland Point, on the Potomac River; which was referred to the Committee on Commerce.

Mr. CALL. I present the petition of Mrs. Hester Perrine Walker and other persons, the sons and daughters of Dr. Henry Perrine, praying for the restoration of the grant made by the United States to Dr. Perrine in 1840, the terms of which were complied with in part by him until his massacre with some members of his family on Indian Key, on the coast of Florida. Dr. Perrine lost his life in an attempt, under the sanction of Congress, to develop in the most southern part of the United States such tropical and semi-tropical productions as it was thought would be a benefit to our people. I move the reference of the petition, with the accompanying papers, to the Committee on Public Lands, and ask their consideration of the peculiar circumstances of the case and the claim of the petitioners to some favorable action by Congress.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

A bill (H. R. 527) for the relief of William Pike;

A bill (H. R. 529) for the relief of George W. Baldwin, Charles L. Baldwin, and Dora Thompson;

A bill (H. R. 3365) for the relief of the heirs or legal representative of Samuel H. Moer;

A bill (H. R. 4594) for the relief of John R. Harrington;

A bill (H. R. 5535) for the relief of Washington L. Parvin and Henry A. Greene;

A bill (H. R. 5894) for the relief of Elon A. Marsh and Minard Lafever; and

A joint resolution (H. Res. 72) to provide for the settlement of accounts with the Mobile and Ohio Railroad Company.

The message also announced that the House had passed the following bills, each with an amendment, in which it requested the concurrence of the Senate:

A bill (S. 1201) granting a pension to Louise Ambrecht;

A bill (S. 1481) granting an increase of pension to Col. Charles E. Capehart; and

A bill (S. 1844) granting a pension to Orrin P. Cooley.

The message also announced that the House had concurred in the amendment of the Senate to the bill (H. R. 1877) for the relief of John McNaughton.

The message further announced that the House had passed the following bills and joint resolution:

A bill (S. 1207) granting a pension to Caroline Sees;

A bill (S. 1614) granting a pension to Sarah C. Wright;

A bill (S. 1997) granting a pension to Mrs. Abbie B. Heath;

A bill (S. 2029) granting an increase of pension to Elvira Bliss Sheldon;

A bill (S. 2334) granting a pension to Isaac Ransom;

A bill (S. 2587) granting a pension to Elizabeth Ward;

A bill (S. 2132) granting a pension to Fridoline Glastetter;

A bill (S. 2144) granting an increase of pension to Grace F. Edes;

A bill (S. 2173) granting a pension to Benjamin Obekiah;

A bill (S. 2321) granting an increase of pension to Clara B. Davidson;

A bill (S. 2330) for the relief of Anthon Eitapence; and

Joint resolution (S. R. 90) appointing James B. Angell a member of the Board of Regents of the Smithsonian Institution.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were therefore signed by the President *pro tempore:*

A bill (S. 1829) for the relief of the Greensburg Limestone Company, and others:

A bill (S. 1353) referring to the Court of Claims for adjudication the claims of John H. Kinkead, Samuel Sussman, and Charles O. Wood;

A bill (S. 2901) to authorize the Secretary of the Treasury to sell and convey the United States custom-house and post-office property at Eastport, in the State of Maine, lately destroyed by fire; the proceeds thereof to be invested in the purchase of a new site for, and to provide for the erection of, a new public building at that place;

A bill (H. R. 1034) for the relief of Bangs, Brownell & Co.; and

A bill (H. R. 1877) for the relief of John McNaughton.

REPORTS OF COMMITTEES.

Mr. VEST, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. TELLER, from the Committee on Public Lands, to whom was referred the bill (S. 3004) to establish two additional land offices in the State of Colorado, reported it with amendments.

CENTENNIAL CONSTITUTIONAL CELEBRATION.

Mr. HOAR. I am directed by the Select Committee on the Centennial Celebration of the Anniversary of the Adoption of the Constitution and the Discovery of America to make a partial report. I report two resolutions, of which I ask the present consideration.

The Chief Clerk read the resolutions, as follows:

Resolved, That it is expedient that order be taken by Congress for the due celebration at the city of Washington, on or about the 30th of April, 1889, of the centennial of the inauguration of the Constitution of the United States.

Resolved further, That the Select Committee on the Centennial of the Constitution and the Discovery of America be directed to consider and propose the best mode of carrying out the foregoing resolution.

The resolutions were considered by unanimous consent, and agreed to.

LAND IN SEVERALTY TO INDIANS.

Mr. DAWES. I am instructed by the Committee on Indian Affairs, to which were referred the amendments of the House of Representatives, to the bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes, to report back the same with the recommendation that the Senate non-concur in the amendments, and ask for a conference with the House of Representatives thereon. I make a motion to that effect.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. DAWES, Mr. JONES, of Arkansas, and Mr. BOWEN were appointed.

BILLS INTRODUCED.

Mr. BUTLER introduced a bill (S. 3091) to prevent the sale of adulterated food in the District of Columbia and the Territories of the United States; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. COCKRELL (by request) introduced a bill (S. 3092) granting an increase of pension to Mrs. Elizabeth B. Dyer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3093) for the relief of the owners and occupants of Camp Tyler, in Cook County, Illinois; which was read twice by its title, and referred to the Committee on Claims.

Mr. BOWEN introduced a bill (S. 3094) granting the Utah Midland Railway Company the right of way through the Uncompahgre and Uintah reservations in the Territory of Utah, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. ALLISON introduced a bill (S. 3095) granting to the Rocky Fork and Cooke City Railway Company the right of way through a part of the Crow Indian reservation in Montana Territory; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MCPHERSON (by request) introduced a bill (S. 3096) for the relief of Alexander Moffitt; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. VANCE introduced a bill (S. 3097) for the relief of Saint Dominic's church, in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. INGALLS (by request) introduced a bill (S. 3098) to amend the act giving approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MANDERSON. By request of the Senator from Indiana [Mr. HARRISON], and in his name, I introduce a bill. The bill (S. 3099) granting an increase of pension to Joseph D. McClure was read twice by its title, and referred to the Committee on Pensions.

Mr. MANDERSON introduced a bill (S. 3100) to amend section 1225 of the Revised Statutes concerning detail of Army officers to educational institutions, &c.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLUMB introduced a bill (S. 3101) to authorize registers and receivers of land districts to subpœna witnesses, and fixing their compensation; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CAMERON introduced a bill (S. 3102) for the relief of H. C. Rogers, late deputy commissioner of internal revenue; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

Mr. WILSON, of Iowa, introduced a bill (S. 3103) granting a pension to Henry Stafford; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VEST (by request) introduced a bill (S. 3104) to authorize the construction of a railroad bridge over the Mississippi River at Grand Tower, Ill.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GIBSON introduced a bill (S. 3105) for the relief of Thomas G. Mackie and the heirs-at-law of William A. Hyde, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. SAWYER introduced a bill (S. 3106) granting a pension to Milton Teeter; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3107) granting a pension to Catharine F. Ellsworth; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3108) granting a pension to James Lucas; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3109) for the relief of Mathew O'Regan; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MITCHELL, of Oregon, introduced a bill (S. 3110) for the relief of A. C. Gibbs and B. F. Dowell, attorneys-at-law, for defending Lieut. George A. Goodale, commanding Fort Klamath, Oreg., under charges of false imprisonment and loss of property in two cases; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENTS TO BILLS.

Mr. FRYE submitted an amendment intended to be proposed by him to the post-office appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. DOLPH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DOLPH submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. CAMERON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Library, and ordered to be printed.

Mr. CALL submitted two amendments intended to be proposed by him to the sundry civil appropriation bill; which were ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

WITHDRAWAL OF PAPERS.

On motion of Mr. SHERMAN, it was

Ordered, That the papers in the case of Mrs. Estella W. Jacobs be withdrawn from the files of the Senate.

SMITHSONIAN AND NATIONAL MUSEUM REPORTS.

Mr. MORRILL. I submit the following concurrent resolution:

Resolved by the Senate of the United States (the House of Representatives concurring), That there be printed of the report of the Smithsonian Institution and of the National Museum for the year ending June 30, 1886, in two octavo volumes, 16,000 extra copies of each, of which 3,000 copies shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives, and 7,000 copies for the use of the Smithsonian Institution.

This is the usual resolution. I move that it be referred to the Committee on Printing.

The motion was agreed to.

COLUMBIA RIVER STEAMBOAT RAILWAY.

The PRESIDENT *pro tempore*. If there be no further concurrent or other resolutions the morning business is closed.

Mr. CULLOM. I move that the Senate proceed to the consideration of the interstate-commerce report.

Mr. DOLPH. I ask the Senator from Illinois to yield to me that I may give a notice.

Mr. CULLOM. I yield for that purpose with pleasure.

Mr. DOLPH. Some time since I introduced a resolution directing the Secretary of War to make an examination of the Columbia River at the Dalles and to report as to the practicability of a steamboat railway, and an estimate of the cost of the same. I had intended this morning to call it up for the purpose of submitting some remarks, in accordance with a previous notice, but I understand that some Senators desire to speak at once upon the interstate-commerce bill, and I give notice that to-morrow morning, immediately after the morning business, I shall ask to call up my resolution for that purpose. However, if during the course of the debate upon the interstate-commerce bill this afternoon a point should be reached at which it would be deemed best by the friends of the bill that it should be postponed for further consideration until to-morrow, as I understand some Senators desire to speak to-morrow, I may ask leave during to-day's session to call up my resolution.

FLORIDA LAND FORFEITURE.

The PRESIDENT *pro tempore*. The Chair overlooked the fact that resolutions came over under objection, the resolutions submitted by the Senator from Florida [Mr. CALL]. They will be read.

The resolutions submitted by Mr. CALL January 7 were read, as follows:

Resolved, That the grant approved May 17, 1856, granting lands to the State of Florida for the construction of a line of railroad from Fernandina, Fla., to Tampa, Fla., and from the Saint John's River, Florida, to Pensacola, Fla., should be forfeited as to all lands not earned before the time fixed in the act for the expiration of the grant, viz, ten years from the date of the approval of the act, in May, 1856; and that the said lands so forfeited shall revert to the United States and be subject to homestead settlement, reserving to all actual settlers the right to 160 acres of land, and the right to enter at the price of $1.25 per acre 80 acres of land where they have purchased the same or the improvements on it; and that the Committee on Public Lands be instructed to report a bill to the Senate to this effect.

Resolved, That the Attorney-General of the United States be instructed to bring suit, through the district attorneys of the United States, for an injunction against all corporations or their agents attempting to sell or advertise for sale the lands of the United States embraced in any grants made to States or railroad companies while bills for the forfeiture of the same are pending before Congress, as to all grants that have been recommended by the committees of either House of Congress to be forfeited.

Mr. CALL. I ask the Senate to allow those resolutions to lie on the table, and I shall call them up in a short time.

The PRESIDENT *pro tempore*. If there be no objection the resolutions will lie on the table.

INTERSTATE-COMMERCE BILL.

Mr. CULLOM. I renew my motion.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the Senate proceed to the consideration of the conference report on the interstate-commerce bill.

The motion was agreed to.

The PRESIDENT *pro tempore*. The report is before the Senate.

Mr. BECK. Mr. President, I desire to be as brief as possible, and therefore I will ask not to be interrupted during my remarks, as I am sometimes led off into other matters in that way.

Mr. RANSOM. I am going to ask a favor of my friend from Kentucky. There is a little bill on the Calendar, the bill (H. R. 7988) which it will not take half a minute to pass, and I am satisfied it will be passed at once when it is read. It ought to be passed. As soon as it is heard the Senator from Kentucky and everybody else will see that it should pass. I ask his permission to let me call it up.

Mr. BECK. The Senator from Illinois controls this measure.

Mr. CULLOM. I did not hear the remark of the Senator from North Carolina.

Mr. RANSOM. There is a little bill on the Calendar which ought to be passed. It affects a person ninety-five years of age. It is unanimously reported.

Mr. CULLOM. If it does not interfere with the Senator from Kentucky and will take no considerable time, I have no objection.

Mr. RANSOM. I hate very much to interrupt my friend for a second, but I know when he hears the bill read he will be glad I called it up.

Mr. BECK. Go on.

The PRESIDENT *pro tempore*. The Senator from North Carolina moves that the Senate proceed to the consideration of the following bill——

Mr. HARRIS. The Senator from North Carolina asks unanimous consent. I should oppose the motion, but I have no objection to its being taken up by unanimous consent.

BRYANT WATERS.

The PRESIDENT *pro tempore*. The Senator from North Carolina asks the unanimous consent of the Senate to proceed to the consideration of the bill (H. R. 7988) granting an increase of pension to Bryant Waters.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to increase the pension allowed Bryant Waters, late a private in Capt. I. G. Blount's Company, Eighteenth Regiment United States Infantry, who served in the war of 1812, to $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. RANSOM. I am very much obliged to the Senator from Kentucky.

HOUSE PENSION BILLS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3167) to restore the name of Lifurs Roberson to the pension roll;

A bill (H. R. 4028) granting a pension to Samuel Sawyer;

A bill (H. R. 4852) granting a pension to William Hutchison;

A bill (H. R. 5398) granting a pension to Mrs. Margaret Cashin;

A bill (H. R. 6026) granting a pension to John Selby;

A bill (H. R. 6069) granting a pension to Owen P. Wilson;

A bill (H. R. 7335) granting a pension to Michael Todd;

A bill (H. R. 7390) granting a pension to David B. Caldwell;

A bill (H. R. 7547) granting a pension to Livingston Clark;

A bill (H. R. 7716) granting a pension to Lizzie Brown;

A bill (H. R. 7748) granting a pension to John H. Stucker;

A bill (H. R. 7911) granting a pension to Daniel Schultheis;

A bill (H. R. 8424) granting a pension to James H. Young;

A bill (H. R. 8485) granting a pension to Isaac Askie;

A bill (H. R. 8623) granting a pension to Mary E. Hedrick;

A bill (H. R. 8632) granting a pension to Emily Luther;

A bill (H. R. 8670) granting a pension to Linnæus W. Risley;

A bill (H. R. 8791) granting a pension to Sally W. Rice;

A bill (H. R. 8847) for the relief of Phila Clark;

A bill (H. R. 8869) granting a pension to Mrs. Henrietta M. Drum Hunt;

A bill (H. R. 9004) for the relief of Caroline P. Bolton;

A bill (H. R. 9026) granting a pension to Nirius Cissell;

A bill (H. R. 9119) granting a pension to Robert Potts;

A bill (H. R. 9130) granting a pension to Sarah O'Brien;

A bill (H. R. 9247) granting a pension to Mary Grimes;

A bill (H. R. 9250) for the relief of William B. Barnes;

A bill (H. R. 9426) granting a pension to Betsey Cooney;

A bill (H. R 9443) granting a pension to Elizabeth M. King;

A bill (H. R. 9444) granting a pension to Frederick Richmond; and

A bill (H. R. 9672) granting a pension to Clara M. Tannehill.

The above thirty pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

INTERSTATE COMMERCE.

The Senate resumed the consideration of the report of the committee

of conference on the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce.

Mr. BECK. Mr. President, the report of the committee of conference which we must either adopt or reject as a whole, presents the issue fairly between those of us who believe that the great interstate railways are, and of right ought to be, subject to law, and those who think that they are and ought to be a law unto themselves; that is the question, disguise it as we may.

After a struggle of more than ten years the committees of the two Houses have for the first time agreed on a bill which they submit as the very best that can be had, saying it is that or nothing. Of course the railroads want nothing. No bill could be framed which their advocates would not oppose, and because this bill is not perfect and some of its provisions may hereafter need modification they insist that the railroads shall continue to exercise unlimited control over interstate commerce, discriminating in rates and classifications in charges for short hauls far greater than for hauling over the whole line, in granting rebates to favored shippers; in short, that they shall carry on their business as though the public had no rights which they are bound to respect. The defeat of the pending measure, either directly or by amendment, accomplishes their purpose.

As long as the House and Senate moved in diverging lines they felt safe. When the two Houses come together, as their conferees have done, the railroads feel the importance of exerting all their power to defeat this measure, as they would any measure which subjected them to the control of Congress. Not being a member of the committee having this bill in charge, I am not as familiar with its details as some Senators who have studied them, but I think I understand its general scope and purpose. My long service on the Committee on Transportation Routes to the Seaboard brought before me the complaints against the discriminations by the railroad pools in favor of the Standard Oil Company; the Pacific Railroad extortions on way freights; the anthracite coal combinations; the unjust rates imposed on shippers of dressed beef in the interest of the stock-yard rings, and other kindred evils which Congress alone can remedy. I have never doubted that it is not only the right but the duty of Congress to prevent by well-defined and carefully-guarded laws all discriminations, extortions, and combinations on the part of the great corporations engaged as common carriers of our interstate and foreign commerce over the public highways, which Congress and the States have authorized to be constructed for the common good and equal use of all the people. The Supreme Court has conclusively settled the question that Congress, and Congress alone, can protect the people against extortions of that character, and that the States are powerless.

It has done so in the most emphatic manner within the last four months in a case about which there was no dispute as to the facts, and no difference of opinion as to the wrong inflicted, or as to the propriety of punishing the railroad company as a wrong doer. I refer to the case of the Wabash, Saint Louis and Pacific Railway Company *vs.* The State of Illinois, decided by the Supreme Court at the October term, 1886, in which Mr. Justice Miller delivered the opinion of the court, and Mr. Justice Bradley the dissenting opinion. The record presents the whole question so fully and fairly that I need only quote briefly the facts and conclusions of law as shown by it. It shows that—

The Wabash, Saint Louis and Pacific Railway Company, an Illinois corporation, plaintiff in error, was sued by the State of Illinois to recover a penalty for the breach of its laws, passed to prevent extortion and unjust discrimination in the rates charged for the transportation of passengers and freight on railroads in the State.

The law sued on was originally passed in 1871, and revised in 1873.

The declaration alleged, in substance, that the company charged certain parties 15 cents per 100 pounds for carrying a load of freight from Peoria, in the State of Illinois, to New York, 109 miles of the distance being in Illinois, whilst at the same time it charged certain other parties 25 cents per 100 pounds for carrying a like load of the same class of freight from Gilman, also in the State of Illinois, to New York, 23 miles of the distance being in Illinois, both places being on the line of the road. This allegation was substantially admitted, and judgment was finally rendered in favor of the State, and was sustained by the supreme court of the State, to which the present writ of error was directed.

The main point insisted on by the railway company in its defense was, that the law on which the action was founded is unconstitutional, in its application to their case, as being a regulation of interstate commerce.

Among other things, the railroad company asked for the following instruction:

The court further holds as matter of law that the transportation in question falls within the proper description of "commerce among the States," and as such can only be regulated by the Congress of the United States under the terms of the third clause of section 8 of Article I of the Constitution of the United States.

All of these propositions were denied by the court, and judgment rendered against the defendant, which judgment was affirmed by the Supreme Court on appeal.

Mr. Justice Miller, speaking for the Supreme Court of the United States, after a full citation of authorities closes thus:

Of the justice or propriety of the principle which lies at the foundation of the Illinois statute, it is not the province of this court to speak. As restricted to a transportation which begins and ends within the limits of the State, it may be very just and equitable, and it certainly is the province of the State Legislature to determine that question. But when it is attempted to apply to transportation through an entire series of States a principle of this kind, and each one of the States shall attempt to establish its own rates of transportation, its own methods to prevent discrimination in rates, or to permit it, the deleterious influence upon the freedom of commerce among the States and upon the transit of goods through those States, can not be overestimated. That this species of regulation is one which must be, if established at all, of a general and national character, and can not be safely and wisely remitted to local rules and local regulations, we think is clear from what has already been said. And if it be a regulation of commerce, as we think we have demonstrated it is, and as the Illinois court concedes it to be, it must be of that national character, and the regulation can only appropriately exist by general rules and principles, which demand that it should be done by the Congress of the United States under the commerce clause of the Constitution. The judgment of the supreme court of Illinois is therefore reversed, and the case remanded to that court for further proceedings in conformity with this opinion.

The State courts are rapidly conforming their action to this decision, and are surrendering all the jurisdiction they had attempted to assume in this class of cases, so that Congress must act, or by its refusal declare that the railroads are beyond the reach of law. I find the following among the late dispatches:

A QUESTION OF INTERSTATE COMMERCE DECIDED BY THE BOSTON COURTS.

BOSTON, *January* 8.

The full court has given an important decision in the case of the Commonwealth *vs.* Housatonic Railroad Company, which involves a question of interstate commerce. On July 25, 1885, the Massachusetts railroad commissioners, acting under the statute of 1885, chapter 338, passed order fixing the maximum rate which the Housatonic road might charge for transporting certain kinds of freight between points in Massachusetts and Connecticut. The plaintiff alleged that the defendant company had unlawfully violated this order by charging a higher rate than the commissioners allow.

The defendant contended that section 2 of the statute named, under which the order was made, is invalid because in conflict with the Constitution of the United States, Article I, which gives Congress the exclusive right to regulate interstate commerce. The court sustains the defendant, citing the recent decision of the United States Supreme Court in the Wabash, Saint Louis and Pacific Railroad Company *vs.* The People of Illinois, in which a statute against unjust discrimination was involved. The decision is written by Chief-Justice Morton, and of course invalidates the order of the railroad commissioner.

It will be observed that in the Wabash case there was no dispute as to the act of the railway company being wrongful, as an unjust discrimination in favor of one citizen against another; it was conceded that the offending corporation ought to be punished. The court, after full hearing, decided that the duty of protecting the people against that and other wrongs of like character devolved upon Congress, because it was beyond the jurisdiction or control of any State. So that, if we fail to provide means of redress, the people of all the States are without remedy against the discriminations, extortions, and combinations of the railroad companies engaged in the interstate or foreign carrying trade. The laws of Illinois could and would have punished the Wabash Company for its unjust discrimination in this case, but the State courts were powerless, because Congress alone has the constitutional authority to do so. Yet we are told that we will ruin the business of the railroads if we subject them to the same rules in interstate commerce that the States have subjected them to in the carrying of State commerce. The distinguished Senator from Alabama [Mr. MORGAN], while opposing this bill, concedes that it carries out the law as decided by the Supreme Court. He opposes the principles of law as settled by that tribunal, as shown by the following extracts from his speech on this floor:

He said:

I can not subscribe to the doctrine that interstate commerce can only receive protection against the wrongful acts of private persons, or public and private corporations, through the action of Congress in providing laws and tribunals for their regulation or punishment.

This bill is based solely on that false premise. It opens the door to the interference of Congress with every regulation of trade and commerce, whether sanctioned by universal custom or by express or implied agreements between the parties concerned. It exposes the charter rights of every railroad company, given by the States, to modification and repeal by acts of Congress.

It multiplies indefinitely the list of crimes punishable by statute in the Federal courts, and correspondingly narrows the power of the States to punish their own citizens for crimes committed within their borders, because the commerce against which the crime is directed is interstate commerce, and is therefore within the exclusive jurisdiction of Congress.

This claim of the exclusive power of Congress to legislate, whether for the freedom of commerce or against it, is made in this bill to depend on the interstate character of the traffic, and that is made to depend on the will of the shipper. The States can make no regulations touching the subjects or objects of interstate commerce, according to the theory of this bill and of the Supreme Court.

All I care to say in answer to that criticism of the law, as he concedes it to be, is that it must be apparent that our failure to pass laws punishing railroad officials who are guilty of such discriminations and extortions is obviously to license them to continue practices, which no Senator will venture to justify, or even assert ought to be tolerated. The bill before us simply asserts that the railroads are public highways, and that their managers are common carriers, and as such that their rates must be reasonable, and that they shall not discriminate between individuals or corporations, either by differences in charges or by rebates or drawbacks, and that their rates of charges shall be made public. It does not attempt to prescribe rates further than to prohibit a higher charge for hauling over any part of their line than is made for hauling over the whole length of it. It does not legalize as high a rate for a short haul as may be charged for hauling over the whole length of the line. It leaves the carriers to justify, if they can, the charges they make for short hauls under the provision that they must be reasonable, only declaring that it is *per se* unreasonable to charge more for hauling over part of a line than for hauling over the whole length of it. The only other provision, and that the commission may on certain conditions modify or suspend, is that they shall not form pools or combinations among themselves to maintain arbitrary

people the benefit of the reduction of charges which competition alrates, but shall compete for business fairly and honestly, giving the ways secures. I believe the country will accept this bill as an honest, earnest effort to break up the favoritism, the extortion, the unwarranted control over interstate and foreign commerce which many of the railroad managers have exercised and maintained for the last twenty years.

It is only within the last few years that the railroad advocates would admit that Congress could interfere to prevent discriminations in their rates or extortions in their charges, as the arguments filed before the committees of the Senate and House show. It was only when the unjust charges and flagrant extortions of the Pacific railroads on way freights were exposed, and facts which the managers could not deny were made manifest, such as charges of $800 a car to Ogden, Virginia City, or Reno, when a like car similarly laden would be hauled on the same train past these places to San Francisco, many hundreds of miles farther, for $300, that the railroad attorneys had to admit that there must be a power somewhere to prevent and punish such outrages on the people along the lines. They had to abate the arrogance of their demands for unlimited control over interstate and foreign commerce when it was proved before State and Congressional committees, and admitted by their own agents, that the leading railroads of the country, embracing the New York Central, the Erie, and the Pennsylvania system, had, by their pools and other illegal combinations, destroyed all competition of the producers of petroleum with the Standard Oil Company, and had built up that monster monopoly in fifteen years from an insignificant organization, with less than $1,000,000 of capital, to a mammoth monopoly with over $100,000,000, not less than $50,000,000 of which was stolen—no milder word will express the truth—by the railroads and Standard Oil conspirators, through their pools, by discriminations, rebates, and extortions from the people of the country and their competitors in trade.

As a complete vindication of my assertions, I ask Senators and all others who doubt the truth of my statements to read the third chapter of a work entitled "The Railways and the Republic," published in 1886, by J. F. Hudson. The chapter is headed "The History of a Commercial Crime." I commend its careful perusal, especially to the boards of trade and chambers of commerce now so earnestly protesting against the passage of this bill, venturing this assertion, that if the facts therein stated were laid before any commercial board in America not one of them would vote for a continuance of the system under which such monstrous outrages have been committed with impunity, and may be repeated. As it may not suit the advocates of the continuance of absolute power in our railroad magnates to read the chapter referred to, I will read a few extracts from it to the Senate. After showing in detail the processes by which all competition was destroyed, Mr. Hudson, on page 83, says:

This made the monopoly absolute master of the refining trade. It controlled every avenue of transportation, managed all the largest refineries in the land and was able to shut off every competitor from either receiving supplies or shipping its product. If any refineries in any part of the land were permitted to run they owed their immunity to their insignificance. The Pittsburgh refiners, who had struggled for four years against the domination of the Standard, were left without any avenue of escape, and the rigor of their fate can be perceived from the fact that at the beginning of 1878, nearly every firm of the original refining interest of Pittsburgh had either made the best terms practicable with the Standard or accepted the alternative of the bankrupt courts.

From its original common-place proportions the Standard had at this time swelled to a corporation whose wealth was estimated to exceed $30,000,000. The sources from which most of this wealth is drawn may be understood from the disclosures afterwards made of the discriminations in its favor. Up to that time these favors could only be inferred from the fact that the Standard could ship oil over the trunk lines when none of its competitors could do so at prevailing rates. The first legal avowal of its rates was in the case of H. L. Taylor *et al. vs.* The Standard Oil Company, in which it was alleged by the plaintiff that a rebate of $1 per barrel had been paid by the railways to the Standard. The reply of the Standard admitted a payment of a rebate, but denied that it was of the amount named. Subsequently Mr. A. J. Cassett, of the Pennsylvania road, testified before the New York legislative investigating committee that in eighteen months the railways had paid to the Standard the sum of $10,000,000 in rebates. The period covered by the testimony was a year or two later than the time now under consideration; but the inference is plain that the rebates paid the Standard during the period of its growth from an ordinary corporation to a complete monopoly were equal to its entire increase of wealth for that time. In other words, its entire profits were comprised within the discriminations made in its favor by the railways.

The compact by which the railways surrendered themselves and the public interests to the rule of the Standard was well understood to be vital and binding; but of its exact and shameful details the public was kept in ignorance until two years later, when the correspondence, comprising the contract, was brought out by legislative investigation. In this contract the Standard assumed the power of parceling out the traffic not only between the different trunk lines but between the different cities. Of the shipments to the seaboard 63 per cent. should go to New York, of which the New York Central, the Pennsylvania Railroad, and Erie were each to carry one-third; of the remaining 37 per cent. the Pennsylvania Railroad was to be given twenty-six shares and the Baltimore and Ohio eleven. For guaranteeing this division of the traffic the Standard received a "commission" (as it was called in this document) of not less than 10 per cent. of the rate. This commission was stipulated to be subject to indefinite increase, but under no circumstances to reduction. It was also reinforced by the important provision that no other shipper of oil should have any commission or rebate whatever, unless his shipments were as large as those of the Standard.—*Correspondence of William Rockafellar and Thomas A. Scott*, October 17, 1877.

As the railways had already raised the Standard to the position of controlling over 95 per cent. of the trade, and had crushed out nearly all its rivals, it will be seen that the probability of finding such a shipper to enjoy equal terms with the monopoly was very remote. Nor with the Standard in control of the trade was it likely to have any difficulty in carrying out its guarantee of the percentages which it had parceled out among the railways. The compact was a league and covenant between the railways and the Standard, that no independent competition in the petroleum trade should be permitted by the railways. It bound the corporations to the principle that competition was to be abolished, and handed over the producers and consumers alike to the tender mercies of the monopoly which was established by the power of the railways.

That is a specimen of the condition of railroad management which we are told it is ruinous to interfere with or to attempt to control. The Standard Oil Company's extortion is only one phase of the system. It reaches every branch of industry; the coal, iron, wheat, live stock, and dressed beef transportation from State to State are all at the mercy of like combinations and pools if Congress fails to prohibit them, because the Supreme Court has decided, as I have already shown, that the States are powerless to do so. I would like the managers of the boards of trade, who are so fearful just now that Congress will cripple the railroads by this law, to take a vote of their members as to whether such combinations as I have just laid before the Senate ought or ought not to be prohibited by law, as the bill under consideration proposes. The people of Pittsburgh and elsewhere tried to obtain relief by law, and by laying competing pipe lines, but the railroad and Standard Oil combination was too strong for them even before the Pennsylvania Legislature. I read from the chapter referred to, page 88:

An attempt was made to bring a new pipe line to Pittsburgh, which produced another movement for a free-pipe law. The oil regions united with a few refiners in asking for that measure; but in vain. Even the attempts to hold a public meeting in favor of the new bill were smothered by the Standard. To prevent the expression of independent public opinion, a meeting called for that purpose, in Pittsburgh, was packed by the workmen of the Standard refineries, who howled down every speaker advocating commercial freedom in the oil trade. Paid articles in the press asserted that the measure would take the refining trade from Pittsburgh and carry the whole business to other States. As this was just what the Standard was doing—the oil business at Pittsburgh having at that time diminished 50 per cent.—only those who wished to earn the Standard's wages were affected by such a plea. But that class, especially among the lawmakers of Pennsylvania, was numerous enough to secure the defeat of the free-pipe bill. That measure was again voted down, and the attempts to secure an independent line of transportation were abandoned.

There was one small city that had pluck enough to hold out, and it is the only one known to me that had. My friend from Mississippi [Mr. GEORGE] says we ought to be proud of it. That was Columbus, Miss.

Even at such a distant point as Columbus, Miss., when the grocers claimed the right to sell independent petroleum that had reached them by the river route, the monopoly established a grocery store and sold goods below cost in order to drive the merchants into submission. In this case, happily, the monopoly was defeated, as the merchants unitedly refused to buy the oil of the Standard Company until it retracted its claim of dictation; and, perhaps, because of the smallness of their trade and their location they were successful.

That was the only case he could furnish. He adds:

In Baltimore the rebellious merchants were punished by the sale of petroleum at retail from these wagons at a price lower than that which the Standard charged to jobbers; but the difference was made up by raising the price to the people after the local merchants had been driven out of the trade. In short, for the seven years since the establishment of its absolute empire, the Standard Company, as a journalist puts it, has "bullied the trade of the country, wholesale and retail alike." With its power to control the retail trade, at one time checking shipments and glutting the market with crude oil, at another taking exactly the opposite course, accompanied by its almost unlimited resources for manipulating the speculative exchanges and by the constant rebates through which it monopolizes the export trade, the accumulation of wealth by the Standard has been unchecked. Its resources, which in 1873 were $1,000,000, and in 1878 had grown to $30,000,000, are now rated at the enormous sum of $100,000,000; and as the capital stock of the Standard Trust Company and the American Transfer Company at par amount to nearly that sum the estimate is probably not excessive.

Again he says:

If the Standard had not been raised to its present tyrannical power there would have been in its place an independent interest of fifty or a hundred firms, shipping, in the aggregate, as great or a greater amount of freight. Aside from the public aspect of the question, there is no doubt that it would have been better for the railways to carry the natural shipments of such a legitimate business than to depend upon the dictates and favors of a monopoly. It has often been shown, and notably in the report of the Hepburn committee to the New York Legislature, that in endowing the Standard with railway favors, out of which it has made a hundred millions of dollars in ten years, the policy of the railway managers was practically no less a betrayal of the interests of their shareholders than it was an assault on public right and justice.

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Gloss over the methods used by whatever specious argument the railway advocates please, they built up a great monopoly and crushed out an independent trade. They were conceived in favoritism and dishonesty, brought forth with the aid of corruption and conspiracy, and in full growth and maturity are a curse to the independence and integrity of the nation. If the Western bandits whose career has been so sensational had been able to amass as great wealth as the Standard, by highway robbery, their riches would not have demoralized the public more than the success of this corporation. They would at least have secured their gains at the risk of their lives. But the wealth of the Standard represents no such courageous dishonesty. It represents the reward which can be obtained by securing the favor of the railways to crush out open and honest competition; by bribing legislators to prevent equitable laws, and by employing all the powers of corruption and intimidation which immense hoards of money possess, to maintain arbitrary power and illegal monopoly. Apart from the encouragement it gives to similar attacks upon the independence of other industries, the success of greedy and unscrupulous wealth can not fail to be demoralizing in all its influence. When gigantic dishonesty meets with such gigantic success, what wonder is it that more ordinary forms of the same evil prevail? In all its direct and indirect results as the wrecker and destroyer of legitimately obtained prosperity, as a monopoly of an essential industry, and as a corrupter of public and business morals, the Standard Oil Company is an unmitigated evil and a public curse.

The infliction of that curse upon the nation must be charged to the policy which unites the railways in efforts to suppress competition among themselves and to give favored shippers a monopoly of the traffic by discriminating rates.

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These four corporations—

Referring to the New York Central, the Erie, the Pennsylvania, and the Baltimore and Ohio Railroads—

the exemplars and leaders of the railway system of the country, furnished to that conspiracy against independent commerce and free competition the active strength and support which made its success possible. Without their steady and persistent violation of the great rule of equal privileges to all shippers the project for the subjugation of the petroleum trade would have died still-born. In assigning to them the responsibility for such an attack upon commercial liberties, is it too severe to declare that the four leading railways of the country are guilty of the great commercial crime of the last decade?

I hope the boards of trade of the country will publish that exhibit to the world, and advise the people whether it is a system that commends itself to them as one that ought to be perpetuated.

Mr. President, it is impossible for the representatives of the States and people to sit supinely by and see the whole power vested by the Constitution in Congress to regulate commerce among the States and with foreign nations usurped by railroad corporations acting in combination under the pooling system. Even Congress can not impose a tax on exports. Yet the railroad pool can not only impose an export tax in the form of a double rate on transportation, but they can do it without a moment's warning, when the crops of the country must be moved to the seaboard. They not only apply all the taxes so imposed to their own use, but under the "pool" system they divide the plunder with roads that carried little or none of the freight in order to prevent them from carrying it at a cheaper rate than the managers of the pool have determined to exact. Worse than all, they can, and as I have shown do, haul for one customer or set of customers for one-half the tax or charge they impose on others. So that, not only the commerce of the country, but the fortunes of all engaged in it are at the mercy of a few railroad magnates. Yet we are told by boards of trade, professing to be the guardians of our commerce, that we will ruin the country if we prevent combinations, discriminations, rebates, and drawbacks, and require equal rates, publicly advertised, to be given to all shippers alike.

There can be no higher evidence of the omnipotence of the railroad pool than its ability to obtain from respectable boards of trade such resolutions as are daily sent to us, urging us not to interfere with this railroad despotism. I deny that railroads have any right to "regulate commerce among the States," or to grant favors to or impose penalties on either persons or localities on their lines. Their roads are public highways, and they are common carriers for hire. They should be protected by law in the enjoyment of all their rights as such, and each should be required to compete for business with the others. Whenever they undertake to charge one customer more than another for the same service or to interfere with the commercial operations of the people, they should be prohibited from doing so and punished if they disobey. Congress has the sole constitutional authority to regulate interstate commerce, as the State Legislatures have of the commerce of each State, and the common carriers under each system must be required to treat all who use their roads equally, and work for a reasonable compensation, giving public notice of any increase of their rates long enough in advance of the change for men to regulate their transportation and their purchases accordingly. The great fundamental principle which the passage of this bill will establish is that Congress not only proposes hereafter to regulate interstate commerce, but it proposes to require the carriers of it to do equal and exact justice to all people dealing with them.

We do not assume that all or indeed any of the railway managers will be guilty of unjust discriminations or extortions by passing this bill, any more than we assume that men are murderers and robbers because we pass laws punishing murder and robbery. We assume it to be our duty to prescribe in advance what shall be the punishment for such offenses, so that no one can plead ignorance of the law or of the punishment which will follow its violation. But I must hurry on. One of the ablest advocates of the railroads said:

The necessities of modern progress rendered a modification of old theories and even old principles inevitable; and since the introduction of railroads the idea that private property taken for the purpose of travel in a peculiar manner and under new conditions is a public highway is no longer tenable and in practice is not recognized. The old theory of the rights of the public in such a road was necessarily modified in practice, though it still lingered in the minds of some jurists.—W. F. Crafts, *Scribner's Monthly*, October, 1881.

That was for a long time the general tone of all the advocates of these corporations, even before the committees of Congress. Indeed all the railroads have tried to maintain that their lines are their private property, to be used as best suited their interests, but the courts—State and Federal—have uniformly decided against all their assumptions, and maintained that they are created by sovereign powers which could only be exercised for public uses, and that the right of each citizen to use the road on equal terms with every other citizen is the supreme and controlling obligation of the managers of each of them. Even Congress can not authorize private property to be taken except for public use. It may, by bad laws, accumulate half, or even all, the currency needed for circulation in the Treasury, and there may be no way to pay it out, yet it can not require any holder of our bonds not yet due to surrender them or to take the money for them, even with 50 per cent. premium added. Yet it can by a railroad charter authorize the homes of the people, that no money could buy, or their graveyards, sacred to the dearest memories, to be torn down and desecrated in order to establish a public highway for the equal use of all the people. Congress could not confer such power for any private purpose, however important. That fact effectually disposes of all pretense of private rights or interests in railroads being either superior or even being allowed to conflict with the fair, equal, reasonable use of these highways by all the people.

What would be thought of a turnpike company that undertook to charge one man a dollar and another twenty-five cents at its toll-gates for wagons exactly alike, laden with an equal quantity of similar freight, or which refused to allow any wagons but those of its managers to pass its toll-gates at all if engaged in hauling coal, upon the ground that the turnpike company had made arrangements to control the coal trade, as the railroad companies have done time and again in regard to the express and special freight business over their lines; and what would be thought of boards of trade protesting against an act of the legislature requiring the highways to be kept open for the use of all the people at "a stipulated, reasonable, uniform toll," which is all we propose to do by this bill?

Redfield on Railways, chapter 11, page 229, says:

That railways are but improved public highways, and are of such public use as to justify the right of eminent domain by the sovereign in their construction is now almost universally conceded.

He supports this statement by a long list of authorities, State and Federal. The railroad is no more private property than the turnpike; on one the freighter runs his own wagon, on the other the common carrier furnishes it; but the principle of public right, uniform charges, and impartiality in use relates equally to both.

The advocates of the railroads have been driven to admit the truth of these principles after years of resistance; their last refuge is that the principle is founded on an "obsolete theory, not now applicable to their complicated and important system." I can not better answer that argument than by again reading from Mr. Hudson's work, page 150. He says:

But it is worthy of notice that the constitutional provisions of the leading States in the Union are fully as explicit as the common law in declaring the public character of the railways and in asserting their subordination to the legislative power in all matters affecting the public interests. The "obsolete theory" that the railways are public highways finds direct enunciation in the most recently enacted State constitutions. In Arkansas, Alabama, Colorado, Indiana, Louisiana, Missouri, Nebraska, Pennsylvania, and Texas the constitutions adopted within the last decade all declare that the railways are public highways. The constitutions of California, Georgia, Iowa, Michigan, Minnesota, and Wisconsin affirm the right of the Legislature to regulate the operations of the railways, while many other States have practically asserted that right by its actual exercise, and it has never been successfully denied. Of the fifteen constitutions referred to, twelve explicitly forbid discriminations between shippers or passengers, while in other States a similar prohibition is implied by the constitution or by laws made under its authority. Pools or combinations between different railroads to the prejudice of other railroads are forbidden by the constitutions of Arkansas, Illinois, Colorado, Georgia, Michigan, Missouri, Nebraska, Pennsylvania, and Ohio. Rebates and drawbacks are prohibited by constitutional enactments in Arkansas, California, Georgia, Missouri, and Pennsylvania, while the much-defended practice of charging more for a short haul than for a longer haul over the same line is forbidden by the constitutions of Pennsylvania, Missouri, Arkansas, and California, and by the highly-lauded statute law of Massachusetts.

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To sum up, the railway is created by law to fulfill a public purpose—that of affording improved transportation on equal terms to all persons whom it can serve. Whatever is necessary for the honest and impartial discharge of that one function it has a right to do. It can make such charges as will yield it a profit on the investment of its capital; but it must distribute the burden of its charges evenly among all its patrons in proportion to the service rendered. It is designed to overcome the obstacle of distance; but it should overcome that obstacle for the benefit of all, and it is not within its objects to bring one locality nearer to market than another and to make the latter support it in doing so. It is a public servant, and not a public tyrant which can enrich and magnify its favorites at the general expense. It may own and control a franchise in its tracks and rights of way, but it has no right to control legislatures, or to compel courts and public officers to do its bidding. It is not a commercial providence to exalt one vessel to honor and condemn another to dishonor. It is not a political guild to sway by its capital, its commercial power, and the work of its employés, the business of the people. It is not a modern baron with *supreme power over the* property and prosperity of its subjects. It is not endowed by the State with the power to rule the business of the nation, dictating in what manner or over what routes the people shall carry on their commerce, or the amount of business that they shall transact. A creature of the State, it must not become a conspirator against commerce, either by building up monopolies for its favorites, or by organizing them for its own profit.

The necessity for Congressional action was made so apparent that the bill now before us, in the shape it then was, passed the Senate at the last session of this Congress on a call of the yeas and nays by a vote of 47 to 4, and it passed the House as amended in that body on the 30th of July last, by a vote of 192 to 41. Now, when the Conferees on the part of the two Houses have agreed on a bill satisfactory to both, it seems to me that it ought to become a law. The subject had been referred to a committee, and full opportunity for objection to its provisions had been given to the railroads and all their adherents before it was acted on, as the report of the committee shows.

No man can justify the conduct of many of the great railroad corporations in their treatment of the vast interests necessarily confided to their care and management. Take the anthracite-coal railroad pool,

which is perhaps the oldest and best maintained, and therefore the most atrocious of this system of "pools;" its discriminations, extortions, and combinations to limit production in order to increase the price of the product have become so outrageous that the governor of Pennsylvania had to order the attorney-general to proceed against them in the name of the commonwealth. I again read from Mr. Hudson's work, page 211:

In this case the evils of combination—

Referring to the anthracite-coal trade—

have been increased by the direct interest of the companies in the business which furnishes their chief traffic. The legislative investigation referred to showed that excessive and outrageous discriminations against shippers had been made of the coal roads. After a thirty days' strike—

The interests of labor are carefully guarded by them!

After a thirty days' strike the private mine-owners had consented to the wages demanded by the miners, and would have supplied a large trade, but the railways, which were also miners as well as carriers, and were determined not to yield to their men, raised the freight rates of the private firms to three times their former standard. By this means the price of coal was brought up to $12 a ton, and the private operators, their workmen, and the consumers of coal were made to feel the power of the great railway and mining companies. It is not necessary to follow out in detail the steps by which the railways established their absolute power in all branches of the coal trade. Enough that the result is that of 270,000 acres of anthracite-coal lands in Pennsylvania 195,000 are now owned by six railways. One effect of uniting, in the same corporations, the business of shippers and that of carriers is the enormous inflation of their capital.

I ask Senators to pay attention to what I shall now read, as I shall refer to it hereafter.

Their aggregate capitalization amounts to $500,000,000, while the actual cost of the roads and equipment for transportation is $114,000,000.

For the purpose of securing a profit on this stupendous amount of inflated capital, the policy of combination has been carried to an unequaled extent. Not only was competition in transportation suspended by a division of traffic between the railways, but the competition of the mines was stopped, as far as possible, by agreements which limited the output of anthracite coal to an arbitrary total fixed by the combination.

This amounted to 30,000,000 tons only during the past two years.

These agreements are enforced by ordering the suspension of mining at such time as the railway combination determines; sometimes for one-quarter of the working time in a year.

God save the *protected* laboring man from such friends!

We have seen that the combination contends as vigorously to prevent an advance of miners' wages as to maintain the price of coal; and hence the artificial advance of price brings no corresponding increase of pay to the labor employed. In fact statistics show that the average wages paid to the men engaged in this severe and arduous work ranges from $350 to $400 per year. The restrictive powers of the combination are extended over the distribution of the product. No wholesale dealer can engage in the anthracite coal business without the consent of one or the other of the lines forming the combination, or without conforming to the fixed and arbitrary wholesale prices prescribed by the companies. Some of the eccentricities of the artificial means used to sustain prices have been exposed in a previous chapter. The burden of the control established over both producers and consumers, by the anthracite and bituminous coal combinations, has been estimated at $31,000,000 annually. Whatever may be thought of the accuracy of this calculation, there is no doubt that the combination controlling the coal trade of Pennsylvania has, by restrictions upon that industry and artificial prices for its products, inflicted a vast and wholly unjustifiable burden upon the producers and the public.

I again ask, ought such things to be possible and Congress be told that they can not and ought not be regulated and controlled by law? The statement that their aggregate capitalization amounts to $500,000,000, while the actual cost of the roads and equipment for transportation is $114,000,000, is a startling one, and would seem incredible but for the incontrovertible proof that has been furnished to State and Congressional committees of the methods employed to produce these results. Some very striking examples are given by Mr. Hudson to illustrate the system. For example, he says (see page 270):

The South Pennsylvania Railroad project illustrates, in many striking features, the great railway abuses of the times. The projectors of this enterprise, in itself legitimate and desirable, had an offer to build and equip the road for $10,000,000, and they planned a liberal inflation by raising that sum on bonds and making the stock capital wholly fictitious. But the project fell into the hands of the Vanderbilt interest, and the plan was found to be wholly insufficient. The stock was placed at $20,000,000, and the bonds at the same amount. A contract was made with a construction company, said to consist of Mr. Vanderbilt's clerks and brokers, to do for $15,000,000 the work which a responsible contractor had offered to do for $6,500,000. The $15,000,000 were to be furnished by a syndicate of capitalists from New York, Cleveland, Philadelphia, and Pittsburgh, who were to receive for their subscriptions the $40,000,000 of securities. It is now asserted on good authority that the sum of $10,000,000 is an ample estimate of the legitimate investment represented by the $40,000,000. Upon this basis of $1 in capitalization for one of cost the greatest railway capitalists of the country conducted this enterprise, until, in pursuance of a broader policy, they sold out to the Pennsylvania Railroad, deserting the men who had put the money into the project in good faith to secure a competing line, that they might establish the monopoly of the New York Central and Pennsylvania roads over their respective districts.

In regard to the New York road, which was held up as an exemplar of freedom from inflation, and one of them is enough. After telling how the New York Central and Hudson River Railroad watered its stock, he says:

It is sufficient for the present purpose to cite the conclusion of the New York legislative committee, from the testimony of experts, that the property of the company, capitalized at $155,000,000, could be replaced for $65,000,000; that the most moderate estimate of the actual "water" in its securities was $53,163,881, not including a loss of $10,800,000 by discounts in the sale of $25,000,000 of bonds. The capital stock of the company is $85,000,000, representing, according to this most moderate view, $22,000,000 of actual investment; while others estimate that the bonded securities of the company alone represent the entire amount invested in the property, and $10,000,000 more; so that the entire share capital and part of the bonds are a stupendous mixture of wind and water.

The report of the New York legislative committee puts it in this language:

It matters little for the purposes of this report whether $50,000,000 or $70,000,000, representing nothing save mismanagement, prodigality, and pilfering, have been injected into the capitalization of this road, and are now seeking to drain interest and dividends from the commerce of the country. In either case the wrong is equally glaring and the demand for a remedy equally imperative.

One more extract and I am done with that branch of the question:

A still more notorious and flagrant example of stock inflation is that of the Pacific railroads. The public are familiar with the record of this creation of stupendous wealth out of the loan of a government subsidy and the gift of an empire of land. It has been told by Mr. Charles Francis Adams in detail, and with an authority that is emphasized by his present position at the head of one of the companies. The story of the construction company, the "Credit Mobilier," upon whose stock, the investment in which was nominal, the greater portion of the shares and debt of the Union Pacific Railway was distributed as dividends, is part of the record of national politics. It is also well known how the Central Pacific Railway was built. A company of capitalists whose resources at the beginning of the enterprise were $195,000, with the aid of loans from the city of Sacramento and Placer County to the extent of $550,000, built enough road to draw $848,000 from the United States Treasury as the subsidy for the first section, and by repeating the process constructed the entire road; with which, as a nucleus, they have now gathered a total capitalization of $139,000,000.

Similar illustrations might be found in the financial "ballooning" of the Northern Pacific, the Texas Pacific, and the Atlantic and Pacific; but an outline of the history of the two older corporations is sufficient for our present purpose. Their aggregate capital is $120,000,000; their funded debt, apart from the Government subsidy, is $136,000,000; and the contribution of the United States to their construction was $61,000,000, in the form of a loan, on which less than half the interest has been repaid by the companies. It is well known that of this capitalization, the stock does not represent a dollar of actual investment; that a large portion of the debt was pocketed by the constructors of the roads in the shape of contracts, which they made with themselves, to build the tracks at two or three times the legitimate cost; that the roads were almost, if not wholly, paid for by the Government subsidy; and that of the $259,000,000 of additional stock and bonds issued upon the properties, an estimate that one-third represents invested cash will be too liberal.

Little wonder that Mr. Poor, who is the highest authority known to me on railroad statistics, said that the actual cost in money of all the railroads in the United States in 1883 did not exceed their funded and floating debts, an aggregate of $3,787,000,000, and that the fictitious capitalization was $3,708,000,000. This is his language:

If it be assumed that the cost in money of all the roads in operation in the United States in 1883 did not exceed, as it certainly did not, the amount of their funded and floating debts, $3,787,410,728, the actual investment was a most profitable one. The net earnings for the year were $336,911,884, a sum equaling about 9 per cent. on their cost. If the fictitious capital could be eliminated from their accounts, their success, as investments, would have no parallel.

It is in this immense increase of fictitious capital that is to be found the cause of the general distress which prevails, and the enormous decline in the price of railroad securities. From 1879 to near the close of 1883 a most singular delusion rested upon the public as to their value, and this delusion was taken advantage of on a vast scale by able and unscrupulous adventurers. Whatever was manufactured and put afloat was seized with avidity by an eager and uninformed public. The delusion was increased and prolonged by payments on a very large scale of interest and dividends from capital. In this delusion the most loud-mouthed and unscrupulous promoters usually had the greatest success.

As I have said, Mr. Poor's work is the best railroad authority, and his statements are entitled to the highest consideration. I can add nothing to their weight or to strengthen their claim to reliability.

So much for that. While the provisions of the bill as to uniformity of charges, publicity of rates, and even the reasonableness of the provision in regard to the long and short haul are not seriously controverted, the tentative provision as to the pooling system is made the subject of serious complaint. The fact that "pools" are prohibited by the constitutions of nine States—Arkansas, Illinois, Colorado, Georgia, Ohio, Michigan, Missouri, Nebraska, and Pennsylvania—ought to be strongly persuasive evidence that the principle is vicious in practice, while the fact that all the wrongs committed under the Standard Oil monopoly were perpetrated under the pooling system, and all the outrages perpetrated by the anthracite railroad combination were the workings of the pool, ought to make Congress set its face against it. Mr. Hudson, at page 244 of his work, gives this case, which shows how Judge Baxter regarded pools:

An agreement, in the common form of money pools, existed between the roads engaged in the transportation of coal from the Hocking Valley regions, by which one of them, conducting a large traffic, was to pay a considerable share of its earnings to other companies, a draft upon its life blood which eventually sent it into the hands of a receiver. The receiver, after operating the road for some time, accumulated $100,000 of earnings, which, by the terms of the agreement, was to go to the other pooling companies. Hesitating to make a gift of funds to the competitors of the road while the bondholders were waiting for their interest, he submitted the matter to the court which had appointed him, the district court of the United States for Northern Ohio. Judge Baxter, with some of the indignation of the old fifteenth century judge already referred to, ordered that he should "not only not pay out this money, but to pay no money whatever for any such purpose while the road is in the custody of this court;" adding, "such contracts as these are no more to be respected by the law than any other gambling contracts."

Judge Baxter's form of expression is, to say the least, "pungent." A pool is simply a combination between railroad managers engaged in competition with each other for traffic to maintain such rates as they agree on by suspending competition and placing the trade and earnings of all in a common "pool" from which the business or its proceeds is divided among the confederated companies in fixed percentages. They never apply it to the local traffic, of which each has its own monopoly; each squeezes all it can out of that, and keeps it. When the States and the United States granted railroad charters, made grants of public lands and subsidies from the public Treasury, and cities, counties, and indi-

viduals aided by taxation and subscription of money, as was often done, to build these roads, it was on the assumption that the roads would compete honestly and fairly for business, and would carry freight and passengers at such rates as would pay to the stockholders a reasonable interest on the money actually invested in their construction and equipment, treating all their customers alike. Watering stock to create fictitious capital on which to claim that interest must be earned, forming pools to control business at rates which enable them to pay dividends on fictitious stock, and all devices to prevent honest, fair competition are unjust and should be declared illegal. Pooling is against public policy in other regards besides destroying the competition which the people have a right to the benefit of. It destroys all inducements for the roads to offer the best services or other accommodations to secure patronage, as the worst get their allotted proportion for the poorest service, the same as the best, whether they are patronized or not. When the pool protects its members against loss by the reduction of traffic that naturally follows mean accommodation; the public interest is always prejudiced. The result of such protection must inevitably be poor service, and the courts have always declared such combinations illegal on common-law principles.

The New York court of appeals had that question before them in regard to pools formed by the boatmen on the Erie Canal, and in declaring a pooling combination of the canal-boat owners to be illegal the court pointed out the inevitable tendency of such a system, as follows:

> The association being thus secure against internal defections and external encroachments, and the members having thus thrown their concerns into stock to derive an income in proportion to the number of shares they hold, and not according to their merit and activity in business, and safe against the reduction that would otherwise follow mean accommodations and want of skill and attention, the public interests must necessarily suffer grievous loss. Indeed, the consequence of such a state of things would be that freighters and passengers would be ill-served just in proportion that carriers would be well paid. (Stanton *vs.* Allen, 5 Denio, 534).

Perhaps the most arbitrary and unjust discrimination which the managers of the pool have been able lately to perfect and maintain in the interest of the railroad managers who own and control the stock yards along their lines is the charge of nearly double as much for hauling dressed beef as is charged for the same weight of live stock. There is not one-tenth part of the risk in hauling dressed beef that there is in hauling live animals. If accidents happen it is hardly possible to injure dressed beef seriously, and hardly possible to save live animals; but the stock yards make nothing out of dressed beef and they make what they please out of the hauling of live animals. In a note to page 221 Mr. Hudson says:

> Before the Hepburn committee Mr. Fink correctly said: "The proper basis of railroad tariffs is the cost of transportation." With regard to the live-stock and dressed-beef rates, he stated the principle on which the matter was settled to be that of putting "the dressed-beef and live-stock shippers on the same footing as regards the cost of transportation (which in this instance means freight charges) of the product of the animal to Eastern markets." In other words, the economy of the dressed-beef shipments was to be destroyed for the benefit of the live-stock interests of the New York Central and Pennsylvania Railroad managers.

That is about all there is of it.

Mr. President, I will not occupy the time of the Senate any longer in the discussion of this question. I had intended to vote for the report of the conference committee without saying a word; but when I was urged by intelligent boards of trade in Kentucky and elsewhere to vote against this measure, I thought it was due to myself and respectful to them to give the reasons why I can not comply with their requests. I am not an enemy of railroads. I would not knowingly do anything to impair their usefulness or deprive them of any legitimate rights to which they are entitled. They have done more than all other agencies to develop the resources of this continent. They have enabled us to control and almost settle the Indian problem. Without them, nine-tenths of the country west of the Mississippi would be a wilderness today. But for the cheap transportation they furnish, our exports would be a mere bagatelle, and the comforts of every man's home would be immeasurably lessened; but with all my high appreciation of their importance, and of the wisdom of sustaining and encouraging them in the developments they are making, I would require them to do equal and exact justice to all men, regardless of race, color, or previous condition. The bale of cotton shipped by the humblest negro, or the can of oil he had purchased to light his humble home, should be transported over the public railroad highways on precisely the same terms that Mr. Vanderbilt, Mr. Gould, or the Standard Oil Company could have it hauled for. I seek to substitute the undoubted authority of Congress over interstate commerce for the greed of interested railroad managers in regulating commerce among the States, and in securing equal rights to their citizens; and believing that the bill submitted to us by the intelligent conferees of the two Houses goes far toward securing these results without injury to any of the legitimate rights of the railroad companies, I shall vote for it.

Mr. CULLOM. Mr. President, I have not risen for the purpose of making a general speech upon this subject. I have been more inclined to say nothing on the subject than to occupy any time whatever; but certain portions of the bill as reported by the conference committee have been very fiercely attacked, and seem to be in a measure misunderstood, in my judgment, so that I have felt called upon to give expression to my views on one section of the bill alone at present. What I shall say to-day will be confined substantially to a discussion of the meaning of the fourth section of the bill. It may be that before the discussion is closed I shall have something to say upon other portions of the bill, but at present I shall confine my remarks to the fourth section.

Mr. President, the regulation of interstate railroad transportation is a subject that occupies a very conspicuous place in the thoughts of the American people. The magnitude of the vast interests to be affected by such regulation makes it necessary that the legislation proposed on the subject should receive the most thoughtful and deliberate consideration, for the commerce and prosperity of the entire country may be affected favorably or unfavorably, as the case may be, by the character of the regulations which Congress, in the exercise of its undoubted right to regulate, may see fit to impose upon interstate transportation by railroad. I recognize the importance and the great propriety of a full and free discussion of the measure now before the Senate, which may be so far-reaching in its consequences, and I am anxious that the effect and meaning of the provisions of the bill shall be fully understood, in order that the Senate may act upon it intelligently.

Since the report of the conference committee was made public the bill as it now stands has been critically analyzed by the ablest representatives of the various interests that will be most affected by its passage, in case it shall become a law, and has received a great deal of attention from the press and from the general public. It seems to me that the bill has stood the test of this general and critical scrutiny remarkably well. Its general provisions seem, for the most part, to have met with approval, while the feature which has been most strongly objected to seems to have been misunderstood, if not misrepresented, and it is this feature only which I desire now to undertake to explain.

I have not had time to carefully read all the numerous expressions of opinion upon the bill that have come under my notice, but, so far as I have been able to do so, it appears that the railroad managers and others prominently identified with railroad interests who have expressed their views publicly have directed their attacks almost wholly upon the "short-haul" section and the one prohibiting pooling. For the most part they criticise these sections and express alarm at their supposed effect upon the country, but take pains to explain with more or less qualification that they approve the general scope of the bill, or, at least, that they do not seriously object to its other provisions.

If the very able gentlemen who manage the railroads of the United States find only two points of serious attack in a measure which is intended to bring about, in many important particulars, a reversal of existing railway practices and methods of management, we have a right to assume that the bill is not, aside from the features which they specially criticise, unduly oppressive toward the railroads, or very far from right in its main provisions and regulations. And if these gentlemen are mistaken in their view of the probable effect of the two features which they attack, their objections to the enactment of the proposed law fall to the ground. I think they are mistaken, and that this will be made to appear during the course of the present debate; but, if I am mistaken and they are correct, I would be unwilling to give the measure my support.

It must be borne in mind, however, that any measure which Congress can enact upon this subject may prove to some extent ineffective and unsatisfactory until it has been supplemented by similar State legislation, just as the State legislation now in force in many of the States has been found ineffective and unsatisfactory in some respects because of the absence of national legislation. There is no way in which the entire internal commerce of the country can be subjected at once to the same uniform plan of regulation under the Constitution as it stands. Much of this commerce is beyond the jurisdiction of Congress, but if we will apply just and proper regulations to the interstate commerce now subject to our control under the Constitution, I am satisfied that within a few years the States which have not already done so will enact similar regulations, and that eventually the entire internal commerce of the country will be placed under a substantially uniform plan of regulation.

Until that time comes, however, it may be possible for the railroads to obstruct and interfere with the successful operation of the law to some extent, because of the divided jurisdiction of the States and the General Government over the subject, in case the railroads should not be disposed to accept in good faith the regulations Congress may impose upon them. But I do not look for factious or unreasonable opposition on the part of the leading railroads of the country. When once the bill goes into force, if it should become a law, I believe that the railroads will as a rule seek to give the law a fair interpretation and endeavor to live up to it.

But, however that may prove to be, we must expect a great deal of friction in attempting to put into practical operation a new and heretofore untried system of regulation—untried at least as to the interstate commerce of the United States. The questions that may arise can not possibly all be foreseen or guarded against. The requirements of the bill against unjust discrimination and favoritism as between persons, places, and particular classes of traffic will pinch very hard in a good many quarters. The "big fish" will be placed upon an equality with

the little ones, or more nearly so, and we must be prepared to hear very energetic and very vigorous protests from those who have been enjoying all kinds of special privileges and advantages at the expense of the general public, and who will be convinced that the country is going to everlasting smash if their privileges are cut off. But I take it that it is our duty to legislate here with a view to securing the greatest good to the greatest number, and I have faith that, if the legislation now proposed can be fairly tested, its enactment will prove beneficial alike to the railroads and to the general public when it is once fairly in operation and when business has adjusted itself to the changed conditions which it will bring about.

I come now to the consideration of the much-debated "short-haul" section.

The objection made to this section as it now stands which, if it were well founded, I should regard as the most serious, is that it is indefinite and ambiguous, that it is open to more than one construction. Of course, we can not undertake to say positively what construction will be put upon the language used by the courts if they shall be called upon to determine the meaning of the section. It seems to me, however, that but one construction can be reasonably and properly placed upon this section, especially when it is considered, as it must be, in connection with the other provisions of the bill, and that its meaning is perfectly clear. But in view of the erroneous construction that seems to have been put upon this section in some quarters I deem it proper to state that there seems to be no difference of opinion as to its meaning among the conferees on the part of the Senate. I do not know that I ought to say this, but I venture to do so; and yet it may be that as to the minutiæ of my statement the other conferees of the Senate may not agree with me.

I think the Senator from Connecticut [Mr. PLATT] and the Senator from Tennessee [Mr. HARRIS] understand the section as I do, and I think I am justified in saying that we would not approve it if we supposed or believed it to mean what some have claimed that it does mean or may be made to mean.

The short-haul section simply undertakes to lay down in specific terms a rule or principle which, as I have always contended, is already in effect contained in other provisions of the bill. The first requirement of the bill on the subject of rates is found in the first section, and is that all rates shall be "reasonable and just." This is, in effect, a declaration that under similar circumstances and conditions a greater sum shall not be charged for a shorter than for a longer distance, because under such circumstances it would not be "reasonable and just" to make such a charge. The next requirement of the bill that affects this question is found in the first part of the third section, which declares—

That it shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

This is likewise a declaration that a greater sum shall not be charged for a shorter than for a longer haul under similar circumstances and conditions, because such a charge would be the making or giving of an "undue or unreasonable preference or advantage" to one particular "locality," or would subject some other particular "locality" to an "undue or unreasonable prejudice or disadvantage."

Now let us see what section 4 says and means. It reads as follows:

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

As I understand it, this section as it now stands simply prohibits a railroad corporation from charging a greater aggregate sum—not a higher rate—for a shorter than for a longer distance over the same line, in the same direction, and under substantially similar circumstances and conditions, when the shorter is included within the longer distance. There is no other prohibition made in positive terms. The declaration that "this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance" does not in terms prohibit the charging as much for a shorter as for a longer distance, but simply withholds the legislative sanction from the making of such a charge. This qualifying clause negatives the inference that might possibly be drawn from the language of the section without these words, namely: that an equal charge for a shorter distance is authorized by inference because only a greater charge is prohibited. This qualification, therefore, leaves the question of whether an equal amount can be charged for the shorter distance to be determined by the provisions of the bill to which I have already referred, requiring all charges to be reasonable, and forbidding the giving of an unreasonable preference or advantage to any particular locality.

Mr. HOAR. I should like to inquire of the Senator from Illinois, with his permission, if he understands that the interpretation of the language of this bill that it only prohibits the charging a larger gross sum for the shorter than for the longer distance, and does not prohibit a larger proportionate charge for the shorter than the longer distance, is the sense in which the House of Representatives, as represented by their conferees, understand the bill, so far as he is informed?

Mr. CULLOM. I have no question but that every member of the conference committees of both Houses unqualifiedly and without mistake understands this not to be a prorate-per-ton-per-mile law, but that the corporations shall not be allowed to charge in the aggregate, in the sum total, the same amount for the short as for the long distance, unless under certain circumstances.

The requirement of the fourth section, then, is that as between shipments of the same kind in the same direction over the same line, and made under substantially similar circumstances and conditions, a greater sum shall not be charged for a shorter than for a longer haul when the shorter comprises part of the longer haul—not that a higher rate shall not be charged per mile, but that a greater aggregate sum shall not be charged. And I desire to say here, Mr. President, that one of the elements of opposition to this bill throughout the country has been the result of a misrepresentation of the meaning of the fourth section of the bill. There has seemed to be, on the part of those who want no legislation, a determination that that section of the bill shall be construed into a pro-rate-per-mile section, when I undertake to say that no man who has been on the committee ever dreamed that the language which is used in that section, and which has been used in it from the beginning since the select committee reported the bill to the Senate, could have that construction placed on the words used.

Mr. MITCHELL, of Oregon. May I ask the Senator a question?

Mr. CULLOM. Yes, sir.

Mr. MITCHELL, of Oregon. Section 4 reads:

That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, &c.

What I want to get at is the meaning of these words, "under substantially similar circumstances and conditions for a shorter than for a longer distance on the same line, * * * * the shorter being included within the longer distance." To explain what I desire to get at, I will make this inquiry of the chairman of the committee: Take a long haul, from San Francisco to Portland, Oreg., over a railroad running from San Francisco to Portland. Transportation by rail over a route like that, of course, is affected to a certain extent by steamship competition, by steamers running between the terminal points. Now suppose a short haul, between points intermediate of those two terminal points, say from Stockton to Roseburgh; would that come within the provisions of the section? Would that short haul, included in this long haul, be subject to the influence of steamboat competition? Is that a haul "under substantially similar circumstances and conditions" as the haul over the whole line of road?

Mr. CULLOM. I will touch upon that subject briefly in what I have to say, and shall answer the Senator from Oregon in the course of my remarks.

Mr. MITCHELL, of Oregon. I am inquiring for information. I have not yet made up my mind as to the construction of this bill.

Mr. CULLOM. I am not objecting to the Senator's inquiry. I was going to say that I shall discuss that point briefly in what I say; but in answer to the Senator I have this to say now: that the words "substantially similar circumstances and conditions" are words of very great importance, and words which may be taken for what they say by a court or by a commission who may have something to do with the construction of the law. Whether the section should be construed so as to give relief as to the water point of competition that the Senator refers to, or not, the section itself does provide that at such a competing point, if the fact does exist, the interstate commission shall have the power to give relief upon a showing of the proper state of facts.

Mr. HOAR. The power of suspension is given in a special case.

Mr. CULLOM. And of course every case of the kind would be a special case, if, in the judgment of the commission, it was deemed necessary to relieve the railroad company at that particular competing point from the operation of the law.

Mr. HARRIS. It does not refer to one single shipment, but to the establishment of a rule by the commission.

Mr. CULLOM. Of course a rule applying to all alike.

Mr. HOAR. I will put an illustration. The port of Boston, in Massachusetts, has a foreign commerce of about $125,000,000 annually. It was larger than that three or four years ago, but the change is not in the amount of commerce, but in the value of the articles exported and imported. That was the amount last year. Now, probably, of the exports, which are seventy odd millions of dollars, between thirty and forty millions consist of cotton, cattle, wheat, corn, hams and bacon, and lard—the food products of the West and the cotton of the South.

Every ton of that produce exported to-day I suppose is taken from a place in the country which is from 150 to 250 miles nearer to New York, Philadelphia, and Baltimore. Now, the railroads give a rebate of five per cent. on all those exported articles. On that export trade of course depends a corresponding import trade, which otherwise we should not get at that port.

Have we got, under this bill, to put down all the local business of Massachusetts, the cotton which is taken to her factories to be used there and the food products which are brought to feed her people, to the New York rates, that is to the rates of carriers who do not have to carry the goods so far by 250 miles; or have we got to give up that export trade; or is this great export trade of the second commercial city of the country to depend on whether five commissioners happen to think that is or is not a special case?

Mr. CULLOM. Mr. President, it may be said to be rather unfortunate that Boston is a little farther away from the center of gravity than New York; but I do not think, myself, that there is anything in this bill which prohibits a railroad from carrying to Boston just as cheaply as it carries to New York from Chicago or Omaha or San Francisco, and there is not anything now that prevents it.

Mr. HOAR. I do not think the Senator quite apprehends the force of my statement. The bill does not make New York a comparison; but does it not say that a company shall not carry over the same line of road to other points in Massachusetts the same article at a larger price than it charges this foreign commerce—that is the proposition—unless the commissioners come in and make an exception? Then the railroads have got to put down the whole railroad transportation in cotton and food products in Massachusetts along their lines to the New York rates if they put down the exports from Boston to the New York rates, and that they can not do under the laws of trade, because, of course, the other road, which is 250 miles nearer, has the advantage.

Mr. CULLOM. So far as this section is concerned, when a load of corn, wheat, cattle, or what not, is started from Chicago, there is nothing in this bill that prohibits the transportation company taking the product in a car from Chicago at exactly the same rate to Boston that it takes it to New York—not a single line. The only question, then, is a question as to whether the railroads will carry the products as cheaply to Boston as to New York. In my own judgment they will.

Mr. HOAR. My friend does not still answer the question. Do you not prohibit them from carrying it to Boston at a less rate than they carry it to Springfield, or Worcester, or Fall River, or to any other point on the line in Massachusetts?

Mr. CULLOM. At a less rate, yes.

Mr. HOAR. That is exactly the point. We have got, therefore, have we not, under your bill to put down Worcester and Springfield and Fall River to the New York rate, or else Boston can not have the exports?

Mr. CULLOM. Has the Senator any objection to having the rate put down? Is there any reason why the rates to New York and Boston should not be the same?

Mr. HOAR. The roads can not live at those rates. My friend has got in his bill the general provision that they shall not charge anything more than what is reasonable to those places. You have got the thing down under the operation of your bill to what is reasonable as an independent proposition.

Mr. CULLOM. Has the Senator any objection to that?

Mr. HOAR. Of course not. You have got it down to what is reasonable; now stop there. Then the railroad company says, "While I am doing this business for all New England, for all its local uses of every sort, food supply or supply of materials, at a reasonable rate and no more, which I am bound to do, I can, in connection with that business, take on, in addition, at 5 per cent. rebate, these thirty millions which are going to Europe, if you let me; but if you say I shall not do that unless I put local rates for all Massachusetts at 5 per cent. below what is reasonable for them, I can not live, and the whole business must go to New York." That is the proposition.

Now, a man doing a business of transportation at a fair rate, a reasonable rate, and no more, may very often afford to take a particular piece of merchandise or merchandise for a particular destination at very much less than his usual rates. If the Senator should engage to take me with a hack over to Bladensburg this morning and charge me $10 for it, and that was a reasonable price and no more, and he should come across a man who was on his way there with a carpet-bag in his hand about to walk, and the man says, "I have got but a dollar in my pocket and I will give you that," and he takes him on, that does not do me any injustice, it does not do him any injustice, and it does not cause any loss. That is the attitude of the foreign commerce of every principal port.

What I want to know of the Senator now is, not to debate this matter, but to ascertain the meaning of the bill. Do I correctly understand him as saying that the right to continue that foreign commerce, in which the condition is what I have stated, to be dependent in the future, under the act of Congress, on the opinion of five commissioners? More than that, is that foreign commerce to stop for a while, to be revived again a few months later, when the commission have organized and got around to this matter?

Mr. CULLOM. Mr. President, it is pretty difficult to pass any act providing for any regulation whatever that may not appear to harshly interfere with what somebody is doing. Now, so far as I am concerned, I have no disposition to interfere with the foreign commerce of this country. I would very much prefer to see the foreign commerce increase, if it can be done consistent with the protection of the great masses of the people of this country outside of the seaports.

But here we are met with this condition of affairs—unjust discrimination, extortion, secret rebates, and all manner of unjust practices have been going on for years by the railroad corporations of this country because there has been no regulation of them by the Government of the United States. Now we come in with a bill that undertakes, in a moderate degree I think, to apply to them some sort of regulation. We say that there shall be no secret rebates; we say that there shall be no unjust discrimination; we say that there shall be no extortion. Then we come with the fourth section and say that there shall not be a greater charge for the shorter than for the longer distance over the same line under substantially similar circumstances, the shorter being included within the longer, and the property, of course, being of like kind.

Now, how are we ever going to regulate these railroads? The Senator from Massachusetts steps in and says that is going to interfere with the trade of Boston; it is going to stop the export trade and the import trade that is going on at the city of Boston. I do not know whether it will do so or not, but I do not believe it will because those words, as I said awhile ago, "under like conditions and circumstances," are words that the commission, that the railroad men, that the courts are bound to construe in the most liberal manner consistent with the actual honest commerce of this country.

I undertake to say that you can not pass any bill which will in any way restrict the traffic carried on by corporations unless you have something that will in some way appear to interfere with localities or with individual interests which are being carried on. I believe myself that those words "under similar conditions and circumstances" will open a way, if any way is necessary to be opened, so that the real commerce that is being conducted by Boston or New York or Philadelphia or any other seaport will go on without the slightest interruption. I do not believe that the Senator will find that his constituents in the city of Boston will be in the slightest degree interrupted in their foreign commerce which they are carrying on to-day, even if the very letter of the law should be enforced as the fourth section declares.

But I do not believe it will be enforced as the letter of it reads in all cases, but that a proper and liberal construction will be given by the courts and by the commission and by the railroads themselves to the words I have referred to. My own judgment is that if the common carriers of this country proceed right along in the discharge of their honest duties as common carriers and construe those words liberally so that they may carry the products of the West to the city of Boston to be transported to the people on the other side of the water, there will be no interference with that work by the commission, by the courts, or by anybody else. But if we are going to regulate these corporations at all, if we are going to stop unjust discriminations and the secret rebates by which towns are built up and towns are destroyed, by which individuals are destroyed and individuals are built up, we must have something in the bill which will mean something, or else we might as well lay the bill on the table and go at other business.

The limitations placed upon the prohibition that is made are very significant, and they must not be overlooked. They require that in determining the sum that may be charged for a shorter as compared with a longer distance, the comparison must be made—

1. Between shipments "of like kind of property."
2. "Under substantially similar circumstances and conditions."
3. "Over the same line."
4. "In the same direction."
5. When the shorter is "included within the longer distance."

When the act is to be applied in any given case to measure the charge that may be made for any distance, as compared with a longer distance, all of these limitations must be taken into account, and they must all apply to the case—not three or four of them, but all of them. The first, fourth, and fifth of these limitations do not appear to call for any explanation, but the meaning of the second and third may need some explanation.

As I understand them, the words "circumstances and conditions" mean the conditions that govern railway traffic, and the circumstances under which it is transported. To my mind these words are full of meaning. They comprehend all the circumstances and conditions that may justify differences in rates, such as competition with other railroads and with water routes, the volume and character of business at different points, the difference in terminal expenses, and the cost of service in each case. If the words used were "the same circumstances and conditions," ingenious railway gentlemen would be able to show that the circumstances and conditions were never exactly the same in any two cases. And they might also be able to show that they were not "similar," if that was the word used. But the words "substantially similar" impart enough latitude to the comparison to enable the courts to exercise a sound discretion and common sense in passing upon cases that may arise.

So far as any one railroad company is concerned, therefore, the sum which it may charge for a haul from one end of its railroad to the other end becomes the maximum amount it can charge for any shorter haul over that road in the same direction and under substantially similar circumstances and conditions when the shorter distance is included within the longer.

But the question that seems to trouble those who object to the section as it stands is, whether the maximum thus fixed is the sum which a railroad company charges upon shipments originating at and destined to points upon its own road, or whether the maximum is the sum which it accepts as its share of a through rate upon shipments passing over its road which originate at or are destined to points upon another road. It seems clear to me that there can be but one answer to that question.

In the first place, the measure of the charge that may be made for the shorter distance is the sum that is charged for a longer distance over the same line and under substantially similar circumstances and conditions. The rates fixed by a railroad company between points upon its own road are clearly rates upon one line, or, in the terms of the bill, the "same line." A railroad company can make and control the rates upon its own road, and the section says that in making such rates the short-haul principle shall be observed. A railroad company can not control rates over the road of another company. But when two or more companies unite in making joint rates over their respective roads, they become in the eye of this bill one line, and this section says that the short-haul principle must be observed in making rates over that line, the two or more roads composing it being, within the meaning of the section, the same line so far as such joint rates are concerned. The word railroad is used throughout the bill and the word line is used only in this section. The courts will be bound to assume that the word line means something different from the word railroad, or it would not have been used in this one instance when the word railroad would naturally have been used if something different had not been intended. The word line means a railroad or a combination of railroads. It means a route. Section 7 of the bill requires the carriage of freights to be "treated as one continuous carriage from the place of shipment to the place of destination," and this could not be done in the case of shipments over connecting roads if the word used in this section was "railroad," instead of "line."

Mr. GEORGE. I wish to ask the Senator a question, if he will allow me.

Mr. CULLOM. Yes, sir.

Mr. GEORGE. Does the Senator wish to be understood as saying that it is the meaning of this bill that the long and short haul provision does not apply; that is, that the circumstances are not substantially similar, where one of the points is a competing point and where one is not?

Mr. CULLOM. I mean to say simply this: You take one railroad, if you please, between the city of Washington and the city of New York; that railroad makes its schedule of rates and it publishes, under this bill, that schedule of rates, and so far as its operation on its own road, not in connection with other lines or roads, but on its own road, it is not at liberty to charge more for a shorter distance on that road between here and New York under like circumstances and conditions than it charges from here to New York.

Mr. GEORGE. But the point is this: I understood the Senator to say—and that is what I want to have settled—that if one point from which the shipment is made is a competitive point, either by having a competing railroad or by having water transportation, and the other point from which the shipment is made is not a competitive point, then the circumstances are not substantially similar.

Mr. CULLOM. I do say the facts should be considered.

Mr. GEORGE. Then let me say, that if I believed that that was the meaning of the bill and the courts would assent to it, I would vote against it, because with that construction upon those words the whole provision in the bill in reference to the long and short haul amounts to nothing.

Mr. CULLOM. If it does not amount to anything, it will not hurt anybody.

Mr. GEORGE. I do not want to hurt anybody, but to save somebody by a substantial provision on that subject.

Mr. CULLOM. So do I; but I do not want to humbug anybody either. The Senate, however, by a deliberate vote placed in the bill which was passed by the Senate during last session these words, "under like circumstances and conditions," and did it, the select committee not having reported those words to the Senate in the original bill.

Mr. GEORGE. I do not object to the words. I object to the interpretation which you put upon them. I do not believe that is the true and legal interpretation, and I protest that this bill shall go through here with an authoritative exposition or interpretation of the meaning of these words given them by the Senator. If that be the meaning I am against it.

Mr. CULLOM. The Senator from Mississippi has a right to put whatever construction on those words he chooses, and of course he will do so; but I say, not as the chairman of the committee, but simply as a Senator upon this floor, that those words were put in there by this Senate after the select committee had failed to report them, and they were put there because the original section reported by the committee was too rigid and it was feared that it would interfere with the general commerce of the country, and when they were put there they were put there to mean something, and they do mean something.

They mean just what they say, that you shall not charge more for the shorter than for the longer distance on the same line in the same direction under substantially similar circumstances and conditions, and those conditions and circumstances may be, if you please, the fact that one place is a competing point and that another place is not, the fact that one place furnishes a large amount of business and the way-station does not furnish perhaps more than a car-load, and that it incurs additional expense and all that sort of thing. No court, no commission, and no lawyer can afford to say that those words do not mean anything when they are put in there.

Mr. GEORGE. With that construction of it, I think the Senator gives away all the beneficial part of the bill.

Mr. CULLOM. The Senator does no such thing. The fact to-day is—and I want the Senator from Mississippi to hear it——

Mr. GEORGE. I will listen.

Mr. CULLOM. The fact to-day is that there is an utter disregard by the railroads of the country of the circumstance that there are thousands and tens of thousands of shipments made under exactly similar circumstances and conditions where one is discriminated against and another is not, where one place is broken down and another is not, where one man gets rebate and another does not; and the purpose of this bill is to prevent that, in so far as we may be able to do it, without crippling the commerce of the country. Does not the Senator think there is something in it?

Mr. GEORGE. I think there is a good deal in the provision against discrimination and the provision against rebates, but I think that by the construction put upon the clause as to the long and short haul the Senator has destroyed the benefit of that provision.

Mr. CULLOM. The joint through rates, which are made by two or more railroad companies between points upon their respective roads, are made over an entirely different and distinct line from that over which any one of the companies individually makes rates. And they are also made under different "circumstances and conditions" from those which govern and determine rates made over a single railroad.

The two transactions are separate and distinct, neither being necessarily governed by the other. Furthermore, the making of joint through rates is specifically recognized by the bill in the section requiring publicity of rates, and nowhere in the bill can anything be found in relation to the division of a joint rate by connecting roads. I am satisfied, therefore, that the only construction that is warranted by the language of the section is the one I have given it, and that, instead of requiring rates to be measured by the percentage of a through rate which a road accepts, or of requiring through rates over connecting roads to be an aggregation of the local rates over each road, as some have claimed, the section as it stands simply requires that each railroad company shall observe the short-haul principle as to its own rates, and that the same principle shall also be observed by a combination of railroads as to the joint through rates between points upon their respective roads agreed upon by such a combination.

I have received a copy of the New York Times of the 5th instant, containing a long argument against this section by Mr. George R. Blanchard, commissioner of the Central Traffic Association. Mr. Blanchard is a very able man, and has a peculiar faculty for discovering practical difficulties that may arise under this bill. If his questions can be answered satisfactorily, as I think they can be, I feel sure that the bill can stand the test of practical operation reasonably well. In this letter Mr. Blanchard addresses some questions to me, which I will endeavor to answer in order. In discussing the meaning of the short-haul section Mr. Blanchard says:

Traffic is received at Fort Wayne:

1. From the Wabash Railway coming from Kansas City. This allows the lowest rate east of Fort Wayne.
2. From the nearer connecting Grand Rapids road. This allows more rate east of Fort Wayne.
3. From resident forwarders. This allows the highest rate east of Fort Wayne. It is a frequent happening that there comes to Fort Wayne, on the same day, one car from each of these sources, none of them being handled by the railways, (because the town grain comes from an elevator), and that the three cars go in the same train from Fort Wayne to the same consignee at New York, but at the said three different rates. It is therefore all transported out of Fort Wayne under substantially like conditions. Will Senator CULLOM kindly answer the following:

1. Would the transportation circumstances and conditions be substantially the same?
2. Is or is not the same rate required from Fort Wayne on the three cars, and if not, what difference may prevail?
3. Does this refer to commercial circumstances and conditions by which each point of origin is to be considered as changing them?
4. His original bill defined this looseness by saying "from the same original points of departure, or to the same point of arrival." How is it to be read now?

My answer to the first question is that, in the case stated by Mr. Blanchard, the transportation circumstances and conditions would not be the same as to the three cars in question, because one shipment originated at Kansas City, another on the Grand Rapids road, and another at Fort Wayne.

The second question is: "Is or is not the same rate required from

Fort Wayne on the three cars; and if not, what difference may prevail?"

In answer, I say that the same rate or charge is not, in my opinion, necessarily required from Fort Wayne on each of the three cars, because they do not pass "over the same line" from point of shipment to place of destination within the meaning of the bill. The line from Kansas City to New York must observe the short-haul rule, and must not charge more from Fort Wayne than from the first point on that line west of Fort Wayne to which that particular combination of carriers makes joint through rates. The combination of carriers making joint rates from points on the Grand Rapids road to New York must observe the same rule. The shipment originating at Fort Wayne would be governed by the charge made from the next point west of Fort Wayne on the road between Fort Wayne and New York. The same rule must be observed in all these transactions as to each separate line, but the differences between the amounts actually received for the haul from Fort Wayne to New York in each case must depend upon the circumstances in each case.

I think Mr. Blanchard's third and fourth questions are sufficiently answered by what I have already said. In the same letter he propounds several questions to the Senator from Iowa [Mr. ALLISON] which I desire to notice. He quotes the following statement which the Senator is reported to have made:

> When the Boston and Albany, New York Central, and Lake Shore combine and fix a through rate from Boston to Chicago, they can not charge more between Boston and Buffalo than the aggregate charge. That gives a wide latitude. It allows a charge of as much for 50 miles as for 500, though no more.

So far as the fourth section is concerned, the Senator from Iowa is reported to have said it.

Mr. Blanchard then asks: "How can the rate from Boston to Chicago be charged to Buffalo?"

My answer is that, if the combination of carriers named by the Senator agrees upon and publishes a schedule of joint rates between Boston and Chicago, the charge made to Buffalo must not exceed the sum charged to Chicago, but it may be the same, so far as this short-haul section is concerned. The prohibition made by this section is simply against charging more in the aggregate to Buffalo than to any point beyond Buffalo on the line composed of the three roads named. The charge to Buffalo must not exceed the amount charged to Chicago; but that is not all. It must not exceed the charge to any point between Buffalo and Chicago to which the combination composed of these three carriers makes joint rates.

If the charge to any of the intermediate points is less than the charge to Chicago, such smaller sum becomes the maximum amount that can be charged to Buffalo instead of the Chicago charge. This is as far as the short-haul section affects the charge to Buffalo. When a question is raised as to the right of the carriers to charge as much to Buffalo as to Chicago or to the next point west of Buffalo, that must be determined by the commission and the courts under the requirements of the bill that all rates must be reasonable and that no unreasonable preference must be given to any particular locality.

Mr. Blanchard's second question is: "Why is it the rate to Chicago rather than to Cleveland or Omaha which may be charged from Boston to Buffalo, and why is it any of them?"

It is to be presumed that under the requirements of the bill such joint through rates as those under consideration would be established and made public by the carriers. The illustration said to have been given by the Senator from Iowa referred to shipments over a line from Boston to Chicago composed of three railroads. The charge to Omaha does not govern the rates made on that particular line, because Omaha is not on "the same line."

The charge made to Buffalo must not exceed the charge to Chicago, nor to Toledo, nor to Cleveland, nor to Erie, nor to the first point west of Buffalo on that line to which the three carriers named make joint rates. In this case the first requirement of the short-haul section is that the charge to Buffalo shall not exceed the charge to Chicago, which would be the largest amount that could be charged. But the maximum would be decreased as the charges to points between Buffalo and Chicago decreased, so that the smallest sum charged to any point beyond Buffalo would really become the maximum amount that could be charged to Buffalo.

Again, Mr. Blanchard asks:

> If they can charge as much from Boston to Buffalo as three lines combined may charge from the same or further points to Chicago, why can not the charge be as much as six lines combined from Boston to San Francisco?

There is nothing in the short-haul section standing by itself that would prevent the same charge being made from Boston to Buffalo that is made from Boston to San Francisco, if we can assume that no smaller charge is made to any point between Buffalo and San Francisco. When the six carriers combine to make joint rates between Boston and San Francisco they become a different line, and not the line that we were talking about or that the Senator from Iowa is charged with having talked about, from Boston to Chicago. The charge this different combination could make to Buffalo would be limited first by its charge to San Francisco, then by its charge to Ogden if that was less, then by its charge to Omaha if that was less, then by its charge to Chicago if that was less, and finally by the lowest charge made to any point west of Buffalo to which this combination of six carriers made and published joint rates.

Mr. DAWES. I should like to ask the Senator from Illinois for an explanation of the effect of the bill. Suppose the Boston and Albany Railroad takes freight at Albany for Boston from different lines from the West—freight from Chicago on one line, freight from Saint Louis on another, freight from Cleveland on another, and freight from Kansas City on another—if the Boston and Albany makes a different charge for the freight that it takes off from one of these lines on its way to Boston than it does from any other line, does it not subject itself to the prosecution set up in your bill?

Mr. CULLOM. I have just been discussing the very points the Senator raises.

Mr. DAWES. Probably I was out of the Senate chamber.

Mr. CULLOM. However, I have no objection to the Senator asking the question, because I want to be perfectly fair about this matter. I have undertaken to show that a line of railroad may be one line doing business by itself, having its tariff of rates for its own use, and it can control them, and that one road shall not be at liberty to charge more for the shorter than for the longer distance on the same line, in the same direction, and under the same circumstances, &c. Now, you can make a line of a dozen roads, for instance, as I said, from San Francisco to Boston, and the same rule applies as to that line, that it shall not be allowed to charge more for the shorter than for the longer distance, and so on, under similar circumstances. Suppose there are four roads coming into Buffalo. I believe that is the place the Senator named?

Mr. DAWES. No, Albany. I will explain to the Senator that Albany is where the Boston and Albany road begins. It is an independent line from there to Boston, and being in two States it is subject to all the penalties of your bill.

Mr. CULLOM. I understand. Suppose there are four roads coming to Albany, and each one of them does business with the Albany and Boston road. At the other end of its line, if you please, each one of them has its arrangements of through rates, by which, from Kansas City, the Wabash, for instance, carries freight to Albany, and on to Boston on that line; another road from Chicago carries freight from Chicago to Albany and on to Boston on that line; another one from Detroit carries freight to Albany and on to Boston on that line.

Mr. DAWES. If you will allow me right there——

Mr. CULLOM. Do not interrupt me while I am in the middle of an explanation.

Mr. DAWES. I beg pardon.

Mr. CULLOM. Each one of these different roads makes its own combination, its own arrangements with the Boston and Albany by which grain or other products are transported over its line from Albany to Boston; and the charge that the Albany and Boston road makes, or the agreement that it makes, if you please, with these different, separate lines has nothing to do with what it charges one or the other of them, and it has nothing to do with its own local rates from Albany to Boston.

Mr. HOAR. Except under the clause as to unjust discrimination.

Mr. CULLOM. Except under the clause relative to unjust discrimination. As I said before, the Albany and Boston road can have an arrangement with the Wabash by which grain is brought from Kansas City to Boston over its line at just whatever rate the Wabash line can agree upon, and so with each of the others.

Mr. DAWES. And they can charge a different rate?

Mr. CULLOM. They can carry the freight as they may agree to carry it, and whatever their agreement may be, it does not affect the freight that goes from Albany to Boston on that line, its own line, according to its own published rates of freight.

Mr. DAWES. Suppose it be a different rate from that for which it takes up freight at Albany and carries it to Boston?

Mr. CULLOM. It does not make the slightest difference in the world; it has nothing to do with it. One is a line of railroad by itself; the other is a line of railroad in conjunction with one, two, or five others, if you please, and the one rate does not control the others. In other words, as I have said over and over again, the percentage that the Boston and Albany road gets for carrying the products that are brought from the far west to Boston after they reach Albany has nothing to do with regulating the rates from Albany to Boston over that road.

Mr. DAWES. Do you find that in the letter of your bill, or do you think that ought to be the construction of it?

Mr. CULLOM. I think that is a reasonable construction of the bill, and I have no question myself but that the courts and the commission would construe it that way. The letter of the bill will sustain that construction of it, I think.

Mr. ALDRICH. It is of the utmost importance that we as well as the business community should understand the construction the committee put upon this bill. I wish to ask the Senator from Illinois one or two questions in this connection, so that we may understand fully just what the committee understand to be the meaning of this section.

As I understand him, if a combination of roads agree to carry freight from San Francisco to New York at $1 a hundred pounds, that rate is the only limitation which that particular transaction makes upon any

intermediate rates between San Francisco and New York. Do I understand that to be the Senator's construction?

Mr. CULLOM. Ask that question again.

Mr. ALDRICH. In the case of a contract for the transportation of freight from San Francisco to New York at an agreed rate of $1 per 100 pounds, that rate of $1 per 100 pounds is the only limitation which that transaction fixes upon any intermediate transportation or upon transportation between any intermediate points between San Francisco and New York?

Mr. HARRIS. Will the Senator from Illinois allow me to answer that particular question of the Senator from Rhode Island?

Mr. ALDRICH. I was only trying to find out whether that was what the Senator from Illinois had stated. I understood him to state that.

Mr. HARRIS. The statement of the Senator from Illinois on that point, as I understood him—and I think I understood him clearly and correctly—was this: Here are four distinct and independent lines of railroad between New York and San Francisco; first, the Pennsylvania——

Mr. ALDRICH. I am talking about the same line. Take one of the lines.

Mr. HARRIS. There is a line composed of four distinct and independent lines.

Mr. ALDRICH. Take one of them.

Mr. HARRIS. It becomes one line by a contract and agreement between these four separate, distinct, and independent companies.

Now, to answer the question and to illustrate, assume that by contract upon the long line from New York to San Francisco, composed of four independent, distinct lines, becoming one by contract and agreement with the owners of these four lines for specific purposes and a specific character of freight, that line agrees to haul a car-load of grain or other freight from San Francisco to New York, say, for $100.

Mr. ALDRICH. One dollar per hundred pounds, I said.

Mr. HARRIS. Very well; but one hundred dollars illustrates the principle just as well, taking the freight by the car-load instead of a hundred pounds. Now, $100 is the through rate from San Francisco to New York. By agreement each of those four companies agrees to accept $25 apiece, making the hundred. If they agree only for through freights, if this agreement extends only for through freights from San Francisco to New York the hundred dollars a car-load would be the maximum long-haul charge, and it would be the maximum of any short-haul that passes over two or more of those roads. But suppose by contract the parties agree to carry from San Francisco to New York at $100 a car, from Ogden to New York at $75 a car, from Omaha to New York at $50 a car, then the rule would be from Ogden to New York, that is from any point east of Ogden to New York, they could not charge more than $75. The rule would be from Omaha to New York, from any point east of Omaha to New York, they could not charge more than $50.

Mr. ALDRICH. What I want to get at is the understanding of the committee. Could this same line charge $99 from Ogden, and from Omaha, and from Chicago, and from Cleveland, and from Buffalo to New York? So far as the limitations of the section are concerned, would they be allowed to charge $99 per car-load, say, from Buffalo to New York?

Mr. SPOONER. They must charge a reasonable rate.

Mr. ALDRICH. As I understand the fourth section, so far as distance is concerned, it undertakes to fix what is a reasonable rate. That is another part of the bill; but this section of the bill, if I understand it at all, undertakes to construe the difference of distance into what is reasonable.

Mr. CULLOM. It does not do any such thing.

Mr. HARRIS. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Rhode Island yield.

Mr. ALDRICH. I do.

The PRESIDENT *pro tempore*. To whom? To the Senator from Illinois?

Mr. CULLOM. I do not want to interrupt the Senator from Rhode Island.

Mr. ALDRICH. I wish to continue my inquiry, but I am willing to listen to the Senator from Illinois.

Mr. HARRIS. If the Senator will allow me to suggest it to him, in as explicit terms as language will permit, each common carrier is not only authorized but required to classify and fix the rates upon the road.

Mr. ALDRICH. That is another section. I am speaking now about the provision of the fourth section and only the fourth section of the bill.

Mr. HARRIS. I answer the declaration of the Senator that this bill would have to determine what was a reasonable rate.

Mr. ALDRICH. Is there anything that does it, I ask, so far as this section of the bill is concerned? The Senator from Illinois does not understand it that way; and I resume, if the Senator pleases, and ask him to answer my question.

Mr. HARRIS. I yield to the Senator from Illinois.

Mr. ALDRICH. I mean the Senator from Tennessee. My question is whether under the provision of this section there is anything which would prevent this same line from charging $99 a car (certainly it can not charge as much as $100) from each one of the points to which I have alluded.

Mr. HARRIS. If I was understood, I answered that question a few moments since, but I will repeat my answer, as I see that I, perhaps, was not understood. This long line becomes a distinctive carrier by contract, composed of four distinct and independent railroads. If the contract provides for the carrying of freight simply from San Francisco to New York and the contract stops there, it is a line for a specific purpose and for no other purpose.

Mr. ALDRICH. In other words, it is a contract.

Mr. HARRIS. And if that be true, then there is no reason to be found in this bill why they may not charge from any intermediate point up to the maximum, except that the charge must be reasonable.

Mr. ALDRICH. As I understand the Senator now, he says that that understanding and agreement constitutes a line of itself for through business from San Francisco to New York.

Mr. HARRIS. So it does.

Mr. ALDRICH. And that an agreement from Sacramento to New York would constitute a new line with the right to make a new contract not dependent upon the other. Is that true? I ask that question and I should like an answer.

Mr. HARRIS. If the contract fixes a different rate and a lower rate——

Mr. ALDRICH. It is another line. Does it constitute another line within the meaning of the bill which entitles them to make another and a different contract?

Mr. HARRIS. Upon the contrary, I think it is the same line created by contract and composed of four distinct lines.

Mr. HOAR. Suppose three of those four make a contract with their three roads, the Senator from Rhode Island wants to know whether that makes a different line, one line of the four roads and another of the three?

Mr. HARRIS. I can see no reason why three of the lines may not transact among themselves, for——

Mr. ALDRICH. I understood the Senator from Tennessee to say distinctly that a contract from San Francisco for through freight constituted that line a line only for that purpose, and that it did not put any limitation at all upon other contracts from intermediate points. What I want to find out is whether at Sacramento they would have a right to make a new contract, ignoring the provisions and limitations of the original contract from San Francisco.

Mr. HOAR. And make a new line and charge more?

Mr. ALDRICH. Yes; can they make a new line of three? That is the point I am coming at exactly. Here are between New York and San Francisco ten different railroad companies, who have joined in a contract which constitutes, according to the Senator from Illinois and the Senator from Tennessee, a distinct, separate line from San Francisco to New York. Now is it a new line when nine of those join in that contract, and are they exempted from the provisions and limitations which apply to the line of ten companies; and if eight, if seven, if six, can each one of these companies make a new contract with new rates which have no limitations or relations to the nine or ten? That is what the Senator from Illinois said—that then you can fix your rates entirely separate and apart from the line. If these are separate and distinct lines, nine can charge more than ten; eight can charge more than ten; seven can charge more than ten, until you get down to two, and they can charge more than ten, and then you have only one line.

That is the point I was coming at exactly—whether each one of these various companies forming a line in itself was affected at all by the limitations which were fixed by a large combination that included the whole. I understood the Senator from Illinois to say distinctly they were not so bound, and that there was no limitation by this bill in the through rates upon smaller lines. For instance, if four roads between Chicago and New York charge one sum, it would not prevent three roads from Buffalo from charging twice as much, or three roads between Cleveland and New York from charging three times as much. It is not a question of business. I am trying to get at what construction the committee places on this section.

Mr. HARRIS. You mean three different roads from those I have mentioned as constituting the long line from San Francisco?

Mr. ALDRICH. No, I mean three of the same roads which made up the four in the original line.

Mr. HARRIS. Three of the same roads would not reach the same point; they would not reach San Francisco.

Mr. ALDRICH. They would reach an intermediate point.

Mr. HOAR. They are links in the same chain.

Mr. ALDRICH. They are three links of the same long chain which you have drawn out.

Mr. HARRIS. The case I put originally, it seems to me, clearly and distinctly answers the Senator's question. If this long line, being constituted with four separate, distinct, and independent lines, has contracted for through freights and for through freights only, I do not see that their contracts or the existence of that line would affect any

other than the through shipments; but if in their contract constituting that long line composed of the four distinct lines they fix one rate from San Francisco to New York, another from Ogden to New York, another from Omaha to New York, or any of the intermediate points, including more than one of the lines to carry the freights, then the short-haul provision would apply to the maximum charge fixed by that agreement, fixed by that line upon which the freights were to be transported.

Mr. ALDRICH. That is the question which I meant to ask the Senator from Tennessee in the first instance, and I think he has answered it now. It was, that if this constitutes one through line from San Francisco to New York, as I now understand him, they could fix a rate of $100 a car from San Francisco, and $99 a car from all the intermediate points under the provisions of this section of the bill.

Mr. CAMDEN. There is no doubt about that.

Mr. ALDRICH. Is that what the Senator from Tennessee meant to say?

Mr. HARRIS. If they provide for but one rate, and that an entire through rate, then the maximum charge of the through rate would be $100, and, so far as the fourth section is concerned, the maximum charge for the short haul could not exceed a hundred dollars.

Mr. ALDRICH. It could come anywhere within the whole charge?

Mr. HARRIS. Not exactly anywhere within the whole charge. That is to say, whenever you come to freights that begin and end on one line of road, that is, on one interstate railroad, then the rates fixed by that railroad apply, and not the rates fixed by contracts with any other roads.

Mr. STANFORD obtained the floor.

Mr. HOAR. I should like, with the leave of the Senator from California, to ask one question of the Senator from Tennessee. That is, whether he agrees with the Senator from Illinois that the mere destination, that is freight being carried to a foreign point or to a domestic point, the case I put to him, constitutes a difference of circumstances and conditions under this bill?

Mr. HARRIS. In answer to the suggestion of the Senator from Massachusetts, I desire to say to him that as a legislator I do not think it concerns me to determine the conclusion of fact as to what would constitute similar conditions and circumstances. That is a fact to be ascertained by the commission, if appealed to, or decided by the common carrier and to be complained of if he decides it incorrectly; and the commission will then investigate the question and determine whether the conditions and circumstances are similar in a given case put.

Mr. HOAR. But does the Senator mean to say that being able to maintain a great foreign commerce, millions upon millions, it ought to be dependent upon the opinion of the five commissioners and not to be fixed by the law-making power, so that in voting for this measure he has not an opinion as to whether that thing should continue?

Mr. HARRIS. I mean to say that whatever effect may be wrought upon any given commercial point by the establishment of a correct rule of transportation, the correctness and fairness and justice of the rule should determine it, and not the interest of the locality in question; and I mean to say in addition that it is very difficult, in my opinion, to establish the justice of a given carrier charging more for carrying a load of the same character of freight, and at the same time, and under substantially the same circumstances, over one-half of its road than it charges for carrying the same over the whole length of its line. If the adoption and maintenance of that rule shall work prejudice to the trade of any given locality, it is the misfortune of that locality, and it ought to be the misfortune of the locality and not made the misfortune of all the people who chance to live at non-competitive points along the line of the road.

Mr. HOAR. I can not see any misfortune to anybody else. It does not hurt the other people any.

Mr. ALDRICH. Will the Senator from California let me ask the Senator from Tennessee just one more question?

Mr. STANFORD. Certainly.

Mr. ALDRICH. I desire to know whether he agrees with the Senator from Illinois that where in case the short haul is to a non-competitive point and the longer haul to a competitive point, that constitutes such a dissimilarity of circumstances and conditions as would allow the railroad company to charge a greater sum for the shorter haul?

Mr. CULLOM. The Senator from Rhode Island will pardon me. The Senator from Illinois made no such declaration.

Mr. ALDRICH. I certainly understood him to make exactly that declaration in answer to the Senator from Mississippi [Mr. GEORGE].

Mr. CULLOM. Will the Senator allow me to interrupt him?

Mr. ALDRICH. Of course.

Mr. CULLOM. The Senator from Illinois said that the question of conditions and circumstances necessarily would be taken into consideration as between the competitive and the non-competitive points. The Senator from Illinois gave no opinion upon the question as to what the decision should decide.

Mr. ALDRICH. I understood him to make the statement I attributed to him.

Mr. CULLOM. While I am upon the floor I wish to say another thing. The Senator from Massachusetts objects to the construction of this subject being left in any degree to a commission.

Mr. HOAR. No; but that part of it.

Mr. CULLOM. I refer to the question whether the foreign commerce of the country should be interfered with or not. All I desire to say is that the best we can do is to pass the best bill we can, and it is for the commission and the railroads and the courts to construe it afterward. We are compelled to leave it to the common carriers and then to the commission, if one is created, and at last to the courts to determine what the proper construction of the law that we shall pass may be.

Mr. ALDRICH. As the Senator from Illinois says that he did not make that statement, I now ask him what his opinion is upon that question, if he has any, and I should like also to get the opinion of his colleagues on the committee.

Mr. CULLOM. I will simply say in answer to the Senator from Rhode Island that he seems to be exceedingly anxious to, in some way, make the bill which is before the Senate offensive to the people of this country; but I repeat that any court or any commission which had the construction of this section to pass upon would be required to take into account the language used, the place, the circumstances, and all together as to what those words should mean in determining whether a competitive point should have any advantage over a non-competitive point.

Mr. CAMDEN. If the Senator from Rhode Island will allow me I will answer his question.

Mr. ALDRICH. I desired an *ex cathedra* answer from the committee who made this report.

Mr. HARRIS. If the Senator wants my opinion he shall have exactly what I understand it to mean.

Mr. ALDRICH. I do.

Mr. HARRIS. I favored the short-haul provision from the beginning, and did so for this reason: As a general rule the shipper from a competitive point has a measure of protection, at least, by the competition that exists there.

Mr. ALDRICH. How if the shippers there can not get any lower rates?

Mr. HARRIS. But the shipper from a point non-competitive, where he must accept the terms of the carrier or allow his produce to perish upon his hands, is the shipper whom I wanted a short-haul law to protect.

Mr. CAMDEN. That is the very object of the provision.

Mr. HARRIS. That is the very object with me, at least, in having insisted from the moment I entered the interstate commerce committee, and I continue up to this moment and shall continue to insist upon a short-haul provision, so as to give the shipper from the non-competitive point some protection against unreasonable and unjust exactions; and for another reason: Take Chicago, for instance, as a competitive point. When rate wars may rage and drive through freights down to an unreasonable point, if the competing carriers there know that, however low they may put their rates from Chicago to New York, they can not charge an aggregate sum greater for any shorter haul between Chicago and New York, it will do more to restrain and to prevent rate wars than all your pooling contracts have ever done or will ever do.

Mr. ALDRICH. Does the Senator from Tennessee expect that those results will ever accrue from the passage of this bill?

Mr. HARRIS. The protection of the shipper from non-competitive points?

Mr. ALDRICH. Yes.

Mr. HARRIS. I not only expect, but I am confident that it will accrue from this bill.

Mr. ALDRICH. I have received an answer, so far as the Senator from Tennessee is concerned, but I do not understand that the Senator from Illinois makes any answer to the question.

The PRESIDENT *pro tempore*. The Senator from California [Mr. STANFORD] has the floor.

Mr. STANFORD. Mr. President, I shall speak to this bill as I understand it. In what I shall have to say upon the measure I shall endeavor to be entirely candid and correct. The importance of the subject is so great that it can only be permanently settled upon right principles. Anything else means renewed and continued disturbance. The bill under consideration provides for a regulation of one species of property not common to others. To see how far this is justifiable, it is well for us to consider the creation of railroads, and to understand how they are created.

Railroad companies are organized under the general laws of the different States. They have no exclusive privileges. They are associations aided by these general laws—laws of which every citizen, or any number of citizens, may avail themselves equally with those forming the railroad company. In the mere fact of association they may exist entirely without the aid of the State. The association is as natural as it is for one man to call in his neighbors to help him raise his barn, or to roll a saw-log, or to do any business not inconsistent with the rights of others. The State gives, by virtue of the incorporation laws, nothing to the incorporation. Whatever of capital or labor that is contributed to them is entirely private.

The ownership of the labor and capital provided is private; as much so as the banker's ownership of his money, the farmer's ownership of his farm, the teamster's ownership of his team, and so on.

It is private labor that builds the railroad from the first shovelful of dirt that is thrown until the last spike is driven and the road is ready for business; and then, when it is ready to operate, it is all the product of individual or private property.

But some will say the right of way was given. In regard to that I think there is much misapprehension. Those who desire to build a railroad, of course, must in some manner obtain the right of way on which to build it. They appeal to the State on the ground that the proposed investment is of a highly beneficial character to the public, and they ask the State to exercise its right of eminent domain in order that the road may be built. The State only can exercise the right of eminent domain for the benefit of the public, and then upon just compensation to be made to the owner for whatever is taken. The State could not take private property for the benefit of A, B, C, D, E, F, and others.

Now, up to this time everything in the railroad has come from private sources, and the labor belongs to the individuals as much as the labor of the man who tills a farm.

Control is the essence of ownership. The value of the property is its income-producing quality. This bill strikes at the control, and directly affects the income-producing capacity of the properties. Now, if the investment is legitimate, if its nature is so highly beneficial that the State can do, to aid its construction, what it could not do for the establishment of a factory or any other legitimate business, wherein is the reason for the interference with the values and the control of this property? No monopoly is given to it; it interferes with no rights previously existing, and is never used except when it offers advantages to the shipper or traveler superior to those existing before. If it is a monopoly it is only a beneficent one, cheapening and facilitating travel and commerce.

Now, if the State has given nothing to this railroad company but what it gives to every other citizen; if it has put no money in; if the company has no monopoly; if its services are necessarily of a beneficial character, why should the State interfere with its ownership and with its income-producing qualities? And if the State, or if Congress, impairs the value of this property, why should not compensation be made to the owners, and, before putting into operation a law that will affect values, ought not compensation to be made as is done when the Government exercises its right of eminent domain and condemns the property of A that the road may be built which the company pays for? By a reduction of income-producing qualities the value of the very right of way, which the railroad company has paid for, is affected.

The geography and topography of the country make competition a certainty. This bill denies to the railroad the right to charge less for the greater distance than for the shorter. I do not suppose that any railroad company ever carried freight or passengers for the longer distance for less than for the shorter unless competition, or some other circumstance beyond the control of the company, compelled. The only alternative would be to yield the business. It is a principle in good railroading to reject no business that offers if it can possibly be done, so long as it will pay the additional expense consequent upon its own movement. A very large portion of the traffic of the country is done below the average cost. The fixed expenses and the semi-fixed expenses of a railroad company are very large. They, as well as the operating expenses, are included to make the average cost of movement.

The average of operating expenses per ton is a very different figure from that of the average cost per ton, the latter including operating expenses, fixed expenses, and semi-fixed expenses. Thus, take the business from the Atlantic to the Pacific, or from the Pacific to the Atlantic, and we find competition by the Isthmus of Panama and competition by Cape Horn; we find overland routes of different length, of different grades and curves, varying in volume of business and in expenses of operating. We have very different average expense for movement. The longer road must compete with the shorter. The road with the heaviest gradients must compete with the road of easier. The road having a small volume of business must compete with the road having a large volume of business. The cost of fuel is a very important item, varying on the different railroads. Yet the road having the least volume of business, the road having the longest line, having the heaviest grades and curves, having the highest cost of fuel, will be in competition with and will have to carry as cheaply as one having the shortest line, the easiest gradients, the cheapest fuel, and the largest volume of business.

All these are factors that determine the rates at which the railroad may possibly do business, however meager the profits. All the overland lines of railroad find their rates very largely controlled or influenced by the routes by way of the Isthmus of Panama and of Cape Horn; meeting that competition, and being willing to accept a small profit where a larger can not be had, they carry along the line between the two extreme points the same character of freight at less rates than it is carried from east to west, or from west to east, to intermediate places. Thus, because of competition, freight going from New York to San Francisco may pass over the various lines of road making up a through line for, perhaps, half their regular rates, say from New York to Buffalo, from Buffalo to Chicago, from Chicago to Omaha, from Omaha to Salt Lake, and so on to destination on the Pacific coast. No profit is so small as to be despised. Business is done at that rate rather than not do it at all.

Take a more marked illustration. The Southern Pacific road strikes the Atlantic waters at a much less distance than any of its more northern competitors. It has a line of easy gradients comparatively, and it competes not only with its northern rivals, but more particularly with the Cape Horn and Isthmus of Panama routes, because of its shorter line and easy gradients. In this competition it often takes freight between the two oceans as low as $10, while it takes freight half way for, say, $30 a ton, a most reasonable rate for the limited local business of that country. Now, if it makes only a dollar net on the freight from San Francisco to New Orleans at $10, it is glad to make that dollar where it can get no more; but a ton of freight going to El Paso, something over half the distance, will pay $30 a ton. Now, if the freight at $10 to New Orleans pays $1 profit, the freight going a less distance, to El Paso, would pay as much profit as 21 tons going through to New Orleans; and the rates charged to El Paso are but fair, as is shown by the gross earnings and the gross expenses of the road, leaving but a very narrow net profit.

The shorter distance is not charged any more because of the less rate for the longer distance. Indeed the longer distance helps the railroad company to maintain itself, while without that help perhaps they could not do the shorter business at all. Is this Congress prepared to say that small earnings shall be despised, that they shall not be secured when greater can not be had? Are they prepared to deny to individual shippers and communities the benefit of their more favorable location, whether made so because of the geography and topography of the country or by artificial means? It is the misfortune of some places not to be so well located and not the fault of the more favorable places that nature or art has given them superior advantages. It seems to me that Congress might with equal propriety deny the shipper the right to avail himself of these natural or artificial advantages as to deny to the railroad the right to avail itself of opportunities to meet competition.

There is a class of freight that can stand only a certain charge. A greater charge becomes prohibitory. A very large part of the unmanufactered raw material of this country belongs to this class, paying a trifle over the additional cost consequent upon its movement, developing a business that may pay better, and giving its small portion of net profit above the cost of movement towards the large items of fixed and semi-fixed expenses. Whether a road is doing a profitable business or not is not determined by the percentage of operating expenses. Thus a road carrying valuable goods and doing a small business may find its percentage of operating expenses upon the amount earned very small, whereas, if there could be thrown upon it in addition a large business of cheap transportation, its earnings would be larger, but the per cent. of operating expenses would be increased; and to the extent that there was a net earning on this cheap class of freight just so far the company would be benefited. The long haul at cheap competing rates is really beneficial to the short haul at non-competing rates. It may be that neither alone would maintain the road. If I understand this bill correctly, under it the long lines of railroad passing through different States will have to give up one or the other. It will be practically a regulation of freight within the boundaries of a State and making a barrier at the boundary of a State to the free transmission of commerce.

Since the first road was built in the United States up to this time the railroads have substantially fixed their own rates for service, until to-day the rate is such as was not dreamed of as possible twenty years ago, nor was it believed possible even ten years ago. The whole country is developed. No product has suffered for want of movement. The general railroad management of the country is careful to consider what the cheap unmanufactured products of the country can afford to pay, and make their rates with a view that production shall not be hindered. The rates charged for manufactured goods, almost without an exception, do not affect the producer or the consumer. If the rates of freight upon manufactured articles were reduced one-half the probability is that there is nothing that moves by railroad over the longest line in the country whose price to the consumer would be affected or would be taken into consideration by the manufacturer; but the fractional part of a cent becomes a serious consequence in the long haul to most of the raw products of the country. The higher the maximums the lower the possible minimums.

Thus, in my own State, the maximum rates were 15 cents per ton per mile. With an average cost of 2 cents a mile for movement, which was about the average at one time, 1 ton of freight moved at 15 cents a ton per mile, would enable the railroad to move 14 tons at the minimum rate of 1 cent a ton per mile. There was at that time about 1 per cent. of the business done at the maximum rate, while the other 99 per cent. was done at rates governed by circumstances and influences which the railroad company could not control.

This bill seems to me not only to deny competition by railroads, which exist almost throughout the length and breadth of the country, but to exhibit a tendency to foster water ways to the positive discouragement of the railroad interests. If it aimed but to insure the water lines of communication against the competition of rails, I do not know

how a bill could be framed to secure that object better than this one. If railroading is a legitimate business, and if it is only the aggregate of the private property contributed by the stockholders; if it is maintained and operated by the labor of individuals, what justification there can be for depriving the owners of control, and the property of its full earning capacity within the laws as they existed at the time of the original investments, I am unable to see. It seems to me, clearly, it is a violation of the rights of property, and the rights of the laborer to receive a compensation for services performed.

It is also a discouragement of this class of investments. The railroads up to this time have received the peculiar indorsement of being of such a highly beneficial character that the State could exercise the right of eminent domain to the end that the road might be built. If this bill shall become a law its consequences will be most disastrous, in my judgment, to the varied business interests of the country. When you think that most of the products of the country pass one or more times over its railroads, of the many thousands of people who are engaged in their operation, the many more thousands whose calling depends upon these roads, and the vast volume of business and its great value that moves over them, it seems to me that Congress ought to consider with great care how far these investments, these industries of all kinds, may be disturbed. That they will be largely disturbed it seems to me must be plain to the dullest comprehension. While the railroad companies have practically been as free to manage their business under the common law as those engaged in other callings the country has prospered, accommodations have been given and are given that promote the prosperity of every industry. There has been no taking of property without compensation, no control without ownership, and the anarchists in the history of the country have thus far found little justification in the example of the Government for violent taking of property. There can be no valid objection to police regulation, but only to that attempted regulation which goes to and affects values directly and inevitably.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

Mr. SABIN. If the Senator will allow me, I desire permission to offer an amendment to an appropriation bill.

Mr. CAMERON. I withdraw the motion for the present.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SABIN and Mr. VEST submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. VEST submitted two amendments intended to be proposed by him to the Indian appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. SPOONER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3001) for the erection of a public building at Milwaukee, Wis., reported it with an amendment.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1322) to provide for the construction of a public building at the city of Morgan City (port of Brashear), State of Louisiana, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 2539) authorizing the Secretary of the Treasury to exchange property purchased at Abingdon, Va., as a site for a public building, for more suitable property, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 7218) to amend an act entitled "An act for the erection of a public building at Chattanooga, Tenn.," approved February 25, 1885, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. 191) providing for the erection of a public building at Los Angeles, Cal., reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2908) for the erection of a public building at Charleston, S. C., reported it with amendments.

Mr. MAHONE. I am also instructed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2675) for the completion of a public building at Santa Fé, N. Mex., to ask that it be indefinitely postponed, a bill having already passed the Senate covering the same purpose.

The PRESIDENT *pro tempore*. There being no objection, that order will be made.

Mr. MAHONE. I am also directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1646) to amend an act entitled "An act for the erection of a public building at Chattanooga, Tenn.," approved February 25, 1885, to ask the same disposition for the same reason.

The PRESIDENT *pro tempore*. The bill will be indefinitely postponed, there being no objection.

BILLS INTRODUCED.

Mr. MAHONE introduced a bill (S. 3111) for the relief of the legal personal representatives of Henry H. Sibley, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. CAMDEN introduced a bill (S. 3112) for the relief of Samuel C. Ludington; which was read twice by its title, and referred to the Committee on Claims.

Mr. WILLIAMS introduced a bill (S. 3113) making appropriation to enable the Secretary of the Treasury to acquire and extinguish outstanding titles into and upon property occupied by the Treasury Department in San Francisco, Cal., and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

HOUSE BILLS REFERRED.

The following bills this day received from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 527) for the relief of William Pike;

A bill (H. R. 529) for the relief of George W. Baldwin, Charles L. Baldwin, and Dora Thompson;

A bill (H. R. 3365) for the relief of the heirs or legal representative of Samuel H. Moer; and

A bill (H. R. 5535) for the relief of Washington L. Parvin and Henry A. Greene.

The bill (H. R. 4594) for the relief of John R. Harrington was read twice by its title, and referred to the Committee on Patents.

The joint resolution (H. Res. 72) to provide for the settlement of accounts with the Mobile and Ohio Railroad Company was read twice by its title, and referred to the Committee on Railroads.

The bill (H. R. 5894) for the relief of Elon A. Marsh and Minard Lafever was read twice by its title, and ordered to lie on the table.

LOUISE AMBRECHT.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1201) granting a pension to Louise Ambrecht; which was, in line 4, to strike out the word "surgeon" and insert "sergeant."

The amendment was concurred in.

ELIZABETH WARD.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2587) granting a pension to Elizabeth Ward; which was, in line 6, to strike out "one hundred" and to insert "fifty."

The amendment was concurred in.

ORRIN P. COOLEY.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1844) granting a pension to Orrin P. Cooley, which was, in line 3, to strike out all after the word "volunteers" to the end of the bill, and to insert in lieu thereof:

Subject to the provisions and limitations of the pension laws.

The amendment was concurred in.

COL. CHARLES E. CAPEHART.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1481) granting an increase of pension to Col. Charles E. Capehart, which was, in line 6, to strike out "fifty" and to insert "forty-five."

Mr. SAWYER. I move concurrence.

The amendment was concurred in.

ISAAC RANSOM.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2334) granting a pension to Isaac Ransom, which was, in line 5, to strike out the words "for such diseases as now exist."

The amendment was concurred in.

JAMES E. ABBS.

Mr. SAWYER. I move to indefinitely postpone the bill (S. 2883) granting a pension to James E. Abbs, it being Order of Business No. 1844. It is a pension bill; but the pension has been allowed at the Pension Office since the bill was reported, and consequently I move that it be indefinitely postponed.

The motion was agreed to.

TRUST FUND OF DELAWARE INDIANS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of 22d ultimo from the Secretary of the Interior, submitting, with accompanying papers, a draft of proposed legislation prepared in the Office of Indian Affairs, providing for the *per capita* payment to the Delaware Indians, resident in the Cherokee Nation in Indian Territory, of the amount of their trust fund, principal and interest, held by the Government of the United States by virtue of the several treaties with the said Delaware Indians.

The matter is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January* 10, 1887.

EXECUTIVE SESSION.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After nineteen minutes spent in executive session the doors were reopened; and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 11, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 10th day of January, 1887.

JUSTICE OF THE PEACE.

Samuel C. Mills, to be a justice of the peace in and for the District of Columbia, to be located in the city of Washington.

UNITED STATES CONSULS.

Oscar Malmros, of Minnesota, at Cognac, to fill a vacancy.

Isaac R. Diller, of Illinois, at Florence, to fill a vacancy.

Willoughby Walling, of Indiana, at Leith, *vice* Oscar Malmros, transferred to Cognac.

FOR APPOINTMENT IN THE ARMY.

Second Lieut. William W. Gibson, Third Artillery, to be first lieutenant, January 10, 1887, to fill a vacancy created by the death of Col. Julian McAllister on the 5th instant.

FOR PROMOTION IN THE ARMY.

Corps of Engineers.—Lieut. Col. William P. Craighill, to be colonel, January 10, 1887, *vice* Blunt, retired from active service.

Maj. Charles R. Suter, to be lieutenant-colonel, January 10, 1887, *vice* Craighill, promoted.

FOR PROMOTION IN THE NAVY.

Assistant Engineer Edward R. Freeman, to be a passed assistant engineer in the Navy, *vice* Stivers and Heaton, promoted.

Passed Asst. Surg. Henry P. Harvey, to be a surgeon in the Navy from the 18th December, 1886, *vice* Law, retired.

FOR APPOINTMENT IN THE NAVY.

Frederick Wilkinson Olcott, of New Jersey, to be an assistant surgeon in the Navy, to fill a vacancy.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 10, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of Saturday's proceedings was read and approved.

TARIFF DUTIES ON FISH.

The SPEAKER laid before the House a reply of the Secretary of the Treasury to the resolution of the House of Representatives of December 14, 1886, calling for an interpretation of the tariff law respecting the duties on fish; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. REESE, for ten days, on account of sickness.

To Mr. WEAVER, of Nebraska, indefinitely, on account of important business.

PUBLIC BUILDING AT CAMDEN, N. J.

Mr. HIRES. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (S. 228) for the erection of a public building at Camden, N. J., and that the same be now considered.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the post-office, custom-house, and internal-revenue and other Government offices, at the city of Camden, N. J. The plans, specifications, and full estimates of said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $100,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of New Jersey shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The Committee on Public Buildings and Grounds recommended the following amendment:

After the word "therein," at the end of said bill, insert the following:

"Nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $100,000 for site and building."

Mr. BURROWS. Is this a Senate bill?

The SPEAKER. It is. Is there objection to the present consideration of the bill? The Chair hears none.

The amendment was agreed to; and the bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HIRES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

JOHN F. CHAMBERLIN.

Mr. CURTIN. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the joint resolution (H. Res. 208) authorizing the Secretary of War to grant a permit to John F. Chamberlin to erect a hotel upon the lands of the United States at Fortress Monroe, Va., and that the same be now considered.

The joint resolution was read.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. LIBBEY. I object.

Mr. CURTIN. I trust the gentleman will not object to the resolution. It is for the benefit of his constituents.

ADDITIONAL LAND DISTRICT IN OREGON.

Mr. HERMANN. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (S. 1999) to establish an additional land district in the State of Oregon, and that the same be now considered.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COBB. I object.

Mr. SPRINGER. I demand the regular order.

HON. D. WYATT AIKEN.

Mr. DIBBLE. I desire, as a matter of privilege, to present the oath of office sworn and subscribed by Hon. D. WYATT AIKEN, a Representative from South Carolina, and I accompany it with the resolution which I send to the desk.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Whereas D. WYATT AIKEN, Representative for the State of South Carolina from the third district thereof, has been unable from sickness to appear in person to be sworn as a member of this House, but has sworn to and subscribed the oath of office before an officer authorized by law to administer oaths, and the said oath of office has been presented in his behalf to the House: Therefore, *Resolved*, That the said oath be accepted and received by the House as the oath of office of the said D. WYATT AIKEN as a Member of this House.

Mr. DIBBLE. At the beginning of the first session of the present Congress Mr. AIKEN was in a state of health which prevented him from appearing before this House to be sworn in at that time. He passed through Washington to Baltimore and was under the advice of physicians there and had the prospect of being able to be here in the course of three or four weeks. Contrary to his expectation he did not recover from the rheumatic or sciatic affection from which he suffered, and he has been unable from that time forward to undergo the personal exertion of appearing before the House to be sworn. He has been confined to his room (having gone by easy accommodations on a sleeping car to his home in Cokesbury, S. C.), and during that whole period of time he has discharged all the duties pertaining to his office of Representative fully, punctually, and efficiently by means of correspondence and an amanuensis, excepting the matter of personal appearance upon this floor.

The Constitution, Mr. Speaker, provides that the constitutional oath shall be taken by members of this House. There is a statute upon that subject, but the statute simply provides for the cases of personal appearance; and there is no statutory provision, for an instance of this sort. I submit, therefore, in view of the fact that Mr. AIKEN has discharged the duties usually pertaining to his office fully and efficiently, and has been prevented by personal affliction from making his appearance here, that the House, in the exercise of that power which it has under the Constitution, should accept this oath, sworn to and subscribed in due form, and waive his personal appearance in this instance under the circumstances.

Mr. COX, of North Carolina. Mr. Speaker, I fully sympathize with the object which the gentleman has in view, but I am not certain that this is the regular mode of proceeding in a case of this kind. In the case of the gentleman from Kansas, Mr. Haskell, who was similarly situated and unable to be present, the question arose, and my impression is that the House decided what is now proposed could not be done.

Mr. ANDERSON, of Kansas. I think that in the case of Mr. Haskell

the Speaker was authorized to administer the oath to him in this city, which he did.

Mr. DIBBLE. I am glad the gentleman has recalled that instance. In the case of Mr. Haskell, as suggested by my friend from Kansas [Mr. ANDERSON], the Speaker was authorized to administer the oath. At least that is my impression, and I would inquire of the Chair whether such was not the fact?

The SPEAKER. It was.

Mr. DIBBLE. That, therefore, is a precedent showing that the House can waive the personal appearance of a member. In this Mr. AIKEN is some 600 miles distant, but, the precedent having been already established that the personal presence of a member can be waived, I submit that the oath which I have sent to the Chair, which is duly taken and certified, ought to be accepted in this case.

The SPEAKER. Before the question is put, the oath had better be read.

The Clerk read as follows:

THE STATE OF SOUTH CAROLINA, *county of Abbeville.*

In probate court.

I, D. WYATT AIKEN, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: so help me God.

D. WYATT AIKEN.

Sworn and subscribed before me this December 3, A. D. 1886.

J. FULLER LYON,
Judge, Probate Court.

[Seal of the court.]

Mr. DIBBLE. That paper is certified under the great seal of the State of South Carolina, authenticating its genuineness, and the authority of the officer to administer oaths.

Mr. BURROWS. Mr. Speaker, this is a very important matter, and what is done in this case will undoubtedly establish a precedent to be followed in other cases. I would ask the gentleman from South Carolina, therefore, whether he has any objection to the question being referred to the Committee on the Judiciary? Let it be referred to that committee, and let them report immediately.

Mr. DIBBLE. Or to the Committee on Rules.

Mr. TUCKER. Mr. Speaker, of course I have no objection to any disposition that the House may make of this matter, but if it is to be referred to a committee at all it seems to me that it would be more appropriately referred to the Committee on Privileges and Elections.

Mr. BURROWS. Very well; let it be referred to some committee.

Mr. DIBBLE. I suggest that it be referred to the Committee on Rules.

Mr. BURROWS. That will be entirely satisfactory to me. I have no disposition to delay the matter at all; but it raises a very important question, which ought to be well considered.

Mr. DIBBLE. I appreciate fully the motives of the gentleman from Michigan, and I am content that the matter shall be referred to a committee; but I think it had better go to the Committee on Rules or to the Committee on Privileges and Elections.

Mr. REED. It would seem to me, Mr. Speaker, that the matter ought to be referred to the Committee on the Judiciary, and, by common consent, they might have the right to report at any time.

Mr. ANDERSON, of Kansas. That is right.

The SPEAKER. This is a privileged matter, and if it is referred to a committee the privilege will continue when it is reported back.

Mr. REED. Then, I submit it ought to go to the Committee on the Judiciary. It is a question of law.

Mr. MORRISON. Why not to the Committee on Elections?

The SPEAKER. The Committee on Elections, under the rules of the House, has jurisdiction only over contested-election cases.

Mr. DIBBLE. Then I move, Mr. Speaker, that the resolution and the accompanying papers be referred to the Committee on the Judiciary.

The motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the regular order of business is the call of the States and Territories for the introduction and reference of bills and resolutions. Under this call, resolutions and memorials of State and Territorial Legislatures are in order; also resolutions of inquiry addressed to heads of Departments.

AMENDMENT OF RULE X.

Mr. WHEELER introduced the following:

Resolved, That Rule X be amended so as to read as follows:

1. Unless otherwise specially ordered by the House, the Speaker shall appoint, at the commencement of each Congress, the following standing committees, namely:

On Ways and Means, to consist of thirteen members.
On Appropriations, to consist of fifteen members.
On the Judiciary, to consist of fifteen members.
On Banking and Currency, to consist of thirteen members.
On Coinage, Weights, and Measures, to consist of thirteen members.
On Commerce, to consist of thirteen members.
On Rivers and Harbors, to consist of fifteen members.
On Agriculture, to consist of fifteen members.
On Foreign Affairs, to consist of thirteen members.
On Military Affairs, to consist of thirteen members.
On Naval Affairs, to consist of thirteen members.
On the Post-Office and Post-Roads, to consist of fifteen members.
On the Public Lands, to consist of thirteen members.
On Indian Affairs, to consist of thirteen members.
On the Territories, to consist of thirteen members.
On Railways and Canals to consist of thirteen members.
On Manufactures, to consist of eleven members.
On Mines and Mining, to consist of thirteen members.
On Public Buildings and Grounds, to consist of thirteen members.
On Pacific Railroads, to consist of thirteen members.
On Levees and Improvements of the Mississippi River, to consist of thirteen members.
On Education, to consist of thirteen members.
On Labor, to consist of thirteen members.
On the Militia, to consist of thirteen members.
On Patents, to consist of thirteen members.
On Invalid Pensions, to consist of fifteen members.
On Pensions, to consist of thirteen members.
On Claims, to consist of fifteen members.
On War Claims, to consist of thirteen members.
On Private Land Claims, to consist of thirteen members.
On the District of Columbia, to consist of thirteen members.
On Revision of the Laws, to consist of thirteen members.
On Expenditures in the State Department, to consist of seven members.
On Expenditures in the Treasury Department, to consist of seven members.
On Expenditures in the War Department, to consist of seven members.
On Expenditures in the Navy Department, to consist of seven members.
On Expenditures in the Post-Office Department, to consist of seven members.
On Expenditures in the Interior Department, to consist of seven members.
On Expenditures in the Department of Justice, to consist of seven members.
On Expenditures on Public Buildings, to consist of seven members.
On Rules, to consist of five members.
On Accounts, to consist of nine members.
On Mileage, to consist of five members.
Also the following joint standing committees, namely:
On the Library, to consist of three members.
On Printing, to consist of three members.
On Enrolled Bills, to consist of seven members.

2. He shall also appoint all select committees which shall be ordered by the House from time to time.

3. The two senior members of the House belonging to the principal political party which is in the majority, and the senior member of the House belonging to the principal political party which is in the minority, and whose seats are not contested, shall be, and they are hereby, empowered and directed to appoint, within ten days after the organization of the House, the following standing committee, namely:

On Elections, to consist of fifteen members.

The question as to who are senior members of the House shall be determined by length of service, whether it shall have been continuous or not, and where two or more members have served an equal length of time the elder in years shall be considered the senior member.

4. The first-named member of each committee shall be the chairman, and in his absence, or being excused by the House, the next named member, and so on, as often as the case shall happen, unless the committee, by a majority of its number, elect a chairman.

5. The chairman shall appoint the clerk of his committee, subject to its approval, who shall be paid at the public expense, the House having first provided therefor.

THE EARTH'S CRUST.

Mr. WHEELER also introduced a bill (H. R. 10423) appropriating money for the purpose of ascertaining the peculiarities of the formation and structure of the earth's crust; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSEPH THIBEAUD.

Mr. WHEELER also introduced a bill (H. R. 10424) for the relief of Joseph Thibeaud; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

BRIDGE OVER TENNESSEE RIVER AT GUNTERSVILLE, ALA.

Mr. WHEELER also introduced a bill (H. R. 10425) authorizing the construction of a bridge over the Tennessee River at or near Guntersville, Ala., and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NATURALIZATION OF ALIENS.

Mr. OATES introduced a bill (H. R. 10426) to require of aliens ten years' residence and obedience to the criminal laws as prerequisites to naturalization, and to give the courts of the United States exclusive jurisdiction thereof; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FORESTER H. M'BRIDE.

Mr. ROGERS (by request) introduced a bill (H. R. 10427) granting a pension to Forester H. McBride; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MISSOURI HENDRICKS.

Mr. ROGERS (by request) also introduced a bill (H. R. 10428) for the relief of Missouri Hendricks; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DOUGLAS CHAPMAN.

Mr. McRAE introduced a bill (H. R. 10429) providing for a pension for Douglas Chapman, of the Florida war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PROTECTION OF FOREST LANDS.

Mr. MARKHAM (by request) introduced a bill (H. R. 10430) for

the protection of forest lands belonging to the United States in the State of California; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

TREASURY BUILDING, SAN FRANCISCO, CAL.

Mr. MORROW (by request) introduced a bill (H. R. 10431) making an appropriation to enable the Secretary of the Treasury to acquire and extinguish outstanding titles into, and upon property occupied by the Treasury Department in San Francisco, Cal., and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

UTAH MIDLAND RAILWAY COMPANY.

Mr. SYMES introduced a bill (H. R. 10432) granting the Utah Midland Railway Company the right of way through the Uncompahgre and Uintah reservations in the Territory of Utah, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

E. W. CHAPMAN.

Mr. SYMES also introduced a bill (H. R. 10433) for the relief of E. W. Chapman, assignee of Rodman Chapman; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DAVID FLINCHPAUGH.

Mr. SYMES also introduced a bill (H. R. 10434) for the relief of David Flinchpaugh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATRICK LARKIN.

Mr. SYMES also introduced a bill (H. R. 10435) granting an increase of pension to Patrick Larkin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DESTRUCTION OF OYSTERS.

Mr. SEYMOUR introduced a bill (H. R. 10436) directing the prosecution of inquiries by the Commissioner of Fish and Fisheries in respect to the destruction of oysters in the natural oyster beds lying within the waters and jurisdiction of the United States, by star-fish, &c., and making an appropriation for such purpose; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RENEWAL OF LETTERS PATENT.

Mr. SEYMOUR (by request) also introduced a bill (H. R. 10437) authorizing the Commissioner of Patents to renew and extend certain letters patent; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

CHARLES F. BLACKMAN.

Mr. SEYMOUR also introduced a bill (H. R. 10438) granting a pension to Charles F. Blackman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

QUARANTINE STATION, KEY WEST, FLA.

Mr. DAVIDSON, of Florida, introduced a bill (H. R. 10439) for the establishment of a national quarantine station near Key West, Fla.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SECTION 4567, REVISED STATUTES.

Mr. CRISP introduced a bill (H. R. 10440) to amend section 4567 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PATENT-RIGHTS.

Mr. ROWELL introduced a bill (H. R. 10441) to regulate the use of patent-rights; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

COMMON SCHOOLS.

Mr. ROWELL (by request) also introduced a bill (H. R 10442) granting aid for the establishment of free common schools, and for the professional education of public school-teachers; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

JOHN B. HUBER.

Mr. ROWELL also introduced a bill (H. R. 10443) for the relief of John B. Huber; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MADISON GIBSON.

Mr. ROWELL introduced a bill (H. R. 10444) granting a pension to Madison Gibson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM MURRAY.

Mr. HENDERSON, of Illinois, introduced a bill (H. R. 10445) granting a pension to William Murray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID H. UTLEY.

Mr. TOWNSHEND introduced a bill (H. R. 10446) for the relief of David H. Utley; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALBERT M'CONNELL.

Mr. TOWNSHEND also introduced a bill (H. R. 10447) to remove the charge of desertion from the military record of Albert McConnell; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN A. JACK.

Mr. TOWNSHEND also introduced a bill (H. R. 10448) to remove the charge of desertion from the record of John A. Jack; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LOUISA M'LAIN.

Mr. TOWNSHEND also introduced a bill (H. R. 10449) granting a pension to Louisa McLain; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM R. RICE.

Mr. TOWNSHEND also introduced a bill (H. R. 10450) granting a pension to William R. Rice; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM HILL.

Mr. TOWNSHEND also introduced a bill (H. R. 10451) granting a pension to William Hill; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHAN LAUBSCHER.

Mr. RIGGS introduced a bill (H. R. 10452) granting a pension to Johan Laubscher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. BRECKENRIDGE.

Mr. WORTHINGTON (by Mr. RIGGS) introduced a bill (H. R. 10453) for the relief of John W. Breckenridge, late a private, Company B, Eighty-fifth Illinois Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES S. HARDIN.

Mr. LANDES introduced a bill (H. R. 10454) granting a pension to James S. Hardin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JULIA M. FULLER.

Mr. LANDES introduced a bill (H. R. 10455) for the relief of Julia M. Fuller, widow of Bennett C. Fuller, Company G, Fifty-ninth Regiment Indiana Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM M. BRYANT.

Mr. MARTIN introduced a bill (H. R. 10456) for the relief of William M. Bryant, of Washington City, D. C.; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

DEPENDENT PARENTS, ETC.

Mr. MATSON introduced a bill (H. R. 10457) for the relief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEVI H. BROWN.

Mr. COBB introduced a bill (H. R. 10458) for the relief of Levi H. Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FORFEITURE OF LAND GRANTS.

Mr. COBB submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That the Committee on Public Lands shall have leave at any time during the present session after the morning hour and the hour for the consideration of bills reported by committees, to consider bills on the Calendar for the forfeiture of land grants to railroad and other corporations, bills preventing speculations in public lands, and bills for the reservation of the public lands for the benefit of actual, *bona fide* settlers; the same not to interfere with revenue or general appropriation bills.

WASHINGTON C. DE PAUW.

Mr. HOWARD introduced a bill (H. R. 10459) for the relief of Washington C. De Pauw; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS S. BROOKS.

Mr. HOWARD also introduced a bill (H. R. 10460) granting an in-

crease of pension to Thomas S. Brooks; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

DOROTHEA RUOFF.

Mr. HOWARD also introduced a bill (H. R. 10461) granting a pension to Dorothea Ruoff; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AARON M. APPLEGATE.

Mr. HOWARD also introduced a bill (H. R. 10462) for the relief of Aaron M. Applegate; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE RICH.

Mr. HOWARD also introduced a bill (H. R. 10463) for the relief of George Rich; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF PENSION LAWS.

Mr. HOWARD also introduced a bill (H. R. 10464) to amend certain sections of the revised statutes of the United States relating to pensions, and for other purposes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. FOSTER.

Mr. WEAVER, of Iowa, introduced a bill (H. R. 10465) granting a pension to George W. Foster, late of the One Hundred and fifth New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB FRAGER.

Mr. WEAVER, of Iowa, also introduced a bill (H. R. 10466) granting a pension to Jacob Frager, late a private in Company D, First Artillery, in the Seminole war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PRENTICE HOLMES.

Mr. MURPHY introduced a bill (H. R. 10467) directing the Secretary of War to amend the record of Prentice Holmes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FRITZ RODDEWIG.

Mr. MURPHY also introduced a bill (H. R. 10468) granting a pension to Fritz Roddewig; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM D. CLARK.

Mr. CONGER introduced a bill (H. R. 10469) correcting the military record of William D. Clark; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. S. C. GOODIN.

Mr. CONGER also introduced a bill (H. R. 10470) granting a pension to Mrs. S. C. Goodin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN JOHNSON.

Mr. CONGER also introduced a bill (H. R. 10471) granting a pension to John Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. HARRIET N. CAMPBELL.

Mr. LYMAN (by Mr. CONGER) introduced a bill (H. R. 10472) for the relief of Mrs. Harriet N. Campbell, of Audubon county, State of Iowa; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RALPH T. MOSES.

Mr. HOLMES (by request) submitted the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That the Doorkeeper be authorized to employ Ralph T. Moses as assistant folder in the seal-room of the House of Representatives, at the rate of $2.50 per day during the present session, to be paid out of the contingent fund of the House.

WILLIAM REDDICK.

Mr. HALL introduced a bill (H. R. 10473) granting a pension to William Reddick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICAJAH REEDER.

Mr. HALL also introduced a bill (H. R. 10474) for the relief of Micajah Reeder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAND-SCREENS FOR PATENT TUBE WELLS.

Mr. FORD introduced a bill (H. R. 10475) to extend a patent for improvement in sand-screens for iron-tube wells, being the patent number 101148, issued March 22, 1870; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

CULLEN W. GREEN.

Mr. FORD also introduced a bill (H. R. 10476) granting a pension to Cullen W. Green; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SIMON HAINES.

Mr. FORD also introduced a bill (H. R. 10477) granting a pension to Simon Haines; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES BANKS.

Mr. RYAN introduced a bill (H. R. 10478) granting a pension to Charles Banks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AUGUST C. T. GOGALL.

Mr. RYAN also introduced a bill (H. R. 10479) granting a pension to August C. T. Gogall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL F. C. GARRISON.

Mr. RYAN also introduced a bill (H. R. 10480) granting a pension to Samuel F. C. Garrison; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUTIES ON LUMBER, SALT, AND SUGAR.

Mr. MORRILL introduced a bill (H. R. 10481) to amend section 2505 of the Revised Statutes and to place lumber and salt upon the free-list, and to reduce the import duties on sugar; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PENSIONS GRANTED BY SPECIAL ACT.

Mr. MORRILL also introduced a bill (H. R. 10482) relating to pensions granted by special act of Congress; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXTRA PAY TO VOLUNTEER OFFICERS.

Mr. PERKINS introduced a bill (H. R. 10483) allowing extra pay to certain volunteer officers of the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WINFIELD, GEUDA SPRINGS AND SOUTHERN RAILROAD COMPANY.

Mr. PERKINS also introduced a bill (H. R. 10484) granting the right of way to the Winfield, Geuda Springs and Southern Railroad Company, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MRS. ELIZABETH S. MUNN.

Mr. PERKINS also introduced a bill (H. R. 10485) for the relief of Mrs. Elizabeth S. Munn, of Coffeyville, Kans.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. MARY PITTMAN.

Mr. PERKINS also introduced a bill (H. R. 10486) granting a pension to Mrs. Mary Pittman, of Arkansas City, Kans.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES A. SPRING.

Mr. PERKINS also introduced a bill (H. R. 10487) granting a pension to James A. Spring, of Winfield, Kans.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEZEKIAH SHENEFIELD.

Mr. PERKINS introduced a bill (H. R. 10488) granting a pension to Hezekiah Shenefield, of Altoona, Kans.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. FRANCES A. RUSSELL.

Mr. PERKINS also introduced a bill (H. R. 10489) granting a pension to Mrs. Frances A. Russell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRESTON G. RULE.

Mr. PERKINS also introduced a bill (H. R. 10490) granting a pension to Preston G. Rule; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

UNITED STATES DISTRICT COURT, KANSAS.

Mr. ANDERSON, of Kansas, introduced a bill (H. R. 10491) to provide for the holding of the district court of the United States at Salina, Kans.; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDINGS.

Mr. PETERS introduced a bill (H. R. 10492) to provide for the

erection of public buildings in certain towns and cities in the United States; which was read twice by its title.

Mr. PETERS. I ask for the reading of the bill at length.

The bill was read at length, and was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CALVIN C. PRATT.

Mr. PETERS also introduced a bill (H. R. 10493) granting a pension to Calvin C. Pratt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN J. LOCKREY.

Mr. PETERS also introduced a bill (H. R. 10494) granting a pension to John J. Lockrey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ESTATE OF NATHAN T. SHULER.

Mr. PETERS also introduced a bill (H. R. 10495) for the relief of the estate of Nathan T. Shuler; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN ROBINSON.

Mr. STONE, of Kentucky, introduced a bill (H. R. 10496) to relieve John Robinson of the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE P. STONE.

Mr. HALSELL introduced a bill (H. R. 10497) for the benefit of George P. Stone, late captain Company C, Thirty-seventh Regiment Kentucky Mounted Infantry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES R. CLARK.

Mr. LAFFOON introduced a bill (H. R. 10498) granting a pension to Charles R. Clark; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. H. COHORN.

Mr. BRECKINRIDGE, of Kentucky, introduced a bill (H. R. 10499) to relieve W. H. Cohorn of a charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES C. LEMON.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 10500) for the relief of James C. Lemon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIS PRICE.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 10501) for the relief of Willis Price; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF STEPHEN H. LONG.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 10502) to settle the claim of the heirs of the late Col. Stephen H. Long, of the United States topographical engineers; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

OFFICERS OF STEAM VESSELS.

Mr. WILLIS introduced a bill (H. R. 10503) for the benefit of certain officers of steam vessels; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM SPIETH.

Mr. WILLIS also introduced a bill (H. R. 10504) for the relief of William Spieth; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES C. MILLS.

Mr. WILLIS also introduced a bill (H. R. 10505) granting a pension to James C. Mills; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAND BAR AT SHREVEPORT, LA.

Mr. BLANCHARD submitted the following resolution; which was read, and referred to the Committee on Rivers and Harbors:

Resolved, That the Secretary of War be requested to inform the House what steps, if any, have been taken to cause the removal of the sand bar which has formed against the piers of the Vicksburg, Shreveport and Pacific Railway bridge spanning the Red River at Shreveport, La., and which for more than six months has entirely prevented the passage of boats through the draw of said bridge on a river navigable 300 miles above and 500 miles below the bridge.

Resolved further, That the Secretary inform the House whether or not the Department holds that it is the duty of said railway company to remove said obstruction, and if so, what demand to do so has been made upon said company, when made, and their reply, and what steps, if any, have been taken to enforce the demand.

Resolved further, That the Secretary inform the House what steps the Department proposes to take to cause the removal of said obstruction.

MARIA B. HATCH.

Mr. MILLIKEN introduced a bill (H. R. 10506) granting a pension to Maria B. Hatch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FERNANDO G. PRATT.

Mr. MILLIKEN also introduced a bill (H. R. 10507) granting a pension to Fernando G. Pratt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WAGES OF EMPLOYÉS OF GOVERNMENT CONTRACTORS.

Mr. MILLIKEN also introduced a bill (H. R. 10508) providing for the payment of weekly wages by Government contractors to their employés; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

SITE FOR POST-OFFICE, ETC., WASHINGTON, D. C.

Mr. MILLIKEN also introduced a bill (H. R. 10509) to authorize the acquisition of certain parcels of real estate in the territory bounded by Pennsylvania avenue on the north, B street on the south, Ninth street on the east, and Fifteenth street on the west, in the city of Washington, to provide suitable sites for the city post-office, city government buildings, a hall of records, and other public buildings; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WILLIAM H. S. RILEY.

Mr. DINGLEY introduced a bill (H. R. 10510) granting balance of pension to William H. S. Riley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HANNAH C. DE WITT.

Mr. BOUTELLE introduced a bill (H. R. 10511) granting a pension to Hannah C. De Witt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAIAH G. MAYO.

Mr. BOUTELLE also introduced a bill (H. R. 10512) granting a pension to Isaiah G. Mayo; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES HOLBROOK.

Mr. COMPTON introduced a resolution to pay Charles Holbrook, laborer, for services from July 1, 1886, to August 5, 1886, inclusive, $70; which was read, and referred to the Committee on Accounts.

NATIONAL GUARD PARADE.

Mr. COMPTON also introduced a bill (H. R. 10513) to provide for the maintenance of order in the District of Columbia during the national guard competition and parades; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

PHYSICIANS TO THE POOR IN THE DISTRICT OF COLUMBIA.

Mr. COMPTON also introduced a bill (H. R. 10514) regulating the compensation of physicians to the poor in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MARY M'DONOUGH.

Mr. LOVERING introduced a bill (H. R. 10515) granting a pension to Mary McDonough; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS FERRALL.

Mr. LOVERING also introduced a bill (H. R. 10516) increasing the pension of Thomas Ferrall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES THOMPSON.

Mr. LOVERING also introduced a bill (H. R. 10517) for the relief of Charles Thompson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSIAH DAVIS.

Mr. LOVERING (by request) also introduced a bill (H. R. 10518) granting a pension to Josiah Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIMITATIONS IN CRIMINAL CASES.

Mr. ELY introduced a bill (H. R. 10519) relating to limitations in criminal cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM GIBBONS.

Mr. ELY also introduced a bill (H. R. 10520) granting an increase of pension to William Gibbons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHRISTOPHER C. BUMP.

Mr. WHITING introduced a bill (H. R. 10521) granting a pension to Christopher C. Bump; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRANG'S AMERICAN WAR PICTURES.

Mr. COLLINS introduced a joint resolution (H. Res. 233) for the purchase and distribution of Prang's Aquarelles or series of American war pictures; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

HEIRS OF JOHN HOWARD PAYNE.

Mr. BAYNE introduced a bill (H. D. 10522) relative to the claim of the heirs of John Howard Payne; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NAMES OF UNITED STATES VESSELS.

Mr. LONG (by request) introduced a bill (H. R. 10523) requiring every vessel of the United States of the measurement of twenty tons or more to have her name painted on her bow; which was read a first and second time, referred to the Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

MARTHA H. SANBORN.

Mr. LONG also introduced a bill (H. R. 10524) granting a pension to Martha H. Sanborn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM O'CONNOR.

Mr. LONG also introduced a bill (H. R. 10525) granting a pension to William O'Connor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SECTION 1753, REVISED STATUTES.

Mr. MAYBURY introduced a bill (H. R. 10526) to amend section 1753, Title 19, of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Reform in the Civil Service, and ordered to be printed.

WILLIAM H. SMITH.

Mr. O'DONNELL introduced a bill (H. R. 10527) to remove the charge of desertion from the record of William H. Smith, late a member of Company A, Eighth Michigan Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LEWIS CHAPELL.

Mr. TARSNEY introduced a bill (H. R. 10528) granting a pension to Lewis Chapell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDINGS.

Mr. TARSNEY also introduced a bill (H. R. 10529) providing for the erection of public buildings; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WILLIAM TIBBITS.

Mr. CARLETON introduced a bill (H. R. 10530) granting a pension to William Tibbits, late a private in Company A, One hundred and forty-seventh Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH M'GUCKIN.

Mr. STRAIT introduced a bill (H. R. 10531) for the relief of Elizabeth McGuckin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICKA EICHLER.

Mr. STRAIT also introduced a bill (H. R. 10532) granting a pension to Fredericka Eichler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PERRY D. MARTIN.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 10533) granting a pension to Perry D. Martin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROAD TO NATIONAL CEMETERY AT NATCHEZ, MISS.

Mr. VAN EATON introduced a bill (H. R. 10534) to make an additional appropriation for the construction of a road to the national cemetery at Natchez, Miss.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HEIRS OF G. W. GRANT.

Mr. BARKSDALE introduced a bill (H. R. 10535) for the relief of the heirs of the late G. W. Grant, of Copiah County, Mississippi; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REPORT ON TRADE GUILDS, ETC.

Mr. BARKSDALE also introduced the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed for the use of the House of Representatives —— thousand copies of the volume of reports from the consuls of the United States on the trade guilds of Europe and the laws and regulations by which they are governed, published by the Department of State in 1885.

SILVER COINAGE.

Mr. BLAND introduced the following resolution; which was referred to the Committee on Coinage, Weights, and Measures:

Resolved, That the Secretary of the Treasury be directed to report to the House how many dollars' worth of silver bullion was purchased each month and how many dollars' worth was coined in each month of the fiscal year ending June 30, 1886; also, how many dollars' worth of silver bullion was purchased and how many coined in each of the months of July, August, September, October, November, and December of 1886; also, whether the law requiring the purchase and coinage of not less than two millions' worth of bullion per month has been complied with.

AUGUST RENNE.

Mr. HEARD introduced a bill (H. R. 10536) granting a pension to August Renne; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PALESTINE BROUGHTON.

Mr. BURNES introduced a bill (H. R. 10537) granting a pension to Palestine Broughton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ELIZABETH B. DYER.

Mr. BURNES (by request) also introduced a bill (H. R. 10538) granting an increase of pension to Mrs. Elizabeth B. Dyer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RODMAN M. PRICE.

Mr. PHELPS introduced a bill (H. R. 10539) for the relief of Rodman M. Price; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN S. CUNLIFFE.

Mr. GREEN, of New Jersey (by Mr. MCADOO), introduced a bill (H. R. 10540) granting a pension to John S. Cunliffe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD TALL.

Mr. WEBER introduced a bill (H. R. 10541) granting a pension to Richard Tall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC EXHIBITIONS BY WILD INDIANS.

Mr. JAMES introduced the following resolution; which was referred to the Committee on Indian Affairs:

Resolved, That the Secretary of the Interior be directed to inform the House of Representatives by what authority certain wild Indians are absent from their reservations and engaged in presenting before the public scenes representing their lowest savage characteristics; and whether, in his opinion, the same is calculated to elevate and benefit them, and in what way and to what extent the exhibitions are under the auspices of the Government of the United States, as claimed by the exhibitor.

IMMIGRATION.

Mr. MULLER (by request) introduced a bill (H. R. 10542) to amend the immigration laws of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOSEPH ATTRIDGE.

Mr. BAKER introduced a bill (H. R. 10543) to remove the charge of desertion against the name of Joseph Attridge; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES M. M'NEIL.

Mr. BAKER also introduced a bill (H. R. 10544) to remove the charge of desertion against the name of James M. McNeil, alias James W. Gibson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN P. HAGEMAN.

Mr. LINDSLEY introduced a bill (H. R. 10545) for the relief of John P. Hageman; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

JOHN ERICSSON'S "DESTROYER."

Mr. MERRIMAN introduced a bill (H. R. 10546) for the purchase of John Ericsson's "Destroyer" and ten enlarged steel vessels of the same type for defending the harbors of the United States; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

WILLIAM HECKLES.

Mr. PARKER introduced a bill (H. R. 10547) for the relief of William Heckles; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE B. PIKE.

Mr. PARKER also introduced a bill (H. R. 10548) for the relief of George B. Pike; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REUBEN CLARK.

Mr. PARKER also introduced a bill (H. R. 10549) for the relief of

Reuben Clark; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TAXATION ON THE BASIS OF INCOME.

Mr. GREEN, of North Carolina, introduced a bill (H. R. 10550) to grade taxation on the basis of income; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WALTER WATSON.

Mr. GREEN, of North Carolina, also introduced a bill (H. R. 10551) for the relief of Walter Watson, of Fayetteville, N. C.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WIDOW OF REV. MOSES HOPKINS.

Mr. COX, of North Carolina, introduced a bill (H. R. 10552) for the relief of the widow of Rev. Moses Hopkins, late minister to Liberia; which was read a first and second time.

Mr. COX, of North Carolina. I move that the bill be referred to the Committee on Appropriations.

The SPEAKER. Under the rules of the House it would seem to go to the Committee on Claims. The jurisdiction of the Committee on Appropriations extends only to the appropriation of money for the support of the Government. This seems to be a claim against the Government.

The bill was referred to the Committee on Claims, and ordered to be printed.

SPOLIATION CLAIMS.

Mr. COX, of North Carolina, also introduced a bill (H. R. 10553) to extend the time for filing claims in the Court of Claims under the operations of an act entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to July 31, 1801;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MRS. J. O. HELLER.

Mr. WARNER, of Ohio, introduced a bill (H. R. 10554) for the relief of Mrs. J. O. Heller; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN KIRK.

Mr. WARNER, of Ohio, also introduced a bill (H. R. 10555) for the relief of John Kirk, late second lieutenant, Company E Ninety-second Regiment Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FIRST SETTLEMENT NORTHWEST TERRITORY.

Mr. WARNER, of Ohio, also introduced a bill (H. R. 10556) to aid in the erection of a monument to commemorate the possession and first settlement of the Northwest Territory under the ordinance of 1787; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

CURRENT DEFLECTORS.

Mr. WARNER, of Ohio, also introduced a joint resolution (H. Res. 234) to authorize Lewis M. Haupt and associates to test his plans of improving rivers and harbors by current deflectors; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

CINCINNATI CUSTOM-HOUSE PAVEMENT.

Mr. BUTTERWORTH introduced a bill (H. R. 10557) authorizing and directing the Secretary of the Treasury to pay the city of Cincinnati, Ohio, one-half the cost of constructing pavements in the front of the United States custom-house in said city, and making an appropriation therefor; which was read a first and second time.

Mr. BUTTERWORTH. That should go to the Committee on Claims.

The SPEAKER. The Committee on Public Buildings and Grounds sometimes has had jurisdiction of bills of this character, and sometimes the Committee on Appropriations—in the sundry civil appropriation bill.

Mr. BUTTERWORTH. I prefer it should go to the Committee on Claims.

The SPEAKER. As the sundry civil appropriation bill, in which these claims are included, has been reported, perhaps the Committee on Public Buildings and Grounds would be the proper committee.

The bill was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

DESTITUTE UNION SOLDIERS, DISTRICT OF COLUMBIA.

Mr. ANDERSON, of Ohio (by request), introduced a bill (H. R. 10558) making an appropriation of $5,000 for the relief of the destitute ex-Union soldiers of the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SALARY OF THE COMMISSIONER OF LABOR.

Mr. FORAN introduced a bill (H. R. 10559) fixing the salary of the Commissioner of Labor at $5,000 per annum; which was read a first and second time, referred to the Committee on Expenditures in the Interior Department, and ordered to be printed.

ADJUSTMENT OF ACCOUNTS OF THE SOLDIERS' HOME.

Mr. OUTHWAITE introduced a bill (H. R. 10560) to provide for the employment of additional clerical forces by the Secretary of the Treasury and the Secretary of War, to be used in adjusting the accounts in the Treasury Department of those funds which under the law belong to the Soldiers' Home, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM E. FOWLER.

Mr. IKE H. TAYLOR (by request) introduced a bill (H. R. 10561) granting a pension to William E. Fowler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POLICE FORCE OF THE DISTRICT OF COLUMBIA.

Mr. ROWELL introduced a bill (H. R. 10562) to amend an act entitled "An act to increase the police force of the District of Columbia, and for other purposes, approved January 31, 1883;" which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MARY J. M'CAFFERTY.

Mr. LITTLE (by request) introduced a bill (H. R. 10563) to pension Mary J. McCafferty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS MONAHAN.

Mr. COOPER introduced a bill (H. R. 10564) for the relief of Thomas Monahan, late of Company K, Fifth United States Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES FIDLER.

Mr. COOPER also introduced a bill (H. R. 10565) for the relief of Charles Fidler, late of Company E, Twentieth Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL H. EDWARDS.

Mr. COOPER also introduced a bill (H. R. 10566) for the relief of Samuel H. Edwards, late of Company B, Ninety-fifth Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRISON WAGNER.

Mr. COOPER also introduced a bill (H. R. 10567) for the relief of Harrison Wagner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLAIMS OF STATE OF VERMONT.

Mr. THOMPSON introduced a bill (H. R. 10568) to provide for the settlement and adjustment of all claims and demands between the United States and the State of Vermont, growing out of expenditures made during the war of the rebellion.

Mr. THOMPSON. I ask unanimous consent that this bill be referred to the Committee on the Judiciary.

There being no objection, the bill was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN DAUPER.

Mr. THOMPSON also introduced a bill (H. R. 10569) granting a pension to John Dauper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

S. W. RADCLIFF.

Mr. THOMPSON also introduced a bill (H. R. 10570) granting a pension to S. W. Radcliff; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TEMPORARY IMPROVEMENT NAVIGABLE WATERS.

Mr. HERMANN introduced a bill (H. R. 10571) authorizing the Secretary of War to order certain repairs and improvements of a temporary character in navigable waters, in order to preserve and continue the use and uninterrupted navigation thereof; and to draw his warrant or requisition from time to time upon the Secretary of the Treasury for such expenditures; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

PUBLIC LANDS ALONG COLUMBIA RIVER.

Mr. HERMANN also introduced a joint resolution (H. Res. 235) withdrawing from public sale and settlement vacant public lands along the Columbia River, between The Dalles City and Celilo, being in Oregon and Washington Territories, as a reservation for future improvement of river navigation between said points; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

HARDY ELLIFF.

Mr. HERMANN also introduced a bill (H. R. 10572) for the relief of Hardy Elliff, Oregon Indian depredations in 1855; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF GEORGE W. HARRIS.

Mr. HERMANN also introduced a bill (H. R. 10573) to pay the heirs of George W. Harris and his wife, Mary A., and their daughter, Sophia Love, deceased, of Oregon Indian depredations; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

S. S. GIMBLE.

Mr. HERMANN also introduced a bill (H. R. 10574) granting a pension to S. S. Gimble, late a private in Company H, Eighty-second Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SIMS J. ELY.

Mr. HERMANN also introduced a bill (H. R. 10575) granting a pension to Sims J. Ely, of La Fayette, in Oregon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF ISAAC N. BENTLY, DECEASED.

Mr. HERMANN also introduced a bill (H. R. 10576) to pay the heirs or legal representatives of Isaac N. Bently, deceased, late of Douglas County, Oregon, Indian depredations; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REV. JOHN WESLEY MILLER.

Mr. HERMANN also introduced a bill (H. R. 10577) for the relief of Rev. John Wesley Miller, of Oregon Indian depredations; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

B. F. DOWELL.

Mr. HERMANN also introduced a bill (H. R. 10578) for the relief of B. F. Dowell, of Oregon Indian depredations; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. ELIZABETH GURNEY.

Mr. HERMANN also introduced a bill (H. R. 10579) for the relief of Mrs. Elizabeth Gurney, widow of R. M. Gurney, of Douglas County, Oregon Indian depredations; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

I. B. NICHOLS.

Mr. HERMANN also introduced a bill (H. R. 10580) for the relief of I. B. Nichols, of Oregon Indian depredations; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HOWARD MAUPIN.

Mr. HERMANN also introduced a bill (H. R. 10581) to pay Howard Maupin, of Crook County, Oregon, $2,950 for property destroyed and stolen by hostile Indians in the State of Oregon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LOUISA A. INGRAM.

Mr. HERMANN also introduced a bill (H. R. 10582) to pay Louisa A. Ingram, of Vancouver, Wash., for loss of property of her husband, Capt. A. B. Ingram, of First Regiment Oregon Volunteer Infantry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

B. B. BISHOP.

Mr. HERMANN also introduced a bill (H. R. 10583) to pay B. B. Bishop, of Umatilla County, State of Oregon, $1,558 for property destroyed by hostile Indians in the Oregon Indian war of 1855–'56; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RUDOLPH RALLE.

Mr. WHITE, of Pennsylvania, introduced a bill (H. R. 10584) granting a pension to Rudolph Ralle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES R. SPENCE.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 10585) granting a pension to James R. Spence; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID BLUE.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 10586) granting a pension to David Blue; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHRISTOPHER WALL.

Mr. EVANS introduced a bill (H. R. 10587) for the relief of Christopher Wall, Company H, Eighty-first Pennsylvania Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. A. STOUT.

Mr. BOYLE introduced a bill (H. R. 10588) for the relief of A. A. Stout; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES C. WHALEY.

Mr. BOYLE also introduced a bill (H. R. 10589) granting a pension to James C. Whaley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REBECCA BROUGHER.

Mr. BOYLE also introduced a bill (H. R. 10590) granting a pension to Rebecca Brougher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH L. COLE.

Mr. BINGHAM (by Mr. OSBORNE) introduced a bill (H. R. 10591) granting a pension to Elizabeth L. Cole; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. C. ROGERS.

Mr. SCOTT introduced a bill (H. R. 10592) for the relief of H. C. Rogers, late deputy commissioner of internal revenue; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF PERCIVAL POWELL.

Mr. BUNNELL introduced a bill (H. R. 10593) for the relief of the heirs of Percival Powell, deceased, late postmaster at Towanda, Pa.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PHINEAS MALIN.

Mr. EVERHART introduced a bill (H. R. 10594) to increase the pension of Phineas Malin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALLEN SIMMONS.

Mr. BAYNE introduced a bill (H. R. 10595) to grant a pension to Allen Simmons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN F. KINSEY.

Mr. CAMPBELL introduced a bill (H. R. 10596) granting a pension to Benjamin F. Kinsey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL SHOCK.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 10597) granting a pension to Daniel Shock, late of Company F, Seventy-seventh Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH WEIDEL.

Mr. STORM introduced a bill (H. R. 10598) granting a pension to Joseph Weidel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAIAH JOHN.

Mr. STORM also introduced a bill (H. R. 10599) granting a pension to Isaiah John; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SITE FOR CHIEF SIGNAL OFFICE.

Mr. DIBBLE introduced a bill (H. R. 10600) for the purchase of a site, including the building thereon; also for the erection of the necessary storehouses, for the use of office of the Chief Signal Officer of the Army at the city of Washington; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

BUSINESS OF COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

Mr. DIBBLE introduced the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That Thursday, January 13, 1887, after the hour for consideration of committee reports, be fixed for consideration of such business reported by the Committee on Public Buildings and Grounds as may be designated by the said committee, not to interfere with revenue or general appropriation bills, or prior special orders, or the order in favor of Committee on Public Lands; and this order continue from day to day until such consideration be had, and until such business designated by the said committee as aforesaid shall have been disposed of: *Provided*, That not more than two days shall be occupied in the disposition of business under this order.

ISAAC FINLEY.

Mr. SMALLS introduced a bill (H. R. 10601) to place upon the pension-roll the name of Isaac Finley; which was read a first and second

time, referred to the Committee on Invalid Pensions, and, with the accompanying report, ordered to be printed.

WILLIAM FIELDS.

Mr. SMALLS also introduced a bill (H. R. 10602) to place upon the pension-roll the name of William Fields; which was read a first and second time, referred to the Committee on Invalid Pensions, and, with the accompanying report, ordered to be printed.

ELMIRA CONANT.

Mr. SMALLS also introduced a bill (H. R. 10603) to place the name of Elmira Conant on the pension-roll of invalid pensions; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GREENOUGH'S STATUE OF WASHINGTON.

Mr. CALDWELL offered the following resolution; which was read, and referred to the Committee on Library:

Whereas Greenough's statue of Washington, on the eastern front of the Capitol, is being damaged by the action of the weather, and from its exposure thereto will fall to pieces if not protected therefrom; and

Whereas it is surrounded by no barrier to prevent its desecration, and some *vandal artist* has scaled the statue and penciled the pupil and iris of each eye at such an angle as to make the Father of his Country cross-eyed, when it is a historical fact that he was not afflicted with strabismus: Therefore,

Be it resolved, That the Committee on Library of this House take the matter into consideration and report what measures are necessary to preserve the statue from desecration and destruction.

EVENING SESSIONS.

Mr. CALDWELL also introduced the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That the rules be so amended as that for the remainder of this session of Congress an evening session on Thursday evening of each week from half past 7 p. m. to half past 10 o'clock shall be held to consider bills on the Private Calendar.

And it shall be first in order to take up and consider Senate bills in their order until the same are disposed of, and then to take up and consider, in their order, House bills upon said Calendar.

CLAIMS FOR REFUNDING REVENUE TAXES.

Mr. HOUK introduced a bill (H. R. 10604) to extend the time for filing claims for refunding revenue taxes, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ENOCH CRAWFORD.

Mr. HOUK also introduced a bill (H. R. 10605) granting a pension to Enoch Crawford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TYLER GARNER.

Mr. HOUK also introduced a bill (H. R. 10606) granting a pension to Tyler Garner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL H. LEINART.

Mr. HOUK also introduced a bill (H. R. 10607) to correct the military record of Daniel H. Leinart; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BARBARA BURCHELL.

Mr. HOUK also introduced a bill (H. R. 10608) for the relief of Barbara Burchell, of Knoxville, Tenn.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID BELL, M. D.

Mr. PETTIBONE introduced a bill (H. R. 10609) for the relief of David Bell, M. D., of Tennessee, for services as assistant surgeon of volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

Mr. PETTIBONE also introduced a joint resolution (H. Res. 236) authorizing Dr. Bell, to present his claim to the Court of Claims; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN HANCOCK.

Mr. GLASS. introduced a bill (H. R. 10610) granting a pension to John Hancock; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH J. SHIRLEY.

Mr. NEAL introduced a bill (H. R. 10611) granting a pension to Sarah J. Shirley, widow of James C. Shirley, late of Company F, Fifth Tennessee Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. CURTIS.

Mr. NEAL also introduced a bill (H. R. 10612) for the relief of John W. Curtis, of Polk County, Tennessee; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN HATCHER

Mr. NEAL also introduced a bill (H. R. 10613) granting a pension to John Hatcher, of Polk County, Tennessee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM KINNANE.

Mr. ZACH. TAYLOR introduced a bill (H. R. 10614) to remove the charge of desertion from the record of William Kinnane; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SAMUEL G. CABELL.

Mr. ZACH. TAYLOR also introduced a bill (H. R. 10615) for the relief of Samuel G. Cabell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF OSWELL P. NEWBY.

Mr. ZACH. TAYLOR (by request) also introduced a bill (H. R. 10616) for the relief of the estate of Oswell P. Newby; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID F. GOODYEAR.

Mr. ZACH. TAYLOR (by request) also introduced a bill (H. R. 10617) for the relief of David F. Goodyear, surviving partner of Johnson & Goodyear; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN DONALDSON.

Mr. THROCKMORTON introduced a bill (H. R. 10618) for the relief of John Donaldson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PLEASANT M. FAUGHT.

Mr. THROCKMORTON also introduced a bill (H. R. 10619) for the relief of Pleasant M. Faught; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LAND IN AUSTIN, TEX., FOR EDUCATIONAL PURPOSES.

Mr. SAYERS introduced a bill (H. R. 10620) to authorize the Secretary of War to convey to the city of Austin, in the State of Texas, a tract of land in said city for educational purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RETIRED-LIST FOR CIVIL EMPLOYÉS.

Mr. CRAIN (by request) introduced a bill (H. R. 10621) to establish a retired-list for persons employed in the civil service; which was read a first and second time, referred to the Committee on Reform in the Civil Service, and ordered to be printed.

WASHINGTON GASLIGHT COMPANY.

Mr. CRAIN (by request) also introduced a bill (H. R. 10622) for the regulation of the Washington Gaslight Company; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ERNEST A. HEINAN.

Mr. CRAIN (by request) also introduced a bill (H. R. 10623) for the relief of Ernest A. Heinan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEATING OF STREET-RAILWAY CARS.

Mr. CRAIN also introduced a bill (H. R. 10624) to require the street-railway companies in the District of Columbia to heat the cars used by them on their roads; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

SAMUEL J. LONG.

Mr. CRAIN also introduced the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Clerk of the House, be authorized and directed to pay, out of the contingent fund of the House, to Samuel J. Long, $75 for services as page in the enrolling-room of the House during the last session of Congress.

EMANUEL B. KING.

Mr. JONES, of Texas (by request), introduced a bill (H. R. 10625) granting a pension to Emanuel B. King; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DARWIN E. WASHBURN.

Mr. GROUT introduced a bill (H. R. 10626) granting a pension to Darwin E. Washburn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANACOSTIA AND POTOMAC RIVER RAILROAD.

Mr. BARBOUR (by request) introduced a bill (H. R. 10627) to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

H. H. FARMER.

Mr. CABELL introduced a bill (H. R. 10628) for the relief of H. H.

Farmer, of Carroll County, Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

KEEPER'S LODGE, YORKTOWN, VA.

Mr. LIBBEY introduced a bill (H. R. 10629) making an appropriation for the purchase of a keeper's lodge at Yorktown, Va.; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

KATE RYDER.

Mr. LIBBEY also introduced a bill (H. R. 10630) granting a pension to Kate Ryder; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PETER GIACCHETTI.

Mr. LIBBEY also introduced a bill (H. R. 10631) for the relief of Peter Giacchetti; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALEXANDER SHOCK.

Mr. GOFF introduced a bill (H. R. 10632) for the relief of Alexander Shock; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LOUIS POPE.

Mr. HUDD introduced a bill (H. R. 10633) granting a pension to Louis Pope; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGE ACROSS STURGEON BAY.

Mr. STEPHENSON introduced a bill (H. R. 10634) to authorize the Wisconsin Railway and Navigation Company, its successors and assigns, to construct a bridge across Sturgeon Bay at any accessible point in the county of Door, State of Wisconsin; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RIGHT OF WAY TO THE UNITED STATES RAILWAY COMPANY.

Mr. BEAN introduced a bill (H. R. 10635) granting the right of way to the United States Railway Company from a point on the Canadian boundary to a point on the Mexican boundary, and for other purposes; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

RIGHT OF WAY TO ARIZONA NARROW-GAUGE RAILROAD COMPANY.

Mr. BEAN also introduced a bill (H. R. 10636) granting the right of way to the Arizona Narrow-Gauge Railroad Company through the White Mountain Indian reservation in the Territory of Arizona; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DR. J. H. TAGGART.

Mr. BEAN also introduced a bill (H. R. 10637) for the relief of Dr. J. H. Taggart in payment for medical services and medical supplies furnished by him to children at Fort Yuma Indian school, Colorado River Agency; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SANDFORD LANGWORTHY.

Mr. GIFFORD introduced a bill (H. R. 10638) granting a pension to Sandford Langworthy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RIGHT OF WAY TO SPOKANE AND PALOUSE RAILWAY COMPANY.

Mr. HAILEY introduced a bill (H. R. 10639) granting the Spokane and Palouse Railway Company the right of way through the Cœur d'Alene Indian reservation; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

TIMBER ON PUBLIC LANDS.

Mr. HAILEY also introduced a bill (H. R. 10640) to protect timber on public lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PERSONS EXCLUDED FROM HOLDING LAND, ETC.

Mr. HAILEY also introduced a bill (H. R. 10641) to prevent certain persons from voting or holding land in the Territories, and for other purposes; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

RESERVOIRS IN TERRITORY OF NEW MEXICO.

Mr. JOSEPH introduced a bill (H. R. 10642) to provide for the building of reservoirs in the Territory of New Mexico for the storage of water for the purposes of irrigation; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

WEIGHTS AND MEASURES TO NEW MEXICO.

Mr. JOSEPH also submitted a joint resolution (H. Res. 237) providing for the furnishing of a complete set of weights and measures to the Territory of New Mexico; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

The SPEAKER. The call of States and Territories is completed, but if there be no objection the Chair will recognize gentlemen for the introduction of bills who were not in their seats when their States were called.

JOHN M'CRACKEN.

Mr. PEEL introduced a bill (H. R. 10643) for the relief of John McCracken; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PRINTING OF REPORT, COMMISSIONER OF AGRICULTURE.

Mr. HATCH introduced a joint resolution (H. Res. 238) authorizing the printing of the annual report of the Commissioner of Agriculture; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

MESSAGE FROM THE PRESIDENT.

A message from the President, in writing, was communicated to the House by Mr. PRUDEN, one of his secretaries.

GEORGIA PACIFIC RAILROAD COMPANY.

Mr. ALLEN, of Mississippi, introduced a bill (H. R. 10644) to authorize the Georgia Pacific Railroad Company to construct bridges across the Sunflower, Yazoo, and Tombigbee Rivers, in Mississippi; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MARGARET DIEBOLD.

Mr. BLAND introduced a bill (H. R. 10645) granting a pension to Margaret Diebold; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL CODY.

Mr. BLAND also introduced a bill (H. R. 10646) granting a pension to Samuel Cody; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY WOLFE.

Mr. BLAND also introduced a bill (H. R. 10647) granting a pension to Henry Wolfe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BOAZ FORD.

Mr. THOMAS, of Illinois (by request), introduced a bill (H. R. 10648) for the relief of Boaz Ford; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RAILROAD BRIDGE OVER THE MISSISSIPPI.

Mr. BRECKINRIDGE, of Arkansas, introduced a bill (H. R. 10649) to authorize the construction of a railroad bridge over the Mississippi River at Grand Tower, Ill.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. BRECKINRIDGE, of Arkansas, also submitted the following resolution of inquiry; which was referred to the Committee on Commerce:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to make inquiries of constructors of passenger cars and of steamboats, and of any other persons whom he may think especially capable of giving useful information upon the subject, as to the best methods of constructing and of heating the same, especially of heating the former and constructing the latter, so as to prevent the loss of life and property by fire; also that he communicate to the House at the next regular meeting of Congress so much of the communications he may receive, with plans and drawings, if any, as he may think of value to Congress, with a view to legislation looking to the protection of property and life, together with such views and recommendations as he may see fit to express.

SPECULATION IN FARM PRODUCTS.

Mr. BRECKINRIDGE, of Arkansas, also (by request) introduced a bill (H. R. 10650) to regulate speculative transactions in farm products, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NATHAN PLUMMER.

Mr. BRECKINRIDGE, of Arkansas, also (by request) introduced a bill (H. R. 10651) for the relief of Nathan Plummer; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RAILROAD ACCIDENTS.

Mr. TILLMAN introduced a bill (H. R. 10652) to prevent the destruction of human life by fire in railroad accidents; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

AARON FRIEDHEIM.

Mr. McRAE (by request) introduced a bill (H. R. 10653) to pay Aaron Friedheim the rebate due him under the act of March 3, 1883; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN SCHUBERT.

Mr. VAN SCHAICK introduced a bill (H. R. 10654) granting a pension to John Schubert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. CORN.

Mr. TOWNSHEND introduced a bill (H. R. 10655) granting a pen-

sion to John H. Corn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SENATE BILLS ON PRIVATE CALENDAR.

Mr. SPRINGER submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That the 14th and 21st days of January, 1887, after the morning hour, be set apart for the consideration of Senate bills on the Private Calendar of the House, except pension bills, the consideration of which is already provided for at the Friday evening sessions.

AMENDMENTS TO PACIFIC RAILROAD FUNDING BILL.

Mr. SPRINGER. I ask unanimous consent to have printed in bill form certain amendments which I propose to offer to the bill providing for the extension of the indebtedness of the Pacific railroads.

There was no objection, and it was so ordered.

LEWIS LEACH.

Mr. STEELE introduced a bill (H. R. 10656) granting a pension to Lewis Leach; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BUSINESS OF JUDICIARY COMMITTEE.

Mr. MORRISON. Mr. Speaker, I am directed by the Committee on Rules, to which was referred the resolution I send to the Clerk's desk, to report the same back with the recommendation that a substitute I now present be adopted.

The resolution and substitute assign or fix a time for the consideration of bills reported by the Committee on the Judiciary.

The SPEAKER. The Clerk will read the report of the Committee on Rules. He will first report the original resolution referred to the committee.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *December* 7, 1887.

Resolved, That the 14th day of December, 1886, be set apart, immediately after the reading of the Journal, for the consideration of the bill (S. 19) and the amendment thereto, reported by the Judiciary Committee of the House, entitled "An act to amend an act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882, and from day to day thereafter, after the reading of the Journal, until their consideration is completed, subject to the consideration of revenue and general appropriation bills.

The Committee on Rules, to which was referred a resolution offered in the House December 7, 1886, setting apart Tuesday, the 14th day of December, for the consideration of Senate bill No. 10, has had the same under consideration, and reports back the accompanying resolution as a substitute therefor. The committee is of the opinion that some of the measures reported from the Committee on the Judiciary, and now on the Calendar of the House, are of sufficient importance to justify the House in setting apart a day for their consideration, and therefore recommend the adoption of the substitute, as follows:

Resolved, That next Wednesday, January 12, immediately after reading the Journal, be, and is hereby, set apart for the consideration of bills and joint resolutions presented by the Committee on the Judiciary.

Mr. MORRISON. It will be observed that the original resolution as referred to the Committee on Rules assigned a day for the consideration of certain bills reported from the Judiciary Committee, and such consideration to be continued from day to day until disposed of. The committee has reported a substitute assigning to the Judiciary Committee one day. The Utah or non-polygamy bill and others reported by that committee are believed to be of sufficient importance to justify this special assignment and provision for consideration. When the report is adopted and the time given, the question of consideration may still be raised on any bill the Judiciary Committee may call up, and it will still be in the power of the House by a majority to refuse consideration to any bill so to be called up, and I trust the report may now be adopted.

Mr. REED. For my part I should be perfectly willing that the privilege should be continued from day to day.

Mr. TUCKER. I wish to understand from the gentleman who reports the resolution, whether the order assigning Wednesday for business of the Judiciary Committee is subject to any prior order.

The SPEAKER. This resolution sets apart that day. Of course, it is always in the power of the House to refuse, by a majority vote, to consider any particular measure when called up. But this gives the Committee on the Judiciary the right to present its business.

Mr. MILLS. Does the privilege proposed to be granted to the committee interfere with appropriation bills?

The SPEAKER. The resolution sets apart that day for the business of the Judiciary Committee.

Mr. REED. I desire to suggest to my colleague on the Committee on Rules whether the resolution should not provide for the business of the committee being considered from day to day until finished. I assented to the resolution but had the impression—through my own fault undoubtedly, not having examined carefully the text—that it was to continue from day to day until the business is finished.

Mr. TUCKER. I am very glad to hear the suggestion of the gentleman from Maine, and I would like very much to have the resolution so modified as to continue the privilege at least one day longer, giving us Thursday as well as Wednesday. I would like to propose that amendment.

Mr. MORRISON. I have no objection to any arrangement that will secure at least one day to the committee.

Mr. REED. If only one day is granted it may be filibustered away.

Mr. TUCKER. I will say with the leave of the House there are a large number of bills reported by the Judiciary Committee which are very important to be considered. Of course it is known to the House that the bill in reference to polygamy in Utah, which is a substitute proposed by the Judiciary Committee for the bill passed by the Senate, is one of prime importance; and it was considered by the committee in submitting the original resolution which I was directed to report as one of such importance that a day should be set apart for its consideration. I am afraid if only one day is set apart there may be shut out a great deal of other business which is important to be considered by the House as reported by the committee. I will therefore move an amendment to have the effect of giving us two days.

The SPEAKER. The gentleman from Virginia moves to amend the substitute resolution so that if the business of the committee shall not be completed on Wednesday it may be continued on Thursday.

Mr. REED. And it is understood the Mormon bill is to come up first?

Mr. TUCKER. I can not say that is understood, because there has been a change of the resolution originally submitted. There will be a meeting of the committee to-morrow.

Mr. REED. I sincerely hope this subject will not be played with in any way.

Mr. TUCKER. The gentleman from Maine has no right to say there is any purpose of playing with the subject.

Mr. REED. Neither have I any right nor have I any intention to say so.

Mr. TUCKER. I am glad to hear the gentleman's disclaimer.

Mr. REED. I simply wanted to call the attention of the House to the importance of this particular measure.

Mr. TUCKER. I say now, what I think my friend from Maine [Mr. REED] will bear me out in saying, that I have made every effort to reach that bill.

Mr. MORRISON. That goes without saying. Let us have something done with this resolution.

Mr. HATCH. Let us have the resolution read as amended.

Mr. TUCKER. I call for the previous question on the resolution.

Mr. MORRISON. The gentleman has not the floor to do that.

The SPEAKER. The Clerk will read the resolution as amended.

The Clerk read as follows:

Resolved, That next Wednesday, January 12, immediately after reading the Journal, be and is hereby set apart for the consideration of bills and resolutions presented by the Committee on the Judiciary, and if not completed on that day, then that Thursday, January 13, be also set apart for the same purpose.

Mr. MORRISON. Now, Mr. Speaker, I demand the previous question on the amendment and on the adoption of the resolution.

The previous question was ordered.

The amendment proposed by Mr. TUCKER was agreed to.

The SPEAKER. If there be no objection, the original resolution will be laid on the table, and the question now is on agreeing to the substitute proposed by the committee, as amended.

The substitute as amended was agreed to.

Mr. MORRISON moved to reconsider the vote by which the resolution was agreed to, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DELAWARE INDIAN TRUST FUNDS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and referred to the Committee on Indian Affairs:

To the Senate and House of Representatives:

I transmit herewith a communication of the 22d instant from the Secretary of the Interior, submitting, with accompanying papers, a draft of proposed legislation, prepared in the Office of Indian Affairs, providing for the *per capita* payment to the Delaware Indians resident in the Cherokee Nation, in the Indian Territory, of the amount of their trust fund, principal and interest, held by the Government of the United States by virtue of the several treaties with the said Delaware Indians.

The matter is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January* 10, 1887.

ORDER OF BUSINESS.

The SPEAKER. The remainder of this day is set apart for business reported from the Committee on the District of Columbia.

SCHOOL BOARD FOR THE DISTRICT OF COLUMBIA.

Mr. BARBOUR. Mr. Speaker, I call up the bill (H. R. 9125) which is the bill to create a school board for the District of Columbia, and prescribe its powers and duties; and upon that bill, which is now upon its passage, I ask for the previous question.

Mr. HOPKINS. Mr. Speaker, is it proper at this stage to raise the question of consideration upon that bill?

The SPEAKER. It is. The previous question has not yet been ordered upon the passage of the bill, and in such a case it is always in the power of the House to determine whether to proceed with the consideration or not.

Mr. HOPKINS. I understand that there are several bills on the Calendar of great importance to the people of the District and to the

public generally. This bill is one which members of the Committee on the District of Columbia admit is imperfect. I think it ought to be recommitted, and if it is presented to the House at all it should be in a corrected and improved form. I therefore raise the question of consideration, with the hope that the bill will go over, in order that the day may be devoted to general legislation for the advantage of the people of the District.

The SPEAKER. The gentleman from Illinois [Mr. HOPKINS] raises the question of consideration against this bill, and the question is: Will the House now proceed to consider the bill?

The question was taken; and there were—ayes 85, noes 61.

The SPEAKER. The ayes have it; and the House determines to proceed with the consideration of the bill. The gentleman from Virginia [Mr. BARBOUR] demands the previous question upon the passage of the bill.

The previous question was ordered.

Mr. SPRINGER. I move to recommit this bill with instructions to the committee to report it back with an amendment to fix the number of school directors at nine instead of twenty-four, as the bill now proposes.

Mr. BARBOUR. Is this motion debatable?

The SPEAKER. It is not, the previous question having been ordered on the passage of the bill. The motion is open to amendment, but not to debate.

Mr. TOWNSHEND. Is it in order to ask whether nine is the number now prescribed by law?

Mr. SPRINGER. It is; and that is a sufficient number.

The question being taken on the motion of Mr. SPRINGER, it was not agreed to; there being—ayes 43, noes 85.

The bill was then passed.

Mr. BARBOUR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WASHINGTON CABLE RAILWAY COMPANY.

Mr. BARBOUR. By direction of the committee, I now yield to the gentleman from Missouri [Mr. HEARD], who will submit a motion in regard to what is known as the "traction railway bill."

Mr. HEARD. I move that the House now resolve itself into Committee of the Whole for the further consideration of the bill (H. R. 8976) to incorporate the Washington Cable Railway Company, of the District of Columbia.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. MCMILLIN in the chair) and resumed the consideration of the bill (H. R. 8976).

Mr. HEARD. Mr. Chairman, in view of the opposition which has been manifested to this measure when heretofore under consideration, and in view of the desire of the District Committee to bring before the House a number of other measures which in their judgment will not, probably, provoke as much discussion as will this bill, I now move, in accordance with an agreement in the District Committee, that the Committee of the Whole rise and report this bill back to the House with the recommendation that its further consideration be postponed until Thursday, the 27th of January next.

In making this motion I will state that its object is to give the House a fair opportunity to decide whether it will further consider the bill. If such is the pleasure of the House, then let the motion prevail, and the day suggested be fixed. If it be the pleasure of the House that the bill shall not be further considered, that desire can be expressed in the vote upon this question. In the event that the expression of the House should be adverse to the consideration of the bill, the committee will take such steps as may be necessary to prevent this bill from further obstructing the consideration of other measures.

Mr. NELSON. I desire to ask the gentleman from Missouri [Mr. HEARD] why the consideration of this bill should be postponed. I have no knowledge of any measure now pending which is more important for the interests of this District than to get this railroad.

Mr. HEARD. I will say to the gentleman that it is not the desire of the majority of the committee to put off the consideration of this bill further than may be necessary in justice to other measures, which have received the favorable consideration of the committee. If it is the wish of the Committee of the Whole that this bill be further considered now, the motion to rise can be negatived, which would require that that bill be now proceeded with. However, for the reasons I have stated, and in fairness to other pending measures, the committee thought it best that this motion be submitted, so that a future day may be fixed for the consideration of the bill.

Mr. NELSON. I desire to ask the gentleman another question.

The CHAIRMAN. Before the gentleman from Minnesota [Mr. NELSON] proceeds, the Chair will state that the only motion in order is a motion to rise. The Committee of the Whole can not designate what action the House shall take.

Mr. HEARD. Is it not competent for the Committee of the Whole to rise and report the bill back to the House with a recommendation?

The CHAIRMAN. That can be done.

Mr. HEARD. That is the motion I have made; that the committee rise and report the bill back to the House with the recommendation that its further consideration be postponed until Thursday, the 27th of January next.

Mr. NELSON. The gentleman will allow me to ask whether the friends of the bill are in favor of this postponement.

Mr. HEARD. They are, most emphatically. I stand with the majority of the committee in favor of this bill; and I make this motion in accordance with the sentiment of the committee, in order, as I have stated, to give the House an opportunity to express its pleasure as to the further consideration of this bill, and to enable other measures recommended by the committee to come before the House.

Mr. BURROWS. Why not go on with the consideration of this bill now?

Mr. HEARD. If the House should so decide, it will please me, I assure you; but, in the judgment of the committee, it is but just to other pending measures that this motion should be made.

Mr. NEGLEY. I think there are no other District measures of more importance than this.

Mr. BROWN, of Pennsylvania. I see no reason why a bill of this important character should be postponed.

The question being taken on the motion of Mr. HEARD that the committee rise, and report the bill back to the House with a recommendation that its further consideration be postponed until Thursday, the 27th of January next, it was agreed to; there being—ayes 93, noes 6.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MCMILLIN reported that the Committee of the Whole House having had under consideration the bill (H. R. 8976) had instructed him to report back the same with a recommendation that its further consideration be postponed until Thursday, January 27, 1887.

The SPEAKER. The question is upon agreeing to the report of the Committee of the Whole.

Mr. DINGLEY. I rise to a parliamentary inquiry. If this recommendation should be adopted, would this bill, on the day named, come up prior to the morning hour for the consideration of bills?

The SPEAKER. The Chair thinks that it would not come up until the rules of the House setting apart any portion of that day for the transaction of other business had been complied with.

Mr. HEARD. I call for the previous question on agreeing to the report of the Committee of the Whole.

The previous question was ordered; and under the operation thereof the report was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one its clerks, announced disagreement to the amendment of the House to the bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes, and requested a conference on the disagreeing votes of the two Houses, and had appointed Mr. DAWES, Mr. JONES of Arkansas, and Mr. BOWEN as managers of said conference on its part.

It further announced the return, in compliance with the request of the House, of duplicate engrossed copy of the bill (S. 938) for the relief of Chittenden Brothers.

It further announced the passage of the bill (H. R. 7988) granting an increase of pension to Bryant Waters.

BRIDGE ACROSS THE EASTERN BRANCH.

Mr. BARBOUR. I move that the House resolve itself into the Committee of the Whole House on the state of the Union, for the purpose of considering a bill (H. R. 4806) to authorize the construction of a bridge across the Eastern Branch of the Potomac River at the foot of Pennsylvania avenue east.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. RICHARDSON in the chair.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to cause to be constructed across the Eastern Branch of the Potomac River, at the foot of Pennsylvania avenue, in the District of Columbia, a substantial wooden, iron, or masonry bridge, with necessary approaches; and the sum of —— dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the construction of said bridge and approaches, the same to be maintained as a free bridge for travel: *Provided*, That the said Secretary of War shall construct a bridge upon such plan as shall cost no more than the amount herein appropriated: *Provided further*, That no part of this appropriation shall be paid out of the Treasury until contracts shall have been entered into with responsible parties, with good and sufficient securities, to be approved by the Secretary of War, for the construction and completion of said bridge, including the approaches, at a cost not to exceed —— dollars: *And provided also*, That the sum which may be expended under this act shall be treated and regarded as part of the general expenses of the District of Columbia, and the United States shall be credited with the amount which it may pay under this act for the erection of said bridge upon its fifty per centum of the expenses of the District of Columbia, as provided in the act of June 11, 1878, entitled, "An act providing a permanent form of government for the District of Columbia:" *Provided further*, That the Secretary of War shall, as soon as possible, cause a survey of the river to be made to determine the length, width,

and height of said bridge, and thereupon advertise for plans and prices for the construction of said bridge, such advertisement to be inserted in one or more daily newspapers published in Washington, D. C.; New York; Cleveland, Ohio; Detroit, Mich.; Philadelphia, Pa.; Chicago, Ill.; and Richmond, Va.; for the space of one week: *And provided further*, That the sum of $5,000 shall be available at once for such investigation and surveys and such contingencies as the Secretary of War shall deem necessary.

The CHAIRMAN. The Clerk will now read the amendment reported by the committee.

The Clerk read as follows:

In lines 8 and 20 fill the blanks by the insertion of $110,000 as the amount to be appropriated.

Mr. ROWELL. Mr. Chairman, this bill provides for the construction of a bridge across the Eastern Branch of the Potomac at the eastern end of Pennsylvania avenue, where it forms a junction with Kentucky avenue. In the early days there was a bridge at this point, one of the first bridges which led into Washington. It was burned in 1814 and has never been reconstructed.

The District of Columbia extends across the Eastern Branch and takes in the bluffs on the other side of the river. There is a connection by the navy-yard bridge to Anacostia, and some miles up the river there is another bridge. This one, however, leads directly out of the city at the end of Pennsylvania avenue. It saves several miles on the other side in reaching the present navy-yard bridge, and also makes a better passageway.

It is a bridge greatly needed, and has been for years, and it is one of those things which should be done, especially for the eastern part of the city of Washington.

The people, without expense to the District, caused a survey to be made of the bottom of the river, and piles to be driven and tests made, in order to find out the practicability of building a bridge and the cost thereof. The engineer of the District, detailed for that purpose, has made an estimate, and it has been determined under that estimate of $110,000, covering contingencies, a substantial bridge can be built. And I know of no improvement around Washington more earnestly demanded, or which will bring more benefit for the amount invested.

I do not care to go further into the question unless some gentleman desires to ask me a question.

Mr. PLUMB. What kind of a bridge is to be constructed under this bill?

Mr. ROWELL. Frame and on piles. It is impossible to build stone piers. This is the bridge recommended by the President in his annual message. It is of enough importance to have induced him to call special attention of Congress to it.

The committee's amendment filling the blanks was then agreed to.

Mr. ROWELL. I move the committee now rise and report the bill and amendment to the House, with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and Mr. MCCREARY having taken the chair as Speaker *pro tempore*, Mr. RICHARDSON reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 4806) to authorize the construction of a bridge across the Eastern Branch of the Potomac River at the foot of Pennsylvania avenue east, and had directed him to report the same back to the House with an amendment.

Mr. ROWELL demanded the previous question.

The previous question was ordered, and under the operation thereof the amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time; and being engrossed it was accordingly read the third time, and passed.

Mr. ROWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TAX SALES IN THE DISTRICT.

Mr. CAMPBELL, of Ohio. I move to take up for present consideration the bill (S. 634) relating to sales for taxes in the District of Columbia.

The bill was read, as follows:

Be it enacted, &c., That hereafter sales of real estate, after advertisement as required by law, by the collector of taxes for the District of Columbia, for taxes or assessments that have been or may be levied by the commissioners of said District, or by other lawful authority, shall entitle the purchaser, his heirs or assigns, if the property be not redeemed within two years from the date of such sale, to a deed from the commissioners of the District, which deed shall vest in the grantee a good and valid title, and shall be presumptive evidence in all controversies in relation thereto that the property so conveyed was subject to the taxes for which the property was sold, that such taxes were not paid, and that the property was not redeemed before the execution of the deed, and that the manner of levy, notice, sale, and all the other prerequisites of law were complied with necessary and proper to make such deed and title valid.

Mr. CAMPBELL, of Ohio. Unless there be some one who wishes to ask a question in reference to the provisions of the bill, I move that it be put upon its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed it was accordingly read the third time, and passed.

Mr. CAMPBELL, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TAXES, CORCORAN ART GALLERY.

Mr. BARBOUR. Mr. Speaker, I ask now to take up the bill (S. 1130) to exempt from taxation all property held by the trustees of the Corcoran Gallery of Art, and for other purposes, and put it upon its passage.

The SPEAKER. This bill is in Committee of the Whole House.

Mr. BARBOUR. I move that the House now go into Committee of the Whole for the purpose of considering that bill and others which are also in the committee.

Mr. HEMPHILL. Can we not consider this bill in the House?

The SPEAKER. It can be done by unanimous consent.

Mr. BARBOUR. Then I make that request.

Mr. WARNER, of Ohio. What is the bill?

The SPEAKER. The bill had better be read for the information of the House.

The bill was read, as follows:

Be it enacted, &c., That all property held as endowment fund by the trustees of the Corcoran Gallery of Art, in the city of Washington, District of Columbia, for the purpose of revenue to support said institution, shall be, and the same is hereby, declared exempt from all taxation and assessments by the municipal authorities or by the United States so long as the same shall be so held; and all taxes and assessments made or imposed upon any of the property of said trustees subsequent to the 10th day of May, 1869, whether real, personal, or mixed, be, and the same are hereby, released: *Provided*, That real estate heretofore purchased by said trustees in the management of the endowment fund shall be exempt from taxation only while so held, and not to exceed five years from the passage of this act.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. ANDERSON, of Kansas. I object.

Mr. BARBOUR. Then I make the motion that I originally submitted, which also embraces other business than this bill.

The SPEAKER. The Chair will state to the gentleman that when the House is in Committee bills can be laid aside to be reported to the House, and other bills taken up as long as the gentleman sees proper to pursue that course.

The motion of Mr. BARBOUR was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DUNN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of the bill (S. 1130) which has just been read.

Mr. BARBOUR. Mr. Chairman, I ask that the report accompanying the bill be read.

The report (by Mr. BARBOUR) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (S. 1130) to exempt from taxation all property held by the trustees of the Corcoran Gallery of Art, and for other purposes, have considered the same, and observing that the Senate committee has fully investigated the matter, adopt the Senate report as their own:

On the 10th day of April, 1869, W. W. Corcoran conveyed by deed to James M. Carlisle, James C. Hall, and others, trustees, and their successors, lots numbered 5, 6, 7, and 8, in square No. 167, in the city of Washington and District of Columbia, the object and purpose being—

"To establish an institution in Washington city, to be dedicated to art, and used solely for the purpose of encouraging American genius, in the production and preservation of works pertaining to the fine arts and kindred objects."

By the act approved May 24, 1870, said trustees were incorporated, and the fourth section provides as follows:

"SEC. 4. *And be it further enacted*, That the aforesaid buildings and grounds connected therewith, together with all the works of art that may be contained therein, shall be free from all taxes and assessments by the municipal authorities, or by the United States, so long as the same shall be held and used for the purpose hereinbefore set forth."

In addition to the buildings and grounds of the gallery and the works of art contained therein, estimated at about $700,000, there is an endowment fund of $1,011,000 held by the trustees, provided by Mr. Corcoran for the maintenance of the institution.

In a letter to the committee Mr. Corcoran says:

"A considerable portion of this endowment fund was invested by loan on seven houses, when the property was adjudged to be worth double the amount invested—all of which had to be bought in under the trusts.

"Of these, the trustees still hold five, the others having been sold at an aggregate loss on them of nearly $14,000. * * * They were bought in as a necessity to save further sacrifice of the funds loaned on them. It is the desire and purpose of the trustees to sell them as soon as practicable, and probably at a still further loss."

The tax collector has presented to the trustees the following bill for taxes for the year ending June 30, 1885:

[Personal tax.—Washington City. 73.]

Corcoran Art Gallery, Pennsylvania avenue, corner Seventeenth, to the District of Columbia, Dr.

For personal tax for year ending June 30, 1885, tax $1.50 per $100 assessed valuation:

To all of tax on $200,000, assessed value (mortgages, wharves, &c., in Boston, &c.)	$3,000
To penalty of 8 per cent	240
	3,240

Received payment,

——— ———, *Collector.*

By ——— ———.

(On the margin:) Last notice prior to distraint. By order of Commissioners D. C.

The committee is of opinion that the property held for the support of a public charity such as this should be exempt from taxation, the endowment fund as well as the buildings, grounds, and works of art.

And while the committee does not think it good policy to allow corporations of this character to invest in real estate, except so far as necessary for their own immediate purposes, yet, inasmuch as the trustees of this charity were compelled to purchase certain houses to save the endowment fund from serious loss, the committee recommends that such of said houses and lots as are still held by said trustees shall be exempt from taxation while so held, provided they shall not be so held for more than five years from the passage of this bill.

Your committee therefore report the bill back to the House, with the recommendation that it do pass.

Mr. ANDERSON, of Kansas. Let me ask the gentleman what is the aggregate value of the property belonging to this institution?

Mr. BARBOUR. The report shows. I know but little more than is embodied in the report. It will be seen that the report states:

In addition to the buildings and grounds of the Gallery and the works of art contained therein, estimated at about $700,000, there is an endowment fund of $1,011,000 held by the trustees, &c.

Mr. ANDERSON, of Kansas. And the value of the house itself?

Mr. BARBOUR. This embraces all of their property, as I understand it.

The endowment fund, I will state to the gentleman, was loaned upon mortgages. The payment in some instances was not made of the interest, and the land was finally sold at a loss, as stated in the report. Now, the trustees ask that the other houses, where the same condition of affairs exists, and which are also covered by the mortgages, may be exempt from taxation while in the transition state of being realized upon as a part of the endowment fund. This is a great public institution, and most munificently endowed by Mr. Corcoran for the benefit of the city and of the whole country, and I think it would be really a hard case to impose taxes upon such an object as this.

Mr. ANDERSON, of Kansas. Mr. Chairman, there is perhaps no one in this District who has been more munificent than Mr. Corcoran to the various charitable institutions of the city, and I would be the last one to detract in the least from the credit due to him, or by any suggestion or action of mine permit such a thing to be done. On the contrary, I should certainly desire to see accorded to him the full merit that is his due. In opposing this bill, therefore, I wish it to be clearly understood that there is no gentleman on this floor who more highly appreciates the generosity and public spirit of Mr. Corcoran, and the noble example he has set each year in maintaining these institutions and devoting a part of his fortune to the benefit of the public. But it so happens in this case that there is a wholly different question presented than the munificence of Mr. Corcoran or the praise given to that which he has already done. That question is whether the property held by the Corcoran Art Gallery should be freed from its due share of public taxation. Mr. Corcoran, what he has done, and the glory which will always attach to his name, are on that side of the question. On the other is the bare abstract question: Whether property of this character should be free from its share of public burdens while receiving all the protection of the law? It is that question I shall discuss, and not in the least the other.

You take any one poor laboring man here, the servant in the dining-room, if you please, or the cook in the kitchen, who happens to be able to get a lot with fifty or a hundred dollars and a little house. He must pay his share of public taxes as imposed by this municipality, and we all recognize that as right. Any one who happens to have property here, just as in any other city of the Union, must expect to have it taxed in proportion to its value, and that is only right. Now I fail to see why this art gallery, a most noble institution, and yet one which is for the collection of works of art alone, should be exempt. It is not to furnish bread and butter to anybody. It is not to employ anybody in particular. It is not creating wealth. It is simply and barely a collection of works of art which people coming to Washington may have the opportunity of inspecting. While we are all glad to see it, and I wish this endowment might be larger and the works of art more numerous and the best and most valuable in the world, but even admitting all of that, why should not they pay their just share of taxes? It seems to me that the line should be drawn somewhere.

So far as I am individually concerned, I am opposed to releasing even church property from taxation. I think it should all bear its proportion, and I think this gallery ought also to pay its share. That is the whole question. It happens now, in investing the endowment fund, that they have come into possession of two, or ten, or say, even, a thousand houses; it does not matter; the principle is the same. They have taken these houses to satisfy mortgages. They have bought some, and now they ask that the taxes be released. In 1869 or '79—some years since, at any rate—taxes were assessed upon the property, and now it is asked that they be released.

Mr. BARBOUR. Not in this bill.

Mr. ANDERSON, of Kansas. I thought it was.

Mr. BARBOUR. No, sir; the only proposition is to exempt taxes in the words of the report, as follows:

For personal tax for year ending June 30, 1885, tax $1.50 per $100 assessed valuation:

To all of tax on $200,000, assessed value (mortgages, wharves, &c., in Boston, &c.)	$3,000
To penalty of 8 per cent	240
	3,240

Mr. ANDERSON, of Kansas. Were there not some prior taxes?

Mr. BARBOUR. Oh, no.

Mr. ANDERSON, of Kansas. That, however, is immaterial to the point I am now making.

Mr. FELTON. Have they property which they do not use for the purposes of the art gallery?

Mr. ANDERSON, of Kansas. They may take their endowment fund and buy houses with it; and the precedent sought to be established is that where they so invest their endowment fund that property is released from taxation, because it is now asked in this bill that three houses which have been so bought shall be released from tax.

As I said, I have no desire to do anything more than to express my opinion on this proposition. I stand behind no man in awarding luminous praise to Mr. Corcoran, and I stand behind no man in appreciating the art gallery. And yet I stand behind no man in feeling that the property of this town should equally bear its share of public burden. That is my proposition, and for that reason I shall oppose the bill.

Mr. HEMPHILL. The question involved in this bill is a very simple one. As everybody knows, the art gallery which exists in this city is not established for the mere purpose of collecting a number of pictures which people may enjoy by looking at them. If my friend from Kansas had read the report of the committee he would have found the object of the gallery is thus stated:

To establish an institution in Washington city to be dedicated to art and used solely for the purpose of encouraging American genius in the production and preservation of works pertaining to the fine arts and kindred objects.

The object of the gallery is seen from this portion of the deed by which it was endowed.

Mr. GROSVENOR. Will the gentleman from South Carolina allow me to ask him a question?

Mr. HEMPHILL. Yes, sir.

Mr. GROSVENOR. Who decides what pictures shall go into this gallery?

Mr. HEMPHILL. That is decided by the trustees who have charge of the institution.

Mr. GROSVENOR. Who appoints the trustees?

Mr. HEMPHILL. They were appointed by Mr. Corcoran, originally, as I understand.

Mr. GROSVENOR. Will the gentleman from South Carolina, who seems to be familiar with this matter, give us any information how it happens—whether it is a mere accident—that in the collection of the pictures of distinguished citizens, living and dead, of the United States in the Corcoran Gallery there is a significant absence of the pictures of the men who fought upon the side of the Union during the recent war, while there is a conspicuous presence of the distinguished gentlemen who fought upon the other side? Is that accidental, or has it been produced by the will of somebody; and if so, can the gentleman tell us whose will it is?

Mr. HEMPHILL. All I can say, is that that is a matter I know nothing about. I do not know that there is any particular conspicuousness in the art gallery of those who fought for the Government or of those who fought on the other side.

Mr. GROSVENOR. Is there not a total absence in that gallery of those who fought on the Union side?

Mr. HEMPHILL. I do not know.

Mr. GROSVENOR. And not only that; but have not the pictures of those distinguished soldiers been removed from that gallery and their places supplied by distinguished gentlemen who fought on the other side?

Mr. HEMPHILL. Does the gentleman from Ohio know what he is now stating to be the fact?

Mr. GROSVENOR. I understand that to be the fact; and I know it to be a fact that the gallery contains no pictures of soldiers of the Union Army, unless in their capacity as Presidents, while Lee and Stonewall Jackson occupy conspicuous places in it.

Mr. HEMPHILL. I do not think we can enter upon that question. The question is whether this art gallery, which is established for a perfectly legitimate and worthy purpose, shall receive this much encouragement at the hands of the Government.

Mr. GROSVENOR. The question of its purpose is the one I have raised; I mean the spirit of its organization.

Mr. BARBOUR. I want to say one word to the gentleman from Ohio [Mr. GROSVENOR]. This is a bill which comes from the Senate, and I presume that body, in which there is a majority of the friends of the gentleman from Ohio, would have looked at this question with regard to the distinguished Union generals whose portraits are not in the art gallery. I have not been in the gallery and know little about it, although a good deal about Washington. I have not had the time and leisure to go there; and I never heard made elsewhere the allegations now made here by the gentleman from Ohio.

Mr. GROSVENOR. I heard them made by a member of Congress in a speech he delivered in a society in this city.

Mr. HEMPHILL. If that is the gentleman's only authority I think it is a very poor one.

Mr. GROSVENOR. I have the testimony of my own eyes, and I

have asked the gentleman from South Carolina the question as to his knowledge of a fact which I affirm to be true of my own authority.

Mr. ADAMS, of Illinois. I desire to know if there is any general rule of law in this District exempting certain institutions from taxation.

Mr. HEMPHILL. I do not know that there is any general rule of law; but it is the universal practice here to exempt churches and charitable institutions from payment of taxes. And this building, I will say further, the Corcoran Art Gallery, together with its endowments, has always been exempt from taxation; and the only question with reference to this bill is whether or not certain houses which it became necessary to purchase, to save a portion of the endowment fund, shall be exempted from taxation for a period not exceeding five years, so that the trustees of the institution may have an opportunity to dispose of them within the time they are exempted from taxation.

Mr. ADAMS, of Illinois. Then the effect of the bill is only upon that property which the institution has heretofore bought for taxes.

Mr. HEMPHILL. A portion of the fund was invested in seven buildings, five of which have had to be bought in by the trustees at a loss of $14,000. This tax, as I understand, has accrued upon the buildings which they still hold. This bill provides that the property shall be exempt from taxes for a period not exceeding five years, with the expectation, of course, that they will either sell the houses within that time or will pay the taxes on them, if they do not sell them.

Mr. ADAMS, of Illinois. Can the gentleman inform me whether the exemption which charitable institutions enjoy in this District is confined to that portion of their property which is actually used for charitable purposes, or does it extend to other property?

Mr. HEMPHILL. This is a portion of the endowment fund which is used for the purpose of keeping up the institution.

Mr. ADAMS, of Illinois. Not directly. The property used directly for that purpose is the property used for the gallery, the building, and grounds. The property used to raise a fund to support the institution is not directly used for the gallery and grounds. In my own State, and I think in other States, there is a distinction made between property used by a charitable institution for the direct purposes of the trust and other property held for purposes of profit, even though the profit goes into the treasury of the institution. I would like to know whether there is any such general rule of law in this District?

Mr. HEMPHILL. There is a law which provides that churches and school-houses and charitable institutions generally shall be exempt from taxation. A great many exemption bills are passed from time to time, but as to what particular property is covered by such exemptions, of course I can not answer that in any general way, because it depends upon the terms of each particular act.

Mr. ADAMS, of Illinois. Suppose a church owns a block of buildings, does that property come under the exemption?

Mr. HEMPHILL. I do not know whether it does or not.

Mr. ADAMS, of Illinois. Then this bill is intended to make an exception in favor of this institution as compared with other charitable institutions.

Mr. HEMPHILL. This bill is not designed to make an exception in this case, because the act which incorporated the Corcoran Art Gallery exempted all its property, that on which the building is situated, the pictures, and the endowment.

Mr. ADAMS, of Illinois. All the property held by the institution?

Mr. HEMPHILL. The whole of the property held by the institution.

Mr. CUTCHEON. At that time?

Mr. HEMPHILL. At that time.

Mr. CUTCHEON. But this property, to which this bill applies, was subsequently acquired, was it not?

Mr. HEMPHILL. Yes, sir.

Mr. CUTCHEON. Can the gentleman from South Carolina [Mr. HEMPHILL] inform us whether the property to which this bill applies is rented at the present time?

Mr. HEMPHILL. I don't know whether it is or not. They have sustained a loss of $14,000 from this property, and they will sustain another loss, when they sell the remainder.

Mr. BARBOUR. As I understand it, if you tax this property, you thereby subtract from the fund for the maintenance of this noble charity and diminish the capacity of the trustees to purchase additional paintings and other works of art for the benefit of the public.

Mr. ADAMS, of Illinois. As I listened to the reading I thought this was a broad bill, covering all property which this institution might hereafter hold.

Mr. BARBOUR. No, sir.

Mr. ADAMS, of Illinois. Now I understand that it relates only to certain property heretofore bought for taxes.

Mr. BARBOUR. Yes, sir.

Mr. ADAMS, of Illinois. That is all right.

Mr. BARBOUR. Mr. Chairman, I move that the bill be laid aside, to be reported to the House with a favorable recommendation.

Mr. BOUTELLE. I ask the gentleman to withhold that motion until I make a remark.

Mr. BARBOUR. I yield for the gentleman's remark.

Mr. BOUTELLE. Mr. Chairman, the gentleman from Ohio [Mr. GROSVENOR] a few moments ago spoke of a speech delivered by a member of Congress, and referred to it as his authority for a statement which he made here, and I understood the gentleman from South Carolina [Mr. HEMPHILL] to remark that that was rather poor authority. As the speech to which I presume the gentleman from Ohio referred was somewhat widely published at the time, and as I made the speech [laughter], I desire to accept all the responsibility that may attach to it, and to state here now the whole sum and substance of my offending.

At a meeting in this city of an association of the officers of the Union Army and Navy engaged in the late war, among other things which I said, I did call attention to what seemed to me to be the very remarkable fact that here at the national capital, in the great national gallery which the bulk of our people look upon as supported, or at least encouraged, by the Government, there should be found at this late day, or at the time when the speech was made, no portraiture, so far as I could ascertain, of any one of the great military or naval chieftains who fought upon the side of the Union, while there are conspicuously exhibited in one of the corridors, where it is impossible to avoid seeing them, two magnificent portraits, of heroic size, of two of the principal chieftains upon the other side, representing them in the full panoply of their military character, one of them having his hands resting upon a map of the topography of the vicinity of Washington, being depicted as planning an assault upon the capital of the nation, and each of them being represented in his full military accouterments.

I made that statement. I simply expressed my surprise that such should be the fact. I made no charge. I had no knowledge as to the control of that institution. Subsequently, in order to make sure that I had made no mistake, I revisited the gallery, and there carefully reexamined all the different rooms; and while I may have overlooked something, I was unable, with the strictest scrutiny, to find the portrait of any one of the great military or naval chieftains who served on the Union side in the late war. I did find the picture of General Grant—no, of President Grant—as well as portraits of President Hayes and President Garfield, in the continuous series of portraits of Presidents of the United States.

Now, I desire to accept the full responsibility for having called the attention of some of my comrades in the Union service to what seemed to me to be a very remarkable fact. As to who is responsible for it, or what may have been the animus that brought about this condition of things, I do not pretend to speak of or to know.

Mr. BARBOUR. Mr. Chairman, it really seems to me hardly worth while for us to go off on this side issue. I know nothing about the paintings in this gallery, for, as I have said, I have never been there; but here we are dealing with a charity, and there is, I believe, an old rule that we should not "look a gift horse in the mouth." If we accept this local charity from Mr. Corcoran, we have not the right, it seems to me, to tell him what pictures he ought to put in his gallery. He has delegated that authority to the board of directors, gentlemen of very high character, and many of them of national reputation. So far as regards the matter which has been brought up here, I think this House can very well afford to let it pass. I move that this bill be laid aside to be favorably reported to the House.

The motion was agreed to, there being—ayes 71, noes 12.

YOUNG MEN'S CHRISTIAN ASSOCIATION.

Mr. BARBOUR. I call up for consideration the bill (S. 1188) to exempt the property of the Young Men's Christian Association of Washington, D. C., from taxation.

The bill was read, as follows:

Be it enacted, &c., That the property known as lot 3, square 222, being house numbered 1409 New York avenue, in Washington city, District of Columbia, occupied by the Young Men's Christian Association of Washington, be, and the same is hereby, exempt from all taxation so long as the same is so occupied and used; and the taxes which have accrued and become due on and after July 1, 1884, be, and the same are hereby, released, subject to the provisions of section 8 of the act approved March 3, 1877, providing for exemptions of church and school property from taxation.

Mr. ROWELL. Mr. Chairman, the only purpose of this bill is to interpret the existing law in regard to the exemption of the property of the Young Men's Christian Association of this District from taxation. The property of the association, while not used for other purposes than those of the association, is now by law exempt; but the association has been in the habit of receiving rent for a small portion of its building, and therefore the commissioners have held that the property is taxable. The whole building, except this very small portion of it, is used for the benevolent purposes of this association; and the object of this bill is to overcome the existing difficulty so that the whole building shall be exempted. We propose simply to make an interpretation of the law for the guidance of the commissioners.

I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

FRANCIS DENMEAD.

Mr. BARBOUR. I call up the bill (S. 766) for the relief of Francis Denmead.

The bill was read, as follows:

Be it enacted, &c., That the United States of America hereby quit-claims and releases to Francis Denmead, his heirs and assigns, any title or interest which

the United States have, by reason of any escheat or supposed escheat, in and to the following-described real estate situate, being, and lying in the city of Washington and District of Columbia, known and designated on the public plat or plan of said city as lots numbered 1, 2, 18, 19, and 20, in square numbered 924.

Mr. HEMPHILL. Mr. Speaker, the purpose of this bill is simply that the United States may give a quit-claim title to a certain piece of property which is supposed to have escheated to the District of Columbia on account of the failure of the legitimate heirs of a former owner. Mr. Denmead, who at present has possession of the property, is, in fact, the real owner, having paid taxes on it for a number of years, and being clearly and honestly entitled to the property. If no gentleman desires to make any inquiry I move that the bill be laid aside to be reported favorably to the House.

The motion was agreed to.

TAX ON REAL-ESTATE AGENTS.

Mr. CAMPBELL, of Ohio. I call up for consideration the bill (S. 1882) to repeal parts of an act relating to tax on the business of real-estate agents in the District of Columbia, approved June 20, 1872.

The CHAIRMAN. This bill is on the House Calendar and can not be considered in the Committee of the Whole.

Mr. CAMPBELL, of Ohio. This is a bill in relation to the tax on real estate agents in the District of Columbia, and it seems to me it is improperly on the House Calendar. It should have been referred to the Committee of the Whole.

The CHAIRMAN. Still, though the bill may have been erroneously placed on the House Calendar, it can not be now considered, as it has never been referred by the House to the Committee of the Whole.

CORNELIA P. RANDOLPH AND OTHERS.

Mr. HEMPHILL. I call up for present consideration the bill (H. R. 8893) directing the commissioners of the District of Columbia to execute a deed of quit-claim and release to a certain alley in Washington to Cornelia P. Randolph and others.

The bill was read, as follows:

Be it enacted, &c., That the commissioners of the District of Columbia, be and they are hereby, authorized and directed to execute to Cornelia P. Randolph, Mary M. Turner, Harriet J. Pickett, and Elizabeth G. Culbert, a deed releasing and quit-claiming to said parties all right, title, and interest of the United States and of the District of Columbia in and to all that portion of the alley in square 105, in the city of Washington, as said alley is laid down in the plat or plan of said city, which was formerly the outlet from the main alley to I street north.

The amendment reported by the Committee on the District of Columbia, to strike out, in line 6, the words "Culbert" and insert "Calvert," was agreed to.

Mr. HEMPHILL. I move that the bill, as amended, be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

MARY ANNA EGAN.

Mr. CAMPBELL, of Ohio. I call up for present consideration the bill (S. 2037) for the relief of Mary Anna Egan.

The bill was read, as follows:

Be it enacted, &c., That upon payment of the principal of the amount of special-improvement taxes levied or assessed in the year 1875, and now outstanding upon the books of the commissioners of the District of Columbia, on account of or against parts of lots numbered 10 and 11, in square numbered 557, fronting on New Jersey avenue, in the city of Washington, District of Columbia, and charged either to Mary Anna Egan or James Egan, her late husband, all interest accumulated thereon, and penalties of every kind and nature whatsoever for the non-payment thereof, be, and the same are hereby, remitted and cancelled.

SEC. 2. That any payment heretofore made on account of accumulated interest on special-improvement taxes levied or assessed on any portion of the aforesaid lots in the year 1875, against Mary Anna Egan or her late husband, James Egan, shall be applied to the payment and satisfaction of the principal of said tax remaining unpaid.

Mr. CAMPBELL, of Ohio. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. WARNER, of Ohio, and Mr. ADAMS, of Illinois, asked for the reading of the report.

The report (by Mr. CAMPBELL, of Ohio) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (S. 2037) for the relief of Mary Anna Egan, subjoin the Senate report and recommend that the bill do pass.

The petitioner, Mary Anna Egan, is the widow of a soldier and officer of the United States Army, the late James Egan, who died in 1883. During his life he was the owner of several small lots of land in this city, fronting on New Jersey avenue, the same being part of lots 10 and 11 in square 557. This was all the property he had. That prior to his death he deeded the same to his wife, the petitioner; that for many years previous to his death, and up to the time of it, he had been stationed at Fort Robinson, on the frontier, in Nebraska; that his wife, the petitioner, accompanied him; that while the said James Egan was on the frontier in discharge of his duty as soldier, and his wife with him, a special improvement-assessment tax was made upon these lots of land; this assessment was made in the year 1875; that no notice was given him of the assessment, although his address was known to the officials making it; that he had no knowledge of it at the time he made the conveyance to his said wife, nor at the time of his death; that his wife, the petitioner, had no knowledge of the assessment till late in the year 1885, when she attempted to make sale of one of the lots; that the said James Egan had paid the ordinary tax upon the lots regularly up to the time of his death, and his wife afterward; that the rate of interest claimed is 10 per cent. on these special assessments; that the accumulation has been so great that the interest and the assessment amount to nearly the value of the land.

Your committee have great doubt whether the assessment of this special improvement tax is legal, but it is a cloud upon the title, and in consideration of the want of any notice to the owner, or any knowledge of the existence of the tax, they recommend that upon the payment of the amount of the original assessment, the interest and all fines and forfeitures be remitted and canceled, and they, therefore, report a bill to accomplish that purpose, and recommend that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. BARBOUR. I move the committee rise and report the bills to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DUNN reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration District of Columbia business, and had directed him to report sundry bills with various recommendations.

CORCORAN ART GALLERY.

The question first recurred upon ordering to be engrossed and read a third time the bill (H. R. 1130) to exempt from taxation the property held by the trustees of the Corcoran Gallery of Art, and for other purposes.

Mr. ANDERSON, of Kansas. I demand a division.

The House divided; and there were—ayes 70, noes 11.

Mr. ANDERSON, of Kansas. Before raising the point of no quorum I will ask the gentleman in charge of the bill to allow us to have a yea-and-nay vote.

Mr. BARBOUR. I have no objection.

Mr. ANDERSON, of Kansas. If you will allow that I will withdraw the point of no quorum.

The SPEAKER. Unless by unanimous consent it will require one-fifth of the members present to order the yeas and nays.

Mr. HEMPHILL. I will ask for the yeas and nays.

The SPEAKER. The gentleman does not want the yeas and nays now.

Mr. ANDERSON, of Kansas. No; but on the passage of the bill.

The SPEAKER. Does the gentleman withdraw his point of order of no quorum.

Mr. ANDERSON, of Kansas. I do.

So the bill was ordered to be engrossed and read a third time; and, being engrossed, it was accordingly read the third time.

Mr. ANDERSON, of Kansas.. I demand the yeas and nays on the passage of the bill.

The House divided; and there were—ayes 12, not a sufficient number.

Mr. ANDERSON, of Kansas. I make the point of no quorum.

The SPEAKER appointed as tellers Mr. ANDERSON, of Kansas, and Mr. BARBOUR.

The House again divided; and the tellers reported—ayes 136, noes 23.

Mr. ANDERSON, of Kansas. The majority of the House would seem to be in favor of the bill, and therefore I withdraw my point of no quorum.

So the bill was passed.

Mr. BARBOUR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

YOUNG MEN'S CHRISTIAN ASSOCIATION.

The bill (S. 1188) to exempt the property of the Young Men's Christian Association, of Washington, D. C., from taxation, reported favorably, was taken up, ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ROWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FRANCIS DENMEAD.

The bill (S. 766) for the relief of Francis Denmead, reported favorably, was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ROWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY ANNA EAGAN.

The act (S. 2037) for the relief of Mary Anna Eagan, reported favorably, was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ROWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CORNELIA B. RANDOLPH AND OTHERS.

The amendment of the Committee of the Whole House on the state of the Union to the bill (H. R. 8893) directing the commissioners of the District of Columbia to execute a deed of quit-claim and release on

a certain alley in Washington to Cornelia B. Randolph and others, was agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

FOREIGN EXECUTORS.

Mr. HEMPHILL. I move to take up for present consideration the bill (H. R. 7596) to enable foreign executors and administrators to sue in the District of Columbia, and for other purposes.

The bill was read, as follows:

A bill to enable foreign executors and administrators to sue in the District of Columbia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act it shall be lawful for any person or persons to whom letters testamentary or of administration have been or hereafter may be granted by the proper authority, in any of the United States or the Territories thereof, to maintain any suit or action and to prosecute and recover any claim in the District of Columbia, in the same manner as if the letters testamentary or of administration had been granted to such person or persons by the proper authority in said District; and the letters testamentary or of administration, or a copy thereof, certified under the seal of the authority granting the same, shall be sufficient evidence to prove the granting thereof, and that the person or persons, as the case may be, hath or have administration: *Provided, nevertheless*, That the supreme court of the District of Columbia shall have the power, and such power is hereby given to the said court, upon petition of any one interested, to require from such person or persons the security now required by law in like cases from a resident administrator or executor.

SEC. 2. That all exceptions in favor of parties beyond the District of Columbia which may by existing laws be replied or relied on in any action or proceeding brought in the said District are hereby repealed and abrogated: *Provided*, That this section shall not affect the right of parties in actions now pending.

The report (by Mr. HEMPHILL) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 7596) to enable foreign executors and administrators to sue in the District of Columbia, and for other purposes, respectfully report:

That they have asked the counsel of the Bar Assocation as to the propriety of the bill. They recommend its passage, saying, "These sections were originally contained in the statute of 1812, and it is supposed were inadvertently repealed by the adoption of the Revised Statutes."

The committee therefore report the bill to the House with the recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REGULATING INSURANCE IN THE DISTRICT.

Mr. ROWELL. I now call up for consideration the bill (S. 1213) to regulate insurance in the District of Columbia.

The bill was read, as follows:

Be it enacted, &c., That no company hereafter organized or incorporated within the District of Columbia shall transact the business of insurance in any of its branches unless the whole capital of such company be not less than $100,000, actually and in good faith paid up in full, in cash, excepting life-insurance companies which issue to their members policies or certificates agreeing to pay benefits or sums of money which are to be realized by assessments levied upon the members; no other capital than such assessments shall be required of them. The commissioners of said District, or any two of them, shall ascertain and determine such facts, upon evidence satisfactory to them, to be filed in their office, and thereupon shall issue to such companies authority to transact business.

SEC. 2. That every insurance company doing business in said District must transmit to the commissioners of the District a statement of its condition and business for the year ending on the preceding 31st day of December, which statement shall be rendered on the 1st day of January following or within sixty days thereafter, except that foreign companies shall transmit their statements of business, other than that done in the United States, prior to the following 1st day of July, which statements must be in form and state the particulars required by the blanks prescribed by the commissioners; and the commissioners, or any two of them, may require at any time statements from any company doing business within the District, or from any of its officers or agents, on such points as they may deem necessary and proper to elicit a full exhibit of its business and standing, all of which statements herein required must be verified by the signatures and oaths of the president or vice-president, or the secretary or actuary. No company having neglected to file a statement required of it within the time and manner prescribed shall do any business, after notification by the commissioners, or any two of them, while such neglect continues; and any company or association neglecting to make and transmit any statement required shall forfeit $100 for each day's neglect.

SEC. 3. That every fire insurance company, to entitle itself to the written authority by this act required to transact business in the District, shall have assets equal to its liabilities, including a reinsurance reserve liability equal to 50 per cent. of premiums received upon one-year risks, and an amount proportioned to the unexpired time upon all other fire risks. Every company doing an inland or marine business shall have assets equal to its liabilities, including a reinsurance reserve liability equal to the total premiums charged upon all unexpired inland or marine risks. Every life-insurance company, excepting those organized upon the plan of assessments on their members, shall have assets equal to its liabilities, including a reserve liability computed upon the basis of the American experience table of mortality, at 4½ per cent. interest. Before issuing any written authority to any company to transact business in the District, the commissioners, or a majority of them, shall satisfy themselves that such company has complied with the law; and at any time thereafter they shall revoke such authority when satisfied that such company has fallen below such requirements.

SEC. 4. That no insurance company organized or incorporated under the laws of any of the United States of America, or of any foreign state or country, shall transact the business of insurance in any of its branches within the District of Columbia until such company shall have duly constituted some proper person domiciled in the District their agent and attorney in fact for the purpose of receiving for them summonses, writs, and processes issuing out of any court having any jurisdiction in said District, and until the evidence of such appointment of such agent and attorney in fact, authenticated in a manner satisfactory to the commissioners of the District, or any two of them, shall be filed in the office of such commissioners.

SEC. 5. That any insurance company, or any officer or agent of any insurance company, effecting any contract of insurance in behalf of such company when the written authority required by this act shall not have been given by said commissioners, or after such authority has been revoked, shall be subject to a penalty of $100 for every offense, to be recovered by due process in the courts of the District.

SEC. 6. That each insurance company doing business in the District of Columbia shall attach to each policy issued by such company a copy of the application made by the insured, so that the whole contract may appear in said application and policy.

SEC. 7. That this act shall take effect and be in full force after ninety days rom its passage.

Mr. ROWELL. Let the report be read.

The report (by Mr. ROWELL) was read, as follows:

The bill is designed to protect insurers. Its provisions have been tested in the practice of several States, and have been found to be of great benefit.

Your committee recommend that the bill pass, with an amendment as follows:

In lines 4 and 5 of section 2, strike out the words "accompanied by a list of the names of the stockholders."

The amendment proposed by the committee was agreed to.

The bill as amended was ordered to a third reading; and being read the third time, was passed.

Mr. ROWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROTECTION OF PROPERTY FROM FIRE.

Mr. HEARD. Mr. Speaker, I am instructed by the Committee on the District of Columbia to report back the following bill, being the bill (S. 1212) for the further protection of property from fire, and safety of lives in the District of Columbia, and ask its immediate consideration.

The bill was read, as follows:

Be it enacted, &c., That it shall be the duty of the owner or owners, in fee or for life, of every building constructed and used, or intended to be used, as a hotel, factory, manufactory, theater, tenement house, seminary, college, academy, hospital, asylum, hall, or place of amusement, and of the trustee or trustees of every estate, association, society, college, academy, school, hospital, or asylum owning or using any building 50 feet high or upwards, to provide and cause to be erected and affixed to said building iron fire-escapes and combined standpipes and ladders, or either of said appliances as may be approved and adopted by the commissioners of the District of Columbia.

SEC. 2. That in all hotels, factories, manufactories, workshops, schools, seminaries, colleges, hospitals, asylums, halls, or places of amusement, or other places mentioned in this act, the hallways and stairways shall be properly lighted when occupied at night; and at the head and foot of each flight of stairs, and at the intersection of all hallways with main corridors, shall be kept during the night a red light; and one or more proper alarms or gongs, capable of being heard throughout the building, shall always remain easy of access and ready for use in each of said buildings, to give notice to the inmates in case of fire; and there shall be kept posted in a conspicuous place in every sleeping-room a notice descriptive of such means of escape; and the building inspector and chief engineer of the fire department shall have the right to designate the location of the said fire-escapes and stand-pipes in conformity with this act, and shall grant certificates of approval to every person, firm, corporation, trustee, and board of school trustees complying with the requirements of this act, which certificates shall relieve the party or parties from the liabilities of fines or damages imposed by this act.

SEC. 3. That every person, corporation, trustee, or board of school directors neglecting or refusing to comply with the requirements of the first section of this act, upon receiving thirty days' notice of the same, shall be liable to a fine not exceeding $100, to be collected as fines are now by law collected; and the building inspector and chief engineer shall cause to be erected upon said building said appliances as in their judgment may be necessary, and the same shall be charged and held as a lien against said property and collected the same as other improvements made by the District authorities; and in case of fire occurring in any such building not provided with said appliances as may be required by the building inspector and chief engineer of the fire department, and in accordance with the requirements of the first section of this act, the person, persons, trustee, trustees, corporation, or school directors who or which neglected to provide such building with said appliances as aforesaid shall be liable in an action for damages in case of death or personal injury being caused in consequence of such fire breaking out in said building; and such action may be maintained by any person or persons now authorized by law to sue as in other cases for injuries caused by neglect of duty.

SEC. 4. That all acts or parts of acts inconsistent with this act are hereby repealed.

The report (by Mr. HEARD) was read, as follows:

This committee having heretofore reported on the bill (H. R. 9034) which is substantially the same as the bill (S. 1212) adopt as its report on the said Senate bill the House report heretofore made as aforesaid, except that instead of recommending the amendment therein suggested to be made in line 8 of the printed bill, it is recommended that there be inserted after the word "upwards," in the seventh line of the Senate bill, the words "used for any of the purposes herein above mentioned;" and that when so amended the bill do pass.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to a third reading; and being read the third time, was passed.

Mr. HEARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REGULATION OF STEAM ENGINEERING, DISTRICT OF COLUMBIA.

Mr. COMPTON. I call up for consideration the bill (H. R. 4308) to regulate steam engineering in the District of Columbia.

The bill was read, as follows:

Be it enacted, &c., That it shall be unlawful for any person to act as steam engineer in the District of Columbia who shall not have been regularly licensed to do so by the commissioners thereof.

SEC. 2. That all persons applying for such license shall be examined by a board of examiners composed as follows: The boiler inspector for the District of Columbia and two practical machinists to be appointed by the District commissioners.

SEC. 3. That applicants for license as steam engineers must be twenty-one years of age and of temperate habits; must make application in writing, to which application must be attached a certificate as to character and moral habits signed by at least three citizens of the District of Columbia, themselves of moral standing.

SEC. 4. That the fee for a license as steam engineer shall be $5.

SEC. 5. That any person employed as a licensed steam engineer in the District of Columbia who is found under the influence of intoxicating liquor while on duty shall, for the first offense, have his license revoked for six months; for the second offense, twelve months; and for the third offense, shall be forever debarred from following the occupation of licensed steam engineer in the District of Columbia.

The committee recommend the adoption of the following amendments:

Add to line 5 of the first section the words:

"Said examination shall be conducted in all respects under such rules and regulations as the commissioners of the District of Columbia shall from time to time provide; and all steam-boiler engines shall be subjected to such tests as the said commissioners may prescribe."

Also, in the fifth section strike out the word "forever" and insert, after the word "shall," in line 6, the words "have his license revoked, and."

Also, after the words "District of Columbia," in line 8, add "for the period of five years."

Add, also, sections 6, 7, and 8, as follows:

SEC. 6. That any owner or lessee of a steam boiler or engine, or the secretary of any corporation, who shall knowingly employ a steam engineer as such who has not been regularly licensed to act as such, shall, on conviction thereof by the police court of the District of Columbia, be fined $50, and in default of payment of such fine shall be confined for a period of one month in the workhouse of the District of Columbia.

SEC. 7. That none other than steam engineers licensed by said commissioners, or under the laws of the States from which they come, shall be employed in the Executive Departments of the United States in the District of Columbia.

SEC. 8. That this act shall take effect sixty days after the approval thereof.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. COMPTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TAX ON REAL-ESTATE AGENTS.

Mr. CAMPBELL, of Ohio. I now ask to call up the bill (S. 1882) to repeal parts of an act relating to tax on the business of real- estate agents in the District of Columbia, approved June 20, 1872, and put it upon its passage.

The bill is as follows:

Be it enacted, &c., That so much of clause 38 of section 21 of the act of the legislative assembly of the District of Columbia entitled "An act imposing a license on trades, business, and professions practiced or carried on in the District of Columbia," approved August 23, 1871, requiring real-estate agents to pay $25 annually, and in addition a monthly tax of one-fourth per centum on gross receipts, as amended by the act amendatory thereof, approved June 20, 1872, as requires real-estate agents in said District to pay a tax of 1 per centum on their commissions in lieu of said monthly tax of one-fourth per centum on gross receipts, and so much of section 15 of said act approved August 23, 1871, as requires said real-estate agents to give bond to said District, and all other laws and acts, or parts thereof, inconsistent herewith, be, and the same are hereby, repealed; and from and after the passage of this act real-estate agents in the District of Columbia shall pay a license-fee of $50 per annum, to be collected as other licenses are collected in said District.

The bill was ordered to a third reading; and being read the third time, was passed—there being on a division—ayes 48, noes 7.

Mr. CAMPBELL, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POLICE REGULATIONS, DISTRICT OF COLUMBIA.

Mr. GROUT. I am directed by the Committee on the District of Columbia to report back the bill (S. 2600) to authorize the Commissioners of the District of Columbia to make police regulations for the government of said District, and ask its consideration at this time.

The bill was read, as follows:

Be it enacted, &c., That the commissioners of the District of Columbia be, and they are hereby, authorized and empowered to make, modify, and enforce usual and reasonable police regulations in and for said District as follows:

First. For causing full inspection to be made, at any reasonable times, of the places where the business of pawnbroking, junk-dealing, or second-hand clothing business may be carried on.

Second. To regulate the storage of highly inflammable substances in the thickly populated portions of the District.

Third. To locate the places where licensed venders on the streets and public places shall stand, and change them as often as the public interests require, and to make all the necessary regulations governing their conduct upon the streets in relation to such business.

Fourth. To make needful regulations for the orderly disposition of carriages or other vehicles assembled on streets or public places, and to require vehicles upon the most frequented streets and avenues to pass along on the right side thereof.

Fifth. To establish and regulate the charges to be made by owners of hacks and hackney carriages of any kind whatsoever.

Sixth. To prohibit conducting droves of cattle upon such streets and avenues as they may deem needful to public safety and good order.

Seventh. To regulate the keeping and running at large of dogs and fowls.

Eighth. To prohibit the deposit upon the streets or sidewalks of fruit, or any part thereof, or other substance or articles that might litter the same, or cause injury to or impede pedestrians.

Ninth. To regulate or prohibit loud noises with horns, gongs, or other instruments, or loud cries, upon streets or public places, and to prohibit the use of any fireworks or explosives within such portions of the District as they may think necessary to public safety.

Tenth. To regulate the movements of vehicles on the public streets and avenues for the preservation of order and protection of life and limb.

Eleventh. To prescribe reasonable penalties for the violation of any of the regulations in this act mentioned; and said penalties may be enforced in any court in the District of Columbia having jurisdiction of minor offenses, and in the same manner that such minor offenses are now by law prosecuted and punished.

SEC. 2. That the regulations herein provided for shall, when adopted, be printed in one or more of the daily newspapers published in the District of Columbia; and no penalty prescribed for the violation of said regulations shall be enforced until thirty days after such publication.

Mr. STEELE. I desire to take this opportunity of inquiring of the Committee on the District of Columbia, or some gentleman, since it seems to be proposed to take the tax off of everythingelse that presents itself to-day, what has become of the bill for the relief of commercial travelers? It has been allowed all over the United States to have that tax repealed, and it is unworthy of the District that such atax is levied here, and is certainly quite as objectionable as the real-estate tax. I would like to know what has become of that bill.

Mr. GROUT. Mr. Speaker, what has that to do with the bill now under consideration, I would inquire.

Mr. STEELE. I simply call the attention of the House to the fact in connection with these several bills for relieving property from taxation, and for regulating other classes of business in the District of Columbia.

Mr. BARBOUR. I will say to the gentleman from Indiana that the bill he refers to is pending before the Committee on the District of Columbia.

Mr. STEELE. It has been pending before the committee for a number of years.

Mr. BARBOUR. It was reported at the last session, passed this House, went to the Senate, and I think was lost there in the latter part of the session.

Mr. STEELE. Is there any probability of its being reported this session?

Mr. BARBOUR. I suppose the proposition will come up here on a bill which the Senate has passed relating to that subject.

Mr. STEELE. Then there is a prospect of that bill coming before the House.

Mr. BARBOUR. I hope so.

Mr. STEELE. That is an answer to my question.

The SPEAKER. The question is on the third reading of the pending bill.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. GROUT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BARBOUR. We seem to have made considerable progress to-day with business of the District of Columbia, and after the long sitting we have had I have concluded I would not detain the House by calling up any more bills to-day. I therefore move that the House adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 20 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Petition of Allen Simmons, for an invalid pension—to the Committee on Invalid Pensions.

By Mr. BELMONT: Petition of E. Griswold and 134 residents of Riverheadtown, Suffolk County, New York, asking an appropriation of $5,000 to improve the Peconic River, Suffolk County, New York—to the Committee on Rivers and Harbors.

By Mr. BOUND: Petition of the Consolidated Cattle Growers' Association of the United States, favoring a commission to inquire into diseases of cattle and the suppression of the same—to the Committee on Agriculture.

By Mr. BOYLE: Petition of A. A. Stout, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. C. R. BRECKINRIDGE: Petition for relief of Nathan Plummer—to the Committee on Appropriations.

By Mr. W. W. BROWN: Petition of citizens of the sixteenth district of Pennsylvania, praying for the passage of the educational bill—to the Committee on Education.

By Mr. BURNES: Petition of D. O. Bugby and others, of Matson, Mo., praying for arrears of pensions and bounty to all soldiers who were injured in the late civil war—to the Committee on War Claims.

By Mr. COBB: Petition of Harlan Brewer, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. COLLINS: Petition of Catharine A. Urich, for a pension—to the Committee on Invalid Pensions.

By Mr. COMPTON: Petition of Julia Barnett, asking compensation for quartermasters' stores taken by United States troops during the late war—to the Committee on War Claims.

Also, petition and papers of John N. Armstrong for relief, to the effect that his claim for work and labor performed on the James Creek Canal under the late Board of Public Works of the District of Columbia, may be paid, and necessary appropriation made therefor—to the Committee on Claims.

By Mr. CONGER: Petition of J. A. Noel and others, asking that a pension be granted to John Johnson, late a soldier in the Mexican war, and also a member of Company B, Seventeenth Regiment, Iowa Volunteers—to the Committee on Invalid Pensions.

Also, papers relating to and in support of a bill to correct the military history of William D. Clarke, Company G, Thirty-third Iowa Volunteers—to the Committee on Military Affairs.

By Mr. CURTIN: Petition of Howard Matley, for special-act pension—to the Committee on Invalid Pensions.

By Mr. DANIEL: Petition of ship-owners, masters, merchants, &c., of Norfolk, Va., and of Newport News, Va., against the bill (H. R. 6390) relating to pilotage—to the Select Committee on American Shipbuilding and Ship-owning Interests.

By Mr. DORSEY: Petition of North Nebraska Conference of the Methodist Episcopal Church, in reference to treaty with China—to the Committee on Foreign Affairs.

By Mr. GROUT: Memorial of the Woman's Indian Association, of Montpelier, Vt., praying for the passage of the bill (S. 54) to provide for the allotment of lands in severalty to Indians—to the Committee on Indian Affairs.

By Mr. HALSELL: Papers to accompany bill for the relief of George P. Stone, late captain Company C, Thirty-seventh Regiment Kentucky Mounted Infantry—to the Committee on War Claims.

By Mr. HAMMOND: Petition of Joseph M. Beeland, of Walton County, Georgia, a soldier of 1836, for a pension—to the Committee on Pensions.

By Mr. D. B. HENDERSON: Letters from Mrs. J. H. Carter, Mrs. M. W. Bartlett, and Mrs. J. W. Roe, urging the passage of the Blair educational bill—to the Committee on Education.

Also, resolutions by the Upper Iowa Conference of the Methodist Episcopal Church, praying for legislation for the protection of Chinese in the United States—to the Committee on Foreign Affairs.

By Mr. J. S. HENDERSON: Petition of Kerner & Greenfield and other manufacturers of tobacco in Kernersville, N. C., in favor of the abolition of the internal-revenue taxes on tobacco—to the Committee on Ways and Means.

By Mr. HENLEY: Petition of the Chamber of Commerce of Eureka, Cal., asking an appropriation of $500,000 for the improvement of its harbor—to the Committee on Rivers and Harbors.

By Mr. KELLY: Petition of Benjamin J. Tayman, late of the First Army Corps, praying for an honorable discharge, and pecuniary award for reimbursement for certain expenses incurred—to the Committee on Military Affairs.

By Mr. LAFFOON: Petition of Charles R. Clark for an invalid pension—to the Committee on Invalid Pensions.

By Mr. LOWRY: Memorial of the Women's Christian Temperance Union of Indiana, in favor of the Blair educational bill—to the Committee on Education.

By Mr. LYMAN: Papers relating to House bill for the relief of Mrs. Harriet N. Campbell, of Audubon County, Iowa—to the Committee on War Claims.

By Mr. MAYBURY: Petition of J. M. Holton and others, of Wayne County, Michigan, to increase the pensions of soldiers who have lost both arms in the service—to the Committee on Invalid Pensions.

By. Mr. MILLIKEN: Petition of Maria B. Halch, for a pension—to the same committee.

By Mr. MULLER: Petition of William T. Smith, private Company F, Ninty-seventh Regiment, Pennsylvania Volunteers, for special act to remove charge of desertion from his military record, and for an honorable discharge—to the Committee on Military Affairs.

By Mr. OATES: Petition of Henry Stern, of Bullock County, Alabama, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. OSBORNE: Resolutions of the New York Board of Trade and Transportation, proposing an amendment to the custom laws recommending the payment of duties by certified checks, and to permit importers to swear to entries before duly authorized notaries—to the Committee on Ways and Means.

By Mr. PARKER: Petition asking for a pension to Reuben Clark—to the Committee on Invalid Pensions.

By Mr. PERKINS: Communication of Mrs. Eva R. Ross, corresponding secretary of the Women's Christian Temperance Union of Mound Valley, Kans., asking for national aid to education—to the Committee on Education.

By Mr. PINDAR: Petition of citizens of Richmondville, Schoharie County, New York, for national aid to common schools—to the same committee.

By Mr. RIGGS: Resolutions of Peoria (Ill.) Board of Trade, relative to the interstate-commerce bill—to the Committee on Commerce.

By Mr. ROCKWELL: Petition of Massachusetts Fish and Game Association, in favor of the bill (S. 2436)—to the Committee on Public Lands.

Also, petitions for the passage of the educational bill, from Mrs. F. A. Crafts, president of the Women's Christian Temperance Union of East Whately; of Mrs. E. D. Knight, president of the Women's Christian Temperance Union of Orange, and of Mrs. L. S. Brooks, president of the Women's Christian Temperance Union of Fitchburg, Mass.—to the Committee on Education.

Also, protest of John P. Squire & Co. and others, of Boston, Mass., against the passage of the interstate-commerce bill—to the Committee on Commerce.

By Mr. ROGERS: Petition of gold and silver beaters of the United States, for increase of duty on certain articles—to the Committee on Ways and Means.

By Mr. ROWELL: Petition for the relief of John B. Huber—to the Committee on Invalid Pensions.

Also, petition of Madison Gibson, for a special-act pension—to the same committee.

By Mr. SAYERS: Petition of Emily Solcher, of San Antonio, Tex., for a pension—to the same committee.

By Mr. SENEY: Petition of the Cincinnati Chamber of Commerce, relative to the removal of snags in Western rivers—to the Committee on Rivers and Harbors.

Also, memorial of the Ohio Division of the Travelers' Protective Association, favoring the bill (H. R. 1621) and the bill (S. 1732)—to the Committee on Commerce.

Also, petition of Peoria (Ill.) Board of Trade, against the long and short haul clause of the interstate-commerce bill—to the same committee.

By Mr. SEYMOUR: Petition of Charles F. Blackman, for a pension—to the Committee on Invalid Pensions.

By Mr. SKINNER: Petition of B. L. Lucas and others, for an appropriation to clean out the mouth of Kendrick's Creek, North Carolina—to the Committee on Rivers and Harbors.

Br Mr. STEELE: Petition of Maj. D. W. Burke, Fourteenth United States Infantry, and 1,000 others, asking to have the act of February 25, 1885, so amended as to read twenty-five instead of thirty years when soldiers may be retired—to the Committee on Military Affairs.

Also, petition of J. Vancastel and 50 others, soldiers of the United States Army at Fort Gaston, Cal., for the same—to the same committee.

Also, petition of Josephine R. Nichols, president of the Women's Christian Temperance Union of Indiana, asking the passage of the Blair educational bill—to the Committee on Education.

Also, petition of the Indianapolis Board of Trade, asking that the interstate-commerce bill be amended by striking out sections 4 and 5, and then passed—to the Committee on Commerce.

By Mr. CHARLES STEWART: Petition of sundry citizens of Newton County, Texas, asking for the passage of the agricultural experiment-station bill—to the Committee on Agriculture.

By Mr. STORM: Petition of Joseph Weidel, for a pension—to the Committee on Invalid Pensions.

Also, petition of Isaiah John, of Columbia County, Pennsylvania, for a special-act pension—to the same committee.

Also, memorial of Peoria Board of Trade, against the long and short haul clause of the interstate-commerce bill—to the Committee on Commerce.

By Mr. STRAIT: Petition of Mrs. E. F. Hewett and 30 other women of Kenyon, Minn., of the World's Women's Christian Temperance Union, for the total prohibition of the manufacture and sale of all alcoholic liquors and opiates—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. SYMES: Petition of the executive committee of the Grand Lodge of the Independent Order of Good Templars of Colorado, for the passage of the bill (S. 1579)—to the Committee on the District of Columbia.

By Mr. ZACH. TAYLOR: Petition of David F. Goodyear, surviving partner of the firm of Johnson & Goodyear, for relief, to accompany House bill—to the Committee on War Claims.

Also, petition of John D. Usery, of Hardeman County, Tennessee, asking that his war claim be referred to the Court of Claims—to the same committee.

By Mr. J. R. THOMAS: Petition of Boaz Ford to accompany House bill for the removal of the charge of desertion—to the Committee on Military Affairs.

By Mr. THOMPSON: Petition of John Dauper for an invalid pension—to the Committee on Invalid Pensions.

By Mr. TOWNSHEND: Petition for the relief of John B. Latimer, late company G, Second Regiment Illinois Volunteers—to the Committee on Military Affairs.

Also, papers relating to the bill granting a pension to Louisa McLain—to the Committee on Invalid Pensions.

By Mr. VAN EATON: Papers in the claim of Louisa C. Cory, of Natchez, Miss.—to the Committee on War Claims.

By Mr. VAN SCHAICK: Petition of John Schubert, for an invalid pension—to the Committee on Invalid Pensions.

Also, resolutions of Board of Trade of Peoria, Ill., against the interstate-commerce bill—to the Committee on Commerce.

By Mr. VOORHEES: Petition of H. E. Hulet and others, praying for appropriation for the improvement of the Wishkah River, Chehalis County, Washington Territory—to the Committee on Rivers and Harbors.

By Mr. A. J. WARNER: Petition of the Cincinnati Chamber of Commerce, for keeping the Western rivers clean of snags—to the same committee.

By Mr. WEBER: Petition of Richard Tall, for an invalid pension—to the Committee on Invalid Pensions.

By Mr. WHITING: Petition of Christopher C. Bump, for a special-act pension—to the same committee.

By Mr. WILLIS: Petition of William Spieth, for removal of the charge of desertion—to the Committee on Military Affairs.

Also, petition of masters, engineers, pilots, and mates for repayment of license fees—to the Committee on Claims.

Also, remonstrance of the Louisville Board of Trade, against sections 4 and 5 of the interstate-commerce bill—to the Committee on Commerce.

SENATE.

TUESDAY, *January* 11, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

THOMAS W. PALMER, a Senator from the State of Michigan, appeared in his seat to-day.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Director of the Mint favoring an appropriation for the repair of the mint building at Denver, Colo.; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a report from the Secretary of War submitting additional estimates for the service of the War Department for the fiscal year ending June 30, 1888; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

THE WASHINGTON MONUMENT.

The PRESIDENT *pro tempore* laid before the Senate the annual report of the joint commission for the completion of the Washington Monument; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions adopted by John B. King Post, No. 73, Department of Dakota, Grand Army of the Republic, in respect to the death of General JOHN A. LOGAN; which were ordered to lie on the table.

Mr. CULLOM presented resolutions adopted by the directors of the Board of Trade of Peoria, Ill., remonstrating against the enactment of the "short-haul" section of the interstate-commerce bill; which were ordered to lie on the table.

He also presented the memorial of J. G. Keith and 44 other citizens of Chicago, Ill., and the memorial of Wiley M. Egan and 47 other citizens of Chicago, Ill., remonstrating against the passage by the Senate of the House bill authorizing the construction of a second bridge across the Sault Ste. Marie River; which were referred to the Committee on Commerce.

Mr. BLACKBURN presented the petition of John K. Ferguson, a citizen of Kentucky, praying compensation for certain services rendered the Government; which was referred to the Committee on Claims.

Mr. HAWLEY presented the petition of Stephen A. Hackworth, James L. Moore, and Carl Schutze, citizens of the State of Texas and of the United States, and residents of Washington County, Texas, alleging that they have been denied their rights as such citizens by the citizens and the authorities of that county, and appealing for redress to the Government of the United States; which was referred to the Committee on Privileges and Elections.

Mr. SABIN presented resolutions adopted by the Chamber of Commerce of Saint Paul, Minn. and resolutions adopted by the Minneapolis (Minn.) Board of Trade, remonstrating against sections 4 and 5 of the interstate-commerce bill; which were ordered to lie on the table.

Mr. HOAR presented the petition of George Draper and other citizens of Hopedale, Mass., praying for a reduction of internal taxes; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to which was referred the memorial of Rev. John H. Elliott and others, a committee of the general convention of the Protestant Episcopal Church in the United States, on the subject of collecting statistics of marriage and divorce, to report the same back, together with an amendment intended to be proposed to the legislative, &c., appropriation bill. I ask that both the memorial and the amendment be printed and referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 10056) granting to the Saint Paul, Minneapolis and Manitoba Railway Company the right of way through the Indian reservations in Northern Montana and Northwestern Dakota, reported it with an amendment.

Mr. CAMERON, from the Committee on Military Affairs, to whom were referred amendments intended to be proposed to the sundry civil appropriation bill providing for appropriations for the erection of granite monuments or memorial tablets for the proper marking of the position of each of the commands of the Regular Army engaged at Gettysburg, and for the purchase, restoration, and care of grounds and care of monuments, under the direction of the Gettysburg Battlefield Memorial Association, reported them favorably and moved their reference to the Committeee on Appropriations; which was agreed to.

He also, from the Committee on Military Affairs, to whom were referred the following bill and joint resolution, reported them adversely, and moved their indefinite postponement; which was agreed to:

A bill (S. 2221) for the relief of chaplains in the Army of the United States; and

A joint resolution (S. R. 71) authorizing and directing the Secretary of War to loan tents to the Southwestern Iowa and Northwestern Missouri Veteran Soldier's Association, for reunion purposes.

Mr. CAMERON, from the Committee on Military Affairs, to whom was referred the bill (S. 1529) for the relief of Holman Anderson, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2484) appropriating $25,000 in aid of a Volunteer Disabled Soldier's Home in the State of Vermont, submitted an adverse report thereon.

Mr. MORRILL. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. CAMERON, from the Committee on Military Affairs, to whom were referred the following petitions, reported adversely thereon, and asked to be discharged from their further consideration; which was agreed to:

The petition of George H. Boyd, late second lieutenant Company H, Eleventh Ohio Cavalry Volunteers, praying that he be allowed pay from the time of his discharge by special order to the time of the honorable discharge of his company;

The petition of ex-soldiers of Decatur, Ill., praying for an amendment to the act to provide for the muster and pay of certain officers and enlisted men; and

The petition of Pleasant D. Powers, of Tennessee, praying for correction of muster to show disability in line of duty.

Mr. CAMERON. I am also instructed by the Committee on Military Affairs, to whom were referred sundry petitions favoring the passage of the equalization of bounty bills, to report them back and ask that they lie on the table, as a bill on that subject is now before the Senate.

The PRESIDENT *pro tempore*. That order will be made.

Mr. CAMERON, from the Committee on Military Affairs, to whom was recommitted the bill (S. 845) for the relief of telegraph operators during the war, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 841) conferring military rank on telegraph operators in the military service, reported adversely thereon, and the bill was postponed indefinitely.

Mr. BLACKBURN. I am instructed by the Committee on Naval Affairs, to whom was referred the bill (S. 2902) for the relief of Commodore W. T. Truxton, to report it without amendment. No written report has been filed, but the facts are all stated in the preamble of the bill.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (H. R. 4981) to provide for the settlement of an account with the Vicksburg and Meridian Railroad Company for internal-revenue tax, and to refund the amount of said tax erroneously assessed and collected, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. WALTHALL. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 633) for the relief of Maj. G. W. Candee, to report it favorably without amendment. A Senate bill, of which this is an exact copy, passed the Senate on the 8th day of July last.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2252) granting a pension to Susan A. Duncan;
A bill (S. 2216) for the relief of Mrs. Elizabeth Rice;
A bill (S. 2997) granting a pension to Mrs. M. E. Woods;
A bill (H. R. 929) granting a pension to G. W. Fraley;
A bill (H. R. 4103) granting a pension to M. S. Clay;
A bill (H. R. 9167) granting a pension to Joseph F. Kirkhart;
A bill (H. R. 356) granting a pension to Lucinda Barrett;
A bill (H. R. 7540) to increase the pension of Franklin Sweet; and
A bill (H. R. 927) granting a pension to Cudberth Stone.

Mr. SAWYER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 2161) to increase the pension of Mrs. Rebecca A. Craw, to submit an adverse report thereon.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. MITCHELL, of Pennsylvania, from the Committee on Pensions, to whom was referred the bill (S. 2174) to equalize the pensions paid to soldiers and sailors who became totally disabled, reported it with amendments and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8869) granting a pension to Mrs. Henrietta M. Drum Hunt, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. 8623) granting a pension to Mary E. Hedrick, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1860) granting a pension to Frederick Robertson, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL, of Pennsylvania. I am also instructed by the Committee on Pensions, to whom was referred the bill (S. 2606) granting a pension to Frederick Robertson, to report it back, and, inasmuch as this bill covers the same claim as the previous bill, I move that it be indefinitely postponed.

The motion was agreed to.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 79) for the relief of Pryor N. Lea, reported it without amendment, and submitted no written report, the committee adopting the report of the House Committee.

He also, from the same committee, to whom was referred the petition of Clara G. Scott and other citizens of New York, praying for certain relief in behalf of Clara G. Scott for services rendered to the sick and wounded soldiers of the Federal Army during the war of the rebellion, &c., asked to be discharged from its further consideration and that it be referred to the Committee on Claims; which was agreed to.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred an amendment intended to be proposed by Mr. WILLIAMS to the sundry civil appropriation bill, submitted a favorable report thereon; and it was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 9918) to provide for grading and paving the approaches to the national cemetery near Danville, Va., reported it without amendment, and submitted a report thereon.

Mr. COCKRELL. The Committee on Military Affairs, to which were referred the bill (S. 2671) granting one condemned cannon to the Grand Army Post at Mount Ayr, Iowa, and the bill (S. 2880) donating condemned cast-iron cannon and cannon-balls for monumental purposes, have instructed me to report the same back adversely, recommending that the bills be indefinitely postponed.

This report is made in pursuance of the uniform action of the Committee on Military Affairs as shown by Report No. 1007, Forty-seventh Congress, second session, Reports Nos. 248, 249, 251, 252, 506, and 507 in the Forty-eighth Congress, and Report No. 20 in the Forty-ninth Congress. All these reports have been adverse upon the ground that there are no more condemned cannon to be presented for any such purpose or for any other purpose. I move that the bills be postponed indefinitely.

The motion was agreed to.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1143) authorizing the Secretary of War to deliver to the Somerville Grand Army of the Republic, of Somerville, Mass., four condemned gun-carriages, to be used for monumental purposes, reported it without amendment, and submitted a report thereon.

GROUNDS IN SAN ANTONIO, TEX.

Mr. COCKRELL. The Committee on Military Affairs, to whom was referred the bill (H. R. 6313) to release unto the city of San Antonio, Tex., for its use as a public thoroughfare, certain portions of the military reservation near said city, have instructed me to report the same back to the Senate favorably, recommending the passage of the bill without amendment.

This bill originated upon a memorial of the city authorities of San Antonio, presented to the commanding general, Stanley, at that place and sent through the regular military channels. The commanding officer there, the Quartermaster-General, the Secretary of War, and all the military authorities have recommended the passage of the bill opening up a street there with the limitations stated in their communication. The House bill adopted the limitations which they recommended.

The Senator from Texas [Mr. COKE] is very anxious to have the bill acted upon at this time. I ask that the report may be printed at the proper time.

Mr. COKE. I ask unanimous consent that the bill be now considered. It is very important to the city of San Antonio and it meets the concurrence of all parties concerned. It is simply for the extension of a street across a military reservation.

By unanimous consent, the Senate as in Committee of the Whole proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORT OF PUBLIC PRINTER.

Mr. MANDERSON. I am directed by the Committee on Printing to report back the report of the Public Printer. This report comes to us under the requirements of the statute and contains a great deal of matter that is of value only if printed. The committee therefore direct me to recommend that it be printed under the rule of the usual number, and I ask that that order be now made.

The PRESIDENT *pro tempore*. The Senator from Nebraska, from the Committee on Printing, moves that the report of the Public Printer be printed—the usual number only. That order will be made if there be no objection.

BILLS INTRODUCED.

Mr. SHERMAN (by request) introduced a bill (S. 3114) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 3115) granting a pension to Reuben Brownmiller; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GORMAN introduced a bill (S. 3116) for the relief of night inspectors of the ports of New York and Baltimore; which was read twice by its title, and referred to the Committee on Commerce.

Mr. INGALLS introduced a bill (S. 3117) for the relief of Gilbert Thompson, Veronica Ulke, Julia F. Laskey, and F. G. Barbadoes; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO BILLS.

Mr. MCPHERSON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WILLIAMS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Commerce.

BUREAU CONTINGENT FUNDS.

Mr. MORGAN. I offer the following resolution, and ask for its present consideration:

Resolved, That the heads of the several Departments of the Treasury, Interior, War, and Navy, the Department of Justice, and of Agriculture are directed to transmit to the Senate the estimates for the contingent fund of each bureau in each of said Departments respectively, showing the sum of money required for the contingent fund of each of said bureaus respectively.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HOAR. Why does the Senator omit the Department of State?

Mr. MORGAN. Is the Department of State omitted? I intended to insert it.

The PRESIDENT *pro tempore*. The clerks inform the Chair that the Department of State is omitted.

Mr. MORGAN. It was omitted by mistake. Let it be inserted.

The PRESIDENT *pro tempore*. If there be no objection that amendment will be made. The question is on agreeing to the resolution as amended.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. 4806) to authorize the construction of a bridge across the Eastern Branch of the Potomac River at the foot of Pennsylvania avenue east; and

A bill (H. R. 9125) to create a school board for the District of Columbia, and for other purposes.

The message also announced that the House had passed the following bills:

A bill (S. 634) relating to sales for taxes in the District of Columbia;

A bill (S. 766) for the relief of Francis Denmead;

A bill (S. 1130) to exempt from taxation all property held by the trustees of the Corcoran Gallery of Art, and for other purposes;

A bill (S. 1188) to exempt the property of the Young Men's Christian Association of Washington, D. C., from taxation;

A bill (S. 1882) to repeal parts of an act relating to tax on the business of real-estate agents in the District of Columbia, approved June 20, 1872;

A bill (S. 2037) for the relief of Mary Anna Eagan; and

A bill (S. 2600) to authorize the commissioners of the District of Columbia to make police regulations for the government of said District.

The message further announced that the House had passed the following bills, each with an amendment; in which it requested the concurrence of the Senate:

A bill (S. 228) for the erection of a public building at Camden, N. J.;

A bill (S. 1212) for the further protection of property from fire and for the safety of lives in the District of Columbia; and

A bill (S. 1213) to regulate insurance in the District of Columbia.

SETTLERS AND PURCHASERS OF LANDS IN NEBRASKA AND KANSAS.

Mr. MANDERSON. There was placed on the Calendar, under the head of special orders, on the motion of my colleague [Mr. VAN WYCK], a short time ago, the bill (H. R. 1413) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas. It was made a special order for this morning. I am satisfied that that bill will not lead to extended debate, and will take but a very short time. I hold in my hand a petition signed by thirty-six parties who are interested in those lands, urging that the relief which they have sought for many years shall be granted. I ask the indulgence of the Senate that the bill may be now considered.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the Senate proceed to the consideration of the bill indicated by him.

Mr. DOLPH. If that bill is taken up by consent I wish to reserve the right to object if it leads to debate. I have given notice that I wish to submit some remarks this morning on a resolution heretofore offered by me.

Mr. MANDERSON. I think it will not lead to any lengthy debate.

Mr. DOLPH. I shall not object if it takes no time.

Mr. PLATT. I understood from the Senator from Vermont [Mr. EDMUNDS] the other day, that he desired to say something upon the bill. If he does not know that it is to be taken up at this time, I think, perhaps, it ought not to be.

The PRESIDENT *pro tempore*. The motion is not open to debate.

Mr. MANDERSON. I desire to make a suggestion. I am going to send word to the committee-room of the Senator from Vermont, and if he should come in and interpose an objection, of course that would be the end of the consideration of the bill this morning.

The PRESIDENT *pro tempore*. The Senator from Oregon did give notice of his intention to call up this morning, for the purpose of making some remarks, a resolution submitted by him.

Mr. MANDERSON. I understand, however, that the Senator from Oregon does not object to the consideration of this bill, provided it does not lead to debate.

Mr. PLATT. I do not object to it; I only made the suggestion I did because of the absence of the Senator from Vermont.

Mr. MANDERSON. I referred to the Senator from Oregon.

Mr. PLUMB. The bill certainly can not lead to much debate. It has already passed the Senate once and passed the committee twice. I think it will lead to no debate whatever. It is a very important bill to a large number of persons.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the Senate proceed to the consideration of the bill (H. R. 1413) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The bill has been read at length.

Mr. PLUMB. The question is on the adoption of the amendment of the Committee on Public Lands, I suppose.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CALL. I should be very glad to hear from the Senator from Nebraska a statement of the provisions of the bill. What is the purpose of it?

Mr. MANDERSON. This is a bill which has already, substantially in the form that it is now presented by the Committee on Public Lands, on two different occasions passed the Senate. It concerns a large number of public-land settlers who settled upon lands known afterward as a grant of lands to the Denver and Saint Joseph Railroad. After these parties had lived upon their property for many years, had paid the Government price of the lands, and had obtained the Government patent therefor, the railroad grant was declared a paramount and better title; and they were compelled to purchase from the grantees of the railroad company the lands for which they had already paid, and received the patent of the Government of the United States. It is a matter which is quite familiar to all of the Public Lands Committee, and it is simply an effort to make these people whole under the covenants of the deed received by them from the Government.

Mr. CALL. What does the bill provide? The bill provides, I understand, that they may re-enter.

Mr. PLUMB. It provides for their payment.

Mr. MANDERSON. It provides for refunding to them the amount paid on the basis of three and a half dollars per acre, being the amount of expenditure that they were compelled to make under the grant of land to the railroad company.

Mr. CALL. I have no objection to the bill. I only wished to know whether this case had been decided against these people in the courts.

Mr. MANDERSON. It had been, by the Supreme Court of the United States.

Mr. BERRY. I desire to ask the Senator from Nebraska or the chairman of the Committee on Public Lands, the Senator from Kansas [Mr. PLUMB], if this is the bill growing out of the decision in the case of Van Wyck *vs.* Knevals?

Mr. MANDERSON. It is. That is the case that went to the Supreme Court of the United States.

Mr. BERRY. Was the amendment adopted which was proposed by the committee?

The PRESIDENT *pro tempore*. It was.

Mr. BERRY. I wish to move a reconsideration of the vote on the adoption of the amendment.

The PRESIDENT *pro tempore*. That motion is in order.

Mr. CALL. I ask that the amendment be read.

The PRESIDENT *pro tempore*. The Senator from Arkansas moves that the Senate reconsider its action upon the adoption of the amendment. If there be no objection, the motion to reconsider will be considered as agreed to, and the amendment will be again submitted. Does the Senator desire to have it read?

Mr. BERRY. Yes, sir, let it be read.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill, and to insert:

That for the purpose of reimbursing persons, and the grantees, heirs, and devisees of persons, who, under the homestead, pre-emption, or other laws, settled upon or purchased lands within the grant made by an act entitled "An act for a grant of lands to the State of Kansas to aid in the construction of the Northern Kansas Railroad and Telegraph," approved July 23, 1866, and to whom patents have been issued therefor, but against which persons, or their grantees, heirs or devisees, decrees have been rendered by the United States circuit court on account of the priority of said grant made in the act above entitled, the sum of $250,000, or so much thereof as shall be required for said purpose, is hereby appropriated: *Provided, however*, That no part of said sum shall be paid to any one of said parties until he shall have filed with the Secretary of the Interior a copy of the said decree, duly certified, and also a certificate of the judge of said court rendering the same to the effect that such decree was rendered in a *bona fide* controversy between a plaintiff showing title under the grant made in said act and a defendant holding the patent or holding by deed under the patentee, and that the decision was in favor of the plaintiff on the ground of the priority of the grant made by said act to the filing, settlement, or purchase by the defendant or his grantor; and said claimant shall also file with the said decree and certificate a bill of the costs in such case, duly certified by the clerk and judge of said court. Thereupon it shall be the duty of the Secretary of the Interior to adjust the amount due to each defendant on the basis of $3.50 per acre for the tract his title to which shall have failed as aforesaid, and the costs appearing by the bill thereof. He shall then make a requisition upon the Treasury for the sum found to be due to such claimant, or his heirs and devisees or assigns, and shall pay the same to him, taking such release, acquittance, or discharge as shall forever bar any further claim against the United States on account of the failure of the title as aforesaid.

Mr. BERRY. The bill as it passed the House provided that those who entered these lands under the pre-emption or homestead laws should receive back three dollars and a half per acre, the amount alleged to have been paid to the railroad companies by way of compromise. The House bill however provided that those who had made cash entries at a dollar and a quarter an acre should only receive back one dollar and a quarter an acre, the amount that they paid for the lands.

The universal rule, as I understand, of the Government from its foundation, has been that, wherever the title to lands conveyed by the Government failed, the Government was liable only for the amount of money received, without interest. Several hundred acres of these lands were purchased at a dollar and a quarter an acre. Why an exception should be made and these parties paid three dollars and a half per acre, while every other person who has purchased land from the United States Government and the title failed only received one dollar and a quarter per acre, the amount that was originally paid for the land, I can not understand. I should be glad if the Senator from Nebraska would give some reason why these parties should be placed upon a footing superior to that of all parties who have purchased lands from the Government the title to which has failed.

The parties purchased this land, and by the decision of the Supreme Court of the United States it was determined to be the land of the railroad company. They claim now that they were compelled to pay the

railroad company, by way of compromise, three dollars and a half an acre. The Senate committee amendment to the House bill proposes to pay what they claim they paid the railroad company. Whether that was a fair and just price for the land I do not know, but I do know that the rule of the Department and the universal rule of the Government is that the Government only warrants the title to the extent of the purchase-money and no further, and if these parties are to be paid three dollars and a half an acre where they only paid a dollar and a quarter an acre, then the same rule ought to prevail in regard to all other lands.

I am therefore opposed to the Senate committee amendment and in favor of the bill as it passed the House. In the case of the party who entered under pre-emption and homestead, that is a different matter; but the bill as passed by the House only allows those who made cash entries at a dollar and a quarter an acre to receive back the same amount that they paid the Government, and no more. I therefore hope the Senate committee amendment will not be adopted.

Mr. COCKRELL. What is the effect of the Senate committee amendment?

Mr. BERRY. The effect of the amendment is to pay back to these parties $3.50 an acre where they only paid the Government $1.25 an acre.

Mr. MANDERSON. But, if the Senator will permit the suggestion, these same parties who paid $1.25 an acre to the Government of the United States have been compelled to pay $3.50 an acre to the grantees of the railroad company. It seems to me it is no more than just and equitable that they should be refunded the amount which they have been compelled to pay by reason of the failure of the grant of the Government.

Mr. BERRY. I will state again that there is a large number of cases before the Departments every day where from time to time parties purchased land twenty, thirty, or forty years ago, and paid a dollar and a quarter, fifty cents, or twelve and a half cents an acre, and where the title failed, the Government invariably only refunds the amount of money which they originally paid. In many cases they have made large and valuable improvements. Nevertheless the Government refuses to give compensation. The rule has been all the while to simply pay back the purchase-money without interest.

If it be just in this case that these parties should make their own contract with the railroad company and come to the Government, and the Government refunds what they saw proper to pay the railroad company, then it ought to be so in every other case where the title of the Government has failed. I say that there should be no difference in the treatment of these parties and all other citizens. They purchased this land at a dollar and a quarter an acre. Whether they were compelled to pay the railroad company $3.50 or any other sum I do not know; but the rule ought to be uniform, and these parties ought not to receive $3.50 an acre where they only paid out $1.25 an acre, and where other parties are compelled to receive back only $1.25 an acre. I object to making a difference between this and all other cases in what has been the uniform and constant practice of the Government, and that is my objection to the Senate amendment.

Mr. MANDERSON. It seems to me that the Senator from Arkansas loses sight of some of the equities of the situation. It is true that the parties sought to be relieved by this bill are of two classes, those who took the land under the homestead and pre-emption laws of the United States, and others who made purchase at $1.25 per acre. Those who bought and paid for the land, being those whom we call purchasers as distinguished from homesteaders and pre-emptors, really paid more to the Government than those who homesteaded and pre-empted; but when they came to purchase the land from the railroad company, or the grantee of the railroad company, Mr. Knevals, none of them paid, as I understand, less than $3.50 an acre. Some of them paid as high as $8 and $10 per acre to the grantee of the railroad company. The bill, however, limits the compensation to them at not exceeding $3.50 per acre.

The parties, whether homesteaders or purchasers, went upon these lands after patent obtained from the United States, which certainly should be the highest guarantee of title. They made upon the lands valuable improvements, in most cases the improvements exceeding the value of the land itself. They occupied the lands for many years, from ten to twelve years, and it was after such occupancy and the making of such improvements and the payment of taxes during all those years that the title of the Government failed. It seems to me that no strict rule of law but that which equitably flows out of the covenants of the warranty deed of the United States Government should apply in this case.

Mr. EDMUNDS. Have you not a betterment law in Nebraska?

Mr. MANDERSON. We have a betterment law in the State of Nebraska.

Mr. EDMUNDS. If I may interrupt the Senator, then if they have a betterment law there, as they have in Vermont, and ought to have everywhere, these people will get an allowance for the betterments they have put on the land.

Mr. MANDERSON. They would in the event of litigation with the grantee of the railroad company.

Mr. EDMUNDS. If they proceeded to settle with the railroad company at the price they chose to settle at, the question is whether they have a right to ask the Congress of the United States, and the people of the United States, out of the Treasury, to indorse their settlement, until we know a good deal more about how they settled, and on what terms, than we do now. There is the difficulty. If they had stood a lawsuit and called on the Government to defend its patent and they had then been ejected, the proper allowance being made for their betterment, then we should be bound undoubtedly to make them good, like anybody else who issues a patent properly, unless the patent was so obviously illegal that they would know that the Secretary of the Interior had no business to issue it at all. But the trouble is here that the railway company setting up a claim, these people chose to go and make terms on their private account without the United States having an opportunity to be heard at all.

In that state of the case it seems to me that the observations of the Senator from Arkansas are sound; that in such a state of things all that the United States can do or can be asked to do is to return the money which was paid for the land, the title of which has failed, and if they have chosen to settle on their own account at a loss, that is their affair.

Mr. MANDERSON. I suggest——

Mr. GEORGE. Allow me to ask the Senator from Vermont a question.

Mr. MANDERSON. Certainly. I yield.

Mr. GEORGE. I desire to ask the Senator from Vermont if it is not the universal rule in transactions between private parties that upon a breach of warranty title the obligation of the vendor is limited simply to the terms of the purchase-money and interest?

Mr. MANDERSON. May I respond to the Senator from Mississippi and at the same time to the suggestion of the Senator from Vermont?

If the strict rule of law was applied to these contending parties, the Government of the United States on the one hand and these settlers and purchasers upon the other, the relief afforded to them would be less than the relief in this bill, for, take a dollar and a quarter an acre, the amount paid by the purchaser, with interest at 6 per cent. during all these years, with the taxes paid, and it exceeds the amount of three and a half dollars an acre; but I do not place my demand for this relief upon any such narrow ground.

I say that the Government of the United States, when it gives patent to settlers or purchasers situated as these people are, and sees the sad experience that they have had in connection with the failure of their title to their lands, can afford to be more than just. It should be generous; it should at least make some effort to make them whole.

I have here a petition that I received but yesterday, and it is for this reason and because of my personal knowledge of the difficulties attending the situation and of the status of these parties that I have urged the consideration of the bill this morning. This petition is very numerously signed by those who homesteaded and purchased and are occupying these lands:

We, the undersigned, would respectfully represent that we are owners and occupants of the lands along the old Saint Joe and Denver Railroad, known as the Knevals lands, and we earnestly request that you will use your best endeavors to secure the passage of a bill for our relief and reimbursing us for what we have expended to buy in the railroad title; and we further request that such bill shall give equal right to both settlers and purchasers.

This is signed very numerously. There is equity, right, and justice in this bill, and nothing but that. I therefore ask its passage.

Mr. PLUMB. There are a number of circumstances that ought to be taken into account in considering the action to be taken in the present case.

The Government does not warrant title; consequently there is no redress on the part of any purchaser from the Government who is affected. This land was patented by the Government at a time when the relations of the Government to railroad grants were imperfectly understood. A good deal of it passed through the hands of two or three different persons, of course by means of warranty deeds; but the shifting character of the population of that Western frontier was such that the grantees of the patents of the Government and who became the grantors to purchasers, could not be found, and there was no remedy on the warranty. The persons who purchased the land went into possession chiefly; nearly all the land became improved. It had been taxed for a good many years and the taxes had been paid. Under the statute of limitations in most of the Western States, in Kansas, at all events, and I think also in Nebraska, after the lapse of five years the taxes can not be recovered from the county to which they were paid. These persons had paid taxes which they can not recover. The title having failed the lands were not legally taxable, and therefore the money which they paid for taxes was so much lost to them. They were under constraint to deal with the railroad company to get title. They had to do so. They could go back on somebody, perhaps, under the occupying claimant law, for the purpose of recovering the value of improvements, but that would be in most cases utterly without result. It is simply a question now whether the Government will in a small measure compensate these people for the damage which actually resulted to them by reason of the invalid conveyance it gave them and on which they relied.

It does not assimilate itself, except in a very remote degree, to the transactions between private parties, because the Government cannot be sued. These people have been for years, not suing the Government

and getting judgment against it, as would have been the case if they had dealt with private parties, but beseeching Congress to pass this bill; and if you would add to the dollar and a quarter an acre the interest which has accumulated since the time when they made profert of their claim to Congress, I think it would amount to about three dollars and a half an acre, the amount claimed.

Mr. BERRY. I wish to ask the Senator from Kansas a question, if he will permit. I desire to ask the Senator from Kansas, before he takes his seat, if the universal custom and practice of the Government has not been and is not to-day to refund the purchase-money, only, in similar cases; and if we pay these parties three dollars and a half an acre, will it not be establishing a new rule, different from the uniform practice of the Government from time immemorial?

Mr. PLUMB. There is no practice in the Interior Department that assimilates to this at all. Wherever the Government by the mistake of its officials assumes to convey title which remains in such a condition that they can themselves revoke it, they then pay back the money as the only penalty of the mistake they have made. But this is a case where the title was issued and put beyond the reach of the Interior Department or the reach of the decision of any authority except that of the courts, which finally did decide that the title was not in the Government, but was in the railroad company, and consequently the patent was invalid. That was only determined after long litigation, carried on at the expense of the settlers, so that it is not at all like the case of a man who deals with the Interior Department directly and gets his money back without any costs.

Mr. COCKRELL. Is there not a general law, and has it not been in force for many years, under which the patentee of a tract of land whose title has failed can make a quit-claim to the Government and receive back his purchase-money?

Mr. PLUMB. I do not know of any such law as that.

Mr. COCKRELL. There is a general law, and there is a general appropriation, and it is being done every year. Where a party has a patent to land, and that patent was issued by mistake, and a prior title emanating from the Government has taken the land, and he makes proof of that fact and offers a quit-claim of whatever title may have been given to him by the Government under the patent, he gets back his dollar and a quarter, or whatever he paid.

Mr. PLUMB. That would not be parallel to this case, because this is a case where there was a serious question as to whether the title was in the Government at the time of the issuing of the patent, which could only be settled by the courts. The Interior Department held that it had the right to issue the patent, and consequently it would not have paid back the money to the parties even if they had asked it. It could not have done so without stultifying itself. It was not a question of mistake, such as sometimes arises in the affairs of the Interior Department, but it was a question as to whether a certain grant had attached at a time before the plat had been filed in the local land office.

Mr. CALL. The point that I had in my mind was not whether three dollars and a half an acre should be paid to these settlers, as between the Government and the settler. I think that the rule should be in such cases to furnish some reasonable compensation to the man who has purchased lands from the Government and improved them and the title of the Government has failed. Consequently I do not object to the payment of the three dollars and a half.

But the fact is, that all the equities, as well as the express provision of the act in the original grant, were in favor of the actual settler under the Government up to the period of the location of the grant; that was the period of time at which the grant acquired its precedence over the rights of future settlers, and there has been the opportunity for a great deal of wrong to the actual settler.

The question presented by this bill is whether if by litigation, without any intervention on the part of the Government, the settler is ejected, the Government shall respond in damages. The case may be merely collusive, and a decree may be rendered in favor of the parties owning, or, rather, claiming to own, these grants, and those making the decrees, so far from being judges, are rather the agents or instruments of those who are interested in these grants, who render decrees and orders against the Government and in the interest of the parties who promote this litigation.

While I am very desirous and very willing to vote for this compensation to these settlers and think it entirely right, I desire that it should be clearly understood, and the provisions of the bill require that there should have been an honest, *bona fide* decision in which the interests of the Government and the validity of the settlers' rights under the laws have been properly vindicated. I am advised of the fact that there has been throughout the country an extensive use of the courts of the United States to preclude justice to the actual settler of the country by decrees which have no foundation in law or in equity or in public right. I desire that Congress shall carefully avoid any action which will conceal or confirm this action. I desire that the full light of day shall be shed on all such cases, and those who are parties to them shall be held to a full responsibility for them. So far as these purchasers or settlers on the land are concerned, I think they ought to be compensated, and the price does not seem to me to be unreasonable.

Mr. EDMUNDS. Mr. President, it seems to me that the grounds on which this amendment is attempted to be supported show the impropriety of the amendment itself. The principle alleged is that we must reimburse these settlers for the sums that they have been obliged, as it is said, to pay the railroad company in order to hold their lands and to get a quit-claim from the railroad company. If that is a correct principle then this amendment is wrong, if it be true, as it is stated, that some of these settlers, as they are called, some of these purchasers from the United States, have paid more than the amount per acre that this amendment provides for.

If, therefore, the principle of reimbursement of the sums that each settler has paid to the railroad company is the sound one, we must provide that we will reimburse each of these grantees the amount that he has been compelled to pay the railroad, and if a man has been compelled to pay $5 in a given case because the land was rich and fertile and with water on it, we must pay him $5; but if there is another man who has only paid $3, why should we pay him three dollars and a half? I do not see any answer to that.

But now let us look at the thing itself. Here is a grantee from the United States with a patent on a purchase at a dollar and a quarter an acre. He enters into possession, has the benefit of the use and occupation of the land for ten years, I will say. Then it turns out that his title has failed and that another party is the real owner of the land. He proceeds to buy off the other party for three dollars and a half an acre. What has he paid for? He has paid of his own free will not more than the value of the property he wants. He has got the value of his three dollars and a half in the property that he has bought from the railroad, has he not, if not more? Undoubtedly a great deal more. Where is he out of pocket? He is out of pocket by precisely the sum that he paid the original patentor, the United States, for that land and for any loss that he may have suffered meantime. What loss has he suffered meantime? Does anybody say that the use of this land would not pay the interest on a dollar and a quarter an acre during the occupation of the occupier who bought it finally from the railroad at the price that it was worth? It seems to me that there is no answer to that.

So then upon principles of common justice between man and man, as the Senator from Mississippi says, the rule of just damages would be in a case of that kind to repay to the purchaser or the holder of the land the sum of money that he paid for it where he had bought without a consideration, as it turned out. Then we come to the question of interest, that, as between man and man, would be allowed unless the intervening occupation that he had had, which he has not paid for, would be worth as much or more than the interest. So it does seem to me, with great respect to the Senator from Kansas and to the Senator from Nebraska, whom I should be glad to concur with, that this amendment is improper in principle, contrary to the practice of the Government, and is unjust to the Treasury of the United States.

I do not care to refer to what has been stated to me somewhere and at some time about the peculiar circumstances under which these purchasers came in, making, as it has been stated, a hasty race to get to that land office before the action of the Interior Department here could reach it, knowing that the land was going to be withdrawn; and therefore the claim would not have a very great deal of merit in morals if that were true. I do not know that it is; but I have heard some such story as that.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported by the Committee on Public Lands.

Mr. BERRY. I call for the yeas and nays.

The yeas and nays were ordered, and taken.

Mr. VANCE. My colleague [Mr. RANSOM] is paired with the Senator from Iowa [Mr. ALLISON] on all political questions.

Mr. CAMDEN. My colleague [Mr. KENNA] is paired with the Senator from New York [Mr. MILLER], both of whom are absent.

Mr. ALLISON. I am paired for to-day with the Senator from North Carolina [Mr. RANSOM]. I do not know how he would vote on this question. The pair extends to questions where we would probably differ.

Mr. VANCE. On this question I do not know how my colleague would vote if he were present.

Mr. ALLISON. Then I shall allow my vote to stand.

Mr. COKE. I desire to announce the absence of my colleague [Mr. MAXEY], now on his way to Texas. He is paired, generally, on political questions with the Senator from Massachusetts [Mr. DAWES]. I do not know how my colleague would vote on this question if he were present.

The result was announced—yeas 31, nays 17, as follows:

YEAS—31.

Allison,	Cullom,	Mitchell of Oreg.,	Sherman,
Blackburn,	Dawes,	Mitchell of Pa.,	Spooner,
Blair,	Dolph,	Morrill,	Stanford,
Brown,	Evarts,	Palmer,	Teller,
Call,	Frye,	Payne,	Walthall,
Camden,	Hale,	Plumb,	Williams,
Cameron,	Ingalls,	Sabin,	Wilson of Iowa.
Cheney,	Manderson,	Sawyer,	

NAYS—17.

Beck,	Edmunds,	Jones of Arkansas,	Vance,
Berry,	Gray,	Morgan,	Vest,
Cockrell,	Harris,	Platt,	Whitthorne,
Coke,	Hawley,	Saulsbury,	Wilson of Md.
Colquitt,			

ABSENT—27.

Aldrich,	George,	Jones of Nevada,	Pugh,
Bowen,	Gibson,	Kenna,	Ransom,
Butler,	Gorman,	McMillan,	Riddleberger,
Chace,	Hampton,	McPherson,	Sewell,
Conger,	Harrison,	Mahone,	Van Wyck,
Eustis,	Hoar,	Maxey,	Voorhees.
Fair,	Jones of Florida,	Miller,	

So the amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PLUMB. I move that the Senate insist on its amendment and ask for a conference with the House of Representatives on the disagreeing vote.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. PLUMB, Mr. TELLER, and Mr. BERRY were appointed.

COLUMBIA RIVER BOAT RAILWAY.

Mr. DOLPH. I ask that the resolution introduced by me some days since, instructing the Secretary of War to examine the point on the Columbia River known as The Dalles, now on the table, be read.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that the Senate proceed to the consideration of the resolution heretofore submitted by him.

The motion was agreed to; and the Senate proceeded to consider the following resolution, submitted by Mr. DOLPH December 9, 1886:

Resolved, That the Secretary of War be, and is hereby, directed to examine and report as to the necessity for the improvement of that portion of the Columbia River known as "The Dalles," by the removal of obstructions so as to permit the free navigation thereof; and as to the practicability and probable cost of overcoming such obstructions to navigation by the construction of a steamboat railway around The Dalles and Celilo Rapids, and removing obstructions at Three-Mile and Ten-Mile Rapids.

Mr. DOLPH. Mr. President, if the subject of overcoming obstructions to navigation in our navigable rivers by means of boat railways were not comparatively new, I should not occupy the time of the Senate uponthis resolution. I hope by the remarks which I shall submit to attract the attention of the Senate to the project, in particular, of overcoming the rapids known as The Dalles of the Columbia by means of a boat railway, and generally to the subject of the practicability and economy of overcoming similar obstructions to navigation in the navigable waters of the United States by means of railways by which loaded vessels shall be lifted from the navigable waters on one side of the obstructions and speedily and safely transported and deposited in the navigable waters on the other side. The importance of improving the Columbia River at the point mentioned is beyond dispute. I do not propose to enter at any considerable length upon a discussion of the urgency for and necessity of the improvement of that great water way.

The first speech of any length I made in this body was upon the improvement of that river, and both my colleague and myself, and others who have represented the State of Oregon in this body, have from time to time fully presented that subject to the Senate. I shall content myself with stating briefly the situation, so that the urgency for the particular improvement referred to in the resolution will be apparent as an argument for the adoption of some plan for overcoming the obstructions at the point indicated, which can be speedily executed.

The Columbia River, of the rivers in the United States, is second in magnitude only to the Mississippi. It is 1,400 miles in length and is navigable, with interruptions which may be removed without difficulty, for a thousand miles from its mouth. It receives numerous navigable tributaries, the principal being the Willamette, entering at about 110 miles from its mouth and navigable for 130 miles, and the Snake, entering at about 386 miles from its mouth and navigable for 180 miles. The Columbia is navigable, with two interruptions—at the Cascades Rapids, at which the Government is constructing a canal and locks, and The Dalles rapids, where it is proposed to construct a boat railway—to Priest Rapids, a distance of 409 miles from its mouth; and by the Snake River to the Grande Ronde River, 30 miles above Lewiston, a distance of 516 miles from the sea, making a total of navigable water in the Columbia and Snake Rivers below Priest Rapids of 589; and steamboats have been successfully navigated on the Snake River to a distance of 80 miles above Lewiston. The drainage area of the Columbia is estimated at 244,959 square miles, divided as follows:

	Square miles.
Snake River	104,604
Upper Columbia, above Snake	97,155
Main Columbia, below junction with Snake	43,200
Total	244,959

This area is larger than the aggregate area of all the New England and Middle States, with Maryland, Virginia, and West Virginia added. The situation of the people residing in that portion of the Columbia basin east of the Cascade Mountains, which is by far the greater part of the vast area drained by the Columbia River, is peculiar and extraordinary. They are effectually cut off from an outlet to the sea, except through the gorge of the Columbia, by the Cascade range of mountains, extending from the northern boundary of Washington Territory southerly entirely across Washington and Oregon. Through these mountains no other pass exists through which it can reasonably be hoped to divert the commerce of this region to any considerable extent from its present channel along the Columbia River. It has been well said that "'the longest way around' through this horizontal pass will always be a shorter haul than any other line plus the vertical distance over the mountains." This pass is substantially controlled by a single company which owns a railroad upon the Oregon side of the river, a portage railroad upon the north side of the rapids, and the principal if not all the boats engaged in navigating the Upper Columbia; and thus, without competition, is enabled to make and maintain its own rates of freights and fares.

As a consequence of this condition of affairs the freight rates, both by river and by rail, between the interior and the seaboard are enormously high. I think it is doubtful if in any other portion of the United States the cost of transportation is so great; certainly not in any portion affording an equal amount of business for transportation lines. My colleague, in a speech delivered in the Senate on the 10th of July last, fully presented the subject of "The exorbitant nature of transportation tariffs on the products of the Columbia basin," citing numerous instances of local rates upon grain and merchandise and comparing them with charges elsewhere. I will not repeat what he so ably said upon that subject. It is sufficient to say that, owing to the peculiar situation I have described, the producers of the Upper Columbia basin are subjected to a tax in the nature of exorbitant transportation rates upon their products to the seaboard which is a most serious hinderance to the prosperity of the country and calls for prompt action by the General Government and for relief by the early removal of obstructions to navigation in the Columbia, both at the Cascades and at The Dalles.

In his report of an examination of the Upper Columbia River and the territory in its vicinity, in September and October, 1881, Lieutenant Symons, referring to the benefits to be derived from the improvement of the Upper Columbia, said:

It is scarcely worth while for me to enlarge on the general benefit to the whole North Columbian basin which would be conferred by removing all the obstructions and giving through river navigation from Grand Rapids to the sea.

The continued, earnest, and united efforts of other countries and sections to obtain water transportation to the seaboard by means of rivers and canals sufficiently attest the estimation in which it is held by the people, and its value and importance are clearly shown by all the navigable rivers and internal water routes of the world.

The Government of the United States has commenced the improvement of the Columbia at the first obstruction, the Cascades; it has taken the preliminary steps toward the improvement at The Dalles, and it will ere long be called upon to commence the improvement at Priest Rapids and the upper rapids to give a continuously navigable river.

If we take a glance forward to the time when all this eastern portion of Washington Territory shall be settled, when the whole land shall be a waving field of grain, with here and there a village or a city; with railroads traversing the country in every direction, and a vast commerce being carried on between the sea and the interior; if we picture to ourselves all this with the Columbia in its present state of interrupted navigability, and then picture it with the river completely navigable from the Grand Rapids to its mouth, we shall be able in some degree to appreciate the importance of undertaking and completing the great works of improvement needed on the river.

The picture here drawn by Lieutenant Symons will be realized sooner than even he imagined. Already railroads have been constructed and are being constructed to supply transportation facilities to every fertile portion of this vast region; grain fields cover tens of thousands of acres where then the soil had never been vexed by the labor of the husbandman, and the time when "the whole land shall be a waving field of grain" is at hand; villages and cities have sprung up where then there were no signs of civilization, and a vast commerce is already carried on upon the bosom and along the banks of the Columbia between the interior and the sea. An energetic, thrifty, and industrious population are fast transforming the uncultivated waste into fertile farms and comfortable homes.

I have recently received a communication from a committee of the Board of Trade of Dalles City, Oreg., which, although it does not refer directly to the subject of river improvements, will help to a correct understanding of the condition of the transportation problem in that region. It is as follows:

THE DALLES, OREG., *December* 29, 1886.

SIR: On behalf of the Board of Trade of Dalles City, we desire to call your attention to the situation of the merchants of this city and other cities in Eastern Oregon and Washington, on the line of the Oregon and Navigation Company's Railway, respecting freight rates from eastern points.

The schedule of rates to these way points upon all classes of freights from the east is made up by adding to the through rate to Portland the local rate back from Portland to the way point. This additional local back rate is an arbitrary charge, and is in no way connected with the through rate.

For example: A car-load of merchandise to any of these way points from Chicago is delivered at the way point without going through to Portland, and the freight charges thereon consist of the full through rate to Portland, plus the local rate on merchandise from Portland to the way point. In the case of our own

city this local rate from Portland is on the average from 70 per cent. to 80 per cent. of what is charged for hauling the same merchandise from Chicago te Portland. The distance from this city to Portland is 88 miles. The local rato from Portland to this point, on the average, is 45 cents per 100 pounds. The through rate from Chicago to Portland on the same class of freight is 65 cents per 100 pounds, making the rate from Chicago to this point $1.10 per 100 pounds; and yet we are nearer Chicago by 88 miles than is Portland, and are on the direct line between those two points.

In the case of merchants east of us the situation is worse. Thus at Arlington, a point 141 miles east of Portland, the local back rate is on the average 70 cents per 100 pounds; that is 5 cents more than the through freight rate to Portland from Chicago; making the actual charge to that point from Chicago, $1.35 per 100 pounds. In the case of Walla Walla, Wash., Baker City, and Huntington, Oreg., the local back rate is double the through rate to Portland. Yet the actual haul in each of the cases referred to falls considerably short of the haul for which is paid the through rate alone. Concerning this through rate no complaint is made, and merchants at the way points are entirely willing to pay the same rates as are charged for the haul to Portland. But the arbitrary local back rate charged is deemed a most unjust and burdensome exaction, falling little short of systematic robbery.

In like manner merchants at these way points are compelled to pay on shipments to Chicago, in addition to the through rate from Portland to Chicago, the local rate from the way point to Portland. Thus the railway company exact from dealers at these way points on all shipments to and from all Eastern points a charge equal to what they would be entitled to charge if they were compelled to haul the freight first to Portland. But no such necessity exists, and for this excessive arbitrary charge no service whatever is rendered.

If the bill now pending before Congress known as the "interstate-commerce bill" gives us relief from this unjust and burdensome discrimination we would respectively request you to co-operate with our other Representatives in Congress in securing its passage. If not, we earnestly hope you will endeavor to procure such other legislation as will relieve us.

We call the attention of Hons. J. H. MITCHELL and BINGER HERMANN to the same subject by a similar communication.

Yours very truly,

E. B. McFARLAND,
A. S. MACALLISTER,
B. S. HUNTINGTON,
Committee on behalf of the Board of Trade of Dalles City.

Hon. J. N. DOLPH,
United States Senator, Washington, D. C.

The Cascade branch of the Northern Pacific, now fast nearing completion, will tap the basin of the Upper Columbia, in Eastern Washington, and, in connection with the main line of that road, will afford a competing line for a considerable portion of that region, and will no doubt prove an important factor in the regulation of freights and fares; but permanent competition can not be secured where there is a chance for combination. I have no faith in legislation proving effectual to sufficiently regulate, reduce and control freights; but water transportation, wherever it comes in competition with railroad traffic, according to the opinion of the best informed men upon the subject, and as is also corroborated by the experience of this and other countries, is an effectual means of reducing and regulating the cost of transportation.

The special committee on interstate commerce, of which the Senator from Illinois is chairman, investigated this subject in connection with the question of interstate commerce, and made an interesting and valuable report. A distinguished array of eminent and well-informed witnesses gave concurrent testimony before the committee to the effect that we must depend upon our water ways for competition with the railroads.

The committee conclude their report as follows:

THE EFFECT OF WATER COMPETITION UPON RAILROAD CHARGES.

The evidence before the committee accords with the experience of all nations in recognizing the water routes as the most effective cheapeners and regulators of railway charges. Their influence is not confined within the limits of the territory immediately accessible to water communication, but extends and controls railroad rates at such remote and interior points as have competing lines reaching means of transport by water. Competition between railroads sooner or later leads to combination or consolidation, but neither can prevail or secure unreasonable rates in the face of direct competition with free natural or artificial water routes.

The conclusion of the committee is, therefore, that natural or artificial channels of communication by water, when favorably located, adequately improved, and properly maintained, afford the cheapest method of long-distance transportation now known, and that they must continue to exercise in the future, as they have invariably exercised in the past, an absolutely controlling and beneficially regulating influence upon the charges made upon any and all other means of transit.

The Northern Pacific Railroad Company is authorized by its charter to construct its road down the Columbia River from Wallula Junction to Portland, and it is rumored that the Canadian Pacific Company is considering the proposition of building a branch or connecting line down this same river. But even if both these roads should be constructed, that would not afford adequate relief to the producers and consumers of the great Columbia basin. Competition sufficient to reduce the rates to a just limit is not likely to be so secured, and it is even probable that the people might find, after the roads were built, that they were subject to increased burdens to enable the competing companies to pay operating expenses and fixed charges upon the outlay for the construction of their roads. Let the Columbia River be opened and be made navigable without interruption, by the removal of obstructions, so that boats can descend from the British Columbia line to its mouth, and no section of the country will have cheaper transportation. The railroad companies will be compelled to reduce freight rates, or the portions of that region not reached by the navigable waters of the Columbia and its tributaries will soon be made accessible by means of short lines of railroad terminating at the river, and the products of the country will be sent to tide water by steamboats.

The people are in favor of the improvement of the great water-ways and making them, as far as practicable, the means of transportation. It is not those alone who reside in the immediate vicinity of the great rivers who favor liberal appropriations for the improvement of rivers and harbors, but the people of all parts of the country: the producers and consumers, alike, begin to understand that they are benefited by everything which reduces the cost of transportation in any portion of the country. Transportation is a great tax upon both producer and consumer, and cheap freights is a question of common interest to both. Let no man be mistaken upon this subject. The great West and the South are in favor of the improvement of our rivers and harbors. They demand that the water ways of the country shall be free to all and unobstructed; that transportation upon them shall be open to competition and beyond the reach of combinations and pools. It is not a question with them whether there are or are not sufficient railroad facilities to transact the business of the country. They do not care whether the products of the country shall be transported by river or rail. They know that water-ways serve as a balance to the machinery of transportation and a check upon exorbitant rates.

Some of the grievances which the people complain of can be remedied by legislation. Congress has the constitutional power to regulate commerce with foreign nations and among the several States. This power to regulate commerce among the States is restricted to commerce which concerns more States than one. Commerce undoubtedly includes the subject-matter of intercourse and of traffic; intercourse and traffic include the means and instruments by which they are carried on; instruments undoubtedly include steamboats and railroads. It therefore follows that Congress may prescribe rules for transportation (not confined to a single State) by water and by land. What limit will be placed by the courts upon this power to prescribe rules can not be foretold, but Congress certainly has ample power to correct the glaring faults now apparent in the management of transportation companies and remedy the admitted grievances which the people suffer, and it will undoubtedly at the present session enter upon a course of legislation for that purpose. But the duty of Congress does not end here. It claims the power of controlling the navigable rivers of the country, of preventing and authorizing obstructions to them, of determining what works for the improvement of navigation shall be attempted or made, and has entered upon the work of improving nearly all of our great harbors and rivers. In fact, there is no longer any serious question as to the constitutional power of Congress to improve the harbors and water-ways of the country. In considering the question as to whether any particular improvements shall be undertaken the questions as to whether it is necessary, whether it will be beneficial to commerce, and whether its relative importance compared to other improvements is sufficient to warrant its commencement, as well as whether the condition of the Treasury is such as to justify the expenditures, are involved.

There is no doubt but that the Columbia River will, in time, be improved by the General Government, so as to admit of unobstructed navigation for a thousand miles from its mouth, and there is no other portion of the country where so great a benefit to the inhabitants of so extensive a region can be obtained for so small an outlay. The only questions are, how shall the river be improved and when shall the improvement be commenced.

The Government has undertaken to remove the obstructions to navigation at the Cascades. The rapids are known as the Lower Cascades and the Upper Cascades. The project is to build a canal and locks around the Upper Cascades and to improve the Lower Cascades by blasting out rocks and removing obstructions so that the river at this point may be navigated, except during the very highest stage of water. There has been appropriated for the work $1,142,500. The amount required to complete the project is $1,062,500.

The work should be, and could be with sufficient appropriations, completed in two years' time, but at the rate at which money has been appropriated in the past for this improvement it will require from eight to ten years yet to complete it. The removal of the obstructions at The Dalles should have been undertaken at the same time as the improvement at the Cascades and prosecuted so as to be completed with the completion of that improvement. These two improvements are complements of each other. The two obstructions divide a stretch of over 500 miles of navigable river into two nearly equal parts, and the full benefit to be derived from each work will not be secured until the other is completed. Estimates have been made for the improvement of the river at The Dalles by the usual method of a canal, at an estimated cost, in round numbers, of $11,000,000. With the usual manner in which appropriations for such works are made generations will have passed away before the work could be completed. At the rate at which appropriations have been made for the canal and locks at the Cascades it would take one hundred years to open up the river to navigation at this point by that means.

It must be borne in mind also that no benefit can be derived from the expenditure upon this work until the entire work is completed, and that the full benefit of the great outlay by the Government at the Cascades will not be realized until the river is also opened at The Dalles portage. It is obvious that the commercial interests of the vast territory tributary to the Columbia demand, either by the adoption of some cheaper plan of improvement or the policy of larger appropriations for such works, a more speedy opening of the river at this point. The proposed improvement by a boat railway can be inaugurated and

completed in a single year and at a cost of one-eighth of the estimated cost of a canal.

Mr. Symons, in his report, recommends boat railways for overcoming obstructions to navigation in the Columbia River above The Dalles rapids, and summarizes his recommendations as follows:

To summarize, then, the system of improvements that I would advocate to give continuous navigation from Grand Rapids to the mouth of the Columbia River is as follows:

First. The improvement required at the Spokane Rapids, the expense of which would be slight.

Second. A combined system of river improvement and boat railways at the Nespilem Rapids.

Third. A boat railway at Rock Island Rapids, and the improvement of the river at Cabinet Rapids.

Fourth. The construction of a boat railway around Priest Rapids.

Fifth and sixth. The construction of a canal with locks about The Dalles and the Cascades.

The following approximate estimate of the cost of the improvements above the mouth of Snake River is given:

Boat railway around Priest Rapids	$600,000
Boat railway around Rock Island Rapids	400,000
Boat railway around Foster Creek Rapids	400,000
Boat railway around Kalichen Falls, &c	800,000
Boat railway around Mahkin Rapids	500,000
	2,700,000
Improvement of the river at Priest Rapids	50,000
Improvement of the river at Cabinet Rapids	60,000
Improvement of the river at Rock Island Rapids	25,000
Improvement of the river at Nespilem Rapids	150,000
Improvement of the river at Spokane Rapids	20,000
Total	3,005,000

The estimated cost of the improvement at The Dalles portage of the Columbia according to the project submitted by Major Jones is $1,373,000.

The estimated cost of the completion of the canal and locks at the Cascades is $1,062,500—making a total for these two improvements and the work recommended by Lieutenant Symons of $5,440,500.

Thus it will be seen that the Columbia River, from its mouth to Grand Rapids, a distance of 750 miles, can be made navigable by the expenditure of a sum slightly in excess of $5,000,000; providing, of course, that boat railways are feasible.

The only question, it appears to me, worthy of consideration in determining whether the work shall be undertaken at once is its practicability. If the opinions of engineers can be relied upon that is assured. But if it be admitted that it would, to a certain extent, be an experiment, who has a greater interest in making the experiment and testing the practicability of boat railways than the Federal Government? If it should prove a success the Government would be able to substitute railways for canals at one-eighth of the cost of the latter, and the people would also be greatly benefited by securing, at a much earlier date, the unobstructed navigation of the water-ways of the country.

But the project of a boat railway is not a visionary one. One of the greatest engineers in this or any other country has projected a railway from the Atlantic to the Pacific Ocean on Mexican soil, by which it is proposed to take ships, with their cargoes weighing 7,000 tons, from one ocean and, transporting them with speed and safety, deposit them in the other, and has organized a company to construct it. The Government of Mexico has made large concessions to aid in the construction of the road, and I have lately seen it stated in the public press that the company had abandoned the effort to obtain Government aid from the United States, and expected to construct the road by private capital. I am satisfied of the practicability of that great work, compared to which a railroad for the transportation of boats, which can be navigated on the Upper Columbia, around The Dalles and Celilo Rapids, would be an insignificant affair.

In a pamphlet published in 1884, entitled "The Tehuantepec Ship-Railway; its Practicability and Commercial Features," the projectors of the ship-railway answered the objections which had been urged against the practicability of the scheme, and quoted from the opinions of engineers to show that the enterprise is entirely practicable. I read the following from the pamphlet referred to:

First objection: Injury to the vessel by the outward pressure of the cargo when she is taken out of the water.

Answer: When the vessel is in, what is called its "natural" element, she undergoes often unnatural and more severe strains than in docking. The sudden withdrawal of the water pressure when the vessel in a heavy sea rides, bow and stern, on two huge waves, would cause her sides to burst out if she were not specially constructed to withstand just such pressure. A heavy sea, rolling its great waves one after another alongside the vessel from bow to stern, with the hollow of the waves following quickly, would seem to be productive, if any possible condition could be, of the opening of the vessel's sides. The fact is, the bursting pressure is less than is imagined. Every elevator or grain-cargo box is more likely to be pressed outward or downward by its load of grain than is a vessel's sides when out of the water.

Second objection: Injury to the bottom of the vessel by supporting it by artificial means when the cargo is on board.

Answer: It should be clearly understood that the hydraulic press system which first holds up the vessel when she is out of the water is, as it were, so many columns of water under the vessel, gently and effectually equalizing her weight. If, in the process of raising, the support raised by one ram comes in contact with the keel, bottom, bilges, or sides of the vessel, it will exert no pressure until all the other rams have reached a point of contact, and then the pressure per square inch of ram surface is the same throughout the whole system. The rams of the greatest area are placed under the keel where the load is the greatest and the vessel most able to withstand heavy pressure. Over the whole surface of the hull, wherever it has any bearing upon the water, the full, complete, and adjustable system of supports is spread, with their broad and cushioned surfaces. Vessels of the most ancient and decayed skin and timbers, if seaworthy, can be carried on this perfectly equalized system of supports, and be in effect water-borne. In reference to both these objections, Mr. E. A. Fuertes, professor in the department of civil engineering of Cornell University, N. Y., gives very valuable testimony in reference to some examinations he made on the White Star line steamer Germanic, on the voyage between Liverpool and New York.

These examinations, made while the vessel was moving through an ordinary sea, were for the purpose of ascertaining the concave and convex flexures of the steamer in the direction of her length. He found that the total deflection in a distance of 264 feet was 13 inches, or 6½ inches above and below the mean line. Comparing the effects of a heavy sea upon an iron steamer with the effects upon the same steamer when carried upon a properly designed and constructed railway, he speaks of the strain upon the vessel when a sinking or receding sea instantly withdraws the volumes of water pressure from against her sides, and the reaction of her frame when, with equal suddenness, it feels the pressure of her cargo, if any such pressure exists.

"Also the sea strikes blows with concentrated vigor upon the restricted area of the ship's surface, causing the dreaded tremor from stem to stern, and working her joints and timbers with all kinds of flexures, tortions, and impacts. Only those who have had personal experience with the sea in a hurricane can realize the stiffness required in a sea-going vessel.

"It is strange to see how strongly intolerant popular misconceptions can be in questions of this kind. While a ship must be constructed so that it may stand safely on end or be shaken violently when held in the middle or by her extremities, the popular prejudice against a ship-railway is based upon the assumption that all ships are wanting in the very quality that they must possess, namely, stiffness."

The following statement of opinions and facts upon this subject will support the views advanced above. A letter, dated February 14, 1882, from Mr. William S. Buckley, president of the New York Balance Dock Company, gives a list of five ships and six steamers, ranging from about 2,000 to 2,700 tons, that were taken out on his dock with cargoes in them. In this letter Mr. Buckley says: "We do not refuse any class of ships or steamers, even with coals and cargoes on board, whose length does not exceed the length of the dock. In every case in which we have taken up steamers with the cargoes in, it has been done without the least strain or injury to the vessel. As the rule is to make a charge for raising the cargo on a vessel, they usually come to us without cargo."

Mr. Edward Hart, United States naval constructor, in a letter to Mr. Eads, says (quoting a portion only appertaining to this subject):

"With a substantial road-bed for your ship-railway, on the easy grades across Tehuantepec, which I understand do not exceed one or two feet in the hundred, there can be no mechanical difficulty in the way of transporting loaded ships by railroad with entire safety to the vessels, whether they be built of wood or iron." Mr. Hart is one of the oldest and ablest constructors in the United States Navy.

Mr. H. L. Fernald, a constructor of the United States Navy, of recognized ability and talent, stated in a letter as follows:

"Having carefully examined the plans and papers pertaining to the proposed ship-railway across the Isthmus of Tehuantepec, I do not hesitate to say that in my judgment there will be no difficulty whatever in transporting, in the manner you propose, any properly built vessel with absolute safety."

The London Iron, of October 3, 1884, in brief but comprehensive language, sets at rest any fears that may exist in the minds of timorous people in reference to the injury that vessels may sustain by being docked and handled with the cargo on board.

"The question of endangering the structural integrity of a ship loaded with cargo by taking her out of the water and placing her on intermediate supports, is one which has been frequently raised only to be summarily disposed of by those who give the matter a moment's thought. As, however, there is still a popular notion that a loaded vessel under such conditions is subject to injurious strains, it may be as well if we point out how utterly impossible this is by reason of the construction of the vessel itself. No greater fallacy than this was ever conceived, for there is no form of structure which is known to be subject to more unequal, irregular, and ever-varying strains than a ship at sea, and these very points are carefully provided against in her design and construction. A properly designed and constructed ship resembles a girder, and is so built that no matter how she may be tossed about on the waves, the strains, conflicting and almost puzzling as they are, are distributed equally through her framing and plating or planking. If there was any fear of her cargo bursting her sides, as some have held there is, it would have burst them on her first loading, as, although water is incompressible in confinement, it is exceedingly yielding when unconfined. Hence the risk of damage to vessels by straining during transport overland, may at once be set aside as puerile, especially in the face of the ingenious arrangement designed by Mr. Eads for equalizing their support. Moreover, the raising of ships with their cargoes, from a lower to a higher level, by means of hydraulic lifts, has been successfully accomplished for long past. The Victoria Docks, in London, and those at Malta and Bombay, have been operated for years without an accident. Again, it is a matter of common occurrence to keep loaded vessels for days, and even weeks, upon dry-docks for repairs, and then return them to water without the slightest strain or injury."

The most valuable expert testimony that has been given on this subject is by Sir Edward Reed, K. C. B., late chief constructor of the British navy. The testimony was given before the Committee on Commerce of the United States Senate. The following quotations are from his testimony, and bear directly on this special subject:

"I have no hesitancy in saying that the marine ships of to-day are vastly stronger everywhere than they were half a century ago, and that they are now, as a rule, perfectly capable of being docked in dry-docks with their cargoes on board.

"I would like to say, first, that there is no fear whatever of a ship undergoing any strain in the process of lifting out of the water (as would be necessary in case of a ship-railway) that she is not liable to, at present, in ordinary docking.

"I would say, further, that I am quite sure that the processes of ordinary docking, as carried on in a vast number of private establishments, are very negligent and insufficient in comparison with those which would be adopted in case of the hydraulic lifts connected with the proposed ship-railway."

In reference to the hydraulic docks at Malta he gives a list of several vessels docked with their cargoes on board, and states: "I would call attention to the fact that although ship-owners were at first afraid of docking ships in that way with their cargoes on board, they have discovered by the experience of years that no sort of injury does result, for all the ships that are in the Indian trade now voluntarily employ these docks and go upon them with their cargoes on board for the purpose of getting their bottoms cleaned and coated on the voyage, instead of having to lie in a more expensive dock in London for the purpose."

Mr. William Pierce, sole proprietor of the John Elder & Co.'s works, Govan, Glasgow, and who built the Arizona, the Elbe, and the Alaska, and others of the finest steamers afloat, says in a letter: "I am of the opinion from what I know of the working of iron floating-docks that I have designed and built, that iron steamers of 4,000 to 5,000 tons displacement may be docked loaded without any injury whatever."

Commander T. D. Wilson, chief constructor of the United States Navy, states as follows: "I see no good reason why any vessel cannot be successfully raised and transported upon a properly constructed railway, with a grade as stated, if reasonable skill and care are used in the work, and I believe the strain she

will be subjected to will be inferior to those which ocean steamers are constantly exposed to."

Objections of various kinds have been raised to the plan of lifting vessels out of the water, and transporting them, but it is useless to enter into any further argument in regard to it in the face of the numerous and well authenticated facts which go to show that vessels are, in all parts of the world, very frequently docked with their cargoes on board without the least injury to the vessel. The only injury that can possibly happen to them under these circumstances is by careless handling or by not taking precautions against the strains that might possibly be engendered in lifting the vessel. I it is once admitted that the vessel can be docked with the cargo on board, it must also be admitted that ships can be hauled on a properly designed and constructed railway carriage without injury.

The project of boat railways, to overcome obstructions upon the Columbia River, has been submitted as feasible by competent engineers. In his report of the examination of the Upper Columbia, before referred to, Lieutenant Symons, in speaking of the improvement of Priest's Rapids, and after discussing the question as to whether the rapids can be rendered sufficiently navigable by working upon the bedrock and bowlders in the river, blasting and clearing away a properly laid-out channel, says:

If, however, when the proper detailed surveys have been made and experiments conducted, it is found, as I believe it will be, that it is not practicable to improve the bed of the river sufficiently to give good navigation, then some other means must be adopted.

The best means to adopt for this purpose I conceive to be a railway over which boats can be transported from the foot of the rapids to the head.

I would advocate a railway in preference to a canal and locks, on the ground of expense. The cost of the construction of a railway and its adjuncts would probably be not more than from one-sixth to one-fourth of the cost of a canal about Priest Rapids, and its operating expenses would not be very much greater,

Again he says:

While it is very far from my intention to give a detailed plan for a railway for transporting river boats around the rapids of the Columbia River, yet I wish to give a very general outline of such a plan.

Just below the foot of the rapids an inclined track could run down into deep water. A carriage, or car, with its top shaped to receive the bottom of the boat, could be run down on this track into the deep water and the boat received in it.

A stationary engine could take the carriage and boat up the incline to a summit point sufficiently high to give a slight down grade to the deep water at the head of the rapids. At the summit the vertical direction could be changed, and a locomotive could take the carriage and boat down to the head of the rapids, and bring back the carriage. At Priest Rapids the course of the railway could be perfectly straight, obviating any necessity for a horizontal change of direction. The time which would be occupied in making the portage need not exceed two hours at the most, and by having several carriages the process of taking one boat up the incline could go on coincidently with the transportation of another to the head of the rapids, so that, with everything working well, it may be safely estimated that a boat could be taken over every hour with a single track. This would accommodate the river commerce for many years to come, and if it ever became necessary the facilities for transporting boats could be indefinitely increased by building a double track for the return of the carriage, and adding the necessary improvements to the plant.

The class of boats which it will be found most advantageous to run on the Upper Columbia will probably be found to be similar to those now run on the Snake River, and of which the Spokane, Annie Faxon, and Almota are types. The Annie Faxon, the largest of these, is 165 feet long, 37 feet beam, 5 feet depth of hold, and has a measured tonnage of 709 tons.

If we suppose a boat with her load having a displacement of 800 tons, which is probably the largest boat that would demand transportation, the carriage or car on which to transport her must weigh about 100 tons. This 900 tons is the weight to be transported and handled on the railroad. Once up the incline it can readily be handled by a good freight locomotive on a properly constructed track. This would be much more than would ordinarily be taken over, as most of the freight would be down river, and boats would be lightly laden going up stream.

In the annual report of Maj. W. A. Jones, Corps of Engineers, United States Army, on river improvement in Oregon and Washington Territory, for the fiscal year ending June 30, 1885, that officer discusses the project for the improvement of that portion of the Columbia known as The Dalles, and submits a project for a boat railway around The Dalles and Celilo Falls, which he says is put forward for agitation and discussion. He says:

I propose to flank The Dalles and Celilo Falls with railway inclines, over which laden boats and river craft may be hauled by means of stationary engines at the summits, and to blast open the contracted water ways at Ten and Three-mile rapids to a width of 300 feet, which will be sufficient to reduce the velocities to a navigable status.

The proposition is not novel. It is a common thing to haul boats out of the water upon inclined railways, and the fact of their being laden will not materially affect the operation. Furthermore, its application at this same place has been advocated by engineers for many years.

I will append that part of Major Jones's report referring to the matter, omitting the drawings, to my remarks.

The Columbia Water Way Convention, at a session held at Vancouver, Wash., commencing October 14, 1886, a representative body composed of delegates from the various boards of trade and chambers of commerce of the principal cities in the Columbia River Valley, unanimously adopted a memorial to Congress concerning the improvement of the Columbia River. Referring to the removal of the obstructions at The Dalles, the memorial reads as follows:

The obstructions at The Dalles may be overcome, according to the opinion of the ablest engineers and of practical men who are conversant with the eminently successful operations of a similar railway upon the Ohio and Baltimore Canal. An important point in the adoption of a ship railway at this point is peculiarly favorable on account of the low and safe banks of the Columbia at these points of obstructions. It is fully believed that these obstructions may be passed in the manner named at less cost than would be required to complete the work at the Cascades.

I do not advocate the adoption, without further examination, of the precise plan proposed by Major Jones, a plan which he does not claim as original and one which he admits may be improved. And it is quite possible that other and more economical and better plans will be submitted, if the project of overcoming these rapids by means of a boat railway shall be entered upon. I feel confident that the project is entirely feasible, that it is preferable to a canal and locks, both because of the comparatively small cost of the work and on account of the shorter time required for its completion. But even if it be admitted that a canal and locks would be the best means of overcoming these obstructions, would be operated with less danger and delay and with greater economy, and conceding that the Government is to eventually, if not in the near future, undertake such an improvement, in view of the fact that such a work with the customary Congressional appropriations for similar works could not be completed for many years, and that no benefit would be derived from the expenditure for the same until the work was fully completed, would not the temporary adoption of the cheaper plan of a boat railway, which could be constructed in a single year for a small per centage of the cost of the canal and locks, be wise and economical, even if abandoned when the more expensive work was completed?

There is another thing worthy of consideration. Congress appropriates from year to year large sums for the improvement of our navigable rivers by the removal of obstructions. The universal plan of improvement is by canals and locks. The first cost of such improvements is enormous, and the cost of repairs and operation is considerable. Here is a project put forth by competent engineers for accomplishing the same purposes at a small fraction of the first cost, and probably with not much greater cost for repairs and operation. The place proposed for trying the experiment of the cheaper plan is favorable, and it appears to me that the experiment is demanded upon business principles, with the view to testing the practicability of substituting boat railways for canals as a means of overcoming such obstructions.

Never was there in the history of this country a more auspicious time for the commencement of such a work and trying the experiment, if it shall be called such. The Treasury is full to overflowing, and the difficulty is not, therefore, how to obtain the money to carry on the operations of the Government and to improve our waterways, but how to get rid of our surplus revenues. The productions of the country are immense and increasing yearly, and by reason of the serious competition in the markets of the world of the products of India, Australia, and Russia, the problem of how to get our surplus products to market cheaply is the vital question of the hour, a question affecting every producer and consumer in the whole country, and one which is now being, and will continue to be, forced upon the consideration of Congress.

The Pacific coast never will demand or require large appropriations for the improvement of its rivers and harbors. Owing to the magnitude and the importance to commerce of the Columbia River, the immediate improvement of its mouth and the removal of obstructions at the points indicated are imperatively required, but the amount necessary for the purpose in comparison with the amount appropriated from year to year for river and harbor improvements is not large. There are other improvements being carried on, and which should be undertaken, of less magnitude and cost, but of great importance in both Oregon and California, the most important one at the present time in Oregon probably being the improvement of the Yaquina Bay. A harbor of refuge is imperatively required upon the coast between the Columbia River and San Francisco Bay. While the river and harbor bill of last session was under consideration in the Senate I took pains to make a calculation of the amount of appropriations contained in the bill as it came from the Committee on Rivers and Harbors in all the States and Territories west of the Rocky Mountains, and to compare it with the amount appropriated for the other States and Territories. Three States and four Territories west of the Rocky Mountains have an aggregate area of 776,334 miles. The total area of all the States and Territories is 3,008,616 miles, 2,232,283 square miles of the entire area being east of the Rocky Mountains. I found that out of a total appropriation of about eighteen millions contained in the bill as it came from the committee, the total appropriation for the three States and four Territories west of the Rocky Mountains amounted to only $1,009,000.

Some criticisms have been made upon this floor upon the amount of appropriations heretofore made for rivers and harbors in Oregon and Washington. I have been characterized as the most persistent beggar for appropriations for my State on the Commerce Committee. But the truth is that, with the exception of a single improvement, compared with the magnitude and importance of the works and with the estimates of the engineers, the appropriations for improvements in Oregon and Washington have been smaller than for improvements for works of similar character in any other part of the Union. I submit a statement showing when each improvement now in progress in Oregon, Washington, and Idaho was commenced and the amounts and dates of the several appropriations for the same; also showing the total amounts of all appropriations for that State and the two Territories named, with the amounts appropriated by each river and harbor appropriation bill.

Appropriations for the improvement of the mouth of the Columbia River, Oregon and Washington:

Act of July 5, 1884	$100,000
Act of August 5, 1886	187,500
Total	287,500

Improving entrance to Coos Bay, Oregon:

Act June 14, 1880		$40,000
Act March 3, 1881		10,000
Act August 2, 1882		60,000
Act 1884		30,000
Act 1886		33,750
Total		173,750

Improving entrance to Yaquina Bay, Oregon:

Act June 14, 1880		40,000
Act March 3, 1881		10,000
Act August 2, 1882		60,000
Act July 5, 1884		50,000
Act August 5, 1886		75,000
Total		235,000

Improving Lower Columbia and Lower Willamette Rivers:

Act June 23, 1866, Lower Willamette	$15,000	
Act March 2, 1867	30,000	
Act July 25, 1868 (allotted)	21,000	
Act April 10, 1869 (allotted)	13,365	
Act July 11, 1870	31,000	
Act June 10, 1872	50,000	
		160,365
Act March 3, 1873, Lower Willamette and Columbia from Portland, Oreg., to the sea	20,000	
Act June 23, 1874	20,000	
Act March 3, 1875	20,000	
Act August 14, 1876	20,000	
Act June 18, 1878	30,000	
Act March 3, 1879	45,000	
		155,000
Act June 18, 1878, mouth of the Columbia	5,000	
Act March 3, 1879	5,000	
Act August 2, 1882	7,500	
Act August 2, 1882	500	
		18,000
Act June 14, 1880, Lower Willamette and Columbia from Portland, Oreg., to the sea, including bar at the mouth of the Columbia	45,000	
Act March 3, 1881	45,000	
Act August 2, 1882	100,000	
		190,000
Act July 5, 1884		100,000
Act August 5, 1886		70,000
Total		693,365

Improving mouth of Coquille River, Oregon:

Act June 14, 1880	10,000
Act August 2, 1882	10,000
Act July 5, 1884	10,000
Act August 5, 1886	20,000
Total	50,000

Improving Portland Harbor, Oregon:

Act August 5, 1886	5,000

Appropriations for the improvement of the Upper Willamette and Yam Hill Rivers, Oregon:

Act March 3, 1871	$16,000
Act March 3, 1873	3,000
Act June 23, 1874	7,500
Act March 3, 1875	25,000
Act August 14, 1876	20,000
Act August 18, 1878	20,000
Act March 3, 1879	12,000
Act June 14, 1880	12,000
Act March 3, 1881	15,000
Act August 2, 1882	5,000
Act July 5, 1884	10,000
Act August 5, 1886	10,000
Total	155,500

Appropriations for the improvement of the Columbia River, at the Cascades, Oregon and Washington:

Act June 14, 1876	$90,000
Act June 18, 1878	150,000
Act March 3, 1879	100,000
Act June 14, 1880	100,000
Act March 3, 1881	100,000
Act August 2, 1882	265,000
Act July 5, 1884	150,000
Act August 5, 1886	187,500
Total	1,142,500

Appropriations for the improvement of the Upper Columbia and Snake Rivers, Oregon and Washington:

Upper Columbia River:		
Act June 10, 1872	$50,000	
Act June 23, 1874	20,000	
Act March 3, 1875	35,000	
		105,000
Upper Columbia and Snake Rivers:		
Act August 14, 1876	15,000	
Act June 18, 1878	20,000	
Act March 3, 1879	20,000	
Act June 14, 1880	15,000	
Act March 3, 1881	15,000	
Act August 2, 1882	6,000	
Act July 5, 1884	20,000	
Act August 5, 1886	10,000	
		121,000
Total		226,000

Improvement of Cowlitz River, Washington Territory:

Act June 14, 1880	$2,000
Act March 3, 1881	1,000
Act August 2, 1882	1,000
Act July 5, 1884	2,000
Act August 5, 1886	2,000
Total	8,000

Improving Skagit, Steilaquamish, Nootsack, Snohomish, and Snoqualmie Rivers, Washington Territory:

Act August 2, 1882	$20,000
Act July 5, 1884	10,000
Act August 5, 1886	10,000
Total	40,000

Improving Chehalis River, Washington Territory:

Act August 2, 1882	3,000
Act July 5, 1884	2,500
Act August 5, 1886	2,500
Total	8,000 00

Improvement of the Lower Clearwater River, Idaho Territory:

Act March 3, 1879	$5,000
Act June 14, 1880	5,000
Act August 2, 1882	5,000
Total	15,000 00

Appropriations for the improvement of rivers and harbors in Oregon and Washington and Idaho Territories for different years:

Act of June 23, 1866	$15,000
Act of March 2, 1867	30,000
Act of July 25, 1868	21,000
Act of April 10, 1869	13,000
Act of July 11, 1870	31,000
Act of March 3, 1871	16,000
Act of June 10, 1872	100,000
Act of March 3, 1873	23,000
Act of June 23, 1874	47,500
Act of March 3, 1875	80,000
Act of August 14, 1876	145,000
Act of August 18, 1878	225,000
Act of June 3, 1879	187,000
Act of June 14, 1880	359,000
Act of March 3, 1881	106,000
Act of August 2, 1882	483,500
Act of July 5, 1884	484,500
Act of August 5, 1886	603,250
Total	2,969,750

An appropriation of $150,000 for a harbor of refuge upon the Pacific coast was made several years ago, and a commission appointed to select the location selected Port Orford, upon the Oregon coast; but the Secretary of War declined to expend the money without further direction from Congress, and the appropriation is still unexpended with the exception of the amount required for the expenses of the commission.

I have no apologies to make for the earnestness and persistency with which I have pressed upon the attention of the Senate Committee on Commerce, and of the Senate, the importance of the improvement of the rivers and harbors in the Northwest, or for presenting the subject again even at the risk of wearying the Senate. This is the great and all-absorbing question with the people of that section. They are, it is true, greatly interested in the question of coast defenses; the cities of Portland and Astoria on the Columbia River, and the cities which line the shores of Puget Sound, are exposed to destruction or tribute in case of foreign war. The forts at the mouth of the Columbia are worthless for defense against modern war-ships armed with modern guns, and upon the Sound there are no defenses whatever. They are not indifferent to the questions of tariff and finance, but the all-absorbing topic, transcending in importance to the people of the Columbia Valley all questions of tariff, of finance, of coast defenses, and even questions of party politics, is the subject of an unobstructed river, for in that is involved the vital question of cheap transportation, and to them cheap transportation means assured and continued prosperity. In all that I have said I have but feebly, indeed, voiced their sentiment upon these questions. They are watching with jealous care the expenditure of the appropriations for public works. Their complaints of supposed irregularities upon the part of the Government agents have been voiced upon this floor. Whether their complaints are well founded or not, it is quite certain that, in the future at least, the money appropriated for the improvement of rivers and harbors in the Pacific Northwest will be expended to the best advantage.

When I introduced the resolution I hoped that the expense of a proper examination and survey could be paid out of some existing appropriations, and that such survey could be made and reported to the Senate at the present session in time to be considered before the final disposition of the river and harbor appropriation bill. I have since learned that there is no existing appropriation out of which a proper survey can be made, and that a special appropriation for the purpose is necessary.

The necessity for the improvement of the river at this point being beyond dispute, feeling fully assured of the entire practicability of the proposed boat railway, and believing that the work ought to be commenced without delay, my colleagues and myself will endeavor to secure, at the present session of Congress, an appropriation to commence

the work at once, with a proviso, however, that the money shall not be expended until a survey has been made by a competent board and the plan of the work has been approved by the Secretary of War.

It has been well said that—

The National Government has wisely lent its aid among others to construct three great lines of railroad to the Pacific coast. * * * They will be * * * overburdened with the traffic that will grow with their growth and extend with their connections. But the great and magnificent rivers of the West are never overburdened; they are the nation's arteries, formed at the creation to relieve the ever-fructifying earth of her superfluous wealth of production, completed to aid civilized man in carrying forward the command of his Creator to subdue the earth. All they need from man is very little continuous care to free them from obstructions, and all expenditures made for this object repay more than fifty-fold.

One of these companies aided was the Northern Pacific Railroad Company. It received a grant of lands to aid in the construction of its road, including that portion of its main line down the Columbia River from Wallula Junction to Portland, a distance of 214 miles. Nothing has yet been done toward the construction of that portion of its road, and another railroad company, unaided by the Government, has constructed and had in operation for several years a railroad over the same general route. Since I have been a member of the Senate I have earnestly and persistently endeavored to secure the forfeiture by Congress of this portion of the Northern Pacific land grant, but so far without success. The value of the lands which would be restored to the public domain by such Congressional action is greater than the cost of improving the Columbia River, in accordance with the plans I advocate to-day, from its mouth to Grand Rapids, thus securing unobstructed river navigation for a distance of 750 miles. In the name of the people of Oregon, whom I have the honor in part to represent in this body, and of the people of the Territories of Washington and Idaho, whose interests I seek to serve, I earnestly plead for the recognition they deserve, and the relief they demand, by prompt and energetic measures, upon the part of the General Government, to secure the unobstructed navigation of the Columbia River.

I append to my remarks the recommendation of Maj. W. A. Jones, Corps of Engineers, for the improvement of The Dalles of the Columbia, contained in his report on river improvements in Oregon and Washington Territory for the fiscal year ending June 30, 1885:

THE DALLES.

For a distance of about 13 miles, commencing a little above the city of The Dalles, Oregon, the Columbia River is obstructed in a gigantic manner that is perfectly unique in the history of river improvements. The whole water-way is choked, apparently by an intrusion of lava, through which the river has with difficulty cut a passage. At one point, over a distance of 8,000 feet, the passage is so narrow that the river is polarized, as it were, and set on edge The chasm has in places such widths as 125, 147, and 150 feet, and its average width is about 250 feet. Except at high-water stages, the whole volume of this great river, whose discharge varies between 77,000 cubic feet per second at low water, and 257,000 cubic feet per second at high water approximately, is forced through this narrow, precipitous gorge. In order that it shall get through, the waters are dammed up at the head until the slope becomes such as to produce an enormous velocity. Throughout the whole distance of 13 miles the water-way of the river is very much contracted; at two places, Ten-Mile Rapids and Three-Mile Rapids, the minimum widths at low water are 210 feet and 190 feet, respectively. The serious obstructions to navigation over the whole reach occur in order, commencing at Celilo at the head, at Celilo Falls, Ten-Mile Rapids, The Dalles, and Three-Mile Rapids. At Cecilo Falls there is a considerable fall at low water, which, however, becomes nearly obliterated at high water by the waters dammed back by The Dalles. At this point a portage of 4,500 feet will carry from good water above the falls to the same below.

Thence down to Ten-Mile Rapids the river is suitable for navigation. At this point the channel can be widened sufficiently by removing about 270,000 cubic yards of rock.

Thence to The Dalles the river again becomes suitable for navigation. At The Dalles the river might be widened to 300 feet by the removal of about 700,000 cubic yards of rock. The portage here is about 9,000 feet between good water above and below.

At Three-Mile Rapids the channel can be sufficiently widened by rock removal, and thence no further serious obstructions exist.

For a very thorough and accurate description see Captain Powell's report of survey, published in Senate Ex. Doc. 184, Forty-seventh Congress, first session. The following data, taken from this report, are quite interesting:

Distance from Celilo (gauge No. 1) to Dalles City (gauge No. 5).....miles...	13.6
Total fall in water surface:	
At high water.....feet...	56.5
At low water.....do.....	81.0

It is interesting to note here the damming effect at high water of the Cascades, 45 miles below:

Distance between gauge 1 (Celilo) and gauge 2 (foot of Celilo Falls)...feet...	6,000.0
Total fall in water surface:	
At high water.....do.....	3.2
At low water.....do.....	47.2
Celilo Falls:	
Fall at low water.....do.....	20.0
Fall at high water.....do.....	0.0
Distance between gauge 2 (Celilo Falls) and gauge 3 (head of The Dalles), feet.....	32,000.0
Total fall in water surface:	
At high water.....feet...	31.6
At low water.....do.....	11.2
At mean high water.....do.....	35.0
Distance between gauge 4 (The Dalles rapids) and gauge 5 (Dalles City), feet.....	20,800.0
Total fall in water surface:	
At high water.....feet...	14.7
At low water.....do.....	1.3
Differences between high and low water:	
At Celilo.....do.....	28.3
Foot of Celilo Falls.....do.....	72.3
Head of The Dalles.....do.....	87.0
Foot of The Dalles.....do.....	66.6
The Dalles City.....do.....	53.2

The magnitude of this great problem in engineering will appear when the oregoing is considered in the light of the fact that the great annual flood occurs with precision in June of each year, and the water-levels are constantly and rapidly changing.

PROJECT FOR IMPROVEMENT.

The obvious mode of improving navigation here is to dodge these mighty obstacles by means of canals and locks; but when one considers the extensive excavations in solid basalt rock, and walls and gates of unprecedented heights that will be required to accommodate the extraordinary variations in the level of the water, the element of uncertainty combines with that of extraordinary cost and length of time required for construction, and demands a pause. Estimates have been made and submitted for building a canal to flank Celilo Falls, with blasting operations for making the river good at Ten-Mile Rapids, The Dalles, and at Three-Mile Rapids. This project is estimated to cost in round numbers $11,000,000. If we apply to this enormous sum the rate at which funds have been provided for the Cascades Canal, it will appear that over one hundred years would be required before navigation could be opened through these obstructions. Now, there is but little doubt in my mind that ultimately the solution of this problem will be by means of these operations, but I am very strongly impressed with the conviction that the day of their construction ought to be postponed until a system of making appropriations has been adopted which will permit of their construction within a reasonable length of time, and when the resources of the country will justify the expenditure. In the mean time, if the plan I shall now propose should prove to be a sufficient solution, there will result a great saving to the public Treasury.

BOAT RAILWAY.

I propose to flank The Dalles and Celilo Falls with railway inclines, over which laden boats and river craft may be hauled by means of stationary engines at the summits, and to blast open the contracted water ways at Ten and Three-Mile Rapids to a width of 300 feet, which will be sufficient to reduce the velocities to a navigable status.

The proposition is not novel. It is a common thing to haul boats out of the water upon inclined railways, and the fact of their being laden will not materially affect the operation. Furthermore, its application at this same place has been advocated by engineers for many years. Lieut. T. W. Symons, Corps of Engineers, in 1881 recommended it, and makes estimates of cost in his published report upon the Columbia River. Furthermore, the development of steamboat construction for the swift waters of the Upper Columbia and Snake Rivers has resulted in a boat with no keel and a perfectly flat bottom, but with good lines at stem and stern. This very much simplifies the question of a car for carrying the boats, as will be seen from the designs submitted herewith. Plans for Celilo Falls only are submitted, and on these the estimates for both The Dalles and Celilo are based. The maximum grade of the track is 213.84 feet per mile. The summit is passed by a gentle curve, quite within the limits of longitudinal flexure that will result from passing over the summit curve. The car is made up of cross-girders supported by longitudinal built beams, which in turn are carried by the wheel axles, the whole suitably braced, and having sufficient iron introduced to prevent floating when completely submerged. It will be handled by cables from the stationary engine at the summit. It will have twenty-one wheels on each side, with independent axles, forty-two in all, running on a two-rail track 25 feet 6 inches wide. The maximum load on a single wheel will be about 17 tons. Length and width over all, 190 feet and 48 feet respectively. For the present only a single line of track is proposed. Should the traffic develop a necessity for it, another can be laid alongside. The following is a detailed estimate of cost, from which it appears that at an expense of a little more than one and a quarter million dollars navigation can be opened through this obstruction at all stages of the river except when it is closed by ice.

ESTIMATE.

Estimated amount required to improve the Columbia River at Celilo Falls by the construction of a boat railway on the right bank of said river, Washington Territory.

	Quantities.	Price.	Amount.
ROADWAY.			
Excavation and embankment, namely:			
Hauled a distance of 900 feet....cubic yds...	22,000	$1 50	$33,000
Hauled a distance of 4,000 feet.....do.....	29,000	2 30	66,700
Hauled a distance of 75 feet.....do.....	19,000	1 40	27,000
Concrete under the rails, at $9 per cubic yard.....cubic yds...	2,800	9 00	25,200
Bridge 60 feet over all, cut stones in place, at $30 per cubic yard.....cubic yds...	520	30 00	15,600
Timber, under the rails in place, per M.....feet, B. M...	88,000	15 00	1,320
Iron:			
Rails, and plates under the rails, in place.....pounds...	547,000	5½	30,112
Spikes, bolts, fish-plates, &c.....do.....	15,800	6	948
Data are insufficient* to determine the cost of guard-wall. Assumed probable cost...	.....	.....	60,000
Total.....	.....	.....	259,880
Adding 10 per cent. for contingencies.....	.....	.....	25,988
Engineering and superintendence.....	.....	.....	20,000
Total cost (estimated) for roadway.....	.....	.....	305,868
CAR.			
Cast-steel wheels, boxes, and angle-washers .....pounds...	55,000	10	5,500
Bronze journal-bearings.....do.....	6,700	30	2,010
Rolled iron:			
Beams and large pieces.....do.....	125,450	5½	6,900
Bolts and small pieces.....do.....	21,500	6	1,290
Timber, large and small pieces, all in place, per M.....feet, B. M...	52,000	20 00	1,040
Total.....	.....	.....	16,740
Adding 10 per cent. for contingencies.....	.....	.....	1,674
Profit of contractor	.....	.....	3,000
Total estimate for car.....	.....	.....	21,414

*There is no record of heights of water in the vicinity of proposed bridge corresponding to heights at Gauge No. 1.

RECAPITULATION.

Roadway.....	$305,868
Car.....	21,414
Total.....	327,282

Power required to carry a boat over the Celilo Falls.

	Tons.
Total weight of car	170
Estimated weight of boat	100
Estimated weight of load	500
Total	770

Or 1,724,800 pounds.

The weight has to be raised to the height of 80 feet, giving in foot-pounds 1,724,800 by 80=137,984,000 foot-pounds.

To develop 137,840,000 foot-pounds of energy requires an engine of the following power capacity, viz:

Time allowed for development of full power.	Time required for the load to go from one to the other end of road.	Capacity required from the engine doing the haul.	Approximate cost of engine and boiler.*
Minutes.	*Minutes.*	*Horse-power.*	
15	30	280	$8,000
20	40	210	6,500
25	50	167	6,200
30	60	140	5,900
35	70	120	5,300
40	80	105	4,000

*The prices here are for engines of the simplest model, complete, with boiler.

REMARK.—The price of boiler is very nearly equal to the price of engines; thus if one change of boiler be desired the total price would be about 50 per cent. more than prices in this list.

GROSS ESTIMATE.

Roadway	$306,000
Car	25,000
Engines, machinery, cable, &c., engine-house	25,000
Total for Celilo Falls, length 4,500 feet	356,000
Cost per running foot for roadway	68
The Dalles:	
9,000 feet of roadway, at $68	612,000
Car machinery, &c	50,000
Total for The Dalles	662,000
Total for The Dalles and Celilo Falls	1,018,000
River improvement:	
355,000 cubic yards rock excavation, at $1	355 000
Railways	1,018,000
Total	1,373,000

In conclusion, I beg to state that I put this project forward for agitation and discussion, refraining from recommendation until it has been discussed and treated in the usual way.

Mr. MITCHELL, of Oregon. I desire to supplement what my colleague has so well said in regard to this proposed improvement at The Dalles of the Columbia, by a simple statement at this time that on the 5th of January, a year ago, the Senate adopted a resolution offered by myself directing the Committee on Transportation Routes to the Seaboard to investigate the general subject of freight charges in the valley of the Columbia and to report to the Senate at as early a day as praticable the best means in the judgment of that committee of overcoming the obstructions to navigation at that point, The Dalles of the Columbia.

I will state that a subcommittee of the Committee on Transportation Routes to the Seaboard have been engaged for some time in investigating that matter, and are now about prepared to submit their report. I happen to be chairman of that subcommittee, and I desire to state that I hope to be able to present the report of the full committee to the Senate within a very short time.

I will state furthermore that so far as I am concerned individually, I have no kind of doubt that the proper means to be adopted for the purpose of overcoming the obstructions to navigation at The Dalles of the Columbia is by means of a boat railway, as suggested by my colleague, and when this report shall be submitted I shall take the opportunity of presenting some further remarks in regard to the matter. In the mean time I would ask my colleague to permit his resolution to lie on the table until the report comes in.

Mr. DOLPH. I will state to my colleague that it is the intention, for reasons explained in my remarks already, not to press the resolution, but to urge a different line of action in the matter.

Mr. MITCHELL, of Oregon. The resolution offered by me in January, 1886, is as follows:

Whereas the Columbia River is, with the exception of obstructions at the Cascades, distant from its mouth 160 miles, for a distance of about 5 miles, and further obstructions at The Dalles, distant from its mouth 220 miles, for a still greater distance, navigable for large-draft steamers from the sea to a point inland distant 1,032 miles, with tributaries aggregating over 300 additional miles of navigable waters; and

Whereas a canal and locks are now under process of construction by the United States Government around such obstructions at the Cascades; and

Whereas said Columbia River and its navigable tributaries drain an extent of country unsurpassed in agricultural, grazing, and mineral productiveness, capable of producing from sixty to eighty millions of bushels of wheat annually, an area of country in geographical extent equal to one-twentieth of the entire area of the United States, as large as Germany or France, and over one-fourth of the area of South America; and

Whereas the commerce of that vast and fertile region is increasing with marvelous rapidity, the custom-house statistics showing that, in the year 1884, 403 vessels passed out of the mouth of the Columbia River for foreign and domestic ports with cargoes valued at $15,600,000, as against 63 vessels in the year 1880 with cargoes valued at $4,181,352, while the tonnage over the bar at the mouth of the Columbia for the year ending September 30, 1885, was 869,943 tons; and

Whereas it is alleged that freight charges on wheat from The Dalles to Portland, Oreg., a distance of 88 miles, are now 12 cents per bushel of 60 pounds, and from Wallula, Wash., to Portland, Oreg., a distance of 214 miles, 18 cents per bushel, and all other freight charges, it is alleged, are in equal enormous proportions; and

Whereas it is alleged such freight charges are exorbitant and ruinous to the producer, and as it is further alleged that the real remedy for this evil is in freeing the Columbia River and its navigable tributaries from obstructions to navigation, and that this work is essentially national in its character: Therefore,

Be it resolved, That the Committee on Transportation Routes to the Seaboard be, and it is hereby, instructed to inquire into these alleged grievances both as to their existence and the proper measures of relief, and also as to the importance of the speedy completion of the canal and locks at the Cascades of the Columbia and the means proper to be adopted to overcome the obstructions to navigation at The Dalles of the Columbia, and to report by bill or otherwise at the earliest practicable period.

The PRESIDENT *pro tempore*. The resolution of the Senator from Oregon [Mr. DOLPH] will lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. CLARK, its Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 7192) to provide a school of instruction for cavalry and light artillery, and for the construction and completion of quarters, barracks, and stables at certain posts for the use of the Army of the United States.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4308) to regulate steam engineering in the District of Columbia;

A bill (H. R. 10051) for the erection of a public building at Charleston, S. C.;

A bill (H. R. 7596) to enable foreign executors and administrators to sue in the District of Columbia, and for other purposes; and

A bill (H. R. 8893) directing the commissioners of the District of Columbia to execute a deed of quit-claim and release on a certain alley in Washington to Cornelia P. Randolph and others.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 7988) granting an increase of pension to Bryant Waters, and it was thereupon signed by the President *pro tempore*.

PROTECTION OF PROPERTY FROM FIRE.

The PRESIDING OFFICER (Mr. FRYE in the chair). The Chair will lay before the Senate the action of the House of Representatives on the bill (S. 1212) for the further protection of property from fire and safety of lives in the District of Columbia. The amendment of the House of Representatives will be read.

The CHIEF CLERK. In section 1, line 7, after the word "upwards" the House of Representatives inserted "used for any of the purposes hereinabove mentioned," so as to read:

That it shall be the duty of the owner or owners, in fee or for life, of every building constructed and used, or intended to be used, as a hotel, factory, manufactory, theater, tenement-house, seminary, college, academy, hospital, asylum, hall, or place of amusement, and of the trustee or trustees of every estate, association, society, college, academy, school, hospital, or asylum owning or using any building 50 feet high or upwards, used for any of the purposes hereinabove mentioned, to provide and cause to be erected and affixed to said building iron fire-escapes and combined stand-pipes and ladders, or either of said appliances as may be approved and adopted by the commissioners of the District of Columbia.

Mr. INGALLS. The bill just announced by the Secretary passed the Senate on the report of the Committee on the District of Columbia. They have examined the amendment that has been made by the House and recommend a concurrence. I therefore move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to, and the amendment was concurred in.

INSURANCE IN THE DISTRICT OF COLUMBIA.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1213) to regulate insurance in the District of Columbia, which was in section 2, line 4, after the word "December" to strike out "accompanied by a list of the names of the stockholders," so as to read:

That every insurance company doing business in said District must transmit to the commissioners of the District a statement of its condition and business for the year ending on the preceding 31st day of December, which statement shall be rendered on the 1st day of January following, or within sixty days thereafter, &c.

Mr. INGALLS. That bill is in the same condition. I move that the Senate concur in the amendment made by the House of Representatives.

The motion was agreed to, and the amendment was concurred in.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 4308) to regulate steam engineering in the District of Columbia;

A bill (H. R. 4806) to authorize the construction of a bridge across the Eastern Branch of the Potomac River at the foot of Pennsylvania avenue, east;

A bill (H. R. 7596) to enable foreign executors and administrators to sue in the District of Columbia, and for other purposes;

A bill (H. R. 8893) directing the commissioners of the District of Columbia to execute a deed of quit-claim and release on a certain alley in Washington to Cornelia B. Randolph and others; and

A bill (H. R. 9125) to create a school board for the District of Columbia, and for other purposes.

The bill (H. R. 10051) for the erection of a public building at Charleston, S. C., was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

INTERSTATE COMMERCE.

Mr. CULLOM. I call up the interstate-commerce conference report. I believe it comes before the Senate at this time, but if it is necessary to make a motion I move to take it up.

The PRESIDING OFFICER (Mr. MITCHELL, of Oregon, in the chair). The Senator from Illinois moves that the Senate proceed to the consideration of the conference report on the bill (S. 1532).

The motion was agreed to; and the Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce.

Mr. COKE. Mr. President, after fifteen years of agitation, during which the public mind has been enlightened by the most exhaustive and far-reaching discussion, we have reached a point where a conference committee of the two Houses of Congress have agreed upon and reported as a substitute for the two bills submitted to them a bill regulating commerce "among the States"—interstate commerce. The question before the Senate is, shall the report of the committee be adopted and the bill passed? Is the bill constitutional? Are its provisions just to the people and to the railroad corporations? Is there a general public demand for a law regulating interstate commerce, and is such a law necessary? If these questions can be answered in the affirmative, as I believe they can, then it is unquestionably true that the conference report should be adopted.

I have heard no constitutional objection seriously urged to the bill save and except that in the argument of the Senator from Alabama [Mr. MORGAN], which he frankly acknowledged to be at war with the decisions of the Supreme Court of the United States, which decisions, I will add, commence with the great case of Ogden *vs.* Gibbons, in the time of Chief-Justice Marshall, and run in an unbroken line down to this hour, all affirming the sole and exclusive power to regulate interstate commerce, whether carried by land or water, to be in Congress. The breadth and comprehensiveness of the power may be seen from the following, which I read from Chief-Justice Marshall's opinion in Gibbons *vs.* Ogden:

"Commerce in its amplest signification means an exchange of goods, but, in the advancement of society, labor, transportation, intelligence, and various mediums of exchange become commodities and enter into commerce. The subject, the vehicle, the agent, and their various operations become the objects of commercial regulation. Ship-building, the carrying-trade, and propagation of seamen are such vital agents of commercial prosperity that the nation which could not legislate over these subjects would not possess the power to regulate commerce."

Every decision of the Supreme Court since Ogden *vs.* Gibbon has been in line with the opinion in that great case, so that the doctrine announced in it is to-day as firmly established and as unquestioned as any other in the Constitution or administration of our Government. No single case in the whole range of our jurisprudence can be found which impugns it. It makes no difference how the commerce is carried, whether on land or water, in ships or boats, or in cars, the doctrine is held to be equally applicable. The argument of the Senator from Alabama is an arraignment of this whole course of decision; and if he could convince the Senate that no constitutional power exists in Congress to enact such legislation as is provided for in the pending bill; that it is an infringement of the rights of the States, the Supreme Court of the United States, continuing as, of course, it will, to hold all State legislation which attempts to regulate interstate commerce absolutely null and void, the question would be left, where it now is, in the hands of irresponsible and unrestrained railroad corporations, with power to tax the products of industry of this country at will.

In the inception of the agitation on this subject a denial of the constitutional power of Congress to legislate in the mode now proposed was a favorite argument of those who opposed any legislation on the subject; but in later years, under the light of investigation and discussion, and especially of the later decisions of the Supreme Court of the United States, which have amplified and extended the scope of the doctrines laid down in Gibbons *vs.* Ogden to embrace the widened and widening circle of commercial activity and development of this great era, this argument has been so far abandoned as to be rarely heard, and when suggested at all is not pressed or seriously relied on.

The objections almost exclusively relied on against the bill go to its wisdom and expediency and its alleged injustice to the railroad corporations. I do not propose to go into the details of the bill nor to do more than state very briefly my reasons, without elaboration, for the vote I shall cast in favor of it, but undertake to affirm confidently that the intelligent judgment of the country will approve it, not because it is all the people have a right to demand, or because it gives them justice, but because while falling greatly below the standard in both of these regards it is a beginning, it is a good long step in the right direction, which may be added to and supplemented in the future, and by the light of experience perfected so as to be absolutely just and effective.

A brief glance at the leading points of the bill as reported from the conference committee will, I think, justify this assertion. They are:

First. That all charges shall be reasonable and just.

Second. That there shall be no discrimination between persons or firms, either directly or indirectly, by special rates, rebate, drawback, or any other device, but that all shall be treated equally and alike for like and contemporaneous service.

Third. That no undue or unreasonable preference or advantage shall be given to any particular person, firm, company, corporation or locality.

Fourth. That no greater compensation shall be charged for the short than for the long haul, where both are made under substantially similar conditions and circumstances over the same line and in the same direction, provided that in special cases, upon application to the commissioners, they may upon investigation relax the rule; and provided further, that nothing contained in the bill shall be construed to authorize the charge of as much for the short as the long haul.

Fifth. It declares unlawful any combination, contract, or agreement between railroad corporations for the pooling of freights of different and competing roads, or to divide between them the earnings of such roads, provides penalties, and declares each day of the violation of the law a separate offense.

Sixth. It requires all schedules of rates plainly printed, and posted at all depots and stations for public inspection. It forbids any advance in rates as published except upon ten days' notice duly published. Reduction of rates may be made without notice.

These are the leading, salient points of the bill, the remainder of it being mainly administrative in its character and devoted to the methods of enforcing the provisions named.

Now, Mr. President, I assert, without the fear of successful contradiction, that these provisions are in substantial if not literal accord with the common law governing common carriers as known and practiced in the States of the Union so far as the rights of the public and the duties and obligations of the carriers are concerned.

The penalties for violation of the law and the means of enforcing it involve some departure from common-law methods, but this is rendered necessary by the inadequacy of ordinary remedies in the hands of a citizen for the enforcement of the law or the vindication of his rights against powerful railroad corporations. It is this consideration which justifies the appointment of a commission and devolves upon it the important part it is to perform in securing an enforcement of the law.

This bill, except as to remedies, is in substance and legal effect, so far as they are applicable to conditions here, a substantial epitome of the English statutes, which confessedly are only a codification of the English common law of common carriers, the source of our common law on the same subject. There is but one substantial exception to this proposition, and that is as to combinations and agreements between railroad corporations, which, in some cases, are permitted under the English law, but forbidden under this bill. As this fact has been adverted to in the debate in justification of the pooling system here, I will read from an able argument of Mr. Simon Sterne, of the New York bar, made before the House Committee on Commerce, extracts from the English statutes and some of his observations thereon, which show how this phase of the subject has been met in England, from which it will be seen that no argument in favor of the American system of pooling can be drawn from that in England.

I read from page 121 of arguments and statements before the House Committee on Commerce. Mr. Sterne quotes at length section 90 of the English "Railway Clauses Act," which reads as follows:

Whereas it is expedient that the company should be enabled to vary the tolls upon the railway so as to accommodate them to the circumstances of the traffic, and that such power of varying shall not be used for the purpose of prejudicing or favoring particular parties, or for the purpose of collusively and unfairly creating a monopoly, either in the hands of the company or of particular parties, it shall therefore be lawful for the company, subject to the provisions and limitations herein, and in the special act contained, from time to time to alter or vary the tolls by the special act authorized to be taken, either upon the whole or any particular portion of the railway, as they shall think fit: *Provided*, That all such tolls be at all times charged equally to all persons and after the same rate, whether per ton per mile or otherwise, in respect of all passengers and of all goods, or carriages of the same description, conveyed or propelled by like carriages or engines passing only over the same portion of the line of railway under the same circumstances. And no reduction or advance in any such tolls shall be made either directly or indirectly in favor of or against any particular company or persons traveling upon or using the railway.

Then he proceeds:

The "railway clauses act" of 1863 made all agreements between railway companies, either in the way of working arrangements or for purposes of consolidation, lease, or of any other device by which railways had down to that period extended their powers, subject not only to the sanction of their shareholders, but subjected such agreements also to the supervision of the board of trade, in its twenty-fifth clause, in these words:

"The agreement shall not have any operation until it is approved by the board of trade, and the board of trade shall not approve the agreement without being satisfied of its having received the sanction of meetings of the respective companies, as aforesaid."

And here allow me to observe parenthetically that the board of trade of England is a branch of its executive government, the president of which is a member of the cabinet, and not a voluntary organization.

Even after the consent of the board of trade is obtained it is provided by the twenty-seventh section of this act that at the expiration of the first or any subsequent period of ten years after the making of the agreement, the board of trade may, if they are of the opinion that the interests of the state are prejudicially affected thereby, cause the same to be revised, and the board of trade may require the companies who are parties thereto to publish such notice of any intended revision of the agreement as the board of trade might direct, and the board of trade may modify the agreement in such manner as may seem expedient for the protection of the interests of the public, and may declare the modification to be part of the agreement, and the same shall be read and take effect accordingly.

All the powers under these acts to be exercised by the board of trade were by the subsequent act of 1873 transferred to the railway commissioners appointed under that act.

Speaking of the English railway commission, on page 124, Mr. Sterne says:

Now, it is proper to observe right here that this commission is not at all what an American railway commission has down to this period of time been.

The railway commissioners appointed by the various States are, with scarcely an exception, a mere perpetual committee of investigation to advise the Legislature as to the infringement of laws by the railway corporations and to recommend remedies. They have no judicial powers. On the other hand, this English railway commission is in every sense a court of justice. The difference between it and the ordinary courts of Westminster Hall is not one of power, but of limited jurisdiction; it does swift and prompt justice, and appeals from this body are within the jurisdiction of the commission itself. The act creating this court is known as the "regulation of railways act" of 1873 (36 and 37 Victoria, ch. 448). It creates a court of three judges, one of whom is a railway expert, the second a lawyer, and the third a statesman. The terms of the act creating this commission are, first, a transfer to this body of all the powers which have been given to the board of trade and to the court of common pleas, of supervision of contracts and enforcement of liabilities and duties; a general investiture of jurisdiction under the "railway and canal traffic act" of 1854, to investigate and redress all cases of undue or unreasonable preference or advantage in favor of or against any particular person or company, or of any particular description of traffic, or by which any undue or unreasonable prejudice or disadvantage in any respect whatsoever is created; the enforcement of through rates; the enforcement of all requirements with reference to the publication of rates; the railway commissioners are clothed with the power to require the companies to distinguish in such books how much of the rate is for the conveyance of the traffic and how much for terminal charges, instead of imposing that duty upon the private freighter.

The commissioners likewise have power to hear and determine any question or dispute which may arise with respect to the terminal charges of any railway company, where such charges were not fixed by any act of Parliament, and to decide what is a reasonable sum to be paid to any company for loading, unloading, covering, collection, and delivering, and other services of a like nature, and making the decision of the commissioners under this section binding in all courts and in all legal proceedings whatsoever (sec. 15). All agreements between railway companies and canal companies, or between railway companies themselves, are made subject to the revisory powers of the commission. A month's publication of any proposed agreement between railway companies is required, so that it shall be deposited for public inspection at the office of the commissioners. Elaborate provision is also made for publication in the London, Edinburgh, and Dublin Gazettes. The act gave to the commission full power of inspection of the railways themselves, and of all their books, papers, and documents. It authorized the court to punish for contempt in like manner as if they were a court of record. It gave to the decisions and orders of this court the same legal effect as were given to decisions and orders of courts of record. It limited appeals to such cases only which, in the opinion of the commissioners themselves, involve a question of law. The operation of any decision or order made by the commissioners was not to be stayed pending the decision of any such appeal, unless the commissioners so ordered; and excepting in such cases as the commissioners themselves saw fit to certify as cases of law to a higher court, the order of the commissioners was to be deemed final.

The proviso to section 90 of the English "railway clauses act," which I have just read, and which is a clear and comprehensive statement of the English and American common law on the subject, embraces absolutely all the features of the pending bill which I have enumerated as the leading points in it, save and except the clause which prohibits combinations between corporations, but does prohibit these when made "for the purpose of collusively and unfairly creating a monopoly either in the hands of the company or of particular parties."

English railway corporations were not permitted to combine, or as we would term it, to "pool," except upon the approval and under the supervision of the English Board of Trade, which is a branch of the executive Government of England, the president of the board being a member of the English cabinet. This high governmental authority represented the English public in scanning the purposes, terms, rates, objects, &c., in giving or withholding its approval of a proposed combination. After its approval had been given, if it proved detrimental to the public interests, it could require a revision, and such changes and modifications as were thought necessary for the protection of these interests. In 1873, the powers exercised by the board of trade over this subject were, by act of Parliament, transferred to a board of railway commissioners, where it now resides.

That board can refuse to permit pooling between railroad corporations, or it can permit it upon such terms and conditions as it sees fit in the interest of the English public to impose. In addition, the English railway commission court, always in session with plenary power over the whole subject, is ready at all times promptly and on the spot to hear the complaint of the humblest subject and redress such grievances as he may have against any railroad corporation, and for this purpose is armed with all the ordinary and extraordinary powers with which courts are usually equipped. It may use the process of injunction, mandamus, and execution, and all other remedial process; and it may proceed by fine and imprisonment—in short, may do all on this subject that any other court may do in the exercise of a general jurisdiction.

Thus are the rights of English subjects guarded and protected and the iron hand of the law placed upon the power of great corporations. English law does allow railroad combinations made, but under its own eye, its own supervision, its own dictation, its own regulation, and its own control. This system grew from a small beginning, and has been perfected as time and experience has suggested, as ours will be if we will only commence it by the passage of this bill. The English Government represents the public and stands between the people and corporate rapacity, as the American people have heretofore demanded, and do now demand, that our Government shall do, instead of leaving them, as they are now, absolutely defenceless and without appeal, the prey of the unbridled power of railroad pools and combinations, which destroy all competition while they are unregulated and unrestrained.

What our system of railway regulation may, if commenced now, grow into in the future, whether into one analogous to the English system or to some other, it is useless now to speculate upon. It is sufficient now to know that the best judgment of those who have been intrusted with its consideration is embodied in the pending bill, and that to leave the question as it now stands without legislation is a greater wrong to the people of this country than could possibly follow the adoption of the bill. The bill is strictly in line with the principles of the common law; that system of laws which, as the Senator from Alabama happily expressed it, "fills this country like the air," being an embodiment of the culled and selected wisdom of centuries, as it has been evolved from the experience of mankind in the affairs of practical life, and which has been aptly eulogized as "the perfection of human wisdom."

I am not apprehensive of error or mistake, nor do I fear that we may wrong either the people or the corporations while adhering with fidelity to the tried and approved principles of the common law, as is done in the pending bill. The supreme court of New York in Hooker *vs.* Vanderwater (4 Denio, 349), where a number of canal boatmen agreed to put their boats into a pool and divide the earnings according to the number of boats, and not according to the service rendered, held the contract unlawful in an opinion from which I read, as follows:

It is nothing less than the attainment of an exemption of the standard of freights, and the facilities and the accommodations to be rendered to the public, from the wholesome influence of rivalry and competition. To produce that end more completely, each member binds himself not only to run all his present boats according to the agreement and turn their earnings into the common stock, at the rate agreed upon, and at which rate he is to be charged in the final distribution, though he may have received or charged less, but he is also prohibited, under severe penalties, from employing on any other terms boats subsequently acquired. Being thus secure against internal defection and external encroachments, and the members having thrown their concerns into stock, to derive an income in proportion to the number of shares they hold, and not according to their merited activity in business, and safe against the reduction of compensation that would otherwise follow mean accommodations and want of skill and attention, the public must necessarily suffer grievous loss. Indeed the consequences of such a state of things would be that freighters and passengers would be ill-served just in proportion that carriers were well paid.

The pool was pronounced unlawful.

This opinion declares the law as it is now, and has always been throughout the United States, on poolings and combinations for the purpose of destroying competition by common carriers, and stands unchallenged to-day and is adverted to simply as a sample and specimen of judicial decision on this subject. The decisions of our courts, the books of our standard law writers, and the constitutions and statutes of nearly all the States of the Union declare that the railroads are public highways, that they are common carriers, that they shall not discriminate in freights and charges, that they shall not allow rebates or drawbacks, that there shall be no pooling or consolidation between parallel or competing lines, and that more shall not be charged for the short than for the long haul of freights.

Twenty-three States of the Union have legislated for the regulation of State commerce, that is, of commerce commencing and ending in the State, but under the decisions of the Supreme Court of the United States their legislation whenever it touches commerce which commences in one State or Territory and ends in another, this being interstate commerce, is absolutely null and void, because the regulation of interstate commerce belongs exclusively to the jurisdiction of Congress. The States are not allowed to regulate interstate commerce, and if Congress shall refuse to do so, in what predicament is the country left? For the purpose of illustrating it, I now read from the statement of Mr. L. E. Chittenden before the House Committee on Commerce on the New York railroad pool. Says Mr. Chittenden:

One word further and I have done. This pool commenced in 1877; it was then a pool contract between the four trunk lines centering in New York. It has grown and stretched out its arms and increased, just as an English judge said such contracts would grow and increase, until now it embraces certainly more than forty—that was the last enumeration I had—of the principal railroads of this country. There is in New York city an equipped and organized pool govern-

ment. It has its executive committee of the trunk lines; its executive committee of the pool, and another executive committee composed of one member from each pooling railroad; it has its board of arbitration, which is intended to take the place of the judiciary; it has its corps of, I do not know how many hundred clerks, an enormous concern, and over it all is the emperor, the commissioner, Mr. Fink, who to-day exercises a power for good or evil over the commerce and products of this country greater not only than that of any of his contemporaries, but greater than any man ever before exerted in the United States of America. He and his imperial organization are as independent of the law as it is possible for man or State to be, and the whole charter or contract which binds these forty roads into this one copartnership and confederation, judged by the principles of the common law, is as unlawful and as much against public policy, if we are to accept the declarations of the judges of the common law, as the Louisiana State lottery or any other similar institution which is confessedly without the pale of the common law.

He was asked the question:

Then why are not the courts open for redress?

Mr. Chittenden says:

They are, but what is the position of a man who undertakes to get redress in these courts? No merchant dares to do it. He can be crushed in his business if he does. The question to-day before this great dry goods trade is, whether or not it is wise, whether they can afford to go into the legal fight and attempt to get these pooling contracts set aside by the courts. No. There is hardly a week passes in the office of any prominent lawyer in New York that this matter is not presented. A merchant comes into the office of his counsel with a claim against a railroad for an overcharge or a denial of some legal right; the lawyer examines it and decides that there is no doubt about the merchant's right to redress. But when it comes to bringing a suit the merchant hesitates—he can not afford to do it. He can not take the risk of doing it, because the railroads have it in their power, at any time, to destroy the business of any man or firm that seeks redress in the courts.

The pool of the poor canal boatmen was broken up by an enforcement of the law. The great railroad pool successfully defies both law and public opinion, is absolute in its power over the commerce of the country, after it has destroyed all competition, and can tax it at pleasure, leaving the public absolutely without appeal and without redress.

I have before me the Drovers' Journal, published in Chicago, in December last, from which I read:

On the 1st of last March the east-bound pool increased the freight on live stock 40 per cent. and on dressed beef 50 per cent. from Chicago to the seaboard; and by this one act alone they have taken from the pockets of the producers of live stock not thousands but millions of dollars, which has been divided between the six trunk-lines comprising the east-bound pool.

The Chicago Tribune, which I have before me, says of this transaction that the increased rates are a dollar and a quarter a head for all stock transported East "more than the railroad officials thought it necessary to exact through the cold weather of last winter."

The Standard Oil enormity, through which one company is by discrimination and undue preference permitted to monopolize the entire oil trade of this country, bankrupting and destroying all who dare to attempt competition, is familiar to all.

It was proved before the House Committee on Commerce by the confession of leading railroad men that the charges upon the transportation of dry goods from the city of New York are 100 per cent. greater than they should be on a proper classification. I will not trouble the Senate to listen to recitals of the practices of railroad corporations under the pooling system, because hours could be consumed in that way and a tithe would not be told. I have named these as specimens of hundreds which are occurring every day. The pooling combination among the roads leaves no competition and the power of the pool becomes absolute.

It can and does discriminate between persons and firms, building up some and destroying others. It builds up some cities and towns, and destroys others. It terrorizes merchants and shippers and traders, who submit quietly to being plundered, because it is in the power of the pool to destroy their business, by advancing their freights and by giving reduced rates to their competitors. They dare not seek redress against the roads over which their freighting is done and with which they deal every day, and upon which they are dependent for the successful prosecution of their business, for there are a thousand ways in which they may be harassed and injured. Under the pooling system there is no uniformity, no stability in rates, so necessary for all legitimate business. The system of rebates and drawbacks, which are secret concessions to favored and preferred shippers, undermines confidence in commercial communities, for no man can tell when his competitors may be thus enabled to undersell him, and subject him to loss in his business.

Without reason, except that the corporations desire more money, and generally when such action cannot be anticipated, rates are advanced, as in the case I have just stated from the Chicago papers. There is but one limit to the power of pooled roads to tax the products of industry in this country; and that limit is found when, to tax higher, will stop production and transportation—how much will a given product bear in the way of tax for transportation and leave a pittance for the producer so as to keep him at work producing? There is no limitation, as things now stand, upon the power of pooled roads to tax the commerce of this country except such as is found in that proposition. There is no redress, no appeal, no remedy, unless Congress acts positively, affirmatively, and energetically.

The railroads are pooled throughout the country North, South, East, and West. There are great pools like that of the more than forty trunk-lines with headquarters in New York, and there are smaller pools like that in Texas, in which I am reliably informed the Houston and Texas Central Railroad and the Texas Pacific road, both in the hands of receivers appointed by the Federal court, officers of the court, administering and running the roads presumably under the direction of the court, in defiance and contempt of the constitution and laws of Texas, which forbid such combinations, are parties. These pools are operative only where there are competing roads. Their object is to break down and destroy competition. Wherever only one road is found, there is no competition. Then that one road is supreme and may fix its own rates to suit itself. That territory belongs to that road, and is out of the jurisdiction of the pool.

In this connection I will observe that I am informed in a note from the Chief of the Bureau of Statistics that there were on the 1st day of January, 1887, 33,694 railroad stations in the United States, of which 2,778 are junction points, that is, are points where there is more than one railroad, leaving 30,916 stations where there is but one railroad. These figures will give some idea of the relative proportion of competing and non-competing points.

The pool takes care of itself and combines to destroy competition and keep up rates wherever there is competition, but when there is none it leaves the single road to make its rates as high as it pleases. They are all for the corporations and nothing for the people. Mr. Albert Fink, the head and chief, or president, of the great New York pool, who is generally admitted to be the ablest man in America in railroad affairs, in one of his arguments before the House Committee on Commerce admitted the illegality of pooling, in this language: "The first step to this end (speaking of pooling) should be to legalize the management of railroad property under this plan, and to abandon the antiquated notion that a government or combination, as it is called, of this kind is against public policy."

Of course pooling would not need to be legalized, if it were not now unlawful. Mr. Fink, who is a man of great ability himself, has besides in his employ as head of the great pool over which he presides the finest legal talent in the United States, and always speaks advisedly. Yet there is no clause of the pending bill so bitterly assailed by the railroad people as that which prohibits pooling, admitted by the greatest man among them to be simply declaratory of the common law as it now exists. But the means of enforcing the law, of putting an end to the bold, open defiance of it practiced every day by railroad corporations are provided in the bill. That arouses their most strenuous opposition. The law as it stands now is a dead letter as against the powerful corporations who violate it, though vital and forceful against weaker trespassers like the canal boatmen, and they object to an invocation of the power of the Government for its execution and enforcement upon all alike, the strong and powerful as well as the poor and weak.

These people are contending for a vast stake. No greater ever hung upon the chances of human effort. Learned experts estimate the annual commerce of this country at three thousand millions of dollars' worth, three-fourths of which is carried by rail; and three-fourths of that carried by rail is interstate commerce, over which Congress alone has regulating jurisdiction. The Constitution of the United States vests the exclusive power to regulate interstate commerce in Congress. That power is being exercised by railroad pools and combinations, without responsibility to anybody, without restraint from any quarter.

They are fighting with all the appliances and equipments of power, of organized concentrated power, supported by all the aids and influences that can be commanded by unlimited wealth, by all the resources that money can buy, to retain in their hands for their own enrichment, because it includes the power to tax the people of this whole country at their will and pleasure, this power to regulate interstate commerce which the fathers of the Republic denied to the States and intrusted solely to Congress. They are seeking to defeat this bill, as they have defeated all such bills heretofore, because that result will leave them unmolested to handle as they please, and levy such tolls as their avarice may prompt upon twenty billions of dollars' worth of commerce annually.

While this bill is being fought on every clause and section in it, the chief assaults are made upon section 5, which prohibits pooling, and upon what is known as the "long and short haul" clause in section 4. The rule established by this section is that more shall not be charged for the short haul than is charged for the long haul, but a discretion is vested in the commissioners in special cases to relax this rule and allow more to be charged for the short than for the long haul. I confess that I would greatly have preferred the rule established by the section made absolute, and the discretionary proviso left out. This section recognizes that the short haul is attended relatively with greater expense than the longer haul by reason of unloading, detention of cars, &c., in that it does not forbid as great a charge for the short as for the long haul.

It does not seem possible with the discretion vested in the commissioners to reverse the rule established by section 4, when upon investigation in special cases it may be right to do so, that it can work any hardship on anybody. The objections to this section amount to this when reduced to their simplest form, that when the roads find it to their interest to make the long haul for less than a reasonable compensation they should be permitted to recover the deficiency by a higher charge on the short haul. This is the method of discriminating be-

tween localities, tearing down some towns and cities and building up others by unjust and unreasonable discriminations. This is forbidden in section 4, as in another section discrimination between persons and firms is forbidden. Railroads are public highways, and railroad corporations are common carriers.

"Common carriers" (says the court in Munn *vs.* Illinois) "exercise a sort of public office, and have duties to perform in which the public is interested; their business is therefore affected with a public interest." Their charges are required everywhere to be reasonable, and to be so must be based on the cost of the service rendered. Their duty to the public in virtue of their "office" demands equality in the treatment of all of whatever locality, subject only to the difference in the cost of the service rendered. It is impossible that the cost of making the short haul, under similar conditions and circumstances, with the like kind of property, in the same direction on the same line, the shorter being included within the longer distance, as prescribed by section 4, shall be greater than that of making the longer haul, and this bill simply recognizes this fact, and provides that greater compensation shall not be charged for the short than the long haul.

The power and the practice of discriminating between persons and firms and between localities, while essentially unjust, is more dangerous than any other and more offensive to a proper public policy. It is exercised in favor of a few great centers and a few individuals, concentrating the wealth of the country in a few hands and a few localities, while the tolls levied on the great mass of the producing people of the country are trebled and sometimes quadrupled by way of recouping alleged losses in making these discriminations. Western and Southern products carried East from these great centers, where they have gone into the hands of great speculators, derive the benefits of reduced rates, but while in the hands of the producers whose toil and labor created them, who are to be found near the country and wayside stations where there is no competition, are trebly and quadruply taxed for the purpose of recovering the alleged loss.

It is through these discriminations between persons and localities that a few firms obtain a control amounting almost to monopoly over the grain trade, the live-stock and dressed-meat trade, the oil trade, and other lines of trade, with power to depress prices while the products are in the hands of the producers, and after they are bought up to send up prices.

The producers are first robbed by the low prices, and the consumers afterward by high prices, the great manipulators, nearly always secretly in partnership with leading men of the railroad management, reaping vast and inordinate gains. This power to discriminate, to excite the hopes of men and communities on one side and their fears on the other, backed by unlimited amounts of money which they wring at pleasure from the people, with the best legal and other talent of the country at their command, is a standing menace to free government, and should not be tolerated for one moment among a free people.

Free from all restraints of law, responsible to nobody as they are now, and are seeking to continue, by the most desperate efforts to defeat this bill, the domination of corporate power must be broken now, or its admitted mastery in many States of this Union now will extend over the whole country. It can not be otherwise if the power remains with them, as it exists now, at pleasure to build up and pull down the prosperity of communities and individuals, pouring wealth into the laps of some and visiting others with bankruptcy and ruin. The direct tendency of this bill, and especially of the long and short haul clause, will be to decentralize the wealth of the country by taking away the opportunities for illegitimate speculation and diffusing the benefits of railroad transportation more equally among all the people of all sections of the country instead of concentrating them as is now done in a few localities at the expense and to the sacrifice of all others.

Railroads are, in their nature, essentially monopolistic under the freest possible system of competition. Competition such as obtains between merchants, mechanics, traders, and others, which regulates prices, is not possible in its fullest sense among railroads. They exclude all other methods of carrying. The vast amounts of capital required to build and maintain them, and the large areas of territory necessary to support them, and over which they are supreme in all matters of transportation and commerce, exclude the numbers which in other cases are necessary to promote active competition; while their terrorizing influence over those whose business is within their power—their power to punish enemies and reward friends—creates such a monopoly as should not be permitted to exist except under the regulating control and active, vigilant supervision of the Government for the protection of the rights of the citizen.

The States are powerless. Congress alone can respond to the great popular demand for relief. The repeated passage through the House of the well-known Reagan bill, a much more radical measure than that now before the Senate, establishes beyond doubt or cavil the will and demand of the American people who support and maintain this Government, and in whose interest it is supposed to be administered, that a law regulating interstate commerce shall be enacted. The Senate has heretofore defeated this plainly expressed popular demand. It remains to be seen if corporate power is so intrenched in this body that the pending bill is to share the fate of its predecessors.

Mr. HARRIS. Mr. President, I wish to state very briefly some of the conclusions which I have reached from such investigation as I have been able to give this question.

Next to production, the carrying trade is the most important factor in the business of the country.

In addition to the water-ways, we have, at this time, over 130,000 miles of railways engaged in this trade, and year by year the mileage is increasing, a very large percentage of the capital of the country being invested in them.

Remote from water-ways, railroads have monopolized the carrying trade, and have regulated, in their own way, and generally with an eye to their own interest, the freight rates throughout the country.

Transportation being an element which enters into the cost of most of the necessaries and luxuries of life, every citizen is interested in the question.

Every man who produces a surplus of any commodity is interested in cheap transportation to the best market; and every consumer is interested in cheap transportation, because it diminishes the cost of the article consumed.

Every merchant and trader is interested in uniformity and stability of rates, whether they be high or low; while the carrier is interested in the highest rates he can obtain, because the higher the rate the greater are his profits.

These facts present a sharp and direct conflict of interest, between the carrier on the one hand and the producer and consumer on the other.

For more than ten years the country has complained of what is alleged to be the unjust and unreasonable exactions of carriers, especially upon shipments made from and to non-competitive points; and not less loud and emphatic, or with less cause, have been heard the complaints of unjust and unreasonable discriminations between persons and places, by a system of rebates, drawbacks, private contracts, and the various devices which ingenuity could invent.

In view of these complaints, for which, unfortunately, there has been but too much cause, the country has for more than ten years demanded, and with great unanimity it still demands that the carrying trade be fairly and justly regulated by the Government. The power to regulate that which is interstate by Congress, and that which is State by its Legislature, has been too long and too well settled to admit of debate. The question is, shall Congress exercise the power?

The overwhelming majorities by which the Senate and House passed their respective systems of regulation gives an emphatic affirmative answer to this question, if the two Houses can agree upon the same system of regulation.

The conferees of the two Houses have agreed upon the bill now before the Senate, and I think the conference committee may congratulate itself upon the fact that in dealing with a question so vast, so important, and so complicated as this, the shafts of criticism have been leveled at but two of the provisions of the bill. What is known as the short-haul provision, which is section 4, and the prohibition of pooling contracts (section 5); but the short-haul provision has been the subject of severest criticism, and the most alarming predictions of great injury, if not absolute ruin, to the commerce of the country, if it shall become a law, but, singularly enough, I have not seen a single criticism upon it which was not based upon a misconception or a misrepresentation of its provisions and its effects. Let it speak for itself:

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

Most of those who oppose this section, claim that it fixes the same rate per ton per mile for the short as for the long haul. If it was respectful, I would say that such construction is absurd, as language could not be selected which would more clearly negative that idea than the language of the section does.

The plain meaning is, that the carrier shall not demand a larger gross sum for hauling a car-load of grain or other freight over a part of its line, than it demands for hauling a similar car-load of the same class of freight over its whole line.

Section 6 provides, among other things:

That every common carrier subject to the provisions of this act shall print and keep for public inspection schedules showing the rates and fares and charges for the transportation of passengers and property which any such common carrier has established and which are in force at the time upon its railroad, as defined by the first section of this act. The schedules printed as aforesaid by any such common carrier shall plainly state the places upon its railroad between which property and passengers will be carried, and shall contain the classification of freight in force upon such railroad, and shall also state separately the terminal charges and any rules or regulations which in any wise change, affect, or determine any part of the aggregate of such aforesaid rates and fares and charges. Such schedules shall be plainly printed in large type, of at least the

size of ordinary pica, and copies for the use of the public shall be kept in every depot or station upon any such railroad, in such places and in such form that they can be conveniently inspected.

This section requires every interstate railroad company to fix and publish the rates at which passengers and property will be transported between the various points upon its road.

Now to illustrate the operation and effect of the short haul provision. We will suppose that the Pennsylvania road, extending from Chicago to New York, has fixed and published its rates upon a car-load of grain at $50 from Chicago to New York, $40 from Fort Wayne to New York, $30 from Pittsburgh to New York, and $20 from Harrisburg to New York.

The rates being so fixed, section 4 prohibits the company from charging more than $50 for a car-load of grain from any point between Chicago and Fort Wayne to New York, or more than $40 from any point between Fort Wayne and Pittsburgh to New York, or more than $30 from any point between Pittsburgh and Harrisburg to New York, or more than $20 from any point between Harrisburg and New York, circumstances and conditions being substantially similar in the shipments.

The justice of demanding a larger gross sum for hauling a car-load of freight from Pittsburgh to New York than is demanded for hauling a similar car-load of the same kind of freight from Chicago through Pittsburgh to New York can not be defended.

The chief object of the short-haul provision is to secure, at least, a measure of protection to shippers from non-competitive points. Shippers from competitive points find a degree of protection in the competition that exists; but the shipper from a non-competitive point is left to his election to accept the terms demanded by the carrier, however hard and unjust they may be, or allow his produce to perish upon his hands.

Another, but a secondary, object of the short-haul provision is, to restrain undue, reckless, and ruinous competition at competitive points, known as rate wars.

The history of the last ten years is not wanting in its many occasions upon which, in rate wars at competitive points, rates have been run down to a ruinously low figure on through traffic, when the only alternative of the carrier was to make up the losses thus sustained by imposing an unjust and exorbitant tax upon the local traffic from non-competitive points which were at his mercy; but when he is made to understand that the law prohibits him from demanding a greater sum for carrying the same kind and quantity of freight over any part of his line than he demands for carrying it over his whole line he will be somewhat reluctant to commit the financial suicide which is involved in the through rates, which are not unfrequently fixed by angry, unreasoning, and reckless rate wars, and will allow a fair, reasonable, and healthy competition to fix a fair and reasonable rate for through traffic, which will fix maximums for local traffic on his line.

So far as I remember, every railroad man that was examined by the Interstate Commerce Committee expressed the opinion that, as a general rule, a larger sum should not be charged for the short than the long haul over the same line and in the same direction, but with equal unanimity they said that there were cases surrounded by exceptional circumstances which would justify the carrier in charging less for the long than the short haul on the same line, in such cases.

The bill admits that there may be such exceptional cases, and it provides for them. It fixes the general rule as the railroad men said it should be, and authorizes the commission to relieve the carrier from the operations of the general rule when exceptional cases are shown to exist.

This is the rule as applied to each common carrier upon its own road, but the bill authorizes and contemplates the creation of other carriers by the combination of connecting roads by contract for the purpose of establishing long lines for the transportation of through freights between points remote and distant from each other.

When such lines are established they may fix their own rates without reference to the rates fixed by the several carriers whose roads compose the long line.

To illustrate. You may connect New York and San Francisco by the combination of the following four roads: The Pennsylvania to Chicago, the Chicago and Northwestern to Omaha, the Union Pacific to Ogden, and the Central Pacific to San Francisco.

Each of these four roads may have fixed its through rate over its own line at $100 a car-load, the rates of the four aggregating $400 a car from San Francisco to New York, but the through line composed of these four roads may fix a rate through from San Francisco to New York at $200, or just one-half of the aggregate of the through rates of the four roads.

It may fix a rate of $150 from Ogden to New York and a rate of $100 from Omaha to New York.

If rates should be so fixed the through carrier could not demand more than $200 from any point between San Francisco and Ogden, to New York, or more than $150 from any point between Ogden and Omaha, to New York, or more than $100 from any point east of Omaha, to New York, or in other words, the maximum short-haul rate of that through line would be fixed by its long-haul rates and not by the rates of the several roads composing the through line.

When all the provisions of this bill are considered, and each fairly construed in the light of all the others, I can not see the possibility of injury to any carrier who proposes to deal fairly and justly with the public, and be satisfied with the reasonable income of a legitimate business.

Every carrier should be permitted to earn legitimate fixed charges, operating expenses, and a reasonable interest upon the actual value of its plant, but the public should not be required to recognize or pay interest upon either stocks or bonds which originated in the process known as watering, and which represent nothing but the avarice and cupidity of the speculator.

The producer and the carrier are dependent upon each other, and neither can afford to cripple or embarrass the other in a legitimate business, but each has the right to demand justice at the hands of the other.

The other provision of the bill objected to is that which prohibits pooling contracts.

I have always understood and still understand the object and purpose of a pooling contract to be the destruction of competition—a contract by which competing parties agree upon rates and a division of the business, or the proceeds of the business.

If this be true, as I am satisfied it is, it brings us to the simple question: Is competition beneficial or injurious to the business of the country?

If beneficial it should be encouraged, but if injurious to the public we should encourage combinations and monopolies and invite them to take charge of and control the various branches of the business of the country.

Why not extend the principle of pooling to fix and maintain rates to the men who sell the common necessaries of life as well as to the men who sell transportation? If it be a good and proper thing in the one case I can not see why it will not be equally good and proper in the other.

But I have a more serious objection to the freight pools now in vogue than that which is found in competing parties agreeing by contract upon rates.

The freight pool provides for a division of freights in fixed proportions between the pooling carriers, and under such arrangement no shipper can control his own shipment.

He may desire to ship over a road that he knows to be solvent and able to respond in damages for any injury to the cargo resulting from the negligence of the agents of the carrier; but the pool, not the shipper, determines the road that shall have the shipment, and his freight may be against his will assigned to an insolvent carrier.

All the good that pooling contracts can accomplish is accomplished by publicity of rates and adherence to the rates so published; while the evils of pooling are avoided by allowing a fair and honest competition in open market to fix reasonable and just rates and allowing every shipper to control his own shipment.

Being satisfied that none of the many evils which have been predicted will follow the passage of this bill, but that great good will result to the public and to the carriers, I shall vote for its passage.

Mr. MCPHERSON. Will the Senator from Tennessee, who is a member of the committee of conference which reported back to the Senate a bill that is a direct contradiction of the expressed judgment of the Senate when taken upon the bill, in his attempt to show the character of the legislation and its effect upon the country, be so kind as to answer me now one single question? I should like to ask the Senator from Tennessee if, in his opinion, the natural and inevitable effect of the legislation of the fourth section of the bill will not be to increase through rates?

Mr. HARRIS. I am satisfied the effect of the bill will prevent what are known as rate wars, which sometimes reduce through rates to a ruinous point, and they ought to be prevented. But as to legitimate, honest, fair, and square through rates, there is not, in my opinion, a single feature in the bill which will necessarily increase them. Upon the contrary, I think the probabilities are they may be lowered, but at all events they will be uniform and stable.

Mr. MCPHERSON. I am very much obliged to the Senator for that answer. He says if I understand him aright—and I think I do—that the tendency of the bill will be to establish equitable through rates and prevent rate wars. The bill confers upon a commission of five members the determination of the question as to whether a rate is a reasonable rate or not. The railway company may fix such rate as they please, but the commission have the revision of that rate, and they may make it such rate as in their view is reasonable. This, I take it, the commission will do; in short, the power to make reasonable within a certain limit is the power to make rates.

Very well, having fixed that through rate, which must be a reasonable rate, how then are the intermediate rates fixed? The bill declares that the intermediate rates shall not exceed the through rate, but are not the intermediate rates subject to revision by the commission also?

I wish to ask the Senator if the good people who demand this legislation would be satisfied that a rate fixed for a thousand miles and deemed reasonable by the commission would be accepted by the shipper as a proper and just rate for half the distance?

The inevitable result, therefore, is that unless every railroad company in this country goes into bankruptcy the through rate must be

fixed at a point which will give a fair and equitable compensation. In other words, the through rate must be equitable and compensating to the railroads.

Now, let us apply it in practice. The Senator knows that, to-day, 90 per cent. of all the export product of this country is carried at rates which scarcely pay the cost of doing the work. That is the thing the Senator complains of—that the through rates are very low, and that the local rate is made correspondingly high to pay dividends. If the local rate is made reasonable in the same sense that the through rate is made reasonable, the natural and inevitable consequence is that the through rate must be made greater.

Now, what is the result as to our export product? The Senator very well knows that the question of the possibility of exporting products from this country depends upon the market. Who controls the market? India controls the wheat market and the grain market of London, where all our goods are marketed. England has spent $500,000,000 in a few years past to move the grain from the wheat-fields of India to the seashore. It has given cheaper food to England, and it has compelled in this country a reduction in the cost of transportation which was never deemed possible by any people.

In 1873 the rates were 2½ cents a ton per mile. In 1886 they were reduced to half a cent a ton per mile, and without any restrictive legislation whatever, but solely owing to the demands and the nature of commerce. The plan which the railroads have adopted to charge no more than the product would bear has moved the grain from the great grain fields of the West and put it in the London market in competition with India. Not to have reduced that rate would have been to put your corn in your stoves for fuel in the West, and leave India without a competitor in the London or other markets.

Mr. CAMDEN. Will the Senator explain one point?

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from West Virginia?

Mr. MCPHERSON. Certainly.

Mr. CAMDEN. The product for export is raised in all the States from the seaboard to the great West. Take a farmer in West Virginia who raises wheat for export, take a farmer in Ohio who raises wheat for export, take one in Indiana who raises wheat for export, take one in Illinois, and so on until you get to Omaha. The bill does not ask or require railroads to charge any more to the far shipper than it does to the near shipper. Is there any reason why in regard to the product of all these several farms, being carried fifteen hundred or two thousand miles to reach the markets of the world, the near shipper should be discriminated against in favor of the far shipper, when they are all sending to the same market and for the same export purpose? It occurs to me that the fact is lost sight of that there are other sections of the country which make up the amount of product for export besides the border and the far Western States.

Mr. MCPHERSON. That is exactly what I want to aid the Senator from West Virginia and his constituents in securing. I say that no intelligent or wise commission would say that a rate from West Virginia equal to that charged from Chicago would be a reasonable rate. Hence it is that I say the natural and inevitable consequence must be that the bill must increase through rates in order that there may be an equitable and a reasonable rate charged for the shorter distance.

Mr. CAMDEN. I think the bill will increase through rates.

Mr. MCPHERSON. That is exactly the point.

Mr. CAMDEN. It will increase them from the very fact that the through rates have been too low in proportion to local rates.

Mr. MCPHERSON. Then, so far as I have gone there can be no argument between the Senator and myself. He admits that the enforcement of this policy will compel high through rates.

Mr. CAMDEN. Let me ask the Senator a question. There is nothing in the bill which will require railroads to do otherwise than they are doing now. The bill does not prohibit them from charging as much for the short rates as they do for the long. But that is outside.

Mr. MCPHERSON. No; but you give the commission the power to fix rates. It is not only a power that is placed in their hands, but it is a responsibility which they must exercise.

Mr. CAMDEN. I beg pardon. The commission is not given the power to fix rates. I contend that Congress can not give to anybody the right to fix rates; but the commission can decide whether a rate is reasonable or unreasonable. That is the only point in the creation of a commission.

Mr. MCPHERSON. Very well; let me illustrate. Mr. A is the president of a great railway corporation——

Mr. CAMDEN. Let me add one word further in reference to that point. The commission has no power to enforce and control that question. Their decision is not final and they can not impose any penalty.

Mr. MCPHERSON. I think the duty of the commission is to make rates reasonable. If a rate is fixed for 500 miles which is the same rate as that fixed by the commission and declared reasonable for 1,000 miles, the intermediate shipper would have a right to complain to the commission. The commission is vested with quasi-judicial power. If the shipper fail to secure his rights from the commission he would make an appeal to a higher tribunal, the court which the bill provides for, and the natural consequence of that would be that no court on earth could decide that the shipper should pay the same rate for 500 miles that was paid for 1,000 miles, and still declare both to be reasonable.

Mr. CAMDEN. I ask the Senator whether that is not the law now. If a shipper should resort to the courts would he not get the same decision under the law as it stands now that he would under the bill?

Mr. MCPHERSON. I understand that there is no law now except the law which the carriers make for themselves. You propose to make a law, and you propose to put the power in the hands of five commissioners to change a rate which is equivalent to fixing the rate.

Now, let us see about a reasonable rate. For instance, the president of a railroad, or a number of them, in the city of Chicago declares that a reasonable rate shall be a rate of $100 per car-load of 10 tons from Chicago to New York. Now step in the commission, and they have the power under the bill to declare that that would be an unreasonable rate. Why an unreasonable rate? Because I take the evidence that you have given to the world here for the past five years, that you have been carrying like cargoes of freight, 10 tons each in a car, for $25 from Chicago to New York.

I wish to know by what right you charge a fixed rate of $100 a car for a like service which you have been giving for $25 a car.

When that rate is fixed by the railroad company, the commission say, no, it must be reduced. The railroad company have the right to appeal to the courts. What would the courts say? You are entitled, as a reasonable rate, to the cost of doing the work plus a fair compensation for the use of the capital invested in the plant. Now, what would that be? That would increase the through rates to a point that the through rates would be paying a share and part of the general fund of the railroads which was applied to the liquidation of debts and paying dividends.

Your through rate is fixed and your local rates must be fixed from it. I say that the inevitable result would simply be to increase through rates, and if the Western producer can stand that in the face of present competition then they can stand almost anything.

Mr. President, while I am on my feet there is one other point which I should like to ask the Senator from Tennessee to explain. I understand from him that there can by no possibility be any such thing as an invidious distinction between railroads under the operation of this bill. Let me cite an illustration to the Senator and ask him to solve the difficulty sure to confront him. The city of Buffalo is at the eastern end of Lake Erie, which is the terminal point for the great lake transportation of the West. Cargoes of grain come from different points of shipment in single vessels, by single owners, to Buffalo. That grain is discharged into a single elevator in bulk often and always. That is the end of the transportation so far as the lake is concerned and so far as the carrier to Buffalo is concerned.

At Buffalo this grain is met by six great lines of railroad, reaching Baltimore, Philadelphia, New York, Boston, and Montreal. The shipper from Buffalo elects to take the line of railroad which will reach any of those points of shipment, depending as it will be largely upon the best rates of transportation obtainable from those seaports to London.

This grain at Buffalo is the original point of shipment in its relation to those six railroads, as any point in the United States can be. Two of those roads are Canadian roads, lying within the Dominion of Canada, and beyond our jurisdiction. One of them is a State railroad, running within the borders of a single State, from Buffalo to New York. Therefore, we can neither fix through rates nor local rates upon any of these roads. They are outside our control under this bill.

Now, what of their competitors? Three lines of road, the Erie, the Delaware and Lackawanna, and the Lehigh Valley are interstate railroads laid upon the territory of three States. In the first place, the commission from Buffalo eastward will make the rate from Buffalo reasonable. That determines the rate from all intermediate points. As to the other three lines it can not say a single word. They may make the most unreasonable rate imaginable. They may pursue the present policy pursued by railroads, which is simply to take the product for what it will bear. The through rates from Buffalo eastward by the Canadian lines and the New York Central are beyond anybody's control except their own, and whatever they may do touching a through rate it does not interfere with their local rate. Hence they may drive the three interstate railroads out of the competition at Buffalo.

First, I say that the Canada railroads would have the power under this bill to take the products at Buffalo and carry them to Montreal, and thus oppress the three interstate railroads on this side to such an extent that the securities of these roads would depend on the will of a foreign corporation; their securities would become the foot-ball of Wall street, and the quotations or values from day to day be dictated from Canada. That would be the practical operation of it, and without the proviso in the fourth section would destroy half the railroad property in this country. If, however, the commission shall find in this proviso a grant of power to them sufficient to meet such a case as I have described and to meet all cases when its exercise is needed—and I am sure this proviso fairly construed goes this far—and believing that the commission will apply this proviso power unsparingly, I am content to give the section a trial.

Mr. HARRIS. The proviso of the fourth section confers upon the commission full and complete power whenever application is made to the commission and the commission has become satisfied after investigation that this is an exceptional case under exceptional circumstances which require that the railroad in question should be relieved from the general rule prescribed by the fourth section.

Mr. MCPHERSON. Very well. Then, I take it, the commission would find this an exceptional case and would relieve these three through railroads from the general rule. Having done that, then what becomes of other rivals, the Pennsylvania, the Baltimore and Ohio, and other great lines which would not be relieved because the special case did not apply to them? They would be under the general interstate-commerce law, while the commission would have relieved the three interstate railroads from Buffalo, and they would be outside the interstate-commerce rule.

No, sir, it will not be possible to conduct the commerce of the country under the fourth section without the fullest exercise of the power granted in the proviso. What a commentary upon this Senate upon the ill-advised, reckless character of the legislation we make, that a law must contain the power within itself to annul or make void its enforcement.

Mr. GEORGE. Will the Senator allow me to ask him a question?

Mr. MCPHERSON. Yes, sir.

Mr. GEORGE. I understood the Senator to say a while ago that the case of some carriers might be special owing to peculiar circumstances. If that be true what harm would occur if the Pennsylvania Railroad and the other railroads engaged in through travel were not interfered with? They do not lose anything by it.

Mr. MCPHERSON. The Senator will understand in that event they would lose all their through traffic. That, as a matter of course, a line of railroad between given points, say, the Pennsylvania Railroad between New York and Chicago can afford to carry through freight cheaper than local freight.

The majority of the freight brought from Chicago to the seaboard scarcely pays the cost of moving it, but at the same time I think it is a decided advantage to the railroad to have it, for reasons so often stated I need not repeat them. I wish to say a word about the pooling section, but will not do so now, as I seem to be occupying the time of the Senator from Delaware [Mr. SAULSBURY].

Mr. ALDRICH. Will the Senator from Tennessee allow me to trespass on his good nature, and ask him one question?

Mr. HARRIS. Most certainly.

Mr. ALDRICH. I should like to ask him the same question which was asked of the Senator from Illinois [Mr. CULLOM] yesterday in regard to the case of the Boston and Albany Railroad, freight being delivered to it at Albany of the same character and in the same qualities from half a dozen different places. Take the case, for instance, of a ton of freight from California at a low through rate. Would the portion which the Boston and Albany Railroad should receive on account of that freight fix any limit for freight delivered at Albany by a local shipper, or freight shipped from Buffalo or from Syracuse to go over the Boston and Albany road?

Mr. HARRIS. This bill authorizes two or more common carriers to unite to make an extended long line of transportation, and that long line becomes a carrier independent of and separate from either of the lines and all of the lines that compose it. That common carrier so created by contract has the right of all other carriers to fix and publish its rates from one end of the line to the other, from the intermediate points to the end of the line as long as two or more carriers or companies are involved in the carriage.

Now, take the case that I put where the combined carrier composed of four independent roads fixes a rate of $200 from San Francisco to New York, of $150 from Ogden to New York, of $100 from Omaha to New York. Then the rule would be, as I understand it, that that carrier can not charge for a car-load of freight from any point between San Francisco and Ogden to New York more than $200. It may charge that much under the fourth section. It can not charge more than $150 from any point between Ogden and Omaha to New York. It may charge that much under the fourth section. It can not charge more than $100 from any point east of Omaha to New York. It may charge that much under my construction of the fourth section.

Mr. ALDRICH. I fear that I failed to make myself understood in my question to the Senator from Tennessee. The question I will repeat in another form. If the Boston and Albany Railroad receives a certain sum as freight in the aggregate for the transportation of a barrel of flour from Albany to Boston, that flour having been shipped from Chicago, is that a measure of the compensation which it must charge and receive for a local shipment from Albany to Boston?

Mr. HARRIS. That would depend entirely, in my opinion, upon whether this was a continuous and through shipment from San Francisco to Boston, or whether it was a shipment to Albany and then reshipped to Boston.

Mr. ALDRICH. Suppose it to be a through shipment?

Mr. HARRIS. That I have already answered by what I have already said. The short-haul provision would only affect that shipment, as I have already explained. It would fall within the last and lowest through rate made by that carrier. For a short haul more can not be charged than the maximum of the long haul.

Mr. ALDRICH. But, as I understand the Senator now, the aggregate compensation received in one case would be no measure and no criterion of the actual sum to be charged upon another.

Mr. SAULSBURY. Mr. President, the importance of this bill will not only justify but demands the fullest consideration which the Senate can give toit. It proposes to deal with questions that may affect seriously not only the vast railroad systems of the country, but all other common carriers engaged in interstate commerce. When we consider the number and length of the railroads of the country, the vast expenditure in their construction, and the great number of persons engaged and interested in their operation—to say nothing of the common carriers upon the natural highways, the rivers and navigable streams of the country, and the value of the property, and the number of persons connected therewith—the necessity for due and careful consideration will at once appear. Nearly all our artificial as well as natural highways are mediums of interstate commerce. Almost every railroad, by consolidation with other lines, becomes a part of a system extending over contiguous and even distant States, forming links in chains of railway which bear to market the traffic of distant communities and furnish the means of intercourse and travel for citizens of different States of the Union.

If we look therefore only at the vast interests of the common carriers which may be affected by the bill, it is sufficient to challenge the most careful examination in order that no injury may unwittingly be inflicted upon interests so great, not imperatively demanded for the protection of the people who are compelled to use those mediums of commerce in the transportation of their persons and property from one State to another. In the consideration of this bill it is proper also to take into account the vast amount of traffic, to say nothing of travel, carried on over these railroads and navigable streams, and dependent upon common carriers not only for the means of transportation but also very largely for its value. It has been estimated that our domestic commerce is not less than $18,000,000,000 annually, and much of this large amount is dependent upon the common carriers for transportation and forms a large part of interstate commerce dealt with by the provisions of this bill. No member of this Senate does, and I may say no sane man can, desire to see injury inflicted upon the common carriers of the country or the commerce dependent upon them for transportation.

The bill deals with the carriers of interstate commerce alone, but as I have already said this designation applies to almost every railroad and navigable stream in the country, so that it may be said that almost all the commerce carried on by rail or water may possibly be affected by the provisions of this bill as well as the carriers themselves. Great, however, as may be the interests to be affected by the passage of this bill it is before us for our action, and we must meet the responsibility imposed upon us, as I have no doubt every member of this body will do, with an earnest desire to deal justly and fairly with every interest involved. That Congress has the power to make rules regulating commerce between the States of the Union will not be denied by any one. Indeed, such power is expressly given in the Constitution, and has never been questioned in any quarter, however much the propriety of its exercise in particular cases and the extent to which it may have been carried may have been doubted.

At the time of the adoption of the Constitution in which this power was granted by the States to Congress interstate commerce was carried on almost exclusively by the natural highways of commerce—the rivers and other navigable waters of the country. No one thought of railroads or other medium of overland transportation, unless the idea of short canals connecting neighboring streams had at that early day been conceived. More than forty years elapsed from the adoption of the Constitution and the grant of power therein to Congress over the subject of regulating commerce between the States before any railroad was projected in the country. It is very doubtful, at least, whether such an unrestricted grant of authority to Congress to regulate interstate commerce would have been made had the framers of the Constitution believed that it would be ultimately carried on by artificial highways constructed under State authority. I think it may be safely affirmed that the States never would have consented to surrender the entire control over roads created by their authority within their own limits, even when engaged in interstate commerce by reason of connection with other lines of road.

Almost all the railroads in the country have been constructed under charters granted by the States. They owe their existence and franchises to the States that created them, and generally their charters have conferred upon them exemptions, privileges, and immunities of the most valuable and liberal character. The anxiety of the people of the several States for railroad facilities has induced their Legislatures to grant to these companies all the rights and privileges deemed essential for their successful operation, and not infrequently have granted them pecuniary aid as well as valuable exemption not enjoyed by natural persons. Until very recently no one doubted that the States themselves might exercise a supervisory control over these corporations

created by their authority and existing within their own limits and jurisdiction, unless they had deprived themselves of such control by express provisions in the acts incorporating those companies.

But by recent decisions of the Supreme Court of the United States it seems that railroad companies existing under State authority, and claiming every right which they enjoy by virtue of that authority, may withdraw themselves largely from the control of the power that created them by forming connections with other roads chartered by other States so as to form a part of a continuous line for the transportation of commerce from one State to another.

Now, while I do not believe that the decision referred to—"the Wabash, Saint Louis and Pacific Railway Company *vs.* The People of the State of Illinois"—is a correct interpretation of the power of the States over their own corporations, and think the opinion of the dissenting judges more in accordance with the true intent and meaning of the provision of the Constitution relating to the regulation of commerce, still I recognize the decisions of that court as fixing a limitation on the power of the States over the roads which they have created; and the investiture of Congress with the only control that can be exercised over any railroad management, which, by connections and consolidations, forms part of a continuous line of railway over which commerce may be carried on between persons residing in different States of the Union.

If the States could exercise what I believe their just rights, and protect their own citizens against unfair discriminations and extortions, I should prefer to leave to them the absolute control of dealing with the questions embraced in the pending bill. No State would legislate oppressively upon her common carriers. The dependence of her people upon them for transportation would insure the railroads against hostile acts, independent of the potent influence which such corporations are supposed to exert wherever they exist. I have not much doubt that it would be better both for the railroads and the people if this whole question could be dealt with by the States. But since this is not permitted—and no State can now interfere with the operation of any railroad company, however extortionate and unjust, which is engaged in interstate commerce—the only remedy possible is such as Congress may provide.

The question is therefore presented broadly and distinctly: Shall Congress interpose a restraining hand upon these corporations or shall they be permitted to do as they please in their dealings with the vast interests dependent upon them—discriminating, in the facilities which they afford and the charges which they exact, between different persons and communities—exacting from some more than just compensation for services rendered, to indemnify themselves for losses sustained by favors and privileges awarded to others? These discriminations and unjust exactions have brought this question here. Complaints have been made from time to time, many of them perhaps without just cause, and appeals for relief have been heard from every quarter. Shall Congress now attempt a remedy or respond to these appeals by a refusal to do anything to correct abuses?

And, now, Mr. President, turning to this bill, I desire to say that I am not at all sanguine that it will prove an adequate remedy for the wrongs it seeks to correct. It is the commencement of legislation new to Congress, and deals with questions upon which we have no experience in this country to guide us.

Any legislation upon the subject must necessarily be very largely experimental. What its effect upon common carriers or upon shippers may be, is but a matter at present of conjecture. Time, however, will reveal the defects of the bill, should it become law, and future legislation can remedy its errors. Should action be deferred for years to come, it is doubtful whether Congress would be better qualified to legislate upon the subject.

This bill has been very maturely considered in both Houses and is the result of the best judgment that could be formed upon the subject. If it proves adequate as a remedy for existing evils in the transportation of persons and property, without doing injustice to carriers, it will prove a boon to the country of inestimable value. If it fails as a perfect remedy and leads to future legislation which shall have that result it will be no less salutary and beneficial both to the common carriers and to those who are compelled to use them. Let us turn now to the provisions of the bill to see what it proposes. I shall refer very briefly only to some of the more important provisions of the bill and shall not consume the time of the Senate further than is necessary to indicate my opinion in reference to them.

The first section of the bill defines the class of common carriers to which its provisions apply, namely, such as are engaged in interstate commerce; and exempts from its operation such as are operating wholly within the limits of one State, and then provides that all charges for the transportation of persons and property by such carriers, including all services rendered therewith, shall be reasonable and just, and declares all unreasonable and unjust charges for such services unlawful. No one, I suppose, can object to this provision of the bill. Differences may arise as to what constitutes an unreasonable and unjust charge, but no one will contend that any charge should be made that is not just and fair. The railroads may not desire that any interference should be had with their right to charge what they please for any service they render, but they will not contend that any injustice is done to them in prohibiting and declaring unlawful all unjust and unreasonable charges which they may make. There is nothing in this section, therefore, to which a valid objection can be made.

The second section prohibits and declares unlawful any discriminations between persons made by common carriers in charges for "transportation of like kind of traffic under substantially similar circumstances and conditions," whether such discriminations are made "directly or indirectly by special rate, rebate, drawback, or other device. This provision is designed and will doubtless have the effect to break up a practice which is said to obtain in railroad management of charging large shippers and favorites less than is charged to those who ship less. While the railroads doubtless make more profit from the business of large shippers than is realized from the business of smaller shippers, and perhaps from its bulk can really afford to carry their freight at a less rate, still such discrimination has been a source of constant complaint and has operated to the prejudice of the small shippers by enabling their favored competitors to outbid them for the goods which they thus ship at a lower rate. Such discriminations will, in the judgment of mankind, always be deemed unjust, and the bill wisely and properly seeks to prevent them.

The third section of the bill makes it unlawful for a common carrier "to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic in any respect;" and it also makes it unlawful for any carrier "to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect." What would constitute "undue and unreasonable preference or advantage" or "undue and unreasonable prejudice or disadvantage" is not specifically declared, and for that reason apprehensions have arisen in the minds of very worthy and intelligent persons that it imposes improper restrictions upon common carriers, and will operate to the prejudice of shippers of certain classes of produce who need special accommodation in the transportation of their goods to market.

Perishable freights, for instance, require rapid transit in order to prevent decay and loss in marketable value, and it is very natural that shippers of such products should feel anxious that no impediment should be placed in the way of securing the necessary and customary facilities which they enjoy for the speedy delivery of such freights to the markets to which they are consigned.

In my own State, as in many other sections of the country, the cultivation of fruits is a very important industry, and the growers and shippers of fruits, by arrangements with the railroads, have for years enjoyed the necessary facilities for the speedy delivery of their products to market. Without such facilities their produce would have comparatively but little value, and the fruit culture would have to be abandoned.

If it were possible to put a construction upon this section which would prevent the railroads from giving every needed facility for the rapid transportation of perishable articles, or impair in the least the opportunities which such shippers enjoy, I could not and would not vote for the bill; but I do not believe such construction possible. It would not be held by any railroad company or any court in the country to be an undue or unreasonable preference or advantage to send forward with the greatest possible rapidity freight of this character, so as to secure its delivery in good order in the markets to which they were consigned. On the contrary, a neglect or refusal to do so on the part of common carriers would clearly be regarded as an "undue, and unreasonable prejudice" and disadvantage to this "particular description of traffic," and violative not only of the spirit but the very letter of the law.

It would be as reasonable to suppose that the provisions of this section would prevent the running of express trains for the carrying of passengers as to suppose that it inhibits the running of rapid trains for the safe delivery of perishable freights. All apprehensions felt in any quarter in this regard are in my opinion unwarranted by anything contained in the third or any other section of the bill. I will add that the view which I have expressed in reference to this matter is in harmony with the opinion of all the members of this body with whom I have conferred, and some surprise has been expressed that any different opinion could be entertained by any one.

Independent of any obligation imposed by the provisions of this bill the duty of common carriers to the public would compel railroads to provide the proper facilities for shippers of this kind of freight, and that duty would not be properly performed by furnishing only the same accommodation required for other produce, such as lumber, grain, &c. All common carriers take into consideration the character of the service required; and, recognizing the obligation which their relation to the public imposes, seek, if under intelligent management, to meet the just demands upon them.

Besides this, self-interest would prompt the carrier to grant all needed facilities for the prompt delivery of perishable freight, as otherwise they would destroy a very profitable part of their business. With nothing in the bill to prevent special arrangements for the appropriate and necessary rapidity in forwarding freights requiring speedy delivery, I

can not conceive that any apprehension need be felt that the duty imposed by their relation to the public, and enforced by self-interest, will not be faithfully performed.

The fourth section of the bill reads as follows:

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

The strongest opposition that I have heard to the bill has been to this section. The railroads of the country have, perhaps without an exception, at times discriminated against persons and localities at intermediate points between the termini of the roads. In some instances this has been so excessive as to amount to the grossest injustice, and has been felt by those subjected to such charges as oppression and extortion.

The fourth section proposes to limit the exactions of the carriers in their charges at intermediate points, so as to prevent a greater charge for the shorter than the longer distance. It will be observed that it does not attempt to prorate charges according to distance, but simply to prevent a higher charge for the shorter distance than is demanded for the longer haul. This limitation however only applies to transportation of "passengers or like kind of property under substantially similar circumstances and conditions."

Now, one of two things is certain, either the compensation for the longer haul under present arrangements is inadequate, or that for the shorter distance is excessive—and I think it reasonable to suppose when such discrimination exists that the charge for the shorter distance is increased to indemnify the carrier for inadequacy in compensation for the longer service. Whatever may be the reason for the discrimination in prices for the same kind of service on the same line of road, the public mind will not readily apprehend the necessity or justice of requiring a higher price for the shorter service, but, on the contrary, will continue to regard it as an unjust exaction which should be prohibited.

This provision I believe to be even more liberal to the carrier than it should be. It allows the carrier to charge as much for the shorter distance as for the longer, except as restrained by the requirement that the charge must be reasonable, and gives to the commissioners authority to allow greater charges for the shorter than the longer distance—an authority that is liable to be abused, as every power may be that rests simply in the discretion of those who may be called on to exercise it. This provision has been so fully discussed in this Chamber that I shall content myself with this succinct reference to it.

I desire, however, to say in connection with this, that I have no apprehension that the railroad interest will not be able to protect itself. Associated wealth always, and in all times, has been fully able to protect itself, and I am sure that there will always be gentlemen in both Houses of Congress whose sympathies will prevent them from consenting to any injustice to railroads or other common carriers. So I do not see that I am called upon here to defend especially the interests of railroad companies.

I will say further, before proceeding to the next section, that the discretion vested in the commissioners to be appointed under the bill to allow a less charge for the greater than the shorter distance ought not to be exercised to the extent of defeating the purpose of this section. It is fair to presume that the President will appoint, if the bill becomes a law, commissioners who will act with due caution and suspend the operation of the law only when circumstances may render their interference necessary to relieve the carrier from embarrassment by reason of competition with other lines.

The fifth section makes it unlawful for any common carrier to enter into any agreement with other common carriers for the pooling of freights of different competing lines. It is well known such competing lines have, at times, made such agreements which have operated to prevent the advantages to the public which just competition would secure. The chief value of pools, however, to the competing lines has been to prevent the cutting of rates in a spirit of rivalry to a point ruinous to the carriers themselves, and only of temporary benefit to the public. I apprehend that the prevention of what is known as railroad wars is the main reason for the pooling arrangements which have existed, and if they could have that effect, without interference with proper and healthful competition between competing roads, no valid objection could be made to such arrangement.

The people of the country can not be permanently benefited by railroad wars and the cutting of rates to a ruinous extent, and if pooling arrangements between carriers would prevent such strife and not advance charges above fair compensation for services rendered, they would do no harm to any one.

Under the provisions of the fourth section of the bill it seems to me that pooling arrangements can not be of much value to carriers. They will not be likely to cut rates at competing points so readily as formerly, because it would affect charges along the whole lines of their roads. Heretofore they could cut rates at the points of competition to any extent without interference with rates at other points on their respective roads, but under the provision of the fourth section of the bill charges would be reduced at many places on the roads if rates were greatly reduced at the points of competition.

I do not see that this fifth section of the bill will be of much value to the public or of any great disadvantage to common carriers should this bill become a law. Under the present condition of railroad management I can understand how the system of pooling was conducive to the interest of all roads connected with the pool, and how it may have interfered with the proper competition which would otherwise have ensued, and thus worked injury to the public by depriving the country of the advantages of such competition.

I shall not notice in detail the other provisions of the bill. They relate principally to the appointment of a commission and the duties with which it is charged, and the authority with which it is invested; in other words, to the machinery with which the sections of the bill to which I have already referred are to be enforced.

I shall give to the bill my support, and hope it may prove a wise and beneficial measure, not only to the people of the country, but also to the common carriers themselves. I would not knowingly aid in inflicting a wrong upon the railroad companies and other carriers, but would restrain to the full extent of Congressional authority any injustice which they may practice upon those who are dependent upon them for the transportation of their persons and property. I recognize the value of such corporations, and the great benefits they have conferred in the development of the country and the advancement of its prosperity. We can not do without them, and they should be protected in every just right and subjected to no unnecessary and improper restraint; but they ought not to be allowed, because they are indispensable, to lay too heavy a hand upon any portion of the people who are compelled to use them.

Nor ought the interference of Congress with this question of regulating interstate commerce, carried on by the instrumentality of railroads, to be longer deferred. Since the States may not pass any law bearing upon the subject, or restrain in any manner the action of the corporations which they have created in reference to commerce not wholly within their own limits, the people of the country can have no protection against any impositions practiced by such carriers, however unjust and extortionate, unless Congress does interpose for their protection. If no complaints had been made in the past—if the dealing of the railroads had been at all times marked by the strictest justice and they were free from the charge of improper discriminations or oppressions of any character, still it would be unwise to leave in their hands a power which might hereafter be exercised to the prejudice and injury of the people of the country, and which it might be more difficult hereafter to check and restrain than it is at present. We know something now of the power and influence of these corporations.

In some of the States of this Union they are believed to be potent if not omnipotent in the control of legislation, and are supposed even insidiously to shape judicial opinions and control the judgments of courts. This estimate of their strength may rest more in apprehension than in fact, but it indicates, at least, the fear that aggregated wealth is calculated to inspire. Many of the men in the management of all the roads are doubtless persons of the highest character as well as the greatest intelligence, who would not willingly sanction an illegitimate use of the means at their command or the power with which they are invested, but they are but individuals in the bodies corporate and may not be able to control their action or determine their policy. Observation, too, has taught that men in their associate capacity will often do what they would not do upon their individual responsibility.

No guarantee is, therefore, furnished in the character of individuals composing railroad companies or controlling their management against the wrongs for which this bill provides or against the use of all the power they can command to prevent any restraint upon the absolute control which they at present exercise over the transportation of the commerce between the States of the Union.

Congress, therefore, should do something to restrain abuses at the present session, and as this bill is the result of the joint action of a committee of the two Houses after mature deliberation and reflection it is safe to assume that it promises the only relief for which the country may hope now or in the near future.

Mr. CALL. Mr. President, I desire to submit some observations on this report.

Mr. PUGH. If the Senator from Florida does not desire to speak this evening, the hour being late, I move that the Senate proceed to the consideration of executive business.

Mr. CULLOM. Before the Senator submits his motion, I should like to make a statement. I desire to say now that, as I said last week, I shall ask the Senate to remain in session to-morrow until this bill is disposed of. I made that statement several days ago, and I repeat it now, so that Senators may not be taken by surprise if they have forgotten what I said last week. I shall ask the Senate to remain in session to-morrow until the bill is disposed of.

The PRESIDING OFFICER. The Senator from Alabama [Mr. PUGH] moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty-one minutes spent in executive session, the doors were reopened; and (at 5 o'clock and 33 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 12, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 11th day of January, 1887.

CONSULS.

Thomas T. Tunstall, of Selma, Ala., to be consul of the United States at Asuncion, to fill a vacancy.

O. B. Collins, of Quitman, Miss., to be consul of the United States at Charlottetown, Prince Edward Island, to fill a vacancy.

Fred Ellison, of Indianapolis, Ind., to be consul of the United States at St. Helena, vice James A. MacKnight, recalled.

POSTMASTERS.

Haydon Dowdy, to be postmaster at Hollister, in the county of San Benito and State of California, in the place of Thomas Yost, whose commission expires January 16, 1887.

Edward Ingram, to be postmaster at Monterey, in the county of Monterey and State of California, in the place of Felipe Gomez, whose commission expired January 2, 1887.

William M. Adkins, to be postmaster at Rome, in the county of Floyd and State of Georgia, in the place of George P. Burnett, resigned.

John W. Lusk, to be postmaster at Monmouth, in the county of Warren and State of Illinois, in the place of John M. Turnbull, whose commission expires January 16, 1887.

William A. Miller, to be postmaster at Monticello, in the county of Piatt and State of Illinois, in the place of Samuel B. Webster, whose commission expires January 29, 1887.

William C. Rich, to be postmaster at Anna, in the county of Union and State of Illinois, in the place of John B. Miller, whose commission expires January 29, 1887.

Nicholas F. Carroll, to be postmaster at Salina, in the county of Salina and State of Kansas, in the place of Alexander M. Campbell, whose commission expires January 13, 1887.

James Todd, to be postmaster at Franklin, in the parish of Saint Mary's and State of Louisiana, in the place of Abraham Davis, whose commission expires January 16, 1887.

R. Brown Henderson, to be postmaster at Frederick, in the county of Frederick and State of Maryland, in the place of Henry Williams, resigned.

Jacob A. Bowles, to be postmaster at Hickory, in the county of Catawba and State of North Carolina, the appointment of a postmaster for the said office having by law become vested in the President from and after January 1, 1887.

Andrew J. Bahney, to be postmaster at Socorro, in the county of Socorro and Territory of New Mexico, in the place of Ira E. Leonard, whose commission expired December 12, 1886.

William B. Welch, to be postmaster at East Portland, in the county of Multnomah and State of Oregon, in the place of Mary Cougill, whose commission expires January 16, 1887.

Marion M. Callan, to be postmaster at Coleman, in the county of Coleman and State of Texas, the appointment of a postmaster for the said office having, by law, become vested in the President from and after January 1, 1887.

William W. Merritt, to be postmaster at McKinney, in the county of Collin and State of Texas, in the place of James W. Thomas, whose commission expires January 13, 1887.

Matthew Hillsman, to be postmaster at Trenton, in the county of Gibson and State of Tennessee, in the place of Everett Bell, whose removal for cause is hereby proposed.

John G. Tyler, to be postmaster at Ogden city, in the county of Weber and Territory of Utah, in the place of E. A. Littlefield, whose commission expires January 13, 1887.

Alexander H. Brown, to be postmaster at Weston, in the county of Lewis and State of West Virginia, in the place of William H. Aspinall, whose commission expired December 20, 1886.

George W. Allen, to be postmaster at Sturgeon Bay, in the county of Door and State of Wisconsin, in the place of Gustav A. Drentzer, resigned.

M. J. Briggs, to be postmaster at Dodgeville, in the county of Iowa and State of Wisconsin, in the place of Thomas Rogers, whose commission expires January 13, 1887.

SECOND LIEUTENANT UNITED STATES ARMY.

Harry D. Humphrey, of Idaho, to be second lieutenant, Twentieth Regiment of Infantry, January 10, 1887, *vice* Greene, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, January 7, 1887.

REGISTER OF WILLS.

Dorsey Clagett, of Washington, D. C., to be register of wills in the District of Columbia.

REGISTER OF LAND OFFICE.

Frank Bacon, of Chanute, Kans., to be register of the land office at Oberlin, Kans.

POSTMASTERS.

William C. Green, to be postmaster at Fulton, in the county of Whitesides and State of Illinois.

James B. Dale, to postmaster at Edwardsville, in the county of Madison and State of Illinois.

James E. Jones, to be postmaster at Portage, in the county of Columbia and State of Wisconsin.

James W. Carson, to be postmaster at Edgar, in the county of Clay and State of Nebraska.

Michael McHugh, to be postmaster at Hastings, in the county of Dakota and State of Minnesota.

Lemuel G. Eblen, to be postmaster at West Plains, in the county of Howell and State of Missouri.

John A. Bardon, to be postmaster at Superior, in the county of Douglas and State of Wisconsin.

Henry J. Dane, to be postmaster at Le Sueur, in the county of Le Sueur and State of Minnesota.

Noble P. Howard, jr., to be postmaster at Greenfield, in the county of Hancock and State of Indiana.

Michael E. Tuohy, to be postmaster at Nokomis, in the county of Montgomery and State of Illinois.

Frederick M. Mead, to be postmaster at Marengo, in the county of McHenry and State of Illinois.

Alexander H. Irvin, to be postmaster at Cairo, in the county of Alexander and State of Illinois.

Mathew Warner, to be postmaster at Lemont, in the county of Cook and State of Illinois.

J. Knox Hall, to be postmaster at Toulon, in the county of Stark and State of Illinois.

William A. McCune, to be postmaster at Sterling, in the county of Whitesides and State of Illinois.

Robert L. Allen, to be postmaster at Joliet, in the county of Will and State of Illinois.

James L. Thompson, to be postmaster at Redwood Falls, in the county of Redwood and State of Minnesota.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 11, 1887.

The House met at 12 o'clock m. Prayer by Rev. J. J. BULLOCK, D. D., of Washington, D. C.

The Clerk proceeded to read the Journal of yesterday.

The SPEAKER. If there be no objection the reading of so much of the Journal as relates to the introduction of bills and resolutions will be dispensed with.

There was no objection.

The Clerk completed the reading of the Journal which, as read, was approved.

APPROPRIATIONS FOR PUBLIC BUILDINGS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Supervising Architect, recommending appropriations for extension of public building at Newark, N. J., and for heating apparatus in buildings at Augusta, Me., Clarksburg, W. Va., Leavenworth, Kans., Peoria, Ill., and Terre Haute, Ind.; which was referred to the Committee on Public Buildings and Grounds.

CLAIMS ALLOWED UNDER ACT OF 1864.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, with papers in each case, lists of claims under act of July 4, 1864, allowed by accounting officers since January 14, 1886; which was referred to the Committee on War Claims, and ordered to be printed.

DRAINAGE OF PUBLIC BUILDINGS.

The Speaker also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of War of an appropriation for sewer drainage of quartermaster's corral, Washington, D. C., and also referring to estimates for drainage for the Bureau of Engraving and Printing; which was referred to the Committee on Appropriations, and ordered to be printed.

CLERKS OF DISBURSING OFFICERS, MILITARY ACADEMY.

The Speaker also laid before the House a letter from the Secretary of War, transmitting, with inclosure, a letter from the Adjutant-General of

the Army in regard to services of clerks to disbursing officer and quartermaster, adjutant, and the treasurer at Military Academy; which was referred to the Committee on Military Affairs, and ordered to be printed.

HENNEPIN CANAL.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the Board of Engineers upon the proposed acquisition by the Government of the Illinois and Michigan Canal and the construction of the Hennepin Canal, made in pursuance to a provision of the river and harbor act of August 5, 1886; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

WASHINGTON MONUMENT.

The SPEAKER laid before the House a letter from Mr. W. W. Corcoran, chairman of the joint commission for the completion of the Washington Monument, transmitting its annual report; which was referred to the Committee on the Library, and ordered to be printed.

UNITED STATES AND BRAZIL MAILS.

The SPEAKER also laid before the House a letter from the Postmaster-General, with inclosure, in response to a resolution of the House calling for a report upon the value of the service of the United States and Brazil mail steamship line for carrying United States mail; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SCHOOL OF INSTRUCTION FOR CAVALRY, ETC.

The SPEAKER also laid before the House the bill (H. R. 7192) to provide a school of instruction for cavalry and light artillery, and for the construction and completion of quarters, barracks, and stables at certain posts for the use of the Army of the United States, with an amendment by the Senate.

Mr. BRAGG. I ask unanimous consent that the House concur in the amendment.

The amendment of the Senate was read, as follows:

Amend by striking out section 2 and inserting—

SEC. 2. That the Secretary of War is hereby authorized and directed to complete the quarters and barracks at Fort D. A. Russell, in the Territory of Wyoming, at an expense not exceeding $30,000, and to complete the quarters and barracks at Fort Robinson, in the State of Nebraska, for a garrison of ten companies, at a cost not to exceed $55,000; and there is hereby appropriated for the purposes mentioned in this section, out of any moneys in the Treasury not otherwise appropriated, the sum of $85,000, or so much thereof as may be necessary.

The SPEAKER. Is there objection?

Mr. WEAVER, of Iowa. What is the proposition?

The SPEAKER. The proposition is to concur in the amendments of the Senate.

Mr. WEAVER, of Iowa. Will the gentleman explain what the bill is?

Mr. BRAGG. The bill passed the House with a section providing for an appropriation of $175,000 for posts Russell, and Robinson in Nebraska. It was ascertained later that already there had been an appropriation out of the general fund which made the appropriation of the House larger than was necessary, so the Senate, under the advice of the Military Committee, reduced the appropriation from $175,000, as passed by the House, to $85,000.

Mr. WARNER, of Ohio. A most remarkable thing.

The amendments of the Senate were concurred in.

Mr. BRAGG moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALLOTMENT OF LANDS TO INDIANS IN SEVERALTY.

The SPEAKER. The Chair also lays before the House the bill (S. 54) providing for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes. Upon this bill the Senate disagrees to the amendments of the House, and requests a conference. If there be no objection the conference will be granted.

There was no objection and it was so ordered.

The SPEAKER. The Chair will announce the conferees on the part of the House some time during the day.

SEMON BACHE & CO.

The SPEAKER also laid before the House the bill (S. 2871) for the relief of Semon Bache & Co.; which was referred to the Committee on Claims.

RELIEF OF CHITTENDEN BROTHERS.

The SPEAKER also laid before the House an engrossed copy of the bill (S. 938) for the relief of Chittenden Brothers, returned from the Senate at the request of the House; which was referred to the Committee on the District of Columbia.

ROCKY FORK AND COOKE CITY RAILWAY.

Mr. TOOLE, by unanimous consent, introduced a bill (H. R. 10657) granting to the Rocky Fork and Cooke City Railway Company the right of way through a part of the Crow Indian reservation in Montana Territory; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ARKANSAS, NEW MEXICO AND PACIFIC RAILROAD COMPANY.

Mr. DUNN. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 9107) to incorporate the Arkansas, New Mexico and Pacific Railroad Company.

The SPEAKER. Is it a public bill?

Mr. DUNN. It is a private bill, but it grants the right of way.

The Clerk read the title of the bill, as follows:

A bill (H. R. 9107) to incorporate the Arkansas, New Mexico and Pacific Railroad Company, and for other purposes.

Mr. WEAVER, of Iowa. I object to that bill, Mr. Speaker.

Mr. DUNN. I hope the gentleman from Iowa will allow me to make a short statement in regard to the bill.

Mr. WEAVER, of Iowa. It will do no good; I object to the bill.

Mr. DUNN. Still, I hope the gentleman will allow the statement to be made.

Mr. WEAVER, of Iowa. I have no objection to the statement.

Mr. BURROWS. There is no use in taking up time in making a statement, if the gentleman from Iowa is going to object to the bill anyhow.

The SPEAKER. Does the gentleman from Michigan [Mr. BURROWS] object to the gentleman making a statement?

Mr. BURROWS. I have no objection.

Mr. DUNN. Mr. Speaker, I desire simply to state this to the House, if I can have an opportunity——

Mr. WEAVER, of Iowa. I object, Mr. Speaker.

ADDITIONAL LAND DISTRICT, OREGON.

Mr. HERMANN. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (S. 1999), and that the same be put upon its passage.

The SPEAKER. Is it a public bill?

Mr. HERMANN. A public bill.

The Clerk read the title of the bill, as follows:

A bill (S. 1999) to create an additional land district in the State of Oregon.

Mr. MORRISON. I object.

Mr. HATCH. I demand the regular order.

The SPEAKER. The regular order is demanded.

SAND-BAR IN RED RIVER, LOUISIANA.

Mr. BLANCHARD. Mr. Speaker, I rise to make a privileged report.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *Monday, January* 10, 1887.

Resolved, That the Secretary of War be requested to inform the House what steps, if any, have been taken to cause the removal of the sand-bar which has formed against the piers of the Vicksburg, Shreveport and Pacific Railway bridge spanning the Red River at Shreveport, La., and which for more than six months has entirely prevented the passage of boats through the draw of said bridge on a river navigable 300 miles above and 500 miles below the bridge.

Resolved further, That the Secretary inform the House whether or not the Department holds that it is the duty of said railway company to remove said obstruction, and, if so, what demand to do so has been made upon said company, when made, and their reply, and what steps, if any, have been taken to enforce the demand.

Resolved further, That the Secretary inform the House what steps the Department proposes to take to cause the removal of said obstruction.

Mr. BLANCHARD, from the Committee on Rivers and Harbor, makes the following favorable report:

"The Committee on Rivers and Harbors, to which was referred the resolution of inquiry addressed to the Secretary of War, relating to the sand-bar formed around the piers of the railroad bridge over the Red River, at Shreveport, La., have had the same under consideration, and report it favorably, with the recommendation that it do pass."

Mr. BLANCHARD. I move the adoption of the resolution.

The resolution was agreed to.

Mr. BLANCHARD moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS, from the Committee on Rivers and Harbors, reported back with amendments the bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. EDEN. Mr. Speaker, have points of order been reserved on this bill?

The SPEAKER. They were; but the bill was recommitted, and is now again reported.

Mr. EDEN. I desire to reserve all points of order.

The SPEAKER. The gentleman from Illinois [Mr. EDEN] reserves all points of order. The bill will be referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

VENTILATION.

Mr. EVANS, from the Committee on Ventilation and Acoustics,

reported the following resolution; which was read, considered, and adopted:

Resolved, That the Architect of the Capitol be, and he is hereby, directed to place similar ventilating apparatus in the kitchen of the House restaurant in the Capitol to that now in use in the Senate restaurant; and the Committee on Appropriations of the House of Representatives is hereby directed to provide, in one of the general appropriation bills, for the necessary expenses of this change, not to exceed the sum of $1,500.

ARIZONA NARROW-GAUGE RAILROAD COMPANY.

The SPEAKER. The bill (H. R. 10636) introduced yesterday by the gentleman from Arizona [Mr. BEAN], entitled "A bill granting the right of way to the Arizona Narrow-Gauge Railroad Company through the White Mountain Indian reservation, in the Territory of Arizona," was by mistake referred to the Committee on Military Affairs. It should have gone to the Committee on Indian Affairs. If there be no objection, that change in the reference will be made.

There was no objection, and it was ordered accordingly.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled the bill (H. R. 7988) granting an increase of pension to Bryant Waters; when the Speaker signed the same.

MEMORIAL ADDRESSES ON HON. W. P. PRICE.

Mr. CASWELL. Mr. Speaker, I ask that Wednesday, the 9th day of February next, at three o'clock in the afternoon, be fixed for the consideration of resolutions relating to the life and character of Hon. WILLIAM P. PRICE, late a member of this House.

The SPEAKER. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees for reports.

UNITED STATES COURTS IN NORTH CAROLINA.

Mr. BENNETT, from the Committee on the Judiciary, reported, as a substitute for the bill (H. R. 5050) a bill (H. R. 10658) to provide for terms of United States district court at Raleigh, N. C., and change the line between the eastern and western districts; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The bill (H. R. 5050) was, by unanimous consent, laid on the table.

ACCEPTANCE OF LANDS NEAR CHICAGO, ILL.

Mr. BRAGG, from the Committee on Military Affairs, reported back with amendment the joint resolution (S. R. 78) authorizing the Secretary of War to accept certain lands, &c., near Chicago, Ill.; which was referred to the House Calendar, and the accompanying report ordered to be printed.

MILITARY POST NEAR DENVER, COLO.

Mr. BRAGG, from the Committee on Military Affairs, also reported back with amendment the bill (S. 2477) making an appropriation for the establishment and erection of a military post near the city of Denver, in the State of Colorado; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

JOHN M. HARTMAN.

Mr. VIELE, from the Committee on Military Affairs, reported back favorably the bill (H. R. 5377) to relieve John M. Hartman from the charge of desertion; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

PUBLIC BUILDING AT TERRE HAUTE, IND.

Mr. OWEN, from the Committee on Public Buildings and Grounds, reported back favorably the bill (S. 430) to change the limit of appropriation for the public building at Terre Haute, Ind.; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

RHODA WILLIAMS.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2181) granting a pension to Rhoda Williams; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ELIZABETH FORGEY.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1825) granting a pension to Elizabeth Forgey; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ELLEN M. STURTEVANT.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10152) granting a pension to Ellen M. Sturtevant; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 7759) increasing the pension of George P. Ward; which was laid upon the table, and the accompanying report ordered to be printed.

CONGRESSIONAL FUNERAL COMMITTEES.

Mr. OATES, from the Committee on the Revision of the Laws, reported back the bill (H. R. 10077) to prohibit the appointment of Congressional committees to attend funerals at public expense outside of the District of Columbia, and also to prohibit the draping of public buildings in mourning except upon order or by the authority of the President of the United States; which was laid on the table.

Mr. OATES, from the Committee on the Revision of the Laws, also reported back favorably the bill (H. R. 10659, as a substitute for the bill H. R. 10077) to prohibit the appointment of Congressional committees to attend funerals at public expense outside of the District of Columbia, and also to prohibit the draping of public buildings in mourning except upon the order of the President of the United States; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

OFFICIAL REGISTER.

Mr. FARQUHAR, from the Committee on Printing, reported back favorably joint resolution (H. Res. 229) providing for the distribution of the Official Register of the United States; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

DISTRICT HEALTH REPORT.

Mr. FARQUHAR, from the Committee on Printing, also reported back favorably joint resolution (H. Res. 222) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, CHARLESTON, S. C.

The SPEAKER. This completes the call of standing and select committees; and the hour for the consideration of bills begins at 17 minutes before 1 o'clock. The call rests with the Committee on Public Buildings and Grounds.

Mr. DIBBLE. I withdraw the demand, which is pending, for the previous question.

The SPEAKER. When this measure was last under consideration the gentleman from South Carolina moved that the House resolve itself into the Committee of the Whole House on the state of the Union, and pending that moved to limit debate to ten minutes, and demanded the previous question. He now withdraws the demand for the previous question.

Mr. DIBBLE. I move that the debate on the pending section and all amendments thereto be limited to fifteen minutes.

The SPEAKER. The gentleman withdraws the motion to limit debate to ten minutes, and moves that it be limited to fifteen minutes on the pending section and all amendments thereto.

The motion was agreed to.

Mr. DIBBLE. I move the House now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. The Committee of the Whole House resumes the consideration of the bill (H. R. 10051) for the erection of a public building at Charleston, S. C. By order of the House all debate on the first section of the bill and all amendments thereto has been limited to fifteen minutes.

Mr. HEPBURN addressed the committee. [See Appendix.]

The CHAIRMAN. The gentleman has consumed one-half of the time allowed for general debate.

Mr. DIBBLE then addressed the committee. [See Appendix.]

The CHAIRMAN. The time for debate on the pending section and amendments thereto has expired.

Mr. DIBBLE. I call for a vote on the amendment. It seems the time for the consideration of this bill is limited, and I do not want to imperil its passage. I therefore ask the committee to accept the amendment.

The amendment was adopted.

Mr. DIBBLE. To make the rest of the section conform to the amendment just adopted I move to amend in the fourteenth line by inserting "2" in place of "4," so that it will read:

Shall not exceed in cost the sum of $200,000.

The amendment was agreed to.

Section 2 was read.

Section 3 was read, as follows:

SEC. 3. That the sum of $500,000, or so much thereof as may be necessary to carry out the provisions of this act, be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. DIBBLE. To make this section also conform to the amendments already adopted I move to strike out "5" and insert "3;" so that it will read:

That the sum of $300,000, or so much thereof as may be necessary, &c.

The amendment was adopted.

Mr. DIBBLE. I move that the committee rise, and report the bill to the House with amendments.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 10051) for the erection of a public building at Charleston, S. C., had directed him to report the same to the House with sundry amendments.

Mr. DIBBLE. I move the previous question on the bill and amendments.

The previous question was ordered; and under the operation thereof the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DIBBLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

ORDER OF BUSINESS.

Mr. CRISP. The next committee on call is the Committee on Pacific Railroads. If the House will indulge me just a moment I ask unanimous consent that the remainder of the hour to-day be dispensed with; my reason for making that request being that the gentleman from Illinois [Mr. SPRINGER], who has submitted an amendment to the bill reported by the Committee on Pacific Railroads that has not yet been printed in a form in which it can reach all the members, is not ready to go on. We have an understanding if it can be carried out by the House by unanimous consent to remove the order for the previous question on the engrossment and third reading of the bill so that it may be open to debate; the purpose being to get the full two hours—one hour for the opponents of the measure and one hour in support of it—which we can not get if we go on to-day, a considerable portion of the hour having been already used. I ask unanimous consent that the remainder of the hour to-day be dispensed with.

Mr. DINGLEY. That will lose an hour entirely for the other committees that may be called.

Mr. CRISP. The hour is about half gone. Of course if the proposition can be put in another form more acceptable to the House, I would make it in that way. Our object, I state frankly, is to put us in a condition that in the call on the next day that committees are called we would have an hour for the gentleman from Illinois [Mr. SPRINGER], representing the opposition.

Mr. WARNER, of Ohio. I do not object to dispensing with the rest of this morning hour, but I do not wish it understood that there is any agreement as to what shall be done with this bill in the future.

Mr. SPRINGER. There is no other agreement than that.

Mr. CRISP. I merely desired that the committee should have two full hours.

The SPEAKER. Is there objection to dispensing with the remainder of the hour?

Mr. DINGLEY. I object.

Mr. SPRINGER. I hope the gentleman will not insist on his objection.

Mr. DINGLEY. I must object in justice to the other committees.

Mr. CRISP. I ask, then, that the Committee on Pacific Railroads be passed over to-day, not to lose its place in the call.

The SPEAKER. The Chair will state that the Committee on Mines and Mining——

Mr. WILLIS. I do not understand that the request of the gentleman from Georgia has been granted.

The SPEAKER. It has not. The gentleman from Georgia made a request for unanimous consent that the Committee on Pacific Railroads be passed over for the present, not to lose its place in the call. The Chair was about to say that the Committee on Mines and Mining was passed over the other day in the same way, and that perhaps that committee desires to go on now.

Mr. CRISP. If that committee desires to go on to-day I withdraw my request, that committee being ahead of ours.

The SPEAKER. The Committee on Mines and Mining is ahead of the Committee on Pacific Railroads, and that is the reason why the Chair did not ask for objections until he had advised the House of the position of that committee.

Mr. WARNER, of Ohio. Let us understand what is proposed.

The SPEAKER. Nothing has been done in regard to the call of the Committee on Pacific Railroads.

WILLIAM M'GARRAHAN.

Mr. CLARDY. I am instructed by the Committee on Mines and Mining to call up for consideration the bill (H. R. 8084) to submit to the Court of Claims for adjudication the title of William McGarrahan to the Rancho Panoche Grande tract of land in the State of California, and for other purposes. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

Mr. LORE. I raise the question that this bill being a private bill is not in order under this call.

The SPEAKER. The point of order is well taken under the rule which provides that this hour shall be only for the consideration of public bills.

Mr. CLARDY. I yield to the gentleman from Ohio [Mr. HILL].

Mr. HILL. Mr. Speaker, I desire to inquire whether it is in order under this call to offer a resolution setting apart a particular day for the consideration of a bill?

The SPEAKER. It is in order under this call to take up a resolution already on the Calendar. The rule provides that under this call only those public bills shall be considered which have been previously reported to the House. If there is a resolution upon the Calendar fixing a day, the gentleman can call that up.

Mr. HILL. The bill has been reported to the House, and I desire to offer a resolution setting apart a particular day for its consideration.

The SPEAKER. Is there such a resolution already reported and on the Calendar?

Mr. HILL. The resolution has not been reported.

The SPEAKER. The Chair is under the impression that a resolution was offered fixing a day for the consideration of business reported from the Committee on Mines and Mining, and was referred to the committee, and the Chair supposed it had been reported back.

Mr. HILL. I am instructed by the committee to report such a resolution.

The SPEAKER. The Chair will cause the rule to be read.

The Clerk read rule 24, clause 5, as follows:

5. After the morning hour shall have been devoted to reports from committees (or the call completed), the Speaker shall again call the committees in regular order for one hour, upon which call each committee, on being named, shall have the right to call up for consideration any bill reported by it on a previous day, on either the House or Union Calendar.

The SPEAKER. The Chair finds that he was correct, and that there is a resolution on the Calendar fixing a *day for the* consideration of bills reported from the Committee on Mines and Mining.

Mr. HILL. Then I desire to call up that resolution.

The resolution was read, as follows:

Resolved, That Monday, the 24th day of May, 1886, after the call of the States and Territories for bills and resolutions, is hereby set apart for the consideration of bill (H. R. 8084) entitled——

Mr. HILL. I want to submit a motion to amend that resolution by striking out the "24th of May" and inserting "Wednesday, the 19th of January."

Mr. HAMMOND. What is the bill? The resolution has not been fully read.

The SPEAKER. The committee reported the resolution back with a substitute, which the Clerk will read.

The Clerk read as follows:

The Committee on Mines and Mining, to whom was referred the resolution fixing Monday, 24th day of May, 1886, for the consideration of the bill (H. R. 8084) on the Private Calendar, report the same back, with the following amendment, to wit:

Resolved, That Monday, 24th day of May, 1886 (after the call of States and Territories, &c.), is hereby set apart for the consideration of bills reported from the Committee on Mines and Mining.

Mr. HAMMOND. I make the point of order that that is a private matter.

The SPEAKER. The resolution reported from the committee does not refer to any private bill.

Mr. HAMMOND. It proposes to provide for the consideration of a private bill.

The SPEAKER. Not at all. It proposes to fix a day for the consideration of business reported from the Committee on Mines and Mining. The gentleman is probably misled by the fact that the original resolution which was referred to the committee did provide for fixing a day for the consideration of a particular bill; but the resolution as reported back from the committee, and as on the Calendar, is a resolution to fix a day for the consideration of business generally reported from the Committeee on Mines and Mining.

Mr. HILL. Now, Mr. Speaker, I move to strike out "the 24th day of May, 1886," and insert "Wednesday, the 19th day of January, 1887."

Mr. WARNER, of Ohio. I hope the gentleman will explain what measure he proposes to bring up.

Mr. HILL. I will state that the committee desires to bring up all the business which has been before it, and has been reported to the House. There are two or three bills, some of a public and some of a private nature. One is the bill to incorporate a Board of Mines and Mining; another is the bill relating to the McGarrahan claim. Those are the two bills on the Calendar that have been reported from the committee, and the House may as well understand what they are.

Mr. DINGLEY. Mr Speaker, I move to further amend the resolution by inserting, after the amendment of the committee, the words "after the hour for the consideration of bills."

The SPEAKER. That will be in order later. The first question is on the amendment proposed by the gentleman from Ohio [Mr. HILL], which the Clerk will read.

The Clerk read as follows:

Amend by striking out "the 24th day of May, 1886," and inserting "Wednesday, the 19th of January, 1887."

Mr. CRISP. I had hoped, Mr. Speaker, that the gentleman from Ohio [Mr. HILL] would have informed the House somewhat in detail as to the measures which he proposes to call up at the time set in his resolution. We are approaching the end of the short session of Congress, and there are many important measures on the Calendar demanding the attention of the House.

Mr. HILL. I will explain now, if the gentleman will give me an opportunity.

Mr. CRISP. I will yield to the gentleman from Ohio.

Mr. HILL. Mr. Speaker, I desire to say to the gentlemen from Georgia [Mr. CRISP] that there are on the Calendar two bills reported by the Committee on Mines and Mining. One is the bill to reorganize the Geological Survey, a measure which is the unanimous report of that committee. The other is the bill for the relief of William McGarrahan—a measure which has been pending in Congress, as every member well knows, for several years—a bill which has been unanimously reported not only by a committee of the Senate, but also, with one exception, by the House committee. This committee has not had an hour since the organization of this Congress for the consideration of its business; and I hope no objection will be made by any gentleman to allowing the committee to have one day, especially when the bills which it proposes to bring up are indorsed, not only by the committee of this House but by a committee at the other end of this Capitol.

I do not desire to go into a discussion of the merits of this claim now; and certainly the gentleman from Georgia will not ask me to do that, because it would require perhaps two or three hours. I trust the gentleman will not object to giving us a day for the consideration of our business. A technical objection has been raised this morning to the consideration of one of these bills; otherwise the two hours allowed under the rules to our committee would have been all the time we would have asked.

Mr. BROWN, of Pennsylvania. How many bills are there to be considered?

Mr. HILL. We have two.

Mr. BROWN, of Pennsylvania. Would you be willing to drop the McGarrahan bill and consider the other?

Mr. HILL. No, sir; why should it be dropped any more than any other bill which has the indorsement of a committee?

Mr. SPRINGER. I ask the Clerk to read the proposed order as amended, or desired to be amended.

The Clerk read as follows:

The Committee on Mines and Mining, to whom was referred the resolution fixing Monday, 24th day of May, 1886, for the consideration of the bill (H. R. 8084) on the Private Calendar, report the same back, with the following amendment, to wit:

Resolved, That Monday, 24th day of May, 1886 (after the call of States and Territories, &c.), is hereby set apart for the consideration of bills reported from the Committee on Mines and Mining.

The proposed amendments were read, as follows:

Strike out "Monday, the 24th day of May, 1886," and insert "Wednesday, the 19th day of January, 1887."

Before the words "is hereby set apart" insert "after the hour for the consideration of bills reported by committees."

Mr. HILL. Mr. Speaker, I desire to state for the information of the House that we do not wish to take up any time in the consideration of these bills beyond the reading of the reports of the committee, which will require only a little time. We do not want the whole day for debate.

Mr. HAMMOND. The gentleman from Ohio [Mr. HILL] says that if we set apart a day for the consideration of this bill he will take up no more time than may be occupied by the reading of the reports from his committee. There are very many other reports on this McGarrahan claim. It has been here a number of years; it is hoary-headed. The Judiciary Committee of this House in the last Congress reported unanimously against it. The object is now to go behind a decision of the Supreme Court made very many years ago.

Mr. HILL. The gentleman is mistaken.

Mr. HAMMOND. Perhaps I am. I am only showing how gentlemen will differ upon this proposition. At last the question resolves itself into this—whether the House, at this stage of the session, will agree to set apart a day to consider the McGarrahan claim, for that is what the committee really propose to take up; that is really what they suggest as the measure which this House should stop for a day to consider. I think the House should not adopt such a resolution.

Mr. OUTHWAITE. Mr. Speaker, a few days ago this committee when called was passed over, in order to allow it an opportunity to come in at a later day. Now, the gentleman in charge of the bills of this committee makes a statement that all the time which will be desired by the committee will be time sufficient for the reading of the reports on the bills. If that is so, then I suggest to him there would have been sufficient time for the committee to have brought forward their bills in the morning hour of to-day and to-morrow, and to have finished the consideration of those measures. I therefore think it unwise for the House to agree to give this committee a whole day. The gentleman has stated that all the time they want is not more than that which would be accorded to them in the two morning hours.

Mr. CLARDY. In response to the gentleman who has just taken his seat [Mr. OUTHWAITE], I will say that we have been prevented to-day from considering this bill in the morning hour because it is on the Private Calendar.

Mr. OUTHWAITE. You were not prevented from taking up the other bill—the bill to establish a commission of mines and mining, giving to it as much time for deliberation as, according to the statement of the gentleman from Ohio, it would require, and finally acting upon it.

Mr. CLARDY. That is very true; but the committee has felt that in one day, or even half a day, we would be able to consider both the bills which have been reported from this committee. While the one to which particular reference has been made, the McGarrahan bill, is a private bill, it is one which partakes of the nature of a public bill, and one which the committee reporting it believe that the good faith of this Government requires should be passed.

In reply to the gentleman from Georgia, I want to say that the Committee on the Judiciary of the last House of Representatives did not report unanimously against this bill. I believe, on the contrary, that no committee to whom this bill has been submitted of either House of Congress has ever brought in a unanimous adverse report.

Mr. HAMMOND. I did not say that the Judiciary Committee had reported unanimously against this bill, but that they had reported unanimously that McGarrahan had no claim, and that the Supreme Court had so decided.

Mr. CLARDY. I differ with the gentleman. I believe the minority of the committee emphasized the fact that he did have a claim, and a just one, and that the faith of the Government was pledged to the performance of the obligation imposed upon it.

Mr. MILLIKEN. Will the gentleman from Missouri permit me to ask him a question?

Mr. CLARDY. Certainly.

Mr. MILLIKEN. Is not this bill simply to send McGarrahan to the Court of Claims to have justice done him?

Mr. CLARDY. That is all. This bill reported by the Committee on Mines and Mining throws round the Government all the safeguards which any other bill looking to that question presented to this or the other House has done. Unless McGarrahan has a legal or an equitable demand against the Government, and that fact is established to the satisfaction of the courts of the country, he can not recover it, and the Government will not be involved in any liability.

Mr. MILLIKEN. Let me ask the gentleman another question.

Mr. CLARDY. Certainly.

Mr. MILLIKEN. Is it not true that all McGarrahan asks is to have an opportunity to test the validity of his claim in the courts?

Mr. CLARDY. That is all.

Mr. HAMMOND. The quit claim the Supreme Court has long since decided.

Mr. FELTON. Is it not a fact this claimant has no claim, and that that was decided by the Supreme Court?

Mr. CLARDY. I could not, Mr. Speaker, in the time allotted to me, undertake to answer that question, but if I am required to give a categorical answer, I say "no."

Mr. SPRINGER. It seems, Mr. Speaker, this assignment, if made, will give one day of this session——

Mr. HAMMOND. To a private bill.

Mr. SPRINGER. Yes, to the consideration of a private bill. Now, the McGarrahan claim has been pending in Congress for many years.

Mr. HILL. I have another bill of a public nature.

Mr. SPRINGER. If this assignment is made the day will be occupied in considering a private bill which has been pending in Congress for the last ten or fifteen years. It is on the Private Calendar, and if there is to be an assignment for this business, I suggest it be Friday, as that is set apart, under the rules, for the consideration of private bills.

There are many public bills pending and demanding the attention of the House. I would be glad if the House on that day would proceed to the consideration of a number of bills of public importance, but I hope the assignment will not be made for the consideration of this private bill.

Mr. DUNN. I have an amendment which I desire to offer.

The SPEAKER. There is an amendment pending to strike out

"Monday, the 24th of May, 1886," and insert "Wednesday, the 19th of January, 1887."

Mr. DUNN. My amendment will not be in order to that.

The SPEAKER. When this amendment is disposed of, the gentleman can offer another. The question now is on the motion of the gentleman from Ohio [Mr. HILL] to strike out the day fixed in the resolution, "Monday, the 24th of May, 1886," and insert "Wednesday, the 19th of January, 1887."

The House divided; and there were—ayes 51, noes 35.

Mr. CRISP. No quorum has voted.

The SPEAKER appointed as tellers Mr. CRISP and Mr. HILL.

The House again divided; and the tellers reported—ayes 70, noes 30.

Mr. CRISP. I withdraw the point of no quorum.

Mr. STEELE. I renew it.

The SPEAKER. Does the gentleman insist on the point of no quorum?

Mr. STEELE. No; I withdraw it at the request of the gentleman from Georgia [Mr. CRISP].

So the amendment was agreed to.

Mr. DINGLEY. I move to strike out the words "after the call of States and Territories," and to insert "after the hour for the consideration of bills."

Mr. HILL. I have no objection to that amendment.

The amendment was agreed to.

Mr. DUNN. I move to add to the resolution the following proviso:

Provided, Not to interfere with revenue bills, general appropriation bills, river and harbor appropriation bills, bills forfeiting unearned land grants to railroads, or prior special orders.

Mr. HILL. That puts in all the business pending in the House, and there might as well not be any resolution at all.

Mr. DUNN. I hope my distinguished friend from Ohio will not lose sight of the fact that the business coming under the head of special orders heretofore made has been set apart by the House as that which is most important, urgent, and necessary for the public interest to be disposed of by this Congress. Standing at the head of that business is the free-ship bill, which is one of great importance, and a long list beside—which I will not take up the time of the House to read—of important measures which have heretofore been set apart by the House as special orders, and thereby emphasized as being important and urgent. I do not think business of this kind should come in and set aside the consideration of these important measures.

Mr. HAMMOND. I move to amend the amendment by adding the following:

Nor shall any private bill be called up on said day.

Mr. BURROWS. That is all right.

Mr. HILL. Mr. Speaker, I hope the House will not adopt that amendment. If the House desires to vote down the resolution on its merits, why not do so openly? Why attack it in this manner? This, as has been said during the course of this discussion, is a measure which has been pending so long that nearly every member of Congress is more or less familiar with its merits, and is doubtless prepared to vote upon it without further discussion. Now, if the House does not see fit to give the committee a chance to have their report submitted to the House, stating the facts and reasons upon which they desire the bill considered, I hope they will give us a straight, fair, and square vote on the resolution without attacking it in this manner by attaching to it an amendment subjecting the resolution to nearly every bill on the Calendar.

With all due respect to my friend from Georgia, I submit that this is not a fair way to fight a measure.

Mr. HAMMOND. Will the gentleman allow me to interrupt him for a moment?

Mr. HILL. Certainly.

Mr. HAMMOND. As private bills are out of order to-day, and his resolution was out of order until he made it general, I do not think it fair that under cover of a resolution providing for the consideration of general business, he should undertake to get a day set apart for the consideration of private business.

Mr. HILL. There is nothing covert about it, for the gentleman from Georgia and every member of this House who has heard me must have heard the statement as to the purpose of that resolution.

Mr. HAMMOND. I do not mean that there is any covert purpose, but simply that if the resolution itself had been a resolution to consider a private bill only it would have been out of order to-day.

Mr. CLARDY. But it is not a resolution of that character.

Mr. HAMMOND. Of course, and that is just the covert thing about it, that it undertakes to permit a private bill to come in under cover of general bills.

Mr. CLARDY. There is nothing covert about it. It is understood that that bill is to be considered.

The SPEAKER. The hour for the consideration of bills has expired.

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President of the United States; which was read, with the accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Senate and House of Representatives of the United States:

I transmit herewith a report from the Secretary of State in relation to an invitation which has been extended to this Government to appoint a delegate or delegates to the fourth international prison congress, to meet at St. Petersburg in the year 1890, and commend its consideration to the favorable attention of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 11, 1887.

CONSIDERATION OF EDUCATIONAL BILL.

Mr. DANIEL, from the Committee on Labor, by unanimous consent, reported back as a substitute for House Miscellaneous Document 297, a resolution fixing Wednesday, January 19, 1887, for the consideration of the bill (H. R. 7266) to aid in the establishment and temporary support of common schools; which, with the accompanying report, was referred to the House Calendar, and ordered to be printed.

The original resolution was laid on the table.

ORDER OF BUSINESS.

Mr. HATCH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union to further consider the bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture.

Mr. WILLIS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIS. I wish to inquire whether, if the motion of the gentleman from Missouri is voted down, it will be in order to move to go into Committee of the Whole on the state of the Union, as I am instructed by the Committee on Rivers and Harbors to make that motion as soon as possible?

The SPEAKER. It will be in order, but it will be also in order to call up the special orders heretofore made by the House, and if the House declines to consider either of them, then the gentleman in that manner can gain the consideration of the appropriation bill.

Mr. WILLIS. I want to give notice that if the House shall see fit in its judgment not to go on with this bill to-day, I will make the motion to go into Committee of the Whole on the river and harbor appropriation bill.

The question being taken on the motion of Mr. HATCH, the House divided; and there were—ayes 105.

Before the negative vote was announced,

Mr. WILLIS said: Out of great respect to the judgment of the House I withdraw any further opposition.

So the motion of Mr. HATCH was agreed to.

DEPARTMENT OF AGRICULTURE.

The House accordingly resolved itself into Committee of the Whole (Mr. SPRINGER in the chair).

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the further consideration of the bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture.

There remains fourteen minutes of the time fixed for general debate on the bill.

Mr. HATCH. I yield five minutes to the gentleman from Georgia [Mr. HARRIS].

Mr. HARRIS. Mr. Chairman, I shall support this bill most heartily, believing as I do, sir, that it is not only lawful but expedient. It has been one of the cherished desires of my life to see the great interest of agriculture—an interest that knows no State lines, no North, no South, no East, no West, the substratum of prosperity throughout the length and breadth of the land—recognized in this manner. To me, sir, it is no new or novel question. More than ten years ago, in my place upon this floor, I uttered language in support of this proposition which I desire to reiterate and repeat to-day; and I not only desire to repeat it, but I desire to emphasize it with all the additional weight which experience and observation and a lifetime of personal identification with this great national industry justify; and when it is facetiously asked by my esteemed friend from Virginia [Mr. TUCKER], whom I do not now see in his seat, what the Commissioner of Agriculture, when elevated to the dignity of Cabinet officer, shall do around the national board, I will not stultify myself or impair his just claims to statesmanship, either of head or heart, by attributing anything else to him than that it is simply a facetious inquiry.

What will a Cabinet officer do around a national board in portraying and setting forth the interests and the demands of the greatest question which stirs the people of this country to-day, secondary, in my humble judgment, to but one question which has agitated this Congress since its assembling? First, highest, and greatest of all is the reduction of the taxes of the people, among whom are a large percentage of the people who are represented in this bill and from whose hard earnings and toil and sweat a very large percentage of these illegal and oppressive taxes are daily extorted. What question is there in this country that is more intimately allied with every interest, whether of commerce or of production or any of the interests that animate this country, than the great question of agriculture? In the primeval days

of this Government it was not considered a secondary question. The great father, the immortal Washington, in his second message to the Congress of the United States, called the attention of that Congress to this great and growing interest, and invoked for it legitimate protection; and I desire, Mr. Chairman, to repeat, word by word, the language which fell from my lips ten years ago in advocacy of this very measure.

The immortal Washington, in his second annual address to Congress, used the following language:

"The advancement of agriculture, commerce, and manufactures by all proper means will not, I trust, need recommendation; but I can not forbear intimating to you the expediency of giving effectual encouragement as well to the introduction of new and useful inventions from abroad, as to the exertions of skill and genius in producing them at home."

And he adds:

"Nor am I less persuaded that you will agree with me in opinion that there is nothing which can better deserve your patronage than the promotion of science and literature. Knowledge is, in every country, the surest basis of public happiness."

The answer of the House, drafted by Mr. Madison, and adopted unanimously without alteration, fully indorses these sentiments. It said:

"We concur with you in the sentiment that agriculture, commerce, and manufactures are entitled to legislative protection."

Such, sir, were the wise and liberal sentiments of Washington, Madison, and their patriotic compeers respecting the promotion by Congress of these great sources of national prosperity and happiness. In these days of political degeneracy, and of departure from the well-defined landmarks of constitutional government, it is well to pause in our mad career of apostacy, and recur to the teachings of the founders of our political system. How striking the contrast presented in the earnest recommendation to Congress of these great interests by the father of the Republic, and the indifference and neglect with which they are treated by the legislators of the present day. While I am glad to admit that we have bestowed some care and attention upon our commerce and manufactures, what, I ask, has the Government done to foster and encourage this greatest of all our interests? The language of modern statesmanship is that "agriculture can take care of itself." Acting upon this mistaken and short-sighted policy, we are almost persuaded to withdraw even countenance and support from the only Department and representative it has in our national organization. If appropriations are asked commensurate with its demands and dignity, the application is ridiculed and denounced as the sheerest extravagance. Forgetting that this great interest supplies three-fourths of the revenues of the Government, and the entire food and clothing of the nation, furnishing all with an unselfish hand, there are to be found some among us who are inclined to withhold the appropriation of even a small sum of money for the distribution of improved varieties of seed, and to publish the annual reports of the Agricultural Department; even though, by so doing, they deprive the farmers of the country of the information which they both need and desire, the dissemination of which would contribute very largely to the development and improvement of all of our industrial interests.

As a Representative in the American Congress, I should rejoice to see the farmers of this country fully aroused to an appreciation of the superior claims which they have as a matter of right and justice upon this Government. And here I am free to say that, if our present financial condition were such as to authorize it, I should be ready to urge this Congress to so enlarge our Agricultural Bureau as to make it one of the Departments proper. Yes, sir; I would group together the leading industries of the country—agriculture, commerce, manufactures, mines and mining—and organize them into a department, with cabinet representation, and thus establish the grandest, most important, and beneficent branch of the Federal Government. The truth is, we have done so little for the protection and development of our agricultural industries, that we to-day find that two of its leading products, to wit, cotton and grain, which we never thought could find rivals anywhere, are not only being driven out of the foreign market, but are destined in a few years, if our present policy continues, to find active competition even at home—India sending cotton and Russia grain to the United States. But a little while ago we were boasting that cotton was king, and America the corn-house of the world. To-day, for the want of an enlarged and conservative system for protecting and developing our industrial resources, we find the scepter which we once held in proud triumph rapidly departing from our hands.

Now, I want any gentleman on this floor who can do so to point me to a single provision of this bill that infringes on the Constitution of the country, which I revere as much as any man on this floor. Why, sir, a few years ago it required five bushels of grain produced by a Western farmer to enable one bushel to reach a market in the East. And when I say to you to-day that the agriculturists of this country are producing the great staple of the country, which is your principal article of export, at an actual loss and selling it in your markets at less than the cost of production, I state to you what I know. Gentlemen may get up and talk about the increasing prosperity of this country, and point to the low rates of interest at the centers of the North and East as evidence of growing prosperity; whereas, I, coming from another section of the country, and other gentlemen well know that there is scarcely a dollar which goes into the production of this great staple that does not cost the producer of the soil 1 per cent. per month.

[Here the hammer fell.]

Mr. HATCH. I yield two minutes further to the gentleman from Georgia [Mr. HARRIS].

Mr. HARRIS. A few years ago the agriculturists of my State, embodying the assembled wisdom of my State, after a thorough investigation, predicated upon practical, every-day experience, stated that the actual cost of a pound of cotton in the cotton States was 8½ cents per pound; and that, while the average cost of the production of cotton is 8½ cents, the average price received from the sale has not exceeded 8¼ cents in the last eight years.

I should have liked that under other circumstances I had had the time allowed me to make further remarks on this question. I ask in conclusion who supply the commerce of the country but the producers of the country? Who are more interested in the great interstate-commerce bill, which is occupying just now with so much anxiety the minds of legislators at both ends of the Capitol? This industry is to-day suffering almost a pecuniary paralysis and needs every encouragement that legislation can give it and that it can receive from every source.

Mr. HATCH. I yield five minutes to the gentleman from Kansas [Mr. PETERS].

Mr. PETERS. When this bill was last under consideration the gentleman from Virginia [Mr. TUCKER] took the position that there was nothing in the Constitution warranting the creation of a cabinet officer for the control of this Department. In that view I can not concur. The only provision in the Constitution providing for the creation of any cabinet office is to be found in section 2 of Article II, the part of which referring to this I will read:

The President may require the opinion, in writing, of the principal officer in each of the Executive Departments upon any subject relating to the duties of their respective offices.

There is not a single sentence in the Constitution that directly authorizes the creation of any cabinet office; nowhere in the Constitution is the word "cabinet" mentioned. Like the word "agriculture," it is conspicuous for its absence. Nowhere are the words "Secretary of the Navy," or "Secretary of War," or "Secretary of the Interior," or "Secretary of State" mentioned in the Constitution.

Now, I take the position that wherever the Congress of the United States has jurisdiction over the subject-matter, then the manner of the exercise of that jurisdiction is a question of governmental policy and not of constitutional law. How do we obtain the right to control interstate transportation? Why, as the gentleman from Virginia [Mr. TUCKER] said, we obtain it through the power given in the Constitution to control and regulate commerce between the different States; yet when that provision was placed in the Constitution, our fathers, who placed it there, knew nothing of railroad transportation. Such a thing as a railroad, or a telegraph, or a telephone, or oleomargarine, was unknown to the fathers of the Constitution. [Laughter.] Consequently, there must be an enlargement of the meaning of the words contained in that provision of the Constitution before we can have jurisdiction to legislate at all upon the question of interstate commerce as it now exists.

Now, I say that Congress, having the jurisdiction to legislate upon this question of interstate commerce, the manner of the exercise of that jurisdiction is not a question of constitutional law, but, as I have already said, is merely a question of governmental policy, and the only question to be ascertained is whether the Congress of the United States has jurisdiction over the subject-matter. Now, it will not be denied that the Congress of the United States has jurisdiction over the subject of agriculture, and, having jurisdiction over that subject, as is evidenced by the large number of bills that have been passed from time to time, affecting the agricultural interests of the country, the one question remaining to be considered in connection with this bill, so far as the Constitution is concerned, is the question whether it is proper policy for us to control this matter of agriculture through a Cabinet position, or whether we had better control it, as we do to-day, by the supervision of a Commissioner of Agriculture.

As to the question of policy, I know it has been urged against this bill that it is not for the benefit of agriculture, and that all that the agricultural interest desires can be accomplished by State legislation. But what can State legislation do in regard to this subject. A State legislature has jurisdiction only over certain local matters which are almost equally within the control of the farmer himself. What the farmer desires to-day is that larger and broader legislation shall be enacted, taking into consideration the question of interstate commerce, the question of the tariff, the question of exports and imports, and a large number of other economic questions which affect the great agricultural interests of the State.

[Here the hammer fell.]

Mr. PETERS. Mr. Chairman, I would like a few minutes more.

Mr. HATCH. I have only two minutes remaining, and I have promised that time to the gentleman from Illinois [Mr. PLUMB].

Mr. PLUMB. Mr. Chairman, when this bill was being discussed by the Committee of the Whole, the other day, the gentleman from Virginia [Mr. TUCKER] expressed doubts as to whether the advocates of the measure proposed had read the Constitution lately; and he further insisted that there is not to be found in that instrument any authority for the creation by Congress of a department of agriculture and labor.

Now, sir, it may be deemed presumptuous in the extreme for one like myself to call in question the correctness of the views so eloquently expressed by the distinguished constitutional lawyers on this floor, who insist that to create a department in the interest of the industries of the country is "an abhorrent breach of the Constitution," as the gentleman from Arkansas [Mr. BRECKINRIDGE] puts it, and a bill "unconstitutional in its character," according to the gentleman from Virginia [Mr. TUCKER].

Sir, these are very grave suggestions, and whenever made in respect to any measure on which it is my duty to vote the obligations I took when I became a member of this body impel me to such an examination of the question as I alone can give. I can not yield this personal duty to another, not even to those who have made the law their study and have spent their lives in expounding it.

Section 8 of the First Article of the Constitution gives to Congress the right to "lay and collect taxes, duties, imposts, and excises," and it is because "the constitutional function is prescribed in these express

terms," says the gentleman from Virginia [Mr. TUCKER] "that we have a Treasury Department."

Now, I ask, has the gentleman read the entire section from which he quotes? "Not lately," I presume, for if he had he would have found that the power to provide for the general welfare is conferred upon Congress as clearly as the power to lay and collect taxes, duties, imposts, and excises. It must be borne in mind that nowhere in the Constitution is the power to create a department conferred upon Congress in express terms. Nor is there any allusion to the subject except the words, "to make all laws which shall be necessary and proper to carry into execution the foregoing powers and all other powers vested by the Constitution in the Government of the United States, or in any Department or office thereof."

Mr. Chairman, I submit that if Congress has the power to create a Department called the Treasury Department, and place over it a Secretary, because the express power "to lay and collect taxes" is granted in section 8, it has also power to create another department and call it the Department of Agriculture and Labor, because, in the judgment of Congress, the promotion of the "general welfare" can best be subserved thereby. Can there be any question about the propriety of fostering by judicious legislation such vast interests as those named in the bill under discussion? I know that it is claimed here that a special department of the Government is not necessary for this purpose; that notwithstanding the wealth of the nation is produced by labor performed by the people, Government should not in any way exert its powers for the protection of the wealth producer; that the laws of trade, so-called, are all that can be properly invoked to further the interests of those who constitute the large class who are to be vitally affected by the bill.

Mr. Chairman, there is a large party on this floor who have been schooled to think that government exceeds its just powers and proper functions whenever it goes further than to preserve order and to make life and property secure to its possessors; this done, the law of "the survival of the fittest" should have full sway. Sir, such deny that there is any "general welfare" clause in the Constitution that has any higher purpose than to provide for so collecting the taxes as to promote the general welfare. They are strict constructionists of such sort as to hold that there must be an express provision in the very words of the Constitution to warrant any proposed legislation; they forget "that the letter killeth and the spirit maketh alive."

The spirit of the Constitution rather than the letter furnishes authority to create any one of the existing Departments of the Government. The Department of the Interior was created not because of an express grant, but to meet a felt and legitimate want springing naturally and inevitably out of the growth of the country, and the ever-increasing needs of a people intent on reaping to the full the benefits and blessings of a progressive civilization.

When the words of the Constitution were penned there existed only the faintest intimation of the nation that we have even now come to be. Without steam navigation, without the locomotive, without a promise of the telegraph or telephone, and, what is more, without a realization of that new and mighty force in civilization which the absolute freedom of the individual citizen was destined to introduce, it is not a cause for wonder that the written words of the Constitution did not anticipate all future possibilities of the Republic. But it is certain that the great instrument on which this Government rests, when taken in the same spirit in which it was penned and adopted, is broad enough to bind in one happy and prosperous nation the yet unnumbered millions who are to become citizens of the several States that may compose it.

But, Mr. Chairman, this grand future can not be realized by looking back. Man was not made to be chained to the dead past; he must be free to move onward to higher and better conditions, or he must retrograde. Our noble Constitution may, and doubtless will, have to be amended in the future as it has been in the past, and legislation under it must likewise partake of the spirit of progress, or we as legislators will fail of meeting the requirements of the people whose representatives we are.

Mr. Chairman, the gentleman from Virginia [Mr. TUCKER] seems to make a distinction in favor of what he terms the "old Constitution" of the United States. This peculiar language leads me to ask the gentleman, how old a Constitution must be to secure the benefit of his defense? And I especially desire to know if the amendments are full sharers in his patriotic devotion to that great document? It may be, sir, that he is one of a class who deny the validity of a portion of the amendments and who are anxiously awaiting the time when a partisan Supreme Court shall declare that they are of no binding force. Sir, I hope the gentleman had no such thought and has no such purpose, but that the oath to support the Constitution of the United States which he took in common with every other member on this floor was without any mental reservation whatsoever.

The pedestal on which the Constitution rests is the original Bill of Rights, and from that declaration came the guiding inspiration that penned the old Constitution and every amendment thereto. Nor can it be otherwise than that other amendments will be demanded to define such new powers as a free people may choose to clothe their Government with, in order to achieve the highest good of all. But, sir, there is no amendment required to fully authorize the legislation proposed in this bill. In my humble opinion, the time has come when legislators should keep step with the people; should realize that the world moves; that we as a nation have started upon a new career, a career of freedom, with all that that implies. Freedom means growth, and growth makes new conditions and calls for action suited thereto. Freedom means progress, and leads to prosperity for all, and security for all. It means that in a "government of, and for, and by the people" none shall be excluded from making their impress on it.

Those engaged in gainful operations in this country—by which is meant the agriculturist, the artisan, the manufacturer, the miner, the wage-worker, and all who go forth to their daily toil—comprise more than half of our entire population, and of these the agriculturists are the most numerous. Altogether these toilers constitute the very life of the Republic; they not only produce the wealth, but they pay the taxes, and they hold in their hand the ballot, which is the highest political power we have. Their prosperity is the prosperity of all; their strength is the nation's only reliance. Seven millions five hundred thousand men—which is 44 per cent. of our working population—are engaged in agriculture. Ten thousand millions of dollars are invested in farm lands, and four hundred millions in farm implements and farm machinery, fifteen hundred millions in live-stock for these farms, and the annual product of farms and stock is twenty-two hundred millions of dollars.

It must be conceded that the agricultural interests of the country, vast as they now are, and bound to be increased beyond any present comprehension, are alone sufficient to demand the care and the protection of a special department; but the bill goes further and very properly includes "labor in its relation to capital, the hours of labor, the earnings of laboring men and women, the means of promoting their material, social, intellectual, and moral prosperity, and the best means to protect life and prevent accidents in mines, workshops, factories, and other places of industry."

It is difficult to give here the statistics of the various industries which would participate in the benefits of the department sought in this bill. These industries are defined with more clearness in the bill having the same general purpose, introduced by the gentleman from Texas [Mr. REAGAN], but it is sufficient to say that the material interests of more than one-half of the entire population of the United States would, in my judgment, be promoted by the creation of the proposed new department. This bill proposes to give this important portion of the people a department clothed with such powers and directed to such duties as shall, by gathering and disseminating every pertinent fact, increase their ability to accomplish results.

Capital has availed itself of existing laws and has combined for its own protection and advancement. To this no one can reasonably object; neither can we, with reason, object to giving to those who alone produce capital the benefit of having a secretary whose duty it will be to represent this important element in the councils of the President.

Mr. Chairman, gentlemen who oppose this bill tell us that it is because Government can declare war that we have a War Department. I ask such if it is not also true that Government can declare peace, and if so, may we not have a peace department?

The department sought for by the bill is emphatically a peace department—a department fully as important as that of war. The very men whose interests are to be promoted by the creation of the department sought are the men who fill our armies—if they are to be filled at all—and who win our victories, if they are won. And this is not all. When peace is declared they lay down their arms and return to their farms, mines, and workshops, and by their labor create the wealth that pays every dollar of the expense incurred in war.

Sir, we have a Navy Department—at least in name—and, for one, I think it ought to be strengthened for the protection of our commerce, should the time ever come when we have a commerce on the seas to protect; but, Mr. Chairman, the surest defense on sea or land that the great Republic can have is the prosperity and happiness of her people—of the very ones for whom the new department is intended, the bone and sinew of the land.

If, then, the War Department and the Navy Department are for national protection and therefore have the the right to be, why not give a department to that interest which as a means of national protection outstrips them both? I say outstrips them both, and I say it advisedly. Why, sir, there is not a nation in existence that will ever seriously entertain the idea of engaging in war with the United States, either by land or by sea, so long as our people are united and prosperous. With material resources unbounded, with numerical strength equal to the requirements of the largest army the world can produce, and with a reserve force on our farms and in our workshops full of ingenuity and capable of meeting any demand and every emergency, and with a debt-paying power which belongs to no other people on earth, if we are guided by counsels wise enough to demand of other nations nothing but what is right, and are firm enough to submit to no wrong, we shall not be menaced with war, provided our own people are prosperous, united, and happy.

Build the navy if you will, erect if you wish defenses for our extensive seacoast, for to do so will employ labor and use up our wasting raw

materials, but this all done, our surest defense against invasion will be found in the well-paid employment of those who are workers on our farms, in our workshops and mines.

Mr. Chairman, I shall vote for the bill recommended by the committee if the Committee of the Whole House does not substitute for it the bill introduced by the gentleman from Texas [Mr. REAGAN], a bill which, in my judgment, has superior claims to support.

My reasons for preferring the bill introduced by Mr. REAGAN are that it provides for all that the bill under consideration does, and goes further and in a more comprehensive manner classifies various branches of agricultural activity, and defines the duties of each of the bureaus proposed in the bill. These are the bureau of agricultural products, the bureau of animal industry, and the bureau of lands. These several bureaus with the specific duties assigned to each, it seems to me, meet fully the requirements of agriculture.

In a like full and clear manner the Reagan bill provides for a division of labor, and a division of commerce, and it transfers to this division the duties relating to our domestic commerce, now devolved by law upon the Treasury Department. These several divisions, it will be seen, comprise all of the great industries of the country, and it seems to me that all of them should be comprised in the "department of industries."

Mr. Chairman, it is thought by some that the interests of our domestic or internal commerce are so at variance with those of agriculture and mining, and the other industries named, that it would prove unwise to unite them in one department. Sir, to me it appears that the seeming diversity of interests is not real, and that the establishlishment of a department, with its various bureaus gathering facts in relation to all these branches of industry, would show to the agriculturalists, the miner, the manufacturer, and transporter, what their real interests are, and would thereby tend to demonstrate the real mutuality of those interests.

It must be remembered that the men engaged in these several industries are fair-minded, and while each class demands the fair thing for its particular interest, it would not withhold from another class whatever is just and proper. What is needed especially is such light as all facts bearing upon production, transportation, and consumption will give; and these facts, which, under the provisions of the Reagan bill, are so certain to be gathered, should go together to the country and be known to every one of these branches of workers alike.

But, Mr. Chairman, I trust that no division of opinion as to which is the better bill will prevent favorable action on this proposition to create the new department. Sir, the rapid development of the several industries named in these bills admonish us that some plan should be devised to foster them that shall be able fully to meet their growing needs.

The legislation sought is not for the benefit of any section or any single State; it is for the entire body of toilers and wealth producers in the land.

Mr. Chairman, having endeavored to show that the creation of the new department of agriculture and labor is not only constitutional but is demanded, in order that the highest interests of the wealth producers may be promoted in a degree commensurate with their importance, I will only refer to one more argument in favor of this measure, namely, its necessity as a means of relieving existing departments of business burdens sure to be thrust upon them.

Whoever properly estimates the future growth of this country must conclude, with the new department created, and with all that is proposed to transfer from existing departments to the new one, enough will remain in the Departments of the Interior, Treasury, and War to fully occupy them, especially if these duties are well discharged. It should be remembered that the sixty millions of people we now number only marks the beginning of our growth; that our farms and mines, as well as our interstate commerce, are only in the infancy of their development; and if we act wisely we shall now, by the adoption of the proposed new department, make ready for proper governmental care of these growing interests.

The CHAIRMAN. General debate on this bill is exhausted. The bill will now be read by sections for amendment and consideration, under the five-minute rule.

The Clerk read as follows:

SEC. 2. That there shall be in said department an assistant secretary of agriculture and labor, to be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such duties as may be required by law or prescribed by the secretary.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I desire to move to strike out that section, which I believe is the one that provides for an assistant secretary. I do not see any reason why there should be an assistant secretary, in view of the duties that are imposed upon the secretary by this bill.

Mr. HATCH. I will say to the gentleman from Kentucky [Mr. BRECKINRIDGE] that that provision is in the bill reported from the Senate committee, and upon consideration the House committee deemed it very advisable that there should be an assistant secretary. A large portion of the duties of the secretary will require him to visit different sections of the country, and it is absolutely necessary that there should be a head of the department in his absence. I trust that the gentleman will not press his amendment.

Mr. BRECKINRIDGE, of Kentucky. I have no disposition, Mr. Chairman, to make anything like factious opposition to this bill, but it seems to me that the duties imposed upon the head of this department are comparatively not so laborious as those of the heads of the other Departments of the Government.

Mr. HATCH. On the contrary, Mr. Chairman, I think that after the department is established it will develop into the largest and most important of the Executive Departments. The secretary will have to be absent a great deal in different sections of the country, and it will be necessary that some one should have authority to represent him at the head of the department here.

Mr. BRECKINRIDGE, of Kentucky. Well, Mr. Chairman, I have no desire to press my objection, and I withdraw the amendment, simply saying that this looks to me like providing a useless office for some good Democrat to fill. [Laughter.]

Mr. HATCH. There will not be any objection to some good Democrat filling it.

The Clerk read as follows:

SEC. 5. That there shall be in the department of agriculture and labor a division which shall be under the charge of a commissioner of labor, who shall be appointed by the President, by and with the advice and consent of the Senate. The commissioner of labor shall hold his office for four years, and until his successor shall be appointed, unless sooner removed, and shall receive a salary of $4,000 a year. The commissioner shall collect information upon the subject of labor, its relation to capital, the hours of labor, the earnings of laboring men and women, the means of promoting their material, social, intellectual, and moral prosperity, and the best means to protect life and prevent accident in mines, workshops, factories, and other places of industry. The secretary, upon recommendation of said commissioner, shall appoint a chief clerk, who shall receive a salary of $2,000 per annum, and such other employés as may be necessary for said division. The commissioner shall annually make a report in writing to the secretary of agriculture and labor of the information collected and collated by him, and containing such recommendations as he may deem calculated to promote the efficiency of the division. The secretary of agriculture and labor shall be empowered to inquire into the causes of discontent which may exist between employers and employés within the United States, and he may invite and hear sworn statements from both such parties concerning the matters in controversy. The secretary shall make a report annually to Congress upon the condition of labor in the United States, accompanied by such recommendations as he may deem important; and said reports, with accompanying documents, shall be printed and bound in a volume separate and apart from the reports on agriculture.

Mr. FORAN. I move to amend by striking out in line 7 of section 5 the word "four," and inserting "five," so as to read "$5,000 a year." I do not propose to occupy much time upon this amendment. I understand the chairman of the Committee on Agriculture will not seriously antagonize the proposition.

Mr. HATCH. I not only shall not antagonize it, but I shall vote for it. I believe that the importance of the position justifies the salary proposed in the amendment.

Mr. FORAN. Then I do not care to discuss the proposition. I ask that the amendment be adopted.

The amendment was agreed to.

Mr. MILLS. I move to amend by inserting after the words "hours of labor" in the 9th line of the 5th section the following:

The rate of wages, the cost of production of the articles produced, and the increase in the productive efficiency of labor.

Mr. WEAVER, of Iowa. That is all right.

Mr. HATCH. There is no objection to that amendment.

The amendment was adopted.

The Clerk read as follows:

SEC. 6. That the act approved June 27, 1884, establishing a Bureau of Labor, is hereby repealed.

Mr. HATCH. I understand that the gentleman from Iowa [Mr. MURPHY] desires to offer an amendment and to submit some remarks.

Mr. MURPHY said:

Mr. CHAIRMAN: I move, *pro forma*, to amend by striking out the last line of this section, and I submit, Mr. Chairman, that there should be no opposition to this bill when we take into consideration the interests demanding it and the great amount of good that it will accomplish. This bill should pass, and receive, by reason of its merit, the same indorsement it received by the joint action of the two standing committees of this House that unanimously reported in favor of its passage, and in the brief time allowed me I will try to furnish a few reasons for the faith that is in me. And is it not true, Mr. Chairman, that governments like ours are instituted solely in the interest and for the benefit of the governed? Hence, is it not our duty as the law-making power to see that such laws are enacted as will do the greatest good to the greatest number? And is not a Republican form of government a government of the people, for the people, and by the people?

You may ask what has that to do with the passage of this bill that by its provisions creates another Cabinet officer. Listen and I will tell you. Is it not well known that our Government has three fundamental and distinctive branches, legislative, executive, and judicial? The first is the creative power; the second, the meditative, reflective, and sanctionary power; the third, the interpreting and enforcing power.

Now, no one will question the right of the agriculturist or laborer,

if he be a citizen, to take a part in the legislative branch of our Government. Then should he not, per force of the same reason and right, have a voice and representation in the councils of the executive branch of the Government? I think he should.

As the law stands to-day we have seven Cabinet offices—the State Department, the Treasury Department, the War, the Navy, the Interior, the Post-Office, and the Law Department—and while we find the Agricultural Department independent, it has no voice in the executive branch of the Government.

Now, it can not be justly claimed that any of those Departments have as much interest in this Government, or those they represent, as the farmers, producers, and laboring people. Numerically the latter outnumber them tenfold.

Mr. Chairman, we all know that knowledge and theory is one thing, but that wisdom is only found in the practical walks of life. Hence, I draw a distinction between theory and practice. And while "law is a rule of action applied indiscriminately to all kinds of actions, whether animated or inanimated, rational or irrational," is it not wise and just that we have also a court of equity? And that court of equity tells you "that it will correct that wherein the law, by reason of its universality, is deficient." Hence, I say, if any one has constitutional doubts that this department of agriculture and iabor ought not to be created, should not justice and equity remove that doubt, and let that great body of our people, the largest numerically, the strongest financially, and, to my mind, the best morally, have a single voice in the executive branch of this Government?

And, Mr. Chairman, the statement is not made blindly, for an examination of the Census Report of 1880 will show 7,670,493 persons engaged in agriculture, 3,837,000 in manufacturing and mining, making a total of about 11,500,000 persons, while in all other professions and vocations in the walks of life a trifle less than 6,000,000 is the total, thereby showing that the laborers and producers of this country are numerically double all others. And is it not a fact that all the wealth, all the comforts and blessings of life, primarily come from the surface or out of the earth, and can be obtained only by labor? We find by the Census Report of 1880 that the farmers and agriculturists had $10,197,000,000 in round numbers invested; in mining and manufacturing, $2,790,000,000; making a total of $13,000,000,000. We also find on investigation, that, in 1880, 83 per cent. of all our exports were farm products; in 1881, 82½ per cent.; in 1882, 75 per cent.; in 1883, 77 per cent.; in 1884, 74 per cent., and in 1885, 73 per cent.

So you see, Mr. Chairman, this statement asserts mathematically that the honest farmer, "the noblest work of God," not only produces enough for himself and family, but enough to feed, nourish, and maintain his neighbors and friends, who are represented by other cabinet officers, and then to ship abroad to a foreign market three times as much as all other products and industries.

Then, I ask in the name of justice and right, are they not entitled to a voice in the executive councils and the calm deliberations of this Government? We think they are, and hence will support this bill.

The CHAIRMAN. Does the gentleman from Iowa [Mr. MURPHY] withdraw his formal amendment?

Mr. MURPHY. I do.

Mr. HATCH. I move that the committee now rise and report the bill as amended to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture, had directed him to report back the same with sundry amendments, and with the recommendation that it be passed as amended.

Mr. HATCH. I demand the previous question on the adoption of the amendments and on ordering the bill to be engrossed and read a third time.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any of the amendments? [A pause.] If not, the Chair will put the question on the amendments in gross.

The amendments reported from the Committee of the Whole were agreed to.

The question recurring on ordering the bill as amended to be engrossed and read the third time.

Mr. BRAGG said: I call for the yeas and nays.

Several MEMBERS. Let us take the yeas and nays on the passage of the bill.

Mr. BRAGG. I withdraw the demand for the present.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HATCH. I demand the previous question on the passage of the bill.

The previous question was ordered.

The question recurring on the passage of the bill,

Mr. HATCH said: On this question I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 226, nays 26, not voting 67; as follows:

YEAS—226.

Adams, G. E.	Dougherty,	Landes,	Rowell,
Allen, J. M.	Dunn,	Lanham,	Rusk,
Anderson, C. M.	Eldredge,	Lawler,	Ryan,
Anderson, J. A.	Ellsberry,	Le Fevre,	Sadler,
Atkinson,	Ely,	Lehlbach,	Sawyer,
Bacon,	Ermentrout,	Libbey,	Sayers,
Baker,	Evans,	Little,	Scott,
Ballentine,	Everhart,	Long,	Scranton,
Barbour,	Farquhar,	Lore,	Sessions,
Barksdale,	Felton,	Lovering,	Seymour,
Barnes,	Findlay,	Lowry,	Shaw,
Bayne,	Fleeger,	Markham,	Singleton,
Bennett,	Foran,	Martin,	Skinner,
Bingham,	Frederick,	Matson,	Smalls,
Blanchard,	Fuller,	Maybury,	Snyder,
Bland,	Funston,	McAdoo,	Sowden,
Bliss,	Gay,	McComas,	Spooner,
Bound,	Geddes,	McCreary,	Springer,
Boutelle,	Gibson, C. H.	McKenna,	Stahlnecker,
Boyle,	Glass,	McKinley,	Steele,
Brady,	Goff,	McMillin,	Stephenson,
Brown, C. E.	Green, W. J.	McRae,	Stewart, Charles
Brown, W. W.	Grosvenor,	Milliken,	Stone, W. J., Ky.
Brumm,	Grout,	Mills,	Stone, W. J., Mo.
Buchanan,	Guenther,	Morgan,	Storm,
Buck,	Hale,	Morrill,	Strait,
Bunnell,	Hall,	Morrow,	Swinburne,
Burnes,	Halsell,	Muller,	Swope,
Burrows,	Harmer,	Murphy,	Symes,
Bynum,	Harris,	Neal,	Tarsney,
Cabell,	Hatch,	Neece,	Taylor, E. B.
Caldwell,	Haynes,	Negley,	Taylor, I. H.
Campbell, J. M.	Heard,	Nelson,	Taylor, J. M.
Campbell, J. E.	Hemphill,	Norwood,	Thomas, J. R.
Carleton,	Henderson, D. B.	O'Donnell,	Thomas, O. B.
Caswell,	Henderson, J. S.	O'Ferrall,	Townshend,
Catchings,	Hepburn,	O'Hara,	Trigg,
Clardy,	Hermann,	O'Neill, Charles	Van Eaton,
Clements,	Hiestand,	O'Neill, J. J.	Van Schaick,
Compton,	Hill,	Osborne,	Wade,
Conger,	Hires,	Outhwaite,	Wadsworth,
Cooper,	Hitt,	Owen,	Wait,
Cowles,	Holmes,	Parker,	Wakefield,
Crain,	Hopkins,	Peel,	Ward, J. H.
Crisp,	Houk,	Perkins,	Ward, T. B.
Croxton,	Howard,	Perry,	Weaver, J. B.
Culberson,	Hudd,	Peters,	Weber,
Cutcheon,	Hutton,	Pettibone,	Wellborn,
Daniel,	James,	Phelps,	Wheeler,
Davenport,	Johnston, J. T.	Pindar,	White, A. C.
Davidson, A. C.	Johnston, T. D.	Pirce,	White, Milo
Davidson, R. H. M.	Jones, J. H.	Plumb,	Wilkins,
Davis,	Ketcham,	Reed,	Wilson,
Dawson,	Kleiner,	Richardson,	Wise,
Dingley,	Laffoon,	Riggs,	Wolford.
Dockery,	La Follette,	Rockwell,	
Dorsey,	Laird,	Romeis,	

NAYS—26.

Adams, J. J.	Cobb,	Herbert,	Ranney,
Blount,	Cox, W. R.	Lindsley,	Rogers,
Bragg,	Dargan,	Mahoney,	Throckmorton,
Breckinridge, C. R.	Eden,	Merriman,	Tillman,
Breckinridge, W C P	Ford,	Miller,	Turner.
Campbell, Felix	Hammond,	Morrison,	
Campbell, T. J.	Hayden,	Oates,	

NOT VOTING—67.

Aiken,	Gallinger,	Lyman,	Struble,
Allen, C. H.	Gibson, Eustace	Millard,	Taulbee,
Barry,	Gilfillan,	Mitchell,	Taylor, Zach.
Belmont,	Glover,	Moffatt,	Thompson,
Browne, T. M.	Green, R. S.	Payne,	Tucker,
Burleigh,	Hanback,	Payson,	Viele,
Butterworth,	Henderson, T. J.	Pidcock,	Wallace,
Candler,	Henley,	Randall,	Warner, A. J.
Cannon,	Hiscock,	Reagan,	Warner, William
Collins,	Holman,	Reese,	Weaver, A. J.
Comstock,	Irion,	Rice,	West,
Cox, S. S.	Jackson,	Robertson,	Whiting,
Curtin,	Johnson, F. A.	Seney,	Willis,
Dibble,	Jones, J. T.	Spriggs,	Winans,
Dunham,	Kelley,	Stewart, J. W.	Woodburn,
Fisher,	King,	St. Martin,	Worthington.
Forney,	Louttit,	Stone, E. F.	

So the bill was passed.

During the roll-call,

Mr. TOWNSHEND said: I am paired with my colleague, Mr. HENDERSON, but understanding he would vote for this bill, I have had my vote recorded in the affirmative.

On motion of Mr. HATCH, by unanimous consent, the reading of the names was dispensed with.

Mr. WADSWORTH. I wish to announce that my colleague, Mr. TAULBEE, is detained from the House on account of sickness.

The following pairs were announced until further notice:

Mr. SENEY with Mr. JOHNSON, of New York.

Mr. FORNEY with Mr. LYMAN.

Mr. WINANS with Mr. BAYNE.

Mr. COLLINS with Mr. DUNHAM.

Mr. TAULBEE with Mr. PAYSON.

Mr. TOWNSHEND with Mr. HENDERSON, of Illinois.
Mr. REESE with Mr. WEAVER, of Nebraska.
Mr. GLOVER with Mr. WARNER, of Missouri.
Mr. MITCHELL with Mr. WHITING.
Mr. WALLACE with Mr. RICE.
Mr. CANDLER with Mr. MILLARD.
Mr. STEWART, of Texas, with Mr. STEWART, of Vermont.
Mr. KING with Mr. BROWNE, of Indiana.
Mr. PIDCOCK with Mr. GILFILLAN.
Mr. REAGAN with Mr. HISCOCK.
Mr. HOLMAN with Mr. CANNON.
Mr. CURTIN with Mr. NEGLEY, until January 12.
Mr. WARNER, of Ohio, with Mr. BUTTERWORTH, on this bill.
Mr. COX, of New York, with Mr. BURLEIGH.
Mr. DIBBLE with Mr. ALLEN, of Massachusetts.
Mr. BARRY with Mr. ZACH. TAYLOR.
Mr. ROBERTSON with Mr. THOMPSON.
Mr. BELMONT with Mr. KELLEY.
Mr. RANDALL with Mr. JACKSON.
Mr. GIBSON, of West Virginia, with Mr. GALLINGER.
Mr. WILLIS with Mr. WEST, on this vote.
Mr. GREEN, of New Jersey, with Mr. MOFFATT, on this vote.

Mr. THOMPSON voted "yea," but having been paired with Mr. ROBERTSON, withdrew his vote, stating that if not paired he would have voted "aye."

Mr. ZACH. TAYLOR. I wish to state that if I were not paired I would vote in the affirmative on this bill.

The vote was then announced as above recorded.

The SPEAKER. Mr. BARRY and Mr. SYMES ask leave of absence for this day, and if there be no objection it will be granted.

There was no objection, and it was so ordered.

Mr. JOHNSON, of New York, was also granted leave of absence for ten days.

Mr. HATCH. I ask by unanimous consent that members desiring to do so may print remarks in the RECORD on this bill.

There was no objection, and it was ordered accordingly.

Mr. BURROWS. I wish to state that my colleague, Mr. MOFFATT, is detained from the House by illness.

Mr. HATCH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WEAVER, of Iowa. I move to amend the title of the bill as follows:

After "agriculture" insert "and to create an executive department to be known as the department of agriculture and labor,"

Mr. HATCH. That is just what it does, and I demand the previous question.

The previous question was ordered, and under the operation thereof the amendment was agreed to, and as amended the title was adopted.

ORDER OF BUSINESS.

Mr. HATCH. Under the order of the House under which the consideration of the bill just closed was had, I ask the Speaker whether I am not entitled to the floor for the rest of the day.

The SPEAKER. If the gentleman calls up any further measure it will be for the House to determine whether it will consider it or not.

Mr. HATCH. Then I call up the pleuro-pneumonia bill.

Mr. HERBERT. Am I not recognized?

The SPEAKER. The recognition of the gentleman from Alabama does not promote or prejudice the matter he has in view, because, if the gentleman from Missouri calls up the bill he has indicated the vote must first be taken upon it.

Mr. HATCH. I move that the House resolve itself into Committee of the Whole to consider that bill.

Mr. HERBERT. Am I not recognized?

The SPEAKER. The gentleman is recognized, but the gentleman from Missouri can also submit his motion.

Mr. HERBERT. I desire to call up the bill (H. R. 7635) to consolidate certain bureaus of the Department of the Navy, and for other purposes.

Mr. HATCH. Mr. Speaker, under the special order of the House I call up for consideration the bill (H. R. 7208) to amend an act entitled "An act to establish a bureau of animal industry, and for other purposes," approved May 29, 1884.

I wish to state to the House that the recent outbreak of pleuro-pneumonia at Chicago makes it a matter of imperative necessity that the House of Representatives should consider this bill and take prompt action upon it, because further delay is dangerous to this important industry of the country, and every hour adds to the danger.

Mr. ANDERSON, of Kansas. What is the bill?

Mr. HATCH. The pleuro-pneumonia bill.

Mr. SWINBURNE. Mr. Speaker, I trust the consideration of this bill will be postponed, at least for the present, and that it will be referred back to the committee. There never has been a hearing before the Committee on Agriculture as to this subject, and they are entirely ignorant of the facts with which the bill proposes to deal. The agricultural reports have been but recently received——

A MEMBER. What is the gentleman's statement?

Mr. TOWNSHEND. He states that the bill has not been considered by the committee.

Mr. SWINBURNE. And to-day the committee have no information whatever upon the subject.

Mr. HATCH. The statement of the gentleman from New York that this bill was not considered in the committee and passed, the gentleman knows, is misleading. The bill was considered and reported with not a single vote against it, and has been upon the Calendar since last April.

Mr. SWINBURNE. It was reported in May. At that time there was no report from the committee upon this subject.

Mr. HATCH. There was a report made by order of the committee, and signed by the chairman of the committee, and not one protest against it. Let the gentleman from New York state the case fairly and fully and I will take no issue with him; but I do not want the impression to prevail that this has not been considered by the committee.

Mr. SWINBURNE. The committee made a report, it is true, but I never saw it. I never read it.

Mr. HATCH. The reason is that the gentleman did not go to the document-room and get a copy and read it. It was printed within two days after it was made to the House by the committee.

Mr. SWINBURNE. Mr. Speaker, there are many things about this question which I would like the committee and the House to know before taking action upon it. There was a resolution for the purpose of getting these reports and other things published, that the House might know something of what has been done in this case, and what is expected to be done. I hope until that information is obtainable this will be permitted to go over.

Mr. HATCH. I insist upon my motion.

The SPEAKER. This bill is in Committee of the Whole House on the state of the Union.

Mr. HATCH. My motion is that the House resolve itself into Committee of the Whole to consider the bill.

Mr. HERBERT. My motion was made prior to that. I desire to ask the Speaker if it was not?

The SPEAKER. The Chair recognizes the gentleman's motion as preceding, but the order of the House under which the gentleman from Missouri calls up his measure takes precedence over the order under which the gentleman from Alabama calls up the bill to which he has referred.

Mr. HERBERT. If the motion of the gentleman from Missouri is voted down then mine comes up?

The SPEAKER. It does.

Mr. SWINBURNE. If you will permit me, I will state that if this is again referred to the committee, within one week it can be reported with such information as may be attainable.

Mr. HATCH. I demand the regular order.

The SPEAKER. It is not debatable.

Mr. SWINBURNE. But I want to tell the House the facts, if it will permit me.

Mr. HATCH. Regular order.

The question being taken on the motion of Mr. HATCH, the House divided; and there were—ayes 90.

Mr. HERBERT. No further count is demanded.

So the motion was agreed to.

PLEURO-PNEUMONIA.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. BLOUNT in the chair.

The CHAIRMAN. The House is now in Committee of the Whole to consider the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 7208) to amend an act entitled "An act for the establishment of a bureau of animal industry, and for other purposes," approved May 29, 1884.

The bill was read at length.

Mr. HATCH. Mr. Chairman, I desire briefly to point out to the committee the changes proposed in this bill to the existing law upon this subject. The act establishing a bureau of animal industry was approved May 29, 1884. Members of the Forty-eighth Congress will remember the long discussion on that bill and all the points of interest it contained. That act, as far as it goes, is all right, but it does not go quite far enough. Experience has shown us that the present law is, unfortunately, inadequate to suppress the spread of pleuro-pneumonia in the United States.

I am not going to take up the time of this committee in attempting to emphasize the importance of this legislation. If there is a member on this floor who, up to this time, has not informed himself as to the magnitude of the interests involved, and of the violent and virulent character of this disease, and the millions of money it has cost this and other governments to keep it out of their herds of cattle, it will be impossible for me to do so if I took up the balance of my hour in the attempt.

It is the most dangerous disease to stock known in the history of the world. It has cost the governments of the world more money to con-

trol or extirpate pleuro-pneumonia than all other diseases to which cattle are subject. It has almost ruined Australia as a grazing and cattle-raising country. Holland wrestled with it for a hundred years. England has been persistingly fighting it with money and fire for the last century. And it is breaking out, now, here and there in the United States, and if not controlled by national legislation will in a short time destroy, absolutely destroy, the value of that cattle industry of this country.

The danger can not be overstated. The interests involved can not be computed. I have said before, and I repeat it because I believe it to be true, that the danger in dollars and cents to the tax-payers of the United States when the first gun at Fort Sumter ushered in the war of the rebellion, was not greater than the danger to be apprehended from this recent outbreak of pleuro-pneumonia among the cattle of the northwest. Estimate it if you please; it spreads all over the country from one end of it to the other; it affects every State and every county and every township in every State. It affects the interest of the entire sixty millions of people in this country who require meat for food. It affects our export demand; it affects the property interest of every single farmer in the land.

I know it will be stated on this floor by some gentlemen that they do not believe any such disease as pleuro-pneumonia exists, and they would not believe it if Providence were to take the dome off this Capitol and speak in thunder tones out of the clouds. They have simply made up their minds scientifically that there is no such disease, and they will not be convinced. I know nothing about this disease scientifically. I am not a physician; I have never studied it professionally; all I know about it is from the evidence produced in the room of the Committee on Agriculture in the past eight years, in the past four Congresses; the evidence of the nations of the world; the evidence of the best scientists in the United States on this subject; the evidence of the best practical cattlemen in the United States; the evidence that has been presented to all my senses.

I have seen the exposed lung of an animal that they said had died of pleuro-pneumonia. I only know from the statements of these scientists how it is communicated from one animal to another; and I know the fact exists, and every gentleman in this House knows it if he will believe human testimony. If any gentleman here will simply take the pains and the trouble to go back and read the history of the first outbreak of pleuro-pneumonia in the United States thirty-five years ago, in the State of Massachusetts, and see what that State did to stamp it out with fire and brimstone, burning it out, destroying the cattle and destroying the barns in which they had been housed, and thus getting rid of it, he will perceive that the history of this disease shows that it is only by such heroic treatment it can ever be mastered.

For eight years, from the first session of the Forty-sixth Congress I have been compelled by reason of my position upon the Committee on Agriculture to listen from time to time to the testimony in reference to this disease. This is in my judgment the gravest question that has been presented to the American Congress since I have been a member of it. With all the knowledge that we have to-day I think we know very little about it except that it is a dangerous disease that has now got a foothold in half-a-dozen or more States of this Union; and it is the duty of this House to take hold of it with serious determination to do whatever is necessary to assist in its extirpation.

Mr. BUTTERWORTH. Will the gentleman from Missouri permit me to ask him a question?

Mr. HATCH. With pleasure.

Mr. BUTTERWORTH. I see the bill relates not only to pleuro-pneumonia, but that it relates to all diseases that are infectious, or diseases that can be communicated from one animal to another, and that the Commissioner of Agriculture may prescribe the means or methods of doing away with the disease or suppressing it. Is not that power too broad?

Mr. HATCH. I will say to the gentleman from Ohio that that is the present law.

Mr. BUTTERWORTH. I was about to add that no doubt pleuro-pneumonia needs heroic treatment.

Mr. HATCH. If the gentleman from Ohio will read the bill through he will find the subsequent sections, which provide the machinery for this heroic treatment, do not apply to any other disease than that of pleuro-pneumonia, rinderpest, and foot-and-mouth disease. They are confined to those three diseases.

I will state further to the gentleman from Ohio that the first section of this bill repeals section 1 of the act of May 29, 1884, and inserts in lieu thereof the section which he will find in the bill. Now, the only change made in the requirements of this first section is to leave out the words in the act as it now exists, "not to exceed twenty persons at any any one time," so that it shall read:

And the Commissioner of Agriculture is hereby authorized to employ a force sufficient for this purpose.

In the original act we limited it to twenty persons at any one time, and the Commissioner from time to time has found himself so hampered under that provision of the law that it has been absolutely impossible to do anything with it. Why, sir, he can not put a proper quarantine force around this outbreak now in the city of Chicago with the force at his command. We remove restriction entirely and hold him responsible for the manner in which he expends the money under that provision of the bill. That is the only change in the first section of the bill. The gentleman from Ohio will observe that we have reported the entire section so as to avoid the method of legislation of simply moving to amend the section by striking something out of it. We have re-enacted the section, leaving out the words I have read in the original act—

Not to exceed twenty persons at any one time.

The second section of the bill is amended and contains the most important provision in it. That section gives the power to the Commissioner, with the co-operation of the State authorities and under State law, to condemn, appraise, and destroy diseased and infected cattle. That right does not exist under the present law. Under the present law he can only get possession of infected or diseased cattle by purchase or arrangement with the owner, and some of the States have absolutely prohibited the Commissioner or any of his officials from entering into their territory under this act to execute it. The provision made for that condition of things is in the portion of this section which gives to the President of the United States, in such cases, the power to place the State or any part of it in quarantine, and to hold it there until the State itself provides some means to extirpate the disease.

The only two important changes made are, first, to give the Commissioner the power to employ a force sufficient to execute the law without restriction as to the number required, and to give him the power under State law to condemn this private property for the public good, for the benefit of the entire country, without trespassing on the rights of the States in their local or police powers. He is to proceed, under the State law, to condemn this property and then to pay a certain valuation for it. Then, in addition to that, whenever a State refuses, or declines, or neglects to either co-operate with the Federal authorities under this act to control the disease within its borders, or to provide means under its own laws to control the disease, the President of the United States is authorized to declare that State, or any part of it, in quarantine and to enforce the quarantine.

Mr. LANHAM. In consequence of the existence of what diseases may that quarantine be ordered?

Mr. HATCH. Only the three diseases mentioned in the second section.

Mr. LANHAM. I call my friend's attention to line 76, which speaks of "a State or Territory in which a contagious or infectious disease exists." Now, is it the intention of the bill to limit this quarantine provision to rinderpest, pleuro-pneumonia, and the other disease named?

Mr. HATCH. It is. If the gentleman will read the first section of the bill, he will see that those are the only three diseases mentioned in that section to which this provision can be applicable.

Mr. LANHAM. I did not know what construction was placed by the committee upon that language, but it seemed to me rather broad.

Mr. HATCH. The language was adopted in the conference of which the gentleman himself was a member, as he will recollect.

Mr. LANHAM. I remember that; but the question is whether it is sufficiently definite and restricted.

Mr. HATCH. I have no question about it. That is the purpose of the bill, and there are no other contagious or communicable diseases included in it. Further, that is the construction which the officers have placed upon the law, so far as they have gone. Now, in addition to the amendments I have stated which are made by this bill in the existing law, there is a provision to appropriate a sum of money sufficient to meet this great emergency.

Mr. EDEN. Will the gentleman permit an inquiry?

Mr. HATCH. With pleasure.

Mr. EDEN. I notice that the bill provides that the value of this property shall be ascertained under the laws of the State providing for condemning private property for public use.

Mr. HATCH. I will say to the gentleman that when we come to that section I propose to move to strike out that provision in relation to the law for the condemnation of private property for public use and leave the section without that restriction.

Mr. EDEN. Then I will not ask my question.

Mr. HATCH. Now, Mr. Chairman, if members will read this bill carefully, it will be unnecessary for me to take up any additional time in explaining its objects. In conclusion, I will simply repeat that the only changes it makes in the law are, to remove the restriction as to the force to be employed, to give the commissioner authority to purchase and destroy diseased stock, and pay for them under State legislation, and to give the President of the United States power to enforce this act by quarantining any State, or portion of a State, which refuses to co-operate with the Federal authorities in the work.

Mr. McMILLIN. Will my friend permit a question?

Mr. HATCH. With pleasure.

Mr. McMILLIN. You state that one of the objects is to provide payment for the cattle destroyed. Is it not a fact that a cow afflicted with this disease, pleuro-pneumonia, is utterly worthless?

Mr. HATCH. Yes, and worse than worthless.

Mr. McMILLIN. Well, if an animal so afflicted is worse than worthless, why do your committee provide here for the payment out of the

Treasury of the United States of the value of the animal, assessed before it was attacked by the disease? The clause of the bill to which I wish to call the gentleman's attention is the following, at the bottom of page 3:

Shall cause the same to be destroyed, and pay the owner not to exceed three-fourths of such amount as the appraisers may determine to have been the value before being diseased or exposed.

Now, if animals which have contracted this disease are, as the gentleman maintains, worse than worthless, I want to know why it is proposed to pay for such animals on the basis of their value before they were ever affected by the disease.

Mr. HATCH. I will take great pleasure in explaining to the gentleman the theory upon which that portion of the bill is based. The experience of the most enlightened governments of the world in the management of this disease for the last hundred years is that it is so easy for the owner of the animal to prevent the discovery of the disease and so hard to detect it if the owner is interested in concealing it, that you must make some provision of this kind for compensation; otherwise all the money you can appropriate will not suffice to destroy the disease. You must give some compensation even for the animal that is destroyed.

Mr. MCMILLIN. Then you propose in this way to induce the owner of diseased stock to bring it in and sell it; and that is the object of the appropriation.

Mr. HATCH. Yes, sir; the object is to induce any man in the United States who owns a head of cattle affected with pleuro-pneumonia to give immediate notice to the Department, or some of its officers, so that the animal may be condemned and destroyed, and that the owner shall not be compelled to bear the whole burden of the loss.

Mr. MCMILLIN. But the trouble is, there is no loss, according to the gentleman's own statement.

Mr. HATCH. Well, the loss is not only to the owner of the animal; the loss is that which a single diseased animal may entail upon the cattle industries of this country.

Mr. MCMILLIN. But the destruction of a diseased animal is actually no loss to the owner.

Mr. HATCH. If the gentleman would take the pains to read page 1 of this report, he would find that the cattle of Australia were poisoned by the introduction of a single animal, which was carried there from England, and that the expenditure of $4,000,000,000 has not been able to eradicate the disease from that country.

Mr. MCMILLIN. I have been hearing that here for years.

Mr. HATCH. Yes; and it is the truth. The trouble is that the truth does not get inside of the gentleman any further than his ears. [Laughter.]

Mr. MCMILLIN. The trouble is that my friend closes his ears to the truth when it starts towards him.

Mr. HATCH. So far as I am concerned, I believe that every animal that takes this disease is bound to die of it; that is my judgment. So far from such an animal being of any value, I believe it worse than valueless. I recollect that a gentleman from the State of Iowa, who formerly occupied a seat on this floor, and was a member of the committee of which I then had the honor to be chairman—I refer to Mr. Wilson, of Iowa, a Scotchman—said there was an old adage in Scotland which he had heard as long back as he could remember, that there was something worse than death from which a cow could suffer, and that was pleuro-pneumonia—worse than death, because it not only affects the animal itself, but may be communicated to all the stock in the stable or upon the farm where the diseased animal is kept.

Now, we have examined the legislative acts of England, Holland, and other countries, as well as of all the different States in this Union that have legislated on this subject. I believe we had before us the laws of more than twenty countries; and in no single instance did we find that the condemnation of this property was made by the Government without some compensation to the owner; and this provision for compensation has been regarded by these various legislative authorities as the wisest part of their enactments, because calculated to bring from their hiding places these cattle, when diseased. Talk about appropriating a quarter of a million dollars, or half a million dollars, or a million dollars, under this bill, for the protection of an industry which is vaster in its extent than any other single industry of the country, and which is absolutely threatened with destruction by reason of the encroachments of this disease!

The bill limits the amount which can be paid even for registered stock. Our committee consulted with gentlemen representing one or two of the largest cattle associations in the United States, consisting of practical stockmen; and they said it would be best to limit the sum of money to be paid under this bill even for a very valuable animal, so that there might be no extravagance about it. Every gentleman familiar with the history of different breeds of cattle in the United States knows that single animals have been sold at prices ranging from $1,000 to $15,000 apiece. Yet, under this bill, only $160 can be paid, in any case, for a pedigreed animal. I read from page 4 of the bill:

Provided further, That he shall not pay more than $160 for any animal with pedigree recorded or recordable in the recognized herd-books of the breed to which it may belong, nor more than $60 for an animal not pedigreed; and that in no case shall compensation be allowed for any animal slaughtered under the provisions of this act that may have contracted or have been exposed to such disease in a foreign country, nor shall compensation be allowed to the owner of an animal where by reasonable diligence he could have prevented his animals from becoming exposed.

I call the attention of the gentleman from Tennessee [Mr. MCMILLIN] specially to these provisions. If the cattle have contracted the disease through any fault of the owner, he can not be paid a cent. On the other hand, if the owner is simply the victim of misfortune—the general misfortune of the neglect of the Government to prevent the spread of the disease—then, under this bill, he may receive such compensation, not exceeding three-fourths of the value of the animal, as a commission may fix; but this compensation can, in no case, exceed $160 for a pedigreed animal and $60 for an animal not pedigreed.

Now I would be very glad to answer any inquiry of any gentleman further in regard to the provisions of this bill. [After a pause.] If there is no question which gentlemen desire to ask me I will yield the floor and reserve the remainder of my time.

Mr. SESSIONS. Before the gentleman from Missouri takes his seat I would like to inquire of him whether he can give a single instance of a case now in existence in the United States of pleuro-pneumonia, in any herd, in any county, in any State?

Mr. HATCH. Yes, sir. If the gentleman from New York [Mr. SWINBURNE] will return to me the last letter of the Commissioner of Agriculture I will answer that question. The gentleman from New York [Mr. SESSIONS] wants me to specify a single instance, giving the name of the owner of the herd, and in what county and State it is located. I will be glad to do so as soon as I obtain the letter which I gave to Dr. SWINBURNE. The gentleman from New York is a doubting Thomas, and he wants to put his finger in the hole of the wound made by this disease. I will give him an opportunity to do so in a moment. There are hundreds to-day of such cases.

Mr. DUNN. And there will be thousands if this bill becomes a law. [Laugter and applause.]

Mr. HATCH. There is no doubt about it. I will furnish the gentleman with a list of cases and all the necessary information to locate them. I have the last report of the Commissioner on the subject, but Dr. SWINBURNE has taken it out of the House with him, and I will have to wait until he returns. I yield the floor, reserving the remainder of my time.

Mr. MORGAN Mr. Chairman, there is not a member of this House who would more cheerfully vote for the amount in this bill, or ten times that amount, if necessary, than I, provided it would accomplish the extirpation of this dreaded disease of pleuro-pneumonia. But when this amount of money has been voted, will it have the effect to exterminate this disease? I disagree with my colleagues on the committee as to the value and efficacy of the remedy here sought. I do not disagree with them in any respect as to the necessity of destroying and stamping out the disease, but I do not agree with the committee, and I say that in my judgment this measure does not meet the issue now presented to the country. What is the scheme proposed by the pending bill? It is stated in the report of the majority:

It has been found by the investigations of the Bureau of Animal Industry that 455 herds are now known to be affected with this disease, comprising over 60,000 animals, of which over 1,700 individual animals are affected at this time, beside those that are exposed.

Then the paragraph concludes as follows:

Nothing but the destruction of all the affected and exposed animals will save the cattle industries of the United States.

Now, Mr. Chairman, there is a proposition laid down which is to be met by the passage of the bill and the execution of the law under it. It is nothing more nor less than the destruction of all affected and exposed cattle in the United States.

How many animals are unaffected, and how can you exactly reach this matter of the number of animals that are affected and that may have been exposed to infection? The committee says it has been found by investigations of the Bureau of Animal Industry that 455 herds are now known to be affected with this disease, comprising over 60,000 animals, of which over 1,700 individual animals are affected at this time, and the remainder of the 60,000 have been exposed to the disease.

The pending proposition appropriates the sum of $250,000 for the purchase and destruction of the animals affected and exposed to this disease. It is stated in the report that 60,000 are known to have been exposed, but, Mr. Chairman, how many have been exposed to this disease which are not known? And when you have purchased and slaughtered these 60,000, which are known, how can you say that another 60,000 will not be found requiring another appropriation for their purchase and slaughter?

In my judgment the provisions of this bill can not be of any value as a remedy for this disease. For the destruction of all the animals said to be affected by this disease the appropriation is only $250,000. The bill authorizes the purchase and slaughter, under certain conditions, of every one of these animals, allowing $120 for each, which is three-fourths of $160 fixed as the price of these animals.

Mr. HATCH. Let me correct the gentleman from Mississippi. The

16$0 is the sum provided for a registered animal, and does not apply to the whole of the 60,000 referred to in the report.

Mr. MORGAN. That is true; but the proof seemed to show that they were about all of the registered kind.

Now, there is another danger. When you come to investigate a matter of this kind why is it that the gentleman from Missouri proposes to pay three-quarters of $160 for each one of these animals already confessedly doomed to death? If it is not a registered animal in the recognized herd-books of the country, but an imported animal entitled to be registered, it does not come within the provisions of the bill; and although it may have come in contact with the disease itself, it is at liberty to go abroad throughout the country and spread the disease as long as it lives. You prohibit payment for that animal, and it can not be destroyed except by the consent of the owner, while being a foreign and blooded animal it is excluded from the bill all the way through. There is nothing to protect other cattle against it.

Such a clause casts suspicion on the bill; yet it is there. I do not wish to be understood as intimating that this bill would furnish a market for a surplus of "registered" cattle.

Mr. HATCH. Does not the gentleman know that we appropriate $30,000 annually in the regular agricultural appropriation bill to maintain quarantine stations for the inspection of every single animal that is imported into this country, for the protection of our own stock from contagion?

Mr. MORGAN. Yes, sir; I do know that, but the testimony of the very best authority is that this disease will lie dormant in the system, exhibiting no signs of its presence, and may break out even eighteen months after such inspection. Now, the quarantine laws fix but sixty or ninety days, and, after that, the animal, although it may be diseased, is permitted to go through the quarantine lines. I ask why is this animal permitted to go through the length and breadth of the land disseminating the disease, while domestic stock is to be destroyed? Ah! gentlemen, when you come to look at it—I will not say that it is an attempt in the interest of the herd-books, but it does look like this particular feature of it—it is not well calculated to prevent the spread of the disease. Here is a proposition involving a vast amount of money.

Sixty thousand head of cattle are supposed to have been contaminated, and at $120 a head it must be seen that it will run away up in the millions without taking into consideration the sixty thousand or more cattle which have also been contaminated or which are liable to be contaminated by the spread of the disease. Here is the sum of $250,000 appropriated to deal with the disease on the terms as stated in this report, and yet it must be evident that if the disease is as widespread as stated in the report $250,000 would be but a drop in the bucket, and might as well be thrown into the ocean at once for all the good it will do in the way of exterminating the disease. Just here, Mr. Chairman, is one of the infirmities pointed out by the gentleman from Tennessee [Mr. MCMILLIN], and it is manifest to anybody who will take the trouble to look at the bill.

Again, it is not free from bias. There are features in the bill that are liable to that criticism, because in the same clause there is a provision for three-fourths of $60 only for animals not recorded in the herd books of the country. What can it matter when it comes to the value of an animal whether it be registered or not? Is a "registered" ox that will weigh 2,000 pounds worth $160, and an "unregistered" one weighing the same worth only $60? What value does the mere registration give to it or what value could it have as weighed against the question of blood on the one side and good qualities and intrinsic value on the other. I do not say there is an attempt at an unjust discrimination, but it is in that direction, and the only point I make is that the bill does not reach the evils it is intended to remedy, and it is merely nonsense and a waste of money to attempt to deal with it in the manner proposed.

Let me call your attention to another more remarkable feature of the bill. The chairman of the committee has stated that in some of the States of the Union the Commissioner of Agriculture is prohibited from entering for the purpose of destroying the diseased animals, and he wishes, in cases of that kind, to have behind him the power of this great Government to enable him in his discretion to trample upon the sovereign powers of a State and declare it in quarantine.

Mr. HATCH. That is the province of the President.

Mr. MORGAN. Ah, yes. It is the province of the President to declare the quarantine, but it is done upon the recommendation of the Commissioner of Agriculture. The Commissioner makes the recommendation, and the President "shall" declare the quarantine. If, then, originally it starts with the Commissioner, who has the power of doing it? I say that it is a dangerous power to place in any man's hands. Just think of it! What an enormous power it is! You put one man in such a position that he can exercise a power, at the instance of a combination of men, sufficient to go into the State of Illinois, or Missouri, or any other of the great States of this Union, and draw a cordon around it which will prohibit its stock from being shipped beyond its border, confining them within the limits of the State on the recommendation of the Commissioner by authority of the President of the United States.

In my judgment, the gentleman from New York [Mr. SWINBURNE], who has produced here a minority report, I believe, or if it is not a minority report it is a report upon another similar bill, sets forth the true remedy to be applied. He says that this disease among animals must be treated just as a similar disease should be treated in the human family, that you must quarantine against the disease, and that there is no valid excuse for the destruction of the animals to prevent the spread of the disease any more than there would be for destroying human life where there is an epidemic of cholera, yellow fever, or other kindred disease; and that if science can not reach it, in the present conditions of science, it is irremediable, because millions of money might be used in the destruction of stock, and yet year after year the disease be constantly reappearing, just as it did in Holland, although it is now said to be exterminated there; though, for my part, I would like to have full evidence of the extermination if it has been there, as alleged, hundreds of years, and is only recently "stamped out."

On this subject the gentleman from New York [Mr. SWINBURNE] has presented a report. He is a scientist, and, as I understand it, has been at the head of his profession, and served for years as the chief health officer of the city of New York. He has given attention to the subject, and I lay great stress upon the report he submits, not only on account of the character of the man who presented it, but of the intellectual worth which is found in it. He thinks that the remedy is not by destroying the diseased cattle any more than a remedy for the diseases heretofore named could be applied by destroying human life. He says that the remedies have not all been exhausted, and the proper method is to bring to bear the science of the country to meet the problem. It is a question, in his opinion, of scientific investigation; and, further, that reliance must be placed upon the States where they have the power to quarantine for such legislation as can be brought to bear upon the measure.

But I ask gentlemen to give this bill a little consideration in its details. I have marked some passages here to which I wish to call your attention.

Mr. BUTTERWORTH. I would like to ask the gentleman a question right there.

Mr. MORGAN. Certainly.

Mr. BUTTERWORTH. You have investigated, I understand, this question, having made it a special study. I believe pleuro-pneumonia is the disease?

Mr. MORGAN. As a member of the committee I have thought over it.

Mr. BUTTERWORTH. Is that disease of such a character that its presence is readily detected?

Mr. MORGAN. It is not. The testimony before the committee is that the disease may lie latent and concealed for eighteen months.

Mr. BUTTERWORTH. But when an animal becomes tainted with the disease, if I may use that expression, is its presence there readily detected?

Mr. MORGAN. Not at all. There may be an interval of three, or four, or five months before it is detected.

Mr. HATCH. Oh, no.

Mr. MORGAN. I put the question to the Commissioner of Agriculture why the disease was not kept out by quarantine. He said it might take twelve or eighteen months for the development of the disease after exposure to it.

Mr. HATCH. I am sure the gentleman from Mississippi wishes to state the matter correctly.

Mr. MORGAN. Certainly I do.

Mr. HATCH. Then I will call the gentleman's attention to the fact that he simply misapprehends the statement to which he has referred. Wherever an animal has been exposed to pleuro-pneumonia, within certainly sixty or ninety days, if the disease becomes developed in that animal at all, it will make its appearance. But sometimes an animal will have pleuro-pneumonia and partially recover, and the disease in the lung, as the physicians state it, is encysted, locked up, and it may go then for twelve or fifteen or even eighteen months before breaking out again. But it is dangerous all the time. The poison is there, locked up, and in that exists the necessity for destroying the animals that have been exposed to the disease.

Mr. MORGAN. Now, if an animal can carry this disease latent in its system for eighteen months, and there be 60,000 of these animals, to how many may not these 60,000 have communicated that disease, and can it be reached in this way?

Mr. BUTTERWORTH. I desire to ask the gentleman from Mississippi another question. Is it agreed that this disease is contagious?

Mr. MORGAN. I can not say that it is.

Mr. BUTTERWORTH. What is the weight of the testimony upon that point?

Mr. MORGAN. It is said to be communicable. The gentleman perhaps can say whether that differs from being contagious.

Mr. BUTTERWORTH. If it be communicable from one animal to another the mere term used is not of much importance.

Mr. MORGAN. There are infectious diseases, contagious diseases, and communicable diseases; and this bill takes the whole tea-party in. [Laughter.] You must go to the doctors to have them settle the difference, whatever it is.

Mr. BUCHANAN. And they will be sure to disagree.

Mr. MORGAN. Yes, they will disagree; and "when doctors disagree who will decide?" This is an important measure, and I desire the House to understand that I am not saying one word against anything that will meet the issue before us. If a measure can be presented by which it can be met at all, I am in favor of it. But what I do say is that this bill does not meet the issue, and that when you have passed this bill you will find that it is a vain and delusive thing and amounts to nothing.

Mr. BUTTERWORTH. I desire to ask the gentleman from Mississippi another question. How did this disease originate in the West? In imported cattle? Or did it spring up there?

Mr. MORGAN. A distinguished gentleman will take the floor after a while who can probably answer that question better than I can. I speak only as a member of Congress investigating the subject, and, for my part, am unable to determine whether this disease is self-producing in this country or anywhere.

Mr. BUTTERWORTH. The object of my question was to ascertain that.

Mr. MORGAN. I believe the testimony before us goes to show that where cattle are fed at distilleries where the grain after distillation is fed to them, the cattle fed on that kind of food may develop that disease.

Mr. HENDERSON, of Iowa. Better clean out the Cincinnati distilleries, then.

Mr. BUTTERWORTH. Another question. What is the effect upon the flesh, as meat, of the animal which is diseased?

Mr. MORGAN. I am not able to tell you that, but I would not like very much to take a "steak" of it.

Mr. BUTTERWORTH. I did not know whether the flesh of such animals is shipped to the market.

Mr. MORGAN. When the disease may lie latent in the system of the animal for twelve or eighteen months, it would be utterly impossible to prevent it going to the slaughter-house and its flesh coming to our tables.

Mr. HATCH. And still you do not want to do anything to prevent that.

Mr. MORGAN. I am willing to do everything in my power to prevent it, but this bill does not prevent it.

Mr. HATCH. Why, then, does the gentleman not offer something better?

Mr. MORGAN. Dr. SWINBURNE has a bill which comes nearer meeting my approval. He proposes to treat the matter from a scientific standpoint, as doctors treat diseases incident to the human family.

Mr. BUTTERWORTH. I should like to repeat the question I asked a little while ago, and which I do not remember was distinctly answered. That is whether the weight of the testimony is that this disease was carried into the West or that it generated there.

Mr. MORGAN. The weight of the testimony is that cattle that had been exposed when young had been transported West, and that from that time the disease had broken out. It was supposed to have been sent out by calves sold from Eastern cities.

Mr. BUTTERWORTH. And not to have been generated there?

Mr. MORGAN. And that it was not generated there. But that is mere supposition, of which there is no proof. The trouble as now encountered is want of knowledge and information on the subject. I have spoken to you as a layman, and I will now turn you over to Dr. SWINBURNE, who is an approved expert in all matters of this kind incident to the human family.

Mr. SWINBURNE. Mr. Chairman, knowing that our committee and that this House could get no authentic information on this subject unless something was published expressly for the purpose of giving it, I took the liberty of presenting to the House an adverse report. I, personally, had over 5,000 copies of that report printed and distributed throughout the country, hoping that it would, at least, set people thinking and prevent them from taking everything upon hearsay as it comes from the bureau of animal industry.

Probably there are gentlemen present who remember the fact that the agricultural report was not printed or received last year until the closing hours of the session, so that we were unable to get any information of what was being said or done there on this subject. Early in March the chairman of our committee made a report which he says was read to the committee, though I was not aware of it. I never heard the report and never saw it until ex-Commissioner Loring asked me: "What do you think of Mr. Hatch's report?" I said, "I have not seen it." He said, "I wish you would look at it." I said, "I will," and I did so. I looked over the report very carefully, and found that the chairman had there stated that there were 60,000 head of cattle that had been exposed to pleuro-pneumonia, and, in addition, that there were over 17,000 then sick.

I wish the committee to bear in mind in this connection that we did not receive the agricultural report until near the close of the last session. Soon after that I offered a resolution upon the subject, but it never passed the House. For some reason, which I do not know, I was unable to get the chairman to call it up. When a resolution was adopted and sent to the Agricultural Department asking about these 60,000 head of cattle, the answer returned was that they did not know anything about them, and had never made any such statement. I asked the chairman of the committee [Mr. HATCH] at the time his report was brought to my attention, what was his authority for that statement, and he said he received it from Mr. Salmon. I said, "That is not an official report;" and he conceded that. When the Commissioner of Agriculture answered our resolution he said that he never stated that there were 60,000, or any such number, exposed to pleuro-pneumonia, and he entirely failed to give us any information on the subject.

Mr. HATCH. Will the gentleman from New York [Mr. SWINBURNE] have the kindness to quote from the report, which shows that the letter is there, signed by Mr. Salmon?

Mr. SWINBURNE. I concede that. Nobody disputes that.

Mr. HATCH. But the statement you make would go to show that I had embodied in my report a statement that was not given to me, whereas I have printed the letter *verbatim*.

Mr. SWINBURNE. I would say to the committee that Mr. HATCH stated at the time that he had all these facts from Mr. Salmon, and that he so stated in the report.

Mr. HATCH. Is not the letter signed by Mr. Salmon?

Mr. SWINBURNE. Certainly it is. Nobody has any doubt about that. But the point is this: Our chairman made a report upon the basis of a letter that had no official authority and conveyed no official information. We were unable at that time to see the report of the Commissioner of Agriculture. We sent to the Department and to the Printing Office several times to get it, but were unable to do so. That was why I did not make my adverse report until some months afterward, and then I made it from an unbound copy of the report and the accompanying documents.

In that report and in the succeeding one, large numbers of cattle were stated to be sick in the cities of New York and Brooklyn. New York we all know is a Democratic city, and the board of health is Democratic, but they denied in toto the assertions made by the Agricultural Department on this subject; and now, when we get the latest report from the Department, what does it say? It only gives a few cases of the disease in New Jersey and in Maryland.

Mr. CUTCHEON. What is the total number that they report diseased?

Mr. SWINBURNE. I do not remember exactly; five hundred or six hundred.

Mr. BROWN, of Pennsylvania. They do not refer to Chicago at all?

Mr. SWINBURNE. Yes; they do. They say that of the Chicago cattle they killed between two thousand and three thousand, of which a little over one thousand were sick and the rest well, and as to those that were sick, they do not say that the disease was pleuro-pneumonia. They do not say what it was.

Now, if the committee will permit, I will present the report which I made in reply to the one based on this information received from Mr. Salmon, and will have it printed in the RECORD to-morrow.

Several MEMBERS. Let it be read by the Clerk.

The CHAIRMAN. The views of the minority may be read in the time of the gentleman from New York [Mr. SWINBURNE.]

The Clerk read as follows:

Mr. SWINBURNE, from the Committee on Agriculture, submitted the following as the views of the minority, to accompany bill H. R. 8843:

The undersigned, believing that the chairman of the Committee on Agriculture was imposed upon in the representations made to him by the chief of the Bureau of Animal Industry, upon which he founded his report, submitted to this House on March 23, and believing that if the recommendations made in the report are carried out a large amount of money will be uselessly expended, a dangerous power invested in incompetent men, and great injustice inflicted on the raisers of cattle in this country, we submit the following report to accompany House bill 8843, as a substitute for House bill 3350:

The bureau of animal industry was established under an act entitled "An act for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals," approved May 9, 1884.

By the provisions of the creative act the bureau was to be in charge of a chief "who shall be a competent veterinary surgeon," appointed by the Commissioner of Agriculture, and who was to "investigate and report upon the condition of domestic animals of the United States, their protection and use, and also inquire into and report the causes of contagious, infectious, and communicable diseases among them and the means for the prevention and cure of the same, and to collect such information on these subjects as shall be valuable to the agricultural and commercial interests of the country." The act further provided that a full and detailed report of the bureau should be presented annually to Congress at the "commencement of each session."

To carry out the provisions of that act, $250,000 have been appropriated by the Government during the last two years; only about $100,000 have been expended; not a large sum, it is true, if the objects were attained and the great interests of cattle raising benefited. But such has not been the fact. No knowledge of the disease so-called pleuro-pneumonia has been discovered further than what has been known for hundreds of years in Europe, to wit, "that the disease has scarcely spread at all except by the movement of cattle," and that practically it existed in France "for thirty years without making any important progress," but was spread, according to the first report of the bureau of animal industry, because of the necessity to drive herds of cattle to supply the armies under the great Napoleon.

None of the requirements of the law have been complied with, even to the rendering of a report at the commencement of the session, and, notwithstanding the fact that no advance has been made either in means for the protection of the farmer or in giving any scientific knowledge as to the origin of the disease or the means to eradicate it, a further appropriation of $350,000 is asked by the bill. Both the original bill and the substitute offered by the chairman of the Committee on Agriculture re-enact the powers of the Commissioner of Agriculture, and extend them so that wherever, in the opinion of the Commissioner, it

is deemed advisable, he may appraise and slaughter the diseased and exposed cattle and compensate the owners, by the original bill at four-fifths their value, and by the substitute of the chairman of the Committee on Agriculture at three-fourths.

The forthcoming report of the chief of the Bureau of Animal Industry will clearly exhibit the dangerous predicament in which the Government will place itself by such a barbarous and unjust mode of procedure. The chief of the Bureau of Animal Industry states that at the time of closing his report 455 herds, comprising over 60,000 animals, were exposed to the disease termed pleuro-pneumonia. His report states that experience places the average of animals which will be severely affected at less than 30 per cent., and that the average of these which die from the disease is one-third. By the investing of this power of slaughtering in the bureau if but 25 per cent. were affected, and one-third of these were to be slaughtered, each animal at a valuation of $75 (the chief's estimate), the amount of money to be paid at two-thirds the valuation would be over $250,000. But as 15,000 out of the 60,000 are infected, there could be no discrimination, and all must be slaughtered at an expense of nearly $750,000, a rather costly luxury for the Government to indulge in to the injury of the raisers of fine stock for the purpose of offering a market to speculators and traders.

The whole argument of the chief of the Bureau of Animal Industry is an effort to convince the nation, and particularly Congress, to whom he appeals for an appropriation, that there is but one remedy, and that is the total extirpation of the disease by slaughter. According to his theorizing there is no method of knowing what cattle are infected, as the disease may not develop itself for months, and as a result every one of the 60,000 exposed must be slaughtered, at a cost to the Government of not less than $3,000,000, at $50 each. That Congress is prepared to accept the suggestions to be evolved out of the mass of contradictions to be submitted by the chief "as his report" cannot be entertained. According to his own showing, only one-third of the 30 per cent. of infected cattle die, the remaining two-thirds of the sick recover. According to their own report, throughout Europe, and particularly in the sections where the contagion is less virulent, the average of cattle which die from the disease is less than 40 per cent. of the infected.

In Austria, out of 114,757 head of cattle exposed to the disease, only 6,614 died. In Prussia, of 10,154 head exposed but 1,856 died; while in Saxony, of 505 head exposed only 88 died. In Holland, where the disease was attempted to be crushed out by wholesale slaughter, an experiment revealed that only 202 were found infected out of 3,050 head which had been exposed and were slaughtered. And yet, in the face of these facts, the head of the Bureau of Animal Industry asks $350,000 to enable him to carry on the Government slaughter-house. If such a system is to be adopted, we would recommend the changing of the name of the Department from that of Bureau of Animal Industry to bureau of butchery for the destruction of the domestic animals of the United States, to be in charge of a corps of butcher boys, who would be as well qualified for the positions as the present head of the bureau seems competent for his.

In this recommendation the chief advocates the very absurd proposition that a liberal indemnity should be paid owners of cattle to report cases of sickness, where a small indemnity leads to secreted disease. A new feature in public ethics, which requires a premium to be paid men to prevent violations of law.

It is held by the chief of the bureau that animals infected still have a certain value, and that to take them by the right of eminent domain and slaughter them would be unjust and foreign to the wishes of the stockmen of the country, and unjust where they are often the entire dependence for the support of a family. There can be no question that the slaughtering of these animals would be a great injustice. They are of a breed which the owners desire to preserve and not to butcher.

In every instance reported by the bureau this disease is only found to break out among valuable imported herds of Jerseys, which the owners have been at great expense to import and improve, and which, at a money valuation, could not be disposed of at double the amount estimated as damages. The destructive effect of this disease is reported to be principally among cows, and, if it be true, as the chief of the Bureau of Animal Industry says, that the disease lays latent for months before discovery, it is evident to save the people from poisoned milk that the Department should be in charge of a man who might be able to devise methods to save instead of destroy.

Aside from the legal question arising, as a matter of equity, it would be equally logical to ask the Government to appropriate funds to reimburse farmers for the loss of their stocks by cyclones, birds, rot, or any other unforeseen cause, because such crops were the dependence of a family. There are others interested in the protection of cattle from disease besides the stockmen—the consumers, consisting of the public at large—and to protect these from diseased meats and impure milk the Government of the United States should, with the co-operation of the authorities of the States, enforce stringent laws to govern herds in pastures and stables and to compel the observance of proper sanitary laws, which would prove more effective than any other means suggested. These laws, extending to the slaughter-houses or shambles, would prevent impure meats from being placed on the market. Such a system would compel owners to greater vigilance in their own interests rather than to encourage negligence, a result to be expected if the Government were to become the purchaser of diseased cattle which had become valueless and beyond cure.

It is asserted in the report that contagious pleuro-pneumonia prevailed in the vicinity of New York city and Brooklyn and in parts of New Jersey, Pennsylvania, Maryland, District of Columbia, and Virginia, and "from the facts given that there is no reason to expect any aid in the extirpation of pleuro-pneumonia from either medical treatment or inoculation." How far intelligent legislation should be based on this report may be inferred from the fact that when, on the strength of this report, a request was made to have one of these cases in the District of Columbia shown, the reply was, "We know of none now in the District, but will try and find one." The health department of New York city says "it has no knowledge of the presence of contagious diseases or what is termed pleuro-pneumonia among cattle."

The commissioner of health of the city of Brooklyn, in a letter dated May 4, 1886, says:

"Examinations are made by officers under the authority of the State board of health, who are also inspectors in this department. Management of cases of pleuro-pneumonia: Strict quarantine, isolating the diseased from the healthy. Treatment: Inoculation and the destruction of those deemed incurable. Conclusions: Although not strictly founded on actual statistics, that in pleuro-pneumonia for several years there was 25 to 30 per cent. is now reduced to about 5. Thus the gain of 20 to 25 per cent. less of pleuro-pneumonia, although fairly attributed to the more intelligent management and the inoculation combined, may be counted as a logical sequence of the better hygiene and improved methods, does not establish the fact as absolutely incontrovertible. For the past seven years the practice of inoculation in pleuro-pneumonia has obtained. With but few exceptions the results have been satisfactory, the present number of horned cattle being 1,850 as against 2,550 in former years. This must be admitted as a factor in drawing conclusions, the former conditions being one, no doubt, of overcrowding in many instances.

Here are positive and distinct contradictions of the report, elicited after the report of the chief of the bureau was made public by advance sheets to the Committee on Agriculture, first, that contagious disease does not exist among cattle in the District of Columbia, nor in nor around the city of New York, and that in the city of Brooklyn it has been reduced from 25 to 30 per cent. down to 5 per cent. by strict quarantine, inoculation, and the destruction of the incurable.

The argument is advanced by the chief of the Bureau of Animal Industry that the publication of the existence of contagious disease in dairy herds, so long as it is known that no measures are adopted for its suppression, destroys the legitimate business of these herds, and is such an intolerable hardship to such owners that they would not submit to it for any great length of time, therefore the idea of a quarantine at State lines is impracticable, and will fail to accomplish the desired object. The freedom of commerce is a matter of too great importance, he says, to be interfered with, except in the cases of the most urgent necessity.

The remedy suggested is to stamp out contagion by slaughter of all the exposed animals, because it does away at once with the necessity of placing restrictions upon commerce, and "because it is the most economical means of controlling diseases." To us this line of reasoning is simply absurd, and might with equal force be applied to anarchists, dynamiters, or any other lawless men whose business may be destroyed by law, and who, considering law an intolerable hardship, might conclude "that they would not submit for any great length of time." These are strange reasons upon which to predicate conclusions that the Government should spend a large amount of money. The greater consideration than that of commerce, the dangerous results to consumers of infected meats, or by milk from infected cows, on the consumer, has apparently no effect with the head of the Bureau of Animal Industry. He seems to hold that they have no rights.

Looked at from a national point of view, however, it is desirable, says the report, to have the plague exterminated at once. Not only is our enormous investments of $1,200,000,000 in cattle menaced, but we have now in our national commerce, foreign and domestic, restrictions which cost us every year several times as much as would be required to exterminate the disease once and forever.

The fallacy of this line of reasoning, devoid of all scientific knowledge, is only equaled by the presumption of the head of the Bureau of Animal Industry in his attempting to criticise the medical profession when he says, in answer to his own question, "How can this danger be removed?:"

"When we are called upon to deal with a grave problem like this we naturally inquire what methods have been settled upon as most efficient by others who have had experience in similar emergencies. With twelve hundred millions of property at stake it would be inexcusable rashness to adopt a course of procedure which had been tested in many other countries and had failed in all. It is not a case where theorizing is admissible, but our course should be guided by the irresistible logic of facts and experience. Doubtless it would be a grand thing if we could pour a few doses of some potent medicine into the body of an affected animal and utterly destroy the contagious principle which is coursing through its veins and is multiplying itself in the innermost recesses of the animal organism. But such a medicine has not yet been discovered, and probably never will be, for the simple reason that the germs of such contagious diseases have been found to be of a vegetable nature and have more powers of resistance than the living matter of the animal body. And so, long before the virus could be destroyed, the animal itself must of necessity perish.

"To combat the contagious diseases of mankind the medical profession is equally at a loss for remedies which have any decided effect upon the period of their duration. The patient is eased when in pain, stimulated when sinking, receives such care as tends to prevent complications, but the essential disease is allowed to run its course. To prevent the spread of such contagion the sanitarian imposes quarantine restrictions and isolation from susceptible people; but how often he fails to prevent the spread of such diseases is shown by the simple fact that we lose in this country every year more than ninety thousand human lives from maladies which only arise by contagion, and if we add those which often, if not always, are contracted in this way we should have a grand total of two hundred and thirty thousand.

"Isolation and quarantine is also applicable to contagious animal diseases; but, as in the case of those affecting mankind, it is an inefficient and expensive remedy, which may hold a plague in check for a time but seldom eradicates it. We have a simpler, less expensive, speedier, and in every way more efficient remedy in the destruction of every diseased animal."

Every learned physician has become thoroughly convinced that all blood diseases will run their course and that the victim will either die or recover after a certain point is reached, and that it is not drugs but sanitary measures which prove the remedial agencies, and that unless the physician believed in and followed the traditional and barbarous teachings of the dark and ignorant days of the profession he would never think of its being "a grand thing if we could pour a few doses of some potent medicine into the body." The medical profession has not devoted its time to horse-doctoring or study of animal diseases, yet all the knowledge of these so far acquired has been discovered by the regular medical profession.

In their legitimate line, the treatment of disease in the human family, they have learned the nature of all (nearly thirty) the known blood poisons to which humanity is heir and how to control as well as prevent their spread. They have demonstrated that they can check and eradicate the most virulent, such as cholera, yellow and ship fevers, and small-pox. This was clearly shown when, in 1866, 18 vessels, mostly steamships, arrived in the port of New York from foreign ports with 8,501 passengers and crews aboard who had been exposed to cholera during the passage. On 5 of these vessels there were 3,133 steerage passengers, and of this number but 243 cases, or 7¾ per cent., proved fatal in quarantine. On one of the vessels, the Virginia, with 985 steerage passengers, there were 78 deaths, or 7⅞ per cent., while on board her twin sister vessel, the England, which put into Halifax, out of 1,145 steerage passengers there were 214 deaths, or 18¼ per cent.

Of the latter vessel there are strangely conflicting accounts; the health officer at Halifax reported that 400 cases were sent to the hospital-ship. As the passengers were all destined to New York, and trace could afterwards be found of but 9, the deductions are that the remaining 391 died in hospital. From infected bedding thrown overboad from the England and picked up by children on the beach, the contagion was conveyed into several families in the city; the pilot who took the vessel into port died of the disease, as did also his two children, and one of the men employed in cleaning the vessel was taken with the disease and died in a few hours.

The superiority of the principle of quarantining as pursued in the port of New York over that pursued in Halifax, in separating the sick from the healthy, and the observance of sanitary laws, was proven in the fact that not one of the officials or employés at the New York quarantine was infected in any way with the disease, and that not a case of cholera was known to have occurred in the city of New York. In 1867 there arrived at the New York quarantine 152 vessels from ports infected with yellow fever and small-pox, on which there were 1,030 cases, of which 384 proved fatal. On 28 of these vessels there was small-pox, to which 16,680 persons had been exposed. Between the years 1864 and 1868, inclusive, 147 vessels arrived on which there was small-pox, to which 73,541 persons were exposed, and yet, during all these years, not more than half a dozen cases of sickness could be traced beyond the boundaries of the quarantine as coming from the quarantine, and not a single case of sickness occurred among the officials or employés at that station.

The preventives enforced were a safe and well-guarded quarantine, and a system of disinfecting, and a strict regard to the laws of nature. Science, when threatened with these diseases, did not resort to the cowardly methods of ignorance and quackery and seek safety by having their victims cover up the ignorance of the profession in the grave. True science realizes that all laws governing the health and condition of men and animals are founded on the laws of God, and believe that the only treatment of this disease in cattle is to be found

in a well regulated quarantine, where the sick and infected animals are kept in distinct and separate quarantine, with proper nourishment and care. Every consideration of humanity and science protests against the Government unnecessarily clothing any commission with power to destroy the lives of any animals whom God has given to man for the sustaining of his life and strength, except for that purpose.

The experience learned during these years in the treatment of the four most virulent diseases—small-pox, cholera, yellow and ship fevers—enabled the physicians, by their analyzing the diseases, to know that each had a peculiar mode of propagation, and that by understanding the laws of nature they could control much of the infection. Of yellow fever they discovered that it was not personally contagious, and was spread through soiled and contaminated clothing, and that it becomes virulent and is carried from one locality to another through ships and spread through drains and foul places where the pabulum is sufficient for its growth and extension. Ship fever, they learned, has its origin generated in unhealthy and improperly ventilated places, bad food, filth, and animal excretions, and that its treatment is simply a dependence on sanitary laws.

Cholera, they learned, came from the Eastern country, and was due to excessive heat, filth, moisture, and bad water, and originated among the poorer or laboring classes, who through their poverty were compelled to live in poorly constructed and miserably ventilated houses, and who were forced to subsist on poor and insufficient food, and that it was extended through fecal matter, and that the only means by which it could be checked was removal from the surroundings which produced the disease, cleanliness, and good food and nourishment and pure air. Small-pox, the most virulent of all the four, they found was personally contagious and was spread by being carried short distances in the atmosphere and by clothing saturated with the poison, and that the only proper treatment was good sanitary arrangements and plenty of good cool air, and that it was in no way controlled by medicines.

It is possible the same knowledge can be learned of the diseases in cattle. It is generally accepted now that Texas fever originates in exhalation from the soil, and by the investigations in New York State, in 1869, it was settled that the disease could be carried and spread by cattle without their manifesting any indications of disease, and that cattle taken to Texas would die of the disease, while native cattle seemed to enjoy an immunity from the disease.

It is generally conceded, and by the bureau, that up to this time no person has, either by practical treatment of cattle or by scientific observation and experiment, discovered when this disease first becomes contagious and first ceases to become contagious, or how it is imparted one to another, and for this very reason the principle of a strict quarantine and the slaughtering of the herds stand on equally strong grounds of reasoning, with this exception, that by quarantining at least 75 per cent. of the infected bovines recover, thus saving to the Government, as suggested in the report, $3,000,000 annually, and to the owners, in many instances, cattle they prize beyond money for breeding purposes, and also prevent the slaughtering of inferior stock for which the Government is asked to reimburse.

When yellow fever, small-pox, cholera, or any other blood poison (excepting those induced by the bites of animals or the poisons of plants) was found to have broken out in the land, or was being imported from other nations, had the boards of health throughout the country recommended the slaughtering of the infected for the purpose of stamping out the disease they would have been pronounced as ignorant and barbarous, and yet that course would have been as intelligent as the method recommended by the Bureau of Animal Industry for the suppression of contagious disease among cattle.

Says the chief, in his report:

"The diseased portion of the lungs remains diseased; it loses all life, becomes encysted, breaks down into pus, and retains the virulent contagion for an indefinite period, and the animals which possess such lungs are frequently the most dangerous of any. They may appear in perfect health to the casual observer, or to the best judge of cattle, and yet they scatter the contagion and infect all susceptible cattle with which they come into contact."

This is a scientific assertion, and, if proven, one of great value in leading to light in the manner of protection and treatment. Any student of medical science might make the same assertion, as all are taught these are possible conditions under certain circumstances, and if they be true in this case it is very important the public should know why they are true and upon what facts and line of reasoning they are true. No scientific assertion is to be accepted unless proven, and this is not, nor can it be, by *post mortems* over the carcasses of animals which die of disease. To establish this as a fact can only be accomplished by a careful scrutiny and examination in all stages of the disease, as well as of the healthy, and by *post mortems*, and by exposing the healthy to the sick in every stage of the disease as experimental tests, thus ascertaining whether or no the well become infected by such exposure. Other knowledge is requisite of which we are yet in the dark, and more especially the important point why it is that the Jerseys or other imported stock are particularly susceptible to this disease. If this can be learned it may be discovered that in the methods of caring for these valuable breeds the remedy may be found.

To arrive at these results there is no possible method but by quarantine. The idea of slaughtering is a remedy devised in foreign lands, and among other extensive quotations in the report is given extracts from the laws of England as far back as 1869. Yet we find in all the countries where they have the slaughtering law the contagion still breaks out with serious results. By our quarantining of sick persons with contagious diseases and the isolating of the sick from the healthy we have proven our superiority over the European nations in that matter, and to adopt their unsuccessful methods in the treatment of disease in cattle will be a scientific step backward, and exhibit as profound ignorance as is shown by the surgeon who thinks no process correct unless he finds it in the books of practice given by some foreign author and practiced by a dignitary in his profession and who rushes with knife in hand to maim and cripple by amputation for every break or wound, simply because he was too lazy or stupid to study for himself. To pursue this very course Congress is asked by the bureau to extend its powers so that the Commissioner of Agriculture may not be limited in the number of employés and have power in his discretion to slaughter at will, and to enable him to do this $350,000 is asked.

We honestly object to this power being vested in the Commissioner much more than we do to the granting of the amount asked, although we believe the amount far in excess of what is necessary to attain present relief as well as practical scientific results which will throw light on a subject now wrapped in mystery, and of which the Bureau of Animal Industry is absolutely ignorant. We do not charge any desire to enter into any criminal bargain or arrangement, but are satisfied that for some reason this matter of disease among cattle has been incompetently managed, and we can see no plausible reason why a strict quarantine of infected and suspected infected herds can not be efficiently carried out, and by scientific examinations and *post mortems* the same knowledge acquired as has been in the treatment of contagious blood diseases among human beings. By this system of quarantining science was enabled to study the contagion of cholera, learn the manner of its propagation, as well as means for preventing the spread. During the prevalence of one of the blood poisonings in animals, in 1869, it was discovered, and by scientific men generally accepted, that the disease was extended just as cholera is extended, by the excretions and not by atmospheric means.

Further than this the experience of the last two years by the Bureau of Animal Industry has developed nothing. It is essential that for the better protection of commerce, and to avert the annual visitations of these diseases and the destruction of the cattle therefrom, that a more thorough examination be made, and that the authorities of the States be invited by the Commissioner of Agriculture to co-operate with the General Government in preventing the spread of disease and protecting the people from the evils resulting from the use of poisoned meats and milk. To effect this desired end, in the interests of humanity and trade, it is desirable that proper men should have this great work committed to them, so that out of the multitude of conflicting views some truths might be evolved. We protest against the expenditure of money through incompetent channels.

From the confused mass of speculations in the report of the chief of the Bureau of Animal Industry, advance copies of which have recently been furnished the Committee on Agriculture, and which by law should have been published at the commencement of the session, the only facts we can glean are that the Department has been floundering around in ignorance among a mass of theories and speculations; that no investigations have been made other than the lungs to find whether the poisonous explosions ever occur in any other part or organ of the animal, or to define whether the disease was that of blood poisoning or inflammation. Having accepted the theory of pleuro or inflammatory this was all that seemed necessary, when, in truth, the disease is not inflammatory.

One of the deductions that the animals were infected only in one lung, and that that lung would become encysted, would explode the theory of contagion, as an encysted part can not throw off contagion. The chief the bureau complains that members of the medical profession were responsible for deceiving the public in regard to their ability to detect this disease, but hopes this species of quackery will in time disappear, and asserts that the examinations made by the stockmen were worse than useless. He believes that the only safe way is for an experienced veterinarian to carefully examine the lungs of every animal by oscultation and percussion. Yet, according to his own statement, one of his experienced veterinarians issued a certificate at Cynthiana, Ky., that a herd was "very healthy, in a thriving condition, and altogether free from disease, contagious or otherwise."

Of one hundred and twenty-four of this herd shipped to Austin, Tex., only seventy-two remained alive. Several *post mortems* were made by an experienced veterinarian of a number which died, and his report was that "in none by these did he find evidences of pleuro-pneumonia." Of this herd the chief of the bureau says that when he was in Austin on official business to inquire into the condition of cattle there, he was reliably informed that the carcasses of three animals could be seen on a farm not far from where he was, and that two or three were lying on the lot too sick to stand; but asserts that he did not have sufficient authority to make an investigation. By the reports then made there were conflicting opinions among the veterinarians as to the condition, and yet it seems that the head of the bureau was incapable of giving any decision in the matter, and when asked if he would, in the event of the cattle being found in good health, give a certificate, satisfied himself with the remark that he was not there to give certificates.

We are firm in the conviction that this disease termed pleuro-pneumonia is a blood poison, originating among cattle in stables and stock-yards, and we agree with the opinion of ex-Commissioner of Agriculture Loring that it can be checked by quarantining in open, well-protected fields, and that until stringent laws are enforced to protect cattle in the stables and stock-yards, and in transportation, and for providing them with proper food and water, the disease can not be extirpated and the public protected from diseased meats and the poisonous milk of infected cows. We are of the opinion that the disease is not increasing, but rather diminishing, as in New York and Brooklyn, where stringent sanitary laws are enforced and frequent inspections made. Believing that the theory of inoculation has failed to produce the desired results, and that the slaughtering, as a means to extirpate, is cowardly and unwise, we are opposed to the appropriation asked by the Chief of the Bureau of Animal Industry to be expended as he recommends in his report.

Seventy-nine pages of the report are devoted to this herd from Cynthiana, Ky., and another in Calloway, Mo., which were sick in the latter portions of 1884 and the first months of 1885. Nothing is to be found in the forthcoming report which gives any particular touching any of the 455 herds reported to be exposed at the time of the making of the report. Nothing is said to indicate where they are, except in general terms; and what is there asserted, that the disease prevails to any extent, is contradicted by the reports from the departments of health of the cities of New York and Brooklyn, and in the report of the statistician published from the Department of Agriculture for April last.

According to this report of the statistician, the condition of cattle is shown to be good, and that for the previous year losses from all causes did not rise above 2 per cent. in any of the New England or Middle States, in any of the States between the Ohio and Mississippi Rivers, or in Minnesota or Iowa; while in no Southern State, except Florida, did the losses reach 8 per cent. The statistician reports no instances where pleuro-pneumonia exists except a few cases "supposed to be pleuro-pneumonia" in Scott County, Iowa, and cases "also reported under the same name from Contra Costa County, California." Evidently this expert official does not see in figures, which are supposed to be "stubborn facts," the great havoc the imagination of the chief of the Bureau of Animal Industry haunts his dreams with.

JOHN SWINBURNE.

Mr. SWINBURNE. I ask to have printed in the RECORD a bill on this subject, which, at a suitable time, I shall offer as a substitute for the one now pending.

There being no objection, it was ordered accordingly. The proposed substitute is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to better promote the raising of and trade in live-stock, and for the better prevention of the spreading of disease among cattle, the act establishing a Bureau of Animal Industry, approved May 29, 1884, be, and the same is hereby, amended as follows:

Repeal section 1, and insert in lieu thereof the following:

"That the Commissioner of Agriculture shall organize in his Department a bureau of animal industry, and shall appoint a chief thereof, who shall be an acknowledged competent physician and surgeon and anatomist, and who shall have had at least five years' experience in one or more of the health departments of the States or Territories, and whose duty it shall be to investigate and report upon the contagious diseases among the domestic animals of the United States; the causes of disease and the manner and mode of the propagation of contagious infectious, and communicable diseases among them; the length of time of the inoculation of contagious diseases among cattle; the period of existence of the disease in the acute stage and in the chronic stage, and whether the disease is contagious in either of these conditions, and if so, when and in what manner. He shall further report what means have been adopted to prevent the spread of the infection, and the remedies used to cure, and the results. It shall be his duty to collect all information on the subject as shall be valuable to the scientific, agricultural, and commercial interests of the country."

Repeal section 2 of said act, and insert in lieu thereof the following:

"The salary of the chief of said bureau of animal industry shall be $5,000 per annum, and the Commissioner of Agriculture shall appoint a clerk for said bureau, with a salary of $1,500 per annum. That the Commissioner of Agriculture is hereby authorized to employ a sufficient force for the purpose of this act, not to exceed five at any one time in any one State, Territory, or District, such assistants or agents to be citizens of the State, Territory, or District to which they

may be assigned to duty, and who shall be practical physicians, veterinary surgeons, or stock-raisers. The compensation of such agents or employés shall be at the rate of not less than $5 nor more than $10 per diem, with all necessary expenses, while engaged in the actual performance of their duties under the provisions of this act."

Repeal section 3 of said act and insert in lieu thereof the following:

"That it shall be the duty of the Commissioner of Agriculture to prepare such rules and regulations as he may deem necessary for the speedy and effectual suppression and extirpation of said diseases, and to certify such rules and regulations to the executive authority of each State and Territory, and invite said authorities to co-operate in the execution and enforcement of this act. Whenever the plans and methods of the Commissioner of Agriculture shall be accepted by any State or Territory in which any contagious, infectious, or communicable disease is declared to exist, or such State or Territory shall have adopted plans and methods for the suppression and extirpation of said diseases, and such plans and methods shall be accepted by the Commissioner of Agriculture, and whenever the governor of a State or other properly constituted authorities signify his or their readiness to co-operate for the extinction by quarantine of any infectious, contagious, or communicable disease among cattle, the Commissioner of Agriculture is hereby authorized to expend so much of the money appropriated by this act as may be necessary in such investigations, and in disinfection, and in the enforcing of such quarantine measures as the chief of the bureau of animal industry may deem necessary to prevent the spread of disease from one State or Territory into another: *Provided*, That the expense of caring for and feeding of such quarantined cattle shall be paid by the owners of such cattle. That all expenses by the Government in the carrying out of this act shall be incurred only on the authority and by the approval of the chief of the bureau of animal industry: *Provided*, That whenever a State or Territory in any section of which a contagious or infectious disease exists, which the chief of the bureau of animal industry has declared to be dangerous to the animal industries of the nation, fails to make proper provision for its quarantine or to co-operate with the the plans of the Commissioner of Agriculture to prevent the spread of the disease by a strict quarantine, the President of the United States, on the presentation of the facts by the Commissioner of Agriculture, shall be authorized to declare in quarantine the said State or Territory, or such part of said State or Territory as he may deem dangerous to the animal industries of the country, and to regulate or prohibit the transportation of cattle out of said State, Territory, or District.

Amend section 4 of said act by striking out the words "pleuro-pneumonia, or," in the third line.

Amend section 5 of said act by striking out the words "and especially pleuro-pneumonia," in the third and fourth lines.

Amend section 6 of said act by striking out the words "and especially the disease known as," in the sixth line, and the word "pleuro-pneumonia," in the seventh line, and by striking out all of the section after the words "communicable disease," in the fifteenth line.

Repeal section 8 of said act, and insert in lieu thereof the following:

"That whenever any contagious, infectious, or communicable disease affecting domestic animals shall be brought into or shall break out in the District of Columbia, it shall be the duty of the Commissioner of Agriculture to take prompt measures to suppress the same and prevent the disease from spreading; and for this purpose the said Commissioner of Agriculture is hereby empowered to order and require that any premises, farm, or farms were such disease exists or has existed be put in quarantine; to order any or all animals coming into the District of Columbia to be detained at any place or places he may designate for the purpose of inspection and examination; to prescribe rules and regulations for disinfection, and to make such other regulations as he may deem necessary to prevent infection or contagion being communicated; the expense of the care of the animals detained or quarantined by order of the Commissioner of Agriculture to be paid by the owner of the animal or animals."

That section 9 of said act is so amended as to read as follows:

"SEC. 9. That any officer appointed under this act, or the act to which this is amendatory, may enter, in the daytime, for the purposes of examination and inspection, under the provisions hereof, any building, inclosure, or place, in any State or Territory whose executive authorities co-operate in this law, or in the District of Columbia, where animals are kept by the owner, consignee, or custodian thereof; and any person refusing permission to an officer of the Department of Agriculture appointed as aforesaid to make necessary examination of animals supposed to be diseased, or attempting to prevent such officer from entering upon premises where such disease is supposed to exist, shall, upon conviction, be deemed guilty of a misdemeanor, and be punished by a fine of not less than $50 nor more than $500, or by imprisonment for not less than thirty nor more than one hundred days, or by both fine and imprisonment, at the discretion of the court; and any person who shall knowingly conceal the existence of such disease or diseases on his premises, and who shall fail to report their presence to the proper authorities, shall, upon conviction, be deemed guilty of a misdemeanor, punishable by the same penalties as are provided for resisting the officers of the Department of Agriculture before mentioned; and any owner, custodian, or consignee of any animal who fails, within twenty-four hours after the death of any animal under his care or in his possession, from disease, to report the death to the properly appointed authorities, with an account of the symptoms of the disease before death, as far as possible, with a notice of where the carcass may be seen and inspected, shall be deemed guilty of a misdemeanor, and punished by the same penalties as provided for other offenses under this act. That it shall be the duty of the several United States district attorneys to prosecute all violations of this act which shall be brought to their notice or knowledge by any person making the complaint under oath; and the same shall be heard before any district or circuit court of the United States or Territorial court holden within the district in which the violation of this act has been committed."

That section 10 of the said act is so amended as to read as follows:

"That the sum of $150,000, to be immediately available, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to carry into effect the provisions of this act: *Provided*, That an amount of the money thus appropriated, not to exceed $10,000, be expended under the direction of the Commissioner of Agriculture in reimbursing owners of cattle for animals slaughtered for the purposes of *post mortem* and to advance scientific investigations as to the cause and treatment of disease among cattle: *Provided further*, That no portion of this amount be expended in any State or Territory whose executive authorities refuse to co-operate with the Commissioner of Agriculture in the establishing of a quarantine when recommended by the Commissioner of Agriculture or the chief of the bureau of animal industry."

Add the following section:

"SEC. —. That the Commissioner of Agriculture is authorized to appoint a corps of veterinary surgeons, at a salary of not more than $10 and not less than $5 per diem, when actually engaged by order of the chief of the bureau of animal industry, whose duty it shall be to visit the stock-yards, shambles, and slaughtering-houses, and inspect and report the condition of the cattle slaughtered for food. It shall be their duty to co-operate with the proper health officers of the State, Territory, county, or city in which they may be engaged, and to report to such health officers all cases coming under their notice where diseased meat or impure milk is sold as food."

Mr. SWINBURNE. I also ask leave to have printed in the RECORD a communication addressed to the Committee on Agriculture by the Commissioner of Agriculture, in response to a resolution directing him to submit a statement of the names of the owners of infected cattle or herds, the localities where the disease has existed, the means which have been taken to suppress it, &c.

There being no objection, leave was granted. The communication is as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
COMMISSIONER'S OFFICE,
Washington, D. C., December 23, 1885.

SIR: I have the honor to acknowledge the receipt of a communication from your committee, dated the 15th instant, requesting information in regard to pleuro-pneumonia among cattle as asked for in an inclosed resolution that was introduced into the House by Mr. SWINBURNE; also requesting such other specific information concerning the existence and spread of the disease as I may have at hand. The resolution of Mr. SWINBURNE reads as follows:

"Whereas in the last report of the Commissioner of Agriculture, submitted to this Congress, of the bureau of animal industry, it is stated that at the time of submitting the report 445 herds of cattle, aggregating 60,000 animals, were exposed to a disease called pleuro-pneumonia, and that 1,700 animals were then sick; and

"Whereas it has been learned since the making of the report that the disease does not exist in localities where it was reported to exist: Therefore,

"*Be it resolved*, That the Commissioner of Agriculture be directed to submit to Congress within ten days a detailed statement of the names of the owners of such herds and infected cattle, and the town, county, and State in which such cattle are located, and also what proportion of the 1,700 reported infected cattle have died and what proportion have recovered. He is further directed to state what means, if any, have been taken to suppress the disease or prevent the spread of the contagion by quarantine or otherwise, and, if by quarantine, a specific statement of the method pursued; and also what number of the 60,000 animals exposed became infected with the disease and how many of these have died and how many recovered."

Before attempting to comply with this request I would respectfully direct the attention of your honorable committee to an error in the preamble of Mr. SWINBURNE'S resolution, which necessitates a somewhat different answer from what was evidently anticipated. I have not stated that "four hundred and forty-five herds of cattle, aggregating sixty thousand animals, were exposed to a disease called pleuro-pneumonia." By reference to the statement of the chief of the Bureau of Animal Industry (page 3, report 1234, House of Representatives, Forty-ninth Congress, first session) it will be seen that during the two years of 1884 and 1885, there were discovered four hundred and forty-five infected herds, containing seventeen hundred and thirty-seven affected animals; but the figures were not given for the aggregate number of animals exposed to the contagion in these herds.

The resolution seems to be based upon the assumption that no information has been furnished to Congress in regard to the "names of the owners of such herds and infected cattle, and the town, county, and State in which such herds are located." For this information I beg to refer your committee to the first and second annual reports of the bureau of animal industry, copies of which accompany this communication. In the first report there is a complete record of inspections for the year, beginning on page 71 and ending on page 167. In the second report there is a similar record, beginning on page 553 and ending on page 654. The address of the owners is given as accurately as possible in every case, as well as the date of inspection, the name of the inspector, the total number of animals in the herd, and the number, if any, sick at the time of inspection.

In reference to that part of the preamble which states that "it has been learned since the making of the report that the disease does not exist in localities where it was reported to exist," I would respectfully say that my information is not in accord with this statement. If by localities individual premises are meant, then the statement may be admitted to be correct; for with pleuro-pneumonia, as with all other contagious diseases, some herds are continually being rescued from the contagion, while others are as continually coming under its influence. If, however, we use the word localities in the sense of States or counties, I see no reason to believe that, with the exception of Kentucky and Illinois, there has been any material change. The sentence in question might convey the impression that the disease had been reported to exist in localities where it did not exist at the time the inspection was made. As to this it may be said that every precaution was taken to obtain accurate reports.

The inspectors selected were veterinarians of experience and reputation; most of them were connected with local boards of health, and for this reason had unusual facilities for ascertaining the facts, and all were sworn to a faithful performance of their duties. The original reports are on file in this Department, and in many cases were confirmed by other inspectors. I have every reason to believe, therefore, that the reports of the Bureau of Animal Industry are as correct as it is possible to make them, and that the disease will still be found to exist in substantially the same localities and to as great an extent as there reported, though some herds then affected are doubtless free from it now, while others free at that time are as certainly infected to-day.

As to the proportion of the 1,737 affected animals which recovered and the proportion which died, and as to the proportion of those exposed which afterward became affected, I have no information. The inspection was made to obtain facts as to the extent of the disease, and it was impossible under the existing law to keep infected herds under supervision, or to obtain any facts as to the subsequent history of the herds, with the exception of cases referred to further along in this communication. The publication of the existence of pleuro-pneumonia in herds, without the adoption of prompt measures for suppressing it, causes so much damage to the owners that, in many cases, they not only refused to give information, but they will prevent the examination of the animals at subsequent visits.

The only way to learn the fate of the animals in such herds is to place a watch on the premises and maintain it day and night. For four hundred and fifty infected herds this would require at least nine hundred men, a force which it was clearly impossible for the Department to employ, even if the expenditure should be considered a judicious and necessary one. In fact, we would not have been able to obtain accurate data even in this way, because many affected animals, probably the greater part of them, are slaughtered or sold before the natural termination of the disease.

As to the quarantine of infected herds, a glance at the law is sufficient to show that this Department can not enforce quarantine regulations within any State unless under State laws and by co-operation with State authorities. The only penalties in the national law are for driving or transporting affected cattle from one State or Territory into another, and if the penalty clause is construed strictly, as I believe is the rule in such cases, there is nothing to prevent the removal of that part of an infected herd which has not yet shown symptoms of the disease from any State into any other State.

In certain cases the Department has been able to co-operate with State authorities, and to maintain quarantine regulations by means of State laws; but it has been in all cases a most difficult matter to divide the responsibilities and duties between Federal and State officials. There have been unavoidable discord and jealousy between the subordinate officers of the States and the inspectors

of the Bureau of Animal Industry which has more or less impaired the value of the work. It seems next to impossible for officers obtaining their authority from two distinct sources to work harmoniously in a service of this character; and I would recommend most emphatically either that sufficient authority be given to this Department to eradicate the plague or that the work be left entirely to State authorities.

To efficiently quarantine infected herds for any considerable period is a most difficult thing to accomplish, even with the most rigid laws and the severest penalties. If a dairy herd is quarantined the publication of the notice at once ruins the sale of milk from that herd; it also prevents the sale of animals for beef in many cases, because the public prefer to draw their beef and milk supplies from uncontaminated animals. Now, just as soon as an individual finds his income is cut off, and that he is under the necessity of feeding a large number of animals at ruinous expense, with no prospect of relief, he attempts to remove the animals surreptitiously, and unless rigid regulations can be enforced he will succeed. Animals can be removed and others having the same general appearance can be substituted for them almost without the possibility of detection, and this is frequently done.

But even where this can be prevented it is simply impossible to prevent the spread of contagion by men and animals going from an infected herd to others where the disease has not appeared. No quarantine can, therefore, be perfect without placing a sufficient guard over every infected premises to prevent men or animals liable to carry the contagion from mingling with the outside world. Such a quarantine is so expensive and so intolerable to the citizens of this country that I do not believe it could be maintained; and, for these reasons, I have recommended, and do now recommend, that wherever an infected herd is discovered, all exposed animals be slaughtered, the premises thoroughly disinfected, and the owner compensated for the loss to which he is subjected for the protection of the public.

To efficiently keep up a single quarantine is a difficult matter, but when we attempt to maintain 500 or perhaps 1,000 at a time, it is a task that can only be accomplished with an immense force and at enormous expense. As an illustration of the difficulty of maintaining an efficient quarantine, even at one point, I would respectfully direct your attention to the outbreak of cholera at the port of New York and vicinity which occurred in 1866. At that time Mr. SWINBURNE was, as I understand, health officer of the port, and undoubtedly he enforced such regulations as appeared to him necessary to prevent the transfer of the contagion from the vessels to the shore. Any one can appreciate the advantages to be derived from the surroundings in such a quarantine. With the contagion on board a ship and surrounded by salt water, the conditions would appear to be most favorable for preventing its extension. And yet we read in the report of the Metropolitan Board of Health for that year, that "on the 18th of April the steamer Virginia, from Liverpool, arrived at quarantine with the cholera on board. The first case in the city of New York was on the 1st day of May in a small tenement-house on Third avenue, near Ninety-third street" (p. 55). That is, with these favorable conditions of quarantine the cholera appeared in the city of New York within about twelve days after the arrival of the first infected vessel at quarantine. This would indicate that the quarantine had very little effect in arresting the progress of the contagion. The quarantines on land equally failed to confine the contagion to the original centers of infection. The report goes on to say that the cholera continued to prevail during June, July, August, September, and October (p. 56). "We have ample proof that of the number of persons who died in New York, between the first of May and the last of November, 1,212 died of Asiatic cholera" (p. 187). The number of deaths from the same cause was placed at 573 in Brooklyn and Kings County (p. 306); at 482 on Blackwell's Island (p. 295); at 172 on Ward's Island (p. 253); and at 27 on Randall's Island (p. 253). This makes a total of 2,344 cases of cholera which occurred in that vicinity during the summer of 1866, in spite of a quarantine maintained by so able a health officer as Mr. SWINBURNE.

Quarantines against animal contagion, and particularly against the virulent principle of the pleuro-pneumonia of cattle, have also been powerless to prevent the extension of this plague except in certain isolated places. In this connection I would refer to the outbreak of this disease in Kentucky, which began in 1884 and was not entirely stamped out until March, 1886. A portion of the history of this outbreak is recorded in the reports of the Bureau of Animal Industry for 1884 and 1885. When first discovered the plague was confined to one herd. There was an attempt to maintain quarantine by the force of public opinion in the absence of any specific statutes, but, as was to be expected, it was not successful.

The danger of the extension of the contagion was such that on June 15, 1885, the infected premises were declared in quarantine by authority of the State board of health. At that time an additional herd was found infected and included in the regulations, a copy of which will be found on page 35 of the Report of the Bureau of Animal Industry for 1885. By request of the board, an inspector of the Bureau was stationed at Cynthiana to watch the results of this quarantine. November 16, 1885, he reported that the disease had been found at six places in Cynthiana, at three places in the Indian Creek neighborhood, 3½ miles east of Cynthiana, and at one place near the Pendleton County line, 13 miles north of Cynthiana.

Early in March, 1886, the Legislature of Kentucky enacted a law authorizing the State board of health to slaughter the infected cattle, and appropriated money to compensate the owners. The slaughter began on March 15, and on March 27 I received official notification that all exposed animals had been slaughtered. I give below a copy of a letter from the secretary of the board to the chief of the Bureau of Animal Industry, which shows his estimate of the value of the services rendered by this Department in suppressing the malady:

BOWLING GREEN, KY., *March* 27, 1886.

DEAR SIR: I have the honor to inform you, as Dr. Wray has doubtless done in detail, that in the execution of the recently enacted law in relation to contagious and infectious diseases in cattle, this board has exterminated contagious pleuro-pneumonia in this State by the slaughter of all animals which have been exposed to that disease, and rigidly quarantining all infected premises.

In consequence of the foregoing facts, we hope to have the influence of your department in securing the removal of the restrictions now imposed against Kentucky cattle by most of the Western States.

I desire also to call your attention to the inclosed resolution in regard to Dr. Wray, and to add that there is every reason to believe that but for the timely and efficient aid rendered me by your Department during the last year, the disease would have made such headway, and the sum of money required for its extirpation would have been so large, that our Legislature could not have been induced to extirpate the disease. I inclose a copy of our law and quarantine blanks.

Respectfully yours,

J. M. McCORMICK, *Secretary.*

Dr. D. E. SALMON,
Chief of Bureau of Animal Industry, Washington, D. C.

Resolved, That the thanks of the State board of health of Kentucky be and are hereby tendered to Dr. W. H. Wray for the faithful, efficient and intelligent manner in which he has discharged his important duties in the management of the outbreak of contagious pleuro-pneumonia in Harrison County.

A true extract from the proceedings of the board.

J. M. McCORMICK,
Secretary.

Dr. Wray furnished the following statement showing the number of infected herds and animals in the vicinity of Cynthiana, and the results of the disease at each place:

Previous to August 4, 1885, four animals in the Frisbie & Lake herd had died, and 14 sick ones had been slaughtered. From and after August 4 the extent of the disease and the disposition of the animals are seen in the following table:

Owner of herd.	No. in herd.	Increase since Aug. 4, 1885.	No. that died.	No. killed that were sick.	No. killed that were exposed.	No. sold to butchers.
Frisbie & Lake	87	17	1	38	65	.....
W. T. Handy	19	3	1	9	7	5
Mrs. Roberts	1	.....	.....	1	.....	.....
Mr. Woolwinder	1	.....	.....	.....	.....	1
Irving Cox	13	1	.....	2	1	11
J. S. Withers	2	.....	1	1	.....	.....
M. Bridwell	4	1	.....	1	4	.....
George Edsall	2	.....	.....	.....	.....	2
T. J. Megibben	4	.....	.....	1	3	.....
W. S. Morland	1	.....	.....	1	.....	.....
D. N. Brannock	17	.....	.....	*3	*14	.....
Jos. Stephens	1	.....	.....	1	.....	.....
O. Slade	1	.....	.....	1	.....	.....
I. N. Slade	1	.....	.....	.....	1	.....
P. Barhart	1	.....	.....	.....	.....	1
J. W. Lang	1	.....	.....	.....	.....	1
J. D. Feeback	1	.....	.....	1	.....	.....
M. Rule	1	.....	.....	.....	.....	1
T. J. Moffit	1	.....	.....	1	.....	.....
A. Fitzwater	2	.....	.....	.....	2	.....
A. W. Lydick	1	.....	.....	.....	1	.....
Mr. Kaufman	1	.....	.....	.....	1	.....
J. Cronin	3	.....	.....	1	2	.....
Mrs. Stewart	1	.....	.....	.....	1	.....
D. Shea	3	.....	.....	.....	3	.....
James Brenan	1	.....	.....	.....	1	.....
I. T. Martin	1	.....	.....	.....	1	.....
W. E. Slade	1	1	.....	.....	2	.....
James Doyle	1	.....	.....	.....	1	.....
Mr. Sullivan	2	.....	.....	.....	2	.....
W. S. Wall	1	.....	1	.....	.....	.....
T. Robertson	1	.....	.....	1	.....	.....
F. Reynolds	2	.....	.....	.....	2	.....
Total, August 4, 1885	180	23	4	63	114	22
Total increase	23					
Grand total	203					

*Killed by mob.

Dr. Wray remained at Cynthiana until June 22, or about three months after the last infected animal was slaughtered, and no case of this disease was discovered during that time. I have recently had reliable reports from that vicinity, and I am satisfied that no case of pleuro-pneumonia has occurred since the slaughter of the infected cattle in March.

This outbreak in Kentucky of itself indicates the great superiority of a method which secures the prompt extirpation of the contagion over any temporizing measures designed to preserve instead of to destroy it. As soon as pleuro-pneumonia was known to exist in Kentucky the other States of the Union quarantined against Kentucky cattle, and the enormous commerce in these animals was prostrated.

The local quarantine measures were looked upon by the authorities of other States as an insufficient guarantee of the safety of cattle from Kentucky, and, therefore, no bovine animals were allowed admitted from there except under rigid and and burdensome restrictions. These restrictions, maintained for nearly two years, are estimated to have caused a loss to the cattle-breeders of the State of from ten to twelve millions of dollars, a loss which would have been entirely prevented if there had been authority for this Department to have caused the prompt destruction of the infected herds when the plague was first discovered.

A quarantine of the infected herd does not prevent such losses, because the existence of this fatal contagion in any State, no matter how thoroughly it is isolated, destroys the confidence of the trade, unsettles values, and leads to restrictions on interstate commerce, which results in enormous injury to the country. There is no confidence felt by the community at large in the efficacy of a quarantine to hold in check the contagion of this plague, and the history of the outbreak given above shows how much reason there is for this lack of confidence. Even admitting for the sake of argument that quarantine measures alone are sufficient to stop the spread of the malady, which they are not, it is plain that such measures are in no sense a solution of our present difficulty.

The losses from restrictions on trade are far greater than those caused by the disease itself, and measures are required which will prevent both the direct and indirect losses at the same time. Now the only measure which will accomplish this is the prompt extirpation of the plague whenever and wherever it appears. To quarantine a herd in any State without adopting such summary means of destroying the evil, is simply to set in motion the quarantine machinery of the neighboring States, which places such intolerable burdens upon cattle shipments as to practically ruin the traffic and cause losses greater than those we are attempting to prevent. This has been the experience of Missouri and Illinois as well as of Kentucky.

In September, 1886, pleuro-pneumonia was found by the State veterinarian to exist among cattle in the city of Chicago and vicinity. It was first discovered on the farm of John Crane, at Ridgeland, near Austin, a station on the Chicago and Northwestern Railroad, 6 or 7 miles from Chicago. The diseased animal was killed September 12, and the *post mortem* examination showed conclusively that it was affected with lung plague. This cow had been on the premises a long time, but she had recently been exposed to an ailing cow that Mr. Crane had taken for trial with the intention of purchasing. The sick cow was brought on the place by Silas Palmer, a cow dealer, who had pastured her for some time previously on the Harvey farm, near Humboldt Park. It was represented to Mr. Crane that the cow was suffering from bad treatment and would soon recover. After doctoring it two or three weeks with no success the dealer was notified that it was not wanted, and he removed it.

In an attempt to trace the contagion the Harvey farm was visited by the State veterinarian September 15 and 16, and he found there 250 head of cattle, among which were 8 affected with pleuro-pneumonia. These animals were at once quarantined. An investigation of the history of the disease at this farm led to

the conclusion that it had been introduced by a herd of 38 cows brought there to pasture by a milkman named Quinn, who had recently removed his animals from the Phœnix distillery stables. This led to an examination of the cattle in the distillery stables and to the discovery that many of them were infected with pleuro-pneumonia.

The Phœnix stables were quarantined September 19. They contained 1,185 animals, of which 297 were Western steers and bulls which had been placed there to fatten September 15, by Nelson Morris. The remainder of the animals were milch cows, belonging to a number of different owners. The stables of the Chicago and Empire distilleries were quarantined the same day. They contained respectively 496 and 207 animals. The Shufeldt stables, containing 985 animals, were quarantined September 20.

A further examination of the cattle of Mr. Crane, September 18, showed that another one was sick, and this, together with two exposed ones, was slaughtered. The day before (September 17) two sucking calves were found affected at the Harvey farm, and were slaughtered.

September 20, two sick cows were killed at the Phœnix and found affected with pleuro-pneumonia. September 22 the chief of the Bureau of Animal Industry, in company with the State veterinarian and members of the State live-stock commission, made an investigation at the Phœnix and Shufeldt stables to satisfy himself as to the nature of the disease. The examination was made on one animal that had died and two that were killed at the former stable, and upon one that was killed and one found dead at the latter. All were undoubtedly affected with contagious pleuro-pneumonia.

The milkmen at first denied the existence of any disease among their cattle, but when the evidence became too strong to be longer contested, it was admitted that they had recognized the presence of a lung disease in 1884. They at first attributed it to chemicals used in the mash by the distillery, also to feeding the slop too hot, but they finally concluded it was contagious pleuro-pneumonia, and were practicing inoculation to lessen the mortality.

The progress of the plague after quarantine may be seen from the following notes made from day to day by the veterinarians. A part of these were kindly furnished by Doctor Casewell, State veterinarian, and the remainder were collected by Doctor Trumbower, inspector of the Bureau of Animal Industry. It is to be borne in mind that the mortality was probably lessened by the practice of inoculation.

September 23. One slaughtered and one found dead at the Phœnix; one slaughtered and one found dead at the Shufeldt.

September 24. Two slaughtered at the Chicago.

September 25. One slaughtered and one found dead at the Phœnix.

September 27. Two found dead at the Phœnix and one slaughtered at the Chicago.

September 30. One dead at the Shufeldt.

October 2. Two dead at the Phœnix.

October 3. One dead at the Phœnix.

October 4. One dead at the Chicago and two dead at the Phœnix.

October 5. Three dead and one slaughtered at the Phœnix; one dead at the Chicago; one dead at the Empire.

October 6. One dead at the Phœnix; one dead at the Chicago.

October 8. One slaughtered at the Chicago.

October 10. One dead at the Phœnix; one slaughtered and one dead at the Chicago.

October 11. One dead at the Phœnix.

October 12. One dead at the Shufeldt.

October 13. Two dead at the Chicago; one dead at the Shufeldt.

October 16. One cow and one steer dead at the Phœnix. (This was the first steer that died of pleuro-pneumonia out of the lot placed in these stables September 15.) One dead at the Shufeldt. Ten cows from the Shufeldt were taken to abattoir and slaughtered; lungs found healthy.

October 17. One slaughtered and one dead at the Chicago; one cow and two bulls from the Phœnix slaughtered; lungs healthy.

October 18. One cow slaughtered at the Shufeldt affected; four slaughtered from the Phœnix, lungs healthy; seven slaughtered from the Chicago, lungs healthy.

October 19. Two cows and one steer dead at the Phœnix; one dead at the Chicago; killed fourteen cows from the Phœnix, lungs healthy.

October 20. One cow and two steers dead at the Phœnix, only one of the latter affected with lung plague. Two healthy cows from the Phœnix slaughtered; one dead at the Chicago.

October 21. Two dead at the Shufeldt; one dead at the Chicago; three dead at the Phœnix; slaughtered two healthy cows from the Phœnix.

October 22. Two steers dead at the Phœnix; one dead at the Shufeldt; slaughtered five affected animals at the Shufeldt.

October 23. One dead at the Chicago; one dead at the Shufeldt.

October 24. At the Chicago two dead and one slaughtered, which was affected.

October 25. Slaughtered eleven at the Chicago, all healthy; one cow and two steers dead at the Phœnix; slaughtered sixteen cows from the Phœnix, all healthy.

October 26. One steer and one cow dead at the Phœnix; slaughtered twenty-four cows from the Phœnix, three affected; one dead at the Shufeldt.

October 27. Slaughtered fourteen cows and two calves from the Phœnix; lungs healthy; one cow and one bull dead at the Phœnix.

October 28. Killed two cows at the Shufeldt, one affected with pleuro-pneumonia and one with chronic indigestion.

October 29. One dead at the Shufeldt.

October 30. One killed affected and one died from choking at the Sheufeldt; one affected steer killed and three steers dead at the Phœnix.

October 31. One dead at the Shufeldt; one dead at the Phœnix.

November 1. Slaughtered three at the Shufeldt; lungs healthy; one dead at the same place; slaughtered fourteen cows from the Phœnix, five of which were affected; (nine healthy lungs).

November 2. One dead at the Phœnix.

November 3. Slaughtered eighteen cows from the Phœnix, five affected; one steer and two cows dead at the Phœnix (thirteen lungs healthy).

November 4. One cow dead at the Shufeldt; killed one cow, lungs healthy; killed five at the Chicago; lungs healthy; one steer dead at the Phœnix.

November 5. Two cows and one steer dead at the Phœnix; one cow dead at the Shufeldt.

November 6. One steer dead at the Phœnix.

November 7. One steer dead at the Phœnix; one cow dead at the Shufeldt.

November 8. One slaughtered at the Shufeldt, affected; one steer dead at the Phœnix.

November 9. Slaughtered fourteen from the Shufeldt; nine affected.

November 10. One steer and one bull dead at the Phœnix; slaughtered nineteen from the Shufeldt; two affected.

November 11. Two steers dead at the Phœnix; one cow slaughtered, lungs healthy.

November 12. One cow dead at the Phœnix.

November 13. One cow dead at the Shufeldt; visited Harvey farm and found two new cases.

November 14. Two steers dead at the Phœnix; one cow dead at the Shufeldt; examined forty-five cows; two affected.

November 15. Slaughtered two cows from the Phœnix; both affected; also eleven from the Shufeldt; four affected.

November 16. Two cows dead at the Shufeldt; two cows dead at the Phœnix.

November 17. One steer dead at the Phœnix; one cow killed at the Chicago; affected.

November 18. One cow condemned at the Phœnix.

November 19. Killed six cows from the Phœnix; two affected; one steer dead at same place.

November 21. One cow dead at the Shufeldt.

November 22. One steer dead at the Phœnix; one cow dead at the Shufeldt.

November 24. One cow slaughtered from the Shufeldt; lungs healthy.

November 25. Slaughtered one diseased cow at Ridgeland.

November 26. Three cows dead at the Shufeldt, one of which died from choking.

November 27. One cow dead at the Shufeldt; one cow dead at the Chicago; slaughtered twelve cows from the Phœnix, one of which was affected.

November 30. One cow and one steer dead at the Phœnix; slaughtered five affected steers and bulls at same place.

November 28. Slaughtering was begun on a larger scale in order to empty the distillery stables as soon as possible. The figures given below, which show the proportion of the slaughtered animals that were more or less affected with pleuro-pneumonia, are of great interest, because they demonstrate the advisability of slaughtering all animals once exposed to this contagion. Many of the affected cattle presented no symptoms of disease before slaughter, but the condition of their lungs was such as to make it very certain that they were capable of disseminating the contagion for an indefinite period. The record is as follows:

Date.	Number slaughtered.	Number affected.
November 28	237	85
November 29	183	106
November 30	143	72
December 1	179	59
December 2	137	83
December 3	185	56
December 6	223	120
December 7	198	126
December 8	166	86
December 9	205	100
December 10	85	23
December 14	231	69
December 15	51	21
December 16	48	24
Total	2,271	1,030

Of the 297 steers and bulls which were put in the Phœnix stables September 15, by Mr. Morris, 37 affected with pleuro-pneumonia died or were killed for examination previous to the 28th of November. Three others died of Texas fever and one cripple was killed up to the same date. November 29 and 30 and December 1, 244 of the remainder were slaughtered, of which 182 were found affected.

One of the inspectors of the bureau of animal industry was stationed at the rendering company's platform from October 19 to November 30, to make *post mortem* examinations of all cows coming there from the city of Chicago. During that time he examined 19 cows, of which 6 had died of lung plague.

The following table shows the number of cattle placed in quarantine in Chicago and vicinity from October 13 to November 30, all being in private herds in stables, and the greater part of which were quarantined because of exposure to affected cattle on the various commons about the city:

Date.	Number herds.	Number cattle.	Number affected.
October 13	1	66	Several; 2 have since died.
October 15	10	77	12.
October 16	10	41	1.
October 18	40	104	3.
October 19	30	67	3.
October 20	*6	†6	
October 21	*10	36	15.
October 22	*17	†17	
October 23	2	†38	
October 25	*2	†3	
October 26	2	2	1; died November 2.
October 27	15	34	8.
October 28	15	29	1.
October 29	15	20	2.
October 30	*13	13	1.
November 1	*11	11	1.
November 2	*8	8	1; recovered.
November 3	*13	13	1.
November 4	9	33	1; recovered.
November 5	7	†11	
November 6	1	†66	
November 10	1	†1	
November 19	17	†48	
November 20	9	†20	
November 23	16	†53	
November 24	22	†80	
November 26	18	†49	
November 27	11	†103	
November 30	1	†2	

*Stables. †Quarantined for exposure.

The above is a brief résumé of the work that has been accomplished in Chicago by co-operation between the State live stock commission and the Bureau of Animal Industry since the discovery of the recent outbreak of pleuro-pneumonia. As there was great apprehension that cattle would be removed from the distillery stables and disseminate the disease in Illinois and other States, I placed a guard of deputy sheriffs at each stable and at the Harvey farm. Two were on duty at each place during the day and four at night. Besides these, two men were employed to count the cattle daily in order that any decrease in number would be at once discovered. Six veterinary inspectors were also ordered to Chicago, to inspect the city and learn to what extent the contagion had progressed outside of the distillery stables. With this force I have co-operated as

effectively as possible with the State authority under the following rules and regulations:

UNITED STATES DEPARTMENT OF AGRICULTURE.

Rules and regulations for co-operation between the United States Department of Agriculture and the authorities of the several States and Territories for the suppression and extirpation of contagious pleuro-pneumonia of cattle.

Recent acts of Congress make it the duty of the Commissioner of Agriculture to prepare rules and regulations for the suppression and extirpation of the contagious pleuro-pneumonia of cattle, and authorize expenditures for investigation, disinfection, quarantine, and for the purchase of diseased animals for slaughter. The following are the sections bearing upon this subject:

SEC. 3. That it shall be the duty of the Commissioner of Agriculture to prepare such rules and regulations as he may deem necessary for the speedy and effectual suppression and extirpation of said diseases, and to certify such rules and regulations to the executive authority of each State and Territory, and invite said authorities to co-operate in the execution and enforcement of this act. Whenever the plans and methods of the Commissioner of Agriculture shall be accepted by any State or Territory in which pleuro-pneumonia or other contagious, infectious, or communicable disease is declared to exist, or such State or Territory shall have adopted plans and methods for the suppression and extirpation of said diseases, and such plans and methods shall be accepted by the Commissioner of Agriculture, and whenever the governor of a State or other properly constituted authorities signify their readiness to co-operate for the extinction of any contagious, infectious, or communicable disease in conformity with the provisions of this act, the Commissioner of Agriculture is hereby authorized to expend so much of the money appropriated by this act as may be necessary in such investigations, and in such disinfection and quarantine measures as may be necessary to prevent the spread of the disease from one State or Territory into another. (Approved May 29, 1884.)

BUREAU OF ANIMAL INDUSTRY.

For carrying out the provisions of the act of May 29, 1884, establishing the Bureau of Animal Industry, $100,000; and the Commissioner of Agriculture is hereby authorized to use any part of this sum he may deem necessary or expedient, and in such manner as he may think best, to prevent the spread of pleuro-pneumonia, and for this purpose to employ as many persons as he may deem necessary, and to expend any part of this sum in the purchase and destruction of diseased animals whenever, in his judgment, it is essential to prevent the spread of pleuro-pneumonia from one State into another. (Approved June 30, 1886.)

In accordance with these laws I hereby certify the following rules and regulations for co-operation between the Department of Agriculture and the authorities of the several States and Territories, which I deem necessary to ensure results commensurate with the money expended:

INSPECTION.

1. The necessary inspectors will be furnished by the bureau of animal industry of the Department of Agriculture.

2. The properly constituted inspectors of the bureau of animal industry which are assigned to the respective States are to be authorized by proper State authorities to make inspections of cattle under the laws of the State; they are to receive such protection and assistance as would be given to State officers engaged in similar work, and shall be permitted to examine quarantined herds whenever so directed by the Commissioner of Agriculture or the chief of the Bureau of Animal Industry.

3. All reports of inspections will be made to the Bureau of Animal Industry, and a copy of these will then be made and forwarded to the proper State authorities; when, however, any inspector discovers a herd infected with contagious pleuro-pneumonia, he will at once report the same to the proper State authority, as well as to the Bureau of Animal Industry.

4. The inspectors, while always subject to orders from the Department of Agriculture, will cordially co-operate with State authorities and will follow instructions received from them.

QUARANTINE.

5. When contagious pleuro-pneumonia is discovered in any herd, the owner or person in charge is to be at once notified by the inspector, and the quarantine regulations of the State in which the herd is located are to be enforced from that time. The affected animals will be isolated, when possible, from the remainder of the herd until they can be properly appraised and slaughtered.

* * * * * * *

8. Quarantine restrictions once imposed are not to be removed by the State authorities without due notice to the proper officers of the Department of Agriculture.

9. The period of quarantine will be at least ninety days, dating from the removal of the last diseased animal from the herd. During this period no animal will be allowed to enter the herd or to leave it, and all animals in the herd will be carefully isolated from other cattle.

When possible, all infected herds are to be held in quarantine and not allowed to leave the infected premises except for slaughter. In this case fresh animals may be added to the herd at the owner's risk, but are to be considered as infected animals and subjected to the same quarantine regulations as the other members of the herd.

SLAUGHTER AND COMPENSATION.

10. All animals affected with contagious pleuro-pneumonia are to be slaughtered as soon after their discovery as the necessary arrangements can be made.

11. When diseased animals are reported to the State authorities, they shall promptly take such steps as they desire to confirm the diagnosis. The animals found diseased are then to be appraised according to the provisions of the State law, and the proper officer of the Bureau of Animal Industry (who will be designated by the Commissioner of Agriculture) notified of the appraisement. If this representative of the Bureau of Animal Industry confirms the diagnosis and approves the appraisement, the Department of Agriculture will purchase the diseased animals of the owner and pay such a proportion of the appraised value as is provided for compensation in such cases by the laws of the State in which the animals are located, when they are condemned and slaughtered by State authority.

DISINFECTION.

12. All necessary disinfection will be conducted by the employés of the Bureau of Animal Industry.

INOCULATION.

13. Inoculation is not recommended by the Department of Agriculture, and it is believed that its adoption with animals that are to be afterward sold to go into other herds would counteract the good results which would otherwise follow from the slaughter of the diseased animals. It may, however, be practiced by State authorities under the following rules: It will not be practiced in this State.

* * * * * * *

The co-operation of governors, of State live-stock commissions, and of other officers who may be in charge of the branch of the service provided for the control of the contagious diseases of animals in the States where pleuro-pneumonia exists, is earnestly requested under these rules and regulations, which have been framed with a view of securing uniform and efficient action throughout the whole infected district. It is hoped that with a vigorous enforcement of such regulations, the disease may be prevented from extending beyond its present limits, and may be in time entirely eradicated.

NORMAN J. COLMAN,
Commissioner of Agriculture.

WASHINGTON, D. C., *August* 2, 1886.

By virtue of the authority imposed upon me as governor of the State of Illinois, I hereby accept the above rules and regulations, and the proper officers of this State will co-operate with the United States Department of Agriculture for their enforcement.

RICHARD J. OGLESBY.

SPRINGFIELD, ILL., *September* 27, 1886.

Rules 6, 7, 14, 15, 16, and 17 erased, the last clause of rule 13 erased and one sentence added, three words erased and three inserted in rule 8, before adoption by the governor. The rules and regulations as amended are accepted for the United States Department of Agriculture under authority conferred upon me by the Commissioner.

D. E. SALMON,
Chief of the Bureau of Animal Industry.

The department has not purchased diseased animals for slaughter in Illinois, because the law of that State makes it the duty of the live-stock commissioners to slaughter such animals at once without compensation. With this law on the statute books of the State, and with no apparent reason why it should not be enforced, it was not, in my "judgment, essential to prevent the spread of pleuro-pneumonia from one State into another" that any part of the appropriation should be used in Illinois to purchase diseased animals for slaughter. This conclusion was confirmed by the desirability of adopting only such measures as conform with the statutes of the States in which the work is being done, so long as our only authority to enforce regulations within the States must be obtained from State legislation.

Co-operation with the other infected States has not progressed as satisfactorily as was anticipated. In the latter part of July a conference was held in Philadelphia, at which were present the chief of the Bureau of Animal Industry and representatives of the States of New Jersey, Pennsylvania, Delaware, and Maryland. In formulating the rules and regulations for co-operation as much consideration was given to the views expressed at that conference as was consistent with the object that was to be accomplished. It was understood at the time that the four States there represented would co-operate with this department under any reasonable rules and regulations. August 2 the following rules and regulations were issued and sent to the governors of the interested States for their acceptance:

UNITED STATES DEPARTMENT OF AGRICULTURE.

Rules and regulations for co-operation between the United States Department of Agriculture and the authorities of the several States and Territories for the suppression and extirpation of contagious pleuro-pneumonia of cattle.

Recent acts of Congress make it the duty of the Commissioner of Agriculture to prepare rules and regulations for the suppression and extirpation of the contagious pleuro-pneumonia of cattle, and authorize expenditures for investigation, disinfection, quarantine, and for the purchase of diseased animals for slaughter. The following are the sections bearing upon this subject:

SEC. 3. That it shall be the duty of the Commissioner of Agriculture to prepare such rules and regulations as he may deem necessary for the speedy and effectual suppression and extirpation of said diseases, and to certify such rules and regulations to the executive authority of each State and Territory, and invite said authorities to co-operate in the execution and enforcement of this act. Whenever the plans and methods of the Commissioner of Agriculture shall be accepted by any State or Territory in which pleuro-pneumonia or other contagious, infectious, or communicable disease is declared to exist, or such State or Territory shall have adopted plans and methods for the suppression and extirpation of said diseases, and such plans and methods shall be accepted by the Commissioner of Agriculture, and whenever the governor of a State or other properly constituted authorities signify their readiness to co-operate for the extinction of any contagious, infectious, or communicable disease in conformity with the provisions of this act, the Commissioner of Agriculture is hereby authorized to expend so much of the money appropriated by this act as may be necessary in such investigations, and in such disinfection and quarantine measures as may be necessary to prevent the spread of the disease from one State or Territory into another. (Approved May 29, 1884.)

BUREAU OF ANIMAL INDUSTRY.

For carrying out the provisions of the act of May 29, 1884, establishing the Bureau of Animal Industry, $100,000; and the Commissioner of Agriculture is hereby authorized to use any part of this sum he may deem necessary or expedient, and in such manner as he may think best, to prevent the spread of pleuro-pneumonia, and for this purpose to employ as many persons as he may deem necessary, and to expend any part of this sum in the purchase and destruction of diseased animals whenever, in his judgment, it is essential to prevent the spread of pleuro-pneumonia from one State into another. (Approved June 30, 1886.)

In accordance with these laws I hereby certify the following rules and regulations for co-operation between the Department of Agriculture and the authorities of the several States and Territories, which I deem necessary to insure results commensurate with the money expended.

INSPECTION.

1. The necessary inspectors will be furnished by the Bureau of Animal Industry of the Department of Agriculture.

2. The properly constituted inspectors of the Bureau of Animal Industry which are assigned to the respective States are to be authorized by proper authorities to make inspections of cattle under the laws of the State; they are to receive such protection and assistance as would be given to State officers engaged in similar work, and shall be permitted to examine quarantined herds whenever so directed by the Commissioner of Agriculture or the chief of the Bureau of Animal Industry.

3. All reports of inspections will be made to the Bureau of Animal Industry, and a copy of these will then be made and forwarded to the proper State authorities; when, however, any inspector discovers a herd infected with contagious pleuro-pneumonia, he will at once report the same to the proper authority as well as to the Bureau of Animal Industry.

4. The inspectors, while always subject to orders from the Department of Agriculture, will cordially co-operate with State authorities and will follow instructions received from them.

QUARANTINE.

5. When contagious pleuro-pneumonia is discovered in any herd, the owner or person in charge is to be at once notified by the inspector and the quarantine regulations of the State in which the herd is located are to be enforced from that time. The affected animals will be isolated, when possible, from the remainder of the herd until they can be properly appraised and slaughtered.

6. To insure a perfect and satisfactory quarantine, a chain fastened with a numbered lock will be placed around the horns, or, with hornless animals, around the neck, and a record will be kept showing the number of the lock placed upon each animal in the herd.

7. The locks and chains will be furnished by the Department of Agriculture,

but they will become the property of the State in which they are used, in order that any one tampering with them can be proceeded against legally for injuring or embezzling the property of the State.

8. Quarantine restrictions once imposed are not to be removed by the State authorities without the consent of the proper officers of the Department of Agriculture.

9. The period of quarantine will be at least ninety days, dating from the removal of the last diseased animal from the herd. During this period no animal will be allowed to enter the herd or to leave it, and all animals in the herd will be carefully isolated from other cattle.

When possible, all infected herds are to be held in quarantine and not allowed to leave the infected premises except for slaughter. In this case fresh animals may be added to the herd at the owner's risk, but are to be considered as infected animals and subjected to the same quarantine regulations as the other members of the herd.

SLAUGHTER AND COMPENSATION.

10. All animals affected with contagious pleuro-pneumonia are to be slaughtered as soon after their discovery as the necessary arrangements can be made.

11. When diseased animals are reported to the State authorities they shall promptly take such steps as they desire to confirm the diagnosis. The animals found diseased are then to be appraised according to the provisions of the State law, and the proper officer of the Bureau of Animal Industry (who will be designated by the Commissioner of Agriculture) notified of the appraisement. If this representative of the Bureau of Animal Industry confirms the diagnosis and approves the appraisement, the Department of Agriculture will purchase the diseased animals of the owner and pay such a proportion of the appraised value as is provided for compensation in such cases by the laws of the State in which the animals are located when they are condemned and slaughtered by State authority.

DISINFECTION.

12. All necessary disinfection will be conducted by the employés of the Bureau of Animal Industry.

INOCULATION.

13. Inoculation is not recommended by the Department of Agriculture, and it is believed that its adoption with animals that are to be afterwards sold to go into other herds would counteract the good results which would otherwise follow from the slaughter of diseased animals. It may, however, be practiced by State authorities under the following rules:

14. No herds but those in which pleuro-pneumonia has appeared are to be inoculated.

15. Inoculated herds are to be quarantined with lock and chain on each animal, the quarantine restrictions are to remain in force as long as any inoculated cattle survive, and these animals are to leave the premises only for immediate slaughter.

16. Fresh animals are to be taken into inoculated herds only at the risk of the owner, and shall be subject to the same rules as the other cattle of the inoculated herd.

17. The chief of the Bureau of Animal Industry is to be promptly notified by the State authorities of each herd inoculated, of the final disposition of each member of the herd, of the *post mortem* appearances, and of any other facts in the history of the herd which may prove of value.

The co-operation of governors, of State live-stock commissions, and of other officers who may be in charge of the branch of the service provided for the control of the contagious diseases of animals in the States where pleuro-pneumonia exists, is earnestly requested under these rules and regulations, which have been framed with a view of securing uniform and efficient action throughout the whole infected district. It is hoped that with a vigorous enforcement of such regulations, the disease may be prevented from extending beyond its present limits, and may be in time entirely eradicated.

NORMAN J. COLMAN,
Commissioner of Agriculture.

WASHINGTON, D. C., *August* 2, 1886.

The State of New York was not represented at the conference, as the State Veterinarian, Professor James Law, was then attending to some business in the Western States. After returning, however, he gave it as his opinion that with a large number of infected herds known to exist on Long Island and in the city of New York and vicinity, it would be unwise to attempt to control the plague with the present small appropriation.

The governor of New Jersey has not accepted the rules, and I learn from the chief of the Bureau of Animal Industry that in his correspondence with the secretary of the State board of health, which board has charge of the diseases of animals in this State, the obstacles to co-operation were rules 8 and 15. The objection to rule 8 was removed by an offer from this Department to change the reading from "without the consent of the proper officers of the Department of Agriculture" to "without due notice to the proper officers of the Department of Agriculture."

This concession was also made to the State of Illinois, but the experience of the last four months leads me to the opinion that it would be wiser for this Department to adhere to the original reading. State authorities sometimes have very different ideas as to the time when it is safe to remove quarantine restrictions from those entertained by the officers of this Department. They consequently object to restrictions which they can not remove at will. On the other hand, if the National Government appropriates money to pay the expenses of this work there certainly should be some guarantee that the proper regulations are enforced.

The objection to rule 15 still stands in the way of co-operation with New Jersey. The State authorities have adopted the practice of inoculation and release the inoculated herds from quarantine after a short period of isolation. After carefully considering the question and all the scientific evidence bearing upon it, I am of the opinion that it is useless to attempt to eradicate pleuro-pneumonia in States where inoculation is practiced and where inoculated animals are afterward allowed to mingle with the cattle and other herds. The money expended in purchasing diseased animals for slaughter under such conditions is consequently largely wasted, and for this reason I have decided not to expend any part of the appropriation for this purpose in States where inoculation is practiced.

I have, however, assisted the State authorities of New Jersey by employing one or more veterinarians nearly the whole time, whose duty it has been to investigate reported outbreaks of disease and give such aid as was needed in inspection and in forcing the State quarantine regulations. Thirty-one infected herds have been reported from this State, containing 530 animals, of which 42 were diseased.

The Governor of Pennsylvania has also failed to accept these rules and regulations. His reasons for not acting upon them are unknown to me. The Governor's agent in charge of the pleuro-pneumonia work raised some objections to rule 15, but admitted that its enforcement would make no great difference to the State. Inoculation is, also, practiced by the Pennsylvania authorities, but with the small number of outbreaks reported it would certainly be advisable to slaughter all diseased and exposed animals, and thus rid the State of the plague at once.

Virginia is the only remaining State infected with pleuro-pneumonia where the authorities have not accepted the rules and regulations. I have called the attention of the Governor to the desirability of eradicating the disease from this State, but up to the present he has taken no action.

The Governors of Delaware and Maryland have accepted the rules and regulations as issued, and without modification of any kind. No cases of pleuro-pneumonia have been reported from Delaware since such acceptance.

Co-operation with the authorities of Maryland has been more satisfactory than with those with any other State. The local laws are good, and the work has been very largely in the hands of the inspectors of this department. The number of infected herds reported from this State is 196, containing 2,277 animals, of which 705 were diseased. Dr. Wray, the inspector who has been in charge of the work in Maryland since September 20, reported under date of December 7 that since the former date 122 herds, containing 1,354 animals, had been put in quarantine; and that 92 herds containing 1,089 animals were still held under such restrictions. Since July 1, this Department has purchased and slaughtered in Maryland 308 diseased cattle for which $7,069 was paid, being an average of about $23 per head.

I inclose with this communication tables giving the name and address of the owners of infected herds in New Jersey and Maryland, together with the number of animals and other information reported to this Department, as it appears on the books of the Bureau of Animal Industry.

In Maryland the quarantine has been made very efficient by placing a chain fastened with a numbered lock around the horns, or, with hornless cattle, around the neck of every exposed animal. This has prevented the substitution of one animal for another, and it has also led to the prompt detection of any quarantined cattle which have been allowed to stray beyond the boundaries of the infected premises. The sick animals have been promptly slaughtered, and it is believed that the good effects of this work are already seen in the decreased number of new herds infected.

In a number of cases where infected herds have been of unusual danger to surrounding cattle this Department has purchased and destroyed the sick animals, and the State has then condemned and slaughtered the remainder of the herd, thus entirely eradicating the disease at once. Unfortunately the State appropriation has not been large enough to do this in as many cases as deemed desirable.

I have made no recent investigations, in Pennsylvania, and have no official information as to the status of the plague there. I learn, however, that the governor's agent, Mr. T. J. Edge, reports that during the year ending November 30, 1886, one hundred and twenty-eight diseased animals were condemned and slaughtered.

In closing I desire to urge upon the committee the necessity of legislation granting to this Department power to carry out the measures required for extirpating pleuro-pneumonia untrammeled by State laws or State authorities, if it is expected to promptly suppress this disease. The task is a difficult one at best, and I fear that under any plan of co-operation our history will be that of England, where for years the failure of local authorities to enforce the required regulations has not only perpetuated the contagion, but allows such frequent and alarming extensions as have lately occurred.

Trusting that the information given above will be found satisfactory, I am, very respectfully,

NORMAN J. COLMAN,
Commissioner of Agriculture.

Hon. W. H. HATCH,
Chairman Committee on Agriculture, House of Representatives.

BUREAU OF ANIMAL INDUSTRY—RECORD OF INSPECTIONS.

MARYLAND.

Day of month.	Name of owner or person in charge.	Location of stable.	Number of cattle.	Number with lung plague.	Number slaughtered.	Date of slaughter.	Name of inspector.
1886.						1886.	
Jan. 7	Mr. Bartholow	East Highlandtown, Baltimore County	62	5 c.			W. H. Rose.
7	Mr. B. Miller	do	64	3 c.			Do
8	David Wolf	1 mile northeast of Baltimore County	25	2 c.			Do.
8	Daniel Shane	1½ miles northeast of Baltimore County	18	2 c.			Do.
8	Mrs. Reilly	1 mile northeast of Baltimore County	16	4 c.			Do.
8	Mrs. Sachs	1½ miles northeast of Baltimore County	23	5 c.			Do.
12	Mr. Register	Belair road, Baltimore County	20	4 c.			Do.
16	Mr. Kraemer	Sharp street, Baltimore	22	3 c.			Do.
16	George Sachs	Hanover street, Baltimore	20	3 c.			Do.
16	Ed. Sachs	do	13	1 c.			Do.
16	Mr. Vogal	Washington road, Baltimore County	24	2 c.			Do.
Dec. 2	do	do	21	2 c.			Dyer & Martinet.
Jan. 21	Christian Avert	Highlandtown, Baltimore County	16	2 c.			W. H. Rose.
22	William Brindall	do	16	4 c.			Do.
Nov. 17	do	do	15	11 c.			Dyer & Martinet.

BUREAU OF ANIMAL INDUSTRY—RECORD OF INSPECTIONS—Continued.

MARYLAND.

Day of month.	Name of owner or person in charge.	Location of stable.	Number of cattle.	Number with lung plague.	Number slaughtered.	Date of slaughter.	Name of inspector.
1886.							
Jan. 22	L. Kiefer	Canton, Baltimore County	30	4 c.			W. H. Rose.
22	John Zorn	do	13	1 c.			Do.
23	Captain Weaver	Hanover street, South Baltimore, Baltimore	9	1 c.			Do.
23	John Hiller	do	16	1 c.			Do.
23	do	do			1 cow	July 30	Seth & Michener.
Sept. 20	do	do	13	2 c.			Trumbower & Dyer.
Jan. 23	Mr. Walter	do	7	1 c.			W. H. Rose.
26	Mr. Jacob Weddle	Wilkins avenue, Baltimore	10	1 c.			Do.
26	do	do			1 cow	Aug. 6	Seth & Michener.
26	do	do			do	30	Do.
26	Christian Heisler	Near Clairmount, Baltimore	40	5 c.			W. H. Rose.
26	Gerard Walts	Wilkins avenue, Baltimore	60	4 c.			Do.
27	Sundry owners	Long Green Valley, Baltimore		8 c.			Do.
July 9	T. Stephens	Woodberry, Baltimore County	40	6			T. W. Spranklin.
9	do	do			9 cows	July 29	Seth & Michener.
9	do	do			2 cows	Aug. 20	Do.
9	do	do			2 G. cows	Sept. 11	C. B. Michener.
14	J. Campbell	Patapsco Neck, Baltimore County	33	3 c.			T. W. Spranklin.
14	J. B. Miller	Highlandtown, Baltimore County	1	1 a.			Do.
14	do	do			1 J. cow	Aug. 6	Seth & Michener.
20	J. Kraastel	Putty Hill, Baltimore County	7	2 c.			T. W. Spranklin.
20	R. Myers	Perry Hall, Baltimore County	3	1 a.			Do.
20	do	do			1 cow	Aug. 5	Seth & Michener.
21	J. W. Evans	Gardenville, Baltimore County	18	1 a.			T. W. Spranklin.
Aug. 14	do	do	16	2 a.			Do.
14	do	do			1 cow	Aug. 5	Seth & Michener.
14	do	do			5 cows	Aug. 20	Do.
Sept. 7	do	do		2			T. W. Spranklin.
7	do	do			10 G. cows	Sept. 11	C. B. Michener.
July 21	G. Hostetter	do	4	1 c.			T. W. Spranklin.
23	F. Marten	Canton, Baltimore County	30	4 c.			Do.
27	C. Sinsy	Lauraville, Baltimore County	3	2 c.			Do.
Aug. 4	C. O. Kemp	Park Height, Baltimore County	6	1 a.			Do.
4	do	do			2 J. steers and 1 J. heifer.	Sept. 17	C. B. Michener.
4	E. N. Manolee	do	39	2 c.			T. W. Spranklin.
Sept. 15	do	do	40	3			C. K. Dyer.
4	do	do			2 G. cows	Sept. 17	C. B. Michener.
23	do	do	38	3			W. H. Wray.
23	do	do			3 G. cows	Sept. 24	Do.
24	do	do	38	3			Do.
25	do	do		3			M. R. Trumbower.
25	do	do			1 G. cow	Oct. 7	W. H. Wray.
25	do	do	34	1			Do.
Aug. 4	G. W. Adler	do	6	2 a.			T. W. Spranklin.
4	do	do			1 cow	Aug. 6	Seth & Michener.
9	P. Gasseto	Oxford, Baltimore County	2	1 c.			T. W. Spranklin.
11	N. Volz	242 South Broadway, Baltimore County	1	1 a.			Do.
11	do	do			1 cow	Aug. 12	Seth & Michener.
11	H. Luntz	Bay View, Baltimore County	8	1 a.			T. W. Spranklin.
12	Gibbett	Baltimore city	1	1 c.			Do.
13	J. Eidman	Rosedale, Baltimore County	4	2 c.			Do.
20	do	do	4	1 a.			Do.
20	do	do			1 G. cow	Aug. 27	W. H. Wray.
Sept. 15	do	do	3	3			W. H. Rose.
21	do	do	3	1			W. H. Wray.
25	do	do	3	2			Do.
30	do	do	3	1			Do.
30	do	do			1 cow	Oct. 30	Do.
Aug. 14	G. Reidel	do	3	1 c.			T. W. Spranklin.
14	B. Wolf	Highlandtown, Baltimore County	10	1 a.			Do.
14	do	do			1 cow	Aug. 20	Seth & Michener.
Oct. 22	do	do	10	1 a.			T. W. Spranklin.
Aug. 14	B. Hackerman	68 Harrison street, Baltimore	5	1 a.			Do.
14	do	do			1 cow	Aug. 20	Seth & Michener.
Nov. 10	do	do	4	3			W. H. Wray.
13	do	do	4	1			Do.
13	do	do			1 cow	Nov. 13	Do.
15	do	do		1			Do.
Dec. 2	do	do	3	1			Do.
2	do	do			1 cow	Dec. 2	Do.
Aug. 20	J. Gross	Philadelphia road, Baltimore County	29	2 a.			T. W. Spranklin.
20	J. Pettiger	Rosedale, Baltimore County	7	2 a.			Do.
20	do	do			2 cows	Aug. 21	Seth & Michener.
Sept. 15	do	do	5	2			W. H. Rose.
Aug. 20	H. Hausman	Patapsco Neck, Baltimore County	7	1 a.			T. W. Spranklin.
20	do	do			1 cow	Aug. 21	Seth & Michener.
20	do	do			1 G. cow	Oct. 19	W. H. Wray.
Oct. 18	do	do	6	1			C. K. Dyer.
19	do	do	6	1			W. H. Wray.
Nov. 23	do	do	6				T. W. Spranklin.
Aug. 19	J. Schmidt	Highlandtown, Baltimore County	12	1 a.			C. K. Dyer.
20	do	do	10	1			T. W. Spranklin.
19	Clayton Ellroy	do	9	2 a.			C. K. Dyer.
25	Mrs. M. T. Preston	Road to Darlington, Baltimore County	19	2 a.			Do.
27	Robert Ford	Bennington avenue, Baltimore County	1	1			Do.
31	Leonard Rosenberger	Road to Finksburg, Carroll County	11	8			Do.
31	do	do			1 G. cow and 1 calf	Sept. 8	Seth & Michener.
Sept. 27	do	do	7	2			M. B. Trumbower.
Aug. 31	William Shirley	Road to Pimlico, Baltimore County	2	1			C. K. Dyer.
Sept. 1	do	do	2	1			Do.
Aug. 30	G. Rye	Belair road, Baltimore County	5	1			T. W. Spranklin.
30	do	do			1 cow	Aug. 5	Seth & Michener.
31	J. H. Gross	Rossville, Baltimore County	24	1			T. W. Spranklin.
31	do	do			1 calf and 2 heifers	Aug. 21	Seth & Michener.
Sept. 7	do	do	22	2 a.			T. W. Spranklin.
17	do	do	22	13			Trumbower & Rose.
17	do	do			2 G. cows	Sept. 13	C. B. Michener.
22	do	do	22	14			W. H. Wray.

BUREAU OF ANIMAL INDUSTRY—RECORD OF INSPECTIONS—Continued.

MARYLAND.

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1886.							
Sept. 22	J. H. Gross	Rossville, Baltimore County			2 G. cows	Sept. 22	W. H. Wray.
Oct. 5	do	do	20	1 a.			T. W. Spranklin.
Nov. 5	do	do	20	1 c.			Do.
20	do	do	20	20			W. H. Wray.
20	do	do			2 G. cows	Nov. 20	Do.
20	Charles Kuhn	do			3 G. cows	July 23	Seth & Michener.
Sept. 29	do	do	10	3			C. K. Dyer.
Oct. 18	do	do	12	4			Do.
17	do	do	12	4			W. H. Wray.
17	Milton Amoss	do			3 G. cows	July 22	Seth & Michener.
23	do	do	6	3		Oct. 23	W. H. Wray.
23	do	do			3 G. cows	Aug. 5	Do.
23	Anton Paul	do			2 G. cows		Seth & Michener.
23	do	do	4	2			Rose & Wray.
12	do	do	5	2			Do.
Nov. 22	do	do	6	5 c.		July 29	Dyer & Martinet.
22	Charles Debaugh	do			3 cows and 2 heifers	Aug. 6	Seth & Michener.
22	James S. Nickel	do			2 cows		Do.
Sept. 2	do	do					C. K. Dyer.
2	Louis Clay	do	1	1	4 cows	Aug. 12	Seth & Michener.
3	do	do	44	2 a.			C. K. Dyer.
10	do	do	46	1			T. W. Spranklin.
20	do	do	46	2			C. K. Dyer.
20	do	do			1 cow	Sept. 13	C. B. Michener.
20	do	do	44	9			Trumbower & Dyer.
20	do	do			1 cow	Oct. 19	W. H. Wray.
20	do	do	47	9			Do.
Nov. 19	do	do	46	9			Do.
19	do	do			1 cow	Nov. 18	Do.
19	Samuel H. Eckert	Baltimore County			3 cows	July 29	Seth & Michener.
15	do	Stock-yards, Baltimore	1	1			W. H. Wray.
17	do	do	1	1			Do.
17	do	do			1 cow	Nov. 15	Do.
17	Henry Schafer	Baltimore County			do	Aug. 13	Seth & Michener.
Sept. 3	do	do	9	1 a.			T. W. Spranklin.
3	do	do				Sept. 10	Seth & Michener.
16	do	do	9	4			Rose & Wray.
16	do	do				Sept. 10	W. H. Wray.
16	do	do				Sept. 17	Do.
Nov. 20	do	do	10	1			T. W. Spranklin.
Dec. 3	do	do	10	4		Dec. 3	W. H. Wray.
3	do	do					Do.
3	Harry W. Crook	Howard County			1 cow	Aug. 13	Seth & Michener.
3	Catharine Louf	Baltimore County			do	Aug. 12	Do.
3	Sarah Foote	Waverly, Baltimore County			do	Aug. 12	Do.
3	do	do			do	Aug. 21	Do.
3	do	do			do	Aug. 27	W. H. Wray.
Sept. 10	do	do	2	1			Trumbower & Dyer.
10	Mrs. Emma Ford	Baltimore County			1 cow	Aug. 30	Seth & Michener.
	Nimrod Dorsey	do			5 cows and 1 heifer	Aug. 31	Do.
10	do	do			27 G. cows, 1 bull, and 1 calf.	Sept. 7	Do.
Sept. 6, 7	do	Ellicott City, Howard County	61	29			C. K. Dyer.
6, 7	do	do			6 cows, 1 J. bull, and 2 calves.	Sept. 17	C. B. Michener.
6, 7							
	Mrs. A. Deickman	Baltimore			2 cows	Sept. 3	Seth & Michener.
3	do	do	18	2			C. K. Dyer.
10	do	do	19	3			W. H. Wray.
20	do	do	19	1			Trumbower & Dyer.
21	db	do	20	12			W. H. Wray
22	do	do	20	12			Do.
25	do	do	20	1			T. W. Spranklin
7	John Dorn	Canton, Baltimore County	15	3			W. H. Rose.
Nov. 15	do	do	12	12			T. W. Spranklin.
17	do	do	12	11			W. H. Wray.
Sept. 10	G. Prall	Highlandtown, Baltimore County	17	2 c.			T. W. Spranklin.
Nov. 19	do	do	18	8			Dyer & Martinet.
Sept. 11	F. Goxe	Liberty road, Baltimore County	4	1			T. W. Spranklin.
16	do	do	4	1			Trumbower & Dyer.
Oct. 6	do	do	3	2			C. K. Dyer.
20	do	do	4	2			Do.
20	Christopher Schnable	Baltimore city			1 G. cow	Sept. 8	Seth & Hickener.
Sept. 27	do	do	2	2			M. R. Trumbower.
Oct. 6	do	do	2	2			W. H. Wray.
6	do	do			2 G. cows	Oct. 6	Do.
6	Oliver Disney	do			1 heifer	Sept. 9	Seth & Michener.
6	do	do			1 G. cow	Sept. 30	W. H. Wray.
Sept. 30	do	do	18	1			Do.
30	J. T. Stephens	do			2 G. cows	Sept. 9	Seth & Michener.
28	do	do	22	9			M. R. Trumbower.
30	do	do	22	9			W. H. Wray.
Oct. 9	do	do	22	9			C. K. Dyer.
9	do	do			2 G. cows	Oct. 13	W. H. Wray.
13	do	do	21	2 a.			Do.
13	T. Alex. Seth	do			2 J. cows	Sept. 10	C. B. Michener.
2	do	do	6	4	1 G. cow	Sept. 10	W. H. Wray.
2	John Heinz	do					Seth & Michener.
Sept. 4	do	do	1	1			C. K. Dyer.
Aug. 28	Henry Shriver	Washington road, Baltimore County	5	2			Do.
Sept. 4	do	do	5	3			Do.
8	do	do	5	2			M. R. Trumbower.
18	do	do	5	2			W. H. Wray.
20	Paul Harter	4 miles from Baltimore city	2	1 c.			Trumbower and Dyer.
20	Charles Gore	do	7	2			Do.
Oct. 20	do	do	9	2			C. K. Dyer.
Sept. 3	John Doran	Canton, Baltimore County		2 c.			Do.
13	George Brown	Cockeysville, Baltimore County	12	1			Do.
15	Mr. Perott	Woodbrook, Baltimore County	8	1			Do.
18	do	do	8	1			W. H. Wray.
18	John Dengler	Putty Hill, Baltimore County	3	1			C. K. Dyer.

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MARYLAND.

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1886.							
Sept. 22	John Dengler	Putty Hill, Baltimore County	5	1			T. W. Spranklin.
23	do	do	6	1			W. H. Wray.
21	do	do	6	1 a.			C. K. Dyer.
26	do	do	6	1			W. H. Wray.
26	do	do			1 G. cow	Oct. 26	Do.
Sept. 18	George Brown	Brooklandville, Baltimore County		1			Do.
20	do	do	15	1			Do.
20	do	do			1 thoroughbred heifer	Sept. 20	Do.
18	W. Kemski	Pimlico road, Baltimore County	8	2			W. H. Rose.
Oct. 27	do	do	8	1			W. H. Wray.
27	do	do			1 G. cow	Oct. 27	Do.
26	do	do	8	1 a.			T. W. Spranklin.
27	do	do	8	1			W. H. Wray.
Nov. 11	do	do	8	4			Do.
Sept. 21	J. H. Gross	Philadelphia road, Baltimore County	21	2 a.			T. W. Spranklin.
22	J. Kunkle	Hartford road, Baltimore County	14	1 c.			Do.
Oct. 7	do	do	15	1			C. K. Dyer.
7	do	do			1 G. cow	Oct. 14	W. H. Wray.
14	do	do	15	1			Do.
Sept. 22	L. Rye	Belair road, Baltimore County	5	1 c.			T. W. Spranklin.
23	Cora Reip	130 West street, Baltimore	5	5 c.			C. K. Dyer.
24	do	do	5	3			W. H. Wray.
23	Charles Spitznagle	Philadelphia road, Baltimore County	40	10			M. R. Trumbower.
28	do	do	38	12			W. H. Wray.
28	do	do			2 G. cows	Sept. 28	Do.
28	do	do			5 G. cows	Oct. 7	Do.
Oct. 7	do	do		5			Do.
7	do	do			5 G. cows	Oct. 11	Do.
11	do	do		5			Do.
12	do	do		5			Do.
12	do	do			7 G. cows	Oct. 22	Do.
Sept. 24	Ambrose Winterling	Highlandtown, Baltimore County	15	2			Trumbower and Dyer.
28	do	do	15	2 c.			W. H. Wray.
25	B. M. Hangley	39 Cumberland street, Baltimore	4	1			M. R. Trumbower.
28	do	do	4	1 a.			W. H. Wray.
27	George Taylor	Near Smallwood post-office, Carroll County	4	1			M. R. Trumbower.
27	Abdiah Bollinger	do	1	1			Do.
27	S. J. Messersmith				1 G. cow	Sept. 29	W. H. Wray.
29	do	Pennsylvania avenue extended, Baltimore	1	1			Do.
29	Theodore Marling	First avenue and Bank street, Baltimore	16	2 c.			Do.
Nov. 19	do	do	16	6 c.			Do.
Sept. 30	John Kaiss	Annapolis road, Baltimore County	10	10			Do.
Oct. 1	do	do	10	10			Do.
1	do	do			9 cows and 1 bull	Oct. 1	Do.
2	do	do	10	10			Do.
1	H. Reichert	Belair road, Baltimore County	9	1 a.			T. W. Spranklin.
1	do	do			1 G. cow	Oct. 12	W. H. Wray.
12	do	do	9	1 a.			Do.
26	do	do	8	1 a.			Do.
26	do	do			1 G. cow	Oct. 26	Do.
29	do	do	7	5			C. K. Dyer.
1	Mr. Gegner	Highlandtown, Baltimore County	4	1			T. W. Spranklin.
1	do	do			1 G. cow	Oct. 14	W. H. Wray.
14	do	do	4	1			Do.
4	E. Cowling	Brooklandville, Baltimore County	17	8			Do.
4	do	do			11 cows	Oct. 15	Do.
11	do	do	17	9 c.			Do.
15	do	do	17	11			Do.
Nov. 3	do	do	6	2			Do.
3	do	do			2 cows	Nov. 3	Do.
Oct. 4	Dr. F. W. Patterson	Hookstown road, Baltimore County	13	4			Dyer & Wray.
5	C. Peppler	Pennsylvania avenue, extended, Baltimore	1	1			Do.
5	do	do			1 G. cow	Oct. 5	W. H. Wray.
5	J. Vogtmeyer	Philadelphia road, Baltimore	1	1			T. W. Spranklin.
5	F. Murring	Canton, Baltimore County	7	1			Do.
5	Mrs. Honora Kulty	Corner Federal and Greenmount avenues, Baltimore	4	3 c.			C. K. Dyer.
6	Powell Harding	Liberty road, Baltimore County	2	1			Do.
20	do	do	2	1			Do.
6	T. M. Richardson	Belair road, Baltimore County	20	1			T. W. Spranklin.
6	do	do			1 G. cow	Oct. 14	W. H. Wray
14	do	do	20	1			Do.
15	do	do	19	3 c.			C. K. Dyer.
15	do	do			2 G. cows	Oct. 22	W. H. Wray.
22	do	do	19	2			Do.
Nov. 1	do	do	17	1			Do.
2	do	do	16	16			Dyer & Martinet.
2	do	do			1 cow	Nov. 1	W. H. Wray.
2	do	do			15 cows	Nov. 5	Do.
5	do	do		15			Do.
Oct. 8	Jacob Kunkle	440 Fort avenue, Baltimore	3	2			C. K. Dyer.
8	do	do			1 G. cow	Oct. 13	W. H. Wray.
13	do	do		1			Do.
8	Patrick O'Brien	Falls road, Baltimore County	9	3			C. K. Dyer.
8	do	do			1 G. cow	Oct. 15	W. H. Wray.
8	do	do		2			Do.
12	do	do	11				C. K. Dyer.
15	do	do	9	1			W. H. Wray.
9	Mrs. N. K. Disney	Owings' Mills, Baltimore County	29	14			C. K. Dyer.
9	Geo. S. Byerly	do	8	4			Do.
8	J. Foghtman	Rosedale Postoffice, Baltimore County	1	1	1 G. cow	Oct. 8	W. H. Wray.
12	Lewis Pallhorne	Falls road, Baltimore County	16	2			C. K. Dyer.
12	do	do			1 G. cow		W. H. Wray.
16	do	do	17	1			Do.
12	Henry Steffy	Hampden, Baltimore County	1				Do.
13	Geo. Weight	22 North Chestnut street, Baltimore	8	2 c.			C. K. Dyer.
Nov. 30	do	do	10	2 c.			Dyer & Martinet.
Oct. 13	Various persons	Hampden, Baltimore County	90	2 c.			C. K. Dyer.
18	J. Nichols	Hookstown road, Baltimore County	17	13			W. H. Wray.
20	do	do	17	13			Do.
Nov. 9	do	do	17	13			Do.

BUREAU OF ANIMAL INDUSTRY—RECORD OF INSPECTIONS—Continued.

MARYLAND.

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1886.							
Nov. 11	J. Nichols	Hookstown road, Baltimore County	17	13			T. W. Spranklin.
11	do	do			2 cows	Nov. 10	W. H. Wray.
Oct. 21	Joseph Krattle	Belair road, Baltimore County	7	4 a.			C. K. Dyer.
Nov. 22	do	do	7	4			Dyer & Martinet.
23	do	do	7	4			Do.
Oct. 22	Peter Jensen	Orleans street, Baltimore County	4	2			C. K. Dyer.
22	C. Spitznagle	Philadelphia road, Baltimore County	12	7			W. H. Wray.
22	A. Busch	do	5	1 a.			T. W. Spranklin.
29	do	do	4	2			W. H. Wray.
26	Gehart Zenk	Canton, Baltimore County	15	8			C. K. Dyer.
Nov. 5	do	do	15	2			T. W. Spranklin.
Oct. 26	J. Grauer	Harford, Baltimore County	7	3			W. H. Wray.
26	do	do			3 cows	Oct. 26	Do.
26	do	do			4 G. cows	Oct. 28	Do.
27	do	do	4	4			C. K. Dyer.
28	do	do	4	4			W. H. Wray.
28	T. W. Lovell	Baltimore city			1 G. cow	Oct. 28	Do.
28	John Clay	do			1 G. cow	Oct. 29	Do.
27	do	do	28	15 c.			C. K. Dyer.
29	do	do	28	15			W. H. Wray.
29	Hueren Kellenbenz	do			2 G. cows	Oct. 30	Do.
30	do	778 South Charles street, Baltimore	6	2			Do.
30	Lenhart Tramper	Near Perry Hall, Baltimore County	7	1 a.			C. K. Dyer.
Nov. 1	do	do	7	1			W. H. Wray.
Oct. 30	Garrett, J. W.	Harford road, Baltimore County	16	4 c.			T. W. Spranklin.
30	A. Kaulitz	Eastern Baltimore	9	5			Dyer & Martinet.
Nov. 3	do	do	8	1			W. H. Wray.
3	do	do			1 G. cow	Nov. 3	
Oct. 30	John Mateling	Near Rossville, Baltimore County	2	1			Dyer & Martinet.
Nov. 3	do	do	2	1			W. H. Wray.
3	do	do			1 cow	Nov. 3	Do.
1	Charles T. Belt	518 Rowland avenue, Baltimore	2	2			Dyer & Martinet.
4	do	do	2	2			W. H. Wray.
4	do	do			2 G. cows	Nov. 4	Do.
2	Charles N. Bush	Liberty road, Baltimore County	1	1			Do.
2	do	do	1	1	1 G. cow	Nov. 2	Do.
2	Richard Disney	Hookstown road, Baltimore County	1	1			Do.
4	do	do					Do.
4	do	do			1 cow	Nov. 4	Do.
2	Theo. German	Harford road, Baltimore County	18	18			Dyer & Martinet.
3	do	do	18	18			Do.
4	John Loeber	do	18	18			W. H. Wray.
4	do	do			18 cows	Nov. 4	Do.
6	Joseph White	2 Burroughs street, Baltimore	2	2			Do.
6	do	do			2 G. cows	Nov. 6	Do.
9	Joseph Winkler	Near Perry Hall, Baltimore County	12	4 c.			Dyer & Martinet.
9	George H. Cairnes	Hampden, Baltimore County	2	1			T. W. Spranklin.
8	J. Crabson	do	2	1			W. H. Wray.
11	do	do	2	1			Do.
10	Adam Bucheit	734 Fort avenue, Baltimore	1	1			Do.
10	do	do			1 cow	Nov. 10	Do.
10	Jennie Wisman	Near Horner's bone factory, Baltimore	1	1			Do.
10	do	do			1 cow	Nov. 19	Do.
10	Joseph Kuhn	Arlington, Baltimore County	21	21			Dyer & Martinet.
15	do	do	21	2 a.			W. H. Wray.
15	do	do			2 cows	Nov. 15	Do.
10	Charles T. Cockey	Pikesville, Baltimore County	4	4			Dyer & Martinet.
11	William Williams	Bird Hill post-office, Carroll County	4	4 a.			W. H. Martinet.
18	do	do	4	4			W. H. Wray.
18	do	do			4 cows	Nov. 18	Do.
12	Conrad Schmidt	Corner 8th and Lombard streets, Baltimore	18	2 c.			Dyer & Martinet.
13	do	do	18	2			Do.
12	August Schmidt	Corner 7th and Lombard streets, Baltimore	11	10			Do.
13	do	do	11	10			Do.
13	Mrs. Mary Zinkand	Philadelphia road, Baltimore County	32	2			Do.
13	Charles Hall	do	32	2			Do.
13	Edward Gore	Arlington, Baltimore County	1	1			W. H. Wray.
13	do	do			1 cow	Nov. 13	Do.
15	Mary E. Coens				do	Nov. 9	Do.
15	B. Wagman	Belair road, Baltimore County	8	8			Do.
15	do	do			8 cows	Nov. 15	Do.
15	Sebastian Noeth	Monument street, Baltimore	7	4 c.			Dyer & Martinet.
16	do	do	8	4			Do.
15	Fred. W. Young	Highlandtown, Baltimore County	12	12			Do.
16	do	do	12	3 c.			T. W. Spranklin.
15	Alois Auft	Near Monument street, Baltimore	40	2 c.			Dyer & Martinet.
16	Louis Markel	Highlandtown, Baltimore County	13	2			Do.
16	Lorenz Weinberg	do	18	2 c.			Do.
17	Christian Wolf	Canton, Baltimore County	16	15			Do.
19	John G. Miller	Third and Lombard streets, Baltimore	31	10			W. H. Wray.
Dec. 2	do	do	31	1			Do.
2	do	do			1 cow	Dec. 3	Do.
Nov. 19	John Betz	Canton, Baltimore County	16	1			Dyer & Martinet.
20	John H. Gross	Philadelphia road, Baltimore County	20	20			W. H. Wray.
20	do				2 cows	Nov. 20	
20	Johanna Devlin	Chesapeake street, Canton	4	4			Dyer & Martinet.
20	Joseph Dorn	Baltimore city			11 cows	Nov. 17	W. H. Wray.
22	John L. Yates, jr.	421 York road, Waverly	1	1			Do.
22	do	do			1 cow	Nov. 22	Do.
22	John E. Deeds	Bird Hill, Carroll County	6	3			W. Demond.
23	Mary Baker	Belair avenue, Baltimore County	1	1 c.			Dyer & Martinet.
23	Mr. Younger	do	1	1			Do.
23	Louis Mutch	do	3	1			Do.
24	William Jones	East Preston street extended, Baltimore County.	4	4			Do.
24	Elias Robertson	Luzerne and Oliver streets, Baltimore	1	1 c.			Do.
26	Julius Sachs	279 Orleans street, Baltimore	19	1			W. H. Martinet.
30	do	do	19	4			W. H. Wray.
20	do	do			4 cows	Dec. —	Do.
26	Christian Matthias	Burke street, south of Monument street	5	3			W. H. Martinet.

BUREAU OF ANIMAL INDUSTRY—RECORD OF INSPECTIONS—Continued.

MARYLAND.

Day of month.	Name of owner or person in charge.	Location of stable.	Number of cattle.	Number with lung plague.	Number slaughtered.	Date of slaughter.	Name of inspector.
1886.							
Nov. 26	Nicholas Glos	Burke street, south of Monument street	5	1			W. H. Martinet.
26	F. Miller	7 Hudson street, Baltimore	21	1 c.			T. W. Spranklin.
27	Joseph Barbour	238 Madison street, Baltimore	10	7			Dyer & Martinet.
27	Mary Kelly	1607 Harford avenue, Baltimore	6	2			Do.
27	Martin Mayford	4 Point lane, Baltimore	2	1			Do.
29	Hebrew Hospital	East Monument street, Baltimore	1	1 a.			Do.
29	Michael Lynch	801 North Ann street, Baltimore	2	2 c.			Do.
29	Phillip Newman	215 Central avenue, Baltimore	4	3			Do.
29	Domberg & Lohrfink	432 Spring street, Baltimore	19	5 a.			Dimond, Dyer & Martinet.
30	do	do	20	1			W. H. Wray.
30	do	do			1 cow	Nov. 30	Do.
30	Henry Perires	1638 East Broadway, Baltimore	2	2 c.			W. Dimond.
1	Maggie Pohlman	2224 East Monument street, Baltimore	1	1 c.			Dyer & Martinet.
1	Nicholas Tegges	168 Fairmount street, Baltimore	1	1 c.			Do.
2	Patrick Sweeny	2815 East Fayette street, Baltimore	2	2			Do.
2	Edward Smith	2915 East Fayette street, Baltimore	2	2			Do.
2	Patrick Murray	3020 East Fayette street, Baltimore	2	1			Do.
3	J. E. Swift	8½ miles on Belair Road, Baltimore County	11	1			W. H. Wray.
3	do	do			1 cow	Dec. 3	Do.
3	Alex. Blair	3000 East McElderry street, Baltimore	3	1 c.			Dyer & Martinet.
3	Otto Kuhn	Loney's lane, Baltimore County	15	4			Do.
3	John Weinkneit	558 East Fayette street, Baltimore	1	1			Do.
3	Patrick Holland	2821 East Fayette street, Baltimore	9	4 c.			Do.

NEW JERSEY.

Jan. 5	Barry Farmer	Near Boundbrook, Somerset County	18	1			H. W. Rowland.
Feb. 15	J. Williams	Weehawken, Hudson County	3	1			Do.
26	Fred. Simmerson	Jersey City Heights, Hudson County	11	1			Do.
April 2	Cook & Hearney	Near Centerville, Hudson County		1			Do.
26	John Lynch	Near Marion, Hudson County	18	1 c.			Do.
May 21	Jacob Daubman & Son	Mount Ephraim, Camden County	18	2 c.			W. B. E. Miller.
26	Joseph N. Mayhew	Near Elmer, Salem County	13	1			Do.
29	George A. Brown	Middletown, Monmouth County	7	2			Do.
31	Alexander Harris	Boundbrook, Somerset County	8	1			Do.
31	B. O. Brown	Near Raritan, Somerset County	24	1			Do.
June 29	Mrs. P. Gallagher	Camden, Camden County	6	1			Do.
July 20	John Green	Near Clarksborough, Gloucester County	12	1			Do.
21	Henry Sharp	Near Swedesborough, Gloucester County	20	1			Do.
May 4	M. Feinberger	Near Secaucus, Hudson County	110	1			H. W. Rowland.
26	C. Astfelix	Near Guttenburgh, Hudson County	8	2 c.			Do.
27	Charles Hewitt	Near Woodstown, Salem County	13	1			W. B. E. Miller.
June 24	do	do	13	1			Do.
July 30	do	do	13	1			Do.
May 28	Robert Smith	Wrightville, Camden County	16	2			Do.
June 17	do	do	15	2			Do.
28	do	do	15	1			Do.
July 23	do	do	15	1			Do.
May 28	Martin Cloran	Gloucester, Camden County		2			Do.
June 28	do	do	6	1			Do.
July 28	do	do	6	1			Do.
June 3	E. G. Brown	Near Somerville, Somerset County	41	2			J. W. Hawk.
18	George A. Brown	Middletown, Monmouth County	6	1			W. B. E. Miller.
July 16	Hugh Hatch	Near Belair, Camden County	9	1			Do.
Oct. 26	Ely Joyce	Near Vincentown, Burlington County	10	1			Do.
Nov. 3	do	do	10	1			Do.
Oct. 30	William Powell	Camden, Camden County	8	1 c.			Do.
11	George B. Pease	Verona, Essex County	4	1			Do.
12	Jacob Kirby	Harrisonville, Gloucester County	21	1			Do.
28	do	do	23	1			Do.
Nov. 4	do	do	23	1			Do.
Oct. 14	George H. Kirby	do	11	1			Do.
Nov. 10	do	do	11	1			Do.
Oct. 20	James S. Hartshorne	Near Vincentown, Burlington County	40	2			Do.
Nov. 3	do	do	38	1			Do.
Oct. 29	Samuel Moore	Near Swedesboro', Burlington County	20	1			Do.
29	Josephus N. Sooy	Road to Vincentown, Burlington County	9	2			Do.
29	do	do	7	1			Do.
Nov. 11	Elmer Duill	Near Woodstown, Salem County	26	4			Do.
Dec. 1	do	do	25	4			Do.
Nov. 26	Clayton Stackhouse	Near Medford, Burlington County	22	1			Do.
29	do	do	22	1			Do.

The CHAIRMAN. Does the gentleman from New York [Mr. SWINBURNE] yield the floor?

Mr. SWINBURNE. I reserve the residue of my time.

The CHAIRMAN. The gentleman has ten minutes remaining.

Mr. HATCH. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 7208) to amend an act entitled "An act for the establishment of a Bureau of Animal Industry, and for other purposes," approved May 29, 1884, had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its Clerks, informed the House that the Senate had passed, without amendment, the bill (H. R. 6313) to release unto the city of San Antonio, Tex., for its use as a public thoroughfare certain portions of the military reservation near said city.

The message further announced that the Senate had agreed to the amendments of the House to bills of the following titles:

A bill (S. 1201) granting a pension to Louise Ambrecht;

A bill (S. 1481) granting an increase of pension to Col. Charles E. Capehart;

A bill (S. 1844) granting a pension to Orrin P. Cooley;

A bill (S. 2334) granting a pension to Isaac Ransom;

A bill (S. 2587) granting a pension to Elizabeth Ward;

A bill (S. 1213) to regulate insurance in the District of Columbia; and

A bill (S. 1212) for the further protection of property from fire and safety of lives in the District of Columbia.

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, the bill (H. R. 1413) for the relief of settlers and purchasers of land on the pub-

lic domain in the States of Nebraska and Kansas; also, that the Senate requested a conference with the House on the said bill and amendments, and had appointed as conferees on the part of the Senate Mr. PLUMB, Mr. TELLER, and Mr. BERRY.

Mr. HATCH. I move that the House now adjourn

The motion was agreed to; and accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rules, and referred as follows:

By Mr. J. A. ANDERSON: Petition of 50 citizens of Manhattan, Riley County, Kansas, for the passage of the Hatch bill—to the Committee on Agriculture.

By Mr. C. R. BRECKINRIDGE: Petition of Micajah Lamb, asking reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. BURROWS: Protest against the bill (H. R. 9757) extending a patent—to the Committee on Patents.

By Mr. CALDWELL: Petition of Eunice Turner, for widow's pension—to the Committeee on Pensions.

By Mr. T. J. CAMPBELL: Petition of silver and gold beaters of the United States, for increase of duty on certain articles—to the Committee on Ways and Means.

By Mr. A. C. DAVIDSON: Petition asking the appropriation of $15,000 to each State and Territory for the purpose of establishing experimental stations therein—to the Committee on Agriculture.

By Mr. FORD: Petition of Cullen W. Green, of Elkhart, Ind., for an invalid pension—to the Committee on Invalid Pensions.

Also, petition of Simon Haines, of Bristol, Ind., for an original pension—to the same committee.

By Mr. FULLER: Petition of Ernest Eggerth and 80 others, citizens of Clayton County, Iowa, praying for the passage of the agricultural-experiment station bill—to the Committee on Agriculture.

By Mr. GAY: Memorial of citizens of Louisiana, for the improvement of the Bayou Lafourche in Louisiana—to the Committee on Rivers and Harbors.

By Mr. GOFF: Petition of the Women's Christian Temperance Union of West Virginia, in favor of the passage of the Blair educational bill—to the Committee on Education.

By Mr. HARMER: Petition of the employés of Standard Mills, of Philadelphia, Pa., in favor of a reduction of internal taxes—to the Committee on Ways and Means.

By Mr. HOUK: Petition of M. M. Floyd Post, No. 16, urging consideration of pension claim of Patrick Geraghty—to the Committee on Invalid Pensions.

Also, petition of ex-Federal soldiers in behalf of Joseph Jones—to the same committee.

By Mr. HUDD: Petition of Louis Pope for an original pension—to the same committee.

By Mr. J. T. JONES: Petition of Timothy Meaher for grant of river front on Mobile River—to the Committee on Commerce.

By Mr. LAIRD: Petition of S. T. Caldwell and others, of Nebraska, praying for the passage of the bill (H. R. 1413) for the relief of certain settlers on the public lands in Nebraska and Kansas—to the Committee on Claims.

Also, petition of 6 ex-officers in the late war, praying the passage of the bill (H. R. 1427) for the relief of certain officers of the volunteer army—to the Committee on Military Affairs.

By Mr. MARKHAM: Eight petitions of citizens of San Diego County, California, asking that lands forfeited by act of February 28, 1885, be restored at $1.25 per acre instead of $2.50—to the Committee on the Public Lands.

By Mr. PERKINS: Communication from the Secretary of the Live Stock Sanitary Commission of Kansas, asking for legislation for the extirpation of pleuro-pneumonia—to the Committee on Agriculture.

By Mr. PINDAR: Petition of citizens of Esperance, Schoharie County, New York, for national aid to education—to the Committee on Education.

By Mr. RIGGS: Resolution of John Wood, Post No. 96, Grand Army of the Republic of Quincy, Ill., in favor of pension legislation—to the Committee on Invalid Pensions.

By Mr. SHAW: Petition of the Consolidated Cattle Growers' Association of the United States, for relief—to the Committee on Agriculture.

Also, resolutions of the directors of the Peoria Board of Trade, relating to the interstate-commerce bill—to the Committee on Commerce.

By Mr. SKINNER: Petition of W. E. Alexander, guardian of John A. Shaw, minor heir of Joseph B. Shaw, deceased, praying the reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. SPOONER: Petition of W. T. Morse and 20 others, citizens of Providence, R. I., for reduction of the special taxes imposed upon dealers in oleomargarine, &c.—to the Committee on Ways and Means.

Also, petition of the Woman's Indian Association of Rhode Island, for passage of the bills (S. 52, 53, and 54)—to the Committee on Indian Affairs.

By Mr. STAHLNECKER: Petition of Mrs. E. L. Niola, of Dobbs Ferry, N. Y., and of Sarah W. Collins, president of the Women's Christian Temperance Union of Westchester County, New York, in favor of the educational bill—to the Committee on Education.

By Mr. STEELE: Petition of P. T. Moneghan, asking that poor men be assisted to homes in the West, and suggesting means by which it may be done without loss to the Government—to the Committee on Ways and Means.

Also, petition of Mrs. R. S. Peterson and 10 others, ladies of Adams county, Indiana, in favor of the Blair educational bill—to the Committee on Education.

Also, petition of L. A. Keen, asking to have a board of live-stock commissioners appointed, and to have the tariff on wool retained—to the Committee on Agriculture.

By Mr. STRAIT: Resolutions of the Saint Paul (Minn.) Chamber of Commerce, urging that sections 4 and 5 of the interstate-commerce bill shall be inoperative until recommended by the commission provided for in said bill and approved by Congress—to the Committee on Commerce.

By Mr. WHEELER: Petition of John T. Bucks, of Lawrence County, Alabama, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. MILO WHITE: Petition of Saint Paul (Minn.) Chamber of Commerce, and of the Minneapolis Board of Trade, opposing sections 4 and 5 of the interstate-commerce bill—to the Committee on Commerce.

SENATE.

WEDNESDAY, *January* 12, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PUBLIC BUILDING AT CAMDEN, N. J.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the bill (S. 228) for the erection of a public building at Camden, N. J., returned from the House of Representatives with an amendment, and calls the attention of the Senator from New Jersey [Mr. SEWELL] to it. The amendment will be read.

The CHIEF CLERK. The amendment of the House of Representatives is after the word "therein," at the end of the bill, to add:

Nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $100,000 for site and building.

Mr. SEWELL. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to, and the amendment was concurred in.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of State, transmitting a letter from the Secretary of the Navy, recommending that permission be granted Rear-Admiral Ralph Chandler to accept a vase presented to him by the Emperor of Austria and King of Hungary; which, with the accompanying paper, was referred to the Committee on Foreign Relations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions of the Illinois State Board of Agriculture, calling attention to the necessity of speedily enacting a law for the suppression of all contagious diseases among cattle; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the editor of the Lake Borgne Outlet (newspaper) in reference to improving all the water-courses of the country; which was referred to the Committee on the Improvement of the Mississippi River.

Mr. HALE presented the petition of citizens of Gardiner, Me., praying that the name of Robert Foss, formerly a member of Company A, First Battalion Maine Volunteers, be placed on the pension-roll; which was referred to the Committee on Pensions.

He also presented the petition of Frances A. Andrews, of Eden, Me., praying that her name may be placed on the pension-roll; which was referred to the Committee on Pensions.

Mr. CAMERON presented the petition of I. Painter & Sons, and others, iron-workers, of Pittsburgh, Pa.; the petition of Emile Scheppers and others, citizens of Philadelphia; the petitions of the Van Stans Stratena Company, by R. S. Pettet, manager, of Philadelphia; the petition of Hastings & Co., of Philadelphia; and the petition of J. Hambleton &

Sons, druggists, of Philadelphia, praying for a reduction of internal-revenue taxes; which were referred to the Committee on Finance.

Mr. WILSON, of Iowa, presented the petition of P. F. Milligan, of Washington, D. C., praying that an appropriation be made to enable him to demonstrate the practicability of preventing accidents on railroads; which was referred to the Committee on Railroads.

Mr. STANFORD presented the petition of W. W. Bowers, of San Diego, Cal., with statement of leading citizens, praying legislation in reference to the ejectment of Charles Hensley and others from the Capitan Grande reservation in that State; which was referred to the Committee on Indian Affairs.

Mr. EUSTIS presented a petition of merchants, planters, steamboatmen, officers of the General Government, and others, in the State of Louisiana, praying for an appropriation for the improvement of Bayou La Fourche; which was referred to the Committee on Commerce.

Mr. BLAIR. I present a petition of the New Hampshire survivors of rebel prisons, praying the delegation from the State of New Hampshire to use their influence and vote for the so-called Morrill bill, being the bill (H. R. 8098) as being in their opinion of much value to the interests of the ex-prisoners of war. I move that this petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. BLACKBURN presented the petition of Dr. William Kenney, of Paris, Ky., praying compensation for medicines, medical appliances, and professional services furnished the Eighteenth Kentucky Volunteers during the late war; which was referred to the Committee on Claims.

Mr. CULLOM presented resolutions adopted by the Illinois State Board of Agriculture, urging the immediate enactment of legislation for the suppression of contagious diseases among cattle; which were rereferred to the Committee on Agriculture.

REPORTS OF COMMITTEES.

Mr. STANFORD, from the Committee on Naval Affairs, to whom was referred a memorial of the Chamber of Commerce of San Francisco, Cal., in reference to naval fortifications, asked to be discharged from its further consideration, and that it be referred to the Committee on Coast Defenses; which was agreed to.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 9644) for the erection of a public building at Jefferson, Tex., reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 1974) providing for the erection of a public building at the city of Hastings, Nebr., reported it with an amendment.

He also, from the same committee, reported an amendment intended to be proposed to the sundry civil appropriation bill, and moved its reference to the Committee on Appropriations; which was agreed to.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 1794) for the relief of Samuel A. B. Woodford, of Clark County, Kentucky, moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom the subject was referred, submitted a report accompanied by a bill (S. 3118) for the relief of Samuel A. B. Woodford; which was read twice by its title.

Mr. DOLPH. By direction of the Committee on Coast Defenses, I present an amendment intended to be proposed to the bill (S. 662) to encourage the manufacture of steel for modern army ordnance, armor, and other army purposes, and to provide heavy ordnance adapted to modern army warfare.

It will be remembered that the bill referred to is a bill on the Calendar to provide a plant for the manufacture of heavy ordnance and armament. The amendment proposes that an appropriation of $5,000,000 be made, to be expended under the direction of the Secretary of War, for the purpose of the construction of fortifications and other works of coast defense, in accordance with the recommendation of the board on fortifications and other defenses appointed by the President of the United States under the provisions of the act of Congress approved March 3, 1885.

The PRESIDENT *pro tempore*. The amendment will be printed and laid on the table.

Mr. PAYNE, from the Committee on Foreign Relations, asked to be discharged from the further consideration of a letter of the Secretary of State addressed to the chairman of the Committee on Foreign Relations, with reference to the desire of the Government of Spain that currants and raisins should pay the same duty in the United States, and that it be referred to the Committee on Finance; which was agreed to.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 707) for the relief of J. R. Martin;

A bill (H. R. 2086) for the relief of Francis M. Bell;

A bill (H. R. 5652) for the relief of James W. Goodrich;

A bill (H. R. 5651) for the relief of David W. Low;

A bill (H. R. 1455) for the relief of Lysander H. Carroll; and

A bill (H. R. 8297) for the relief of Frank Shutt.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (H. R. 10397) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1888, and for other purposes, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. 10242) making appropriations for the support of the Army for the fiscal year ending June 30, 1888, and for other purposes, reported it with amendments.

Mr. ALLISON. I give notice that to-morrow, if it be convenient, I shall call up these bills.

Mr. WHITTHORNE, from the Committee on Pensions, to whom was referred the bill (H. R. 4265) granting a pension to Josiah Mahoney, reported it without amendment, and submitted a report thereon.

FRENCH SPOLIATION CLAIMS.

Mr. HOAR. I am directed by the Committee on Claims to report favorably, with an amendment, the bill (S. 3052) to extend the time for filing claims in the Court of Claims under the provisions of an act entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to July 31, 1801."

I ask for the present consideration of the bill. It is important that it should go down to the other House and become a law before the 20th of January.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on Claims was, in line 9, before the word "months," to strike out "six" and insert "twelve;" so as to make the bill read:

That the time for filing claims in the Court of Claims under the provisions of an act entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801," approved January 20, 1885, be, and the same is hereby, extended for an additional period of twelve months.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. MANDERSON introduced a bill (S. 3119) to facilitate promotion and retire from active service, upon their own application, officers of the Army who served during the war of the rebellion three years as officers or enlisted men of the volunteer or regular Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HOAR introduced a bill (S. 3120) for the relief of Daniel B. Washburn; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORRILL introduced a bill (S. 3121) for the erection of a public building at Hanover, N. H.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BLAIR. I introduce a bill to provide for the erection of a public building in the town of Hanover, in the State of New Hampshire. The president of Dartmouth College has written me in reference to the matter. The bill has been drawn with a preamble setting forth the circumstances, as follows:

Whereas a large part of the town of Hanover, in the county of Grafton and State of New Hampshire, including the building for many years used and occupied as a post-office by the United States, with the hotel, boarding places, and most of the business portion of said town, has lately been destroyed by fire; and

Whereas Dartmouth College, an ancient and honorable seat of learning in this country, whose influence has conferred innumerable and inestimable benefits upon the nation and upon mankind, is located in the town of Hanover, creating most of the business thereof, and is the chief sufferer by the aforesaid calamity, being seriously crippled thereby in its charitable and educational work; and

Whereas the postal facilities and convenience of said town were never adequate or appropriate to the just demands of an institution of such dignity, importance, and wide usefulness, and in the rebuilding of the part of the town destroyed by fire this deficiency should be supplied by the erection of a proper building for the accommodation of said institution and the surrounding community: Therefore,

Be it enacted, &c.

A bill in the ordinary form making an appropriation of $30,000 for that purpose.

I ask the reference of the bill to the Committee on Public Buildings and Grounds.

The bill (S. 3122) to provide for the erection of a public building in the town of Hanover, in the State of New Hampshire, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. EUSTIS (by request) introduced a bill (S. 3123) for the relief of Fanny B. Randolph and Dora L. Stark, sisters, of Avoyelles Parish, State of Louisiana; which was read twice by its title, and referred to the Committee on Claims.

Mr. SEWELL introduced a bill (S. 3124) granting a pension to Daniel W. Demarest; which, with the accompanying papers, was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO APPROPRIATION BILLS.

Mr. FRYE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CALL, it was

Ordered by the Senate, That the papers and exhibits accompanying the amendment to the bill (H. R. 9478) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1887, &c., proposed June 25, 1886, providing for payment of the claim of Charles F. Hopkins and William C. Sollee, be withdrawn from the files of the Senate and referred to the Committee on Public Lands.

INDEXES TO REPORTS OF COMMITTEES.

Mr. MANDERSON submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed the indexes to the compilation of House and Senate reports of committees provided for in Public Resolution 24, first session, Forty-ninth Congress.

CRIMINAL PROSECUTIONS BY FEDERAL OFFICIALS.

Mr. VEST. I offer a resolution, and ask for its consideration at this time.

The resolution was read, as follows:

Resolved by the Senate of the United States, That the Secretary of the Treasury furnish to this body a full and complete statement, by itemized account, of all money paid out for or on account, directly or indirectly, of prosecutions of criminal causes in State courts by Federal officials of the Department of Justice, Department of the Interior, and the Secret Service Bureau of the Treasury Department, from the 1st day of July, 1879, to the 1st day of December, 1886, together with a list of all such officials or agents or employés engaged in such prosecutions, and the amount each received and for what specific services it was paid, and to state by what authority of law such proceedings have been carried on and payments made, and what pecuniary interest or vested rights the United States had connected with such prosecutions in said State courts.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. INGALLS. Let it go over until to-morrow.

The PRESIDENT *pro tempore*. Objection being made, the resolution goes over under the rule.

POTOMAC RIVER NAVIGATION.

Mr. MAHONE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Commerce inquire what legislation by Congress is necessary to provide the means for keeping open the navigation of the Potomac River when obstructed by ice, and to report by bill or otherwise.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture, and to create an executive department, to be known as the department of agriculture and labor; in which it requested the concurrence of the Senate.

STEAMER NUEVO MOCTEZUMA.

The PRESIDENT *pro tempore*. If there are no further concurrent or other resolutions the Calendar is in order under the eighth rule.

Mr. CAMERON. I move that the Senate take up for consideration Order of Business 1768, being the bill (S. 2791) to provide for an American register for the steamer Nuevo Moctezuma, of Philadelphia, Pa.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CAMERON. I move to amend the bill, in line 4, by changing the letter "n" in Montezuma to the letter "c," making it read "Moctezuma" instead of "Montezuma."

The PRESIDENT *pro tempore*. If there be no objection that amendment will be made.

Mr. FRYE. Did that bill receive the approval of our committee?

Mr. CAMERON. Yes, it was reported by the Committee on Commerce.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for an American register for the steamer Nuevo Moctezuma, of Philadelphia, Pa."

HIRAM BERDAN.

Mr. PLATT. I move that the Senate proceed to the consideration of Order of Business 1467, being the bill (S. 2619). I will make a little statement in regard to it at this time, if I may be permitted.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. PLATT. The bill was reached at the last session and objected to by the Senator from Vermont [Mr. EDMUNDS]. The bill as originally reported by the Committee on Patents was very much more sweeping in its character than the amendment which I have offered. The amendment has been prepared to meet the objection made by the Senator from Vermont, and is entirely satisfactory to him. I hope the Senate will consider it at this time.

Mr. VEST. It is a very ungracious thing to object to the consideration of a bill or to oppose a motion of this sort, but I think we ought to take the Calendar up and dispose of it regularly. If we are going into a scramble for respective bills, let us understand it. I have sat here without objecting now for some four or five days, while one bill after another has been called up, and I have refrained from saying anything because I did not want to put myself in the attitude of being an objector or obstructionist; but I do insist that we take up the Calendar and dispose of the bills on it in their order, or else have no Calendar at all. Let us do one thing or the other.

Mr. PLATT. Will the Senator from Missouri reserve his objection till after this bill is disposed of? I think he ought not to make it on me when he has sat still and let other Senators call up bills.

Mr. VEST. Objection has to be made somewhere, and I know nobody whose equanimity of temper would submit to it more readily than my friend from Connecticut.

The PRESIDENT *pro tempore*. The motion to proceed to the consideration of the bill is in order.

Mr. PLATT. It will only take a moment, I think.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Connecticut to proceed to the consideration of the bill (S. 2619) authorizing a settlement of the claim of Hiram Berdan, assignee of the Berdan Fire-Arms Manufacturing Company.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. PLATT. The bill has been read, and there is an amendment in the nature of a substitute, proposed by me, which I ask may be read.

The PRESIDENT *pro tempore*. The amendment will be read.

Mr. COCKRELL. Is there a report in that case?

Mr. PLATT. If the Senator from Missouri will hear the amendment read I think he will have no objection to it whatever.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill and to insert:

That the claim of Hiram Berdan, as alleged assignee of the Berdan Fire-Arms Manufacturing Company of New York, for the alleged adoption and use by the Government of the United States of certain alleged inventions relating to improvements in breech-loading fire-arms alleged to have been made by the said Hiram Berdan, and for which it is alleged letters patent of the United States were issued to the Berdan Fire-Arms Manufacturing Company, be, and the same is hereby, referred to the Court of Claims, which court is hereby invested with jurisdiction in the premises, and whose duty it shall be to hear, determine, and render judgment according to law, nothing whatever being conceded by this act further than the granting jurisdiction to the said court to hear, try, and determine upon said claim.

SEC. 2. That the right of appeal to the Supreme Court of the United States by either party is hereby granted, subject to the laws applicable to general appeals from said Court of Claims.

Mr. PLATT. I wish to make a short statement.

The bill as originally reported by the Committee on Patents was of much wider sweep than the pending bill introduced by way of amendment. The substitute which the committee now recommends has been framed to meet the objections of the Senator from Vermont, and gives to General Berdan nothing except the right to go to the Court of Claims and have his case determined upon the law as it stands. It does not remove the bar of the statute of limitations. It concedes nothing whatever to him except the right to try his case as assignee of the Berdan Fire-Arms Company.

The necessity for it is this: The contract originally made with the Government was made by the Berdan Fire-Arms Company, but that company was largely General Berdan himself, and he now desires to go to court as the assignee of the company and try his case. There is nothing conceded by the amendment whatever. He goes purely upon his legal rights, except so far as he is allowed to bring the case in his own name as assignee.

Mr. COCKRELL. As assignee of the company?

Mr. PLATT. As assignee of the company which furnished the arms to the Government, and, as I said, he was largely the company himself.

Mr. COCKRELL. Did the corporation make the invention?

Mr. PLATT. He made the invention. He is the inventor himself.

Mr. COCKRELL. That is what I thought. Then did he assign the patent to this company?

Mr. PLATT. Yes, of which he was the principal member. The company has now gone out of existence, and when it went out of existence re-assigned to him all claims that it had against the Government.

Mr. COCKRELL. As this is one of the cases where compensation is being claimed for the use of patents relating to the changing of guns and so on, I desire simply to read a letter from a very intelligent gentleman from Springfield, Mass., dated January 9, 1887, to a Senator on this floor in regard to the bill that was up involving a similar point, the bill for the relief of Erskine S. Allin. We heard a great deal about the subject at that time, and I should like to put this letter on record:

SPRINGFIELD, MASS., *January* 9, 1887.

DEAR SIR: I wish to give you a bit of history concerning the bill for the relief of heirs of Erskine S. Allin, formerly master armorer of United States Armory in this city A few years since (before Allin's claim to a patent) all inventors of breech-loading fire-arms were invited to the Springfield Armory for a test in

firing and examination of arms. Some twenty, more or less, were represented, which resulted in no choice of either arm represented; two or three being spoken of favorably.

After the trial of each arm they were taken to Allin's office, dissevered, and every part photographed. What for? Within a period of two years or thereabouts, Allin, with the assistance of the skilled artisans in the machine shop, where there were three or four his superiors in inventive genius and workmanship, assisted him with their own ideas and the photos alluded to, produced the famous "Allin breech-loading arm." Ask any of the representatives of arms at the trial aforesaid if they were treated fairly.

Mr. PLATT. Who is the author of the letter?

Mr. COCKRELL. A gentleman of responsibility, character, and standing; as honorable as Mr. Allin was in his position.

Mr. PLATT. That may all be——

Mr. COCKRELL. And this is only a sample of these patent claims; a sample of the one I gave the other day in the discussion of the Allin bill, of the poor widow woman who came down here and pleaded for an extension of a patent-right for the benefit of herself, and when she was brought under oath before the Committee on Patents it was disclosed that her tears and sympathy were all founded upon $20,000 to be given to her by the assignee in the event that the patent-right was extended.

Mr. PLATT. To whom does the Senator refer? What poor widow's case? When?

Mr. COCKRELL. I can get you a reference to the case. It was only a few years ago, and was a case well known here.

Mr. PLATT. I did not know but that it was something which had been before the committee, or ought to have been before the committee when I was chairman.

Mr. DAWES. I did not hear the first part of the Senator's letter read.

Mr. HOAR. Will the Senator from Missouri allow me to ask him a question?

The PRESIDENT *pro tempore*. Does the Senator from Missouri yield?

Mr. COCKRELL. Of course. I am done.

Mr. HOAR. By the phrase used that that is "a sample of the patent claims," does the Senator mean to say that the inventors of this country are not as a class as honest, and that their claims are not as a class as honest, as those of any other class of persons, for instance, confederate sufferers by the late war?

Mr. COCKRELL. The Senator from Massachusetts knows just as well as he knows his existence that I think no such thing and made no such intimation, directly or indirectly. The patentees of this country are not coming to Congress. Not one out of ten thousand, not one out of fifteen thousand of them is bringing any claim against the Government. It is only a few, a precious few—"few and far between," like angels' visits, thank God!

Mr. HOAR. The Senator, after stating a case of apparently attempted imposition, said that that was only a specimen of these patent claims. Wherever there is a military or naval invention, or an invention of anything that is used in the administration of any of the Departments of the Government, the Government, as a rule, takes that invention, uses it, and leaves the party who has made it to come to Congress for relief. Having been a member of the Committee on Patents for a good many years, representing a community whose inventive faculty is conceded by all mankind to be certainly as great as that of any other in the country or in the world, I assert that the men who bring these claims for redress here come here as reluctantly, as honestly, as fairly, and as justly as any other class of citizens, and I do not mean in the least to convey any imputation against the constituents of the Senator when I say that they will compare in all those particulars at least on equal terms with the confederates who come with claims against the Government for losses sustained.

Mr. COCKRELL. I should like to know what confederates have ever come here. I have never heard of any except those that the Senator from Massachusetts has reported in favor of. If there has ever been a confederate soldier who was a soldier and devoted to the confederate cause, who has come to Congress for any relief, I will guarantee that the Senator from Massachusetts was one of the men who favored his claim. I have never done it.

Mr. HOAR. Exactly, Mr. President——

Mr. COCKRELL. One moment. There has been no such claim that I know of. I was casting no reflection upon patentees. I am in favor of preserving the rights of patentees to the fullest extent—as much so as the Senator from Massachusetts. We have a large number of patentees in my own State, and I am for the protection of their rights and their interests; but when a patentee, as this man Allin, who was in the employ of the United States Government, receiving a large salary, devotes his time, paid for by the Government, and uses the skilled labor in the armory in Massachusetts, and uses all the machinery and material which the Government can purchase and furnish, and then, as this letter shows, after all the skilled artisans and inventors of the United States have been invited there to test their arms, takes them and takes advantage of them, and takes them into a room and has them photographed, and then gets up a pretended patent, and then, conscious of all he has done, makes an absolute and unqualified conveyance of that patent to the United States in order that the United States might use it, and in his patent assignment gives the consideration, and then dies, and his heirs come in here and ask $30,000 for such a claim as that, I have a right to criticise that class of patent claimants. It is that class, and that class alone, that I am criticising.

Mr. President, I simply read this because that bill had been up and I have not had time to examine the report in this case. This may be a similar case or it may not be. I am not classing this with that particular case, but I want to put on record the truth of history in regard to the other claim; and it was that class of claims to which I referred. I do not know whether Mr. Allin was a citizen of Massachusetts or not. I was not casting any reflection upon Massachusetts or any patentee.

Mr. HOAR. If my friend will allow me to interrupt him one moment——

Mr. COCKRELL. Certainly.

Mr. HOAR. The Senator from Missouri says that when a claim of a confederate soldier comes here I am as likely to be found in support of it as anybody; and that is true. I propose to meet that claim and all others with a discussion of the individual merit of the case, and I never have been and never expect to be, as the Senator I think well knows, but as what he said implies, frightened from my duty of doing justice to an individual by any of these general phrases that a certain class of claims or a certain class of citizens are not entitled to respect.

Now if the Senator confines himself to that method of dealing with this claim nobody can object.

Mr. COCKRELL. Am I not doing it?

Mr. HOAR. What I object to is that, when a particular claim which the Senator attacked without knowledge was pending, the Senator said—I do not know whether he was aware of the full force of his utterance—"that is a specimen of these patent claims." If I had got up when some claim from his State arose, and I had pointed out its invalidity, "that is a specimen of the claims that come from his State," or "a specimen of the claims that come from confederate soldiers," or anything of that sort, I should have been doing what seemed to me, with great respect to my honorable friend, an unworthy thing—unworthy of a Senator. Now, I do not mean to say that the Senator meant to do that after his disclaimer, which I accept cheerfully. I suppose all he meant to say was that there were certain claims for inventions that came here which were not proper; but certainly the Senator's phrase was one which I think if it had been applied to any class of his constituents he would have thought ought not to have been so applied.

Mr. COCKRELL. Mr. President, I have been pursuing precisely the same course in regard to these patent claims that the Senator from Massachusetts speaks of. A number of them have been passed, one from the State of the Senator last session after I had objected to it. It passed, and I made a motion to reconsider it, and after I had examined it fully I withdrew that motion. There was also one from the State of the Senator from Iowa. There are certain cases against the Government which are brought by men in the employ of the Government, and they are attempting to mulct the Government in sums which are not just, and I honestly believe that the case which was passed the other day, of Allin, is a rich specimen of that particular class of claims that are urged against the Government by men who are in the employ of the Government and paid for their services, the assistance and material being furnished by the Government.

Mr. DAWES. I have appealed to the Senator several times to do me the favor to read again such portions of that letter as he has seen fit to read to the Senate, in order that I might hear them, I having some special relation to that case as a former Representative from the district. I should like very much to hear it.

Mr. COCKRELL. I will read it.

SPRINGFIELD, MASS., *January* 9, 1887.

DEAR SIR:—

This is not addressed to me, but addressed to Senator BECK—

I wish to give you a bit of history concerning the bill for the relief of heirs of Erskine S. Allin, formerly master armorer of United States Armory in this city. A few years since (before Allin's claim to a patent) all inventors of breech-loading fire-arms were invited to the Springfield Armory for a test in firing and examination of arms. Some twenty, more or less, were represented, which resulted in no choice of either arm represented; two or three being spoken of favorably.

After the trial of each arm, they were taken to Allin's office, dissevered, and every part photographed. What for? Within a period of two years or thereabouts, Allin, with the assistance of the skilled artisans in the machine shop, where there were three or four his superiors in inventive genius and workmanship, assisted him with their own ideas and the photos alluded to, produced the famous "Allin breech-loading arm." Ask any of the representatives of arms at the trial aforesaid if they were treated fairly.

Mr. DAWES. Mr. President, I stated when the Allin bill was before the Senate that although Mr. Allin had been employed in the Springfield Armory fifty years, and I had represented the district in the other branch eighteen years and had been here for some years, I had never seen any member of his family; so I have no personal relation to this matter, but I knew him and the people of the vicinity knew him very thoroughly and quite as well, I am confident, as any man who after all this hearing writes a letter here giving views of the subject diametrically opposed to the facts found in the case, and withholds his name. I do not know who the gentleman is, and I shall indulge in no animadversions on the character of any such gentleman whom I do not know.

I mean to say that Mr. Allin and Mr. Allin's representatives are in character and in position, and in title to credit, above all reproach, and this gentleman coming here after the Department has investigated the whole subject and recommended the measure, after a committee of this Senate has investigated all the facts and recommended the bill, is too late in the field of controversy to be entitled to credit. The very statement which he makes is altogether and absolutely in the face of the record.

The patent bears date the 19th of December, 1865. The order calling together the board, to which he refers in his letter, bears date January 30, 1866, after the patent was granted and after Mr. Allin's invention was perfected.

Mr. COCKRELL. That is not the board to which the gentleman refers.

Mr. PLATT. Yes, it is.

Mr. DAWES. It had no possible chance to reflect upon the validity of his patent. Any gentleman, I say, who will come here after the Department has examined the subject, and after the facts found by this committee, and after the Senate has passed upon it, ought to furnish his name to the public and take the responsibility of his statement. I have nothing to say against him personally, for I do not know who he is, but I stand here responsible for the character of those who have presented this claim to Congress, and I assert that they are above any possible attempt at fraud, either in obtaining a patent or in presenting a claim for fair and equitable remuneration for the use of the patent, or in any other respect whatever.

Mr. BECK. Mr. President, I did not expect to do anything to provoke any such discussion as this. The letter read by the Senator from Missouri was written to me by a man whom I never saw, but he is a respectable man and is himself an ex-armorer and inspector. I have looked that up as a matter of history. The letter corroborates exactly what the man himself had said in his contract with the United States, which is dated in October, 1867, after the action of the board referred to. Mr. Allin said this:

Whereas Erskine S. Allin, in the county of Hampden and State of Massachusetts, has invented certain new and useful improvements in breech-loading firearms; and

Whereas the United States has aided in developing, perfecting, and applying to practical use the said improvement by furnishing to said Allin, at the United States Armory in Springfield, Mass., the labor, material, and other requisites to that end:

Now be it known that, for and in consideration of the aid aforesaid, and $1 received by me, the said Allin, I have granted, bargained, and sold, and by these presents do grant, bargain, and sell and assign to the United States of America, the right to manufacture the said improvement in all the armories and arsenals of the United States, and the right to use said improvement so manufactured every where, together with the right, title, and interest that I have, or may have, to said improvement under any letters patent dated December 19, 1865, or any renewal or extension thereof that have been or may be granted therefor to the extent of the grant and license aforesaid to manufacture and use said improvement.

In testimony whereof I have hereunto set my hand and seal this 30th day of October, 1867.

[SEAL.] E. S. ALLIN.

Now, a gentleman who is himself an ex-armorer and inspector writes a letter to me in which he justifies the votes of twenty-one of us who on the yeas and nays refused to pay Allin any more money, though he had a claim of $100,000, and gentlemen on the other side cut it down to $30,000. He himself stated that he had the aid of the United States in developing, perfecting, and applying his invention to practical use, and that he had used the labor, the materials, and other requisites furnished by the United States. In this letter it is said he did, and I say he did.

Mr. DAWES. Will the Senator from Kentucky allow me?

Mr. BECK. Yes, sir.

Mr. DAWES. All that was stated frankly by him. The question now is whether he has committed a fraud.

Mr. BECK. This does not charge him with committing any fraud. The letter charges that the Senate of the United States, in the opinion of the writer, which opinion I agree with, had no right to give Mr. Allin any more than he had got by his contract. That is what this gentleman says, and if you will go to Springfield I have no doubt he will furnish you the proof.

Mr. DAWES. The position of the Senator was that he had committed a fraud in obtaining a patent by means of photographing other people's patents, and had then come here and set up a claim for pay.

Mr. BECK. This shows the reasons he had for making that contract. He knew that he had received that aid and all the materials and all the assistance from the United States, and from their officers and from their employés; and in consideration of all these things, while the matter was fresh and all the facts were known, he gave the United States the right to use his invention. The writer of the letter complains, and I complain, that the Senate has no business to give Allin or his representatives $30,000 more in the face of such a contract and in the face of the fact that he himself admitted in his contract with the United States the aid he had received; and the Senator from Missouri was right in saying that, after the man, at the time, had agreed that he had received full compensation for the conveyance he made, that class of claims coming twenty years afterward and brought by committees before the Senate on appeals to equity, or appeals to mercy, or because of poverty or anything else, are not claims which are meritorious or which the Senate ought to consider.

I do not propose to give the gentleman's name who writes this letter to me, though it is not marked personal. The facts are sustained by Allin's own conveyance.

Mr. PLATT. Mr. President, this discussion is all outside of the bill which is now before the Senate, and I do not propose to reply to the gentlemen who have discussed the matter which passed the Senate the other day. I simply wish to say with regard to this present bill that General Berdan asks nothing of Congress. He asks permission to go to the Court of Claims and stand there on his legal rights and make out a case if he can. I imagine there can be no objection to that.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Connecticut.

Mr. COCKRELL. Let me ask the Senator from Connecticut one question. Was Mr. Berdan in the employ of the Government at the time the patent was granted?

Mr. PLATT. He was not. General Berdan, as the Senator will remember, was a distinguished officer of the volunteer force.

Mr. COCKRELL. I know that; but I am asking as to his position when this patent was issued.

Mr. PLATT. He never was in the employ of the Government, as I understand.

Mr. COCKRELL. Not an employé working for the Government at the time of the invention and issuance of the patent?

Mr. PLATT. No, sir.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted on its amendments to the bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SKINNER, Mr. PEEL, and Mr. PERKINS managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 8599) providing an additional circuit judge in the second judicial circuit, and for other purposes; in which it requested the concurrence of the Senate.

DISPOSITION OF PROPERTY ACQUIRED BY THE UNITED STATES.

The PRESIDENT *pro tempore*. The Calendar is now in order.

Mr. INGALLS. I move that the Senate proceed to the consideration of Order of Business 1884.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate proceed to the consideration of the bill (S. 2920) amending section 3749 of the Revised Statutes of the United States.

Mr. CULLOM. The interstate-commerce report was before the Senate yesterday, and it is the desire of the committee having it in charge that we vote on it to-day. There are several gentlemen who desire to speak, and I hope we shall proceed to the consideration of that report at once, so that all may have an opportunity who desire to be heard. I move, if it is in order——

The PRESIDENT *pro tempore*. Pending the motion of the Senator from Kansas, the Chair is of opinion that a motion to proceed to the consideration of a conference report is a privileged motion.

Mr. CULLOM. I make that motion.

Mr. INGALLS. I presume that debate is not strictly in order, but I venture to express the hope that the Senator from Illinois will not feel it to be his duty to insist upon a final vote on the interstate-commerce bill to-day. I know that there are many Senators who desire to be heard upon various phases of the measure, and the debate already has developed in the press and in the other organs of public opinion a feeling of intense interest, and much has been expressed which I think has been profitable to those who are engaged in the consideration of this subject.

But I rose merely for the purpose at this time of asking the Senator if he would not consent at least to postpone his motion until the bill which I moved has been considered by the Senate. It is one reported by the Judiciary Committee at the instance of one of the Departments of the Government, and is for the convenience of administration. The bill is brief, and I am confident that no debate will ensue.

Mr. CULLOM. If there is to be no debate on the bill I shall, of course, yield until the Senator has an opportunity of having it considered.

Mr. INGALLS. I am sure there ought to be no debate. Of course I can not insure that there will be none.

Mr. CULLOM. With the understanding that I may be allowed, if the bill in the Senator's charge shall cause debate, to make the motion again to take up and consider the conference report, I will not object.

Mr. INGALLS. The Senator will have the right to make his motion at any time.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas to proceed to the consideration of the bill (S. 2920).

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2920) amending section 3749 of the Revised Statutes of the United States, which had been reported from the Committee on the Judiciary with amendments.

The amendments were: In line 6, after the word "the" where it first occurs, to strike out "solicitor" and insert "secretary;" in line 7, after the word "authorized," to strike out "with the approval of the Secretary of the Treasury;" in line 9, after the word "sale," to insert "and convey;" in the same line, before the word "lands," to strike out "unproductive;" and in line 13, before the word "gift," to insert "private;" so as to make the bill read:

Be it enacted, &c., That section 3749 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 3749. The Secretary of the Treasury is authorized to rent, for a period not exceeding three years, or to sell at public sale, and convey, any lands or other property of the United States acquired, under judicial process or otherwise in the collection of debts, or acquired absolutely and without any condition, use, or trust attaching thereto, by private gift, grant, or devise, after advertising the time, place, and conditions of such sale for three months preceding the same in some newspaper published in the vicinity thereof, in such manner and upon such terms as he, in his judgment, may deem to be most advantageous to the public interest."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. INGALLS. I ask that a letter from the Secretary of the Treasury bearing on this subject may be printed in the RECORD in connection with the action upon the bill.

The PRESIDENT *pro tempore*. If there be no objection the letter will be printed in the RECORD.

The letter is as follows:

TREASURY DEPARTMENT, *December* 1, 1886.

SIR: I have the honor to inform you that in or about the month of September, A. D. 1884, the United States became seized in fee of certain real estate under and by virtue of a devise contained in the will of Nancy J. Goold, late of Portland, Me., deceased. Administration upon her estate has now been closed, and it is deemed advisable and to the public interest that said real estate shall be disposed of.

The question of power under existing statutes of the Department to sell the land has been referred to the Solicitor of the Treasury for his opinion, which he gives, in substance, to the effect that further legislation will be required for that purpose.

I therefore have the honor to request your committee, if in their opinion compatible with the public interests, to prepare and report for passage a bill for an act containing suitable general provisions for this case, as well as all others of like character which may arise in the future.

In this connection I desire to call your attention to certain provisions contained in the act of August 7, 1882 (22 Statutes, 319), in the following words: "The Secretary of the Treasury is authorized to sell such lands as have been acquired by the United States by devise upon such terms and after such public notice by advertisement as he may deem best for the public interest," which the Solicitor had under consideration in forming his opinion. He recommends that the phraseology of the new act be something as follows: The Secretary of the Treasury is hereby authorized to sell any real estate which has been or may hereafter be acquired by the United States by devise, &c.

Respectfully, yours,

D. MANNING, *Secretary*.

Hon. GEORGE F. EDMUNDS,
Chairman of the Judiciary Committee, United States Senate.

HOUSE BILL REFERRED.

The bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture and to create an executive department to be known as the department of agriculture and labor, was read twice by its title, and referred to the Committee on Agriculture and Forestry.

INTERSTATE COMMERCE.

Mr. CULLOM. I move to proceed to the consideration of the report of the committee of conference on the interstate-commerce bill.

The motion was agreed to; and the Senate resumed the consideration of the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce.

Mr. CALL. Mr. President, I desire to submit some observations to the Senate upon the pending report of the conference committee on the intrstate-commerce bill. I concur with Senators who have said that this bill is one of great importance in view of the interests to be affected by it. As I understand the function of the Senate and the duty of a Senator here, it is to consider and weigh with great care and deliberation the ideas connected with a measure, and to act according to his best judgment. The Senate under our organic law, with the House of Representatives, are required to judge for themselves, not to accept the opinions of others, but to formulate such laws as will carry into effect just and wise objects of public policy. In investigating carefully the conference report and the bill which is the result of the report, we must look, I think, somewhat to the grievances which are proposed to be remedied, their origin, and their present effect upon the people.

The origin of the great public grievances which this bill seeks to remedy and which the country at large demands should be remedied is to be found in the improvident legislation of the different States creating corporations and giving them all the rights possessed by a rational person, the right to make contracts and be contracted with; the right to hold real and personal estate; the right of perpetual succession; the right of exclusive transportation over designated lines and areas of country; the right to issue bonds and securities. These powers were conferred on these artificial persons for the public benefit, but under their exercise they have been used to issue securities that impose upon the people of this country burdens greater than the war debt, without reference to the money expended, the labor used, or the cost of construction. They carry with them a power of taxation greater than was reserved to the people in their governmental capacity as States or as a National Government. That is the fact. It can not be denied.

With the Government professedly based upon the theory of protection of persons and property, upon the idea that no property shall be taken from a man except by law, the law of a body in which he shall be represented and by consent of his representatives, the fact is that a power has been created with a greater right of taxation without representation of the people, without responsibility to them, a power which in fact takes from them a greater sum of money than that drawn by the National Government and the State governments for the public and authorized purposes of government.

How shall we deal with this question? Is it an important question? Is it the least important question connected with this subject? It is estimated, and reasonably and justly estimated, in the authorities which were read by the Senator from Kentucky [Mr. BECK] and others, that a mortgage of over three thousand million dollars has been imposed upon the labor of this country and an annual exaction of between two and three hundred million dollars forced under these powers granted by the States from the labor of the country, forced from the most necessitous classes of the country, for what? Without the expenditure of any effort, money, or capital, without any justification except that the power to enforce it and to extort it from the people has grown up under the forms of law with the sanction of the courts. Three hundred million dollars of annual taxation demanded, and in fact collected, from the laboring classes of this country, and without any consideration, for false and pretended uses of money, for that which would be a fraud in a private individual, with the sanction of corporate power for absolutely nothing in any just system of economy.

This vast sum of money, this annual tax of $300,000,000, must be subtracted from the necessities of the people; it must be taken from that which otherwise, being the proceeds of their labor, would be applied by the people to furnish them with the comforts of life, with houses for their shelter, with clothing and food for their families. Before any part of their labor can be paid, $300,000,000 must be taken from it to be applied for the use and benefit of those who have given nothing for it, on securities issued under the forms of law, placed upon lines of transportation which in fact, by a law more inevitable than human law, are an absolute necessity for the use of the people, and with the power to impose this tax upon them to pay the interest upon these securities. Can it be said that this great fact is not a pressing fact to be used as a motive for the government of Senators? Can it be that the people are to be thus oppressed by the use of the powers of Government, and no effort be made to relieve them?

Shall we ignore the fact in any legislation on this subject that the rates charged for transportation are to pay the interest upon fictitious and pretended capital, upon money pretended to be used but not used, and that to-day the labor of the country rests under a mortgage of $3,000,000,000 and an annual tax of between two and three hundred million dollars, levied upon the poorest class of the people, upon all the people, which must be paid before they can obtain anything from their own labor for the education, the clothing, the feeding, or the sheltering of their families?

Mr. President, this fact is stated in the work of Mr. Poor in regard to railroads. It is stated that the capitalization of the railroads of this country exceeds the actual cost three thousand million dollars. I will not delay the Senate by reading that which has been already read. I hold in my hand a speech of the Hon. Mr. SPRINGER, of Illinois, which elaborately investigates these facts and proves conclusively from the record that this excessive capitalization has been made a capitalization which is in fact nothing but the use of the power conferred in these corporate franchises, to tax the people by rates of transportation which are inevitable to pay whatever amount shall be regarded by them as proper for the interests of these corporators, and for their personal wealth and aggrandizement.

It is therefore a most important fact for our consideration, as I have said, that the people of this country are to-day paying, according to the estimate of all the best authorities, an annual tax as great as that collected by the National Government, the gross amount of which is equal to and probably largely exceeds the entire taxation of the States, and the National Government paying the interest upon money never used but falsely pretended to have been used. How much that annual tax affects the labor of this country is a question for consideration.

How much that annual tax of three hundred million dollars, to be perpetuated under a mortgage of three thousand million dollars, is a burden of indebtedness imposed upon the country and upon every man,

woman, and child is an object of public consideration which Senators must consider for themselves. For one I can see in it nothing but the ruin of the Republic. If it be permitted and is beyond the power of law, that a corporation or creature of the law, either State or National, can as a fact impose such a curse upon the industries of the country, I can see no object in government, I can feel no pride in the great system of government which we have. If its practical result is to impose on the labor of the people by the exercise of the powers of the governments, State and National, this vast annual tax without any consideration or return, but only for the personal luxury of a few persons, and there is no remedy for it, our efforts for the reduction of taxation, our declarations of equal rights, of the value of republican government, are false and mere pretenses.

I therefore assume as a fact that no legislation on interstate commerce should be made which perpetuates this annual tax of $300,000,000 upon the laboring people of this country in the shape of rates of transportation. The complaint to be remedied is an excessive imposition of taxes, of charges, of rates upon the industries of this country, and that is imposed and is legalized impliedly when we fail to require that there shall be no money paid, no charges collected, so far as we have authority in imposing or requiring reasonable rates except for moneys actually expended and not falsely pretended to have been used.

Mr. President, does this conference report propose to meet this difficulty? Does it propose to remedy it? Does it propose to touch the great fact that $3,000,000,000, a sum so vast that it is almost beyond our power to deal with, are now resting on the industries of this country and an annual tax of $300,000,000 for moneys falsely pretended to have been used, but which were never used in the construction of these highways? Is that the system of public policy which the people of this country expect the Congress of the United States to legalize, or to fail to remedy, for the one is equivalent to the other?

It is quite evident that we cannot afford relief to this country in reducing the rates of transportation so long as we permit rates to be charged upon the people to pay an interest of two or three hundred million dollars a year for moneys not used and not required to be used in the construction, operation, and maintenance of the great highways of transportation. If so, what do you mean by your law which prohibits discrimination? What is the evil of discrimination? It is that it extorts improper sums of money from particular individuals and benefits others by exempting them. It takes from the community at large and gives to the individual discriminated in favor of. The burden of the complaint is not that it enriches one, but that it deprives the other, the individual, the mass of the community, of that which they have a just right to, their earnings. The policy of the law would not object to a man's becoming rich by proper means, but the objection to the discrimination is that it impoverishes unjustly, by the exercise of a granted power, the great body of the people.

What, then, is this discrimination which has issued $3,000,000,000 of bogus bonds, of excessive capitalization, and imposes $300,000,000 of actual taxation annually?

These laws have granted a monopoly to tax the transportation, upon the entire production and consumption of the people of this country, all that is produced and all that is consumed except such small parts of the whole as find their way to the markets for sale and delivery by the great water-ways of the country. With that exception, which is of comparatively limited amount, the entire transportation of this country is subject to the taxation of these great lines of railway transportation. It is the greatest power ever bestowed upon any individuals. It is a power that is utterly inconsistent with republican government unless limited, regulated, and restrained by law. The question is, how shall we limit it, how shall we regulate it, how shall we restrain it?

The conference bill proposes to restrain it, not by requiring that rates shall be reasonable only when imposed to pay the actual cost and operation of these great highways and a reasonable interest upon the amount actually expended but by impliedly licensing the increase of these charges to meet any amount that may be demanded by the company. If in the course of these few years a mortgage of three thousand million dollars, nearly as great as the whole war debt in the great struggle between the States, has been created and an annual tax of $300,000,000 imposed upon the labor of this country without any consideration or value received, it is perfectly evident that you can have no reasonable rates unless you establish some principle by which the people shall not be taxed to pay money for nothing, but only to pay interest upon money honestly expended to pay for cost of construction and operation and a reasonable interest on the money used for these purposes, not for that falsely pretended to be used.

But this bill provides that there shall be no discrimination in the method by which this large sum of money shall be raised from the people. It does not say what shall be reasonable. It leaves it to the courts to say what are reasonable rates. The courts have already sanctioned this mortgage of three thousand million dollars upon the people of this country for nothing, for falsely pretended sums of money, issued in defiance of the purpose and spirit of the charters which never contemplated anything more than an obligation to pay for money honestly used and expended. This three thousand million dollars, this annual tax of $300,000,000, upon the industry and labor of this country, is licensed by judicial interpretation; is licensed by legislative sanction impliedly.

Now, I ask the question: Of what avail is it to say that there shall be no discrimination in the method in which this enormous and unjust exaction upon the industries of this country shall be obtained? Certainly it is an evil, and ought to be prohibited. But if it be true that $300,000,000 or $200,000,000 or $100,000,000 levied upon the great mass of the laboring people of this country—for it is they who pay it, it is the production of the country that can pay, and that alone can pay, this sum of money, for the consumption must be paid by the production. It is the manufacturer's production, the agricultural production, the locomotion of the country; it is a tax which, like the *gabelle*, the salt tax of France in the days of Richelieu and Mazarin, affects every human being, except those who are exempted by favoritism. It is a tax which comes upon the poor; it is a tax which is paid by the great body of the people per capita, and comes from their labor more inevitably than any human law, more certainly than any exaction made by public authority. Here is power to tax given to transportation companies over certain designated lines and areas of country. By necessary economies of business the whole production and consumption of the country must pass over them, and be subject to their demands. We have seen how it has been and is being used.

Mr. President, such a policy is impossible of continuance. No government, no people can stand a policy which accumulates the property of the country without consideration or effort or value of any kind into the hands of a few and impoverishes the many. It is not to the interest of capital, it is not to the interest of corporations, it is not to the interest of any one that this policy should be permitted to continue until it excites the indignation and resentment of the people and concentrates the whole public opinion of the country into a policy adverse to that enterprise and individual capacity, activity, and energy which have been the great factors in the success of our affairs heretofore; which have made us what we are.

But yet I venture to say that the Senate will not undertake to look into this question; I venture to say that this enormous sum of two or three hundred million dollars annual tax for nothing but the misuse of the powers granted, will be continued. The reasonable rates which this bill undertakes to require shall be imposed, will be considered only as reasonable to pay the interest upon such amounts as may be issued by corporate authority and demanded by them.

For myself, I am in favor of that bill and that policy which will bring cheap transportation to the people; that policy which will bring the cheapest transportation consistent with a proper remuneration for the money actually used, honestly and economically expended in the construction of these great highways.

I am aware that any legislation which will declare that reasonable rates must be accepted upon the basis of money actually invested and expended, and not upon the basis of that falsely pretended to be used, will not now be tolerated by this body. But I at the same time know that you will have no other legislation which will remedy this great evil. I know that it is not in the nature of things that you can create a power which may tax the people upon the transportation of all production and all consumption, upon very coat they wear, every barrel of flour and every pound of meat that are transported—you can not create such a power either directly or indirectly—and then allow it to be exercised to pay the interest upon vast sums of money—$3,000,000,000—which is falsely pretended to have been used and which has never been expended in the construction of these highways or the operation or maintenance of them, without gross injustice and oppression.

Mr. President, if we say there is no power in the two great legislative bodies of this country to regulate that, we shall confess, then, that so far as our interstate commerce is concerned we are without power and that the bill is a delusion.

Now let us look a little further into this matter. We propose to prohibit discrimination; we propose to declare in general terms that rates shall be reasonable. We are told that is the common law doctrine. Well, Mr. President, there is nothing in the common law or the civil law which ever enacted that transactions which were unreasonable were lawful. In every system of law there is a standard by which a transaction shall be judged, but that reasonable character depends upon the opinions of the people of the country, the customs and the status of right and wrong which prevail there.

In our country you have a power given to impose rates. You have an exclusive right of transportation over certain designated lines and areas of country. Whether it be a right thing by law or a practice which has grown out of some other right, you have the power. It has become the custom to consider that a reasonable rate is that which the railroads charge to pay interest on the mortgage issued in pursuance of law. It was issued by the authority conferred on the corporate body, but it was in violation of the original purpose for which it was granted. A debt was created without a consideration, issued for the purpose of accumulating values and imposing burdens upon the production of the country, in order that some persons might be enriched without any contribution of money, effort, time, or labor on their part.

There is, therefore, nothing in this bill to require the courts to say that in transportation from one State to another that shall be reaso-

able which shall be an honest return for money actually used and expended in the construction and maintenance of the road; that the rate shall be fixed to pay the cost of the operation of the road and the interest upon the money actually used and expended, and properly used and expended, in its construction. I maintain that there is no other rule; I maintain that no other rate can be a reasonable rate. There can be no reasonable rate requiring payment of money in consideration of money that was never expended. There can be no reasonable rate in charging the production, which means the labor of the land; which means the food and clothing of the people; which means to take from the production, whether it be mechanical labor, manufacturing labor, or agricultural labor, the cost of transportation before any part of it can go for their clothing, their food, and their subsistence. There can be nothing reasonable unless it be to pay the necessary, the economical, the proper cost of the construction of these highways, the cost of operating them, and the interest upon the money that was so properly invested and used.

Mr. President, we have another provision; we have a provision that there shall be no pools, no combinations, and we attach very great importance to that. What is a pool? It is simply an agreement that the earnings derived from certain sources shall be accumulated and shall be divided after they are earned. Those who own them agree to their disposal; they are their property under the authority of State laws, not by virtue of any act of Congress or any exercise of power here. They are, as well as land, as well as houses, authorized by the law of the State where the corporation is created; they become their private property; they are their earnings. Now we propose to do what? We propose to say that after these properties have been earned, after this money has been acquired in pursuance of law, under the authority of State law, guaranteed by the Constitution of the United States, those who have earned them by virtue of the State law shall not be allowed to dispose of them, either by gift or otherwise, as they shall see fit.

Mr. HARRIS. Would a suggestion interrupt the Senator?

Mr. CALL. Not at all.

Mr. HARRIS. I desire to suggest to the Senator from Florida that of the railroad pools which have from time to time existed in this country some, not many, have been of the character he has just described. The pool now in vogue, however, with railroads is not an agreement for the division of the proceeds, but it is a pool to divide freight between competing companies, which deprives the shipper of the right to control his own shipment. The pool says what road shall carry this thing or that thing, so that each carrier has his due proportion under the pooling contract of the freights that are to be carried between two competing points.

Mr. CALL. Well, Mr. President, let us take that view of the case; let us suppose an agreement on the part of the companies carried out in that way. When a man delivers a bale of cotton to a railroad company, and that railroad company has agreed with a certain other company that it shall ship that cotton, not by the line of road directed by the shipper, but by some other line, am I to be told that there is no law of the State which has created a common carrier within the limits of that State which will say to that common carrier, "You shall take one hundred bags of cotton on the line designated by the individual?" What need have we for that species of law? What act of Congress do we need to require a railroad company, a common carrier under public law, from carrying out the contract that it has made?

Mr. HARRIS. Will the Senator from Florida allow me to answer the question?

Mr. CALL. Certainly.

Mr. HARRIS. The reason, or one of the reasons, is simply this: If you, Mr. President, have one hundred bales of cotton to ship, and desire to select the company that you will consign them to for shipment because of the fact that you know that company to be reliable and solid, and that it can respond in damages for the loss of that cotton if by the negligence of the agents of the carrier it shall be destroyed, I think you ought to have the right to determine as to what carrier shall carry it. But if the pool may assign it to whatever railroad company it chooses, it may assign it to a railroad company wholly insolvent and wholly unable to respond in damages for the damage that may result from the negligence of the agents of the carrier.

Mr. CALL. Well, Mr. President, I do not think it is difficult to answer that proposition of my learned friend. The man who delivers one hundred bags of cotton to any common carrier has a right to have it carried by that carrier, and the law of its creation obligates it to do it. If it is a responsible carrier, whether it carries it or not, it is responsible for any damages for not doing it. That is a subject of State law and State authority.

Now, you propose to say in regard to the interstate commerce of the country what? That the obligation created by the State law upon a common carrier shall be enforced and carried into effect by a law of the United States. The point of my remark in regard to that provision of the bill is that if it is designed only to prohibit railroad companies from diverting freight or agreeing to divert freight from other lines than those designated in the contract of the shipper or forwarder, it is a small object of public policy. If that is all that it does there is already an adequate remedy provided.

This great bill, demanded by the people to reduce rates and forbid discriminations, to make transportation equal, fair, and just, and furnish the cheapest transportation that is possible consistent with a proper compensation for money honestly used and really expended, is made small by the proposition that we propose to prevent railroad companies from directing freight from the line designated in the contract of the shipper, for which there is already an ample remedy by State law.

Mr. GEORGE. Will the Senator allow me to interrupt him at that point?

Mr. CALL. Yes, sir.

Mr. GEORGE. I understand the Senator to say that now pools are prohibited by State law and that a United States law on the subject is not necessary. What I desire to call his attention to is that as to interstate commerce, over which, according to the Supreme Court of the United States, Congress has jurisdiction. Is it an objection to a law passed by Congress on the subject that it does really, as to that commerce over which alone it has jurisdiction, carry out and enforce the law of the States of the Union?

Mr. CALL. That is not the point of objection to the proposition as presented by the Senator from Tennessee. The point is that the State law is abundant. If it is simply a question of diverting freight from the line selected by the shipper there is no need for a national remedy. The remedy is already abundant; the State law has already provided it.

Mr. GEORGE. Will the Senator allow me to interrupt him again?

Mr. CALL. Certainly.

Mr. GEORGE. I understand that the Senator from Tennessee says that notwithstanding the State laws these pool arrangements do exist now all over this country and that the railroads are being operated under them. Then it must be either that the State laws are unable to put down the pooling arrangement as to interstate commerce or that they are not honestly and properly administered.

Mr. HARRIS. If the Senator from Florida and the Senator from Mississippi will allow me, I would suggest that State legislation is confined to State commerce. The States have no power and no means to regulate interstate commerce or to regulate any pooling contract affecting interstate commerce. Congress alone possesses the power to regulate interstate commerce or to regulate pools affecting interstate commerce, if they are to be regulated by law at all, being the only legislative body known to our institutions of government that has the power to regulate that class of commerce.

Mr. GEORGE. The Senator from Tennessee may probably be right, but I was undertaking to answer the Senator from Florida on the basis on which he relied.

Mr. CALL. I am very glad to obtain information from the Senator from Mississippi or the Senator from Tennessee; but I apprehend that neither of them will maintain the proposition that a man who orders one hundred bags of cotton by one line of road from any city in the United States, and under any agreement with that road and some other road, instead of carrying out the contract which the law imposes on the common carrier, it is shipped by some other line—I apprehend that neither of them will say that the State law in the State where that contract was violated is not operative and a remedy provided for its enforcement because it is interstate commerce. That is a violation of contract local to the place which the State would have jurisdiction over.

But, Mr. President, that is not the ground—though my friends assume that—of this legislation against what? Against the right of a person, artificial or natural—for it is the same—to dispose of the earnings of his property with or without consideration. It is a singular contrast that while the bill by implication sanctions and licenses the extortion of $300,000,000 annually from the people of this country for money pretended and falsely pretended to have been used, it attacks the disposition of it, and the right of persons, natural or artificial, to dispose of their own property as they please.

Mr. President, I doubt the efficacy of that remedy. I ask my friends why they do not insert a provision in this bill, if it be a great public evil that railroad companies divert freights from the line indicated by the shipper to others, forbidding them from doing that? Why not forbid the pool from doing that if that is the great evil? Why not forbid and punish the abuse instead of the legitimate and proper use.

We are dealing with a vast subject; we are dealing with an actual present grievance; we are dealing with an extortion of money without consideration, without the sanction of any object of public policy, in such vast sums that it is robbing the industry and enterprise of the great mass of this people. It is accumulating the most magnificent fortunes the world has ever seen, without the use of capital, in the hands of a few persons. It is as much endowing them with wealth as if enactments were made by the several States and the National Government that the people should pay out of the fund derived from the ordinary and legitimate subjects of taxation these vast sums of two, five, ten, twenty, fifty million dollars to an individual. It is just as much a public act as if it was done by the direct enactment of the Legislatures and Congress.

We have had a great deal read from various books as to the evils of discrimination. I concur in all of them. It ought to be prohibited; it is properly the subject of Congressional enactment. The railroads

should be forbidden to combine to discriminate unreasonably against persons or places. That would cure that evil.

Now the question is how far this general provision of the bill against all combinations, how far this general provision of the bill establishing an arbitrary rule of a long haul or a short haul, will answer the purpose. The evil, let us bear in mind, is an unjust discrimination between persons and places. The object sought to be obtained is the cheapest transportation, equal, impartial, and fair to all the productions of the country, to all the transportation of the country—the cheapest rate consistent with what? With the proper compensation of the men who have constructed and who operate these highways, including the cost of construction and maintenance. The evil we propose to remedy is excessive rates, unequal rates, unjust discrimination between persons and places.

I acquiesce with whatever there is in this bill or in this report that looks in this direction. I denounce so far as I am concerned this evil as strongly as any can possibly do it; first, the extortion from the people in rates of transportation of money before they have derived any interest from their industries or production, the extortion from them of money to pay for that which was never expended but falsely pretended to have been expended. Second, the discrimination between persons and places which has built up enormous fortunes in individuals, ruined others, destroyed cities, built towns, corrupted judges, influenced the politics of the country. All these evils I concur should be put an end to.

I desire that they shall be forbidden, but I do not see that that object will be attained by a general provision that there shall be no such thing as a combination or agreement between railroads to reduce rates, to protect one against extinction, to prevent a line of railroad from being deprived of such a portion of freights and such an amount of profit as will enable it to continue. It is asserted that this is in the interest of competition. Do you promote competition by destroying a line of transportation? These propositions I do not think can be sustained.

Then again in regard to the long haul and the short haul; take two lines of railroad having the same terminal points of arrival and departure, the one diverging from the other, traversing a different country, as most railroads do, traversing a country the productions of which are not accessible to both, but having the same terminal points of departure and arrival, the one longer than the other, more expensive in its construction than the other, necessarily more expensive in its operation. The long haul over the short line of road being the rule that no part of that line shall be used for a higher rate than that charged for a greater distance, that there shall not be a greater charge for the short distance than for the longer distance, the short line of road, the less expensive road, may, under that rule, be enabled to adjust its local freights, the changes upon its business in the country which is accessible to it and which is not accessible to the other, upon a profitable rate.

The other road may not. It may be ruined. Who shall assume that it will not be? Who shall say—by what argument will you elucidate the proposition—that in all cases two roads, differing in cost, differing in expense of operation, may be governed by this fixed rule with a fair profit, sufficient to pay interest on the money actually expended in its construction, its equipment, its operation? Who shall say that this arbitrary rule will fill the measure of the honest necessities of both?

Again, what necessity is there for such a rule if you provide that rates shall be reasonable, whether it be upon excessive capitalization or not. If the rates be reasonable, why define that a reasonable rate shall be that in which the charge for the short distance shall not exceed the rate for the long. I can not perceive by what argument this long and short haul idea can be maintained in that relation. I acquiesce in the fact, and I believe that in the majority of cases the margin allowed is amply sufficient.

I can not see that it will do any great harm. I appreciate the force of the fact, for facts are to be considered wherever they come from proper authority. Whatever may be the disposition of men, if we have a fact, and it comes from sources authorized to speak and well-informed, that fact should have its weight and significance. The Senator from California [Mr. STANFORD], familiar with this subject, the other day stated the fact that upon the line of road in California, before there were any other parallel lines, or lines having the same terminal points of departure and arrival, the freights were apportioned on a certain basis—the basis that 10 per cent. of the business could bear a high rate and 90 per cent. a very small rate.

There is a great outcry here about pools. I am perfectly willing to vote against pools, if necessary; but let us see what the facts are worth.

Because there are unjust discriminations, because pools or combinations or agreements have been used for improper purposes, why shall we say that no agreement shall be made, no combination shall be made? I undertake to say that the law here proposed in this aspect is an impossible one, and I will give my reasons for this opinion.

But I was adverting to what the Senator from California had said. He said that on the line of the road in California 90 per cent. of the freight was carried very low, being mining material and the agricultural products of the country which could pay only a very small and minimum rate, and that the great amount of the charge on that line of road was on the other 10 per cent., which bore a vast proportion of the charges in comparison with the 90 per cent. The 10 per cent. could properly bear this great proportion of charge whether for short or long distances, while the 90 per cent. of the freight could only bear the minimum charge whether for a shorter or a longer distance; a greater charge would destroy the profit to the owner and prevent its transportation altogether.

That was not interstate commerce, and this bill does not touch it; it touches no commerce that is entirely within a State line. The extent of its benefit, therefore, will depend entirely on the proportion of local consumption, of local production, of local transportation between the lines of a State and those that pass outside, that pass from one State into another, or two, or three. But that fact illustrates the proposition that a reasonable rate must be imposed in reference to the value of the thing transported, the value in the markets of sale and delivery. You can not reach it otherwise.

The bill concedes the power of Congress, and that, I think, is its great merit, for I maintain the power of Congress to regulate this question. I think that as the Republic has grown and these vast interests have developed, it is necessary for the protection of capital, for the protection of the vast interests which have passed into the hands of these corporations, for the protection of the people; it is in the interest of both that Congress should wisely exert the power of regulating the transportation and the rates of transportation, not in detail, but prescribing general principles. Shall Congress say, by exercising the power to regulate that transportation which passes from one State to another, that rates shall be imposed to pay two or three or four hundred millions of dollars a year for money falsely pretended to have been used? Shall Congress fail to provide that rates imposed for this purpose shall not be reasonable rates; and, instead, declare that no greater charge shall be imposed for a short distance than for a longer one over the same line, the shorter being included in the longer distance, and that agreements between railroad companies to divide their earnings or to ship freight on one or the other line shall be prohibited, and will this produce the cheapest transportation possible to the people?

Well then, I say, having digressed to indicate my opinion on that subject, that I maintain the power of Congress, which this bill declares, and I support it in that respect and also its provision that a reasonable rate shall be required. Now, how can we get that reasonable rate? What is a reasonable rate? Upon what principle shall we define it? As between the rates of freight—we will say from New York to Chicago or a rate of freight from Chicago to New York and local rates—what shall be the principles on which you will determine the reasonable rate as between the through and local freights along the line of transportation? We must ascertain that.

The bill proposes to do it by laying down a general provision prohibiting discriminations—prohibiting pools. Now, I take it, that may be approached in another way. The reasonable rate must, of course, provide for a return to those who have constructed the road with labor, with money, to the laborer you may say, or to the men who have combined to manage the labor, or to the capitalist. It must make a return to him for the labor which he has actually used. That certainly must be the first element; otherwise you can not have such organization, such construction, such line built and operated. In paying that road, therefore, the cost of transportation of everything carried upon it must be ascertained and paid by the thing that is carried.

The business must pay the actual cost; each article must pay its own actual cost. It is manifestly improper that one class of business should pay the expense of carrying another. It is manifestly impossible that a bushel of wheat raised 10 miles from the city of New York should pay the cost of transporting a bushel of wheat grown in Kansas. The New York man has no right to claim that he shall have a monopoly. The Kansas man has no right to claim that the interstate commerce of the country shall be so adjusted as to make another man pay the cost of transporting his bushel of wheat from Kansas to New York. It is, therefore, a first principle that there must be such equality of rates as is possible.

In the cost of transportation shall we assume always that the cost of transporting an article for a longer distance is as great or greater than the cost of transporting it a shorter distance? That is a question of practical detail. It may be, as I have stated, that a car having to travel a whole line, the cost being the same whether it is filled or unfilled, may make in that detail the one less costly than the other; but it is certainly true that in the adjustment of these rates they must not be so adjusted as to make one community, one locality, either the termial or the intermediate point, pay for the cost of transporting the productions of the other. It is our duty to consider and provide, if possible, some method, some principle by which this result shall be avoided and to be careful that we do not give the force of law to principles and methods which increase the rates of transportation; but, on the contrary, that we make them, by our action, as low as possible, and uniform and equal in all industries and places.

I take it that result would not be difficult to arrive at by apportioning the cost according to the value of the article at the market of delivery. Having first charged the actual cost upon every article transported over a line of road, which is the first principle of justice and the

first necessary principle of economy, it would not be unfair nor impracticable to apportion the remainder, the remuneration of the carrier, according to the value of the thing delivered, the reasonable and just remuneration bearing equally upon the value of the thing delivered after paying the actual cost of transportation.

But it is very evident that the provisions of this bill in respect to pooling are very vague and general. I acquiesce in all that may be said in regard to unjust and unfair discriminations. There shall be no improper discrimination between the same classes of freight under like circumstances. That affords a wide margin of difference. However, I am anxious to arrive at something practical. I am anxious to have the Senate submit to the country the idea in the form of law that transportation must be made as cheap as is consistent with the proper remuneration of the honest capital honestly expended in the construction of these great highways.

In these days, when there is a spirit abroad in the country questioning the expediency of the systems of economy which permit and encourage accumulations, which reward individual activity and enterprise, when the power of combination is so great in all the elements of the country, when public opinion can so easily, in classes or sections of the people be concentrated, and there are so many and powerful incentives to a public opinion adverse to the policies which encourage individual activity and enterprise, which have been the great factors in our success heretofore, I am anxious that some rule shall be adopted which will be just to both, which will protect capital, which will protect individual enterprise and a reasonable accumulation, and at the same time bear upon the great mass of the community with great lightness, impose no additional burdens and make transportation, which is the great avenue for the return of compensation to the labor of the country, as cheap as is possible.

This can only be done, not by prohibiting any and all discriminations, but by severely prohibiting improper discriminations, discriminations which are not in the interest of reducing the total cost of transportation, and the terms in which this should be done will have to be very carefully considered. It will produce discrimination, unequal and oppressive discrimination, to say that all freights shall be carried alike. It will produce it to say that there shall be collected from the people of the country, as a reasonable rate, money to pay for that which has never been used. It may produce it by fixing one arbitrary rule alike for all roads that freights, whether of one value or another, shall not, when passed from one State to another, pay more for a shorter than a longer distance, however reasonable it may appear. If it were possible to apply and enforce a law that there should be no agreements between railway companies either to divide earnings or to divide business, it might increase discriminations, and at the same time impose greater burdens on the country.

You can not avoid discriminations in any other way than by prescribing a general principle, first, that no money shall be taken in rates or charges upon the interstate commerce of this country to pay for anything but the reasonable and proper cost of the operation of a road, for the cost of its construction, its equipment, and a just remuneration for the money actually expended. You can not reach the result in any other way; and when you come to apportion these elements between the local rate and the freight at the terminal points you must do it, first, upon the principle of compensation or payment of the actual cost of transportation of the thing transported, whatever it is, and, secondly, that it shall bear, according to its value in the markets of sale and delivery, its proportion of the compensation, of the interest, of the fixed charges, or whatever phrase you may choose to use in connection with it.

Living in a terminal State, while I am in favor of going much further than this bill goes, while I am willing to vote for a law which shall declare that the rate is only reasonable which shall be imposed to pay for money actually and not falsely pretended to be used, while I am willing to vote for a law which shall prohibit, under the penalties, unjust discriminations, which shall make all discriminations subject to the authority and supervision of the National Government or officers appointed by it, while I am willing to vote to define that discrimination in the clearest and most positive terms, while I am entirely opposed to making what is called local business, or short hauls, or the points which are intermediate between terminal points, or which are non-competitive pay the cost of transporting the products of the terminal countries—while in regard to all this class of business I am entirely opposed to any and every system which shall make them pay the cost of transporting through business, and am willing to vote for such provisions, I think they should be modified and clearly addressed to the question, and that in cases where it is the interest of the local business that through freights should be carried at smaller rates, it ought to be so allowed and so provided for.

I submit the question to Senators who have considered this great subject, what advantage is it to the men living along a line of road that there shall be no through business over it, although the through business carried over it should be done at smaller rates than the cost of transporting any part of its business over the shorter line? Of what advantage is it? Does not every pound of through business add that much to the profits of the road? Do not the greater profits of the road enable it always to decrease the rates on local business? We are not inquiring now what they do, or what their practice is, but what the necessary economy in the matter is; what the effect of additional business is; whether a railroad company will not be enabled to reduce local freights by having through businsss that will pay, although it does not pay as much for the longer distance as local freights do for a shorter distance. The only real object or benefit in such case is that both through business and local business shall, in the aggregate, pay their reasonable share of the expense and profit.

If that be so, it would be within the province of law, in imposing a reasonable rate, to say that the reasonable rate should be fixed according to the gross amount; that it should not exceed, but go down in a descending scale, according to the profits received. But it is not true as a proposition that the local business, the intermediate country, the short haul, is benefited by excluding, by any means whatever, the through business, no matter at what or how small a cost it may be carried over a road.

Mr. GEORGE. If carried at a loss?

Mr. CALL. The question whether it is carried at a loss will involve several different elements. The specific article may be carried at a loss in the individual cases. The bulk of the articles may not be carried at a loss. Of course, if in general terms all the through business is carried at a loss then unquestionably the local business has to pay it. But you provide a rule by which you say that in all cases this through business is carried at a loss to the injury of the intermediate shipper, the local man, because he has to pay more for carrying it 10 miles or a hundred miles than the through business pays for carrying it 500 miles or the whole distance.

I say there is no foundation for that proposition. It is unknown. It is one that can not be sustained. It rests upon quantities and elements which nobody can ascertain and nobody can determine, but it is peculiar to each particular case.

I desire to say that it is no remedy for these evils. I desire to say that it is no triumph to those who desire that the interstate commerce of this country shall be regulated and that transportation shall be made as cheap as possible, with a just system of economy in the operation, maintenance, and compensation for money actually and honestly used in the construction of these highways. For myself, I do not want any half-way or halting measures on this subject, nor to be drawn away by them from the great fact that we are only providing methods by which this vast amount of over three thousand millions of dollars, for which no consideration and no value has ever been given, shall be freed from the labor and products of the people with the least amount of inequality and oppression.

Now, Mr. President, we come to another proposition, which I think is the great crowning feature of this bill, and which receives my most hearty commendation. With so powerful an agency as this the abuses of power by which it has created all the great evils which the Senators from Kentucky and Texas [Mr. BECK and Mr. COKE] referred to in their speeches, with a power of collecting greater revenues than the Federal Government, with its nine hundred million or its one thousand million dollars of annual tax levied as its gross earnings upon the labor of this country, upon the food and clothing of this country, upon the comforts of the laborers of this country, with its vaster power of annual taxation than all the States possess, with its between three and four thousand million dollars of fraudulent debts, fraudulent not in the terms of the law, but in fact issued upon false pretenses, because it has the power to tax the people for it. With this vast power it is evident that no citizen can obtain any right by litigation. Assuming, which is not always the case, that the judge is incorruptible; assuming that he is not influenced by the political, the social, the professional considerations which those who represent this great power are able to cast around him; assuming that he is not mercenary and venal—and there are many cases, I am afraid, in which the facts would justify condemnation and conviction of persons occupying this high station in these relations; assuming all that to be true, supposing the judge to be honest, incorruptible, wise, and learned, our system of law, and any system of law, and every system of law belonging to modern times will enable natural or artificial persons of vast wealth to maintain an endless litigation.

What is the citizen to do when deprived of his right, when his property is taken from him, when excessive rates are imposed upon him, when an interest in his neighbor's business is taken by a great transportation company, his freights delivered at lower charges, when his town property is destroyed by the building of another town, by establishing a depot, because they have been paid to leave his place of business and the natural place of delivery of trade and build their depot elsewhere two or three or four miles from the town, as I have seen done, and as is frequently done? What is he to do? Sue in the courts? Such a suit is useless; it is beyond his means. He is entirely at their mercy; he has no rights. Very often the men who own the stock of these corporations, broad-minded, liberal-minded men, merchant princes of finance and commerce, have no knowledge of the manner in which these roads are operated. The shipper is completely at the mercy of the management of the road. How is he to be protected? The bill provides, I think, a great remedy. It provides that the power of this great Government, that the power of the people's President, their ex-

ecutive, their representative, directly responsible every four years to them and amenable to their servants in the Senate and in the House of Representatives for his official conduct, shall be charged with the duty of depending and prosecuting and protecting that right of the humblest citizen.

I regard this as the great and crowning feature of the bill, the appointment of these commissioners, themselves amenable to the President, the President amenable to the people for their official and personal responsibility in the administration of this great trust, the greatest and most important possessed by his office in time of peace. He is charged with the duty, under this bill, of protecting the humblest citizen, and I commend the bill in this respect; it excuses many defects and many shortcomings.

I am inclined to vote for the bill notwithstanding the objections I have pointed out, but I would prefer, if it were possible, that it should be further considered by the conference committee. I would prefer that these provisions should be modified. I believe that it is true of this long and short haul provision that it is useless, unnecessary, and perhaps injurious, and that it is a mere definition of what is a reasonable rate. I think that provision of the law (although the commission has the right to supersede it, to set it aside in cases where it presses hardly) might operate injuriously at times.

Take, for instance, the State I represent. There are many lines of road having the same terminal points of departure and arrival connected as lines with other lines, the Coast Line, the Kenesaw Line. I see the enterprising Baltimore and Ohio Railroad Company have just opened a line now by the Kenesaw route into Florida and Louisiana.

Take these different lines of road diverging and traversing different distances, at a very great difference of cost of operation, and very great difference of cost of construction, some going by Pensacola, some going by Macon, Ga., others going by Charleston, Savannah, Richmond, Washington, and following the coast line, others going by Cincinnati, the Pennsylvania Central, and the Baltimore and Ohio. These different lines of road are all used by our people. They make their rates of freight, in one sense of the word, under a certain degree of competition; that is, they know that if they do not agree upon some basis which is reasonable to the people, one or the cheapest line will be preferred. But this provision of the law in regard to long and short hauls may place the whole traffic in the power of the shortest line.

So far as pools operate to prevent a reasonable rate on either or all of these several lines they are very objectionable. I am willing to legislate that they shall not combine for any unreasonable rate that would be wrong, but what do we do when we say now that none of these lines of roads shall impose on this interstate commerce from the State of Florida coming along any part of that line a higher rate for the short distance than for the long one? I do not know, you do not know, whether that specific sum will be the sum that will enable some of those lines to do any part of the business. You do not know but that the shortest line may be enabled to do the carriage profitably under this rule and that the longer lines can not.

Therefore you destroy the possibility of competition in that respect. While I do not think that result would occur, because the margin between the difference between the charge for the longer distance and the charge for the shorter is so great that you could probably find no short-haul freight that would come within it that would not pay a compensatory amount, I think it is uncertain, and therefore an unwise provision.

Representing a terminal State, approving the policy of the bill, the spirit of the bill, objecting most earnestly as I do to the implied legalization of the bill of $3,000,000,000 of fraudulent debt upon the people of this country and $300,000,000 of annual taxation for nothing, objecting to legalizing this enormous and oppressive taxation upon the people, I still approve the policy, the great features of the measure, and expressing my dissent upon these subjects I now expect to give the bill ultimately my support; but I should prefer and I should vote for its further consideration upon these points by the committee of conference if there was or shall appear to be any reasonable probability of a modification of its provisions, and of action at this session; but I am satisfied that every interest of the people and of the railway corporations themselves demand that the power of Congress should be asserted and exercised over them in respect to the interstate commerce of the country.

I have omitted some quotations which I have here, and I simply ask the privilege of inserting them.

FROM "THE RAILWAYS AND THE REPUBLIC," BY J. F. HUDSON.

The effect of stock inflation upon the financial interests of investors is more direct and vast than its bearing upon the shipping interests of manufacturers, merchants, and producers. Although the latter is our special subject in this work the importance of the former question warrants this sketch of the financial evils of fictitious values. In fine, this practice of creating securities in excess of actual values has, by one method or another, imposed upon investors a volume of fictitious stocks and bonds more than double the amount of the national debt. According to the estimate of the most widely acknowledged statistical authority upon railways, through the methods of sale or hypothecation, $3,700,000,000 of purely paper values have been sold to the public.

The creation of these fictitious securities has sometimes been so open and notorious that the successful sale of them seems to indicate eagerness to be cheated on the part of the public. In other cases the methods used have been so secret and so plausible that it has been almost impossible for the legitimate investor to detect them. In the end the false values have been so mingled with the real, and the fraudulent investments made to bear so close a resemblance to the honest ones, that at the present time the greater part of the railway securities of this country are clouded by the suspicion of illegitimacy. In the presence of this mass of falsehoods and pretenses, imitating real investments, it is not strange that a period of public credulity should be followed by a period of general suspicion, when none of these doubtful investments are trusted; but it is strange that another period of credulity should come, allowing new inflations and fresh issues of fictitious capitalization. Suspicion is the natural and legitimate condition while such practices are possible.

The gigantic wrong upon investors, perpetrated in the creation of this $3,700,000,000 of fictitious railway investments, is one of the most serious and unanswerable counts in the indictment against the railway kings. Besides this imposition on the confidence of the public, the practice of stock inflation reacts disastrously upon legitimate railway interests. The loss which this wanton violation of public confidence inflicts upon the railways themselves, is apparent in the rate of interest which they must pay on their bonded debt. If the bonds of the railways were confined to one-half the actual and honest cost of construction, they would be eagerly sought for at 4 per cent.; and in that case $72,000,000 would have sufficed to pay the interest charges in 1884. This would have left from the net earnings of that year $196,000,000 as net profits instead of the $91,000,000 realized under the rule of inflation; so that the second count in the indictment against stock inflation is that it has for several years inflicted an annual loss upon the honest share-holders of the railways exceeding a hundred millions a year.

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Although the charge was made against the Reagan bill that this section requires rates to be strictly in proportion to distance, every leading advocate of railway reform recognized the folly and uselessness of such requirement. The provision as to long and short hauls in the Reagan bill is the best that can be done by that kind of regulation; but its failure to afford any remedy for a vast multitude of discriminations shows the weakness of the scheme. These inequalities must be left unchecked until legislation finds a way to give free play to the laws of trade, which will determine rates with unerring justice.

To show how easily an arrangement with much more than the power of an agreement or pool may be made, I read from a speech of Hon. WILLIAM M. SPRINGER a statement of what was actually done:

THE PENNSYLVANIA COMPANY.

The Pennsylvania Railroad Company owns a majority of the stock of what is called the "Pennsylvania Company," an organization chartered by the State of Pennsylvania, April 7, 1870, for the purpose of managing, in the interest of the Pennsylvania Railroad Company, the railroads running west from Pittsburgh, and the connecting lines thereof, extending west and south, lately owned, leased, and operated by the Pennsylvania Railroad Company. The capital stock of this railroad ring monopoly is $12,000,000, of which $8,000,000 is owned by the Pennsylvania Railroad Company. Of course, Col. Thomas A. Scott is president. This Pennsylvania Company owns, leases, and operates, in the aggregate, 2,512 miles of railroad, including the Pittsburgh, Fort Wayne and Chicago, 468 miles; Erie and Pittsburgh, 100 miles; Cleveland and Pittsburgh, 228 miles; Pittsburgh, Cincinnati and Saint Louis, 201 miles; Little Miami, Columbus and Xenia, 197 miles; Columbus, Chicago and Indiana Central, 587 miles; Jeffersonville, Madison and Indianapolis, 210 miles; Cincinnati and Muskingum Valley, 194 miles; Indianapolis and Vincennes, 117 miles, and Saint Louis, Vandalia and Terre Haute, 165 miles.

The same company also owns a half interest in the Indianapolis and Saint Louis Railroad Company, 261 miles. Here is presented an interesting question for statesmen and courts to consider, namely: What right has the Legislature of Pennsylvania to incorporate a company for the purpose of operating railroads in Ohio, Indiana, Illinois, and other States of the Union? We have heard the right of Congress to do such a thing seriously questioned. But what shall be said of the assumptions of one State to control the railroads of all the other States? The Pennsylvania Company is the newest evolution of railroad monopoly. Its assumptions of power should have alarmed the whole country. It is the beginning of a system of national railroad consolidation, under the pretended power of a State incorporation. There is nothing to hinder the Pennsylvania Company from controlling all the railroads in the Union if it may do lawfully what it now assumes to do, and is doing. The receipts of this giant corporation for the year 1872 were $31,000,000, the operating expenses were nineteen millions, and the net earnings were eleven millions. The capital stock of this company is only twelve millions, and the net earnings for one year are eleven millions! Oh! for a power in Legislatures, in Congress, in any place, that can regulate this corporate monstrosity! It doth bestride the middle continent like a Colossus, having one foot on the upper Ohio at Pittsburgh, the other on the banks of the Mississippi at Saint Louis, while its huge arms embrace the great lakes of the North—verily, a modern Colossus of Rhodes.

The Pennsylvania Railroad, from Philadelphia to Pittsburgh, 355 miles, and the Pittsburgh, Fort Wayne and Chicago Railroad, 468 miles, together, form one of the through trunk lines from Chicago to the East, a distance of 823 miles. The Pittsburgh and Fort Wayne road and equipments are reported to have cost, January 1, 1873, $35,835,285.71, or at the rate of $76,571 per mile. The aggregate liabilities on the whole line, between Chicago and Philadelphia, amount to $152,494,109.79, or at the of $185,292.96 per mile. It needs no argument to show the vast amount of financial water in this exhibit. Fifty thousand dollars per mile, or $41,000,000 ought, if honestly expended, to have been sufficient to have built and equipped the whole line. This shows that there are $111,000,000 of watered stock and fictitious values to be supported on this trunk-line from Chicago to Philadelphia, or at the rate of $135,000 per mile. If it is alleged that this is not watered stock, I would ask, "What is it?"

I care nothing about names. I am dealing with facts. The fact I desire to make known is this: That the railroad from Chicago to Philadelphia via Fort Wayne and Pittsburgh, is loaded down with liabilities to the amount of $152,494,109.79, or $185,292.96 per mile; when an honest expenditure of $41,000,000, or $50,000 per mile, would build and equip the road. The difference, one hundred and eleven millions, is a charge upon the products of the West. Every bushel of grain that is raised in the West and Northwest is lessened in value by reason of this mountain of watered stock and inflated bonds.

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If the railroad companies would relinquish their demands for remuneration upon their fictitious values, and manage their roads with economy, we would have no further complaints about unreasonable rates or unjust discriminations. Railroad tariffs that would pay reasonable running expenses, and 7 per cent. upon actual cost of road and equipment, would be cheerfully paid by all the people. Therefore the present war upon the railroads is a war upon watered stock, bogus bonds, and extravagant management. The issue must not be mistaken for opposition to railroads generally. We are ready to concede all that is claimed in reference to the thousand and one benefits railroads have been to the country. We need more roads than we have, and more will be built. All new enterprises will receive the support and encouragement of the people. They do not oppose the building of new roads, or the honest management of existing lines.

WHAT THE PEOPLE DEMAND.

But the people do insist, and will continue to insist—

1. That no tolls shall be exacted to pay dividends upon watered stock, or interest upon fictitious bonds.

2. That railroad management shall be economical.
3. That exorbitant salaries shall be cut down.
4. That the tariffs shall be reasonable.
5. That there shall be no unjust discriminations.
6. That passengers and property shall be carried as safely and expeditiously as possible.
7. That railroads shall contribute their just portion of taxes.
8. That there shall be no more Credit Mobilier rings or bogus construction companies.
9. That there shall be no more land grants or bond subsidies to railroads; and
10. That corporations, as well as the people, shall obey the laws of the land.

This is the decalogue of the people!

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ILLINOIS CENTRAL RAILWAY.

The Illinois Central Railroad has been peculiarly successful as an investment to its owners. There have been several "distributions of stock" pro rata among the stockholders, and, in addition to this the land grant, amounting to 2,595,000 acres, the company had realized on the 1st of January, 1873, in sales and advance interest, the munificent sum of $24,824,333.33, or for the whole length of the road (705 miles) an average of $35,211 per mile. In October, 1858, and January, 1862, dividends were paid in scrip, since converted into stock, to the amount of $1,772,270. And in August, 1865, there was a "distribution of stock" to the amount of 10 per centum, amounting to $2,119,931. And in August, 1868, there was an 8 per cent. distribution, amounting to $1,881,100. To recapitulate, the stock waterings and land subsidy were as follows:

Total waterings (as above)	$5,773,301 00
Sales of land, including advance interest	24,824,333 33
Total waterings and subsidy	30,597,634 33
Total waterings and subsidy, per mile	43,400 89

The total cost of construction, as reported by the company, January 1, 1873, amounted to $34,061,196.56, being an average cost per mile of $48,331.75. If we deduct from this latter sum the amount of stock waterings and subsidies per mile, it will leave but $4,930.86 as the actual sum per mile that the owners of the Illinois Central Railroad have expended over and above their receipts in the building and equipment of their road! These estimates do not include the value of the unsold lands of the company. On the 1st of January, 1873, there remained of the land grant, not sold, 344,368 acres, worth perhaps $15 per acre, or the sum of $5,165,520. This amount should be added to the sum already realized for the sales of land, including advance interest. The total watered stock and land grant would then aggregate the enormous sum of $35,763,154.33! This sum exceeds the whole cost of construction, as reported by the company, by the sum of $1,701,957.77. Virtually, then, the State of Illinois and the General Government have given the Illinois Central Railroad Company a line of road 705 miles in length, and a bonus of nearly $2,000,000.

Mr. BROWN. Mr. President, on two former occasions I have discussed the questions involved in the present controversy at very considerable length, and I do not desire to reproduce all that I said on those occasions, or to take up any considerable part of the time of the Senate in this discussion. The two most objectionable portions of the report of the committee on conference are found in what is known as the long and short haul and the provision against pooling.

The discussion upon the long and short haul provision of the report has already demonstrated that the friends of the bill differ among themselves as to its true meaning, and the opponents of the bill are at a loss to give it the correct interpretation. It is uncertain, indefinite, and doubtful in its meaning.

I do not propose to attempt to interpret it, nor does any living man, I presume, know what the interpretation will be. I think, however, that the practical result will not be doubtful. From the very necessity of the case the railroads will be compelled to retain their present rates on local freights, or on the short haul, as they can not relinquish them and keep out of bankruptcy, and as goods must not be transported over the long haul for less money than the railroads demand for the short haul, the result will be an increase of the freights upon the long haul, which will very seriously cripple the interchange of commodities between distant sections of our common country.

After this act goes into operation corn will not, in future, be carried from Kansas City to Atlanta at the low rate heretofore prevailing, nor will bacon, or beef, or pork be carried from Chicago to Charleston at the rates heretofore adopted. The increase in rates on the long haul will necessarily, to that extent, cripple the business of the country and diminish its volume and it will leave less of profit to the Western producer. Goods will not be shipped from Boston, or New York, or Philadelphia, to the Southern cities at as low a rate as has heretofore prevailed, and to that extent the business of the country must be crippled.

So far as the South, whose mineral development is now remarkable, is concerned, we shall be badly crippled by the increase of the freight for the transportation of our productions, from the mines of Georgia, Tennessee, and Alabama to the Western and Northern cities.

I do not desire to predict evil, but I feel that I can not be mistaken when I state that this bill when put into operation will derange both the internal and foreign commerce of this country to an extent heretofore unparalleled. It will greatly cripple our foreign trade by denying to the railroad companies, the long transportation lines, the right to carry the productions of the West, for instance, to New York at a lower rate when intended for exportation to Europe or other foreign country than the rate charged for like freights for consumption in New York. If the railroad companies are compelled to carry all the produce moved by them at the rate charged for that which is carried for exportation abroad, they can not live at it.

By retaining the higher prices for what is carried for home consumption, they can carry at a very small profit that which is intended to be sent abroad and still not lose money. Indeed, they can make something and do it, as the fixed expense of the company is first paid; and the company, if it continues to do business, is obliged to put the rates high enough to pay the fixed expense; but after that is done it can carry additional freights at a lower rate and still make money, and it is their ability to do this which has built up so rapidly our foreign trade.

But I may be told that the fourth section of the proposed act provides that, on application, the commission, in special cases, after investigation, is authorized to permit a railroad company to charge less for longer than for shorter distances for the transportation of passengers or property.

This provision, it is true, gives the commission power to discriminate between the different railroad companies, and to relieve one from the provisions of the law denying to it the right to carry freights a longer distance for less money, while it refuses to relieve another which may chance to be the competitor of the company which is relieved by the favor of the commission. In other words, the proviso in the fourth section of this act arms the commission appointed by the President, under the authority conferred by the act of Congress, with a greater power than that which is wielded by any sovereign in Europe where anything like constitutional government prevails. Indeed, the Czar of Russia could not have a more arbitrary power.

The commission in its discretion has the power to suspend the law in case of one railroad company and to refuse to suspend it in case of another railroad company located by the side of the one relieved if it chooses to do so, and there is no appeal from its decision. As the other provisions of the bill arm the commission with unusual powers, probably it is not inconsistent that its powers should culminate in discrimination made absolutely dictatorial between the different companies at its own good pleasure. This provision looks like the committee in draughting the bill had laid down a rule so arbitrary and so dangerous to the commerce of the country that it was necessary to give some tribunal the power to suspend the law and thus prevent the ruinous consequences resulting from its enactment and enforcement, and in doing so they confer upon the commission the absolute power of discrimination between companies by relieving one from a portion of the law and leaving another to its rigid enforcement.

Now, Mr. President, a few words on the subject of pooling.

Practical experience has demonstrated to those who have been charged with the management of long railroad lines that unbridled competition always results in ruin to the railroad company and in the absolute loss of the money invested by the stockholders of the company, while it results in no good to the public or to those who temporarily receive the benefits of the ruinously low rates. What the mercantile community wants more than anything else is reasonable rates on goods shipped, which are uniform, equal, and just. Rates that are stable, so that each merchant who goes to purchase his stock of goods knows in advance the rates he must pay, and knows that his competitor in business will pay exactly the same rate charged upon his goods.

Take two large mercantile houses in Atlanta, one conducted by John Jones and the other by John Smith; each purchases largely in New York, and each sells a large amount of goods per annum. The profits of these houses are made up of a very small per cent. upon the large amount of goods sold. The advantage of 50 cents a hundred pounds on the freight from New York to Atlanta given to one and denied to the other would be an almost ruinous discrimination. If railroad companies are not permitted to pool their business they will every now and then patch up a truce and agree each to maintain the same rates between given points. This agreement is not apt to last long until one thinks the other has violated it, and both cut loose. They then bid against each other, and the freight goes down, down to a ruinous rate.

Say that Jones goes to New York to purchase a stock of goods; he finds the railroads maintaining rates, and $1 per 100 pounds from New York to Atlanta is the best he can get. He pays it, and ships his goods. Ten days afterward the railroads have gone into a war, and they are cutting rates.

At this period, Smith goes to New York and buys a large stock. He goes to the general freight agent of one of the lines, and asks for a reduction of rates. The agent says, we are cutting rates; I will give you a rate of 75 cents a hundred on your goods to Atlanta. Smith goes over to the general freight agent of a competing line, and makes the contract for 50 cents per 100 pounds. He ships a large stock. Jones also shipped a large stock. Smith paid 50 cents per hundred; Jones paid $1 a hundred. This makes the profits uncertain. It makes the competition between merchants unfair; it unsettles values, destroys business, and does infinite harm to business men and other shippers.

Now if the railroad companies between New York and Atlanta had been pooling their freights at the time, they would probably have maintained a rate say of 75 cents a hundred, and it would have been uniform over all the lines as between all the customers of the different lines.

Which would be best for the commerce of the country, this fitful fighting, and now and then patching up a truce, or the steady regular rates adopted under the pooling system?

Pooling has been found the best means of maintaining reasonable rates and making them steady and uniform, while the pooling injures no shipper, unless it may be the one who hopes by making his purchases in the midst of a railroad war when rates are at the bottom, to get the

advantage over his neighbor. Other portions of your bill make it highly penal for railroad companies to charge an unreasonably high rate, or an extortionate rate. When you require all railroads to carry at a reasonable rate then how does it interest the public whether the freights be divided among them under the pooling principle, or whether the goods be carried at that rate without a pool?

The object of the authors of this provision, I presume, is to turn loose all the railroads in fierce competition with each other, with a view of getting freights down at a lower rate. In that the friends of the bill will be greatly mistaken. Pooling prevents consolidation and monopoly. Unbridled competition produces absolute consolidation and monopoly, and in railroading there is no escape from it. You may ask me how it produces this result. Experience answers. Say there are three competing lines between two given points or cities. If these lines carry at reasonable rates and pool the business, the rates will be steady and uniform. If they are not permitted to pool, and are thrown loose for unbridled competition, they will soon run to the point where the weakest one of the three will be unable to sustain itself, and not being able to meet its engagements it will go into the hands of a receiver, and will finally be sold under the marshal's hammer, and is likely to be purchased by the strongest of the three.

Then, as unbridled competition rages between the two remaining companies, the stronger finally predominates over the weaker, and the weaker one breaks down, and goes through the same process of liquidation, and is disposed of under the marshal's hammer and bought in by the stronger competitor. The three are then placed under one management, that management applying alike to all three of them, and there is no more war of rates. There is no more need of a pool; the very fact that one of the companies now owns the railroads formerly owned by three companies, dispenses with the necessity for a pool, and at once puts a period to all competition, and the three lines run in perfect harmony. The result therefore of denying to the railroads the right to pool their freights is the consolidation of all the lines of each section of the country under one management, which is an absolute monopoly of the business of the section.

The Southern railroad companies cannot maintain themselves if they must go into a perpetual war of rate cutting. Experience having taught them this, they have formed an association known as the Southern Railway and Steamship Association, which embraces the territory from the Potomac to the Mississippi River, and from the Atlantic and the Gulf to the Ohio River, including the steamships doing the coastwise trade between the Southern and Eastern cities. Since the pool has been established, rates have gone steadily down. They have been generally maintained, and the companies have been able to get along by uniformity and maintenance of rates, and they have given the section of country covered by them good railroad service. Pass your bill denying to them the right to pool their business, and what will be the result. It will be consolidation and absolute monopoly.

There are six leading companies which now cover and do the business of nearly all the territory mentioned. What is known as the Coast Line runs from Virginia down the coast into Florida. The Richmond and Danville from Washington to Birmingham, Ala., with branches. The Central of Georgia, covering the greater part of that State, and a large part of South Carolina and Alabama. The East Tennessee, Virginia and Georgia, with some 2,000 miles of railroad, covering the territory from Bristol, on the line of Virginia and Tennessee, to the Mississippi River, and a line through Georgia from Chattanooga to Brunswick. The Queen and Crescent Line from Cincinnati, Ohio, to New Orleans, with branches. The Louisville and Nashville, from Saint Louis, Mo., covering a good part of Kentucky and Tennessee, and down through Alabama into Florida.

I have not the figures before me, but taking the Central as an illustration, and it is one of the largest combinations of the six; and its capital stock is, in round numbers, $7,500,000. The purchase of a little over three and three-quarter millions of dollars, gives the party purchasing control of the entire line and its branches.

The stock of some of the other combinations is a long way below par, and I presume I might safely say that five millions of dollars each would buy a controlling interest in the stock of each company. So that thirty millions of dollars in round numbers would purchase the controlling interest in the stock of the six companies covering the whole territory above mentioned, or a little larger sum would buy them under the marshal's hammer. One single man in the State of New York is able to pay thirty millions for the stock, and control the whole of this vast combination, including the lines with all their branches, which would leave but a few short railroads in all that vast territory which would not be embraced in the purchase. And this would end the necessity of pooling. Say, for instance, that Jay Gould becomes the purchaser of the controlling interest in the six great companies. What is the result? No pooling is necessary from the Potomac to the Mississippi, and from the coast to the Ohio. As one man controls the railroads in the whole territory there would be perfect harmony in the management. In other words, the silence of despotism reigns, and the monopoly by consolidation and combination is complete; and you have driven the different companies which were able to sustain themselves under the pooling principle, into bankruptcy, by forcing upon them a ruinous competition, and the result has been the grasping of the power of the whole combination into the hands of one man or one company, and thus obviating the necessity of a pool.

What law will you then enact to put these lines in ruinous competition with each other? The stock is the legitimate subject of purchase in the market. One company in New York, or, as I have shown, one single man there is able to own the whole of it and defeat your cherished object, and you have no power to divest him of his title, or to take from him the management. Bear in mind the prediction that the enforcement of a provision denying to the railroad companies the right to pool their business will result in the consolidation and monopoly which I here predict, and a like consolidation and monopoly in each section of the United States. There is no escape from it in the very nature of things.

Mr. Adams, in his book on railroads, tells us that the Northeastern Railway of England is composed of thirty-seven lines, several of which formerly competed with each other. Before their amalgamation they had generally charged high rates and paid low dividends. They were consolidated under one management, and the system is now the most complete monopoly in the United Kingdom. From the Tyne to the Humber, with one local exception, it has the country to itself, and it has the lowest fares and the highest dividends of any large English railway. It has had little or no litigation with other companies. While complaints have been made from Lancashire and Yorkshire, where there are so-called competing lines, no witnesses appear to complain of the Northeastern, and the general feeling in the district it serves appears favorable to its management. Unbridled competition drove thirty-seven companies in England under one management. What do you suppose will be the result of unbridled competition in the United States forced upon the companies by act of Congress?

But it seems there is no sympathy for men who have been foolish enough to put their money into railroads. A few bold speculators, and in some instances bad men, have gotten control of long railroad lines, and have watered the stock and issued more bonds than the circumstances justified, and have made large speculations, and even fortunes, by that sort of illegal traffic.

These instances are constantly cited to show that railroad men are entitled to no sympathy, and to but little consideration in the courts or the halls of legislation. I admit that unscrupulous men have sometimes controlled railroad companies, and that there have been iniquitous speculations made, and much injustice has been done, but that is no reason why Congress, by its legislation, should destroy the value of a large proportion of the railroad property of the United States.

Men who have labored honestly for their money, have in thousands of instances put it into railroad stock. When the road was being constructed everybody praised them for doing so, for everybody along the line wanted the benefit of the road, and they preferred that others should furnish the money to build and give them the advantages. But as soon as a road is completed then the clamor is raised that the rates are too high, or something is irregular, or something is wrong, and the popular cry is, in effect, "confiscate it."

This act will do more, probably, if rigidly enforced, than any that has ever been passed by the Congress of the United States for the destruction of railroad property. Thousands of widows and orphans whose all of earthly goods is invested in railroads will be deprived of their property and reduced to beggary. Any amount of injustice will be done. The suffering that will grow out of it will probably be much greater than any that has ever grown out of the rascality or illegal conduct of bad railroad men, who have abused their trust. Do the people who have built the railroads and who own them deserve this? I think not.

The honorable Senator from Kentucky, Mr. BECK, in his able speech a day or two ago in favor of this bill, and against the railroad management, was just enough to make the following statement:

> They [the railroads] have done more than all other agencies to develop the resources of this continent; they have enabled us to control and almost settle the Indian problem. Without them nine-tenths of the country west of the Mississippi would be a wilderness to-day. But for the cheap transportation they furnish our exports would be a mere bagatelle, and the comforts of every man's home would be immeasurably lessened.

The honorable Senator might have added that the railroads have built like magic our great interior cities and our towns and villages; that they have increased five-fold, and sometimes more than that, the value of the real estate of the country; that they have enabled the States of the Union to develop their vast mineral resources, adding hundreds of millions to the wealth of the country; that they have not only built up and cherished an immense internal commerce, but they have doubled ten times over our foreign trade; that they have brought the different sections of the Union into close intercourse and fraternity, annihilating distance and making us one people; that they have been the greatest instruments of civilization ever devised, and that without them our country, not only west of the Mississippi, but much of that east of it, would be uncultivated, and almost a waste.

The fact that a few bad men have had the management and control of certain great lines of railroads, and have used them for unjustifiable speculation, is no reason why Congress should seriously cripple all the great railroad interests of the country and destroy the property invested

by hundreds of thousands of our people, many of them of the most helpless class. And it is no reason why we should enact laws that will greatly cripple the commerce of the country, both internal and foreign, and prevent the rapid and cheap transportation of the commodities of one section of the United States to the markets of another, and thereby retard the growth of our cities and do immeasurable damage to our productive resources. Mr. President, I believe the authors and advocates of this bill, if it passes in the shape in which it came from the committee of conference, before they have seen six months of the workings of the system will have abundant reason to regret it.

The commerce of this country can not be bound by iron chains or restrained by iron fetters; no unbending rule in its transportation can promote its prosperity. When the machine which is to bind it is put into operation, and the clasps are put on, you will hear a terrible clatter and creaking, and it will soon be discovered that it can not work practically without more elasticity.

Why not commence by enacting laws of less dubious propriety, allowing the proper elasticity and room for expansion in the workings of the system? If it is found that you have not gone far enough, you can then, at a future session of Congress, put on another screw, and no serious injury will in the mean time have been done to the commerce or the prosperity of the country. It is true you can, at a future session, repeal, as the people will, no doubt, as in case of the granger laws, require you to do, part of what is now in this bill if it should become a law; but you can not repeal it in time to prevent great mischief by the workings of the system while it is in operation. The West and the South and the foreign commerce of the country will suffer most, but the whole country will suffer under the inharmonious workings of an impractical and unwise system.

Modify the provision in reference to the long and short haul and the provision in reference to pooling, and try it a year and see how it works, and if you have not gone far enough it will then be easy to take the next step.

If you have halted too soon you can advance the next Congress without deranging the business of the country. If you have gone too far you can not recede without having done great injustice, deranged the commerce and transportation of the country, and caused great destruction of property and great reduction in values.

Mr. MITCHELL, of Oregon. Mr. President, the question as to the power of Congress to regulate interstate commerce, whether conducted by rail on land or boat on water, so long as such power is not exercised in a manner that will invade the domain of vested rights of property, is no longer an open one. If any doubt as to the power ever could have had any reasonable support in the judicial mind of this country, that support has long since been completely swept away by repeated decisions of the SupremeCourt of the United States. The power, therefore, to so legislate, within the scope and limits of other provisions of the Constitution, is no longer a subject for disputation, but is conceded to exist by virtue of the specific grant contained in the eighth section of Article I of the Constitution, wherein it is declared that "the Congress shall," among other things, "have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes."

Nor can it be for one moment maintained that there is not in this country, at this time, an almost universal demand upon the part of the people for the exercise of this power on the part of Congress in some such proper, vigorous, and emphatic manner as will, while doing no violence or injustice to capital employed in the business of transportation, protect the people, the producer, the shipper, and the consumer from unreasonable charges and unjust discriminations to which, in too many instances, they are now subjected by the transportation companies of the country. And while it is not, in my judgment, by any means certain that the character of the proposed legislation in some of its prominent features, which more than others have been discussed by the people and urged upon the attention of Congress, will, if enacted, have either the desired or intended effect, it is safe to say it is quite certain that the great body of the national commonwealth from whom this demand for legislation comes do not desire to be invited to a feast of legislative legerdemain, nor will they be either satisfied with or deceived by any legislative jugglery which is open to as many different constructions in its vital parts as there were honorable members of the joint committee of five of the two Houses who have prepared this pending measure and placed it before the other three hundred and ninety-eight members of the two Houses of Congress and demand of them that they take this or nothing.

It will be conceded by all that whatever legislation upon this important subject may be enacted, whatever may be the dominant and salient points and controlling features in such legislation, whether any of these be of doubtful propriety or disputed efficiency as a means toward the accomplishment of a great end, or whether of such a nature, so characterized by justice and equity and right, as to command by their very statement the universal assent, including that of the common carrier as well as all others, that such legislation shall be in its nature and purposes, in whole and in part, as a unit and in detail, certain, specific, definite, unambiguous, and free in its construction from all reasonable doubt; and that as to the vital points involved too much should not be left either to the construction of courts or the discretion of subordinate boards, whose judgments, to say nothing else, are constantly subjected to powerful ulterior influences. Legislation on this important subject affecting such vast interests should be unambiguous and free from every reasonable doubt. The evil consequences that will inevitably flow from provisions susceptible of various constructions, leading to diverse and perhaps absolutely contradictory results, can not be overestimated.

The confusion that would necessarily arise from different constructions from time to time by different federal courts in different sections of the country on the various provisions left unwisely so widely open to construction, as are many of those of this bill, until all these vital questions could be brought before and passed upon by the court of final resort would be "confusion worse confounded;" and in the meanwhile the commercial interests of this country would stagger amid the conflicting gales of the advancing storm. But not only so. Such an act would be regarded by the people of this country, who are not in these later days very readily deceived, as in the nature of the "make-believe order," and it would in the end fail either to satisfy the enlightened, intelligent public judgment, or to correct the evils aimed at.

With these preliminary remarks, therefore, I come to consider the report of the conference committee. And while there is much in the bill reported for our consideration that is wise and reasonable and just, and not in any proper sense open to the criticism hinted at, I feel warranted in saying that I have never in all my experience heard so many different and strangely contradictory constructions placed upon, or claimed for, the material provisions of any piece of legislation, or proposed legislation, as have been placed upon and claimed for the material and arterial provisions of this bill by able constitutional and statutory lawyers, both in and out of the Senate, friends and foes, since it was reported to this body on the 15th of December last. Nor do these various constructions of material parts of the pending measure come by any means merely from those who are opposed to the bill; if this were so it might, perhaps, with some degree of propriety and reason, be claimed that it is the result of some ulterior purpose and simply the execution of a carefully prepared plan, concocted by the transportation companies to bring the measure into radical disrepute, and thus encompass its defeat; but that this is not so the Senate and the country will, in view of the discussion that has already taken place in the Senate and out of the Senate in reference to the material provisions of this bill, and of the strangely contradictory constructions given, bear me witness.

Honorable Senators on this floor who announce their adherence to each and every section of the bill, and who propose to vote for it as a whole as it stands, without the dotting of an "i" or the crossing of a "t," and who do not desire its amendment in any particular, differ widely, and radically, and irreconcilably as to the proper construction to be placed on some of its most important provisions. That the bill is therefore in its most salient features ambiguous in its phraseology, uncertain in its purpose, and vague and misleading in its structure, if not indeed absolutely inefficient as a means of meeting and overcoming the evil against which it is ostensibly directed, is a fact patent to all.

Let us examine a little more minutely in reference to this matter; and in this connection I desire more particularly to discuss the provisions of this bill relating to the subject of long and short hauls as contained in its fourth section. And in this connection I desire to say that I have very serious doubts, and always have had, whether an act of Congress prohibiting the common-carrier from charging more for a short haul than for a long haul, the short haul being over the same line and included within the long haul, will have the good effect on the transportation business of the country that those interested in cheap transportation rates on the short hauls hope and expect it to have.

I say there may be very grave doubts whether those shippers interested in cheap short hauls will in the end be benefited by such legislation. Whether they will or not may depend on a very great many circumstances and conditions which may exist in certain sections of the country and which do not exist in other sections. Such legislation in certain localities may possibly have the effect to cheapen local rates, or reduce charges on short hauls and still maintain low rates on the long hauls, while in other localities the effect may and most likely will be just the reverse. It may, in the latter class of cases, have the effect to increase the charge on the long haul, and I believe this will be found to be the case in a great majority of cases, and thus instead of reducing the charge on the short haul may maintain it at present rates or even actually increase it.

Then, again, in many localities, that is, on many lines of transportation, the local business may be of such a nature, character and amount, the through business being subject to such a degree of competition from other lines of rail or water transportation as to make an increase of through rates impossible, as to make it to the interest of the transportation company to absolutely abandon all through business and permit it to go over competing lines by water—or over railroads on foreign soil—rather than reduce its rates on the shorter hauls where the income of the carrier is enormous, and in such an event most calamitous results would follow.

First, no relief in such a case could possibly come to those interested in short hauls, and second, a fatal blow, it seems to me, would be struck

at our transcontinental or through commerce as also our foreign commerce; and a great blow would thus be struck, not alone at our great commercial cities, but at the general development and industrial prosperity of our whole country.

And in viewing this question in this aspect, and in speculating upon the probable effect of this character of legislation on our commercial and transportation interests, local and general, and upon the development of our country, in reference to which, it must be conceded by all, railroads perform a most important function, especially those commercial and transportation interests of the Pacific Northwest in which I feel a peculiarly especial interest, it must not be forgotten that two material elements enter as important factors into this consideration:

First. That, as a rule, the great bulk of profits realized by railroad transportation companies come not from their long hauls, where freight charges are held, as a general rule, at the minimum by competitive lines of both rail and water, but from local business, or from short hauls, where these companies are not restricted by competition; and,

Second. That it is safe to assume that the transportation company will always look primarily to their own interest and not those of the general public, and if that interest should, by any possiblity, dictate the abandonment of through freights for the sake of the golden harvest they might expect to reap by the transportation of great volumes of local business at high rates, then all will agree that there would be no hesitation whatever upon the part of the transportation company to abandon their through freight business. For one I do not look for that result. I do believe, however, on the contrary, that there will be in such an event such secret combination between these powerful transcontinental companies, including water lines, as will increase the through freights over present rates, and thus enable them, notwithstanding the provisions of the pending bill, to maintain their present exorbitant charges on short hauls. Of course other provisions of this bill are intended to prevent such combination; namely, the declaration that all charges shall be reasonable, and the prohibition of pooling; but will they do it?

Therefore, I am by no means clear that any act, iron-clad, plain, direct, unequivocal, positive, unambiguous, and unyielding in its terms—and the present bill lacks all these essentials—prohibiting a greater charge for a short haul than for a long haul would have the effect of reducing existing freight charges on short hauls; for instance, on short hauls between Saint Paul and Portland, Oreg., and Puget Sound, or between Omaha and Portland and Puget Sound, or between San Francisco and Portland, Oreg., and Puget Sound, or between Chicago or New York and either of these far western points on the waters of the Columbia River and Puget Sound; and while I believe that no speculation or divination upon the part of any person, however well informed upon this intricate subject, can in advance determine these important questions, and that nothing short of actual experiment can determine them; if, however, the experiment is to be tried, in deference to what I believe is an almost universal demand upon the part of the people, as I concede it should be, then I am unwilling, for one, at least until I have aided in exhausting every fair and honorable legislative expedient to procure a proper provision on this subject, to insult that portion of my constituency who are demanding this character of legislation (I refer now solely to the long and short haul clause) by presenting them with a piece of legislation professedly as a short-haul protection, which in reality, in my judgment, although of course not so intended by the honorable conference committee, is a cheat, a deception, and a fraud; having within its provisions ample room through which either an interstate-commerce commission or any judicial tribunal in the land, not only could drive a coach and four without any trouble whatever, but in reference to which they would feel compelled by its very terms to declare its provisions absolutely harmless.

That I may not be misunderstood, I must be permitted to state in this connection that perhaps no other people within the limits of the United States are to-day subjected to such unreasonable and unjust transportation charges and flagrant discriminations as are those residing and doing business in Eastern Oregon and Washington Territory. None more than they can possibly be interested in a greater degree in some effective legislation that will reduce the transportation charges to which they are subjected to reasonable figures, and abrogate and prohibit these grievous discriminations. The occupants of that empire, believing that legislation prohibiting a greater charge for a short haul than a long haul will inure to their benefit, are desirous of obtaining legislation to that effect. When they ask, therefore, for what they believe to be bread, whether acting advisedly or under a misapprehension as to the probable effects of such legislation, let us not, if we attempt to legislate on this subject at all, under any misguided supposition or false idea that we are drawing the wool over their eyes, or deceiving them, give them what in reality we know to be a stone.

Let us inquire, then, as to their situation in reference to the business of transportation, the evils to which they are subjected, the hardships which they are called upon to endure by reason of their peculiar situation in reference to the transportation lines of the country, and then, as to the legislation proposed by the pending bill, the construction it must, when its provisions are applied to their particular case, undoubtedly receive, and we will at once realize the absolute poverty of this bill, so far as the long and short haul clause is concerned, as a measure of relief to that people—conceding for the present that such a measure, free from loop-holes and the absolute certainty of being entirely swept away in its practical operation by construction, would bring the relief desired.

First, then, as to the situation of the people of what is known as the inland empire—Eastern Oregon and Washington and Western Idaho and Montana—as to transportation charges, and for my present purpose I can not do better than to read a communication received by me recently from a committee of the Board of Trade of Dalles City, Oreg. Dalles City is located on the south side of the Columbia, in the State of Oregon, on the line of the Oregon Railway and Navigation Company, and distant 88 miles east from the city of Portland.

The communication is as follows:

THE DALLES, OREGON, *December* 29, 1886.

SIR: On behalf of the Board of Trade of Dalles City we desire to call your attention to the situation of the merchants of this city and other cities in Eastern Oregon and Washington on the line of the Oregon Railway and Navigation Company's railway respecting freight rates to and from Eastern points.

The schedule of rates to these way points upon all classes of freights from the East is made up by adding to the through rate to Portland the local rate back from Portland to the way point. This additional local back charge is an arbitrary charge, and is in no way connected with the through rate.

For example: A car-load of merchandise to any of these way points from Chicago is delivered at the way point without going through to Portland, and the freight charges thereon consist of the full through rate to Portland plus the local rate on merchandise from Portland to the way point. In the case of our own city this local rate from Portland is, on the average, from 70 per cent. to 80 per cent. of what is charged for hauling the same merchandise from Chicago to Portland. The distance from Portland to this city is 88 miles. The local rate from Portland to this point, on the average, is 45 cents per 100 pounds. The through rate from Chicago to Portland on the same class of freight is 65 cents per 100 pounds, making the actual charge from Chicago to this point $1.10 per 100 pounds; and yet we are 88 miles nearer Chicago than is Portland, and are on the direct line between those two points.

In the case of merchants east of us the situation is worse. Thus at Arlington, a point 141 miles east of Portland, the local back rate is, on the average, 70 cents per 100 pounds; that is, 5 cents more than the through rate from Chicago to Portland; making the actual charge to that point from Chicago $1.35 per 100 pounds. In the case of Walla Walla, Wash., Baker City and Huntington, Oreg., the local back rate is double the through rate to Portland. Yet the actual haul in each of the cases referred to falls considerably short of the haul for which is paid the through rate alone. Concerning this through rate no complaint is made, and merchants at the way points are entirely willing to pay the same rates as are charged for the haul to Portland. But the arbitrary local back-rate charge is deemed a most unjust and burdensome exaction, falling little short of systematic robbery.

In like manner merchants at these way points are compelled to pay on shipments to Chicago, in addition to the through rate from Portland to Chicago, the local rate from the way point to Portland. Thus the railway company exact from dealers at these way points on all shipments to and from all eastern points a charge equal to what they would be entitled to charge if they were compelled to haul the freight first to Portland. But no such necessity exists, and for this excessive arbitrary charge no service whatever is rendered.

If the bill now pending before Congress known as the interstate-commerce bill gives us relief from this unjust and burdensome discrimination we would respectfully request you to co-operate with our other Representatives in Congress in securing its passage. If not, we earnestly hope you will endeavor to procure such other legislation as will relieve us.

We call the attention of Hons. J. N. DOLPH and BINGER HERMANN to the same matter by similar communications.

Yours, very respectfully,

E. B. MCFARLAND,
A. S. MACALLISTER,
B. S. HUNTINGTON,
Committee for Board of Trade of Dalles City, Oreg.

Hon. J. H. MITCHELL,
United States Senator, Washington, D. C.

The communication, I doubt not, correctly recites the facts in so far as it undertakes to state them in reference to the transportation situation of the people of that country, and in its conclusion doubtless voices the sentiment of nine-tenths of the people of Eastern Oregon and Washington Territory.

Recognizing, then, for the present in this discussion, this communication as an instruction to me, and leaving out of consideration every other consideration as to the probable effect of legislation of this character, my first inquiry should be, does the pending bill as it stands, without change or amendment, give those people relief from these unjust and burdensome discriminations, even admitting that an entirely effective provision on the subject of long and short hauls would have the effect to relieve them? I answer without hesitation, most emphatically in my judgment it does not, and for these very cogent reasons. And, as I have said, in considering this branch of the case I concede for the argument that a properly drawn long and short haul clause, free from loop-holes—not so framed as to be easily, and as in this case necessarily, construed away and rendered inoperative, and not subjected to the discretion of courts or interstate-commerce boards—would afford specific and ample relief.

The provision on this subject of long and short hauls is contained in the fourth section of the bill, and is as follows:

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, *under substantially similar circumstances and conditions*, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized

to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

It will be observed by the most casual observer that this section contains in its first paragraph six words, which are of rather ominous import, to say the least; and which it would seem to the ordinary observer, whether lawyer or layman, are by no means necessary, but, on the contrary, absolutely unnecessary in a clause prohibiting a greater charge for a shorter than for a longer distance over the same line in the same direction, the shorter being included within the longer distance. These words are the following:

Under substantially similar circumstances and conditions.

But these words being in the bill, they must mean something. It is to be presumed that they are there for a purpose, and they must be construed. Suppose this bill became a law, and the Oregon Steam Navigation Company or the Northern Pacific Railroad Company should still persist in charging the same rates from Chicago or Saint Paul to Dalles City or Arlington or Umatilla, in Oregon, they do now, and the people of Dalles City or Arlington or Umatilla should object to this as being in violation of this law, what, manifestly, in view of this provision—these six words above quoted—would be the answer of the railroad company? Undoubtedly it would be that "the *circumstances and conditions*" under which they are transporting this freight on this shorter distance are not "substantially similar," in fact, not similar at all, to those under which they are transporting "like kind of property" from Saint Paul to Portland, the longer distance; and therefore the provisions of this bill prohibiting the greater charge for a short distance than a long one does not apply. And why would not such an argument under the provisions of this bill, with these ominous words "under substantially similar circumstances and conditions" inserted in them, be valid? Could an argument like that be successfully combatted for one moment before any honest, intelligent judicial tribunal in the land? The very argument upon this floor of the author of this bill would sustain the plea.

What would be the character of the argument of the attorneys of the railroad company to sustain their position? Simply and clearly and beyond all question that because in the one case, that of the long haul from Saint Paul, or from Chicago to Portland, or from New York, if you please, to Portland, they are subjected in their business of transportation to the "circumstance" and "conditions" of competing lines of transportation via various railroad lines from Saint Paul and Chicago via Omaha, the Union Pacific, Oregon Short Line, and Oregon Railway and Navigation Company, to say nothing of the Canadian Pacific, running over foreign territory, and from New York to Portland, if that may be considered one of the long hauls in this bill to the "circumstance" and "conditions," not only of competition from the transcontinental lines, but the water transportation lines by the Isthmus and around Cape Horn; and further, that these circumstances and conditions are not circumstances and conditions substantially similar, or at all similar, to those that attach to or apply to the transportation of property over the short hauls? But not only so. The argument would further go that the circumstances and conditions of volume and character of business, terminal expenses, and cost of service in the one case are essentially dissimilar to those in the other, and, therefore, the long and short haul inhibition could not apply in such a case.

That I am not mistaken in the construction I have given to this provision of section 4 of the bill relating to the question of long and short hauls, I beg to quote from the remarks of the honorable Senator from Illinois [Mr. CULLOM], the chairman of the conference committee upon the part of the Senate, and who reports this bill for our consideration from the conference committee. In order to obtain from him his construction of the words—

Under substantially similar circumstances and conditions—

as they appear in the 4th section of the bill, I, on Monday last, during the speech of the honorable Senator submitted to him an interrogatory. I quote from the RECORD of January 11, the colloquy that then took place between the honorable Senator and myself, and also between the honorable Senator from Illinois [Mr. CULLOM], and the honorable Senator from Mississippi [Mr. GEORGE], bearing directly upon the very question I am now considering, as follows:

Mr. MITCHELL, of Oregon. May I ask the Senator a question?

Mr. CULLOM. Yes, sir.

Mr. MITCHELL, of Oregon. Section 4 reads:

"That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, &c."

What I want to get at is the meaning of these words, "under substantially similar circumstances and conditions for a shorter than for a longer distance on the same line, * * * the shorter being included within the longer distance." To explain what I desire to get at, I will make this inquiry of the chairman of the committee: Take a long haul, from San Francisco to Portland, Oreg., over a railroad running from San Francisco to Portland. Transportation by rail over a route like that, of course, is affected to a certain extent by steamship competition, by steamers running between the terminal points. Now suppose a short haul, between points intermediate of those two terminal points, say from Stockton to Roseburgh, would that come within the provisions of the section? Would that short haul, included in this long haul, be subject to the influence of steamboat competition? Is that a haul "under substantially similar circumstances and conditions" as the haul over the whole line of road?

Mr. CULLOM. I will touch upon that subject briefly in what I have to say, and shall answer the Senator from Oregon in the course of my remarks.

Mr. MITCHELL, of Oregon. I am inquiring for information. I have not yet made up my mind as to the construction of this bill.

Mr. CULLOM. I am not objecting to the Senator's inquiry. I was going to say that I shall discuss that point briefly in what I say; but in answer to the Senator I have this to say now: that the words "substantially similar circumstances any conditions" are words of very great importance, and words which may be taken for what they say by a court or by a commission who may have something to do with the construction of the law. Whether the section should be construed so as to give relief as to the water point of competition that the Senator refers to, or not, the section itself does provide that at such a competing point, if the point does exist, the interstate commission shall have the power to give relief upon a showing of the proper state of facts.

Further on in the Senator's remarks he said, in further reply to my interrogatory:

The limitations placed upon the prohibition that is made are very significant, and they must not be overlooked. They require that in determining the sum that may be charged for a shorter as compared with a longer distance, the comparison must be made—

1. Between shipments "of like kind of property."
2. "Under substantially similar circumstances and conditions."
3. "Over the same line."
4. "In the same direction."
5. When the shorter is "included within the longer distance."

When the act is to be applied in any given case to measure the charge that may be made for any distance, as compared with a longer distance, all of these limitations must be taken into account, and they must all apply to the case—not three or four of them, but all of them. The first, fourth, and fifth of these limitations do not appear to call for any explanation, but the meaning of the second and third may need some explanation.

As I understand them, the words "circumstances and conditions" mean the conditions that govern railway traffic, and the circumstances under which it is transported. To my mind these words are full of meaning. They comprehend all the circumstances and conditions that may justify differences in rates, *such as competition with other railroads and with water routes, the volume and character of business at different points, the difference in terminal expenses, and the cost of service in each case.*

* * * * * * *

Mr. GEORGE. I wish to ask the Senator a question, if he will allow me.

Mr. CULLOM. Yes, sir.

Mr. GEORGE. Does the Senator wish to be understood as saying that it is the meaning of this bill that the long and short haul provision does not apply; that is, that the circumstances are not substantially similar where one of the points is a competing point and where one is not?

Mr. CULLOM. I mean to say simply this: You take one railroad, if you please, between the city of Washington and the city of New York; that railroad makes its schedule of rates and it publishes, under this bill, that schedule of rates, and so far as its operation on its own road, not in connection with other lines or roads, but on its own road, it is not at liberty to charge more for a shorter distance on that road between here and New York under like circumstances and conditions than it charges from here to New York.

Mr. GEORGE. But the point is this: I understood the Senator to say—and that is what I want to have settled—that if one point from which the shipment is made is a competitive point, either by having a competing railroad or by having water transportation, and the other point from which the shipment is made is not a competitive point, then the circumstances are not substantially similar.

Mr. CULLOM. I do say the facts should be considered.

Mr. GEORGE. Then let me say, that if I believed that that was the meaning of the bill and the courts would assent to it, *I would vote against it, because with that construction upon those words the whole provision in the bill in reference to the long and short haul amounts to nothing*

Mr. CULLOM. If it does not amount to anything, it will not hurt anybody.

Mr. GEORGE. I do not want to hurt anybody, but to save somebody by a substantial provision on that subject.

Mr. CULLOM. So do I; but I do not want to humbug anybody either. The Senate, however, by a deliberate vote placed in the bill which was passed by the Senate during last session these words, "under like circumstances and conditions," and did it, the select committee not having reported those words to the Senate in the original bill.

Mr. GEORGE. I do not object to the words. I object to the interpretation which you put upon them. I do not believe that is the true and legal interpretation, and I protest that this bill shall go through here with an authoritative exposition or interpretation of the meaning of these words given them by the Senator. If that be the meaning I am against it.

Mr. CULLOM. The Senator from Mississippi has a right to put whatever construction on those words he chooses, and of course he will do so; but I say, not as the chairman of the committee, but simply as a Senator upon this floor, that those words were put in there by this Senate after the select committee had failed to report them, and they were put there because the original section reported by the committee was too rigid and it was feared that it would interfere with the general commerce of the country, and when they were put there they were put there to mean something, and they do mean something.

They mean just what they say, that you shall not charge more for the shorter than for the longer distance on the same line in the same direction under substantially similar circumstances and conditions, and those conditions and circumstances may be, if you please, the fact that one place is a competing point and that another place is not, the fact that one place furnishes a large amount of business and the way station does not furnish perhaps more than a car-load, and that it incurs additional expense and all that sort of thing. No court, no commission, and no lawyer can afford to say that those words do not mean anything when they are put in there.

Mr. GEORGE. With that construction of it, *I think the Senator gives away all the beneficial part of the bill.*

* * * * * * *

I think that by the construction put upon the clause as to the long and short haul the Senator has destroyed the benefit of that provision.

From the foregoing it will be seen that the author of this bill [Mr. CULLOM] and its able manager and principal defender on this floor, acknowledges in unequivocal terms that in determining the sum that may be charged for a shorter as compared with a longer distance, the comparison must be made: 1. Between shipments "of like kind of property;" 2. Shipments "under substantially similar circumstances and conditions;" 3. "Over the same line;" 4. "In the same direction;" 5. "When the shorter is included within the longer distance;" and that when the act is to be applied in any given case to measure the charge that may be made for any distance as compared with a longer distance, all of these limitations must be taken into account and

they must all apply to the case. Not three or four of them, as so well stated by the Senator, but all of them. And what do we find transpiring on this very floor in reference to the meaning of these specific words and to the construction that must be placed upon them? We find the honorable Senator from Mississippi [Mr. GEORGE] rising in his place and declaring that if this clause is to receive the construction placed upon it by its author, that then, to use his own language—

The whole provision in the bill in reference to the long and short haul amounts to nothing.

And further, that—

If that is the meaning of your bill I will vote against it.

It is due, however, to the Senator from Mississippi that it should be stated that he favors the bill as I understand, but differs with the honorable Senator from Illinois, its author, as to the construction these words must receive. That the construction, however, placed upon them by the Senator from Illinois [Mr. CULLOM], its author, is the correct one, and that which will be given it by the courts in the event of this bill becoming a law without amendment of this provision, I do not doubt for a single moment. That is the construction which the conference committee evidently, yes avowedly, intended the section should receive.

Mr. GEORGE. Will the Senator allow me to interrupt him?

Mr. MITCHELL, of Oregon. Yes, sir.

Mr. GEORGE. Unless I was unfortunate in expressing myself, the Senator from Oregon has attributed to me as attaching too much importance to the construction placed on that clause of the bill by the Senator from Illinois [Mr. CULLOM]. Of course I disagree with him and very radically; but still, even if he were correct in his construction of the bill, though I would be opposed to that provision of the bill, yet I regard that there is enough merit in other parts of the bill for it to receive my support, even with the construction put upon that clause of it by the Senator from Illinois.

I mean to say, that the bill is not satisfactory to me; it does not go as far as I would like to go in the direction of restraining the power of the railroads; but I shall not stand still and refuse to take one step in the direction of correcting abuses because I can not take all the steps that I desire to take.

Mr. HOAR. I am tempted to ask the courtesy of my honorable friend from Oregon to allow me to read, in precise connection with the point he is now making, a letter from a conferee on the part of the House.

Mr. MITCHELL, of Oregon. I will yield to my friend from Massachusetts as soon as I say a word in answer to the Senator from Mississippi [Mr. GEORGE]. I have already stated that I simply quoted what the Senator from Mississippi had said to the Senator from Illinois in the debate on Monday. I stated in the same connection that I understood the Senator from Mississippi favored this bill because he thought there was much merit in the bill outside of this provision.

Mr. GEORGE. I did not want to be misunderstood.

Mr. MITCHELL, of Oregon. I said I understood that he differed from the construction placed on the bill by the Senator from Illinois.

Mr. GEORGE. I did not want it to be understood that even with these difficulties in the bill, if the long and short haul provision is as imperfect as the Senator from Oregon seems to think it is, for that reason alone I should vote against the bill, because there are other very valuable provisions in the bill which would induce me to give it my support notwithstanding the imperfection of that clause, even if it were as imperfect as the Senator from Oregon thinks. I do not think it is that imperfect.

Mr. MITCHELL, of Oregon. I yield now to my friend from Massachusetts.

Mr. HOAR. I think it may be quite interesting to the Senate to have an authoritative statement of the interpretation put upon this clause by the Representatives of the other House. I have taken pains to obtain one which is very brief and which I should like to read in connection with the point my friend is making:

COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES,
Washington, D. C., January 11, 1887.

DEAR SIR: Your favor of January 4 only reached me last evening. You propound three interrogatories, which for convenience are repeated and answered. Judge REAGAN and Mr. WEAVER, the other House conferees, being absent, of course I cannot authoritatively speak for them, but I believe that their views coincide with those herein expressed by me.

First—

This is the first question—

Do you understand that the prohibition in the fourth section of the bill, as amended in conference, will prevent the common carrier from receiving a larger sum in proportion for a shorter than for a longer distance, or only that the amount of the entire freight for the less distance shall not exceed the amount of the entire freight for the greater distance on a similar article, under similar circumstances?

This is the answer:

I understand that the fourth section will prevent a common carrier within the meaning of the act from receiving a larger sum in the aggregate for the transportation of passengers or property for a shorter than for a longer distance, over the same line in the same direction; in other words, "the amount of the entire freight for the less distance (included in the greater distance) shall not exceed the amount of the entire freight for the greater distance, on a similar article, under similar circumstances."

Second. Suppose a thousand barrels of flour be taken from Chicago to Boston, and be thence conveyed to Europe, and another thousand barrels of flour be taken from Chicago to Boston or Worcester, a point nearer Chicago, on the same line, destined for home consumption, are these substantially similar circumstances within the meaning of the bill? In other words, does a mere difference in the destination of property create the dissimilar circumstances and conditions contemplated in section four?

In my judgment, the difference in the case cited by you would not create dissimilar circumstances.

Third. Does the existence of competition at the end of the longer distance which does not exist at the end of the shorter on the same line, make a difference of circumstances and conditions within the intention of the framers of the bill?

In my opinion it does not.

I have the honor to be, very respectfully, yours,

CHARLES F. CRISP.

Hon. GEORGE F. HOAR, *United States Senate.*

Mr. CRISP is one of the conferees on the part of the other House. The conferees on the part of the House of Representatives disclaim, as far as this gentleman can speak for them, the interpretation of the bill put on it by the conferees on the part of the Senate.

Mr. PLATT. May I say a word?

Mr. MITCHELL, of Oregon. Certainly.

Mr. PLATT. I hardly think it is fair to ask of any one of the conferees what his interpretation of the clause would be upon certain general propositions for this reason, which is manifest, that no man in the Senate or upon the conference committee can determine in advance what the construction of the courts will be on those words, "similar conditions and circumstances," until all the facts of the particular case are made out.

Every shipment, whether there be competition or not, would be surrounded by its own set of facts. Competition might be one of the facts which would enter into the question of determining whether the conditions were substantially similar; but I think no man can say that competition existing at a certain point would determine that question. It seems to me that all anybody on the conference committee or otherwise can say is this: If you will present to me all the facts and all the circumstances which attend a particular shipment of goods as compared with another shipment of goods, then I can say for myself what I think the true construction of the statutes would be as to that particular matter; but none of us can say more than that.

Mr. HOAR. But when we have a question pending involving whether great, vast commercial transactions in this country can continue, we are entitled, as it seems to me, to know whether the persons who propose a measure upon which that depends understand their measure one way or the other, or whether they propose that the continuance of that great commerce shall be referred to four or five commissioners to be appointed by the President of the United States and to depend upon their interpretation of a bill.

Of course, in every case that can possibly be conceived, it would not be fair to these conferees to ask them to determine the particular case in advance; but when a great, general rule is affirmed by this bill, prohibiting the making of a rebate on hundreds of millions of dollars of commerce on which the prosperity of great sections of this country depends, whether the gentlemen who drew this language consider that that is stricken down by the bill or that it is not stricken down by the bill, or that the question whether it is stricken down by the bill or not depends on what five men appointed by the President of the United States may happen to think of it, is a fair question to put to these conferees. And when we find that the conferees differ, I think we are entitled to have it made plain to persons who think that there should not be a 5 per cent. rebate for the foreign commerce of Boston, or that it is unjust, to have the bill so drawn that the gentlemen who differ from them shall not claim that it does not mean what they want it to mean, as the Senator from Mississippi says he wants it to mean, and the Senator from Tennessee. The gentlemen who think that it ought not to be done are entitled, in my judgment, to have it put into the bill, so that he who runs may read that it shall not be done.

That is my point, and I think it is fair to ask the gentlemen who wrote this language what they mean by it. If we find that they do not agree we ought to pause and have language on which they will agree.

Mr. PLATT. But this question *manifestly* can not be settled in advance. Take the law as it stands without any such bill, the question as to whether the 5 per cent. rebate constitutes a reasonable rate under the circumstances is a question which now, if anybody contests it or claims otherwise, must go to the courts and must be determined by the courts.

Mr. HOAR. My friend will pardon me for saying that the question does not go to the courts whether a road is charging too little to anybody.

Mr. PLATT. It goes to the courts whether they are charging the other parties too much.

Mr. HOAR. That is another thing.

Mr. PLATT. When they allow the 5 per cent. rebate to Boston the parties who claim that they are charged too much can go to the courts and have them say what rates are reasonable. So with all railroad rates, they must be reasonable; and you can not imagine any case in which that question may not be taken, and must not be taken, if there is a con-

troversy about it, to the courts. Now, is it any worse to take it to the commission in the first place than to the courts?

Mr. TELLER. Under the bill they can take it to the courts in the first place.

Mr. PLATT. Certainly. Let me say one thing more with regard to the question which the Senator from Massachusetts proposes because it so much affects the port of Boston. I would say that the question of export trade was one of the elements to be considered and to exercise its influence in determining the question of similar conditions and circumstances; but that it determined it of itself, I would not be prepared to say.

Mr. HOAR. If the Senator from Oregon will pardon me once more I shall not interrupt him any further. The Senator from Connecticut, a member of this conference, says that that is one of the circumstances on which the unlikeness of conditions and circumstances is to depend.

Mr. PLATT. One of the facts.

Mr. HOAR. The three House conferees, as far as this gentleman understands their opinion, say it is not, that that is absolutely fixed by the bill, which prohibits rebates.

Mr. MITCHELL, of Oregon. I am glad to have so clear and emphatic an illustration injected into the belly of my speech by this controversy between different Senators and the expression of these differences of opinion as to what this section means, of the position I have been trying to enforce on the Senate, that the provisions of the bill in reference to the question of long and short hauls are vague, uncertain, and no two lawyers place the same construction upon them. Therefore it is left to each individual Senator to read and examine the bill for himself and arrive at his own conclusion as to what the bill means, taking into consideration all the while the fact, which has been developed here and now, that the very men who framed this bill, the conferees of the Senate and the House, disagree radically and emphatically as to the meaning of the fourth section.

Mr. PLATT. May I interrupt the Senator from Oregon?

Mr. MITCHELL, of Oregon. I refer more particularly now to the chairman of the committee of conference on the part of the Senate, the Senator from Illinois [Mr. CULLOM], and the House conferees.

Mr. PLATT. Will the Senator pardon me if I interrupt him just once more?

Mr. MITCHELL, of Oregon. Certainly.

Mr. PLATT. It seems to me hardly to be fair to ask of the conferees an interpretation of that clause, when it is a clause which was put in by the Senate itself, and was not in the original bill as reported by the Committee on Interstate Commerce.

Mr. MITCHELL, of Oregon. It was somewhat different in the bill as passed by the Senate.

Mr. PLATT. Those precise words were put in by an amendment in the Senate.

Mr. GEORGE. Will the Senator from Oregon indulge me in an observation or two?

Mr. MITCHELL, of Oregon. Certainly.

Mr. GEORGE. I desire to say this upon the difference of construction as to the meaning of the bill: In the first place the true meaning of this measure, as of every other law, is bound to be settled by the courts, and in arriving at the true meaning of the act it is a fundamental canon of statutory construction that the court will not look at the opinions expressed by the members of the legislature who voted for and against it as to its meaning. The meaning of the act will be determined by a consideration alone of its language.

That is the first observation I desire to make; and the next is that there never was an important statute from the earliest history down to the present time which was ever passed by any legislative body that did not give rise to disputes as to the meaning of the act itself. Our Constitution is subject to these criticisms all the time, and the most important and beneficial acts, for instance, the Statute of Frauds, passed as early as Charles II, have been the fruitful source of disputes and contrary decisions by the courts as to their meaning.

Mr. MITCHELL, of Oregon. I do not wish to yield for a general dissertation on the Constitution.

Mr. GEORGE. That is as far as I want to go.

Mr. MITCHELL, of Oregon. I will say in answer to the Senator from Mississippi that he on Monday last in responding to the construction placed on the fourth section of the bill by its author, the Senator from Illinois [Mr. CULLOM], stated distinctly and emphatically that if that were the construction of the section, then it amounted to nothing as a regulation of the long and short haul business, and that if that were the construction he would not vote for that provision at least as a separate proposition, while he thought there were some other good things in the bill which would justify him in voting for it.

Now, my friend on the left, the Senator from Massachusetts [Mr. HOAR], representing the great commercial city of Boston and certain other commercial cities I presume in the State of Massachusetts, evidently from the position he takes, is opposed teeth and toe-nails to the provision relating to long and short hauls. He thinks that it materially and adversely affects certain people whom he deems it to be his duty to represent on this floor, and therefore he gives a certain construction to the fourth section which is directly the opposite construction to that placed upon it by the Senator who wrote it and who reported it, the honorable Senator from Illinois [Mr. CULLOM].

To fortify his position the Senator from Massachusetts brings in a letter from one member of the conference committee on the part of the House disputing the construction placed upon this section by the chairman of the conference committee on the part of the Senate; and therefore you have it just as I stated in the beginning of my speech, that a bill is presented here in reference to which, so far as I am advised at present, no two of the honorable members of the conference committee can agree as to the proper construction to be placed upon it. Therefore I, as an humble member of the Senate, am called upon in my place to examine this bill for myself and to place upon it the construction that I think the courts will inevitably be called upon to place upon it when it is brought before them.

Now, I will proceed to consider the provisions of this section and see what it does mean if we can get at it.

But let us inquire further as to the real meaning of this fourth section. It will not do in discussing this phase of this report to confuse the rights, powers, and duties of the interstate-commerce commission provided for in this bill in respect of special cases, which I think the honorable Senator from Illinois inadvertently did the other day, with the plain meaning and interpretation of the bill as to what is and what is not declared to be unlawful by the express terms of this fourth section in reference to the long and short haul business.

Mr. CULLOM. As I understand the Senator, he says that I, as chairman of the committee, have undertaken to confuse the public mind upon the question of the meaning of that section.

Mr. MITCHELL, of Oregon. Not at all, Mr. President.

Mr. CULLOM. If he makes any such insinuation as that, I desire to have the gentleman distinctly understand that I gave my construction of that section plainly, honestly, and in good faith to myself and to the country, and I will not allow any man to insinuate to the contrary.

Mr. MITCHELL, of Oregon. The Senator from Illinois entirely and absolutely misunderstands me, as he will find before I have finished what I am about to say. I do not think the Senator is justified in manifesting the feeling he does in reference to any language I have used. If I have been unguarded I wish to declare now and here that I have no intention whatever, as the chairman will see before I finish my remarks, of imputing to the chairman of the committee anything else but an industrious, able, and unwearied effort to secure the passage of the very best bill he can get on this great subject. What I mean to say is that in discussing this phase of the report we should be careful not to confuse the rights, powers, and duties of the interstate-commerce commission provided for in this bill in respect of special cases, as I think the Senator from Illinois did the other day, not of course intending to mislead, with the plain meaning and interpretation of the bill as to what is and what is not declared to be unlawful by the express terms of the fourth section in reference to the long and short haul business.

The commission has no jurisdiction or power whatever to hear or determine anything in any special case unless such special case arises in a case where the long and short haul provision applies. It is only in case of a charge that is prohibited by law, that is by the first paragraph of such section, that can be made a special case; and in no instance can a special case arise under the provisions of this fourth section, or any other provision of the bill, that can be considered by the commission whereby the terms of the section the long and short haul provision does not apply. When, then, in what case or cases does the long and short haul inhibition operate? When can it possibly attach under the provisions of this section? In what instance or instances, when and where, and under what circumstances is it by the specific terms of this fourth section made unlawful to receive any greater compensation in the aggregate for the transportation of passengers or of property for a shorter than for a longer distance? Clearly only in the single instance where all the following conditions combine and exist, that is to say—

1. Where the property transported over the long and short hauls is "of like kind;"

2. Where it is transported in the same direction, the shorter being included within the longer distance; and, lastly,

3. Where the transportation over the two hauls, the long and the short distance, is, to quote the language of the section—

Under substantially similar circumstances and conditions.

It is only therefore, it must be observed, in the solitary case where *all* these conditions combine and actually exist that the inhibition against receiving more for a short than for a long haul attaches by virtue of the fourth section of the proposed bill. It is only when all these "conditions" exist that it is declared by this proposed bill that it shall be unlawful for any common carrier subject to its provisions to charge or receive any greater compensation in the aggregate for the transportation of passengers or property for a shorter than for a longer distance. Therefore, if any one of any of these three essential conditions is lacking in any given case, then as to such case the prohibition does not apply, and in such an instance it is not, and can not be under

the express terms of this proposed legislation, unlawful in any common carrier to charge or receive more for a short haul than a long haul. If, therefore, in any given case the transportation of persons or property over the long and the short haul is not "under substantially similar circumstances and conditions," then in that case it is not unlawful under the express provisions of this proposed bill for any common carrier to charge or receive more for transporting persons or property over a short than a long distance, and in such a case the railroad commission provided for in this bill has no jurisdiction whatever.

I understood the other day in the argument of the Senator from Illinois—I may have misunderstood him—that he did claim that the commission provided for in this bill would in a case of that kind have jurisdiction; in other words, that the interstate-commerce commission provided for by a certain section of this bill would have the jurisdiction and the power to determine whether in two given cases the freight or persons were transported under substantially similar circumstances and conditions. If I understood the Senator from Illinois aright in regard to that, then I differ, and I insist that the true construction of this section precludes and excludes the commission from any say whatever in the matter, unless it be in a case arising where the law has declared it unlawful to receive a larger sum for a short haul than a long haul, and that the question as to whether the thing is done under the same circumstances and conditions is not a matter to be considered by them at all under the provisions of the bill.

In such a case the bill itself, by express terms, excludes it from the operation of the *mala prohibita* declared by its provisions in certain cases. In other words, it is only in a case where all the three several conditions hereinbefore specified exist; and hence it is only a case wherein, by the terms of this bill, it is declared to be unlawful for any common carrier to charge or receive more for a short than a long distance, that there is by the provisions of this bill any jurisdiction whatever in the commission to consider a special case by reason of the hardship of such case. As equity is the correction of that wherein the law by reason of its universality is deficient, so here, this commission has authority to act, in-so-far as the fourth section is concerned, only in such special cases wherein a strict enforcement of the prohibition would work a hardship.

This being the condition and status, therefore, of this proposed bill as now presented to us, can it for one moment be insisted with any kind of propriety by those favoring an effective long and short haul clause that this bill meets the case? Can any member of this Senate point to a single instance in connection with transportation over any one of the great transcontinental routes of this country wherein the transportation over such line or lines is performed "under substantially similar circumstances and conditions" to those of the transportation on such lines, or any of them, on any one of the shorter hauls on the same line between the terminal points of the long haul?

I undertake to say that not a single instance can be suggested, either by the Senator from Illinois, who has reported this bill, and in whose ability, earnestness, and zeal, and entire good faith in his unwearied efforts to secure some good legislation on this great subject I have the utmost confidence, or any other member of the Senate, wherein the transportation on any short haul included in any one of the long hauls on any one of the transcontinental roads of these United States is performed, or regulated, or controlled, or the rates of transportation fixed by or "under substantially similar circumstances and conditions" to those under which transportation is performed, or regulated, controlled, or carried on, or rates of transportation fixed over any of the shorter or intermediate hauls within the terminal limits of the long haul on any such line.

Unquestionably the competition by both rail and water—rail on our own soil and over and through foreign territory as well, which our legislation can not reach—and also the volume and character of business at extreme terminal points, and over long hauls, the difference in terminal expenses, and the cost of service on such hauls as compared with all these conditions on short hauls, must, of necessity, make the "circumstances" and "conditions" under which transportation is carried on by our transcontinental roads over their long or through hauls entirely dissimilar in every essential particular from that carried on in any portion of any of these transcontinental lines on any of the shorter hauls between their extreme terminal limits, and which in no single instance, perhaps, is subject to the "circumstance" or "condition" of competition, or, to say the least, subject substantially to that character and degree of competition which attaches to, controls, regulates, and fixes the charge on the long hauls.

Therefore, I conclude, without hesitation, that the pending bill, in-so-far as it professes to establish a rule that will prevent common carriers from charging or receiving a greater price for transporting persons or property over a short than over a long haul is an absolutely harmless piece of legislation in-so-far as the interests of the common carrier are concerned, and wholly and absolutely impotent and inefficient in-so-far as giving protection to the shipper is concerned. In a word, the fourth section relating to long and short hauls undertakes to declare certain things unlawful, and then in the same breath declares that the thing sought to be prohibited in order to be unlawful must combine three or more certain specific conditions, which, in not one case in a thousand, are found to exist in the same particular case. In short, it professes to meet a popular demand, while in fact it does not meet it at all. It is worse than the tub to the whale business. It pretends to make it unlawful to charge or receive a greater amount for a short haul than for a long one, and yet it prescribes such conditions, on the existence and unity of which alone the inhibition can attach and operate, as necessarily throw each and every case beyond the reach of the prohibitory provisions of the bill.

The same paralyzing clause is found in section 2 of the bill, which declares unjust discrimination to be unlawful by prohibiting special rates, rebates, drawbacks, and all other devices by which a greater or less compensation for any service rendered or to be rendered, in the matter of transportation, is charged or received from one person than from another for a like and contemporaneous service. No person, either shipper or common carrier, can present any valid objection to this.

No one will contend that unjust discriminations of this character should be permitted. And yet this conference committee, who must be supposed to represent the true interests of the people, of the producer, the consumer, the shipper, and not the interests of the common carrier, except to see that no injustice is done, have inserted in this section these same cabalistic words, "*under substantially similar circumstances and conditions.*"

So that in every case arising under that section, before the act can be considered unlawful, the question must be investigated and determined by some tribunal as to whether what has been done in the two cases—the one of which it is claimed is unlawful—was done "under substantially similar circumstances and conditions." Without these six words the section against unjust discriminations amounts to something; with them in, it is, in my judgment, practically useless. So, also, as to section four.

Believing that this bill as reported will become a law without amendment in respect to the provisions I have discussed, and inasmuch as it is doubtless generally believed by people throughout this country interested in cheap service for short hauls that this bill contains an effective provision on that subject, and being firmly of the conviction that the provision as it stands is absolutely valueless, and will prove in practical operation to be so, I have felt it a duty I owed my constituents to submit these observations as to my understanding of the measure; and whatever may be the result of this measure finally, or the character of my votes in disposing of it, I should reserve the right to change both my judgment and my vote, on any future occasion, in reference to this whole business of long and short hauls, should the practical workings of this bill, in the event it becomes a law, demonstrate that the true interests of all the people of the great Pacific Northwest, her producers, her varied industries, her commerce, and her commercial cities demand such change.

The mighty and complex problem of constructing empire in the great Pacific Northwest, of developing her unparalleled and diverse resources, of building up her commerce, is now undergoing solution. And it is of the utmost importance that whatever may be done here shall not complicate but rather tend to expedite such solution in a manner that will promote the true interests of all concerned.

In conclusion, I submit the following proposed amendments for the consideration of the conference committee, in the event that by the action of the Senate this report shall be recommitted to that committee for further consideration:

1. Amend section 2 by striking out the following words:

Under substantially similar circumstances and conditions.

2. Amend section 4 by striking from such section the following words:

Under substantially similar circumstances and conditions.

The PRESIDENT *pro tempore*. The question is on agreeing to the report of the committee of conference.

Mr. SEWELL. I move that the Senate proceed to the consideration of executive business.

Mr. CULLOM. If the Senator from New Jersey will yield a moment, I desire to make a statement.

Mr. SEWELL. I withdraw my motion temporarily.

Mr. CULLOM. I gave notice yesterday, as I had done before, that I should ask the Senate to remain in session to-day until this subject was disposed of. There are, however, three or four Senators who have expressed a desire to speak, and who have engagements this evening which they would not be able to fill if they were detained here for the consideration of this bill after the usual hour of adjournment.

The bill is a very important one. It is not suffering by discussion or by a little delay, as I find that the Legislatures of the different States are beginning to consider the same subject and act upon it, as well as the boards of trade in different sections of the country.

I have thought it proper, therefore, to make this statement, saying that I am willing the bill shall go over to-day, so that the gentlemen who desire to speak may have an opportunity to do so to-morrow. I trust that there will not be any further delay after to-morrow, but that the bill will be disposed of then.

Mr. HOAR. I rise to suggest that I believe there are no executive

messages on the table. I am inclined, therefore, to move an adjournment, in lieu of the motion of the Senator from New Jersey.

Mr. SEWELL. I understand that there are several reports ready for consideration in executive session.

Mr. HOAR. Very well.

Mr. CONGER. I wish to say that, having been absent from the Senate for some time, until to-day, and not having heard the discussion of this question on the part of the Senate, and being desirous, perhaps, of presenting some views of my own, I hope very much that the subject may be postponed until to-morrow, that I may have an opportunity to make some remarks myself if I shall then desire to do so.

Mr. COLQUITT. In this connection, I beg to present a petition of citizens of Georgia, concerning the interstate-commerce bill. I do not ask for the reading of it, but that it be inserted in the RECORD.

The PRESIDENT *pro tempore*. The Senator from Georgia asks that the communication referred to by him be printed in the RECORD. The Chair hears no objection. It will be so ordered.

The petition is as follows:

PETITION TO CONGRESS BY PEOPLE OF GEORGIA.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

We, the undersigned, most respectfully petition your honorable bodies to pass the anti-discrimination or interstate-commerce bill now before Congress known as the Cullom bill, with the following amendment:

In the first clause of section 4, instead of reading as it does—"That it shall be unlawful for any common carrier to charge or receive any greater compensation in the aggregate for the transportation of passengers or property, subject to the provisions of this act, for a shorter than for a longer distance over the same line in the same direction and from the same original point of departure"—to read as follows: That it shall be unlawful for any common carrier to charge or receive any greater compensation per mile or length of haul for the transportation of passengers or property, subject to the provisions of this act, for a shorter than for a longer haul of the same class of persons or property from or to any point in any direction on the same line of transportation: *Provided*, That on the shorter haul a proportionate additional rate may be charged to cover what is known as a greater percentage of terminal expenses on the shorter over the longer haul; or, in other words, a reasonable and just graduation of lower rates on the longer over the shorter haul may be allowed, but not in violation of the equal rights and privileges of the people in any town or locality sought to be protected and secured against unequal and unjust discrimination by the third section of this act; all of which variations of rates of freight shall be subject to revision, correction, and control of the commission provided by this act.

We can see no valid reason why each class or kind of persons or property should be charged heavier rates of freight for one or any locality than for another, except to cover reasonable and just terminal expenses on the short haul as compared with the longer haul.

We see no valid reason why the same kind or class of person or property should be charged heavier rates of freight from Saint Louis, Chicago, or Cincinnati to Baltimore, Philadelphia, or New York, than from Baltimore, Philadelphia, or New York, to any of the aforementioned places, or from Atlanta to either of the aforementioned places, or from either of the aforementioned places to Atlanta; that is to say, the rates of freight charged on the transportation of the same class or kind of persons or property should be the same per mile or length of haul in each direction between any two points, localities, or places on the same line, whether the haul be shorter or longer, with the exception of a reasonable and just percentage to cover terminal expenses, as aforesaid. Nor can we see any valid reason why the people or small towns located between the great commercial centers of the country should be charged higher rates of freight on the same class or kind of persons or property on the same line of transportation than the people who reside in the leading commercial centers, except in such cases as an intelligent and just commission may allow.

Nor can we see any valid reason why the Congress of the United States, representing as it does the people and the States, should not take charge of, regulate, and control this vast railroad and transportation business, as it now does many other interests.

Without attempting to portray the vast political interests and dangers involved in this great question, we most respectfully petition your honorable bodies to enact into a law the aforementioned bill with the amendment herein suggested.

GEORGIA, 1886.

This petition is signed by numerous citizens.

Mr. HARRIS. Before the question of proceeding to the consideration of executive business is put, I desire to inquire if I understood the Senator from Illinois as giving notice that he would insist upon a final disposition of this conference report before adjournment to-morrow.

Mr. CULLOM. That is my purpose.

Mr. HARRIS. It would be desirable, if we could do so by unanimous consent, to have an agreement that before adjournment to-morrow, no matter at what hour, we should come to a final vote, so as to end this matter.

Mr. CULLOM. I should be very glad if we could have such a unanimous consent. I did suppose the probability would be that some Senator would object; hence I did not ask unanimous consent, but I should be very glad to have it now.

Mr. HARRIS. We can not know that some Senator will object until he does it. I will ask the unanimous consent of the Senate that before adjournment to-morrow—no matter at what hour, whether it be 5 o'clock, 6 o'clock, or 10 o'clock to-morrow night—we come to a vote upon the question.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks unanimous consent of the Senate that an agreement be entered into to take the vote to-morrow. Is there objection?

Mr. ALDRICH. I object.

Mr. CALL. Mr. President——

The PRESIDENT *pro tempore*. Objection is made.

HOUSE BILL REFERRED.

The bill (H. R. 8599) providing an additional judge in the second judicial circuit, and for other purposes, was read twice by its title, and referred to the Committee on the Judiciary.

INTERNATIONAL PRISON CONGRESS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State in relation to an invitation which has been extended to this Government to appoint a delegate or delegates to the Fourth International Prison Congress, to meet at St. Petersburg in the year 1890; and commend its suggestions to the favorable attention of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January* 11, 1887.

BILLS INTRODUCED.

Mr. MAHONE introduced a bill (S. 3125) to establish and maintain a life-saving station at Lynnhaven Inlet, Virginia; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SEWELL introduced a bill (S. 3126) to effect a rearrangement of grades of office in the Adjutant-General's Department of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GRAY introduced a bill (S. 3127) to amend the law relating to international extradition; which was read twice by its title, and referred to the Committee on Foreign Relations.

EXECUTIVE SESSION.

Mr. SEWELL. I renew my motion.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty-six minutes spent in executive session, the doors were reopened; and (at 6 o'clock and 6 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 13, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, January 10, 1887.

REGISTER OF LAND OFFICE.

Oliver H. Gallup, of Storey County, Nevada, to be register of the land office at Carson City, Nev.

APPRAISER OF MERCHANDISE.

John W. Davis, of Rhode Island, to be appraiser of merchandise for the district of Providence, R. I.

POSTMASTERS.

Robert F. Pace, to be postmaster at Mount Vernon, in the county of Jefferson and State of Illinois.

James Ryan, to be postmaster at Appleton, in the county of Outagamie and State of Wisconsin.

Charles E. Axt, to be postmaster at Odell, in the county of Livingston and State of Illinois.

William E. Henkel, to be postmaster at Rockville, in the county of Parke and State of Indiana.

Charles H. Gwynn, to be postmaster at Covington, in the county of Fountain and State of Indiana.

John D. Sourwine, to be postmaster at Brazil, in the county of Clay and State of Indiana.

Fred Puhler, to be postmaster at Ada, in the county of Norman and State of Minnesota.

Edward Fay, to be postmaster at Moorhead, in the county of Clay and State of Minnesota.

David J. Eastburn, to be postmaster at Fowler, in the county of Benton and State of Indiana.

John M. Baker, to be postmaster at Winamac, in the county of Pulaski and State of Indiana.

Thomas B. McPherson, to be postmaster at Arapahoe, in the county of Furnas and State of Nebraska.

Isaac T. Merchant, to be postmaster at Broken Bow, in the county of Custer and State of Nebraska.

Edgar Hilton, to be postmaster at Blue Hill, in the county of Webster and State of New York.

James R. Fairbanks, to be postmaster at Ord, in the county of Valley and State of Nebraska.

Marcellus Dearborn, to be postmaster at Wayne, in the county of Wayne and State of Nebraska.

David Campbell, to be postmaster at Auburn, in the county of Nemaha and State of Nebraska.

John A. Reneau, to be postmaster at Clarksville, in the county of Pike and State of Missouri.

Samuel C. Mead, to be postmaster at Slater, in the county of Saline and State of Missouri.

Charles M. McElroy, to be postmaster at Fairfield, in the county of Jefferson and State of Iowa.

Clara L. Nichols, to be postmaster at Fort Leavenworth, in the county of Leavenworth and State of Kansas.

Mattie V. Borum, to be postmaster at Dyersburg, in the county of Dyer and State of Tennessee.

George R. Bibb, to be postmaster at Russellville, in the county of Logan and State of Kentucky.

Mattie D. Todd, to be postmaster at Cynthiana, in the county of Harrison and State of Kentucky.

Samuel Q. Hale, to be postmaster at Tuskegee, in the county of Macon and State of Alabama.

Bessie McAllister, to be postmaster at Florence, in the county of Lauderdale and State of Alabama.

Moses P. Smith, to be postmaster at South Orange, in the county of Essex and State of New Jersey.

William J. Harrison, to be postmaster at Lakewood, in the county of Ocean and State of New Jersey.

Joseph T. Matthews, to be postmaster at Orange Valley, in the county of Essex and State of New Jersey.

Francis H. Demarest, to be postmaster at Englewood, in the county of Bergen and State of New Jersey.

Stephen Lacy, to be postmaster at Henderson, in the county of Rusk and State of Texas.

A. J. Head, to be postmaster at Prescott, in the county of Yavapai and Territory of Arizona.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 12, 1887.

The House met at 12 o'clock m. Prayer by Rev. J. J. BULLOCK, D. D., of Washington, D. C.

The Journal of the proceedings of yesterday was read and approved.

REAR-ADMIRAL RALPH CHANDLER.

The SPEAKER laid before the House a letter from the Secretary of State, transmitting a letter from the Secretary of the Navy, and recommending that permission be granted to Rear-Admiral Ralph Chandler to accept a vase tendered to him by the Emperor of Austria; which was referred to the Committee on Naval Affairs.

LEAVE OF ABSENCE.

Mr. MOFFATT, by unanimous consent, obtained leave of absence for two days, on account of sickness.

Mr. COX, of New York, by unanimous consent, obtained leave of absence.

WITHDRAWAL OF PAPERS.

Mr. MATSON, by unanimous consent, obtained leave to withdraw from the files of the House papers in support of the case of Lieut. James Macklin, United States Army, no adverse report having been made.

SETTLERS ON LANDS IN NEBRASKA AND KANSAS.

The SPEAKER laid before the House a bill of the following title, returned by the Senate with amendments; and the same was referred to the Committee on the Public Lands:

A bill (H. R. 1413) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas.

SUPERVISING INSPECTORS, ETC.

Mr. NEGLEY, by unanimous consent, introduced a bill (H. R. 10660) to amend sections 4405 and 4410 of the Revised Statutes of the United States, relative to the meeting of the supervising inspectors and Inspector-General; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LANDS IN SEVERALTY TO INDIANS.

The SPEAKER announced the appointment of Mr. SKINNER, Mr. PEEL, and Mr. PERKINS as conferees on the part of the House upon the disagreeing votes of the two Houses on the bill (S. 54) providing for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes.

ORDER OF BUSINESS.

Mr. TUCKER. I call for the regular order.

The SPEAKER. The Clerk will read the order fixing the business for to-day.

The Clerk read as follows:

Resolved, That next Wednesday, January 12, immediately after reading the Journal, be, and is hereby, set apart for consideration of bills and resolutions presented by the Committee on the Judiciary, and if the business of said committee shall not be concluded on Wednesday, then the next day (Thursday), immediately after reading the Journal, is set apart for the same purpose.

Mr. TUCKER. I yield to my colleague on the committee, the gentleman from Massachusetts [Mr. COLLINS].

ADDITIONAL JUDGE FOR SECOND JUDICIAL CIRCUIT.

Mr. COLLINS. I call up the bill (H. R. 8599) providing an additional judge in the second judical circuit, and for other purposes. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of this bill, and that it be considered in the House.

The SPEAKER. If there be no objection, that order will be made.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That there shall be appointed for the second circuit, by the President of the United States, by and with the advice and consent of the Senate, in addition to the present circuit judge, another circuit judge, who shall have the same qualifications and shall have the same power and jurisdiction therein that the justice of the Supreme Court allotted to the said circuit, or the present circuit judge, has under existing laws, and who shall be entitled to the same compensation as the present circuit judge. A circuit judge may hold a district court in place or in aid of the district judge when requested by him.

SEC. 2. The regular terms of the circuit court for the southern district of New York shall hereafter be held on the first Monday of every month. At any of said terms the different judges may hold courts separately at the same time for the hearing of any causes or proceedings pending in said court, as the same may be assigned by the judges of said court, or by a majority of them. Criminal causes and matters shall be heard at the same times as now provided by law. Any term may be extended by the order of a judge for the completion of an unfinished trial or hearing.

SEC. 3. That at two at least of said terms annually in the southern district of New York, and as much oftener as the business shall make it necessary, courts shall be held for the hearing and determination of appeals and writs of error from the district court of said district, including appeals in admiralty and in equity and reviews in bankruptcy, and also for the hearing of motions for new trial in civil cases and in criminal cases in the circuit court, and motions in arrest of judgment. Such courts shall be held by three judges authorized to hold the circuit court, one of whom may be a district judge. The circuit justice, if present, shall preside thereat; if he be not present, the circuit judge present who is senior in office shall preside. No judge shall sit in review of a cause tried before him. The decisions of the court may be reviewed as now provided by law. In the case of a division of opinion upon the hearing of any cause or question, the opinion of the majority shall be taken as the decision of the court. But upon any such hearing where a division of opinion shall arise, if the adjudication involves a legal question of sufficient importance to require that the final decision thereof shall be made in the Supreme Court, upon a certificate thereof signed by said judges, or a majority of them, a review upon writ of error or appeal may be had thereon in the Supreme Court. For that purpose the circuit court shall state the question upon which the division of opinion has arisen, with the facts upon which the same arises; and the said question shall thereupon be decided in the Supreme Court, and enforced as in other cases where the judges of the circuit court are divided in opinion. The like appeals, writs of error, or reviews in causes arising in the district court of any other district of said circuit may be heard before the said judges sitting to hear appeals in the southern district of New York, upon consent of the parties to the controversy, or their proctors or attorneys, or upon the order of the senior circuit justice. The decision of such judges shall be certified to the circuit court of such other district, and thereupon the decree of the circuit court of such district shall be entered in accordance with such decision.

Mr. MILLS. I would like to hear some explanation of this measure.

Mr. COLLINS. Mr. Speaker, this bill has originated in a communication transmitted to this House by the Secretary of the Treasury on the 27th of last March, covering 108 pages, and showing the absolute necessity, in the interest of the public service, and in justice to the rights of suitors, that additional judicial force should be provided in the second judicial circuit. The matter was referred to the Committee on the Judiciary; and this bill, which has been unanimously reported by that committee, provides for one additional circuit judge in the second judicial circuit, which comprises the States of Vermont, New York, and Connecticut. Of all the cases pending in the nine circuits of the United States, 44 per cent. are in that circuit. According to the report made to us, 75 per cent. of all the cases against collectors of customs were pending there; and 4,000 such cases are now pending there without proper judicial force to try then. There are involved in those cases against collectors of customs about $20,000,000. The circuit judge is now obliged, when he can sit at all, to sit chiefly in equity. The district judge is occupied, during all his time, in hearing admiralty cases. The judge of the eastern district, when he can sit there, is obliged to to spend all his time in the trial of criminal cases. The condition of things in that circuit to-day, especially that part which is called the southern district of New York, amounts to a denial of justice; and in consequence of the existing state of affairs, the Government is every year losing hundreds of thousands of dollars. So that I can safely say there is an imperative necessity for the passage of this bill.

Mr. PETERS. I wish to inquire whether there are not other circuits of the United States that have as much need of an additional circuit judge as the second circuit.

Mr. COLLINS. I do not think there are, because in the second circuit 44 per cent. of all the business done in the nine circuits of the United States is transacted. But if it should turn out that any other circuit really needs an additional judge, I certainly shall have no objection to recommending that one be authorized.

Mr. PETERS. Is it not a fact that the eighth circuit, comprising the States of Iowa, Nebraska, Missouri, Kansas, and Colorado, has as much need of an additional circuit judge as the second circuit?

Mr. COLLINS. I can safely say that there is not one-third as much business transacted in the eighth as in the second circuit.

Mr. MILLS. A great deal of this business, in fact the bulk of it, is on account of the customs cases in New York, where two-thirds of the duties are collected.

Mr. BUCHANAN. This is absolutely needed, I know.

Mr. MILLS. I do not know about that.

Mr. COLLINS. The President has again called attention to the necessity for this in his annual message.

Mr. OATES. And recommended two judges instead of one.

Mr. MILLS. The demand for this arises on account of the increased amount of litigation growing out of the customs collections at the port of New York. I know that the Secretary of the Treasury has recommended this, and I understand the President has also. But, Mr. Speaker, you

may grant this new judge to this district, and may make another judge for it, if you will, but the result will only be that the more judges you assign to it the more this litigation will continue to press upon the Government for adjudication. There can positively be no relief to this thing unless our policy is changed in reference to the collection of customs at New York. We allow importers to go in and file a protest against the exaction of certain duties, and then sue the collector of customs in case of a difference of opinion as to the value of an importation between the collector and the importer. In such cases the law allows suit to be brought, and the Treasurer reports to us some twenty or twenty-five thousand protests now on file in the Treasury Department. It will be impossible for all the judges in the United States to keep up with them.

What we ought to do is to make some officer, and I do not care whether he be a judge or some officer connected with the customs collection in New York, a party with power to determine questions which arise with reference to the value of invoices, and make his determination final and conclusive. Why should it not be? Let us take an illustration: Here is an invoice of goods, and the collector says to the importer you have not given the value of this invoice by a thousand dollars; the goods are undervalued and you must pay that additional amount. The importer pays it, but files a protest to recover it. He charges, however, immediately the one thousand dollars upon the selling price of his goods and collects that amount from the customer. The man himself does not lose a dollar by the operation, but reimburses himself from the consumer or purchaser of the goods, and then comes in and makes an effort to recover the same amount back again from the Government. Why, Mr. Speaker, it is a good speculation for these people, and you may continue to appoint judges as long as you please to check the evil, but this species of litigation will grow, provided you give an opportunity to these parties to bring such suits. Now, what we ought to do, I repeat, is to make the determination of the collector of customs, or some officer appointed for that purpose, final and binding upon all parties, for so long as we continue to allow appeals from one court to another until it reaches the final tribunal, the Supreme Court of the United States, you will have protests filed and appeals made from the decision of the collector as long as there is an opportunity for this species of profitable speculation.

Mr. COLLINS. All my friend from Texas has said is conceded; but if there were no collectors or suits under the customs law this judge would be needed all the same.

I move the previous question.

The previous question was ordered, under the operation of which the bill was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. COLLINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POLYGAMY.

Mr. TUCKER. Mr. Speaker, I now call up the bill (S. 10) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882, with a substitute reported from the Committee on the Judiciary, and ask its present consideration.

The SPEAKER. The Clerk will read the Senate bill.

The Senate bill is as follows:

Be it enacted, &c., That in any proceeding and examination before a grand jury, a judge, justice, or a United States commissioner, or a court, in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, the lawful husband or wife of the person accused shall be a competent witness, and may be called and may be compelled to testify in such proceeding, examination, or prosecution without the consent of the husband or wife, as the case may be; but such witness shall not be permitted to testify as to any confidential statement or communication made by either husband or wife to each other during the existence of the marriage relation.

SEC. 2. That in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, whether before a United States commissioner, justice, judge, a grand jury, or any court, an attachment for any witness may be issued by the court, judge, or commissioner, without a previous subpœna, compelling the immediate attendance of such witness, when it shall appear to the commissioner, justice, judge, or court, as the case may be, that there is reasonable ground to believe that such witness will unlawfully fail to obey a subpœna issued and served in the usual course in such cases; and in such case the usual witness fees shall be paid to such witness so attached: *Provided*, That no person shall be held in custody under any attachment issued as provided by this section for a longer time than ten days; and the person attached may at any time secure his or her discharge from custody by executing a recognizance, with sufficient sureties, conditioned for the appearance of such person at the proper time as a witness in the cause or proceeding wherein the attachment may be issued.

SEC. 3. That any prosecution under any statute of the United States for bigamy, polygamy, or unlawful cohabitation may be commenced at any time within five years next after the commission of the offense; but this provision shall not be construed to apply to any offense already barred by any existing statute of limitation.

SEC. 4. That every ceremony of marriage, or in the nature of a marriage ceremony, of any kind, in any of the Territories of the United States, whether either, or both, or more of the parties to such ceremony be lawfully competent to be the subjects of such marriage or ceremony or not, shall be certified in writing by a certificate stating the fact and nature of such ceremony, the full names of each of the parties concerned, and the full name of every officer, priest, and person, by whatever style or designation called or known, in any way taking part in the performance of such ceremony, which certificate shall be drawn up and signed by the parties to such ceremony, and by every officer, priest and person taking part in the performance of such ceremony, and shall be by the officer, priest, or other person solemnizing such marriage or ceremony filed in the office of the probate court, or, if there be none, in the office of the court having probate powers in the county or district in which such ceremony shall take place, for record, and shall be immediately recorded. Such certificate, or the record thereof, or a duly certified copy of such record, shall be *prima facie* evidence of the facts required by this act to be stated therein, in any proceeding, civil or criminal, in which the matter shall be drawn in question. Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not more than $1,000, or by imprisonment not longer than two years, or by both said punishments, in the discretion of the court.

SEC. 5. That every certificate, record, and entry of any kind concerning any ceremony of marriage, or in the nature of a marriage ceremony of any kind, made or kept by any officer, clergyman, priest, or person performing civil or ecclesiastical functions, whether lawful or not, in any Territory of the United States, and any record thereof in any office or place, shall be subject to inspection at all reasonable times by any judge, magistrate, or officer of justice appointed under the authority of the United States, and shall, on request, be produced and shown to such judge, magistrate, or officer by any person in whose possession or control the same may be. Every person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not more than $1,000, or by imprisonment not longer than two years, or by both said punishments, in the discretion of the court. And it shall be lawful for any United States commissioner, justice, judge, or court before whom any proceeding shall be pending in which such certificate, record, or entry may be material, by proper warrant, to cause such certificate, record, or entry, and the book, document, or paper containing the same, to be taken and brought before him or it for the purposes of such proceeding.

SEC. 6. That nothing in this act shall be held to prevent the proof of marriages, whether lawful or unlawful, by any evidence now legally admissible for that purpose.

SEC. 7. That it shall not be lawful for any female to vote at any election hereafter held in the Territory of Utah for any public purpose whatever, and no such vote shall be received or counted or given effect in any manner whatever; and any and every act of the governor and Legislative Assembly of the Territory of Utah providing for or allowing the registration or voting by females is hereby annulled.

SEC. 8. That all laws of the Legislative Assembly of the Territory of Utah which provide for numbering or identifying the votes of the electors at any election in said Territory are hereby disapproved and annulled; but the foregoing provision shall not preclude the lawful registration of voters, or any other provisions for securing fair elections which do not involve the disclosure of the candidates for whom any particular elector shall have voted.

SEC. 9. That the laws enacted by the Legislative Assembly of the Territory of Utah conferring jurisdiction upon probate courts, or the judges thereof, or any of them, in said Territory, other than in respect of the estates of deceased persons and in respect of the guardianship of the persons and property of infants, and in respect of the persons and property of persons not of sound mind, are hereby disapproved and annulled; and no probate court or judge of probate shall exercise any jurisdiction other than in respect of the matters aforesaid; and every such jurisdiction so by force of this act withdrawn from the said probate courts or judges shall be had and exercised by the district courts of said Territory respectively.

SEC. 10. That the laws enacted by the Legislative Assembly of the Territory of Utah which provide for or recognize the capacity of illegitimate children to inherit or to be entitled to any distributive share in the estate of the father of such illegitimate child are hereby disapproved and annulled; and no illegitimate child shall hereafter be entitled to inherit from his or her father or to receive any distributive share in the estate of his or her father: *Provided*, That this section shall not apply to any illegitimate child born previous to the passage of this act.

SEC. 11. That all laws of the Legislative Assembly of the Territory of Utah which provide that prosecution for adultery can only be commenced on the complaint of the husband or wife are hereby disapproved and annulled; and all prosecutions for adultery may hereafter be instituted in the same way that prosecutions for other crimes are.

SEC. 12. That the acts of the Legislative Assembly of Utah incorporating, continuing, or providing for the corporation known as the Church of Jesus Christ of Latter-Day Saints, and the ordinance of the so-called general assembly of the State of Deseret incorporating the Church of Jesus Christ of Latter-Day Saints, so far as the same may now have legal force and validity, are hereby disapproved and annulled, so far as the same may preclude the appointment by the United States of certain trustees of said corporation as is hereinafter provided. The President of the United States by and with the advice and consent of the Senate, shall appoint fourteen trustees of the said corporation, who shall have and exercise all the powers and functions of trustees and assistant trustees provided for in the laws creating, amending, or continuing the said corporation, which trustees so appointed shall hold their respective offices for the term of two years; and the trustees of said corporation shall annually or oftener make a full report to the Secretary of the Interior embracing all the property, business affairs, and operations of the said corporation; and the Legislative Assembly of the Territory of Utah shall not have power to change the laws respecting said corporation without the approval of Congress. Said trustees shall each give bond, payable to the United States, with good and sufficient security, for the faithful discharge of the duties incumbent upon him as trustee, in such sum as may be prescribed by the Secretary of the Interior.

SEC. 13. That it shall be the duty of the Attorney-General of the United States to institute and prosecute proceedings to forfeit and escheat to the United States the property of corporations obtained or held in violation of section 3 of the act of Congress approved the 1st day of July, 1862, entitled "An act to punish and prevent the practice of polygamy in the Territories of the United States and other places; and disapproving and annulling certain acts of the Legislative Assembly of the Territory of Utah," or in violation of section 1890 of the Revised Statutes of the United States; and all such property so forfeited and escheated to the United States shall be disposed of by the Secretary of the Interior, and the proceeds thereof applied to the use and benefit of the common schools in the Territory in which such property may be: *Provided*, That no building, or the grounds appurtenant thereto, shall be forfeited which is held and occupied exclusively for purposes of the worship of God.

SEC. 14. That in any proceeding for the enforcement of the provisions of law against corporations or associations acquiring or holding property in any Territory of the United States in excess of the amount limited by law, the court before which such proceeding may be instituted shall have power in a summary way to compel the production of all books, records, papers, and documents of, or belonging to, any trustee or person holding or controlling or managing property in which such corporation may have any right, title, or interest whatsoever.

SEC. 15. That all laws of the Legislative Assembly of the Territory of Utah, or of the so-called government of the state of Deseret, creating, organizing, amending, or continuing the corporation or association called the Perpetual Emigrating Fund Company, are hereby disapproved and annulled; and it shall not be lawful for the Legislative Assembly of the Territory of Utah to create, organize, or in any manner recognize any corporation or association for the purpose of or

operating to accomplish the bringing of persons into the said Territory for any purpose whatsoever.

SEC. 16. That it shall be the duty of the Attorney-General of the United States to cause such proceedings to be taken in the supreme court of the Territory of Utah as shall be proper to dissolve the said corporation mentioned in the preceding section, and pay the debts and to dispose of the property and assets thereof according to law. Said property and assets, in excess of the debts and the amount of any lawful claims established by the court against the same, and that by law shall escheat to the United States, shall be taken, invested, and disposed of by the Secretary of the Interior, under the direction of the President of the United States, for the benefit of common schools in said Territory.

SEC. 17. That the existing election districts and apportionments of representation concerning the members of the Legislative Assembly of the Territory of Utah are hereby abolished; and it shall be the duty of the governor, Territorial secretary, and the United States judges in said Territory forthwith to redistrict said Territory, and apportion representation in the same in such manner as to provide, as nearly as may be, for an equal representation of the people (excepting Indians not taxed), being citizens of the United States, according to numbers, in said Legislative Assembly, and to the number of members of the council and house of representatives, respectively, as now established by law; and a record of the establishment of such new districts and the apportionment of representation thereto shall be made in the office of the secretary of said Territory, and such establishment and representation shall continue until Congress shall otherwise provide; and no person other than citizens of the United States otherwise qualified shall be entitled to vote at any election in said Territory.

SEC. 18. That the provisions of section 9 of said act approved March 22, 1882, in regard to registration and election officers, and the registration of voters, and the conduct of elections, and the powers and duties of the board therein mentioned, shall continue and remain operative until the provision and laws therein referred to, to be made and enacted by the Legislative Assembly of said Territory of Utah, shall have been made and enacted by said Assembly and shall have been approved by Congress.

SEC. 19. That whoever commits adultery shall be punished by imprisonment in the penitentiary not exceeding three years; and when the act is committed between a married woman and a man who is unmarried, both parties to such act shall be deemed guilty of adultery; and when such act is committed between a married man and a woman who is unmarried, the man shall be deemed guilty of adultery.

SEC. 20. If any person related to another person within and not including the fourth degree of consanguinity, computed according to the rules of the civil law, shall marry or cohabit with or have sexual intercourse with such other so related person, knowing her or him to be within said degree of relationship, the person so offending shall be deemed guilty of incest; and, on conviction thereof, shall be punished by imprisonment in the penitentiary not less than three years nor more than five years.

SEC. 21. That if an unmarried man or woman commit fornication, each of them shall be punished by imprisonment not exceeding six months, or by fine not exceeding one hundred dollars.

SEC. 22. That commissioners appointed by the supreme court and district courts in the Territory of Utah shall possess and may exercise all the powers and jurisdiction that are or may be possessed or exercised by justices of the peace in said Territory under the laws thereof, and the same powers conferred by law on commissioners appointed by circuit courts of the United States.

SEC. 23. That the marshal of said Territory of Utah, and his deputies, shall possess and may exercise all the powers in executing the laws of the United States possessed and exercised by sheriffs and their deputies as peace officers; and each of them shall cause all offenders against the law, in his view, to enter into recognizance to keep the peace and to appear at the next term of the court having jurisdiction of the case, and to commit to jail in case of failure to give such recognizance. They shall quell and suppress assaults and batteries, riots, routs, affrays, and insurrections, and shall apprehend and commit to jail all felons.

SEC. 24. That the office of Territorial superintendent of district schools created by the laws of Utah is hereby declared vacant; and it shall be the duty of the supreme court of said Territory to appoint a Territorial superintendent of district schools, who shall possess and exercise all the powers and duties imposed by the laws of said Territory upon the Territorial superintendent of district schools, and who shall receive the same salary and compensation, which shall be paid out of the treasury of said Territory; and the laws of the Territory of Utah providing for the method of election and appointment of such Territorial superintendent of district schools are hereby suspended until the further action of Congress shall be had in respect thereto. The said superintendent shall have power to prohibit the use in any district school of any book of a sectarian character or otherwise unsuitable. Said superintendent shall collect and classify statistics and other information respecting the district schools in said Territory, showing their progress, the whole number of children of school age, the number who attend school in each year in the respective counties and average length of time of their attendance, the number of teachers and the compensation paid to the same, the number of teachers who are Mormons, the number who are so-called Gentiles, the number of children of Mormon parents and the number of children of so-called Gentile parents, and their respective average attendance at school. All of which statistics and information shall be annually reported to Congress, through the governor of said Territory and the Department of the Interior.

SEC. 25. (*a*) A widow shall be endowed of the third part of all the lands whereof her husband was seized of an estate of inheritance at any time during the marriage, unless she shall have lawfully released her right thereto.

(*b*) The widow of any alien who at the time of his death shall be entitled by law to hold any real estate, if she be an inhabitant of the Territory at the time of such death, shall be entitled to dower of such estate in the same manner as if such alien had been a native citizen.

(*c*) If a husband seized of an estate of inheritance in lands exchanges them for other lands, his widow shall not have dower of both, but shall make her election to be endowed of the lands given or of those taken in exchange; and if such election be not evinced by the commencement of proceedings to recover her dower of the lands given in exchange within one year after the death of her husband, she shall be deemed to have elected to take her dower of the lands received in exchange.

(*d*) When a person seized of an estate of inheritance in lands shall have executed a mortgage on such estate before marriage, his widow shall nevertheless be entitled to dower out of the lands mortgaged as against every person except the mortgagee and those claiming under him.

(*e*) Where a husband shall purchase lands during coverture, and shall at the same time mortgage his estate in such lands to secure the payment of the purchase-money, his widow shall not be entitled to dower out of such lands, as against the mortagee or those claiming under him, although she shall not have united in such mortgage; but she shall be entitled to her dower as against all other persons.

(*f*) Where in such case the mortgagee, or those claiming under him, shall, after the death of the husband of such widow, cause the land mortgaged to be sold, either under a power of sale contained in the mortgage or by virtue of a decree of a court of equity, and if any surplus shall remain after payment of the moneys due on such mortgage, and the costs and charges of the sale, such widow shall nevertheless be entitled to the interest or income of the one-third part of such surplus for her life, as her dower.

(*g*) A widow shall not be endowed of lands conveyed to her husband by way of mortgage unless he acquire an absolute estate therein during the marriage period.

(*h*) In case of divorce dissolving the marriage contract for the misconduct of the wife she shall not be endowed.

The substitute proposed by the Committee on the Judiciary is as follows: Strike out all after the enacting clause, and insert:

That in any proceeding and examination before a grand jury, a judge, justice, or a United States commissioner, or a court, in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, the lawful husband or wife of the person accused shall be a competent witness, and may be called, but shall not be compelled to testify in such proceeding, examination, or prosecution, and shall not be permitted to testify as to any statement or communication made by either husband or wife to each other, during the existence of the marriage relation, deemed confidential at common law.

SEC. 2. That in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, whether before a United States commissioner, justice, judge, a grand jury, or any court, an attachment for any witness may be issued by the court, judge, or commissioner, without a previous subpœna, compelling the immediate attendance of such witness, when it shall appear, by the oath or affirmation of at least two credible persons in writing, to the commissioner, justice, judge, or court, as the case may be, that there is reasonable ground to believe that such witness will unlawfully fail to obey a subpœna issued and served in the usual course in such cases: and in such case the usual witness fees shall be paid to such witness so attached: *Provided*, That the person so attached may at any time secure his or her discharge from custody by executing a recognizance before any commissioner, judge, justice, or court of the United States, with sufficient surety, conditioned for the appearance of such person at the proper time as a witness in the cause or proceeding wherein the attachment may be issued.

SEC. 3. That every ceremony of marriage, or in the nature of a marriage ceremony, of any kind, in any of the Territories of the United States, whether either or both or more of the parties to such ceremony be lawfully competent to be the subjects of such marriage or ceremony or not, shall be certified by a writing stating the fact and nature of such ceremony, the full names of each of the parties concerned, and the full name of every officer, priest, and person, by whatever style or designation called or known, in any way taking part in the performance of such ceremony, which certificate shall be drawn up and signed by the parties to such ceremony, and by every officer, priest, and person taking part in the performance of such ceremony, and shall be by the officer, priest, or other person solemnizing such marriage or ceremony filed in the office of the probate court, or, if there be none, in the office of the court having probate powers in the county or district in which such ceremony shall take place, for record, and shall be immediately recorded, and be at all times subject to inspection as other public records. Such certificate, or the record thereof, or a duly certified copy of such record, shall be *prima facie* evidence of the facts required by this act to be stated therein, in any proceeding, civil or criminal, in which the matter shall be drawn in question. Any person who shall wilfully violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not more than $1,000, or by imprisonment not longer than two years, or by both said punishments, in the discretion of the court.

SEC. 4. That nothing in this act shall be held to prevent the proof of marriages, whether lawful or unlawful, by any evidence now legally admissible for that purpose.

SEC. 5. That it shall not be lawful for any female to vote at any election hereafter held in the Territory of Utah for any public purpose whatever, and no such vote shall be received or counted or given effect in any manner whatever; and any and every act of the governor and Legislative Assembly of the Territory of Utah providing for or allowing the registration or voting by females is hereby annulled.

SEC. 6. That all laws of the Legislative Assembly of the Territory of Utah which provide for numbering or identifying the votes of the electors at any election in said Territory are hereby disapproved and annulled; but the foregoing provision shall not preclude the lawful registration of voters, or any other provisions for securing fair elections which do not involve the disclosure of the candidates for whom any particular elector shall have voted.

SEC. 7. That the laws enacted by the Legislative Assembly of the Territory of Utah conferring jurisdiction upon probate courts, or the judges thereof, or any of them, in said Territory, other than in respect of the estates of deceased persons, and in respect of the guardianship of the persons and property of infants, and in respect of the persons and property of persons not of sound mind, are hereby disapproved and annulled; and no probate court or judge of probate shall exercise any jurisdiction other than in respect of the matters aforesaid; and every such jurisdiction so by force of this act withdrawn from the said probate courts or judges shall be had and exercised by the district courts of said Territory, respectively.

SEC. 8. That if any person related to another person within and not including the fourth degree of consanguinity, computed according to the rules of the civil law, shall marry or cohabit with or have sexual intercourse with such other so related person, knowing her or him to be within said degree of relationship, the person so offending shall be deemed guilty of incest, and, on conviction thereof, shall be punished by imprisonment in the penitentiary not less than three years and not more than fifteen years.

SEC. 9. That when sexual intercourse is committed between a married person of one sex and an unmarried person of the other sex, both persons shall be deemed guilty of adultery, and shall, upon conviction thereof, be punished by fine not exceeding $100, or by imprisonment not exceeding three months, or both, in the discretion of the court.

SEC. 10. That all laws of the Legislative Assembly of the Territory of Utah which provide that prosecution for adultery can be commenced only on the complaint of the husband or wife are hereby disapproved and annulled; and all prosecutions for adultery may hereafter be instituted in the same way that prosecutions for other crimes are.

SEC. 11. That the marriage relation between one person of either sex and more than one person of the other sex shall be deemed polygamy. Polygamy or any polygamous association or cohabitation between the sexes is hereby declared to be a felony, and shall be punished by confinement in the penitentiary for a term not less than one year nor more than five years; and the continuance of the polygamy or polygamous association or cohabitation between the sexes after any indictment or other legal proceeding is commenced against any person shall be deemed a new offense, punishable as aforesaid.

SEC. 12. That the laws enacted by the Legislative Assembly of the Territory of Utah which provide for or recognize the capacity of illegitimate children to inherit or be entitled to any distributive share in the estate of the father of such illegitimate child are hereby disapproved and annulled; and no illegitimate child shall hereafter be entitled to inherit from his or her father or to receive any distributive share in the estate of his or her father: *Provided*, That this section shall not apply to any illegitimate child born within twelve months after the passage of this act, nor to any child made legitimate by the seventh section of the act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1883.

SEC. 13. That nothing in this act contained shall be construed to repeal the act of Congress entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882; but the provisions of said act, except in so far as they are repugnant to this act, shall be applicable to this act as if herein expressly mentioned; and the power given to the President by the sixth section of said act shall be applicable to the offenses created by this act.

SEC. 14. That the acts of the Legislative Assembly of Utah incorporating, continuing, or providing for the corporation known as the Church of Jesus Christ of Latter-Day Saints, and the ordinance of the so-called general assembly of the state of Deseret incorporating the Church of Jesus Christ of Latter-Day Saints, so far as the same may now have legal force and validity, are hereby disapproved and annulled, and the said corporation, in-so-far as it may now have, or pretend to have, any legal existence, is hereby dissolved.

SEC. 15. That all laws of the Legislative Assembly of the Territory of Utah, or of the so-called government of the state of Deseret, creating, organizing, amending, or continuing the corporation or association called the Perpetual Emigrating Fund Company are hereby disapproved and annulled; and the said corporation, in so far as it may now have, or pretend to have, any legal existence, is hereby dissolved; and it shall not be lawful for the Legislative Assembly of the Territory of Utah to create, organize, or in any manner recognize any corporation or association, or to pass any law, for the purpose of or operating to accomplish the bringing of persons into the said Territory for any purpose whatsoever.

SEC. 16. That it shall be the duty of the Attorney-General of the United States to cause such proceedings to be taken in the supreme court of the Territory of Utah as shall be proper to declare void and to dissolve the said corporations mentioned in the preceding section and in the fourteenth section of this act, and pay the debts and to dispose of the property and assets thereof according to law and equity.

SEC. 17. That the eleventh paragraph of the third section of the act entitled "An act in relation to courts and judicial officers of the Territory of Utah," approved June 23, 1874, be, and the same is hereby, amended so as to read as follows:

"A writ of error from the Supreme Court of the United States to the supreme court of the said Territory shall lie in all criminal cases where the accused shall have been sentenced to capital punishment, or convicted of bigamy, polygamy, or unlawful cohabitation, or of any offense under the act entitled 'An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes,' approved March 22, 1882, or under this act, whether the judgment complained of was rendered before or after the approval of this act; and a writ of error from the Supreme Court of the United States to the supreme court of the Territory, or an appeal to the Supreme Court of the United States from the supreme court of the Territory, shall likewise lie and be allowed as to any judgment or decree rendered in any proceeding or suit authorized under the sixteenth section of this act; and the Supreme Court of the United States is authorized to speed all cases arising under this section, and dispose of them as promptly as possible, without regard to their place upon the docket: *Provided, however*, That the writ of error or appeal hereby allowed shall be taken and prosecuted within the period limited in like cases from judgments and decrees of the circuit courts of the United States, or within one year from the approval of this act."

SEC. 18. That all religious societies, sects, or denominations shall have the right to have and to hold, through trustees appointed by the several county courts of the Territory, so much real property for the erection of houses of worship, and for the residence of minister, priest, or other religious teacher, as shall be needed for the convenience and use of the several congregations of such religious society, sect, or denomination: *Provided, however*, That such real property shall not exceed in an incorporated town or city ten acres, or elsewhere fifty acres; nor shall any such society, sect, or denomination have and hold, except in the value of buildings erected on said real property as aforesaid, and in the value of the personal property used in religious worship or for the comfort of those assembled therefor, a greater amount in money value than $50,000.

SEC. 19. That commissioners appointed by the supreme court and district courts in the Territory of Utah shall possess and may exercise all the powers and jurisdiction that are or may be possessed or exercised by justices of the peace in said Territory under the laws thereof, and the same powers conferred by law on commissioners appointed by circuit courts of the United States.

SEC. 20. That the marshal of said Territory of Utah, and his deputies, shall possess and may exercise all the powers in executing the laws of the United States possessed and exercised by sheriffs and their deputies as peace officers; and each of them shall arrest or cause to be arrested all offenders against the law in his view, and carry them before the proper officer or court for examination according to law. They shall have power to prevent assaults and batteries, and to quell and suppress riots, routs, and affrays.

SEC. 20. That all laws passed by the so-called state of Deseret and by the Territory of Utah for the organization of the militia thereof or for the creation of the Nauvoo Legion are hereby annulled, repealed, and declared void and of no effect; and the militia of Utah shall be organized and subjected in all respects to the laws of the United States regulating the militia in the Territories: *Provided, however*, That all general officers of the militia shall be appointed by the governor of the Territory, by and with the advice and consent of the council thereof. The Legislative Assembly of Utah shall have power to pass laws for organizing the militia thereof, subject to the approval of Congress.

SEC. 21. That all laws passed by the general assembly of Deseret or by the Legislative Assembly of Utah granting or confirming any water, timber, or herd rights on any part of the public domain, or any special privilege therein, to any person or to any civil or ecclesiastic corporation or association, or to any person for the use and benefit of any such corporation or association, are hereby annulled and declared void; and the Attorney-General of the United States is hereby directed to cause such proceedings to be had in the supreme court of the Territory of Utah as shall enforce this section, and also to avoid and set aside all fraudulent entries upon homestead or pre-emption claims to lands in said Territory as may come to his knowledge; and the supreme court of said Territory shall have all needful jurisdiction in law and equity for the purposes of this act.

SEC. 22. (*a*) A widow shall be endowed of the third part of all the lands whereof her husband was seized of an estate of inheritance at any time during the marriage, unless she shall have lawfully released her right thereto.

(*b*) The widow of any alien who at the time of his death shall be entitled by law to hold any real estate, if she be an inhabitant of the Territory at the time of such death, shall be entitled to dower of such estate in the same manner as if such alien had been a native citizen.

(*c*) If a husband seized of an estate of inheritance in lands exchanges them for other lands, his widow shall not have dower of both, but shall make her election to be endowed of the lands given or of those taken in exchange; and if such election be not evinced by the commencement of proceedings to recover her dower of the lands given in exchange within one year after the death of her husband, she shall be deemed to have elected to take her dower of the lands received in exchange.

(*d*) When a person seized of an estate of inheritance in lands shall have executed a mortgage or other like conveyance of such estate before marriage, his widow shall nevertheless be entitled to dower out of the lands mortgaged or so conveyed, as against every person except the mortgagee or grantee and those claiming under him.

(*e*) Where a husband shall purchase lands during coverture, and shall at the same time execute a mortgage or other like conveyance of his estate in such lands to secure the payment of the purchase-money, his widow shall not be entitled to dower out of such lands, as against the mortgagee or other grantee, or those claiming under him, although she shall not have united in such mortgage; but she shall be entitled to her dower in such lands as against all other persons.

(*f*) Where in such case the mortgagee or other grantee, or those claiming under him, shall, after the death of the husband of such widow, cause the land mortgaged or so conveyed to be sold, either under a power of sale contained in the mortgage or conveyance or by virtue of the decree of a court of equity, and if any surplus shall remain after payment of the moneys due on such mortgage or conveyance, and the costs and charges of the sale, such widow shall nevertheless be entitled to the interest or income of the one-third part of such surplus for her life as her dower.

(*g*) A widow shall not be endowed of lands conveyed to her husband by way of mortgage unless he acquire an absolute estate therein during the marriage period.

(*h*) In case of divorce dissolving the marriage contract for the misconduct of the wife, she shall not be endowed.

(*i*) The term "lawful wife," wherever used in this statute, shall be held to mean, in all cases of Mormon or plural marriages, the first wife; and such wife only shall be entitled to dower under this act on the death of her husband.

SEC. 23. That the existing election districts and apportionments of representation concerning the members of the Legislative Assembly of the Territory of Utah are hereby abolished; and it shall be the duty of the governor, Territorial secretary, and the United States marshal in said Territory forthwith to redistrict said Territory, and apportion representation in the same in such manner as to provide, as nearly as may be, for an equal representation of the people (excepting Indians not taxed), being citizens of the United States, according to numbers, in said Legislative Assembly, and to the number of members of the council and house of representatives, respectively, as now established by law; and a record of the establishment of such new districts and the apportionment of representation thereto shall be made in the office of the secretary of said Territory, and such establishment and representation shall continue until Congress shall otherwise provide; and no persons other than citizens of the United States otherwise qualified shall be entitled to vote at any election in said Territory.

SEC. 24. That the provisions of section 9 of said act, approved March 22, 1882, in regard to registration and election officers, and the registration of voters, and the conduct of elections, and the powers and duties of the board therein mentioned, shall continue and remain operative until the provision and laws therein referred to to be made and enacted by the Legislative Assembly of said Territory of Utah shall have been made and enacted by said Assembly and shall have been approved by Congress.

SEC. 25. That every male person over twenty-one years of age resident in the Territory of Utah shall appear before the clerk of the probate court of the county wherein he resides, and register himself by his full name, with his age, place of business, his status, whether single or married, and if married, the name of his lawful wife, and shall take and subscribe an oath, to be filed in said court, stating the facts aforesaid, and that he will support the Constitution of the United States and will faithfully obey the laws thereof, and especially will obey the law aforesaid approved March 22, 1882, and this act, in respect of the crimes in said acts defined and forbidden; and that he will not directly or indirectly aid, abet, counsel, or advise any other person to commit the same. No person not so registered, or who shall have been convicted of any crime under this act or under "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882, or who shall be a polygamist, or shall associate or cohabit polygamously with persons of the other sex, or who shall not take and subscribe the oath aforesaid, shall be entitled to vote in any election in the Territory, or be capable of jury service, or to hold any office of trust or emolument in the Territory.

SEC. 26. That the council of the Territory of Utah shall hereafter consist of thirteen members, appointed by the President, by and with the advice and consent of the Senate, every two years, the members of which shall be citizens resident in the said Territory, one to be selected from each district of the Territory, according to the apportionment provided for in the twenty-third section of this act.

SEC. 27. That all judges of the county and probate courts and selectmen of each county of said Territory, and all clerks of said courts, justices of the peace, sheriffs, constables, and other Territorial, county, and district officers, shall (after the expiration of the terms of office of those now in office) be appointed as follows; and all laws to the contrary are hereby repealed:

The President shall have power to nominate and, by and with the advice and consent of the Senate, to appoint all judges and selectmen of the county and probate courts for the term of two years. The said courts shall appoint their clerks, recorders, and registers of deeds, wills, and other papers by law required to be recorded.

The governor, by and with the advice and consent of the council, shall have power to appoint all justices of the peace, all sheriffs, constables, and other county and district officers, and all other officers of the Territory not herein otherwise provided for.

SEC. 28. That the office of Territorial superintendent of district schools created by the laws of Utah is hereby abolished; and it shall be the duty of the governor of said Territory to appoint a commissioner of schools, who shall possess and exercise all the powers and duties heretofore imposed by the laws of said Territory upon the Territorial superintendent of district schools, and who shall receive the same salary and compensation, which shall be paid out of the treasury of said Territory. The said commissioner shall have power to prohibit the use in any district school of any book of a sectarian character or otherwise unsuitable. Said commissioner shall collect and classify statistics and other information respecting the district schools in said Territory, showing their progress, the whole number of children of school age, the number who attend school in each year in the respective counties and average length of time of their attendance, the number of teachers, and the compensation paid to the same, the number of teachers who are Mormons, the number who are not Mormons, the number of children of Mormon parents, and the number of children of parents who are not Mormons, and their respective average attendance at school. All of which statistics and information shall be annually reported to Congress through the governor of said Territory and the Department of the Interior.

Passed the Senate January 8, 1886.

Attest: ANSON G. McCOOK, *Secretary*.

Mr. TUCKER. I desire to submit an amendment to be considered as pending to the twenty-seventh section of the substitute.

The Clerk read as follows:

Strike out in line 4 the word "and," and insert after the word "district" in said line the words "and municipal;" and after the word "shall" in the fifth and sixth lines strike out from the word "after" down to the word "office," in the sixth line, and insert in lieu thereof the word "hereafter."

Mr. TUCKER. It has been proposed by those whom I represent on the committee that, at the request of gentlemen on the other side who are opposed to this bill, two hours should be allotted to them for discussion in opposition, that time to be divided as they shall see proper

between my honorable friends from Massachusetts and North Carolina, my colleagues on the committee. We may take, as the advocates of the bill, a like amount of time, but I shall not occupy as much if it is possible to avoid it. I shall reserve my own time for the close of the debate, at which time I shall ask the previous question on the bill. The gentleman from North Carolina [Mr. BENNETT] and the gentleman from Massachusetts [Mr. COLLINS] may divide the two hours as they please between themselves and the gentleman from the Territory of Utah, who I understand will also desire to be heard in opposition.

Mr. LONG. Will the gentleman from Virginia permit me to move an amendment at this time, to strike out the fifth section of the substitute?

Mr. TUCKER. As I understand, it is not now in order to move another amendment. The substitute is an amendment to the bill of the Senate, and the amendment which I have ordered is the only other amendment allowed under the rules.

Mr. LONG. I should like permission, at least, to have an opportunity of testing the sense of the House upon the amendment, and ask the gentleman from Virginia if he will permit me to ask unanimous consent of the House to offer an amendment to strike out section 5. I refer to that section which deprives all women of the Territory of Utah of the right of suffrage.

Mr. TUCKER. I am not inclined to accede to that suggestion now, and would prefer to see, in the first place, how the discussion goes on. I am very anxious to dispose of the bill to-day if it be possible.

Mr. LONG. I desire to occupy no time, but simply to make the motion in order to obtain an expression of the sense of the House. Some of us who are in favor of the bill would hesitate to vote for it with that section in it.

Mr. TUCKER. I will give the gentleman from Massachusetts an answer after a while.

The SPEAKER. In response to the inquiry of the gentleman from Massachusetts, the Chair will state that the gentleman from Virginia has just offered an amendment to the substitute; and so long as that amendment is pending no other is in order to the text of the substitute. But an amendment to the amendment would be in order. It has also been the practice of the House to allow an amendment to the original bill, and an amendment to that amendment, in order to perfect the text before taking the vote on the proposed substitute.

Mr. LONG. The gentleman from Virginia consents to my moving the amendment I have indicated.

The SPEAKER. It may be considered as pending then by consent.

Mr. HAMMOND. I object.

Mr. COLLINS. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COLLINS. We had an arrangement between the majority and minority of the committee that we should offer amendments at the proper time. We have prepared some forty amendments, and I desire to know of the Chair when those will be in order.

The SPEAKER. The Chair has already answered that question. If the House refuses to agree to the amendment, or if it agrees to it, and the previous question shall not be ordered and in operation, other amendments will be in order under the rules of the House, as already stated by the Chair. One amendment and an amendment to that amendment may be pending at the same time. Beyond that no other is in order.

Mr. COLLINS. But if the previous question is moved and ordered——

The SPEAKER. Then all amendments are cut off, and all debate.

Mr. COLLINS. And we protest against that.

Mr. BENNETT. Lest my silence might be interpreted as consent to the division of time, which the chairman of the committee spoke of a while ago, I wish to say that I take this time because I can not get any more, and that I regard it as beggarly when a bill of such far-reaching provisions is to be considered by this House. In my opinion parts of the bill are simply atrocious.

Mr. TUCKER rose.

The SPEAKER. The gentleman from Virginia [Mr. TUCKER] is entitled to the floor.

Mr. TUCKER. Mr. Speaker, when I rose some time ago it was simply to make the announcement as to the division of the time which I propose. The gentleman from Ohio [Mr. EZRA B. TAYLOR] desires now, I believe to take the floor on this bill.

Mr. EZRA B. TAYLOR. Mr. Speaker, the pending measure contemplates more than the suppression of polygamy, and invites inquiry as to its scope and a brief history of the circumstances which have resulted in the necessity for legislative action.

In 1827 Joseph Smith claimed to have found certain inscribed plates, which inscription he interpreted and called the Book of Mormon. He gathered about him many followers whose subsequent experiences in Ohio, Missouri, and Illinois are well known. Smith was killed in an Illinois jail in 1844, after which those who had followed him, some 20,000 in number, emigrated to the far west, and settled around Salt Lake in 1847, in a region of country belonging to Mexico. By the treaty of March, 1848, it became a part of the territory of the United States, notwithstanding which the Mormons organized the state of Deseret. In 1851 the general assembly of the state of Deseret passed an ordinance incorporating "the Church of Jesus Christ of Latter-Day Saints," with perpetual succession, and with power to acquire real and personal property, although previously Congress had passed an act for the government of Utah.

On September 14, 1850, the general assembly incorporated "The Perpetual Emigration Fund Company," and afterward enlarged and confirmed its powers. In those and succeeding years it granted large tracts of the public lands to the church and to leading members of the church.

Under its authority the militia was organized, equipped, and drilled, becoming an efficient army under the name of the Nauvoo Legion. When the Territorial government went into operation, Brigham Young having been appointed governor by the President, the conduct of affairs continued as before—wholly in the hands of the Mormons, and chiefly in the hands of the church.

The Territorial Legislature declared valid the acts incorporating the church and the Emigration Fund Company, and those incorporations have since been the sources of power and the agents of the all-crushing tyranny exerted in Utah.

Polygamy had been invented, so to speak, before the Mormons went to the mountains, but the invention had not been applied at that time.

The population of Utah is 180,000, of which 150,000 are adherents to the "Church of Jesus Christ of Latter-Day Saints." About 15,000 men and women are polygamous in function, all in belief.

Congress in 1862 passed a law punishing bigamy and polygamy, but no considerable result followed the enactment, and in 1882 the Edmunds law, so called, was passed, and has been somewhat more productive of convictions, but does not promise success in its object, because of the difficulties of making proof.

In Utah there are no records of marriages, either of the first or of the succeeding ones. None but officers of the church can solemnize marriage, and those marriages succeeding the first only take place under circumstances of the greatest secrecy.

Under the Territorial government there have been no laws punishing crimes against chastity, such as incest, bigamy, or even adultery, excepting the last, against which provision was made only in case the husband or wife of the guilty party prosecuted.

There is no hope of any change for the better as regards polygamy unless Congress takes the matter earnestly in hand, not in the spirit of persecution, but with the determination that the evil and wrong shall cease. It is now growing stronger, and is not confined to the boundaries of Utah.

Its friends, the Legislature of Utah, will not strangle it, but Congress must, and fortunately Congress can. It has the legal power under the Constitution, and it has the means at hand.

I fully believe that this bill, if it becomes a law, will not only uproot polygamy in the Territory, but, if supplemented by the proposed constitutional amendment, will rid us of all fear of it and its cognate evils ever being introduced into State constitutions.

A moment's consideration will discover the gravity of the situation. An earnest, resolute, and even fanatical people have taken possession of one of the large Territories of the Union, seized upon the public domain, organized and established a church which absorbs as well as controls the state, gives it wealth and power unequaled, numbers considered, by any heretofore existing; incorporated and supplied with abundant means an emigration society which operates as a recruiting force most formidable in its energies and success; have seized all the civil power, including education of children, as well as the whole military force and given them into the hands of the church and made it not an empire in an empire, but the empire itself. That church governs all things with a steady and relentless hand; it disposes of life and liberty; it dictates laws and practices, and has in the name of religion imposed upon its subjects faith in, and practice of, polygamy.

This people and this church defy the moral sense of the civilized world and are of necessity antagonistic to the principles and institution of the Republic.

Subject to the laws of Congress, under the Constitution, they defy such laws as thwart their needs and interests, and the time has arrived when it must be decided whether they rule or obey.

This bill now under consideration undertakes to deal with the whole subject, and to place Utah where the Constitution puts her and where all other Territories remain—under the laws of Congress. It proposes to take possession of the public domain not disposed of under the laws of the United States, to disband the Mormon army—the Nauvoo Legion—to make provision for the education of children; to provide punishment for offenses against chastity, and the way for making proof; to amend the incorporation of the church, so as to divorce it from the state; to insure in Utah, as elsewhere, equality of rights to all churches, giving all freedom of worship and of conscience, but also subjecting all to the laws of the land.

This bill proposes also to annul and declare void the incorporation of the "Perpetual Emigration Fund Company," and to place the government of Utah largely in the hands of officers appointed by the President of the United States, not only that crime may cease but that good government may exist.

All these objects meet my most unqualified approbation after long and earnest study of the subject. I am, therefore, pained to find one provision in the bill to which I am unalterably opposed. For a long time female suffrage has prevailed in Utah, as in other Territories, with no known evils connected with it. This bill strikes that down without any complaint as to the manner in which it has been exercised and without any allegation of danger in its future exercise.

Without reference to the right or wisdom of woman suffrage, of which I have no doubt, I am appalled at the first suggestion of taking the election franchise from a considerable class of persons accustomed to its use.

Will the precedent be invoked hereafter, and, if so, in what direction? Who can tell?

In spite of this objection, I shall earnestly support the bill.

Mr. TUCKER. I understand some gentleman opposed to the bill now desires to take the floor.

Mr. CAINE. Mr. Speaker, it is a work of supererogation to point out the enormities of this proposed legislation, which, while professing to be for the suppression of polygamy in the Territory of Utah, is actually a measure intended to suppress the Mormon Church and place its property in the hands of a receiver. Under ordinary circumstances I would content myself with entering a formal protest, serenely confident that enlightened mankind throughout the world will in due time condemn such legislation as wrong in theory, violative of fundamental constitutional provisions, undemocratic and un-American, and wantonly destructive of the dearest, most sacred rights of humanity. There has never yet been a wanton exercise of arbitrary power, whether by unrestrained executive authority or by prejudice-impelled legislative enactment, which did not, as time rolled on, bring its own revenges. This bill rudely overrides and sets at naught the eternal, the immutable principles upon which the common rights of men are bottomed. Do you flatter yourselves that you can with impunity trifle with the rights of your fellow men? Do you sacrifice your own sense of right and justice, and bend your better judgment to the demands of a false public sentiment, which owes its existence to two unworthy sources—religious intolerance and bigotry—and the arts of unscrupulous, designing, self-seeking men whose only object is the plundering of my people, and hope that you and your posterity will escape the penalty that heretofore has, sooner or later, been visited upon those willfully breaking the unchangeable laws governing the destinies of nations?

France to-day still pays, as for long years she has been paying, the penalty for the revocation of the Edict of Nantes. That wanton act, as shortsighted as it was arbitrary, as senseless as it was wicked, drove beyond the borders of France a million of souls, comprising some of the best blood and best intellects of the French people. The Protestant émegrés, driven from their homes in France, stripped of their property, carried with them to England, to Germany, and to the wilds of America, not only their religion but that training and discipline of mind which the school of adversity always teaches, and to-day you can read on the brightest pages of the histories of the countries receiving the refugees the great achievements wrought by them. England owes to them and their posterity much, very much, of her pre-eminence in the world's commerce. Germany is their debtor both in the arts of peace and of war. Strike from your galaxy of statesmen and warriors, from your roll of great men in all the walks of life, the names of French Huguenots and their descendants, and see what a void there would be!

England lost in great part what she gained through her kindly reception of the persecuted fleeing from other lands by her impolitic and atrocious treatment of Puritan Englishmen and Catholic Irishmen. Had she been content with driving the Puritans from her own soil and not sought to impose unwarrantable restraints upon them in the homes they had established on this continent, it is possible that to-day all English-speaking people would be united under one government—the grandest and greatest upon earth. The condition of Ireland to-day attests most eloquently the incontestable fact that legislation like this you propose to enact never has and never will accomplish aught but the creation of a plague spot in the body-politic, which in her case has festered for many centuries and is at this moment the dominant issue in English politics.

Do you say I am presumptuous in comparing the despised Mormons with the French Huguenots, the English Puritans, and the Catholic Irishmen? In numbers we will probably not equal either, and yet there are nearly a quarter of a million who hold that religious belief in the United States. This bill strikes at the property of the Mormon Church and proposes a test oath to professors of the Mormon faith. It is true that our religious establishment is only fifty-six years old, but in that short period our people have been driven from three States by mob-violence, our property destroyed, our prophet and leaders murdered in cold blood, and forty-one years ago we had, in the dead of winter, to leave our homes on the east bank of the Mississippi River, which we had won by honest toil, and make an unparalleled pilgrimage of more than 1,500 miles, across trackless plains and unknown mountains, to find beyond the pale of civilization a new abiding place. We found a desert land not then the domain of the United States.

The first act of the pioneer band, nearly all of whom came of good New England, Pennsylvania, and New York stock, was to hoist the Stars and Stripes and take possession in the name of the United States, a Government which we then believed and still believe to be of divine origin. This country was at war with Mexico. The Mormons, driven from their homes on the banks of the Mississippi, and living in tents and rude huts, scattered in camps along the way from the Mississippi to the Missouri, had been especially appealed to by the President to furnish a battalion of five hundred men to make a forced march across the continent and help seize and hold California. The appeal was responded to, although it required every fifth man to abandon his family at the outset of an enforced journey, long, arduous, and perilous, but whither no one then knew, save that their tabernacle was to be set up somewhere beyond the Rocky Mountains.

In making this heroic sacrifice, as in hoisting the flag of their country on the mountain peak overlooking the valley of Great Salt Lake, and taking possession in the name of the United States, the Mormon pilgrims were simply doing their duty. They believed and taught then, as they believe and teach to-day, that the Government of the United States was founded by men who were inspired of God. It mattered not what they had suffered at the hands of lawless men, or wherein those in authority had failed to do their duty, the Mormon religion imposed upon those who accepted the faith the sacred obligation of supporting, defending, and aggrandizing that Government, the establishment of which was but part of the latter-day dispensation.

The achievements of the Mormons speak for themselves. They found a desert region in the interior of the continent, which the few white men who had theretofore penetrated pronounced an irreclaimable waste. Hostile savages held the then supposed to be only habitable places round about. Almost 2,000 miles of plains and mountains, uninhabited, save by warlike savage nomads, separated us from the eastern frontier line. Between Great Salt Lake Valley and the few scattered Spanish settlements on the Pacific, more than 800 miles of still more inhospitable deserts and rugged mountains intervened. The history of mankind does not afford another such example of a people, stripped of all their possessions, and with the scantiest possible provision, successfully accomplishing so marvelous an undertaking. Within less than two years more than five thousand souls made the pilgrimage from the banks of the Mississippi to Great Salt Lake Valley, growing on the way their provisions and making the raiment with which they were clothed. What was endured during that exodus, the awful suffering from hunger, until the first year's crops were grown and matured in the valley, would require a far more eloquent tongue than mine to adequately describe. Men and women, who were children then, will tell you that even now they experience in dreams an aftertaste of the pangs of hunger gnawing at their vitals through the long and dreary winter of 1847–'48. All stores were held under strict guard and meager rations meted out. But for the kindly assistance of the scarcely-better provided Indians, who taught our people to find, dig, and cook wild roots, starvation would have been the lot of all the weak and ailing.

Those of you who have made the journey across the great plains, over the Rocky Mountains, and through the great valley in palace cars, and seen the wonders wrought by the persistence, the industry, and the thrift of the Mormons can have only the faintest idea of what the transformation has cost the people whom you now deliberately propose to turn over to insatiable spoilers.

I hazard nothing, Mr. Speaker, when I make the statement that but for the Mormons the building of the Union and Central Pacific Railroads would have been an utter impossibility. More than that, sir, but for the work of reclamation, accomplished in two short years among the dreary wastes of Salt Lake Valley, the California and Oregon pioneers of 1849 and succeeding years could not have made the overland journey from the Missouri to the Pacific. We marked out the way, built the roads, bridged the streams, established ferries, and along the line planted settlements.

I repeat, sir, that not only would the construction of a continental iron highway have been indefinitely postponed, save for the Mormon settlements in the inter-mountain region, but, to-day, all that vast region, now populous, gridironed with railroads, yielding millions upon millions in the products of mines and of soil, would be scarcely better known than it was forty years ago.

If the material work accomplished by the Mormons has been such as to challenge the admiration of the world, their political, moral, and intellectual achievements have been none the less remarkable. They have not only reclaimed waste places deemed irreclaimable before their advent; they have not only subdued nature and made the desert to blossom as a garden of flowers; they have not only built cities and towns, railroads and telegraph lines, but they have dotted the land, they won from sterility everywhere, with school-houses and places of worship. It is our proud boast that but few of the oldest States in this Union can show a less percentage of illiteracy than the Mormon population of Utah. There is no community on the face of this earth where so large a percentage of the heads of families own their homes. Ninety per cent. of Mormon heads of families in Utah own the houses they live in and the lands they cultivate! Of all the States and Territories in the Union there are but thirteen showing a lower percentage of total population who can not read, Connecticut having the same as Utah,

3.37 per cent. The money raised for school purposes in Utah is greater in amount than the school funds of three States, and of any of the Territories save Dakota. And more than that, sir, not one dollar of the school fund, by far the larger part of which comes from Mormon taxpayers, is used for sectarian purposes! The school books of the public schools of Utah are as absolutely free from Mormon teachings as are those used in the District of Columbia.

The only successful attempts, unaided by the General Government, to reclaim Indians from a savage state and teach them the arts of peace, and make them thrifty agriculturists and useful citizens, have been the work of the Mormon Church and its missionaries. I assert only that which I know to be true when I declare that on more than one occasion the Mormons have prevented costly Indian wars, not only in Utah but in the adjoining Territories.

One of the many slanders so industriously spread abroad concerning my people is the statement that the great mass of them are densely ignorant. Sir, the official statistics give the lie most emphatically to this reckless assertion. Has the State of Connecticut a densely ignorant population? But three and thirty-seven hundredths of the inhabitants of the State of Connecticut can not read. Precisely the same proportion of the people of the Utah in 1880 could not read.

Another unfounded slander spread abroad most industriously by our enemies is the charge that the population of Utah is largely made up of foreigners, who are ignorant and unfit to be citizens of the United States. What do the statistics prove? According to the census of 1880 the total population of Utah was 143,963. Of this number 74,509 were males, and 69,454 females—the males outnumbering the females by 5,045. Of the total population 99,969 were native-born, and only 43,994 foreign-born. There were 52,189 native-born males and 44,780 native-born females; and the foreign-born males were 22,320, and the foreign-born females, 21,674. While the proportion of the foreign-born population of Idaho, is 44,062 to 100,000; of Wisconsin, 44,548; California, 51,217; Minnesota, 52,168; Dakota, 62,117; Arizona, 65,798; Nevada, 70,065; in Utah it is only 44,062. In Dakota, Oregon, New Hampshire, Rhode Island, Michigan, Maine, Massachusetts, Florida, Arkansas, Washington, Colorado, and New Mexico the foreign-born population increased during the decade preceding the census of 1880, from which these statistics are taken; in Utah it had decreased, and Utah showed a more rapid decrease in its foreign-born population during the period named than twenty-nine of the States and the District of Columbia.

Mr. Speaker, I assert without fear of successful contradiction that there is not upon the face of the globe another agricultural and pastoral community where the average of general intelligence is so high, where so small a percentage of men, women, and children can not read. This is not an idle boast. If I dared to trespass upon your time and your patience I could bring overwhelming proof of my assertion. It is the universal verdict of the intelligent and unbiased observers who have visited Utah and gone among her people.

The fact that the Mormon people have, in a high degree, capacity for self-government is attested by their history. I defy any impartial student of institutional history to take up the legislative enactments of the Territorial Assembly of Utah, beginning with our provisional government, and coming down to date, and fail to pronounce the highest encomium upon the wisdom, the fairness, the justness, and equity of the Mormon government of Utah.

A gentleman who has devoted years to a critical study of their ecclesiastic and political institutions says:

> The wisdom of their leading men has been exemplified in the founding and elaboration of a local government, which will receive the unqualified approval of every student of institutional history. In the settlement of no other Western Territory has the distinguishing feature of old New England, the principle of the town meeting, community, self-government, been so rigidly adhered to as in Utah. Brigham Young, who was pre-eminently great as a leader of men and a builder of communities, was a native of Vermont. His chief co-laborers were either natives of New England, New York, Pennsylvania, or the Western Reserve of Ohio. Their civil, like their ecclesiastical policy, was essentially democratic. They built not for to-day, but for all time. The community was the starting point. Mutual assistance, mutual forbearance, unity of sentiment, unity of sympathy, love of God, love of fellow-men, and absolute reliance on Divine Providence were the foundations of the community. Co-operation of communities was the guiding principle of the State.
>
> The result is a model local government. The Territory is absolutely without debt. The expenses of administration are reduced to the minimum. Taxation, on a very low valuation, is, for Territorial purposes, three mills on the dollar. Property in Salt Lake City, with its 30,000 people, and all its public improvements, has a debt of less than $200,000, created to build an irrigating canal 26 miles long, and the rate of taxation, Territorial, school, county, and municipal, is only 17 mills on the dollar. A model school system is maintained without sectarianism. The percentage of illiteracy is three-tenths of 1 per cent. less than that of Massachusetts, and one-tenth of 1 per cent. greater than that of Vermont.
>
> There is no agricultural community on the face of the globe where you can meet so many traveled and educated men as you will in the different Mormon settlements of Utah. You will cease to wonder at this statement when you are told that every year the church calls upon a large number of young men to go "without scrip and without purse," as missionaries to all lands. These men are gone on an average of three years. They preach the gospel, learn languages, take note of all they see and hear. The Mormon is inquisitive as well as acquisitive. He is cautious, secretive, and prudent, because the world looks at him askant. Shrewd at making a bargain, his word is as good as his bond. There is no trade so eagerly sought after as that of the Mormon merchant. They are scrupulously honest, pay invariably 100 cents to the dollar, and mind their own business.

Such, Mr. Speaker, is the testimony of a disinterested observer.

A great deal was said before the Judiciary Committee, and the bill now under consideration contains a provision about grants of land, water, and timber privileges made to certain individuals by the provisional legislature of Utah. It was claimed before the committee, and apparently with effect, that these grants were for the purpose of creating monopolies and thereby aggrandizing particular men, or interfering in some way with settlement by non-Mormons. Nothing could be farther from the truth. Water and timber were scarce articles. Grants were given to a few men who had means to build roads into cañons to enable the people to get timber out, and the privilege of charging toll was given to those who at great expense made the roadways. Toll bridges were allowed to be built by private individuals for the accommodation of the public. But these were mere temporary expedients necessary in a poor community. They long since ceased to exist. As to the charge of monopolizing water-rights I will repeat what I said before the committee, the truth of which can not be questioned:

> The Mormon pioneers undoubtedly had an eye to securing whatever there was good in the desert country they had sought out as a place of refuge. * * * The area of land which can successfully be cultivated by irrigation by a family is not great. * * * Community co-operation is one of the features of the Mormon polity. A settlement was first made where the water could be, with the least labor and cost, brought to irrigate the land. The custom which has come to be recognized law in all other countries is, that those who first take out the water can not be deprived of the quantity to which they thereby become entitled. The Mormons were provident and thoughtful of the future. They settled at the mouths of cañons where the mountain streams debouched. They did just what every forehanded people, pioneers, will do; they took all they could get. It is now made a serious charge against them that they monopolized the water and the arable land, not to aggrandize themselves, but to provide for their children and their brethren of other sections of the Union and of other lands, who might come to join them. Was it a crime?

Every one acquainted with the local history of Western Territories knows that it was the common practice to grant charters for toll roads and bridges in almost every Territory. I believe it is an undisputed fact that, for a long time, the firm of Barlow & Sanderson, two enterprising Vermonters, had a monopoly of the stage coach and mail-carrying business in Colorado, because they owned the toll roads through every available pass in a certain region. They got the charters from the Legislature of Colorado, built the roads, and the tolls they were allowed to charge prevented competition in their business.

There is no more occasion for the twenty-first section of this bill than there would be for an enactment requiring the Attorney-General to institute suits to annul grants given to Barlow & Sanderson for toll roads in Colorado by its Territorial Assembly.

Mr. Speaker, disguise the fact as the advocates of this bill may; seek with great ingenuity, as the authors of this bill have done, to slip round, or under, or over, constitutional prohibitions, they can not escape certain demonstrable conclusions:

First. That in prescribing a test oath as a qualification prerequisite to exercising the right of suffrage they are doing something that is not only hateful and odious in the sight of every American, but they in this case do it in despite of the plain letter of the Constitution. I need only quote the honorable gentleman from Virginia [Mr. TUCKER] who has charge of this bill. When the so-called Edmunds anti-polygamy bill was under consideration in this House he said, in premising his remarks:

> I believe the most precious assurance for American liberty and the most essential guarantee of American civilization is the Constitution of the United States. To destroy any evil by unconstitutional methods is to cure a disease by a poison which disturbs the vital functions of the body politic and injects into it a principle most difficult to be extirpated, and creates a precedent whose influence must be injurious and may be fatal to the life of constitutional government.

That was sound doctrine, right eloquently and pithily announced. But hear him on the question of the test oath prescribed by that bill:

> I come now—

He said—

> to the eighth section of the bill. That provides that no bigamist, polygamist, or any person cohabiting as before mentioned, shall vote or be eligible to office, or hold office in any Territory or place over which the United States have exclusive jurisdiction, or under the United States. This disfranchises every such person from every office from the Presidency down to the most petty place under the Government.
>
> I waive the question of a constitutional power to make disqualifications for offices to which another department appoints, or as to which the Constitution itself establishes its own free qualifications. I assert that this section, without trial of any kind, takes from every person guilty of any of these offenses the precious right of suffrage and the privilege of eligibility to or the title to hold any office under the United States. This is done by act of Congress for crime. It operates *eo instanti* of the approval of this law. If at that moment he is guilty of a new offense created by this act, this act in the same moment inflicts this heavy penalty.
>
> It does more. The ninth section establishes a commission of five persons, whose decision of exclusion of any man from the polls is absolute and final. He has no appeal. That commission tries the question of guilt or innocence in order to determine his right to vote. His citizenship is emasculated under this law, without the process of law by indictment and jury trial before a court of law. The commission of five are the absolute arbiters of the rights and immunities of one hundred and forty thousand citizens of the United States.

The gentleman from Virginia held that such a law was unconstitutional, and in this he was but voicing the unbroken current of decisions, up to that time, by the courts of last resort in every State in this Union that had passed upon the question, as well as that of the Supreme Court of the United States. Learned lawyer, as the gentleman is I

know, he must have had in mind at that time the celebrated case in the matter of Dorsey, found in 7 Porter, 293. A statute of Alabama disqualified persons who had engaged in duels, and prescribed a test oath. Mr. J. L. Dorsey declining to take this oath was refused admission to the bar, and the case coming up to the supreme court of that State was elaborately considered in all its bearings. In the course of the opinion the court says:

The tenth section of the bill of rights, among other things, provides that no one shall be compelled to give evidence against himself, nor shall he be deprived of his life, liberty, or happiness, but by due course of law. After a patient and mature examination of the matter, I am of opinion that the requisition of the expurgatory oath exacted by this law offends against this portion of the bill of rights. It is so offensive to the first principles of justice to require a man to give evidence against himself in a penal case that, independent of the constitutional interdict, no one in this enlightened age will be found to advocate the principle. But it may be said, this is not a case of this kind, as no corporal or pecuniary punishment is the consequence of a refusal to take the oath against duelling. But are not the results the same whether punishment follows from the admission or is imposed as a consequence of silence? Can ingenuity make a distinction between a punishment inflicted in this mode, as a consequence of the refusal to take the oath, by closing one of the avenues to wealth and fame, and a positive pecuniary mulct? If there be a difference, I think it entirely in favor of the latter so far as the amount or weight of the penalty could affect the decision of this question.

I do not doubt that, familiar as the gentleman is with constitutional law, he had overlooked the opinion of the New York court of appeals in Barker *vs.* The People (3 Cowen, 686), wherein that high court held that—

Eligibility to office is not declared as a right or principle by any express terms of the constitution; but it results, as a just deduction, from the express powers and provisions of the system. The basis of the principle is the absolute liberty of electors and the appointing authorities to choose and appoint any person who is not made ineligible by the constitution. Eligibility to office, therefore, belongs not exclusively or specially to electors enjoying the right of suffrage. It belongs equally to all persons whomsoever not excluded by the constitution. I therefore conceive it to be entirely clear that the Legislature can not establish arbitrary exclusions from office, or any general regulation requiring qualifications which the constitution has not required. If, for example, it should be enacted by law that all physicians or all persons of a particular religious sect should be ineligible to public trusts; or that all persons not possessing a certain amount of property should be excluded; or that a member of the Assembly must be a freeholder; any such regulation would be an infringement of the constitution, and it would be so because, should it prevail, it would be, in effect, an alteration of the constitution itself.

As a right flowing from the constitution, it cannot be taken away by any law declaring that classes of men, or even a single person not convicted of a public offense, shall be ineligible to public station; but as a right not expressly secured by the constitution it may be taken from convicted criminals when the Legislature in their plenary power over crimes deem such a deprivation a necessary punishment. To say this is to say, in substance, that the right in question may be forfeited by crimes when the Legislature so direct.

Now I appeal to the gentleman to say if the law laid down by the supreme court of Alabama and the New York court of appeals in these cases was not sound. If it was good law, as declared by the New York court of appeals, that "as a right flowing from the constitution, it can not be taken away by any law declaring that classes of men, or even a single person not convicted of a public offense, shall be ineligible to public station," then I want to know if the right of suffrage can be taken from a class of men, or even a single individual not accused or even suspected of any crime, because he will not take a prescribed oath in which he is required to swear that he will not violate certain laws? Was there ever anything more preposterous proposed? But the gentleman may say the right of suffrage is not expressly secured by the Constitution of the United States to white men. Then I reply to him, in the language of the New York court of appeals, "as a right expressly secured by the constitution it may be taken from convicted criminals when the Legislature in their plenary power over crimes deem such deprivation a necessary punishment. To say this is to say in substance that the right in question may be forfeited by crimes when the Legislature so direct." But could the Legislature inflict a punishment like this upon innocent men who will not swear that they never will be guilty of an offense which the Legislature may create?

The Supreme Court of the United States, in the Cummings case, declared, of the provisions of the constitution of Missouri, which disfranchised those who would not swear that they had not been guilty of certain things—

The clauses in question subvert the presumption of innocence and alter the rules of evidence, which heretofore, under universally recognized principles of common law, have been supposed to be fundamental and unchangeable. They assume that the parties are guilty; they call upon the parties to establish their innocence; and they declare that such innocence can be shown only in one way—by an inquisition in the form of an expurgatory oath into the conscience of the parties.

How much more reprehensible are the provisions of section 25 of the bill under consideration. By this the citizen who will not swear that he is not going to violate a law, by his refusal is, *ipso facto*, subjected to a severe penalty—total disfranchisement and disqualification. Could anything be more monstrous?

The supreme court of New York, in Gotchens *vs.* Matheson (58 Barbour, 152), said:

Citizenship of the United States is an important right and the privileges conferred by it are important privileges, dearly prized by the American people. An act that provides for a forfeiture thereof imposes a penalty and comes within the provisions of the Constitution in regard to bills of attainder.

The gentleman from Virginia, standing in his place in this House on the 13th of March, 1882, declared of the eighth and ninth sections of the bill then under consideration:

I should be false to my sworn duty to support and defend the Constitution of the United States if I voted for a bill which not only violates the Constitution, but makes a precedent of evil omen to the liberties of the people. I can not consent to eradicate one vice by an act of usurpation of power which might involve results of greater magnitude and importance to the happiness of the present and future generations of this great Union.

I forbear—

He said further—

to dwell upon the dangerous powers vested in the oligarchy to be constituted by the ninth section. Given a board, which is to regulate suffrage, to hold elections, to make returns thereof, and all this without appeal, and there will be no difficulty in reaching the conclusion that, for the time being, 140,000 citizens of the United States will be subject to an autocratic oligarchy as absolute in its authority and capable of achieving as much unhappiness for its subjects by the plunder of their property, the deprivation of their liberties, and the violation of their constitutional rights as ever existed among any people in ancient or modern times.

That bill which the gentleman thus denounced became a law March 22, 1882, the provisions of the eighth and ninth sections being unchanged. By the terms of the twenty-fourth section of the bill now under consideration the ninth section of the act of March 22, 1882, is continued in force.

Yes, Mr. Speaker, that "board" which the gentleman so eloquently denounced "as an autocratic oligarchy as absolute in its authority and capable of achieving as much unhappiness for its subjects by the plunder of their property, the deprivation of their liberties, and the violation of their constitutional rights as ever existed among any people in ancient or modern times," is by this bill to be continued in full force and effect. And that, too, notwithstanding the gentleman knows that the Territorial Assembly of Utah at its last session passed a bill meeting in every possible way the requirements of the act of March 22, 1882, but which was causelessly vetoed by the then governor of the Territory.

I know it has been claimed that the Supreme Court of the United States, in Murphy *et al. vs.* Ramsey *et al.* (114 U. S., 15), has affirmed the power of Congress to prescribe a test oath such as was provided by the eighth section of the act of March 22, 1882; but I insist that that judgment of the Supreme Court does not meet the issue raised by the proposed legislation contained in section 25 of this bill.

The eighth section of the act of March 22, 1882, only applied to bigamists, polygamists, or those guilty of unlawful cohabitation. It required all the ingenuity of the Supreme Court to get around the decision of that court in the Cummings case to escape the logic of the opinions in a half dozen cases decided by the highest courts of Pennsylvania, New York, Alabama, Georgia, and Kentucky. I refer to Huber *vs.* Reily (3 P. F. Smith, 142); Gotchens *vs.* Matheson (58 Barbour, 152); Barker *vs.* The People (3 Cowen, 686); In the Matter of Dorsey (7 Porter, 293); Campbell *vs.* The People of Georgia (11 Ga., 353); Gaines *vs.* Buford (1 Dana, 510).

The Supreme Court of the United States recognized the hopelessness of answering the logic of these famous cases. If it admitted that the disfranchisement prescribed in the eighth section of the act of March 22, 1882, was imposed as a punishment, it knew it would be open to two objections, either one of which would be fatal. Accordingly a majority of the court, ignoring the point that it, in effect, was a bill of pains and penalties directed against a class merely, held that "it is not open to the objection that it is an *ex ost facto* law." Referring to the eighth section the court says:

It does not seek in this section, and by the penalty of disfranchisement, to operate as a punishment upon any offense at all. The crime of bigamy or polygamy consists in entering into a bigamous or polygamous marriage, and is complete when the relation begins. That of actual cohabitation with more than one woman is defined, and the punishment prescribed in the third section. The disfranchisement operates upon the existing state, and condition of the person, and not upon a past offense. It is, therefore, not retrospective. He alone is deprived of his vote who, when he offers to register, is then actually cohabiting with more than one woman. Disfranchisement is not prescribed as a penalty for being guilty of the crime and offense of bigamy or polygamy, for, as has been said, that offense consists in the fact of unlawful marriage and a prosecution against the offender is barred by the lapse of three years by section 1044 of the Revised Statutes. Continuing to live in that state afterwards is not an offense, although cohabitation with more than one woman is. But as one may be living in a bigamous or polygamous state without cohabiting with more than one woman, he is in that sense a bigamist or a polygamist, and yet guilty of no criminal offense. So that, in respect to those disqualifications of a voter under the act of March 22, 1882, the objection is not well taken that represents the inquiry into the fact by the officers of registration as an unlawful mode of prosecution for crime.

In respect to the fact of actual cohabitation with more than one woman, the objection is equally groundless, for the inquiry into the facts so far as the registration officers are authorized to make it, or the judges of election, on challenge of the right of the voter if registered, are required to determine it is not, in view of its character as a crime, nor for the purpose of punishment, but for the sole purpose of determining, as in the case of every other condition attached to the right of suffrage, the qualification of one who alleges his right to vote. It is precisely similar to an inquiry into the fact of nativity, of age, or of any other status made necessary by law as a condition of the elective franchise. It would be quite competent for the sovereign power to declare that no one but a married person shall be entitled to vote; and in that event the election officers would be authorized to determine for that occasion, in case of question in any instance, upon the fact of marriage as a continuing status. There is no greater objection, in point of law, to a similar inquiry for the like purpose into the fact of a subsisting and continuing bigamous or polygamous relation, when it is made, as by the statute under consideration, a disqualification to vote.

Observe the inconsistency of the court as well as the inexactness of the language employed to convey its meaning. It says that the law "does not seek in this section, and by the penalty of disfranchisement, to operate as a punishment upon any offense at all." What the writer was trying to say was that "disfranchisement" in its imposition in this instance was not as a "punishment" for crime, but the habit of using legal phraseology was so strong upon him that he could not escape self-condemnation out of his own mouth. "Penalty," according to Wesbter means, "penal retribution;" "punishment for crime or offense;" "the suffering in person or property which is annexed by law or judicial decision to the commission of a crime, offense, or trespass."

Therefore "the penalty of disfranchisement" is a punishment, and to argue that it can be inflicted and not "operate as a punishment upon any offense at all" is self-stultifying. But let us analyze the whole paragraph quoted above. The court admits that disfranchisement can not be inflicted as a penalty by the Legislature without a trial. Its attempt to prove that a bigamist is not disfranchised for that offense, or for unlawful cohabitation, is disingenuous. Of course "the crime of bigamy or polygamy" is committed by "entering into a bigamous or polygamous marriage," but "disfranchisement," although it "operates upon the existing state and condition of the person," is none the less "a punishment" for that offense even if prosecution therefor "is barred by section 1044 of the Revised Statutes." To claim that "disfranchisement is not prescribed as a penalty for being guilty of the crime and offense of bigamy or polygamy," but is imposed as a punishment for continuing in a bigamous or polygamous state, which is made an offense, is to describe exactly "a penal retribution," which the Constitution of the United States declares shall not be inflicted "without due process of law."

To admit that while "one may be living in a bigamous or polygamous state without cohabitation with more than one woman, he is in that sense a bigamist or a polygamist and yet guilty of no criminal offense," and still insist that "the objection is not well taken that represents the inquiry into the fact by the officers of registration as an unlawful mode of prosecution for crime," is simply begging the question. What is the purpose of the inquiry? To ascertain if the person is living in a bigamous or polygamous state without being guilty of a criminal offense? No! The object is to find out whether he is guilty of an offense which subjects him to the penalty of disfranchisement. To do this what is the mode? An expurgatory oath? Yes! Who are to do this? The officers of registration, who, in the language of the New York court of appeals, "are not authorized to do so. They can determine who are citizens, but they can not adjudge and declare, as an original adjudication, that the plaintiff's citizenship has been forfeited by the commission of an offense." (Gotchens *vs.* Mathewson 58 Barbour, 152.)

Unlawful cohabitation is an offense punishable by fine and imprisonment; nevertheless the Supreme Court says that "the inquiry into the fact, so far as the registration officers are authorized to make it, or the judges of election, on challenge of the right of the voter, if registered, are required to determine it, is not in view of its character as a crime, nor for the purpose of punishment, but for the sole purpose of determining, as in the case of every other condition attached to the right of suffrage, the qualification of one who alleges his right to vote." But how far "in the case of every other condition attached to the right of suffrage" are the registration officers, or judges of elections, competent to inquire? "They may determine," says the supreme court of Pennsylvania, "many things, such as the age and residence of a person offering to vote, whether he has paid taxes, and whether, if born an alien, he has a certificate of naturalization; * * * but whether he has been guilty of a criminal offense and has, as a consequence, forfeited his right, is an inquiry of a different character." (Huber *vs.* Riley, 3 P. F. Smith, 142.) The utmost extent to which they can go, says the supreme court of New York, is to receive as evidence the adjudication by a court of competent jurisdiction "that the plaintiff's citizenship has been forfeited by the commission of an offense." (Gotchens *vs.* Mathewson, 58 Barbour, 152.)

And the reasons for this are threefold. First, because both in the United States and in England it has invariably been held that an election officer is "neither a judge nor anything like a judge." Second, because "citizenship of the United States is an important right, and the privileges conferred by it are important privileges, dearly prized by the American people. An act that provides for a forfeiture thereof, imposes a penalty, and comes within the provisions of the Constitution in regard to bills of attainder." (Ibid.) Third, because "if this were not so, if that which can not be accomplished by means looking directly to the end can be accomplished by indirect means, the inhibition may be evaded at pleasure. No kind of oppression can be named against which the framers of the Constitution intended to guard which may not be effected." (Cummings *vs.* The State of Missouri, 4 Walg. 272.)

Having wabbled into this untenable position it is not surprising that the court should assert that "it would be quite competent for the sovereign power to declare that no one but a married person shall be entitled to vote." It might with equal accuracy have said that the sovereign power could prescribe the height, in feet and inches, of the persons entitled to vote, as well as the color and cut of their hair.

Mr. Speaker, waiving, for argument sake, the question of the righteousness and soundness of the law and reasoning of this decision of the Supreme Court of the United States, do not the provisions of section 25 of the bill now under consideration go way beyond what the court says Congress may lawfully do? It is not content with fixing a "status" for the voter by requiring him to "register himself by his full name, with his age, place of business, his status, whether single or married, and if married, the name of his lawful wife," but says he "shall take and subscribe an oath," wherein he must swear, among other things, not only that he does not mean to commit certain offenses, but that "he will not, directly or indirectly, aid, abet, counsel, or advise any other person to commit the same."

There have been test oaths prescribed in this country before; but never, I believe, what might be termed *in futuro* test oaths, which men who were neither accused nor suspected of crime were required to take as a prerequisite to being qualified to vote. If it is forbidden by the Constitution to prescribe an oath as to the past actions of a man who has not been convicted of any crime, thereby disfranchising him as a penalty for not taking the oath, how much more must it be unconstitutional to require him, under the pain and penalty of disqualification, to swear that he does not intend to commit an offense, or aid, abet, advise, or counsel, directly or indirectly, others "to commit the same?"

Mr. Speaker, in the language of the gentleman from Virginia, "I believe the most precious assurance for American liberty and the most essential guarantee of American civilization is the Constitution of the United States. To destroy any evil by unconstitutional methods is to cure a disease by a poison which disturbs the vital functions of the body politic and injects into it a principle most difficult to be extirpated, and creates a precedent whose influence must be injurious and may be fatal to the life of constitutional government."

But, Mr. Speaker, this test oath is by no means the only undemocratic and un-American feature of this bill. It provides for the emasculation of the present Territorial government. It deprives the people of the right to elect one branch of their Legislative Assembly, and provides for a legislative council of thirteen members who are to be appointed by the President and confirmed by the Senate. And this, too, in the face of the fact that the governor of the Territory has by the organic act an absolute veto power. What possible excuse for the addition of autocratic oligarchic powers?

But this is not all. The people are deprived of the last vestige of local self-government by conferring upon the governor the power to appoint every county, municipal, and precinct officer, except judges and selectmen of the county and probate courts, who are to be appointed by the President of the United States, by and with the advice and consent of the Senate.

The gentleman from Virginia has experienced a wonderful change of heart since 1882. Then he denounced as atrocious the proposition to confer upon a "board"—"an autocratic oligarchy"—power that would enable them to plunder the people of their property, to deprive them of their liberties, and to violate their constitutional rights. Now he not only is in favor of continuing this "autocratic oligarchy" with all its powers unimpaired, but he wants to impose upon the people alien local officers—those who assess their property and collect the taxes—as well as every other vestige of local self-government.

Mr. Speaker, can it be that such a precedent as this is to be set by the Congress of the United States? Sir, I take it that there is not a member of this House who will contend that Congress can with impunity disregard that right of local-community self-government which lies at the basis of all free representative governments. It has been well remarked, "That it is a principle of institutional law, peculiar to the race from which we sprang, and without it no free government ever has been, or ever can be, maintained. From the time Tacitus remarked this feature of the common law of primitive Germany it has been the well-spring of the free institutions which distinguish the governments of the races springing from the liberty-loving and liberty-maintaining Teutonic tribes. Whenever our English ancestors, from any combinations of circumstances, temporarily lost sight of or were deprived of the right of local-community self-government, they invariably became the victims of oppressive power exerted by the tyranny of one or of many."

Our forefathers were wisely tenacious of this principle of community government. All the reasons which they gave in justification of their revolt against British tyranny were bottomed on this fundamental right. It was in a town meeting, the embodiment of the idea of local-community self-government and a venerable survival of an archaic institution that determined and systematic resistance to the encroachments of King and Parliament was first organized. Otis, Old Man Eloquent, and John Adams, of glorious memory thundered in the former, but plain yeoman Sam Adams, the man of the town meeting, with his committee of correspondence, solidified New England and prepared the way for united action by the thirteen colonies.

You have the power to deprive one hundred and fifty thousand people in the Territory of Utah of this sacred right of local-community self-government; but remember precedents, like curses, come back to

plague their inventors. It is not so many years since the representatives of the people of thirteen States of this Union were shut out of both Houses of Congress and kept out until State governments were reconstructed in order, as Judge Black declared, to "maintain the worst men in the highest offices, throw the reins loose on the neck of rapacity, make leprous fraud adored."

Place thieves
And give them title, knee, and approbation
With Senators on the bench.

Mr. Speaker, I can not undertake to point out and comment upon all the monstrous features of this bill. I would not presume to trespass so long upon the time and patience of the House. I trust, however, you will bear with me while I briefly refer to two other of its provisions.

Section 14 annuls the law incorporating the Church of Jesus Christ of Latter-Day Saints, so far as the same has any legal validity, and also annuls the corporation of the association called the "Perpetual Emigrating Fund Company" and dissolves said corporation

The argument made by the majority of the Judiciary Committee in favor of these provisions of the bill and the reasoning of gentlemen in support thereof on the floor of this House are both ingenious and disingenious. Certain premises are laid down, and the whole fabric built thereon stands upon a false foundation.

The acts incorporating the Church of Jesus Christ of Latter-Day Saints and the Perpetual Emigrating Fund Company were within the legislative power conferred upon the Territorial Assembly of Utah by the organic act. They were as much within its power as the incorporation of any other companies or associations. They were "rightful subjects of legislation, consistent with the Constitution of the United States and the provisions of the organic act." Congress, it is true, reserved the right to disapprove, and if it exercised this power, the acts of the Legislative Assembly disapproved were null and of no effect. But the Supreme Court of the United States (in the Miners' Bank *vs.* The State of Iowa, 19 Curtis, 1) declared that until Congress did disapprove of the acts of Territorial Assemblies they were valid. It held, moreover, in the same case, that a corporation owing its existence to an incorporating act passed by a Territorial Assembly was a valid one. It follows, therefore, a corporation thus created would become vested with certain rights. If it was given the right to acquire and hold property and manage it for its own use or benefit, or for the use and benefit of others, those rights became vested rights. You can not interfere with those vested rights any more than the Legislature of New Hampshire could with the vested rights of Dartmouth College.

If there is any law well settled in this country I take it that it is the law in regard to vested rights. When Congress came to legislate upon the subject of polygamy in 1862, the original bill contained a clause repealing, or annulling *in toto*, the act of the Legislative Assembly incorporating the Church of Jesus Christ of Latter-Day Saints, but the Congress did not dare go that far. It expressly declared that in the future no religious organization, association, or society should acquire property to a greater amount than $50,000; but it did not interfere with the property already held by such organization, association, or society. It did not, because it could not without violating the well-settled law of the land in regard to vested rights.

I will not consume your time by arguing this subject in all its details and ramifications. This is done fully and far better than I could hope to do it by the minority of the Judiciary Committee in their report to the House. It is so thoroughly and perfectly demonstrated there that Congress has not the power to do what this bill proposes to do in the fourteenth, fifteenth, and sixteenth sections that it would be a mere waste of time on my part to add one word further. If you will not "believe on such authority and such reasoning you would not believe though one rose from the dead" to warn you against this contemplated wrong. For like reasons I have not deemed it necessary to touch upon other outrageous features of this bill, which have been so ably discussed in the minority report.

As is shown by that report, section 2 "invades the personal rights, attacks and overthrows the personal security of the citizen." It is not only indefensible legislation, but it is useless. To-day the arrest of persons wanted as witnesses without previous service by a subpœna is the course of procedure in Utah. There is no warrant of law for it. The only effect of this proposed legislation by Congress is to give a semblance of right to what has been, and is being, done by making it lawful in the future.

The sixth section of the bill is useless because no such laws as are therein denounced exist in the statute-books of Utah.

In the majority report, in speaking of the annulment of the laws incorporating the Mormon Church, this language is used—

> The organic act expressly provides that all laws passed by the Territorial Legislature "shall be submitted to the Congress of the United States, and if disapproved shall be null and of no effect."

This power whenever exercised makes the original law null—not only hereafter, but "of no effect." If disapproval only nullifies its effect for the future no force will be given to the last words.

Section 7 of the bill annuls certain laws conferring jurisdiction on the probate courts of Utah. Are we to infer that this disapproval by Congress of these laws not only annuls them for the future, but makes them "of no effect" so far as the past is concerned? If this is the effect, as the majority argues, in regard to the laws incorporating the Church and the Perpetual Emigrating Fund Company, then it must follow, according to their reasoning, that whatever has been done in the past by the probate courts was illegal, null, and "of no effect." This is contrary to the law laid down by the Supreme Court of the United States in the Miners' Bank *vs.* The State of Iowa, already referred to, but I suppose the court will promptly reverse itself, when it has the opportunity, on the dictum of the distinguished lawyers who subscribe to this later doctrine.

Mr. Speaker, may I venture to appeal to this House to consider well before it commits itself to the monstrous propositions contained in this bill. I know too well the influences which are operating to drive this proposed legislation through Congress. I realize how the very air has been made pregnant with the baseless calumnies, the slanders, the innumerable and unmitigated falsehoods, ceaselessly concocted and persistently disseminated. Religious bigotry and intolerance are arrayed against my people. Political necessity, cant, hypocrisy, and all kindred Pecksniffianism join in the hue and cry. The platform, the pulpit, the press, are mighty engines for the manufacture of public sentiment. Their batteries are directed constantly and with full force upon the Mormons. I know that it is probably well-nigh impossible for any man in public life to even protest against a measure, no matter how monstrous, how unconstitutional, that is aimed at Mormonism.

Daily, almost hourly, we are told that it is the evil of polygamy that leaves us friendless. "Rid yourselves of that stigma," is the advice of those who admit the wrongfulness, the danger, of such legislation as is now proposed, "and fair play and justice will have a chance." But is it polygamy that is aimed at? If so, why not give the laws already enacted and so vigorously, nay, so ruthlessly enforced, an opportunity to work their legitimate effects? If they will not extirpate polygamy, surely no legislation of a kindred character ever will. If you are impatient and must have quicker results why not act upon the declaration of an assistant Attorney-General of the United States, who deliberately said that it would have been an act of mercy to have put all grown-up Mormons to the sword. This bill, if it becomes a law, will place the Mormon people at the mercy of men whose object is first to plunder them of all their earthly possessions, and drive them from their homes. The possibilities of the results of this legislation, Mr. Speaker, can not be exaggerated. In all candor I verily believe that a law directing general outlawry to be declared against all who did not, after certain time from the issuing of a proclamation, publicly renounce and recant their belief in the faith of the Mormon Church would be merciful in comparison with the effects of this proposed law.

Mr. Speaker, it is not the morals of the Mormon people or the contaminating influence thereof upon the public that is at the bottom of the persecution we have to endure. It is preposterous nonsense to talk about the "Mormon blot" upon the civilization of our age. If you were to undertake to eradicate blots upon your civilization you would have your hands full. I would respectfully refer gentlemen who are curious to know something of the morality which the boasted civilization of the nineteenth century has developed in localities far removed from Utah, and where intellectual light blazes most powerfully, to Von Oettingen's Moralstatistik, published in 1882. The Fortnightly Review, speaking of this book recently, said:

> It exhibits truly the most "dismal" of sciences, since it consists of little else than the exhibition of a complete record of crime. Perhaps the most disheartening pages of Von Oettingen's array of facts are those which relate to the crimes of great cities and densely populous areas. Von Oettingen's tabulations seem to include all European countries except Spain, Portugal, and Turkey. If a map of Europe were before us shaded in proportion to the returns of known vice and crime the darkest shadows would rest where the boast of intellectual light is greatest—in Saxony, the shrine of modern culture, the fortress of free thought.

There is but scant probability of "the canker of Mormon polygamy," as it is termed, endangering the morals of the world, of endangering your civilization, in the presence of the widespread and general demoralization of morals.

Mr. Speaker, the Mormon Church establishment is the thing aimed at in all this onslaught upon the Mormon people. It is a religious problem you are endeavoring to deal with in this as well as in all other legislation that has been attempted or proposed. It is our ecclesiastical and not our moral polity that is aimed at—that is sought to be overthrown. The men who are here from Utah, clamoring for the disfranchisement of the Mormon people, who insist that every office within that Territory shall be vacated and filled by appointees, that even our selectmen, who make the assessments of property, and the tax-collectors shall give way to non-Mormons, are not afraid of the contamination of their own or their families' morals. They know, as all the world knows, that a purer, more orderly, upright, God-fearing, and God-serving community does not exist upon earth than the exclusively Mormon settlements of Utah. It is simply because the minority can not, under a democratic American form of local government, rule the majority that these men are here clamoring for our disfranchisement.

There is one question, Mr. Speaker, that is pressing swiftly and strongly upon the people of this country; there is one problem that de-

mands the serious attention of all who are interested in the future welfare of the nation, and even of society itself. That question, that problem, the Mormons have solved for themselves. We are not perplexed about the relations between capital and labor; we are not threatened with the dangers of a dissatisfied proletariat; we have no dread of communism; our slumbers are not disturbed by fears of anarchists. The Perpetual Emigrating Fund Company you propose to wipe out, cut up root and branch, because it imports poor and ignorant foreigners, who you claim become the bond slaves of the Mormon hierarchy. And yet 90 per cent. of all the Mormon families in Utah own their own houses. But 3.37 per cent. of men, women, and children can not read. The official statistics are a sufficient answer to this nightmare.

The hard times recently experienced the world over have been experienced in Utah. But where Mormon laborers have been employed, either in or outside the Territory, there have been no strikes. And, what is still more worthy your attention, there is not to-day in an exclusively Mormon community an almshouse or the need of one.

It is said the country demands the suppression of polygmy. Admit for argument's sake that it does. The country does not demand that the rights of citizenship shall be denied the people of Utah, nor that their church shall be disincorporated and the church property squandered.

It will be claimed that this legislation is recommended by the Utah Commission. Do those who make this claim fully comprehend how great a personal interest the members of that commission have in the success of this measure? This bill perpetuates them in positions where they draw $5,000 a year each from the public Treasury, where they are allowed some remarkable personal expenses, and where they have practically nothing to do. Is it a matter for astonishment that they should recommend the passage of this bill?

It is also claimed that this legislation is recommended by the governor of Utah. Is he not an interested party also? If this bill becomes a law it will give him the direct and indirect appointment of two thousand officers who heretofore have been chosen by the people. A patronage so great might satisfy the ambition of one more aspiring even than the governor of Utah. This modest gentleman, while admitting that he sees no probability of any outbreak in Utah, has had the supreme assurance to urge that a "strong, well-disciplined, and efficient" force of United States soldiers be held near Salt Lake to assist the civil authorities. Is Congress prepared to follow the bent of these place-seekers in their insatiable cravings? Recommendations from sources in which personal considerations are so manifest would, ordinarily, carry eternal condemnation on the face of them.

If this bill were only what it professes to be, if its purpose were the suppression of polygamy alone, how can all this help it? As fast as can be done convictions are now secured and the ease with which they are obtained is of national notoriety. So long as the forms of law are observed it is impossible to expedite convictions without an increase in the number of courts, and this bill does not even hint at such a step. In breaking up the family relations already formed, of what advantage can it be to deprive me of my franchise? How can that cure the marriage relations of the president of the Mormon Church, or the unlawful cohabitation of any other man?

One man's polygamy was suppressed very successfully a few days since. An apostate Mormon, acting as deputy marshal, shot a Mormon for whom he had a warrant on a charge of unlawful cohabitation. The man was on horseback. He was unarmed. The marshal called on him to halt, and almost at the same instant fired. The burden of the testimony shows the man did not try to escape, though there was absolutely no justification for the shooting even had he endeavored to do so. In an hour the Mormon was dead. The murderer, while being taken to Beaver, where the district court was in session, was met by twelve or thirteen members of the grand jury, which he had selected on an open venire. This cavalcade carried refreshments, and the return trip was after the style of the triumphal march of a homeward-journeying hero. This same grand jury investigated the murder and found an indictment charging the deputy marshal with manslaughter. He was prosecuted by the assistant United States attorney for Utah, who, during the trial, declared in open court that unlawful cohabitation was a felony, when the United States statute explicitly makes it a misdemeanor. The same prosecutor told the jurors that the assassin should be acquitted, and they obediently returned a verdict of not guilty.

Mr. Speaker, the declaration of an assistant Attorney-General of the United States, that it would be an act of mercy to put every adult Mormon to the sword, is bearing fruit. The theory of the clique bent on our destruction, that a Mormon is, in his nature, a dangerous criminal, is bearing natural fruit. The continued legislation which is being driven through Congress and which, with unerring certainty is hedging in and trampling down the safeguards of liberty to Mormons, is bearing fruit after its kind. This bill, which renders it possible to enlarge the powers of Mormon haters and to swell their official numbers, will bear the same fruit. The unlawful cohabitation of E. M. Dalton was suppressed. This way of suppression has received an impetus by the acquittal of his assassin. Where do you expect this license by law and this immunity from punishment by courts will end? A Mormon boy, in a private brawl with a deputy marshal, in broad daylight, and on a crowded street in Salt Lake City, struck the deputy a blow with his fist. For this offense he was twice fined, and then sent to the penitentiary by the United States judge. A Mormon is killed in cold blood by a deputy marshal, and the assassin is acquitted at the instance of the United States prosecutor. This kind of history reads well, does it not? And it will improve vastly with age.

In conclusion, Mr. Speaker, I will say that no community ever did exist that was at the same time industrious and thrifty and yet immoral, dishonest, and disloyal. Men there may be bad to a degree that will not bear mention who are also industrious, but communities and nations never. History records no such example. The industry and thrift of my constituents is admitted by their bitterest and most fanatical enemies. They dare not deny it. Do a handful of Mormons in the Rocky Mountains set at defiance all that the experience of history has revealed? Are they in the world's history the solitary instance of thrift and immorality, of industry and licentiousness, of probity and dishonesty, possessed of material wealth and yet disrespectful of property rights? Nothing could be more absurd.

History tells us, Mr. Speaker, that where there is thrift and industry in a community, side by side with it will be found morality, truthfulness, and loyalty. The admission of the industry of the people of Utah destroys the whole case of their enemies. Industry and immorality have ever been and will forever remain incompatible in communities. But even were this not true, what can you do by legislation? There is no gainsaying the fact that industry could not exist where property rights are not duly respected and protected by law. The industry of Utah therefore signifies the existence of ample protection for property rights. It has been stated by one of those now in Washington in the interest of this bill that one-half the property in Salt Lake is owned by Gentiles. Taking his word as true, what does it show? That the very presence in business ventures in Utah of so many persons intensely antagonistic to the Mormon people demonstrates the existence of laws covering property rights absolutely.

What more can you do? You can not legislate the people industrious. The history of all times contradicts such a possibility. You can not legislate people virtuous, nor can you legislate them happy. All that you can do is to throw around industrial communities those safeguards which, while preserving them from interference, still see that the rights of individuals in property are secured; that the people are not subject to destroying exactions, nor to the fury and bigotry of men invested with power, and base enough to use it for the injury of their fellows, for the limitation of their liberties, and for the annulling of their rights. No sound governmental policy dare go beyond this. No statesman dare attempt to do more while he has any respect for his reputation or regard for those lessons which history teaches. In Utah what have we found? A people whose industrial accomplishments are without a rival in modern times, if ever rivaled. Arbitrarily, and with an utter disregard of historical teaching and practical working, this people have been assumed to be immoral.

With a full knowledge that every attempt at the introduction of morality by means of legislation is against all good reason, men seem determined to legislate this people moral. You are asked to make honest that which is alleged to be inherently dishonest; good that which is hopelessly bad; pure that which is reeking with filth; noble and elevating that which is ignoble and debased, and all by legislation. In other words, you are asked to legislate the sow's ear into the silk purse.

Mr. Speaker, it can not be done. You begin on a false basis. But even were the position sure, the means are opposed to reason and to history. If the Mormon people are what the popular belief declares them to be, they will destroy themselves more surely, more rapidly, than can be accomplished by any methods to which you dare resort. The effect of immoral practices by communities is such certain, such inevitable decay that even when all appears best and fairest the death-promoting germs are at work surely and relentlessly undermining, and will bring the whole into that crumbling decay, that putrid ruin, which a beneficent Creator has determined shall be the fate of all that is not builded upon and sustained by the eternal principles of morality. If Mormonism fall, it will fall of its own weight. I contend, Mr. Speaker, and I make the contention with all respect, that instead of promoting the true interests of Utah all this special and class legislation has been a pronounced detriment.

You have found my constituents honest, for their reputation in business marts is almost unexampled. You have found them industrious. Instead of following the promptings of reason and experience by throwing about them those safeguards which would enable them to continue their work of enriching this great nation—instead of this, it is proposed to hamper them still further and by the most violent methods.

I tell you if we want our own people and the nations of the world to respect our boast of justice and our right to govern, if we would have them love the principles of freedom we profess, we must begin by manifesting some respect for justice and some love for free and liberal principles ourselves. Only by this means can we inspire in others a permanent and abiding faith in our institutions and in our loyalty.

My constituents have suffered indignities, insults, and ostracism for years almost uncomplainingly. They have been despoiled of character by paid assassins—and by assassins I mean those that are vilest, who

rob women and children of that which alone gives value to life—and my people have asked in vain for justice. They have been misruled by men sent from a Government that did not design to be unfriendly, men who have been their enemies in every way but that which gives the garb of honor to enmity, and my people have submitted. They have been taunted, and by wicked and treasonable designs have been tempted to assume a position of open and avowed resistance to the Government, and the attempts have failed; yet charges of defiance and treason have been entered against them which were shown to be false, and still there came no redress for my people. One by one their rights—and those rights which give a community its reputation, its better, its immortal part—have been wrested arbitrarily from them, and still my people have appealed for justice and raised opposition only by those means which the Constitution has provided. A whole nation, if the words of blatant men prevail, is arrayed against them determined upon their destruction, and this determination is gradually crystallizing in the acts of Congress, and yet the appeal of my people is to constitutional means and to these alone. This is the disloyal people of Utah!

I tell you, Mr. Speaker, I tell you solemnly, that in the United States, in the whole world, there is no people more loyal to the eternal truths of liberty, as expressed in the Constitution of this country, than my constituents; and there will come a time, a time when the mists which now befog the understanding of the American people and its legislators, when the refuge of lies erected by characterless charlatans shall have been swept away, there will come such a time when my words will stand forth marked, clear, and bold and untarnished as their truth justifies.

Gentlemen, I ask you to pause. For your own sakes you can not afford to take a step which is determined upon by such insufficient and untrustworthy testimony. I am here more than a pleader. I speak for myself; and I pledge my word and my character that the statements upon which this legislation is based are without foundation in fact. You can not afford to pursue a policy which is determined upon the destruction of a people whose only fault is, at worst, that they pursue the happiness of themselves and their fellows by methods which are different from your own. Time, the great corrector of all evils, will right this wrong, if such it be, and the fiat of the Eternal has already decreed that the last vestige of Mormonism shall be swept away by the peaceful progress of events, if it be not that which God in His wisdom has appointed shall survive as the fittest.

Gentlemen, you who have freed from bondage the negro slave, you who love liberty and cherish the institutions of our country, who would bequeath them fair and unsullied to your children, let me plead with you, let me beseech you, not to consign my people to such inhuman slavery. [Loud applause.]

During the delivery of Mr. CAINE'S remarks his hour expired.

Mr. COLLINS said: I take the floor for the second hour in my own right, and yield to the gentleman from Utah such time as he may require to finish his speech.

The SPEAKER *pro tempore* (Mr. VAN EATON). The gentleman from Utah will proceed.

Mr. CAINE resumed and concluded his remarks.

The SPEAKER. The gentleman from Massachusetts [Mr. COLLINS] has thirty minutes of his time remaining.

Mr. COLLINS. I yield to the gentleman from North Carolina [Mr. BENNETT], my colleague on the committee.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 228) for the erection of a public building at Camden, N. J.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2619) authorizing a settlement of the claim of Hiram Berdan, assignee of the Berdan Fire-Arms Manufacturing Company;

A bill (S. 2791) to provide for an American register for the steamer Nuevo Moctezuma, of Philadelphia, Pa.;

A bill (S. 2920) amending section 3749 of the Revised Statutes of the United States; and

A bill (S. 3052) to extend the time for filing claims in the Court of Claims under the provisions of an act entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to July 31, 1801."

POLYGAMY.

Mr. BENNETT was recognized, and addressed the House on the bill (H. R. 10) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," approved March 22, 1882. [See Appendix.]

Mr. TUCKER was recognized.

Mr. TUCKER. I yield to the gentleman from Maine [Mr. REED], who wishes to speak at this time.

The SPEAKER. The gentleman from Ohio [Mr. TAYLOR] used only fifteen minutes of his time. If the gentleman from Maine desires to occupy the remainder of the time——

Mr. REED. Mr. Speaker, I had not supposed that it would be necessary to make any great number of observations in favor of this bill until I heard the applause which, on the other side of the Chamber, greeted the remarks which were made by the two gentlemen who have just sat down. It would seem now as if there ought to be some exposition of the principles which govern this bill. I have also a personal reason for desiring to state why I support the bill. I am a believer in local self-government. I am also a thorough believer in government by the people, and I look upon many of the tendencies—temporary I hope—of modern times with great distrust; for instance, the tendency to take from the people of this country their power of frequent examination into the acts of their officials. I believe that biennial elections and quadrennial governorships are inventions which deprive the people of power, and at the same time offer prizes to be captured by the corruption of political life.

I believe also that, under ordinary circumstances, the best government of which a people is capable is the government which they establish for themselves. With all its imperfections, with all its shortcomings, it is always better adapted to them than any other government, even though invented by wiser men. Believing in these principles, I think it desirable to explain why I consider this case an entire and complete exception to the general rule which ought to control the government of a free people by themselves. Gentlemen who have discussed this question upon the other side have done so always under the implied assumption that the Territory of the United States occupies the same relation to the United States as the territory of a State. There can be no greater fallacy than that, yet that fallacy underlies the whole of the able argument which was read by the Delegate from Utah. That argument proceeds *sub silentio* upon the idea that the Territory which is organized under the name of Utah bears the same relation to this people and this Government that a State would, or that Utah itself would, after it had been admitted to the full fellowship of the States.

The right of self-government is a right which exists in a State, which belongs to the inhabitants of the State, and which the Constitution declares Congress shall guarantee to the State. But the territory owned by the United States occupies an entirely different relation. Why, here in this District, before our very eyes, has been established, amid the acclamations of gentlemen on the other side, a government which does not allow the residents of a city of 200,000 inhabitants the least power or control over the affairs of the land they inhabit. It allows them neither control over their own local affairs nor participation, as citizens of the United States, in the common affairs of the country. This arises from the peculiar situation of the territory which is occupied by the seat of Government.

It was deemed desirable, and wisely so deemed, that the Government of the United States should of itself, apart from any control of any one of the States, and outside the boundaries of any of them, own and control territory necessary for the seat of Government. We have here territory which belongs to the United States; and we have the seeming anomaly of the capital of the country, republican in all its professions, which is governed without the will or consent of those actually residing here. Yet this is justifiable. It is justifiable on the ground of the situation. We pay half the expenses; we have the right to control; and all the people of the United States are interested; therefore we assume and exercise control.

Now, what is the position of a Territory of the United States? It is land owned by the United States outside of the territory of the States themselves. Even when the fee-simple has passed it is our domain. We may have a design in the future to make of this land States, to be admitted into the Union with the full powers of the existing States. But, in the mean time, Congress has the right to make rules and regulations for the Territory; and if this were an untouched question it might well be doubted whether Congress had any right to delegate this power, whether we are not bound ourselves to make the rules and regulations. But the legislative decision has been otherwise, and Congress has allowed to the inhabitants of the organized Territories the exercise of certain political privileges. These have been accorded to the temporary residents there, not as rights but as privileges extended by the hand of Congress.

Whatever limitation, therefore, Congress sees fit to put upon the power which it grants those that inhabit the land belonging to the United States is solely within the control of the people of the United States. They can limit this power, can make it greater or less, or can annihilate it entirely, and govern these Territories by commissioners, just as we govern the territory occupied now by the Federal capital. And I am not sure that before we get through we may not have to exercise our power in that direction. I am not sure that the wiser course today would not be to take complete control of this particular Territory.

Why of this Territory? What is there peculiar in its history and character that should make us legislate with regard to it differently from the way in which we legislate as to any other Territory? The delegate from Utah [Mr. CAINE] has himself outlined the reasons which have forced this legislation upon us. He dwells upon the pathos of the situation. He probably did not realize that he was stating the binding facts which will control this House in its action, and the country in its approval of that action.

A long time ago a body of religionists left the United States, marched across the plains, and took possession of certain property belonging to the people of the United States, out of which we had determined, in pursuance of our general policy, to make some day a State. But it was not merely a band of religionists; it was a people that had a polity. The delegate from Utah himself, either in a moment of forgetfulness when he wrote his manuscript, or in a moment of forgetfulness when he was talking, spoke of "the Mormon polity." There is the key-note of the situation. Those people went out there as the representatives of a polity. They went there as a government. What did they do? With that rare foresight which indicates statesmanship, and which we should compliment if the object had been just, the Mormon church took possession, under the forms of law, of every acre of arable land. The land out there required to be irrigated; and they took possession of every source of water supply.

They took possession of the forests; they took possession of everything that they deemed valuable, not only for themselves but for their co-religionists who should afterward join them. They intended to segregate to themselves as an organized band a certain portion of the property of the people of the United States. But wise as they were, they had not complete prophetic foresight. They knew nothing of the value of the mineral lands; and years afterward the swarming miners, when they went there, found themselves, except as to mineral privileges, deprived of all the rights which fairly belonged to them as citizens of the United States. That hierarchy has been kept up ever since its organization, inside the United States and controlling one of its Territories.

It is useless to call such a measure as that now before the House an assault upon a religion. It is an assault upon a band of men organized for the purpose of controlling exclusively the territory which belonged to the people of the United States; and, as the gentleman from Utah well says, whenever injustice is done it can never finally triumph; there will always come a period of reckoning. And to-day we are rooting out an unjust possession of the soil which belonged to the people of the United States, and should have been open and free to them.

Polygamy is only one of the incidents of the situation. It is one of the manifestations of a bad condition of society, and it affords me an illustration to show why we can not permit local control to be supreme in that region. You propose to punish a man for violating the laws of the United States with regard to polygamy. What is your practical situation? You bring him before a grand jury. If that grand jury were chosen as grand juries are selected elsewhere, the result would be that the grand jury room would be filled either with men who are committing the same crime, or with those who believe it would be a religious duty for them to commit it if they were worth property enough to sustain themselves in doing so. If you bring the offender before a jury, you are met by twelve men in the box, the majority of whom must necessarily be men who entirely sympathize with the crime. Now if there is anybody here who believes that an execution of the laws of the United States would be possible under such circumstances, he has a faith in the uprightness of mankind which I do not share.

That illustrates one of the difficulties which are in the way of the enforcement of the laws of the United States unless we take some such control of the matter as is proposed in this bill—unless we take hold of it by force of our governing power.

Well, perhaps, some one will say, why do you not let them carry out alone by themselves the principles which actuate them? In addition to the reasons I have given, it is because some time or other we must admit these people to a fellowship in the States, and while we recognize, and I recognize to its fullest extent, the rights of local self-government, the right of the preservation of local institutions, while I admit these rights as among the strongest bulwarks of our liberty, nevertheless this country must be, in the main, homogeneous in thought and feeling if it is to be a strong and solid nation. The differences which are to be tolerated must be kept within those reasonable limits which will enable the nation to be united in thought and feeling against all exterior opposition.

I have thus briefly, imperfectly, stated the reasons which will govern my vote. I find nothing in the bill obnoxious to my views except the single section with reference to woman suffrage. If opportunity is given to me I shall vote against that. I see no reason for incorporating it into the bill. I think there is not the slightest occasion for it, and I protest against it. But while I find that difficulty with the bill, nevertheless the advantage of it under the circumstances constrains my vote. [Loud applause.]

Mr. COLLINS. These people crossed the plains and occupied that territory and acquired title to it when it was not the property of the United States, but the property of Mexico.

Mr. REED. That does not make any difference, as we succeeded to the rights of Mexico.

Mr. COLLINS. But it makes a difference in your statement.

Mr. TUCKER. I will yield now to the gentleman from Wisconsin [Mr. CASWELL].

Mr. CASWELL. Mr. Speaker, in the few moments of time alloted me, and in which I shall occupy the floor, I cannot give many reasons why this bill should pass. But I desire in the first place to disclaim on the part of the Committee on the Judiciary, which has given this subject a very full consideration, any wish or desire to persecute these Mormon people.

The gentleman from Utah [Mr. CAINE] told us that they had been driven from three States of this country. Well, that is after all for the very reason they persisted in violating the laws of those States. Now, sir, there has been a more charitable view taken of the Mormon people than any other race of men who ever inhabited this country. The Government of the United States has been extremely lenient to them, and for years past Congresses have failed and hesitated to put their strong hand on an evil which has been practiced by the Mormon Church.

It has been settled and well settled that it is within the power of Congress to legislate on that subject and to exterminate, if necessary, that evil from the country. And it has become an important question with us now whether we will hesitate longer to do it.

This bill strikes at the very root of the church. It absolutely repeals the charter which gave it existence. It is well settled in the case of the National Banks against the County of Yankton that Congress has the authority to declare null and void any act of a Territorial Legislature. It is true that this piece of country was embraced in the original Mexican boundary, but by treaty it was ceded to the United States. In that State of Deseret, before it came under the jurisdiction of the United States, they organized this Mormon Church, and afterward the Territorial government in 1855 re-enacted that organization. I call attention of gentlemen to the act of Congress passed in 1862, which I send up to the Clerk's desk to be read, wherein Congress exercised its right to nullify a Territorial act.

The Clerk read as follows:

SEC. 2. *And be it further enacted*, That the following ordinance of the provisional government of the state of the Deseret, so called, namely: "An ordinance incorporating the Church of Jesus Christ of Latter-Day Saints," passed February 8, in the year 1851, and adopted, re-enacted, and made valid by the governor and Legislative Assembly of the Territory of Utah by an act passed January 19, in the year 1855, entitled "An act in relation to the compilation and revision of the laws and resolutions in force in Utah Territory, their publication and distribution," and all other acts and parts of acts heretofore passed by the said Legislative Assembly of the Territory of Utah, which establish, support, maintain, shield, or countenance polygamy, be, and the same hereby are, disapproved and annulled: *Provided*, That this act shall be so limited and construed as not to affect or interfere with the right of property legally acquired under the ordinance heretofore mentioned, nor with the right "to worship God according to the dictates of conscience," but only to annul all acts and laws which establish, maintain, protect, or countenance the practice of polygamy, evasively called spiritual marriage, however disguised by legal or ecclesiastical solemnities, sacraments, ceremonies, consecrations, or other contrivances.

Mr. CASWELL. The only point, Mr. Speaker, I desire to make is this, in order to show to the House that in 1862 the Congress of the United States exercised the right and did actually nullify the organization of this very church.

What is the status, then, of this Mormon church? It has no legal existence; it has an existence merely *de facto;* and the only question is, what shall be done with the assets? This bill provides that the court may take charge and distribute the assets according to law and equity. That is all there is of it.

Mr. TUCKER. Mr. Speaker, in closing this debate I am not only confronted with the eloquent declamation and fine humor of my friend North Carfrom olina [Mr. BENNETT] and the well prepared address of the Delegate from the Territory of Utah [Mr. CAINE], but I find also that I am confronted, as members of this House are confronted, with a speech which I had the honor to deliver on the floor of this House nearly five years ago upon the Edmunds bill. I suppose the purpose of disseminating that document, which I did not know had attained the popularity itseems to have reached, was to embarrass me, as was supposed, in my advocacy of the present bill. I am glad, therefore, to mention to gentlemen who thought it might possibly embarrass me, that I had taken into full account the views I then expressed in the very ample and earnest consideration that I have given to this Mormon question in the committee, before this bill was introduced to the House.

Mr. Speaker, there is nothing, except, perhaps in one point, I uttered on that occasion that is at all in conflict with what I believe to be the mild and just provisions of this bill. That point of seeming conflict with my formerly-expressed opinion has been settled by a decision of the Supreme Court of the United States. The Supreme Court have held that there is no right of suffrage by any inhabitant of a Territory in the sense that there is such right of suffrage by a citizen within a State; that the absolute control of all matters of government in a Territory being in the Congress of the United States, subject to the Constitution, the question whether a man or a woman shall be allowed to vote is entirely and rightfully for Congress to determine; and hence when we exclude the whole of womankind as a class, gentlemen might just as well say that they are condemned without conviction to disfranchisement by the provisions of this bill, and that they are so condemned for the crime of being women. Now, there is nothing in that position, as I shall show when I come to discuss that point in their argument.

I will say, sir, for myself and the committee, over which you have done me the honor to appoint me chairman, that I suppose there never was a question brought to the consideration of a committee of this

House that was examined with more earnest care than this Mormon question has been examined by the Judiciary Committee during the last session of Congress.

We heard the eloquent gentleman from Utah upon that subject; we heard a number of counsel; I think we listened to twenty or thirty hours of oral arguments; I read all the arguments and briefs that could be presented, and I came to the conclusion, after a careful study of the question, that something must be done if the United States were not to declare that they were unable to cope with the question of Mormonism in the great Territory of Utah.

Gentlemen have talked of the power of Congress over the Territories. Let us look at that a moment. From what does it result? It has not only been settled, but properly settled by the courts.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States. (Constitution United States, Article IV, section 3, clause 2.

I desire to emphasize the words "territory belonging to the United States." It is their territory. It belongs to the United States; to them as copartners.

Mr. WARNER, of Ohio. Their property.

Mr. TUCKER. Their property. That is the first proposition. Now, what does any nation, what does this Union, hold territory for? For two purposes—to be disposed of as property of the United States by the Congress; and to put the proceeds into the National Treasury. But there is another and a greater constitutional purpose on the part of this Union in holding territory, and that is to keep it intact as a domain for the colonization of our own people. It is the property of the United States not only as mere land, but it is the domain of the people of the United States, where every man, woman, and child anywhere within our border may go and live and have a better home than in the old States. It does not belong to the first little squad of men who choose to pounce down upon it and say "we are monarchs of all we survey; our rights there is none to dispute." It belongs to the United States, and they have a duty to perform in seeing that this property shall not be monopolized by any special class of men or by any church. That is the situation. It is our duty to secure it for free colonization for all the people of all the United States, to whom it belongs.

But, sir, there is another reason why Congress has the right to govern the Territories. Congress has power "to admit new States into this Union." (Constitution United States, Article IV, section 3, clause 1.) The United States are bound to "guarantee to every State a republican form of government." (Constitution United States, Article IV, section 4.) The populations in the Territories of the United States must be banded together around some nucleus of government which will enable them to live and be fostered until they can become the governing power of a State. We thus see, that in addition to the power of regulating the Territories, and the power of the admission into the Union of new States, the Constitution guarantees that these States shall also have a republican form of government.

But who shall organize the government for the people of the Territories? Who shall define the boundaries of each Territory? Who shall make its civil government? Who shall pass laws for its peace and order, and to raise it from the condition of a colony or province to the dignity and sovereignty of a body politic?

The Constitution provides for it.

Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, *and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.*" (Constitution United States, Article I, section 8, clause 18.)

How comprehensive! The power of Congress to make rules and regulations for the territory, to admit States formed therefrom into the Union, and that of the United States (that is, the Government of the United States) to guarantee to each of such States so formed from their territory a republican form of government must be carried into execution by laws of Congress necessary and proper for these purposes. Congress then is charged with the duty and vested with the power, by necessary and proper laws, to organize the people of the Territories into distinct communities, to govern them as shall seem best and proper, so that they may, in due time, be fitted to enter the Union as equal States with their older sisters, clothed with the vesture of a republican form of government. The power of Congress to govern the Territories thus clearly springs from these clauses of the Constitution by irresistible deduction.

There is, therefore, no doubt and no question as to the power of Congress in this matter. The Supreme Court has fully sanctioned this view by a long line of decisions, the last of which is National Bank *vs.* Yankton, 101 U. S., 129. Congress can not pass a law violative of the principles of the Constitution; and in that sense the Constitution is extended to the Territories for the protection of its citizens; and for my own part, Mr. Speaker, I would vote against the bill I have reported if I could be convinced that there is one thing in it which trenches upon the conscience of any man—even of a Mormon. I would protect him with as much care as I would protect one of any other religion. Why, what my friend from North Carolina [Mr. BENNETT] read a few moments ago is perfectly well settled, and has been adopted in the reports of the Judiciary Committee, as a canon of religious freedom under the civil law. It is the language of the immortal Thomas Jefferson in the immortal act for the religious freedom of the people of the State of Virginia, framed on the 16th day of December, 1785, "that it is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order."

I do not care what the Mormon believes. But he must not believe and act upon his belief if it violates the right of any other man or violates the power of the Government and its laws for the peace and good order of society. That is all. I do not object to his saying that he or some other man ought to have two wives or more; but I do not intend to let him or that other man have more than one. If you are not a polygamist in act I do not care what you believe; but I do care very much what you do. When religious belief breaks out into the overt act of polygamy it is time for the civil government to interfere to preserve the peace, purity, and good order of society.

Now, Mr. Speaker, that being the power of Congress, what is it the duty of Congress to do? What is polygamy? It is a crime by the law of every state in Christendom. Ever since Christ interpreted the Judaic law and gave it to us in His own express words it has been not only a sin against God, but has been made a crime by every Christian society. Mark His words:

For this cause shall a man leave his father and mother, and cleave to his wife; and they twain—

Not a whole bundle of them, but—

They twain shall be one flesh: so then they are no more twain, but one flesh.

Ever since Christ uttered that language all of the Japhetic race have adopted monogamy as the only foundation of a decent civilization. [Applause.]

The nucleus of the state is the home of the people. What is the home of the people? The one man and the one woman; the one man loving supremely none but her, and the woman loving none supremely but her husband. Thank God, there are such homes yet in this great land which He has given to us and our posterity. [Applause.] That is the foundation of your polity; without it there would not be a Christian State in the Union that would be fit to live in. The family is the germ of society. As is the family, so will be the state. A family home of one man and one woman bound together by mutual and an exclusive confidence and trust, rearing under joint care the children whom God shall give them, is the foundation-stone of every Christian society among men, the essential principle of every free modern commonwealth. With its conservation, liberty, peace, purity, and progress will be the possession and inheritance of the Christian state. In its loss we will lose all which makes modern civilization the glory of our race.

But you may say, "Are there no homes in Utah?" Yes; but what kind? Homes in which the heart of the husband is divided out and diffused among so many wives that it is lost when it gets to any one [laughter]—the father of a number of distinct sets of children, the wives being mothers each of only one set. What a partnership! What a home in which to rear children! Why, gentlemen, that is the basis of a civilization that went out twenty centuries ago everywhere else except in Asia. Ours is the basic principle of the civilization of to-day; theirs of the ancient pre-Christian period of the world's history. With monogamy we are in the lead of progress in the twentieth century of the Christian era. Introduce polygamy, and we turn back the dial of our destiny—we obliterate the Christian era, and return from the light and glory of to-day to the gloom and barbarism of two thousand years ago! That social condition is an Asiatic exotic; ours is a plant of European-American growth. They are as diverse and incompatible as light and darkness. They cannot co-exist; they must be divorced, or one or the other must be extirpated. The Upas tree of polygamy is death to a Christian society or to a modern Christian commonwealth.

Can two such systems go together? Can they live side by side? Is there a man here who would to-day vote to admit the polygamous Territory of Utah into this Union? Shall the fair and pure sisterhood of these American States ever permit a polygamous sister to sit with them at the fireside of our great Union?

Several MEMBERS. No! no!

Mr. TUCKER. Never. Then what? Sit down and let them do, as the gentleman from Utah says—"We will work it out one of these days, and if we are wrong we will sink; but you must wait to see how long it will take us to sink." This language seems to make exclusive claim to that Territory for the Mormon people. Why, sir, that is our Territory, our domain for the homes of our own Christian people to dwell in; we want that as one of the States of this Union. And why does it not come in? Why does it, with 180,000 people, still, as for forty years it has stood, stand as a province of the Union and not as a State in the Union? Because there are 150,000 Mormons there that would perpetuate polygamy as an institution of their society.

Why do not other people go there? Why how can people go there when it is occupied by this number of a polygamous church who insist on making it a polygamous State? The question then for us to

determine is, what is it our duty to do in order that Utah may be prepared to come into the Union one of these days as a State with like habits of social life, with homogeneous ideas of American civilization, and with principles in public polity compatible with our own?

For forty years Utah has been a Territory; and that she is to be ruled as such forever is contrary to the genius of our institutions. It is our duty to prepare Utah to come into the Union, by extirpating and rooting out all that is alien to the genius of our institutions, so as to permit people to go there who will establish the germs of American homes in that vast Territory.

Now, how is that to be done? Why, sir, what is this Mormonism? Is it merely polygamy? Are we dealing with the individual crime of the individual man? Not at all; or only incidentally. That is a very small part of the whole business. Any man that will look into the history of this thing will see that, as the gentleman from Utah said to-day, or said to-day in substance, every Mormon member of a church is bound by his fidelity to the church to see that the state is run in favor of the Lord.

Mr. CAINE. The gentleman from Utah did not make use of any such expression.

Mr. TUCKER. What, then, did the gentleman say? If he will turn to his manuscript he will find it there.

Mr. CAINE. Nothing of that sort is to be found there.

Mr. TUCKER. What did the gentleman say on that subject?

Mr. CAINE. I certainly did not say that.

Mr. TUCKER. I will be very much obliged, if the gentleman allows to go into the RECORD just what he said to-day.

Mr. CAINE. It has already gone to be printed.

Mr. TUCKER. But I do not care whether the gentleman admitted it or not. The fact is so, that the Mormon Church is a hierarchy that overrides the state. Let us see what that church was. Gentlemen say that it took possession of this Territory when it was still Mexican territory. That is true. They went out there, the gentleman from Utah says—about 5,000 men, as I understood him. Am I correct?

Mr. CAINE. No, sir. I said 5,000 went out there in the first two years.

Mr. TUCKER. Then there must have been about 5,000 who went there?

Mr. CAINE. There were some 20,000 who went there during the exodus.

Mr. TUCKER. How, then, came there to be only 5,000 left?

Mr. CAINE. I said in the first two years there was an emigration of 5,000.

Mr. TUCKER. Well, they went there, and by the treaty of Guadaloupe Hidalgo that Territory was acquired by the United States. The amount of territory that they occupied and claimed to be the state of Deseret by their constitution adopted in 1849, after the treaty of Guadaloupe Hidalgo, in which they erected themselves into the state of Deseret, was equal, I believe, to the territory of all the original Atlantic States. In their constitution they set up their authority as of the Lord, in which they said that they themselves must be the government of that territory "until the Congress of the United States shall otherwise provide for the government of the territory, hereafter named and described, by admitting us into the Union;" that is to say, they claimed to be an independent state of Deseret until they were admitted into the Union, as a free State inside the Union. They claimed to be independent of the Union until admitted into the Union. This was a clear and distinct usurpation of the authority of the Union within the Territory of Utah, which by treaty had become a part of the territory belonging to the United States.

By this act of the Mormon government the power of Congress was utterly repudiated. That was in March, 1849. The treaty of Guadaloupe Hidalgo was in 1848. In 1850, September 9, the organic act was passed for the Territory of Utah, which put an end to their power entirely. This same "state of Deseret" February 8, 1851, passed an act incorporating the Church of Jesus Christ of Latter-Day Saints. This was five months after the organic act passed. That is, after Utah had become a Territory of the United States the "state of Deseret" (not the Territory of Utah) passed that act incorporating the Mormon Church.

Now, I say—and that is the argument of the report—that what the "State of Deseret" did after it became a Territory of the United States, and after the organic act was passed, was absolutely null and void. The incorporation of the church, therefore, has no sound foundation and has had none from the beginning. Afterward they incorporated the Perpetual Emigrating Fund Society and made it an annex to the church; for the board of the church was to appoint the board of managers of the Emigration Society, and they were to bring in people of the Mormon faith to swell the population of the Territory so that they might possess it for "the people of the Lord." Now, gentlemen, I have looked through the acts of the Assembly of Deseret and of Utah with great patience and in great detail. I believe I have seen every one of them, and six months ago I believe I could have stood an examination upon them.

I saw acts of the Assembly in which they gave a whole valley, the Valley of the Cache, to Brigham Young, in trust for the church; acts by which large properties were passed over to the church; acts showing that all the legislation of the civil power was in the direction of building up the kingdom of the Lord, as it was represented in the Church of Jesus Christ of Latter-Day Saints. It was a union of church and state, and the church was at the head of the state. They acquired property, nobody knows how much; to this day nobody knows how much. They have their secret services in the Endowment House, where oaths are taken that never get beyond its threshold. The power of the hierarchy is complete and absolute, but the rules by which it acts are hidden from the eyes of men. They have accumulated property to a very large amount—to how large an amount we know not. What the total is, whether it is held by gift, or by parties in trust for the church, we know not.

The great attack upon this bill is made upon that provision of it which disestablishes the church, disincorporates it.

That is proposed by this bill to be done, Mr. Speaker, because I believe that as long as that organized power of the church continues, so long will every member of that church be under its control, and thus make the power of the state simply the power of the church. When religion veils itself in mystery and organizes its power over its individual members under the dread claim of a Divine commission to direct the actions and bind the consciences of men; when it accumulates great wealth, and thus through superstitious reverence, and by the influence which concentrated and corporate wealth always acquires, wields power over civil affairs; such an ecclesiastic organism is a menace to the civil power, and becomes dangerous to the liberty of the people and to the peace and good order of society.

It is the experience of all countries, and especially of Great Britain and America, that the power to accumulate property in the hands of ecclesiastical bodies has been dangerous to the people; and this has given rise in British and American history to those mortmain acts which have checked so greatly this process of accumulation.

By the charter of this Mormon Church and of its annex corporation, the Emigration Society, the capacity to acquire real and personal property was unlimited. The latter corporation had power to emit bills of credit, a power denied even to the States of the Union by the Constitution of the United States.

These two powerful corporations, created without lawful authority, holding large real and personal property, and with unlimited capacity for future acquisition, were checked by the act of Congress of 1862. The church was limited to holding $50,000 of property. This is doubtless a dead letter as far as the Mormon Church is concerned.

The question for the committee was this: Is it not public policy to disestablish the church, to put it on the same basis with all other churches, and by dissolving the corporation of the church leave its members as citizens free from this corporate ecclesiastical authority to act as their judgments should dictate in civil affairs; to free the man from corporate shackles and leave him to independent action as a citizen of the State?

We dissolve the tribal relations of the Indians in order to make the Indian a good citizen; so we shatter the fabric of this church organization in order to make each member of the church a free citizen of the Territory of Utah. "But what right have you to disestablish the church?" says my friend from North Carolina [Mr. BENNETT]. Why, sir, we do not disestablish a church that had any rightful establishment, or lawful existence; we simply disestablish a church that was sought to be illegally established by the power of the Territory of Utah. There is no power that Utah has exercised in reference to that church that was not subject to the will of Congress, subject to be repealed and annulled by Congress; and now Congress comes in and says that the raising up of such a power of priesthood in the Territory of Utah is dangerous to the liberty of the people, and therefore we disestablish it—that is to say, we annul the illegal provision by which it purports to have been established. The Supreme Court has sanctioned the power of Congress in this respect in the National Bank *vs.* Yankton (101 U. S., 129).

Mr. HERBERT. You only disestablish the civil establishment of the church?

Mr. TUCKER. We disestablish the church.

Mr. GROUT. You do not attack its divine authority at all.

Mr. HERBERT. You disestablish the civil establishment?

Mr. TUCKER. Yes; I want to be distinctly understood upon that point, because if there is anybody in the world that is bound to be a friend of religious freedom it is a man born in the old Commonwealth of Virginia, and I have, in reality, attempted to engraft the polity of old Virginia upon the polity of Utah. In old Virginia we do not allow the church to have any property except the property upon which the church building stands and that upon which the parsonage for its pastor is erected.

As to the power of the church to accumulate property and mingle itself too much with the temporalities of this world, we know that that will corrupt the church, and that when the church is corrupted, it will corrupt the state.

Mr. WARNER, of Ohio. Will you please state just here, for the information of the House, whether the Mormon Church still owns those lands which you say were granted by the state of Deseret?

Mr. TUCKER. Yes, sir; I have already stated in the report, and I

state now, that after the power of the Territory got into the hands of the United States, after Brigham Young was "disestablished" as governor by President Buchanan, the Legislature revoked a great many of those grants of property to the church, but the establishment of the church was afterwards confirmed by the Territory of Utah at some time before 1860.

Now, Mr. Speaker, what I was going on to say was this: This disestablishment of the church and its property is due to the fact that by its establishment there was a difference made between the Mormon Church and all other churches. I wish gentlemen to mark the fact to which I now call their attention. I say that while the Territorial legislature of Deseret and the Territorial government of Utah established and incorporated the church of the Mormons, there was no incorporation given to any other church; no power was given to any other church to accumulate property, while the power to accumulate property to an unlimited extent was given to the Mormon Church by that act of incorporation.

It is this discrimination between the Mormon Church and all others that led the committee to adopt this provision of the bill disestablishing the Mormon Church.

Let me add further. It has been said that Congress is forbidden to pass any law respceting the establishment of religion. That is true, and is fatal to the objection urged against this part of the bill. For if Congress with full power to govern the Territories could not pass a law respecting—that is, looking toward the establishment of religion—how can a Territory, deriving all its legislative authority from Congress, do so? And can there be a doubt that when a corporation is granted to the Mormon Church and is denied to all others—when unlimited capacity to acquire property is given to that church, and is granted to none other, this is a law respecting the establishment of religion and is void, because unconstitutional *ab initio*. And if this be so, Congress, in obedience to the Constitution of the United States, is bound to annul an act of incorporation, which was a violation of the Constitution. This disestablishment, therefore, is a constitutional duty to annul and disapprove an unconstitutional act of Utah.

Mr. PETERS. Is the title to their church property derived from any other source than the Territorial act?

Mr. TUCKER. They may have obtained some of their property from individuals. I think it is the fact that they have done so. I will come to that point in a moment to show the reason for one feature of this bill.

Now, all that this bill does is to disincorporate the Mormon Church and leave the other churches unincorporated. They will all be on an equality. We propose to enact in the 18th section of the bill that the Mormon Church and all other churches shall have the right to worship God according to the dictates of their own conscience, to build houses of worship and houses for the residence of their spiritual teachers, to a certain extent, in town and in country. We propose, further, to enact that beyond the property occupied for worship they shall not own property exceeding in value altogether $50,000, this being considered enough to keep them from being corrupted by wealth or too poor to do their legitimate church work. This privilege is given to every church in Utah Territory, but not to one more than another. So that this "disestablishment" which gentlemen speak of is really the revocation of an act establishing one church in Utah; and thereby all churches are put on an equal basis.

"But," say gentlemen, "what do you mean by authorizing the Attorney-General to come in and seize the property of the church?" My friend from North Carolina [Mr. BENNETT]—my excellent and very able friend—whose speech was listened to with so much applause because it was an eloquent defense of a bad cause, a proceeding in which he is eminently celebrated and illustrious [laughter]—my friend from North Carolina has made a strong attack upon this bill on the ground that we propose to seize the property of the church and distribute it to everybody. Why, sir, let me state all that is proposed to be done. The question may arise whether this church ever had any valid incorporation. We propose, if it ever had any valid incorporation, to annul that incorporation. Therefore any proceeding which may be taken would either seek to annul the incorporation if it had any valid existence, or to declare that the church never had any such incorporation.

A MEMBER. What becomes of the property?

Mr. TUCKER. I am coming to that. We propose to authorize the Attorney-General to institute proper proceedings in the court of the Territory, with appeal to the Supreme Court of the United States as to all its decrees, for the purpose of declaring the dissolution or the voidness of the incorporation of this church and of this Emigration Fund Society; and then we provide for paying the debts of the corporation so declared defunct, and "to dispose of the property and assets according to law and equity."

Mr. MORGAN. You dissolve the corporation.

Mr. TUCKER. We dissolve the corporation. Some gentleman has said "Why not, since you dissolve the corporation, let everybody who chooses bring suit and litigate for himself?" Why, as soon as the corporation is dissolved the property falls from the "dead clutch," the mortmain of the corporation, and has to be dealt with judicially. There may be a number of persons, creditors or others, who have claims to that property. Let the court decide what are the rights of the parties.

I hold upon perfectly well-established principles of law that if a person has conveyed to the Church of Jesus Christ of Latter-Day Saints, when it was supposed to have corporate existence, 1,000 acres of land, and the dissolution of the corporation is decreed, that land reverts, necessarily, by the principles of the common law to the original donor. Let the court so decide and give him back his land. If you can trace money which has gone to purchase property for the benefit of the church, then if the church is dissolved and can not hold the property, there is a resulting trust as to that money for the benefit of every man who contributed. My great offense, so far as this bill is concerned, is that I have not undertaken to provide that Congress shall deal with this property, but that I propose to put it in the hands of the judiciary of the United States to be dealt with. Is there any sin in that? What better course can be pursued with respect to this property?

Mr. Speaker, I hurry on; for I am going to call the previous question in a few minutes. Let me briefly refer to another difficulty. Gentlemen have referred to the difference between the Senate bill and our bill. The difference between these two bills with reference to this matter of the church is this: The Senate bill proposes that the President, by and with the advice and consent of the Senate, shall appoint thirteen trustees to act in conjunction with twelve trustees of the church in Utah; and these two bodies of trustees are to undertake to run the church establishment. How could that be done? The President, in that case, with his trustees, would really be the church, and we should have a union of church and state. In my judgment there can be no such partnership as that. I hold the Church of God too sacred for any such partnership. There can be no partnership, as there is no concord, between Christ and Belial. Let church and state stand apart. In this bill, instead of providing that the Government of the United States shall run the church we say, let us disestablish the church and put each one of the Mormon congregations on the same footing as the members of every Presbyterian, or Episcopal, or Methodist, or Baptist congregation.

Mr. Speaker, there is another question. Gentlemen have said that there is a test oath proposed here, and they have quoted a speech of mine made several years ago in which I said that we can not by legislation make criminal a past act which was not criminal when committed. I still maintain that position. But gentlemen say "Here is a case where a man has committed bigamy twenty years ago; has been prosecuted and convicted for it; and you are going to prosecute him again for bigamy." Why, sir, there are certain things in the way of virtues, and more especially in the way of vices, which are continuous in their nature. A man keeps a disreputable establishment. You prosecute him for it. While the prosecution is going on the house is still kept up. Can he say, in such a case, "You must not prosecute me for this new offense, because I have atoned for all the future by the prosecution you have already instituted?" A nuisance of to-day may be continued to-morrow. The prosecution for to-day's offense does not involve immunity from that of to-morrow.

The man who has in his pocket spurious money with intent to pass it away is indicted for having it to-day, and he may be indicted for having it to-morrow with the same intent, and he may be indicted for having it the day after to-morrow with the same intent. They are different offenses. Now, what is meant here is according to the decision of the Supreme Court of the United States. A bigamist or polygamist, according to the terms of the Edmunds bill, is not the man who committed bigamy or polygamy twenty years ago, but the man who lives in bigamous or polygamous relations to-day or hereafter. That is to say, it is an offense on the part of any person, holding out relations with four or five wives in a decent community, any and every day that he does so. We hold it to be a crime, whether it is an institution of this Mormon society or an article of their religious faith or a rule of their religious life under former laws and by this act; and that a person who has entered into a bigamous marriage ten years ago and who still persists in clinging to that polygamous relation, who continues to hold on to the woman whom he took to be his wife years ago, shall be held to have committed a crime, because the relation is immoral and debasing to society, and he shall be punished for continuing to hold out to the view of society a home which is contrary to the moral sense of our social life, and which is an injury to the women who are its victims, to the man who commits the offense, and to the children brought into the world with the stain of partial bastardy upon them. To punish only for the original marriage and exempt forever after from any penalty will be to sanction the worst form of the crime—its perpetuated immoral influence and debasing effect upon society.

Now, sir, the whole purpose of that clause was to punish the continuance of the relation and not to punish them for having married two or more women ten years ago. The punishment is for holding out those wives in a polygamous relation.

My friend in his report said the bill was very unjust as it spoke of polygamous associations, and ingeniously construed it as making a crime to have any association with a polygamist. The language of the proposed law is, "Polygamy or any polygamous association or cohabitation

between the sexes." It refers to polygamous association between the sexes. That is the thing that is punished, and not association with other polygamists. Therefore you see my friend was barking up the wrong tree. [Laughter and applause.]

Mr. Speaker, there are some other matters in the bill to which objection has been taken. This test oath, for instance. There is no test oath at all. There is no law of marriage in Utah that anybody knows of by which a registration of marriage can be made public; who this or that man is married to, nobody can tell by any matter of record. What we propose in this bill is that a register shall be kept of all marriages which shall take place hereafter. In order to meet the cases of marriages heretofore, it is provided that every man shall be required to go before the register and make record of his age and place of residence, and whether he is married or not.

Mr. BUTTERWORTH. And how much? [Laughter.]

Mr. TUCKER. Yes; and how much, and to whom. Is there anything unfair in that? We say, at the same time he shall take an oath to sustain the Constitution of the United States. Is there anything unfair in that? He is required to swear that hereafter he will obey the law of 1862, as well as this law, when it shall be passed. Is there anything unfair in that? He is required to swear that he will not aid or abet the offense of bigamy or polygamy, but will follow the law. Is there anything unfair in that?

And we say, further, that if he does not do these things he shall be deprived of the privilege which Congress has given to the citizens of the Territory of voting at elections, and serving on juries, and holding offices within the Territory.

One of the gentlemen said this bill prevented him from being a witness in any suit or action. That is not so. We only make it go so far as to deny him the privilege of place on a jury in the Territory, and of the privilege of voting, believing that to be ample. If he does not take this oath, if he does not swear to abstain from all bigamous or polygamous relations, he is to be subjected to the disqualifications imposed by the provisions of this bill, as to voting, jury service, and holding office.

This section does not disqualify him by reason of anything in the past. There is no bill of attainder nor *ex post facto* law proposed by this bill. If he will do hereafter what this section prescribes, he can vote, serve on juries, or hold office. If not, he can not. The past will not affect him. His future is within his own power as a good or bad citizen.

Nor, let me add, does the bill create any disqualification except in the Territory of Utah. I say this in answer to some remark which intimated that the disqualifications were extra-territorial.

Mr. OATES. It is nothing more than a registration oath. It is no more than when a person refusing to take that registration oath in order to qualify him for the privilege of voting is denied the right to vote. So, here, the one who refuses, under the provisions of this bill, to submit to the registration oath by which he declares whether he is married or not is deprived of all right to vote in the Territory or to hold a place upon any jury.

Mr. TUCKER. That is all. It is a mere registration oath for the better execution of the provisions of this act, and for the suppression of these bigamous and polygamous relations in the presence of the community.

I have run rapidly through this matter, and I know not hardly what I have said.

Mr. ADAMS, of New York. Will the gentleman permit me to ask him a question right here?

Mr. TUCKER. Certainly.

Mr. ADAMS, of New York. I would like to ask the gentleman from Virginia whether or not it is true that on the 4th of July last year the Mormons in Salt Lake City did not run up our flag at half-mast on every public building in that city.

Mr. TUCKER. I do not really know; and the House will bear me witness, Mr. Speaker, that in what I have said and so far as the reports made to the House have gone I have not indulged in any denunciation of these unfortunate people.

What I want is that this Government shall set its face forever against this immorality. [Loud applause.] I believe to-day that with the passage of this bill, which is not unjust to any of them; and with the passage of the constitutional amendment, which simply provides that the Territory when it comes in shall not go back on its record as an anti-polygamous Territory, and shall not "return as a dog to his vomit or a sow to her wallow in the mire;" and that this crime of polygamy shall be a constitutional crime, just as treason is a constitutional crime; and that the punishment for polygamy shall be prescribed by Congress as is the punishment for treason, and shall be tried by the Federal courts just as treason is tried; that this evil will be forever stamped out.

With that constitutional amendment adopted no Territory can come into the Union which permits polygamy, because it is forever inhibited by the paramount law of the land. With these two measures this Government will have set its face forever against this vile and wretched institution. I believe that the mind of the rising generation among the Mormons is giving way before the moral sense, even in their own breasts, which makes them feel that this polygamous relation is demoralizing and debasing to a community. I believe that if the Government of the United States sets its face against it, and passes the constitutional amendment and this bill, it will all go to pieces; that we will hear no more of these polygamous associations, or of this headship of a church, which has dominated the Territory of Utah, and would dominate the State when admitted; and that this Territory will be populated by a pure people, who will be ready to come into the Union in due time as a Christian State whose foundations are laid in the families of Christian homes. [Applause.]

Mr. Speaker, I have hurried through with what I had to say in regard to this matter. I feel a deep interest in the question, because, as I said a few weeks ago, I am going out of public life. If I can do anything to establish a pure system in that unfortunate Territory by uprooting this criminal institution of its society, which has been a foul blot upon the name and civilization of the whole country, and thus permit this Territory, when the proper time shall come, to enter into the pure sisterhood of States with the institution of a pure Christian home as the basis of its polity, then I shall feel that my humble public life has not been altogether in vain. [Prolonged applause.]

I demand the previous question upon the bill, the substitute, and amendments.

Mr. SCOTT. I would ask the gentleman from Virginia if he will not permit me to have an amendment read which I want to offer, and which he can not object to I am satisfied.

Mr. TUCKER. Mr. Speaker—— [Cries of "Regular order!"]

Mr. SCOTT. I ask the privilege of having it read for the information of the House.

Mr. TUCKER. My good friend, will you allow me, as I have said to other good friends to-day, I have no objection to having it read, but what I want is to press this bill to a vote now and here. [Applause and cries of "Regular order!"]

Let the evening of the 12th of January be signalized by the passage of this bill. [Loud applause.]

Mr. SCOTT. May I not have this read for the information of the House? [Cries of "Regular order!"]

The SPEAKER. Does the gentleman from Virginia consent to have the proposed amendment read for information?

Mr. TUCKER. Mr. Speaker, in deference to the wishes of the House I can not consent. I must insist upon the demand for the previous question.

The previous question was ordered.

The SPEAKER. The first question is on agreeing to the amendment proposed by the gentleman from Virginia to section 27 of the bill, which the Clerk will again report.

The Clerk read as follows:

Strike out in line 4 the word "and," and after the word "district" add the words "and municipal."

Also strike out all after the word "shall" in the fifth line, down to and including the word "office," in the sixth line, and insert in lieu thereof the word "hereafter;" so that the section will read:

SEC. 27. That all judges of the county and probate courts and selectmen of each county and Territory, and all clerks of said courts, justices of the peace, sheriffs, constables, and other Territorial, county, district, and municipal officers shall hereafter be appointed as follows, &c.;

The amendment was agreed to.

The SPEAKER. The question recurs upon the adoption of the substitute reported by the committee as amended.

Mr. SCOTT. On that I demand the yeas and nays.

The yeas and nays were not ordered, 8 members only voting in favor thereof.

The substitute was agreed to.

The bill as amended was ordered to a third reading; and being read the third time, was passed. [The result of the vote was greeted with loud applause].

Mr. TUCKER moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (H. R. 6313) to release unto the city of San Antonio, Tex., for its use as a public thoroughfare certain portions of the military reservation near said city; and

A bill (H. R. 7192) to provide a school of instruction for cavalry and light artillery and for the construction and completion of quarters, barracks, and stables at certain posts for the use of the Army of the United States.

And then, on motion of Mr. HAMMOND (at 5 o'clock and 25 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BRADY: Resolutions of the Tobacco Association of Peters-

burg, Va., in favor of the repeal of the internal-revenue tax on tobacco; and for rebate should said tax be removed—to the Committee on Ways and Means.

By Mr. W. C. P. BRECKINRIDGE: Petition of a chamber of commerce for appropriation for coast defense—to the Committee on Appropriations.

By Mr. BUNNELL: Petition of 121 citizens of the Fifteenth district of Pennsylvania, in favor of the Blair bill—to the Committee on Education.

Also, papers to accompany the bill (H. R. 10591) for the relief of the heirs of Percival Powell, deceased, late postmaster at Towanda, Bradford County, Pennsylvania—to the Committee on Claims.

By Mr. J. M. CAMPBELL: Petition of Berry F. Kinsey, for a special-act pension—to the Committee on Invalid Pensions.

By Mr. CLEMENTS: Papers relating to the claim of Curtis Bailey, of Floyd County, Georgia—to the Committee on War Claims.

By Mr. CONGER: Petition of citizens of Marion County, Iowa, for the allowance of a suitable pension for Mrs. Minerva Kuhn, widow of Peter Kuhn, late of Company K, Fortieth Iowa Infantry—to the Committee on Invalid Pensions.

By Mr. DINGLEY: Petition of William L. Champvey and others, of Richmond, Me., for national aid to common schools—to the Committee on Education.

By Mr. EVERHART: Memorial of London Grove Grange, No. 63, of Chester County, Pennsylvania, praying that the oleomargarine law be maintained; also, the tariff on farm products and manufactures, and in favor of the Reagan interstate-commerce bill, and a department of agriculture—to the Committee on Agriculture.

By Mr. FREDERICK: Petition of Alfred Poffinberger, of Marshall County, Iowa, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. HARMER: Petition of citizens of Philadelphia, Pa., in favor of a reduction of internal taxes—to the Committee on Ways and Means.

Also, petition of Thompson & Campbell, for extension of letters patent—to the Committee on Patents.

By Mr. HERBERT: Papers relating to the claim of Thomas G. Vickers, of Montgomery County, Alabama—to the Committee on War Claims.

By Mr. HIESTAND: Petition of J. Hambleton & Son, of Philadelphia, for the repeal of internal taxes—to the Committee on Ways and Means.

By Mr. JAMES: Petition of Schwing & Gladz and 4 others, wholesale drug and manufacturing firms, asking for the repeal of internal taxes—to the same committee.

By Mr. KELLEY: Petition of French, Richards & Co. and of Louis Desting and 40 others, citizens of Philadelphia, Pa., praying for the repeal of internal taxes—to the same committee.

By Mr. McCOMAS: Papers relating to the war claim of the heirs of Jonathan Tobey; of Charles R. Gregory, administrator of Theophilus Barnett, of Washington County; of executors of Tobias Johnson; of executors of Joseph R. Lang; of Samuel Gantz; of David Kailon; and of William James, of Washington County, Maryland—to the Committee on War Claims.

Also, petitions for the relief of Jasper M. Jackson; of estate of Louisa G. Beall; of Lewis W. and Sarah E. Williams; of William S. Wilson; of William Rouzer; of William A. Wroe; of Robert W. Smoot; of Margaret A. Hickman; of Samuel T. Magruder; of Stephen M. Lyddane; of Benjamin Duvall; of Benjamin F. Ball; of William H. Vinson; of William T. Lewis, executor of John H. Lewis; of W. S. Offutt, jr.; of Thomas H. Rabbitt; of Howard Griffith; of Osborn S. Wilson; of Sarah E. Cady; of Charles A. Duvall; and of Richard T. West, of Montgomery County; and of Isaac Renn; of William W. Wenner, executor of Joseph Waltman; of Israel Kessler; and of Robert K. Thrasher, of Frederick County, Maryland—to the same committee.

By Mr. MORGAN: Papers relating to the claim of Catsworth P. Thorp, and of R. M. Glover, administrator of James Glover, of Marshall County; of Ira A. Spouse, of W. B. Coates, of Wright A. Moore, and of Moses H. Lack, of Scott County; of James R. Box, of Newton County; of Robert T. Wood, of Jefferson County; and of James M. Patrick, of Tishomingo County, Mississippi—to the same committee.

By Mr. MORROW: Memorial of Hannah S. Crane, Kate D. McLaughlin, and James T. Boyd, to accompany the bill (H. R. 10431)—to the Committee on the Judiciary.

By Mr. NEGLEY: Petition of iron-workers of Pittsburgh, Pa., for the repeal of internal taxes—to the Committee on Ways and Means.

By Mr. REED: Memorial of Samuel Coles, asking for a pension—to the Committee on Invalid Pensions.

By Mr. RIGGS: Resolutions of the Illinois State board of agriculture, favoring the pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. SAWYER: Petition of 398 citizens of the thirty-first district of New York, in favor of the Blair bill—to the Committee on Education.

By Mr. STAHLNECKER: Memorial of Edward C. Fielder, of New York city, praying for relief—to the Committee on Foreign Affairs.

By Mr. WAIT: Papers relating to the bill granting a pension to Mrs. Mary Lathrop; and to Mrs. Mary Jane Case—to the Committee on Invalid Pensions.

By Mr. WARD: Resolutions adopted by the Illinois State board of agriculture, relating to the suppression of pleuro-pneumonia—to the Committee on Agriculture.

By Mr. A. J. WARNER: Petition of E. B. Beebe, for investigation into conspiracy of certain banks—to the Committee on Banking and Currency.

By Mr. A. C. WHITE: Petition of 581 citizens of the twenty-fifth district of Pennsylvania, in favor of the Blair bill—to the Committee on Education.

By Mr. WILLIS: Petition of Weissinger & Bate, Finzer & Bro., and other tobacco manufacturers, for the repeal of the tobacco tax—to the Committee on Ways and Means.

SENATE.

THURSDAY, *January* 13, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

JAMES G. FAIR, a Senator from the State of Nevada, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, calling attention to the importance of correcting the unhealthful condition of the Treasury building, and inclosing several reports on the subject; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also laid before the Senate a report of the Secretary of War, in accordance with the provisions of the river and harbor act of August 2, 1882, stating the amounts due Charles McCafferty and D. and C. P. Dull, contractors for locks on the Great Kanawha River; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

WAR DEPARTMENT, *Washington City, January* 12, 1887.

The Secretary of War has the honor to report to the United States Senate, in accordance with the provisions of the river and harbor act of August 2, 1882, wherein he is directed to settle the claims of Charles McCafferty and of D. and C. P. Dull, contractors for locks on the Great Kanawha River, that he has examined the said "claims of Charles McCafferty and D. and C. P. Dull, contractors for locks numbered 4 and 5 on the Great Kanawha River, under contracts made in 1874 and 1875, and subsequently for work done by reason of changes in the contracts and for losses caused by such changes, and by extra work and other losses incurred from such and other causes beyond their control," and having heard their allegations, proofs, and arguments, and examined all evidence available and bearing on the questions submitted, he finds that by reason of changes in the contracts, for losses caused by such changes, for extra work, and for other losses from causes beyond their control, the amount due said contractors is as follows, namely:

Charles McCafferty	$30,370 15
D. and C. P. Dull	34,379 30

WM. C. ENDICOTT,
Secretary of War.

The PRESIDENT *pro tempore United States Senate.*

NATIONAL ACADEMY OF SCIENCES.

The PRESIDENT *pro tempore* laid before the Senate a letter from O. C. Marsh, president of the National Academy of Sciences, transmitting the report of the operations of the National Academy of Sciences for 1886; which, with the accompaning report, was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. EDMUNDS. I present the petition of George S. Hawley, now at the Soldiers' Home, in Ohio, but formerly a good Vermont soldier, praying for an increase of his pension, accompanied by a certificate of the surgeon of that Soldiers' Home stating his present condition, and a paper containing the proceedings and the report of the committee in his case in the House of Representatives, at some former session.

I move that the petition, with the accompaning papers, be referred to the Committee on Pensions.

The motion was agreed to.

Mr. JONES, of Nevada, presented the petition of George W. Quintard and George E. Weed, assignees of John Roach, deceased, praying that an appropriation be made for the payment of two balances of account due John Roach before his assignment, which account was approved by the Navy Department; which was referred to the Committee on Claims.

Mr. DAWES presented a petition of citizens and agriculturists of New Salem, Franklin County, Massachusetts, praying for the passage of the so-called Hatch experiment-station bill for the development of agriculture; which was ordered to lie on the table.

Mr. DAWES. I present the petition of the Grand Lodge of Good Templars of the State of Massachusetts, represented by its officers and containing a membership of 9,000, in favor of the Senate bill which grants to the people of the District of Columbia the right to vote upon

the question of prohibiting the sale of intoxicating liquors in this District. I move that the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. CULLOM presented resolutions adopted at a meeting of the members of the Peoria County Grange, of Peoria County, Illinois, in favor of the passage of the interstate-commerce bill; which were ordered to lie on the table.

He also presented resolutions adopted at a meeting of the members of the Commercial Exchange of Philadelphia, in favor of the passage of the interstate-commerce bill, and especially indorsing those sections in it relating to pooling and the long and short haul; which were ordered to lie on the table.

Mr. WILLIAMS presented a petition of the California State Horticultural Society, praying for the passage of the so-called Hatch experiment-station bill for the development of agriculture; which was ordered to lie on the table.

Mr. COLQUITT presented a petition of the executive committee of the Grand Lodge of the Independent Order of Good Templars of Montana Territory, praying for the passage of the bill (S. 1579) granting to the people of the District of Columbia the right to determine by ballot whether intoxicating liquors may hereafter be legally manufactured and sold in that District; which was referred to the Committee on the District of Columbia.

Mr. COLQUITT. I desire to call attention to the petition which I presented yesterday afternoon in favor of the passage of the interstate-commerce bill. It was published in the RECORD, but not read, as I did not wish to consume the time of the Senate. It appears as a petition of citizens of Georgia merely, without any names attached to it, stating that it was signed by numerous citizens. It is due to the gentlemen who sent me the petition, accompanied by a letter, that I should state that it is signed by citizens of Atlanta, Ga., and signed by the leading wholesale merchants as well as leading and influential citizens of that State, such men as L. E. Bleckley, R. D. Spalding, John Collier, Maddox Rucker & Co., Moore, Marsh & Co., M. C. & J. P. Kiser & Co., Chamberlin, John & Co., and others.

I make this remark so that the petition may be identified as their petition, and to show that I have executed their request.

Mr. GORMAN presented the petition of Henrietta V. Minnix, of Washington, D. C., praying for a remission of taxes levied for special improvements; which was referred to the Committee on the District of Columbia.

Mr. CAMERON presented the petition of R. Shoemaker, of Philadelphia, Pa., the petition of Dr. Swayne & Son, of Philadelphia, Pa., the petition of George W. Plumley, of Philadelphia, Pa., and the petition of Henry K. Wampole & Co., of Philadelphia, Pa., praying for a reduction of internal-revenue taxes; which were referred to the Committee on Finance.

Mr. BROWN presented a petition of a large number of citizens of Cedartown, in the State of Georgia, praying that the internal-revenue taxes may be reduced as rapidly as the condition of the Treasury will allow; which was referred to the Committee on Finance.

Mr. JONES, of Arkansas, presented a petition of Mrs. Lydia M. Chase and others, members of the Arkansas State Women's Christian Temperance Union, praying for legislation for the adequate punishment of crimes against women and girls in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. McPHERSON presented a resolution adopted by the city council of Passaic, N. J., urging the passage of a bill to appropriate the surplus revenue toward building a navy in all respects second to none of the great navies of Europe, and the construction of a system of coast defenses to protect us from foreign fleets in case of war; which was referred to the Committee on Naval Affairs.

Mr. EVARTS presented a petition of manufacturers and dealers in drugs, essential oils, &c., of New York city and Brooklyn, N. Y., praying for a reduction of internal-revenue taxes; which was referred to the Committee on Finance.

Mr. HOAR presented the petition of Doolittle & Smith, wholesale druggists, of Boston, Mass., praying for a reduction of internal-revenue taxes; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. HOAR, from the Committee on the Library, to whom was referred the bill (S. 2928) making an appropriation for the erection of a monument to the negro soldiers and sailors who gave their lives for the preservation of the Government, reported it with an amendment.

Mr. WILSON, of Iowa, from the Committee on Post-Offices and Post-Roads, to whom the subject was referred, reported a bill (S. 3128) concerning post-offices of the third class; which was read twice by its title.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (H. R. 679) to extend the laws of the United States over certain unorganized territory south of the State of Kansas, reported it with an amendment.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (H. R. 9859) to amend sections 2533 and 2534 of the Revised Statutes, and making Hartford, in the State of Connecticut, a port of entry in place of Middletown, reported it without amendment.

Mr. FRYE. I am also instructed by the Committee on Commerce to report favorably an amendment intended to be proposed to the post-office appropriation bill providing for the expenditure of $400,000 to carry our mails between the United States and Brazil and Central and South America. I move that the amendment be referred to the Committee on Appropriations and printed.

The motion was agreed to.

Mr. GORMAN. I am directed by the Committee on Commerce, to whom was referred the bill (S. 2944) making appropriation for the jetties in Charleston Harbor, to report it with an amendment.

Mr. HAMPTON. I ask that the amendment may be read.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. The Committee on Commerce propose to amend the bill, in line 3, before the word "hundred," by striking out "five" and inserting "three;" so as to read:

That the sum of $300,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to expedite the completion of the jetties in Charleston Harbor, said sum to be made available immediately on the passage of this act.

Mr. HAMPTON. May I ask unanimous consent for the immediate consideration of that bill? It is a matter of great consequence that it should be considered now and go to the House of Representatives.

Mr. EDMUNDS. I must object to that, although I am in favor of doing everything necessary for those jetties. The subject properly belongs in the river and harbor bill, and I want to see how much provision was made in the last appropriation bill for that purpose.

The PRESIDENT *pro tempore*. Objection being made, the request of the Senator from South Carolina can not be complied with.

Mr. GORMAN. I ask that a communication from the Secretary of War, in relation to the improvement of Charleston Harbor, which refers to the bill I just reported from the Committee on Commerce, may be printed for the use of the Senate and lie upon the table.

The PRESIDENT *pro tempore*. If there be no objection the order to print the communication as a document will be made.

Mr. BROWN, from the Committee on Railroads, to whom was referred the joint resolution (H. Res. 72) to provide for the settlement of accounts with the Mobile and Ohio Railroad Company, reported it without amendment.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 7648) for the relief of the estate of the late John How, Indian agent, and his sureties, reported it without amendment.

Mr. HAMPTON, from the Committee on Indian Affairs, to whom was referred the bill (S. 331) for the relief of George W. Ira, M. D., of Nebraska, reported adversely thereon, and the *bill* was postponed indefinitely.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (H. R. 898) for the relief of the estate of Joel C. Frazier, deceased, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. MORGAN. At the request of several of the delegates from the five civilized tribes, I introduce a bill.

The bill (S. 3129) to authorize Indians of the Cherokee, Chickasaw, Choctaw, Creek, and Seminole tribes of Indians to bring suits in certain courts of the United States relating to the condemnation of their property for public uses, was read by its title, and referred to the Committee on Indian Affairs.

Mr. SEWELL introduced a bill (S. 3130) for the erection of a public building in Paterson, N. J.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MITCHELL, of Pennsylvania, introduced a bill (S. 3131) granting a pension to Hugh Rogers; which was read twice by its title.

Mr. MITCHELL, of Pennsylvania. I will state in this connection that the bill is introduced on the recommendation of the Commissioner of Pensions that a special act be passed in this case. I move that the bill be referred to the Committee on Pensions.

The motion was agreed to.

Mr. CAMERON (by request) introduced a bill (S. 3132) for the relief of Reaney, Son & Archbold; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3133) to provide for the appointment of commissioners to represent the Federal Government in the Constitutional Centennial Commission, and to authorize them to take part in carrying out the programme arranged for the celebration of the centennial anniversary of the framing and promulgation of the Constitution of the United States of America, to be held at Philadelphia on the 15th, 16th, and 17th days of September, A. D. 1887; for the publication of public archives and other documents; and making an appropriation for the same and other purposes; which was read twice by its title, and referred to the Select Committee on the Centennial of the Constitution and the Discovery of America.

Mr. HAWLEY introduced a joint resolution (S. R. 94) ordering the

printing of the annual report of the National Academy of Sciences, with the accompanying memoirs; which was read twice by its title, and referred to the Committee on Printing.

COMMERCE AND NAVIGATION OF LAKE CHAMPLAIN.

Mr. EDMUNDS. I offer a resolution of which I ask the present consideration.

The Chief Clerk read the resolution, as follows:

Resolved, That the Light-House Board be, and it hereby is, directed to report to the Senate what information may be in its possession concerning the amount of commerce through that part of Lake Champlain lying between the islands of North Hero and South Hero, and of the necessity or convenience to that commerce of lighting the channel there, together with an estimate of the expense of a suitable structure or structures for that purpose.

The resolution was considered by unanimous consent, and agreed to.

Mr. EDMUNDS. I offer another resolution touching that same channel, directed to the Secretary of War, for which I ask present consideration.

The Chief Clerk read the resolution, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to communicate to the Senate any information in his possession touching the condition of the channel in that part of Lake Champlain which lies between the islands of North and South Hero, together with an estimate of the expense necessary to a suitable deepening of the said channel for the purpose of more convenient navigation of said lake and of properly marking the same with buoys.

The resolution was considered by unanimous consent, and agreed to.

MISSOURI RIVER COMMISSION REPORT.

Mr. MANDERSON submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 200 extra copies of the Appendix A B to the report of the Missouri River Commission, House Executive Document No. 28, Forty-ninth Congress, second session, be printed for the use of the commission.

CRIMINAL PROSECUTIONS BY FEDERAL OFFICIALS.

The PRESIDENT *pro tempore*. If there are no further "concurrent or other resolutions," the Chair lays before the Senate a resolution submitted yesterday by the Senator from Missouri [Mr. VEST], which comes over under objection. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved by the Senate of the United States, That the Secretary of the Treasury furnish to this body a full and complete statement, by itemized account, of all money paid out for or on account, directly or indirectly, of prosecutions of criminal causes in State courts by Federal officials of the Department of Justice, Department of the Interior, and the Secret Service Bureau of the Treasury Department, from the 1st day of July, 1879, to the 1st day of December, 1886, together with a list of all such officials or agents or employés engaged in such prosecutions, and the amount each received and for what specific services it was paid, and to state by what authority of law such proceedings have been carried on and payments made, and what pecuniary interest or vested rights the United States had connected with such prosecutions in said State courts.

Mr. EDMUNDS. It is evident on the face of that resolution that it calls for information the publication of which in some respects—not in all by any means, but in some respects—might be extremely injurious to public interests in respect of the detective service of the United States and other points that I might mention. I therefore think it wiser for the public interest that it should be referred to a committee in order that they may ascertain from the Treasury Department or otherwise what is the state of the thing and whether all of this information, or how much of it if not all, may be communicated with safety to the public interest.

I therefore move that the resolution be referred to the Committee on the Judiciary.

Mr. VEST. The objection made by the Senator from Vermont can be fully met by simply inserting "if not incompatible with the public interest."

Mr. EDMUNDS. We never address a Secretary in that way.

Mr. VEST. There is no reason why we should not. If we choose to put the matter within the discretion of the Secretary, we can do so, as a matter of course.

I have no partisan or personal object in offering the resolution. It will be seen by reading it that it covers several years of the administration of the last Republican President and two years of the present administration. If irregularities and violations of law have been committed by either administration it ought to be known.

The immediate cause of my offering the resolution is found in a publication in the Saint Louis Republican of January 9, which is as follows:

WASHINGTON, *January* 9.—[Special.]—District-Attorney Bliss has brought suit in the Court of Claims to recover from the United States $3,175, on account of deductions from his fee bills made by the First Comptroller. Of this amount $675 is on account of disallowances by the present Comptroller, but the remainder, $2,500, covers a deduction from one of his accounts by the last Republican Comptroller, Judge Lawrence. It seems a couple of suits in equity were brought against the Missouri Pacific Railway Company to recover certain taxes which accrued in 1862-'63 against the old Missouri Pacific, but were never collected. A compromise of the litigation was ultimately arranged under which an allowance of $2,500 for attorneys' fees was made. Mr. Bliss did not regard this as an official fee for which he should account to the Government, and made no report of it in any of his settlements. Comptroller Lawrence took a different view, and deducted the amount from one of the fee accounts subsequently submitted by Mr. Bliss. The suit in the Court of Claims has been brought to establish the right of Bliss to the money in this instance, as well as in the cases where Comptroller Durham has refused to allow per diem for constructive presence in court in Saint Louis, when other accounts show Bliss was actually absent in some other district, acting as special Government counsel.

When Mr. Bliss was here the other day, he filed, and had allowed on December 29, a bill for $870 in full for all services rendered up to October 31, 1886, in the Lindsay land-fraud cases. Since the beginning of the current fiscal year, Mr. Bliss has presented three bills for services. The first of these reached the Comptroller on September 28, and was for an aggregate amount of $924 for services as special counsel in prosecuting the Brazilian forgery cases, but $616 of the account was suspended, for the reason that it covered services during the fiscal year 1885-'86, for which the appropriation made by Congress had been exhausted. His per diem for twenty-two days during that fiscal year was therefore suspended, and will not be examined until after a deficiency appropriation is passed by Congress.

On October 12 he filed another account for an aggregate sum of $487.50, covering his regular services as district attorney, and of this amount the Comptroller allowed $225. There was one disallowance of $45, covering per diem for presence in court, on nine days on which the previous account for his presence in other districts as special counsel in the Brazilian forgery cases showed he could not have been in Saint Louis. The Comptroller also held up $205 of the account, covering per diem for forty-one days, pending a statement by Mr. Bliss showing whether he was actually in attendance on each day charged for, or represented by his salaried assistant, or all or some of the dates in question. It will be seen that the old trouble between Mr. Bliss and the Comptroller will come up again when his final settlement is made.

This article shows that there are many cases which are now, if not in litigation, under discussion in the Department for services claimed to have been rendered by district attorneys as representing the United States in State courts. The Comptroller, in my judgment very properly, refuses to allow them. If there is any law which authorizes the Department of Justice to send United States district attorneys into State courts to attend to litigation where the United States is not a party, I do not know of it.

As to this Pacific Railway case, I am not pretending to enter into the merits of the controversy between Mr. Bliss and the Government or the Department of Justice; but the point I make is that it is very obvious Mr. Bliss thinks he had a contract with the Department of Justice to attend to the Pacific Railway suit. The record shows that the Government had nothing to do with the suit. If there was any subtle or mysterious connection between the Government and the railway company in that litigation Congress ought to know it.

There is no law, I repeat, on the statute books which authorizes the employment of special counsel in such cases.

I do not care whether it hits Democrat or Republican. The resolution covers two years of the present Administration, and if the present Attorney-General has engaged in this practice I want it known. It is a violation of law, in my judgment as a lawyer. If there has been this peculiar sort of litigation by the United States, and I do not know how, to appear in a State court or to be involved in litigation in a State court requiring the presence of its district attorney to defend its interests, I should like to know it.

The present Comptroller, Mr. Durham, refuses to allow these accounts. His predecessor, Judge Lawrence, refused to allow them.

As I said before, without going into the merits of the controversy as a matter of contract, I simply, as a public man discharging my duty, want to know under what law that contract or assumed contract was made.

I have no objection to striking out that portion of the resolution in regard to the secret service. I put it in because I supposed there might be cases that it would be claimed originated in the secret service, but I am willing to modify the resolution in that respect.

There is no necessity in my judgment for referring the resolution to a committee. It is a resolution of inquiry calling for facts. If it goes to a committee they will simply inquire as to whether an inquiry is necessary, and how they could ever arrive at a conclusion without the facts it is impossible for me to imagine.

I hope, therefore, that it will not be referred, and I call for the yeas and nays on the motion of the Senator from Vermont.

Mr. EDMUNDS. I second the demand for the yeas and nays, Mr. President.

The PRESIDENT *pro tempore*. On the question of reference the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. EDMUNDS. Now, Mr. President, I wish to say a word.

So far as the resolution relates, if it relates at all, to getting information in regard to any contract, or supposed contract, or pretended contract of any official of the Government of the United States in regard to the prosecution or defense of any civil suit in a State court, or in a United States court, or a Territorial court, or a foreign court, or anywhere else, I have not the slightest objection. But the resolution is not that. It is a resolution which, if answered, or which, if the Secretary were allowed to answer in the terms in which it stands, might expose to death a great many people who have given information to the officers of this Government in the discharge of their duty and have been paid for it, concerning the commission of crimes, &c.

I received the other day a letter from a citizen of Missouri (certainly a resident, I have no doubt a citizen) on this very subject, evidently, although he did not state the circumstances with sufficient clearness to enable me to understand it; but it was on the subject of the state of the law concerning the right of district attorneys of the United States to appear and defend the interests of the United States in State courts and to be paid for so doing. I replied to him, as I endeavor to do to every letter that is decent in its terms addressed to me, either personally or as chairman of a committee, that if he would furnish me with

sufficient information to understand what he meant I would endeavor to have it investigated and acted upon. I have received no reply.

So it is quite unnecessary for the Senator from Missouri to suggest that his resolution is not a partisan one. I do not think any proper resolution of inquiry can be a partisan one in the just sense. I have always favored every resolution of inquiry that was proper in its nature, addressed in the times when the Democrats had possession of the Senate and were overhauling everything going on in the Departments, that the necessity of the case did not require should not be made absolutely public. So I do not take the resolution in the sense of having any party idea to hunt out the misdoings of a Republican official or a Democratic official. I only treat it fairly on its face as being a resolution commanding the return of information to the Senate a very considerable part of which might be not only disastrous to the public interests, if made public, but also expose to great personal danger many persons. The Judiciary Committee, if the matter is sent to them, will endeavor to do their duty by it.

Mr. INGALLS. Mr. President, I received a copy of this resolution, or perhaps I should more properly say a resolution identical in terms with this, from a citizen of another State than my own some weeks ago, requesting me to introduce it in the Senate. Knowing nothing about the matter I replied that I should be unwilling to do so unless further advised as to the necessity for the inquiry which was proposed. To that letter I received an answer divulging the motive of the writer in asking for the investigation, which enables me to state that although the incentive is not a partisan one, it is, as I understand, distinctively a personal one, having for its object not perhaps the prosecution of a political purpose, but it may be for the purpose perhaps of redressing a fancied personal grievance.

So far as the particular case to which the Senator from Missouri has referred in the newspaper extract that he has read is concerned, if there has been anything in that which requires investigation in the opinion of that Senator I am willing to vote for the adoption of a resolution that shall put the inquiry on foot. Whether that is the particular instance which led to the presentation of this resolution I am not prepared to say, neither am I at this time prepared to deny; but in any event the exhibition which has been made by the Senator from Missouri of the particular instance that appears in his judgment to require investigation, clearly shows either that the resolution should be modified or else it should be referred to the Committee on the Judiciary for further examination.

The Senator from Missouri suggests that the difficulty might be avoided by adding the words "if not incompatible with the public interest." Who ever heard of a resolution addressed by the Senate to a head of a Department asking him to communicate information in his possession "if not incompatible with the public interest?" Who ever confided to one of those officers such discretion as that? Those terms are only employed when addressing the President of the United States.

Mr. EDMUNDS. And touching foreign relations.

Mr. INGALLS. And touching, as I understand, relations between other governments and our own. I should be unwilling at this time to establish a precedent which would justify us hereafter in leaving to the discretion of one of the heads of the Departments which we have created the authority either to withhold or transmit information as he saw fit.

I hope, inasmuch as the Senator has seen fit to reinforce this resolution by a specific instance of the wrong which has been done, that he will think best either to limit the inquiry to that particular case or to allow the resolution to go to the Committee on the Judiciary for the purpose of ascertaining how far the inquiry should proceed. We either ought to have that particular evidence or we ought to have such of the evidence as can be communicated without injury to the public welfare, and a committee of this body is better qualified to judge whether this whole mass of evidence ought to be submitted than the head of the Department to which it is addressed.

Inasmuch as this inquiry would cover, as the Senator from Missouri says, half of an administration that was Republican and half of one that was Democratic, and inasmuch as this evidence is now in the possession of an officer in sympathy with him, I am not sure but that he might possibly conceive it to be not wholly compatible with the public interest to disclose anything that would be damaging to the party in power, while he might think it would be compatible with the public interest to communicate anything that would be detrimental to the one that has been displaced. I do not say that would be the case, but it is among the possibilities that if there could be any partisan aspect given to this inquiry under the present administration, compatibility with the public interest might be held to apply exclusively to objectionable practices under a Republican administration, and not under one that was Democratic.

Mr. VEST. We have heard from time to time in a very aggressive, not to say sneering, manner that "this reform administration" proposed to do so and so. It is a remarkable fact that whenever an attempt is made to find out whether there is any difference between former administrations and this reform administration, all sorts of technical objections are intervened at once in order to prevent inquiry.

In order to show that all I ask in this case is a simple exhibit of the facts as they exist upon the records of the Department, I am willing to meet the views of the Senator from Vermont and his objections, technical or hyper-technical as they may be, and to strike out all that portion of the resolution which refers to the secret-service department of the Government.

I also meet now the view or objection of the Senator from Kansas by withdrawing any suggestion as to the words "if compatible with the public interest," and leave this simply an inquiry as to the actual employment of assistant counsel by the Department of Justice to attend to litigation in the State courts where the United States is pretended to have been interested, but where the United States does not appear upon the record.

Mr. EDMUNDS. Would not "alleged" do as well as "pretended"?

Mr. VEST. If the Senator wants to make an amendment to my remarks, I accept it with a great deal of pleasure.

Mr. EDMUNDS. I was proposing an amendment to the Senator's resolution.

Mr. VEST. I was using certain forms of expression in regard to what I understand the resolution to mean. My object is simply to know whether there has been an infraction of the law by the Department of Justice, whether under Republican or Democratic administration, whether the money of the people has been taken without any legal authority for it to send special counsel who were then salaried officers of the United States into the State courts, and where, in my judgment, they had no legal authority to be.

In regard to what has fallen from the Senator from Kansas and the Senator from Vermont with reference to a letter, I have simply to say that I have received several letters from the same source, and I declined to act upon them because I suspected there might be some personal feeling at the bottom of the suggested action from that party. But when in a reputable newspaper, one of the leading journals of the Mississippi Valley, I see this statement with amounts and dates and specifications, and when calling at the Treasury Department I find that not only this account of Mr. Bliss (for I disclaim any personal attack upon Mr. Bliss) but accounts of other district attorneys are pending there now to the amount of thousands upon thousands of dollars for services in the State courts while they were receiving salaries from the Government, in my judgment, I should be derelict in my duty if I did not attempt to bring the facts before the Congress of the United States.

I ask for the yeas and nays on the motion to refer the resolution. There is no necessity for referring it.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered.

Mr. INGALLS. I understood the Senator from Missouri to modify his resolution.

Mr. VEST. Yes.

Mr. INGALLS. Let it be read, as we are to vote on it.

Mr. EDMUNDS. He can not modify it now, the yeas and nays having been ordered; but I shall withdraw my motion to refer if the Senator from Missouri will put into form the substance of what he has last stated, because, as far as he goes about the mere employment alleged to be illegal of anybody to serve the United States in a public matter, I do not object to all the information there is in the world being got.

The PRESIDENT *pro tempore*. The Senator from Missouri modified his resolution before the yeas and nays were ordered.

Mr. INGALLS. Let it be read as modified.

The PRESIDENT *pro tempore*. It will be read.

The Chief Clerk read the resolution as modified, as follows:

Resolved by the Senate of the United States, That the Secretary of the Treasury furnish to this body a full and complete statement, by itemized account, of all money paid out for or on account, directly or indirectly, of prosecutions of criminal causes in State courts by Federal officials of the Department of Justice and Department of the Interior, from the 1st day of July, 1879, to the 1st day of December, 1886, together with a list of all such officials or agents or employés engaged in such prosecutions, and the amount each received, and for what specific services it was paid, and to state by what authority of law such proceedings have been carried on and payments made, and what pecuniary interest or vested rights the United States had connected with such prosecutions in said State courts.

Mr. EDMUNDS. While I am looking at this modification, I wish to say that it is not nearly so clear to my mind as it appears to be to that of my friend from Missouri, that the Attorney-General of the United States, or the head of any Department who is authorized to make use of the service of district attorneys in defending the interests of the United States, is limited by law to cases that exist in the Federal courts. Cases frequently arise, and have from the foundation of the Government, in the State courts, where as to our foreign relations the honor and the interest and the safety of the United States demand that its legal representatives, its counsel, its district attorneys, its Attorney-General, should appear in the State court to defend that action or prosecution in order to preserve what the honor and the duty of the United States may require in such cases. That occasionally happens.

The same is true in respect of cases where officers of the United States are sued in State courts for things that they have done in the performance of their duty. If these officers have done those things in the

performance of their duty, they are entitled to be defended by the United States, of course; and in order to be defended there are two ways that are open to them by law—either to employ counsel themselves, or to report the case to the proper Department and have the proper Department undertake to defend, which is better, because then you know you are going to have a good defense and one that is not a sham. If that case is in the State court and the Department chooses to take up the defense it can do so. It must go into the State court in the first instance, and having gone there it has two courses to pursue. It can ask to have the case removed under the removal statute, or if it believes the State court will try it rightly, wisely, and fairly, then and there, it may go on then and there.

So, then, although it has nothing to do with the present question of getting information, to which I have not the least objection, I am not at all clear that there may not be a case—I do not know whether this is one or not—where it is not only proper and necessary but legal that the counsel for the United States, whether district attorney or special counsel or whatever, may be sent to represent the United States or some of its Departments in the courts of a State.

Mr. VEST. I acknowledge to some extent the statement of the Senator that a defense of the interests of the United State requires that Government officials, district attorneys and others, shall defend parties who are acting for the Government, although that fact does not appear of record. That would be a case exactly pertinent; but this case was not that sort of a litigation. Nothing of that sort was involved. Judge Lawrence refused to pay a district attorney $500 and other fees because the district attorney at the same time was drawing salary and per diem for constructive attendance on court. That was not the case of a receiver or any quasi-officer of the United States, but it was a case in which the parties went to the State courts and attended to litigation there, and then charged a special fee for it, and drew their salaries at the same time as district attorneys.

I would suggest that the resolution be amended so as to cover both civil and criminal cases.

Mr. EDMUNDS. I understand that the case referred to was a civil cause, something about taxes, and I was just about to call attention to that point.

As the resolution is modified it is still so broad that it would call for an account of any money paid for secret service in any criminal prosecution. The Senator does not mean that; he means to ask as to money paid to officers of the United States, and therefore I suggest to him, after the word "indirectly," at the end of line 3, to insert "by officers of the United States," and then in the next line insert "civil," so as to read:

Resolved by the Senate of the United States, That the Secretary of the Treasury furnish to this body a full and complete statement, by itemized account, of all money paid out for or on account, directly or indirectly, to officers of the United States in the prosecution of civil or criminal causes in State courts by Federal officials, &c.

In that way I have no objection if the Senator desires the passage of the resolution.

Mr. VEST. Yes, sir.

The PRESIDENT *pro tempore*. The resolution will be so modified, and the call for the yeas and nays is withdrawn, as also the motion to refer. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

M. C. MORDECAI.

The PRESIDENT *pro tempore*. There being no further "concurrent or other resolutions," the morning business is closed.

Mr. CULLOM. I move that the Senate proceed to the consideration of the conference report on the interstate-commerce bill.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the report of the committee of conference.

Mr. GRAY. Before that report is taken up, I ask the consent of the Senator from Illinois to call up a bill on the Calendar which I do not think will lead to any discussion whatever.

Mr. CULLOM. If the bill involves no discussion, I have no objection to yielding; but I am very anxious that the consideration of the interstate-commerce bill shall be proceeded with to-day without interruption. I yield to the Senator from Delaware, with the understanding that there will be no debate on his bill.

Mr. GRAY. The Senator from Illinois can reserve his right, if the bill leads to debate, to call for the regular order.

Mr. CULLOM. I yield to allow the bill to be taken up, with the reservation that I shall call for the regular order if the bill leads to discussion.

Mr. GRAY. I ask consent to proceed to the consideration of Order of Business 1619, being the bill (S. 933).

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 933) for the relief of M. C. Mordecai. It provides for the payment to M. C. Mordecai, or his legal representatives, of $37,991.95, in full compensation for all services rendered in carrying the United States mail in the steamer Isabel, or any other steamer, from Charleston, S. C., to Havana, Cuba, via Savannah, Ga., and Key West, Fla., from the 1st of October, 1859, to the 20th of July, 1860.

Mr. GRAY. I ask for the reading of the report, which explains the case.

The Secretary read the following report, submitted by Mr. GRAY June 30, 1886:

The Committee on Claims, to whom was referred Senate bill 933, having examined the same, submit the following report:

At the first session of the Forty-seventh Congress the Committee on Post-Offices and Post-Roads made a report in this case, which this committee adopts, and is as follows:

"That in the year 1848 M. C. Mordecai and others were the owners of the steamer Isabel, a steamship built with reference to and for the purpose of carrying the United States mails from Charleston, S. C., *via* Savannah, Ga., and Key West, Fla., to Havana, in the Island of Cuba; that from 1848 to 1859 the said M. C. Mordecai, under a contract with the Postmaster-General and by authority of Congress carried said mails to and from the above-named points for the contract price of $50,000 per annum, except for the last five years of said term, for which they were paid $60,000 per annum; that prior to the expiration of said contract, to wit, March, 1859, provision was made, as in former years, in the Post-office appropriation bill, for a renewal of contract, but the entire bill failed to pass both Houses, and Congress adjourned without making any provisions whatever for the support of the mail service of the country.

"At the expiration of his contract, June 30, 1859, M. C. Mordecai ceased carrying said mails, because of the failure of the passage of the usual appropriation for its support.

"After the lapse of three months, namely, on October 1, 1859, at the earnest solicitation of the public, through petitions and appeals from the boards of trade, chambers of commerce, and merchants of all the principal Atlantic seaports, said M. C. Mordecai was induced, with the knowledge and consent of the Post-Office Department, to resume the carrying of said mails, intending, as stated in the memorial before your committee, to look to the subsequent action of Congress for compensation, the Postmaster-General not being authorized to contract for any compensation further than the ocean and inland postages, which were entirely inadequate to compensate for the service rendered.

"The evidence is abundant that the mails were carried regularly on said steamer twice a month, from October 1, 1859, to July 20, 1860, for which no compensation of any kind was received from any source.

"In the Post-Office deficiency bill of 1860 provision was made by the House for a renewal of the former contract, and also for compensation for the service performed as aforesaid without contract. This latter provision passed the House on a test vote by 115 to 60. In the Senate the entire paragraph was stricken out, and the Postmaster-General authorized to advertise in the usual manner and let the contract to the lowest bidder. This was done, and the petitioner was again awarded the contract, at $40,000 per annum for the service from Charleston to Key West, and the ocean and inland postages for that part from Key West to Havana. By the alterations thus made in the Senate, provision for the service from October 1, 1859, to July 20, 1860, was omitted, but at the next ensuing session of Congress a bill was reported from the Committee on Post-Offices and Post-Roads allowing the petitioner compensation for said service at the rate of the last contract. On account of the disturbed condition of the country at that time, this bill never received consideration at the hands of Congress, and the petitioner, notwithstanding repeated efforts, has to this day received no sort of compensation for said service.

In view of all the evidence presented, it appears that the service upon this route had become a most important branch of the mail service of the country, and the petitioner exhibited great liberality and contributed largely to the public convenience by yielding to the solicitations of the public and continuing the service in all its efficiency as had been done when under contract, and your committee are of the opinion that he is equitably and properly entitled to receive compensation therefor at the rate at which the contract was renewed when let to the lowest bidder after public advertisement, namely, at the rate of $40,000 per annum for the service from Charleston to Key West, and the ocean and inland postages from Key West to Havana.

For nine months and twenty days, the period covered by said service, at the rate of $40,000 per annum, would amount to $32,222.22, and the postages from Key West to Havana, computed upon the basis of the succeeding contract, $5,769.73; total, $37,991.95.

Your committee therefore report the accompanying bill providing for the payment of the above-named amount, with the recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY H. SIBLEY.

Mr. MAHONE. I ask the Senator from Illinois to yield to me.

Mr. CULLOM. The Senator from Virginia asked me yesterday to yield, and I declined. He has a bill also that he says will take no time beyond a moment or two. I shall not object, with the reservation that if the matter he wishes to call up leads to discussion I shall insist on the regular order.

Mr. MAHONE. I move to take up Calendar No. 1624, being the bill (S. 909) for the relief of Henry H. Sibley.

Mr. INGALLS. Let it be read at length for information.

The Chief Clerk read the bill, with the amendment of the Committee on Claims, which was to strike out all after the enacting clause and insert:

That the Court of Claims is hereby empowered to hear the claim of Henry H. Sibley, and to proceed with the same in accordance with the provisions of the act approved March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," and to report to Congress the facts in the case, and the amount of the claim, and the time when the claim or any parts thereof accrued, and any facts bearing upon the question whether the bar of the statute of limitations should be removed, or which shall be claimed to excuse the claimant for not having resorted to the Court of Claims.

Mr. MAHONE. I move to amend by striking out all after the enacting clause and inserting what I send to the Chair. Since the bill was introduced the principal named in the bill is dead, and it is necessary to make an alteration. I offer this amendment with the approval of the Senator who reported the bill.

The Chief Clerk read the amendment, which was to strike out all after the word "that," and insert:

The Court of Claims is authorized to adjudicate the claim of the legal personal representatives of Henry H. Sibley, deceased, growing out of a contract made by Henry H. Sibley in his lifetime with the Government of the United States for the use of a patented invention in the manufacture of a tent known as the Sibley tent; and that for this purpose the Court of Claims shall have jurisdiction, notwithstanding any bar of the statute of limitations.

SEC. 2. That either party to any suit that may be brought under the provisions of this act shall have the right of appeal to the Supreme Court of the United States from any final judgment the Court of Claims may render.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. HOAR, the title was amended so as to read:

A bill for the relief of the legal representatives of Henry H. Sibley.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 10) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," approved March 22, 1882, with an amendment; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2879) to authorize the service of civil and criminal process issued by Territorial courts within military and Indian reservations and the Yellowstone National Park;

A bill (H. R. 5577) to provide that a judgment in the circuit court of the United States, upon an interest coupon of a bond by a municipal corporation shall not be conclusive in a question on the bond when the amount gives jurisdiction to the Supreme Court on appeal; and

A bill (H. R. 10658) to change the lines between the eastern and western judicial districts of North Carolina.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 6313) to release unto the city of San Antonio, Tex., for its use as a public thoroughfare, certain portions of the military reservation near said city; and

A bill (H. R. 7192) to provide a school of instruction for cavalry and light artillery, and for the construction and completion of quarters, barracks, and stables at certain posts for the use of the Army of the United States.

INTERSTATE COMMERCE.

Mr. CULLOM. Now I insist on the regular order.

The Senate resumed the consideration of the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce.

The PRESIDENT *pro tempore*. The question is on agreeing to the report of the conference committee.

Mr. CULLOM. The report has not yet been read to the Senate in full. If there are no further remarks to be made, I ask for the reading of the report, as I suppose that is necessary.

The PRESIDENT *pro tempore*. The report of the conference committee will be read.

The Chief Clerk read the report, which has been heretofore published in the RECORD.

Mr. HOAR. I move that the Senate disagree to the report of the conference committee, insist upon its former action passing the original bill, and request a further conference.

The PRESIDENT *pro tempore*. The Senator from Massachusetts submits a motion, which will be read.

Mr. HOAR. The motion is in writing.

Mr. CULLOM. I believe, under the rule, the question must be on the motion to concur.

The PRESIDENT *pro tempore*. The motion made by the Senator from Massachusetts will be read.

The Chief Clerk read as follows:

That the Senate disagree to the report of the conference committee, insist upon its former action passing the bill, and request a further conference.

The PRESIDENT *pro tempore*. The Senator from Illinois, the Chair understands, has already made the motion that the Senate concur.

Mr. CULLOM. Yes, sir. As I understand, I made the motion when I submitted the report. It is the standing motion and under the rule that would be the motion regularly.

The PRESIDENT *pro tempore*. The Chair is of the opinion that both motions are in order. As to the order of precedence the Chair is not now prepared to determine before the question arises.

Mr. HOAR. I am not aware that the Senator from Illinois has made any motion as yet with regard to the report.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Illinois to move that the Senate agree to the report of the committee of conference, at the very beginning.

Mr. CULLOM. I think that motion has precedence over any other motion, unless it may be to commit.

Mr. HARRIS. Mr. President, without any motion the question pending upon a report of a committee of conference is, Will the Senate agree to the report?

The PRESIDENT *pro tempore*. The Chair has already announced that he would consider the question.

Mr. HARRIS. Whether the Senator from Illinois made such motion or not, that was the question; no motion was necessary. When the Senate has acted on that question, if it disagrees, of course it will then be in order, if any Senator chooses to do so, to move that the Senate further insist and ask for a further conference; but the motion now in the form that the Senator from Massachusetts proposes it, is in the first branch of it simply to present the same question in another form as the question which is already pending before the Senate, "Will the Senate agree or disagree to this report?" When that question has first been decided, then it will be for the Senate to determine whether it will further insist and ask for a further conference, or recognize the fact that this action is the final defeat of the bill.

I desire to say upon that point, while I am on my feet, that from a two weeks' experience, almost daily, in that committee of conference, I am satisfied and absolutely confident that the disagreement on the part of the Senate to this report is the final defeat of legislation upon the subject during this Congress. I am *absolutely confident* that we can never more nearly approximate the views of the Senate with respect to this legislation by any subsequent or additional conference with the House than we have already done, and I desire that every Senator on this floor shall realize and recognize the fact that when he votes upon the question of agreeing or disagreeing to this report he is substantially and in effect voting upon the question as to whether we shall or shall not have legislation upon this question during this Congress, for such is, in my opinion, the inevitable effect of a disagreement to this report.

Mr. HOAR. Mr. President, I suppose the mere method of putting this question is of trifling importance. Both these motions are motions that are in order—the motion to disagree, insist, and ask a further conference, and the motion to concur. I do not understand that the motion to concur or agree has been made, but undoubtedly whether it has been or not it can be, and if it be——

The PRESIDENT *pro tempore*. The Chair is informed by the principal officers at the desk, who are most likely to remember a matter of that kind, that when the report was first made there was a motion made by the Senator from Illinois [Mr. CULLOM] to agree to or concur in the report.

Mr. HOAR. That will depend on the Journal, of course. If it was made, it was journalized. If it was not journalized it was not made. But it is utterly unimportant. Undoubtedly at whatever time the motion to concur is made, whether made at the time of making the report or made at the time of putting the question, it will take precedence under the customs of the Senate of this motion of mine. The importance of this motion now is that the Senate may have before it what is proposed as the next step, supposing the motion to concur should fail. There are a great many motions, it is not necessary to say to the Chair, which may be pending at the same time, but which have a due order of preference in putting them. So there is no substantial difference between the Senator from Tennessee and myself.

I wish, however, to say one word, without addressing myself at this time to the general merits of the bill, in regard to the statement made by my honorable friend from Tennessee.

Here is a bill which embodies four great salutary propositions upon which the Senate, the House of Representatives, and the American people are substantially agreed. First, that the principle of the common law, which it has been held does not belong to the jurisprudence of the United States without special legislation, shall be extended to the common carriers of the country who are engaged in commerce among the States or with foreign nations. Second, that there shall be a commission who shall investigate, report, and to some extent direct the conduct of that business. Third, that hereafter the doctrine of reasonableness shall prevail by the authority of the statute of the United States between the carrier and the customer in fixing rates. Fourth, that there shall be no undue discrimination between persons or places or classes of business in the conduct of the great carrying trade of the country. And the committee having this bill in charge come in and hold over our heads a threat that no one of these things, so salutary and so desirable, shall be accomplished, but that we shall remain without legislation unless we shall consent also to ingraft on this bill what is a departure from the great doctrine of reasonableness, from the common law—to ingraft on it a principle against which the customers and not the railroads interested in great branches of the carrying trade are protesting on the ground that the inevitable effect of it will be to put up freights and to make large branches of business now carried on profitably and successfully impossible for the future.

Now, I appeal to the Senate not to submit to that kind of threat. It is not statesmanlike, it is not just, it is not in accordance with sound legislation that the Senate shall be told "you shall not accomplish

what everybody wants and everybody believes just, unless you will submit also to regulations which are to cut up by the roots great departments of foreign commerce of this country."

I believe that a majority of the Senate can be made to see that the new provisions ingrafted on this bill are not only unjust and unwise, but that they are destructive of the object which the bill professes and which both Houses of Congress have at heart. I believe, while saying that, that there is an orderly, constitutional, legislative way to accomplish the good and to prevent the evil.

Mr. GEORGE. Mr. President, the remarks made by the Senator from Massachusetts provoke me to say what I have had in my mind to say for some days; and I will say it now.

The Senator said that he had no doubt that the effect of this legislation would be to increase freight rates. I have no doubt that will be the immediate effect of the passage of this bill, not because that is the legitimate result of the passage of this bill, but because the large interest in this country opposed to the passage of this bill will make that the occasion of unnecessarily and unjustly raising the rates in order to bring into disrepute before the people of this country the measure now before the Senate.

This measure, Mr. President, is not one that I would have proposed to the Senate if it had been left to me. I would have made the regulations much more stringent than they are. I would have left no loophole for controversy or debate about the meaning of any portion of this statute. But we must take this step or we must stand still upon this question. I am satisfied, from my observation and from conferences with members of this body and with members of the other House, that if this report be disagreed to on the part of the Senate, it means no legislation upon the subject during this session.

Mr. HOAR. Why?

Mr. GEORGE. Because I think that after a two weeks' work on the part of the conference committee, when concessions have been made, as I understand, by the conferees on the part of the House and on the part of the Senate—extreme concessions made on either side for the purpose of coming to an agreement—if this reasonable bill, this reasonable report, fair to the railroads, much fairer to them than it is to the people of this country, is rejected, no further concessions can be gotten.

Mr. HOAR. Will the Senator from Mississippi allow me to ask him a question in that connection?

Mr. GEORGE. Yes, sir.

Mr. HOAR. Does the Senator mean to say that if a majority of the Senate are of opinion that this long and short haul clause is unjust—will raise rates, as he admits, not only temporarily, but permanently, and will defeat the purpose of the bill—there is any legislator that he knows of who will refuse to pass all the other excellent legislation which he also approves of in the bill because other Senators differ with him on that question?

Mr. GEORGE. In answer to that question I can say that there is a feeling, there is a sentiment, there is a suspicion, if I may use the term, that this bill or that all legislation on this subject is to be defeated by dilatory motions. I do not know how far that goes; I do not say that I entertain that suspicion myself; I do not, because I accord to every member of this body the same honesty and integrity of purpose that I claim for myself; but I do think, after the exposition made by the Senator from Tennessee [Mr. HARRIS], which I understand is concurred in by the Senator from Illinois [Mr. CULLOM], that any further attempt to postpone action in this matter will result in nonaction.

While I am up, Mr. President, I will supplement a little the idea which I first advanced. I believe it will be the policy of the railroad companies of this country as soon as this bill is passed, by all sorts of tricks and maneuvers, to make arrangements, to make rates which are unreasonable and unjust, and charge them to this bill.

I am not without precedent for a statement of that sort. I have had some observation in my own State which authorizes me to say, as I now do say, that every effort, every device, every trick will be resorted to on the part of the railroad companies for the purpose of bringing into disrepute legislation on this subject. And so, Mr. President, I do hope that every member of this body who is really in earnest about having a bill passed on this subject will vote to agree with the conference report.

The PRESIDENT *pro tempore*. The question is on the pending motion that the Senate disagree to the report of the committee of conference.

Mr. EVARTS. Mr. President——

The PRESIDENT *pro tempore*. The Senator from New York will pause a moment. The Chair will state that upon a reference to the Journal and also to the RECORD, it does not appear that the Senator from Illinois did make the motion to agree to the report, and therefore no motion is pending except the motion made by the Senator from Massachusetts [Mr. HOAR], on which the Senator from New York has the floor.

Mr. CULLOM. If the Senator will yield a moment, I desire to state that my impression was that I made a motion to concur, but I was not sure about it, thinking that motion followed as a matter of course, that that was the regular motion to be put under the rules.

Mr. HOAR. I withdraw my motion to let the Senator make his.

Mr. CULLOM. I will make the motion.

The PRESIDENT *pro tempore*. If there be no objection, both motions may be presented.

Mr. HOAR. I will withdraw my motion and let the Senator make his, and then renew mine. It was not for the sake of having mine put first, because I do not understand that it is entitled to be put first if I make it, but only that it might be before the Senate so as to present a contrast between the two policies.

Mr. CULLOM. I think the Senator is right in saying that the motion to concur has preference, and I make the motion now that the Senate concur in the report.

The PRESIDENT *pro tempore*. Undoubtedly, under the rules and parliamentary law, either motion is a proper motion, but the parliamentary rule requires that the motion to concur shall be first put.

Mr. HOAR. I so understand it, and I therefore will treat my motion as subsidiary, but it is pending.

Mr. HARRIS. Mr. President, what was the question before any motion was made on the subject?

The PRESIDENT *pro tempore*. The question was on the motion to print, which, having been adopted, left the conference report before the Senate without any motion based on it.

Mr. HARRIS. And what was the question, if no motion had been made, that the Chair would have put to the Senate?

The PRESIDENT *pro tempore*. Very likely the Chair would have put the question on agreeing to the report; but still a motion to disagree to the report is just as much in order as a motion to agree. The Senator from New York has the floor.

Mr. FRYE. One moment, if the Senator pleases. I give notice that I shall offer a motion to recommit this bill with instructions, and if a point of order is made against that, and the Presiding Officer rules as the Senate ruled in a former case, that it is not in order (which I do not believe), I then shall make the motion to recommit, and let the instructions follow. As I understand it, either motion, if in order, will take precedence of the motion made by the Senator from Massachusetts or the Senator from Illinois.

The PRESIDENT *pro tempore*. The Chair will decide such questions as they arise.

Mr. EVARTS. Mr. President, if no other Senator proposes at this moment to engage the attention of the Senate, I will venture to present some views that seem to me of importance. And yet a careful attention to the debate, as I have heard it, and to the record of the speeches, which I have not heard, but which I have perused, might restrain me from thinking that I could address any considerations of that kind to the Senate; but my constituents, composing the largest State in population and in wealth, and embracing all that belongs to foreign commerce, domestic manufacture, long reach of communication, and complete and intimate arrangements for domestic intercourse, it can not but be supposed that that great community feels an interest in this bill, and desires that whatever shall be the fate of the bill, its opinions and its views may have been presented to the Senate and understood by it.

As the matter as I shall present it will involve some examination of constitutional and of legal views, I can not expect to make it interesting; but I shall endeavor to dwell at each step in the progress of such argument, if I may so call it, as I shall make so as to bring us promptly, at least so far as I am concerned, to the determination of the question before us.

In the first place, Mr. President, this is a question really of the interest of commerce. It is generally spoken of as a measure of interstate commerce, and I had thought probably the title was confined to that; but wisely and circumspectly, even in the title of the bill, that confinement has not been practiced. It is, and is properly, described in the title as "A bill to regulate commerce." It does regulate commerce among the States, but it does also regulate commerce toward foreign nations; and thus, if we reject the single clause that introduces relations with the Indian tribes, as immaterial certainly to this discussion and immaterial in general compared with the other immense topics, this measure deals with the entire power of the Government of the United States over commerce.

Whatever the effect of this bill as properly construed and as reasonably applied shall be upon commerce, it is the exercise of a power lodged in this Government, solely on the motive of commerce, not upon any other motive, not upon any other consideration than what either directly or by converting influence touches the regulation of commerce. In the arrangements of the Constitution, in the purposes, in the feelings, in the independence, in the attributes, in the essential construction which went to make these great governmental arrangements for common interests, commerce was not only the motive urging most strongly the establishment of the Union, but it was only a commerce that after it was established and committed to a general government was to be a commerce impossible, if human wisdom could prevent it, of disparity among the States themselves or between the States in their relations to the external world.

And now let me say that this power of this Government, and this bill, and all these topics of debate, have no relation to railroads except

just so far as they come within the application of the principle and sole constitutional right of dealing with commerce. Punishment or disparagement, favor, patronage, development are not within the province of this power when applied to railroads. They are not subject on these considerations of police and of government that are brought within the comprehension of the legislation of Congress. They are vehicles of commerce. Like ships, they are vehicles of commerce. Like arrangements for conveyance that have been noted in judicial decisions, this power as to commerce may have to deal with these more intimate and more subtle arrangements as affecting trade, but all of them are included in the right and the duty and the purpose of dealing with commerce. Nor, Mr. President, has the power of this Government the right or the duty of distributing population and either furthering or resisting operations that tend in that direction and with that effect. It is not to say whether this town, this village, this seaport, in the spread of population and the vastness of man's dominion over the power of nature, shall change the natural map so that no longer as nature made them are the points of favor and the points to be avoided still to be kept upon the map. What has happened has happened; what is to happen will happen; and if there is any line that is drawn between the powers of the Federal Government and the powers of the States it is this, that the domestic arrangements are to depend upon the determination of the State authority, and that this Government is neither a party nor is it a wisher in regard to the results and consequences that come out of the development of commerce or the changes of its methods except that this Government deals with this very subject itself of commerce in the interest of commerce.

The power of our Government, as I have already intimated, was not intended to be uncontrolled in the fundamental provisions of the Constitution. We are, then, to look at those arrangements in the light of the situation and the rights as they existed in the States before the General Government was contemplated and framed—how much they wished to forego of their independence in regard to the common interests, and how much they desired to deposit and how much to withhold; how much to withhold for the exercise of State authority; how much to withhold from both State and Federal; for what was the general freedom and equality on which the whole project rested and gave its motive, its frame, its shape, its credit, with the answering support of the various members of the Union.

We have been in the habit of saying as to foreign commerce, as it was all external—external to every part of the Union—that branch of commerce might not need to be restrained, and that after its deposit the motive or the opportunity of departure from the general and universal law, of equal advantage to all in foreign commerce, would regulate itself. But the framers of this Government were not indifferent, unconcerned, or uncircumspect in their dominion over that topic before they parted with it in the acceptance of the Constitution. I recall, and in very brief terms—for all that relates to it is in very brief terms—the instructive clause upon the power of this Government in regulating foreign commerce. It is provided, in limitation of the power of this Government—

> No tax or duty shall be laid on articles exported from any State.
> No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

You will observe that this was the controlling idea working in the minds of the framers of the Constitution and its acceptance by the States—that nothing should come or could come in the power of this Government that would make discrimination among the States or among their interests, but that all was to be operated, not only in the sense of the general good and by the general power that this Government was endowed with, so that it should be impossible to become partial and discriminating among the States themselves.

We then have in a most important particular, indeed in several most important particulars, these limitations on foreign commerce and its regulation, and all tending to equality and freedom in the commerce of the people of these United States. I speak of the population of the United States—the population of all of the States—of the whole; but all of them also separately; populations, in the most important views, of individual States.

When we come to the dealing with commerce among the States, that single phrase "among the States" is all contained in the Constitution that in specific terms and by direct interpretation and acceptation relates to that subject. Was it then so important that foreign trade, the trade of our whole people *ab extra*, with the world outside, was to be controlled so that no discrimination should be made at home in reference to that foreign trade; and yet that this deposit of authority respecting trade among the States was unlimited with the General Government to burden it, to impede it, to derange it, to destroy it, at its will? The power to tax, as the great Chief-Justice has said, is the power to destroy; and is it true that this Government of ours is unguarded in the maintenance of equality among the States in trade, and in its freedom, by any principle or any postulate if there be wanting particular clauses of authority to govern this?

Why, Mr. President, the power to regulate commerce between the States was to regulate the commerce between the States that was assumed to be and to continue forever equal and free; and the deposit of this power in the General Government was to see to it by its supervision and its imposing authority that no regulation in the special interest of any State by the power of this Government could break that absolute unity and freedom. Did you need to put into the Constitution clauses that we should not establish custom-houses between the States, that we could not make a difference between the transit from remote States to the seaboard and near States to the ports of exportation? Was that needed to protect these people of the United States against such intervention as I have indicated; and if this bill is to have that effect is it constitutional?

Generalities have their value, even if the purpose and the result is not carried out in detail and expressed in firm stipulation. In the view that I shall take of the objectionable clauses of this bill I shall denounce them as unconstitutional and utterly inconsistent with the very basis upon which this constitution of power lodged in the Federal Government on the subject of commerce was arranged and deposited.

Let me read—never too frequently to be read when matters of interest relative to great and valuable pursuits of our people come under consideration—the preamble of the Constitution:

> We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity.

I omit the following clauses as immaterial, now present as an undisputed and indisputable purpose that freedom and equality and justice should be the base in all internal arrangement of every kind, not to the States as States, but to the people of the different States and the people of all the United States as in one country in their internal regulations of commerce.

And now I shall venture to suggest, and I hope I shall support it by pertinent argument, that the effect of this bill as it is to be treated, has rather a tendency to resort to a less perfect union, to disestablish justice, and to insure domestic discord. If that be true, are we to regard under the light of what is the historical and what is to be called the invincible view and opinion of all of us, that in dealing with commerce—commerce abroad, commerce among the States—everything is to be under the guardianship of this General Government, that private interests and discord shall not interfere with it, and that the right and the duty and the power of the Federal Government shall all be toward the establishment, maintenance, and execution of better union, justice, and domestic tranquillity.

What has been the record of the Supreme Court of the United States in its disposition of the manifold and not infrequent occasions in which the subject-matter of commerce among the States has come up for judicial interpretation and enforcement? I challenge, I think without risk, attention to this proposition, that every act judicially enforced under all the agitations and discussions respecting interstate commerce or commerce among the States has been to remove impediments and to insist upon absolute equality. The court has proceeded in the direction of disallowing State legislation further and further; but even when there was an allowance of any State legislation affecting commerce among the States, it was allowed solely on the ground that it was a mere advancement, support, protection of the necessary means of reaching the State commerce. But I will not delay upon any statement of this judicial interpretation, for we have now immediately before us the last conclusion of that court upon this subject; and I would not draw attention to the brief extract which I shall venture to present did not this judicial interpretation touch not only general principles but the very language almost, certainly of the very tendency and of the very extent of this legislation in these obnoxious clauses that we are to proceed upon and dispose of.

What was the question before the Supreme Court in its last decision? At the outset I will state that what Illinois did was in its nature, in its effect, in its amplification, in its office, or if not in its office certainly in its necessary effect, a burden on commerce among the States. What was it? It was a regulation of long and short haul within its own dominion, but operating externally necessarily in relation to the extended interstate commerce that was and must be affected by that legislation. If I am right in saying that that was the question and that the Supreme Court overruled the legislation of Illinois on the ground that it was a burden on commerce between the States, then I shall have secured to the respect of that great judicial body the assent of the whole Senate that if it was a burden on commerce and was by the State authority condemned for that reason, the same action is a burden on commerce although it is exercised and applied by the Federal Government; and then you will be brought in the first step of legislation to consider, whatever might be the judicial conclusion as to this action being constitutional by the Federal Government, whether the legislation of the General Government can unreasonably impose a burden on commerce between the States.

Let me ask attention to a few passages from the judgment of the court; but first let me say a word in regard to the consideration of this question by that court. The "granger" legislation of 1870, and that period will be remembered. In 1876 the constitutionality of that legislation as affecting interstate commerce was considered. I had the good fortune to be engaged in that litigation and on the side of the freedom of intercourse among the States and in condemnation of the burden laid by the State regulations of the Northwestern States. The court upheld

that legislation; but the court, as it rightfully could do, said there were other grave considerations in that legislation, as there were, and that this matter, at first not sufficiently adverted to, deserved consideration. At any rate, they entered into an exposition to show that they could not have been profitably engaged in a support of such a regulation of State commerce by their decision in the granger cases, because the previous decisions of the court in other matters had really laid down the rule. It is under that exposition that I call attention to the present situation of the authorities on the subject. The court says, in the recent case from Illinois:

The case of the State Freight Tax (15 Wall., 232), which was decided only four years before these cases—

Referring to the Granger cases—

held an act of the Legislature of Pennsylvania void, as being in conflict with the commerce clause of the Constitution of the United States, which levied a tax upon all freight carried through the State by any railroad company, or into it from any other State, or out of it into any other State, and valid as to all freight the carriage of which was begun and ended within the limits of the State, because the former was a regulation of interstate commerce, and the latter was a commerce solely within the State which it had a right to regulate. And the question now under consideration, whether these statutes were of a class which the Legislatures of the States could enact in the absence of any act of Congress on the subject, was considered and decided in the negative.

It is impossible—

And here is the point—

It is impossible to see any distinction in its effect upon commerce of either class, between a statute which regulates the charges for transportation, and a statute which levies a tax for the benefit of the State upon the same transportation; and in fact the judgment of the court in the State Freight Tax case rested upon the ground that the tax was always added to the cost of transportation, and thus was a tax in effect upon the privilege of carrying the goods through the State. It is also very difficult to believe that the court consciously intended to overrule the first of these cases without any reference to it in the opinion.

What is the statute of Illinois that is brought up for judgment under these constitutional arrangements in the last determination of the court? I read still from the opinion of the court:

The language of the statute which is supposed to be violated by this transaction is to be found in chapter 114 of the Revised Statutes of Illinois, section 126. It is there enacted that if any railroad corporation shall charge, collect, or receive for the transportation of any passenger or freight of any description upon its railroad, for any distance within the State, the same or a greater amount of toll or compensation than is at the same time charged, collected, or received for the transportation in the same direction of any passenger or like quantity of freight of the same class over a greater distance of the same road, all such discriminating rates, charges, collections, or receipts, whether made directly or by means of rebate, drawback, or other shift or evasion, shall be deemed and taken against any such railroad corporation as *prima facie* evidence of unjust discrimination prohibited by the provisions of this act. The statute further provides a penalty of not over $5,000 for that offense, and also that the party aggrieved shall have a right to recover three times the amount of damages sustained, with costs and attorneys' fees.

The court holds that all arrangements regarding that portion that operates to burden commerce are obnoxious to the protective clause of the Constitution of the United States, and that in whatever form the States may assume to exercise their influence, if it affects the burden, then it is condemned as much as if a tax was laid on transportation as it was to pass from one State to another.

Now, let us see how the judgment of the Supreme Court of the United States operates upon this specific form of State legislation which I have cited. The court proceed:

The applicability of this language—

Citing from a former decision—

The applicability of this language to the case now under consideration, of a continuous transportation of goods from New York to Central Illinois, or from the latter to New York, is obvious, and it is not easy to see how any distinction can be made. Whatever may be the instrumentalities by which this transportation from the one point to the other is effected, it is but one voyage, as much so as that of the steamboat on the Mississippi River. It is not the railroads themselves that are regulated by this act of the Illinois Legislature so much as the charge for transportation, and, in language just cited, if each one of the States through whose territories these goods are transported can fix its own rules for prices, for modes of transit, for times and modes of delivery, and all the other incidents of transportation to which the word "regulation" can be applied, it is readily seen that the embarrassments upon interstate transportation, as an element of interstate commerce, might be too oppressive to be submitted to. "It was," in the language of the court cited above, "to meet just such a case that the commerce clause of the Constitution was adopted."

It can not be too strongly insisted upon that the right of continuous transportation from one end of the country to the other is essential in modern times to that freedom of commerce from the restraints which the States might choose to impose upon it, that the commerce clause was intended to secure. This clause, giving to Congress the power to regulate commerce among the States, and with foreign nations, as this court has said before, was among the most important of the subjects which prompted the formation of the Constitution. Cook *vs.* Pennsylvania, 97 United States, 574; Brown *vs.* Maryland, 12 Wheaton, 446. And it would be a very feeble and almost useless provision, but poorly adapted to secure the entire freedom of commerce among the States which was deemed essential to a more perfect union by the framers of the Constitution, if at every stage of the transportation of goods and chattels through the country, the State within whose limits a part of this transportation must be done could impose regulations concerning the price, compensation, or taxation, or any other restrictive regulation interfering with and seriously embarrassing this commerce.

But to be more particular in dissecting this provision as to long haul and short haul when practiced by a State, let us see precisely what is the degree of interference with the transportation of property or persons from one State to another, which this statute proposes:

A citizen of New York has goods which he desires to have transported by the railroad companies from that city to the interior of the State of Illinois. A continuous line of rail over which a car loaded with these goods can be carried, and is carried habitually, connects the place of shipment with the place of delivery. He undertakes to make a contract with a person engaged in the carrying business at the end of this route from whence the goods are to start, and he is told by the carrier, "I am free to make a fair and reasonable contract for this carriage to the line of the State of Illinois, but when the car which carries these goods is to cross the line of that State, pursuing at the same time this continuous track, I am met by a law of Illinois which forbids me to make a free contract concerning this transportation within that State, and subjects me to certain rules by which I am to be governed as to the charges which the same railroad company in Illinois may make, or has made, with reference to other persons and other places of delivery." So that while that carrier might be willing to carry these goods from the city of New York to the city of Peoria at the rate of 15 cents per hundred pounds, he is not permitted to do so, because the Illinois railroad company has already charged at the rate of 25 cents per hundred pounds for carriage to Gilman, in Illinois, which is 86 miles shorter than the distance to Peoria.

So, also, in the present case, the owner of corn, the principal product of the country, desiring to transport it from Peoria, in Illinois, to New York, finds a railroad company willing to do this at the rate of 15 cents per pundred pounds for a car-load, but is compelled to pay at the rate of 25 cents per hundred pounds, because the railroad company has received from a person residing in Gilman 25 cents per hundred pounds for the transportation of a car-load of the same class of freight over the same line of road from Gilman to New York. This is the result of the statute of Illinois, in its endeavor to prevent unjust discrimination, as construed by the supreme court of that State. The effect of it is that, whatever may be the rate of transportation per mile charged by the railroad company from Gilman to Sheldon, a distance of 23 miles, in which the loading and the unloading of the freight is the largest expense incurred by the railroad company, the same rate per mile must be charged from Peoria to the city of New York.

The obvious injustice of such a rule as this, which railroad companies are by heavy penalties compelled to conform to, in regard to commerce among the States, when applied to transportation which includes Illinois in a long line of carriage through several States, shows the value of the constitutional provision which confides the power of regulating interstate commerce to the Congress of the United States, whose enlarged view of the interests of all the States, and of the railroads concerned, better fits it to establish just and equitable rules.

Mr. President, all that I insist upon here is a determination upon two points, not only by the authority of this dispassionate examination, but upon the great and as I think irresistible reasoning on which this decision rests, that legislation of this kind by the States is a burden on commerce. It produces inequality. It is inconsistent with equality and justice. And now if we transport the same measure into Congressional legislation, it does not alter its nature or its inequality or its injustice—I mean its inequality and its injustice as to its operation in its own sphere—and therefore I invoke the Congress of the United States by a chain of argument to determine whether it has power to burden commerce among the States upon motives that produce this disparity, this distinction in the freedom of commerce, in the rates and expenses that commerce itself must bear.

I agree that the submission of this power to the Federal Government is a denial to the States. I will not disguise the general interest and influence upon the action of the Federal Government in Congress that may be considered protected; but what I say is that when a measure is introduced in Congress that has not the motive, nor the occasion, nor the tendency to promote commerce in its equality, commerce in its foreign relations, commerce in equality and in absolute non-discrimination, in that it is doing a thing that is denied to the States, and the same reasons argue that it should be denied to the Federal Government.

Commerce is what the people who made the Constitution understood—commerce, no matter what the appliances and vehicles and methods of prosecution might be. They might not foresee the steam-cars or the electric telegraph, but they could see that freedom and equality for the people of the United States were more permanent and more useful than any modifications of the vehicles or the methods of intercourse of commerce or of transportation. They lodged this securely. The commerce clause was not to be used as the instrument and under the power of other motives than those which stimulate and help, invigorate, and maintain and secure the freedom and equality of commerce.

Mr. President, if I am at all correct in these views of the clauses which I shall attempt to expose in their true character, and not with any view of denunciation or exaggeration, then this would be unconstitutional legislation; and if it came up to the Supreme Court of the United States and the court did not retrace its reasoning, even if it did not retrace its decision, it would either be obliged to hold as a proposition of constitutional law that these discriminations and favoritisms among the States were not committed to the Federal Government, or to decide that it had the power to be restrained, restricted, modulated, and made consonant with these great interests of freedom and equality on the mere discretion of Congress, and that it could establish custom-houses between the States and have a tariff by which under the regulation of commerce between the States you could have your duties and your imports on the passage of commerce from one State to another.

Indeed, the court, rather than maintain such a proposition of law as that, would prefer to find in the distinct phrases of the Constitution an abundant protection of State intercourse and freedom under this positive regulation:

No tax or duty shall be laid on articles—

Not in the phrase of the Constitution, "exported from the United States," but it reads—

No tax or duty shall be laid on articles exported from any State.

That breadth of application was essential. It was not to be presumed that a tax of export from Massachusetts to New York could be inflicted by the Federal Government, and it was not necessary to define

it. Although the matter of commerce was present and controlling, if you please, it would not use a restriction which said, "No tax or duty shall be imposed on an export from the United States," but no duty shall be imposed on the exportation from any State.

Why is it, with a general concurrence on the part of the people of the United States, on the part, if you please, of great commercial interests, to a considerable extent, even upon the part of the railroads, that there is a readiness to accept the general frame of this bill, although some may doubt its expediency? Some may doubt, perhaps, in some of its details its constitutionality, but they are ready to accept and esteem as capable of trial, and an expectation of benefit that will not need any particular modification, all the clauses which make up the general frame of the bill, and which, as I think, in the minds of the people have been the principal inducement to desire its enactment.

Why is it that when we depart from this general regulation of commerce in the interest of commerce by its own motives and by its own laws, and with equality and freedom toward all the people of the United States, we are ready to accept this frame of supervision, and yet when we come to the fourth and fifth sections we find them to be repugnant to the interest, and the dearest interest, of the people of this country?

I submit to the sincere examination of the Senate that the regulations of the bill beside the fourth and the fifth sections are regulations of commerce, in the motives of commerce, in the promotion of commerce, in the advancement of equality and without discrimination either between States or among pursuits, or between remote and near arrangements of population and situation of States; and because substantially it adheres to and follows the phrases which were common to the experience of the law as it was understood and explained when the Constitution was adopted, and are still explained and construed now; and that is, as the fundamental rule, that charges shall be reasonable and equal, "without discrimination, without rebate"—I am quoting the language of the proposed statute—"without undne preference or advantage;" that the measure is to be extended all over this network of railroad intercommunication and does not touch and does not bear upon one spot or upon another; it does not bear upon one product or upon another; it does not touch one neighborhood or another. It does not make a difference. It is the same rule, the same law, the same application, and the same interpretation for these commissioners upon these rules of justice and equality, and nothing more.

But when you come to the question in the fourth section, so grave, so interesting, if you please, the occasion of so much irritation, producing so much injustice, producing so much resentment, inducing so much effort to cure, it is no longer regulated by the rules of commerce and its motives, but is a positive regulation, not a conformity of commerce to what is reasonable, but a determination in the Senate and in the House of Representatives of the United States of what is a rule and regulation of railroad transportation. In other words, all of this bill, except the fourth and fifth sections, properly belongs to the sphere of law-making. Wise or unwise, discreet or circumspect or deficient, it all belongs to the sphere of law-making. When you come to these two sections you depart from law-making and lay down rates and rules of transportation not governed by the laws or interests of commerce or transportation.

Before I enter upon any presentation of my own views of these two sections as impediments to free commerce and burdens upon free transportation, I ask attention to the judgment of business men, commercial men, in the interest and in the views of interstate commerce and of foreign commerce, and also of manufacturers and the dissemination of manufactures as well as in the dissemination of the trade products of the soil.

In the first place, I can not at least be indifferent, and I should hope that no Senator could be indifferent, to a deliberate, calm, and reasonable view presented by so great a body as the Chamber of Commerce of the city of New York. New York, whatever may be said of other portions of this country, is not domineered over by railroads. We have other interests in New York, and our interests in the mass are generally hostile to what is the specific and single interest of railroads. It is in vain to talk of the action of a body charged with foreign commerce, charged with the cheapening of transportation, hostile to enhancement, hostile to discrimination, hostile to oppression, and to put their judgment down as if it proceeded in the interest of the railroads.

Let me say here for myself, not only from the propositions I have stated, that I regard it as a question of commerce directly and in relation to railroads only as bearing upon the interests of commerce. I have no interest, I have no relations, I have no bias in mind, but I can not fail to see the discrimination which these sections are to produce upon commerce. They may injure railroads for aught I know; they may cripple them for aught I know. Not to that end should I favor them; not to that end has the Constitution conferred any such power on Congress; but if it should injure, if it should cripple, it will be because it injures and cripples commerce and nothing else.

Strangulation of commerce for the purpose of constriction on railroads would be the merest folly in the world. If railroads have any distinct and selfish and sordid (if you please to use the word) interest in this matter of transportation, it is that commerce shall be developed and not restrained, that its volume shall be increased, that its freedom shall be untrammeled, and that its justice and universal prosperity as commerce shall be in itself and adjust itself to one of its vehicles as it would to other vehicles, at one time the only vehicles of commerce, I mean the foreign shipping and the domestic steamboat navigation of this country.

So to me, if I could tolerate the propriety of the arraignment of railroad managers and railroad systems which has been pressed on the attention of Congress, I should be obliged to say that all of it is out of place, unless you find, indeed, reasons which in the promotion of commerce should lead to a regulation not of railroads as distinguised from commerce, but of commerce operating upon railroads as vehicles of commerce.

The Chamber of Commerce has been for a period of years observant upon railroad schemes and purposes and their execution, hostile, interfering with them, desiring the authority of the State of New York to be exercised in their regulation and restraint, and operating in commercial influence always toward the equality and cheapening of transportation. It approves the general frame of this proposed act, its provisions against discriminations, against unreasonable rates, against undue preferences or advantages, and it approves of that portion of the measure which gives vigor to the execution of these salutary arrangements. It no longer leaves the single shipper, no longer leaves the single manufacturer, no longer leaves the single trade of one kind of commercial business to deal with this whole interest; but invigorates the arm of resistance to these destructive agencies, so that by the authority of this commission and by the authority of the courts, in the name of the public interest and at the expense of the public interest all the redress that law can give may be furnished for the benefit of commerce.

What, then, does the Chamber of Commerce of New York say on these two sections? It is their opinion, it is not the opinion of railroad people, but their opinion, judging of commerce, with which they, as the representatives of the constituents of the vast commerce of that city, have to do. They look at railroads only as bearing on the freedom, equality, and development of commerce; and whatever they say of criticisms that shall operate upon railroads is only in the light of how it will operate upon that center of this vast circumference that is to converge in the great port of New York for the distribution of commerce.

In that way they look at it. Could there ever be a larger view of the subject taken? Could there ever be one that would so effectually trample down and efface all trivial discrimination of the advantage of this railroad or that railroad line? I submit to the Senate that the judgment of men situated as these are is not to be discarded unless they are willing to substitute their own willfulness on the matter and meet the question of its disturbance with the affairs of this country after it shall occur, if it shall occur, with this clear notice in a calm and respectful presentation of the subject which proceeds from this great center of commercial interest and authority.

The report of that committee of the chamber of commerce, at my suggestion, was printed in the RECORD several days ago. No doubt it has been examined by Senators. If desired, it can be examined by all. I quote from that report the following passages:

Your committee are of opinion that (section 4) the prohibition to charge more for a shorter haul than a longer one is objectionable and certain to work against the public welfare. If enacted, it would do little good to any one. Local rates would not be thereby reduced, but "through traffic," which, on the average, furnishes not to exceed one-quarter of the revenues of the trunk lines, would be either refused, or raised to a standard of local rates—thus obstructing and materially decreasing the moving and exportation of cotton, grain, petroleum, and other products. Upon the utmost freedom in making through contracts from the West to the seaboard depends the development of the entire West and its farming lands. The gigantic results already witnessed, due to the fortuitous combinations of railroads and water transportation, and the ability to carry this through traffic for trifling additional cost, and so far at very moderate rates of freight, has produced a wealth to the whole nation so far exceeding any possible local benefits to be gained by the proposed prohibition as to forbid its consideration. Nor is this provision necessary to protect the local resident from imposition; his remedy is provided in the bill, quite independent of the through traffic. If a local rate is unjust it must be remedied; but the consideration thereof must depend upon the particular surroundings and circumstances of that individual case, and not upon that of others further on the line, who may have competing roads, water transportation, and many other things affecting rates of freight not at all applicable to the case in question. One immediate and inevitable effect of such a prohibition would be to divert most important volumes of freight to competing Canadian roads running to the seaboard.

As to section 5, your committee is also of opinion that the absolute prohibition against pooling is unwise, and much more likely to work injuriously to the public than beneficially. If it be considered, it will be evident that most if not all of the evils of unequal rates, discriminations, and partiality have arisen from unrestricted competition, the only result aimed at by the proposed prohibition, while a uniform tariff between all competing lines, arranged upon planes of equity to all shippers, and enforced by an agreed volume of tonnage apportioned to each road, is the very end to be accomplished by the bill itself—and this is "pooling." Its actual operation has been to do away with discriminations against individuals and localities; it has secured greater uniformity of rates; it has been found of greater advantage to shippers to deal with a "pool" commissioner, representing all the trunk-lines, than to be compelled to confer with many officials in detail—as instanced in the late dry-goods classification agreement—its existence has secured a steadily decreasing average rate of freight, which has developed during the whole period of "pooling." In general the system seems to have been productive of good to the public, and in many instances where injustice has arisen it has been from lack of good faith to keep its conditions on the part of the common carrier. While, on the other hand, its tendency has been to avoid disastrous railroad wars, entailing upon the investors serious loss, and always productive of disastrous effects upon the laboring classes and the commerce of the country.

For these reasons this committee would urge that any action looking to prohibition of pooling be at least deferred, and the subject referred (as was origi-

nally proposed by the Senate bill on this subject) to the commission to be established by this bill, for full investigation, report, and suggested legislation, if they deem any needed, in the future.

It is true that the framers of this bill, evidently fearing the strict operation of section 4 (as it regards the long and short haul), have lodged the discretion with the commissioners to limit or suspend, after investigation, its operation in certain cases. And if it be wise to confide to them so great a power, it can not be unreasonable to leave the whole subject (affected by sections 4 and 5) to them and their discretion, which would be the case were no clauses of this character contained in the bill. If any discrimination of an unjust character arises, the commissioners are fully vested with power to investigate and correct the same, and this seems to be all that is required at present, and until more experience is gained by the commission.

To this chamber the public are largely indebted for the investigation of the Hepburn committee, which led to the appointment of the railroad commission of this State. This commission has proved eminently satisfactory both to the public and the railroads, and has performed great public service.

The experience of our State railroad commission should furnish a valuable guide and precedent for the larger and more important duties of an interstate commission. When a law was passed creating a railroad commission in this State the powers and duties of the State commission were largely advisory. This chamber was of the opinion that the powers of this commission were too limited, but experience has demonstrated that the law was wise and salutary. The advice of the commission to the railroad managers has been followed in most instances, in spirit if not in letter. Publicity and public opinion have satisfactorily supplied the place of mandatory provisions of the law in this State.

I have also papers from other commercial bodies. Many of them have been introduced to the attention of Senators from the portions of the community which they particularly represent. Without going through any accumulation, any aggregation, or symmetry which should group together the opinions of all the commercial interests of this entire country, I select but one from its position as central in Illinois and one as proceeding from the Board of Trade of Minneapolis. In Peoria they say:

At a meeting of the directors of the Peoria Board of Trade, held December 20, 1886, the following preamble and resolutions were unanimously adopted:

Whereas after mature and careful consideration of section 4, known as the "long and short haul" clause of the interstate-commerce bill, now before Congress, it is the opinion of this board that the passage of the bill with the section mentioned will unsettle all business interests throughout the West; will depreciate the value of all farming lands west of the Middle States; will work directly in the interests of lake ports, lake transportation lines, Canadian roads and the Eastern farmer: Therefore,

Be it resolved, That in the opinion of this board such radical and experimental legislation as contemplated by the section mentioned is not only uncalled-for at the present time, but threatens widespread disaster to the most vital interests of the Western States.

Resolved, That the discretionary power given the commission to discriminate in the application of the "long and short haul" clause as between different localities, will at the best afford only uncertain and long delayed relief, and will be apt to add merely another element of uncertainty to the transportation problem.

This preamble and these resolutions were adopted unanimously by the Peoria Board of Trade. Peoria is not eastern; Peoria is central, central as toward the great Valley of the Mississippi and the immense breadth of grain-producing country which we are so fortunate as to include within the limits of the United States. This is their judgment. Can any one overwhelm it by the objurgation that it is in the interest of railroads? If by stigmas the judgments of all the most intelligent and responsible representatives of commerce are to be derided, if it is to be set down as an espousal and a sycophancy toward railroads, then already there is no opportunity of freedom. But they record their judgment, and they are going to be judged, if you pass this measure, just as you are going to be judged; and if they are right, then you have done this thing, and done it when advised by certain public manifestation and argument on the part of the representatives of commerce that it "will unsettle all business interests throughout the West, will depreciate the value of all farming lands west of the Middle States; will work directly in the interest of lake ports, lake transportation lines, Canadian roads, and the Eastern farmer."

No more responsible and no more distinct advertisement could be given to the Senate of what the people of this country think will be the practical result on commerce. I am not talking upon this bill and its effects upon politics; I am not talking upon its effect on railroads. The Peoria people and the farmers through the Mississippi Valley, and all those who have built up relations of transportation to this permeating scheme of railroads in this country tell you what the effect will be then. But I venture to say that if political reasons are operating upon the discrimination in the votes to be given here, that discrimination after the fact, if it is proved to produce the results that here we are notified will be produced, will not be a valuable position for any one to take.

We have from the Northwest, from the Minneapolis Board of Trade, the following, and this was unanimously adopted:

Resolved, That while this board of trade fully approves the general principle of national legislation for the control and regulation of our interstate carrying trade, and while in the main it concurs in the provisions of the compromise bill now pending before Congress, it thoroughly disapproves and deprecates the provisions of section 4, relating to what is known as the long and short haul, and of section 5, relating to pooling arrangements between parallel or competing railway lines. In the judgment of this board section 4, if enacted, would give to the proposed national commission powers whose exercise would always be dangerous and might easily become destructive to the interests of the distinctively agricultural sections of the country.

Resolved, That a committee be appointed with instructions to forward the foregoing resolution to our Senators and Representatives in Congress, accompanied with a letter of transmission which shall more fully set forth the views of this board.

This was not only unanimously adopted, but the reasons are expressed with great calmness and with great pertinency which have led them to these conclusions; but these topics are appended, to which I ask your attention:

Allow us, also, in passing, to remind you of the fact that, of the entire membership of the Minneapolis Board of Trade, representing all leading branches of legitimate business and productive industry, not half a dozen have any pecuniary interest in railroads, direct or indirect, and we do not know of half that number who are so interested. The board speaks for the producers and shippers of the Northwest. Further, it is fully recognized that national supervision of our railway system is necessary and best, in the interest both of the people and of the railways themselves; that this supervision has already been too long delayed; that there are wrongs to be righted and corporate abuses to be corrected, and that the pending interstate-commerce bill, when duly amended, will constitute a wise first step in the right direction.

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Assuming that the section means what its language naturally imports, the consequence of enforcing such a law would, we believe, be gravely injurious to many important interests in all parts of the country, but especially would such enforcement prove destructive in its effect upon the great agricultural section of which our own State forms so important a part.

It would very greatly increase the cost to our people of heavy commodities of all kinds which are brought in from eastern sections, including coal, without which our prairie farms could not be occupied.

It would ruinously depreciate the value of every bushel of wheat and every pound of beef produced in Minnesota by compelling the railroads to adopt a freight tariff on through shipments eastward, which, if not prohibitory, would leave to our farmers no reward for their labor and invested means.

It would depress manufacturing industries and deprive many workingmen of employment.

It would reduce to a minimum the trade of the Northwest by largely destroying the purchasing ability of our producers.

It would drive a large share of the long-distance traffic from American to Canadian lines.

It would cripple, if it did not bankrupt, many railroads by compelling them to relinquish a large part of either their through or their local traffic—both of which are essential to their solvency.

The very people who ought to derive most benefit from legislation of this general character—the farmers and wage-earners of the country—would be the first and greatest sufferers from its injurious effects.

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Section 5, which arbitrarily prohibits the pooling of railway earnings, is not less objectionable than section 4. It proceeds upon the assumption that an amicable apportionment of traffic among substantially parallel railway lines destroys wholesome competition, creates a "monopoly," results in exorbitant transportation charges, and thus wrongs the general body of producers, shippers, and consumers, who constitute the people. With exceptions so rare as only to prove the rule, this assumption is a fallacy, and legislation based upon it must prove a hurtful blunder. The facts are that such apportionments of traffic are a natural and necessary outgrowth of the development of our national transportation system; that they constitute the only plan of self-preservation for railroads which time, and thought, and experience have been able to evolve from a most difficult and perplexing situation; that they are the only known and feasible alternative for that system of cut-throat competition which foments chronic "rate wars," and which, unless held in check, would end in the bankruptcy, first of the weak lines, and then of the strong ones—for a bankrupt railway, having no responsibility to bondholders or shareholders, is the most reckless and destructive of competitors. These adjustments and divisions of traffic, known as railway pools, do not raise transportation charges above a reasonable level. Almost without exception they have resulted in holding rates steadily at the lowest point at which the business can be done at a living profit. This is illustrated just now, as you are aware, in our own section. Never was there a closer pooling arrangement between trunk lines than that which now exists between the six roads leading from Minneapolis to Chicago, yet never were freight tariffs so low as at the present time, and never were the people better accommodated.

The well-known fact that, concurrently with the development of the railway pooling system, railway rates have steadily, greatly, and everywhere decreased is a summary refutation of the whole theory on which section 5 is founded.

The pooling or apportionment system, besides preserving railways from insolvency, and railway investments from destruction, directly benefits every business community by giving some degree of uniformity and stability to transportation charges, and thus enabling business men to shape their course with greater certainty and safety. A railway rate war, although it temporarily reduces the market price of transportation below actual cost, is universally and justly regarded as a misfortune to all legitimate lines of trade. Obviously it is of no advantage to the public to enjoy any service at less than its reasonable cost, including a fair return upon the capital invested in rendering that service. The rule of unregulated and unreasonable competition, followed by the "survival of the fittest," when applied to railroads, means their own ruin, with resulting calamity to every other business interest which is worth preserving.

The railway pool, honestly administered, is the natural balance-wheel of interstate commerce. Section 5 of the pending bill does not provide or suggest any substitute for this regulative and conservative agency. On the contrary, it would seem to render commercial chaos legally obligatory.

The reasonings here are in the direction which I have already indicated, and in entire concurrence with the views of the Board of Trade of Peoria. We have then, I may say, at least, a creditable manifestation of the feelings and views and interests of commerce itself; and now I propose to point out, I think within reasonable limits, the vicious proposition of these two sections.

I have already said that we do lay down a regulation that belongs to practical administration of the rate of freights. Why do we not make it more definite and more thorough? Because it is impossible or it is inexpedient. If there could be a regulation in the wisdom of man that in advance could determine all these disputable and competing interests it would be very well. It is not thought that we in Congress can do that.

Now, why do we depart in either of these sections from the wise reservation of the exercise of our power of law-making which characterizes all the other provisions? Is it because a judgment has already been formed among the people, among the great mass of the people, among a considerable portion of the people (for I do not speak disrespectfully in the least of this source and measure of interest), that they have made up their minds, under the pressure of mischiefs which they feel, resentments justly, if you please, that they think should call for redress, and that they have made up their minds that they will, by the General Govern-

ment, settle two propositions of railroad regulation? If we are to look at that as a bearing and a motive, stimulated by feelings and facts, however important, however just in the minds of the people, not bearing upon the carrying of commerce, but only on the regulation of morality, of justice, of equity, if you please, by the railroads, as distinguished from the question whether these perversions on their part have injured commerce, and as a great interest, they have had their attention drawn to something that it does not belong to the United States Government to redress. It belongs to the law and the general administration of justice and the regulation by the States of what is examinable by them. Here we are to act, not by getting, through a subterfuge, a dominion for the Federal Government of what does not belong to it, but we are to confine ourselves to what we are properly accredited and furnished with, the regulation of commerce.

Let me take now the fourth section. It is not a very bold step, it is not a very assuring step that Congress enters upon this proposition. It does not undertake to say it is right that the lineal measurement shall be the commercial rule of equality. Nobody ventures to say that. What has it said? It has said: "We will apply it at least to this, that if the movements of commerce and the interests of commerce impose a rate of transportation for shorter lines, those rules of commerce, those motives, and those interests which should justify and induce a cheapening of the longer transportation shall not be allowed." It is a regulation not for cheapening anything. It is a rule, inflexible so far as Congress imposes it, that nothing shall be cheapened by the laws of trade and the interests of the people. That is a novel proposition to begin with. We are dealing with railroads, dealing with commerce, and we say that cheapening shall not be possible under the circumstances that we state. Is there any denial of that? There are motives and reasons given for it, but nevertheless that is the effect which is to be produced by it.

Is our market to be raised? Is it to be regulated by the shorter hauls included within the lineal transportation of the longer hauls? There are all sorts of long hauls and all sorts of short hauls, the longer long hauls and the shorter short hauls, but lineal measurement shall not be cheapened unless according to lineal measurement, not absolute and universal, but on this line that is drawn. It is one of lineal measurement and nothing else. It is not whether it is up hill or down hill; it is not whether it is on a level; it is not the question whether there is supporting commerce or long gaps of 300 or 500 miles of desert; it does not deal with the question of the whole transportation that the commerce and the people of the United States are interested in transferring from one remote place to another, just as much as in crossing the ocean, where there is no peddling along, as there can be none on the ocean.

Those are all commercial reasons, those are all commercial arguments, those are all reasons which affect cheapness, and this network of reason and freedom and equality is to be subjected to an absolute demarkation, resting upon nothing but lineal distance.

That is a pretty grave responsibility. How do we meet it? First, by limiting it to the same kinds of freight, and under similar circumstances and similar conditions. There are lawsuits enough in that provision to keep us lawyers at work for twenty years on that.

What are freights of the same kind which are to be governed by this lineal demarkation now and forever, unless the law is changed? Let me ask some agriculturist or representative of agriculture. If the rural State of Vermont, where I pass the most of the summer, may be called an agricultural State, let me ask what are freights of the same kind? I will ask my friend from Iowa [Mr. ALLISON] whether oats and corn and wheat are all the same kind of freight?

Mr. ALLISON. They are.

Mr. EVARTS. That is the opinion of that section of the country, and therefore necessarily not only of your own but reinforced by that of your constituents. It is true. *In rerum natura* it is so. They are products of the soil, they are cereals, and they are food for man and beast.

What does commerce care about that? What is that to commerce? Suppose that in the situation of the commerce of the world which we are to have hereafter and shall have, wheat is competed with abroad under the state of casual crops, already competing with other fertile fields, we are excluded unless we can carry wheat at a cheaper rate than we can carry oats, and do carry oats, and that it is reasonable to carry oats. We are not excluded from Europe in the carrying of oats, and so with corn, but the wheat of India is our rival and our terror. India deals in wheat and not in corn, and not in oats. Russia, in its vast plains and with its abject population, I will say, does not compete with us in corn. It does compete with us in oats and in wheat. Under this rule, in the state of the markets, oats can have the rate thus measured by short hauls and get to Europe, and corn can get there, and wheat can not. What are you going to do about it? What becomes of the lineal rule bearing on commerce? The reasonableness of rates depends upon whether the subject of transportation will bear this or that measure, not an unreasonable measure. That is regulated by the other clauses of the bill; but must we allow India to possess the consumption of Europe, especially England, in wheat, because we can not transport wheat at a cheapness that will comport lineally with the transportation of other articles?

Commerce has its own laws, its own trade, its own views of equality, equality of reasonableness, equality of promoting commerce, of carrying wheat, and carrying oats, and carrying corn, at rates that are necessary to move them. When commerce, in its vehicles, in its managers, in its capital, is ready to carry wheat across the continent and across the ocean to compete with India, who likes to pass a law saying that it shall not be done because it is a long haul? You can not carry wheat at a cheaper rate when that cheaper rate is the only one that will move it all, because it does not conform to the regularity of the lineal measurements of the short haul.

I have taken these absolutely similar articles as showing the impropriety of substituting the rule of lineal demarkation when the state of the markets is the point which determines whether the rate is reasonable or not.

But we do not stop there. The Supreme Court of the United States has decided that the States can not regulate long and short hauls, because that would burden interstate commerce; it is a tax. We are then undertaking to regulate them, but do we regulate them? We do it sensibly in a general frame; we do it as well as we can if we require an assimilation in their nature of the subjects of transportation; but then look how we draw back, how we really take the position of abdication by the Congress of the United States, the law-making authority, in this demarkation. We will not trust to the laws of trade; we will not trust to the views of managers of railroads and managers of commerce and those interested—not to them, not to all; we will not trust ourselves. We say in this measure, thus condemned by these bodies in different parts of the United States in the interests of commerce for the danger that will come, well, it is very likely it will be so. We are entering into an arrangement of an articulative tissue of commercial interests as extensive as the country and as intricate and manifold as the interests of this vast country are diversified. If these farmers, if these manufacturers, if these merchants condemn us for passing an act that belongs to the law of commerce, only required by law to be made sensible, equal, free, general, we are not going to face the community on that subject. We provide a board to dispense with our folly and to accept regulations that belong to the laws of trade and commerce.

Is that constitutional? Is that what is to come from denying to the States and to their responsibility discrimination, to have five commissioners to make such discriminations as they in their judgment shall think are suitable to the interests of commerce? For that is what it comes to, and just in proportion as this liberality of their discretion and power is restricted it is contrary to the proposition upon which they are trusted. We will not take it, we will not give it wholly to them, but against the accusing laws of trade and commerce, of property, prosperity, equality, and justice, we leave it for each to point to the other, it was the Congress that was at fault; or, on our part, it is the commissioners who did not do their duty. I can not see that that mode of legislation is consonant with the duty of Congressional power and Congressional responsibility.

Mr. President, you will observe that in all the regulative provisions to be supervised and modulated by these commissioners, except in these two clauses, we have given them a guide as clear as is possible, reasonable, just, equal, and a supervision of law to determine what is reasonable, just, and equal. Under the course of commerce developed in Europe or here the words "reasonable, just, and equal" embrace phrases that could be used; and reason, therefore, as far as may be, is adopted as the guide and governor of all these various and competing interests.

Ah, if reason could be supreme, and reason could be omniscient, and reason could be omnipresent and omnipotent, what would be better than to be governed without laws by what was reasonable, and just, and equal?

But there is a practical difficulty in this commission in respect of these undefined powers, in their nature discretionary. Even if we possessed and could possess, and if we should always think so, every measure of equality and justice that can be conceived, such as can be found in the resources of human nature, it takes time for these five men to do justice, not by a dispensing law to repeal the sections but by an examination to be made, judging of each one under its circumstances and not embracing any general propositions.

Besides the burdens of the general framework of the bill which they may discharge, but which will require labor, deliberation, and delay, how long will it be before these five commissioners in dealing with the whole network and the whole area and the whole immeasurable diversity will get around to your constituents and mine? One part of the country will be liberated from this restriction a year and another two years before others. Empowered with all the vigor of the Constitution that may be accredited to it, and with all our confidence in the legislative power of Congress, can we reduce time, and circumstance, and delay, and difficulty? It is said that ten years of agitation have been required to bring these deliberative bodies to the conclusion that we are so near in concurring upon. How long what we find it impossible to settle is it to take these men to settle for the private and particular justice of every neighborhood and every production? There has to be a judicial determination of the particular case. Will they begin with Alabama? I was going to say they will not get down to Alabama, but

beginning with Alabama, for aught I know, it will take them about three years before they get to New York. That is not legislation. If it be a demonstration that it is all the legislation we can safely make, then it is regulation that you can not make at all.

Now, about pooling. We have not said so much about pooling. These chambers of commerce have very well pointed out what is the difficulty in the fifth section in making a peremptory, a specific rule on the subject of pooling. There is none of that uncertainty about the regulation that is found in the fourth section, and there is not any suspending power under the fifth section.

What did we do in the original Senate bill? We commit it to this administrative board to examine into the question of pooling and to report to Congress. I thought that was wise. The other House have substituted, in the concurrence of the conference committee, their measure, which is absolute on the subject of pooling.

Pooling is a very general term. It is not in very good repute by itself, and while it carries in this connection, as it does, a combination in the interest of railroads and to oppress commerce, it is regulated by the previous section, and sufficiently. But shall it be said that when by the rules of commerce and the interests of equality, protection against discrimination finds its readiest and its most useful mode in its application to a certain area and operating upon certain interests, from a diversity of points of competition governing and inflaming the zeal and cupidity of competing railroads to reduce rates, are we ready to say that that equalization and a conformity within an area and applicable to competitive roads shall not be allowed if that will produce in the given situation equality and stability?

That pooling, as it is called, does produce uniformity and stability in a certain situation we all know; and we all know that one of the most important interests of shippers, whether Eastern shippers or produce shippers from the West and the South, when they ship under contracts that they make or arrangements with consignees for advances, is to know the rate to be paid, and we have desired to accomplish that by providing that a publication shall be made and that the rates shall not be advanced without due notice. But on one railroad that is literally 20 or 25 miles from another the rate of fare is lowered under the invitation and the rapacious effort of roads either to force a combination or to compel buying out, or which they think they can displace without dishonest means. So when the shippers take themselves to their contracts they find out that although there is rather a preponderance on one railroad the other is going to go on competing, and it will naturally take shipments from this point at such a rate that although they are lineally further off they are commercially nearer. Who cares in transportation about lineal distances? It is what it costs to bring the produce to the markets. Those are the nearest where the rates are cheapest. Those are the farthest off where the line, as such, is destroyed in its nearness by the excessive charges for freight.

People think that to get rid of the mischief of the competition and the tyranny, if you choose, of the railroads over commerce, the States ought to take all the railroads of the States, and the United States ought to take all the railroads that cross the lines between the States, in order that each line and each interest shall have an equality and uniformity and stability, and that equality and justice may be accomplished. Now what is that going to do? Actually you are displacing competition and making a general income from all the railroads, by pooling, into the Treasury of the United States.

I only insist upon this illustration to the extent that it properly goes. Pooling, which is equalizing matters as to receipts, is in the same nature as equalizing lineally, and is right or wrong, useful or mischievous, according as that unification, that stability, that equality, and that reasonableness is accomplished by one or the other; and though pooling is assumed to be unpopular, and the name may carry a measure of disfavor by force of the phrase, and is absolutely worthy of denunciation in all cases, really the effect of pooling, as these chambers of commerce say, is to give reasonable stability and equality. In the experience of the great State of New York they have not only undertaken not to control pooling, but by advisory intimation of the State commission and advisory intervention of the chambers of commerce and of boards of trade at manufacturing centers, as well as at the seaports, they have obtained a rate of transportation that at present meets with very little objection from all the interests in our State. But here the intervention of an authority peremptory, conclusive, and permanent is now proposed.

Mr. President, everything is tending, as everything should tend in this country, to unification and equality in all the intercommunication, the passing of property, of exchange, of commerce in every direction, so that within the periphery of our now vast country there should be no line of discrimination known that the law tolerates, and certainly none that the law defends. We may talk about the mischiefs that have grown out of the exaggeration of wealth and the distribution of wealth under the railroad system; one has been pinched here and one has been inflated there; but I put it to the scope of consideration of the Senate that with all the infirmities, with all the burdens, by whatever phrases they may be described, which the system has caused, progress has gone on in the sense of dispersing population and bringing lands into our fertile and productive system, the commerce *ab extra* has not been affected injuriously. It has grown and flourished without the aid of intervention, certainly without intervention to constrain. Who shall desire that without investigation we should attempt so vast a disturbance of this equality and these flattering commercial prospects?

Mr. President, to this fortunate land of ours we may apply the description *armis potens terra et ubere glebæ;* our lands in fertility have not been the inferior means by which this nation has been illustrated. It is these fertile plains, and this free intercourse, and this railroad system, pushed on rashly, losing so much to its investment, that have conveyed to the homes of the consumers that which the land produces so abundantly. And now this very question of ours is at the bottom of the political agitation of Great Britain and Ireland; and restrained by all the impediments there it has brought the landed aristocracy of Ireland to the necessity of yielding to the tenants, and in Germany the soldier can no longer prescribe the method for holding lands, but the measure of their productiveness is that at which our competition places them; and with these vast equals in freedom who shall say that the Congress of the United States desires to lay impediments on transfers between the States or burdens on their foreign commerce? No, Mr. President, whatever we can see in the future, whatever we can read in the past, the greatest and the most classic examples, all warn us to beware of entering on the path now proposed to us.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7094) to give the consent of Congress to an agreement made between the commissioners appointed on the part of the State of New York and the commissioners appointed on the part of the State of New Jersey respecting the location of the northern boundary-line between the States of New York and New Jersey, and the replacing and erecting of monuments thereon, bearing date the 7th day of June, in the year of our Lord 1883;

A bill (H. R. 9377) for the relief of J. E. Pilcher; and

A bill (H. R. 10040) to provide for holding terms of the United States courts at Mississippi City, Miss.

The message also announced that the House had passed the bill (S. 1458) to provide for holding terms of the circuit and district courts of the United States for the eastern district of Michigan at Bay City, in said district, with an amendment, in which it requested the concurrence of the Senate.

HOUSE BILLS REFERRED.

The following bills this day received from the House of Representatives were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 2879) to authorize the service of civil and criminal process issued by Territorial courts within military and Indian reservations and the Yellowstone National Park;

A bill (H. R. 5577) to provide that a judgment in the circuit court of the United States upon an interest coupon of a bond by a municipal corporation shall not be conclusive in a question on the bond when the amount gives jurisdiction to the Supreme Court on appeal;

A bill (H. R 10658) to change the lines between the eastern and western judicial districts of North Carolina;

A bill (H. R. 7094) to give the consent of Congress to an agreement made between the commissioners appointed on the part of the State of New York and the commissioners appointed on the part of the State of New Jersey respecting the location of the northern boundary line between the States of New York and New Jersey, and the replacing and erecting of monuments thereon, bearing date the 7th day of June, in the year of our Lord 1883; and

A bill (H. R. 10040) to provide for holding terms of the United States courts at Mississippi City, Miss.

The bill (H. R. 9377) for the relief of J. E. Pilcher was read twice by its title, and referred to the Committee on Claims.

POLYGAMY AND AFFAIRS IN UTAH.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 10) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

Mr. EDMUNDS. I move that the Senate disagree to the amendment of the House of Representatives, and ask a conference thereon, and I ask unanimous consent that the Chair appoint the committee and that the House amendment and the Senate bill be printed.

Mr. HOAR. What bill is that?

Mr. EDMUNDS. The polygamy bill.

The PRESIDENT *pro tempore.* The Senator from Vermont moves that the Senate disagree to the House amendment and ask a conference on the disagreeing votes.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to

appoint the conferees on the part of the Senate, and Mr. EDMUNDS, Mr. INGALLS, and Mr. PUGH were appointed.

Mr. EDMUNDS. I move that the bill itself, which is nearly out of print, and the amendment of the House of Representatives be printed in one body, stitched together, so that everybody can see just how they stand.

The motion was agreed to.

PUBLIC BUILDING AT FORT SCOTT, KANS.

Mr. MAHONE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1386) for the completion of a public building at Fort Scott, Kans., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1 and agree to the same with an amendment as follows: In line 1, strike out the word "twenty-five" and insert the word "forty;" and the Senate agree to the same.

WILLIAM MAHONE,
P. B. PLUMB,
G. G. VEST,
Managers on the part of the Senate.

SAMUEL DIBBLE,
N. D. WALLACE,
W. H. WADE,
Managers on the part of the House.

The report was concurred in.

INTERSTATE COMMERCE.

The Senate resumed the consideration of the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce.

The PRESIDENT *pro tempore*. The question is on agreeing to the report of the committee of conference on the interstate-commerce bill.

Mr. SAWYER. I move that the Senate proceed to the consideration of executive business.

Mr. CULLOM. It is only 4 o'clock and we have had but one speech to-day. There are a number of other gentlemen desiring to speak, and if we are ever going to dispose of the bill I trust the Senate will continue its consideration at least during the regular hours of the business day.

Mr. EDMUNDS. Let us sit it out.

The PRESIDENT *pro tempore*. The Senator from Wisconsin [Mr. SAWYER] submits a motion, which is not debatable, that the Senate proceed to the consideration of executive business.

Mr. CULLOM. I call for the yeas and nays.

Mr. HOAR. I was going to appeal to my friend from Illinois. There are several Senators who wish to make brief remarks. I am one; but I am not quite prepared to go on to-night, though it is owing to no want of diligence on my part. The Senator can certainly soon have a vote on his bill. There is no purpose, I can assure him, of any delay that will work injury to the bill. He is certain to have a vote within a few hours now, whenever the few hours come that gentlemen can be heard. I do not see why we should be put to the inconvenience of a late session.

Mr. CULLOM. I hope I may be allowed to say a word.

I do not think that I can be justly charged with being disposed to ask any unreasonable thing of the Senate. This report has been before the Senate now for many days. I have asked the Senate to consider it from day to day. I have heard the same statement from the Senator from Massachusetts that he was not quite ready to address the Senate upon this bill two or three days ago and on yesterday. I think the Senator has had a tolerably reasonable time in which to get ready. If he is not ready, perhaps some other Senator who desires to speak is ready.

We certainly are not going to come to a conclusion on this bill, if we run along with one speech a day, before the end of the session, and the result will be, inevitably, the defeat of this measure, a measure in which the people of this country are intensely interested.

I am not in favor of stifling debate; I desire that Senators may have an opportunity to express themselves; but I propose that this subject shall be brought to a conclusion within a time that will give the other House an opportunity of acting upon the report after we dispose of it. If we are in good faith wanting to pass a bill, let us go on with its consideration with a view of coming to the end of the consideration of the subject.

Now, if the Senator and the Senate will give unanimous consent that we vote to-morrow at any hour during the day—I do not care whether it is 4 o'clock or some time before we adjourn—if there is no objection to that arrangement I am content that the consideration of the report shall go over.

The PRESIDENT *pro tempore*. The Senator from Illinois asks the unanimous consent of the Senate that the vote shall be taken on this report to-morrow before adjournment. Is there objection? The Chair hears none.

Mr. CULLOM. Now, I have no objection to the motion of the Senator from Wisconsin.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The Senator from Wisconsin [Mr. SAWYER] moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 14, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 13th day of January, 1887.

CONSULS.

John T. Campbell, of California, to be consul of the United States at Auckland, to fill a vacancy.

Henry H. Pendleton, of Wheeling, W. Va., to be consul of the United States at Southampton, *vice* William Thomson, deceased.

POSTMASTER.

W. T. Cox, to be postmaster at McKinney, Tex., *vice* James W. Thomas, term expired.

WITHDRAWAL.

The nomination of William W. Merritt, to be postmaster at McKinney, Tex., is withdrawn.

CONFIRMATION.

Executive nomination confirmed by the Senate January 13, 1887.

MINISTER RESIDENT.

Hugh A. Dinsmore, to be minister resident and consul-general of the United States to Corea.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 13, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

GRADES OF OFFICES IN ADJUTANT-GENERAL'S DEPARTMENT.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting, with inclosures, a draught of a bill to effect a re-arrangement of the grades of offices in the Adjutant-General's Department of the Army; which was referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES M'CAFFERTY AND OTHERS.

The SPEAKER also laid before the House a report of the Secretary of War, stating, in compliance with a provision of the river and harbor act of August 2, 1882, the amounts due Charles McCafferty and D. and C. P. Dull, contractors on locks on the Great Kanawha River, on account of the losses resulting from changes in the contract.

The SPEAKER. The Chair thinks this communication under the rules of the House should go to the Committee on Claims, but the information was called for in a bill reported from the Committee on Rivers and Harbors.

The communication was referred to the Committee on Appropriations.

WILLIAM H. COOK, SR., AGAINST THE UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact by that court in the case of William H. Cook, sr., against the United States; which was referred to the Committee on War Claims.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House the bill (S. 2920) amending section 3749 of the Revised Statutes of the United States; which was read twice, and referred to the Committee on the Judiciary.

The SPEAKER also laid before the House the bill (S. 2791) to provide for an American register for the steamer Nuevo Moctezuma, of Philadelphia, Pa.; which was read twice by its title.

Mr. DUNN. An exact and *identical copy of that bill has* been unanimously reported from the Committee of the House on American Ship-building and Ship-owning Interests. The bill provides simply to grant an American register to a vessel which was wrecked in foreign waters, rebuilt in an American ship-yard, and is owned by American citizens. I ask unanimous consent that the bill be now put upon its passage.

The SPEAKER. The bill will be read.

The bill was read.

Mr. REED. I think that bill had better be laid aside for the present.

Mr. DUNN. It has been considered by the Committee on American Ship-building and Ship-owning Interests, and, as I have stated, is an exact copy of a bill reported by that committee.

Mr. REED. I withdraw my objection.

Mr. DINGLEY. This bill has been considered by the committee, and unanimously reported.

Mr. TUCKER. I call for the regular order.

The SPEAKER. This is the regular order. The Chair is now presenting to the House bills from the Senate; and on the presentation of

the bill (S. 2791) the gentleman from Arkansas asks unanimous consent that it be now considered.

Mr. TUCKER. I call for the regular order.

The SPEAKER. The call for the regular order is equivalent to an objection. The bill will be referred to the Select Committee on American Ship-building and Ship-owning Interests.

Bills of the Senate of the following titles were read twice, and referred as indicated:

The bill (S. 2619) authorizing a settlement of the claim of Hiram Berdan, assignee of the Berdan Fire-Arms Manufacturing Company—to the Committee on Claims.

The bill (S. 3052) to extend the time for filing claims in the Court of Claims under the provisions of an act entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to July 31, 1801"—to the Committee on the Judiciary.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. COMPTON, indefinitely, on account of sickness in his family.

To Mr. HIRES, for to-day, on account of important business.

CHANGE OF REFERENCE.

The SPEAKER. Yesterday the Chair laid before the House the bill (H. R. 1413) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas with amendments by the Senate, and a request by that body for a committee of conference. The bill was erroneously referred to the Committee on Public Lands. It should have gone to the Committee on Claims.

Mr. BUCHANAN. In this case a conference is asked by the Senate. I ask unanimous consent that the amendments of the Senate be non-concurred in, and the conference agreed to.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to consider the Senate amendments at this time with a view to non-concurrence and agreeing to a conference.

Mr. MORRISON. I object.

The SPEAKER. The Committee on Public Lands is discharged from the further consideration of the bill, and it is referred to the Committee on Claims.

COINAGE OF SILVER.

Mr. BLAND. If in order at this time, I desire to present a privileged resolution from the Committee on Coinage, Weights, and Measures.

The SPEAKER. That is in order.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be directed to report to the House how many dollars' worth of silver bullion was purchased each month and how many dollars' worth was coined in each month of the fiscal year ending June 30, 1886; also, how many dollars' worth of silver bullion was purchased, and how many coined in each of the months of July, August, September, October, November, and December of 1886; also, whether the law requiring the purchase and coinage of not less than two millions' worth of bullion per month has been complied with.

Mr. BLAND. I move the previous question on the adoption of the resolution.

The previous question was ordered; and under the operation thereof the resolution was adopted.

Mr. BLAND moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILBUR F. COGGSWELL.

Mr. BUCHANAN, by unanimous consent, introduced a bill (H. R. 10661) to increase the pension of Wilbur F. Coggswell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPORT OF NATIONAL SOLDIERS' HOME.

Mr. NEGLEY, by unanimous consent, submitted a resolution authorizing the printing of one thousand additional copies of the report of the Board of Managers of the National Soldiers' Home for Disabled Volunteer Soldiers; which was referred to the Committee on Printing.

THE TRADE-DOLLAR.

Mr. SCOTT, by unanimous consent, submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That —— —— after the hour for the consideration of bills under clause 5, Rule XXIV, be set apart for the consideration of the bill (S. 199) for the retirement and recoinage of the trade-dollar.

ORDER OF BUSINESS.

Mr. BUCHANAN. I understand the objection to my request in regard to the bill (H. R. 1413) is withdrawn.

Mr. TUCKER. Regular order.

The SPEAKER. The regular order is called for by the gentleman from Virginia, and is the consideration of business called up by the Committee on the Judiciary under the special order of the House.

BENJAMIN P. LOYALL.

Mr. TUCKER. Mr. Speaker, I call up Senate bill (S. 2848) for the relief of Benjamin P. Loyall, of the State of Virginia, and I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill and that it be put upon its passage.

Mr. DUNN. I object.

Mr. BUCHANAN. Regular order.

BOUNDARIES BETWEEN NEW YORK AND NEW JERSEY.

Mr. HAMMOND. I call up from the House Calendar the bill (H. R. 7094) to ratify and confirm an agreement made between the commissioners appointed on the part of the State of New York and the commissioners appointed on the part of the State of New Jersey respecting the location of the northern boundary line between the States of New York and New Jersey, and the replacing and erecting of monuments thereon, bearing date the 7th day of June, in the year of our Lord 1883.

The bill was read, as follows:

Whereas Henry R. Pierson, Elias W. Leavenworth, and Chauncey M. Depew, commissioners duly appointed on the part of the State of New York, and Abraham Browning, Thomas N. McCarter, and George H. Cook, commissioners duly appointed on the part of the State of New Jersey, for the purpose of negotiating and agreeing upon the true location of the northern boundary line between the States of New York and New Jersey, and also of replacing any monuments that may have become dilapidated or been removed on said boundary line, and of erecting new ones, have executed a certain agreement in duplicate, which is contained in the words following:

"An agreement made the 7th day of June, in the year 1883, between Henry R. Pierson, Elias W. Leavenworth, and Chauncey M. Depew, commissioners on the part of the State of New York, and Abraham Browning, Thomas N. McCarter, and George H. Cook, commissioners on the part of the State of New Jersey.

"Whereas by the first section of chapter 340 of the laws of the State of New York for the year 1880 it was recited, among other things, that whereas, by an act of the Legislature passed the 26th day of May, 1875, the regents of the University of the State of New York were authorized and directed, in connection with the authorities of Pennsylvania and New Jersey, respectively, to replace any monuments which have become dilapidated or been removed on the boundary lines of those States, and it was thereby declared that the lines originally laid down and marked with monuments by the several joint commissioners duly appointed for that purpose, and which have since been acknowledged and legally recognized by the several States interested, as the limits of their territory and jurisdiction, are the boundary lines of said States, irrespective of want of conformity to the verbal descriptions thereof; and by the second section of the same chapter of the laws of the State of New York the said regents were authorized and empowered to designate and appoint three of their number as commissioners to meet such commissioners as may have been or may be appointed on the part of the States of Pennsylvania and New Jersey, or either of them, and with such last-named commissioners, as soon as may be, to proceed to ascertain and agree upon the location of said lines as originally established and marked with monuments; and in case any monuments are found dilapidated or removed from their original location, said commissioners are authorized to replace them, in a durable manner, in their original positions, and to erect such additional monuments at such places on said lines as they may deem necessary for the proper designation of the boundary lines of said States; and

"Whereas, also, the above-named Henry R. Pierson, Elias W. Leavenworth, and Chauncey M. Depew have been duly designated and appointed, by the said regents of the University of the State of New York, commissioners on the part of said State for the purposes mentioned in the said act; and

"Whereas, also, by an act of the Legislature of the State of New Jersey, entitled 'An act appointing commissioners to locate the northern boundary line between the States of New York and New Jersey, and to replace and erect monuments thereon,' approved April 13, 1876, the governor of the State of New Jersey was authorized to appoint three commissioners, with power, on the part of said State of New Jersey, to meet any authorities on the part of the State of New York who may be duly authorized, and with them to negotiate and agree upon the true location of the said boundary line between the States of New York and New Jersey, and also to replace any monuments which may have become dilapidated or been removed on said boundary lines, and to erect new ones, which agreement it was thereby enacted should be in writing, and signed and sealed by the authorities of the State of New York and the commissioners of the State of New Jersey; and

"Whereas the above-named Abraham Browning, Thomas N. McCarter, and George H. Cook have been duly appointed commissioners on the part of the State of New Jersey under said act; and

"Whereas by a supplement to the last said act, approved on the 25th day of March, 1881, the commissioners under the last said act were, in addition to the authority conferred by the last said act, also authorized, in their discretion, to proceed to ascertain and agree upon the location of the northern boundary line between the States of New York and New Jersey, as originally established and marked with monuments; and in case any monuments are found dilapidated or removed from their original location, said commissioners were authorized to renew and replace them in a durable manner in their original positions, and to erect such additional monuments at such places on said line as they may deem necessary for the proper designation of the boundary line of said States; and

"Whereas the said commissioners, acting for and on behalf of their respective States, have entered upon the performance of the duties imposed upon them by the said acts, and have, in pursuance of the authority to them severally given as aforesaid, agreed, and hereby do agree, as follows:

"First. The line extending from the Hudson River on the east to the Delaware on the west, as the same was laid down and marked with monuments in 1774, by William Wickham and Samuel Gale, commissioners on the part of the then Colony of New York, duly appointed for that purpose in pursuance of an act of the Assembly of the Colony of New York passed on the 16th day of February, 1771, entitled 'An act for establishing the boundary or partition line between the Colonies of New York and Nova Cæsarea, or New Jersey, and for confirming titles and possession,' and John Stevens and Walter Rutherford, commissioners on the part of the Colony of New Jersey, duly appointed in pursuance of the act of the Assembly of the Colony of New Jersey passed on the 23d day of September, 1772, entitled 'An act for establishing the boundary or partition line between the Colonies of New York and Nova Cæsarea, or New Jersey, and for confirming titles and possession,' which said line has since been acknowledged and recognized by the two States as the limit of their respective territory and jurisdiction, shall, notwithstanding its want of conformity to the verbal description thereof, as recited by said commissioners, continue to be the boundary or partition line between the said two States: *Provided*, That wherever upon said line the location of one or more of the monuments erected by said commissioners in 1774 has been lost, and can not otherwise be definitely fixed and determined, then and in that case, and in every case where it is required to establish intervening points on said line, a straight line drawn between the nearest adjacent monuments whose localities are ascertained shall be understood to be, and shall be, the true boundary line.

"Second. The monumental marks by which said boundary line shall hereafter be known and recognized are hereby declared to be, first, the original monuments of stone erected in 1774 along said line by the commissioners aforesaid, as the same have been restored and re-established in their original positions by Edward A. Bowser, surveyor on the part of New Jersey, and Henry W. Clarke, surveyor on the part of New York, duly appointed by the parties hereto; second, the new monuments of granite erected by the aforesaid surveyors at intervals of one mile, more or less, along said line, and numbered consecutively, beginning from the Hudson River, and severally marked on the northerly side with the letters N. Y., and on the southerly side with the letters N. J.; and, third, the monuments of granite erected by the aforesaid surveyors at intervening points on said line at its intersection with public roads, railroads, and rivers, and severally marked by them on the northerly side with the letters N. Y., and on the southerly side with the letters N. J.; and, fourth, the terminal monuments erected at the western terminus of said line at the confluence of the Delaware and Navesink Rivers, and the terminal monument erected on the brow of the rock called the Palisades, near the eastern terminus, and the rock lying and being at the foot of the Palisades, on the bank of the Hudson River, and marked as the original terminal monument of said line established in 1774, as the same are described in a joint report made to the parties hereto by Elias W. Leavenworth, commissioner on the part of New York, and George H. Cook, commissioner on the part of New Jersey.

"Third. The field-books of said surveyors, containing the descriptions of the locations of the several monuments erected by them, and of the witness marks thereto, the report of said surveyors containing the account of their work in ascertaining and marking said line, together with the topographical map of said line and the vicinity thereof, and the several documents and books of record containing the transactions of the parties aforesaid, having been duly authenticated and attested by the signatures of the said commissioners, and placed on the file in the offices of the secretaries of state of the two States, shall constitute the permanent and authentic records of said boundary line, and are hereby adopted by the parties hereto and made part of this agreement.

"Fourth. This agreement shall become binding on the two States when confirmed by the Legislatures thereof respectively, and when confirmed by the Congress of the United States.

"In witness whereof the said commissioners have hereto set their hands and seals, in duplicate, this 7th day of June, in the year of our Lord 1883.

"HENRY R. PIERSON. [L. S.]
"E. W. LEAVENWORTH. [L. S.]
"CHAUNCEY M. DEPEW. [L. S.]
"A. BROWNING. [L. S.]
"THOMAS N. McCARTER. [L. S.]
"GEO. H. COOK. [L. S.]

"Executed in the presence of—
"Witness as to H. R. Pierson,
"A. C. JUDSON, Albany:
"As to Commissioners of New Jersey:
"B. WILLIAMSON.
"Witness as to the signature of E. W. Leavenworth:
"A. F. LEWIS.
"As to Chauncey M. Depew:
"W. I. VANARSDALE;"

Therefore—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the aforesaid agreement, and every article, clause, matter, and thing therein contained shall be, and the same are hereby, ratified and confirmed on the part of the United States.

The Committee on the Judiciary recommended an amendment making the bill read:

Be it enacted, &c., That the Congress of the United States does hereby consent to the aforesaid agreement, and every article, clause, matter, and thing therein contained.

Mr. HAMMOND. Mr. Speaker, it is a matter of great importance that there should be no uncertainty about this boundary. It has been established by the States, and the constitutional consent of Congress is all that is necessary to perfect it. The committee ask that the bill be amended so as to use the constitutional expression "consent" rather than "confirm," which is used in the bill. I am not aware that any one desires to make any remarks upon the subject, and I therefore demand the previous question upon the amendment and upon ordering the bill to be engrossed and read a third time.

The previous question was ordered.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HAMMOND. The title of the bill was amended so as to read:

A bill to give the consent of the Congress to an agreement made between the commissioners appointed on the part of the State of New York and the commissioners appointed on the part of the State of New Jersey respecting the location of the northern boundary line between the States of New York and New Jersey, and the replacing and erecting of monuments thereon, bearing date the 7th day of June, in the year of our Lord 1883.

Mr. HAMMOND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADDITIONAL TERMS OF UNITED STATES COURTS, MISSISSIPPI.

Mr. HAMMOND. Mr. Speaker, I call up from the House Calendar the bill (H. R. 10040) to provide for holding terms of the United States courts at Mississippi City, Miss.

The bill was read, as follows:

Be it enacted, &c., That the counties of Marion, Perry, Green, Jackson, Harrison, and Hancock shall remain a part of the southern judicial district of Mississippi, and shall be known as the southern division of said district; and courts for the transaction of business pertaining to the persons and property in said southern division shall be held at the town of Mississippi City, in the county of Harrison, on the first Mondays of February and August in each year, and continue four weeks if the business so long requires.

SEC. 2. That the said court to be held at Mississippi City, as provided in section 1 of this act, shall be possessed of and shall exercise all the powers and jurisdiction now possessed or exercised, or which may hereafter be granted to, or exercised by, the court in said district now held at Jackson; and for the purpose of exercising the jurisdiction herein conferred the said southern division shall be a separate judicial district; and all laws regulating and defining how suits against persons or property located or found in judicial districts shall be brought shall be applicable to and govern the bringing of suits in said division, and all laws touching the removal of causes from State courts to United States courts shall apply to said court hereby established.

SEC. 3. That it shall be the duty of the clerk of the court now held at Jackson, on demand of either party to any suit now pending in said court and properly belonging to the court at Mississippi City, to make out and certify a copy of the record and proceedings in such suit, and to transmit the same to the clerk of said court at Mississippi City, who shall enter said cause on his docket, and the same shall be proceeded with as if it had been originally brought in said court. The fees for such transcript shall be paid by the party applying for the same.

SEC. 4. That the marshal and clerk of said southern district of Mississippi shall appoint deputies, who shall reside at Mississippi City and act as clerk and marshal of said court.

SEC. 5. That the United States shall not be at any expense in providing for a building or room for the holding of the terms of said court.

Mr. HAMMOND. I ask that the report be read.

The report (by Mr. HAMMOND) was read, as follows:

The six counties covered by the bill belong to the southern judicial district, the courts of which are held at Jackson, Miss., causing suitors and witnesses long travel and expense, and heavy costs to the United States in its suits and prosecutions of persons in that territory. Three of the counties border on the Gulf, and their distance from the place of holding courts is a serious obstacle to maritime causes being brought and prosecuted in said courts. The territory is of the lumber sections of the State, and the prosecutions for cutting the timber of the United States in said territory can be prosecuted at the present distance of the court only at heavy expense to persons accused and to the United States for arrests, witnesses' fees, &c.

Your committee therefore think best to locate the court nearer all the business, and report recommending that the bill pass.

Mr. HAMMOND. Mr. Speaker, I do not suppose that any one desires to make any remarks upon this bill, unless the gentleman from Mississippi [Mr. VAN EATON], who introduced the bill, desires to say something about it. If he does, I will yield him five minutes.

Mr. VAN EATON. I only desire to offer an amendment.

Mr. HAMMOND. Then I yield to the gentleman for that purpose.

Mr. VAN EATON. I offer the amendment which I send to the desk.

The amendment was read, as follows:

Amend by adding at the close of the second section the words: "All crimes and offenses heretofore committed within said southern division shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed."

Mr. HAMMOND. I have no instructions from the committee with regard to that amendment, but it is obviously proper, and I am informed that its adoption here will speed the passage of the bill elsewhere. Therefore I see no objection to it, and I call for a vote on the amendment.

Mr. MCMILLIN. Before the vote is taken I wish to ask the gentleman how many points there are in the State of Mississippi at which courts are now held.

Mr. HAMMOND. I think there are three.

Mr. MCMILLIN. This makes the fourth.

Mr. HAMMOND. Yes.

Mr. MCMILLIN. Does it necessitate an increase of the judiciary?

Mr. HAMMOND. Not all.

The amendment of Mr. VAN EATON was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HAMMOND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SERVICE OF PROCESS BY TERRITORIAL COURTS.

Mr. TUCKER. I yield to my colleague on the committee, the gentleman from North Carolina [Mr. BENNETT].

Mr. BENNETT. I am instructed by the Committee on the Judiciary to call up from the House Calendar the bill (H. R. 2879) to authorize the service of civil and criminal process issued by Territorial courts within military and Indian reservations and the Yellowstone National Park.

The bill was read, as follows:

Be it enacted, &c., That the provisions of the laws now in force relating to the Territorial courts of any of the United States Territories shall be so construed as to authorize the execution and service of any process, civil or criminal, issued out of or by any of said courts, by the officer or person to whom the same may be addressed, within any military or Indian reservation or within the Yellowstone National Park: *Provided*, That such reservation or park is situated within the exterior limits or bounds of the county or district over which said court has jurisdiction; and when said process, civil or criminal, is executed or served, it shall be with like effect as though such reservation or park was a part of the county or district within which such process is served.

Mr. BENNETT. I call for the previous question on ordering this bill to be engrossed and read a third time.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BENNETT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES COURTS IN NORTH CAROLINA.

Mr. BENNETT. I call up from the House Calendar the bill (H. R. 10658) to provide for terms of the United States district court at Raleigh, N. C., and change the lines between the eastern and western districts.

The bill was read, as follows:

Be it enacted, &c., That the counties of Chatham, Durham, and Orange, now constituting a part of the western judicial district of North Carolina, shall be, and are hereby, transferred to and made part of the eastern judicial district of North Carolina.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BENNETT. I move to amend the title of the bill so as to read; "A bill to change the lines between the eastern and western districts of North Carolina."

The amendment was agreed to.

Mr. BENNETT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JUDGMENTS UPON COUPONS OF MUNICIPAL BONDS.

Mr. TUCKER. I now yield to my colleague on the committee, the gentleman from Wisconsin [Mr. CASWELL].

Mr. CASWELL. I call up from the House Calendar the bill (H. R. 5577) to provide that a judgment in the circuit court of the United States upon an interest coupon of a bond by a municipal corporation shall not be conclusive in a question on the bond when the amount gives jurisdiction to the Supreme Court on appeal.

The bill was read, as follows:

Be it enacted, &c., That where, in any suit that may be brought in the circuit court of the United States against any municipal corporation to recover the amount of any coupon alleged to have been given for interest upon any bond of such municipal corporation, a judgment shall be rendered against such municipal corporation, and the amount of such judgment shall not be sufficient to authorize such corporation to take said cause to the Supreme Court of the United States by appeal or writ of error, then such judgment shall not be conclusive upon such municipal corporation upon any question in any suit brought upon the bond from which said coupon was taken, when such questions shall be raised and presented in any case the amount of which shall be sufficient to bring the same within the jurisdiction of the Supreme Court of the United States upon appeal or writ of error.

Mr. CASWELL. I ask for the reading of the report on this bill, as it is very short.

The report (by Mr. CASWELL) was read, as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 5577) to provide that a judgment in the circuit court of the United States upon an interest coupon of a bond issued by a municipal corporation shall not be conclusive in a question on the bond when the amount gives jurisdiction to the Supreme Court on appeal, report it back to the House and recommend its passage.

The committee think that questions so important as those which often arise in the trial of actions brought in the circuit courts upon municipal bonds should be tried in the circuit and reviewed by the Supreme Court, when the amount involved is sufficient, without the interposition of some former trial and judgment as a bar when the action was not appealable. This bill simply provides that litigants may have that right.

Mr. CASWELL. I demand the previous question on ordering the bill to be engrossed and read a third time.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CASWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JURISDICTION OF CIRCUIT COURTS—REMOVAL OF CAUSES.

Mr. TUCKER. I yield to my colleague on the committee, the gentleman from Texas [Mr. CULBERSON].

Mr. CULBERSON. I call up from the House Calendar the bill (H. R. 2441) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875.

The bill was read, as follows:

Be it enacted, &c., That the first section of an act entitled "An act to determine the jurisdiction of circuit courts of the United States, and to regulate the removal of causes from State courts, and for other purposes," approved March 3, 1875, be, and the same is hereby, amended so as to read as follows:

"That the circuit courts of the United States shall have original cognizance, concurrent with the courts of the several States, of all suits of a civil nature, at common law or in equity, where the matter in dispute exceeds, exclusive of interest and costs, the sum or value of $2,000, and arising under the Constitution or laws of the United States, or treaties made, or which shall be made, under their authority, or in which controversy the United States are plaintiffs or petitioners, or in which there shall be a controversy between citizens of different States, in which the matter in dispute exceeds, exclusive of interest and costs, the sum or value aforesaid, or a controversy between citizens of the same State, claiming lands under grants of different States, or a controversy between citizens of a State and foreign states, citizens, or subjects, in which the matter in dispute exceeds, exclusive of interest and costs, the sum or value aforesaid, and shall have exclusive cognizance of all crimes and offenses cognizable under the authority of the United States, except as otherwise provided by law, and concurrent jurisdiction with the district courts of the crimes and offenses cognizable by them. But no person shall be arrested in one district for trial in another in any civil action before a circuit or district court; and no civil suit shall be brought before either of said courts against any person by any original process or proceeding in any other district than that whereof he is an inhabitant, or in which he shall be found at the time of serving such process or commencing such proceedings, except as hereinafter provided; and where the controversy is between citizens of different States, suit shall be brought only in the district of the residence of either the plaintiff or the defendant; nor shall any circuit or district court have cognizance of any suit founded on contract in favor of an assignee, unless a suit might have been prosecuted in such court to recover thereon if no assignment had been made, except in cases of bills of exchange; and the circuit courts shall also have appellate jurisdiction from the district courts, under the regulations and restrictions prescribed by law."

That the second section of said act be, and the same is hereby, amended so as to read as follows:

"SEC. 2. That any suit of a civil nature, at law or in equity, arising under the Constitution or laws of the United States, or treaties made, or which shall be made, under their authority, of which the circuit courts of the United States are given original jurisdiction by the preceding section, which may now be pending, or which may hereafter be brought, in any State court, may be removed by the defendant or defendants therein to the circuit court of the United States for the proper district whenever it is made to appear from the application of such defendant or defendants that his or their defense depends in whole or in part upon a correct construction of some provision of the Constitution or law of the United States, or treaty made by their authority; and any other suit of a civil nature, at law or in equity, of which the circuit courts of the United States are given jurisdiction by the preceding section, and which are now pending, or which may hereafter be brought, in any State court, may be removed into the circuit court of the United States for the proper district by the defendant or defendants therein: *Provided*, That such defendant or defendants are non-residents of the State in which the suit is pending; and when in any suit mentioned in this section there shall be a controversy which is wholly between citizens of different States, and which can be fully determined as between them, then either one or more of the defendants actually interested in such controversy may remove said suit into the circuit court of the United States for the proper district. And where a suit is now pending, or may be hereafter brought, in any State court, in which there is a controversy between a citizen of the State in which the suit is brought and a citizen of another State, such citizen of another State, whether he be plaintiff or defendant, may remove such suit into the circuit court of the United States for the proper district, at any time before the trial thereof, when it shall be made to appear to the satisfaction of the court that from prejudice or local influence he will not be able to obtain justice in such State court."

That section 3 of said act be, and the same is hereby, amended so as to read as follows:

"SEC. 3. That whenever any party entitled to remove any suit mentioned in the next preceding section, except in such cases as are provided for in the last clause of said section, may desire to remove such suit from a State court to the circuit court of the United States, he may make and file a petition in such suit in such State court at the time, or any time before the defendant is required by the laws of the State or the rule of the State court in which such suit is brought to answer or plead to the declaration or complaint of the plaintiff, for the removal of such suit into the circuit court to be held in the district where such suit is pending, and shall make and file therewith a bond, with good and sufficient surety, for his or their entering in such circuit court, on the first day of its then next session, a copy of the record in such suit, and for paying all costs that may be awarded by the said circuit court if said court shall hold that such suit was wrongfully or improperly removed thereto, and also for their appearing and entering special bail in such suit if special bail was originally requisite therein. It shall then be the duty of the State court to accept said petition and bond, and proceed no further in such suit, and any bail that may have been orignally taken shall be discharged; and the said copy being entered as aforesaid in said circuit court of the United States, the cause shall then proceed in the same manner as if it had been originally commenced in the said circuit court; and if in any action commenced in a State court the title of land be concerned, and the parties are citizens of the same State, and the matter in dispute exceed the sum or value of $2,000, exclusive of interest and costs, the sum or value being made to appear, one or more of the plaintiffs or defendants, before the trial, may state to the court, and make affidavit if the court require it, that he or they claim and shall rely upon a right or title to the land under a grant from a State, and produce the original grant, or an exemplification of it, except where the loss of public records shall put it out of his or their power, and shall move that any one or more of the adverse party inform the court whether he or they claim a right or title to the land under a grant from some other State, the party or parties so required shall give such information, or otherwise not be allowed to plead such grant or give it in evidence upon the trial; and if he or they inform that he or they do claim under such grant, any one or more of the party moving for such information may then, on petition and bond, as hereinbefore mentioned in this act, remove the cause for trial to the circuit court of the United States next to be holden in such district; and any one of either party removing the cause shall not be allowed to plead or give evidence of any other title than that by him or them stated as aforesaid as the ground of his or their claim; and the trial of issues of fact in the circuit courts shall, in all suits except those of equity and of admiralty and maritime jurisdiction, be by jury.

"That the circuit courts of the United States shall not take original cognizance of any suit of a civil nature, either at common law or in equity, between a corporation created or organized by or under the laws of any State and a citizen of any State in which such corporation at the time the cause of action accrued may have been carrying on any business authorized by the law creating it, except in cases arising under the patent or copyright laws, and in like cases in which said courts are authorized by this act to take original cognizance of suits between citizens of the same State; nor shall any such suit between such a corporation and a citizen or citizens of a State in which it may be doing business be removed to any circuit court of the United States, except in like cases in which such removal is authorized by the foregoing provision in suits between citizens of the same State."

That section 10 of said act be, and the same is hereby, amended so as to read as follows:

"SEC. 10. That section 640 of the Revised Statutes, and all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby, repealed: *Provided*, That this act shall not affect the jurisdiction over or disposition of any suit removed from the court of any State, or suit commenced in any court of the United States, before the passage hereof."

Mr. CULBERSON. Mr. Speaker, this bill has passed the House of Representatives in the last three Congresses, in substantially the same form as the present. I propose, however, to state briefly what will be the effect of the amendments which the bill proposes to make in the existing law.

The object of the bill is to diminish the jurisdiction of the circuit courts and the Supreme Court of the United States, to promote the convenience of the people, and to lessen the burden and expense of litigation. The methods employed by the bill are, first, to raise the minimum amount giving the circuit courts jurisdiction from $500 to $2,000. In the second place, we propose to take away from the circuit courts

of the United States all jurisdiction of controversies between the assignees of promissory notes and the makers thereof, unless suit could have been maintained in such courts had no assignment been made. In the next place, the bill proposes to take away wholly from the circuit courts the jurisdiction now exercised by them over controversies in which one of the parties is a corporation organized under the laws of one State and doing business in another State. We propose to provide that the circuit courts shall have no jurisdiction over controversies of that sort; that whenever a corporation organized under the laws of one State shall carry on its business in another State, the corporation shall, for judicial purposes, be considered as a citizen of the State in which it is carrying on business.

These are the three methods by which the jurisdiction of the circuit courts of the United States, in respect to the subject-matter, is proposed to be diminished. There is another provision in the bill, in relation to the removal of causes from State to Federal courts. The provisions of the bill take away all right on the part of the plaintiff in a suit to remove his cause from a State to a Federal court after he has elected the forum in which to bring suit. The bill further provides that wherever the cause of action arises under the Constitution of the United States, or a law or treaty thereof, the defendant who is sued in a State court upon such a cause of action may remove the cause to a Federal court, provided he shall make it appear to the court in which the case is pending that his defense depends upon a proper construction of the Constitution of the United States, or some law or treaty thereof.

I desire to call attention to another feature of the bill, in relation to the removal of causes. The bill does not propose to repeal the act of 1867, which authorized either the plaintiff or the defendant in a suit pending in a State court to remove the cause from that court into a Federal court upon the ground of prejudice. That act is re-enacted, with a provision to this effect: that the plaintiff or the defendant, before he can remove the cause from the State to the Federal court, must satisfy the judge or court having jurisdiction of the cause of the truth of the matters alleged in his application for removal.

This embodies, substantially, all the changes in the act. The effect of these changes I beg to refer to for a moment. The minimum jurisdiction of $500 was placed in the original judiciary act in 1789, and it has been the law ever since. The population of the country then was 4,000,000, and now it is over 54,000,000. The amount of business of the country in the courts then and now sustain no comparison whatever.

The next proposition is to deny the right of an assignee of a promissory note to bring suit in a Federal court. That was the law from 1789 until 1875. For ninety years the assignee of a promissory note, or any other chose in action, could not bring suit in a Federal court, unless a suit could have been maintained had no assignment been made.

The increase of jurisdiction of the circuit courts of the United States, from that change of law in 1875, has multiplied the business in that court enormously, while it diminishes the business in the circuit courts, which are overloaded everywhere now. It also diminishes the business in the Supreme Court of the United States, which is three years behind upon its docket.

The withdrawal of the right to remove causes from State to Federal courts in the manner provided in this bill, after the plaintiff has selected his forum, will largely diminish the business in the circuit courts of the United States, and also the business in the Supreme Court of the United States in cases over $5,000.

The other proposition is to take away from the circuit courts of the United States jurisdiction over controversies between corporations created by the laws of a State and which go into other States and open offices and carry on business. For judicial purposes we make such corporations citizens of that State, and compel them to sue in the forum or in the courts of the State in which they carry on their business. Over one-third of the business now in the circuit courts of the United States and in the Supreme Court of the United States spring from this very jurisdiction to which I call your attention.

And we deprive such corporation of the right to transfer that case or change it from a State to a Federal court.

There is another provision in the bill to which I wish to call attention, and that is, it repeals section 640 of the Revised Statutes, which empowers or authorizes a corporation created under an act of Congress, whenever sued in a State court, to remove the cause from such court to a Federal court upon a mere suggestion that the defense of such corporation to the cause of action arises under an act of Congress, or under the laws of Congress. We repeal that statute, and the bill provides whenever a corporation, or any one else, is sued in a State court and the defense of such corporation or individual depends upon a right construction of the laws of Congress, or of the Constitution of the United States, then such cause may be removed. And the bill does not attempt to interfere with the right of appeal in the last resort from the supreme court of a State to the Supreme Court of the United States.

These, Mr. Speaker, substantially are the changes made by the bill, and this, very briefly and substantially, will be the effect if the amendments shall become the law. I demand the previous question.

Mr. TAULBEE. Before that is done, I wish to ask the gentleman from Texas a question in regard to this bill. I find, on page 6 of the bill, a clause that either party to an action pending in the circuit court of the United States may require the other party to show all of their defense, and on the failure of the party thus asked to show the title upon which they rely they are deprived of the subsequent plea in reference to that right.

Mr. CULBERSON. That is the law now.

Mr. RANNEY. Yes; that is the old law.

Mr. TAULBEE. My question is as to why it is proper to put that in this bill. If that is the law now why should we re-enact it?

Mr. CULBERSON. It only gives the whole section, as it is amended. I demand the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CULBERSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES COURTS, BAY CITY, MICH.

Mr. ROGERS. I call up for consideration from the House Calendar the bill (S. 1458) to provide for holding terms of the circuit court and district courts of the United States for the eastern district of Michigan at Bay City in said district, and ask for the reading of the bill and the majority report.

The report (by Mr. ROGERS) was read, as follows:

At an early day in the present session this committee reported a similar bill, for the purposes contemplated by this bill, and recommended its passage. The committee refer to that report as furnishing ample reasons for the passage of this bill, and recommend its passage.

Mr. ROGERS. I yield to the gentleman from Michigan [Mr. TARSNEY] for eighteen minutes.

Mr. TARSNEY. Mr. Speaker, I do not rise for the purpose of making any factious opposition to this bill, but simply to enter my protest against its passage in its present form.

This bill, reported from the Judiciary Committee of this House, is one which practically divides the judicial circuit of the eastern district of Michigan. The district which I represent lies within that judicial circuit. It is proposed by this bill to establish a circuit and district court at the city of Bay City, in what is known as the Saginaw Valley.

I come from the Saginaw Valley, and from a city which is only 13 miles away from the place designated in this bill as the location of this new court.

I assume, sir, that if it is proper to divide that circuit at all, the place designated for the holding of the court ought to be that place within the district which is most accessible for the litigants and witnesses to reach. The place from which I come, East Saginaw, as I have said, is but 13 miles from the point where it is proposed to establish the court, and yet a glance at the map of Michigan will show that East Saginaw is the great railroad center for all the central portion of the State of Michigan. Railway lines lead into it from all directions, and railways radiate from it to all points of the compass. It is not so with the city below; and the only point that can be urged in that respect in favor of Bay City, as the point for the location of the court, is that it is nearer to the mouth of the river and more accessible to navigation. But, Mr. Speaker, I point you to the fact that we, too, are located upon the same river, and that the same boats that pass their docks and through their bridges come to us and take our commerce and carry it to them.

The business of our city is being done now upon wheels largely instead of by water, and our city, East Saginaw, is the commercial metropolis of the great Saginaw valley, the great salt and lumber producing region of the State of Michigan.

I make, Mr. Speaker, this point: if we are to divide the eastern district of the State of Michigan at all, let us locate the court at that point where it will be most accessible to the people who have business to transact with it. Let me call your attention for a few moments to the situation as it now exists as between these two points, and see exactly where we stand. I shall not occupy very much time. I take it that the statistics of the country from official sources offer a fair index to the relative commercial importance of these two places. They are classed together, as you will observe. Let me say to you that during the year 1885 there were handled at the post-office in East Saginaw, 2,123,000 pieces of mail matter, as against 1,300,000 in the city of Bay City.

The net revenue of the post-office during the fiscal year ending June 30, 1885, was at Bay City $8,461.49; while in East Saginaw it reached $14,717. This year—and I take these figures from the official report of the Postmaster-General, which lies on my desk—the revenues of the post-office in East Saginaw reached $16,691.65 against $9,819 in the other city, where they propose to locate the court.

In our city we did a business in our banks of loans of $3,512,184.94, as against $1,963,832.21 in the city where they propose to locate this court.

Mr. Speaker, I could pursue the same line of contrast between these two places in all other branches of business, and all of their details; but I have not the time, neither have I the disposition to weary the House. But from the statistics of our business, both financial and com-

mercial, I will guarantee to you that the business of East Saginaw exceeds by 25 per cent. that done at this point 13 miles below us, where, according to the report of the Judiciary Committee, it is proposed to locate the court.

I understand, sir, that I am fighting against odds. I understand that the Judiciary Committee, for whom I have the most profound respect, have made this report recommending the location of this court at Bay City; but let me say to you, with all due deference to the committee, I think that a grave mistake has been made. Unfortunately for us, there is no member upon the Judiciary Committee from the State of Michigan; and the gentleman who made this report and examined the subject has taken it, as we all do generally, on representation, the examination of maps, histories, and reports; and our Bay City friends have hitherto not been idle in this respect, but have been extremely vigilant, active, energetic, and enterprising.

Mr. RANNEY. Both sides were well heard.

Mr. TARSNEY. Well listened to; thank you; yes. [Laughter.]

Twice before, as you have learned from the reading of this report, reports have been made in favor of the location of the court at Bay City; but never before have the interests of East Saginaw been presented either to the Judiciary Committee or to the House; and I stand here to-day as an humble representative of that great valley simply to enter my solemn protest against the passage of this bill, and to ask the House, seeing that there will be a mistake in making this location at Bay City, to let us either postpone the consideration for the present or else let it not pass the House at all.

A report has been read which was made in the Forty-eighth Congress by one of my colleagues from Michigan, who at that time was a member of the Judiciary Committee—I refer to my friend Mr. MAYBURY—relative to the location of a United States court at Bay City. That report, which I hold in my hand, he made as a representative of the State of Michigan, in the interest of the great Saginaw Valley, and not in favor of Bay City, as against East Saginaw, for, as will be seen, there was no bill pending for the establishment of a court at East Saginaw; hence there was no representation made of the great commercial importance of East Saginaw, or its facilities for doing business as compared with Bay City. The report is only a general recognition of the commercial importance of the Saginaw Valley as indicating the necessity for a court at some point within it. But I quote the language of the report.

He says:

Bay City, with its immediate surroundings, embraces a population of 35,000. Within 15 miles distance therefrom are the two rapidly growing cities of East Saginaw and Saginaw.

Mr. Speaker, these two rapidly growing cities that are referred to in this report comprise to-day, with their suburbs, over 50,000 inhabitants. I have here in my hand a report, and I am giving you statistics and giving you figures from the record that show that our vote, our population, our commercial importance far exceed those of this town down the river. I refer with pleasure to this report, and I refer to my colleague from the State of Michigan, who will stand ready—I say this by authority—who is ready to stand here on this floor to-day and say that, had the interests of the Saginaws been represented to the committee two years ago when that report was made, the report would have been made in favor of East Saginaw and against Bay City.

What, then, are we to do? Are we to sit here and simply say that because this great committee, for which, as I have said, I have the most profound regard, have relied, I fear, too strongly upon the previous reports that have been made in favor of this place down the river instead of upon the facts and conditions as they exist to-day, that we shall pass this bill? One of these reports was made ten years ago, at a time when East Saginaw—and I was a member of the committee that did it—protested against the establishment of a court at Bay City. We did not present East Saginaw, but we did say to this House and to the Committee on the Judiciary that when the time came that the demands of business required the establishment of a United States court in the Saginaw Valley we of Saginaw desired to be heard. No bill was presented, no report was made in favor of East Saginaw, and its interests were never represented, as I have before said, and I am only trying in my poor, mild, and meek way to represent our people here to-day, and to place this matter before this House and to caution you not to make the mistake of establishing the court where it will be a matter of inconvenience instead of convenience for litigants to go to transact their business.

I oppose this bill, Mr. Speaker, for another reason. It is too indefinite in its terms to accomplish results. I say so with all deference to this great committee. Now, mark you, the language of this bill simply provides for the holding of terms of court in the eastern district of Michigan at Bay City. What does that mean? The court to-day is held in the city of Detroit, 108 miles away. Two separate and distinct lines of railway connect the Saginaw Valley with Detroit. It simply means that the judge and the United States marshal and his deputies shall go on a junketing tour from Detroit to Bay City to hold a term of court. But within what district? Within what jurisdiction? Where, I ask the gentleman from Arkansas [Mr. ROGERS], do you fix the line of this jurisdiction? How many counties will you take in? Will you say from Hillsdale, in the extreme southern limit of the State, people may be summoned to go past the city of Detroit and 108 miles further to this Bay City court? Or do you propose to carve out from the eastern district of Michigan a certain number of counties and make them a distinct district by itself? You do not do it by this bill; and under the terms of the bill, if I read it aright, a citizen from the extreme limit of that district might be summoned away from where the court is held now and subjected to all these inconveniences by the whim and caprice of somebody who did not like him—and litigants generally never like one another. I point that out as one imperfection in the bill. If you had said you would take a certain number of counties out of the district, specifying the territory and saying that shall be the district, it would not be open to the objection I here urge to it.

Now, as I said, I am not here for the purpose of making a factious opposition to this bill. I will not do it. But I caution this House against making a grievous mistake. It is not so much a matter of importance to me as it is to the people of the eastern district of Michigan, who will be inconvenienced by the passage of this bill and by the emasculation of a district which has now fixed and definite limits. I protest therefore against the passage of this bill.

Mr. Speaker, if in order, I desire to submit a motion. Is it in order to move that the further consideration of this bill be indefinitely postponed?

The SPEAKER. If the gentleman from Arkansas has yielded the floor for debate only that motion would not be in order.

Mr. TARSNEY. Does the gentleman from Arkansas yield for that motion?

Mr. ROGERS. I do not yield.

Mr. TARSNEY. The gentleman from Arkansas does not yield, and of course I must accept the situation as I find it; and I say, standing here as a Representative of a district within the eastern judicial district of Michigan, I enter my protest against the passage of this bill.

Mr. CALDWELL. Can you not move to amend?

Mr. TARSNEY. Is it in order, Mr. Speaker, to move an amendment to this bill?

The SPEAKER. The Chair will state to the gentleman the rule and the practice of the House. When a gentleman who is entitled to the floor, and has control of a bill, yields a part of his own time for the purpose of debate only to another gentleman, the gentleman to whom the time is yielded can make no motion in regard to the bill; that is to say, he can not take the control of it away from the gentleman who is entitled to it.

Mr. TARSNEY. I observe, Mr. Speaker, that the rules of the House are very elastic.

Mr. ROGERS. The only controversy here is between two rival cities, Bay City and East Saginaw. This question has been before Congress for the last sixteen years in one form or another, and this is the first time that the Senate and the House have agreed as to just how this bill should be passed. As early as 1870 the Judiciary Committee of the House and the House itself passed a similar bill. In the present session of the present Congress the Senate of the United States have passed the bill now under consideration. During the last session of the present Congress the Judiciary Committee gave both these rival cities, through their delegations, present here, ample and full hearing upon every question that could possibly be raised in the discussion, and the Judiciary Committee of the House agreed that this court ought to be established at Bay City.

Now the reasons for it. There are three important classes of business to be disposed of by this court—the commercial business, the land business, and the admiralty business. So far as the commercial business is concerned, it will be as well provided for at Bay City as it would be at Saginaw, the distance between the two cities being only about 13 miles, and the schedule, as published in the Saginaw papers, showing that there is railroad transportation every hour in the day between the two cities. So far as the land business is concerned, the great bulk of it lies nearer to Bay City, where we propose to locate the court, than to Saginaw, and the facilities for parties to get to either of these places are practically equal. But for the admiralty business, which is the most important of all the business of the court, Bay City is much more convenient, and that has been the controlling consideration in establishing this court at the city nearest to the lake, and where there is deep water for the accommodation of all classes of shipping.

Mr. TOWNSHEND. What is the distance between the two places?

Mr. ROGERS. Only 13 miles; Saginaw being that much farther south and that much farther away from the lake than Bay City, and the water between the two places being so shallow during a considerable portion of the year that it shuts out from Saginaw a large proportion of the tonnage which reaches Bay City. As I have said, the controlling object has been to give the greatest possible facility for the transaction of the admiralty business upon that great lake shore. I need not say that the tonnage of Bay City is infinitely larger than that of Saginaw, because the largest steamers do not reach Saginaw at all during a very considerable portion of the year. Having said this much, I have nothing further to say, and am now ready to have a vote upon the bill.

Mr. BUCHANAN. I wish to ask the gentleman a question. I know nothing about the relative merits of these cities, and my only interest

in the bill is in having it perfected. Is it contemplated by the first section of the bill that additional terms of this court shall be held in the district?

Mr. ROGERS. In the same district.

Mr. BUCHANAN. Yes; but are these terms of court which are to be held at Bay City additional to the number of terms now held in the district?

Mr. ROGERS. They are.

Mr. BUCHANAN. They will then entail additional expense?

Mr. ROGERS. Only so far as the court is concerned.

Mr. BUCHANAN. Precisely so, and so far?

Mr. ROGERS. Yes. That is all.

Mr. BUCHANAN. Let me ask another question. As I read the bill, the jurisdiction of the court at these different points is not determined. In other words, whether the term is held at Bay City or at Detroit the territorial jurisdiction is the same?

Mr. ROGERS. Precisely. The bill does not change the districts at all.

Mr. BUCHANAN. Then, can any person in the district be sued at either place?

Mr. ROGERS. Yes. That, however, is left to be regulated, as in a great many other places, by the district and circuit judges, as I understand.

Mr. BUCHANAN. But by the bill I see no such power of regulation given to the judges.

Mr. ROGERS. That is the general law.

Mr. BUCHANAN. I have no objection to this bill except that it seems to me that the object sought to be accomplished by the committee is, to say the least, enveloped in fog.

Mr. ROGERS. In response to that, Mr. Speaker, I have only to say that this bill has had the careful consideration of both the Judiciary Committee of the Senate, from which it comes, and the Judiciary Committee of the House, with due reference to the existing law, and they believe it to be amply sufficient. I now demand the previous question upon the third reading of the passage of the bill.

Mr. BUCHANAN. They, however, are not infallible.

Mr. ROGERS. Not at all. I do not know anybody but one person that is.

Mr. BUCHANAN. And he is not a member of this House.

Mr. TARSNEY. Mr. Speaker, is it in order now to offer an amendment to the bill?

The SPEAKER. The gentleman from Arkansas has demanded the previous question upon the third reading of the bill.

Mr. TARSNEY. I hope it will be voted down.

The SPEAKER. If the previous question is not ordered by the House, amendments will be in order.

The question was taken on ordering the previous question, and the Speaker declared that the noes seemed to have it.

Mr. ROGERS. I call for a division.

The House divided, and there were—ayes 63, noes 70.

So the previous question was not ordered.

Mr. TARSNEY. Now, Mr. Speaker, I am not going to consume time upon this bill. I simply desire to move an amendment, which is this: Strike out in the fifth line the words "Bay City," and insert instead the words "East Saginaw."

I say that, Mr. Speaker, because if this bill, which I deem now imperfect in its provisions, is to pass this House it should pass in such a shape that it will accommodate the community that deserves to be accommodated, so that this court shall not go to a by-place, entailing inconvenience upon litigants.

As I have already stated, our city is the commercial metropolis of the central portion of the State; it is the great railway center of Central Michigan; and our friends down the river, for whom I have the highest regard, are simply, as we term them, a suburban population.

I move to amend the bill by striking out, in the fifth line, the words "Bay City" and inserting "East Saginaw."

The Clerk read the amendment proposed by Mr. TARSNEY.

Mr. EZRA B. TAYLOR addressed the Chair.

Mr. TARSNEY. On this amendment I demand the previous question.

Mr. EZRA B. TAYLOR. I have the floor.

The SPEAKER. The gentleman from Michigan [Mr. TARSNEY] retained the floor until the amendment had been reported. Under the rules a proposition to amend is not considered before the House until it has been stated by the Chair or read by the Clerk. The gentleman from Michigan retained the floor until his amendment had been read, and then demanded the previous question.

Mr. EZRA B. TAYLOR. I understood myself to have been recognized by the Chair as occupying the floor, before the previous question was demanded.

The SPEAKER. The Chair did not recognize the gentleman; but the gentleman from Michigan retained his place on the floor and demanded the previous question as the Chair thinks he had the right to do under the practice of the House. The Chair when he recognized the gentleman from Ohio [Mr. EZRA B. TAYLOR] was not aware that the gentleman from Michigan was retaining the floor.

The question being taken on ordering the previous question, it was not agreed to; there being—ayes 62, noes 75.

Mr. EZRA B. TAYLOR. Mr. Speaker, I propose to occupy a single moment because, having considered this question, I believe the merits are with the bill as reported. The main part of the business coming to this court must come from the lake. Bay City is on deep water, and is where the business of the lake is. Saginaw is up a shallow stream, away from the lake. There is no occasion for a court of the United States at Saginaw. The court had better be left where it is now than be located there against the convenience of suitors, the interests of business, and everything else but a personal demand.

Mr. SOWDEN. The gentleman will allow me to ask which of these two cities has the larger population; and are they not commercially, so far as this navigable stream is concerned, on an equal footing?

Mr. EZRA B. TAYLOR. They constitute practically the same community; but one is on deep water, and is so situated that the business comes to it, while the other is up a narrow stream.

Mr. SOWDEN. Which has the larger population?

Mr. EZRA B. TAYLOR. I cannot tell; but they are practically the same community.

Mr. COLLINS. Mr. Speaker, it is with a great deal of reluctance that I differ with my friends on the Judiciary Committee touching this bill. But I reserved the right to oppose it, and I do not think I should be doing my duty as a member of the subcommittee that carefully considered this subject should I fail to express my honest conviction that, if a court is to be established in that part of the country at all, it should be at East Saginaw, and not at Bay City. My friend from Ohio [Mr. EZRA B. TAYLOR] says there is deep water at Bay City, and that the stream extending up to Saginaw is shallow. But we have a very able and generous Committee on Rivers and Harbors, and if the stream is shallow it can be improved. Some of the surplus in the Treasury of the United States may be used in that way. [Laughter.]

Mr. TARSNEY. It not only may be improved, but it has been.

Mr. EZRA B. TAYLOR. The gentleman from Massachusetts [Mr. COLLINS] will allow me to suggest that this amendment be referred to the Committee on Rivers and Harbors.

Mr. COLLINS. I do not care about that matter. If the gentleman from Ohio desires that it be so referred I shall not oppose the proposition.

I venture to say that I understand this subject just as well as does the gentleman from Ohio; I have given it as much thought and attention. In my judgment the railroad center determines where the court should be, for the convenience of the general public. The railroad center is East Saginaw, not Bay City; and the fact that a few lumber barges and little steamers run out from the wharves at Bay City does not, to my mind, determine that as the place for this court. Moreover, the time is coming when that whole region will be denuded of timber, and when Bay City will cease to have any commerce at all, while Saginaw will grow and thrive as a prosperous manufacturing place. Therefore, though it may be a little bold for me to do so, I set my judgment against the judgment of those who reported this bill, and I believe that the public convenience, as well as justice to the people of Michigan—suitors, witnesses, and jurors—will be best subserved by establishing this court at East Saginaw.

Mr. ROGERS. I yield two minutes to the gentleman from Michigan [Mr. TARSNEY].

Mr. TARSNEY. Mr. Speaker, my only reason for rising now is because the gentleman from Ohio [Mr. EZRA B. TAYLOR] has referred to the character of the river upon which these cities are situated. I desire to say to the distinguished gentleman from Ohio that he does not understand the character of the Saginaw River. There is not a boat that comes to Bay City that can not come to East Saginaw. The largest vessels upon the lakes which enter the mouth of that river can follow its circuitous route a distance of 16 miles, and come to East Saginaw. They not only can, but do.

Mr. LONG. What is the distance between the two cities?

Mr. TARSNEY. Thirteen miles by rail, and 16 miles by the river.

Mr. EZRA B. TAYLOR. Is there water in the river at all seasons of the year?

Mr. TARSNEY. There is, except when God freezes it.

Mr. EZRA B. TAYLOR. Or dries it up.

Mr. FISHER. How much water is there in the river?

Mr. TARSNEY. Thanks to nature and the Congress of the United States there is sufficient for all purposes. There is a bar in the river which has sometimes been referred to, upon the removal of which the Government of the United States has expended over $700,000, so that there is a perfectly good channel; and while the depth of water at East Saginaw is not equal to that at Bay City, yet the largest boats that float upon the lake, after loading at Saginaw, will come down the river and clear from Bay City; and this fact has been used in order to show that Bay City is a place of greater commercial importance than East Saginaw, when, in point of fact, vessels simply clear there upon the commerce derived from the Saginaws.

Mr. BRUMM. Are both these cities in the same Congressional district?

Mr. TARSNEY. They are not, sir.

Mr. BRUMM. So I supposed; and this is a fight between the members as to which district shall have this court.

Mr. TARSNEY. I should like to have my colleague from the other district make his explanation.

Mr. ROGERS. I will yield to the gentleman from Michigan [Mr. FISHER] as much time as he may desire.

Mr. FISHER. Mr. Speaker, the bill before us, for which I appear and others who may follow me in the interest of the bill, is one which has been pending before Congress, since the Forty-first Congress, at which time it passed the House (see CONGRESSIONAL GLOBE, page 4223), and again passed the House in the Forty-fourth Congress (see CONGRESSIONAL RECORD, second session, page 293). It was also favorably reported to the House by the Judiciary Committee in the Forty-eighth Congress, and has always met with the same opposition that it meets with here to-day, namely, the opposition of a rival city. But while being met with this opposition it has always been decided in favor of locating this Federal court at Bay City, Mich. It has now already passed the Senate during the first session of this Congress, and while it received the unanimous report of the Judiciary Committee of the House, it seems useless on my part to occupy the time of this body in discussing the merits of the measure.

Bay City, the city chosen by the Judiciary Committee for the location for the holding of terms of the Federal courts, is the third city in our State in point of population and commercial importance. Its population, as shown by the last census (June, 1884), including its suburbs, is upwards of 40,000 people, while the country adjacent that will be benefited by the location of these courts at this point is nearly 400,000 people. That this section of our State is rapidly increasing in population, I would merely state that at the time of the passage of this bill by the House in the Forty-first Congress Bay City had a population of but a trifle over 7,000 people, while the country adjacent, and to be benefited by this measure, was not to exceed seventy to eighty thousand people. This was in 1870, which shows an increase of nearly 25 per cent. annually in population.

POPULATION AND GROWTH—COMPARATIVE.

The increase in the population of Bay City has been unequaled by any city in Michigan, which demonstrates that it is the natural location for the future commercial center of Northern Michigan. Its present shipping interests exceed that of any city in the State, and its population exceeds that of any city in Michigan, except Detroit and Grand Rapids, making it justly entitled to the name it has obtained—the "third city" in population as well as manufacturing interests. The following figures show its rapid and unrivaled growth, as compared with East Saginaw:

	Bay City.	East Saginaw.
1860	700	3,000
1865	3,359	.....
1870	7,064	14,000
1874	13,676	.....
1876	17,000	.....
1880	20,693	19,016
1882	24,500	.....
1884	29,415	29,100

It will be observed that while Bay City in 1860 had only 700 population to East Saginaw's 3,000, or just one-quarter, in 1870 Bay City had 7,064 to East Saginaw's 14,000, or just one-half, and in 1884, fourteen years later, she had outstripped East Saginaw and had 315 in excess of that city, as is shown by the census of 1884.

The percentage of increase also marks Bay City as certain to remain the metropolis of Northern Michigan as she is to-day. Since 1860 her percentage of increase has been 4,123, while that of East Saginaw has been but 871. Since 1870 Bay City's percentage of increase has been 322, while East Saginaw's has been but 108; or in other words, Bay City has forty times the population she had in 1860, while East Saginaw has only ten times her population of 1860; and Bay City has four times the population she had in 1870, while East Saginaw's population is only twice as great as it was in 1870.

Bay City is the county seat of Bay County. East Saginaw is not the county seat of Saginaw County. Congress will always allow the States to establish seats of justice where they see fit; and when the States establish them Congress in locating United States courts always follows the lead of the States. In my judgment, to do otherwise would be to treat the States with disrespect; and I do not know of a case in the whole history of the country where a United States court has been established at any place other than at county seats.

The tenth Congressional district, which I have the honor to represent, shows a remarkable growth. In 1880 the census showed a population of 111,151, while on the 1st of June, 1884, the date of the last census it showed a population of 156,294, a gain of 45,143. Compare this with the eighth Congressional district, represented by my distinguished friend. In 1880 the population of his district was 160,290, and on June 1, 1884, it was 189,285, showing a growth of only 28,995; a gain in favor of the tenth Congressional district of 26,148.

I desire to call your attention to the growth and the date of organization of Bay and Saginaw Counties. Saginaw County was organized in 1835, and in forty-nine years shows a population of only 75,813. Her area is more than double that of Bay County. Bay County was organized in 1857, twenty-two years later, and in the twenty-seven years of her organization has a population of 51,265.

The following figures, taken from the census report, will show the respective growth of the two counties during the period of the last twenty years:

Year.	Bay County.	Saginaw County.
1864	5,517	19,683
1870	15,900	39,098
1874	24,832	48,409
1880	38,081	59,095
1884	51,265	75,813

The above figures show a gain for Saginaw County during the past ten years of about 51 per cent., while for Bay County they show the remarkable growth and increase for the same period of time of 120 per cent.

I desire to call the attention of the House to the important fact that the object of this bill is to have the court come to the business and where the business of the court is, and by so doing to save the expense of attendance to clients, witnesses, &c. Now, where does the business of a court of this character come from? I submit, Mr. Speaker, if it does not largely come from the marine interests, the admiralty, and land cases. I can not better express this important feature of the bill than by using the exact words of the worthy member from Michigan, who served upon this committee in the Forty-eighth Congress, in reporting this bill favorably to the House. He is a resident of the city of Detroit, and he knew at the time that he made this report, from his own personal knowledge and from the papers heretofore filed in this case, which enabled him to make so full and truthful a report, what the true state of facts was. He says:

The State of Michigan is divided into two judicial districts, designated as the eastern and western districts, respectively. The division line of the respective districts in the southern peninsula of the State extends through the center thereof in a course due north and south from the southerly boundary of the State to the Straits of Mackinaw. The United States court for the eastern district holds its sessions at the city of Detroit, near the southerly boundary of the State, and at the city of Port Huron, in the same general geographical division, distant about 60 miles from the said city of Detroit. By reference to the annual reports of the Attorney-General of the United States it will be seen that for years the aggregate of business transacted in the United States court for the eastern district of Michigan in its sessions at Detroit, both in the multitude of suits and the importance of interests involved therein, is exceeded by but few courts in the United States.

Much of this litigation arises in the rapidly growing portion of the State in the valley of the Saginaw and northerly therefrom. It is with great expense of time and money that litigants come from this remote region to either Detroit or Port Huron, while special hardship is necessarily imposed on those under indictment in their removal for trial to a forum so distant from their homes and witnesses. The bill under consideration provides for a session of the circuit and district courts of the United States at least twice in each year, at Bay City, on the Saginaw River, and distant 108 miles northerly from Detroit. Bay City, with its immediate surroundings, embraces a population of 35,000. Within 15 miles distant therefrom are the two rapidly growing cities of East Saginaw and Saginaw City, with a joint population of 30,000 and upwards. Tributary to the commerce of these cities and the valley in which they are established is a population of at least a quarter of a million. Railroad communication is established between these points and all parts of the State, especially that portion extending northerly therefrom.

The lake commerce gives rise to much litigation which is now disposed of at the sessions of the courts held in Detroit. No expense will attend the establishment of sessions as desired, except that of leasing suitable quarters for the court, which expense will be but a moiety of that which will be saved in mileage fees in the summoning of jurors and witnesses.

Your committee therefore recommend that the bill herewith reported do pass.

While our population has so largely increased, our commercial interests have also increased, manufacturing and shipping the past year the enormous amount of nearly 600,000,000 feet of lumber, while the entire output of lumber from the territory benefited by the passage of this bill will exceed 1,000,000,000 feet, and a large amount of shingles and lath. There is also manufactured on the river and the territory known as the Saginaw valley nearly or quite one-third of the entire salt consumed in the United States, it having reached the past year the enormous amount of nearly 4,000,000 barrels.

The citizens of our city are also largely interested in ship-building and ship-owning, and are among the largest owners of vessel and floating property in our State, and it is also the largest in our State as a ship-building point, having constructed and put afloat there in the past five years twenty-five of the largest sized propellers and vessels that float in fresh water, besides a large number of smaller sized and a large amount of repairing at a total cost of two and a half millions of dollars, and they are at the present time building seven propellers, of a tonnage of 2,500 to 3,000 tons each, and that will cost upwards of $1,000,000. These, with the necessary adjuncts pertaining to ship-building and the repairing of a large number of lake craft and the enormous production of lumber and salt, make more or less litigation that necessitates the need of Federal courts.

That there is pressing need of terms of these courts being held in that portion of our State known as the Saginaw valley, there can be no

question, as the business of lumber and salt alone has amounted to not less than $15,000,000 annually for the past ten years, and for the past year it will reach the enormous amount of $25,000,000. This large amount is all disposed of outside of our State, and with the immense capital required to carry on the lumber and salt business of the Saginaw valley; therefore partnerships are formed with and a large amount of capital is furnished by residents of other States. Hence, to enforce collections much of the litigation that may and does arise necessitates this measure. The district court is especially necessary to enforce liens on vessels and to try cases of crime against the laws of the United States. Many cases arise of great hardship for cutting timber on homesteads by the homestead settlers on Government lands, and these homesteads in this district are all north of Bay City, and accessible thereto by railroad.

During the year 1885 there were commenced in the United States circuit court at Detroit cases in which one of the parties resided in one of the counties named, and which would be benefited by the passage of this bill, namely:

Saginaw County, eleven cases; the people of Saginaw City, the county seat of this county, petition for this bill.

Isabella County, six cases; Isabella County petitions for the court at Bay City.

Midland County, four cases; Midland County petitions for the court at Bay City.

Bay County, eleven cases; the same number of cases that Saginaw County has.

Cheboygan County, seven cases; it is north of Bay County, and petitions for the court at Bay City.

Tuscola County, three cases; it adjoins Bay County on the east, and petitions for the court at Bay City.

Alcona County, four cases; it asks that the court be established at Bay City.

Alpena County, four cases; it asks that the court be held at Bay City. It is north of Bay City.

Iosco County, three cases; it asks that the court be established at Bay City.

Shiawassee County, four cases; it asks that the court be located at Bay City.

Gratiot County, four cases; making in all fifty-eight cases in the circuit court of the United States for this part of this district commenced in one year and involving over $2,000,000 in money. In every case the suitor had to attend a court which was from 100 to 300 miles distant from his residence to the place of trial. Besides these there were criminal and maritime cases, the number of which I have been unable to obtain.

Besides the above-mentioned, the following counties, each of which is more than 150 miles from Detroit, had no cases, but are liable to have them at any time: Arenac, Ogemaw, Oscoda, Otsego, Presque Isle, Clare, Roscommon, Crawford, and Montmorency.

RAILROADS AND STEAMBOAT NAVIGATION.

The accessibility to Bay City by both water and railroad communication, coupled with its manufacturing and commercial interests, is such as to insure its unflagging and permanent growth and development into a large and important city. Its shipping and other interests have been heretofore set forth; and we now proceed to give its railroad and steamboat facilities, which are unequaled by any city in the valley, and unsurpassed by any city in the State.

Bay City has direct railroad and steamboat communication with all points on the Huron shore, an advantage not accorded to any other city in the State. A shore line of steamers furnish communication with all the cities and villages *en route* to Alpena, to and from which city these steamers make daily trips.

There is also railroad communication daily each way between Bay City and Alpena. The Michigan Central road also furnishes direct railroad communication to Cheboygan, Mackinaw, Saint Ignace, Marquette, and all intermediate points, the business along the line of which is at present enormous, and constantly increasing. We have also the Michigan Central direct to Jackson, thence to Chicago, and also the same road direct to Detroit; and the Flint and Pere Marquette road as a competing line to the same place, running through East Saginaw as an intermediate point on the line, all passenger trains for which are made up in this city. The Flint and Pere Marquette road runs also direct to Toledo.

The roadbed is also nearly completed, and a company formed to build a road from Bay City, through Midland, Isabella, and other counties west, and having its terminus on Lake Michigan.

It will be observed that the Detroit and Bay City branch of the Michigan Central to Detroit accommodates Tuscola, Lapeer, and Huron Counties by transverse roads.

Thus it will be observed that Bay City is open by railroad communication and made conveniently accessible to every point that would be accommodated by a United States court in the Saginaw Valley, besides having daily communication by water with the vast business, commercial, and maritime interests of the Huron shore.

These points are all connected with Bay City by railroad and by a daily line of boats.

Bay City is the entree port of the Saginaw River, and at the head of deep water, and the largest craft that float our great chain of lakes enter and clear from here, and can not, on account of lack of depth of water go above this port. This point alone ought and has settled the location of this court. As the needs of the court grow largely from suits in admiralty and other marine business, I will read the comparative statement of the two ports, namely, Bay City and East Saginaw, as furnished by the Treasury Department Bureau of Statistics in February, 1886, during the pendency of this measure before the Judiciary Committee:

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, D. C., February 23, 1886.

DEAR SIR: In reply to your recent verbal request, I have the honor to transmit to you herewith such information as I have been able to procure in regard to the coastwise trade, &c., of Bay City and East Saginaw, Mich., subports of the customs district of Huron.

Respectfully,

J. N. WHITNEY,
Acting Chief of Bureau.

Hon. SPENCER O. FISHER, M. C.,
House of Representatives.

Statement of entries of vessels in coastwise and foreign trade at East Saginaw and Bay City from January 1, 1880, to December 31, 1885.

EAST SAGINAW.

Year.	Foreign.		Domestic.	
	No.	*Tonnage.*	*No.*	*Tonnage.*
1880	1	89	692	210,478
1881	2	226	765	235,018
1882	2	134	713	234,136
1883	3	982	507	150,586
1884	3	1,156	570	165,599
1885	2	291	543	159,617
Total	13	2,828	3,790	1,155,434
Total foreign			13	2,828
Total domestic			3,790	1,155,434
Grand total			3,803	1,158,262

BAY CITY.

Year.	Foreign.		Domestic.	
	No.	*Tonnage.*	*No.*	*Tonnage.*
1880	9	2,511	1,387	467,374
1881	28	6,863	1,636	572,686
1882	12	3,530	1,537	541,667
1883	33	7,204	1,199	369,412
1884	28	7,824	1,386	427,970
1885	24	4,366	1,153	359,212
Total	134	32,298	8,298	2,738,321
Total foreign			134	32,298
Total domestic			8,298	2,738,321
Grand total			8,432	2,770,619

W. H. BANCROFT, *Collector.*

CUSTOM HOUSE, PORT HURON, *February 18, 1886.*

More than ten times in foreign entries and over double in domestic entries in favor of Bay City.

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, D. C., January 12, 1887.

DEAR SIR: I inclose to you a copy of the telegram just received from the collector of customs at Port Huron.

I will telegraph to-day for the complete information and will forward it to you as soon as received.

Very respectfully,

WM. F. SWITZLER, *Chief of Bureau.*

Hon. SPENCER O. FISHER, M. C.,
House of Representatives.

PORT HURON, MICH., *January 11, 1887.*

Total number of vessels entered East Saginaw, 512; tonnage, 129,762. Bay City, 1,138; tonnage, 334,969. Impossible to distinguish those engaged in foreign trade without more time, but very few.

CHAS. A. WARD, *Collector.*

I also submit, Mr. Speaker, a petition from large owners of vessel property from the city of Cleveland, State of Ohio, and Buffalo, N. Y. Also a copy of resolutions which were unanimously adopted by the Lumberman's Exchange, of the city of Chicago, Ill.:

CHICAGO, *February 25, 1886.*

At a regular meeting of the board of directors of the Lumbermen's Exchange of Chicago this day held, it was

Resolved, That this board of directors, representing nine-elevenths of the 11,057 vessels entering the port of Chicago during the year 1885, understanding that a division of the judicial district of Michigan, known as the eastern district, is in contemplation, hereby express our approval of the same and recommend that

Bay City, at the mouth of the Saginaw River, being the most convenient position or location for vessels plying upon the lakes, having business with the courts of such new district as is contemplated, should be selected as the headquarters of such new district.

Adopted by unanimous vote.

Attest—a true copy of record.

GEORGE W. HOTCHKISS,
Secretary.

To the honorable the Senate and the House of Representatives of the United States:

Your petitioners, residents and vessel-owners of the city of Cleveland, in the county of Cuyahoga, State of Ohio, respectfully petition your honorable bodies to provide by law for holding the Courts of the United States at Bay City, in Bay County, Michigan, and set forth the following reasons:

First. We are largely interested in vessel property and of the largest crafts that float the great lakes, and are engaged in the through trade between Chicago and Buffalo, and on our return trips stop at the port of Bay City, Mich., and load for Milwaukee, Racine, Chicago, and other ports, with lumber or salt.

Second. Our vessels being the class known as steam-propellers, and when light draw 10 to 12 feet of water aft; hence our inability to go above Bay City on account of the depth of water.

Third. It has often happened that much loss of time and money has occurred to vessel-owners by not having Federal courts at the port of Bay City, Mich. The nature of our business and the conducting of the same put us wholly in the hands of men who are irresponsible and do at times commence actions against our vessels for wages as seamen or stevedores; hence the need of establishing said courts at Bay City, Mich.

W. M. Egan, Chicago, interested in 3,500 tons; Moore, Bartow & Gilchrist, interested in 18,000 tons; A. S. Pierson, interested in 1,000 tons; H. J. Webb & Co., large interest in 5,750 tons; Philip Miner, interests large in 8,900 tons; Palmer, Benham & Johnson, large interests in 15,600 tons; M. A. Bradley, interested in 27,000 tons; Thomas Wilson, managing owner, 14,000 tons; Upson, Walton & Co., ship chandlers and owners; Thos. Quayle's Sons, ship-builders and owners; Mix, Noble & White, proctors, Cleveland, Ohio.

CLEVELAND, *February* 17, 1886.

To the honorable the Senate and House of Representatives of the United States:

Your petitioners, residents and citizens of the city of Buffalo, in the county of Erie, State of New York, respectfully petition your honorable bodies to provide by law for holding the courts of the United States, at Bay City, in Bay County, Michigan, and your petitioners will ever pray.

Youghiogheny River Coke Company, Erie, Pa.; W. L. Scott & Co., Erie, Pa., D. Bullard, general manager; The Union Steamboat Company, F. D. Caldwell, general manager; The Western Transit Company, Wm. P. Henny, general manager; Lehigh Valley Transportation Company, Geo. McLeod, manager; Smith & Davis Line; Brown & Co., vessel-owners; James McKenzie, vessel-owner; J. J. H. Brown, vessel-owner; M. J. Galvin, vessel-owner; C. H. Woodruff, vessel-owner; R. Fitzgerald; Donaldson Bros.; F. L. Danforth, vessel-owner; James Davidson, of Davidson Transportation Line.

I also wish to submit, Mr. Speaker, the letters of the United States district attorney for eastern district of Michigan, for the year 1877, and during the pendency of this same measure at that time, and also one from the present United States district attorney for eastern district of Michigan, and would especially call the attention of the House to the language of each.

UNITED STATES ATTORNEY'S OFFICE,
EASTERN DISTRICT OF MICHIGAN,
Detroit, January 25, 1877.

MY DEAR SIR: I notice a bill has passed the House providing for the holding of two terms each year of the United States district and circuit courts at Bay City with such conditions as will impose no additional cost to the Government. As there is a large amount of admiralty business at Bay City and especially a portion of it of the claims of seamen and others which are comparatively small, the expense of doing it at Detroit is onerous and burdensome. I have received letters from a number of prominent citizens saying they understood that I had some opposition to the bill. I desire at once to correct this impression if it has the slightest influence upon anybody, and to say that I should be glad to see the bill become a law. Our district judge has conversed with me on the subject and I think he has no objections to the passage of the bill.

Very respectfully yours,

A. B. MAYNARD.

Hon. N. B. BRADLEY,
Washington, D. C.

CARO, MICH., *February* 15, 1886.

MY DEAR SIR: I have received a copy of your bill to provide for holding two or more terms of the United States court at Bay City, and your request for my opinion in relation to it.

Inasmuch as the establishment of such a court at Bay City will not materially add to the expense of the same, and as there is a large amount of business done in the United States court that comes from the northern part of the lower peninsula, including a class of admiralty business, that will be eaten up in attempting to collect in Detroit, and as Bay City has a much larger shipping interest than any other city outside of Detroit in the eastern district, it would seem that this is an important matter to be considered in favor of your bill.

Again, I find that a great portion of the internal-revenue cases come from north of Bay City. In many of these cases the defendants are poor and the cost and expense to them of having their cases tried in Detroit is very burdensome. If a court could be held at Bay City, not only costs to them but expense to the Government could be saved. Personally, to me as district-attorney, your bill would be of no benefit. But as there seems to be so much interest manifested in favor of it by the people generally, I hope it will pass.

Truly, yours,

C. P. BLACK.

Hon. S. O. FISHER.

I also wish to submit the letter of Messrs. Pratt & Gilbert, of Bay City, Mich., prominent attorneys there:

PRATT & GILBERT, ATTORNEYS-AT-LAW, *Bay City, Mich.*

DEAR SIR: We feel greatly interested in the passage of the bill introduced by you, providing for a session of the United States courts at Bay City. It is a matter of great importance to us in our business. To our own knowledge there is a large amount of business for those courts here, especially the admiralty court. There is probably not a merchant here doing business with those engaged in the shipping interests who does not lose more or less every year, some of them large amounts in the aggregate, by reason of the inconvenience of resorting to the United States courts at Detroit to collect their claims. The general practice amongst lawyers here has been to decline to take admiralty cases, for the reason that we have no court here. In our own practice these applications have constantly increased, in spite of the fact that we have followed the general rule and declined to take such cases. In a multitude of cases persons who have honest claims are practically without any remedy, and in some cases the losses met with are great hardships.

In addition to the admiralty business, there are a large number of cases, many of them important, brought by non-residents against parties living in Bay City and vicinity in the United States courts, compelling the defendants to go to Detroit at a greatly increased expense to defend their cases. In our own practice since the 1st day of January, there have been five cases in which parties have been compelled to prosecute or defend in the United States courts, the expenses in each case being at least doubled thereby.

Very truly, yours,

PRATT & GILBERT.

Hon. S. O. FISHER,
House of Representatives, Washington, D. C.

Mr. Speaker, I submit that the above while only a very small portion of the reasons that I might give for the location of these courts at Bay City, they are sufficient to justify and warrant our asking for the establishing of the same. And I most earnestly appeal to each and every member to stand by the report of the Judiciary Committee, and by so doing give to this great and prosperous portion of our fair State this much needed, long delayed facility for the transaction of her largely increasing business, and also that a long delayed act of justice may be finally meted out to us.

Mr. ROGERS. I yield now for three minutes to the gentleman from New York [Mr. PARKER].

Mr. PARKER. Mr. Speaker, I have very few words to say on this bill. One of the most ludicrous descriptions given by the great Spanish novelist is that of a struggle between two villages. I trust this House will not to-day imitate that ridiculous performance and indulge in any such controversy.

Now, it is admitted on all hands a court should be established, that its term should be held near this locality, and we have these two cities, one represented by Mr. TARSNEY, of Michigan, and the other represented by Mr. FISHER, of Michigan, one district having one city and the other having another city. They present their rival claims here, and it appears to me it would be a great misfortune to all concerned, certainly to the people of that locality, if we should allow the contest here to result in giving them no court at all.

The Judiciary Committee considered this matter, and would have been satisfied with either city if the other had been; yet all the proofs decided this court should be located at Bay City. Other committees have done the same before. We followed the precedent set us. We justified the arguments by the facts.

The gentleman from Michigan [Mr. TARSNEY], I understand, says his city was not represented before the committee. Why was it not? Because they did not think it advisable and important enough. Therefore they should not come in at this late hour to prevent that city having any court facilities.

Mr. TARSNEY. Conditions change from day to day.

Mr. PARKER. Conditions change from day to day, and I would like to have this changed so that the population of that region should have that court at their doors, instead, as suggested, that the bill should be defeated and the same old trouble and expense and injury should be gone over by suitors.

Now, Mr. Speaker, I have this further to say. Considerable business must of necessity be admiralty business, and naturally it will come to Bay City, and, all things being equal, it is nothing but fair and just in the judgment of the Judiciary Committee this court should be located at that place.

Mr. ROGERS. I have a few observations to make in conclusion. This report I had the honor to present at the request of the Judiciary Committee. It was drafted by a Representative on the Judiciary Committee from Michigan, in the Forty-eighth Congress, and I will quote some passages from it.

Mr. MAYBURY says in that report:

The bill under consideration provides for a session of the circuit and district courts of the United States at least twice in each year, at Bay City, on the Saginaw River, and distant 108 miles northerly from Detroit. Bay City, with its immediate surroundings, embraces a population of 35,000. Within fifteen miles distant therefrom are the two rapidly growing cities of East Saginaw and Saginaw City, with a joint population of 30,000 and upwards. Tributary to the commerce of these cities and the valley in which they are established is a population of at least a quarter of a million. Railroad communication is established between these points and all parts of the State, especially that portion extending northerly therefrom.

The lake commerce gives rise to much litigation which is now disposed of at the sessions of the courts held in Detroit. No expense will attend the establishment of sessions as desired, except that of leasing suitable quarters for the court, which expense will be but a moiety of that which will be saved in mileage fees in the summoning of jurors and witnesses.

Your committee therefore recommend that the bill herewith reported do pass.

No substantial change has taken place between those two rival cities since that report was made. One has only to glance at the map of Michigan to see these two cities are only 13 miles apart on the same river. The important and controlling point is the fact that Bay City is only 3 miles from Saginaw Bay, and has larger tonnage and immensely larger admiralty business than its rival city.

No longer than yesterday came the following report from the collector at Port Huron:

PORT HURON, MICH., *January* 11, 1887.

Total number of vessels entered East Saginaw, five hundred and twelve (512); tonnage, one hundred and twenty-nine thousand seven hundred and sixty-two (129,762). Bay City, eleven hundred and thirty-eight (1,138); tonnage, three hun-

dred and thirty-four thousand nine hundred and sixty-nine (334,969). Impossible to distinguish those engaged in foreign trade without more time, but very few.

CHAS. A. WARD, *Collector.*

Mr. TARSNEY. That only illustrates the point I made a while ago, that they get the benefit of the entries and clearances at Bay City of the vessels which take cargo at Saginaw.

Mr. ROGERS. Now, what difference, so far as the railroad interests are concerned, would there be between establishing this court at Bay City or East Saginaw? There is but a very short distance between them; only 13 miles apart, on the same river; the trains run every hour between these points, one railroad on each side of the river, and so far as that question is concerned it amounts to nothing, while so far as the admiralty question is concerned it becomes a matter of very great importance that the court should be established at Bay City.

The statement which my friend on my left, Mr. FISHER, read—and that is the burden of all of the testimony which was presented to the committee—is that there is a large amount of commerce at Bay City and up to that point which never reaches Saginaw at all, and can not reach it during a large portion of the year, I do not know for exactly how long, at certain stages of the water. I might have gone into all of these points in the report in detail, where all of these matters might have been embodied and made clear before the House; but I assumed that when a Representative of that great State in this body, a member of the Committee on the Judiciary, made that report, that the State of Michigan had been properly represented, and I might safely assume to adopt the language of the report in submitting this question to the House.

Now, sir, I demand the previous question upon the bill and amendment.

Mr. MAYBURY. I ask consent, inasmuch as a report I had the honor to present to the House has been quoted here, to be heard for one or two minutes in reference to it.

The SPEAKER *pro tempore* (Mr. CRISP in the chair). The gentleman from Arkansas has demanded the previous question, and unless that demand is withdrawn the Chair must submit the question to the House.

Mr. TARSNEY. Will the gentleman from Arkansas not yield one or two minutes to my colleague?

Mr. ROGERS. I am very anxious to dispose of this matter without further debate, if possible.

The SPEAKER *pro tempore.* The question is on the demand for the previous question.

The question was taken; the House divided, and there were—ayes 71, noes 61.

Mr. BLAND. There is no quorum. I make that point simply because the gentleman from Michigan [Mr. MAYBURY], whose report was read, desired to be heard for a few minutes; and I think he should have that privilege. It will save time if the House will allow him that privilege.

The SPEAKER *pro tempore.* The point of order being made that no quorom has voted, the Chair will order tellers.

Mr. ROGERS. I ask unanimous consent that the gentleman from Michigan may be permitted to have a few moments. I want to add that the Judiciary Committee are exceedingly anxious about other matters which they wish to present to the House to-day; and the only reason I had for objecting a moment ago was that I did not wish to take up any time that could possibly be avoided. I hope the gentleman will be heard.

[Cries of "All right."]

Mr. MAYBURY. Mr. Speaker, I simply enter this debate because reference has been repeatedly made to a report submitted by me upon this question in the last Congress; and I do not wish that that report should be misunderstood. I have an equal number of friends in each of these two cities. I have no choice as between them, so far as a friendly interest is concerned. My home is at Detroit, where the court now holds its sittings.

In the last Congress a bill was submitted by Mr. Hatch, then a member of the Bay County district, for the holding of a session of the United States courts at Bay City. That bill was referred to the Judiciary Committee, and by the chairman, assigned to me for examination and report. In the investigation of the question as to whether the public convenience would be promoted by a sitting of the court at the point named, I was influenced by a desire to find out the business of the Saginaw valley, and made a thorough investigation of the question in that respect. I was satisfied then, as I am now, that the public business would be expedited and justice more economically administered by having a sitting of the court somewhere in that valley, and I so found and so reported. As Bay City was the only point suggested for a sitting of the court, the conclusion was, of course, in favor of the pending bill. There was no contest whatever between the two cities at that time, but the entire argument of my report will demonstrate that I had no intention of saying in what particular point of the valley this sitting of the court should be held, but that there should be a sitting of the court somewhere in that valley; and, as I have already said, Bay City being the point named, the conclusion was in favor of that point as being the only one suggested at that time. Further than that I have nothing to say in this controversy.

Mr. ROGERS. Mr. Speaker, I have nothing to say in response to what the gentleman from Michigan has said, except that in my opinion he came to a correct conclusion in that report.

I now move the previous question upon the passage of the bill.

The SPEAKER *pro tempore.* Does the gentleman from Missouri withdraw the point of no quorum?

Mr. BLAND. I do withdraw the point.

The SPEAKER *pro tempore.* The point of order being withdrawn, the Chair will announce the result of the vote previously taken by which the previous question was ordered.

The result of the vote was again announced.

The SPEAKER *pro tempore.* The first question is on the amendment of the gentleman from Michigan [Mr. TARSNEY].

The question was taken; the House divided, and there were—a es 79, noes 69.

Mr. ROGERS. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 117, nays 113, not voting 89; as follows:

YEAS—117.

Adams, J. J.	Davidson, A. C.	Landes,	Skinner,
Anderson, C. M.	Dibble,	Lanham,	Sowden,
Ballentine,	Dockery,	Lawler,	Spriggs,
Barksdale,	Dunn,	Le Fevre,	Springer,
Barnes,	Eldridge,	Libbey,	Stahlnecker,
Blanchard,	Felton,	Louttit,	Stewart, Charles
Bland,	Findlay,	Lovering,	Storm,
Bliss,	Foran,	Mahoney,	Tarsney,
Blount,	Ford,	Martin,	Taulbee,
Boyle,	Frederick,	Maybury,	Taylor, J. M.
Bragg,	Gay,	McCreary,	Taylor, Zach.
Brumm,	Geddes,	McRae,	Throckmorton,
Buchanan,	Gibson, C. H.	Merriman,	Tillman,
Burnes,	Green, R. S.	Miller,	Townshend,
Bynum,	Green, W. J.	Morgan,	Trigg,
Cabell,	Hale,	Morrow,	Turner,
Caldwell,	Hall,	Muller,	Van Eaton,
Campbell, Felix	Halsell,	Murphy,	Viele,
Campbell, J. E.	Harris,	Neal,	Ward, J. H.
Campbell, T. J.	Hemphill,	Norwood,	Weaver, J. B.
Carleton,	Henderson, J. S.	O'Ferrall,	Wellborn,
Catchings,	Herbert,	Peters,	White, A. C.
Clements,	Hill,	Pindar,	Wilkins,
Collins,	Howard,	Richardson,	Willis,
Cowles,	Hudd,	Riggs,	Wise,
Cox, W. R.	Hutton,	Romeis,	Woodburn,
Crain,	Irion,	Sadler,	Worthington.
Crisp,	James,	Sayers,	
Croxton,	Jones, J. T.	Scott,	
Dargan,	Ketcham,	Seymour,	

NAYS—113.

Adams, G. E.	Eden,	Long,	Sawyer,
Allen, C. H.	Ely,	Lyman,	Scranton,
Anderson, J. A.	Evans,	Markham,	Shaw,
Atkinson,	Everhart,	Matson,	Spooner,
Baker,	Fisher,	McKenna,	Steele,
Bayne,	Fleeger,	McKinley,	Stone, E. F.
Bennett,	Fuller,	McMillin,	Strait,
Bingham,	Glass,	Millard,	Struble,
Bound,	Grout,	Moffatt,	Swinburne,
Boutelle,	Guenther,	Morrill,	Swope,
Brady,	Hammond,	Negley,	Taylor, E. B.
Breckinridge, C. R.	Harmer,	Nelson,	Taylor, I. H.
Brown, C. E.	Hayden,	Oates,	Thomas, J. R.
Brown, W. W.	Haynes,	O'Donnell,	Thomas, O. B.
Buck,	Hepburn,	O'Hara,	Thompson,
Bunnell,	Hermann,	O'Neill, Charles	Tucker,
Burrows,	Hiestand,	Osborne,	Wade,
Campbell, J. M.	Hitt,	Outhwaite,	Wadsworth,
Caswell,	Holmes,	Owen,	Wait,
Conger,	Hopkins,	Parker,	Ward, T. B.
Cooper,	Johnston, J. T.	Peel,	Warner, William
Culberson,	Johnston, T. D.	Perkins,	Weber,
Curtin,	Jones, J. H.	Perry,	Wheeler,
Cutcheon,	Kelley,	Pirce,	White, Milo
Davenport,	La Follette,	Ranney,	Winans,
Davidson, R. H. M.	Laird,	Reed,	Wolford.
Dingley,	Lehlback,	Rice,	
Dorsey,	Lindsley,	Rogers,	
Dunham,	Little,	Rowell,	

NOT VOTING—89.

Aiken,	Farquhar,	Laffoon,	Ryan,
Allen, J. M.	Forney,	Lore,	Seney,
Bacon,	Funston,	Lowry,	Sessions,
Barbour,	Gallinger,	McAdoo,	Singleton,
Barry,	Gibson, Eustace	McComas,	Smalls,
Belmont,	Gilfillan,	Milliken,	Snyder,
Breckinridge, WCP	Glover,	Mills,	Stephenson,
Browne, T. M.	Goff,	Mitchell,	Stewart, J. W.
Burleigh,	Grosvenor,	Morrison,	St. Martin,
Butterworth,	Hanback,	Neece,	Stone, W. J., Ky.
Candler,	Hatch,	O'Neill, J. J.	Stone, W. J., Mo.
Cannon,	Heard,	Payne,	Symes,
Clardy,	Henderson, D. B.	Payson,	Van Schaick,
Cobb,	Henderson, T. J.	Pettibone,	Wakefield,
Compton,	Henley,	Phelps,	Wallace,
Comstock,	Hires,	Pidcock,	Warner, A. J.
Cox, S. S.	Hiscock,	Plumb,	Weaver, A. J.
Daniel,	Holman,	Randall,	West,
Davis,	Houk,	Reagan,	Whiting,
Dawson,	Jackson,	Reese,	Wilson.
Dougherty,	Johnson, F. A.	Robertson,	
Ellsberry,	King,	Rockwell,	
Ermentrout,	Kleiner,	Rusk,	

So the amendment was agreed to.

Mr. EDEN. I ask unanimous consent that the reading of the names be dispensed with.

There was no objection.

The following pairs were announced until further notice:

Mr. DANIEL with Mr. HENDERSON, of Illinois.

Mr. FORNEY with Mr. PAYNE.

Mr. WILSON with Mr. MCCOMAS.

Mr COX, of New York, with Mr. PAYSON.

Mr. GLOVER with Mr. GALLINGER.

Mr. JONES, of Alabama, with Mr. BURLEIGH.

Mr. CANDLER with Mr. WEST.

Mr. HOLMAN with Mr. CANNON.

Mr. KING with Mr. BROWNE, of Indiana.

Mr. PIDCOCK with Mr. GILFILLAN.

Mr. REAGAN with Mr. HISCOCK.

Mr. MITCHELL with Mr. WHITING.

Mr. REESE with Mr. WEAVER, of Indiana.

Mr. SENEY with Mr. JOHNSON, of New York.

Until Monday next:

Mr. BARBOUR with Mr. ROCKWELL.

For this day:

Mr. NEECE with Mr. GROSVENOR.

Mr. ROBERTSON with Mr. STEWART, of Vermont.

Mr. LAFFOON with Mr. HIRES.

Mr. ERMENTROUT with Mr. FUNSTON.

Mr. BELMONT with Mr. WAKEFIELD.

Mr. BARRY with Mr. JACKSON.

Mr. GREEN, of New Jersey, with Mr. GOFF.

Mr. SNYDER with Mr. HENDERSON, of Iowa.

Mr. RANDALL with Mr. RYAN.

Mr. COMPTON with Mr. HOUK.

The result of the vote was then announced as above stated.

The bill as amended was ordered to a third reading, and it was accordingly read the third time.

Mr. COLLINS. I demand the previous question on the passage of the bill.

Mr. TARSNEY. I desire to state to the House that the words "Bay City" occur several times in the bill. I ask that it be so amended as to strike out those words wherever they occur, and insert "Saginaw."

The SPEAKER. That can only be done by unanimous consent.

Mr. FISHER and others objected.

Mr. EZRA B. TAYLOR. Is it in order now to move to recommit the bill with instructions?

The SPEAKER. It is.

Mr. EZRA B. TAYLOR. I move to recommit the bill.

The SPEAKER. The gentleman from Massachusetts demands the previous question on the passage of the bill; and pending that the gentleman from Ohio moves to recommit the bill to the Committee on the Judiciary.

The question being taken there were—ayes 65, noes 84.

So (further count not being called for) the motion was not agreed to.

The bill was passed.

Mr. TARSNEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. WEST, for one week, on account of important business.

To Mr. HOUK, indefinitely, on account of important business.

CHARLES E. CREECY.

Mr. TUCKER. I now yield to the gentleman from Massachusetts [Mr. COLLINS].

Mr. COLLINS. I ask that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 9930) conferring jurisdiction upon the Court of Claims and Supreme Court of the United States to finally determine the case of Charles E. Creecy, assignee in Congressional case No. 71, reported to the House of Representatives by said Court of Claims under the provisions of the act of Congress approved March 3, 1883, and that the same be considered in the House.

The SPEAKER. The gentleman from Massachusetts [Mr. COLLINS] asks unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill he has indicated, and that the same be considered in the House.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the claim of Charles E. Creecy, assignee of the Schillinger patent, numbered 105599, reissue numbered 4364, be, and the same is hereby, referred to the Court of Claims of the United States, with jurisdiction to enter final judgment for the sum of $66,239.88, in accordance with the findings of fact heretofore made in said case, the same being numbered 71 of Congressional cases in said court; and said judgment shall be paid by the Secretary of the Treasury to Charles E. Creecy, assignee, out of any money in the Treasury not otherwise appropriated: *Provided*, That the court shall have power to grant a new trial, within sixty days from the passage of this act, upon the application of the Attorney-General; and if said court, upon such new trial, finds against the United States, it shall enter judgment thereon, and the same shall be paid by the Secretary of the Treasury as aforesaid: *Provided also*, That an appeal may be taken by either party to the Supreme Court of the United States, under the rules of said court, within sixty days after judgment by the Court of Claims; and if appealed, the case shall have precedence; and should said court give judgment against the United States, the same shall be paid by the Secretary of the Treasury, as aforesaid.

Mr. COLLINS. I offer the amendments which the Clerk will read.

The Clerk read as follows:

In the third line, after the word "Creecy," insert "as administrator of Charles M. Roberts and Francis A. Roberts, deceased, and as."

In the eighth and ninth lines, strike out the words "for the sum of $66,239.88."

In the thirteenth line, after "assignee" insert "and administrator."

Mr. COLLINS. I move the previous question on the bill and amendments.

Mr. MCMILLIN. I suggest that the report be read or that some explanation be given before the previous question is ordered.

The SPEAKER. If the previous question is ordered before any debate occurs, then thirty minutes are allowed for debate after the ordering of the previous question, under the rules of the House.

Mr. MCMILLIN. It seems to me it would be well to have the report read, so that it may be determined what debate may be necessary.

Mr. COLLINS. I am satisfied that ten minutes will not be required for debate; and the time allowed after the ordering of the previous question will be sufficient. I will be willing to yield five minutes to any gentleman who wishes to discuss the bill.

The previous question was ordered.

The SPEAKER. Under the rule, thirty minutes are allowed for debate—fifteen minutes in support of the measure, and fifteen minutes in opposition.

Mr. COLLINS. I now ask for the reading of the report, that this matter may be perfectly understood.

The report (by Mr. COLLINS) was read, as follows:

The Committee on the Judiciary, to whom was referred the petition of Charles E. Creecy, praying that the findings of the Court of Claims in his favor, under the act approved March 3, 1883 (22 Stats., 485), be returned to said court, with jurisdiction to hear and finally determine the questions involved, have considered the same, and find that the petitioner presented a claim to the Forty-eighth Congress for compensation for the use of the patent of John J. Schillinger in laying the sidewalks in the Capitol Grounds. This claim, together with all the papers in the case, was transmitted to the Court of Claims by the Committee on Patents March 26, 1884, under the provisions of the act approved March 3, 1883. The Court of Claims returned its findings of fact to the House of Representatives on February 6, 1886, and they were referred to the Committee on Patents. The Court of Claims finds the patent to be valid, and that it had been infringed by the United States in laying 236,571 feet of sidewalk in the Capitol Grounds. The court finds also that the owner of the patent would have realized as his profit, under his bid to lay the sidewalk, the sum of $66,239.88, had he been permitted to do the work. The court further found the price bid by the owner of the patent was reasonable. The documentary evidence transmitted by the court in its findings shows the petitioner to be the owner by assignment of the patent and rights of action thereunder.

The court cited in support of its findings the opinions of Associate Justice Blatchford, of the Supreme Court, and Judges Shipman, of New York, and Sawyer, of California, United States circuit judges, who have passed upon this patent. Judges Wallace, of Pennsylvania, Morris, of Maryland, Sage, of Ohio, and Blodgett, of Illinois, have also given judgments in favor of Schillinger's patent.

The Committee on Patents made an adverse report on the findings of the Court of Claims, and report as the opinion of the committee that there was no infringement of the patent in laying the sidewalks in the Capitol Grounds, and in support of its report cites the opinion of the local court of the District of Columbia in the case of Schillinger *vs.* Cranford, delivered by Judge Hagner, and concurred in by Judges Merrick and James. This case was an appeal from Judge Cox's decision, who decided Cranford had infringed. The petitioner has been to great trouble and expense in trying his case before the Court of Claims, and he is entitled in equity and good conscience to a judicial and final settlement of his claim.

Your committee therefore report a bill remanding the findings of the Court of Claims to that court for final disposition, with the right of appeal by either party to the Supreme Court of the United States, and recommend its passage.

Mr. COLLINS. This is the unanimous report of the Committee on the Judiciary after a careful consideration of the facts and of the law involved in the case. The bill simply refers this claim for final adjudication to the Court of Claims, where I believe every citizen who has a claim against the Government, even a groundless claim, should be entitled to have it litigated. Then the bill provides that the Supreme Court shall have final jurisdiction in case any question of law arises that may be disputed. I think the bill should pass without any question.

The amendments were adopted.

The SPEAKER. The question is on ordering the bill as amended to be engrossed and read a third time.

The question being taken, the SPEAKER stated that the "ayes" seemed to have it.

Mr. LEHLBACH. I call for a division.

The House divided; and there were—ayes 73, noes 9.

Mr. LEHLBACH. No quorum.

The SPEAKER. A quorum not having voted, the Chair appoints the gentleman from Massachusetts [Mr. COLLINS] and the gentleman from New Jersey [Mr. LEHLBACH] to act as tellers.

The House again divided.

Mr. LEHLBACH (before the count was completed). Mr. Speaker, I withdraw the point of no quorum, in order to allow the report of the Committee on Patents to be read.

The Clerk proceeded to read the report.

Mr. COLLINS (before the reading was completed). Mr. Speaker, it is manifest that it is difficult to get a quorum here at this time, and it is also manifest that considerable time would be consumed in reading this report which might be more usefully employed. Therefore I ask unanimous consent that the bill be passed over informally, not losing its place on the Calendar.

There was no objection, and it was so ordered.

J. E. PILCHER.

Mr. TUCKER. Mr. Speaker, I now yield the floor to the gentleman from Texas [Mr. CULBERSON].

Mr. CULBERSON. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 9377) for the relief of J. E. Pilcher, and that the bill be considered in the House.

Mr. SPRINGER. Let the bill be read.

The SPEAKER *pro tempore*. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized, out of the Texas indemnity fund, to pay to J. E. Pilcher the sum of $905, being the amount of one bond of $100 and $805 in paper money of the Republic of Texas: *Provided*, That he shall find that said claims are within the class of claims heretofore paid by the United States out of the said fund: *And provided further*, That the Secretary of the Treasury is satisfied that said bond and money are genuine.

Mr. CULBERSON. Unless some one desires an explanation of this bill, I demand the previous question upon ordering the bill to be read a third time and passed.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CULBERSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed bills of the following titles:

A bill (S. 933) for the relief of M. C. Mordecai; and

A bill (S. 909) for the relief of the personal representatives of Henry H. Sibley, deceased.

SUITS AGAINST THE GOVERNMENT OF THE UNITED STATES.

Mr. TUCKER. I call up the bill (H. R. 6974) to provide for bringing suits against the Government of the United States.

Mr. EZRA B. TAYLOR. Mr. Speaker, I wish to inquire as to the time supposed to be necessary for the discussion of this bill.

Mr. TUCKER. I do not see any necessity for taking much time, and I was about to ask the previous question on the passage of the bill.

Mr. EZRA B. TAYLOR. It is a bill of so much importance that I think the House ought know all about it. If it is the bill that I understand it to be, it is one which actually disposes of $13,000,000.

Mr. TUCKER. The gentleman is mistaken. This is a general bill (in the reporting of which I think the gentleman himself concurred) to provide for bringing suits in cases of claims against the Government, thus removing those claims from Congress.

Mr. EZRA B. TAYLOR. I was in error as to the bill called up.

Mr. TUCKER. Mr. Speaker, as to this bill I would say that it is one which was very carefully matured by the Committee on the Judiciary nearly a year ago. The committee took all the bills with this general object that had been referred to it, as well as one reported by the Judiciary Committee of the Senate, and from those bills matured this one, which was reported, I think, from the committee with entire unanimity. The object of the bill is this: It extends the jurisdiction of the Court of Claims beyond the mere contract obligations of the Government to obligations of all kinds, as well those that could be asserted in a court of law as those which could be asserted in a court of equity or in admiralty. The bill also gives concurrent jurisdiction to the circuit court of the United States in the locality where the claim originates or where the party plaintiff resides, to consider all claims concurrently with the Court of Claims up to the amount of $10,000. The Court of Claims has jurisdiction with the circuit courts as to all claims, and under this bill the circuit courts will have concurrent jurisdiction with the Court of Claims in all cases up to the amount of $10,000.

Mr. REED. Is the bill sufficiently broad to cover all claims against the United States? Does it give the right to sue the United States in all cases?

Mr. TUCKER. Not in all cases.

Mr. REED. I mean in all cases where there is a claim of right in law or equity, technically so called.

Mr. TUCKER. Yes; equity and admiralty. The only cases not provided for are suits upon the use of a patent right by the Government and suits in reference to captured and abandoned property which are now barred by the statutes of limitations. This bill extends the jurisdiction of the Court of Claims to all cases which arise, not only *ex contractu* but *ex delicto*, and to cases in admiralty, so that it will take the whole mass of these claims away from Congress.

Mr. BUTTERWORTH. Is the judgment of the court final, or does it simply determine the amount?

Mr. TUCKER. The judgment of the court is final.

Mr. REED. Does the bill apply to cases that arose out of the existence of hostilities?

Mr. TUCKER. I am very much obliged to the gentleman for asking that question.

The committee was so anxious to exclude any possibility of war claims coming in under this bill, that we provided there should not be asserted under it any claim that had arisen more than six years prior to the time of its assertion. Therefore no claim which arose during the period of hostilities can come in under the bill.

As the committee is anxious to get through as much business as possible to-day, I will, unless the reading of the bill be insisted upon——

Mr. REED. As this is a somewhat long bill, I desire to ask another question. As I understand, the effect of the bill is that the United States can be made a party defendant in any suit where an individual could be made a party defendant.

Mr. TUCKER. Yes, sir.

Mr. SPRINGER. Will the gentleman from Virginia allow me one moment?

Mr. TUCKER. Certainly.

Mr. SPRINGER. Mr. Chairman, I am in favor of the passage of this bill. It will relieve Congress from much of the private business that is imposed upon it under the present system. It does not, however, go far enough. There is pending in the House a bill from the Committee on Claims which provides for referring certain cases to the Court of Claims for judicial ascertainment of the facts. I desire, on some future occasion, to have that bill also passed. If these two bills can be enacted, the entire subject of private claims will be taken from Congress and referred to the courts. In the cases covered by the present bill the court will make final adjudication and enter judgment. In cases barred by the statute of limitations, and which are not based upon any contract, express or implied, or upon any law of Congress, the Court of Claims will have jurisdiction simply to ascertain the facts and report them to Congress for further action. I hope that the provisions of the present bill, as well as those of the other bill to which I have referred, will become law, so that this whole matter of private legislation may be removed from Congress.

Mr. TUCKER. Mr. Speaker, I should be very glad to have the House consider, at a proper time, the provisions of the bill to which my friend from Illinois [Mr. SPRINGER] refers; but I trust he will not embarrass this bill by seeking to incorporate in it the provisions of the bill to which he refers.

Mr. SPRINGER. I did not ask that. I stated that at some future time I desired to have the other bill taken up.

Mr. BUTTERWORTH. The gentleman from Virginia will allow me to ask him why the term of six years has been fixed as a limitation? That term, it occurs to me, does not reach far enough back to relieve Congress to the extent relief is desirable.

Mr. TUCKER. At one time the committee thought of a limitation of ten years; but after a good deal of consideration we agreed upon six years. As to the old claims which will not be covered by the limitation, I suppose we must get along in the best way that may be possible.

Mr. BUTTERWORTH. One trouble is that the passage of this bill in the present form may militate against the passage of other bills pending before Congress providing for cases where the cause of action originated more than six years prior to the bringing of the suit.

Mr. TUCKER. They may be considered by the Court of Claims under the Bowman act.

Mr. WARNER, of Missouri. They can not be considered, I believe, under that act; they will be barred by the limitation which that act contains.

Mr. TUCKER. Of course a claim barred by statute can not be considered by the court.

Mr. BLOUNT. I will ask the gentleman from Virginia whether it is not true that the Secretary of the Treasury has several times recommended a limitation of six years for a measure of this kind.

Mr. TUCKER. Yes, sir; six years is the usual limitation upon these claims against the Government.

Now, Mr. Speaker, I call for the previous question upon ordering the bill to be engrossed and read the third time.

Mr. BURROWS. The gentleman does not propose to call the previous question without having the bill read?

Mr. TUCKER. Well, if the gentleman desires to have the bill read I have no objection.

Mr. BURROWS. This is an important matter, and I think the bill ought to be read. It is unusual to pass a bill without reading it.

Mr. REED. It must be read, unless the reading is waived by unanimous consent.

The SPEAKER *pro tempore*. The bill will be read.

The Clerk read as follows:

Be it enacted, &c., That the Court of Claims shall have jurisdiction to hear and determine the following matters:

First. All claims founded upon the Constitution of the United States, or any law of Congress, or any regulation of an executive department, or upon any contract, expressed or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in respect of which claims the party would be entitled to redress against the United States either in a court of law, equity, or admiralty if the United States were suable, and of all other claims which may be referred to it by either House of Congress.

Second. All set-offs, counter-claims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever on the part of the Government of the United States against any person making claim against the Government in said court: *Provided*, That no suit against the Government of the United States shall be allowed under this act unless the same shall have been brought within six years after the right accrued for which the claim is made.

SEC. 2. That the circuit and district courts of the United States shall have concurrent jurisdiction, as to all matters named in the preceding section, with the Court of Claims, where the amount of the claim shall not exceed the sum of $10,000 in money value.

SEC. 3. That the jurisdiction of the respective courts of the United States proceeding under this act shall be governed by the provisions of statutes now in force, in-so-far as the same are found applicable and not inconsistent with the provisions of this act; and the course of procedure shall be in accordance with the established rules of said respective courts, and of such additions and modifications thereof as said courts may adopt.

SEC. 4. That the plaintiff in any suit brought under the provisions of the second section of this act shall file a petition, duly verified, with the clerk of the respective court having jurisdiction of the case, and in the district where the plaintiff resides or where the cause of action arose. Such petition shall set forth the full name and residence of the plaintiff, the nature of his claim and a succinct statement of the facts upon which the claim is based, the money or other thing claimed or the damages sought to be recovered, and praying the court for a judgment or decree upon the facts and law.

SEC. 5. That the plaintiff shall cause a copy of his petition filed under the preceding section to be served upon the district attorney of the United States in the district wherein suit is brought, and shall mail a copy of the same, by registered letter, to the Attorney-General of the United States, and shall thereupon cause to be filed with the clerk of the court wherein suit is instituted an affidavit of such service and the mailing of such letter. It shall be the duty of the district attorney upon whom service of petition is made as aforesaid to appear and defend the interests of the Government in the suit, and within sixty days after the service of petition upon him, unless the time should be extended by order of the court made in the case, to file a plea, answer, or demurrer on the part of the Government, and to file a notice of any counter-claim, set-off, claim for damages, or other demand or defense whatsoever of the Government in the premises; and the issue shall be tried in accordance with the ordinary rules of the court governing the trial of like issues in other causes: *Provided*, That should the district attorney neglect or refuse to file the plea, answer, demurrer, or defense as required, the plaintiff may proceed with the case under such rules as the court may adopt in the premises; but the plaintiff shall not have judgment or decree for his claim, or any part thereof, except on satisfactory evidence.

SEC. 6. That all issues of fact arising in suits at law prosecuted under the second section of this act shall be tried by a jury, unless a trial by jury is expressly waived by the parties to the suit or their attorneys. After verdict has been rendered in the suit at law in the district or circuit courts of the United States, it shall be the duty of the court to cause a written opinion to be filed therein, setting forth the specific findings by the court or jury on the facts alleged in the petition, and the conclusions of the court upon all questions of law involved in the case, and to render judgment thereon. If the suit be in equity or admiralty, the court shall proceed with the same according to the rules of such courts.

SEC. 7. That in the trial of any suit brought under any of the provisions of this act, no person shall be excluded as a witness because he is a party to or interested in said suit; and any plaintiff or party in interest may be examined as a witness on the part of the Government.

Sections 1079 and 1080 of the Revised Statutes are hereby repealed.

SEC. 8. That the plaintiff or the United States, in any suit brought under the provisions of this act, shall have the same rights of appeal or writ of error as are now reserved in the statutes of the United States in that behalf made, and upon the conditions and limitations therein contained. The modes of procedure in claiming and perfecting an appeal or writ of error shall conform in all respects, and as near as may be, to the statutes and rules of court governing appeals and writs of error in like causes.

SEC. 9. That when the findings of fact and the law applicable thereto have been filed in any cause as provided in section 6 of this act, and the judgment or decree is adverse to the Government, it shall be the duty of the district attorney to transmit to the Attorney-General of the United States certified copies of all the papers filed in the cause, with a transcript of the testimony taken, the written findings of the court, and his written opinion as to the legality and justice of the verdict or finding; whereupon the Attorney-General shall determine and direct whether an appeal or writ of error shall be taken or not; and when so directed the district attorney shall cause an appeal or writ of error to be perfected in accordance with the terms of the statutes and rules of practice governing the same: *Provided*, That no appeal or writ of error shall be allowed after six months from the judgment or decree in such suit. From the date of such final judgment or decree interest shall be computed thereon at the rate of 4 per cent., until the time when an appropriation is made for the payment of the judgment or decree.

SEC. 10. That the Attorney-General shall report to Congress, and at the beginning of each session of Congress, the suits under this act in which a final judgment or decree has been found adverse to the Government, giving the date of each, with a statement of the costs taxed in each case.

SEC. 11. That whenever there shall be pending before the Department of State a claim in behalf of any alien against the United States, founded on or growing out of any treaty with a foreign power or any international obligation, the Secretary of State may, with the consent of the representative of the Government of such alien, refer such claim to the Court of Claims, which shall thereupon have jurisdiction to hear and determine the same upon the principles of justice and international law, and to render such judgment as those principles shall require. From any such judgment either party may appeal to the Supreme Court in the manner provided by law in other cases of appeal from the Court of Claims.

SEC. 12. That when any claim or matter may be pending in any of the Executive Departments which involves controverted questions of fact or law, the head of such Department, with the consent of the claimant, may transmit the same, with the vouchers, papers, proofs, and documents pertaining thereto, to said Court of Claims, and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall enter judgment thereon, and shall report its findings and judgment to the Department by which it was transmitted.

SEC. 13. That in every case which shall come before the Court of Claims under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883, if it shall appear to the satisfaction of the court, upon the facts established, that it has jurisdiction to render judgment or decree thereon under existing laws or under the provisions of this act, it shall proceed to do so, and report its proceedings therein to either House of Congress or to the Department by which the same was referred to said court.

SEC. 14. That the costs of court in proceedings under this act shall be taxed in favor of the prevailing party therein, unless otherwise specially ordered by the court. For failure to prosecute a petition filed under this act with reasonable diligence, the same may be dismissed, in the discretion of the court.

SEC. 15. That all laws and parts of laws inconsistent with this act are hereby repealed.

Mr. TOWNSHEND. Mr. Speaker, I desire to inquire whether there is a report accompanying this bill.

The SPEAKER *pro tempore*. There is.

Mr. TOWNSHEND. If so, I ask that it be read. This is a bill of far-reaching importance.

The SPEAKER *pro tempore*. Does the gentleman from Virginia [Mr. TUCKER] yield for the reading of the report?

Mr. TUCKER. I have called for the previous question.

Mr. TOWNSHEND. In view of the importance of this bill, I ask the gentleman from Virginia to permit the report to be read.

Mr. HAMMOND. It will take too much time.

Mr. TUCKER. And we have other business.

Mr. TOWNSHEND. Then, if we can not hear the report, I give notice that a bill so important as this, and having such far-reaching results, can not be passed without the presence of a quorum.

Mr. HAMMOND. We have a quorum.

Mr. TUCKER. If the gentleman from Illinois [Mr. TOWNSHEND] chooses to "filibuster" against the passage of the bill, he has the right to do so.

Several MEMBERS (to Mr. TUCKER). Call the previous question.

Mr. BURROWS. I notice that one provision of this bill repeals sections 1079 and 1080 of the Revised Statutes. I would like to understand the effect of that repeal.

Mr. TUCKER. I send those two sections to the desk, that they may be read.

The Clerk read as follows:

SEC. 1079. No claimant, nor any person from or through whom any such claimant derives his alleged title, claim, or right against the United States, nor any person interested in any such title, claim, or right, shall be a competent witness in the Court of Claims in supporting the same, and no testimony given by such claimant or person shall be used except as provided in the next section.

SEC. 1080. The court may, at the instance of the attorney or solicitor appearing in behalf of the United States, make an order in any case pending therein, directing any claimant in such case to appear, upon reasonable notice, before any commissioner of the court, and be examined on oath touching any or all matters pertaining to said claim. Such examination shall be reduced to writing by the said commissioner, and be returned to and filed in the court, and may, at the discretion of the attorney or solicitor of the United States appearing in the case, be read and used as evidence on the trial thereof. And if any claimant, after such an order is made, and due and reasonable notice thereof is given to him, fails to appear, or refuses to testify or answer fully as to all matters within his knowledge material to the issue, the court may, in its discretion, order that the said cause shall not be brought forward for trial until he shall have fully complied with the order of the court in the premises.

Mr. TUCKER. The effect of the repeal of those two sections is merely to give full effect to the provision of the law which enables the party interested in a claim to testify in the Court of Claims as in other cases.

Mr. ADAMS, of New York. Let me ask the gentleman a question.

Mr. TUCKER. Certainly.

Mr. ADAMS, of New York. Why compel the Commissioner to send to the Attorney-General a copy of the pleadings in each case?

Mr. TUCKER. I do not understand that is in here.

Mr. ADAMS, of New York. Yes, I understand that it is in this bill.

Mr. TUCKER. No, we do not do that; but where a judgment is in favor of a claimant the district attorney is required to send to the Attorney-General a copy of the record, so that he may determine whether or not it is proper in behalf of the interests of the United States to take an appeal.

Mr. ADAMS, of New York. I understand the bill requires a claimant, at the time he files his petition, to transmit a copy of his petition to the Attorney-General, and also a copy of the pleadings.

Mr. TUCKER. The reason for the provision in this bill is this: It is lest the district attorney should be negligent of his duty in reference to a claim against the United States that it was provided the commissioner should be required to give notice to the headquarters of the Attorney-General himself. It is done in the interest of the safety of the United States.

Mr. THROCKMORTON. I desire to ask the gentleman a question or two.

Mr. TUCKER. Certainly. I yield for that purpose.

Mr. THROCKMORTON. I did not hear distinctly the reading of that portion of the bill which gives jurisdiction to the Court of Claims, and therefore I would like to know exactly its purport and effect. Would this bill embrace within its provisions what are known as Indian depredation claims?

Mr. TUCKER. It is hard for me to say unless I understood the character of those Indian depredation claims.

Mr. THROCKMORTON. They are claims which arise under treaties between the Government and the various Indian tribes.

Mr. TUCKER. If they are more than six years old they are debarred under the provisions of this act.

Mr. THROCKMORTON. Some are thirty-five years old.

Mr. TUCKER. They are debarred under the provisions of this act.

Mr. RYAN. They are all more than six years old.

Mr. THROCKMORTON. No, I think not.

Mr. TUCKER. If they are over six years old, then they are excluded and barred under the provisions of this act.

Mr. THROCKMORTON. I would like to submit an amendment to the bill, if the gentleman from Virginia will yield me the floor for that purpose, to exclude these Indian depredation claims from coming within the provisions of this act. And I will state the reason why Congress has, from time to time, passed laws authorizing the Secretary of the Interior and the Commissioner of Indian Affairs, and different Indian agents, to investigate these claims, to take testimony in reference to them, and to decide on them. In other words, Congress has made the Department of the Interior, and the Commissioner of Indian Affairs, after examination and testimony of whites and Indians through the Indian agencies, judges in reference to those claims, at least to the extent of rejecting, or reporting amounts found due for the action of Congress. They are being continually reported to Congress for payment upon the evidence in each case by the Secretary of the Interior.

A bill has been reported favorably, from the Committee on Indian Affairs, making it the duty of the Secretary of the Interior to appoint a board of commissioners, to investigate and pass upon all this class of claims separately. Therefore those interested in such claims do not want them mixed up and confused with the claims which are sent by this bill, if I understand its provisions, to the Court of Claims. They believe if they should go to the Court of Claims on account of the great mass of business which this bill will force before that tribunal, they would never be resurrected, that Gabriel would blow his horn before these $15,000,000 of Indian depredation claims would be taken up and adjudicated. [Laughter].

Mr. BLOUNT. Would they not come up as audited claims, to be referred to the Committee on Appropriations, to be provided for in appropriation bills?

Mr. THROCKMORTON. The bill provides, as I understand——

Mr. BLOUNT. But how does it conflict with this?

Mr. THROCKMORTON. It takes away jurisdiction from the Interior Department and sends these claims to the Court of Claims, where they may never be passed upon. I wish to move an amendment to the bill providing for the exclusion from the operation of this act of these Indian claims.

Mr. TUCKER. I can not give way to that amendment. I think it is better the bill should pass in its present form.

Mr. BRECKINRIDGE, of Kentucky. Why is it that in the first section of the bill the jurisdiction of the circuit and district courts of the United States is limited to such sums as do not exceed $10,000? Why is it that jurisdiction should not be made so all claims should be filed in the circuit and district courts?

Mr. TUCKER. Upon full consideration by the committee it was thought where a claim exceeded $10,000 it would be better and safer for the Government it should be where the head of the Department may be present to protect the Government.

Mr. BRECKINRIDGE, of Kentucky. That throws on the Court of Claims the entire business—a glut of cases—including the $15,000,000 of Indian claims—all claims exceeding $10,000. In the second place, if the gentleman allows me, I will make the suggestion it takes a claimant far away from his home, and before a court which must be very much crowded with business.

Mr. TUCKER. My friend from Kentucky will remember this bill is in relief of claimants. If the claims are under $10,000 he has to come there to-day.

Mr. BRECKINRIDGE, of Kentucky. I think as far as it has gone it is in the right direction. I wish to see if we can not get it to go further than it does.

Mr. TUCKER. We tried to make a fair compromise.

Mr. BRECKINRIDGE, of Kentucky. In the fourth section it is provided the costs shall be taxed in favor of the prevailing party unless there is special order of the court. Is not that a departure from the practice that the sovereign power shall not be mulcted in costs? Is that not going too far in behalf of the claimant, that the Government shall pay the costs?

Mr. TUCKER. Does the gentleman mean to say that the Government is never mulcted in costs in these suits?

Mr. BRECKINRIDGE, of Kentucky. No; I do not mean to say that; but I ask if this is not a departure from the general rule? I am not prepared to say, of course, that it is; but it strikes me as being something of a departure.

Mr. TUCKER. We leave it to the option of the court to decide the question as to the costs.

Mr. BRECKINRIDGE, of Kentucky. But you make it a rule that they shall be allowed to the prevailing party in the suit, unless specially otherwise ordered by the court. It seems to me you throw upon the court the duty to give costs against the Government in all cases, unless there is some special laches or other reason on the part of the claimant whereby the costs should be taxed against him.

Mr. HAMMOND. That is right. If the Government refuses to pay, and the court decides that it ought to pay, then it ought to pay the costs of the prosecution of the claims.

Mr. PETTIBONE. The man is forced to go to court in order to obtain relief, and the Government ought to pay the costs.

Mr. TUCKER. I demand the previous question on the engrossment and third reading of the bill.

The question was taken; and on a division, there were—ayes 113, noes 8.

Mr. TOWNSHEND. No quorum.

The SPEAKER appointed as tellers Mr. TOWNSHEND and Mr. TUCKER.

The House again divided; and the tellers reported—ayes 152, noes 11.

So the previous question was ordered; under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question recurred upon the passage of the bill.

Mr. TOWNSHEND. Upon that I ask for the yeas and nays.

The yeas and nays were refused.

Mr. TOWNSHEND. I call for a division on the question.

The House divided; and there were—ayes 150, noes 9.

Mr. TOWNSHEND. No quorum has voted.

Mr. TOWSHEND and Mr. TUCKER were appointed tellers.

The House again divided; and the tellers reported—ayes 103, noes 1.

The SPEAKER. Does the gentleman insist upon the point of no quorum?

Mr. TOWNSHEND. I do insist upon it. If we can have a vote by yeas and nays I will withdraw the demand.

Mr. TUCKER. I call for the yeas and nays.

The yeas and nays were not ordered.

The SPEAKER. The tellers will resume their places and continue the count.

The tellers reported—ayes 166, noes 3.

So the bill was passed.

Mr. TUCKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 127) for the relief of H. K. Belding;

A bill (S. 228) for the erection of a public building at Camden, N. J.;

A bill (S. 634) relating to sales for taxes in the District of Columbia;

A bill (S. 766) for the relief of Francis Denmead;

A bill (S. 1130) to exempt from taxation all property held by the trustees of the Corcoran Gallery of Art, and for other purposes;

A bill (S. 1188) to exempt the property of the Young Men's Christian Association of Washington, D. C., from taxation;

A bill (S. 1201) granting a pension to Louise Ambrecht;

A bill (S. 1207) granting a pension to Caroline Sees;

A bill (S. 1212) for the further protection of property from fire and safety of lives in the District of Columbia;

A bill (S. 1213) to regulate insurance in the District of Columbia;

A bill (S. 1481) granting an increase of pension to Col. Charles E. Capehart;

A bill (S. 1577) to amend the third section of an act entitled "An act to provide for the sale of the Sac and Fox and Iowa Indian reservations in the States of Nebraska and Kansas, and for other purposes," approved March 3, 1885;

A bill (S. 1614) granting a pension to Sarah C. Wright;

A bill (S. 1844) granting a pension to Orrin P. Cooley;

A bill (S. 1882) to repeal parts of an act relating to the tax on the business of real-estate agents in the District of Columbia, approved June 20, 1872;

A bill (S. 1997) granting a pension to Mrs. Abbie B. Heath;

A bill (S. 2029) granting an increase of pension to Elvira Bliss Sheldon;

A bill (S. 2037) for the relief of Mary Anna Egan;

A bill (S. 2132) granting a pension to Fridoline Glastetter;

A bill (S. 2144) granting an increase of pension to Grace F. Edes;

A bill (S. 2173) granting a pension to Benjamin Obekiah;

A bill (S. 2321) granting an increase of pension to Clara B. Davidson;

A bill (S. 2330) for the relief of Anthon Eitapence;

A bill (S. 2334) granting a pension to Isaac Ransom;

A bill (S. 2587) granting a pension to Elizabeth Ward;

A bill (S. 2600) to authorize the commissioners of the District of Columbia to make police regulations for the government of said District; and

A joint resolution (S. R. 90) appointing James B. Angell a member of the Board of Regents of the Smithsonian Institution.

ANDREW A. KELLY.

Mr. LA FOLLETTE (by request), by unanimous consent, introduced a bill (H. R. 10662) for the relief of Andrew A. Kelly; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIAS C. WELDON.

Mr. LA FOLLETTE (by request), by unanimous consent, also in-

troduced a bill (H. R. 10663) granting a pension to Elias C. Weldon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGE ACROSS THE RED RIVER OF THE NORTH.

Mr. NELSON, by unanimous consent, introduced a bill (H. R. 10664) authorizing the construction of a bridge across the Red River of the North; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

INVESTMENT IN UNITED STATES BONDS.

Mr. WARNER, of Ohio, by unanimous consent, introduced a bill (H. R. 10665) to provide for the investment of certain funds in the Treasury in bonds of the United States; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

ALLOWANCE OF CERTAIN CLAIMS.

Mr. RICHARDSON, by unanimous consent, introduced a bill (H. R. 10666) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAPTURED AND ABANDONED PROPERTY.

Mr. CULBERSON. Mr. Speaker, I now ask to call up the bill (H. R. 7883) on the House Calendar—a bill in relation to the claims arising under the provisions of the captured and abandoned property acts, and for other purposes.

The bill was read, as follows:

Be it enacted, &c., That the right of action in the Court of Claims under the provisions of the captured and abandoned property acts be, and the same hereby is, revived and extended for one year from and after the passage of this act, including all cases of seizures under said acts, or under color thereof, either before or after June 30, 1865, without regard to any statute of limitations; and all claims for such property not filed in said court within that period shall be forever barred: *Provided, however*, That where any of such claims have been filed before the Secretary of the Treasury, and proof taken in relation thereto, under the provisions of the fifth section of the act of May 18, 1872, the proof so taken, whether upon the part of the Government or the claimant, where it is made to appear by affidavit that the witnesses are dead or can not be found, shall be used in evidence in the said Court of Claims as though taken in pursuance of the rules of said court; and the Secretary of the Treasury, upon the call of said court, on the motion of either party, shall transmit said proofs and all the papers in the case to the said Court of Claims; and all judgments rendered in favor of the claimants shall be paid out of the captured and abandoned property fund, as provided by section 3689 of the Revised Statutes.

SEC. 2. That in the trial of causes before the Court of Claims no person shall be excluded as a witness because he is a party to or interested in the same; and any claimant or party in interest in any suit may be examined as a witness on the part of the Government, and when refusing so to testify, or willfully testifying falsely, shall not be entitled to relief; and the testimony of such witness may be used by either party.

SEC. 3. That if it shall appear to the court, in any case, that testimony has been duly taken by either party prior to the passage of this act, or that testimony taken in any other case under the rules of the court is pertinent to the issues involved, the same, so far as relevant, may be used in other cases pending in said court.

SEC. 4. That all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. EZRA B. TAYLOR. Will the gentleman signify what time he proposes to allow for debate?

Mr. CULBERSON. How much time will satisfy you?

Mr. EZRA B. TAYLOR. This bill is of vast consequence in its effects, but there is nothing about it that requires any great length of time for discussion. I hardly think, however, you will be able to get it to a vote this evening.

Mr. CULBERSON. I think so; we have an hour yet. I am willing to give you forty minutes and we will take but twenty of the hour.

Mr. TUCKER. Why take up all the time with this bill?

Mr. CULBERSON. Or you may take twenty minutes and we will take ten, if that will be satisfactory.

Mr. EZRA B. TAYLOR. I hardly think we will be able to get through this evening. Several gentlemen have signified a desire to be heard briefly in opposition.

Mr. CULBERSON. Mr. Speaker, this is a very important bill, and I ask the attention of the House for a few moments only, until I can explain its provisions and the reasons for its introduction. My statement must necessarily be brief and hurried, as the committee desire to dispose of as much business as possible in the remainder of the time allotted to it.

Under the captured and abandoned property acts passed in 1863 and 1864 there was property seized sufficient to make the proceeds amount to something over $31,000,000. It will be remembered that under the act of 1863 and the act of 1864 the Treasury agents of the Government of the United States were authorized to seize in the insurrectionary districts all property designated as abandoned. Under those two acts of 1863 and 1864, the latter being a mere supplement of the other, a large amount of property was seized from the time of the passage of the act of 1863 until August, 1866. The act of 1863 provided that any person whose property had been seized and sold and the proceeds placed in the Treasury might bring his suit in the Court of Claims and recover the proceeds of the sale of the property, provided the suit should be brought within two years after the close of the war.

Suits were instituted in the Court of Claims under that provision of the statute and over $12,000,000 were paid out in judgments of the Court of Claims. On special acts of relief $290,000 were paid out. Paid on judgments against Treasury agents, $60,000 and over. Paid on judgments under the act of March, 1863, $9,800. Paid by the Secretary of the Treasury under act of May, 1872, $195,000. Disbursed for expenses under the joint resolution, $75,000. Other amounts were paid out, leaving in the Treasury of the United States $10,512,000.96.

It will be observed—and I want to make my statement as brief as possible—that the war of the rebellion closed on the 20th day of August, 1866; for all judicial purposes it was so declared by the Supreme Court in the case of Cline against the United States, 13 Wallace. Therefore, on the 20th day of August, 1868, the statute of limitation provided for in the act of 1863 had made a bar. In 1872 Congress opened the bar and authorized the Secretary of the Treasury to take proofs in favor of any claimant who might make application for any part of the money. Under that resolution, however, no claim was to be entertained after five months from the passage of that act. Under that act the Secretary of the Treasury paid out $195,000, leaving ten million and odd dollars in the Treasury. That amount still remains in the Treasury.

Congress is in the habit every session of passing private bills allowing persons to bring suits in the Court of Claims and prove their title to this property. This bill under consideration provides a general remedy. It allows every person who has or claims any interest in this fund to institute his suit in the Court of Claims within one year after its passage, and if he can make his claim to any part of property good, then he is entitled to receive such proceeds of the property as may be found in the Treasury. If there are no proceeds in the Treasury to the credit of the property then, as a matter of course, he is not to be paid. The claimant must not only prove that his property was seized and sold by the officers or agents of the Government, but must also prove what amount of the proceeds of the sale was paid into the Treasury. It is not the object of the bill to make the Government responsible for any more money than it received.

The reason why this money remains in the Treasury I now propose to state. The act of 1863 provided that the claimants, in addition to ownership and deposit of the money, should prove loyalty; failing in that, the Court of Claims could not enter a judgment in their favor for any part of this money. As a matter of course the bulk of the property now in the Treasury to the credit of this fund belongs to persons who have been classed as disloyal, and who, under the act of 1863, because of disloyalty, could not make the proof necessary in order to obtain a judgment and secure their interest in the fund. The loyal claimants, or those who have been able to convince the court of their loyalty, have all been paid. As a matter of fact many persons at the South, in the insurrectionary districts, who were clearly entitled to an interest in this fund, understood all the while that they were required to prove loyalty before they could receive the money for which their property had been sold. But in 1869 the Supreme Court of the United States, in the case of Cline, 13 Wallace, which I have not the time to read, decided that after the President's proclamation of general amnesty the disability on account of disloyalty was removed, and that a plaintiff in such case in the Court of Claims was not required to prove loyalty in order to obtain judgment in his behalf.

It will be remembered that there were several proclamations in 1863, in 1864, and in 1865, all of them conditional proclamations, all of them excepting classes of Southern men from their operation. The Supreme Court held, in the case referred to, that all of those embraced within those proclamations who had complied with the conditions of the proclamation were entitled to receive the proceeds of their property upon proper proof; and in the case referred to the court decided that after the general proclamation of amnesty and pardon there was no necessity at all to prove loyalty in order to set up a right and claim to this fund.

The court held that the money does not belong to the Government of the United States; that neither the property nor its proceeds had been confiscated, and that the Government held the fund in trust for those to whom, of right, it belonged.

It will be remembered that this statute of limitation commenced to run on the 20th day of August, 1866, the day on which the war closed. Those at the South especially who were entitled to make this claim never filed their suits, because they did not know what the effect of the President's proclamation or proclamations in regard to amnesty and pardon might be; and the result was that until the decision of the Supreme Court in 1869 was promulgated our people did not know that they had a standing in court.

Mr. REED. Did not know that they were pardoned?

Mr. CULBERSON. Oh, yes; they knew that; but they did not know that they had any standing in court under the act of 1863. That information came too late, for the statute of limitations had made a bar against their claims. The bar was complete on the 20th of August, 1868.

Mr. LONG. And the object of this bill is to let them in?

Mr. CULBERSON. Yes, sir; the object of this bill is to remove the bar and let in all those who claim an interest in this fund on account

of property taken from them—to let them come in and make proof of their claims.

Mr. RANNEY. Simply to get rid of the limitation.

Mr. CULBERSON. Yes, to get rid of the statute of limitation.

Mr. MILLS. I wish to ask my colleague whether this bill provides that these claimants shall prove that their property went into the Treasury.

Mr. CULBERSON. Oh, yes.

Mr. MILLS. Then it does not stop at the mere taking of the property by the agents of the Government.

Mr. CULBERSON. No. The judgments of this court are to be made according to the permanent appropriation provision of section 2689 of the Revised Statutes. That provides that the returns of the proceeds of the sales of captured and abandoned property shall be paid out on the judgments of this court, and unless a claimant can prove that his property, seized as he alleges, was sold by the Treasury agent, and the proceeds placed in the Treasury, he can not recover a cent under this bill; and if he can make such proof, he can take out of the Treasury only as much as the Treasury agent saw proper to put in.

Mr. MILLS. And they did not put in one-tenth of it, either.

Mr. CULBERSON. I regret to say that much of the proceeds was misappropriated.

Mr. BUTTERWORTH. If I understand the statement of the gentleman from Texas, it is that this is a trust fund in the Treasury?

Mr. CULBERSON. Yes, sir.

Mr. BUTTERWORTH. And that the beneficiaries are those who owned the property which was sold out of which this fund was realized?

Mr. CULBERSON. Yes, sir.

Mr. BUTTERWORTH. And that nobody else is entitled to the money, and that it is only a question whether the money shall remain there in the Treasury or be distributed to those for whom it is held in trust?

Mr. CULBERSON. That is it.

Mr. BURROWS. Is this money kept as a separate fund, distinct from other funds in the Treasury?

Mr. CULBERSON. I think not.

Mr. HAMMOND. It is in the Treasury, and the Supreme Court says that it is held as a trust fund.

Mr. BURROWS. I did not know but that the passage of this bill might settle the surplus question. [Laughter.]

Mr. REED. It would eventually.

Mr. CULBERSON. It does not affect the surplus at all, the money does not belong to the Government. I wish to have read an extract from the decision of the Supreme Court.

The Clerk read as follows:

That it was not the intention of Congress that the title to these proceeds should be divested absolutely out of the original owners of the property, seems clear upon a comparison of different parts of the act.

We have already seen that those articles which became by the simple fact of capture the property of the captor, as ordnance, munitions of war, and the like, or in which third parties acquired rights which might be made absolute by decree, as ships and other vessels captured as prize, were expressly excepted from the operation of the act; and it is reasonable to infer that it was the purpose of Congress that the proceeds of the property for which the special provision of the act was made should go into the Treasury without change of ownership. Certainly such was the intention in respect to the property of loyal men. That the same intention prevailed in regard to the property of owners who, then hostile, might subsequently become loyal, appears probable from the circumstances that no provision is anywhere made for confiscation of it, while there is no trace in the statute book of intention to divest ownership of private property not excepted from the effect of this act otherwise than by proceedings for confiscation.

It is thus seen that, except as to property used in actual hostilities, as mentioned in the first section of the act of March 12, 1863, no titles were divested in the insurgent States, unless in pursuance of a judgment rendered after due legal proceedings. The Government recognized to the fullest extent the humane maxims of the modern law of nations, which exempt private property of noncombatant enemies from capture as booty of war; even the law of confiscation was sparingly applied. The cases were few indeed in which the property of any not engaged in actual hostilities was subjected to seizure and sale.

We have recently decided in the case of Armstrong against the United States that the President's proclamation of December 25, 1868, granting pardon and amnesty unconditionally and without reservation to all who participated, directly or indirectly, in the late rebellion relieves claimants of captured and abandoned property from proof of adhesion to the United States during the late civil war. It was therefore unnecessary to prove such adhesion or personal pardon for taking part in the rebellion against the United States. The judgment of the Court of Claims dismissing the petition is reversed.

These extracts show that the Government never undertook to divest the title to these proceeds out of the original owners. Mingling this fund with the surplus I trust will not be regarded as confiscation.

Mr. BUTTERWORTH. If the gentleman from Texas will permit me, I wish to ask another question. As I understand this bill it provides that a judgment rendered shall be paid out of the fund. Now, suppose that a hundred bales of cotton belonging to a particular person were captured and sold, but the proceeds of only fifty bales were turned into the Treasury; there is nothing on the face of this bill to prevent recovery for the value of the hundred bales. The bill provides, as I understand, that the judgment rendered shall be paid, not out of the proceeds of the particular cotton which may have been seized, but out of the entire fund. If that is so, the proceeds of one lot of cotton may be appropriated to pay for cotton the proceeds of which were not, in fact, or only in very small part, paid into the Treasury.

Mr. CULBERSON. Mr. Speaker, I do not think that the bill taken as a whole is subject to the gentleman's criticism. If it is, however, I desire to say to him that I am perfectly willing to have the bill amended. If the gentleman will turn to that provision of the bill extending from line 22 to line 26 he will find this language:

And all judgments rendered in favor of the claimants shall be paid out of the captured and abandoned property fund, as provided by section 3689 Revised Statutes.

That section, I think, fixes as the mode of payment that the judgment shall be paid out of the proceeds of the claimant's own property.

Mr. BUTTERWORTH. I have not examined that section of the Revised Statutes, but on the face of the bill we are not advised as to whether the result I have described might not follow.

Mr. MILLS. Can the party recover any more than was paid into the Treasury for his cotton?

Mr. CULBERSON. That is the point which the gentleman from Ohio [Mr. BUTTERWORTH] raises.

Mr. MILLS. The bill, as I understand, provides that the party can recover only the amount of money that has gone into the Treasury as the proceeds of his property.

Mr. BUTTERWORTH. No; the bill appears to provide that the claimant may recover the value of the cotton, whatever it is.

Mr. MILLS. May recover the amount paid into the Treasury. Does not the bill so provide?

Mr. BUTTERWORTH. No, sir.

Mr. CULBERSON. The provision of the bill—

All judgments rendered in favor of the claimants shall be paid out of the captured and abandoned property fund, as provided by section 3689 of the Revised Statutes.

Upon an examination of section 3689 I find this provision:

UNDER THE TREASURY DEPARTMENT.

Return of the proceeds of captured and abandoned property:

For the return of proceeds from the sale of captured and abandoned property in insurrectionary districts, to the owners thereof, who may, to the satisfaction of the Court of Claims, prove their right to and ownership of said property.

Now the provision of the bill is that judgments shall be paid according to that section.

Mr. HAMMOND. The gentleman from Texas will allow me to suggest that the suitor must aver that the United States Government has in its possession certain trust property. The suit is simply for the recovery of that particular property.

Mr. BUTTERWORTH. But I desired to know whether under the captured and abandoned property acts the suit must be prosecuted for the fund in the Treasury, or for the value of the property.

Mr. HAMMOND. Only for the fund in the Treasury. The suit undertakes to pursue that fund as the proceeds of the suitor's property.

Mr. CULBERSON. I yield three minutes to the gentleman from Arkansas [Mr. MCRAE].

Mr. MCRAE. Mr. Speaker, I thank my friend from Texas [Mr. CULBERSON] for the opportunity he has so kindly given me of saying something for this bill, in which many of my constituents have a direct and personal interest. The explanation furnished the House by him, though brief, is as fair as the bill is just to the United States. In my opinion there has been no measure considered by this House presenting stronger equitable claims. The purpose of it is to provide for the recovery in the Court of Claims by actions in the names of the proper owners certain moneys had, received, and held by the Government for their benefit, the net proceeds of the sale of property seized under the act approved March 12, 1863 (12 Statutes, page 820), and the acts amendatory thereof. For reasons that I will state further on in my remarks, I do not think that the bill offers the owners of this fund all the relief that they are entitled to; but, believing that it is impossible to secure more during this Congress, adhering to the old maxim that "a half loaf is better than none," I cheerfully accept it and hope that it may become a law. If the claimants had been citizens of the Northern States I think their demands would have been settled years ago. Yea, many doubtful claims of citizens of such States were paid out of the fund by the Secretary.

The following statement is supposed to show the amounts paid in, paid out, and remaining in the Treasury:

Whole amount of abandoned and captured property sales		$31,722,466 20
Cost of collecting, sale, and other expenses	$6,551,000 00	
Transferred to Freedman's Bureau	243,000 00	
Internal-revenue taxes and commercial-intercourse fees	1,406,000 00	
Released to claimants by Secretaries Chase, Fessenden, and McCulloch	2,550,675 24	
		10,750,675 24
Balance covered into Treasury under resolution of March 30, 1872		20,971,790 96
Paid on special acts of relief	$290,906 32	
Paid on judgments against Treasury agents	64,557 27	
Paid on judgments under act of March 12, 1863	9,833,423 16	
Paid by Secretary of the Treasury under act of May 18, 1872	195,896 25	
Disbursed for expenses under joint resolution of March 30, 1868	75,000 00	
		10,459,783 00
Balance in Treasury		10,512,007 96

That the character of the fund sought to be reached by this bill may be understood thoroughly, I desire to refer to the several statutes under which the seizures and sales were made in connection with the confiscation acts, as well as to the collection and management of the fund.

NOT CONFISCATION.

There appears to be an impression in the minds of some who evidently have not studied the acts in question that the property, a part of the proceeds of which are involved in this bill, was confiscated. Such is not the case. There was no intention on the part of Congress, and no attempt on the part of the Government at confiscation. It is well settled, as Congress alone has power to make "rules concerning captures," that without an act of Congress there can be no forfeiture or confiscation of the private property of non-combatants on land. The only acts of confiscation passed by Congress affecting citizens in the seceding States are those of August 6, 1861 (12 Statutes, page 319), and July 17, 1862 (12 Statutes, page 590), and these only provide for the condemnation and sale of property belonging to officers and soldiers of the Confederate Government, and such of the property of disloyal persons as might be found in any loyal State or Territory of the United States or in the District of Columbia, and then only after a proceeding *in rem* on the part of the United States in the proper courts, and at the end of this proceeding the property or fund is to be "disposed of as the court shall decree." There is nothing in this statute inconsistent with the abandoned and captured property acts. They can both stand.

COMPENSATION FOR PROPERTY OF NON-COMBATANTS.

Judge Kent, in the first volume of his commentaries, in treating of the rights of belligerent nations in relation to each other, says that "the general usage now is, not to touch private property upon land without making compensation."

The Supreme Court in Klein's case, in referring to these laws and the policy of the United States in the late war, said: "The cases were few indeed in which the property of any not engaged in actual hostilities was subjected to seizure and sale." This modern doctrine, so well founded in humanity, is also in keeping with the practice of this Government in its war with the republic of Mexico.

We learn from the history of that war that Mr. Marcy, the Secretary of War, by an order of September 22, 1846, directed General Taylor in his invasion of that country, then at war with this, not to appropriate private property to public use without compensation. Will our friends who have evinced a disposition to oppose this bill tell me why the same principle should not be applied to the Southern States? To insist upon another and a harsher rule would be indicative of a want of liberality and fairness on their part, and the enforcement of such would be inconsistent with the dignity of this Government, of which they insist the Southern States have always been a part. Do they propose to nullify and disregard the celebrated resolution of July 22, 1861, which declared that the war was not to be prosecuted "in any spirit of oppression nor for any purpose of conquest or subjugation?"

These were no idle, meaningless words. They were expressive of the feeling of a large majority of the Union people of the United States and particularly of the Union Democrats—announced at the most critical period of the war amid intense excitement. They meant an earnest call for help when the enemy was "in arms around the capital." They went out to the country on the day after the two contending armies had met in battle array at Bull Run. In that, the first important and ever-memorable fight, the Union forces lost and the well-equipped army of General McDowell was "dispersed in rout." With that official declaration on the part of Congress at that important juncture the patriotism of the North was aroused and unified. Democrats and Republicans alike joined in the fight "to preserve the Union with all the dignity, equality, and rights of the several States unimpaired." Opposition to this bill is nothing less than a disregard of this resolution. As an humble Representative of a small part of this restored and indissoluble Union of independent States may I not ask the Union soldiers of this House to see that the pledges made by that resolution are redeemed and that this private property, taken without compensation, be restored as far as possible to the rightful owners.

AUTHORITY FOR AND EFFECT OF THE SEIZURES.

By the first section of the act under which the seizures were made the Secretary of the Treasury was authorized "to appoint a special agent or agents to receive and collect all abandoned or captured property" in any of the States in rebellion. The second section requires that "all sales of such property shall be at auction to the highest bidder, and the proceeds thereof shall be paid into the Treasury of the United States."

In the third section it is provided that "any person claiming to have been the owner of any such abandoned or captured property may, at any time within two years after the suppression of the rebellion, prefer his claim to the proceeds thereof in the Court of Claims; and on proof to the satisfaction of said court of his ownership of said property, of his right to the proceeds thereof, and that he has never given any aid or comfort to the present rebellion, to receive the residue of such proceeds," after the deduction of all expenses attending the seizure and disposition thereof.

The act approved July 2, 1864 (13 Statutes, 375), declared that property "shall be regarded as abandoned when the lawful owner thereof shall be voluntarily absent therefrom and engaged, either in arms or otherwise, in aiding or encouraging the rebellion."

Although Congress failed to define "captured" property, it is very clear to my mind that it did not include property that the agents might see fit to take, because they had no power of capture. The Secretary of the Treasury, in a circular dated July 3, 1863, correctly defined it as property "which had been seized or taken from hostile possession by the military and naval forces of the United States."

It is manifest that under the last-named act all cotton, sugar, rice, and tobacco received by the military officers or soldiers, as well as the Treasury agents, ought to have been treated as "captured or abandoned property," and should have been disposed of and dealt with as the second section of the act provides; that is, sold and the proceeds paid into the Treasury for the owners to await the decision of the Court of Claims.

THE PARDON OF THE PRESIDENT RESTORED PROPERTY RIGHTS.

The first and most important question to be settled is, whether persons who gave aid or comfort to the rebellion are entitled to the benefits of the acts in question. If not, then the people who were at the time residing in the South, and from whom the property was taken, have no interest, because I am free to admit that those of them who did not take up arms submitted to the confederate states, obeyed their laws, and in some way contributed to the support of the government. They followed the State rather than the National Government. It was natural that they should, and it is no disgrace that they did. While in some cases the property of children too young to take any part in the war or to know anything about the issues between the two sections of the Union was taken, generally the seizures were of the property of persons who in some way aided in the rebellion or sympathized with it. But I respectfully submit that so much of the statute as made proof of loyalty necessary to a recovery was nullified by the several proclamations of pardon and amnesty at various times issued by the President of the United States. By section 2 of Article II of the Constitution, the President is given "power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment;" besides, Congress, in the act of July 17, 1862, made an authoritative suggestion that he should do so, "with such exceptions and at such time and on such conditions" as he might deem expedient for the public welfare.

Acting upon this suggestion President Lincoln, on the 8th day of December, 1863, by a public proclamation, pardoned all persons, with a few exceptions, who had participated in the rebellion, "with restoration of all rights of property except as to slaves," upon the condition that they would take what is commonly called the amnesty oath.

In his annual message to Congress at the same time he gave his reasons for his action in the following words:

> Laws and proclamations were enacted and put forth for the purpose of aiding in the suppression of the rebellion. To give their fullest effect there had to be a pledge for their maintenance. In my judgment they have aided and will further aid the cause for which they were intended. To now abandon them would not only be to relinquish a lever of power, but would also be a cruel and astounding breach of faith. For these and other reasons it is thought best that support of these measures shall be included in the oath, and it is believed the Executive may lawfully claim it in return for pardon and restoration of forfeited rights, which he has clear constitutional power to withhold altogether or grant upon the terms which he shall deem wisest for the public interest.

Continuing the policy commenced by Mr. Lincoln, President Johnson published several proclamations, each reducing the list of exceptions, until finally, on the 25th day of December, 1868, he made the pardon universal and unconditional. I give it in full:

A PROCLAMATION.

> Whereas, the President of the United States has heretofore set forth several proclamations, offering amnesty and pardon to persons who had been or were concerned in the late rebellion against the lawful authority of the Government of the United States, which proclamations were severally issued on the 8th day of December, 1863, on the 26th day of March, 1864, on the 29th day of May, 1865, on the 7th day of September, 1867, and on the 4th day of July, in the present year; and
>
> Whereas the authority of the Federal Government having been re-established in all the States and Territories within the jurisdiction of the United States, it is believed that such prudential reservations and exceptions as at the dates of said severa proclamations were deemed necessary and proper may now be wisely and justly relinquished, and that a universal amnesty and pardon for participation in said rebellion extended to all who have borne any part therein will tend to secure permanent peace, order, and prosperity throughout the land, and to renew and fully restore confidence and fraternal feeling among the whole people, and their respect for and attachment to the National Government, designed by its patriotic founders for the general good.
>
> Now, therefore, be it known that I, Andrew Johnson, President of the United States, by virtue of the power and authority in me vested by the Constitution, and in the name of the sovereign people of the United States, do hereby proclaim and declare unconditionally, and without reservation, to all and to every person who directly or indirectly participated in the late insurrection or rebellion, a full pardon and amnesty for the offense of treason against the United States, or of adhering to their enemies during the late civil war, with restoration of all rights, privileges, and immunities under the Constitution and the laws which have been made in pursuance thereof.
>
> In testimony whereof I have signed these presents with my hand, and have caused the seal of the United States to be hereunto affixed.

Done at the city of Washington, the twenty-fifth day of December, in the year of our Lord one thousand eight hundred and sixty-eight, and of the In-
[SEAL.] dependence of the United States of America the ninety-third.
ANDREW JOHNSON.

By the President:
F. W. SEWARD,
Acting Secretary of State.

It will be observed that no oath was required in this.

On the 30th day of April, 1870, the decision and judgment of the court in the case of Padelford, in 9 Wallace, 531, was announced, to the effect that participation in the rebellion was no bar to a recovery. The court, referring to a previous decision, said:

In the case of Garland this court held the effect of a pardon to be such "that in the eye of the law the offender is as innocent as if he had never committed the offense;" and in the case of Armstrong's foundry we held that the general pardon granted to him relieved him from a penalty which he had incurred to the United States.

And, continuing, used this language as to the effect of the pardon upon property rights:

If, in other respects, the petitioner made the proof which under the act entitled him to a decree for the proceeds of his property, the law makes the proof of pardon a complete substitute for proof that he gave no aid or comfort to the rebellion. A different construction would, as it seems to us, defeat the manifest intent of the proclamation and of the act of Congress which authorized it. Under the proclamation and the act the Government is a trustee, holding the proceeds of the petitioner's property for his benefit; and having been fully reimbursed for all expenses incurred in that character, loses nothing by the judgment, which simply awards to the petitioner what is his own.

This was sound law and strictly in keeping with the policy upon which Congress and the President had acted, but was not satisfactory to the Congress as made up at that time, and so a scheme was set on foot to nullify the effect of the pardon and this decision as well after the terms had been accepted and the conditions faithfully performed on the part of the Southern people, whose property had been taken from them, the result of which was the passage of the following proviso to the legislative, executive, and judicial appropriation bill for the year ending June 30, 1871, which became a law July 12, 1870:

Provided, That no pardon or amnesty granted by the President, whether general or special, by proclamation or otherwise, nor any acceptance of such pardon or amnesty, nor oath taken, or other act performed in pursuance or as a condition thereof, shall be admissible in evidence on the part of any claimant in the Court of Claims, as evidence in support of any claim against the United States, or to establish the standing of any claimant in said court, or his right to bring or maintain suit therein; nor shall any such pardon, amnesty, acceptance, oath, or other act as aforesaid, heretofore offered or put in evidence on behalf of any claimant in said court, be used or considered by said court, or by the appellate court, on appeal from said court, in deciding upon the claim of said claimant, or any appeal therefrom, as any part of the proof to sustain the claim of the claimant, or to entitle him to maintain his action in said Court of Claims, or on appeal therefrom; but the proof of loyalty required by the abandoned and captured property act, and by the sections of several acts quoted, shall be made by proof of the matters required, irrespective of the effect of any executive proclamation, pardon, amnesty, or other act of condonation or oblivion. And in all cases where judgment shall have been heretofore rendered in the Court of Claims in favor of any claimant, on any other proof of loyalty than such as is above required and provided, and which is hereby declared to have been and to be the true intent and meaning of said respective acts, the Supreme Court shall, on appeal, have no further jurisdiction of the cause, and shall dismiss the same for want of jurisdiction.

And provided further, That whenever any pardon shall have heretofore been granted by the President of the United States to any person bringing suit in the Court of Claims, for the proceeds of abandoned or captured property under the said act, approved 12th March, 1863, and the acts amendatory of the same, and such pardon shall recite in substance that such person took part in the late rebellion against the Government of the United States, or was guilty of any act of rebellion against, or disloyalty to, the United States, and such pardon shall have been accepted in writing by the person to whom the same issued, with an express disclaimer of and protestation against such fact of guilt contained in such acceptance, such pardon and acceptance shall be taken and deemed in such suit in the said Court of Claims, and on appeal therefrom, conclusive evidence that such person did take part in, and give aid and comfort to, the late rebellion, and did not maintain true allegiance or consistently adhere to the United States; and on proof of such pardon and acceptance, which proof may be heard summarily, on motion or otherwise, the jurisdiction of the court in the case shall cease, and the court shall forthwith dismiss the suit of such claimant.

The effect of this law, if valid, would have been to have made the acceptance of a pardon without disclaimer conclusive evidence of the offense pardoned, but of no value as evidence of the benefits secured by it in any of the courts—in short, to take away the effect which the court had adjudged that it had. The Supreme Court in Klein's case, 13 Wallace, held this proviso to be null and void. I quote the following from the decision upon that point:

Now it is clear that the Legislature can not change the effect of such a pardon any more than the Executive can change a law. Yet this is attempted by the provision under consideration. The court is required to receive special pardons as evidence of guilt, and to treat them as null and void. It is required to disregard pardons granted by proclamation on condition, though the condition has been fulfilled, and to deny them their legal effect. This certainly impairs the executive authority and directs the court to be instrumental to that end.

In the same opinion the doctrine announced in Padelford's case was reasserted with such force by the Chief-Justice that it ought to be regarded as settled. I make a few citations from it upon that point:

1. That it was not the intention of Congress, by the enactment of that statute, that the title to property seized under it should be divested from the loyal owners.
2. That the proceeds of the property should go into the Treasury without change of ownership.
3. That the same intention prevailed in regard to the property of owners who, though then hostile, might subsequently become loyal.
4. That it was for the Government itself to determine whether those proceeds should be restored to the owner or not.
5. That the President's proclamations of pardon and amnesty, with restoration of rights of property, and particularly that of July 4, 1868, was a decision on the part of the Government which decided affirmatively the right of all the owners of such property to the proceeds thereof in the Treasury; and the restoration of the proceeds became the absolute right of the persons pardoned.
6. And that "the Government constituted itself the trustee for those who by that act were declared entitled to the proceeds of captured and abandoned property, and for those whom it should thereafter recognize as entitled."

Continuing, the court say:

That it was not the intention of Congress that the title to these proceeds should be divested absolutely out of the original owners of the property seems clear upon a comparison of different parts of the act.

And concludes with this strong language:

The title to the proceeds of the property which came to the possession of the Government by capture or abandonment, with the exceptions already noticed, was in no case divested from the original owner. It was for the Government itself to determine whether these proceeds should be restored to the owner or not. The promise of the restoration of all rights of property decided that question affirmatively as to all persons who availed themselves of the proffered pardon. * * * The restoration of the proceeds became the absolute right of the persons pardoned, on application within two years from the close of the war. It was, in fact, promised for an equivalent. "Pardon and restoration of political rights" were "in return" for the oath and its fulfillment.

To refuse it would be a breach of faith not less cruel and astounding than to abandon the freed people whom the Executive had promised to maintain in their freedom.

So I insist that when the act is considered in the light of the pardon and these decisions of the Supreme Court, that it should be read as if the words "and that he has never given any aid or comfort to the present rebellion," in the third section, were stricken out.

The offer of pardon and amnesty by the lawful authority of the Government and its acceptance by the people to whom tendered was in the nature of a contract. It was made by the concurrent action of Congress and the President. It had all the elements of a national agreement. The consideration was received; the conditions performed on the part of the people. They have kept faith with the Government, but it yet remains to be seen whether the Government will perform its part of the agreement. Many of the people interested in this fund died in their allegiance, and the real beneficiaries of the trust are their widows and children, against whom not even the charge of disloyalty can be made, and thus we see how great the wrong and unjustifiable the perfidy. No government can afford to permit so manifest a wrong without invoking the curses of all Christendom upon it.

In olden times the people who would repudiate their agreements received the censure of the civilized world. For many centuries "Punic faith" has been referred to as expressive of all that is false and faithless in nations, but there can not be found in Carthaginian history a more utter disregard of plighted national faith than the refusal to pay this money over to the people from whom it was taken and for whom it is held in trust. There is nothing in either ancient or modern history that equals such injustice, unless it be the collection from the Southern farmers of the illegal and unequal tax upon raw cotton by the same Government after peace.

THE MODE OF SEIZURES AND SALES.

On the 31st day of March, A. D. 1863, after the passage of the first act above referred to, the Secretary of the Treasury authorized and directed the agents theretofore appointed under the intercourse laws to execute the provisions of the act of March 12, 1863, and orders were issued by the Secretaries of War and the Navy requiring the officers of their respective Departments to turn over all captured and abandoned property in their possession to said agents. Under these arrangements, by which the agents were paid a salary and the Army officers prohibited from disposing of such property as they might capture or find, but little property was seized, and, in the language of the then Secretary of the Treasury, it was "necessary to provide more adequate means of securing the cotton." And so he, on the 11th day of September, 1863, made and promulgated, with the approval of the President, regulations by which "the cotton" could be secured; one of which was to allow as much as 25 per cent. of the proceeds of the property for collecting, preparing, and delivering the same.

Under this system, which, as he says, was "generally adopted in these collections," the country was soon filled with a set of unscrupulous twenty-five-per-cent. agents, who, although ostensibly appointed to gather up and seize "abandoned" property, insisted that it was their duty to take all cotton without reference to whether it was legally exempt from seizure or not. Acting under a law which only authorized them to take "abandoned" property, they made contracts with the owners of property for voluntary abandonment, under a promise in writing that the same would be forwarded and disposed of for the use and benefit of the owners.

This plan was held out to the owners as the surest and safest plan to protect their property. If it failed to get the cotton, then the charge of disloyalty was at once made and the property taken, although the owner might not be "voluntarily absent therefrom," but present protesting against the seizure. It made but little difference to these contractors, because they received their 25 per cent. and in many cases appropriated the whole of the proceeds. If any such chanced to be reported and was ordered to be released it was upon the condition that the owner "first pay or cause to be paid all costs, charges, or expenses paid or incurred by them in any way on account of said cotton, and

execute and deliver, also, to any agent from whom any of it is received, a certificate of probable cause of seizure, which will protect and hold harmless the Government and all its officers and agents against any claim for loss or damage sustained on account of its seizure, detention, or removal."

The amounts deducted from the proceeds under such circumstances comprised the expenses of collection, rebaling, transportation, insurance, freight, expenses of sale, commissions, &c., which were paid to the many persons employed to perform the services and labor, supervising and assistant agents. So that it made no difference to the Government contractor whether the cotton was, in fact, abandoned property or not, nor whether the owner was loyal or disloyal, since he got his part of the booty and protection "against any claim for loss or damage." Was there ever before such a premium upon robbery by a Government? This much, Mr. Speaker, was either allowed or authorized by the Secretary of the Treasury during the war.

But the grand scheme of general plunder commenced after the South had surrendered, when there was no one "absent" from his property engaged either in arms or otherwise in aiding or encouraging the rebellion. The rebellion had been suppressed, and the decision of the sword accepted as final by the people of the Southern States. They were anxious to return to self-government in the Union at once. While there were absentees from nearly every household in that beloved land, they were not engaged in arms or otherwise in aiding or encouraging the rebellion. No, but sleeping far away in "the temple of silence and reconciliation," while their friends and families, in the midst of want and waste, with hearts full of sorrow and sadness, were beginning the work of restoration, realizing the truth of the statement that "the only cure for grief is action." The military forces had been withdrawn from the districts where such property was situated. In this condition of affairs, and under the pretext of gathering up cotton that belonged to the confederate government, agents were sent among the people of the South to vex, annoy, and plunder them. Many of these agents "regularly documented" by the Department, in base collusion with lawless men of the South, organized a regular system of pillage, and, as has been said by a prominent Republican official, "every species of intrigue and peculation and theft were resorted to."

The Secretary, in one of his reports, says:

> While thus engaged in making collections of the aforesaid property contractors frequently seized the property of private individuals, who complained to the Department for redress, which upon clear proof was fully afforded.

But we are assured by the same official that—

> in no case, however, it is believed was the property or its proceeds restored to any unpardoned rebel.

No proof was sufficiently strong to secure a release for a resident of the South, while little or no proof of ownership was required of a Northern man known to be loyal.

THE MANAGEMENT OF THE FUND AFTER SALE.

Instead of paying the proceeds thereof "into the Treasury," as the act required should be done, it was placed to the credit of F. E. Spinner as special agent, and large sums and various amounts paid out of it by him without any order or judgment of the Court of Claims. In some cases he refused to obey the orders of this court. The sum of $10,750,675.24 was paid out in this way, and of this only the sum of $2,550,675.24 was paid to the claimants, the remainder, $8,200,000, was paid for costs, expenses, taxes, &c., it being more than one-fourth of the amount of money reported as realized from the sales of all property under these acts.

There was little or no check upon the agents. Although the law required "books of accounts to be kept, showing from whom such property was received, the costs of transportation, and proceeds of the sale thereof," the different lots were so mixed and the books so imperfectly kept that it is difficult to get reliable information about particular transactions. Some claims were paid twice, while others were allowed and paid after the limitation had expired. Attorneys' fees and clerk-hire due from the Government were freely paid out of it. The management of this fund by the Treasury officials is only equaled by the measures adopted for its collection. A clerk in that Department, under oath as a witness, says that the fund was "held by F. E. Spinner as special agent, and it was lying there loose, and whoever could rake up a little claim could get it." The records show that many were raked up, and much of the money wasted.

STATUTE OF LIMITATIONS.

Having seen that the title to the property was not divested and that it is held for persons who aided in the rebellion, as well as those who did not, there is nothing left except the limitation of two years to be disposed of.

Claimants were allowed two years after the suppression of the rebellion to present their claims, but it was not known when this commenced until the limitation had expired; at least it was a question to be determined, and was not decided until 1869 (see Anderson *vs.* U. S., 9 Wall., p. 56), when the day was fixed for judicial purposes as August 20, 1866. The limitation of two years expired August 20, 1868.

The effect of the pardon was not understood until after this, because the Court of Claims had held that proof of loyalty was necessary, and also that no appeal from their judgment was authorized under the act. Hence a large majority of claimants did not file their claims, and many of those who did had adverse judgments on the question of loyalty, and the time for appeal had expired before it was known that they had such right in these cases. In view of all this, let me ask if the great Government of the United States, against which the statute of limitations never runs, shall itself be allowed to plead it so as to appropriate to its own use trust money? In ordinary individual trusts the statute of limitations does not operate in favor of trustees. As this is a trust arising from an act of Congress, by which the Government itself has appointed itself and assumed to act as trustee for its citizens, it ought not to do less than grant that measure of justice which it would demand and enforce if the positions were reversed.

The SPEAKER. The gentleman's time has expired.

Mr. HEPBURN. I ask the gentleman from Texas whether he will be willing to accept as an amendment a motion to insert, after the word "acts," in the third line of the fourth section, "and acts amendatory thereof?"

Mr. CULBERSON. I decline to accept that amendment. I reserve the remaining portion of my time.

Mr. EZRA B. TAYLOR. I suppose I am now occupying the floor in my own right.

The SPEAKER. The gentleman is entitled to the floor.

Mr. EZRA B. TAYLOR. And that I have the disposal of an hour.

The SPEAKER. Certainly.

Mr. EZRA B. TAYLOR. Mr. Speaker, I have but very few words that I wish to speak on this subject of my own, and I do not know of but one or two on this side who wish to occupy time in regard to it. The statement of the case made by the gentleman from Texas [Mr. CULBERSON] is substantially as I understand the facts to be, and that leaves but this question now, practically, whether we are prepared now, whether we are prepared on either side of this House to remove the disabilities under which the claimants under this bill are now laboring.

There was property captured and abandoned; property which was abandoned and other property which was captured. We are not aware here now of what precise use was being made of the property captured, or of any considerable portion of this property resulting in the money in the Treasury of the United States. A law was passed by which every loyal claimant might have two years after the war in which to pursue his remedy, recover his judgment, and receive his pay. As has been stated by the distinguished gentleman from Texas, those in that category made use of the time, commenced their suits, and recovered their money, and have been paid. There was a class, unfortunately, who then were not in condition to take advantage of that legislation. Neither did they attempt for the most part to do so. They recognized the situation in which they were placed by the law, and by their own acts, and remained silent, asking nothing at the hands of the Government. They had taken arms in their hands, knowing they must abide by the consequences of rebellion against the United States, and they acquiesced in the position in which their act and the law placed them. Afterward the President, on the 20th of August, 1866, made his proclamation of amnesty and pardon, and afterward the Supreme Court of the United States decided the effect of that proclamation was to restore the civil rights of these parties. It was only that, and nothing more. If they had been meritorious in their disloyalty that merit was still theirs, and if they had been criminal in that disloyalty that demerit and that sin was theirs. No President of the United States could add to one or take away from the other.

That is the moral aspect of the question, and the same reasons existed in 1863, when this original law was passed, by which a distinction was made between those who bore arms against the Government and those who aided the United States under it. The pardon, the amnesty related only to the punishment. It did not change the condition of things or remove one iota from the responsibility of the parties engaged.

Now, sir, it may be that no demerit was attached to persons who found themselves in that condition. It is not for me here to say. But I say we did; and do say every reason then is a reason now, unless there be some other circumstance intervening which changes it.

Nay, more, Mr. Speaker, there is, to this day, a statute, referred to incidentally, I take it, by my friend from Iowa [Mr. HEPBURN], which denies the right—prevents the officers of the Government of the United States from paying money to those who were disloyal.

It comes right to this, and there is nothing more in it, and nothing more of it. This law existed once for the benefit of these parties who are now making claim to this money. They were not aware of the condition of the law, or its existence, and are not responsible for the neglect of failing to avail themselves of its benefit. But, still it existed. The time passed within which suit might be brought. They brought no suit. Now, is there anything in the history of this whole matter—is there anything which will warrant or demand of us, in justice, taking in view the whole situation, to say to them, we will take you out of this difficulty in which you placed yourselves?

There was a time and a way whereby you could have been and re-

mained in a position not antagonistic to the Government of the United States. You chose, from whatever reason actuated you, to take the other course, and having taken it, for myself, I am bound to say, as a representative of my own people, and for myself individually, that I dare not interfere in this matter. I am not called upon to interfere. It might as well be understood now, it ought to have been understood earlier, that rebellion, causeless and unsuccessful rebellion against a good Government, is not only an offense but a crime. That consequences are liable to flow from it injurious to the parties engaged; that such consequences have issued from their own acts, and may hereafter issue from their own acts is the natural sequence of their own views and position; and the parties standing guilty have no right to demand from me or from him who did not sin in that direction to put them back in the position they might have occupied if they had been loyal and true men and actual American citizens.

Mr. Speaker, for myself this is all there is of it. I would have avoided saying this, for it does me no pleasure to say that which may be unpleasant to any. I could not say less and do justice to my own convictions and represent my own people.

Mr. OATES. Will the gentleman from Ohio yield to me a few minutes in order that I may make a statement in this connection for him to reply to?

Mr. EZRA B. TAYLOR. I have no disposition to get into a controversy with any person.

Mr. OATES. The gentleman can reply to the statement if he will permit me to occupy the floor for a few moments.

Mr. EZRA B. TAYLOR. I shall have no occasion to reply to any gentleman. I have no anxiety about the vote of anybody else; but simply desired to state my own position and convictions.

Mr. Speaker, there are ten millions of dollars in the Treasury, a separate fund in trust, they say. Not so. Ten millions of money is in the Treasury like all and any other money in the Treasury, but about which there is a separate account kept. If this bill passes it will go out; if this bill does not pass it will stay there and be used like any other money in the Treasury.

Now, may I inquire how much time I have remaining?

The SPEAKER. The gentleman has occupied seven minutes of his hour only.

Mr. EZRA B. TAYLOR. I yield to my friend from Iowa [Mr. HEPBURN]. How much time does the gentleman desire?

Mr. HEPBURN was recognized.

Mr. MORRISON. If the gentleman from Iowa will allow me, I would like to make a motion to adjourn.

Mr. HEPBURN. I shall occupy but a few moments; but will yield to the gentleman if he desires to make that motion, retaining the floor.

Mr. EZRA B. TAYLOR. You will retain the floor, of course.

A MEMBER. This question will go over as unfinished business, and may not come up again if you yield.

Mr. MORRISON. I move that the House do now adjourn, if the gentleman from Iowa yields the floor.

Mr. OATES. I ask the gentleman from Illinois to withhold the motion for a moment.

Mr. HEPBURN. Mr. Speaker, on reflection I will not yield just at this moment.

I want to call the attention of the House to some of the provisions of this act, and shall occupy but a very little time. The first provision of the bill to which I call attention is:

That the right of action in the Court of Claims under the provisions of the captured and abandoned property acts be, and the same hereby is, revived and extended for one year from and after the passage of this act.

I would like to ask if that is not a clear revival of the original act conferring jurisdiction on the Court of Claims; and if the jurisdiction will not be as it was prior to the time when it was limited by the act making proof of loyalty a prerequisite for jurisdiction? The object I had in view, therefore, in asking the gentleman from Texas to accept the amendment to insert the words "and the acts amendatory thereof," fater the word "acts," in the fourth line of the first section, was to preserve as far as might be the present status and jurisdiction of that court. Under the provisions of this act the court will have jurisdiction without regard in any sense to the question of loyalty.

Another objection that I have is this: Very many questions of this kind have been decided by the Treasury Department. Under the terms of this law they will again be adjudicated in the Court of Claims. In the second adjudication all the *ex parte* testimony that was taken in this prior investigation will be competent testimony. It seems to me that ought not to be so.

Again, the third section of the bill provides not only that such testimony—the testimony taken when the case was pending before the Treasury Department—may be used, but the testimony taken in any other case may be used in a given case as well. No matter how fraudulent, no matter how irregular, no matter whether the United States was represented or not in the taking of the testimony, any of the testimony taken in any of the cases preceding may, under the terms of this bill, be used in any case that may be brought up.

Mr. CULBERSON. Testimony taken according to law.

Mr. HEPBURN. There is an express provision in regard to such cases. The section I refer to reads as follows:

That if it shall appear to the court, in any case, that testimony has been duly taken by either party prior to the passage of this act, or that testimony taken in any other case under the rules of the court is pertinent to the issues involved, the same, so far as relevant, may be used in other cases pending in said court.

Mr. CULBERSON. It provides the testimony regularly taken may be used in another case if pertinent.

Mr. HEPBURN. But suppose it is entirely *ex parte*. I am informed that testimony taken in these prior investigations is used in certain instances in the Court of Claims without cross-examination or any of the usual tests.

Mr. HAMMOND. Does the gentleman think testimony taken without cross-examination is duly taken?

Mr. HEPBURN. I understand in certain cases it is so regarded by the courts and so used now.

Mr. HAMMOND. Duly taken means being taken according to law.

Mr. HEPBURN. It depends entirely on a matter of construction of the individual court, I take it.

I reserve the balance of my time.

Mr. EZRA B. TAYLOR. I yield now for a motion to adjourn.

Mr. OATES rose.

Mr. EZRA B. TAYLOR. I yield only for a motion to adjourn, and for no other purpose.

Mr. OATES. I do not propose to make any speech. It is not often I have desired to make a speech here, and I have never desired to do so more than now. But as I can not do it for want of time, I ask unanimous consent that I may print my remarks in the RECORD.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its Clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 1386) making appropriation for the completion of a public building at Fort Scott, Kans.

ADJOURNMENT.

Mr. MORRISON. I move that the House do now adjourn.

The motion was agreed to—ayes 59, noes 25; and accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Petition of the J. C. Ayer Co. for the repeal of internal-revenue taxes—to the Committee on Ways and Means.

By Mr. BARKSDALE: Papers relating to the claim of Robert T. Wood, of Jefferson County, Mississippi—to the Committee on War Claims.

By Mr. BUNNELL: Petition of veteran soldiers and others, asking that widows and dependent relatives shall not be debarred from pensions if death of claimant resulted from other causes than that for which pensioned—to the Committee on Invalid Pensions.

By Mr. CALDWELL: Papers relating to the claim of Alexander Kerr and George Hutchison, of Dickson County, Tennessee—to the Committee on War Claims.

By Mr. CONGER: Petition of Spring Valley Lodge, Independent Order of Good Templars, of Perry, Iowa, urging the early passage of the Blair educational bill—to the Committee on Education.

By Mr. ELY: Petition of George Draper and 70 others, for reduction of internal-revenue taxes—to the Committee on Ways and Means.

By Mr. EVANS: Memorial of the Woman's Indian Association of Byrn Mawr, Pa., praying for the passage of the bill (S. 53) for the relief of the Mission Indians of California—to the Committee on Indian Affairs.

By Mr. FINDLEY: Petition of oyster-dredgers on the Chesapeake Bay and tributaries, for relief—to the Committee on Commerce.

By Mr. GUENTHER: Petition of the George D. Eggleston Post, No. 133, Grand Army of the Republic, praying for more liberal pension laws, and equalization of bounties—to the Committee on Invalid Pensions.

By Mr. HERBERT: Petition of E. J. Mancill, for increased pay for detecting and exposing fraud on the United States pension laws, whereby two persons were convicted of conspiracy and sentenced to the penitentiary—to the Committee on Claims.

By Mr. JAMES: Petition of Dodge & Olcott and 3 other wholesale drug and manufacturing firms, of New York city, for abolition of internal taxes—to the Committee on Ways and Means.

By Mr. LONG: Petition of executive committee of Grand Lodge of Independent Order of Good Templars of Massachusetts, for the bill (S. 1579) granting the District of Columbia the right to ballot as to sale of intoxicating liquors—to the Committee on the District of Columbia.

By Mr. OSBORNE: Petition of veteran soldiers and others, asking that widows and dependent relatives shall not be debarred from pen-

sion in case of death of claimant from other causes than that for which pensioned—to the Committee on Invalid Pensions.

By Mr. OUTHWAITE: Resolution of Ohio Agricultural Association, urging the passage of the bill (H. R. 7208) for suppressing contagious diseases of animals—to the Committee on Agriculture.

By Mr. PERKINS: Affidavits of D. M. Dugger, Emanuel Hurst, and Dr. J. S. Minny, in support of the pension claim of James Smithpeters—to the Committee on Invalid Pensions.

By Mr. SPOONER: Petition of the Rumford Chemical Works of Providence, R. I.; and of William B. Bland and others, wholesale druggists, of Providence, R. I., for the repeal of internal taxes—to the Committee on Ways and Means.

By Mr. STAHLNECKER: Petition of the Peoria (Ill.) Board of Trade; and of the Minneapolis (Minn.) Board of Trade, opposing sections 4 and 5 of the interstate-commerce bill—to the Committee on Commerce.

By Mr. STEELE: Petition of B. L. Dewees, postmaster at Balbec, Jay County, Indiana, asking an increase of salary for postmasters of the fourth class—to the Committee on the Post-Office and Post-Roads.

By Mr. STEPHENSON: Petition of gold and silver beaters of the United States, asking an increase of duty on certain articles—to the Committee on Ways and Means.

Also, resolutions of the Wisconsin State Grange, urging the passage of the agricultural experiment-station bill, and the interstate-commerce bill; the bill making the Commissioner of Agriculture a Cabinet officer; also, that the public domain be held for actual settlers, and the passage of a law prohibiting the purchase by foreigners of large tracts of land—to the Committee on Agriculture.

By Mr. STRAIT: Statement of Edgar R. Mills, secretary of the Chamber of Commerce of Duluth, Minn., showing the amount of business done at the harbor at that place during the years 1885 and 1886—to the Committee on Rivers and Harbors.

By Mr. WISE: Petition of manufacturers and dealers in leaf-tobacco, asking for the abolition of the tax on tobacco—to the Committee on Ways and Means.

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. CURTIN: Petition of 199 citizens of Clinton, Centre, and Clearfield, Pa.

By Mr. FLEEGER: Petition of 482 citizens of Centre, Clay, Brady, Dicksonburg, Fredonia, West Salem, and West Middlesex, Pa.

By Mr. MORRISON: Petition of 319 citizens of Marissa, New Douglas, and Richview, Ill.

By Mr. NEECE: Petition of 258 citizens of Moline, New Boston, and Prairie City, Ill.

By Mr. O'FERRALL: Petition of 185 citizens of Shenandoah and Albemarle Counties, Virginia.

By Mr. SCOTT: Petition of 347 citizens of Venango, North East, Cornplanter, Irvine, Albion, and Swerly Borough, Pa.

SENATE.

FRIDAY, *January* 14, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

COURTS IN MICHIGAN.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1458) to provide for holding terms of the circuit and district courts of the United States for the eastern district of Michigan at Bay City, in said district, which was in line 3, to strike out the words "Bay City," and insert in lieu thereof the words "East Saginaw."

Mr. WILSON, of Iowa. I desire to move non-concurrence in the amendment, and to ask for a committee of conference on the disagreeing votes of the two houses.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate non-concur in the amendment proposed by the House of Representatives, and ask for a conference thereon.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents proceedings and resolutions of the National Grange, Patrons of Husbandry, in favor of the passage of such laws as will furnish the benefits of the Signal Service to the farmers of the country; also, favoring the bill for the establishment and maintenance of agricultural experiment-stations. As the memorial is brief, if there be no objection, it will be printed in the RECORD, and ordered to lie on the table.

The memorial is as follows:

NATIONAL GRANGE, PATRONS OF HUSBANDRY,
OFFICE OF THE SECRETARY,
Washington, D. C., January 14, 1887.

DEAR SIR: Under the instructions of Hon. Put Darden, worthy master of the National Grange, I have the honor to forward to you the following resolutions and reports unanimously adopted at the twentieth session of the National Grange, Patrons of Husbandry, held in the city of Philadelphia, from November 10 to 18, and to ask your favorable attention to the same:

Whereas it is of more importance to farmers than to any other class of citizens to know what changes are likely to occur in the weather; and

Whereas the farmers furnish three-fourths of the exports of the country, and are the largest tax-payers in support of the General Government: Therefore,

Resolved, That the Congress of the United States be respectfully requested to pass such laws as shall furnish the benefits of the Signal Service to the farmers of the country.

On motion, the committee on education made a special report, under a suspension of the discussion of the report of the committee on agriculture, as follows:

Reference of the measure now pending in Congress, as formulated in what is known as the "Hatch bill," providing for the establishment and maintenance of agricultural experiment-stations, having been made to this committee, its members have made critical examinations of the provisions therein embraced, and they unite in the conclusion that the work contemplated is a proper subject for which cost should be met by the General Government.

There is also unanimous agreement by the committee to the proposition that such work should be delegated to experiment-stations, already established under State control, where such institutions are now in operation, and the committee, therefore, recommends that this body advise such change in the bill as will give it this effect. Manifestly, it is in accord with the spirit and purpose of the bill that the work be deputed to those stations where they have already been proved worthy of confidence and support. Your committee, therefore, deems it a matter of economy and wisdom that this appropriation for such States as have independent agricultural experiment-stations be given to them rather than to new stations. Without this change, it is very plain that the full purpose of the bill will not be attained.

Another change desired by the committee is, that the appropriation for any State in which there is no experiment-station under State control, and in which a college has been established under the provisions of the land grant act of 1862, and has departed from the purposes of that act, by neglecting agricultural education, and in which State there is a duly organized board of agriculture, the appropriation be made subject to direction by such board for the uses contemplated in the bill, and that upon the establishment in any such State of an independent agricultural experiment-station, the appropriation shall go thereto without the intervention of authority exercised by any college, board, or faculty.

It is, therefore, recommended that this National Grange endeavor to make such representations to the House Committee on Agriculture as will result in the changes herein proposed.

Resolved, That the worthy master of the National Grange be instructed to bring this matter before Congress, in such a manner as will plainly set forth the views of our national order.

Resolved, That the worthy master of the National Grange is hereby instructed and empowered to enforce the legislative provisions of this body, as embraced in the various reports and resolutions submitted at the present session, by committees or otherwise, as he may deem necessary.

Very respectfully,
[SEAL.]

JOHN TRIMBLE,
Secretary, National Grange.

Hon. JOHN SHERMAN,
President United States Senate.

Mr. BLAIR presented a petition of the Women's Christian Temperance Union of the State of New Hampshire, officially signed, praying for the enactment of the educational bill into a law; which was ordered to lie on the table.

Mr. BLAIR. I present resolutions adopted by the Colored Baptist State Convention, held at Opelika, Ala., favoring an appropriation in aid of the Colored People's World's Exposition; also a petition of the colored and white citizens and county officials of Greenville, Ala., praying Congress to make an appropriation in aid of the Colored People's World's Exposition, and a petition of citizens, business men, and county officials of Mobile, Ala., praying Congress to make an appropriation to aid the Colored People's World's Exposition. These petitions were sent to me by the committees of these organizations, and I move their reference to the Committee on Appropriations, to accompany a bill on the same subject now pending there.

The motion was agreed to.

Mr. CULLOM presented resolutions adopted by the Peoria Improvement Association, of Peoria, Ill., remonstrating against the short-haul section of the interstate-commerce bill; which were ordered to lie on the table.

Mr. CAMERON presented petitions of citizens of Philadelphia, Allentown, and Bloomsburg, in the State of Pennsylvania, praying for a reduction of internal taxes; which were referred to the Committee on Finance.

Mr. EDMUNDS presented the petition of J. F. Bennett and 18 other citizens of Tunbridge, N. H., praying for the passage of the Hatch experiment-station bill; which was ordered to lie on the table.

Mr. BLAIR. I present a petition of the Women's Christian Temperance Union, signed by the president, Miss Frances E. Willard, and all the executive officers, in which they set forth the alarming frequency of assaults upon women and the frightful indignities to which even little girls are subject; that the statutes of the country are insufficient for their protection, and praying for the enactment of such statutes as shall provide for the adequate punishment of crimes against women and girls; also other legislation bearing upon the same subject. As the petition contemplates general legislation, I move its reference to the Committtee on the Judiciary.

The motion was agreed to.

Mr. BLAIR presented the petition of Laura A. Wright, of Langdon,

N. H., praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. SABIN presented a petition of citizens of Hutchinson, Minn., praying for the passage of the Hatch experiment-station bill; which was ordered to lie on the table.

Mr. McMILLAN presented a petition of the Duluth (Minn.) Board of Trade, praying for the extension and enlargement of harbor facilities at the port of Duluth; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. BROWN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 7083) to incorporate the trustees of the Young Woman's Christian Home in Washington, D. C., reported it without amendment.

BILLS INTRODUCED.

Mr. WILSON, of Iowa, introduced a bill (S. 3134) granting a pension to Mrs. Mary A. Foster; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BLAIR introduced a bill (S. 3135) granting a pension to Catherine E. Babcock; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MANDERSON. On behalf of the Senator from Indiana [Mr. HARRISON], and at his request, I introduce a bill.

The bill (S. 3136) granting a pension to Richard R. Jacobs was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. INGALLS introduced a bill (S. 3137) granting arrears in certain cases to those pensioned by special acts of Congress; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SABIN introduced a bill (S. 3138) to amend "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BOWEN introduced a bill (S. 3139) granting an increase of pension to George W. Blake; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GORMAN introduced a bill (S. 3140) granting a pension to Joseph Scholfield and Sarah N. Giese; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 3141) providing for reference of causes in the courts of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PLUMB introduced a bill (S. 3142) granting a pension to William H. Carte; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. MANDERSON (in behalf of Mr. HARRISON) submitted an amendment intended to be proposed to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. EUSTIS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MITCHELL, of Oregon, submitted an amendment intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. COCKRELL, it was

Ordered, That Capt. William W. Ivory have leave to withdraw the papers in his case from the files of the Senate, subject to the rules of the Senate.

Ordered, That Judson S. Post have leave to withdraw the papers in his case from the files of the Senate.

DISTRICT LIQUOR LICENSES.

Mr. PLUMB submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Commissioners of the District of Columbia be directed to report to the Senate the number of licensed dealers in intoxicating liquors, wholesale and retail, respectively, in the District, the rate of license charged, and the authority under which the licenses have been granted.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2441) to amend sections 1, 2, 3, and 10 of "An act to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes," approved March 3, 1875; and

A bill (H. R. 6974) to provide for the bringing of suits against the Government of the United States.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (S. 127) for the relief of H. K. Belding;

A bill (S. 228) for the erection of a public building at Camden, N. J.;

A bill (S. 634) relating to sales for taxes in the District of Columbia;

A bill (S. 766) for the relief of Francis Denmead;

A bill (S. 1130) to exempt from taxation all property held by the trustees of the Corcoran Gallery of Art, and for other purposes;

A bill (S. 1188) to exempt the property of the Young Men's Christian Association of Washington, D. C., from taxation;

A bill (S. 1201) granting a pension to Louise Ambrecht;

A bill (S. 1207) granting a pension to Caroline Sees;

A bill (S. 1212) for the further protection of property from fire and safety of lives in the District of Columbia;

A bill (S. 1213) to regulate insurance in the District of Columbia;

A bill (S. 1481) granting an increase of pension to Col. Charles E. Capehart;

A bill (S. 1577) to amend the third section of an act entitled "An act to provide for the sale of the Sac and Fox and Iowa Indian reservations, in the States of Nebraska and Kansas, and for other purposes," approved March 3, 1885;

A bill (S. 1614) granting a pension to Sarah C. Wright;

A bill (S. 1844) granting a pension to Orrin P. Cooley;

A bill (S. 1997) granting a pension to Mrs. Abbie B. Heath;

A bill (S. 2029) granting an increase of pension to Elvira Bliss Sheldon;

A bill (S. 2037) for the relief of Mary Anna Egan;

A bill (S. 2132) granting a pension to Fridoline Glastetter;

A bill (S. 2144) granting an increase of pension to Grace F. Edes;

A bill (S. 2173) granting a pension to Benjamin Obekiah;

A bill (S. 2321) granting an increase of pension to Clara B. Davidson;

A bill (S. 2330) for the relief of Anthon Eitapence;

A bill (S. 2334) granting a pension to Isaac Ransom;

A bill (S. 2587) granting a pension to Elizabeth Ward;

A bill (S. 2600) to authorize the Commissioners of the District of Columbia to make police regulations for the government of said District;

A bill (S. 1882) to repeal parts of an act relating to tax on the business of real-estate agents in the District of Columbia, approved June 20, 1872; and

A joint resolution (S. R. 90) appointing James B. Angell a member of the Board of Regents of the Smithsonian Institution.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there are no further concurrent or other resolutions the morning business is closed. Pending the consideration of the Calendar, which is now in order, as there is no motion pending, the Chair will lay before the Senate the report of the committee of conference upon the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce. The question is, Will the Senate agree to the report?

Mr. CULLOM. I have nothing to say if we are ready to vote.

The PRESIDENT *pro tempore*. That is the question pending before the Senate.

Mr. HOAR. What has become of the Calendar?

Mr. CULLOM. The pending question is on agreeing to the conference report.

The PRESIDENT *pro tempore*. The Chair announced that the morning business was over and business under the Calendar was in order. No motion having been made, the Chair laid before the Senate the conference report.

Mr. HOAR. Does it require a motion to proceed with the Calendar in the morning hour?

The PRESIDENT *pro tempore*. The Chair announced that business on the Calendar was pending, and no motion was made to proceed with any case on the Calendar.

Mr. HOAR. I supposed the cases on the Calendar were to be taken up in their order without a motion.

Mr. CULLOM. I hope we shall proceed at once with the conference report.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts ask that cases on the Calendar be reported in their order?

Mr. HOAR. Yes, sir.

The PRESIDENT *pro tempore*. The first case on the Calendar will be stated.

Mr. CULLOM. I move that the Senate proceed to the consideration of the interstate-commerce bill.

The PRESIDENT *pro tempore*. Pending the Calendar, the Senator from Illinois moves that the Senate proceed to the consideration of the report of the committee of conference on the interstate-commerce bill. The question is on that motion. [Putting the question.] The ayes appear to have it.

Mr. HOAR. I call for a division.

Mr. CULLOM. If I may be allowed to say a word——

The PRESIDENT *pro tempore*. Debate is not in order.

The question being again put, there were on a division—ayes 19, noes 12; no quorum voting.

Mr. EDMUNDS. I call for the yeas and nays.

Mr. INGALLS. Pending that, I ask leave to offer a resolution.

Mr. EDMUNDS. The want of a quorum is disclosed.

The PRESIDENT *pro tempore*. No quorum voting, the Chair can not receive any morning business.

Mr. CULLOM. Let us have the yeas and nays.

The yeas and nays were ordered, and taken.

Mr. BLACKBURN. I desire to announce that the Senator from West Virginia [Mr. KENNA] is paired upon all questions connnected with the interstate-commerce bill with the Senator from New York [Mr. MILLER]. Were the Senator from West Virginia present, he would vote "yea."

Mr. MORGAN. I am paired on the bill with the Senator from Indiana [Mr. VOORHEES].

Mr. BECK. I have received a dispatch from the Senator from West Virginia [Mr. CAMDEN] announcing that he is paired upon all questions connected with the bill with the Senator from California [Mr. STANFORD]. The Senator from West Virginia would vote "yea" on the pending motion if he were present.

Mr. COKE. I desire to announce that my colleague [Mr. MAXEY] is paired on all questions growing out of the bill with the Senator from Massachusetts [Mr. DAWES]. If my colleague were here he would vote "yea."

Mr. ALLISON. I am paired for the day with the Senator from North Carolina [Mr. RANSOM], but I do not understand that the pair affects this vote; so that I shall vote "yea."

Mr. DAWES (after having voted in the negative). I am reminded that I voted while paired with the Senator from Texas [Mr. MAXEY]. I desire to withdraw my vote.

The PRESIDENT *pro tempore*. The vote is withdrawn.

Mr. COCKRELL. I wish to announce that my colleague [Mr. VEST], not expecting a vote to come up so early in the day in regard to this question, is unavoidably detained by business away from the Senate for a few moments. My colleague would vote "yea" if he were present.

The result was announced—yeas 37, nays 12; as follows:

YEAS—37.

Allison,	Conger,	Hale,	Pugh,
Beck,	Cullom,	Harris,	Saulsbury,
Berry,	Dolph,	Ingalls,	Vance,
Blackburn,	Edmunds,	Jones of Arkansas,	Walthall,
Bowen,	Eustis,	Manderson,	Whitthorne,
Brown,	Fair,	Mitchell of Oreg.,	Williams,
Call,	George,	Palmer,	Wilson of Iowa.
Cockrell,	Gibson,	Payne,	
Coke,	Gorman,	Platt,	
Colquitt,	Gray,	Plumb,	

NAYS—12.

Blair,	Cheney,	Hoar,	Sewell,
Cameron,	Frye,	Morrill,	Sherman,
Chace,	Hawley,	Sawyer,	Spooner.

ABSENT—26.

Aldrich,	Jones of Florida,	Miller,	Teller,
Butler,	Jones of Nevada,	Mitchell of Pa.,	Van Wyck,
Camden,	Kenna,	Morgan,	Vest,
Dawes,	McMillan,	Ransom,	Voorhees,
Evarts,	McPherson,	Riddleberger,	Wilson of Md.
Hampton,	Mahone,	Sabin,	
Harrison,	Maxey,	Stanford,	

So the motion of Mr. CULLOM was agreed to.

BUREAU CONTINGENT FUNDS.

The PRESIDENT *pro tempore* laid before the Senate the following communication from the Secretary of the Interior; which was read:

DEPARTMENT OF THE INTERIOR, *Washington, January 13, 1887.*

SIR: This Department is in receipt of Senate resolution of January 11, 1887, as follows:

"*Resolved*, That the heads of the several Departments of State, the Treasury, Interior, War, and Navy, the Department of Justice and of Agriculture are directed to transmit to the Senate the estimates for the contingent fund of each bureau in each of said Departments respectively, showing the sum of money required for the contingent fund of each of said bureaus respectively."

In response to the foregoing resolution I beg leave to state that no estimates for the contingent fund of each of the bureaus of this Department have been made since the consolidation of the contingent funds for the whole Department into one common fund, under the provisions of the act of March 3, 1883 (United States Statutes at Large, volume 22, page 558).

In this connection, I beg leave to further state that said consolidation has resulted in a large saving to the Government on account of contingent expenditures.

Very respectfully,

H. L. MULDROW,
Acting Secretary.

PRESIDENT OF THE SENATE *pro tempore*.

The PRESIDENT *pro tempore*. The communication will be referred to the Committee on Appropriations, and printed, if there be no objection.

Mr. MORGAN subsequently said: I desire to ask that the order may be changed in respect to the report which came in from the Secretary of the Interior a moment ago, which was referred to the Committee on Appropriations. I ask that it be laid upon the table, and I desire to state very briefly my reasons for this.

I am quite surprised to hear that an estimate for the contingent expenses of the Interior Department has been sent in to the Senate of the United States or to Congress without any subdivision of the estimate from the different bureaus upon which that is based. We are informed by the Secretary of the Interior that there is no evidence, no report in his office from the bureau chiefs, upon which is founded this estimate for the contingent expenses of the Department. I am very much at a loss to know how they could ever have arrived at a proper estimate otherwise than by mere guess-work, unless they have some evidence upon which to predicate that general estimate.

I wish to investigate the subject a little more thoroughly, and therefore I ask that the order be changed, and that the report lie on the table for the present.

Mr. ALLISON. I will suggest to the Senator from Alabama that he call for the details of the estimate. I do not know whether his resolution contemplates that or not, but if the details of this estimate were called for they certainly must be found in the Interior Department, because the bulk estimates must be made upon some detail.

Mr. MORGAN. That was precisely the purpose of my resolution, and I can only regard this as an evasion in not having answered the resolution candidly.

The PRESIDENT *pro tempore*. If there be no objection the communication will lie on the table, and not be referred.

PRIVATE LAND CLAIMS.

Mr. INGALLS submitted the following resolution, which was read:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate whether the surveyor-general of the Territory of New Mexico, or the surveyor-general of the Territory of Arizona, has taken any action in the nature of a readjudication or otherwise respecting any private land claim in either of said Territories, which has been acted upon by his predecessor in office in the manner contemplated by the eighth section of the act of Congress approved July 22, 1854, or the act of Congress approved July 15, 1870, and has been and is now pending in Congress for confirmation or recognition, and if so, to furnish the Senate with a list of all such claims so acted on, and the authority of law under which such officer assumes to have acted.

Mr. COCKRELL. Does the Senator from Kansas wish the present consideration of the resolution?

Mr. INGALLS. If there is no objection. If there is objection it may go over.

Mr. COCKRELL. I should like to hear the first part read again.

Mr. CULLOM. I hope we shall proceed with the consideration of the interstate-commerce bill.

Mr. INGALLS. This is merely morning business—a resolution calling for information. It will cause no debate.

Mr. CULLOM. The Senate has voted to proceed with the consideration of the interstate-commerce bill, and we are to finish it to-day.

Mr. COCKRELL. This will only take a moment.

Mr. CULLOM. I have no objection, if it will only take a moment.

Mr. COCKRELL. I should like to hear the resolution read again.

The PRESIDENT *pro tempore*. The resolution will be again read.

The Chief Clerk read the resolution.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

ARMS, ETC., FOR THE MILITIA.

Mr. SEWELL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 222) to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House of Representatives as follows: Insert "four" instead of "six" in first line of first section, so as to read "four hundred thousand dollars," and agree to the same.

W. J. SEWELL,
JOS. R. HAWLEY,
F. M. COCKRELL,
Managers on the part of the Senate.

WM. McADOO,
A. J. HOPKINS,
Managers on the part of the House of Representatives.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 2791) to provide for an American register for the steamer Nuevo Moctezuma, of Philadelphia, Pa.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the following bills:

A bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting

of the votes for President and Vice-President, and the decision of questions arising thereon; and

A bill (S. 1386) for the completion of a public building at Fort Scott, Kans.

The message further announced that the House had passed a concurrent resolution for the printing, with pamphlet covers, of 7,000 copies of the volumes of the reports from the consuls of the United States on the trade guilds of Europe and the laws and regulations by which they are governed, published by the Department of State.

COURTS IN MICHIGAN.

The PRESIDENT *pro tempore* appointed Mr. WILSON, of Iowa, Mr. INGALLS, and Mr. GEORGE as the conference committee on the part of the Senate on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1458) to provide for holding terms of the circuit and district courts of the United States for the eastern district of Michigan at Bay City, in said district.

INTERSTATE COMMERCE.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce.

Mr. HOAR. Mr. President, the bill as it came from the committee in the beginning was the result of a popular movement which had been in progress for nearly twenty years. It is a movement which has had my hearty sympathy and my official support from the beginning. So far as it was in favor of cheap transportation and of regulating the conduct of the great railroad carriers of the country in those things which affect the convenience of the people, while it was a matter deeply interesting to the rest of the country, it was essential to the very life of the community to which I belong. I do not think any candid person will question the sincerity of any representative of a New England State when he professes a desire to accomplish the object proposed by this legislation. We have in many of our populous cities, as in the city where I live, no considerable water-power. The State to which I belong, the most populous of that group, it is sometimes said produces nothing but granite and ice. We have to bring coal, which is the chief motive power for our industries, by an interstate transportation to the seaboard. We have to bring from other States and from Canada the lumber and the brick which compose our dwellings. The food which feeds our workingmen comes from the West—from a constantly receding center—while the iron, the wool, the leather, the cotton, are brought half-way across a continent and by the skill of our working-people are wrought into machinery, cloth, shoes, and other articles for the comfort of men, and then carried back again to be sold in their new form to the people who have produced the material.

There is not an hour of the day's life of a Massachusetts workingman in which he does not feel the pressure of the unjust demands of the railroad when those unjust demands exist anywhere. There is not an article of his necessity or of his luxury into the cost of which the price of transportation over the continent does not enter. There is not a product of his skill, there is not an ambition of his life, whether for wealth, for honor, or for usefulness, which is not affected by the railroad and upon which it does not press as a burden when it is permitted to make an unjust charge.

I myself helped in 1874 to frame the first important bill on this subject which passed the House of Representatives. It is somewhat amusing, as I listen to the gentlemen who think the resistance to the unjust provisions of the conference report comes from the railroads, to remember the history of that legislation. We were encountered by the old State rights doctrine, by the representatives of the Democratic party, and by a strict party vote. A bill which contained all the wholesome provisions of this bill was resisted on the old State rights doctrine.

When I heard the Senator from Kentucky [Mr. BECK], who resisted with all his might this legislation when the men who were advocating it were standing at the beginning of a reform and trying to bring public sentiment up to it, who resisted it with all his might and recorded his vote against it on every occasion—when I heard him taunting those who desire to make this legislation just and reasonable and effective of its professed object with acting in the interest of the railroads, I felt like applying to him the remark of a worthy old deacon who was spurred up by a new zealous convert for his want of Christian zeal, who said he had noticed "that young Christians were a good deal like young bumble bees, much the largest when first hatched." [Laughter.]

Mr. President, I wish to be permitted to repeat the argument which satisfies me without question of the national authority to pass such legislation as is proposed in the main features of the bill. The argument is all in a nutshell. The Constitution gives to Congress the regulation of commerce with foreign nations and among the States.

The regulation of commerce is the regulation of the exchange of commodities. The exchange of commodities is commerce. The regulation of commerce with foreign nations is the regulation of the exchange of commodities with foreign nations. The regulation of commerce among the several States is the regulation of the exchange of commodities among the several States. An essential part of such an exchange is the conveyance of the commodity from the seller to the buyer. Regulation is the prescribing of a rule or law, or fixing the condition. To regulate the exchange of commodities is to prescribe the rule, or law, or condition under which such an exchange shall take place. An essential part of the regulation of commerce, therefore, is the prescribing rules, or laws, or conditions of the conveyance of commodities from the seller to the buyer. The fixing or regulating of tolls, or charges, or imposts for conveying commodities from the seller to the buyer is the prescribing of a condition of that conveyance. It is therefore a regulation of commerce.

Now, whenever the fixing or regulating of such imposts and tolls properly comes within the domain of the law-making power, or whenever such imposts or tolls should be regulated by law, the power which regulates commerce should properly regulate them. This is the settled and unquestioned understanding with reference to foreign commerce. The legislature does not ordinarily regulate rates of freight charged by public carriers for merchandise brought from abroad; not because such regulation would not be a regulation of commerce, but because such carriers are engaged in a business open to unrestricted competition, and it is deemed inexpedient to regulate commerce in that respect. But it exercises the power to regulate foreign commerce for the protection of the interests of the public in many respects where competition does not afford such protection.

I have therefore no difficulty in supporting this bill in its main and principal features. I think these imperial forces which the genius of the American people in modern times has created may be and must be rightfully curbed by imperial restraints. I am willing to go, therefore, with the authors and framers of this bill as far as they have gone in the protection of the internal transport interstate trade of the country, wherever that protection is not afforded by unrestricted competition. But I object to two features of the report of the conference committee, because I regard those features as intended to strike down and deprive the people of the protection created by healthy competition and as calculated to raise and not to diminish the burden which the railroads already have placed upon the commerce of the country. If this legislation be defeated, the gentlemen are responsible who will not do all the good which this bill contemplates except upon condition that they also may be permitted to do what seems to some of us unmistakably and clearly evil.

It was said the other day by the Senator from Tennessee [Mr. HARRIS] that the Senate might take it for granted that if this conference report were recommitted or rejected nothing could be accomplished. Well, I do not see upon what the Senator from Tennessee based that statement. I suppose it is not proper to speak of the proceedings of the House of Representatives. But I may say that I have read in a publication upon our table that there is a body somewhere which considered this bill, nearly one-half of which preferred the original Senate bill without these amendments. There was only 24 majority for the present proposition. In other words, there was a majority of only 24 for the changes in legislation which were proposed by the majority of that assembly, and I am informed on very high authority indeed that a very considerable number of those 24 have already changed their mind. Now, does anybody believe, if the question were stated to the members of that assembly whether they would accomplish everything that the original Senate bill proposed to accomplish, or nothing, that they would insist on a demand to have these objectionable clauses retained? No, Mr. President; the question is not between this conference report or nothing. The question is between the bill as it was framed and adopted by the Senate and passed by a majority, including all, I think, but four members of this body, and inserting, against the original opinion of the Senate, of clauses which some of the great interests of the country feel will be fatal to their prosperity and to their very existence.

There are four great objects which this bill accomplishes which I heartily favor. It extends the common law—which does not exist in our national jurisprudence without affirmative legislation, as the Supreme Court has decided—to interstate commerce. It establishes the great principle of reasonableness—to be enforced by law, by judges and juries, and other tribunals that may be created, as the rule to prevail everywhere between the carrier and the customer.

Second. It establishes a commission, a constant supervisory national authority, which has worked so favorably wherever the experiment has been tried in the States.

Third. It requires publicity. It lets in the daylight on every transaction between the carrier and the customer.

Fourth. It prohibits unjust discrimination, whether that discrimination be between persons or between places or between transporting lines.

Mr. President, the opposition to this report does not come from railroad managers principally or originally. I have received many letters and many communications on this subject, and of these all but two have come from persons not interested in railroads, and one of these was from the receiver of a bankrupt railroad, who is heartily in favor of this report. It comes from men who are alarmed lest under its operation the rates at which they are now able to do large and profitable branches of business must be raised, and must be raised to the ruin of that business.

Now, what have we been aiming at in our public policy in this country? We withstood the whole railroad clamor of this country two years

ago in order to improve our rivers and harbors, that competition with the water-ways might enable our Western farmers to send their grain to Europe.

The Western farmer in this new business, which, within the past fifteen years, this railroad policy at which this deadly blow is now aimed, has created, has become a merchant, whose competitors are the Ganges and the Bosphorus. The problem of our statesmen to-day is to maintain the Western farmer in comfort, in honor, and in wealth by a business in which he is to underbid the naked Oriental, fed on rice and living on 5 cents a day; in which he is to underbid a producer, the subject of the power which is to be his principal customer—a power which is pouring out its wealth by the hundred and the thousand million in order to compete with our through transportation of wheat and corn and pork to the English market. What is to happen under the policy which has grown up within the last twenty years?

We have got at this moment the best and cheapest railroad service on the face of the earth, with all its inconveniences, with all its imperfections. Suppose that with $7,500,000,000—I think that is the capital invested in railroads—it is quite likely that in a free country, especially one peopled by the English race, whose constitutional privilege and whose constant delight is grumbling, we may hear complaints of wrongs and injustice; but we have got, as the statistics show, at this moment the best, cheapest, most reliable, most convenient railroad service on the face of the globe.

The result has been a balance of trade continually in our favor for the past ten years, a thing never known in the history of this Government before, and I think never known in the history of any government for so long a period of time together before—a thing which the writers on economy declare to be impossible in the nature of things to be maintained by any one country for any large period of time; and yet this balance of trade by the very business which you are now striking at by this conference report has been maintained in our favor during all these years.

I wish, among many objections to this report, to occupy my time in pressing upon the attention of the Senate one, and one only. It is to a provision which, while it will affect railroads, strikes a fatal blow at the commerce of the great State and the great city that honor me with their confidence, and whom I represent in this Chamber. It injures, n my opinion, all pa rts of the country.

The exports of Boston have gone up from $10,000,000 in 1859 to $61,-000,000 in 1885. It was $72,000,000 in 1881, the apparent reduction being chiefly due to the decline of prices, and not to the diminution of quantity. The imports, which, of course, the exports largely create—for the ships that carry out sixty or seventy million of products from Boston Harbor to Europe will not come back empty—were $53,000,000 in 1885. It is the second port in the country in its foreign commerce. It exceeds New Orleans by $39,000,000; Philadelphia by $48,000,000; Baltimore by $69,000,000, in the total of imports and exports. In tonnage it is also the second port, having 1,152,415 tons burden entering from foreign ports, 975,495 clearing to foreign ports in 1885.

If you will look at the character of these exports it will be seen that they are very largely the products of sections of the country considerably more remote from Boston than from other important exporting cities, especially New York, Baltimore, Philadelphia, and New Orleans, to say nothing of Montreal.

Among the exports of Boston for the year ending June 30, 1885, were:

	Value.
Wheat flour and wheat	$13,558,070
Indian corn and corn meal	2,465,566
Cattle	5,399,260
Raw cotton, gathered from North Texas, and Alabama, and Georgia, (some of the sea island cotton, from South Carolina, goes that way to European markets)	7,749,090
Beef—fresh, salted, and canned	2,821,327
Tallow	663,496
Mutton	11,446
Bacon	5,002,947
Ham	1,067,706
Pork	669,217
Lard	3,761,264
Other meat products	327,629
Butter	370,067
Cheese	1,027,064
Lard oil	78,792
	44,972,941

There are $45,000,000 taken to Boston to be exported, nearly all of which is the product of regions more remote from Boston than from either of its three principal rivals on the eastern seaboard, and carried to Boston also largely in competition with the great trunk line of Canada. Upon these exports, as I have said, depends so much of the import trade as is due to the fact that the exporting vessels must have a return cargo, and which would otherwise go to other ports.

Upon this export trade depend great lines of steamships, which dispatched 498 steamers, two in every three days, to foreign ports in 1884—195 to Canada, 303 to Europe.

The men who have created and built up this business, the whole of it the product of about fifteen or twenty years at the outside, object to two provisions of this report.

One they say will destroy the cheapness of transport on which this commerce depends; the other, the pooling clause, will destroy the steadiness of the business by putting it out of the power of the railroads to prevent the railroad wars, and that constant fluctuation which is the destruction of all trade. Now as to the first they agree in the interpretation of this bill with the Senator from Mississippi. They understand, as he does and as the Senator from Tennessee does, and as the conferees on the part of the House do, that this bill provides that where the only distinction between the two places is that there is competition pressing upon the one and not upon the other, that does not constitute dissimilar circumstances and conditions within the meaning of the bill.

It is true my honored friend from Mississippi paid a high compliment to the business men of the country who manage this vast business interest, chosen mainly for their capacity and their trustworthiness by the owners of this $7,500,000,000. He thinks that by "tricks and maneuvers" they will undoubtedly nullify this bill. He does not think anything will come of it except a raising of the rates as the result.

Mr. GEORGE. Temporarily, I said.

Mr. HOAR. Now, Mr. President, I wish to call the attention of the Senate for five minutes or so, simply to see who makes the objection. As I have said, it does not come from the railroad man, who wants to put up rates. It comes from the customer of the railroad, who wants to put them down, and who can not get on unless they are kept down, at least, to present prices. Here is the resolution of the United Transportation Committee of the various business associations in the city of Boston held January 3, 1887.

RESOLUTION OF UNITED TRANSPORTATION COMMITTEE.

At a meeting of the members of the transportation committee of the various business associations in the city of Boston, held January 3, 1887, the following resolution was passed:

Resolved, That in the opinion of the United Transportation Committee of Boston the bill known as the "Interstate-commerce bill," as reported by the conference committee, would seriously affect the business interests of Boston.

Voted, That the chairman of the United Transportation Committee be delegated to go to Washington to represent the committee and endeavor to secure such amendment of the bill as will protect the business interests of Boston.

Business associations represented in committee:

New England Shoe & Leather Association, Boston Wholesale Grocers' Association, Boston Furniture Exchange, Boston Oil Trade Association, Boston Chamber of Commerce, Boston Merchants' Association—

An association said to represent $350,000,000 capital, and of whom there is not a man, I suppose, whose interests are not in conflict with those of the railroads in this matter of transportation—

—Boston Fruit & Produce Exchange, Boston Paper Trade Association, Drysalters' Club of New England, Earthenware & Glassware Association of Boston, Paint & Oil Club of New England.

Mr. President, when my honorable friend from Illinois, with all his ability, comes to the conclusion that he wants to diminish the railroad rates in this country, is not some little respect, after all, due to the opinions of men representing such interests as that, when they say that a certain measure will not only not reduce those rates to them, but it will raise them to a point which will prevent their business being able to live?

Here comes from another part of the country a similar remonstrance—from the Peoria Board of Trade of Illinois. It was read by the Senator from New York [Mr. EVARTS] yesterday, and I ask to put it in my remarks without reading it again.

SECRETARY'S OFFICE, PEORIA BOARD OF TRADE,
Peoria, Ill., January 1, 1887.

DEAR SIR: Your careful attention is requested to the inclosed resolutions recently passed by the directors of the Peoria Board of Trade.

While there is so much in the interstate-commerce bill that meets our approval, and while we fully appreciate the imperative necessity of reform in the conduct of the transportation business, still we feel that section 4 is so uncertain in its application that we are called upon to protest against it. If omitted from the bill enough of reform will yet remain to do vast good; and if, after investigation, the commission to be appointed find that the long-and-short-haul principle can be so applied as to work no injury, this feature can then be added by some future Congress.

Will you not aid us in our endeavor to secure what is of acknowledged benefit and avoid what is doubtful and unessential at the present time.

Respectfully yours,

W. H. BARTLETT, *President*.

PEORIA, ILL., *December* 30, 1886.

At a meeting of the directors of the Peoria Board of Trade, held this date, the following preamble and resolutions were unanimously adopted:

Whereas after mature and careful consideration of section 4, known as the "long-and-short-haul" clause of the interstate-commerce bill, now before Congress, it is the opinion of this board that the passage of the bill with the section mentioned will unsettle all business interests throughout the West; will depreciate the value of all farming lands west of the Middle States; will work directly in the interests of lake ports, lake transportation lines, Canadian roads, and the Eastern farmer: Therefore,

Be it resolved, That in the opinion of this board such radical and experimental legislation as contemplated by the section mentioned is not only uncalled for at the present time, but threatens widespread disaster to the most vital interests of the Western States.

Resolved, That the discretionary power given the commission to discriminate in the application of the "long-and-short-haul" clause as between different localities will at the best afford only uncertain and long-delayed relief, and will be apt to add merely another element of uncertainty to the transportation problem:

And be it further resolved, That a copy of these resolutions be sent to the Senators and Representatives of this State, and that our Representative, Hon. N. E.

WORTHINGTON, be requested to do all in his power to have the "long-and-short-haul" clause eliminated from the bill before its passage.

W. H. BARTLETT, *President.*
SAMUEL WILKINSON, *Secretary.*

Here are the resolutions passed by the Boston Chamber of Commerce, by a nearly unanimous vote, on the report of its committee:

BOSTON, *January* 12, 1887.

Hon. GEORGE F. HOAR:

The following resolutions were passed by the Boston Chamber of Commerce to-day by a nearly unanimous vote:

Whereas the act reported by the conference committee known as the interstate-commerce bill is now pending before Congress for final action; and

Whereas in the opinion of the Chamber of Commerce of Boston said act, if it become a law, will be detrimental to the business interests of Boston and New England: Therefore,

Be it resolved, That the rigid enforcement of sections 2 and 4 would, in the opinion of this association, so increase the rates on the "long haul" from the West to the seaboard that agricultural products could only be grown in the far West for home consumption, except those States bordering on the Great Lakes or having connection with the Grand Trunk or Canadian Pacific Railways, thereby tending to develop the business of the port of Montreal and the two above-named foreign corporations at the expense of our American seaboard ports and transportation companies.

Resolved, That the foreign steamship lines that have been established and continued upon the foundation of equality of inland rates with New York, would by the operations of the provisions of this bill suffer to such an extent as would lead to their withdrawal to other ports, and that such a result would be most disastrous to the business interests of Boston, placing our importers and shippers at great disadvantage as compared with other ports, and most seriously affecting the growth and prosperity of our city.

Resolved, That we respectfully urge our Senators and Representatives in Congress to use their influence in defeating this measure in its present form, and to endeavor to secure such amendments of the bill as will establish a permanant commission, whose business it would be, under suitable regulations, to supervise, in the interests of the public, all common carriers doing an interstate business.

Resolved, That a copy of these resolutions be sent to the Senators and Representatives in Congress from Massachusetts.

H. B. GOODWIN,
President.

The Senator from Maine [Mr. FRYE] informs me that that was unanimously adopted by a *viva voce* vote.

Now, let us see what is the opinion of our friends in Canada in the present condition of things as to the working of the proposed law. I ask the Secretary to read here a dispatch from Halifax, Nova Scotia, dated December 3.

The Chief Clerk read as follows:

[Special to Boston Post, December 4, 1886.]

WANT LOWER RATES—SHREWD YANKEE MERCHANTS GET AHEAD OF THEIR CANADIAN BROTHERS.

HALIFAX, N. S., *December* 3.

The dealers in breadstuffs here are making overtures to Saint John (N. B.) traders to protest against the action of the Grand Trunk and Canadian Pacific Railroads for increasing the freights on flour. Last August pressure was brought to bear on the minister of railways and a rebate freight of 10 cents allowed on every barrel. Two thousand barrels were reshipped to outports for the reason that the Michigan Central Railroad took Canadian flour in bond to Boston for 33 cents. Merchants then shipped it to outports on the Southern shore of Nova Scotia and Cape Breton in schooners at a cost of 8 or 9 cents, while freight to Halifax, from the same mill, was 42 cents. Boston firms thus secured the whole trade.

De Long & Seaman have annual sales in this province of $2,000,000. Halifax merchants, by means of the above rebate, again acquired trade, so that the receipts of flour by rail from Ontario trebled in September and the succeeding months. Now the winter rates from points on the Canada Southern Railroad to Boston are 42 cents; to Halifax, 63 cents, and as Boston merchants can reach outports by schooners which carry return cargoes at ballast rates as cheaply as Halifax merchants, the trade will again fall into Boston hands. The merchants can bring pressure to bear on the Government, who run the road from Quebec to Halifax. The Grand Trunk, however, which runs from Ontario, can make what rates it likes. The Canada Pacific Railroad, by working with the Michigan Central Road, has cut rates from the flour mills to Boston, but have a high tariff to their extreme eastern terminus. Merchants are in high hopes that things will be different when the short line is completed from Montreal to maritime ports, as then there will be several lines competing with the Government road. The Government have more or less influence on the management of the Canada Pacific and Grand Trunk, and the whole mercantile pressure of the two cities is being brought to bear to get them to endeavor to have the rates reduced.

Mr. HOAR. Now, Mr. President, I wish to add to that the testimony of a very intelligent forwarding merchant of the firm of De Long & Seaman, largely engaged in the general commission business, which states very clearly this matter in relation to the driving of business to Canada. I ask that that also be read.

The Chief Clerk read as follows:

E. R. De Long.] [J. Bennett.

De Long & Seaman, general commission merchants, and wholesale dealers in provisions and fishing supplies; Canada flour in bond a specialty. No. 5 Central Wharf. P. O. box 1397.

BOSTON, *January* 5, 1887.

(Dictated letter.)

DEAR SIR: We beg to bring before you the fact that the railroads in Canada, especially those governed by the Government, have been giving the merchants of the lower provinces a rebate of 10 cents a barrel on flour to encourage them ordering their goods all rail instead of via Boston, and the Government has lately sent a commission to the Lower Provinces to ascertain if this rebate is sufficient for them to cut off the trade coming through Boston. The merchants in their statements claim that they must have a still further reduction in freight for an extra rebate in order to control all the freight that way and prevent any freight coming via Boston. If the interstate-commerce bill passes, by which the different railroad companies from the West and Canada are held up to a stated rate, it will injure the trade here very materially. We, ourselves, ship about two hundred thousand barrels per annum to the Lower Provinces, which goods come through the West and Canada in transit for the Lower Provinces of the Dominion.

We make the above statement to show you that while our Government in passing this bill is going to tie the railroad companies up to certain rates, the Dominion Government are working entirely opposite in giving the merchants lower rates of freight, which works decidedly to the disadvantage of Boston.

Yours, respectfully,

DE LONG & SEAMAN.

P. S. Our Mr. De Long met Mr. Goodwin on the street and gave him that paper which had the dispatch which was telegraphed from Halifax to the Boston Post, and requested Mr. Goodwin to show it to you.

W. O. BLANEY, Esq., *Boston, Mass.*

Mr. HOAR. I have here also a letter from three firms, the John P. Squire Company, Charles H. Virth & Co., and Niles Brothers. John P. Squire, I suppose, is the largest single forwarder of pork and hogs in the country. He has an establishment near Boston. I should like to have that also read by the Secretary.

The Chief Clerk read as follows:

BOSTON, *January* 7, 1887.

DEAR SIR: Believing that the passage of the bill now before Congress, known as the "Interstate-commerce bill," and entitled "An act to regulate commerce," would be extremely detrimental to all New England States, and particularly destructive of the growth and prosperity of the cities of Boston and Portland, and believing that the commercial interests of these United States do not, as a whole, or in any part thereof, demand such legislation as is set up in that bill, please allow us to urge you most earnestly to oppose and obstruct the passage of the bill in every way, to the end that the wings of foreign commerce may continue to whiten our New England shores, and peace and plenty prevail in the East, as well as in the West. We fully believe that the passage of this bill would inflict a disastrous blow upon all the commercial interests of New England.

JOHN P. SQUIRE CO.
CHAS. H. VIRTH & CO.
NILES BROTHERS.

Hon. GEO. F. HOAR,
Washington, D. C.

Mr. HOAR. I now send up to be read the resolutions of the Chamber of Commerce, which also took part in the meeting of the transportation board, whose proceedings I have read.

The Chief Clerk read as follows:

BOSTON CHAMBER OF COMMERCE, *January* 12, 1887.

DEAR SIR: The following resolutions were passed to-day by a nearly unanimous vote of the Boston Chamber of Commerce:

"RESOLUTIONS ON INTERSTATE-COMMERCE BILL.

"Whereas the act reported by the conference committee, known as the interstate-commerce bill, is now pending before Congress for final action; and

"Whereas in the opinion of the Chamber of Commerce of Boston said act, if it becomes a law, will be detrimental to the business interests of Boston and New England: Therefore,

"*Be it resolved*, That the rigid enforcement of sections 2 and 4 would, in the opinion of this association, so increase the rates on the "long haul" from the West to the seaboard that agricultural products could only be grown in the Far West for home consumption, except in those States bordering on the great lakes or other water-ways, or having connections with the Grand Trunk or Canadian Pacific Railways, thereby tending to develop the business of the port of Montreal and the two above-named foreign corporations at the expense of our American seaboard ports and transportation companies.

"*Resolved*, That the foreign steamship lines that have been established and continued upon the foundation of equality of inland rates with New York would, by the operations of the provisions of this bill, suffer to such an extent as would lead to their withdrawal to other ports, and that such a result would be most disastrous to the business interests of Boston, placing our importers and shippers at great disadvantage as compared with other ports, and most seriously affecting the growth and prosperity of our city.

"*Resolved*, That we respectfully urge our Senators and Representatives in Congress to use their influence in defeating this measure in its present form, and to endeavor to secure such amendment of the bill as will establish a permanent commission, whose business it would be, under suitable regulations, to supervise in the interests of the public all common carriers doing an interstate business.

"*Resolved*, That a copy of these resolutions be sent to the Senators and Representatives in Congress from Massachusetts."

A true copy. Attest: W. H. PEARSON, *Secretary.*

Mr. HOAR. I desire to supplement these statements from these great commercial bodies whose interest demands the reduction of railroad rates, by resolutions of the Minneapolis Board of Trade, which I should like to have read in this connection.

The Chief Clerk read as follows:

THE INTERSTATE-COMMERCE BILL.

To the Senators and Representatives in Congress from Minnesota:

GENTLEMEN: The Minneapolis Board of Trade, at its regular meeting of December 22, 1886, unanimously adopted the following resolutions:

"*Resolved*, That while this board of trade fully approves the general principle of national legislation for the control and regulation of our interstate carrying trade, and while in the main it concurs in the provisions of the compromise bill now pending before Congress, it thoroughly disapproves and deprecates the provisions of section 4, relating to what is known as the long and short haul, and of section 5, relating to pooling arrangements between parallel or competing railway lines. In the judgment of this board section 4, if enacted, would give to the proposed national commission powers whose exercise would always be dangerous and might easily become destructive to the interests of the distinctively agricultural sections of the country.

"*Resolved*, That a committee be appointed with instructions to forward the foregoing resolution to our Senators and Representatives in Congress, accompanied with a letter of transmission which shall more fully set forth the views of this board."

In forwarding these resolutions to you permit the undersigned, as the committee appointed for the purpose, to call your attention to the following brief summary of objections which, in the judgment of our board of trade, lie against sections 4 and 5 of the pending interstate-commerce bill, and respectfully to express the opinion that you can in no way render a more important or timely service to your constituents than by aggressively helping to secure the omission of these sections from the measure before it becomes a law. Allow us also, in passing, to remind you of the fact that, of the entire membership of the Minneapolis Board of Trade, representing all leading branches of legitimate business and productive industry, not half-a-dozen have any pecuniary interest in railroads, direct or indirect, and we do not know of half that number who are so inter-

ested. The board speaks for the producers and shippers of the Northwest. Further, it is fully recognized that national supervision of our railway system is necessary and best, in the interest both of the people and of the railways themselves; that this supervision has already been too long delayed; that there are wrongs to be righted and corporate abuses to be corrected, and that the pending interstate-commerce bill, when duly amended, will constitute a wise first step in the right direction. It is simply insisted that a measure which is necessarily experimental, and which deals with the most complicated and far-reaching commercial problems known to mankind, vitally affecting the interests of every class and of every section, should not go so far, or attempt so much, at the outset, as to cause infinite damage where it might accomplish unmeasured good.

OBJECTIONS:—THE "LONG AND SHORT HAUL."

(1) Section 4, relating to the "long and short haul," is, intentionally or unintentionally, vague and ambiguous in its language. If enacted into law its interpretation by the courts must, therefore, be wholly uncertain, its practical application doubtful, and some of its effects impossible to predict. This is sufficiently shown beforehand by the known fact that scarcely two persons understand the section alike—even zealous advocates of the bill as it stands differing widely as to the real meaning and intent of the words employed.

(2) Assuming that the section means what its language naturally imports, the consequence of enforcing such a law would, we believe, be gravely injurious to many important interests in all parts of the country, but especially would such enforcement prove destructive in its effect upon the great agricultural section of which our own State forms so important a part.

It would very greatly increase the cost to our people of heavy commodities of all kinds which are brought in from Eastern sections, including coal, without which our prairie farms could not be occupied.

It would ruinously depreciate the value of every bushel of wheat and every pound of beef produced in Minnesota, by compelling the railroads to adopt a freight tariff on through shipments eastward, which, if not prohibitory, would leave to our farmers no reward for their labor and invested means.

It would depress manufacturing industries and deprive many working men of employment.

It would reduce to a minimum the trade of the Northwest by largely destroying the purchasing ability of our producers.

It would drive a large share of the long-distance traffic from American to Canadian lines.

It would cripple, if it did not bankrupt, many railroads by compelling them to relinquish a large part of either their through or their local traffic—both of which are essential to their solvency.

The very people who ought to derive most benefit from legislation of this general character—the farmers and wage-earners of the country—would be the first and greatest sufferers from its injurious effects.

(3) It is not a sufficient answer to say that the bill gives to the proposed commission discretionary power to avert these otherwise inevitable calamities. The ambiguity of language, already mentioned, renders it doubtful whether this power is fully given; and even if it is conferred, its exercise would be a most unnecessary and dangerous prerogative to be vested in any untried commission, however able and disinterested, under an untried statute, in a difficult field, where national legislation is now making its first tentative venture. At best, it gives to five men, about whose competency, experience, and integrity nothing can be known in advance, almost autocratic power over the market value of hundreds of millions of dollars of railway stocks and bonds, over the market value of the agricultural products of half a continent, as well as of the lands upon which these products are grown.

So great a power and so tremendous a temptation to its abuse ought not to be presented unnecessarily to any committee of citizens or be made the foot-ball of politics. Besides, so enormous would be the task undertaken, and so extensive its domain, that no commission however capable could successively consider and adjust the inevitable frictions and controversies in time to prevent the predicted evils, if those evils in fact impend

THE PROHIBITION OF RAILWAY POOLING.

(4) Section 5, which arbitrarily prohibits the pooling of railway earnings, is not less objectionable than section 4. It proceeds upon the assumption that an amicable apportionment of traffic among substantially parallel railway lines destroys wholesome competition, creates a "monopoly," results in exorbitant transportation charges and thus wrongs the general body of producers, shippers, and consumers, who constitute the people. With exceptions so rare as only to prove the rule, this assumption is a fallacy, and legislation based upon it must prove a hurtful blunder.

The facts are that such apportionments of traffic are a natural and necessary outgrowth of the development of our national transportation system; that they constitute the only plan of self-preservation for railroads which time, and thought, and experience have been able to evolve from a most difficult and perplexing situation; that they are the only known and feasible alternative for that system of cut-throat competition which foments chronic "rate wars," and which, unless held in check, would end in the bankruptcy, first of the weak lines, and then of the strong ones—for a bankrupt railway, having no responsibility to bondholders or shareholders, is the most reckless and destructive of competitors. These adjustments and divisions of traffic, known as railway pools, do not raise transportation charges above a reasonable level. Almost without exception they have resulted in holding rates steadily at the lowest point at which the business can be done at a living profit. This is notably illustrated just now, as you are aware, in our own section. Never was there a closer pooling arrangement between trunk lines than that which now exists between the six roads leading from Minneapolis to Chicago, yet never were freight tariffs so low as at the present time, and never were the people better accommodated.

The well-known fact that, concurrently with the development of the railway-pooling system, railway rates have steadily, greatly, and everywhere decreased is a summary refutation of the whole theory on which section 5 is founded.

The pooling or apportionment system, besides preserving railways from insolvency, and railway investments from destruction, directly benefits every business community by giving some degree of uniformity and stability to transportation charges, and thus enabling business men to shape their course with greater certainty and safety. A railway-rate war, although it temporarily reduces the market price of transportation below actual cost, is universally and justly regarded as a misfortune to all legitimate lines of trade. Obviously it is of no advantage to the public to enjoy any service at less than its reasonable cost, including a fair return upon the capital invested in rendering that service. The rule of unregulated and unreasoning competition, followed by the "survival of the fittest," when applied to railroads, means their own ruin, with resulting calamity to every other business interest which is worth preserving.

The railway pool, honestly administered, is the natural balance-wheel of interstate commerce. Section 5 of the pending bill does not provide or suggest any substitute for this regulative and conservative agency. On the contrary, it would seem to render commercial chaos legally obligatory.

(5) It is not a sufficient answer to say that if found to be injurious in their working these provisions may be repealed at the next session of Congress. The mischief that can be accomplished by their operation during a single business season is simply immeasurable, and there is not the slightest necessity for assuming the risk.

The interstate-commerce bill has adequate scope for its initial purpose without including the sections to which objection is here made. Omitting these, the bill lays the broad foundation of a system of salutary legislation, which a little time and experience will develop and perfect. It is evolution, and not revolution, that the situation calls for. Such a policy will avoid the risk of serious and disastrous mistakes; at least it will not invite that demoralization of now reviving business, that shock to commercial confidence, that stagnation of enterprise, that aggravation of the labor difficulties, that wholesale depreciation and destruction of values which many competent and disinterested students of the problem foresee in case the bill becomes a law in its present form. The panic of 1873 was precipitated and intensified, if it was not largely caused, by injurious State legislation affecting railroads, hastily enacted in response to unreasoning clamor. It would seem to be hardly the part of wisdom or of statesmanship to incur even the liability of repeating that experience, and on a larger scale, during the present century.

With great respect, your obedient servants,

A. B. NETTLETON,
H. A. TOWNE,
EDMUND J. PHELPS,
T. B. WALKER,
Committee.

MINNEAPOLIS, MINN., *January* 5, 1887.

Mr. HOAR. Now, Mr. President, every bushel of wheat, every bushel of corn, every barrel of flour, every animal, every other product of every kind, the sale of which or the export of which is destroyed by the operation of this legislation, is just so much deducted from the product and the value of the farms of the Northwest. Every increase of through rates is divided as a burden between the farmer of the Northwest and the consumer of the product in the Northeast or in foreign countries.

I wish to supplement what I have said, coming from the testimony of the business interests of Boston, by having read a very sensible and powerful letter written by Mr. J. M. Nave, of Kansas City, Mo., whom one of the Senators of that State knows, in which he points out the effect of this legislation on the States of Kansas, Missouri, and Nebraska, confirming what, I think, the honorable Senator from Iowa, now in his seat [Mr. WILSON], said a few years ago, that this legislation would be the end of cheap farming in the West. I ask to have the letter read.

The Chief Clerk read, as follows:

KANSAS CITY, *January* 10, 1887.

DEAR SIR: I dislike very much to intrude upon your valuable time, especially at this important time of legislation in Washington, when you are doubtless very much engaged in matters of importance pending, but the interstate-commerce bill is one of such vital importance to the people of the entire West, as well as the people of the entire country, that I do most respectfully ask that you listen to me for a few moments.

This bill, as it seems to me, and as it seems to merchants of the West, who are familiar with the transportation question, is one that is proposed by reason of the hostility on the part of the masses of the people, who are uninformed regarding transportation matters, against railroad companies. The bill has been carefully read and studied by a number of mercantile and commercial people in the West, and they all seem to be opposed to it—at the same time are diffident about offering their suggestions or making their opposition known to their friends and acquaintances in Congress and in the Senate. While every one will admit that some legislation is probably necessary to regulate railroads and transportation companies throughout the United States, the present bill now pending will certainly (if it becomes a law) work great injury to all of the Western States.

One feature especially, which is receiving the hostility of the farming or granger portion of the community, is the question of pooling; and this is a question which those who oppose it, doubtless to a great extent, do not understand. The fact of a number of railroad companies operating from common points in the East and to common points in the West, running through various districts of country, entering into an agreement to pool their rates in order to establish a uniform rate to common points, certainly tends to make the rates more stable; and stable rates are certainly in the interest of all concerned. A rate made today by one company, and cut to-morrow by another company will run all business into chaos. No one certainly ever heard of a rate being made higher at a pooled point than at a neighborhood point not pooled; so that no objection can be raised to the pool, because the effect is to establish a uniform rate, which is certainly to the interest of the patrons of the railroad companies; and at the same time it is a protection to the great transportation companies, whose management desire them to pay a revenue to their owners, or to protect them from bankruptcy.

You doubtless know that a great many complaints, in fact the majority of complaints, against the railroad companies are that the rates are unstable and not uniform, so that dealers can not depend upon them. The pooling of rates certainly does in a measure remedy this evil, and the provisions embraced in the interstate-commerce bill will abolish this remedy, and consequently will create a warfare amongst the railroad companies, which will work great injury to all of the business and to the agricultural interests of the Western country.

Then, again, the bill proposes, and one of the important features thereof is, to require railroad companies to carry at fluctuating rates, &c.

Then another feature of the bill, to which all the agricultural and commercial as well as other people of the West should take exception, is the feature which provides that the long haul and the short haul shall be identical, or proportionate. Should such a provision be enacted into a law, it would necessitate the farmers of Nebraska, Kansas, and Missouri, and doubtless other Western States, to use their crops of corn (which they produce largely) for fuel, instead of shipping them to the markets of the world to furnish bread. How, under such a condition of rates, can the farmer of Missouri and Kansas compete with the farmer of Illinois, Indiana, Ohio, and Pennsylvania, in offering his corn, raised upon his land, to the New York, Baltimore, or Philadelphia market, through which our import goods all go, when he is compelled to pay a proportionate or a mileage rate of freight from the fields upon which his corn is produced?

I do really believe, and I have considered the matter carefully (at the same time offer my opinion only as an individual one), that if the bill, as it now stands, is passed it will cost the States of Nebraska, Missouri, and Kansas from $1,000,000 to $2,000,000 annually by reason of the great depreciation of the value of the products they raise and on account of the increased rates of freight they will be compelled to pay to reach the markets of the world, and also by reason of the increased rates of freight they will be compelled to pay on the products of foreign countries or of the extreme East, which are absolutely necessary to the daily living of our Western people.

I make this suggestion to you in the full belief that the bill should not pass, and with the full knowledge that you know more about the matter than I do myself. I am satisfied that the commercial interests of this State, together with the manufacturing and agricultural interests of the State of Missouri, as well as the

State of Kansas and the State of Nebraska, and all other Western States now demand, in their own interest and in common interest with each other, that this bill be defeated as it now stands.

I have written this letter to Hon. GEORGE G. VEST, of Missouri, to Hon. P. B. PLUMB, of Kansas, and to Hon. WILLIAM WARNER, of Kansas City, and Hon. JAMES N. BURNES, of Saint Joseph.

I shall be very much gratified, if you deem the above communication worthy of consideration, to have you show it to your friends and associates from the West, and request that they read the same, and consider the suggestions made, if such be worthy of consideration.

Yours, truly,

JAMES M. NAVE.

Hon. F. M. COCKRELL,
United States Senate, Washington, D. C.

Mr. GEORGE. With the consent of the Senator from Massachusetts, I should like to interrupt him to ask a question. I understand the objection of the Senator from Massachusetts to the provision in relation to the long haul and the short haul to be this: That now, under present conditions, the railroad companies are in the habit of making a rebate of 5 per cent. on exported products from the West so as to enable them to put Boston Harbor on an equal footing with New York Harbor in the shipment of freights. It has occurred to me, and to several Senators with whom I have talked on the subject, and especially the Senator from Iowa who sits on my left [Mr. ALLISON], that the difficulty would be obviated by a through bill of lading from Chicago or any other point West from which the shipments to Boston originate—a through bill of lading to the European port.

Then this 5 per cent. could be adjusted between the steamship line and the railroads without any interference at all with the provisions of this bill, the only restriction in that case being that the total charge from Chicago, supposing that to be the point from which the shipment was made to Liverpool, supposing that to be the point to which the shipment is destined, shall not be less than the charge from Chicago to Boston. Why would not that obviate the difficulty of the Senator?

Mr. HOAR. I should more naturally have spoken to that point a little later. But I will say at this time that, in the first place, that would require all the foreign exports which are forwarded by this vast Boston mercantile interest to find their buyer, or, at any rate, their immediate point of destination in Europe before they would reach Boston. Now, Mr. Squire cuts up his live hogs and exports them in the form of lard or pork or ham, as I understand. That is one answer, that it would make this great inconvenience.

Another answer to it is, that it would be an evasion of what the majority who favor this bill mean by it.

I am a little off from my point, but I will make it now. You are passing this bill—I am betraying nobody's secret in saying so—because you think it necessary to bow to a popular feeling on the subject of these interests which is likely to make itself felt in politics; therefore you yield when the people who make this demand for this part of this legislation come and say it is just that railroad prices should be proportioned to distance, and we demand that if you are going to take freight from Chicago ten miles east or a thousand and ten miles east, a particular article, you shall not under any circumstances charge any more for it than if you took it a thousand and twenty miles, no matter what its destination or what the competition at one point and the other. That is the demand, and the bill is based upon that erroneous fundamental propositon, as I conceive.

The answer to the Senator from Mississippi, it seems to me, is that the practical men who are interested in doing this business do not themselves conceive that they can make such an evasion as is proposed by the honorable Senator. You are putting on to this bill the stringent penalty of $5,000 for any single transaction in which it is disobeyed; and what railroad can for a year, until this commission gets around to it, or what group of railroads can take to Boston the forty-five or fifty millions of exports which they hope they will be able to send out of that port during the next twelve months and run the risk of the interpretation put on the bill of the conferees on the part of the House being held to be wrong and that of the Senator from Illinois being held to be right? They would have the amount of thousands of millions piled upon them as penalties if they happened to err in their construction.

Mr. GEORGE. With the permission of the Senator I will state to him that there is no provision in this bill which even squints at a prohibition of the kind of through shipments to Liverpool or Europe which is suggested, and it would not be an evasion. It was intended to be carried to a foreign port, and it would be in exact accordance with the provisions of the bill.

Mr. HOAR. Will not the Senator, in consideration of the importance of that single proposition, a vital point, just vote to recommit, and have that put in writing in words?

Mr. GEORGE. There is no difficulty about it in the world; you can not put your finger on a single clause to justify any other view.

Mr. HOAR. That is the Senator's opinion. I expect to put my finger on clauses which will have the effect I have stated.

Mr. GEORGE. May I be indulged in just one further remark?

Mr. HOAR. The Senator is not only interrupting me, which I do not wish to object to, but he is forcing the discussion of certain points which I have not yet reached.

Mr. GEORGE. I beg pardon and will not interrupt the Senator.

Mr. HOAR. Now, Mr. President, just look at the Western farmer, the agricultural interests interested in this, and see what the building up of this trade by this 5 per cent. rebate has done for the Northwest.

Twenty years ago the city of Boston had storage capacity in its elevators of about 500,000 bushels. To-day it has a storage capacity of 2,700,000. Twenty years ago the rate from the West to Boston was 3.7 cents per ton per mile. To-day it is .83 of one cent per ton per mile or less than one-fourth it was twenty years ago.

Mr. Edward Atkinson, a very high authority as a statistician, has stated within a few days that on that freight there is a saving of $800,000,000 in the reduction of the prices of freight as compared with what the same quantity of freight would have had to pay twenty years ago:

The traffic of last year cost $800,000,000 less than it would have cost at what were considered reasonable rates twenty years ago. The actual saving of the last four years, 1882 to 1885, inclusive, as compared with the previous period, has been $1.500,000,000.

The policy upon which this rebate has been allowed and upon which this trade has grown up has been the principle of equalizing, as far as possible, the advantages of the different parts of the country. The purpose of the railroads, as has been said, from the time of their original creation is the annihilation of space and time as far as is possible to human ingenuity and the mechanical powers wielded by man. The doctrine that railroad rates are to be proportioned to distances, instead of being a proposition of justice or equity, is a proposition which in the practical management of affairs would be absolutely destructive to the great systems which have built up the prosperity of this country.

I had collected a few statistics of the growth of the railroad system of the country and its policy, which I will not detain the Senate by reading. I prefer to insert in the report of my remarks a few sentences from a statement compiled by Mr. Poor, the author of the Railroad Manual:

In illustration of the correctness of these observations certain tabular statements have been prepared and annexed hereto, compiled from the annual reports of the railroad companies as printed in Poor's Manual of the Railroads of the United States. From the statements 1, 2, and 3, which include the Pennsylvania, the Pittsburgh, Fort Wayne and Chicago, the New York Central, the Lake Shore, the Michigan Central, the Boston and Albany, and the Erie Railroads, the great carriers between Chicago and the seaboard, it will be seen that the number of tons transported over these lines in 1865 equaled 11,151,701 tons; in 1885, 66,521,153 tons, the increase within the period of twenty years equaling 55,369,452 tons, the rate per cent. increase equaling 500 per cent.

Their earnings from freight equaled $47,832,873 in 1865, and $72,138,792 in 1885; the increase of earnings in the twenty years equaling $24,305,989, the rate of increase being about 50 per cent. It further appears that the number of tons moved one mile in 1865 by the roads named equaled 1,654,324,000 tons; in 1885, 11,331,306,000 tons, the service performed being nearly seven times greater in 1885 than in 1865, the increase of earnings in the same period equaling only about 50 per cent. The average charge per ton per mile in 1865 on the roads named equaled 2.90 cents; in 1885, 0.636 cents per ton per mile, the reduction equalling 2.264 cents per ton per mile, the rate in 1885 equaling only 22 per cent. of that of 1865. Had the rates charged in 1885 been the same as those charged in 1865, the earnings from freight would have equaled $328,617,874, or $256,479,081 more than that received.

The number of tons of freight transported in 1865 by the great lines entering Chicago from the South, West, and Northwest—the Illinois Central, the Chicago and Alton, the Chicago and Rock Island, the Chicago, Burlington and Quincy, the Chicago and Northwestern, and the Chicago, Milwaukee and Saint Paul—included in the statements 4, 5, and 6, equaled 4,032,166 tons; in 1885, 34,348,684, tons, the increase in the twenty years equaling 30,336,518 tons, the rate of increase being over eight-fold. Their earnings from the transportation of freight in 1865 equaled $18,703,805; in 1885, $75,307,684, the increase in the period named being $56,603,879. The number of tons moved in 1 mile in 1865 equaled 513,421,500 tons; in 1885, 6,287,346,000 tons. The average charge per ton per mile in 1865 was 3.642 cents; in 1885, 1.200 cents, the decrease in the period of twenty years equaling 2.442 cents per ton per mile, the percentage of decrease being 67 per cent. Had the charges been the same in 1885 as they were in 1865, then their earnings would have equaled $229,084,432 against $75,307,684, or a sum of $153,776,748 greater than that received.

A very large proportion of the freight received in Chicago is destined for Eastern or for foreign markets. A very large amount of it is produced in districts 1,500 miles distant from the seaboard. At the average rate, 3.07 cents per ton per mile, charged in 1865 by the lines included in the annexed statements, it would cost fully $30 to transport a ton of freight from Chicago to the seaboard, and $45 per ton from points 500 miles farther west, and from which large portions of the breadstuffs and provisions now sent to the seaboard for domestic and foreign consumption are received. At the rate of 3.07 per ton per mile the charge of the tonnage moved on the roads named in 1885 would have been $538,890,731 in the place of $147,446,476, the amount actually received.

An increase in the tonnage of the railroads named from 15,183,867 in 1865 to 100,879,837 in 1885, accompanied by a reduction of net charges of transportation from 3.07 cents to 0.831 cent per ton per mile, the saving, 2.176 cents per ton per mile, effected thereby to be divided between producer and consumer, equaling $391,453,855, is complete vindication of the railroad companies from the charges of oppression and misconduct brought against the same, of which an example will be given. Such a development could have been possible only by the adoption by the railroads of a policy suited to the problem to be solved, which was nothing less than to give a commercial value to the products of every acre included in our vast domain. While the average charge for 1885 of the great lines from Chicago to New York averaged 0.636 cent per ton per mile, and that on the great lines centering at Chicago averaged 1.200 cents per mile, the average for all being 0.831 cent per ton per mile, the charge for moving a ton of wheat or flour from Minneapolis to the seaboard did not much exceed one-half the general average, or $6 the ton. At the average minimum rate, the charge would have been $12 per ton. As the greater part of the wheat grown in Minnesota is accumulated at that place preparatory to its being sent to the Eastern markets, every farmer in the State of Minnesota is benefited in the degree of the cheapness of the "long haul."

The commerce, both foreign and domestic, of the country, its magnitude considered, is the creation of our railroads. The tonnage for 1885 of the lines included in the statements annexed equaled 100,869,837. At $40 per ton, the value of this tonnage equaled $4,084,793,480. The increase of this tonnage from 1865 to 1885 equaled 85,686,050 tons. The increased value of the tonnage moved in 1885 over that moved in 1865 equaled $3,427,446,000. The lines named moved the past year only about 23 per cent. of the tonnage, 437,040,099, of all the lines in

the country. At $25 per ton, the value of the aggregate tonnage moved equaled $10,926,002,200. The increase of the railroad tonnage of the whole system has been as rapid as that of the lines named—that is to say, from 70,00,000 in 1865 to 437,000,000 in 1885. The value, at $25 per ton, of the tonnage moved in 1865 was $280,000,000; in 1885, $10,926,002,200, the increase in the twenty years equaling $8,126,002,200. Had the railroad companies been the instruments of fraud and oppression they are charged with being, certainly such marvelous results could never have been achieved.

It is beyond cavil that the proud pre-eminence which the United States enjoys in its material welfare over all other nations is almost wholly due to the development, through the instrumentality of its railroads, of its natural resources. The result is strikingly shown in the changes in our favor which have taken place in our foreign trade. From 1866 to 1875, inclusive, the value of the exports of the country equaled $4,113,411,467; of its imports, $4,938,411,464; the balance against the country for the ten years equaling $827,499,674. For the ten years beginning with 1876 the exports of the country equaled $7,343,266,125; its imports, $5,778,558,497; the balance in favor of the country for the ten years equaling $1,564,707,628. In the period of ten years ending with 1873 the excess of exports of specie over imports equaled $578,644,791. In the period of ten years ending with 1885 the excess of imports over exports equaled $63,919,891. The greater part of the increase of our exports has been made up of breadstuffs and provisions grown far distant from the seaboard, and which could be sent to markets only at very low rates on the "long haul." But for the instrumentality of the railroads and the adjustment of rates to the various conditions thus presented specie payments could not have been resumed or maintained.

Now, what is the principle on which the first great provision of this conference report depends?

It is that distance, except in special cases, ought to be the measure of compensation; and therefore if the freights be put down at the end of a road, they must be put down at least to the same point on all points on the line.

I know it is said in the bill this must be under substantially similar circumstances and conditions, and I know the provision that the commission may in special cases interpose. But as a rule certainly no Senator would expect the courts to say that the systems upon which the great foreign commerce of New York, Philadelphia, Baltimore, New Orleans, and Boston is conducted constitute a special case. No one would suppose that the great imperial legislative power of this country intended to refer as a special and exceptional matter the policy on which we should deal with such a public interest as that to a board of commissioners appointed by the President of the United States.

Now, how does this matter affect Boston? We have coming from the West to the seaboard three great lines for the transportation of the business and merchandise to which I have referred. On one of them our State spent $20,000,000 in tunneling a single mountain by a tunnel about 4 miles in length, I think, which stood in the way of one of these great Western lines, and they have within a few days disposed of the State interest in that tunnel, after losing interest on the $20,000,000 for nearly twenty years, so that it must have cost, principal and interest, full $40,000,000—they have disposed of it to one of the great railroad lines for the sum of $10,000,000. Another, the Boston and Albany, was built up by the foresight and enterprise of a former generation of the State of Massachusetts, building that road against a hostile outcry that the dominant party were mortgaging the farm of every landholder in Massachusetts.

Then we have in addition the New York and New England road, the third line, on which the State also expended some three or four million dollars with inadequate security undoubtedly. So, taking principal and interest, I suppose it would not be too much to say that the people of Massachusetts have expended nearly or quite fifty million dollars in order that this great business might be conducted in competition with Canada on the one side and with the great railroad lines to the south of us on the other.

We have also on the seaboard the Eastern Railroad, which brings merchandise from Maine and the British provinces in competition with the water-way of the Atlantic Ocean, bringing freights to large and important cities, Newburyport, Portsmouth, Lynn, Salem, Marblehead, and so on, which are way stations, and to Boston as the terminal point.

Now, they say that all this traffic north and south, east and west, shall be prohibited and that competition with the water-ways shall not have its natural and ordinary effect upon rates, or that competition with the lakes and Canada or with the lakes and the New York Central Railroad shall not be carried on unless every railroad which is engaged in it puts down all its local business (which is 93 per cent. of the whole amount of its business) to an amount not exceeding that at which they do through business. That is what this bill proposes, according to the men who drafted and forced this provision on the Senate.

The answer to the letter which I addressed to one of the House conferees, and which he says in answering he believes his associates agree with him, settles that question. I ask the Secretary to read this. The House of Representatives passed the bill in that belief, and the Senator from Tennessee avowed his belief to the same effect. I ask to have the letter read.

The Chief Clerk read as follows:

COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES,
Washington, D. C., January 11, 1887.

DEAR SIR: Your favor of January 4 only reached me last evening. You propound three interrogatories which, for convenience, are repeated and answered.

Judge REAGAN and Mr. WEAVER, the other House conferees, being absent, of course I cannot authoritatively speak for them, but I believe that their views coincide with those herein expressed by me.

First. "Do you understand that the prohibition in the fourth section of the bill, as amended in conference, will prevent the common carrier from receiving a larger sum in proportion for a shorter than for a longer distance, or only that the amount of the entire freight for the less distance shall not exceed the amount of the entire freight for the greater distance, on a similar article, under similar circumstances?" * * *

I understand that the fourth section will prevent a common carrier, within the meaning of the act, from receiving a larger sum in the aggregate for the transportation of passengers or property for a shorter than for a longer distance, over the same line, in the same direction; in other words, "the amount of the entire freight for the less distance (included in the greater distance) shall not exceed the amount of the entire freight for the greater distance, on a similar article, under similar circumstances."

Second. "Suppose a thousand barrels of flour be taken from Chicago to Boston, and be thence conveyed to Europe, and another thousand barrels of flour be taken from Chicago to Boston, or Worcester, a point nearer Chicago, on the same line, destined for home consumption, are these substantially similar circumstances within the meaning of the bill? In other words, does a mere difference in the destination of property create the dissimilar circumstances and conditions contemplated in section 4?"

In my judgment, the difference in the case cited by you would not create dissimilar circumstances.

Third. "Does the existence of competition at the end of the longer distance which does not exist at the end of the shorter on the same line make a difference of circumstances and conditions within the intention of the framers of the bill?"

In my opinion it does not.

I have the honor to be, very respectfully, yours,

CHARLES F. CRISP.

Hon. GEORGE F. HOAR,
United States Senate.

Mr. HOAR. Mr. President, I know that the Senator from Illinois, representing the Senate, takes a different view and I infer that some other Senators take a different view. This bill ought, then, to be recommitted to determine this question. One side or the other is to be—I will not say deceived or cheated, because I know of course there is no such purpose—but one side or the other is to be misled, is to be grievously misled. Think of the legislation, of the statesmanship, which compels the great railroad lines of the country to transact business essential to our foreign commerce, under the risk of a penalty of $5,000 on every single transaction if the men who drafted this language, who, as representing the House of Representatives, put it in the bill and who compel the Senate to take that or nothing, happen to be right in the construction they put on it.

In regard to these railroad lines there is one thing I may as well say at this time. The New York Central Railroad, which transacts business in connection with water at Buffalo and then takes it to Albany or Troy for the East or for New York, is not an interstate railroad. It has absolute control of this subject in spite of your act of Congress. You are compelling our great lines of railroad, the Boston and Albany, crossing the State line for about 4 or 5 miles, the New York and New England, which goes through Connecticut, to be subject to its operation.

The passage of this bill will create a panic. How soon are the commissioners to be in operation? The bill requires each special case to be acted on; and I understand, and my friend from Mississippi understands, that in a special case the commissioners may authorize this distinction to be made after investigation and hearing. They are to be appointed at once. The bill is to go into effect in sixty days, and they are to get round to the determination of this particular case when they have heard every application for an exception and their investigations have been had all over the country.

It would take the President certainly thirty of the sixty days to find a commission; it would take them the other thirty to lay aside and arrange their private and other business which they are to give up. Meantime the provisions of this bill take effect. The whole through business of the country is disordered and prostrate, only to be revived when the commissioners in the course of their vast business get round to each special case.

But it seems to me that it is utterly indefensible legislation, upon whatever theory of this bill you proceed, to create commissioners with the power which the gentlemen who favor the bill attribute to this commission. The original bill gave them a power of investigation and report. They were to hold up to daylight any transaction in the railroad management of the country of which the people made complaint. That was well; but here you give them a power half legislative, half judicial, when the Constitution provides that you shall not take the property of a man in the country to the amount of $20 from him without a trial by jury, and that that trial by jury shall be superintended by judges appointed for life under all the restrictions and safeguards and securities which surround the administration of justice. You give these men power over the business of great towns and great cities and great classes of investments—a power which no Persian satrap or Roman proconsul was ever intrusted with—at a salary of $7,500 a year, with an exposure to temptation in the way of corruption which would not stand at millions and hundreds of millions of dollars. To refer to five commissioners the question of whether the foreign commerce of the city of Boston, with its $135,000,000, shall stand or fall. The question whether the House conferees or one of the Senate conferees be right in this opinion involves all that.

I have dwelt on the city of Boston because it is the community which I represent, and because it is better to point out its effect on an individual case. The foreign commerce of this second seaport city, vast as it is, is a mere trifle compared with the vast interests of the producers and consumers which are to be affected by this legislation. You had bet-

ter blot Boston as an exporting city out of the map rather than take away from the farmer of the Northwest his access to the markets of Europe in the near future. It is not commerce, but the agriculture of the country, upon which the burden of this insidious provision is likely to fall most heavily, as it seems to me.

This proposition is in defiance of all recent railroad experience and railroad thought. This provision is based on a crude fallacy which men who begin to reflect on the railroad policy fall into in the first instance, but which investigation always dispels and drives away. The last English experience rejects it, as is stated in Professor Hadley's book, which I omitted to bring with me, on the one hundred and eighty-sixth page. He says the last parliamentary committee in England have utterly rejected the principle of proportioning rates to distance and the long and short haul.

The fatal objection to this provision is that it makes distance the measure of compensation as its general rule, when in fact distance is often—perhaps in a majority of cases—one of the least important elements to be considered.

To leave a car-load of flour at an intermediate station will often require an expense of time and labor in stopping and starting a train, and detaching the car, which may nearly equal the whole freight charge to the terminus.

A road may often afford to take freight to a terminal point from which its cars return full for little more than half the price which it must charge to an intermediate point from which they return empty.

It can keep at the terminal point the most skilled workmen constantly employed, elevators, warehouses for the deposit of merchandise, and all the means and appliances for cheap and expeditious handling of its freight. The freight, when it arrives, can be at once placed where it will cause no interruption to the other business of the road. At the intermediate point it must be handled by persons not fully employed, without conveniences, and where it seriously obstructs the other business. It will often cost a road more to carry a certain article 5 miles than it would to carry it 50.

Take the case of the Hoosac tunnel, in Massachusetts, which I referred to just now, which is, I think, about eight miles from the State line. Take an article of merchandise through that, to carry it from a a town in Massachusetts, a way station just east of the tunnel, through the tunnel over the New York line. Is it not fair to charge more for that service than for a vastly longer distance under other circumstances? It is said that these are special cases for which the commission would provide. Why, Mr. President, the whole railroad business of this country is but an aggregate of such cases as this. There is not a case that can be put of a transportation of freight from State to State over a line of railroad into which some element or other does not enter other than the mere comparison of the distance.

Mr. MITCHELL, of Oregon. May I ask the Senator a question right on that point?

Mr. HOAR. Certainly.

Mr. MITCHELL, of Oregon. Is it not a fact that the very argument the Senator is now making that all these differences which he says exist, and which I concede do exist, disprove the other argument which the Senator is making, that there is no dissimilarity in the matter of transportation between the long hauls and the various short hauls?

Mr. HOAR. I do not say that there is no dissimilarity.

Mr. MITCHELL, of Oregon. Is there not a substantial want of similarity in almost every conceivable case that can be pointed out?

Mr. HOAR. Certainly, and that is the folly and the fallacy and absurdity of this bill, that it takes a business——

Mr. MITCHELL, of Oregon. I think so, too, but the construction which has been placed upon it is just the reverse of the one placed upon it by the Senator from Massachusetts.

Mr. HOAR. We are dealing with a business which is made up of special cases. If the comparison by distance is to be taken under a general rule you can not conceive two cases which are not different, if you come down to refinement as to special cases, if that is to be taken as a general case, and you put the vast transportation business of this country, its domestic as well as its foreign commerce, into the hands of five commissioners who are hereafter at their mere whim, at any rate in their mere judgment and discretion, to regulate and control its entire operation.

My friend from Oregon who just interrupted me speaks of his construction of this bill. I have not said that I claim that it was clear that the bill dealt with foreign commerce. It may be that the mere destination of the freight makes dissimilar circumstances in one case and in the other, but I say the bill was framed by men who claim that it meant that two cases I have put are cases of like circumstances and conditions. I say the bill is intended to carry out a theory which is that distance, in all cases, with very few and rare exceptions, shall be the measure of compensation.

If the commission is to deal with all these cases you must have a commission of five hundred or five thousand men, and not a commission of five. I think my friend's State of New Jersey will supply this commission of five with work which will take all its time for ten years on the theory of the construction of the bill which its framers have advocated.

If there are special cases within the provision of the bill, your whole bill is a mockery and an illusion. They will include every case where any discrimination is made in favor of longer against the shorter distance which is not protected by the general prohibition of unreasonble charges, except the case where the diminution of the through rate is made necessary by competition, and that I shall speak of presently.

If you mean to say that the road shall not charge more for the short haul than for the long haul where the short haul costs more than the long, you are doing a gross injustice. If you mean to except that case from the operation of your law, you are excepting, in my judgment, the larger proportion of the cases which have incited the popular demand to which you profess to yield, and so you will disappoint and deceive the people.

There is a fallacious notion which seems to have got a lodgment in some very intelligent minds; and that is, that the reduction of the rate on through traffic is a burden or tax on local traffic. Gentleman have said in my hearing, I think it has been said in this debate, that if we can not have foreign commerce without taxing our domestic transportation to obtain it, we must go without. I hold, on the contrary, that every dollar which a carrier gets, of through freight, at a rate which pays anything above the bare cost of conveyance, and which it would not otherwise get, is a benefit to its local traffic; and I hold that, given the local traffic at present prices, the whole local traffic of the country, adding to the business of the railroad such through traffic as they are able to accommodate enables the railroads to reduce local rates and also to relieve the local traffic from a share of its fixed charges.

Now, take a very simple proposition. Suppose a hackman starts to take a passenger to Bladensburg and has got his price fixed. Remember that this whole thing is a graft upon a bill which already has provided that everywhere reasonableness must be the rule, and which has afforded mechanism, both legal and supervisory, to accomplish that result. You have got the hackman starting to Bladensburg with his passenger, and he is to have $10, which is a reasonable price. He comes to a man who is on foot with a carpet-bag, who says he has only got a dollar in his pocket, but if he will let him get in he will give half a dollar of it to the hackman and the other half to the passenger. The passenger has paid his $10. Who suffers? What an absurdity it would be to have a law to regulate a hackman which said that under no circumstances should he take an additional passenger except at the same rate at which he had taken the others, that he never should diminish his rates?

This little carrier business of the hackman or cabman affords a very good illustration of the unreasonableness of the proposition upon which this legislation is based. There is not a body of rules, I suppose, in any city or populous town in the United States in which the hackman who takes four passengers is not required to take them a little cheaper than the hackman who takes but two; in which the hackman who takes passengers outside of a mile circle is not required to take them at a cheaper rate in proportion than when he takes them inside the mile circle.

This is a fallacy which in carrying out the principle would be destructive of all sorts of business. The manufacturer has a surplus. The manufacturing interests of the country, the business men of a particular kind, have a surplus of goods, and they can not conduct their business profitably unless after having sold what the ordinary demand requires they are permitted to sell off that surplus at a cheaper rate. Our protective tariff is very largely intended to protect us from having a surplus of foreign manufactures dumped down in our markets in competition with our own.

Take the corresponding occupation of the inn-holder, which the common law places exactly on the same footing as that of the carrier in regulating it by law and requiring reasonableness as the measure of charge. Are you to say that the inn-holder in a city where there is a political convention shall not fill up his inn on a particular day at a particular price for food and lodging if he wants to attract the convention to his house rather than have it go to another without a corresponding reduction of the price which he is to charge all the rest of his customers through the year?

Mr. HAWLEY. Will the Senator allow me to ask him a question? I am seeking for light in this matter, as he is. I can not see how the illustration of the hackman applies here, because this bill both as passed by the Senate and as reported by the conference committee provides that no carrier shall charge more for a short distance than for a long one. A cabman in this city I believe will take you a mile for 25 cents or two miles for 40 cents; but what is forbidden in this case is charging 40 cents a mile and 35 cents for two miles.

Mr. HOAR. That is the theory on which the bill goes so far as it goes on the ground that the distance in ordinary cases is the measure in proportion of the price, and although the bill has limited itself by having carried out the principle to say that you shall not charge at a greater rate, yet where the difference in distance is very slight you have all the destructive effect on the through business by saying that the local business shall in no event be less.

Mr. HAWLEY. Under this bill a carrier might charge 4 cents a mile on the intermediate distances, and 3 cents a mile on the through, and yet not violate this proposed law, because the aggregate on the short haul would not be the aggregate of the long haul.

Mr. HOAR. That is true; everybody understands that, but that does not affect substantially, it seems to me, the argument I am making or the aptness of the illustration. If you concede, as the bill concedes in that particular, that it is reasonable that the short haul shall be judged more in proportion to distances than the long, in a very large number of cases, of course that would bring the aggregate for the short haul higher than the aggregate for the long in the cases I have put.

Mr. President, these public highways are the arteries and veins of the State. An unhealthy pressure on any limb will not only cause that limb to grow feeble and wither, but, in the end, it will be destructive of the life of the commonwealth itself. It seems to me in our legislation, I suppose it is true of all of us, when we attack one of these great, complicated, and subtle economies we have to go through some of the diseases of childhood. We have to have chicken-pox, and the measles, and the whooping-cough, before we get to a condition of sound and vigorous health. We had it in the matter of paper money and fiat money. I sat in the House of Representatives in the next seat to a gentleman from Ohio, who had a table to show that the amount of bank capital to the square mile, and the currency to the square mile was very much less in the Northwest than it was in New York and the Eastern States, and he made it the pride and glory of his Congressional service to try and remedy that vast injustice. We seem to be going through the same thing now in this matter of railroad legislation. I am afraid some of us are destined to have a permanent whooping-cough all our days.

Mr. President, this bill will require the non-paying branch of a railroad to charge no more for the same included distance than it does for the prosperous and well supported main line. The bill will injure, as it seems to me, as I have said, the distant Western farmer more than it will injure the capital which is engaged in the commerce of the Eastern cities. A high authority, a gentleman now a member of the Senate and an advocate of this bill, has quite lately declared that it would be the end of cheap farming in the Northwestern States. The agents of the great steam lines, of which I think there are twelve now going out of Boston, come to us and tell us that the bill as interpreted by its framer, and as they fear it will be expounded hereafter, will be the destruction of a large portion of the business in which those lines are engaged.

Mr. President, it seems to me that the true policy of the Senate is to recommit this bill. Let it save as it can save the great principle of reasonableness enforced and established by law, the great principle of publicity in the advertisement of rates, the great superintending power of the commission, and the great and healthy and beneficent enactment which provides against any unjust discrimination whether between persons or places or lines. But this other and further step proposed to us by the House of Representatives against the original judgment of the Senate we should to refuse to take.

Mr. MITCHELL, of Oregon. I desire to have the benefit of the opinion of the Senator from Massachusetts on one point for my own information. He has stated, after a very careful examination of this bill, as his opinion, as I understand, and he has fortified that opinion by what seems to be the opinion of business men, not railroad men particularly, in the State of Massachusetts and New England, to the effect that the result of this bill, if it becomes a law, will be to increase through rates, to increase the price of transportation on long hauls from what he calls the great West to the Atlantic seaboard. I presume when the Senator speaks of the great West he refers to the valleys of the Mississippi and the Missouri and Ohio, or in other words, the country lying east of the Rocky Mountains and west of the Alleghany Mountains. He does not refer, of course, to what we understand as the far West, or that portion of the country lying west of the Rocky Mountains.

What I should like to have the opinion of the Senator from Massachusetts on, if he has considered that question at all, is as to whether the effect of this bill, if it becomes a law, will be to increase the rates of transportation on long hauls from points east of the Rocky Mountains to points in the extreme Northwest, the Columbia River, Puget Sound, &c., that is, on that character of freight which is desired for consumption in that distant part of our country, and which the people residing there are compelled to purchase either in Europe and bring across the continent, or in this country in the markets of the East. I should like to know what the opinion of the Senator from Massachusetts is as to the effect of the bill on that question?

Mr. HOAR. So far as the manufactured products of New England are concerned, which are now largely, and I hope will still more largely, be sold to that people, and so far as by the cheapening of railroad rates and mechanical improvements of railroad transportation they shall cause their great wheat-fields to exchange commodities with the population who are especially engaged in manufacturing those products, I have no doubt the same injurious effect that I have stated will exist in those cases.

Mr. SHERMAN. Mr. President, it is not my purpose to engage in the general debate on this bill or to attempt to discuss at length any of the questions which have been presented so fully and ably by Senators on both sides of the Chamber. I wish simply to take my share of the responsibility of the votes on the bill and to state the reasons for the votes that I shall give.

I believe that no bill of this importance has ever had such a general support, not only among the people but in both Houses of Congress, as this bill to regulate interstate commerce. The necessity for the passage of a bill on the subject is great, and is made greater by the decision of the Supreme Court. Whatever might have been the difference of opinion in the past, there is now a concurring sentiment among all classes of people, strongly represented in both Houses of Congress, that there ought to be some general regulations in regard to interstate commerce. No question of power is raised; no questions of constitutional right or duty are involved. It is simply a question of discretion as to what particular measure shall be adopted and as to the provisions of that measure.

I am free to say that if my vote on this bill would defeat the passage of an interstate-commerce bill at this session I should vote differently from what I intend to do; but there is no such exigency. The bill is in such an advanced stage of consideration that without question, whatever we may do in regard to the bill as it now stands, it will in some form receive the sanction of Congress. It has passed both Houses. It is in a committee of conference where a single vote can in some way determine it, and all that can be done now is to recommit it or to pass it.

If we recommit it we are sure to have action upon it again. There can scarcely be a doubt but what the committee would report it, because there is such a pressure of public opinion behind it that no committee of conference organized by Congress could possibly prevent the passage of the bill. Either House might at any time recall the bill from the consideration of the committee of conference, even if the conferees failed to perform their duty; but there is no danger of that kind. The bill is something in the nature of an appropriation bill, sure to pass; but there ought to be no provision in it and no section in it that does not receive the free and unbiased judgment in favor of it by both Houses of Congress.

When an appropriation bill is pending and a proposition is inserted by way of amendment by either House, if the other House refuses to accede to that amendment, there is no logical way except for the House proposing the amendment to recede. So, if there is any provision in the bill proposed by the House of Representatives, or by either House that is not approved by the other, then the House making the proposition should recede in order to secure the passage of the bill. It is only by acting upon that general rule of policy that any bill involving the magnitude of the questions in this bill can pass through Congress.

Under these circumstances, as I believe, without detaining the Senate long, there are two or three provisions of the bill which ought to be omitted from it, for the present at least, until we have had some experience in the operation of the bill. I shall vote, if the motion is made, to recommit to the same conferees, and to have them look over these three or four points (and there are only three or four sections in the bill which have been made the subjects of controversy) and see whether they can not frame such provisions as will enable Senators and Members to vote for it freely without any doubt about the effect of the provisions of the bill.

That is the view I take of the bill in its general provisions. Now, referring to the particular points, the one is the fourth section, in relation to the long and short haul. The general provision that no greater charge should be made for a short haul than for a long haul over the same line is so plainly equitable and fair that one would say it ought to be taken as an axiom in dealing with this question; and as a general proposition it is right. I voted for it at the last session, and would vote now that in the conduct of a railroad they should not, except in very rare and special cases, charge more for hauling a shorter distance than for a longer distance.

While, as I have said, the general rule of this bill is correct, I have no doubt at the same time it is equally clear that there are certain exceptions to that rule which must be provided for in some way. Everywhere there is a fear that this bill, intended to relieve the people of the United States, may destroy our export trade and break up important competition now existing between water and railroad routes. This is so clearly admitted that the conferees themselves, and both Houses, have seemed to admit that there must be exceptions to this rule, and they have endeavored to provide for those exceptions by the provisions of the conference report. What I fear and believe, from a careful study of the language of the fourth section, is that no sufficient provision is made for those exceptions.

Let me state one which is probably the most imperative. The larger portion of our export trade is in provisions or in material for clothing. Pork, wheat, corn, cotton, and various articles produced on the farm are sent abroad amounting to more than a half of our entire exports. It is perfectly manifest to my mind, and ought to be to the mind of every one familiar with railroad business, that if you attempt to apply this rule to produce about to be exported into foreign countries you cripple the means of the United States of America to compete with foreign countries. You may cut off to a large extent the possibility of sending our exports abroad where the markets of the world are open to

us, and might in this way do great damage that no one would desire to inflict.

When this provision about the long and short haul is applied to the transportation across the continent of the tea, for instance, that is brought from China, it is perfectly manifest that that provision if carried out and applied to that kind of trade would destroy our entire carrying trade across the continent from India and China and the East to the European markets. In that trade there are many modes of conveyance and competition. There is the Suez route; there is the route around Cape Horn; there is the route by Panama; and there is still a close competitor, the route through Canada. Therefore, if you apply the principle of short haul to the commerce across the continent, you practically turn from our own country and from our own railroads all this vast commerce, increasing constantly in almost geometrical ratio, and turn it through other countries or by other routes. This trade, so great is the competition in its conduct, would be diverted even by a pebble, much more by a great restriction like this, which declares in general terms that no less charge for the through distance in the aggregate shall be made as against this kind of transportation than for the ordinary transportation of our country in our interstate commerce.

Mr. EDMUNDS. Oh, no; it is the same kind of goods.

Mr. SHERMAN. It is true a provision limits it to like conditions and circumstances.

Mr. EDMUNDS. And like property as well.

Mr. SHERMAN. Yes; like property as well. This limitation is so broad, and may be construed to be so general, as practically to destroy and absolutely nullify the general provisions.

The Senator from Mississippi [Mr. GEORGE] in a single remark the other day stated very fully and forcibly that if it must be applied only to like circumstances and like conditions and like property, the whole clause may be made nugatory. Shipments will rarely be on precisely the same or in similar terms; they may be easily distinguished somewhat from each other. It seems to me there ought to be some provision in the bill that will guard against such a construction as this, and enable the railroads in our country, by express provision of law, to make such rates for this kind of transportation I have mentioned as would enable them to maintain against all kinds of competition the trade they have now, and to increase it if they can. But that is only one of the cases I wish to mention.

Take wheat and corn, pork or cotton, transported from all parts of our country. The people of the United States are not particularly interested whether that goes from Ohio or Nebraska, or the still farther West—from Minnesota, Dakota, and all those vast new regions which are now supplying us with the great elements of our foreign commerce. Suppose wheat and these products are shipped from the far West and no discrimination should be made in their favor because they are to be exported to foreign countries; suppose no provision is made that will enable our railroads to compete with foreign countries for that transportation. There is a route through Montreal; there is a route, as I said, around by Panama, and there are various routes.

If our farmers and our transporters are not able to conduct this trade and this transportation so as to compete with these rivals, as a matter of course *we destroy* a business, which will reduce the business of our transcontinental railroads, reduce their income, and practically compel them to increase the rates upon domestic interstate commerce in order to make that loss good.

It seems to me there ought to be some general and broad provisions which will provide for this, especially in favor of our export trade. I am not prepared now, with the limited examination I have given, to say what words I would be willing to define in this law to make provision for our exports abroad and for the competition between our wheat and the wheat of Russia and the wheat of India, and other nations now competing with us in the supply of all the great cereals and provisions of the country, even in Indian corn, in which only a few years ago we had a practical monopoly of all the world. It is now being produced in competition with us. We must, therefore, make provision by which this trade will not be jeopardized or affected.

Then there is another consideration. You take the hard and severe competition between water routes and railroad routes in the summer time from Chicago and from Duluth and from Milwaukee, and all these great interior lake ports of the country. That water competition in the summer time is so sharp that the railroads have either to abandon all competition, turn the transportation entirely over to the water routes from the 1st day of June until the 1st day of November, or else they must be permitted to reduce the rates during that time to such figures as would not justify them in carrying the same property on local routes. If it is desirable that we force the railroads out of competition for this kind of freight, then probably it is not an unfair provision, but that is not desirable. Especially in our export trade we must allow the sharpest and closest competition. If you withdraw from the water routes the competition of the railroads, you necessarily induce the water routes to raise their rates in the summer time when the great body of this produce is being transported, and they will do it.

The effect upon water rates by the railroads has been very great, reducing them in some cases to one-fourth of what they would be, naturally, without competition with the railroads. Unless some provision is made in a general way for this, it seems to me we are likely to defeat the objects of this bill. I can not say precisely what language ought to be used, but it seems to me the present provisions of the bill are entirely too vague and indefinite.

Then the bill limits the powers of the commission to allow special rates to a considerable extent, somewhat more than the original Senate bill did, because they must take up each particular case, each particular matter, and decide upon that. What does that mean? Does that mean that they shall not make any general regulations which would apply to all articles exported to foreign countries? Not at all. But they must take up the case as applied to a particular railroad under particular circumstances and particular conditions. If that is the duty imposed on this commission, there will not be time in the twelve months between January and January to act upon one-tenth of the cases that will be presented to it.

Mr. EDMUNDS. Do you refer to section 4?

Mr. SHERMAN. Yes. Here is the provision. In order to show the connection of the words and their bearing on the whole, I will read it.

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions.

What is the "like kind of property?" Is wheat like corn? Is corn like other articles of food for man and beast? The Senator from Iowa said yes. Therefore you can not make any discrimination between property of the same general character and bulk.

Mr. ALLISON. All that was in the Senate bill.

Mr. SHERMAN. I know, and I will refer to the new clause subsequently. "Under substantially similar circumstances and conditions." What are the circumstances? Does the fact that the property was shipped from Chicago to New York for export make a different circumstance and condition? Does the fact that the property is shipped from Chicago to New York without respect to its destination, make a difference of circumstance or condition? The Senator says no. Then how can you tell whether wheat is to be exported or not? What provisions do you make so as to distinguish in regard to that?

Mr. ALLISON. Will the Senator allow me?

Mr. SHERMAN. Certainly.

Mr. ALLISON. The Senator from Massachusetts said that on all commerce that goes to Boston there was a rebate of 5 per cent. It is as easy for a railroad to make a distinction at New York as at Boston.

Mr. SHERMAN. If there is such a rebate, that will be abolished by this bill.

Mr. HOAR. Allow me to explain. I said that was the present arrangement.

Mr. ALLISON. Undoubtedly.

Mr. SHERMAN. By this bill, several provisions of it would prevent any discrimination of this kind, and therefore that rebate would be abolished as a discrimination that is forbidden.

Mr. EDMUNDS. I wish to ask the Senator from Ohio, with his permission, in criticizing this fourth section and the difference made by the change in the House of Representatives and the conference report as to the powers of the commission and the evils that he thinks would follow from what he has stated, to tell us, not in mere language, which he says he can not do in a moment—and nobody can—just the words he would phrase it in, but precisely what general provision he would make in respect to the matter he is speaking of? What would he do about this foreign export?

Mr. SHERMAN. My general idea is that I would make a discrimination in respect of the export foreign trade, but I could not say in what language. I will go on a little further, because it may be answered that this language was in the bill as it passed the Senate. But I now come to other provisions that limit still further the operation of the commission and compel them to apply this difference of circumstances and conditions to every railroad, to every common carrier. So if a question should arise on the Pennsylvania road they must consider that as one question to be determined by them. If a somewhat similar question should arise as to the New York Central, they must consider that also as a special case.

Mr. CULLOM. Will the Senator allow me?

Mr. SHERMAN. I would like to get through.

Mr. CULLOM. I only wanted to call the attention of the Senator to the fact that under the language of the bill we passed through the Senate before the general rule was made to apply, with special exceptions as to special cases in the operations of common carrier, so that in fact, the language of the bill, as it is used now, means exactly the same as was meant under the bill the Senate passed.

Mr. EDMUNDS. But it is a little more liberal than it was before in favor of the railroads.

Mr. SHERMAN. Let us look at that. I will read the proviso here:

Provided, however, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation—

do so and so; but, remember, that until these special cases can be acted upon and decided by the commission, the universal rule that is made

by the bill will be enforced, and must be enforced, because the special circumstances and conditions must be made the subject of a communication to this commission, and their action must be had on each special case.

Now let us go a little further. The railroad may "after investigation by the commission be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier"—a "designated common carrier"—"may be relieved from the operation of this section of this act."

They must in each particular case, as to each particular carrier, make a particular rule defining the extent and limit of this exemption, and then after that—not until after that—the carrier will be authorized to avail himself of this limitation.

Mr. CULLOM. Let me read the language that was stricken out of the old bill, showing that the same language substantially is now used:

Make general rules exempting such designated common carrier in such special cases from the operation of this section of this act.

Those were the words used before, which the Senator supported very earnestly.

Mr. EDMUNDS. The conference report is much better on that point for the railroads than the bill was before.

Mr. SHERMAN. I think I have sufficiently stated the difficulties in the execution of this bill. I am afraid and I believe that the immediate effect of the bill will be a great disappointment to all. I fear that the wide-reaching influence of this section will create a profound discontent in the very regions represented by gentlemen who are earnestly advocating this bill. That is my opinion. I may be mistaken. I have no narrow view about this matter. I do not speak about it as it affects Ohio particularly, but only as it affects the country, and mainly as it affects our foreign trade.

Now, so far as Ohio is concerned, there is a divided sentiment there. My colleague and I will agree probably upon the statement I make about it, that as a general rule the farmers of Ohio favor this long-and-short-haul clause, because they are tired and sick of the idea that wheat raised in Dakota, far off, should be transported over Ohio railroads through to the market at far less rates than are charged from the center of Ohio to New York. That is an abuse which ought to be corrected, and our people generally make an outcry about it; they feel outraged about it. Towns have been injured, markets have been broken up, great complaints have been made, and a kind of anti-railroad mania has grown out of this thing; and to the extent that it is possible, without sacrificing great interests, I desire to see that corrected.

On the other hand, in Ohio we have a great number of very important manufactures, mainly in agricultural implements. I suppose that Ohio is much the largest of any of the States now engaged in the manufacture of agricultural implements. In the little city in which I live there is one establishment devoted entirely to the manufacture of thrashing machines and the steam power to run them—very valuable machines; and they are exported to Hungary, Australia, South America, all over the world, you may say. They can only maintain this industry, as they think, and this enormous traffic—for it is a large item in our exports—by having through routes, low rates, lower than the rates given to other kinds of property. Without that it is doubtful whether they could maintain themselves in the market at all and supply either the foreign market or remote domestic markets with these important agricultural implements.

It would not make so great a difference with them so far as the American market was concerned, but in regard to the foreign market, the universal testimony of all these gentlemen in communications sent to me, the like of which have been read by the Senator from Massachusetts, is that it would break up their business, compel them to advance their prices if they were required to pay higher rates, and thus add an additional burden on our own people, when, if they were allowed to make their own arrangements with our railroads to carry on this business and export these articles to foreign countries, they would add to our exports and incidentally to the business and value of the railroad property by giving the railroads a low rate, probably, but still a rate yielding something for carrying this commerce.

I suppose I have received, and my colleague has, petitions from every manufacturing center of Ohio representing a general outcry against the effect of this clause as preventing them carrying on this business because they say this heavy machinery, occupying a great space in a car, cannot be transported at the same rates that other kinds of property will possibly bear, and therefore they say that this is ruin to them. Men in whom I have the greatest confidence, telling me what will be the effect upon their own business as applied to their actual daily work, have that fear. I would like to see that removed. I would like to see some provision, if possible, made qualifying and limiting this long and short haul clause in a better way than this general provision leaving the whole matter in special cases to the commission itself.

It seems to me that under the operation of this section the commission will be overburdened. They will not be able to act upon the cases that will go before them. In the mean time this long haul and short haul provision will break down an important part of our foreign commerce as well as cripple and limit our commerce to the remote portions of the United States of America, because these same machines are sent in large numbers to the South, in large numbers to the far West, and they are to be found all over the plains of the West.

These are matters important to be considered, not that I am opposed to the general principle of the long-haul and short-haul clause. It is a plain rule of equity. But I can see that there ought to be exceptions, that ample powers should be given to the commission, more ample and general in their character than is disclosed by this bill; that there ought to be power to make regulations general in their character applying to all carriers so as to preserve the benefits of this commerce to our country. This limits their power only to particular cases as they arise and which have to await their decision.

That is all I desire to say about the long-haul and short-haul clause.

Now, as to the fifth section, which is entirely new in the Senate, there I think the conferees have yielded what probably upon fuller examination and actual experiment they would not yield. A pooling contract is like any other contract for the division of profit. We never restrain natural individuals in their right to contract or to be contracted with. We declare what contracts shall be unlawful, what contracts are against public policy, but with these general rules, known to the common law and never improved upon, we allow every man to contract or be contracted with as he chooses. He makes partnerships. If two blacksmiths find they can improve their condition by joining teams and forges, they become partners to carry on the business of their neighborhood, and nobody objects to that. So with merchants and so with every occupation.

As a general rule, there is no reason why railroad companies should not be allowed to make their contracts in such form as they think right, unless they involve some breach of public policy. All pooling contracts are not wrong. Some of them are wrong, but, as was shown by the Senator from Connecticut [Mr. PLATT] who has already spoken, the effect of the pooling system thus far has been to reduce the cost of transportation enormously. These pools are always made at the lowest rate, because it is the cheapest freighter that is the master of the pool.

Mr. EDMUNDS. Does the Senator from Ohio mean that the pooling arrangement has reduced the rates to what they were just before the pooling arrangement was made?

Mr. SHERMAN. No, sir; I do not, but I say that the effect of pooling by railroads has been to reduce the cost of transportation enormously. Sometimes by cutting rates a single company has done injury to the whole people, not only to the people whose goods are to be transported, but to the railroads themselves, and to all others.

Does the Senator from Vermont say that the rule, and sole rule of competition should prevail? If so, then take away all these restrictions, take away the power of this commission, and let the railroads fight it out—cut each other's throats. A road built purely for speculation starts, cuts down rates, and destroys the property of the other railroads, and interferes with transportation, and then suddenly raises the rates again. The pool is to secure steadiness of rates. The effect of this bill, by destroying such agreements, neutralizes all agreements made in the interest of the public as well as those adverse to such interests.

I am opposed, therefore, to pools likely to do injury or to prevent fair competition; but where pooling arrangements are made in a reasonable way to prevent undue competition, if you please, to prevent undue cutting, they operate to the public benefit. I therefore think that while the prohibition of pooling might be inserted as a general rule, like the rule about the long haul and the short haul, yet it is subject to limitations. There may be pools that would be greatly conducive to the public interests. There may be agreements between railroads which tend to lower the price of freight as well as to increase the price of freight. There may be pooling arrangements that give steadiness to business, confidence to the people, shippers, producers, and railroad transporters. Why, therefore, not give to the commission the same power to modify and regulate these pools, to sanction those that are manifestly in the public interest—the same power that they have over the long-haul and the short-haul provision? I can see no reason why.

I have listened to the arguments, and what I have not listened to I have read, and it does seem to me now that when we are making such a sweeping provision denying to railroads connecting with each other or conflicting with each other the power to make arrangements with other by which they may be able to secure steadiness and cheapness for transportation, that power ought not to be denied to them. This commission ought to have the power to say that such and such arrangements made between railroads are in the interest of the public, and not to their detriment. The word "pool" usually applied to a gambling contract is obnoxious to us, and they have taken a very good word to represent the thing as obnoxious. We know in common language among people that a pool is a gambling contract, but a pool as applied to railroads is simply an arrangement and an agreement by which they adopt certain rates. They may be innocent or they may be injurious. Why should not this commission have the right to allow those pools made for the convenience of railroad transporters to stand as their law and regulation between each other if they do tend to advance the public interest? Therefore I think there ought to be some limitation to this section.

There is only one other provision that I wish to call your attention to, and I suppose in that I shall not have the sympathy of this body. I think the provision allowing a court in every railroad case when the railroad is beaten to award an attorney's fee without limit or restraint, is what I would call a mean provision, which I trust the profession will not be in favor of. This provision is only in favor of the man who sues the railroad. It does not operate in favor of the railroad. Although the suit may have been idle, fictitious, brought for the purpose of worrying the railroad, it can not be allowed for its expenses in defending itself against an unjust accusation. Oh, no, that would not do at all. There is no provision here that the person who commences a frivolous or fictitious action against a railroad shall pay the costs or an attorney's fee; it is only that the railroad shall pay in case the plaintiff recovers even one cent damages, or the most trivial amount, and in that case the court may award not a docket fee of a fixed sum, limited as in the law of Ohio to $5 in former times, and even that was repealed on the ground that any provision of this kind to pay the attorney's fee of the adverse party tended to promote litigation and therefore was against public policy. It seems to me this provision ought to be omitted. It is an unjust and impolitic one inserted here. I think it is not beneficial.

It is sometimes said that a private person can not compete with a railroad. That is usually the case; but this law provides a place where any plain citizen may apply for a remedy. He may appeal to this commission without money and without price, and in nine cases out of ten he will get his remedy there. But under this provision of the bill he has a right to sue, and is tempted to sue in any court of proper jurisdiction for any kind of claim, for any infringement whatever that he may conceive has been done by the railroad company under the operations of this bill. He may prosecute. It may be found to be a trifling matter that ought to have been waived aside or submitted to the commission, but still at the end of the litigation a court is called on to award damages in the nature of attorney's fees, and it is supposed that the attorney's fees ought to be at least ten or one hundred times the amount involved. The effect of it is to invite litigation, to set the whole legal profession to work to see if they can not find out technical, or trivial, or substantial violations of this law by a railroad corporation.

Are railway corporations such public enemies that we should make laws against them that we would not apply to others? Who would be in favor of a rule that would enable any man who sued on a note that was plainly due on its face, which there was no contest about, to recover his attorney's fee? Who would advocate a provision of law that would require the defendant to pay attorney's fees in addition to the ordinary costs of litigation, clerk's fees, &c.? No such provision would be tolerated, and yet it is aimed at the railroads. If they are public enemies let us stop building them. If they are public enemies too powerful for us to deal with let us prohibit any more railroads in this country. That is absurd. Railroads are great arteries of commerce, one of the great agents of modern civilization, without which this country could not have been developed to its present great wealth and power. Take this country and all Europe without railroad corporations—because railroads can only be built by corporations; one man's wealth is not sufficient; there must be an aggregate of many peoples' wealth, and they ought to be treated fairly, not allowed to oppress the people, not allowed to make undue rates, but still treated with justice and fairness.

All the provisions of the bill that tend to prevent abuses under the law I am in favor of, but it seems to me that this is a petty matter, put in here without any good reason. If a man commences a suit against a railroad, let that suit stand upon the same general rules of law, the same general rule as to costs as all other suits.

By this one fell swoop in this bill we practically repeal and change the laws of all the States, because I doubt whether there is a State in the Union, or anywhere in the world, that allows a court to fix the fee that shall be paid to the attorney of the defeated party, except only in that class of cases like partition cases or the like, where the whole proceeding is a matter of common benefit.

Mr. President, it does seem to me that if this bill could be recommitted and these subjects submitted to the conference committee, they might divest this bill of all those provisions that are likely to create serious complication, trouble, and litigation. Then let us try as a tentative measure the remaining provisions of this bill, as I believe it will work vastly to the benefit of the people of the United States. If it is not sufficiently stringent to prevent the abuses that have occurred in the past, then let us one, by one, add these different clauses as experience demonstrates their necessity.

For this reason, and it is only for this reason, to explain my vote, I shall vote to recommit the bill. However, if this motion should be voted down now, as it seems likely, then I shall reserve to myself to decide whether on the whole it is better to take this bill with these objectionable clauses, with its many good features, and pass it into a law and leave time to correct these imperfections.

Mr. EDMUNDS. Mr. President, I wish to ask the attention of the Senate for a very few minutes to the reasons I shall state for voting in favor of this conference report.

There are only two points of objection made to it, excepting the matter of attorneys' fees, to which my friend from Ohio has just alluded, which I will not weary the patience of the Senate by taking time to reply to, but which has a certain force, as it appears to be one-sided and a mere trivial matter. The clause evidently ought to have been that the court might award reasonable attorneys' fees on either side against the defeated party, but that is a very small matter. The thing that I wish to call the attention of the Senate to is, first, the fourth section, what is called the long and short haul affair, and the pooling provision in the fifth section. The fourth section as it passed the Senate after two or three years' consideration—not on this identical bill—and examination and reflection and discussion, as it finally passed the Senate almost unanimously, provided, as I understand it, in substance precisely what this conference report provides; that is, it simply provided against obnoxious, unjust discrimination in favor of the shipper for a long distance over the same line of the same property under the same conditions, of a wholesale performance or a small performance, charging more to the man between who is sending his farm products and his goods to the same point for the same purpose and under the same conditions. That was the Senate proposition in the fourth section, and that was all; a matter so self-evidently just that nobody can be found to stand up then or now and say that it was not.

Now, how has the conference report changed that? It has stricken out the words "and from the same original point of departure or from the same point of arrival," and has inserted the words, "the shorter being included within the longer distance," a rather self-evident proposition, which means exactly the same thing, for every shorter distance on the same line between the same points must be included as a mathematical proposition within the longer distance. It is a change of phraseology that, so far as I can understand it, and I have tried, does not change the substantial tenor or effect of the fourth section of this bill as the Senate passed it. Then, after laying down this general rule, it is provided:

That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances.

All that the conferees have agreed upon in changing that is that they are to do it after investigation—can anybody object to that—after they have taken sufficient time to inquire whether it is fair and right or not. That would have been implied clearly before, unless you suppose that these commissioners were mere dolts or were corrupt or wicked, and you can not presume that. It merely puts in words what would be the clear and necessary implication of the bill as it passed the Senate; that is to say, that they are to consider whether in the special case and under special circumstances of competition between one port and another of export or import, or of whatever, they may then modify and change this general rule for the time being according to the necessity of that particular case. That is all of that.

Now we come to the next change in the fourth section. The conferees propose after the words, "And the commission may from time to time," to strike out so much of the succeeding paragraph as follows:

make general rules exempting such designated common carrier in such special cases from the operation of this section of this act; and when such exceptions shall have been made and published, they shall, until changed by the commission or by law, have like force and effect as though the same had been specified in this section.

That language the conferees propose to strike out, and, after the words, "And the commission may from time to time," insert this:

prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

Where is the substantial difference except this, that in the Senate provision they were compelled to do it by a general regulation, and the House thought, evidently—and there is some force in it—inasmuch as it must be a general regulation it might operate too far and too widely and to defeat the very object that was designed by the fourth section; and therefore they said that this being the general rule, when there is brought to the attention of the commission a special state of circumstances that makes it right and fair, on investigation, that there shall be a special exception for a limited time, renewable at the judgment of the commission, that less may be charged for a long than for a short haul; to use the common phrase, they might do it.

Therefore I say, as it appears to me, that the changes in this fourth section, so far as they amount to anything at all, are favorable to the railway interest and to the exporting and importing and other interests that my friends who have opposed this conference report have so much at heart, and not more at heart than I have myself. That is the way it looks to me.

Now we come to the pooling business; and my distinguished friend from Ohio has undertaken to show, as my distinguished friend from Massachusetts did, and with all the ingenuity that it is possible for the human mind to exert, that there is really something dangerous to the public welfare in declaring that there shall not be combinations among chartered corporations employed for the public interest, existing and created only for the public interest, taking private property for the public interest (which is the most sacred thing we know of except life and liberty in this world)—that combinations between these corporations, otherwise monopolies, against the benefit of trade and against

fair transportation shall not exist. That is what the anti-pooling clause is.

It may be said, as it can in every case where there may be a combination, that in a particular instance it is good for the public welfare, just as there may be, in a thousand instances in this world, a private invasion by a private person of the private rights of somebody else that on the whole we would say would be right. The hungry man comes into my garden as a trespasser and takes fruit; he comes into my kitchen unasked and uninvited and without authority of law and takes bread. He has violated the law; but who cares? And so there may be an instance, though I can not think of one just now, when a corporation created for a public purpose, existing by having taken the property of private citizens for this public purpose, may combine with some other corporation and arrange with it that they will go and do so and so about public interests. I do not think of the instance, but it may be, and I will grant that it may be; but this law, like every other law, lays down general rules and general principles. It does not legislate for the exception; it legislates for the general and for the universal practice and experience of mankind, and therefore if in the city of Washington there should be a combination of all the bakers that they would regulate the price of bread, I say that the Congress of the United States, or whatever may be the power in the District of Columbia, could put it down, just as in Alabama many and many a year ago—and it has been a famous case cited in many causes since argued and determined in the Supreme Court of the United States—it was undertaken to regulate the price of bread of every baker in a certain city or perhaps in all the cities of that State, that they should sell for a price that should be regulated just as these corporations are in this bill under competent sovereign legislative authority, just as we know in all the States in a thousand ways that legislation has always existed and always ought to exist against combinations even of private persons to forestall the markets and put up prices, to speculate against the general interests of the community and against fair play.

And this is especially so when you apply it to great and powerful corporations who exist only by having taken private property into their possession for the proposed benefit of the public, consolidating themselves so that they may mutually, according to their will and their discretion, and not that of the sovereign power of the people, regulate and conduct the affairs of the people as common carriers according to their discretion and not regulated by any law.

So, Mr. President, I believe that what is called pooling—which is simply another phrase for the combination of corporate monopolies not to compete with each other, and so to regulate the freights and the carriage of passengers as if they were one single line, and hold their hands upon the throat of the business intercourse of States and peoples—ought to be prohibited; and yet in some instances it may happen that some corporation will so far run down the price of its transportation that it can make no profit, that it will exhaust the resources of its stockholders if they have actually paid their money and have not got watered stock—and I should like to see a railroad that has not got that sort of thing—but if they really have paid their money will exhaust the resources of their shareholders. Would that be sensible? Would you or I, Mr. President, being stockholders, vote for a board of directors who would do that thing as a system? I admit, like everybody else, we might be tempted or deluded or drawn into a temporary thing of that kind, running at a temporary loss for a little while; but in general, looking over large spaces of time and over large spaces of country, the thing will not work, and everybody knows it. The consequence is, that without a restraining hand we shall see, as we have seen in the last twenty years, that when the people giving their private property or having it taken from them against their will for the purpose of building up quasi public corporations for the public benefit, and into which nobody is compelled to go or put his money unless he chooses on the terms proposed, find these competitors, they find that it would be better for their interest, not for that of the people, that they should combine, pool, and that they should fix their rates as if they were only one, and thereby become a monopoly in restraint of trade and for oppression, instead of being what they were intended to be, advantageous to the interests of the people on both their lines, carrying persons and property at fair rates, according to the situation in which they were placed.

Now, let us suppose, Mr. President, in respect to these two sections that the "gorgons, hydras, and chimeras dire" that have appeared in all manners and forms in this Senate Chamber for the last week should some of them finally, when we lay our hand on them, be experienced and turn out to be the fact. I do not believe that any of them will; but suppose it does turn out, applied to the good city of Boston, for which as the cradle of New England and American liberty I always have reverence, that the export trade of the good city of Boston is in some way injured or hampered or diminished or crippled by the effect of this act, who would be more ready than the Senate of the United States to rectify it when we saw that the forebodings of these gentlemen were in any substantial sense well founded? These are the same kind of forebodings that have appeared whenever in any State or in any country the legislative voice has been appealed to to redress admitted evils as applied to corporations.

I remember a few years ago that the State of Iowa passed among the first of what are called the granger acts. The farmers found, as they thought—and the mass of the Iowa people are farmers, as they are in Vermont—that the railroads which they had chartered for the public interest, the railroads which they had authorized to cross the private property of farmers and other people in that State and take it were not executing this public trust in a just and fair way, and they passed the granger acts. The passage of them was resisted by just the same kind of forebodings and dismal prophecies of ruin and destruction to that State and all its interests that we hear now, and as somebody has said, I believe, about this bill, the Constitution was appealed to as being violated. Well, the railroads resisted the legistation, but it came into force; they resisted its validity, but the Supreme Court of the United States decided that it was valid; and then what was the consequence?

Were the railroads destroyed? Was anybody injured? Did any of the calamities, great or small, that had been so prophesied and foreboded take place? Not one of them. The stock and the property of the railroads that cross that State, after ten or fifteen years of obedience, which they were at last compelled to perform to these laws, have been steady and firm and prosperous and profitable in the market; and yet the farmers of Iowa, legislating wisely for equality and fair play, put their laws in force, and it was found that instead of injuring the people who had resisted it in every way they could, it really did them good. My belief is that when this great railway system of the United States between States, covering a continent, comes to find itself compelled (for that is what it is) against its will, against its opinion, against its inspiring fears and discontent on the part of business people all over the United States, to be subject to the force of this act wisely and fairly administered, it will be for its benefit as well as for the benefit of the people.

Mr. MORRILL. May I ask my colleague whether the law to which he refers in Iowa was not subsequently modified or repealed?

Mr. EDMUNDS. Not repealed; it was modified just as this law will be modified if it is found to operate hardly upon any just interest of any man or of any corporation. Nothing in the way of experimental legislation, as this is, in this country and in this way can be supposed in advance to be perfect. It will need undoubtedly, as it is applied, modification here and modification there, and it will turn out undoubtedly, as our human experience proves it has turned out for a hundred years in this country and for a thousand in Great Britain, that there is not a statute of general interest upon any subject in the world that having been first passed did not at some time in the future require some modification or alteration to adjust itself to the circumstances of the occasion.

Mr. PLATT. With the permission of the Senator from Vermont, reading from the report of Judge McDill, a former Senator, who is now one of the Iowa commissioners, he says:

> The law of 1878, known as the commissioner law, repeals all portions of the act of 1874, known as the granger law, except that portion which provides for the classification of railroads according to earnings per mile, fixes rates for passenger fare, and requires an annual report of gross earnings.

Mr. EDMUNDS. Yes.

Mr. ALDRICH. Will the Senator from Vermont allow me to interrupt him a moment to read a statement from a present Senator of the United States from the State of Iowa on this present law?

Mr. EDMUNDS. Yes.

Mr. ALDRICH. He is referring to this law:

> They put it into a law. The railroad companies put it into practice. It produced evil, and only evil, to the greater portion of the State. It needed but to be tried to cause a general demand for its repeal. It was repealed, and the commissioner system enacted in its stead.

That is the statement of a present Senator from the State of Iowa.

Mr. CULLOM. Will the Senator allow me to make a remark?

Mr. EDMUNDS. Oh, yes; I think I understand the subject, but I am glad to get contributions all around.

Mr. CULLOM. As the Senator from Connecticut [Mr. PLATT] has referred to a gentleman in Iowa, Mr. McDill, I desire to say that I have had not less than two or three letters from that gentleman insisting that we must pass this bill.

Mr. PLATT. I was speaking simply of what the state of law was in Iowa at the present time.

Mr. EDMUNDS. All of which illustrates exactly what I was saying, that in inaugurating a law of this character or any other which deals with new conditions of affairs, in the first instance it will undoubtedly turn out as it did in Iowa, as it did in Great Britain, as it has done in dozens of the States here, that the law will need modification, amendment, just as a locomotive put for the first time on a railway line needs a screw tightened here, a connecting-rod lengthened there, a screw loosened in another place, and so on. The idea, therefore, of saying that we will not have anything—because that is what it comes to, with all respect to my friend from Massachusetts—that we will not have anything, and will not go far enough to embrace this whole subject in all its aspects because it may turn out, and probably will turn out, that in many respects the legislative discretion and sense of justice will be appealed to to adjust it when it is applied practi-

cally so that it will run, just as we do everything in our farms and our shops and our railroad operations, and every business operation of the world.

There is Great Britain, Mr. President, which had almost exactly such an experience as we are having now. The railways, in the first instance, were chartered under conditions and circumstances which made it much less possible for them to do wrong to the general public than it is in this country, in that small kingdom. They were chartered much like our charters—independent fellows, monopolies, combinations, pooling, long hauls and short hauls, and all that sort of thing. The people of Great Britain stood it as long as they could, and the people of the United States have, as I hope, stood it in this instance as long as they could. They first enacted a law stringent like this—not like it in all particulars, but in substance—and they thought it wise in the first instance to put it into the hands of the judges of the courts by summary process, and with administrative as well as judicial power to administer. They practiced on that for a number of years.

It was found by experience that while it was in the hands of the judges this particular point in the law needed modification, another point needed modification, either strengthening or being diminished, according to the circumstances; and after a certain number of years' experience it was thought that it was better to relieve the judges of the courts entirely from that duty, and to put it into the hands of a commission, and the Parliament of Great Britain did that. But the Parliament of Great Britain had the power, which we have not, of investing that commission with summary judicial powers so that they could not only require a railroad to do something, but compel it to do it, with the same powers and effect as the Supreme Court of the United States, or any circuit court of the United States, or any court of a State can do in its own State. We have not that power, because we have a written Constitution with a separation of powers, so that, in my opinion, it can not be done.

This bill comes the nearest to doing it that we can. It has its commission; it has its general regulations of limitation against obvious injustice and wrong, and within those limits it leaves the administration to the commission upon fair principles. Then when that commission determines that something ought to be done and it can not enforce it, appeal must be made to the courts. So every railway corporation will have its fair rights and its fair play in a judicial tribunal. What more can be asked?

All this illustrates, as it seems to me, how clearly we should do a very unwise thing if on account of forebodings and suggested difficulties and possible disasters we should not go forward with this great measure, and if we find at the next session or at any session hereafter, that in any one of the respects that agitate the minds of Senators who oppose it, it is working unjustly and injuriously, it is easy to correct it. But if you break it down now on the ground that it being an untried experiment you are unwilling to try it, how many years will it be before the people of the United States can emancipate themselves from the tyranny of this corporate management and corporate combination that now exists?

Mr. ALDRICH withholds his remarks for revision. [See Appendix.]

Mr. BROWN. Before the Senator takes his seat, as he has been discussing the question of the probable construction of the long and short haul provision of the fourth section of this bill, will he permit me to call the attention of the Senate to a decision very lately made by the supreme court of North Carolina on that subject?

We are differing here as to what is the proper construction. The decision of that court may be wrong, but it is a court of ability, the supreme court of one of the oldest States of the Union, and one which is very highly respected everywhere. I do not know that I feel at liberty to give the name of the correspondent, but this is a telegram from Richmond, Va., by a very intelligent gentleman, to a gentleman of this city, who presented it to me awhile ago, in reference to the decision. It seems the decision has been very recently made—he does not say what day—and is in manuscript yet. It has not been printed. The telegram is:

> Am just in receipt of decision of the supreme court of North Carolina in the suit against the Wilmington and Weldon road, in which the supreme court decides that the long and short haul clause means as follows: "A rate of $2.50 per ton on guano from Wilmington to Tarboro', 145 miles, is a violation of the law when the rate is also $2.50 from Wilmington to Rocky Mount, a distance of 125 miles." The law reads that you shall not charge a greater amount for the same character of freight under similar circumstances in the same direction over any part of the road for a short distance than you charge for long.

Almost the identical language of the provision in the fourth section of this report on that subject.

> These are precisely the terms of the interstate bill, section 4. The court holds that in this case the W. and W. Railroad hauled the freight to Rocky Mount, 125 miles, for $2.50, and for the remaining distance for nothing, and therein lies the violation of the law. The opinion of the court covers fifty-seven pages of legal cap, and construes the law clearly to mean the same rate per mile to be charged in the same direction. I will have the decision copied, and try to get it to you by to-night's train.

So that the decision of the supreme court of North Carolina seems to be that, in case of a statute using almost identically the same language as this, it means the same rate per mile. It may be right or it may be wrong, but it is worthy of the attention of the Senate.

Mr. ALLISON. What does the Senator from Georgia think with reference to that construction himself?

Mr. BROWN. I think it most probable that that will be the decision of the courts generally, and the decision of the Supreme Court of the United States when it goes there.

Mr. MORRILL. Mr. President, it is not my purpose to address the Senate at any length on this question, but I have reached the conclusion that it is my duty to vote to recommit this bill. I believe it is conceded by all who have spoken, even in favor of it, that it is a very great experiment, and it is very uncertain as to what may be its result.

I am very sure, upon as careful a reading of the fourth section as I am able to give it, that its effect will be to increase the rates for the long haul and possibly those for the short haul also, and that its result will be disastrous to the country if it shall even slightly affect our exports. It will not take a very large percentage to turn the balance of trade against us. Should that occur, it is going to derange not only the business of the country, but the parity of the gold and silver currency of the country.

I had supposed in years gone by that it was something creditable to our people that we had built so many miles of railroad in this country, and have been wont to point to the fact that we had railroads that equaled in extent those of all the world beside; but it seems that we can no longer do so, judging by the vituperative epithets that are visited on these railroads for their conduct and their management; and I judge, if this bill should pass unamended, we may rely upon it that the crusade will have its effect until this experiment can be tried, for I can not believe that there will be a single new railroad built in this country until the experiment has been tested. It will call a halt upon the further construction of railroads until it can be seen whether such investments are endangered or not.

There are several provisions in the bill besides the one so constantly referred to as the fourth section to which I think attention should be called, and if the bill is to be recommitted I should hope it would be amended in those particulars.

I have no doubt that the business of the country, should this bill pass, will completely snow under all the five commissioners provided for. Why, Mr. President, to take charge of this bill under its present terms I do not think fifty commissioners would be able the first year to transact the business that will be thrown on their hands, and yet we provide in this bill that there shall be only five commissioners, and leave it, even for those who are not at all interested in any freight matter, to make any complaint that they see fit, and that complaint has to be considered by these five commissioners. Look at the way that is to be followed out. I wish to suggest whether it is not founding an opportunity for a series of blackmail upon all the railroads of the country. A man who has no interest at all may make complaint. The commissioners are bound to hear it. They send back word to the complainant that he must go to the railroad managers and try to settle and adjust the matter with them. The railroad, rather than have a wrangle, a quarrel, or a lawsuit, may be willing to buy off that complainant and pay him handsomely. Such complaints may give some idle men a paying business.

Then, it seems to me, that the amount appropriated is wholly inadequate for the services which are required to be rendered. One hundred thousand dollars only is appropriated, and of this $37,500 are allotted to the commissioners at once and $3,500 to a secretary; and then other employés must be provided for, so that it will eat up at least $50,000 all at once. So that all the remainder of the sum that is appropriated is barely $50,000. Mr. President, in paying the expense of this commission and summoning witnesses, perhaps from Oregon, Texas, or Maine, that sum might not last sixty days. Therefore, I think that the sum appropriated and the officers appointed are not sufficient for the purpose.

But, Mr. President, there is another matter that I think of grave importance, and that is the interference that we make with the roads that have been chartered by the United States. Take the Central Pacific and Union Pacific railroads. These, undoubtedly, Congress may legislate upon, but whether they can legislate upon them so as to destroy them may be doubtful. If the short and long haul clause of this bill shall be carried into effect, so far as these companies are concerned, we may bid a long farewell to any prospect of collecting the indebtedness of these companies to the United States. I do not believe that it will be possible for these companies to carry on their through business under the fourth section of this bill, and if we are to ruin their business of course the debt of much more than $100,000,000, secured upon the roads to the United States, will be wholly worthless.

There are other things in relation to these Pacific roads. We are indebted to them all over the country for green fruits, for oranges, for pears, for grapes, &c. Unless these roads can be permitted to deliver these green fruits to the East at a less rate than they charge for their local freight, it will be impossible that we should receive these constant supplies of such fruits, and the State of California and the other States on the Pacific coast would be very badly damaged if we cut off a market for which they have made such large provision.

But, Mr. President, I did not propose to discuss this bill at any length. I know that the Senate have agreed to vote upon the question to-day,

and I merely wish to emphasize the statement in relation to the possibility of getting up another bill. I have no sort of doubt about it. If we should recommit this bill, especially with a chairman whose views have been overruled and who has been compelled to present a bill here not his own work, but against his own judgment and his own opinion, I have no sort of doubt but that we can get a better bill.

Mr. WILSON, of Iowa. Mr. President, the Senator from Rhode Island [Mr. ALDRICH] took it upon himself to read as a part of his remarks, by way of enforcing and illustrating them, some utterances of mine made some years ago before a committee of the House of Representatives, at which time I was not in official position. He seemed to regard my utterances on that occasion as well put, and entitled to consideration and force now.

I have changed somewhat my views of the questions which I then presented to that committee. I have more information than I had then. I have made a definite study of this subject since I became connected with it as a member of this body, and I have found iniquities sufficient in the practices of the railroad companies of this country in the matter of the administration of our transportation system to induce me to do what I said in my remarks before the holidays I should do, and that is vote for the passage of this bill.

Many reasons have come to me in the years that have passed since those remarks were made to induce the position which I now occupy, and I stand here to-day, representing in part the State of Iowa, about whose condition I at that time spoke, to say that the people of that State under the present administrations of its transportation system are, except at a very few so-called competitive points, practically without any such thing as the low rate on the long haul. It has been said, and repeated time and again, that the West can not get on without the application of the low rate on the long haul, and that if this bill shall become a law the fields of the farmers of Iowa will become waste places. They are being pushed in that direction without this bill.

The farmers of Iowa and all others having products of whatsoever kind to ship to market from that State are to-day, and they have been since the companies induced the change of our first transportation act in the State, paying, except from a few localities, local rates to Chicago, so that while the companies were carrying the corn of the farmers of Iowa at 11 cents a hundred from competing points on the Missouri River to Chicago, they were charging 17 cents and 22 cents a hundred from stations but a few miles east of the western boundary of the State to stations within the State and west of the Mississippi River, producing the result that I brought to the attention of the Senate in my remarks before the holiday adjournment, that Western Iowa corn was selling in Chicago ever since the ripening of the present crop from 3 to 6 cents per bushel cheaper than the farmer in the eastern part of Iowa could get it with which to feed the stock on his farm, he needing it because of the failure of the crop in Eastern Iowa.

Mr. MORRILL. Will the Senator from Iowa permit me to ask him a question?

Mr. WILSON, of Iowa. Certainly.

Mr. MORRILL. As I understand this bill, it does not interfere at all with the railroads in the several States. Now he complains that the railroads charge from a point in his State to another point in the State a higher rate than they do to Chicago.

Mr. WILSON, of Iowa. I am only giving that as an example of the outrageous conduct of the railroad companies.

Mr. MORRILL. Which is not remedied by this bill.

Mr. WILSON, of Iowa. No; but I hope if we shall get this bill that the people of Iowa will follow it with supplementary action with reference to the transportation within their own State. Indirectly, of course, it will have an effect. But these conditions have been growing worse day by day since the period referred to by the Senator from Rhode Island, and, as I said, I have been getting education as the time has been going on. I have received some of it even from good old Massachusetts, the State which stands here in the person of her able Senator [Mr. HOAR] to-day resolutely opposing the principle of the long-and-short-haul provision of this bill. In the last report of the commissioners of that State I find the following in respect of the long-and-short-haul doctrine of this bill:

> In exceptional cases and to a small extent it may work harshly, but its general working has been most beneficial. It has remedied a great evil and a great injustice; it has helped save small industries and small places from being crushed out of existence; it has checked the tendency to consolidation which would build up one place, or a few places, at the cost of local enterprise, thus creating traffic for the railroads by giving occupation to their customers. And it is believed any attempt to repeal this safeguard of fair dealing would receive almost universal condemnation from the business men of Massachusetts.

Mr. HOAR. From what does the Senator read, will he pardon me?

Mr. WILSON, of Iowa. I am reading from an extract given me in an editorial in the Chicago Tribune, which extract is said to be taken from the last annual report of the railroad commissioners of Massachusetts.

Mr. HOAR. What is the "it" which works all those things?

Mr. WILSON, of Iowa. The application of the principle of the long and short haul clause.

Mr. HOAR. I have in my hand a document, the last report of the railroad commissioners of Massachusetts—I do not at this moment put my eye on the passage, but I had it here to read—in which it is said that the phrase "from the same point of departure," which is stricken out of the bill here, is essential to the Massachusetts legislation; that without it it never would have been passed. It proceeds to argue against this provision with great force; and among my papers which I handed to the reporter I had a letter from Hon. Thomas Russell, whose language the Senator from Iowa is quoting, addressed to the Senator from Connecticut [Mr. PLATT], in which, in five or six closely-written pages, he exposes the injustice of this present scheme. The Senator has been misled by applying to one thing what the author of that language applied to another.

Mr. WILSON, of Iowa. Mr. President——

Mr. HOAR. If the Senator will pardon me while I interpose a pretty emphatic issue with the honorable Senator from Vermont. The chairman of the railroad commission of Massachusetts says it is not the same thing in substance, but that this thing would be utterly destructive, while that thing has worked well.

Mr. EDMUNDS. I wish to say in reply to my friend from Massachusetts, if it is lawful to differ from a Massachusetts chairman whatever he is, I entirely disagree with that Massachusetts man.

Mr. HOAR. But I did not bring Judge Russell, an eminent railroad authority though he is, into this discussion. The Senator from Iowa undertook to quote Judge Russell's language as an indorsement of this bill, and he read it with a personal reference to me, saying that he had brought a Massachusetts authority in opposition to what I had said. He had been learning from Massachusetts.

Mr. WILSON, of Iowa. So I have.

Mr. HOAR. I then said that the Massachusetts authority which he quoted on his side had expressed in the strongest way his disapprobation of the present bill both in private correspondence and in his last railroad report, from which the Senator quoted. He says in speaking of the provision which was not agreed to in the Senate originally, that this provision should apply to two things from the same point of departure, that that is essential to the efficacy of the Massachusetts law, and without it it never would have been passed.

The Senator from Vermont will pardon me. I was not setting up anybody against the Senator from Vermont, but I was simply pointing out that the authority which was brought against me from my own State was on my side.

The PRESIDENT *pro tempore*. The Senator from Iowa has the floor.

Mr. WILSON, of Iowa. Mr. President, there is one thing that is definitely clear in this matter, and that is that the long-and-short-haul provision applies to the transportation system of Massachusetts. About that there is no doubt or dispute. If that principle is good for Massachusetts, why is it not good for New York, and Ohio, and Michigan, and Illinois, and Iowa?

Mr. DAWES. If the long and short haul is good for Massachusetts, I should like to know why the same power that made it good for Massachusetts does not take it up and apply it to Iowa.

Mr. HOAR. Will my colleague——

Mr. WILSON, of Iowa. Let me take one at a time.

The PRESIDENT *pro tempore*. The Senator from Iowa declines to yield.

Mr. WILSON, of Iowa. I will tell the Senator from Massachusetts, who put the last question, why. Simply because we are dealing with the subject of interstate commerce over which the State of Iowa can exercise no jurisdiction, and because we can not do that we are trying to get the remedy applied by the Congress of the United States.

Mr. DAWES. I wish to know of the Senator from Iowa why Iowa can not apply it to her commerce from station to station precisely as Massachusetts does.

Mr. WILSON, of Iowa. We can do it from station to station within the State.

Mr. DAWES. Then all the good that Massachusetts gets out of it in applying it to her freight system Iowa can if she wants to.

Mr. WILSON, of Iowa. With respect to her State commerce alone, but there is commerce originating in Iowa that enters into and becomes a part of the great body of interstate commerce.

Mr. DAWES. Now, I wish to know——

The PRESIDENT *pro tempore*. Does the Senator from Iowa yield?

Mr. WILSON, of Iowa. Not at present. While we may follow the example of Massachusetts and apply the principle of her law to the State commerce of the State of Iowa, we want also the principle applied to the interstate commerce, in order that all that we ship out of the State except from a few competitive points shall not be compelled as now to pay local rates to Chicago.

Mr. DAWES. The Senator has cited instances of outrageous charges betwen different points in his own State, showing that the farmer in Eastern Iowa is obliged to pay for the corn he gets from Western Iowa so much more in freight that they could get it in Chicago cheaper than they could get the same corn there. Is not that all under the control of the State of Iowa? If the charges between Western Iowa and Eastern Iowa are so exorbitant, why does not Iowa put a stop to it just as Massachusetts has, and get all the good which the Senator has made himself familiar with by reading the report of the commissioner of Massachusetts?

Mr. WILSON, of Iowa. The Senator from Massachusetts can not lead me away from the subject I was illustrating by the facts that I cited in connection with Iowa. I cited those facts to show the hardship imposed by the present system of transportation administration by the companies.

Mr. DAWES. I alluded to it to show that the remedy is within yourself.

Mr. WILSON, of Iowa. In so far as the commerce confined within the limits of the State is concerned; but I put the question again, if that principle works good in Massachusetts in connection with State commerce, why will it not work good in the United States in reference to interstate commerce?

Mr. HOAR. Will my friend now permit me to interrupt him?

The PRESIDENT *pro tempore*. Does the Senator from Iowa yield?

Mr. WILSON, of Iowa. I am taking up more of the time of the Senate than I intended.

The PRESIDENT *pro tempore*. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. HOAR. I am sure the Senator would not desire to put me or the railroad commissioner of Massachusetts in a false position.

The PRESIDENT *pro tempore*. The Chair inquires again if the Senator from Iowa yields.

Mr. WILSON, of Iowa. Certainly.

Mr. HOAR. I desire to read exactly what the railroad commissioner of Massachusetts said on that subject. Here was an application from the selectmen of Pittsfield, the town where my colleague lives, saying that the Boston and Albany Railroad Company charged $1 a gross ton for coal from a certain point on their line, 50 miles, to Pittsfield, and that they were charging $1.25 for a distance of only 43 miles. That is the complaint under our short-haul law. Then skipping all but a few sentences I will read what the commissioner says:

The statute commonly known as the "short-haul law" is in substance as follows:

No railroad corporation shall charge or receive for the transportation of freight to any station on its road a greater sum than is at the time charged or received for the transportation of the like class and quantity of freight *from the same original point of departure*—

These words are in italics—

to a station at a greater distance on its road *in the same direction*.

The words in italics are a substantive and essential part of the law, without which it could not have been passed. We have a right to say this, because such a law was proposed to the Legislature, and was rejected in 1871, when the "short-haul law" was first enacted. This proposed bill read as follows:

"No railroad corporation of this commonwealth shall charge or collect for the transportation of goods or merchandise for any shorter distance any larger amount as toll or freight than is charged or collected for the carriage of similar quantities of the same class of goods over a longer distance upon the same road."

Such a bill would forbid the collection of $1.25 from Hudson and $1 from Albany. But the general court not only have not enacted such a bill, but have refused so to do, and for good reasons. It is interesting to notice that when the "short-haul law" of this State is censured, as it recently has been by interested parties, it is always misrepresented to be just what the petitioners have supposed it to be.

And now when it is passed it is equally misunderstood.

It is misrepresented in that newspaper which the Senator quoted:

While a rate over one route or in one direction lower than that charged in another is not absolutely forbidden, such a discrepancy is evidence admissible upon the question of reasonableness, and it calls for explanation.

And they go on to give it. I have here, written by Judge Russell——

Mr. WILSON, of Iowa. Do not take up too much time.

Mr. HOAR. I have here a paper in which he reasons out——

The PRESIDENT *pro tempore*. Does the Senator from Iowa yield?

Mr. WILSON, of Iowa. Yes, sir.

Mr. HOAR. Judge Russell reasons out his opinion of the proposed act of Congress, and states that the act of Massachusetts is different from it, and his reasons——

Mr. WILSON, of Iowa. That would be simply involving a difference of opinion between Judge Russell and myself and other members of the Senate concerning the proper construction of the fourth section of the present bill. That is all there is of that. It does not avoid the point I am making, that Massachusetts has the long-and-short-haul provision of this bill in her law, and one reason given for the satisfaction which the commissioners have concerning that law is that it has remedied a great evil and a great injustice. It has helped to save small industries and small places from being crushed out of existence. If it will do that in Massachusetts, where they apply this rule, why not, if it is given proper application, do the same in other States?

Mr. President, one of the reasons why I support this bill is that it will have a tendency to prevent the crushing out of small industries; and not only that, but it will have the additional tendency of inducing the upbuilding of small industries. It may be that Rhode Island and Massachusetts, speaking here to-day, see through the operation of this bill, if it shall become a law, the upbuilding of manufacturing business in Iowa, in Nebraska, in Minnesota, in Dakota, and throughout those Western regions that are now depressed, or, rather, which are now prevented because of the methods and practices of the administration of our railway system.

I have a case in mind like this, which seems to me in point. A gentleman who had accumulated a few thousand dollars desired to establish a wagon manufactory at a town in the State of Iowa. He had capital sufficient to buy the lots on which to erect his buildings, sufficient to put up the buildings, and to purchase and place his machinery therein to give employment to fifty or seventy-five workmen. He looked the ground over and made his calculations. He saw what he could do, and determined upon locating at that point. The next important thing for him, Mr. President, was to ascertain whether or not as against your great factories in Ohio, and as against the factories in Chicago or in New York, or elsewhere he could get such rates for material in and such rates for manufactured product out as would justify him in investing his capital where, as a citizen and business man, he desired. When he made his application to the company to know what rates he could have, what was the answer? "No, we can not give you such rates as these others have. We are not prepared to have manufacturing establishments built at this point; go to this place, to that place, or the other," naming them. But, he responded, "I have not money enough to buy land to build a house on at those places. I can do all that I need to do at the place I have selected—buy my land, build my houses, and put in machinery sufficient to give fifty or seventy-five men employment." He could not do it simply because of the method adopted by the transporting companies of the country for favorite localities while applying the opposite to others.

There are instances of this kind multiplied over and over again throughout the country, instances of such discrimination as I called to the attention of the Senate before the holidays with respect to the corn crop of Iowa, instances of favoritism of all kinds, instances of such favoritism as bring out from the manufacturers of agricultural machinery in your own State protests against this bill because they have special rates and others can not get them. Of course the manufacturing establishments that have their special rates do not want a bill passed that will establish a rule of equality, fairness, and exact justice between all men engaged in business in this country.

It is because I believe this bill has the tendency to bring about these great results that I shall give it my support. I want to establish in our commercial system, so largely dominated by our transportation system, that equality in business movements that each man is entitled to under the Constitution of the United States and our doctrine of equality. I do not want these artificial persons, the transporting companies of the country, to determine whether I or any other man may or may not invest capital for the purpose of business whenever and wherever we please. Yet that is a usurpation that the transportation companies have assumed to themselves, and they do dictate where business may be done and where it may not be done, where profit may be made and where it may not be made.

Therefore, having, as I have said, with care and diligence studied this question since the days, years ago, referred to by the Senator from Rhode Island—having, because of that care and study, changed my views somewhat, I have concluded, as a Senator representing in part the people of the State of Iowa, to give my vote for a measure which I believe will tend in the direction of justice.

Mr. President, I do not concur in the position which has been taken by some Senators that we had better not do anything now and wait and see whether we can not find something better. The people and the business of the country have waited and waited long enough. They have endured the outrages and hardships imposed by the bad methods and iniquities of the transportation system of the country long enough.

If there are to be some mistakes let them be made on the side of the business and the people of this country, and let experience show wherein they are mistakes, and we will correct them by and by when we get the light sufficient to guide us in that action. But let us not pass this day by, or this session of Congress by, without giving an affirmative response to the well-grounded demand of the people and the business men and farmers of this country that they shall have relief from the wrongs and bad practices that now lie imbedded in the present method of administering the transportation system of the United States.

Mr. MORRILL. Recognizing the Senator from Iowa as a good lawyer who has studied this bill with diligence, I desire to call his attention to one provision in the bill. Of course we all understand that if this bill should pass the Canadian roads can not be affected by it so far as we are concerned, and therefore the bankrupt roads in Canada are likely to have all the business that they can do. Beyond all question, that is to be the practical result; we are to give a very large share of our business to Canada.

On the third page of this bill, in the second paragraph of the sixth section, I wish to call the attention of the Senator from Iowa to this phraseology:

Any freight shipped from the United States through a foreign country into the United States, the through rate on which shall not have been made public as required by this act, shall, before it is admitted into the United States from said foreign country, be subject to customs duties as if said freight were of foreign production.

I desire to know how we are to obtain that from the Canadian roads? How can we compel them to give this notice of their rates?

Mr. WILSON, of Iowa. I have not before me the print of the bill that the Senator from Vermont has.

Mr. MORRILL. I will give my copy to the Senator from Iowa.

Mr. WILSON, of Iowa. Perhaps the Senator from Illinois, who has charge of the bill, can readily answer the question.

Mr. CULLOM. The language of the bill on the subject referred to by the Senator from Vermont is that the Canada road, if you please, which begins at Chicago and ends at Portland, shall publish its through rates from Chicago to Portland, and if it declines or fails to do so, then the provision in reference to customs duties shall apply.

Mr. MORRILL. But the road does not begin at Chicago.

Mr. CULLOM. The road begins at Chicago, practically.

Mr. PALMER. If the Senator from Vermont will excuse me, I will state that the road begins at Chicago by a late arrangement. They now control the Detroit and Milwaukee road, which runs through Michigan, and which is now a part of the Grand Trunk system.

Mr. SEWELL. I should like to ask the Senator from Illinois a question.

The PRESIDENT *pro tempore*. The Senator from Iowa has the floor.

Mr. WILSON, of Iowa. Then the Senator from Vermont was mistaken in his premises.

The PRESIDENT *pro tempore*. The Senator from New Jersey appeals to the Senator from Iowa.

Mr. SEWELL. I desire to ask the Senator from Illinois if that provision for a charge of duties on the freight of the Canada road would not be an abrogation of the treaty of Washington?

The PRESIDENT *pro tempore*. Does the Senator from Iowa yield?

Mr. WILSON, of Iowa. I had yielded the floor generally.

Mr. CULLOM. I do not understand that it would. My impression is that that provision of the treaty of Washington has been abrogated at some time, and if it were not, this is a police regulation by which the United States has a right to require notice to be given, and if the road does not comply with it the penalty will attach.

Mr. EDMUNDS. I wish to say in regard to the treaty of Washington that the thirtieth article of it, which seemed to be the principal one which embarrassed some railway gentlemen, was without their knowing it, which was very strange, terminated on the 1st of July, 1885, and is no longer in force.

Mr. CULLOM. So I understand.

Mr. EDMUNDS. The twenty-ninth article relates exclusively to the cross-transportation between one country and the other over the territories of the other, where duties shall not be charged in the country through which the goods go; and that has nothing to do with this question at all. So, in my humble opinion, after having examined it, there is no ground whatever for the pretension that among all the other evils that will happen if we pass this bill we are going to get into any difficulty in regard to contravening the provisions of the existing regulations with Great Britain.

Mr. ALDRICH. Mr. President, I wish to say a single word in answer to the remarks of the Senator from Iowa, in regard to the extract which I read from his speech. I certainly intended to say nothing that was discourteous or not complimentary to the Senator.

Mr. WILSON, of Iowa. I hope the gentleman did not understand me as lodging any complaint of that kind, for I certainly did not do it.

Mr. ALDRICH. I meant to create the impression that while the words used in his speech were the argument of an attorney, the judgment and the conclusions of the utterances were those of a statesman. I am sure there is nothing in the portion of the speech which I have read, or the remainder of it, that would cause the Senator from Iowa to be anything else but proud that it should be contrasted either in its style or spirit or in its conclusiveness with his later utterances in another capacity.

Mr. WILSON, of Iowa. I am not taking any exception whatever to the use the Senator from Rhode Island made of my remarks. It has afforded me an opportunity to express publicly in my place as a Senator my thorough revision and reformation of the mistaken views I then entertained concerning the interests involved.

Mr. ALDRICH. The principal reason which the Senator from Iowa has given up to this moment for this change of heart is that the law in Massachusetts works so well that he thinks it ought to have a larger application. There is no possible analogy between the two laws or between the two conditions. The act of Massachusetts prohibits a larger charge for a shorter than for a longer haul from the same original point of departure.

Mr. WILSON, of Iowa. Still it is a question of a long and short haul.

Mr. ALDRICH. There is always a question of a long and short haul in every law regulating transportation, but they are as unlike as black is from white. They are as far apart as the north pole from the south pole.

Mr. WILSON, of Iowa. Will the Senator allow me to interrupt him?

Mr. ALDRICH. Certainly.

Mr. WILSON, of Iowa. That is simply a difference of opinion between the Senator from Rhode Island, myself, and others with respect to the construction to be placed upon that law in view of the language of the bill now before us.

Mr. ALDRICH. It is not a question of construction at all, but a question of fact. The Legislature of Massachusetts in 1872 deliberately refused to pass a bill which, in its provisions, was like the one now under consideration in the Senate, and they did pass a bill as unlike as it could possibly be. The Camden amendment, which was under discussion in the Senate so long, was to strike out the very words which are in the Massachusetts law, and which are not in this bill, and which every Senator who spoke on the subject admitted changed radically and fundamentally the provisions of the bill.

Mr. WILSON, of Iowa. Nevertheless the Legislature enacted a law with reference to the language of which there may be a difference of opinion. There is a difference of opinion as to the effect of the language of that Massachusetts law.

Mr. ALDRICH. From the time the Pilgrims landed at Plymouth to the present hour they have enacted a great many laws, and most of them have as little relation to this section now before the Senate as the section in the law to which the Senator now refers. As I said before, they are as unlike as any two provisions can be, the words "from the original point of departure" preserving all the natural advantages of competitive points, and forbidding the very thing which this bill requires, which is the discrimination against competitive points and in favor of non-competitive points.

But if the statute of Massachusetts was identical with this, it is no reason why an act in its application to a small and dense community should be beneficial over the great extent of this country from one end to the other.

The Senator from Iowa said another thing, that perhaps the manufacturers of Massachusetts and Rhode Island did not want to see the manufactures of Iowa built up. The manufacturers of Massachusetts and Rhode Island are situated upon the waters of the Atlantic Ocean or very near them. They have a commerce to the West and to every part of the world which you can not restrict by your legislation and which you can not take from us. We are connected with the waterways through the Hudson River and the Erie Canal and the great lakes with the West and with the South, and you can not prevent it. It is a State like Iowa, a State like Colorado, a State like Kansas, or a State like Nebraska, which is absolutely dependent upon cheap rates of transportation by long hauls to the seaboard that this bill is going to affect.

Mr. WILSON, of Iowa. That business which can not be interfered with, as the Senator from Rhode Island says, because they have water transportation, may be very seriously interfered with if the people of Iowa and Nebraska should develop manufacturing establishments which would give them the products that are now shipped from Massachusetts and Rhode Island to those States.

Mr. ALDRICH. The people of Massachusetts and Rhode Island, so far as they are represented upon this floor, and I know the Senators from Massachusetts will coincide with this expression of opinion, will welcome with gladness a development of manufactures in every village, in every hamlet of the West, in Iowa, or any other of the great agricultural States, and they will do as much here and now or at any other time for such development as will produce such results as any Senator on this floor.

Mr. EDMUNDS. I wish to trespass on the indulgence of the Senate for a single minute, not to go into debate, but to just simply read the one hundred and ninetieth section of the General Statutes of Massachusetts, which appear to have been passed, so far as this section goes, in 1874, and which appear to be in force still on this subject of long and short hauls, without much, if any, comment:

SEC. 190. No railroad corporation shall charge or receive for the transportation of freight to any station on its road a greater sum than is at the time charged or received for the transportation of the like class and quantity of freight from the same original point of departure to a station at a greater distance on its road in the same direction.

Then it provides that two or more railroads making one line shall be subject to the same condition, &c.:

In the construction of this section the sum charged or received for the transportation of freight shall include all terminal charges; and the road of a corporation shall include all the road in use by it, whether owned or operated under a contract or lease.

Here is the fourth section of this bill, as recommended by the committee of conference:

That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate—

Which is not in the Massachusetts statute, but it seems to be for the benefit of the company—

for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction.

I am unable to see, I confess, how it is possible to distinguish in legal interpretation the Massachusetts statute from this clause that I have read. It does not say, as the Massachusetts statute, "from the same original point of departure," but if it be under like circumstances and conditions it must be from the same original point of departure. The only trouble that we had when this bill was before the Senate and was so long and exhaustively discussed, was as to whether there ought not to be added the words "the same point of arrival," and the Senate, after discussion, on a yea-and-nay vote, inserted the words "the same point of arrival," so as to meet it at both ends. This change of phra-

seology appears now to be a shorter, and I must say not so clear a statement of precisely the same thing that the Senate bill contained.

Mr. HOAR. Mr. President, I do not wish to detain the Senate at this late hour over this incidental question which has come up. The question whether the words "starting from the same original point of departure" do or do not make a substantial difference in this bill has been, I think, sufficiently discussed before the Senate. It would take half an hour to restate that argument in full, and I shall not undertake to do it now. It is enough to say that it has been for the first time heard of in railroad discussion that these two things were not essentially different.

In the first place, the Legislature that passed the Massachusetts statute rejected one and adopted the other. In the next place, the chairman of the railroad commissioners, familiar with her whole railroad policy and her great railroad authority, declares that they are totally different, and that one never would have been adopted if those words had not been in. Next, the Senate, when this measure originally passed, struggled over that matter for a long time, and struck out the words "from the same original point of departure," the Senator from Vermont voting for it, in order, however, that he might afterward put the words back with an additional qualification, so that the qualification should apply to both ends—to the point of departure and the point of arrival. So if any authority may be cited to that effect, the authority of my friend from Vermont may be cited.

But I did not raise this question for the purpose of renewing the discussion. I thought when the Senator from Iowa cited an eminent Massachusetts authority against me, it was perfectly fair that the Senate and the public should see that that eminent gentleman declared in the strongest manner his opinion against the present proposition and in favor of the other, and his statement that the two were distinct. I admit that my honorable friend from Iowa is a reformed man, if that will do him any good.

Mr. ALLISON. Before the Senator from Massachusetts sits down I wish he would simply define what the words "the original point of departure" in the Massachusetts statute mean. I should like to know it in this connection, because then I shall be enabled more clearly to see the difference which he says exists between the phraseology of this bill and that statute. The Senator from Vermont certainly sees practically no difference. The Senator from Massachusetts sees a marked difference. Now, if he will tell us just what the words "the original point of departure" mean in the Massachusetts statute I shall be obliged, because I do not comprehend it even at this moment after all the debate, especially after what I have just heard.

Mr. HOAR. There does not at this moment occur to me any phrase in the English language which makes it more clear than the language itself. The Senator might as well ask me to define to him what I think two and two mean.

Mr. ALLISON. Very well; then I will put my question in another form. The Senator from Vermont understands the phraseology to be substantially the phraseology of the Massachusetts statute. The Senator from Massachusetts says that is not true, and quotes the Senator from Vermont last July to prove it. I should be glad to have the Senator from Massachusetts clearly point out to me that distinction.

Mr. EDMUNDS. So should I; but he can not do it, Mr. President.

The PRESIDENT *pro tempore*. The Senator from Vermont has the floor.

Mr. HOAR. He can not do it, because the Senator from Vermont has the floor.

Mr. EDMUNDS. I will yield the floor to the Senator from Massachusetts to point it out, if he wishes.

The PRESIDENT *pro tempore*. The question is on agreeing to the conference report.

Mr. EDMUNDS. The Senator from Massachusetts is not quite ready to point it out.

Mr. HOAR. What does the Senator mean by saying that I am not quite ready to point it out?

Mr. EDMUNDS. Because I yielded to you to point out, in answer to the Senator from Iowa, the difference that you had suggested.

Mr. HOAR. Does the Senator mean to say that he does not think there is any difference between two classes of freight which come from the same starting point and two classes that do not?

Mr. EDMUNDS. I only mean to say that I yielded to the Senator from Massachusetts to answer the Senator from Iowa, and then I will state what I think I mean.

Mr. HOAR. I mean from the same railroad starting point to the point of destination where the freight is put down.

The PRESIDENT *pro tempore*. The Senator from Vermont has the floor.

Mr. EDMUNDS. The Senator from Massachusetts having made all the explanation he wishes, I will proceed.

I am under the impression myself that I stand to-day exactly where I did in July last, if that was the time when this section was under discussion by the Senate. The bill as reported only had in the phrase "original point of departure" and had not in the phrase "the point of arrival," so that leaving it as it then stood, as it appeared to me, goods might be sent from Chicago to Boston at one rate, at a dollar a ton, while the same railroad line and the same corporation, if there were one, might charge the same rate or more from Worcester to Boston, a distance of 40 miles, because the original point of departure from Chicago and from Worcester would, to most minds, appear to be different and not the same. Accordingly, I did what I could to persuade the Senate that that was incomplete and that the phrase "the point of arrival" ought to be inserted, and the Senate thought so too.

I have never maintained, and I can not see now how it is possible to distinguish in substance the provision of the Massachusetts act, which is of course only an incident to this debate, from the substance of the provision which the conference committee has reported. I agree that it does not appear to my mind to be so clear as it was as the Senate left it; but I believe that it means the same thing, and if it turns out not to mean the same thing that we shall correct it; I am for taking it as it is.

Mr. HOAR. The very case that I read from the railroad commissioner was an illustration of the precise thing on which Judge Russell bases his argument. There were two conveyances of coal to the town of Pitsfield, one from Albany and one from Hudson, the farthest point on the Boston and Albany road. The coal departing from Hudson, the farthest point, went for a dollar a ton. The coal departing from Albany, the nearest point, was charged a dollar and twenty-five cents. The railroad commissioners of Massachusetts stated the reason which, beyond all doubt, made one proper and not another, and therefore they sustained the larger charge for the shorter haul. The statute of Massachusetts did not mean to prohibit it.

Now, take the case of a town on the seaboard for instance. Here is a town which has a water-way the whole way from Boston to Salem or to Portland, and there is an intermediate town which has no water-way. I do not see that it is unreasonable that the railroad which perhaps could not get the freight which might be water borne unless it took it at cost or at a trifle above cost, so that it contributed something to its fixed expenses, should not take that freight. I understand that some of the Senators who have spoken say this bill does not prevent that, while others think it does.

Mr. ALLISON. If the Senator will allow me to interrupt him right there I will state that Judge Deady, of Oregon, upon precisely a similar statute, decided that this fourth section, if that is the section of the Oregon statute, was to be construed with the other provisions of the act, and where water-way competition came in he allowed a receiver under his own court to charge a less rate, which was done under the very direction and control of the court, under a statute more rigid than this one.

Mr. HOAR. Exactly. Now, the supreme court of the State of North Carolina, as I understood the honorable Senator from Georgia [Mr. BROWN] to read the decision, has decided just the other way.

Is there any other subject on the face of the earth; is there a matter which would involve to the people of this country the amount of $10,000; is there a private claim to the amount of $10,000, in regard to which the construction of an act being in dispute between two respectable judicial tribunals of this country, you would not recommit to a committee or bring the act before the Senate before you passed it, to make that clear? If the Senator from Iowa is right and the Senator from Mississippi is wrong, if the Senator from Vermont is right and the Senator from Tennessee is wrong, if the Senator from Illinois is right and the conferees who forced this into the bill as representatives of the House are wrong, you have got a question which is to affect generally the country to the amount of hundreds and thousands of millions of dollars. All we ask of you is to recommit your bill or disagree to this committee of conference report, and have language put into the bill which will settle this question about which these great authorities dispute.

But when the Senator from Iowa answered me I was simply replying to the statement of the Senator from Vermont, that he could not see how it could be just that the town nearer the point of arrival should, in any case, pay more than the town which was farther from the point of arrival. My colleague's town of Pittsfield is three times the distance from Boston that the city in which I reside is; but suppose the people of that city, as many Western communities have done, should establish three or four railroad lines from their own town to the seaboard at their own cost for the sake of getting the advantage of that competition, is the statute of the United States, or of Massachusetts, or whatever legislative power has authority over that matter, to come in and say they shall not have the benefit of the competition which they have themselves paid for?

These railroad lines are not of foreign authority or of foreign power, brought into this country. They are created very largely at the cost of the communities that they serve, and it seems to me that if the people of a particular community have provided themselves with competition, or if they have settled themselves on the seaboard where they may have many advantages in the way of soil or climate or water-power, it is unjust to come in and by this iron-fixed rule say that the natural effect of competition shall in no case apply to them.

The Senators who claim that this bill has the meaning which we do not impute to it, concede in substance the reasonableness of our arguments. The Senator from Iowa, the Senator from Vermont, and even

the Senator from Illinois, will not stand up here and say that these things, which the North Carolina court and the Senators on the other side of the Chamber, and the Representatives at the other end of the Capitol, say the bill means, are unjust and ought not to be done. All we ask of them is to have this bill brought before the Senate and have the meaning which they impute to it made plain and clear.

Mr. INGALLS. Mr. President, the only justification of this debate, so far as I understand it, is that the minds of the commissioners, who are to be appointed under the bill, and to whom its interpretation is to be entrusted, may be enlightened by the cotemporaneous expression of opinion on the part of those by whom the bill was enacted. I have heard, I think, the Senator from Illinois and perhaps one or two others say that when this statute came to be interpreted the commissioners would revert to the debates which have been had on these various sections for the purpose of ascertaining what the intendment of the legislator was. I therefore congratulate the Senate upon the unanimity of opinion which has been exhibited in the interpretation of the fourth section of this bill. I am satisfied that any commission which might be appointed, on reverting to these debates, would have a flood of light shed in upon the darkest recesses of their intellect as to what the intention of the Senate and the conferees was in the provision that they have inserted about the long and the short haul.

The Senator from Vermont [Mr. EDMUNDS] stated that he was unable to perceive any difference whatever between the section as it passed the Senate and as it had been reported by the conference committee. If an intellect as acute and luminous, as penetrating and profound as that of the Senator from Vermont can detect no difference whatever between those two propositions, it is presumptuous in me, with the dullness and opacity of my intellect, to venture to express any opinion as to the question of difference between the two propositions, and I feel that I am verging somewhat perhaps upon the extreme limits of propriety when I venture, with much diffidence, to express my opinion that those two propositions upon the long and the short haul, as contained in the section as it originally passed the Senate and as it comes out in its second birth from the committee of conference, are just as widely separated as it is possible for two propositions to be.

In the debate that occurred in April and May last there was no profounder discussion, there was no more elaborate argument presented upon this bill than that which resulted in the insertion of the line that this report proposes to strike out. Senators need not refresh their recollections to any particular extent to bear me out in the statement that the insertion of the words "from the same original point of departure or to the same point of arrival" was the culmination, the final point which was reached in the discussion of the bill.

In the first place, the words "from the same original point of departure" after a long debate were stricken out on the motion of the Senator from West Virginia [Mr. CAMDEN]. The debate was long; the contention was earnest; the purpose of the Senator from West Virginia was well understood; and it was only after the debate had been exhausted upon all the other propositions of the bill that the Senator from Vermont, with his astuteness in parliamentary practice, came in and proposed that the words which had been stricken out and which could not otherwise be inserted in the state the bill then was in should be again placed in the bill with the addition of the words "as to the same point of arrival." Yet the Senator from Vermont rises here in his place and deliberately declares that the elimination of that line in this section, which was inserted after all that debate and as the final result of that debate, does not in any way whatever practically change the effect of the section.

I understood then, and I understand now, that these words were inserted in this section for the purpose of making the long and short haul provision apply to terminal points. The whole debate turned on that. The question of competition, of competitive points, of the injury that was done by the discrimination for and against localities entered into the debate; and those words were inserted in the section for the purpose of making the long and short haul provision apply to competitive terminal points. They may have been ineffectual; I dare say they were. This proposed statute is in many ways inartificial. It deals with a subject which can not be formulated. You can not treat this matter like a scientific problem or a demonstration in Euclid; but the intention and purpose of those who supported that amendment as finally perfected by the Senator from Vermont was to make the long and short haul provision apply to competitive terminal points.

Mr. HOAR. And no other.

Mr. INGALLS. Yes, sir; and no other. I never would have voted for the section as it then stood unless I had so clearly understood. I am very sure that those who thought with me, and who are surrounded by the same environments in their different localities, never would have agreed to it unless it was supposed that that line was placed there for a purpose after weeks of travail in debate, and that it meant something; and that something is what, in my judgment and my belief, was designed by those who voted for it. That section is intended, or was intended, to do away with the discrimination that railroads have made between localities.

Now, what is the effect of it as it stands to-day? The Senator from Illinois in reporting this bill has seen fit, after consenting to the elimination of that line, to agree to the insertion of the following:

The shorter being included within the longer distance.

What does that mean as it stands to-day? It means the application of the long and short haul principle to every single mile of road upon the common carrier's way, no matter where it may be located, between the two terminal points, and it applies to every pound of freight that may be transported over that line, no matter from what point it starts or at what point it is to arrive. It does not do to attempt to darken counsel by words without wisdom in this matter. It does not do to ask gentlemen to close their eyes to this great question and say after we had agreed to that proposition that we should now agree to the other because that debate was nothing, meant nothing, resulted in nothing, and that therefore this should be accepted because it means practically the same as the other.

Mr. President, let us not close our eyes to what this proposition means. I say to that board of commissioners in the future, that is to come without political influence, having no interest in the stocks or bonds of common carriers, or anything else so far as I know, and not being pecuniarily interested in them, and not being permitted to engage in any other business or avocation or profession—I say to them that as I understand the long and short haul provision, it applies as it now stands to every single mile of track upon any railroad, no matter where it may be, between the terminal points, and to every pound of freight of like character or quality which may be transported over it. You can not escape from it unless that language meant nothing, and was designed for nothing, and intended for nothing.

That means local rates for every pound of freight carried over these roads. That means the abolition of all this system of cheap long hauls under which, by the benefits of competition, distances have been equalized and the commonwealth has been shrunk up to a span's breadth, so that practically the man who lives in Dakota or in Colorado is placed upon the same footing and condition, so far as the results of his labor are concerned, as the man who lives immediately upon the seaboard. You propose by this measure to abolish all that and to declare that hereafter, so far as we are concerned, every pound of freight that moves upon these railroads shall pay its equal proportionate share of freight money for every mile over which it passes.

I took occasion in a former debate to express my opinions about the effects of this position, and I do not propose to renew them now; but it is a little singular, notwithstanding all that has been said about this proposition, that the result of it, in the opinion of the Senator from Illinois, the Senator from Rhode Island, and the Senator from Vermont, is entirely speculative and problematic. No one can tell what the result will be. No one can predict what effect this cast-iron, rigid provision inserted into this proposed statute and affecting the business of this country will have.

Therefore it is that the committee of conference have agreed to the provision of the bill as it originally stood in the Senate text, providing that this section so far as its provisions apply to distant rates may be disregarded by the commission. I suppose that this is the first time in the history of legislation that such power as this was declared, that such a declaration was made that this particular discrimination should be unlawful, that it should be denounced in a legislative enactment, and at the same time that the tribunal which was created to enforce the law should in specific terms be authorized to abrogate, veto, annul, and repeal it.

That is a sufficient answer to all that has been said in behalf of this section. As it now stands, it is absolutely nugatory and must be; and I feel encouraged to vote for the measure as it stands because under the interpretation that must be given to it, if this construction were to be held to be the one intended by the legislature, it would be a revolution. This country could not remain in peace for thirty days under the rigid application of the provisions of the fourth section prior to the proviso. Not a pound of freight, not a bushel of corn or wheat, no beef nor pork that is raised on those great fertile plains beyond the Missouri could be carried east of the Ohio River; its value would be consumed in the price of transportation and would leave the man who raised it without compensation for his labor.

I am satisfied that no such provision as that can ever be carried into effect, and when the section goes on further to provide that upon the application of the commissioners appointed under the provisions of this act, such common carrier may in special cases be authorized to charge less for longer than for shorter distances for the transportation of passengers or property, the whole thing is given away.

In the first place, the committee themselves confess that the provisions in the first part of the section are untenable; they admit that no such provision could be enforced with safety to commerce or the productive energies of this country; but they have placed it in this bill in obedience to a great public demand for legislation to prevent what we all admit and recognize is unjust, invidious, and untenable—discrimination with regard to the transportation of freight not only in the East but in the West, not only with regard to the long hauls from competing terminal points, but from points in the interior elsewhere.

My attention was called not long since to the situation on one rail-

road in my own State, where shippers at an intermediate point midway between Kansas City and Denver desiring to send wheat to Denver city, were compelled by the discriminating rates to send their grain at local rates 250 miles back to Kansas City, and ship at through rates from Kansas City to Denver; and they made money by the operation. Is there any justice in that? Is not that a discrimination which ought to be guarded against?

Therefore I say that the reason which prompted, as I suppose, the committee to agree to this extraordinary provision was to guard against such local discriminations as I have mentioned, knowing as they did that the application of these rules to competing terminal points could not be enforced without destruction to the commerce of this country.

I regard the fourth section in its application to local discriminations as valuable. I regard it in its attempt to enforce the long-and-short-haul provision against through freights between great terminal and competing points as absolutely nugatory and ineffectual, and I believe that the commission will so regard it, and that they will in every case, when their attention is called to this clause, rule in favor of the long cheap haul, and not to establish distance short-haul rates.

This bill, as I understand, is one to regulate commerce, not to wreck it, or destroy it, or ruin it. Its purpose is humane and beneficent. It is in the interest of the producers of the country, and I understand that the commission to be created will so administer and interpret this section and so administer and interpret the other sections that may be presented to them for execution as to effectuate justice, and not to work dishonor and ruin to the country.

There has been a suspicious unanimity of assault upon two sections of this bill. It appears to me, or rather I may say that I have a growing suspicion, that the attacks which have been made from all quarters, pamphleteers, leading editors, boards of trade, railroad attorneys, local organs of opinion, against these sections, proceed rather from those who prefer to have no legislation at all, and are convinced that if the proposed bill can be made odious by attacking these two sections that result will be obtained.

We have been regaled with repeated arguments against sections 4 and 5 of the bill. We have been assured that in its general provisions the proposed law is beneficent, that it is intended to cure existing defects, but that it contains provisions which, if enforced, will be fatal to the interests of the country. So we have heard these arguments against sections 4 and 5. The artillery has played upon them, the cavalry have charged upon them, the infantry have fired their volleys at them; Tray, Blanche, and Sweetheart have all barked at them, with the intention, as I believe, of securing as far as possible—I am speaking now of the inundation of information which has been poured upon me, and I suppose upon other Senators outside of this chamber, of printed and written literature—with the purpose, I say, if these two sections can be made to appear especially odious, that legislation upon this subject may be indefinitely procrastinated and postponed.

We have been told that pooling was one of the beneficent operations of the railroad system. The pooling that I understand the fifth section to be directed against is a pooling that has been a criminal conspiracy against society. It has been a pooling that has enabled railroads to continue a career of unrestrained depredation upon the welfare of society. Who has not been familiar with the anthracite-coal pool? Who has not heard of the combination by which the dressed beef of Chicago was to be prevented from reaching the markets of New York? Who has not heard of the Standard Oil combination, by which, through a pooling arrangement between the railroads and these companies, one of the great natural products of the earth has been restrained and confined?

That is the kind of pooling I understand that this section is directed against. It is the kind of pooling by which a bankrupt, spendthrift beggar of a railroad that never ought to have been built, that can not obtain the means of support in the country through which it passes, that is a burden upon the earth, may succeed by cutting rates, as I remember in one case one railroad did from Kansas City to Saint Louis, reducing passenger rates to a dollar, and it continued to carry passengers at that rate until the great, solvent, profitable corporations, in order to protect themselves from that ruinous and mendicant competition, were compelled to admit the road into a pool upon an agreement to divide the receipts for passengers equally between these routes according to their mileage between the two points. One result that I concede will come from that section against pooling, and which I shall be glad to have result from it, will be the abandonment of that process and the relinquishment of the roads which are in that condition to their original elements.

There are thousands of miles of road in this country that never ought to have been built. There are thousands of miles of road running through this country which would be better off if the rails were taken up and sold for old iron, and the ties for cord-wood, and the right of way planted in corn.

This section is a notification to those who are engaged in building parallel lines of road all over this country, particularly in the West, duplicating lines, building unnecessary and superfluous feeders, and, as they call it, invading a hostile territory, it is a notification to them that that process must stop, and it is a matter of importance to the community that it should stop, and that no more roads should be builded than are required either for the present or for the immediately prospective wants of the communities through which they pass.

This section does not prevent beneficent co-operation between railroads in a healthy condition. They have a right to unite for any purpose that they may see fit under the provisions of the bill, but pooling has a distinct meaning and significance. While there may be instances and cases in which pooling may be perhaps not wholly guilty, in the great majority of cases these railroad combinations are made for the express purpose of conspiring with those interested in them and in the other great staples of life to put the thumb-screws on the common people, and increase the price of their bread, and their clothing, and their food, and all the necessaries of life.

Mr. EDMUNDS. And diminish the profits of their products that they want to send away.

Mr. INGALLS. Therefore, so far as these two sections are concerned, while they are not ideally perfect, while I admit that by the confession of the committee itself they are nugatory, at least one of them, and impossible of being carried into effect, so far as the suggestions which have been made about the application to the great-distance hauls from the interior are concerned, the effect upon these minor discriminations both against locality and against the individual direct will be beneficent, and therefore they ought to be supported.

But there are matters in which, in my opinion, the bill is even more fatally defective, if that were possible, than in the particulars to which attention has been called. I regret that I have to vote for it, and I think there are a great many others in the same condition. This is a bill which practically nobody wants and which everybody intends to vote for, a bill which nobody is satisfied with and which everybody intends to accept, a bill which nobody knows what it means and yet we have all agreed it ought to pass.

I wish to call the attention of the Senate to one other particular in which I think the bill is open to the greatest criticism, and if it were not for the brief space that will intervene between the time it goes into effect and the reassembling of Congress, if it were not for the great discretionary power confided to the commissioners who are to be selected, I should hesitate what to do. On page 11, lines 44, 45, and 46, I find the following language:

> Reductions in such published rates, fares, or charges may be made without previous public notice.

Mr. President, we have been told about the great injuries that resulted from railroad wars in this country. We have been admonished of the difficulties which resulted from the contest between these corporations for freights and for passengers. We have provided that no increase in rates shall be made without first giving ten days' public notice and posting them up where they can be inspected by the public; and yet, in that same connection we have declared that reductions in published rates, fares, or charges may be made without previous public notice. A more vicious and dangerous provision never was incorporated in a statute

Mr. ALLISON. That was put in by the Senate.

Mr. CULLOM. Is the Senator aware that he voted for that provision at the last session?

Mr. INGALLS. And I am going to vote for this; I am going to be entirely consistent. I ask the Senator to possess his soul in patience.

Suppose that there is a great, sudden congestion or accumulation of freights in Chicago which require transportation to the city of New York, to the seaboard. All the rates have been publicly established and due notice given, and the public have adjusted themselves to them, and yet under the provisions of this bill any common carrier in this country has the right instantaneously, without public notice, to go to any one of the great provision or grain dealers or commission or shipping merchants in Chicago and say, "I will take your freight for one-tenth of what it can be taken by any other common carrier running between these two points."

Is that justice, Mr. President? Does that prevent wars between railroad companies for freight or for passengers? Does that prevent the cutting of rates? This bill, to have been logical, to have been just, ought to have provided that the same notice should be given of a reduction in rates and fares as of an increase in rates and fares. I am by no means sure that, inasmuch as a direct temptation is offered to a reduction of rates, the inhibition against a reduction without public notice ought to have been more severe than the inhibition against an increase of rates without due public notice.

I had marked a number of other points upon which I had intended to comment, but as I think I have already given sufficient reasons why I shall support the bill, I will now yield to the motion which I understand is to be made to recommit with instructions.

Mr. SPOONER. I have desired to address the Senate briefly upon one or two propositions contained in the bill, although I realize that the measure was passed after so long a discussion. I presume that the Senator from Illinois who has charge of the bill desires in any event that final action shall be had upon it this evening. Does the Senator from Illinois intend to sit the bill out?

Mr. CULLOM. I shall ask the Senate to do so, as I gave notice yesterday, and as there was unanimous consent that we should.

Mr. SPOONER. Then I shall ask the indulgence of the Senate, although weary, for a short time.

The PRESIDENT *pro tempore*. The Senator from Wisconsin has the floor.

Mr. SPOONER withholds his remarks for revision. [See Appendix.]

Mr. PLATT. Mr. President, a single word in reply to the Senator from Wisconsin [Mr. SPOONER] with regard to what is called the Colorado pool. I despair of ever being able to understand the argument which, while admitting that a pool which is an agreement to apportion business is resorted to by the railroads for the purpose of preventing wars between themselves in which rates are cut, maintains that a pool is for the cutting of rates; and therefore I shall not attempt to argue that point. A pool is acknowledged to be a means resorted to by the railroads to prevent ruinous rate wars and illegal competition; and yet Senators stand up here and argue as if a pool was entered into for the purpose of cutting rates.

But I want to say one word in regard to the Colorado pool. Perhaps a week ago I challenged proof that pools had resulted anywhere in maintaining unreasonable rates in this country. That challenge went broadcast over the country, and the only response to it is the Colorado pool. Now I suggest that when all the interstate business of this country done by railroads is done under pooling arrangements, and when the challenge has gone forth to show a single instance where a pool has resulted in the maintenance of unreasonable rates, and we get just one single example, it is not worth while to prohibit all the pools in the country on that account.

If the Colorado pool has done what it is said it has done—I do not know whether it has or not—then clearly it is an illegal pool, and would be held illegal before any court and by any court. But it does not follow that all the other pooling arrangements in the country are illegal, any more than it follows that because a Sunday-school teacher or Sunday-school superintendent sometimes goes wrong, all Sunday-schools ought to be prohibited and abolished; nor any more than it follows that because down in Boston—and I am glad that the Massachusetts Senators are not here, for they might take exception to this illustration—a Baptist clergyman was charged with practices which have scandalized the whole country, and the newspapers of the country have been filled for weeks and months with regard to those scandalous practices, whether true or not, that the Baptist Church and the Baptist ministry should be prohibited.

I can not understand this argument. If the Colorado pool is endeavoring to enforce a bargain between railroad companies for the maintenance of unreasonable freight charges, then that pool is an illegal pool and it ought to be suppressed. But it does not follow, and there is no argument in saying that because there has been somewhere an illegal contract in the country, for the maintenance of which pooling has been resorted to, therefore all pools which are not against public policy, but which, as I showed the other day, sustain public policy and are for the public welfare, should be made criminal.

One thing more with regard to the Colorado pool. There is nothing in this bill that prevents the railroad companies from continuing that agreement and enforcing that agreement, unless it be the clause with regard to reasonable rates; there is nothing in this bill which prevents railroad companies entering into agreements for just such a combination as is denounced; there is nothing in this bill which prevents their agreeing to maintain rates and adopting every means known in their power for the maintenance of rates when this bill is passed except just exactly——

Mr. TELLER. Then why object to it? If it does not interfere with pooling, what is the objection to it?

Mr. PLATT. It does interfere with pooling. I think that I shall never be able to convince Senators who have not understood and will not understand the pooling which is prohibited in the bill as to what it is that is not prohibited in the bill.

Mr. TELLER. If the railroads can do exactly the same thing in another way what is the objection to this provision? I insist that under this law, if enacted, they will never be able to commit the enormities they have committed under the Colorado pool and under hundreds of others in this country.

Mr. PLATT. The Senator says hundreds of others. There is just this one and possibly also the dressed-beef arrangement in Chicago which has been brought to our notice, in which it is claimed that anything wrong was done under pooling arrangements in this country, so far as I have observed.

Mr. TELLER. I ask the Senator if he does not know that this has been the complaint of the people for fifteen years against this system of pooling in the United States, that it has gone up from every trade center. "What about the anthracite pool?" some one says. There are a dozen things that the public thoroughly understand growing out of these pooling operations.

Mr. PLATT. I am glad that some one speaks of the anthracite pool. If gentlemen can not understand the difference between the anthracite pool and an arrangement between railroads for apportioning their business in order to maintain reasonable rates of transportation, then there is no use in attempting to make any argument on the subject.

I admitted over and over again that a combination entered into for the purpose of controlling the product of a particular district, for enhancing the prices of a particular product in a particular market, for the purpose of putting up or putting down the prices of commodities, was against public policy. There is no question about that. The distinction, however, is broad and wide, and admitted by everybody. It is admitted by every one who has spoken here to-day that the worst evil almost, certainly one of the greatest of railroad evils in the country, is ruinous competition, is unstable rates, is cut rates, is a war of rates, and the Senator who has just taken his seat wants to stop them, and the railroad companies resort to this apportionment of business for no other purpose, so long as they keep within the legal purpose of a pool, than to prevent exactly that thing. That is what the pool is for.

All over the country the testimony of shippers and farmers and merchants and business men is that the great difficulty which they have to contend with is that rates are not equal, they are not uniform. One favored shipper has one rate, which makes him rich at the expense of everybody else, and men in business do not know from day to day at what price they can buy or at what price they can sell. That is the result of the competition which is so much lauded on this floor; that is the result of rate wars which are so much lauded on this floor; and the legal pool has no other purpose and no other object and no other result than preventing just that same thing. If under any pooling arrangement something else has been accomplished, if unreasonable rates have been maintained, then true policy would lead us to this: to recognize the pool, to legalize it, to put it under the supervision of these commissioners to see that that which was intended for a proper use should not be abused.

Mr. MORGAN. Mr. President, I can not go fully into this debate now, or do more than state one or two propositions that I think I ought to state, more in justice to myself than for any other purpose.

It was stated by the Senator from Kentucky [Mr. BECK], and also by the Senator from Texas [Mr. COKE], that the attitude which I had taken in regard to this bill makes it necessary that Congress should interfere, or otherwise the country would be left entirely without law to regulate the railroads. In the previous discussion which I indulged in over this bill—I have said very little about it in the months of debate that have ranged through this body on this topic—the Senate, I think, will do me the justice to say that I took the ground that the common law of this country was a sufficient remedy for any trouble that was sought to be remedied by this bill, and that the courts of the United States with their present jurisdiction, and certainly with their jurisdiction broadened, as we have a right to broaden it, so as to include cases of minor consequence, can administer every remedy that is sought to be administered through this bill, either by the courts or by the commission. The Supreme Court of the United States and the courts of the States have now for a century regulated common carriers in the United States, simply by an application of common-law rules to their duties and their obligations, and very little complaint has arisen anywhere out of the inefficiency or insufficiency of the common law, when properly applied by the courts, to remedy any of the difficulties that are sought to be legislated upon and removed by this bill.

Now I will enumerate the points in this bill upon which it is supposed that the statutory action of Congress is necessary, and let us see whether there is a single one of them which is not already within the power of the courts to remedy by proper forms of procedure either at law or in equity. I do not refer to that section of the bill which creates new offenses and makes them punishable in the district and circuit courts of the United States. I refer to the civil remedies and the power of the courts in connection with them. The first one is:

All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, or for the receiving, delivering, storage, or handling of such property, shall be reasonable and just.

Has not that been the common law of England and of the United States since the first decision that was ever made in respect of common carriers, and is there any court in the United States that has law jurisdiction that is not competent to administer that right and that remedy? I submit that as a lawyer, because when this bill leaves the two Houses of Congress and the hands of the President, if he shall approve it, the first contact it will have will be with the legal profession in the United States, and I should desire very much that the Congress of the United States should go forth with a bill of this novelty and this magnitude and this importance, having given to every feature of it a sufficient consideration to forbid any very sharp criticism on the part of the bar of the United States in its interpretation.

The next point is this:

SEC. 2. That if any common carrier subject to the provisions of this act shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect or receive from any person or persons a greater or less compensation for any service rendered, or to be rendered, in the transportation of passengers or property, subject to the provisions of this act, than it charges, demands, collects, or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions, such common carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful.

And so he would be held in any court of law or any court of equity

of the United States or of any of the States. That is simply a declaration of an offense, you may call it, of an unjust practice on the part of common carriers, which is denounced by the common law as fully and as firmly as it is in this statute. The statute is a mere cumulative enactment, and almost in the very language of the writers of the common law on this subject. I am not speaking of this matter without advisement, for I can cite cases in the Supreme Court of the United States, and in every State of this Union, which have disposed of the very question that I now present in respect of the exact parallelism between the common law and the declaration of this statute. The next is:

SEC. 3. That it shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

The common law denounced those practices just as severely as it is done in that section, and there is not a court in the United States that would not enforce it.

Again:

Every common carrier subject to the provisions of this act shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding, and delivering of passengers and property to and from their several lines and those connecting therewith, and shall not discriminate in their rates and charges between such connecting lines.

Another point in which the common law is all-efficient for the administration of precisely the same declarations that are made in this act.

Mr. ALLISON. Will it disturb the Senator if I make a remark?

Mr. MORGAN. No, sir.

Mr. ALLISON. It was stated in the House of Representatives, and has been stated here over and over again, that there is not one prohibition in this bill that is not a prohibition at common law.

Mr. MORGAN. Very good. The next one is—

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers, &c.

That is new and difficult of interpretation, difficult to be understood. The lawyers in this body—and I presume that they average with the highest range of professional ability in the Union—cannot agree about the meaning of section 4; and we venture to go before the country with a new enactment about which there is almost as great a diversity of opinion in this country as the number of Senators who occupy seats on the floor, a statutory regulation of commerce (which of all things else least bears interruption by statutory interference) that the lawyers in this body, many of them ex-judges of supreme courts, are incapable of agreeing upon the interpretation of. I think that is a very unfortunate situation.

I suppose that that section means in one respect what the bill declares in another part of it, that no unreasonable charge shall be made by a common carrier. And after we have declared that no unreasonable charge shall be made by a common carrier, on the converse of the position we may affirm that a common carrier may make a reasonable charge, the statute to the contrary notwithstanding. He may make a reasonable charge, and when you come to draw the comparison between charges made on short hauls and long hauls you must first ascertain what is a reasonable charge, and put those figures down as the sum upon which to compute the result whether or not the other charge is reasonable or unreasonable, whether it is greater or whether it is less.

If the charge on a haul of goods from Alexandria to Washington at 50 cents a barrel for flour is a reasonable charge, and if you ascertain that by ascertaining in the next place how much it would cost a man to send a wagon down there and haul it up here, there being no competing line, if it is a reasonable charge and the courts so hold, then the question whether if a dollar is charged for carrying a barrel of flour to Richmond, which is perhaps twenty times the distance that it is to Alexandria, that is a lawful charge, must depend under your bill upon its being reasonable, for I do not suppose that you intend to legislate that a railroad shall be compelled to take an unreasonable charge for carrying freight because it may have on a part of its line charged less or more than it should have done to some other person.

After all, you have put the test in your bill that no carrier shall charge unreasonably. If he does, it is an act of discrimination, and if he does not, it is no act of discrimination within the meaning of this very statute. After having made that declaration, you go on then to make a special provision about what this man shall do and that man shall do, losing sight absolutely of the reasonableness of the charges he makes, but arbitrarily saying that he can not charge more to one man than he charges to another.

But, Mr. President, I have not taken upon myself, in any stage of this debate with which I have had any connection, the duty of trying to sift out and unravel the different commercial propositions that are involved in this bill and that seem to have taxed the ingenuity of some of the ablest commercial men in the United States who occupy this floor. I will not venture upon that discussion. But there are some things connected with this bill which I think it my duty to bring forward.

I will repeat one of them that I mentioned the other day, in a phrase, and I do it for the purpose of calling the attention of the Senate to the fact that they are in an unnecessary fright about the condition of decisions in the Supreme Court of the United States upon this question, for the Supreme Court have not passed upon any question arising under this bill or any question affecting the commerce of a State and interstate commerce except in cases where State statutes have come up for construction.

Now, can any Senator point to me a case that has arisen and been decided by the Supreme Court of the United States in which a State statute has not been the subject-matter of construction and the basis upon which the declaration of its unconstitutionality or its constitutionality has been made? Not one. In the case of Welton *vs.* The State of Missouri, I beg the Senate to listen to this language of the Supreme Court:

It will not be denied that that portion of commerce with foreign countries and between the States which consists in the transportation and exchange of commodities is of national importance, and admits and requires uniformity of regulation. The very object of investing this power in the General Government was to insure this uniformity against discriminating State legislation.

The object was not to enable Congress, as it proposes to do in this bill, under the pretext of regulating interstate commerce, to go far beyond it and lay down rules and restrictions which either amend or violate or uproot the common law in relation to the personal and private rights that exist between individuals in their freedom to deal with it as American citizens under the guarantees of the Constitution in which those rights are stated.

You go further, you overstep the bounds of the regulation of State commerce, and you take hold of the power to contract, and you say to men, "You shall not contract thus and so," though the common law of England and the United States says that you may, and that the contract is just and right. You trespass beyond the boundaries and invade the States and say to the citizens of the States, "You shall not contract in your own States and in your own corporations for the transportation of your freight beyond your State; we limit you in your power to contract by forbidding the railroad companies to contract with you except upon certain terms that we prescribe." And while you, in your anxiety to meet what is supposed to be a very popular demand, thus transgress the boundaries of your own jurisdiction, you invade some of the most sacred liberties that belong to men under the Constitution of the United States.

I have a perfect right, if I have got 100,000 tons of iron to ship from Birmingham, in Alabama, to Cincinnati or to Chicago, to say to a particular railroad company, "I will give you all my patronage if you give me a rate upon this below the common rate of transportation," and that railroad company has a right to give me that contract, because I am a large contributor to its prosperity. Another comes along with 10 tons of iron and offers to this railroad company that it shall carry his 10 tons at the same rate as the other man's. The company says, "I can not afford to do it." "Why can you not afford to do it?" "Because I am carrying this iron for a man who furnishes me 100,000 tons;" precisely the same principle that would obtain in a mercantile house in New York.

A merchant goes there and says, "I want $100,000 worth of your goods, and I have got the money to pay for them; I want to agree with you about the terms of our contract." "All right; I will deduct a little in your favor." Another man comes and wants to buy $50 worth of goods. The seller says he can not afford to sell at the same rate; it may be a package of goods; he can not afford to do it. Now, will the law of Congress step in there and interfere? No. Why? Because it is a transaction between individuals in a State. Why not interfere? What pretext have you for interfering in a contract between the iron shippers in Birmingham, Ala., and a railroad company? What right have you got to do it? No, sir; this bill goes very far beyond the powers of Congress as contended for by the gentlemen who advocate it, and it is a serious question as to the private right of a man to make a contract according to the advantages of his situation; and every man has a right to make his contract according to the advantages of his situation.

I say, therefore, that the Supreme Court of the United States have never gone beyond that simple declaration, and they affirm it in the decision quoted with approbation in the Wabash Railway Company *vs.* Illinois:

The very object of investing this power in the General Government was to insure this uniformity against discriminating State legislation.

And I say that is the only object. Whenever you get beyond that object you get out beyond the boundaries of your power, and you in the interpretation of your powers transgress upon the rights of the people of the States which are just as sacred as the rights of the Congress of the United States. I dismiss that subject with that remark.

I trust that I have been able now to answer the statements made by the Senator from Texas and the Senator from Kentucky by stating that I do contend that there is and has been up to this good hour in the United States every power at law and every power of jurisdiction in the courts to enforce it, to protect every man in his rights against a com-

mon carrier, so that this spasm of fright or affected fright about the decisions of the Supreme Court of the United States had better not get too deep hold upon gentlemen. They had better wait awhile and see whether this court that has so deliberately overruled two of its own decisions will not after awhile find a reason for overruling the last one.

The oscillations of the Supreme Court, its vibrations and fluctuations upon great constitutional questions, are not to be followed in that court, and when the very decision in the Wabash case comes up it may be said, "We certainly could not have known what we were talking about when we made that decision affirming that in the absence of law of the United States the States might go on to act; we could not have considered it." How many lawyers in this body are willing to accept the last legal-tender decision as a final solution of the question? How many gentlemen are there here who would vote for the increase of the legal-tender issues of the United States Government to a thousand million dollars, and put them as a substitute for all the issues we have out, with the legal-tender quality in them, guided by the last decision of the Supreme Court on that subject? Not one; it is dead timber. If there is one he is a bold man, and I have not heard him express it.

Because the Supreme Court of the United States may take a view of the Constitution in a particular case and upon a particular point in which they decide, no matter what the reason, that a certain State statute falls, not beneath an act of Congress, but beneath the Constitution of the United States, I think we can very well rely on that Constitution a while longer to protect us against discriminating State legislation; and when we find in this bill, as the honorable Senator from Iowa says is an acknowledged fact, that every step taken, every wrong condemned, every right asserted, every remedy proposed, are all provided for, amply provided for by the common law, then I think we had better be a little quiet and remain a while longer under the old régime.

I do not find the country going to rack and ruin because it has got railroads in it. I hear clamor about short hauls and long hauls; but the clamor affects men within the States more than anywhere else. Ninety per cent. of the troubles in respect to long hauls and short hauls are within the States, and clearly and confessedly within the power of the State Legislatures to control. Let me say to this honorable Senate that I do not want them to go into Alabama and take from the Legislature of my State the power to regulate the long-and-short-haul business within the limits of that State and the State commerce. You are not invited to enter that State; and if I was the governor of it you would never get there in your efforts to regulate the internal affairs of that State, for when you pass this bill it will be putting a large, dry sponge into a basin with a little water, and it will drink the last drop.

This bill does not mean, the friends of it do not intend it to mean, that it shall stop at the regulation of interstate commerce. It means to usurp the power over all commerce, and it means that when you lift the sponge out of that basin there will not be even moisture left in it, to say nothing of a drop of water. The whole power of commerce in this country, as to its regulation, will be fixed by this tribunal and the other House. When we take this step, Senators around me tell me it is experimental, and they look on it as only an entering-wedge to go further. They will go further, and you will never be able to repeal this law or stop its operation otherwise than by extending its clauses as long as the United States lasts. This will be the last of State regulation of State commerce.

The Supreme Court have declared that the States have the right by statute to fix the rate of charges upon commerce as to the public corporations and public carriers within their limits. As respecting interstate commerce we have therefore the right, and so they have determined, not upon an act of Congress, but incidentally, that we have the right to fix the rates of commerce. You fix the rate upon external or interstate commerce by an act of Congress, so much per ton per mile and no more; and how is the State going to get along with any legislation for the purpose of regulating commerce within the State? The conflict of the laws would necessarily produce friction and wrong and hardship; but when you take the first step in the passage of this bill you will never cease to march upon that line. The last step will never be taken as long as there is any demand from any popular clamor in the country that you shall do something more, and cover steamboats and steamships and all.

I do not flatter myself that I have the slightest financial ability in the world, but I have an imagination in my mind to-night that if I had the money of Mr. Jay Gould and his talents, his enterprise, his ambition to absorb railroads and put them under a single ownership, I would not want any better law to pass than this in regard to pooling. I should want Congress to enact this law so that the blackmailing roads, as they are called, the poor, weak, feeble fellows that have got to build themselves up into prosperity and substantiality, will not have the advantage of cutting rates upon us, or if they do they will soon go by the board. They can not demand of us that we shall enter into pooling arrangements with them; it is forbidden by law, contrary to public policy, and denounced as criminal.

Therefore we will absorb them; we will take them in out of the cold. Thus the railroad ownership of the United States, instead of being distributed among various competitive companies, will be in the hands of two or three of the great capitalists. Then you will see a fight worth while talking about. Then you will see the railroad kings and the Congress of the United States in an antagonism that the conflicts of the bulls and the bears in Wall street will be mere play compared with. This legislation must have that result. You take from the weaker railroad all power that it has got to compel the stronger one to do it justice or to keep the crushing weight of its power off, and you just abandon all such roads as wrecks into the hands of the great railroad kings of the land. That is what Congress is about.

Mr. President, there is one feature of this bill against which I have been always very seriously opposed—I can not get my consent to it—and that is the power that is conferred on this commission. It is a power that is derogatory of the divisions between legislative and judicial powers which have existed in this country and in Great Britain from time immemorial.

That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

What shall we call that; a repealing power, a suspending power, a dispensing power, or an amending power? Take it in either category and it is contrary to the principles of the American Constitution and contrary to every tradition which has come down to us from our English ancestors. That very same principle incorporated in this bill has led to some of the grossest outrages in the history of English jurisprudence and legislation. The Star Chamber itself had its origin in that very principle.

What was the principle? It was that the king by his proclamation might make law. Parliament gave to King Henry VIII the power by his proclamation to make laws, and the pretext upon which that demand was conceded to the king was that in the north of England there were certain eminent and powerful barons who were in the habit of settling their difficulties among themselves without consulting the crown, and they and their retainers were engaged in constant feuds, and it was impossible to control those powerful and splendid people otherwise than by making legislation to suit each case as each case arose. Hence the Parliament gave to the king the power by proclamation to enact laws. He and his councilors combined together, became not merely the enactors of the laws, but the judges to administer them and to execute them, and that constituted the Star Chamber. Here is the history of it:

The celebrated statute of 31 Henry the Eighth, chapter 8, which gives the king's proclamation, to a certain extent, the force of acts of Parliament, enacts that offenders convicted of breaking such proclamations before certain persons enumerated therein (being apparently the usual officers of the privy council, together with some bishops and judges), "in the Star-Chamber or elsewhere," shall suffer such penalties of fine and imprisonment as they shall adjudge. "It is the effect of this court," Judge Smith says, "to bridle such stout noblemen or gentlemen"—

He ought to have said railroad companies—

which would offer wrong by force to any manner of men, and cannot be content to demand or defend the right by order of the law. It began long before, but took augmentation and authority at that time that Cardinal Wolsey, archbishop of York, was chancellor of England, who of some was thought to have first devised that court, because that he, after some intermission, by negligence of time, augmented the authority of it, which was at that time marvelous necessary to do to repress the insolency of the noblemen and gentlemen in the north parts of England, who being far from the king and the seat of justice, made almost, as it were, an ordinary war among themselves, and made their force their law, binding themselves, with their tenants and servants, to do or revenge an injury one against another as they listed.

There is a history of the reasons which gave rise to it repeated in this debate continually, that the railroad companies have got to be so strong and so powerful that we can not handle them by statutes that we may enact by Congress and make final in our enactment, but we must interpose a commission with powers of dispensation in order that the harshness of our legislation, which we admit by the very principle in the bill, may be mitigated in certain cases which the commissioners are to decide after they have investigated the whole subject.

We confess here, this night, our inability to devise a just law regulating long and short hauls and other matters connected with this business. We admit our incapacity to do it, and substitute five men with legislative power, either to amend, or suspend, or repeal, or dispense with—choose your own word—the statutes that we enact.

Let us see how that appears in the light of the history of British constitutional law. I read from Dwarris on Statutes, pages 38 and 39:

So long as the king continued to grant petitions in part, and to engraft new matter upon them (it must be admitted in candor, and as some extenuation of the conduct of the judges), it would be extremely difficult, at a distance of time from the petition and answer, to draw up statutes which should be the acts of the whole legislature. But when bills were brought into either House of Parliament—

Under our system that we proceed on here, by bills—

in a perfect shape, containing the royal assent and the whole form of a law, which the king had no power to modify, but could only reject, it became manifest, if such bills passed into a law, that they derived their entire efficacy from the joint concurrence of the three branches of the legislature.

The King, the Lords, and the Commons. The King is mentioned as an enactor in every bill that passes the Parliament.

This sound constitutional doctrine was happily established in England, about two centuries ago, owing to the firmness of a chief-justice (Lord Coke); while in

France to this day it is not, it is said, with exactness defined what may be done by royal *ordonnance*, and what can only be done by an act of the legislature. Here, it is ascertained that the King's province is simply to reject or to approve. The power of legislation given by two statutes to Henry VIII was a direct infraction of the constitution effected under the Tudors, but which had never been at all endured in the time of the Plantagenets. A royal proclamation never properly possessed any efficacy to create but only to promulgate or enforce a law. Under the Stuarts, indeed, this, with every other free principle, was again brought into question, and for a time trembled in the balance, but right prevailed.

The victory of the Commons was, by this change, complete. Their power, as an integral and indispensable part of the legislature, which they had been long laboring to establish, was now firmly consolidated, and they were effectually secured against any future violation of their legislative rights.

There were two statutes of Parliament, which was said to be omnipotent, conferring upon Henry VIII the power to enact laws by proclamation, and here are the English writers declaring that that was unconstitutional under the British constitution. If so under that constitution, how can it be justified under the liberal and exact system of Constitutional law under which we live? England has no written constitution; the United States has.

Now, let us examine in view of that what is the real nature of this power. After investigation by the commission a railroad may be authorized to charge less for longer than for shorter distances for transportation, &c. It shall be unlawful, says the first clause in the bill, for the common carrier subject, &c., to charge or receive any greater compensation in the aggregate for the transportation of passengers, &c. There is a denunciation of illegality in the act which makes it criminal and which, under the application of the powers of the common law and its doctrines to a question of the violation of the statute, would subject men to punishment. A conspiracy to violate the statute would be a punishable offense at common law.

But it is declared to be unlawful in the first clause of the act, and being unlawful to do this thing the commissioners after investigation may do what? Pardon a man? Condone the offense? No. Repeal the law? In effect, yes. Suspend it? Certainly. Dispense with it? Yes. Amend it? Most unquestionably. Why? Because from time to time they can prescribe the extent to which such designated common carrier may be relieved from the operation of this act. There is the amendment of it. From time to time they may prescribe the extent to which such designated common carrier can be relieved from the operation of this act—not that he shall be relieved entirely, not that the law shall be suspended entirely or repealed or dispensed with, but amended in its application to a particular individual by the commission, who may prescribe the extent to which he shall be relieved. That is all of it.

If there is any virtue in constitutional principles in the United States that feature of this bill is unconstitutional, and unconstitutional for the reason that I have stated and for another reason. Suppose you assume, as may be assumed I grant you, that these commissioners are judicial officers—that they are passing judgment upon a case brought to their attention in due form upon petition, and that they are acting as judicial officers to excuse the party upon a trial from all liability for the act, saying that the equitable circumstances that surround the situation are such as to enable the court to decide that the harsh rule of law that his conduct was unlawful shall not bring punishment or damage upon him.

It is a court, then; a court of equity. But can you make a court with power to finally decide upon a man's criminality or the lawfulness or unlawfulness of his acts which result in damage to other people, as is alleged in this bill, or which bring penalties upon himself without bringing that act within the jurisdiction which is conferred in our Constitution upon a judicial establishment whose judges are chosen for life or good behavior by the President and confirmed by the Senate?

No, sir, not merely is there the blending in this of the legislative and judicial function in the hands of the same parties, but the executive function is also trampled on. The bill transgresses that universal law which I trust still has a solemn sanction in the heart of every Senator on this floor, that the great division of the departments of this Government shall not be violated by any of them. It violates the law; it does it flagrantly and openly. Whenever you strike a court with this part of your proposed law you will find that it will go to pot. The courts of this country are not going to submit that Congress shall thus blend the jurisdiction of these departments for the sake of a convenience to get out of a necessity which is incumbent upon us as conscientious men, to enact laws that can be enforced against the people justly and equitably, and substitute men to make legislation, or to suspend or dispense with our laws, or amend or repeal them, because we are afraid to say to the country that this rule which we enact is a rule that ought not justly to be applied to the people.

There is another feature of this bill just as bad as that in regard to these commissioners, or I believe it is a little worse. Section 14 provides:

That whenever an investigation shall be made by said commission, it shall be its duty to make a report in writing in respect thereto—

This is an investigation of a complaint made by a citizen against a railroad company—

which shall include the findings of fact upon which the conclusions of the commission are based, together with its recommendation as to what reparation, if any, should be made by the common carrier to any party or parties who may be found to have been injured; and such findings so made shall thereafter, in all judicial proceedings, be deemed *prima facie* evidence as to each and every fact found.

Here is a court proceeding *ex parte*, the defendant not summoned at all, no witnesses, no pleadings, no issue made up, which proceeds in its own way to examine witnesses of its own choice, and upon them to find facts, which facts are to be reported to a court, and in that court are to consider this *prima facie* evidence. Did the honorable Senator who drew this bill imagine that because he put the words "*prima facie*" in there he mitigated or modified the force of the transgression of the law which requires that juries shall try facts and courts shall pronounce the law upon them?

Prima facie evidence is enough to hang a man. You can hang a man on a presumption, although there may not have been one particle of criminality in his act. You can hang him on a presumption of law from the rashness of his act, as if I should turn loose a cannon down Pennsylvania avenue and kill a baby away out of sight down by the Treasury building. You would hang me for it because of the rashness of my act. There would be no intendment at all, but you would hang me upon a presumption, and that presumption would be fortified by the reckless and inhuman character of my act.

That is all of it; my life would be the forfeit. It is "*prima facie* evidence," for the expression "*prima facie* evidence" when applied to facts is precisely the same thing as a presumption when applied by the law. The *prima facie* view required by a statute to be taken by a court of the facts found in a case is enough upon which to found its judgment, and the defendant in that case, unless he can come and rebut it and overturn it, must necessarily lose.

Here go these commissioners in secret conclave, a little Star-chamber. They examine their witnesses on a complaint made. The defendant is not notified. They make up a statement of the testimony. They do not refer it to a court above to ascertain whether the conclusions which they have arrived at as to the facts found are justified by the facts themselves. No, the law comes in and says your conclusion, it makes no difference how unjust it may be, shall establish a *prima facie* case against the defendant.

You have gone a long way with your case when you get the man into your court for the first time. He is confronted with evidence, not with evidence merely, but with evidence of a conclusive character. He is confronted, according to the language of the proposed statute, with facts absolutely found which make out a case against him. They ask him, "What have you to say to this case?" He might say, "I should like to have cross-examined the witnesses if I had had the opportunity. I should like to have been confronted with the witnesses who testified this way against me. Who are they?" "It makes no difference to you." "What sort of people are they?" "It makes no difference to you. It is too late for you to impeach them. It is too late for you to question them, to cross-examine them; we have examined them to our satisfaction, and we have found the facts; here they are, and here is the finding. Go to trial."

If any American, in the light of our Constitution, can put a man, with his rights or interests, upon trial under a statute like that, then I must confess I have under-estimated the pliancy of the American Constitution and the guarantee of the rights contained in that instrument when it comes to be antagonized to a popular clamor. Do not let us go before the country with that sort of a law.

This bill needs revision; in this particular it needs it. It ought to go back to the committee of conference, and they ought to devote two months of their time out of the Senate, if it is necessary for us to excuse them so long, rather than to compel us to go before the country with a bill like that.

There is no occasion for this haste. Let them go and frame a bill and bring it in here which ought to be presented to the country. Let them, out of this admixture of conflicting and controversial systems, find something that is not a compromise between committees, a compromise between clamor and the railroads, and a compromise between justice and the Constitution on the one hand and the desire to be aggressive and vindictive on the other. Let them bring in a bill that is worthy the Senate of the United States, and they will find plenty of men here to support them, but let us not be in haste; there is too much dependent on this bill.

The honorable Senator from Vermont [Mr. MORRILL] referred to the inconvenience of practice under this bill, and the impossibility of executing it. It goes into effect in sixty days. It comes upon the country almost as suddenly, and I fear with as great a shock, as the earthquake which shook Charleston into ruins.

These commissioners, upon the petition and application of persons in different parts of the United States, are to hear all these complaints as well as to regulate the matter of long and short hauls. Every day that elapses after sixty days from the passage of the bill brings men beneath the influence of criminal responsibility, heavy fines and forfeitures, which the commission whenever it can get to the cases would find itself in conscience bound to relieve if it had the power to relieve them, by saying, "We would never, if we had had time, have applied this law to you. It is unreasonable, and in the exercise of our discretion we would not have done it." There is the damage done; there

the penalty is incurred. No man can release them, and we rush the country into a new and entirely unanticipated state of the law, and leave them to foot the bills, the damages, and criminal prosecutions as best they may.

This commission of five men is required to sit here in Washington, and it may go out to other parts of the United States. Where will it go? Suppose it goes to Alabama, must a man who lives up in the hills of Franklin County remain under the heel of the railroads until he can get money enough to travel to Montgomery and present his petition to the commission in Montgomery before he can get any relief?

It goes to every capital in the United States and hears the complaints of those men who have most convenient access to them—a few of them, because it can not hear many—but the men who are out in the country and who have been the real sufferers; the men who are plowing the land to make the corn and wheat and oats for transportation from their soil, can not have the remedy because they can not get to the commission.

Five commissioners to hear a hundred thousand cases! Then about the expense of it; there are $100,000 appropriated here. The commission has the right to subpœna witnesses. From where? Anywhere, everywhere; and if a witness fails to attend it can take the matter into the circuit court, and the circuit court can punish him for contempt and impose upon him a tremendous fine.

You can bring a witness from Washington Territory to Washington city to give testimony before the commission, and the Government of the United States has to pay his expenses here and back and his fees for every day's service. The bill permits them to reach out with their process of subpœna without any restriction in the world and bring witnesses from all parts of the country and in any numbers that the commissioners or the interested parties may choose to send in. It is simply horrible. The honorable Senator from Iowa [Mr. ALLISON] would not get done making his calculations for the appropriations necessary for the pay of these witnesses until he is too old to be President of the United States, and that would be a calamity. [Laughter.]

The bill is crude; it is ill-jointed; it is not properly guarded. It is a bill filled with passion, energy, and vigor, but it is not the sort of legislation that I wish to participate in in this body.

The Senator from Vermont in a pathetic way called attention to another provision of the bill which I wish the Senate to consider for just one moment. It is in section 13:

> That any person, firm, corporation, or association, or any mercantile, agricultural, or manufacturing society, or any body-politic or municipal organization complaining of anything done or omitted to be done by any common carrier subject to the provisions of this act in contravention of the provisions thereof, may apply to said commission by petition, which shall briefly state the facts, whereupon a statement of the damages thus made shall be forwarded by the commission to such common carrier, who shall be called upon to satisfy the complaint or to answer the same in writing within a reasonable time, to be specified by the commission. If such common carrier, within the time specified, shall make reparation for the injury alleged to have been done, said carrier shall be relieved of liability to the complainant only for the particular violation of law thus complained of. If such carrier shall not satisfy the complaint within the time specified, or there shall appear to be any reasonable ground for investigating said complaint, it shall be the duty of the commission to investigate the matters complained of in such manner and by such means as it shall deem proper.

He must be still proceeded with notwithstanding what the commission has prescribed against him is satisfactory to the party complaining. If the commission thinks he still needs investigation he must be investigated. For what? To make a moral point on him; to convince the world that he is a bad common carrier, a bad man, to damage his reputation, to hurt his feelings, to pull him and haul him about at the will of his five judges, and yet there is no verdict to be rendered by the commission.

Did anybody ever hear of such powers being conferred upon a court even, when after the court had pronounced judgment as to what ought to be done and the man had come in and paid the money, it said to the defendant, "Stay here; we want to investigate you; we have not done with you; you are such an opprobrious character, and you are likely to be so dangerous to the community that we want to put you under some sort of peace bonds about your debts and contracts and engagements?"

Mr. President, if we are dealing with American citizens let us deal with them as such if they do happen to be owners or managers of corporations. I do not find that it is a crime for a man to be the owner or manager of a corporation, and I do not think there is any reason in that why he should be denounced and proceeded with in this manner. But here comes the point:

> No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.

A common informer who has no interest whatever in the matter is invited by the bill to go in before these commissioners. No damage has been done to him. "Direct damage," the section says. Of course that means damage by which he has suffered. He is a moiety man. He is the man to whom the court can award the $500 penalty under the bill, and stimulated by his chances in that lottery he goes and makes his complaint against the railroad company, and if the railroad company is cast in that complaint the Government of the United States has to pay the costs and the attorney's fee also. That is what the proposed statute provides. If the complainant is cast he pays nothing; so that the only chance in the world for him and his attorney to make anything by the operation of the law is to hunt up a case that will probably stick, and put it before the commission.

Mr. President, I do not care what may be the power, or the justice, or the serenity, or the composure of this commission, they will be overreached and the country will be defrauded. We have seen in the joint conventions between Governments how when the Government itself was supposed to be the actor in the case private interests and private gain found access to the court and the commissions have been crowded to the wall, and injustice sometimes has been done of a character to blacken the very temples in which the decree was rendered.

Give to your commissioners, if you please, the most upright of all human attributes in the administration of justice, and yet they are beset on all hands by men tempted under the bill by a bribe of $500 damages to come in and hunt up a case in which they have no interest involved. The idea of exposing the corporations of this country or the carriers of this country to a set of men who have no other interest in the world in the matter than to levy blackmail and to profit by it is something that I can not vote for. I can not stand it. That is the measure, and you propose to enact it into a law. I say do not. Send it back and let us see if we can not get rid of these features. Do not let us put that provision in. Never let us say that to a man we invite in as a common informer against honorable men and against railroads whose stock is owned throughout the length and breadth of the land by people of all conditions. We should not invite men to appear against this class of citizens, merely because they happen to be railroad owners or capitalists, to levy blackmail upon them.

There is one other feature. I suppose the commissioners are to be sworn, because they are officers of the Government of the United States. What oath do they take? The oath that is common to all officers of the Government of the United States—that they will support the Constitution of the United States, and obey the laws; that is all. They are not sworn, like judges, to render justice impartially between men, without respect to their poverty or their wealth. That is the substance of it.

I will suppose they are sworn, what penalties do you put upon the commissioners in the event that they do not do their duty? Suppose that one or more of them is corrupt, you have the general law perhaps to proceed against a man who accepts a bribe, but suppose he is politically corrupt in his office, and you bring in the political element, because you say in the bill that the commission shall consist of men not more than three of whom shall belong to the same political party; how do you punish these men? They can not be impeached, they are not impeachable officers; they are removable, says the bill, at the will of the President of the United States.

I have heard of Presidents with whom I would not trust that powers I do not say that I would not trust that power in the hands of Mr. Cleveland, for I think he is a very honest man, but it is a dangerou. power to put into the hands of any man. He can appoint three commissioners of his own political party, and then the responsibility of those commissioners is directly on him. The responsibility is not with the Senate on impeachment; it is not with a grand jury on a question of fraud in the administration of their offices. By this bill their responsibility is made directly to the President, and not the responsibility merely, but all that they do. The President is the man who acts through them, and they are responsible to him, and he removes them if they do not suit him.

Suppose he wanted to be re-elected President of the United States and he should say "Here is a doubtful State;" it may be Indiana; "I wish you would just arrange to find sufficient reasons why this law ought to be let up on that railroad company out there. They have a great many employés. It is a very powerful organization. There need not be anything said about it; there is no crime about it. It is a mere piece of political strategy. Could you not afford just quietly to let up on that Indiana railroad company and let its competitor running north and south through Illinois, which is a dead-certain Republican State, feel all the force of the law?" Why not? This thing will probably never be done; but how have we provided that it shall not be done? That is the question. What safeguards are we putting in the way of a temptation of this kind, which to my mind it seems at least is one of the greatest that could be set?

Mr. President, it will not do to put this sort of power of the administration of private rights into the hands of any five men in the United States, and then leave the question of their remaining in office, and continuing to do things that they want to do in the hands of one man, and he the President of the United States. It is autocratic and oligarchic power, a power that American statesmen ought never to trust in the hands of any man in the world. These commissions ought to be held amenable to direct statutes framed with reference to their powers, and to keep them in control whereby they shall answer to the grand juries of the country, and be locked up in the penitentiaries if they abuse the trust confided to them.

That is all I have to say about this pending measure.

Mr. CULLOM. Mr. President, I feel that I ought to say something

in reference to this bill before the vote is taken. I believe no other Senator has indicated a desire to speak. I have great reluctance to saying anything on the subject myself at this late hour in the night, and I promise the Senate that I shall detain them but a very few minutes, and will then allow the vote to be taken.

I have been sitting here to-day listening to assaults upon this bill until I have almost become convinced that I am the most vicious man toward the railroads of any man I know. I started in upon the investigation of this subject two or three years ago with no prejudices, no bias of sentiment or judgment, no disposition whatever to do anything except that which my deliberate judgment told me was the best thing to do. I have believed I occupied that position ever since until within the last twenty-four hours, when the attacks upon this bill have been such that I have become a little doubtful whether I have not been inspired from the beginning, so far as my action has been concerned, with a determination to destroy the railroads of this country. To listen to the Senator from Alabama [Mr. MORGAN] descanting upon the provisions of the bill, one can scarcely resist the conclusion that it is a bill to destroy the commerce of the country, and especially to break down all the railroads.

So far as I am concerned, I repeat I have had no disposition of that kind, and I am unaware that either of the Senators upon the conference committee with me has had any such disposition. We tried to do the best we could with the bill that the Senate passed during the last session, to keep the bill as near to what the Senate had it as we could do, and to arrive at an agreement between the House and the Senate conferees.

I submit that the majority of the assaults on the bill now under consideration have been against provisions that were in the bill when the Senate voted for it during the last session of Congress. I am of the opinion that if this discussion lasted another day Senators would find in every line of the bill a very serious objection to its adoption. They started in by objecting to some portions of the fourth and fifth sections. The Senator who has just concluded his remarks got over to the thirteenth section, and I believe went one or two sections beyond that, and if there were any more speeches to be made against the bill I suppose the very last section of it would be attacked before a vote was taken.

The Senate conferees regarded it as their duty to cling to every portion of the Senate bill as it was passed that they could cling to and reach an agreement between the conferees of the House and the Senate. Hence it was that all those portions of the Senate bill not objected to by the House conferees were allowed to remain in the bill by the Senate conferees, the Senate conferees, as a matter of course, believing that the Senate of the United States knew what it was doing when it voted for the bill in the first place, and thinking that it would remain of the same mind still.

The attacks upon the fourth section have not been based so much upon the changes the conference committee made in that section as upon the language which was placed there by the Senate of the United States by its vote; and yet the conferees of the Senate have been regarded as at fault, to say the least, because they did not strike out the words which the Senate had put in.

The Senator from Georgia [Mr. BROWN] assaults the bill because he says that under it the provisions are so rigid that the railroads of the country can not do business at all. The Senator from Oregon [Mr. MITCHELL] assaults the bill because, he says, the fourth section amounts to nothing, and that the words "under like circumstances and conditions" ought to be taken out.

The Senator from Massachusetts [Mr. HOAR] assaults the bill because, he says, it is going to interfere with foreign commerce, and that the fourth section will be construed as not allowing a rebate of 5 cents a hundred upon commerce shipped across the country for exportation. So he thinks the bill ought not to be agreed to, while, except as to the words "from the same original point of departure" and "the same point of arrival," the section is substantially just the same as it was when it passed the Senate before.

So I might go on referring to every Senator who has spoken against the bill, and nearly every one of them has founded his objections to the bill upon the use of language that he had previously voted for in the Senate of the United States before the bill went to the conference committee at all.

I shall detain the Senate only a few moments, but I desire to reiterate what I uttered upon the subject before, confining myself to the short-haul provision which is contained in the fourth section of the bill. The Senator from Massachusetts and others have arraigned me as having placed a construction upon the bill different from the other conferees on the part of the Senate as to the question whether in a line made up of a number of roads the proportion that one road was to get was a criterion by which it should be governed in the charges over its own road according to the published rates made out by the road itself.

In other words, as I said before, taking the Albany and Boston road as an illustration, it may take freight from Kansas City, from Chicago, from Detroit, or from any other point coming in on different lines, and the rate per cent. that it gets of that through traffic has no control whatever over the charges that it sees proper to make over its own line and over the freight that it gets along its line. The conferees on the part of the Senate agree with me in that proposition, and when you agree that that is the right construction to be placed upon the bill, then I say that all this long-haul business that goes from west to east or from east to west is not seriously affected by the provisions of the fourth section.

The Senator from Massachusetts has been apparently disposed to kill the bill by taking depositions of different parties over the country and of the conferees on the part of the House. I submit that the answer by Judge CRISP to the questions put to him by the Senator from Massachusetts is not conclusive upon the point that we have been insisting upon. Judge CRISP does not say in any line or word employed by him that the construction placed upon that provision by the Senate conferees is different from what we have stated upon this floor. The only thing that that conferee says in reference to it about which there might be any difference is simply as to the meaning of the words "under like conditions and circumstances."

I have not said that upon any given statement of facts as put to me by any member of the Senate the bill meant one thing or the other; but I have said, and I submit that any candid man must agree with me, that in the construction of the proposed statute, in the application to the transportation of freight from one part of the country to another, where the words "under like circumstances and conditions" are used, they must be considered as an element in determining whether a shipment of freight from one point is to be governed by the same rule that governs it as to charges from another point. That is all I have contended for. Judge CRISP expressed the opinion on the state of facts put by the Senator from Massachusetts to him, that the circumstances under the bill, as he construed it, would be the same. We might differ upon that point or we might not, but it is no ground for declaring that the conference committee, either on the part of the Senate or the House, disagree as to the meaning of the provisions of the bill.

Mr. President, I do not believe that I ought to talk about this measure any longer, because I know every Senator wants to vote, and I suppose if I talked here two hours what I might say would not change a vote in the Senate.

Mr. SEWELL. Will the Senator allow me to ask him one question?

Mr. CULLOM. Certainly.

Mr. SEWELL. I desire to satisfy my own mind before voting on the bill. Suppose a merchant in New York, a grain shipper, orders, as is frequently done, two or three million bushels of wheat, taking advantage of the markets of Europe and watching closely the shipments from the Black Sea and other ports, and also the Indian market. He finds that he can make 2 or 3 cents a bushel by the shipment of a large lot of wheat. He will order from Duluth half a million bushels, from Milwaukee half a million bushels, from Chicago half a million bushels, from Saint Louis half a million bushels, dividing his order. If the wheat is shipped by car-loads under similar circumstances in every particular, even under the same ownership and at the same time, and it may all arrive at Buffalo or at a point on the Pennsylvania Railroad, the pro rata on one shipment allowed to the trunk lines, taking the New York Central Central, for instance, going to Boston, but going through New York, that coming from Duluth may come at 10 cents a hundred; that coming from Milwaukee may come at 9; that coming from Chicago, being the greatest point of competition, may come at 8, and from Saint Louis may come at 9 or 10.

All this being similar freight, under like circumstances, by the same ownership, in car-loads arriving at the trunk-line point at the same time, the company having accepted the lowest rate—that is, where the greatest competition is, say at Chicago—can that railroad company take any more for any of the freight that comes off the other lines for the same party?

Mr. CULLOM. The Senator's question is pretty long. I have asserted the proposition that a proper construction of the bill gives to railroads the right to make combinations or arrangements for a continuous shipment. One railroad makes its own tariff rate, another railroad makes its, and the third makes its tariff of rates, and each one of those roads, so far as its own business is concerned, is to be governed by that tariff of rates.

But here come two roads, or four roads, converging into one, if you please. It is the very same illustration that I gave the other day. One line is composed of roads from Kansas City to Boston by way of Albany; another line is composed of the roads from Chicago to Boston by way of Albany; a third line is composed of a railroad or railroads from Detroit to Boston by way of Albany, and so you may go on. I assert that the rate of one of those lines beginning at Kansas City, if you please, and running to Boston, has nothing to do with the rate of the road that begins at Chicago and goes to Boston, or from Detroit and goes to Boston. In other words, those continuous routes make their own arrangements, just what they please, so far as any other road is concerned, and they are bound thereby, but the other roads are not. So in a shipment from Kansas City to Albany and to Boston, if the Albany and Boston road only got 2 cents for carrying it from Albany to Boston it would not interfere with its right to get 5 cents on the line carrying it from Chicago to Boston by way of Albany, or whatever other sum it might arrange with the other roads.

Mr. SEWELL. The Senator evades the direct question.

Mr. CULLOM. I think not.

Mr. SEWELL. My point was the same ownership, the same individual making all these shipments, and the shipments converging on the same line.

Mr. CULLOM. Does the Senator mean the same ownership of property; the same freight?

Mr. SEWELL. Yes, sir; I mean that a commission merchant in New York will order two or three million bushels from different points, and that freight will converge from different lines. I say under the restriction of this bill that, having accepted the lowest pro rata rate on that portion of the line, the company is restricted from taking a higher rate, although the pro rata would allow it.

Mr. CULLOM. I contend exactly the contrary in my view of the construction of the section. I imagine that any other construction of it would bring upon the railroads and upon the country great confusion. It does not make any difference what the railroad from Chicago to Boston charges if it is one line, or what the railroad from Kansas City to Boston charges if it makes another continuous line. I repeat that the per cent. the railroad gets from Albany to Boston on the shipment from Chicago to Boston has nothing to do with the per cent. that it gets on the line from Kansas City to Boston.

That is the whole case. So the argument of the Senator from Rhode Island [Mr. ALDRICH] with his chart amounts to nothing if my construction and the construction of the conferees on the part of the Senate is to be taken as the correct view of the bill. That is what I contend for, and you can not put any other construction upon it consistent with the business of the country and with the language of the bill itself.

The Senator from Alabama [Mr. MORGAN] is very much exercised on account of the extraordinary powers that are given by the bill and on account of the difference of opinion which seems to prevail in the Senate as to the meaning of the language of the fourth section and other portions of the bill. He says that the Supreme Court oscillates in its opinions upon statutes from year to year. That is true; there is no doubt about it. So if the Supreme Court of the United States has one opinion one year and possibly modifies it another, it is not surprising that any language which may be incorporated in any bill brought in here upon this subject will be differently construed by different Senators upon this floor.

I undertake to say that there are not three men in the Senate who can draught a provision into this bill incorporating the ideas of the fourth section, or upon the short-haul question at all, that will be construed alike by every member of the Senate. I defy any one to do it. We have never supposed until to-day that any man on earth could misconstrue the language when it says that you shall not charge more in the aggregate for the short haul than for the long haul on the same line and going in the same direction, and yet the Senator from Georgia comes in here with a telegraphic account of a decision in North Carolina, which says that those words which everybody here, I think, agreed meant in the aggregate, and not a pro rate per mile per ton, do not even mean what we have all understood them to mean before.

So you see that you may use the plainest language that can be written and yet courts as well as Senators may differ as to the construction of the language when it comes to be applied to the transportation of the country. It is a pretty difficult thing. I have done my best in trying to get something that the country could understand, and at the same time do something that would benefit the people of this country, but I begin to think that I have made an utter failure in getting anything at all that any one ever can understand to mean what I supposed it meant.

The Senator from Alabama refers to the extraordinary powers of the commission, to the fact that the testimony taken by the commission is to be *prima facie* evidence of the truthfulness of the testimony in a court of record. This is not extraordinary. Take some of the State laws of the country to-day. Take the State of Illinois, for instance. The commission of the State of Illinois makes out a freight bill and publishes it. It becomes the law until it is overturned by proof produced by a transportation company that the rates which are fixed in the freight bill are not reasonable and just.

The provision making the testimony taken by the commission as to the conduct of a common carrier *prima facie* evidence is based on the fact that, as we all know, the railroads have locked up within their own control and their own knowledge all the facts which operate on them in making any given rate, and there is no way to get at the facts except by throwing the onus of proof upon them that the rates which they charge are reasonable and not unreasonable and unjust. Is there anything wrong in that?

While I am talking about that I desire to say that one of the ablest railroad commissions in the United States is the railroad commission in New York. The chairman of that commission, Mr. Kernan, a very able lawyer and a very able commissioner, insisted before the select committee of the Senate that unless we did something of that sort the railroads would beat the people every time in a controversy between the railroads and the individual shipper as to whether the rate was reasonable and just or not.

So we incorporated that provision in the bill, but there has been no disposition on the part of the Senate committee, in the first place, or on the part of the conferees, in the second place, to insert any undue provision in the bill that was going to do a great injury to the corporations of the country. That provision, too, was in the bill reported by the select committee of the Senate, discussed here for a month or two during the last session of Congress, and voted in by the Senate of the United States; and yet the conferees of the Senate are berated to-day because there is such a provision in the bill, and that, too, it is said, has come from the conference committee.

The trouble about this whole thing, Mr. President, is in the fact that hardly anybody believed there was going to be an interstate-commerce bill passed by this Congress until the conference committee reported. When I say hardly anybody, I refer to the men who did not believe in any legislation at all that should interfere with the freedom of the railroad companies of the country in doing and charging what they pleased without any power on the part of the people to prevent it.

But when they are met by a conference report, agreed to by the conferees of the two Houses, and it simply becomes a question whether the Senate will adopt the conference report, knowing that when it does in all probability very soon thereafter the bill will become a law, then the men interested on the other side of this question rally to the support of the transportation companies, and they find all manner of difficulties with the bill which has been brought into the Senate.

Sir, it has just come to the point when you have got to face the music and vote for an interstate-commerce bill or vote it down. That is all there is of it. I have nothing more to say. I have discharged my duty as best I know how. I reported on the part of the Senate conferees the bill that is before you. I am not responsible for what the Senate does with it. I am not going to find fault with anybody in the Senate upon the question, whether we concur in the report or reject it, but I warn Senators that the people of the United States for the last ten years have been struggling to assert the principle that the Government of the United States has the power to regulate transportation from one end of this country to the other.

We are now just at the point whether we will decide it or whether we will set the question afloat again for another Congress that comes in after the 4th of March. I am not going to say that I know if the report is not concurred in we shall get no legislation. I shall not say that, but I am going to say that I in my heart believe that it is very doubtful, to say the least, whether, if the report is defeated, we shall get any legislation during the present Congress. So when the Senate acts upon the question my duty will have been done so far as I am able to see it.

I confess that there are provisions in this bill which I do not like. I would have preferred the bill that I, as chairman of the select committee, reported to the Senate. I would have preferred the bill the Senate passed during the last session. I went into the conference committee hoping and struggling to get the bill, pure and simple, that we had passed in the Senate during the last session of Congress. But I could not get it. I understand that if a conferee can not get all that he wants, and all that the body he represents asks for, in a case of vital importance, it is his duty to do the best he can under all the circumstances, and agree, if he can afford to do it consistent with his sense of public duty.

That we did, and we have submitted this report. As I said before, it is for the Senate now to discharge its duty and vote for it or vote against it, as it sees proper. If it shall vote the conference report down, I shall hope that we may get something better in the place of it, and if I had anything to do with the next effort, I should do the very best I could to get a bill more in harmony with my own sense of what is right as well as with the expressions made by Senators in the discussions upon this bill.

But I repeat, every Senator must take his own responsibility in making up his mind, and in the light of the uncertainty of getting any legislation and thereby letting it go out to the country that the railroads are still masters of the situation, you must vote as your judgments may dictate.

I have believed from the time I have given any attention to public affairs that it was necessary to bring into force the provision of the Constitution giving Congress the power to regulate commerce among the States. The Senator from New York [Mr. EVARTS] attacked the bill and said that it was unconstitutional, because, as I understood him, the Constitution was framed on that subject for the purpose of facilitating commerce, and that this was a bill to hinder or to militate against it.

I undertake to say that the purpose of the bill, at least whatever may be the strained construction which has been placed upon it or which may be placed upon it by the transportation companies of the country, has been to facilitate commerce and to protect the individual rights of the people as against the great railroad corporations. I have no disposition to do the railroads of the country any harm. I have no disposition to interfere with their legitimate business. I have no disposition, God knows, to interfere with the commerce of the country, properly conducted. But I do say that it is the duty of the Congress of the United States to place upon the statute-book some legislation which will look to the regulation of commerce upon the railroads so that they

will not treat one man differently under similar conditions and circumstances from another.

It has been said over and over again here that the railroad companies would build up one man and crush another; that their policy has been to destroy one locality or city and build up another. Here we have undertaken to so regulate them as to prevent them from doing those things so far as we could do so.

The Senator from Massachusetts has arrayed a great number of witnesses against this bill from his own city and from other places. While he was making his speech I received a dispatch from a man by the name of Edward Kemble. While I do not now personally remember exactly the individual business in which he is engaged, I do remember that the Senator himself gave me his name before we went to his city to take testimony as one of the men who would be well advised upon the subject, and who would testify before us. Mr. Kemble says, addressing me:

BOSTON, MASS., *January* 14, 1887.

Don't think the action of Chamber of Commerce here can be sustained. I am a member, and an exporter of breadstuffs, and heartily approve your bill.

EDWARD KEMBLE.

Here is a telegram which I received from another citizen of that State who, I believe, was before the committee:

BOSTON, MASS., *January* 8, 1887.

SENATOR CULLOM, *Washington, D. C.*

The interstate-commerce act ought to become a law because the railroad management of late have built up a class of favored shippers, thus putting a premium on dishonesty.

GEO. H. BEAMAN, 168 *State Street.*

I suppose the Senator from Massachusetts knows both of these gentlemen.

Mr. HOAR. May I ask the Senator if he does not see very clearly that both the gentlemen who sent in those dispatches sent them in the belief that the bill does not mean what he says it means, but that it means what the House conferees say; that is, the dispatch shows that the sender wants to break up this system of rebate for the foreign commerce which the Senator thinks will still be preserved by the bill?

Mr. CULLOM. I do not understand that I have a right to draw any such conclusion. These gentlemen have had copies of the bill. There is not a city in the United States where there is a board of trade or a chamber of commerce that has not given almost constant study to the provisions of this bill for the last ten days or more. There is a difference of opinion in reference to what the effect will be upon the commerce of the country.

Since I have been sitting here this afternoon I have received a dispatch also from the city of New York, from the Board of Trade and Transportation of that city, and I ask the Secretary to read it.

The PRESIDENT *pro tempore*. The Secretary will read the dispatch.

The Secretary read as follows:

NEW YORK, *January* 14, 1887.

To Hon. SHELBY M. CULLOM,
United States Senate, Washington, D. C.:

DEAR SIR: We have the honor to transmit herewith a copy of resolutions adopted at the monthly meeting of the New York Board of Trade and Transportation, January 12. This expression represents a membership of more than eight hundred houses of this city in active business, comprising fully two thousand individuals, who have a vital interest in remedying, as far as possible, the evils which attend interstate commerce.

If there is any difference of opinion among them as to the precise effect and desirability of certain of the provisions in this bill it has not been developed, and no organization in this country has given the subject a closer study than this board; there is, however, a substantial concurrence of opinion that something must be done and that the pending bill is the best measure we are likely to get, and should have a fair trial. These are beyond any question the true opinions and views of the active, commercial, manufacturing, and agricultural interests of the State of New York. If the bill proves defective in its workings, it can be amended at subsequent sessions of Congress.

Of course there are favored shippers as well as railroad men who are opposed to any legislation whatever which would insure supervision, however slight, in the public interest, and such persons are very active at the present time in presenting objections to the bill (in fact no bill could be drawn they would not oppose); but it is sincerely to be hoped that the present Congress will not adjourn without giving the country some measure of relief from the evils which now exist in interstate commerce:

Whereas after twelve years of study of the interstate-commerce problem, beginning with the investigation of the Windom committee in 1874 and ending with that of the Cullom committee in 1885, during which the House of Representatives and the Senate have each passed different bills without the other agreeing; and

Whereas an agreement has been reached by a compromise between what was known as the Cullom bill and the Reagan bill by which an interstate commerce bill is now pending before both Houses of Congress; and

Whereas differences of opinion upon some of the ponts involved must necessarily exist in any important bill of this kind.

Resolved, That in the opinion of this board it is the duty of all parties to acquiesce in a fair trial of the best considered measure for this purpose which has yet been before the country, and we believe it to be for the best interests both of the railroads and shippers that the present bill should become a law.

Resolved, That if after fair trial it shall be found to work undue hardship to any interest that this board pledges its influence to secure such amendment as will remedy same.

THE NEW YORK BOARD OF TRADE AND TRANSPORTATION,
By FRANK S. GARDNER, *Acting Secretary.*

Mr. CULLOM. I have also received the following dispatch within the last few minutes from my own State from a former railroad commissioner:

LELAND HOTEL, SPRINGFIELD, ILL., *January*, 14, 1887.

Hon. S. M. CULLOM:

The communities and customers that have been enriched by the vicious methods of rail transportation protest against your bill. Senator HOAR'S argument would sink the general welfare and perpetuate the unjust advantages of those favored communities and branches of business.

RICHARD P. MORGAN, JR.

Mr. President, a word or two more and I shall close. I think the Senator from California [Mr. STANFORD] is perfectly consistent with himself in opposing this bill, because he comes before the Senate and frankly and honestly—and I honor him for it—says that he is against it and states one special reason why. He says that from San Francisco to New Orleans he can only charge a rate that would perhaps give him a dollar a ton, while from San Francisco half way to New Orleans at some uncompeting place he can charge two or three times the amount, and, therefore, he does not want the Government of the United States to interfere with that privilege. He is perfectly honest about it. He states the exact facts I have no doubt, and says he does not want to be interfered with. Well, sir, I dislike very much to favor any bill that would interfere with what the Senator from California believes to be an honest right on his part; but I must insist that, while there may be occasionally an instance such as the Senator referred to, it ought not to stand in the way of general legislation needed to protect the great masses of the people against unjust discrimination by the railroads of the country.

The Senator from Alabama [Mr. MORGAN] says that we had better go slow and remain quiet under the old régime. Well, Mr. President, I remember only a few days ago hearing the Senator from Alabama alleging that the railroads, the common carriers of the country were eating up the people, were destroying the interests of the people. I do not know whether he confined that remark to his own State or extended it to the whole country, but I should have inferred from the language he used against the railroad companies that he would have been in favor of almost any legislation that would in any way restrict them in their reckless disregard of the rights of the people. I can only conclude that the Senator from Alabama would rather that destructive system should go on, as he charged it to exist when he made his speech the other day, without control, than to trust a commission who, he says, are individually liable to corrupt influences, either at the hands of the President or somebody else outside.

Sir, we have got to trust somebody. We must either leave this matter to the discretion and judgment and sense of honor of the officers of the railroad companies, or we must trust the commission and the courts of the country to protect the people against unjust discriminations and extortions on the part of common carriers. Who is it that is most liable to be controlled wrongfully? Is it the President of the United States as against a corporation? Is it an honest commission honestly selected by the President of the United States as against a railroad company? I say that there are not those inducements to be placed in the hands of a set of men selected for their integrity, selected for their ability, selected for their capacity to regulate these railroads and enforce the law, that are left in the hands of the officers of the railroad companies themselves.

I take it that there is somebody honest in this country and that the President of the United States, if this bill becomes a law, will select the broadest-gauge men, the men highest in integrity and intelligence as the men to enforce this law as against the corporations and as a go-between, if you please, between the shippers and the railroads of the country. I am willing to trust them. If they are not honest the President has the right to remove them, and if the shipper is unwilling to submit to their judgment, under this bill he has a right to go directly to the courts. I say that there is not anything that can be done by these corporations against individuals where the shipper himself has not a right to get into court in some way or other if he is not willing to abide by the decision of the commissioners appointed by the President.

Sir, I shall not take up the time of the Senate longer.

Mr. COLQUITT. Mr. President, before the vote is taken I wish to make a few remarks, and only a few, in explanation of the vote that I shall give in support of this bill.

It has not been without a conflict of impressions that I have agreed to cast my vote for the bill. When this bill in its original shape was before the Senate, I made one of the four who voted against its passage. My convictions, my political prepossessions were all against the policy of such legislation. I hoped that the States which created the railroads would exercise their power of control. It is my firm belief that the States alone possess this power. Great as I regarded the causes and the necessity for interposition, I shrank from the risk and the tendency of such interposition on the part of the General Government.

I do not hesitate to say now that if I hoped that the vital matters involved in this bill could be remanded to the State authorities for State adjustment, I would vote again as I did upon the occasion referred to. But I am shut out from such a hope by the ruling of our highest court. Questionable as I regard the soundness of that ruling, I shall

not gainsay it. I respect the voice of that tribunal, and I yield deference to it. I am confronted therefore by this alternative: either to intervene and control by the power of the General Government, or to submit to the domination of corporate wealth and power.

The power to tax and the power to exact tribute of labor and industry is the highest and most dreadful and the most dreaded attribute of sovereignty. Wars and revolutions have sprung from the unjust exercise of it. It is, as quoted by the Senator from New York [Mr. EVARTS] yesterday, "the power to destroy." It is shocking to my sense of popular rights and of popular liberties that a corporation, a body of men associated together for personal ends and personal aggrandizement, shall have the power to exercise this sovereign right without control and without limitation. They have exercised this right and this power, and they have abused the power. A sense of justice, of fair dealing, will not condone such abuses. The spirit of a free people will not tolerate the exercise of such a right.

I make no professions of my estimate of railroads or of the value I attach to them. To do so would be as commonplace and as fulsome as to express gratitude for the blessings of life and of water. But while we rejoice in the normal results which follow upon these ministering agents of civilization and of human progress, we cannot become the defenders or the apologists of their abuses. These have been great and serious. They will continue as long as the temptation lasts. The temptation will continue until men cease to be avaricious.

I therefore think I choose by far the lesser of the two evils when I accept the propositions of this bill; and being forced to elect, I shall give my vote to it; and believing, as I do, that this legislation can only be accomplished by the adoption of the measure before us, and that its reference to a committee, with a view to reinvestigation and readjustment and reharmonizing differences of opinion, will result in no legislation, I shall vote against recommitment.

Mr. DAWES. Mr. President, having paired upon this bill with the Senator from Texas [Mr. MAXEY], I shall not be able to record my vote upon the pending question. I desire simply to state, therefore, that I am in favor of the main features of this bill and of the purpose sought to be obtained by it. But I am convinced that there are provisions in this bill, which have been discussed most ably and elaborately by my colleague [Mr. HOAR] and others, which would, instead of producing the beneficial results sought for and expected of this bill, be most disastrous in their consequences. Therefore, in the hope that a recommitment of this bill may eliminate from it those objectionable features, if I were at liberty to vote I should vote for the recommitment.

Mr. GRAY. Mr. President, I can not cast my vote for the report of the conference committee on this bill without recording my dissent from some of its provisions. I do not believe that it was worth while in a measure so tentative as this to include matters that were incongruous with the main purposes of the legislation proposed, and about the expediency and constitutionality of which there was an honest and wide divergence of opinion. I can not gain my own assent to the proposition that the prohibition contained in the fifth section, as to what is called "pooling," is within the competency of Congress to enact. It would hardly be contended that if it were the only provision of the bill, the power to regulate commerce between the States and foreign nations included the power to interfere with the liberty of contract of those who happened to be engaged in the business of transportation. That the owner of a ship, for instance, engaged in foreign commerce could be forbidden under the guise of a regulation of commerce to dispose of his freight money as he pleased after he had earned it, or to enter into an agreement to dispose of it in a particular way. There is another provision of the bill reported by the conference committee open to criticism, which was, no doubt, intended to be its most conservative feature. I mean the establishment of a commission to which are committed so many and so important powers—legislative, judicial, and executive. These are questions of constitutional power, and may require the attention and construction of the courts.

On the ground of expediency I doubt whether the long and short haul provision will not affect disastrously the commerce of the country.

If I could by a recommittal of the bill hope to see these and perhaps some other defects remedied, I should gladly cast my vote to bring about further conference and consideration as to the wisdom of leaving out these sections of doubtful constitutionality or expediency. But, sir, the parliamentary situation of this report does not admit of such a course. The vote must be to concur or nonconcur in the report of the conference committee, and I believe that the just demands of all interests involved will be best consulted by not allowing this bill, which in its main features is within the constitutional grant of power to Congress, and fairly meets the popular demand for an assertion of that power on the part of Congress to fail.

Time and experience before the meeting of Congress in December next will do more to enlighten and inform the public mind than further debate here can possibly do, and I hope and believe that this great question will be then dealt with in a spirit of liberality and justice to all sections and to all interests, which will be worthy of the patriotism and intelligence of American legislators.

Now, sir, if I am mistaken in what I believe to be the parliamentary situation of the question before the Senate, and it is competent to vote upon a motion to recommit to the committee of conference this bill with or without instructions, I shall be glad to give my vote for such a recommittal; but believing, as I understand the parliamentary situation, that that is not possible, I shall record my vote in favor of the conference report.

The PRESIDENT *pro tempore*. The question is, Will the Senate agree to the report of the committee of conference?

Mr. FRYE. I desire to make a motion to recommit.

The PRESIDENT *pro tempore*. The Senator from Maine moves that——

Mr. FRYE. I will first, if the Chair pleases, move to recommit this report with instructions to the Senate conferees to insist upon the striking out of section 4 as amended and inserting section 4 of the original Senate bill; also upon striking out section 5, which is the pooling clause, and inserting in its place section 19 of the original Senate bill, which is the clause authorizing the commissioners to investigate the matter of pooling, and report at some future day.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the report be recommitted with the instructions named by him.

Mr. CULLOM. I make the point of order on the motion to recommit, and especially on the question of recommitting with instructions.

Mr. HARRIS. I would be glad to ask the Senator from Maine to whom or to what is this bill to be recommitted? Some months ago the House of Representatives adopted an amendment in lieu of the Senate bill. The Senate disagreed to that amendment and insisted upon its disagreement and asked a conference, to which the House assented. Managers on the part of the two Houses were appointed. They conferred; they agreed; and have reported their action to their respective Houses. That committee no longer exists. It has performed the duty assigned it; it has gone out of existence. There is now no committee of conference between the two Houses in respect to this bill.

But suppose the motion of the Senator from Maine is held by the Chair to be in order, and suppose a majority of the Senate sustains it, and I presume the construction would be in the precise form of the motion, that the bill goes back to the same managers who had charge of it before on the part of the Senate; if that be true, suppose our chairman should address a note to the former managers on the part of the House, is it to be presumed that those managers would consent to entertain the proposition? What right have they to respond to any such note and come here to confer with us about the report which they have already made? The House has taken no action upon it, but those conferees have made their report. It is there on file, awaiting the action of the Senate, concurring or non-concurring in the report of the committee.

The object that the Senator from Maine has, or that any other Senator may have who desires a further conference, can be reached in a legitimate and in a parliamentary way if it is sought to reach it and a majority of the Senate shall favor it. When the Senate shall have disagreed to this report, shall by vote have rejected the conference report, it will then be competent and in order for any Senator who chooses to do so to move that the Senate further insist on its disagreement with the House amendment, and ask a further conference with the House in respect to that disagreement.

By that method the object can be legitimately reached, and reached in accordance with parliamentary methods and parliamentary rules and parliamentary law. But the motion to recommit the report of a committee composed of the managers of the two Houses, who have already considered, who have already reported, and who have performed the whole duty that was devolved upon them, the committee having gone out of existence, really seems to me to be entirely out of the question, though I am aware that there is at least one, and possibly more than one, precedent for this proceeding. It is a most vicious precedent, inconsistent with every method of parliamentary proceeding, and a precedent that had better be departed from at the earliest opportunity that the body has to depart from it, than be followed, because it is vicious and wholly contrary to every rule of parliamentary methods and sound parliamentary law.

Mr. FRYE. Mr. President——

The PRESIDENT *pro tempore*. Debate is not in order. The Chair has indulged debate thus far by unanimous consent and is very glad to hear the opinions of Senators.

Mr. FRYE. Will the Chair allow me to reply to the Senator from Tennessee in a few words?

The PRESIDENT *pro tempore*. If there be no objection the Senator from Maine may proceed.

Mr. FRYE. I thoroughly understand that when a committee has made a report in parliamentary law the committee is then discharged; but it is an equally well-settled principle of parliamentary law that a recommitment to a committee revives the committee. There can not be any question at all about that, and the United States Senate has recommitted reports of conference committees.

Mr. HARRIS. Will the Senator allow me to ask him can any action on our part revive a committee of the House of Representatives that has gone out of existence?

Mr. FRYE. We are simply acting as the United States Senate, and we do not look at the House of Representatives at all. We instruct our

conferees; we recommit to our conferees, and if we recommit with instructions, it is to our conferees. It has no reference to the other House at all. They must take the responsibility of their action in the House, and not we.

Why, sir, the Senate has recommitted reports over and over and over again to conference committees. In the case of the well known salary grab, so called, a motion was made in the Senate to recommit that, with instructions, and the Senator from Vermont [Mr. EDMUNDS], then Presiding Officer, ruled that it was in order. The present Presiding Officer of the Senate stoutly maintained that the ruling of the then Presiding Officer was clearly right. The United States Senate, on the contrary, determined, on an appeal, that it was wrong. But that whole discussion proceeded upon this one single idea—that you could not instruct conferees, because the moment you undertook to do so you took from them their character as free conferees. In my judgment, there is nothing in that point. But that was decided by the Senate.

I admit that the Presiding Officer here (notwithstanding his opinion may be that under parliamentary law this motion may be in order) may with perfect propriety cite the ruling of the Senate and decline to accept this motion; but I prefer very much to make the motion with the instructions, for I confess that never before in my life did I listen to a Senatorial discussion and find my mind in such an utter state of confusion as it is following the discussion which has taken place here on this question.

I move to instruct the conferees to strike out the fourth section. I should like to know what the fourth section means from this discussion. I should like to know how I or my constituents are to determine what it means from this discussion. I should like to know what lights have been thrown upon it. The conferees disagree in relation to it; almost every Senator who has discussed it disagrees with the other Senators in relation to it. Boards of trade in Boston and Indianapolis, the Chamber of Commerce in New York, Legislatures of the different States, all absolutely disagree diametrically as to what this fourth section is.

Now, sir, the State of Maine, which I in part represent, is away down at one extreme of this long haul. If this fourth section is what some of the Senators on this floor claim it is—and it seems to me that their claim is sound—then it affects disastrously all the interests of my State; then it levies a tax upon every barrel of flour that comes into my State, upon every bushel of corn, upon all the coal that comes to my State, upon all the cotton that comes to my State; it places an embargo upon every pound of our granite that we desire to send into the interior of this country, upon every pound of ice, upon all our baled hay, and not only an embargo upon the hay, but an increased tax upon our hay and upon our lumber. And I say that, affecting, as one construction of the fourth section does as it stands to-day, the interests of my State, it is my duty, if I can, to have the report recommitted to this committee, and ask them to go back to the fourth section which the Senate passed, instead of creating into law this section about which there is such confusion and such doubt.

As to the fifth section, the pooling clause, there is almost the same confusion about it. One Senator seeming to know about it insists that pooling is a great benefit to the interests of the people of this country. Another Senator insists that within his knowledge it ought to be made a crime and it ought to be punished by a five-thousand-dollar fine, and so on.

Now, it seems to me that the better way is to recommit this bill with instructions to consider these two sections further and to report again; and I say if this motion shall be adopted by the United States Senate it revives in parliamentary law our committee, and they can proceed.

I do not know whether the Chair will adopt the ruling of the United States Senate in the case of the salary grab; and perhaps the Chair remembers that the Senator from Vermont [Mr. EDMUNDS] at the next session of the Senate gathered all the precedents (and there were some eight or ten of them in number), and in a speech of great power that he made to the Senate justified the position which he had taken in his ruling in the matter of the salary grab——

Mr. HOAR. Certainly within one or two years we have overruled the ruling then made by the Senate, on the authority which the Senator cites.

Mr. FRYE. The Senator from Massachusetts himself cited it, and had it read in the Senate.

Mr. HOAR. And the Senate at that time ruled that such a motion was in order.

Mr. FRYE. But the Chair understands perfectly well that a ruling of the Senate on a question of order is of no account whatever. When the last post-office appropriation bill was before the Senate, within one hour's time this Senate ruled diametrically opposite on two different items of that bill involving exactly the same principle. The Senate vote on the merits of a question when a matter of order is presented, and not on a construction of parliamentary law always.

The Senator from Wisconsin [Mr. SPOONER] desires me to add this to my instructions, and I have no objection to it because I think it is a matter of great importance:

Nothing contained in this act shall be so construed as to prohibit any carrier subject to its provisions from making reasonable discrimination by special rate or otherwise in favor of freight of any kind carried for exportation from the United States.

As an amendment, I suppose, to some provision of the bill.

If the Chair should overrule this motion, and the report should then be recommitted without instructions, the conferees of course will distinctly understand what the desire of the Senators who vote for recommitment is. These suggestions will be regarded as instructions, and then I will make the motion to recommit. I suppose no point of order will be made against it.

Mr. EDMUNDS. Mr. President——

The PRESIDENT *pro tempore*. The Senator will be heard if there be no objection.

Mr. EDMUNDS. As my name has been drawn in question about this matter of order, I wish to say that when the salary-grab bill, as it was properly called I think, was up the question that was presented to me, being for the moment accidentally in the chair, was not a question as to whether you could make a motion to recommit as against a motion to agree to a report of a committee of conference, as I remember, but the only question (waiving that—nobody suggested that) was whether it was within the power of either House to instruct their conferees when they could properly appoint conferees and send them to the other House to communicate.

I held that each House had the right to instruct any committee of its own, that it had the right to commit anything to, to do what that House thought it fit should be done. The Senate overruled me against what had been its clear precedent before, as I demonstrated at the next session, and against what I think is the true parliamentary law.

But the question that is now presented, if I correctly understand it, is not the question that was then presented and passed upon. The question that is now presented is not merely whether you may instruct your representatives in a conference when you have them, but having had a conference and the conferees having reported, and pending the question of agreeing to that report, whether you can recommit the subject without having first voted that you will not agree to what they have reported.

If the Senate should vote that they would not agree to this conference report, then I think, as I thought in 1873, that it is perfectly competent for the Senate in again notifying the House that we disagree to their amendment, and insist upon disagreeing to it, and ask a further conference and appoint conferees, to instruct our conferees to do what we think they ought to do, and to insist on what we think they ought to insist upon; but I must say that I think it is clear on the ordinary principles of procedure that the first question which is to be taken in this body is on agreeing to this report.

If Senators are not satisfied with it, we all come to the same result in the end; they will vote "no," and having voted "no," by a majority, then I admit it is perfectly competent in asking a further conference to instruct our representatives to insist on this, that, or the other, as we please. But as the question now is, I submit, with great respect, that the first question must be taken on agreeing to the conference report.

The PRESIDENT *pro tempore*. The Chair supposing that this question might arise has taken occasion to look into the precedents, and finds that Rule XLIX gives to the report of a committee of conference a precedence in being received and considered, but makes no special rule as to the modes of consideration, leaving that to be settled by the order of precedence fixed by the forty-third rule.

The Chair ascertains that in all cases which can be found among the precedents in the history of the country, going back to the beginning of the Government, that the same order of precedence of motions has been applied to the consideration of a report of a committee of conference as is applied to any other question pending before the Senate except only that early in the history of the Government, as early as the close of the last century, it was held by the Senate, and passed as an order of the Senate, although not carried into the rules—

That a motion to amend a report of a committee of conference cannot be made.

But a conference report is open to all the other motions that can be made; for instance, to take a recess, to proceed to the consideration of executive business, to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit, but not to amend. So the Chair is clearly of the opinion that a motion to commit is in order, although it is not a very common practice. There have been some cases found in the books where a motion to commit such a report has been made and has been adopted *nem. con.* The Chair thinks that the motion to commit can be made as a matter of right before the question is put on agreeing to the report itself.

The Chair, in referring to the case which was made somewhat famous, called the salary-grab bill, finds that the ruling of the then occupant of the chair, the Senator from Vermont [Mr. EDMUNDS], was exactly in accordance with this position. A motion was made in that case to instruct the committee of conference which had reported a bill containing what was known as the salary-grab. An objection was made that that motion to commit with instructions was not in order. The then occupant of the chair, the Senator from Vermont, ruled that it was in order. The instructions were held by him to be in order.

That question was debated at some length. An appeal was taken from the decision on the question of instructions, and the Senate overruled the decision of the Chair which held that the instructions were in order, by a very large majority, a vote that clearly indicated the purpose of the Senate to adopt that amendment. The Chair feels himself bound by that ruling unless, as the Senator from Massachusetts says, it has been since overruled. The Chair can find no case where the subject has been brought before the Senate since; but the Chair feels bound to regard that as a precedent and therefore is compelled to hold that the instructions are not in order, but a motion to commit is clearly in order.

It appears that after the instructions had been disposed of in the case referred to, the Presiding Officer said:

The PRESIDING OFFICER. The question recurs on agreeing to the report of the committee of conference.
Mr. WRIGHT. I now move to recommit the report without instruction.
The PRESIDING OFFICER. The Senator from Iowa moves that the report be recommitted to the committee of conference.
Mr. WRIGHT. On that question I call for the yeas and nays.
The yeas and nays were ordered.

Then follows a long debate on the question of recommitting. Finally, by common consent the question was put on the motion to agree, but it was held there that the motion to recommit was in order.

Mr. HOAR. I am unable to affirm with any positiveness of recollection what the Senate did in the recent case, and I am not able to state what that case was, but I have a very distinct impression that within the last year or two this question came up, and that I searched for the precedents and found the argument made by the Senator from Vermont.

The Senator from Vermont, at the next session of Congress, the following December, or whenever the next session was, renewed the subject and fortified his ruling by a citation of authorities from the beginning, and on appealing to that my impression is, though I confess it is a vague recollection on which I should not think for a moment to ask the Chair to depend, that the particular measure on which this particular motion to commit with instructions was made was admitted, and it was so committed on the authority of that collection of precedents.

The PRESIDENT *pro tempore*. The opinion of the Senator from Vermont is here in a speech, but the question has not been decided by the Senate since.

Mr. FRYE. I take no appeal from the ruling of the Chair. I now move to recommit. As I understand it, if this motion should prevail then it will be competent for the Senate to instruct as it pleases.

Mr. EDMUNDS. The Chair holds not.

The PRESIDENT *pro tempore*. The Chair——

Mr. FRYE. After it is recommitted?

The PRESIDENT *pro tempore*. That question has not yet arisen. If the motion to recommit is adopted, the Chair will consider it.

Mr. FRYE. I move to recommit this report.

Mr. EDMUNDS. In reply to what the Chair has said, as I seem to be the general scape-goat of everything that goes wrong in the Senate, I wish to remind the Chair that the point that was before me when I happened to be occupying the place that Vice-President Colfax was entitled to, but had gone out for a moment, was not any question as to the propriety of a motion to recommit, but it solely turned on the question, the other point not being raised at all (and I confess it was not drawn to my attention) of the right to instruct a committee of conference on the part of the Senate when it was proper to have a committee of conference at all.

On that point alone I ruled, and I ruled, as I showed at the next session, according to the uniform precedents both of the Senate and House of Representatives, as was demonstrated by the investigation made by my friend, Mr. Murphy, who is now taking the notes of what I am saying, himself the most careful and impartial and best-informed gentleman in respect to parliamentary history that there is in this Capitol, or, as far as I know, anywhere else.

Nobody undertook to stand up and deny that proposition, that given the case where the matter was in a condition to be considered by a committee you might instruct that committee to do what you chose to instruct them to do. But the Chair now holds that a simple motion to recommit is in order; but where does that leave it? When we send a message to the House that this matter is recommitted to our committee on conference—we can not commit to the others—where does it leave it? The House has not possession of the papers; and when we send them over this notice, where does that leave it? There is nothing that the House can do because there is no pending proposition between the two Houses on the last vote of the Senate except simply to recommit this report to our conferees. We do not express to the House whether we stand by what we have done before or do not stand by it, and there is the difficulty.

So then, with great respect—and I do not mean to appeal or do anything else, because we shall come to the substance of this thing by and by, in spite of all the technicalities and difficulties that may be presented—when we come to the end of this matter after all, whatever the Chair may rule according to his judgment, we come to the substantial question of whether this thing is to be set at sea again or whether we are to take, as some people suppose, our lives in our hands and go on with what we have.

Therefore, every Senator who is willing to trust to this experiment, as it is, will be willing to stand by it and vote against a motion to recommit simply, which the Chair holds to be in order; and every Senator who wants to go to sea in a bowl, and see how in thirty days we can manage to do something better or different, which, when it comes forth, will be open to the same criticisms of language as we have now no matter how clearly you, or I, or anybody else may state it, will come back to the same difficulties of interpretation we have now; so I do not think it is of any practical importance in what way we get at it except as a precedent for the future.

The PRESIDENT *pro tempore*. If Senators will indulge the Chair a moment more, the Chair, upon the question of the motion to commit, finds this rule:

When a question is pending no motion shall be received but—

The motion which the Chair has already read, including the motion to commit, and the Chair does not know from his own experience any question that ever came before the Senate of the United States that was not open to a motion to commit. A motion to commit is a favorite motion in parliamentary rules, to refer a matter to a committee for information.

In regard to the committee of conference, the committee of conference is still in existence. The report of the committee of conference has not been acted on in either House. The committee remains in existence until the conclusion of the action of the two Houses on the report of the committee.

Mr. HARRIS. If this motion shall prevail, how does the Senate get in communication with the House of Representatives to act on this matter?

The PRESIDENT *pro tempore*. The Chair would think the papers, with the action of the Senate, would be at once communicated to the House of Representatives.

Mr. HARRIS. The papers go to the committee if they are committed, and to the Senate committee, and the Senate has no papers to send to the House of Representatives.

Now, exactly how, by this very unusual proceeding, we are ever to get in communication with the House of Representatives on this subject, unless we take action one way or the other, agreeing or disagreeing to the report, and then send a message to the House informing them of the action we have taken, accompanied by the papers, I confess that I can not see.

Mr. DAWES. I should like to inquire of the Senator what occasion there is to send any message to the House of Representatives until there is final action upon the report of the committee? Suppose a motion is made to lay this on the table and it is carried, you do not send a message to the House. The House waits for final action by the Senate upon the report of the committee of conference before they take it up. When final action is had, a message is sent to the House communicating that fact.

Mr. HARRIS. That is all very true; but if the Senator from Massachusetts will allow me, the two Houses have appointed managers; they have met and conferred; they have made their report to both Houses. How are you going to communicate with the House of Representatives?

Mr. DAWES. The committee on the part of the other branch do not make a report until they hear of final action here, for we have possession of the papers, and we deal with our committee, having possession of the papers. When we have taken some final vote it makes an end of this matter, and they get a communication to that effect, and then the report is made there.

Mr. HARRIS. I do not propose to appeal from the ruling of the Chair, though I am satisfied that it is wholly inconsistent with parliamentary law and every proper parliamentary usage; but I do desire to say that, in view of the weeks which have already been spent in conference on these disagreeing votes, and in view of the additional fact that I chance to know that two of the managers on the part of the House are each more than a thousand miles from here, and probably will be away for a week or two, or three or four, I am satisfied as to what the effect of recommittal is to be if a majority of the Senate shall recommit. It is an indirect method of killing this bill. Why, I would greatly prefer myself to confront the responsibility and either agree to it or kill it direct rather than by shrinking from that responsibility and slaughtering it by indirection.

But I think the conferees, three of the House of Representative and three of the Senate, who spent two or three weeks day by day and almost every day in considering this question, would, without one dissenting voice, agree with me when I say we never got to an agreement that approximates more nearly the views of the Senate as expressed by the bill which passed than the measure now before us. This motion, if adopted, whether so intended or not, will inevitably have the effect of killing the bill; and I desire that every Senator should vote upon the question with a knowledge of the fact that his vote to recommit is a vote to destroy and a vote to defeat legislation on this subject.

Mr. HAWLEY. I understand that the motion to recommit is the one immediately before us.

The PRESIDENT *pro tempore*. That is the question before the Senate.

Mr. HAWLEY. I object very decidedly to being told that if I vote for that I am to be justly chargeable with the defeat of the bill, should such a defeat ensue. I do not indulge in that distrust of the Senate manifested by the Senator from Illinois.

I admire him for his zeal in this matter, for the interest he has displayed in the investigation, the vigor with which he has advocated the measure; but I think I am justified in saying that a majority of the members of the Senate believe that the bill must be amended. I think a majority believe there are serious defects in it; defects well worth consideration and well worth another attempt at adjustment; I am led to believe that quite a number of Senators will vote against it. I know from conversation that there are many who will vote for it who criticise it very severely, and you have an illustrious example of that in the speech of the Senator from Kansas [Mr. INGALLS].

I am not to be driven by the intimation that I am to be considered an enemy of action on this subject because I vote for recommittal. The New York Chamber of Commerce made it known to us that, while in favor of the general proposition of the bill, there were two serious objections to it. Now, the Board of Trade send us a communication to-day urging us to vote for the bill, but they also intimate that there are objections, because they say it is the best we can get. I prefer to make another attempt to disappoint the New York Board of Trade, and show them it is not the best we can get.

I think it would have been an extraordinary, an illogical proceeding if we had been compelled to come to a vote direct upon concurrence without first making an attempt to improve. I might have felt bound then to vote against the report, and then I should have been recorded upon the final vote passing the bill as opposed to the measure, which I am not. I very much prefer the original Senate bill. I think that all the Senators who voted for the original Senate bill (and they were all but four of the Senate, I believe) to-day prefer that original bill. Now, why, for what reason in the world, shall we hesitate to see if we can not improve it?

I shall vote very cheerfully, very gladly, for the motion to recommit, and while I expect to vote for the measure, I will not promise until the last moment. I reserve my judgment till the end.

Mr. EVARTS. Mr. President, what is desired now is that we should come as promptly as possible to the passage of the best bill regulating this subject so far as it should be regulated. We are nearer now to the passage of such a bill than Congress has ever been before, and we are nearer to being able to remove the objectionable features of this legislation and passing a bill that in substance shall not only be compatible with the public interest, but in furtherance of the special interest that has stimulated this kind of legislation, and nearer to having it in a shape that shall be received without repugnance and with a general desire to advance and complete the legislation in the sense for which it has been sought.

I shall vote, therefore, to recommit, believing by that vote I shall bring the Congress and the country nearer to a good bill than by any other vote; and I insist that under the discussion of the last few days it is apparent that we are getting nearer to the passage of a bill by giving our concurrence at once to recommit. We have not come as near to a good bill as we shall come if we adopt the proposition to recommit.

Mr. CULLOM. I only desire to say one word. I am not disposed to take an appeal from the decision of the Chair, and I am not disposed to charge that any Senator who votes for a recommittal is against any legislation on the subject; but I do desire to say that I regard, and I think every Senator must regard, this vote to recommit as a test vote on the question.

Mr. HAWLEY. I protest that it is not.

Mr. CULLOM. I think it is.

Mr. FRYE. I ask for the yeas and nays on the motion.

The PRESIDENT *pro tempore*. The yeas and nays are demanded.

The yeas and nays were ordered.

Mr. HOAR. We have forty-nine days more of this session, a period of time in which the Senate and the House many times have dealt with, matured, and considered in every part thirteen great appropriation bills; and it is utterly ridiculous, it seems to me, with all due respect, to say that the doubtful question of construction as to the meaning of this bill which has been raised here can not be settled between these conferees unless anybody means to say, which is not to be supposed for a moment, that they will not make an attempt to have this bill made clear in accordance with their claim as to its meaning.

Mr. CONGER. Mr. President, I think for about seventeen years, in the House and in the Senate, the attempt has been made, from session to session, almost continuously, to have passed some interstate-commerce bill. The Committee on Commerce of the House for years undertook to prepare such a bill and secure its passage, the best bill that could be prepared, with seemingly a majority in the House and in the Senate approaching unanimity almost, as we thought at the period of its adoption, and yet by one process or another it has been cast aside, and there has never been an actual passage of any bill whatever. That has been so in the House for years, and so in the Senate.

I voted for this bill as it passed the Senate. I preferred and should prefer now to vote for the present bill if it could be amended so as to be just as it was when it passed the Senate. I have received from my own State communications from very respectable and intelligent people familiar with these subjects, advising me that, in their opinion, some of the provisions of this bill are dangerous to the business interests of the country. I took all that into my consideration; but I believe from the observations I have made in the long years that have passed; from the facility with which the passage of any bill of this kind has been prevented, that unless we accept this report of the committee of conference and pass this bill there will be no bill passed during this session of Congress.

I shall therefore vote against recommittal. I shall therefore vote to agree to the report of the committee, although I might desire that some of the provisions of the bill might be changed. And, sir, I consider that the passage of this bill, in its effect upon the public mind, in its effect upon railroad administration, will be very beneficial and desirable, not only to the railroads themselves as indicating what the will of Congress is in that direction, but in quieting the apprehensions of the vast body of the people of the United States that the Congress of the United States has refused to give them the relief which they have demanded so imperatively heretofore, and never with more positive affirmation than now.

So, sir; I shall vote against recommittal; so I shall vote in favor of agreeing to the report of the committee, not because it suits me in all respects, not because it suits very many of the people of my State, but because I think this is the last opportunity of the session to pass any bill whatever on this subject.

The PRESIDENT *pro tempore*. The question is on the motion to recommit the report, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. HAMPTON (when Mr. BUTLER'S name was called). My colleague [Mr. BUTLER] is paired with the Senator from Nebraska [Mr. VAN WYCK]. Were he present, my colleague would vote "yea."

Mr. BECK (when Mr. CAMDEN'S name was called). The Senator from West Virginia [Mr. CAMDEN] requested me to announce his pair with the Senator from California [Mr. STANFORD]. The Senator from West Virginia, if present, would vote "nay."

Mr. DAWES (when his name was called). I am paired on this bill, and all the questions connected with it, with the Senator from Texas [Mr. MAXEY]. If he were present, I should vote "yea."

Mr. BLACKBURN (when Mr. KENNA'S name was called). The Senator from West Virginia [Mr. KENNA] is paired with the Senator from New York [Mr. MILLER]. Were the Senator from West Virginia present, he would vote "nay."

Mr. COKE (when Mr. MAXEY'S name was called). My colleague [Mr. MAXEY] is paired with the Senator from Massachusetts [Mr. DAWES]. If he were here, my colleague would vote "nay."

Mr. MORGAN (when his name was called). I am paired with the Senator from Indiana [Mr. VOORHEES]. If he were here, I should vote "yea."

Mr. VANCE (when Mr. RANSOM'S name was called). My colleague [Mr. RANSOM] is absent on account of illness.

Mr. CULLOM (when Mr. VAN WYCK'S name was called). The Senator from Nebraska [Mr. VAN WYCK] wrote me a note asking me to pair him in favor of the bill. I am satisfied he would vote "nay" on this motion.

The roll-call was concluded.

Mr. MORGAN. I am informed that some arrangement has been made by which the pair between myself and the Senator from Indiana [Mr. VOORHEES] has been changed to a pair between the Senator from Indiana [Mr. VOORHEES] and the Senator from New Jersey [Mr. MCPHERSON]. If that be so, I vote "yea."

Mr. SEWELL. That is so.

Mr. MORGAN. I vote "yea."

Mr. SEWELL. I desire to say, on behalf of my colleague [Mr. MCPHERSON], who is obliged to be absent, that he desired to be paired in favor of the recommittal of this bill, although he is in favor of the passage of the bill in case the motion to recommit fails.

The result was announced—yeas 25, nays 36; as follows:

YEAS—25.

Aldrich,	Frye,	Mitchell of Oregon,	Sewell,
Blair,	Gray,	Mitchell of Pa.,	Sherman,
Brown,	Hale,	Morgan,	Spooner,
Cameron,	Hampton,	Morrill,	Williams.
Chace,	Hawley,	Payne,	
Cheney,	Hoar,	Platt,	
Evarts,	Mahone,	Sawyer,	

NAYS—36.

Allison,	Conger,	Harris,	Sabin,
Beck,	Cullom,	Ingalls,	Saulsbury,
Berry,	Dolph,	Jones of Arkansas,	Teller,
Blackburn,	Edmunds,	Jones of Nevada,	Vance,
Bowen,	Eustis,	McMillan,	Vest,
Call,	Fair,	Manderson,	Walthall,
Cockrell,	George,	Palmer,	Whitthorne,
Coke,	Gibson,	Plumb,	Wilson of Iowa,
Colquitt,	Gorman,	Pugh,	Wilson of Md.

ABSENT—14.

Butler,	Jones of Florida,	Miller,	Van Wyck,
Camden,	Kenna,	Ransom,	Voorhees.
Dawes,	McPherson,	Riddleberger,	
Harrison,	Maxey,	Stanford,	

So the motion to recommit was not agreed to.

Mr. CULLOM. I suppose the question now is on agreeing to the conference report?

The PRESIDENT *pro tempore*. The question now is on agreeing to the conference report.

Mr. DOLPH. Mr. President, I shall detain the Senate but a moment. I have so far taken no part in the discussion of this measure, preferring to leave that for those better qualified by experience and study of the question to speak upon it. I shall not discuss it now; but I desire before the vote is taken upon the report of the committee to briefly give my reasons for the vote I expect to cast.

I have no doubt that Congress has power under the Constitution to make needful rules for the regulation of interstate commerce. Just how far provisions fixing rates and prescribing rules for transportation will be upheld I am unable to say. It will probably be held that the rates fixed and the rules prescribed must be reasonable, and reasonable regulations will no doubt be upheld. There is, beyond question, I think, a general demand for Congressional legislation upon the subject of interstate commerce, and a general belief also that the pending bill, as agreed upon in conference committee, should become a law, and I am not sure but that the provisions of the bill which to me appear to be the most questionable are the most popular.

I fear, however, that the provisions of the bill concerning long and short hauls, as left by the Committee on Commerce, if construed strictly, will work to the disadvantage of the West, and so injuriously affect the whole country; but I do not think upon the whole it will be seriously detrimental to the State I have the honor in part to represent. I was much impressed with the forcible, lucid, and terse statements of the senior Senator from California upon the subject of long and short hauls, and as to the effect which, according to his judgment, the provisions of the pending bill upon that subject will have upon the Pacific coast, and if I construed the fourth section of the bill as he does I could not vote for the report, but I am inclined to think that the section is flexible enough to be adapted to the evident necessities of commerce in cases of long hauls from competitive points mentioned by the Senator.

I think that under this bill, if it becomes a law, a portion of the through traffic from the East to the Pacific coast will be transferred to the Canadian Pacific and to sailing vessels passing around the Horn, and that the rates of transportation from New York and Boston to San Francisco and Portland will probably be somewhat increased and local rates may not be reduced. Ocean transportation and the Canadian Pacific will, however, to a great extent, regulate the rate of freight for transcontinental traffic whether this bill becomes a law or not.

I doubt, however, whether freight rates from the East to interior towns along the transportation lines will be increased, and the bill, I think, will be beneficial, if it has any effect, to the farmers of Oregon and Washington Territory, as the agricultural products of that region reach the seaboard upon the Pacific by comparatively short hauls and are shipped to foreign markets around Cape Horn; and it is quite possible that if the effect of the bill is to increase the cost of transportation of the wheat of Dakota, Minnesota, Wisconsin, and Iowa to the seaboard it will to some extent increase the value of wheat in Oregon.

The question is so complicated, important, and far-reaching, however, that I should have preferred to have left it for further consideration after investigation and report by the commission to be created by the bill, and would now vote, if I had opportunity to do so, to modify the provision. If I could have been convinced that by a further conference and an agreement the provision in question would have been modified, I should have been inclined to favor that course, but I am in favor of some legislation upon the subject of the regulation of interstate commerce at the present session of Congress; and the friends of the measure contend, and it is quite probable, that if the conference report is not adopted legislation upon the subject at this session is impossible.

I see no practicable way, therefore, of amending the bill by striking out the provisions I think of doubtful utility, or even of preventing by my vote their enactment into law. If I must either vote for the provisions as they stand in the bill concerning long and short hauls, or place myself by my vote in apparent hostility to the entire measure, and that without being able to accomplish anything practicable, I shall vote for the bill as it stands. I voted for the Senate bill and prefer it to the bill as agreed upon by the committee.

The States in my judgment which will be most disastrously affected by the pending bill if it becomes a law will be the grain-producing States of the Upper Mississippi Valley, but the representatives of those States upon this floor generally support the bill, and I do not feel called upon to set up for their protection my judgment against theirs.

It is quite possible also that the effect of the bill upon the Western States will not be as detrimental as supposed. It may be well to let the experiment be tried so that further legislation upon the subject may be had in the light of experience under the operation of the law. At all events, I am not disposed to be so tenacious of my own opinion concerning one or two provisions of the bill as to by my vote prevent any legislation upon the subject.

Mr. BLAIR. Mr. President, the State which I have the honor in part to represent has a population just about equally divided, on the one hand agricultural, on the other mechanical, or engaged in those pursuits and occupations which are to a great extent dependent upon agriculture.

The agriculture of the State is not such, however, as to afford sustenance or a sufficiency of the productions of the earth for the supply even of the farmers of the State, so that it is a fact in regard to New Hampshire more than it is true in regard to any other State in the Union, that our agricultural citizens as well as the remaining half of our population are dependent upon the far West for breadstuffs and provisions of every description to a very great extent. Probably at least five-sixths of the flour consumed in our State comes from the Northwest, perhaps even a larger proportion, and the corn that feeds our animals, and by the use of which our lumbering and other operations are carried on, comes very largely from the West.

On the other hand, the mechanical and manufacturing products of our State find there their chief market, and thus it is that in New Hampshire the question of the long and the short haul is the all-important question.

With such consideration as I have been able to give to this provision of the bill now that it has been pending these many years it is entirely clear to my mind that its inevitable operation, if it be an honest bill and be honestly enforced, will be very largely to increase the cost of the long haul.

If it be so its operation will be detrimental to the interests of my State in both respects. It will increase the cost of a large proportion of that which we buy and it will diminish the value of that which we manufacture and sell.

I am satisfied, too, that the provision with reference to the lessening of the expense of the short haul by limiting it to the expenditure of the long haul will not be practically of any efficient service to our State, and in fact I do not believe it will be anywhere.

I do not believe it will operate to diminish the cost of the short haul, and for this reason: A reasonable compensation will always be allowed to the capital of the railroads or of the transportation companies. Such rates of fare and freight will always be held to be reasonable as will yield a fair income on the value of the property and the services which are employed in the business of transportation.

If that be the case, and the income be not derived from one source, it will be reasonable to derive it from another, and if by virtue of law or in any way return for the long haul be diminished or inordinately increased, then the amount of revenue to be received from the short haul will be increased or will be lessened in the same way by the rigid rule of law which may be adopted. So that whatever may be deducted from the short haul at those stations where the amount may exceed the aggregate which is paid from the point of competition will be made up on the other intervening points between the two points of competition.

There may be a general evening or leveling of the cost of the short haul between the points of competition, but whatever is lost at one point of the short haul may be made up at another, and thus the aggregate of the receipts of the short haul will remain the same in any case, and the actual taxation to the people will be the same under the operation of this bill that it is under existing conditions. Thus the general benefit which it is anticipated will be derived to the shippers of the country at large will not be realized under the operation of this act.

I believe the operation of this bill will be to the injury of the consumers of the State which I represent, and from that standpoint I oppose the bill, and I oppose it all the way through. I voted for its recommittal, and on the final question I shall vote to disagree to the report.

The PRESIDENT *pro tempore*. The question is on agreeing to the report.

Mr. HARRIS, Mr. HAWLEY, and others called for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULLOM (when Mr. DAWES's name was called). The Senator from Massachusetts [Mr. DAWES] left the Senate Chamber a few moments ago and asked me to announce his pair with the Senator from Texas [Mr. MAXEY] and to state that he would vote against the motion to agree to the conference report.

Mr. COKE. I will announce now that my colleague [Mr. MAXEY] who is paired with the Senator from Massachusetts [Mr. DAWES], if here, would vote "yea."

Mr. BLACKBURN (when Mr. KENNA'S name was called). The Senator from West Virginia [Mr. KENNA] is paired with the Senator from New York [Mr. MILLER]. Were the Senator from West Virginia present he would vote "yea;" and his colleague [Mr. CAMDEN] is paired with the Senator from California [Mr. STANFORD]. Were Mr. CAMDEN present he would vote "yea."

Mr. SEWELL (when Mr. MCPHERSON's name was called). My colleague [Mr. MCPHERSON] if present would vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Indiana [Mr. VOORHEES]. If he were present I would vote "nay."

The roll-call was concluded.

Mr. BECK. I was requested by the Senator from New Jersey [Mr. MCPHERSON] to say that while he was in favor of the recommittal of the bill, he was in favor of its passage, and if present would vote "yea." The Senator from Indiana [Mr. VOORHEES] would also vote "yea."

Mr. HAMPTON. I announce again the pair of my colleague [Mr. BUTLER], who would vote against the bill if he were present.

Mr. GORMAN. Before the vote is announced, I wish to state that my colleague [Mr. WILSON, of Maryland], who is not present, I understand is paired with the Senator from Virginia [Mr. MAHONE]. At all events, if he were present he would vote "yea" on this proposition.

The result was announced—yeas 43, nays 15; as follows:

YEAS—43.

Allison,	Edmunds,	Ingalls,	Sawyer,
Beck,	Eustis,	Jones of Arkansas,	Sewell,
Berry,	Fair,	Jones of Nevada,	Sherman,
Blackburn,	Frye,	McMillan,	Spooner,
Bowen,	George,	Manderson,	Teller,
Cockrell,	Gibson,	Mitchell of Oreg.,	Vance,
Coke,	Gorman,	Palmer,	Vest,
Colquitt,	Gray,	Plumb,	Walthall,
Conger,	Hale,	Pugh,	Whitthorne,
Cullom,	Harris,	Sabin,	Wilson of Iowa.
Dolph,	Hawley,	Saulsbury,	

NAYS—15.

Aldrich,	Chace,	Hoar,	Payne,
Blair,	Cheney,	Mahone,	Platt,
Brown,	Evarts,	Mitchell of Pa.,	Williams.
Cameron,	Hampton,	Morrill,	

ABSENT—17.

Butler,	Jones of Florida,	Morgan,	Voorhees,
Call,	Kenna,	Ransom,	Wilson of Md.
Camden,	McPherson,	Riddleberger	
Dawes,	Maxey,	Stanford,	
Harrison,	Miller,	Van Wyck,	

So the report was concurred in.

ADJOURNMENT TO MONDAY.

Mr. CAMERON. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

Mr. HARRIS. I move that the Senate adjourn.

The motion was agreed to; and (at 11 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, January 17, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 14, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

SANITARY CONDITION OF TREASURY BUILDING.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting reports upon the sanitary condition of the Treasury building and recommending changes in the system of sewerage and ventilation; which was referred to the Committee on Appropriations, and ordered to be printed.

HARBOR OF REFUGE AT LUDINGTON, MICH.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with inclosures, a communication from the Pere Marquette Lumber Company, and recommending that authority be granted by Congress to accept the tendered donation by that company of land to be used in constructing a harbor of refuge at Ludington, Mich.; which was referred to the Committee on Appropriations, and ordered to be printed.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House bills of the Senate of the following titles; which were read twice, and referred as indicated:

The bill (S. 909) for the relief of the legal personal representatives of Henry W. Sibley, deceased—to the Committee on Claims.

The bill (S. 933) for the relief of M. C. Mordecai—to the Committee on Claims.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SMALLS, indefinitely, on account of important business.

To Mr. SPRIGGS, indefinitely, on account of important business.

To Mr. MORGAN, indefinitely, on account of sickness in his family.

To Mr. HIESTAND, for two days, on account of important business.

To Mr. GIBSON, of West Virginia, indefinitely, on account of ill health.

To Mr. BARRY, for the remainder of the week, on account of sickness.

REPRINT OF REPORT.

The SPEAKER. The gentleman from Missouri [Mr. HATCH] asks unanimous consent that an order be made for reprinting report No. 1234 upon the bill (H. R. 7208) the previous edition having been exhausted.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. BUCHANAN. I ask unanimous consent that the bill (H. R. 1413) which was yesterday referred to the Committee on Claims, be taken from that committee, the Senate amendments disagreed to, and the conference requested by the Senate agreed to. This motion was objected to yesterday by the gentleman from Virginia [Mr. TUCKER], who has informed me that he withdraws his objection.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 1413) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas.

The SPEAKER. This bill was referred to the Committee on Claims yesterday morning. The gentleman from New York asks unanimous consent that the committee be discharged from its further consideration, that the Senate amendments be non-concurred in, and that the House agree to the request of the Senate for a committee of conference.

Mr. SPRINGER. I think the amendments had better be considered in the committee.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] objects.

Mr. MORRISON. I am directed by the Committee on Rules to present the privileged report which I send to the desk.

The report was read, as follows:

The Committee on Rules, to which was referred the resolution of January 10, 1887, providing for the consideration of Senate bills on Fridays the 14th and 21st days of January, 1887, have had the same under consideration, and report the same back to the House with the recommendation that it be adopted.

Mr. SPRINGER. I ask my colleague to allow me to offer an amendment which I send to the desk.

The amendment was read, as follows:

On either of said days it shall be in order to consider any bill on the House Calendar referring private claims to the Court of Claims for a judicial ascertainment of the facts.

Mr. MORRISON. I move the previous question on the adoption of the report.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] proposes the amendment which has just been read. Does the gentleman [Mr. MORRISON] yield for the amendment?

Mr. SPRINGER. I ask that the amendment be again read.

The amendment was again read.

Mr. SPRINGER. There is only one bill of that kind, Mr. Speaker.

Mr. BURROWS. That takes us out of the line of the consideration of Senate bills.

Mr. SPRINGER. The amendment refers to only one bill.

The SPEAKER. The amendment does not provide for one bill, but for "any bill."

Mr. SPRINGER. Any such bill on the House Calendar.

Mr. BURROWS. But not a Senate bill.

The SPEAKER. Does the gentleman from Illinois [Mr. MORRISON] yield for the amendment?

Mr. MORRISON. No, sir; I have no objection to the amendment myself, but there seems to be objection by other members, and to avoid complications I demand the previous question.

Mr. BURROWS. As the rule is reported from the committee, it will go into operation to-day.

Mr. MORRISON. It is intended to go into operation to-day.

The previous question was ordered.

Mr. STRUBLE. I ask that the resolution itself be read.

The Clerk read as follows:

Resolved, That the 14th and 21st days of January, 1887, after the morning hour, be set apart for the consideration of Senate bills on the Private Calendar of the House, except pension bills the consideration of which is already provided for at the Friday evening sessions.

Mr. BURROWS. I suppose that under that rule the bills would be taken up in their order?

The SPEAKER. In the order in which they stand on the Calendar.

The resolution was agreed to.

Mr. MORRISON moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THE NUEVO MOCTEZUMA.

Mr. DUNN. Mr. Speaker, I rise to renew my request that the

Senate bill which was objected to by the gentleman from Virginia [Mr. TUCKER] yesterday be put upon its passage.

The SPEAKER. Is the objection withdrawn?

Mr. DUNN. The objection has been withdrawn. The bill was read yesterday, and I now ask that it be put upon its passage.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 2791) to provide for an American register for the steamer Nuevo Moctezuma, of Philadelphia, Pa.

The SPEAKER. Is the reading of the bill again demanded?

Mr. DUNN. The bill was read yesterday.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. DUNN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. If there be no objection a bill on the House Calendar (H. R. 10199) for the same purpose as the bill just passed will be laid on the table.

There was no objection, and it was so ordered.

HENRY A. PAUS.

Mr. O'DONNELL. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 1261) for the relief of Henry A. Paus, and that the same be put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion resting upon the military record of Henry A. Paus, late a private in Company K, Nineteenth Regiment Illinois Volunteers, and to issue to the said Henry A. Paus an honorable discharge from said organization as of the 20th day of April, 1862; and the said Henry A. Paus shall be entitled to the same pay, bounties, and benefits as if he, on said 20th day of April, 1862, had been lawfully discharged or mustered out of Company K, Nineteenth Regiment Illinois Volunteers.

Mr. TAULBEE. Is there a favorable report upon that bill?

Mr. O'DONNELL. Yes, sir.

Mr. McMILLIN. Let the report be read.

The report (by Mr. WOLFORD) was read, as follows:

The bill authorizes the Secretary of War to remove the charge of desertion resting upon the military record of Henry A. Paus, late a private in Company K, Nineteenth Regiment Illinois Volunteers, and that an honorable discharge issue to said soldier from that organization. It also declares him entitled to the same pay, bounties, and benefits to which he would have been entitled if he had been so honorably discharged.

Your committee referred the bill to the Secretary of War for report and information, and received in response a letter, of which the following is a copy:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February 12, 1886.

SIR: I have the honor to return herewith a bill (H. R. 1261, Forty-ninth Congress, first session) for the relief (removal of charge of desertion) of Henry A. Paus, late of Company K, Nineteenth Illinois Volunteers, referred by the chairman of the House Committee on Military Affairs for whatever the records of this office may afford, and the views of the Department relative to the case, and in compliance with your instructions on letter of transmittal, to report as follows:

The name of Henry A. Paus is not borne on any rolls of Company K, Nineteenth Illinois Volunteers, but one August Paus was enrolled June 17, 1861, to serve three years in said company and regiment, and served therein until reported "absent, sick at Nashville, Tenn., since March 17, 1862." On muster-roll of company for July and August, 1862, he is reported "deserted July 11, 1862," and on muster-out roll of company dated July 9, 1864, as "deserted April 20, 1862, at Nashville, Tenn." On November 11, 1862, he was enrolled as Henry A. Post, to serve three years in Company F, Sixth Iowa Cavalry, and served in that organization until October 17, 1865, when he was mustered out with company.

The following is a synopsis of evidence heretofore filed in the office, with a view to removal of the charge of desertion:

Henry A. Paus states that on the breaking out of the rebellion he had recently become a citizen of the United States, and was inexperienced in the military service; that he enlisted in Company K, Nineteenth Illinois Volunteers, and, after a few months' service, was stricken down with fever, and was sick for many months; that he was sent home on sick furlough, and when it expired he was too ill and feeble to return, and being badly posted in the geography and laws of the country, he did not know how to act. Upon his partial recovery, he was informed that a cavalry regiment was being organized, and believing that he could render effective service in that branch, and knowing that he could not serve as a foot soldier, he enlisted in Company F, Sixth Iowa Cavalry.

Mrs. Anna Paus, widow of Louis Paus, deceased (mother of Henry A.), swore that when Henry A. came home on furlough, in the spring of 1862, he was very sick and low with a fever, from which he did not recover for several months; although anxious to return, he was physically unable to do so.

Dr. Louis Verget certified that Paus was under his treatment, suffering from malarial fever, in the summer of 1862.

Albert Heller, formerly private, Company K, Nineteenth Illinois Volunteers, swore that he went home with Paus in April, 1862, both having sick furloughs, and that it was impossible for Paus to "get back to the command in time."

On October 14, 1884, the attorney in the case (Hon. J. Ambler Smith, Washington, D. C.) was informed that the Secretary of War, upon careful consideration of the case, was of the opinion that the recent act of Congress, in respect to the removal of the charge of desertion, was intended by Congress, while increasing the Secretary's power in some respects, to indicate all the cases which in the opinion of Congress it was proper for him to act upon favorably; that it is not provided that the charge of desertion may be removed from the record of a soldier who deserted while on sick leave and then enlisted in another command; that the statute provides for his return to his own command as soon as the physical disability was removed; that this case is not, therefore, within the statutes, and the charge can not be removed; the action of the applicant was desertion, under the law. It is proper to say that his act does not appear to have come from a desire to avoid rendering military service, or from any improper motive. It is a case in which the relief would be granted if it were not considered to be beyond the lawful power of the Department.

I am, sir, very respectfully, your obedient servant,

R. C. DRUM,
Adjutant-General.

THE SECRETARY OF WAR.

It would appear from all the evidence that this man was a good and faithful soldier; that he served until broken down by sickness, on account of which he went home on sick furlough. He did not recover as soon as expected, and being too ill and feeble to go back to his command, as well as ignorant of the laws and the country, he having only recently come to America, he did not return. As soon as he was able he assisted in the organization of a cavalry regiment, Company F, Sixth Iowa Cavalry, and served therein three years, until the close of the war, when he was honorably discharged. He served in all nearly four years without receiving any bounty, and was during that time four times promoted and twice wounded.

The report of the War Department shows that this is in no sense anything more than a mere technical desertion; that it was rather the result of ignorance and because he thought he could render more effective service in a cavalry regiment than he could on foot, and "not from any improper motive." The Department would grant the relief if they had the power, and consider it a proper case for such action.

Your committee are of opinion that this soldier was not a deserter in fact, nor guilty thereof in any moral sense, but his case yet falls, technically, within that class under the application of the 50th Article of War, which reads as follows:

"No non-commissioned officer or soldier shall enlist himself in any other regiment, troop, or company without a regular discharge from the regiment, troop, or company in which he last served, on penalty of being reputed a deserter and suffering accordingly."

This article reproduces one of the earliest of the rules and regulations adopted for the government of the British army, and was no doubt the outgrowth of feudal customs. It is not now, if indeed it has ever been, strictly applicable to our service in the sense in which it was intended to apply. The leaving of one organization and enlistment in another constitutes technical desertion, but it is in no sense a desertion from the service or what is understood in military parlance as desertion of the flag.

This case does not come within the provisions of the act of August 7, 1882, as this soldier enlisted in another command instead of returning to his old regiment.

Your committee, after a careful review of the whole case, believe that this act will do justice to a brave soldier, and therefore report back the bill with a recommendation that it do pass.

Mr. McMILLIN. Mr. Speaker, it appears that this young man enlisted and served during the war, and that there was simply a change of regiment. He probably acted in ignorance of the law, and I do not object.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. OATES. I object.

O. F. ADAMS.

Mr. SKINNER. I move that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 9868) for the relief of O. F. Adams, and that it be now put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the sum of $1,450 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay O. F. Adams, of Washington, N. C., for services rendered the Government during the war between the States.

The report from the Committee on War Claims (by Mr. REID, of North Carolina) was read, as follows:

The evidence, consisting of the affidavits of the claimant, O. F. Adams, and R. C. Windley, William Ebon, John Albert, and Thomas D. Smaw, shows that on the 1st day of May, 1862, the Federal forces took possession of the jail in the town of Washington, N. C., and used it is a military prison from that day until May 3, 1864, and during all that time, under orders of the Federal officers in command at that place, the claimant (O. F. Adams) acted as jailer and keeper of the said military prison, attending to the prisoners there confined and performing all the duties pertaining to the position of jailer faithfully under promises from the commanding officers that he should be fully paid for his services; and again, in August, 1865, the said jail was taken charge of by the Freedmen's Bureau, and used as a prison until January, 1866, and during all this time the claimant was employed by the officer in charge of said bureau at that place, for which services he has never received any compensation.

From the evidence, your committee find that O. F. Adams served the United States Government in the capacity of jailer twenty-nine months, and that he is justly entitled to receive as compensation therefor the sum of $50 per month.

In conformity to these findings, your committee report the accompanying substitute, and recommend that it pass.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BURROWS. I observe from the reading of the bill that it proposes to make an appropriation for services rendered "during the war between the States."

Mr. SKINNER. Yes, sir.

Mr. BURROWS. I do not remember any such conflict; I do not know what war that was.

Mr. SKINNER. Well, sir; it was the war between what are now known as the Southern States and the United States.

Mr. BURROWS. I supposed that the war referred to was a conflict between the National Government on the one side——

Mr. SKINNER. That is it.

Mr. WEAVER, of Iowa. I call for the reading of the bill.

The SPEAKER. It has already been read, but will be read again, if there be no objection.

The bill was again read.

Mr. REED. No bill containing that language ought to pass.

The SPEAKER. Is there objection?

Mr. CONGER. I object.

PUBLIC BUILDING AT SCRANTON, PA.

Mr. SCRANTON. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (H. R. 4241) to amend the act entitled "An act to authorize the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Scranton, Pa.," approved July 27, 1882.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MORRISON. I object.

NICHOLAS LEVEMBER.

The SPEAKER. The bill (H. R. 7506) for the payment of pension money to Nicholas Levember was some time ago erroneously referred to the Committee on Invalid Pensions. If there be no objection, that committee will be discharged, and the bill will be referred to the Committee on War Claims.

There being no objection, it was ordered accordingly

Several MEMBERS. Regular order.

REPORT ON TRADE GUILDS, ETC.

Mr. BARKSDALE, from the Committee on Printing, submitted a report; which was read, as follows:

HOUSE OF REPRESENTATIVES, *January* 10, 1887.

Mr. BARKSDALE submitted the following resolution; which was referred to the Committee on Printing:

"*Resolved*, That there be printed for the use of the House of Representatives —— thousand copies of the volume of reports from the consuls of the United States on the trade guilds of Europe and the laws and regulations by which they are governed, published by the Department of State in 1885."

The Committee on Printing, to whom was referred the foregoing resolution, report it back to the House amended so as to read as follows:

"*Resolved by the House of Representatives* (*the Senate concurring*), That there be printed, with pamphlet covers, 7,000 copies of the volume of reports from the consuls of the United States on the trade guilds of Europe and the laws and regulations by which they are governed, published by the Department of State in the year 1885; 5,000 copies of which shall be for the use of the House of Representatives and 2,000 copies for the use of the Senate."

And they recommend the passage of the resolution as so amended. The estimated cost is $1,606.15.

The substitute reported by the committee was agreed to, and the resolution, as amended, adopted.

Mr. BARKSDALE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELECTION OF PRESIDENT AND VICE-PRESIDENT.

Mr. CALDWELL. I submit the report of the committee of conference on the bill with reference to the electoral count.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate agree to the amendments of the House numbered 1 and 2.

That the Senate agree to the amendment of the House numbered 3 with an amendment, to wit: On page 3, line 30, insert in the sentence proposed by the House to be inserted in the bill, after the word "been," and before the word "certified," the word "lawfully;" and that the House agree to the same.

That the Senate agree to the amendment of the House numbered 4, with an amendment, to wit: In lieu of the words stricken out by the House insert the following: "but the two Houses concurrently may reject the vote or votes when they agree that such vote or votes have not been so regularly given by electors whose appointment has been so certified;" and that the House agree to the same.

That the Senate agree to the amendment of the House numbered 5, with an amendment, to wit: In lieu of the words proposed to be stricken out and to be inserted insert as follows: "the two Houses shall concurrently decide were cast by lawful electors appointed in accordance with the laws of the State, unless the two Houses, acting separately, shall concurrently decide such votes not to be the lawful votes of the legally appointed electors of such State. But if the two Houses shall disagree in respect of the counting of such votes, then, and in that case, the votes of the electors whose appointment shall have been certified by the executive of the State, under the seal thereof, shall be counted;" and that the House agree to the same.

ANDREW J. CALDWELL,
JOHN R. EDEN,
W. C. COOPER,
Managers on the part of the House.

GEO. F. HOAR,
GEO. F. EDMUNDS,
JAMES L. PUGH,
Managers on the part of the Senate.

The SPEAKER. The statement of the House conferees which accompanies this report will be read.

The Clerk read as follows:

Amendment numbered 1: The effect of the House amendment numbered 1 is simply to correct a clerical error which omitted the article "a" before the word "controversy," and its effect is simply to restore it and preserve the sense of the sentence.

Amendment numbered 2: Amendment numbered 2 was put upon the bill by the House, and strikes out the words, in lines 20 and 21, "and the names of the persons, if any, elected," the effect of which is to prevent the President of the Senate from doing more than announcing the state of the vote as ascertained and delivered to him by the tellers; and such announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice-President.

Amendment numbered 3: The amendment of the House of Representatives was the insertion in lines 37, 38, 39, after the word "State," in line 37, the words "which shall have been regularly given by electors whose appointment has been certified to according to section 3 of this act," and striking out the words in lines 40 and 41 "except by the affirmative votes of both Houses." The word "lawfully" is to be inserted after the words "has been," in line 39. And the effect of the amendment is to insure the count of the lawful electoral votes from any State from which but one return has been received.

In addition, there are inserted the words "but the two Houses concurrently may reject votes which have not been regularly given by certified electors." The effect is to express in words what is of clear implication by the words preceding, thus leaving nothing to doubtful construction.

Taken as a whole this amendment will insure the counting of lawfully certified votes of States, objections of a Senator or a Representative to the contrary notwithstanding.

Amendment numbered 4: This amendment, as reported from the conferees, is a remodeling of the language of the House amendment, so as to clear up any ambiguity in the section and define accurately the meaning of Congress as to the decision of all questions as to counting the votes of States from which there are more than one return, or paper purporting to be a return, and when there has been no determination of the question in the States by making certain the counting of votes cast by lawful electors appointed by the laws of the State.

It takes the concurrent votes of both Houses, deciding that the votes are not lawful votes, in order to reject them. And, in the case of the two Houses disagreeing, then the electors whose appointment has been certified by the executive of the State shall be counted.

The general effect of all these amendments, and of the bill as reported to the House, is to provide for the decision of all questions that may arise as to its electoral vote to the State itself; and where, for any reason, that fails, then the Houses circumscribe their power to the minimum under any circumstances to disfranchise a State, and such result can only happen when the State shall fail to provide the means for the final and conclusive decision of all controversies as to her vote.

Mr. CALDWELL. I move the adoption of the conference report, and on that motion I call for the previous question.

Mr. BURROWS. I desire to inquire whether this conference report has been acted on by the Senate.

Mr. CALDWELL. It must first be acted on here.

Mr. BURROWS. Then it has not been acted on by the Senate?

Mr. CALDWELL. Not yet.

Mr. BURROWS. I do not desire to retard action on this matter, but it is a very important subject, and I will ask the gentleman from Tennessee whether he has any objection to allowing the report to be printed in the RECORD and the question to go over until to-morrow morning. Of course, when a report is read in this way, there is little opportunity for its careful examination.

Mr. CALDWELL. This subject has already been fully considered and discussed; I think it best to ask for immediate action. I insist on the motion for the previous question.

The previous question was ordered.

The SPEAKER. The question is now on agreeing to the report of the committee of conference.

Mr. GROSVENOR. I demand the yeas and nays.

The SPEAKER. Under the rules of the House, 30 minutes are allowed for debate; 15 minutes in support of the report, and 15 minutes in opposition to it. If no gentleman wishes to take the floor, the Chair will submit the question to the House.

The yeas and nays were not ordered.

The conference report was agreed to.

Mr. CALDWELL moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT FORT SCOTT, KANS.

Mr. DIBBLE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1386) for the completion of a public building at Fort Scott, Kans., having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: In line 1, strike out the word "twenty-five" and insert the word "forty;" and the Senate agree to the same.

SAMUEL DIBBLE,
N. D. WALLACE,
W. H. WADE,
Managers on the part of the House.

WILLIAM MAHONE,
P. B. PLUMB,
G. G. VEST,
Managers on the part of the Senate.

The following statement accompanying the conference report, under the rules, was read, as follows:

The managers on the part of the House on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1386) for the completion of a public building at Fort Scott, Kans., present the following statement, in accordance with the rules, to accompany the conference report:

The bill, as it came from the Senate, provided for an increase of $50,000, making the total appropriation for Fort Scott, Kans., $100,000. The House amended by striking out "fifty" and inserting "twenty-five," which would make the total appropriation $75,000. The effect of the conference report, if agreed to, will be an increase of $40,000 instead of "fifty-thousand" proposed by the Senate, and "twenty-five thousand" proposed by the House.

SAMUEL DIBBLE,
N. D. WALLACE,
W. H. WADE,
Managers on the part of the House.

The report was agreed to.

Mr. DIBBLE moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FEES FOR PASSPORTS.

The SPEAKER. A bill (S. 3014) relative to fees for passports was erroneously referred to the Committee on the Judiciary. If there be no objection, that committee will be discharged from the further consideration of the bill, and it will be referred to the Committee on Foreign Affairs.

There was no objection, and it was ordered accordingly.

The SPEAKER. The next business in order is the call of committees for reports of bills of a private nature.

ADVERSE REPORT.

Mr. MILLER, from the Committee on Banking and Currency, reported back adversely the bill (H. R. 1530) for the relief of the Merchants' National Bank of Poughkeepsie, N. Y.; which was laid upon the table, and the accompanying report ordered to be printed.

ELIZABETH GLASSBRENER AND MARY GLASSBRENER.

Mr. MATSON, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10093) for the relief of Elizabeth Glassbrener and Mary Glassbrener; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SENATE BILLS REPORTED FAVORABLY.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back favorably Senate bills of the following titles; which were severally referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (S. 2009) granting a pension to David A. Ireland; and

A bill (S. 2196) granting a pension to Dillian Vandeventer.

DR. A. LANNING.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with amendment a bill (S. 1102) granting an increase of pension to Dr. A. Lanning; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and, with the accompanying reports, ordered to be printed:

A bill (S. 1248) granting a pension to John M. Young;

A bill (S. 134) granting an increase of pension to Shadrach Brown;

A bill (S. 2129) granting an increase of pension to John W. Wills;

A bill (S. 1720) granting a pension to John Thrasher;

A bill (S. 861) granting a pension to John B. Skaggs;

A bill (S. 2039) granting an increase of pension to Ira Miller; and

A bill (S. 860) granting an increase of pension to John N. Runyan.

CHANGE OF REFERENCE.

On motion of Mr. MATSON, the Committee on Invalid Pensions was discharged from the further consideration of the bill (S. 2435) granting a pension to Henrietta M. Drum Hunt; and the same was referred to the Committee on Pensions.

MRS. JULIA DE QUINDRE.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back favorably a bill (S. 2451) for the relief of Mrs. Julia De Quindre; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE R. HOOPER.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back favorably a bill (S. 1838) to increase the pension of George R. Hooper; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HELEN PLUNKETT.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back favorably a bill (S. 757) granting a pension to Helen Plunkett; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back adversely a bill (S. 1571) granting a pension to Abbie M. Hay; which was laid on the table, and, with the accompanying report, ordered to be printed.

ELIZABETH M. J. MEAGHER.

Mr. LOUTTIT, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 8463) granting a pension to Elizabeth M. J. Meagher; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HARMON DAY.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (H. R. 9611) granting a pension to Harmon Day; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with adverse recommendation House bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 7422) to increase the pension of James C. Daggett;

A bill (H. R. 10125) granting an increase of pension to Sarah F. Bridges;

A bill (H. R. 8173) granting a pension to Addison Morrill; and

A bill (H. R. 9454) granting a pension to Emily C. Stannard.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with adverse recommendation Senate bills of the following titles; which were severally referred to the Committee of the Whole House on the Private Calendar, and the accompanying reports ordered to be printed, namely:

A bill (S. 2570) granting a pension to Horace W. Brownell; and

A bill (S. 475) granting a pension to Mrs. Bridget Rush.

CHANGES OF REFERENCES.

On motion of Mr. HAYNES the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 10123) for the relief of Ansyl Potter, and the same was referred to the Committee on War Claims.

On motion of Mr. MORRILL the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 9351) for the relief of J. D. Ash, and the same was referred to the Committee on Pensions.

MINERVA ABBEY.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 10103) granting a pension to Minerva Abbey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. TAULBEE, from the Committee on Invalid Pensions, reported back, with an adverse recommendation, bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 8798) granting a pension to Thomas J. Hays;

A bill (H. R. 4745) granting a pension to William S. Bewley;

A bill (H. R. 3684) granting a pension to James H. Taylor;

A bill (H. R. 8882) for the relief of John Campbell;

A bill (H. R. 5769) granting a pension to Sarah F. Harvey;

A bill (H. R. 9305) for the relief of Henry H. Haggard;

A bill (H. R. 9310) to increase the pension of Edward J. Buddington;

A bill (H. R. 3967) granting a pension to Samuel O. Hancock; and

A bill (H. R. 4831) granting a pension to Robert Ray.

ALPHEUS R. FRENCH.

Mr. THOMPSON, from the Committee on Pensions, reported back with a favorable recommendation the bill (S. 1582) for the relief of Alpheus R. French; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RECOMMITMENT OF A BILL.

Mr. STRUBLE. Mr. Speaker, I am directed by the Committee on Pensions to ask the House to return to that Committee for further consideration the bill (S. 1463) granting arrears of pension to Mary Helena Mahan. It now stands on the Calendar of the House under an adverse report.

The SPEAKER. The request is not strictly in order at this time; but if there be no objection the Committee of the Whole House will be discharged from the further consideration of the bill, and it will be recommitted to the Committee on Pensions.

There was no objection, and it was so ordered.

MALITTY ROSE.

Mr. WHITE, of Pennsylvania, from the Committee on Pensions, reported back with a favorable recommendation the bill (S. 2335) for the relief of the heirs of Malitty Rose; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET R. JONES.

Mr. ELDREDGE, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 10082) to increase the pension of Margaret R. Jones; which was referred to the Committee

of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DANIEL B. WASHBURN.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 9754) for the relief of Daniel B. Washburn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL P. EVANS.

Mr. NEAL, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 277) for the relief of Samuel P. Evans; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CREW OF THE STEAMER PLANTER.

Mr. LYMAN, from the Committee on War Claims, reported back with amendments the bill (H. R. 10323) for the relief of the pilot and crew of the steamer Planter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

B. B. CONNOR.

Mr. RICHARDSON, from the Committee on War Claims, reported back with a favorable recommendation the bill (S. 1537) for the relief of B. B. Connor, of Louisville, Ky.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEIRS OF ARVAH HOPKINS.

Mr. RICHARDSON, from the Committee on War Claims, also reported back with a favorable recommendation the bill (S. 433) to provide for the payment to the legal representatives of Arvah Hopkins of the rent of certain property in Tallahassee, Fla., for the use of the Army; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEHMAN, HAYEM & TAYLOR.

Mr. HALL, from the Committee on Private Land Claims, reported back with a favorable recommendation the bill (H. R. 988) for the relief of Lehman, Hayem & Taylor; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEIRS OF HENRY VOLCKER.

Mr. HALL, from the Committee on Private Land Claims, also reported back with a favorable recommendation the bill (H. R. 2399) to confirm the title of the heirs or legal representatives of Henry Volcker, deceased, to a certain tract of land in the Territory of New Mexico; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANSON RUDD.

Mr. HALL, from the Committee on Private Land Claims, also reported back with a favorable recommendation the bill (S. 2504) to authorize the Secretary of the Treasury to convey to Anson Rudd, of the State of Colorado, certain real estate in the county of Fremont, in the said State; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. HALL, from the Committee on Private Land Claims, also reported back with an adverse recommendation the House resolution asking information of the Secretary of the Interior in relation to the application of Nathaniel L. Ard; which was laid on the table, and the accompanying report ordered to be printed.

ACCOUNTS BETWEEN THE UNITED STATES AND VERMONT.

Mr. EZRA B. TAYLOR. I ask unanimous consent to be allowed to file a report from the Committee on the Judiciary.

There was no objection.

Mr. EZRA B. TAYLOR, from the Committee on the Judiciary, reported as a substitute for the bill (H. R. 10568) to provide for the settlement and adjustment of all claims and demands between the United States and the State of Vermont, growing out of expenditures made during the war of the rebellion, a bill (H. R. 10669) authorizing the settlement and adjustment of all claims and demands between the United States and the State of Vermont, &c.; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill (H. R. 10568) was laid on the table.

TRANSFER OF PROPERTY AT JACKSON, MISS.

Mr. WADE, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the joint resolution (H. Res. 97) authorizing and directing the Department of Justice to transfer certain rooms which have been occupied by the United States courts to the city of Jackson, Miss.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT ALLENTOWN, PA.

Mr. BROWN, of Pennsylvania, by unanimous consent, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 2135) to authorize the purchase of a site and the erection of a suitable building for a post-office and other Government offices at the city of Allentown, Pa.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

BILLINGS AND COOKE CITY RAILROAD COMPANY.

Mr. PEEL, from the Committee on Indian Affairs, reported back with amendments the bill (H. R. 9677) to authorize the Billings, Clark's Fork and Cooke City Railroad Company to construct and operate a railway through the Crow Indian reservation, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. SPRINGER. I move that the House now resolve itself into Committee of the Whole for the consideration of bills embraced in the special order adopted to-day.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. MCMILLIN in the chair.

WRECK OF THE ASHUELOT.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of bills on the Private Calendar under the special order adopted this morning. The first business in order is the unfinished business, the title of the bill involved in which the Clerk will read.

The Clerk read as follows:

A bill (S. 250) for the relief of the sufferers by the wreck of the United States steamer Ashuelot.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. MARTIN], upon which the House was dividing.

Mr. MARTIN. Mr. Chairman, I ask leave to make a brief statement before the vote is taken.

The CHAIRMAN. That can only be done by unanimous consent.

Mr. BUCHANAN. Mr. Chairman, in justice to the bill, I think the gentleman from Alabama should be allowed that privilege, and that I should be allowed a few moments for a reply.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. MARTIN. Mr. Chairman, since the House last had this bill under consideration I have received a letter from Mr. Entwistle, stating all the facts of the case, and I now ask that that letter may be read by the Clerk, for the information of the House.

The letter was read, as follows:

UNITED STATES STEAMSHIP MINNESOTA,
New York, January 11, 1887.

SIR: I noticed by the report of the late debate in the House on the Ashuelot relief bill that you took a great interest in my behalf by endeavoring to have my name inserted in the bill so as to give me the benefit of its provisions along with the rest of the officers of that ill-fated vessel.

Allow me to sincerely thank you for your kindness, which shall ever be remembered, and at the same time to make a statement of the facts of the case for your further information. On the 18th of February, 1883, at 4.20 a. m., I heard the hurried signal to stop the engines, followed by a great commotion on deck, which led me to believe that something was wrong, when I immediately started for the engine-room, but before reaching there the ship had struck a rock with a tremendous crash. To ascertain whether or no the breach was between the engine-room bulkheads I had the floor-plates raised, and finding no water in the bilges, I concluded that the breach must be forward of the fire-room bulkhead. At this moment I went on deck and reported to the commanding officer that the engine and fire-room bilges were clear of water, when I was informed by him that the ship had struck forward of the bulkhead, and that the ship was making water very fast. Being unable to use the forward steam-pump to clear the forward compartment of water, nothing could be done but await events, which culminated at the expiration of forty minutes from the time the ship struck.

When the captain gave the order "All hands abandon ship" I was at his side, when I immediately proceeded to the engine-room and ordered all officers and men to their boats, and before leaving my department I saw every man on deck, and so reported the fact to the commanding officer.

All these facts were proved by evidence before the court of inquiry as ordered by Admiral Clitz by order of the Secretary of the Navy, and before the general court, the former having exonerated me from all blame in connection with the loss of the ship. I was also honorably acquitted by the first decision of the general court, which decision was not approved of by Admiral P. Crosby, who had a short time previously relieved Admiral Clitz in command of the squadron, but was returned for reconsideration; and after some fifteen or twenty minutes' deliberation I was found guilty of "neglect of duty," and sentenced to one year's suspension from duty and to retain my present number on the register during that time.

It appears, and was afterwards shown, that the charge of neglect of duty against me was based upon the loss of one of my men, although the man was not on watch at the time the ship struck, nor had he been in the fire-room for four hours previous to the sinking of the ship, but met his fate in the same manner as the other ten poor fellows did whom no one is held responsible for.

If not for the decision of that court I would have received my promotion thirteen months ago, which in itself is sufficient punishment, to say nothing of the length of time that must still elapse before I am promoted, after an honorable and creditable service of twenty-five years in the United States Navy.

Very sincerely, yours,

JAMES ENTWISTLE,
Passed Assistant Engineer, U. S. Navy.

Hon. J. M. MARTIN, M. C.,
House of Representatives, Washington, D. C.

Mr. MARTIN. After a very careful examination into all the facts of the case, it seems to me that if there ever was an instance in which a man should be allowed to share in the relief given to others involved, this is the case and this is the man. The facts of the case are very simple, and I think that when they are again brought to the attention of the House the House will not be unwilling to let this man's name be inserted, and to permit him to share in the bounty that is granted to these officers who have lost everything without any fault on their part. In addition to the statements which I made the other day, I wish to say that I am sustained in those statements by the report made to the House in the Forty-eighth Congress by Mr. WISE, then and now a member of this House. The officer in command of the vessel was court-martialed upon three charges—drunkenness on duty, improperly hazarding the vessel under his command so that she was run upon a rock and lost, and neglect of duty. The vessel went down, as Mr. Entwistle states in this letter, within forty minutes after she struck the rock. There was, therefore, no time for those on board to save any of their possessions, and everything went to the bottom with the vessel. This was due to carelessness on the part of the commander, who was court-martialed and dismissed from the Navy. Mr. Entwistle was a passed assistant engineer. He came and reported to the commander that his department was clear; that there was nobody there to be lost. After that, a man who, as he states this morning in the letter which has been read here, was not immediately connected with his department, and who had not been on duty for hours, went back into that department for the purpose of bringing out something which belonged to him, and there lost his life, without any fault upon the part of Mr. Entwistle.

The report of the first court-martial, which was held under the direction of Rear-Admiral Clitz, was not approved by Admiral Crosby, who had succeeded to the command of the squadron, and the matter was re-referred. Then it was that the court reached the conclusion that the commander of the vessel had been guilty of this misconduct, and he was court-martialed and dismissed from the Navy. The court also declared that the two persons whose names I am now seeking to have put into this bill were guilty, and recommended that one should be reprimanded by the Secretary of the Navy, and that the other, Mr. Entwistle, whose letter has been read here, should be suspended for twelve months, receiving leave-of-absence pay during that time and retaining his number.

Mr. LONG. Found that they were guilty of what?

Mr. MARTIN. Guilty of neglect of duty. Now it turns out that the charge of neglect of duty, so far as Mr. Entwistle is concerned, grew out of the loss of this individual, who, without his knowledge, had gone back into his department.

If Mr. Entwistle had failed in his duty in that respect, and so had allowed this man to lose his life without any fault on his own part, the punishment inflicted was not commensurate with such an offense; but the fact is that Mr. Entwistle was not guilty of anything of the kind. That is to say he was not responsible for the death of the man, as is shown by the report of the committee, which was made after a most careful examination of the facts. Here is what Mr. WISE, a member of the committee in the Forty-eighth Congress, stated for the committee in his report:

It is proper to add, in justice to these two officers, that the finding of the court was that the evidence adduced did not sustain the allegation that the lives of the officers and men were imperiled by their neglect of duty.

Mr. Chairman, I am simply asking that this man, who lost everything, who has been punished, as I conceive, without any crime on his part, but who, if guilty of all that the court-martial found him guilty of, has been punished fully and completely, who has been put back thirteen months in his promotion, who has lost the difference between leave-of-absence pay and his regular pay for twelve months—I am only insisting that this man, who lost all that he had, just as the others lost all that they had, should be permitted to come in and share this bounty which the Government is giving to these unfortunate sufferers by the wreck of that vessel.

Mr. PETERS. How does it happen that the court-martial found him guilty of this offense if the evidence did not show that he was guilty?

Mr. MARTIN. They found him guilty simply of neglect of duty. They did not find that he was responsible for the loss of life. They first found him not guilty. The case was sent back to the court, and, on re-examination, they found him guilty of neglect of duty.

Mr. LONG. What was that neglect of duty?

Mr. MARTIN. What that neglect of duty was does not appear; but it is stated in the report of the committee that the neglect of duty did not imperil the lives of the officers and men.

I take the liberty of publishing with my remarks the report made on this subject in the Forty-eighth Congress by the gentleman from Virginia [Mr. WISE] on behalf of the Committee on Naval Affairs:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 7764) for the compensation of certain officers of the Navy for losses of their property by the loss of the United States steamer Ashuelot, have considered the same, and report:

That the United States steamer Ashuelot left the harbor of Amoy, China, on February 17, 1883, for Swatow, China, and shortly after 4 o'clock on the following morning was run upon some rocks off the southeast end of East Lamock Island, and in consequence thereof was lost. The fog was very thick at the time of her striking, and the sinking of the ship thereafter was so sudden that the officers and men were barely able to save themselves. In fact, 11 of the crew went down with her and were lost. The survivors were able to save none of their personal effects, except such articles of clothing as they were wearing at the time of the disaster. By order from Rear-Admiral J. M. B. Clitz, a court of inquiry was convened on board the United States flag-ship Richmond, at Hong-Kong, China, February 26, 1883, to inquire into the circumstances attending the loss of the United States steamer Ashuelot, on the Asiatic station. After diligent and thorough investigation and mature deliberation on the testimony recorded on the trial, this court reached the conclusion—

"That the loss of the said vessel was mainly due to the fact of want of caution on the part of Commander H. E. Mullan, United States Navy, then commanding the said vessel, in that no specific directions for speed were given in the night orders of the 17th of February, and that the dangerous Lamock Islands were steamed for in foggy weather, and with a possibility of variable currents; and that the loss of the said vessel did not occur through the instrumentality or the neglect or inattention of any other officer or officers, or any other person of the said United States steamer Ashuelot."

Afterwards Commander Horace E. Mullan and Passed Assistant Engineers Robert R. Leitch and James Entwistle, who were officers serving on the Ashuelot at the time of the disaster, were arraigned and tried before a general court-martial which convened May 2, 1883, on board the United States flag-ship Richmond, at Hong-Kong, China, by order of Rear-Admiral Peirce Crosby, commanding the United States naval force on the Asiatic station. There were three charges against Commander Mullan, as follows:

"1. Drunkenness on duty.

"2. Improperly hazarding the vessel under his command, in consequence of which she was run upon a rock and lost.

"3. Neglect of duty."

He was found guilty of all three charges, and sentenced "to be dismissed from the United States naval service," which sentence, having been approved by Rear-Admiral Crosby, was on the 6th day of July, 1883, confirmed by the President. It thus appears that the responsibility for the loss of the Ashuelot has been placed upon Commander Mullan by two courts. As to the two passed assistant engineers mentioned above, it is sufficient to say that each was found guilty of "neglect of duty," consisting in a failure to see the officers and men of the engineer's department, who were at the time in the engine-room and fire-room, sent up from below after all hands had been called to abandon ship, the Ashuelot being then in a sinking condition; and that Passed Assistant Leitch was sentenced "to be publicly reprimanded by the honorable Secretary of the Navy," and that Passed Assistant Entwistle was sentenced "to be suspended from duty for one year on leave of absence pay, and to retain his present number in his grade for that period." It is proper to add, in justice to these two officers, that the finding of the court was that the evidence adduced did not sustain the allegation that the lives of the officers and men were imperiled by their neglect of duty. The proceedings, findings, and sentences in their cases were approved by Rear-Admiral Crosby, who convened the court by which they were tried and condemned, and the sentence in each case was executed.

With these facts before them, the committee do not think that the proposed relief should be extended to Commander Horace E. Mullan, and Passed Assistant Engineers Leitch and Entwistle; as to the first-named there can be no doubt, because he was adjudged to be responsible for the disaster by which the losses were occasioned. His name is omitted from the bill, and therefore it is unnecessary to say more in reference to him. And as to the two engineers, your committee are of the opinion that they also ought to be excluded from the provisions of the bill because found guilty of neglect of duty at a time of great peril; when it was incumbent upon them to be more than ordinarily active, prompt, brave, and vigilant. Your committee believe that it would furnish a bad precedent to remunerate them for their losses. As to the other officers of the Ashuelot, it appears that they were guilty of no neglect of duty, and that the amounts proposed to be paid for their losses are not in excess thereof.

Your committee therefore report back the bill (H. R. 7764) with the recommendation that it do pass with the amendment incorporated therein as reported.

Mr. BUCHANAN. Mr. Chairman——

The CHAIRMAN. Debate is not in order except by unanimous consent. Is there objection to the gentleman from New Jersey being heard in response to the gentleman from Alabama? The Chair hears none.

Mr. BUCHANAN. Mr. Chairman, having been directed by the Committee on Claims to report this bill favorably to the House, it is my duty, as I conceive, to lay before this Committee of the Whole all the facts. When I have done this, my duty and my responsibility in this matter are at an end. It will be necessary for me to restate a few facts which were stated on Friday last, when there was a very small attendance in the House.

This bill was originally introduced, as I understand—and if I make any misstatement of fact, I ask the gentleman from Alabama [Mr. MARTIN] to correct me as I go along—the bill was originally introduced in the Forty-eighth Congress, and at that time contained the names of two officers whose names the gentleman from Alabama now desires to have inserted in this bill. When that bill was reported from the Committee on Naval Affairs by the honorable gentleman from Virginia [Mr. WISE] it was reported with an amendment striking out the names of these two engineers. The bill as introduced in the present Congress did not contain those names. No one came before our committee to urge the claims of these two gentlemen, to have their names inserted in the bill. Nothing was heard from them until last Friday, when they came in with this proposed amendment, desiring to have their names placed in this bill, thus seriously endangering, in my judgment, the passage of the bill during this Congress.

The facts, as I gather them from the papers (for the papers are the

only source of information which I have), are that these two officers were tried by court-martial, and were found guilty of neglect of duty.

One of them comes in to-day with a letter of his own, undertaking to explain the circumstances. If that letter tells the truth, the finding of the court-martial was erroneous. It is for this Committee of the Whole to say whether it will reverse the finding of that court-martial upon the *ex parte* statement of the convicted person.

In the first place, allow me to say that while this amendment proposes to insert the names of these two gentlemen, one of them does not even come here with any statement whatever; and as to him the finding of the court-martial remains unchallenged. Why should his name be put in? As to the other, we have his own unsupported statement of the facts. If he was not guilty, the only way for us to say so is to have before us all the testimony produced before that court-martial and review it carefully and judicially. I undertake to say from my observation that no officer of the Navy is convicted by any court of inquiry composed of naval officers without sufficient proof to warrant the conviction.

Mr. WISE. The gentleman will allow me to state that the report which I made upon this case in the last Congress from the Committee on Naval Affairs was the unanimous report of that committee.

Mr. BUCHANAN. I am obliged to the gentleman from Virginia for the statement that the report made by him from the Committee on Naval Affairs in the last Congress was unanimous; and I will add that the report which I made in this Congress from the Committee on Claims is also unanimous.

Mr. WISE. I will say further that we had before us all the proceedings of the court-martial.

Mr. BUCHANAN. I am further obliged to the gentleman for the information—which I repeat to the Committee of the Whole—that at the time of the finding by the Committee on Naval Affairs they had before them the whole proceedings of this court-martial. It is only justice to that committee to say that the inference is, and no doubt the fact is, that they carefully examined the whole of the record of the court-martial.

Mr. MARTIN. The gentleman will allow me to inquire whether the Committee on Naval Affairs, in reporting this bill, did not distinctly state that the loss of the lives of the officers and men was not due to the conduct of these two men?

Mr. BUCHANAN. That is true, as the gentleman has already said in the course of his remarks; but the committee also say—I quote the exact language of that unanimous report from the Committee on Naval Affairs:

As to the two engineers, your committee are of the opinion that they also ought to be excluded from the provisions of the bill, because found guilty of neglect of duty at a time of great peril; when it was incumbent upon them to be more than ordinarily active, prompt, brave, and vigilant.

Mr. Chairman, I oppose the amendment upon two grounds: First, that we ought not in this way to reverse the finding of that court-martial; and, secondly, that these gentlemen do not come here with so strong a case as to entitle them to endanger the relief which is granted by this bill to these other and deserving claimants.

The question recurred on Mr. MARTIN'S amendment.

Mr. MARTIN demanded a division.

The committee divided, and there were—ayes 12, noes 54.

Mr. MARTIN. No quorum.

The CHAIRMAN appointed as tellers Mr. MARTIN and Mr. BUCHANAN.

The committee again divided; and the tellers reported—ayes 13, noes 72.

Mr. MARTIN. I withdraw the point of no quorum.

So the amendment was not agreed to.

The Senate bill was laid aside to be reported to the House with the recommendation that it do pass.

The bill (H. R. 2110) for the relief of the sufferers by the wreck of the United States steamer Ashuelot was laid aside to be reported to the House with the recommendation that it do lie upon the table.

H. A. MYERS.

The next business on the Private Calendar was a bill (S. 390) for the relief of H. A. Myers.

The bill was read, as follows:

Be it enacted, &c., That the Paymaster-General of the United States Army be, and he is hereby, required to cause to be paid, out of any money appropriated, or which may hereafter be appropriated, for the payment of the Army of the United States, to H. A. Myers, late a private in the Eleventh Kansas Volunteers, a sum that shall be equal to the pay of a private soldier from the 17th day of September, 1862, to July 7, 1864, the date of his discharge from the service of the United States, deducting therefrom any amount that may have been paid to him as such private soldier and any amount that may be due from him to the Government.

The report (by Mr. GEDDES) was read, as follows:

The committee find the facts to be as stated in Senate report No. 47, Forty-eighth Congress, first session, which report is hereto annexed and made a part of this report, and is as follows:

"Hiram A. Myers was enrolled and mustered in September 17, 1862, as private in Company D, Eleventh Kansas Cavalry, and served honorably to July 7, 1864. The muster-out roll of his company, dated September 13, 1865, says:

"'This man enlisted in good faith, and served faithfully as a soldier from enlistment to July 7, 1864. His old enlistment papers were lost, new ones were made out, and upon examination he was rejected by T. Sinks, surgeon, board of examiners of District N, Kansas, July 7, 1864, when he was dropped from the company rolls. There is due him for use and risk of horse and equipments from date of last payment to June 20, 1864, and he is indebted to the United States, for horse equipments, $31. He was last paid by Major Bowen to February 29, 1864.'

"The Adjutant-General says:

"'There would appear to be no objection to this bill becoming a law.'

"The Secretary of War, in his letter to the committee touching this case, says:

"'The legislation proposed by the bill (S. 160) is approved by this Department.'

"Your committee therefore, upon examining all the facts in the case, recommend the passage of this bill."

Your committee therefore adopt said Senate report as the report of this committee, and recommend that the bill (S. 390) do pass.

On motion of Mr. GEDDES, the bill was laid aside to be reported to the House with the recommendation that it do pass.

HARRY I. TODD.

The next business on the Private Calendar was the bill (S. 30) for the relief of Harry I. Todd, late keeper of the Kentucky penitentiary.

Mr. BRECKINRIDGE, of Kentucky. I move that bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. WARNER, of Ohio. We certainly should know something about it before doing that.

Mr. SPRINGER. Let the report be read in this case before action is taken. When the bill was before the Committee on Claims I was of the opinion the income tax had been imposed on the salary of this officer, and therefore agreed to the report; but on careful examination I find the income which he returned while he was an officer of the State, namely, warden of the penitentiary, was the profit he made on the convict labor of the penitentiary. That changes, it seems to me, the nature of the case.

Mr. WEAVER, of Iowa. What is the amount claimed?

Mr. SPRINGER. Thirty-five thousand dollars is the amount of income tax he desires to recover.

Mr. WEAVER, of Iowa. That would indicate his income was $350,000.

Mr. BRECKINRIDGE, of Kentucky. No; it runs through a series of years—$35,000 is the aggregate amount.

Mr. WEAVER, of Iowa. It is the income tax on $350,000, amounting to $35,000.

Mr. BRECKINRIDGE, of Kentucky. It is the aggregate amount for 1863, 1864, 1865, 1866, and 1867.

Mr. WEAVER, of Iowa. The aggregate of his whole income during those years must have been $350,000 to produce that amount.

Mr. BRECKINRIDGE, of Kentucky. I ask for the reading of the report, and then will take the floor and make an explanation. It is just as the chairman of the committee thought it was when he agreed to the report, but it seems that a change of heart has come over him since.

Mr. SPRINGER. Not a change of heart, but the correction of a mistake.

The report (by Mr. BUCHANAN) was read, as follows:

This case seems to have been repeatedly considered by Congress, and the committee adopt the Senate report from the Committee on Finance, first session Forty-ninth Congress, which is as follows:

[Senate Report No. 127, Forty-ninth Congress, first session.]

The Committee on Finance, to whom was referred the bill (S. 30) for the relief of Harry I. Todd, late keeper of the Kentucky penitentiary, have had the same under consideration, and submit the following report:

This case was reported favorably from the Finance Committee June 1, 1880; it was also reported favorably from the same committee February 5, 1885, and passed the Senate, but failed to pass the House of Representatives. As embodying the present views of the committee, we beg leave to refer to and make part of this report Senate Report No. 683, Forty-sixth Congress, second session, and recommend the passage of the bill.

"The Committee on Finance, to whom was referred the bill (S. 1628) for the relief of Harry I. Todd, late keeper of the Kentucky penitentiary, have had the same under consideration, and submit the following report:

"Harry I. Todd was duly elected by the General Assembly of Kentucky keeper of the State penitentiary, and held that position from March 9, 1863, until March 1, 1871.

"He was elected under, and his duties, liabilities, and rights were prescribed by, chapter 922, enacted in 1862, and chapter 2045, enacted in 1867, of the laws of that State.

"He received no compensation except such profits as he might make in selling the articles manufactured by the labor of the convicts, over and above their support, the cost of materials, &c., and certain sums which he was required to pay into the treasury of the State by the laws under which he was elected.

"Chapter 922 of the Laws of Kentucky declares:

"'The keeper of the penitentiary shall hold his office for four years.

* * * * * * *

"'If the keeper of the penitentiary fail or refuse to comply with the obligations imposed on him by this act, or shall be guilty of any malfeasance in office, the governor shall have full power, and it shall be his duty, to remove him forthwith.

* * * * * * *

"'In the event of the death or removal from office of the keeper of the penitentiary, the governor, secretary of state, and auditor shall make a contract with a suitable person to take charge of the penitentiary according to the provisions of this act until the next ensuing meeting of the General Assembly, and until a new keeper be elected and qualified.'

"These sections and various sections of chapter 2045, Laws of Kentucky, 1867, described the keeper as an officer subject to the control of the State. He was required to and gave a bond as an officer to perform the duties of his office as required by law.

"As keeper of the penitentiary he was required by the statute to keep the con-

victs at labor, and for this purpose the State furnished buildings, machinery, &c., for the manufacture of certain articles, among them bagging, wagons, chairs, &c.

"While in the performance of his duties as keeper from 1863 to 1869 he was called upon by the United States internal-revenue officials to pay taxes on articles manufactured by the convicts and sold by him. The taxes were paid under protest, and a claim for refunding the amount paid was duly made to the Internal-Revenue Bureau. The papers submitted showed beyond a doubt that the articles were made exclusively by convict labor, and on being presented to the law officer of the Treasury, Hon. W. H. Smith, Solicitor, the claim was allowed July 27, 1879; but the Commissioner thereupon submitted the case to C. P. James, and on his opinion the claim was rejected.

"The present Commissioner of Internal Revenue declines to reopen the case, under the rules of the Department that a case once decided by a former Commissioner cannot be reopened by a succeeding Commissioner, unless in certain contingencies, which the Commissioner does not think exist in the present case.

"The amounts of the taxes exacted by the United States officials and paid into the United States Treasury are as follows:

"STATEMENT OF TAXES ASSESSED AND PAID.

For 1863-'64. For manufacturing and sales of bagging and chairs, and tax for slaughtering animals to feed convicts	$2,320 25
1865. Same, and manufacturer's license for each employment	6,691 64
1866. Same	17,751 99
1867. Same	4,481 00
1868. Same	3,761 69
	35,006 57

"Your committee are of the opinion that whether Mr. Todd was liable to pay any part or all of the sums exacted is a question which should be decided by the courts. The committee therefore report back the accompanying bill, with an amendment, and authorizing Mr. Todd to institute an action against the United States in the Court of Claims to recover the amount of said internal-revenue taxes alleged to have been improperly collected from him, and recommend its passage."

Mr. BRECKINRIDGE, of Kentucky. I yield to the gentleman from New Jersey whatever time he may want.

Mr. BUCHANAN. Mr. Chairman, inasmuch as this report was made by myself from the Committee on Claims, and with the unanimous action of the committee, I deem it necessary to say a word in explanation after what has been said by the chairman of the committee.

It appeared before the committee that Mr. Todd was keeper of the penitentiary of Kentucky, and that while such keeper the United States Government collected from him an income tax. Knowing the decision of the Supreme Court of the United States, that such collection was illegal, the bill was ordered to be reported favorably. I do not hesitate to say that had it come to my notice this compensation was not by salary or commission, but, as alleged now by the chairman of the committee, from profits on convict-made goods, I would for one have declined to vote for the report. I do not hesitate to say further that if this bill should pass and this question should go to the Court of Claims under that state of facts, Mr. Todd will receive nothing whatever at the hands of that court.

Mr. WEAVER, of Iowa. Has this claimant paid any greater income tax working convict labor than other citizens employing free labor?

Mr. BUCHANAN. But as the facts were presented to the committee, this was a public officer, and as such not liable to the payment of any income tax upon his compensation; and when any other individual presents a case of this kind the committee will, in my opinion, do right to consider it on its merits.

I deemed it simple justice to myself to say as much as I have with reference to this matter. The gentleman from Kentucky [Mr. BRECKINRIDGE] is much more familiar with the law of Kentucky governing their affairs than I am, and I yield the floor to him.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, this is purely a question of law. There is no dispute whatever about the facts, and it is simply a question as to what, under the internal-revenue law and the law of the State of Kentucky, ought to be the rights of this applicant.

In 1862 or '63 Mr. Todd was elected keeper of the penitentiary of Kentucky, an office created by the laws of that State, which office is filled by election by the Legislature for a given term of years, to wit, four years; but there was no salary paid to the incumbent of the office under the name of salary; the only payment or allowance of compensation was a certain proportion of the profits of the labor of convicts in the penitentiary, under the supervision of a board of inspectors and the sinking-fund commissioners. A certain amount was paid by the keeper to the State, and the remainder, arising from the profits on the work done, was the sole compensation of the keeper.

He was nominated in the law as officer; he was elected by the Legislature, and was removable for certain causes by the governor, and all he could do and all that he did was in accordance with the prescribed provisions of the law or the rules and regulations made by the board of sinking-fund commissioners of the State.

The amount of tax that he paid under the internal-revenue law was not the income tax only, but it was claimed by the collector of internal revenue that he was liable for the manufacturer's tax on every form of manufactured article produced in that penitentiary. In the penitentiary of that State were manufactured chairs and cabinet work of all kinds; there was a bagging factory, a bucket factory, wagon factory, and various other forms of industry, and on all of these it was claimed by the United States collector of internal revenue that he was responsible for taxes, not only for his own income tax but for the tax imposed on manufacturers of every single one of these separate forms of manufacturing carried on in the penitentiary. This tax he paid under a protest.

I do not think, Mr. Chairman, that it is improper for me to say, for I know this gentleman very well, the son-in-law as well as the stepson of the late John J. Crittenden, that he was a man intensely in favor of what was called in Kentucky at that time the Union; and he believed that he ought not to raise any question under the conditions then prevailing as to the propriety of this tax if it were possible by any means to avoid it. He was also a prosperous man at that time. The fortunes of life have gone against him, and he is now not a prosperous man, and he asks this Congress solely the privilege, not of any payment by it of the money which he had been required to pay into the Treasury, but simply the right to present this question of law to the Court of Claims, subject to an appeal to the Supreme Court, as to whether he ought under the law to have been compelled to pay those taxes.

The Supreme Court of the United States, in the case cited in 7 Wallace, has decided, and indubitably decided correctly, that the compensation an officer of the State receives for services rendered to the State was not taxable by the United States Government. It was the old principle which had been decided years before, that the compensation received by an officer of the United States for services rendered to the United States could not be taxed by the authority of the State.

The whole question, then, in this case to be presented to the court of the United States is was this person in the language of the decision of the Supreme Court an officer of the State, and was the compensation that he received by profits—his proportion of the profits of the labor of convicts—his compensation as an officer of the State. Undoubtedly, I can say as a Kentucky lawyer, that if it was a proposition to be decided by the Kentucky courts there is no question that he would be decided to be an officer of the State, and that this compensation was received as an officer of the State and for services rendered by him. That, Mr. Chairman, is the whole case; that is the sole question involved.

I reserve the remainder of my time.

Mr. WEAVER, of Iowa. Mr. Chairman, I feel constrained to oppose this bill because I think there is no equity in it. This man entered the field of industry and saw proper to employ convict labor while the internal-revenue laws were in force. Others entered the field of industry and saw proper to employ free labor, and they were subject to the same provisions of law precisely, and, if they followed the same pursuits, must have paid exactly the same amount under like circumstances and like incomes. Now the only privilege that is claimed for this man over an employer of free labor in open market is that he claims to have been an officer under the Government of the State of Kentucky, and hence was not liable under the internal-revenue law to pay this tax. I claim that there is no equity in that position. It is a mere technical advantage he had, if any, in that sense. I think the correct policy is, in this country, to tax incomes. All ought to be taxed over a given amount. In this case the amount was paid long years ago, and paid by an individual who was receiving enormous profits as compared with those employing free labor. I am opposed to the whole convict-labor system, particularly to rewards for such labor; and this would be nothing but a reward to a person engaged in employing that class of labor over and above his brother who employs free labor.

I think the bill ought not to pass.

Mr. DINGLEY. Let me ask the gentleman from Iowa a question as to the matter of fact. Was this man employing this labor and obtaining the profits of it, or did they go to the State?

Mr. WEAVER, of Iowa. They went to himself.

Mr. BRECKINRIDGE, of Kentucky. I beg the gentleman's pardon; they did not. The State of Kentucky elected a keeper of the penitentiary. The convicts were at work inside the penitentiary; the machinery belonged partly to the State, partly to the keeper. The sinking-fund commissioners lent $30,000 to the keeper to run the business, and he was obliged to keep those prisoners—to feed them, to clothe them—and to pay to the State a sum of money that varied according to the particular statute that might be in force.

Mr. WEAVER, of Iowa. Only a deduction from his profits.

Mr. BRECKINRIDGE, of Kentucky. Sometimes $8,000, sometimes $16,000; more in one year, less in another.

Mr. WEAVER, of Iowa. In proportion to his profits.

Mr. BRECKINRIDGE, of Kentucky. No; it was a fixed sum he had to pay.

Mr. WEAVER, of Iowa. It came out of his profits.

Mr. BRECKINRIDGE, of Kentucky. It might come out of his losses.

Mr. WEAVER, of Iowa. But you do not say it did. It was a tax he paid to the State of Kentucky, and he saw proper, with the internal-revenue law pending over him and the law of the State of Kentucky in operation, to make this contract and employ this convict labor; and I think he ought to pay his share of the burden. I now yield five minutes to the gentleman from New Jersey [Mr. BUCHANAN].

Mr. BRECKINRIDGE, of Kentucky. If the gentleman from New Jersey will allow me, I will say that Mr. Todd never employed this

convict labor at all. The convicts were in the penitentiary at work, and by the law of Kentucky they were confined in the penitentiary at hard labor. They were obliged, under the law of that State, to labor. A keeper was elected by the Legislature and commissioned to supervise that labor which, by the sentence of the court, these prisoners had to perform; and all in the world this man had to do was to see that that labor was performed under his supervision; and out of the proceeds of the labor they were taken care of, not under his control, but under the supervision of a board of State officers; and out of the remainder of the proceeds the State was paid a certain sum, and if there was any remainder he got it.

Mr. WEAVER, of Iowa. I do not care anything about the terms of the arrangement. These prisoners were under this man's supervision, and, less certain taxes, he got the profits of their labor. I use the term correctly when I say they were in his employment, or that he employed convict labor.

I yield five minutes to the gentleman from New Jersey [Mr. BUCHANAN], and reserve the remainder of my time.

Mr. BUCHANAN. I feel bound to express my opinion that if the statement of fact now made by the gentleman from Kentucky [Mr. BRECKINRIDGE] had been made before the Committee on Claims this bill would never have been reported. Sum it up and it amounts to precisely this: This man took that institution and its labor and ran it and paid the State a gross sum varying from time to time, being greater or less as the statutes of that State provided. Was he not in business on his own hook? And if that be the case, how is he a State official? And why out of those profits which remained in his possession after enough had been taken out to feed and clothe these prisoners and enough to pay the State the rate agreed upon—why should there not be out of that sum an additional amount taken to pay the income tax.

The facts as they appeared before the committee—and I feel bound to say the gentlemen from Kentucky did not present those facts to the committee—the facts as they appeared before the committee justified the committee in believing this man was a State official, or at least that he was so colorably such that the question ought to be determined by the Court of Claims. But according to the statement of the gentleman from Kentucky as just now made it appears to me he is not even colorably a State official.

Mr. WARNER, of Missouri. Will the gentleman permit me to ask him a question?

Mr. BUCHANAN. Yes, sir.

Mr. WARNER, of Missouri. Did this manufacturer pay any greater tax than other manufacturers in the country at that time?

Mr. BUCHANAN. I do not know; I do not suppose he did. But I know and the gentleman from Missouri knows that we did not understand when the case was before the committee that this was a manufacturer.

Mr. WARNER, of Missouri. I wish to ask another question in order that this matter may be understood. Is not this a question of limitation—whether we will remove the statute of limitations which runs against this party and send him to the court with an equitable claim?

Mr. WEAVER, of Iowa. I yield five minutes to the gentleman from Illinois [Mr. EDEN].

Mr. EDEN. Upon an examination of this report it occurs to me that this is not an income tax, but it is a manufacturer's tax, just such as everybody else had to pay who was engaged in the same line of manufacture as Mr. Todd was. And I suppose under the internal-revenue laws, as they then existed, all persons engaged in similar work had to pay a similar tax, and that the amount of the tax was paid out of the price of the goods; when the goods were sold they got the money back; so that I cannot see injustice was done to this man unless the same injustice was done everybody else who was engaged in the business of manufacturing under the law as it then existed.

I would make the further suggestion in reference to this claim, that the Commissioner of Internal Revenue, who had jurisdiction to pass upon it, has passed upon it, and has decided against Mr. Todd, and unless there is more merit in the claim than I can discover from this report, I do not think we ought even to refer it to the Court of Claims.

Mr. WEAVER, of Iowa. I now yield five minutes to the gentleman from Kansas [Mr. PETERS].

Mr. PETERS. I simply want to ask the gentleman from Kentucky [Mr. BRECKINRIDGE] a question. Why was it that this party did not pursue his remedy in the Court of Claims before the statute of limitations expired?

Mr. BRECKINRIDGE, of Kentucky. If I am correctly informed there was no remedy for him in the Court of Claims.

Mr. PETERS. Then the object of this bill is to give that court jurisdiction over a claim that it never had jurisdiction over.

Mr. BRECKINRIDGE, of Kentucky. I am not prepared to say, because during those years I was not practicing much in the Court of Claims. [Laughter.]

Mr. SPRINGER. The income-tax law provided no tribunal to which an appeal could be taken from the decision of the Commissioner of Internal Revenue. The only way in which this man could have proceeded to recover was by paying the tax under protest, and then bringing suit in the civil court against the collector for the illegal exaction of taxes. That remedy he did not pursue.

Mr. PETERS. I would like to understand from some one who knows about it whether this party did not have the right to go to the Court of Claims to recover this income tax within a certain statutory time?

Mr. WEAVER, of Iowa. I suggest to the gentleman that if this man had not that right he had the right to file his application for a rebate or refund of the tax within a certain time.

Mr. STEELE. And he could go to the civil court and recover.

Mr. PETERS. I do not care to consume any more time.

Mr. WEAVER, of Iowa. I yield now to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, I desire to treat this case in a purely judicial manner. I do not know the claimant, but I would be glad to furnish him any relief to which he is entitled. I do not think, however, that the case presents such a state of facts as justifies us in even sending him to the Court of Claims. This tax levied upon him was on his income as a manufacturer, using the convict labor in the penitentiary of the State of Kentucky. Under the law in force at that time, before the tax could be imposed, the manufacturer had the right to deduct all of his expenses, all of the taxes that he had paid to the State of Kentucky, or to the United States, and those sums were doubtless deducted from the gross amount of his income before the sum was reached upon which the income tax was assessed. The law provided, I believe, that on all sums over $10,000 of income, 10 per cent. should be paid as the income tax. So it seems that during this period of four or five years this gentleman's income must have been quite large, as the aggregate of taxes that he paid amounted to more than $35,000.

Hence it appears that his net profits as a manufacturer, after deducting all taxes paid and all amounts paid to the State of Kentucky for the use of the prisoners, and also deducting his outlay for the subsistence of the prisoners, for raw material, &c., amounted during that period to over $350,000. Now, as this gentleman was engaged in the manufacture of chairs and other articles for sale, and as he probably sold them, because he carried on his business from year to year, I assume that, as these taxes were imposed and paid, he charged them up as a part of the cost of manufacture, and they were added to the price, so that when he sold the goods he actually got back this tax from the consumers. Therefore, the consumers having repaid him this tax, if we pass this bill and he is permitted to recover again, it will be simply a second recovery in a case in which the party has already been fully reimbursed. He must have charged up these taxes and expenses in that way, or else he probably could not have carried on the business, but would have been compelled to throw up his contract, because the income tax amounted to 10 per cent. upon his net income over and above a certain amount; and as he did go on with this business from year to year, the presumption is reasonable that he must have added these taxes to the price of his goods and recovered them from the consumers. For these, and for other reasons which have been stated by gentlemen who have spoken, I think this bill ought not to pass.

Mr. REED. I wish to suggest to the gentleman from Illinois [Mr. SPRINGER] that it is quite doubtful whether it is within the power of a manufacturer to compel his customers to pay anything and everything he chooses to charge up. I should think that the price of an article in the market would depend somewhat on the competition that was encountered.

Mr. SPRINGER. It would depend on several things. One element would be competition, another would be the cost of production.

Mr. REED. Why do you assume, then, that this man must have got back the amount of these taxes from the consumer?

Mr. SPRINGER. I assume it just as I assume that an importer, when he pays a tax for importation, adds that tax to the cost of the goods and gets it back in the price which the consumer pays.

Mr. REED. Oh, that is a well-established fallacy. [Laughter.]

Mr. SPRINGER. Well, if the gentleman thinks that is a fallacy, I can very well understand how he fails to see that this manufacturer probably recovered the amount of these taxes when he sold his goods, and if the gentleman has such an idea of business as to think that an importer of manufactured goods can afford to pay the importers' tax and not recover it in the price which he exacts from the consumer, I can only say that his notions upon economic questions are such as require but little attention from this House.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I confess I always have some hesitation in undertaking to answer an argument made in the name of the Government of the United States that it ought not to pay back money which it had no right to receive, because perhaps for some other reason the man to whom payment is proposed is not an object to whom justice should be meted out. If I understand the argument of my friend from Illinois [Mr. SPRINGER], it is that, even if the Government received this money when it had no right to receive it, it ought to keep it, unless the injustice done can be shown to have been an injury to the man from whom the money was taken.

Mr. BUCHANAN. And you do not agree with the gentleman's corollary either, do you?

Mr. BRECKINRIDGE, of Kentucky. No, sir.

Now, Mr. Chairman, as I said before, this is a pure question of law. There is no question here as to whether convict labor ought or ought not to be employed. The question is simply a question of law. Was this man subject to that tax? And what we ask is that this Congress remit that question of law to the courts. No argument which has been offered on this floor answers that appeal. A citizen without means of redress comes to the door of Congress, and says: "An injustice has been done me in the name of the law; I ask that I may be permitted to go to the courts of law to have it determined whether such injustice was or was not done." No form of appeal to prejudice in regard to convict labor, no argument as to whether the tax improperly collected may have been added to the cost of production, is a fair and just answer to this appeal. My friend from Illinois, though he says he takes his position in a judicial spirit, demands that a man shall be condemned unheard. The gentleman, having in his hands the power to perpetuate the wrong, will not give an opportunity by opening his hand to see whether there has been a wrong or not.

Without assuming to be much of a lawyer, I affirm that this man was not a contractor, but an officer. He had to be elected by the votes of the Legislature of Kentucky; he had to be commissioned; he had to be qualified. He had not absolute control of the laborers whom he employed, but acted under the supervision and inspection of the State. He did not, therefore, occupy in any sense the relation of a manufacturer in the ordinary use of the term. He was an officer of the State, charged with certain duties. In accordance with the system adopted in that State—whether wise or unwise, I do not choose to argue—the convicts in the penitentiary are sentenced to confinement at hard labor, which they perform under rules and regulations prescribed by a board of officers appointed by the State. The persons thus convicted and sentenced to hard labor must be supervised by some one; and the mode adopted by the State—whether wise or unwise, is not a question here—was that a warden, called a keeper, should be elected, and should be charged with the payment for the supplies necessary to take care of them, and that his compensation should be somewhat dependent upon his mode of doing this.

Upon that compensation a tax has been levied. Now, under the decision of the Supreme Court of the United States and under the broad line of demarkation between the States and the Government of the United States, the machinery of the one for governmental purposes can not be taxed by the other. Indubitably, this whole mode of conducting the penitentiary is a part of the machinery of the State government—is a means used by the State of Kentucky for the purpose of executing its criminal law. The question of law presented is simply this: Can the means thus adopted by the State be made subject to taxation by the United States? That is the sharp issue here. Are the means employed by a State for a purpose of this kind subject to taxation by the United States for any purpose? The Supreme Court has decided this question in the negative. That is the law of the land as laid down by the highest tribunal. This money has been paid in violation of that law. There is no escape from that conclusion, be it equity or unequity. I confess, however, I do not understand the equity which would require that the Government hold money which it has collected contrary to the law of the land. That is the whole of this case.

Mr. PETTIBONE. Mr. Chairman, I gather from this report, and from what has been stated on the floor of the House, this state of facts: In the State of Kentucky it was found necessary that the penitentiary convicts should have some directing head to apply their labor; and so a keeper of that penitentiary was elected. I assume that this position was not forced upon the citizen who accepted it, but that he desired it. I assume, in the next place, that he expected to be compensated. We are told by the gentleman who has just addressed the House, as well as by the report, that this man received his compensation in this way: First, it was provided that the convicts should be fed and clothed; next, that a certain sum should be paid to the State of Kentucky for the use of their labor; and then, as compensation for his services, this man was to receive what he could make in addition to the cost of keeping the convicts and the amount which he paid to the State. Is not that true?

The gentleman nods assent. If that be true, it is true he was both an officer and a manufacturer. I assume a man can be a contractor and a manufacturer on the one hand, and an officer of a State on the other.

But he did not pay this tax because he was an officer of a State; it was not made because he was the keeper of the penitentiary in the State of Kentucky, but because, having that convict-labor in his control, he, as a manufacturer of chairs and other furniture, made these articles and put them upon the market, and, as a result, after paying to the State of Kentucky what he had agreed to pay, he put the balance into his pockets as his profits, as one who had directed this labor.

Call it what you will, as a matter of fact I defy any casuist to get away from this conclusion and this result, that that man hired that labor from the State of Kentucky. If he lost, if he did not succeed as a business man, he got no compensation.

But what is the fact here? It seems he made about $350,000, and that, as income tax, he paid $35,000. If that be true, he must have made $350,000 by handling these convicts. When he went to sell his goods he went into the market as any other manufacturer of the United States did.

I do not agree with my friend from Illinois [Mr. SPRINGER] in his conclusion that he could charge over whether the people wanted to buy or not. I know other manufacturers who were making fortunes at that time had to pay their income taxes. In that way he was on a par with the balance. When income taxes are laid all over the country on manufacturers, prices increase on goods. As a matter of fact the price of commodities rose as the taxes increased. Higher prices were paid for commodities. They could not so cheaply be produced.

But he had the advantage of cheap labor, and made $350,000. He was a citizen of the United States at that time, and was, like every other good citizen, bound to bear his proportion of the burdens of the Government. Now that he has failed since he paid that tax, to make his case an exception and to have refunded to him the amount he paid, I would remind gentlemen this will not end there, for there are other manufacturers who were engaged in business at the same time who paid income taxes and who have since failed, and they will also ask to have the income taxes paid by them during those years also refunded to them.

It strikes me when we consider the fact that this tax was not put upon this man as the keeper of the penitentiary in the State of Kentucky, but as a manufacturer who had made $350,000 out of this convict labor in pursuit of his occupation as a manufacturer, it is absurd we should give him any standing in this House by proposing to refund to him the income tax which he paid like every other citizen at the same time engaged in the same way.

Mr. BRECKINRIDGE, of Kentucky. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The committee divided; and there were—ayes 26, noes 49.

So the motion was disagreed to.

Mr. SPRINGER. I move that the bill be laid aside to be reported to the House with the recommendation that it do not pass.

The motion was agreed to.

A. A. THOMAS.

The next business on the Private Calendar was a bill (S. 391) for the relief of A. A. Thomas.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, directed to pay to A. A. Thomas, or his assigns, out of any funds in the Treasury not otherwise appropriated, the sum of $540, as a reimbursement for money paid by A. A. Thomas for the use of the United States while register of the United States land-office at Cawker City, Kans., and the further sum of $67.14, balance due said Thomas as compensation as such register for the quarters ending September 30, 1872, and March 31, 1875, respectively.

The report (by Mr. WARNER, of Missouri) was read, as follows:

The claimant, A. A. Thomas, in the years 1872 and 1873 was register of the land office at Cawker City, in the State of Kansas, known as the Cawker City or Northwestern land district in Kansas. Said district was created May 23, 1872 (U. S. Stats. 17, p. 157), out of territory formerly belonging to the Concordia or western land district of Kansas. The tract-books turned over to Mr. Thomas by the officers of the land office at Concordia were in an incomplete condition, there being nearly 8,000 entries made in the Concordia office, covering lands lying within that portion transferred to the Cawker City district which had never been posted on the tract-books, and were only designated by marks and numbers upon the official plats or maps. To avoid trouble and litigation to settlers, it became necessary to at once cause all the entries made as aforesaid at the Concordia office to be posted upon the tract-books in Cawker City office. This he did, employing a clerk for that purpose at $90 per month. The clerk so employed was engaged in said work from August 1, 1872, to January 31, 1873, inclusive, for which services Mr. Thomas paid of his own money $540, no part of which has been repaid him.

Your committee is of the opinion that the employment of said clerk by Mr. Thomas to perform said work was necessary, and that the amount paid for such services was reasonable.

He was not paid by the Department of Interior, for the reason that there was no statute authorizing the employment of a clerk for the purposes above indicated.

There also appears to be due Mr. Thomas a balance of $67.14 for fees and commissions earned by him and turned into the Treasury.

Your committee recommend that the Senate bill do pass.

On motion of Mr. MORRILL, the bill was laid aside to be reported to the House with the recommendation that it do pass.

J. J. PULLIAM—ADVERSE REPORT.

The next business on the Private Calendar was the bill (S. 605) for the relief of J. J. Pulliam, deceased.

The bill was read, as follows:

Whereas under the provisions of the act of June 16, 1864, certain claims were allowed and reported to Congress by the proper accounting officers of the Treasury Department, in 1882, for payment, including the claim of J. J. Pulliam's estate for wood supplied to the Quartermaster's Department of the United States Army; and

Whereas there was a mistake in the amount that should have been reported in favor of said Pulliam's estate, as appears by the report of the committee to whom said bill was referred, made before the passage thereof:

Be it enacted, &c., That the proper accounting officers of the Treasury Department be, and they are hereby, authorized and directed to re-examine and settle the claim of the estate of J. J. Pulliam, deceased, late of Fayette County, State of Tennessee, for wood taken by the United States forces during the late war, from 125 acres of land located near the village of La Grange, in said State; and the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum that may be found due said estate: *Provided*, That the amount shall not exceed $4,167.

Mr. EDEN. I ask for the reading of the report.

The report (by Mr. LYMAN) was read, as follows:

This claim was originally for quartermaster's stores amounting to $7,323.35, alleged to have been furnished the United States Army during the civil war,

by J. J. Pulliam, deceased, who was a resident during the war of La Grange, Tenn. The claim was first presented to the Quartermaster's Department in 1876, and after a thorough and exhaustive investigation, the Quartermaster-General allowed and reported to the proper accounting officers of the Treasury the sum of $1,223, which was duly reported to the Forty-seventh Congress, and the necessary appropriation made for the payment of the same in what is known as the 4th of July bill of that year. Claimant applied to the Forty-eighth Congress for further relief, and also to this. The application to the present Congress has thus far resulted in the passage of the bill now under consideration by the Senate.

The further facts necessary to a full understanding of this claim are stated in Senate Report No. 347, of the Forty-Seventh Congress, as follows:

"On the 4th of July, 1864, Congress passed an act to restrict the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermaster's stores and subsistence supplies furnished to the Army of the United States (13 Statutes at Large, page 381).

"Section 2 of this act provides 'that all claims of loyal citizens in States not in rebellion for quartermaster's stores actually furnished to the Army of the United States, and receipted for by the proper officer receiving the same, or which may have been taken by such officers without giving such receipt, may be submitted to the Quartermaster-General of the United States, accompanied with such proofs as each claimant can present of the facts in his case, and it shall be the duty of the Quartermaster-General to cause such claim to be examined, and if convinced that it is just, and of the loyalty of the claimant, and that the stores have been actually received or taken for the use of and used by said Army, then to report each case to the Third Auditor of the Treasury with a recommendation for settlement.'

"Section 3 of the same act provides 'that all claims of loyal citizens in States not in rebellion for subsistence actually furnished to said Army, and receipted for by the proper officer receiving the same, or which may have been taken by such officers without giving such receipt, may be submitted to the Commissary-General of Subsistence, accompanied with such proofs as each claimant may have to offer, and it shall be the duty of the Commissary-General of Subsistence to cause each claim to be examined, and if convinced that it is just, and of the loyalty of the claimant, and that the stores have been actually received or taken for the use of and used by said Army, then to report each case for payment to the Third Auditor of the Treasury with a recommendation for settlement.'

"The provisions of these two sections were subsequently extended by act of Congress to embrace the State of Tennessee and the counties of Berkeley and Jefferson in the State of West Virginia. Until 1874 these claims thus audited were paid directly out of the appropriation for the Army; but by section 2 of an act entitled 'An act making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes,' approved June 16, 1874, Congress provided that the Secretary of the Treasury should thereafter make report of each claim allowed by the accounting officers of the Treasury at the commencement of each session of Congress to the Speaker of the House of Representatives, who should lay the same before Congress for consideration.

"In compliance with section 2 of the said act approved June 16, 1874, the Secretary of the Treasury, on the 10th day of January last, transmitted to the Speaker of the House of Representatives lists of 1,359 claims arising under the act of July 4, 1864, and the various acts amendatory thereof, which claims were examined and allowed by the proper accounting officers of the Treasury since December 4, 1880. These claims amount in the aggregate to $291,148.04. They arose in the States of Illinois, Indiana, Kansas, Kentucky, Maryland, Missouri, New York, Ohio, Pennsylvania, Tennessee, West Virginia, in the Territory of New Mexico, and in the District of Columbia. The letter of the Secretary of the Treasury was referred by the House of Representatives to the Committee on War Claims. The bill was prepared by that committee, reported to the House, and recommitted to the committee. After the bill was so recommitted it was carefully compared by the clerks of said committee, aided by a clerk of the Treasury Department, under the direction and supervision of said committee, with the papers and records of the cases allowed, and all errors apparent on the face of the same noted and subsequently corrected. The Committee on War Claims of the House did not add to or take from any claim which had been allowed by the accounting officers of the Treasury. In the report made by Mr. HOUK, the chairman of said committee, he states that 'the committee assume the equity and justice of the allowances made, as well as the judicial impartiality and correctness of the action of the officers by whom such allowances were made.'

"Your committee have compared the House bill with the claims allowed by the proper accounting officers of the Treasury. They find the names and amounts correctly stated in the bill. The claims seem to have been examined with great care, and particularly in the Treasury Department, and your committee are satisfied that the awards made by the accounting officers of the Treasury are fully sustained by the evidence in each case, and that the award is made to the proper party in each case.

"John J. Pulliam, of Fayette County, Tennessee, is allowed in this bill the sum of $1,223. We are satisfied that Mr. Pulliam ought to have been awarded a larger sum by the accounting officers of the Treasury, but your committee do not feel justified in delaying the passage of this bill by amending it, even for the purpose of doing justice to Mr. Pulliam.

"If Mr. Pulliam hereafter makes a claim for the balance equitably due him, and such claim is referred to your committee, as we now understand the matter, we will favor the payment to him of some additional amount."

Your committee do not agree with the concluding statements of the above-quoted Senate report, to the effect that Mr. Pulliam ought to have been allowed a larger sum by the accounting officers of the Treasury. This committee believe that the evidence shows that the claimant had a fair and patient hearing before the officials of the Quartermaster-General's Office upon the ground, and by personal examination of the witnesses, and do not think that manifest injustice has been done him, or that the action of the accounting officers of the Treasury should be overruled.

Your committee recommend that the bill do lie on the table.

Mr. SPRINGER. Let the bill be reported to the House with a recommendation that it be laid upon the table.

The CHAIRMAN. The Chair understands it is customary to report bills to the House in such case, with the recommendation that they be indefinitely postponed.

The motion was agreed to.

WILLIAM ERVIN.

The next business on the Private Calendar was the bill (S. 542) for the relief of William Ervin.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William Ervin, his heirs or assigns, out of any money in the Treasury not otherwise appropriated, $7,650, being the value of 180 head of beef cattle seized unlawfully and taken out of his possession, in the State of Kansas, in the year 1862, by order of Col. Charles R. Jennison, commanding the Seventh Regiment Kansas Cavalry, United States Volunteers, said beef-cattle having been used as subsistence for the officers and soldiers of said regiment.

Mr. EDEN. I ask for the reading of the report.

The report (by Mr. RICHARDSON) was read, as follows:

The committee, having a similar bill for the relief of this claimant before them, after full consideration, on April 20, 1886, reported same to the House with recommendation that it do pass. Said bill is (H. R. 3713), and the report accompanying it is No. 1821. The committee recommend the passage of the Senate bill.

Mr. EDEN. That report furnishes very little information.

Mr. RICHARDSON. The Committee on War Claims simply adopted the report as presented by the Committee on Claims of the Senate and refer to it there; but there is a report accompanying the bill (H. R. 3713) which states fully the facts embodied in the Senate report, and I therefore ask that this report which I hold in my hand be read.

The report (by Mr. RICHARDSON) was read, as follows:

The committee find the facts to be as stated in Senate report No. 682, Forty-eighth Congress, first session, which report is hereto annexed and made a part of this report, and is as follows:

"The Committee on Claims, to whom was referred the bill (S. 1025) for the relief of William Ervin, having considered the same, beg leave to make the following report:

"In the year 1862 the claimant was a resident of Kansas and the owner of 180 head of cattle, which were pasturing near Emporia. About April 15, 1862, the said cattle were taken from the claimant by the order of Col. Charles R. Jennison, commanding the Seventh Regiment Kansas Cavalry, and used by said regiment for food.

"This appears from the sworn statement of the claimant himself, and the affidavits of Col. Charles R. Jennison and First Lieut. John A. Tanner. Colonel Jennison says the regiment was in want of beef, and he ordered the seizure of the claimant's cattle, and the same were used for the subsistence of his officers and men, and he did not pay for them. Lieutenant Tanner swears the cattle were taken by the command of Colonel Jennison, and were used for the subsistence of the regiment.

"Charles F. Garrett and James S. Emery, residents of the city of Lawrence, Kans., swear they were well acquainted with the claimant from 1857 to 1866, and during that time they knew he was thoroughly loyal to the United States Government.

"James Angus swears he was employed by the claimant in the month of April, 1862, herding 180 head of cattle, and that about the 15th day of April the said cattle were taken from the possession of the claimant by the Seventh Regiment Kansas Cavalry. Furthermore that he has a distinct recollection that a few days prior Saint Louis cattle dealers offered the claimant $42.50 a head for these cattle, but the claimant declined to sell them at that price.

"The claimant himself swears to receiving the same offer, but that he declined because he considered them worth $55 a head.

"In explanation of the long delay in presenting his claim to Congress the claimant swears that in the year 1867 he placed his claim in the hands of a Mr. L. M. O'Brien for prosecution, who, being unable to attend to it, turned it over to Chipman & Hosmer, claim agents in Washington, D. C., together with a number of affidavits of persons who knew of the taking of the cattle. Chipman & Hosmer told the claimant he must furnish the statements of some officers in command of the Seventh Regiment Kansas Cavalry relative to taking his cattle. The claimant was unable to find officers who had knowledge of the transaction until last year, when he procured the affidavits above mentioned of Colonel Jennison and Lieutenant Tanner. For the lack of such evidence Chipman & Hosmer did not present and prosecute the claim.

"A letter from Chipman & Hosmer, dated April 30, 1867, acknowledges the receipt of the claim and accompanying papers.

"The claimant holds no receipts from Colonel Jennison or any of his command for the cattle, but from records in the War Department it appears that the Seventh Regiment Kansas Cavalry were careless and reckless, accustomed to appropriate property of both friend and foe to their own use, rarely, if ever, giving vouchers therefor. Many complaints were entered against them by different generals who commanded the divisions in which they were, and finally Colonel Jennison was obliged to leave the service on account of his unsoldierly conduct.

"For the above reasons your committee attach less importance to the want of vouchers.

"Your committee think the claim is fully substantiated by the evidence, and that the amount offered for the cattle by the Saint Louis cattle dealers—$42.50 per head—just prior to their seizure, is a fair price."

The committee therefore adopt said Senate report as the report of this committee, and report the accompanying bill (H. R. 3713) for his relief, with recommendation that it do pass.

Mr. EDEN. I would like to inquire of the gentleman from Tennessee why it is that this claim was not presented under the act of July 4, 1864, and considered by the accounting officers of the Treasury.

Mr. RICHARDSON. Mr. Chairman, it seems that this claimant in 1867 filed his claim with the Department, or rather he presented it by putting it in the hands of his agents here, the firm mentioned in the report, Chipman, Hosmer & Co., I believe. They informed him that it would be necessary to have the proof of the colonel or some officers of the regiment, or some other persons familiar with the facts.

The proof shows that he was unable to find these parties until the last year—that is, the year before the report was submitted—and after finding them and obtaining the testimony the report was made. In the meantime it seems that the claim had not been filed with the Quartermaster's Department, or, if so, it had been disallowed. I have not the facts before me and am not positive as to what action was taken in that Department. But, at any rate, it was held up to await the proofs of the officers of the regiment, and when they were found and the case was clearly made out in the judgment of the committee, the statute of limitations had barred it.

Mr. LONG. But it appears by the report, if I understood the reading of it, that these officers were so worthless that they were dismissed the service.

Mr. PETERS. They were not dismissed because of being worthless officers in that sense of the word.

Mr. RICHARDSON. Not at all; the gentleman from Kansas is more familiar with these officers than I am.

I only know that the proof was taken, and shows conclusively that 180 head of cattle had been seized by the regiment and used by the Army

for which payment was never made. This man was a citizen of Kansas at that time, residing near Emporia in that State, and his loyalty is not questioned.

Mr. EDEN. Mr. Chairman, this claimant, if I understand it correctly, had until January, 1880, to file his claim with the proper Department of the Government and have it investigated, and if found to be correct to have it allowed by the accounting officers of the Treasury.

Mr. SAYERS. I will state to the gentleman from Illinois that the claimant did put his claim in the hands of claim agents as far back as 1867 and has been prosecuting it all the time since then.

Mr. PERKINS. Will the gentleman from Illinois permit me to make this suggestion: That Colonel Jennison, the colonel of the Seventh Kansas Cavalry—I do not know anything about the claim—but this gentleman was a very prominent citizen of Kansas and there would have been no difficulty whatever in finding him and obtaining his testimony.

Mr. EDEN. I have no information whatever about the claim, except in what appears in the report; but I am satisfied it could not have been difficult to have found him during that time, and while, as a matter of course, I can not pretend to know anything about the facts on which the claim is based, the mere fact that it was not presented to the proper Department which had authority and jurisdiction to hear and determine the rights of the claimants is a suspicious circumstance against the validity of the claim itself.

Mr. LONG. Is this a bill to pay or refer the claim to the Court of Claims?

Mr. EDEN. It is to pay it, and that, too, when the party had a day in court if he chose to take it, because the Commissary-General and the accounting officers of the Treasury had full jurisdiction to hear the evidence, to put all the machinery in their hands in motion, and to send an agent to Kansas or elsewhere, if necessary, to ascertain the facts on which the claim was based. If the claim had been presented in that way the Government would have been represented; and I do not feel that it would be doing justice to allow a claim to pass where a party has been guilty of such great laches, in view of the fact that there is liability to do injustice to the Government thereby.

Mr. SAYERS. Mr. Chairman, the evidence is that a bill of a similar character passed the Senate in the Forty-eighth Congress. According to the proof before the Senate committee it appears that the claimant, who was entitled to relief under this bill, was prevented from having his claim allowed before 1880, by reason of the fact that he was not able to procure the necessary vouchers. Since that time he has procured the necessary evidence, and it does occur to me that the mere fact that some time has elasped, fourteen or fifteen years, since the claim ought to have been presented does not, in view of the statements accompanying this report, furnish any sufficient ground to warrant the rejection of a valid claim.

Mr. LONG. Has this been passed upon by the accounting officers?

Mr. SAYERS. I do not know; I presume not, however, as they could not have passed upon it.

Mr. LONG. Has it ever been passed upon by any tribunal?

Mr. SAYERS. No, sir; except that it has been acted upon by the Senate and twice passed the committee of the House.

Mr. LONG. Would it not be better to send this to the Court of Claims?

Mr. SAYERS. I would prefer to have the bill pass as it is. I am satisfied it is a just claim. The claimant removed from Kansas to Texas, resides in my district, and I know him to bear the reputation of an honorable and just man. I move that the bill be laid aside to be reported with a favorable recommendation.

Mr. MORRISON. It can hardly be that any honest claim of this magnitude among our wise people away up North, with Congress always open to them, would have been delayed this long without being presented and prosecuted. In my judgment it ought not to be allowed.

Mr. MORRILL. The claim was presented in 1867.

Mr. STEELE. When were the cattle taken?

Mr. MORRILL. In 1862. Some of the affidavits were lost and had to be replaced.

Mr. MORRISON. The claim is rather too cold.

Mr. STEELE. The cattle were taken in 1862, and the claim, it is stated, was first made in 1867. Why did it lie so long?

Mr. SPRINGER. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all after the enacting clause, and insert the following:

That jurisdiction is hereby conferred upon the Court of Claims to consider the claim of William Ervin, his heirs or assigns, for $7,650, being value of 180 head of beef cattle, alleged to have been seized unlawfully and taken out of his possession in the State of Kansas, in the year 1862, by order of Col. Charles R. Jennison, commanding the Seventh Regiment of Kansas Cavalry, United States Volunteers, and used as subsistence for the officers and soldiers of said regiment, and to make report to Congress thereon as provided in the act of Congress approved March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government."

Mr. SPRINGER. That simply sends this claim to the Court of Claims for judicial ascertainment of the facts as provided in the Bowman act. The facts in the case are so complicated and the claim has been delayed so long that I think the ordinary means of obtaining information by *ex parte* affidavits are too unreliable to warrant us in passing this bill as reported.

Mr. RICHARDSON. I did not hear the whole of the amendment distinctly. Does it relieve the claimant of the statute of limitations?

Mr. SPRINGER. It does. Jurisdiction is given to the Court of Claims to ascertain the facts and report them to Congress under the Bowman act.

The amendment was adopted; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. RICHARDSON took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 222) to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia.

The message further announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 10) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," approved March 22, 1882, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. EDMUNDS, Mr. INGALLS, and Mr. PUGH the conferees on the part of the Senate.

The Committee of the Whole resumed its session.

W. H. POWELL.

The next business on the Private Calendar was the bill (S. 269) for the relief of W. H. Powell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, directed to pay to W. H. Powell, surviving partner of the firm of W. H. Powell & Co., out of any money in the Treasury not otherwise appropriated, the sum of $498.54, which shall be in full compensation for damage sustained by reason of an erroneous assessment, and seizure therefor, on or about the 1st day of March, 1871, of a certain distillery bonded warehouse numbered 16, with cattle-pens, machinery, and fixtures, then owned by the firm of W. H. Powell & Co., of the third collection district of Ohio, and in full satisfaction of all claims of the said W. H. Powell & Co., and of said W. H. Powell, against the Government of the United States, in any manner arising out of the said assessment, and the seizure and sale or loss of said property; and to release the judgment now standing against said W. H. Powell & Co., and John Mills and others, of Dayton, Ohio, as their sureties.

Mr. BUCHANAN. This is an important bill. It seeks to release a judgment now standing against this claimant. I think the report should be read.

Mr. PETERS. I call for the reading of the report.

The report (by Mr. HOWARD) was read, as follows:

That we have examined the claim, and adopted the report of the Senate Committee on Claims, No. 42, which is inserted herein and made a part of this report, and recommend to the House that said bill as amended by the Senate do pass the House.

The following is the printed report of the Senate committee, to wit:

[Senate Report No. 42, Forty-ninth Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 269) submit the following report:

The claimant is the surviving partner of the firm of W. H. Powell & Co., which was engaged in business as distillers at Chambersburg, in the third collection district of Ohio, from some time in November, 1868, to the 26th day of January, 1869. During this period the monthly assessments upon their business were regularly made by one O. C. Maxwell, the United States assessor for that district, and the same were promptly paid by the firm, the amounts paid by them aggregating $834.33, which were receipted for in full by D. W. Schaeffer, United States collector for that district.

Subsequent examinations by the proper officers of the Internal-Revenue Department developed the fact that the sum of $834.33, so paid by said firm during the period mentioned, was $65.76 in excess of the amount justly assessable upon their property.

The business of the firm was discontinued on the 26th day of January, 1869, because of scarcity of water and the inferior quality of grain then obtainable. The water supply was variable, being inadequate for the regular operation of the distillery, even at its minimum producing capacity, and necessitating reductions and increase from time to time in their capacity, and even temporary suspensions of the business.

Due notice was given by the firm of the commencement of business, and the reduction and increase of capacity from time to time, and of the suspensions and final discontinuance of business, and upon due applications to the proper revenue officers the permits required by law in the premises were obtained by the firm. The assistant assessor, however, in making returns to his superior officer of the temporary suspensions, omitted to state, in some of his certificates, what the papers showed to have been, in fact, true—that there were at those times no mash, wort, or beer in the distillery, or on the premises.

Upon each notice of suspension or resumption of business, the proper locks, seals, and fastenings were placed upon and removed from the doors, tubs, &c., by the proper officers.

After the discontinuance of the business Mr. Maxwell retired from the office of United States assessor, and was succeeded by George G. Johnson, who, because of technical defects and omissions in the certificates of the assistant assessor before mentioned, made a reassessment in form 89, for the month of January, 1869, upon the maximum capacity of the distillery.

Mr. Maxwell, who was assessor during the entire period in which Powell & Co. were in business, says, in an affidavit on file in the Department:

"It was my duty to make the assessment, and it was made with full knowledge of the facts. It was reported to, and confirmed by, the Commissioner of Internal Revenue, and the parties, on my recommendation, settled the same in full, and quit the business of distilling. I am of the opinion, and then was, that they were assessed the full amount authorized by law, and believe that any reassessment, such as is made in form 89, is erroneous and consequently illegal."

The reassessment thus wrongfully made amounted to $1,491.87, which Powell & Co. declined to pay, and the property was seized by the Government and sold for $226.50, which was the sum required to cover the expenses of seizure

and sale. The Government bid it in, and subsequently sold it for the same amount.

Suit was also brought on the distiller's bond, and judgment obtained after the death of McDowell, the junior partner of Powell & Co., for $1,586.56, which covered the reassessment, penalty, and interest. Powell, the surviving partner, paid $206.28 on the judgment in 1874, and the Commissioner of Internal Revenue ordered that it be no further enforced.

The United States district attorney, Mr. Bateman, who had charge of the suit upon the bond, states in a letter before the committee that the defendants offered to show the facts as to the erroneous reassessment, but the court ruled out the evidence, holding under the law the reassessment to be conclusive in the suit upon the bond. The district attorney declares it to be his opinion that the reassessment was in fact illegal, and that if the parties had paid it they would have been entitled to recover back the money.

The seizure and the first and subsequent sale of the property by the Government were made while the claimant was absent from the State of Ohio; were without his knowledge, and he had therefore no opportunity to bid in the property or procure it to be done, or to appeal for relief to the proper officer of the Treasury Department.

The committee are of the opinion that the claimant is entitled to receive from the Government the sum of $498.54, the amount named in the bill, made up of the following items: For original overpayment, $65.76; the amount received by Government on sale of property, $226.50; the amount paid by Powell, as surviving partner, on the judgment rendered upon the bond, $206.28; and that the judgment in the action in the bond should be satisfied, and Powell & Co., and W. H. Powell, as survivor, and their and each of their sureties, relieved from further liability and obligation, of every kind, in the premises.

It is proper to mention the fact that the claim embracing the items last above mentioned was reported favorably by the Committee on Ways and Means of the House of Representatives, in the Forty-fourth, Forty-fifth, and Forty-sixth Congresses. It was also reported favorably by the Senate Committee on Claims in the Forty-seventh and Forty-eighth Congresses, and the bill passed the Senate on the 2d day of June, 1884.

The committee recommend that the bill be amended by inserting after the word "Powell," in the fourth line, the words "surviving partner of the firm of W. H. Powell & Co.;" also, by inserting after the word "Ohio," where the same occurs in the twelfth line thereof, the words "and in full satisfaction of all claims of the said W. H. Powell & Co. against the Government of the United States, in any manner arising out of the said assessment, and the seizure and sale, or loss, of said property," and that as so amended the same do pass.

The CHAIRMAN. The question is: Shall the bill be laid aside to be reported to the House with the recommendation that it do pass.

The question being taken, it was decided in the negative.

ORDER OF BUSINESS.

Mr. WILLIS. The claim of B. B. Connor has been reported favorably by the Committee on War Claims, and the House bill which stands on the Calendar has just been passed over. There is a Senate bill identical with the House bill, the bill (S. 1537), and I ask, if it be in order, that the Senate bill be substituted for the House bill, and that it be now considered.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. JOHNSON, of Indiana. I desire to make a parliamentary inquiry. Does not the order provide that we shall take up the Senate bills on the Calendar in their order? The only objection I have to the request of the gentleman from Kentucky is that, if we agree to it, we open the door to many similar applications.

The CHAIRMAN. The Chair will state that the order of the House under which the Committee of the Whole is proceeding does not regulate the order in which the Senate bills shall be taken up. But the order of business is that they shall be taken in their order. The Chair submitted the request of the gentleman from Kentucky so as to allow the committee to act upon it. Unanimous consent is necessary. Does the gentleman from Indiana [Mr. JOHNSON] object?

Mr. JOHNSON, of Indiana. I do.

EDWAY A. GRANT.

The next business on the Private Calendar was the bill (S. 267) for the relief of Edway A. Grant.

Mr. BROWN, of Ohio. Mr. Chairman, I ask that that bill be laid aside informally, not losing its place on the Calendar.

There was no objection, and it was so ordered.

WILLIAM H. GRAY.

The next business on the Private Calendar was the bill (S. 165) for the relief of William H. Gray, of Kentucky.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay William H. Gray, or his legal representative, out of any moneys in the Treasury not otherwise appropriated, the sum of $648.25, the said sum of money being the payment in full to the said William H. Gray for services rendered to the Government of the United States, while under the orders and in the employment of the officers thereof, during the month of December in the year 1866 and the months of January and February in the year 1867.

Mr. EDEN. I ask for the reading of the report in that case.

The report (by Mr. HOWARD) was read, as follows:

That they have examined the same and have adopted the report of the Committee on Claims in the Senate as their own, and report said bill back to the House, and recommend that it do pass without amendment; which report of the Senate is as follows:

[Senate report No. 97, Forty-ninth Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 165) for the relief of William H. Gray, having considered the same, submit the following report:

That the Commissioner of Internal Revenue, under the date of December 21, 1866, directed R. M. Kelley, collector of internal revenue for the seventh district of Kentucky, to make an examination of the distilleries in said district, and if he could not perform the duty in person, to send a competent and trustworthy deputy. Under these instructions he appointed the claimant to make the examination and report. The claimant did make the examination in a manner satisfactory to Mr. Kelley and the Government, visiting and examining one hundred and five distilleries, which occupied him from December 28, 1886, to February 16, 1867, a period of fifty-one days. The money actually expended by him for necessary expenses amounted to $444.25; his compensation $204, which account was approved by Collector Kelley.

After having completed the examination, the claimant made a full report to Mr. Kelley and the Commissioner of Internal Revenue, both of whom stated that the work was done satisfactorily. Mr. Kelley told him to make up his account and he would approve it and the Commissioner pay it. Some time later the claimant did make out his account, presented it to Mr. Kelley, who approved it, and then he forwarded it to the Commissioner. The Commissioner returned it with a blank form, saying that when it was made out according to this form it would be paid. The claimant made it out accordingly and forwarded it again to the Commissioner, in whose bureau it remained till 1875 before he received any definite answer about it. Then he was informed that his claim was rejected on the ground that Mr. Kelley should have paid him from his own compensation, according to section 3148 United States Revised Statutes, which provides that—

"Each collector shall be authorized to appoint * * * as many deputies as he may think proper, to be by him compensated for their services."

Mr. Gray appealed from this ruling, and in a later consideration of the case by the Revenue Bureau it was held that Mr. Kelley was paid for such special work by special allowances under the provisions of section 3145 of the United States Revised Statutes, which reads:

"The Secretary of the Treasury may make such further allowances from time to time as may be reasonable in cases where, by reason of the territorial extent of the district or the amount of internal taxes collected, or other circumstances, it may seem just to make such allowances."

It was further held that he should have submitted Mr. Gray's account in his estimates for additional allowances to the Treasury Department, and because Mr. Gray's account did not come to the Department in that way it was not allowed; and, further, that the act of February 8, 1875, providing that "no such allowance shall be made except within one year after such services are performed," left the Department no means then of paying the claim.

It was also stated that the claim should be paid, but that it could not be without further legislation.

It is plainly established that Mr. Kelley did not submit Mr. Gray's account to the Department in his own because he did not know but that it was just as correct for Mr. Gray to submit his account direct to the Department as it would be for him (Kelley) to send it in with his.

Secretary Bristow, in a letter to the claimant, said:

"While the Department recognizes the justice of compensating you for your services, there is at this time no appropriation available for that purpose, and Congress must pass a special act for your relief before any allowance can be made to you."

In Senate report 918 of the first session of the Forty-eighth Congress, made by Mr. Sheffield, of the Committee on Claims, section 3145 of the United States Revised Statutes is confounded with section 3148. The latter section does provide that collectors shall pay deputies out of their own compensations. But section 3145 provides that extra allowances may be made to collectors in certain cases where it may seem necessary, and the Revenue Bureau, in its last consideration of the case, finds that it was under this section Gray was employed and would have been paid had it not been for the mistake in the manner of the presentation of his account.

It is evident to your committee that Mr. Gray was properly and regularly employed; that he did his work in a manner satisfactory to all concerned; that the amount of the compensation he asks is reasonable; that it has not been paid him because it came to the Department directly from him instead of through Mr. Kelley.

It is undisputed that the Government received the benefit of his labors and expenditures, and your committee are of the opinion that the claimant should be paid, and therefore recommend the passage of the bill.

The bill was laid aside, to be reported to the House with the recommendation that it do pass.

JABEZ BURCHARD.

The next business was the bill (S. 570) for the relief of Jabez Burchard.

The bill was read, as follows:

Be it enacted, &c., That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to allow to Jabez Burchard, assistant engineer on the retired-list of the United States Navy, an amount which, with payments heretofore made to him, will be equal to 75 per cent. of the sea-pay of the grade or rank held by him at the date of his retirement by a naval board of the United States Navy; said amount to be paid out of any money in the United States Treasury not otherwise appropriated, and to take effect from and after the date of his retirement by said naval board.

Mr. WARNER, of Ohio. I ask that the report in that case be read.

The report (by Mr. SOWDEN) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 2026) for the relief of Jabez Burchard, having had the same under consideration, respectfully submit the following report:

A bill for the relief of Jabez Burchard passed the Senate in the Forty-sixth Congress, but was not reached on the Calendar of the House. The bill, as now introduced, provides that the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to allow to Jabez Burchard, assistant engineer on the retired list of the United States Navy, an amount which, with payments heretofore made to him, will be equal to 75 per cent. of the sea pay of the grade or rank held by him at the date of his retirement by a naval board of the United States Navy; said amount to be paid out of any money in the United States Treasury not otherwise appropriated, and to take effect from and after the date of his retirement by said naval board.

Mr. Burchard entered the United States Navy March 14, 1865, as acting third assistant engineer. He served five months on the monitor Naubue; was detached and ordered to the United States steamer Powhatan. He served a little over two years and six months on this steamer; was detached and granted one month's leave of absence, and was honorably discharged. He re-entered the Navy September 1, 1870, as second assistant engineer, and was ordered on special duty at League Island, Pennsylvania; detached from there January 11, 1872, and ordered to the United States monitor Terror, at Havana. While attached to this monitor at Key West, Fla., in July, 1872, he was taken with an affection of the eyes, was examined by a board of medical officers, condemned, and sent home. After remaining on sick-leave for nearly a year he reported as fit for duty, and was ordered to join the United States steamer Tuscarora, at San Francisco. After joining this ship he was again attacked with affection of the eyes, and was again condemned by a medical survey and sent home. After his arrival home he placed himself under the treatment of Dr. P. D. Keyser, an eminent oculist, who pronounced his disease to be one of the worst forms of inflammation of the retina. While in this condition he was ordered before the retiring board at Washington, under sections 1448 to 1454, Revised Statutes.

Those sections provide that a retiring board shall find and report the cause of an officer's incapacity. If the board finds it to be the result of an incident of service the officer is paid three-fourths of the sea pay of his grade, under the first clause of section 1588 of the Revised Statutes, which for an assistant engineer is $1,275 per annum (see section 1556, Rev. Stat.). If the board finds that the incapacity is not due to incident of service the officer is retired on furlough pay, which is fixed by section 1593, Revised Statutes, at one-half of leave-of-absence pay.

In Mr. Burchard's case the board made the following negative finding:

NAVAL RETIRING BOARD,
Washington, D. C., October 12, 1874.

SIR: We have examined Jabez Burchard, assistant engineer, United States Navy, and find him affected with chronic retinitis. He had been twice condemned by medical survey of disease for the eyes, and there is no evidence on record that his disability originated in the "line of duty." He is at present unfit for duty, and, in our opinion, is permanently incapacitated to perform the duties appropriate to his commission.

Respectfully, &c.,

GEORGE PECK,
Medical Inspector.
DAVID KINDLEBERGER,
United States Naval Surgeon.

Commodore J. W. NICHOLSON,
President Naval Retiring Board.

This finding, being construed to mean that Mr. Burchard's disability was not caused by incident of service, he was, on the 26th of October, 1874, retired on furlough pay, which for his grade amounted to $500 per annum.

Mr. Burchard applied to the Secretary of the Navy, asserting that he had been wholly unprepared with evidence before the retiring board to show that his disability originated in the line of duty. Upon a full examination of the case the Secretary wrote the following letter:

NAVY DEPARTMENT, *Washington, March* 1, 1877.

SIR: Upon a full review of all the facts in the case of Assistant Engineer Jabez Burchard, United States Navy, the Department is of the opinion that the causes which incapacitated him for active duty were incident to the service, and that he should receive the higher rate of pay allowed to retired officers by section 1588 of the Revised Statutes.

Very respectfully, &c.,

GEO. M. ROBESON,
Secretary of the Navy.

Hon. S. J. W. TABOR,
Fourth Auditor of the Treasury.

In accordance with the supposed authority of this letter, the accounting officers paid Mr. Burchard at the three-quarter rate ($1,275 per annum) from the date of his retirement to 1878. It was then decided by the Second Comptroller that the Secretary had no authority to review the finding of the retiring board, which had been once approved, and Mr. Burchard's pay was again reduced to $500 per annum. The President thereupon nominated Mr. Burchard to the Senate for transfer from the furlough to the retired-pay list, under section 1594 of the Revised Statutes, and he was confirmed.

This section is a re-enactment of section 3 of the act of January 16, 1857 (11 Stats., 154), a reference to which will clearly show that it was intended to correct the possible mistakes of a retiring board in the case of an officer whose disability had been erroneously found not to have arisen from an incident of service. By subsequent acts, however, retirement had been provided for other causes than physical disability, and the pay of officers retired for such miscellaneous causes was fixed in the second clause of section 1588 of the Revised Statutes, at one-half of the sea-pay of their grades. The Comptroller decided that Mr. Burchard's transfer, by nomination and confirmation, under section 1594, only operated to give him this one-half pay, or $850 per annum, instead of three-fourths pay allowed by the first clause of section 1588.

Believing this decision erroneous, Mr. Burchard brought suit in the Court of Claims for the difference between $850 and $1,275 per annum, but the court affirmed the decision of the Comptroller. (19 Ct. Cls. Reps., 137.)

In this suit the Government set up a counter-claim of some $2,500 on account of the difference between $500 and $1,275 per annum, paid Mr. Burchard under the authority of the Secretary of the Navy, above quoted, between the date of his retirement and the date of his transfer. While this counter-claim was dismissed, the reasoning of the court in its opinion shows that they regarded it as well founded. The Government thereupon appealed to the Supreme Court, where the case is now pending.

The committee are of the opinion that the court was correct in deciding that the Secretary of the Navy could not review the finding of the retiring board, conceding that finding to have been such as is required by the law. It would therefore appear that this officer, receiving a salary of $850 per annum, upon which he and his familly are totally dependent, and who is prevented by his disability from doing any work requiring the use of his eyes, will be condemned to pay some $2,500 out of his meager salary on account of the mistake of the Secretary of the Navy in not having him transferred by nomination to the Senate in the first place, instead of attempting to regulate his pay by a letter to the Fourth Auditor.

While the committee do not dispute the correctness of the decision of the court, that an officer transferred under section 1594 is entitled only to half-pay instead of three-quarters pay, they believe that it was the intent of the law now embodied in section 1594 to fully correct the mistakes of a retiring board, which can only be done by giving the transferred officer the pay he would have received if his disability had been found, in the first place, to have originated in the line of duty.

Your committee therefore report the accompanying bill, which will give Mr. Burchard the pay of an officer of his grade retired for disability incident to the service (namely, $1,275 per annum) from the date of his retirement, and recommend its passage.

Mr. WARNER, of Ohio. Mr. Chairman, there are some things about this bill which I think do not commend it to favorable consideration. If I understand the bill, it proposes to change the rating of an officer on the retired-list of the Navy and to give him an increase of pay beyond what the law entitles him to. Not only that, but the increase is made retroactive; it goes back to the date of his original discharge, in 1874, and involves, I think, some four or five thousand dollars. I had occasion to look into this claim in the Forty-eighth Congress, where it was reported adversely. The facts, as I remember them, are about these: This assistant engineer, after a very brief service, was discharged or left the Navy; then he was received back and was retired by a medical board for disability on an allowance of $500 a year; or rather he was furloughed at that rate. Afterwards he was placed on the retired-list at $850 a year, where he now stands.

So far as my recollection of this service goes, it is very doubtful whether the right to remain on the retired-list, even at this rate, has been earned, but this bill proposes to increase the pay which the law allows him on the retired-list, from $850 to $1,275 a year, and, if I understand it correctly, the increase is to be made retroactive, extending back to 1874, covering $4,000 or $5,000 of arrears. I will say nothing of the disability, but I am satisfied that this bill has not such merit as to commend it to the House, and I therefore move that it be reported back with the recommendation that it be indefinitely postponed.

Mr. SPRINGER. Mr. Chairman, this bill, I think, ought to have some further investigation, and pending the motion of the gentleman from Ohio, if he will permit me, I will move that the committee now rise.

Mr. MORRISON. Oh, no. Let us dispose of this bill.

The motion of Mr. WARNER, of Ohio, was agreed to, and the bill was indefinitely postponed.

Mr. SPRINGER. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. HAMMOND having taken the chair as Speaker *pro tempore*, Mr. MCMILLIN reported that the Committee of the Whole House, having had under consideration the Private Calendar, had instructed him to report back sundry bills with various recommendations.

UNITED STATES STEAMER ASHUELOT.

The first business reported from the Committee of the Whole was the bill (S. 250) for the relief of the sufferers by the wreck of the United States steamer Ashuelot.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BUCHANAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The House bill (H. R. 2110) for the relief of the sufferers by the wreck of the United States steamer Ashuelot was laid on the table.

H. A. MYERS.

The next business reported from the Committee of the Whole was the bill (S. 390) for the relief of H. A. Myers.

The question was taken on ordering the bill to a third reading, and it was decided in the negative.

HARRY I. TODD.

The next business reported from the Committee of the Whole was the bill (S. 30) for the relief of Harry I. Todd, late keeper of the Kentucky penitentiary.

Mr. BRECKINRIDGE, of Kentucky. I move to recommit that bill to the Committee of the Whole.

Mr. SPRINGER. As the bill will go to the foot of the Calendar under that motion, I do not think it necessary to oppose it.

Mr. BUCHANAN. Even the foot of the Calendar is a dangerous place for such a bill.

Mr. WEAVER, of Iowa. Yes; it is dangerous.

The question was taken on the motion to recommit; and there were—ayes 50, noes 45.

Mr. WEAVER, of Iowa. No quorum.

The CHAIRMAN. The point of no quorum being made, the Chair will appoint the gentleman from Kentucky [Mr. BRECKINRIDGE] and the gentleman from Iowa [Mr. WEAVER] to act as tellers.

Mr. WEAVER, of Iowa. Mr. Chairman, I withdraw the point of no quorum.

The CHAIRMAN. The point that no quorum has voted is withdrawn. The ayes have it, and the bill is recommitted.

A. A. THOMAS.

The next bill reported from the Committee on the Whole on the Private Calendar was the bill (S. 391) for the relief of A. A. Thomas.

The SPEAKER *pro tempore* (Mr. HAMMOND). This bill has been reported from the Committee of the Whole with a recommendation that it pass.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

Mr. TAULBEE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ESTATE OF J. J. PULLIAM.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (S. 605) for the relief of the estate of J. J. Pulliam, deceased.

The SPEAKER *pro tempore*. This bill has been reported from the Committee of the Whole with a recommendation that it be laid on the table.

Mr. ZACH. TAYLOR. I move to non-concur in the report of the Committee of the Whole. Let the bill go over, retaining its place on the Calendar.

Mr. SPRINGER. The motion of the gentleman from Tennessee [Mr. ZACH. TAYLOR] is unnecessary, as the object can be reached, if a majority so desire, by a negative vote on concurring in the report of the Committee of the Whole.

The SPEAKER *pro tempore*. The question is, shall this bill be laid on the table?

Mr. ZACH. TAYLOR. I hope that will not be done.

The question being taken, there were—ayes 30, noes 39.

So the motion was not agreed to.

Mr. STEELE. I ask unanimous consent that this bill be recommitted to the Committee of the Whole House on the Private Calendar, retaining its place on the Calendar.

Mr. SPRINGER. I object. I would not object to recommitting the bill to the Committee on War Claims. I make that motion.

The motion of Mr. SPRINGER was agreed to; there being—ayes 40, noes 33.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr SYMPSON, one of its clerks, announced that the Senate had disagreed to the amendment of the House to the bill (S. 1458) to provide for holding terms of the circuit and district courts of the United States for the eastern district of Michigan at Bay City, in said district; asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. WILSON, of Iowa, Mr. INGALLS, and Mr. GEORGE.

H. A. MYERS.

Mr. SPRINGER. There was a misapprehension in regard to the bill (S. 390). Before making a statement in regard to it, I ask the Clerk to read the title of the bill.

The Clerk read as follows:

A bill (S. 390) for the relief of H. A. Myers.

Mr. SPRINGER. This bill was reported with a favorable recommendation from the Committee of the Whole; but by misapprehension it was laid on the table, having been confounded, I presume, with another bill soon afterward reached, in regard to which the recommendation was that it lie on the table. There was no objection to the passage of this bill.

The SPEAKER *pro tempore*. The House refused to order this bill to be read a third time.

Mr. SPRINGER. I move to reconsider that action, in order that this bill may receive the favorable consideration of the House.

The SPEAKER *pro tempore*. A motion to reconsider was made, and was laid on the table.

Mr. SPRINGER. Then I ask unanimous consent that the action of the House upon this bill may be revoked. There was certainly a misapprehension. There is no opposition to the bill.

The SPEAKER *pro tempore*. The gentleman from Illinois asks unanimous consent that the order laying on the table the motion to reconsider the vote by which the House refused to order this bill to a third reading may be vacated. Is there objection?

Mr. STEELE. Before that question is determined, I would like to hear what the bill is.

Mr. SPRINGER. Let the bill be read.

The bill was read, as follows:

Be it enacted, &c., That the Paymaster-General of the United States Army be, and he is hereby, required to cause to be paid, out of any money appropriated, or which may hereafter be appropriated, for the payment of the Army of the United States, to H. A. Myers, late a private in the Eleventh Kansas Volunteers, a sum that shall be equal to the pay of a private soldier from the 17th day of September, 1862, to July 7, 1864, the date of his discharge from the service of the United States, deducting therefrom any amount that may have been paid to him as such private soldier, and any amount that may be due from him to the Government.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Illinois?

Mr. BRAGG. I object.

Mr. SPRINGER. I hope that the gentleman from Ohio [Mr. GEDDES] who reported this bill may be permitted to make a statement.

The SPEAKER *pro tempore*. The gentleman can do so by unanimous consent. Is there objection? The Chair hears none.

Mr. GEDDES. Mr. Speaker, I am well satisfied that the unfavorable action of the House on this bill must have been taken under some misapprehension. I did not notice at the moment that any action was being called for, or that this particular bill was before the House. Upon the reading of the report, I think every member would give his assent to the measure. The Adjutant-General and the Secretary of War have recommended the payment of this claim. The bill proposes to pay to a private soldier an insignificant amount for about four months' service actually performed by him. The soldier was examined by a surgeon, was dropped from the roll, or left the service, and in that way lost pay for about four months. I do not recall all the facts connected with the case; but the sum which the bill proposes to pay is very small. I was entirely satisfied, as was the committee, that the claim is just. As payment was recommended by the Adjutant-General and the Secretary of War, we did not regard any extended consideration of the facts as very material.

Mr. BRAGG. I insist on my objection. The bill has received the unfavorable action of the House, and a motion to reconsider has been laid on the table.

The SPEAKER *pro tempore*. Objection being made, the motion of the gentleman from Illinois [Mr. SPRINGER] can not be entertained.

Mr. TOWNSHEND. I rise to a parliamentary inquiry: Is not a motion to reconsider the action of the House upon this bill in order?

The SPEAKER *pro tempore*. A motion to reconsider has been made and laid on the table. Therefore the motion is not now in order.

Mr. TOWNSHEND. As I understand, the question taken was on laying the bill on the table. Is not a motion to reconsider in order now?

The SPEAKER *pro tempore*. The House refused to order the bill to be read a third time. Then there was a motion to reconsider and to lay that motion on the table, which was agreed to. The Chair thinks that perhaps the object can be reached by a motion for a conference upon the disagreeing votes of the two Houses.

Mr. STEELE. Is the motion to non-concur in the action of the House not in order?

The SPEAKER *pro tempore*. The Chair is of opinion it is not. The question has been disposed of, the motion to reconsider having been laid on the table.

WILLIAM ERVIN.

The amendment of the Committee of the Whole House on the Private Calendar to the bill (S. 542) for the relief of William Ervin was agreed to, and the bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. SAYERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM H. GRAY.

A bill (S. 165) for the relief of William H. Gray, of Kentucky, reported from the Committee of the Whole House on the Private Calendar favorably, was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. SPRINGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JABEZ BURCHARD.

The question next recurred on the bill (S. 570) for the relief of Jabez Burchard, reported from the Committee of the Whole House on the Private Calendar with the recommendation that it be indefinitely postponed.

Mr. SPRINGER. Let that be laid upon the table.

The SPEAKER *pro tempore*. It was reported to the House with the recommendation that it be indefinitely postponed.

Mr. SOWDEN. I demand a division on that question.

The House divided; and there were—ayes 44, noes 4.

Mr. SOWDEN. No quorum.

The SPEAKER *pro tempore* appointed as tellers Mr. SOWDEN and Mr. PETTIBONE.

Mr. BLAND. Evidently we have no quorum, and I move the House do now adjourn. [Cries of "No!" "Oh, yes!"]

The House divided; and there were—ayes 72, noes 57.

Mr. CUTCHEON. If this carries, will it not cut off the evening session?

The SPEAKER *pro tempore*. It will.

Mr. ROWELL. I demand the yeas and nays on the motion to adjourn.

The yeas and nays were ordered.

Mr. BUCHANAN. Let me inquire of the Chair whether, if this motion be carried, it will not dispense with the evening session for the consideration of pension bills?

The SPEAKER *pro tempore*. It will.

The question was taken; and it was decided in the negative—yeas 65, nays 107, not voting 147; as follows:

YEAS—65.

Allen, J. M.	Croxton,	Lanham,	Stewart, Charles
Ballentine,	Culberson,	Martin,	Stone, W. J., Ky.
Barksdale,	Dargan,	McCreary,	Storm,
Barnes,	Davidson, R. H. M.	McMillin,	Taylor, J. M.
Blanchard,	Dunn,	McRae,	Throckmorton,
Bland,	Eden,	Miller,	Tillman,
Blount,	Gay,	Mills,	Trigg,
Boyle.	Gibson, C. H.	Morrison,	Turner,
Bragg,	Glass,	Neal,	Van Eaton,
Breckinridge, C. R.	Halsell,	Peel,	Wallace,
Breckinridge, WCP	Hammond,	Richardson,	Wellborn,
Cabell,	Hemphill,	Rogers,	Wheeler,
Caldwell,	Hudd,	Sayers,	Winans,
Catchings,	Hutton,	Seymour,	Wise.
Clements,	Irion,	Shaw,	
Comstock,	Jones, J. H.	Singleton,	
Crisp,	Kleiner,	Springer,	

NAYS—107.

Adams, G. E.	Felton,	McAdoo,	Steele,
Anderson, J. A.	Fleeger,	McKenna,	Stephenson,
Atkinson,	Ford,	Morrill,	Stone, W. J., Mo.
Bliss,	Frederick,	Morrow,	Strait,
Boutelle,	Fuller,	Neece,	Struble,
Brady,	Geddes,	O'Hara,	Swinburne,
Brown, C. E.	Green, R. S.	O'Neill, Charles	Tarsney,
Brown, W. W.	Guenther,	O'Neill, J. J.	Taulbee,
Buchanan,	Hall,	Osborne,	Taylor, Zach.
Bunnell,	Haynes,	Outhwaite,	Thomas, J. R.
Butterworth,	Hepburn,	Owen,	Thomas, O. B.
Bynum,	Hermann,	Parker,	Townshend,
Campbell, J. M.	Hill,	Peters,	Tucker,
Campbell, J. E.	Hires,	Pettibone,	Van Schaick,
Campbell, T. J.	Hitt,	Pindar,	Wade,
Cobb,	Holmes,	Pirce,	Wadsworth,
Conger,	Hopkins,	Plumb,	Ward, T. B.
Cutcheon,	Howard,	Randall,	Warner, A. J.
Davenport,	James,	Reed,	Weaver, J. B.
Dingley,	Johnston, J. T.	Riggs,	Weber,
Dorsey,	La Follette,	Romeis,	West,
Dunham,	Lawler,	Rowell,	White, Milo
Ellsberry,	Lehlbach,	Sawyer,	Wilkins,
Ely,	Libbey,	Scranton,	Willis,
Evans,	Long,	Seney,	Wolford,
Everhart,	Lyman,	Sowden,	Woodburn.
Farquhar,	Mahoney,	Spooner,	

NOT VOTING—147.

Adams, J. J.	Dibble,	Jones, J. T.	Phelps,
Aiken,	Dockery,	Kelley,	Pidcock,
Allen, C. H.	Dougherty,	Ketcham,	Ranney,
Anderson, C. M.	Eldredge,	King,	Reagan,
Bacon,	Ermentrout,	Laffoon,	Reese,
Baker,	Findlay,	Laird,	Rice,
Barbour,	Fisher,	Landes,	Robertson,
Barry,	Foran,	Le Fevre,	Rockwell,
Bayne,	Forney,	Lindsley,	Rusk,
Belmont,	Funston,	Little,	Ryan,
Bennett,	Gallinger,	Lore,	Sadler,
Bingham,	Gibson, Eustace	Louttit,	Scott,
Bound,	Gilfillan,	Lovering,	Sessions,
Browne, T. M.	Glover,	Lowry,	Skinner,
Brumm,	Goff,	Markham,	Smalls,
Buck,	Green, W. J.	Matson,	Snyder,
Burleigh,	Grosvenor,	Maybury,	Spriggs,
Burnes,	Grout,	McComas,	Stahlnecker,
Burrows,	Hale,	McKinley,	Stewart, J. W.
Campbell, Felix	Hanback,	Merriman,	St. Martin,
Candler,	Harmer,	Millard,	Stone, E. F.
Cannon,	Harris,	Milliken,	Swope,
Carleton,	Hatch,	Mitchell,	Symes,
Caswell,	Hayden,	Moffatt,	Taylor, E. B.
Clardy,	Heard,	Morgan,	Taylor, I. H.
Collins,	Henderson, D. B.	Muller,	Thompson,
Compton,	Henderson, J. S.	Murphy,	Viele,
Cooper,	Henderson, T. J.	Negley,	Wait,
Cowles,	Henley,	Nelson,	Wakefield,
Cox, S. S.	Herbert,	Norwood,	Ward, J. H.
Cox, W. R.	Hiestand,	Oates,	Warner, William
Crain,	Hiscock,	O'Donnell,	Weaver, A. J.
Curtin,	Holman,	O'Ferrall,	White, A. C.
Daniel,	Houk,	Payne,	Whiting,
Davidson, A. C.	Jackson,	Payson,	Wilson,
Davis,	Johnson, F. A.	Perkins,	Worthington.
Dawson,	Johnston, T. D.	Perry,	

So the House refused to adjourn.

During the roll-call,

On motion of Mr. MORRISON, by unanimous consent, the reading of the names was dispensed with.

Mr. GREEN, of New Jersey. I am paired with Mr. HARMER, but not regarding this as a political question, learning he would vote "no" if present, I have recorded my vote in the negative.

The following pairs were announced until further notice:

Mr. FELIX CAMPBELL with Mr. JOHNSON, of New York.

Mr. SPRIGGS with Mr. HOUK.

Mr. COMPTON with Mr. STEWART, of Vermont.

Mr. GIBSON, of West Virginia, with Mr. GOFF.

Mr. MORGAN with Mr. ZACH. TAYLOR.

Mr. HOLMAN with Mr. CANNON.

Mr. KING with Mr. BROWNE, of Indiana.

Mr. PIDCOCK with Mr. GILFILLAN.

Mr. REAGAN with Mr. HISCOCK.

Mr. MITCHELL with Mr. WHITING.

Mr. CANDLER with Mr. WEST.

Mr. DANIEL with Mr. HENDERSON, of Illinois.

Mr. WILSON with Mr. MCCOMAS.

Mr. FORNEY with Mr. PAYNE.

Mr. COX, of New York, with Mr. PAYSON.

Mr. GLOVER with Mr. GALLINGER.

Mr. JONES, of Alabama, with Mr. BURLEIGH, until January 17.

Mr. BARBOUR with Mr. ROCKWELL, until Monday next.

Mr. VIELE with Mr. HIESTAND, until Monday next.

For this day:

Mr. LAFFOON with Mr. NELSON.

Mr. MULLER with Mr. LITTLE.

Mr. GREEN, of New Jersey, with Mr. HARMER.

Mr. STAHLNECKER with Mr. WADE.

Mr. JOHNSTON, of North Carolina, with Mr. ALLEN, of Massachusetts.

Mr. BARRY with Mr. WAKEFIELD.

Mr. LOWRY with Mr. LAIRD.

Mr. COWLES with Mr. BURROWS.

Mr. WARD, of Illinois, with Mr. CASWELL.

Mr. ROBERTSON with Mr. BUCK.

Mr. BENNETT with Mr. PERKINS.

Mr. ERMENTROUT with Mr. RICE.

Mr. LE FEVRE with Mr. WARNER, of Missouri.

Mr. RANDALL with Mr. RYAN.

Mr. DAWSON with Mr. HENDERSON, of Iowa.

Mr. HERBERT with Mr. KELLEY.

Mr. HENDERSON, of North Carolina, with Mr. GROSVENOR.

Mr. SNYDER with Mr. HANBACK.

Mr. WORTHINGTON with Mr. BAKER.

Mr. O'FERRALL with Mr. MOFFATT.

The result of the vote was then announced, as above recorded.

The SPEAKER *pro tempore*. The tellers will resume their places.

Mr. MORRILL. I move that the House now take a recess until half past 7 o'clock this evening, for the consideration of the special order fixed for Fridays.

The SPEAKER *pro tempore*. That motion is not in order while the House is dividing.

Mr. TOWNSHEND. I ask unanimous consent that the House now take a recess until the hour fixed for the evening session.

Mr. ROGERS. I object.

Mr. SOWDEN. I will withdraw the demand for a quorum, in order to permit a motion to be made to take a recess.

The SPEAKER *pro tempore*. The Speaker has decided that a motion to take a recess pending a division is not in order.

Mr. SPRINGER. But the gentleman withdraws the point of no quorum.

The SPEAKER *pro tempore*. The Chair did not hear the withdrawal. If the point of no quorum is withdrawn, the Chair will announce the result of the vote just taken.

Mr. MORRILL. I now renew my motion that the House take a recess until half past 7.

Mr. SOWDEN. I withdraw the point only for that motion.

The SPEAKER *pro tempore*. The Chair will then announce the vote on the motion to postpone indefinitely the consideration of the bill, which was 44 in the affirmative and 4 in the negative.

Mr. SOWDEN. If that will dispose of the matter I renew the point.

Mr. SPRINGER. Can not the gentleman reach his object by entering a motion to reconsider? Let that motion be entered, then the House can take a recess, and the motion to reconsider will bring it up at any time the gentleman chooses to call it up within the time fixed by the rule.

The SPEAKER *pro tempore*. That motion can be entered, of course.

Mr. BUCHANAN. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BUCHANAN. Is the order for a session on Friday evenings a continuing order; and if the House remains in session until 5 o'clock will it not then be the duty of the Chair to announce the House in recess until the hour fixed for the evening session?

The SPEAKER *pro tempore*. It will then take a recess. The 5 o'clock order is still in force, and when that hour arrives the Chair will necessarily declare the House in recess until half past 7.

The point of order of no quorum being insisted upon, the tellers will resume their places and continue the count.

Mr. SPRINGER. I think this all can be arranged now. The point, I believe, of no quorum will be withdrawn if it can be understood that the motion to reconsider shall be pending.

Mr. MORRISON. No; nothing can be understood now. Let us continue until 5 o'clock.

Mr. STEELE. I demand the yeas and nays on the motion to indefinitely postpone the bill.

The SPEAKER *pro tempore*. That is the pending motion.

Mr. STEELE, Mr. BUCHANAN, and others demanded the yeas and nays.

The yeas and nays were ordered.

Mr. BUCHANAN. Pending the execution of the order of the House for the yeas and nays, would it be in order to move to take a recess?

The SPEAKER *pro tempore*. It would not. The Clerk will call the roll.

The question was taken; and there were—yeas 91, nays 35, not voting 193; as follows:

YEAS—91.

Adams, G. E.	Bynum,	Eden,	Howard,
Allen, J. M.	Cabell,	Everhart,	Hutton,
Ballentine,	Caldwell,	Frederick,	Irion,
Barnes,	Clements,	Fuller,	James,
Bland,	Croxton,	Glass,	Jones, J. H.
Blount,	Culberson,	Hall,	Kleiner,
Boyle,	Cutcheon,	Halseli,	La Follette,
Brady,	Davenport,	Hammond,	Lanham,
Bragg,	Davidson, R. H. M.	Hermann,	Louttit,
Breckinridge, WCP	Dingley,	Hill,	Martin,
Brown, C. E.	Dorsey,	Hitt,	McAdoo,
Brown, W. W.	Dunn,	Hopkins,	McCreary,

McKenna,	Pettibone,	Storm,	Wadsworth,
McMillin,	Pinder,	Struble,	Ward, T. B.
McRae,	Richardson,	Swinburne,	Warner, A. J.
Miller,	Riggs,	Swope,	Weaver, J. B.
Milliken,	Romeis,	Taulbee,	Weber,
Mills,	Rowell,	Taylor, J. M.	Wellborn,
Morrison,	Spooner,	Taylor, Zach.	Wheeler,
Morrow,	Steele,	Thomas, O. B.	Wilkins,
O'Neill, Charles	Stewart, Charles	Triggs,	Willis,
Peel,	Stone, W. J., Ky.	Turner,	Winans.
Peters,	Stone, W. J., Mo.	Van Eaton,	

NAYS—35.

Anderson, J. A.	Guenther,	O'Neill, J. J.	Seney,
Atkinson,	Haynes,	Osborne,	Smalls,
Buchanan,	Hires,	Outhwaite,	Sowden,
Bunnell,	Holmes,	Owen,	Springer,
Butterworth,	Johnston, J. T.	Parker,	Strait,
Ely,	Morrill,	Plumb,	Townsend,
Evans,	Neal,	Reed,	White, Milo
Fleeger,	Neece,	Rogers,	Wolford.
Ford,	O'Hara,	Sawyer,	

NOT VOTING—193.

Adams, J. J.	Davis,	Johnston, T. D.	Rice,
Aiken,	Dawson,	Jones, J. T.	Robertson,
Allen, C. H.	Dibble,	Kelley,	Rockwell,
Anderson, C. M.	Dockery,	Ketcham,	Rusk,
Bacon,	Dougherty,	King,	Ryan,
Baker,	Dunham,	Laffoon,	Sadler,
Barbour,	Eldredge,	Laird,	Sayers,
Barksdale,	Ellsberry,	Landes,	Scott,
Barry,	Ermentrout,	Lawler,	Scranton,
Bayne,	Farquhar,	Le Fevre,	Sessions,
Belmont,	Felton,	Lehlbach,	Seymour,
Bennett,	Findlay,	Libbey,	Shaw,
Bingham,	Fisher,	Lindsley,	Singleton,
Blanchard,	Foran,	Little,	Skinner,
Bliss,	Forney,	Long,	Snyder,
Bound,	Funston,	Lore,	Spriggs,
Boutelle,	Gallinger,	Lovering,	Stahlnecker,
Breckinridge, C. R.	Gay,	Lowry,	Stephenson,
Browne, T. M.	Geddes,	Lyman,	Stewart, J. W.
Brumm,	Gibson, C. H.	Mahoney,	St. Martin,
Buck,	Gibson, Eustace	Markham,	Stone, E. F.
Burleigh,	Gilfillan,	Matson,	Symes,
Burnes,	Glover,	Maybury,	Tarsney,
Burrows,	Goff,	McComas,	Taylor, E. B.
Campbell, Felix	Green, R. S.	McKinley,	Taylor, I. H.
Campbell, J. M.	Green, W. J.	Merriman,	Thomas, J. R.
Campbell, J. E.	Grosvenor,	Millard,	Thompson,
Campbell, T. J.	Grout,	Mitchell,	Throckmorton,
Candler,	Hale,	Moffatt,	Tillman,
Cannon,	Hanback,	Morgan,	Tucker,
Carleton,	Harmer,	Muller,	Van Schaick,
Caswell,	Harris,	Murphy,	Viele,
Catchings,	Hatch,	Negley,	Wade,
Clardy,	Hayden,	Nelson,	Wait,
Cobb,	Heard,	Norwood,	Wakefield,
Collins,	Hemphill,	Oates,	Wallace,
Compton,	Henderson, D. B.	O'Donnell,	Ward, J. H.
Comstock,	Henderson, J. S.	O'Ferrall,	Warner, William
Conger,	Henderson, T. J.	Payne,	Weaver, A. J.
Cooper,	Henley,	Payson,	West,
Cowles,	Hepburn,	Perkins,	White, A. C.
Cox, S. S.	Herbert,	Perry,	Whiting,
Cox, W. R.	Hiestand,	Phelps,	Wilson,
Crain,	Hiscock,	Pidcock,	Wise,
Crisp,	Holman,	Pirce,	Woodburn,
Curtin,	Houk,	Randall,	Worthington.
Daniel,	Hudd,	Ranney,	
Dargan,	Jackson,	Reagan,	
Davidson, A. C.	Johnson, F. A.	Reese,	

Mr. EDEN. I ask unanimous consent to dispense with the reading of the names.

Mr. DUNHAM. I object.

The names of members voting were read.

The SPEAKER *pro tempore* [Mr. HAMMOND]. On this question the yeas are 91, the nays 35.

Mr. SOWDEN. No quorum.

The SPEAKER *pro tempore*. The Chair takes notice of the fact that a quorum has not voted.

Mr. STEELE. I move that the House take a recsss until half past 7 o'clock.

The SPEAKER *pro tempore*. That motion is not in order. In the absence of a quorum only two motions are in order—a motion to adjourn or a motion for a call of the House.

Mr. MORRILL. I move that there be a call of the House.

The question being taken, there were—ayes 20, noes 25.

Mr. CUTCHEON. I call for tellers.

Tellers were ordered—39 members voting therefor.

The SPEAKER *pro tempore*. The Chair appoints as tellers the gentleman from Tennessee, Mr. PETTIBONE, and the gentleman from Pennsylvania, Mr. BROWN.

Mr. STEELE. I make the point that both the gentlemen whom the Chair has named as tellers voted the same way.

The SPEAKER *pro tempore*. The Chair does not know how either gentleman voted.

Before the count by tellers was reported,

The SPEAKER *pro tempore* said: The hour of 5 o'clock having arrived, the House, under its order, takes a recess until 7.30 p. m. The evening session is for the consideration of pension bills.

EVENING SESSION.

The recess having expired, the House reassembled at 7.30 p. m., Mr. DOCKERY in the chair as Speaker *pro tempore*.

The SPEAKER *pro tempore* directed the following communication from the Speaker to be read:

January 14, 1887.

I hereby designate Hon. A. M. DOCKERY, a Representative from the State of Missouri, to preside at the session of the House this evening.

J. G. CARLISLE, *Speaker*.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Clerk will read the special order under which the House meets this evening.

The Clerk read as follows:

Resolved, That on each Friday the House shall take a recess from 5 o'clock p. m. until 7.30 p. m., at which evening sessions private bills granting pensions reported from the Committee on Invalid Pensions and the Committee on Pensions, and bills reported from the Judiciary Committee to remove political disabilities only, be considered.

Mr. MATSON. I move that the House resolve itself into Committee of the Whole House for the transaction of business under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. HATCH in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of bills on the Private Calendar, under the special order of the House.

Mr. MATSON. I ask unanimous consent that the members present may be recognized for the purpose of calling up bills. It occurs to me that less time is likely to be consumed in discussion when a member is willing to be responsible for the bill he calls up. For that reason I make the request.

Mr. WALLACE. I have no objection to that order being made on condition that the report in each case shall be read without its being necessary to ask the Clerk to read the report.

Mr. MATSON. I have no objection to that suggestion, and I incorporate it as part of my request.

Mr. RYAN. I would ask the gentleman from Louisiana what necessity there is of reading a report unless some member calls for it?

Mr. WALLACE. I ask this as a matter of convenience, so that we may know what we are voting on.

The CHAIRMAN. The gentleman from Indiana [Mr. MATSON] asks unanimous consent that members present may call up for consideration bills on the Calendar coming within the special order of the House, and the gentleman from Louisiana [Mr. WALLACE] asks unanimous consent that the reports accompanying the bills be read without any member making a special request for the reading of the report. Is there objection to those two requests?

There was no objection, and it was so ordered.

GRANT E. Q. LATHERMON.

Mr. MATSON. I call up for consideration the bill (H. R. 9157) granting a pension to Grant E. Q. Lathermon.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Grant E. Q. Lathermon, dependent son of George Lathermon, late a private in Company I, Fifty-second Regiment of Indiana Volunteers, and pay him a pension of — per month from and after the passage of this act.

The Committee on Invalid Pensions recommended the following amendment:

In line 7 fill the blank with the word "twelve," so that it will read "pay him a pension of twelve dollars per month from and after the passage of this act."

The report (by Mr. MATSON) was read, as follows:

Claimant's father, George Lathermon, enlisted as a private in Company I, Fifty-second Indiana Volunteers, December, 1863, and died of typhoid fever on board the United States steamer Charles McDougal April 30, 1864.

Soldier's widow applied for and was granted a widow's pension, and drew the same until her remarriage, March 12, 1867.

Claimant's guardian, Francis Little, filed an application for a dependent son's pension August, 1867, which was granted and paid to claimant until he became sixteen years of age, 1880. This beneficiary became blind when five days old, and has been and will so continue, as the result of an attack of erysipelas. He is now as much dependent as when a child, and we cheerfully recommend the passage of the accompanying bill, with the following amendment: Insert the word "twelve" in line 2, between the words "of" and "dollars."

The amendment recommended by the Committee on Invalid Pensions was adopted: and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN WINES.

Mr. CONGER. I call up for consideration the bill (S. 2478) granting a pension to John Wines.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Wines, father of Rufus H. Wines, late a private in Company E, Twenty-sixth Regiment Michigan Volunteers.

The report (by Mr. WINANS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 2478, report that they have examined the same and adopt the Senate report, which is as follows:

[Senate report No. 1221, Forty-ninth Congress, first session.]

The complainant was the father of Rufus H. Wines, late a private in Company E, Twenty-sixth Regiment Michigan Volunteers. The son was killed in battle, and the Pension Office refuses a pension on the ground that the father was not dependent at the time the son was killed; that he was able to support himself by his labor, and that he did so, and accumulated property.

In 1864, the year the son was killed, the claimant earned $64 at his trade of shoemaker. Taking nineteen consecutive years, he earned one year $315, and as low as $44.16. The average earnings of these years would not support a family or furnish a decent supply of comforts. A surgical examination finds him at the age of sixty-nine totally incapacitated by physical unsoundness to labor. It also appears that he had disabilities at the time of his son's death. The committee are of the opinion that he was compelled, at the time his son was killed, to work beyond his strength; that this has been the case ever since, and that now he is not able to work at all. By exchanging work with a carpenter, and after a hard struggle, he managed to get a cheap house to shelter him, and this is the accumulation of property that has stood in the way of his being allowed a pension. In the opinion of the committee he has been very poor every since 1864, when his son was sacrificed; is poor now, and totally unable to earn a living.

It is a case that calls for the relief provided in the bill, which is reported favorably, with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZA WILKINS.

Mr. DOCKERY. I call up for consideration the bill (S. 2459) granting a pension to Eliza Wilkins.

The bill was read, as follows:

Be it enacted &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eliza Wilkins, widow of Orrin Wilkins, late a private in Company A, First Regiment of Iowa Cavalry.

The report (by Mr. WINANS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 2459, report that they have examined the same, and adopt the Senate report, as follows:

[Senate Report No. 1204, Forty-ninth Congress, first session.]

The claimant was pensioned as the widow of Orrin Wilkins, late a private in First Regiment of Iowa Cavalry, who died of lung disease, contracted at Little Rock, Ark., in March, 1864, when the soldier took a violent cold, being compelled to lie on the wet ground, in wet blankets, during a storm. The widow was allowed a pension of $8 a month, commencing April 27, 1870; certificate dated February 19, 1880.

Subsequently the widow's name was dropped from the rolls, on the ground that her husband was not sound when he enlisted. There have been a number of special examinations held, respectively, in Iowa, New York State, Wisconsin, and Illinois, and it is evident that the Pension Office has committed an error, under its pressure of work, in striking her name from the roll. The committee have given this case a very careful investigation, and submit the following as the result:

They find that the pension was granted on the most positive proof that the soldier was sound prior to enlistment. As a sample of this evidence, reference is made to that of William Parker, who knew the soldier before he enlisted, worked with him on a farm in 1863, and swears that "he was undoubtedly a man in good sound health." James McKay, another neighbor, gives similar and unreserved testimony as to prior soundness. Cyrus Palmerton knew soldier's father and family thirty-six years; father still living, aged seventy-five; mother lived to be seventy-two; none of the family show any tendency to consumption; on the contrary, they are healthier than the average. The soldier was healthy and able to do a good day's work on a farm or at any job he undertook. Eleven other witnesses swear to thirty-five years' knowledge of the family, to the entire absence of hereditary consumption, to soldier's soundness at enlistment, and to his condition after discharge. Henry Hammer and his wife lived within half a mile of soldier; never knew or heard of his being sickly; always able and ready to work; no tendency to or appearance of consumption. Other witnesses, who saw and talked with him every day, say he was able-bodied. The father says he was the toughest of all his boys. Dr. J. H. Campbell says he is acquainted with the Wilkins family, and can safely say consumption is not hereditary with them; has lived with the family during the past four years; is now, January 19, 1886, boarding with the soldier's father.

With such testimony, from such a crowd of accredited witnesses, the Pension Office could not do otherwise than allow the pension. It was withdrawn on the supposed discovery of evidence showing prior unsoundness, and then there ensued a series of special examinations. One of the special examiners who was sent to Illinois in search of a Dr. Goodhue, who it was supposed could give the desired evidence, concludes, as a result of his investigation, "I am of opinion that claimant should be returned to the rolls." This Dr. Goodhue is at last found in Iowa, and he says as to the soldier's prior condition, "He was not a robust man, but was considered a healthy man." He gives no testimony showing tendency to lung disease before enlistment. A special agent was sent to Chatham, N. Y., and all the proof was favorable to restoration. The special examiner who was sent to Iowa says, "It seemed to be a case of Wells *vs.* Wilkins," and his conclusion was that there was nothing on which to base a belief that Orrin Wilkins was in the least affected by lung difficulty, but, on the contrary, was sound and free from disease of every kind.

The committee are of the opinion that the effort to have the widow dropped from the roll, and its final success, is the result of a family feud; that the action of the Pension Office in stopping the pension can not be approved in view of the mass of testimony in favor of and justifying its allowance. The sole ground of this action is the possible existence of prior disability. In the opinion of the committee the admission of a soldier's soundness by the recruiting department should be conclusive on this point. In this case the testimony is voluminous and positive, but were it otherwise, a conclusion supporting the decision of the Pension Office would be to convict the recruiting service of having enlisted a man far gone in consumption.

Your committee are of the opinion that the claimant should be restored at the full rate of a widow's pension, and the bill is reported favorably with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH S. DE KRAFFT.

Mr. ZACH. TAYLOR. I call up the bill (S. 2730) granting an increase of pension to Elizabeth S. de Krafft.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth S. de Krafft, widow of John Charles Philip de Krafft, late a commodore and rear-admiral in the United States Navy, and pay her a pension of $50 per month, in lieu of that which she is now receiving.

The report (by Mr. STRUBLE) is as follows:

The Committee on Pensions, to whom was referred the bill (S. 2730) granting an increase of pension to Elizabeth S. de Krafft, have examined the same, and having considered the report made to the Senate on the bill, July 20, 1886, adopt it as the report of this committee.

A bill for the relief of this applicant was reported from your committee during the present session, but by a clerical error the final clause, "and pay her a pension of $50 per month in lieu of that which she is now receiving," was omitted, although it was clearly set forth in the report which accompanied the bill. Without that clause the bill only placed her on the pension-roll, which had already been done by the Pension Office under the general law, and it was on that ground vetoed by the President. The present bill is in proper form to correct the evident mistake in the previous one, and to reach the object proposed in the former report (Senate report No. 723), which we hereto annex, and we recommend the passage of the bill.

The petitioner, Elizabeth S. de Krafft, is the widow of John Charles Philip de Krafft, late commodore United States Navy. She was pensioned under the general law at the rate of $30 per month, commencing November 25, 1885, with an addition of $2 a month for one minor child.

By her petition, which is hereto appended, she asks that her pension be increased to $50 a month. It appears from the record of services of her husband that he was promoted to the rank of rear-admiral October 23, 1885, and that he died on the 29th of the same month.

It is believed that your committee have uniformly reported in favor of granting this increase to the widows of officers of this rank, and they therefore report a bill to increase her pension to $50 per month, with the recommendation that it do pass.

[Petition of Mrs. Elizabeth S. de Krafft for increase of pension.]

To the honorable Senate and House of Representatives of the United States:

The prayer of your petitioner showeth that she is the widow of Rear-Admiral J. C. P. de Krafft, United States Navy, who died October 29, 1885, after forty-five years' service in the Navy; that she is left with two children dependent upon her; that the small pension ($30 per month) she now receives is insufficient for her support; that she is not able to provide a living by her own exertions for herself and children; and she prays that Congress will grant her an increase of pension to the sum of $50 per month, as has been done in recent years in the case of widows and dependent families of senior officers of the Navy.

ELIZABETH S. DE KRAFFT.

The undersigned concur in this request of Mrs. de Krafft, and desire that it be granted by Congress.

David D. Porter, Admiral; S. C. Rowan, Vice-Admiral: John L. Worden, Rear-Admiral; Wm. Rogers Taylor, Rear-Admiral, U. S. N.; Wm. Radford, U. S. N.; T. H. Stevens, Rear-Admiral, U. S. N.; Thos. O. Selfridge, Rear-Admiral, U. S. N.; Thornton A. Jenkins, retired Rear-Admiral, U. S. N.; Chas. Steedman, retired Rear-Admiral, U. S. N.; E. Simpson, Rear-Admiral, U. S. N.; D. B. Harmony, Commander, U. S. N.; J. E. Walker, Captain, U. S. N.; W. S. Schley, Chief of Bureau of Equipment and Recruiting.

Record of service of John C. P. de Krafft.

[True copy from the records of the Navy Department, April 15, 1886.—Jno. W. Hogg, chief clerk.]

John C. P. de Krafft was appointed a midshipman in the Navy October 19, 1841.

December 4, 1841, he was ordered to the Independence; June 13, 1842, detached and ordered to the Congress; September 5, 1843, detached from the Preble and granted leave.

October 18, 1843, ordered to the Raritan: war with Mexico, first attack on Alvarado under Commodore Connor, 1846; January 2, 1847, detached from the Cumberland and granted leave.

February 23, 1847, ordered to the Union; May 25, 1847, detached and placed on waiting orders.

June 12, 1847, ordered to the Ohio; January 15, 1848, detached and ordered to the Naval School; July 29, 1848, detached and granted leave.

November 1, 1848, ordered to the Vixen; November 24, 1848, transferred to the Raritan; September 29, 1849, warranted as passed midshipman, from August 10, 1847; April 27, 1850, detached from the Raritan and granted leave.

July —, 1850, ordered to the Naval Observatory; February 24, 1851, detached and granted leave.

May 10, 1851, ordered to the Plymouth; May 22, 1851, detached and ordered to the Vixen; April 21, 1852, detached and granted six months' leave, with permission to leave the United States.

December 22, 1852, ordered to duty on the Coast Survey; November 3, 1853, detached and placed on waiting orders.

May 11, 1854, ordered to the Michigan; October 12, 1855, detached and placed on waiting orders.

October 23, 1855, warranted as master from September 14, 1855; October 25, 1855, promoted to lieutenant from September 15, 1855.

March 17, 1856, ordered to the John Adams; April 26, 1858, detached and granted three months' leave.

July 29, 1858, to the Michigan; September 20, 1859, detached and placed on waiting orders.

May 10, 1860, to the Niagara; war of 1861-'65, combined attack on Fort McCrea, and defenses of Pensacola, frigate Niagara, November, 1861; June 14, 1862, detached and granted leave.

June 19, 1862, to the navy-yard, Washington; August 5, 1862, promoted to lieutenant-commander from July 16, 1862; September 15, 1863, detached and placed on waiting orders.

October 20, 1863, to command the Conemaugh; attack on Fort Powell, defenses of Mobile Bay, August 5, 1864; February 10, 1866, detached and placed on waiting orders.

March 29, 1866, to the navy-yard, Philadelphia; July 25, 1866, promoted to commander; December 19, 1866, detached and placed on waiting orders; March 9, 1867, ordered to special duty at Philadelphia; February 18, 1868, detached and ordered as fleet captain of the North Atlantic station; August 28, 1869, detached and placed on waiting orders.

October 12, 1869, to special duty at Philadelphia; October 1, 1870, detached and placed on waiting orders; October 5, 1870, to navy-yard, Portsmouth, N. H.; September 15, 1872, detached and ordered as chief of staff of the North Pacific Station; November 20, 1872, promoted to the grade of captain; September 20, 1873, to command the Saranac; March 1, 1875, detached from command of the Hartford (sick) and granted leave.

October 9, 1875, to the navy-yard, League Island, Pennsylvania; January 1, 1876, detached and placed on waiting orders; November 5, 1877, ordered to the navy-yard, Washington; July 13, 1880, detached and ordered as hydrographer

to the Bureau of Navigation; October 1, 1881, promoted to commodore; June 30, 1883, detached and placed on waiting orders.

August 22, 1883, ordered as president of the board of inspection and survey; June 12, 1885, promoted to rear-admiral; October 23, 1885, detached and placed on waiting orders.

He died at Washington, D. C., on the 29th of October, 1886

Mr. WALLACE. Will the gentleman from Tennessee [Mr. ZACH. TAYLOR] tell us in what way this bill is changed so as to meet the objections made by the President?

Mr. ZACH. TAYLOR. There was simply a clerical correction to be made. The bill as passed by the House at the last session did not do what it proposed to do. It put this lady in no better position than she was in before, and the President vetoed it on that account, and so stated, I think, in his veto.

Mr. WALLACE. Has the gentleman a copy of the veto message?

Mr. ZACH. TAYLOR. I can get it by sending for the RECORD; but it is as I have stated.

Mr. WALLACE. If the gentleman will assert of his own knowledge that that is the reason which the President gives for vetoing the bill I am satisfied.

Mr. ZACH. TAYLOR. That is the reason. The omission was made, I suppose, by the draughtsman of the bill. It was clearly a mistake, and the bill was vetoed by the President on that account.

Mr. WALLACE. What was the mistake?

Mr. ZACH. TAYLOR. The mistake consisted simply in this, that the bill did not do what it purported to do. It did not fix the rate of pension. She was already on the pension-roll, and the bill was introduced and passed by the House for the purpose of increasing her pension, but it did not do that. Therefore it left her just where she was before.

Mr. ROWELL. The President stated in his veto that the bill as passed by the House did only what was already done. That is, it put her on the pension-roll, but she was already on the pension-roll, and therefore the bill was of no account.

Mr. WALLACE. The object of the bill is to increase the pension from $30 to $50 a month, is it not?

Mr. ZACH. TAYLOR. Yes, sir.

Mr. WALLACE. And was not that why the President vetoed it?

Mr. ZACH. TAYLOR. He did not so state. There was no such provision in the original bill; it was omitted.

Mr. PETTIBONE. As I understand it, this lady was on the pension-roll for $30 a month, the amount to which she was entitled under the law.

Mr. ZACH. TAYLOR. Yes.

Mr. PETTIBONE. And the bill as passed did not increase that amount?

Mr. ZACH. TAYLOR. No, sir.

Mr. PETTIBONE. And therefore the President vetoed it?

Mr. ZACH. TAYLOR. Yes, and he so stated in his veto message—that the bill did not do what it purported to do, and was therefore of no benefit to the pensioner.

Mr. WALLACE. If that was the substance of the veto I will not object. I will ask the gentleman, however, to inform the House whether this increase is made under any law, or whether it is a mere gratuity.

Mr. ZACH. TAYLOR. This is like a great number of other cases of the same kind where pensions have been increased by the House, and, as I stated when the bill was up before, this pension comes out of the naval pension fund.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES G. MATHES.

Mr. STONE, of Missouri. I call up the bill (S. 2220) granting a pension to James G. Mathes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James G. Mathes, late a corporal of Company L, Eighth Regiment Missouri Volunteer Cavalry.

The report (by Mr. MORRILL) was read, as follows:

The report of the Senate Committee on Pensions, which gives a clear statement of this case, is herewith adopted:

The claimant was a private in Company L, Eighth Missouri Cavalry. He enlisted August 16, 1862, and was discharged June 14, 1865. The military record shows that he was treated in hospital for chronic diarrhea and debility, and that he was sick at the time of his discharge.

The testimony furnished by physicians who have attended him shows that he has chronic diarrhea and that he has rheumatism of the spinal muscles and limbs; that he is generally broken down.

Dr. Berry, of Carthage, Mo., says his health is bad; that he has muscular rheumatism; that he is generally broken down, and never will be able to perform full manual labor; that he is temperate and honorable in every respect.

Dr. Dalton, of Neosho, Mo., says:

"When I last saw him he seemed to be suffering from kidney disease and from abdominal pains. He has always appeared to me to be a run-down man—physically disabled."

Dr. Wills, of Neosho, Mo., says he has not been very stout and healthy since the war, and that he supposes his disability is at least one-fourth below that of a sound man. All the physicians speak positively as to his good habits and standing.

The claimant asks for a pension for chronic diarrhea and disease of kidneys, both of which, with rheumatism, are identified by the testimony of the doctors referred to above. An examination by the medical board in 1883 pronounces him entirely free from disease. An examination by this board in 1885 rates him one-half disabled.

The doctors who have attended him and the medical board of examiners disagree to some extent, which is not an uncommon occurrence, but the aggregate of testimony shows that for a long time heretofore he has been badly broken down, and that he is still to a pensionable extent disabled.

The bill is reported favorably, with a recommendation that it do pass.

Mr. STONE, of Missouri. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. WALLACE. Can the gentleman tell us how it happened that the medical board passed this applicant as free from disease so late as 1883? It seems to me that no medical board could, at so late a period, pass a man who now has the number of diseases set forth in that report. Can the gentleman explain that?

Mr. STONE, of Missouri. I do not know, sir, how the medical board happened to do that. I observe from the report filed by the Senate committee that the medical board did, in 1883, pronounce this man free from disease; but the medical board subsequently, in 1885, held that he was pensionable one-half. It is a fact well known to those who have had occasion to examine many pension cases that these medical boards often differ, not only as to the character of diseases but as to the general effect of them. I do not know on what ground the medical board made their report in 1883, but they did make it, and both the Senate and the House Pension Committees, after having investigated the case, have adopted the report which has just been read in the presence of the gentleman from Louisiana.

Mr. WALLACE. I think if this applicant was so seriously disabled as the report would indicate he would be entitled to receive a pension under the existing law at the Pension Office. In view of the fact that so late as 1883 a medical board made a report of the character described, I move that the bill be reported to the House with a recommendation that it lie on the table.

Mr. BUCHANAN. I hope that will not be done on the report of the medical board. I know an instance in which a pensioner who came to my house to see me was complaining of varicose veins, which stood out thicker than my thumb; but when he went before the medical board they reported that nothing was the matter with him. These medical boards are fallible, as well as the rest of us.

Mr. STONE, of Missouri. Yes, they are very unreliable.

The question being taken on the motion of Mr. WALLACE that the bill be reported to the House with a recommendation that it lie on the table, there were—ayes 1, noes 33.

Mr. WALLACE. No quorum, I believe, has voted.

Mr. BROWN, of Pennsylvania. I think the Chair made a mistake in announcing the affirmative vote. No one rose to vote in the affirmative.

The CHAIRMAN. The gentleman from Louisiana [Mr. WALLACE] voted in the affirmative.

Mr. BROWN, of Pennsylvania. He only raised his hand. The direction of the Chair was that those in favor of the motion should rise, and remain standing until counted.

The CHAIRMAN. The gentleman from Louisiana makes the point that no quorum has voted.

Mr. STONE, of Missouri. I would like to inquire of the gentleman from Louisiana whether it is his purpose to defeat the passage of this bill by insisting upon the point that there is no quorum?

Mr. WALLACE. I will answer the gentleman in very few words. In my opinion, at these sparsely-attended meetings of the House there is no possibility of these bills receiving fair consideration. No matter how strangely weak a bill which is reported here may be, it is very rarely that you see more than one or two members vote against it; and the only method I can find of securing a fair consideration for the interests of the Government in these matters is to resort to this method. It is very disagreeable to me. I invariably let every bill go through that seems to me fair, and right, and just; but when a bill of this kind comes up, presenting a case in which it is entirely within the power of the Pension Office to grant the pension if the party is entitled to it, and when even the report of the medical board, as embodied in the papers, is strangely at variance with the statements of the report of the committee, I see no recourse for me except to adopt some measure of this kind.

I claim that these bills are an outrage upon legislation. They are gotten up in the most reckless manner; and, as I have said, the only recourse I can see is to adopt such a measure as this, because it seems impracticable to get the House in these cases to consider the question as I do, from the standpoint of fairness, and justice, and proper care for the interests of the Government.

Mr. STONE, of Missouri. Will the gentleman from Louisiana consent that this bill go into the House——

Mr. WALLACE. I will not. I consider that the House has all the business it can attend to. These night sessions are especially set apart for the purpose of considering these pension bills; and no matter how friendly we may feel toward pensioners, I do not think we can ask more than this.

Mr. STONE, of Missouri. Is the gentleman willing to trust the question to the vote of a full House?

Mr. WALLACE. I will not consent to it in that way, because I do

not consider it would be fair toward the House, or fair in reference to other legislation.

Mr. ROWELL. I will ask the gentleman whether he ever knew a bill go over at one of these night sessions and be voted for in full House, that was not passed?

Mr. WALLACE. I notice that a great many of these bills go through without even the reports being read. I notice that they are generally brought up when a majority of the House has gone home, as is usually the case on Friday afternoons. To-day we could hardly, at any time, get a quorum to vote on bills of great interest.

Mr ROWELL. Have not these bills always been passed upon a yea-and-nay vote when it took a majority of the whole House to pass them?

Mr. WALLACE. I refer to last Friday's work in this House, when bills which I claim to be decidedly objectionable were passed, and the reports were not even read. I claim that the vote of the House in such cases is no fair test. These bills are brought up at a time when invariably the House is thin. At about 4 o'clock members have generally left; and that is the hour when these matters are sprung upon the House.

Mr. STONE, of Missouri. I do not want any controversy with the gentleman——

The CHAIRMAN. The Chair will state that he has indulged this debate in the hope that a settlement would be reached. But the question is not debatable.

Mr. STONE, of Missouri. Let me make one additional request——

The CHAIRMAN. The question is not debatable.

Mr. STONE, of Missouri. So I understand; but I desire unanimous consent to make this request: that this bill may go into the House and be voted on after the report has been read. Will the gentleman consent that there may be a vote in the House under such circumstances? So far as I am concerned, I am willing the vote shall be taken without debate further than what may be involved in the reading of the report.

Mr. WALLACE. I have no objection to one bill going over; but there are other bills which may be objected to here, and I announce before hand that whenever there is a bill to which I see objection, I shall resort to this measure to try to defeat it; and I will not consent to a dozen bills going over every Friday night to take up the time of the House on the following Friday. Every possible obstacle seems to be thrown in the way to defeat the consideration on Fridays of business on the Private Calendar. In this way claims of large moment, and of quite as much importance to the parties concerned as these bills, are deprived of their proper consideration and the claimants debarred of their legitimate rights. When we give up an entire night every week for the consideration of these pension bills, I see no reason why we should yield and allow them to go over.

If members of the House do not take sufficient interest to come here and pass these pension bills, unless it be a small minority of thirty members, it is not my fault. I can not help it. I come here to do my duty, and I will resort to all means to carry out what I believe to be my duty.

The CHAIRMAN. The Chair will appoint Mr. WALLACE and Mr. STONE, of Missouri, as tellers.

Mr. ANDERSON, of Kansas. Let us go into the House and have a call of the House. If the Democratic party is going to stop all pension business we might as well know the matter at once.

Mr. BUCHANAN. It is a very small minority of the Democratic party.

The committee divided; and the tellers reported—ayes 1, noes 32.

The CHAIRMAN. Does the gentleman insist on his point of no quorum?

Mr. WALLACE. Yes, sir; I do not see anything else for me to do.

The CHAIRMAN. The Clerk will proceed to call the roll.

Mr. STONE, of Missouri. I suggest this bill be passed over, not to lose its place on the Calendar.

Mr. PETERS. Can that be done unless by unanimous consent?

Mr. WALLACE. I will agree to that.

The CHAIRMAN. Is there objection to that suggestion?

There was no objection, and it was ordered accordingly.

MARY JANE MAGOON.

On motion of Mr. HAYNES, the bill (H. R. 9862) granting a pension to Mary Jane Magoon was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on pension roll, subject to the limitations and provisions of the pension laws, the name of Mary Jane Magoon, widow of Nathan Magoon, late a private in Company H, Seventh Regiment New Hampshire Volunteers.

The report [by Mr. HAYNES] was read, as follows:

The Committee on Invalid Pensions, to whom was referred the petition of Mary Jane Magoon, have had the same under consideration, and submit the following report:

Petitioner is widow of Nathan Magoon, a private in Company H, Seventh New Hampshire Regiment. Said Magoon was pensioned by special act of the present Congress, the disability upon which the act was based being rheumatism, as shown by the report of this committee in said case. He died May 1 last, very suddenly, from rheumatism of the heart, as shown by the affidavit of his attendant physician. The claimant's petition and affidavit of Dr. Gould are appended as a part of this report.

This committee report the accompanying bill and recommend its passage.

To the honorable Members of the United States House of Representatives:

GENTLEMEN: My deceased husband, Nathan Magoon, late a private, Company H, Seventh New Hampshire Volunteers, was pensioned by a special act of Congress, passed during the past month. Since its passage, and before the act became complete, he fell from the chair upon which he was sitting, a corpse, his death being instantaneous. A physician was called (whose affidavit is herewith inclosed), who pronounced the cause of death rheumatism of the heart, a disease that Mr. Magoon had suffered with for many years, and upon which he claimed pension. By his death I am left in very straitened circumstances, and dependent on my daily labor in a shoe manufactory for the support of myself and the partial support of our two children. In consideration of these facts, I would most respectfully petition and ask that the generosity bestowed upon him, and which would have been shared by his family, be extended to myself, and that I be granted a widow's pension.

Very respectfully, yours, &c.,

MARY JANE MAGOON.

CANDIA, N. H., *June* 1, 1886.

GENERAL AFFIDAVIT.

STATE OF NEW HAMPSHIRE,
County of Rockingham, ss:

In the matter of Nathan W. Magoon, a private of Company H, Seventh Regiment New Hampshire Volunteers, personally came before me, a justice of the peace in and for aforesaid county and State, True M. Gould, aged fifty-four years, citizen of the town of Raymond, county of Rockingham, State of New Hampshire, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows:

I was the family physician of Mr. Nathan W. Magoon; I attended the said Magoon professionally during his sickness. He suffered from rheumatism contracted while in the service of the United States. He suffered severe pain. There was rheumatic disease of the heart. The said Magoon of late suffered from fainting fits. I have treated him for the same, and have made a physical examination of the heart and found the same diseased from the effects of rheumatism, and while at one of the neighbor's (his sister's), May 1, he suffered from one of the fainting spells and fell from the chair and expired. I was called, and from the history given me by those present I have no doubt that his death was from rheumatic disease of the heart. The appearance of the corpse had the usual external signs of death from rheumatic heart disease.

I further declare that I have no interest in said case, and was not concerned in its prosecution.

TRUE M. GOULD, M. D.

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read said affidavit to said affiant, and acquainted him with its contents before he executed the same. I further certify that I am in nowise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me; that he is a creditable person, and so reputed in the community in which he resides.

Witness my hand and official seal 1st day of June, 1886.

JOHN T. BARTTELL,
Justice of the Peace.

There was no objection; and the bill was laid aside to be reported to the House with the recommendation that it do pass.

ANDREW J. VANORDER.

On motion of Mr. NEECE, the bill (H. R. 8067) to pension Andrew J. Vanorder was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Andrew J. Vanorder, late of Company —, Twenty-eighth Illinois Volunteers, subject to the provisions and limitations of the pension laws.

The report (by Mr. NEECE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8067), beg leave to submit the following report:

The claimant enlisted August 15, 1861, in Company D, Twenty-eighth Illinois Volunteers. He served until February 15, 1864, to take effect January 4, 1864, and was mustered out, and he re-enlisted January 5, 1864, and was mustered into the same company and regiment, and served until the close of the war, and was discharged March 15, 1866. He filed his application for a pension January 24, 1876, alleging that in line of duty in April, 1865, he contracted disease of the heart and liver. His application was rejected on December 24, 1882, on the ground that there is no medical evidence to the treatment of the diseases in the service.

The evidence shows that the claimant enlisted while quite young; that to all appearances he was a sound and healthy man, and free from any disease whatever; that when he was discharged he was in very poor health, completely broken down, and has remained so ever since. A large amount of evidence is taken in the case, all going to show that since he came out of the Army he has been in very poor health and not able to perform any labor more than half the time; that he is a very poor man and compelled to make whatever living he gets by manual labor.

Dr. Kemper, the surgeon of his regiment, testifies that he remembers the claimant and thinks he treated him in the service, but can not remember for what.

H. Rhodes, late captain Company H, Twenty-eighth Illinois, testifies that claimant was a sound man at enlistment, and on or about May, 1865, near Mobile, Ala., he was taken sick while in the service; that the regiment was ordered to Texas, and that afterward he returned to the regiment in Texas in ill health and was detached to commissary department on account of it.

G. H. Kirkland and I. W. Sargent, late of said company, testify that claimant was taken sick while in the service, about April, 1865, and that his disease was of the heart and liver.

G. H. Courtland, a comrade in said regiment, testifies substantially to the same state of facts.

Dr. J. W. Root testifies to treating claimant in 1865 for chronic inflamation of liver and general debility.

Dr. Prentiss testifies to treating claimant in 1877 for a pain in the left side and breast and general debility.

Dr. Clark testifies to treating claimant several times for torpid liver.

G. W. Day says he has read medicine; that he has been personally acquainted with claimant for over twenty years; that he has been since his return from the Army suffering from the disease of liver and heart, and that he has in consequence of said disability been unable to work more than one-half his time.

J. M. Bansee and W. E. Mason testify May, 1877, that they have known claimant for the last twelve years; that he is a man of good habits, and that he has in consequence of his sickness been disabled at least one-half the time. Mason also testifies that he served in said company with the claimant, and that he was with him at the date of his discharge, and that to his knowledge he knows

him to be at the date of his discharge suffering from a disease of the heart and liver.

G. H. Kertland testifies to the same as Mason.

B. C. Gillam, late captain of the said company of claimant, testifies that the claimant was a sound and healthy man at enlistment. Mr. Gillam resigned and was not with the company after November 21, 1862. He visited the regiment in July, 1863, at Vicksburg; he saw Vanorder; he was well and on duty; he saw no more of the claimant until after he returned home. On the 7th day of December, 1882, the same witness swore before the special examiner that the claimant had been sick of late years; he has been sick a good deal, but whether it was on account of his service affiant could not say; thinks claimant was persuaded to apply for a pension.

This same witness, B. C. Gillam, on September 10, 1880, states, in a letter to the Pension Office, that claimant "is in as good health as any man, and I think there is some false swearing; that claimant is a very lazy, shiftless creature, and not entitled to a pension," &c.

The contents of this letter was not known to claimant in all probability, and seems to display malice toward the claimant, and no doubt largely influenced the action of the Pension Office in rejecting his claim. The medical examiner in the case has rated claimant at one-half disability. Just how Mr. Gillam can reconcile his swearing in December, 1882, and his letter of September, 1880, is hard to understand, and when contrasted with all the other evidence in the case, the great number of doctors who have treated claimant since discharge, and the four comrades and a large number of neighbors, who have testified to claimant's disability since discharge, there can be but one conclusion, that the letter written by Mr. Gillam was the result of malice. The great array of witnesses who have testified in claimant's favor are known to be reputable, and so certified. The evidence seems to make out a strong case in claimant's favor. Therefore your committee recommend that the bill be amended by adding the letter "D" after the word "Company," in the fifth line, and that the bill do pass.

The amendment of the committee was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ARCHBELL DONNELLY.

On motion of Mr. STRUBLE, the committee proceeded to the consideration of the bill (H. R. 9734) for the relief of Archbell Donnelly; which was read as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, directed to restore to the pension-roll the name of Archbell Donnelly, late a private in Company B, Fourth United States Artillery, subject to the provisions and limitations of the pension laws, and to pay him such rate of pension as under this act, and such other laws upon the subject of pensions not inconsistent herewith, he may be entitled to receive.

The report (by Mr. STRUBLE) was read, as follows:

The soldier enlisted May 1, 1878, in Company B, Fourth United States Artillery, to serve for five years, and was discharged April 3, 1883, because of disease of the eyes contracted in the line of duty.

On June 29, 1883, he filed his declaration for a pension, alleging that while a member of Company B, Fourth United States Artillery, in the service and in the line of his duty at Fort Adams, in the State of Rhode Island, on or about the 11th day of December, 1882, he was detailed in the Quartermaster's Department, at mason work, he received injuries to the eyes, caused by cement and gravel falling into them, which by the evidence is shown to have occurred while he was engaged at mason work in a cistern. He was granted a pension November 8, 1883, at $24 per month, commencing June 29, 1883.

On April 9, 1885, he filed an application for increase, alleging total disability on account of disease of the eyes. This application was rejected July 7, 1885, after medical examination, on the ground that "disease of eyes was the result of syphilis," and on December 8, 1885, the pensioner's name was dropped from the rolls upon the opinion of the medical examining board of Washington "that his present disability was not incident to the service and line of duty."

In order to justify the conclusions to which your committee have arrived, it is necessary to present with some measure of fullness the facts in the case. The certificate of discharge, signed by C. B. Throckmorton, captain Fourth United States Artillery, contains the following statements:

"This man Donnelly was injured on the 16th of June, 1882, and returned to duty on the 12th of January, 1883. I was informed by Dr. Hammond, post surgeon, on January 31 and February 28, 1883, there was nothing the matter with him, and he should be made to take off his goggles; but when Dr. Hammond went on the sick report, I sent the man to the hospital to Dr. Loring, who directed this certificate to be made out. This man's eyes were so much injured that he was obliged to wear goggles. * * * This man was injured in repairing a cistern while employed in the Quartermaster's Department, and the injury was contracted in line of duty."

The usual medical certificate of disability is attached to the discharge, although part of it has been torn off, and hence the full certificate of the surgeon cannot be made out.

Under date of October 14, 1885, Captain Throckmorton forwarded to the honorable Commissioner of Pensions, through the Adjutant-General of the Army, from Jackson Barracks, Louisiana, a communication, as follows:

"Archbell Donnelly was a private in Light Battery B whilst I commanded it, and was on extra duty in the quartermaster's department at Fort Adams, Rhode Island, as mason and plasterer. Whilst engaged in this duty his eyes were injured by cement or mortar falling in them. He was treated by Dr. Hammond and returned to duty. I, as his commanding officer, was not satisfied with the result of the treatment, and therefore placed him on duty where, to some extent, he was enabled to keep his eyes shaded. As soon as the medical officer was relieved I sent him before the new surgeon, Dr. Loring, for treatment. Dr. Loring informed me officially that the eyesight of one eye was gone and the other eye badly affected. I had him discharged on surgeon's certificate of disability. The records of the Light Battery B, Fourth Artillery, and the post hospital at Fort Adams will show the facts. I know this man lost his sight whilst in the line of duty."

Under date of October 21, 1885, Augustus Strassmuster, hospital steward, United States Army, testified under oath, as follows:

"I hereby certify that Archbell Donnelly, late private of the Fourth Artillery, while serving at Fort Adams, Rhode Island, was instructed to repair or work in a cistern, and that he reported to the post surgeon, complaining of a severe pain in his eye, and stated that while in the cistern a lot of cement or some other matter had fallen into his eyes, and I know that they were highly inflamed, the inflammation being undoubtedly due to some intensely irritating substance having recently come in contact with the eyes. He was treated with sulphate of zinc, morphine, atropia, shades, and rest; and was finally discharged on surgeon's certificate for this contracted disorder. The soldier was dropped from the pension-rolls because of a report of the Washington medical board of examining surgeons, who, under date of June 12, 1885, reported, after detailing the condition of his eyes, that "He presents unmistakable evidence of constitutional syphilis, and it is most probable that the disease of eyes is attributable to that cause."

The case having been subsequently referred to said examiners for further examination, said board, under date of September 15, 1885, reported that they had again examined the claimant and found enlargement of the bicipital gland, and also of the inguinal glands of each side; also, that they found symmetrical copper-colored blotches in the skin. They conclude this second report by saying "we are satisfied of the presence of constitutional syphilis in this case."

The report of the Surgeon-General of the Army, giving the record of the soldier's treatment, shows nothing of any venereal disease. He was examined August 22, 1883, by the Washington medical board, Drs. Stanton and Tyler present, who said nothing about any such disease or of any indications thereof. He was again examined May 18, 1885, by the Washington medical board, then composed of Drs. Brackett, Tyler, and Walsh (all being present), who say nothing of any disease except that of the eyes.

On July 5, 1883, and again on April 3, 1885, Dr. DeWitt, surgeon in the United States Army, and in attendance upon the Soldier's Home, examined the soldier and reported his condition, but said nothing about syphilis or any other private disease.

Dr. Clifton Mayfield, in an affidavit made November 11, 1885, testifies as follows:

"That he had said Donnelly under treatment while he (the doctor) was resident physician in Barnes Hospital, United States Soldiers' Home, District of Columbia. Said Donnelly entered that hospital in June, 1883, and remained until January, 1884. He frequently presented himself at sick-call for treatment. From March, 1884, to June, 1884, he was again in hospital. The disability for which he entered the hospital was optic neuritis. His statement was, that some months previous, while yet in the United States Army, he had suffered injury to the eyes from gravel and cement falling into them while he was on duty working in a well, and that he was discharged the service for the resulting disability.

"At the time of entering the hospital he had lost the sight of the left eye and partially lost the sight of the right eye. He was able with the right eye only to recognize persons or objects at close range; could not do any reading or fine work. Loss of sight of right eye became steadily more complete. At the present time (November 10, 1885) when a hand is held close to his face, he recognizes with the right eye some obstacle between himself and the light, but nothing more. During the whole course of his treatment he has suffered with brain trouble, as evidenced by greatly impaired muscular power, unsteady gait, and epileptic form of convulsions. While under treatment at Soldiers' Home no evidences of syphilis were found, though careful examination was made as to such cause. Treatment for syphilis as a test also failed to give any results. The loss of sight necessitates an attendant, and he is unable to perform any manual labor."

Dr. John J. Stafford, of Washington, under date of November 12, 1885, testifies to treating the soldier for six weeks for epilepsy; that he had made a thorough examination of Donnelly, and had come to the conclusion that his present condition, as far as his nervous disease was concerned, was due to an injury of the head (scars of which injury are still plainly visible), said to have been received while in the United States service.

Under date of January 28, 1886, Dr. F. B. Loring, of 1407 New York avenue, this city, an eminent specialist in eye and ear difficulties, as your committee are informed, certified as follows:

"I have examined Mr. A. Donnelly's eyes, and find that his blindness is the result of double optic neuritis, followed by atrophy of ball disks of long standing, and incurable."

Under same date Dr. Z. T. Sowers of this city, certified:

"I have made a careful examination of Mr. Archbell Donnelly, and can find no evidence of his having had syphilis."

Under date of January 29, 1886, Dr. D. W. Bliss, of this city, testified:

"I have carefully examined Archbell Donnelly, and am unable to find any typical evidence of syphilis."

Donnelly under date of November 23, 1885, swears that he has never, at any time, had venereal disease in any form, nor any disease of the eyes prior to receiving injuries while in the United States service and on duty at Fort Adams, Newport, R. I.

The report of the Assistant Adjutant-General shows that Donnelly was present for duty on all rolls up to the time of the incurrence of the disease of the eyes. By the report of the assistant surgeon, United States Army, it appears that on June 13, 1882, he entered the post hospital with sprained left ankle, but was returned for duty the third day thereafter, and by the same report, that on August 1, 1882, he entered same hospital with contusion of right ankle, and returned to duty the second day thereafter, making in all five days in hospital prior to the injury to his eyes. This is a good record, and from a careful consideration of all the evidence in the case your committee are satisfied that this man was a good, faithful soldier, and that he is worthy of the most charitable and liberal treatment at the hands of the law-making power of the Government.

It seems to have been the theory of the Pension Department that if, prior to or at the time the soldier was working in the cistern, he had syphilis, then no matter, though there might have fallen into his eyes cement and sand, and by reason thereof irritation was caused, which, but for the physical condition of the soldier occasioned by syphilis, would readily have yielded to treatment, but which in consequence of the syphilis, or the condition of the system occasioned thereby, did not and would not yield to treatment, but led to a permanent incurable condition of the eyes, that then, and in that case, no pension could be allowed the soldier. This position is, in the judgment of your committee, untenable. If the man had had, or did have, syphilis, which had not and might not cause serious disease or any disease of the eyes had not the cement or sand or some other irritating cause fallen into them, and while in the service and the line of duty, as is clearly shown in this case, cement and sand fell into his eyes and caused a degree of irritation and disease which the syphilis would not have caused, then, in the judgment of the committee, the Government should at least pension the man for the disability which it occasioned him, be it much or little.

If the man had syphilis or had had it, that was bad enough without the Government of the United States, when he was clearly in the line of his duty as a soldier, adding to his affliction by causing a degree of disease which the soldier, but for the accident, might never have suffered. Your committee desire not to be understood as in any manner holding that the evidence shows the soldier ever had syphilis; on the contrary, we hold that, by a clear preponderance of the evidence, it is shown he did not have such disease when the accident occurred, nor had he primarily suffered from such disease. Therefore the Committee on Pensions, without hesitation, recommend that the original bill (H. R. 6843) do lie on the table, and that the following substitute be passed:

A bill for the relief of Archbell Donnelly.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and hereby is, directed to restore to the pension-roll the name of Archbell Donnelly, late a private in Company B, Fourth United States Artillery, subject to the provisions and limitations of the pension laws, and to pay him such rate of pension as under this act, and such other laws upon the subject of pensions not inconsistent herewith, he may be entitled to receive.

The CHAIRMAN. The bill (H. R. 6843) for which the present bill has been substituted, has already been laid on the table.

Mr. STRUBLE. I move that the bill (H. R. 9734) be laid aside to be reported to the House with the recommendation that it do pass.

Mr. WALLACE. No one here can approve of a bill like this becoming a law. The whole report is one which I think should not be offered to any intelligent body. In the first place, it is an indorsement of immorality, not to speak of and irrespective of that it is an insult to the medical board. If we have a medical board for this purpose, surely the first requirement we can make of them is to diagnose a case referred to them; and this is so clear a diagnosis I do not see how the Committee on Pensions could come to the conclusion submitted in this report.

I dislike to take issue in this small House, but I shall be compelled to do so on this bill. If my friends think proper to pass it, I give them notice they will have to do so with a quorum.

Mr. STRUBLE. Mr. Chairman, I desire to be heard for a moment. I do not know to what extent the gentleman from Louisiana may go in opposition to this bill. He has substantially remarked that, in his opinion, the report in this case is an insult to the House of Representatives, as well as to the medical board to which he alluded. I am here to say, Mr. Chairman, that, in my opinion, no gentleman in this House possessing a fair mind would make any such assertion. Whatever is true in connection with the right of a soldier to pension ought to be stated in the presence of this House, although it may be a matter of delicacy. I take no pleasure in investigating cases which may involve questions of delicacy, but it became my duty, as a member of the Committee on Pensions, to examine into this case, to examine the papers, which I did carefully, because I concede when I commenced the examination it was with prejudice against the case, occasioned by the ground upon which the Commissioner of Pensions ordered his name dropped from the rolls.

But, sir, when I came to examine it carefully, and re-examine it, against my prejudices, there came to my mind the irresistible conviction that this man had been done a grave wrong by the Pension Department. Sir, it is uncontradicted that this man was as good a soldier, and I doubt not from the record, as any we have in the regular service. It is uncontradicted that he was a mason, and was detailed for service in the place named in the report; and that while he was engaged at work in a cistern there fell into his eyes cement and gravel, and from that moment his eyes, according to the undisputed testimony of his captain, became sore and troublesome, the condition growing in severity gradually until blindness was the result. He applied for a pension, and his application was granted. His pension rose until at a later period he applied for an increase because of increasing disability; and then, upon the report of the Washington city examining board, in 1885, the Commissioner of Pensions deemed it his duty not only to deny the application for an increase, but also to drop him from the pension-rolls altogether, because the board referred to had reported that, in their opinion, the man had had this unfortunate disease, and that probably this disease was the cause of the soreness of the eyes.

Now, sir, it appears that a re-reference of this case was made to the same board, and they examined the applicant again and made a similar report; but as against this testimony I ask this committee and the gentleman from Louisiana, to consider the fact that there is embodied in the report the testimony of the hospital steward, the testimony of Dr. Clifton Mayfield, the testimony of Dr. Stafford, the testimony of Dr. Loring, of Dr. Sowers, and finally the testimony of Dr. Bliss, all contradicting the report of the Washington board.

Mr. Chairman, I have not the least desire, and shall not make any reflections whatever upon the competency and efficiency of the Washington board; but I submit as a fair question in view of this preponderance of testimony, what ought the committee to do?

Mr. Chairman and gentlemen of this committee, where the case shows so plainly that the Washington board must have made a mistake in their judgment of the man's physical condition, and made, though unintentionally, such a report as caused injustice to be done the pensioner, I maintain it to be our duty to undo the wrong in so far as we may be able.

Sir, it appears that at the Soldiers' Home this man was treated in a manner and with a view to making certain whether or not he had such a disease, but the clear testimony of the physician who so treated him was that there were no symptoms of the disease named.

This test was applied to the man, as shown in the report, and did not develop the symptoms which, according to the report of the Washington board, ought, I presume, to have been manifest, and it is the testimony of the several physicians that no such disease existed, which testimony was subsequent to the examination by the board in this case.

Now, Mr. Chairman, I submit to this House upon the facts in the case whether the gentleman from Louisiana was justified in flinging out here before this committee his insinuation that offense should be taken simply because a plain statement of the case is made in the report, and made from that sense of duty which I apprehend governs each member of the committee and of the House in the discharge of his duty in investigating such questions.

Mr. Chairman, I hope this bill will be passed without further delay or discussion.

Mr. WALLACE. Mr. Chairman, I wish to recall most certainly any insinuation that may even have been implied in the remark I made as to the Committee on Pensions. I am sure that in making the report they were entirely sincere in doing it, but from my standpoint it does seem a most remarkable report to make upon a statement of facts such as is presented here.

In the conclusion of the report, in speaking of this disease, the committee finds it wise and proper to consent to the assertion that if this man had not been subjected to this injury by the fall of sand in his eyes he would probably not have had his eyesight affected. Although I do not claim to be much of a doctor, I know that the disease in this case is more likely to develop itself as a result of apparently outside causes, while the disease itself is the original cause, and will develop in a man in whose system it lurks as an apparent result of outside causes. But, I repeat, the disease itself is the original cause of the trouble. It is the disease inherent and dormant in the man, and therefore a slight injury, exposure to cold or dust from a railway train, may conduce to develop the disease if the physical condition of the man is such as the condition of this man unquestionably was.

Therefore I say that we are not here to reward by a pension cases which have proceeded from constitutional diseases acquired by immoral habits of life; and the mere circumstances of this case indicate that the gravel or sand was simply an exciting cause, but that the original trouble lay in the disease itself. So that in pensioning this man after the statement of the medical board whose duty it is to investigate these cases, we would simply be putting ourselves in the position of pensioning a soldier in the army because he had contracted a disease of that kind, which certainly is not a position in which I wish to find myself, and I do not think any other member of the House wishes to find himself. The stimulating influence has nothing whatever to do with the trouble, for the inherent disease is that from which the trouble comes. I do not think, out of respect to the medical board, placed in that position and for that particular business, that we have any right to go behind their testimony, and I shall not be a party to do it.

Mr. ROWELL. As I read this report, this man was for some four years in the active service.

Mr. MORRILL. Five years.

Mr. ROWELL. Nearly five years; and during that time he was ready for duty with the exception of five days up to the time when he received this injury. During the time when he was fit for duty he performed such service as soldiers of the regular Army are called on to perform. The gentleman from Louisiana says that he does not think proof should be taken, or that we have a right to go behind the testimony of the medical board. The medical board is composed of three doctors. Under that theory, then, if fifty of most expert physicians should come here and testify that the three doctors made a mistake, we are bound to take the report of the doctors based simply upon an opinion without any regard to other important testimony bearing upon the case, even if they have no knowledge of the facts.

They have no knowledge of any fact. They set up a fact denied under oath by the claimant himself. They give an opinion. That opinion is tested by medical treatment to see whether it is correct by another surgeon of the Army in charge at the Soldiers' Home, and when the test is put to their opinion, the test proves that their opinion is incorrect.

Now, I have a good deal of respect for these medical boards; but I know they have a great many people to examine, and I know they make a great many mistakes. I have in my mind a medical board who reported that a soldier had no disease, who, since he came home from the army, had been in bed three months each year from chronic rheumatism, and within a week from the time that they reported he had no disability he was down again in bed and remained in bed almost six months, suffering from that disease, and they found out they were mistaken. I knew another instance where a medical board testified as to a man who had his breast stove in by a horse in a charge, that he had no disability, yet it turned out that his lung was nearly destroyed by that injury. This only proves that these medical boards are fallible men. Doctors sometimes are mistaken, and very frequently disagree.

It is a question here of preponderance of testimony. All of the testimony shows an original injury—an original injury sufficient to put the man's eyes out. All of the testimony, except that of the medical board, was to the effect that the medical examination failed on a test to discover any such disease as the medical board thought the man must have had. We have here an original exciting cause, an original undisputed injury, sufficient to put the man's eyes out, and an overwhelming amount of medical testimony confirming that with additional proofs, and only the opinion of the medical board against it.

We ought to act here like a jury. We ought to act like reasonable men. Will any one say that this evidence submitted to any jury would not produce a verdict without the jury leaving the box, in favor of the theory that this disability was incurred in the service and was not the result of a disease, as intimated in the opinion of the medical board?

I hope that this blind man, who lost his eyes while a soldier, and in

the service, shall not be permitted to be disgraced and to go down the balance of his life a blind man without Government aid.

Mr. WALLACE. I ask the gentleman from Illinois [Mr. ROWELL] how he gets over such a statement as I find here in the report. I pass over several phrases that I suppose none of us exactly understand.

Mr. ROWELL. I suppose the gentleman has reference to what are stated as the indications of the disease.

Mr. WALLACE. Besides these other indications the examiners stated that they found symmetrical copper blotches in the skin, and these, as I understand, are the strongest testimonies that doctors find for that disease.

Mr. ROWELL. If you examine a great many men you will find copper-colored blotches that do not come from any such disease. Other doctors who have examined this man do not attribute this to any such thing. And the giving of medicine for the purpose of developing whether those copper-colored blotches were due to the cause attributed proved that the examiners were mistaken in so attributing them.

Mr. WALLACE. That was several years afterwards.

Mr. ROWELL. No, sir. It was in November, 1885; and it was in the summer of 1885 that this Washington board found their alleged facts.

Mr. WALLACE. But he was granted a pension in 1883; so that this must have been at least two or three years afterwards.

Mr. ROWELL. He was examined by the medical board here in Washington in 1885.

Mr. WALLACE. But he got his pension in 1883, did he not?

Mr. ROWELL. Yes, sir.

Mr. WALLACE. And he was examined under this medical test——

Mr. ROWELL. In 1885.

Mr. WALLACE. In September, 1885.

Mr. ROWELL. And in November, 1885, the doctors at the Soldiers' Home made the medical test by giving him medicine.

Mr. WALLACE. Three years afterwards.

Mr. ROWELL. Two months afterwards; and the doctor in Rhode Island, the Army surgeon, did not discover anything: and it was then the time when a discovery could be made if any such disease existed.

Mr. WOLFORD. I want to say a word or two in relation to this case in order that we may all understand each other better. The Democratic party are all in favor of pensions, little as the gentlemen over on that side may think so. But they may disagree as to the amount of testimony necessary in order to give a man a pension, and they may disagree as to who are entitled to pensions and the amount of pensions that may be given. For my part I think I am tolerably liberal, although I am opposed to large pensions.

But I want now to talk a little about this case that we may understand each other. There is no disposition on the part of Democrats—I may say there is no disposition on the part of any Democrat here to vote against a pension. There is no hatred in the heart of any Democrat. My brother from Louisiana has no objection to a pension where the injury for which it is claimed is fairly proved. But here the question is about the injury being fairly proved. The question in this case brings to my mind an old saying that I have heard ever since I was a boy, "When doctors disagree what shall the sick do?"

There is disagreement among the doctors about this man, but I believe there is no disagreement as to certain important facts in the case. It is agreed that this man was a soldier, and it is soldiers that we desire to pension; it is soldiers that my friend from Louisiana [Mr. WALLACE] desires to pension. This man was a soldier for four years; that was long enough to test him in that capacity. There is no disagreement as to the fact that he is now blind and poor. He has done the best he could, he has served his country, he is now blind and disabled; the doctors disagree as to the cause of his disease, but the preponderance of testimony is in his favor, and shall we not give him the benefit of the doubt?

I will tell you what I would not do, and I do not believe that my distinguished friend from Louisiana [Mr. WALLACE] would do it either in a case like this—the case of a man who has done his duty as a soldier, who has served his country, and who through misfortune has become blind and helpless, and in need of sympathy and assistance—in such a case, even if there was some doubt as to the cause of the disability, I would not take advantage of that circumstance to deny him the recognition and aid which he has earned from a grateful country.

Mr. WALLACE. This man was not in the war.

Mr. WOLFORD. He was a soldier for four years.

Mr. WALLACE. Yes; he entered the army in 1878.

Mr. WOLFORD. Well, he was a soldier.

Mr. WALLACE. Yes; but not in the war.

Mr. WOLFORD. I do not know that it matters anything whether a man was in battle or not, provided he was a soldier. This man was a soldier, and although he may not have been in the war in which we brothers fought each other, he undoubtedly stood ready to defend the flag of his country against all assailants. He may have served his country in fighting against the Indians. At all events he did his duty; he stood by his flag, and I care not whether he was in the war or not, if he did his duty as a soldier, he is entitled to the sympathy and aid of this Government now that he is helpless and unable to care for himself. I ask my friend from Louisiana to come up as I would do under such circumstances, and as I propose to do upon this occasion—to come up and show his Democratic faith by voting in accordance with the Democratic platform and the Democratic doctrine, which is that we shall vote for all reasonable pensions. This being, according to my judgment, a reasonable pension, I intend to vote for it. This is a case about which the doctors disagree.

It is a case about which the gentleman from Iowa [Mr. CONGER] and the gentleman from Louisiana [Mr. WALLACE] and the gentleman from Illinois [Mr. ROWELL] disagree, but let us all agree here that we will exercise our best judgment and, having exercised it, that we will vote as we please, and not raise the point of "no quorum."

The question was taken on laying the bill aside to be reported to the House with the recommendation that it do pass, and the Chairman declared that the ayes seemed to have it.

Mr. WALLACE. I call for a division.

The House divided; and there were—ayes 31, noes 4.

Mr. WALLACE. No quorum.

Mr. DOCKERY. Mr. Chairman, I ask unanimous consent that this bill be passed over, so that the business of this session may proceed.

Mr. STRUBLE. I make the same request, but I do not wish the bill to lose its place on the Calendar.

Mr. DOCKERY. Let it be passed over, retaining its place on the Calendar.

Mr. WALLACE. I shall have to object to that, Mr. Chairman. I have no objection to the bill being passed over, but if it is to retain its place and come up here evening after evening, and we are to have this whole discussion over again, I must object.

The CHAIRMAN. The Chair will state to the gentleman from Louisiana [Mr. WALLACE] that there is no way to take the bill out of its place on the Calendar.

Mr. DOCKERY. I withdraw the request that the bill retain its place on the Calendar, and merely ask unanimous consent that it be passed over informally.

There was no objection, and it was so ordered.

JOSEPHINE DA COSTA THOMAS.

Mr. WOLFORD. I call up the House bill (H. R. 4688) granting an increase of pension to Josephine Da Costa Thomas, and I move that the amendment of the Senate be concurred in.

The amendment of the Senate was read, as follows:

IN THE SENATE OF THE UNITED STATES, *May* 26, 1886.

Resolved, That this bill pass with an amendment: In line 2, strike out the word "thirty" and insert the word "forty."

The CHAIRMAN. The question is on agreeing to the amendment of the Senate.

Mr. WOLFORD. I want to make a brief statement before the vote is taken. This bill was reported from the Committee on Pensions unanimously, fixing the pension at $40. In the House the amount was cut down to $30. The bill went to the Senate, and that body again fixed the pension at $40. Considering the great services of the man whose widow is to receive this pension, we thought that $40 was not too much, and we reported in favor of concurring in the amendment of the Senate. There has been a report from the Senate Committee on Pensions fixing this pension at $40, and two reports from the House committee, both unanimous, to the same effect. I ask that the amendment of the Senate be agreed to.

The amendment of the Senate was concurred in.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SARAH E. NORTON.

Mr. SAWYER. I call up the bill (S. 2699) granting a pension to Sarah E. Norton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Norton, a volunteer nurse during the war of the rebellion, and pay her a pension at the rate of $12 per month.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, from an examination of the papers on file, believe that this is a meritorious case, and that the report of the Pension Committee of the Senate contains a fair statement, and would adopt that report as the report of this committee.

[Senate Report No. 1372, Forty-ninth Congress, first session.]

The facts upon which this bill is based for a pension for Sarah E. Norton, a volunteer nurse in the late war, are fully set out in the following petition and accompanying papers. Your committee, after an examination of the same, report back the bill with a recommendation that it do pass with the following amendment: Add at the end of the bill the words "and pay her a pension at the rate of $12 per month."

To the honorable Committee of Pensions, United States Senate:

GENTLEMEN: I, Sarah E. Norton, was a volunteer nurse during the war of the rebellion, and respectfully petition your honorable body to consider this my sworn statement and the accompanying proofs of service, and if upon merits as thus shown, and because of my physical weakness and suffering during all the years since the war closed and to continue as long as I live, can favorably do so, to grant my petition for a pension at $25 per month. In Genesee County, New York, up to 1863, after the war began, I labored with other loyal women

in gathering hospital supplies for our soldiers. Then I decided, as for myself, I must take a more active part, and so tendered my services by letter to Mrs. D. P. Livermore, of the Chicago Sanitary Commission; accepted by letter of April 29, 1863, where I went in readiness for duty, and received my appointment May 8, 1863 [see appointment], and was assigned to duty at Benton Barracks Hospital, Saint Louis, Mo., where I labored as faithfully as I knew how and as was the will and wish of all there, where, if at any hospital in the land, it could speak for itself, to any one, it did, whether patient or visitor, and it was one of those hospitals so well recognized in every way it needs no praise of mine. And as one of its corps of workers—and there were many—do I ask credit or consideration. I was there six months, when I was taken violently ill, caused by my arduous work and the malaria of the country, from which I have never fully recovered. I am a frail woman, and in no condition of health to labor.

The physician who attended me in 1864, Dr. Clark, of Batavia, is dead. I inclose an affidavit of Alonzo Henshaw, now assistant principal Omaha high school, at Omaha, Nebr., at whose father's house I was ill. [See affidavit.]

I frequently received supplies from friends as a donation for my sick.

My present physical condition is weak. I am lame from an accident, and obliged to wear a cork lift 3 inches. As to my present physical condition, I submit a certificate from Dr. Thomas Hood. As to my need and worthiness as a woman I submit a letter from William C. Watson, attorney and counselor-at-law, of Batavia, N. Y., with an accompanying petition signed by about one hundred of the leading citizens of Genesee County, New York, who thus show their interest in my welfare, and have vainly tried to aid me to reach some Government employ which would comfortably support me, but which I have never in all the years since the war been allowed, notwithstanding earnest efforts on their part and my own.

I am a member of the Army Nurses' Association, from which I submit a letter (Exhibit H), with an earnest hope my case may receive favorable consideration.

I am, very respectfully, your obedient servant,

SARAH E. NORTON.

WASHINGTON, D. C., *June* 12, 1886.

Sworn to and subscribed before me this 14th day of June, A. D. 1886.

[SEAL.] JAMES H. SMITH,
Notary Public.

OFFICE OF CHICAGO SANITARY COMMISSION,
Chicago, May 8, 1863.

Miss Sarah E. Norton has been this day appointed nurse in the military hospitals of the Western department by authority delegated to Mrs. A. H. Hoge and Mrs. D. P. Livermore by Miss D. L. Dix, general superintendent of nurses in military hospitals in the United States.

For D. L. Dix:

Mrs. D. P. LIVERMORE,
Chicago Sanitary Commission.

Miss Sarah E. Norton has been detailed to service in the Benton Barracks Hospital.

N. B.—If the place of service is changed a new certificate will be issued.

JAMES E. YEATMAN,
Appointment Office.

OMAHA, NEBR., *May* 7, 1886.

To whom it may concern:

This is to certify that Miss Sarah Eunice Norton, after quitting service in Benton Barracks Hospital, Saint Louis, Mo., and coming to Batavia, N. Y., was ill for many months in my father's house, where I was then living, and that her physician, Dr. Clark, who is now dead, attributed her illness to the overwork and exposure she had undergone in the capacity of nurse in Benton Barracks Hospital.

ALONZO NORTON HENSHAW,
Assistant Principal Omaha High School.

Subscribed and sworn to before me this 7th day of May, A. D. 1886.

[SEAL.] WM. L. McCAGUE,
Notary Public.

The bearer, Miss Sarah E. Norton, has been personally known to me since 1879, during which time she has constantly been an invalid, and often required the use of crutch or cane in walking. In addition to this special cause of disability (disease of one of the hips) she has suffered in general health. That she is seriously disabled is apparent to the most casual observer who sees her attempt to walk.

Miss Norton, when I first made her acquaintance (when she applied to me for professional service), referred her disability to the hardships, exposure, &c., to which she was subjected when she served, during the late war, as a nurse, and I have always believed that to have been true. She is a lady of most benevolent Christian character, who enjoys the confidence and esteem of all who know her, and since all her friends believe that her disabled condition is due to the service she rendered as an army nurse, they join in the hope that she may receive from Congress the aid which she so much deserves.

T. B. HOOD, M. D.,
Late Surgeon and Brevet Lieutenant-Colonel, U. S. Volunteers, and Medical Referee of the Pension Office.

WASHINGTON, D. C., *June* 14, 1886.

BATAVIA, N. Y., *March* 23, 1883.

DEAR MISS NORTON: I inclose your petition, with indorsement of the county officials, bank officers, and leading business men of Batavia. You will see that it embraces the very best men in our community. No stronger recommend could possibly be procured in this vicinity. I have not tried to secure the greatest number of names, but have only presented it to persons who know you and who are known and recognized as among our most influential citizens, and every one to whom I have shown the paper has signed it willingly and expressed an earnest desire to aid you. The people of this town know that you are worthy and competent, and you may be assured that it affords them real pleasure to try to aid you. I sincerely hope you may succeed.

Very truly and respectfully,

WILLIAM C. WATSON.

PETITION.

The undersigned citizens of Genesee County, New York, are personally acquainted with the petitioner, and heartily indorse her application:

Carlos A. Hull, county clerk; Myron H. Peck, county judge; J. C. Guiteau, county treasurer; Irving D. Southworth, sheriff Genesee County; William E. Prentice, school commissioner; S. Masse, president of the Genesee County National Bank; D. W. Tomlinson, president Bank of Batavia; H. G. Miller, cashier Bank of Batavia; A. C. McIntyre, cashier First National Bank of Batavia; H. U. Howard, president National Bank of Genesee; A. N. Cowdin, cashier National Bank of Genesee; W. Hann Day; S. U. Main; R. G. Collins; John Dellinger; William C. Watson; R. O. Holden; M. Moynihan; Addison Foster; J. M. Walkinshaw; Henry T. Cross; John H. Yates; Thomas & Page; Peree & Buell; S. Bloomfield; J. K. Giddings; McKenza, Rejou & Stoms; H. N. Kelsey; M. H. Bierce; J. W. Holmes; M. B. Adams; C. H. Turner & Son; John W. McDonnell; Safford E. North, district attorney; Jerome L. Biglow, cashier of the Genesee National Bank; Harry Pardee, president First National Bank, Batavia; George Bowen, attorney; N. A. Woodward, attorney; J. H. Ward, cashier Farmers' Bank, Batavia; Frank S. Wood; Myron H. Peck, jr.; E. G. Richmond; J. S. Stuart; Arthur E. Clark; A. D. Tryon; G. H. Holden; Jones & House; Volz Brothers; W. L. Onderdonk; R. W. Onderdonk; E. L. & G. D. Kenyon; R. S. Lewis, editor; Wilber Smith; D. Hooper; W. J. Reedy; WE. Walkinshaw, editor Advocate; D. Lent; C. C. Baker, M. D.; A. G. Gage; Southworth & Simpson; J. B. & H. Hewitt; H. J. Morse, M. D.; John P. Crosby, J. P.; J. C. Bames, J. F. Clark; G. B. Worthington & Son; Thos. Delbridge; S. A. Sherwine; J. F. Baker, M. D.; O. R. Clark; E. N. Stone; E. M. McCormick; James R. Mitchell; Thomas Yates; H. F. Tarbox.

[Office of the secretary of Army Nurses' Association, 534 Twentieth street NW.]

WASHINGTON, D. C., *June* 15, 1886.

The honorable Committee of Pensions, United States Senate:

GENTLEMEN: Miss Sarah E. Norton became a member of this association early in 1882, upon the most conclusive evidence of an honorable service as a nurse in the Western army, chiefly at Benton Barracks Hospital, Missouri, resigning her work there in the fall of 1863 only because of a serious illness incurred by her arduous duties there and the care of those sick with malignant fevers, which illness became a very dangerous one for her, being afflicted with a terrible abscess in the stomach, from which she was very ill for many months, and from which, as her every appearance proves, she has never recovered from the effects of, and is a frail and suffering woman. For this cause she became unable to resume hospital work after the fall of 1863, as the war closed before she recovered sufficiently to do so.

This association most earnestly sympathizes with Miss Norton in this tardy effort to reach the much-needed relief a pension will be to her. Her present necessities are great, inasmuch as her health, as stated (and because of extreme lameness making the constant use of a cane in walking necessary), precludes her from filling places she might otherwise to earn a living, as she is an intelligent, practical woman, and one most worthy of the benefit she seeks, and we request a most favorable consideration of her case, feeling few have the same claim by their unceasing suffering as this petitioner.

We have the honor to be, most respectfully,

HARRIET P. DAME,
President Army Nurses' Association.
H. A. B. CORTS, *Secretary.*

The committee would recommend that the bill be amended by striking out the word "twenty-five" in the seventh line, and inserting in lieu thereof the word "twelve," and that the bill as amended do pass.

The amendment recommended by the Committee on Invalid Pensions was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS G. POLLEY.

Mr. LAFFOON. I call up the bill (H. R. 5629) granting a pension to Thomas G. Polley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas G. Polley, late of Company D, One hundred and tenth Illinois Volunteers.

The report (by Mr. TAULBEE) was read, as follows:

Thomas G. Polley enlisted as a private August 15, 1862, in Company H, One hundred and tenth Illinois Volunteers, and was discharged June 8, 1865.

The claim was rejected by the Pension Office on the ground of "no record and no competent evidence of origin."

Claimant states in the latter part of 1862, at Stone River or Murfreesborough, Tenn., he was marched into battle with the measles broke out on him, and waded Stone River, and after the battle was over he was placed on picket duty, and there became unconscious, and was removed to hospital, Nashville, Tenn., with typhoid pneumonia.

Adjutant-General shows claimant was in hospital at Nashville, Tenn., in December, 1862, and remained to 30th April, 1863, and in hospital at Big Shanty, Ga., in June, 1864.

W. C. Pace, claimant's regimental surgeon, states he examined him before he entered the service and found him free from disease.

W. Polley and J. R. Polley, neighbors, knew claimant from infancy, and know he was free from any disease.

F. J. Hoge, John and James P. Brown testify claimant was a sound, stout, and able-bodied man before he enlisted.

J. L. Murphy, claimant's sergeant-major, states, near Nashville, Tenn., claimant took the measles and was sent to the hospital and remained away for several months.

R. G. Williams, claimant's late sergeant, testifies in November, 1862, claimant took the measles and was taken to the hospital at Nashville, Tenn., and remainded absent several months, and never had good health afterward during the war. Claimant's disease seemed to result in general debility, diarrhea, weak lungs, &c., and claimant, in July, 1864, got so bad he was unable to keep off the flies, and that he kept the flies off and picked fly-blows off claimant, and that claimant was sent to hospital at Chattanooga, and says when claimant was sent off he never expected to see him again alive.

J. P. Campbell and William T. Cunningham, privates in claimant's regiment, state substantially as above.

Doctors testify to claimant having a broken-down constitution.

John Brown, neighbor, testifies claimant took dinner with affiant the day he came home from the Army, and that he was in very feeble health.

Other neighbors testify claimant to have been sound at enlistment, but now has a broken-down constitution.

Examining surgeons report him three-quarters disability.

Your committee, from the facts in the case, think the claim a meritorious one, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

WILLIAM F. HARMON.

Mr. FUNSTON. I ask the consideration of the bill (S. 1642) granting a pension to William F. Harmon.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William F. Harmon, late of Company C, One hundred and forty-eighth Regiment of Ohio Volunteer Infantry.

The report (by Mr. MORRILL) was read, as follows:

The report of the Committee on Pensions of the Senate sets forth the facts in this case, and your committee adopt the report and recommend the passage of the bill.

[Senate report No. 772, Forty-ninth Congress, first session.]

The claimant in this case was a private in Company C, One hundred and forty-eighth Ohio National Guards, enlisted for one hundred days. He alleges that he had measles while in the service; that while sick he took cold, which resulted in pains and weakness in the chest; that it became permanent, and disabled him from performing manual labor.

His application for pension is rejected "on the ground that the evidence fails to connect alleged disease of chest with measles, or that it is otherwise due to the service."

Reputable witnesses testify that he was a sound man before he entered the service, and that he has not been well since his discharge. The Adjutant-General's report shows that he was sick at the home of the sanitary commission, Washington, D. C., but the Surgeon-General furnishes no evidence on the subject.

The soldier has filed ample testimony from his physicians and acquaintances, but he is unable to produce evidence of the character required by the Pension Office.

There is sufficient ground for the conclusion that he was accepted as a sound man, and that he was otherwise when he was discharged, and that he continues to be in a condition that prevents him from engaging in labor for his support.

The committee are of the opinion that the claimant may properly be relieved to the extent he claims, and report the bill favorably, with a recommendation that it do pass.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

MAHALA BROWN.

Mr. HALSELL. I call up the bill (H. R. 8384) granting a pension to Mahala Brown.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Mahala Brown, dependent mother of John W. Brown, late of Company D, Thirty-second Regiment Kentucky Infantry Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. TAULBEE) was read, as follows:

The claim was rejected by the Pension Office on the ground that the claimant was not dependent upon the soldier for support.

Dr. J. H. Grady testifies that he has known claimant's husband since 1868, and his condition has been that of an old, decrepit man, and not able to perform manual labor.

Thomas Vincent and L. S. Shelby testify they have lived near claimant since 1862, and were acquainted with her husband, and regarded husband's service worth about $40 per year up to 1870, and after that time it was worth nothing.

Dr. J. M. Sheldon states he examined claimant's husband in 1880, and considered him in a bad condition, and had been so for some time.

Abundant testimony by neighbors shows that claimant's husband owned a small farm of about 100 acres and some little personal property, and all together was not worth more than $600 or $700; that the son worked on the farm from the time he was old enough up to the time he enlisted, except when working for some of the neighbors, and all his earnings went to the support of his parents, and his labor was considered worth $15 per month, and that the soldier contributed to his mother's support up to the time of his death.

John Atherton testifies that claimant's husband's farm is poor and does not yield enough to support her and husband.

L. S. Shelby, Thomas Vincent, and James E. Brown testify claimant has been supported by products of husband's farm and her own labor as midwife.

The testimony in this case shows that the claimant is old and poor, and her husband is not able to support her, and she has no one else to depend upon for her support; that her husband's farm is small and the land poor, and would not bring a rental of more than $40 per year.

The soldier enlisted November 1, 1862, and died June 13, 1863, leaving no wife or child.

Your committee are of opinion that the claim is a meritorious one, and recommend that the bill do pass.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

MISS MARGARET STAFFORD WORTH.

Mr. WHITE, of Pennsylvania. I ask the consideration of the bill (S. 2030) granting a pension to Miss Margaret Stafford Worth.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Miss Margaret Stafford Worth, dependent daughter of Maj. Gen. William J. Worth, and pay her a pension at the rate of $50 per month.

Mr. TAULBEE. Let us have the report read.

The Clerk read the report in part, when—

The CHAIRMAN said: The body of the report has been read; and the portion now remaining is an appendix giving the facts and evidence upon which the report is based. If these are read they will occupy a considerable time.

Mr. TAULBEE. I shall not insist upon the reading of the whole report. I can scarcely conceive of a state of facts which would justify the passage of such a bill as this. There are many particulars in which this bill goes far beyond the ordinary rules for the granting of pensions. One objection is that the pension is to a daughter of the person who rendered the service; another is that the rate is excessive. I shall certainly oppose the bill, for, as I have stated, I can scarcely conceive of any state of facts which would justify a measure of this kind.

Mr. PETTIBOME. I hope, then, that by common consent this bill may be passed over, so as not to obstruct the passage of other measures to which there is no objection.

Mr. TAULBEE. I have no objection to the suggestion of the gentleman from Tennessee [Mr. PETTIBONE].

The CHAIRMAN. If there be no objection, this bill will be passed over informally.

There being no objection, it was ordered accordingly.

MRS. MARGARET DUNLAP.

Mr. SOWDEN. I ask the consideration of the bill (S. 2167) granting a pension to Mrs. Margaret Dunlap.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Margaret Dunlap, mother of James F. Dunlap, late a private in Company H, Seventh Missouri Cavalry.

The report (by Mr. SWOPE) was read, as follows:

The Committee on Invalid Pensions, to whom was submitted the bill (S. 2167) granting a pension to Mrs. Margaret Dunlap, have examined the same, and make the following report thereon:

They fully agree with the conclusions of the Senate Committee on Pensions, hereto attached, and adopt it as a part of this report. They report the bill favorably and ask that it do pass.

The petitioner is the widow of Archibald Dunlap, who died in 1850, and the mother of James F. Dunlap, a corporal in Company H, Seventh Cavalry, Missouri State Militia Volunteers, who enlisted at Sedalia, Mo., April 21, 1862, and died at Warrensburg, Mo., July 9, 1864, of wounds received in the service, leaving neither widow nor minor child to him surviving. The cause of death is clearly set forth in the following affidavit:

STATE OF MISSOURI,
County of Johnson, ss:

On this the 22d day of April, A. D. 1872, before me, circuit clerk in and for said county and State, personally appeared G. Will Houts, a resident of Warrensburg, Mo., who, being first duly sworn according to law, declares that in the summer of the year 1864 he was duly commissioned and on duty as second lieutenant of Company H (R. M. Box, captain), in the Seventh Regiment Missouri State Militia Cavalry, United States Army; that at the time mentioned affiant was in command of an outpost near Warrensburg, in the State of Missouri, and kept out a picket or patrol guard day and night; that on the 5th day of July, in said year, James F. Dunlap, a corporal in said company, and then under affiant's immediate command, was in camp during the afternoon, and observing some of his comrades engaged in a scuffle or fight, interfered and undertook to separate the combatants, whereupon one of the parties engaged, without just cause or provocation, inflicted a wound on the person of said Dunlap by stabbing him in the breast; that he was immediately removed to the United States hospital at Warrensburg, Mo., and every attention given to him, but within a few days the injury resulted in death; that the soldier who inflicted the wound was a member of the same company and regiment as Dunlap, and was, in July, 1864, sentenced to five years' imprisonment in Missouri State prison by sentence of a general court-martial. His name was James Capehart (see muster-out roll of Company H, Seventh Cavalry Missouri State Militia); that said Dunlap left surviving him no wife or children, and that his dependent mother, Margaret Dunlap, a widow, is a resident of Churchville, Va.

And to his testimony that said Dunlap died of a wound received in the line of duty, affiant adds the statement that said Dunlap always bore with his officers and comrades the highest character for knowledge of and devotion to his duties as a soldier.

Affiant further reports that he has no interest whatever in the prosecution of this claim for pension to Margaret Dunlap, and that his post-office address is Warrensburg, Mo.

G. WILL HOUTS.

Sworn to and subscribed before me the day and the year above written; and I certify that I am personally acquainted with the affiant and know him to be credible, and that I have no interest in the prosecution of this claim.

C. C. MORROW,
Circuit Clerk, Johnson County, Missouri.

The record of the court-martial proceedings obtained from the War Department is as follows:

CHARGE: Murder.

Specification: In this case that he, James Capehart, private, Company H, Seventh Regiment of Cavalry Missouri State Militia, being a regularly enlisted soldier in the United States service, did, on or about the 5th day of July, 1864, wantonly, maliciously, willfully, and with malice aforethought, kill and murder one James Dunlap, private, Company H, Seventh Regiment of Cavalry Missouri State Militia, by stabbing him with a knife. All this at Hobson's Station, on the line of the Pacific Railroad, in Johnson County, Missouri.

FINDING.

Of the specification, "guilty," except the words, "with malice aforethought." Of the charge, "not guilty," but guilty of manslaughter in the second degree.

SENTENCE.

To be imprisoned for the term of five years in the Missouri State penitentiary.

HEADQUARTERS DISTRICT CENTRAL MISSOURI,
Warrensburg, Mo., July 28, 1864.

Finding and sentence confirmed. In accordance with the provisions of the sentence, the prisoner will be forwarded to the Missouri State penitentiary, at Jefferson City, for confinement therein during the time specified in the sentence, under the direction of the provost-marshal of this district.

A. PLEASONTON,
Major-General Commanding.

Official copy.

J. HOLT,
Judge-Advocate-General.

It further appears from the papers in the case that James F. Dunlap for years paid rent, and contributed to his mother's support continuous sums of money until the outbreak of the war, when communications were destroyed. Mrs. Margaret Dunlap is eighty-two years old, and her worldly possessions consist of meager household furniture of no appreciative value.

Your committee think, from the peculiar circumstances of the case, the extreme age of the claimant, and the hardships she endured, that she is deserving of a pension, and therefore recommend the passage of the bill.

Mr. BUCHANAN. I will ask the gentleman from Pennsylvania why this claim was rejected at the Pension Office.

Mr. SOWDEN. I can not say. That is a matter, I suppose, for the Pension Office to determine.

Mr. BUCHANAN. I would like to know why the claim was rejected, or whether it ever has been rejected, at the Pension Office.

Mr. SOWDEN. I can not say whether the claim was ever pending there, and hence I do not know whether it was rejected or not. The case is one of very great merit, and the bill ought to pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ALONZO RAYMOND.

Mr. OWEN. I call up the bill (H. R. 2388) granting a pension to Alonzo Raymond.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Alonzo Raymond, father of Platt Green Raymond, late a private in Company E, Fifth Regiment Wisconsin Volunteers, and pay him the sum of twelve dollars per month.

The report (by Mr. WINANS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 2388, report that they have examined the same, and adopt the Senate report as follows:

[Senate Report No. 1207, Forty-ninth Congress, first session.]

The petitioner is the father of Platt G. Raymond, late a private in Company E, Fifth Wisconsin Volunteers. The report of the Adjutant-General states that the son was killed in the battle of Spottsylvania, May 12, 1864. The father applied for a pension March 13, 1884. The Commissioner of Pensions rejected the application on the ground that he was not dependent upon his son at the time he was killed. On this point, the only one raised, the evidence from the father is to this effect:

At the time of the son's enlistment he was a widower, and that the soldier was his only son; that he owned a farm, which he had worked with the help of his son; that in addition to the farm he had some personal property; that the enlistment of his son deprived him of his help, upon which he had hitherto depended; that by reason of infirmities and sickness which then came upon him he was obliged to part with the farm and buy a small house, which he owns at the present time, which is valued at $500, and is mortgaged for $140; that all but this has been absorbed in necessaries which he could not earn by his labor. At the time his son was killed he was taken ill, and he admits that his grief and desolate condition aggravated and prolonged his illnesss, and that at this time he was poor and old.

Seven of his neighbors corroborate the old man's statement, and the judge of probate who took their testimony declares that they are all well known to him and entitled to credit. They say that this father, besides sending his son, embarrassed himself by contributing a sum greater than the value of all his property, to the Union cause; that he became broken in health immediately after his son's enlistment; that he was always held in great respect, and was chosen to places of honor and trust.

The claimant explains his delay in applying for a pension: he dreaded to ask the Government for what he needed; he had some pride, and he was conscious that his motives would be questioned.

The only disputed point in this case is, was the father dependent upon his son at the time of his death? The enlistment, the service, and the death are not questioned. The Pension Office did not demand evidence in reference to other matters. The committee do not admit that the father was not dependent. The son had always aided him. He had property, but it would not have produced a living without the son's labor. When he was deprived of that the father's health broke down, and what he had was nearly all absorbed in his support. There was a dependence all through the previous years; in the war for the Union that dependence was sacrificed; and now, this old man, 76 years old, sick and impoverished, asks the small pittance that a dependent father may claim. The committee do not think it necessary to consider the very nice question of whether the dependence occurred a moment before or a moment after the son was killed. They are convinced that it occurred much too long before it had recognition, and they therefore report the bill favorably, with a recommendation that it pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY M'COY.

Mr. PINDAR. I ask consideration of the bill (H. R. 9863) granting a pension to Mary McCoy.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Mary McCoy on the pension-roll, and to pay her a pension, from and after the passage of this act, at the rate of $12 per month.

The report (by Mr. PINDAR) was read, as follows:

The claimant served as a nurse and laundress in Company F, Seventy-first New York Volunteers, from 1861 until January, 1863. She filed her declaration for pension April 7, 1886, alleging that while acting as nurse and laundress at Fairfax, Va., in 1862, she contracted rheumatic pains and affliction, occasioned by washing the soldiers' clothes and attending as nurse on the sick and wounded; that she was treated by Dr. MacGowan, previous to her release from the discharge of her duties, who was then the physician attending the regiment; that she was employed in the service in pursuance of an order by and under authority of Medical Purveyor Hand, who authorized Dr. Stocker to obtain services of claimant, and which was to be paid for at the rate of $12 per month during service; that prior to her service she was a woman of good, sound physical health; that she is now partially disabled from obtaining her subsistence by manual labor by reason of her injuries received in the service of the United States. In further support of her claim the petitioner files letter of Maj. Gen. Daniel E. Sickles, Capt. Walter A. Donaldson, and Col. H. L. Potter, and also letter of General John C. Black, Commissioner of Pensions. Said letters are hereto attached and make part of this report.

Your committee report the accompanying bill, and recommend that the same do pass.

23 FIFTH AVENUE, *New York, April* 2, 1886.

This is to certify that Mrs. Mary McCoy, wife of Sergeant McCoy, of Captain Donaldson's company, in the Second Excelsior (Sickle's) Brigade (Seventy-first New York Volunteers), served as nurse and laundress all through the campaigns of 1861, 1862, and 1863. She was a heroic woman—combining pluck and tenderness in a remarkable degree—devoted to the sick and wounded of her regiment, always marching with it, and serving the wounded under fire.

She should have a pension now in her old age, when she suffers from disabilities contracted by her exposure and hardships in service. Not a soldier in the Army better deserves a pension than Mrs. Sergeant McCoy. God bless her.

Mrs. McCoy had three brothers in the same regiment and her husband and her brother-in-law, and another brother on the U. S. S. Essex, who was wounded.

D. E. SICKLES,
Major-General, United States Army (retired).

[Camp near Falmouth, Va., Seventy-first Regiment New York State Volunteers.]

JANUARY 5, 1865.

This is to certify that the bearer, Mrs. McCoy, is a most praiseworthy person, honest, trustworthy, and industrious. Her husband was a sergeant in my company, and she passed through (with him) all our campaigns in Virginia up to date.

That she was under fire several times at Fair Oaks, assisting wounded men and helping to cook rations. She passed through all the hardships of the retreat from Fair Oaks to Harrison's Landing, and did good service at the hospital.

Her health has been greatly impaired from her exposure while connected with Company F, as laundress, complaining greatly of rheumatism and pains, after the Fair Oaks campaign, and was, therefore, compelled to return home, and it gives me great pleasure to indorse so remarkable a woman.

WALTER A. DONALSON,
Captain Company F, Seventy-first Regiment, Excelsior Brigade.

377 WEST STREET,
New York City, August 16, 1870.

This is to certify that Mrs. Mary McCoy, wife of Sergt. James McCoy, has been known to me since early part of 1861, and that she is a most praiseworthy, honest, and industrious person, entitled to great credit for her commendable and even heroic service with the Army in the field and in the hospital nursing and watching over our wounded and sick soldiers. She was a faithful attendant upon the wounded and dying soldiers of my regiment during several battles, being on some occasions under fire. The battle-fields of Fair Oaks, Peach Orchard, and Malvern Hill, and even all of the Seven Days' battles, saw her ministering to them with the heroism of the sterner sex. Any aid or assistance rendered to her or her husband, James McCoy, who was a sergeant in Company F, of my regiment, and who acquitted himself honorably, will be bestowed upon those who merit it and who did not hesitate to hazard their own lives for their country in its times of peril.

H. L. POTTER,
Late Colonel Seventy-first New York Volunteers.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., June 11, 1886.

SIR: I have the honor to transmit the papers in the pension claim of Mary McCoy, who served as nurse and laundress in Company F, Seventy-first New York Volunteers, from 1861 until January, 1863. She alleges that she contracted rheumatism in 1862, from exposure to inclement weather while attending the sick and wounded, washing soldiers' clothing, &c. Her allegations are corroborated by General Daniel E. Sickles, who at that time commanded the Excelsior Brigade, of which the Seventy-first New York Volunteers formed a part; Col. H. L. Potter, who commanded the regiment, and Capt. W. A. Donalson, who commanded Company F of the Seventy-first New York Volunteers.

This claim, although meritorious, can not be allowed under the provisions of the pension laws, because the claimant was not enlisted in the Army or Navy of the United States, and it is therefore presented to Congress under the joint resolution approved May 29, 1830.

Very respectfully,

JOHN C. BLACK,
Commissioner.

Hon. C. C. MATSON,
Chairman of Committee on Pensions, House of Representatives.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

ELLEN M. STURTEVANT.

Mr. ROWELL. I ask consideration of the bill (H. R. 10152) granting a pension to Ellen M. Sturtevant.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll the name of Ellen M. Sturtevant, of Keene, N. H., dependent sister of Edward E. Sturtevant, late major Fifth Regiment New Hampshire Volunteers, at the rate of $12 per month.

The report (by Mr. HAYNES) was read, as follows:

Ellen M. Sturtevant was the sister of Edward E. Sturtevant, late major of the Fifth New Hampshire Regiment, who was killed at the battle of Fredericksburg, December 13, 1862. Among the papers filed with this committee are the originals of several letters, covering dates from 1858 to 1861, written by Edward E. to his sister and parents. These disclose clearly that the family were largely dependent upon his contributions for support, and such contributions were made in considerable sums. The sister, from allusions made in these letters, appears to have been in feeble health at that time.

The statement of Dr. Twitchell (which, with her own statement, is appended to this report) shows that he has treated her for serious troubles since 1864, and that in all these years she has been incapable of self-support. She is at present an inmate of the Invalids' Home at Keene, N. H., and in most straitened circumstances. Major Sturtevant was never married. Had he lived there can be no doubt he would have continued the support of his unfortunate sister. He was killed in battle, and we think the Government may with great justice and propriety recognize the claim of the invalid sister thus left in a great measure dependent upon charity.

We recommend the passage of the bill.

Affidavit.

I, Ellen M. Sturtevant, of Keene, N. H., upon my oath depose and say as follows: My age is fifty-one years, and my post-office address as above. I am a sister of Edward E. Sturtevant, late major of the Fifth Regiment New Hampshire Volunteers (who was killed in action December 13, 1862). Prior to and at the time of the enlistment of my said brother into said service, I was living with my father and mother in Keene aforesaid, in a house which my said brother built on Court street for us; at that time and ever since I was, for a large part of the time, sick and not able to take care of myself or earn anything. He gave

us a home, and besides that he sent me money from time to time in amounts ranging from $5 upwards, so as to relieve my father as much as possible from the burden of my support (he, my father, being hardly able to get along and take care of himself and mother). My said father and mother died about ten years ago, and all the property I have in the world is one-fifth interest in the house aforesaid, with a right to one-half of the rent (which is in all $150) after the taxes, water bills, &c., are paid.

My said brother was never married, and it was a reason for his hesitating about enlisting, because he was afraid I could not get along without his being home to help support me. Since the death of my brother I have had to get along without many of the comforts of life and almost necessities of my condition, because I have had no means or resources to rely on. I have been at the Invalids' Home at said Keane for about two years past. This institution gives me one-half of my board, and for the past year I have been unable to pay my proportion of taxes upon the house before mentioned. I am able to wait upon myself only a part of the time, and when I am able to be around I can stand up but little, and can walk but a short distance at a time. I am able to do scarcely any sewing. I was dependent upon my said brother for support at the time of his death, and have been dependent upon others ever since.

ELLEN M. STURTEVANT.

I, George B. Twitchell, of Keene, county of Cheshire and State of New Hampshire, on oath depose and say in relation to the claim of Ellen M. Sturtevant, of said Keene, for a pension, as follows: That I have been for the last forty-three years and am now a practicing physician in said Keene, and as such have professionally attended the said Ellen M. Sturtevant; that in the spring of the year 1864 I was consulted by her. She was then suffering from uterine displacements and general ill-health, the result, as I understood, of a fall three years before, while I was in the Army. At that time she was much debilitated, and had severe pain in back whenever she attempted to labor; could only move from bed or lounge to chair, and was entirely dependent upon others. I have prescribed for her from time to time to the present time, though she has to my knowledge been at different times under the care of other physicians, and was at one time for many weeks at the Adams' Marine Asylum, in Jamaica Plain, Mass. During all of these years she has been an invalid and able to do but little for her support, and when she has labored it has been with suffering, for she has had much neuralgia. At the present time she is able to do but little, and is now (May 15, 1886) an inmate of the Invalids' Home.

I have no interest in the above claim for invalid pension.

GEO. B. TWITCHELL.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

LARKIN DELPH.

Mr. TAULBEE. I call up the bill (H. R. 7504) granting a pension to Larkin Delph.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Larkin Delph, late of Company E, Seventh Kentucky Volunteers.

The report (by Mr. TAULBEE) was read, as follows:

Larkin Delph enlisted as a private, Company E, Seventh Kentucky Volunteers, August 19, 1861, and was discharged April 5, 1863, on surgeon's certificate of disability. He filed claim for pension June 19, 1869, alleging that he was accidentally wounded by a shot which entered below the heart and came out on the left side of the backbone; that it took place at Mount Vernon, Ky., in October, 1861.

His claim was rejected on the ground of no record as to origin of alleged gunshot wound and claimant's declared inability to furnish the testimony of an officer or comrades or other competent evidence showing incurrence in line of duty.

Col. T. T. Garrard, Seventh Kentucky Volunteers, testifies he has known claimant prior to and since the war; that while in hospital, Mount Vernon, Ky., claimant was shot; has seen the wounds, but does not know the circumstances of wounding; after his recovery, he returned to the regiment, and was discharged. Has heard him complain of it frequently since.

Capt. P. B. White, Company E, Seventh Kentucky Volunteers, Manchester, Clay County, Kentucky, testifies claimant was taken sick with the measles, and was sent to hospital at Mount Vernon, Ky.; when he returned to the company he was wounded just below the nipple by a gunshot; does not know how it happened; was not present at the time; that he was a sound man at enlistment.

Dempsey Wilder, corporal, Company E, Seventh Kentucky Volunteers, testifies, in 1861, at Camp Wildcat, Ky., soldier had measles and was sent to Mount Vernon, Ky., and was reported shot; saw him afterward and there was a bullet hole near pit of his stomach; don't know if he done any duty afterward. His discharge was reported granted on account of said wound. Has complained of wound hurting him since discharge.

James Hooker, private, Company E, Seventh Kentucky Volunteers, testifies that claimant and himself were sent to hospital at Mount Vernon, Ky., and were given the limits of the town by the surgeon for exercise; that claimant, in October or November, 1861, while walking across the street from the hospital, was shot; heard report of gun; went to him and saw he was wounded, and it was reported that Jacob R. Brown was the person who wounded him; that he did it by letting off his pistol by accident. That he was treated for wound there; that he still complains of said wound.

Jacob R. Brown, of London, Laurel County, Kentucky, testifies, over signature, that on or about the 19th of October, 1861, at Mount Vernon, Ky., he was in a house where several persons were assembled, among them the claimant, who was a private in Company E, Seventh Kentucky Volunteers; that he, Brown, had a pistol in his hand, and by some accidental means the pistol was fired and the ball entered the body of the claimant, passing through it near the heart; that claimant was carried to the court-house in Mount Vernon, and there remained for some time.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

JOSEPH MAYS.

On motion of Mr. ANDERSON, of Kansas, the bill (S. 1654) granting a pension to Joseph Mays was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph Mays, late of Company M, Ninth Regiment Kansas Cavalry Volunteers.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1654) granting a pension to Joseph Mays, having examined the case, adopt the annexed Senate report, and recommend the passage of the bill.

That the records in this case show that claimant enlisted July, 1, 1863, as a private in Company M, Ninth Kansas Cavalry, and was discharged July 17, 1865.

Declaration for pension filed June 22, 1880, alleging gunshot wound in left arm, shattering both bones.

Claim rejected April 23, 1885, on the ground that "records fail to show the circumstances under which alleged wound was received, and claimant has declared his inability to furnish satisfactory evidence showing its receipt while in line of duty." The committee is unable to determine why this pension was not granted through the Pension Office, or what that office considers "satisfactory evidence."

In this case there is,

(1) Claimant's statement, which is corroborated by the records sent to the Pension Office from the War Department, in which occurs this statement:

"Regimental hospital register shows Joseph Mays admitted July 26, 1861, with gun-shot wound, forearm."

(2) The affidavit of W. Wakefield, M. D., the regimental surgeon who dressed claimant's wound, and who describes minutely the circumstances attending it.

(3) The affidavit of Capt. John L. Price, Company M, Ninth Kansas Cavalry, that claimant was out on a foraging expedition, and was attacked by bushwhackers and wounded.

(4) The letter of John L. Price, late captain Ninth Kansas Cavalry, corroborating claimant's statement, and that wound was received in the line of duty.

(5) The affidavits of comrades James Lansing and George R. Bowser, who were with claimant and near him when he was shot in a skirmish with bushwhackers.

(6) A letter written to John H. Osborn, and signed O. P. G. Clarke, of the Pension Office, asking about the circumstances of the wounding, and on the back of that letter Mr. John H. Osborn states that he knew Joseph Mays, and knew he was wounded in the left arm, and thinks he was foraging at the time.

(7) Testimony of John H. Osborn, corroborating above.

In addition to the above there is the certificate of Examining Surgeon E. I. Prothrow, as to the wounds and the effect.

It would appear that the evidence is abundant as to when, where, and how the wound was received, and that its consequences still incapacitate the claimant from performing full manual labor. Taking into consideration all the evidence on file in this case, the committee believe it to be their duty to report in favor of this bill, and recommend its passage.

There was no objection; and the bill was laid aside to be reported to the House with the recommendation that it do pass.

SIDNEY DENTON.

On motion of Mr. GUENTHER, the bill (S. 2420) granting a pension to Sidney Denton was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sidney Denton, late a private in Company F, Thirteenth Regiment Wisconsin Volunteers.

The report (by Mr. WINANS) was read, as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 2420, report that they have examined the same, and adopt the Senate report, as follows:

[Senate Report No. 1205, Forty-ninth Congress, first session.]

The claimant enlisted in Company F, Thirteenth Regiment Wisconsin Volunteers, October 26, 1861, and was discharged July 29, 1865. He applied for a pension, stating in his declaration that at Huntsville, Ala., he was taken with chills and fever, and was sent to hospital; that a dangerous fever set in, followed by chills and dumb ague, caused, so far as he knows, by the malarial condition of the atmosphere and bad water. His application was rejected by the Pension Office on the ground that he had no pensionable disability from "malarial poisoning;" that disease of the lungs was not accepted "as a result of malarial poisoning."

The evidence shows that he was sound when he went into the service; that he came out of it sick; that he has been sick ever since; that that is his condition now. The report of the Surgeon-General shows that he was admitted to hospital at Nashville October 18, 1864, with chronic diarrhea. Again he was sent to hospital with fever; and again, when diagnosis was not given; and again, with intermittent fever. But, as usual, the report admits the absence of important testimony in his subsequent stages of treatment.

The medical examination in 1882 says:

"The breathing in right lung is vesicular; in left lung bronchial; breathing capacity diminished; although nothing exists to indicate direct suffering from ague, his bronchial trouble would incapacitate him for manual labor."

A second examining board states the following result:

"Muscles soft and flabby; applicant has disease of lungs; no healthy vesicular murmur over any part of either lung; some parts there are asthmatic pipings; air vesicles are seemingly closed; says he had difficult breathing while in the Army, and it has been getting worse ever since; impossible to tell whether lung trouble depends remotely on malarial poisoning or not; he is very much emaciated, debilitated, and generally broken down; disability totally on disease of lungs and result."

It is possible that the disability is not the result of malarial poisoning. It may have been unfortunate that the claimant stated that, "so far as he knew, his sickness may have been caused by the malarial atmosphere and bad water." Malarial poison produces chills and fever and all the varieties of malignant fevers, and from these often proceed immediately and remotely affections of vital organs.

Concluding, as the committee must do, that the man was well when he entered the service; that he was sick when he was discharged; that he has had a progressive illness from that time to the present, the opinion is justified that whether his disability is or is not due to malarial poisoning, it is undoubtedly a result of his service as a soldier.

On account of his poverty the claimant is obliged to avail himself of the shelter of the Milwaukee Soldiers' Home; whereas with a small pension he could spend his few remaining years with his aged wife, and have such care and sympathy as his case requires.

The bill is reported favorably, with a recommendation that it do pass.

There was no objection, and the bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MATSON. I move that the committee rise.

Mr. FELIX CAMPBELL. I hope not, as I have a bill to call up.

The committee divided; and there were—ayes 10, noes 12.

So the committee refused to rise.

MRS. ANNA SCHIER.

On motion of Mr. FELIX CAMPBELL, the bill (H. R. 7983) granting a pension to Mrs. Anna Schier was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Anna Schier, widow of Nicholas Schier, formerly a member of Company C, One hundred and twelfth regiment Pennsylvania Infantry Volunteers.

The report (by Mr. PINDAR) was read, as follows:

Claimant is widow of Nicholas Schier, deceased, who was a private in Company C, Second Pennsylvania Heavy Artillery, and was pensioned at $1 per month for rheumatism incurred in service in line of duty.

Soldier died February 1, 1881. His widow, the claimant, now asks for pension, and her claim for lung disease, &c., has been rejected by the Department upon the ground of inability to give necessary medical testimony to establish it.

The soldier, in his declaration filed, states that at Bunker Hill, March or April, 1862, he contracted fever, which resulted in rheumatism and disease of lungs. The soldier's certificate of disability for discharge states that he was disabled from performing the duties of a soldier because of chronic and inveterate rheumatism. It is shown by Joseph Stahl and James Gangham that soldier was sound prior to enlistment. Charles A. Dunklebury, late captain of company, testifies that soldier was sound at time of enlistment; that in December, 1861, he was taken sick with fever, and had rheumatism when company was in Washington.

Dr. C. A. Dusinberre testifies that he has known soldier for fifteen years, and during that time he was unable to perform any manual labor; has large anal fistula and disease of the lungs.

Joseph Stahl testifies in 1879 that he has known soldier ever since his return from the army, and knows that he suffered from rheumatism and lung disease ever since.

James Gangham corroborates Stahl.

The claimant alleges that the soldier died of chronic gouty rheumatism and chronic bronchitis; that he had no physician attending him through his last sickness, and has no record of the cause of death.

Dr. Dusinberre, on the 15th day of April, 1885, testified in his examination:

"That he had treated soldier before his death, but can give no dates; that his attention was called by his friends; that he called to see him once in a while, and made no charge or any record, because it was a case of charity, and never expected any pay; that soldier was suffering from gouty rheumatism and bronchitis when he first knew him, and that he continued to suffer from those diseases. He did not attend him at time of his death, but in his opinion he died from a complication of diseases; he was afflicted with fistula in ano, chronic bronchitis, and gouty rheumatism, and they must have all tended to the cause of his death."

There is also a great amount of testimony from neighbors, all proving that soldier had a bad cough, was crippled and lame, and was slowly declining and dying by inches.

The committee, after an examination of the evidence in this case, are of the opinion that soldier's death was caused by the disabilities and diseases above mentioned, which were incurred in service, and that his widow, this claimant, is entitled to the relief asked, and therefore recommend that the bill do pass.

Mr. WALLACE. In this report there is no date given of the death of this soldier, and I ask my friend to state the facts, so we may be able to trace when the soldier died and where, or whether he died at all. [Laughter.]

Mr. BUCHANAN. The fact that he was buried would seem to indicate he was dead. [Renewed laughter.]

Mr. FELIX CAMPBELL. All I know about the matter is, that this old lady is in destitute circumstances, and deserves this pension. Her neighbors in the city I have the honor to represent in part unite in that testimony. I do not know the exact time her husband died. I know she is deserving and in destitute circumstances. I have a letter from her which shows the case is one of the most meritorious ever presented to the House.

I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

Mr. MATSON. I move the committee rise.

The committee divided; and there were—ayes 13, noes 16.

So the committee refused to rise.

GREEN FIELDS.

On motion of Mr. LYMAN, the committee proceeded to the consideration of the bill (H. R. 9170) for the relief of Green Fields; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll of the United States, subject to the provisions, limitations, and restrictions of the pension laws, the name of Green Fields, of Sidney, county of Fremont, State of Iowa, late of Company F in the Fourth Indiana Cavalry Volunteers.

The report (by Mr. CONGER) was read, as follows:

This soldier enlisted August 11, 1862, in Company F, Fourth Indiana Cavalry, and was discharged June 29, 1865; filed application for pension October 13, 1873, alleging injury to left arm by the fall of his horse while on duty near Lebanon, Ky., in October, 1862, which had been troubling him more or less ever since; and in affidavit filed June 22, 1876, swears that he has had to have his arm amputated in consequence of said disability.

His claim was rejected on the ground "that disability was incurred since his discharge."

This conclusion seems to have been arrived at as the result of a special examination, in which several comrades testify that they do not remember any such accident, and two of them testify that claimant hurt his arm by lifting a heavy sack of corn several years after the war.

Dr. H. G. Jones testifies that he was his family physician, and knows that claimant was in sound bodily health and had no injury or disease of left arm whatever prior to enlistment. He further testifies that he treated him for a necrosed condition of the bones of his left arm from 1869 until February, 1876, when he assisted in the operation of amputation of said arm. In answer to a letter from the Pension Office, Dr. Jones says:

"He told me that he had had his arm hurt while in the service of the United States; that he had suffered more or less with it from that time up to the time he called on me, which I think was in 1869. From his statement and the history and character of the case I concluded he was correct. Upon examination of the bones after amputation, I was fully satisfied that he was correct, for the olecranial process of the ulna showed an old fracture, which I concluded was the cause of the diseased condition of the arm. I can not tell why he did not apply sooner. Green Fields is a very quiet, contented sort of a fellow, and would be likely to continue in service, making but little ado about his troubles. At that time the poor fellow owned a little farm. Since his discharge his inability to work has eaten up that farm and reduced him so his only support to-day is what he can make with one arm, and the little assistance his wife can render. He is not dissipated.

"I think his trouble resulted from an injury received while in the Army."

Jacob Euler and William L. Jans, comrades of claimant, testify that claimant at Lebanon, Ky., October, 1862, on detail to obtain teams to haul forage, was thrown from his horse, spraining and bruising his left arm, permanently rendering the arm useless. Pieces of bone came out occasionally.

Theodore W. Jerrold testifies to substantially the same facts.

M. Thompson and Emily Skelley, neighbors of claimant at Evansville, Ind., testify as follows:

"Affiants further declare that they have been well and intimately acquainted with said Fields for —— years last past and associated with him, and they well know that when he returned home from the Army, after his discharge in the summer of 1865, he was suffering from an injury to his left arm, which they were informed and verily believed was contracted in the service of the United States. They know that this disability continued on him, for he often spoke of the pain arising from it, and mentioned it very frequently. They also know that the disability was continuous from the time of his returning home from the Army until the present year (1876), when it became necessary to amputate the arm.

"They know these facts from personal observation, and they have no interest in any claim for pension by said Fields."

Dr. E. B. Thomas, assistant surgeon of claimant's regiment, testifies that he remembers treating said soldier while the regiment was stationed at Lebanon, Ky., which was in the fall of the year 1862, for an injury of the nature of a bruise to his left arm, caused by falling from a horse; has a distinct recollection of the treatment of said soldier for such an injury, but in the absence of any notes on the subject, and owing to the long lapse of time, can not remember the details.

H. M. Harvey, examining surgeon, gives as the result of a medical examination March 18, 1874:

"Injury to left forearm and elbow-joint by horse rolling upon it. Radius and probably ulna necrosed; bone coming out still; arm swelled, elbow-joint stiffened, inner side of arm inflamed and discharging unhealthy pus at several openings; arm painful."

Dr. M. J. Bray testifies:

"On the 25th day of February, 1876, I was called upon to amputate the left arm of said soldier, and the following is a diagnosis of the case: I examined the arm after amputation. The distal extremity of the humerus and other bones of the elbow were in a caries condition. The olecranial process of the ulna indicated an old fracture or an injury, which was the cause of the present disease. Probably the bones of the forearm were also in a necrose condition, extending down to the wrist-joint, and the integuments of forearm were in a state of chronic ulceration."

A critical examination of the testimony taken by the special examiner above mentioned does not, in the opinion of this committee, overbalance all this positive testimony.

Hon. JOSEPH LYMAN, a member of the House, certifies to the very high character of claimant, and says his statement in regard to his disability would be believed by all who know him.

In view of the doubt thrown upon the case by the conflicting testimony, your committee believe that soldier's three years' service and his present disability should entitle him to the benefit of the doubt, and merits the relief sought. Therefore the passage of the bill is recommended.

There was no objection; and the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. SOPHIA SPRAIN.

On motion of Mr. WHITE, of Minnesota, the committee proceed to the consideration of a bill (H. R. 9025) for the relief of Mrs. Sophia Sprain, widow, and two minor children of Louis F. Spain; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Mrs. Sophia Sprain, widow, and two minor children of Louis F. Sprain, late a private in Company D, Fourteenth Wisconsin Volunteers, subject to the provisions and limitations of the pension laws.

The report (by Mr. O'HARA) was read, as follows:

Claimant is the widow of Louis F. Sprain, late a private in Company D, Fourteenth Wisconsin Infantry, who enlisted October 19, 1861; discharged December 1, 1862, on account of gunshot wounds received at the battle of Corinth, Miss., and died January 18, 1881. Widow's claim for a pension rejected on the ground that "death resulted from disease of the stomach and bowels not shown to be due to the service nor to the wounds for which he was pensioned."

H. L. Coon, M. D., testifies that he knew the soldier personally for many years, and was soldier's family physician for many years; he often prescribed for the soldier for general debility and bilious disease caused by wounds. He was called to soldier September 17, 1880, and November 15, 1880, and found him suffering from disease of stomach and bowels. Soldier died January 18, 1881. There was no *post mortem* examination. In affiant's opinion the wounds in abdomen caused soldier's suffering and death.

Soldier's certificate of discharge states as follows:

"He was wounded at the battle of Corinth, Miss., October 3, 1862, the ball passing through the flexon tendon of the left wrist, injuring the radial nerve, producing partial paralysis of the fingers, and inability to flex the fingers; thence passing through the abdominal walls beneath the integuments, superficial and deep fascia, entering the right hand, fracturing the metacarpal bones which united at an obtuse angle, rendering the hand almost useless.

In view of the nature of the wounds received in action, and the opinion of the physician who attended soldier in his last illness and death, your committee are of the opinion that soldier's death may be easily traced to the injuries received while in battle. The widow is quite poor, has two minor children dependent upon her support, and your committee therefore recommend the passage of the bill.

There was no objection; and the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. SUSAN E. BARRY.

On motion of Mr. MORRILL, the committee proceeded to the con-

sideration of the bill (H. R. 9009) granting a pension to Susan E. Barry; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll the name of Mrs. Susan E. Barry, late an army nurse, and pay her a pension at the rate of $12 per month.

The report (by Mr. MORRILL) was read, as follows:

Mrs. Barry, formerly Miss Susan E. Hall, was constantly employed as a nurse from the summer of 1861 to May, 1865, in general and field hospitals at or near the front, the following being a detailed statement of her assignments and services:

After furnishing satisfactory evidence as to fitness, she was selected as a nurse on May 22, 1861, and after passing an examination as to physical health and soundness by the hospital board committee, entered Bellevue Hospital, New York, and remained there in the surgical and sick wards for two months, being thoroughly trained.

On July 22, 1861, she reported to Miss D. L. Dix, superintendent of nurses, at Washington, and was ordered to Alexandria, Va., and assigned to duty in the large hospital there filled with wounded. Here she remained eight months; then to Winchester for four months; then to Strasburg; then back to Winchester; then to Harper's Ferry, Annapolis, and back to Washington, to Georgetown Hospital. Next she went to Antietam, remaining there, caring for the wounded until late in the fall; thence back to Harper's Ferry, in general hospital. From there she went to Aquia Creek, with the wounded from the battle of Chancellorsville, then back to Washington; and next she was on the bloody field of Gettysburg, with the wounded for some months. In October, 1863, she was transferred to the western department, and was assigned to duty in general hospital at Nashville, Tenn., and from there she went to Murfreesborough, and lastly to Chattanooga, Tenn., where she remained with the wounded from all the engagements between Chattanooga and Atlanta for fourteen months.

The following certificates attest her long and valuable services:

OFFICE OF WOMEN NURSES,
Washington City, D. C., July 23, 1861.

Miss Susan E. Hall has been this day appointed nurse in the military hospitals of the eastern department.

D. L. DIX,
Department of Women Nurses for Military Hospitals in the United States.

Miss Susan E. Hall has been detailed to service in the field hospital of the Army of the Potomac.

N. B.—If the place of service is changed a new certificate will be issued.

D. L. DIX.

MAY 27, 1863.

SURGEON-GENERAL'S OFFICE,
Washington City, D. C., October 14, 1863.

You are ordered to proceed direct from the city of Washington to the city of Nashville, Tenn., there to report immediately to the medical director for assignment and service in any general hospital where your abilities and experience will be most available.

D. L. DIX,
Superintendent of Women Nurses.

Miss SUSAN E. HALL.

OFFICE UNITED STATES ARMY, GENERAL HOSPITAL, No. 1,
Chattanooga, Tenn., May 22, 1865.

Miss Susan E. Hall has been on duty as nurse at this hospital since June 12, 1864, and has discharged her duties in a most satisfactory manner. The war being over she is desirous to return to Washington, D. C., whence she came. She has therefore been relieved from duty, and I request in her behalf that quartermasters furnish the necessary transportation to the above-named place.

JOHN H. PHILLIPS,
Surgeon United States Volunteers,
In charge General Hospital No. —, Chattanooga, Tenn.

Dr. H. D. Emens, of Syracuse, N. Y., testifies June 22, 1886, that he has known Mrs. Barry for twenty-five years; that she was physically strong when she entered upon hospital work during the late war, and has suffered ever since from serious disabilities, being under a doctor's care a great part of the time since.

Your committee recommend the passage of the bill.

There was no objection, and the bill was laid aside to be reported to the House, with the recommendation that it do pass.

Mr. NEECE moved that the committee rise.

The motion was agreed to.

The committee accordingly rose, and Mr. DOCKERY having taken the chair as Speaker *pro tempore*, Mr. HATCH reported that the Committee of the Whole House had, according to order, had under consideration the Private Calendar, and had directed him to report to the House sundry bills with various recommendations.

BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole without amendment, were severally considered and ordered to be engrossed for a third reading; and being engrossed, were accordingly read the third time, and passed:

A bill (H. R. 9862) granting a pension to Mary Jane Magoon;
A bill (H. R. 5629) granting a pension to Thomas G. Polley;
A bill (H. R. 8384) for the relief of Mahala Brown;
A bill (H. R. 9863) granting a pension to Mary McCoy;
A bill (H. R. 10152) granting a pension to Ellen M. Sturtevant;
A bill (H. R. 7504) granting a pension to Larkin Delph;
A bill (H. R. 7983) granting a pension to Mrs. Anna Schier;
A bill (H. R. 9170) for the relief of Green Fields;
A bill (H. R. 9025) for the relief of Mrs. Sophia Sprain, widow, and two minor children of Louis F. Sprain;
A bill (H. R. 9009) granting a pension to Mrs. Susan E. Barry;
A bill (H. R. 9157) granting a pension to Grant E. Q. Lathermon; and
A bill (H. R. 8067) to pension Andrew J. Vanorder.

Bills of the Senate of the following titles, reported from the Committee of the Whole without amendment, were severally considered, ordered to a third reading, and, being read the third time, were passed, namely:

A bill (S. 2478) granting a pension to John Wines;
A bill (S. 2459) granting a pension to Eliza Wilkins;
A bill (S. 2730) granting an increase of pension to Elizabeth S. de Krafft;
A bill (S. 1642) granting a pension to William F. Harmon;
A bill (S. 2167) granting a pension to Mrs. Margaret Dunlap;
A bill (S. 2388) granting a pension to Alonzo Raymond;
A bill (S. 1654) granting a pension to Joseph Mays; and
A bill (S. 2420) granting a pension to Sidney Denton.

The bill (S. 2699) granting a pension to Sarah E. Norton, reported from the Committee of the Whole with amendment, was considered, the amendment concurred in, and the bill as amended read the third time, and passed.

Senate amendment to the bill (H. R. 4688) granting a pension to Josephine Da Costa Thomas was concurred in.

Mr. SOWDEN moved to reconsider the several votes taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. MATSON (at 10 o'clock and 17 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLISS: Petition of Mrs. Francis Bagley, for a pension—to the Committee on Invalid Pensions.

By Mr. BOYLE: Resolutions of Western Pennsylvania Agricultural Association in favor of the passage of the Miller pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. BRADY: Resolutions of the tobacco board of Farmville, Va., in favor of the repeal of the internal-revenue tax, and urging action thereon—to the Committee on Ways and Means.

By Mr. BUTTERWORTH: Petition of Wolff & Brown, asking compensation for certain property taken by United States officers during the late war—to the Committee on War Claims.

By Mr. J. M. CAMPBELL: Petition of Daniel Shock for a special-act pension—to the Committee on Invalid Pensions.

By Mr. CLEMENTS: Memorial of 105 citizens of Polk County, Georgia, for the reduction of internal-revenue taxes—to the Committee on Ways and Means.

By Mr. R. H. M. DAVIDSON: Papers in the claim of Martha L. Hendricks, of John McGovern, and of Tilman Taylor, of Clay County, Florida—to the Committee on War Claims.

By Mr. DINGLEY: Memorial of the Maine State Grange for the passage of the bill establishing experiment-stations—to the Committee on Agriculture.

By Mr. ERMENTROUT: Resolutions of the Farmers' National Congress of the United States, in favor of the bill enacting a Department of Agriculture, whose head shall be a cabinet officer, and for other purposes—to the same committee.

Also, by Mr. ERMENTROUT: Memorial of Daniel Potteiger, for repeal of internal-revenue taxes—to the Committee on Ways and Means.

By Mr. FARQUHAR: Petition of R. V. Pierce and others, citizens of Buffalo, N. Y., for the repeal of internal taxes—to the same committee.

By Mr. FINDLAY. Memorial of 5,000 manufacturers, consumers, and dealers in tobacco, praying for the repeal of the tax on tobacco, cigars, cigarettes, &c.—to the same committee.

By Mr. R. S. GREEN: Petition for an appropriation for Matawan Creek, New Jersey—to the Committee on Rivers and Harbors.

By Mr. HAMMOND: Papers relating to the claim of Bernardo Garcia, of Fulton County, Georgia—to the Committee on War Claims.

By Mr. HAYNES: Petition of the Women's Christian Temperance Union, of New Hampshire, in favor of the Blair bill—to the Committee on Education.

By Mr. HERBERT: Resolutions of the board of trade of Montgomery, Ala., relative to interstate commerce—to the Committee on Commerce.

By Mr. LONG: Petition of the Women's Christian Temperance Union, favoring the Blair educational bill—to the Committee on Education.

By Mr. J. J. O'NEILL—Resolutions of the Farmers' National Congress, in favor of the Hatch bill, and for other purposes—to the Committee on Agriculture.

Also, petition of Excelsior Assembly No. 2672 K. of L., requesting increase pay and permanent employment for laborers employed on and about the Capitol grounds—to the Committee on Labor.

By Mr. OSBORNE: Petition of G. Wiley Wells and others, asking that a pension be granted to Mrs. Eleanor C. Ransom, of Indiana, late a nurse in the United States Army—to the Committee on Invalid Pensions.

By Mr. PEEL: Petition to grant a pension to John Battenfield—to the same committee.

By M. RANNEY: Petition of Doolittle & Smith, relating to reduc-

tion of the internal revenue—to the Committee on Ways and Means.

By Mr. RIGGS: Communication from John Beggs and others, of Ashland, Cass County, Illinois, asking for the passage of the bill relative to pleuro-pneumonia—to the Committee on Agriculture.

By Mr. ROCKWELL: Petition of Women's Christian Temperance Union of Lee, Mass., for the passage of the Blair educational bill—to the Committee on Education.

By Mr. SHAW: Petition of gold and silver beaters of the United States for increase of duty on certain articles—to the Committee on Ways and Means.

By Mr. W. J. STONE, of Kentucky: Paper in the case of Mrs. C. C. Carmer—to the Committee on Invalid Pensions.

By Mr. STORM: Memorial of citizens of Bloomsburg, Pa., in favor of reducing internal taxes—to the Committee on Ways and Means.

Also, memorial of the Western Pennsylvania Agricultural Society, in favor of the Miller bill—to the Committee on Agriculture.

By Mr. TAULBEE: Petition for the relief of John Downy—to the Committee on Military Affairs.

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. BAKER: Of 294 citizens of Parma and Greece, N. Y.

By Mr. BOUND: Of 341 citizens of Watsontown and Lebanon, Pa.

By Mr. CUTCHEON: Of 673 citizens of the ninth district of Michigan.

By Mr. ELY: Of Rev. Laurin Eliot Lane, D. D., and others, of Middlesex County, Massachusetts.

By Mr. FLEEGER: Of 271 citizens of Meadville and Conneautville, Pa.

By Mr. GRANT: Of 1,485 citizens of the second district of Vermont.

By Mr. HAYDEN: Of 307 citizens of the fifth district of Massachusetts.

By Mr. HOPKINS: Of 506 citizens of Aurora, Belvidere, and De Kalb, Ill.

By Mr. LINDSEY: Of 250 citizens of the seventeenth district of New York.

By Mr. RICHARDSON: Of 370 citizens of Tullahoma, Tenn.

By Mr. ROWELL: Of 346 citizens of Chenoa and Danvers, Ill.

By Mr. WEBER: Of 172 citizens of the thirty-third district of New York.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January* 15, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses to the amendment of the House of Representatives to the bill (S. 1532) to regulate commerce.

CONTINGENT FUND OF NAVY DEPARTMENT.

The SPEAKER laid before the House a letter from the Secretary of the Navy, transmitting a statement of expenditures of the contingent fund of that Department for the fiscal year ended June 30, 1886; which was referred to the Committee on Expenditures in the Navy Department.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WEST, for one week, on account of very important business.

To Mr. BURLEIGH, for one week, on account of very important business.

To Mr. BUCHANAN, for five days, on account of important business.

To Mr. JAMES, for one week.

To Mr. MITCHELL, for two weeks, on account of sickness.

To Mr. BARRY, for the rest of the week, on account of sickness.

To Mr. O'HARA, for ten days, from and after Saturday the 15th instant, on account of important business.

To Mr. HALE, for this day, on account of sickness.

To Mr. PERRY, for one day, on account of important business.

POLYGAMY.

The SPEAKER laid before the House the bill (S. 10) with an amendment of the House disagreed to by the Senate, and directed the reading of the message from the Senate, as follows:

IN THE SENATE OF THE UNITED STATES, *January* 13, 1887.

Resolved, That the Senate disagree to the amendment of the House of Representatives to the bill of the Senate No. 10, to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," approved March 22, 1882, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. EDMUNDS, Mr. INGALLS, and Mr. PUGH be the conferees on the part of the Senate.

Mr. OATES. This, I believe, is the anti-polygamy bill?

The SPEAKER. It is.

Mr. OATES. I do not see in the House the chairman of the Judiciary Committee, who has had charge of this measure. I ask that the House concur in the request of the Senate for a conference.

The SPEAKER. If there be no objection, the request of the Senate for a conference will be concurred in.

There was no objection.

Some time subsequently,

The SPEAKER announced as the conferees on the part of the House, Mr. TUCKER, Mr. COLLINS, and Mr. E. B. TAYLOR.

COURTS IN MICHIGAN.

The SPEAKER also laid before the House the bill (S. 1458) with amendments by the House disagreed to by the Senate, and directed the reading of the message from the Senate, as follows:

IN THE SENATE OF THE UNITED STATES, *January* 14, 1887.

Resolved, That the Senate disagree to the amendments of the House of Representatives to the bill (S. 1458) to provide for holding terms of the circuit and district courts of the United States for the eastern district of Michigan at Bay City, in said district, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. WILSON, of Iowa, Mr. INGALLS, and Mr. GEORGE be the conferees on the part of the Senate.

The SPEAKER. If there be no objection, the House will agree to the request of the Senate for a conference.

There was no objection.

The SPEAKER. The Chair will appoint the managers of the conference on the part of the House some time during the day.

Mr. HATCH. Let us now have the regular order.

INTERSTATE COMMERCE.

Mr. CRISP. I desire to present, not for the purpose of calling up at this time, but to ask to have it printed in the RECORD, the conference report on what is commonly known as the interstate-commerce bill. I will not ask for the present consideration of the report, there being some gentlemen absent who do not wish it considered to-day. But I will ask that the report, with the explanation of the conferees, be printed in the RECORD. Although the report has been printed, I am told the print is entirely exhausted. A number of members have asked me for copies and I have been unable to furnish them. And I give notice that on an early day I will ask the House to consider the report.

The SPEAKER. The gentleman from Georgia presents the report of the committee of conference, as he has a right to do, and he requests that the report of the conference committee and the statement of the House conferees be printed in the RECORD.

There was no objection.

Mr. CRISP. I ask also that the bill, as reported by the conference committee, be printed in bill form.

Mr. DUNHAM. In addition to its going into the RECORD.

Mr. O'NEILL, of Pennsylvania. Would it not be well to have the statement explaining the provisions of the bill printed in the form of a document as well as to have the bill printed in bill form?

Mr. CRISP. I have no objection to that.

Mr. HEPBURN. Would it not be well also to print the Senate bill, for which we have a substitute, and then the bill of the committee of conference, so that we can have the whole three of them together?

Mr. CRISP. I have no objection to that.

The SPEAKER. The House amendment is an amendment to the Senate bill, and the order to print will include the original bill and the amendment to it. The report of the conference committee is an amendment to the Senate bill.

The gentleman from Georgia [Mr. CRISP] asks unanimous consent to have the report of the conference committee, with the accompanying statement made by the managers on the part of the House, printed in the RECORD. This will include the bill. He also asks that the bill be printed in bill form, and that the report of the conference committee be printed in the form of a document. Is there objection? The Chair hears none.

The report of the conference committee is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1532) to regulate commerce, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its amendment and agree to the bill of the Senate, with the following amendment thereto, in the nature of a substitute, and that the Senate agree to the same:

AMENDMENT.

Strike out all after the enacting clause and insert the following:

That the provisions of this act shall apply to any common carrier or carriers engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water when both are used, under a common control, management, or arrangement, for a continuous carriage or shipment, from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or

from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States, and also to the transportation in like manner of property shipped from any place in the United States to a foreign country and carried from such place to a port of trans-shipment, or shipped from a foreign country to any place in the United States and carried to such place from a port of entry either in the United States or an adjacent foreign country: *Provided, however*, That the provisions of this act shall not apply to the transportation of passengers or property, or to the receiving, delivering, storage, or handling of property, wholly within one State, and not shipped to or from a foreign country from or to any State or Territory as aforesaid.

The term "railroad" as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the roads in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "transportation" shall include all instrumentalities of shipment or carriage.

All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, or for the receiving, delivery, storage, or handling of such property, shall be reasonable and just, and every unjust, unreasonable charge for such service is prohibited and declared to be unlawful.

SEC. 2. That if any common carrier subject to the provisions of this act shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person or persons a greater or less compensation for any service rendered, or to be rendered, in the transportation of passengers or property, subject to the provisions of this act, than it charges, demands, collects, or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions, such common carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful.

SEC. 3. That it shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Every common carrier subject to the provisions of this act shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding, and delivering of passengers and property to and from their several lines and those connecting therewith, and shall not discriminate in their rates and charges between such connecting lines; but this shall not be construed as requiring any such common carrier to give the use of its tracks or terminal facilities to another carrier engaged in like business.

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the commission appointed under the provisions of this act such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

SEC. 5. That it shall be unlawful for any common carrier subject to the provisions of this act to enter into any contract, agreement, or combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof; and in any case of an agreement for the pooling of freights as aforesaid, each day of its continuance shall be deemed a separate offense.

SEC. 6. That every common carrier subject to the provisions of this act shall print and keep for public inspection schedules showing the rates and fares and charges for the transportation of passengers and property which any such common carrier has established and which are in force at the time upon its railroad, as defined by the first section of this act. The schedules printed as aforesaid by any such common carrier shall plainly state the places upon its railroad between which property and passengers will be carried, and shall contain the classification of freight in force upon such railroad, and shall also state separately the terminal charges and any rules or regulations which in any wise change, affect, or determine any part of the aggregate of such aforesaid rates and fares and charges. Such schedules shall be plainly printed in large type, of at least the size of ordinary pica, and copies for the use of the public shall be kept in every depot or station upon any such railroad, in such places and in such form that they can be conveniently inspected.

Any common carrier subject to the provisions of this act receiving freight in the United States to be carried through a foreign country to any place in the United States shall also in like manner print and keep for public inspection, at every depot where such freight is received for shipment, schedules showing the through rates established and charged by such common carrier to all points in the United States beyond the foreign country to which it accepts freight for shipment; and any freight shipped from the United States through a foreign country into the United States, the through rate on which shall not have been made public as required by this act, shall, before it is admitted into the United States from said foreign country, be subject to customs duties as if said freight were of foreign production; and any law in conflict with this section is hereby repealed.

No advance shall be made in the rates, fares, and charges which have been established and published as aforesaid by any common carrier in compliance with the requirements of this section, except after ten days' public notice, which shall plainly state the changes proposed to be made in the schedule then in force, and the time when the increased rates, fares, or charges will go into effect; and the proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept for public inspection. Reductions in such published rates, fares, or charges may be made without previous public notice; but whenever any such reduction is made, notice of the same shall immediately be publicly posted and the changes made shall immediately be made public by printing new schedules, or shall immediately be plainly indicated upon the schedules at the time in force and kept for public inspection.

And when any such common carrier shall have established and published its rates, fares, and charges, in compliance with the provisions of this section, it shall be unlawful for such common carrier to charge, demand, collect, or receive from any person or persons a greater or less compensation for the transportation of passengers or property, or for any services in connection therewith, than is specified in such published schedule of rates, fares, and charges as may at the time be in force.

Every common carrier subject to the provisions of this act shall file with the commission hereinafter provided for copies of its schedules of rates, fares, and charges which have been established and published in compliance with the requirements of this section, and shall promptly notify said commission of all changes made in the same. Every such common carrier shall also file with said commission copies of all contracts, agreements, or arrangements with other common carriers in relation to any traffic affected by the provisions of this act to which it may be a party. And in cases where passengers and freight pass over continuous lines or routes operated by more than one common carrier, and the several common carriers operating such lines or routes establish joint tariffs of rates or fares or charges for such continuous lines or routes, copies of such joint tariffs shall also, in like manner, be filed with said commission. Such joint rates, fares, and charges on such continuous lines so filed as aforesaid shall be made public by such common carriers when directed by said commission, in so far as may, in the judgment of the commission, be deemed practicable; and said commission shall from time to time prescribe the measure of publicity which shall be given to such rates, fares, and charges, or to such part of them as it may deem it practicable for such common carriers to publish, and the places in which they shall be published; but no common carrier party to any such oint tariff shall be liable for the failure of any other common carrier party thereto to observe and adhere to the rates, fares, or charges thus made and published.

If any such common carrier shall neglect or refuse to file or publish its schedules or tariffs of rates, fares, and charges as provided in this section, or any part of the same, such common carrier shall, in addition to other penalties herein prescribed, be subject to a writ of mandamus, to be issued by any circuit court of the United States in the judicial district wherein the principal office of said common carrier is situated or wherein such offense may be committed, and if such common carrier be a foreign corporation, in the judicial circuit wherein such common carrier accepts traffic and has an agent to perform such service, to compel compliance with the aforesaid provisions of this section; and such writ shall issue in the name of the people of the United States, at the relation of the commissioners appointed under the provisions of this act; and failure to comply with its requirements shall be punishable as and for a contempt; and the said commissioners, as complainants, may also apply, in any such circuit court of the United States, for a writ of injunction against such common carrier, to restrain such common carrier from receiving or transporting property among the several States and Territories of the United States, or between the United States and adjacent foreign countries, or between ports of trans-shipment and of entry and the several States and Territories of the United States, as mentioned in the first section of this act, until such common carrier shall have complied with the aforesaid provisions of this section of this act.

SEC. 7. That it shall be unlawful for any common carrier subject to the provisions of this act to enter into any combination, contract, or agreement, expressed or implied, to prevent, by change of time schedule, carriage in different cars, or by other means or devices, the carriage of freights from being continuous from the place of shipment to the place of destination; and no break of bulk, stoppage, or interruption made by such common carrier shall prevent the carriage of freights from being and being treated as one continuous carriage from the place of shipment to the place of destination, unless such break, stoppage, or interruption was made in good faith for some necessary purpose, and without any intent to avoid or unnecessarily interrupt such continuous carriage or to evade any of the provisions of this act.

SEC. 8. That in case any common carrier subject to the provisions of this act shall do, cause to be done, or permit to be done any act, matter, or thing in this act prohibited or declared to be unlawful, or shall omit to do any act, matter, or thing in this act required to be done, such common carrier shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of any such violation of the provisions of this act, together with a reasonable counsel or attorney's fee, to be fixed by the court in every case of recovery, which attorney's fee shall be taxed and collected as part of the costs in the case.

SEC. 9. That any person or persons claiming to be damaged by any common carrier subject to the provisions of this act may either make complaint to the commission as hereinafter provided for, or may bring suit in his or their own behalf for the recovery of the damages for which such common carrier may be liable under the provisions of this act, in any district or circuit court of the United States of competent jurisdiction; but such person or persons shall not have the right to pursue both of said remedies, and must, in each case, elect which one of the two methods of procedure herein provided for he or they will adopt. In any such action brought for the recovery of damages the court before which the same shall be pending may compel any director, officer, receiver, trustee, or agent of the corporation or company defendant in such suit to attend, appear, and testify in such case, and may compel the production of the books and papers of such corporation or company party to any such suit; the claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

SEC. 10. That any common carrier subject to the provisions of this act, or, whenever such common carrier is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, who, alone or with any other corporation, company, person, or party, shall willfully do or cause to be done, or shall willingly suffer or permit to be done, any act, matter, or thing in this act prohibited or declared to be unlawful, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter, or thing in this act required to be done, or shall cause or willingly suffer or permit any act, matter, or thing so directed or required by this act to be done not to be so done, or shall aid or abet any such omission or failure, or shall be guilty of any infraction of this act, or shall aid or abet therein, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any district court of the United States within the jurisdiction of which such offense was committed, be subject to a fine of not to exceed $5,000 for each offense.

SEC. 11. That a commission is hereby created and established, to be known as the interstate-commerce commission, which shall be composed of five commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate. The commissioners first appointed under this act shall continue in office for the term of two, three, four, five, and six years, respectively, from the 1st day of January, A. D. 1887, the term of each to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Not more than three of the commissioners shall be appointed from the same political party. No person in the employ of, or holding any official relation to, any common carrier subject to the provisions of this act, or owning stock or bonds thereof, or who is in any way pecuniarily interested therein, shall enter upon the duties of or hold such office. Said commissioners shall not engage in any other business, vocation, or employment. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission.

SEC. 12. That the commission hereby created shall have authority to inquire into the management of the business of all common carriers subject to the provisions of this act, and shall keep itself informed as to the manner and method in which the same is conducted, and shall have the right to obtain from such common carriers full and complete information necessary to enable the commission to perform the duties and carry out the objects for which it was created;

and for the purposes of this act the commission shall have power to require the attendance and testimony of witnesses and the production of all books, papers, tariffs, contracts, agreements, and documents relating to any matter under investigation, and to that end may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section.

And any of the circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any common carrier subject to the provisions of this act, or other person, issue an order, requiring such common carrier or other person to appear before said commission (and produce books and papers if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying; but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

SEC. 13. That any person, firm, corporation, or association, or any mercantile, agricultural, or manufacturing society, or any body politic or municipal organization, complaining of anything done or omitted to be done by any common carrier subject to the provisions of this act, in contravention of the provisions thereof, may apply to said commission by petition, which shall briefly state the facts; whereupon a statement of the charges thus made shall be forwarded by the commission to such common carrier, who shall be called upon to satisfy the complaint or to answer the same in writing within a reasonable time, to be specified by the commission. If such common carrier, within the time specified, shall make reparation for the injury alleged to have been done, said carrier shall be relieved of liability to the complainant only for the particular violation of law thus complained of. If such carrier shall not satisfy the complaint within the time specified, or there shall appear to be any reasonable ground for investigating said complaint, it shall be the duty of the commission to investigate the matters complained of in such manner and by such means as it shall deem proper.

Said commission shall in like manner investigate any complaint forwarded by the railroad commissioner or railroad commission of any State or Territory, at the request of such commissioner or commission, and may institute any inquiry on its own motion in the same manner and to the same effect as though complaint had been made.

No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.

SEC. 14. That whenever an investigation shall be made by said commission, it shall be its duty to make a report in writing in respect thereto, which shall include the findings of fact upon which the conclusions of the commission are based, together with its recommendation as to what reparation, if any, should be made by the common carrier to any party or parties who may be found to have been injured; and such findings so made shall thereafter, in all judicial proceedings, be deemed *prima facie* evidence as to each and every fact found.

All reports of investigations made by the commission shall be entered of record, and a copy thereof shall be furnished to the party who may have complained, and to any common carrier that may have been complained of.

SEC. 15. That if, in any case in which an investigation shall be made by said commission, it shall be made to appear to the satisfaction of the commission, either by the testimony of witnesses or other evidence, that anything has been done or omitted to be done in violation of the provisions of this act, or of any law cognizable by said commission, by any common carrier, or that any injury or damage has been sustained by the party or parties complaining, or by other parties aggrieved in consequence of any such violation, it shall be the duty of the commission to forthwith cause a copy of its report in respect thereto to be delivered to such common carrier, together with a notice to said common carrier to cease and desist from such violation, or to make reparation for the injury so found to have been done, or both, within a reasonable time, to be specified by the commission; and if, within the time specified, it shall be made to appear to the commission that such common carrier has ceased from such violation of law, and has made reparation for the injury found to have been done, in compliance with the report and notice of the commission, or to the satisfaction of the party complaining, a statement to that effect shall be entered of record by the commission, and the said common carrier shall thereupon be relieved from further liability or penalty for such particular violation of law.

SEC. 16. That whenever any common carrier, as defined in and subject to the provisions of this act, shall violate or refuse or neglect to obey any lawful order or requirement of the commission in this act named, it shall be the duty of the commission, and lawful for any company or person interested in such order or requirement, to apply, in a summary way, by petition, to the circuit court of the United States sitting in equity in the judicial district in which the common carrier complained of has its principal office, or in which the violation or disobedience of such order or requirement shall happen, alleging such violation or disobedience, as the case may be; and the said court shall have power to hear and determine the matter, on such short notice to the common carrier complained of as the court shall deem reasonable; and such notice may be served on such common carrier, his or its officers, agents, or servants, in such manner as the court shall direct; and said court shall proceed to hear and determine the matter speedily as a court of equity and without the formal pleadings and proceeding applicable to ordinary suits in equity, but in such a manner as to do justice in the premises; and to this end such court shall have power, if it think fit, to direct and prosecute, in such mode and by such persons as it may appoint, all such inquiries as the court may think needful to enable it to form a just judgment in the matter of such petition; and on such hearing the report of said commission shall be *prima facie* evidence of the matters therein stated; and if it be made to appear to such court, on such hearing or on report of any such person or persons, that the lawful order or requirement of said commission drawn in question has been violated or disobeyed, it shall be lawful for such court to issue a writ of injunction or other proper process, mandatory or otherwise, to restrain such common carrier from further continuing such violation or disobedience of such order or requirement of said commission, and enjoining obedience to the same; and in case of any disobedience of any such writ of injunction or other proper process, mandatory or otherwise, it shall be lawful for such court to issue writs of attachment, or any other process of said court incident or applicable to writs of injunction or other proper process, mandatory or otherwise, against such common carrier, and if a corporation, against one or more of the directors, officers, or agents of the same, or against any owner, lessee, trustee, receiver, or other person failing to obey such writ of injunction or other proper process, mandatory or otherwise; and said court may, if it shall think fit, make an order directing such common carrier or other person so disobeying such writ of injunction or other proper process, mandatory or otherwise, to pay such sum of money not exceeding for each carrier or person in default the sum of $500 for every day after a day to be named in the order that such carrier or other person shall fail to obey such injunction or other proper process, mandatory or otherwise; and such moneys shall be payable as the court shall direct, either to the party complaining, or into court to abide the ultimate decision of the court, or into the Treasury; and payment thereof may, without prejudice to any other mode of recovering the same, be enforced by attachment or order in the nature of a writ of execution, in like manner as if the same had been recovered by a final decree in personam in such court. When the subject in dispute shall be of the value of $2,000 or more, either party to such proceeding before said court may appeal to the Supreme Court of the United States, under the same regulations now provided by law in respect of security for such appeal; but such appeal shall not operate to stay or supersede the order of the court or the execution of any writ or process thereon; and such court may, in every such matter, order the payment of such costs and counsel fees as shall be deemed reasonable. Whenever any such petition shall be filed or presented by the commission it shall be the duty of the district attorney, under the direction of the Attorney-General of the United States, to prosecute the same; and the costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States. For the purposes of this act, excepting its penal provisions, the circuit courts of the United States shall be deemed to be always in session.

SEC. 17. That the commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. A majority of the commission shall constitute a quorum for the transaction of business, but no commissioner shall participate in any hearing or proceeding in which he has any pecuniary interest. Said commission may, from time to time, make or amend such general rules or orders as may be requisite for the order and regulation of proceedings before it, including forms of notices and the service thereof, which shall conform, as nearly as may be, to those in use in the courts of the United States. Any party may appear before said commission and be heard, in person or by attorney. Every vote and official act of the commission shall be entered of record, and its proceedings shall be public upon the request of either party interested. Said commission shall have an official seal, which shall be judicially noticed. Either of the members of the commission may administer oaths and affirmations.

SEC. 18. That each commissioner shall receive an annual salary of $7,500, payable in the same manner as the salaries of judges of the courts of the United States. The commission shall appoint a secretary, who shall receive an annual salary of $3,500, payable in like manner. The commission shall have authority to employ and fix the compensation of such other employés as it may find necessary to the proper performance of its duties, subject to the approval of the Secretary of the Interior.

The commission shall be furnished by the Secretary of the Interior with suitable offices and all necessary office supplies. Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. All of the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners, or by their employés under their orders, in making any investigation in any other places than in the city of Washington, shall be allowed and paid, on the presentation of itemized vouchers therefor approved by the chairman of the commission and the Secretary of the Interior.

SEC. 19. That the principal office of the commission shall be in the city of Washington, where its general sessions shall be held; but whenever the convenience of the public or of the parties may be promoted or delay or expense prevented thereby, the commission may hold special sessions in any part of the United States. It may, by one or more of the commissioners, prosecute any inquiry necessary to its duties, in any part of the United States, into any matter or question of fact pertaining to the business of any common carrier subject to the provisions of this act.

SEC. 20. That the commission is hereby authorized to require annual reports from all common carriers subject to the provisions of this act, to fix the time and prescribe the manner in which such reports shall be made, and to require from such carriers specific answers to all questions upon which the commission may need information. Such annual reports shall show in detail the amount of capital stock issued, the amounts paid therefor, and the manner of payment for the same; the dividends paid, the surplus fund, if any, and the number of stockholders; the funded and floating debts, and the interest paid thereon; the cost and value of the carrier's property, franchises, and equipment; the number of employés, and the salary paid each class; the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts from each branch of business and from all sources; the operating and other expenses; the balances of profit and loss; and a complete exhibit of the financial operations of the carrier each year, including an annual balance-sheet. Such reports shall also contain such information in relation to rates or regulations, concerning fares or freights, or agreements, arrangements, or contracts with other common carriers, as the commission may require; and the said commission may, within its discretion, for the purpose of enabling it the better to carry out the purposes of this act, prescribe (if in the opinion of the commission it is practicable to prescribe such uniformity and methods of keeping accounts) a period of time within which all common carriers subject to the provisions of this act shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept.

SEC. 21. That the commission shall, on or before the 1st day of December in each year, make a report to the Secretary of the Interior, which shall be by him transmitted to Congress, and copies of which shall be distributed as are the other reports issued from the Interior Department. This report shall contain such information and data collected by the commission as may be considered of value in the determination of questions connected with the regulation of commerce, together with such recommendations as to additional legislation relating thereto as the commission may deem necessary.

SEC. 22. That nothing in this act shall apply to the carriage, storage, or handling of property free or at reduced rates for the United States, State, or municipal governments, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the issuance of mileage, excursion, or commutation passenger tickets; nothing in this act shall be construed to prohibit any common carrier from giving reduced rates to ministers of religion; nothing in this act shall be construed to prevent railroads from giving free carriage to their own officers and employés, or to prevent the principal officers of any railroad company or companies from exchanging passes or tickets with other railroad companies for their officers and employés; and nothing in this act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this act are in addition to such remedies: *Provided*, That no pending litigation shall in any way be affected by this act.

SEC. 23. That the sum of $100,000 is hereby appropriated for the use and purposes of this act for the fiscal year ending June 30, A. D. 1888, and the intervening time anterior thereto.

SEC. 24. That the provisions of sections 11 and 18 of this act, relating to the appointment and organization of the commission herein provided for, shall take effect immediately, and the remaining provisions of this act shall take effect sixty days after its passage.

JOHN H. REAGAN,
CHARLES F. CRISP,
A. J. WEAVER,
Managers on the part of the House.

S. M. CULLOM,
ISHAM G. HARRIS,
Managers on the part of the Senate.

The statement of the House conferees is as follows:

Statement of conferees on the part of the House.

[Required by Rule XXIX.]

The House conferees on the disagreeing votes between the two Houses on the bill of the Senate "to regulate commerce," and the bill of the House "to regulate commerce among the States, and prevent unjust discrimination by common

carriers," make the following detailed statement of the changes between the House bill and the substitute herewith appended:

The action of the House being to adopt a single amendment, your committee, without attempting to call attention to the precise changes made in each section of the bill, report to the House the substance and effect of the changes made, as follows:

The bill of the House applied only to the transportation of freight, and the bill as adopted embraces the transportation of passengers as well as freight.

The bill of the House was limited to the regulation of such transportation on railroads. The bill as reported provides for the regulation of the transportation of property partly by railroad and partly by water, when both are used under a common control, management, or arrangement, for a continuous carriage or shipment from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia.

The bill which we report defines the term "railroad," as used in it, to include all bridges, ferries used or operated with any railroad, which is in addition to the provisions of the House bill.

The second section of the substitute bill adopts substantially the provisions of the House bill against discrimination by special rates, rebates, drawbacks, and other devices, and declares that any one making such discrimination shall be guilty of unjust discrimination, which is hereby prohibited and declared unlawful.

The third section of the substitute embraces substantially the provisions of the bill of the House, in requiring equal facilities and advantages for all shippers, without exception, and has a provision requiring equal facilities for the interchange of traffic with all other railroads for the carriage of property and passengers, and forbids any discrimination by one railroad in the facilities furnished against any other railroad. It contains a clause declaring that this act shall not be construed as requiring such common carrier to give the use of its tracks or terminal facilities to any common carrier engaged in like business.

The fourth section adopts substantially the provisions of the House bill on the long and short haul, with the following proviso: That upon application to the commission appointed under the provisions of this act such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for a longer than for a shorter distance for the transportation of passengers and property, and that the commission may, from time to time, prescribe the extent to which such common carrier may be relieved from the operation of this section.

The fifth section of the substitute bill is a copy of the clause in the House bill prohibiting pooling, with an amendment striking out the words of the House bill "by dividing," and inserting in lieu thereof the words "or to divide," and with the addition of the words in line 3, after the word "combination," "with any other common carrier or carriers."

The sixth section is a substitute for the provisions of the House and Senate bills in relation to the publication of schedules showing the rates, fares, and charges for the transportation of passengers and property. Instead of requiring the rates to be posted up, as was provided in the House bill, it requires that, after ninety days from the passage of the act, every common carrier subject to its provisions shall have printed and keep for public inspection schedules, showing such rates, fares, and charges, and, in addition to requiring the railroads to give publicity at all of the depots on their several lines, it gives authority to the commission, where it is proper and necessary, to require them to give publicity to their rates to other places beyond the lines of their several railroads.

It also provides that the rates, fares, and charges shall not be raised except after ten days of public notice, but that they may be reduced without previous public notice; the notice, however, shall be simultaneous with the reduction itself, and it requires that all common carriers subject to the provisions of this act shall file with the commission provided for in the bill copies of the schedules which have been established, and shall promptly notify said commission of all changes made in the same; and that they shall file with the commission copies of all contracts, arrangements, or agreements with other common carriers in relation to traffic affected by the provisions of this bill; and in cases where passengers and freights pass over continuous lines or routes operated by more than one common carrier, and the several common carriers operating such lines or routes establish joint tariffs of rates or fares or charges for such continuous lines or routes, copies of such joint tariffs shall also be filed with the commission, and made public, if so directed by the commission.

The section also provides that where a common carrier subject to its provisions shall neglect or refuse to file or publish its schedules of tariff or rates and fares, or any part of the same, such common carrier shall, in addition to the penalties herein prescribed, be subject to a writ of mandamus, to be issued by any circuit court of the United States, in any judicial district wherein the principal office of the common carrier is situated, or wherein such offense may be committed, requiring a compliance with the provisions of the act.

The seventh section of the substitute bill contains substantially the provisions of the first part of the second section of the House bill, in relation to the continuous carriage of property and persons from the place of shipment to the place of destination.

The eighth section of the substitute bill contains the substance of the seventh section of the House bill, in regard to damages and counsel's fees, but expressed in somewhat different language.

The ninth section of the substitute bill is a new section, which provides that persons claiming to have been damaged by the action of common carriers may proceed for recovery of their damages either in the courts of the United States or before the commission herein provided for, as they may elect, but not before both tribunals. This section, which gives jurisdiction to courts of the United States, does not give jurisdiction in civil suits to the State courts, as was provided for in the House bill.

This section of the substitute bill also provides that the courts shall have power to compel any director, officer, receiver, trustee, or agent of the corporation or company defendant in such suit to attend, appear, and testify in such case, and may compel the production of the books and papers of such corporation or company party to any such suit; and it provides further that the claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying; but that such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

The tenth section of the substitute bill makes it a penal offense to violate any of the provisions of this act, and is substantially the eighth section of the House bill, except that it puts the maximum of the fine which may be imposed at the sum of $5,000 instead of $2,000, as was provided for by the House bill.

The eleventh and subsequent sections to the twenty-first, inclusive of the substitute bill, contain the substance of the Senate's bill providing for a commission, except as modified by the provisions of the substitute bill herein recited.

It provides for a commission to consist of five persons whose term of office shall be for six years, except for the first appointments, which are to be for two, three, four, five, and six years. The members of this commission are to be appointed by the President by and with the advice of the Senate. Their principal office shall be in Washington, but they may hold sessions at other places than Washington, and a single member of the commission may take testimony anywhere, as may be directed by the commission.

These commissioners have salaries of $7,500 each. The commission has the power to appoint a secretary, with an annual salary of $3,500, and has authority to employ and fix the compensation of such other employés as it may find necessary to the proper performance of its duties, subject to the approval of the Secretary of the Interior.

The nineteenth section of the Senate's bill, providing for a reference of the question of pooling to the commission, is not embraced in this substitute.

Section 22 of the substitute bill, among other things, provides that nothing in this act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but that the provisions of this act are in addition to such remedies, with a proviso that no pending litigation shall in any way be affected by this act.

Section 24 of the substitute bill provides that the act shall go into effect sixty days after its passage, as in the opinion of your committee it was deemed best to give the railroads sufficient time to prepare their schedules and to modify their mangement in accordance with the provisions of this bill. The appointment of the commission, however, is to be made at once, as it has to be organized, and as said schedules of rates and charges have to be filed with said commission.

J. H. REAGAN,
CHARLES F. CRISP,
A. J. WEAVER,
Managers on the part of the House.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Missouri [Mr. HATCH] demands the regular order. The regular order is the call of committees for reports.

CONSOLIDATION OF CUSTOMS DISTRICTS.

Mr. BRECKINRIDGE, of Arkansas, from the Committee on Ways and Means, reported as a substitute for the bill (H. R. 8980) a bill (H. R. 10670) for the consolidation of customs districts, and for other purposes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 8980) was laid on the table.

STATISTICS OF EXPORTS, IMMIGRATION, AND EMIGRATION.

Mr. HUDD, from the Committee on Commerce, reported back, with a favorable recommendation, the bill (H. R. 8650) for the collection of more accurate statistics of exports, immigration, and emigration; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LIGHT-HOUSES IN CALIFORNIA.

Mr. MORROW, from the Committee on Commerce, reported back, with a favorable recommendation, the bill (H. R. 10079) to extend the jurisdiction of the Light-House Board to the Sacramento and San Joaquin Rivers, California; which was referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. HATCH, the Committee on Agriculture was discharged from the further consideration of the joint resolution (H. Res. 225) to provide for printing the fourth annual report of the Bureau of Animal Industry for the year 1887, and it was referred to the Committee on Printing.

PUBLIC BUILDING, CHARLOTTE, N. C.

Mr. JOHNSTON, of North Carolina, from the Committee on Public Buildings and Grounds, reported back, with a favorable recommendation, the bill (S. 246) to provide for the erection of a public building at Charlotte, N. C.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JOHN A. FAGG.

Mr. JONES, of Alabama, from the Committee on Pensions, reported back, with amendments, the bill (*H. R. 6188*) *for the relief of John A. Fagg*; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY E. MARTIN.

Mr. SCOTT, from the Committee on Pensions, reported back, with a favorable recommendation, the bill (H. R. 9843) granting an increase of pension to Mary E. Martin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SEMON BACHE & CO.

Mr. SPRINGER, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 2871) for the relief of Semon Bache & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HUGH FOSTER.

Mr. CROXTON, from the Committee on Private Land Claims, reported back with a favorable recommendation the bill (S. 1664) to confirm the homestead entry of Hugh Foster; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

VENTILATION AND ACOUSTICS.

Mr. GREEN, of North Carolina, from the Committee on Ventilation and Acoustics, reported the following resolution; which was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed:

Resolved, That the Committee on Ventilation and Acoustics be authorized to appoint a subcommittee, not to exceed five in number, whose duty it shall be

to proceed to the cities of New York, Albany, Chicago, and Springfield, Ill., for the purpose of examining systems of heating and ventilation of public buildings in those cities, and to employ a Government expert to accompany it; the expenses, not to exceed $800, to be paid out of the contingent fund of the House upon vouchers approved by the chairman of the subcommittee.

ADVERSE REPORT.

Mr. CRISP, from the Committee on Commerce, reported back adversely the bill (H. R. 6114) to require the New Orleans, Mobile and Texas Railroad Company to construct and maintain a suitable draw in said company's bridge across the West Pascagoula River in the State of Mississippi; which was laid on the table, and the acompanying report ordered to be printed.

SECTION 4567 OF THE REVISED STATUTES.

Mr. CRISP, from the Committee on Commerce, also reported back with an amendment the bill (H. R. 10440) to amend section 4567 of the Revised Statutes of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

RETIREMENT AND RECOINAGE OF THE TRADE-DOLLAR.

Mr. SCOTT, from the Committee on Coinage, Weights, and Measures, reported back with an amendment the bill (S. 199) for the retirement and recoinage of the trade-dollar.

Mr. BLAND. I desire to present at some future time the views of the minority on that bill.

The SPEAKER. If there be no objection the gentleman will have that privilege.

There was no objection.

Mr. BLAND. Mr. Speaker, that is a bill which, under the rules of the House, should go to the Committee of the Whole.

The SPEAKER. The bill will be referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. GREEN, of North Carolina. Mr. Speaker, I am instructed by the Committee on Ventilation and Acoustics to ask unanimous consent to fix a day for the consideration of the resolution reported by me from that committee this morning.

The SPEAKER. Does the gentleman suggest a day?

Mr. GREEN, of North Carolina. Next Wednesday.

Mr. CLARDY. I object.

Mr. GREEN, of North Carolina. I ask that it be taken up now.

Mr. WARNER, of Ohio. I object.

BUSINESS OF COMMITTEE ON MINES AND MINING.

The SPEAKER. The hour for the consideration of bills begins at sixteen minutes before 1 o'clock. The call rests with the Committee on Mines and Mining; and the pending question is upon a resolution called up by that committee on Tuesday last setting apart a day for the consideration of bills reported from the committee.

Mr. HAMMOND rose.

The SPEAKER. For what purpose does the gentleman from Georgia rise?

Mr. HAMMOND. I desire to make some observations (not to exceed five or ten minutes) on the pending proposition.

The SPEAKER. The question is on the amendment of the gentleman from Georgia [Mr. HAMMOND] to the amendment of the gentleman from Arkansas [Mr. DUNN].

Mr. HAMMOND. Mr. Speaker, I do not desire to consume any further time on this matter than is necessary to put the House in possession of the real situation.

The Committee on Mines and Mining asked the adoption of a resolution that, after the morning hour for the call of committees for reports, the whole of Wednesday, the 19th instant, be set apart for the consideration of bills coming from that committee. When asked what bills they had, they responded that they had two which they desired considered—one to organize a board of mining, &c., and the other a bill designed to get the McGarrahan claim before the Court of Claims. That their real preference was for the McGarrahan claim was shown by the fact that when the committee was called it undertook to bring that bill up as the measure which the committee desired to consider, but it was ruled out of order because it was a private claim.

At this late stage of the session we are asked to set apart a day, really for the consideration of this private claim, to the exclusion of revenue bills, appropriation bills, and all the prior orders which the House has seen proper heretofore to make. Hence the gentleman from Arkansas has offered an amendment providing that this resolution shall not exclude those prior orders and land-grant bills, appropriation bills, and revenue bills. To that amendment I proposed the further amendment that on the day named no private claim should be taken up. In using those general words, I had, of course, no other purpose than to exclude the McGarrahan claim; and if the Chair please I will modify my amendment so as to read: "*Provided*, That on that day the McGarrahan claim shall not be considered."

Mr. HILL. That is the only private bill we have.

Mr. HAMMOND. I put my proposition in that shape because, as the gentleman from Ohio [Mr. HILL] states, that is the only private bill the committee has, and therefore the House when it comes to vote ought to vote upon the amendment thus modified.

Now, this McGarrahan claim was decided by the Supreme Court of the United States in 1865 to be absolutely worthless. The decision will be found in 3 Wallace—the Gomez case. That tribunal has said that this claimant has had his day in court, and that the claim is of no account. We are now asked, twenty-one years after that decision, to grant by statute a new trial. The Judiciary Committee thought it would be a very bad precedent to set aside by a statute of the United States a solemn judgment upon the validity of a claim twenty-one years after that judgment was made. Now, unless we intend to set it aside, unless there is some reason given so forcible that a majority of the House think that it ought to be set aside, then it is folly to waste a day in arguing the matter here when we are pressed with so many other measures of larger importance; and it would be worse folly to impose upon the Court of Claims the duty of investigating it, unless a future Congress is expected to appropriate money to pay this claim if it shall be ascertained that anything is due to the claimant.

The Republic is interested in having an end of this strife. Certainly men thought that it was ended in 1865, when the decision I have cited was pronounced. I think this House should end it to-day by voting in favor of my amendment, providing that on the day named the McGarrahan claim shall not be considered. I think, in point of fact, the House should vote down this whole proposition to give the committee a day, because they have declared here that they want the day for the consideration, mainly, of that claim. They have not indicated that the other bill—the only other bill that they have—is of sufficient importance to justify the House in dedicating a day to its consideration.

Mr. CLARDY. Mr. Speaker, the proposition embodied in the resolution is, as stated by the gentleman from Georgia [Mr. HAMMOND], to set apart a day, or rather the fraction of a day, for the consideration of bills reported from the Committee on Mines and Mining, among which is the bill to which he refers, in relation to the claim of McGarrahan against the United States, the proposition being to send that claim where all claims involving a charge against the Government and requiring judicial investigation ought to go—to the courts of the country.

The gentleman from Georgia says the Supreme Court of the United States has passed upon this question, has fully adjudicated it in 1865. In reply to the gentleman, I say what I said the other day, that the full merits of this claim, in my opinion, have never been passed upon by the Supreme Court of the United States; and I say further that since that determination of this case in 1865 half-a-dozen committees of this House and the Senate have reported, not in favor of sending this matter to the Court of Claims, but in favor of establishing the title of McGarrahan to the undisposed property mentioned in the bill which we propose to consider if we can get a day fixed.

Mr. Speaker, if a solemn treaty between the United States and Mexico has been violated to the injury of one of our own citizens, the courts of the country ought to be open for redress. If he has no claim, then the courts of the United States will not be expected to decide against the United States.

I may be permitted to say that since the decision on this case in 1865 a patent has been found in the Land Office, mutilated, it is true; but there is evidence of the most conclusive character that its issuance was authorized by Abraham Lincoln, and that in the Land Office this patent was withheld for a time and subsequently mutilated in the interest of the New Idria Mining Company, which has been carrying on this contest against McGarrahan for the last thirty years.

I now yield to the gentleman from Ohio [Mr. HILL].

Mr. HILL. Mr. Speaker, my colleague on the committee, the gentleman from Missouri [Mr. CLARDY], has said nearly everything I desired to say in reply to the remarks of the gentleman from Georgia [Mr. HAMMOND]. I wish simply to add that the decision of the Supreme Court to which the gentleman from Georgia has referred was made upon a bogus appeal never perfected; and at the time it was made there was, as my colleague has said, a patent in existence the issuance of which had been ordered by Abraham Lincoln after the most thorough and patient examination of this claim. These important facts were never before the Supreme Court.

Besides that, at the time this decision was rendered, Mr. McGarrahan, who was nearly 3,000 miles away from here, relying on his attorney to represent his case in that court, found afterward his attorney was not present in person to look after it, so the whole trial and hearing before the Supreme Court of the United States went by default.

Now, sir, this bill does not propose to establish a title in the claim of McGarrahan. It does not propose to give him one solitary cent. It does propose, however, to give him the right to go before the court again and present his case anew. I suppose, if the Supreme Court, after fully hearing this case on the merits, have decided against it, they will be the proper judges, when the time comes and the case shall be reached again, to say whether that decision should be reversed or not. And I think the record of that court is such that this Congress can afford to trust them in a matter of that character.

I will yield now for ten minutes to the gentleman from Maine.

Mr. HAMMOND. Will the gentleman allow me for a moment?

Mr. HILL. Certainly.

Mr. HAMMOND. If there were such facts discovered as ought

to have set that decree aside, could they not have been brought before the court by a bill of review?

Mr. HILL. I suppose if the facts had been discovered in time it could have been done.

Mr. HAMMOND. Was it not always in time when they were first discovered?

Mr. HILL. I do not know about that, because I am not familiar enough with the case.

Mr. HAMMOND. I am speaking on general principles. If any judgment is rendered by fraud or ignorance of facts can not a bill of review be filedas soon as the fraud or ignorance has been discovered, in order to set that wrongful judgment aside? Yes, at any time within two years of the discovery; that is long enough to file a bill in equity.

Mr. HILL. I do not assent to the proposition where a judgment has been rendered for want of the facts a man could file a bill of review and set it aside. Where it has been rendered by fraud that is another thing, but there is no fraud charged in this case and none intimated against the Supreme Court.

I yield for five minutes to the gentleman from Maine [Mr. MILLIKEN].

Mr. MILLIKEN. Mr. Speaker, I do not propose to speak in defense of the Committee on Mines and Mining, for that committee has shown it is abundantly able to take care of itself. But I am informed they have not had a day in the first or at the present session of this Congress, and if they are to be given a hearing for one day or more it seems they should not be restricted as to what matters they should take up.

It seems, whatever else may be true of the McGarrahan claim, that an able and intelligent committee, after having examined it, have come to the conclusion the Supreme Court has not settled the merits of the case. Certainly the question remains in doubt, at least. If, as my friend from Georgia [Mr. HAMMOND] assumes, the case has been settled, I do not think it would take the Court of Claims long to find it out.

So long as a citizen of the United States presents a claim to the Government, which an intelligent committee of this House believes to be a good one, it seems to me he should not be denied an opportunity of setting his case before one of the courts of the country. That is the smallest thing which should be denied to a citizen.

I do not know why this great Government, which is able to pay all of its honest claims to its citizens, should not deal as fairly, as liberally, and as honorably with them as one citizen deals with another. I do not believe there is a Member of the House, if a claim existed against him personally, in the same condition this McGarrahan claim is, would for a moment say his opponent in the matter should not go into the courts and have fair opportunity to settle the question whether he has a just claim or not.

That is the main point in this matter. All Mr. McGarrahan asks is that he may have a fair opportunity to show he has a good claim. Shall that be denied him? I do not believe it should be.

Mr. BROWN, of Pennsylvania. Let me ask the gentleman a question.

Mr. MILLIKEN. Certainly.

Mr. BROWN, of Pennsylvania. Has not this claim been decided?

Mr. MILLIKEN. It has been in court, but I understand at the time it was before the court there was a patent signed by Abraham Lincoln, with the seal of the Land Office on it, which was not presented to the court. I understand, further, this committee, after examining the case thoroughly, believes McGarrahan has a good case, and being in that condition, I believe the best thing which can be done, and the fairest, is to let it go to the Court of Claims, so that we shall not hear anything more of it at this session of Congress.

Mr. BURROWS. This is to have the Court of Claims review the decision of the Supreme Court?

Mr. MILLIKEN. I do not so understand it. Gentlemen say McGarrahan has been here twenty-one years. Do gentlemen want him to be here twenty-one years more? Let us send him to the Court of Claims and have the matter settled and have no more of it in Congress.

Mr. HAMMOND. I move to lay this whole matter on the table.

The SPEAKER. The gentleman from Georgia moves to lay the resolution and pending amendments on the table.

Mr. HILL. I believe I have the floor.

The SPEAKER. The gentleman from Ohio had the floor, but the Chair understood he yielded it.

Mr. HILL. I yielded to the gentleman from Maine a few minutes, but I did not yield the floor.

The SPEAKER. The Chair misunderstood the gentleman.

Mr. HILL. I think the House is well advised as to what is implied by this resolution and the amendments, and in order to get rid of it and let other business go on which gentlemen claim is of more importance, I ask for the previous question on the resolution and pending amendments.

Mr. HAMMOND. I move to lay the resolution and pending amendments on the table; and upon that I call for the yeas and nays. [After a pause.] In order not to consume time unnecessarily I will not ask for the yeas and nays.

The SPEAKER. The question is on the motion to lay the resolution and pending amendments on the table.

The question being taken, the SPEAKER stated that the "ayes" seemed to have it.

Mr. HILL. I call for a division.

The House divided; and there were—ayes 87, noes 54.

Mr. HILL. I ask for tellers.

The SPEAKER. A quorum has not voted, and the Chair will appoint as tellers the gentleman from Ohio, Mr. HILL, and the gentleman from Georgia, Mr. HAMMOND.

The House again divided; and the tellers reported—ayes 88, noes 69.

Mr. HILL. I do not call for further count. But I am requested by the friends of the bill to ask for the yeas and nays.

The yeas and nays were not ordered, only 24 members voting therefor—not one-fifth of the last vote.

So the resolution and amendments were laid on the table.

INVESTIGATION OF PACIFIC RAILROADS.

The Committee on Pacific Railroads was called.

Mr. THROCKMORTON was recognized and yielded to Mr. RICHARDSON.

Mr. RICHARDSON. I am directed by the Committee on Pacific Railroads to call up for consideration House joint resolution 170. It is now in Committee of the Whole House on the state of the Union, and I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the joint resolution, and that it be considered in the House.

The SPEAKER. The joint resolution will be read, after which the Chair will state the gentleman's request.

The joint resolution was read, as follows:

A joint resolution (H. Res. 170) authorizing an investigation of the books, accounts, and methods of Pacific railroads which have received aid from the United States.

Resolved, &c., That the Secretary of the Interior be authorized to appoint and fix the compensation of three competent persons, said compensation not to exceed the rate of $3,000 per annum to each, and the necessary traveling expenses and board bills, for which proper vouchers shall be returned, to be approved by the Secretary of the Interior, and also to appoint a stenographer, if necessary, and fix his compensation, whose duty it shall be to examine into the working and financial management of the Pacific railroads (or such thereof as he may deem expedient) that have received aid from the Government in bonds or land; to ascertain whether they have observed all the obligations imposed upon them by the laws under which they received such aid, or since passed in reference thereto; and whether their books and accounts are so kept as to show the net earnings of the aided roads not reduced by constructive mileage on branch roads, or average mileage between aided and non-aided roads or parts of roads, or whether there is a division of earnings of aided roads to less productive branches, or any other wrongful or improper purpose, and, if so, how much; and whether there is discrimination of rates in favor of unaided against aided roads; and whether any, and if so, how much, money is due and owing to the United States on account of mistaken or erroneous accounts, reports, or settlements made by said roads; or whether the proceeds of any trust funds or lands loaned, advanced, or granted have been diverted from their lawful use. The persons appointed to have power to examine all books, papers, and methods of said companies, employ experts if necessary, summon and compel attendance of witnesses, and to administer oaths. They shall at all times be under the immediate direction and control of the Secretary of the Interior, and may at any time be removed by him in his discretion.

SEC. 2. That the sum of $30,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes of this investigation.

Mr. ANDERSON, of Kansas. I desire to offer an amendment, which I think the gentleman from Tennessee will accept.

The SPEAKER. The Chair has not yet stated the request of the gentleman from Tennessee. He asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of this resolution and consider the same in the House. Is there objection?

Mr. DUNHAM. I think the resolution had better go into committee.

The SPEAKER. Objection is made.

Mr. RICHARDSON. I move that the House resolve itself into Committee of the Whole House on the state of theUnion for the purpose of considering the joint resolution which has been read.

The motion was agreed to, and the House resolved itself into Committee of the Whole, Mr. BLOUNT in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering the joint resolution the title of which the Clerk will read.

The Clerk read, as follows:

A joint resolution (H. Res. 170) authorizing an investigation of the books, accounts, and methods of Pacific railroads which have received aid from the United States.

Mr. RICHARDSON. I desire to have the report read. It is not very long and it expresses the facts very fully.

Mr. DUNHAM. I make the point of order that the joint resolution has not been read.

The CHAIRMAN. It has been read.

Mr. DUNHAM. The title has been read. The joint resolution was read in the House, but has not been read in committee.

The CHAIRMAN. The Chair overrules the point of order.

The report (by Mr. RICHARDSON) was read, as follows:

The committee are of opinion that an examination should be made into the workings and financial management of the Pacific railroads that have received aid from the Government in bonds or lands, to ascertain whether they have observed all the obligations imposed upon them by the laws under which they received such aid, or which have been since passed in reference thereto.

In view of the vast interest the Government has in these railroads, and its liability for them, it is of the utmost importance that Congress shall know whether or not said obligations have been and are being disregarded by said companies. It is, by the committee, deemed important that the system of keeping the books and accounts of the roads be also investigated. The committee have reasons to believe that their books are not so kept as to show properly their net earnings. It is important to ascertain if there have been diversions of the earnings of said aided roads to less productive unaided branches, or any other wrongful or improper purpose, and if so, to what extent; and also whether or not there have been discriminations in rates in favor of unaided as against aided roads.

Your committee are of opinion that considerable money is due to the United States from said railroads on account of mistaken or erroneous reports, settlements, or accounts made and rendered by them. Further, it is believed that proceeds of the trust funds or lands loaned or granted them have been diverted from their lawful use.

To the end that an investigation may be had covering these alleged evils and irregularities, your committee are of opinion that the Secretary of the Interior should be clothed with power and have the necessary funds provided him with which to make such examination. They are of the opinion that such an investigation can be more satisfactorily made by experts and competent persons selected by that official, to whom they will report, and under whose direction they will proceed and operate, than by any other mode. They do not hesitate to say they believe that this method of making such examination is preferable to an investigation by a committee composed of the members of Congress. They think the compensation to be allowed the persons thus employed should be at the rate of $3,000 per annum, and that in addition thereto their board and traveling expenses should be allowed. Your committee can not state accurately the time necessary for this investigation; but it will probably cover six or eight months. They consider it wise to leave it in the discretion of the Secretary of the Interior as to when their services shall be dispensed with.

In this connection the committee beg leave to refer to the letter of the Secretary of the Interior, dated January 23, 1886, addressed to the President of the Senate, being Executive Document No. 39. From that letter it will be seen the Department can not, with its present force, make the contemplated investigation by reason of the pressure already upon its employés. Its clerical force is not now sufficient, and the Secretary asks for an increase therein, that thereby "the financial interests of the Government may be subserved, and a better understanding arrived at between bonded and land-grant railroads, and their relations and responsibility to the Government." That letter is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 23, 1886.

SIR: Under the requirements of the law creating the office of Commissioner of Railroads, and the duties devolved upon that office and the Secretary of the Interior, I beg leave to represent that, in order to a proper compliance therewith, an increase of the force in that office is absolutely necessary, and that with an adequate force the financial interests of the Government would be subserved and a better understanding arrived at between bonded and land-grant railroads and their relations and responsibility to the Government.

It has been found impracticable with the present force to secure the information necessary to such relation and understanding, and to procure and prepare concise and specific reports, the present force being barely sufficient for the current business of the office.

It is not deemed advisable that specific grades and salaries should be appropriated for, as in the case of the permanent force of most offices of the Government, but that a bulk appropriation should be made of from $15,000 to $20,000, for the employment of appropriate force in various and specific lines of investigation, at such times and at such rates as might be deemed best.

If such an appropriation be made, it should be made available as soon as practicable, to the end that the service desired may be utilized during the current year's business.

Very respectfully,

L. Q. C. LAMAR, *Secretary.*

The PRESIDENT OF THE SENATE PRO TEMPORE.

The committee do not believe that the sum mentioned and asked for by the Secretary of the Interior will be sufficient, or it may not be, for the purpose indicated by him and the objects set forth herein. They therefore recommend that the sum of $30,000 be appropriated or set apart for the purposes contemplated.

Your committee recommend the adoption of the joint resolution herewith reported, being H. Res. 170, introduced by Mr. RICHARDSON and referred to this committee by the House on the 10th instant.

Mr. RICHARDSON. I wish only to occupy a few moments in presenting the question to the committee. The report which has just been read explains fully the object and purpose of this joint resolution. It is briefly to provide for the appointment by the Secretary of the Interior of a commission of experts charged with the duty of investigating the books and system of book-keeping of the Pacific railroads which have received aid from the Government. The committee have reason to believe that these books have not been so kept as to show in every instance the net earnings of the Pacific railroads, which is necessary to the end that the Government may receive its just proportion of receipts.

Under the Thurman act it is well known that the Government was entitled to receive 25 per cent. of those earnings. Now, by the system of book-keeping which the roads have adopted, it appears to the committee that the earnings of these roads are credited in many instances to the unaided portion of the system and not to the aided portion, which in fact earned the money, and in this way, as you can very well see, the Government is annually deprived of its proper per cent. of the earnings of the system or of so much of the roads as have been aided.

I desire to have read a letter which was furnished me by the Department of the Interior last spring, and which bears directly upon this point. My object in having it read is to show that these roads, by their system of book-keeping, credit the net earnings to the unaided rather than to the aided portions of the road.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF COMMISSIONER OF RAILROADS,
Washington, D. C., April 12, 1886.

SIR: In answer to your inquiry, I have the honor to state that I made a special examination during July and August, last summer, of the accounts of the Kansan Division, Union Pacific Railway Company (formerly the Kansas Pacific Railway Company), in order to determine whether the aided road had been receiving its fair proportion of the earnings of the line from Kansas City to Denver, such earnings having been heretofore apportioned to the aided and unaided parts respectively, upon a mileage basis. Owing to the great amount of labor involved, I could examine the accounts for but six months, from January 1 to June 30, 1885, with the following result:

By charging each portion of road with the earnings from business confined exclusively to it, and crediting it with such part of the expenses as could be definitely located thereon, then apportioning the remaining earnings and expenses to each part on well-established bases of railroad accounting, I found the net earnings of the aided road increased 57.44 per cent., or $272,731.19; making an increased payment to the Government, at 5 per cent. of net earnings, of $13,636.55, or an estimated increase for the year of $38,663.46.

THOS. J. WALKER, *Clerk.*

Hon. G. A. JENKS,
Assistant Secretary.

Mr. RICHARDSON. When this subject was up during the first session of this Congress I had this same letter read as as portion of the remarks which I then had the honor to submit, and some time later I received a letter from Mr. Charles Francis Adams in which he stated that this letter which has just been read here did not do the entire system justice; in other words, that the facts shown to exist in this instance did not exist in connection with all of the twenty-nine unaided branch roads. I simply mention this in justice to Mr. Adams. I do not myself know how the facts are, but it is shown by this letter that in this particular case the Government is annually robbed by their system of book-keeping of about $38,000 on this one road. The committee are of the opinion, and justly so we think, that if this commission of experts is appointed the entire system of book-keeping will be overhauled, not only by expert book-keepers, but by experts in railroading, and that in that way the Government will be put in a position to get what is justly its due.

I yield now to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. I merely desire to occupy a minute, in order to have read an amendment which I shall offer at the proper time.

The amendment was read, as follows:

Amend in line 28, after the word "use," by inserting "and also to inquire and report as to the kind, character, and amount of the assets of such of said companies as received aid from the Government in bonds; and what assets of each company are now subject to the lien of the Government, and the value thereof."

Mr. CRISP. I now yield the time back to the gentleman from Tennessee.

Mr. RICHARDSON. I yield fifteen minutes to the gentleman from Ohio [Mr. OUTHWAITE].

Mr. ANDERSON, of Kansas. Will the gentleman from Tennessee yield to me to offer an amendment?

Mr. RICHARDSON. I will look at the gentleman's amendment, and in the mean time I yield to the gentleman from Ohio.

Mr. OUTHWAITE. Mr. Chairman, it would hardly seem necessary to say anything in favor of this resolution, but there are some features of it upon which it may be proper to make some remarks, considering the fact that there is now pending in this House legislation looking to the securing of the payment of the debts due to the Government from these corporations, and in view of the further fact that when that measure was being considered in this House there were striking differences of opinion as to the effect of parts of the report of the Commissioner of Railways, and strikingly divergent statements made concerning important matters, which it is necessary for this House to consider in determining what shall be done with regard to these debts. No statement is here in an official form. No statement has ever been rendered to Congress in an official form from which accurate information could be obtained as to the value of the security which the Government has for the payment of its loans to these railroads. In the discussion of this question on a former occasion the gentleman from Indiana [Mr. HOLMAN], arguing that it was just as well to postpone any action looking to securing the payment of these debts until they should become due, made this statement with regard to the value of the assets standing as security for the Government lien:

Yes, sir; $144,462,766 of surplus wealth to meet your great claim when it becomes due ten or eleven years hence. Assets, $429,696,731; liabilities, $285,233,965.

I wish to call the attention of the House to what these assets appear by the report of the Commissioner of Railways to consist of. First, as to the cost of road fixtures and equipments: These assets of one of these roads is set forth as one hundred and sixty millions, and in the statement of the assets of the other those items are put at about one hundred and fifty-one millions; the two together amount to three hundred and eleven millions. I make the assertion here, and any business man familiar with the facts will bear me out in it, that, although the roads may have cost these enormous sums, although these figures may represent what was put into them, either correctly or incorrectly, yet today they could be built for one-third of the amount. One hundred millions of dollars would better represent the value of those assets.

Let us consider further some of the assets which are supposed to be in the hands of the Government, and to remain there during the ten or eleven years yet to elapse before these debts are due. One item of those assets is $43,000,000 invested in the stock and bonds of branch lines, some twenty in number. Gentlemen upon one side of this question say: "These are of no value; these are worthless; these do not add to the security of the Government." Gentlemen on the other

side say: "Here are assets which will remain on hand to secure your debt." Now, sir, we want to know, and this resolution is designed to enable us to know, by the work of experts well qualified to examine into the question and report upon it—we want to ascertain what the true values of these roads are, the true value of the road-bed, of the fixtures, of the real estate, of the company's earnings, of these bonds and stocks of the branch lines; in short, the real facts in relation to the kind, character, and value of their assets and everything connected with the working and financial management of these roads. Among the items which make up this "surplus wealth" of over $144,000,000 we find: Repaid the United States $21,604,141.89, and United States transportation and sinking-fund accounts $9,992,941.35. Over $32,000,000 in these two large sums, the first of which should in no wise be regarded as security for the balance of the debt remaining unpaid, because it has already been applied as a credit. Yes, about $22,000,000 should be deducted from this surplus wealth security for the debts when they become due ten or eleven years hence; for the simple reason that that sum has been deducted from the debt heretofore, still leaving a debt at this time of $109,000,000.

Again, as another part of these assets, there are over five and a half millions in accounts receivable and bills receivable; there are over $2,000,000 in fuel material and stores on hand; there are nearly $2,000,000 in the stocks and bonds of the roads themselves. What a permanent security these things afford!

When you come carefully to consider these assets you will find that instead of there being a surplus of $144,000,000 to secure the payment of the debt due to the Government ten or eleven years hence, there is not a dollar. Upon the same occasion to which I have already referred the gentleman from Indiana [Mr. HOLMAN], alluding to these same bonds and their value, made a statement with regard to two of the other mortgages upon these roads, one of which amounts to something over $14,000,000, and the other to about the same sum; and, if I understood his remarks aright, he gave the House the impression that both those incumbrances were junior to the lien of the Government. He said, "it is so stated."

Now, the information which the committee had, and which they derived from the published report of the railway companies themselves, was that neither of those mortgages was junior to that of the Government.

Mr. HOLMAN. If the gentleman will allow me to interrupt him, how could they be otherwise than junior to the Government mortgages?

These corporations were authorized by act of Congress, in the first instance, only to make two mortgages, one to secure the bonds issued by themselves, the other the lien created on behalf of the Government. Those two mortgages of necessity had priority over the others and therefore the other incumbrances must come after those two.

Mr. OUTHWAITE. It happens in just this way: Those incumbrances were put upon the property which was not mortgaged to the Government. One of them was put upon the land grant, and it has been paid off to within less than $3,000,000; and in the trust fund of that land grant is held nearly $14,000,000, which is subject to the other mortgage.

Now I will read from the report of the company as to whether these are subsidiary to the lien of the Government:

UNION PACIFIC LAND-GRANT MORTGAGE.

This is a first mortgage on the lands granted to the Union Pacific Railroad Company along the line of the road extending from Omaha to Ogden, to which the lien of the Government does not attach.

UNION PACIFIC SINKING-FUND MORTGAGE.

Second mortgage on the lands above referred to granted to the Union Pacific Railroad Company, and a third mortgage on the line of road extending from Omaha to Ogden (subordinate to the Union Pacific first-mortgage bonds), $27,229,000——

Mr. HOLMAN. That is clear.

Mr. OUTHWAITE. I have not finished my statement.

Mr. HOLMAN. My friend will allow me to say I can see that the land mortgages were entirely independent of the mortgage to the Government or the mortgage to secure the first bonds.

Mr. OUTHWAITE. Then that disposes of one of those to which you alluded as showing the value of the surplus of these railroads.

Mr. HOLMAN. But it only excepts the land mortgages; all the other mortgages are subordinate to the two prior mortgages.

Mr. OUTHWAITE. But I want to show that the second mortgage to which the gentleman alluded, and which he spoke of as selling on the market at 114, embraces a lien upon the lands granted to some of these companies, and it is not simply on the aided lines, but other lines which are not aided—a first mortgage upon some, a second mortgage upon others, a third mortgage upon others.

KANSAS PACIFIC CONSOLIDATED MORTGAGE.

This is a third mortgage on 394 miles of road in Kansas extending westwardly from Kansas City; it is a second mortgage on the remaining 245 miles of that line, running thence westerly into Denver; it is virtually a first mortgage on the Leavenworth branch, extending from Leavenworth to Lawrence; it is a first mortgage on the lands granted to the Kansas Pacific Company, east of the 380th mile-post; it is a second mortgage on the lands granted to the Kansas Pacific Company, west of the 380th mile-post; it is virtually a first mortgage on the road of the Denver Pacific branch, extending from Denver to Cheyenne, and it is also virtually a first mortgage on the lands granted to aid in the construction of this branch.

That mortgage, an 8 per cent. mortgage, is selling on the markets at 114 and 116, showing how the capitalists of this country value that security. If that mortgage, producing 8 per cent., payable semi-annually, were regarded as resting upon a sound basis, the capitalists of this country would be willing to run it up nearer to 214 than 114. There are stocks in this country yielding simply 8 per cent. dividends for which 200 is readily realized.

Mr. SPRINGER. But not bonds.

Mr. OUTHWAITE. Stocks are generally considered of less value in the market than bonds.

Mr. SPRINGER. I never heard of a case where a bond sold for so much premium as that, because a bond has a limited time to run, while stocks, if good, continue to pay their dividends indefinitely.

Mr. OUTHWAITE. Does the gentleman know of any 8 per cent. bond now upon the market—a bond well secured by first mortgage—that does not sell for at least 200? If he does he will please state the case.

Mr. SPRINGER. There is no such bond.

Mr. OUTHWAITE. No; there is no well-secured mortgage-bond bearing that rate of interest.

Now, Mr. Chairman, there is another matter which, by this resolution, we wish to examine.

Mr. HENLEY. What has this to do with the resolution?

Mr. OUTHWAITE. All these matters are, by the amendment of my colleague on the committee, the gentleman from Georgia, proposed to be investigated and reported upon to this House.

Mr. HENLEY. You are discussing the extension funding bill, not the resolution.

Mr. OUTHWAITE. I am discussing some things which it does not suit the gentleman to have discussed because they refute the statements made by him in his discussion of the funding bill.

Mr. HENLEY. We will see about that in due course of time.

Mr. OUTHWAITE. Well, publish your speech long afterward, so that I may not have the opportunity to reply to it, as you did before.

Mr. HENLEY. I beg pardon. I did not allude to the gentleman from Ohio in the speech which I published, and it is not my custom to do anything of that kind. The gentleman is judging me by somebody else's standard evidently.

Mr. OUTHWAITE. The gentleman interrupted me——

Mr. HENLEY. I know it, and I had the right to do so.

Mr. OUTHWAITE. It is asserted that these corporations have charged the Government excessively for services rendered—their rates for such services have been extortionate. The proposed investigation will show what truth there is in these accusations, and develop whether such amounts were charged in violation of the law as it now is, which permits the companies to take from the Government "fair and reasonable rates of compensation, not to exceed the lowest paid by any private party for the same kind of service." Evidence may be thus obtained that the law should be amended, as is proposed in the bill alluded to, so as to compel them to fix their rates "subject to and bound by the provisions of any act of Congress, and the authority exercised thereunder relating to postal, military, or any other Government transportation, applicable alike to other railway or railroad companies."

Let us also be advised fully, if possible, why the net earnings of the aided lines of these roads have diminished during recent years, while the earnings of their branch lines have continued as good, in many cases, or grown better. Their payments to the Government—based as they are on percentages of net earnings—have strikingly decreased, as shown by a table on the thirty-fifth page of the Commissioner of Railroad's Report for 1886:

Union Pacific (including the Kansas Pacific).

Period.	Amounts produced under existing laws.		
	Interest account.	Sinking-fund account.	Total.
Six months ending December 31, 1878...	$476,651 97	$461,773 53	$938,425 50
Year ending December 31, 1879.....	861,657 24	682,876 40	1,544,533 64
Year ending December 31, 1880.....	973,567 58	789,424 01	1,762,991 59
Year ending December 31, 1881.....	943,497 67	672,914 23	1,616,411 90
Year ending December 31, 1882.....	972,179 84	1,082,915 38	2,055,095 22
Year ending December 31, 1883.....	921,212 19	926,705 55	1,847,917 74
Year ending December 31, 1884.....	717,775 77	525,396 31	1,243,172 08
Year ending December 31, 1885.....	700,952 19	553,035 28	1,253,987 47
Total	6,567,494 45	5,695,040 69	12,262,535 14

Central Pacific (including the Western Pacific).

Six months ending December 31, 1878...	$224,192 90	$277,511 48	$501,704 38
Year ending December 31, 1879.....	399,123 51	464,602 25	863,725 76
Year ending December 31, 1880.....	417,927 84	566,993 27	984,921 11
Year ending December 31, 1881.....	416,578 45	584,642 72	1,001,221 17
Year ending December 31, 1882.....	346,802 95	377,826 16	724,629 11
Year ending December 31, 1883.....	318,956 96	267,724 69	586,681 65
Year ending December 31, 1884.....	282,170 33	239,112 60	521,282 93
Year ending December 31, 1885.....	214,648 13	171,470 70	386,118 83
Total	2,620,401 07	2,949,883 87	5,570,284 94

This table shows that the annual payment of the Union Pacific (including the Kansas Pacific) has decreased from $1,762,991.59, in 1880, to $1,253,987.47, in 1885, or nearly one third, while the Central Pacific (including the Western Pacific) has decreased from $984,921.11, in 1880, to $386,118.83, in 1885, or nearly two-thirds.

Why is this? What is the remedy? Would not the requirement of fixed annual payments, which would pay the ruling rate of interest on the present value of the debt and obliterate the principal thereof be a better plan? In this connection I wish to call the attention of the House to charges that have been made against some of these companies—that they have diverted traffic which should naturally have moved over their lines—to the lines of other companies, in which their magnates were pecuniarily interested, thus reducing their payments, which should be made to the Government by cutting down the net earnings out of which they were to come; that the companies have kept constructive mileage accounts in such a manner as to favor their unaided lines as against their aided lines and still further reducing the amounts which should have been subject to the Government's percentage, and that they have paid exorbitant rental for leased lines with the same result. I do not assume that any of these charges are well founded; but they should be examined into.

But a few days ago, in the press, one of these companies was accused of refusing freight which would have brought in between $200,000 and $300,000 recompense, one-half of which would have been clear profit and subject to the percentage of the Government, and refusing it for no good reason. Do such abuses as this exist? Is there no way to prevent them, if legislation which would render them of no importance to the Treasury of the people should fail?

Again, one of these companies has leased its lines for a term of ninety-nine years to another company, virtually its rival and competitor. Without any doubt this has resulted in evil to the interests of the Government. When that rival, possibly under the same management, shall have completed its lines from the Pacific to the Mississippi, as it soon will have done, of what value will the Government's security in the Central Pacific be?

One other charge deserves attention. Have not some of the companies declared and paid large dividends to their stockholders in violation of law? If they have, has not this been hurtful to the Government?

The question is asked, Why propose to investigate and report hereafter on these matters, if a measure to provide a sure and safe payment of the debts of the companies to the United States is to be passed during this Congress? The committee in their report say that they "are of opinion that considerable money is due to the United States from said railroads on account of mistaken or erroneous reports, settlements, or accounts made and rendered by them."

Suppose this proves true. Tedious and protracted litigation may be expected before such money is recovered. And no one well informed on the subject anticipates thus realizing more than a few millions of dollars to be applied on the arrears. The great mass of the debt must still be collected—$109,000,000—it grows larger by a million and a half each year. A pressing necessity exists for prompt action to save this. A New York paper that has been fighting against action in this direction incautiously publishes this statement in a recent number:

> There can be no question that the Central Pacific conspirators have deliberately worked during the last ten years with no other purpose than the abandonment of the subsidized railroads to the Government or the first-mortgage bondholders.

Suppose these conspirators should happen to be largely the first-mortgage bondholders—what would be the result then? In another issue it said the Government could better afford to lose all its debt than that these great villains should go unpunished. What if its course and the course of those who follow in its train should be such as not only to prevent them from being brought to justice, but also to help them to rob the people of their remaining interest in those roads? At no time have two of these corporations—the lesser ones—appeared before our committee to show that they cared what became of the legislation to compel them to make larger payments on their debts than they have been making. They have shown utter indifference to the result. In fact, they seem not to care what attempt Congress may make to constrain them to the payment of their debts. Of the two greater corporations involved, one, the Central Pacific, by its attorneys, heard publicly before the committee, insisted that it could not pay the Government, unless it were given one hundred years in which to do so. Its representatives urged propositions which were inconsistent with the measure proposed. They used all their arguments to pursuade the committee not to report favorably such requirements as are embraced in this bill.

The president and the attorneys of the other, the Union Pacific, presented in the same way a strong array of facts and figures to show that their company would be overburdened if it were exacted of it that their debt should be paid in fixed annual payments within less than eighty years. Evidently the former of these large companies wants no legislation on the subject. The latter does seem willing to undertake to comply with any just and reasonable law that may be enacted. It will result—if this resolution be passed, and the bill also—that the company which of recent years has most nearly complied with its legal obligations, will most cheerfully accept the result; while the other roads will be inclined to reject the plan of fixed payments running through a period of years—and thus become subject to that feature of the bill which provides that hereafter they shall pay 50 per cent. of their net earnings.

Is it not, then, of the greatest importance that all the sums which should be counted in their net earnings should be properly accounted for? The facts which may be collected by this commission will be invaluable, looking to future legislation. Let us pass the resolution now, and let us discuss the bill upon its merits at an early day hereafter. Both are intended to secure the rights of the people and protect them; and both should receive the approval of this House.

[Here the hammer fell.]

Mr. ANDERSON, of Kansas. I ask unanimous consent to have printed in the RECORD an amendment which I propose to offer to the bill when it comes up. The gentleman from Georgia consents to it.

The CHAIRMAN. Is there objection to printing the amendment in the RECORD? The Chair hears none.

The amendment of Mr. ANDERSON, of Kansas, is as follows:

Insert after line 28:

"And also whether any dividends have been unlawfully paid on the capital stock of any of said companies; whether any new stock has been issued or any guarantees or pledges made without authority of law, and to investigate and report all the facts relating to a pretended consolidation of the Union Pacific Railroad Company, the Kansas Pacific Railway Company, and Denver Pacific Railway Company into an alleged corporation known as the Union Pacific Railway Company."

Mr. OUTHWAITE. I wish it understood that I retain the floor.

The CHAIRMAN. The hour for the consideration of bills reported from committees has expired.

The committee rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union having had under consideration the joint resolution (H. Res. 170) authorizing an investigation of the books, accounts, and methods of Pacific railroads which have received aid from the United States, had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. HATCH. I move that the House resolve itself into Committee of the Whole for the further consideration of the bill (H. R. 7208), which is known as "the pleuro-pneumonia bill."

Mr. WILLIS. I desire to raise the question of consideration upon that bill; and I will say to the House that if the motion of the gentleman from Missouri [Mr. HATCH] be voted down, I shall move to go into Committee of the Whole for the consideration of the river and harbor bill.

Mr. SPRINGER. If this motion of the gentleman from Missouri be adopted, we can dispose of this bill very soon and have it out of the way.

The SPEAKER. Technically, the question of consideration can not be raised against the motion of the gentleman from Missouri. The only mode of accomplishing the purpose indicated by the gentleman from Kentucky [Mr. WILLIS] is to reject the motion of the gentleman from Missouri.

Mr. WILLIS. I repeat then, that if the gentleman's motion be voted down, I will make the motion I have indicated.

The question being taken, there were—ayes 46, noes 95.

Mr. HATCH. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. DUNN. I rise to a parliamentary inquiry: if the motion of the gentleman from Missouri be voted down, will the question then recur on the proposition of the gentleman from Kentucky to consider the river and harbor bill?

The SPEAKER. The gentleman from Kentucky has now before the House no motion, but has announced that if this motion be not agreed to, he will then move to go into Committee of the Whole for the consideration of the river and harbor bill. The question is now upon agreeing to the motion of the gentleman from Missouri, that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7208) known as "the pleuro-pneumonia bill."

The question was taken; and it was decided in the negative—yeas 104, nays 130, not voting 85; as follows:

YEAS—104.

Adams, G. E.	Campbell, J. E.	Funston,	Kelley,
Allen, C. H.	Caswell,	Gallinger,	La Follette,
Anderson, J. A.	Cobb,	Glass,	Laird,
Atkinson,	Conger,	Green, W. J.	Lawler,
Bacon,	Cox, W. R.	Grout,	LeFevre,
Bland,	Davenport,	Guenther,	Lehlbach,
Bliss,	Davidson, A. C.	Hatch,	Lore,
Bound,	Dockery,	Haynes,	Louttit,
Boutelle,	Dorsey,	Henderson, D. B.	Lyman,
Bragg,	Eden,	Hepburn,	McCreary,
Breckinridge, WCP.	Ely,	Hitt,	McKinley,
Brown, W. W.	Evans,	Holman,	Millard,
Buck,	Everhart,	Holmes,	Morrill,
Bunnell,	Fisher,	Hopkins,	Morrison,
Burrows,	Fleeger,	Hutton,	O'Donnell,
Bynum,	Frederick,	Johnston, J. T.	O'Ferrall,
Campbell, J. M.	Fuller,	Johnston, T. D.	Osborne,

Perkins,	Ryan,	Strait,	Wait,
Peters,	Sawyer,	Struble,	Wakefield,
Pettibone,	Scott,	Swope,	Ward, J. H.
Pirce,	Scranton,	Taulbee,	Weaver, J. B.
Rice,	Seney,	Taylor, I. H.	Weber,
Robertson,	Sowden,	Thomas, O. B.	White, Milo
Rockwell,	Springer,	Trigg,	Wilkins,
Rowell,	Steele,	Wade,	Winans,
Rusk,	Stone, W. J., Mo.	Wadsworth,	Worthington.

NAYS—130.

Anderson, C. M.	Dawson,	Landes,	Sayers,
Baker,	Dibble,	Lanham,	Seymour,
Ballentine,	Dingley,	Libbey,	Singleton,
Barksdale,	Dougherty,	Lindsley,	Skinner,
Barnes,	Dunham,	Long,	Snyder,
Barry,	Dunn,	Lovering,	Spooner,
Bennett,	Eldredge,	Mahoney,	Stephenson,
Blanchard,	Ellsberry,	Markham,	Stewart, Charles
Blount,	Farquhar,	Martin,	Storm,
Boyle,	Felton,	Maybury,	Tarsney,
Brady,	Foran,	McAdoo,	Taylor, E. B.
Breckinridge, C. R.	Ford,	McKenna,	Taylor, J. M.
Brown, C. E.	Gay,	McMillin,	Taylor, Zach.
Butterworth,	Gibson, C. H.	McRae,	Thomas, J. R.
Cabell,	Grosvenor,	Miller,	Thompson,
Caldwell,	Hall,	Milliken,	Throckmorton,
Campbell, T. J.	Halsell,	Mills,	Tillman,
Carleton,	Hammond,	Moffatt,	Turner,
Catchings,	Hanback,	Morrow,	Van Eaton,
Clardy,	Harris,	Neal,	Van Schaick,
Clements,	Hemphill,	Nelson,	Wallace,
Collins,	Henderson, J. S.	Norwood,	Ward, T. B.
Cooper,	Henley,	Oates,	Warner, A. J.
Cowles,	Herbert,	O'Neill, J. J.	Warner, William
Crain,	Hermann,	Outhwaite,	Wellborn,
Crisp,	Hill,	Owen,	Wheeler,
Croxton,	Howard,	Peel,	White, A. C.
Culberson,	Hudd,	Ranney,	Willis,
Curtin,	Irion,	Reed,	Wise,
Cutcheon,	Johnson, F. A.	Richardson,	Wolford,
Dargan,	Jones, J. H.	Rogers,	Woodburn.
Davidson, R. H. M.	Jones, J. T.	Romeis,	
Davis,	Laffoon,	Sadler,	

NOT VOTING—85.

Adams, J. J.	Geddes,	Matson,	Riggs,
Aiken,	Gibson, Eustace	McComas,	Sessions,
Allen, J. M.	Gilfillan,	Merriman,	Shaw,
Barbour,	Glover,	Mitchell,	Smalls,
Bayne,	Goff,	Morgan,	Spriggs,
Belmont,	Green, R. S.	Muller,	Stahlnecker,
Bingham,	Hale,	Murphy,	Stewart, J. W.
Browne, T. M.	Harmer,	Neece,	St. Martin,
Brumm,	Hayden,	Negley,	Stone, E. F.
Buchanan,	Heard,	O'Hara,	Stone, W. J., Ky.
Burleigh,	Henderson, T. J.	O'Neill, Charles	Swinburne,
Burnes,	Hiestand,	Parker,	Symes,
Campbell, Felix	Hires,	Payne,	Townshend,
Candler,	Hiscock,	Payson,	Tucker,
Cannon,	Houk,	Perry,	Viele,
Compton,	Jackson,	Phelps,	Weaver, A. J.
Comstock,	James,	Pidcock,	West,
Cox, S. S.	Ketcham,	Pindar,	Whiting,
Daniel,	King,	Plumb,	Wilson.
Ermentrout,	Kleiner,	Randall,	
Findlay,	Little,	Reagan,	
Forney,	Lowry,	Reese,	

So the motion was not agreed to.

During the roll-call,

On motion of Mr. WILLIS, by unanimous consent, the reading of the names was dispensed with.

The following pairs were announced until further notice:

Mr. SPRIGGS with Mr. HOUK.

Mr. COMPTON with Mr. STEWART, of Vermont.

Mr. GIBSON, of West Virginia, with Mr. GOFF.

Mr. MORGAN with Mr. ZACH. TAYLOR.

Mr. KING with Mr. BROWNE, of Indiana.

Mr. PIDCOCK with Mr. GILFILLAN.

Mr. REAGAN with Mr. HISCOCK.

Mr. MITCHELL with Mr. WHITING.

Mr. CANDLER with Mr. WEST.

Mr. DANIEL with Mr. HENDERSON, of Illinois.

Mr. WILSON with Mr. MCCOMAS.

Mr. FORNEY with Mr. PAYNE.

Mr. COX, of New York, with Mr. PAYSON.

Mr. JONES, of Alabama, with Mr. BURLEIGH.

Mr. BARBOUR with Mr. ROCKWELL, until Monday, January 17.

Mr. VIELE with Mr. HIESTAND, until Monday, January 17.

Mr. REESE with Mr. WEAVER, of Nebraska.

For this day:

Mr. PERRY with Mr. LITTLE.

Mr. ADAMS, of New York, with Mr. BINGHAM.

Mr. LOWRY with Mr. JAMES.

Mr. MULLER with Mr. BUCHANAN.

Mr. HALE with Mr. CANNON.

Mr. FELIX CAMPBELL with Mr. HARMER.

Mr. RANDALL with Mr. O'NEILL, of Pennsylvania, on taking up the river and harbor bill. If present Mr. RANDALL would vote against it and Mr. O'NEILL, of Pennsylvania, for it.

Mr. TOWNSHEND with Mr. HAYDEN.

Mr. NEECE with Mr. BRUMM, on this vote.

The vote was then announced as above recorded.

Mr. HATCH. I simply desire to give notice to the House that on Tuesday next I will make another effort to bring up this bill.

PERSONAL EXPLANATION.

Mr. NORWOOD. Mr. Speaker, I ask the indulgence of the House for a few minutes to make a personal explanation.

The SPEAKER. Is there objection?

There was no objection.

Mr. NORWOOD. An article appears in the New York World of to-day in which my name is used in connection with the accounts of the Central Pacific Railroad, and I desire to submit a few remarks on the connection of that name with those accounts. I do so principally for this reason: Last evening Mr. Durham, who represents the New York World, called upon me and asked if I had ever represented a claim against the Central Pacific Railroad or Union Pacific Railroad. I told him I never had. He said in the accounts in the Treasury Department certain items which had been claimed by one T. M. Norwood had been rejected by the Government in its accounts with the Central or Union Pacific Railroad, he was not certain which. I told him that if any claims had ever been presented against either one of these companies by one T. M. Norwood I was not the person, and in consequence of that interview this paragraph appears in the World:

> Congressman T. M. NORWOOD, of Georgia, said this evening that the T. M. Norwood mentioned in the list of rejected accounts must be that of some other Norwood. He said he never had any connection, in any way, with the Central Pacific Railroad, and never received any fee from that company of any kind. He says that there are many Norwoods in the West, and that an examination will show that it must be some of the Western Norwoods.

That statement was made in consequence of his asking me if I ever had any claim against the Central Pacific or the Union Pacific. Nothing was said by him in reference to the Southern Pacific Railroad.

And now I come to the explanation of the account as it appears in the World in connection with my name. I presume I am the Norwood mentioned in this account. In 1878, something over a year after my term expired in the Senate, I was engaged by the Southern Pacific Railroad Company as counsel in the contest that was then going on between that company and the Texas Pacific Railroad Company, represented by Tom Scott. The contest was as to a certain line of road. Mr. Scott was asking from Congress a large subsidy.

The Southern Pacific Railroad proposed to build a southern line without subsidy, and I, opposing subsidies in the main, and believing the Southern Pacific Railroad Company intended to build a line which would be a true southern line, engaged on that side of the issue. I engaged upon a regular salary of $10,000 a year and all traveling expenses to be paid. That contest went on for some two years, when finally Mr. Scott abandoned the field and the Southern Pacific built its road. My services were rendered publicly. I engaged in public discussion many times when I was so employed. I had a discussion with ex-Governor Watts, of Alabama, before the Legislature of that State.

I had another discussion with ex-Governor John C. Brown, of Tennessee, at Charleston, S. C., before the chamber of commerce. The items entered here I presume to be for fees that were paid to me from time to time by the Southern Pacific Railroad Company on account of my regular salary.

This is my connection with the case. That is all I ever received from them, and that was received as my salary as counsel in that contest. How these items got into the account of the Central Pacific Railroad Company with the United States I do not know, but my agreement was with the Southern Pacific Railroad corporation and in writing, for a specified sum, and my expenses paid. This is all the connection that I ever have had with any of those railroads, and the only amount that I ever have received. And I reiterate that I never had, in any shape, any connection whatever with the Central Pacific Railroad Company or the Union Pacific Railroad Company.

I thank the House for its indulgence.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. I move that the House resolve itself into Committee of the Whole on the state of the Union, stating that my intention is to take up the river and harbor appropriation bill.

Mr. HEPBURN. If I may be allowed a word, I desire to say the discussion of that bill in my judgment ought not to occur now, from the fact that the report of the Chief of Engineers is not yet in print. It is not accessible to members and we can go into the discussion of the bill, therefore, imperfectly informed with regard to the necessity of these appropriations. I hope the gentleman from Kentucky [Mr. WILLIS] will not press the motion now, but will postpone it until we can get the report of the Engineers.

Mr. WILLIS. I will state to the gentleman from Iowa that the reports of the Chief of Engineers are before the committee and accessible to the gentleman at any time. I know of no reason why there should be any delay; it is very necessary, as we all know, that this bill should go to the Senate at once if it is to be passed.

Mr. HEPBURN. The gentleman from Kentucky is certainly mistaken in his statement that those reports are accessible. I have sent for them several times and have been unable to obtain them.

Mr. WILLIS. I will undertake to place one in the hands of my friend from Iowa in thirty minutes.

Mr. HEPBURN. The gentleman was kind enough to say that to me a week ago, but he overlooked it in the hurry of business.

Mr. WILLIS. The gentleman is mistaken. He asked me as to the report of the Mississippi River Commission. I told him they had done no work, and that the report consisted of only a few lines, which I would send to him. As to the report of the Chief of Engineers I undertake to have it in the gentleman's hands in less than thirty minutes.

The SPEAKER. The question is on the motion of the gentleman from Kentucky [Mr. WILLIS].

The House divided; and there were—ayes 97, noes 19.

Mr. HEPBURN. No quorum.

The SPEAKER. A quorum not having voted, the Chair appoints as tellers the gentleman from Iowa [Mr. HEPBURN] and the gentleman from Kentucky [Mr. WILLIS].

The House again divided; and the tellers reported—ayes 148, noes 17.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. MCMILLIN in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering the bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. WILLIS. I ask that the first and formal reading of the bill be dispensed with.

There was no objection.

Mr. ANDERSON, of Kansas. I would like to inquire if there is not a report accompanying the bill, and if so whether this is not the proper time to have it read.

Mr. WILLIS. There is a very brief report. I have no objection to its being read. It consists only of eight or ten lines.

Mr. ANDERSON. If it is simply a formal report of a few lines I do not call for the reading of it.

Mr. WILLIS. There is no intention as far as I am informed on the part of any member of the committee to occupy the time of the House in general debate. The bill which has just been presented to the House carries an appropriation of between seven and eight million dollars—$7,430,000 I believe is the amount. The estimates of the Chief of Engineers for the fiscal year ending June 30, 1888, are in round numbers $30,000,000. This bill is therefore about 25 per cent. of the estimates as furnished by the Chief of Engineers.

As the Committee of the Whole is aware, in the last three or four or five years Congress has passed over one year in appropriations of this kind, and appropriations have been made at the expiration of two years in bulk. It is the testimony of the War Department and of the Engineering Department that hundreds of thousands of dollars are lost to the public by this system. It is unbusiness-like. Great public works are left to go to decay. The plant used by the Government in the construction of these works is scattered. Great loss is thus inflicted upon the tax-payers of the country; and in order to avoid that the committee has in this Congress presented this moderate bill. It is considered ample by them for the coming year.

With this brief explanation, Mr. Chairman, unless general debate is asked for, I will call for the reading of the bill by paragraphs.

Mr. ANDERSON, of Kansas. I understand that there are some gentlemen on this side of the House who desire to be heard.

Mr. WILLIS. If any gentleman will indicate his desire in the matter I will endeavor to satisfy him as to time. If not, I will ask for the reading of the bill.

Mr. HEPBURN. I desire to be heard.

Mr. WILLIS. How much time do you want?

Mr. HEPBURN. I would like an hour.

Mr. WILLIS. What is the least time you will be satisfied with?

Mr. HEPBURN. I want an hour. There are several gentlemen on this side who wish to be heard.

Mr. ANDERSON, of Kansas. I wish to be heard.

Mr. WILLIS. How much time do you want?

Mr. ANDERSON, of Kansas. An hour.

Mr. HEPBURN. I think about three hours would be sufficient on this side.

Mr. WILLIS. Make it two hours.

Mr. ANDERSON, of Kansas. This is a very important bill, one of the most important measures before the House.

Mr. WILLIS. Mr. Chairman, acting on the suggestion of the gentleman from Iowa [Mr. HEPBURN], I ask unanimous consent that general debate be limited to two hours, to be equally divided between the friends and the opponents of the bill.

Mr. HEPBURN. I desire to interpose an objection to that. Let us go on with the debate, and it may be that we shall not want even an hour.

Mr. WILLIS. I hope my friend will accept the suggestion I have made. In addition to his share of the time I will take part of the time of the other side and yield a quarter of an hour of it to him.

Mr. HEPBURN. It does not seem to me, Mr. Chairman, that there is any remarkable grace in the suggestion of the gentleman that we may have an hour for discussion in opposition to a bill carrying seven and a half million dollars, a measure so objectionable as this is.

Mr. REED. And carrying the Mississippi River scheme, too.

Mr. WILLIS. Mr. Chairman, I move that the committee rise. I make that motion, intending, when we get into the House, to move that all general debate on this bill be limited to two hours.

The question was taken on the motion of Mr. WILLIS, that the committee rise, and the chairman declared that the ayes seemed to have it.

Mr. HEPBURN. I ask for a division.

The House divided; and there were—ayes 93, noes 19.

So the motion was agreed to.

The committee accordingly rose; and Mr. CRISP having taken the chair as Speaker *pro tempore*, Mr. MCMILLIN reported that the Committee of the Whole House had had under consideration the bill (H. R. 10419) making appropriations for construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

Mr. WILLIS. I move that the House now resolve itself into Committee of the Whole for the further consideration of the bill known as the river and harbor bill; and pending that motion, I move that all general debate upon the bill be limited to two hours.

Mr. DUNHAM. I suggest to the gentleman from Kentucky [Mr. WILLIS] that this bill would move along faster by his yielding a little to those who are known to be opposed to it. The opponents of the bill have asked for only three hours' debate, and it seems to me that it would be better to grant that.

Mr. WILLIS. I am willing to accept that suggestion if it is agreeable to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Is it necessary to limit the debate at this time?

Mr. DUNHAM. I understood that the gentlemen opposed to this bill were asking only three hours.

Mr. WILLIS. I thought so, too. I think two hours would be ample, but, as a matter of accommodation, I am willing that the time shall be three hours, to be divided equally between the friends and opponents of the bill.

Mr. HEPBURN. Very well.

Mr. WILLIS. Then, Mr. Chairman, I move that when the House again go into Committee of the Whole on the river and harbor bill, general debate upon the bill be limited to three hours.

The motion was agreed to.

The question was taken on the motion of Mr. WILLIS, that the House again resolve itself into Committee of the Whole, and it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, and Mr. MCMILLIN resumed the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the further consideration of the bill known as the river and harbor bill.

Mr. HEPBURN withholds his remarks for revision. [See Appendix.]

The CHAIRMAN. The gentleman from Iowa [Mr. HEPBURN] has six minutes remaining.

Mr. BLANCHARD. Mr. Chairman, with the permission of the chairman of the Committee on Rivers and Harbors I will occupy a portion of the time allotted to the advocates of the bill.

Mr. WILLIS. All right.

Mr. BLANCHARD. Mr. Chairman, those of us who have served for some few years in this House are not surprised at the speech just delivered by the gentleman from Iowa [Mr. HEPBURN]. We all know that his attacks upon the river and harbor bill are as certain to come as that this House is called upon to consider a river and harbor bill. That he has a right to make these attacks no one questions. But, sir, when that gentleman, in the course of his remarks, sees fit to charge upon those of us who are interested in the appropriation for the Lower Mississippi that we are seeking to do here, indirectly and under false pretenses, what we would not attempt to do, or can not do directly and openly, I question the good faith and temper of the gentleman. Such an insinuation is unworthy of this House; it is unworthy of that amity and good feeling which should exist among members of the House; and it is unworthy of the gentleman himself. I claim, sir, that in advocating an appropriation for the Lower Mississippi I am actuated by as much fairness and as much honesty of purpose as ever actuated the gentleman from Iowa in anything that he has ever in his life attempted. I repudiate and repel, therefore, his insinuation, which is unfair and as false as false can be.

Mr. Chairman, I am one of those on this floor interested in the appropriation for the Lower Mississippi River. I say this, notwithstanding the fact that the district which I have the honor to represent does not touch the Mississippi River by more than 100 miles. In forming an opinion upon the merits of that project I believe I can be as fair and as honest as the gentleman from Iowa or any one else on this floor. I invite the attention of the House to the Lower Mississippi River improvement as I shall present it in the brief time accorded me.

Sir, from the time when this Government of ours acquired the lower portion of the Mississippi down to the present time efforts have been made by the Government to acquire a knowledge of the phenomena of

the river; and this has been done by means of engineer officers of the Army appointed to study the river, its laws, its forces, its currents, and other peculiarities. The first report on the river that was made was by a French officer named Bernard, holding a commission in our Army. As early as a few years after the acquisition of the Territory of Louisiana he announced the doctrine that if the channel be contracted the velocity of the current would be increased and the channel deepened. This was the contraction theory. After his time came General Barnard, a distinguished officer of the Engineer Corps of the Army of the United States, who devoted years of his life to a study of the river, with the view of determining how it could be improved and its forces utilized. He, too, favored the contraction theory. Then came Humphreys and Abbott, who, during a period of more than ten years' service on the river, collected much data relating to the river and the proper mode of its treatment. These they embodied in a very elaborate report, which may be found by those who desire it in the Library of Congress. These officers explicitly condemned and rejected the outlet theory, and advised that the only way to improve the river was by the establishment and maintenance of a system of levees. Levees are high-water limits or banks of the river, and serve to conserve and make useful the forces of the river in scouring and deepening the channel.

Various other investigations of the river were made and like reports submitted, until about the year 1875, when Eads applied the jetty system to the mouth of the river with such success that where there had been 8 or 10 feet depth there is to-day 28 and 30 feet, and through the jetties the largest ocean vessels enter the port of New Orleans. The success of the jetties stands a monument to the wisdom of Congress in voting large appropriations for the river. In 1876 the present distinguished senior Senator of the State of Louisiana, having then but recently traveled in Europe, where he had ascertained that the Rhine and other great rivers of Europe were improved under a commission charged with their improvement, introduced in the lower House of Congress, of which he was then a member, a bill providing for the creation of a Mississippi River Commission, and which directed that the formulation of a plan for this great river should be entrusted to the commission, whose duty it should be to study the phenomena of the river, and evolve a proper method for its treatment, in order that its navigation might be rendered easy and that it might not be a terror to those who lived upon its lower banks. That Senator, while traveling in Europe, discovered that a number of the principal rivers there had been improved upon exactly the same system which has been adopted thus far successfully by the Mississippi River Commission. In a speech delivered last session in the Senate that Senator said:

All the important rivers of Europe have been treated on the plan adopted by the Mississippi River Commission for the treatment of the Mississippi River. I was traveling on the Rhine some years ago and saw the effects of this plan of contraction, which was adopted in the last century, and I borrowed the idea of a river commission from a commission which was charged with the improvement of the Rhine, and I have been gratified to observe that the plans are about the same, or at all events founded on the same principles.

By shortening and contracting the channel of the Rhine, the Rhine commission have not only improved its navigation and secured deep water where the river was shallow before this process was applied, but they have recovered vast tracts of country that before were given over to the inundations of the river. They have made Cologne——

To this statement I ask the attention of the gentleman from Iowa, who derided the idea that the little town of Hickman, in Kentucky, should be called a harbor or be classed as anything beyond an inland town. I tell him that by a persistent, continuous, and intelligent treatment of the Mississippi River the time will come when Cairo, and even Saint Louis, will be harbors where ocean steamships will moor. In proof of this I read Senator GIBSON'S statement of what has been accomplished in this particular on the Rhine.

Mr. HEPBURN. Will the gentleman allow me a moment?

Mr. BLANCHARD. I did not interrupt the gentleman, and I hope will not interrupt me.

Mr. HEPBURN. You asked me a question.

Mr. BLANCHARD. I did not ask the gentleman a question; I called his attention to this statement:

They have made Cologne almost a seaport, just as Cairo and Saint Louis will be made seaports in the course of time. The French Government has expended upon the river Rhone, between Lyons and Marseilles, a distance of not more than 150 miles, three times as much as we have voted for the improvement of the Father of Waters, and the plan adopted by the French engineers for the improvement of the Rhone is the plan of contraction.

He goes on to state, from his observations in Europe, that the mouth of the Danube, another of its great rivers, has been successfully treated on the plan of the contraction of its waters. Also the Clyde, a river in Britain, has been converted into a noble river, the seat of the best ship-yards of the world. And the Victorian embankments on the Thames have produced the best results. The plan or system proposed by the Mississippi River Commission is therefore not a new plan.

We not only find that commissions have been appointed to improve the great rivers of Europe, but we also find, by examination of the systems of improvement adopted for those rivers, that the cardinal principles upon which they are improved are the same as those adopted by the Mississippi River Commission for the improvement of the great Father of Waters.

When Congress enacted the law creating the Mississippi River Commission what was the condition of the Mississippi River? Gentlemen from a distance, who live in States remote from the Mississippi, might be inclined to doubt that the great Mississippi, at any stage of water, needed actual improvement in order to better its navigable condition. If any gentleman entertains an idea of that kind he is greatly in error, for in 1879, when this law was enacted, there was on the upper Mississippi, above Cairo, sand-bars having a least depth in seasons of low water of 3½ or 4½ feet.

And right here let me say that many of the steamboats and barges—great barge lines constantly navigating the Mississippi River—that many of the steamboats and barges engaged in commerce between Cincinnati, Saint Louis, Louisville, Cairo, and other cities and New Orleans, when loaded draw from 10 to 12 feet, and some of the larger steamboats on the Lower Mississippi River draw when unloaded as much as 6 and 7 feet.

When this Mississippi River Commission was constituted there were above the city of Cairo the following bars having a least depth every year of from 3½ to 4½ feet—actually preventing the navigation of the river, as I can show by citation from reports, destroying the navigation of the river on an average of nearly three months every year, to wit: Alton, Arsenal Island, Horse-tail, Twin Hollows, Pulltight, Chesley Island, Jim Smith, and the bar at Cairo. These bars, under the commission's treatment of the river—those which have been so far treated—have yielded to that treatment, and there are on those bars thus treated by the commission a least depth at low water of 8 to 10½ feet.

Now, Mr. Chairman, below Cairo, what was the situation when the river commission was appointed? Let me say here that the length of the Mississippi River from Cairo to the Gulf is 1,170 miles—600 by direct line and 1,170 miles by the meanderings of the river. There were in the lower river from Cairo to the Gulf great reaches of the river, as they are called, where the least depth at every period of low water was from 4½ to 5½ feet. Such of those reaches as have been treated by the river commission have likewise yielded to the treatment and to-day, even last summer, and indeed for the last three years, there is and has been a least depth of from 12 to 15 feet. But while these results have been achieved at those reaches improved, the other reaches of the river where the river commission have not had a chance to apply their treatment the same depth of 5 and 6 feet of water exists at the low-water season.

Mr. CUTCHEON. Will the gentleman allow me a question?

Mr. BLANCHARD. Yes, sir.

Mr. CUTCHEON. How were the bars above Cairo treated? By what system? By dredging, or the system of contraction?

Mr. BLANCHARD. In the main, by the same system of contraction work.

Now, which are those reaches in the lower river which needed this treatment? Below Cairo there are sand-bars which stretch out some of them 40 miles long, sand-bars in the great Father of Waters 40 miles long with a least depth of 5½ feet at the low-water season. The commission speak of six of those reaches.

They are called, respectively, the New Madrid reach, 40 miles long; the Plum Point reach, 38 miles long; the Bently reach, the Helena reach, the Choctaw reach, and the Lake Providence reach, the last named being 35 miles long. And then at the mouth of the Red River there exists another great problem which the river commission is called upon to handle—the maintenance of navigable connection between the Red River system of water-ways and the Mississippi River, and preventing the latter river from seeking a new route to the sea through the Atchafalaya River.

The first appropriation made under the law creating the Mississippi River Commission was in 1881, when a million of dollars was appropriated. Embarking, as the commission were about to do, upon a great system of improvement, it was necessary that they should have a vast and costly plant. Accordingly they went ahead and invested this million of dollars, or a large portion of it, in plant and in preparation for the great work which Congress had committed to them.

The gentleman from Iowa [Mr. HEPBURN] sneers at the idea that the Mississippi River Commission had or have need of as many as nine hundred boats, barges, skiffs, all told, and he challenged contradiction of the statement that not 10 per cent. of the money which had been appropriated by Congress to the improvement of the Mississippi River had gone actually into the improvement of the channel of the river. I accept that challenge.

Of the $8,000,000 which have been appropriated, all told, up to the beginning of this Congress for this great work, the Mississippi River Commission in their last report show that more than a million of it is invested in the plant which is actually necessary to prosecute the work. That, then, accounts for one million of the eight. And it is true, sir, as I will presently show that every dollar of these appropriations have been spent in actually improving the river, except that which is invested in the plant. I call the gentleman's attention, and the attention of the House, to the statement which I am about to read. The gentleman, I presume, does not think that the salaries and wages paid to the employés and laborers in the work of improvement should be imputed to channel improvement. Such a position is absurd. It is one of the legitimate expenses of this improvement that the salaries and wages of

those who are engaged in the work should be paid. Now here is the statement:

There was appropriated for the Mississippi River by the act of March 3, 1881, $1,000,000; by the act of August 2, 1882, $4,123,000; by the act of January 19, 1884, $1,000,000; by the act of July 5, 1884, $2,065,000, making a total of $8,188,000. To which is to be added the appropriations of $2,000,000 in the river and harbor bill of the last session.

The expenditure of this money up to June 30, 1885, is as follows:

Des Moines Rapids to Illinois River	$120,949 22
Illinois River to Ohio River	389,339 56
Protection to easterly bank of Mississippi River near Cairo	27,839 99
New Madrid reach	210,364 74
Plum Point reach	2,379,019 12
Memphis reach	477,073 04
Memphis Harbor	198,580 97
Lake Providence reach	2,240,285 73
Vicksburg Harbor, dredging	61,812 12
Vicksburg Harbor, Delta Point	115,573 71
Survey of Helena reach	8,000 00
Survey of Saint Francis front, first district	4,873 11
Survey of Saint Francis front, second district	4,000 00
Survey of unleveed fronts, third district	1,000 00
Survey of unleveed fronts, fourth district	1,000 00
Survey of Cubitt's gap	137 14
Survey of Choctaw bend	2,679 86
Observations at Carrollton	3,000 00
Closing Bonnet Carré crevasse	15,000 00
Levees.	
Second district:	
Yazoo front	80,950 00
Long Lake	15,000 00
Third district:	
Opossum Fork	25,000 00
Yazoo front	364,875 45
Tensas front	411,107 74
Fourth district:	
Atchafalaya front	133,503 93
Tensas front	548,258 24
Mouth of Red River	98,386 32
Natchez and Vidalia Harbors	6,626 09
New Orleans Harbor	149,334 43
Total	8,093,570 51

There had been expended then to July 1, 1885, over $8,000,000; leaving on hand a balance at that time of $389,000.

It will be thus seen that the commission give each point, each locality of the river where this money was expended—expended, directly and indirectly, in the channel improvement of the river.

What have been the results of that expenditure? I tell this House, and I tell it upon the faith of the reports made by this Mississippi River Commission, it has had the result of achieving the removal of the bars wherever the river commission has had a chance to apply its system of improvement.

In further reference to the charge of the gentleman from Iowa that those of us from the lower river come here under false pretenses, and that our real object is to obtain appropriations for levee building, and that with the view of protecting the country from overflow, I will state to this House it would be impossible for us, even supposing that was our intention, to accomplish this, without a conspiracy or at least a connivance on our part and on the part of the members of the Mississippi River Commission to that end. In other words, the Mississippi River Commission would have to enter into the scheme before we could carry it out.

Now, who are the members of this Mississippi River Commission? Let us see if they are not gentlemen well known for their high character and probity as well as for their scientific attainments. Three of them are officers in the Engineer Corps of the United States Army, one in the service of the Coast and Geodetic Survey, and the other three civilians. The president of the Mississippi River Commission, who is he? Let us see if he is a gentleman who would enter into this scheme which looms up before the eyes of the gentleman from Iowa [Mr. HEPBURN]. The president of that commission is General Quincy A. Gilmore, colonel of engineers and brevet major-general of the United States Army, a Northern gentleman, who lives, I believe, in the city of New York, and who has no interest whatever in the valley of the Mississippi. Is it reasonable to believe that he would be a party to this scheme, this false pretense, this fraud, which the gentleman from Iowa has the temerity to charge?

Another member of the commission is Lieut. Col. C. B. Comstock. Will anybody charge him with being a party to this alleged conspiracy. Another member is Maj. Charles R. Suter, major of engineers in the United States Army, a gentleman well known to many members on this floor, as not only a distinguished engineer but a gentleman of the highest character. Another member is Professor Henry Mitchell, of the Coast and Geodetic Survey, whose home I believe is in New England, a gentleman who has no interest whatever in the valley of the Mississippi, and who occupies a high and permanent position in the service of his country. Is he a man who would enter into this unholy scheme of which the gentleman from Iowa speaks? Shame upon that gentleman for insinuating such a charge! Another member of the commission is Maj. B. M. Harrod, a civil engineer who lives in the city of New Orleans, a gentleman personally known to me to be above reproach. Another member, whose appointment was made in compliance with the provision of the law creating the Mississippi River Commission that one member of the body should be a civilian, not an engineer, is Col. Robert S. Taylor, of the State of Indiana, a gentleman well-known to members on this side and on the other side of the House to be not only a lawyer of great ability and distinction in his State, but a gentleman who stands so high in the estimation of those who know him that it is absurd for the gentleman from Iowa to include him in this alleged scheme.

And who is the other member of that commission? Major W. S. Ferguson, of the State of Mississippi, a gentleman well known for his attainments in civil-engineering as well as for his high personal character and standing. So it appears that of the members of that commission only two live in the valley of the Mississippi, three are distinguished officers in the Engineer Corps of the Army of the United States, another is in another branch of the Government service, and the other three are civilians, residents of different States, one of them a State remote from the Mississippi River.

Now, Mr. Chairman, it is upon the report of a commission so composed that the Congress of the United States has been making these appropriations for the improvement of the Lower Mississippi. The appropriations have been made to carry out the plans adopted by that commission for the improvement of the river as a whole. That plan, Representatives, was not hastily formed. It was matured after careful and elaborate study of the river. It consisted in what is called the contraction system, united with the plan of revetment of the banks, so as to hold them and thus to perserve the results achieved by the contraction of the channel in the wide places, and, as incidental and a necessary adjunct to the channel improvement of the river, the construction of levees upon the banks in order to conserve the forces of the river at its flood stages.

This system of improving the river is based upon the three great forces constantly operating upon the Mississippi River.

Those forces are, first, the force of gravity—the fall of the water from the higher to the lower level. That constitutes velocity. Second, the force that checks the current of the water; that is friction. It diminishes velocity. Third, the relation that exists between the velocity of the current and its capacity for transporting the sediment in the river and the amount actually carried along. It is by acquiring a knowledge of these three great forces and applying that knowledge practically that this system of river improvement has been evolved.

I have in my hand Senate Miscellaneous Document 126, Forty-ninth Congress, first session, being a letter upon this system of treating the river, written by the president of the Mississippi River Commission to the senior Senator from Louisiana, in which is embodied a lucid explanation somewhat in detail of this system of improvement, and of the results which have been achieved by it.

Now, Mr. Chairman, I desire to call the attention of the House to what is being done on the river as respects levee construction. I want to say right here that there is not a dollar expended on that river in the way of levee building that is not asked for by the Mississippi River Commission as part of their plan for the improvement of the river as a whole. It is not expended, as has been asserted by the gentleman from Iowa [Mr. HEPBURN], to protect the country from overflow. That is not the object of the expenditure. Its object is to conserve and utilize the great forces of the river, which are greatest at flood seasons; to define the high-water limits of the river; to confine the river at flood seasons within artificial banks, so that its forces may be harnessed and made instruments for scouring and deepening the channel, and thus to enable the river the better to perform its God-given duty of discharging into the Gulf of Mexico the great mass of water and sand and *détritus* which constitutes the wash and waste of almost half an entire continent.

You must remember that the Mississippi River is not merely a river of water; it is a river of sand as well. Here is the great sewer of the North American portion of the American continent, which receives into its channel not only all the waters which fall between the summit of the Alleghanies on the one hand and the summit of the Rocky Mountains on the other, but receives likewise all the great mass of waste in the way of sediment, in the way of sand, in the way of *débris*, which is washed down into this great central artery by the 16,000 miles of navigable water-ways and the other 16,000 miles of unnavigable water ways that are tributary to it. It is a fact that forty-three navigable streams flow into the parent channel of the Mississippi River, and they bring down with them from the cultivated lands of the East and of the West this sediment and sand and *détritus*, and it all finds its way, along with the water, into the channel of the Mississippi River, and it blocks up that channel, and hence the great bars, 40 miles long, between Saint Louis and the mouth of the river.

It is the function of the river not only to afford a safe passage for the water of this vast watershed to the Gulf, but also to carry along with it this immense waste of the northern part of the American continent. If you do not aid the river to carry this sand to the sea it will be deposited in the bed of the river, forming these great sand-bars impeding navigation, which, in turn, cause the great overflows which annually destroy millions upon millions of dollars of the aggregate wealth of our country.

If you build levees in order to restrain the river within high-water limits you conserve and utilize the forces of the river; you increase the velocity of its current, and thereby the river is enabled not only to carry out to the sea safely and expeditiously its floods of water and waste, of sand and sediment, but to scour out and deepen the shallow places which grew up in the river at a time when it was not under the control of man.

This is why the Mississippi River Commission recommends the construction of levees. And does any gentleman on this floor object to the construction of levees simply because there results, as an incident to their construction, protection from overflow to the riparian owners upon the banks? Certainly there is not here a gentleman so ungenerous and illiberal as to object to the levees because the planters and farmers behind them find protection from the ravages of the river. I say it is an argument in favor of the levees that they afford this incidental protection, besides being a part of the means for the channel improvement of the great river itself.

The gentleman from Iowa has stated that no man can tell how much it is proposed to expend in the way of levee construction. Let me say right here that what the Federal Government expends or proposes to expend or has expended in the way of levee construction is a mere bagatelle compared to what is expended, has been expended, and is being constantly expended by the States, and by the owners of lands in the alluvial valley of the Mississippi. The Mississippi River Commission have confined themselves principally to breaks in the levees, and raising the levees where they were not high enough. The great work of levee construction has been done by the States and by the people living along the banks of the Mississippi River. From the mouth of the Red River to the Gulf, a distance of over 300 miles, there have been from the time when that region of country came to be first settled, embankments thrown up on both sides of the Mississippi; so that there has been on that portion of the river for years a great system of levees, the result of which is that the Mississippi from the Red River to the Gulf is an ideal river.

It is not there that this money is being expended by the Mississippi River Commission. It is true they have expended a small sum there to assist in closing one or two crevasses; but that is not where the great levee building is being done with the money appropriated by Congress. It is above that. But the success of the levees, in keeping the river within its bounds, in causing it to scour and deepen, has been such that from the mouth of the Red River to the head of the jetties, a distance of more than 300 miles, there is, even at low water, a depth of from 50 to more that 100 feet.

This demonstrates what the river will do when it is confined within its channels, at high water, by means of artificial embankments. It will scour and deepen. And in those portions of the river there is a safe discharge, not only of the flood waters, but of the vast wastage, the sediment and sand coming down from nearly one-half of the American continent, and finding its way through this channel into the Gulf of Mexico.

Now, let us see what has been done and is proposed to be done by the Mississippi River Commission in the way of the construction of levees.

[Here the hammer fell.]

The CHAIRMAN. The gentleman from Louisiana [Mr. BLANCHARD] has now occupied forty-five minutes.

Mr. WILLIS. Does the gentleman desire further time?

Mr. BLANCHARD. I would like about fifteen minutes more to finish this branch of my remarks.

Mr. WILLIS. I yield the gentleman fifteen minutes.

Mr. BLANCHARD. Of this entire $8,000,000, and more, which had been appropriated for the improvement of the Mississippi River up to the beginning of the present Congress, there has been expended for levee construction $1,600,000. I have here a table showing the localities where this construction has been made. It is as follows:

Amount expended for levee construction from March 3, 1881, to June 30, 1886.

Tensas front	$962,996 28
Atchafalaya front	136,288 65
Bonnet Carré crevasse	15,000 00
Opossum Fork levee	25,000 00
Long Lake levee	15,000 00
Yazoo front	445,828 95
Total	1,600,113 88

From data which I have gathered from the reports of the Mississippi River Commission, I am enabled to say to the House that the entire expenditure in the way of levee construction, which it is proposed by the Mississippi River Commission to make, aggregates, including what has already been expended, only $5,840,000. The statement which I will publish with my remarks shows the localities where this construction is proposed, with the number of cubic yards which, according to the estimate of the commission, will be required to complete this levee system.

ESTIMATES FOR LEVEES.

From Cairo to foot of Island No. 40—220 miles—estimate for complete line, 8,910,000 cubic yards at cost of $2,300,000.

From Island No. 40 to Saint Francis River—78 miles—one-third of this only unleveed; it is estimated that to complete the line and raise all levees to 1½ feet above high water will require 1,634,000 cubic yards at cost of $430,000.

White River front, from Saint Francis River to White River, 95 miles. Less than 20 miles of this front is unleeved, but much of the leveeing along that line is of too low grade. Estimate for leveeing entire front to 2 feet above high water line is $150,000.

From Amos Ridge to Arkansas City, for new levees, closing breaks and raising grade to 1 foot above high water line, there are required 133,000 cubic yards, cost of which will be less than $30,000.

From Arkansas City to Louisiana State line there is required for enlargement of existing levees 526,000 cubic yards, and for new levees 976,000 cubic yards—in all, 1,502,000 cubic yards, which will cost about $375,000.

From Louisiana State line to Warrenton, levees are in fair condition; but caving banks at certain points will necessitate ultimately new levees, for which the estimate is 1,027,000 cubic yards, which will cost about $260,000.

From Warrenton to Red River the levees are above high-water line, except at one or two points. Estimated that 500,000 cubic yards will place whole line above high-water line; this will cost about $125,000.

The Kempe levee may have to be reconstructed. Not estimated for. It is situated on a caving bank.

Some work will have to be done on the Lake Concordia levee, which is of too low grade. No estimate.

Yazoo front—levees in fair condition, but some work yet to be done. No estimate.

Atchafalaya front—Morganza Crevasse is only point needing attention. It requires 270,000 cubic yards to close the break which is now being done. Will cost about $70,000.

Total estimates of commission for levees yet to be constructed.

Cairo to Island No. 40, 220 miles	$2,300,000
Island No. 40 to Saint Francis River, 78 miles	430,000
Saint Francis River to White River, 95 miles	150,000
Amos Ridge to Arsansas City	30,000
Arkankas City to Louisiana State line	375,000
Louisiana State line to Warrenton	260,000
Warrenton to Red River	$125,000
Morganza Crevasse (now being closed)	70,000
Total	3,740,000
Add for reconstruction of Kempe levee, for work on Lake Concordia levee, and for additional work on levees on Yazoo front (not estimated for by commission), say	500,000
	4,240,000

This sum of $4,240,000 embraces, it will be seen, $2,300,000 which the commission propose to expend in rebuilding the levees which were washed away during the war from Cairo to the foot of Island No. 40, a distance of 220 miles. That is away up in the northern part of the lower stretch of the river, remote from the limits of the States of Louisiana, Mississippi, Tennessee, and Arkansas, the States to which the gentleman from Iowa always refers when he charges members on this floor with coming here under false pretenses.

This is part of a system of improvement for a great river which is the parent channel of a system of water-ways embracing more than 16,000 miles of navigable streams and more than 32,000 miles of drainage. For this branch of the system of improvement adopted by the commission there is to be expended, all told, less than $6,000,000.

The other part of the system adopted is the contraction of the wide places and the revetment of the banks. This is the more costly part of the system. The gentleman from Iowa has stated, and stated recklessly (which was the character of many of his statements), that it is impossible to tell what this revetment of the banks is going to cost; and the gentleman even had the temerity to venture an opinion on this floor, as I understood him, that the cost will reach $75,000,000. In refutation of that statement I need only refer members to what has been done at two of the great reaches of the river. What has it cost to revet the banks and to contract the river at Plum Point reach, and at Lake Providence reach, where this improvement has been going on? It is true that these reaches are not yet completed, but they are nearly so. They are sufficiently completed to have gained a depth at each of them of from 5 feet at low water to 12 and 15 feet at high water. What has it cost to contract those reaches of the river and to revet their banks? There has been expended at Plum Point reach a little more than $2,300,000, and at Lake Providence reach about $2,250,000. Say that it will take three-quarters of a million more at each to finish the work (which I think would be an outside figure), then we would have two reaches of the river each about 40 miles long, upon each of which we will have spent $3,000,000 in the work of contracting the 10,000 feet (which is the width of the river there, or nearly so) to the requisite width of 3,500 feet, and also reveting the banks.

Now, there are but six of those reaches, and if they are all to cost as much as $3,000,000 each that will aggregate only $18,000,000, not only for revetment but for contraction works. It was never proposed, as the gentleman from Iowa seems to think, that this river should be reveted from Cairo to its mouth. The river needs improvement only at specific localities along it, mainly at these six reaches I have referred to. And

even if it cost double the $18,000,000, what is that when we come to consider the great importance of deepening and improving a great parent water-way like the Mississippi River from Cairo to the Gulf with the possibility and even probability of great ocean steamships penetrating to the great cities on its banks in the far interior?

I say, therefore, Mr. Chairman, that the reports of the Mississippi River Commission, if carefully and impartially studied, as they seem not to have been done by the gentleman from Iowa, will be found to contain an abundance of material going to show that the great bugaboo which he conjures up does not exist; that it will not take $75,000,000, it will not take $50,000,000, it will not take $30,000,000 to improve the river, and that his assertion to the contrary is merely an assertion.

It does not appear, Mr. Chairman, that the gentleman has studied these reports with a view of reaching a fair conclusion from them. That may seem a rough statement to make, but I submit it is as respectful for me to say that as it is for him to charge gentlemen on this floor with coming here under false pretenses. The gentleman from Iowa could not be convinced "even if one rose from the dead" and declared this system of improving the river to be a proper one.

Mr. Chairman, there is much more on this question I desired to say, but I will not take up any more of the limited time allowed for general debate. Thanking the House for its attention, I resign the floor.

Mr. ANDERSON, of Kansas. I desire to be recognized for thirty minutes in opposition to the bill in addition to the time given to the gentleman from Iowa [Mr. HEPBURN].

Mr. WILLIS. Understanding it is the wish of the gentleman to continue his remarks at some future occasion, I will move the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. RICHARDSON reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

RHODE ISLAND CONTESTED-ELECTION CASE—PAGE AGAINST PIRCE.

Mr. TURNER. Mr. Speaker, I rise to submit a privilege report.

Mr. DUNHAM. I move the House do now adjourn.

The House refused to adjourn.

Mr. TURNER. I am directed by the Committee on Elections to submit a report in the contested-election case from the second district of Rhode Island, of Page vs. Pirce; which I move be printed and laid over for the present.

The motion was agreed to.

Mr. ANDERSON, of Kansas. I rise to make the parliamentary inquiry whether the minority of the Committee on Elections will have an opportunity to present their views, if they desire to do so, in this contested-election case?

The SPEAKER. No such request was made.

Mr. TURNER. I called the attention of gentlemen of the other side to the fact that this would be presented, and indeed to the report itself, but in order that there may be no difficulty on that point, I am willing opportunity should be given to the minority to present their views, but not to delay action.

The SPEAKER. If there be no objection, the minority of the committee will have leave to present their views.

There was no objection, and it was so ordered.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined, and found truly enrolled, a bill (H. R. 4688) granting a pension to Josephine Da Costa Thomas; when the Speaker signed the same.

And then, on motion of Mr. WILLIS (at 4 o'clock and 39 minutes p. m.), the House adjourned.

PETITIONS.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Petition of C. J. Hood & Co., of Lowell, Mass., for repeal of internal taxes—to the Committee on Ways and Means.

By Mr. BOYLE: Statement of facts by Capt. James C. Whaley in support of his application for the passage of an act granting him a pension—to the Committee on Invalid Pensions.

By Mr. ELDRIDGE: Petition of H. H. Osborn, and 24 others, citizens of Leonard County, Michigan, praying for the passage of the bill (H. R. 2933)—to the Committee on Agriculture.

By Mr. GROUT: Petition of certain business houses in Burlington, Vt., for repeal of internal-revenue taxes—to the Committee on Ways and Means.

By Mr. JAMES: Petition of Rogers & Pyatt and John R. Plantin, wholesale druggists and manufacturers, of New York city, asking for repeal of internal taxes—to the same committee.

By Mr. KLEINER: Petition in favor of the abolition of the internal-revenue law, by citizens of Evansville, Ind.—to the same committee.

By Mr. LIBBEY: Petition of manufacturers of and dealers in tobacco, of Richmond, Va., praying for the repeal of the internal-revenue tax on tobacco—to the same committee.

By Mr. McRAE: Petition of A. M. Crow and 17 others, citizens of Arkadelphia; of Hon. D. J. Smith and 20 others, farmers of Columbia County; and of W. A. Nelson and 70 others, farmers of Drew County, Arkansas, in favor of the Hatch experiment-station bill—to the Committee on Agriculture.

By Mr. MAYBURY: Petition of Jane Blades, for allowance of pension—to the Committee on Pensions.

By Mr. MORROW: Petition of the California State Horticultural Society, in favor of the Hatch agricultural-station bill—to the Committee on Agriculture.

By Mr. CHARLES O'NEILL: Petition of Hastings & Co. and the Van Hans Stratena Company, of Philadelphia, praying for a reduction of certain internal taxes, and the repeal of others—to the Committee on Ways and Means.

By Mr. OSBORNE: Preamble and resolutions from Post No. 2, G. A. R., department of Pennsylvania, urging the passage of the bill relating to Utah, now pending in Congress—to the Committee on the Judiciary.

By Mr. RANDALL: Petition of Henry K. Wampole & Co.; of George W. Plumley; and of James C. Alexander and others, of Philadelphia, for the repeal of internal taxes—to the Committee on Ways and Means.

By Mr. ROGERS: Petition of citizens of Scott County, of Pulaski County, of Franklin County, and of Crawford County, Arkansas, favoring the passage of the Hatch bill—to the Committee on Agriculture.

By Mr. SKINNER: Petition of John F. Wilkins and 146 others, for a pension for the dependent relatives of the life-saving crew who lost their lives at the wreck of the ship Elizabeth on the 8th of January, 1887, on the Virginia coast—to the Committee on Pensions.

Also, petition of J. D. Quindell and others, for an appropriation to remove the bar at the mouth of Kendrick's Creek, North Carolina—to the Committee on Rivers and Harbors.

By Mr. STRAIT: Petition of A. Post and 10 others, citizens of Faribault, Rice County, Minnesota, praying for the passage of the Hatch experimental-station bill—to the Committee on Agriculture.

By Mr. SWOPE: Memorial of Western Pennsylvania Agricultural Association, praying for the passage of the Miller bill—to the same committee.

By Mr. TOWNSHEND: Petition of citizens of Franklin County, Illinois, urging the passage of a bill granting a pension to A. J. Robinson—to the Committee on Invalid Pensions.

By Mr. WISE: Petition of citizens of Richmond, Va., against Federal control of the subject of pilotage—to the Select Committee on American Ship-building and Ship-owning Interests.

Also, petition of citizens of Richmond, Va., for the repeal of internal-revenue taxation—to the Committee on Ways and Means.

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. C. H. ALLEN: Of 38 citizens of the eighth district of Massachusetts.

By Mr. BACON: Of 106 citizens of the fifteenth district of New York.

By Mr. BOUTELLE: Petition of citizens of Maine for enactment of a bill providing for temporary aid for common schools.

By Mr. BURROWS: Of 533 citizens of the fourth district of Michigan.

By Mr. CLEMENTS: Of 92 citizens of the seventh district of Georgia.

By Mr. CONGER: Of 116 citizens of the seventh district of Iowa.

By Mr. CULBERSON: Of 73 citizens of the fourth district of Texas.

By Mr. DAVENPORT: Of 433 citizens of the twenty-ninth district of New York.

By Mr. EVANS: Of 274 citizens of Bucks County, Pennsylvania.

By Mr. FARQUHAR: Resolution of Maiden City Lodge, No. 63, Loyal Orange Institution of the United States, of Yonkers, N. Y., in favor of the bill (S. 194).

By Mr. W. J. GREEN: Of 34 citizens of Pikeville, N. C.

By Mr. D. B. HENDERSON: Paper from the Women's Christian Temperance Union, of Waverly, Iowa, urging the passage of the Blair bill.

By Mr. HITT: Of 123 citizens of the Sixth district of Illinois.

By Mr. LORE: Petition of E. H. Hynson and 24 others, citizens of Cowder, Kent County, Delaware, for the passage of the Blair educational bill.

By Mr. NEAL: Of 80 citizens of the third district of Tennessee.

By Mr. REED: Of 377 citizens of the first district of Maine.

By Mr. ROCKWELL: Petition of the Women's Christian Temperance Union, of Adams, Mass., for the passage of the educational bill.

By Mr. SAWYER: Of 80 citizens of the thirty-first district of New York.

By Mr. SKINNER: Of 240 citizens of the first district of North Carolina.

By Mr. STRAIT: Of 325 citizens of the fifth district of Minnesota.

By Mr. J. T. WHITE: Of 239 citizens of the third district of Connecticut.

By Mr. MILO WHITE: Petition of the Women's Christian Temperance Union, of Caledonia and of Eyota, Minn., favoring the educational bill.

SENATE.

MONDAY, *January* 17, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior, submitting an estimate of an appropriation of $1,000 to pay Shirley C. Ward, special counsel of the mission Indians in California; which, with the accompanying papers, was, on motion of Mr. DAWES, referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in reply to a resolution of January 11, 1887, estimates of chiefs of bureaus of that Department for the contingent expenses of the bureaus for the fiscal year ending June 30, 1888, which, with the accompanying papers, was, on motion of Mr. MORGAN, referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Navy, transmitting, in answer to a resolution of January 11, 1887, estimates for the contingent fund of each bureau in that Department; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills, received on Friday last from the House of Representatives, were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 2441) to amend sections 1, 2, 3, and 10 of "An act to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes," approved March 3, 1875; and

A bill (H. R. 6974) to provide for the bringing of suits against the Government of the United States.

CONSULAR REPORTS ON TRADE GUILDS OF EUROPE.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives; which was read, and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed, with pamphlet covers, 7,000 copies of the volumes of reports from the consuls of the United States on the trade guilds of Europe and the laws and regulations by which they are governed, published by the Department of State in the year 1885; 5,000 copies of which shall be for the use of the House of Representatives, and 2,000 copies for the use of the Senate.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Legislative Assembly of Arizona Territory praying for an increase of clerical force for the Assembly; which was referred to the Committee on Appropriations.

He also presented the petition of Kauffman, Lattimer & Co., of Columbus, Ohio, praying for the repeal of internal-revenue taxes; which was referred to the Committee on Finance.

Mr. CULLOM presented resolutions adopted by the Sangamon County Fine Stock Breeders' Association, at Springfield, Ill., urging the necessity of legislation for the suppression of contagious diseases among cattle; which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of William F. Parker and 219 other citizens of Streator, Ill., praying for a change in the present system of collecting the revenues of the Government by means of import duties and the internal revenue system, and that the burden of taxation be placed upon property; which was referred to the Committee on Finance.

He also presented the petition of Chamberlin, Johnson & Co. and 12 other firms, importers at Atlanta, Ga.; the petition of the Shepard & Morse Lumber Company and 9 other firms, importers at Burlington, Vt.; the petition of A. C. Hutchinson, general manager of the Southern Pacific Company, and 8 other firms, importers at New Orleans, La.; the petition of T. A. Chapman & Co. and 15 other firms, importers at Milwaukee, Wis.; the petition of R. Ballerstein & Co. and 26 other firms, importers at Hartford, Conn.; the petition of Louis Cohen & Co. and 3 other firms, importers at Charleston, S. C.; the petition of Hodges Brothers and 42 other firms, importers at Baltimore, Md.; and the petition of Sibley, Lindsay & Carr and 28 other firms, importers at Rochester, N. Y., praying for the passage of the bill to amend the immediate-transportation act; which were referred to the Committee on Commerce.

Mr. TELLER presented the petition of Mrs. Anne Lucas, praying to be reimbursed for a draft payable to her improperly paid by the Treasury to another person; which was referred to the Committee on Finance.

He also presented the petition of Wollf & Brown, praying payment for horses pressed into the service of the United States by Col. Thomas Moonlight in 1885 at Denver, Colo.; which was referred to the Committee on Military Affairs.

He also presented the petition of Mrs. M. A. Kretchmar, praying compensation for board furnished to certain Cherokee Indians; which was referred to the Committee on Indians Affairs.

He also presented the petition of John B. Wolff, attorney for the heirs of Capt. A. W. Hicks, praying that allowance be made to Captain Hicks as messenger to the Military Committee of the House of Representatives, Forty-fifth Congress, extra session; which was referred to the Committee on Claims.

He also presented the petition of John B. Wolff, praying that a pension be granted to the heirs of Capt A. W. Hicks; which was referred to the Committee on Pensions.

Mr. MORRILL presented the petition of James Cavanagh, late of Company B, First Regiment of Vermont Cavalry, praying to be granted arrears of pension; which was referred to the Committee on Pensions.

Mr. PALMER presented the petition of W. M. Holton and 37 other residents of Dearborn, Mich., praying for legislation at the present session of Congress to increase the rate of pension of those who have lost both arms in the military or naval service of the United States; which was referred to the Committee on Pensions.

He also presented the memorial of the Michigan Annual Conference of the Methodist Episcopal Church, remonstrating against needless Sunday work in Government service and the running of railroad trains on the Sabbath; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Michigan Annual Conference of the Methodist Episcopal Church, praying for the enactment of a law for the protection of the Chinese and for the passage of the Chinese indemnity bill; which was referred to the Committee on Foreign Relations.

Mr. FRYE. I present resolutions of the Legislature of the State of Maine. I ask that they be read and then referred to the Committee on Commerce.

The resolutions were read, and referred to the Committee on Commerce, as follows:

[State of Maine. Resolves in opposition to the Dunn free-ship bill.]

Whereas the bill now pending before Congress providing for the admission of foreign-built ships to an American register is inimical to one of the leading industries of our State, and threatens to destroy a constant and lucrative source of employment for our labor: Therefore,

Resolved by the senate and house of representatives of the State of Maine in Legislature assembled, That the enactment of the Dunn free-ship bill, so-called, would be a cruel and fatal blow to the prosperity of our American merchant marine.

Resolved, That as ship-building is a national interest, affecting the material prosperity of our whole country, as we have the capital, materials, brains, and skill to build our own vessels, that is a suicidal policy that would now drive skilled labor into other and untried avenues of employment, discouraging the investment of American capital in American enterprises, and make this great nation a weak dependant upon foreign labor and capital, liable at any moment to assume a hostile attitude.

Resolved, That this effort to legislate a great American interest out of existence, this abandonment of the wise policy of our fathers, is as unpatriotic as it is unnecessary.

Resolved, That the secretary of state be, and is hereby, directed to forward an authenticated copy of the foregoing resolutions to the President of the Senate and the Speaker of the House of Representatives in Congress assembled, with a request that the same be laid before their respective bodies.

IN HOUSE OF REPRESENTATIVES, *January* 13, 1887.

Read and passed finally.

C. B. LITTLEFIELD, *Speaker.*

IN SENATE, *January* 14, 1887.

Read and passed finally.

SEBASTIAN S. MARBLE, *President.*

JANUARY 15, 1887.

Approved.

JOSEPH R. BODWELL, *Governor.*

A true copy. Attest:

ORAMANDAL SMITH,
Secretary of State.

Mr. COKE. I present a petition signed by many citizens, merchants, and importers of the city of Galveston, stating that from the mouth of the Mississippi on the east to the mouth of the Rio Grande on the west, including the coast line of Texas and Louisiana, within which is comprised nearly 20 per cent. of the whole coast of the United States, there is not a single ship, vessel, or cutter in commission or flying the flag of the United States; that the revenue-cutter McLane, which has hitherto been in service in those waters, was in August last inspected and condemned as unseaworthy, and has been taken North to be sold; and that the steamer Dix, now lying at New Orleans, was ordered to be repaired and take the place of the McLane, but now, after inspection, it transpires that she is not worth repairing.

In view of the contiguity to Mexico and the necessity for the suppres-

sion of smuggling and for the control of these waters, and in order to prevent the introduction of contagious diseases, the petitioners ask an appropriation for the purpose of constructing a steamer for the revenue department properly adapted in size, strength, and draught to thoroughly patrol the Gulf and its bays and estuaries.

I move the reference of the petition to the Committee on Appropriations.

The motion was agreed to.

Mr. MCMILLAN presented the petition of Noyes Brothers & Cutter, wholesale merchants of Saint Paul, Minn., praying that internal taxes may be reduced as rapidly as the state of the Treasury will permit; which was referred to the Committee on Finance.

Mr. VEST presented the petition of the Saint Louis (Mo.) Lead and Oil Company, praying for a repeal of all legislation creating internal-revenue taxes; which was referred to the Committee on Finance.

He also presented the petition of Mary A. Baker, of Sivan, Mo., praying for a pension, she being the widow of a deceased soldier; which was referred to the Committee on Pensions.

Mr. PAYNE presented the memorial of J. C. Lockwood and other citizens of Milan, Ohio, remonstrating against the erection of a second bridge over the Sainte Marie River; which was referred to the Committee on Commerce.

Mr. GIBSON. I present the petition of Finlay & Brunswig, wholesale druggists, signed by G. R. Finlay, who is a member of the National Wholesale Druggists' Association, praying for a reduction of internal taxes. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. COCKRELL. I present a petition for the repeal of the internal-revenue taxes, signed by F. M. Sterrett, secretary of the Dr. Harter Medical College, of Saint Louis, Mo.; also, a petition of citizens of Wayne County, Missouri, praying for the reduction of internal-revenue taxes. They seem to be printed petitions and in stereotyped form the same. I move their reference to the Committee on Finance.

The motion was agreed to.

Mr. MORGAN presented the petition of Capt. Tim Meaher, of Mobile, Ala., praying permission of Congress to build a coal and iron wharf near Mobile, Ala., on the Alabama River; which was referred to the Committee on Commerce.

Mr. PLUMB presented a petition of cattle growers and dealers of Doniphan County, Kansas, and a petition of the Short-Horn Breeders' Association of Johnson County, Kansas, praying for the passage of what is known as the Miller bill for the suppression of pleuro-pneumonia; which were referred to the Committee on Agriculture and Forestry.

Mr. VANCE presented the petition of James Taylor, of North Carolina, praying to be permitted to pay for and receive title to certain public lands in that State; which was referred to the Committee on Public Lands.

Mr. SPOONER presented a petition of the executive committee of the Grand Lodge of the Independent Order of Good Templars, State of Wisconsin, praying for the passage of the bill (S. 1579) granting to the people of the District of Columbia the right to determine by ballot whether intoxicating liquors may hereafter be legally manufactured and sold therein; which was referred to the Committee on the District of Columbia.

Mr. INGALLS presented the petition of Messrs. McPike & Fox, wholesale druggists at Atchison, Kans, praying for a repeal of excise taxes; which was referred to the Committee on Finance.

Mr. DOLPH. I present the memorial of the Tacoma Chamber of Commerce, Washington Territory, urging the speedy passage of the bill (S. 2169) providing for the payment of Indian depredation claims.

It will be remembered that that bill was introduced by myself and referred to the Committee on Indian Affairs. I have not heard from that committee in relation to it. It is an important question relating to the payment of claims for Indian depredations accumulating from year to year, and I hope the committee will find it convenient to examine and report upon the bill speedily.

I move that the memorial be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. EVARTS presented the petition of W. H. Schiefflin & Co. and others, of the city of New York, praying for the repeal of the internal-revenue taxes; which was referred to the Committee on Finance.

Mr. HOAR presented the petition of C. J. Hood & Co., of Lowell, Mass., praying for the repeal of internal-revenue taxes; which was referred to the Committee on Finance.

Mr. BLAIR. I present the petition of the students' conference of Fisk University, Roger Williams University, and Central Tennessee College, three colored institutions of Nashville, praying for the passage of the Blair bill to aid public schools. In this petition these students set forth that they have held a conference of the colored youth attending school at these institutions at the present time, and they respectfully represent "that we believe that the passage of the Blair bill to aid public schools would be of greatest good to our race, and consequently to the whole body of our citizens; and we therefore respectfully and earnestly pray and petition Congress to pass said bill at the earliest possible date.

"In thus representing and petitioning we attempt to speak for the great mass of our race who are not alive to their interests in this matter, and who, moreover, in many places are unable to formulate their wishes.

"We beg leave to submit briefly the following as a few reasons for our thus petitioning:

"The comparative moral and intellectual backwardness of our race is, from well known causes, so great that the ordinary process of development would be too slow in preparing it for responsible citizenship. Extraordinary steps, therefore, are necessary for, at least, a few years in order to place us in a condition to stand alone.

"These facts have been long recognized by a large class of patriotic and philanthropic citizens who have in a private way aided us by the establishment of schools, churches, and colleges. But these efforts, while a great blessing as far as they go, are inadequate to the need; and, at the present rate, it will be many years before fairly informed educators can be prepared for every community.

"Even were there no such special emergency as we represent, under our existing school systems, funds are inadequate to provide schoolhouses, furniture, and teachers' salaries. This fact, coupled with our more than ordinary need, renders the demand for some special aid the more imperative.

"We believe the general dissemination of intelligence among the mass of our white fellow citizens (as designed in the Blair bill) would greatly better our treatment at their hands, go far towards solving the existing race problem, and in other ways indirectly be of benefit to us."

The petition is respectfully submitted by "The Students' Conference," composed of the students of Fisk University, Roger Williams University, and Central Tennessee College. J. B. Batte, president of the conference; R. C. Edmondson, secretary of the same.

I have set this matter forth in the language of the petitioners, and at a little further length than is usual, because these students represent those of the colored race who are now receiving the benefits of higher education; they are the leaders of the coming generation of the colored people; they come from all parts of the country, and especially from all parts of the South; and the reasons which they thus set forth, it seems to me, are entitled to consideration.

Although the bill has passed the Senate, I thus draw public attention to the matter, in the hope that, through the RECORD, it may reach a body somewhere else. I move that the petition lie on the table.

The motion was agreed to.

Mr. SABIN presented resolutions adopted by the chamber of commerce of Saint Paul, Minn., favoring the passage of a national bankrupt law and an amendment of the customs laws; which were referred to the Committee on the Judiciary.

Mr. BUTLER presented a petition of citizens of South Carolina, praying that an appropriation be made for the deepening of Winyale Bay bar; which was referred to the Committee on Commerce.

He also presented a petition of citizens of the District of Columbia, praying for a system of filtration of the water supply of the District of Columbia; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 5326) for the relief of E. B. Dawson, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred an amendment intended to be proposed by Mr. HOAR to the post-office appropriation bill, submitted a report thereon, and moved its reference, with the amendment, to the Committee on Appropriations; which was agreed to.

Mr. EDMUNDS. While my friend from Wisconsin, acting for the Committee on Post-Offices and Post-Roads, is making his reports, I wish to call his attention and that of the committee to a bill which I had the honor to introduce at a very early day in this Congress, providing for a Government postal telegraph, and to beg that that committee will report it either favorably or unfavorably, so that I may try, if I can, to get the judgment of the Senate upon it.

Mr. SAWYER. The committee have partially considered the bill referred to by the Senator from Vermont, and it is in the hands of a subcommittee composed of the chairman [Mr. CONGER], the Senator from Iowa [Mr. WILSON], and the Senator from Texas [Mr. MAXEY].

Mr. DOLPH, from the Committee on Public Lands, to whom was referred the bill (S. 3020) providing for the resurvey of certain public lands in the State of Oregon, reported it with amendments.

Mr. VANCE, from the Committee on the District of Columbia, to whom was referred the bill (S. 3097) for the relief of Saint Dominic's church, in the District of Columbia, reported it with an amendment, and submitted a report thereon.

Mr. BLACKBURN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 4806) to authorize the construction of a bridge across the Eastern Branch of the Potomac River at the foot of Pennsylvania avenue east, reported it without amendment.

CENTENNIAL CONSTITUTIONAL CELEBRATION.

Mr. HOAR. I report from the Select Committee on the Centennial of the Constitution and the Discovery of America, a resolution for which I ask present consideration, if there be no objection.

The PRESIDENT *pro tempore*. The Senator from Massachusetts, from the select committee referred to by him, submits a resolution, which will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That it is expedient that the centennial anniversary of the inauguration of the Constitution be celebrated in April, 1889, by an address to be delivered before the President of the United States and the two Houses of Congress by the Chief Justice of the United States, to which the representatives of foreign governments shall be invited, and that the occasion be further celebrated by suitable civic or military observances, the detail of which shall be settled hereafter.

The resolution was considered by unanimous consent, and agreed to.

BILLS INTRODUCED.

Mr. VEST introduced a bill (S. 3143) granting a pension to Mary A. Baker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VANCE introduced a bill (S. 3144) for the relief of James Taylor; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. MCMILLAN (by request) introduced a bill (S. 3145) for the relief of Anna W. Osborne; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. BLAIR introduced a bill (S. 3146) granting a pension to John W. Reynolds; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FAIR introduced a bill (S. 3147) to establish range-lights on or near the north training wall, Oakland Harbor, California; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PALMER introduced a bill (S. 3148) granting a pension to George W. Strattan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MAHONE introduced a bill (S. 3149) to construct a road to the Poplar Grove National Cemetery, near Petersburg, Va.; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3150) granting right of way and other privileges to the Hampton and Old Point Railroad Company; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BERRY introduced a bill (S. 3151) for the relief of Levander Jenkins; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 3152) to provide for opening the shoals and rapids in the Coosa River, so as to form a continuous channel for steam navigation from Wetumpka, Ala., to Rome, Ga.; which was read twice by its title.

Mr. MORGAN. Mr. President, before the bill is referred I desire to call the attention of the Committee on Commerce to it for a moment.

They will find in the reports of the engineers a very full and accurate estimate of the work that is necessary to be done to accomplish the purpose that the bill is designed to accomplish. Those estimates run up to a sum between $1,500,000 and $1,700,000. The precise figures I am not prepared to state at this moment. The work is of great importance as I esteem it, both national and State, and I shall be very glad if the committee will take it into consideration.

It is somewhat a departure from the ordinary procedure in Congress, I grant; but my object is that the Government, having ascertained what is a proper sum for the entire work, should make an appropriation of that sum of money, to be drawn out of the Treasury upon the warrant of the Secretary of War in annual installments of such amounts as may be needed for the continual progress of the work. My purpose is to try to avoid in this necessary expenditure, which I think the Senate and the Congress will not refuse to make, that wasteful extravagance which has resulted from making such works to depend annually upon the fluctuating ideas of Congress as to how much money shall be appropriated in a particular year.

The history of appropriations for public works has been one of great extravagance because of the fact that different Congresses have differed in their opinions as to the necessity of pushing the work continuously. In this way there has been a great waste of material as well as of time and money.

I desire by this bill to try to obviate this trouble in regard to this very important improvement. I can not entertain a doubt that the Congress of the United States will open communication between the navigable waters of the Upper Coosa River and those of the Alabama River, which is formed by the junction of the Coosa and the Tallapoosa Rivers just below Wetumpka, and thereby bring into commerce the vast resources of that country in iron and coal.

This water-way leads right almost by the mouth of the mines, and on the bank of the Coosa River above Gadsden there are very large deposits of rich hematite iron, which can be brought to the seaboard and carried into domestic and foreign commerce over this water-course at a cheaper rate, perhaps, than by any other line of transportation which can be suggested anywhere in the United States.

Therefore, believing that this work will be done, knowing that it has been detained merely to await the completion of the Muscle Shoals Canal, in which Alabama has an interest, but not a very large interest—believing that Congress will now proceed to commence this work, I very much desire that it shall be so continued as that wasteful extravagance shall not attend the completion of this very important public improvement.

I move the reference of the bill to the Committee on Commerce.

The motion was agreed to.

Mr. CALL introduced a bill (S. 3153) to amend section 4414 of the Revised Statutes providing a salary for inspectors of hulls and boilers in the district of Apalachicola, Fla.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. COCKRELL. In pursuance of the request of constitutents, a number of whom are interested in the matter, I introduce a bill.

The bill (S. 3154) authorizing the construction of a high-level bridge over the Mississippi River at Saint Louis, Mo., was read twice by its title, and referred to the Committee on Commerce.

Mr. HOAR introduced a bill (S. 3155) for the relief of I. W. Ambler; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3156) for the relief of I. W. Ambler; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WALTHALL introduced a bill (S. 3157) to authorize the removal of the quarantine station from Ship Island, Mississippi; which was read twice by its title.

Mr. WALTHALL. I ask that the bill, with the accompanying papers, be referred to the Committee on Commerce. These papers are a memorial from the board of supervisors of Harrison County, Mississippi, praying for the removal of this quarantine station, and a special report on the subject from the Surgeon-General dated the 8th instant. I desire to call the attention of the committee to the fact that the Surgeon-General has repeatedly reported that the quarantine station is too near the shore and dangerous to the people on the mainland.

Mr. HARRIS. I am inclined to think that the bill ought to go to the Committee on Epidemic Diseases, which has had control heretofore of all quarantine matters.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the bill be referred to the Committee on Epidemic Diseases.

Mr. HARRIS. However, if the Senator from Mississippi desires to have it referred to the Committee on Commerce, I shall not test the sense of the Senate on the question.

Mr. WALTHALL. I am entirely willing to have it go to the Committee on Epidemic Diseases, but I thought the other was the appropriate committee.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Epidemic Diseases.

Mr. PLUMB introduced a bill (S. 3158) to provide for the holding of the district court of the United States at Salina, Kans.; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3159) to grant to the Chicago, Fort Scott, and Texas Railroad Company a right of way through the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. ALLISON introduced a bill (S. 3160) to authorize the construction and maintenance of a bridge by the Chicago, Saint Paul, Minneapolis and Omaha Railway Company across the Missouri River at Sioux City, Iowa, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO BILLS.

Mr. GIBSON submitted two amendments to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 165) for the relief of William H. Gray, of Kentucky;

A bill (S. 250) for the relief of the sufferers by the wreck of the United States steamer Ashuelot;

A bill (S. 391) for the relief of A. A. Thomas;

A bill (S. 1642) granting a pension to William F. Harmon;

A bill (S. 1654) granting a pension to Joseph Mays;

A bill (S. 2167) granting a pension to Mrs. Margaret Dunlap;

A bill (S. 2388) granting a pension to Alonzo Raymond;

A bill (S. 2420) granting a pension to Sidney Denton;

A bill (S. 2459) granting a pension to Eliza Wilkins;

A bill (S. 2478) granting a pension to John Wines; and

A bill (S. 2730) granting an increase of pension to Elizabeth S. de Krafft;

The message also announced that the House insisted upon its amendment to the bill (S. 10) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference

to bigamy, and for other purposes," approved March 22, 1882, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TUCKER, Mr. COLLINS, and Mr. EZRA B. TAYLOR managers at the conference on its part.

The message further announced that the House had concurred in the amendment of the Senate to the bill (H. R. 4688) granting a pension to Josephine Da Costa Thomas.

The message also announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

A bill (S. 542) for the relief of William Ervin; and

A bill (S. 2699) granting a pension to Sarah E. Norton.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HOAR, it was

Ordered, That the petition of I. W. Ambler and the accompanying papers be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

On motion of Mr. WILSON, of Iowa, it was

Ordered, That the papers in the case of Mrs. Mary A. Foster be withdrawn from the files of the Senate, and referred to the Committee on Pensions.

CONFERENCE REPORTS.

Mr. EDMUNDS submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That the following be a standing rule of the Senate:

RULE —.

When a report of a committee of conference agreeing with the House conferees shall have been made and be under consideration, the first question thereon shall be, Will the Senate agree to the same? If such report shall not be agreed to, or if a disagreement be reported, the matter shall stand in the same way as if no conference had been had thereon, and be proceeded with accordingly. If a conference shall be asked or agreed to by the Senate, it shall be in order to instruct the Senate conferees as it shall to the Senate seem meet.

FOX AND WISCONSIN RIVER IMPROVEMENT.

Mr. SAWYER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General is hereby instructed to investigate the judgments and awards against the United States arising under an act of Congress entitled "An act to aid in the improvement of the Fox and Wisconsin Rivers in the State of Wisconsin," approved March 3, 1875, and to report to the Senate whether the liability of the United States therefor is established, and what amount is due thereon, for which appropriation has not already been made.

INTERIOR DEPARTMENT CONTINGENT EXPENSES.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior is directed to send to the Senate the detailed items on which he based his estimates for the contingent expenses of the Interior Department for the fiscal year ending June 30, 1888, and that he state the items of such estimates that are required for each bureau in said Department.

DISTRICT LIQUOR LICENSES.

Mr. PLUMB submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Commissioners of the District of Columbia, in answering the resolution of the Senate of January 14, 1887, be directed to furnish information as to the number of places where liquors are sold without license, and to give the reasons why such places are not suppressed.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there are no further concurrent or other resolutions the morning business is closed, and the Calendar is in order.

Mr. SAWYER. I move that the Senate proceed to the consideration of private pension bills on the Calendar.

Mr. HOAR. If the Senator from Wisconsin will pardon me, I desire to make a conference report. I suppose it will be in order to make it after the Senator's motion shall be agreed to.

Mr. SAWYER. Then why not let my motion be put?

The PRESIDENT *pro tempore*. The Senator from Massachusetts submits a conference report which is in the nature of a privileged question. In the mean time the motion of the Senator from Wisconsin is pending.

PENSION BILLS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5629) granting a pension to Thomas G. Polley;

A bill (H. R. 7504) granting a pension to Larkin Delph;

A bill (H. R. 7983) granting a pension to Mrs. Anna Schier;

A bill (H. R. 8384) for the relief of Mahala Brown;

A bill (H. R. 8067) to pension Andrew J. Vanorder;

A bill (H. R. 9009) granting a pension to Mrs. Susan E. Barry;

A bill (H. R. 9025) for the relief of Mrs. Sophia Sprain, widow, and two minor children of Louis F. Sprain;

A bill (H. R. 9157) granting a pension to Grant E. Q. Lathermon;

A bill (H. R. 9170) for the relief of Green Fields;

A bill (H. R. 9862) granting a pension to Mary Jane Magoon;

A bill (H. R. 9863) granting a pension to Mary McCoy; and

A bill (H. R. 10152) granting a pension to Ellen M Sturtevant.

The above twelve pension bills received from the House of Representatives this day were severally read by their titles, and referred to the Committee on Pensions.

COUNTING OF ELECTORAL VOTES.

Mr. HOAR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate agree to the amendments of the House numbered 1 and 2.

That the Senate agree to the amendment of the House numbered 3, with an amendment, to wit: On page 3, line 30, insert in the sentence proposed by the House to be inserted in the bill, after the word "been," and before the word "certified," the word "lawfully;" and that the House agree to the same.

That the Senate agree to the amendment of the House numbered 4, with an amendment, to wit: In lieu of the words stricken out by the House insert the following: "but the two Houses concurrently may reject the vote or votes when they agree that such vote or votes have not been so regularly given by electors whose appointment has been so certified;" and that the House agree to the same.

That the Senate agree to the amendment of the House numbered 5, with an amendment, to wit: In lieu of the words proposed to be stricken out and to be inserted, insert as follows: "the two Houses shall concurrently decide were cast by lawful electors appointed in accordance with the laws of the State, unless the two Houses, acting separately, shall concurrently decide such votes not to be the lawful votes of the legally appointed electors of such State. But if the two Houses shall disagree in respect of the counting of such votes, then, and in that case, the votes of the electors whose appointment shall have been certified by the executive of the State, under the seal thereof, shall be counted;" and that the House agree to the same.

GEO. F. HOAR,
GEO F. EDMUNDS,
JAMES L. PUGH,
Managers on the part of the Senate.

ANDREW J. CALDWELL,
JOHN R. EDEN,
W. C. COOPER,
Managers on the part of the House.

Mr. CONGER. I should like to ask the Senator from Massachusetts if this bill has been printed as it will stand if the report be agreed to.

Mr. HOAR. The conference report is printed in the House proceedings. I am not aware that the bill was printed in that way by order of the other House.

Mr. CONGER. Does it appear in yesterday's RECORD in the House proceedings of Saturday?

Mr. HOAR. Yes, sir.

Mr. CONGER. It will not take much time to have it printed in bill form as it will stand when the conference report is agreed to.

Mr. HOAR. I will let it go over until to-morrow if the Senate prefers.

Mr. CONGER. I should like to see it printed as proposed to be changed.

Mr. HOAR. I suggest, then, that this matter go over until to-morrow, and that, in the mean time, the bill be printed, under the direction of the Secretary, as it will read if the conference report be adopted, showing the differences made by the House amendments and by the conference report if adopted.

Mr. CONGER. That will be satisfactory.

The PRESIDENT *pro tempore*. If there be no objection, the report of the conference committee as it stands, showing the changes, will be printed.

Mr. HARRIS. Will the bill be printed as bills reported from committees; that is, showing what the Senate bill was, what was stricken out by the House, and what is inserted by the conference?

Mr. HOAR That is my suggestion.

The PRESIDENT *pro tempore*. The Chair so understands—in the same manner that the interstate-commerce bill was recently printed as proposed to be changed by the conference.

Mr. HARRIS. That is what I desired to propose.

FORT BERTHOLD RESERVATION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 11th instant from the Secretary of the Interior, submitting, with accompanying papers, a copy of an agreement duly made under the provisions of the act of May 15, 1886 (24 Statutes, p. 44), with the Indians residing upon the Fort Berthold reservation in Dakota, for the cession of a portion of their reservation in said Territory, and for other purposes.

The agreement, together with the recommendations of the Department, is presented for the action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January* 17, 1887.

PRIVATE PENSION BILLS.

The PRESIDENT *pro tempore*. The Senator from Wisconsin [Mr. SAWYER] moves that the Senate proceed to the consideration of pension bills on the Calendar in their order.

Mr. SAWYER. Private pension bills.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the Senate proceed to the consideration of private pension bills on the Calendar in their order, under the eighth rule.

Mr. HARRIS. As a motion, certainly that would be out of order. It will have to be done by unanimous consent if it applies to all the pension bills. A motion would be in order in respect to any one of them.

I rose, however, to suggest whether it would not be better policy to take up the Calendar under the eighth rule and run on through it as rapidly as we may, devoting to it this short time that is allowed, which amounts to about an hour of the morning. If we devote it to the consideration of the cases on the Calendar under the eighth rule we can very soon get through the whole Calendar. I shall not interpose an objection if unanimous consent is asked to take up this class of cases, but I give notice that I will object hereafter to taking out bills upon the Calendar until we have gone through the Calendar and given every one an opportunity to have his bill considered.

Mr. SAWYER. There are not a great many private pension bills, and they will only take a short time. When we strike into the Calendar we do not progress. There are only a few of these bills and I desire that we go on with them.

Mr. HARRIS. I shall not interpose an objection.

Mr. GEORGE. When does the unfinished business come up?

The PRESIDENT *pro tempore*. At 2 o'clock.

The Senator from Wisconsin asks the unanimous consent of the Senate to proceed to the consideration of private pension bills on the Calendar in their order, under the eighth rule. The Chair hears no objection.

ABEL J. LEWIS.

Mr. SAWYER. I ask in the first place that Order of Business 908, being the bill (H. R. 6381) granting a pension to Abel J. Lewis, be indefinitely postponed. The pension has been granted at the Pension Office.

The bill was indefinitely postponed.

JOSHUA L. MORRIS.

The bill (H. R. 5599) granting a pension to Joshua L. Morris was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joshua L. Morris, late of Company H, Third Missouri State Militia Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES CARLIN.

The bill (H. R. 6314) to increase the pension of James Carlin was considered as in Committee of the Whole. It proposes to increase the pension of James Carlin, late a private in Company I, Third Regiment Vermont Volunteers, and now on the pension-roll, to $40 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M'GLEN.

The bill (H. R. 8474) granting a pension to James McGlen was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James McGlen, late a private in Company I, One hundred and thirty-sixth Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CYRA L. WESTON.

The bill (H. R. 8310) granting a pension to Cyra L. Weston was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Cyra L. Weston, dependent father of William L. Weston, late a private in Company B, Twenty-sixth Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE CAMPBELL.

The bill (H. R. 8150) granting a pension to Jesse Campbell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jesse Campbell, late of Company C, Eighteenth Regiment of Ohio Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AARON GARIS.

The bill (H. R. 8830) granting a pension to Aaron Garis was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Aaron Garis, late of Company C, Twentieth Regiment Pennsylvania Cavalry.

Mr. COCKRELL. Let the report be read.

The Chief Clerk read the following report, submitted by Mr. BLAIR July 27, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 8830) granting a pension to Aaron Garis, have examined the same, and report:

The facts in this case are sufficiently detailed in the accompanying report of the House Committee on Invalid Pensions (House Report No. 2589), which we adopt, and recommend the passage of the bill:

The soldier, late a private of Company C, Twentieth Regiment Pennsylvania Cavalry, alleges he contracted rheumatism from exposures at Cumberland, Md., on or about May 8, 1864.

The Pension Office rejected the claim on the ground that there is no record of rheumatism, and declared inability of claimant to furnish testimony of an officer or surgeon to existence of same in service.

The records show that the claimant was admitted to division hospital, Sandy Hook, Md., April 29, 1864, and returned to duty May 22, 1864. No records of this regiment on file between April 16 and November, 1864. Claimant was transferred to Company E, First Regiment Pennsylvania Volunteers, and was with that company and regiment at time of contracting disability.

Jacob F. Myers and Isaac L. Sutton, members of Company E, First Pennsylvania Cavalry, testify that claimant contracted rheumatism from exposures at Cumberland, Md., in May, 1864. Sutton says that he tented with claimant, helped to carry him from tent to an ambulance to take him to a hospital. John M. S. Bishop, another comrade, also testifies that claimant contracted rheumatism in the arms and legs in May, 1864, at Cumberland, Md., and was lame and sick and sent to hospital.

Dr. J. S. Johnson testifies that he treated claimant for rheumatism in 1866; said disease disabled him one-half for manual labor; and also that he was a sound man at enlistment, as is also testified to by several neighbors.

Dr. S. M. Osmun testifies that he treated claimant in 1869 for rheumatism, also in 1882 and 1883, when claimant was badly disabled from rheumatism, it being of a chronic nature.

Several persons testify that claimant has been fully disabled one-half since his return from the service and is a constant sufferer from rheumatism, affecting him in left arm and hip and in his limbs at times; sometimes so badly that he is unable to do any work at all, and oftentimes so that he is unable to perform any continuous labor.

Dr. James Ramsey testifies:

"I being Mr. Garis's attending physician, have attended him for the last two years. The applicant has had frequent attacks of inflammatory rheumatism; duration of disease from one month to three; the winter of 1885 an attack of three months. My deceased uncle, Dr. S. M. Osmun, was his attendant for seventeen years previous to my attending him. I see by his books that he had the same ailment during his attendance."

The board of surgeons at Easton, Pa., examined the claimant May 14, 1884, and rated his disability one-half.

This claim is possessed of great merit, and your committee recommend the passage of the bill, amending the title, and in line 6 striking out one of the letters "r" in the word "Garris," so that the same shall read "Aaron Garis."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES R. BAYLOR.

The bill (H. R. 6825) granting a pension to James R. Baylor, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James R. Baylor, late a private in Company F, Fiftieth Regiment New York Engineers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM LYNCH.

The bill (H. R. 6132) granting a pension to William Lynch, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Lynch, late a private in Company E, Fifth Regiment United States Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER FALCONER.

The bill (H. R. 6443) granting a pension to Alexander Falconer was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Alexander Falconer, late a sergeant of Company E, First United States Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN MILLER.

The bill (H. R. 8836) granting a pension to John Miller was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Miller, late of Company A, Thirty-eighth Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRY M'ELHINNY.

The bill (H. R. 429) granting a pension to Harry McElhinny was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Harry McElhinny, late of Company C, One hundred and second Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES LONG.

The bill (H. R. 7796) granting a pension to James Long was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Long, late of Compoany D, Ninety-third Regiment of Ohio Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH C. DE WITT.

The bill (S. 2293) granting a pension to Hannah C. De Witt was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Hannah C. De Witt, mother of George E. De Witt, late a private in the Seventh Battery Maine Artillery, who died in said service November 9, 1864.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY H. CASLER.

The bill (S. 2532) for the relief of Mrs. M. R. Casler was considered as in Committee of the Whole.

The Committee on Pensions reported the bill with an amendment, in line 6, before the name "Casler," to strike out "Mrs. M. R." and insert "Mary H.;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary H. Casler, widow of M. R. Casler, late captain of the One hundred and twenty-first Regiment New York Volunteers.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Mary H. Casler."

ROBERT K. BENNETT.

The bill (H. R. 7698) granting a pension to Robert K. Bennett was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Robert K. Bennett, late of Company H, One hundred and fifty-sixth New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM CONNER.

The bill (H. R. 6819) granting a pension to William Conner was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Conner, late a private in Company F, Seventy-second Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN PATTON.

The bill (H. R. 8280) granting a pension to John Patton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Patton, late of Company C, Tenth Regiment of New York Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB CASE.

The bill (H. R. 8835) granting a pension to Jacob Case, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jacob Case, late of Company D, Thirtieth Regiment New Jersey Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN SPRUCE.

The bill (S. 2486) granting a pension to John Spruce, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Spruce, late of Company H, Thirty-eighth Regiment New Jersey Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANNA ETHERIDGE HOOKS.

The bill (S. 2884) granting a pension to Mrs. Anna Etheridge Hooks was considered as in Committee of the Whole.

It proposes to place on the pension-roll the name of Mrs. Anna Etheridge Hooks, a volunteer nurse in the late war, at the rate of $25 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM B. BARNES.

The bill (S. 2687) granting a pension to William B. Barnes was considered as in Committee of the Whole.

It proposes to place on the pension-roll the name of William B. Barnes, father of Louis W. Barnes, late of Company I, Sixteenth Regiment Iowa Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN BUCHANAN.

The bill (H. R. 8827) granting a pension to John Buchanan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Buchanan, late of Company D, Thirty-first Regiment New Jersey Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS BROWN.

The bill (H. R. 6817) granting a pension to Thomas Brown was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas Brown, late a private in Company D, Thirty-first Regiment New Jersey Volunteers.

Mr. COCKRELL. Let the report be read in that case.

The Secretary read the following report, submitted by Mr. SEWELL July 31, 1886:

The Committee on Pensions, to whom was referred the bill (H. R. 6817) granting a pension to Thomas Brown, have examined the same, and report as follows:

From an examination of the papers the committee find that claimant was a member of Company D, Thirty-first Regiment New Jersey Volunteers, and was in the service as a teamster. He claims pension through injuries to his left foot and ankle by being thrown from a wagon while in the line of duty, in driving from Capitol Hill to Camp Warren, District of Columbia.

The claim was rejected on the ground that there is no evidence on record showing disabilities from varicose veins in the service.

The committee find the testimony largely in favor of claimant, as the following extracts from the report in this case, made by the House Committee on Invalid Pensions, will show:

"William Parker and Thomas Hoppock, two comrades, testify that the soldier was injured in his left foot by a wagon at or near Camp Warren, District of Columbia, and was laid up for some time.

"Lewis L. Ramsey, Joseph Milburn, and John O'Shay, all comrades, testify that the soldier was injured, as alleged, in his left foot and ankle, and that the wheels of the wagon from which he was thrown passed over his left foot and ankle; that he was badly hurt and laid up for six weeks in camp.

"William Brown, a comrade, testifies that he is not related to the soldier; that soldier fell from his wagon and the wheels passed over his left leg; it was badly injured and he was laid up from said injury six weeks.

"Affiant states he was present at the time and was detailed to drive in soldier's place.

"Dr. A. P. Hunt testifies that the veins of the soldier's left leg and foot are badly varicosed, so much so that it must be painful for him to do labor requiring either walking or standing for any length of time.

"Dr. B. B. Matthews testifies that the soldier suffers from varicose veins of one of his legs, with weakness of same ankle-joint. Many neighbors and employers of the soldier since discharge testify to the existence of varicose veins of left leg and weakness of the same ankle-joint, and that he is and has been a constant sufferer by reason of the same and largely incapacitated for the performance of manual labor. The examining surgeons who examined soldier report that he has large varicose veins of left leg, which caused pain and stiffness in walking.

"The soldier's family physician testifies that he was a sound man and was never affected with any disease or disability prior to and at the time of his enlistment into service."

It is evident to the committee that the rejection of this claim on the grounds stated was based upon the fact that none of the company or regimental books are on file in the office of either the Adjutant-General or Surgeon-General, for which the committee do not think the soldier should suffer any disadvantage to his claim, which they deem meritorious, and they therefore recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAHAM P. GRIGGS.

The bill (H. R. 8834) granting a pension to Abraham P. Griggs was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Abraham P. Griggs, late of Company B, First Regiment New Jersey Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHARINE SATTLER.

The bill (H. R. 6832) granting a pension to Mrs. Catharine Sattler was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Catharine Sattler, surviving widow of Julius Sattler, late a private soldier in Company A, Seventh Regiment of New York State Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REBECCA WISWELL.

The bill (H. R. 9129) granting a pension to Rebecca Wiswell was considered as in Committee of the Whole. It provides for placing the name of Rebecca Wiswell, an Army nurse, on the pension-roll at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES HAHNEMAN.

The bill (H. R. 8180) to increase the pension of Charles Hahneman was considered as in Committee of the Whole. It proposes to increase the pension of Charles Hahneman, late a private in Company C, Forty-first New York Volunteers, to $24 per month, in lieu of the pension now paid to him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. ROBAUGH.

The bill (H. R. 7696) for the relief of George W. Robaugh was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George W. Robaugh, late of Company C, Twenty-third Regiment Kansas Militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN A. DUNCAN.

The bill (S. 2252) granting a pension to Susan A. Duncan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Susan A. Duncan, widow of Capt. Leroy C. Duncan, late of Company D, Twenty-seventh Regiment Missouri Volunteers.

Mr. COCKRELL. Let the report be read in that case. I introduced the bill, but I should like to hear the report.

The Secretary read the following report, submitted by Mr. SAWYER January 11, 1887:

The Committee on Pensions, to whom was referred the bill (S. 2252) granting a pension to Susan A. Duncan, have examined the same, and report:

The claimant, Susan A. Duncan, is the widow of Leroy C. Duncan, captain of Company M, Fortieth Enrolled Missouri Militia, who died at Warrensburg, Mo., May 18, 1865, of wounds received on the 7th of the same month, at Kingsville, Johnson County, Missouri, while in an engagement with "bushwhackers." The claim was rejected by the Pension Office, as stated by the Commissioner in his letter to the Senate Committee on Pensions, on the ground that "it was not prosecuted to a successful issue prior to July 4, 1874."

It appears by the report of the Adjutant-General that the soldier was mustered into service as captain of Company D, Johnson County, Missouri, Horse Guards, Twenty-seventh Regiment Mounted Troops, to date from July 4, 1861; mustered out January 27, 1862; that he was commissioned captain Fortieth Enrolled Militia October 30, 1862; was detached for active service as captain Company B, Fifth Provisional Enrolled Militia, May 23, 1863. It was while connected with this organization that he received his death wound, according to the testimony of his comrade Henry C. Ross, who was wounded at the same time. It is shown by the report of the Third Auditor that the regiments to which he belonged were "employed in the military service of the United States, and the State paid for the above service, and has been reimbursed by the United States." In another report from the Third Auditor it is stated that the widow filed a claim for his pay, which was paid.

From the proof contained in the papers accompanying this case, it is apparent that the husband was in the service of the United States and that he died from wounds received in action. The bill is reported favorably, with the recommendation that it do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH RICE.

The bill (S. 2216) for the relief of Mrs. Elizabeth Rice was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Mrs. Elizabeth Rice, of Canandaigua, Mich.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. M. E. WOODS.

The bill (S. 2997) granting a pension to Mrs. M. E. Woods was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. M. E. Woods, of Fairfield, Iowa, who served as a hospital nurse and sanitary agent from 1862 to the close of the war of the rebellion, at the rate of $25 a month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

G. W. FRALEY.

The bill (H. R. 929) granting a pension to G. W. Fraley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of G. W. Fraley, late a private in Company C, Fortieth Regiment Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

M. S. CLAY.

The bill (H. R. 4103) granting a pension to M. S. Clay was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of M. S. Clay, of Bates County, Missouri, late a member of Company A, Twenty-second Illinois Infantry, and also a member of Company E of the Fourth Wisconsin Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH F. KIRKHART.

The bill (H. R. 9167) granting a pension to Joseph F. Kirkhart was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joseph F. Kirkhart, late a private in Company E, One hundred and seventeenth Ohio Volunteers, second lieutenant of Company D, Fourth Independent Battalion Ohio Volunteers, and first lieutenant of Company A, Thirteenth Ohio Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCINDA BARRETT.

The bill (H. R. 356) granting a pension to Lucinda Barrett was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lucinda Barrett, widow of Thomas S. Barrett, deceased, late a private in Company M of the Sixth Regiment Illinois Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANKLIN SWEET.

The bill (H. R. 7540) to increase the pension of Franklin Sweet was considered as in Committee of the Whole. It proposes to increase the pension of Franklin Sweet, late captain of Company E, Sixty-second Regiment of Pennsylvania Volunteers, to the rate to which he would have been entitled had his muster as a captain been made prior to the date of the incurring of the disability for which he was pensioned.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CUDBERT STONE.

The bill (H. R. 927) granting a pension to Cudbert Stone was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Cudbert Stone, late a private in Company H, Fourteenth Regiment of Kentucky Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. REBECCA A. CRAW.

Mr. SAWYER. The next pension bill on the Calendar, the bill (S. 2161) to increase the pension of Mrs. Rebecca A. Craw, was reported adversely.

Mr. COCKRELL. Why not have it indefinitely postponed?

Mr. SAWYER. I was going to move that.

Mr. COCKRELL. I move that it be indefinitely postponed, and I ask for the reading of the report.

Mr. SAWYER. I intended to have that bill postponed indefinitely when I reported it, but I forgot to make the motion at that time.

Mr. COCKRELL. Let the report be read to show the grounds of it.

The PRESIDENT *pro tempore*. The report will be read, though this, being adversely reported, is not, within the rule, under consideration.

Mr. COCKRELL. Let the report be read.

The Secretary read the following report, submitted by Mr. SAWYER, January 11, 1887:

The Committee on Pensions, to whom was referred the bill (S. 2161) granting an increase of pension to Rebecca A. Craw, have examined the same, and report:

The petitioner is the widow of Lafayette Craw, private, Company G, One hundred and eleventh Regiment New York Volunteers. She was pensioned March 4, 1867, at the rate of $8 per month, and is now receiving $12 per month. She now asks increase to $30 per month by special enactment, on account of the death of her son, who was a member of the same regiment in which his father served, and who died not long after his father was killed, of disease alleged to have been contracted in the service. There is no law under which two pensions can be granted to a dependent relative, nor is the committee aware of any precedent for this by the passage of a special bill.

The widow bases her claim upon her necessities, and petitions for $30 per month. The committee have no reason to doubt the accuracy of her statements, but the wisdom of increasing pensions by special law, except in very extraordinary cases, is very greatly mistrusted. In the present instance there is no apparent justification for the increase demanded.

Your committee therefore report the bill with a recommendation that it do not pass, and request to be discharged from its further consideration.

The PRESIDENT *pro tempore*. If there be no objection the bill will be postponed indefinitely. The Chair hears no objection.

EQUALIZATIONS OF PENSIONS.

The bill (S. 2174) to equalize the pensions paid to soldiers and sailors who become totally disabled was announced as next in order on the Calendar.

The PRESIDENT *pro tempore*. This not being a private bill, it does not come under the order for to-day, unless by unanimous consent.

Mr. COCKRELL. Go to the next.

MRS. HENRIETTA M. DRUM HUNT.

The bill (H. R. 8869) granting a pension to Mrs. Henrietta M. Drum Hunt was announced as next in order.

Mr. BLAIR. Let that be passed over without prejudice. The Senator in charge of it is out.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

FREDERICK ROBERTSON.

The bill (H. R. 1860) granting a pension to Frederick Robertson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frederick Robertson, late an assistant surgeon in the United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. HEDRICK.

The bill (H. R. 8623) granting a pension to Mary E. Hedrick was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary E. Hedrick, widow of Thomas H. Hedrick, late captain of Company K, Fifteenth Iowa Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSIAH MAHONEY.

The bill (H. R. 4265) granting a pension to Josiah Mahoney was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Josiah Mahoney, late second lieutenant of Company D, Eighth Tennessee Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The order of the Senate has been executed, and now the Calendar is in order.

PENSION APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of House bill 10397, being the pension appropriation bill.

The motion was agreed to: and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10397) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30. 1888, and for other purposes.

The bill was reported from the Committee on Appropriations with an amendment, in line 40, after the word "Treasury," to insert the words "where practicable;" so as to make the clause read:

And the Secretary of the Treasury, where practicable, shall cause suitable rooms to be set apart in the public buildings under his control in cities where pension agencies are located, which shall be acceptable to the Secretary of the Interior, for the use and occupancy of the said agencies respectively.

The amendment was agreed to.

Mr. COCKRELL. I should like to ask the Senator from Iowa if there is any change made in regard to the fees of examining surgeons or is the law of last session repealed?

Mr. ALLISON. This is the same as the law of the last session except that the amount of appropriation "for fees and expenses of examining surgeons" is increased from $821,000 to $1,000,000, and the words "for services rendered within the fiscal year 1888" are inserted; those words have not been in the bills heretofore, the object being to keep each fiscal year by itself. It has got to be a habit of the Department to allow these expenditures to lap over from one year to another.

Mr. President, I move, in line 39, to strike out "fifteen" and insert "twenty;" so as to read:

For rents, $20,0000.

The House of Representatives undoubtedly had in view the substitution of Government buildings for buildings now rented by pension agents. The Committee on Appropriations have carefully examined that question and find, on a report made by the Secretary of the Treasury, that it is not practicable to put pension agents in any public building now completed. There is a pension agency at Concord, N. H., another at Augusta, Me., and another at Columbus, Ohio, and it is probable that the pension agents can be provided for when the public buildings now under construction are completed, but none of these buildings are completed, and it is not probable that they will be within the fiscal year.

Mr. COCKRELL. How is it at Topeka, Kans.?

Mr. ALLISON. My impression is that that building is not completed.

Mr. COCKRELL. I think so, too, and that is the reason I asked the question.

Mr. ALLISON. So that for the next fiscal year, at least, the committee are of opinion that it will not be practicable to reduce the amount paid for rents.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ARMY APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the bill (H. R. 10242), being the Army appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10242) making appropriations for the support of the Army for the fiscal year ending June 30, 1888, and for other purposes.

Mr. ALLISON. I ask unanimous consent that the formal reading of the bill be dispensed with, and that the amendments of the Committee on Appropriations be considered as the regular reading progresses, and the committee amendments first considered.

The PRESIDENT *pro tempore*. The Chair hears no objection to that suggestion.

The Secretary proceeded to read the bill. The bill was reported from the Committee on Appropriations with amendments.

The first amendment was in the appropriations "for pay of the general staff," in line 34, after the word "dollars," to insert "in all $65,500;" so as to make the clause read:

Adjutant-General's Department: For pay of the officers in the Adjutant-General's Department, as now authorized and provided by law, $49,500; for additional pay to such officers for length of service, to be paid with their current monthly pay, $16,000; in all, $65,500.

The amendment was agreed to.

The next amendment was, in line 41, after the word "dollars," to insert "in all, $29,500;" so as to make the clause read:

Inspector-General's Department: For pay of the officers in the Inspector-General's Department, as now authorized and provided by law, $23,500; for additional pay to such officers for length of service, to be paid with their current monthly pay, $6,000; in all, $29,500.

The amendment was agreed to.

The next amendment was, in line 48, after the word "dollars," to insert "in all, $313,240;" so as to make the clause read:

The Corps of Engineers: For pay of the officers in the Corps of Engineers, as now authorized and provided by law, $239,500.; for additional pay to such officers for length of service, to be paid with their current monthly pay, $73,740; in all, $313,240.

The amendment was agreed to.

The next amendment was, in line 57, after the word "dollars," to insert "in all, $174,460;" so as to make the clause read:

Pay of staff officers:

Ordnance Department: For pay of the officers in the Ordnance Department, as now authorized and provided by law, $131,500; for additional pay to such officers for length of service, to be paid with their current monthly pay, $42,960; in all, $174,460.

The amendment was agreed to.

The next amendment was, in line 64, after the word "dollars," to insert "in all, $196,100;" so as to make the clause read:

Quartermaster's Department: For pay of the officers in the Quartermaster's Department, as now authorized and provided by law, $146,500; for additional pay to such officers for length of service, to be paid with their current monthly pay, $49,600; in all, $196,100.

The amendment was agreed to.

The next amendment was, in line 71, after the word "dollars," to insert "in all, $101,100;" so as to make the clause read:

Subsistence Department: For the pay of the officers in the Subsistence Department, as now authorized and provided by law, $79,500; for additional pay to such officers for length of service, to be paid with their current monthly pay, $21,600; in all, $101,100.

The amendment was agreed to.

The next amendment was, in line 78, after the word "dollars," to insert "in all, $535,500;" so as to make the clause read:

Medical Department: For the pay of the officers in the Medical Department, as now authorized and provided by law, $426,700; for additional pay to such officers for length of service, to be paid with their current monthly pay, $108,800; in all, $535,500.

The amendment was agreed to.

The next amendment was, in line 85, after the word "dollars," to insert "in all, $164,250;" so as to make the clause read:

Pay Department: For the pay of the officers in the Pay Department, as now authorized and provided by law, $126,500; for additional pay to such officers for length of service, to be paid with their current monthly pay, $37,750; in all, $164,250.

The amendment was agreed to.

The next amendment was, in line 92, after the word "dollars," to insert "in all, $34,000;" so as to make the clause read:

Judge-Advocate-General's Department: For the pay of the officers in the Judge-Advocate-General's Department, as now authorized and provided by law, $27,000; for additional pay to such officers for length of service, to be paid with their current monthly pay, $7,000; in all, $34,000.

The amendment was agreed to.

The next amendment was, in line 101, after the word "cents," to insert "in all, $1,190,313.75;" so as to make the clause read:

For pay of officers on the retired-list, and for officers who may be placed thereon during the current year, $918,544.65; for additional pay to such officers for length of service, to be paid with their current monthly pay, $271,769.10; in all, $1,190,313.75.

The amendment was agreed to.

The next amendment was, under the head of "miscellaneous," in line 109, before the word "contract surgeons," to insert "not exceeding sixty-five;" in line 110, before the word "hospital matrons," to insert "not exceeding one hundred and sixty;" and in line 111, before the words "veterinary surgeons," to insert "not exceeding fourteen;" so as to make the clause read:

For pay of not exceeding sixty-five contract surgeons, not exceeding one hundred and sixty hospital matrons, and not exceeding fourteen veterinary surgeons; in all, $102,875.94.

The amendment was agreed to.

The next amendment was, in line 114, before the words "paymasters' clerks," to insert "forty-six;" in line 115, before the words "paymasters' messengers," to insert "thirty;" and in line 117, after the word "all," to strike out "eighty-eight" and insert "eighty-three;" so as to make the clause read:

For pay of forty-six paymasters' clerks, at $1,400 each; thirty paymasters' messengers, and traveling expenses of paymasters' clerks; in all, $83,800: *Provided*, That the maximum sum to be allowed paymasters' clerks when traveling on duty shall be 4 cents per mile, and, in addition thereto, when transportation can not be furnished by the Quartermaster's Department, the cost of same actually paid by them, exclusive of sleeping or parlor car-fare and transfers.

The amendment was agreed to.

The next amendment was, after line 126, to insert:

For pay of one clerk for the General of the Army on the retired-list, $1,600.

The amendment was agreed to.

The next amendment was, after line 128, to insert:

For additional pay to the officer commanding the military prison at Leavenworth, Kans., $1,000.

The amendment was agreed to.

The next amendment was, in line 141, before the word "traveling," to strike out "when;" and after the word "duty," at the end of the same line, to insert "without troops, when authorized by law;" so as to read:

For mileage to officers traveling on duty without troops, when authorized by law, not to exceed $85,000.

The amendment was agreed to.

The next amendment was in line 158, to reduce the total amount of the appropriation for the pay of the Army from $12,666,918.69 to $12,664,518.69.

The amendment was agreed to.

The next amendment was in the appropriations for "subsistence of the Army," in line 199, before the word "from" to insert "and;" after the word "from" to strike out "and at;" and, in line 203, before

the word "thousand," to strike out "twenty" and insert "ten," so as to read:

For the payment of the regulation allowances for commutation in lieu of rations to enlisted men on furlough, to ordnance-sergeants on duty at ungarrisoned posts, to enlisted men stationed at places where rations in kind can not be economically issued, to enlisted men traveling on detached duty when it is impracticable to carry rations of any kind, to enlisted men selected to contest for places or prizes in the department, division, and Army rifle competitions, while traveling to and from places of contest, in all $1,745,000, to be expended under the direction of the Secretary of War; and not more than $110,000 thereof shall be applied to the payment of civilian employés of the Subsistence Department.

The amendment was agreed to.

The next amendment was, in the clause making appropriations for Army transportation, in line 313, after the word "supply" to strike out "up to," and insert "to not exceeding," so as to read:

That no part of this appropriation shall be expended in the purchase for the Army of draught animals until the number on hand shall be reduced to five thousand, and thereafter shall only be expended for the purchase of a number sufficient to keep the supply to not exceeding five thousand.

The amendment was agreed to.

The next amendment was, at the end of the same clause, to strike out the following proviso from line 314 to line 328:

And provided further, That no expenditure authorized by this act from the appropriations made herein for the Quartermaster's Department of the Army, including the transportation of troops and their supplies, and the expenses incident thereto, shall be made except by the Quartermaster-General, under the direction of the Secretary of War, unless an emergency exists that demands immediate action; and in such case the expenditure necessary to meet the emergency may be made upon the order in writing of the General commanding the Army, or upon the order in writing of a division or department commander in whose jurisdiction the emergency arises; but every such order from a division or department commander shall certify that an emergency exists requiring immediate expenditure, stating the emergency necessary to be met.

The amendment was agreed to.

The next amendment was in the appropriations for "barracks and quarters," in line 383, after the word "same," to strike out "$12,500," and insert "$10,000;" so as to read:

For construction and repair of quarters for hospital-stewards, including the extra-duty pay of enlisted men employed on the same, $10,000.

The amendment was agreed to.

The next amendment was in the appropriations for the "Ordnance Department," in line 450, after the word "arms," to insert "ordnance, and ordnance supplies, including payment for mechanical labor in the office of the Chief of Ordnance;" so as to make the clause read:

Ordnance service: For current expenses of the ordnance service required to defray the current expenses at the arsenals; of receiving stores and issuing arms and other ordnance supplies; of police and office duties; of rents, tools, fuel and lights; of stationery and office furniture; of tools and instruments for use; incidental expenses of the ordnance service, and those attending practical trials and tests of small-arms, ordnance, and ordnance supplies, including payment for mechanical labor in the office of the Chief of Ordnance, $90,000.

The amendment was agreed to.

The next amendment was, in line 463, after the word "cavalry," to insert "and artillery;" so as to make the clause read:

For infantry, cavalry, and artillery equipments, including horse equipments for cavalry and artillery, $75,000.

The amendment was agreed to.

The next amendment was, in line 465, after the words "arms at," to strike out "the National Armory" and insert "national armories;" and in line 466, before the word "hundred," to strike out "three" and insert "four;" so as to make the clause read:

For manufacture of arms at national armories, $400,000: *Provided*, That not more than $60,000 of the money appropriated for the Ordnance Department in all its branches shall be applied to the payment of civilian clerks in said Department.

The amendment was agreed to

The PRESIDING OFFICER (Mr. HARRIS in the chair). The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is the bill (S. 372) to establish agricultural experiment-stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto.

Mr. ALLISON. I ask the Senator from Mississippi [Mr. GEORGE] to yield, that we may finish the army appropriation bill.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the unfinished business be informally laid aside in order that the Senate may continue the consideration of the appropriation bill. Is there objection? The Chair hears none, and the reading of the army appropriation bill will be proceeded with.

The Chief Clerk resumed, and concluded the reading of the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ALLISON. I ask leave to send to the Reporter a statement of the changes in the bill from that passed last year, and I ask that it may be inserted in the RECORD.

The PRESIDING OFFICER. The statement will be inserted in the RECORD, if there be no objection. The Chair hears none.

The statement is as follows:

Army bill—1888.

Amount of estimates	$25,524,587 64
Amount of House bill	23,642,618 69
Net increase made by Senate committee	95,100 00
Amounts reported to Senate	23,737,718 69
Amount of Army act for 1887	23,753,057 21
The bill as reported less than estimates	1,771,530 43
The bill as reported less than act for 1887	15,338 52

The changes in amount of House bill made by the Senate committee are as follows:

Increase:	
Pay of one clerk to the General of the Army on the retired list	$1,600
Additional pay to officer in charge of military prison at Fort Leavenworth	1,000
Manufacture of arms at national armories	100,000
Total increase	102,600
Reduction:	
Paymasters' clerks, messengers, and traveling expenses	5,000
Quarters for hospital stewards	2,500
Total reduction	7,500
Net increase	95,100

Comparative statement showing the appropriations for 1887; *the estimates for* 1888; *the amounts of House bill, and the amounts recommended by the Senate Committee on Appropriations for* 1888, *for support of the Army.*

Object.	Appropriations, 1887.	Estimates, 1888.	House bill, 1888.	Senate committee, 1888.
Officers of the line:				
For pay of officers of the line	$2,868,000 00	$2,868,000 00	$2,868,000 00	$2,868,000 00
Additional pay to aides-de-camp, one military secretary, and officers of foot regiments	8,000 00	12,160 00	8,000 00	8,000 00
Pay of officers for length of service	767,791 50	812,770 00	812,770 00	812,770 00
	3,643,791 50	3,692,930 00	3,688,770 00	3,688,770 00
Enlisted men:				
Pay proper of enlisted men	4,276,588 00	4,334,308 00	4,287,508 00	4,287,508 00
Pay by reason of length of service	368,784 00	381,360 00	381,360 00	381,360 00
Pay of general-service clerks and messengers	161,900 00	161,900 00	161,900 00	161,900 00
	4,807,272 00	4,877,568 00	4,830,768 00	4,830,768 00
Adjutant-General's Department:				
Pay of officers	49,500 00	49,500 00	49,500 00	49,500 00
Additional pay for length of service	16,000 00	16,000 00	16,000 00	16,000 00
	65,500 00	65,500 00	65,500 00	65,500 00
Inspector-General's Department:				
Pay of officers	23,500 00	23,500 00	23,500 00	23,500 00
Additional pay for length of service	6,000 00	6,000 00	6,000 00	6,000 00
	29,500 00	29,500 00	29,500 00	29,500 00
Corps of Engineers:				
Pay of officers	239,500 00	239,500 00	239,500 00	239,500 00
Additional pay for length of service	66,864 00	73,740 00	73,740 00	73,740 00
	306,364 00	313,240 00	313,240 00	313,240 00

Comparative statement showing the appropriations for 1887; *the estimates for* 1888; *the amount of House bill, &c.*—Continued.

Object.	Appropriations, 1887.	Estimates, 1887.	House bill, 1888.	Senate committee, 1888.
Ordnance Department:				
Pay of officers	$131,500 00	$131,500 00	$131,500 00	$131,500 00
Additional pay for length of service	41,538 00	42,960 00	42,960 00	42,960 00
	173,038 00	174,460 00	174,460 00	174,460 00
Quartermasters' Department:				
Pay of officers	148,500 00	146,500 00	146,500 00	146,500 00
Additional pay for length of service	51,870 00	49,600 00	49,600 00	49,600 00
	200,370 00	196,100 00	196,100 00	196,100 00
Subsistence Department:				
Pay of officers	79,500 00	79,500 00	79,500 00	79,500 00
Additional pay for length of service	22,260 00	21,600 00	21,600 00	21,600 00
	101,760 00	101,100 00	101,100 00	101,100 00
Medical Department:				
Pay of officers	425,500 00	426,700 00	426,700 00	426,700 00
Additional pay for length of service	116,340 00	108,800 00	108,800 00	108,800 00
	541,840 00	535,500 00	535,500 00	535,500 00
Pay Department:				
Pay of officers	129,000 00	126,500 00	126,500 00	126,500 00
Additional pay for length of service	38,850 00	37,750 00	37,750 00	37,750 00
	167,850 00	164,250 00	164,250 00	164,250 00
Judge-Advocate-General's Department:				
Pay of officers	24,250 00	27,000 00	27,000 00	27,000 00
Additional pay for length of service	7,000 00	7,000 00	7,000 00	7,000 00
	31,250 00	34,000 00	34,000 00	34,000 00
Retired-list:				
Pay of officers on the retired-list	902,977 38	918,544 65	918,544 65	918,544 65
Additional pay of officers on the retired-list for length of service	245,617 50	271,769 10	271,769 10	271,769 10
Pay of enlisted men on the retired-list	36,426 83	65,677 00	56,241 00	56,241 00
	1,195,021 71	1,255,990 75	1,246,554 75	1,246,554 75
Miscellaneous:				
Pay of contract surgeons, hospital matrons, and veterinary surgeons	111,000 00	120,742 00	102,875 94	102,875 94
Pay of paymasters' clerks, paymasters' messengers, and traveling expenses of latter	88,800 00	93,653 35	88,800 00	83,800 00
For expenses of courts-martial	15,000 00	9,797 06	10,000 00	10,000 00
Additional pay to officer in charge of public buildings, &c., in Washington, D. C.	500 00	1,000 00	500 00	500 00
Additional pay to officer commanding Fort Leavenworth military prison	1,000 00	1,000 00	.....	1,000 00
Pay of clerk to General of the Army on the retired-list	.....	.....	.....	1,600 00
For commutation of quarters	150,000 00	158,627 16	150,000 00	150,000 00
	366,300 00	384,819 57	352,175 94	.....
For allowances for travel, retained pay, &c., to enlisted men on discharge	800,000 00	959,910 32	850,000 00	850,000 00
For mileage to officers traveling on duty	130,000 00	130,000 00	85,000 00	85,000 00
	1,296,300 00	1,474,729 89	1,287,175 94	1,284,775 94
Total pay of the Army	12,549,857 21	12,914,868 64	12,666,918 69	12,664,518 69
Subsistence Department:				
For subsistence of the Army	1,745,000 00	2,005,314 00	1,745,000 00	1,745,000 00
Quartermasters' Department:				
For regular supplies	2,678,000 00	2,678 000 00	2,678,000 00	2,678,000 00
For incidental expenses	675,000 00	675,000 00	675,000 00	675,000 00
For purchase of horses for cavalry and artillery	130,000 00	150,000 00	130,000 00	130,000 00
For transportation of the Army	2,800,000 00	3,000,000 00	2,800,000 00	2,800,000 00
For arrears of transportation on land-grant railroads	85,000 00	100,000 00	50,000 00	50,000 00
For transportation over non-aided portions of bonded Pacific Railroads	.....	250,000 00	.....	.....
For barracks and quarters	620,000 00	690,000 00	620,000 00	620,000 00
For shelter and shooting-galleries and ranges	10,000 00	10,000 00	10,000 00	10,000 00
For construction and repair of hospitals	100,000 00	100,000 00	100,000 00	100,000 00
For Army and Navy hospital building, Hot Springs, Ark	(a)	$37,375 00	$7,700 00	$7,500 00
For construction of quarters for hospital stewards	$12,500 00	10,000 00	12,500 00	12,500 00
For clothing, camp, and garrison equipage	1,250,000 00	1,250,000 00	1,150,000 00	1,150,000 00
	8,360,500 00	8,950,375 00	8,233,000 00	8,233,000 00
Medical Department:				
For medical and hospital supplies	200,000 00	239,000 00	200,000 00	200,000 00
For services at the Army and Navy hospital, Hot Springs	(a)	14,620 00	10,000 00	10,000 00
For Medical Museum and library of Surgeon-General's Office	15,000 00	15,000 00	15,000 00	15,000 00
	215,000 00	268,620 00	225,000 00	225,000 00
Engineer Department:				
For incidental expenses, including purchase of materials, fuel, &c	6,500 00	12,000 00	6,500 00	6,500 00
For new building for School of Application	10,000 00	.....	.....	.....
For new building for storage purposes	.....	8,000 00	.....	.....
For double building for officers' quarters	.....	12,000 00	.....	.....
For water supply	.....	17,000 00	.....	.....
For sewerage and plumbing	.....	12,000 00	.....	.....
For brick barrack for one hundred and fifty men	.....	35,000 00	.....	.....
	16,500 00	96,000 00	6,500 00	6,500 00
Ordnance Department:				
For current expenses of ordnance service	90,000 00	100,000 00	90,000 00	90,000 00
For manufacture of metallic ammunition for small arms	100,000 00	100,000 00	100,000 00	100,000 00
For targets and material for target practice	.....	50,000 00	.....	
For mounting guns, repairing ordnance in hands of troops, &c	10,000 00	30,000 00	5,000 00	5,000 00
For purchase and manufacture of ordnance stores for troops	75,000 00	150,000 00	75,000 00	75,000 00
For infantry, cavalry, and artillery equipments	65,000 00	100,000 00	75,000 00	75,000 00
For horse equipments for cavalry, field guns, &c	.....	100,000 00		

Comparative statement showing the appropriations for 1887; *the estimates for* 1888; *the amount of House bill, &c.*—Continued.

Object.	Appropriations, 1887.	Estimates, 1887.	House bill, 1888.	Senate committee, 1888.
For overhauling, &c., new ordnance stores on hand at arsenals	$5,000 00	$20,000 00	.....	.....
For manufacture of arms at national armories	400,000 00	500,000 00	$300,000 00	$400,000 00
	745,000 00	1,150,000 00	645,000 00	745,000 00
Recruiting Service:				
For expenses of recruiting and transportation of recruits	100,000 00	100,160 00	100,000 00	100,000 00
Signal Service:				
For expenses of the Signal Service	3,000 00	5,000 00	3,000 00	3,000 00
Contingent expenses:				
For contingent expenses of the office of the Lieutenant General	1,200 00	1,750 00	1,200 00	1,200 00
For contingent expenses of the Adjutant-General's Department	2,000 00	2,500 00	2,000 00	2,000 00
For contingent expenses of the Army, not otherwise provided for	15,000 00	30,000 00	15,000 00	15,000 00
	18,200 00	34,250 00	18,200 00	18,200 00
Total for support of the Army	23,753,057 21	25,524,587 64	23,642,618 69	23,737,718 69

a Appropriations for Army and Navy hospital building and for service of the hospital for 1887 were made by sundry civil and deficiency acts, but estimates herefor were required to be submitted hereafter as a part of the military establishment.

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AMENDMENT TO A BILL.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and, with the accompanying paper, ordered to be printed.

ELON A. MARSH AND MINARD LAFEVER.

Mr. PLATT. With the consent of the Senator in charge of the unfinished business, and with the understanding that it shall not interfere with it, I ask that a House bill which was read twice and ordered to lie on the table may be taken up. It is the bill (H. R. 5894). I wish to ask the Senate to concur in the passage of the bill, as a similar bill has been reported by a committee of the Senate.

The PRESIDING OFFICER. The Senator from Connecticut asks unanimous consent that the unfinished business be informally laid aside for the purpose suggested by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5894) for the relief of Elon A. Marsh and Minard Lafever.

The preamble reads, that on the 28th of December, 1880, in due form of procedure and in all legal respects, letters patent numbered 236052 were duly granted and issued to Elon A. Marsh and his assignee, Minard Lafever, of Battle Creek, Mich., for a new and useful improvement in steam-engine valve-gear, save that the letters patent were not, by accident or mistake, at the time of issuing them, as by law required, signed by the Secretary of the Interior; and that they were afterward, on the 24th of February, 1882, but not before, duly signed by the then Acting Secretary of the Interior. The bill, therefore, makes legal and valid the letters patent named in the preamble from December 28, 1880, to the same extent and for the same term that they would have been legal, valid, complete, and operative if the signature of the Secretary of the Interior had, at the time of the supposed issue of the letters patent, been placed thereon, and the omission of the signature had not occurred. These provisions are not to be held or construed to apply to or affect any suits now pending, nor any cause of action heretofore arising.

Mr. COCKRELL. Is this a Senate bill or a House bill?

The PRESIDING OFFICER. A House bill.

Mr. COCKRELL. I should like to hear an explanation or have the report read.

Mr. PLATT. This is a case where a patent was issued in due form except that by accident the Secretary of the Interior omitted his signature. Having all the issues for a fortnight before him and signing them all, he omitted to affix his signature to this patent. Afterwards the Acting Secretary of the Interior signed it; about a year afterward. Then the matter went into court, and it was held that that did not make it a valid patent. This bill is to validate that patent. It is a House bill, and the House bill provides that no right of action and no pending litigation shall be affected by it. There can be no objection to it.

Mr. COCKRELL. Let the bill be read again.

The PRESIDING OFFICER. The bill will be again read.

The Chief Clerk read the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. PLATT. I now move that the Senate bill on the same subject, being the bill (S. 500) for the relief of Elon A. Marsh and Minard Lafever be indefinitely postponed.

The motion was agreed to.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 4688) granting a pension to Josephine Da Costa Thomas; and it was thereupon signed by the President *pro tempore*.

AGRICULTURAL EXPERIMENT-STATIONS.

Mr. GEORGE. I call for the unfinished business.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senate, as in Committee of the Whole, resumes the consideration of the unfinished business, the title of which will be stated.

The CHIEF CLERK. A bill (S. 372) to establish agricultural experiment-stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto.

Mr. PLATT. I should like to have the bill read.

The PRESIDING OFFICER. The Senator from Connecticut asks for the reading of the bill. It will be read at length.

The Chief Clerk proceeded to read the bill to section 9.

Mr. HAWLEY. What is that section just read—an amendment?

The PRESIDING OFFICER. An amendment already agreed to by the Senate in Committee of the Whole, as the Chair is informed by the Secretary.

Mr. GEORGE. What is the amendment?

The CHIEF CLERK. The Senate, as in Committee of the Whole, inserted as a new section:

SEC. 9. The provisions and benefits of this act shall apply to the agricultural colleges which have been or may hereafter be established in any of the Territories of the United States under the laws thereof: *Provided*, That the average attendance of pupils upon the instruction of such college for the year preceding its application for the benefits of this act shall not have been less than fifty.

Mr. GEORGE. That amendment was offered by the Senator from Indiana [Mr. HARRISON.] Has it been adopted?

The PRESIDING OFFICER. So the Secretary informs the present occupant of the chair.

Mr. GEORGE. In order to perfect the bill I have one or two amendments to offer. On page 5, section 6, line 11, I propose to strike out "five" and insert "seven," so as to provide for the first payment of salaries to be made on the 1st day of July, 1887.

The PRESIDING OFFICER. The Chair is informed by the Secretary that the clause has been already amended by striking out "five" and inserting "six."

Mr. GEORGE. Then I propose to strike out "six" and insert "seven."

The PRESIDING OFFICER. The parliamentary method would be to reconsider the vote adopting the amendment heretofore agreed to.

Mr. GEORGE. The time has passed when "six" would be an appropriate figure there. I move to reconsider the vote.

Mr. EDMUNDS. It can be done by unanimous consent. It is merely a date.

Mr. GEORGE. I ask unanimous consent now to strike out "five" and insert "seven."

The PRESIDING OFFICER. The Senator from Mississippi asks unanimous consent to strike out "five" and insert "seven." Is there objection? The Chair hears none, and it is so ordered.

Mr. CHACE. I move to amend, in section 4, line 14, by striking out "of valuation" after "standard;" so as to read:

But nothing herein contained shall be construed to authorize said commissioner to control or direct the work or management of any such station except as to the standard of commercial fertilizers.

Mr. GEORGE. In line 14 of section 4?

Mr. CHACE. Yes.

Mr. EDMUNDS. The words occur also in line 4 of section 4.

Mr. CHACE. Yes, in line 4; but they are only of importance in line 14.

Mr. GEORGE. Is the motion to strike out the words "of valuation?"

Mr. CHACE. Yes.

Mr. GEORGE. I have no objection to their being stricken out in line 4 and in line 14.

The PRESIDING OFFICER. Does the Senator from Mississippi modify the amendment proposed?

Mr. EDMUNDS. It is moved by the Senator from Rhode Island [Mr. CHACE].

Mr. GEORGE. I merely said that I saw no objection to the amendment offered by the Senator from Rhode Island if it is carried through the bill.

Mr. CHACE. If is it accepted, I have nothing to say.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Rhode Island [Mr. CHACE] in section 4, line 4, after the word "standard," to strike out "of valuation," and in line 14, after the word "standard," to strike out "of valuation."

Mr. HOAR. Will the Senator from Mississippi explain to the Senate what the difference is which is caused by this amendment?

Mr. GEORGE. I suppose the objection which the Senator from Rhode Island had to the words "of valuation" standing in the bill was that they meant some commercial value.

Mr. CHACE. Undoubtedly; they can not mean anything else than the money value of this article of merchandise.

Mr. PALMER. If the Senator from Mississippi will permit me to ask him a question, I should like to ask what the object of this proviso is, beginning with the words "but nothing herein contained," and from there to the end of the sentence? It seems to me that it is entirely superfluous.

Mr. GEORGE. The proviso to section 4?

Mr. PALMER. That part of the section beginning "but nothing herein contained."

Mr. CHACE. The Senator alludes to the words at the end of line 11 and what follows.

Mr. HOAR. My question has not yet been answered. I asked what was the difference in meaning with the words "of valuation" out. What is the standard to be now—"standard of commercial fertilizers" in what respect?

Mr. INGALLS. Does it mean their price in the market, or their value as elements of production when used in the field?

Mr. GEORGE. It means the latter.

Mr. INGALLS. It does not say so.

Mr. HOAR. I do not quite understand yet. I wish the Senator from Mississippi would explain to the Senate fully what is the quality of the commercial fertilizers which is to be proportioned to one another by this "standard." Is it price?

Mr. GEORGE. I do not know that I can give a very lucid explanation to that. I presume that the meaning is this, that it is intended to fix a standard of value by which the relative value for use of the various commercial fertilizers is to be tested.

Mr. HOAR. That is to say, whether guano is better than barn-yard manure, and if so how much better as a general thing, relating to all sorts of cases.

Mr. GEORGE. The intention was that the fertilizing standard, the comparative qualities of each kind of commercial manure as a standard, should be tested.

Mr. HOAR. Comparison in reference to what qualities, is the question. What is the quality which this standard is to enable us to compare so that the one is 90 and the other 95?

Mr. GEORGE. Its productive quality, its capacity to facilitate production.

Mr. HOAR. Must that not depend on the soils in which it is to be used and thousands of things as to which it is utterly impossible to have one standard?

Mr. PLUMB. I venture to suggest to the Senator from Mississippi that that section is liable to such a construction that I think it had better be stricken out altogether.

Mr. GEORGE. Very well.

Mr. DAWES. Is it possible to have any standard, whatever it may be, that will in the end fix the price of commercial fertilizers in the market, and therefore is not the Agricultural Department here called upon to fix the price in the market of different fertilizers?

Mr. PLUMB. I move to strike out, in line 14, the words "except as to the standard of valuation of commercial fertilizers." I think that would relieve the proposition.

Mr. EDMUNDS. The gentlemen who have devoted special attention to this subject, including and chief among whom is Mr. Atherton, who has charge of interests of this character in the State College of Pennsylvania, have, as I understand, on consideration, thought that the whole of section 4, if that is the one we are now on, ought to go out; and that the substitute for it, which I think my friend from Connecticut [Mr. HAWLEY] has in charge, and I have a copy of it, should be inserted. I suggest, therefore, in order to save time, that the substitute proposed by these gentlemen, sincerely and patriotically interested in this business——

Mr. GEORGE. There is so much noise that I can not hear the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont will suspend until the Chair asks Senators to resume their seats and cease conversation, so that the business of the Senate may proceed intelligently.

Mr. EDMUNDS. I am sorry that the Chair has felt it to be his parliamentary duty to do that, because I have no doubt that a dozen agricultural experiment-stations were going on in the Senate at this present time, and if they had only been allowed to take root and grow, we should have had a large crop. [Laughter.]

Now, I will repeat what I was saying, that I am informed by my friend from Pennsylvania, Mr. Atherton, as I have no doubt my friend from Connecticut is still more fully informed from them all, who has been devoted to those interests under the authority of Pennsylvania for some time, that the people really interested, and not for profit or advantage, but for the public good in this business, have thought that the whole of section 4 should go out and that another statement should be inserted in its place, which I will ask the Secretary to read now for information. My friend from Connecticut [Mr. HAWLEY] has charge of all these amendments, but as we were going on to fix these things I thought it right, as he did not, to state this.

The PRESIDING OFFICER. The proposed amendment suggested by the Senator from Vermont will be read.

The Chief Clerk read as follows:

SEC. 4. That in order to secure, as far as practicable, uniformity of methods and results in the work of said stations, it shall be the duty of the United States Commissioner of Agriculture, by the advice and with the consent of a commission composed of the directors, or a majority thereof, of the stations receiving the appropriations hereinafter made, to lay out certain lines of work and methods which each of said stations shall prosecute and adopt to the extent of at least 15 per cent. of said appropriations; but nothing herein contained shall be construed to authorize said Commissioner of Agriculture to control or direct the work or management of any such station, except in the manner annually provided and approved by the said commission, and to the extent of the income above set forth. It shall be the duty of each of the said stations, annually, on or before the 1st day of February, to make to the governor of the State or Territory in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said stations, to the said Commissioner of Agriculture, and to the Secretary of the Treasury of the United States, and, for the purpose of securing further co-operation among such colleges or stations and of co-ordinating the results of their work, it shall be the duty of the Commissioner of Agriculture to collate and publish, at least monthly, the results of such work in the United States and in foreign countries, and to provide a suitable place for holding annual meetings or conventions of the directors or other representatives from such colleges or stations.

Mr. EDMUNDS. Mr. President, this distinguished gentleman, Professor Atherton, of the State College of Pennsylvania, on this topic in a letter to me, inclosing that with sundry other suggestions, which, after consultation with the agriculturists of the country, they have thought it advisable to ask Congress to do, says on this precise point this:

Strike out section 4, and insert the accompanying substitute—

Which has just been read—

This does not affect the structure of the purposes of the bill, but defines more precisely some of the duties to be done under it. The provision requiring the United States Commissioner of Agriculture to collate and publish frequently the results of the work of stations we all regard as of great importance, as this constant sense of working under the public eye will be the surest guaranty of the quality of the work done all over the country.

This substitute steers clear of the suggestions made about standards of value and the suggestion made by the Senator from Kansas, and so far as I can see, having been born a farmer, it is a great improvement on the fourth section.

Mr. GEORGE. The bill as reported by the Committee on Agriculture was introduced in the lower House at the last Congress by Mr. Cullen, of Illinois. I believe no action was then taken on it, however. At the convention of the presidents of the agricultural colleges of the United States, held, I believe, in this city some time last year, they considered that bill, agreed to it, and the president of the Agricultural College of Mississippi inclosed to me the bill as it now stands, and as I introduced it and as it was reported by the committee, stating that it had received the examination and the approval of the presidents of the agricultural colleges in convention assembled, and asking me to introduce it. Accordingly I did introduce it. The very same bill was introduced in the House of Representatives, as I understand, in pursuance of a similar request made by the presidents of the agricultural colleges. It is commonly known as the Hatch bill, being identically the same bill as the one introduced here and the one previously introduced by Mr. Cullen in the last Congress, and approved, as I have just stated, by the convention of the presidents of the agricultural colleges of the Union. It has received their sanction, and has been carefully examined by them. As such, I have introduced it in the Senate, and it has been approved and indorsed by the Committee on Agriculture.

Of course, I have no technical knowledge as to what ought to be the peculiar phase of the bill in its various sections, and I have relied exclusively upon the judgment, upon the information, and upon the technical skill of the presidents of the agricultural colleges for that. In fact I have merely introduced the bill which they approved and sent to me for introduction, and it was approved by the Committee on Agriculture as the proper bill to pass.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Rhode Island [Mr. CHACE].

Mr. INGALLS. Let it be read again.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. In line 4 of section 4, after the word "standard," it is proposed to strike out the words "of valuation;" and in line 14, after the word "standard," to strike out the words "of valuation."

The amendment was agreed to.

Mr. PLUMB. In order to make the section in harmony with the amendment already adopted, I move, in lines 14 and 15 of section 4, to strike out the words "except as to the standard of valuation of commercial fertilizers."

Mr. CHACE. The Senator will notice that the words "of valuation" are stricken out in line 14.

Mr. PLUMB. Now my motion is to strike out all that relates to fertilizers.

Mr. CHACE. That strikes out the whole section.

Mr. INGALLS. It would be better, it seems to me, to strike out all after the word "act," in line 11, down to the word "fertilizers," in line 15. After what has been done in line 4, that whole clause is superfluous.

Mr. PLUMB. The motion I make now is to make the section harmonious with the amendment already adopted. A further motion can be made later. It seems to me that that provision in regard to agricultural fertilizers ought to go out. Though I was instrumental in reporting the bill, I think the bill ought to be amended in that particular.

Mr. EDMUNDS. I should like, to save inconvenience and to save time, to take the sense of the Senate on the amendment that I had read for information in lieu of section 4. That, of course, at this moment requires unanimous consent. If the Senate is willing to do what these gentlemen, on consideration, write me that they desire to do, and which seems to me to be a much safer provision than section 4 as it now stands, and which gets rid of all the difficulties we are now discussing, I shall be glad, and I think we shall save time. I therefore ask unanimous consent to take the question on agreeing to the substitute for section 4, that I have had read from the desk.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. PLUMB]. The Senator from Vermont [Mr. EDMUNDS] asks the unanimous consent of the Senate that the amendment proposed by himself, to strike out all of section 4 and insert the substitute that was read for information a few moments since, be now considered. Is there objection?

Mr. EDMUNDS. I wish to add to that unanimous consent the understanding that that substitute shall be open to amendment just the same as the original; so that if there seems to be any imperfection in it it may be corrected.

The PRESIDING OFFICER. With that understanding is there objection?

Mr. PLUMB. I will object simply because I think we had better perfect the section as we have begun to do. Then we can determine whether this or that is the best.

Mr. CHACE. I think that is best.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas, which will be read.

The CHIEF CLERK. In section 4, line 4, after the word "agriculture," it is proposed to strike out all down to and including the word "based," in line 7, as follows:

To determine annually a standard of the ingredients of commercial fertilizers, upon which the analysis of such fertilizers, as far as made by said stations, shall be based.

Mr. CHACE. I should like to ask the Senator from Kansas what object he expects to attain by that? As I understand it, the purpose of this section was to establish, not a standard of value in money, but to establish a standard of quality—chemical quality, if I may use that phrase—so that there may be one universal standard all over the country that shall be accepted by buyers and sellers, by the users of the fertilizers, and upon which they may be able readily to inform themselves, and so judge more readily and more perfectly of the value as a fertilizer.

I do not speak of the value now in a money sense, but of the quality of the fertilizer. There seems to be a very apparent value in some such provision. It is like a standard measure, a measure of weight or quality in handling any of the ordinary substances that we use in the arts.

The object of this section was to have some standard that should be recognized as the Government standard. It would be found that purchasers of fertilizers would be comparing fertilizers all the time with the standard, and they would become familiar with it. It seems to me that if the amendment of the Senator from Kansas is adopted that object will be entirely frustrated so far as this section goes; and that is really about all the value there is in the section.

Mr. PLUMB. I am not prepared to speak now about the value of the remainder of the section, but it it seems to me that this power would be liable to be badly used. In the first place, it would limit the work of the agricultural stations to the plan laid out by the Commissioner of Agriculture. They would simply analyze according to the formula which he prescribed. It would naturally, therefore, limit their work.

Ammonia is the principal ingredient of value, I think, in a fertilizer, and there should not be any limitation on the power of these stations to determine other ingredients of value as well as that; in fact, to take them all into account. That would give him power to determine the commercial value of all the fertilizers in the markets of the United States. It would be akin to giving him the power to determine what was an adulteration of an article of food.

Mr. EDMUNDS. The practical effect of it would be just the same.

Mr. PLUMB. In many of the Southern States where these fertilizers are used as they are not in my State, boards are created possessing certain police power for the purpose of analyzing articles offered for sale and exposing to the public these analyses, so that if a man buys an article that possesses a certain amount of ammonia he knows it; if it possesses less, he knows it, and so on; and he can buy it securely and freely. But in this case the Commissioner of Agriculture would have practically the determination of the market value and the right to sell every commercial fertilizer offered in the market.

It seems to me that while I have no idea he would use it in a bad way, at the same time he might by misunderstanding, by misconception make such use of his power as to seriously interrupt the ordinary course of trade in this very important article and give the benefit of the Government indorsement to one article as against another.

Mr. CHACE. I do not know that I apprehend fully the remarks of the Senator from Kansas [Mr. PLUMB]. I suppose, however, that he does not mean to say that ammonia is the only or the chief ingredient of value in ordinary fertilizing compounds. Hydrogen in its various forms is an important element; potash, phosphoric acid, the traces of iron, magnesia, and sundry other substances are of great importance also, and, in many cases, of more importance even than ammonia. So, too, the question of how much of the phosphoric acid is soluble and how much is insoluble becomes a very important matter. It is in order that there may be some method of analysis and of marking, so that the purchasers and venders, dealers and users of these articles may know what they are buying that I apprehend this section has been introduced into the bill.

I am neither the author of the bill nor the defender of it. I think with the Senator from Kansas we should be very careful not to clothe the Commissioner of Agriculture with too much power over this matter, and I have already prepared and offered an amendment to this section looking to that very matter. But if the views of the Senator from Kansas are to prevail, I think the amendment of the Senator from Vermont [Mr. EDMUNDS] if introduced would answer the purpose much better than his, because he really emasculates this. We might as well strike out the whole section.

Mr. HAWLEY. I object to the whole of section 4 as in the bill and to much of the amendment offered by the Senator from Vermont, for they have one common vice. The bill of the committee says:

That in order to secure, as far as practicable, uniformity of methods and results in the work of said stations, it shall be the duty of the United States Commissioner of Agriculture to determine annually a standard—

We have stricken out the words "of valuation"—

of the ingredients of commercial fertilizers, upon which the analysis of such fertilizers, as far as made by said station, shall be based.

I fail to comprehend the sense of that. The Senator from Kansas made an objection to that of some force. What shall be the standard? What is meant by "a standard of valuation" or "a standard of the ingredients of commercial fertilizers?"

Mr. CHACE. If the Senator from Connecticut will allow me——

Mr. HAWLEY. The Senator will kindly wait until I get through. He can talk to much better advantage then.

No two of these fertilizers—and they are known by the hundred and perhaps by the thousand in the market—are exactly alike. The agricultural-experiment station of Connecticut is the oldest in the country. When we want anything done in Connecticut we go and do it; we do not come to Congress and beg for it. Ours is twelve years old at least. The agricultural-experiment station there is every day or two receiving specimens of fertilizers said to be of extraordinary value. The chemist goes to work and makes a thorough analysis. He finds that the specimen submitted has so many hundred grains of phosphoric acid, so much of potash, so much of ammonia. I am not chemist enough to go over all the ingredients, but the elements are large in number; and he says at the end that at the market value of these elements this preparation is worth so much a ton. It is impossible for the Commissioner of Agriculture to establish a standard of ammonia, of phosphoric acid, and of nitrogen. Or does it mean a standard article? There is no more a standard article of fertilizers than there is a standard article of cathartic pills, of which there are millions of varieties. What would be the use of instructing the Medical Department of the Army to establish a standard article of pills of any description? There is not any standard. These elements should be there in certain quantities in purity, and all the chemist can do is to examine a given article and say what it is exactly, and then people know what the market value of its constituent elements is, and then the market value of the compound is so much per ton, and people can buy as they please.

Analysis shows the most remarkable differences. Some of the most desirable fertilizers are shown on analysis to be worth, for example, $40 a ton, and another is worth $80 a ton, determined by the absolute test of the chemist.

I do not wish to have the Commissioner of Agriculture of the United States doing what other people understand better than he does. That is one objection. I am a State rights man in some of these things, and very earnestly so. I think our chemists in Connecticut, in the station which we have established, for which we have given a tract of land, which is provided with a handsome building, which we have fitted up in all respects as such a station ought to be, are doing all that is necessary for the farmers of that State; but I have no objection, if it be thought wise, for the benefit of this great interest, to give $15,000 a year to that institution, or to a similar institution in my State; but we are getting along so happily, so sagaciously, with such thoroughness, that I am very much afraid to have Congress send any money there to meddle with us. And my judgment is that the Congress of the United States has no more business with establishing the standard for a fertilizer made by a firm in my town than it has to appoint a constable in the town. Any manufacturer can go on and make anything he pleases and call it Smith and Jones' standard fertilizer, entirely independent of the Commissioner of Agriculture's fertilizer. Why not establish a standard hoe, a standard pill, or a standard anything else? We have all a right to make these articles exactly as we please in spite of your law and in spite of your Commissioner of Agriculture. What is the use of establishing a standard? I do not understand the thing at all.

Some of these amendments are wise. There is a multitude of them from professors of agricultural colleges, members of State boards, &c. Some I approve, some I do not. I studied this matter carefully in consultation with a number of gentlemen from different States, and in correspondence with them, who are interested in this matter, and I have drawn a substitute for the whole bill. I do not pretend to say that it is perfect, but I do believe it is a great deal better than the bill. This substitute is printed and credit given to the Senator from Massachusetts [Mr. HOAR]. It should be the Hawley amendment. I am not particular about the credit to be given; I am perfectly willing to assume the discredit, if any there be, but my name should be there instead of that of the Senator from Massachusetts. I propose to change essentially the form of the bill but not the purpose.

I will not go into a discussion, because somebody I believe is to make a motion to recommit this bill in order to readjust these conflicting amendments. They can not well be adjusted in this random debate.

The bill I have drawn gives this money to the States in precise harmony with the plan of the act of 1862, which established agricultural colleges. It is merely a bill amendatory of, or ancillary to, that act. It would give the money to the States, and ask of the States that they shall accept it under certain conditions accepted by the Legislatures, and expended "under the following conditions," and then we have done with the schools.

Now, the pending bill requires an annual or a continual meddling of the Federal Government with the State institutions, and what to me is an absurdity, the money is not given under any different theory, but it begins, as they now have it, on the 1st of July, 1887:

But no such payment shall be made to any station—

They are going to pay it directly from the Treasury to the experiment station—

until the trustees or other governing body of the college at which such station is located shall have executed, under their corporate seal, and filed with the Secretary of the Treasury, an agreement to expend all moneys received under this act for the sole and exclusive purpose and in the manner herein directed, and to maintain a farm of at least 25 acres in connection with such college, and shall also have executed and filed with said Secretary their bond, in the penal sum of $15,000, with two sufficient sureties, approved by the clerk of a court of record in such State, conditioned on the faithful expenditure of and accounting for all moneys so received.

State rights are not so altogether out of fashion that it would seem proper for me to comment on the Federal Government making an appropriation direct to State officers constituted under State laws, acting under State authority, giving money directly to them, disregarding what we call the sovereign States, and asking those officers of the State government to give bond to the Federal Government, and assuming, therefore, a control over them and an annual inspection of those bonds. It does not assume to bind the trustees, but it may as well do it. They are changing every year; most of these boards are renewable, a portion of them every year, so as to maintain some sort of uniformity. Then the Secretary of the Treasury must follow our State action in appointing new trustees and require new bonds of our State officers every year. I do not think that is the way at all.

The bill known as the Morrill act of 1862, which established agricultural colleges, was drawn with deliberation and care and sagacity, and that said—not to read all of it—

That there be granted to the several States, for the purposes hereinafter mentioned. * * *

That was the wise provision—

all moneys derived from the sale of the lands aforesaid by the States to which the lands are apportioned, and from the sales of land scrip hereinbefore provided for, shall be invested in stocks of the United States. * * * * * * * *

The grant of land and land scrip hereby authorized shall be made on the following conditions, to which, as well as to the provisions hereinbefore contained, the previous assent of the several States shall be signified by legislative acts.

Then the Morrill act goes on to make seven specifications of the manner in which this money shall be applied to agricultural education, and says that "no State shall be entitled to the benefits of this act unless it shall express its acceptance thereof by the Legislature within two years," &c., so that when this is once done and the States accept it, the States are then responsible for the manner of executing the trust and expending the money in detail; the Federal Government is done with it.

I have drawn a substitute in precise accordance with the principles of the Morrill act. I am aware that some will say we cannot trust the States to properly expend this money. I doubt whether it would be wisely expended in all cases. We are liable to that always; but if we are to proceed upon that as the fundamental theory in our legislation, we may as well take charge of every imaginable subject and say that in our judgment a State can not be trusted at all, and we think we can do everything more wisely.

I say that the Legislature of the State I have the honor to belong to can take care of this business better than any Congress. It knows what its soils are, what the best fertilizers are, what its farmers desire. It has already as good a chemist as anybody has, and as good a station; and if we are to have any money there I want to have it in the form we already have without the dictation or intermeddling of any Federal authority. I do not want him who is trusted with an important work to dictate a standard of value to manufacturers which he is not obliged to look at; he can throw them in the waste-basket

Give, if need be, this money, under as strong conditions as you please, to the States requiring it, and let the States accept the money with those conditions. It is easy to provide for the exercise of a faithful discharge of the trust in that way. I think the majority of the States now have agricultural colleges of some description. Quite a large number of them have valuable experimental stations. The first one of which I have record was established by Connecticut in 1875. Another followed in 1877, and they have been gradually spreading throughout the States. That is the natural and proper way for the thing to grow anyhow. If the States do not understand the value of them sufficiently to start them now, I have some question as to whether they will after we give the money, for that which costs nothing is too apt to be considered as worth nothing. But undoubtedly the progress of agricultural education is such that all the States will in due time be ready of their own accord to establish experimental stations.

I have no objection, if it is thought wise, to hurrying the matter through the medium of such a bill as this, but I think it altogether wiser that it should follow the general plan of the original act on the subject.

Mr. MORRILL. Mr. President, I consider some bill of this kind as an exceedingly important adjunct to the agricultural colleges and stations already established. I do not regard this section as of any particular importance. Take it in my own State, where we have had chemical analyses of the various kinds of compounds sold for manures and their chemical value certified for more than a dozen years, so that the farmer can know exactly what is the real cost of the article he is buying, and then he can judge for himself as to its agricultural value by testing it.

I should be quite willing myself to see this section stricken out and something that will be proposed by the Senator from Connecticut [Mr. HAWLEY] taken as a substitute. I do not regard the section as one that is likely to be in harmony with these institutions. I believe it far better that the agricultural stations and colleges now in existence should be permitted to conduct their affairs so as to satisfy the farmers of their respective States. Undoubtedly there will be differences between one State and another as to what should be done in the agricultural stations. I hope that we shall not fetter the bill so as to prevent its being useful to all of the States, as I believe it will be.

Mr. INGALLS. Mr. President, from such casual inspection as I have been able to give this bill it appears to me exceedingly crude and imperfect. While I sympathize fully with the object that it has in view, and shall cordially support any measure that looks toward enlarging the boundaries of human knowledge or increasing the sum total of human happiness on this earth, I am disposed to think that a critical analysis of the measure, such as we would apply to the fertilizers that are named in it, would disclose the fact that it is inapplicable to the purposes for which it is designed.

We have in Kansas at this time a well equipped and exceedingly active institution, organized under the act of Congress of 1862, where all these various experiments are continually conducted under the control of a corps of skilled and intelligent instructors, who are devoted to the objects and purposes of the institution. There is nothing that I know of that is named here in the way of experiment or analysis which is not at this time conducted in the Kansas State Agricultural College at Manhattan, which is attended by a large number of youths of that State of both sexes.

I am disposed to think that this bill in its present form is not, in any sense whatever, responsive to any great popular demand. It is one of

that great category of measures which have been presented to us in times past in obedience rather to the clamor of a certain select class of self-constituted reformers of all the institutions of the earth, and it is based upon an entirely mistaken apprehension of the theory of this Government. It illustrates the tendency of this class of agitators to demand the continual interposition of the National Government in State and local and domestic affairs, with the result, as I believe, of absolutely destroying the independence and freedom of individual conduct, and subverting the theory on which the Government is based and in the conduct of which hitherto it has reached such great results.

If the General Government desires to contribute $15,000 a year to the State Agricultural College of Kansas, at Manhattan, I have no objection, but I am opposed to any stipulation as to the methods in which it shall be employed outside of its application to the general object of the trust. We do not desire to have our system hampered or interfered with, or its usefulness destroyed by any interposition of national authority. We are competent to manage these affairs in our own way. We have achieved great and beneficent results; we know what we want; and I should be opposed to the recognition of the authority of the Commissioner of Agriculture to come to that institution and say yea or nay as to any of the methods that we shall adopt, the purposes that we shall pursue, or the manner in which we shall dispose of these funds in case they are appropriated, so long as we apply them within the limits of the legitimate objects and purposes of the appropriation.

Take this fourth section and look at the declaration of principle that it contains:

> That in order to secure, as far as practicable, uniformity of methods and results in the work of said stations, it shall be the duty of the United States Commissioner of Agriculture, &c.

It is not desirable that uniformity of methods or results should be obtained. That is exactly what we wish to prevent. We do not want any bed of Procrustes erected on which all these institutions shall be laid, and if they are too long have them abbreviated, and if they are too short, so far as the view of the Commissioner is concerned, have them stretched out or lengthened to meet his views of the results and methods which ought to obtain. Sir, it is the conflict of the contrariety of opinions in this country upon these subjects that results in the greatest good to the greatest number. It is the collision and contest between opposing ideas or views of contending localities that enable us to reach the highest results in the departments of activity and government. But here is the adoption of a principle as a legislative declaration that we will concede to the General Government the right to establish uniformity in all these methods, and uniformity of results; that we will surrender our independence, relinquish all that we have hitherto been able to accomplish in this direction by individual effort, and consent to a general national supervision of this great subject.

Sir, I am opposed to it. I can not understand what conceivable good is proposed by this section. What is to be gained by ascertaining the commercial value of fertilizers? One fertilizer differeth from another fertilizer in glory. There is one fertilizer for corn, one fertilizer for wheat, another for tobacco, and another for cotton. How is the Commissioner of Agriculture to appear at one place or another and proclaim that for all these purposes the United States Government shall declare that there shall be a unit of commercial valuation of fertilizers to be used in Kansas, or Alabama, or Rhode Island, or elsewhere?

Fortunately, we do not need in the State in which I live much, if anything, to do with fertilizers. Our soil is rich and exuberant, abounding in fecundity. It is a matter entirely unimportant to us whether there is any commercial unit of value of fertilizers established or not. But the whole section is repugnant; it is opposed to the idea on which these institutions were established, and in my judgment will be destructive of the objects and purposes for which they have hitherto been maintained, and which have resulted in such magnificent attainment in agriculture.

Look again at the sixth section. The terms upon which this money is to be received are ignominious and degrading. Here are these institutions established through a long period of years, accomplishing great and beneficent results. You propose after subjecting them to this rule of uniformity and governmental control, to provide how they shall receive this paltry pittance which you propose to give to them as a donation, and you provide that before this money shall be paid to the treasurer of the State there shall be a written stipulation or guarantee that it will not be stolen, that it will not be misappropriated, that it shall not be applied to the maintenance of the militia, or the care of the insane, or the protection of society from depredation. A written stipulation is to be filed by the proper officers that it shall be devoted to the purposes for which it is appropriated.

That is not all, Mr. President. As if to add the crowning insolence to the proposition, the officers of the State are assumed to be so evilly disposed toward this proposition, they are assumed to be so incapable of discharging their duties which the State has reposed in them, so unworthy of confidence, that you require them to give to the General Government a bond, which the State does not exact, and they are required, if this bill becomes a law, not only to file their stipulation that the money shall not be stolen or misappropriated, but to give a bond to the United States Government with satisfactory security in the penal sum of $15,000, with two bondsmen, "approved by the clerk of a court of record in such State, conditioned on the faithful expenditure of and accounting for all moneys so received."

There are many other particulars in which I think the bill is open to criticism. It is tautological. It is inartificial. It is such a statute as ought not to be enacted in its terms. Look at section 2, in the declaration of the objects and purposes of these experimental stations, in line 8. Among other things that they are to inquire into is "the capacity of new plants or trees for acclimation." That is well enough, but they are to inquire into "the capacity of new plants or trees for acclimation within the isothermal limits represented by the climate of the several stations and their vicinity." It would look to the ordinary reader of language as if it were sufficient to provide that this experiment should be limited to "the capacity of new plants or trees for acclimation." That is definite; that is tangible; there can not be any difficulty about the meaning; but the framers of the bill are not content with that, they must have some rhetoric about it, and therefore this capacity for acclimation is to be "within the isothermal limits represented by the climate of the several stations and their vicinity." We are called upon to enact language like that into a statute, together with many other particulars in which the same redundancy is apparent.

If the Committee on Agriculture and Forestry think best to appropriate $15,000 per annum for the purpose of assisting experimental agricultural stations in the different States, I have no objection; well and good. But let us so provide that it shall be in assistance of, and in co-operation with, the existing authorities in those States, with annual report, if necessary, to the Commissioner of Agriculture, but not under the control of the United States Government, with the avowed purpose of reducing all of these institutions to absolute uniformity of work and of results.

Mr. PLUMB. Mr. President, I think that my colleague has made a mistake in assuming that the Agricultural College of Kansas, which justifies all his encomium, shares the feeling he has expressed about the object and terms of this bill. I have had direct communication from the official staff of that college to the effect that the passage of this bill in the form in which it was introduced and reported is desired. While I admit that it is subject to some verbal criticism, and that there is an exuberance of language in one of the sections, I trust that all of us are not to be confined to narrow limits in that respect because some people excel in that direction.

Nor do I feel that there is anything which is derogatory to the importance of the Agricultural College of Kansas, or any other college, in imposing terms upon new appropriations to be made, and to be expended under their direction. It may be true that according to the terms of the original trust the Government of the United States would not now have a right to prescribe a curriculum for all those colleges, and to dictate the manner in which they should expend even the revenues which they had derived from the bounty of the General Government, but it is certainly entirely competent for the Government, if it makes appropriations of money to be spent at those colleges, that it shall direct exactly how and under what circumstances and conditions it is to be expended.

While I have no doubt of the pecuniary responsibility of the trustees of all these colleges, and of their entire good faith, I happen to know that the treasurer of the Agricultural College of Kansas is required to give a bond with at least two good and sufficient sureties to respond in damages in case he should be false to his trust. So I do not believe that or any of the other officers of that college will object to giving bond to do as faithfully by the money to be appropriated under this bill, if it shall pass, as he stipulates that he will do in regard to the money which comes into his hands from other sources.

There may be a great many valid doubts about the propriety of the the passage of this bill, but I do not think it can be said that the conditions which are imposed upon the colleges in regard to the expenditure are at all onerous. It may be true, as my colleague has said, that the college to which he alluded is doing exactly this work, but even if it is doing this work it will enlarge its usefulness, its capacity, to give it this money, because the money which it is now using for this purpose it can then devote to something else. I have never heard of any of these institutions, or in fact of any other institution except the Treasury of the United States, that had as much money as it wanted.

This will enlarge the facility, the capacity, the opportunity of these colleges for the performance of the duties for which they were created. It will give in a large measure a direction, and, I think, a useful direction, to the exercise of their great functions.

I do not believe there is any more unconstitutionality, any more lack of Government power, nor any more impropriety in giving $15,000 a year to each one of the agricultural colleges of the country upon condition proposed on which the money shall be spent than it is to give it to them in a lump sum without conditions. I would not vote to give to any agricultural college anywhere of money without condition as to its expenditure.

It is not unusual to surround the appropriation of money with conditions as to its expenditure. The Legislature of the State of Kansas appropriates money each year for the support of the Agricultural College of Kansas and attaches a condition to every single dollar of it, as it ought to do. It is a proper exercise of legislative authority. The

tendency and direction of it is good. We know out of abundant experience here that we can not attach too many conditions usually to the expenditure of public money which we appropriate out of the Treasury.

I shall be glad, so far as I am concerned, to vote for this bill, having some little interest in the measure, an interest which has been excited not by anything evolved out of my own inner consciousness, but excited by reason of applications which have been made to me by gentlemen connected with the Agricultural College of Kansas, by intelligent, public-spirited farmers of that State, men whose judgments I would take against that of my own in regard to matters of this kind, and who have said to me that they believed the bill ought to pass. For that reason chiefly and because on a critical examination of it I am satisfied that the main object is good, I have given to it my support in committee as I give it on the floor of the Senate.

If it can be amended so as to do more good than in its present shape I hope it will be so amended. I am not prejudiced against it in the slightest degree because it commits these experiments to the general supervision of the Commissioner of Agriculture. He is to-day a Commissioner at the head of a Department. I hope and believe that before this Congress adjourns he will be the Secretary of the Department, possessing a dignity by reason of the provisions of positive law, which will, I hope, require the President to take him into his Cabinet. I think, perhaps, that some portion of the distrust of the Agricultural Department, which finds vent here and elsewhere, will disappear when this Department, at sea heretofore very largely, denounced as outside the Constitution, starved in the matter of appropriations, shall be endowed with functions vital to the great agricultural interests of this country, and put on a footing with the other Departments of the Government.

It may be true that when we come to take into consideration what these free stations shall do, the enumeration of their powers and duties may be enlarged; it may be possible that we ought to decide in addition to somewhat circumscribe the language in which that enumeration is contained; but I will venture to say that anything like a close scrutiny of the statutes of the United States enacted during the last ten years will disclose many a law much more inartificially framed, and yet losing none of its effects because so framed, than this will be if enacted in precisely the terms in which it came from the Committee on Agriculture and Forestry.

I think that we can err, if we are to err at all, somewhat on the side of an effort in this direction, in an effort to make our agriculture more productive, in an effort, through the medium of agricultural colleges, reinforced by stations of this kind, established by the General Government, and paid by it, to give a wider scope and direction to agricultural labor and in aid of profit.

Certainly, looking at the results which have attended this industry during the last few years, it is worthy a trial at least, to see if, with all that we have done for manufactures, we can not do something for that great industry in which are engaged seven-twelfths of the people of the United States.

In our zeal to look after the manufacturing interests of the country we have overlooked in a very large measure the men who are without power to combine, who are without the power of association and the consequent power to influence public opinion. They have been overlooked during the time when, lavishly, expensively, and even extravagantly, we have promoted, out of the revenues of the Government, out of the Treasury, taken from the tax-payers of the United States, other industries less vital to this Government and the great interests of this people than that of the agriculturists.

So, in the place of a denunciation of this bill, or anything akin to it, there ought to be an effort to make it what it ought to be. If it is inartificial, let it be corrected. If it is lacking in scope, let the scope be widened. If there is anything in it that ought to come out, let it be put out; but something of this nature is demanded. When I say "demanded," I do not mean to say that it comes in the shape of a command that we shall do this thing, as something which will put us under penalty if we do not do it, but I do mean to say that the intelligent organs of opinion, reflecting the interests as they reflect the wishes of the agriculturists of the United States, have asked Congress to pass this bill. They believe that it will be of use; and unless somebody with more experience or observation than they shall intelligently show to the contrary, I am in favor of passing it just as it is if necessary, or by making it better, if better we can make it.

Mr. HAWLEY. If, in anything I said when I was occupying the floor a short time ago, I seemed to depreciate the value of the Department of Agriculture, I am sorry for it. I would have said the same of the Secretary of the Interior, the Secretary of State, the Adjutant-General, or any other member of a department of the Government, as to the undesirability of its having a joint control over State officers and State institutions. Everything of the description, everything analagous to this, should belong to either one or the other of the governments, the State or the National. If the National Government desires to assist and build up, as in the case of the original act, agricultural colleges, let it do so in accordance with what I think was the perfect plan of that bill, by a conditional grant to the States, to be accepted by them, the colleges to be chartered and governed in accordance with State laws.

I indicated that it was also in my judgment extremely undesirable that any officer of the Federal Government—I will make it broader than I did then, not making it invidious—should be establishing standards for work of private individuals or private corporations established under State laws.

I beg leave to ask that the amendment which I propose in the nature of a substitute for the bill may be read by the Secretary. It will then appear in the RECORD, where any one can find it, if that is desirable. I think it provides for every essential object sought by the pending measure, and it is framed upon the idea I indicated a few moments ago, that if it is desirable to do something it should be done by a direct gift to the States, subject to certain conditions. If there be no objection, I hope the substitute will be read.

The PRESIDING OFFICER. If there be no objection, the Secretary will read the substitute presented by the Senator from Connecticut.

The SECRETARY. It is proposed to strike out all after the enacting clause, and insert——

Mr. BUTLER. Before the Secretary proceeds with the reading, I should like to inquire of the Senator from Connecticut whether the language of his amendment is the language of the amendment lying upon our tables in print?

Mr. HAWLEY. The one entitled "Mr. HOAR'S amendment?"

Mr. BUTLER. Yes.

Mr. HAWLEY. It is, with the exception of a single phrase introduced:

To be specially provided for by Congress in the appropriations from year to year.

That is the only change of consequence. There is a minor amendment in line 6 of section 1, inserting the words "as so appropriated." There is another minor amendment on line 3 of section 3, inserting the words "relating to;" and another in line 11 of section 4, inserting the words:

Said bulletins and reports shall be transmitted through the mails as third-class matter.

The PRESIDING OFFICER. The Secretary will proceed to read the proposed substitute.

The Secretary read as follows:

Strike out all after the enacting clause and insert the following:

"That the sum of $15,000 per annum be, and the same is hereby, appropriated, to be specially provided for by Congress in the appropriations from year to year, to each State and Territory, for the purposes and under the conditions hereinafter described, to be paid quarterly, as so appropriated, beginning with the first of ——.

"SEC. 2. That said sum shall be inviolably applied, by each State and Territory which may accept and claim the benefit of this act, to the establishment and maintenance, in connection with the colleges established, or that may hereafter be established, in accordance with the provisions of the act approved July 2, 1862, entitled 'An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,' or any of the supplements of said act, a department to be known as an 'agricultural experiment-station:' *Provided*, That in any State or Territory in which two such colleges may have been or may be so established the appropriation made by this act shall be equally divided between such colleges, unless the Legislature of such State or Territory shall otherwise direct.

"SEC. 3. That it shall be the object and duty of said experiment stations to conduct original researches or verify experiments relating to the physiology of plants and animals; the diseases to which they are severally subject, with the remedies for the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping as pursued under a varying series of crops; the capacity of new plants or trees for acclimation within the isothermal limits represented by the climate of the several stations and their vicinity; the analysis of soils and water; the chemical composition of manures, natural or artificial, with experiments designed to test their comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of the different kinds of food for domestic animals; the scientific and economic questions involved in the production of butter and cheese; and such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective States.

"SEC. 4. That the grants of moneys herein authorized are made on the following conditions, to which, as well as to the provisions herein before contained, the previous assent of the several States and Territories shall be signified by legislative acts.

"First. It shall be the duty of the chief officer of each station to publish, at least once every three months, in cheap and popular form, a bulletin or report of progress, which shall be sent to the Department of Agriculture and to each other experiment-station established under this act, and furnished at cost, singly or by the year to subscribers. Said bulletins and reports shall be transmitted through the mails as third-class matter.

"Second. A full report of the operations of each station, including a statement of receipts and expenditures for the fiscal year ending June 30, shall be made annually and sent to each other station, and to the Secretary of the Treasury and the Commissioner of Agriculture of the United States.

"Third. Out of the first annual appropriation under this act a sum not exceeding one-fifth of the sum received for each station may be expended in the erection, enlargement, or repair of a building or buildings necessary for the work of such station, and thereafter a sum not exceeding 5 per cent. of such appropriation may be so expended.

"Fourth. No State or Territory shall be entitled to the benefits of this act unless it express its acceptance thereof by its Legislature within two years after the date of the approval of the act by the President.

"Fifth. Whenever it shall appear to the Secretary of the Treasury, from the annual statement of receipts and expenditures of any of said stations, that a part of the preceding annual appropriation remains unexpended by such station, such sum shall be deducted from the next succeeding annual appropriation to such station."

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB].

Mr. DAWES. Mr. President, I believe that in Massachusetts the agriculturists and all those who have devoted attention to that subject are in accord with the general purposes of the bill and are desirous of seeing them carried out in some measure that shall be practicable and efficient to the ends that are sought.

I have had some trouble with the construction of the bill, and especially with its application to the organization in some of the States, particularly Massachusetts. Massachusetts has an agricultural college which is in successful operation and would be entitled under the provisions of the last section to the benefits of this appropriation, but she has also a separate experimental station established by law under an entirely separate organization. I have the act here. It is established with great distinctness, designed for some purpose (I am not familiar with the purpose which originated it) to be separate from the college. Its officers are specified in the law. The governor of the commonwealth is at the head of it, and in all respects it is a distinct organization as much as the college itself. It is carrying on experiments precisely as is contemplated by the bill.

Under the phraseology of the last section the college would have the benefit of the provisions of the bill and there would be two separate experimental stations in Massachusetts which would greatly cripple both of them. It would greatly benefit Massachusetts if they could be combined. For that purpose I ask that if the bill shall be adopted, or if the substitute shall prevail, that a proviso may be added to the last section. The object of it is to enable the State to obtain these benefits and combine the two together either at the college or at the station as the State shall deem best. The latter has its laboratory, it has its organization, it has its officers, it has the governor of the commonwealth and persons selected from the different agricultural associations to give direction to it, and in all respects it may be carried on precisely with all the benefits and safeguards, if the State should deem that the wisest way. If, on the other hand, the State should think it best to turn over its station to the college by an enactment, then the whole thing could be consolidated at the college. That is the object of the proviso, which I ask may be read.

Mr. MORRILL. I wish to ask the Senator from Massachusetts if he does not think it would be better that all of these——

Mr. BECK. I ask that the proviso may be read, so that we can understand what it is before the Senator from Vermont speaks to it.

Mr. MORRILL. Very well.

The PRESIDING OFFICER. The Secretary will read the proviso proposed by the Senator from Massachusetts. The amendment is not now in order. It will be read for the information of the Senate.

The Secretary read as follows:

And provided further, That in States having colleges entitled under this section to the benefits of this act, and having also agricultural experiment-stations established by law separate from said colleges, such States shall be authorized to apply such benefits to experiments at stations so established by such States.

Mr. BECK. That is all right.

Mr. MORRILL. I merely desire to ask the Senator from Massachusetts if he does not think it would be far better if all these agricultural stations should be connected with the agricultural colleges, which have a staff of professers, all of them a professor of agricultural chemistry, and a laboratory, so that there would be some uniformity. Would it not be better that Massachusetts should change her State appropriation so that the college in that State could have the benefit of it rather than to make a miscellaneous kind of a bill of this sort which would allow such a divergence as I think would not work any good to the whole country?

Mr. DAWES. I will answer the Senator that my first impression would be that it would be better, but Massachusetts has had a pretty intelligent legislation upon the subject of the promotion of agriculture for a great many years. She established her agricultural college, under the auspices and under the lead of the distinguished Senator from Vermont, a good many years ago, but in 1883 (I think it was; I have before me the report for 1885), for considerations which seemed to the State to be wisest and best, she separated this experimental station from the college and established it as an independent institution under a separate control. It has the governor of the Commonwealth at the head of it. It has a corps of officers appointed separately, and assistants.

I do not set myself up as a teacher of agriculture, but there are reasons which have controlled the State. I understand the same thing is true in other States. To get the best results, the Senator will see it would be better to combine all these efforts, either at the college or at the separate stations. All the proviso requires is to leave the State to determine for itself which of the two courses it will pursue.

Mr. MORRILL. The Senator seems to give dignity to this separate agricultural station because the governor is at the head of it. I desire to ask him if the governor of the State of Massachusetts is not *ex officio* a member of the board of trustees of the Agricultural College?

Mr. DAWES. Certainly. It is not because the governor is at the head of it, but it is because the State of Massachusetts established a separate station. I spoke of the organization to show how clearly and distinctly they had created a separate organization and government, with a corps of officers and professors and all to carry it on.

Mr. HOAR. This measure would break it up.

Mr. DAWES. Yes, this measure compels them to give the money to the college, but they may think it wise to consolidate these two, or they may think, for reasons which controlled them in creating the experimental station, that it is best to keep up the separate station. No ill can come from it if they are authorized to apply the benefits to this station. The object of my proviso is to keep up the State control in the manner in which the State chooses to carry it on, so far as it can be consistent with the general purposes of the law.

Mr. PLATT. I think the Senator from Massachusetts is quite right in saying that if the bill is to pass (and I am in favor of the general principles of the bill) it ought to be left to the States to decide what they will do with the money in case there are two institutions or more than one institution where it might be applied. But the case of Massachusetts does not resemble the case in Connecticut, as my colleague has stated. No separate agricultural college was established in Connecticut, but the income of the bonds derived from the sale of the scrip was by statute to be paid over to Yale College to be applied to the Sheffield Agricultural School, which established an agricultural course, and to which pupils could be admitted free and have the benefit of the fund; and certainly it was within the purposes of the original act, and in connection with that an experimental station has been established in Connecticut. But since that time the State has established an entirely independent agricultural school, where, without knowing the exact facts, I suppose ten, perhaps fifteen, boys get an agricultural education to where one does in the Sheffield scientific school.

A good many of the farmers of Connecticut think that if this money is coming to Connecticut it ought to be applied in some way to an experimental station in connection with the agricultural school. There might be a division of opinion about that. I should not be prepared to say to-day what would be the best disposition of it, but I do think that that matter should be left to the States themselves in some way. The Senator's proposed amendment would not quite hit the case in Connecticut, but the principle which he tries to incorporate in the bill is manifestly right.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB].

Mr. BECK. I desire to ask the Senator from Mississippi and the Senator from Connecticut what they mean by the language "a department to be known as an 'agricultural experiment-station?'" and by requiring these stations to report to the Commissioner of Agriculture. The Department of Agriculture is now struggling to become independent; it is already a Department; and here seems to be a department within a Department. I would prefer some other word, if it would answer as well, to show that it is only a bureau.

Mr. HAWLEY. Does the Senator address his question to me?

Mr. BECK. Either to you or to the Senator from Mississippi. You both employ the same language.

Mr. HAWLEY. I hardly think the suggestion is applicable to anything in the amendment I propose. Does the Senator refer to the language of the second section?

Mr. BECK. Line 10.

Mr. HAWLEY. That provides simply for a department of a college—a branch, so to speak, of the old agricultural colleges.

Mr. BECK. I believe that is right.

Mr. VEST. I must confess my inability to understand the difference in principle between this measure and what is known as the Blair educational bill, to which I was certainly opposed and against which I voted. The objections that were made to that bill apply with equal force to this. The only difference between the two bills is as to the subject-matter for which the appropriations are made. There were some of us who then thought, and for one I still think, that Congress did not have the power to thrust its hand into the Treasury of the people and take out the money of the people and appropriate it for the purpose of education in the States. I believed then, and I believe now, that the subject of education is under control of the States and the States alone. Now it is proposed to take the money of the people out of the Treasury and apply it to the purpose of agricultural education in the States.

The only difference between the two bills is that the Blair bill provided for general education and this bill provides for agricultural education. Those of us who then opposed the Blair bill were well aware of the distinction which some of us undertook to establish, and in which I believe, between land belonging to the Government of the United States and money raised by taxation in its Treasury. We were then told that there was no difference between the lands and the money which is the result of taxation of the people. I think the Constitution of the United States gives to Congress the power to dispose of the public domain, but there is no power to grant money in the Treasury for the purposes of education in the States, whether it be agricultural education or education in its general features.

There is one single feature of this bill which shows that in the popular branch of Congress this very question was considered by the Com-

mittee; and in order to meet the views of those members who have some scruples in regard to the power of Congress to make such an expenditure it was concluded to put in this saving clause, and it is the last in the bill:

That nothing in this act shall be construed to impair or modify the legal relation existing between any of the said colleges and the government of the States in which they are respectively located.

Mr. GEORGE. That is not in this bill.

Mr. VEST. This is identical with the House bill.

Mr. DAWES. That is in the Senate bill.

Mr. VEST. I say it is in the Senate bill, and I am reading it from the Senate bill, which is identical with the bill reported in the House of Representatives.

SEC. 8. That nothing in this act shall be construed to impair or modify the legal relation existing between any of the said colleges and the government of the States in which they are respectively located.

What is the meaning of that provision? What is "the legal relation existing between" these colleges and the respective States? In the first section of the bill it is provided:

That in order to aid the Department of Agriculture in acquiring and diffusing among the people of the United States useful and practical information on subjects connected with agriculture, and to promote scientific investigation and experiment respecting the principles and applications of agricultural science, there shall be established, in connection with the college or colleges in each State established, or which may hereafter be established, in accordance with the provisions of an act approved July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges," &c.—

That is, the States which may provide colleges—

"for the benefit of agriculture and the mechanic arts," or any of the supplements of said act.

Turning to that particular act of which this is an amendment, and which established the legal relation between the States and these colleges, what do we find to be the case? We find that Congress assumed no control whatever over these colleges, that there was a donation of public lands to the respective States for these colleges with exclusive control on the part of the States over these institutions, and no reservation of power as to what should be taught, as to what should be done. The only provision is that it should be for general agricultural purposes. Section 4 of that act provides:

That all moneys derived from the sale of the lands aforesaid by the States to which the lands are apportioned, and from the sales of land scrip hereinbefore provided for, shall be invested in stocks of the United States, or of the States, or some other safe stocks, yielding not less than 5 per cent. upon the par value of said stocks; and that the moneys so invested shall constitute a perpetual fund, the capital of which shall remain forever undiminished, (except so far as may be provided in section 5 of this act), and the interest of which shall be inviolably appropriated by each State, which may take and claim the benefit of this act, to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the Legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

And subsequent sections provide, in order to put this matter beyond any question, that not one dollar shall be appropriated even for the repairing of a building. All this is under the control of the States. Congress throughout this whole act especially denies to itself the right to say what shall be done with this money, as to the branches which may be established in the various colleges, and the different objects of education therein.

But now what does this bill provide? Instead of recognizing this distinction, it goes on and prescribes *eo nomine* what shall be done with this money:

SEC. 2. That it shall be the object and duty of said experiment stations to conduct original researches or verify experiments on the physiology of plants and animals; the diseases to which they are severally subject, with the remedies for the same; the chemical composition of useful plants at their different stages of growth, &c.

And, more than that, the Commissioner of Agriculture has the power under this act to put his valuation upon the ingredients of commercial fertilizers, whatever that may mean, and that estimate of his is binding upon these experiment stations.

Mr. PLUMB. That I am proposing to strike out. If the Senator had been observant of the proceedings of the Senate, he would have known that.

Mr. HAWLEY. And that is wholly omitted in the substitute I propose.

Mr. VEST. Very good. Then that portion of my objection goes for nothing; but still the fact remains that throughout this bill the distinction made in the original act of which it claims to be amendatory between Federal and State control is absolutely ignored, and every Senator who votes for it as it stands now before the Senate, when the Blair educational bill is brought back here for our consideration at the next session will be estopped from making one single argument against that bill which was heretofore made in the discussion. Every Senator who casts his vote for this bill casts it in favor of the principles of the Blair educational bill and must close his mouth against the objections which I have quoted here to-day.

It is certainly not necessary for me to say that I am not here opposing agriculture. The State which I partly represent is one of the largest agricultural States in the Union. But there is something in this country besides any particular pursuit. Even if this was for the benefit of agriculture, I could not vote for a bill which I believe in its principles is directly opposed to the theory of this Government. I agree with the Senator from Kansas [Mr. INGALLS], who first spoke in regard to this measure. He declared his opposition to this perpetually recurring legislation in both branches of Congress that went to strike down all distinction between Federal and State powers until the people of this country are now being educated from day to day that the States are mere forms without power; that for everything which they seek they must come to Washington city and to the Congress of the United States.

There are distinctions between Federal and State powers still existing. I believe that one of them is this, and a fundamental distinction, that the States have the exclusive control over education. I know that we have established here a bureau of agriculture. It is very questionable whether the power to do that exists or not. Some of the best lawyers in the United States doubted it when it was established and doubt it to-day, but it was done, and that bureau is now in existence.

Mr. BECK. A Department.

Mr. VEST. It is called a "Department," but it is really a bureau, constituting one of the five bureaus in the Interior Department.

Mr. PLUMB. I beg pardon; it is an independent Department.

Mr. VEST. I know what the law is as well as any of the gentlemen, I think. It is called a Department, by that name, but it is simply a bureau.

Mr. PLUMB. Do you mean to say it is under the Secretary of the Interior?

Mr. VEST. I mean to say it is one of the five bureaus really in the practical operation of that Department.

Mr. PLUMB. Under the Secretary of the Interior? Then I beg the Senator's pardon.

Mr. VEST. It may not be under the Secretary of the Interior. I do not mean to say that it is in that sense; but it is not a Department of this Government.

Mr. GEORGE. It has no connection with the Interior Department.

Mr. VEST. It is not a separate Department like the War Department, the Navy Department, or the Department of State. That is what I mean to say. I know a bill has been sent us from the House of Representatives making a minister of agriculture.

Mr. TELLER. The Senator will allow me to say that the Secretary of the Interior has no more control over the Commissioner of Agriculture and his disbursements than he has over the Secretary of the Treasury.

Mr. VEST. I understand that, and yet I repeat what I said, that it is not a Department of this Government as the other great Departments are.

Mr. TELLER. The head of it is not a Cabinet officer.

Mr. VEST. That is what I mean; and so it is nothing else in the world but a bureau, called a Department, no matter under whose control it is.

I can not vote for this bill, Mr. President. I know I shall subject myself to some sort of ridicule as being bound by these old doctrines of State rights that are held to be obsolete, but my vote must be according to my judgment.

Mr. BUTLER. Mr. President, it is quite well understood that the Senator from Missouri and I agreed when the Blair bill was under consideration, and that both of us voted against it and did what we could to prevent its passage; but I do not concur with him in saying that this bill is on all fours with the Blair educational bill. I regard it as entirely different.

This bill, as I understand, simply proposes to appropriate $15,000 a year in aid of each State agricultural college established under the act of 1862. The language of the Senator from Connecticut is ancillary or auxiliary to or co-operative with those colleges established at that time. While I might have doubted the constitutional power of Congress to make the appropriation for the establishment of those colleges, it has been acquiesced in so long as to have become an acknowledged and accepted fact. Therefore I do not understand that this bill is at all like what was known as the Blair educational bill. To that I saw very serious objections, and still entertain the opinion about that bill which I expressed at the time it was pending in the Senate.

I have read cursorily the amendment offered by the Senator from Connecticut [Mr. HAWLEY] in connection with the bill of the committee, and I must say that, with the exception of the provision which is proposed to be amended by the proposition of the Senator from Kansas [Mr. PLUMB], I can see very little difference in substance between them.

The bill of the committee simply proposes an appropriation of $15,000 for the establishment in each State of an experimental station in connection with the agricultural college established under the act of 1862, and the Senator from Missouri [Mr. VEST] in discussing that bill lost sight of a very important section, section 3, which provides:

That the said experiment stations shall be under the direction and control of the trustees or other governing body of such colleges, who shall have power to appoint a director and such assistants as may in each case be necessary.

The Senator from Connecticut omits that provision from his substitute entirely, and I must say that I am surprised at that, in view of what fell from that Senator on the question of the rights of the States to control their own domestic affairs in their own way. To my mind that is a most valuable provision in this bill.

Mr. HAWLEY. Will the Senator permit me a moment?

Mr. BUTLER. Yes, sir.

Mr. HAWLEY. The substitute I draughted renders it impossible for the money to be under any other control, and so the proviso is not necessary.

Mr. BUTLER. I should be very glad if the Senator from Connecticut would point out in the original bill as it came from the committee that this money is under the control of anybody except the State. If there is anything in the bill to that effect I can not see it. It is distinctly stated in the bill that the money shall be used in connection with the colleges established under what was known as the land-scrip act of 1862. In my State there are two colleges getting the benefit of that money, one known as the South Carolina University, a State institution, and the other the Claflin University, endowed by some benevolent gentlemen of the State of Massachusetts. The fund is divided equally between them. There is an experimental farm in connection with each, one at Orangeburg and the other at Columbia. We also have what is known as a department of agriculture, controlled by a commissioner of agriculture with certain powers under the statute of the State.

I should be very glad to have the amendment of the gentleman from Massachusetts [Mr. DAWES] adopted. If it be inserted, I shall vote for the bill with the amendment of the Senator from Kansas [Mr. PLUMB] prevailing, because that gives to the States the right to put this matter under the control of the colleges, where they now exist, or under their department of agriculture, if they should see fit to establish one.

Mr. President, it was very refreshing to me this morning to hear sentiments such as those that fell from the Senator from Connecticut [Mr. HAWLEY] and the Senator from Kansas [Mr. INGALLS], after the action of this body in using the taxing power of the Government for the purpose of destroying one of the industries of the country at the dictation of another. It was refreshing to hear those Senators utter the sentiments we have heard them express, after the action of this body upon what is known as the interstate-commerce bill, and the bill known as the pleuro-pneumonia bill, and the Blair educational bill, and the oleomargarine bill, by which the taxing power of this Government was used for other purposes than that of raising revenue. But I confess that I have derived great comfort from the sentiments of those Senators who, I believe, voted for those measures.

To me those were the most alarming of all the signs of the times. The Congress of the United States, a separate and distinct branch of this Government, with its powers as separately and distinctly regulated by the Constitution as either of the others, stepping in and usurping (I use the word advisedly) the powers and the rights left to the States, attempting by what is known as an interstate-commerce bill to say what shall be the price of freight on a barrel of flour from the State of Maryland to the State of Georgia, or of a pound of bacon, and putting its hands in the Treasury of the United States and taking $70,000,000 out for the purpose of taking control of the common schools of the States, passing what has been styled an oleomargarine bill to suppress a legitimate industry at the dictation and upon the clamor of another! I say therefore, sir, that the sentiments of those two Senators and others fill me with pleasure and encouragement as to the future.

Now, sir, I confess that legislation of this kind does comport with my ideas of the powers of Congress. But we have the same right, the same constitutional power, it seems to me, to make this appropriation of $15,000 per annum to each State for the establishment of an experimental station in each State as we have to appropriate $100,000 to buy seeds to be distributed in the respective States.

If I remember aright, this department or bureau of agriculture—and I am not particular about what you call it—was established on an appropriation bill about 1843 or 1844, in which appropriation bill the sum of about three or four thousand dollars was appropriated. From that small beginning it has grown until now I find that we appropriate about half a million dollars a year for this bureau, or Department of Agriculture. We spend $100,000 of it for seeds, and I think I shall be able to demonstrate when that bill comes up that we might as well take that $100,000 and dump it into the Potomac River; and for one I very much prefer, if we are going upon questionable ground, to go in a direction where there will be some practical benefit to the farmers of this country.

We all remember, if I may be pardoned for making a personal reference—and I trust I may, for I have nothing but the kindest feelings for the present incumbent or those who preceded him—that when General Le Duc was Commissioner of Agriculture he was ridiculed and laughed at because he suggested the establishment of an experimental tea farm. I undertake to say that so far as practical results to the farmers of this country were concerned, General Le Duc's administration of that department or bureau was of more service to the farmers of this country than that of any other man who has had charge of it. It was said he was visionary, that he made experiments upon sorghum cane to see whether sugar could be made, and that he established a tea farm or wanted to establish a tea farm. He did establish one in my State, and I shall always believe that his successor made a great mistake in not continuing it. He did a great many things that were laughed at as visionary and unwise, but he is the only man who has been in charge of that bureau since I have known it who has given anything like practical benefit to the farmers of the country.

It was said he was visionary. Well, sir, I am rather inclined to think that visionary people are of great benefit to us. They put practical men to thinking. We are now appropriating $100,000 a year to buy seeds, and I sent some of the seeds assigned to me to one of my constituents, I believe purporting to be cabbage seed, and the result was that tobacco came up. [Laughter.]

Mr. PLATT. And flower seeds came up radishes. [Laughter.]

Mr. BUTLER. My friend from Connecticut says flower seeds came up radishes, and morning-glories are supplied to the South, as my friend from Alabama [Mr. MORGAN] suggests. I remember sending a package of seeds with some outlandish name, which I shall not attempt to repeat, and they turned out to be nothing but China-berry seed.

So, Mr. President, I submit that, if we are going to keep up this Department, or bureau, of Agriculture, we had better begin to inject into it some little practical common sense and divest it of all this hullabaloo, if I may use the expression, that it is put there for the benefit of the farmers, and that you must buy $100,000 worth of seeds in order to enable the Senators and Representatives to electioneer with their constituents, for that is about all it amounts to. They are used as electioneering measures and my experience has been that in that aspect of the question, it cuts both ways, for if you send a package of seeds to John Smith and leave out Bill Jones at the same post-office, Bill Jones will be certain to get mad.

Then, sir, upon the whole, I shall vote for this bill appropriating $15,000 for the establishment of experimental stations and I would gladly double the amount. I would rather make it $30,000 than $15,000 to each State.

I submit to my friend from Missouri that this is not obnoxious to the objections which he submits, that it has no analogy whatever to the Blair educational bill. If there was such an analogy I would certainly vote against this bill and use my best endeavors to prevent its passage; but I repeat that with the adoption of the amendment of the Senator from Kansas in regard to the establishment of the standard fertilizers I shall support it and vote for it. I do not understand, however, that that provision undertakes to establish anything like the value of fertilizers.

Mr. PLUMB. Does not the Senator think it is liable to abuse?

Mr. BUTLER. I am very frank to say that I do; but I have no idea that the proper construction of the language would sustain the idea that it intends to establish the standard of value of fertilizers. It simply proposes, as do all of the boards of the respective States where they are established, to say that a standard fertilizer shall have such a percentage of ammonia, it shall have a certain percentage of phosphate of lime, and it shall have such a percentage of potash, and such a percentage of some other ingredients. As I now remember, the standard in my State is that each fertilizer shall have 2 per cent. of ammonia, perhaps 3, and it shall have 56 per cent. of phosphate of lime, &c. The object of this provision is that the standard shall be uniform all over the United States; that what is the standard in South Carolina shall be the standard in Georgia, in Kansas, in Rhode Island, in Minnesota, or wherever these fertilizers may be used.

Mr. HAWLEY. Will the Senator permit me a moment just there?

Mr. BUTLER. Certainly.

Mr. HAWLEY. I should like to know by what right, if my friend is so strict a constructionist, the Congress of the United States can tell a manufacturer in my country how much ammonia he shall put in a fertilizer that he has been in the habit of selling as the Jones fertilizer for many years, or how much of phosphoric acid, or anything of the sort, and to what extent that citizen would be obliged to pay attention to a Federal statute of that kind? You might as well direct the manner of constructing his fences, or the style in which he cures his tobacco, or anything of that sort.

Mr. BUTLER. I agree with the Senator entirely. I do not think the United States Government has anything to do with it at all, and therefore, as I said, I shall vote for the amendment to strike it out. I was only criticising the construction which had been put on the language of the act itself. I do not think the Congress of the United States has anything whatever to do with it.

In my State the standard is regulated by law, under the supervision of the Commissioner of Agriculture, and every sample of these commercial fertilizers offered for sale is subjected to an analysis and is tagged by the State chemist, and for that the State gets a fee of 25 cents, and from the whole business derives a revenue of fifteen or twenty thousand dollars a year. I agree with the Senator from Connecticut that the United States Government has nothing whatever to do with it, but I have no idea that the framers of this bill intended to put a standard of valuation upon it, but simply intended to establish

a standard up to which all of the fertilizers offered for sale should come in regard to the ingredients of which they were composed.

Mr. HAWLEY. Mr. President, the Senator from South Carolina did me the honor to include me with the Senator from Kansas [Mr. INGALLS] in observing that we had given him comfort. I am very glad of it. He made a mistake, however, in including me among those who had voted for the Blair educational bill, or among those who had voted for any pleuro-pneumonia bill in such form that it gave any Federal officer a right to go into a State and quarantine or destroy diseased cattle. No pleuro-pneumonia act of Congress has any proper force in the United States unless it confines itself to interstate or international commerce or quarantine, and I have voted for nothing to the contrary.

Mr. BUTLER. I desire simply to interrupt the Senator to say that I feel bound to admit that upon most of those questions, the Senator has, in my judgment, been very sound in regard to his constitutional views.

Mr. HAWLEY. Then I shall admit that the Senator from South Carolina is also very sound upon these questions. I point out to him that by supporting this bill even after he shall have stricken out the first fifteen lines of section 4, he will be in section 6 giving some money to the trustees of a State corporation without asking the leave of the State government in any form, and calling upon those State officials or officials of a State corporation to give bonds to the Federal Government for certain uses of money not contemplated in the instructions given those trustees by State laws.

Under the Morrill act the State created, as it had a right to do, certain agricultural colleges, defined the duties of trustees, professors, &c. They accepted the money subject to the conditions imposed. Now, the Senator would come in, if he approves this bill, and, nominally pursuing the path of the Morrill bill, would omit its wise precaution of giving the money to the State and asking the State to accept it under condition. He goes around that directly to the trustees of a State corporation and seeks to put them under bond to the Treasury of the United States. That is one of the criticisms I make on the bill.

Mr. GEORGE. Will the Senator allow me to interrupt him right there?

Mr. HAWLEY. Yes.

Mr. GEORGE. All of these agricultural colleges, as far as I know, are State corporations. Their powers, franchises, and capacities were conferred by act of the Legislatures of the several States in which they are located and to which they belong.

Mr. HAWLEY. So I said.

Mr. GEORGE. Now, without knowing, for I have not examined all of them, what are the various powers and franchises granted to each one of these colleges, we may at least presume, I think, that they have the capacity to receive donations for the purpose of carrying out the objects for which they were created. I believe there has been no university, no college chartered, that has not among its capacities and franchises the power to receive donations in aid of the purposes of the institution. If that be true in reference to any agricultural college established in the Union, the corporation, the college has in advance the permission of the State to which it belongs to receive these donations, and therefore that objection is obviated. If it has not that power by the charter, then it can not take any appropriation made by this act unless the Legislature shall afterward give its permission for it to take it.

It is a mere question of power on the part of the corporation. We assume, the Committee on Agriculture assumed, the presidents of the agricultural colleges in convention assembled who recommended this bill all assumed that their various charters granted by the several States authorize them to receive this money. If they have that capacity by State law, then we have not invaded State sovereignty by making this offer.

Mr. HAWLEY. Nevertheless you have departed entirely from the theory of the original act to which this is an amendment, an addition, and I submit that there is a material and very great difference between a subscription made to a college in the ordinary way, whether dedicated to any particular trust or not, and a gift by the Federal Government which requires bonds from the trustees and imposes upon them a great enlargement of the duties they have under the State charter, changes radically the constitution of the college, requires labor that has never been done there, and asks them to give bonds to a Federal Department. It is substantially the reconstruction of a State college without permission of the State. It is asking these men to undertake a large additional work and to give bonds for doing it, while the State has imposed upon them a different labor.

The Senator says the State will consent. I have no doubt of it. Why not therefore give it to the State on certain conditions as we made the original grant, and let the State impose additional duties on its own officers?

Mr. GEORGE. Right here I would like to make an explanation of this bill on a point that seems to be greatly misunderstood. These experimental stations are really but an extension of the Agricultural Department of the General Government; that is all; and they rest and the provisions of this bill and the power to pass it rest upon the same identical power which enabled Congress to establish the Agricultural Department.

To illustrate—I want to make this plain, because the Senator from Missouri, I thought, misunderstood it.

Mr. HAWLEY. Will the Senator let me finish my remarks? Then he can go on with that matter.

He says it is but an extension of the Morrill act. Must I repeat the provisions of that act again and again, that the money under conditions and trust was given to the State, and it was required that the State Legislature should accept that money for that distinct purpose? Now if the work of these colleges is to be reconstructed and greatly extended in the way proposed, is there any imaginable reason why the additional grant should not be given precisely in the same way to the State Legislatures and subject to certain conditions? It certainly will make a confusion in the management of these colleges to have two funds, one of them a fund held by the State, which it received from the Federal Government, to be disbursed by the State to the college in the usual way, and the other a fund for which the officers of the college go to the Treasury of the United States, making their reports and giving their bonds there and performing work that they are not required to do by their State charters. Suppose a State in any way materially reorganizes its college under the Morrill act and takes away from these officers certain duties, they still remain standing out as officers of the Federal Government for a certain purpose, receiving a distinct fund from the Federal Government for which they have neither gratitude nor obligation unto the State government. Section 8 of the committee bill says:

> That nothing in this act shall be construed to impair or modify the legal relation existing between any of the said colleges and the government of the States in which they are respectively located.

I doubt if the bill could do so, because the original grant was made without condition as to revocation of the money, and it has been accepted with its conditions. Nevertheless it does attempt to modify the duties of the officers created by the original act.

I want to call attention, if I did not do so sufficiently in my previous remarks, to a certain clause in section 6:

> And to maintain a farm of at least 25 acres in connection with such college.

If the amendment in the nature of a substitute shall be rejected, I trust the friends of the original measure will at least modify that in some important degree. In the amendment I propose that is left to the State as one of the natural things a State might do; keep a tract of land; five acres may be ample for experimental purposes. I know that less than that quantity answers in Connecticut for a valuable series of experiments in planting and in cultivation. Some of these stations are established, and to buy 25 acres would involve a very large sum, indeed, unless the land should be purchased at a very considerable distance from the station.

Mr. GEORGE. Mr. President, proceeding in the train of thought upon which I was speaking when the Senator from Connecticut cut me off in my remarks, I desire to explain the legal relations of these agricultural experimental stations to the Government of the United States and to the agricultural colleges.

There is no attempt to reorganize the agricultural colleges by this bill. They stand upon the organization made by the act of 1862, granting the land which constitutes their endowment. This bill is but an extension, as I remarked when I was interrupted in my statement before, of the powers which were exercised by the Government in the establishment of the Agricultural Department. To make that perfectly plain, so that there can be no dispute about it, I have but to call the attention of the Senate to what is being done and has been done every year from the organization of that Department up to the present time.

The object of that Department being to aid in developing agriculture, what do we do first? We send out seeds. We are supposed to send seeds to the various States of the Union with the view of enabling the people in the States receiving them to make experiments by planting them and determine whether they are valuable for that purpose in particular localities or not. We are making an experiment when we send seeds. That is the object of sending the seeds, and we employ, in the making of that experiment, the persons to whom the seeds are sent and require them to report.

What is the next thing we do? We collect every year, or at least the Commissioner does, what is supposed to be valuable agricultural information, and we distribute that by the publication of a large number of his report. We go another step, and we find that the Agricultural Department has been charged directly by acts of Congress with the duty of making experiments on agriculture under its own supervision. Why, there was a sorghum farm here under the control of the Agricultural Department; there was a tea farm under the control of the Agricultural Department, as was mentioned by the Senator from South Carolina. These were purely experiments. Then we went further than that. We gave money and directed the Agricultural Department to make experiments to find out whether sugar could be made out of sorghum. We have been constantly making experiments in agriculture through the Agricultural Department.

This bill differs from those bills in this and in nothing else, that instead of requiring the Agricultural Commissioner to superintend directly in person these experiments, he is simply authorized (and I call the attention of the Senator from Connecticut especially to that point) to employ as the agents of the Government the various agricultural

colleges in the United States for the purpose of making experiments. It seems to me that the only question is, not a question of power, as suggested by the Senator from Connecticut and the Senator from Missouri, but whether the agencies which we propose to employ in the making of these experiments are proper agencies. I think they are. I think no better agency can be employed by the Government in making experiments in agriculture than the agricultural colleges themselves. It is their business; they are already engaged in it; and it seems to me, with due deference to Senators, that they are the proper parties to be employed.

Mr. President, it is objected, I believe, by the Senator from Kansas and also by the Senator from Connecticut that we undertake to invade State authority to the extent that we provide that State officials shall give bond to this Government. Let us see what that means when it is analyzed. As I said when I was first up, no agricultural college can receive this money unless in its charter it has capacity to receive it. If it has that capacity it has got it from the State which granted the charter. Having the capacity to receive, having the capacity to be employed as the agent of the Government, and being only employed by the Government as an agent in making these experiments, and it being settled, as I think I have shown, that they are the proper, the most proper, agencies to be intrusted with this duty, then the question is when the Government has employed an agent or a person, whether artificial or natural, in the performance of a duty which requires a disbursement of money advanced by the Government to that person whether it is a proper safeguard and precaution on the part of the Government advancing the money to this agency to take a bond requiring the money to be faithfully expended and accounted for; and that is all there is in it.

Mr. HOAR. When it is convenient to the Senator I wish to ask him a question on that point.

Mr. GEORGE. I am ready now.

Mr. HOAR. I see that this proposition is that "the trustees or other governing body of the college" shall execute this bond "under their corporate seal." Now, is it not true that such a bond as that would be binding upon the trustees and their successors, not upon the individual members of the board but upon the trustees as a corporation?

Mr. GEORGE. What part of the section?

Mr. HOAR. On the fifth page, sixth section, thirteenth and fourteenth lines. If there is anything in my point it can easily be avoided by an amendment. It is not important to the substance. This is a State corporation, a political corporation, a public corporation, having only such properties in its control as the State has furnished it with, except a certain gift from the United States which it received in the past under the old bill.

Now, this bill requires this board to execute under its corporate seal an obligation of pecuniary responsibility, to wit, that it will appropriate properly, according to the bill, the "moneys received." That obligation will be binding upon the successors of the corporation and will be enforcible against any trust funds in their hands. You are asking, then, without consent of the State, that a State corporation clothed with a public duty, intrusted with the State public funds, shall execute an obligation binding upon those funds in the hands of the successors of the particular trustees who execute the bond. The Senator from Vermont [Mr. EDMUNDS] says to me in private that that point had already met his attention, and that there is an amendment in existence which will remedy it. If that is so it is not necessary to trouble the Senate with it now.

Mr. GEORGE. No such amendment has been adopted.

Mr. HOAR. No, it has not been adopted. My point was to ask the Senator if the bill should not be amended in that respect.

Mr. GEORGE. Now, Mr. President, the answer to the Senator from Massachusetts is a very plain one, and I think I shall make it so plain that there will be no controversy or confusion about it.

Mr. HOAR. My proposition would lead to this result: that would be an illegal bond. You cannot say to the Treasurer of the State of Massachusetts or Mississippi, "You shall execute a bond binding on your successors, and on the State funds which come to their hands, to perform a certain function entrusted to you by the United States, or any other authority," any more than the State could require the Treasurer of the United States to bind money in the Treasury by some obligation he should take.

Mr. GEORGE. Of course they could not do that. Now, the answer to that is very plain. If the Senator from Massachusetts will give me his attention I think I can convert him. In the first place, this bill does not mean that the bond shall be executed by the trustees in their corporate capacity.

Mr. HOAR. Read the fourteenth line.

Mr. GEORGE. I will read it and I will show that it does not:

But no such payment shall be made to any station until the trustees or other governing body of the college at which such station is located shall have executed under their corporate seal, and filed with the Secretary of the Treasury, an agreement to expend all moneys received under this act for the sole and exclusive purpose and in the manner herein directed.

That is the agreement they are to execute, which is nothing more than an assent on the part of the corporate authorities to receive the money on the terms and conditions specified in the act. That clause is for that entirely. Of course the money is not to be paid to the trustees until they first agree—that is, execute an agreement under their corporate seal, manifesting, approving the agreement or assent of the trustees to receive the money and to expend it according to the terms of the act. That is nothing more than that assent on their part as a condition-precedent to their receiving the money, no bond, no obligation required. Now I read again:

But no such payment shall be made to any station until the trustees or other governing body of the college at which such station is located shall have executed, under their corporate seal, and filed with the Secretary of the Treasury, an agreement to expend all moneys received under this act for the sale and exclusive purpose and in the manner herein directed.

Mr. HOAR. Read on.

Mr. GEORGE—

and to maintain a farm of at least 25 acres in connection with such college.

Now that ends all that is embraced in the agreement, the assent of the trustees, and it is manifestly proper that they should execute an agreement of that sort. You can not convey to anybody anything unless that body is willing to receive it.

Mr. HOAR. Now read on.

Mr. GEORGE. I read on:

and shall also—

In addition to this agreement, which is a mere assent of the trustees to receive the money and to pledge their honor to appropriate it according to law—in addition to that, says the bill—

and shall also have executed and filed with said Secretary their bond—

No corporate seal there; "their bond," their individual bond—

in the penal sum of $15,000, with two sufficient sureties, approved by the clerk of a court of record in such State, conditioned on the faithful expenditure of and accounting for all moneys so received.

This is very plain. If it had been intended that the bond should be executed by the trustees in their corporate capacity on behalf of the college, there was no necessity whatever for any agreement to be made about it, because the bond itself was the agreement. The two provisions are inconsistent with the idea that both mean the same thing, and the language used is also inconsistent with the idea. Now, let us see what the agreement is. The agreement is to be under the corporate seal of the corporation. That is a pledge of honor; that is the assent of the corporation to receive; that is a statement on their part that they are willing to receive this fund and apply it properly; and now what do they promise to do? They promise—

To expend all moneys received under this act * * * in the manner herein directed, and to maintain a farm of at least 25 acres in connection with such college.

That is what they agree in the agreement. Now, let us see what they agree in the bond to do:

And shall also have executed and filed with said Secretary their bond, in the penal sum of $15,000, with two sufficient sureties, approved by the clerk of a court of record in such State, conditioned on the faithful expenditure of and accounting for all moneys so received.

That is their obligation. The other is the mere assent. The obligation is personal and also supplemented with the personal responsibility of two additional securities. That is not required to be executed under the corporate seal of the corporation. That is omitted *ex industriâ*. The fact that it was mentioned in the first place in reference to the agreement, which embraces things not embraced in the bond, is conclusive evidence, when it is omitted in the next clause, which relates wholly to the bond, that the corporate seal was not to be annexed, that it was to be the private, personal obligation of the trustees and their sureties.

Mr. HOAR. May I not ask the Senator a question?

Mr. GEORGE. Yes, sir.

Mr. HOAR. The Senator's interpretation of this section does not meet my assent, though he thinks it is very plain. I think it would be very easy to show that he is mistaken; but assuming for the moment the Senator's proposition to be true, take the case, for instance, of South Carolina. I am informed that the trustees of the Agricultural College of South Carolina are the governor and the judges of the supreme court. Now, does the Senator think it reasonable that the governor of a State and the judges of its supreme court should be called upon to give their individual bonds with sureties for the expenditure of a sum of money which may fall into the hands of their successors at any remote period?

The money may be received the day before the governor goes out of office, the day before the judge dies or resigns. Would you require official persons in every State and commonwealth, especially an official of the dignity and character of the State officers, who fill this office of trustee of these State colleges, to give personal bond, conditioned for the faithful application by their successors in office of sums of money? They might be made liable, as it is said a late Commissioner of Agriculture is, for an incorrect interpretation of the law. It seems to me a result so monstrous that the court never would put that construction upon it, and they would say that both these things are acts binding upon the trust fund in the hands of the trustees and importing no personal obligation whatever. Does the Senator think that a reasonable thing to do?

Mr. GEORGE. The criticism of the Senator from Massachusetts expends its whole force upon the supposed or alleged impropriety of the

legislation, and does not touch the question of the meaning of the legislation.

It might be an onerous charge placed upon the governor of South Carolina and the judges of the supreme court of that State to execute the bond; it may be too onerous; but the fact that the law requires them to execute the bond is very plain. You can not argue that the plain words of the statute, as I have read and expounded them, do not mean what they say, because it is imposing an obligation upon these men which they would not likely be willing to assume.

But, Mr. President, even on that point the Senator fails. The argument will not stand even on the attempt to show the impropriety of the legislation, because we require outside sureties to sign the bond. Would it not be as unreasonable to expect the officers of the college themselves to be unwilling to sign the bond for an obligation which might have to be performed by their successors as it would be that sureties would sign the bond over which they had no control whatever?

But then the statute must receive a reasonable construction, and if the Senator's objection was good, as I think I have shown that it is not, it does not weigh a feather in my opinion against the propriety of the provision, unless Senators are willing to donate this money and to employ these agencies without any security whatever as to the faithful application of the money.

For this reason, if his construction of the bill be correct and we require the official corporate obligation of these trustees so that it binds the funds of the college, then they have no power to execute such obligation by reason of the requirement here. It can only be by virtue of a power conferred upon them by the State Legislature, and if the State Legislature is willing to endow them with the power of executing such a bond I do not see why we can complain.

So at last it comes to this: If they have no such power by the charter or by the laws of the State under which they act, this proposed statute does not confer the power upon them. If they have such power, then if it be right in appropriating this large sum of money for us to require an obligation for its faithful application and accounting, it is but a proper exercise of the power on the part of these authorities conferred on them by the Legislature of the State.

Mr. MORGAN. Mr. President, when this bill was brought in I supposed it was a bill to apply or appropriate money to the States to be disbursed by the States in the establishment of agricultural experimental stations. On carefully reading the bill I see that that is not the case. It is a bill appropriating money to be expended under the direction of the Commissioner of Agriculture by the trustees of the agricultural colleges, with a responsibility secured by bonds and securities directed to the Secretary of the Treasury of the United States in accounting for the money, and the only mention that is made of the State in this bill is as follows:

> That for the purpose of paying the salaries and wages of the director and other employés of said stations * * * the sum of $15,000 per annum is hereby appropriated to each State.

That is all; the money is to be appropriated to each State in this Union by act of Congress. The State would be the party, naturally, that under any ordinary bill would be entitled to draw the money, and would be required and entitled also to dispose of it; but after saying that the money is appropriated to the State, what is the next step in the bill?

> To be paid in equal quarterly payments, on the 1st day of January, April, July, and October in each year, to the treasurer or other officer duly appointed by the aforesaid boards of trustees to receive the same.

The money is appropriated to the State. The board of trustees, or the officer appointed by them, must receive the same; the first payment to be made on the 1st of July, &c.

> But no such payment shall be made to any station until the trustees or other governing body of the college at which such station is located shall have executed, under their corporate seal, and filed with the Secretary of the Treasury, an agreement to expend all moneys received under this act for the sole and exclusive purpose and in the manner herein directed.

That is the first agreement.

> And to maintain a farm of at least 25 acres in connection with such college.

That is the second branch of this honorable undertaking.

Now, we have it that the money is being paid to the trustees or their agent. It is being expended under the direction of the board of trustees upon an agreement that they will do two things: that they will expend it in accordance with the act, and that they will maintain a farm of at least 25 acres in connection with the agricultural college.

Further, in order to make it perfectly plain that the relationship is direct and unbroken between the Government of the United States and the management of these stations and the board of trustees and all of their agents, a further guarantee is put into the bill:

> And shall also have executed and filed with said Secretary their bond, in the penal sum of $15,000, with two sufficient sureties, approved by the clerk of a court of record in such State—

Not approved by the Secretary of the Treasury, but approved by the clerk of a court of record in the State—

> conditioned on the faithful expenditure of and accounting for all moneys so received.

Can anything be more palpable than that the State has nothing to do with this except the mere mention of the name of the State as a party to whom the appropriation is made, and that a State officer, a clerk of a court, is required and authorized to approve a bond executed by these trustees or sureties in the sum of $15,000 conditioned on the faithful expenditure of the money?

I confess that is rather a queer mixture of the authorities of the two governments in connection with this business. When we come to analyze the subject the State is left out, except simply that there is a complimentary mention made of it by reference to the clerk of one of its courts, a court of record. It has no more authority over this money after we appropriate it than I have. An act of the State Legislature would not touch it. A direction of the State Legislature to its own corporation as to how it shall expend this money and how it shall account for it would never touch the subject at all.

The board of trustees of this State corporation would say: "Your acts go for nothing, because we are not obliged to account to you in any way whatever. You have made no appropriation of this money; you can not make any. It was not given to you to appropriate. Your assent is not required in any part of this bill to anything that we do. We are entirely independent of you in the expenditure of this $15,000, unaccountable to you for the manner of its expenditure, and therefore we have nothing to do with you in respect of the disposal to be made of this fund."

That is the bill. If there is anything else in it in which the State has the slightest interest or power, I fail to perceive it.

Now the amendment of the Senator from Connecticut comes in, and it proposes to bestow this money upon the State and to allow and require the State to appropriate and to apply it to the specific purposes named in this act. That is something which we can understand. There is not a commingling of authority and a division of responsibility and accountability but that is clear and clean. We understand that when this money goes to the State it goes for a specific purpose; that the State must take it and appropriate it to that purpose, and can not appropriate it to any other; and that is the end of it.

Could it have been the purpose under the guise, yes, the deceptive guise, of paying this little compliment to the States, to draw this money into the hands of these boards of trustees of these State corporations, to be expended entirely by the Government of the United States through its agents, and to be accounted for to the Secretary of the Treasury, with a view of convincing the people of the United States that the money we are bestowing upon these agricultural colleges is money handed over to the States for these purposes? If so, sir, it is entirely illusory. There is not a lawyer, I think, in the world who can work out the proposition that the State has the slightest interest in this money or the slightest control over it under the terms of the bill.

If we intend to give it to the colleges directly, let us do so. What is the use of mentioning the State when it has no power in connection with the subject? Let us give it directly to the colleges, if we intend to do it. If we intend to give it to the States for the purpose of enabling each of them, according to its best judgment, its experience, and the wisdom of its policy, to bestow the money in the nurture and expansion of these agricultural experimental stations, let us do it. Let us do one thing or the other.

Mr. INGALLS. Will the Senator from Alabama yield to a motion to proceed to the consideration of executive business?

Mr. MORGAN. Yes, I will yield for that purpose.

Mr. INGALLS. I move that the Senate proceed to the consideration of executive business.

Mr. EDMUNDS. Pending that motion I move that the Senate adjourn. It is so late that we can not do anything in executive session.

Mr. MORGAN. Will the Senator from Vermont allow me to offer an amendment to the bill?

Mr. EDMUNDS. Yes.

Mr. MORGAN. I propose an amendment to the bill, which I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be received and ordered to be printed. The Senator from Vermont moves that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 18, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 17, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SNYDER, for one week, on account of important business.

To Mr. FORNEY, indefinitely, on account of sickness in his family.

To Mr. DOCKERY, for this day, on account of sickness.

HENRY A. PAUS.

Mr. O'DONNELL. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consider-

ation of the bill (H. R. 1261) for the relief of Henry A. Paus, and put it upon its passage. The objection which was heretofore made to the bill has been withdrawn provided an amendment striking out certain words in the bill is adopted. I have no objection to the amendment.

The SPEAKER. The bill will be read subject to objection.

The bill is as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion resting upon the military record of Henry A. Paus, late a private in Company K, Nineteenth Regiment Illinois Volunteers, and to issue to the said Henry A. Paus an honorable discharge from said organization as of the 20th day of April, 1862; and the said Henry A. Paus shall be entitled to the same pay, bounties, and benefits as if he, on said 20th day of April, 1862, had been lawfully discharged or mustered out of Company K, Nineteenth Regiment Illinois Volunteers.

Mr. O'DONNELL. The Clerk will please read the proposed amendment.

The Clerk read as follows:

It is proposed to strike out all the remainder of the bill after the words "sixty-two," in line 9; as follows:

"And the said Henry A. Paus shall be entitled to the same pay, bounties, and benefits as if he, on said 20th day of April, 1862, had been lawfully discharged or mustered out of Company K, Nineteenth Regiment Illinois Volunteers."

Mr. OATES. With that amendment, I withdraw the objection I made to the bill before.

Mr. TAULBEE. Has this been reported by the Committee on Military Affairs favorably?

Mr. O'DONNELL. Yes, sir; they make a very strong report in its favor.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'DONNELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

O. F. ADAMS.

Mr. SKINNER. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 9868) for the relief of O. F. Adams, and put it upon its passage. The objection which was made to the bill a few days ago is withdrawn provided the amendment which I shall offer is adopted, to strike out of the bill the last three words, "between the States," and insert the words "of the rebellion."

The SPEAKER. The bill will be read, subject to objection.

The bill is as follows:

Be it enacted &c., That the sum of $1,450 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay O. F. Adams, of Washington, N. C., for services rendered the Government during the war between the States.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. SKINNER moved to reconsider the vote by which the bill was was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, WORCESTER, MASS.

Mr. RICE. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (S. 230) for the erection of a public building at Worcester, Mass., and put it upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the post-office and other Government offices, at the city of Worcester, Mass. The plans, specifications, and full estimates of said building shall be previously made and approved according to law, and shall not exceed, for the site and building complete, the sum of $250,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Massachusetts shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. MCMILLIN. Let us have the report in that case read.

The report (by Mr. WILKINS) is as follows:

The city of Worcester is situated in the center of Worcester County, the great central county of Massachusetts. It is 44 miles west from Boston. It is familiarly known as "The Heart of the Commonwealth." More than any other city in the State, excepting Boston, is it a railroad center. The Boston and Albany Railroad passes through it from east to west. The Worcester and Norwich runs southwesterly into Connecticut and to the Sound; the Worcester and Providence southeasterly through the Blackstone Valley to Providence; the Worcester and Nashua northeasterly into New Hampshire and Maine; and the Worcester division of the Fitchburg northwesterly into Vermont and through the Hoosac Tunnel. More than one hundred trains arrive and depart daily. Its central position and especial railroad facilities have caused it to be recognized as the fittest place in the State for conventions of all kinds. It is the shire town of Worcester County, and its courts are in session almost without intermission. Its population is over 70,000. It is the second city in the State in population, wealth, and business. Its population is largely engaged in mechanical pursuits, and it owes its peculiar growth and prosperity largely to the fact that its business establishments are owned by individuals rather than by corporations, and by residents rather than by non-residents.

The following statistics show the business of the Worcester post-office as compared with that of the other cities of Massachusetts:

Free delivery or carrier service, year ending June 30, 1885.

No. of carriers.	Office.	Number of pieces of mail handled by carrier.
12	Fall River	2,519,941
11	New Bedford	3,663,033
16	Lowell	3,639,439
12	Springfield	3,265,357
16	Worcester	4,202,882

Postal statistics, fiscal year ending June 30, 1885.

Population.	Office.	Gross receipts.	Net revenue.
58,000	Fall River	$27,632 53	$10,400 27
33,393	New Bedford	42,400 63	26,195 71
49,000	Lynn	41,388 40	20,994 60
64,051	Lowell	75,661 26	49,492 55
40,000	Springfield	73,770 33	50,770 62
70,000	Worcester	86,087 04	53,811 47

Statistics, year ending June 30, 1885.

MONEY-ORDER BUSINESS.

Receipts	$134,968 21
Payments	186,305 11
Total	321,273 32
Receipts from stamps, postal cards, stamped envelops, &c., in 1883, under 3-cent rate of postage, fiscal year ending June 30, 1883	96,743 36
Expenses	28,812 76
Net revenue	67,930 60
In 1885, under 2-cent rate	86,087 04
Expenses	32,275 57
Net revenue	53,811 47

MAIL MATTER.

Number pieces mail handled:	
By carrier	4,202,882
Delivered through boxes and general delivery	2,920,349
Mail matter of all classes mailed and dispatched	8,327,613
Mail in transit	3,745,738
Registered mail	62,160
Total number pieces handled	19,258,742
Number mails sent and received daily	189
Number persons employed in the office	37

Worcester is a depositing office for one hundred and seventy fourth-class offices in Worcester County and Eastern Connecticut.

The number of post-offices now occupying Government buildings in the United States is eighty-seven, and of this number Worcester is excelled in gross receipts by only twenty-five, and in net receipts by twenty-two.

The fact that her post-office business yields a net revenue of $53,000 should be taken into account in this connection. It surely seems incongruous, if not unjust, that the Government should construct costly buildings in cities, the income of whose public business does not nearly pay the expense, and refuse them to cities which, like Worcester, show a large surplus.

The amount of the appropriation asked for is based somewhat upon the estimated cost of a suitable site. It assumed that to comply with the requisitions of the Government, an area of not less than 15,000 square feet would be required. The price of any land suitable for the purpose would vary between the extremes of $5 and $10 a square foot. Calling it $7.50 would make the expense of the site $112,500. To this should be added a sum large enough to construct a building fit for the purpose and calculated to afford permanent postal, revenue, and court accommodations for a city whose future promises equal growth with its past.

In view of the foregoing facts, your committee respectfully recommend the passage of Senate bill 230.

There being no objection, the bill was ordered to a third reading; and was accordingly read the third time, and passed.

Mr. RICE moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, OPELOUSAS, LA.

Mr. IRION. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (S. 324) for the erection of a public building at Opelousas, La., and put it upon its passage with the amendments recommended by the Committee on Public Buildings and Grounds.

The SPEAKER. The bill will be read subject to objection.

The bill was read at length.

Mr. STORM. Let the report in that case be read.

The report was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STORM. I object.

Mr. COWLES. I call for the regular order.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the regular order is the call of States and Territories for the introduction and reference of bills and joint resolutions. On this call memorials of State and Territorial legislatures are in order for reference; also resolutions of inquiry addressed to heads of Departments, as well as resolutions providing for changes in the rules of the House.

LA GRANGE COLLEGE.

Mr. WHEELER introduced a bill (H. R. 10671) for the relief of La Grange College; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. W. ANDREWS.

Mr. WHEELER also introduced a bill (H. R. 10672) for the relief of J. W. Andrews; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUITS TO ANNUL LAND PATENTS.

Mr. MORROW introduced a bill (H. R. 10673) providing a limitation for suits by the United States to vacate and annul land patents; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

C. A. WILLIAMS AND OTHERS.

Mr. WAIT introduced a bill (H. R. 10674) for the relief of C. A. Williams and others, owners of the schooner Era; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WINDSOR AND SOUTH WINDSOR, CONN.

Mr. BUCK introduced a bill (H. R. 10675) for the relief of the towns of Windsor and South Windsor, Conn., on account of damage done to Bissell's Ferry; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSEPH A. WOODSWORTH.

Mr. LORE submitted a resolution for the relief of Joseph A. Woodsworth; which was read, and referred to the Committee on Accounts.

ADDITIONAL LAND DISTRICT IN FLORIDA.

Mr. DAVIDSON, of Florida, introduced a bill (H. R. 10676) providing for the establishment of an additional land district in the State of Florida; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

PUBLIC BUILDING, PENSACOLA, FLA.

Mr. DAVIDSON, of Florida, also introduced a bill (H. R. 10677) providing for the completion of the public building in the city of Pensacola, Fla.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

GEORGE E. SANFORD.

Mr. LAWLER introduced a bill (H. R. 10678) to relieve George E. Sanford of the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CONSIDERATION OF BILL H. R. 6977.

Mr. SPRINGER submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That Saturday, January 22, after the reading of the Journal, be set apart for the consideration in the House of House bill No. 6977, relating to the compensation and duties of United States attorneys, marshals, and commissioners, and for other purposes.

BUSINESS OF COMMITTEE ON THE TERRITORIES.

Mr. SPRINGER also submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That Tuesday and Wednesday, January 25 and 26, be set apart, after the reading of the Journal, for the consideration in the House of bills reported from the Committee on the Territories.

NOAH W. HALLEY.

Mr. WARD, of Indiana, submitted a resolution for the payment to Noah W. Halley of the difference between the compensation of a folder and a messenger during the period of his service as messenger; which was read, and referred to the Committee on Accounts.

THOMAS F. TOWNSEND.

Mr. MATSON introduced a bill (H. R. 10679) to increase the pension of Thomas F. Townsend; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FINTON A. STROUP.

Mr. FORD introduced a bill (H. R. 10680) granting a pension to Finton A. Stroup, late a private in Company E, One hundred and fifty-second Regiment Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE UNKS.

Mr. HOWARD introduced a bill (H. R. 10681) granting a pension to George Unks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER B. BUSHNELL.

Mr. HOWARD also introduced a bill (H. R. 10682) granting a pension to Alexander B. Bushnell; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WILLIAM R. ROBBINS.

Mr. HOWARD also introduced a bill (H. R. 10683) granting a pension to William R. Robbins; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MARY ANN HARDEN.

Mr. HOWARD also introduced a bill (H. R. 10684) granting a pension to Mary Ann Harden; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PAULINE T. CARPENTER.

Mr. HOWARD also introduced a bill (H. R. 10685) granting a pension to Pauline T. Carpenter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EPHRAIM SMALLWOOD AND OTHERS.

Mr. HOWARD also introduced a bill (H. R. 10686) for the relief of Ephraim Smallwood, George Smallwood, Jesse M. Browning, Allen Goss, and Frank Varney; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIS OLIVER.

Mr. HOWARD also introduced a bill (H. R. 10687) granting a pension to Willis Oliver; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPT. ROBERT G. SMITHER.

Mr. BROWNE, of Indiana (by Mr. STEELE), introduced a bill (H. R. 10688) for the relief of Capt. Robert G. Smither; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE W. LEIPPS.

Mr. STEELE (by request) introduced a bill (H. R. 10689) for the relief of George W. Leipps, Company K, Fortieth and Fifty-first Ohio Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INDIANA KUHN.

Mr. CONGER introduced a bill (H. R. 10690) granting a pension to Indiana Kuhn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN BOLES.

Mr. STRUBLE (by request) introduced a bill (H. R. 10691) granting a pension to John Boles; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN G. HASSON.

Mr. HEPBURN introduced a bill (H. R. 10692) granting a pension to John G. Hasson, of Waldon, Iowa; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LAKE INMAN, KANSAS.

Mr. PETERS introduced a bill (H. R. 10693) granting title to the Northwestern Town Company, of Topeka, Kans., to Lake Inman, in McPherson County, Kansas; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

BENJAMIN DABNEY.

Mr. WOLFORD introduced a bill (H. R. 10694) granting a pension to Benjamin Dabney, late a private of Company F, Thirteenth Kentucky Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROSECUTIONS AGAINST INDIANS.

Mr. ROBERTSON introduced a bill (H. R. 10695) to regulate the prosecutions against Indians for crimes committed in the Territories; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES D. M'KENZIE.

Mr. McCREARY introduced a bill (H. R. 10696) for the relief of James D. McKenzie, of Lincoln County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY MORRIS.

Mr. McCREARY also introduced a bill (H. R. 10697) granting a pension to Henry Morris, of Jackson County, Kentucky; which was read a

first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JESSE P. RIFFE.

Mr. McCREARY also introduced a bill (H. R. 10698) for the relief of Jesse P. Riffe, of Lincoln County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

M. BARLOW.

Mr. McCREARY also introduced a bill (H. R. 10699) for the benefit of M. Barlow, of Richmond County, Kentucky; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES W. HOWARD.

Mr. McCREARY also introduced a bill (H. R. 10700) for the relief of the heirs of James W. Howard, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES M. CHANDLER.

Mr. LAFFOON introduced a bill (H. R. 10701) for the relief of James M. Chandler; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LIGHT-HOUSES, CHICOT PASS AND GRAND LAKE.

Mr. GAY introduced a bill (H. R. 10702) to establish light-houses at Chicot Pass and Grand Lake, State of Louisiana; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FEES FOR OFFICIAL SERVICES TO AMERICAN VESSELS.

Mr. DINGLEY introduced a bill (H. R. 10703) to amend an act to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

GOLD AND SILVER LEGAL-TENDER CERTIFICATES.

Mr. FINDLAY introduced a bill (H. R. 10704) to make gold and silver coin jointly legal tender; to authorize the issue of legal-tender certificates for half gold and half silver coin; and to provide that the fund for redeeming Treasury notes, and that the coin reserves of national banks, shall be held half in gold coin and half in silver coin; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

JULIA B. SCHOEPF.

Mr. COMPTON introduced a bill (H. R. 10705) for the relief of Julia B. Schoepf, widow of the late General Alvin F. Schoepf; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZA SHREEVE.

Mr. SHAW introduced a bill (H. R. 10706) granting a pension to Eliza Shreeve; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WALT WHITMAN.

Mr. LOVERING introduced a bill (H. R. 10707) granting a pension to Walt Whitman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL W. PIERCE.

Mr. RANNEY introduced a bill H. R. 10708) granting a pension to Samuel W. Pierce; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL R. HANWELL.

Mr. RANNEY introduced a bill (H. R. 10709) for increase of pension to Daniel R. Hanwell; which was read a first and second time, referred to the Committee on Invalid Pensions, and, with the accompanying report, ordered to be printed.

EBER F. CLARK.

Mr. ALLEN introduced a bill (H. R. 10710) granting a pension to Eber F. Clark, late Company B, Fifty-third Massachusetts Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and, with the accompanying report, ordered to be printed.

J. W. LADD.

Mr. STRAIT introduced a bill (H. R. 10711) for the relief of J. W. Ladd; which was read a first and second time, referred to the Committee on Claims, and, with the accompanying report, ordered to be printed.

THOMAS M'CABE.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 10712) for the relief of Thomas McCabe; which was read a first and second time, referred to the Committee on Military Affairs, and, with the accompanying report, ordered to be printed.

QUARANTINE STATION, SHIP ISLAND, MISS.

Mr. VAN EATON introduced a bill (H. R. 10713) to authorize the removal of the quarantine station from Ship Island, Miss.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES W. SAUNDERS.

Mr. MORGAN (by Mr. VAN EATON) introduced a bill (H. R. 10714) for the relief of James W. Saunders; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. H. WADE.

Mr. WARNER, of Missouri, introduced a bill (H. R. 10715) for the relief of W. H. Wade, late a captain in Thirty-first Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. MARY J. JACKSON HORD.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 10716) for the relief of Mrs. Mary J. Jackson Hord, of Independence, Mo.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BRIDGE ACROSS MISSOURI RIVER.

Mr. WARNER, of Missouri, also entered a bill (H. R. 10717) to authorize the construction of a bridge across the Missouri River at the most accessible point between the city of Kansas and the town of Sibley, in the county of Jackson in the State of Missouri; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM. J. SCARBOROUGH.

Mr. STONE, of Missouri, introduced a bill (H. R. 10718) granting a pension to William. J. Scarborough; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANN C. GUTHRIE.

Mr. STONE, of Missouri, also introduced a bill (H. R. 10719) granting a pension to Ann C. Guthrie; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. NELSON.

Mr. STONE, of Missouri, also introduced a bill (H. R. 10720) for the relief of John H. Nelson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MYRA YEOMANS.

Mr. STONE, of Missouri, also introduced a bill (H. R. 10721) for the relief of Myra Yeomans; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SETTLERS ON PUBLIC DOMAIN.

Mr. DORSEY introduced a bill (H. R. 10722) for the relief of settlers on the public domain; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

HORACE JUDSON.

Mr. DORSEY also introduced a bill (H. R. 10723) granting a pension to Horace Judson, Company A, Seventy-fifth Illinois Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK HEALY.

Mr. DORSEY also introduced a bill (H. R. 10724) granting a pension to Frank Healy, Company I, Thirty-first Wisconsin Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN LITTLE AND HOBART WILLIAMS.

Mr. DORSEY also introduced a bill (H. R. 10725) for the relief of John Little and Hobart Williams; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

P. DUNPHY.

Mr. LAIRD (by Mr. DORSEY) introduced a bill (H. R. 10726) to remove the charge of desertion from the military record of P. Dunphy; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JONATHAN H. CLINE.

Mr. LAIRD (by Mr. DORSEY) also introduced a bill (H. R. 10727) granting a pension to Jonathan H. Cline; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH A. PACKARD.

Mr. GALLINGER introduced a bill (H. R. 10728) granting a pension to Sarah A. Packard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT HANOVER, N. H.

Mr. GALLINGER also introduced a bill (H. R. 10729) to provide

for the erection of a public building in the town of Hanover, in the State of New Hampshire; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

UNITED STATES COURTS, NEWARK, N. J.

Mr. LEHLBACH introduced a bill (H. R. 10730) providing for the holding of United States courts in the city of Newark, N. J.; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING, BINGHAMTON, N. Y.

Mr. MILLARD introduced a bill (H. R. 10731) for the erection of a public building in the city of Binghamton, N. Y.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MARY E. DONAHUE.

Mr. BURLEIGH (by Mr. JOHNSON, of New York) introduced a bill (H. R. 10732) granting a pension to Mary E. Donahue; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY M. STRONG.

Mr. BURLEIGH also introduced a bill (H. R. 10733) granting a pension to Mary M. Strong; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WAGES OF EMPLOYÉS, GOVERNMENT PRINTING OFFICE.

Mr. FARQUHAR introduced a bill (H. R. 10734) to revise the rates of wages of certain employés of the Government Printing Office; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

JAMES A. MURRAY.

Mr. FARQUHAR also introduced a bill (H. R. 10735) for the relief of James A. Murray, of Buffalo, N. Y.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EMILY A. ALLEN.

Mr. PARKER introduced a bill (H. R. 10736) for the relief of Emily A. Allen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCES M. CHAPIN.

Mr. PARKER also introduced a bill (H. R. 10737) for the relief of Frances M. Chapin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTIN GOLDING.

Mr. SKINNER (by request) introduced a bill (H. R. 10738) for the relief of Martin Golding, of North Carolina; which was read a first and second time, referred to the Committee on War Claims and ordered to be printed.

MILITARY CEMETERY, WILMINGTON, NORTH CAROLINA.

Mr. BENNETT introduced a bill (H. R. 10739) to macadamize the road from Wilmington, North Carolina, to the National Military Cemetery near that city; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HARRY BARTON.

Mr. FORAN submitted the following resolution; which was referred to the Committee on Claims:

Resolved, That the Committee on Appropriations be requested to provide for the payment of Harry Barton, in one of the general appropriation bills, the sum of $67.08, it being the difference between his pay as a folder and that of a clerk in the office of the House Folding-Room from March 10, 1886, to May 31, 1886, at which time he ceased to be an employé of this House.

CATHARINA AMBERG.

Mr. GROSVENOR (by request) introduced a bill (H. R. 10740) granting a pension to Catharina Amberg; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS POHL.

Mr. CAMPBELL, of Ohio, introduced a bill (H. R. 10741) to pension Francis Pohl; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RULE XXXIII.

Mr. WILKINS submitted the following resolution; which was referred to the Committee on Rules:

Resolved by the House of Representatives, That Rule XXXIII be suspended so as to permit the use of the Hall of the House of Representatives to the International Medical Congress, which meets in this city in the month of September, 1887.

LINUS FESSENDEN.

Mr. WILKINS also introduced a bill (H. R. 10742) granting a pension to Linus Fessenden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW J. BLACKSTONE.

Mr. MCKINLEY introduced a bill (H. R. 10743) for the relief of Andrew J. Blackstone; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELECTION OF SENATORS BY THE PEOPLE.

Mr. HERMANN introduced a joint resolution (H. Res. 239) proposing an amendment to the Constitution of the United States providing for the election of Senators by the votes of the people of the States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

B. F. DOWELL, HEIRS OF A. C. GIBBS.

Mr. HERMANN also introduced a bill (H. R. 10744) to pay to B. F. Dowell and the heirs of A. C. Gibbs, deceased, for services as attorneys in defending certain cases in behalf of the United States in the courts; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES H. COLBY.

Mr. HERMANN also introduced a bill (H. R. 10745) to place the name of James H. Colby, of Company I, Thirty-second Regiment Maine Volunteers, in the late war, on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW CLARNO, OF OREGON.

Mr. HERMANN also introduced a bill (H. R. 10746) for the relief of Andrew Clarno, of Oregon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HARKNESS & TOOGOOD.

Mr. HERMANN also introduced a bill (H. R. 10747) for the relief of Harkness & Toogood, of Oregon and Idaho; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

OREGON INDIAN WAR CLAIMS.

Mr. HERMANN also introduced a bill (H. R. 10748) to pay the Oregon Indian war claims, audited by Philo Callender, war commissioner; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. CAROLINE SEXTON.

Mr. HERMANN also introduced a bill (H. R. 10749) for the relief of Mrs. Caroline Sexton, formerly Mrs. Nidy, of Oregon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WORLD'S EXPOSITION, BIRMINGHAM, ALA.

Mr. KELLEY introduced a bill (H. R. 10750) to provide for an appropriation to promote the Colored People's World's Exposition, to be holden at the city of Birmingham, Ala., commencing on the 22d day of September, 1887; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ALEXANDER H. ADAMS.

Mr. SOWDEN (by request) introduced a bill (H. R. 10751) for the relief of the sureties on the official bond of Alexander H. Adams, late pension agent at Lexington, Ky.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FRANCES DINGLEY RANDALL.

Mr. RANDALL introduced a bill (H. R. 10752) granting a pension to Frances Dingley Randall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONSTITUTIONAL CENTENNIAL COMMISSION.

Mr. RANDALL also introduced a bill (H. R. 10753) to provide for the appointment of commissioners to represent the Federal Government in the Constitutional Centennial Commission, and to authorize them to take part in carrying out the programme arranged for the celebration of the centennial anniversary of the framing and promulgation of the Constitution of the United States of America, to be held at Philadelphia on the 15th, 16th, and 17th days of September, 1887, for the publication of public archives and other documents; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JACOB D. JOHNSON.

Mr. SOWDEN introduced a bill (H. R. 10754) granting a pension to Jacob D. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORLANDO P. HART.

Mr. STORM introduced a bill (H. R. 10755) for the relief of Orlando P. Hart; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AUGUST LANTENSCHLAGER.

Mr. FLEEGER introduced a bill (H. R. 10756) granting a pension to August Lantenschlager, late private, Company B, First Michigan Light Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CIRCUIT COURT, DISTRICT OF COLUMBIA.

Mr. HEMPHILL introduced a bill (H. R. 10757) to provide for an additional term of the circuit court of the supreme court of the District of Columbia, and for the appointment of one additional associate justice thereof; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

CODIFICATION OF LAWS, DISTRICT OF COLUMBIA.

Mr. HEMPHILL also introduced a bill (H. R. 10758) to provide for the compilation of the laws relating to and in force in the District of Columbia, and for the appointment of a reporter for the supreme court of the said District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

PROTECTION OF MINORS, DISTRICT OF COLUMBIA.

Mr. HEMPHILL (by request) also introduced a bill (H. R. 10759) for the protection of the morals of minors in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

NEW STEAM CRUISER.

Mr. BALLANTYNE introduced a bill (H. R. 10760) for the construction of a steam cruising vessel of war of 20 knots speed; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

FREDERICK BROWN.

Mr. THROCKMORTON introduced a bill (H. R. 10761) for the relief of Frederick Brown; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SAMUEL WORL.

Mr. WISE introduced a bill (H. R. 10762) for the relief of Samuel Worl; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GILBERT THOMPSON AND OTHERS.

Mr. BARBOUR (by request) introduced a bill (H. R. 10763) for the relief of Gilbert Thompson, Veronica Ulke, Julia F. Laskey, and F. G. Barbadoes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

DEPENDENT RELATIVES, MEMBERS LIFE-SAVING SERVICE.

Mr. LIBBEY introduced a bill (H. R. 10764) granting a pension to the dependent relatives of members of the Life-Saving Service who were lost at Virginia Beach, January 8, 1887; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

BUSINESS FROM THE COMMITTEE ON MILITARY AFFAIRS.

Mr. BRAGG submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That on Thursday, January the 20th, at 5 o'clock p. m., the House take a recess until 7.30 p. m., for an evening session, to be devoted exclusively to the consideration of bills reported from the Committee on Military Affairs, the bills to be called up in the order directed by such committee.

ALEXANDER HOLTZ.

Mr. VAN SCHAICK introduced a bill (H. R. 10765) granting a pension to Alexander Holtz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TAXATION OF RAILROADS, WASHINGTON TERRITORY.

Mr. VOORHEES introduced a bill (H. R. 10766) to provide for the taxation of railroad property in Washington Territory; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

CITY OF POMEROY, WASHINGTON TERRITORY.

Mr. VOORHEES also introduced a bill (H. R. 10767) to enable the city of Pomeroy, in Washington Territory, to levy special taxes for the building of water-works, and for other purposes; which was read a first and second time, referred to the Commlttee on the Territories, and ordered to be printed.

CANAL, WASHINGTON TERRITORY.

Mr. VOORHEES also introduced a bill (H. R. 10768) providing for the operation of a canal between Lakes Union and Washington and Puget Sound, in Washington Territory, and granting the right to impose and collect tolls, and for other purposes; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call. If there be no objection, the Chair will now recognize for the introduction of bills and resolutions gentlemen who were not in their seats when their States were called.

There was no objection.

CUSTOM-HOUSE BUILDING IN NEW YORK.

Mr. T. J. CAMPBELL introduced a joint resolution (H. Res. 240) authorizing the Secretary of the Treasury to ascertain the cost of a site for a custom-house in New York city, N. Y.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

EMILY M. WARD.

Mr. LE FEVRE introduced a bill (H. R. 10769) granting a pension to Emily M. Ward, widow of Austen W. Marshall, late captain Company E, Tenth Ohio Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MATHEW O'REGAN.

Mr. LAWLER introduced a bill (H. R. 10770) granting an increase of pension to Mathew O'Regan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALE OF PROPERTY IN CHICAGO.

Mr. WARD, of Illinois, introduced a bill (H. R. 10771) to amend an act "to provide for the ascertainment of the market value of certain property in the city of Chicago, and to authorize the Secretary of the Treasury to sell and convey said property," approved May 27, 1886; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

OPPOSITION TO THE FREE-SHIP BILL.

Mr. MILLIKEN presented a resolution of the Maine Legislature in opposition to the Dunn free-ship bill.

Mr. MILLIKEN. I ask that the resolution be read.

The resolution was read, and was referred to the Select Committee on American Ship-building and Ship-owning Interests.

SILAS W. SHULTS.

Mr. NEECE introduced a bill (H. R. 10772) granting a pension to Silas W. Shults; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PARLEY HARSON.

Mr. NEECE also introduced a bill (H. R. 10773) granting a pension to Parley Harson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM SWEGER.

Mr. ATKINSON introduced a bill (H. R. 10774) granting a pension to William Sweger, dependent father of Absalom Sweger, deceased; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MARY P. THOMPSON.

Mr. ATKINSON also introduced a bill (H. R. 10775) granting a pension to Mary P. Thompson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEVI NEITZ.

Mr. ATKINSON also introduced a bill (H. R. 10776) for the relief of Levi Neitz; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM WALLACE.

Mr. ATKINSON also introduced a bill (H. R. 10777) granting a pension to William Wallace, late of Company D, Twenty-first Pennsylvania Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REMOVAL OF A SOLDIER'S BODY.

Mr. ATKINSON also (by request) introduced a bill (H. R. 10778) authorizing the Secretary of War to cause the removal of the body of W. M. Miller from Fort Robinson, Nebr., to Snyder County, Pennsylvania; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

UNION PACIFIC RAILROAD COMPANY.

Mr. ANDERSON, of Kansas, submitted the following resolution; which was read, and referred to the Committee on the Judiciary:

Resolved, That the Attorney-General be requested to inform this House by what legal authority the directors of the Union Pacific Railroad Company consolidated that company with the Kansas Pacific Railway Company and the Denver Pacific Railroad Company, and reorganized the same under the name of the Union Pacific Railway Company, and by what legal authority the last-named company issued $24,000,000 of the capital stock of said company in addition to the capital stock of the Union Pacific Railroad Company; and also by what legal authority the Union Pacific Railway Company issued two trust loans, amounting to $11,883,000, and whether the said Union Pacific Railway Company has any legal existence as a corporation.

EUNICE TURNER.

Mr. CALDWELL introduced a bill (H. 10779) granting a pension to Eunice Turner; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES CURRAN.

Mr. DUNHAM introduced a bill (H. R. 10780) granting a pension to James Curran; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES C. ROESCH.

Mr. MORRISON introduced a bill (H. R. 10781) granting a pension to Charles C. Roesch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RELIEF OF LABORERS, DISTRICT OF COLUMBIA.

Mr. O'NEILL, of Missouri, introduced a bill (H. R. 10782) for the relief of certain laborers in the District of Columbia; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

BRIDGE OVER THE MISSISSIPPI AT SAINT LOUIS.

Mr. O'NEILL, of Missouri, also (by request) introduced a bill (H. R. 10783) authorizing the construction of a high level bridge over the Mississippi River at Saint Louis; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PHILLIP KOPPLIN.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 10784) for the relief of Phillip Kopplin; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

EDWARD G. GANNER.

Mr. KETCHAM introduced a bill (H. R. 10785) to relieve Edward G. Ganner of the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DISCRIMINATIONS AGAINST AMERICAN VESSELS.

Mr. BELMONT introduced a bill (H. R. 10786) to protect American vessels against unwarrantable and unlawful discriminations in the ports of British North America; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

NATIONAL-BANK ACT.

Mr. BRUMM introduced a bill (H. R. 10787) to amend the national-bank act; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

DEFICIENCY ESTIMATES.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting deficiency estimates for the fiscal year ending June 30, 1887; which was referred to the Committee on Appropriations, and ordered to be printed.

BUSINESS OF POST-OFFICE COMMITTEE.

Mr. BLOUNT submitted a resolution to set apart a day for consideration of bills from the Committee on the Post-Office and Post-Roads; which was referred to the Committee on Rules.

BRIDGE ACROSS WHITE RIVER, INDIANA.

Mr. KLEINER introduced a bill (H. R. 10788) to authorize the construction of a bridge for the Evansville and Chicago Railroad across the White River, in Indiana, at the town of Hazelton; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I call up the unfinished business of last suspension day, being the bill reported from the Committee on Patents.

Mr. CRISP. I desire to ask the House to consider the conference report on the interstate-commerce bill.

Mr. TOWNSHEND. I am in favor of this, but not until this other matter is disposed of.

The SPEAKER. The gentleman from Georgia [Mr. CRISP], as a matter of privilege, calls up the conference report on the interstate-commerce bill. The Clerk will read the title of the bill.

Mr. ANDERSON, of Kansas. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON, of Kansas. This is suspension day and the general understanding has been that the pension bill would be called up. Now if the House goes into Committee of the Whole on the interstate-commerce bill, will not that necessarily drive over the general pension bill?

The SPEAKER. The House does not go into Committee of the Whole on the interstate-commerce bill. There is a conference report on that bill, and that, under the rules of the House, is a matter of the highest privilege. If the House refuse to consider it, or if the House complete the consideration of the conference report, then the motion to suspend the rules will be in order. The third Monday in the month is not set apart for the suspension of the rules. The rules simply provide that it shall be in order on that day to move to suspend the rules.

Mr. ANDERSON, of Kansas. If the House refuse to consider the conference report, then we can get at the pension bill?

The SPEAKER. It is for the House to say. When any privileged matter is presented the House must decide whether it will consider it or not.

Mr. ANDERSON, of Kansas. Then I raise the question of consideration.

Mr. TOWNSHEND. Mr. Speaker, I rise to a parliamentary inquiry.

Mr. RANDALL. I object to debate.

The SPEAKER. Debate is not in order.

Mr. TOWNSHEND. I rise to a parliamentary inquiry. If the conference report is taken up and the day is consumed in the consideration of it, will not that compel the unfinished business of last suspension day to be postponed for one month?

The SPEAKER. As a matter of course.

Mr. TOWNSHEND. And I desire to inquire further whether the consideration of this conference report is not in order on any day after this?

Mr. MATSON. I desire to raise the question of consideration.

The SPEAKER. It has been raised by the gentleman from Kansas [Mr. ANDERSON]. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 1532) to regulate commerce.

Mr. PETERS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PETERS. I desire to ask what committee will be next in order under the call.

The SPEAKER. The Committee on Patents was called, and the bill was under consideration.

Mr. PETERS. What will be the next committee in order.

Several MEMBERS. Regular order!

The SPEAKER. The Committee on Invalid Pensions. The question is, Will the House now proceed to consider the conference report?

Mr. ANDERSON, of Kansas. I demand the yeas and nays.

The yeas and nays were ordered, 53 members voting in favor thereof.

Mr. CUTCHEON. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CUTCHEON. This conference report, as I understand, is a matter of privilege which may be brought up on any other day.

The SPEAKER. The Chair has already stated that.

The question was taken; and there were—yeas 113, nays 137, not voting 69; as follows:

YEAS—113.

Adams, J. J.	Dargan,	Jones, J. T.	Sayers,
Allen, J. M.	Davidson, A. C.	Laffoon,	Scott,
Ballentine,	Davidson, R. H. M.	Lanham,	Seney,
Barbour,	Dawson,	Le Fevre,	Shaw,
Barksdale,	Dibble,	Lore,	Skinner,
Barnes,	Dougherty,	Mahoney.	Sowden,
Belmont,	Dunn,	Martin,	Springer,
Bennett,	Eden,	McAdoo,	Stewart, C.
Blanchard,	Ellsberry,	McCreary,	Stone, W. J., Mo.
Bland,	Findlay,	McMillin,	Storm,
Blount,	Foran,	McRae,	Swope,
Boyle,	Ford,	Merriman,	Tarsney,
Bragg,	Gay,	Miller,	Taylor, J. M.
Breckinridge, C. R.	Gibson, C. H.	Mills,	Throckmorton,
Breckinridge, W. C. P.	Glass,	Morrison,	Tillman,
Burnes,	Glover,	Murphy,	Tucker,
Cabell,	Green, W. J.	Neal,	Turner,
Caldwell,	Hall,	Norwood,	Van Eaton,
Catchings,	Halsell,	Oates,	Ward, T. B.
Clardy,	Hammond,	O'Ferrall,	Warner, A. J.
Clements,	Harris,	Outhwaite,	Wellborn,
Compton,	Hatch,	Peel,	Wheeler,
Cowles,	Hemphill,	Perry,	Willis,
Cox, Wm. R.	Henderson, J. S.	Randall,	Winans,
Crain,	Herbert,	Richardson,	Wise.
Crisp,	Hutton,	Riggs,	Woodburn.
Croxton,	Irion,	Rogers,	
Culberson,	Johnston, T. D.	Rusk,	
Daniel,	Jones, J. H.	Sadler,	

NAYS—137.

Adams, G. E.	Everhart,	Libbey,	Rowell,
Allen, C. H.	Farquhar,	Lindsley,	Ryan,
Anderson, C. M.	Felton,	Little,	Sawyer,
Anderson, J. A.	Fisher,	Long,	Scranton,
Atkinson,	Fleeger,	Louttit,	Seymour,
Bacon,	Frederick,	Lovering,	Spooner,
Baker,	Fuller,	Lyman,	Steele,
Bayne,	Funston,	Markham,	Stone, E. F.
Bound,	Gallinger,	Matson,	Strait,
Boutelle,	Goff,	McKenna,	Struble,
Brady,	Grosvenor,	McKinley,	Swinburne,
Brown, C. E.	Grout,	Millard,	Symes,
Brown, W. W.	Guenther,	Milliken,	Taulbee,
Brumm,	Hale,	Moffatt,	Taylor, E. B.
Buck,	Hayden,	Morrill,	Taylor, I. H.
Bunnell,	Haynes,	Morrow,	Thomas, J. R.
Burrows,	Henderson, D. B.	Neece,	Thomas, O. B.
Butterworth,	Hepburn,	Negley,	Thompson,
Bynum,	Hermann,	Nelson,	Townshend,
Campbell, J. M.	Hiestand,	O'Donnell,	Van Schaick,
Campbell, J. E.	Hill,	O'Neill, C.	Viele,
Campbell, T. J.	Hitt,	O'Neill, J. J.	Wade,
Cannon,	Holman,	Osborne.	Wait,
Caswell,	Holmes,	Owen,	Wakefield,
Cobb,	Hopkins,	Parker,	Warner, William
Conger,	Howard,	Perkins,	Weaver, J. B.
Cooper,	Johnson, F. A.	Peters,	Weber,
Cutcheon,	Johnston, J. T.	Pindar,	White, A. C.
Davis,	Kelley,	Pirce,	White, Milo
Dingley,	Ketcham,	Plumb,	Wilkins,
Dorsey,	Kleiner,	Ranney,	Wolford,
Dunham,	La Follette,	Reed,	Worthington.
Eldredge,	Landes,	Rice,	
Ely,	Lawler,	Rockwell,	
Evans,	Lehlbach,	Romeis,	

NOT VOTING—69.

Aiken,	Geddes,	Maybury,	Spriggs,
Barry,	Gibson, E.	McComas,	Stahlnecker,
Bingham,	Gilfillan,	Mitchell,	Stephenson,
Bliss,	Green, R. S.	Morgan,	Stewart, J. W.
Browne, T. M.	Hanback,	Muller,	St. Martin,
Buchanan,	Harmer,	O'Hara,	Stone, W. J., Ky.
Burleigh,	Heard,	Payne,	Taylor, Zach.
Campbell, Felix	Henderson, T. J.	Payson,	Trigg,
Candler,	Henley,	Pettibone,	Wadsworth,
Carleton,	Hires,	Phelps,	Wallace,
Collins,	Hiscock,	Pidcock,	Ward, J. H.
Comstock,	Houk,	Reagan,	Weaver, A. J.
Cox, S. S.	Hudd,	Reese,	West,
Curtin,	Jackson,	Robertson,	Whiting,
Davenport,	James,	Sessions,	Wilson.
Dockery,	King,	Singleton,	
Ermentrout,	Laird,	Smalls,	
Forney,	Lowry,	Snyder,	

So the House refused to consider the report.

The following named members were announced as paired until further notice:

Mr. SNYDER with Mr. BUCHANAN.
Mr. REAGAN with Mr. HISCOCK.
Mr. PIDCOCK with Mr. GILFILLAN.
Mr. KING with Mr. BROWNE, of Indiana.
Mr. MORGAN with Mr. ZACH. TAYLOR.
Mr. WILSON with Mr. MCCOMAS.
Mr. MITCHELL with Mr. WHITING.
Mr. CANDLER with Mr. WEST.
Mr. COX, of New York, with Mr. PAYSON.
Mr. REESE with Mr. WEAVER, of Nebraska.
Mr. SPRIGGS with Mr. HOUK.
Mr. COMPTON with Mr. STEWART, of Vermont.
Mr. FORNEY with Mr. PAYNE.

The following named members were announced as paired for this day:

Mr. ROBERTSON with Mr. SESSIONS.
Mr. ERMENTROUT with Mr. HARMER.
Mr. GIBSON, of West Virginia, with Mr. PETTIBONE.
Mr. MULLER with Mr. LAIRD.
Mr. FELIX CAMPBELL with Mr. BINGHAM.
Mr. LOWRY with Mr. HANBACK.
Mr. BARRY with Mr. JACKSON.
Mr. GEDDES with Mr. HENDERSON, of Illinois.
Mr. STONE, of Kentucky, with Mr. JAMES.
Mr. DOCKERY with Mr. BURLEIGH.

The result of the vote was announced as above stated.

FORT BERTHOLD RESERVATION, DAKOTA.

A message from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

The SPEAKER laid before the House the following message from the President of the United States; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 11th instant from the Secretary of the Interior, submitting, with accompanying papers, a copy of an agreement duly made under the provisions of the act of May 15, 1886 (24 Stat., page 44) with the Indians residing upon the Fort Berthold reservation, in Dakota, for the cession of a portion of their reservation in said Territory, and for other purposes.

The agreement, together with the recommendations of the Department, is presented for the action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION,
January 17, 1887.

DEFICIENCIES ESTIMATES.

The SPEAKER laid before the House a letter from the Secretary of the Treasury transmitting deficiencies estimates made for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

PATENTS.

Mr. TOWNSHEND. I now call up the unfinished business of the last suspension day.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 4458) to limit the jurisdiction of United States courts in patent cases, and to protect persons who, without notice, are *bona fide* manufacturers, purchasers, venders, and users of articles, machines, machinery, and other things for the exclusive use, manufacture, or sale of which a patent has been or may hereafter be granted.

The SPEAKER. On the third Monday of last month, the gentleman from Illinois [Mr. TOWNSHEND] moved to suspend the rules and pass this bill. The time for debate upon the motion had been exhausted when the House adjourned. The question now is upon the motion of the gentleman from Illinois to suspend the rules and pass the bill.

The question having been put, the SPEAKER said: The noes seem to have it.

Mr. TOWNSHEND. In order to avoid waste of time, I now call for the yeas and nays.

The yeas and nays were ordered.

Mr. BLAND. If in order, I ask for the reading of the bill.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter the United States district and circuit courts shall have no jurisdiction to hear or to try any case arising from the actual use of any patent right, or its infringement by such use, by any person in or citizen of the United States or the Territories, wherein the amount in controversy does not exceed $200 against one person or citizen.

SEC. 2. That purchasers of any patent right for actual use shall not be liable to damages, royalty, or for value of the same, or for infringing the same in any manner, who at the date of such purchase had no knowledge of the claims of any third person, or that the inventor of the same has an interest therein adverse to the seller thereof. That no person who shall in good faith purchase, use, manufacture, or sell, without previous knowledge of the existence of a patent therefor, any article, machine, machinery, or other thing for the exclusive use, sale, or manufacture of which any patent has been or hereafter may be granted to any person, persons, or corporation whatever, shall be liable, in damages or otherwise, for an infringement of such patent until after written notice of the existence thereof shall have been personally served on such person or persons or corporation, as the case may be, and such infringement shall be thereafter continued.

SEC. 3. That all laws or parts of laws inconsistent herewith are hereby repealed.

SEC. 4. That nothing herein contained shall affect any pending suit or proceeding in any of the courts of the United States or in any court of any of the several States.

The question was taken; and there were—yeas 81, nays 156, not voting 82; as follows:

YEAS—81.

Anderson, J. A.	Ellsberry,	Landes,	Swope,
Bacon,	Ely,	Le Fevre,	Tarsney,
Bland,	Fisher,	Lindsley,	Taulbee,
Burrows,	Frederick,	Lowry,	Thomas, J. R.
Bynum,	Fuller,	Matson,	Thomas, O. B.
Cabell,	Funston,	McMillin,	Townshend,
Campbell, J. M.	Gay,	Moffatt,	Van Schaick,
Campbell, J. E.	Glass,	Murphy,	Wakefield,
Campbell, T. J.	Glover,	Neece,	Ward, T. B.
Carleton,	Hale,	Nelson,	Warner, William
Caswell,	Halsell,	O'Donnell,	Weaver, J. B.
Cobb,	Hatch,	O'Ferrall,	Weber,
Conger,	Henderson, D. B.	O'Neill, J. J.	Wellborn,
Cooper,	Hermann,	Outhwaite,	Wheeler,
Cowles,	Holman,	Perry,	White, Milo
Cox, W. R.	Holmes,	Pindar,	Wilkins,
Culberson,	Howard,	Plumb,	Winans,
Dawson,	Johnston, J. T.	Springer,	Worthington.
Dorsey,	Johnston, T. D.	Stone, W. J., Mo.	
Dunn,	Jones, J. H.	Strait,	
Eldredge,	Kleiner,	Struble,	

NAYS—156.

Adams, G. E.	Davidson, R. H. M.	Ketcham,	Reed,
Adams, J. J.	Dibble,	Laffoon,	Rice,
Allen, C. H.	Dougherty,	La Follette,	Richardson,
Anderson, C. M.	Dunham,	Lanham,	Riggs,
Atkinson,	Ermentrout,	Lehlbach,	Rockwell,
Ballentine,	Evans,	Little,	Rogers,
Barksdale,	Everhart,	Long,	Romeis,
Barnes,	Farquhar,	Lore,	Rowell,
Bayne,	Felton,	Louttit,	Ryan,
Belmont,	Findlay,	Lovering,	Sadler,
Bennett,	Fleeger,	Mahoney	Sayers,
Blanchard,	Foran,	Markham,	Scranton,
Blount,	Ford,	Martin,	Seney,
Bound,	Gallinger,	McAdoo,	Seymour,
Boutelle,	Gibson, C. H.	McCreary,	Shaw,
Boyle,	Goff,	McKenna,	Singleton,
Brady,	Green, W. J.	McKinley,	Skinner,
Bragg,	Grosvenor,	McRae,	Sowden,
Breckinridge, C. R.	Grout,	Merriman,	Spooner,
Breckinridge, WCP	Guenther,	Millard,	Stahlnecker,
Brown, C. E.	Hall,	Miller,	Stewart, Charles
Brown, W. W.	Hammond,	Milliken,	Storm,
Brumm,	Harmer,	Mills,	Taylor, E. B.
Buck,	Harris,	Morrill,	Taylor, J. M.
Bunnell,	Hayden,	Morrison,	Thompson,
Burnes,	Haynes,	Morrow,	Throckmorton,
Butterworth,	Hemphill,	Neal,	Tillman,
Caldwell,	Henderson, J. S.	Oates,	Trigg,
Catchings,	Henley,	O'Neill, Charles	Tucker,
Clardy,	Hepburn,	Osborne,	Turner,
Clements,	Herbert,	Parker,	Van Eaton,
Compton,	Hiestand,	Peel,	Viele,
Comstock,	Hill,	Perkins,	Wait,
Crisp,	Hitt,	Peters,	Warner, A. J.
Croxton,	Hopkins,	Pettibone,	White, A. C.
Daniel,	Hutton,	Phelps,	Willis,
Dargan,	Johnson, F. A.	Pirce,	Wise,
Davenport,	Jones, J. T.	Randall,	Wolford,
Davidson, A. C.	Kelley,	Ranney,	Woodburn.

NOT VOTING—82.

Aiken,	Cox, S. S.	Heard,	Maybury,
Allen, J. M.	Crain,	Henderson, T. J.	McComas,
Baker,	Curtin,	Hires,	Mitchell,
Barbour,	Cutcheon,	Hiscock,	Morgan,
Barry,	Davis,	Houk,	Muller,
Bingham,	Dingley,	Hudd,	Negley,
Bliss,	Dockery,	Irion,	Norwood,
Browne, T. M.	Eden,	Jackson,	O'Hara,
Buchanan,	Forney,	James,	Owen,
Burleigh,	Geddes,	King,	Payne,
Campbell, Felix	Gibson, Eustace	Laird,	Payson,
Candler,	Gilfillan,	Lawler,	Pidcock,
Cannon,	Green, R. S.	Libbey,	Reagan,
Collins,	Hanback,	Lyman,	Reese,

Robertson,	Spriggs,	Swinburne,	Ward, J. H.
Rusk,	Steele,	Symes,	Weaver, A. J.
Sawyer,	Stephenson.	Taylor, I. H.	West,
Scott,	Stewart, J. W.	Taylor, Zach.	Whiting,
Sessions,	St. Martin	Wade,	Wilson.
Smalls,	Stone, E. F.	Wadsworth,	
Snyder,	Stone, W. J., Ky.	Wallace,	

So the motion was disagreed to.

During the roll-call the following additional pairs were announced:

Mr. ROBERTSON with Mr. BAKER on this vote.

Mr. HEARD with Mr. SESSIONS for the remainder of this day.

Mr. GIBSON, of West Virginia, with Mr. HANBACK for the remainder of this day.

RESIGNATION OF HON. ROBERT S. GREEN.

Mr. MCADOO. I present the following letter of resignation from my colleague, which I ask to be read.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 15, 1887.

DEAR SIR: I have forwarded to the governor of New Jersey my resignation as Representative of the United States for the Third Congressional district of New Jersey, to take effect this day.

Permit me to personally thank you for your uniform kindness and courtesy, and to express the hope that your life may long be spared and the country long enjoy the benefit of your ripe experience and valued services.

Yours truly,

ROBT. S. GREEN.

Hon. J. G. CARLISLE,
Speaker, House of Representatives.

The letter was laid upon the table.

DEPENDENT PARENTS AND HONORABLY DISCHARGED SOLDIERS.

Mr. MATSON. I am directed by the Committee on Invalid Pensions to move that the rules be suspended and the bill (H. R. 10457) for the relief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support, be passed.

The SPEAKER. The Clerk will read the bill.

The bill was read, as follows:

Be it enacted, &c., That in considering the pension claims of dependent parents, the fact and cause of death, and the fact that the soldier left no widow or minor children, having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such parent or parents are without other present means of support than their own manual labor or the contributions of others not legally bound for their support: *Provided*, That no pension allowed under this act shall commence prior to its passage, and in case of applications hereafter made under this act the pension shall commence from the date of the filing of the application in the Pension Office.

SEC. 2. That all persons who served three months or more in the military or naval service of the United States in any war in which the United States has been engaged, and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from mental or physical disability, not the result of their own vicious habits or gross carelessness, which incapacitates them for the performance of labor in such a degree as to render them unable to earn a support, and who are dependent upon their daily labor for support shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide in pursuance of this act, be placed on the list of invalid pensioners of the United States, and be entitled to receive, for such total inability to procure their subsistence by daily labor, $12 per month; and such pension shall commence from the date of the filing of the application in the Pension Office, upon proof that the disability then existed, and continue during the existence of the same in the degree herein provided: *Provided*, That persons who are now receiving pensions under existing laws, or whose claims are pending in the Pension Office, may, by application to the Commissioner of Pensions, in such forms as he may prescribe, receive the benefits of this act; but nothing herein contained shall be so construed as to allow more than one pension at the same time to the same person or pension to commence prior to the passage of this act: *And provided further*, That rank in the service shall not be considered in applications filed thereunder.

SEC. 3. That no agent, attorney, or other person instrumental in the presentation and prosecution of a claim under this act shall demand or receive for his services or instrumentality in presenting and prosecuting such claim a sum greater than $5, payable only upon the order of the Commissioner of Pensions, by the pension agent making payment of the pension allowed, except in cases heretofore prosecuted before the Pension Office, when, in the discretion of the Commissioner of Pensions, a fee of $10 may be allowed in like manner to the agent or attorney of record in the case at the date of the passage of this act; and any agent, attorney, or other person instrumental in the prosecution of a claim under this act who shall demand or receive a sum greater than that herein provided for, for his services in the prosecution of the claim, shall be subject to the same penalties as prescribed in section 4 of the act of July 4, 1884, entitled "An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes."

SEC. 4. That section 4716 of the Revised Statutes is hereby modified so that the same shall not apply to this act: *Provided*, That this act shall not apply to those persons under political disabilities. And no person shall be pensioned under this act for any disability incurred while engaged in the military service against the United States.

The SPEAKER. Is a second demanded?

Mr. COWLES. Yes; I demand a second.

Mr. MATSON. I ask consent that a second be considered as ordered.

Mr. COWLES. I can not yield for that purpose.

The SPEAKER appointed as tellers Mr. MATSON and Mr. COWLES.

The House divided; and the tellers reported—ayes 128, noes 13.

Mr. COWLES. No quorum.

The SPEAKER. The point of no quorum being made, the tellers will retain their places.

The House further divided; and the tellers reported—ayes 150, noes 17.

So there was a second.

The SPEAKER. Under the rules of the House thirty minutes are allowed for debate, fifteen minutes in support of the motion and fifteen minutes in opposition to it. The Chair will recognize the gentleman from Indiana [Mr. MATSON] as controlling the time in support of the motion and the gentleman from North Carolina [Mr. COWLES] as controlling the time in opposition to it.

Mr. MATSON. I move that the debate on this bill be extended to thirty minutes on each side instead of fifteen. I know several gentlemen who wish to be heard on it.

Mr. SPRINGER and Mr. BLOUNT objected.

Mr. BURROWS. I desire before the debate begins to call the attention of the gentleman from Indiana to the fourth section. It evidently is intended to exclude from the provisions of this bill those whose disabilities were incurred in the naval as well as the confederate military service. Ought not, then, the words "or naval" to be inserted after the word "military?"

Mr. MATSON. Under the law the word "military" includes the naval branch of the service.

Mr. BURROWS. In the other sections of the bill the language used is "military and naval service" in every instance. Is there objection to inserting the words "or naval" after "military."

Mr. MATSON. I have no objection.

Mr. BURROWS. I ask unanimous consent to insert those words.

Mr. HAMMOND. I object.

Mr. MATSON. Mr. Speaker, this bill embraces two important propositions, that embodied in the second section being much the more important.

The first section provides simply that the rule of evidence in claims filed by dependent parents shall be changed so that hereafter those who make such claims shall be required to prove only a present dependence, instead of a dependence existing at the time of the death of the soldier. This section of the bill is an exact copy of one section of a bill passed under a suspension of the rules, on motion of the distinguished gentleman from Ohio (Mr. WARNER), on the 21st day of April, 1884. That bill, in that form, passed the House and went to the Senate. It is in precise accord with the recommendations of the Secretary of the Interior, as contained in his last annual report, to be found on page 50 of that report.

The bill presented by the committee to-day differs from the proposition submitted by the gentleman from Ohio, to which I have just referred, only as to a proviso, and that proviso was placed in the bill on the suggestion made in the report of the Secretary of the Interior. It provides that pensions granted under the provisions of this act shall not begin until after the passage of the act, and hence shall not relate back.

It is supposed, and I may say estimated, that the provisions of the first section of the bill will add to the annual value of the pension-roll not more than $50,000; that there are not more than five hundred cases in the Pension Office covered by the provisions of this section, and if they were all allowed that the annual value of the pension-roll would not be increased by the section over the amount I have specified.

Mr. MCMILLIN. Has the gentleman from Indiana any statistics showing——

Mr. MATSON. With all due respect to the gentleman from Tennessee, I must decline to be interrupted now until I have completed my statement, after which I shall be glad to answer any inquiries.

As to the second proposition, the more important one, I desire to call the attention of the House, in the first place, to the fact that this provision embraces honorably discharged soldiers of all the wars in which the United States has been engaged; it embraces those engaged in the Seminole, in the Black Hawk, in the Mexican, and in the last war. It is a broad measure, and not confined to the soldiers of any particular war. The gist of the proposition, Mr. Speaker, is to take from the poor-houses of the country the soldiers who have honorably served their country during any war. The proposition contained in this section of the bill is simply that every man who is totally unable to labor, and is in a dependent condition, shall be pensioned at the rate of $12 per month. There is no provision for pensioning any one who has a less disability than a total inability to labor; and in addition to that he must show that he is dependent upon his daily labor for his support, and has no property from which to derive an income. It is a charity measure.

It will not be asserted by the friends or enemies of the bill, I apprehend, that there is anything in any contract made by the Government that would call for this legislation; but the legislation itself is the outgrowth of a sentiment that I believe prevails, throughout the length and breadth of this country, against permitting the men who have defended the Government to remain in the poor-houses to be supported by charity; and it is in obedience to that sentiment that the committee deem it proper to bring in a measure placing these men upon the honorable roll of pensioners of the United States.

Now as to the matter of cost: I desire to say that early in this Congress, in obedience to a suggestion made to the Commissioner of Pensions, when he was before the Committee on Invalid Pensions, and was being examined in connection with various matters relating to the pension laws, he wrote to the authorities in every county in the United States for the purpose of ascertaining how many soldiers and sailors who

had been in the United States service were then objects of public or private charity throughout the land. He learned from 1,240 of the 2,583 counties in the United States that in the 1,240 counties there are 5,172 cases of soldiers and sailors who are now being supported in the public institutions of charity. So that it is estimated, inasmuch as these reports came in about equal proportions from all sections of the country, that there are an equal number in the remaining counties, not quite one-half having been heard from, and so on that basis it is assumed that there are now in the United States a total of 10,344 persons dependent upon organized charities in the several States and Territories who would become pensioners under this bill.

The report affords no exact information as to the inmates of soldier's homes, both State and National, who may be entitled to the benefits of the bill, but we are clearly of opinion, from the best information attainable, that the number will not exceed 3,000.

The committee did not stop there. In addition to that there has been added an estimate as to those who are not supported by public charity, but who are the recipients of private relief—the recipients of charity from those who are not legally bound for their support—and there has been added, because of that class, an average of five to each county, giving a total of 12,905 in all. That added to the other number makes a total of 26,249 probable pensioners in the event of the passage of this bill. That is the estimate of the committee. Then, in addition to that, the committee considered the further fact that there were pending in the Pension Office claims of those who perhaps could bring themselves within the provisions of this bill, who were now receiving a small pension, and they added on that account a considerable number, 6,856 persons in all. So that the grand total of those who are to be benefited by the passage of this bill is estimated by the committee, from the best available sources, to be 33,105 persons at an annual expense of $144 each, or a total aggregate of $4,767,120 per annum.

This estimate, Mr. Speaker, which I have given to the House, is based upon the number of soldiers in the last war. Now, in addition to that, the other soldiers of other wars must be taken into account. It will be liberal, I think, to say that not more than 10 per cent. would be added to it, and even if 15 per cent. more would be added under this section, it would still require less than six millions of dollars per annum to pay the expenses of all the pensions provided for in the bill.

This, then, Mr. Speaker, is not only a broad and philanthropic measure, but it is a reasonable and conservative proposition. It is not wild, and is not extravagant. It is in the line of action suggested by the Chief Executive in his last annual message.

Mr. BLOUNT. Will the gentleman permit me to ask him a question?

Mr. MATSON. Yes, sir.

Mr. BLOUNT. I desire to ask the gentleman if the mode of estimating which he has just stated is approved by the Commissioner of Pensions?

Mr. MATSON. It is his own estimate.

Mr. BLOUNT. All the details are stated?

Mr. MATSON. Yes, sir. The figures and the facts and all these matters were gathered by the Commissioner of Pensions at the suggestion of the Committee on Invalid Pensions, made early in this Congress.

I reserve the remainder of my time. How much time have I left?

The SPEAKER *pro tempore* (Mr. STORM). Five minutes.

Mr. MCMILLIN. Before the gentleman from Indiana takes his seat will he permit me to ask him a question? I understand the gentleman to say that the applications now on file of the nature specified in the first section of the bill will be covered by a probable cost of $50,000. Has the gentleman any estimate which embraces the number of applications of that kind not on file?

Mr. MATSON. I have no communication from the Commissioner of Pensions directly on that subject, but I am told there will not be more than five hundred cases.

Mr. MCMILLIN. I desire to ask the gentleman another question. Under this bill you seek to pension all of certain classes embraced in the second section. Will not the effect of that be to give to those in soldiers' homes, and not drawing a pension, not only the support they get in the soldiers' homes, but also the $12 a month provided here?

Mr. MATSON. I suppose, without some remedial legislation as to soldiers in the soldiers' homes it would have that effect.

Mr. MCMILLIN. And have you any information how many that might embrace?

Mr. MATSON. It is estimated it would embrace about three thousand.

Mr. CUTCHEON. I ask the gentleman from Indiana if he has included the number already drawing pensions that would be pensioned under this bill?

Mr. MATSON. Yes, sir. I ask, reserving the remainder of my time, to have printed, as part of my remarks, an extract from this report which shows these figures.

There was no objection.

The extract from the committee's report is as follows:

In order that an approximation of the probable cost of the bill thus substituted could be presented to the consideration of Congress, the Commissioner of Pensions, at the suggestion of the committee, has communicated with the proper officers in every county in the several States and Territories of the Union to ascertain the number of ex-soldiers and ex-sailors now supported by public charity within their respective jurisdictions.

The result of this inquiry has been communicated to your committee, and we beg leave to submit for your consideration such facts and figures shown therein as we deem pertinent to the question at issue.

The Commissioner of Pensions reports that responses from 1,240 of the 2,581 counties in the entire United States have been received, showing that 5,172 ex-soldiers and ex-sailors are now supported in the public institutions of charity in said 1,240 counties. This number, however, does not include the soldiers and sailors who are now inmates of the Soldiers' Home and its several branches. It is safe to estimate that the 1,341 counties, pretty equally divided between the different sections of the country, who have not responded to the Commissioner's inquiries, have at least a number of ex-soldiers and ex-sailors receiving public charity equal to that found in the 1,240 counties who have furnished the desired information, thus making a total of 10,344 persons dependent upon organized charities of the several States and Territories who would become beneficiaries under the proposed bill.

The Commissioner's report affords no information as to the number of inmates of the soldiers' homes (National or State) who may be entitled to the benefits of this bill, but your committee are of the opinion that the same will not exceed 3,000.

There will also be found in the several counties of the United States persons entitled to the benefit of this proposed bill, not included within the estimate of the Commissioner of Pensions, because they are the recipients of private charity. How many of that class should enter into this calculation is necessarily a matter of conjecture, but we believe that an estimate of five to each county throughout the country, or a total of 12,905, will fully cover the number of possible applicants under the bill should it become a law. We have, then, 26,249 probable beneficiaries.

But we must still look in another direction.

As heretofore stated, there were, on June 30, 1885, 171,402 invalid pension claims pending at the Pension Office. How many of that number may cover "total disability" within the meaning of the proposed bill we are unable to state. But, taking the table of the Commissioner of Pensions, in his last annual report, as showing the different rates of pensions, and the number pensioned in each of the various rates on June 30, 1885, as a basis of calculation, it is safe to state that only one-tenth, or 17,140, of the then pending claims will, when allowed under any law, be awarded a rating for total disability, as contemplated under the bill. Sixty per cent. of the number of invalid applications being the average allowance under the present law, only 40 per cent. of the 17,140 cases likely to cover total disability, or 6,856, would have to be allowed under the operations of this proposed legislation, making a grand total of 33,105 persons to be provided for, at an annual expense of $144 each, or $4,767,120 for the whole number.

Mr. COWLES. I yield to the gentleman from Ohio [Mr. WARNER] such time as he desires.

Mr. WARNER, of Ohio. While I may not vote against this bill, there are some features of it which I deem very objectionable, and I hope that at least in one particular an amendment will be allowed.

There is no subject, Mr. Speaker, upon which Congress is called to legislate where it is more important to adhere to sound and consistent principles than in legislating upon the subject of pensions; and yet there is no subject on which we are so likely to be carried away by sentiment, by emotion, and, if I may say so, by demagogy, as on the question of pensions.

The first section of this bill I heartily approve. I think it entirely sound in principle. There is every reason to suppose that a soldier who was killed in the war if he were living would extend aid now to his aged parents if in need. The question should not therefore be were they in need at the time of the soldiers' death, but are they in need now? This bill differs very widely in principle, too, from the bill passed at the last session of Congress which I voted against, and if I ever cast a righteous vote I think that was one; I allude to the bill increasing the pensions of that small class who were already receiving very large pensions. That bill to the few who had much gave more, and to those who had nothing it gave nothing.

Mr. HENDERSON, of Iowa. How much? Eight dollars a month?

Mr. WARNER, of Ohio. It increased their pensions already much larger than others received for equivalent disabilities.

Mr. HENDERSON, of Iowa. The "much" was $8 a month.

Mr. MATSON. Six dollars.

Mr. WARNER, of Ohio. That does not affect the proposition. The thing which strikes any one who examines our pension laws most forcibly is the inequality which he finds existing in them. Great injustice grows out of this inequality. In that particular this bill is an improvement. It extends alike to all wars and to all classes of soldiers.

But, Mr. Speaker, the principal objection which I have to this bill is to the pauper feature of the second section. Indeed, the bill is made by this section rather a pauper bill than a pension bill. I do not like that feature of it. In 1818 a bill was passed not unlike this relating to the soldiers of the Revolutionary war; it was a bill granting pensions to those who were indigent or paupers, but it did not stand long. It was modified the next year, I believe, so as to include all who had not property of the value of $300. It never gave satisfaction, and led to frequent amendments, and finally was repealed entirely. The principle of this act was frequently condemned in the debates in Congress. I will read a few extracts from a speech made on that law in 1832 by the distinguished member from Massachusetts, Mr. Choate. He referred to the bill in the first place as one making a distinction in favor of those who were indigent, and then went on to say:

It gives a pension to one who is indigent, because, perhaps, he has been vicious and idle, and denies it to his next-door neighbor, who served you as long and as well, but who is not so indigent, perhaps, because he has been moral and industrious.

As under the law of 1818, so under this bill, no matter how disabled a man may be—he may be unable to perform labor at all; yet, unless

he is indigent, if he has any means at all that he has saved he is not entitled to a pension.

Mr. HENDERSON, of Iowa. Will the gentleman allow me one queston?

Mr. WARNER, of Ohio. In a moment. The pension, therefore, is rather for the man's poverty—poverty coupled with inability to labor—than for disability incurred in the service.

Mr. HENDERSON, of Iowa. Will the gentleman allow me now?

Mr. WARNER, of Ohio. I will.

Mr. HENDERSON, of Iowa. I call the gentleman's attention to the fact that Mr. Choate's objection to that legislation was because it granted a pension to a man who might be disabled by his own vicious habits or gross carelessness, whereas this bill expressly excludes that class from the benefit of its provisions.

Mr. WARNER, of Ohio. But throughout the world one labors and saves, and consequently has in time of need, while another labors and spends all as he goes. Is it proposed to take from him that saves and give to him that spends?

Mr. HENDERSON, of Iowa. But Mr. Choate's objection to that old bill is met in the bill now under consideration.

Mr. WARNER, of Ohio. Oh, no.

Mr. HENDERSON, of Iowa. You have not read any others.

Mr. WARNER, of Ohio. Well, let me read some more. Mr. Choate goes on to say:

> Nobody willingly admits that he feels the pressure of the most respectful poverty. * * * It requires him to spread upon record conclusive evidence of his pauperism, under his own hand and oath.

That is what this bill does, too. And, Mr. Speaker, in departing from the sound principle that pensions are intended as compensation for disability incurred in the defense of the country, and not as charities or gratuities, we launch upon a sea to which no one can prescribe limits.

Under this bill if a man is able to do any work at all he gets nothing; or if able to do no work, he still has anything saved up, he gets nothing. Only where he can show that he is able to do no work and has nothing is he affected by this bill? The bill, therefore, offers the temptation to men receiving small pensions, but who work as they can to help along, to stop work in order to get the better offer to those who do not work at all of $12 a month.

I hope the bill at any rate will be amended before it becomes a law, so as to take out of it the purely pauper feature, and grant to all who apply under this bill a pension proportionate to his disability on the basis of the allowance proposed. The bill then would make present disability the starting point in preferring a claim, and thus cure the evil most complained of in the present law, and would be entirely sound in principle and safe and conservative in its application.

The bill should be amended, also, so as to except from its provisions those who are cared for at soldiers' homes while at the homes; and then I would like to wipe out entirely the provision relating to claim agents, and leave claimants to look for help to attorneys near home who can help them and get them out of the hands of agents about Washington, who can do them no good at all, but who fasten like leeches upon them.

Mr. COWLES. Mr. Speaker, I desire to know whether the gentleman from Ohio is favoring the passage of this bill. [Laughter.]

Mr. WARNER, of Ohio. I am criticising some features of the second section of the bill.

Mr. COWLES. Are you in favor of the bill?

Mr. WARNER, of Ohio. I am pointing out some objections to it, and I shall ask that it be amended.

Mr. COWLES. I would rather yield time to some gentleman who is opposing the bill. [Laughter.]

The SPEAKER. The Chair will state to the gentleman from Ohio [Mr. WARNER] that the bill can not be amended, except by unanimous consent.

Mr. WARNER, of Ohio. I shall ask unanimous consent. I shall ask that the bill be amended by inserting, in line 14, after the word "receive," the words: "a pension proportionate to such disability, on the basis of twelve dollars for," so as to make the provision read: "and be entitled to receive a pension proportionate to such disability, on the basis of twelve dollars for total inability to procure their subsistence by daily labor."

Mr. CURTIN. Will the gentleman allow me a question?

Mr. WARNER, of Ohio. If it will not take up too much of my time.

Mr. CURTIN. Is not the object of your amendment covered by the existing law?

Mr. WARNER, of Ohio. I think not. Now, Mr. Speaker, as to the cost of this bill, the estimate of the gentleman from Indiana [Mr. MATSON] is, in my opinion, entirely too low. We ought not to deceive ourselves or the country, but meet the question fairly. It probably will not take over five or six millions of dollars if we limit consideration to cases now on file in the Pension Office, but nobody can approximately estimate the number of applications that will come in under this bill if it becomes a law.

Mr. COWLES. Mr. Speaker, I desire to know how much time I have remaining.

The SPEAKER. The gentleman has six minutes.

Mr. WARNER, of Ohio. I understood that there was half an hour given by consent.

Several MEMBERS. "No." "No."

Mr. WARNER, of Ohio. I simply wish to add that a large number of those who are now drawing pensions under the present law for disability will undoubtedly surrender their pensions under the present law and apply under this act.

What the increase from this source will be can not be accurately estimated, but altogether instead of five or six millions, after there has been time for claims to come in that, no doubt, will come in, I think the amount required to satisfy them will hardly fall short of twelve to fifteen millions annually, and may rise to twenty millions, or more. In this connection I would like to add, for the information of the House, a few figures, showing the cost of the late war, so that we may know what we are doing. The first cost of the war was about $3,350,000,000. This has been paid, and with it in interest and pensions about $3,300,000,000 more, and before it is all over at least $3,300,000,000 more must be paid. Thus the first cost of $3,350,000,000, before all is done, will have been paid three times over, and the war will have cost not less than $10,000,000,000.

Mr. COWLES. I now yield to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. I have no idea, Mr. Speaker, that anything I may say is likely to influence any gentleman on this floor in his action on this bill; yet I do think there is reason for us to pause before we pass a bill of this kind and ask what will be its result when it shall come into practical operation. The gentleman in charge of the bill [Mr. MATSON] came before the House in effusive style and declared that the purpose of it was to take soldiers from the poor-houses of the country. He could not have used any language better calculated to bring out the sympathies of the House for the measure. But he did not stop there.

After making an estimate of the number that were in the poor-houses of the country on information which evidently was exceedingly meager, he then undertook to make an estimate of persons not in the poor-houses but dependent upon the contributions of friends. When he reached that point he was very careful to avoid, or rather he did avoid, any statement of details by which any human being could make an estimate. I asked him how he reached the result. His answer was by estimate; but there is not one single scintilla of evidence before this House upon which gentlemen can reach any conclusion as to the number of persons to be included in this way. I asked the gentleman if the Commissioner of Pensions approved of his mode of reaching the conclusion. He stated that he did, but, feeling that that official could not come to this House and ask appropriations from the Treasury of the United States upon so indefinable a ground, I pressed the gentleman, and then he said to me that the Commissioner had not made that estimate.

Mr. MATSON, The gentleman will allow me, I suppose, to say——

Mr. BLOUNT. I have not the time.

Mr. MATSON. It is simply a misunderstanding.

Mr. BLOUNT. Well, Mr. Speaker, let it be a misunderstanding.

Now, we understand the fact that the Commissioner of Pensions has made no such estimate; and while the Committee on Invalid Pensions have been in session here for months and months they have failed to obtain from the Commissioner or from any other source any information upon which this body can intelligently vote, for these appropriations may run into millions upon millions. The gentleman comes here with an estimate that is simply absurd so far as the ascertainment of the truth from it is concerned.

And I am reminded that when the arrearage-of-pensions act was passed a distinguished gentleman from Ohio came upon the floor, as my friend from Indiana does to-day, as the advocate of the soldier and estimated that the act would involve a cost of about fifteen millions. Instead of reaching merely that sum it has amounted to about three hundred millions. In behalf of the people who pay the taxes of this country I insist, as a representative, that before we pass this legislation we shall know what burdens it is to bring to the tax-payers.

Mr. STEELE. I desire to ask the gentleman whether he does not think the estimates in this case are about as good as the estimates in regard to the Mexican pension bill?

Mr. BLOUNT. I decline to yield, for the gentleman knows there is but little time.

Sir, we do not know, we can not know, what the cost of this measure is to be. We can not know how it is to affect the matter of taxation in the future. We ought to know what we are doing. The measure ought not to be hurried through in any clap-trap style and in utter disregard of the ordinary methods by which we reach conclusions for legislative purposes.

Mr. ADAMS, of New York. I would like to know whether the gentleman himself has made any estimate.

Mr. BLOUNT. The gentleman from New York asks whether I have made an estimate. I tell him frankly I have not. More than that, it appears that the Committee on Invalid Pensions have themselves made no estimate; for as soon as they get away from the meager facts in relation to persons in almshouses, instead of giving the data upon

which they base their conclusions, they simply declare, "We have made an estimate." When I asked how they got at the result, the reply was, "We estimated it." When asked, "Did the Commissioner of Pension agree to it?" the answer was, "Yes;" but subsequently that answer was corrected. And under these circumstances we are called upon to pass this bill!

The SPEAKER. The gentleman from Indiana [Mr. MATSON] has now five minutes.

Mr. MATSON. I yield three minutes to the gentleman from Kansas [Mr. MORRILL].

Mr. MORRILL. I yield one minute to the gentleman from Iowa [Mr. CONGER].

Mr. CONGER. Mr. Speaker, I have but a single word to say on this measure, and it is that the Committee on Invalid Pensions and the membership of this House owe to the soldiers of this country an apology for introducing and attempting to pass such a bill as this. This apology is made appropriate by the fact that the majority of the membership of that committee representing the party in the majority in this House have compelled us to present a measure of this character or else present none. With this apology I have simply to say that the soldiers of this country must wait for just pension legislation until the control of this House passes into the hands of their friends. I shall vote for the bill.

[Here the hammer fell].

Mr. MORRILL. Mr. Speaker, under the law as it now stands the aged father or mother who gave a son to the country on the battlefield is obliged to prove dependence upon the soldier for support at the time of the death of the son or can receive no pension. This bill proposes to change the law in that respect, and provides that the father or mother who is now dependent upon the charity of others for support shall receive a pension for the loss of a son in the service. This is a principle which has been recognized by Congress during the last six years in the passage of individual pension bills. In our special legislation on this subject we have asked only the question whether the old father or the old mother is now dependent. We have left out of consideration entirely the question of dependence at the time of the death of the soldier.

The second section of this bill provides that all soldiers who are now dependent upon charity, who are unable to earn a livelihood by manual labor, shall receive a pension. This is a declaration on the part of the Government that no old soldier who followed the flag for three months, who offered his life in defense of the country, shall ever end his days in the poor-house.

Mr. STEELE. And it includes a few who followed the other flag.

Mr. MORRILL. The gentleman from Indiana says it "includes a few who followed the other flag."

A MEMBER. Not only a few.

Mr. MORRILL. It is true that the soldier of the Mexican war or of an Indian war who fought three months for his country and who afterward——

Mr. BOUTELLE. May have fought four years against it.

Mr. MORRILL. Who afterward entered the confederate service shall, if disabled now and if he did not receive that disability in the confederate service, be pensioned. Mr. Speaker, for one I am willing to yield that point. If the soldier fought three months in the Mexican war or in an Indian war, bravely and nobly, I am willing to forgive him if afterward he was led into the service against the country. All legislation is to a certain extent a compromise, and I gladly accept this for the sake of my old comrades who are now poor and dependent.

[Here the hammer fell.]

The SPEAKER. The gentleman from Indiana [Mr. MATSON] is now entitled to two minutes.

Mr. MATSON. I yield one minute to the gentleman from Illinois [Mr. SPRINGER.]

Mr. SPRINGER. Mr. Speaker, this bill seems to me very fair and conservative. It is estimated by the committee that it will add $6,000,000 a year to the present expenditures for pensions. It has been stated that we cannot ascertain the amount of the demand which this bill will make upon the Treasury. We cannot do so accurately, but we can approximate to the fact. I believe that the statement of the gentleman from Indiana, representing the committee, is approximately correct—is at least a safe estimate upon which to base our legislation. If this bill be passed, it will furnish a greater amount of relief in proportion to the sum involved than any measure in the interest of pensioners that Congress has heretofore enacted. I hope it will pass without a dissenting voice.

Mr. MATSON. I yield the remainder of my time to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON, of Iowa. Mr. Speaker, there are, perhaps, objections to some features of this bill on the part of some gentlemen, but I wish to say that this bill is wholly unsectional. It lays its kindly hand on every part of this nation, North and South. It touches with kindness the sufferers in every State in this Union who supported the country's flag. It is said, by some around me, "it will pension some who have been in the Confederate service." Ay, that is true, but the bill prohibits him from a pension if his disability was incurred in that service. If, however, he was in the service of the country and there incurred disability but afterward was in the Confederate service, I shall vote for his being pensioned for the disability honorably incurred in his country's service, and I have no apology to make here before doing it.

This is not a proposition of charity, for although we had no written contract with these men we gave a pledge that they and their fathers and mothers should not live or die in the poor-houses. That is the pledge given by this nation, and this bill seeks in a humble manner to fulfill that pledge. This bill gives but a little, but let us give that little in obedience to the very kindest and best dictates of our natures.

Mr. BOUTELLE. Let me ask the gentleman from Iowa [Mr. HENDERSON] whether this bill would pension any soldier but one totally disabled?

Mr. HENDERSON, of Iowa. I so understand it.

Mr. BOUTELLE. Let that be understood, that only those who are totally disabled are the ones who are to receive the benefit under this bill, and they form but a small part of the whole mass of the disabled soldiers.

Mr. HENDERSON, of Iowa. It is but a small amount, a few millions annually, but where we can not get an ell for our deserving ones let us get an inch.

The SPEAKER. The time for debate has expired, and gentlemen will resume their seats.

Mr. CUTCHEON. I ask unanimous consent to insert in the second section an amendment, "*Provided further*, That pensions under this act shall not be paid to any person who is being supported in a national soldiers' home."

Mr. BLOUNT and Mr. HAMMOND objected.

Mr. WARNER, of Ohio. I ask consent to offer the amendment I suggested.

Mr. HAMMOND and Mr. BLOUNT objected.

Mr. HENDERSON, of Iowa. I think it is perfectly evident no consent will be given, and therefore I demand the regular order of business. Let us have a vote.

The SPEAKER. The question recurs on suspending the rules and passing the bill.

Mr. COWLES and Mr. MORRILL demanded the yeas and nays.

The question was taken; and it was decided in the affirmative—yeas 180, nays 76, not voting 63; as follows:

YEAS—180.

Adams, G. E.	Everhart,	Little,	Rusk,
Adams, J. J.	Farquhar,	Long,	Ryan,
Allen, C. H.	Fisher,	Lore,	Sawyer,
Anderson, C. M.	Fleeger,	Loutitt,	Scott,
Anderson, J. A.	Foran,	Lovering,	Scranton,
Atkinson,	Ford,	Lowry,	Seney,
Bacon,	Frederick,	Lyman,	Seymour,
Baker,	Fuller,	Markham,	Shaw,
Bayne,	Funston,	Matson,	Sowden,
Bound,	Gallinger,	McAdoo,	Spooner,
Boutelle,	Gay,	McKenna,	Springer,
Boyle,	Gibson, C. H.	McKinley,	Stahlnecker,
Brady,	Goff,	Merriman,	Steele,
Brown, C. E.	Grosvenor,	Millard,	Stephenson,
Brown, W. W.	Grout,	Milliken,	Stone, E. F.
Brumm,	Guenther,	Moffat,	Stone, W. J., Mo.
Buck,	Hale,	Morrill,	Strait,
Bunnell,	Hall,	Morrison,	Struble,
Burnes,	Harmer,	Morrow,	Swope,
Burrows,	Hatch,	Murphy,	Taulbee,
Butterworth,	Hayden,	Neece,	Taylor, E. B.
Bynum,	Haynes,	Negley,	Taylor, I. H.
Campbell, J. M.	Henderson, D. B.	Nelson,	Thomas, J. R.
Campbell, J. E.	Henley,	O'Donnell,	Thomas, O. B.
Cannon,	Hepburn,	O'Neill, Charles	Thompson,
Carleton,	Hermann,	O'Neill, J. J.	Townshend,
Caswell,	Hiestand,	Osborne,	Van Schaick,
Clardy,	Hill,	Outhwaite,	Viele,
Cobb,	Hitt,	Owen,	Wade,
Conger,	Holman,	Parker,	Wadsworth,
Cooper,	Holmes,	Perkins,	Wait,
Curtin,	Hopkins,	Peters,	Wakefield,
Cutcheon,	Howard,	Pettibone,	Ward, J. H.
Davenport,	Johnson, F. A.	Phelps,	Ward, T. B.
Davis,	Johnston, J. T.	Pindar,	Warner, A. J.
Dingley,	Kelley,	Pirce,	Warner, William
Dorsey,	Ketcham,	Plumb,	Weaver, J. B.
Dougherty,	Kleiner,	Randall,	Weber,
Dunham,	La Follette,	Ranney,	White, A. C.
Eden,	Landes,	Reed,	White, Milo
Eldredge,	Lawler,	Rice,	Wilkins,
Ellsberry,	Le Fevre,	Riggs,	Winans,
Ely,	Lehlbach,	Rockwell,	Wolford,
Ermentrout,	Libbey,	Romeis,	Woodburn,
Evans,	Lindsley,	Rowell,	Worthington.

NAYS—76.

Allen, J. M.	Cabell,	Davidson, A. C.	Henderson, J. S.
Ballentine,	Caldwell,	Davidson, R. H. M.	Herbert,
Barbour,	Catchings,	Dawson,	Hutton,
Barksdale,	Clements,	Dibble,	Irion,
Barnes,	Compton,	Dunn,	Johnston, T. D.
Bennett,	Comstock,	Glass,	Jones, J. H.
Blanchard,	Cowles,	Glover,	Jones, J. T.
Bland,	Cox, W. R.	Green, W. J.	Laffoon,
Blount,	Crisp,	Halsell,	Lanham,
Bragg,	Croxton,	Hammond,	Martin,
Breckinridge, C. R.	Culberson,	Harris,	McCreary,
Breckinridge, WCP	Dargan,	Hemphill,	McMillin,

McRae,	Perry,	Skinner,	Tucker,
Miller,	Richardson,	Stewart, Charles	Turner,
Mills,	Robertson,	Storm,	Van Eaton,
Neal,	Rogers,	Taylor, J. M.	Wellborn,
Oates,	Sadler,	Throckmorton,	Wheeler,
O'Ferrall,	Sayers,	Tillman,	Willis,
Peel,	Singleton,	Trigg,	Wise.

NOT VOTING—63.

Aiken,	Felton,	King,	Smalls,
Barry,	Findlay,	Laird,	Snyder,
Belmont,	Forney,	Mahoney,	Spriggs,
Bingham,	Geddes,	Maybury,	Stewart, J. W.
Bliss,	Gibson, Eustace	McComas,	St. Martin,
Browne, T. M.	Gilfillan,	Mitchell,	Stone, W. J., Ky.
Buchanan,	Green, R. S.	Morgan,	Swinburne,
Burleigh,	Hanback,	Muller,	Symes,
Campbell, Felix	Heard,	Norwood,	Tarsney,
Campbell, T. J.	Henderson, T. J.	O'Hara,	Taylor, Zach.
Candler,	Hires,	Payne,	Wallace,
Collins,	Hiscock,	Payson,	Weaver, A. J.
Cox, S. S.	Houk,	Pidcock,	West,
Crain,	Hudd,	Reagan,	Whiting,
Daniel,	Jackson,	Reese,	Wilson.
Dockery,	James,	Sessions,	

So (two-thirds voting in favor thereof) the bill was passed.

On motion of Mr. MATSON, by unanimous consent the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. DANIEL with Mr. SYMES, for the rest of the day.

Mr. CRAIN with Mr. TARSNEY, on this bill.

Mr. EVANS. Mr. Speaker, my colleague, Mr. JACKSON, is absent on account of sickness. He is paired with Mr. BARRY, of Mississippi. If present, Mr. JACKSON would vote "aye."

The result of the vote was then announced, as above recorded.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. HEARD, for this day, on account of sickness.

MEXICAN PENSION BILL.

The committee on pensions was called.

Mr. ELDREDGE. Mr. Speaker, I move to suspend the rules and discharge the Committee of the Whole House on the state of the Union from the further consideration of the Senate amendments to the bill (H. R. 807) granting pensions to soldiers and sailors of the Mexican war and concur in the amendments of the Senate.

Mr. MCMILLIN. I hope my friend will modify his motion so as to move a non-concurrence in the amendments of the Senate and agree to the conference asked for by the Senate on this bill. There are provisions here that ought to be amended. One requires an applicant to swear to his poverty or prove it in order to get any pension at all. I shall vote for the bill if I can not get a better one; but I hope that if a conference is had we will get some of the objectionable features of this Senate bill stricken off and get others incorporated that are more just to the Mexican veterans. I submit to the gentleman that if a conference is had the report is privileged and a majority vote will pass it. It can not, therefore, possibly endanger the bill to agree to conference. We have all to make and nothing to lose.

Mr. ELDREDGE. I make this motion by direction of the Committee on Pensions.

The SPEAKER. The Clerk will report the amendments of the Senate.

The Clerk read as follows:

Strike out all after the words "directed to," in the fourth line, and insert:

"Place on the pension-roll the names of the surviving officers and enlisted men, including marines, militia, and volunteers, of the military and naval services of the United States, who, being duly enlisted, actually served sixty days with the Army or Navy of the United States in Mexico, or on the coasts or frontier thereof, or *en route* thereto, in the war with that nation, or were actually engaged in a battle in said war, and were honorably discharged, and to such other officers and soldiers and sailors as may have been personally named in any resolution of Congress for any specific service in said war, and the surviving widow, of such officers and enlisted men: *Provided*, That such widows have not remarried: *Provided*, That every such officer, enlisted man, or widow who is or may become sixty-two years of age, or who is or may become subject to any disability or dependency equivalent to some cause prescribed or recognized by the pension laws of the United States as a sufficient reason for the allowance of a pension, shall be entitled to the benefits of this act; but it shall not be held to include any person not within the rule of age or disability or dependency herein defined, or who incurred such disability while in any manner voluntarily engaged in or aiding or abetting the late rebellion against the authority of the United States.

"SEC. 2. That pensions under section 1 of this act shall be at the rate of $8 per month, and payable only from and after the passage of this act, for and during the natural lives of the persons entitled thereto, or during the continuance of the disability for which the same shall be granted: *Provided*, That section 1 of this act shall not apply to any person who is receiving a pension at the rate of $8 per month or more, nor to any person receiving a pension of less than $8 per month, except for the difference between the pension now received (if less than $8 per month) and $8 per month.

"SEC. 3. That before the name of any person shall be placed on the pension-roll under this act proof shall be made, under such rules and regulations as the Secretary of the Interior may prescribe, of the right of the applicant to a pension; and any person who shall falsely and corruptly take any oath required under this act shall be deemed guilty of perjury; and the Secretary of the Interior shall cause to be stricken from the pension-roll the name of any person whenever it shall be made to appear by proof satisfactory to him that such name was put upon such roll through false and fraudulent representations, and that such person is not entitled to a pension under this act. The loss of the certificate of discharge shall not deprive any person of the benefits of this act, but other record evidence of enlistment and service and of an honorable discharge may be deemed sufficient: *Provided*, That when any person has been granted a land-warrant, under any act of Congress, for and on account of service in the said war with Mexico, such grant shall be *prima facie* evidence of his service and honorable discharge; but such evidence shall not be conclusive, and may be rebutted by evidence that such land-warrant was improperly granted.

"SEC. 4. That the pension laws now in force which are not inconsistent or in conflict with this act are hereby made a part of this act, so far as they may be applicable thereto.

"SEC. 5. That section 4716 of the Revised Statutes is hereby repealed so far as the same relates to this act or to pensioners under this act.

"SEC. 6. That the provisions of this act shall not apply to any person while under the political disabilities imposed by the fourteenth amendment to the Constitution of the United States."

The SPEAKER. Is the reading of the House bill demanded?

The reading of the House bill was not called for.

Mr. BRAGG. I demand a second on the motion.

The SPEAKER. The Chair will appoint as tellers the gentleman from Wisconsin [Mr. BRAGG] and the gentleman from Michigan [Mr. ELDREDGE].

Mr. OATES. Before the vote is taken I desire to ask a question with reference to the meaning of a provision in this bill, the answer to which will have an influence upon further action with reference to it, for if it is subject to one construction to which its language appears susceptible it seems to me manifest that it ought to go to a committee of conference.

In the thirtieth line of the first section of the bill as proposed to be amended I would like to inquire the effect of the word "or" where it is inserted. I will read, beginning with line 28, so as to show the connection:

But it shall not be held to include any person not within the rule of age or disability or dependency herein defined,—

That is clear enough that the disability, if received, would entitle the applicant to be admitted to the pension-roll before arriving within the limit of age prescribed, but it goes on further to provide:—

or who incurred such disability while in any manner voluntarily engaged in or aiding or abetting the late rebellion against the authority of the United States.

Would that exclude absolutely all such persons?

Mr. ELDREDGE. No, sir; that permits them to draw pensions if they are sixty-two years of age.

Mr. OATES. It is very awkwardly expressed.

Mr. ELDREDGE. That may be, but the effect of the law will be the same.

The SPEAKER. The tellers will take their places.

The House divided; and the tellers reported—ayes 171, noes 0.

So the motion was seconded.

The SPEAKER. Under the rules of the House thirty minutes are allowed for debate—fifteen minutes in support of, and fifteen minutes in opposition to the motion. The Chair recognizes the gentleman from Michigan [Mr. ELDREDGE] to control the time in support, and the gentleman from Wisconsin [Mr. BRAGG] in opposition to the motion.

[Cries of "Vote!" "Vote!"]

Mr. ELDREDGE. Mr. Speaker, if no gentleman desires to speak against the bill, I am perfectly willing that it should come to a vote now, without discussion. [Cries of "Vote!"]

I ask the yeas and nays on the question.

Mr. BRAGG. I called for a second upon this motion because I am opposed to the limit of time fixed which shall be deemed service sufficient to enable a person to make application and receive pension. I do not believe in sixty days' soldiers who never see a battle being pensioned at the hands of the Government any more than I believe in the bill which has just passed this House; and to say a few words upon that bill was one of the reasons for demanding a second upon this motion.

That such a bill as that ought to pass, making four months on the muster-roll sufficient to entitle a man to make an application for a pension, is to my mind utterly inadmissable. I shall vote against this bill, as I voted against the other, because I believe that that bill ought to have been entitled "A bill to pension the rubbish of the Army of the United States, and to revive the business of claim agents in the city of Washington." [Laughter.] By its terms four months on the muster-roll is all that is required——

Mr. OATES. Three months.

Mr. BRAGG. Three months; worse and worse. That covers every substitute, every bounty-jumper, every scalawag who went into the Army in January and February, 1865. That covers every man who enlisted in 1861, and before active hostilities were commenced in the field it was discovered that he was physically defective or else constitutionally defective in the essentials necessary to a soldier, and we permitted him to slide out. That is the reason I voted against that bill and made this call for the purpose of submitting this statement upon my vote in order that my action should not be misunderstood. And, permit me to say that, although my term of official life is short and may never be again renewed, yet I hope that so long as I live, if it ever come to pass that I shall vote upon a pension bill, I never will forget the brave men who followed my flag in the battle-field for four long years and classify them with the rubbish of the Army in order to get them a pension. [Cries of "Vote!" "Vote!"]

The SPEAKER. The question is on the motion to suspend the rules and concur in the amendments of the Senate.

Mr. ELDREDGE demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 247, nays 5, not voting 66; as follows:

YEAS—247.

Adams, G. E.	Dunham,	Laffoon,	Romeis,
Allen, C. H.	Dunn,	La Follette,	Rowell,
Anderson, C. M.	Eden,	Landes,	Rusk,
Anderson, J. A.	Eldredge,	Lanham,	Ryan,
Atkinson,	Ellsberry,	Lawler,	Sadler,
Bacon,	Ely,	La Fever,	Sawyer,
Baker,	Ermentrout,	Lehlbach,	Sayers,
Ballentine,	Evans,	Libbey,	Scott,
Barbour,	Everhart,	Lindsley,	Scranton,
Barksdale,	Farquhar,	Little,	Seney,
Barnes,	Felton,	Long,	Seymour,
Bayne,	Findlay,	Lore,	Shaw,
Bingham,	Fisher,	Louttit,	Singleton,
Blanchard,	Fleeger,	Lovering,	Skinner,
Bland,	Foran,	Lowry,	Sowden,
Blount,	Frederick,	Lyman,	Spooner,
Bound,	Fuller,	Mahoney,	Springer,
Boyle,	Funston,	Markham,	Stahlnecker,
Brady,	Gallinger,	Martin,	Steele,
Breckinridge, C. R.	Gay,	Matson,	Stephenson,
Breckinridge, WCP	Gibson, C. H.	McAdoo,	Stewart, Charles
Brown, C. E.	Glass,	McCreary,	Stone, E. F.
Brown, W. W.	Glover,	McKenna,	Stone, W. J., Ky.
Brumm,	Goff,	McKinley,	Stone, W. J., Mo.
Buck,	Green,	McMillin,	Strait,
Bunnell,	Grosvenor,	McRae,	Struble,
Burnes,	Grout,	Merriman,	Swope,
Burrows,	Guenther,	Millard,	Tarsney,
Butterworth,	Hale,	Mills,	Taulbee,
Bynum,	Hall,	Moffatt,	Taylor, I. H.
Cabell,	Halsell,	Morrill,	Taylor, J. M.
Caldwell,	Hammond,	Morrison,	Thomas, J. R.
Campbell, J. M.	Harmer,	Morrow,	Thomas, O. B.
Campbell, J. E.	Harris,	Murphy,	Thompson,
Campbell, T. J.	Hatch,	Neal,	Throckmorton,
Cannon,	Hayden,	Neece,	Tillman,
Carleton,	Haynes,	Negley,	Townshend,
Caswell,	Heard,	Nelson,	Trigg,
Catchings,	Hemphill,	Norwood,	Turner,
Clardy,	Henderson, D. B.	Oates,	Van Eaton,
Cobb,	Henderson, J. S.	O'Donnell,	Van Schaick,
Compton,	Henley,	O'Ferrall,	Viele,
Comstock,	Hepburn,	O'Neill, Charles	Wade,
Conger,	Herbert,	O'Neill, J. J.	Wadsworth,
Cooper,	Hermann,	Osborne,	Wait,
Cowles,	Hiestand,	Outhwaite,	Wakefield,
Cox, W. R.	Hill,	Owen,	Ward, J. H.
Crain,	Hitt,	Peel,	Ward, T. B.
Crisp.	Holman,	Perkins,	Warner, William
Croxton,	Holmes,	Perry,	Weaver, J. B.
Culberson,	Hopkins,	Peters,	Weber,
Curtin,	Howard,	Pettibone,	Wellborn,
Cutcheon,	Hudd,	Phelps,	Wheeler,
Dargan,	Hutton,	Pirce,	White, A. C.
Davenport,	Irion,	Plumb,	White, Milo
Davidson, A. C.	Johnson, F. A.	Randall,	Wilkins,
Davidson, R. H. M.	Johnston, J. T.	Ranney,	Willis,
Davis,	Johnston, T. D.	Richardson,	Winans,
Dawson,	Jones, J. H.	Riggs,	Wise,
Dibble,	Jones, J. T.	Robertson,	Wolford,
Dorsey,	Ketcham,	Rockwell,	Worthington.
Dougherty,	Kleiner,	Rogers,	

NAYS—5.

Bennett,	Bragg,	Parker,	Storm.
Boutelle,			

NOT VOTING—66.

Adams J. J.	Ford,	Miller,	Spriggs,
Aiken,	Forney,	Milliken,	Stewart, J. W.
Allen, J. M.	Geddes,	Mitchell,	St. Martin,
Barry,	Gibson, Eustace	Morgan,	Swinburne,
Belmont,	Gilfillan,	Muller,	Symes,
Bliss,	Hanback,	O'Hara,	Taylor, E. B.
Browne, T. M.	Henderson, T. J.	Payne,	Taylor, Zach.
Buchanan,	Hires,	Payson,	Tucker,
Burleigh,	Hiscock,	Pidcock,	Wallace,
Campbell, Felix	Houk,	Pindar,	Warner, A. J.
Candler,	Jackson,	Reagan,	Weaver, A. J.
Clements,	James,	Reed,	West,
Collins,	Kelley,	Reese,	Whiting,
Cox, S. S.	King,	Rice,	Wilson,
Daniel,	Laird,	Sessions,	Woodburn.
Dingley,	Maybury,	Smalls,	
Dockery,	McComas,	Snyder,	

So (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

Mr. ZACH. TAYLOR. I beg to state that I refrained from voting because paired with the gentleman from Mississippi [Mr. MORGAN]. If he had been present I should have voted "aye."

The following additional pairs were announced:

Mr. DAVIDSON, of Alabama, with Mr. SWINBURNE, until further notice.

Mr. PINDAR with Mr. KELLEY, for the rest of the day.

The result of the vote was then announced as above stated.

SUPPLEMENT TO BOWMAN ACT.

Mr. SPRINGER. I am authorized by the Committee on Claims to move to suspend the rules and pass the bill (S. 2643) as amended, which I send to the desk.

Mr. SOWDEN. I move that the House do now adjourn.

The question being taken on the motion to adjourn, there were—ayes 105, noes 54.

Mr. SPRINGER. I call for the yeas and nays. But before that I ask to have the question stated by the Chair.

The SPEAKER. The gentleman from Illinois sent the bill to the desk, and stated what his motion was.

Mr. SPRINGER. I think I have a right to have my motion stated.

The SPEAKER. The motion to adjourn is in order at any time.

Mr. SPRINGER. But not before the other motion is made, when I am on the floor to make it. I am on the floor, and I cannot be taken off the floor when I have made a proper and parliamentary motion till my motion is stated.

The SPEAKER. The gentleman can state it. The gentleman has stated it. But the first question is on the motion to adjourn, upon which the gentleman from Illinois [Mr. SPRINGER] calls for the yeas and nays.

On the question of ordering the yeas and nays there were—ayes 25.

Mr. WILKINS. Count the other side.

The negative side was counted, and numbered 117.

Mr. SPRINGER. I call for tellers on the yeas and nays.

Tellers were ordered; thirty-six members voting therefor.

The SPEAKER appointed as tellers Mr. SOWDEN and Mr. SPRINGER.

The House again divided; and the tellers reported—ayes 43, noes 86.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 96, nays 103, not voting 119; as follows:

YEAS—96.

Allen, J. M.	Crisp,	Jones, J. T.	Rice,
Bacon,	Croxton,	Landes,	Richardson,
Ballentine,	Culberson,	Le Fevre,	Riggs,
Barbour,	Cutcheon,	Lindsley,	Rowell,
Belmont,	Davidson, A. C.	Little,	Sayers,
Bennett,	Dingley,	Long,	Scranton,
Bingham,	Eldredge,	Martin,	Seymour,
Bland,	Evans,	McKinley,	Shaw,
Blount,	Everhart,	McMillin,	Singleton,
Bound,	Fisher,	Millard,	Sowden,
Boyle,	Foran,	Miller,	Spooner,
Bragg,	Glass,	Mills,	Steele,
Brown, W. W.	Greene,	Morrison,	Stewart, C.
Brumm,	Grosvenor,	Murphy,	Stone, E. F.
Burrows,	Hammond,	Neal,	Swope,
Bynum,	Harris,	Negley,	Trigg,
Campbell, J. E.	Hayden,	Nelson,	Turner,
Campbell, T. J.	Hemphill,	O'Ferrall,	Van Eaton,
Cannon,	Henderson, J. S.	Outhwaite,	Warner, A. J.
Carleton,	Hill,	Owen,	Wellborn,
Comstock,	Holman,	Pettibone,	Willis,
Cowles,	Hudd,	Pirce,	Winans,
Cox, W. R.	Johnson, F. A.	Randall,	Wise,
Crain,	Jones, J. H.	Ranney,	Worthington.

NAYS—103.

Adams, G. E.	Fleeger,	Lyman,	Springer,
Allen, C. H	Frederick,	Mahoney,	Stahlnecker,
Anderson, J. A.	Fuller,	Matson,	Stephenson,
Baker,	Gallinger,	McAdoo,	Stone, W. J., of Ky.
Bayne,	Gibson, C. H.	McCreary,	Stone, W. J., of Mo.
Boutelle,	Glover,	McKenna,	Storm,
Breckinridge, C. R.	Goff,	McRae,	Strait,
Breckinridge, WCP	Grout,	Milliken,	Struble,
Brown, C. E.	Guenther,	Morrill,	Taulbee,
Buck,	Halsell,	Morrow,	Taylor, J. M.
Bunnell,	Hatch,	Oates,	Taylor, Z.
Butterworth,	Haynes,	O'Donnell,	Thomas, O. B.
Cabell,	Henderson, D. B.	O'Neill, C.	Tillman,
Caldwell,	Herbert,	O'Neill, J. J.	Townshend,
Cooper,	Hermann,	Osborne,	Viele,
Dargan,	Hitt,	Parker,	Wade,
Davenport,	Holmes,	Peel,	Wadsworth,
Dawson,	Howard,	Perkins,	Ward, J. H.
Dougherty,	Irion,	Perry,	Warner, W.
Dunham,	Johnston, J. T.	Peters,	Weaver, J. B.
Dunn,	Johnston, T. D.	Plumb,	Weber,
Eden,	Kleiner,	Rockwell,	Wheeler,
Ely,	La Follette,	Rogers,	White, M.
Ermentrout,	Lanham,	Ryan,	Wilkins,
Farquhar,	Lawler,	Seney,	Wolford.
Felton,	Lowry,	Skinner,	

NOT VOTING—119.

Adams, J. J.	Dibble,	King,	Sadler,
Aiken,	Dockery,	Laffoon,	Sawyer,
Anderson, C. M.	Dorsey,	Laird,	Scott,
Atkinson,	Ellsberry,	Lehlbach,	Sessions,
Barksdale,	Findlay,	Libbey,	Smalls,
Barnes,	Ford,	Lore,	Snyder,
Barry,	Forney,	Louttit,	Spriggs,
Blanchard,	Funston,	Lovering,	Stewart, J. W.
Bliss,	Gay,	Markham,	St. Martin,
Brady,	Geddes,	Maybury,	Swinburne,
Brown, T. M.	Gibson, E.	McComas,	Symes,
Buchanan,	Gilfillan,	Merriman,	Tarsney,
Burleigh,	Hale,	Mitchell,	Taylor, E. B.
Burnes,	Hall,	Moffatt,	Taylor, I. H.
Campbell, F.	Hanback,	Morgan,	Thomas, J. R.
Campbell, J. M.	Harmer,	Muller,	Thompson,
Candler,	Heard,	Neece,	Throckmorton,
Caswell,	Henderson, T. J.	Norwood,	Tucker,
Catchings,	Henley,	O'Hara,	Van Schaick,
Clardy,	Hepburn,	Payne,	Wait,
Clements,	Hiestand,	Payson,	Wakefield,
Cobb,	Hires,	Phelps,	Wallace,
Collins,	Hiscock,	Pidcock,	Ward, T. B.
Compton,	Hopkins,	Pindar,	Weaver, A. J.
Conger,	Houk,	Reagan,	West,
Cox, S. S.	Hutton,	Reed,	White, A. C.
Curtin,	Jackson,	Reese,	Whiting,
Daniel,	James,	Robertson,	Wilson,
Davidson, R. H. M.	Kelley,	Romeis,	Woodburn.
Davis,	Ketcham,	Rusk,	

So the House refused to adjourn.

Mr. WADSWORTH. I ask unanimous consent to dispense with the reading of names of members voting.

There was no objection, and it was so ordered.

The following additional pair was announced:

Mr. LAFFOON with Mr. HIRES for the remainder of the day.

The result of the vote was then announced as above recorded.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] moves to suspend the rules and pass the bill indicated by him.

The bill as proposed to be amended by the Committee on Claims of the House was then read, as follows:

Be it enacted, &c., That jurisdiction is hereby conferred upon the Court of Claims to investigate and make a finding of fact in any claim or demand, other than war claims, against the United States, pending before any committee of the Senate or House of Representatives, or before either House of Congress, upon the same being referred to the court under this act: *Provided*, That all claims and demands not presented to said court by the claimant or claimants within the period of two years after such claims and demands have been referred to the court under this act shall be forever barred.

SEC. 2. That the court is required to promptly consider all claims and demands referred under this act and presented to the court, under such needful rules and regulations as it may adopt, and subject to the provisions of existing laws not inconsistent with this act. That on the first day of every December session of Congress the clerk of the Court of Claims shall transmit to each House of Congress a full and complete statement of the findings of fact in each claim or demand investigated under this act and not theretofore reported, stating what amount, if anything, is due the claimant or claimants; whether the claim or demand is founded upon any act of Congress, or upon any contract, express or implied; the laches or diligence of the claimant or claimants in presenting the claim or demand against the United States; and such other findings of fact and conclusions of law as the court shall deem material to enable Congress to pass upon such claim or demand. That until such claim or demand is finally investigated and reported upon to Congress by the court, as herein provided, neither House of Congress shall consider the same, by bill or otherwise, in reference to allowing any such claim or demand.

SEC. 3. That whenever any private or domestic claim or demand, other than war claims, against the United States, is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves the investigation of facts, the committee or House may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims, and the same shall there be proceeded with as herein provided. When claims and demands are referred to the court under this act, by any committee of the Senate or House of Representatives, such committee shall, before the end of the session of Congress at which such reference was made, report the fact in writing to the House of Congress by which such committee was appointed. That nothing in this act shall be construed as committing the United States to the payment of any such claim or demand, and that no judgment shall be entered thereon by the court.

SEC. 4. That at the adjournment of each Congress all bills relating to private and domestic claims and demands, other than war claims, against the United States, which may be pending in either House of Congress or before any committee of either House, shall, by the Secretary of the Senate and the Clerk of the House, respectively, be referred to the Court of Claims, together with all papers relating thereto, as hereinbefore provided; and all such claims and demands shall be investigated by the court as provided in this act. The Secretary of the Senate and the Clerk of the House shall enter in the Journals of the respective Houses, and in the CONGRESSIONAL RECORD, a statement showing what bills have been so transferred.

SEC. 5. That after the passage of this act neither House of Congress shall consider or entertain, for any purpose other than that of referring the same to some judicial tribunal or commission under existing law, any private or domestic claim or demand against the United States which involves the investigation of facts other than war claims, until such facts shall have been investigated by such judicial tribunal or commission and the findings of fact reported to Congress.

SEC. 6. That it shall be the duty of the Attorney-General, or his assistants, under his direction, to appear for the defense and protection of the United States in all cases which may be transmitted to the Court of Claims under this act.

SEC. 7. That reports of the Court of Claims to Congress under this act, if not finally acted upon during the session at which they are reported, shall be continued from session to session and from Congress to Congress until the same shall be finally acted upon.

The SPEAKER. Is a second demanded?

Mr. MCMILLIN. I demand a second.

Mr. SPRINGER. I trust that a second will be considered as ordered.

Mr. BRAGG. I move that the House do now adjourn.

The question was taken on the motion of Mr. BRAGG, and there were—ayes 54, noes 80.

Mr. BRAGG. I call for the yeas and nays.

The yeas and nays were refused, only fifteen members voting in favor thereof.

Mr. BRAGG. I demand tellers on the yeas and nays.

The yeas and nays were refused; only ten members voting in favor thereof.

The SPEAKER. Upon the motion to adjourn there are yeas 53 and nays 80. So the House refuses to adjourn. The tellers will take their places upon the question of ordering a second.

Mr. SPRINGER (before the count was completed). Mr. Speaker, it is evident that it will take some time to get a quorum, and if it can be understood that a second is ordered I will myself move that the House adjourn.

Mr. HOLMAN. There is no quorum I believe.

The SPEAKER. There is not. The gentleman from Illinois [Mr. SPRINGER] asks unanimous consent that a second be considered as ordered.

Mr. MCMILLIN. I have no objection to that.

Mr. BRAGG. I object.

Mr. SPRINGER. Then, Mr. Speaker, is it in order to move to adjourn, there being no decision?

The SPEAKER. The Chair will announce the vote. Upon this question the yeas are 87 and the nays none. No quorum has voted.

Mr. SPRINGER. The question of ordering a second will be the first question to be determined when the bill comes up on the next day for the suspension of the rules?

The SPEAKER. It will.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed with amendments bills of the following titles:

A bill (H. R. 10242) making an appropriation for the support of the Army for the fiscal year ending June 30, 1888, and for other purposes; and

A bill (H. R. 10397) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1888, and for other purposes.

ORDER OF BUSINESS.

Mr. SPRINGER. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 53 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ATKINSON: Petition of 50 citizens of Orbisonia, Pa., praying for the repeal of taxes on tobacco and alcohol used in the arts—to the Committee on Ways and Means.

By Mr. BACON: Petition of citizens of Highland Falls, N. Y., for additional pension legislation—to the Committee on Invalid Pensions.

By Mr. BOYLE: Resolutions of National Grange of Patrons of Husbandry, in relation to the Signal Service, education, agricultural experiment-stations, &c.—to the Committee on Agriculture.

By Mr. C. R. BRECKINRIDGE: Petition of citizens of Lonoke County, of Clinton County, and of White County, Arkansas, in favor of the agricultural experiment-station bill—to the same committee.

By Mr. BUNNELL: Petition of owners, masters, and seamen, against compulsory pilotage fees to State pilots in eleven States of the Union—to the Committee on Commerce.

Also, resolutions of the Western Pennsylvania Agricultural Association, favoring the passage of the Miller bill, for the prevention of pleuro-pneumonia—to the Committee on Agriculture.

Also, a petition of Post No. 2, department of Pennsylvania, G. A. R., favoring the passage of the Edmunds-Tucker bill with amendments to prevent the existing disloyal and illegal condition of officers in the Territory of Utah—to the Committee on the Judiciary.

By Mr. BURLEIGH: Petition of Mary E. Donahue, for a widow's pension—to the Committee on Invalid Pensions.

By Mr. J. M. CAMPBELL: Petition of citizens of Clermont County, Ohio, to pension Francis Pohl—to the same committee.

By Mr. CARLETON: Papers in the claim of M. Walker—to the Committee on Claims.

By Mr. COBB: Petition of the State Board of Agriculture of Indiana, in favor of the Miller bill—to the Committee on Agriculture.

By Mr. CRAIN: Petition of John Friery, of Galveston, Tex., asking that his claim be referred to the Court of Claims—to the Committee on Claims.

By Mr. CROXTON: Resolutions adopted by the common council of the city of Fredericksburg, Va., for the completion of monument to Mary, the mother of Washington—to the Committee on the Library.

By Mr. R. H. M. DAVIDSON: Petition of 26 citizens; of 29 citizens; of 20 citizens; of 105 citizens; and of 29 citizens, all of West Florida, praying for the establishment of an additional land district in the State of Florida—to the Committee on the Public Lands.

By Mr. DIBBLE: Petition of 27 druggists of Charleston, S. C., praying for the repeal of internal taxes—to the Committee on Ways and Means.

By Mr. DORSEY: Petition of the Women's Christian Temperance Union of Nebraska, in favor of the Blair bill—to the Committee on Education.

By Mr. EVERHART: Petition of citizens of Media, Pa., and vicinity, praying for a reduction of internal taxes—to the Committee on Ways and Means.

By Mr. FINDLAY: Petition of Maj. F. L. Hagadorn, for compensation for the use of his ammunition-chests—to the Committee on Claims.

By Mr. FORAN: Petition of Benton, Myers & Co., of Cleveland County, Ohio, for the abolition of internal taxes—to the Committee on Ways and Means.

Also, petition of the officers of the Women's Christian Temperance Union of Ohio, praying for the passage of the Blair bill—to the Committee on Education.

By Mr. FORD: Petition of citizens of Goshen, Ind., asking a pension for Finton A. Stroup—to the Committee on Invalid Pensions.

By Mr. GALLINGER: Papers in the pension claim of Albert D. Spalter—to the Committee on Pensions.

By Mr. HEPBURN: Petition of 75 citizens of Decatur County, Iowa, asking that a pension be granted to John G. Hasson, of Weldon, Iowa, he being a soldier of the Black Hawk war—to the Committee on Pensions.

By Mr. LAIRD: Petition of Jonathan H. Cline, for a special-act pension—to the Committee on Invalid Pensions.

By Mr. LAFFOON: Petition of Dr. A. C. Wood and others, for increase of fees of examining surgeons—to the same committee.

By Mr. LAWLER: Papers relating to increase of pension to Martha O'Rigan—to the same committee.

By Mr. LOVERING: Papers relating to the case of John H. Moore—to the same committee.

By Mr. LYMAN: Resolutions of Farmers' Alliance, of Shelby County, Iowa, against amendment of the oleomargarine law, and for other purposes—to the Committee on Agriculture.

By Mr. McCREARY: Petition of Henry Morris, late of Company E, Forty-seventh Kentucky Volunteers—to the Committee on Invalid Pensions.

Also, petition of Jesse P. Riffe, of Lincoln County, Kentucky, for payment of a war claim—to the Committee on War Claims.

Also, memorial of Mrs. James Bennett, of Richmond, Ky., on female suffrage—to the Committee on the Judiciary.

By Mr. MARKHAM: Five petitions of citizens of San Diego County, California, asking that lands forfeited by act of February 28, 1885, be restored at $1.25 per acre instead of $2.50—to the Committee on the Public Lands.

By Mr. MORRISON: Petition of Charles C. Roesch, for an invalid pension—to the Committee on Invalid Pensions.

By Mr. NORWOOD: Resolutions by Savannah (Ga.) Cotton Exchange, relating to improvement of Savannah River and harbor—to the Committee on Rivers and Harbors.

By Mr. J. J. O'NEILL: Petition of Saint Louis Lard and Oil Company, and of the Dr. Harter Medicine Company, for repeal of internal taxes—to the Committee on Ways and Means.

By Mr. PEEL: Petition to grant a pension to Mrs. Martha Evans, mother of F. G. Evans, late a private in Company I, Second Arkansas Cavalry Volunteers—to the Committee on Invalid Pensions.

By Mr. PIRCE: Resolutions of the State Board of Agriculture of Rhode Island, favoring the passage of the Hatch experiment-station bill—to the Committee on Agriculture.

By Mr. PLUMB: Petition of John B. Wolff, asking relief for the heirs of A. W. Hicks—to the Committee on Invalid Pensions.

Also, petition of Mrs. Anne Lucas, for relief in payment of draft improperly paid by Treasury Department—to the Committee on Claims.

Also, petition of W. F. Parker and 217 others, citizens of Streator, Ill., asking for the repeal of all internal-revenue laws and all laws levying duties on imports—to the Committee on Ways and Means.

Also, petition of Mrs. M. A. Kretchman, for relief—to the Committee on Invalid Pensions.

By Mr. RANDALL: Petition of Frances Dingley Randall, widow of Milton P. Randall, late acting assistant engineer in the United States Navy, for a pension—to the same committee.

Also, resolutions of the National Grange, in favor of the passage of the bill to establish agricultural experiment-stations—to the Committee on Agriculture.

By Mr. RICE: Petition of the Spencer Grange, of Spencer; of Henry W. Kingsbury and others, of Wooster County; of Louis C. Howlett and others, of Holland; and of Lemuel Osgood and others, of Sterling, Mass., in favor of the Hatch agricultural experiment-stations—to the same committee.

By Mr. SENEY: Petition of New England Ship-Owners's Association, and of Charles Lawrence and others, vessel-owners, for the passage of the Dingley pilot bill—to the Committee on Commerce.

Also, resolutions of the Farmers' National Congress of the United States, respecting pending legislation—to the Committee on Agriculture.

By Mr. SHAW: Memorial of Constitutional Centennial Commission—to the Committee on the Library.

By Mr. SOWDEN: Petition of S. B. Newmeyer and others, of Allentown, Pa., and Robert H. Sayre and others, of South Bethlehem, Pa., for repeal of revenue taxes—to the Committee on Ways and Means.

Also, petition of Jacob D. Johnson, for original pension—to the Committee on Invalid Pensions.

By Mr. SPOONER: Petition of Clarence J. Luce and others, merchants, citizens of Providence, R. I., for the repeal of internal taxes—to the Committee on Ways and Means.

By Mr. SPRINGER: Resolutions of the National Grange, Patrons of Husbandry, for agricultural experiment-stations, and for other purposes—to the Committee on Agriculture.

By Mr. STAHLNECKER: Petition of the Mexican War Veterans' Association, for relief—to the Committee on Pensions.

Also, petition of H. K. Thurber, relating to steamship lines—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Farmers' National Congress of the United States, relative to pending legislation—to the Committee on Agriculture.

Also, petition of Joseph Goldney, of Washington, D. C., relative to gilding the dome of the Capitol—to the Committee on the Library.

Also, petition of Vessel-Owners and Captains' National Association, relative to compulsory pilotage—to the Committee on Commerce.

Also, paper from the employés of the Government Printing Office, for relief—to the Committee on Printing.

By Mr. W. J. STONE, of Missouri: Petition of Ann C. Gutherie and of William J. Scarborough, for an invalid pension—to the Committee on Invalid Pensions.

By Mr. STRAIT: Petition of the Chamber of Commerce of Saint Paul, Minn., praying for the passage of the Lowell bankruptcy bill; also asking that importers be allowed to swear to entries before notaries, and that certified checks be received by collector of customs in lieu of coin and coin certificates in payment of duties—to the Committee on Ways and Means.

By Mr. THROCKMORTON: Petition of Frederick Brown, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. VAN SCHAICK: Petition of Alexander Holtz, late Company I, First New York Light Artillery, for a pension—to the Committee on Invalid Pensions.

By Mr. VOORHEES: Resolution of the city council of Pomeroy, Wash., praying for the passage of a bill to enable said city council to levy special taxes for the building of water-works in said city—to the Committee on the Territories.

By Mr. WILLIAM WARNER: Petition and affidavits of Mrs. J. Jackson Hord, of Independence, Mo., for relief—to the Committee on War Claims.

By Mr. A. C. WHITE: Petition of 133 citizens of Kittanning, Pa., for the repeal of internal-revenue taxes—to the Committee on Ways and Means.

By Mr. MILO WHITE: Petition of Saint Paul Chamber of Commerce, favoring the Lowell bankruptcy bill; and for allowing duties to be paid in certified checks, and entries to be sworn to before notaries—to the Committee on the Judiciary.

By Mr. WILKINS: Resolutions of the Chamber of Commerce of Cincinnati, Ohio, relating to the clearing of obstructions from Western rivers—to the Committee on Rivers and Harbors.

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. C. R. BRECKINRIDGE: Of 106 citizens of Beebe, Ark.

By Mr. CONGER: Of 289 citizens of the seventh district of Iowa.

By Mr. DAVIS: Of A. M. Higgins and 279 others, citizens of New Bedford and Harwich, Mass., and of J. Woodhull and 256 others, citizens of Middlefield, Orange, Southbridge, and Hatfield, Mass.

By Mr. DORSEY: Of 244 citizens of the third district of Nebraska.

By Mr. DOUGHERTY: Of 65 citizens of the second district of Florida.

By Mr. ELLSBERRY: Of 267 citizens of the eleventh district of Ohio.

By Mr. FELTON: Of 327 citizens of the fifth district of California.

By Mr. FORD: Of 105 citizens of the thirteenth district of Indiana.

By Mr. GAY: Of 47 citizens of the third district of Louisiana.

By Mr. D. B. HENDERSON: Of 279 citizens of the third district of Iowa; of citizens of Waverly, Iowa.

By Mr. HOLMES: Of 120 citizens of the tenth district of Iowa.

By Mr. F. A. JOHNSON: Of 324 citizens of the twenty-first district of New York.

By Mr. LANDES: Of 185 citizens of the sixteenth district of Illinois.

By Mr. LONG: Of 181 citizens of the second district of Massachusetts.

By Mr. LOUTTIT: Of 162 citizens of the second district of California.

By Mr. LOWRY: Of 205 citizens of the twelfth district of Indiana.

By Mr. LYMAN: Of the Women's Christian Temperance Union, of Vail, Iowa, for the passage of the Blair educational bill.

By Mr. OUTHWAITE: Of the Ohio Women's Christian Temperance Union, in favor of the Blair educational bill.

By Mr. PIRCE: Of Women's Christian Temperance Unions, of Warwick and of Pawtucket, R. I., favoring the educational bill.

By Mr. PLUMB: Of 171 citizens of the eighth district of Illinois.

By Mr. RICHARDSON: Of Thomas J. Ogilvie, T. F. Frizzell, E. J. Kindrick, and 50 others, asking for the passage of the educational bill.

By Mr. ROGERS: Of R. E. Huey and others, for national aid to education.

By Mr. SENEY: Of Ohio Women's Christian Temperance Union favoring the Blair educational bill.

By Mr. SPOONER: Of John B. Sanborn and 139 others, citizens of Newport and Scituate, R. I.

By Mr. STEELE: Of 262 citizens of the eleventh district of Indiana.

By Mr. TOWNSHEND: Of 106 citizens of the nineteenth district of Illinois.

By Mr. EZRA B. TAYLOR: Of the officers of the Ohio Women's Christian Temperance Union, in favor of the educational bill.

By Mr. THOMPSON: Of officers of the Women's Christian Temperance Union of Ohio, for the Blair bill.

By Mr. VIELE: Of 22 citizens of the thirteenth district of New York.

By Mr. WHITING: Of 112 citizens of the eleventh district of Massachusetts.

By Mr. WILKINS: Of the Women's Christian Temperance Union of Ohio, for the passage of a bill aiding public schools.

SENATE.

TUESDAY, *January* 18, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate for an appropriation of $5,000 for the employment of physicians and the purchase of medicines in cases of Indians who have no treaty or gratuity funds to their credit; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of January 11, 1887, an estimate of the appropriation for contingent expenses of the Department of Justice; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting, in reply to a letter from the chairman of the Committee on Appropriations [Mr. ALLISON], certain information in reference to the expense of additional terms of court in Utah; which was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Attorney-General, transmitting a letter from the clerk of the United States courts for the district of Indiana in regard to fees of such clerk; which, with the accompanying papers, was referred to the Committee on Appropriations.

SARAH E. NORTON.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2699) granting a pension to Sarah E. Norton, which was, in line 7, after the words "rate of," to strike out "twenty-five" and insert "twelve;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Norton, a volunteer nurse during the war of the rebellion, and pay her a pension at the rate of $12 per month.

The amendment was concurred in.

WILLIAM ERVIN.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 542) for the relief of William Ervin; which were referred to the Committee on Claims.

PETITIONS AND MEMORIALS.

Mr. ALLISON. I present a petition of a committee appointed by the Consolidated Cattle-Growers' Association of the United States, respecting the passage of a bill looking to the extinguishment of pleuro-pneumonia. As it is very short and relates to an important subject I ask that the petition may be inserted in the RECORD.

The petition was referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

IOWA CITY, IOWA, *January* 12, 1887.

To the Members of the Senate and House of Representatives from the State of Iowa, Washington, D. C.:

GENTLEMEN: We, the undersigned, a committee appointed by the Consolidated Cattle-Growers' Association of the United States, in behalf of the legal voters of our State of all political parties, our brother farmers and stock-raisers, dependent in a large measure for their support upon the proceeds of cattle raised and fed on their farms, represent that they are at this time suffering great pecuniary loss from the fact that the dread cattle disease—contagious pleuro-pneumonia—has established a foothold in an adjoining State. Should this disease find its way into our herds of cattle we would suffer irreparable loss. That it will do so, unless the most heroic measures are at once resorted to, can not be questioned. The people of this great cattle-growing State of Iowa hereby appeal to you as their representatives to use every possible influence in your power to secure the passage of the bill recently introduced in both the Senate and House of Representatives for the extirpation of contagious pleuro-pneumonia and known as the "Miller bill."

Never before have a like number of your constituents been so vitally interested in a measure to be brought before the Congress of the United States.

THOMAS B. WALES, SR.
WM. LARREBEE.
H. C. WHEELER.
C. C. NOURSE.
JOHN SCOTT.
C. C. CARPENTER.
ROBERT MILLER.
J. J. RICHARDSON.

Mr. MITCHELL, of Pennsylvania, presented a petition of citizens of Philadelphia, Pa., praying for a reduction of internal-revenue taxes; which was referred to the Committee on Finance.

Mr. SAWYER presented a memorial of vessel-owners and persons interested in the carrying trade of the northern chain of lakes, remonstrating against the passage of the bill (H. R. 6104) to authorize the construction of a railroad bridge across the Sainte Marie River, Michigan; which was referred to the Committee on Commerce.

Mr. COCKRELL. I present a letter which was intended, doubtless, as a petition from citizens of Carroll County, Missouri, in regard to pleuro-pneumonia, praying for the passage of what is known as the Miller bill. It is signed by Samuel B. Robertson, J. I. Mansur, and many other leading citizens of Carroll County, Missouri. I ask that it may be received and referred to the Committee on Agriculture and Forestry. I believe that committee is considering the bill.

The PRESIDENT *pro tempore*. That order will be made, there being no objection.

Mr. VEST presented the petition of the Meyer Brothers Drug Company of Kansas City, Mo., praying for a repeal of the laws establishing internal-revenue taxes; which was referred to the Committee on Finance.

He also presented a petition of citizens of Carroll County, Missouri, praying for the passage of the pleuro-pneumonia bill; which was referred to the Committee on Agriculture and Forestry.

Mr. PLUMB. I have a letter from a leading attorney in my State in regard to a very important subject which I desire to call to the attention of the Judiciary Committee. I wish to have the formality of a reference by the Senate of the paper to that committee as though it were a petition. It is not in form a petition, but it is in substance one.

The PRESIDENT *pro tempore*. The paper, being in the nature of a petition, will be received and referred to the Committee on the Judiciary if there be no objection.

Mr. MCMILLAN. I have a communication from the Saint Paul Chamber of Commerce which is defective in form, perhaps, to authorize it to be presented to the Senate, but it is in regard to legislation pending before the Senate, and it is evidently of a character that should go to one of the committees of the Senate. I therefore ask leave to present this memorial in favor of a national bankrupt law, and I ask its reference to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. The paper will be received and so referred if there be no objection.

Mr. MCMILLAN presented resolutions adopted by the Saint Paul (Minnesota) Chamber of Commerce, favoring certain amendments of the customs laws; which were referred to the Committee on Commerce.

Mr. CULLOM presented the petition of Mrs. Maria M. Brooks, of Peoria, Ill., praying that her name may be placed upon the pension-roll; which was referred to the Committee on Pensions.

Mr. MANDERSON presented a petition of the Women's Christian Temperance Union of Nebraska, praying for the passage of the Blair educational bill; which was ordered to lie on the table.

Mr. BLAIR presented a petition of citizens of Marion, Ala., praying that an appropriation be made in aid of the Colored People's World's Exposition; which was referred to the Committee on Appropriations.

He also presented petitions of 27 citizens of New York city and 68 citizens of Chicago, Ill., praying for such legislation as will prevent the violation of the Sabbath by interstate railroading and Sunday parades of United States troops; which were referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. ALLISON, from the Committee on Appropriations, to whom were referred the following petitions, asked to be discharged from their further consideration; which was agreed to:

A petition of workingmen of the District of Columbia, praying an appropriation to pay John Pope Hodnett for services rendered to them as counsel for the last fifteen years; and

A petition of merchants of Washington, D. C., praying for the passage of the Senate bill providing for the payment of John Pope Hodnett for services rendered as counsel for workingmen of the District of Columbia.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (S. 2542) to pay John Pope Hodnett for services rendered as counsel to the Government in the investigation into affairs of the District of Columbia, acting as such counsel by order of a resolution of the House of Representatives; also for acting as counsel for the workingmen of the District of Columbia for fifteen years last past, asked to be discharged from its further consideration; which was agreed to.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 2629) granting a pension to Jane Brown Dunn, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1321) granting arrears of pension to Richard H. McWhorter, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the fol-

lowing bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3108) granting a pension to James Lucas;

A bill (S. 2670) granting an increase of pension to James H. Thomas;

A bill (H. R. 7748) granting a pension to John H. Stucker; and

A bill (H. R. 9672) granting a pension to Clara M. Tannehill.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 2102) granting a pension to Amos Baccus, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 3114) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company, reported it with amendments.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 7716) granting a pension to Lizzie Brown, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2284) granting a pension to James Moss, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3642) for the relief of the heirs of Jacob Cramer, asked to be discharged from its further consideration and that it be referred to the Committee on Revolutionary Claims; which was agreed to.

Mr. MITCHELL, of Pennsylvania, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7390) granting a pension to David B. Caldwell; and

A bill (S. 3131) granting a pension to Hugh Rogers.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 2921) to authorize the Frémont, Elkhorn and Missouri Valley Railroad Company to build its road across the Fort Meade Military Reservation, reported it without amendment, and submitted a report thereon.

Mr. WHITTHORNE, from the Committee on Pensions, to whom was referred the petition of Mrs. Rachel A. Gould, praying that the sum allowed as pension for the eldest minor child of her deceased husband be continued, notwithstanding the fact that he is beyond the age of sixteen, submitted an adverse report thereon, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Sarah A. Kelly, of Pennsylvania, praying to be allowed a pension on account of the services rendered by her deceased husband in the late war, submitted an adverse report thereon; which was agreed to, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (S. 1588) granting a pension to John C. Adams, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2173) for the relief of George W. Cousins, reported it without amendment, and submitted a report thereon.

Mr. WALTHALL. I am also directed by the Committee on Military Affairs to ask to be discharged from the further consideration of the bill (S. 323) to remove the charge of desertion against David Wood. The committee find that since the introduction of this bill the War Department, upon a re-examination of the case, have removed the charge of desertion.

The PRESIDENT *pro tempore*. The bill will be postponed indefinitely.

Mr. WALTHALL. I ask that the committee be discharged from its further consideration, there being no necessity for the passage of the bill.

The PRESIDENT *pro tempore*. It is the same thing.

Mr. BOWEN, from the Committee on Indian Affairs, to whom was referred the bill (S. 375) to refer the claims of the Eastern and Western bands of the Cherokee Indians to the Court of Claims, moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom the subject was referred, submitted a report accompanied by a bill (S. 3161) to authorize the Court of Claims to hear, determine, and enter final judgment upon the claims of the Eastern and Western Cherokee Indians; which was read twice by its title.

CONSTITUTIONAL CENTENNIAL CELEBRATION.

Mr. HAWLEY. I am instructed by the Select Committee on the Centennial of the Constitution and the Discovery of America to report a concurrent resolution and to ask for its immediate consideration.

The concurrent resolution was considered by unanimous consent and agreed to as follows:

That a joint committee of five members of the Senate and eight members of the House of Representatives be appointed to take into consideration the expediency of holding in 1892, in commemoration of the discovery of America, an international exhibition of the industries and products of all nations; and if such an exhibition shall be deemed expedient, to consider the time, place, circumstances, and general plan thereof, and to report by bill or otherwise.

DATE OF MILITARY COMMISSIONS.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the bill (H. R. 1171) to amend an act entitled "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," approved June 3, 1884, have instructed me to report the same back to the Senate, recommending the passage of the bill without amendment, and the committee have further instructed me to ask the Senate to consider the bill at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which proposes to amend section 1 of the act of June 3, 1884, so as to read as follows:

That the joint resolution approved July 11, 1870, entitled "Joint resolution amendatory of joint resolution for the relief of certain officers of the Army, approved July 26, 1866," is hereby so amended and shall be so construed that in all cases arising under the same any person who was duly appointed and commissioned, whether his commission was actually received by him or not, shall be considered as commissioned to the grade therein named from the date from which he was to take rank under and by the terms of his said commission, and shall be entitled to all pay and emoluments as if actually mustered at that date: *Provided*, That at the date from which he was to take rank by the terms of his commission there was a vacancy to which he could be so commissioned, and that he was actually performing the duties of the grade to which he was so commissioned, or, if not so performing such duties, then from such time after the date of his commission as he may have actually entered upon such duties: *And provided further*, That any person held as a prisoner of war, or who may have been absent by reason of wounds, or in hospital by reason of disability received in the service in the line of duty, at the date of his commission, if a vacancy existed for him in the grade to which so commissioned, shall be entitled to the same pay and emoluments as if actually performing the duties of the grade to which he was commissioned and actually mustered at such date: *And provided further*, That this act and the resolution hereby amended shall be construed to apply only in those cases where the commission bears date prior to June 20, 1863, or after that date when their commands were not below the minimum number required by existing laws and regulations: *And provided further*, That the pay and allowances actually received shall be deducted from the sums to be paid under this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. ALLISON introduced a bill (S. 3162) for the relief of James Farley; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3163) for the relief of Mrs. Mary Williams; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3164) granting a pension to Eugene B. Payne; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 3165) authorizing the construction of a bridge across the Red River of the North; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MITCHELL, of Pennsylvania, introduced a bill (S. 3166) granting increase of pension to Eleanor B. Goodfellow; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MANDERSON (by request) introduced a bill (S. 3167) to amend an act of Congress, approved July 29, 1876, in regard to leave of absence of Army officers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. INGALLS introduced a bill (S. 3168) to extend Executive avenue in the city of Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. 1261) for the relief of Henry A. Paus;

A bill (H. R. 9868) for the relief of O. F. Adams; and

A bill (H. R. 10457) for the relief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support.

The message also announced that the House had passed the bill (S. 230) for the erection of a public building at Worcester, Mass.

The message further announced that the House had concurred in the amendments of the Senate to the bill (H. R. 807) granting pensions to soldiers and sailors of the Mexican war.

AMENDMENT TO A BILL.

Mr. McMILLAN submitted an amendment intended to be proposed by him to the post-office appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

FISHING RIGHTS OF THE UNITED STATES.

Mr. GORMAN submitted the following resolution; which was read:

Whereas it appears from documents laid before the Senate that the ancient rights of the United States fishermen, when bound to the northeast deep sea fisheries, of transit through Canadian waters, with the incidents appertaining thereto, of shelter, repair, and provisioning in the adjacent ports, such rights being founded on international law and on treaty, have been obstructed by Canadian authorities, such obstruction being attended by indignity and annoy-

ance and followed by great loss to the parties interested in such fishing vessels; and,

Whereas such transit, with its incidents of temporary shelter, repair, and provisioning, is part of a system with the transit with similar incidents permitted to Canadian engines, cars, vessels, and goods through the territory and territorial waters of the United States on their way from point to point in Canada, with this distinction, that the transit in the former case is a matter of right, based on international law and treaty, while in the latter case it is a matter of permission and gratuity:

Resolved, That the President of the United States is authorized whenever it shall appear to him that there is an insistence on the part of the Canadian authorities with the obstructions, indignities, and annoyances above recited, to issue his proclamation prohibiting the transit through the United States or the territorial waters thereof from point to point in Canada or from Canada to the ocean, of any engines, cars, goods, or vessels proceeding from Canada.

Mr. GORMAN. I ask that the resolution be referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

Mr. CONGER. I ask that the resolution may be printed.

The PRESIDENT *pro tempore*. The resolution will be printed under the general rule.

Mr. DAWES. In connection with that reference I should like to inquire, if it is not considered out of the way by the Committee on Foreign Relations, if they have considered the bill which was introduced at the last session by me covering the same point, and are ready to make some report upon it at as early a day as the exigencies of this case now seem to demand. In the latter part of the last session I introduced a bill, the object of which was to cover precisely this point. It was referred to the Committee on Foreign Relations, and I was in hopes to have heard from that committee upon it before this time. If some one of the committee could make some explanation of the delay, which I have no doubt they have good reason for, I should be very much obliged.

Mr. FRYE. The Committee on Foreign Relations was instructed to investigate by a subcommittee the whole question and all the matters which are now in conflict between us and Canada. They did investigate during the vacation. The evidence has now been printed, and that subcommittee has this very morning been in session considering the evidence and the report, and what may be necessary to be done. Undoubtedly that report will be made to the Senate within a very few days.

The resolution just introduced, I will say to the Senator from Maryland, ought to be a joint resolution to be of any effect.

Mr. DAWES. I did not mean to intimate that the committee was negligent, but of course the committee are aware of what is transpiring, and every day the grievances are growing more glaring and more inexcusable. If anything could hasten action on the part of that committee, it would be the very conduct of the British government which calls for the legislation itself.

The PRESIDENT *pro tempore*. The resolution is referred to the Committee on Foreign Relations.

Mr. CONGER. Let the resolution be printed before its reference.

The PRESIDENT *pro tempore*. The order to print has been made.

Mr. CONGER. Let it be printed before its reference. I could only hear indistinctly the resolution, and I do not know what ought to be done with it. I ask that it may be printed and lie over until to-morrow.

The PRESIDENT *pro tempore*. If there be no objection, the resolution will be printed and lie on the table.

Mr. GORMAN. I have no objection to that course.

Mr. FRYE. It should be amended by making it a joint resolution. It is a Senate resolution, which would be of no force at all in authorizing the President of the United States to do anything.

The PRESIDENT *pro tempore*. Being objected to, the resolution goes over until to-morrow without any change.

FLORIDA LAND FORFEITURE.

Mr. CALL. I desire to give notice that to-morrow morning I shall ask the Senate to take from the table the resolution offered by me directing the Interior Department to take some action to enjoin the sales of public lands of the United States in the State of Florida within the limits of the grant to the State made the 17th of May, 1856, for the construction of railroads in that State. At the hour when the order of resolutions shall be called for, I shall ask the Senate to take that resolution up for consideration.

MAIL MESSENGERS.

Mr. CONGER. The Senator from Texas [Mr. MAXEY] is a member of the committee of conference on the part of the Senate on the disagreeing votes of the two Houses on the bill (H. R. 8346) authorizing the employment of mail messengers in the postal service. The Senator from Texas is absent, and may be for some days. The House conferees are here, and I ask the Chair to consider it as a vacancy on the conference committee, and fill it at the present time.

The PRESIDENT *pro tempore*. The Senator from Michigan moves that the Chair be authorized to fill the vacancy on the conference committee stated by him.

Mr. EDMUNDS. It is really not a vacancy, but it is a mere matter of form, and I suggest that the Chair be authorized to substitute a conferee in the place of the Senator from Texas, who is absent.

Mr. CONGER. Yes; that will be the proper course.

The PRESIDENT *pro tempore*. The Chair will consider that to be the consent of the Senate, and name the Senator from Maryland [Mr. WILSON] in place of the Senator from Texas [Mr. MAXEY].

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his Secretaries, announced that the President had yesterday approved and signed the following acts:

An act (S. 1333) for the relief of William H. Randle;

An act (S. 1353) referring to the Court of Claims for adjudication the claims of John H. Kinkead, Samuel Sussman, and Charles O. Wood;

An act (S. 1829) for the relief of the Greensburg Limestone Company and others; and

An act (S. 2901) to authorize the Secretary of the Treasury to sell and convey the United States custom-house and post-office property at Eastport, in the State of Maine, lately destroyed by fire, the proceeds thereof to be invested in the purchase of a new site for, and to provide for the erection of, a new public building at that place.

NEW ORLEANS, BATON ROUGE AND VICKSBURG RAILROAD GRANT.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions," the morning hour is closed, and the Calendar is in order.

Mr. EUSTIS. I move that the Senate proceed to the consideration of the bill (H. R. 3186) to declare a forfeiture of lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company, to confirm title to certain lands, and for other purposes.

Mr. HARRIS. Is that bill on the Calendar under Rule VIII or Rule IX?

The PRESIDENT *pro tempore*. It is a special order.

Mr. EUSTIS. The bill has been made a special order several times.

Mr. MORGAN. If the bill is a special order, it comes up at 2 o'clock, under the rule, does it not?

The PRESIDENT *pro tempore*. Not to-day.

Mr. MORGAN. Whenever reached?

The PRESIDENT *pro tempore*. It does.

Mr. MORGAN. Not before 2 o'clock, anyway.

The PRESIDENT *pro tempore*. It is a special order.

Mr. EUSTIS. My motion is in order. I move that the Senate proceed to the consideration of the bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Louisiana, to proceed to the consideration of the bill indicated by him.

Mr. HOAR. Will the Chair be kind enough to have the title of the bill read?

The Chief Clerk read the bill by its title.

The PRESIDENT *pro tempore*. The question is on the motion to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The clerks inform the Chair that the bill has already been read at length. The bill is open to amendment.

Mr. PLATT. Has the bill been read?

The PRESIDENT *pro tempore*. It has been read. Does the Senator desire to have it read again?

Mr. PLATT. I think it had better be read, unless we can have something equivalent to its reading.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk read the bill.

Mr. PLATT. I see that some portion of the lands originally granted are forfeited and some are confirmed. I wish the Senator from Louisiana would make a short explanation of the bill showing why the lands forfeited are forfeited and why those confirmed are confirmed.

Mr. EUSTIS. Mr. President——

Mr. MITCHELL, of Oregon. If the Senator from Louisiana will allow me a moment before he proceeds, I should like to know also in the explanation that is about to be made whether any lands are included in this declaration of forfeiture which are adjacent to roads completed at this time. In the second place, I should like to know whether any lands included in the grant, a part of which is to be forfeited by the bill, are omitted from the declaration of the forfeiture, which lie adjacent to that portion of the road not completed within the time specified in the act for the completion of the whole road.

Mr. EUSTIS. In answer to the question of the Senator from Connecticut [Mr. PLATT] I will state that the portion of the road to which the land is adjacent which is forfeited was not built by either the grantee or by the assignee of the grantee. It was a portion of a road built by another company, which was purchased. Therefore, the construction of that portion of the road was not predicated upon any grant which was made by Congress.

Although this is called a forfeiture in the bill, it is really not a forfeiture, because this railroad company has filed a relinquishment of any

claim with reference to any of the lands which are adjacent to about 82 miles of the road.

In answer to the question of the Senator from Oregon, I will state that this grant was made in 1871 to the New Orleans, Baton Rouge and Vicksburg Railroad Company, upon the condition that the road designated in the grant should be constructed and completed within five years. The time would have expired in 1876. There was nothing whatsoever done by the railroad company, which was known as the Backbone Railroad Company, during those five years, nor by that railroad company after the expiration of those five years; but in 1881, which was five years after the time had expired during which the grant existed, the Backbone Railroad Company made an assignment of the grant to the New Orleans Pacific Railroad Company, and the New Orleans Pacific Railroad Company completed the road, and this is an act which is to confirm title in the New Orleans Pacific Railroad Company. The Senator understands that.

Mr. MITCHELL, of Oregon. I understand, then, one purpose of this act is not to forfeit land adjacent to uncompleted road, but to confirm a grant adjacent to completed road, which road was completed after the time fixed for the completion of the road.

Mr. EUSTIS. By another company.

Mr. MITCHELL, of Oregon. By another company. That is about the situation.

Mr. EUSTIS. Now, Mr. President, I do not intend to speak on this question. I had occasion formerly to address the Senate with regard to it, and I then took the ground that the New Orleans Pacific Railroad Company was not entitled to this grant. At that time the New Orleans Pacific Railroad Company claimed this grant by virtue of an assignment from the Backbone Railroad Company. That was the whole basis of its title. I opposed that view. I argued that that assignment was illegal and void—that the Backbone Railroad Company acquired no title to that land, and therefore had no assignable interest in that land. The theory of this bill, I may say, confirms that view. Instead of Congress recognizing the title to exist in the New Orleans Pacific Railroad Company by reason and by virtue of the assignment, instead of Congress recognizing the legality and the validity of the assignment as the basis of the title, this act proposes to ignore that assignment and directly to confirm a title in the New Orleans Pacific Railroad Company from the date of the passage of this act.

Mr. MITCHELL, of Oregon. Then the object of this bill is to make a new grant, or rather confirm a grant, to a company that in the judgment of the Senator never was entitled to a grant at all. Is that it?

Mr. EUSTIS. Yes, sir. And, therefore, Mr. President, holding the views which I entertained at first—that the original grantee never acquired from the Government of the United States any interest in the land, by failing to comply with any of the conditions of the grant—I am opposed to making a new grant at this date to the New Orleans Railroad Company because that railroad company has completed this road.

Mr. MITCHELL, of Oregon. Now, let there be no misunderstanding between us. I wish to understand this bill in connection with some other bills that are pending and that we have already had up. If it should turn out that the Senator is wrong in his opinion as to the power of the one company to make an assignment to the other company that would be good, then the case would stand thus: that this is a proposition in that event to declare forfeited certain lands adjacent to completed road at this date. If the assignment was good, then the proposition is to declare forfeited lands adjacent to completed road by a company that had the power and right to complete it.

Mr. EUSTIS. I do not base my vote upon any assumption whatever that the assignment was legal at all.

Mr. MITCHELL, of Oregon. I understand that. I understand the Senator from Louisiana holds to the view that the grantee company had no power under the law to make an assignment at all.

Mr. EUSTIS. Yes, sir.

Mr. MITCHELL, of Oregon. And, therefore, this bill in that view of the case would be to confirm title in a company that never had any right to it at all. But what I wish to get at is this: If the Senator should happen to be wrong in his view of the law and his view as to the right of this grantee company to make the assignment, then it would simply be a proposition to declare forfeited land adjacent to completed road that had been completed by a company authorized to complete it before the declaration of forfeiture.

Mr. EUSTIS. Of course that is the object of this act. This act proposes to confirm the title in the New Orleans Pacific Railroad Company. That is equivalent to a new grant, in my judgment. That is to say, the theory of this bill is that the original grantee, the Backbone Railroad Company, did not acquire any title whatever to these lands, but Congress in consideration of the fact that the railroad has been completed by another company, under this bill proposes to transfer that grant from the original grantee to the assignee, the New Orleans Pacific Railroad Company.

I shall propose several amendments to this bill. The first amendment that I propose is to declare a forfeiture of the whole grant. If the Senate should vote that down, I shall then propose some amendments to protect the rights of the settlers.

Mr. EDMUNDS. What section is that in?

Mr. EUSTIS. I offer an amendment to strike out all after the enacting clause and insert:

That the lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company by an act entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," approved March 3, 1871, be, and they are hereby, declared forfeited, and the lands covered thereby shall be considered and treated in all respects the same as if said grant had never been made: *Provided*, That any title to said lands acquired by purchase from any railroad company by any *bona fide* settler is hereby confirmed to said purchaser.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment of the Senator from Louisiana [Mr. EUSTIS].

Mr. EUSTIS. I will state that the New Orleans Pacific Railroad Company, at the time when they were trying to get this grant by direct act of Congress, telegraphed that they could build this road without this grant; and in my opinion, to confirm this grant is simply an act of donation to a company, between which and the Government of the United States there never has been any privity whatsoever.

Mr. TELLER. Mr. President, the question of the right of the Backbone Railroad Company and of the present owners of this property has been fully discussed in the Senate, as well as in another body. There probably is no case where a railroad company has claimed and obtained patents to land that has had so thorough and complete an examination of all the features involved as this particular case. Senators will remember that at the very beginning of this Congress, on a resolution introduced by the Senator from Nebraska [Mr. VAN WYCK], there was a very thorough and general discussion of this question. It had been a matter of discussion in the other branch of Congress, and it had been a matter of discussion before the Department of the Interior for five or six years.

In 1881 a company then claiming to be entitled to the land grant named in this bill transferred to the present corporation its claim to that grant. The present corporation proceeded first to purchase 68 miles of road in the general direction of the grant and then to complete the road. Early in 1881, as I will show by the record, while Mr. Kirkwood was Secretary of the Interior, the assignee filed the transfer of this claim from the original company, and thereupon the Department asserted to this company that it had a valid, legal transfer—a transfer that would be recognized by the Department thereafter in dealing with that corporation.

The Commissioner of the General Land Office, in reply to a question put to him by letter by the president of the so-called Backbone Railroad Company, Mr. Barnum, then declared that all had been done that was necessary and proper to be done to lodge and vest in the New Orleans Pacific Railroad Company the right to complete this road and receive the land therefor. That was before the company had done any part of the work that was to be done.

I will call the attention of the Senate, although I have already done that on a former occasion, to some of these documents. I do not intend, myself, to go fully into this discussion. The matter has been so thoroughly discussed before the Senate and has been a matter of so much examination that it does not seem to be necessary to do so.

In 1883 a Mr. Steever, who was an attorney-at-law and represented this corporation, addressed the then Secretary of the Interior on this subject, and here is the first letter of that Secretary on the subject, being the first dealing he had with it officially:

DEPARTMENT OF THE INTERIOR,
Washington, May 24, 1883.

SIR: I have yours concerning the mortgage of New Orleans and Pacific Railroad Company. The Interior Department has nothing to do with that matter.

That was a question whether they were allowed to mortgage their road.

My predecessor submitted the question, as to the right of the company to receive the lands from the Government, to the Attorney-General, who decided the question in favor of the company. The Interior Department was compelled to accept this as the law governing the case, and then it became the duty of the Department to carry out the law. I do not understand the Department has anything to do with the question of what disposition the company shall make of the lands.

Very respectfully,

H. M. TELLER,
Secretary.

Mr. WEST STEEVER,
Attorney-at-Law, Washington, D. C.

The basis upon which the Interior Department then acted can be seen from a brief statement. In December, 1880, this transfer was made. It was filed in the Interior Department early in January, 1881. The first letter that I find from the Department on this subject is the following:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 17, 1881.

SIR: In compliance with the verbal request of Hon. J. H. Ketcham, I make the following statement:

This is a letter from the Commissioner of the General Land Office.

By the twenty-second section of an act of Congress, entitled "An act to incorporate the Texas Pacific Railroad Company," &c., approved March 3, 1871, a grant of land was made to the New Orleans, Baton Rouge and Vicksburg Railroad Company for the purpose of aiding in the construction of its road.

At a special meeting of the directors of said New Orleans, Baton Rouge and Vicksburg Railroad Company, held December 29, 1880, a resolution was adopted authorizing the president and secretary of the company to transfer all the right, title, and interest of said company in and to said grant to the New Orleans

Pacific Railway Company, and to make and execute such instruments as should be necessary for that purpose.

On the 5th day of January, 1881, the president and secretary, pursuant to said authority, executed a deed in the name of the New Orleans, Baton Rouge and Vicksburg Company, conveying all the right, title, and interest of said company in and to said grant to the New Orleans Pacific Railway Company.

On the 3d day of February, 1881, the directors of the last-named company adopted a resolution authorizing the president of the company to accept said conveyance, and to execute any documents necessary to evidence the acceptance.

There can be no doubt that when the president of the New Orleans Pacific Railway Company accepts said transfer the company will be fully vested with all the right, title, and interest which the New Orleans, Baton Rouge and Vicksburg Company has in and to said grant.

Very respectfully,

J. A. WILLIAMSON, *Commissioner.*

W. H. BARNUM, Esq.,
President New Orleans, Baton Rouge and Vicksburg Railroad Company.

To this letter, on February 19, Mr. Barnum transmitted the following:

NEW YORK, *February* 19, 1881.

SIR: I transmit herewith telegram from E. B. Wheelock, president, &c., advising me of the acceptance by the New Orleans Pacific Railroad Company of the deed and transfer executed by the New Orleans, Baton Rouge and Vicksburg Railroad Company of all its right, title, and interest in and to the land grant made by section 22 of the act of Congress approved March 3, 1871. Letter of acceptance, in same terms, to be filed in your office, will follow in due course of mail.

Please advise me if this action completes the assignment and transfer of this land grant and oblige.

Very respectfully, your obedient servant,

W. H. BARNUM,
President New Orleans, Baton Rouge and Vicksburg Railroad Company.

Hon. J. A. WILLIAMSON,
Commissioner, &c.

On the 21st the Commissioner of the General Land Office addressed the following letter to Mr. Barnum:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 21, 1881.

SIR: The president of the New Orleans Pacific Railway Company has duly accepted, in behalf of said company, the deed referred to in my letter addressed to you, dated February 17, 1881, being the deed to the said New Orleans Pacific Railway Company by the New Orleans, Baton Rouge and Vicksburg Railroad Company of all its right, title, and interest in and to the grant to said last-named company by the twenty-second section of an act of Congress entitled "An act to incorporate the Texas Pacific Railroad Company," &c., approved March 3, 1871.

The transfer by the said New Orleans, Baton Rouge and Vicksburg Railroad Company of all its right, title, and interest in and to said grant to the said New Orleans Pacific Railway Company is now complete.

Very respectfully,

J. A. WILLIAMSON,
Commissioner.

W. H. BARNUM,
President New Orleans, Baton Rouge and Vicksburg Railroad Company.

There seems to have been no question made from that time or in the Department that the transfer had been properly made. On the 26th of February this letter also was written, to which I will call attention:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 26, 1881.

SIR: On the 17th instant you filed with me certain papers, showing the transfer by the New Orleans, Baton Rouge and Vicksburg Railroad Company to the New Orleans Pacific Railway Company, of the land grant to the former company. You verbally asked me for an expression of opinion as to the effect and sufficiency of the transfer.

On the same day (17th instant) I addressed a letter to Hon. W. H. Barnum, president of the first-named company, expressing the opinion that the transfer would fully vest in the last-named company, upon a formal acceptance thereof by it, all the right, title, and interest of the first-named.

On the 21st instant you filed a letter from Mr. Barnum, dated 19th instant, addressed to me, covering a telegram from E. B. Wheelock, president of the New Orleans Pacific Railway Company, dated New Orleans, 19th instant, being the required acceptance of the transfer.

By letter to Mr. Barnum, dated 21st instant, I acknowledged receipt of his letter and inclosure, and stated that the transfer was not complete.

On the 24th instant you referred a letter dated New York, 23d instant, addressed to you from William M. Barnum, secretary of the New Orleans, Baton Rouge and Vicksburg Railroad Company, covering the original of the telegram of acceptance, above referred to.

Yesterday you telegraphed me asking if the papers last described had been received; to which I at once responded by telegraph in the affirmative.

All the papers in the case have been filed.

Very respectfully, &c.,

J. A. WILLIAMSON, *Commissioner.*

Hon. J. H. KETCHAM,
House of Representatives.

On the 15th of the following December the following letter was lodged with the Commissioner of the General Land Office:

WASHINGTON, *December* 15, 1881.

SIR: I respectfully but most earnestly urge that there be no further delay in the transfer of the land grant originally granted by act of March 3, 1871, to the New Orleans, Baton Rouge and Vicksburg Railroad, and by that corporation transferred to the New Orleans Pacific Railway Company by act on file in your office, to the latter company.

As I understand the case, the transfer is legal, and recognized as such by this Department; and the lands have been earned by construction, and a favorable report for 130 miles of constructed road is on file.

Delay is asked that the rights of "squatters" or settlers may be protected. In reply, I beg to state that the laws now in force protect those "*bona fide*" settlers who went on the lands prior to the grant by Congress. As to settlers who "squatted" on the lands after they were withdrawn, by reason of the grant, they have no rights, for they were in bad faith.

Surely Congress nor the Department can legislate or decide as to rights on lands donated by the Government.

The act of donation by Congress and of acceptance by earning on the part of the grantee parts with the jurisdiction of the Government over the lands donated and earned.

I beg to state that the affairs and operations of the New Orleans Pacific Railway Company have been, and are, most seriously embarrassed by the unexpected delay they have met with in obtaining title to their grant; and I respectfully submit that this should not be, merely to attempt the hopeless task by legislation or otherwise of looking after the rights of a few persons who have gone on the lands in bad faith.

I am satisfied that the company will deal justly with settlers. I have had this assurance from its president.

I will gladly co-operate to get favorable terms for them, but this is a matter simply and purely of equity and accommodation between the settlers and the company.

I beg, therefore, to urge that there be as little delay as possible in perfecting the title of the New Orleans Pacific Railway to the grant.

I have the honor to be, most respectfully, your obedient servant,

E. JNO. ELLIS, *M. C., Louisiana.*

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

P. S.—I am authorized to state that Senators Jones and Kellogg concur in these views.

E. JNO. ELLIS.

The name here printed "Jones" of course should be "Jonas." On the same day the following also was addressed to the Secretary of the Interior:

HOUSE OF REPRESENTATIVES,
Washington, D. C., December 15, 1881.

SIR: We respectfully urge that there be as little delay as possible in consummating the transfer of the lands granted to the New Orleans, Vicksburg, and Savannah Railroad Company by act of March 3, 1871, and by that company transferred to the New Orleans Pacific Railway Company, by an an act of sale now on file in your office, to the latter company.

As we understand, the New Orleans Pacific Railway Company has earned by construction its title to the grant, and that all the preliminaries have been complied with, and there remains now but the certification of the lands and the issue of the patents.

The affairs of the New Orleans Pacific Railroad Company have been much damaged and embarrassed by the protracted delays that have already occurred, and we therefore urge that the matter be expedited as rapidly as possible.

With great respect, we are your obedient servants,

E. JNO. ELLIS,
Second Louisiana District.
B. F. JONAS, U. S. S.
J. FLOYD KING.
W. P. KELLOGG.

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

J. Floyd King was a member of Congress, and Kellogg a member of the Senate. A protest was filed by two members of the House of Representatives from the State of Louisiana, Mr. ROBERTSON and Mr. BLANCHARD, because they thought that the long delay from the time that the grant had been made to the time of the construction of the road had induced settlers to go on these lands who would be injured by the delay. This protest I will not stop to read; but later, on the 4th of January, 1882, while Mr. Kirkwood was Secretary of the Interior, these two members of Congress withdrew their protest, in the following terms:

WASHINGTON, *January* 4, 1882.

SIR: We hereby withdraw the opposition and protest filed by us to the recognition of the New Orleans Pacific Railroad Company as the grantees and transferees of the land in Louisiana granted by the act of Congress of 1871 to the New Orleans, Baton Rouge and Vicksburg Railroad Company, and claimed by said New Orleans Pacific Company as transferees of the New Orleans, Baton Rouge and Vicksburg Company.

The object we had in filing said protest was the protection of the rights of settlers on the land covered by said grant, and as that has been obtained by agreement with the company, we do not wish to throw any further obstacle in the way of the recognition by the Department of the Interior of the rights claimed by the company.

The New Orleans Pacific Company have constructed the road running through the grant—that is to say, from New Orleans to Shreveport—and having obtained the funds with which to do so upon the faith of its right to the land grant, we think that justice demands the recognition of their claims to the land.

We are, sir, with great respect, your obedient servants,

E. W. ROBERTSON,
Member of Congress, Sixth District of Louisiana.
N. C. BLANCHARD,
Member of Congress, Fourth District of Louisiana.

The SECRETARY OF THE INTERIOR.

The Senator from Connecticut [Mr. PLATT] asks me what the agreement was. The agreement was that the railroad company would dispose of the land at $2 per acre to the settlers, such as had already made settlement at that time. That of course rested entirely on the good faith of the company. There was no way in which the Department could enforce the agreement. This bill confirms whatever interest they may have there, dependent on their acceptance of the provisions, and I will say, and I do not think the Senator from Louisiana will dispute it, that I understand the company have carried it out to the present day in good faith, giving to all these settlers the land at 50 cents an acre less than they could buy Government land by the side of this road.

In 1882 there was introduced in the Senate a bill to confirm to this company this land grant. It went to the Committee on Railroads, of which at that time Mr. Jonas, a member of the Senate from the State of Louisiana, was a member. Mr. Jonas made a report in behalf of the Committee on Railroads in these words:

[Senate Report No. 711, Forty-seventh Congress, first session.]

IN THE SENATE OF THE UNITED STATES.

JUNE 7, 1882.—Ordered to be printed.

Mr. Jonas, from the Committee on Railroads, submitted the following report:

The Committee on Railroads, to whom the subject was referred, submit the following report:

A petition has been referred to the Committee on Railroads of certain citizens

of Louisiana, asking for the forfeiture of the land grant made to the New Orleans, Vicksburg and Baton Rouge Railroad Company by the ninth section of the act entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes," approved March 3, 1871, on the ground that the company to whom the grant was made has failed to build the road within the time prescribed by the act.

The grant was made to the New Orleans, Baton Rouge and Vicksburg Railroad Company, its successors and assigns. That company was incorporated by an act of the Legislature of Louisiana, approved December 30, 1869. The object of Congress in making the grant was to aid in the construction of the proposed road, via Baton Rouge, Alexandria, and Shreveport, to connect with the eastern terminus of the Texas Pacific Railroad, and thus connect that road with the Mississippi River and the Gulf of Mexico.

The committee find that this connecting road, on almost the same line, and between the same points (if not built by the original grantees), has been built by the New Orleans Pacific Railway Company, which was organized under a charter confirmed by an act of the Legislature of Louisiana, approved February 19, 1876. This road is now completed and running between New Orleans and the eastern terminus of the Texas Pacific Railroad, at or near Marshall, Tex., its route being via Baton Rouge, Alexandria, and Shreveport.

The New Orleans, Baton Rouge and Vicksburg Railroad Company (which still has corporate existence) by deed dated the 5th day of January, 1881, granted and transferred to the New Orleans Pacific Railway Company all its right, title, and interest in and to the lands granted to it by the before-mentioned act of Congress incorporating the Texas Pacific Railroad Company. This transfer was approved, ratified, and confirmsd at a meeting of the stockholders of the New Orleans, Baton Rouge and Vicksburg Railroad Company by a vote of two-thirds of its entire capital stock. The transfer was formally accepted by the board of directors of the New Orleans Pacific Railway Company.

The deed of transfer, a certified copy of the resolution of the stockholders of the New Orleans, Baton Rouge and Vicksburg Railroad Company ratifying the transfer, and a certified copy of the resolution of the board of directors of the New Orleans Pacific Railway Company accepting the transfer, have been filed in the Department of the Interior.

A commissioner to inspect a portion of the railroad built by the New Orleans Pacific Railway Company was, upon the application of that company, appointed by the President of the United States, and the report of the said commissioner, approving the construction of the portion of the railroad inspected by him, was duly filed in the Department of the Interior.

Application is now made for the issuance of patents to the New Orleans Pacific Railway Company for the lands granted by Congress to the New Orleans, Baton Rouge, and Vicksburg Railroad, Company, and by the last-named company assigned to the New Orleans Pacific Railway Company as heretofore stated.

The grant was originally made to the New Orleans, Baton Rouge and Vicksburg Railroad Company, its successors and assigns, for the purposes above stated.

The road has been built by the assignee of the grantee, and the objects of the grant have been fully attained.

No forfeiture of the grant was made before the completion of the road, on the grounds alleged, and we think it would be unjust and inequitable to make such forfeiture now when the work has been completed by the assignee company, which has built the road in good faith and in full expectation of receiving the benefit of the grant which remained unforfeited and assignable in the control of their grantor.

Your committee think no consideration of public policy requires the forfeiture of the grant, and they recommend that the committee be discharged from further consideration of the memorial.

The position of the committee can be seen in the last few lines. The committee decided that the transfer was ample to carry the title to the new company and that it did not need any legislation.

Mr. EUSTIS. Will the Senator allow me to ask him a question on this point?

Mr. TELLER. Certainly.

Mr. EUSTIS. Was there not a protest filed by these same gentlemen against the issue of patents before March, 1884?

Mr. TELLER. If the Senator will wait until I reach that stage he may put that question. The Senator knows about it; he was one of the signers.

Mr. EUSTIS. I was not one of the signers.

Mr. TELLER. Perhaps not. It was very close on to the time the Senator came into the Senate. I will give all the history. If I do not the Senator will be at liberty to give it.

Mr. EUSTIS. I will explain why I ask the question at this particular time. As the Senator has been urging the point that the members of the Louisiana delegation were against the forfeiture and in favor of the issuing of patents, I thought it an opportune time to put the question.

Mr. TELLER. I shall come to that before I get through. The Senator need not be in a hurry about it. There is plenty of time.

In the latter part of 1881, or the early part of 1882, the then Secretary of the Interior, Mr. Kirkwood, received a protest made by some parties here in Washington having no connection with this land whatever, having no connection with the people of the State of Louisiana whatever, appearing, as they stated, for the purpose simply of seeing that the Government was not swindled. Senators can form their own opinion why they appeared. They raised the question whether there had been a valid grant. Mr. Kirkwood, the then Secretary of the Interior, submitted to the then Attorney-General, Mr. Brewster, the question whether or not there had been a legal transfer made.

This involved not only the question, first, as to the legality of the proceedings of these railroad companies in making the transfer, but also the question whether the law authorized such a transfer to be made. Upon the latter point there was no necessity for having that opinion, because it had already been settled by the opinions of five Attorneys-General of the United States that there could be a valid assignment of a grant of this character. Mr. Brewster, the then Attorney-General, on the 13th day of June, 1882, submitted to the Interior Department his opinion, in which he held that the transfer was legal and proper and that these parties were entitled to the land. This is his opinion:

DEPARTMENT OF JUSTICE, *Washington, D. C., June* 13, 1882.

SIR: By a letter dated the 5th of January last, your predecessors submitted to me a number of questions arising upon an application of the New Orleans Pacific Railway Company for certain lands claimed under the land grant made to the New Orleans, Baton Rouge and Vicksburg Railroad Company by the act of Congress of March 3, 1871, chapter 122.

The land grant mentioned is contained in the twenty-second section of that act, which provides:

"That the New Orleans, Baton Rouge and Vicksburg Railroad Company, chartered by the State of Louisiana, shall have the right to connect, by the most eligible route to be selected by said company, with the said Texas Pacific Railroad at its eastern terminus, and shall have the right of way through the public land to the same extent granted hereby to the said Texas Pacific Railroad Company; and in aid of its construction from New Orleans to Baton Rouge, thence by the way of Alexandria, in said State, to connect with the said Texas Pacific Railroad Company at its eastern terminus, there is hereby granted to said company, its successors and assigns, the same number of alternate sections of public lands per mile, in the State of Louisana, as are by this act granted in the State of California to said Texas Pacific Railroad Company; and said lands shall be withdrawn from market, selected, and patents issued therefor, and opened for settlement and pre-emption, upon the same terms and in the same manner and time as is provided for and required from said Texas Pacific Railroad Company, within said State of California: *Provided*, That said company shall complete the whole of said road within five years from the passage of this act."

The eastern terminus of the Texas Pacific Railroad, as fixed by the same act, was a point at or near Marshall, Tex.

The New Orleans, Baton Rouge and Vicksburg Railroad Company was incorporated by an act of the Legislature of Louisiana passed December 30, 1869, which authorized it to construct and operate a railroad "from any point on the line of the New Orleans, Jackson and Great Northern Railroad, within the parish of Livingston, running from thence to any point on the boundary line dividing the States of Louisiana and Mississippi," the route here indicated lying east of the Mississippi River. It was also authorized to construct and operate a branch railroad from its main line (above described) to the city of Baton Rouge; and for the purpose of connecting its railroad with the railroads of other companies, &c., it was furthermore authorized "to construct, maintain, and use, by running thereon its engines and cars, such branch railroads and tracks as it may find necessary and expedient to own and use;" and such branch railroads were, for all the purposes of the act, to be deemed and taken to constitute a part of the main line of its railroads within the State of Louisiana.

On November 11, 1871, that company filed in the General Land Office a map designating the general route of a road projected thereby from Shreveport, by way of Alexandria, to Baton Rouge, and thereupon a withdrawal of the public lands along the same was ordered, which became effective in December following.

Subsequently, by an act of the Legislature of Louisiana passed December 11, 1872, the same company was given "full power and authority to commence the construction of their road in the city of New Orleans or Shreveport, or at any intermediate point on their line of road, as may best suit the convenience of said company and facilitate the speedy construction of a continuous line from the city of New Orleans to the city of Shreveport, or perfect railroad communication with the Texas Pacific Railroad or any other railroad in Northwestern Louisiana, at or near the Louisiana State line: *Provided, however*, That the said company shall construct the line of its road between the city of New Orleans and the city of Baton Rouge, on the east side of the Mississippi River, to the corporate limits of the said city of Baton Rouge, or adjacent thereto."

In the mean time, by the act of Congress of May 2, 1872, chapter 132, the Texas and Pacific Railway Company (formerly styled the Texas Pacific Railroad Company) was "authorized and required to construct, maintain, control, and operate a road between Marshall, Tex., and Shreveport, La., or control and operate any existing road between said points, of the same gauge as the Texas and Pacific Railroad." The same act further provided that "all roads terminating at Shreveport shall have the right to make the same running connections, and shall be entitled to the same privileges, for the transaction of business in connection with the said Texas and Pacific Railway, as are granted to roads intersecting therewith."

On February 13, 1873, a second map was filed in the General Land Office by the New Orleans, Baton Rouge and Vicksburg Railroad Company, designating the general route of a road projected thereby from New Orleans to Baton Rouge, and a withdrawal of the public lands along the same was ordered, which took effect in April, 1873. The route between those places, those designated, lies on the east side of the Mississippi River. That company has not constructed any part of its road, either on the route between New Orleans and Baton Rouge or on the route between the latter place and Shreveport; nor, indeed, has there been a definite location of its road anywhere between the points mentioned. Nothing beyond the designation of the general route thereof appears.

Pursuant to a resolution of its board of directors, adopted December 29, 1880, all the right, title, and interest of that company in and to the aforesaid grant of public lands made by the act of March 3, 1871, were deeded by it to the New Orleans Pacific Railway Company. This action of the board of directors and officers of the former company was afterwards approved and ratified by the stockholders thereof at a meeting held in December, 1881.

The New Orleans Pacific Railway Company was originally incorporated under the general laws of the State of Louisiana in June, 1875. Its charter was subsequently amended by acts of the Louisiana Legislature passed February 19, 1876, and February 5, 1878. It is thereby authorized to construct a railroad "beginning at a point on the Mississippi River at New Orleans or between New Orleans and the parish of Iberville, on the right bank of the Mississippi, and Baton Rouge, on the left bank, &c., or from any point within the limits of this State, and running thence toward and to the city of Shreveport," which is made its northwestern terminus.

The route of this company as projected is understood to extend from New Orleans to Baton Rouge, and thence, by way of Alexandria, to Shreveport. Between New Orleans and Baton Rouge it lies on the west side of the Mississippi River; while the designated route of the New Orleans, Baton Rouge and Vicksburg Railroad Company, between the same points, lies on the east side of that river. Between Baton Rouge and Shreveport its general course and direction corresponds, in the main, with the route designated by the last-named company. It is throughout its entire length from New Orleans to Shreveport within the limits of the before-mentioned withdrawals of public lands.

In October, 1881, the president of the New Orleans Pacific Railway Company made affidavit that three sections of its road were then completed and ready for examination by the Government; whereupon a commissioner was appointed to examine the same, the result of whose examination appears in a report made by him to the Secretary of the Interior, under date of the 26th of that month. One of the sections embraces 68 miles of road, beginning on the west bank of the Mississippi River, opposite New Orleans, and ending near the town of Donaldsonville; another embraces 20 miles of road near Alexandria; and the third embraces 50 miles of road terminating at Shreveport. For each of these sections lands are claimed by that company under the aforesaid land grant, as assignee of the New Orleans, Baton Rouge and Vicksburg Railroad Company.

No map of definite location of any portion of its road has been filed, other than those of constructed portions.

It appears that in February, 1881, the New Orleans Pacific Railway Company purchased from Morgan's Louisiana and Texas Railroad and Steamship Company the road constructed on the west bank of the Mississippi River by the New Orleans, Mobile and Texas Railroad Company, from Westmego to White Castle, a distance of 68 miles, and that the same has become a part of the main line of the road of the New Orleans Pacific Railway Company.

The following are the questions submitted:

"1. Was the grant to the New Orleans, Baton Rouge and Vicksburg Railroad Company a grant *in præsenti?*

"2. Had the New Orleans, Baton Rouge and Vicksburg Railroad Company, at the date of its alleged transfer of lands to the New Orleans Pacific Railway Company, such an interest in the lands, under said act, as was assignable?

"3. Is the New Orleans Pacific Railway Company such a successor to or assignee of the New Orleans, Baton Rouge and Vicksburg Railroad Company as is contemplated by said act?

"4. Should it appear that the 68 miles of the New Orleans, Mobile and Texas Railroad was constructed prior to the act of March 3, 1871, granting lands to aid in the construction of the New Orleans, Baton Rouge and Vicksburg Railroad, can the New Orleans Pacific Company (its assignee) claim any benefit from the grant? Or, in case of such prior construction, and the non-construction of any portion of the New Orleans, Baton Rouge and Vicksburg road, has the purpose for which the grant was made failed and the grant consequently lapsed?

"5. If the New Orleans, Mobile and Texas road was constructed subsequently to the date of said act, is so much of its road as is now owned by the New Orleans Pacific Company such a road as is contemplated for acceptance by the President within the meaning of said act, and may patents issue to the latter for lands opposite to and coterminous with such constructed portion of road?"

These questions are accompanied by a request for an opinion upon such other questions of law as may suggest themselves touching the transfer of said land grant, to which reference is above made.

Of the above-stated questions the first three may be considered together, in connection with the following inquiry, which presents itself at the outset, whether the assent of Congress to the transfer made by the New Orleans, Baton Rouge and Vicksburg Railroad Company of all its interest in said land grant to the New Orleans Pacific Railway Company is necessary (by reason of anything in the provisions of the grant itself) to entitle the latter company to the benefit of said grant in aid of the construction of the road projected by it.

The act of March 3, 1871, passed to the New Orleans, Baton Rouge and Vicksburg Railroad Company a present interest in a certain number of alternate sections of public lands per mile within the limits there prescribed. Its language is "there is hereby granted to said company" the number of alternate sections mentioned; words which import a grant *in præsenti*, and not one *in futuro*, or the promise of a grant. (97 U. S. Rep., 496.) But the grant thus made is in the nature of a float. It is of sections to be afterward located, their location depending upon the establishment of the line of the road. Until this is definitely fixed the grant does not attach to any specific tracts of land. Upon the line of the road being definitely located the grant then first acquires precision, and the company becomes invested with an inchoate title to the particular lands covered thereby, which can ripen into a perfect title only as the construction of each section of 20 miles of road is completed and approved, when the right to patents for the lands opposite to and coterminous with such constructed section accrues.

The proviso in the grant that the company shall complete the whole of its road within five years from the date of the act is a condition-subsequent, the failure to perform which does not, *ipso facto*, work a forfeiture of the grant, but only gives rise to a right in the Government to enforce a forfeiture thereof. Yet in order to enforce a forfeiture such right must be asserted by a judicial proceeding, authorized by law, or by some legislative action amounting to a resumption of the grant. (Schulenberg *vs.* Harriman, 21 Wall., 44.) Hence, until advantage is taken of the non-performance of the condition, under legislative authority, the interest of the grantee in the grant remains unimpaired thereby.

Such being the nature and effect of the grant and its accompanying condition, and no action having been taken either by legislation or judicial proceedings to enforce a forfeiture thereof, it follows that at the period of said transfer by the New Orleans, Baton Rouge and Vicksburg Railroad Company this company was invested with a present interest in the number of alternate sections of public lands per mile granted by the act of 1871, notwithstanding it was already in default in the performance of the condition referred to, and that it still retained a right to proceed with the construction of the road in aid of which the grant was made until advantage should be taken of the default. But as it had not then definitely fixed the line of its road, although a map designating the general route thereof was duly filed, that interest did not attach to any specific tracts of land, but remained afloat, as it were, needing a definite location of the road before it could become thus attached. Was the interest here described assignable to another company, so as to entitle the latter to the benefit of the grant in aid of the construction of its road between the places named therein, without the assent of Congress?

Doubt has perhaps arisen on this point in view of the fact that in one or two instances it has been thought expedient to obtain legislation by Congress confirming or authorizing a similar assignment (see section 2 of the act of March 3, 1865, chapter 88, and section 1 of the act of March 3, 1869, chapter 127), and also in view of the adverse ruling of this Department in the case of the Oregon Central Railroad Company. (13 Opin., 382.) However a similar assignment made in 1866 by the Hannibal and Saint Joseph Railroad Company to the Pike's Peak Railroad Company, afterward known as the Central Branch Company, was held to be valid by Attorney-General Stanberry in an opinion given to the Secretary of the Treasury under date of July 25, 1866.

In the latter case the Hannibal and Saint Joseph Company, which was incorporated by the State of Missouri, with authority to construct a railroad between Hannibal and Saint Joseph, within that State, was, by the Pacific Railroad act of July 1, 1862 (section 13), authorized to "extend its road from Saint Joseph, via Atchison, to connect and unite with the road through Kansas, * * * and may for this purpose use any railroad charter which has been or may be granted by the Legislature of Kansas," &c. And by the fifteenth section of the same act it was provided that "wherever the word company is used in this act it shall be construed to embrace the words their associates, successors, and assigns, the same as if the words had been properly added thereto." Subsequently, in 1863, an assignment was made by that company of all its rights under said act (which included an interest in both a land and a bond subsidy) to the Atchison and Pike's Peak Railroad Company, a company previously organized under a charter granted by the Legislature of Kansas. The latter company having constructed a section of 20 miles of the proposed road west from Atchison claimed the benefit of the grant made to the Hannibal and Saint Joseph Company, as its assignee, and this claim was recognized and allowed, in accordance with the opinion of the Attorney-General. It will be observed, however, that the Hannibal and Saint Joseph Company was authorized to "use any railroad charter which has been or may be granted by the Legislature of Kansas," and this, together with the provision in the fifteenth section, quoted above, may have been regarded as sufficient to sustain the assignment.

In the case of the Oregon Central Railroad Company, mentioned above, a grant of a right of way through the public lands, and also of alternate sections thereof, was made to that company, "and to their successors and assigns," by the act of May 4, 1870, chapter 69, for the purpose of aiding in the construction of a railroad and telegraph line between certain places in Oregon. In August following an instrument was executed by the company assigning all its interest in the grant to the Willamette Valley Railroad Company, and thereupon the question arose whether the grant was susceptible of being thus transferred. The Attorney-General (Mr. Akerman), to whom the question was submitted, after reviewing the various provisions of the act, some of which (see section 5) imposed certain duties and required certain important acts to be performed by the company, decided in the negative, holding that, upon consideration of those provisions, the Oregon Central Company was alone within the contemplation of Congress in respect of the donation made and duties imposed by that act. The words "their successors and assigns," as used in the act, were regarded as words of limitation merely.

But the grounds upon which that decision appears to have been based are not found to exist in the case now under consideration. Here a grant of a certain number of alternate sections of public lands per mile is made to the New Orleans, Baton Rouge and Vicksburg Railroad Company, its successors and assigns, in aid of the construction of a road from New Orleans, by the route indicated, to connect with the eastern terminus of the Texas and Pacific Railroad, which lands are required to be "withdrawn from the market, selected, and patents issued therefor, and opened for settlement and pre-emption upon the same terms and in the same manner and time as is provided for and required from said Texas Pacific Railroad Company." The grant is coupled with no special duties or trusts, for the performance of which there is reason to believe the particular company named therein was more acceptable to Congress than any other. Its purpose is to secure the construction of a railroad between the points designated, and whether this purpose be fulfilled by that company or by another company must be deemed unimportant in the absence of any provision indicative of the contrary. The interest derived by the grantee, though it remain only afloat, is a vested interest, and it is held under the same limitations which apply after it develops into an estate in particular lands until extinguished by forfeiture for non-performance of the condition annexed to the grant. I perceive no legal obstacle arising out of the grant itself to a transfer of such interest by the grantee to another company, and should the latter construct the road contemplated agreeably to the requirements of the grant, and thus accomplish the end which Congress had in view, I submit that it would clearly be entitled to the benefits thereof.

The question of the assignability of the interest of the grantee would be more difficult if, after definitely locating the line of its road, and thus attaching the grant to particular lands along the same, it was proposed to transfer that interest to another company for the benefit of a road to be constructed by the latter on a different line, though following the general course of the other road. But in the present case the facts give rise to no such difficulty. The grant had not previous to the transfer become thus identified with a particular line of road, and was thereafter susceptible of location upon the line of the road projected by the assignee (the New Orleans Pacific Company), provided this road met the requirements of the grant in other respects, as to which no doubt is suggested.

My conclusion is that the assent of Congress to the assignment made by the New Orleans, Baton Rouge and Vicksburg Railroad Company, as above, is not necessary in order to entitle the assignee to the benefit of the land grant in question.

The remaining questions relate to the 68 miles of railroad formerly belonging to the New Orleans, Mobile and Texas Railroad Company, but now owned by the New Orleans Pacific Company, and made a part of its main line between New Orleans and Baton Rouge.

The land grant in question was, as its language imports, made in aid of the construction of a railroad between certain termini, contemplating a road to be constructed, not one already constructed. It has not been the policy of Congress thus to aid constructed roads. Had a constructed road existed at the date of the grant, which extended from one terminus to the other, and afterward the New Orleans, Baton Rouge and Vicksburg Railroad Company, instead of entering upon and completing the construction of a road, had purchased the road already constructed, this, it seems to me, would not have satisfied the purposes of the grant so as to entitle the company to the benefit thereof. The same objection would apply were the constructed road extended over only a part of the route contemplated by the grant. So far as I am advised the action of the Government hitherto has accorded with this view. On the other hand, if such road was constructed subsequently to the date of the grant, and is owned by the grantee or the assignee of the latter, I see no ground for excluding it from the benefit of the grant should it otherwise fulfill the requirements thereof.

Agreeably to the foregoing views, and in direct response to the several questions submitted, I have the honor to reply as follows: The first, second, and third questions I answer in the affirmative. The fourth question (including the alternative added thereto) I answer in the negative. The fifth question I answer in the affirmative—assuming, as I do, the company named therein to be an assignee of the grantee in the act referred to.

I have the honor to be, very respectfully,

BENJAMIN HARRIS BREWSTER,
Attorney-General.

Hon. H. M. TELLER,
Secretary of the Interior.

When this came to the Interior Department, what was the duty of that Department? If the Interior Department is to be charged with any misconduct or with any dereliction of duty whatever it is that upon that opinion it did not at once issue to this company the patent to these lands. It had been decided as early as the days of the attorney-generalship of Mr. Wirt, it had been re-recognized by the great lawyer, Reverdy Johnson, of the State of Maryland, as a duty that was incumbent on a Department when it had submitted a question of this kind to the Attorney-General to be bound by his decision. I called attention to the authorities on that subject on a former occasion and they never have been questioned, and I do not propose now to spend time to go over them. Reverdy Johnson says it is a *quasi*-judicial proceeding, and the Department was bound to recognize the title of these parties because the Attorney-General had so declared, the question having been submitted to him under the provisions of law for his determination thereon.

After this decision of the Attorney-General there were some steps taken in the House of Representatives, perhaps in both Houses of Congress, looking to the forfeiture of this grant. A member of Congress then, of the State of Illinois, entered with the Secretary of the Interior a protest against issuing the patents, and arraigning the decision of the Attorney-General. The subject had been referred to the Committee on the Judiciary. Subsequently this same member of Congress, by letter of December 15, 1882, withdrew his protest and declared that an examination of the case had satisfied him that this company was

entitled to these lands. On the same day he also notified the Department that he had withdrawn the resolution then pending before the Judiciary Committee looking to the forfeiture of the land grant. This is his letter:

HOUSE OF REPRESENTATIVES,
Washington, D. C., December 15, 1882.

DEAR SIR: In October last I had the honor to address you (as well as the President) a note on the subject of the land grant made in aid of the construction of the Memphis, Baton Rouge and Vicksburg Railroad Company, now claimed by the New Orleans Pacific Railway Company, in which letters I requested a suspension of Department action until I could, as a member of the Judiciary Committee of the House, be heard upon the matter—as it was pending before that committee on a resolution offered by myself, declaring a forfeiture of the grant—and that the legal question, as I understood it, was identical with that involved in the Texas Pacific grant, now claimed by the Southern Pacific Railroad Company, and that also the rights of many settlers in good faith were involved, so that in my judgment action might properly and should be delayed until further investigation should be had, as well as to the status of the grant as to the protection of parties in possession, as settlers on the public domain, claiming adversely to the railroad company.

At the date of my writing, the matter had not been examined in committee, and all that was known to me was what appeared in the opinion of the Attorney-General of date June 13, 1882, and the public statutes.

You kindly held the matter, as I desired, until my arrival here, and until I could examine the matter to my satisfaction, and as I have concluded that under the law, as well as the equities of the case, the New Orleans Pacific Railway Company is entitled to the grant (except as to 68 miles of road referred to below, as purchased, instead of constructed), it is only proper that I should state to you the additional facts I have gleaned since my return here bearing on the case.

I find that the New Orleans, Baton Rouge and Vicksburg Railroad Company had been struggling for years to obtain credit with which to build the road, but was unsuccessful; that the New Orleans Pacific Railway Company having the same terminal points, namely, New Orleans and Shreveport, and its line of route practically coincident throughout its entire length with that of the New Orleans, Baton Rouge and Vicksburg Railroad Company, and all its line so within and near the middle of the grant (an important fact not so stated to me last session nor so understood), purchased of the New Orleans, Baton Rouge and Vicksburg Railroad Company the grant for the purpose of utilizing it in the building of the railroad, to connect the two cities, and making connection between San Francisco and New Orleans, as contemplated by the granting act.

I find that on December 9, 1880, the New Orleans, Baton Rouge and Vicksburg Railroad Company resolved to convey this grant to the New Orleans Pacific Railway Company.

That on January 15, 1881, the same company made a conveyance to the last-named company of the grant. That on February 3, 1881, this deed and conveyance was accepted by the New Orleans Pacific Railway Company.

That before the New Orleans Pacific proceeded with the building of its road, or obtaining money therefor, the opinion of the Interior Department was sought as to the validity of the transfer; and on that date the Commissioner of the General Land Office wrote the president of the company that "when the president of the New Orleans Pacific Railway Company accepts the transfer made by the resolution and deed of the New Orleans, Baton Rouge and Vicksburg Railroad Company, it, the New Orleans Pacific Railway Company, will be fully vested with the right to the grant."

On February 21, 1881, after the Department was notified that the grant had been conveyed to and accepted by the New Orleans Pacific Railway Company, the Commissioner of the General Land Office wrote the president of the company, after reciting the facts as to the conveyance, "that the transfer by the New Orleans, Baton Rouge and Vicksburg Railroad Company of all its right, title, and interest in and to the said grant to the said New Orleans Pacific Railway Company is now complete."

Upon this recognition the New Orleans Pacific Railway Company proceeded to build and complete its road, basing its expenditures for that purpose upon faith in the validity of the transfer and the opinions of the Commissioner.

In the construction of its line, however, it utilized 68 miles of road purchased of Morgan's Louisiana and Texas Railroad and Steamship Company, extending from Westmego to White Castle, which piece of road had been built before the granting act was passed. I find, also, that the road was recognized as a land-grant road, after the conveyance and during its construction, by Secretary Kirkwood, in his annual report for 1881 (Executive Document I, part 5, p. 16); that "130 miles of the New Orleans Pacific have recently been examined, but not accepted, and that 123 additional miles are now ready for examination," and in later Department documents the same recognition.

Besides the opinion of the Attorney-General, that the New Orleans Pacific is legally entitled to the grant, I see the Senate Committee on Railroads has unanimously reported in favor of the New Orleans Pacific Railway Company's right to the grant, and that there are no considerations of public policy requiring any interference with it.

I have ascertained by conference with them that both the Senators and the delegation in the House from Louisiana do not favor forfeiture, interposing no objections to immediate action.

On the question of the rights of settlers, I am advised by several of the members of the House from Louisiana—some of whom, representing the districts in which the major part of this grant lies, participated in the drawing of the agreement—that the claimant company has contracted and bound itself that all settlers on the sections allotted to the railroad company shall be protected, and have their lands at a price not exceeding $2 per acre, on deferred payments at low interest.

That contract is now before me, having been submitted by one of the Louisiana delegation most interested, and in my judgment fully protects the settlers.

The difference between the Texas Pacific case and this to me is that this road was constructed on the faith of the grant and before adverse opposition or action; the Southern Pacific was built by a company asserting that it neither needed nor wanted Government aid and without reference to a grant.

These considerations dispose of my objections entertained at the last session (and indicated in my letters to you and the President) to proceeding under the act, and I withdraw the request I made relative to suspension of action until I could investigate and be heard.

I owe you an apology for the length of this communication; but, as you know, I have always taken a decided stand as to all land grants wherein there was either a failure of performance or not strong grounds for equitable considerations as to declaring forfeitures.

In this case I am satisfied from the facts, and for the reasons stated, that it would be improper for me further to interfere and that it would be unjust and inequitable to do so; that the rights of the settlers are fully protected, and I shall at the earliest opportunity in committee withdraw the resolution I have offered for the forfeiture of this grant.

Thanking you for the consideration shown me,
I remain yours, truly,
L. E. PAYSON.

Hon. H. M. TELLER,
Secretary, &c.

(Indorsements:) Hon. L. E. PAYSON, House of Representatives, December 15, 1882. Concerning the land grant claimed by the New Orleans Pacific Railroad Company.

Referred to the Assistant Attorney-General.

H. M. TELLER.

HOUSE OF REPRESENTATIVES,
Washington, D. C., December 15, 1882.

DEAR SIR: Referring to my letter of this date, I have the honor to state that, at the meeting of the Judiciary Committee this day, I formally withdraw the resolution pending, which I offered last session.

Yours, truly,
L. E. PAYSON.

Hon. H. M. TELLER,
Secretary, &c.

Before that time, Mr. Kirkwood had appointed commissioners to examine this road. The commissioners had examined the road and reported to Mr. Kirkwood, as Secretary of the Interior, or to the President, as the case may have been. There had been no transmittal of this to the President until March, 1883, when the Secretary of the Interior transmitted by letter to the President a statement of the case in this form:

DEPARTMENT OF THE INTERIOR,
Washington, March 13, 1883.

SIR: The New Orleans Pacific Railway Company applied to this Department more than a year ago for a transfer to itself of the lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company by the twenty-second section of the act of Congress approved March 3, 1871, presenting, at the same time, satisfactory proofs of said transfer as between the two companies. I have delayed action thereon for many months, against the persistent pressure of parties in interest, in the expectation that Congress might legislate upon the subject-matter thereof; but that body having adjourned without action thereon, and knowing of no reason for further delay, I have now the honor to submit the same for your consideration.

In reply to my predecessor's request of January 5, 1882, the Attorney-General, under date of June 12 ultimo, submitted to him an opinion (copy herewith) that the grant to the New Orleans, Baton Rouge and Vicksburg Railroad Company was a grant *in præsenti;* that that company had an assignable interest in the lands granted to it; that the New Orleans Pacific Railway Company is such a successor to or assignee of the New Orleans, Baton Rouge and Vicksburg Company as is contemplated by the act of March 3, 1871; that even if the New Orleans, Mobile and Texas road was constructed subsequently to the date of said act, so much of its road as is now owned by the New Orleans Pacific Company is such a road as is contemplated for acceptance by the President within the meaning of said act, and that patents may issue to the latter company for lands opposite to, and coterminous with, such constructed portion of road.

I also submit herewith a copy of the report of the Senate Committee on Railroads (under date of June 7, 1882), declaring that, in its judgment, no considerations of public policy require a forfeiture of the grant to the New Orleans, Baton Rouge and Vicksburg Railroad Company; and also two letters (herewith) under date of December 15 last, from Hon. L. E. Payson, of the House Judiciary Committee, in one of which he notifies this Department that upon that day, at a meeting of the committee, he had formally withdrawn the pending resolution offered by him at the previous session of Congress for a forfeiture of said grant. In the other, after stating his request in October last for a suspension of Department action, until he could be heard before the House Judiciary Committee upon the matter, he elaborately discusses the questions involved, and announcing that, after conference with them, the Senators and House delegation from Louisiana interpose no opposition to immediate action by this Department, and that his own objections are disposed of and withdrawn, states his conclusions that the New Orleans Pacific Company is entitled to the grant, both under the law and the equities of the case, and that the rights of settlers are fully protected.

I have also the honor to submit herewith two reports on the New Orleans Pacific Railway by Mr. Thomas Hassard, whom you appointed commissioner to examine completed portions of said railway.

The first report bears date 26th of October, 1881, and has not been submitted to you at an earlier date on account of the controversies heretofore in question.

The portions of said railway examined and at that time reported on extend from the west bank of the Mississippi River, opposite Thalia street, New Orleans, La., in a northwesterly direction, near said river, 60 miles, to near the town of Donaldsonville, in township 11 south, range 15 east; also from Bayou Lamourie, in township 2 north, range 1 east, to a point in township 4 north, range 2 west, a distance of 20 miles; also from the junction of said railway with the Texas and Pacific Railway, in Shreveport, La., southwardly to township 10 north, range 12 west, a distance of 50 miles.

The second report bears date 15th November, 1882, and relates to such portions of said railway as were not examined and reported on in October, 1881, amounting to 198 miles, lying between New Orleans and Shreveport.

The commissioner reports said portions of road, 323 miles in all, as constructed in substantial compliance with law and the instructions of this Department.

In view of the facts and the law of the case, I regard the New Orleans Pacific Railway Company as the lawful assignee of the New Orleans, Baton Rouge and Vicksburg Railroad Company, and entitled to the lands granted by the twenty-second section of the act of March 3, 1871, to said latter named company, and to patents therefor in so far as it has earned or hereafter may earn the same under that act, with the exception below named, and recommend that you accept said 328 miles of said road, less and exclusive of 68 miles of the line of said New Orleans, Baton Rouge and Vicksburg Road, extending from New Orleans to White Castle, between New Orleans and Shreveport (to which 68 miles the New Orleans Pacific road has withdrawn its claim and right to receive lands under the twenty-second section of said act) and that patents for such lands as may have been earned by the construction be issued to the New Orleans Pacific Railway Company (exclusive, nevertheless, of lands along said 68 miles) on their compliance with the law and regulations in such case made and provided.

These patents will, of course, be subject to rights acquired by any person or corporation prior to the act of March 3, 1871.

Requesting that the inclosures herewith be returned to this Department when no longer needed for the purposes hereof,

I am, very respectfully,
H. M. TELLER, *Secretary.*

The PRESIDENT.

This came to the President, and was indorsed as follows:

Department of the Interior, March 13, 1883. H. M. Teller, Secretary, submits to the President report of commissioner on 328 miles of the New Orleans Pacific Railroad, with recommendations.

EXECUTIVE MANSION, *March* 16, 1883.

The within recommendations are approved.

CHESTER A. ARTHUR.

The recommendations were, of course, that the company should be

entitled to their lands. The Secretary of the Interior submitted to the Land Office the following:

DEPARTMENT OF THE INTERIOR,
Washington, March 19, 1883.

SIR: I transmit herewith, for appropriate action, copy of my letter of the 13th instant to the President, with recommendations, inclosing two reports of Mr. Thomas Hassard, commissioner, on 328 miles of the New Orleans Pacific Railroad in Louisiana, with the President's indorsement thereon, approving the recommendations. A copy of the Attorney-General's opinion, of 13th June last, on questions relating to said road, and various maps, profiles, and papers, accompanying said reports, or filed in the case, will also be found herewith.

Very respectfully,

H. M. TELLER, *Secretary*.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

Mr. President, these are substantially the proceedings in the Department relative to this road until the fall of 1883, at which time a protest was filed, not by people in the State of Louisiana but by people outside, protesting against the issue of the patent. There was nothing done in the Department during the fall of 1883 or the winter of 1884, or, in fact, until the spring of 1885. There were during that time pending in Congress bills either in one branch or in both for the forfeiture of these lands. These bills came before the House on a report from the Committee on Public Lands, and were, on a yea-and-nay vote, defeated by a majority of 43 on the final vote, the House deciding that the company were entitled to their lands.

At or about that time Mr. E. John Ellis, of the State of Louisiana, submitted some resolutions to the House, and had them referred to the Committee on the Judiciary, for the purpose of determining this simple question, Is this assignee railroad company entitled, under existing law, as it now stands, to a patent for these lands? I have read to the Senate before, and can do it now, if it is necessary, the opinion of that committee.

The committee took into consideration this question of law submitted to them by the House, and reported to the House—thirteen out of fifteen members—that there was no power on the part of the General Government to forfeit this grant, that the Government had allowed the time to elapse in which it might have forfeited it, and that the title was vested in the New Orleans Pacific Railroad Company.

Mr. MITCHELL, of Oregon. In that case the road was completed after the time fixed for the completion of the whole road, was it not?

Mr. TELLER. It was. I will not assume to go into the details of that report. It is enough to say that the Committee on the Judiciary of the House of Representatives fully sustained the former action of the House in declining to forfeit this grant.

In a former discussion I took occasion to mention the members of the Judiciary Committee by name, and to call the attention of the Senate to the character of the men who composed that committee. At the head of the committee was then, as now, Mr. TUCKER, of Virginia, and other men of equal national reputation and fame were also members of the committee. I have before me the report of the House Judiciary Committee of the Forty-eighth Congress, which I may as well submit to the Senate in this connection.

[House Report No. 1556, Forty-eighth Congress, first session.]

EDWARD B. WHEELOCK, PRESIDENT OF THE NEW ORLEANS AND PACIFIC RAILROAD COMPANY.

May 17, 1884, referred to the House Calendar and ordered to be printed.

Mr. TUCKER, from the Committee on the Judiciary, submitted the following report (to accompany Miscellaneous Document 54):

The Committee on the Judiciary, to which has been referred House resolution No. 232, and the memorial of Edward B. Wheelock in respect to the same matter, beg leave to report upon said memorial as follows:

By act of the Legislature of Louisiana approved December 30, 1869, the New Orleans, Baton Rouge and Vicksburg Railroad Company was chartered, with a provision that the said company "shall possess and enjoy the rights and franchises granted to said company by the State of Louisiana in this act and heretofore; and such grants and the engagements herein made and entered into on the part of the State of Louisiana shall be deemed to be, and shall be, binding contracts between the State of Louisiana and the said company, not to be impaired, disturbed, or modified by subsequent legislation, except with the consent and on the petition of said company."

In article 447, Code of Louisiana, the general law provides that—

"A corporation legally established may be dissolved—

"First. By an act of the Legislature, if they deem it necessary or convenient to the public interest; provided that when the act of incorporation imports a contract, on the faith of which individuals have advanced money or engaged their property, it cannot be repealed without providing for the reimbursement of the advances made or making full indemnity to such individuals.

"Second. By the forfeiture of their charter, when the corporation abuses its privileges or refuses to accomplish the conditions on which such privileges were granted, in which case the corporation becomes extinct by the effect of the violation of the conditions of the act of incorporation."

This railroad was known as the Backbone Railroad. It was authorized to construct a road from New Orleans to Shreveport and to Baton Rouge, an intermediate point, upon the east side of the Mississippi River.

By act approved April 30, 1877, the Legislature repealed the said charter Senate Executive Document No. 31, pages 12, 13, Forty-eighth Congress).

The first question presented for consideration is as to the effect of this repealing act. The committee hold it of no effect, because—

First. It was in violation of the terms of the charter, being without the consent and not upon the petition of the company.

Second. Bonds had been issued by the company upon money loaned to it; and in the repealing act no provision was made for reimbursement of money, or for indemnity, as required by article 447 of the code.

On both grounds the repealing act was void and of no effect. And the circuit court of the fifth circuit of Louisiana so decided in the case of Counsellor *vs.* New Orleans, Baton Rouge and Vicksburg Railroad Company, the record of which may be found in Senate Executive Document No. 31, pages 13-16.

The necessity of settling this as a preliminary question will hereafter appear, as it affects the capacity of the said company to make the deed under which the New Orleans Pacific Company claims.

Congress with a view, as appears by the legislation of the period, to securing a continuous line of railway communication along the thirty-second parallel, from San Diego, in California, to the Mississippi River, at New Orleans, incorporated the Texas Pacific (afterward the Texas and Pacific) Railroad Company by several acts, one approved March 3, 1871, and the other May 2, 1872.

The first of these acts made Marshall, in Texas, and San Deigo, in California, the termini of the road (section 1). The ninth section of the act made land grants by alternate sections, twenty thereof in Texas, ten in California, on each side of the railroad, to aid in its construction, &c. The twelfth and eighteenth sections provided for issue of patents to said company upon completion of each section of the road, on the order of the President of the United States to the Secretary of the Interior, upon a report made to the President by a commissioner to be appointed by him, of the full completion thereof as in the act provided.

By the fifth section of the last of these acts the Texas and Pacific Railroad Company was authorized and required to construct, maintain, control, and operate, or to control and operate any existing road between Marshall, in Texas, and Shreveport, in Louisiana, with privilege to all roads terminating at Shreveport to make and have running connections for business with the Texas and Pacific Company.

Comparing this section with the twenty-second section of the first act above mentioned, by which Congress granted lands to the Backbone Company to aid in its construction to unite with the Texas and Pacific Railway, it is very obvious that Congress contemplated making a continuous chain of railways from New Orleans to San Diego, of which the Backbone Company would furnish one link from New Orleans to Shreveport, the Texas and Pacific another from San Diego to Marshall on its own proper line, and another and final link from Marshall to Shreveport, provided for by the fifth section of the above act of May 2, 1872. This was the ruling idea of Congress—to use its own charter and that of the States of Texas and Louisiana to achieve the great result of a continuous communication from the Mississippi to the Pacific. And in order to make the line available for San Francisco, by the twenty-third section of the above act of March 3, 1871, the Southern Pacific Railroad, chartered by the State of California, was authorized to be connected with the Texas and Pacific Railway, at or near the Colorado River, in order to make the through connection from the Mississippi to the Golden Gate of the Pacific.

Bearing in mind this general purpose, and the means by which it was proposed to attain it, attention will now be directed to the seventeenth and twenty-second sections of the act of Congress, March 3, 1871, upon the construction of which the answers to the questions submitted to the committee depend.

Before proceeding to the interpretation of these sections, it will be well to state certain conceded facts:

1. The Backbone Company never constructed their road at all, nor earned the land grant made by the twenty-second section, and allowed the whole five years fixed for its completion from the date of said act to elapse without doing any work on its line.

2. The Backbone Company, at a special meeting of its board of directors held December 29, 1881, ordered a deed to be made of all the land granted to it by the act of March 3, 1871, to the New Orleans Pacific Railroad Company. The deed was made January 5, 1881 (date in deed erroneously recited as January 5, 1880), in accordance with said order, and the act was confirmed by the meeting of its stockholders December 9, 1881. All these facts appear in Senate Executive Document No. 31, pages 21, 22, 23-39, 40, 41, 42. And while some criticism has been made upon these proceedings and their good faith, nothing appears to your committee to impeach their legality. The said deed was duly accepted by the grantee.

3. The New Orleans Pacific Railroad Company was chartered by the State of Louisiana June 29, 1875, and under act of its Legislature, approved February 19, 1876 (Senate Executive Document No. 31, pages 17-20). By its third article it had power to construct a road from Shreveport to New Orleans, or a point on the right bank of the Mississippi, or from any other points; to obtain and receive by purchase grant from the United States, real and personal property; to purchase from any railroad company its charter, franchises, or property, &c.

4. The New Orleans Pacific Railroad Company, after obtaining said deed from the Backbone Company, applied to the General Land Office and Interior Department for information as to the recognition of the validity of the transfer of land to it on the part of the authorities of the United States. The events which led to this may be noted in order.

February 3, 1881. Resolution of the New Orleans Pacific Railroad Company authorizing its president to accept the grant. On the 17th of February a letter of Commissioner Williamson to Mr. Barnum, president of the Backbone Company, which closes as follows (Senate Executive Document No. 31, pages 23-24):

"There can be no doubt that when the president of the New Orleans Pacific Railway Company accepts said transfer the company will be fully vested with all the right, title, and interest which the New Orleans, Baton Rouge and Vicksburg Railroad Company has in and to said grant."

On the 19th of February, 1881, the New Orleans Pacific Company accepted the grant, and on the 21st of February Commissioner Williamson wrote to Mr. Barnum, president of the Backbone Company, in these words:

"The transfer by the New Orleans, Baton Rouge and Vicksburg Railroad Company of all its right, title, and interests in and to said grant to the said New Orleans Pacific Railway Company is now complete." (Senate Executive Document No. 31, pages 24, 25.)

These events in their order show that before its acceptance of the grant of lands the New Orleans Pacific Company was careful to be satisfied that their titles would be effectual, and for the reason, which fully appears from the affidavits of G. M. Dodge and E. G. Wheelock, that they did not intend to undertake to build the road along the general line of the Backbone Company without the Congressional land grant to that company as a basis of credit upon which to proceed securely.

Much contention seems to have arisen over the whole matter, as appears in Executive Document No. 13, which ended in the opinion of Attorney-General Brewster, dated June 13, 1882, upon the validity of the assignment. (See pages 52-55.) That opinion held that the Congressional grant to the Backbone Company was legally assigned to the New Orleans Pacific Company, and was a grant *in præsenti*.

The Attorney-General, however, indicated a distinction of great importance in this connection. Where a grant of land is assigned to a company to aid it in the construction of the road contemplated by the grant, it will avail the assignee as it would have availed the original grantee. But where a grant of land in aid of construction has not been used for the purpose by the grantee, and another company has constructed the line of road, and afterward takes an assignment of the land grant, such assignment will be invalid.

The reason is obvious. The benefit of the grant to the original company is coupled with the duty of using the lands for construction of the road. Any other company which takes the assignment of the lands must take them with the same burden and for the same purpose. They are granted to aid in constructing—not to pay for construction already done. Construction is a condition-subsequent annexed to the grant, and it operates upon every assignee of the grant—and his performance of the condition involves construction as incident to his title as assignee; and no construction of the road prior to his title as assignee of the grant can be imputed as a performance of a condition annexed to the grant with which at the time of construction the assignee had no privity.

His construction of the road in such case is independent of the grant—has no relation to it—and can in no way be held to be a performance of the condition which will save the grant from forfeiture; for the grantee has not fulfilled it, while holding the grant, and the supposed fulfillment by the other party was before any title by assignment.

In this case the Backbone Company, at the date of its deed of assignment of this land grant to the New Orleans Pacific Company, had fulfilled no part of the condition of its grant. The assignee company stepped into its shoes for the land grant and to use it in aid of performing the condition with which it was connected. It took the land *cum onere*. It would not have borne the burden, except for its buying the benefit. It cautiously inquired whether in construction of this line it would secure as assignee the granted aid from Congress. Supposing it had done so, it claims the aid, and the question remains, is its claim valid, and has it been or can it be forfeited?"

To the interpretation of the twenty-second section of the act of March 3, 1871, it is now necessary to proceed. It reads as follows:

"SEC. 22. That the New Orleans, Baton Rouge and Vicksburg Railroad Company, chartered by the State of Louisiana, shall have the right to connect by the most eligible route to be selected by said company with the said Texas Pacific Railroad at its eastern terminus, and shall have the right of way through the public land to the same extent granted hereby to the said Texas Pacific Railroad Company; and in aid of its construction from New Orleans to Baton Rouge, thence by the way of Alexandria, in said State, to connect with the said Texas Pacific Railroad Company at its eastern terminus, there is hereby granted to said company, its successors and assigns, the same number of alternate sections of public lands, per mile, in the State of Louisiana, as are by this act granted in the State of California, to said Texas Pacific Railroad Company; and said lands shall be withdrawn from the market, selected, and patents issued therefor, and opened for settlement and pre-emption, upon the same terms and in the same manner and time as is provided for and required from said Texas Pacific Railroad Company, within said State of California: *Provided*, That said company shall complete the whole of said road within five years from the passage of this act."

The first question in regard to this section is, what does it convey?

Its language is clear—that "in aid of its construction * * * there is hereby granted to said company, its successors and assigns," so much land.

The case of Schulenberg *vs.* Harriman (21 Wallace, 44) is complete authority to the point, that these words import a grant *in præsenti* (see also Railroad Company *vs.* Baldwin, 103 United States Supreme Court, 426; Grinnell *vs.* Railroad Company, *ibid.*, 742-3).

Nor can there be any doubt of the right of the grantee company to assign the land grant. The *jus disponendi* is incident to the title granted, even if the word "assigns" did not imply such right, as it clearly does (Lewis *vs.* Lewis, 9 Mees. & W., 664; Bailey *vs.* De Crespigny, L. R. 4 Q. B., 186; Watson *vs.* Donnelly, 28 Barbour, 658; Furney *vs.* Ford, 22 Wisc., 173; Ball *vs.* Chadwick, 46 Ill., 32).

Whether the grant was absolute, or was upon condition-subsequent, or was coupled with a trust enforceable by the grantor, depends upon other words in the section.

It was clearly not an absolute and indefeasible title and free from trust or condition.

The last clause of the section is in these words:

"*Provided*, That said company shall complete the whole of said road within five years from the passage of this act."

These words are appropriate to the creation of a condition-subsequent, on the non-fulfillment of which the estate granted would determine upon the re-entry of the grantor for its breach. And there is no doubt in this view that, as there was a breach of the condition by the grantee company, the right of the United States to enter is unquestionable.

Before proceeding to discuss the relative rights of the Government and of the assignee company under this view it is proper to consider the alternative views insisted on for the assignee.

And first, it is claimed for the assignee that the seventeenth section of the act of March 3, 1871, is to be read and construed as affecting and modifying the provisions of the twenty-second section of the act.

That section is as follows:

"SEC. 17. That the said Texas Paacific Railrod Company shall commence the construction of its road simultaneously at San Diego, in the State of California, and from a point at or near Marshall, Tex., as hereinbefore described, and so prosecute the same as to have at least fifty consecutive miles of railroad from each of said points complete and in running order within two years after the passage of this act; and to so continue to construct each year thereafter a sufficient number of miles to secure the completion of the whole line from the aforesaid point on the eastern boundary of the State of Texas to the bay of San Diego, in the State of California, as aforesaid, within ten years after the passage of this act; and upon failure to so complete it Congress may adopt such measures as it may deem necessary and proper to secure its speedy completion."

This section applies expressly and only to the Texas and Pacific Railroad Company. That company was chartered by Congress. Whether it was a grant *in præsenti*, upon a condition-subsequent, to be void upon the non-completion of its road within ten years, or was a retention by Congress of a power to take such steps in the use of the lands granted "as it may deem necessary and proper to secure its speedy completion," is a question which your committee do not think it necessary to decide. It is sufficient to say that there is nothing in the language of the twenty-second section which refers in any such manner to the seventeenth section as to demand its incorporation into the twenty-second section, and that the condition-subsequent found at the close of the twenty-second section should be qualified by the words of the last clause of the seventeenth section.

The grant by the twenty-second section was to a corporation chartered by Louisiana; that by the seventeenth section, to one chartered by Congress. Congress had no power, or certainly claimed none, to build the road in Louisiana, provided for by that State's charter. This accounts for the diverse language used in the act at the close of the two sections. Congress could construct the Texas Pacific road, if its chartered company failed to do so. It could not construct the Backbone road if the Backbone Company failed. It could use its own lands to construct the former, it could not do so to construct the latter. Its remedy, in the contingency of the failure of the Texas Pacific Company, was to use the lands granted to do what that company failed to do. Its only remedy as to the Backbone Company was to enter for a breach of the condition, and reinvest its title to the lands granted by the twenty-second section.

The only words in the twenty-second section which place the Backbone Company on the same basis as the Texas Pacific are contained in the clause which gives to the former the same quantity of land as is given to the latter in California, and the clause which provides for the withdrawal, selection, and issue of patents and opening for settlement and pre-emption "upon the same terms and in the same manner and time as is provided for and required from said Texas Pacific Railroad Company within said State of California." These terms, manner, and time are provided for in sections 9, 12, and 18 of the act, and do not relate at all to the contingency of a failure to construct by either company, or to the right of the Government in case of such failure.

There does not seem to be any reason why, if Congress intended to modify the proviso of the twenty-second section by the last words of the seventeenth section, the act should not have so expressly declared, or inserted the terms of the seventeenth at the close of the proviso of the twenty-second section. Not having done so, it does not seem to the committee that any canon of interpretation of statutes either requires or justifies it.

But there is a clause in the twenty-second section which may modify the construction given to the proviso at its close. That clause is as follows:

"And in aid of its construction from New Orleans, &c., * * * there is hereby granted to said company, &c."

And then comes the proviso—

"That said company shall complete the whole of said road within five years from the passage of this act."

Construing these clauses together, the question may be raised, does this create a technical common-law condition, or does it create a trust coupled with the grant?

In former times this question would not have been permitted. But the disfavor to forfeitures upon breach of conditions-subsequent, in modern times, has given rise to the construction that the grant is charged with a trust rather than affected by a condition.

In the case of Wright *vs.* Wilken, in the Queen's Bench, and affirmed in the Exchequer Chamber (110 E. C. L. R., 232; Cam. Scacc., 259), it was held that in a will the words "upon express condition" should be construed to import a trust, and not a condition, upon a view of the whole will, as to the real intention of the testator. And the language of Lord St. Leonards in his great work on powers (Sugden on Powers, 122) is cited as high authority for the decision. His lordship's words are these:

"And in regard to its being an estate upon condition, we may observe that what by the old law was deemed a devise upon condition would now perhaps in almost every case be construed a devise in fee upon trust, and by this construction, instead of the heir taking advantage of the condition broken, the *cestui que trust* can compel an observance of the trust by a suit in equity."

If this modification of the common-law doctrine is now sanctioned in cases of devise, in order to effectuate the intention of the devisor, it might well be contended that a like rule should be applied to grants by the Government for great public purposes, and they be held to be enforceable as trusts binding on the grantee and not as conditions upon breach of which forfeitures will result, without securing the public benefit contemplated in the grant.

But conceding that neither of the alternative interpretations suggested are tenable, they are not without their weight in deciding the questions submitted to the committee, if the proviso in the twenty-second section of the act is construed as a strict condition-subsequent.

It is undeniable that the condition follows the estate into whatever hands it comes. The assignee takes it *cum onere*. He is bound by and may perform the condition, in like manner as his assignor.

Any one who is interested in a condition, or the estate to which it is attached, may perform it, and when it has once been performed it is thenceforth gone forever. (2 Washburn on Real Property, second edition, page 10; 2 Crabbe, Real Property, 815.)

If the condition be performed in substance it is sufficient. So if it be performed as near the intent of the condition as can be. (Comyn's Dig., Condition, L. 1.)

And conditions are not favored, nor are forfeitures for their breach. (4 Kent's Comm., 128, 129.)

An entry after a breach of the condition avoids the original title conveyed, and revests the title in the grantor, avoiding all intermediate alienations, for the assignees of the original grantee taken subject to the condition. And it was a principle of the common law that no performance of the condition after the day fixed for it could save the forfeiture from the power of the grantor to re-enter. (2 Cruise Dig., title 13, chapter 2, section 10.)

This rule was prevalent three centuries ago, in respect to bonds in a penalty, defeasible on condition-subsequent whether to pay money or perform a collateral act, to mortgages, and to conditions for re-entry for non-payment of rent by lessees and the like. But that rule is now obsolete in a great degree, and the victims of its rigor are now happily unknown, owing to the beneficent intervention of courts of equity and the action of courts of law in accordance with the just rules of those tribunals.

As early as Langford *vs.* Barnard (Tothill, 134), decided in 37 Elizabeth, the equity of redemption was secured by the chancery court to the mortgagor, whose estate was forfeited at law for non-performance of the condition at the day.

In 1598, about two years after this decision convulsed the kingdom by the fierce conflict between the rude common law and the public conscience, a poet companion of Lord Bacon and the lawyers of that day gave to the world a picture of the controversy in the immortal drama of the Merchant of Venice. The hard, unrelenting, and cruel Shylock, the impersonation of the common law, demanded the pound of flesh as his right by forfeiture for the failure to fulfill the condition-subsequent within the fixed period of performance. In vain his victim tendered performance. It was too late. The day of grace was ended. No after performance could save the forfeited life. Such was the law maintained by judgment of a common-law court.

Portia, the impersonation of the court of equity, which had just asserted redemption as the right of the victim of forfeiture, put in the plea of mercy to temper the rigorous justice of the law. And ever since that day our jurisprudence has, with the poetic justice so wonderfully dramatized by the great master of the human heart, fixed it as a canon of right, that no forfeiture shall be enforced where the performance of the duty secured by a penalty is tendered in full by the victim of the rigid construction of his contract under the rules of the common law.

This principle has been extended to cases of penalties and conditions to do some collateral act other than payment of money; and where such can be compensated in money, when not specifically performed, forfeitures have been relieved against. (See Peachy *vs.* Somerset, 1 Strange 477; Sloman *vs.* Walter, 1 Bro. C. C., 413; the leading cases commented on in 3 Wh. and T. L. C. Eq., 862, 895.)

Nor are these mere creatures of equity; for so far has the equity of redemption been upheld that it is now regarded as an estate in land subject to descent, devise, entail, custody, &c. (Casborne *vs.* Scarpe, 1 Atk., 603.)

But this is not all. Courts of law, taking the lesson which equity and poetry in the Elizabethan period taught it, administers the same relief from penalties and forfeitures for condition broken in many cases, as courts of chancery do.

As early as eighth William III, without statutory aid, the law court, in Downes *vs.* Turner, cited in Gregg's case (2 Salheld, 597), staid proceedings in ejectment by a lessor, who entered for breach of condition to pay rent, upon payment into court of what was due by the lessee, thus relieving at law from a forfeiture arising from failure to perform the condition at the day. (See also Doe *vs.* Roe, 4 Taunt., 883.)

Mr. Justice Wilde, in speaking for the court in the cases of Atkins *vs.* Chilsm (11 Metcalf, 112), and Sanborn *vs.* Woodman (5 Cush., 36), reviews the English cases on this point, and confirms the doctrine, that a court of law will stay the hand of the grantor who seeks to enforce a forfeiture upon one who tenders in court the performance of an already broken condition.

The legal right, therefore, of one who has incurred a forfeiture by breach of condition-subsequent to relief against an unwilling adversary, upon a substantial performance after the day, at law and in equity, and undoubtedly in the latter forum, can not be denied.

But one other point remains to be considered. After breach of the condition-subsequent, the estate does not determine *ipso facto*, but only at the election of the grantor by re-entry. And, therefore, if the grantor after such breach accepts performance of the condition tendered by the grantee, he waives the forfeiture, the condition is gone forever, and the estate becomes absolute.

In Dumpor's case (2 Coke, 119; 1 Smith L. C., 15) we find the basis of this prin-

ciple. In Goodright *vs.* Davies (Cowper, 803) Lord Mansfield says: "Cases of forfeiture were not favored at law; and where the forfeiture was once waived, the court would not assist it." (See also Ward *vs.* Day, 116 E. C. & R., 337; Doe *vs.* Birch, 1 M. & W., 402; Croft *vs.* Lumley, 85 E. C. & R., 648; S. C. Camm. Scac., *ibid.*, 682; Jackson *vs.* Barman, 7 Johnson, 227, and other cases cited in note by American editor.)

Ludlow *vs.* R. R. Co. (12 Barbour, 440) is a case where a railroad company failed to construct road within time prescribed by the plaintiff in a grant of land to it. It proceeded to do so afterward, under the eye and without dissent by grantor. It was held to be a waiver of the forfeiture.

The facts already set forth with sufficient fullness satisfy your committee that the substantial fulfillment of the condition has been met by the assignee company; that it was done under the eye of, and was accepted by the executive department under the provisions of the law of Congress; that all which Congress contemplated in making the grant has been realized, and that it was done by the company on the belief of having secured the grant, a belief based upon the assurance of the Department of the Interior, and upon the official action of the President of the United States in the examination of the work as it progressed, in his sanction of its sufficiency under the law, and in his order for the issue of patents for the land.

After all, this the question is, can—and if it can, ought—Congress to forfeit the land grant to this assignee company? Your committee think both branches of the question must be answered in the negative.

But, more specifically, your committee answer the first question propounded by the memorial in the affirmative; the second under the case stated in this report in the negative; and the third in the negative; though under the view taken in this report that question is immaterial.

All of which is respectfully submitted, with the resolution of the House hereto annexed, and with the said memorial herewith returned:

[H. Res. 232, Forty-eighth Congress, first session.]

IN THE HOUSE OF REPRESENTATIVES, *April* 21, 1874.

Read twice, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. Ellis introduced the following joint resolution:

Joint resolution directing the Judiciary Committees of both Houses to inquire into and report upon certain legal questions involved in the proposed forfeiture of the land grant of the New Orleans, Baton Rouge and Vicksburg Railroad Company, assigned.

Whereas the Government, by the twenty-second section of the act of March 3, 1871, gave to the New Orleans, Baton Rouge and Vicksburg Railroad Company of Louisiana a land grant in the following terms, to wit: "And in aid of its construction from New Orleans to Baton Rouge, thence, by the way of Alexandria, in said State, to connect with the Texas Pacific Railroad Company at its eastern terminus, there is hereby granted to said company, its successors and assigns," &c., the land grant mentioned therein: "*Provided*, That said company shall complete the whole of said road within five years from the passage of this act;" and

Whereas said grantee did not build said road or any part thereof; and

Whereas said grantee did bargain, sell, convey, and assign all of its right, title, and interest in and to said grant, on the 5th of January, 1881, to the New Orleans Pacific Railway Company, which company did build and complete said line of railroad "from New Orleans to Baton Rouge, and thence, by way of Alexandria, to the eastern terminus of the Texas Pacific Railroad," at Shreveport, in November, 1882, and said road has been surveyed and accepted by the railroad commissioners appointed by the President as built in accordance with the design of Congress, and patents for said land grant were ordered to issue by the President; and

Whereas bills providing for the forfeiture of said grant have been introduced in both Houses of Congress and referred to the Committees on Public Lands; and

Whereas the Public Lands Committee of the House were and are substantially and equally divided on the question of said forfeiture; and

Whereas there are involved in said question grave and serious principles of law, which should be investigated and settled by the law committees of both Houses, in order to enable Congress to arrive at a just and legal settlement of said principles: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Judiciary Committee of each House be required to consider the legal questions involved in the proposed forfeiture of the grant to the New Orleans, Baton Rouge and Vicksburg Railroad Company, assigned to the New Orleans Pacific Railway Company, and especially to report within ten days their opinion—

First. If under the language of the grant as cited above from the twenty-second section of the act of March 3, 1871 (sixteenth Statutes, page 579), the said grant was a grant *in præsenti* with the condition-subsequent, and did it convey a present estate which was susceptible of being alienated, subject to the condition, either before or after breach of condition, but before forfeiture or re-entry by the Government.

Second. Whether if said grant was earned by construction after the breach of condition, but before forfeiture or re-entry by the grantor, any legal right to forfeit remains to the grantor.

Third. Whether the language of the seventeenth section of the act of March 3, 1871 (sixteenth Statutes, page 578), applies to the grant to the New Orleans, Baton Rouge and Vicksburg Railroad, and does said language, or any part of it, import a waiver of the right to forfeit on the part of the grantor.

I will venture to call the attention of the Senate to the committee that made this report. The gentlemen who concurred in the report were J. Randolph Tucker, of Virginia; David B. Culberson, of Texas; Samuel W. Moulton, of Illinois; James O. Broadhead, of Missouri; William Dorsheimer, of New York; Patrick A. Collins, of Massachusetts; George E. Seney, of Ohio; William C. Maybury, of Michigan; Moses A. McCoid, of Iowa; Luke P. Poland, of Vermont; Horatio Bisbee, Jr., of Florida; Abraham X. Parker, of New York, and Edward K. Valentine, of Nebraska. There was a dissenting opinion by two of the members of the committee, Mr. Nathaniel J. Hammond, of Georgia, and Mr. Ezra B. Taylor, of Ohio.

The Secretary of the Interior, as shown by the reports I have read, had in March, 1883, decided that the company were entitled to a patent.

As is customary at the close of an Administration, in its last days all the work is settled that has been investigated and decided. This question having been thoroughly considered by the Department, having been thoroughly considered by the House of Representatives, having been considered by the Senate, having been considered by the Attorney-General, there was nothing further to do, and the Department issued in the first part of March, I think perhaps on the second day of the month, a patent for over 600,000 acres of this land to the company, or to so much thereof, claimed by the company, as was not in dispute between it and either the State of Louisiana or some settler thereon. It was the intention and the purpose of the Department to give this company then, as they ought to have had at least two years before, or nearly two years before, all the land that was not in controversy, reserving for the consideration of the Administration to follow all that was so in dispute.

It is not unknown to the Senate, that there are men in the city of Washington who have been attempting to blackmail this company, who had no interest in the subject, who had no interest in the land, no interest in the stock, no interest in the matter whatever—officious intermeddlers. Everybody understands that such things are done largely in this city for the purpose of compelling parties to pay them something to cease their opposition, and, as a member of the other House publicly declared in a card while a member, they had approached him and offered to cease their objections provided he would advise the company to pay them for the expense and trouble they had been put to. These parties came to the Senate and procured one member of the Senate, and perhaps two from the State of Louisiana, to sign a request to the Secretary of the Interior that he should not issue the patents; that, having waited two whole Congresses, he should wait another Congress and see whether another Congress might not forfeit the title which the House of Representatives and the Senate had both declared they would not forfeit, and which the Judiciary Committee of the House had declared they could not forfeit, and which the Attorney-General had declared they could not forfeit, and which the Supreme Court had in more than half-a-dozen cases declared they could not forfeit.

This protest came to the Interior Department on the very last day of the session. The Interior Department declined to further withhold its action, and I say here now that the Interior Department never had the right to withhold an hour. No department of the Government has a right to refuse to execute the laws because some member of the legislative department shall so request. Neither has it the right to refuse to execute the laws because one branch of the legislative department shall so request. If that was the rule of law any member of Congress might nullify the statutes in existence. If that was the rule of law one House might nullify the statutes then existing. Mr. E. Rockwood Hoar, when Attorney-General of the United States, declared that the Departments had not the right to refuse to execute a law, even upon a resolution passed by the Senate; declared that it was the duty of the Executive Departments of the Government to administer the laws as they find them, and not as they may be made hereafter.

The Department refused to withhold action and gave to this company a patent. Then came in another Administration, hostile politically to the one going out. It came in with promises of reform; it came in with a blaze and a blare of trumpets as to what was to be done in the way of righting the wrongs that had existed under the late Administration; and the first thing that it did was to go with this question to the Secretary of the Interior, for whom I have the greatest respect and the kindest feelings, even amounting to affection, and against whom I would not say a word, and against whom I lay nothing in this matter. A request was made to him to withhold, and he did just what I would have done if I had been in his place; I would have withheld until I could look into the case and see how it stood. That is what he did, and that is all he did.

Subsequently the opponents of this bill, including the Senator who has addressed you, appeared before the Secretary of the Interior, as I understand, and argued the question whether this company was entitled to receive this grant or not. The Secretary of the Interior then, assisted by his able assistant, Mr. Jencks, sat and heard the arguments made, both pro and con. After listening to the debate, Secretary Lamar said, in his report of 1885——

Mr. EUSTIS. In connection with the statement of my appearance before the Secretary of the Interior to argue this question, I desire to state that it was at the invitation of the Secretary of the Interior that I appeared.

Mr. TELLER. I beg the Senator's pardon. I did not mean to have him understand, or anybody understand, that I thought there was any impropriety in his behavior; not the slightest in the world. It was perfectly proper for the Senator, holding his views, to have so appeared. I only mentioned the fact that the Senate might know that all that could be brought out in this case against the claim was certainly brought out if the Senator was there. I did not refer to it by way of criticism. The Secretary said in his report for 1885:

SUSPENSION OF PATENTS TO THE NEW ORLEANS AND PACIFIC RAILROAD.

Prior to the 3d of March, 1885, selections of land had been made by the New Orleans Pacific Railroad along the line of its route, between New Orleans and Shreveport, to the amount of 1,015,993.76 acres: in pursuance of which, on the 3d of March, in obedience to the direction of the Secretary of the Interior and the Commissioner of the General Land Office, patents were issued to the company for 679,287.64 acres.

Unusual assiduity was manifested, apparently having for its purpose the patenting of the whole amount of the selections of the company before the Department should pass under the control of the then incoming Administration.

Protests had been filed against the issuing of the patents. The time allowed by law for the construction of the New Orleans, Baton Rouge and Vicksburg

Railroad (under which the New Orleans Pacific claimed as assignee) had expired before any alleged assignment was made to the claimant.

No beginning had been made by the New Orleans, Baton Rouge and Vicksburg Railroad Company to build or attempt to build any road in pursuance of the grant by Congress to it.

The Legislature of Louisiana had passed an act forfeiting the charter of the New Orleans, Baton Rouge and Vicksburg Railroad before the alleged assignment of the grant to the claimant, which act had been declared unconstitutional.

The right of the New Orleans, Baton Rouge and Vicksburg Railroad Company to assign its whole grant, which was made by the Government to aid in the construction of a railroad, to another for a cash consideration, with not even the security of a covenant on file on the part of the assignee to use the grant for the purposes for which it had been made, was a question of grave doubt.

The lands selected by the claimant company were alleged to include lands previously granted to the State of Louisiana under the swamp-land act, as well as many homestead and pre-emption claims of actual settlers.

These, with other considerations, impressed it upon me as a duty, on the 10th of March, to issue an order to the officers of the Land Office to suspend the further issue of patents to the New Orleans Pacific Railroad. That order yet stands unrevoked.

While the considerations suggested were regarded as sufficient to warrant the suspension of the issue of patents till time was afforded for examination, on application on the part of the attorneys for the road to revoke the order, hearing was had, and from the presentation of the case it would seem that the railroad purchased a portion of a line of a railroad already built from New Orleans to White Castle, a distance of 68 miles.

Allow me to say that it has been held in the Department, both by Mr. Kirkwood and by myself, that for that portion of the road the company was not entitled to any land, and the company subsequently filed, I believe, a release, or if it did not actually it did so at least orally:

As to this portion of the road the company waived claim to the land granted. The residue of the road, from White Castle to Shreveport, was built by the company upon the belief of the full validity of their right to the land granted, and without this benefit of the grant the road would not have been built. The Government railroad examiner reports the road substantially built and equipped, and it would not appear to comport with good faith to those who invested their money on the basis of the grant to take advantage of any technical defect, if such exists, in the transfer to the company.

I would, therefore, respectfully suggest for the consideration of Congress the propriety of passing an act, curative of defect, if any exists, in the transfer to the New Orleans Pacific Company, and vesting the title, originally granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company from Whitecastle to Shreveport, in the New Orleans Pacific road.

Mr. PLATT. With the permission of the Senator from Colorado, in this connection I wish to get his understanding of the second section of this bill, which reads:

That the title of the United States and of the original grantee to the lands granted by said act of Congress, of March 3, 1871, to said grantee, the New Orleans, Baton Rouge and Vicksburg Railroad Company, not herein declared forfeited, is relinquished, granted, conveyed, and confirmed to the New Orleans Pacific Railroad Company, as the assignee of the New Orleans, Baton Rouge and Vicksburg Railroad Company, &c.

That section proceeds upon the idea that the United States may have some title to these lands. I wish to know what the Senator's understanding of it is, whether the doubt or the cloud upon the title exists in consequence of some technical defect in the transfer, or whether it is an assertion of a doubt that the United States may have a title where the road has been completed though not within the time limited in the original grant, but before any act of forfeiture was declared. Why is the second section necessary?

Mr. TELLER. I am not responsible for the act. It is not mine. It is not before the Senate on any suggestion of mine. I have no further interest in it than anybody else, but I understand it is a legislative recognition of the validity of that patent.

Mr. MITCHELL, of Oregon. I wish to ask the Senator from Colorado whether in all the discussions that have taken place in reference to this grant there has been any question raised by anybody to the effect that there was any technical fault or defect in the transfer?

Mr. TELLER. Not that I am aware of.

Mr. MITCHELL, of Oregon. The only question that has been raised, then, is as to the power of the grantee company to make a transfer that would be good in the hands of the transferee.

Mr. TELLER. There was a question raised at that time, and that is what the Department submitted to the Attorney-General, and that is what the Attorney-General decided by his letter of June 13, 1882.

Mr. MITCHELL, of Oregon. I inquire, further, whether it is not the fact that this section, as intimated by the Senator from Connecticut, does not suggest some defect somewhere in the title of the grantee company, although the transfer was all regular so far as the grantee company had power to make the transfer, and although the transferee had completed the road prior to any steps for forfeiture.

Mr. PLATT. To make myself plain, I do not wish, by the passage of this bill and its second section, to be in any way committed to the doctrine that the United States has any title to land which has been granted to a railroad company when the road has been completed, though not within the time of the original grant, if completed before an act of forfeiture. That is the reason I asked the question.

Mr. MITCHELL, of Oregon. That is exactly what I supposed.

Mr. TELLER. That is the fact, and that is the theory on which the bill goes; but I did not draught the bill, and, of course, I can not say what the draughtsman of the bill might have intended or what the purpose of it is. It came here to the Senate, went to the Committee on Public Lands, and now comes before us with the approval of that committee. I do not myself think that it is necessary that any bill should pass at all, and if I was administering the affairs of the Interior Department I should not wait for any bill to pass. I understand the rule to be too well settled to admit of controversy, both by the decisions of the courts and by the repeated decisions of the Senate, that when a company has completed its road, whether completed within the time provided for or out of the time, it has a vested right that can not be disturbed either by Congress or by the courts before a re-entry, or what is equivalent to a re-entry, at the common law. I do not understand that to be a question at all, and the only benefit or advantage that I can see to anybody in the world by the passage of this act is that the settlers there will have something authoritative in dealing with the railroad company to compel the company to carry out its contract, which, as I said before, I think it has been willing at all times to carry out, but which, of course, a subsequent directorship or a subsequent control might see fit not to do.

Now, Mr. President, I call attention to the action of the Department of the Interior under the present Administration. I desire to call attention to the last report of the Secretary of the Interior on this subject. The Secretary of the Interior in his last report again alludes to this question:

SUSPENSION OF PATENTS TO THE NEW ORLEANS PACIFIC RAILROAD COMPANY.

In my last report I remarked at length on the matter of the assignment of its land grant by the New Orleans, Baton Rouge and Vicksburg Railroad Company to the New Orleans Pacific Railroad Company, and alluded to the fact that the right to make the transfer was a question of grave doubt.

Prior to my incumbency patents had been issued to the New Orleans Pacific Railroad Company for 679,287.64 acres. In consideration of protests that had been filed against the issue of these patents, of the allegations that the selections by the company had been granted to the State of Louisiana under the swamp grant, of the homestead and pre-emption claims of actual settlers, and of the doubt relative to the transfer, I issued an order March 10, 1885, still in force, suspending the further issue of patents to the New Orleans Pacific Railroad Company.

In giving the reasons in my former report for this action I used the following language:

"Prior to the 3d of March, 1885, selections of land had been made by the New Orleans Pacific Railroad along the line of its route, between New Orleans and Shreveport, to the amount of 1,015,993.76 acres; in pursuance of which, on the 3d of March, in obedience to the direction of the Secretary of the Interior and the Commissioner of the General Land Office, patents were issued to the company for 679,287.64 acres.

"Unusual assiduity was manifested, apparently having for its purpose the patenting of the whole amount of the selections of the company before the Department should pass under the control of the then incoming administration."

As this remark has been construed into unfavorable criticism of the action of my predecessor in this matter, I desire here to state that I have seen in that action nothing inconsistent with the strictest good faith and honest administration.

A hearing was subsequently had on a motion for the revocation of the order. On full consideration of the subject I had the honor to suggest the propriety of legislative action that would cure any defect that might exist in the transfer alluded to, and that would vest the title granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company, from Whitecastle to Shreveport, in the New Orleans Pacific Railroad Company.

A bill is pending in Congress, having passed one branch thereof, with the above object in view.

The present Administration have asserted twice, at least, that this company is entitled to this land. The only question between this Administration and the former one is whether or not there is a necessity for further legislation. There is, as I have said, a precedent in this country where years ago an assignment made by the Hannibal and Saint Joe road was held by the Attorney-General to be a proper assignment without legislative approval, and the company assignee received the lands under that assignment. There is one other of the same kind. If a company holding any one of these grants can mortgage its grant and be sold out under its mortgage and the purchaser under the mortgage can take the grant, why can it not voluntarily make the assignment as well as transfer it in the other way? The great Northern Pacific Railroad Company to-day holds its title by virtue of the kind of assignment that I first mentioned by mortgage and purchase under the mortgage sale.

Mr. President, I wish to call the attention of the Senate further to the fact that this bill comes here with the approval of the Secretary of the Interior, who, as I say, has given careful and, as I know, personal attention to this matter, with which he is entirely familiar. It comes here with his approval. The claim of this company to this land has had the approval of more examining bodies than the claim of any company that ever received from the Government its title to land, and I do not understand why this company is not entitled to it. If the Department think they can not issue the patent without an act of this kind, then I am in favor of giving it to them, because it is a denial of justice to these parties, if they are entitled to the land, to withhold it. It is not in the interest of the settlers that these titles shall be controverted and questioned. It is to their interest as much as to that of the railroad company that there should be a settlement of this question, that they may know whether they are to have the title or whether they are not.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The Senator will suspend. The hour has arrived for the unfinished business, which is the bill (S. 372) to establish agricultural experiment-stations in connection with the colleges established in the several States, under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto.

Mr. EUSTIS. I ask that the unfinished business be informally laid

aside, so that we may proceed with the bill which has been under consideration, and dispose of it.

Mr. GEORGE. The Senator from Alabama [Mr. MORGAN] has the floor on the unfinished business.

Mr. HAWLEY. I feel unwilling to assent to that. The other bill is a bill of very great importance, of more general importance than the pending measure. I have no right perhaps to make any personal matter of it, but I must leave town to-night, and I feel a great interest in the experiment-station bill. If I felt sure the Senate would proceed and finish the consideration of the railroad bill, I would not object, but I am afraid this bill will take the afternoon. I know the habit of such bills.

Mr. EUSTIS. I do not think it will take much time.

Mr. GEORGE. I am willing to yield until the Senator from Colorado [Mr. TELLER] closes his speech.

The PRESIDING OFFICER (Mr. JONES, of Arkansas, in the chair). The Senator from Louisiana [Mr. EUSTIS] asks unanimous consent that the unfinished business be laid aside informally, but the Senator from Connecticut [Mr. HAWLEY] objects, and that ends the matter.

Mr. PLUMB. I think the bill we have under consideration can be disposed of now in much less time than the time that will be necessary to dispose of it if it shall go over. I am under the impression that both these bills can be disposed of this afternoon. I will say that for the benefit of the Senator from Connecticut.

Mr. EUSTIS. I do not know of any intended discussion.

Mr. HAWLEY. I reserve the right to call for the regular order.

The PRESIDING OFFICER. Objection to the consideration of the bill (H. R. 3186) is withdrawn, and that bill continues before the Senate as in Committee of the Whole.

Mr. TELLER. I only want to say in conclusion that as to the right of a railroad company grantee to convey its title to an assignee company, the matter was settled by the opinion of Henry Stanberry, who was Attorney-General of the United States some years ago, and whom everybody will recognize as one of the ablest lawyers that was ever in public life, and a very distinguished Democrat. He was the first Attorney-General who made that decision. It was followed subsequently by Mr. Ackerman. Mr. Stanberry, in a very elaborate and carefully-prepared opinion, which I thought I could put my hand on, which was introduced and read here on a former occasion, decided that the grant carried with it the right of assignment. Upon that there has never been any contrariety of opinion; there has never been any question that I know of in public life. It does carry the grant; and therefore this company stands exactly as does any other company to which we have given a patent to land which had completed its road in time.

Mr. GIBSON. I offer amendments to the pending bill.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The proposed amendments will be read for information, though there is an amendment already pending.

The SECRETARY. It is proposed to strike out all after the word "New Orleans" in line 9 of section 2, and to insert:

Pacific Railway Company in the Department of the Interior, October 27, 1881, and November 17, 1882, which indicate the definite location of said road: *Provided*, That all said lands occupied by actual settlers at the date of the definite location of said road and still remaining in their possession or in possession of their heirs or assigns, shall be held and deemed excepted from said grant, and shall be subject to entry under the public-land laws of the United States.

In section 3 it is proposed to strike out in line 7 the words "fully discharged," and insert in lieu of them the words "agree to discharge." And in section 6, line 5, between the words "of the" and "fourth" to insert "second, third." In section 6, line 8, it is proposed to strike out the words "Blanchard-Robinson agreement," and insert in lieu thereof "section — of this act."

The PRESIDING OFFICER. The pending question is on the amendment offered by the Senator from Louisiana [Mr. EUSTIS]. The amendment just read was only read for information.

Mr. EUSTIS. I give notice that in case the amendment——

The PRESIDING OFFICER. The attention of the Chair is called to the fact that the amendment of the Senator from Louisiana [Mr. EUSTIS] is a substitute for the whole bill. The amendment last offered is one to amend the text of the original bill. Does the Senator fartherest from the Chair desire to press it now?

Mr. GIBSON. Yes, sir; I offered it as an amendment to perfect the bill, to be voted on before the substitute is acted on.

The PRESIDING OFFICER. Then the Chair is obliged to hold that it is first in order.

Mr. GIBSON. The vote on this amendment should be taken before the vote on the substitute.

The PRESIDING OFFICER. The Senator is quite right. The proposition to amend the original bill is first in order.

Mr. EUSTIS. I desire to state that my colleague has merely anticipated an amendment of which I gave notice. I intended, if my amendment to forfeit the lands had been rejected, then to have offered amendments in order further to protect the rights of settlers under the provisions of this bill.

Mr. GIBSON. Mr. President, this subject has been before Congress for many years, and every aspect of it has been fully presented to the consideration of either House of Congress. I do not propose to detain the Senate at this time by making any elaborate argument, but I desire to call the attention of the Senate to some of the facts. I do not propose to discuss abstract questions of law that might possibly affect this case as if this was a court of law and we were bound by the law only, but I address myself to Senators who will be influenced not by the law merely, the *lex scripta*, or by technical phases of the transaction which is before us, but by a sense of justice and by those considerations of public policy that properly address themselves to the sovereign power of the Government.

It will be admitted that a grant was made by the Government of the United States on the 3d of March, 1871, to the New Orleans, Baton Rouge and Vicksburg Railway Company, and as the act recites, for the purpose of aiding in the construction of a railway from New Orleans to the eastern terminus of the Pacific Railroad Company, which was located in Texas.

That the grant was actually made by competent authority to make the grant, and that it was received by a party with the capacity to receive the grant is beyond dispute. That land grant has never been forfeited by the Government of the United States. It is an existing grant to-day so far as the Government of the United States is concerned, for it is a well-established principle that the power making the grant is the only power capable of forfeiting a grant, and so far no act of forfeiture has ever passed the Congress of the United States.

The question arises, then, ought we to forfeit this grant? Assuming for the purposes of argument that we have the capacity to forfeit it, a higher question than that arises. Ought we in good conscience to forfeit this grant? Ought we, listening to the dictates of public policy, to forfeit this grant?

Mr. President, the railroad has been built from New Orleans to the eastern terminus of the Texas Pacific Railroad. Three hundred and thirty-three miles of track have been laid, and the cars are running on that railway to-day. The high public purpose has been accomplished. It was the aspiration of the statesmanship of this country for many long years to establish a railroad to the Pacific Ocean on the thirty-second line of latitude. I do not enter at this time into those considerations that gave birth to that aspiration, but it has been realized, a high public policy has been accomplished, and we have to-day, I repeat, a railway extending from the city of New Orleans to the Pacific Ocean.

We are told that we ought to forfeit this grant notwithstanding these facts; that at this very day, after the road has been completed, after it has been accepted by the Executive Department of the Government, after the conditions of land-grant railroads have been imposed upon it, after the people have received all the benefits that would arise from the completion of this public policy by this railroad, we ought now to declare it forfeited.

I have before me an address of high Democratic authority upon this subject. It is from the lips of Allen G. Thurman. He says:

I defy anybody to point out one single case in which Congress has forfeited a land grant after the improvement in aid of which that grant was made has been constructed. There is no such case in all the history of this land whatsoever, and there ought not to be.

Why should we forfeit the whole of this grant. It is said, in the first place, that the New Orleans, Baton Rouge and Vicksburg Railway Company was a fraudulent concern. That may be, sir. I am not here to defend it. That corporation did exist at one time under the authority of law, and at the time that they received this grant it was a legal, existing corporation in the State of Louisiana. The Government of the United States was to determine that question for itself, and it adjudged it to possess the capacity to receive this railroad grant at the time that it made it to it. We are concluded, therefore, so far as the existence of this corporation is concerned, by the act of the Government itself.

It is said that it did not build a foot of this railway within the time prescribed in the granting act. I admit that. The five years elapsed without a single mile of the railroad being built; without any one of the terms or conditions of the grant being fulfilled by the grantee. When I discovered that that was the case I introduced a bill, in the year 1877, in the House of Representatives which I hold before me, declaring that there should be a forfeiture of this land grant as to this delinquent corporation. That bill was reported favorably, at that time, by the Committee on Railways of the House of Representatives.

But what was the object of that forfeiture? The object of that forfeiture was not only to declare that the Backbone Railroad had no right to this grant, but that it should be transferred to another railroad corporation which had been created by the Legislature of Louisiana for the very purpose of building a railroad from New Orleans to Texas.

In introducing that bill I responded to the universal sentiment which prevailed throughout the entire State of Louisiana. The citizens of New Orleans felt that a railway connection with Texas was essential to the restoration of their former prosperity; that they were suffering from a want of connection with the great and prosperous State of Texas; and that if they could secure a railroad through the State of Louisiana to Texas it would be the most efficient means to help them along in the restoration of their commerce and trade.

The Legislature of Louisiana passed an act authorizing the corporation of the city of New Orleans to tax itself $2,000,000 to aid this rail-

way company. Every parish and every municipality through which it should pass was authorized to tax themselves to aid along in this work. The Legislature itself voted the sum of $2,000,000 to aid the corporation in completing the railroad from New Orleans to Texas. One of the parishes on that route, I believe, subscribed $100,000 to accomplish this design, for it was felt at that time to be the most beneficent that could be conceived of.

Nay, sir, petition after petition poured in at that time in favor of the transfer of this land grant to the New Orleans and Pacific Railway. These petitions were signed by the leading citizens of the State, by every commercial body in the city of New Orleans, every insurance company, every bank, every railroad company, all the commercial exchanges. All that there was of intelligence and character and patriotism seemed to be aroused not only in the city of New Orleans but throughout the State of Louisiana, in the supreme effort to require connection with the prosperous country lying to the west of that State.

In order to meet the views of the people, I introduced a bill to forfeit this land grant as to the Backbone Railway Company, and to transfer it to the New Orleans and Pacific. I was sustained by every member of the delegation at that time in this effort in the House of Representatives, but we failed, although the committee on that subject in the House reported in favor of forfeiture and to transfer the land grant to the New Orleans Pacific. We all know how difficult it is in that body to procure action on bills that are reported, and the bill failed for want of consideration, though energetically pressed by Judge Elam, Representative from the fourth district.

The New Orleans Pacific Company, under this state of facts, then applied to the Backbone Railroad Company for a transfer of this land grant, and succeeded finally in securing the land grant. It may be that this transfer may have been irregular. If it was, sir, for one I am willing to make it regular, because I have the power to do so. It was a transfer received by the New Orleans and Pacific Company in good faith. This company stood for the people of the State at that time. It stood in a corporate form representing the true interests and the aspirations of the people, and this land grant was used by that company as the means by which it was enabled to build the road.

Sir, that can not be successfully denied. We have before us the affidavit of the president of the New Orleans and Pacific Railroad Company, a gentleman who stands as well in the city of New Orleans as any other person in its limits, a merchant of respectability who quit his own avocation in order that he might give his time and services to the people of that city for the purpose of aiding them in recovering their lost trade and commerce by dedicating himself to the building of a railroad from New Orleans to Texas. We have his affidavit to this effect. If it stood alone it would be sufficient for me, in the light of the facts that antedate it and that surround it. The affidavit of a single respectable man standing as E. B. Wheelock does in the city of New Orleans and as the representative of this corporation organized under these circumstances is sufficient of itself, if there were no other facts in the case, to lead me to the conviction that this land grant was used, as he declared it was used, for the purpose of building this railroad from New Orleans to Texas.

How otherwise could the road have been built? Where could these citizens of New Orleans have procured the enormous sum of six or seven million dollars with which to build this highway except from the land grant? We have no large capitalists in that city; we have no men who have large means to invest in such a venture as this, and every one of the offerings of the State government and of the city governments and of the parish governments of that State was made imperative, large as they were, on questions that were brought before the courts of the State, and they fell back powerless to be of any assistance in this work of regeneration.

This land grant supplied the deficiency and saved to the people an enterprise that they had stood ready to assist from their own meager resources, but which fortunately escaped the self-imposed burden.

But there is other testimony here to the same effect. I do not know the gentleman, whose name I think is Dodge, who assisted, with Mr. Wheelock, in building this railway, he himself, I believe, the president of a construction company and making a contract with the Central Pacific Company to build this road. He also files his affidavit to that effect. We have before us the whole correspondence with the Executive Department of the Government, showing the caution which this railroad company exhibited, asking what would be the effect of the transfer in the event that it were made from the Backbone Railroad Company to the New Orleans and Pacific, and informed by the executive officers of the Government that it would be valid and binding, and carry the land grant. Here are the letters before me. I shall not tax the patience of the Senate to read them. They are from your own officials of high character in the executive departments of the Government giving to the gentlemen prepared to make this transaction the guarantee and assurance, as far as they could, that if the transfer was made it would be valid and binding.

Sir, I am not here to say whether it was valid and binding or not. That is not essential to any fair view that might be taken of this case. It is wholly extraneous. Nor is it appropriate to ask whether these officers were clothed by law with the power to make this declaration and give this guarantee. It is enough for me to know that these men came up here and received such assurances from the executive departments of the Government, and that on the faith of their assurances thus given publicly, officially, they went to work to build this railroad out of the proceeds of this land grant which had been made to the Backbone Railroad Company.

The road has been built, I repeat, under the good faith of this transaction, and the people of the State of Louisiana and of the whole country have received the benefit of that connection with Texas.

But it is said again that the road is built on the wrong side of the river; that under the charter granted by the State to the Backbone Railroad Company it should have built its road on the eastern side of the river and not on the western side of the river. I admit that a small stem of this road from New Orleans to Baton Rouge under the terms of the grant was required to have been built on the eastern side of the Mississippi River—some 80 miles. All the rest of the road, as every one knows who is acquainted with the country, could not have been built on the east side of the river, but must necessarily have been built on the west side of the Mississippi River.

I admit, Senators, that this would be a cause of forfeiture, but it is not a forfeiture in itself any more than the other cause of forfeiture to which I have referred, because we are not a court declaring what the law is, as applicable to this state of facts, but we are a Senate, representing in part the sovereign power of the Government; and we are able to come in and say whether we think in justice, under these circumstances, we will forfeit or not. That is not, in my judgment, a sufficient cause for forfeiture.

It is said that inasmuch as the railroad was built by the assignee company outside of the limits of time, therefore this grant should be forfeited. I admit that that also is a cause of forfeiture. The law imposed on this grant a proviso which can not be obliterated, that the whole road should be built within five years. That condition, no matter what you may call it, a condition-suspensive or a condition precedent or subsequent, never has been complied with, for the road was built long years after the five years had elapsed.

Therefore, it is a cause of forfeiture; but would it be right under these circumstances to declare the forfeiture of that grant? Did we not sit on this Capitol Hill after the five years had expired, my colleague and myself and nearly every Senator in this room long years after the five years had elapsed, and never raised a voice in favor of a forfeiture? Where was my colleague then that he could not be heard, when he represented the State of Louisiana in this Chamber while I was in the House of Representatives? Why did he not bring in a bill then declaring this forfeiture at that time? It could have been done. No assignment had been made; no one had attempted to build any railroad; and this corrupt Backbone Railroad Company was lying supinely upon its back, incompetent, inadequate to any good purpose.

Mr. EUSTIS. Does the Senator desire an answer to his question?

Mr. GIBSON. Certainly, if the Senator desires to give one.

Mr. EUSTIS. The reason probably why I did not bring in a bill to declare the forfeiture was that the Legislature of Louisiana had passed a law repealing the charter of the Backbone Railroad Company, and as a lawyer I considered that as a valid repeal.

Mr. GIBSON. I am very glad to give the Senator an opportunity to state the reasons why he did not bring in a bill of forfeiture. But if the action of the State of Louisiana repealing the charter of the Backbone Railroad Company was in itself sufficient to carry the land grant down, to work a forfeiture of that land grant, why is there any necessity to-day to declare a forfeiture by the Government of the United States?

But could the State Legislature, even by repealing the charter of a railway company, take away from it a grant of land or other property which had been granted to it by the Government of the United States? Sir, that is carrying the doctrine of States rights further than I ever heard it carried before. For one, speaking as a Senator, I do not believe that any power was competent to work a forfeiture of a land grant, except the Government of the United States, by which it had been made.

Mr. President, we sat here, as I said, many long years after this delinquent railway company had failed to build the railroad. We are presumed to extend our solicitude over every subject which concerns the welfare of the people, not only of our States but of the United States. We witnessed this transfer from one corporation to another. We saw the assignee begin the work of building the road, we saw it expending its millions on millions to build this railway from the city of New Orleans to the State of Texas, bringing us nearer to the wealth and population of that vast empire. We saw the executive officers of this Government receive the railroad in accordance with the terms of the grant. We saw imposed upon this railroad the obligations that the Government imposes upon a land-grant railway company under the terms of the statute. We saw all this, and not a voice was raised against it, not a warning note, while this transaction of such vast importance, not only to the men engaged in it but to the whole people of the State of Louisiana and to the people of the United States, was proceeding day by day, week by week, and month by month, year by year.

I know that the doctrine of estoppel does not apply to a Government,

but it is because a Government is supposed to be actuated by a moral sense which lifts it out of the trammels of courts. For one, I do not believe that it would be right in me, after all these facts which I have related, to attempt now, long years after this whole thing has been completed, to rip it up and to declare a forfeiture.

Mr. GEORGE. Will the Senator allow me to ask him as to the date of the facts stated by him? Did the repeal of the Backbone charter by the Louisiana Legislature occur before the assignment by the Backbone company to this new company?

Mr. GIBSON. Certainly, it took place before.

Mr. EUSTIS. If the Senator will allow me, I will give the dates.

Mr. GIBSON. I can give the dates. It took place before any assignment.

Mr. GEORGE. Do you admit that it was a valid repeal of the charter of the Backbone Company, so far as the State was concerned?

Mr. GIBSON. I do not believe, as a matter of law, that it was, but I did not think it necessary to go into that matter, because I am not dealing with that corporation, I am dealing with its assignee and the grant of land subject to the control of the Government of the United States within certain limitations.

Mr. GEORGE. If the charter of the Backbone Railroad Company was validly repealed before it made any assignment of this land to another company, then the grant made by Congress to it necessarily fell from the want of a grantee to hold it, and from the utter incapacity produced by the repeal of the charter of that company to comply with the conditions of the grant.

Mr. EUSTIS. Or to assign the grant.

Mr. GIBSON. But the point I make is that the United States Government regarded that company as competent to receive this grant, and that it is incompetent for anybody else to declare a forfeiture of the grant except the granting power. The effect of this bill is to invoke the assent of the Government to the assignment and to confine the title to the grant in the Pacific Railway Company.

Mr. GEORGE. Suppose the grantee dies; suppose it is extinguished.

Mr. GIBSON. That is a question for the Government of the United States to determine, in that case what shall be done with the grant.

Mr. GEORGE. What prevents us from determining it now?

Mr. GIBSON. If you desire an answer to that question I say it did not die at that time. I do not believe that under the jurisprudence of Louisiana that repeal was effectual.

Mr. GEORGE. It was not effectual, of course. All I suggested was the ground, but I make the suggestion on the supposition——

Mr. TELLER. Will the Senator allow me a moment?

Mr. GIBSON. That repeal was tested in the circuit court of the United States, and it was not recognized as valid and legal; it was determined to be null and void—in conflict with the Constitution.

Mr. GEORGE. I understand the Senator to say that he does not recognize the validity of that repeal.

Mr. GIBSON. I do not. Even if I did, I would not draw the deduction from it that the Senator from Mississippi does. Even if the act had been repealed, this property of the corporation would have remained among its assets, and could have been disposed of and confirmed by the Government of the United States, subject to the terms and conditions of the grant. I was arguing the point whether at this time it was proper and right for us to declare a forfeiture of the grant. I am willing to declare a forfeiture of the grant so far as the road was not built, the 80 or 90 miles from New Orleans to White Castle. I understand that the company does not claim the grant coterminus with that portion of the road. My amendment goes to the effect of bringing down the title to these lands to the time when the road was actually built. While the Backbone Railroad Company was delinquent certain people saw very plainly that no road was being built and went on those lands in good faith and settled upon them, and built their homes upon them.

Mr. GEORGE. Do they claim under the railroad company?

Mr. GIBSON. No, sir; they claim, according to my amendment, under the United States.

Mr. GEORGE. Did they go into settlement under a contract with the railroad company?

Mr. GIBSON. No, sir; but before any railway was built, during the time that the railway companies were doing nothing, and had done nothing, and until the road was actually built. I have a letter addressed to me by a gentleman who was in the House of Representatives—the most active and energetic opponent of this corporation. He would like to have the whole grant forfeited. I refer to the Hon. E. T. Lewis. But he says in his letter to me, speaking in the interest of the settlers:

> The amendment is simply to except from the confirmation contained in section 2 the lands occupied by the settlers up to October 27, 1881, the date of the definite location of the line of the railroad, and to include these lands in the forfeiture contained in section 1. In addition to this another section should be added authorizing the Secretary of the Interior to restore such lands to the public domain, and directing that preference shall be given such settlers to make entry of such lands under the homestead law.

That is the effect of my amendment. It is to except from this grant or to forfeit against the railroad company all the lands that were in the actual occupancy of settlers up to the time of definite location, and after that time the Robertson and Blanchard agreement will prevail. I understand that the Robertson and Blanchard agreement is satisfactory to all parties concerned in this transaction, satisfactory to the settlers, and satisfactory to the railway company. Mr. BLANCHARD has represented his district many long years in the House of Representatives acceptably to the people of his district, and honorable E. W. Robertson, who co-operated with him in making this agreement, has been returned to the next Congress. The people of their district in which these lands are located indorse their conduct.

Sir, the amendment that I offer, therefore, is acceptable, so far as I know, to the people who have gone upon these lands in good faith and made their homesteads upon them. I sympathize with these homesteaders as much as anybody. They are my fellow-citizens. I do not know this railroad corporation as it stands to-day. I have no relations with any railroad company in the United States. I know perhaps less about railroads, I was going to say, and their officials than any gentleman in the Senate Chamber. I have as many reasons for extending my hearty sympathy to the homesteaders upon the lands embraced within this land grant as any man possibly could have. There are ties of every kind between me and them, and so far as my conscience will permit me I am always ready to stretch out my hand in their behalf and to offer any amendments which are consistent with an honest, fair, and upright administration of the Government.

Mr. President, I am addressing myself, I wish to say again, to the Senate. I am for practical results. I take no pride in airing a little law learning before the Senate; I desire to reach practical results. This whole matter has been before the Secretary of the Interior, for whose ability as a lawyer and whose uprightness as a man I have the profoundest respect. He has given a long and patient investigation to the questions involved, and he concludes a review of the whole transaction in these words, addressed to the Congress of the United States:

> The Government railroad examiner reports the road substantially built and equipped, and it would not appear to comport with good faith to those who invested their money on the basis of the grant to take advantage of any technical defect, if such exists, in the transfer to the company.
>
> I would, therefore, respectfully suggest for the consideration of Congress the propriety of passing an act curative of defect, if any exists, in the transfer to the New Orleans Pacific Company, and vesting the title, originally granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company from White Castle to Shreveport, in the New Orleans Pacific road.

Mr. GEORGE. Whose language is that?

Mr. GIBSON. That is the language of Secretary Lamar in his report for the fiscal year ending June 30, 1885. Secretary Lamar had examined this whole business from beginning to end, the facts and the law, had given due weight to the argument that the charter of the corporation called the Backbone Railroad Company had been repealed, had given weight to the allegation that the road should have been built on the eastern side of the river, to the allegation that the road as actually built was out of time—to every possible objection to the confirmation of this railroad grant, and in this formal report to Congress he urges us to pass a bill curative of defects, if any exist.

Sir, I admit that they are defects, but I think that good faith, as Secretary Lamar says, and the public policy require that we shall pass a bill curative of the defects which have been pointed out by those who would have the granting act repealed.

I understand that the provisions of this bill are acquiesced in by all the parties to this transaction. Patents have been issued, it is true, for a great many of these lands, some 700,000 acres, and only 300,000 acres yet remain unpatented. I do not know the number of settlers who claim to have their rights on the lands covered by this grant. I understand that they are very few, but if there was but one honest citizen of my State who had acquired a homestead upon this grant while the Backbone Railroad Company was in default, or before the road was built, I should feel that he was entitled to his homestead; and for that reason I have offered my amendment.

Mr. EUSTIS. Mr. President, I did not intend to speak upon this question, but I desire to notice several statements which have been made by my colleague.

There is one fact that appears very prominently whenever a question is discussed in this body with regard to the forfeiture of a land grant; and that is that Senators are divided into two classes of lawyers, one of them who believe that the Government of the United States and the people of the United States have some rights with reference to property which belonged to them, and others who find that all the law and all the equities of the case are on the side of railroad corporations. For instance, by the votes of this body with reference to land grants there have been evolved what I consider the most extraordinary legal propositions which have ever been countenanced or indorsed by any legislative or legal or judicial body; as, for example, when the Government of the United States makes a grant of land for a specific and defined purpose, coupled with express and explicit conditions, some lawyers argue the question as though no conditions attached to the grant and they were to be considered as not written.

It has been decided by a vote of this body that the question of time, which the grantor certainly had a right to impose, as he was parting with his property upon condition, was a non-essential and a non-existing condition. That has been decided. Another decision has been made that a grant and a condition are divisible; that is to say, if a tes-

tator were to make a bequest upon a condition in the testament, the legatee, by partially complying with that condition, can acquire a partial estate under the testament. Another decision has been rendered that when the United States makes a grant to a railroad company in order to construct a railroad between two given points, the railroad company can construct what portion of the road it chooses and leave unconstructed what portion it chooses, and that it acquires the grant under those circumstances.

Mr. President, if I have not been able to subscribe heretofore to these very extraordinary propositions of law, and if I do not propose at the present time or in the future to subscribe to any such, what I consider, legally speaking, monstrous propositions, it is not because I desire to make any display of legal lore, but it is, perhaps, because I have a constitutional defect, that I respect the law as I have studied it, as it has been, is to-day, and ever shall be, and that whenever I am called upon as a United States Senator to adjudicate a contention between the Government of the United States and a railroad corporation, I do not intend to resolve all the doubts against the Government and the people in favor of railroad corporations.

I do not deny that there may be equities with reference to some cases, but the principle I have contended for is the assertion of the power of Congress to defend and to vindicate the rights of the Government and of the people under these railroad grants. It is to subject the arrogance, the overshadowing power, the insolent demands of these railroad corporations to the jurisdictional authority of the Congress of the United States that I maintain the principles which I advocate in this body, and by which I propose to justify the votes that I cast.

I have no fear myself but that the time will come, and it will come shortly, when the grave apprehensions which now disquiet and harass the public mind and disturb the quietude of the people of this country as to the overshadowing influence and authority and power of corporate bodies over the legislation of this country, will be checked, will be diminished, will be subjugated, and will be destroyed, because I have confidence in the integrity, the manhood, and the intelligence of the American people. But I protest that when a proposition is submitted such as I have submitted with reference to this bill, it should be more seriously discussed than it has been, and the real facts of the case should be more clearly presented for the appreciation of this body.

What are the facts? There was in 1869 a corporation created in the State of Louisiana known as the Backbone Railroad Company. The beneficiaries under that act of incorporation were a class of men whom I shall not designate in this body. They were wholly irresponsible adventurers, men whose chief pursuit was to speculate upon the legislation of this country. They never contemplated for an instant of time, never intended, never dreamt of building a single mile of any railroad in the State of Louisiana.

With this act of State incorporation they came to the United States Congress and by an amendment to the Texas Pacific act, a section that was inserted there, and I may say was smuggled into that law, there was conferred upon that corporation a grant of land belonging to the Government and to the people amounting to 1,200,000 acres. Not a day did that corporation seriously live; not a corporate act did it ever perform; it was nothing but a myth, the ghost of a corporation that only appeared for the purpose of exerting the capacity of holding that land grant from the Government of the United States in order to speculate upon it and to sell it in the markets as a land grant.

Was that an honest proceeding? Is such a corporation as that, created as it was, living as it did, entitled to the slightest equitable consideration to-day at the hands of Congress? The Legislature in 1877 repealed that charter, because it was known from one end to the other of the State of Louisiana that it was a sham and a mockery, a disgrace and a stigma upon the legislation of the State of Louisiana. And yet five years after the repeal of that charter that corporation, not giving the remotest symptom of the slightest corporate existence, at a secret meeting in the city of New York, made an assignment of this grant of lands to the New Orleans Pacific Railroad Company. Then, to the astonishment of the people of Louisiana, to their dismay, this revived and resurrected dead corporation was brought again to the surface.

Now, I appreciate the force and the logic of the position of the Senator from Colorado [Mr. TELLER], who was Secretary of the Interior. He believed, under the former rulings of the Department and under the opinions given by the several Attorneys-General, that that assignment was a legal assignment, that that assignment did transfer the title of this grant from the Backbone Railroad Company to the New Orleans Pacific Railroad Company, and, so believing, he ordered an issue of these patents. While I differ with him upon the question of law entirely, while I dissent wholly from the views which he entertains upon these several questions, yet I admit that from his standpoint that was a consistent and a logical position for him to take. But that is not the theory of this bill, and I was gratified to hear the Senator express himself that there really was no necessity for this bill. That is his position. But this bill proposes to ignore that assignment, and to do what? To make an original grant or donation to the New Orleans Pacific Railroad Company of these lands.

Mr. President, that was not the original purpose of the grant. The original purpose of the grant was that within five years from 1871 the Backbone Railroad Company or its assigns should build a railroad between the two stated points, and I can scarcely with patience listen to the equities which are urged in favor to-day of conferring an original grant upon the New Orleans Pacific Railroad Company in the face of the express declaration made by that railroad company that they did not require that grant in order to construct the road. Here is the dispatch of the president of that road:

> No arrangement looking to any recognition of the pretended claims of the Backbone Company will be entertained by my company. * * * We now have ability to complete our road without Government assistance, and if our friends can not secure land grant we must get along without it.

Is the Congress of the United States, simply because a company builds a road, going to donate for that reason lands to a railroad company? Why discriminate in favor of this railroad company? Is that the object, simply because they have built a railroad, therefore a land grant ought to be given to this railroad company? I, for one, am opposed to that proposition. I do not believe that it is right, that it is just, that it accords with our present views of discharging our duties with reference to these land grants, that we should to-day make a donation and a grant to the New Orleans Pacific Railroad Company, which was never before a grantee under any law of the United States Government, when that railroad company especially declared that it did not require the land grant in order to complete the road which it proposed to build.

Mr. VEST. May I ask a question?

Mr. EUSTIS. Certainly.

Mr. VEST. Does the constitution of Louisiana authorize the Legislature to repeal a charter, or is there a question as to the effect or the extent of the repealing act? How did the company get rid of the repeal of the charter by the Legislature?

Mr. EUSTIS. They ignored it. The only dispute in court was with reference to the constitutionality of that act.

Mr. GEORGE. The act of repeal?

Mr. EUSTIS. Yes, sir. The circuit court of the United States held that it was unconstitutional; but this New Orleans Pacific Railroad Company stated in an authentic document that that was a fictitious case and a fictitious issue, that both parties to the suit had a common interest.

Mr. GEORGE. Interested in having the ruling made that was made?

Mr. EUSTIS. Yes, sir.

Mr. GEORGE. Is there any provision in the constitution of Louisiana reserving the power to the Legislature to repeal charters?

Mr. EUSTIS. The general law of Louisiana is that the Legislature has the power to repeal any charter, but where property or money has been invested on the faith of that charter the State has to reimburse it so that the parties shall not suffer. There was a provision in this law declaring that the act of incorporation of the Backbone Railroad was a contract with the State of Louisiana. Of course that amounts to nothing, as all acts of incorporation are contracts. It was not shown in this case that any one had invested any money in this corporation.

Now, Mr. President, I desire to call attention to a statement which has been made. There seems to be some doubt (and I am not criticizing the Committee on Public Lands) as to why this act is proposed. It has been stated that it may be—and that is a conjectural statement only—that the Secretary of the Interior believes that there is some defect in the assignment itself made by the Backbone Railroad Company to the New Orleans Pacific Company. The Government of the United States has nothing to do with any defects it finds existing in that assignment. If the Backbone Railroad Company has acquired any property at all, it has acquired it from the Government of the United States, and the acquisition of that property by the Backbone Railroad means a divestiture of the title of the Government of the United States in that land grant; and what has the Government of the United States to do with any defect in any ulterior title, or in any subsequent assignment? If the Government of the United States has parted with its title, it cannot be affected in any way by any defect in the issuing of any subsequent title. The Government of the United States is not a warrantor when it makes a land grant. Therefore, I am myself at a loss to understand why this act is proposed, unless it be that there is more than a serious doubt existing in the mind of the executive department of the Government as to the true condition of this land grant, whether it is to-day in the Government of the United States or not, and it is in order to have that question determined that this act is proposed.

The former Secretary of the Interior issued patents to the land for six hundred and seventy-nine thousand acres. The present Secretary of the Interior has not issued a single patent ever since the 4th of March, 1885.

I think that the title exists to-day in the Government of the United States. I believe that that land to-day belongs to the Government of the United States and to the people of the United States, and neither to the Backbone Railroad Company nor to the New Orleans Pacific Railroad Company; and so believing, I will not under any condition of circumstances vote to make a land grant to a railroad company to-

day when that grant has not been earned and when that company informed Congress and the public that it did not require that land in order to construct that road.

Mr. GIBSON. Mr. President, as some question has been asked as to the status of the Backbone Railroad Company under the repealing act of the Legislature of Louisiana, I should like to read what may be pertinent to that question that which I find in the report of the House Judiciary Committee of May 15, 1884, which report was drawn and submitted by the honorable JOHN RANDOLPH TUCKER, a member of the House of Representatives, and chairman of the Committee on the Judiciary of that body:

By act of the Legislature of Louisiana approved December 30, 1869, the New Orleans, Baton Rouge and Vicksburg Railroad Company was chartered, with a provision that the said company—

"Shall possess and enjoy the rights and franchises granted to said company by the State of Louisiana in this act and heretofore; and such grants and the engagements herein made and entered into on the part of the State of Louisiana shall be deemed to be, and shall be, binding contracts between the State of Louisiana and the said company, not to be impaired, disturbed, or modified by subsequent legislation, except with the consent and on the petition of said company."

In article 447, Code of Louisiana, the general law provides that—

"A corporation legally established may be dissolved:

"1st. By an act of the Legislature, if they deem it necessary or convenient to the public interest; provided that when the act of incorporation imports a contract, on the faith of which individuals have advanced money or engaged their property, it can not be repealed without providing for the reimbursement of the advances made or making full indemnity to such individuals;

"2d. By the forfeiture of their charter, when the corporation abuses its privileges or refuses to accomplish the conditions on which such privileges were granted, in which case the corporation becomes extinct by the effect of the violation of the conditions of the act of incorporation."

Now, says Mr. TUCKER in his report:

This railroad was known as the Backbone Railroad. It was authorized to construct a road, from New Orleans to Shreveport and to Baton Rouge, and intermediate point, upon the east side of the Mississippi River,

By act approved April 30, 1877, the Legislature repealed the said charter (Senate Executive Document No. 31, pages 12, 13, Forty-eighth Congress).

The first question presented for consideration is as to the effect of this repealing act. The committee hold it of no effect, because—

1. It was in violation of the terms of the charter, being without the consent and not upon the petition of the company.

2. Bonds had been issued by the company upon money loaned to it; and in the repealing act no provision was made for reimbursement of money, or for indemnity, as required by article 447 of the Code.

On both grounds the repealing act was void and of no effect. And the circuit court of the fifth circuit of Louisiana so decided in the case of Counsellor vs. New Orleans, Baton Rouge and Vicksburg Railroad Company, the record of which may be found in Senate Executive Document No. 31, pages 13-16.

No one will accuse the distinguished representative from Virginia, Mr. RANDOLPH TUCKER, with being in sympathy with corporations in this country and against the rights of the people. Certainly if he by his long public life, and the expressions of his sentiments from time to time in the House of Representatives has not given convincing testimony of the profoundest sympathy for popular rights and popular government, I know of no individual in either body who has.

For myself I have no sympathy with corporate power, but I have a sympathy with doing what is right under all circumstances, whether I am dealing with a corporation or an individual; and I believe that inasmuch as the president of this railroad company and his associates all declare under oath that this railroad was built on the faith of this land grant—and all the attendant circumstances and facts show this to be true—it would be wrong for me to vote to forfeit it as to that railroad company.

I have offered an amendment which will protect every homesteader, which is perfectly satisfactory to the gentleman who represents them most earnestly in the House of Representatives, an amendment drawn in compliance with his request. There is not a man in the State of Louisiana who has earned a right on these lands who will have it invaded or touched under the provisions of this bill.

Mr. GEORGE. I desire to ask the Senator a question. Is there any grant beyond that line to Baton Rouge?

Mr. GIBSON. It is all beyond it. It is all west of the Mississippi River.

Mr. GEORGE. Was the first grant from New Orleans to Baton Rouge?

Mr. GIBSON. From New Orleans to Texas, and all that part coterminous with the road between New Orleans and Baton Rouge is forfeited by the terms of this bill. All that part of the grant coterminous with the road west of the Mississippi River is confined to the railway company, except the lands in the actual occupancy of settlers of the date of the definite location of the road.

This bill has the sanction of the Executive Department of the Government, has been recommended by the Secretary of the Interior, Mr. Lamar, has passed the House of Representatives without a single vote against it, preserves every right of the settler, is satisfactory, so far as I know, to the railway company, and merits every consideration of public policy and public justice.

Mr. CALL. Mr. President, I regard this as a very important question, and one which ought not to be determined without very grave consideration.

If the Senate can afford to pass this bill as it came from the other House, it may as well declare that the people of this country have no rights in the public domain, but that it shall be granted hereafter to a few privileged persons upon false pretenses, without any consideration, and simply that they may extort from the people who shall occupy it such price as the condition of its occupancy as may be agreeable to them.

Beyond all doubt there can be no good reason given for passing this bill. The propositions of law upon which it is claimed that this bill can be defended, when presented by the honorable Secretary of the Interior now, or by his predecessor, are without foundation and have no application to this case.

Where will you find an authority for the statement that a corporation living only by the law of a State and declared by that State no longer to be alive, no longer to have the capacity to grant, to contract, or to be contracted with and own property, an artificial being living by the law alone, and the law declaring its life to have been taken away from it, may continue in the performance of its function?

Let us suppose, Mr. President, the extremist construction to be given, that a charter is a contract between the State and the body corporate and unrepealable and sovereign over the people; shall we carry that to this extent, that although the corporate body has not performed its agreed function, the sovereign shall have no control over it whatever; that the only obligation is on the people and none on the corporation? If it be a contract is it not absurd to say that the consideration of performing its corporate franchises according to law shall not be required of it in order that it shall have any existence? Who shall be the judge? Shall the Legislature of Louisiana have no right to institute proceedings for the determination of a franchise given by that State and failed to be used, or improperly used? Is that the law of the Senate? If the Senate holds that to be wise and good law in respect to railroad land grants made by Congress where the people's rights only are taken away, I am sure they will not hold it to be law for any other subject.

We have a grant made by the Congress of the United States on condition that certain parties shall honestly construct a highway in a certain and fixed time. If that grant shall have been given without any obligation on their part to pay any money, to do any labor or anything else, but if it was a mere grant for the purpose of sale it was one that was subject to be avoided, and it is in evidence here that this corporate body never performed a single function during this long time, that it never built any road, that it never possessed any means. Was it still a living body? Had it power? We find that after the solemn inquest of the legislative power of Louisiana it was declared that this body should have no longer corporate life or corporate power, that with full notice of that fact certain parties undertook to obtain from it an assignment of what?

Of an obligation they had assumed to the people of the United States to construct a railroad within a certain period of time and which they had never performed; and after the expiration of its time and after the failure to perform this obligation, and without any pretense whatever that they either intended or had in any way or to any extent performed or sought to perform the condition imposed in the grant from the United States to them, certain parties dealing with this dead corporation in violation of the law of Louisiana, claim to have obtained from it an expired grant, with the privilege of doing what? Of saying to every citizen of the United States, "if you go upon this land you shall do it upon the condition that you, your wife and children, shall have no part of the proceeds of your labor until you have paid to these grantees such consideration and such sum of money for the occupation of this public land of the United States, for which they have given nothing, as they see fit to ask of you." Now we have had many arguments to show that this is all right, that the Supreme Court has declared this to be good law and a wise public policy, but to me they appear utterly unreasonable.

But that is not all. Here is this dead corporate body, here is this expired grant, and here are the assignees in violation of the law of the State of Louisiana and of the solemn declaration of her highest legislative body declaring to the Congress of the United States that they do not recognize this as a valid grant, that they have not proceeded upon the basis of this grant, that they do not claim it, and yet years afterwards, after the construction of this road these parties are here and we have a disposition in the Senate of the United States and in the Congress of the United States to give to men who have built a road without asking any grant from Congress, who have not claimed that they had obtained credit upon it, but who have notified Congress that they did not recognize the right of these assignors nor claim anything from this New Orleans, Baton Rouge and Vicksburg Railroad Company—we have the Congress of the United States saying now we will recognize and make valid this grant.

I prefer, if this shall be considered and established as a wise public policy, to vote money out of the Treasury of the United States to a railroad company for the honest construction of a railroad, but I am not willing to disguise it by these pretenses. Let us be fair and equitable. Let us not say to the men who shall occupy the lands adjacent to this highway, "You shall build the railroad with your labor as the condition of your occupation and ownership of it; you shall build it out of the labor of your wives and your children, and when you have built it with your hard labor you shall give it to a few individuals with the privilege of taxing you for your productions whatever they

may see fit." This is what you propose to do by this bill. You are making a law which shall force the people of the State of Louisiana to pay for a railroad and give it away to a few persons, to be owned by them, with the power of taxing at will the people whom you force to pay for it.

Mr. President, that practice has been followed long enough. This bill and all other bills like this are not intended for the benefit of the people. They are intended to amass great fortunes by taxing the labor of the people of the country, their wives and children, for nothing in the hands of a few individuals; they are intended to build great highways of transportation with the privilege of taxing the whole production of the country at will, and then giving them away after building them with the labor and the money of the people.

It seems to me that there is not one single ground of reason or of law upon which this proposition can be defended. Talk about an assignment from a dead corporation, an assignment of an expired grant with notice that the time had expired, and build up these rights upon fanciful constructions which will meet the decision of the Supreme Court of the United States in the case of Schulenburg *vs.* Harriman. The idea of valid grant from a corporation whose franchises have been repealed, with this notice to the future assignee and an assignment of a grant expired by its own terms; and then to claim, after having refused to recognize its validity, that it shall not be forfeited, that it shall not be declared to be the public domain of the United States—five years after the Congress of the United States by the original law had declared this grant should cease to exist with notice to the parties—talk about building a railroad or a highway after the grant had expired in its terms and with notice of the fact!

But, Mr. President, I am led somewhat to take part in this discussion because to-morrow morning I propose to present to the Senate of the United States a resolution asking the Interior Department to take action upon a grant made under somewhat similar circumstances to the State of Florida. I wish to say that I have in my hand here a letter from a citizen of the United States, which I shall then exhibit, with some more extended remarks to the Senate, which illustrates how the people of this country are wronged by the former action of the Interior Department; how they are trampled upon, and how they have failed to have any protection or any recognition of rights under this Government. I have in my hand a letter from a citizen of Florida, a Mr. Stullenfuss, who incloses me a letter from the agent of the Florida Railway and Navigation Company in Florida demanding of him, a settler upon the public land of the United States, antedating through himself and his predecessor the construction of this road, who has built, by the hard labor of himself and his wife and his children, a house, an orange-grove, and a lemon-grove upon his little forty acres of land which he has made valuable by his labor.

Now in his old age that company demands of him $75 an acre for poor, worthless land which he has made valuable only by his labor. I venture to say that I will show to-morrow that although the Interior Department has made a reservation of this land there was never any grant from the State of Florida to this railroad company or its predecessor to build this road, but on the contrary that the Legislature of the State, the governor of the State, and all its public authorities refused to allow them the right to build it, denied their right, and gave it to another corporate body. And yet for years past settlers upon this public land of the United States, invited by the decision of Secretary Chandler and authorized to enter upon it, have been deprived of their homes and the results of their years of labor and their lands sold, or now advertised to be sold, by the agents of this corporation.

Mr. President, the Interior Department has not always examined into the facts of the case and has often erred in its decisions; but that we should, in the light of day, here, now, undertake to declare that a dead corporation, without any sanction of the courts declaring that its act was lawful or how far this corporation should be permitted to exercise rights—that a corporation declared by the legislative power to have no existence, a corporation never having performed any of the acts which it was obligated to do in its charter, never having exercised any of its functions—that a body of this kind could assign, after the expiration of a land grant the term of which had been fixed by the Congress of the United States, a valid right to a new body, and that new body should declare that they did not desire, that they did not recognize, that they did not claim this grant, and then after the road is built that we should turn over the settlers on the public land, the citizens of the United States, to the tender mercies of these people, to demand what they please of them; is to me a most extraordinary proposition, and one which I must condemn, so far as I am concerned, in the strongest terms. If this be law let us have no more of it.

Mr. PLUMB. Mr. President, if this bill shall become a law it will end a controversy which has engaged the attention of both branches of Congress and of the Executive for many years, and which has disturbed the politics and other belongings of the section of country through which this railroad passes for the last five or six years, at least.

I escape the animadversions which the Senator from Louisiana who last spoke [Mr. EUSTIS] casts upon this body by the declaration that I am not a lawyer, and consequently I am not to be classed, although favoring this bill, with those who always find some excuse for favoring the railroad companies as against the United States. I come to the consideration of this question as a layman, caring only that justice shall be done it, and that a full and final settlement may be made as speedily as possible; and there are certain facts, not controverted, which constrain me to accept this bill as the best thing attainable and as a measure which appears to conform to the principles of justice.

I find, in the first place, that the law of this case has been settled with a certain degree of authority, at least, by the Judiciary Committee of the House of Representatives, by the Attorney-General of the United States, by the Supreme Court of the United States, by the judgment of a former Secretary of the Interior, and by the equally convincing judgment of the present Secretary of the Interior, to which is added the concurrence of all the parties in interest as to the wisdom, the justice, the propriety of this, and this only, settlement of this controversy.

Mr. EUSTIS. Will the Senator allow me?

Mr. PLUMB. Certainly.

Mr. EUSTIS. Does the Senator say that this bill is recommended by the present Secretary of the Interior?

Mr. PLUMB. I so understand it. A letter to that effect was written by the Secretary of the Interior to the House Committee on Public Lands. I have had a copy of it, and its existence and terms were referred to in debate in the House. The two annual official reports of the present Secretary of the Interior contain substantially a recommendation of the passage of the bill, and its terms and conditions have been recognized by the Department as a fair settlement, by the settlers as a fair settlement, by the railroad company as something it were willing to accept, and therefore the Department has asked that there be put into shape of law that which meets with all these conditions of favor.

Mr. EDMUNDS. My friend from Kansas allows me to interrupt him long enough to say that I wish to give notice that early to-morrow I shall move that the Senate proceed to the consideration of executive business for the consideration of several topics of wide public interest that the Senators all understand

Mr. EUSTIS. Allow me to ask the Senator from Kansas, if it be correct that this grant was acquired by the Backbone Railroad Company, and the Backbone Railroad Company had the power to assign, and did assign, the grant, and that assignment was legal, why is not the title complete in the assignee?

Mr. PLUMB. That is the effect of the decisions which I have cited that the title is complete.

Mr. EUSTIS. Then why pass this act?

Mr. PLUMB. By reason of the complication which has grown up about this matter the Interior Department has expressed an unwillingness to go ahead on the view of the law which it has itself expressed, desiring to use, as it has used, its persuasive powers to procure concessions, which, having secured, it wants put into the shape of law.

The law has been declared, as I have stated, so far as the right of the railroad company is concerned, if the Secretary of the Interior and the Attorney-General are to be believed, and if the Judiciary Committee of the House of Representatives is to be believed; but for the purpose of Congress making legal that which was before only equitable at least, this bill is considered desirable.

I am not going to enter into a discussion of what is the duty of the Secretary of the Interior, but, going on with the consideration of these facts which have been conclusive so far as my action is concerned, I come to the fact that the House of Representatives, two years ago, declined to declare a forfeiture of this land grant, following thereby the decision of its Judiciary Committee—that such forfeiture could not legally be made; that at the last session of the present Congress it unanimously passed this bill, a bill which came from the Public Lands Committee of that House with a unanimous recommendation, and which on a thorough and exhaustive discussion in the House did not have cast against it—one single negative vote. Now we are confronted with the bill in this position and thus fortified.

I am not permitted to doubt the wisdom of the House of Representatives, much less its devotion to public interests; and, judging by this action of the House of Representatives, on the occasions referred to, at first refusing to forfeit, and on the next unanimously passing this bill, I am persuaded to believe that the bill is substantially right and it is this bill or nothing, and that unless the Senate passes this bill the controversy heretofore and now existing will go on, the titles in the section of country through which the road is built will remain unsettled, the improvement of the country will be retarded, and it will drift along in that chaotic condition which has been the characteristic of other matters of a similar character, notably the Des Moines River grant, until, getting worse by lapse of time, it will become harder and harder of settlement.

For the reason, therefore, that this question ought to be settled, for the reason that the House has tendered us that alone which it is willing to agree to as a settlement, for the reason that the settlement which it has tendered to us is recommended most earnestly by the Secretary of the Interior having charge of the administrative portion of this question, both in his annual message and by special letter written the House Committee on the Public Lands earnestly urging the passage of this very bill, I have given my consent to its being reported and shall vote for it. I have been advised also, on what I believe to be good authority,

that all that class of people known as settlers living within the limits of the grant are themselves entirely satisfied with this bill and desire that it be passed. I have been told also that it was made the issue in the election of the member of Congress within whose district nineteen-twentieths of all these lands lie, and upon the issue so made Mr. BLANCHARD has been re-elected three successive times with substantial unanimity to the lower House of Congress. I also note that every member of the House from Louisiana favors the passage of this bill.

Mr. EUSTIS. Will the Senator allow me to make a statement?

Mr. PLUMB. I will.

Mr. EUSTIS. I desire to state that from the parish of Saint Landry I have received a large number of protests of settlers against the passage of this bill.

Mr. GIBSON. I wish to say that I have a letter from the parish of Saint Landry from a gentleman who was a Representative in the last Congress from the district in which that parish is located, saying that the amendment which I have offered, and which I think is entirely satisfactory to the Senator from Kansas, is entirely satisfactory to the settlers in that parish.

Mr. PLUMB. I have spoken of the information which has come to me. It may or may not be correct, but it has, so far, not been impeached in substance. That there may be objections to the passage of this bill on the part of persons who have no interest in the subject-matter in controversy, I have no doubt, but I have been advised and believe that those persons who settled within the limits of this grant prior to the definite location of the road and subsequent to that period also are entirely satisfied with the settlement by which they obtain title from the railroad company—a title which this bill confirms.

I favor this bill also because it forfeits and restores to the public domain several hundred thousand acres of public land which but for the passage of this act must continue withdrawn from settlement, thus retarding the growth and development of the country and depriving many people of opportunity for obtaining homes.

If this bill be defeated it will help no settler to a home. The legal status of the land will not be affected thereby. Nor will it better things to declare a forfeiture of lands beyond our power to legally reach. It is of no advantage to the settler to tender to him something which can not lawfully be made permanent to him in the shape of title. It is no advantage to him to be invited to go upon and improve lands for a home upon the idea that they are public lands, if the courts will ultimately decide that they are not public lands and he is to be thereby dispossessed. I am in favor of giving to every man who, with proper, lawful purpose, goes upon the public lands of the United States complete and ample protection, and I would not extend upon any principle or suggestion of equity in this particular case, or in any similar one, the right of the railroad company to one single inch of this soil which it is not legally entitled to upon a strict construction of the granting statute and upon a thorough consideration of all its subsequent acts. But if it is entitled to it under the law I do not believe that it is true friendship to the settlers or to anybody else to attempt to set aside that which the courts will not permit to be done, and invite people to go upon these lands and spend their time and labor there only at some subsequent period to lose all that they have invested and be put out of possession.

Mr. President, it is worth something to have matters of this kind disposed of—to have them finally settled. These lands grow in value each day. It is of great importance to the communities in which these lands lie that they may go upon the tax-rolls and bear their proportion of the burdens of government, be the means of maintaining schools, become the subject of bargain and sale, and that they may be entered upon and improved in security; and where there is no security of title there never will be any improvement.

This controversy has extended over a number of years. It is now in a condition where it can be settled promptly. The House of Representatives has passed this bill with a unanimity which discloses, to my mind, the fact that it will accept nothing else, and I therefore believe that this is the only measure it is possible to pass which will ever settle this much-vexed question.

The Senator from Louisiana [Mr. GIBSON] has proposed an amendment which I think expresses exactly what the law is to-day. As I understand the law, the railroad company can acquire no right as against the man who has settled upon the land at the date of the definite location of the line. The only exception I should take to the amendment is that it assumes and fixes the date of location, which may or may not be correct. Leaving that out, and saying that whenever the location did take place and was actually made all persons actually living upon the land at that time and who continued in possession, either by themselves or by their heirs or assigns, should be entitled to the land, is a declaration of exactly what I believe the law to be to-day, and there can be no objection to inserting it. It is justice at all events. The bill is better for having it inserted.

Mr. GIBSON. I think it important to make that amendment, because the bill recites that said lands were "located in accordance with the map filed by said New Orleans, Baton Rouge and Vicksburg Railroad Company in the Department of the Interior." There is a letter from the Interior Department asking that that amendment be made because the line of actual construction does not accord with the map filed by the New Orleans, Baton Rouge and Vicksburg Railroad Company, and therefore it is important for the parties that the amendment should be made to the bill. But, if the Senator will permit me, the railroad itself has accepted the line of definite location as the line on which the railroad was built. That very question was submitted to the Interior Department, and I have in my hand the reply of Acting Commissioner, Harrison, dated May 22, 1883, in which the whole matter is discussed at length:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 22, 1883.

SIR: On the 19th March last, the honorable Secretary of the Interior transmitted to this office a copy of his letter of the 13th March to the President, inclosing two reports of Mr. Thomas Hassard, commissioner, on 328 miles of the New Orleans Pacific Railroad in Louisiana, and recommending that said 328 miles of road be accepted, less and inclusive of 68 miles thereof extending from New Orleans to White Castle, and that patents for such lands as may have been earned by the construction be issued to the New Orleans Pacific Railroad Company, with the President's indorsement thereon approving the recommendations.

The honorable Secretary also transmitted two maps showing the line of route of said road as constructed from New Orleans to Shreveport.

One of said maps shows three sections, comprising 130 miles of road, as follows: Sixty miles, extending from a point on the Mississippi River, opposite New Orleans, to a point near Donaldsonville; 20 miles, extending from a point in township 2 north, range 1 east, to a point in township 4 north, range 2 west, and 50 miles extending from the junction with the Texas and Pacific Railway, in Shreveport, La., to a point in township 10 north, range 12 west. This map was filed in the Department October 17, 1881.

The second map, which was filed in the Department November 7, 1882, covers such portions of said road as are not shown upon the first map.

The said maps bear the affidavits of the chief engineer and acting chief engineer, respectively (sworn to October 17, 1881, and November 11, 1882, respectively), to the effect that the sections of road shown thereon have been completed and equipped as required by law, and that the line of route shows the direct location of the road. They also bear your certificate as president of the company, to the effect that the location of the road as represented thereon is correct and has been approved by the company (date or dates of such approval not given), and that the road has been completed and equipped as required by law.

The act of March 3, 1871, twenty-second section, grants to the New Orleans, Baton Rouge and Vicksburg Railroad Company (of which the New Orleans Pacific Railway Company is the assignee), its successors and assigns, the same number of alternate sections of public lands per mile in the State of Louisiana as are by said act granted in the State of California to the Texas Pacific Railroad Company. The lands granted by said act in the State of California to the Texas Pacific Railroad Company are ten alternate sections of public land per mile, not mineral, designated by odd numbers, on each side of such line as the company may adopt, where the same shall not have been sold, reserved, or otherwise disposed of, or to which a pre-emption or homestead claim may not have attached at the time the line of said road is definitely fixed.

You will readily observe from the terms of the grant that the date of the definite location of the road is the governing date in the adjustment thereof.

As regards definite location, the usual course is for the railroad company to file, in advance of construction, a map showing the line of route of its road in connection with the lines of the public surveys, with certificates showing that such line has been adopted by the company as the definite location of the line of its road, and the date of such adoption.

The filing in and acceptance of such a map by the Department is generally held to constitute definite location. In the present case no map of definite location was filed in advance of construction.

On the 18th instant, however, the honorable Secretary of the Interior referred to this office, for consideration, your letter of the 8th instant, transmitting a map purporting to show the line of said road as definitely fixed. This map bears the affidavit of the chief engineer of the company, sworn to April 24, 1883, to the effect that the survey and actual location of the line of route of said road from White Castle to Shreveport was made between August, 1875, and December, 1880, and from New Orleans to Westmego during the month of May, 1881. It also bears your sworn certificate, dated May 7, 1883, to the effect that the line of route of said road was located by the chief engineer of the company in conformity with a resolution of the board of directors adopted on the 12th day of August, 1875, as the definite location of the road from White Castle to Shreveport, and from New Orleans to Westmego, and that the dates of the actual location are correctly shown on the map.

You ask that the dates shown on said map be recognized as the dates on which the line of the road was definitely fixed.

In the case of Van Wyck *vs.* Knevals, decided by the Supreme Court at its October term, 1882, the line of the Saint Joseph and Denver City Railroad (act July 23, 1866, 14 States., 110) was held to have been definitely fixed when, through the filing with and the acceptance of a map thereof by the Secretary of the Interior, it had ceased to be the subject of change at the will of the company. The Department has generally held that a road is definitely located when the line is so fixed that it can not thereafter be changed in any material particular without the consent of the granting power. (See Copp's L. O., vol. 1, p. 164.)

That portion of the road between New Orleans and Westmego was expressly excluded from the President's acceptance, and, therefore, the date of the definite location of such portion is of no consequence to this office. The portion between White Castle and Shreveport was surveyed and located between August, 1875, and December, 1880.

The assignment of the grant to the New Orleans Pacific Railway Company was executed January 5, 1881, and the deed of such assignment was filed in this office February 17, 1881.

It can hardly be claimed that the line of the New Orleans Pacific road was at any time between 1875 and 1880 so fixed that it could not have been changed without the consent of the granting power. The company had then no claim to the grant, nor standing before this Department, and could have changed its line at its pleasure.

The first maps showing the location of the road which were filed in the Department were the maps of constructed road, and, as actual construction is the best possible definite location, I am of the opinion that the filing of said maps should be held to be the definite location of the respective sections of road shown thereon.

This office will, therefore, in the adjustment of the grant treat the dates of the filing of said maps (October 27, 1881, and November 17, 1882) as the dates of the definite location of the road.

You will be allowed sixty days from the receipt of this letter within which to appeal to the Secretary of the Interior, should you so desire.

Very respectfully,

L. HARRISON,
Acting Commissioner.

E. B. WHEELOCK, Esq.,
President New Orleans Pacific Railway Company, New York City.

My amendment is in entire accord with the letter of the Commissioner and the action of the railroad company itself.

Mr. PLUMB. I was not going to make any objection to that, except, as I thought, by way of suggestion. I am entirely willing that this bill shall be amended, anxious that it shall be amended in every way which gives any suspicion even of actual permanent benefit to any person who can be called a settler; but, as I said before, I do not regard it as a kindness to hold out to men the expectation that they can get what it is beyond our power to obtain.

Mr. MITCHELL, of Oregon. May I ask the Senator from Kansas a question?

Mr. PLUMB. Yes, sir.

Mr. MITCHELL, of Oregon. I should like to know whether the Senator from Kansas, the chairman of the Committee on Public Lands, thinks that section 2 of this bill is necessary, in his view of the case, in order to vest the title of these lands adjacent to the road that has been completed in the New Orleans, Baton Rouge and Vicksburg Railway Company.

Mr. PLUMB. Upon that question of law I have simply followed the authority of the Attorney-General and of the Judiciary Committee of the House. My modesty as to my legal attainments does not permit me to dispute such authority. I would therefore say, following that authority, that the second section was not necessary for the purpose of vesting title in anybody, because the title had already vested, but the present Secretary of the Interior in his first annual report recommended the passage of a measure of this kind to cover the question of assignment merely. It has been, as I understand, in deference to his request that that section was adopted; that is to say, that portion which provides for the recognition of the assignment or of the title in the assignee railroad company.

Mr. MITCHELL, of Oregon. Is that a special recommendation in relation to this case in view of the peculiar facts in this case?

Mr. PLUMB. That was all, and because the question of assignment had been the most troublesome of all the matters in controversy about this grant.

Mr. President, the Senator from Florida [Mr. CALL] has had much to say about Florida railroad lands in connection with this case. I do not care to go into that, as I know he is able to take care of both sides of it. I only hope that when he gets time he will give some of his good advice to the people of his own State, and that the Legislature which has elected him, and I hope may continue to elect him to the end of time, will be admonished by him of some of the duties which they owe to the people of Florida, and that he will discharge his ammunition at a little closer range if he desires to accomplish results.

Mr. CALL. Mr. President, the Florida Legislature and the people of Florida are very well able to take care of themselves without my assistance or that of my friend from Kansas. The trouble, however, in this matter and in the matter of the Florida railroad grant is that the Interior Department undertakes to act for the Legislature of Florida and the Legislature of Louisiana. It makes grants where they have made none. It recognizes grantees where they have refused to give them power to receive grants. That is the trouble in this case. It is the trouble in the Senate of the United States. No matter what Attorney-General or what committee or what authority have otherwise declared, the Senate of the United States, charged with the protection of the people of this country, and with power to judge for themselves and arrive at correct conclusions, undertake in this case, when the Legislature of Louisiana have declared that a grantee had no authority in law, that it had no equity, that it had no right, to give away the public lands.

The Senate still pursues the lavish and wasteful and oppressive policy which has accumulated vast fortunes in individuals and imposed great poverty on the people. In defiance of the authority of these States, sovereign in that respect at least, we propose by this bill to create these grantees for the purpose of receiving these vast donations. And what are these donations of the public land, whether in Florida or in Louisiana? They are donations of the labor of the men, women, and children. They are donations of their food and clothing. They are attaching a condition to the occupancy of the public lands of the United States in defiance and derogation of its long-established policy of giving these lands to the people.

They established a condition that the right of occupation and cultivation of the soil by the people shall be subject to the authority and the permission of a few individuals at such exactions and prices as they see fit to demand, not for the purpose of constructing a highway, that can not be insisted here; not for any public policy, good or bad—that can not be pretended here; but because the road has been built, by the acknowledgment in advance of the parties to whom this bill gives it, without the faith and credit of these lands, if the facts are as stated by the Senator from Louisiana——

Mr. EUSTIS. I read a dispatch from the president of the company. I know nothing about the facts myself.

Mr. CALL. If that be so, certainly we have the authority of the president of the road in the inception of the life of this corporate body that they did not recognize the pretended rights of the New Orleans, Baton Rouge and Vicksburg Railroad corporation, and that they had the means to build the road without it. Therefore you can not say that the confirmation of this grant is for that purpose.

How idle it is for Senators to talk so much about the completion of a railroad. What right to lands grows up because of the completion of a railroad? What right under the grant grows up? What connection is there in these ideas? There is none whatever; there can be none. The completion of a road to give a right must be in pursuance of a grant, of a public policy, according to the conditions of the grant. It must be within its terms or its purposes in good faith and according to its conditions. Then it confers a right; but to say that the mere fact of the completion of a road without these antecedent circumstances and conditions required by the act of Congress confers any right or alters the proposition is only blinding and confusing the question. It is like all these arguments on the land-grant question—mere assertion without any foundation in reason. It is a revolutionary doctrine, and is rapidly overturning our Government and changing it into an aristocratic form of government.

By this grant and all such grants, Congress declared that a grant of land should be made through an unoccupied country when there was no population and no production. The object was to encourage production and population; Congress fixed the time in which that should be done in order that the railroad might develop that new country. The grantee, therefore, must comply with that condition, which is to build a road, not in the next century, nor in fifty years, but in ten years, in the time fixed by the law, in order that they might develop the new country and carry population there and increase production. The objection to this grant is that they failed to do it; that they waited until other roads, and other capital, and other instrumentalities had developed the country, and then they came in to derive a vastly increased price for this land which had been made valuable by the labor of these people.

Therefore, Mr. President, for one, while if the Senators from Louisiana want to vote a reasonable part of the public domain to the construction of necessary railways in proper localities I am not unwilling to do it, though I think in general such grants had much better not be made; yet I am not willing to continue these enormous grants of a continent which have been made under false pretenses and false constructions of law, which have been supported and made simply to enrich in marvelous and gigantic proportions a few individuals with the hard earnings of the people who, with continuous labor and in want and discomfort, extract from the soil a scanty support.

If Senators think proper to use their office here to impose these burdens on the people as the condition of occupying the land which the Government has given to them, I shall not be one of them.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Louisiana [Mr. GIBSON], which will be read.

The CHIEF CLERK. It is proposed to strike out in section 2, after the words "New Orleans," in line 9, down to and including the word "railroad," in line 12, as follows:

Baton Rouge and Vicksburg Railroad Company in the Department of the Interior, which indicates the established line of said railroad.

And to insert:

Pacific Railway Company in the Department of the Interior, October 27, 1881, and November 17, 1882, which indicate the definite location of said road: *Provided*, That all said lands occupied by actual settlers at the date of the definite location of said road and still remaining in their possession, or in the possession of their heirs or assigns, shall be held and deemed excepted from said grant, and shall be subject to entry under the public land laws of the United States.

The question being put, there were on a division—ayes 11, noes 7; not a quorum voting.

The PRESIDENT *pro tempore*. No quorum voting, the Secretary will call the roll.

Mr. MCMILLAN. Will it be in order to ask that the amendment be printed? I could not hear it, and I think members of the Senate generally have not understood it distinctly; and pending the printing of the amendment, I move that the Senate proceed to the consideration of executive business.

Mr. GIBSON. I ask for the yeas and nays on the amendment.

Mr. MCMILLAN. I submitted my motion before the Senator's call for the yeas and nays.

The PRESIDENT *pro tempore*. What is the motion of the Senator from Minnesota?

Mr. MCMILLAN. That the amendment be printed.

The PRESIDENT *pro tempore*. No order can be taken, except to adjourn, until a quorum is ascertained to be present.

Mr. BROWN. Let the amendment be read again.

The PRESIDENT *pro tempore*. It appearing that there is no quorum present, it is the duty of the Chair, under the rule, to direct that the roll of the Senate be called. The roll will be called. The amendment will be again read for information.

Mr. MCMILLAN. Let the roll be called.

Mr. HARRIS. By unanimous consent we might take the yeas and nays on agreeing to the amendment and test the presence of a quorum in that way.

The PRESIDENT *pro tempore*. Does the Senator from Tennessee call for the yeas and nays on agreeing to the amendment?

Mr. GEORGE. They have been called for.

Mr. HARRIS. The Senator from Louisiana [Mr. GIBSON] asked for the yeas and nays.

The PRESIDENT *pro tempore*. The Chair did not hear him. Is the demand for the yeas and nays seconded?

The yeas and nays were ordered.

Mr. CONGER. It has been requested that this amendment, which I understand transfers from one road to another all the provisions of the bill simply by an amendment, be printed, to be before the body for consideration to-morrow. I do not like to vote for or against a proposition which by mere amendment transfers one subject-matter to another.

The PRESIDENT *pro tempore*. If there be no objection, the Chair will direct the order for printing to be entered, a quorum not being present.

Mr. EUSTIS. What is the effect of an order to print if we go on and vote upon the amendment?

The PRESIDENT *pro tempore*. The Chair supposes it will not prevent the Senate from passing on the amendment, notwithstanding the order to print.

Mr. EUSTIS. What is the object of printing the amendment if we are to adopt it now?

Mr. McMILLAN. If the amendment is to be printed, I shall then ask that the Senate proceed to the consideration of executive business. That is the object of my request.

Mr. EUSTIS. I was expecting that; but I suggest to the Senator that it would be better to dispose of this bill to-day. I think it will take but a few minutes to pass the bill now; whereas if it goes over to come up again it may consume another day.

The PRESIDENT *pro tempore*. The Chair is of opinion that no business can proceed until it is ascertained that a quorum is present. That can be ascertained by a yea-and-nay vote on the amendment.

Mr. TELLER. Perhaps there is no desire to take a yea-and-nay vote on the bill.

The PRESIDENT *pro tempore*. The fact that there is not a quorum present is disclosed.

Mr. TELLER. Let the roll of the Senate be called, then.

The PRESIDENT *pro tempore*. There will be a call of the Senate.

Mr. BUTLER. We had better adjourn, I think.

The PRESIDENT *pro tempore*. The Secretary will call the roll of the Senate.

The Secretary called the roll; and the following Senators answered to their names:

Berry,	Eustis,	Mahone,	Sawyer,
Blackburn,	Evarts,	Manderson,	Sherman,
Brown,	Frye,	Mitchell of Oregon,	Spooner,
Butler,	George,	Mitchell of Pa.,	Stanford,
Call,	Gibson,	Morgan,	Teller,
Chace,	Gorman,	Morrill,	Voorhees,
Cheney,	Hampton,	Palmer,	Walthall,
Colquitt,	Harris,	Payne,	Whitthorne,
Conger,	Hawley,	Platt,	Williams,
Cullom,	Hoar,	Plumb,	Wilson of Iowa.
Dawes,	Ingalls,	Pugh,	
Dolph,	McMillan,	Sabin,	

The PRESIDENT *pro tempore*. Forty-six Senators having answered to their names, a quorum is present.

Mr. McMILLAN. I move that the pending amendment be printed.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves that the amendment pending be printed. If there be no objection, that order will be made.

Mr. McMILLAN. I now move that the Senate proceed to the consideration of executive business.

Mr. CULLOM. I understand that the Senators who are managing this bill are agreed that the pending amendment is all right, and if so, why not dispose of the bill at once?

Mr. GIBSON. There is no objection to the amendment at all.

Mr. CULLOM. Then let us get rid of the bill so as to get at something else.

Mr. McMILLAN. I do not know that the managers of the bill can bind the other members of the Senate. I do not propose to submit to any arrangement of that kind.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves that the Senate proceed to the consideration of executive business.

Mr. PLUMB. I trust that motion will be voted down.

The PRESIDENT *pro tempore*. The motion is not debatable. The question is on agreeing to the motion of the Senator from Minnesota.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Louisiana [Mr. GIBSON], on which the yeas and nays have been ordered.

Mr. PLUMB. I will state that, so far as I have had any chance to confer with the members of the Committee on Public Lands, there is no objection whatever to the amendment of the Senator from Louisiana.

Mr. EDMUNDS. Is that the first amendment proposed?

Mr. PLUMB. It is the amendment proposed by the Senator from Louisiana [Mr. GIBSON].

Mr. EDMUNDS. I should like to hear the amendment read.

The PRESIDENT *pro tempore*. The amendment of the Senator from Louisiana will be again read.

Mr. CONGER. I call for the reading of the bill and the amendment.

The PRESIDENT *pro tempore*. The amendment will be again read.

The CHIEF CLERK. After the words "New Orleans," in line 9 of section 2, it is proposed to strike out all down to and including the word "railroad," in line 12, as follows:

Baton Rouge and Vicksburg Railroad Company in the Department of the Interior, which indicates the established line of said railroad.

And to insert:

Pacific Railway Company in the Department of the Interior, October 27, 1881, and November 17, 1882, which indicate the definite location of said road: *Provided*, That all said lands occupied by actual settlers at the date of the definite location of said road and still remaining in their possession, or in the possession of their heirs or assigns, shall be held and deemed excepted from said grant, and shall be subject to entry under the public land laws of the United States.

Mr. PLATT. Now read the section as it will stand if amended.

The CHIEF CLERK. So as to read:

That the title of the United States and of the original grantee to the lands granted by said act of Congress of March 3, 1871, to said grantee, the New Orleans, Baton Rouge and Vicksburg Railroad Company, not herein declared forfeited, is relinquished, granted, conveyed, and confirmed to the New Orleans Pacific Railroad Company, as the assignee of the New Orleans, Baton Rouge and Vicksburg Railroad Company, said lands to be located in accordance with the map filed by said New Orleans Pacific Railway Company in the Department of the Interior October 27, 1881, and November 17, 1882, which indicate the definite location of said road: *Provided*, That all said lands occupied by actual settlers at the date of the definite location of said road, and still remaining in their possession or in the possession of their heirs or assigns, shall be held and deemed excepted from said grant, and shall be subject to entry under the public land laws of the United States.

Mr. EDMUNDS. This amendment is a land grant, and nothing else, to the alleged successor of the old grantee, of all that part of the lands which have not been described as being declared forfeited—a land grant that, according to my present information (subject to change when I am convinced), the company never earned within the just interpretation of the law. It is, besides that, the whole thing being illegal so far as I believe now, a limitation upon all the rights of settlers to the date when some ancient location, not dated but described, was filed, and all of the settlers, acting upon their legal rights since, supposing them to have been illegal before the grant, are to be left out in the cold. Therefore, I am against it.

Mr. TELLER. The Senator from Vermont is neither familiar with the bill nor with the facts. The trouble with him is that he does not know what the facts connected with this case are, neither does he understand the pending amendment.

The company claimed originally that the definite location was long anterior to the time fixed by the Department. The amendment of the Senator from Louisiana fixes the definite location just exactly as the Department fixed it, contrary to what the railroad company said. If it is in the interest of anybody it is in the interest of the settlers and not of the railroad company. The railroad company ultimately accepted the decision of the Department as finally fixing the line of definite location, with the dates fixed in the amendment.

Mr. EDMUNDS. Supposing that to be so, first, that I do not understand the bill or the subject; and, second, supposing what my friend from Colorado has said as to the time when the amendment proposes to fix the definite location, and from that time forward to cut off the rights of the settlers—supposing that all to be true, the time at which this amendment proposes to cut off the rights of the settlers is a time long since past. If this whole thing, without this proposed act of Congress, is absolutely void, as I believe it is, with great respect to my friend from Colorado, then every settler who, since the date fixed by the amendment has, according to his legal right, gone upon that public land, is to be cut out. So I say again, I am not for it.

Mr. TELLER. As to the time fixed for the definite location, it was unlike any other railroad in this country when the railroad was built. The Senator has voted here again and again against the forfeiting of land grants to railroad companies when they had built their road out of time, when the settlers' rights were determined years before they built their road. Under this provision in this case no settler's rights are touched until after the road was completed. That is the time when the Department said the line was definitely located. "The defects in your map," they said, "are of such a character that you can not go back anterior to the time when you built the road."

The Senator says he has not any doubt but what this is an illegal transaction. He has not looked at it. It is on all fours with every case that has gone to the Supreme Court. It is on all fours with innumerable cases in which the Department have without a question from anybody in the world granted patents year after year for a great many years, ever since the decision in the case of Schulenberg *vs.* Harriman, fifteen years ago at least.

I do not know upon what ground the Senator bases his statement that this is an illegal transaction. It has had the approval of the Supreme Court, not *eo nomine*, but in principle. It has had the approval of the House of Representatives, of the Judiciary Committee of the House, and of the Attorney-General of the United States. It has had the approval of this body on at least two occasions, and their title was good.

I said when I made some remarks this afternoon that in my judgment no law was necessary to give them full and complete title. They have it without this measure; but it does give to the settler something that is not given to him under the ordinary law. It will settle the question whether the settler can take, under the Robinson agreement, or whether he can not, if the railroad should see fit to fly from its contract. In that view of the case the settler may get something. It gives to the railroad company nothing in the world but what the law would give them without this legislation.

If the Senator will point out any single feature of this case that differs from the other cases for which he has voted and addressed the Senate on from time to time in favor of sustaining the decision of the Supreme Court, I shall be ready to answer him; I am ready to discuss it with him; but the Senator rises here and says, when he knows nothing about this case at all, that in his judgment it is an illegal transaction; and this act is a confirmation, he says, of land not belonging to this railroad company. It is not a confirmation at all; it is but a declaration that under the law they have the title.

It is not necessary, I repeat, in my judgment, that they should have any declaration of this kind. The unbroken line of decision gives it to them. The Senator can not make any distinction between this case and the Northern Pacific case, where they had not completed their road, save and except that this company completed it before the Northern Pacific did. If there are any equities at all, they are in favor of this company and not of the other. I recollect very well that when that question was here, as a lawyer the Senator took his position that the company having built before there was a re-entry by the Government, by all the canons of the law, by the Supreme Court decision, they could not be interfered with or disturbed. He will not say differently now as a lawyer. He will admit that that is the fact now; and he can not point to a single thing that has ever been done in this case that has not been done in the case of the Northern Pacific and other cases of the same kind which have met his approval on this floor.

Mr. EDMUNDS. If I am to take the opinion of my friend from Colorado, that I do not know anything about this business, then, of course, I should be silent; but, with great respect to him, I can not take it. I think I do know something about this business. I believe I have read the elaborate and exhaustive, and I can not say conclusive, opinion of the Department of the Interior at a time heretofore. Whether my friend was then Secretary of the Interior I do not remember, but somebody was; and I will state to him, and to everybody else, that the difference to my mind (not knowing about it, as he says) between the North Pacific instance and this is a very wide and obvious one. In the matter of the North Pacific Railroad it was a mere question of the lapse of the time which Congress had provided within which they should complete certain sections or all the sections of their line. It was the same corporation, the same enterprise, and over precisely the same line of ground.

Mr. TELLER. I beg the Senator's pardon; it was not over the same line of ground. There was a very material variation in their line of ground, more than there is in this case.

Mr. EDMUNDS. If that were so, being as ignorant then as I am now, and perhaps more so, I did not know it, and I will state at present that I do not believe it—not that I doubt my friend's opinion, but that I do not think he is right in his views, in substance.

As I remember this Backbone business (which has backbone enough to get through the House of Representatives and possibly here), it was the case of a grant to a corporation over a certain defined section of country that for years and years beyond the time limited for the building and completion of that road they never did anything about it at all of any substantial value, if they pretended to do anything. I do not remember the details.

Mr. EUSTIS. They never did anything at all.

Mr. EDMUNDS. They never did anything at all. I thought I was right about that; but under such sharp critics I want to be a little careful and tender-footed in my statements.

By and by and after this dead and buried and almost forgotten grant had gone by, and people had come in and settled one way and another, or had not, no matter what for this purpose, there came another enterprise that wanted to build a railroad in another place with other objects in view, parallel——

Mr. EUSTIS. On the other side of the river.

Mr. EDMUNDS. On the other side of the Mississippi River. I do not go into detail because I should be picked up undoubtedly as to definite information, as to whether in one section or another section, in the course of this performance. A totally different contrivance, a totally different concern, for in most respects totally different objects, proceeded to get a charter from somebody in some State or somewhere to build a railroad; and then hunting around, as hungry people do sometimes, to see what kind of bones they can pick up, which are good if they can make them boil and do not cost anything if they can not, they bought up this dead and long since defunct and forgotten franchise, grant, charter, right, whatever you call it. Then they proceeded to build their road over their line, and then by an assignment under this purchase they chose to claim that they had got the land of the United States, the land on which settlers had settled, and so on, and that they were entitled to expel these settlers and have this grant recognized by the administrative department of the Government as one lawful and which entitled them to have it.

I think, speaking with great respect, that it was the most audacious steal that I ever heard of in the United States, and that is saying a good deal. But they got a certain advantage in the Departments, or a certain recognition. However, it was found or suspected (and this bill is the consequence of it) that the Department law would not hold against the statutes of the United States and against a judicial investigation, and hence this bill.

Now, as to the amendment of the Senator from Louisiana, which helps it somewhat, the effect of that amendment is to grant, confirm to these people all of a certain part of these lands—I do not care if it is only an acre, I am not for giving them that acre—something that is valuable, something that is worth fighting for, something that is worth lobbying for; and this bill has reached a stage where under that state of things it has got through one House and is now asked to go through another. I am opposed to it.

To come back to the settler again, I respectfully submit that if you are to do it at all under this state of things, as I understand it, imperfectly as I do, and wrongly as I do I will assume, but as I understand it, which is enough for my vote—you are going to sqeeze out every settler who has come in, having a right to come in under the law as it now stands, until this bill passes, since the date that is named in the amendment. Is that right? It is right if the law has given to the present railroad corporation what it claims; it is not right if the law has not given it to it; because the railroad company, I admit, like everybody else is entitled to its legal rights, and if it has got a legal right to the disadvantage of the settler that is the misfortune of the settler. We must take care of him in some other way if we are to do anything at all about it. But if the railroad has not got a legal right, and therefore is compelled, as it now is, to ask Congress to fortify it and confirm it, then I say it is a gross outrage upon the settler and upon all other public interests to turn him out down to this day, and put in the grant to this railroad corporation.

Mr. MORGAN obtained the floor.

Mr. TELLER. The Senator from Vermont has had his opportunity now to draw a distinction——

The PRESIDENT *pro tempore*. The Senator from Alabama has been recognized. Does the Senator from Alabama yield?

Mr. MORGAN. I shall not yield for the present. I do not think the Senator from Colorado is in good humor now. I am; and I believe I will go on.

The PRESIDENT *pro tempore*. The Senator from Alabama.

Mr. MORGAN. Mr. President, the railroad company to which this grant was first made took its grant under the same terms that were applied in the case of Schulenberg *vs.* Harriman and the various cases which have succeeded that. They therefore took a vested right in the property which the United States had the right to divest by a declaration of forfeiture. That was the situation of the Baton Rouge and Vicksburg Railroad Company. That was the status of that railroad company.

That road was chartered from New Orleans to Baton Rouge, and then on up to Vicksburg on the east side of the Mississippi River. About the same time another road was chartered on the other side of the Mississippi River, also touching at Baton Rouge. The road I first mentioned that was to go up on the east side had also the right to cross the river at Baton Rouge, and to go on to Shreveport. Whether you call it a branch road or not it makes no difference, but there was a bifurcation in the route there according to its charter privileges, so that it might take one or both sides of the river at a pretty sharp angle in going out to Shreveport. That company did not do any work. It had an organization, it issued its stock and received some subscriptions and probably some payments of money into the treasury, or possibly not, but it did not do any work.

Then came along the Louisiana Pacific Railroad, I call it—that which runs up on the west side of the Mississippi River by White Castle to Baton Rouge, and from thence to Shreveport. That road was built. It was built before any proceeding of forfeiture was commenced in this case. Before the United States claimed a forfeiture at all that road was entirely completed from Shreveport to Baton Rouge. That road was alleged to have been built, and I have no doubt it was built, largely upon the consideration of a transfer of the grant made by the road that ran up on the east side of the river of its right in the public domain.

The question arose right there in my mind—this thing has been before the Committee on Public Lands for years—whether or not one of these railroad corporations could bodily transfer its grant into the hands of another railroad corporation. My opinion has been all the time that it could not do that thing, but that where the legitimate object of the original grant was accomplished by a different railroad company it rested in Congress to consent to the transfer if it chose to do so, and that no harm could be done to the country by Congress giving that consent, for the reason that the road which was in the contemplation of Con-

gress at the time the original grant was made had been built by a railroad company and upon the very same line.

I made that point and I suppose I defeated an arrangement that was proposed for the accommodation of this whole question upon that point. Following that the delegation from Louisiana in both Houses—I think it was the Forty-seventh Congress; I am sure it was—got together and after various speeches had been made, and after Mr. TUCKER'S opinion had been delivered in the House of Representatives upon the question of the right to forfeit a railroad grant after the road had been completed, the delegation from Louisiana, then in the Senate and House, came to an agreement about the matter, and the House bill to forfeit the grant was voted down under the influence of the opinion of the Judiciary Committee.

Then, when the matter came at the next session of Congress before the Committee on Public Lands, it was referred to me for consideration. I draughted the bill upon which this bill has evidently been modeled. I reported it back to the Senate, the members of the Senate at that time and also the members of the House from Louisiana having agreed among themselves that that was after all the very best disposition that could be made of the subject.

In order to get that disposition into shape, what did we have to do? Declare a forfeiture of all the land between Baton Rouge and New Orleans on the east side of the river, a forfeiture of all the land hitherto granted by the United States, if there were any granted, from White Castle to New Orleans, and ratify and confirm the grant that had been made to the New Orleans, Baton Rouge and Vicksburg Railroad Company in favor of the new corporation, the Louisiana Pacific Railroad Company, which, as I have stated, upon the assignment that had been made to it, built the road upon the very line that it was originally designed to pass upon.

That being the state of facts, here was the opinion of the Attorney-General, here was the opinion also of the Interior Department, and not barely its opinion, but action taken from time to time in the issue of patents to this railroad company, that branch of the Government, the executive branch with full judicial power, had made a decision of this question and had proceeded to execute it by the issue of patents. What then remained for Congress to do? Nothing but to execute the agreement, the consent which had been entered into between the members of the different Houses on either side. Of course, that bound nobody, but it was a rational settlement, a reasonable arrangement. Hence it is that this bill has its peculiar features.

In order to remove the objection that I made first against the power of one corporation bodily to transfer its grant into the hands of another, Congress makes the grant operate in favor of the present road, the Louisiana Pacific road, just precisely as if it had been the original party mentioned in the act. I further took the ground that that could not be done without the consent of the company and without its consenting to those obligations which these land-grant roads must put themselves under as a part of the terms of the grant. Hence that feature in the bill which requires that before this law shall take effect the New Orleans Pacific Railroad Company shall file its consent in the Department of the Interior accepting these terms with all the engagements and obligations that were imposed in the original grant upon the company from New Orleans by Baton Rouge to Vicksburg, and from New Orleans by Baton Rouge also to Shreveport. That company, therefore, is required to file its consent and its acceptance of all the duties and obligations imposed in that charter.

The next consideration was for the settlers—what were their rights as determined by the Interior Department, as determined in the case I have just quoted of Schulenberg *vs.* Harriman? What were their rights? They had not any rights at all to the odd-numbered sections of land within the railroad grant. The lands had not been exposed to market; they could not be entered; they could not be bought from the Government of the United States. Nevertheless this railroad company had entered into an agreement, which is found in the records of Congress and to which this bill relates by terms, called the Blanchard-Robinson agreement. They had entered into an agreement in favor of the settlers, that they were to buy the land from the railroad company at the price of two and a half dollars an acre, as I remember, that being the price fixed by the Government of the United States on the sale of land within the limits of a railroad grant, and recognizing the rights of these persons to buy the land upon which they had settled at that price. So it says in this bill that the object of the bill is to carry into effect, ratify, and confirm the Blanchard agreement; but the bill superadds to that the provision that these settlers shall have the right of homestead settlement upon these lands down to the point of time, not when the map of final location was made, but down to the point of time when this railroad was actually completed. That enlarges the rights of the settlers very much, and that was one of the terms, I have no doubt, that brought the Representatives in the other House and the Senators from Louisiana to an agreement about this matter, for, after all, the great debate on the question was, of course, as to what should be done with the settlers. The Senator from Louisiana [Mr. GIBSON] proposes, as I understand, still further to enlarge by his amendment the rights of the settlers. He thinks, perhaps, we had cut them a little too close in the form of this bill, and I have no objection to his amendment, nor do I hear of any other member of the Committee on Public Lands who objects to it.

That is the case. I shall not debate it or argue it further than just to say this: We can refuse to pass any bill and invite in another class of lawyers not mentioned by my honorable friend on my right [Mr. EUSTIS], that is, those lawyers who are all the time hunting up cases to fill the dockets of the courts with litigation, and you will have a batch of them, you will have a great harvest of litigation in Louisiana. Refuse to pass this bill, to compose this difficulty according to the agreement, the honorable agreement of members of both Houses as reported to us, and by which our action was largely shaped, and you turn loose bedlam in Louisiana for the lawyers. They will make a good deal out it. I am one of them myself, and like them, but I do not like them to speculate on the misfortunes of the people, and above all things I do not like them to have an opportunity to speculate on the negligence or the indifference of Congress to its public duty.

Mr. EUSTIS. Allow me to suggest that under my amendment the title of every settler who has purchased from this corporation is confirmed, so that there can be no litigation so far as those settlers are concerned.

Mr. MORGAN. I do not see how the Senator from Louisiana can consent for a moment to offer an amendment to a bill which he thinks is founded in fraud, based upon iniquity, which cures nothing in the world of the corruption that he insists existed in this transaction from the beginning, and which, as I understood his argument, ought to be overturned entirely for the mere corruptness of the thing. There may be a great deal of corruption about the bill. I am inclined to look at things in that light from certain quarters of this country that there may be corrupt interference with general public national laws and State laws, too; but when you come to the power of this tribunal to compose difficulties and stop litigation and to settle the people in their rights of homestead, we have got to take a broader view of the matter and look at it in the light of the decisions of our Supreme Court and the policy advocated by the different Departments of this Government.

Here are two Secretaries, following each other, the honorable Senator who had the floor a few moments ago [Mr. TELLER], and Mr. Lamar, both recommending the adoption of this as a settlement of the question. I consider that that ought to have a good deal of weight with the Senate. The House of Representatives, as has been remarked by my friend, the chairman of the committee, has passed the bill unanimously. It was reported in the Senate from this committee long before the other House took it up; a year ago it was reported here. The House took the bill, modeled it upon the very plan that we suggested, and that was the result of this universal understanding; and the House passed the bill unanimously and sends it to us. I can not conceive that this bill gives rise at all to any fair opportunity of criticising gentlemen who have been connected with its passage or its recommendation upon the ground that they belong to a class of lawyers who favor railroad grants. I have not seen any lawyers of that kind in this body, except those lawyers who are influenced by a sincere respect for the law and for justice, and those lawyers who have got the manhood and the courage, for it requires a little of both nowadays, to give to a railroad company its exact rights under the Constitution and laws of this land.

I had the honor to submit a report to this body in which I wholly dissented from the idea of this having been a valid transfer from one corporation to another, and I insisted then that if the bill forfeiting the land, which the House of Representatives voted down as I have already stated, should pass this body it should be accompanied with a requirement on the part of the Attorney-General of the United States that he should go into court and file a bill to compose all of these difficulties, and let one suit decide the whole question.

That has been always my insistance in regard to this matter and will be as long as I have an opportunity, because in doing so I think I can keep down an enormous growth of litigation in regard to these matters. I believe the best thing the Senate can do is to pass this bill and compose these difficulties, and we overcome in this bill the only legal difficulty there ever was in it, which Congress has a perfect right to overcome, by consenting now that that grant shall operate in favor of this railroad company just as it operated in favor of the original railroad company before the transfer was made. I have been informed that gentlemen have put up their money upon this transfer, and it has cost some individuals $150,000 in money to get the arrangement made.

I do not know whether that is so or not, but that information has come to me. If, however, there was not a dollar of consideration paid for it, the purpose of the law in making the original grant has been accomplished in the building of that railroad, and the people have got the benefit of it; and whether it has been executed in literal compliance with the terms of the statute or not, the grand, equitable project which Congress intended to execute in the granting of this charter in the first instance has been accomplished, and I am satisfied.

Mr. TELLER. Mr. President, the Senator from Vermont [Mr. EDMUNDS], who could draw a very wide distinction between this case and that of the Northern Pacific, drew the very great distinction that there was a longer time between the period this company received its charter

and the time the Northern Pacific Company received its charter. There he is in error on a question of fact. If a longer time had elapsed, will any lawyer say it makes any difference whether the time is two years or one year, provided there has been no re-entry? The fact is that this case is on all fours with all other cases which have been sustained by the Senate and by the courts. There is no difference.

Any intimation that there has been anything improper in the Department in connection with it is a gratuity on the part of the Senator from Vermont. The Secretary of the Interior found himself with an opinion of an Attorney-General that under the law and under his oath he was bound to accept as an adjudication between that company and the Government of the United States. Such was the unbroken line of decisions as to the character of an Attorney-General's opinion, unless the Executive himself should override it. The Executive, however, approved the finding of the Attorney-General instead of disapproving of it.

The honorable Senator from Alabama [Mr. MORGAN], says he does not think a legal transfer could be made. The Secretary of the Interior not only had the decision of the Attorney-General, who was his associate in the Cabinet, but he had the opinion, as I stated before, of Mr. Stanberry, of Ohio, and I do not believe there is a man in public life to-day who will not admit that Mr. Stanberry seldom had his peer in the history of lawyers in this country.

Every acre of the great grant given to the Hannibal and Saint Joe Railroad is held to-day under a title derived exactly as this was derived; every acre of the 47,000,000 acres now claimed by the Northern Pacific is held by virtue of an assignment that does not differ in law from this assignment, an assignment through a mortgage. This is an assignment direct.

Will any lawyer stand here and tell me and tell the country and stultify himself by saying that he who can assign by a mortgage may not assign by direct proceeding, that he who can put the title out of himself by mortgage can not put it out by a direct sale? As a question of law nobody will dispute it. When the Senator from Vermont says there is any difference between this case and the case of the Northern Pacific Company I repeat it here on the floor of the Senate, with a knowledge of this case and a knowledge of the Northern Pacific history, and I will not yield to him or any other man, that the facts will not support him in the assertion.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment proposed by the Senator from Louisiana [Mr. GIBSON], upon which the yeas and nays have been ordered.

Mr. TELLER. I think that call might as well be withdrawn.

Mr. GIBSON. I withdraw the call now.

Mr. TELLER. There seems to be no opposition to it.

The PRESIDENT *pro tempore*. If there be unanimous consent the call may be withdrawn. The Chair hears no objection. The question is on the amendment.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The next amendment of the Senator from Louisiana [Mr. GIBSON] will be reported.

The CHIEF CLERK. It is proposed in section 3, line 7, after the word "and," to strike out the words "fully discharged" and to insert in lieu thereof the words "agreed to discharge;" so as to read:

SEC. 3. That the relinquishment of the lands and the confirmation of the grant provided for in the second section of this act are made and shall take effect whenever the Secretary of the Interior is notified that said New Orleans Pacific Railroad Company, through the action of a majority of its stockholders, has accepted the provisions of this act, and is satisfied that said company has accepted and agreed to discharge all the duties and obligations imposed upon the New Orleans, Baton Rouge and Vicksburg Railroad Company by the act of March 3, 1871, entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes."

The amendment was agreed to.

The PRESIDENT *pro tempore*. The next amendment of the Senator from Louisiana [Mr. GIBSON] will be reported.

The CHIEF CLERK. In section 6, line 5, after the word "the" and before the word "fourth" it is proposed to insert the words "second, third;" so as to make the section read:

SEC. 6. That the patents for the lands conveyed herein that have already been issued to said company be, and the same are hereby, confirmed; but the Secretary of the Interior is hereby fully authorized and instructed to apply the provisions of the second, third, fourth, and fifth sections of this act to any of said lands that have been so patented, and to protect any and all settlers on said lands in all their rights under the said Blanchard-Robinson agreement.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The next amendment of the Senator from Louisiana [Mr. GIBSON] will be reported.

The CHIEF CLERK. It is proposed in line 8 of the same section to strike out the words "Blanchard-Robinson agreement," and to insert in lieu thereof the words "sections of this act;" so as to read:

And to protect any and all settlers on said lands in all their rights under the said sections of this act.

The amendment was agreed to.

The PRESIDENT *pro tempore*. Now the question recurs on the amendment proposed by the Senator from Louisiana [Mr. EUSTIS] as a substitute for the bill.

Mr. EUSTIS. I call for the yeas and nays on that.

The yeas and nays were ordered.

Mr. TELLER. Let the amendment be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause, and to insert:

That the lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company by the act entitled, "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes," approved March 3, 1871, be, and they are hereby, declared forfeited, and the lands covered thereby shall be considered and treated in all respects the same as if such grant had never been made: *Provided*, That any title to said lands acquired by purchase from any railroad company by any *bona fide* settler is hereby confirmed to said purchaser.

The Secretary proceeded to call the roll.

Mr. CHACE (when Mr. ALDRICH'S name was called). My colleague [Mr. ALDRICH] is paired with the Senator fron Delaware [Mr. GRAY].

Mr. BERRY (when his name was called). On this question I am paired with the Senator from Colorado [Mr. BOWEN]. If he were present I should vote "yea."

Mr. DAWES (when his name was called). I am paired with the Senator from Texas [Mr. MAXEY]. I do not see his colleague in the Chamber, and I do not know how he would vote. I withhold my vote.

Mr. GRAY (when his name was called). I am paired with the Senator from Rhode Island [Mr. ALDRICH].

Mr. FRYE (when Mr. HALE'S name was called). My colleague [Mr. HALE] is busy in the Committee on Appropriations and is paired with the Senator from Kentucky [Mr. BECK].

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES] is paired with the Senator from Indiana [Mr. HARRISON].

Mr. TELLER (when his name was called). On this vote I am paired with the Senator from Vermont [Mr. EDMUNDS]. If he were present he would vote "yea," and I should note "nay."

The roll-call was concluded.

Mr. TELLER. I will exchange, with the consent of the Senator from Arkansas [Mr. BERRY], the pair of the Senator from Vermont [Mr. EDMUNDS] with the Senator from Colorado [Mr. BOWEN], and the Senator from Arkansas can then vote and so can I.

Mr. BERRY. I vote "yea."

Mr. BECK. I desire to announce that I am paired with the Senator from Maine [Mr. HALE].

The result was announced—yeas 11, nays 35; as follows:

YEAS—11.

Berry,	Cockrell,	George,	Voorhees,
Blackburn,	Coke,	Vance,	Whitthorne,
Call,	Eustis,	Vest,	

NAYS—35.

Allison,	Frye,	Manderson,	Sabin,
Blair,	Gibson,	Mitchell of Oreg.,	Sawyer,
Brown,	Gorman,	Morgan,	Sherman,
Chace,	Hampton,	Morrill,	Spooner,
Cheney,	Harris,	Palmer,	Teller,
Colquitt,	Hawley,	Payne,	Walthall,
Conger,	Hoar,	Platt,	Williams,
Cullom,	Ingalls,	Plumb,	Wilson of Iowa,
Dolph,	Mahone,	Pugh,	

ABSENT—29.

Aldrich,	Evarts,	Kenna,	Saulsbury,
Beck,	Fair,	McMillan,	Sewell,
Bowen,	Gray,	McPherson,	Stanford,
Butler,	Hale,	Maxey,	Van Wyck,
Camden,	Harrison,	Miller,	Wilson of Md.
Cameron,	Jones of Arkansas,	Mitchell of Pa.,	
Dawes,	Jones of Florida,	Ransom,	
Edmunds,	Jones of Nevada,	Riddleberger,	

So the amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PLUMB. I move that the Senate insist on its amendments to this bill and ask a conference with the House of Representatives thereon.

The motion was agreed to.

CONSTITUTIONAL CENTENNIAL CELEBRATION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Select Committee on the Centennial of the Constitution and Discovery of America, and ordered to be printed.

To the Senate and House of Representatives:

As a matter of national interest, and one solely within the discretion and control of Congress, I transmit the accompanying memorial of the executive committee of the subconstitutional centennial commission, proposing to celebrate on the 17th of September, in the city of Philadelphia, as the day upon which, and the place where, the convention that framed the Federal Constitution concluded their labors, and submitted the results for ratification to the thirteen States then composing the United States.

The epoch was one of the deepest interest, and the events well worthy of commemoration.

I am aware that as each State acted independently in giving its adhesion to the new Constitution, the dates and anniversaries of their several ratifications are

not coincident. Some action looking to a national expression in relation to the celebration of the close of the first century of popular government under a written Constitution has already been suggested, and while stating the great interest I share in the renewed examination by the American people of the historical foundations of their Government, I do not feel warranted in discriminating in favor of or against the propositions to select one day or place in preference to all others, and therefore content myself with conveying to Congress these expressions of popular feeling and interest upon the subject, hoping that in a spirit of patriotic co-operation, rather than of local competition, fitting measures may be enacted by Congress which will give the amplest opportunity all over these United States for the manifestation of the affection and confidence of a free and mighty nation in the institutions of a Government of which they are the fortunate inheritors, and under which unexampled prosperity has been enjoyed by all classes and conditions in our social system.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January, 18, 1887.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. Res. 170) authorizing an investigation of the books, accounts, and methods of Pacific railroads which have received aid from the United States; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 807), granting pensions to soldiers and sailors of the Mexican war; and it was thereupon signed by the President *pro tempore*.

PETITIONS AND MEMORIALS.

Mr. CULLOM. I ask leave, out of order, to present a large number of petitions of soldiers now in the Army which were forwarded to my late colleague [Mr. LOGAN] just before his death, praying for the passage of the bill to amend the act of February 25, 1885, to authorize a retired-list for privates and non-commissioned officers of the Army. I move that the petitions be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. EVARTS. I present a petition numerously signed by my constituents in New York city, merchants and other business men, praying for the repeal of the internal taxes. I move its reference to the Committee on Finance.

The motion was agreed to.

REPORT OF A COMMITTEE.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 3106) granting a pension to Milton Teeter, reported it without amendment, and submitted a report thereon.

PUBLIC BUILDING AT WILMINGTON, N. C.

Mr. MAHONE. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 229) to provide for the erection of a public building at Wilmington, N. C., and the amendments of the House of Representatives thereto, to report a disagreement to the amendments of the other House, and ask for a committee of conference.

The PRESIDENT *pro tempore*. The Senator from Virginia moves that the Senate disagree to the amendments of the House of Representatives, and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. MAHONE, Mr. VEST, and Mr. RANSOM were appointed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred as indicated below:

The bill (H. R. 1261) for the relief of Henry A. Paus, to the Committee on Military Affairs;

The bill (H. R. 9868) for the relief of O. F. Adams, to the Committee on Claims; and

The bill (H. R. 10457) for the relief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support, to the Committee on Pensions.

The joint resolution (H. Res. 170) authorizing an investigation of the books, accounts, and methods of Pacific railroads which have received aid from the United States—to the Committee on the Judiciary.

W. D. HAVELY.

Mr. SAWYER. I ask unanimous consent to take up the bill (H. R. 7616) for the relief of W. D. Havely, which was inadvertently passed over yesterday in the consideration of pension bills.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension-roll the name of W. D. Havely, father of Robert M. Havely, late of Company C, Fifteenth Regiment of West Virginia Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 3169) granting a pension to Anna Mertz, as widow of Charles A. Mertz, late a private in Company K, Sixty-second Illinois Volunteers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MAHONE introduced a bill (S. 3170) to authorize the Secretary of War to exchange guns with the R. E. Lee Volunteer Battery, of Pefersburg, Va.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WHITTHORNE introduced a bill (S. 3171) to authorize the Quartermaster-General to settle the claims of the trustees, directors, or other representatives of religious, charitable, and educational institutions for the use or occupancy by the Army of the United States of property belonging to them, upon the justice of said claims; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3172) for the relief of the estate of Andrew I. Duncan, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULLOM introduced a joint resolution (S. R. 95) relating to the title of the United States in the "lake front," at Chicago, Ill.; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENT TO A BILL.

Mr. COCKRELL substituted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING BILLS.

Mr. MAHONE. If there be no objection I shall ask the Senate in the morning, after we get through with the morning business, to take up certain public building bills and dispose of them. Most of them are House bills, and it is necessary that they should be disposed of in order that the Committee on Appropriations may make suitable provision on their account.

AGRICULTURAL EXPERIMENT-STATIONS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business of yesterday, which is the bill (S. 372) to establish agricultural experiment-stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto.

Mr. MORRILL. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 19, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 18, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. CRISP, by unanimous consent, the reading of so much of the Journal of the proceedings of yesterday as related to the introduction of bills and resolutions was dispensed with. The remainder of the Journal was read and approved.

Mr. KING appeared, and took his seat.

LIGHT-HOUSE, CRAB TREE LEDGE, MAINE.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Light-House Board, relative to an appropriation for a light-house at Crab Tree Ledge, Maine; which was referred to the Committee on Appropriations.

INDIAN DEPREDATIONS.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Interior, transmitting the papers in the Indian depredation claim of Cyrenus Beers, William Robinson, and Solomon Vail; which was referred to the Committee on Indian Affairs.

LEAVE OF ABSENCE.

Mr. JACKSON, by unanimous consent, obtained leave of absence for one week on account of sickness.

LEAVE TO PRINT.

Mr. HEMPHILL, by unanimous consent, obtained leave to have printed in document form the petition of the Guardian League, of the city of Washington, D. C.

ARMY APPROPRIATION BILL.

The SPEAKER also laid before the House the bill (H. R. 10242) making appropriations for the support of the Army for the fiscal year ending June 30, 1888, and for other purposes, with the Senate amendments thereto. The amendments were ordered to be printed, and the bill and amendments were referred to the Committee on Military Affairs.

PENSION APPROPRIATION BILL.

The SPEAKER also laid before the House the bill (H. R. 10397) making appropriations for the payment of invalid and other pensions of the

United States for the fiscal year ending June 30, 1888, and for other purposes, with the amendments of the Senate thereto; which was referred to the Committee on Appropriations.

PUBLIC BUILDING, INDIANAPOLIS.

Mr. BYNUM. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 569) appropriating $45,000 for the improvement of the post-office building in the city of Indianapolis, and that the bill be now put upon its passage.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read.

The SPEAKER. Is there objection?

Mr. LIBBEY. Regular order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed, without amendment, bills of the following titles:

A bill (H. R. 356) granting a pension to Lucinda Barrett;
A bill (H. R. 429) granting a pension to Harry McElhinny;
A bill (H. R. 927) granting a pension to Cudbert Stone;
A bill (H. R. 929) granting a pension to G. W. Fraley;
A bill (H. R. 1860) granting a pension to Frederick Robertson;
A bill (H. R. 4103) granting a pension to M. S. Clay;
A bill (H. R. 4265) granting a pension to Josiah Mahoney;
A bill (H. R. 5599) granting a pension to Joshua L. Morris;
A bill (H. R. 5894) for the relief of Elon A. Marsh and Minard Lafever;
A bill (H. R. 6132) granting a pension to William Lynch;
A bill (H. R. 6314) to increase the pension of James Carlin;
A bill (H. R. 6443) granting a pension to Alexander Falconer;
A bill (H. R. 6817) granting a pension to Thomas Brown;
A bill (H. R. 6819) granting a pension to William Conner;
A bill (H. R. 6825) granting a pension to James R. Baylor;
A bill (H. R. 6832) granting a pension to Mrs. Catharine Sattler;
A bill (H. R. 7540) to increase the pension of Franklin Sweet;
A bill (H. R. 7696) for the relief of George W. Robaugh;
A bill (H. R. 7698) granting a pension to Robert K. Bennett;
A bill (H. R. 7796) granting a pension to James Long;
A bill (H. R. 8159) granting a pension to Jesse Campbell;
A bill (H. R. 8180) to increase the pension of Charles Hahneman;
A bill (H. R. 8280) granting a pension to John Patton;
A bill (H. R. 8310) granting a pension to Cyra L. Weston;
A bill (H. R. 8474) granting a pension to James McGlen;
A bill (H. R. 8623) granting a pension to Mary E. Hedrick;
A bill (H. R. 8827) granting a pension to John Buchanan;
A bill (H. R. 8830) granting a pension to Aaron Garis;
A bill (H. R. 8834) granting a pension to Abraham P. Griggs;
A bill (H. R. 8835) granting a pension to Jacob Case;
A bill (H. R. 8836) granting a pension to John Miller;
A bill (H. R. 9129) granting a pension to Rebecca Wiswell; and
A bill (H. R. 9167) granting a pension to Joseph F. Kirkhart.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2216) for the relief of Mrs. Elizabeth Rice;
A bill (S. 2252) granting a pension to Susan A. Duncan;
A bill (S. 2293) granting a pension to Hannah C. De Witt;
A bill (S. 2486) granting a pension to John Spruce;
A bill (S. 2532) for the relief of Mary H. Casler;
A bill (S. 2687) granting a pension to William B. Barnes;
A bill (S. 2884) granting a pension to Mrs. Anna Etheridge Hooks; and
A bill (S. 2997) granting a pension to Mrs. M. E. Woods.

LEAVE OF ABSENCE.

Mr. ST. MARTIN, by unanimous consent, obtained indefinite leave of absence on account of severe illness.

LANDS IN SEVERALTY TO INDIANS.

Mr. SKINNER submitted the report of the committee of conference on the bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes.

The report was read.

Mr. HOLMAN addressed the Chair.

The SPEAKER. The rules require that the managers on the part of the House should submit with the report a statement showing the effect of the amendments agreed upon by the conferees.

Mr. SKINNER. I shall be glad to make any explanation that the gentleman from Indiana [Mr. HOLMAN] may desire.

Mr. HOLMAN. This is one of the most important measures upon which this House can undertake to act; and I trust that my friend from North Carolina will not object to having the report published in the RECORD, and action on the question postponed until to-morrow morning.

Mr. SKINNER. I do not object to that.

The SPEAKER. If there be no objection, the conference report will lie over for the present, and, together with the statement of the House conferees, will be published in the RECORD.

There was no objection. The documents referred to are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 54) "to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 2, 4, 5, 6, 8, 10, 12, 13, 14, 15, 16, 17, 18, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: Strike out the said amendment of the House, and insert in lieu thereof the following, namely:

"That in all cases where any tribe or band of Indians has been, or shall hereafter be, located upon any reservation created for their use, either by treaty stipulation or by virtue of an act of Congress or executive order setting apart the same for their use, the President of the United States be, and he hereby is, authorized, whenever in his opinion any reservation or any part thereof of such Indians is advantageous for agricultural and grazing purposes, to cause said reservation, or any part thereof, to be surveyed, or resurveyed if necessary, and to allot the lands in said reservation in severalty to any Indian located thereon, in quantities as follows:

"To each head of a family, one-quarter of a section;

"To each single person over eighteen years of age, one-eighth of a section;

"To each orphan child under eighteen years of age, one-eighth section; and

"To each other single person under eighteen years now living, or who may be born prior to the date of the order of the President directing an allotment of the lands embraced in any reservation, one-sixteenth of a section: *Provided*, That in case there is not sufficient land in any of said reservations to allot lands to each individual of the classes above named in quantities as above provided, the lands embraced in such reservation or reservations shall be allotted to each individual of each of said classes pro rata in accordance with the provisions of this act: *And provided further*, That where the treaty or act of Congress setting apart such reservation provides for the allotment of lands in severalty in quantities in excess of those herein provided, the President, in making allotments upon such reservation, shall allot the lands to each individual Indian belonging thereon in quantity as specified in such treaty or act: *And provided further*, That when the lands allotted are only valuable for grazing purposes, an additional allotment of such grazing lands, in quantities as above provided, shall be made to each individual."

And that the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows, namely: Strike out the word "two" in said amendment and insert in lieu thereof the word "four;" and that the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 7, and agree to the same with an amendment as follows, namely: Insert after the word "may" and before the word "in" in said amendment, the words "in any case;" and that the House agree to the same.

That the Senate recede from its disgreement to the amendment of the House numbered 9, and agree to the same with an amendment as follows, namely: Add to said amendment the following words:

"*And provided further*, That no patents shall issue therefor except to the person so taking the same as and for a homestead, or his heirs, and after the expiration of five years' occupancy thereof as such homestead; and any conveyance of said lands so taken as a homestead, or any contract touching the same, or lien thereon, created prior to the date of such patent, shall be null and void."

And that the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 10, and agree to the same with an amendment as follows, namely: Insert in place of the words to be stricken out by said amendment, the following words:

"And the sums agreed to be paid by the United States as purchase-money for any portion of any such reservation shall be held in the Treasury of the United States for the sole use of the tribe or tribes of Indians to whom such reservations belonged, and the same, with interest thereon at 3 per cent. per annum, shall be at all times subject to appropriation by Congress for the education and civilization of such tribe or tribes of Indians or the members thereof."

And that the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 19, and agree to the same with an amendment as follows, namely: Strike out the words proposed to be inserted by said amendment, and insert instead thereof the following:

"SEC. 11. That nothing in this act shall be so construed as to prevent the removal of the Southern Ute Indians from their present reservations in Southwestern Colorado to a new reservation by and with the consent of a majority of the adult male members of said tribe."

And that the House agree to the same.

T. G. SKINNER,
S. W. PEEL,
B. W. PERKINS,
Managers on the part of the House.

H. L. DAWES,
THOS. M. BOWEN,
J. K. JONES,
Managers on the part of the Senate.

The House conferees on the disagreeing votes between the two Houses on the bill of the Senate (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes, make the following detailed statement of the changes made by the committee of conference:

The changes from the bill as it passed the House, made by the conference report, are to House amendments numbered 1, 3, 7, 9, 10, and 19.

Amendment 1 authorized the Secretary of the Interior to have lands alloted to Indians in severalty "upon their application."

The conference report authorizes the allotments to be made by the President of the United States, without any application, whenever in his opinion any reservation or any part thereof is advantageous for agricultural or grazing purposes.

Amendment 3 provided that if any one entitled to allotment shall fail to make selection within two years after the President shall direct that allotment may be made on a particular reservation, that then a selection shall be made for said Indians.

The conference report extends this time to four years.

Amendment 7 allowed the President of the United States, in his discretion, to extend the period in which the lands alloted to individual Indians should be held in trust by the United States. The conference report only inserts the words "in any case," so as to require the President to extend this period only in special cases.

Amendment 9 provides that lands sold or released to the United States under this bill shall be held for the sole purpose of securing homes for actual settlers. The conference report only makes this purpose more explicit by requiring an actual residence upon the homestead by the settler or his heirs for five years before a patent shall issue.

As to amendment 10 the conference report requires that the sums agreed to be paid by the United States as purchase-money for lands acquired under the provisions of this bill to be held by the Treasury of the United States for the sole use of the tribe or tribes to whom such reservations belonged; and that the sum shall, with interest at 3 per cent. per annum, be at all times subject to appropriation by Congress for the education and civilization of such tribe or tribes of Indians or the members thereof.

This last change the managers on the part of the House did not deem important; but amendment 19 was as follows:

"SEC. 11. That nothing in this act shall be construed as authorizing the Secretary of the Interior to abolish any reservation until the consent of a majority of the male members twenty-one years of age shall be first had and obtained."

The conference report strikes this amendment out, and in place of it enacts that this act shall not prevent the removal of the Southern Ute Indians from their present reservation in Southern Colorado with the consent of a majority of the adult male members of said tribe.

POST-OFFICE AT INDIANAPOLIS, IND.

Mr. LIBBEY. I withdraw the demand for the regular order which I made a few moments ago when the request of the gentleman from Indiana [Mr. BYNUM] was pending.

The SPEAKER. The call for the regular order is withdrawn. The gentleman from Indiana [Mr. BYNUM] asks unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill which will be read, and that it be now put on its passage.

The Clerk read the bill (H. R. 569) appropriating $45,000 for the improvement of the post-office building in the city of Indianapolis, Ind.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. COWLES. I object, and call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

BRIDGE ACROSS RED RIVER OF THE NORTH.

Mr. CRISP, from the Committee on Commerce, reported back with amendments the bill (H. R. 10295) authorizing the construction of a bridge across the Red River of the North; which was referred to the House Calendar, and the accompanying report ordered to be printed.

LIGHT-HOUSES.

Mr. CLARDY, from the Committee on Commerce, reported back with amendment the bill (H. R 10151) providing for the establishment of certain light-houses, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

AIDS TO NAVIGATION OF THE MISSISSIPPI.

Mr. IRION, from the Committee on Commerce, reported back, with a recommendation that the amendments of the Senate be concurred in, the bill (H. R. 7633) establishing additional aids to navigation at the mouth of the Mississippi River; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

ORGANIZATION OF POST-OFFICE DEPARTMENT.

Mr. WARNER, of Ohio, from the Committee on the Post-Office and Post-Roads, reported back favorably the bill (H. R. 10326) to authorize certain changes in the organization of the Post-Office Department; which was referred to the House Calendar, and the accompanying report ordered to be printed.

GOVERNMENT OF INDIANS.

Mr. HAILEY, from the Committee on Indian Affairs, reported back favorably the bill (S. 1100) to amend the ninth section of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes," approved March 30, 1885; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

JAMESTOWN AND NORTHERN RAILROAD COMPANY.

Mr. HAILEY, from the Committee on Indian Affairs, also reported back favorably the bill (S. 1057) granting the right of way to the Jamestown and Northern Railroad Company through the Devil's Lake Indian reservation, in the Territory of Dakota; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN FLETCHER.

Mr. STORM, from the Committee on Indian Affairs, reported back favorably the bill (S. 130) for the relief of John Fletcher; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

The bill (H. R. 565) for the relief of John Fletcher was, by unanimous consent, laid on the table.

PUBLIC BUILDING, FREMONT, NEBRASKA.

Mr. OWEN, from the Committee on Public Buildings and Grounds, reported back a bill (H. R. 3123) for the erection of a Government building at Fremont, Nebr.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

BUILDING FOR CHIEF SIGNAL OFFICER OF THE ARMY.

Mr. WILKINS, from the Committee on Public Buildings and Grounds, also reported back a bill (H. R. 10600) for the purchase of a site, including the building thereon, also for the erection of the necessary store-house, for the use of the office of the Chief Signal Officer of the Army, at the city of Washington, D. C.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

INCREASED PENSION FOR LOSS OF BOTH ARMS.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back with amendments a bill (H. R. 10132) to allow soldiers and sailors in the United States service who have lost both arms an increased pension; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

REMOVAL OF DISABILITY.

Mr. MATSON, from the Committee on Invalid Pensions, reported back the bill (H. R. 10789) to amend an act entitled "An act amending the pension law so as to remove the disability of those who, having participated in the rebellion, have since its termination enlisted in the Army of the United States and become disabled," approved March 3, 1877; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ISAIAH G. MAYO.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back with amendment a bill (H. R. 10512) granting a pension to Isaiah G. Mayo; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

R. L. MUNSON.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with amendment a bill (H. R. 8891) granting a pension to R. L. Munson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid upon the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6467) granting a pension to Fred O. Graffam;
A bill (H. R. 9199) granting a pension to George Henderson;
A bill (H. R. 3448) for the relief of Joseph E. Purington;
A bill (H. R. 6468) granting a pension to Josiah C. Baker;
A bill (H. R. 9016) granting a pension to Augustus Bradbury;
A bill (H. R. 8410) granting a pension to William G. Martin;
A bill (H. R. 9015) granting a pension to William O. McDonald; and
A bill (H. R. 8409) granting a pension to Mrs. Aldana B. Monroe.

CHANGE OF REFERENCE.

On motion of Mr. PINDAR the Committee on Invalid Pensions was discharged from the further consideration of a bill (H. R. 8929) granting a pension to Caroline A. Groshon, and the same was referred to the Committee on Pensions.

LAWRENCE O'CONNER

Mr. CONGER, from the Committee on Invalid Pensions, reported back a bill (H. R. 10262) granting a pension to Lawrence O'Conner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PENSIONS GRANTED BY SPECIAL ACT.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back a bill (H. R. 10482) relating to pensions granted by special act of Congress; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

FREDERICK DIERKING.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back a bill (H. R. 8818) granting a pension to Frederick Dierking; which was referred to the Committee of the Whole House on the private Calendar, and, with the accompanying report, ordered to be Printed.

CAROLINE L. SHEDD.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back a bill (H. R. 10104) granting a pension to Caroline L.

Shedd; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MOSES PARROTT.

Mr. SCOTT, from the Committee on Pensions, reported back a bill (H. R. 4672) granting a pension to Moses Parrott; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHEROKEE CLAIM.

Mr. LANHAM, from the Committee on Claims, reported back a bill (S. 2292) to provide for the settlement of a certain Cherokee claim under the treaty of February 14, 1883; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ERSKINE S. ALLIN.

Mr. GALLINGER, from the Committee on Claims, reported back a bill (S. 1359) for the relief of the heirs of Erskine S. Allin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STATE WAR CLAIMS.

Mr. GEDDES, from the Committee on War Claims, reported back a bill (S. 309) to settle and adjust the claims of any State for expenses incurred by it in defense of the United States; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

T. J. EDWARDS.

Mr. GEDDES, from the Committee on War Claims, also reported back a bill (H. R. 5060) for the relief of T. J. Edwards, administrator of David Edwards, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of committees. If there be no objection, the Chair will recognize gentlemen who were not in their seats when their committees were called.

There was no objection.

NORTH AMERICAN FISHERIES.

Mr. BELMONT, from the Committee on Foreign Affairs, reported back favorably the bill (H. R. 10241) for the appointment of a commission to investigate concerning losses and injuries inflicted since December 31, 1885, on United States citizens engaged in the North American fisheries; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

REPORT OF VISITORS TO MILITARY ACADEMY.

Mr. VIELE, from the Committee on Military Affairs, reported back the report of the Board of Visitors to the Military Academy, with recommendation that 5,000 copies be printed and bound; that the Committee on Military Affairs be discharged from its further consideration, and that the same be referred to the Committee on Printing.

There was no objection, and it was so ordered.

JUDICIAL TITLES TO LAND.

Mr. CULBERSON, from the Committee on the Judiciary, reported back favorably the bill (H. R. 10409) to annul certain titles to land acquired by judicial proceedings in the courts of the United States in Texas, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

GENERAL TWIGGS'S SWORDS.

Mr. CUTCHEON, from the Committee on Military Affairs, reported, as a substitute for House joint resolution 134, a joint resolution (H. Res. 241) authorizing the President to return the Twiggs swords; which was read a first and second time, and, with the accompanying report, referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

The joint resolution No. 134 was ordered to be laid upon the table.

MRS. CARRIE E. HOPKINS.

Mr. NEAL, from the Committee on Claims, reported back favorably the bill (H. R. 10552) for the relief of Mrs. Carrie E. Hopkins, widow of Rev. Moses Hopkins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AARON FRIEDHEIM.

Mr. SPRINGER, from the Committee on Claims, reported back favorably the bill (H. R. 10653) to pay Aaron Friedheim the rebate due him under the act of March 3, 1883; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BENJAMIN WILKES.

Mr. TUCKER, by unanimous consent, introduced a bill (H. R. 10791) providing for the adjudication of the claim of Benjamin Wilkes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM STAHLER.

Mr. LE FEVRE, by unanimous consent, introduced a bill (H. R. 10792) granting a pension to William Stahler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PACIFIC RAILROADS INVESTIGATION.

The SPEAKER. The hour for consideration begins at fifteen minutes before 1 o'clock. The call rests with the Committee on Pacific Railroads.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the joint resolution (H. Res. 170), and complete the consideration of the same in the House.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. ANDERSON, of Kansas. Will the gentleman allow an amendment?

Mr. HOLMAN. If it is open to amendment I shall have no objection. I wish to submit one.

Mr. RICHARDSON. I have no objection to gentlemen submitting amendments. Are there others than those proposed by the gentleman from Kansas and the gentleman from Indiana?

Mr. HENLEY. I shall ask to submit an amendment at the proper time.

Mr. RICHARDSON. The only objection I could urge against agreeing to permit so many amendments is the length of time that will probably be required to discuss them.

Mr. SPRINGER. I do not think it will take very long.

Mr. HENLEY. I want to offer an amendment.

Mr. RICHARDSON. I shall not object.

Mr. REED. What is the proposition pending?

The SPEAKER. It is the consideration of the resolution proposing an investigation into the subsidized railroad companies, which was under consideration on Saturday in the House. Is there objection to the request of the gentleman from Tennessee?

Mr. REED. What is the proposition?

The SPEAKER. To discharge the Committee of the Whole from the further consideration of the resolution in the hour under the call, and consider it in the House.

Mr. REED. Then we do not have any consideration of it. That will be the result.

Mr. ANDERSON, of Kansas. They agree to give an opportunity to offer amendments.

The SPEAKER. Without objection that order will be made.

There was no objection, and it was so ordered.

The SPEAKER. The gentleman from Tennessee has occupied twenty-nine minutes of his time.

Mr. RICHARDSON. I yield three minutes to the gentleman from Kansas [Mr. ANDERSON].

Mr. ANDERSON, of Kansas. I desire to offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Insert after line 28:

"And also whether any dividends have been unlawfully paid on the capital stock of any of said companies; whether any new stock has been issued or any guarantees or pledges made without authority of law, and to investigate and report all the facts relating to a pretended consolidation of the Union Pacific Railroad Company, the Kansas Pacific Railway Company, and Denver Pacific Railway Company into an alleged corporation known as the Union Pacific Railway Company."

The SPEAKER. This seems to be an amendment to the amendment proposed by the gentleman from Georgia [Mr. CRISP]. That also is a proposition to insert certain words after the twenty-eighth line.

Mr. ANDERSON, of Kansas. But has the amendment of the gentleman from Georgia yet been really offered? Notice, I understood, only was given of it.

The SPEAKER. The Chair understood that the amendment of the gentleman from Georgia was offered in Committee of the Whole.

Mr. SPRINGER. I understand those amendments are not necessarily parts of each other.

The SPEAKER. They are not, but if the amendment of the gentleman from Kansas is not an amendment to that of the gentleman from Georgia it is not in order at this time.

Mr. SPRINGER. It will be in order after the question is put on the amendment of the gentleman from Georgia.

The SPEAKER. The amendment of the gentleman from Kansas would then be in order; or it is in order now as an amendment to the amendment of the gentleman from Georgia. The Clerk will read the amendment of the gentleman from Georgia.

The Clerk read as follows:

Amend in line 28, after the word "use," by inserting "and also to inquire and report as to the kind, character, and amount of the assets of such of said companies as received aid from the Government in bonds; and what assets of

each company are now subject to the lien of the Government, and the value thereof."

The SPEAKER. The amendment of the gentleman from Kansas provides for a still further inquiry, and would be in order as an amendment to this.

Mr. ANDERSON, of Kansas. I so offer it, and I desire simply to say this, that I think there will be no objection to this amendment for the reason that what it proposes is that the facts shall be ascertained and reported respecting a consolidation of the Union Pacific and these other companies mentioned, and the legal aspect of that it is proposed to submit to the Attorney-General. This amendment proposes that the facts as to the issue of stock and all that be ascertained.

I desire to say further that the State of Kansas by *quo warranto* proceedings some time ago proposed to test the matter of this consolidation, and this amendment is looking to an interest which the State I in part represent has in this whole question. As all parties seem agreed that this investigation shall be had, I hope the amendment will be agreed to.

Mr. RICHARDSON. I yield now two minutes to the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. Mr. Speaker, in May last the Committee on Pacific Railroads reported favorably the joint resolution which is now before us. I have submitted an amendment, which has just been reported by the Clerk, enlarging somewhat the scope of the commission to be appointed under the joint resolution. It is very important to know, and this commission can easily ascertain, the exact amount of property that is now owned by the subsidized Pacific railroads that is subject to the lien of the Government, and the value of it. That is the purpose of the amendment which I have offered.

As to the amendment of the gentleman from Kansas [Mr. ANDERSON], I have only this suggestion to make. I have no choice about the matter except this, and I make this suggestion for the consideration of the House. The duties of the commission to be appointed by the Secretary of the Interior under this resolution and under the amendment submitted by myself are purely of a business and mathematical character—to ascertain the amount of the property and the value of the property. The duties of the commission under the amendment offered by the gentleman from Kansas would be to ascertain a legal question.

Mr. ANDERSON, of Kansas. Oh, no.

Mr. CRISP. I so understand it.

Mr. ANDERSON, of Kansas. Their duty under my amendment would be to ascertain all the facts in regard to the consolidation and as to the amount of stock.

Mr. CRISP. The objection I have to the gentleman's amendment, and the only objection I see to it, is that we want this commission of experts to ascertain facts and figures; and as I understand the amendment of the gentleman from Kansas it proposes to obtain from the same commission a legal opinion as to what is the status of a particular company.

Mr. ANDERSON, of Kansas. I think the gentleman is mistaken in that impression. The amendment reads:

Whether any new stock has been issued or any guarantees or pledges made without authority of law——

Mr. CRISP. That is right.

Mr. ANDERSON, of Kansas—

and to investigate and report all the facts relating to a pretended consolidation—

of the companies named.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. RICHARDSON. I yield him another minute.

Mr. CRISP. What I was referring to was what I read in the RECORD.

Mr. ANDERSON, of Kansas. That is another resolution.

Mr. CRISP. I may have misapprehended the gentleman's amendment. I was referring to what was introduced the other day and printed in the RECORD.

Mr. ANDERSON, of Kansas. There was an amendment and there was a resolution of inquiry. It is the latter to which the gentleman refers.

Mr. CRISP. And that is not now pending?

Mr. ANDERSON, of Kansas. No, sir.

Mr. CRISP. Then I have nothing further to say.

Mr. RICHARDSON. I now yield five minutes to the gentleman from Indiana [Mr. HOLMAN].

Mr. SPRINGER. Had not we better vote on these two amendments?

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON] still occupies the floor.

Mr. HOLMAN. I suggest that the amendments submitted may be regarded as pending.

The SPEAKER. They are. They are in order; but while they are pending no further amendments will be in order.

Mr. HOLMAN. I ask unanimous consent that the amendments may be sent up and be considered as pending.

Mr. RICHARDSON. I have no objection to that.

The SPEAKER. The amendments may be sent up, but they will not be read for the present, because this hour is devoted to debate, and the gentleman from Tennessee [Mr. RICHARDSON] has the floor. Gentlemen can send their amendments to the Clerk to be read at the proper time.

Mr. RICHARDSON. I agree to that, Mr. Speaker, only as to certain amendments, the amendments of the gentleman from California [Mr. HENLEY], the gentleman from Indiana [Mr. HOLMAN], and the gentleman from Iowa [Mr. WEAVER].

The SPEAKER. Then those amendments may be sent up.

Mr. HOLMAN. I offer an amendment, which I send to the desk.

The amendment was read, as follows:

After the word "use" in the 28th line insert "and whether any of the Pacific railroad corporations which obtained bonds of the United States to aid in the construction of their railroads have expended any of their money or other assets in the construction, or to aid in the construction, of other railroads, or invested any of their money or other assets in the stocks or bonds of other railroad corporations. If any such expenditure or investments have been made, the extent and character thereof made by each of said corporations shall be inquired into, and also the present interest of any of said corporations in the railroads auxiliary to their respective railroads."

Mr. HOLMAN withholds his remarks for revision. [See Appendix.]

Mr. HENLEY. I send to the desk an amendment which I ask to have read. The time is so limited there is no opportunity to debate this amendment. I will only remark that I think it a very necessary provision, and hope it will be adopted.

The Clerk read the amendment of Mr. HENLEY, as follows:

Amend section 1 by inserting after the word "much," in line 52:

"And whether any dividends have been illegally declared by the directors of said companies, and if so, to what extent; and whether the amount of such illegal dividends may not be recovered from the directors unlawfully declaring the same."

Mr. HEPBURN. I wish to ask the gentleman from Tennessee [Mr. RICHARDSON] whether this resolution will confer any power not already possessed by the Commissioner of Railroads under the third section of the act of 1878. Cannot that commissioner, under the authority he now has, secure any and all information called for by this resolution?

Mr. RICHARDSON. I now yield five minutes to the gentleman from Massachusetts [Mr. HAYDEN].

A MEMBER (to Mr. RICHARDSON). You have not answered the gentleman from Iowa [Mr. HEPBURN].

Mr. HAYDEN. I will partially answer the gentleman from Iowa by saying that I think under the statute he has mentioned an investigation could be had by the Interior Department without the passage of this resolution. But, representing in some measure the Union Pacific Railroad and Mr. Adams in this matter, I desire to say to the Committee on Pacific Railroads and to members of the House that Mr. Adams has expressed a desire to have an investigation of all these matters embraced in the bill and amendments—an investigation of everything in relation to the Pacific railroads. I desire, in evidence of this statement, to call attention to a letter which Mr. Adams has addressed to the gentleman from Texas [Mr. THROCKMORTON], the chairman of the Committee on Pacific Railroads. That letter, which appears in the Washington Post of this morning, I will not, owing to my scanty time, read now, but will take the liberty of printing in the RECORD.

I see by the papers that the House of Representatives is now considering the expediency of an investigation into the past history and money transactions of the Pacific railroads, as a preliminary to any final adjustment of the financial relations between those companies and the Government. It has also been asserted that the companies will strive to avoid such an investigation.

I do not want the position of the Union Pacific upon this point to be misunderstood. While as a matter of business expediency the company is most anxious to reach a final settlement with the Government, it does not fear any investigation of its affairs which may be ordered. It will do nothing to prevent or avoid one.

During the last fifteen years the Union Pacific Railway Company has been more frequently and thoroughly investigated than any other business corporation on earth. Committees of Congress have reported on it; Secretaries of the Interior and railroad commissioners have investigated its accounts; successive boards of Government directors have taken part in its management and scrutinized its every act; its books and records have been analyzed by the Department of Justice and Court of Claims. So far as I have been able to discover, there is nothing connected with its affairs or its history which Congress and the country do not know, or can not learn from the printed record.

If, under these circumstances, further investigation is deemed necessary, the present management will facilitate that investigation by all means in its power. Those connected with it only ask that any investigation had may be entrusted to men of character, standing, and intelligence, to the end that it may put a stop forever to those vague and scandalous assertions which are now made the pretext for further delays, affording infinite possibilities for stock manipulation. The interests of thousands of persons and whole regions of country thus become the football of any schemer or gambler who has access to the columns of some journal willing to increase its circulation by setting forth forgotten scandals of ancient history as new and startling discoveries.

What the Union Pacific, as a business corporation, does object to is, that delay which will keep it and its securities in position to be bandied to and fro between Wall street and Washington, the prey of intriguers and speculators.

The Government of the United States is by far the largest creditor of the Union Pacific, which, as a debtor at once willing and able to pay in full if dealt with on recognized principles, thinks it not unfair to ask its principal creditor not to let itself be used by competitors and stock jobbers as an instrument with which to injure the business resources and impair the credit of the debtor from whom payment of the last penny is still to be exacted.

I respectfully, but confidently, submit that to allow itself to be so used is neither justice, nor business, nor fair play.

In regard to this investigation of the Pacific railroads I wish to give

a little of the history of this resolution originally introduced by the gentleman from California [Mr. HENLEY]. The resolution was introduced for the purpose of obstructing any legislation on the extension bill then before the House or likely to come before the House. I will read for information——

Mr. HENLEY. Mr. Speaker——

Mr. HAYDEN. The gentleman will please not interrupt me at present.

Mr. HENLEY. The gentleman makes a statement which is incorrect; that is all.

Mr. HAYDEN. I desire to state a little history in relation to this investigation.

A man by the name of Reddington, who was a clerk in the railroad commissioner's office and who is now a resident of Washington, appeared at the offices of the Union Pacific Railroad Company in Boston on the 18th of January, 1886. But I will read:

On the 18th of January following, Mr. Reddington, the newly appointed chief expert in railroad accounts in the office of the commissioner, appeared at the offices of the company in Boston, and presented a letter of instructions, which he subsequently stated—with an emphasis which seemed to indicate that he deemed the fact of importance, and wished it clearly understood—he had himself drawn up. The letter of instructions was as follows:

WASHINGTON, D. C., *January* 14, 1886.

I desire to have this letter printed.

Mr. HENLEY. Mr. Speaker, can that be done except by unanimous consent?

The SPEAKER. It can not.

Mr. HENLEY. Then I object, unless I am permitted by the House to reply to the observations of the gentlemen from Massachusetts after he is through.

Mr. BAYNE. I hope the gentleman will not object. I do not think it was dishonorable at all for the gentleman to seek to defeat that funding bill.

Mr. HENLEY. But the gentleman does not understand——

Mr. HAYDEN. I claim my time.

The SPEAKER. The gentleman from Massachusetts declines to yield.

Mr. HAYDEN. I will read, at any rate, the last paragraph of this letter:

You are strictly enjoined to preserve in absolute secrecy all information obtained and report in writing upon your return. You will be assisted in this service by Mr. Thomas J. Walker, who will accompany you.

I remain, very truly yours,

J. E. JOHNSTON, *Commissioner.*

The report goes on:

At a meeting held on the following day the executive committee of the board of directors appointed a subcommittee to aid Mr. Reddington in the investigations referred to. Every facility was afforded him. The examination was finished on the 26th of January, and Mr. Reddington left the office of the company professing himself much gratified at the way he had been received, and entirely satisfied with the results of his visit. He further announced that as soon as he reached Washington, which would be in the course of a few days, orders would be received from the Interior Department forbidding any further payments on the part of the Union Pacific Railway Company to the Pacific Mail Steamship Company under existing contracts. Mr. Reddington also confidently predicted a rapid fall in the market value of the stock of the Pacific Mail Steamship Company.

Now what I wish to state is, that everything that has been done in relation to the obstruction of the consideration of the extension bill has been done through and inspired by this man. It has been a stock-jobbing operation from the beginning to the end. He examined the accounts of the Union Pacific Railroad. When he went there, he said he did not believe they had the securities which they said they had. He went to Boston, and stated there that he never had any idea he should see the bonds and stocks of this company. But, as he called them off from the return as made by the railroad company, they were produced, and he examined them, and every item was correct. This is a partial reply to something which has been said this morning in relation to an amendment which has been introduced here.

Now, on the 8th of March——

[Here the hammer fell.]

The SPEAKER. The gentleman's time has expired.

Mr. RICHARDSON. I now demand the previous question.

Mr. LONG. O, no; let my colleague go on.

Mr. HAYDEN. Only two minutes longer.

Mr. RICHARDSON. I have but a few minutes left.

Mr. HAYDEN. I beg the gentleman not to forget he told me he would give me ten minutes.

Mr. RICHARDSON. How much more time does the gentleman desire?

Mr. HAYDEN. You promised me an additional five minutes.

Mr. OUTHWAITE. I move that the gentleman from Massachusetts be granted an additional three minutes.

Mr. RICHARDSON. How much time have I left?

The SPEAKER. The gentleman has six minutes.

Mr. HENLEY. If the gentleman from Massachusetts is allowed to proceed for five minutes longer, and I am allowed five minutes in which to reply, I shall have no objection. The gentleman from Massachusetts has stated in plain words members of the House on the Pacific Railroad extension bill are inspired on this floor by some lobbyist. He saw fit to arraign myself.

Mr. STEELE. I object.

The SPEAKER. Does the gentleman from California object?

Mr. HENLEY. I object unless I have three minutes to reply.

Mr. HAYDEN. We will give you five minutes?

Mr. HENLEY. That is satisfactory.

Mr. HAYDEN. I am very sorry I can not go into this matter in detail. But let me go on.

The SPEAKER. Gentlemen object. [Cries of "Oh, no!"] The Chair so understood.

Mr. RICHARDSON. I am willing to yield for two minutes longer to the gentleman from Massachusetts.

The SPEAKER. The gentleman from Massachusetts will proceed.

Mr. HAYDEN. I pass from this Readington episode and come to the present time. When it appeared that this extension bill was likely to be considered by this Congress there appeared in the public prints, and have appeared in the public prints since last April, charges against the gentleman from Georgia and other members of the committee. At one time the gentleman from Georgia [Mr. CRISP], who has been active in this committee, has been charged in the public prints of New York with being Mr. Huntington's man. Every man on this committee has been charged with doing what is wicked and corrupt. Now, then, we ask, in consideration of the charges, that this extension bill and the amendment of the gentleman from Illinois [Mr. SPRINGER] as presented shall be considered by the House, and that we shall not be branded as having been corrupt in the Pacific Railroad Committee.

[Here the hammer fell.]

Mr. RICHARDSON. I hope the questions involved in the extension will not be brought up on this matter. I demand the previous question. We have but little time left, and I hope we will vote as rapidly as we can on the amendments as they come up.

Mr. HENLEY. I ask, by unanimous consent, for two minutes.

Mr. ANDERSON, of Kansas. Take it after we pass the bill.

The SPEAKER. The gentleman from California asks to speak for two minutes.

Mr. SPRINGER. I hope, by unanimous consent, the time will be allowed to the gentleman, not to be taken out of this hour.

Mr. HENLEY. I think I am entitled to be heard after what has been said on this floor this morning.

The SPEAKER. The gentleman asks for two minutes. Is there objection?

Mr. SPRINGER. Not to be taken out of the hour.

Mr. ANDERSON, of Kansas. That is only fair.

There was no objection.

Mr. HENLEY. Mr. Speaker, the gentleman from Massachusetts [Mr. HAYDEN] has made an allegation here that I think, on cooler reflection, he will not be disposed to stand to, and that is that every person on this floor, including the distinguished gentleman from Indiana [Mr. HOLMAN] and the gentleman from Illinois [Mr. SPRINGER] and all others who, in the discharge of their duty, see fit to antagonize this Pacific extension bill, were inspired to do so—that was the language of the gentleman from Massachusetts—by stock jobbers.

Mr. HAYDEN. And I stick to it.

Mr. HENLEY. He says he sticks to it. The man who says, so far as I am concerned, I was inspired by any stock jobbers, I can not reply to on this floor, because if I did my words would have to be taken down, and I prefer to keep myself within the limits of parliamentary decorum. I might make retort on the gentleman from Massachusetts, who seems, in the estimation of some of the newspapers, to have signalized himself on this floor as a defender and upholder of the outrages and wrongs charged against the Union Pacific Railroad management.

I do not make that charge myself; but I do say that it has been alleged in the newspapers of the country.

So far, Mr. Speaker, as the gentleman seeks to introduce charges or allegations, culled from newspapers, against the gentleman from Georgia, I wish to say that I have never seen anything of that sort myself, and it would not have given me any concern if I had. I say further, that by every means on the face of the earth, honorable and parliamentary, we upon the other side intend to defeat, if we can, this Pacific extension funding bill, to whose interest the gentleman seems so much devoted.

[Here the hammer fell.]

Mr. HANBACK. I desire to ask the gentleman a question.

The SPEAKER. The time of the gentleman from California has expired.

Mr. HANBACK. I merely wish to ask, in the line of the gentleman's remarks, how he expects to secure the indebtedness of these roads to the Government?

Mr. HENLEY. Not by giving them additional millions and millions of dollars, as I think that bill does.

Mr. SPRINGER. We want the railroads to pay their debts, not the Government. The extension bill appears to me to permit the roads to get rid of their debts without paying them.

Mr. HENLEY. That is it.

Mr. HAYDEN. Mr. Speaker, I stated a few minutes ago, and stick to it, that the inspiration of this resolution came from people who were nterested in stock-jobbing. If the gentleman who has just spoken is innocent in taking it up and carrying it on I have no charge against him. I gave the sources of my information; but when the gentleman says that I accuse the honorable gentleman from Indiana with being engaged in stock-jobbing, I can only reply that the gentleman from California knows better than to attribute such a thing to me.

Mr. HENLEY. Your explanation puts a very different face upon it now.

Mr. HAYDEN. I decline to be interrupted. I wish to say to the gentleman from California that the sole object of the opposition is for the purpose of defeating the consideration of a bill which will put money into the Treasury of the United States. I do not know what grievances he has. I know nothing of the matter in that light; but I do know that it has been a constant thing for him, in season and out of season, to make charges against Mr. Charles Francis Adams, which, I say without hesitation, are entirely without foundation; and that is the position I take here now; for I am glad, Mr. Speaker, to be able to stand up on this floor in defense of an honorable gentleman who is not able to defend himself from such charges.

I am in favor of an extension bill such as that proposed because I believe it is good business judgment to do so. Some sort of settlement should be made with these companies, and I am glad to stand here to protect the interests of the United States against these stock-jobbers in railroad corporations. That is my position.

[Here the hammer fell.]

The SPEAKER. The question is upon the demand of the gentleman from Tennessee for the previous question.

The House divided, and there were—ayes 95, noes, 10.

So the previous question was ordered.

The SPEAKER. The first question is on agreeing to the amendment proposed by the gentleman from Kansas [Mr. ANDERSON] to the amendment of the gentleman from Georgia [Mr. CRISP.]

Mr. SPRINGER. I believe there is no opposition to any of these amendments?

Mr. RICHARDSON. No, sir.

The SPEAKER. Is a separate vote demanded upon any of the amendments?

Mr. RICHARDSON. I hope the vote will be taken upon all of them together.

Mr. PETTIBONE. I demand a separate vote upon each amendment.

Mr. LONG. Can we not have the first amendment read on which a vote is to be taken?

The SPEAKER. The first amendment is the amendment proposed by the gentleman from Kansas to the amendment of the gentleman from Georgia.

Mr. GROSVENOR. I do not think the question is clearly understood, and ask that the amendment be again reported.

The amendment proposed by Mr. ANDERSON, of Kansas, was again read.

The amendment was agreed to.

The amendment of Mr. CRISP as amended was read and agreed to.

Mr. RICHARDSON. I believe objection is withdrawn to taking a vote on the remaining amendments.

Mr. LONG. I ask for the reading of the amendments.

The SPEAKER. The amendments will be read.

The amendment proposed by Mr. HENLEY was again read, and agreed to.

The amendment proposed by Mr. WEAVER, of Iowa, was again read, and agreed to.

The amendment proposed by Mr. HOLMAN was again read, and agreed to.

The joint resolution, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICHARDSON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The Committee on Levees and Improvements of the Mississippi River and the Committee on Education were called.

The Committee on Labor was called.

CONSIDERATION OF THE EDUCATION BILL.

Mr. DANIEL. I am authorized and instructed by the Committee on Labor to call up the House resolution fixing the 19th of January for the consideration of the education bill.

The Clerk read the original resolution, as follows:

Resolved, That Thursday, the 10th day of June, 1886, be set apart for the consideration of House bill 7266, entitled "A bill to aid in the establishment and temporary support of common schools," which was referred to the Committee on Labor and reported with amendments; and that its consideration be continued from day to day until finally disposed of; and that said bill be considered in the House as in the Committee of the Whole.

If the consideration of said bill be displaced, then the next day not previously set apart shall be devoted to its consideration, and so on, until the same shall be disposed of.

The Clerk read the substitute proposed by the Committee on Labor, as follows:

Resolved, That Wednesday, January 19, 1887, be set apart for the consideration of House bill 7266, entitled "A bill to aid in the establishment and temporary support of common schools," which was referred to the Committee on Labor and reported with amendments; and that its consideration be continued from day to day until finally disposed of; and that said bill be considered in the House as in the Committee of the Whole.

If the consideration of said bill be displaced, then the next day not previously set apart shall be devoted to its consideration, and so on, until the same shall be disposed of.

Mr. HOLMAN. I make the point of order that as this resolution involves a change of rules it must lie over for one day.

The SPEAKER. The resolution was reported from the committee some time ago.

Mr. HOLMAN. Has that ever been held to be notice under the rule?

The SPEAKER. The Chair does not recollect where notice has been given otherwise than by the introduction and reference of a resolution.

Mr. SPRINGER. I desire to make this point of order: This bill must have its first consideration in the Committee of the Whole House on the state of the Union, and that requirement can not be changed except in the ordinary mode of changing the rules.

This is not a proposition to postpone the consideration of a bill to a day certain, but it is a proposition to take it out of the Committee of the Whole House on the state of the Union, where it goes under the rules and can be considered under the rules, and to bring it to the House for consideration there, to the exclusion of all other business.

I have never known a special order coming from a committee which proposed to change the rules so as to permit the consideration in the House of a measure of this importance. This is a departure from all the precedents, and as the resolution involves a change of the rules it should go first to the Committee on Rules, and be there considered and reported. The time to report it is in the morning hour of Monday, when amendments to the rules are in order for reference to the Committee on Rules.

Under the rules this bill can be called up for consideration at this time; and then the gentleman who represents the committee can move to postpone it to a day certain when it would have the same status as it has now. At present we are under the operation of an order which allows one hour for the consideration of bills reported from a committee; but this resolution gives it not only the hour, but gives all the rest of the session to complete this bill, not in Committee of the Whole House on the state of the Union, but in the House, where the previous question can be ordered, and all debate and amendments cut off.

Mr. DANIEL. I move to amend the resolution——

The SPEAKER. But the gentleman from Illinois makes the point of order, and that must first be decided. It is a very common practice in the House to set apart a day for the consideration of a particular bill; and even if the resolution for that purpose did not by its terms take the bill out of the Committee of the Whole House on the state of the Union and bring it into the House, it has always been decided that the effect of making a bill a special order was to take it out of the Committee of the Whole and bring it into the House for consideration under the rules of the House. This resolution, however, modifies that and provides the bill shall be considered in the House as in Committee of the Whole, which enlarges the liberty of debate and amendment. The Chair thinks the gentleman from Virginia is in order in calling up the resolution in this hour.

Mr. DANIEL. I move to amend by striking out "Wednesday, January 19," and inserting "Saturday, January 29;" and upon the resolution and amendment I demand the previous question.

Mr. DINGLEY. Will the gentleman permit me to ask him to modify the resolution so as to make the assignment after the hour for the consideration of bills? Many members would vote for the resolution who can not vote for it unless the morning hour is given to the consideration of bills.

Mr. PETTIBONE. That is right.

Mr. DANIEL. I am willing to accept that suggestion, and to make the resolution read "after the morning hour."

Mr. WEAVER, of Iowa. Does that require unanimous consent, the previous question having been demanded?

The SPEAKER. The previous question has not been ordered, and no action has been taken by the House upon the resolution.

Mr. DANIEL. I now ask the previous question.

Mr. McMILLIN. We have a right to know what the amendment is. It has not yet been reported from the Clerk's desk.

The Clerk read as follows:

Strike out "Wednesday, January 19," and insert "Saturday, January 29;" and after "1887" insert the words "after the morning hour for the consideration of bills."

The SPEAKER. The gentleman from Virginia demands the previous question.

Mr. SPRINGER. Pending that, I move to lay the resolution on the table; and upon that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 76, nays 166, not voting 76; as follows:

YEAS—76.

Adams, J. J.	Geddes,	Matson,	Stewart, Charles
Anderson, C. M.	Gibson, C. H.	McAdoo,	Stone, W. J., Ky.
Belmont,	Hale,	McMillan,	Stone, W. J., Mo.
Bland,	Hall,	Merriman,	Storm,
Blount,	Halsell,	Miller,	Swope,
Bragg,	Hatch,	Mills,	Tilman,
Bynum,	Heard,	Murphy,	Townshend,
Campbell, T. J.	Hiestand,	Oates,	Turner,
Carleton,	Hill,	Outhwaite,	Van Eaton,
Clardy,	Howard,	Randall,	Viele,
Crain,	Hudd,	Richardson,	Ward, J. H.
Dargan,	Hutton,	Riggs,	Ward, T. B.
Dawson,	Jones, J. H.	Robertson,	Warner, A. J.
Dockery,	Kleiner,	Sayres,	Weaver, J. B.
Eden,	Laffoon,	Scott,	Wellborn,
Eldredge,	Landes,	Seney,	White, Milo
Ellsberry,	Lanham,	Seymour,	Wilkins,
Ford,	Le Fevre,	Sowden,	Winans,
Frederick,	Lowry,	Springer,	Worthington.

NAYS—166.

Adams, G. E.	Davenport,	Jones, J. T.	Reed,
Allen, C. H.	Davidson, R. H. M.	Ketcham,	Rockwell,
Allen, J. M.	Davis,	La Follette,	Rogers,
Anderson, J. A.	Dibble,	Lawler,	Romeis,
Atkinson,	Dingley,	Lehlbach,	Rowell,
Baker,	Dorsey,	Libbey,	Rusk,
Ballentine,	Dougherty,	Lindsley,	Ryan,
Barbour,	Dunham,	Little,	Sadler,
Barksdale,	Dunn,	Long,	Sawyer,
Barnes,	Ely,	Loutitt,	Scranton,
Bayne,	Evans,	Lovering,	Sessions,
Bennett,	Everhart,	Lyman,	Shaw,
Blanchard,	Farquhar,	Markham,	Singleton,
Bound,	Findlay,	Martin,	Skinner,
Boutelle,	Fleeger,	McCreary,	Spooner,
Breckinridge, C. R.	Fuller,	McKenna,	Steele,
Breckinridge, W. C. P.	Funston,	McKinley,	Stone, E. F.
Brown, C. E.	Gallinger,	McRae,	Struble,
Brown, W. W.	Gay,	Millard,	Tarsney,
Brumm,	Glass,	Milliken,	Taulbee,
Buck,	Goff,	Moffat,	Taylor, E. B.
Bunnell,	Green,	Morrill,	Taylor, I. H.
Burnes,	Grosvenor,	Morrison,	Taylor, J. M.
Burrows,	Grout,	Morrow,	Taylor, Zach.
Butterworth,	Guenther,	Muller,	Thomas, J. R.
Cabell,	Hammond,	Neal,	Thomas, O. B.
Caldwell,	Harris,	Negley,	Thompson,
Campbell, J. E.	Hayden,	Nelson,	Van Shaick,
Campbell, J. M.	Haynes,	Norwood,	Wade,
Cannon,	Hemphill,	O'Donnell,	Wait,
Caswell,	Henderson, D. B.	O'Ferrall,	Wakefield,
Catchings,	Henderson, J. S.	O'Neil, Charles	Wallace,
Clements,	Henley,	O'Neil, J. J.	Warner, William
Conger,	Hepburn,	Osborne,	Weber,
Cooper,	Herbert,	Parker,	Wheeler,
Cowles,	Hermann,	Peel,	White, A. C.
Cox, W. R.	Holmes,	Perkins,	Willis,
Crisp,	Hopkins,	Perry,	Wise,
Croxton,	Irion,	Peters,	Wolford,
Culberson,	Johnson, F. A.	Pettibone,	Woodburn.
Cutcheon,	Johnston, J. T.	Pirce,	
Daniel,	Johnston, T. D.	Plumb,	

NOT VOTING—76.

Aiken,	Ermentrout,	King,	Rice,
Bacon,	Felton,	Laird,	Smalls,
Barry,	Fisher,	Lore,	Snyder,
Bingham,	Foran,	Mahoney,	Spriggs,
Bliss,	Forney,	Maybury,	Stahlnecker,
Boyle,	Gibson, Eustace	McComas,	Stephenson,
Brady,	Gilfillan,	Mitchell,	Stewart, J. W.
Browne, T. M.	Glover,	Morgan,	St. Martin,
Buchanan,	Hanback,	Neece,	Strait,
Burleigh,	Harmer,	O'Hara,	Swinburne,
Campbell, Felix	Henderson, T. J.	Owen,	Symes,
Candler,	Hires,	Payne,	Throckmorton,
Cobb,	Hiscock.	Payson,	Trigg.
Collins,	Hitt,	Phelps,	Tucker,
Compton,	Holman,	Pidcock,	Wadsworth,
Comstock,	Houk,	Pindar,	Weaver, A. J.
Cox, S. S.	Jackson,	Ranney,	West,
Curtin,	James,	Reagan,	Whiting,
Davidson, A. C.	Kelley,	Reese,	Wilson.

So the motion to lay on the table was not agreed to.

Mr. HATCH (at 1.45 p. m.). Mr. Speaker, I raise the point of order that the hour has expired.

The SPEAKER. The hour has not expired, but even if it had, the universal practice has been to complete a roll-call which is in progress. Under the rules, the hour will expire at the end of this roll-call.

The following-named members were announced as paired until further notice:

Mr. GIBSON, of West Virginia, with Mr. BURLEIGH.
Mr. DAVIDSON, of Alabama, with Mr. SWINBURNE.
Mr. FORNEY with Mr. PAYNE.
Mr. SPRIGGS with Mr. HOUK.
Mr. CANDLER with Mr. WEST.
Mr. COX, of New York, with Mr. PAYSON.
Mr. REESE with Mr. WEAVER, of Nebraska.
Mr. MITCHELL with Mr. WHITING.
Mr. MORGAN with Mr. ZACH. TAYLOR.
Mr. KING with Mr. BROWNE, of Indiana.
Mr. PIDCOCK with Mr. GILFILLAN.
Mr. REAGAN with Mr. HISCOCK.
Mr. SNYDER with Mr. BUCHANAN.

The following-named members were announced as paired for this day:

Mr. COLLINS with Mr. LAIRD.
Mr. FELIX CAMPBELL with Mr. HANBACK.
Mr. NEECE with Mr. HARMER.
Mr. ERMENTROUT with Mr. MCCOMAS.
Mr. BARRY with Mr. JACKSON.
Mr. BOYLE with Mr. BRADY.

Mr. STAHLNECKER and Mr. BINGHAM were announced as paired on this vote.

Mr. HOLMAN. Mr. Speaker, I wish to state that I was not on the floor of the House when my name was called, but was in the room of the Committee on Appropriations. If I had been present I would have voted "yea."

Mr. TUCKER. I wish to make a similar announcement, Mr. Speaker. I was necessarily absent from the floor of the House, but if I had been present I should have voted "yea."

Mr. RANNEY. Mr. Speaker, I happened to be absent at the moment my name was called. Had I been present I should have voted "yae."

The result of the vote was then announced as above recorded.

Mr. SPRINGER. Has the morning hour expired?

The SPEAKER. The morning hour has expired.

INTERSTATE-COMMERCE BILL.

Mr. CRISP. Mr. Speaker, I rise to a privileged motion.

Mr. MORRISON. Mr. Speaker, I desire to enter a motion to reconsider.

The SPEAKER. That will be in order to-morrow. The subject is not now before the House. The gentleman from Georgia [Mr. CRISP] will state his motion.

Mr. CRISP. I call up for present consideration the conference report on the bill commonly known as the interstate-commerce bill.

Mr. HATCH. Upon that I raise the question of consideration. I desire to move that the House go into Committee of the Whole for the further consideration of the bill known as the pleuro-pneumonia bill.

The SPEAKER. The gentleman from Missouri [Mr. HATCH] raises the question of consideration against the conference report on the interstate-commerce bill.

The question is, will the House now proceed to consider the report of the committee of conference?

The question was taken; and there were—ayes 109, noes 45.

Mr. LA FOLLETTE. I call for the yeas and nays.

Mr. HATCH. I hope the gentleman from Wisconsin will not press his demand. It is evident that the disposition of the House is to proceed now to the consideration of this conference report, and the demand for the yeas and nays would simply consume time, and postpone still longer the consideration of the pleuro-pneumonia bill. I desire to reach the consideration of that bill at the earliest possible moment, but I do not wish to take up unnecessarily the time of the House.

Mr. LA FOLLETTE. I do not press the demand.

PAGE VERSUS PIRCE.

Mr. ROWELL, by unanimous consent, presented the views of the minority in the contested-election case of Page *vs.* Pirce, which were ordered to be printed.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

An act (H. R. 1034) for the relief of Bangs, Brownell & Co.;

An act (H. R. 1877) for the relief of John McNaughton;

An act (H. R. 1085) for the relief of Albion S. Keith;

An act (H. R. 7879) to amend the law relating to the bonds of executors in the District of Columbia; and

An act (H. R. 9736) to grant the Maricopa and Phœnix Railway Company of Arizona the right of way through the Gila River Indian reservation.

INTERSTATE COMMERCE.

Mr. CRISP. I ask unanimous consent that the reading of the report of the conference committee be dispensed with. It has been printed in the RECORD by order of the Senate, and again printed in the RECORD by order of the House. I have no doubt it is familiar to members; and any gentleman desiring to do so can send for a copy in document form, and have it before him as we go on with the consideration of the bill. In the interest merely of economy of time I ask unanimous consent to dispense with the reading of that report.

Mr. O'NEILL, of Pennsylvania. The gentleman from Georgia will permit me to say I do not desire to have any time consumed simply for the purpose of consuming time, but I think it best that this report should be read. It will not take more than fifteen minutes to read it.

The SPEAKER. The gentleman from Georgia asks unanimous consent to dispense with the reading of the report of the conference com-

mittee, it having already been printed in the RECORD. Is there objection?

Mr. DUNHAM. I do not care to have the bill read, but I think the report ought to be read. The report of the conferees is all that I desire to have read.

Mr. CRISP. I do not ask to dispense with reading the explanatory statement of the conferees, but only the formal report of the committee.

Mr. DUNHAM. It is the detailed statement of the conferees that I desire to have read.

Mr. CRISP. I have not asked to dispense with the reading of that.

The SPEAKER. In the absence of objection, the reading of the conference report will be dispensed with, and the explanatory statement of the conferees will be read.

The Clerk read as follows:

STATEMENT OF CONFEREES ON THE PART OF THE HOUSE.

[Required by Rule XXIX.]

The House conferees on the disagreeing votes between the two Houses on the bill of the Senate "to regulate commerce," and the bill of the House "to regulate commerce among the States, and prevent unjust discrimination by common carriers," make the following detailed statement of the changes between the House bill and the substitute herewith appended:

The action of the House being to adopt a single amendment, your committee, without attempting to call attention to the precise changes made in each section of the bill, report to the House the substance and effect of the changes made, as follows:

The bill of the House applied only to the transportation of freight, and the bill as adopted embraces the transportation of passengers as well as freight.

The bill of the House was limited to the regulation of such transportation on railroads. The bill as reported provides for the regulation of the transportation of property partly by railroad and partly by water, when both are used under a common control, management, or arrangement, for a continuous carriage or shipment from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia.

The bill which we report defines the term "railroad" as used in it, to include all bridges, ferries used or operated with any railroad, which is in addition to the provisions of the House bill.

The second section of the substitute bill adopts substantially the provisions of the House bill against discrimination by special rates, rebates, drawbacks, and other devices, and declares that any one making such discrimination shall be guilty of unjust discrimination, which is hereby prohibited and declared unlawful.

The third section of the substitute embraces substantially the provisions of the bill of the House, in requiring equal facilities and advantages for all shippers, without exception, and has a provision requiring equal facilities for the interchange of traffic with all other railroads for the carriage of property and passengers, and forbids any discrimination by one railroad in the facilities furnished against any other railroad. It contains a clause declaring that this act shall not be construed as requiring such common carrier to give the use of its tracks or terminal facilities to any common carrier engaged in like business.

The fourth section adopts substantially the provisions of the House bill on the long and short haul, with the following proviso: That upon application to the commission appointed under the provisions of this act such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for a longer than for a shorter distance for the transportation of passengers and property, and that the commission may, from time to time, prescribe the extent to which such common carrier may be relieved from the operation of this section.

The fifth section of the substitute bill is a copy of the clause in the House bill prohibiting pooling, with an amendment striking out the words of the House bill "by dividing," and inserting in lieu thereof the words "or to divide," and with the addition of the words in line 3, after the word "combination," "with any other common carrier or carriers."

The sixth section is a substitute for the provisions of the House and Senate bills in relation to the publication of schedules showing the rates, fares, and charges for the transportation of passengers and property. Instead of requiring the rates to be posted up, as was provided in the House bill, it requires that, after ninety days from the passage of the act, every common carrier subject to its provision shall have printed and keep for public inspection schedules showing such rates, fares, and charges, and, in addition to requiring the railroads to give publicity at all of the depots on their several lines, it gives authority to the commission, where it is proper and necessary to require them to give publicity to their rates to other places beyond the lines of their several railroads.

It also provides that the rates, fares, and charges shall not be raised except after ten days of public notice, but that they may be reduced without previous public notice; the notice, however, shall be simultaneous with the reduction itself, and it requires that all common carriers subject to the provisions of this act shall file with the commission provided for in the bill copies of the schedules which have been established, and shall promptly notify said commission of all changes made in the same; and that they shall file with the commission copies of all contracts, arrangements, or agreements with other common carriers in relation to traffic affected by the provisions of this bill; and in cases where passengers and freights pass over continuous lines or routes operated by more than one common carrier, and the several common carriers operating such lines or routes establish joint tariffs of rates or fares or charges of such continuous lines or routes, copies of such joint tariffs shall also be filed with the commission, and made public, if so directed by the commission.

The section also provides that where a common carrier subject to its provisions shall neglect or refuse to file or publish its schedules of tariff or rates and fares, or any part of the same, such common carrier shall, in addition to the penalties herein prescribed, be subject to a writ of mandamus, to be issued by any circuit court of the United States, in any judicial district wherein the principal office of the common carrier is situated, or wherein such offense may be committed, requiring a compliance with the provisions of the act.

The seventh section of the substitute bill contains substantially the provisions of the first part of the second section of the House bill, in relation to the continuous carriage of property and persons from the place of shipment to the place of destination.

The eighth section of the substitute bill contains the substance of the seventh section of the House bill, in regard to damages and counsel fees, but expressed in somewhat different language.

The ninth section of the substitute bill is a new section, which provides that persons claiming to have been damaged by the action of common carriers may proceed for recovery of their damages either in the courts of the United States or before the commission herein provided for, as they may elect, but not before both tribunals. This section, which gives jurisdiction to courts of the United States, does not give jurisdiction in civil suits to the State courts, as was provided for in the House bill.

This section of the substitute bill also provides that the courts shall have power to compel any director, officer, receiver, trustee, or agent of the corporation or company defendant in such suit, to attend, appear, and testify in such case, and may compel the production of the books and papers of such corporation or company party to any such suit; and it provides further that the claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying; but that such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

The tenth section of the substitute bill makes it a penal offense to violate any of the provisions of this act, and is substantially the eighth section of the House bill, except that it puts the maximum of the fine which may be imposed at the sum of $5,000 instead of $2,000, as was provided for by the House bill.

The eleventh and subsequent sections to the twenty-first, inclusive of the substitute bill, contain the substance of the Senate's bill providing for a commission, except as modified by the provisions of the substitute bill herein recited.

It provides for a commission to consist of five persons whose term of office shall be for six years, except for the first appointments, which are to be for two, three, four, five, and six years. The members of this commission are to be appointed by the President by and with the advice of the Senate. Their principal office shall be in Washington, but they may hold sessions at other places than Washington, and a single member of the commission may take testimony anywhere, as may be directed by the commission.

These commissioners have salaries of $7,500 each. The commission has the power to appoint a secretary, with an annual salary of $3,500, and has authority to employ and fix the compensation of such other employés as it may find necessary to the proper performance of its duties, subject to the approval of the Secretary of the Interior.

The nineteenth section of the Senate's bill, providing for a reference of the question of pooling to the commission, is not embraced in this substitute.

Section 22 of the substitute bill, among other things, provides that nothing in this act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but that the provisions of this act are in addition to such remedies, with a proviso that no pending litigation shall in any way be affected by this act.

Section 24 of the substitute bill provides that the act shall go into effect sixty days after its passage, as in the opinion of your committee it was deemed best to give the railroads sufficient time to prepare their schedules and to modify their management in accordance with the provisions of this bill. The appointment of the commission, however, is to be made at once, as it has to be organized, and as said schedules of rates and charges have to be filed with said commission.

J. H. REAGAN,
CHARLES F. CRISP,
A. J. WEAVER,
Managers on the part of the House.

Mr. CRISP. Mr. Speaker, I propose now to explain, somewhat, the provisions of this bill, and the action of the managers who represented the House in the conference. I am not informed as to the disposition of the House with regard to debating this report. If it were possible to have now any understanding looking to the fixing of such early time for a vote on this question as may be consistent with a proper discussion of so important a measure, I should be very glad indeed.

Mr. WEAVER, of Iowa. I think it best the debate should be permitted to run on a while, before attempting at all to limit it.

Mr. DUNHAM. After the debate has proceeded for a time, we can then better see what limit should be fixed. Two hours hence we can tell better than we can now when we desire the debate to stop.

Mr. O'NEILL, of Pennsylvania. The Senate occupied nearly two weeks in the discussion of this report.

Mr. CRISP. Mr. Speaker, in view of the suggestions of gentlemen, I shall not at this time undertake to secure any limitation of the debate on this question.

For many years attention has been directed to the practices of common carriers, transporters of commerce from State to State—practices which have been generally understood and believed to be unjust to the public. Year after year the agitation of the question of regulating such commerce has been brought to the attention of the Representatives of the people. At the last session of Congress, this House, by a very large majority, passed a bill known as "the Reagan bill," the purpose and intent of which was to protect the people from unjust charges by common carriers engaged in interstate commerce.

At the last session, also, the Senate of the United States passed a bill known as "the Cullom bill," having for its object the regulation of the carriage of commerce between the States. These bills were dissimilar; they brought about a disagreement between the two Houses upon a question which, as the votes of the two Houses clearly indicated, each House was anxious to adjust satisfactorily. In that state of the case a conference committee, consisting of three members of each House, was appointed; and those conferees, before the assembling of Congress, met in the Capitol and made an earnest effort to agree upon a plan which would afford some relief to the people of the United States. I need not say that, representing views so different as those which had been expressed by the two Houses, the conferees on the one part and on the other had to yield something of their convictions as to what ought to be done. The result of those labors is presented in the pending report.

I feel, as one of the conferees on the part of the House, the only one of them now present, that an explanation should be made of this bill. I feel you ought to be told what we understand to be the meaning of any part of this bill any gentleman wants to inquire about, and I feel you ought to be informed that the bill as presented is the result of a compromise made between Representatives who earnestly desire to afford some relief to the people of the United States.

I shall not, Mr. Speaker, at this late day, in the discussion of this great question, undertake to present to this House all the reasons that exist why legislation should be had on this subject. I take it for granted

that every man in the House who regards railroading as a business in which the public has an interest understands and concedes that some regulation, some provision, some law is necessary to protect the people against the practices on the part of railroads, which have so unjustly burdened the great body of shippers, and occasioned a demand for legislation from every State in the Union.

In the arguments made by the representatives of these corporations as a reason why legislation should not be had, in my judgment, Mr. Speaker, the error lies in the fact that they fail to recognize the character of the corporation which they represent. They come before the committees of the House, they go before the country making an argument in vindication of their practices, which might be, in many cases, forcible if they were talking about a private business, if they were talking about a business in which the public had not an interest, if they were talking about a business which could exist without the consent of the Government. If we will bring our minds to a recognition of the fact—because there we must at last come—that a railroad company is a corporation created by the public, for the benefit of the public, that while the corporators and owners of the franchise have a right to charge reasonable tolls, they take that right burdened with obligations to the public which are of paramount importance and which can not be disregarded, we can, without difficulty, arrive at just conclusions.

A railroad can not be built in any State of this Union except by the exercise, on the part of such State, of the right of eminent domain. The State can exercise that right in no case except for the public good—for the public use. No State and no power can take from an individual property which he owns and give it to another. It can be taken by the State for only one purpose—for public use—and then only on just compensation.

Railroad companies are chartered by the States, or by the United States. The power that grants a charter grants it, although it may not be so nominated in the charter, for the public good.

Therefore it is, Mr. Speaker, the people have rights in regard to these corporations and great transportation agencies which they would not have if it were a business conducted by private individuals.

The error, therefore, I say, in the arguments presented to sustain the present practices arises from a misconception of the character of these corporations. And I mention that now so the House and each member may bear in mind in what we propose to do we are dealing with a corporation or corporations in which the public interest is paramount. And while we do not seek, and should not seek, to deprive investors of reasonable returns for their investments, if the public interest demands it private interest must give way.

Now, Mr. Speaker, having called the attention of the House to that fundamental principle, which I believe is not now disputed, I propose to invite attention to the provisions of the bill, or some of them, which we suggest for consideration. In many of the provisions of this bill, I understand, we all agree. Those provisions which seek to enforce equality between the shippers, I understand nobody objects to. The bill provides that no preference shall be given to one shipper over another, that no drawback, or rebate, or device shall be authorized or permitted which allows discrimination in favor of one shipper against another; that no practice shall be tolerated which permits discrimination for or against a particular locality, that no practice shall be allowed which permits a railroad company to discriminate for or against a connecting railroad or other railroad company which may receive or want to receive freight from the railroad company so carrying. The act also provides that all rates charged by a common carrier engaged in interstate commerce shall be reasonable and just.

Those provisions, Mr. Speaker, I understand meet the approbation of all. Those, like some other provisions in this bill, to which I shall refer, are the provisions, as I understand it, of the common law of the land where we live. I understand that each one of these provisions is maintained by the common law; and therefore there should be and can be no reason, I submit, why any member should object to this portion of the bill.

The next point to which I shall refer, and which has excited some controversy, one perhaps that has received more attention in the public discussions and in the public press than any other section, is the fourth, that referring to what is commonly called the long and short haul. I will ask the Clerk to read the fourth section of the bill, as amended.

The Clerk read as follows:

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

Mr. CRISP. That section, Mr. Speaker, as I have said, has given rise to a great deal of controversy, and I feel it incumbent upon me to present to the House in the utmost candor my view of its meaning. Of course, I do not presume to say that my view of it is the absolutely correct one, but I can state what I believe it to mean. I can state what I intended it to mean when I gave my assent to the placing of it in this bill.

The great object the committee had in view was to say that a transportation company should not charge unreasonable rates, and should not discriminate against individuals or places. We believe, or I believe, that the principle upon which the rates should be fixed in the transportation business is the cost to the company of transporting the goods, the cost of their plant, the value of their line, the cost of terminal facilities, &c., with allowance for a reasonable profit on the investment.

I do not believe, sir, that extraneous circumstances ought to affect the question of charges. I do not believe, Mr. Speaker, that it is any business of the transportation company where goods come from that are to be shipped over their line, any more than I believe it is their business to know where the goods go after passing from their line. I believe that their legitimate business is the transportation, for reasonable rates, of such freights as may be given to them by any individual or by other corporations for transportation.

Believing such to be the case, my understanding of this section is that the purpose is to bring about reasonable rates without discrimination; and under this section the amount charged by a railroad engaged in interstate commerce for transporting freight over its entire line is the maximum rate that may be charged for transporting freight over a part of it only, the freight and the circumstances being substantially similar. I do not mean to say, nor does the bill say that it would be reasonable and just to charge as much for the short as for the long haul, but it does say that more shall not be charged. I do not understand that the word "line" as used in that section means anything different from road as defined in the bill:

The term "railroad" as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease.

Mr. BUTTERWORTH. I do not want to anticipate the argument of my friend, but I trust that he will at this point explain what is meant by the words "substantially similar circumstances and conditions," and give an illustration of what he understands by similar conditions and circumstances and those which are dissimilar, and which will authorize a change in rates. Of course he knows that we can learn more readily by illustration than by precept.

Mr. CRISP. The gentleman has not given me a very easy task. The provision we make is that where the circumstances are substantially similar the shorter haul shall not be charged more than the greater. I can not undertake in a debate like this to determine for the gentleman exactly what would constitute "substantially similar circumstances." That would be a matter into which I could not now enter; and I submit it is hardly fair to ask me to define "substantially similar circumstances" as used in the bill.

Mr. LONG. But is it not necessarily what a judge would have to do in instructing a jury?

Mr. BUTTERWORTH. That is the point; for if my friend were a commissioner he would have to define it.

Mr. CRISP. If complaint is made to the commission of the violation of the rule prescribed in the fourth section of this bill, the commission, after hearing both sides, would determine in the particular case made whether or not the complaint was well founded. Necessarily in deciding that question they would determine whether or not the circumstances were substantially similar in the case of the long haul and in the case of the short haul presented in the complaint. That is the object and purpose of the commission in that regard. If the individual did not go to the commission, but went to the courts, then, Mr. Speaker, the courts, the judge, and the jury would determine that question. I am not prepared, sir, to say, in answer to the suggestion of my friend from Massachusetts, Governor LONG, that the court would tell the jury what "substantially similar circumstances" meant.

Mr. LONG. No; but the judge would have to tell the jury what the legal effect of the words is.

Mr. CRISP. I think the judge would say to the jury, after hearing all the evidence, that if they believed more had been charged for the short than for the long haul of like kind of property under substantially similar circumstances and conditions, then they should find for the complainants, leaving the jury to determine in each case whether the property was of like kind and whether the circumstances and conditions were substantially similar.

Mr. SCOTT. Will my friend from Georgia permit me to ask him a question?

Mr. CRISP. With pleasure.

Mr. SCOTT. There is a line of railroad known as the New York Central Railroad extending from Buffalo to the city of New York entirely within the jurisdiction of the State of New York, and all rates made from Buffalo to the city of New York would not come under this bill. This bill can not affect the rates of that railroad. Then there is what is known as the great chain of lakes extending from Buffalo to

Chicago entirely open to the competition of every vessel and every vessel-owner competing for the great trade of the Northwest. When that trade is brought from Duluth and from Chicago and delivered at the port of Buffalo, it immediately becomes State commerce and is not then within the jurisdiction of your bill.

There is another line of railroad inland extending from the city of Chicago, and known as the Pennsylvania railroad system, being the Pennsylvania Railroad from the city of Philadelphia to the city of Pittsburgh, and there connecting with a line controlled by and known as the Pittsburgh, Fort Wayne and Chicago Railroad, extending to the city of Chicago. And all the trans-continental commerce consequently carried by that system of road has to be carried inland. How can you, therefore, possibly, under the provisions of your bill, treat equitably and fairly these two great systems of trans-continental roads when the competitive traffic is delivered by lake at Buffalo coming in under the jurisdiction of New York State, and the inland line running from Chicago to the city of New York, which comes in under your bill becomes subject to the prohibitory provisions that they shall not do so and so?

Mr. CRISP. The Congress of the United States have no authority under the Constitution to regulate the transportation of commerce wholly within a State. The States of the American Union under the Constitution have no right to regulate the transportation of commerce between the States. The line is clearly marked.

The question of my friend from Pennsylvania [Mr. SCOTT] involves the idea that because we can not regulate the transportation of commerce within the State of New York we shall not therefore regulate the transportation of commerce between the States. See, Mr. Speaker, the position in which that would leave and I might say has left the American people for many years. Until quite recently, sir, there were many believers in the policy of railway regulation who insisted that the true method was to leave to each State the regulation of transportation through and over its territory, and you found men who recognized the necessity for legislation, but felt that it was a dangerous step for Congress to take and insisted that the States should legislate for the regulation of each line within its borders.

The Supreme Court of the United States before whose decisions we all must bow, have decided that commerce, interstate commerce, commerce passing from one State into or through another could not be regulated, nor could the carriage of it be regulated by the State law. If, therefore, we are to wait before we discharge our duty under the Constitution to the people until the State of New York, or the State of Massachusetts, or any other State discharges its duty, in the meantime I ask you who is to protect the great body of the people from the aggression of these vast monopolies? All that we can do in this case or in any other is to discharge our duty under the law; to take no step that will impair the right of the States, but to leave undone nothing that we can constitutionally do that will aid the people to just and reasonable rates of transportation of person or property between the States.

If the evil suggested by the gentleman from Pennsylvania exists, then when we discharge our duty I think we can confidently rely upon the people of that great State to discharge theirs.

Mr. NELSON. Will the gentleman permit me to make a suggestion?

Mr. CRISP. Yes, sir.

Mr. NELSON. I desire to suggest to the gentleman from Georgia this: Whether or no the question propounded by the gentleman from Pennsylvania was not rather in the nature of a suggestion how it was possible to evade the provisions of this bill, than anything else?

Mr. CRISP. I was answering the suggestion of my friend from Pennsylvania because I understood him to mean by the case that he cited, that because perhaps the railroad wholly within the State of New York could not be required by this act to do or leave undone anything, its passage would be unjust to other railroads competing for the same business who would be controlled by our legislation. Therefore, it is that I am making the suggestion I do.

Mr. BUTTERWORTH. Will the gentleman from Georgia permit me to ask a question in furtherance of an understanding about this?

Mr. CRISP. It will be remembered my time is limited; still I will gladly yield to any gentleman who desires to ask a question.

Mr. BUTTERWORTH. It is only to complete the construction of a sentence in the question which I wished to ask a moment ago. Does the fact that there is water competition along a part of the line and not along the whole line change the condition within the terms of this act? In other words, suppose from A to C there is water competition, and in order to obtain the freight, a certain rate, about that which should be charged for transportation by water, were charged suppose from A to B, B being between A and C, but nearer C, there being no water competition between B and C—would you say the circumstances and conditions touching the shipments to the two points B and C were substantially the same, and hence that the carrier would not be authorized to charge an increased rate to C?

Mr. BRUMM. Is not that rather a question of construction?

Mr. CRISP. I will say, because I do not wish to conceal any opinion I entertain on any provision of the bill, that in my judgment the fact that there is competition there does not affect the question.

Mr. BUTTERWORTH. Then my friend will agree that the long haul is practically abolished as between A and C?

Mr. ANDERSON, of Kansas. Oh, no.

Mr. CRISP. Mr. Speaker, while I agree with the gentleman from Ohio [Mr. BUTTERWORTH] as to the meaning of that provision, I can not agree in his suggestion that the long haul is abolished. Why, sir, within the margin fixed by the bill, see the advantage that the long haul has. It must be remembered that there is no attempt in this bill to require any transportation company to make a pro rata or so much per mile charge.

So far as the restriction in the fourth section of the bill is concerned, they may charge as much for the short as for the long haul. Now let me answer the gentleman's question upon the idea that these railroads are common carriers established for the benefit of the public. Here is a line of railroad from New York to New Orleans, made up of connecting lines. At New Orleans there is water transportation, as there is at New York. That line of railroads will haul freight from New York to New Orleans for 76 cents a hundred, while to Atlanta, which is about half way or a little more, the charge is $1 a hundred. Goods that go from New York to New Orleans by rail go through Atlanta and nearly as far again as they went in reaching Atlanta, and when they get to New Orleans they pay 76 cents a hundred; whereas, if they had stopped at Atlanta and saved nearly half the haul they would have had to pay $1 a hundred.

Mr. BUTTERWORTH. Now, if the gentleman will indulge me right there, I will not interrupt him again. He will concede that the charge to New Orleans is based upon the competition with water—that, because of that competition, the railroad companies can not charge and receive a higher rate. Now, since they must charge that low rate which they do charge to New Orleans in order to secure the business, I ask the gentleman to explain to the House how it will benefit Atlanta to cut off that long-haul rate from New York to New Orleans? He will bear in mind that it is impossible for them to get the freight for New Orleans at all unless they charge such a rate as will enable them to compete with water transportation. If that business is lost to the railroad companies because they are not allowed to charge the lower rate to New Orleans for the reason that they can not reduce the rate to Atlanta, will the gentleman explain how Atlanta will be benefited?

Mr. ANDERSON, of Kansas. But your assumptions are not correct.

Mr. BUTTERWORTH. They are correct.

Mr. CRISP. Atlanta, I take it for granted, is entitled in the case suggested to reasonable rates. What is or what is not a reasonable rate is a question of fact, which must be settled by what?

Mr. BUTTERWORTH. By all the circumstances.

Mr. CRISP. By the question of competition, or by the question of cost?

Mr. BUTTERWORTH. Competition is one of the circumstances, of course. When a road is built the probability of competition is one of the circumstances to be considered, because it will get no freight unless it can carry as cheaply as its competitors.

Mr. CRISP. I suggest to my friend that right there, in my humble judgment, is one great error which is made by the transportation companies. They lose sight of the business for which they were organized. The gentleman says that if the railroads do not haul at such a price from New York to New Orleans they can not get any business. They ought not to have any business unless they can make a reasonable profit upon it, and if the rate of 76 cents between New York and New Orleans pays a reasonable profit, what kind of a profit, I ask you, does the dollar rate from Atlanta to New York pay, the distance being only about half as great?

Mr. ANDERSON, of Kansas. Why, it amounts to larceny! [Laughter.]

Mr. CRISP. But if they make no money by doing business at the rate between New York and New Orleans, then there is a double burden upon the intermediate points along the line, because they are taxed to make up what has been lost upon the through transportation. So at last, my friend from Ohio, it is a question of the reasonableness of the rate.

Mr. BUTTERWORTH. Certainly, all things considered.

Mr. CRISP. Under the fourth section of this bill discrimination can be made to this extent, that the railroad company may charge as much for the short haul as for the long haul. Let the question be addressed to any man of ordinary understanding: Is it reasonable and just that a corporation which owes its existence to the public, and is bound to exercise its franchises for the benefit of the public, shall take an article of freight in the city of New York, and if it delivers that article at a distance of 500 miles from New York shall receive a dollar for carrying it, but if it carries it 500 miles farther shall receive but 75 cents? What must be the answer? Does that strike any gentleman as a reasonable and fair business proposition

Mr. BUTTERWORTH. My friend knows very well that to get the freight at all to a given point the railroads must compete with their competitors. That is true, is it not?

Mr. CRISP. Undoubtedly.

Mr. BUTTERWORTH. Now, if competing rates do not pay any profit, but barely the cost of the transportation, must the railroads turn that business away? If not, if they are allowed to carry it, it certainly helps to pay expenses, and thereby, to some extent, takes the burden off the short haul. Just how the public is injured by that is what I ask the gentleman to explain.

Here is a little town, if you please, twenty miles from this city where the people have been accustomed to pay 6 cents a bushel for hauling all their coal. A railroad company builds a line passing that town and extending to some point beyond, where there is water competition. The railroad company says to the people at this intermediate point, "What has it been your custom to pay for hauling your coal?" The answer is "6 cents a bushel." The company says, "We will haul it for 3 cents a bushel; but to the point beyond at which there is competition we must haul it for 2 cents a bushel, because our competitor will haul it for that price." Now, does it injure the people who previously have paid 6 cents a bushel to get their coal hauled at 3 cents? If it does, how does it injure them?

Mr. CRISP. That, Mr. Speaker, is a plausible statement. It is, however, based upon the inquiry, which I think an erroneous test, "What is the work worth to the shipper?" I maintain the question should be, "What does it cost the transporter?" That is the difference between the proposition made by the gentlemen and that insisted upon by this committee. You ask "what are certain services worth to the shippers?" What is it worth to the man halting along the highway to meet a conveyance which will carry him out of the storm and the darkness to a place of shelter? If you ask what it is worth to him, it may be worth all that he has. But is that the reasonable rule to apply in fixing the compensation of a corporation established for the public good and not solely for the private benefit of the corporators who have it in charge?

Mr. BUTTERWORTH. That is not the case I put by any means.

Mr. CRISP. I understood the case put by the gentleman to be that of a railroad company, who say to the people in a certain locality, "You have been paying 6 cents a bushel for hauling; will you not agree to give us 3?" Does not that question look to what it is worth to the people who receive the service, and not to the cost to the transporter?

Mr. BUTTERWORTH. No; for the company that builds the road takes into consideration when building it what competition there will be, what the local traffic will be, what the through traffic will be—it takes into consideration all the circumstances which go to fix the price. And I say, instead of the man at the intermediate point being injured, he saves 3 cents a bushel; and ultimately, according to the experience we have had in this country, he may save still more. He is not injured by reason of the fact that the company run their cars 10 miles beyond, to a point where, in order to compete, they must make a lower charge.

Mr. SCOTT. The gentleman from Georgia [Mr. CRISP] before he resumes will allow me to make one suggestion. He referred in the case he put to the rate between New York and Atlanta as compared with the rate between New York and New Orleans. He said that the railroad companies were charging 75 cents a hundred from New Orleans to New York, and a dollar a hundred to Atlanta, which was not half the distance.

Mr. CRISP. A little more than half.

Mr. SCOTT. A little more than half. Now the gentleman must remember that the competitor with the railroad from New Orleans to New York is the Atlantic Ocean. Steamships plying between New York and New Orleans fix, to a certain extent, the rates between those two cities. By the competition of the railroads from New Orleans to New York, these ocean rates are kept down. Your bill proposes to drive these railroads out of that competitive business; and such a policy must result in placing the entire control of the business between New Orleans and New York in the hands of the steamships, while the only satisfaction the people of Atlanta get is that possibly the people of New Orleans are compelled to pay eventually a dollar a hundred for transportation from New Orleans to New York, whereas if they were allowed the competition of the railroads that business might be done for 75 cents a hundred. "Misery loves company."

Mr, CRISP. Mr. Speaker, I confess I can not see, as suggested by my friend from Pennsylvania [Mr. SCOTT] and my friend from Ohio [Mr. BUTTERWORTH], that the effect of this proposition will be to increase the through rates unless the present through-rate system is based upon a rule which requires the local shippers to sustain the loss incurred on the through rates. If the charge from New York to New Orleans of 76 cents pays a small profit to the railroad company, I ask again, what kind of a profit must be paid for a haul which is half the distance, when the charge is 33⅓ per cent. more? We do not seek, as I was going on to say, to establish any pro rata arrangement of so much a mile. We agree by this bill that the companies may charge, if it is reasonable to do so, as much for the short haul as for the long haul, and no more.

Mr. ZACH. TAYLOR. Is not the proposition of the bill designed to meet a case of this kind: Between Covington and Memphis, a distance of 37 miles, the charge for transportation of cotton is $1.15 a bale, but from Memphis to New York the charge is only 90 cents, and it passes over the same line?

Mr. CRISP. Mr. Speaker, if it were not going over a subject already exhausted, I could occupy an hour in bringing to the attention of the House actual cases which have arisen in the transaction of business by interstate carriers which would shock the sense of justice of any man who feels that the public has a right to demand absolute equality in transportation rates.

Mr. BUTTERWORTH. But do not the other sections of the bill correct that, leaving no necessity for an arbitrary law fixing a rate without reference to circumstances?

Mr. CRISP. If my friend will pardon me, I must go on. I will say to him, however, that the other sections of the bill are designed to do that, but in view of the fact that some court, some jury, somebody charged with the execution of this law might think it the intention or design that more should be charged for the shorter than the longer haul, we, by a provision inserted in the bill, give the decision of the legislative branch of the Government, that in no case, except it be a special one, can such a rate be reasonable or just. That is the purpose of the provision referred to.

Mr. O'NEILL, of Pennsylvania. I do not wish to interrupt the gentleman; but in reference to this question, whether these charges for freight pay or do not pay the railroad companies for hauling, I want to ask him the simple question, whether the people of this country are complaining that within the last ten or fifteen years freights have been reduced from 2½ cents per ton per mile to less than 1 cent—to seven-eighths of 1 cent?

Mr. CRISP. My good friend from Pennsylvania will pardon me for not replying fully, as I have already occupied so much time. I will say, however, that this is not the first time I have heard the claim set up that the railroad companies are entitled to great credit for having during the last twenty years reduced their rates.

We are told by gentlemen representing the railroads that this reduction of rates is a mere matter of grace to the people, who should rise up in thankfulness therefor; and figures are presented to show how much greater the incomes of the roads would have been if they had maintained the rates of twenty years ago. To be truly grateful we must believe that all the advance and progress made in machinery and cars used for the transportation of freight are for the benefit of the railroads and not for the public. Such a proposition denies to the public the saving derived from the use of the discoveries in steam appliances. It denies to the public the advantage of the reduction in the price of steel. It denies to the public the benefit of the reduction in the price of everything that is necessary to sustain life. It denies to the public and claims for the railroads all the benefits arising from a general reduction in the value of all property and is entirely indefensible.

I do not wish to be understood as underrating these corporations as a means to advance civilization and promote the general welfare; but I do mean to enter a protest against the claim that under any sort of rule they would have a right to maintain charges of twenty years ago when everything else has diminished in value, and to mildly suggest that perhaps they have not been altogether so generous in reductions as their advocates would have us believe. Has the reduction of local rates on any line of railroad in the United States been as great during the past twenty years as the reduction in the price of clothing, as the reduction in the price of sugar, as the reduction in the price of shoes, as the reduction in the price of cotton, as the reduction in the price of almost every article which humanity uses? I grant you at the great competing centers reductions have been made; but I submit that an inspection of the tariffs of corporations will show that there has been no commensurate reduction at intermediate points.

For what purpose do the people of Pennsylvania grant to a company the right to build a railroad on the territory of the State? What is the object of the grant? Is it because somebody not living in Pennsylvania may be benefited by the road? Is not the paramount object the benefit of the people who own the soil? Is not that the primary object? Are people living along the line of this great road—people dependent on that means of transportation—are they to be charged with burdensome rates in order that the railroad may obtain freight at a point some distance from it?

I say the true policy of a railroad is to build up shippers along its line. At last on them it must depend for its life. The contrary policy must result in breaking down those upon whom the road must depend for support. It depreciates the value of property along the line. It diminishes population and defeats, in every way, the object and purpose of the public in authorizing the construction of the road.

Mr. McKINLEY. I ask the gentleman to yield to me for a single question.

Mr. CRISP. Certainly.

Mr. McKINLEY. I would be glad if the gentleman from Georgia would give the House an example which would realize an exception to relieve the carrier from the operation of this act—if he can give us an example in practical business which would justify the commission in making the exception that is provided for in the last clause of section four.

Mr. CRISP. Mr. Speaker, I should not like to undertake to do that, but I will say very frankly, speaking my own views, the other House conferees not being present can not speak for themselves, nor can I speak for them. I was of the opinion the general rule ought to be that in no case should a greater charge be made for a shorter distance than was made for the longer one when the shorter is included in the longer. That is my own opinion about it, but in deference to the sentiment which existed in some breasts that there might be a hardship in an iron-bound rule, believing as I do the commission organized under this act would be slow to relax the general rule, believing that in nearly every case, if not every one, it would be found the enforcement of the rule would work no hardship, I agreed to this provision. I had another reason for agreeing to it, one that always has weight with the practical legislator. I had to do it to get an agreement between the conferees of the two Houses.

Mr. McKINLEY. What particular case?

Mr. CRISP. None were cited. I understand it to be like this: Here is a universal rule which we propose to establish. There may possibly be a case, though I confess I can not see it, when the enforcement of this rule would work a hardship to a transportation company, and out of abundance of caution, to do no injustice, whenever a complainant can establish that in a specific case the operation of the general rule would be unjust in that particular case the commission may relieve him from the operation of the rule.

The SPEAKER. The gentleman's time has expired.

Mr. ANDERSON, of Kansas. I ask unanimous consent that the time of the gentleman from Georgia be extended.

Mr. BYNUM. If I can be recognized, I will yield to the gentleman from Georgia.

Mr. ADAMS, of Illinois. I hope the gentleman's time will be extended.

The SPEAKER. Is there objection to the extension of the time of the gentleman from Georgia?

There was no objection.

Mr. CRISP. I thank the House for its courtesy and indulgence.

Mr. HEPBURN. I would be glad if my friend from Georgia would allow me a question here before he proceeds with his remarks.

Mr. CRISP. Certainly.

Mr. HEPBURN. Does the word "cases," in the fourteenth line of the fourth section, in your judgment, refer to shipments or to roads?

I refer to the use of the word in connection with the proviso:

Provided, however, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property.

Mr. CRISP. In my judgment it applies to shipments.

Mr. HEPBURN. If I believed that I would not vote for your bill.

Mr. CRISP. I should be sorry to lose the support of my friend from Iowa. I do not want to be misunderstood in the answer I have given. I think that it applies to shipments in this sense, that all like cases on that railroad should be operated under the same rule.

Mr. HEPBURN. Would it divert the gentleman from his argument to permit me to give an illustration of the point I mean, and then ask his opinion in connection with it?

Mr. CRISP. I would be glad if the gentleman would wait a moment, as I prefer to get through as soon as possible with my remarks, and think I may perhaps answer the point to which he refers in the course of the discussion.

There are only one or two other points, Mr. Speaker, to which I wish to call the attention of the House. That exception, or authority to suspend the rule, was granted by the committee and put in upon the idea that there might be conceivable cases where injury or injustice would result, and hence we would give power to the commission to relieve them.

The next section that has excited comment is that which prohibits the pooling of rates. I take it for granted that every member present knows what is meant by the words "pooling rates." The railroad companies, or their representatives, or rather the leading representative of the system of pooling, object to that term as offensive, and say that a very great amount of misconception exists in the public mind on the subject of pooling, largely resulting from the unfortunate use of that term; and suggest in lieu of it that it is a system for the "maintenance of rates and traffic unity." That is what he calls the system which we seek to prohibit in this bill.

Pooling, Mr. Speaker is a device—and of course I do not use that word in any offensive sense—on the part of independent monopolies to build up and maintain one great monopoly. It is a device to defeat competition; and when they talk of the "maintenance of rates and traffic unity," they mean that railroads that were built to give the people the benefit of competition shall be united with each other by this new device, so as to make them practically, for rate purposes, one line.

We have heard much of the importance to the general public of stability of rates, and I agree that it is important. We hear much said in defense of this system, and the allegation is made that it is merely a system to preserve and maintain regularity of rates and prevent railroad wars. A significant fact in this connection is that in no case on record, I undertake to say, can you find where two railroad companies have pooled their local rates. Wherever the railroad is omnipotent, so far as the shipments are concerned, wherever they can put upon the shipper any rate suggested by their cupidity or avarice, or suggested, if you please, by the other rule so lauded by these gentlemen what the freight will bear, in every such case you find each road standing by itself and making no pool.

Therefore I aver the object of pooling is to destroy competition. You may present it in any light you choose, call it by any name you please, that is its object and it never was discovered until the competing lines, which had been built for the public interest, were requiring these corporations to transport for the public at such reduced rates that they were not making what they thought they ought to make. I maintain, sir, that the railroad business, or the business of transportation, is no exception in one respect from any other business, and that is that it is to the interest of the public to have competition.

While it is true that under the railway system as it exists to-day it seems that railroads will not quietly submit to competition, yet I suggest that is the fault of the railway companies and not of the public. Here is a line of railway extending from Atlanta, in the State of Georgia, to Macon in the same State. If investors conceive the idea that the business of that line is sufficient to justify another, they go to the Legislature, which represents the people, and ask the right to build the line, they ask that the State exercise and grant to them the right of eminent domain in order that they may acquire a right of way. What is the inducement to the State to grant the charter; is it not that the people may have the benefit of competition and thus perhaps get better and cheaper rates? Unquestionably this is so.

The Legislature that grants to the corporation a charter that enables it to transact its business represents the public and grants the franchise only for the public good, to wit, that the people between the two points shall have the benefit of competition. That is true everywhere where there are competitive lines.

What is the effect of pooling? It is to defeat the object of the Legislature. It is to defeat the interest of the public. It is to place those lines in the same condition that they would be if one great railway magnate or great railway corporation should become the owner of both lines. Gentlemen who sustain this practice say to us that if you prohibit pooling, the result will be a railroad war, that the irresponsible, bankrupt concern will reduce its rates and undercut, that the other will undercut, and one will go under, and it will be a case of the survival of the fittest. If that lamentable state of affairs should exist, it will be the fault of the railway companies themselves, who will not brook that legitimate competition that every other enterprise has to bear; but even if this dire result should occur, then, Mr. Speaker, we would be in no worse condition than we are to-day, where the effect of the pool is practically to make one line.

Mr. HOPKINS. Will the gentleman from Georgia permit me to ask him a question?

Mr. CRISP. Yes, sir.

Mr. HOPKINS. I ask the gentleman if the clause in section 4 will not have a tendency to prohibit these rate wars? If they put down the price of freight at a terminal point they will be compelled to put it down all along the line, and no road can afford to engage in such a war with section 4 in the bill.

Mr. CRISP. There may perhaps be some tendency of that sort; but to me it occurred that there could be no justification looking to the public interest for a practice of this sort. Why, Mr. Speaker, it is not an uncommon thing in a State for the Legislature to provide that such and such a railroad company shall not own or operate another. In my judgment one of the wisest things a State Legislature could do in granting a charter would be to provide that a company should not engage in any other business but the business of transportation, and that it should not acquire the ownership of any other line. Why not? There is nothing in this bill, you understand, that prevents traffic arrangements by which continuous carriages are made. That is not prohibited. The prohibition is against the pooling of freights or the receipts of competitive railroads. You all know what kind of pools have existed and do exist in this country to-day.

Under the pooling system there is no inducement to the railroad company to furnish good transportation; there is no incentive to the enterprise and the energy so typical of the American character. They go into the pool, and, according to the agreement, so you receive, whether you carry a pound of freight or a million pounds of freight. The amount of money that comes in on all the roads is put into a pool. A commissioner is appointed at a great salary, paid by these railroads, and it is his duty to divide the receipts according to the agreement, one receiving five, another ten, another twenty, or whatever may be the per cent. agreed upon.

There are other kinds of pools, pools which agree that a certain railroad company not in the pool shall not have a right to ship its freight over their line. When I say it shall not have the right I mean the rate is prohibitory. They put such a rate on the competing line that the shipper can not ship over it, but must take one of the lines within the

pool. They have an arrangement by which the water transportation of the country can not be used and at the same time give the people the benefit of the railway.

The Central Pacific Railroad Company, the evidence shows, has arrangements of this sort, that they will make special rates to a shipper over their road provided he will agree he will give them all his freight and will not ship a dollar's worth by water. If he will do that he will have a special rate. If he will exercise the freedom and independence and manhood that are supposed to belong to our people, then he has to pay to this creature of the public an increased price for his transportation.

They have had pools by which railways in the city of Chicago agreed to pay to a single live-stock firm in that city $15 for every car-load they carried for anybody; and in consideration of that the firm was to "even up" according to an understanding they had. He was to "even up;" that is, the firm was to give each railroad the amount of transportation that according to the bargain it was to have, not according to the public demand, not according to the choice of the shipper, but what they in their magnanimity or wisdom thought was satisfactory or sufficient between themselves, and they directed where your cattle would go and where yours would go, and you would be bound to ship them in that way.

That is another kind of pool they have had in this country. Now, Mr. Speaker, I propose to break up that system.

Mr. HAYDEN. I ask the gentleman whether they do not have these pools abroad or some similar arrangement?

Mr. CRISP. I have heard that they do.

Mr. ANDERSON, of Kansas. That is upon the principle of total depravity. [Laughter.]

Mr. CRISP. There are some very remarkable things in connection with that which, if I had the time, I might relate. I would suggest, however, to my good friend from Massachusetts in passing that the system abroad can hardly be compared fairly to the system in this country in view of the difference in the circumstances. But the point we make is that any system or practice which tends to destroy competition is an injury to the people who must use the roads.

Why is it not so? Can any good reason be given? The only reply made by the railroads is: "If you do not allow us to pool we will compete, and our competition will be ruinous; we will ruin ourselves if you do not stop us!" Why can not they compete legitimately as people do in other business? We think that they ought to do so, and therefore we prohibit pooling.

By the terms of this bill we create a railroad commission, and I ask the attention of gentlemen interested for a few moments to that point.

I say with the utmost frankness, that, as an individual, I preferred the bill without the commission, but I say also in the same breath that I am not to be classed with those who will not take anything unless they can get all they want, and that, with all respect I submit, must be the attitude of those gentlemen who oppose this bill because of the commission. What are the powers of that commission? In particular cases, under the fourth section of the bill, they may relax the rule therein set up. As to other matters, they may require the railroads to make returns of their accounts, their stocks and bonds, their running expenses, rates of charge, &c.

Where the complainant invokes their authority they may pass upon a given case between the individual and the railroad company. When they so pass upon the case their finding upon the facts is *prima facie* true. They have no power to give vital force and effect to their judgment, but it is *prima facie* true in the courts of the country. Is there anything in this power that is alarming or dangerous to the public? Is there anything in this bill that should lead representative men, men who have had large experience in public affairs, to say that nowhere in this country are to be found men of power enough, men good enough, men honest enough to administer the law?

I should be ashamed, sir, of my people if I believed in any such theory as that. I should be ashamed to come before the country and state that I did not believe it was in the power of the President of the United States, with the concurrence of the Senate, to select men wise and upright and honest enough to carry out this law. I am not one of those who believe that human nature is so utterly depraved that we can find nobody left who is honest and upright. What other powers are there than those I have enumerated?

Mr. Speaker, we do not drive the complainant to the Railroad Commission. If he chooses to go there he has the right to go and invoke this power which is created by the Government for his protection; but if he prefers, for any reason, to go to the courts of the country, they are open to him. The same judge who passes upon his rights of property, his rights of life and liberty, will there pass upon his rights in his dealings with the railroads.

Objection is made by some gentlemen who are, in the main, friendly to this bill, because we have not conferred jurisdiction upon the State courts to hear and determine these questions. Waiving for the present the question of our power, by an act of Congress, to give to the courts of a State jurisdiction to try a matter of this character—a statutory case—waiving that, I say to those gentlemen that if we had insisted upon putting that provision in this bill, we would have had no agreement. Under the bill as it stands no great injustice or hardship can arise to the citizen.

He can go to the commission, but if he is one of those who, either from suspicion or for any other reason, believe that this commission will not do right, then he can go into court and file his suit and have it tried as every other case is tried, the only difference being that it is proposed by this bill to allow to such an individual in every case of recovery a reasonable attorney fee, to be taxed by the court. That provision is, I admit, an exceptional one, and some complaint has been made of it as a hardship.

The answer I make to that complaint is, that, on the one hand, is the humble individual, the small shipper; while, on the other, is the great corporation with its wealth, its employés, and its power. To put them upon something like an equal footing we say to the poorest man in the land, who feels that he has suffered a wrong at the hands of one of these corporations, that he shall be enabled to test the question before the courts; we say to him, if you prove to have been correct in your judgment as to the wrong inflicted upon you, then we will enable you to enforce your rights by paying the counsel that you employ for that purpose. Is not that fair enough? Are we to be told that because we do not provide that these matters may be tried and determined in the State courts we leave the railroads free to discriminate, and that they are still permitted to go on in their oppression of the people?

I commend this idea to those gentlemen who base their opposition upon that ground.

Now, Mr. Speaker, the other provisions of this bill relate to the powers——

Mr. CALDWELL. Will it interrupt my friend if I ask him a question?

Mr. CRISP. Not at all.

Mr. CALDWELL. In the proviso of the fourth section power is granted to this commission to make exceptions under the long-and-short-haul clause. That was my great objection to the original Cullom bill, because I believed such a grant of power ought never, under any circumstances, to be given to the commission or anybody else—a power to make some and break others. Now, will my friend tell me the difference between the clause as contained in the bill agreed upon by the conference committee and the original grant of power to the commission under the Cullom bill?

Mr. CRISP. From the Cullom bill, Mr. Speaker, as the gentleman will find by turning to it, these words are stricken out, "and from the same original point of departure or to the same point of arrival." Those words were stricken out because, in our judgment, they put a limitation upon what we understand to be the rule that in no case should a greater amount be charged for a shorter than a longer haul. With that language in the Cullom bill implied that there might be cases where a greater charge might be made for a shorter than a longer haul. By striking out those words we made the rule general that in no case could such a charge be made, no matter what the point of departure or the point of arrival might be.

As the gentleman understands, a practice exists among the railroad companies by virtue of which, at competitive points, freight received over one line goes cheaper than if received over another. Now, with those words in, there would always be a question in regard to the point of departure or the point of arrival. With those words stricken out, the law is general; and that was the sole object in making the change.

The Senate bill provided that the commission might make general regulations exempting common carriers from the operation of that rule. We restricted that by requiring it to be done only in special cases after examination. That is the only difference between the two sections, as I understand.

Now, the only power of the commission after that is to require publicity of the rates of the railroads, to require them to make return of the amount of their stocks and bonds. Gentlemen all recognize the importance of a provision of this kind. One of the great troubles in the way of ascertaining to-day what is a reasonable charge by a common carrier is the fact that stocks are watered, and it is hard to find out what is the actual cost of a railroad.

Watered stocks, bonds issued for speculative purposes, all these enter into the present computation of the railroad companies in fixing the sum upon which they must earn a reasonable interest. The object of the publicity required in this bill is that when resort is had to the courts, when you appeal to the enlightened conscience of an intelligent jury, they may understand exactly the cost of the plant and the cost of transportation, so as to determine what is or is not a reasonable charge. The bill provides that you can search at law the conscience of every officer of a railroad. You can force him to disclose any fact connected with transportation. If the fact is such that it would expose him to criminal indictment, then we provide it shall not be so used against him. If it is a mere question affecting damages, then of course it may be used; and it enables the suitor to get his case fairly and fully before a jury.

There is one other provision to which I call attention, and then I

shall close. As I said at the outset, nearly all the provisions of this bill are to be found in the common law. One of the great purposes we have in view is to aid the common law by providing a penalty for its violation other than the penalty of damages. At common law a trespass or a wrong gives the party aggrieved the right to sue and recover damages. We propose to say that, in addition to the common law liability, any transportation company violating this law shall be liable to have its officers indicted, and if found guilty they shall be punished by a fine not exceeding $5,000.

If gentlemen will examine the bill they will observe that it is framed in such a way as to declare certain practices unlawful. Turning to the penal section of the bill, you will find that if a common carrier shall be found guilty of doing anything in this act forbidden, or failing to do anything in this act required to be done, the officers of the company may be indicted in the district courts of the United States, and if found guilty may be punished by a fine not exceeding $5,000. This provision was intended to aid the common law. It was designed for the protection of every individual, no matter how humble, who may be wronged by the act of these corporations.

This, Mr. Speaker, is the bill. It is not, as I have already said, exactly as I would like it. It contains one or two propositions which I would be glad to have out; and there have been omitted from it one or two propositions which I would like to have in. But taken as a whole, I commend this bill to those Representatives of the people who believe that wrong is being done by these corporations, who believe that the murmurs of the people all over this country do not come to us except as the expression of some injury perpetrated upon them by transportation companies.

To those gentlemen who desire to make the assertion of the power of the Government to control these corporations I commend this bill, and ask them to sustain it. The practices which it condemns are unjust to the people. An honest investigation of the rights of the railroad companies and the people would forbid them; and in my judgment such practices, and the arguments by which they have been sustained, amount to an absolute assault upon public justice.

I believe in the paramount right of the people. I would not harm the railroads. I would allow them to pursue their legitimate calling, but I would bear in mind always the rights of the people. In my judgment the bill I now commend to you protects and preserves all the rights of the railroads, while at the same time it gives some modicum of relief to a long-suffering and oppressed people. [Loud applause.]

ENROLLED BILLS SIGNED.

Mr. McRAE, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title; when the Speaker signed the same:

A bill (H. R. 807) granting pensions to soldiers and sailors of the Mexican war.

FEDERAL CONSTITUTION CENTENNIAL.

The SPEAKER laid before the House a message from the President of the United States.

The Clerk read as follows:

To the Senate and House of Representatives:

As a matter of national interest, and one solely within the discretion and control of Congress, I transmit the accompanying memorial of the executive committee of the subconstitutional centennial commission, proposing to celebrate on the 17th of September, in the city of Philadelphia, as the day upon which, and the place where, the convention that framed the Federal Constitution concluded their labors, and submitted the results for ratification to the thirteen States then composing the United States.

The epoch was one of the deepest interest, and the events well worthy of commemoration.

I am aware that as each State acted independently in giving its adhesion to the new Constitution the dates and anniversaries of their several ratifications are not coincident. Some action looking to a national expression in relation to the celebration of the close of the first century of popular government under a written Constitution has already been suggested, and whilst stating the great interest I share in the renewed examination by the American people of the historical foundations of their Government, I do not feel warranted in discriminating in favor of or against the propositions to select one day or place in preference to all others, and therefore content myself with conveying to Congress these expressions of popular feeling and interest upon the subject, hoping that in a spirit of patriotic co-operation, rather than of local competition, fitting measures may be enacted by Congress which will give the amplest opportunity all over the United States for the manifestation of the affection and confidence of a free and mighty nation in the institutions of government of which they are the fortunate inheritors and under which unexampled prosperity has been enjoyed by all classes and conditions in our social system.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 18, 1887.

The SPEAKER. The message and accompanying documents will be referred to the Committee on the Judiciary, and ordered to be printed.

Mr. TOWNSHEND. I would suggest, as that contemplates the invitation of the South American Republics, whether it would not be more properly referred to the Committee on Foreign Affairs.

The SPEAKER. By order of the House the whole question heretofore has been referred to the Committee on the Judiciary.

Mr. TOWNSHEND. All right, then.

The message and accompanying documents were referred to the Committee on the Judiciary.

POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT, from the Committee on the Post-Office and Post-Roads, reported a bill (H. R. 10793) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1888, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. McMILLIN. All points of order are reserved.

INTERSTATE-COMMERCE BILL.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I hardly think it is necessary for me to say that I feel just as much interest in conserving the rights of the people of this country as the gentleman from Georgia [Mr. CRISP] or any other gentleman. I am against wrongs done by railroad companies as I am against wrongs done by individuals, and with the gentleman from Georgia I am ready at all times to act in the direction of protecting one against the other.

I wish to say, Mr. Speaker, there has been a series of misfortunes attending legislation on interstate commerce from the date of the introduction of the first bill down almost to the present time, or down, at least, to the close of the first session of this Congress. I am extremely sorry that the chairman of the Committee on Commerce [Mr. REAGAN] is not present to-day, because I must state this fact that from the time of the introduction of the first bill from the Committee on Commerce down to the period of the taking up of this bill in the House last July things have been done which I would not have done. This bill was taken up then against a promise made that it should not be touched until the beginning of this session of Congress.

And last of all, when the committee of conference was appointed on the disagreement of the two Houses no member of the minority on this question of that Committee on Commerce, no member of this House who was in the minority on this question, was placed on that committee of conference among the conferees of the House. The gentleman from Massachusetts [Mr. DAVIS], the gentleman from New York [Mr. JOHNSON], the gentleman from Illinois [Mr. DUNHAM], not to speak of myself, were members of that committee in that minority which reported on this subject, and voted for the Cullom bill when offered by Mr. Hiscock as a substitute, and all of whom voted against the Reagan bill when it was passed by the House. Yet, sir, not one of that minority was placed upon the committee of conference. So I say this conference report came into this House without the approval of one of the minority of the Committee on Commerce, because not one of them was placed upon the conference committee.

And I say, moreover, that in the report of this conference committee, using the parliamentary language applicable to such reports, that necessarily and logically there has not been that "full and free conference" on the subject as has been stated in the report to the House and Senate on the bill.

Now, why that was done I do not know; I do not stop to inquire. It could not have been defended upon the ground that one of a minority of the political divisions of the House was put upon the conference; but for some reason unknown to me every one who was selected for the conference had favored the Reagan bill, and voted for it—I mean of members of the Committee on Commerce—and the minority was not represented at all. What disadvantage that may have been to the House when the report now before us was being considered in the conference I do not want to say, nor do I undertake to say. It may have been no disadvantage. I say that I regret very much that Mr. REAGAN is not present to-day.

I do not mean to say that it is not legitimate and proper in him to be in Texas to try to obtain what he wants, for I think it well that every man should make known what he wants in that direction; and I only express my regret for his absence; but do not find fault with him on account of it, nor do I reflect upon him for being absent. It was not with that view that I made the remark.

Mr. CRISP. Will the gentleman permit me to ask if he does not know it is customary in appointing conference committees on the part of the House to appoint gentlemen who represent the measure—who are favorable to the bill?

Mr. O'NEILL, of Pennsylvania. No, sir.

Mr. CRISP. And does not the gentleman know that the Senate conferees were all in favor of the Senate bill?

Mr. O'NEILL, of Pennsylvania. No, sir; I do not know. I can not answer that question; but my understanding is, and has always been, that one of the three conferees shall represent the minority view.

Mr. DUNHAM. And especially when there is a minority report from the committee.

Mr. CRISP. I am very sorry that I have never heard of this grievance before.

Mr. CALDWELL. Does the gentleman from Pennsylvania think that he could have taken care of the Cullom bill in conference better than Mr. CULLOM himself.

Mr. O'NEILL, of Pennsylvania. I am glad the gentleman asked the question, and I will answer it directly and pertinently. I believe, sir, that I—and I will mention myself, as the gentleman has referred

to me—I believe that I or any other member of the minority of the Committee on Commerce would have had as good a chance of persuading Senators to adhere to the Cullom bill as the gentleman from Texas or the gentleman from Georgia had of persuading them to incorporate in their report certain clauses of the Reagan bill.

I do not profess to have the obstinacy and great persistency that seems to be the moving power with some gentlemen, and I will name among them my friend from Texas, who is absent, and I say again that I am sorry for his absence to-day, because he has been most persistent in his views on this question. But I have, sir, somewhat of persistency myself in my character, and I never yield until the absolutely inevitable comes. I would not yield upon a question of this kind merely to meet what I call the demands of persons who are asking legislation they do not understand, and the effects and consequences of which they have not taken time to consider. I believe that any one of the four gentlemen who made the minority report on the bill from the Committee on Commerce would have been able to have withstood the power of the chairman of the Committee on Commerce over the wills and senses of the conferees, if I may be allowed to make that statement. I am glad, therefore, the question was asked, because I would not like to have referred to it myself unless the question had been asked.

Mr. CRISP. May I ask the gentleman another question?

Mr. O'NEILL, of Pennsylvania. Certainly.

Mr. CRISP. Was the gentleman from Pennsylvania present when the conferees were appointed on the part of the House?

Mr. O'NEILL, of Pennsylvania. Yes, sir; and I have heard that was given as a reason why I was not put on the conference. It was told me by a member of the House at the time that on account of my not being present when the conference was appointed I was not made a conferee. I was present when the conference was appointed, and voted on a roll-call by yeas and nays ten or fifteen minutes before it was appointed, and on another roll-call ten or fifteen minutes afterwards. I was present when the appointment was made, and went away that afternoon about fifteen minutes after four o'clock—went away knowing that the committee had been appointed.

Mr. CRISP. I had no information except that the gentleman was absent. I did not know myself the facts.

Mr. O'NEILL, of Pennsylvania. That is another thing I did not intend to mention. I was here. I should not have mentioned that if I had not been asked. Are there any other questions? But let me say before leaving this point that not only was I present, but so also were Mr. DAVIS, of Massachusetts, and Mr. JOHNSON, of New York, who had united in the minority report.

However, Mr. Speaker, we have this conference report before us now. It has come down to us now and here as a practical point that this House has got to decide upon one way or the other. In my view we have to vote down or adopt the conference report. I wish there were power in the House to recommit it, for I know the majority of this House desires to pass some legislation to control railroads. I know that and feel it, and I myself would to-day vote for the Cullom bill as I did before, and am only amazed, if I can refer to it under the rules, to find in another body of this legislature sitting at the other end of the Capitol that those sustaining that bill were meager indeed in number, while it had been passed in the same Senate a few months before by a large majority, and in accordance with the wishes of people in many parts of the country as expressed to us by joint resolutions of State Legislatures, by the action of boards of trade, by the action of chambers of commerce, and by the action of other commercial associations known by different names.

I am going to begin perhaps at the wrong end, because it is natural for us to look to our own localities and homes; and I shall incorporate in my remarks and adopt the suggestions as my own and ask the Clerk to read these resolutions of the Board of Trade of Philadelphia, which were passed last night. I speak of that board of trade as an association of gentlemen of the highest integrity and of the greatest commercial importance. It is a board known everywhere, and I believe is the oldest organization of the kind in this country. I ask to have these resolutions read; and as they seem to embrace almost every point on which I ask for a vote against the report of the conference committee, the reading of them will shorten my remarks very much.

The Clerk read as follows:

The memorial of the Board of Trade of the city of Philadelphia respectfully represents:

That your memorialists favor the passage of a bill by Congress under which a supervisory power shall be exercised through a board of commissioners over the interstate commerce of the country, and approve of the general provisions of the bill which has just passed the Senate of the United States, in that it prohibits all drawbacks and preferences, the effect of which shall be to create an unfair or unjust discrimination in favor of any particular person or locality, and also in that it secures the open publication of the rates upon such traffic, and also gives the commission the aid of the proper law officers of the United States, and of the processes of the courts to enforce their decisions upon any questions that may be brought before them.

But your memorialists beg to protest against the fourth section of said bill, known as the "long and short haul clause," under which any carrier is prohibited from charging or receiving "any greater compensation in the aggregate for the transportation of passengers or of like kind of property for a shorter than for a longer distance over the same line in the same direction, the shorter being included in the longer distance." That this provision of the bill would, in the judgment of your memoralists, largely cripple and embarrass the movement of through traffic between the East and the West, and would result not only in increasing the cost of the necessaries of life to the consumer in the East, but would also reduce the value of grain, provisions, cotton, tobacco, and other staples to the producer in the West and South.

That as the interstate railways are mainly dependent for their revenue upon their local traffic, and as such a provision would compel them to accept for the transportation of such local traffic a sum of money not exceeding the proportion of the gross charge to which they would be entitled on through traffic, they would as a matter of inevitable necessity, be compelled either to reduce the rates on their local traffic to such a point as to bankrupt themselves and make them unable to meet their fixed charges, or to charge on the through business the same rates that they do upon their local traffic. That the effect of this would be to prevent such through traffic from being exchanged between the East and the West for the reason that the rates on through traffic are largely fixed over the entire country by the competition of water routes; and as the railroads, in order to get any portion of the through traffic, are compelled to approximate their rates to those charged by the water routes, they are necessarily obliged to accept on this through traffic a compensation but little in excess of the cost of carrying the same. That in the judgment of your memorialists, no injury results from this course on the part of the railway companies, but, on the contrary, as it not only furnishes cheap flour and other provisions to the laboring classes of our own country, but also enables an enormous volume of provisions, cereals, and other staples to reach the seaboard and thence by ocean transportation the markets of other countries, and there meet on favorable terms the products of other parts of the world, thus placing the balance of trade in favor of the United States and making it a creditor of other nations rather than their debtor. That anything which prevents the free and unrestricted movement of this traffic must work a most serious financial injury to the producer, consumer, and transporter.

They therefore beg of your honorable body to so amend the bill referred to as to remove or modify the objectionable section known as the "long-and-short-haul clause," believing that in making the request they are acting in harmony with the views expressed by a majority of the commercial organizations of the entire country.

Your memorialists also beg to protest against the fifth section of the bill referred to, which prohibits what is known as pooling by the railway companies. Your memorialists believe that the effect of pools has been to secure uniform rates to shippers and prevent discriminations between individuals; but they recommend that all pool agreements between the railway companies should be submitted to the board of interstate-commerce commissioners, and that none should be valid until so submitted and approved by said board. That in this manner only such agreements as are fair and just to all interests, and would secure the public against unjust and unfair discrimination would be sanctioned and approved; and that with the power vested in a board to approve only such as in their judgment are fair and just, the railways would be able to enforce these agreements, and prevent the reckless destruction of property which has been caused in the past by what are known as railroad wars. That in this manner, also, a fair rate would always be secured on the through traffic of the country, and while no charge would be levied upon it which would interfere with its free movement, or in any manner check the development of the West and South or the general prosperity of the United States, such a revenue would be derived from the through traffic as would prevent any imposition by the railways of unjust charges upon their local traffic.

Your memorialists therefore urge upon your honorable body the recommittal of the said bill to a conference committee for the purpose of amending the fourth and fifth sections thereof as already stated.

And your memorialists will ever pray, &c.

[SEAL.]

FRED. FRALEY,
Vice-President.
J. P. TUCKER,
Secretary.

PHILADELPHIA, *January* 17, 1887.

DEAR SIR: I inclose herewith the memorial of the Board of Trade of the city of Philadelphia to the House of Representatives, protesting against the passage of the interstate-commerce bill in its present shape, and asking your honorable body to recommit the said bill to a conference committee for purpose of amending the fourth and fifth sections thereof.

Yours truly,

J. P. TUCKER, *Secretary.*

Hon. CHAS. O'NEILL,
Washington, D. C.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, while on this subject I will state here that the National Board of Trade, composed of representatives from all the boards of trade of the country—I presume from all the boards of trade of the country and the chambers of commerce, &c.—met here during the pendency of the Reagan bill in the course of one winter and were here again last winter; and they advised Congress not to pass the Reagan bill, and especially not to pass some of the very features of this conference committee's bill. This National Board of Trade is meeting here to-day or to-morrow. I do not want to foreshadow what they may do, but in my opinion they will pass a resolution asking this House to hesitate before it adopts the conference committee's report and the bill, and will advise against at least some provisions of it.

Why, sir, my friend from Georgia [Mr. CRISP] has changed his line very much. He did not vote for the Cullom bill. He might have voted for the Cullom bill, which had in it the provision for the appointment of a commission. He might have voted for that bill, and I never understood why he did not do it, being a gentleman of very conservative views.

Mr. CRISP. Will the gentleman permit me a remark? Am I to understand the gentleman from Pennsylvania as thinking that this bill is the Cullom bill?

Mr. O'NEILL, of Pennsylvania. No, sir; I only wish it were. I am amazed to find it is not the Cullom bill, and I believe it would have been the Cullom bill if there had been a proper representation of the views of the minority of this House on the conference.

Mr. CRISP. Of course, as I was one of the conferees, I can make no reply to that.

Mr. O'NEILL, of Pennsylvania. Of course the gentleman understands that the Cullom bill has the commission clause in it; but I suppose something had to be yielded on the question of the courts. There was the trouble, and the provision now creating this commission makes it almost a court. It does not make a trial by jury exactly, but it

makes the commission almost a court, and makes the proceedings almost similar to proceedings in courts. There will be delay in decisions upon the question of short and long haul, and not the practical general rules as contemplated in the Cullom bill. The proposition in the Cullom bill as passed by the Senate, and as voted for by 102 members of this House against 126 against it, was for a commission, but did not in itself create any of the delays that the bill now reported does. It meant that there should be a speedy settlement of these questions of long and short haul, and that general rules should be made—not a long investigation, as it is supposed will be had under the provisions of this bill.

As I believe in the knowledge and experience of the commercial associations of the country, I want to refer to them again after I have alluded to the concurrent resolution passed by the Legislature of Iowa favoring the passage of the Cullom bill regulating interstate commerce, a resolution passed by both branches of the Iowa Legislature, sent to this House and presented by a member from Iowa, I think Mr. HENDERSON, and copies presented by other members of that State. And so were resolutions of the Chamber of Commerce of Milwaukee, Wis.; so also of the association entitled the Merchants' and Manufacturers' Company, of Cincinnati; so also the resolutions of the Chamber of Commerce of Saint Paul, and so on. They have come here from nearly all the great centers of trade.

I might refer also to the many, many editorials which appeared at the time when the report was made, and the many, many editorials which appear now that could be selected from the papers of the country urging the House to adhere to the Cullom bill and not to vote for the adoption of this conference report and the passage of the bill recommended by the conference committee. I speak for instance now of the Louisville Courier-Journal; I speak of one of the Cincinnati papers; I speak of the North American of the city of Philadelphia, and various other papers well known throughout this country giving this advice to the House now. I presume gentlemen read their local papers at least and learn the feeling expressed by editors; for we are so much dependent upon the information we receive through the channel of newspapers that the views of the press ought to have influence on the House.

I refer more particularly to commercial associations. They are composed of men engaged in business, men who understand all about these questions of transportation, men who have no desire to crush the railroads, who do not wish to disturb the rights of the individual citizen, but who do, on the contrary, wish to see the progress of the railroads continued in the direction of conforming their charges to the demands of the people. Does any gentleman dispute that progress? I have heretofore asserted, and it cannot be denied, that within a comparatively short period the average charges have fallen from 2½ cents per ton per mile to about seven-eights of a cent per ton per mile. I take it that such legislation as this is calculated to retard railroad progress and to interfere seriously with the movement of freight—especially freight at points far distant from the seaboard. Hence I find myself unable to subscribe to legislation which, in any iron-clad way, interferes with the right to charge less per ton per mile for the long haul than for the short haul. I do not believe that legislation of that character is good legislation.

I think it will inevitably disturb, greatly, the interests of the transportation lines and, of course, disturb, at the same time, the interests of the people, who desire cheap and rapid transportation, and to whom it is as advantageous as it is to the railroads. Any one who looks at the record of the proceedings upon this bill in the body at the other end of this building can see plainly that many a gentleman who voted for it doubted whether he understood what he was voting for. [Laughter.] Many gentlemen who voted for the bill admitted that they did not understand the operations of some of its provisions, and some who voted against it made the same admission. [Renewed laughter.] I was very glad of the compliment paid to my friend from Georgia [Mr. CRISP], a member of the committee of conference. I refer to the fact that there was a correspondence between him and a member of the Senate as to how the gentleman from Georgia understood certain provisions of the bill.

That was a very gratifying compliment, a distinguished Senator asking information from a member of the House! [Laughter.] I thought it a very high compliment to the House and to the understanding which the Senator knew the gentleman from Georgia [Mr. CRISP] to possess and his ability to explain, as well as he could [laughter], the provisions of this bill. I do not think it detracts at all from the ability of the gentleman that he is not able to explain all its provisions. I do not wonder at it. Nobody in the Senate who asked for a satisfactory explanation of the bill received it, and nobody here has received such an explanation. But that is not the question. I fear, and I think I can perceive, that many gentlemen will vote for this bill without understanding what it will result in. They think that the pressure has been so great from the country that there ought to be some bill passed upon this subject. Now, I do not see this day where the great pressure from the people is to be discovered.

I admit that there is occasionally a locality where there is complaint about the railroads and from which there is a pressure for the passage of some bill; but, take the great producers of the country and the great shippers of the country, is there any pressure here from them for the passage of such a bill as the one which has passed the Senate and is likely to pass the House? Some years ago, I admit, there were complaints and there were reasons for complaints of the railroad corporations, but to-day those reasons have largely disappeared. In the great State of Pennsylvania I do not know where to find a complaint on the part of shippers against the railroads. I recollect when there used to be complaints, but I do not know of any there now, and I believe the same is true of other States to a very great extent.

The fact is that the building of railroads has been of such immense advantage to the country that the people are willing to let the men who understand the railroad business manage it themselves.

Mr. ROWELL. If the gentleman will permit a question, does he not think that the legislation which has been enacted in twenty-six States and Territories, and which has been in operation for several years, has had a good deal to do with reducing the complaints and the grounds for complaint?

Mr. O'NEILL, of Pennsylvania. Yes; I do not doubt that. Several of the States have enacted laws creating railroad commissions, and undoubtedly those have had great effect, and there, perhaps, is where this power had better be left, for there is less danger from this question in State legislation than in National legislation, less danger of injury to the people as well as to those who have their means invested in the transportation lines. Railroad commissions have been created in Massachusetts and in other States, and they have been to a great extent successful in removing the grounds of complaint against the railroads.

The legislation of the State of Pennsylvania, the constitutional provisions adopted by that State, have done good. Pennsylvania is against discrimination; her Legislature is against it, her people are against it, everybody there is opposed to discrimination. My colleagues know that as well as I do. We could not stand up here and favor anything looking like discrimination and be considered representatives of our people.

Mr. WEBER. Have you a railroad commission?

Mr. O'NEILL, of Pennsylvania. We have no such commission in Pennsylvania. I only wish we had. I think we would be in a fair way of getting such a commission but for this legislation.

Mr. Speaker, the railroad companies, so far as I know, appear to be totally unconcerned on this question. I know nothing of them; and I hear nothing from them. I do not know that their representatives are here; I have not seen any of them. Some of these companies may like some of the provisions of this bill, as I do; and some of them may differ with me in my ideas in regard to this bill. But I do not know and do not care how they feel. I have had my convictions upon this subject for years; and I feel to-day more strongly convinced than ever that we should be very careful how we legislate in this general way by passing an almost iron-clad bill. I do not regard the bill as now recommended by the conferees as an improvement upon the Cullom bill. I regard the long-and-short-haul clause in its present form as so very binding that there can be no redress.

I have thought all along that the shipper and the railroad company could agree as to what would be "similar circumstances." So they could. They have agreed in the past, and they could agree now. I do not think legislation upon that question is required. I know that since we passed the "Reagan bill" in the House, the freights charged by the railroad companies have been diminishing in a slight degree, as much as could be expected when you take into account what should be a fair profit to the railroad companies and what accommodations should be extended to the shippers of freight. It is not to be supposed that a railroad company wants to carry freight at a loss.

Those companies are generally looking to the interests of their stockholders; they generally seek a return upon the capital they have invested. I think their great desire is to make their investments yield a profit. But when you come to consult with those who understand the financial affairs of the railroad companies you find that, while the aggregate of reductions for transportation is so great, the trunk lines are generally paying dividends upon their stock, and all of them are paying interest upon their bonds. There must be some profit, even if some man in Minnesota gets his freight carried from Saint Paul to the East for less than is paid by some one a few miles east of Chicago.

This question of profit is a very material one; and the railroad companies desire to make a profit for those whose interests are under their care. It is not necessary to mention the fact—the whole House knows it—that nearly eight billions are invested in railroads. The aggregate is largely more than the aggregate invested in almost any other line of business; and this business employs a larger number of persons than almost any other branch of industry. Why, sir, the progress of railroad building in the State of Pennsylvania has made that State a great empire in itself. It has increased within my recollection from a Commonwealth of a little over 2,000,000 people to a State of nearly 6,000,000 inhabitants. The development of our railroad system has built up our State almost like a continuous city from Philadelphia to Pittsburgh, as well as in other directions where railroad lines have extended.

Our State entered early upon the working out of the railroad idea; earlier almost than any other State. Our Commonwealth was almost the pioneer in railroading. Before any of these other great lines of railroads were completed the State of Pennsylvania had crossed the

Alleghany Mountains with a railroad by means of inclined planes—a wonderfully skillful feat of engineering in those early days—so as to connect the waters of the Delaware with the waters of the Ohio, partly by rail and partly by canal. But the misfortune was that those lines of canal were managed by a canal board, as it was called in Pennsylvania, which became a powerful machine of political corruption. When I reflect upon some of the provisions of this bill and the views of some gentlemen here upon them the idea suggests itself to my mind that eventually the Government may be asked to purchase these roads. They may be pushed upon the Government of the United States for the purpose of bringing value to some bankrupt railroads and for the purpose of centralizing the railroad system and using that system politically. There is danger in that direction; for I believe such is the tendency in the minds of those who have for years been so eager to adopt legislation even more stringent than that proposed in this bill.

Another consideration suggests itself to me. What protection have we in this bill from the railroads in Canada? Can my friend from Georgia explain that? What protection have the trunk lines of this country as against the trunk lines of Canada? The gentleman does not answer. I will give the answer. Of course it is well known that there is a line of railroads running through Canada from Montreal in the direction of Chicago, and beyond to the northwest, competing to a considerable extent with trunk lines running from our seaboard in the same direction. There is nothing in this bill which binds these roads; nothing at all. But an attempt has been made to bring them within the power of this enactment and to require them to stand by some of its provisions. I do not believe that can be done by legislation. The great competitor of the American trunk lines is in Canada, where they can do everything they want to do, where they can adopt one charge for a long haul and another for a short haul, just as they may please to do against our roads. There, of course, another interest comes in.

Then, there are the water-ways of the country. Why are not they legislated for in like manner? Take the steamship lines upon the lakes, take the steamboat lines on our rivers, and they are nearly all combinations of various people, they are nearly all associated lines, and why not by legislative authority in like manner control the rates of their freights as you do in the case of railroad corporations? Yet, while it would seem that should be done in one case as in the other, there is nothing in this bill bringing them within its provisions. All the restrictions are put upon the railroad corporations, and the transportation on our water-ways is allowed to remain as it is, and these steamship and steamboat lines are permitted to make charges for carrying freight as they please, to undercut—to use the customary phrase—as much as they please, the charges of railroad lines. They can pool freights, and do pool them. They can charge as it suits them for a long or a short haul. While railroads are charged with attempts to defeat this interstate-commerce legislation, we must not forget the influence that the water-ways may be exerting for the success of such a measure as we have before us.

As I have said before in this House, our great care should be as to how we are legislating, and upon what assumption, and upon what condition of facts. Some gentlemen say whatever may be wrong here we can remedy hereafter, that we have the power of amendment. We have the admission that this is an experiment. I should think so by the vote at the other end of the Capitol, and by the remarks there. But we are told, let us try it. Well, we may try it to the ruin of the transportation business in the approaching spring of this year, and next fall. We can not legislate in reference to the matter for another year, and so we can not remedy any defect which may be found in this law in less than that time. We are now going into the business of this year—the spring trade is about to open, and the enactment of such a law must lead to embarrassment in the transportation lines of the country at least for months to come. I do not see how it can be otherwise. I know there is a provision in the bill that this law shall not take effect until 60 days after its passage. I believe there is such a provision.

Mr. CRISP. They are to have 60 days.

Mr. O'NEILL, of Pennsylvania. Sixty days in which to make the necessary changes relating to a business which covers the whole country—which, in extent, may be counted not only by the use of thousands of miles of railroads, but by over a hundred thousand of miles. There are one hundred and twenty-five thousand and more miles of railroads now built, and five or six thousand miles of railroad are built every year. They have been built at that rate, and are being built at that rate this year. Yet, in this bill it is proposed to enact a law to throw that whole railroad system into embarrassment. It overturns the system which they have been years in establishing, and which has had the effect of reducing the rate of transportation to the lowest figures, cutting it down at the average rate of reduction in the past in a few years of the future to less than seven-eighths of a cent per ton per mile, the average rate now the country over.

I will say this, that in the years I have been permitted to live and permitted, by the pleasure of the people who sent me to this House, to occupy a legislative capacity, I remember the inception of the great railroad movement in Pennsylvania, and I am proud to say, after looking into the matter carefully, I rejoice that I acted with those in favor of such legislation as would provide by municipal subscription in Philadelphia millions of dollars to build the great Pennsylvania Railroad in order to connect the Delaware with the Ohio. I know something of its enterprise. I know what it has done for Philadelphia and Pennsylvania, and I think I know that in the opinions I have here expressed upon the provisions of this bill I represent the people who sent me here. They would be satisfied with the Cullom bill. I know I represent them on this subject when I vote against a proposition containing so many iron-clad provisions and so radical when we consider that we are enacting an entirely new national system of railroad management.

I would be glad to vote for the Cullom bill, as we voted for it last summer, in favor of a grand national commission, and the legislation proposed in that bill that would, I believe, cure all evils as commissions have cured evils in many of the States. Let such a bill be put forward, and let such a commission be appointed by the President. Let the commissioners be selected because of their integrity and known ability, and let them look into the matter and see what is necessary to be done to protect the people, what is necessary to restrain the railroads. I believe in a few months' time such a commission would furnish us with such information as might be necessary and upon which we could legislate with safety.

I am going to end what I had to say by repeating, as I began, that I am against discrimination. The people are against discrimination and I am for reasonable freight charges. I am for no man being preferred over another in the transaction of business with the railroads, or in any other character of business; and so I am ready as I ever have been ready to act upon reasonable and desirable legislation on the part of Congress to make any proper and legitimate change in the railroad system. This House is not likely to vote down this report; and yet it seems to me that it is a dangerous experiment, and what its effect will be upon the great transportation movement of the country is what no man can predict. Whether it will be for good or bad the future alone will determine. Whether the railroads will suffer or not—and when I speak of railroads I mean the people who have $8,000,000,000 invested in them—or whether the business people will be made to suffer is difficult to determine. I want neither the business people nor those whose means are honestly in railroad investments to be the losers by our enactments. I say it is a dangerous experiment and one which should be proceeded with in a cautious manner. The majority must rule and must be responsible for what it does.

I now yield to the gentleman from Illinois [Mr. HOPKINS].

Mr. HOPKINS. Mr. Speaker, disguise it as we may the fact exists that the members of this House must meet and settle the question whether the people of this country are to have any legislation during this Congress on the much-vexed and much-talked interstate-commerce law to regulate and control the transportation of goods over the great railroads which span the land in every direction. The bill which has been reported by the conference committee, after a most elaborate, able, and exhaustive debate in the Senate, has passed that body by a vote which certainly must be gratifying to the distinguished Senator who is chairman of the Senate committee that had the bill in charge. The consideration of the bill here naturally suggests two leading thoughts: First, has Congress the power to regulate interstate commerce in the manner proposed in the bill? And, secondly, does a necessity exist for the exercise of that power if it shall be found to be warranted by the Constitution and the decision of the courts?

The power of Congress to legislate upon this subject and the constitutionality of the bill under consideration were seriously questioned by some of the ablest and most distinguished Senators, and the same objections are again heard in this House in opposition to the passage of the bill.

I confess it seems a little strange to me that after the wealth of learning shown upon this subject by State and Federal judges, including the learned justices of the Supreme Court of the United States, that there should still be found doubting Thomases among the members of this House or in the legal profession wherever found. If there is any question in the whole domain of our jurisprudence which has been fixed and settled by an unbroken line of decisions of the courts from the earliest history of our constitutional Government to the present, it is this of the power of Congress to regulate interstate commerce or the commerce contemplated in this bill.

Chief-Justice Marshall, away back in the case of Gibbons *vs.* Ogden, reported in the 9th of Wheaton, examined this whole subject, and in a most luminous opinion asserted and demonstrated this power of Congress. And in the decision of the Supreme Court of the United States recently given in the case of the Wabash, Saint Louis and Pacific Railroad Company *vs.* The People of the State of Illinois, Mr. Justice Miller, in delivering the opinion of the court, uses this language:

> This clause giving to Congress the power to regulate commerce among the States and with foreign nations, as this court has said before, was among the most important of the subjects which prompted the formation of the Constitution. * * * The argument on this subject can never be better stated than it is by Chief-Justice Marshall, in Gibbons *vs.* Ogden. He there demonstrates that commerce among the States, like commerce among foreign nations, is necessarily a commerce which crosses State lines and extends into the States, and the power of Congress to regulate it exists wherever the commerce is found.

To those who, like the distinguished Senator from California [Mr. STANFORD], hold that railroads do not come within the meaning and intendment of that clause of the Constitution giving to Congress the right and power to regulate the transportation of goods from one State to another, and that railroad corporations partake more of the nature of private property, and should be treated as private and not public enterprises, I would commend the following language of Mr. Justice Bradley in giving expression to the views of the minority of the court on the questions involved in the Wabash case, already referred to:

The highways in a State are the highways of the State. Convenient ways and means of inter-communication are the first evidence of the civilization of a people. The highways of a country are not of private but of public institution and regulation.

In modern times, it is true, government is in the habit in some countries of letting out the construction of important highways requiring a large expenditure of capital to agents, generally corporate bodies created for the purpose, and giving to them the right of taxing those who travel or transport goods thereon as a means of obtaining compensation for their outlay. But a superintending power over the highways and the charges imposed upon the public for their use always remains in the Government. This is not only its indefeasible right, but is necessary for the protection of the people against extortion and abuse. These positions we deem to be incontrovertible. Indeed, they are adjudged law in the decisions of this court. Railroads and railroad corporations are in this category.

This language is plain and unequivocal. It settles the power of this Congress to act in the premises. In other words, it holds to the axiom that the creature can never be greater or more powerful than the creator. This question of the power of the Government to regulate and control railroads, in one form or another, has been litigated in and decided by the courts of last resort in many, if not all, the States of the Union. Powers once conferred upon these corporations have been tenaciously held and enlarged upon. The Dartmouth College case has been invoked in their aid again and again. But to the honor of the judiciary of our country, both State and Federal, be it said, the judges before whom these questions have been brought for final arbitrament between the people and the railroads have arisen to the demands of the occasion, and by their learning, their integrity, and their patriotism have held and demonstrated that State Legislatures and Congress can not invest corporate bodies with power more imperial than that exercised by the State or with authority which becomes "vested rights," and hence amenable to no subsequent legislation. They have held that the people are sovereign, and that all, of whatever station or condition, corporations and persons alike, must bend to their will when expressed.

So I think, Mr. Speaker, with power and authority so full and ample possessed by Congress this House can not hesitate upon that ground to consider and pass the pending bill.

That there is a necessity for some such legislation I think is apparent to all who have given the subject any thought and study. The railroads of this country, with an aggregated capital almost beyond the computation of man, possess a power over the commerce of the country and all kinds of industry truly regal. That power has not been always exercised to promote the greatest good to the greatest number; but has been used to still further enhance the power of the railroads and increase their wealth and that too to the detriment and even ruin of the individual and sometimes of whole communities.

I cannot stop here and now to illustrate this truth by numerous examples. They are known to all men. The farmer, the merchant, and the manufacturer has each his grievance and story of wrecked fortunes from unjust discriminations in railroad transportation. That this is not idle talk is shown from the fact that the legislatures of twenty-three States of the Union have passed laws prohibiting unjust discrimination and other railroad abuses within the limits of their respective territories. But the State is powerless to meet the evils sought to be remedied by this bill. This is happily illustrated in the Wabash case to which I have already made reference.

There is a statute in the State of Illinois which holds that if any railroad corporation shall charge, collect, or receive for the transportation of any passenger or freight of any description, upon its railroad for any distance within the State, the same or greater amount of toll or compensation than is at the same time charged, collected, or received for the transportation in the same direction of any passenger or like quantity of freight of the same class over a greater distance of the same road, all such discriminating rates, charges, collections, or receipts, whether made directly or by means of rebate, drawback, or other shift or evasion, shall be deemed and taken against any such railroad corporation as *prima facie* evidence of unjust discrimination prohibited by the provisions of the act.

The statute provides a penalty for every offense. That statute was attempted to be enforced against the Wabash, Saint Louis and Pacific Railroad Company by the State authorities on the following state of facts: The railroad company charged Elder & McKinney 15 cents per hundred pounds for carrying a load of freight from Peoria, in the State of Illinois, to New York, 109 miles of the distance being in Illinois, while at the same time it charged Bailey & Swannell 25 cents per hundred pounds for carrying a like load of the same class of freight from Gilman, also in the State of Illinois, to New York, 23 miles of the distance being in Illinois. Both places were on the line of the road, and the freight of Elder & McKinney being carried 86 miles further in the State of Illinois than the like kind of freight of Bailey & Swannell. The Wabash road defended the action brought against it, and asked the trial court to hold the following to be the law of the case:

The court further holds as matter of law that the transportation in question falls within the proper description of commerce among the States, and as such can only be regulated by the Congress of the United States under the terms of the third clause of section 8 of Article I of the Constitution of the United States.

The court refused to so hold, and found that the facts recited constituted a violation of the statute, and imposed the penalty provided by the law for such unjust discriminations. The company appealed to the supreme court of the State, and there the judgment of the lower court was affirmed. The precise ground upon which the Illinois court held jurisdiction of the case can best be expressed in the language of the learned judge who delivered the opinion of the court. The court say:

We understand and simply hold that in the absence of anything showing to the contrary a single and entire contract to carry for a gross sum from Gilman in this State to the city of New York implies necessarily that that sum is charged proportionately for the carriage on every part of that distance; and that a single and entire contract to carry for a gross sum from Peoria in this State to the city of New York implies the same thing; and that therefore when it is shown that there is charged for carriage upon the same line less from Peoria to New York (the greater distance) than from Gilman to New York (the less distance), and nothing is shown to the effect that such inequality in charge is all for carriage entirely beyond the limits of this State, a *prima facie* case is made out of unjust discrimination under our statute occurring within this State. We hold that the excess in the charge for the less distance presumably affects every part of the line of carriage between Gilman and the State line proportionately with the balance of the line.

If this wise and just interpretation of the Illinois statute had been adopted by the Supreme Court of the United States there would be less necessity for the enactment into law of the pending bill. But the company refused to abide by the decision of the supreme court of Illinois, and brought the case for review before the Supreme Court of the United States, where it was reversed and remanded. Mr. Justice Miller, in giving expression to the opinion of the court, said:

Of the justice or propriety of the principle which lies at the foundation of the Illinois statute, it is not the province of this court to speak. As restricted to a transportation which begins and ends within the limits of the State, it may be very just and equitable, and it certainly is the province of the State Legislature, to determine that question.

But when it is attempted to apply to transportation through an entire series of States a principle of this kind, and each one of the States shall attempt to establish its own rates of transportation, its own methods to prevent discrimination in rates, or to permit it, the deleterious influence upon the freedom of commerce among the States and upon the transit of goods through those States, can not be overestimated. That this species of regulation is one which must be, if established at all, of a general and national character, and can not be safely and wisely remitted to local rules and local regulations, we think this is clear from what has already been said. And if it be a regulation of commerce, as we think we have demonstrated it is, and as the Illinois court concedes it to be, it must be of that national character, and the regulation can only appropriately exist by general rules and principles, which demand that it should be done by the Congress of the United States under the commerce clause of the Constitution.

This opinion renders all the States powerless to check or control the growing sovereignty of railroads. The great bulk of the traffic of the various roads comes within the principle announced by Mr. Justice Miller, and hence Congress, and Congress alone can protect the people from extortion, discrimination, and other railroad corporate abuses. It is contended by some that the railroads should not be hampered by any legislation and that they will see that no injustice or extortion is practiced upon the people. That the officers and managers of some of the great railroads of the country are just and honorable men can not be denied, and that they manage the affairs of their roads in a spirit of fairness to the public must, too, I think, be admitted.

But that is no argument against the right or propriety of passing such a law as is contemplated in this bill. They possess a power which, if they choose to exercise it, will spread ruin upon the person or locality that offends them. They have not the responsibility or interest of a government in the people. Their interest in the welfare and prosperity of different individuals or communities may be only incidental, while the government is always direct; and yet, without any interstate-commerce law to regulate and control them, they are more powerful and exercise a more direct influence upon the people than the State. Their power for evil is well illustrated in the building up of the Standard Oil monopoly. It has been fittingly characterized by one author as "The History of a Commercial Crime."

My time is limited and I can not speak at any length upon a condition of affairs brought about by the combination and discriminations of railroads which would permit a giant monopoly to accumulate $100,000,000 in a little less than fifteen years. The history of the manner in which that company has been enabled to accumulate so vast a fortune is enough to make the members of this House, who are the representatives of the people, hasten the work of this conference committee into a law. The people look to the members of this House as their agents to honestly, fairly, and fearlessly guard their rights.

The railroads and their managers and agents profess to be friendly to Congressional legislation, and some even go so far as to maintain that it is in the interest of honest railroading to have Congress enact a law regulating the transportation of traffic over interstate roads, and I incline to the opinion that many of the leading railroad managers of the country are honest in the expression of these views; but the bill now before us has been attacked in a manner which, if we were to assume the criticisms to be just, would lead us to believe it the most villainous piece of legislation ever attempted to be forced through Con-

gress. I have studied its provisions with much care, with no prejudice against railroads, and with a desire to fairly and intelligently represent the interests of the people who have honored me with a seat in this House and the interests of our common country. My study and investigation have led me to different conclusions respecting the bill than those of the prophets of ill omen whose forebodings picture the utter destruction of all commerce among the States and gaunt want and despair upon every corner if the bill becomes a law.

I assert what can not successfully be denied, that the sections of the bill which are so fiercely assailed are but the enactment into statutory law of common law principles. The mode of enforcing those sections are different from common law remedies—made so to meet a condition of affairs which was not contemplated at common law. I am not saying that the bill is perfect or that it could not be improved by amendment, but that is denied us. We must take the bill as it comes from the conference committee or reject it. The fourth and fifth sections of the bill seem to be most objectionable, or at least the opposition to the bill is centered upon those sections.

Section 4 makes it unlawful for any common carrier subject to the provisions of the act to charge or receive any greater compensation in the aggregate for the transportation of passengers or like kind of property under substantially similar circumstances and conditions for a shorter than for a longer distance over the same line in the same direction, the shorter being included in the longer distance with a proviso that in special cases the commissioner appointed in the bill might permit a less charge for a longer than for a shorter distance for the transportation of passengers or property, with the saving clause that these provisions should not be construed as authorizing any common carrier within the terms of the act to charge or receive as great compensation for a shorter as for a longer distance. What is there in this section so novel as to cause such a furor of debate over its provisions? The principle is as old as the law of common carriers.

That its application to the regulation and control of railroads and their traffic is not new is apparent from the fact that four States, namely, Arkansas, California, Missouri, and Pennsylvania, have that principle in the constitutions of their States, and Massachusetts and Illinois by statutory law have emphasized its justice and equity. Able and eloquent men like my distinguished friend from Ohio [Mr. BUTTERWORTH], men who can make the worse appear the better reason, may torture the language of that section into something detrimental to the commerce among the States; but, after their brilliant assaults shall have spent their force, plain people will see nothing in this section but the assertion of a just principle of law, made necessary by the unjust discriminations and extortions of railroads.

The SPEAKER *pro tempore* (Mr. OATES in the chair). The time of the gentleman has expired.

Mr. HOPKINS. I think, Mr. Speaker, that I have some time remaining. I have not occupied thirty minutes.

The SPEAKER *pro tempore*. The Chair recognized the gentleman for the fifteen minutes remaining in the time of the gentleman from Pennsylvania.

Mr. CRISP. How much additional time does the gentleman want?

Mr. HOPKINS. I do not intend to occupy more than thirty minutes if I can avoid it.

Mr. CRISP. I ask consent that the gentleman be permitted to proceed with his remarks.

There was no objection.

Mr. HOPKINS. Now, Mr. Speaker, I had intended to supplement these remarks by an examination in detail of the various sections of the bill, and especially of sections 4 and 5, but the lateness of the hour forbids such an extended examination, and I shall content myself by referring briefly to a few of the important points in connection with them.

The construction which has been placed on section 4 by the conference committee of the Senate avoids all of the difficulties raised by gentlemen who oppose the bill on account of its provision relating to the so-called long and short haul.

That construction will secure to the farmers and shippers of Illinois and the West as favorable rates for through freight, otherwise known as the long haul, as they have now; while under the provisions of the bill all shippers at intermediate points on the line of the road or roads forming the line over which the long haul shipments are made will be protected from unjust discriminations or extortion.

The gentleman from Georgia [Mr. CRISP], who presented to the House this afternoon the reasons which actuated the conference committee in agreeing upon the bill in the form we are now considering it, spoke of the disastrous results to the commerce of the country, and shippers, and the people generally from a war of rates between two or more of the great trunk-line railways at competing points, such as Kansas City, Omaha, or Chicago, for through freight to New York city, or some other seaboard city. What the railroads lose by such wars at these terminal points, it is claimed, are imposed upon the people and shippers at intermediate points on the line of the roads between their Eastern and Western termini, so that the people are the ones upon whom finally the great burden falls. Now, by this section of the bill, provision is made that the charge for the shorter haul on such a line shall not be more than for the longer haul, except in special cases, and whatever the rates at the terminal points of such competing roads may be reduced to all the intermediate points will get the benefit of such reduction. This fact will serve as a most effective check upon the hostilities of competing railroads, and secure fair and uniform rates.

The final construction which will be placed upon the words "under substantially similar circumstances and conditions" must of course be left with the courts and the commission. Any construction given to them by a member in debate can not be authoritative or binding. They are placed in the section to give such flexibility to charges on the long and short haul as will not interfere with the commerce of the country. Railroad managers who were examined before the Commerce Committee of the Senate all agreed, it is said, that as a general proposition, as much should not be charged for the transportation of passengers or freight on any railroad for a short as for a longer distance. This section then is in harmony with the views of expert railroad men. The exceptions mentioned by them before the Commerce Committee of the Senate are provided for by the powers given the commission to authorize a less charge for longer than for shorter distances for the transportation of passengers or property.

Mr. REED. Then you differ with the gentleman from Georgia in that interpretation?

Mr. HOPKINS. I am not the keeper of the conscience or of the judgment of the gentleman from Georgia. I am simply giving my construction to this bill.

Mr. REED. And which differs from that of the gentleman from Georgia.

Mr. HOPKINS. That may be.

Mr. REED. I wish to draw attention to the divergency.

A MEMBER. Why is the commission authorized to sit in Washington?

Mr. HOPKINS. That is a question I can not answer. Washington is the seat of the National Government, and it would seem proper that the meetings of the commission should be here. But the bill provides that the commission shall go to Chicago or Cincinnati, or anywhere else.

Mr. STEELE. At the expense of the Government.

Mr. HOPKINS. But in the interest of the people.

Section 5, which relates to pooling, is but a re-enactment of the common-law principle. It seems to me there is no member of this House who will maintain that it is right or just to permit railroad companies to engage in pooling when it is a violation of the interests of all other industries. It is an offense at common law, and has been so decided in the State of Ohio and in the State of New York, and has been so decided wherever the question has been fairly put to the courts.

I am aware that railroad managers claim it is in the interest of cheap freight rates, but it will be difficult to make any man believe that such combinations benefit anybody other than those who are parties to them. Had I the time I would gladly show the results of the pooling contracts prohibited by this bill. But I am reminded that my time has expired. The bill, Mr. Speaker, may be crude, and experience may teach us that it should be amended and modified. If such be the case no person will more cheerfully correct by further legislation any errors or defects in the bill than myself. The railroads of the country have worked wonders in the settlement of our Western States and Territories and in the development of our interstate commerce, and I would not knowingly strike down any of their legitimate rights or cripple them in carrying on this great commerce. What, for one, I wish to do, and what I think the members of this House wish, is to so regulate them in the transportation of passengers and freight from one State to another that they can work no injustice upon each other or the public, and that reasonable rates shall be secured to all classes of shippers and those engaged in the transportation of goods for a short or long distance over any of their lines. I reserve the remainder of my time.

The SPEAKER. The Chair does not know whether the gentleman from Illinois has any time left or not. The present occupant of the chair understands that the floor was yielded to the gentleman from Illinois by the gentleman from Pennsylvania [Mr. O'NEILL], and that when his time expired, on the request of the gentleman from Georgia [Mr. CRISP], it was extended.

A MEMBER. Until he had finished his remarks.

The SPEAKER. And having done that, the Chair thinks the gentleman has no time remaining.

ARMY APPROPRIATION BILL.

Mr. BRAGG, from the Committee on Military Affairs, reported back the bill (H. R. 10242) making appropriation for the support of the Army for the fiscal year ending June 30, 1888, and for other purposes, with amendments by the Senate, and moved that the House non-concur in the Senate amendments, and ask for a committee of conference.

Mr. HOLMAN. Are there not some amendments which ought to be concurred in?

Mr. BRAGG. There are only two that are of material consequence.

The motion was agreed to.

The SPEAKER announced as the managers of the conference on the part of the House, Mr. BRAGG, Mr. VIELE, and Mr. STEELE.

S. D. BARCLAY AND OTHERS.

Mr. MILLS, by unanimous consent, introduced a bill (H. R. 10794) for the relief of S. D. Barclay, G. D. Adams, and William H. Kimbrough; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 2478) granting a pension to John Wines;
A bill (S. 2459) granting a pension to Eliza Wilkins;
A bill (S. 2420) granting a pension to Sidney Denton;
A bill (S. 2388) granting a pension to Alonzo Raymond;
A bill (S. 2167) granting a pension to Mrs. Margaret Dunlap;
A bill (S. 1654) granting a pension to Joseph Mays;
A bill (S. 1642) granting a pension to William F. Harmon;
A bill (S. 391) for the relief of A. A. Thomas;
A bill (S. 165) for the relief of William H. Gray, of Kentucky;
A bill (S. 250) for the relief of the sufferers by the wreck of the United States steamer Ashuelot;
A bill (S. 2699) granting a pension to Sarah E. Norton;
A bill (S. 1386) for the completion of a public building at Fort Scott, Kans.;
A bill (S. 2791) to provide for an American register for the steamer Nuevo Moctezuma, of Philadelphia, Pa.;
A bill (S. 230) for the erection of a public building at Worcester, Mass.; and
A bill (S. 2730) granting an increase of pension to Elizabeth S. de Krafft.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ERMENTROUT, indefinitely, on account of the death of his brother.

Mr. CRISP. I move that the House do now adjourn.

STABLE FOR HOUSE OF REPRESENTATIVES HORSES, ETC.

Mr. OWEN. Before the question is put on the motion to adjourn, I desire to call up a bill, which is of interest to the whole House. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 10091) for the construction of a stable for the use of the horses and wagons for the use of the offices of the House of Representatives, and that the same be now considered.

The bill was read, as follows:

Be it enacted &c., That the sum of $4,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be immediately available, to be expended under Edward Clark, Architect of the Capitol, for the construction of a brick stable and wagon-sheds necessary, and fence inclosing the same, for the post-office and other offices of the House of Representatives, to be erected on the lot on the east side of Third street between Maryland avenue and B street southwest, in the city of Washington, now occupied by and the property of the United States.

Mr. SPRINGER. Before the power of objection is exhausted I want to know where this bill came from.

Mr. OWEN. It was reported by the Committee on Public Buildings and Grounds. Let the report be read.

The report (by Mr. OWEN) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 10091) for the construction of a stable for the use of the horses and wagons used by the officers of the House of Representatives, find that the present stable quarters are unsatisfactory and inconvenient, and that $360 rent per year is paid therefor. The bill asks the construction of a brick stable at a cost of $4,000 on a site owned by the United States, said site being a part of the south annex to the Botanical Grounds; if is unoccupied, and this use having been recommended by the superintendent of the grounds, your committee recommend the passage of the bill.

Mr. MCMILLIN. Is this for the horses used for carrying mails and the like?

Mr. OWEN. That is the object of the bill. The writ of ejectment from the present premises has already been issued, and it is necessary that this bill should pass at once.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. OWEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment a bill (H. R. 1171) to amend an act entitled "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," approved June 3, 1884.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill of the Senate (S. 2699) granting a pension to Sarah E. Norton.

The message also announced that the President *pro tempore* of the Senate had appointed Mr. WILSON, of Maryland, a member of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 8346) authorizing the employment of mail messengers in the postal service, in place of Mr. MAXEY, excused.

The message further announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 229) to provide for the erection of a public building at Wilmington, N. C., asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MAHONE, Mr. VEST, and Mr. RANSOM the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the bill (H. R. 7616) for the relief of W. D. Havely.

CHANGE OF REFERENCE.

The SPEAKER. The bill (H. R. 10665) to provide for the investment of certain funds in the Treasury in bonds of the United States was erroneously referred to the Committee on Banking and Currency. Inasmuch as it relates to the bonded debt of the United States, it should go to the Committee on Ways and Means, and it will be so referred if there be no objection.

There was no objection, and it was so ordered.

ADJOURNMENT.

The motion to adjourn was then agreed to; and the House accordingly (at 5 o'clock and 23 minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BOUND: Petition of citizens of the city of Lebanon, Pa., in favor of repealing internal-revenue tax on tobacco and cigars, domestic spirits and alcohol, &c.—to the Committee on Ways and Means.

By Mr. BUNNELL: Petition of soldiers and other citizens of Bradford County, Pennsylvania, asking that widows and dependent relatives shall not be debarred from pensions if death of claimant resulted from other causes than that for which pensioned—to the Committee on Invalid Pensions.

Also, petition of the New York Board of Trade and Transportation, favoring the passage of the interstate-commerce bill—to the Committee on Commerce.

By Mr. DARGAN: Petition of citizens of South Carolina, for an appropriation for the deepening of Winyah Bay bar—to the Committee on Rivers and Harbors.

By Mr. D. B. HENDERSON: Petition from a committee of the Consolidated Cattle-Growers' Association of the United States, urging the passage of the Miller pleuro-pneumonia bill—to the Committee on Agriculture.

Also, paper from the Knights of Labor, favoring the bill (H. R. 7217) for organizing the Territory of Oklahoma—to the Committee on the Territories.

By Mr. J. S. HENDERSON: Petition of J. M. Wharton and 179 others, citizens of Guilford County, North Carolina, for the repeal of the internal-revenue taxes—to the Committee on Ways and Means.

Also, petition of Dillard & Moir and others, manufacturers of tobacco, of Leaksville, N. C., for the repeal of internal-revenue taxes, including especially the tax on tobacco—to the same committee.

By Mr. HERMANN: Memorial of the Board of Trade of Oregon City, Oreg., for the improvement of the Willamette River between Oregon City and Portland—to the Committee on Rivers and Harbors.

By Mr. MORRILL: Petition of McPike & Fox, of Atchison, Kans., for the repeal of internal-revenue tax—to the Committee on Ways and Means.

By Mr. MURPHY: Petition from a committee of the Consolidated Cattle-Growers' Association of the United States, in favor of the Miller bill—to the Committee on Agriculture.

By Mr. NEGLEY: Petition of the Woman's Indian Association of Pittsburgh and Alleghany City, Pa., requesting the passage of the bills (S. 52, 53, and 54)—to the Committee on Indian Affairs.

By Mr. SENEY: Petition of Central Farmers' Institute of Columbus, Ohio, favoring the bill (H. R. 10359)—to the Committee on Agriculture.

By Mr. STORM: Memorial of the New York Board of Trade and Transportation, in favor of the Cullom-Reagan bill—to the Committee on Commerce.

By Mr. ZACH. TAYLOR: Petition of H. L. Thomas and E. M. James, legal representatives of B. R. Thomas, deceased, of R. D. Goodwyn, and of Eudoro Baptist church, of Shelby County; of Henry R. Taylor, of Haywood County; and of H. Pipkin, administrator of Jesse Pipkin, deceased, of Hardeman County, Tennessee, asking that their claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. TUCKER: Memorial of James Browning, superintendent of the United States National Cemetery at Staunton, Va., for an appropriation for road from that city to said cemetery—to the Committee on Military Affairs.

By Mr. MILO WHITE: Petition of the chairman and secretary of the National Legislative Committee of the Knights of Labor in favor of opening up Oklahoma to settlement—to the Committee on Indian Affairs.

By Mr. WHITING: Petition of the Franklin Harvest Club of South-

ampton, Mass., praying for the passage of the Hatch experiment-station bill—to the Committee on Agriculture.

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. W. W. BROWN: Of 469 citizens of the sixteenth district of Pennsylvania.

By Mr. J. M. CAMPBELL: Of citizens of Man's Choice, Pa.

By Mr. COOPER: Petition of the Women's Christian Temperance Union of Ohio in favor of the Blair educational bill.

By Mr. EDEN: Of 439 citizens of the seventeenth district of Illinois.

By Mr. ELDREDGE: Of 385 citizens of the second district of Michigan.

By Mr. ERMENTROUT: Memorial of the Women's Christian Temperance Union, asking for the passage of the Blair bill.

By Mr. D. B. HENDERSON: Paper from the Knights of Labor, favoring the Blair educational bill.

By Mr. LAIRD: Petition of the Women's Christian Temperance Union of Nebraska for the passage of the educational bill.

By Mr. NEGLEY: Petition for national aid to common schools, from citizens of Pittsburgh, Pa.

By Mr. RIGGS: Of 120 citizens of the twelfth district of Illinois.

By Mr. ROMEIS: Of 110 citizens of the tenth district of Ohio.

By Mr. ROWELL: Of 421 citizens of the fourteenth district of Illinois.

By Mr. W. J. STONE, of Missouri: Of 95 citizens of the twelfth district of Missouri.

By Mr. A. J. WARNER: Petition of the officers of the Women's Christian Temperance Union of Ohio in favor of the Blair bill.

By Mr. MILO WHITE: Petition of the chairman and secretary of the national legislative committee of the Knights of Labor in favor of the Blair educational bill.

SENATE.

WEDNESDAY, *January* 19, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting a supplementary report of the surveyor-general of New Mexico on the private land claim designated as the "grant to Bernabe M. Montaño *et al.* No. 49;" which, with the accompanying papers, was referred to the Committee on Private Land Claims, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of January 6, 1887, certain information relative to the indebtedness of the bond-subsidized Pacific railroad companies.

The Chief Clerk proceeded to read the communication.

Mr. INGALLS. It is not necessary to read the communication in full. Let it be printed.

The PRESIDENT *pro tempore*. It will be printed in the RECORD, and also in the ordinary way, and, with the accompanying documents, referred to the Committee on the Judiciary, if there be no objection.

The communication is as follows:

TREASURY DEPARTMENT, *January* 18, 1887.

SIR: I am in receipt of Senate resolution of January 6, 1887, calling on this Department for information as to the sums of money which were owing to the United States by the bond-subsidized Pacific railroad companies, respectively, on the 1st day of January, 1887, with details of all payments made on account of the same; and also as to the sums which are due and to become due, principal and interest, under existing law, severally and collectively, from said companies, and what difference will result to the Treasury if Senate bill 1200 should become a law.

In reply thereto, I have the honor to state that the amount due from the several Pacific railroad companies for interest paid by the United States to January 1, 1887, on subsidy bonds issued to said companies was $70,854,325.62, of which there had been repaid by the companies at that date the sum of $21,552,144.14, leaving due on account of interest the sum of $49,302,181.48.

There will be due on the same account at maturity of the subsidy bonds, September 11, 1897, the further sum of $43,406,921.88, making a total of $92,709,103.36 due and to become due on account of interest. There is also to become due on account of principal of these bonds at maturity the sum of $64,623,512, making an aggregate indebtedness due and to become due of $157,332,615.36.

In response to the inquiry as to "what difference will result to the Treasury if Senate bill 1200 should become a law?" it may be stated that the special method prescribed by the bill for obtaining the constant annual payment is one which, while proposing to find a constant semi-annual payment adequate to extinguish both principal and interest of the indebtedness of the companies, is insufficient to cancel even the interest, being sufficient to provide for the payment of only eleven-twelfths of the interest.

The present worth of the indebtedness of the companies as of October 1, 1886, ascertained as prescribed in the bill, is $110,978,100.28, the semi-annual interest on which, computed at 3 per centum per annum, is $1,664,671.50, while the constant semi-annual payment required to be made under the provisions of the bill is only $1,525,948.88.

The constant semi-annual payment, or bond of indebtedness, required to cancel the present worth of indebtedness above mentioned ($110,978,100.28), principal and interest, in eighty years, computed at the rate of 3 per centum per annum, reinvested semi-annually, is $1,834,063.98.

A careful analysis of the subject has been made by Mr. E. B. Elliott, Government actuary, whose report is herewith transmitted, and to which the attention of the Senate is invited for further particulars.

Tabulated statements showing the amounts due and to become due from each of said companies, respectively, on account of interest and principal, together with the details of reimbursements made on account of interest by transportation and cash payments, are also transmitted herewith.

In conclusion, I may add that section 8 of the act of May 7, 1878, establishing a sinking fund for the Union and Central Pacific Railroad Companies, commonly known as the "Thurman law," provides:

"That said sinking fund so established and accumulated shall, according to the interest and proportion of said companies respectively therein, be held for the protection, security, and benefit of the lawful and just holders of any mortgage or lien debts of such companies, respectively, lawfully paramount to the rights of the United States, and for the claims of other creditors, if any, lawfully chargeable upon the funds so required to be paid into said sinking fund, according to their respective lawful priorities, as well as for the United States, according to the principles of equity, to the end that all persons having any claim upon said sinking fund may be entitled thereto in due order." * * *

In view of this provision of law, it may be proper to consider whether the sinking fund now held in trust by the United States should be treated as an offset in determining the indebtedness due the Government from the railroad companies mentioned, as is required by the first paragraph of section 1 of Senate bill 1200, now under consideration.

Respectfully, yours,

D. MANNING,
Secretary.

Hon. JOHN SHERMAN,
President of the Senate pro tempore.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of January 13, 1887, reports of engineer officers relative to the channel in the part of Lake Champlain which lies between the islands of North and South Hero; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

NEW ORLEANS, BATON ROUGE AND VICKSBURG RAILROAD GRANT.

The PRESIDENT *pro tempore* appointed Mr. PLUMB, Mr. TELLER, and Mr. WALTHALL as the conferees on the part of the Senate upon the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3186) to declare a forfeiture of lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company, to confirm title to certain lands, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. MANDERSON presented the petition of James E. Boyd, mayor, and 212 other citizens of Omaha, Nebr., praying for a reduction of the special taxes, and for the repeal of the "obnoxious and prohibitory features" of the oleomargarine bill; which was referred to the Committee on Agriculture and Forestry.

Mr. CAMERON presented the petition of George Ross & Co. and other citizens of Lebanon, Pa., and the petition of McKinley & Harbison, druggists, of Philadelphia, Pa., praying for the repeal of internal taxes; which were referred to the Committee on Finance.

He also presented petitions of citizens of Easton, Bethlehem, Allentown, Media, Orbisonia, and Kittanning, in the State of Pennsylvania, and a petition of citizens of Pennsylvania generally, praying for a reduction of internal taxes; which were referred to the Committee on Finance.

He also presented the petition of Thomas P. Gilchrist and 128 other citizens of Pittsburgh, Pa., praying for a reduction of special taxes and for the repeal of the "obnoxious and prohibitory features" of the oleomargarine bill; which was referred to the Committee on Finance.

Mr. MITCHELL, of Pennsylvania, presented the petition of Guilliame Autson and 52 other citizens of Philadelphia, Pa., praying for a reduction of internal taxes; which was referred to the Committee on Finance.

Mr. HOAR presented the petition of Mrs. James Bennett, of Richmond, Ky., praying for an equal protection of the United States, with other persons, in what the fifteenth amendment defines as "the right of citizens of the United States to vote;" which was referred to the Select Committee on Woman Suffrage.

Mr. HAMPTON presented a petition of druggists, of Charleston, S. C., praying for a repeal of the internal taxes; which was referred to the Committee on Finance.

Mr. COCKRELL. I present sundry affidavits and additional evidence in support of the bill (S. 1669) granting a pension to Dobson Amick. I ask that these affidavits be received, and referred to the Committee on Pensions to accompany that bill.

The PRESIDENT *pro tempore*. There being no objection, the papers will be received and so referred.

Mr. PLATT. I present some remonstrances of citizens of Middletown, Conn., against the removal of the custom-house from Middletown to Hartford. They are addressed to me as a Senator but intended for the Senate. The bill has been reported favorably by the Committee on Commerce, and I desire for the present, therefore, that they shall lie upon the table. Perhaps some motion to recommit will be made and if the bill is recommitted the remonstrances will go with the bill.

The PRESIDENT *pro tempore*. The papers will be laid upon the table.

Mr. INGALLS presented a petition of citizens of the District of Co-

lumbia residing in the suburb of Washington known as Meridian Hill, praying that an appropriation be made for paving and other public purposes; which was referred to the Committee on the District of Columbia.

Mr. HOAR presented a petition of George L. Davis and other citizens of North Andover, Mass., and a petition of David William Wallwork and other citizens of North Andover, Mass., praying for a reduction of internal taxes; which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. WILSON, of Iowa, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1049) for the relief of Clement A. Lounsberry, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL, of Pennsylvania. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. 10457) for the relief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support, to report it without amendment.

By direction of the committee, I give notice that to-morrow morning, after the dispatch of the usual morning business, I shall ask the Senate to take up and consider the bill.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1261) for the relief of Henry A. Paus, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 533) for the relief of Henry A. Paus, moved that it be indefinitely postponed; which was agreed to.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 3088) to grant a right of way through the public land strip to the Chicago, Kansas and Western Railroad Company, moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 3174) to extend the provisions of the act approved March 3, 1875, granting to railroads the right of way through the public lands to the country known as the Public Land Strip; which was read twice by its title.

Mr. FRYE, from the Committee on Foreign Relations, reported an amendment intended to be proposed to the sundry civil appropriation bill, appropriating $50,000 to enable the United States to take part in the international exhibition to be held in South Australia June 20, 1887, and moved its reference to the Committee on Appropriations, with the accompanying papers; which was agreed to.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (H. R. 1776) for the relief of Faran & McLean, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of Miss Clara G. Scott, praying for relief on account of services during the late war, asked to be discharged from its further consideration, and that it be referred to the Committee on Pensions; which was agreed to.

Mr. CHENEY, from the Committee on Claims, to whom was referred the bill (H. R. 2053) for the relief of Rachel J. Floyd, reported it without amendment, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 2935) granting a pension to Robert Baxter, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Education and Labor, to whom was referred the bill (H. R. 1622) to prohibit any officer, agent, or servant of the Government of the United States of America to hire or contract out the labor of prisoners incarcerated for violating the laws of the Government of the United States of America, reported it without amendment, and submitted a report thereon.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (S. 961) for the relief of Claude H. Mastin, surviving partner of the firm of LeVert & Mastin, of Mobile, Ala., reported it without amendment, and submitted a report thereon.

FISHING RIGHTS OF THE UNITED STATES.

Mr. EDMUNDS. I am instructed by the Committee on Foreign Relations, which was directed by resolution of the Senate at the last session to inquire into the subject of the alleged ill-treatment of American fishermen and fishing vessels, &c., to report a bill from that committee on the subject.

I have also a written report which I am directed by the committee to submit, together with documents, papers, evidence, &c., but which I crave leave to submit a little later. The report has all been drawn up and considered and agreed to, but I am authorized to go over it again in the sense of editing it, to see that the punctuation, &c., is right. I ask leave, therefore, to submit the report a little later, to-day or to-morrow, as the case may be.

The bill (S. 3173) to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels in certain cases, and for other purposes, was read twice by its title.

Mr. EDMUNDS. I wish to give notice, under the authority of the committee, that just as soon as the bill and report shall be printed, so that Senators can examine them, I shall ask the Senate to take up the bill and proceed with it, and dispose of it at the earliest possible day.

Mr. EDMUNDS subsequently said: Pursuant to the leave of the Senate granted this morning, I now report from the Committee on Foreign Relations a written statement of our views concerning the fisheries question together with a considerable number of documents, maps, &c., which I shall send directly to the Secretary's office to save bringing them in here. I move that the report and accompanying papers be printed.

The PRESIDING OFFICER (Mr. HALE in the chair). The documents will be printed, if there be no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 10091) for the construction of a stable for the use of the horses and wagons for the use of the offices of the House of Representatives; in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10242) making appropriations for the support of the Army for the fiscal year ending June 30, 1888, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BRAGG, Mr. VIELE, and Mr. STEELE managers of the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 165) for the relief of William H. Gray, of Kentucky;

A bill (S. 230) for the erection of a public building at Worcester, Mass.;

A bill (S. 250) for the relief of the sufferers by the wreck of the United States steamer Ashuelot;

A bill (S. 391) for the relief of A. A. Thomas;

A bill (S. 1386) for the completion of a public building at Fort Scott, Kans.;

A bill (S. 1642) granting a pension to William F. Harmon;

A bill (S. 1654) granting a pension to Joseph Mays;

A bill (S. 2167) granting a pension to Mrs. Margaret Dunlap;

A bill (S. 2388) granting a pension to Alonzo Raymond;

A bill (S. 2420) granting a pension to Sidney Denton;

A bill (S. 2459) granting a pension to Eliza Wilkins;

A bill (S. 2478) granting a pension to John Wines;

A bill (S. 2699) granting a pension to Sarah E. Norton;

A bill (S. 2730) granting an increase of pension to Elizabeth S. de Krafft; and

A bill (S. 2791) to provide for an American register for the steamer Nuevo Moctezuma, of Philadelphia, Pa.

BILLS INTRODUCED.

Mr. BECK introduced a bill (S. 3175) granting an increase of pension to Sallie R. Alexander, widow of Lieut. Col. Thomas L. Alexander, United States Army; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HAMPTON (by request) introduced a bill (S. 3176) to promote the efficiency of the civil service of the Government, and to establish a retired-list for persons employed therein; which was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

Mr. PLUMB introduced a bill (S. 3177) granting a bounty of $100 to the Second Regiment, Kansas Volunteer Infantry; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WILLIAMS introduced a bill (S. 3178) for the relief of Charles Murphy; which was read twice by its title, and referred to the Committee on the Judiciary.

ALLEN'S REPORT ON ALASKA.

Mr. MANDERSON submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the report of Lieut. Henry T. Allen of his explorations in Alaska, transmitted by the Secretary of War in response to a request therefor from the Senate, be printed, and that 3,500 additional copies be printed, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House, and 500 copies for the use of the Secretary of War.

THE YELLOWSTONE NATIONAL PARK.

Mr. VEST submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to transmit to the Senate the report of Capt. Moses Harris, of the First Cavalry, acting superintendent of the Yellowstone National Park, made to the Secretary of the Interior October 4, 1886.

ORDER OF BUSINESS.

Mr. CALL. Mr. President, I ask to take up for present consideration a resolution which now lies on the table of the Senate.

The PRESIDENT *pro tempore*. Are there further "concurrent or

other resolutions?" If not, the Chair lays before the Senate a resolution which comes over under objection.

G. A. GOODALE.

Mr. MITCHELL, of Oregon. I ask for an order which the clerks will understand from my statement of it.

I will state that on April 30, 1874, I introduced the following resolution, which was adopted by the Senate:

Resolved, That the Attorney-General be requested to furnish the Senate with a copy of the correspondence in the cases of James Barclay against Lieut. G. A. Goodale, United States Army, late in command of Fort Klamath, Oreg., for false imprisonment, and the action of T. M. Rouse against same, and how much has been paid and what is still unpaid of the expenses of Lieutenant Goodale.

On the 6th of May, 1874, the Attorney-General, in response to that resolution, sent to the Senate a communication of that date. I ask that the papers be taken from the files and be referred to the Committee on the Judiciary, to be considered in connection with the claim of B. F. Dowell and the representatives of A. C. Gibbs for attorneys' fees.

The PRESIDENT *pro tempore*. The Senator from Oregon will please reduce his motion to writing.

Mr. MITCHELL, of Oregon. It is difficult to place it in writing, and that is why I read what I did, so that the RECORD will show just what I have asked.

The PRESIDENT *pro tempore*. The Chair was unable to hear the Senator, although the clerks may have done so.

Mr. MITCHELL, of Oregon. I simply ask an order withdrawing the papers from the files and referring them to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. The order will be made, if there be no objection.

MRS. HENRIETTA M. DRUM HUNT.

Mr. MITCHELL, of Pennsylvania. In my absence the day before yesterday, when private pension bills were taken up, one was passed over on account of my absence. I ask the Senate to take up that bill and consider it. It is the bill (H. R. 8869) granting a pension to Mrs. Henrietta M. Drum Hunt.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "forty;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henrietta M. Drum Hunt, widow of the late Lieut. Henry J. Hunt, United States Navy, and pay her a pension of $40 per month from and after the passage of this act.

Mr. PLUMB. I should like to make an inquiry. We have had a standard of pensions to widows of officers of a certain grade at $50 a month. While I have contended against it, that it is unjust to the great mass of widows in the United States who did not happen to have a little influence to enable them to get bills of that kind passed, I wish to know why the high standard set up a few years ago under the lead of the Senator from New Hampshire [Mr. BLAIR] has been abandoned, slipped away from, so to speak?

Mr. MITCHELL, of Pennsylvania. I will simply say that in this case the Senate has already acted upon the question, and passed a bill granting a pension of $40 per month, as proposed by the amendment of the Senate committee to the House bill now up. The House, instead of taking up the Senate bill, passed a bill of its own and fixed the rate at $25 a month. I desire that the Senate shall concur in the amendment proposed by the Committee on Pensions, so that the matter may go to a conference and be disposed of there.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported from the Committee on Pensions.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MITCHELL, of Pennsylvania. I move that the Senate insist upon its amendment, and ask for a conference with the House of Representatives on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. MITCHELL, of Pennsylvania, Mr. BLAIR, and Mr. WHITTHORNE were appointed.

MISSISSIPPI RIVER BRIDGE AT SAINT LOUIS.

Mr. VEST. I move that the Senate proceed to the consideration of the bill (S. 2589) authorizing the construction of a bridge over the Mississippi River at Saint Louis, Mo. The bill will not raise any discussion whatever. It will only take a few moments.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the Senate proceed to the consideration of the bill indicated by him.

Mr. CULLOM. Mr. President——

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. CULLOM. I simply wish to inquire what the motion is.

Mr. VEST. It is to proceed to the consideration of the Saint Louis bridge bill. The matter has been adjusted entirely, and there will be no debate about it.

Mr. CULLOM. Adjusted by whom?

Mr. VEST. By the Senators from Iowa and——

Mr. CULLOM. I should like to know a little about what the adjustment is before the bill is passed.

Mr. VEST. I should have taken pleasure in consulting with the Senator from Illinois, but I supposed he knew all about it.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Missouri to proceed to the consideration of the bill (S. 2589) authorizing the construction of a bridge over the Mississippi River at Saint Louis, Mo.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CULLOM. I should like to have the bill read at length.

The PRESIDENT *pro tempore*. The bill will be read at length.

The Chief Clerk read the bill.

Mr. CALL. I desire to know the status which my resolution in relation to Florida land forfeiture occupies at this time.

The PRESIDENT *pro tempore*. The resolution offered by the Senator from Florida is on the table subject to motion like any other proposition.

Mr. CALL. I wish to take up that resolution as I gave notice yesterday, in order that I may submit some observations to the Senate this morning upon it. I have no objection to yielding to the Senator from Missouri, but I wish it to be understood that I shall have the floor after the pending matter is disposed of.

The PRESIDENT *pro tempore*. A Senator is entitled to the floor usually upon a motion to proceed to the consideration of a resolution lying on the table.

Mr. CONGER. There is an omission in line 7 of section 6 after the word "owning." It reads "owning said bridge." It should read "owning or operating," as in other sections of the bill. There is no objection I suppose to that amendment.

Mr. HOAR. I do not wish to intrude on the confidential communication of my honorable friend from Michigan and the Chair, but if he will let us know what he said we should all like to hear him.

The PRESIDENT *pro tempore*. The Senator from Michigan calls the attention of the Chair to some amendment.

Mr. CONGER. In section 6, line 7, the last line, it reads:

Shall be paid for by the persons owning said bridge.

In other places in the bill we have inserted the words "or operating," so as to read "owning or operating."

Mr. VEST. Certainly; let that amendment be made.

Mr. CONGER. I merely called attention to it. I move that that amendment be made to the bill.

The PRESIDENT *pro tempore*. The amendment of the Senator from Michigan will be stated.

The CHIEF CLERK. In section 6, line 7, after the word "owning," it is proposed to insert the words "or operating;" so as to read:

Shall be paid for by the persons owning or operating said bridge.

The amendment was agreed to.

Mr. VEST. I offer certain amendments to the bill, to which I ask the attention of Senators interested in the subject of this bridge.

The PRESIDENT *pro tempore*. The amendments of the Senator from Missouri will be stated. Does the Senator offer them in gross, to be acted upon by the Senate in that way?

Mr. VEST. I suppose that would be the best course.

The PRESIDENT *pro tempore*. The amendments will be stated in their order.

The CHIEF CLERK. In line 6 of section 2 strike out the words "or passengers or freight passing over said bridge."

Mr. CULLOM. These amendments, as I understand, have been made by the committee and are considerable in number. It is pretty difficult for the Senate to understand just what the bill will be with these amendments adopted unless we see them printed. I suppose I shall support the bill as it is proposed to be amended, but I should like to see what the amendments are in print, and I should like to have the Senator from Missouri let the bill go over until to-morrow morning for the purpose of seeing just what the proposed amendments are and how the bill will be as amended. That course will delay the consideration of the bill but one day. These amendments are entirely new to me. I knew nothing about the condition of the bill until it was called up this morning.

Mr. VEST. As a matter of course, it has not been my purpose to hurry the bill through, but time is of very great importance to the gentlemen who propose to construct the bridge. They are here, a large delegation, awaiting the action of Congress. I am certain if the Senator will listen to these amendments he will understand them perfectly. I have conceded every point which his constituents desire. This is to

be a high bridge of 500 feet span and 50 feet elevation above the surface of the river.

Mr. INGALLS. What is the elevation of the present bridge?

Mr. VEST. Fifty feet upon the Eads bridge, with one span of 525 feet.

Mr. INGALLS. What is the longest span of the present bridge?

Mr. VEST. The principal channel span in the Eads bridge is 525 feet. The bill provides for two channel spans of 500 feet each, and one additional span of 300 feet.

Mr. INGALLS. This bridge would present no more obstacles to navigation than the present bridge?

Mr. VEST. No, sir, not as much, because in this case there are two spans of 500 feet width each, and one of 300 feet width, instead of one of 525 feet width, as in the case of the Eads bridge.

In addition to that, if these three spans are not put in the bridge the company have the privilege of putting in two spans of 750 feet each, the river being only sixteen hundred feet wide. As I have before said, there is to be an elevation of 50 feet between the surface of the water and the lower portion of the structure of the bridge.

Mr. CULLOM. As I have before said, I am in favor of a bridge at the point indicated in the bill. The only desire I have is that the bridge shall be a high bridge and not be an obstruction to commerce upon the river. If the Senator from Missouri, managing the bill, and the Committee on Commerce are sure that the bill is properly guarded and contains all the requisite provisions, I shall not ask the Senate to delay it, but allow it to be proceeded with.

Mr. VEST. I can assure the Senator that there never was a better guarded bill presented in Congress. Every line and word in it has been carefully considered.

Mr. CULLOM. I withdraw my objection to its present consideration.

The PRESIDENT *pro tempore*. The amendments will be read through and acted upon separately afterward, if any Senator calls for a division. If not, they will be acted upon in gross.

The CHIEF CLERK. In line 6 of section 2, strike out "or passengers or freight passing over said bridge."

In line 4 of section 3, strike out "or" and insert "and," and strike out "five" and insert "three."

After "way," in line 5 of section 3, insert:

Provided, That said bridge may have two spans of not less than 750 feet each, clear width of channel-way, if thought best, instead of three spans, as aforesaid.

Mr. ALLISON. Now let the section be read as it will stand if amended.

Mr. VEST. Wait until we get through with all the amendments.

Mr. ALLISON. Very well.

The CHIEF CLERK. Strike out all from and including the word "*Provided*" in line 9, section 3, down to and including the word "clear" in line 13, in the same section.

Strike out "ten" in line 15 of section 3, and insert "fifty."

Strike out all of section 3 after "bridge" in line 16.

Strike out all of section 4.

Strike out the words "and all pivot-spans" in lines 1 and 2 of section 5.

Strike out the words "as of the draw-openings" in lines 6 and 7 of section 5.

Strike out the words "draw-span openings" in lines 1 and 2 of section 6.

Strike out the words "in case a high bridge be constructed" in lines 5 and 6 of section 7.

Strike out "which" in line 14 of section 8, and insert "whose jurisdiction."

In line 3 of section 3, strike out "four hundred and fifty," and insert "five hundred."

At the end of section 13 add the following:

And it is further provided, That no bridge shall be constructed across the Mississippi River within two miles above or two miles below the bridge herein authorized.

Mr. HOAR. I do not know that I understand that language. I have given very little attention to this matter, it being wholly remote from any interest in which I have a special duty. I suppose the Senators from the States bordering on the Mississippi River thoroughly understand this matter; but, if I understand the last few lines which have been read, there is an assertion of national authority in the nature of giving a monopoly. I refer to the provision that no bridge shall be built within a certain distance of this proposed structure.

Mr. VEST. That is a usual provision.

Mr. HOAR. Is it?

Mr. VEST. We frequently do that in these bridge bills, because the Engineer Bureau are of the opinion that not more than one bridge should be at a given point. There is the Eads bridge across the Mississippi River at St. Louis. This bridge is to be above the Eads bridge.

Mr. HOAR. What is the effect of that proposition? Have the United States any authority to make such a stipulation?

Mr. VEST. I think so. We have entire control over the navigable streams of the United States, and we can say at any time that not more than one bridge shall be built at a certain point. I think we clearly have that power.

Mr. ALLISON. If the Senator from Massachusetts will allow me, I desire to say that the Senator from Missouri and myself had some consultation respecting the changes to be made in this proposed bridge charter. The only matter about which we consulted was whether a high or low bridge should be built, those navigating the Mississippi River opposing the construction at this point of a pivot-pier bridge. The promoters of this enterprise have changed their plans so as to propose only the construction of a high bridge at this point, and a bridge having two spans of clear waterway of at least 500 feet in length, and an additional span of at least 300 feet in length. That covers all that I have looked after carefully with reference to the details of the bill in the amendments suggested by the Senator from Missouri.

I understand that the amendments just read at the desk provide, in the first place, that this shall be a high bridge and not a pivot-pier bridge, and, secondly, that there shall be two spans of clear water way of at least 500 feet, and one span of 300 feet.

The provision referred to by the Senator from Massachusetts, prohibiting the construction of another bridge within 2 miles of this structure, I think a wise one. Indeed I think it would be well if there was not a necessity for the construction of this bridge. I do not believe there should be a multiplication of bridges across the Mississippi River at the different points along that river. I think the legislation of Congress should so provide that these bridges across the Mississippi River shall be open to the equal use of every railway terminating on either side of the river at the point where there is a bridge, and I think it was so intended by those who have hitherto passed the laws respecting bridges. It would be better for us now, if we had the power—I do not know that we have the power—to require the owners of the present bridge at Saint Louis, known as the Eads bridge, to so arrange the tolls and charges as to allow all the transportation to pass over that bridge; but that seems to be impossible.

The requirements of commerce make this proposed bridge necessary. If it is constructed as I understand it will be constructed, it, with the Eads bridge, can provide for the entire transportation of commerce requiring the crossing of the river at that point. So this provision prohibiting the construction of another bridge within two miles is, in my judgment, a wise provision. I should be willing to extend it further so as to provide that no more bridges shall be built across the Mississippi River at the city of Saint Louis, and I think Congress should exert the power—as it surely has the power—to provide that all the commerce requiring a crossing at Saint Louis, or at any other point on the Mississippi River, should be crossed upon the bridges that are now constructed.

I do not desire to take any responsibility with reference to the details of this bill except so far as it provides that this shall be a high bridge having these wide spans.

Mr. VEST. A single word. There is provision in this bill to allow any railroad company to cross upon the bridge, and if the terms can not be arranged with the company operating the bridge, the Secretary of War is to determine the question.

The object is to erect a practically free bridge at Saint Louis. Our experience there in the case of the late strike has taught us a lesson which we never can forget. The terminus of the Eads bridge in Saint Louis was seized by one of the bands of strikers and all transportation across the river except by ferry was blocked effectually.

After that experience the people of Saint Louis determined, if possible, to make a free bridge there for everybody to cross. We are now paying $5 upon every car, loaded or empty, that crosses the Eads bridge. All our coal supply—and Saint Louis is a large manufacturing city—comes from the State of Illinois. Mr. Gould has the majority of the stock of that bridge company, the English stockholders having almost given away their interest in it, and to-day, by the last report made, you will see that it yields 5 per cent. upon $18,000,000 as net profit upon an investment which I think cost between three and four million dollars.

The erection of the proposed bridge is an absolute commercial necessity to the people not only of Saint Louis but of the entire country, because the passage of the Mississippi River is a national and not a local matter.

As to the control of freights on the bridge, by the charter of the Eads bridge, that matter was left to the Legislatures of Missouri and Illinois, each State concurring. Senators who have had experience in these matters of State legislation, where great railroad corporations and interests are involved, know that it is almost impossible to secure this concurrent action on the part of each Legislature. These parties come to Congress and propose to erect a low bridge, if found the most inexpensive, but the opposition made by the lumber men, particularly in the Northwest, induced them to change the plan.

We have conceded every point, and we now propose, if possible, to raise the money under the limitations of this bill to erect a free bridge there. That is the whole of it.

Mr. INGALLS. Can the Senator from Missouri inform us whether the bill chartering the present bridge required that no other bridge should be erected within two miles of that?

Mr. VEST. No, sir.

Mr. INGALLS. Then it appears to me that in justice, if we are to

incorporate in this bill a provision that no other bridge shall be erected within two miles of this, we ought to provide in this bill that this bridge shall not be erected within two miles of the present bridge.

Mr. VEST. I believe there is a limitation as to the county, but not as to the number of miles.

Mr. COCKRELL. It is more than two miles.

Mr. INGALLS. I think not.

Mr. VEST. There is a territory named within which any new bridge shall not be constructed, but I do not know the exact terms.

Mr. INGALLS. The bill reads:

And maintain the same, across the Mississippi River at some suitable point between the present Saint Louis bridge, known as the Eads bridge, Saint Clair County, Illinois, and the mouth of the Missouri River.

These grantees may construct this bridge within 10 feet, under the language of the bill, of the present structure if they see fit to do so. If we are to insert in this bill a proviso that no other bridge shall be erected within two miles of it, the existing structure ought to be protected by a similar provision, and I would suggest either that that clause be left out or that in connection with the language I have read a similar provision be inserted.

Mr. VEST. There is a provision in the Eads bridge bill, I think, which is to the effect that no other bridge shall be constructed within Saint Clair County, in Illinois, and that limit is two miles from the Eads bridge.

Mr. CULLOM. That is my recollection, that the bridge has jurisdiction so far as Saint Clair County, Illiniois, extends on the Illinois side, and the proposed bridge is just above the line of that county, I think.

Mr. VEST. This bridge is a little over two miles above the Eads bridge, and this simply repeats the provision in the charter of the Eads bridge, changing the bridge to two miles above or below.

Mr. INGALLS. But the Senator will observe that under this language there is nothing that will prevent the structure being builded within 10 feet of the present bridge.

Mr. VEST. Excuse me, I am not speaking of this bill, but under the Eads bridge charter that could not be done because it has to go outside of Saint Clair County, Illinois.

Mr. INGALLS. When I first spoke to the Senator he was not clear on that matter, but he now thinks the bill contains that provision.

Mr. VEST. The Senator asked me if any number of miles was specified in the Eads charter, and I told him no; but I asked the Senator from Illinois, and he informed me that Saint Clair County does extend up to its northern limit more than two miles from the Eads bridge, and that charter would cover the point made by the Senator from Kansas.

Mr. INGALLS. I have no objection to the construction of as many bridges across the Mississippi River as are necessary for the commerce between the East and the West; and I do not sympathize with the views of the Senator from Iowa [Mr. ALLISON], who expressed the opinion that there ought to be an inhibition against the bridging of that stream. For my part I should be glad to see it arched over with a culvert from one end to the other.

Mr. ALLISON. The Senator from Kansas certainly did not understand me to say that I thought there should be no bridges across the Mississippi River. If I so said, I stated what I did not mean. I think there should be just as many bridges as the Senator would suggest are necessary.

Mr. INGALLS. I understand there is a need of additional transit across the Mississippi River at Saint Louis, in the first place, because of a corporation that is hostile to the interests of the other corporations that terminate there, so that it is impossible to obtain facilities for the transit of cars, and that also there is an absorption of terminal facilities on the Illinois side of the river, so that the necessary yard room and territory for storage and switches and sidings cannot be obtained. If that be the case, I am entirely willing that this charter should be granted; but if this structure is intended as a threat against the existing property there, if it is to be built for the purpose of destroying the value of the bridge already existing there; if it is done, as so much of this kind of work is done, as a blackmailing operation, to compel the owners of that structure there to buy it out, I am opposed to it. What is known as the New York, Saint Louis and Chicago Railroad was built at an expenditure of sixty or seventy million dollars, it may be, so far as the ostensible stocking of the concern goes, absolutely unnecessary, through a country already supplied with facilities, for the express and avowed purpose of speculation, to compel existing corporations there to buy it out, which, I understand they did at a profit of some eight or ten millions of dollars. If this is an enterprise of that sort, I am opposed to it. I should like that some assurance should be given here that it is a *bona fide* concern that intends to build a bridge, and not one that intends to get a charter for the purpose of putting a switch on the other corporation to bring it to terms or compel it to buy it under a threat that if it does not do so there will be a free bridge erected across that stream, which will render the present structure practically valueless.

Now, Mr. President, the fact that this proviso is omitted in this bill, that there is an attempt to put on it a declaration that it shall be protected from any competition, and that no other structure shall be erected within 2 miles above or below it on the river, and that there is no proviso here, so far as we are advised, that the structure provided for by this bill shall not run exactly parallel and within ten feet of that, and be made a free bridge, I do not think we have sufficient guarantees that there is behind this a corporation that means to erect a structure to provide the people of Saint Louis with the facilities that it is alleged they need.

I move to insert in the first section of this bill the same proviso that has been attached at the close of the thirteenth section.

The PRESIDENT *pro tempore*. The amendments offered by the Senator from Missouri [Mr. VEST] are still pending.

Mr. INGALLS. Then I withdraw my amendment until they are disposed of.

The PRESIDENT *pro tempore*. The question is on the amendments which have been read. Shall the question be taken in gross? The Chair hears no objection, and the question will be so submitted. The question is on the amendments proposed by the Senator from Missouri.

The amendments were agreed to.

The PRESIDENT *pro tempore*. The Senator from Kansas [Mr. INGALLS] now submits an amendment, which will be read.

The CHIEF CLERK. In line 12 of the first section, after the word "river," it is proposed to insert:

Provided, That no bridge shall be constructed across the Mississippi River within two miles above or two miles below the bridge herein authorized.

Mr. INGALLS. No; that is not it. My purpose was to provide that this bridge shall not be erected within two miles of the present structure, above or below, on the river.

The PRESIDENT *pro tempore*. The Secretary has read the amendment as he found it.

Mr. VEST. It is the same amendment that was put on at the end of the bill.

Mr. INGALLS. I wish to apply the provision in the last section of the bill to the structure provided for in this bill; so that the Eads bridge may be protected from similar competition.

Mr. VEST. Then the language will have to be changed.

Mr. COCKRELL. The amendment of the Senator from Kansas is practically useless for the reason that no company would undertake to build a bridge within two miles of the present Eads structure unless they were to undertake to build a tunnel also in connection with it under the city. If it were attempted to build any bridge within the limits of the city, as the present bridge is built, the compensation for the right of way would amount to more than the cost of the bridge, and the very fact of the city being so compact above and below the present bridge precludes any company practically from undertaking to build a bridge alongside of it. I can see no necessity for the amendment, and of course no harm in it, as far as that is concerned.

I have examined the first charter granted to the Illinois and Missouri Bridge Company, and there is no limitation in that, but I have a distinct impression from the examination I have heretofore made that there is a provision somewhere against the construction of any bridge abutting on the Illinois shore up to the northern boundary line of Saint Clair County.

Mr. INGALLS. Let us have that provision read.

Mr. COCKRELL. It is not in the charter, unless in some amendment to it.

Mr. VEST. My colleague will permit me. I will accept the amendment of the Senator from Kansas. There is no objection to it.

The PRESIDENT *pro tempore*. The amendment will be read as modified.

The CHIEF CLERK. In line 12 of section 1, after the word "river," it is proposed to insert:

Provided, That no bridge shall be constructed across the Mississippi River within two miles above or two miles below the bridge heretofore constructed.

Mr. VEST. Add "and known as the Eads bridge."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas [Mr. INGALLS].

The amendment was agreed to.

Mr. ALLISON. After hearing the Senator from Kansas, it occurs to me that the authority in the first section should be somewhat enlarged. It provides:

That the consent of Congress is hereby given to the Saint Louis Merchants' Bridge Company of Saint Louis, Mo., a corporation created by the laws of the State of Illinois, or its assigns or successors, or any legally incorporated railroad company or companies which may be associated with it therein, to build a bridge as hereinafter described.

It seems to me that this authority, especially as it is now amended by the Senator from Kansas and by the last amendment of the Senator from Missouri, will place in the hands of this corporation the entire control of this transit across the Mississippi River for practically seven years. They are to have two years within which to begin the construction and seven years to complete it. Now, it seems to me if there are existing the abuses of which the Senator from Missouri complains, that the authority to build this bridge should be enlarged, so that if this company fail to build it some other company may have an opportunity of coming in within the time and constructing the bridge authorized here. I suggest that to the Senator from Missouri.

Mr. VEST. I do not wish to prolong the discussion if it can be avoided. The gentlemen who propose to build this bridge are the largest property-holders and most prominent citizens of Saint Louis. This is a movement by the Merchants' Exchange, representing the wealth and business of the metropolis of my State, the largest city in the valley of the Mississippi; and it is not to be assumed that these gentlemen would do anything against the interests of commerce—they are all merchants—or that they would go into any sort of juggling arrangement by which the interests of the public at large would be at all jeopardized. I will say to the Senator from Kansas that the twelfth section of this bill expressly prohibits any of the results of which he has spoken here to-day. That section provides:

SEC. 12. That whereas a principal reason for giving authority to build the bridge herein contemplated is to secure reasonable rates and tolls for corporations and individuals for passing over the same, the Saint Louis Merchants' Bridge Company, or its successors or assigns, shall not agree or consent to the consolidation of this bridge with any other bridge across the Mississippi River, or to the pooling of the earnings of this bridge company with the earnings of any other bridge company on said river, nor shall any person who is or may be a stockholder or director or manager of any other bridge over said river be a stockholder or director or manager of the bridge herein provided for.

Under the provisions of this bill the structure must be commenced within two years and finished in seven. The ingenuity of mortal man could not invent an association in whose hands the commerce of the country could be more safely placed than in that of the men who are named in this bill. They are the president of the Merchants' Exchange and the principal merchants of the city; their interests are identified and identical with those of the commerce of Saint Louis and of the country.

I hope the bill will be passed as the amendments have been adopted.

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senator from Missouri to a word which should be corrected. In section 6, line 6, the first word "well" should read "will;" "or other similar device as will obviate the difficulty."

Mr. VEST. Yes.

The PRESIDENT *pro tempore*. That correction will be made, if there be no objection.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARMY APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10242) making appropriations for the support of the Army for the fiscal year ending June 30, 1888, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr. ALLISON, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. ALLISON, Mr. PLUMB, and Mr. GORMAN.

HOUSE BILL REFERRED.

The bill (H. R. 10091) for the construction of a stable for the use of the horses and wagons for the use of the offices of the House of Representatives was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

JETTIES IN CHARLESTON HARBOR.

Mr. CALL. Now, Mr. President——

Mr. HAMPTON. May I ask the Senator from Florida to allow me to call up a bill reported from the Committee on Commerce making an appropriation for the Charleston Harbor jetties? The Senator from Vermont [Mr. EDMUNDS], who objected to it the other day, has withdrawn his objection, and is in favor of the bill. I am sure it will lead to no discussion. If it does I shall withdraw the request.

Mr. CALL. I will consent if it leads to no debate.

The PRESIDENT *pro tempore*. The Senator from South Carolina moves to proceed to the consideration of the bill indicated by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2944) making appropriation for the jetties in Charleston Harbor.

The bill was reported from the Committee on Commerce with an amendment, in line 3, before the word "hundred," to strike out "five" and insert "three;" so as to make the bill read:

Be it enacted, &c., That the sum of $300,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to expedite the completion of the jetties in Charleston Harbor, said sum to be made available immediately on the passage of this act.

Mr. ALLISON. These appropriations usually come before us in the river and harbor bill. I should be glad to have some explanation of the reason why there is a special appropriation required outside and independent of that bill.

Mr. HAMPTON. This bill was introduced and referred to the Committee on Commerce, and, as I understand, there is a unanimous report from that committee recommending the passage of the bill with the amendment. The bill can go to the other House if passed here, and may there be added to the river and harbor bill or acted on separately, as the House shall deem best.

Mr. HOAR. I hope that if the Senate approve this measure the technical objection that it ordinarily comes before us in a different way will no be pressed. It is a measure upon which depend the commerce and prosperity of the city of Charleston, which, as we all know, has been, within the past few months, overwhelmed by the greatest calamity which can possibly happen to any people. I suppose that there is nothing which tests either individual courage and manhood or the power of endurance and heroic spirit of a community like an earthquake; and certainly there is nothing of which we have more occasion to be proud in American history than the spirit of heroism and gallantry with which that people have met that calamity which so tests every power of human courage and human endurance. And if there were no other reasons I should be glad for one, and I know the people I represent, differing as they do and have done in the past from that community on so many questions of public interest, would be glad to mark our regard for the courage with which that people have met that great trial by making any matter which is for their benefit an exception to the ordinary rules of legislation.

I hope the measure will be passed without any hesitation.

Mr. ALLISON. Mr. President, I did not make the inquiry in any spirit of opposition to this measure. I only desired to know whether or not this measure had passed through the ordinary processes of legislation in this Chamber. If, as the Senator from South Carolina says, it has received the unanimous approval of the Committee on Commerce, I certainly shall interpose no objection to it; and when I made the suggestion, the calamity of which the Senator from Massachusetts speaks did not occur to me. I know, as he undoubtedly knows, that this improvement of Charleston Harbor is an improvement that will require many years to complete. It is an improvement more than a mile and a half long, and in some portions of it four miles, from the city of Charleston; and if this appropriation is made now it will only enhance the completion of that improvement if it is to be completed. Any appropriation we make now will of course require less appropriation hereafter, and I believe not only with reference to this work, but with reference to every other one like it, that it would be a wise thing for us to make the entire appropriation when we agree upon the plan of improvement. This method of doling out $100,000 now and $200,000 again, to be expended in the middle of the ocean, is simply a method whereby a set of men are enabled to continue for years an improvement that should be made within two or three years.

Therefore my inquiry was not addressed in any sense with a view to oppose this bill, but rather to understand why it was taken out of the ordinary process of the river and harbor bill.

Mr. CONGER. Mr. President, the policy of Congress has been where some great sudden calamity has come upon a city, like the great fires at Boston and Chicago, in an indirect way, to encourage the people of such places who have suffered the calamity, not by giving them donations, but to throw something in the way of the improvement of the city to stir up the hearts of the people, as by making appropriations to carry on works which the Government had undertaken. For example, $3,000,000 were given to build a custom-house at Chicago and a large amount was voted to go on immediately with the work on a public building in Boston. There are other similar cases that I can think of.

This is a proposition to carry on a work already commenced, to appropriate about the same amount that was appropriated in the last river and harbor bill, but to do it immediately and not make it subject to any contingency whatever as to the amount, or as to the passage of any other bill, so that the people of Charleston may know that the Government would even hasten the completion of that great work in Charleston Harbor by an appropriation even larger than might come in the ordinary distribution of moneys given to improve the rivers and harbors of the country.

It was with that view that I favored making this special appropriation in this case as one of the means of encouraging the people of that city desolated by an earthquake to go on with their rebuilding, to give them heart and courage to remain in their city and rebuild it again. I think the appropriation should be made now, that it should not be subject to any vicissitudes or changes as to amount or as to the possible passage of any other bill.

The Committee on Commerce and Congress undoubtedly, when the river and harbor bill comes up with appropriations for Charleston, will consider the amount advanced in this bill, and do whatever may be right and equitable for this improvement in the regular river and harbor bill.

I hope this bill will be passed.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee on Commerce.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted upon its amendments to the bill (S. 229) to provide for the erection of a public building at Wilmington, N. C., disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DIBBLE, Mr. JOHNSTON, of North Carolina, and Mr. OWEN the managers at the conference on the part of the House.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 18th instant, approved and signed the following acts:

An act (S. 1897) granting a pension to Alexander Trimble;

An act (S. 1852) granting a pension to Mrs. Jane R. McQuaide;

An act (S. 1826) granting a pension to Andrew J. Burrell;

An act (S. 362) granting a pension to James H. King;

An act (S. 1660) granting a pension to Samuel E. Tracy;

An act (S. 2372) for the relief of Mary McMahon;

An act (S. 838) granting an increase of pension to General Benjamin F. Kelly; and

An act (S. 1958) granting an increase of pension to Addison A. Jackson.

The message also announced that the President had this day approved and signed the following act and joint resolution:

An act (S. 2149) granting an increase of pension to Herman Baumhager; and

A joint resolution (S. R. 90) appointing James B. Angell a member of the Board of Regents of the Smithsonian Institution.

FLORIDA LAND FORFEITURE.

Mr. CALL. Mr. President——

Mr. HOAR. I desire to call up the conference report in the case of the electoral count bill, unless the Senator from Florida proposes something which will take no time. I think this report can be disposed of very briefly.

Mr. CALL. If I have the right to proceed I wish to do so. I hope the Senate will consider the importance of the question. There are sales about to be made of a large amount of land contained in that land grant advertised for sale on the 27th of January, and the result will be to dispossess a large number of people of their homes. I think I can present the case to the Senate, if the resolution shall be taken up, without consuming very much time.

Mr. HOAR. I do not want to use whatever authority there is in a conference report to interfere with the convenience of any Senator, certainly not that of my honorable friend from Florida, who is always so courteous; but if his matter is to take some time I should like to call up the conference report, and if it turns out that any Senator desires to debate it, or take any time with it, I shall then consent to its being laid aside informally and to his going on with his resolution.

The PRESIDENT *pro tempore*. The motion of the Senator from Florida was adopted, and the matter that he desires to speak upon is now pending.

Mr. HOAR. Then let the report of the committee of conference lie, perhaps until to-morrow after the close of the morning business.

The PRESIDENT *pro tempore*. The resolution of the Senator from Florida is before the Senate, and will be read.

The Chief Clerk read the following resolutions, submitted by Mr. CALL on the 7th instant:

Resolved, That the grant approved May 17, 1856, granting lands to the State of Florida for the construction of a line of railroad from Fernandina, Fla., to Tampa, Fla., and from the Saint John's River, Florida, to Pensacola, Fla., should be forfeited as to all lands not earned before the time fixed in the act for the expiration of the grant, namely, ten years from the date of the approval of the act in May, 1856; and that the said lands so forfeited shall revert to the United States and be subject to homestead settlement, reserving to all actual settlers the right to 160 acres of land, and the right to enter, at the price of $1.25 per acre, 80 acres of land where they have purchased the same or the improvements on it; and that the Committee on Public Lands be instructed to report a bill to the Senate to this effect.

2. *Resolved*, That the Attorney-General of the United States be instructed to bring suit through the district attorneys of the United States for an injunction against all corporations, or their agents, attempting to sell, or advertise for sale, the lands of the United States embraced in any grants made to the States or railroad companies while bills for the forfeiture of the same are pending before Congress as to all grants that have been recommended by the committees of either House of Congress to be forfeited.

Mr. CALL. Mr. President, I ask the attention of the Senate to these resolutions and to the facts and arguments which I shall present in regard to them. It is a duty somewhat of a judicial character that the resolutions require the Senate to perform, and it is one of very great importance to many thousands of poor people, and is necessary to their retention of their homes and their earnings, the results of their labors. I therefore ask that the Senate shall give attention to this matter; otherwise I can not hope that there can be any favorable action upon it.

The first resolution asks:

That the Attorney-General of the United States be instructed to bring suit, through the district attorneys of the United States, for an injunction against all corporations or their agents attempting to sell or advertise for sale the lands of the United States embraced in any grants made to States or railroad companies while bills for the forfeiture of the same are pending before Congress, as to all grants that have been recommended by the committees of either House of Congress to be forfeited.

This grant is one of the grants recommended to be forfeited by a very large majority of the Committee on the Public Lands of the House of Representatives. The land in this grant is now advertised and proposed to be sold by the company. I desire to bring before the Senate the facts connected with this grant. I desire the Senate to understand that there has never been a grant of this land made by the State of Florida to the corporation claiming to have it. I desire it to understand that whatever vitality and life there is in this grant, or in the Florida Railway and Navigation corporation as the beneficiary of it, has been given to it in defiance of the laws of the State of Florida or its constituted authorities, and by the unauthorized act of the Interior Department.

To show the importance of this resolution I will present as part of my remarks a letter from a citizen of the United States in the State of Florida. I will not detain the Senate by reading it. It incloses the letter of James E. Tucker, purporting to be a land commissioner of the Florida Navigation and Railway Company, informing him that his land is for sale, his home, the place where for years he has bestowed all his earnings—a little 40-acre tract of land settled in the wilderness, poor, sandy land that has been made valuable by the growth of an orange grove and a lemon grove. He has been informed that he must pay $75 an acre for this land which the Government had given to him as a free gift under the settled policy of the United States, and he writes to me that he is too poor to pay this price; that he has no means to pay it; that he has gone upon this land under the decision of Secretary of the Interior Chandler and his predecessor, and that he has labored until he has made it valuable, and that if he is compelled to pay the $75 an acre his home must be taken away from him and his family be left destitute.

The letter is as follows:

SAN ANTONIO, *January* 10, 1887.

DEAR SIR: Inclosed you will be pleased to find a true copy of a letter I received from the Florida Navigation and Railway Company. I am at a loss what to do in this matter. I kindly request you to give me an advice. I can not pay that price and neither do I want to give up my property (improvements). My history is as follows: I came here in July, 1882, and found my friend Mr. B. Wichers. I was poor and had a broken health. Mr. Wichers had taken four forties early in November, 1881, before the railroad company had taken, made their selection of land. He, Mr. Wichers, let me have one of the forties, namely: Southwest quarter of the southwest quarter section 1, township 25 south, range 20 east. I settled on it in good faith that I could buy it for $1.25 or $2.50. I worked and lived on it with my family, wife and three children. Now, after five years of hard labor and sweating, the railroad company comes and wants $75 per acre. The land itself is poorer than poor. My improvements are 15 acres cleared, about 300 orange and lemon (Sicily) in grove, a garden which cost me about $300 to drain, a large dwelling and out-houses, and many other improvements. When I came I settled in the wilds, not a new comer but Wichers was in the neighborhood. So we should pay for our own improvements?

An early reply will be highly appreciated by your obedient servant,

WILLIAM SULTENFUSS.

Hon. WILKINSON CALL.

JACKSONVILLE, FLA., *January* 4, 1887.

DEAR SIR: Absence from Jacksonville has prevented an earlier reply to your favor of 18th ultimo. The value placed upon the southwest quarter of southwest quarter section 1, township 25 south, range 20 east, by the men employed by me to grade our lands is $75 per acre, for the 40-acre tract.

We are ready to convey title to the land whenever it may suit your convenience to purchase.

I would suggest that, if it is not convenient for you to purchase the entire tract, you buy from us that portion which you have improved, which I will arrange to place to you at the same rate per acre, or as much of it as you may desire.

The terms of payment, established by my predecessor, W. Corley, are one-fourth cash, and the remaining three-fourths in notes of equal amount, maturing in one, two, and three years, respectively, bearing interest at the rate of 8 per cent. per annum.

If this is not entirely agreeable to you, I will endeavor to arrange terms of payment on a more liberal basis.

Awaiting your response, I remain yours, respectfully,

J. E. TUCKER, *Land Commissioner.*

WM. SULTENFUSS, esq.,
San Antonio, Fla.

STATE OF FLORIDA,
Hernando County, ss:

On this 10th day of January, A. D. 1887, before me, a notary public in and for said county, personally appeared Wm. Sultenfuss, and being by me duly sworn does depose and say, that the within is a true copy of a letter received by him from J. E. Tucker, land commissioner.

WM. SULTENFUSS.

Sworn to and subscribed before me this 10th day of January, A. D. 1887.

[SEAL.] JOHN S. FLANAGAN,
Notary Public.

I have another letter from a representative farmer, Mr. P. B. Perry, sr., the contents of which I will state, and will also append it to my remarks:

WHITESVILLE, MARION COUNTY, FLORIDA, *January* 15, 1887.

OLD FRIEND: I am glad you are all right, and at your post; but sorry that so little can be done this session. "The mills of God grind slowly." But "delays are dangerous," and in this railroad land muddle here it has about ruined the section of country I live in already; many would-be settlers have waited and hoped till they have given away in despair, and are leaving for other parts; deserting their selections and partial improvements in disgust. The

friends of the other side are jubilant and confident of success. Everything seems set back, and our common schools are decaying and being suspended. To help all along, "gossip" has it that "hundreds of thousands are being expended up there in favor of the railroads." My country! are there not enough honest men in Congress to control the machine? Surely all the intellect of the land is not for sale! Some are worth more than a dime, eh?

On pensions, Mrs. Logan gets unanimously her two thousand, while the "Mexican veterans" must be put off year after year till their grandchildren will die with old age. Is it any wonder that the socialist, anarchist, &c., are stirring things in our land while all authority, legislative, judicial, and civil, are controlled by money!

Your friend,

P. B. PERRY, Sr.

Hon. WILKINSON CALL, *Washington, D. C.*

Mr. Perry is a farmer of humble means, representing the great mass of that class of people who have made this country what it is, and without whom it could not longer exist as a republic; a type of the great farming interest of this country. He asks the Senate of the United States whether there is to be found in it any one who will protect the people of the country, who will have consideration for the poor men of the country; and, in a not complimentary way, asks if we are all for sale, so that no justice and no right can be afforded to the people of the country as against a corporation unlawfully claiming the homes of the people as its property.

Mr. President, I want it distinctly understood that I propose to show that this railroad corporation never had a grant from the State of Florida. This grant was originally made to the State of Florida. I propose to prove by the record that the State of Florida refused to make a grant of it to this corporation, and yet that they have procured a reservation from the Interior Department of this Government, and have for years withheld these lands from settlement and homestead entry, and without, and in defiance of, the action of the State they have sold, and are selling, the homes of these poor people. If that is not a wrong and an abuse of power that demands action on the part of the Senate, then we may say the people are without friends, and without protection, and without sympathy in this body.

I hope the Senators will listen to me and bear in mind this proposition which I assert now: The Florida Navigation and Railway Company and its predecessors, and all persons in privity with it, never had a grant from the State of Florida, who is the grantee, but, on the contrary, the State of Florida refused to make them the beneficiaries of this grant. Now, let us consider that fact. This is a grant by the United States to the State of Florida for the construction of a line of railroad from Amelia Island to Tampa Bay. That is one part of it. The grant contains within it a provision that—

If any or either of said roads or branch is not completed within ten years no further sales shall be made, and the lands unsold shall revert to the United States.

I will not stop to discuss the force and effect of that provision. I want now to see whether the State of Florida has ever given to this company or its predecessors the land. I presume it is unnecessary for me to discuss or to insist upon the proposition that if the State of Florida, who is the grantee, has never given this land or pledged these lands to this company, they can have no right to them.

This is the year 1887. This act making the grant was approved on the 17th day of May, 1856. In all that time, bear in mind, I assert and will prove the fact that the State of Florida has never given to this railroad company, or any predecessor of it, or any person in privity with it, the lands granted by this act, or any part of them, for the construction of that road.

Now, the first reference that I will make is to a very able and patriotic and useful decision and opinion of Hon. Zachariah Chandler, then Secretary of the Interior and afterward a Senator here of distinction and of very high reputation in the country. On the 29th of April, 1876, in reference to this railroad company and to this line of railroad from Waldo to Tampa Bay, Florida, he said:

While I do not question the principle established by the Supreme Court in the case of Schulenberg *vs.* Harriman, cited by you, that the title which vested in the State of Florida by the grant and definite location of the road could not be divested by the mere failure to complete the road so located within the time fixed by the act, I find nothing in that case to sustain the doctrine that the State retains the right for an indefinite period, and long after the date fixed for the completion of the road, to designate its route and thus give effect to the grant.

The important act of definitely locating the road can only be performed by or under the authority of the State, and it should be done within a reasonable time after the date of the grant, and in all cases before the expiration of the time fixed for completing the road. Failure to discharge this duty should be taken as conclusive evidence of abandonment of the grant.

The completion and operation of the road from Fernandina to Cedar Key as a single line, coupled with the failure for fifteen years thereafter to designate the line or perform any other act indicating an intention to build the road to Tampa Bay, would naturally be accepted as such an abandonment of the latter portion of the line as would render a former forfeiture unnecessary.

Under all the circumstances, I do not conceive it to be my duty to aid in reviving a grant which has so long remained dormant.

Up to that period of time there had been no location of this grant; the Legislature had not claimed the grant; the State had not authorized the location of the grant. What then? We find an opinion of Mr. Schurz, five years after the decision of the Secretary of the Interior, opening these lands to settlement and occupation, from 1876 to 1881, fifteen years from the original grant's expiration, in which Mr. Schurz reversed this decision of Secretary Chandler, and here is his opinion. Let us see upon what ground in 1881, fifteen years after the expiration of this grant, Mr. Schurz reversed the decision, reserved the lands from entry, and under that reservation, without any other authority, these parties are selling the homes, and the labor, and the possessions of these people in Florida. Let us see upon what ground Mr. Schurz took that action, for it is important in the history of this case. On the 28th of January, 1881, Mr. Schurz said:

SIR: On the 10th of November, 1879, you submitted the application of the Atlantic, Gulf, and West India Transit Company, formerly the Florida Railroad Company, for a—

It is well to bear these names in mind—

review of my predecessor's decision of April 29, 1876, rejecting the claim for a withdrawal of lands and the recognition of the rights of said company, under act of May 17, 1856, (11 Stats., 15,) upon a line of route exhibited by a map filed in your office by the engineer of the company December 14, 1860; which map, being returned to him January 22, 1861, for the procurement of the governor's certificate, was lost or mislaid, and an alleged duplicate of the same was presented for filing by the president of the company December 7, 1875, and transmitted by your office April 20, 1876.

The grant was in aid of the construction of a railroad in the State of Florida, from Amelia Island to Tampa Bay, with a branch to Cedar Key, and the map in question was intended to show that portion of the line from the junction of the Cedar Key branch at Waldo to the waters of Tampa Bay, all other portions of the route having been previously exhibited by maps filed in and recognized by the Department.

The reason given for declining to recognize the map was because it was not shown to have been filed under and by the authority of the State; and it was held that as the time limited by Congress for the completion of the road had long since expired, without any attempt by the State authorities to fix the time so as to give precision to the time conveyed, such failure should be taken as conclusive evidence of such complete abandonment of the grant as would render a formal declaration of forfeiture unnecessary.

The application for review is made upon the ground that material facts which go to show the authority of the company to locate the line and file the map were not before my predecessor, and which, had the same been presented and considered, would, in the judgment of the applicant, have contributed to a different conclusion, much of the matter being newly discovered and not within the reach of the company at the date of the original application.

It will be borne in mind by Senators who wish to protect the people, who have any sympathy with the poor men of this country, that this declaration of Mr. Schurz is—

The reason given for declining to recognize the map was because it was not shown to have been filed under and by the authority of the State; and material facts discovered which would show the authority of the company to locate the line and file the map.

There were then to be material facts authorizing the company to locate the line and file a map. Where were those material facts?

I wish to show the people of this country how the rights of the poor men, women, and children are trifled with, and upon what absurd and unreasonable pretenses their homes are taken from them. What were the facts upon which this claim of newly-discovered evidence as to the authority of this company to locate this line? Let me read:

Such being the condition of the cause, I have examined the various documents presented, and am of the opinion that sufficient ground for review is established, and the right of the company may be further considered by the Department.

No fact stated.

Respecting the competency of the company to make the surveys and file the maps of definite location as representative or assignee of the State under her laws, I find that in the case of all the roads provided for by act of May 17, 1856, the accepted practice of the Department was, and has been, to recognize such location when presented upon maps filed by the companies, and that certifications of lands granted were made in favor of all the various grants recognized by State legislation, including the Florida Railroad Company, as to all that portion of the road so located.

The return of the map for the governor's certificate in 1860 appears to have been an act of due caution on the part of your office to place beyond question the fact of State authorization, but I do not understand that the approval of the governor was the only means by which such authority might be established, or that it was essential to the validity of the survey, fixing the line upon the face of the ground, of which the plat filed was intended to be made the proper notification and evidence for the Department.

Without inquiry into the laws of the State, assuming the fact to be so, he declares that under the legislation of the State of Florida this company, as assignee of the State, had a right. There is no such legislation of the State. On the contrary, as I shall prove, the records of the State show that they refused to this company the right to become the beneficiary of this grant; and here is the Interior Department, through two several incumbents of distinction and character, passing away a million acres and more of the public lands of the country, and the homes of the people, in defiance of its established public policy and the letter and spirit of the law, upon an assertion which is utterly untrue. There is no such legislation, and I shall demonstrate it presently.

He goes on to say that the president of the road—and I will put this in my remarks, but I can state it briefly—proved that a map had been filed in the General Land Office, and that it was rejected in 1860 upon the ground that it was not authenticated by the governor.

The exact correspondence with the map of 1860 of the duplicate plat now filed appears to have been sufficiently shown, and there remains no doubt that the line exhibited was surveyed and marked as the definite location of the road; that it was recognized as such by the officers of the company and the State authorities; and that the map was filed in the same manner as the surveys of previous portions of the line had been filed in the office of the secretary of state of Florida.

This being the condition of the case, and the map being now before me officially approved by M. L. Stearns, governor of the State at the date of its presentation, the only question relating to its acceptance that can, in my judgment, be considered is, whether or not the lands can be legally certified to the State in view of the limitation of the time contained in the provision of the granting act, that if the road "is not completed within ten years no further sales shall be made, and the lands unsold shall revert to the United States."

Upon this point the authorities are clear and express to the effect that the proviso in question is a condition subsequent of which no one but the grantor can take advantage; and until some proceeding in the nature of "office found" be instituted the grantee may enjoy the estate upon the original fee, and no reversion can take place by mere operation of law. (Schulenberg vs. Harriman, 21 Wallace, 44; Opinions of Attorney-General, November 29, 1879, case of Southern Minnesota Railway Company, and of October 26, 1880, case of Atlantic and Pacific Railroad Company.)

The map and accompanying papers are accordingly transmitted for your files, and you are directed to make the necessary withdrawal of lands to protect the rights of the company and secure the proper adjustment of the grant upon the line designated.

Your attention is also particularly invited to the formal waiver of the company in favor of actual settlers prior to December 13, 1875, and you are instructed to make respectful request for a like waiver covering the time since that date, and up to the time when formal notice of the withdrawal can be communicated to the district land office.

Very respectfully,

C. SCHURZ, *Secretary.*

These are the new facts, the material facts, showing the authority of the company to locate the land and claim the grant. Their importance and their materiality, and their being new and lately discovered facts, it will be seen exist only in the assertion of the Secretary. They are not facts, and they are not material, and do not in any way establish any right in this company.

If I shall demonstrate that, I think the Senate will give the relief these people desire. You will bear in mind that Mr. Schurz and his successors have insisted upon this reservation of this land from entry and settlement, from occupation and purchase at the Government price, upon the ground, first, that the Florida Railway and Navigation Company is the beneficiary under the State laws of the act of Congress of 1856; secondly, that they located their line under authority of the State, filed a map of location as an evidence of it, but that it was sent back for the governor's certificate, being a mere technical formality which, the grant to the railway company, having been made by the State and certified by the State authorities, could be dispensed with. I propose to show that there was no map necessary, and that it was not a pertinent question. I propose to show that the governor of the State refused to approve the location and denied the authority of the railroad company, and that the Legislature upon a solemn inquisition into the facts denied the right of this company to this grant, and created another corporate body, limiting its rights, and that it failed also and has never claimed to have the right to the lands of this grant.

This grant was made in 1856. I read from the journal of the house of representatives of the State of Florida in 1858, a public document published by the authority of the State and evidence of the facts contained within it. The governor of the State, Madison F. Perry, inaugurated in 1856 and holding office until 1860, covering the whole period of time antecedent to the war of the chartered life of this corporation and the years in which this legislation was had, thus addressed the Legislature; and we may see therefore that this question whether this company was the beneficiary of this grant, whether it had any right in the matter, is not a new question, but was considered by the governor and the Legislature of the State and decided at the very beginning of the life of this grant.

The PRESIDING OFFICER (Mr. PALMER in the chair). The Chair informs the Senator from Florida that the hour of 2 having arrived he will place before the Senate the unfinished business, being the bill (S. 372) to establish agricultural experiment-stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto.

Mr. GEORGE. I ask that the bill be passed over informally and that the Senator from Florida be allowed to complete his remarks.

Mr. PLUMB. Before that order is entered I should like to say that inasmuch as this resolution proposes to instruct the committee of which I am a member, and for the time-being chairman, I shall ask the consent of the Senate, immediately on the conclusion of the remarks of the Senator from Florida, to say something from the committee standpoint in regard to this subject, and I do not want any limitation imposed which would cut me off.

Mr. GEORGE. So far as I am concerned I will agree to that.

The PRESIDING OFFICER. If there is no objection the Senator from Florida will be permitted to proceed.

Mr. CALL. I shall be very glad to have the chairman of the Committee on Public Lands address the Senate. If I can not satisfy him that this resolution ought to pass, that there never has been any grant, and no pretense of a grant, from the State, that the State has refused to authorize this company to be a beneficiary of the grant, then I shall be disappointed. I think there will be no Senator who will give his attention that will entertain a doubt on the subject.

I have said that it was important for us to know that the governor of the State and the Legislature in 1858 considered the question whether the Florida Railroad, of which the Atlantic, Gulf and West India Company, in whose favor this reservation has been made, had any rights under this grant of 1856. The governor says:

It is considered by some that the only duty imposed upon the trustees is to certify the interest upon the bonds of the several companies as presented and when presented, upon the filing of the certificate and affidavits required by the provisions of the act; that they are not authorized or empowered to inquire whether or not the proposed location of any road is a good one, in reference to the wants of the people and the safety of the trust fund (which forms the basis of the whole superstructure), or if the roads are being constructed in accordance with the specifications of the act, and have "sufficient outlet to the ocean for sea steamers at their termini," as required by some of their charters; or, in any wise to supervise the action of the companies which have accepted the provisions of the act.

If this is the proper interpretation of the law, if the State has set apart ten or twelve million acres of land to aid in the construction of certain lines of road upon conditions which are rapidly absorbing and will probably absorb the whole fund, and the trustees are powerless, save to execute the bonds when presented and as presented, the sooner the error is corrected the better, or otherwise abolish the board of trustees, and at least save the $1,700 which are annually being paid to some of its members in the shape of salaries. I entertain very different views of the powers and duties of the trustees, and will act upon them in the absence of further legislation upon the subject.

* * * * * * *

Nearly 10,000,000 of acres have been patented to the State under the act of 1850, and it is estimated that several millions will yet accrue to the State in South or Peninsula Florida. As soon as that portion of the State is surveyed, the other selections will be made and reported. Companies have been organized, and have accepted the provisions of the act, on the various lines of road indicated in the fourth section, and all are in course of construction except that portion of the line from Tallahassee to Pensacola, the greater portion of which is under contract conditionally, and that portion of the line from Amelia Island, on the Atlantic, to Tampa Bay, in South Florida, with an extension to Cedar Key, in East Florida, as lies between the point of divergence with the extension and Tampa Bay.

A company has been organized to construct that portion of the line which lies between the point of divergence with the extension known as the Bellamy Station, or Waldo and Tampa Bay, the Florida Railroad Company having failed to accept that portion of the line within the time prescribed by the act, and an application will be made to the present General Assembly for a charter to build a road on said line.

Now let us see. In that session of the Legislature to which this message was addressed will be found upon the journal the following report:

Mr. Ingram, from the committee on corporations, made the following report—

I read from the journal of the Legislature of the State of Florida in 1858, on the 13th of December, an official document—

The committee on corporations, to whom was recommitted a bill to be entitled an act to incorporate a company to construct a railroad from a point on the Florida Railroad in East Florida to Tampa Bay, under the style of the Florida Peninsular Railroad Company—

The report of the Interior Department, of Mr. Schurz and all his predecessors, shows that no claim has ever been allowed to the Florida Peninsular Railroad Company of a right to this grant under this reservation, and that no reservation has been made in its favor.

The report of the committee on corporations of the Legislature proceeds—

for the purpose of ascertaining the opinion of the attorney-general in reference to the constitutionality of said bill, beg leave to report, that they have referred said bill to the attorney-general and have obtained his opinion in reference to the constitutionality thereof, which opinion is herewith reported to the house, together with said bill.

The attorney-general says in his communication to the Legislature:

You communicate to me a resolution of the house of representatives by which the committee on corporations are instructed to obtain the opinion in writing of the attorney-general, whether the "bill to be entitled an act to construct a railroad from a point on the Florida Railroad, in East Florida, to Tampa Bay, under the style of the Florida Peninsular Railroad Company," in any of its provisions does or does not conflict with the chartered rights or privileges of any other company.

Irrespective of the internal-improvement act, I have been able to discover no conflict between the rights proposed to be granted by the bill in question, and those already granted to any corporation heretofore chartered. Is there any conflict by virtue of any of the provisions of the internal-improvement law?

You will understand that this Florida Railroad Company and this Atlantic, Gulf and West India Railroad Company claimed this grant under the provisions of the internal improvement law of the State of Florida. Bear that in mind. The attorney-general, the Legislature having under consideration a bill and having passed that bill and having had it recommitted, a bill giving the benefit of the lands contained in this grant to the Florida Peninsular Railroad Company on the line from Waldo to Tampa, is inquired of whether that act will conflict with the rights of the Florida Railroad Company, whether the Florida Railroad Company had any rights under the laws of the State to this grant. These very questions were presented to him, and let us see what was the opinion of the attorney-general and what was the action of the Legislature, whether it was then claimed by any authority that such a right existed in the Florida Railroad Company or ever by any one until this grant was made by the Interior Department assuming that such legislative authority existed.

The attorney-general says:

The fourth section of the internal-improvement act, in prescribing the improvements to be aided from the internal-improvement fund, declares "a line from Amelia Island on the Atlantic to the waters of Tampa Bay in South Florida, with an extension to Cedar Keys in East Florida," as among them.

The fifth section declares, "That the several railroads now organized or chartered by the Legislature, or that may hereafter be chartered, any portion of whose routes, as authorized by their different charters and amendments thereto, shall be within the line of routes laid down in section 4, shall have the right and privilege of constructing that part of the line embraced by their charter, on giving notice to the trustees of the internal-improvement fund of their full acceptance of the provisions of this act, specifying the part of the road they propose to construct; and upon the refusal or neglect of any railroad company now organized to accept, within six months from the passage of this act, the provisions of the same, any other company, duly authorized by law, may undertake the construction of such part of the line as they may desire to make, and which may not be in progress of construction under a previous charter."

That is a quotation from the internal-improvement act, made in the opinion of the attorney-general. I will not delay the Senate to read

from this opinion, but I will come to the point. He is now inquiring whether the Florida Railroad Company, which the opinion of Mr. Schurz, the opinion of Mr. Teller, the opinion of the present Secretary, without investigation, without knowledge of the facts, assumed to exist—he is inquiring whether the Florida Railroad Company, as supposed by the Interior Department, have any interest, under the internal-improvement law and that section of the law, in the route and in the benefits provided by that act from Waldo to Tampa, in Florida.

It will be remembered that the Florida Railroad, which is the predecessor and the same corporation as the Atlantic, Gulf and West India Company, was organized under a charter antecedent to the internal-improvement law, that it accepted the benefits of the internal-improvement law to a certain extent, that is, from Amelia Island to Cedar Key, that it was under the internal-improvement law that these lands were given and to be disposed of. It will be borne in mind that under its charter and without any aid from the internal-improvement law or from the internal-improvement fund, or from this grant, it had a right to build a road to Tampa Bay. As to that there are two questions, first, as to the charter right to go to Tampa, and the question we are considering as to the right under the internal-improvement law, which alone disposes of this grant and of the other lands of the State, to aid and benefit from the provisions of that act.

We are to be judges, and this our function as Senators requires us to be. We have no right to be here unless we can judge and decide fairly and act promptly when the homes of the people depend upon that judgment and the question is presented here for our calm, sensible, intelligent judgment, not as lawyers, but as just and reasonable men. I say there is no pretense of any law, of any decision, of any public authoritative action of the Legislature or any official of the State of Florida that this railroad company ever was the beneficiary of this grant. The attorney-general in 1858 says so, and we will see what the Legislature then did. The attorney-general in his opinion, continuing, says:

> What, among other things, is required by the internal-improvement act to prevent another road from being built laterally? The most prominent requirement is the filing a plat of the route in the office of the secretary of state. No plat of the route from the diverging point to Cedar Key to the waters of Tampa Bay has been filed, as required, in the office of the secretary of state. While, therefore, the Florida Railroad Company may be entitled to build their road to the waters of Tampa Bay under authority of the amended charter, they are not, in my opinion, entitled to the benefit of the restriction against the building of a lateral road, and hence I conclude there is no provision of the bill referred to your committee which conflicts with the chartered rights of any other company.
>
> It may not be considered amiss for me to add, in view of what has been said in reference to the fifth section, that, in my opinion, any other company proposing or undertaking the construction of the line from Tampa to the point of divergence to Cedar Key on the Florida Railroad, under the internal-improvement law, would not be entitled to the benefits of the law on such part of the line as may be "in progress of construction under a previous charter."
>
> * * * * * * *
>
> The authority of the Florida Railroad Company to build the road from the point of divergence to the waters of Tampa is claimed to be derived from the act to amend the act incorporating the said company, approved 14th December, 1855. There is nothing in this act that I can discover which conflicts with the bill referred to your committee, unless it is determined that all exclusive rights and benefits of the internal-improvement act are, by the terms of the said first section, unconditionally conferred on said company. I am, however, inclined to the opinion that the real intent of the first section of the amended act was simply to grant to the Florida Railroad Company the privilege of building their road to the waters of Tampa Bay, and that if they desired the exclusive privileges offered in the internal-improvement law, they must conform to the conditions and adopt the course which only secures them to other companies, because to come under the internal-improvement law is to come under its conditions as well as its benefits.

Here is the governor of the State asserting that it is a question of very grave doubt whether this company is entitled to the benefits of that act for any part of its line even to Cedar Key, and asserting to the Legislature that it has failed to comply with the provisions of the internal-improvement law as to the road from Waldo to Tampa, and that it has not acquired any rights under that law to the benefits of the act for that part of the line. Here is a bill introduced in the Legislature of Florida giving the benefit of this grant to another railroad company.

Here is the opinion of the attorney-general of the State that the Florida Railroad Company, and consequently the Atlantic, Gulf and West India Trust Company, which is a mere change of name by the Legislature, for which this land has been reserved by the Interior Department, were not entitled to it under the internal-improvement law, which is the only legislative act, the only act of the Legislature of Florida disposing or attempting to dispose of the land contained in the grant of 1856. Here is the governor of the State addressing the Legislature in specific terms, asserting, as I have read from his message in 1858, that the Florida Railroad Company, or the Atlantic, Gulf and West India Railroad Company had failed to acquire any rights under this sole legislative disposition of the land contained in the grant of 1856. I desire to call attention to that fact.

The opinion of the attorney-general was read and placed among the orders of the day. And the bill subsequently became a law. I should not weary the Senate with this discussion, but the Constitution has confided this question to Senators, and they have sworn to perform that duty upon their honor as men. The people of Florida, the poor people, the men, women, and children, emigrants from your own States, many of them, are being turned out of house and home and the proceeds of years of labor. I have read you their letters. Of one of them $75 an acre is demanded for his little 40-acre tract. Now I am showing you that the corporation making this demand has not even the pretense of a right; that there never was a legislative act of the State of Florida granting it the benefits of the act of 1856; that it was denied to the Florida Railroad Company; that the governor of the State in 1856 so declared, that the attorney-general so declared, and I am now going to read you the act of the Legislature of Florida which they passed giving these rights to another railroad company with which they have no privity and which itself did not perform the obligations of the act.

Mr. EDMUNDS. Will the Senator from Florida kindly consent to postpone his further remarks until to-morrow, that I may move an executive session?

Mr. CALL. I will if it be desired, but in the meantime I wish to say that these people's homes are advertised to be sold on the 27th of January by this corporation, and I ask the Senate in behalf of these thousands of people, men, women, and children, who are being dispossessed of their property by the action of the Interior Department upon facts which do not exist and upon constructions of law which have no foundation whatever, to consider this matter. If it be to the convenience of the Senate or to the interest of public business to postpone it until to-morrow, I shall not be in the way of that, but I beg that Senators will perform their duty, inasmuch as the homes of these people depend upon it, and examine this case and consider it and act upon it not later than to-morrow.

HIATT AND COMPANY.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. Pending this motion the Chair will lay before the Senate a message from the President, which will be read.

The message was read, as follows:

To the Senate and House of Representatives:

I transmit herewith a communication of the 7th ultimo, from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill "for the relief of Hiatt & Co., late traders for the Osage tribe of Indians, and for other purposes."

The matter is presented for the consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January* 18, 1887.

The PRESIDING OFFICER. The message and the accompanying papers, if there be no objection, will be referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PLATT. I do not know the nature of that communication exactly, but it is possible that it is of such a nature that it ought to be referred to the committee to investigate the matter of the appointment of Indian traders. I am not sure. Let it lie on the table for the present until I can examine it.

The PRESIDING OFFICER. If there be no objection, it will lie on the table.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. CHACE. I wish to offer an amendment to the sundry civil appropriation bill, to be referred to the Committee on Appropriations.

The PRESIDING OFFICER. The amendment will be received, referred to the Committee on Appropriations, and ordered to be printed.

EXECUTIVE SESSION.

Mr. EDMUNDS. I now insist on my motion.

The PRESIDING OFFICER. The Senator from Vermont moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and eighteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 43 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 20, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 19th day of January, 1887.

SURVEYOR-GENERAL OF MINNESOTA.

John F. Norrish, of Minnesota, to be surveyor-general of Minnesota, in place of Martin S. Chandler, resigned.

JUSTICE OF THE PEACE, DISTRICT OF COLUMBIA.

Rutledge Willson, of the District of Columbia, to be a justice of the peace in and for said District, to be located in the city of Washington, his term of service having expired on the 13th instant.

REVENUE SERVICE.

James I. Brereton, of the District of Columbia, to be a second assistant engineer in the revenue service of the United States, *vice* Second Assistant Engineer James Fitzpatrick, nominated for promotion.

Second Assistant Engineer James Fitzpatrick, of Virginia, to be a first assistant engineer in the revenue service of the United States, *vice* Engineer Charles A. Laws, deceased.

MILITARY PROMOTIONS.

Corps of Engineers.

Capt. Henry M. Adams, to be major, January 10, 1887, *vice* Suter, promoted.

First Lieut. William M. Black, to be captain, December 31, 1886, *vice* Greene, resigned.

Second Lieut. Hiram M. Chittenden, to be first lieutenant, December 31, 1886, *vice* Black, promoted.

Additional Second Lieut. Thomas H. Rees, Corps of Engineers, to be second lieutenant, December 31, 1886, *vice* Chittenden, promoted.

POSTMASTERS.

James H. Crane, to be postmaster at Pittsfield, in the county of Pike and State of Illinois, in the place of George Sanderson, whose commission expires January 29, 1887.

George A. Kellenberger, to be postmaster at Mendota, in the county of La Salle and State of Illinois, in the place of Dorsey C. Andress, whose commission expired December 28, 1886.

A. L. D. Conrad, to be postmaster at Baton Rouge, in the parish of East Baton Rouge and State of Louisiana, in place of Alexander Smith, whose removal, for cause, is hereby proposed.

Edwin S. Merrill, to be postmaster at Winchendon, in the county of Worcester and State of Massachusetts, in the place of Edwin S. Merrill, whose commission expired January 16, 1887.

William J. Coogan, to be postmaster at Pittsfield, in the county of Berkshire and State of Massachusetts, in the place of Thomas H. Learned, whose commission expired January 5, 1887.

John H. Mills, to be postmaster at Canton, in the county of Saint Lawrence and State of New York, in the place of Albert T. Martyn, whose commission expired December 20, 1886.

Charles P. Van Zandt, to be postmaster at Walden, in the county of Orange and State of New York, in the place of E. W. Knapp, whose commission expired January 16, 1887.

Stephen B. Atwood, to be postmaster at Conneaut, in the county of Ashtabula and State of Ohio, in the place of Martin B. Keyes, removed.

Tryon Bailey, to be postmaster at Chagrin Falls, in the county of Cuyahoga and State of Ohio, in the place of Joseph S. Cleverdon, whose commission expired January 13, 1887.

Mary Sue Sellers, to be postmaster at Marion, in the county of Marion and State of South Carolina, in the place of Mary Sue Du Bois, who was confirmed December 20, 1886, and has since changed her name by marriage, and the name of the office having been changed from "Marion C. H." to "Marion."

George W. Carey, to be postmaster at North Yakima, in the county of Yakima and Territory of Washington, the appointment of a postmaster for the said office having, by law, become vested in the President from and after July 1, 1886.

James M. Miller, to be postmaster at Vacaville, in the county of Solano and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1885.

Foster M. Kinter, to be postmaster at La Moure, in the county of La Moure and Territory of Dakota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1886.

Oscar A. Trovatten, to be postmaster at Park River, in the county of Walsh and Territory of Dakota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1886.

Arthur W. Greely, to be postmaster at Ellsworth, in the county of Hancock and State of Maine, in the place of Albert W. Cushman, whose commission expired December 20, 1886.

Mason B. Bartlett, to be postmaster at Eureka, in the county of Eureka and State of Nevada, in the place of William J. Smith, whose commission expires January 29, 1887.

Levi Wooster, to be postmaster at Fostoria, in the county of Seneca and State of Ohio, in place of Oratio J. De Wolfe, removed.

Arthur Meerscheidt, to be postmaster at La Grange, in the county of Fayette and State of Texas, the appointment of a postmaster for said office having, by law, become vested in the President on and after October 1, 1886.

James G. Kenney, to be postmaster at Provo City, in the county of Utah and Territory of Utah, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1886.

William H. Le Count, to be postmaster at New Rochelle, in the county of Westchester and State of New York, in the place of Aaron M. Dederer, whose commission expired January 16, 1887.

John C. Fairchild, to be postmaster at Mamaroneck, in the county of Westchester and State of New York, in the place of William A. Boyd, whose commission expired December 20, 1886.

Samuel E. Fleming to be postmaster at Huntingdon, in the county of Huntingdon and State of Pennsylvania, in the place of Margaret A. Tyhurst, whose commission expired December 12, 1886.

William H. Black, to be postmaster at Rochester, in the county of Beaver and State of Pennsylvania, in the place of Williamson Graham, whose commission expires January 29, 1887.

Robert L. Foard, to be postmaster at Columbus, in the county of Colorado and State of Texas, in the place of Henry P. Phillipi, whose commission expires February 7, 1887.

John A. Lingo, to be postmaster at Lebanon, in the county of Warren and State of Ohio, in the place of Thomas H. Blake, whose commission expired December 28, 1886.

P. S. Latch, to be postmaster at Appleton City, in the county of Saint Clair and State of Missouri, in the place of James Hodkins, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, January 6, 1887.

PROMOTIONS IN THE NAVY.

Lieut. Henry N. Manney, a resident of Minnesota, to be a lieutenant-commander in the Navy from the 7th of October, 1886, subject to the examinations required by law.

Lieut. Ten Eyck De Witt Veeder, junior grade, a resident of New York, to be a lieutenant in the Navy from the 7th of October, 1886.

Ensign William F. Fullam, a resident of New York, to be a lieutenant, junior grade, in the Navy, from the 7th of October, 1886.

Commodore Walter W. Queen, a resident of the District of Columbia, to be a rear-admiral in the Navy from the 28th August, 1886.

Commodore Ralph Chandler, a resident of New York, to be a rear-admiral in the Navy, from the 7th October, 1886.

Capt. Aaron W. Weaver, a resident of the District of Columbia, to be a commodore in the Navy, from the 7th October, 1886.

Commander Cornelius M. Schoonmaker, a resident of New York, to be a captain in the Navy, from the 7th October, 1886.

Lieut. Commander George W. Pigman, a resident of Indiana, to be a commander in the Navy, from the 7th October, 1886.

Lieut. Charles B. T. Moore, junior grade, a resident of Illinois, to be a lieutenant in the Navy, from the 5th August, 1886.

Ensign William P. Hogg, a resident of the District of Columbia, to be a lieutenant, junior grade, in the Navy, from the 5th August, 1886.

Executive nominations confirmed by the Senate January 13, 1887.

PROMOTIONS IN THE ARMY.

Second Regiment of Cavalry.

Second Lieut. Frederick D. Holton, to be first lieutenant, December 12, 1886.

Fourteenth Regiment of Infantry.

Second Lieut. Frederic S. Calhoun, to be first lieutenant, December 3, 1886.

Twenty-second Regiment of Infantry.

Second Lieut. Robert N. Getty, to be first lieutenant, December 17, 1886.

Nineteenth Regiment of Infantry.

First Lieut. Charles A. Vernou, to be captain, December 18, 1886.

Second Lieut. Edward B. Ives, to be first lieutenant, December 18, 1886.

Second Lieut. Charles N. Clinch, Twenty-fourth Infantry, to be second lieutenant, Third Cavalry, January 4, 1887, with rank in the cavalry arm of the service from June 15, 1884.

Second Lieut. Wendell L. Simpson, Third Cavalry, to be second lieutenant, Twenty-fourth Infantry, January 4, 1887, with rank in the infantry arm of the service from June 15, 1884.

Corps of Engineers.

Lieut. Col. William P. Craighill, to be colonel, January 10, 1887.

Maj. Charles R. Suter, to be lieutenant-colonel, January 10, 1887.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 19, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

SKILLIGALLEE LIGHT-STATION.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Light-House Board, recommending an appropriation to rebuild the Skilligallee light-house tower, Lake Michigan; which was referred to the Committee on Appropriations, and ordered to be printed.

LAKE PROVIDENCE REACH, MISSISSIPPI RIVER.

The SPEAKER also laid defore the House a letter from the Secretary of War, transmitting correspondence relative to the restriction in the

river and harbor act of August 5, 1886, of the appropriation for the improvement of the Mississippi River at the Lake Providence Reach and Pilcher's Point; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

BERNABI M. MONTAÑO.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a report of the surveyor-general of New Mexico upon the private land claim known as the Bernabi M. Montaño *et al.* grant No. 49; which was referred to the Committee on Private Land Claims.

JOHN R. M'KENZIE.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of John R. McKenzie, administrator, against the United States; which was referred to the Committee on War Claims.

SIMON WELKOWSKIE.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of Simon Welkowskie against the United States; which was referred to the Committee on War Claims.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House Senate bills of the following titles; which were referred to the Committee on Invalid Pensions:

A bill (S. 2997) granting a pension to Mrs. M. E. Woods;
A bill (S. 2884) granting a pension to Mrs. Anna Etheridge Hooks;
A bill (S. 2687) granting a pension to William B. Barnes;
A bill (S. 2532) for the relief of Mary H. Casler;
A bill (S. 2293) granting a pension to Hannah C. DeWitt;
A bill (S. 2486) granting a pension to John Spruce;
A bill (S. 2252) granting a pension to Susan A. Duncan;

ELIZABETH RICE.

The SPEAKER also laid before the House a bill (S. 2216) for the relief of Mrs. Elizabeth Rice; which was referred to the Committee on Pensions.

PUBLIC BUILDING, WILMINGTON, N. C.

The SPEAKER also laid before the House a bill (S. 229), with a House amendment disagreed to by the Senate, and directed the reading of the message from the Senate, as follows:

IN THE SENATE OF THE UNITED STATES, *January* 18, 1887.

Resolved, That the Senate disagree to the amendment of the House of Representatives to the bill of the Senate 229, to provide for the erection of a public building at Wilmington, N. C., and ask a conference with the House on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. MAHONE, Mr. VEST, and Mr. RANSOM be the conferees on the part of the Senate.

The SPEAKER. If there be no objection the request of the Senate for a conference will be agreed to, and the Chair will appoint the conferees on the part of the House during the day.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

Mr. COBB, by unanimous consent, obtained leave of absence on account of sickness.

LEAVE TO WITHDRAW PAPERS.

Mr. STONE, of Massachusetts, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, papers in the case of F. H. Ladd.

CHANGE OF REFERENCE.

The SPEAKER. The Chair desires to correct an erroneous reference. The bill (H. R. 5959) granting a right of way through certain public lands of the United States in the Territory of Utah, &c., did not show by its title that the right of way referred to extended through a military reservation. An examination of the bill shows such to be the fact; and if there be no objection the Committee on Public Lands will be discharged from the further consideration of the bill, and it will be referred to the Committee on Military Affairs.

There being no objection, it was so ordered.

ROBERT STRACHAN.

Mr. GALLINGER. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (S. 574) for the relief of Robert Strachan, and that the bill be now considered.

The bill was read, as follows:

Be it enacted, &c., That jurisdiction be, and the same is hereby, conferred upon the United States Court of Claims to hear, try, and determine, according to the rules and practice now in force in said court, any claim for damage which Robert Strachan may have against the District of Columbia by reason of the said District of Columbia, or its agents, servants, or employés, having changed the grade of New Hampshire avenue between Sixteenth and Seventeenth streets, and having turned the water upon the premises of the said Strachan and into his dwelling-house, and by means of an embankment having been erected and continued thereon for a long time, in said District of Columbia.

SEC. 2. That the judgment rendered in said action, if any shall be rendered for the claimant, shall be paid in the same manner as judgments are paid in said court as now provided by law; and one-half of the amount of said judgment shall be charged against the revenues of the District of Columbia.

SEC. 3. That the Government hereby waives all rights under the statute of limitations as to his claim.

The amendments reported by the Committee on Claims were read, as follows:

In lines 9 and 10 of section 1, strike out the words "having changed the grade of New Hampshire avenue, between Sixteenth and Seventeenth streets, and."
In line 12 of the same section, strike out the word "and."
In line 13 of the same section, strike out the words "by them."

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MCMILLIN. Let us have the report read.

The report (by Mr. GALLINGER) was read, as follows:

A bill for the relief of Robert Strachan and others was pending before the Senate in the Forty-eighth Congress. A report was made by the Committee on the District of Columbia, a copy of which may be found in the appendix to this report, recommending the passage of said bill, for the relief of Robert Strachan only, but the bill was not reached by the Senate, and in view of the fact that it could not be so reached, it was sent to the Court of Claims, under the first clause of section 1059 of the Revised Statutes. This clause gives the Court of Claims jurisdiction over "all claims which may be referred to it by either House of Congress." The Court of Claims, however, upon the motion of the Attorney-General to dismiss, held that they could not take jurisdiction of the claim for the reason that, in the opinion of the court, that clause does not give to the separate Houses of Congress the power to confer jurisdiction upon the Court of Claims against the District of Columbia, but only upon claims against the United States.

In the present Congress bills for the relief of Robert Strachan were presented in both Houses, giving the Court of Claims jurisdiction, and waiving any right under the statute of limitations. The Senate bill has passed that body, and is now before this committee.

Your committee therefore recommend that the House bill lie upon the table, and they report back the Senate bill with a recommendation that it do pass, with the following amendments: At the beginning of line 8, section 1, strike out the word "and" and insert the words "or by reason of their;" in line 9 strike out the word "and" between the words "dwelling-house" and "by," and in line 10 insert the words "by them" between the words "continued" and "thereon."

There being no objection, the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill, and the House proceeded to consider the same.

The amendments reported by the Committee on Claims were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. GALLINGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LANDS NEAR CHICAGO FOR MILITARY PURPOSES.

Mr. BRAGG. I ask unanimous consent that joint resolution (S. 78) authorizing the Secretary of War to accept certain lands, and so forth, near Chicago, Ill., be taken from the House Calendar for immediate consideration.

The joint resolution, with the amendments reported by the Committee on Military Affairs, was read.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. MCMILLIN. I would like to look into it a little further before it passes.

The SPEAKER. Does the gentleman object?

Mr. MCMILLIN. Yes, sir.

MISSION INDIANS IN CALIFORNIA.

Mr. LA FOLLETTE. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (S. 53) for the relief of the Mission Indians in the State of California, and that the bill be now considered.

The bill, with the amendments reported by the Commiteee on Indian Affairs, was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HATCH. This is too important a bill to be considered in this way. I demand the regular order.

PUBLIC BUILDING AT WILMINGTON, N. C.

The SPEAKER announced the appointment of Mr. DIBBLE, Mr. JOHNSTON, of North Carolina, and Mr. OWEN as conferees on the part of the House upon the bill (S. 229) to provide for the erection of a public building at Wilmington, N. C.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of standing and select committees for reports.

Mr. CRISP. I ask unanimous consent to dispense with the call of committees.

Mr. BRAGG. Yesterday I was absent when the committees were called. Therefore I object.

THOMAS C. SIMPSON.

Mr. MILLER, from the Committee on Banking and Currency, reported back adversely the bill (H. R. 10373) to authorize the reissue of certain United States currency to Thomas C. Simpson, of Arkansas; which was laid on the table, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. BRAGG, from the Committee on Military Affairs, reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 7062) to correct the muster of Second Lieut. Edwin E. Lewis; and

A bill (H. R. 8229) removing the charge of desertion from the military record of Charles K. Jenree.

RULES AND ARTICLES OF WAR.

Mr. BRAGG, from the Committee on Military Affairs, also reported back with amendments the bill (S. 1490) to amend Article CIII of the Rules and Articles of War; which was referred to the House Calendar, and the accompanying report ordered to be printed.

HOSPITAL STEWARDS IN THE ARMY.

Mr. BRAGG, from the Committee on Military Affairs, also reported back with amendment the bill (S. 1119) to provide for the appointment of hospital stewards in the United States Army, and to fix their pay and allowance; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

RAILROAD THROUGH FORT MEADE MILITARY RESERVATION.

Mr. BRAGG, from the Committee on Military Affairs, also reported back favorably the bill (H. R. 10048) to authorize the Fremont, Elkhorn and Missouri Valley Railroad to build its road across the Fort Meade Military Reservation.

The SPEAKER. Is this a private bill?

Mr BRAGG. In this case we are legislating for a corporation as a public corporation, and I presume the bill should be regarded as a public bill.

The SPEAKER (after examining the bill). In the opinion of the Chair this is a private bill, as it simply authorizes a private corporation to extend its road through a military reservation.

Mr. BRAGG. If corporations of this kind are private corporations, the Chair will permit me to inquire what right we have to be legislating upon them as public corporations in the interstate-commerce bill?

The SPEAKER. This is a private corporation; but Congress has the right to legislate in this matter because the bill proposes to grant the right of way through a military reservation of the United States.

Mr. BRAGG. But in other bills we legislate with reference to these railroad corporations as public corporations.

The bill was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

FRANKLIN W. M'CAULEY.

Mr. FINDLAY, from the Committe on Military Affairs, reported back favorably the bill (H. R. 6535) to close the account of Franklin W. McCauley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT W. SPANG.

Mr. FINDLAY, from the Committee on Military Affairs, also reported back favorably the bill (H. R. 9446) for the relief of Robert W. Spang; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. ANDERSON, of Ohio, from the Committee on Military Affairs, reported back adversely bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 7366) to remove the charge of desertion against Rufus Wright;

A bill (H. R. 4260) for the relief of Henry Linebaugh, late of Company A, Third Tennessee Mounted Infantry Volunteers;

A bill (H. R. 2584) for the relief of Benwood Hunter;

A bill (H. R. 6268) to remove the charge of desertion from the military record of Amos Shirey;

A bill (H. R. 6189) for the relief of John Butler;

A bill (H. R. 5429) for the relief of R. W. Ross;

A bill (H. R. 5829) for the relief of Henry C. Wiley;

A bill (H. R. 5709) to remove the charge of desertion from the military record of R. P. Sunnard;

A bill (H. R. 6417) for the relief of Dr. Charles A. Bucher;

A bill (H. R. 6262) to remove the charge of desertion from the military record of August Grosse;

A bill (H. R. 5140) granting relief to William C. McCroskey, and for other purposes;

A bill (H. R. 6740) to remove the charge of desertion from Hezekiah E. Vibbart;

A bill (H. R. 6289) to correct the muster-roll of William Carter;

A bill (H. R. 4636) for the relief of John Reed;

A bill (H. R. 4214) for the relief of Albert C. Pontius; and

A bill (H. R. 3935) for the relief of John J. Miller.

RUSSELL S. NEWELL.

Mr. STORM, from the Committee on Indian Affairs, reported back with amendments the bill (H. R. 6724) for the relief of Russell S. Newell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. REBECCA ADAMS.

Mr. STORM, from the Committee on Indian Affairs, also reported back favorably the bill (H. R. 751) for the relief of Mrs. Rebecca Adams; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, YONKERS, N. Y.

Mr. WILKINS, from the Committee on Public Buildings and Grounds, reported back favorably the bill (S. 1597) for the erection of a public building at Yonkers, N. Y.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, NEBRASKA CITY, NEBR.

Mr. WORTHINGTON, from the Committee on Public Buildings and Grounds, reported back favorably the bill (S. 1880) for the completion of the public building at Nebraska City, Nebr.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

AMENDMENT OF PATENT LAWS.

Mr. MARTIN, from the Committee on Patents, reported back favorably the bill (S. 1813) to amend the law relating to patents, trademarks, and copyrights; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. SWOPE, by unanimous consent, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 3471) for the relief of Charles K. Remsberg, and the same was referred to the Committee on War Claims.

ADVERSE REPORT.

Mr. SWOPE, from the Committee on Invalid Pensions, also reported back, with an adverse recommendation, the bill (H. R. 9018) granting a pension to William High; which was ordered to be laid upon the table, and the accompanying report printed.

BESSIE S. GILMORE.

Mr. BROWN, of Ohio, from the Committee on Claims, reported back favorably the bill (S. 1189) for the relief of Bessie L. Gilmore; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LAWS OF THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 8586) to amend section 685 of the Revised Statutes, relating to the District of Columbia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHITTENDEN BROTHERS.

Mr. HEMPHILL, from the Committee on the District of Columbia, also reported back favorably the bill (S. 938) for the relief of Chittenden Brothers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PORTRAIT OF GENERAL GEORGE H. THOMAS.

Mr. SINGLETON, from the Committee on the Library, reported back, with a favorable recommendation, the bill (S. 1949) providing for the purchase of the portrait of General George H. Thomas, painted by General S. W. Price; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

E. S. BISHOP.

Mr. NEECE, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (S. 2028) granting a pension to E. S. Bishop; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EULOGIES ON DECEASED MEMBERS.

Mr. TIMOTHY J. CAMPBELL. I ask unanimous consent that the order setting apart to-morrow evening for the consideration of resolutions in relation to the death of Mr. ARNOT, Mr. BEACH, and Mr. DOWDNEY, late Representatives from New York, be vacated, and that the same order be made for two weeks from to-morrow evening. I ask this at the request of Mr. Hewitt, of New York.

There was no objection, and it was so ordered.

FIRING ON PERSONS IN INDIAN TERRITORY.

Mr. PETERS, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Military Affairs:

Whereas it is charged that on the 13th day of January, 1887, a squad of soldiers, said to belong to Company L, Fifth United States Cavalry, fired upon cer-

tain persons, residents of Sumner County, Kansas, who were temporarily in the Indian Territory, but not to exceed 10 miles from their homes: Therefore,

Be it resolved, That the Secretary of War be requested to inform the House whether such troops did on or about the date aforesaid fire upon any person or persons in said Territory; and, if so, report the facts connected therewith, and whether said troops acted under orders.

CONSIDERATION OF EDUCATION BILL.

The SPEAKER. The regular order is the hour for the consideration of bills, which begins at 4 minutes before 1 o'clock. The call rests with the Committee on Labor.

Mr. MORRISON. I move to reconsider the vote by which the House on yesterday refused to lay on the table the resolution reported by the Committee on Labor and amendment thereto fixing a day for the consideration of the education bill.

Mr. WILLIS. To save time, I move to lay the motion to reconsider on the table, and upon that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 163, nays 78, not voting 77; as follows:

YEAS—163.

Adams, G. E.	Davis,	Hopkins,	Reed,
Allen, C. H.	Dibble,	Irion,	Rockwell,
Allen, J. M.	Dingley,	Johnson, F. A.	Rogers,
Anderson, J. A.	Dorsey,	Johnston, J. T.	Romeis,
Atkinson,	Dougherty,	Johnston, T. D.	Rowell,
Ballentine,	Dunham,	Jones, J. T.	Rusk,
Barbour,	Dunn,	Ketcham,	Ryan,
Barksdale,	Ely,	La Follette,	Sadler,
Barnes,	Evans,	Lawler,	Sawyer,
Bayne,	Everhart,	Lehlbach,	Scranton,
Bennett,	Farquhar,	Libbey,	Sessions,
Blanchard,	Felton,	Little,	Shaw,
Boutelle,	Findlay,	Long,	Singleton,
Brady,	Fleeger,	Lovering,	Skinner,
Breckinridge, C. R.	Fuller,	Lyman,	Spooner,
Brown, C. E.	Funston,	Markham,	Steele.
Brown, W. W.	Gallinger,	Martin,	Stephenson,
Brumm,	Gay,	McAdoo,	Struble,
Buchanan,	Gibson, C. H.	McKenna,	Symes,
Bunnell,	Glass,	McKinley,	Tarsney,
Burrows,	Goff,	McRae,	Taulbee,
Butterworth,	Green,	Moffatt,	Taylor, E. B.
Cabell,	Grosvenor,	Morrill,	Taylor, I. M.
Caldwell,	Grout,	Morrow,	Taylor, J. H.
Campbell, J. M.	Guenther,	Neal,	Taylor, Zach.
Campbell, J. E.	Hammond,	Nelson,	Thomas, O. B.
Cannon,	Hanback,	Norwood,	Thompson,
Caswell,	Harmer,	O'Donnell,	Trigg,
Catchings,	Harris,	O'Ferrall,	Van Schaick,
Clements,	Hayden,	O'Neill, Charles	Wade,
Comstock,	Haynes,	Osborne,	Wadsworth,
Conger,	Hemphill,	Parker,	Wallace,
Cooper,	Henderson, D. B.	Payson,	Warner, William
Cowles,	Henderson, J. S.	Peel,	Weber,
Cox, W. R.	Henley,	Perkins,	Wheeler,
Crisp,	Hepburn,	Perry,	White, A. C.
Croxton,	Herbert,	Peters,	Willis,
Cutcheon,	Hermann,	Pettibone,	Wise,
Daniel,	Hires,	Pirce,	Wolford,
Davenport,	Hitt,	Plumb,	Woodburn.
Davidson, R. H. M.	Holmes,	Ranney,	

NAYS—78.

Adams, J. J.	Ford,	Matson,	Storm,
Anderson, C. M.	Frederick,	McMillin,	Strait,
Bacon,	Glover,	Miller,	Swope,
Bland,	Hall,	Mills,	Tillman,
Blount,	Halsell,	Morrison,	Townshend,
Boyle,	Hatch,	Oates,	Tucker,
Bragg,	Heard,	Phelps,	Turner,
Burnes,	Hiestand,	Pindar,	Van Eaton,
Bynum,	Hill,	Randall,	Viele,
Campbell, Felix	Holman,	Richardson,	Wakefield,
Campbell, T. J.	Howard,	Riggs,	Ward, J. H.
Carleton,	Hudd,	Robertson,	Weaver, J. B.
Crain,	Jones, J. H.	Sayres,	Wellborn,
Dargan,	Laffoon,	Scott,	White, Milo
Dawson,	Landes,	Seymour,	Wilkins,
Dockery,	Lanham,	Sowden,	Wilson,
Eden,	Le Fevre,	Springer,	Winans,
Eldredge,	Lore,	Stewart, Charles	Worthington.
Fisher,	Lowry,	Stone, W. J., Ky.	
Foran,	Mahoney,	Stone, W. J., Mo.	

NOT VOTING—77.

Aiken,	Ellsberry,	McComas,	Seney,
Baker,	Ermentrout,	McCreary,	Smalls,
Barry,	Forney,	Merriman,	Snyder,
Belmont,	Geddes,	Millard,	Spriggs,
Bingham,	Gibson, Eustace	Milliken,	Stahlnecker,
Bliss,	Gilfillan,	Mitchell,	Stewart, J. W.
Bound,	Hale,	Morgan,	St. Martin,
Breckinridge, W. C. P.	Henderson, T. J.	Muller,	Stone, E. F.
Browne, T. M.	Hiscock,	Murphy,	Swinburne,
Buck,	Houk,	Neece,	Thomas, J. R.
Burleigh,	Hutton,	Negley,	Throckmorton,
Candler,	Jackson,	O'Hara,	Wait,
Clardy,	James,	O'Neill, J. J.	Ward, T. B.
Cobb,	Kelley,	Outhwaite,	Warner, A. J.
Collins,	King,	Owen,	Weaver, A. J.
Compton,	Kleiner,	Payne,	West,
Cox, S. S.	Laird,	Pidcock,	Whiting.
Culberson,	Lindsley,	Reagan,	
Curtin,	Louttit,	Reese,	
Davidson, A. C.	Maybury,	Rice,	

So the motion to reconsider was laid on the table.

Mr. TAULBEE. I ask unanimous consent to dispense with the reading of the names.

Objection was made.

The following pairs were announced until further notice:

Mr. ERMENTROUT with Mr. MCCOMAS.

Mr. COX, of New York, with Mr. BURLEIGH.

Mr. COBB with Mr. BROWNE, of Indiana.

Mr. GIBSON, of West Virginia, with Mr. STEWART, of Vermont.

Mr. FORNEY with Mr. PAYNE.

Mr. DAVIDSON, of Alabama, with Mr. SWINBURNE.

Mr. SPRIGGS with Mr. HOUK.

Mr. CANDLER with Mr. WEST.

Mr. REESE with Mr. WEAVER, of Nebraska.

Mr. MITCHELL with Mr. WHITING.

Mr. MORGAN with Mr. ZACH. TAYLOR.

Mr. PIDCOCK with Mr. GILFILLAN.

Mr. REAGAN with Mr. HISCOCK.

For this day:

Mr. HALE with Mr. JACKSON.

Mr. SNYDER with Mr. LAIRD.

Mr. BELMONT with Mr. JAMES.

On this vote:

Mr. SENEY with Mr. HENDERSON, of Illinois.

Mr. BRECKINRIDGE, of Kentucky, with Mr. KELLEY.

Mr. STAHLNECKER with Mr. BINGHAM.

Mr. COLLINS with Mr. NEGLEY.

On the education bill:

Mr. BARRY with Mr. THROCKMORTON.

The result of the vote was then announced as above stated.

Mr. SPRINGER. Mr. Speaker, pending the demand of the gentleman from Kentucky [Mr. WILLIS] for the previous question on the adoption of the resolution I move to refer the resolution to the Committee on Rules, and on that motion I demand the previous question.

Mr. WILLIS. And upon that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 223, nays 20, not voting 75; as follows:

YEAS—223.

Adams, G. E.	Dorsey,	Kleiner,	Rockwell,
Adams, J. J.	Dougherty,	Laffoon,	Rogers,
Allen, C. H.	Dunham,	La Follette,	Romeis,
Allen, J. M.	Dunn,	Landes,	Rowell,
Anderson, C. M.	Eden,	Lawler,	Ryan,
Anderson, J. A.	Eldredge,	Le Fevre,	Sawyer,
Atkinson,	Ely,	Lehlbach,	Scott,
Bacon,	Evans,	Libbey,	Scranton,
Baker,	Everhart,	Lindsley,	Sessions,
Ballentine,	Farquhar,	Little,	Seymour,
Barbour,	Felton,	Long,	Shaw,
Barksdale,	Findlay,	Lore,	Singleton,
Bayne,	Fleeger,	Louttit,	Skinner,
Bennett,	Foran,	Lovering,	Sowden,
Blanchard,	Ford,	Lowry,	Spooner,
Blount,	Frederick,	Mahoney,	Springer,
Bound,	Fuller,	Markham,	Steele,
Boyle,	Funston,	Martin,	Stone, E. F.
Brady,	Gallinger,	McAdoo,	Stone, W. J., Ky.
Bragg,	Gay,	McCreary,	Stone, W. J., Mo.
Breckinridge, C. R.	Geddes,	McKenna,	Strait,
Brown, C. E.	Glass,	McKinley,	Struble,
Brown, W. W.	Goff,	McMillin,	Swope,
Brumm,	Green,	McRae,	Tarsney,
Buchanan,	Grosvenor,	Millard,	Taulbee,
Bunnell,	Grout,	Mills,	Taylor, E. B.
Burnes,	Guenther,	Moffatt,	Taylor, I. H.
Burrows,	Hall,	Morrill,	Taylor, J. M.
Butterworth,	Halsell,	Morrison,	Taylor, Zach.
Bynum,	Hammond,	Morrow,	Thomas, O. B.
Cabell,	Harmer,	Muller,	Thompson,
Caldwell,	Hatch,	Murphy,	Townshend,
Campbell, Felix	Hayden,	Neal,	Trigg,
Campbell, J. M.	Haynes,	Oates,	Tucker,
Campbell, J. E.	Heard,	O'Donnell,	Van Eaton,
Campbell, T. J.	Hemphill,	O'Ferrall,	Van Schaick,
Cannon,	Henderson, D. B.	O'Neill, Charles	Viele,
Carleton,	Henderson, J. S.	Osborne,	Wade,
Caswell,	Hepburn,	Outhwaite,	Wadsworth,
Catchings,	Herbert,	Owen,	Wait,
Clements,	Hermann,	Parker,	Wakefield,
Conger,	Hiestand,	Payson,	Ward, J. H.
Cooper,	Hill,	Peel,	Warner, William
Cowles,	Hires,	Perkins,	Weaver, J. B.
Crain,	Hitt,	Perry,	Weber,
Crisp,	Holman,	Peters,	Wheeler,
Croxton,	Holmes,	Pettibone,	White, A. C.
Culberson,	Hopkins,	Phelps,	White, Milo
Cutcheon,	Hutton,	Pindar,	Wilkins,
Daniel,	Irion,	Pirce,	Willis,
Davenport,	Johnson, F. A.	Plumb,	Wilson,
Davidson, R. H. M.	Johnston, J. T.	Randall,	Winans,
Davis,	Johnston, T. D.	Ranney,	Wolford,
Dibble,	Jones, J. H.	Richardson,	Woodburn,
Dingley,	Jones, J. T.	Riggs,	Worthington.
Dockery,	Ketcham,	Robertson,	

NAYS—20.

Barnes,	Dargan,	Hudd,	Tillman,
Bland,	Dawson,	Lanham,	Turner,
Clardy,	Fisher,	Miller,	Warner, A. J.
Comstock,	Harris,	Sayers,	Wellborn,
Cox, W. R.	Howard,	Stewart, Charles	Wise.

NOT VOTING—75.

Aiken,	Forney,	McComas,	Seney,
Barry,	Gibson, C. H.	Merriman,	Smalls,
Belmont,	Gibson, Eustace	Milliken,	Snyder,
Bingham,	Gilfillan,	Mitchell,	Spriggs,
Bliss,	Glover,	Morgan,	Stahlnecker,
Boutelle,	Hale,	Neece,	Stephenson,
Breckinridge, WCP	Hanback,	Negley,	Stewart, J. W.
Browne, T. M.	Henderson, T. J.	Nelson,	St. Martin,
Buck,	Henley,	Norwood,	Storm,
Burleigh,	Hiscock,	O'Hara,	Swinburne,
Candler,	Houk,	O'Neill, J. J.	Symes,
Cobb,	Jackson,	Payne,	Thomas, J. R.
Collins,	James,	Pidcock,	Throckmorton,
Compton,	Kelley,	Reagan,	Wallace,
Cox, S. S.	King,	Reed,	Ward, T. B.
Curtin,	Laird,	Reese,	Weaver, A. J.
Davidson, A. C.	Lyman,	Rice,	West.
Ellsberry,	Matson,	Rusk,	Whiting.
Ermentrout,	Maybury,	Sadler,	

Pending the yea-and-nay vote the following proceedings occurred:

Mr. DINGLEY. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. DINGLEY. As I understand the question the gentleman from Virginia [Mr. DANIEL] moved the previous question on the resolution and amendment. Pending that motion the gentleman from Illinois [Mr. SPRINGER] moved, under the rule, to commit. What I wish to ask is whether a second motion is admissible with the previous question pending.

The SPEAKER. The question now to be voted upon is whether the previous question shall be ordered on the motion to commit.

Mr. WHEELER. I ask unanimous consent that the names of members voting be dispensed with.

Several members objected.

The following additional pairs were announced:

Mr. SENEY with Mr. HENDERSON, of Illinois, on the pending question.

Mr. STAHLNECKER with Mr. BINGHAM on the pending question.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is upon the motion made by the gentleman from Illinois [Mr. SPRINGER], to commit the resolution and the amendment to the Committee on Rules.

The question was taken, and the Speaker declared that the noes seemed to have it.

Mr. WILLIS. Mr. Speaker, I ask for the yeas and nays in order to economize time.

The question was taken on ordering the yeas and nays; and there were—ayes 39, noes 44.

Mr. SPRINGER. No quorum has voted. I demand tellers.

The SPEAKER. A quorum is not required to order the yeas and nays.

Mr. SPRINGER. I move to reconsider the vote by which the yeas and nays were ordered.

The question was taken on the motion to reconsider; and there were—ayes 44, noes 18.

Mr. MILLS. No quorum.

The SPEAKER. The Chair thinks that on any question pertaining to the call of the yeas and nays a quorum is not necessary, as the yeas and nays is a means often resorted to for securing the attendance of a quorum.

Mr. SPRINGER. I demand tellers upon the motion to reconsider.

Tellers were ordered; and the Speaker appointed Mr. SPRINGER and Mr. WILLIS.

The House again divided; and the tellers reported—28 in the affirmative, but before the count was completed the Speaker announced that the hour for the consideration of bills had expired.

INTERSTATE-COMMERCE BILL.

Mr. CRISP. Mr. Speaker, I rise to a privileged motion.

The SPEAKER. The gentleman will state it.

Mr. CRISP. I call up the conference report on the interstate-commerce bill.

Mr. DANIEL. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DANIEL. I beg to ask the Speaker's attention to the special order on page 74 of the Calendar, and, under that special order (if the Speaker deems it in order), to ask the immediate consideration of the resolution which has just been pending.

The SPEAKER. The gentleman from Georgia [Mr. CRISP] calls up for consideration a privileged matter, which of course must first be disposed of. The gentleman from Virginia [Mr. DANIEL] can raise the question of consideration against it if he desires.

Mr. DANIEL. I raise the question of consideration in favor of a question of prior privilege.

The SPEAKER. There is no question of prior privilege to a conference report.

Mr. DANIEL. Well, if this has priority——

The SPEAKER. But it has not.

Mr. WILLIS. I rise to a parliamentary inquiry. If the motion of the gentleman from Georgia [Mr. CRISP] is voted down, will it not then be in order for the gentleman from Virginia to call up from the Committee on Labor, under the special order, the resolution to which he refers?

The SPEAKER. It will be, unless he is then interrupted by some order which has priority over that.

Mr. HATCH. I propose to call up a prior order.

The SPEAKER. In order to avoid misapprehension, the Chair will cause the Clerk to read the resolution to which the gentleman from Kentucky has referred.

The Clerk read as follows:

Resolved, That Thursday, the 3d day of June, 1886, after the hour for the consideration of bills, be set apart for the consideration of such business as may be presented by the Committee on Labor; this order not to interfere with general appropriation or revenue bills; bills reported from the Committee on the Public Lands, or prior orders; and, whether so interfered with on that day or not, shall be a continuing order as above until the bills presented by said committee shall be disposed of.

The SPEAKER. It will be observed that under this resolution business of the Committee on Labor is not to interfere with general appropriation bills, revenue bills, bills reported by the Committee on Public Lands, or prior orders. Now if none of the business of these classes is called up previous to the vote upon the gentleman's motion, his motion is in order. Moreover, the Chair will state it is in order for the gentleman to make his motion at any time; but if any gentleman interested in a prior order calls up such business, the vote must first be taken on the consideration of that prior order. This is in accordance with all the rulings.

Mr. WILLIS. And if a majority of the House votes down prior special orders, this resolution will be reached?

The SPEAKER. If the House refuses to consider, when called up, any of the business which has priority, then that proposition would be voted upon.

Mr. CRAIN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRAIN. Mr. Speaker, when this prior order was granted to the Labor Committee was it not understood, and was it not stated to the House, that the "Blair bill" would not be called up under it?

The SPEAKER. That is not a question of order. The RECORD will show what was said.

Mr. MCMILLIN. A reference to the RECORD will show that statement.

Mr. DUNN. The RECORD does not show any such statement.

Mr. MCMILLIN. Then the RECORD does not show the truth.

Mr. SPRINGER. Is not the question raised by the gentleman from Georgia [Mr. CRISP] a privileged one?

The SPEAKER. The Chair has so decided, but the gentleman from Virginia [Mr. DANIEL] raises the question of consideration, as he has the right to do. The question is, Will the House now proceed to consider the report of the conference committee on the interstate-commerce bill.

The question being taken, there were—ayes 104, noes 73.

So the House decided to consider the report of the committee of conference on the bill in relation to interstate commerce.

Mr. CRISP. Before we proceed to the further consideration of this conference report, I should like to obtain, if possible, some understanding as to when a vote can be had on this proposition. While, of course, I do not wish to be understood as desiring a vote before reasonable opportunity has been given to members to express their views, I do feel the necessity of early action on this subject, so that other business which is pressing may be considered by the House. If there could be any intimation or agreement as to when the vote could be taken, it would greatly convenience members and relieve me of the necessity of calling the previous question on my own responsibility.

Mr. O'NEILL, of Pennsylvania. The gentleman from Georgia might perhaps postpone until later in the day the effort to reach an agreement in regard to taking the vote. At that time we may be able to see how many gentleman desire to speak. We are now just resuming the debate at 2 o'clock. At 5 o'clock this afternoon there will be perhaps some indication as to the members who may still desire to speak, and when the debate may be closed without shutting any one off.

Mr. WEAVER, of Iowa. I have no objection to the early conclusion of the debate on this question; but I should be opposed to any arrangement by which those of us who desire to talk against this bill would be deprived of the privilege of doing so. It is well understood that the rule is to recognize, first, members of the committee; and if we make any agreement now, they may consume all the time, depriving all other members of the House of the right to say one word on a bill which has never heretofore been before the House and a bill which can not now be amended, which must be either rejected or adopted as a whole. I ask that members who are opposed to this bill and want to vote against it may have an opportunity to express themselves. There are members here who will speak against the bill but will vote for it; and they have no right to be recognized as opposed to the bill.

The SPEAKER. The Chair did not understand the gentleman from Georgia to make any motion at this time.

Mr. CRISP. My purpose was to arrive, if possible, at an understanding.

Mr. REED. I suggest to the gentleman it would be wisest under all the circumstances if he should let the debate go on for the present.

Mr. CRISP. In the absence, then, of any agreement, I give notice now that if the House will sustain me I shall ask a vote upon this bill as soon to-morrow morning as I can be recognized after the second morning hour.

Mr. DOUGHERTY. But not before to-morrow morning?

Mr. CRISP. Not before that time.

The SPEAKER. The gentleman from Illinois [Mr. DUNHAM] is entitled to the floor.

Mr. DUNHAM. Mr. Speaker, inasmuch as this bill has been under discussion in both branches of Congress for several years it does not seem to me it is necessary now to take up any great amount of time with its further consideration. As one of the minority of the House Committee on Commerce I desire to congratulate the House and the country that we have at last relieved ourselves from what has always seemed to me the unwise and unjust provisions of the so-called Reagan bill. Through a committee of conference of the two Houses we have succeeded in eliminating many of the unreasonable and objectionable featuers of that bill, and having presented to us a measure which somewhere near meets the public desire, and without crippling, or seriously crippling, the great railroad interests of the country.

Representing great commercial, financial, and agricultural sections—northern constituencies interested in building up rather than pulling down, believers in the doctrine that railroads and the people can work together for the mutual good, and that they are willing so to do—the minority of the House Committee on Commerce, although denied representation on the conference committee, are now convinced that our arguments against injustice did not fall wholly upon stony ground.

The conference report has been before the country for several weeks and meets with quite general approval, except the two clauses that refer to the "long and short haul" and the question of "pooling."

To these two matters I intend to confine my remarks. Upon these two points "hang all the law and the prophets," perhaps more properly called "loss or profits."

Aside from these two matters I do not propose to discuss the bill at any length. The fourth section, referring to the long and short haul, has never been satisfactorily explained.

Lawyers and statesmen are badly at sea as to its interpretation. A clause susceptible of so many different constructions is a good subject for litigation, and my legal friends may congratulate themselves that a liberal amount of courting is before them, and even if no good comes from it to the community at large they may reap a profit.

So then the final determination of its hidden and uncertain meaning must come from the judicial branch of the Government.

Mr. STEELE. Let me ask the gentleman from Illinois whether he thinks it is right to send a provision to the country inviting lawsuits.

Mr. DUNHAM. No; I do not, and I disapprove of such legislation.

Mr. PETTIBONE. I thought you were in favor of it.

Mr. DUNHAM. Now, Mr. Speaker, the fourth section provides, in the first part of it, that it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line in the same direction.

I will not undertake to say what those three words, "in the aggregate," mean. I will leave it to any member of the committee, or any member of the House; but to reduce this to a supposed case, so that we may, in a measure, find out what it means, I understand this section to say that a line of railroad that charges 10 cents a bushel to take a car of corn from Chicago to Boston shall not charge 12 cents to take another car of corn from Chicago to Worcester in the State of Massachusetts, 44 miles west of Boston, and over the same line. I think there can be no question as to that. The general understanding has been by all parties, and even admitted as fair, that they could charge as much for taking a car of corn from Chicago to Worcester as they could for taking a car of corn from Chicago to Boston. I will say here the people of New England, at all times for the last ten years, have been perfectly satisfied if they had the same rates from the West as were given to Boston. The people of Springfield, Worcester, Nashua, Concord, Hartford, New Haven, Montpelier, and other points east of New York were perfectly satisfied if the rates were the same, even though the distances were not so great, but their objection came when those nearer to the place of shipment than Boston were compelled to pay more than Boston rates. This discrimination, it is understood, the authors of this bill seek to prevent, and it is believed they do not ask or do not mean to say that railroad companies may not charge as much from Chicago to Worcester as from Chicago to Boston over the same line.

Now, then, let us see what the rest of section 4 says:

> But this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance.

This clause, in effect, says they shall not charge and shall not collect as much on a car of corn from Chicago to Worcester as they do from Chicago to Boston; and, as before, over the same line.

Mr. ADAMS, of New York. Does not the bill give them the right to charge——

Mr. DUNHAM. No; I think not.

Mr. ADAMS, of New York. Where it allows a railroad company to charge as much to Worcester as to Boston, does it not confer on the railroad company the right to charge to Worcester more than to Boston?

Mr. DUNHAM. I think not. I have stated that it was not intended to say they should not charge as much, but not any more. I do not think they have any such right under the clause of the bill the gentleman refers to. The bill says, in the first place, that they shall not charge more to Worcester than to Boston.

Mr. ADAMS, of New York. But it says they may charge as much.

Mr. DUNHAM. No, it does not say that; but it says they can not charge more, leaving it to be inferred they may charge as much, and then comes in the next clause that in so many words says they shall not be authorized to charge as much to Worcester as to Boston.

Mr. CRISP. That is the point to which I wish to call the attention of the House.

Mr. DUNHAM. The bill provides "that this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance." Now, I am unable to see that that means anything but just what it says in plain English. It says distinctly that a railroad shall not charge as much for a car of corn from Chicago to Worcester as for a car of corn from Chicago to Boston. I think the bill is objectionable in that respect. It has two provisions in one section; one saying one thing, and the other another thing. At the proper time I shall move to recommit this bill to the committee of conference, with the hope that such motion may be ruled in order, and with the further hope that it may be returned to us without this fourth section.

Mr. ADAMS, of New York. You can not make that motion.

Mr. DUNHAM. It can be made, but the question of its regularity may become an issue. We will try it at all events. I will say to the gentleman from New York that it has been held in another legislative body somewhat connected with this to be in order.

Mr. ADAMS, of New York. No, it was held to be not in order.

Mr. DUNHAM. The gentleman is in error.

Mr. PETTIBONE. It was held to be in order by the Chair, but was voted down.

Mr. DUNHAM. If the gentleman from Tennessee will examine the RECORD he will discover that I am correct.

I desire to say this, Mr. Speaker, that I believe the lower rate of freight, or a lower rate of freight on a long over a short haul that has been charged by railroad companies in the past fifteen years, has surely brought about favorable results to many sections of the United States. I admit that there may have been towns, there may have been counties or sections of the country, or classes of the people who have felt that they were injured because train-loads of property passed through their towns at a lower rate than they themselves were allowed to have; but as a general thing, and on the whole, I am confident the low long-haul charge has proved beneficial to the United States.

Now, the consuming sections of this country are largely in the East, and the Western States being the producing States, desire to reach the consuming regions of the East and also Europe with their products. The farther West you go if you have a mileage law, and I fear a part of the fourth section may be construed in that direction, the lower prices the farmer must expect for his property. Fifteen to twenty-five years ago it was claimed in the West, when we were paying 25 to 50 cents a bushel as freight on our grain to the East, that if we could reduce the freights the Western people would receive much more for their agricultural products. Since the time mentioned there has been a very large reduction in freight rates, and yet the farmer in the West is compelled to take less for his products. Possibly lower freights are of advantage to him now, but the consumer in the East has practically won the best results in the battle of freight reduction.

Fifteen years ago wheat would bring $1.25 per bushel in New York, and the Western farmer believed that if he could get the rate of freight reduced that instead of receiving a dollar for his wheat he would get $1.10. Freights have been reduced to a very low rate, and yet the farmer of the West does not get his $1 a bushel or anything like it. If, then, you pass a bill to compel the railroads to put up the through rates to local rates, then you are going to force the Western farmers to take still lower prices for their products.

Mr. ADAMS, of New York. If it will not interrupt the gentleman in the course of his argument, I would like to ask him a question.

Mr. DUNHAM. Very well.

Mr. ADAMS, of New York. I would like to ask the gentleman to give me his construction of that portion of the fourth section which reads as follows:

> That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for a longer than for a shorter distance.

What construction do you put on those words?

Mr. DUNHAM. The only construction, as I understand it, is that

you can apply to the commissioners, and if you can satisfy them you ought to have the privilege of shipping property a longer distance at a lower rate than a shorter distance they are authorized to grant the concession. It is a question about which they are to be the judges. I might as well say here that many seriously question the propriety of putting such power into the hands of five men. Humanity is full of prejudices. Benefits to localities often influence such rulings among the fairest of men. I do not claim that this will be so with these commissioners; on the contrary, I believe otherwise, and am disposed to look for only the best results.

Mr. ADAMS, of New York. Then it gives the commission power to nullify the preceding portion of the section, and authorize the transportation company to charge more for a shorter than for a longer haul?

Mr. DUNHAM. Certainly, and that is one of the advantages of this bill as now constructed over the former Reagan bill. That was an absolute prohibition. It compelled every railroad company to charge practically mileage rates; and I claim that this bill, the fourth section of it, may be construed as a mileage law unless the commission exercise their power to allow a long haul at a cheaper charge than the short distance.

I was going on to say, Mr. Speaker, in regard to how the West has looked upon this reduction of freights and the danger we are liable to be in if we legislate so as to force the railroad companies to advance the through rates of freight. I can give you a few illustrations. For instance, through the past summer the railroad companies, six in number, have been competing for business at Minneapolis. These roads have been taking wheat from Minneapolis to Chicago as low as 4½ cents per bushel, a rate which was never expected to be reached, it being so much less than has prevailed for years before. I maintain, and the railroad officers tell me it is true, that if they were prevented from doing that—that is, unless they could continue to make low rates from competing points—they would be obliged to go back and charge local rates.

Gentlemen will understand that while these roads are competing in Minneapolis for business, they are driven, at times, to accept rates they would prefer to avoid. But if you go ten or fifteen miles out from the city of Minneapolis towards the lakes you will reach points on any one of these roads which are not competing points, and from such points they have been in the habit of charging higher rates on such freights than from the city of Minneapolis. I feel very sure that the railroad companies will not give up the local rates or bring them down to the through rates, simply because they can not live if all their business must be done at such sacrifices. The same kind of traffic was illustrated by the gentleman from Georgia yesterday, where 76 cents per hundred pounds is charged from New York to New Orleans, and $1 to Atlanta over the same line. It may be that when the railroad company transports property from New York to New Orleans at 76 cents a hundred pounds they do it at a loss and simply to compete with the waterways.

Mr. BUCHANAN. Why do they transport it at all if they do it at a loss?

Mr. DUNHAM. I think the gentleman well understands the practice of railroads, factories, mills, and like institutions to keep in the market. A large manufacturing concern must run or discharge their men. Necessity may compel selling goods temporarily at some loss. They hope to get improvement in some other direction. Business men expect aid from railroads. Competition at times compels unreasonable concessions. In this New York and New Orleans shipment something for use of cars is better than lying idle, even though it may figure a temporary loss. The kind of freight will determine in this case whether 76 cents is a loss or not.

I have just given reasons why work is done at times at an apparent loss. Let me give another illustration. Twenty-five years ago sail vessels on the lakes occasionally obtained 25 cents per bushel to transport corn from Chicago to Buffalo. Within the last three years I have seen them chartered at less than 2 cents. Evidently the vessel was doing that at a loss so far as running expenses were concerned.

The owner when asked why he chartered said it was better for his vessel to be in use than rotting at the dock. If it was suggested that in some storm the vessel might be lost, the reply came: In that event the insurance company is my protector. Does not the gentleman know that many a passenger train makes its trips at a loss—not even passengers enough to pay its crew. What would the people on its line say if the officers of the road should say: We can not run to-day—not tickets enough sold to pay expenses? What is a railroad to do that is compelled to be idle or make a low rate of freight? The gentleman asks if it is right to transport property at a loss. It seems hard, but if it is necessary it may be right. There are so many questions that come into the consideration of such an issue that I must content myself with this explanation as an answer to the gentleman's question.

Now, let me give another practical illustration.

The heavy winter business from the West to the East decreases as spring approaches; demand for property checks; railroads discover their cars standing idle; accepting the situation, competition visible in the distance, they drop their prices; shippers no longer beg for cars, but declining railroad treasuries plead for income; the winter charge gives way, and shippers at a great business and competing point, like Chicago, dictate terms; a through rate from Chicago to seaboard points is made that would never be allowed if the entire business on the same line must be done for the same. I have known wheat to be shipped all rail from Chicago to the seaboard, thence by steamer to London, at less than 10 cents per bushel. Surely such a rate was an advantage to every farmer west of Chicago, and how could it harm any other in this country?

The English grower might complain, but no American would have the right.

Now, then, who will undertake to say that the low rate I have previously quoted of 4½ cents per bushel on wheat from Minneapolis to Chicago has not been beneficial to over one hundred millions of wheat raised in Minnesota, Dakota, Northern Iowa, and Nebraska? It not only applies to wheat, but to all grain and live-stock. Shippers in Chicago are complaining at this very time that Minneapolis, 500 miles farther from the seaboard, is given precisely the same rate as Chicago.

Here comes evidence of injustice to my own city, and yet it does not alter the fact that the Northwest has become the gainer. Probably Chicago more than gets even on other low rates—in fact a city with such natural advantages must share in the cheap long hauls. It is easy for commercial men to understand why such points must profit, but residents of non-competing localities are troubled to fathom the mystery. I admit the natural feeling, but the law of competition, coupled with supply and demand, is a great regulator.

The Reagan bill, as it passed the House, positively forced all places with great natural advantages down to the level of insignificant way stations. This bill would be the same except for the saving clause giving flexibility to the commission. Let the commission refuse necessary concessions, then it practically makes rates from Chicago to Worcester less than to Boston, less to Springfield than to Worcester, less to Albany than to Springfield, and so on with different roads all over the country.

I have read this fourth section very carefully, submitted it to several lawyers, and the majority agree that without consent of the commission we have a practical mileage law. All agree it would be better if the whole of the fourth section could be stricken out.

The last clause of section 1 covers the situation, as any one can see by reading. It says:

All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, or for the receiving, delivering, storage, or handling of such property, shall be reasonable and just; and every unjust and unreasonable charge for such service is prohibited and declared to be unlawful.

It can not be possible the conferees intended to report this bill in such shape as to invite litigation. If the part of section 1 that I have quoted will not answer for the fourth, then let us see if there is not virtue enough in the first part of section 3. It reads as follows:

SEC. 3. That it shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Mr. CRISP. If the gentleman will allow me just there, I can state what I understand to be the purpose of those qualifying words to which he has just referred. The general rule is stated in the bill to be that a greater sum shall not be charged for a shorter than for a longer distance. For fear some construing authority might determine that was a legislative indication that as much might be charged for the short as for the long distance we say, "but nothing in this section shall be construed to authorize the charging as much for the short as for the long distance."

Mr. DUNHAM. I have already referred to the original intention of the Reagan bill to allow the shorter distance to be subject to the longer charge, and have insisted that the conference report practically denies it. Now, my Georgia friend tries to explain it, but there is nothing in this talk of "not authorizing." They not only can not charge more, but the commission and courts are informed that they are not to construe this section so that they may collect as much. Let us read it again. Here it is—

But this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance.

Mr. CRISP. Will the gentleman read the language of that clause?

Mr. DUNHAM. It says:

But this shall not be construed as authorizing——

Mr. CRISP. That means, but this prohibition upon receiving more for a short than for a long haul shall not be construed as authorizing the charging as much. If it is reasonable to charge as much under the other provisions of the bill it may be charged, but that is left to the question of the reasonableness of the charge.

Mr. DUNHAM. You may, possibly, in connection with other sections of the bill bring in the question of reasonableness. But if you take that fourth section by itself you are forbidden, in the first place, to charge more from New York to Trenton than from New York to Philadelphia; and then you are told afterwards, in the same section, you

shall have no authority to charge as much from New York to Trenton as from New York to Philadelphia.

The meaning of that provision may be for the courts to decide, but it is there. Now, it may be possible that, with this bill enacted into law, the railroad companies of this country will give up their local rates. If they do there is a chance for bankruptcy. How many railroads in this country are paying any dividends to their stockholders, at least fair dividends?

Mr. BUCHANAN. And there are very few of them without watered stock.

Mr. DUNHAM. The question of watered stock does not come in here. If they can not pay anything on watered stock then they can not pay reasonable dividends on any stock, watered or unwatered.

Now, if we are to lose the long-haul rate, and railroads, rather than surrender local rates, go back to the terms of years ago, it occurs to me that the West is liable to feel it more than the East. The people located in the far West will suffer the worst of all.

Let us look at this matter in connection with our exports of breadstuffs. We have a wheat-raising country; we must ship our surplus abroad. Western Europe, including the United Kingdom, is always a buyer. Russia, Chili, India, Australia, and the United States are always sellers. England is the heavy buyer, taking yearly more than all the other buying countries. India is her own province, and she uses it to drive other countries into low prices. The 6-cents-per-day harvest hand comes in contact with the American farmer. We must meet all competition, and low rates of freight from the great Western farms have been our salvation.

During the past six months we have exported some seventy-seven millions of wheat, and by the end of the Government year will probably have sent out nearly one hundred and fifty millions.

It so happens that the European crops of 1886 fell materially under 1885, leaving America in a more independent position as regards "supplying wants," and yet no gainer in prices. Australia is now harvesting. March will find India at the same work, so that sixty days hence our rivals will dictate and control the situation. Without some such disturbing cause as war we can not expect foreign buyers to raise their bids. If this bill forces an advance in freights, the farmer must be the sufferer. As wheat is affected so shall be other breadstuffs, while the great cattle and pork interests must share in any depreciation.

During the season of navigation property can be shipped from lake ports to seaboard at fair rates, but under what terms it shall be transported from distant farms to the lakes depends on the decision of railroads to abolish through rates or bring locals down. I maintain that the competition of railroads under the cheap long-haul rate has been an important factor in the great rate reduction that has taken place during the last twenty-five years; in fact, they forced down the water rates. Nothing is more certain than that if rail freights advance the water transportation will follow them. If European or eastern prices do no better the West must lose.

Any one familiar with the subject knows that the consumer usually beats the farmer, who must have money and must sell. How are goods shipped from the East to the West and South to be affected? If rates advance one or the other must give way. Often such disarrangements cut both ways. One thing is now certain, our farmers are suffering terribly under an era of low prices. I have a fear of the result, and yet my confidence in the success of Americans is unbounded. This may work out good results. If discriminations cease and railroads come to the point of treating all alike, then one grand thing will have been accomplished.

Before I pass from this through-rate matter I would like to call attention to the "across continent" business, that seems to me at this time to be just in its infancy. Abolish the cheap long haul and the new route from China and Japan must be surrendered. The business can not stand local rates, and the long ocean voyage must again come in play.

Take the shipment of goods from Boston to San Francisco, the freight divided as it is among seven roads. Each road simply connects an engine with the loaded car and delivers it to the next line. Must the local business of each road come to the through rate? Must each road keep men at each freight depot to handle every pound of freight and get no more for it than for the long haul?

But you say the commission can regulate all this. True, but will they always do it. Is not there a chance that they may at times yield to public clamor and arbitrarily refuse.

We have had the question of what "one line of road" means quite thoroughly discussed in other places, but it still is not understood and never will be until the courts pass upon it. It is claimed that roads starting from Kansas City, Omaha, and Saint Paul may each make contracts at different rates to New York via Chicago, and all the freight go from Chicago by the same line to New York. Therefore the same engine may haul from Chicago ten cars each from Kansas City, Omaha, and Saint Paul, and at entirely different rates, and yet these through rates have nothing to do with the local rates charged and collected east of Chicago. If this be true, then Saint Paul may ship at 25 cents per 100 pounds and yet 30 cents be charged on a shipment originating at Chicago.

Then again, we are told that if a rate of 10 cents per bushel on grain is made from Chicago to Buffalo it can not be raised from any other point on the main line. Suppose, however, that 60 miles east of Chicago a road only 10 miles long comes in from the north or south. We are told that from any point on that short road a rate may be made of 15 cents to Buffalo, even though the car goes with the Chicago car and behind the same engine to Buffalo. If this is not discrimination then I should like to have some one describe it.

I hope this bill, or the fourth section, will not be construed to allow an increase of evils, but surely its friends in their definition of its meaning have opened up schemes for its violation that ought to have been left to its enemies.

This bill prohibits rebates. The grain rate from the West to Boston and other New England points usually exceeds by 5 cents per 100 pounds the New York rate, but the practice is to allow a rebate of this sum on all grain exported—the proportionate figure being allowed on flour and provisions.

If the property is consumed in New England then the freight stands at 5 cents over New York. The bill, by its preventing rebates, prevents exportation of products from Boston.

Mr. CANNON. The gentleman says that in the case stated by him the rebate would be prohibited by this bill. I call his attention to section 2 of the bill, and I submit that, while certain rebates are prohibited, it does not contain a prohibition which would apply to such a case.

Section 2 of the bill is as follows:

SEC. 2. That if any common carrier subject to the provisions of this act shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person or persons a greater or less compensation for any service rendered, or to be rendered, in the transportation of passengers or property subject to the provisions of this act, than it charges, demands, collects, or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions, such common carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful.

Under "similar circumstances and conditions." Now, as I understand the terms of this section, the two cases which the gentleman has stated are not similar. In the one case the wheat is shipped from Chicago to Boston for domestic consumption, while in the other case it is shipped from Chicago to Boston for export, and would not be shipped there unless it could be shipped at the cheaper rate. Therefore the circumstances and conditions are not similar, and I ask the gentleman would not the rebate be authorized in such a case as the one stated by him under the provisions of this second section of the bill?

Mr. DUNHAM. The circumstances are not always similar. The grain starts from Chicago to Boston, and it is not known whether it is to be exported or not, but the railroad contractor says to the shipper: "If you do export this grain we will give you a rebate of 5 cents a hundred. You pay full rate—if, after arrival at Boston, you decide to export you shall have the rebate." Possibly this section may be construed as my colleague suggests. The commission may do so.

Mr. CRISP. Would it interrupt my friend if I should ask him another question?

Mr. DUNHAM. Not at all.

Mr. CRISP. Would the gentleman justify the practice of a railroad company which should determine its charge upon a shipment by the destination of the goods after leaving its line?

Mr. DUNHAM. I can not tell the gentleman whether they would justify it——

Mr. CRISP. I say, would the gentleman justify a practice of that sort?

Mr. DUNHAM. Do you mean a charge upon goods for export?

Mr. CRISP. I mean for any purpose. Would the gentleman justify a transportation company regulating its charges according to what is to be done with the property after it gets through transporting it?

Mr. DUNHAM. Commercial necessity might—

Mr. CRISP. I understood the gentleman to say that where grain is intended for export the railroad companies make a less charge for transportation over the entire line than if it were intended for consumption in New England.

Mr. DUNHAM. That is true. That is just what they do.

Mr. CRISP. Then, is not that a discrimination in favor of the export?

Mr. DUNHAM. It may be so accepted, and also be perfectly fair and proper, and for the benefit of the country.

Mr. CRISP. Ah! then, as I understand, the railroad companies are to determine their charges according to their ideas of what is for the general benefit of the country, and not according to the cost of transportation?

Mr. DUNHAM. The gentleman must understand that the principal exporting cities of the East are New York, Boston, Portland, Philadelphia, and Baltimore. The railroad companies have been in more or less dispute as to what they call differential rates between the various cities. For instance, Philadelphia and Baltimore have for years demanded that they should have a less rate from the West than New York. New York has demanded that Boston should have a greater rate than New York, and the New England railroads, the haul being longer,

have been perfectly willing to concede that the Boston rate should be a little more than the New York rate.

But when you come to the question of the exportation of grain, inasmuch as the difference in ocean freights from these various cities is practically nothing, if the Boston and Albany Railroad, for instance, is to get any part of a haul from the West to the seaboard, it must make a concession and get the roads West of them to join in the concession in order that they may get some business, and that the city of Boston and its vessel interest may have some of the benefit of the export trade. Therefore, they make a rate of freight from Chicago to the seaboard of, say, 22½ cents to Philadelphia, 25 cents to New York, and 30 cents to Boston. But when you come to the question of exports, then they have been in the habit of allowing a rebate to the man who ships by the way of Boston so as to put him on a par with the man who ships by way of New York. If they ship property to New England for consumption, they maintain their 30-cent rate to Boston; but if the commodity is destined to be exported, they allow a rebate, which places the Chicago shipper by way of Boston on a par with the man who ships by way of New York. What reasonable man will object to this?

Mr. CRISP. I trust the gentleman will pardon me for using so much of his time. I understood what the practice was, but my idea in propounding my interrogatory was to ascertain whether the gentleman could justify the practice.

Mr. DUNHAM. I justify it. I think it proper.

Mr. CRISP. I ask the gentleman whether he thinks it right——

Mr. DUNHAM. I do.

Mr. CRISP. For the benefit, if you please, of the city of Boston or other cities——

Mr. DUNHAM. It is not for the benefit of the city of Boston exclusively.

Mr. CRISP. I so understood.

Mr. DUNHAM. No, sir; it simply puts Boston as an exporting city on a par with New York as an exporting city.

Mr. CRISP. I ask the gentleman what business it is of the railroad companies whether Boston is an exporting city or not. Is it just that people of our own country, in Boston or elsewhere, who buy goods for their own consumption should be discriminated against by the railroad in favor of the foreign trade?

Mr. DUNHAM. They are not discriminated against; their rate is not interfered with. It is just and for the benefit of the whole country to encourage the exportation of our products in all legitimate ways; and if in order that Boston as an exporting or seaboard city may be placed even with the cities of New York and Philadelphia the railroad companies are pleased to allow a rebate to shippers by way of Boston (the shipper paying the same price for the property as the man who ships by way of New York) it is certainly for the benefit of the country, and it is not an injury to American consumers.

Mr. CRISP. One more suggestion, and I will refrain from further interrupting the gentleman.

Mr. CANNON. Before the gentleman from Georgia asks a further question, I would like to put to my colleague [Mr. DUNHAM] an inquiry which may be regarded as a twin question to that of the gentleman from Georgia. I wish to ask whether this rebate of 5 cents on wheat to be exported is not eminently just to the man who grows the wheat in the far West.

Mr. DUNHAM. Certainly.

Mr. ANDERSON, of Kansas. Then, if the first charge is "reasonable," is not the larger charge which is imposed when the grain is not to be exported robbery upon the producer in the West?

Mr. DUNHAM. Not at all; because he sells on the basis of export rate from New York.

Mr. ADAMS, of New York. The railroads undertake to establish a tariff; that is it.

Mr. ANDERSON, of Kansas. If the lower rate is reasonable compensation in the one case, why should not the railroad companies be satisfied with it in the other?

I explained this when referring to the differential rates between Philadelphia, New York, and Boston.

Mr. CRISP. I hope the gentleman from Illinois will allow me just one further suggestion. The whole difficulty which arises in the transportation problem is, as suggested by gentlemen here, due to the fact that the railroad companies lose sight of their legitimate function and office—to transport at equal rates freight presented to them under substantially similar circumstances and conditions. They seek to play the part of Providence by determining what shall be the value of wheat in one place and corn in another.

Mr. DUNHAM. No, sir.

Mr. CRISP. A matter with which they have nothing to do.

Mr. DUNHAM. Now, just let me tell you right here how it happens. Suppose ten millions of bushels are to go from Chicago to Europe. There are railroads running to New York and railroads running to Boston which are asking for that shipment. The owner of that wheat says, "I must deliver this grain in London or Liverpool, but I do not care which way I ship it. Now, you can take part of it to New York, you can give your New York people your laborers, your warehouse men, your insurance companies the benefit of it passing through that city." He says to the railroad company which runs from Chicago to Boston, "If you desire to have part of this business go over your road for export so that you may give the Boston laborers pay for handling a part of it, so your Boston warehouses may receive something for transferring it, so you may put Boston and Boston interests in all respects even with New York very well, but you must not charge me any more for Boston than New York charges me. I can not have anything to do with your claim for Boston unless your road from Chicago to Boston makes the same charge as the road from Chicago to New York, because I must put this wheat in London or Liverpool at one price, and I can not pay you more than I pay to New York." For instance, if the Boston and Albany Railroad wants to haul a part of this property so Boston may have the benefit of exporting it, then it must get the railroads west of Albany to make concession so as to put the two cities of Boston and New York on an equal footing in carrying the grain from Chicago for exportation.

Mr. ROWELL. Would not the provision against pooling by bringing them into competition bring these railroads to an agreement without the necessity for this, so that the rate by Boston to London or Liverpool would be the same as by New York?

Mr. DUNHAM. That is not pooling.

Mr. ROWELL. But suppose the rate is 30 cents from Chicago to New York and 25 cents from Chicago to Boston?

Mr. DUNHAM. That is not pooling, but the rate agreed upon by the railroad as to the charge it will make.

Mr. ROWELL. What is that but pooling?

Mr. DUNHAM. No, it is nothing more than the rate agreed upon by the railroad.

Mr. ROWELL. It will compel them to come to some agreement by which they will charge the same rate or do without the business.

Mr. DUNHAM. By means of the rebate they practically make the same rate to the exporter.

Mr. ADAMS, of New York. Let me inquire of the gentleman from Illinois, if, upon the statement he made a few minutes ago in reference to rebate to Boston, that does not give to the railroad company the right to assess, without legislation, a protection to the extent of 5 cents in favor of Boston?

Mr. HOPKINS. I suggest that matter be postponed until they bring up their bill.

Mr. ADAMS, of New York. Does it not do that thing?

Mr. DUNHAM. Not in the line the gentleman has in mind.

Mr. ADAMS, of New York. Does it not amount to that?

Mr. DUNHAM. That will more properly be a legitimate question when you discuss the tariff.

Mr. ADAMS, of New York. Does not the gentleman know he and others would not let us discuss the tariff?

Mr. DUNHAM. Now, the gentleman from Kansas will not claim for one moment it is not for the benefit of the farmer in his State to get as low rates as possible to the seaboard, and he will not claim, nor will he or his farmers care whether their wheat goes by Boston or New York.

Mr. ANDERSON, of Kansas. Let me ask the gentleman a question right there.

Mr. DUNHAM. If the rate of freight is a certain rate from Kansas City it makes no difference to the man who grows the wheat whether the railroads allow a rebate of 5 per cent. or not. That comes out of the railroad company and not out of the farmer. The price to the latter is the same.

Mr. ANDERSON, of Kansas. What is the difference in distance between Chicago and Boston and Chicago and New York?

Mr. DUNHAM. About 50 miles farther to Boston than to New York.

Mr. ANDERSON, of Kansas. I thought it was more than that.

Mr. DUNHAM. No.

Mr. ANDERSON, of Kansas. Assume that the distance from Kansas City to New York is 200 miles less than from Kansas City to Boston. Assume that the plant or investment of the trunk line from Kansas City to New York is the same per mile and the cost of operation is the same per mile as the trunk line from Kansas City to Boston, then, clearly, the New York line could afford to give, while making reasonable profit, a less rate than the Boston line. Is not that clear?

Mr. DUNHAM. Yes; and they often do so, as I have shown, and your farmer gets the benefit of the inside rate.

Mr. ANDERSON, of Kansas. If the Boston trunk line makes reasonable rate by hauling at 5 cents less than the New York line, or for a greater distance for the same price, which is the same thing, then the New York line is making an unreasonable rate which the farmer in my State pays?

Mr. DUNHAM. Not at all; for on the theory of the gentleman he might carry the rate of freight down to nearly nothing.

Mr. ANDERSON, of Kansas. But it is perfectly clear because the two trunk lines have the same investment, the same facilities, and the same cost of carriage, and their pretension they are giving this lesser rate out of philantrophy to the people is something so audacious, so perfectly absurd [applause]——

Mr. DUNHAM. Does it occur to the gentleman from Kansas that he is taking up my time? [Laughter.]

Mr. ANDERSON, of Kansas. That I am surprised my friend should make any such proposition.

Mr. DUNHAM. I would like to say this, in response to the gentleman from Kansas, that if the rate of freight is 30 cents a hundred from Kansas City to New York and 35 cents a hundred from Kansas City to Boston, and the price of wheat, the selling price, in Kansas City is 60 cents a bushel, the farmer having sold his wheat at that price, it makes no difference to him whether the rate is 25 or 30 cents to New York or Boston. It does not benefit him or injure him. If the railroad companies see fit to rebate their freight rates between themselves between Boston and New York what effect, I would ask the gentleman, does that have upon the farmers or what business is it of theirs?

Mr. ANDERSON, of Kansas. Oh, I know it is generally considered to be nobody's business to inquire into anything that a railroad company does——

Mr. CRISP. The farmer is not benefited by the rebate and gets no benefit under the circumstances suggested in the question of the colleague of the gentleman from Illinois a few moments ago; and hence it is immaterial to the farmer whether the wheat goes to New York or to Boston.

Mr. DUNHAM. It is immaterial to the farmer whether it goes to Europe via Boston or New York.

Mr. CRISP. I am speaking now as between New York and Boston.

Mr. DUNHAM. It would be immaterial. But one thing is true, that there is no necessity for the railroad companies doing anything in particular to build up one city at the expense of another; and if they are willing to concede among themselves a rate that will place New York and Boston and Philadelphia on a par and give each one a fair share of business, it certainly can be no injury to the farmer or any one else.

Mr. CRISP. Except that they must not do that to burden the local people along the line. That is the point I desire to make.

Mr. DUNHAM. Nobody objects to that statement.

Mr. ANDERSON, of Kansas. Will the gentleman permit me another question?

Mr. DUNHAM. Yes, sir; I will yield for a question only.

Mr. ANDERSON, of Kansas. You must remember that you introduced me into this discussion. [Laughter.]

Mr. DUNHAM. Very well; I will hear the question.

Mr. ANDERSON, of Kansas. Is not the reason why a lower rate is given by the railroads to Boston than to New York because of the competition between Boston and New York; that is, between the different roads terminating in those cities?

Mr. DUNHAM. The rate to Boston is actually higher than to New York, except in case of exportation; then they are made the same.

Mr. ANDERSON, of Kansas. Is not competition the chief reason?

Mr. DUNHAM. Well, they both want business; there is no question about that.

Mr. ANDERSON, of Kansas. I fancy that is the chief reason they make an agreed rate, common to both cities, because if they do not the New England road will compete. It is for the benefit of the farmers of the West to have a lower rate by reason of competition, since these farmers really pay the freight.

Mr. DUNHAM. No one here will undertake to claim, I apprehend, that it is for the good of the people or of the railroads that these railroad wars should go on; and when the rates have been agreed upon between the great trunk lines it has saved the wars. I have seen grain taken from Kansas City to Chicago for 5 cents per bushel; but the gentleman from Kansas will not say that it is not at an absolute loss to the railroad companies.

Mr. ANDERSON, of Kansas. Then why do they take it?

Mr. DUNHAM. Because they get into a war of rates.

Mr. ANDERSON, of Kansas. The road should not have the right to get into a war of rates so that the people are made to suffer. They are not an irresponsible set of pirates, are they? [Laughter.]

Mr. DUNHAM. The gentleman never knew an instance where the people suffered when rate wars prevail. On the contrary, both producer and consumer reap profits, and the pirates, as the gentleman politely terms the companies, make the loss.

My time is about up and I must decline to be interrupted further. There is a class of rebates, Mr. Speaker, to which I object, and which no man who is disposed to be reasonable or to treat others fairly would consent to. A rate is established from Chicago to New York, at 25 cents per hundred, and a private cut is given to a particular individual. That ought to be prohibited, and so far as this bill prohibits it I favor it. Then as to pooling. A pool itself I have no objection to; but it is the private cut of a pool for particular corporations, or for individuals, that we have good reason to object to, and so far as the bill prohibits that I am for it.

Now then, this bill the people imagine they want. I admit they want something. I admit that railroads have been guilty of unjust discriminations and of abuses, and that it is proper that legislation should be invoked to prevent it in the future, but I do not admit that in order to prevent discriminations or abuses it is necessary to pass laws that are so unreasonable as to tend to cripple the railroads. This commission bill is better, as it is, than nothing, and I think the people of the United States would rather have this than nothing. I know that the people of the city I have the honor in part to represent largely desire that we should have something; and merchants, some indeed of the officers of the railroads themselves, are willing to take this bill, and while I think it is inconsistent in places, yet I am committed to the commission features of the bill because in the first session of this Congress I voted to amend the Reagan bill by inserting the Cullom bill. In the absence, then, of something better than this, in the absence of what I would like to have, and following what seems to be the wishes of my constituents, I shall vote for it, but believe I ought to say that I am in doubt as to its accomplishing the purposes expected.

I believe that we have reached that point in this country where we need something to be done. I believe that many rates and many rebates and many drawbacks have been unreasonable. I believe that the railroad companies in many cases are doing very much to the benefit of the country. I believe that the long and the short haul question has annihilated distances. I do not believe that you will ever see the day again under such a bill as this when you can ship the grain from the West to the East or to Europe by rail to the seaboard as low as you can to-day; because I do not believe the railroad companies will throw aside their local rates and bring them down to the through rates.

I do not believe that the flour makers of Minneapolis, who are getting flour to-day to the seaboard cheaper than the flour makers in Chicago, can have that continued under this bill. For I tell you that, as a matter of fact, flour is taken to-day from Minneapolis to the seaboard cheaper than you can get it from Chicago or Milwaukee. It is the long haul that does it, and the long and short haul is about all that there is in this bill. I fear the great agricultural sections of the West and South will suffer somewhat by the enforcement of this law.

With so much competition as I have already detailed, I think it doubtful if we can sustain our present farm prices, provided we are forced to higher rates of freight.

If the definition of the "line of road" that has been given proves correct then, from many points this bill will not interfere, and the country sections that have so long pressed for this legislation will have gained practically nothing.

I promised others part of my time, but find I have occupied almost the whole of it.

Mr. ADAMS, of New York. Before the gentleman from Illinois yields the floor I would like to ask him a question as to this commission. I desire to ask him how he construes these words:

That upon application to the commission appointed under the provisions of this act such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances.

Now, I ask the gentleman this question: Suppose this bill receives the signature of the President and becomes a law to-morrow, must the common carrier, under the long-haul portion of this provision, apply to the commission before the freight is shipped over its line to receive the benefit? Or does it apply to the case in which the freight has been shipped?

Mr. DUNHAM. He would hardly be allowed to violate the law first and then ask permission to do it.

Mr. ADAMS, of New York. The case I suggest is this. Suppose $100 is charged for a car-load of freight from here to Chicago and it is paid, will the railroad receiving that large freight for that long distance go to the commission seeking to bite its own nose off to ask to reduce this freight on the long haul and remit to the shipper the amount over and above what the commission would allow?

Mr. DUNHAM. I think it is really an unknown question, and no man can answer what the result of this bill will be. I have only stated what I thought it would be so far as the West is concerned. I do not think this bill will very much affect the Eastern States, but I do believe that we must lose on our property in the West to get even with it on this theory that the railroad company will not bring down their local rates to their through rates, and therefore will advance their through rates. In the summer season, when navigation is open, it will not make the difference that it does in the winter. Iowa, Nebraska, and Kansas may send their grain to the lake cities cheaper, and get more in the summer season than in the winter. But this vast eastern country must have a large quantity of grain and provisions in the winter season, and if they will not advance their prices, then the West must feel the loss. Prices may be determined by the one who can hold out the longest.

Mr. ADAMS, of New York. And yet you will vote for it?

Mr. DUNHAM. I have already explained my position. If the railroad companies determined to continue their low through rates and bring their local rates to them, then we shall lose nothing by this bill. The question is what the railroads will decide to do. I do not believe that the railroad companies can do business and pay their expenses if they are obliged to give up their local rates.

Mr. CRISP. Will the gentleman explain to the House why it would cost a railroad company any more to transport this freight at one season than at another?

Mr. DUNHAM. Yes, sir.

Mr. CRISP. The gentleman has just said that in summer time there would be no complaint, but in winter there might be.

Mr. DUNHAM. I will go back a little. Twenty-five years ago the railroad men never dreamed that they could carry grain all the way from the West to the East; so in summer the grain went by water, by the lakes and canal, and in winter the West was practically closed up so far as transportation of grain was concerned. Now, by improved devices and by the general progress in railroading, by building cars that carry six or seven hundred bushels, instead of three hundred bushels, by using steel rails and engines of double the old power, they carry a vast quantity of grain to the seaboard, and are able to carry it at 25 cents a hundred from Chicago to New York, instead of 60 cents a hundred, which was the charge only twelve years ago.

Mr. CRISP. When the gentleman said that in summer the transportation would be satisfactory to the farmers, but not in winter, I understood him to mean that it would be satisfactory in summer because then the water-ways were open and could compete.

Mr. DUNHAM. Yes; but the gentleman is aware that water navigation has always been the cheapest.

Mr. CRISP. But that in the winter time it would not be satisfactory, because the railroads would then have a monopoly and would put up rates.

Mr. DUNHAM. Oh, no; the multiplicity of roads has about disposed of the monopoly cry. In the summer season the farmers would have but a short haul, from Iowa for instance, to Chicago, and then the grain could go by water to the Eastern cities; but in the winter it would have to go entirely by rail if it went at all; and, therefore, if the through rate was advanced the farmer must lose by it. In addition, the gentleman must well know that storms and blockades render railroad movements more expensive than in summer.

Mr. ANDERSON, of Kansas. Will the gentleman yield for a question?

Mr. DUNHAM. My time has expired.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I think the time of the gentleman should be extended.

Mr. WEAVER, of Iowa. I must object to any extension of time.

Mr. BYNUM was recognized, and yielded three minutes to Mr. DUNHAM.

Mr. ANDERSON, of Kansas. I wish to call the gentleman's attention to the fact that in summer time much of the grain goes by rail from Kansas City by way of Saint Louis to the East, and the railroads that carry it are not losing anything either.

Mr. DUNHAM. Perhaps not on the long haul, but they might if doing the local at same rate. The railroads do now take the stuff from Kansas City to the seaboard on a low rate for the long haul, but if they were compelled to carry freight from every little station between Kansas City and the seaboard at the same rate, then they would not make such a rate for the long haul.

Mr. BYNUM. Mr. Speaker, it is not my purpose or intention to take up the time of the House in a lengthy discussion of the provisions of this bill. It would be impossible for me to enter into such a discussion, because I have not given the subject that careful study and thought which would be necessary in order to present the subject in all its phases. For a great many years this question has been before the country, has been discussed by the people, has been before Congress, has been discussed before the committees of this House, has been discussed in this House, and it seems to me that the ground has been gone over so often that it is almost impossible to present anything new upon the question, or to present any reason that has not been already advanced in favor of this measure, or any objection which has not been made in opposition to it.

Mr. Chairman, I regard this legislation at best, as experimental. I believe that no question has ever been examined more carefully, or has received more attention from any committee than this question has received from the Committees on Commerce. We have heard it discussed by the ablest representatives of the railroad companies and by those who are in favor of this character of legislation. Those discussions have been printed; they have been circulated; they have been read; and yet we are no nearer a solution of the question than we were ten, or even five, years ago.

The demand for legislation upon the subject by the people remains as great as it has been for a number of years, and the only thing we can do now is to pass this measure and trust to the future to remedy any mistakes that we may make.

There are three provisions of this bill that meet with some opposition, and I believe they are the only provisions that have received attention to any great extent in the discussion either in this or in the other branch of Congress. They are, first, the provision which prohibits pooling; second, the provision in regard to the long and the short haul; and, third, the provision which allows the commission, in certain cases, to grant the privilege to haul the long distance at a less rate than is charged for the shorter distance.

I believe that these three provisions are the only ones which have received any extended consideration at the hands of the members who have engaged in this discussion.

In regard to the question of pooling, we should look at it not in the light of the past, but in the light of the future. We should look at it in view of the conditions and surrounding circumstances after the other provisions of this bill shall have been enacted into law. Suppose we should strike out the provision in regard to pooling; suppose we should pass the bill without that provision. In that case I undertake to say the other provisions of the bill will prevent such a war between the railroad companies, such a cutting of rates between competing lines, as have been engaged in by these corporations, and which, it is claimed by them, are injurious alike to shippers and the companies, and which it is insisted can only be prevented by pools.

It is claimed that the pools which have been formed by railroad companies have been made for the purpose of maintaining a stability of reasonable rates, and not for the purpose of advancing them; have been for the purpose of preventing a war of rates, or a cutting of rates to such an extent that freights and passengers would really have been carried for a less sum than the companies could afford. We all admit that such wars have often been engaged in by competing lines. Would it be possible for the railroad companies to engage in such wars, would it be possible that such things should take place after the other provisions of this bill have been enacted into a law? I do not think it would, because the companies will be compelled to publish their rates, and can not advance them without giving ten days' notice. They will be slow to reduce their rates to such figures as will result in a loss when they know they can not restore them for ten days. Any great reduction of rates would probably require a complete change of schedule along the entire length of the line. Consequently, I think the other provisions of this bill will prevent a reduction of rates, and especially a war of rates, even should the provisions against pooling be eliminated. Now, if the other provisions of the bill have a tendency to maintain a stability of rates, is there any danger of pooling for the purpose of advancing rates to an unreasonable point? I think there will be. I think, after the other provisions of this bill are adopted, the railroad companies, if they are permitted to pool will do so, not for the purpose of maintaining reasonable rates, but for the purpose of advancing them, especially on the long hauls, in order to maintain high freights on short hauls.

Therefore, I believe that the provision which prevents pooling should be retained in the bill and be adopted with the other provisions.

Mr. SCOTT. Will the gentleman allow me a suggestion?

Mr. BYNUM. Certainly.

Mr. SCOTT. There are certain lines of railroad in this country which have great natural advantages over other lines. A mutual pooling of the tonnage, which would not interfere with rates, would enable the main trunk lines having these advantages to distribute this tonnage equally among lines which topographically have not the same advantages. Does the gentleman get my idea?

Mr. BYNUM. I do. I understand the pool to be a division of traffic or rates between different competing lines.

Mr. SCOTT. Yes, sir; between lines some of which have natural advantages over others. The maintenance of rates would not distribute the tonnage to a line which was inferior in respect to natural advantages; whereas if the companies were allowed to pool the tonnage, it would not interfere with the rates and would give to certain lines which do not possess equal natural advantages with others, a portion of the tonnage. In other words, the question is whether this measure legislates for "the survival of the fittest."

Mr. BYNUM. I understand the pooling arrangement to be this: The trunk lines are willing to grant a certain division of freights to other roads which can carry the freight between the same points, but which have not the natural advantages for doing so; that is to say, a division of freights in a certain ratio is agreed upon between competing lines, so as to prevent a reduction of rates. In short, to prevent a road which is not the direct or natural route from cutting under those which are such routes.

Mr. SCOTT. That is it.

Mr. BYNUM. I believe the other provisions of this bill will prevent anything of that kind, even though you might strike out the provision in regard to pooling.

Mr. SCOTT. Let me put a case to the gentleman. Suppose I am a shipper of cattle from Chicago to New York. There are certain lines which, owing to their alignment, their grades, their length, are able, on account of these natural advantages, to take the entire cattle transportation from Chicago to New York city. There are other lines which are a little more circuitous and a little longer. As a shipper, I should always be inclined to send my cattle over the line having the shortest and most direct route; so that the longer and more circuitous line gets none of that traffic, unless the company having the natural advantages agrees to divide that cattle transportation with the other lines.

Mr. BYNUM. I understand that the evil which the railroads desire to guard against is this: While the shipper, if the rates were the same, would naturally select the route having the greatest natural advantages, the shortest and quickest line, still there is danger that the road which lacks such advantages may cut under and bring about a war of rates, and the natural routes or lines are willing to grant a division of

the traffic, to concede a certain portion of the freights to the lines having less advantages in order to prevent a reduction.

Mr. SCOTT. Oh, no.

Mr. BYNUM. I want to answer the gentleman's question as I understand it. I understand the object to be to prevent those lines which do not command the natural routes between certain points from cutting under those which do command such routes. Now, I say the line which has not the advantages of the natural route will not be able to cut under the others, because it will be compelled to fix and publish its rates and can not raise them except upon ten days' notice.

Mr. SCOTT. Then the line which does not command the natural route will get no part of the business.

Mr. BYNUM. It has no business with any part of it at the expense of the shippers. Let the traffic take its natural channel.

Mr. SCOTT. Then the other line will monopolize all the traffic, and the line having inferior natural advantages will be destroyed.

Mr. BYNUM. There is no danger of monopoly so long as there is competition.

Mr. ROWELL. I wish to ask the gentleman this question: By means of pooling and by sending freight through an unnatural channel, thus insuring a reasonable compensation to the company which has a round-about route, is not the road having command of the natural channel enabled to charge an unreasonable compensation?

Mr. BYNUM. I think that is true. I thank the gentleman for the suggestion. Otherwise they would not pool.

On the question of a long and short haul, a great many instances have been cited, a great many illustrations have been given, where it may work a hardship, and for that reason, probably, the provision was incorporated in the bill giving the commissioners the right to relax this rule in certain cases. Take the case, for instance, cited by the gentleman from Georgia [Mr. CRISP] yesterday, where the rates from New York to Atlanta were greater than from New York to New Orleans. I merely take that case as it furnishes a basis for the argument. It can not and will not be contended by any person who opposes the passage of this bill that railroad companies will and do carry freights for a less amount than they can afford; or, in other words, that they will carry freights at losing rates. So the question comes up at once, if they can afford to carry freights from New York to New Orleans for 75 cents a hundred, they can afford to carry them from New York to Atlanta for 75 cents a hundred, because it is only half the distance. If they can make a reasonable profit for carrying the longer distance they can afford to carry the shorter distance for the same amount of money.

In answer to the objection of the gentleman that this bill will prohibit them from charging as much for the shorter as for the longer distance, I say that is incorrect. The provision which the gentleman from Illinois [Mr. DUNHAM] cited, which reads as follows: "But this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance," was inserted in the bill no doubt by the conferees for the reason that they feared that the provisions of the bill might be construed to authorize railroad companies to charge as much for a shorter as for a longer distance, even though the rate for the shorter might be an unreasonable one. That is, when the charge for the shorter distance was unreasonable it should be held illegal under the other provisions of the act, notwithstanding it might be as low as the rate for a longer distance. It simply leaves the question to be determined whether the amount charged for the shorter distance is a reasonable rate, notwithstanding it may be as low as the rate charged for a longer distance.

If it is a reasonable rate to charge the same amount for the shorter as for the longer distance, then, under the provisions of the bill, they have the right to do so; but if it is unreasonable, then, under the other provisions of the bill, they will not have the right to do so.

It will not be contended, as I stated before, that the railroad companies are carrying freights for longer hauls at losing rates, and that they now insist on the privilege of doing so. The argument in favor of such a proposition is something like the shoe-dealer who said he was selling his shoes at a loss of 25 cents a pair, and when asked how he could afford to do that, he said "that if he did not sell so many pair he could not afford it." [Laughter.] It is on that same principle that the railroad companies contend that they are carrying freights for a longer distance at a losing rate, and that they must continue to do so because the more they can carry the cheaper they can make the rates to intermediate points. I think, therefore, it is only a reasonable restriction to provide in this bill that they shall not receive more for a shorter than for a longer distance.

I know of no company, although I have not investigated the facts thoroughly, that now indulges extensively in this practice. I am satisfied that there is much less complaint of this evil now than a few years ago. True competition and increased railroad facilities have remedied to a great extent this matter in the last few years. I do not think that it is necessary for any railroad company to make such unjust discriminations. The power to discriminate against intermediate points is certainly great enough under the terms and limitations of the bill. Shippers who are without competition, who are at the mercy of a single corporation, are certainly entitled to some protection against the arbitrary power of these monopolies. I am firmly of the opinion that these corporations can and will manage successfully their roads under the provisions of this bill; and the greatest benefits I expect the people to derive from its enactment are that it will place all shippers, both great and small, upon terms of equality, and compel the companies to do equal and exact justice to all.

I come now to the other question, and I find that I am taking more time than I intended when I commenced. I intended merely to state my reasons and not attempt to make any argument. I come to the other question, about which I have more serious doubts, that is, the provision which allows the commission, under any circumstances, to relax the stringency of the provision which prohibits the companies from charging less for a longer than for a shorter haul. The gentleman from Georgia [Mr. CRISP] when questioned on that point yesterday could give no instance of such an exception and which might call for the exercise of so dangerous a power. I can not conceive of any instance where that rule would be relaxed, or where that provision would be set aside by the commissioners, unless it be in cases of competition with water carriage; that is, where water carriage comes into competition with railroad carriage. Take the line from Chicago to New York; probably if they relax the provision in any case they would relax it there.

Mr. ROWELL rose.

The SPEAKER. Does the gentleman yield?

Mr. BYNUM. No; not now. Take Chicago, take Saint Louis, take Cincinnati, take Louisville, to a greater or less extent they have competition by water-ways. Take the city of Indianapolis, one of the greatest railroad centers in the country, the largest inland town in the world, where we have spent enormous sums of money aiding in the construction of railroads, and in providing terminal facilites, and in the construction of a belt line, connecting all the lines, so that freights can be transferred from one to the other without the least difficulty and at small expense; take that city, located as it is, without competition from water-ways, is there not danger that there will be discrimination in favor of surrounding cities, and that Indianapolis will be made to suffer thereby.

I have greater fears of the effects of this provision than any other in the bill and for that reason, while I shall vote for its passage, it will not be without some misgivings. I shall vote for it because, Mr. Speaker, I believe it is demanded by the people whom I represent, and by the people in general, who will not be satisfied without some legislation upon the subject. Although, I repeat, I have great fears that a large portion of my constituency may be injured in some respects. I hope not, but if I am right—if evil consequences do follow the passage of this law—if any of its provisions work injustice to any locality or section of the country—I have sufficient confidence in the integrity and patriotism of Congress to believe that justice will hereafter be done. I now yield to the gentleman from Illinois for his question.

Mr. ROWELL. The question I wanted to ask is this, whether at places where there is no water competition may there not be circumstances of return freight or other conditions that would not only authorize but demand a different rule from that laid down in the provision which you have been discussing?

Mr. BYNUM. Mr. Speaker, I will not undertake to answer as to the condition or circumstances under which there may be a necessity for changes of the rule, for I recognize the fact that with 128,000 miles of railroad with which we have to deal, representing $8,000,000,000 of capital, with an annual traffic of $800,000,000, that so many conflicting interests are likely to be involved that it is impossible to frame any law that will not work hardships in some instances.

Mr. BROWN, of Pennsylvania. Then the provision is proper under your own admission.

Mr. BYNUM. No; I do not admit that. That provision goes further than we ought to go in the beginning; it is clothing the commission with too great a power. When I say that it is difficult to frame a law upon this subject which will not, in some instances, work a hardship, I have reference to the other provisions of the bill as well as to this extraordinary power with which the commission is clothed to suspend the operation of the provision in regard to long and short hauls.

I now desire to yield ten minutes to the gentleman from Wisconsin [Mr. GUENTHER].

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, in writing, was communicated to the House by Mr. PRUDEN, one of his secretaries.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed with amendments bills of the following titles:

A bill (H. R. 3186) to declare a forfeiture of lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company, to confirm title to certain lands, and for other purposes; and

A bill (H. R. 8869) granting a pension to Mrs. Henrietta M. Drum Hunt.

The message further announced that the Senate had passed a bill (S. 2944) making appropriation for the jetties in Charleston Harbor.

The message also announced that the Senate had insisted on its amendments to the bill of the House (H. R. 10242) making appropriations for the support of the Army for the fiscal year ending June 30, 1888, and for other purposes, had agreed to the conference asked by the House, and had appointed as conferees on the part of the Senate, Mr. ALLISON, Mr. PLUMB, and Mr. GORMAN.

The message further announced that the Senate had passed the following resolution:

IN THE SENATE OF THE UNITED STATES, *January* 18, 1887.

Resolved by the Senate (the House of Representatives concurring), That a joint committee of five members of the Senate and eight members of the House of Representatives be appointed to take into consideration the expediency of holding in 1892, in commemoration of the discovery of America, an international exhibition of the industries and products of all nations; and, if such exhibition should be deemed expedient, to consider the time, place, circumstance, and general plan thereof, and to report by bill or otherwise.

INTERSTATE COMMERCE.

Mr. GUENTHER. Mr. Speaker, the people of the United States have just reason to feel gratified that after ten years or more of continuous efforts to enact a law to regulate interstate commerce they at last are about to succeed, for I take it for granted that this conference report already adopted by the Senate will meet a like fate in this House.

This result, Mr. Speaker, will be most satisfactory. It will inspire renewed confidence among the people in their Representatives in Congress. Year after year, session after session, the railroad magnates, through their attorneys and lobbyists, have succeeded in defeating all legislation upon the subject of interstate commerce.

The best legal, oratorical and lobby talent has ever been at their disposal. Session after session, for weeks and months they appeared before the Committee on Commerce, presenting the most elaborate arguments why bills for the regulation of interstate commerce should not pass. They always had the advantage because the people, the farmers, the shippers, and the merchants had not the organization nor the means to employ the high-priced talent which the railroad corporations can always command. By the most ingenious arguments they always succeeded in impressing upon the minds of many Representatives that great disaster to the commerce of the country would follow any such legislation.

In the darkest colors they painted the consequences of what they were pleased to term "demagogical and suicidal laws." Everybody who advocated laws for the regulation of railroads was called a demagogue.

I was a member of the Committee on Commerce in the Forty-seventh Congress. I listened for weeks to the arguments of the greatest corporation lawyers in the land, and I must admit that I became almost frightened—I was younger, greener, and more unsophisticated then than I am to-day [laughter]—I became almost frightened at the prospect of utter ruin which would befall the Western farmer and business man should the interstate-commerce bill pass.

The picture was a gloomy one. No more railroads would be built. No longer would grain, flour, and other Western and Southern products find a profitable Eastern market. Lands would become almost valueless, farmers and business men would be bankrupted, and general ruin would prevail. These railroad lawyers always protested against that their opposition was due to their connection with the railroads, but came solely from the deep interest they felt in the general welfare of the dear public; and they said that, in fact, the railroads cared but very little. I must confess they acted well, kept up a sober face, and almost created the impression as if they really believed what they professed.

Boards of trade and other guileless commercial bodies were influenced by their peculiar methods to protest against the passage of the Reagan bill, which was the most conspicuous one, knowing full well that its defeat would sound the death-knell to similar measures. Every effort, open and secret, was brought into action, and the railroads were always successful, and every bill for the regulation of interstate commerce was defeated. Meanwhile the discriminations of the railroads, their extortions, the Standard Oil Company outrage, the coal combines, and other notorious and crying evils went on, merrily and uninterruptedly.

The railroads felt serene and safe in the sweet consciousness of their ability to continue their successful opposition *ad infinitum*, and I know that many members of Congress even, and a great portion of the people of the United States, had given up all hope to ever be able to correct the many abuses of the railroad management of the United States, and became resigned to what seemed the inevitable, namely, unconditional surrender of the people to the power, the greed, the avarice, the extortion, the iniquity, the injustice, the tyranny of these railroad corporations.

I therefore said, Mr. Speaker, that the people of the United States have reason to congratulate themselves that at last they will be able to assert their supremacy over these powerful monopolies. A bright ray of hope is at last breaking through the dark clouds that have been hovering over us.

For myself, Mr. Speaker, I had never given up hope, although I had not a great deal of that useful article, but still I clung to the belief that the people would triumph in the end, and that patience and perseverance would finally win.

In a speech in this House, some five years ago, I said that some day the people, that mighty giant, would awaken, and, springing to his feet, with one fierce blow would crush the thieves who had rifled his pockets while he was asleep.

The time has come. The day of judgment has arrived. The people have had their eyes opened; they are wide awake. They are determined at last that they will be the masters of their creatures, these ingrates who have amassed colossal fortunes by cheating and defrauding those who have been so generous and lenient.

The struggle has been fierce. Arrayed against the people have been the millions and millions of the gold of gigantic corporations, all bound together by a fellow-feeling produced by one common interest, spurred on by one common impulse, to defeat all measures that threatened the supremacy of their omnipotent power. The passage of this bill will be the greatest triumph the people have achieved in many years.

I do not claim that this bill is perfect in every particular, but this is no good reason why it should not pass.

What bill is——

[Here the hammer fell.]

Mr. CALDWELL was recognized and yielded three minutes to Mr. GUENTHER.

Mr. GUENTHER. Should the law prove to be too harsh or unjust to the railroads, or should its operation disturb any of the business interests of the country, after a fair trial has been given it, the people of the United States, through their representatives in Congress, will make such changes as will do justice to all concerned.

The people of the United States do not seek vengeance upon the railroads. They do not wish to retaliate for wrongs inflicted upon them in the past. All they want is fair play, "with malice towards none, with charity for all."

To amend the bill in the future in the direction indicated will be a very easy task, because we will then meet with the hearty co-operation of the railroads, while heretofore we have encountered their powerful and stubborn opposition. I have no prejudice against railroads if properly conducted, but I maintain that, being common carriers, having received extraordinary rights and concessions from the people—the people have a right to demand that their charges shall be reasonable and equal, and that excessive rates and unjust discriminations will not be tolerated.

I also assert as my candid belief that the railroads themselves will be better off in the end if all their charges and the general conduct of their business is regulated by law. I wish we could have had the time and the experience to pass a bill which would leave no doubt in our minds as to its perfection, and its just operation to both the people and the railroads. But as we have neither the time at this hour of the session, nor have we the knowledge gained by experience, and as we may not again, in years to come, have a chance to vote on a conference report on an interstate-commerce bill, I sincerely trust that the report will be adopted without amendment.

Bear in mind that the people have spoken in no uncertain tones. They demand some legislation to correct the many abuses to which they have been subjected by the railroads, and their demands are just.

Pass the bill as it has come from the conference committee, and you may rest assured that all the calamities that are predicted by its opponents will prove mere phantoms which will disappear like darkness before the rising sun as soon as the law goes into operation.

Let us pass this bill, imperfect as it may be, but vastly better than no bill at all; and then let us correct any defects and imperfections after the law has been given a fair test in its practical workings. [Applause.]

Mr. BYNUM. I yield the remainder of my time to the gentleman from Minnesota [Mr. NELSON].

Mr. NELSON. How much time have I?

The SPEAKER *pro tempore* (Mr. MCMILLIN). The gentleman has thirty minutes.

Mr. NELSON. Mr. Speaker, the bulk of our interstate-carrying trade is now and for many years has been in the hands of our great railroad companies. These companies, representing millions of capital, have for years been accustomed to pay little or no heed to the wants or wishes of their patrons, the producers, but seem, in the main, to have been chiefly governed by their own selfish greed and rapacity. The rights of individuals, business interests and communities have at times been utterly ignored and disregarded; nay, more cruelly and ruthlessly trampled upon and destroyed with a cold-blooded indifference and obliviousness as transcendent as it was unreasonable and malignant.

When in the early '70's the people—especially of the West and Northwest—commenced to cry out against this growing evil and to deliberate upon modes of relief, they were met at the very threshold by the claim on the part of the railway companies that their business was of that peculiar character that it did not tolerate and could not thrive under any kind of legislative control, and that their rights, such as they construed them, were of that vested and sacred character under the Constitution that no legislative power could constitutionally reach out to regulate or control them in the least degree. In other words, that having acquired their charters and rights of way, they were, as to all else, above and beyond all law.

The Dartmouth College case was made the basis and groundwork for all such claims. Could Marshall and Webster have heard how much of iniquity there was attempted to be justified under this case they would have no doubt been as astonished as were our unsophisticated grangers. At the early stage of the controversy between the railroads and the people, about the only rule of law the former would admit was that rates ought to be reasonable; but there was not much concession even in this, as they coupled it with the further assertion that they themselves were the best, if not the sole, judges of what was reasonable.

And so the railroads, practicing extortion and unjust discrimination, while continuing to taunt the people with a want of power to effect a change, aroused a popular sentiment and feeling on the subject, which still exists unabated and unsatisfied, and justly so till this bill passes. In their first efforts to obtain relief the people applied to their own State Legislatures, and these, by various acts—some wise and effective, others crude and abortive—attempted to regulate and control the railways. All such legislation was vigorously questioned and fought by the railways through all the courts from the lowest up to the Supreme Court of the United States; and for a long time the people had grave fears whether our highest court would award them any power in the premises at all, but finally the gloomy doubt was removed, when, in 1876, our Supreme Court, in the case of Munn *vs.* Illinois (94 U. S. S. C. R., p. 113), substantially declared that—

It is a power inherent in every government to regulate the conduct of its citizens toward each other, and the manner in which each shall use his own property; and this power includes the right to regulate common carriers and to fix their *rates*. When the owner devotes his property to a public use or public employment, he grants the public an interest in such use or employment, and must, to the extent of such interest, submit to public control.

And to the same effect was the much earlier (New Jersey) case of Messenger *vs.* Railroad Company (7 Vroom, 407), decided in 1873. And ever since the Munn case there never has been any doubt, among reasonable men, of the power of our State Legislatures and of Congress—each within their respective and proper spheres—to regulate and control common carriers in State or interstate commerce, as the case may be.

This Munn case and the Granger Railway cases on the heels of it had a soothing and quieting effect. The people had got maddened and exasperated by the denial of all right and power, and so had undoubtedly in some cases gone to legislative extremes. But this judicial admission of full and plenary legislative power in the premises mollified the popular impulse. The sense of power made the people more moderate in the exercise and use of it.

But while full legislative power was thus awarded to the States, it was found that by reason of our complex and dual system of Government, the relief given was bounded and circumscribed by State lines; and that Congress alone could afford relief for all that commerce and traffic which crosses State, territorial, or international lines, and which in volume and importance far exceeds purely local State commerce; and so the people with this knowledge and with ample and ever continuing grounds for seeking relief, have for the last dozen years or more been knocking at the doors of Congress for relief. And it is curious to note that not to this moment has there been any immediate prospect for national legislation on this all-important subject. Mr. Poor—he of railroad statistics—has kindly sent us, lately, a table showing, among other things, the reduction in rates of freight from 1865—a period of inflated paper currency standard for which he makes no allowance—to 1885.

Now, I am satisfied, if some other ingenious Poor would go to work to compile a table and list of the rights, privileges, and immunities claimed by the railway companies in respect to legislative discretion and legislative power from 1870 down to the present time, he would discover a much greater abatement and reduction in such claims than in the tariff rates. In 1870 and from thence down to the Munn case in 1876 all legislative power or discretion was denied to the States. And you, who were here in the late seventies and early eighties, will remember how persistently the counsel and high officers of these corporations argued and contended, to a greater or lesser extent, that Congress lacked the power, and that even conceding the power, yet that the matter of interstate railway transportation was of that unique and peculiarly delicate and sensitive character that legislative regulation in any form or degree however mild was fatal and destructive.

It was a most sensitive plant, that would utterly wilt under the mildest rays of the legislative sun. Natural laws, so it was said, would work out the whole problem, and natural laws in these cases generally meant watered stock, modified by pools, rebates, and discriminations, personal and local. It is said of Archimedes that he once exclaimed, "Give me a fulcrum for my lever and I will move the world." So the modern Fink or Blanchard a few years ago in substance exclaimed, "Give me the free and untrammeled use of pools and discriminations, local and personal, and I will anthracite-coal and standard-oil the entire country." But mark what an abatement in pretense there is. On January 5, 1887, the New York Times published a letter from the railroad magnate, Mr. Blanchard—he who ranks next to Mr. Fink as a railroad expert—wherein he attacks sections 4 and 5 of this bill—the long and short haul and the pooling sections. He commences his letter with the following pregnant and suggestive paragraph:

To the Editor of the New York Times:

Permit a response to your comment of the 28th of December touching long and short haul rates, as treated by the pending interstate-commerce bill, and some observations upon its other features. Conservative railway managers admit that it should prohibit discriminating preferences and unreasonable rates, and require publicity and adequate legal penalties. This entitles their grounds of dissent from its long and short haul and anti-pooling provisions to fair consideration.

Just note the admission: "Conservative railroad men admit"—admit what? Why, that everything in this bill is just and right, except sections 4 to 5. Compare this with the attitude of the railroads before the Committee of Commerce in this House in 1882—yes, 1882, no longer ago than that—and you will be astonished and forced to exclaim, "O Lord! how are the mighty fallen!" But by this admission we think, and shall attempt to show, that Mr. Blanchard practically and substantially concedes the justice of the entire bill.

The evils against which relief is sought may very properly be grouped under two heads, exorbitant rates and unjust discrimination. Too high rates or odious discrimination in some form are the evils against which we seek protection. All railroad maladministration, as practiced, and with which we are at all familiar, leads to one or the other of these results. We are oppressed, as individuals or as communities, because the rates are either too high or because they are unequal in some form or other, and our point objective in any remedial measure must necessarily be to secure cheapness and equality; and whatever tends—necessarily and controllingly tends—to produce exorbitant rates or unjust discrimination must be eradicated, curtailed, or checked in some form. This is the true logical and true legislative problem under all circumstances, and no sophistry should divert us from the true seat of danger.

Experience, as demonstrated by the live-stock pool in Chicago prior to 1880, the Standard Oil pool, the Anthracite Coal pool, the late pool of the Central Union and Southern Pacific Railways, and the present Colorado pool, all goes to show that there is no instrumentality so effective to keep up high and crushing discriminations, so as to be almost prohibitory in their character, as pools, whether of freight or earnings. As a sample of the Standard Oil pool and extortion, I beg leave to quote the following from the Drovers' Journal, of Chicago, of December 21, 1886:

SOMETHING ABOUT RAILROAD EXTORTION.

The Chicago Tribune, yesterday morning, in speaking of the interstate railroad law, gives the following illustrations, showing the relentless and unjust discriminations practiced against individual shippers in favor of monstrous monopolies: The Standard Oil Company demanded and received of the Cleveland and Marietta Railroad the following terms:

"The Standard Oil Company threatens to store and afterward pipe all oils under its control unless you make the following arrangement, namely: You shall make a uniform rate of 35 cents per barrel to all persons except the Standard Oil Company; you shall charge them 10 cents per barrel for their oil, and also pay them 25 cents per barrel out of the 35 cents collected of other shippers."

The manager of the road allowed the Standard Oil Company a rate more than 60 per cent. below the ordinary charge, and also paid it 70 per cent. of the amount collected from other shippers. What does the thinking public think of this?

The following letter was written to the Louisville and Nashville road by their local agent at Louisville, Ky.:

LOUISVILLE, KY.

DEAR SIR: Wilkinson & Co., Nashville, received car of oil Monday, 13th, seventy barrels, which we suspect, shipped through on the usual fifth-class rate—in fact, we might say we know it did—paying only $41.50 freight from here; charges, $57.40. Please turn on another screw.

Yours, truly,

CHESS CARLEY COMPANY.

J. M. CULP,
G. F. A., L. and N. Railroad Company.

The railroad officials complied with the demand, "turned on another screw," and on the next shipment made to Wilkinson & Co. the rate was $63.

Are outrages like these to continue unchecked? Is the business of the country to remain subject to blood-letting by pools whenever they desire, and ruin shippers and producers by extortionate freight rates?

On the 1st of last March the east-bound pool increased the freight on live-stock 40 per cent. and on dressed beef 50 per cent. from Chicago to the seaboard; and by this one act alone they have taken from the pockets of the producers of live-stock, not thousands, but millions of dollars, which has been divided between the six trunk lines comprising the east-bound pool.

No doubt the railroad managers and pool commissioners will claim that the rate made by the Standard Oil Company and the rebates paid them, also the extortionate freight rates on live stock and dressed beef, were all done for the interest of the public. No such outrages as those cited above could take place under the Cullom bill, and therefore it is entirely reasonable to suppose that the measure will be opposed with all the power of the Standard Oil Company, which has its agents not only in the Senate but in the Cabinet also.

It will also be bitterly opposed by the managers of the leading railroads and all pool commissioners with the hope of deceiving the public, only to retain their power and "turn on another screw" whenever ordered by the railroad magnates.

We earnestly hope that every honestly-disposed paper in the country, and especially those interested in the live-stock industry, will do everything in their power to further the passage of the Cullom interstate-commerce bill.

And the New York Times of this month, in speaking of the present Colorado prohibitive pool and of Mr. Adams's connection with it, uses this pregnant and suggestive language:

ONE EFFECT OF POOLING—CUT-THROAT POLICY OF THE UNION PACIFIC COMPANY.

While railroad managers are making protests against the features of the interstate-commerce bill which prohibit pooling and charging more for short than for long distances under like conditions, and getting the help of such commer-

cial bodies as the New York Chamber of Commerce, it will be well not to overlook the existence of actual wrongs and abuses which these provisions are intended to remedy. The correspondence which we published yesterday between President Porter, of the North Chicago Rolling-Mills, and the officers of the Southwestern Railway Association and the Union Pacific Railway Company [copied from the Chicago Tribune] throws a strong light on certain railroad methods which certainly call for correction.

The Union Pacific Railroad Company has an agreement with the Atchison, Topeka and Santa Fé and the Denver and Rio Grande whereby a division of all Colorado business is made between the parties to the agreement, to the exclusion of other competing lines. One result of this agreement is the refusal of the Union Pacific to carry steel rails from Chicago to Colorado intended for the Colorado Midland, except at rates which are prohibitory. By putting rates at $16 per ton, when nearly half the distance—to Kansas City—they are only $3 a ton, the Union Pacific practically refuses a business which President Porter declares would amount to from $200,000 to $300,000, one-half profit. The purpose of the refusal is to prevent the building up of a rival to the Denver and Rio Grande road. An incidental effect is to interfere seriously with the legitimate business of the Chicago steel manufacturers and to hamper the development of the railroad interests of Colorado. It also results in throwing away profitable business which the Union Pacific might have at a time when it is pleading poverty as an excuse for having its obligations to the Government placed upon a more favorable basis. The treatment of President Porter's appeal for justice by President Charles Francis Adams is worthy of the worst days of the Union Pacific management under Jay Gould and Sidney Dillon.

A still more flagrant instance of the injustice wrought by the Colorado pool is set forth in the first annual report of the railroad commissioner of Colorado. From this it appears that in consequence of the tripartite agreement with the Atchison, Topeka and Santa Fé and the Denver and Rio Grande, the Union Pacific refused to interchange traffic with the Denver and New Orleans line under arrangements for through rates and a continuous shipment. At a time when the latter was prepared to guarantee from a single shipper business which would amount to a train-load of freight a day for months and lead to other profitable business, the Union Pacific obstinately refused to provide for it. It refused to furnish stock-cars at Pueblo for cattle to be carried over its own line when it was furnishing the Denver and Rio Grande all it wanted, and had others by the score lying idle on side tracks at Denver week after week. The interests of shippers at Pueblo and Colorado Springs were seriously injured, and the business of the whole region interfered with by unjust discrimination through an agreement which was not intended to maintain stable rates, but to prevent competition with a party to the pooling agreement. The appeal of the Colorado railroad commission to Mr. Charles Francis Adams was treated in the same cavalier manner as the more recent protest of Mr. Porter.

Mr. Adams, the president of the Union Pacific, seems to be a different man from Charles Francis Adams, jr., railroad commissioner of Massachusetts and writer on the abuses of railroad management of years ago. "I cannot understand," says Mr. Porter, "how a sincere and honest man could have written the articles Mr. Adams did and advocate the principles he did as a railroad commissioner of Massachusetts, and now make such communications as president of the railroad." Commissioner Felker, of Colorado, in writing to Mr. Adams, quoted to him his own language concerning pooling abuses used at Portland, Oreg., as follows: "The railroad management which undertakes in that way to hamper the natural freedom of trade is not minding its own business. Whether it is making a fortune or not, it does not deserve to make one." According to the representations of its president the Union Pacific is not now making a fortune, and according to the principles he formerly enunciated it does not deserve to make one. Its conduct in making discriminating rates, in refusing traffic, and in trying to crush competition in connecting lines should be taken into account when it claims to be treated with tenderness in its relations with the Government. The abuses in railroad management, of which such cases as those referred to above are samples, have also an important bearing on the protests against the interstate-commerce bill.

Is not all this ample evidence of the crushing effect of these pools? It is possible that, like some great poisons, under certain conditions these pools may do some good. But the power for goodness is so out of all proportion to the power for evil that salvation lies only in absolute prohibition. On the uppermost coast of Norway there is said to be an ocean whirlpool—called the Maelstrom—of such hideous character that it absorbs and forever swallows up all boats, vessels, or other craft that venture near its vortex. And so it seems that these railroad pools—railroad maelstroms, if you please—are of such malevolent nature as not only to crush out such shippers as Mr. Porter, and absolutely debar them from marketing their goods, but also to utterly strangle such great and good men as Mr. Adams—I mean strangle and obliterate all that anti-monopoly goodness that was considered as appertaining to him before he became president of the Union Pacific. His reply to Mr. Porter was but a polite way of saying, "What are you going to do about it, anyway?"

Professor Hadley, of Yale, in his work on Railroad Transportation, pages 74–76, says, in speaking of pools to prevent too low rates:

There is but one way to prevent these results. If competition is ruinous to all parties, all parties must stop competing. If it finds no natural limit it must be artificially limited; it must end in combination. And the moment you have established an effective combination you have introduced the principle of monopoly. You have determined prices, not in open market, but by an agreement among all the sellers.

This agreement may take any one of four forms: 1, agreement to maintain rates; 2, to divide the field; 3, to divide the traffic; 4, to divide the earnings. The last three are commonly known as pools.

The first is the simplest, but least effective. There is scarcely an organized industry where the dealers do not meet and settle upon a schedule of rates and discounts, agreeing that no one shall sell below these prices. Such agreements are rarely kept. It is for the interest of all that rates in general should be maintained, but it is for the interest of each concern to secure business for itself by not quite maintaining them. This constitutes a great temptation to depart from schedule prices; a temptation all the stronger because it is so easy to violate the general agreement indirectly, and so hard to detect any such violation. The result is apt to be a system of underhand competition, worse in many respects than the open competition which existed before there was any agreement at all.

This is why it is found necessary to divide the business among the different competitors by a pooling agreement. Such agreements are hard to arrange. There is almost always a dispute about their terms. But as long as they are in force it is hard to violate them without actual fraud, and it is comparatively easy to detect such violations and deal with them severely.

When it is possible to "divide the field" this course is usually the simplest. We see it illustrated where different gas or water companies parcel off the different districts of a city to one another, or where manufacturers in different cities agree to leave one another in undisturbed possession of the home market. We see it not infrequently in agreements between railroads. But in the majority of cases this arrangement is impracticable, and the rival concerns agree upon the proportion of business which each is to do. The companies in the anthracite-coal combination have arranged how much coal each company may mine. Factory combinations determine how much each concern may manufacture. Railroads agree just what percentage of competitive traffic each road shall carry.

When one railroad receives more than its agreed share of business, it is generally inconvenient to send the goods by a rival route, and easier to arrange matters by a money payment. This brings us to the fourth and closest form of combination, where there is a division of earnings. The machinery for securing this division may have any degree of organization up to the point of actual consolidation of the competing interests.

The dangers of a pool lie in the arbitrary power which it places in the hands of a few men to deal as they will with the business of the country. Even granting that the actual abuses of combination are less than those of competition, it seems like taking refuge from the excesses of democracy in an enlightened despotism. There is some slight truth in the analogy, but we are likely to carry it too far.

Our courts have always set their faces sternly against pools in whatsoever form.

Pooling is a violation of the common law, because it is a restraint upon the freedom of trade and a conspiracy against the public welfare. And this doctrine is maintained in the following American cases: 8 Mass., 223; 1 Pickering, 450; 35 Pickering, 188; 19 Pickering, 51; 35 Ohio State Reports, 672; 68 Pennsylvania State, 173; 5 Denio, 434; 4 Denio, 349.

Judge Gibson, in the case of the Commonwealth of Pennsylvania against Carlisle (Brightly, 40), says:

"I take it that a combination is criminal whenever the act has a necessary tendency to prejudice the public or to oppress individuals by unjustly subjecting them to the power of confederates. 'The object of these combinations is to raise the rate of freight, and the means adopted is to suspend competition and place the traffic under the exclusive control of the combination.'"

So contracts to prevent competition, as for instance, not to extend a railroad to a given point to prevent its competing with another road, held void and against public policy. (R. R. Co. *vs.* R. R. Co., 3 Prob. N. Y., 411.)

The attorneys in this case were William Tracy on one side and W. M. Evarts on the other, and both conceded this point. Also State *vs.* R. R. Co., 29 Conn. 538, to the same effect.

The following is a recent and fresh sample of how our courts regard pools. I read from a clipping of one of our public journals of January 4, 1887, as follows:

POOLS TO ADVANCE THE PRICE OF LAND ARE UNLAWFUL CONSPIRACIES.

NEW YORK, *January* 3.

James R. Keene, N. G. Miller, and Washington Butcher's Sons, in December, 1880, formed a pool to advance the price of land, and employed E. A. Kent & Co., of this city, and Poole, Kent & Co., as brokers, for the purchase and sale of land. It is said that a small fortune was realized. The members of the pool charged that their brokers had defrauded them by making fictitious purchases and sales. Keene sued Kent and others in the supreme court to recover his share of the profits of the pool. They interposed in defense that the transactions were gambling, and that the law would not force them to account.

Judge Daniels, of the general term of the supreme court, has rendered his opinion in the matter, reversing the opinion of the court below directing the brokers to file a bill of particulars of the pool transactions. He holds that the defense interposed is valid, and that the law does not sanction the form of gambling. Combinations to keep articles of food or other necessaries off the market, with the view of getting a higher price for it, are unlawful conspiracies punishable as a crime. Where successfully carried out, the effect would be to impose an additional burden on the public. It is little less than respectable robbery unsanctioned by law. There are no legal means to force a division of the plunder. They cannot appeal to the courts.

The decision concludes by saying that Keene has no right to expect the court will interpose its authority in his behalf to enforce that well-known principle of honor upon which his alleged rights must be successfully dependent.

Not a single decision can be found to the contrary in this country. The nearest to it is an *ex parte* direction of Judge Deady in Oregon to the receiver of a railroad company, where the judge seemed to have forgotten for the time being his judicial functions and assumed the rôle of a railroad manager. The English cases are no authority as to what the common law is, for the reason that under their railroad laws pooling is, under certain circumstances, if consented to by the shareholders of the respective companies and approved by the board of trade (an incorporate body, the head of which is a member of the British cabinet or Government), permitted to a limited extent.

If pools are dangerous, and ought to be restrained, as a matter of public policy in respect to all these smaller classes of business, how much more important and vital is it not that this the root of so many evils be entirely checked and restrained in respect to this the greatest, most omnipresent, and most omnipotent of all employments. The right of pooling being destroyed, we know that one of the greatest weapons for extortion and discrimination is fully sheathed. The Colorado pool is a complete bar between Mr. Porter and his customers. Our aim should be to so legislate—and that the present bill does—that the erection of such pool-barriers can not be possible in the future. Mr. Blanchard says that railroads can not get along without the right to make such pools. Has it got to this pass, that carriers can not thrive, without the power to inflict discriminatory, extortionate, and prohibitory rates, as in the case of Mr. Porter.

Conservative railroad men agree, says Mr. Blanchard, "that discriminating preferences should be prohibited." So say we all. And in order to effectually prevent it, we forbid that which is most productive of such preferences—pooling.

The other feature of the bill which Mr. Blanchard attacks is the so-called long and short haul clause. And yet, bitterly as he opposes this section, by his own admission it rests on as strong foundation as

the other features of the bill which he says conservative railroad men approve. Before proceeding to discuss this feature of the bill, I cannot help considering one of the so-called protests—evidently made to order—with which we have of late been so plentifully favored. I especially desire to refer to that of the Chamber of Commerce of New York, found in the RECORD of January 14, 1887, where it is dwelt upon with much favor and unction.

The committee of the New York Chamber of Commerce say:

Your committee are of opinion that (section 4) the prohibition to charge more for a shorter haul than a longer one is objectionable and certain to work against the public welfare. If enacted, it would do little good to any one. Local rates would not be thereby reduced, but "through traffic," which, on the average, furnishes not to exceed one-quarter of the revenues of the trunk lines, would be either refused, or raised to a standard of local rate—thus obstructing and materially decreasing the moving and exportation of cotton, grain, petroleum, and other products.

"Local rates would not be reduced thereby," "but through traffic * * * would be either refused or raised to a standard of local rates." "Local rates would not be reduced thereby." Wise men of Gotham, we thank you for the frank admission. But, then, this being true, why should "through traffic" be either refused or put up to local rates? Pray, why, except through innate, inborn railroad "cussedness," and as defiance to the legislative will?

There are, according to Professor Hadley (page 111), three forms of discriminations—between classes of business, localities, and individuals. And of all these the most dangerous, because the most far-reaching and business-destroying is discrimination between localities. Professor Hadley (pages 120, 121, 122) bears unwilling and unconscious testimony to this. Here is what he says:

A special contract, for instance, is given to millers at Niagara. It produces new business at that point. But if it discriminates unfairly against the millers at Rochester or Buffalo, the gain of business at one place is made up by a loss at the other. Not a direct loss, be it observed; the mills will not shut down; but the natural growth of business will be checked. The railroad manager sees the mill at Niagara with its new traffic; he does not see how he may have prevented the growth of the old traffic at Rochester.

On the other hand, the great majority of local and personal discriminations are in favor of the strong. As such they do great harm to the community by increasing inequalities of power; and in the end they are apt to do harm to the roads themselves. The Standard Oil Company was fostered by a system of special rates until it became strong enough to dictate its own terms.

This was an extreme case; but there is almost always a certain opposition between the present and future interests of a railroad. If a company's object simply is to make as good a dividend as possible for the current year, that object is best obtained by squeezing the local business, of which it is sure, and securing competitive business on almost any terms, however low. But for the permanent interests of the road this is bad policy. The local business may bear the squeezing for a year or two, but it will gradually die under the effects. Such a policy destroys a road's best customers and strengthens the hands of those who are in a position to dictate their own terms.

Again, on pages 20 and 21 of his work, the professor remarks:

Reference has already been made to the inequality of railroad rates. This inequality always operates in favor of large cities. The reduction in rates was made under the stress of competition. It was made first and fullest where competition was sharpest. Even in those countries in Europe where the State owned many of the railroads but feeble opposition was offered to this tendency during the years 1850–1872. In England and the United States it was pursued with utter recklessness.

The aggregation of business in cities of itself gives the large establishment an advantage over the small dealer. The latter has no longer a local custom of which he is sure. His personal attention to details begins to count for less. His competitor's large capital and wide connection count for more. Too often mere unscrupulousness in business may seem to count for most of all. The small capitalist and the independent workman are crushed out. The distinction of employers and employed becomes more sharply drawn. The workman can no longer confidently hope to become the employer of his own labor. It is these tendencies which give force to the agitation in favor of socialism. Unfortunately, the effect of the policy of most of our railroads is to intensify these tendencies. They do not merely favor cities; they favor individual producers. The largest or most unscrupulous concern gets the best rates. Differences are made which are sufficient to cripple all smaller competitors and sooner or later drive them to the wall, and concentrate industry in a few hands.

But where one set of men own a railroad and another set of men use it, the two only coming in contact through the medium of the railroad management, we have a state of things corresponding to the "absenteeism" of Irish landlords and involving conflicts or dangers of the same kind.

And again the professor, on page 138, adds:

If the object of a railroad manager is simply to pay as large a dividend as possible for the current year, he can best do it by squeezing his local traffic, of which he is sure, and securing through traffic at the expense of other roads by specially low rates—that is, by a policy of heavy discrimination. But the permanent effect of such a policy is to destroy the local trade, which gives a road its best and surest custom, and to build up a trade which can go by another route whenever it pleases. The permanent effect of such a policy is thus ruinous to the railroad as well as the local shipper.

Mark the language. "The permanent effect," mark you, "of such a policy"—that is, discrimination between localities—"is thus ruinous to the railroads as well as the local shipper." Here is a calm, "conservative" railroad authority—for manifestly he leans that way—as to the short-sightedness, deleterious and baleful effect, of local discriminations. Undue and unjust discriminations have always been frowned upon and held illegal by our courts, in whatsoever form manifested. Our courts have always aimed to uphold and enforce equality in rates and facilities. (Messenger *vs.* Railroad Company, 7 Vroom (N. J.), 407; Railroad Company *vs.* Railroad Company, 110 United States Supreme Court Rep., 667; Pierce on Railroads, 498; Hutchinson on Carriers, sections 297–303; McDuffie *vs.* Railroad Company, 52 N. H., 430.)

In the Messenger case the court says: "I am not able to see how it can be admissible for a common carrier to demand a different hire from various persons for an identical kind of service under indentical conditions. A person having a public duty to discharge is undoubtedly bound to exercise such office for the equal benefit of all, and, therefore, to permit the common carrier to charge various prices, according to the person with whom he deals, for the same services, is to forget that he owes a duty to the community." The very groundwork of the Munn case was clearly outlined in the Messenger case.

The bill in sections 2 and 3 prohibits unjust discriminations between individuals and classes of business. Mr. Blanchard says that conservative railroad men concede the justice of this prohibition. As a matter of law and ethics there can be no question of its justice. If it is our duty as legislators to protect individuals against unjust discriminations, surely it is much more our duty, as greater interests are involved, to protect our little communities against the rapacity of the large cities and large terminal points. Discriminations between individuals are unjust and illegal because they tend to crush out the weak and poor, the small shippers, and build up the rich and strong, the big shippers. So discriminations between localities, while it builds up large terminal points, utterly dries up and crushes out the numerous small intermediate points. The life blood of these smaller places is transfused by discriminating rates into the vitals of the large terminal points. My notion is, I am free to state, and I can see no other honest conclusion, that remedial legislation should be extended to protect the weak and helpless locality as well as the weak and helpless individual. We owe a duty to both, and it would be gross shortsightedness, nay more, it would be cowardly at this juncture to forego our duty to either.

In this connection, too, we must not lose sight of the fact that while the bill absolutely and totally prohibits unjust discriminations between individuals, it is only to a limited extent and in a qualified degree that discriminations between localities are prohibited; it must be as to the like kind of property, under substantially similar circumstances and conditions, over the same line, in the same direction, and where the shorter distance is included within the longer, that no more can be charged for a shorter than a longer haul, and even this limited inhibition the commission may, in its discretion, in particular instances, waive or modify, thus leaving the provision with ample elasticity.

When the railroads now contend that the right of unlimited local discrimination, as distinguished from personal discrimination, is essential, and a *sine qua non* to their well-being and existence, we have good ground to question and doubt the sincerity and truthfulness of such contention. For it is but a very short time ago that they made exactly the same claims as to the necessity and justice of personal discriminations. We were then gravely told that it was both just and necessary to discriminate in favor of the great shipper as against the smaller—railroads could not well exist or prosper without this privilege. But all this, Mr. Blanchard informs us, is now obsolete and a thing of the past. Not only is the power of unlimited local discrimination not necessary or essential to the railroads, but the free exercise of such power is in the long run detrimental and destructive to the best interests of the roads. Professor Hadley is clearly of this opinion, for he says, in speaking of such practice (page 138):

"But the permanent effect of such a policy is to destroy the local trade, which gives a road its best and surest custom, and to build up a trade which can go by another route whenever it pleases. The permanent effect of such a policy is ruinous to the railroad as well as the local shipper." This is the unbiased opinion and judgment of a great thinker and student on this subject—a gentleman who certainly can not be accused of unfairness or unfriendliness to the railroads. We have no fears that this trifling and limited protection which section 4 aims to throw around our small towns, cities, and villages will of itself occasion any increase of rates from the large terminal cities or large terminal points. These "competitive" places, under a law prohibiting pooling, will take care of themselves, and suffer no harm; and we believe, as Mr. Hadley suggests, that this bit of relief and justice given to the smaller towns will so stimulate the business at these non-competitive points that the slight reduction in rates will be more than made up by the increased volume of business, and that prosperity and commercial success will be more evenly distributed and diffused, and not confined, as now, to a very large extent, to the large terminal points.

But, Mr. Speaker, there is involved in this section 4 something still more important than anything I have so far suggested, or than any mere commercial considerations. The discriminations between localities as practiced by our great trunk lines builds up abnormally fast, at the expense of the small intermediate towns, a few large and immense terminal points; and it is in these great commercial centers where, along with their huge volumes of traffic and commerce, large masses of combustible human material are gathered together and stored. This human dynamite is attracted by and the product of the concentrative policy of the railroads; and we are already clearly admonished that the weak point in our social fabric is in these great human masses concentrated in our larger cities, and that if any harm happens to the Republic it will be found that the seat of danger and the stress and strain are in our New Yorks, Chicagos, and other great terminal points. Not that these poor, toiling human masses thus gathered together are to blame for all this. They are thus driven and huddled together by the

stress of traffic, propelled by concentrated capital back of a locomotive engine.

The mainstay and balance-wheel of free institutions—the seat of a pure and honest ballot—is ever mainly to be sought among our smaller towns and rural communities. These, therefore, as a matter of sound State policy, it is folly and sheer wantonness to neglect or suffer to be overrun. We are convinced that, looking to the great future of our country—and our legislative vision surely ought to extend beyond the ruffled and fleeting present—that true wisdom and true statesmanship lie in diffusing rather than concentrating, territorially speaking, our labor, capital, manufactures, commerce, and traffic. The prosperity of all this multitude of small hamlets can alone render our country truly prosperous and progressive.

Mr. WEAVER, of Iowa. Mr. Speaker, in compliance with oft-repeated pledges made to my constituents when they elected me to this and to the Fiftieth Congress, in obedience to the dictates of my conscience, and following my best judgment, I rise to oppose this measure.

For eight years—ever since I became acquainted with the provisions of what is so widely known as the Reagan bill, I have given it my unqualified support. I voted for its consideration in the Forty-sixth Congress. Under the leadership of the gentleman from Texas [Mr. REAGAN] I voted with the majority of this House at the last session to strike out all after the enacting clause of the Cullom bill, and to substitute in its stead the Reagan bill. The motion was adopted, and I then voted for its passage. In common with my constituents, I considered the Reagan bill a wise and well-guarded measure for the regulation of commerce among the States. I considered it both safe and conservative, and free from dangerous experimental provisions.

But the bill now under consideration is in no sense the Reagan bill, nor does it bear the slightest resemblance to that measure. To prove this, I first quote from the conference report signed by Mr. REAGAN and the other managers on the part of both the House and the Senate:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1532) "to regulate commerce," having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its amendment, and agree to the bill of the Senate, with the following amendment thereto in the nature of a substitute, and that the Senate agree to the same:

In other words, the managers recommend that the House recede from the Reagan bill, which it has passed, and agree to substantially the Cullom bill, which it has heretofore refused to pass.

The author of the bill, Senator CULLOM, in closing the debate, said concerning the action of the Senate conferees:

We tried to do the best we could with the bill that the Senate passed during the last session, to keep the bill as near to what the Senate had it as we could do, and to arrive at an agreement between the House and the Senate conferees.

I submit that the majority of the assaults on the bill now under consideration have been against provisions that were in the bill when the Senate voted for it during the last session of Congress.

And I submit that the assaults made on the bill in this House to-day have been on sections which were in the Cullom bill when the House rejected it at the last session. Again, he declares that "the Senate conferees considered it their duty to cling as far as possible to every portion of the bill as it was passed by the Senate." The bill under consideration shows that they held their grip successfully. This will still more clearly appear as we proceed with a comparison of the two rival bills.

Mr. ANDERSON, of Kansas. Whom are you quoting now?

Mr. WEAVER, of Iowa. I am quoting from Mr. CULLOM.

The third section of the Reagan bill relates to rebates, and is as follows:

SEC. 3. That it shall be unlawful for any person or persons engaged in the transportation of property as aforesaid, directly or indirectly, to allow any rebate, drawback, or other advantage in any form upon shipments made or services rendered as aforesaid by him or them.

There the section stops, just as the commandment stops when it says "Thou shalt not steal." [Laughter.]

The language is plain and unequivocal. It carries with it no doubt, no uncertainty. But it was discarded by the conferees and the second section of the Cullom bill substituted in its place. It is as follows:

That if any common carrier subject to the provisions of this act shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person or persons a greater or less compensation for any service rendered, or to be rendered, in the transportation of passengers or property subject to the provisions of this act, than it charges, demands, collects, or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions, such common carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful.

It will be noticed that this is taken from the Cullom bill word for word. In the name of all the schoolmasters at once, I want to know what this section means. One thing is clear: it allows special rates, rebates, drawbacks, and other devices whereby a common carrier may receive from one person greater compensation for services rendered than it receives from other persons for like services, provided the service is not "contemporaneous" and "under substantially similar circumstances and conditions." No provision of this character was ever inserted in the Reagan bill from the time it was first introduced in the Forty-fourth Congress down to the present hour. The language used in the Reagan bill is, as I have shown, an unequivocal prohibition; but this conference bill merely limits the right to give rebates, drawbacks, &c.; nothing more.

A common carrier may continue to grant special rates, rebates, drawbacks, &c., subject only to this limitation. The gentleman from Ohio [Mr. BUTTERWORTH] yesterday asked the gentleman from Georgia [Mr. CRISP] to give him an illustration of how this provision would work. I will give the House an illustration: Here is a poor shipper who has annually four car-loads of freight to ship from a given point in the West to the city of Chicago. For that freight he is charged a certain rate. Here is another shipper, right along side of him, who, by reason of special favor, rebates, drawbacks, &c., received in the past, has become rich and is a cattle merchant, an extensive lumber dealer, and a grain merchant, and he ships, perhaps, 200 car-loads annually from the same point to the same market. The poor shipper is charged, we will say, $60 a car; the rich shipper, having fifty times the amount of business per annum, is charged the same rate per car, but is allowed a rebate of $20 per car. I want to know whether the granting of such a rebate would be a violation of this section?

Mr. CRISP. I will answer the gentleman.

Mr. WEAVER, of Iowa. Let me answer my own question first, and then I will hear your answer. I undertake to say, Mr. Speaker, that that would not be a violation of this section, because the services rendered to these two shippers would not be likely to be rendered "contemporaneously" nor "under substantially similar *circumstances* and conditions." I say that is the meaning that will be given to this section. I yield now for the answer of the gentleman from Georgia.

Mr. CRISP. I only wish to say, in reply to the question of my friend from Iowa [Mr. WEAVER], that that section of the bill is intended to prohibit a rebate in just such cases as the one he has stated, and the terms employed in the section, "substantially similar circumstances and conditions," were put there in the interest of the people, so that the railroads might not say that because one shipper had two car-loads and the other had two hundred they should not be treated alike. The section provides that there shall be no discrimination in cases substantially alike.

Mr. WEAVER, of Iowa. That is the gentleman's interpretation of it.

Mr. CRISP. It is the uniform interpretation of it.

Mr. WEAVER, of Iowa. There was no such provision in the Reagan bill. It was in the Cullom bill, which the gentleman voted against at the last session of Congress, but it never was in the Reagan bill from the time it was first presented down to the present hour.

Mr. CRISP. Will the gentleman permit me to inquire——

Mr. WEAVER, of Iowa. Wait a minute. The gentleman says that provision was put in there to prevent such discriminations. If so, why was it not put into the Reagan bill at some time during the protracted controversy that has taken place during the past ten or fifteen years? If the gentleman is right it is a little strange that the distinguished gentleman from Texas never thought it was necessary during those long years. Why was it not put into the Reagan bill at the last session of Congress?

Mr. CRISP. One word, if the gentleman will allow me. The distinguished gentleman from Texas [Mr. REAGAN] being absent, and the gentleman from Iowa [Mr. WEAVER] seeming to put great stress upon the name, "Reagan bill," I say to him on my authority, and I venture to say that the gentleman from Texas [Mr. REAGAN] will sustain me, that that gentleman did approve this language, and thought it was an improvement upon the section as he had it in his bill, in the interest of preventing discriminations. [Laughter and applause.]

Mr. WEAVER, of Iowa. It is a very strange thing, Mr. Speaker, that the gentleman from Texas approved that section at the instance of the author of the Senate bill, and approved it in this conference committee, although he had never approved it before at any time in the long history of this controversy. How can it possibly be an improvement upon the corresponding section of the Reagan bill, which prohibits rebates under all circumstances?

I pass to the section of this bill which relates to "preferences and advantages." This third section of the pending bill is shrouded in the same mystery and uncertainty as the second section. It is taken bodily from the Cullom bill, and provides as follows:

SEC. 3. That it shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Does anybody know what is the meaning of this language, "undue or unreasonable?" I will tell you what it means. It means that the railroad companies are to be the judges of whether the preference or advantage is "undue or unreasonable." Where will the people be compelled to go to ascertain whether the construction of the railroad companies is right? Into the Federal courts, where business is three years behindhand, or before a commission sitting a thousand miles away from their homes. If they go into the Federal courts they must await the slow process of litigation in those tribunals, during which time the

railroad companies will be allowed to put their own construction upon the meaning of that section. That is what it means.

Mr. CRISP. The gentleman understands that a railroad company can not continue to do what it has been enjoined from doing.

Mr. WEAVER, of Iowa. I know that; but the party injured must go into a Federal court to enjoin the company.

Mr. CRISP. But he can obtain an injunction pending the suit; and while the injunction continues to operate the railroad company can not collect the tariff in question.

Mr. WEAVER, of Iowa. Is it to be supposed that a poor man, such as I spoke of awhile ago, transporting only 4 car-loads or less per annum, and whose loss under the discrimination is only $80 or less, will go to a Federal court for an injunction or to litigate with these powerful corporations, who can transport their own witnesses without expense to them from one State or one part of the Union to another? The remedy suggested is without value.

Now, take the long and short haul clause, and let us see whether we have any of the Reagan bill in that. The following is section 4 of the Reagan bill, as it passed the House, in regard to long and short hauls; and the language is clear and unmistakable:

SEC. 4. That it shall be unlawful for any person or persons engaged in the transportation of property, as provided in the first section of this act, to charge or receive any greater compensation for a similar amount and kind of property, for carrying, receiving, storing, forwarding, or handling the same for a shorter than for a longer distance, which includes the shorter distance, on any one railroad; and the road of a corporation shall include all the road in use by such corporation, whether owned or operated by it under a contract, agreement, or lease by such corporation.

This is the whole of section 4 of the Reagan bill. Is there any doubt about what it means? Now, observe that the committee of conference have abandoned this fourth section as they have the other section of the Reagan bill to which I alluded, and have adopted the fourth section of the Cullom bill:

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

Now, this is substantially the Cullom bill, the only difference being that the commission, while prohibited from making general rules for the exemption of common carriers in special cases, are clothed with the dangerous power of prescribing the extent to which the common carrier may be relieved, which means practically the same thing. And their action is final; there is no appeal from it to any court. Can all the lawyers in Philadelphia combined tell me what is meant by "in the aggregate," or "under substantially similar circumstances and conditions," in this section?

Why, the Senate conferees disagree. So do the House conferees. They each disagree among themselves. The Senate disagrees and the House disagrees. And can it be supposed that the five commissioners appointed under the provisions of this act will agree? Is it not to be presumed that they will disagree also as to the meaning of the section?

One other word. The act of the commission is final; and it is an *ex parte* hearing. It is done on application of the railroad company, and there is no provision whatever in the section for the apperance of anybody in behalf of the people. It is purely and simply a provision for the railroad companies to the exclusion of the interests and rights of the people.

Gentlemen may say the commissioners will gladly hear persons representing localities. How may we know in the long years during which this commission will exist, in all probability, there will not come a time when the right of the people to be heard will be denied by this commission, or when this commission may hear in a star-chamber the application of a railroad company to be exempted from the fourth section of the bill.

I protest against it, Mr. Speaker, in the name of the people who have the right to have ample provision for their appearance and for their right to be heard in a tribunal which is to pass upon their rights.

Mr. BUTTERWORTH. Suppose they were disposed to hear these complaints, at what time might an applicant hope to be heard in view of the number of questions which would arise, what time in the century? [Laughter.]

Mr. WEAVER, of Iowa. That is only a repetition of the question that John asked on the Island of Patmos, How long, O Lord, how long? [Renewed laughter.]

Mr. BUTTERWORTH. Now, how long? [Laughter.]

Mr. WEAVER, of Iowa. Never.

Mr. BUTTERWORTH. So I think.

Mr. CRISP. May I ask the gentleman a question?

Mr. WEAVER, of Iowa. Yes.

Mr. CRISP. Suppose the gentleman from Iowa was charged with the investigation of a particular question, would he or would he not give both sides an opportunity to be heard?

Mr. WEAVER, of Iowa. There is not any doubt about that, but I shall not be on the commission. [Laughter and applause.]

Mr. CRISP. I am glad we have material, then, out of which to make an honest commission.

Mr. WEAVER, of Iowa. Now, Mr. Speaker, let us come to the clause of the Reagan bill prohibiting combinations for pooling. It is as follows:

It shall be unlawful for any person or persons carrying property as aforesaid to enter into any contract, agreement, or combination for pooling of freights, or pooling freights of different or competing railroads by dividing between them the aggregate or net proceeds of such railroads or any portion of them, and in any case of an agreement for the pooling of freights or earnings as aforesaid, each day of its continuance shall be deemed a separate offense.

It will be observed the freight pools were alone referred to in the Reagan bill, but the Reagan bill only relates to the freight traffic, and this is in harmony with the other provisions of that bill. But the bill now under consideration undertakes to deal with freight and passenger traffic, and why should it stop with a proposition for freight pools and leave the passenger pool undisturbed. There can be no question this is the plain meaning of section 5, and I will quote the exact language. It is as follows:

SEC. 5. That it shall be unlawful for any common carrier subject to the provisions of this act to enter into any contract, agreement, or combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof; and in any case of an agreement for the pooling of freights as aforesaid, each day of its continuance shall be deemed a separate offense.

Now in construing that section, and I doubt whether there is any one on this floor who will differ with me, pooling of freight and freight earnings is alone prohibited. Does the gentleman from Georgia take issue with me on that point?

Mr. CRISP. He does.

Mr. WEAVER, of Iowa. In what respect?

Mr. CRISP. I can give you the reason for the transposition of those words.

Mr. WEAVER, of Iowa. I shall be glad to hear it.

Mr. CRISP. The Reagan bill prohibited the pooling of freights. That was the language of the bill. It was conceived that that might relate to pools, some of which exist in the United States, by which railroads agree what proportion of freight each one will carry. The other provision was put in to reach the other character of pool, which is not a pooling of freights, but a pooling of the earnings of the road. In the case of pooling freights of course it can apply only to the transportation of freights, while in the case of pooling the aggregate receipts of the roads it applies to the receipts from all sources.

Mr. WEAVER, of Iowa. Now the gentleman from Georgia avoids Scylla but strikes Charybdis. He jumps from one difficulty into another if he takes that position. It will not be claimed that the Reagan bill prohibited pooling of anything but freights and freight earnings.

Mr. CRISP. Not freight rates.

Mr. WEAVER, of Iowa. Well, freights. But I will read the language of the bill itself, so that there can be no question about it:

Or to pool the freights of different and competing railroads by dividing between them the aggregate or net proceeds of the earnings of such railroads or any portion of them. And in any case of an agreement for the pooling of freights or earnings, as aforesaid, each day of its continuance shall be deemed a separate offense.

The gentleman will not claim, then, that the Reagan bill prohibited passenger pools. It clearly did not relate to passenger traffic in any sense whatever.

Mr. CRISP. It did not.

Mr. WEAVER, of Iowa. It did not, as is admitted now by the gentleman from Georgia himself.

Now you have copied almost exactly the language of the fifth section of the Reagan bill. You have not changed its meaning at all; and one thing is certain, that the penalty prescribed here:

And in any case of an agreement for the pooling of freights or earnings, as aforesaid, each day of its continuance shall be deemed a separate offense.

In no event could a passenger pool be guilty of a separate offense for each day under the plain language of this section.

Mr. CRISP. I know the gentleman from Iowa wants to be entirely frank.

Mr. WEAVER, of Iowa. Of course.

Mr. CRISP. I must have been unfortunate in my explanation of the bill. The Reagan bill provided that it should be illegal for the carrier to pool—have you got the language there of the bill?

Mr. WEAVER, of Iowa. I have.

Mr. CRISP. Will you be kind enough to read that provision?

Mr. WEAVER, of Iowa. Certainly.

It shall be unlawful for any person or persons carrying property as aforesaid to enter into any contract, agreement, or combination for the pooling of freights, or to pool the freights of different and competing railroads, by dividing, &c.

Mr. CRISP. "By dividing;" and I ask the attention of the House to this, for that is a clear distinction. It provided that it should be unlawful to pool freights of competing roads, by dividing the aggregate of the net proceeds of the earnings of the roads.

Mr. WEAVER, of Iowa. Yes, sir.

Mr. CRISP. Now, there are pools in the country, as I said a moment ago, that do not relate to money received for the transportation of freight, but which relate to the freight itself. Railroads agree that a certain road shall carry so much of the freight, another so much, and so on, but this is a pool of the freight itself. The language of the Reagan bill we thought was improved when we said we prohibited that, and also the division of money arising from freights.

Mr. WEAVER, of Iowa. That is entirely another interpretation of a doubtful section. But one thing is certain, that the penalty prescribed by this section making each day of its continuance a separate offense would not apply. The maximum fine of $5,000 would alone apply. If they pool the earnings, it will be but one offense, if it continues for a year. If they pool passenger rates or earnings even under the gentleman's construction, it is only one offense, for which $5,000 is the maximum fine, although the pool may continue throughout the year. It is a mere bagatelle, not sufficient to deter the railroads from entering into a passenger pool, or sufficient to deter them from pooling their earnings from that source where they perhaps make millions of dollars each out of the pool. It might be only the minimum penalty of $1. Is that, I ask, sufficient to deter the railroads from pooling or from going into a passenger pool? Certainly not.

Mr. CRISP. I beg the gentleman's pardon——

Mr. WEAVER, of Iowa. Well, what is it then?

Mr. CRISP. The provision to which you refer makes each day a separate offense.

Mr. WEAVER, of Iowa. Yes, sir; in the Reagan bill.

Mr. CRISP. That clause is not the clause under which the railroad would be punished for a violation of this law. The punitory provision says that for the commission of every act declared by this act to be unlawful the officers shall be punished by a fine.

Mr. WEAVER, of Iowa. By a fine of $5,000. Now suppose they make a pool that lasts twelve months, of the passenger earnings or the freight earnings, what is the penalty under your bill?

Mr. CRISP. Why, undoubtedly the penalty would be the $5,000 fine put upon the corporation, and every day would be a separate offense.

Mr. WEAVER, of Iowa. If it were the pooling of freights.

Mr. CRISP. It would, in my humble judgment, if it were the pooling of passenger fares. But did the gentleman ever know of a passenger pool?

Mr. WEAVER, of Iowa. Certainly. I am astonished at the question. There have been such pools all over the country. They were referred to in the debates in the Senate. They exist. There are passenger pools all over the country. And there are instances where railroads have cut passenger rates to one dollar and kept it up for months to force their way into a passenger pool, and they had to be received into that passenger pool in order to save the other roads and restore the old rates.

Here you have another section which is doubtful.

Now, these are the controlling provisions of this bill except the provisions which relate to the commission and that portion which relates to the courts that shall have jurisdiction to hear complaints under this act. Neither the commission clause nor the court clause that you have in this bill were in the Reagan bill. Neither were your rebate section, your preference section, your long and short haul section—none of those were in the Reagan bill, and they are the controlling and important sections of the bill.

It seems to be the theory of the pending bill to do as little for the people as possible; and in making that remark I wish to say I am entirely impersonal in everything I say here, and desire to be so. It seems to be the theory of the pending bill, I repeat, to do as little for the people as possible and to render those sections of the bill relating to the rights of the people as obscure and unintelligible as human ingenuity can make them. To use the language of a distinguished member of this House, "If the hand of a Talleyrand was not present in the construction of this bill then all appearances are deceptive."

Suppose the great Lawgiver had constructed the Ten Commandments with the same uncertainty. Suppose he had said: "Thou shalt not steal; thou shalt not bear false witness; thou shalt not covet—contemporaneously or under substantially similar circumstances and conditions" [laughter]; or suppose, at the conclusion of the decalogue the following provision had been added: "Provided, however, that upon application to the high priest or ecclesiastical commissioner appointed under the provisions of this act persons so designated may be authorized to cheat, steal, bear false witness, or covet, and said commission may from time to time prescribe the extent to which said persons may be relieved from any or all of said commandments." Under such circumstances would not the world have been without moral law from Moses to CULLOM and from Mount Sinai to Pike's Peak? [Great laughter.]

A distinguished gentleman [Senator FRYE] discussing this bill said, in another place:

> I should like to know what the fourth section means from this discussion. I should like to know how I or my constituents are to determine what it means from this discussion. I should like to know what lights have been thrown upon it. The conferees disagree in relation to it; almost every Senator who has discussed it disagrees with the other Senators in relation to it. Boards of trade in Boston and Indianapolis, the Chamber of Commerce in New York, Legislatures of the different States; all absolutely disagree diametrically as to what this fourth section is.

And another Senator, in another place not mentionable here, characterized the bill as follows:

> But there are matters in which, in my opinion, the bill is even more fatally defective, if that were possible, than in the particulars to which attention has been called. I regret that I have to vote for it, and I think there are a great many others in the same condition. This is a bill which practically nobody wants and which everybody intends to vote for, a bill which nobody is satisfied with and which everybody intends to accept, a bill which nobody knows what it means and yet we have all agreed it ought to pass.

But the distinguished gentleman is too broad and sweeping when he says the bill is in the condition he describes. It is only those portions of the measure which refer to the rights of the people which are obscure and shrouded in mystery. The things which are certain in this bill are precisely the things which the people do not want, and the things which are uncertain are precisely those about which the people demand the greatest possible certainty. All the safeguards thrown around the corporations are plain and unmistakable. There is no uncertainty whatever here. We will examine them in their order.

THREE THINGS THAT ARE CERTAIN.

The commission clause is certain. Does this House know that perforce of the very provision creating this commission it is provided that the terms of four of the commissioners will expire during the next Presidential term? The commissioners hold their office for two, three, four, five, six years from the 1st of January, 1887.

And only one of the five appointed can be reappointed by the present administration; four out of five of the commissioners must be appointed by the next incumbent of the Presidential office.

Mr. STEELE. Do you object to that because we are going to have a Republican? [Laughter.]

Mr. WEAVER, of Iowa. This is to be a political board, and it is expressly made so by section 11, which provides that not more than three of the commissioners shall be appointed from the same political party. Why is that provision in the bill? Why is politics expressly legislated into this bill?

Mr. ROWELL. Does not that give permission to appoint men who do not belong to either party?

Mr. WEAVER, of Iowa. Oh, yes; but does anybody believe they will do it?

The construction which these men place upon the law will be of the highest possible political consequence, and does anybody doubt that, if the next President of the United States should be a Republican, and having the appointment of the new members of the commission, that three of the members appointed by the present administration will go out, and three Republicans be placed on the board? I say that the functions of this board will make their decisions of the highest political significance, and unless the commissioners are stronger than human nature has generally been found to be when tempted, they will have the strongest possible temptation to make their decisions such as to gain the greatest amount of political power. Have we not seen that manifested upon the highest bench in the world? Have we not seen it in the subordinate courts of the country, political bias everywhere? Why, it is foolish to suppose that these men will be above political bias, political preference, and political leanings.

Another point with regard to this commission. It will be absolutely impotent to do anything for the people. Why, my colleagues, we have in this country 135,000 miles of railway, rapidly increasing, existing in thirty-eight States and nine Territories, with depots every 6 or 8 miles along the whole 135,000 miles, doing business every hour of every day with sixty millions of people; how will it be possible for a little court of five men, holding their sessions here in Washington, 1,200 miles away from my constituents and much farther from those who live nearer the setting sun—how will it be possible, I ask, for such a little court to determine the matters in controversy arising between sixty millions of people and this vast net-work of corporations covering the whole country? They can not do it. It is impossible. Five commissioners can not properly attend to the business of any one of the great trunk lines of this country, much less to all the interstate commerce of America. It is utterly impossible.

Why, sir, we have in this country in every State circuit courts and district courts, mayors of cities, superior courts, two justices of the peace in every township, circuit courts of the United States, district courts of the United States, supreme courts of the States and of the nation, and yet so great is the business arising from the multiplied transactions of our sixty millions of people that delay, delay, delay, is the rule now, even with all these courts constantly in operation throughout all the States and Territories. Yet you are going to relegate those sixty mill-

ions of people to one little court of five men, holding its sessions here at the capital of the nation, the most inconvenient point that could possibly be designated. This commission, sir, is useless, if it is not vicious.

Again, by the fourth section of the bill the commission are given power to suspend the operation of the law, and their action is final. This bill undertakes in the fourth section to prohibit certain things being done; in another section it prescribes a penalty of $5,000 for the violation of that provision; and then in the last part of the fourth section it authorizes these five men, who are not responsible to anybody on earth, to take final action, suspending both the prohibition and the penal sections of the act.

I come now to another important feature of the bill, the exclusive jurisdiction which it gives to the Federal courts to hear causes arising under the provisions of the act. Why not the State courts? We have the power, and I appeal to Democratic members of this House, is it according to the traditions of your party, is it Democratic, to build up the jurisdiction and the power of the Federal courts of this country? Is it not Democratic rather to open the State courts and keep them open—those courts created by the people for their own protection—is it not Democratic to enlarge their powers rather than to increase the powers of the Federal courts? I have said that we have the power to confer jurisdiction on the State courts. The gentleman from Georgia [Mr. CRISP] yesterday said that, "waiving the question" as to the power of the Government to confer jurisdiction on State courts, he had simply this to say, that if the House conferees had insisted upon retaining the State-court clause of the Reagan bill, we would have had no bill to pass this session. Aye, aye, a clear confession of surrender on the part of the conferees of this House to the clamor of the Senate conferees and to the theory contained in the Senate bill. It can be nothing else.

Mr. CRISP. Did the gentleman hope or expect that all the surrendering was to be done on the part of the Senate and none on the part of the House?

Mr. WEAVER, of Iowa. Not at all. In matters involving no great question of principle, in matters of trivial importance, I would expect the conferees of the House to be conciliatory and yielding; but in matters that are fundamental, matters that go to the very marrow of this question, I for one did expect, and my constituents expected, and this country expected, that the House conferees would stand like a wall of iron and a tower of adamant against the encroachments of the corporate influences of this country. [Applause.]

Mr. CRISP. If the gentleman will allow me, I think that the corporate influences of this country were very much in hope that the conference would result in just such a failure as the gentleman says he expected.

Mr. WEAVER, of Iowa. Not at all, Mr. Speaker. No railroad man has ever risen, no man who is suspected of being in the interest of the railroads has ever risen in the discussion of this compromise bill, either in the Senate or in this House, to denounce the features of the bill that I am denouncing here now. It is true these railroad men have clamored against this bill, but they have clamored against the provisions which were in the Cullom bill when it passed the Senate, and we have repeatedly declared that to be a railroad bill. They have also clamored for the very provisions which the people from the start have said ought never to be incorporated in any interstate-commerce bill. No railroad man has ever objected to the commission; no railroad man has ever objected to the Federal court clause; no railroad man has ever objected to the power on the part of the commission to suspend the operation of the fourth section of this bill. They have at all times insisted that these sections should go into the bill if any bill was to pass.

Mr. HEPBURN. The gentleman will allow me to ask whether he was satisfied with the provision of the Reagan bill with reference to court jurisdiction?

Mr. WEAVER, of Iowa. Not entirely. I thought the jurisdiction ought to be exclusively in the State courts. But the Reagan bill did clothe the State courts with jurisdiction of the questions arising under it.

Mr. WARNER, of Ohio. The gentleman will allow me to ask whether he is in favor of the long and short haul provision?

Mr. WEAVER, of Iowa. Yes, of the Reagan bill, but I am now discussing another provision, and I prefer not to be diverted from my line of argument.

Mr. HEPBURN. Before the gentleman leaves this point will he allow me to call his attention to the exact language of the Reagan bill on this subject?

Mr. WEAVER, of Iowa. Certainly.

Mr. HEPBURN. (Reading)—

Which attorney's fee shall be taxed and collected as costs in the case, to be recovered by the person or persons so damaged by suit in any State or United States court of competent jurisdiction.

Mr. WEAVER, of Iowa. Certainly.

Mr. HEPBURN. Does that language confer jurisdiction, or does it simply permit suit to be brought where jurisdiction now exists?

Mr. WEAVER, of Iowa. Oh, it was intended to confer jurisdiction as to damages as well as to costs, and that is what it did. I was discussing the power of Congress to confer jurisdiction on the State courts. Upon this point I desire to quote from 24 Howard, 108. I shall read very briefly from the language of Chief-Justice Taney in that case:

It is true that in the early days of the Government, Congress relied with confidence upon the co-operation and support of the States when exercising the legitimate powers of the General Government, and were accustomed to receive it upon principles of comity, and from a sense of mutual and common interest, where no such duty was imposed by the Constitution. And laws were passed authorizing State courts to entertain jurisdiction in proceedings by the United States to recover penalties and forfeitures incurred by breaches of their revenue laws and giving to the State courts the same authority with the district court of the United States to enforce such penalties and forfeitures, and also the power to hear the allegations of parties and to take proofs if an application for a remission of the penalty or forfeiture should be made according to the provisions of the acts of Congress.

Mr. BRUMM. That is not exclusive jurisdiction?

Mr. WEAVER, of Iowa. Oh, no.

Mr. BRUMM. Has the gentleman any authority on the point of giving the State courts exclusive jurisdiction?

Mr. WEAVER, of Iowa. No, sir; that question is not involved here. Now, I wish to read from the decision of the Supreme Court delivered by Mr. Justice Field in the case of the United States *vs.* Jones, United States Reports 109, page 519:

Whether the tribunal shall be created directly by an act of Congress, or one already established by the States shall be adopted for the occasion, is a mere matter of legislative discretion.

Thus it is clearly established that it is a "mere matter of legislative discretion" whether we shall create a tribunal to carry out the provisions of an act of Congress, or whether we shall confer authority upon State tribunals to do it. Pursuing this same subject Justice Field on page 520 uses this language:

At different times various duties have been imposed by acts of Congress upon State tribunals; they have been invested with jurisdiction in civil suits and over complaints and prosecutions for fines, penalties, and forfeitures arising under laws of the United States.

Mr. CRISP. Will the gentleman allow me to call his attention to a passage from the decision in 24 Howard to which he has already referred?

Mr. WEAVER, of Iowa. Certainly.

Mr. CRISP (reading).

And in these cases the co-operation of the States was a matter of comity, which the several sovereignties extended to one another for their mutual benefit. It was not regarded by either party as an obligation imposed by the Constitution. And the acts of Congress conferring the jurisdiction merely give the power to the State tribunals, but do not purport to regard it as a duty, and they leave it to the States to exercise it or not, as might best comport with their own sense of justice, and their own interest and convenience.

Mr. WEAVER, of Iowa. Undoubtedly that is correct.

Mr. CRISP. The gentleman will allow me to say that this was a case where the State authority was required to do a certain thing; and the Supreme Court held it had not the right to do it under the circumstances.

Mr. WEAVER, of Iowa. I know what that case is; I think the gentleman is not familiar with it.

Mr. CRISP. Here it is in this volume; it speaks for itself.

Mr. WEAVER, of Iowa. I will state that case. It is the case of the Commonwealth of Kentucky *vs.* Governor Dennison, of Ohio. There was a mandamus proceeding commenced to compel Governor Dennison to surrender a fugitive from justice from the State of Kentucky. The act of 1793 provided that when the requisition was made, it should be the duty of the governor to surrender the fugitive. The Supreme Court held that the State officer could not be compelled in that way. Now, of course, I do not take the position that we can compel a State court or any State officer to discharge a duty under United States law. The court, in the very language which I have read, declared that the action of the State authorities in such cases is a matter of comity. But does anybody suppose for a moment that the State courts would refuse to exercise jurisdiction under a law to prohibit wrongful discriminations on the part of railroad companies?

Those decisions go on to say the State Legislatures may give consent—that is, that they may pass an act consenting to give jurisdiction to the State courts under the Federal law. That would make their jurisdiction complete, and, furthermore, make it compulsory on the part of State courts to entertain that jurisdiction. There is no fear in that regard, for they will be responsible to the people for the manner in which they exercise their authority; but when you come to the Federal court you have no such safeguard thrown around that tribunal.

Mr. OATES. That question first came before the Supreme Court of the United States in the case of Prigg against the Commonwealth of Pennsylvania, in 16 Peters, and ever since then it has been settled and accepted by all the State tribunals whose decisions I have ever seen. That statute conferring jurisdiction on State courts did not oblige them to exercise it, but they could exercise it if they saw proper unless prohibited by some State statute.

Mr. WEAVER, of Iowa. Yes; a State could accept the burden.

Mr. OATES. They can accept it unless there is a prohibitory State statute.

Mr. CRISP. There is no issue on that point.

The SPEAKER. The gentleman's time has expired.

Mr. WEAVER, of Iowa. I should like to go on for twenty minutes.

The SPEAKER. Is there objection to the gentleman continuing his remarks beyond the hour?

There was no objection.

Mr. WEAVER, of Iowa. I do not desire to detain the House much longer. But, Mr. Speaker, it is conceded here that there is power on the part of the Government to confer jurisdiction on the State courts.

Mr. CRISP. Let me call the gentleman's attention to another fact, and I will not interrupt him again. I thank him for his courtesy in yielding to me.

If any remedy exists in State courts, it exists at common law, does it not?

Mr. WEAVER, of Iowa. Certainly.

Mr. CRISP. For any violation of the common-law rule—we concede most of these provisions are the same as the common-law rule—this act provides that nothing therein shall in any way abridge or alter the remedies now existing at common law or the statutes, but the provisions of this act are in addition to such remedies.

Mr. WEAVER, of Iowa. But it is well known to every member of the House and to the gentleman, as well as to any other member, that all the practices we are now seeking to prohibit by this act have grown up under the common law. The remedies provided at common law were not sufficient. Has it not been recently decided in matters of interstate commerce the Federal courts have exclusive jurisdiction? That is my understanding; that it has been decided in two cases the Federal courts have exclusive jurisdiction in regard to interstate commerce. This act should relax that rule and confer jurisdiction upon the State courts. The people have asked for bread, and you give them a stone. They have asked for fish, and you give them a serpent.

Mr. HENDERSON, of Iowa. I wish to ask my colleague a question. Does not he know if the vote which he intends to give should be followed by the majority of this House and this bill be defeated it would be gratifying to all the railroad interests of this country from ocean to ocean and lake to gulf?

Mr. WEAVER, of Iowa. No, sir.

Mr. HENDERSON, of Iowa. Let me finish my question. Does he not know that this city has been swarming with agents of railroad corporate power in order to defeat this bill as it has been reported by the conferees?

Mr. WEAVER, of Iowa. Do not take up my time. They, of course, do not want any bill to pass; but if one must pass they want, in my opinion, just such provisions as are in this bill.

Mr. HENDERSON, of Iowa. But do you not know that the people of Iowa, whom you and I in part represent, are appealing for the passage of this bill into a law, so that the railroads may enter under the control of the national power?

Mr. WEAVER, of Iowa. I know that the people of Iowa want no such bill. I know my constituents, and, so far as I am able to ascertain the public sentiment in Iowa, it is diametrically opposed to any such bill. They want the Reagan bill.

Mr. CUTCHEON. Does the gentleman desire to be understood that he prefers no legislation at all on this subject than to have this bill?

Mr. WEAVER, of Iowa. I am going to vote against the passage of this bill. I do not propose to criticise or find fault with it, and then, demagogue like, go and vote for it, and I ask the gentleman from Iowa (my colleague) to answer me yes or no, is he satisfied with the provisions of this bill—yes or no?

Mr. HENDERSON, of Iowa. I will say Mr. Speaker——

Mr. WEAVER, of Iowa. Give me a categorical answer; yes or no.

Mr. HENDERSON, of Iowa. Let me proceed a moment and answer in my own way. I say I thank my God that I have an opportunity to vote for a bill that lays the strong hand of the General Government upon the railroads of this country.

Do you vote against the passage of this bill because it does not satisfy you in every provision?

Mr. WEAVER, of Iowa. No, sir; but when there is no important feature in it to which I can give my assent I must vote against it.

Mr. HENDERSON, of Iowa. Ah, we have then your estimate of the bill.

Mr. BUTTERWORTH. I want to ask the gentleman from Iowa this question: Does it necessarily follow because we vote against the passage of this bill, that our vote is to be taken as an indication that we favor no legislation on this subject?

Mr. WEAVER, of Iowa. No, sir; not by any means. When a man opposes the bill it does not therefore follow that he opposes legislation against the railroads, and no fair-minded man would say or think so. It is our right and duty to criticise such measures. That is what we are sent here for; and if they are inconsistent with our ideas of what is right to vote against them.

Mr. Speaker, having the power to confer jurisdiction either upon the State courts or upon the Federal courts, we deliberately refuse to exercise that power as to the State courts and force the people to go into courts where, as is publicly known, the railroads are all powerful, and where the corporations control, or are likely to control, the machinery of the courts, and where adjudications are longest delayed.

What is this but legislation in the interest of the powerful and the opulent? What is this but an attempt to make the way for the people dark, difficult, and thorny? How dare we refuse to prepare the way of the people to enter the courts which they have created for their own safety and protection? Dare we say to our constituents that neither they nor their State courts can be trusted to deal fairly with the railroads? Certainly not.

Now, one word as to the political features of this bill. I have already shown that the commission must be reconstituted during the next Presidential administration, and I have taken the pains to run over the register of the Department of Justice, and I find that five out of the nine supreme judges have passed three score and ten, and during the next Presidential term will, in all probability, in the course of human affairs have to be replaced. I have also found that out of the circuit and district judges of the United States a score of these Federal judges will also have to be replaced during the next Presidential administration.

What a powerful temptation to the railroad interests of this country to take part in your Presidential election, to set up the primaries, control your conventions, furnish the money to carry on your Presidential campaign, for the great prize of the commission that must construe this law, and the Supreme Court of the United States that must finally construe it, and the intermediary circuit and district courts that must construe it before it reaches the Supreme Court. It ought to be entitled a bill to more completely give over the control of the business and political interests of the people into the hands of the confederated monopolies.

Democrats, I adjure you to take heed to what I am saying. Is that the kind of a bill you want to pass—a bill that will enthrone the corporations in the politics of the country—that will make them all directly interested in every Presidential election?

Where did this movement originate but with the Democratic party? The author of the Reagan bill has been the champion of this controversy with the railroads for more than ten years; and the Democratic party, the Nationals, and the Anti-Monopolists have stood behind him, while the Senate has stood like a wall of iron against the passage of that measure. Finally, seeing they had to let us have something, they licked their bill into a shape satisfactory to themselves, but most dangerous to the people.

I appeal to the Democrats here to-day, and to all fair-minded men, whether Democrats or not, do they want that kind of a measure? Can any man shut his eyes to the fact that these railroad corporations have for the past decade exercised a powerful control in the politics of this nation? Does any man deny that? And will they not have an additional reason for interposing and intermeddling in the politics of this country if this bill passes?

Now, with a determination to do my duty conscientiously, I say that I shall oppose this bill not only with my voice but with my vote, acting in obedience to the express and oft-repeated pledges which I made to my constituency.

Mr. CALDWELL obtained the floor.

Mr. CRISP. I ask unanimous consent that the House take a recess until half past 7 o'clock, the evening session to be for debate on this bill only.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. BUTTERWORTH. Is it understood, then, that my friend from Georgia will press the demand for the previous question in the morning? The House is very thin now. Gentlemen who had expected to take part in the discussion are not here. If the suggestion had been made earlier in the day it might have met with a favorable response; but I do not want that the discussion shall take place to empty seats, and that after discussion of that kind the previous question shall be ordered.

The House, as my friend will observe, is very thin. This is an important question; a more important question has not been presented to this House, as he will admit. It seems to me, therefore, that a little time may properly be taken in discussing it; and, for one, I hope that, whatever may be done touching this evening session, my friend will not insist upon the previous question in the morning.

INDEBTEDNESS OF PACIFIC RAILROADS.

Mr. OUTHWAITE. I ask the gentleman from Georgia to withdraw his request for a moment in order that I may offer, for reference, a resolution asking certain information in regard to indebtedness of the Pacific railroads.

Mr. CRISP. I yield to the gentleman for that purpose.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be, and is hereby, requested to inform the House of Representatives as soon as practicable, the sums of money which were owing to the United States on the 1st day of January, 1887, giving the sums which are due, principal and interest, under existing law, severally and collectively, from said companies, and what will be the result to the Treasury and the effect upon these debts if House bill No. 8313 should become a law and its provisions be complied with.

The resolution was referred to the Committee on Pacific Railroads.

BRIDGE AT SAINT LOUIS.

Mr. CLARDY. Mr. Speaker, I ask unanimous consent to take from

the Speaker's table the bill (S. 2589) and put it upon its passage. It is a measure which will not provoke any discussion at all. A bill authorizing the construction of a bridge over the Mississippi River at Saint Louis.

Mr. HENDERSON, of Iowa. I will say, Mr. Speaker, that the controversy which has heretofore existed in regard to this bill has been harmonized and the bill has been amended so as to be satisfactory to all.

Mr. BUTTERWORTH. In other words, I understand that the bridge is going to be built in accordance with the requirements of existing law.

Mr. O'NEILL, of Missouri. Yes, sir; it is all right. Everybody is agreed on it.

Mr. HOLMAN. Are its provisions satisfactory in regard to the powers of the Secretary of War?

Mr. CLARDY and Mr. O'NEILL. Yes; that is all right.

The SPEAKER. Is the reading of the bill demanded?

Mr. CLARDY. I ask unanimous consent that the reading of the bill be dispensed with.

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELENOR C. RANSOM.

Mr. MARKHAM, by unanimous consent, introduced a bill (H. R. 10795) granting a pension to Mrs. Elenor C. Ransom; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed the bill (S. 2589) authorizing the construction of a bridge over the Mississippi River at Saint Louis, Mo.; in which the concurrence of the House was requested.

ORDER OF BUSINESS.

Mr. CRISP. Now, Mr. Speaker, I renew my request.

Mr. BUTTERWORTH. I simply desire to say that if the session this evening is desired merely for rhetorical exercises it is of no consequence whether it is held to-night or to-morrow; but if the evening session is to be held with the view of discussing the merits of this bill and affecting one way or the other the question of its passage, then I think the discussion ought to be had with a full House.

Mr. CRISP. My only purpose in making the request was to give an opportunity to gentlemen who desire to submit remarks upon this bill to do so. Two days have already been occupied in its consideration. I gave notice this morning that I hoped, with the consent of the House, to call the previous question upon it early to-morrow. Some gentlemen who wish to submit remarks upon it have not had an opportunity to do so. I regret that, and I made my suggestion in order that they might have such an opportunity, if they desired it. If there is objection——

Mr. BUTTERWORTH. I do not urge any objection, Mr. Speaker, only I desire to say to my friend that I do not think this evening session ought to be suggested to-morrow as a reason for insisting upon an early vote upon the bill.

Mr. ADAMS, of Illinois. It will be, though.

Mr. BRAGG. Will the gentleman consent that debate at this evening session shall be limited to those who have written speeches to deliver?

Mr. CRISP. It is a matter of taste how gentlemen shall present their views, or when, if they can get the floor.

Mr. DIBBLE. I move that the House adjourn.

Mr. CRISP. I hope that will not be done, for this reason: I asked the Speaker to recognize me so that I might have control of the floor to-morrow to carry out the purpose I have already announced. The understanding between the gentleman from Tennessee [Mr. CALDWELL] and myself when he was recognized was that if the House declined to order the evening session, he was to go on this afternoon. Therefore, I hope the House will not now adjourn.

The SPEAKER. Does the gentleman from South Carolina [Mr. DIBBLE] insist upon the motion to adjourn?

Mr. DIBBLE. I do.

The question was taken; and there were—ayes 28, noes 31.

Mr. CRISP. Now I renew my request——

Mr. STEELE. I call for tellers on the motion to adjourn.

Tellers were not ordered, only 11 voting in favor thereof.

The SPEAKER. The House refuses to adjourn.

Mr. CRISP. I now renew my request for unanimous consent.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the House take a recess until half past 7 o'clock this evening, the evening session to be devoted to debate on this report, no other business to be transacted.

Mr. REED. With the understanding that this is not to be urged to-morrow as a reason for closing the debate at that time. The gentleman from Georgia will accept that qualification, of course.

Mr. CRISP. I have already given notice to-day that I hoped, with the consent of the House, to call the previous question to-morrow morning.

Mr. REED. I hope the gentleman from Georgia will accept this qualification. I think we can then agree to his proposition and go about our business.

Mr. CRISP. The trouble about the disclaimer which the gentleman desires me to make——

Mr. REED. Let it be understood that you do not disclaim anything; that none of us disclaims anything, and that the question of closing debate to-morrow is to remain untouched by any action we may now take.

Mr. CRISP. Then the understanding would be that we stand to-morrow exactly as we would have stood if we had not had a session to-night.

Mr. REED. Yes, sir.

Mr. CRISP. Well, I agree to that.

Mr. DIBBLE. I object.

Mr. BUTTERWORTH. What would be the precise object of five or six persons coming here to-night to hear each other speak?

The SPEAKER. That matter is not before the House. The gentleman from South Carolina [Mr. DIBBLE] has objected.

Mr. DIBBLE. I move that the House adjourn.

Mr. CRISP. I ask the House to indulge me a moment. Perhaps members fail to understand the situation here—fail to understand that by an arrangement intended in good faith and with their distinct assent to give gentlemen an opportunity to go on to-night, I have lost the right to obtain the floor to-morrow morning when this bill is called up. The understanding was that if the House objected to a recess, they would go on now and exhaust the hour. I only ask the House to require those gentlemen to do what in good faith they should do in carrying out that agreement.

Mr. STEELE. It is now past the usual time for adjourning.

Mr. CALDWELL. I have been constantly ready to go on.

Mr. DIBBLE. I have examined the roll of those who expect to be recognized to engage in this debate, and I think it will not take very long to-morrow to finish it. The motion I make is not designed to delay the decision of this question; but several of us wish to be heard on the subject, and we do not desire to speak to empty benches to-night. That is the reason I am pressing the motion to adjourn.

The question being taken on the motion of Mr. DIBBLE that the House adjourn, it was not agreed to; there being—ayes 32, noes 33.

Mr. CRISP. I now move that the House take a recess until half past 7 o'clock this evening, for debate only on this bill.

The SPEAKER. The gentleman from Georgia moves that the House now take a recess until half past 7 o'clock this evening, with the understanding—which is no part of the motion, except by unanimous consent——

Mr. BURROWS. Will not the gentleman modify his motion by leaving off the latter clause? Let us simply take a recess until half past 7 o'clock, so as not to drive everybody away this evening.

Mr. CRISP. Certainly.

The SPEAKER. This being a privileged matter, the gentleman from Georgia has a right to call it up at any time, to the exclusion of other business. The gentleman moves that the House take a recess until half past 7 o'clock this evening.

The question being taken, there were—ayes 41, noes 14.

Mr. DIBBLE. No quorum.

The SPEAKER. The Chair will appoint as tellers the gentleman from South Carolina [Mr. DIBBLE] and the gentleman from Georgia [Mr. CRISP].

Mr. CRISP. I do not wish to weary the patience of the House by trying to do what does not seem to be in accord with the general wish. I therefore withdraw the motion for a recess, and move that the House now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned.

PETITIONS.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Memorial of the Humane Society of Western Pennsylvania, praying for the passage of the pending interstate-commerce bill—to the Committee on Commerce.

By Mr. BENNETT: Petition of the Pee Dee Manufacturing Company, for the repeal of internal-revenue laws, and for revision of the tariff—to the Committee on Ways and Means.

By Mr. BLOUNT: Petition of the heirs of Emily Speights, deceased,

late of Baldwin County, Georgia, praying that her war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. BRADY: Petition of General Daniel Ruggles, of Fredericksburg, Va., asking for an appropriation of $100,000 to develop his system of producing rainfall and resisting cyclones and tornadoes—to the Committee on Appropriations.

By Mr. CLEMENTS: Petition and papers relating to the claim of James P. Johnston, of Chattooga County, Georgia—to the Committee on War Claims.

By Mr. CONGER: Petition of the Consolidated Cattle-Growers' Association of the United States, praying for the early passage of the bill for the extirpation of pleuro-pneumonia—to the Committee on Agriculture.

By Mr. DUNN: Petition of citizens of Greene County, Arkansas, in favor of the Hatch bill—to the same committee.

Also, petition of the Chamber of Commerce of Helena, Ark., for an amendment of the oleomargarine law—to the same committee.

By Mr. GROUT: Petition of M. C. Newton and 66 others, citizens of Lunenburg, Vt., praying for repeal of the act limiting arrears of pensions—to the Committee on Invalid Pensions.

By Mr. HARMER: Petition of Bullock & Crenshaw, of Philadelphia, Pa., in favor of a reduction of internal taxes—to the Committee on Ways and Means.

By Mr. D. B. HENDERSON: Telegram from the Jobbers and Manufacturers' Union of Dubuque, Iowa, in favor of the interstate-commerce bill—to the Committee on Commerce.

By Mr. LOVERING: Resolution of the Boston Merchants' Association, favoring the passage of the bill known as the Hewitt administrative bill—to the Committee on Ways and Means.

By Mr. LYMAN: Resolution of the Consolidated Cattle-Growers' Association of the United States, urging the passage of the pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. McCREARY: Papers relating to the case of W. H. Gill, of Garrard County, Kentucky—to the Committee on War Claims.

By Mr. MARKHAM: Petition of citizens of Los Angeles, Cal., asking that a pension be granted to Mrs. Elenor C. Ransom—to the Committee on Invalid Pensions.

By Mr. PERKINS: Affidavits and evidence in support of the claim of Mrs. Francis A. Russell for a pension—to the same committee.

Also, affidavits and evidence in support of the war claim of Mrs. Elizabeth S. Munn, of Coffeyville, Kans.—to the Committee on War Claims.

By Mr. PETTIBONE: Petition of Russell Kite, for special-act pension—to the Committee on Invalid Pensions.

By Mr. STAHLNECKER: Petition of the postmasters' legislative committee, for relief of third and fourth class postmasters—to the Committee on the Post-Office and Post-Roads.

Also, petition of William Johnson Reid, relative to portrait of Samuel Chester Reid—to the Committee on the Library.

Also, petition of the New York Board of Trade and Transportation, in favor of the interstate-commerce bill—to the Committee on Commerce.

By Mr. STRUBLE: Petition of Thomas B. Wales and 7 others, prominent citizens of Iowa, asking for the passage of the bill known as the Miller bill, for the extirpation of contagious diseases among cattle—to the Committee on Agriculture.

By Mr. TUCKER: Petition of citizens of Virginia, for the repeal of the tax on tobacco, and for other purposes—to the Committee on Ways and Means.

By Mr. VOORHEES: Memorial of the Tacoma Chamber of Commerce, praying for the favorable consideration of the bill (S. 2169) providing for the payment of Indian depredations claims arising out of Indian wars of 1855 and 1856—to the Committee on Indian Affairs.

By Mr. WHEELER: Petition of Lucy M. Hightower and James L. Hightower, of Limestone County, and of Joseph B. Johnson, of New Market, Madison County, Alabama, requesting that their claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WORTHINGTON: Petition of merchants and manufacturers of Peoria, Ill., for reduction of internal-revenue tax—to the Committee on Ways and Means.

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. DAVENPORT: Of 274 citizens of the twenty-ninth district of New York.

By Mr. ELDREDGE: Of 281 citizens of the second district of Michigan.

By Mr. T. J. HENDERSON: Of 169 citizens of the seventh district of Illinois.

By Mr. HOPKINS: Of 39 citizens of the fifth district of Illinois.

By Mr. LORE: Of 240 citizens of Newcastle County, Delaware.

By Mr. VOORHEES: Of the Women's Christian Temperance Union of Washington Territory.

By Mr. WORTHINGTON: Of 465 citizens of the tenth district of Illinois.

SENATE.

THURSDAY, *January* 20, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

WILLIAM DICKENS—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, ordered to be printed, and, with the accompanying paper, referred to the Committee on Pensions:

To the Senate:

I return without approval Senate bill 2269, entitled "An act granting a pension to William Dickens."

The beneficiary named in this bill filed his application for pension in the Pension Bureau in 1880, and in December, 1886, the same was granted, taking effect from the 15th day of October, 1864.

If the bill herewith returned should become a law, it would permit the payment of a pension only from the date of its approval. Thus if it did not result in loss to the claimant by superseding the action of the Pension Bureau, it is plain that it would be a useless enactment.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January* 19, 1887.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of State relative to an application for the relief of the widow of Moses A. Hopkins, late United States minister to Liberia; which was referred to the Committee on Appropriations, and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE, *Washington, January* 19, 1887.

SIR: I have the honor to inform you that the Department has been credibly advised of the reduced financial condition of Mrs. Hopkins, widow of Moses A. Hopkins, lately minister resident and consul-general of the United States to Liberia, and asked to take such action as may be consistent with former precedents in such cases to relieve Mrs. Hopkins.

There is no provision of law which enables this Department to relieve Mrs. Hopkins in any amount except by the payment of that which she may legally claim on account of salary due at the date of her husband's death upon filing the necessary papers of administration and her "widow's allowance" to enable her to return to her home. But, in view of the past action of Congress in giving the widows of diplomatic officers who die abroad in the service of the Government, either a part or the whole of a year's salary, and, in consideration of what I understand to be her present necessitous condition, I submit her case to Congress in order that the justice of such a measure for the relief of Mrs. Hopkins may be considered.

Mr. Hopkins received a recess commission, dated September 11, 1885, which was supplemented by one upon confirmation, dated January 13, 1886. He died at Monrovia, August 3, following. His salary was at the rate of $5,000 per annum, and there is a balance due his estate of about $640.

The widows of deceased diplomatic officers who have received compensation from Congress under circumstances identical with those of Mrs. Hopkins are as follows:

Mrs. Taylor, widow of Bayard Taylor, act approved March 3, 1879, $7,000;

Mrs. Hurlbut, widow of General Hurlbut, joint resolution approved July 28, 1882, one year's salary;

Mrs. Kilpatrick, widow of General Judson Kilpatrick, joint resolution approved July 28, 1882, one year's salary;

Mrs. Garnet, widow of Rev. H. H. Garnet, the predecessor of Mr. Hopkins, joint resolution approved July 28, 1882, one year's salary;

Mrs. Marsh, widow of George P. Marsh, act approved March 3, 1883, one year's salary;

Mrs. Venable, widow of William E. Venable, act approved December 23, 1884, $5,636.87, being balance of one year's salary;

Mrs. Wing, widow of E. Rumsey Wing, and Mrs. Hunt, widow of William H. Hunt, act approved March 3, 1885, one-half year's salary each; and

Mrs. Phelps, widow of Seth Ledyard Phelps, act approved August 3, 1886, one year's salary.

I have the honor to be, sir, your obedient servant,

T. F. BAYARD.

Hon. JOHN SHERMAN,
President pro tempore of the Senate.

REPORT OF CIVIL SERVICE COMMISSION.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a report of the Civil Service Commission, made in reply to a resolution of July 22, 1886, in regard to the civil service rules and regulations and action thereunder. The communication, with the accompanying report, will be referred to the Committee on Civil Service and Retrenchment. The question of printing the document will be referred to the Committee on Printing, as it is very long.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of the Legislative Assembly of Idaho Territory, remonstrating against adding any portion of that Territory to a State or another Territory; which was referred to the Committee on Territories.

He also presented a petition of the Ohio State Grange, praying for the passage of the agricultural experiment-station bill, and also the interstate-commerce bill; which was ordered to lie on the table.

Mr. PLUMB. I have in my hand certain petitions adopted by Grand Army posts in the State of Kansas, praying for the passage of what is known as the Edmunds-Tucker bill on the Mormon question, whatever that bill may be.

Mr. EDMUNDS. It is the polgyamy bill, which has passed the Senate, has been amended by the other House, and is now in conference.

The PRESIDENT *pro tempore*. The petitions will lie on the table.

Mr. COCKRELL. I present a very numerously signed petition from merchants and manufacturers of Saint Louis, Mo., praying for the re-

peal of the internal-revenue taxes. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. SAULSBURY presented the petition of Frank Moore, of New York city, praying for suitable legislation to prevent the granting of any copyright for any historical or scientific publication that does not contain a complete analytical index of the contents thereof; which was referred to the Committee on the Library.

Mr. GIBSON. I present a petition praying for the repeal of the internal-revenue taxes, signed by sugar-planters, merchants, manufacturers, and mechanic laborers of Louisiana, who respectfully represent—

1. That internal taxation was resorted to by the General Government as a war measure, and should not be maintained during times of peace. A number of internal taxes which were impediments to commerce or were petty exactions which annoyed and cost the people more than they benefited the revenue were wisely repealed in 1883.
2. Others produce an enormous and unnecessary revenue, creating a surlpus which endangers the economical administration of the Government.
3. The tax on tobacco is an exceptional burden upon agriculture.
4. The tax on spirits requires an army of detectives and another army of soldiers to prevent illicit distillation, and keeps portions of the country in a disturbed condition. As spirits are largely used in the arts and in medicines, the tax on them is a real burden upon the people who use them for these purposes, or who consume the articles produced from them. Repeal of this tax would tend to do away with the injurious adulterations now extensively practiced.
5. The collection of internal taxes involves a supervision by the Government, which employs several thousand agents at a cost of millions of dollars annually.

For these reasons they pray that the internal taxes may be reduced as rapidly as the condition of the Treasury will allow.

This petition is signed by R. Milliken, Samuel Delgrado, J. G. Mory, Emile Rost, and many other gentlemen of high standing in the State of Louisiana. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. SABIN presented resolutions adopted by the Saint Paul (Minnesota) Chamber of Commerce, favoring legislation for the suppression of cattle diseases; which were referred to the Committee on Agriculture and Forestry.

Mr. FRYE. I present a memorial or resolution from the John A. Hodge Post, Grand Army of the Republic, located at Canton, Me., warmly indorsing the bill that is known as the Edmunds-Tucker bill for the suppression of the practice of polygamy. As that bill has been reported, I move that the memorial lie on the table.

The motion was agreed to.

Mr. HOAR presented the petition of H. C. Bradford and 40 other citizens of Boston, and the petition of W. Gray and a large number of other citizens of Boston, praying for a reduction of the special taxes on oleomargarine, so as to correspond with the annual license taxes on dealers in whisky, beer, and tobacco; which were referred to the Committee on Finance.

Mr. VEST presented a petition of citizens of Saint Louis, Mo., praying for a reduction of internal-revenue taxes; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. HAMPTON, from the Committee on Indian Affairs, to whom was referred the bill (S. 97) for the relief of Basil Moreland, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Military Affairs, to whom was referred the amendment proposed by Mr. MITCHELL, of Oregon, to the sundry civil appropriation bill providing for an appropriation of $5,000 for the purpose of enabling the Secretary of War to repair the Signal Service cable at the mouth of the Columbia River, in Oregon and Washington Territory, reported it with the recommendation that the amendment be adopted, and moved its reference to the Committee on Appropriations; which was agreed to.

Mr. WHITTHORNE, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, and moved that they be indefinitely postponed; which was agreed to:

A bill (S. 1542) granting a pension to James McLaughlin; and

A bill (S. 1563) granting a pension to James McLaughlin.

Mr. WHITTHORNE, from the Committee on Pensions, to whom was referred the petition of Sarah E. Thompson, widow of William M. Thompson, late private in Company H, Eightieth Regiment Indiana Volunteers, praying to be allowed a pension, submitted an adverse report thereon; which was agreed to, and the committee were discharged from the further consideration of the petition.

Mr. JONES, of Arkansas, from the Committee on Indian Affairs, to whom were referred the following bills, reported each with an amendment:

A bill (S. 3041) granting the Spokane and Palouse Railway Company the right of way through the Cœur d'Alene Indian reservation; and

A bill (S. 3026) granting the Washington and Idaho Railroad Company the right of way through the Cœur d'Alene Indian reservation.

Mr. MANDERSON, from the Committee on Military Affairs, reported an amendment intended to be proposed to the sundry civil appropriation bill; which, with the accompanying report, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT. The Committee on Patents, to whom was referred the bill (H. R. 4594) for the relief of John R. Harrington, which provides for extending certain patents, direct me to report the same back unfavorably, with the recommendation that the bill be indefinitely postponed. I have been requested by some Senators to allow the bill to go upon the Calendar, and I ask that it may be placed upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar, with the adverse report of the committee.

Mr. SPOONER, from the Committee on the District of Columbia, to whom was referred the bill (S. 2993) to quiet title to certain land in the city of Washington, D. C., reported it without amendment.

Mr. VEST, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 2856) to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes;

A bill (H. R. 7860) to amend an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; and

A bill (H. R. 9653) to amend section 3058 of the Revised Statutes.

Mr. GORMAN, from the Committee on Commerce, to whom was referred the bill (S. 3116) for the relief of night inspectors of the ports of New York and Baltimore, reported it without amendment.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3121) for the erection of a public building at Hanover, N. H., reported it without amendment.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 574) for the relief of Robert Strachan, with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 2589) authorizing the construction of a bridge over the Mississippi River at Saint Louis, Mo.

BILLS INTRODUCED.

Mr. MITCHELL, of Oregon, introduced a bill (S. 3179) to pay the Oregon Indian war claims audited by Philo Callender, war commissioner; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3180) for the relief of Hiram Smith, of Oregon; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3181) granting a pension to William Weist; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MAHONE introduced a bill (S. 3182) for the completion of the monument to Mary, the mother of Washington, at Fredericksburg, Va.; which was read twice by its title, and referred to the Committee on the Library.

Mr. McPHERSON introduced a bill (S. 3183) to amend an act entitled "An act to authorize the construction of a bridge across the Staten Island Sound, known as Arthur Kill, and to establish the same as a post-road," approved June 16, 1886; which was read twice by its title.

Mr. McPHERSON. I ask unanimous consent that I may make a single statement touching the bill, because it may seem rather an unusual affair to offer in the Senate a bill to amend an act passed last year for the construction of a bridge across Staten Island Kill. I only wish to make this statement in order that I may impress upon the Committee on Commerce, to whom I ask to have the bill referred, an immediate consideration of the bill in order that some plan better than the one now devised may be made for the construction of the bridge.

The Secretary of War, under the power and responsibility imposed upon him by the act passed last winter, proceeded to call to his aid a board consisting of five engineer officers of the Army. They have reported adversely to the proposed bridge as embodied in the act of last session. The bill that I offer proposes a modification of the existing law so as to conform to the report and the opinion of the engineers appointed by the Secretary of War.

There is no disposition certainly upon my part, nor upon the part of anybody so far as I know, to interfere with the construction of the bridge. All we desire is that the bridge shall be built in a manner that will not seriously interfere with navigation.

A single sentence from the report of the board of engineers to my mind is sufficient to justify me in saying that this modification is needed and should be made. I read what they say on page 3 of the report:

It is thus seen that so far as tonnage is concerned this is one of the great water-ways of this country, and indeed of the world.

* * * * * * *

The water-way is at present a most important one, and will be of still greater importance in the future. The removal of a natural obstruction so serious as a pier in the middle of the stream would be urgently and rightly demanded even at great cost. The obstruction is not there now, and it should not be placed there to the injury of navigation, in order to save a few thousand dollars to the railroad company.

I move that the bill be referred to the Committee on Commerce, and I respectfully ask that committee to take immediate action upon it, in order that we may arrive at some decision in the matter before the close of the present Congress.

The motion was agreed to.

Mr. HOAR introduced a joint resolution (S. R. 96) for procuring a descriptive catalogue of certain documents in Europe, relating to America; which was read twice by its title, and referred to the Committee on the Library.

Mr. EVARTS introduced a joint resolution (S. R. 97) providing for the printing of 4,500 copies of Finley's Storm-track Charts of the North Atlantic Ocean; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Printing.

AMENDMENT TO A BILL.

Mr. SHERMAN submitted an amendment intended to be proposed to the bill (S. 3114) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company; which was referred to the Committee on Finance, and ordered to be printed.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The introduction of concurrent or other resolutions is now in order.

Mr. MITCHELL, of Pennsylvania. I gave notice yesterday that I should this morning after the conclusion of the morning business ask the Senate to consider the bill (H. R. 10457) for the relief of dependent parents and honorably discharged soldiers and sailors who are now disabled and dependent upon their own labor for support, which was passed by the House of Representatives on Monday last. If there is nothing further in the way of routine morning business, I desire to make that motion at this time.

Mr. HOAR. I call up the report of the conference committee on the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon.

Mr. CONGER. Does that take the place of morning business?

The PRESIDENT *pro tempore*. It does not. Morning business is entitled to precedence.

Mr. CONGER. Has the order of "reports of committees" been passed?

The PRESIDENT *pro tempore*. All the orders of morning business have been called, but the Chair will receive any such business now, if there be no objection.

IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS.

Mr. CONGER. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 3289) to amend section 5 of the act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, to report the bill and recommend its passage without amendment. I ask to have an immediate consideration of the bill. There will be no objection to it.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. CONGER. I ask for the present consideration of the bill.

The PRESIDENT *pro tempore*. The Senator from Michigan asks the unanimous consent of the Senate to proceed to the consideration of the bill now. Is there objection?

Mr. MANDERSON. I ask to have the bill read for information.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk proceeded to read the bill, but before concluding was interrupted by

Mr. HOAR. Mr. President, before the reading of the bill proceeds further I should like the attention of the Senator from Michigan one moment.

I presented an amendment to the bill, which was called to my attention by an eminent business man of Boston. It was referred to the Committee on Commerce. I called upon the chairman of the Committee on Commerce last Saturday, and he informed me that my amendment had been referred to the Secretary of the Treasury, and that the Secretary of the Treasury had expressed approbation of it, or had said that the Department saw no objection to it.

Mr. CONGER. What is the point covered by the amendment?

Mr. HOAR. I can not state exactly from recollection. I would have sent for it if I had known the bill was to be called up.

Mr. MORRILL. I suggest to the Senator——

Mr. HOAR. I believe I have the floor, Mr. President, if my friend will permit me.

The PRESIDENT *pro tempore*. The reading of the bill is the first thing in order.

Mr. HOAR. I asked to have the reading suspended, that I might make a statement.

The PRESIDENT *pro tempore*. By unanimous consent the Senator may proceed.

Mr. HOAR. The chairman of the committee informed me that the matter would be laid before the committee on Thursday morning—this morning; and he now informs me, that it escaped his recollection and was not brought to the attention of the committee. Under these circumstances I ask my friend to allow this bill to lie over until to-morrow, in order that I may have my amendment brought to the attention of the committee.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. HOAR. I must object, under the circumstances.

The PRESIDENT *pro tempore*. Objection being made to its present consideration, the bill will be placed on the Calendar.

Mr. CONGER. I desire to say now, so that Senators may know it, that there are only two points in which the law is amended by this bill. The recital which has been read is of the present law, with the addition of one point as to passengers' baggage, and another point as to the size of the package where it can not be put into the prescribed safes. Those are the only amendments of the present law. The recital is a reprint of the section with these additions, so that Senators on looking at it will understand that all the provisions of the bill except these two are in the law now, and are merely recited again in the bill.

I will say, if the Chair will allow me a moment further, that there is great anxiety to have this bill acted upon early, and I desire to have the action of the Senate upon it. If the matter is to go over I shall call it up as soon as I look at the amendment of the Senator from Massachusetts, and with the assent of the committee, if it is a proper one, recommended by the Department, I shall report in favor of the passage of the bill with the amendment.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. MANDERSON. Before the matter passes from the consideration of the Senate I ask consent only to make a suggestion to the Senator from Massachusetts with reference to the bill.

The PRESIDENT *pro tempore*. There is no question before the Senate.

Mr. MANDERSON. I simply ask consent to make a suggestion in reference to the bill reported by the Senator from Michigan.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks the unanimous consent of the Senate to make a statement to the Senate. The Chair hears no objection, and the Senator from Nebraska will proceed.

Mr. MANDERSON. The suggestion is simply that there are many ports of delivery mentioned in section 7 of the act which is proposed to be amended, declared to be dutiable ports, but which by the order of the Treasury Department have been excluded from those privileges. I think they are eight or ten in number. What I desire to suggest to the Senator from Michigan is that this bill should be so amended that those ports shall have the benefit of the immediate transportation clause of the section. I hope that may be done.

Mr. CONGER. That can be done if they are authorized by Congress to be immediate ports of entry; but a port of delivery can not be so except by the special authority of Congress, specifying it in section 7 as a port to which the immediate transportation law applies.

Mr. MANDERSON. It has been done by the Department.

ORDER OF BUSINESS.

Mr CALL and Mr. HOAR addressed the Chair.

The PRESIDENT *pro tempore*. Is there further morning business?

Mr. CALL. I desire——

The PRESIDENT *pro tempore*. The Senator from Florida addressed the Chair. The Chair does not know for what purpose.

Mr. CALL. I desire to call up the resolutions which I was discussing yesterday when I was prevented from concluding my remarks by the desire of the Senate to proceed to the consideration of executive business. I am entirely willing to give way for any matter which does not require any debate, but I presume I have a right to the floor.

The PRESIDENT *pro tempore*. The Senator has not yet a right to the floor, for morning business is still in order.

Mr. HOAR. I rise to a privileged question.

The PRESIDENT *pro tempore*. The Senator from Massachusetts rises to a privileged question.

Mr. HOAR. I call up the conference report——

The PRESIDENT *pro tempore*. The Chair decides that pending morning business that is not a privileged question.

Mr. HOAR. The morning business has been declared closed.

The PRESIDENT *pro tempore*. The Chair——

Mr. HOAR. If the Chair will pardon me, it is certainly my privilege to state my point. The Chair declared the morning business closed. I rose and called up a privileged report and yielded to another Senator for a special purpose. I think, while I am perfectly willing to yield to morning business, I am not to be taken off my feet by the Chair ruling that the morning business is in order as a matter of right. It was declared closed by the Chair expressly, and so announced.

The PRESIDENT *pro tempore*. The Chair was about to declare the morning business closed when morning business interposed. The Senator from Michigan [Mr. CONGER] rose to morning business, and the Chair, in accordance with the universal usage of the Senate, received the morning business. The very moment the morning business is over, the privilege of the report referred to by the Senator from Massachusetts attaches.

Mr. HOAR. I ask the Chair if, under the rule, a conference report

has not the privilege over morning business. I do not desire to press the right, but I so understand the rule.

The PRESIDENT *pro tempore*. The Chair is of opinion that until 1 o'clock morning business has privilege.

Mr. HOAR. I beg leave respectfully to enter an appeal from that decision, and I desire to call the attention of the Chair to the fact that the privilege of conference reports which takes a member who is speaking off his feet, and which is absolutely necessary to the finishing up of the business of the session in its closing days, always has been held to take precedence of morning business. Does the Chair claim that on the last day of a session the thirteen appropriation bills would have to wait until 1 o'clock before the conference reports upon them could be taken up? That would be a novelty in the history of the Senate.

The PRESIDENT *pro tempore*. The Chair will read the rule and submit the appeal to the Senate.

Mr. CALL. Mr. President——

The PRESIDENT *pro tempore*. The rule is very plain.

Mr. CALL. Mr. President——

The PRESIDENT *pro tempore*. Until this matter is disposed of, nothing is in order. There is an appeal pending.

Mr. CALL. I was going to raise a question of order.

The PRESIDENT *pro tempore*. A question of order is pending, and until that is disposed of the Senator is not in order.

Mr. CALL. Is it not proper to suggest another question of order which may displace the one pending at this time?

The PRESIDENT *pro tempore*. The Chair thinks not, pending a question of order. The Chair will read the rule under which morning business is conducted:

[RULE VII.]

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2. Until the morning business shall have been concluded, and so announced from the Chair, or until the hour of 1 o'clock has arrived, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the Calendar shall be entertained by the Presiding Officer, unless by unanimous consent.

Mr. HOAR. This is not a motion. Now, will the Chair read the rule as to conference reports?

The PRESIDENT *pro tempore*. The Chair will read again from the seventh rule:

No motion to proceed to the consideration of any bill, resolution, report of a committee—

Mr. HOAR. This is not a motion to proceed to the consideration of the report of a committee.

The PRESIDENT *pro tempore*. The Chair thinks it is. It is the report of a committee of conference.

Mr. HOAR. If the Chair will look at the rule with reference to reports of conference committees, he will see that it does not depend upon a motion. The report of a conference committee, which is absolutely necessary to the completion of the business of a Congress at the time of its adjournment, is always in order. It is in order even when a member is addressing the Senate to take him off his feet at any moment. That has been the uniform usage. When a member calls up a conference report it is in the power of the Senate to raise the question of consideration, and to postpone it or to refuse to consider it; but the calling it up, submitting the question whether it shall be considered or not, is always in order, under an express and separate rule, which overrides altogether the rule which the Chair has read. That rule is that no motion shall be in order except of a certain kind until 1 o'clock; but the rule to which I refer is that the submitting of a conference report shall be always in order. If, however, we stood on the matter of morning business, a conference committee is as much a committee as any other; and I might make my report under the call of reports of committees, if that were what we are proceeding on.

I beg to state to the Chair that I have no sort of desire to have this matter come up at this time to the exclusion of morning business. I make the appeal from the decision of the Chair merely that a precedent may not be hastily established which would work infinite mischief in the business of the Senate if it were established.

The PRESIDENT *pro tempore*. The Chair will submit the appeal to the Senate.

Mr. FRYE. The rule to which the Senator from Massachusetts refers is Rule XXVII; which reads that—

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

If the conferees, in the morning hour even, presented a conference report, it would, in my judgment, be in order; but this report was presented several days ago and was received and is on the table. It can not be taken from the table without a motion; and, in my judgment, that motion is not in order before 1 o'clock.

The PRESIDENT *pro tempore*. The Chair so understands the rules. The Chair does not desire anything except to get the fair construction of the rules. Construing the rules together, the Chair is clearly of the opinion that while the presentation of a report of a committee of conference has precedence, a motion to take up the report for consideration on a subsequent day must be treated like any other motion to proceed to the consideration of a bill upon the Calendar, which can be made only by unanimous consent until after the morning business is closed; after which the motion takes precedence of any other motion.

Mr. HOAR. This report was presented the other day, and it being desirable to proceed to something else it was withheld.

The PRESIDENT *pro tempore*. It is journalized as having been made and as pending.

Mr. HOAR. I should like to have the Journal read on that subject. I am sure it does not speak of laying the report before the Senate for action.

The PRESIDENT *pro tempore*. The Chair will send and get a printed copy of the Journal.

Mr. MANDERSON. Pending the settlement of this question can we go on with morning business?

The PRESIDENT *pro tempore*. Pending the question the Senator from Nebraska asks the unanimous consent of the Senate to proceed with morning business. Is there objection? The Chair hears none.

WHARTON'S DIGEST OF INTERNATIONAL LAW.

Mr. MANDERSON. I present a concurrent resolution at the request of the Secretary of State, and ask that it be referred to the Committee on Printing.

The concurrent resolution was read, and referred to the Committee on Printing, as follows:

Resolved by the Senate (the House of Representatives concurring), That 1,000 additional copies of Wharton's Digest of International Law be printed and bound for the use of the Department of State, the binding to be under the direction of the Department of State.

ORDER OF BUSINESS.

Mr. CALL. I do not desire to object to routine morning business, but I wish to understand what my position before the Senate is. I was addressing the Senate yesterday on a resolution which I understood to be morning business. Pending my speech the Senator from Vermont [Mr. EDMUNDS] moved to go into executive session, and I yielded for that purpose. I desire to know whether the resolution does not properly come up in the order of resolutions in the morning hour to-day, so that my remarks may proceed. I do not desire to interfere with any Senators who have business to present that will not take up time in discussion. I ask the Chair whether I am not entitled to the floor, not desiring to stand in the way of further routine morning business.

The PRESIDENT *pro tempore*. The Senator from Florida has undoubtedly the right, by the established courtesy of the Senate, after the morning business, to call for a vote upon his resolution or to discuss it, subject however to the right of a committee of conference to make its report.

Mr. EDMUNDS. That is when we reach the order of resolutions. Whatever may be the rule, certainly, from the kindness of the Senator from Florida, yesterday, I should do all that I could to give him the opportunity to go on when he thought it necessary to do so; but I wish to appeal to him again, in advance of the time I shall make the motion, that after we have gone through with the pension bills, that we all wish to consider and deal justly about, he withhold concluding his speech for another day, until we can finish the subjects which we had under discussion yesterday.

Mr. HOAR. I understand the portion of the Journal which determines the exact status of the conference report is at the Printing Office, and can not be had at the present moment. Therefore, I will withdraw the appeal which I made.

I desire, however, to give notice that if the question should arise again I shall submit the appeal to the Senate. I am informed by the Senator from Tennessee [Mr. HARRIS] that the present occupant of the chair ruled the other day precisely in accordance with the claim which I now make, as he so understood it.

Mr. EDMUNDS. I do not think he did pending morning business.

The PRESIDENT *pro tempore*. The appeal is withdrawn, and there is no question before the Senate.

WOMAN SUFFRAGE.

Mr. BLAIR. I ask the attention of the Senate for a moment to give notice that next Tuesday morning at the close of the business of the morning hour I will move to take up the joint resolution (S. R. 5) proposing an amendment to the Constitution of the United States extending the right of suffrage to women, for the purpose of proceeding with the same until it is disposed of. It will be remembered that at the opening of the session, on the 8th day of December, this measure was before the Senate for final disposition, but the Senator from Georgia [Mr. BROWN] being absent, he being a member of the committee and having made known his desire to be heard, it was decided to postpone the resolution with the privileges of unfinished business. That arrangement was made and assented to, and the measure was thus disposed of. The Senator from Georgia has returned, and I have conferred with him, and I understand him to say that he probably will be able to go on with the resolution by next Monday. I have fixed Tuesday, so that there may be no mistake. I will read—for it is but a few words—the understanding at the time the matter was postponed.

Mr. COCKRELL, the chairman of the committee said:

As the Senator says, others may wish to speak, and when we ascertain that, we can arrange when the vote shall be taken. In the mean time we can leave the joint resolution on the Calendar, so as to be called up at any time. It may be left as unfinished business, perhaps.

Mr. BLAIR. I should like that very much indeed, with the understanding that a vote be not pressed until a proper opportunity comes, after what has been said.

The PRESIDING OFFICER (Mr. SEWELL in the chair). If there be no objection, that order will be made, and the joint resolution will be laid aside, retaining its present position on the Calendar.

It was postponed with that understanding, and, as I have said, next Tuesday morning at the close of the morning business I will move to take up the resolution.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore*. Is there further morning business?

Mr. HOAR. I desire to inquire of the Chair whether a letter of the Secretary of State, with certain papers accompanying the same in regard to foreign archives, has been presented to the Senate this morning.

The PRESIDENT *pro tempore*. There was a letter from the Secretary of State presented.

Mr. HOAR. I desire that the letter and the accompanying papers be printed, both the letter and the documents accompanying it. The accompanying papers are letters from Mr. Parkman and other gentlemen high in authority as historians.

The PRESIDENT *pro tempore*. The order to print will be made if there be no objection.

FLORIDA LAND FORFEITURE.

Mr. CALL. Mr. President, before proceeding with the remarks which I was submitting to the Senate yesterday——

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the resolutions submitted by the Senator from Florida [Mr. CALL] on the 7th instant.

The CHIEF CLERK. Resolutions of Mr. CALL to provide for the forfeiture of certain lands granted to the State of Florida to aid in the construction of a line of railroad from Fernandina to Tampa Bay, Florida.

Mr. CALL. Mr. President, before proceeding I ask to amend the resolution by making it a joint resolution, and in the second paragraph, after the word "against," by striking out "all corporations" and inserting "Florida Navigation and Railway Company;" so as to read:

2. *Resolved*, That the Attorney-General of the United States be instructed to bring suit through the district attorneys of the United States for an injunction against the Florida Navigation and Railway Company, or their agents, &c.

Then I propose to strike out the words "States or railroad companies," and insert the words "State of Florida."

The PRESIDENT *pro tempore*. The Senator will send forward his amendments to the desk.

Mr. HOAR. I should like to inquire of the Senator from Florida if he desires to proceed with his remarks before we take up the conference report.

Mr. CALL. I will yield to the Senator from Massachusetts, if he desires it, provided there is to be no discussion of the subject.

Mr. HOAR. I presume there will be none.

Mr. CALL. With that understanding, I am willing to yield.

The PRESIDENT *pro tempore*. Does the Senator from Florida yield at this stage?

Mr. CALL. I will, after submitting the amendments. As I propose to amend, the resolution will read:

A joint resolution (S. R. 98) relative to the forfeiture of certain lands granted to the State of Florida to aid in the construction of a line of road from Fernandina to Tampa Bay, Florida:

Be it resolved, &c., That the grant approved May 17, 1856, granting lands to the State of Florida for the construction of a line of railroad from Fernandina, Fla., to Tampa, Fla., and from the Saint John's River, Florida, to Pensacola, Fla., should be forfeited as to all lands not earned before the time fixed in the act for the expiration of the grant, namely, ten years from the date of the approval of the act in May, 1856; and that the said lands so forfeited shall revert to the United States and be subject to homestead settlement, reserving to all actual settlers the right to 160 acres of land, and the right to enter, at the price of $1.25 per acre, 80 acres of land where they have purchased the same or the improvements on it; and that the Committee on Public Lands be instructed to report a bill to the Senate to this effect.

Resolved further, That the Attorney-General of the United States be instructed to bring suit, through the district attorneys of the United States, for an injunction against the Florida Navigation and Railway Corporation or their agents attempting to sell, or selling, or advertising for sale the lands of the United States embraced in the grant made to the State of Florida under the act entitled "An act granting public lands in alternate sections to the States of Florida and Alabama to aid in the construction of certain railroads in said States," approved May 17, 1856, while bills for the forfeiture of the same shall be pending before Congress which have been or shall be recommended by the committees of either House of Congress to be forfeited.

The joint resolution was read twice by its title.

The PRESIDENT *pro tempore*. The resolution will be modified as proposed, if there be no objection.

COUNTING OF ELECTORAL VOTES.

Mr. HOAR. I now move to take up the conference report on the bill (S. 9) fixing a day for the meeting of the electors for President, &c.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate proceed to the consideration of the conference report named by him.

Mr. EDMUNDS. I understand from the ruling of the Chair that doing this as a privileged matter would not displace the resolution of the Senator from Florida [Mr. CALL], so that this being disposed of the Senator from Florida will be entitled to go on. I think it is fair to him that that should be understood.

Mr. CALL. That is my understanding, Mr. President.

The PRESIDENT *pro tempore*. The Senator from Florida undoubtedly will have the right to the floor in the next morning hour, or at any time before 2 o'clock.

Mr. CALL. My purpose was to yield to the Senator from Massachusetts on the condition which he agreed to, that his report should be taken up subject to objection if there was discussion; that he would not insist upon it if it led to discussion. That was the understanding.

The PRESIDENT *pro tempore*. The question is on the motion to proceed to the consideration of the conference report.

The motion was agreed to; and the Senate proceeded to consider the report of the committee of conference on the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon.

The PRESIDENT *pro tempore*. The report will be read.

Mr. EDMUNDS. I understand that this conference report was read when it was presented, and therefore the simple question is on agreeing to it. I wish to say that as agreed upon by the conferees of the two Houses, as I understand it and as I believe they understand it, it is in substance and, except in two or three lines, in the very form that the Senate have passed it over and over again; and so I suggest that it is not necessary to read the report again, but we ought to act upon it at once.

The PRESIDENT *pro tempore*. If the reading is not called for, it having been previously read at length, the Chair will put the question on agreeing to the report of the conference committee.

Mr. WILSON, of Iowa. Mr. President, I do not intend to engage in any extended discussion of this report, but I merely wish to state, in the briefest manner possible, that I can not vote for concurrence, for the reason that I can not agree to the doctrine upon which this report is based.

As I understand it, it assumes to the two Houses of Congress acting concurrently the jurisdiction to determine and induce the circumstances out of which would spring the right of the House of Representatives to elect a President of the United States and of the Senate to elect a Vice-President. I do not believe that the Constitution contemplated a jurisdiction of that character in the two Houses of Congress; and inasmuch as I believe this bill proposes to assume a jurisdiction which, in my judgment, is prohibited by the Constitution, I shall content myself with voting against the bill, having expressed myself more at length when the Senate bill was before the body during the last session of Congress.

The PRESIDENT *pro tempore*. The question is on agreeing to the report of the committee of conference.

The report was concurred in.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. 356) granting a pension to Lucinda Barrett;
A bill (H. R. 429) granting a pension to Harry McElhinny;
A bill (H. R. 927) granting a pension to Cudbert Stone;
A bill (H. R. 929) granting a pension to G. W. Fraley;
A bill (H. R. 1860) granting a pension to Frederick Robertson;
A bill (H. R. 4103) granting a pension to M. S. Clay;
A bill (H. R. 4265) granting a pension to Josiah Mahoney;
A bill (H. R. 5599) granting a pension to Joshua L. Morris;
A bill (H. R. 5894) for the relief of Elon A. Marsh and Minard Lafever;
A bill (H. R. 6132) granting a pension to William Lynch;
A bill (H. R. 6314) to increase the pension of James Carlin;
A bill (H. R. 6443) granting a pension to Alexander Falconer;
A bill (H. R. 6817) granting a pension to Thomas Brown;
A bill (H. R. 6819) granting a pension to William Conner;
A bill (H. R. 6825) granting a pension to James R. Baylor;
A bill (H. R. 6832) granting a pension to Mrs. Catharine Sattler;
A bill (H. R. 7540) to increase the pension of Franklin Sweet;
A bill (H. R. 7696) for the relief of George W. Robaugh;
A bill (H. R. 7698) granting a pension to Robert K. Bennett;
A bill (H. R. 7796) granting a pension to James Long;
A bill (H. R. 8150) granting a pension to Jesse Campbell;
A bill (H. R. 8180) to increase the pension of Charles Hahneman;
A bill (H. R. 8280) granting a pension to John Patton;
A bill (H. R. 8310) granting a pension to Cyra L. Weston;
A bill (H. R. 8474) granting a pension to James McGlen;
A bill (H. R. 8623) granting a pension to Mary E. Hedrick;
A bill (H. R. 8827) granting a pension to John Buchanan;
A bill (H. R. 8830) granting a pension to Aaron Garis;

A bill (H. R. 8834) granting a pension to Abraham P. Griggs;
A bill (H. R. 8835) granting a pension to Jacob Case;
A bill (H. R. 8836) granting a pension to John Miller;
A bill (H. R. 9129) granting a pension to Rebecca Wiswell;
A bill (H. R. 9167) granting a pension to Joseph F. Kirkhart;
A bill (H. R. 1171) to amend an act entitled "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," approved June 3, 1884; and
A bill (H. R. 7616) for the relief of W. D. Havely.

EXECUTIVE SESSION.

Mr. CALL. Mr. President——

Mr. EDMUNDS. Now I wish to appeal to my friend from Florida if he will yield to me to move an executive session. He was so kind as to do it yesterday, and I only ask him in view of existing circumstances whether he will not be willing to do so now.

Mr. CALL. I can not hope that the relief which I desire to obtain for these poor people in Florida can be had without the consent of the Senator from Vermont and other Senators. I think it important that we should decide upon the action which I ask at the earliest possible day, inasmuch as the lands of these people are now advertised to be sold, I think on the 26th or 27th day of January. The passage of this resolution by the Senate will, no doubt, be a declaration to the parties concerned that such a sale will be entirely illegal and void, and will give confidence and satisfaction to the people who are so seriously disturbed.

Now, if the Senator from Vermont thinks that the public interests will be better served by passing over this resolution at the present moment and going into executive session, leaving me the privilege of commencing my address upon the termination of the executive session, I shall yield to him. I submit it to his decision.

Mr. EDMUNDS. I think it will be better, because it is so late now that whether this resolution passes before or after the 26th of January will make no difference to what these corporate parties are likely to do; and therefore, sympathizing with the object my friend from Florida has in view—because I have known something about it in respect to two or three poor people down there—I think that the public interest will be best promoted by proceeding with our executive affairs at this moment. Therefore I make the motion that the Senate proceed to the consideration of executive business.

Mr. CALL. I yield, with the understanding that I am entitled to the floor on the termination of the executive session.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and forty-five minutes spent in executive session, the doors were reopened.

AMENDMENT TO A BILL.

Mr. COCKRELL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING AT WILMINGTON, N. C.

Mr. MAHONE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 229) for the erection of a public building at Wilmington, N. C., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment striking out the words "one hundred and fifty" and inserting the words "two hundred" in lieu thereof; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 3.

WM. MAHONE,
G. G. VEST,
M. W. RANSOM,
Managers on the part of the Senate.
SAMUEL DIBBLE,
THO. D. JOHNSTON,
W. D. OWEN,
Managers on the part of the House.

The report was concurred in.

AGRICULTURAL EXPERIMENT-STATIONS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, which is the bill (S. 372) to establish agricultural experiment-stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto.

Mr. INGALLS. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 21, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate the 20th day of January, 1887.

SURVEYOR-GENERAL OF COLORADO.

Oney Carstarphen, of Colorado, to be surveyor-general of Colorado, *vice* James A. Dawson, deceased.

POSTMASTER.

Gideon W. Allen, to be postmaster at Sturgeon Bay, Door County, Wisconsin, in place of Gustav A. Dreutzer, resigned.

NAVAL ENSIGN ON RETIRED-LIST.

Albion S. Keith, a resident of Massachusetts, to be an ensign in the Navy on the retired-list, in accordance with the act of Congress approved January 17, 1887.

APPOINTMENT IN THE ARMY.

William P. Chambliss, late major Fourth Regiment of Cavalry, to be major of cavalry, in accordance with an act of Congress approved December 21, 1886.

NOMINATIONS WITHDRAWN.

Nomination of William P. Chambliss, transmitted to the Senate January 5, 1887, for his appointment as major of cavalry, to rank from March 30, 1864, under the act of Congress approved December 21, 1886, for the purpose of correcting said nomination by omitting therefrom the statement of the date at which the appointment shall take effect.

Nomination of George W. Allen, to be postmaster at Sturgeon Bay, Door County, in the State of Wisconsin.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 13, 1887.

TERRITORIAL GOVERNOR.

Preston H. Leslie, of Glasgow, Ky., to be governor of Montana Territory.

TERRITORIAL CHIEF-JUSTICE.

William L. Maginnis, of Ohio, to be chief-justice of the supreme court of the Territory of Wyoming.

ASSISTANT SOLICITOR OF TREASURY.

Felix A. Reeve, of Tennessee, to be assistant solicitor of the Treasury.

CHIEF EXAMINER, CIVIL SERVICE.

William H. Webster, of Connecticut, to be chief examiner of the Civil Service Commission.

DEPUTY SECOND AUDITOR.

Jesse B. Caldwell, of Indiana, to be Deputy Second Auditor of the Treasury.

UNITED STATES CONSUL.

Edmund Johnson, of New Jersey, to be consul of the United States at Kehl.

PRINCIPAL CLERK PRIVATE LAND CLAIMS.

Douglass Tyler, of Virginia, to be principal clerk on private land claims in the General Land Office.

UNITED STATES MARSHALS.

Fred. A. Barker, of New Hampshire, to be marshal of the United States for the district of New Hampshire.

David R. Risley, of California, to be marshal for the southern district of California.

Lucius M. Lamar, of Georgia, to be marshal of the United States for the southern district of Georgia.

LIEUTENANT IN REVENUE-MARINE SERVICE.

Cyrus B. Fengar, of Connecticut, to be a third lieutenant in the revenue-marine service of the United States.

PROMOTIONS IN THE NAVY.

Passed Assistant Surgeon Henry P. Harvey, a resident of Mississippi, to be a surgeon in the Navy, from the 18th December, 1886.

Frederick Wilkinson Olcott, a resident of New Jersey, to be an assistant surgeon in the Navy.

Assistant Engineer Edward R. Freeman, a resident of Mississippi, to be a passed assistant engineer in the Navy from the 26th January, 1886.

UNITED STATES ATTORNEYS.

William B. Burnet, of Ohio, to be attorney of the United States for the southern district of Ohio.

Rhydon M. Call, of Florida, to be attorney of the United States for the northern district of Florida.

John T. Carey, of California, to be attorney of the United States for the northern district of California.

COLLECTORS OF INTERNAL REVENUE.

Joseph K. Roberts, of Maryland, to be collector of internal revenue for the district of Maryland.

Joseph P. McGrorty, of New Mexico, to be collector of internal revenue for the district of New Mexico.

DISTRICT JUDGES.

Harry T. Toulmin, of Alabama, to be United States district judge for the southern district of Alabama.

Erskine M. Ross, of California, to be United States district judge for the southern district of California.

Charles H. Simonton, of South Carolina, to be United States district judge for the district of South Carolina.

William T. Newman, of Georgia, to be United States district judge for the northern district of Georgia.

COLLECTORS OF CUSTOMS.

Joseph E. Moore, of Maine, to be collector of customs for the district of Waldoborough, in the State of Maine.

John Cousens, of Maine, to be collector of customs for the district of Kennebunk, in the State of Maine.

Edward Cushing, of Maine, to be collector of customs for the district of Belfast, in the State of Maine.

Samuel D. Leavitt, of Maine, to be collector of customs for the district of Passamaquoddy, in the State of Maine.

POSTMASTERS.

Richard Welsh, to be postmaster at Annapolis, in the county of Anne Arundel and State of Maryland.

Edgar M. Young, to be postmaster at Silver City, in the county of Grant and Territory of New Mexico.

Milton Burch, to be postmaster at Georgetown, in the county of Scott and State of Kentucky.

John Poston, to be postmaster at New Kiowa, in the county of Barber and State of Kansas.

Robertson I. Coons, to be postmaster at Albany, in the county of Shackelford and State of Texas.

G. Marion Moore, to be postmaster at Pleasonton, in the county of Linn and State of Kansas.

John S. Richardson, to be postmaster at Bel Air, in the county of Harford and State of Maryland.

Mary B. Johnson, to be postmaster at Clarksville, in the county of Montgomery and State of Tennessee.

James P. Smith, to be postmaster at Elko, in the county of Elko and State of Nevada.

George E. Blake, to be postmaster at Fayetteville, in the county of Lincoln and State of Tennessee.

Jacob J. French, to be postmaster at Sparta, in the county of Monroe and State of Wisconsin.

Patrick H. Carney, to be postmaster at Waukesha, in the county of Waukesha and State of Wisconsin.

Carl Zillier, to be postmaster at Sheboygan, in the county of Sheboygan and State of Wisconsin.

Edward S. Burns, to be postmaster at Hillsborough, in the county of Montgomery and State of Illinois.

Roderick McGregor, to be postmaster at River Falls, in the county of Pierce and State of Wisconsin.

John Culbertson, to be postmaster at Delevan, in the county of Tazewell and State of Illinois.

Edward Smith, to be postmaster at Carrollton, in the county of Greene and State of Illinois.

John M. Startzman, to be postmaster at Savanna, in the county of Carroll and State of Illinois.

John W. Toler, to be postmaster at Carbondale, in the county of Jackson and State of Illinois.

Samuel S. Jack, to be postmaster at Decatur, in the county of Macon and State of Illinois.

Michael F. Cunningham, to be postmaster at Gibson City, in the county of Ford and State of Illinois.

Michael Sullivan, to be postmaster at Marshall, in the county of Lyon and State of Minnesota.

Abraham H. Morgan, to be postmaster at Way Cross, in the county of Ware and State of Georgia.

James C. Hagerman, to be postmaster at Reno, in the county of Washoe and State of Nevada.

George C. Scrimgeon, to be postmaster at Belle Plaine, in the county Benton and State of Iowa.

Albert L. Ward, to be postmaster at Fairmount, in the county of Martin and State of Minnesota.

James W. Polleys, to be postmaster at Wells, in the county of Faribault and State of Minnesota.

Frederic D. Jay, to be postmaster at Elmwood, in the county of Peoria and State of Illinois.

Charles B. Anderson, to be postmaster at Zumbrota, in the county of Goodhue and State of Minnesota.

George H. Titcomb, to be postmaster at Waterville, in the county of Marshall and State of Kansas.

Lycurgus W. Lee, to be postmaster at Neodesha, in the county of Wilson and State of Kansas.

William W. Dill, to be postmaster at Cimarron, in the county of Ford and State of Kansas.

Daniel L. Cline, to be postmaster at Coldwater, in the county of Comanche and State of Kansas.

Executive nominations confirmed by the Senate January 20, 1887.

SURVEYOR-GENERAL OF COLORADO.

Oney Carstarphen, to be surveyor-general of Colorado.

REGISTERS OF LAND OFFICE.

Samuel C. Tucker, of Gainesville, Fla., to be register of the land office at Gainesville, Fla.

Frank Coleman, of Huntsville, Ala., to be register of the land office at Huntsville, Ala.

George M. Sawyer, of Springfield, Mo., to be register of the land office at Springfield, Mo.

COLLECTORS OF CUSTOMS.

Edward Hopkins, of Florida, to be collector of customs for the district of Saint John's, in the State of Florida.

John F. Wheaton, of Georgia, to be collector of customs for the district of Savannah, in the State of Georgia.

Southey F. Miles, of Maryland, to be collector of customs for the eastern district of the State of Maryland.

Cooley Mann, of Mississippi, to be collector of customs for the district of Vicksburg, in the State of Mississippi.

Frank B. Genovar, of Florida, to be collector of customs for the district of Saint Augustine, in the State of Florida.

COLLECTOR OF INTERNAL REVENUE.

Simeon H. Calhoun, of Nebraska, to be collector of internal revenue for the district of Nebraska.

JUSTICE OF THE PEACE.

Samuel C. Mills, of the District of Columbia, to be a justice of the peace in and for said District, to be located in the city of Washington.

UNITED STATES CONSULS.

Thomas F. Pettus, of Newton, Miss., to be consul of the United States at Ningpo.

Charles R. McCall, of Alabama, to be consul of the United States at Santos.

William R. Greathouse, of New Orleans, La., to be consul of the United States at Tampico.

John T. Campbell, of California, to be consul of the United States at Auckland.

THIRD LIEUTENANT IN REVENUE MARINE.

James H. Brown, of the District of Columbia, to be a third lieutenant in the Revenue Service of the United States.

RECORDER OF GENERAL LAND OFFICE.

Robert W. Ross, of Vandalia, Ill., to be recorder of the General Land Office.

DISTRICT ATTORNEY.

Thomas P. Bashaw, to be United States district attorney for the eastern district of Missouri.

POSTMASTERS.

Tipton D. Jennings, to be postmaster at Lynchburg, in the county of Campbell and State of Virginia.

George Booker, to be postmaster at Fortress Monroe, in the county of Elizabeth City and State of Virginia.

Elijah Ratnour, to be postmaster at Weeping Water, in the county of Cass and State of Nebraska.

Ellis Briggs, to be postmaster at Roodhouse, in the county of Greene and State of Illinois.

William A. Miller, to be postmaster at Monticello, in the county of Piatt and State of Illinois.

William C. Rich, to be postmaster at Anna, in the county of Union and State of Illinois.

John G. Tyler, to be postmaster at Ogden City, in the county of Weber and Territory of Utah.

Julian S. Palmer, to be postmaster at Duquoin, in the county of Perry and State of Illinois.

Nicholas F. Carroll, to be postmaster at Salina, in the county of Salina and State of Kansas.

Haydon Dowdy, to be postmaster at Hollister, in the county of San Benito and State of California.

Dwight R. Phelps, to be postmaster at Sanborn, in the county of O'Brien and State of Iowa.

Frederick A. Peck, to be postmaster at Humboldt, in the county of Humboldt and State of Iowa.

William M. Adkins, to be postmaster at Rome, in the county of Floyd and State of Georgia.

Lowell H. Glover, to be postmaster at Cassopolis, in the county of Cass and State of Michigan.

Patrick H. Devine, to be postmaster at Ishpeming, in the county of Marquette and State of Michigan.

George G. McNamara, to be postmaster at Port Townsend, in the county of Jefferson and Territory of Washington.

John Shaw, to be postmaster at Van Wert, in the county of Van Wert and State of Ohio.

John C. Riley, to be postmaster at Cincinnati, in the county of Hamilton and State of Ohio.

William H. Gillespie, to be postmaster at Dayton, in the county of Montgomery and State of Ohio.

Russell T. Dobson, to be postmaster at Bowling Green, in the county of Wood and State of Ohio.

George W. Carlton, to be postmaster at Deer Lodge City, in the county of Deer Lodge and Territory of Montana.

Louis P. Zent, to be postmaster at Sturgis, in the county of Saint Joseph and State of Michigan.

Hananiah D. Pugh, to be postmaster at Lansing, in the county of Ingham and State of Michigan.

Daniel C. Johnson, to be postmaster at Ithaca, in the county of Gratiot and State of Michigan.

Frank F. Cole, to be postmaster at Albion, in the county of Calhoun and State of Michigan.

Ira B. Card, to be postmaster at Hillsdale, in the county of Hillsdale and State of Michigan.

M. J. Briggs, to be postmaster at Dodgeville, in the county of Iowa and State of Wisconsin.

Gideon W. Allen, to be postmaster at Sturgeon Bay, in the county of Door and State of Wisconsin.

Herbert H. Follansbee, to be postmaster at Bristol, in the county of Grafton and State of New Hampshire.

Curtis E. Dalton, to be postmaster at Suncook, in the county of Merrimac and State of New Hampshire.

Charles A. Morse, to be postmaster at New Market, in the county of Rockingham and State of New Hampshire.

Charles E. McIntire, to be postmaster at Lancaster, in the county of Coos and State of New Hampshire.

William F. Harmon, to be postmaster at Great Falls, in the county of Strafford and State of New Hampshire.

Warren S. Barrows, to be postmaster at Hinsdale, in the county of Cheshire and State of New Hampshire.

Ormond E. Colony, to be postmaster at Keene, in the county of Cheshire and State of New Hampshire.

Matthew Hillsman, to be postmaster at Trenton, in the county of Gibson and State of Tennessee.

R. Brown Henderson, to be postmaster at Frederick, in the county of Frederick and State of Maryland.

Samuel L. Harvey, to be postmaster at Centerville, in the county of Appanoose and State of Iowa.

The above confirmation was accompanied by the following report from the Committee on Post-Offices and Post-Roads; which was ordered by the Senate to be printed in the RECORD:

The Committee on Post-Offices and Post-Roads, to whom was referred the nomination of Samuel L. Harvey, to be postmaster at Centerville, Iowa, in place of Eugene C. Hoynes, suspended, submits the following report:

Eugene C. Hoynes, the suspended officer, is a disabled soldier, having lost an arm in the service of the country while a member of the Union Army during the rebellion. He was an efficient postmaster, and as such gave great satisfaction to the patrons of the office over which he presided. There are no charges appearing in the case in any degree affecting his integrity as a man or officer. His suspension was purely partisan, and in violation of the spirit of the law giving to disabled Union soldiers preference in appointments to civil offices. But he has informed the committee that he has no desire to resist the confirmation of his successor, in view of the fact that his character as a man and his integrity as an officer have not been assailed.

The nominee seems to be a man of good character and qualified to discharge the duties of the office. The committee therefore recommend that the nomination of Samuel L. Harvey be confirmed.

Frank P. Motie, to be postmaster at Odebolt, in the county of Sac and State of Iowa.

The above confirmation was accompanied by the following report from the Committee on Post-Offices and Post-Roads; which was ordered by the Senate to be printed in the RECORD:

The Committee on Post-Offices and Post-Roads having considered the nomination of Frank P. Motie to be postmaster at Odebolt, Iowa, in place of F. R. Bennett, suspended, reports:

That there appears from the papers in the case nothing injuriously reflecting on the personal or official character or conduct of the suspended officer. His suspension undoubtedly was induced by political considerations. The nominee appears to be competent to discharge the duties of the office, and the committee recommend that he be confirmed.

SAMUEL D. LEAVITT.

In connection with the confirmation of Samuel D. Leavitt as collector of customs for the district of Passamaquoddy in the State of Maine, the Senate ordered the publication in the RECORD of the following papers:

I, Samuel D. Leavitt, of Eastport, county of Washington, State of Maine, on oath declare and say, that I was born in Eastport, A. D. 1838, commenced business (law and insurance) 1864; have continued in same ever since; never was interested, directly or indirectly, in any merchandise imported into United States, properly or otherwise. In about 1866 a Mr. Horton, then in business at Campobello, New Brunswick, left in my office a package for a man (whose name I do not remember) to call and examine, which he did. This package said to contain 1 pound of morphine. Said package was taken away by same Horton. I was in no way interested in it; in fact I had no knowledge of the fact of contents when it was left in my office.

This was the pretended basis of suit against me, which was entered neither party, upon my paying costs or marshal's fees, which I did under advice of Hon. Bion Bradbury, who was my counsel, as this was cheaper than to defend. I never was even complained of for violation of any law.

SAMUEL D. LEAVITT.

STATE OF MAINE, *Cumberland, ss:*

DECEMBER 20, A. D. 1886.

Then personally appeared Samuel D. Leavitt and made oath that the foregoing statement by him signed is true.

Before me, STEPHEN C. PERRY,
Justice of the Peace.

PORTLAND, ME., *December* 21, 1886.

I have read the affidavit of Mr. Samuel D. Leavitt. The facts stated therein are in accord with the statement of the transaction made to me by him at the time of the suit against him. The settlement of the suit, as set forth by him, was made by my advice as his counsel to avoid the expense of the litigation.

BION BRADBURY.

[Confidential.]

WASHINGTON, D. C., *December* 14, 1886.

DEAR SIR: The President has recently appointed Samuel D. Leavitt, of Eastport, to be collector of customs for the district of Passamaquoddy, in place of N. D. Nutter or Nutt, who has been removed and whose term does not expire for more than a year. This Nutter is, I understand (though I am not sure about this), the editor of a Republican paper, and he was removed for that reason alone.

Some months ago I had an opportunity to examine the papers which had been filed by the applicants for the office, and among them I found a certified copy of the record of the United States district court at Portland, Me., showing that this same Samuel D. Leavitt had been convicted, somewhere between the years 1860 and 1869, of the crime of smuggling, and had been sentenced to pay a fine therefor.

Whether the President's attention was called to the matter or not I do not know. I have an impression that the paper was marked "Private and confidential." But it seems impossible that he could have appointed a convict smuggler to collect the Government revenues at a place which affords so great facilities for smuggling as Eastport does, and where it is of the greatest importance to have a collector who is free from any suspicion of the crime which it is his duty to prevent.

It is possible that the paper was secretly abstracted from the files before the other documents were taken to the President. At any rate it was there three months ago and it may be there yet.

You can easily prove the truth of what I tell you by sending to the clerk of the United States court at Portland for a certified copy of the record.

If what I say is true it seems to be the duty of the committee to investigate the case fully before reporting it favorably.

I have thus far refrained from giving any of these facts to the newspapers, although two of the New York dailies have applied to me for them. I shall wait for the action of the Senate before I make the facts public.

In case of the candidate's confirmation, I shall feel at liberty to make public all the facts, together with a copy of this letter, for I desire to know whether the Senate does really scrutinize the President's appointments when they have a good reason therefor which is not founded upon partisan politics.

As I am in the Government employ, you will see the necessity of my withholding my name for the present.

Yours, truly,

—— ——, *Chief of Division.*

Hon. S. J. R. MCMILLAN.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 20, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

DOCUMENTS RELATING TO AMERICA.

The SPEAKER laid before the House a letter from the Secretary of State, transmitting a memorial from historical societies and other correspondence, and recommending provision be made for the preparation of a full and accurate digest and catalogue of documents and archives of Europe relating to the early history of the United States; which was referred to the Committee on the Library.

EXPENSE OF COLLECTING REVENUE FROM CUSTOMS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting estimates of appropriations for defraying expense of collecting the revenue from customs for the fiscal year ending June 30, 1888; which was referred to the Committee on Appropriations, and ordered to be printed.

STATISTICAL ABSTRACT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting the ninth number of Statistical Abstract prepared by the Bureau of Statistics; which was referred to the Committee on Printing.

PRIVATE LAND CLAIM OF GASPER ORTIZ.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting supplementary report of the Surveyor-General of New Mexico on private land claim, designated as the land grant to Gasper Ortiz, No. 87; which was referred to the Committee on Private Land Claims.

MRS. HENRIETTA M. DRUM HUNT.

The SPEAKER also laid before the House a bill (H. R. 8869) granting a pension to Mrs. Henrietta M. Drum Hunt, returned from the Senate with amendment.

Mr. SCOTT. Is it in order to move to non-concur in that, and ask for a committee of conference?

Mr. HOLMAN. Report the amendment first.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *January* 19, 1887.

Resolved, That the bill of the House 8869 entitled "A bill granting a pension to Mrs. Henrietta M. Drum Hunt," do pass with the following amendment:

In line 6 strike out "twenty-five" and insert "forty."

Resolved, That the Senate request a conference with the House of Representatives on such bill and amendment.

Ordered, That Mr. MITCHELL of Pennsylvania, Mr. BLAIR, and Mr. WHITTHORNE be conferees on the part of the Senate.

Mr. SCOTT. I move to non-concur and agree to the conference asked on the part of the Senate.

There was no objection, and it was so ordered.

NEW ORLEANS, BATON ROUGE AND VICKSBURG RAILROAD COMPANY.

The SPEAKER also laid before the House a bill (H. R. 3186) to declare the forfeiture of land granted to New Orleans, Baton Rouge and Vicksburg Railroad Company, to confirm title to said land, and for other purposes, returned from the Senate with amendments.

Mr. BLANCHARD. I move, by unanimous consent, the House concur in the amendment of the Senate.

The SPEAKER. The Clerk will report the amendment.

Mr. HOLMAN. I hope that will not be done at this time.

Mr. PAYSON. I think this should go to the Committee on the Public Lands.

The SPEAKER. Objection is made, and the bill and amendments will be referred to the Committee on Public Lands.

JETTIES IN CHARLESTON HARBOR.

The SPEAKER laid before the House a bill (S. 2944) making appropriations for jetties in Charleston Harbor; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

CELEBRATION OF DISCOVERY OF AMERICA.

The SPEAKER also laid before the House the following concurrent resolution:

Resolved by the Senate (the House of Representatives concurring), That a joint committee of five members of the Senate and eight members of the House of Representatives be appointed to take into consideration the expediency of holding in 1892, in commemoration of the discovery of America, an international exhibition of the industries and products of all nations; and if such an exhibition should be deemed expedient, to consider the time, place, circumstances, and general plan thereof, and to report by bill or otherwise.

Mr. SPRINGER. I move that be referred to the Committee on the Library, with leave to report at any time.

Mr. TOWNSHEND. I think it should go to the Committee on Foreign Affairs, as it proposes to invite South American States. I cannot see what the Committee on the Library has to do with it.

The SPEAKER. The gentleman can move an amendment to the motion of the gentleman from Illinois, to refer it to the Committee on the Library, by substituting its reference to the Committee on Foreign Affairs.

Mr. TOWNSHEND. I submit that amendment.

Mr. TOWNSHEND'S motion was disagreed to.

Mr. SPRINGER'S motion was agreed to.

The SPEAKER. The gentleman from Illinois now asks, by unanimous consent, that the Committee on the Library have leave to report at any time.

There was no objection; and it was ordered accordingly.

INDEX OF CLAIMS REFERRED.

The SPEAKER laid before the House the following communication; which was read, and referred to the Committee on Accounts:

WASHINGTON, D. C., *January* 20, 1887.

SIR: I have the honor to state that the index of Southern Claims Commission reports, and claims referred to the Court of Claims under the Bowman act, provided for by the resolution of the House, of the 2d of August last, has been completed, and is now ready for such action as the House may deem proper. I suggest that provision be made for continuing the index of claims referred under the last-named act, so as to include those referred during the present session of Congress, thus making it complete to the close of the Fiftieth Congress; and also that provision be made for supervising the printing of the same.

Very respectfully,

JOHN B. CLARK, JR.,
Clerk House of Representatives.

Hon. JOHN G. CARLISLE,
Speaker House of Representatives.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BARRY, indefinitely, on account of sickness.

To Mr. WEST, for the remainder of the week, on account of important business.

To Mr. BLAND, indefinitely, on account of illness in his family.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same.

A bill (H. R. 356) granting a pension to Lucinda Barrett;
A bill (H. R. 429) granting a pension to Harry McElhinney;
A bill (H. R. 927), amended, granting a pension to Cudbert Stone;
A bill (H. R. 929) granting a pension to G. W. Fraley;
A bill (H. R. 1171) to amend an act entitled "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," approved June 3, 1884;
A bill (H. R. 1860) granting a pension to Frederick Robertson;
A bill (H. R. 4103) granting a pension to M. S. Clay;
A bill (H. R. 4265) granting a pension to Josiah Mahoney;
A bill (H. R. 5599) granting a pension to Joshua L. Morris;
A bill (H. R. 5894) for the relief of Elon A. Marsh and Minard Lafever;
A bill (H. R. 6132) granting a pension to William Lynch;
A bill (H. R. 6314) to increase the pension of James Carlin;
A bill (H. R. 6443) granting a pension to Alexander Falconer;
A bill (H. R. 6817) granting a pension to Thomas Brown;
A bill (H. R. 6819) granting a pension to William Conner;
A bill (H. R. 6825) granting a pension to James R. Baylor;
A bill (H. R. 6832) granting a pension to Mrs. Catharine Sattler;
A bill (H. R. 7540) to increase the pension of Franklin Sweet;
A bill (H. R. 7616) for the relief of W. D. Havely;
A bill (H. R. 7696) for the relief of George W. Robaugh;
A bill (H. R. 7698) granting a pension to Robert K. Bennett;
A bill (H. R. 7796) granting a pension to James Long;
A bill (H. R. 8150) granting a pension to Jesse Campbell;
A bill (H. R. 8180) to increase the pension of Charles Hahneman;
A bill (H. R. 8280) granting a pension to John Patton;
A bill (H. R. 8310) granting a pension to Cyra L. Weston;
A bill (H. R. 8474) granting a pension to James McGlynn;
A bill (H. R. 8623) granting a pension to Mary E. Hedrick;
A bill (H. R. 8827) granting a pension to John Buchanan;
A bill (H. R. 8830) granting a pension to Aaron Garis;
A bill (H. R. 8834) granting a pension to Abraham P. Griggs;
A bill (H. R. 8835) granting a pension to Jacob Case;
A bill (H. R. 8836) granting a pension to John Miller;
A bill (H. R. 9129) granting a pension to Rebecca Wiswell; and
A bill (H. R. 9167) granting a pension to Joseph F. Kirkhart.

FREEDMAN'S SAVINGS BANK.

Mr. MILLER (by request), by unanimous consent, introduced a bill (H. R. 10796) for the relief of depositors in the Freedman's Savings Bank at Washington, in the District of Columbia; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

NATIONAL BANKING ASSOCIATIONS.

Mr. MILLER also (by request), by unanimous consent, introduced a bill (H. R. 10797) to amend the laws relating to national banking associations; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

CONTAGIOUS DISEASES AMONG CATTLE.

Mr. BURROWS. Mr. Speaker, I ask unanimous consent to present at this time a telegram from the governor of the State of Michigan, transmitting a joint resolution of the Legislature of the State with relation to a bill pending before Congress, and simply ask that it be read and referred to the Committee on Agriculture.

There was no objection, and it was so ordered.

The telegram is as follows:

LANSING, MICH., *January* 19, 1887.

Please call immediate attention to the following resolution; copies for distribution will follow:

C. G. LUCE.

Joint resolution asking our Senators and Representatives in Congress to vote for and use their influence to secure the passage of the Miller bill (so-called) relative to contagious diseases among cattle, now pending in Congress:

Resolved by the senate and house of representatives of the State of Michigan, That our Senators and Representatives in Congress be requested to vote for and use their influence to secure the passage of the Miller bill (so-called), being a bill to extirpate contagious pleuro-pneumonia, foot-and-mouth disease, and rinderpest among cattle, and to facilitate the exportation of cattle and the products of live-stock, and for other purposes, now pending in Congress of the United States.

Resolved, That his excellency the governor be requested to transmit copies of the foregoing resolution to each of our Senators and Representatives in Congress. This act ordered to take immediate effect.

JAMES H. MACDONALD,
President of the Senate.
DANIEL P. MARKEY,
Speaker of the House of Representatives.

Approved January 19, 1887.

C. G. LUCE, *Governor.*

Hon. J. C. BURROWS,
Washington, D. C.

Mr. CRISP. I call for the regular order.

INDEBTEDNESS OF PACIFIC RAILROADS.

Mr. OUTHWAITE. I desire to make a privileged report. The Committee on Pacific Railroads, to whom was referred a resolution of inquiry directed to the Secretary of the Treasury, have instructed me to report it back with the recommendation that it be adopted.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be, and is hereby, requested to inform the House of Representatives as soon as practicable, the sums of money which were owing to the United States on the 1st day of January, 1887, giving the sums which are due, principal and interest, under existing law, severally and collectively, from said companies, and what will be the result to the Treasury and the effect upon these debts if House bill 8318 should become a law and its provisions be complied with.

The report was read, as follows:

The Committee on Pacific Railroads, to whom was referred the House resolution referred to that committee on the 19th of January, have had the same under consideration, and beg leave to submit the following report:

There is legislation pending to secure to the United States the payment of all indebtedness of the companies alluded to in the resolution. No information can be obtained from any reports made by the Departments as to the amounts owing the Government from the companies later than June 30, 1886. It is very

desirable and almost necessary that the House be informed as to the true state of these accounts brought down to as late a date as may be had in order to a fair and intelligent consideration of such measures. The judgment of the Secretary of the Treasury upon the effect and result of the provisions of the bill, should it become a law, is also greatly to be desired, so that the House may have the same before it previous to action on the measure. The committee therefore recommend the passage of the resolution.

Mr. OUTHWAITE. I move the previous question on the adoption of the resolution.

The previous question was ordered; and under the operation thereof the resolution was agreed to.

Mr. OUTHWAITE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Some time subsequently,

The SPEAKER said: The Chair desires to call the attention of the House to the fact that there was an omission in the resolution passed by the House calling upon the Secretary of the Treasury for information as to the indebtedness of the subsidized Pacific railroad companies. The words "from the bond-subsidized Pacific railroad companies," which should have been inserted after the word "owing," were omitted in the draught of the resolution. If there be no objection, those words will be inserted to accomplish the purpose designed by the House.

There was no objection.

ORDER OF BUSINESS.

The SPEAKER. The regular order is demanded by the gentleman from Georgia [Mr. CRISP]. It is the call of standing and select committees for reports.

Mr. CRISP. I ask unanimous consent to dispense with that call this morning.

Mr. HILL. I object.

Mr. CRISP. Then I move to dispense with the call of committees for reports.

The SPEAKER. That motion requires a vote of two-thirds.

Mr. HILL. I will not object to the request of the gentleman from Georgia, if I am permitted to submit a single report.

The SPEAKER. The gentleman will send up the report, if there be no objection.

There was no objection.

ADMISSION OF WASHINGTON AS A STATE.

Mr. HILL, from the Committee on the Territories, reported back with a favorable recommendation the bill (S. 67) to provide for the formation and admission into the Union of the State of Washington, and for other purposes.

The SPEAKER. Does the bill make an appropriation or require one?

Mr. HILL. It does not.

The bill was referred to the House Calender, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from Georgia [Mr. CRISP] to dispense with the hour for the call of committees.

The question being taken, there were—ayes 57.

Mr. SPRINGER. Would this interfere with the consideration hour?

The SPEAKER. It would not. If the hour for the call of committees is dispensed with, the next order is the hour for the consideration of bills.

The negative vote being counted, there were—noes 9.

A MEMBER. No quorum.

The SPEAKER. What gentleman made the point of no quorum?

Mr. DOUGHERTY. I will make that point if I am not permitted to submit a report.

The SPEAKER. Is there objection to the gentleman from Florida [Mr. DOUGHERTY] being allowed to submit a report?

Mr. ZACH. TAYLOR. I object.

The SPEAKER. A quorum not having voted, the Chair will appoint as tellers the gentleman from Georgia [Mr. CRISP] and the gentleman from Florida [Mr. DOUGHERTY].

Mr. CRISP. I think a vote by tellers will take more time than the call of committees for reports. I therefore withdraw the motion.

COURT AT DULUTH, MINN.

Mr. CASWELL, from the Committe on the Judiciary, reported back with amendments the bill (H. R. 10421) to provide for a term of court at Duluth, Minn.; which was referred to the House Calendar, and, with the amendments and accompanying report, ordered to be printed.

TREATY WITH CHINA.

Mr. COX, of North Carolina, from the Committee on Foreign Affairs, reported back with a favorable recommendation the bill (S. 3044) to provide for the execution of the provisions of article 2 of the treaty concluded between the United States of America and the Emperor of China on the 17th day of November, 1880, and proclaimed by the President of the United States on the 5th day of October, 1881.

The SPEAKER. Does this bill make an appropriation?

Mr. COX, of North Carolina. It does not.

The bill was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

RUFUS BARKER.

Mr. STRUBLE, from the Committee on Pensions, reported back with amendments the bill (H. R. 278) for the relief of Rufus Barker; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

WILLIAM L. CLARK.

Mr. STRUBLE, from the Committee on Pensions, also reported back with a favorable recommendation the bill (S. 1287) granting a pension to William L. Clark; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MAY H. STACEY.

Mr. BRADY, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. 10316) granting an increase of pension to May H. Stacey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY HELENA MAHAN.

Mr. JONES, of Alabama. I am instructed by the Committee on Pensions to report back the bill (S. 1463) granting arrears of pension to Mary Helena Mahan. An adverse report formerly made in this case was withdrawn by leave of the House, and the committee now instruct me to make a favorable report.

The bill was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANNIE E. GARDINER.

Mr. WHITE, of Pennsylvania, from the Committee on Pensions, reported back with a favorable recommendation the bill (S. 2660) granting a pension to Annie E. Gardiner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. ZACH. TAYLOR, the Committee on Pensions was discharged from the further consideration of the bill (H. R. 8149) granting a pension to Jonathan Hayes; and it was referred to the Committee on Invalid Pensions.

WILLIAM H. CROOK.

Mr. NEAL, from the Committee on Claims, reported back with an amendment the bill (S. 100) for the relief of William H. Crook; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bills (H. R. 1210 and H. R. 2267) for the relief of William H. Crook were laid on the table.

THOMAS A. M'LAUGHLIN.

Mr. DOUGHERTY, from the Committee on Claims, reported back with a favorable recommendation the bill (S. 1094) for the relief of Thomas A. McLaughlin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET HIGGINS.

Mr. GEDDES, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. 6610) for the relief of the estate of Margaret Higgins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NATIONAL GUARD COMPETITION.

Mr. COMPTON, from the Committee on the District of Columbia, reported back with a favorable recommendation the bill (H. R. 10513) to provide for the maintenance of order in the District of Columbia during the National Guard competition and parades; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MONUMENT TO THE MOTHER OF WASHINGTON.

Mr. O'NELL, of Pennsylvania, from the Committee on the Library, reported back with a favorable recommendation the bill (H. R. 4780) for the completion of the monument to Mary, the mother of Washington, at Fredericksburg, Va.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SPECIAL DISTRIBUTION OF SEEDS IN TEXAS.

Mr. WINANS, from the Committee on Agriculture, reported back with a favorable recommendation the bill (H. R. 10203) to enable the Commissioner of Agriculture to make a special distribution of seeds in the drought-stricken reach of Texas, and making an appropriation there-

for; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call for the introduction of bills and resolutions. The hour for the consideration of bills begins at eight minutes before 1 o'clock. The call rests with the Committee on Patents.

Mr. MARTIN. Mr. Speaker, I am instructed by the Committee on Patents to call up the bill (S. 1813) to amend the law relating to patents, trade-marks, and copyright, and ask the present consideration of the same.

The bill was read, as follows:

Be it enacted, &c., That hereafter, during the term of letters patent for a design, it shall be unlawful for any person other than the owner of said letters patent, without the license of such owner, to apply the design secured by such letters patent, or any colorable imitation thereof, to any article of manufacture for the purpose of sale, or to sell or expose for sale any article of manufacture to which such design or colorable imitation shall, without the license of the owner, have been applied, knowing that the same has been so applied. Any person violating the provisions, or either of them, of this section, shall be liable in the amount of $250; and in case the total profit made by him from the manufacture or sale, as aforesaid, of the article or articles to which the design, or colorable imitation thereof, has been applied, exceeds the sum of $250, he shall be further liable for the excess of such profit over and above the sum of $250; and the full amount of such liability may be recovered by the owner of the letters patent, to his own use, in any circuit court of the United States having jurisdiction of the parties, either by action at law or upon a bill in equity for an injunction to restrain such infringement.

SEC. 2. That nothing in this act contained shall prevent, lessen, impeach, or avoid any remedy at law or in equity which any owner of letters patent for a design, aggrieved by the infringement of the same, might have had if this act had not been passed; but such owner shall not twice recover the profit made from the infringement.

Mr. MARTIN. This bill is a Senate bill which has been unanimously reported by the Committee on Patents, and unless there be some objection to it, or some gentleman desires to discuss it, I will ask the previous question on the bill.

Mr. ADAMS, of Illinois. I think the report ought to be read.

Mr. ANDERSON, of Kansas. I hope the gentleman will not press the demand for the previous question. Let us hear the report and hear what change the bill proposes to make in existing law and what necessity there is for it.

Mr. MARTIN. Very well. The Senate bill is the exact counterpart of a House bill which was reported by the gentleman from Connecticut [Mr. MITCHELL]. The number of the report on that bill is 1966, and if the Clerk will read that report it will answer every purpose. There is no special report upon this bill beyond the fact that it is reported favorably.

Mr. BUCK. It might be well for the gentleman from Alabama to explain the bill.

Mr. MARTIN. I will explain it, if that is desired.

The report on the bill (H. R. 8323) (by Mr. MITCHELL) was read, as follows:

The Committee on Patents, to whom was referred House bill 5570, have considered the same and report it to the House with the recommendation that it lie upon the table, and that the substitute for said bill herewith reported do pass.

It now appears that the design patent laws provide no effectual money recovery for infringement. This is the result of the statute, as applied to the peculiar character of property involved, in a test case decided in April last by the Supreme Court of the United States. Since that decision the receipts of the Patent Office in the design department have fallen off upwards of 50 per cent. and the average weekly issue of design patents has also fallen off just one-half.

The bill provides a rule of recovery for infringement of design patents, merely supplying what the case referred to shows to be lacking in the existing law. To fail to pass this or a similar bill is a virtual repeal of the design patent laws.

Property in original designs (which are defined as works of art applied to articles of manufacture intended for sale and use) is a property of great and increasing value, intimately related to material progress in the industrial arts. This property was recognized in the statute books half a century after the adoption of patent laws for mechanical inventions, and after a body of case law and precedent had grown up around those patent laws and the sanctions and remedies they provided, and was recognized by the enactment of laws authorizing the issue of letters patent of the United States for designs, such laws providing that—

"All the regulations and provisions which apply to obtaining or protecting patents for inventions or discoveries, not inconsistent with the provisions of this title, shall apply to patents for designs." (Rev. Stat., secs. 4929–4933.)

The provisions which apply to protecting patents for mechanical inventions were first applied by the Supreme Court of the United States to the case of design patents in April of last year, to wit, in the case of Dobson against the Bigelow Carpet Company and the same against the Hartford Carpet Company, reported in the last volume of the United States Reports, and with the result of showing those provisions and remedies to be wholly and essentially inapplicable to the case of a consummated infringement of a design patent, the patentee being turned out of court with an admitted right, but without a remedy. The Supreme Court held in substance that the complainant must clearly prove what part of his own damage, or what part of defendant's whole profit on the articles made and sold was directly due to the appearance of those articles as distinguished from their material, their fabric, their utility, &c.; the design, to wit, the appearance, being the only thing patented.

It has been abundantly shown, even if any such showing were necessary, that the proof thus called for can never be furnished.

The court suggest that the difference in price between articles of equal quality, having, one the patented design and the other any other design free to be used, could be recovered under the existing statute; but it has been proved to your committee that designs do not increase the selling price, but only the quantity sold of the articles on which they appear. Again, license fees are unknown under design patents, the value of the property being as short-lived as the caprice of purchasers, and residing in the exclusive character of the use, the property somewhat partaking of the character and effect of trade-mark property.

Property in designs exists and is of value. The Revised Statutes provide for the issue of letters patent for such designs. Courts of equity will, by injunction, restrain present or future infringement of such patents. But for a past infringement, the profits of which have been realized, the existing law is found to provide no remedy, merely because the rule of damages prescribed by the statute is inapplicable to designs on account of their peculiar character.

The bill meets this emergency and provides a new rule of recovery for design patents.

That the emergency should be met is only to say that the design patent laws should be continued in force. To fail to meet the emergency will be a virtual repeal of those laws, for infringement is not discovered until the goods are in the hands of the dealers, and a design patentee cannot practically get out injunctions against all the dealers even if he were willing so to sue those who are also his own customers. The law is practically a right without a remedy if no way is provided of reaching the infringing manufacturer, and is a nullity.

The design patent laws, unlike other patent laws, do not increase the price of the articles affected. This was satisfactorily proved before your committee. Designs are fast sellers or slow sellers, and are valuable accordingly. The sole remuneration to the manufacturer for his large outlay in originating designs is in the increased sales he makes thereby. The design is merely the principle of selection in the purchasing of articles of manufacture.

So far as the designers are concerned they create a property for which they have a right to demand protection. Design patent laws preserve to them that property for a short term of years after publication, which is the time when that property first becomes of any money value. Women are entering this profession. Design schools have been started within the last decade in several of our large cities. The protection intended to be granted, and until April of last year supposed to be granted by our design patent laws, had fostered a rapid growth in this profession—a profession the products of whose labor lose by the common law the character of property when utilized, that is, when published, and which is therefore wholly the creature of statute.

So far as the manufacturers are concerned, who embody these original designs in articles of manufacture, it was shown before your committee that the four or five leading carpet manufacturers in the country expend each from $50,000 to $60,000 a year in salaries to designers and in the incidents of designing before a yard of carpeting is begun to be made for sale. It was also shown that the advance in the last few years in the application of art to the industrial pursuits had been rapid and great, and was largely due to the existence of design patent laws, and that this growth had been coincident with a steady decline in prices. It was also shown that the effect of design patent laws was to cheapen production and so ultimately to reduce prices, because it enabled the manufacturer to run longer on a given design than he otherwise could, and thus avoid changing machinery.

So far as the consumers are concerned, the effect of design patent laws that are respected is to give them more beautiful carpets and wall-papers and oil-cloths for the same money, and even for less money, with a tendency to encourage the purchase of articles of standard qualities as opposed to shoddy imitations, which is a true economy in individuals and so in masses.

The rule of recovery prescribed by the bill prevents the infringer from actually profiting by his infringement. The patentee recovers the profit actually made on the infringing article if he can prove that profit, that is, what the infringer realized from the infringing articles minus what they cost him; but the patentee recovers nothing beyond that profit, the capital and labor invested being left with the infringer just as it was before the infringement. The copyright law goes far beyond this, for there the capital and labor are forfeited to the owner of the copyright, and there is a heavy penalty in addition, and also a right to recover any other damages that can be proved. It is expedient that the infringer's entire profit on the article should be recoverable, as otherwise none of his profit can be recovered, for it is not apportionable; and it is just that the entire profit on the article should be recoverable and by the patentee, for it is the design that sells the article, and so that makes it possible to realize any profit at all, and the patentee is entitled to all the good will the design has in the market, and so, after the analogy of trade-mark law, is entitled to all the profit the infringer made on the goods marked.

But to meet the case of an infringement actually committed without profit (which would in the majority of cases be the infringement most damaging and disastrous to the patentee as a manufacturer), and to meet the case when the exact profit in dollars and cents can not be proved under the severe and technical rules of the law (and this would not infrequently occur with defendant the only witness, and his books the only evidence), the bill prescribes a minimum recovery of $250. This is necessary to any effectual protection of so intangible a property. It is a recovery certain and simple, and will command for the design patent laws a respect which is the patentee's greatest protection. It is the method of the English statute which prescribes a recovery of £50 on proof of violation of a design registration, a law that has been in successful operation for upwards of forty years. The amount prescribed seems to be the average amount that will work substantial justice in the long run, taking into account all trades and industries that are likely to avail themselves of the design patent laws. The violation spoken of in the bill, for which the sum certain is made recoverable, would be all that the infringer had made or sold of the infringing articles between the day the patent issued and the day the suit against him was begun; and if the article made was in itself small and cheap, the quantity made would be likely to balance this and make the minimum recovery specified not too large.

The bill provides only for recovery from the manufacturer who manufactures for purposes of sale, and from the dealers who can be proved to have been in actual conspiracy with such manufacturer in the infringement, and therefore an innocent dealer or user is not affected.

The bill has reference to an infringement by the use of the design patented or of any colorable imitation thereof. The last phrase does not extend the present rule as to what constitutes infringement of a design patent, but merely expresses and adopts it. (See Gorman Manufacturing Company *vs.* White, 14 Wallace Reports.)

The bill leaves the present design patent law just as it is, and in its second section saves all the rights of defendants against any possible double recovery for the same infringement.

Your committee therefore recommend that the bill pass.

Mr. MARTIN. That report, as the House perceives, is a very elaborate one, covering all the points, and it seems to me that it leaves very little to be said. Therefore, if there be no objection to the bill, and if no member wishes to discuss it, I will now renew my demand for the previous question, in order to put the bill upon its passage.

Mr. ANDERSON, of Kansas. To what particular kind of designs does this bill apply?

Mr. MARTIN. It applies to designs for carpets, oil-cloth, wall-paper, &c. The object of the bill is nothing more nor less than to enable a party to enjoy the benefit of his patent. Under a recent decision of the Supreme Court, it is quite impossible for him to recover anything by an action for damages in the case, or to protect himself by means of an injunction. The recent interpretations given to the two statutes referred to are of such a character as virtually to annul the

patent law with reference to designs, and this bill is intended to remedy that. We have found no one who wishes to have the patent law in respect to designs changed or set aside, but we have found a great body of persons who are engaged in the manufacture of goods in which designs are the principal feature and who are clamorous for this legislation. I will state further, for the information of the House, that I presume no subject has been more elaborately or more ably discussed during the present session of Congress than this bill which we are now discussing.

This measure was brought up for consideration in the Senate; and parties interested in the question appeared before the Senate committee. The whole matter in all its length and breadth was taken up and most thoroughly discussed. Every objection raised was answered and entirely overcome to the satisfaction of the Senate committee, who, I am informed, made a unanimous report in favor of the bill.

The bill was then considered by the Committee on Patents of this House, and the same elaborate discussion of the subject was had, every solitary objection which was raised being answered; and the House committee unanimously directed a favorable report of the bill.

Mr. ANDERSON, of Kansas. Will my friend from Alabama kindly say whether any estimate has been formed as to the amount of property which will be covered annually by this bill?

Mr. MARTIN. I do not know that I can make any statement on that point.

Mr. ANDERSON, of Kansas. How much is the bill worth to these manufacturers?

Mr. MARTIN. Well, it is worth a great deal to them, because it is believed the bill will operate very effectually in preventing these infringements. It is not expected that any great amount of damages will be recovered. The object is simply that, after manufacturers have expended their money in getting artists to furnish these designs which add value to carpeting, oil-cloths, wall-paper, and things of that sort, the advantages to which the manufacturers are entitled by reason of securing these designs, shall not be taken from them by infringements.

Mr. BUCK. The gentleman will allow me to say that the passage of a bill of this kind has been made necessary by reason of a decision of the Supreme Court of the United States.

Mr. MARTIN. Practically, under the existing law, no damages can be recovered in a case of this kind.

Mr. DINGLEY. Will the gentleman from Alabama be kind enough to explain what is intended by the phrase "nor any colorable intimation thereof?" Is not that language a little too strong?

Mr. MARTIN. I am really not prepared to answer the gentleman in the way I would like to do, because I do not pretend to be as familiar with the language employed about patents as, perhaps, I ought to be, in order to answer him.

Mr. BUCK. The gentleman from Alabama will allow me to suggest to the gentleman from Maine that the language referred to applies to a case where the imitation is substantially like the original, although not practically the same.

Mr. DINGLEY. Why not, then, use the word "substantial" instead of "colorable?"

Mr. BUCK. Possibly that language might be sufficient; but I can see no objection to the language used in the bill.

Mr. BUTTERWORTH. It has been held over and over again that the imitation must be practically the same thing; must be so close an imitation as to mislead anybody.

Mr. BUCK. The difficulty at present is that after these manufacturers have obtained from artists valuable designs and have applied for patents, some other person, interested in the same branch of manufacture, comes in and copies the design; and within a few days after the issue of the new patent other manufacturers will be found making carpets or wall-papers the design of which is colorably or substantially an imitation, though not exactly the same; and in this way the sales of those who honestly secure designs and have them patented are seriously affected.

Mr. MARTIN. I will say to my friend from Maine that I do not see that any mischief can result from retaining in the bill the word "colorable," because the expression is one which is well understood in connection with patent law, besides having, as a general legal term, a peculiar technical meaning, which is well recognized.

Mr. HAMMOND. Will the gentleman from Alabama allow me a question?

Mr. MARTIN. Certainly.

Mr. HAMMOND. In cases of violations of patents under the existing law the plaintiff recovers simply the damages which accrue to him by reason of the unauthorized use of his patent. Does not this bill undertake to give to the man whose patent is infringed all the profits made on the article embodying the infringement, whether those profits arise from the use of the design alone or from various other circumstances which may enter into the manufacture?

Mr. MARTIN. I will answer the gentleman by saying that when this bill was before the Committee on Patents that question was asked, and it was stated explicitly that no such purpose was had in view by any one who favored or urged the passage of the bill.

Mr. BUCK. The language of the bill will not allow that.

Mr. HAMMOND. I have asked the question for this reason: In the decision which has been referred to, the Supreme Court held that in cases of this kind there can be no recovery except for actual damages sustained by the unauthorized use of a patented design; and it is because of this decision that the Committee on Patents has reported this bill for the amendment of the existing law. Now the Supreme Court, in this case of Dobson vs. the Hartford Carpet Company, United States Report, page 444, says:

> This court has, in a series of decisions, laid down rules as to what are to be regarded as "profits to be accounted for by the defendant," and what as "actual damages," in suits for the infringement of patents; and no rule has been sanctioned which will allow, in the case of a patent for a design for ornamental figures created in the weaving of a carpet, or imprinted on it, the entire profit from the manufacture and sale of the carpet, as profits or damages, including all the profits from the carding, spinning, dyeing, and weaving, thus regarding the entire profits as due to the figure or pattern, unless it is shown, by reliable evidence, that the entire profit is due to the figure or pattern.

In that case, therefore, the court held that only such damages could be recovered as were shown to have accrued by the improper use of another man's patent. The concluding sentence of the paragraph is this:

> There is but one safe rule—the actual damages or profits, to be established by trustworthy legal proof.

This being the decision, the Committee on Patents now comes in here with a bill declaring not only that the infringer of a patented design shall be liable to a fine of $250 and the costs in the Federal court where he may be convicted, but if the whole amount of the profits on the goods sold to which the patent is fraudulently or without authority applied shall exceed $250, the plaintiff may recover the entire profit upon the article of product, without any proof that this arises from the use of the design in question.

Mr. MARTIN. I will say in reply to the gentleman, I can not put any such construction on this law.

Mr. HAMMOND. Permit me further. If that is not the right construction, then why undertake to change the law at all, for the Supreme Court have already declared in this case of Bigelow, in the one hundred and fourteenth volume, you can recover all actual damages you can prove; but you do not say in the act the damages here arising from the use of such patented design shall be recovered, but all the profits that the defendant has made on the article covered by the design.

Mr. MARTIN. Mr. Speaker, I see it will be necessary for me to consume a little more time than I had intended in order that this subject may be brought fully to the attention of the House. The patent is obtained for a certain figure, or figures, which will be employed in making carpet, or oil-cloth, or wall-paper, or anything of that kind. Here is a piece of carpet with a certain design on it; we will take it for illustration. Suppose there is no design on that article at all, there would be the cost of spinning the thread and of weaving it by the manufacturer of the goods. It would be practically as good as with the design printed on it; but if it had not a design which attracted the eye and made it desirable, then no one would think of buying the carpet.

A man making carpet, or oil-cloth, or wall-paper, or anything of that kind, goes to an artist and gets him to furnish a design which he thinks will captivate the eye and fancy of the purchaser. The moment he gets a patent for that design there must be left in the Patent Office a lithograph of it; and that lithograph can be obtained by any one who wants it for a few cents. Those who infringe the patent purchase these lithographs of designs. They have a full description of the design and make an exact counterfeit, or imitation; so exact hardly any man can see the difference between them. What we want in the law is this—in the case referred to of Dobson against the Hartford Carpet Company the trouble was this:

The Supreme Court said to him, you are entitled to your action on the case to recover such damages as you say you sustained. Now what are those damages? Damages which exist by reason of the carpet being made more desirable by reason of the design placed upon it? Who can say? How far can we arrive at the measure of damages in reference to this carpet, which has been selected because of its design? I say it is practically impossible to fix anything but nominal damages in an action of that kind. No one can tell whether this carpet was bought purely for the design or not. No one can tell whether another piece having a different design would not have been selected. Men will disagree, in my judgment, as my friend observed in reference to it.

There is a law allowing a man a patent for his design. He has now two remedies: action on the case for damage for use of it, and relief by injunction to prevent the manufacture of the goods. Both of them, I will say, are practically useless and futile as means to be employed for preventing infringement. A design only lives for a year; and how can you prevent a man making a carpet of a certain design without knowing he is engaged in making it? How do you know he is making it? It can not be known until the carpet is made and put upon the market. The remedy, when the carpet has been manufactured and put on the market, is by the action on the case. The patentee had another remedy by injunction. Every lawyer knows the remedy by injunction is a preventive remedy, and that in order to avail yourself of the benefit of it you must know of the contemplated injury in time to prevent the commission of it. So I say the remedy by injunction for a man who

has a patent design amounts to nothing. What this bill seeks to correct is sufficient, of itself, to commend it to all men.

We can not protect the man on his patent and in the possession of his patented rights unless we attach a penalty for the infringement of the same; and that is simply what the bill does.

Mr. BUTTERWORTH. In this case, as I understand it, no man will suffer either penalty or damage unless he willfully appropriates the property of another.

Mr. MARTIN. None whatever.

Mr. BUCK. And makes a profit on doing so.

Mr. MARTIN. That is the provision of the bill.

Mr. Speaker, I now ask the previous question——

Mr. HAMMOND. Before doing that, I trust my friend from Alabama will permit me a moment.

Mr. MARTIN. Certainly.

Mr. HAMMOND. I have no disposition to interfere with the statute proposed to be enacted, if it is correct; but we should certainly understand what we are doing. I see much force in what the gentleman says, but there seems an objection to this bill which I would like to have either corrected by an amendment or satisfactorily explained by the gentleman from Alabama. I appreciate the difficulties which he suggests, but is it not enough that in this statute you make the infringement of the patent a crime subject to a penalty of $250 fine by the courts, without giving additional damages to the infringed party and all of the profits growing out of the whole business of the man who infringes, although not one cent may have been received by him on account of the misappropriation?

Mr. BUCK. But many manufacturers would be willing and glad to pay $250 for the privilege of infringing.

Mr. HAMMOND. But if he infringes, as you suggest, he is liable to the penalty of $250 if he sells one yard of material; then he would be liable further to a penalty of $250 on the next bolt, and $250 on the next bolt, and so on indefinitely as long as he continued to infringe.

Mr. BUCK. You would have to bring so many different suits, and it would be rather an expensive proceeding.

Mr. HAMMOND. No; there would be no suit at all. You would go to the foreman of the United States grand jury and make your complaint. But you propose to do here what I do not believe exists in reference to any other law of patents, that is, to give to a man whose patent is violated or infringed the profits of the whole factory or establishment of the other man who is the infringing party, whereas he may have done it innocently.

Mr. BUCK. Allow me to suggest that it is not a criminal proceeding at all, but only a measure of damages against him.

Mr. HAMMOND. It says he shall be indicted and fined.

Mr. BUCK. No; but that he shall be liable, either by action at law or by a bill in equity, for an injunction.

Mr. HOLMAN. There is no provision for an indictment, and it is not a criminal proceeding, as I read the law. It provides that the party shall be liable to a penalty of $250, and if the profit made by him on the infringement shall exceed $250 he shall be further liable for the excess of such profit.

Mr. BUCK. And he has got to be sued for it.

Mr. HAMMOND. I beg pardon, I was regarding it on a casual reading as providing for an indictment.

Mr. HOLMAN. No, sir; it makes no such provision. I would like to ask my friend from Alabama one single question.

Mr. MARTIN. Certainly.

Mr. HOLMAN. Is there any other instance where the party whose right has been infringed upon is entitled to recover a specific sum in the event of infringement, and, in addition, whatever damages may be sustained? This statute gives the party as liquidated damages the sum of $250 for such infringement, as well as whatever may be recovered for the infringement; and then the additional bounty which may be the amount made by the infringed party from the sale of the article which is in part the result of the patent. I ask, then, is there any other statute in the interest of patents that contains both of these provisions—one for the recovery of a specific sum in liquidated damages, not by way of penalty or a fine in criminal proceedings, but by liquidated damage in a civil suit, and also the additional damage which the party may have sustained?

Mr. MARTIN. I know of no other instance in the patent law or any need of any provision of a similar character. The necessity for fixing a certain amount as the amount in liquidated damages arises from the peculiar character of the subject patented; and parties have been enabled heretofore to recover nothing whatever on account of such damages by reason of the species of property which the patent represents. The object in putting in the further clause that the party may recover any additional damages is this: It is believed that this will be preventive in its character, and no man would be likely to infringe when a recovery against him for such infringement will involve the sum of $250, as well as the total earnings of the business from that source; because there are many cases where parties would be willing to pay $250 for the privilege of infringing, because the manufacture which he would undertake would enable him to make many hundreds of dollars on such a small outlay; and this provision is put in for the purpose of meeting the cases of those who are willing to pay for the privilege of violating the law.

Mr. CROXTON. It must be a willful violation?

Mr. MARTIN. Yes, sir.

Mr. HOLMAN. But does my friend think, in view of the large rights now possessed by the owners of patents that there should be so material an enlargement and extension of the benefits intended to be conferred?

Mr. MARTIN. In this case I think such an extension is imperatively demanded.

Mr. MARTIN. I now renew my motion for the previous question.

The previous question was ordered.

The bill was ordered to a third reading, and was accordingly read the third time, and passed; there being, on a division—ayes 70, noes 10.

Mr. MARTIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MARTIN. I ask leave to extend my remarks upon this bill in the RECORD.

The SPEAKER. If there be no objection, the House bill on the same subject will be laid on the table.

There was no objection.

ORDER OF BUSINESS.

The SPEAKER. If the Committee on Patents has no further business to submit, the call now rests with the Committee on Invalid Pensions.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon.

PENSION FOR DEAFNESS.

Mr. CONGER. I am instructed by the Committee on Invalid Pensions to call up for present consideration the bill (H. R. 5871) granting an increase of the rate of pension now provided for deafness. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill, and that it be considered in the House as in Committee of the Whole.

The SPEAKER. The bill will be read, after which the Chair will ask for objections to the request of the gentleman from Iowa.

The bill was read, as follows:

Be it enacted, &c., That on and after the passage of this act, all soldiers and sailors who are now pensioned, or who may hereafter be pensioned, on account of total deafness of both ears, shall be entitled to receive the sum of $20 a month for such disability; and all soldiers and sailors who are now on the pension-rolls, or shall hereafter be placed on the pension-rolls, on account of disability from loss of hearing in a degree less than total deafness, shall be entitled to receive a pension proportionate to the rate provided herein for total deafness of both ears.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

Mr. COWLES. I object.

Mr. CONGER. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the bill (H. R. 5871) which the Clerk will read.

The bill was again read.

Mr. CONGER. Mr. Chairman, it seems to me that it is only necessary to call the attention of the House to the rate of pension which is now prescribed for total deafness and compare that with the rates for other specific disabilities to convince every member of this House that these unfortunate pensioners have been very greatly neglected. The rate of pension fixed by statute now for total deafness is only $13 a month. If it was not fixed by statute the Commissioner of Pensions would be permitted to increase it under his judgment as he is for other disabilities, the rate of which is not specified by law.

The rate of pension for the loss of a hand or foot is now $30; and it seems to me that no gentleman will disagree with the statement that for a person to be totally deaf is a greater affliction than to have lost a hand or a foot. In fact, I can conceive of no greater disability except perhaps it be the loss of both eyes or the loss of both arms than for one to be totally deaf.

The present rate fixed by law for the loss of a thumb and one finger is $12; for the loss of a thumb and two fingers, $14; for the loss of three fingers, $12. So you may go through the whole long list and you will find there are none of these pensions for other disabilities with which the rate for deafness will at all compare.

I have inquired from the Commissioner of Pensions the number of persons now on the roll for deafness. In reply to this inquiry he informs me there are now on the roll for total deafness twelve hundred and thirty persons. This increase of $7 a month would increase the roll $103,000 a year. There are on the roll for partial deafness forty-one hundred and fifty-nine persons. Taking it for granted they would average about a half pension, there would be a further increase of $175,000, making an annual increase of the pension-roll of $288,000 per year. I desire, Mr. Chairman, to incorporate in my remarks a petition which has been presented to the Committee on Invalid Pensions in regard to this matter, but will not take the time to have it read.

I move that the committee rise and report the bill to the House with the recommendation that it do pass.

The petition referred to by Mr. CONGER is as follows:

To the Senate and House of Representatives
of the United States of America in Congress assembled:

We, the undersigned disabled soldiers and sailors of the late war who are suffering from total, severe, and partial deafness, respectfully petition your honorable body to so amend the pension laws that we may be rated and classified in equity to the greatness of our disability.

As the law now reads ex-Union soldiers and sailors who are suffering from deafness are receiving pensions altogether disproportionate and inadequate to the disability received. The rating for our class, considering all things, is ridiculously low, so low as to make it look more like a mockery than an act of justice. In the different grades of deafness, partial, severe, and total (from our own personal experience), we find that it is almost impossible to secure employment, and when we do the compensation is so small that it will hardly support one, let alone supporting a family. The great majority of our class—90 per cent.—are unable to do manual labor and are compelled to seek employment that will relieve them from much exposure and fatigue.

When you take into consideration the faculty of hearing it becomes a serious obstacle, and is of prime importance, not only in the ordinary pursuits and business of life, but because it is the avenue (in our efforts) through which we provide for ourselves and families and through which we receive and enjoy most of the intellectual and moral pleasures of life. Indeed, hearing is next in importance to the sense of sight; by it we derive knowledge and instruction from teachers, lectures, sermons, and in social converse; it affords us pleasure by listening to the sweet tones of the piano, the organ, human voice, &c. It has been truly observed that "impairment of hearing in proportion to its intensity becomes one of the most severe afflictions incident to mankind; it is to some a greater loss than that of sight." To the naturally intelligent the loss of hearing will be more grievous than the deprivation of any of the other special senses, particularly to those whose daily resource and comfort is social intercourse; deprived of hearing they are deprived of all external source of happiness. Relative to the disability of deafness, if there is one class more deserving of an increase of pension than another that class is that afflicted with deafness. Any one who will fully investigate the matter in all its different bearings will fully agree on that point.

Compared with the pension granted for other serious disabilities, the deaf have received nothing but a mere pittance, by no means commensurate with the disability. Under the present law $13 per month (a full pension) is allowed for total or severe deafness in both ears, with a proportionate amount for partial loss of hearing in one or both ears. Just think of it, only $13 per month to those who are totally or very severely deaf. Is not this injustice? So far as the ability to secure employment or earn a support, severe deafness of both ears is a much greater disability than the loss of a leg above the knee or an arm above the elbow, and total deafness greater than both; not that we think the amount of pension our maimed comrades receive too much, but to fully illustrate our own disability we select this class. Let those who doubt the truth of this assertion fully investigate the matter, and see if it is not correct. What can a deaf man do? Stop and think before deliberating on our class of pensioners as to our claims for a more liberal rating for our disability. There are a great many things we can not do, with very few we can. We can not be a steamboatman, a railroader, merchant, nor a clerk, can not serve upon the police or fire department, can not be a street-car driver, nor an agent; we can serve in no vocation of life in which the language must be heard and where danger signals are sounded.

In very many cases where the deaf have a trade they can not follow it for their imperfect hearing. Look, for instance, at the profession, lawyers, doctors, preachers, teachers, &c. All these avenues of employment are practically closed to those afflicted with total or severe deafness, but not so to those with the loss of a leg or an arm; they can follow their vocation. Look again at the various classes of commercial and other branches of business, they are all practically closed to the deaf, but not so to the other class referred to. Look also at the trades. In this instance it is true that with the disadvantage loss of hearing causes, they are open to the deaf, and it is also true that with some few exceptions they are open to those with the loss of a leg or arm. In fact, there is scarcely any business of life for which total or severe deafness, if not an absolute disqualification (as it is for three-fourths of the vocations of life), it is, to say the least, a great hinderance and disadvantage, while there are numerous and many kinds of employment for which the loss of a leg or arm is practically but little if any disqualification, and yet what a vast difference in the rating of pensions for the two classes!

No one can conceive or realize the greatness and severity of the loss of hearing. It does not appeal to the eye and enlist the sympathetic feelings as does the loss of a limb and other visible disabilities, and is considered at first thought by many persons to be a slight affliction, while on the contrary it is a very serious disability when the earning of a support is taken into consideration, to say nothing of the pleasures of life from which the deaf are debarred.

The inward feeling of a deaf soldier can only be told and felt by those who have the affliction to bear. What a condition to be in; to see, yet unable to hear!

Seeing without hearing is but very little enjoyment to the deaf, and takes nearly all the pleasure of seeing away. We are condemned to a life of silence; no commuting of sentence until our last enemy captures us! Take the case of a deaf mute, born deaf, educated and trained from infancy in all the deaf-mute signs and language; they never knew what it was to hear the many sweet sounds the human ear is accustomed to, and so dear to those who at one time could hear.

Our condition is much different. We left our homes with all the vigor and health of manhood, having our full sense of hearing and seeing, when, by reason of disease or other causes, with no preparation for any sign language (in case of deafness), we were without much warning cut off from all sounds—deaf with all the word implies. Many are the dangers we are subjected to, not only after dark but through the day, in being knocked down by horse or vehicle, and must at all times be on the lookout for some new danger. To make our petition complete we will mention a few of the infirmities a deaf soldier is heir to in part:

Memory impaired; nervous prostration; great difficulty experienced after night in getting around, causing dizziness, with a staggering, stumbling, unsteady step, especially in stooping over, causes blindness, with an inclination to pitch forward; paralysis or numbness of feeling in the head; vertigo; loss of the sense of taste and smell; severe and acute pains in the head and ears; restlessness in sleep; depression of mind and body; susceptible to colds on the least change in the weather, which increases the disability; great difficulty to communicate with those who can hear, and more especially those who can not write; trouble in procuring remunerative employment, particularly those who are totally or severely deaf, and are unable to do manual labor; makes one feel all alone; a goneness, and sadness, with an aching desire that is intolerable to communicate and hear; all that helps to make life dear and a pleasure to every one who at one time could hear. Many imagine the deaf have nothing to disturb them in the way of distressing sounds and noises in the ears. In this they are greatly mistaken, as many have a continuous or perpetual roaring, rumbling, disagreeable noise in one or both ears day and night, without intermission. Others have three or four different noises at one time, &c.

This matter is derived and taken from our own personal knowledge and from contents of letters received describing the disability of comrades who are afflicted with deafness. There is no exaggeration or coloring to this petition, but plain facts for your careful consideration and investigation as to the merits and claims of the deaf pensioner.

Your petitioners would therefore most respectfully and earnestly pray for relief in our nearly total disability, and would ask your honorable body (for the causes set forth in this petition) to enact or amend the pension laws to increase the pension for total deafness in both ears to $50 per month, and where the disability is total deafness in one ear and severe in the other, or very severe deafness in both ears, approaching total, to $30 per month, with a proportionate rating for lesser degrees of deafness contracted in the service when in the line of duty.

Your petitioners will ever pray for right and justice to our class of pensioners, and submit to you this our petition.

Wallace Foster, captain, Company H, Thirteenth Indiana Volunteer Infantry, total deafness, Indianapolis, Ind.

R. K. Baird, private, Company E, Second Ohio Cavalry, severe deafness, Pickwick, Tenn.

Fred W. Fout, lieutenant, Fifteenth Indiana Light Artillery, severe deafness, Saint Louis, Mo.

H. C. Howell, lieutenant, Company G, One hundred and twenty-third Illinois Infantry, severe deafness, Martinsville, Ill.

William N. Foster, sergeant, Third New York Light Artillery, total deafness, Covington, Ohio.

George W. Walker, private, Company I, One hundred and twentieth New York Volunteers, total deafness, Kingston, N. Y.

E. L. Parsons, captain, Company F, Fourth New Hampshire Volunteers, partial deafness, Acworth, N. H.

William Simmons, United States Navy, partial deafness, Philadelphia, Pa.

Walter Lowry, private, Company G, Thirty-second Ohio Volunteers, partial deafness, Keyser, W. Va.

And 300 others.

Mr. COWLES. I desire to offer an amendment.

The CHAIRMAN. The Chair cannot submit the motion for the committee to rise if any gentleman desires to submit an amendment. If no further general debate is desired, the Chair will recognize the gentleman from North Carolina [Mr. COWLES] to offer his amendment.

Mr. BRECKINRIDGE, of Arkansas. I desire to ask the gentleman from Iowa what is the rate of pension now received by this class?

Mr. CONGER. Thirteen dollars a month.

Mr. MCMILLIN. Let the report be read.

The report (by Mr. CONGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill H. R. 3352, having had the same under consideration, report the accompanying substitute and recommend its passage.

The CHAIRMAN. The amendment sent up by the gentleman from North Carolina will be read.

The Clerk read as follows:

Add to the bill the following:

Provided said deafness shall have occurred by reason of injury received while in the line of duty and during active service in time of war.

Mr. CONGER. How will the bill read if so amended?

The Clerk read the bill as it would read if amended.

The amendment was agreed to.

Mr. CONGER. I now renew my motion that the committee rise and report the bill to the House with a favorable recommendation.

The question being taken the Chairman stated that the "ayes" seemed to have it.

Mr. BRECKINRIDGE, of Arkansas. I call for a division.

The House divided; and there were—ayes 133, no 1.

Mr. BRECKINRIDGE, of Arkansas. No quorum.

The CHAIRMAN. A quorum not having voted, the Chair appoints as tellers the gentleman from Iowa [Mr. CONGER] and the gentleman from Arkansas [Mr. BRECKINRIDGE].

The committee again divided; and there were—ayes 118, noes——

The CHAIRMAN (before the conclusion of the count). The hour for the consideration of bills has expired, and the committee will rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 5871) to increase the rate of pension now provided for deafness, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. CRISP. I rise to a privileged motion.

The SPEAKER. The gentleman will state it.

Mr. CRISP. I call up for present consideration the conference report on what is known as the interstate-commerce bill.

The SPEAKER. The gentleman from Georgia [Mr. CRISP], as a matter of privilege, calls up the conference report on the interstate-commerce bill. The gentleman from Tennessee [Mr. CALDWELL] has the floor.

Mr. CRISP. With the consent of the gentleman from Tennessee [Mr. CALDWELL], I wish to say a word to gentlemen who desire to dis-

cuss this bill and to the House, in the hope of coming to an agreement, if possible, as to when the vote shall be taken. It is needless for me to say that if every gentleman in the House who desires to speak on this bill should get the floor and use the time that the rules would give him the 4th of March would find us still discussing the bill. While I recognize the importance of the measure, yet we all know that this is not a new question; we all know how business is pressing upon us, and, in view of these facts, I would like to have an understanding by which at some hour to-day we may have a vote upon this bill.

Mr. DUNHAM. With the permission of the gentleman from Tennessee [Mr. CALDWELL], I would suggest to the gentleman from Georgia [Mr. CRISP] that this bill is probably the most important matter that has been presented to this Congress. It was discussed in the other branch some three weeks before the original bill was passed; the conference report has been discussed about two weeks, and now it seems to me that, inasmuch as several gentlemen desire to be heard upon the bill, we ought to allow the debate to go along to-day, let to-morrow be given to private bills, and have an understanding that the vote upon this bill shall be taken at 3 o'clock on Saturday. Then everybody will understand the bill; and the time, it seems to me, is no more than may reasonably be asked for the consideration of a question so important as this.

Mr. CRISP. Mr. Speaker, anxious as I am to do no injustice to any member, in view of the condition of the public business and the history of this proposed legislation, I feel that I must, at least, test the sense of the House upon the question of taking the vote at some hour to-day.

Mr. TOWNSHEND. Can not the gentleman call the previous question now, and settle the matter? Every man's mind is made up.

Mr. BUTTERWORTH. I would like to suggest to the gentleman from Georgia [Mr. CRISP] that even if the vote be postponed until 3 o'clock on Saturday, that will only leave five or six hours all told for the discussion of this bill. I do not think that is an unreasonable time, and if we can agree upon having a vote at 3 o'clock on Saturday, we will dispose of the matter satisfactorily, and give gentlemen, who desire it, an opportunity to be heard upon a bill which is so important to their constituents.

Mr. CRISP. How would it satisfy gentlemen to agree that the previous question shall be ordered upon the adoption of the conference report at the adjournment this evening—no vote to be taken this evening, but the debate to be closed?

Mr. BUTTERWORTH. I think the time suggested is not too much, three hours to-day and two hours on Saturday. In fact, it is a very brief time for the discussion of so important a measure.

Mr. CRISP. With such an understanding as I have suggested, we could meet to-morrow and take the vote upon this matter, and dispose of it without interfering to any considerable extent with the consideration of private bills.

Mr. DUNHAM. I would suggest to the gentleman from Georgia [Mr. CRISP] that that gives us only about three hours to-day and one hour on Saturday.

Mr. RYAN. Then there is only one hour's difference between the two propositions.

Mr. CRISP. Personally, I should be willing, and I have no doubt that others would be willing to emulate the example set us at the other end of this Capitol and, if necessary, stay here until 10 or 11 o'clock to-night debating this bill.

Mr. BROWN, of Pennsylvania. They are in the habit of adjourning over Saturday.

Mr. CRISP. I ask gentlemen to consider whether they will not agree that at the end of this session to-day or to-night the previous question shall be considered as ordered.

Mr. BUTTERWORTH. Why not agree to have the vote taken at 3 o'clock on Saturday?

Mr. ADAMS, of Illinois. Let the previous question be considered as ordered on Saturday at 3 o'clock.

The SPEAKER. The Chair will state to the gentleman from Georgia [Mr. CRISP] that this being a privileged matter, it can be called up, if the gentleman desires, on Saturday morning immediately after the reading of the Journal.

Mr. CRISP. I understood that; but what is to be accomplished by postponing the vote until Saturday, if the debate is closed at the end of to-day's session?

Mr. BUTTERWORTH. It gives two hours for discussion on Saturday.

Mr. ANDERSON, of Kansas. Suppose we have a night session.

Mr. BUTTERWORTH. This is a pretty large body, and a great many gentlemen do not like to come here at night. I do not think the time I have suggested is any too long.

Mr. CRISP. Gentlemen will allow me to say that Saturday is a bad day to be fixed for taking the vote—not for gentlemen situated like myself; but members whose homes are within a short distance of this city are often absent from the House on that day.

Mr. DUNHAM. That is their neglect, not ours.

Mr. CRISP. Now, why not agree to close debate at the end of the session to-night, and vote on the bill to-morrow morning immediately after the reading of the Journal?

Mr. BUTTERWORTH. That is, with the understanding that there shall be a session to-night for discussion.

Mr. CRISP. My proposition is that the previous question shall be considered as ordered whenever we adjourn to-day.

Mr. ANDERSON, of Kansas. Will the gentleman permit me to suggest that there are many gentlemen who desire to be heard on this bill who are not members of the committee and who can not hope to obtain an hour; and therefore I think it would be for the general advantage to agree that debate at the evening session be confined to ten-minute speeches.

Several MEMBERS. Oh, no.

Mr. MORRILL. Give everybody permission to print.

Mr. BUTTERWORTH. The gentleman from Georgia proposes, as I understand, that the discussion go on to-night, that the previous question be ordered at the adjournment to-night, and the vote be taken to-morrow.

Mr. CRISP. That to-morrow, after the reading of the Journal, the vote be taken on the report, the previous question to be considered as ordered at the adjournment of this legislative day.

Several MEMBERS. That is right.

Mr. BUTTERWORTH. It is a part of the understanding that we are to have a session to-night?

Mr. CRISP. Yes, sir. I ask the Chair to test the sense of the House on the proposition I have made.

The SPEAKER. The gentleman from Georgia asks unanimous consent that there be a session this evening for the discussion of this report—no other business to be transacted—and that when the House adjourns on this legislative day the previous question shall be considered as ordered, and that the vote be taken to-morrow morning immediately after the reading of the Journal. Is there objection? The Chair hears none, and it is so ordered.

Mr. CRISP. Now, I ask unanimous consent that we have a session to-night. What hour do gentlemen suggest?

Several MEMBERS. Half past seven.

Mr. CRISP. I ask unanimous consent that the House take a recess to-day from half past 5 o'clock till half past 7 o'clock.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the House take a recess at half past 5 o'clock to-day until half past 7 o'clock, the evening session to be for the discussion of this report under the order already made. Is there objection?

Mr. CUTCHEON. I ask the gentleman to incorporate in his proposition a provision that the debate at the evening session be had under the five-minute rule.

Several MEMBERS. Oh, no.

The SPEAKER. Is there objection to the proposition just stated by the Chair for a recess from half past 5 o'clock until half past 7? The Chair hears none, and it is so ordered.

Mr. ANDERSON, of Kansas. I now request that debate at the evening session be had under the five-minute rule.

The SPEAKER. That proposition has been objected to.

Mr. ANDERSON, of Kansas. Is it in order to make that motion?

The SPEAKER. The gentleman can ask unanimous consent.

Mr. ANDERSON, of Kansas. Then I ask unanimous consent that the debate this evening be confined to ten-minute speeches.

Several MEMBERS. That is right.

The SPEAKER. The gentleman from Kansas asks unanimous consent that in the discussion this evening each speaker be limited to ten minutes. Is there objection? The Chair hears none, and it is so ordered.

LEAVE TO PRINT.

Mr. CRISP. I ask unanimous consent that any gentleman desiring to print speeches in the RECORD on the pending bill may have the privilege of doing so.

The SPEAKER. The gentleman from Georgia asks unanimous consent that any gentleman desiring to print remarks on this subject, or, as the Chair would suggest, to extend remarks in the RECORD——

Mr. CRISP. Yes, sir; or to extend remarks.

The SPEAKER. May have leave to do so. Is there objection? The Chair hears none, and leave is granted. The gentleman from Tennessee [Mr. CALDWELL] is now entitled to the floor.

INTERSTATE COMMERCE.

Mr. CALDWELL. Mr. Speaker, I do not propose to consume more than a few minutes in submitting what I have to say on this report. The fourth section of this bill, or what is known as the long and short haul provision of the Reagan bill, was objected to, as I thought, with a great deal of force because it provided an iron rule which, by reason of its universality, might work hardship in individual instances. It is certainly true that cases were supposed, and cases may readily be imagined, in which, under the clause of the Reagan bill in reference to the long and short haul, great disadvantage and injury might be worked to the railroad transportation business.

A similar clause in the Cullom bill provided for what I considered the lodgment of a dangerous power of suspension in the hands of the railroad commission provided for in that bill. In other words, I understood under that clause in the Cullom bill the commission had the

power to exempt a road from the operation of the long and short haul clause, and hence could break up a road not enjoying the favor of such exemption, and that power was too dangerous to be lodged in any tribunal or any set of men, commissioners or otherwise. The bill as reported by the conference contains both propositions. It contains not only the Reagan proposition of long and short haul, but also the proposition for the suspension of the operations of that section in particular instances only. The distinction is an obvious one from the power given in the Cullom bill to provide general rules for suspensions, and I think the original proposition has been bettered by the one now before the House.

There must be some way to give an equitable administration of the long and short haul clause, if there is anything at all in the long and labored arguments which have been made against it, and the prophesies of evil which are to follow its enactment. This proviso in the fourth section of the bill is to apply to the operation of this law that equitable jurisdiction which has been found to work well in every other department of law. It is to supply that wherein the law by reason of its universality is deficient, and which may work hardship in particular cases.

It would be an astonishing thing if this bill, the result of full and careful consideration on the part of both Houses, should be a perfect measure. The number of failures which have been made in England over this question are a part of the history of this subject. If this law is defective, like every other law, it will reveal its defects on being put into actual practice. In other words, every statute which is upon your books has had to go through the test of practical operation and the test of judicial interpretation and decision. If this law reveals patent and manifest impracticabilities, it will be an easy matter to remedy them when they are pointed out by experience. No gentleman knows what is going to happen about anything.

There is no prophet, or son of a prophet, on this floor or anywhere else. We have here the germ of legislation in a new field in which Congress puts its foot for the first time, and from that germ experience will develop the full growth which will govern all these great questions of transportation by railroad. There is but one way to get at it and that is to start the practical operation of the great principles of the common law. The question narrows itself down at last to this: Shall the principles of the common law governing common carriers be administered in the courts of this country or by commission? My preference would be to open the courts of the vicinage and leave the matter to local decision. But I am willing to yield that proposition and have the common carriers of the country governed by a commission, rather than not have them governed at all.

The principal objection I had to the commission bill having been removed, I will vote for this bill; not as a perfect code, for perfect codes are not now handed down from heaven on Mount Sinai or Pike's Peak, as the gentleman from Iowa [Mr. WEAVER] seemed to demand. The law is no longer a revelation, but it is a growth. Every law has to have that growth before it is perfected. It has at last to be decided on by the courts, and tested by experience.

I believe we are starting in the right direction; and I do not believe the long catalogue of woes and calamities that chambers of commerce, which have never read the bill, and which have been stirred up by these lines of transportation and induced to put on the mantle of prophesy—I say I do not believe the enactment of this law will be followed by such calamities and that everybody is going to be ruined. I believe there is no chartered sacredness about these great interests. I admit they are great. I admit the railroad interests of this country have been great factors in its development, but I do not believe there is any constitutional delicacy or weakness in them which will prevent them from flourishing under the principles of the common law, like every other enterprise charged with a public use.

I yield now for forty-five minutes to the gentleman from South Carolina [Mr. DIBBLE].

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, in writing, was communicated to the House by Mr. PRUDEN, one of his secretaries.

THE INTERSTATE COMMERCE BILL.

Mr. DIBBLE. Mr. Speaker, I thank the gentleman from Tennessee for his courtesy in yielding time to me.

Before entering upon the discussion of the features of this bill it is well to consider the parliamentary position in which the House finds itself at present in relation to it. The pending motion is for the adoption of this conference report. There has been a Senate bill (the Cullom bill), there has been a House bill (the Reagan bill), and now comes, as a substitute for both, a bill presented for the first time to this House without the privilege of amendment, to be taken as it is or rejected as it is; and the first question is, what is the effect of a failure to adopt the conference report? Does it kill the bill? Not at all.

It opens the bill simply to a further conference between the two Houses. In that conference amendments which may be suggested, which have been already suggested in the course of this debate, may be incorporated; and there is no reason to doubt that, on such further conference, this bill would come back in ample time for the action of both Houses, improved upon in its present terms, by reason of the criticisms which it has received in the course of the debate, both in the Senate and in the House.

But, Mr. Speaker, supposing the result should be to defeat the bill; that the six weeks remaining of this session are not sufficient for conferees already familiar with the subject to get together and agree upon a proposition to present, and the bill is thereby defeated, I propose to advance some views in connection with my study of the bill which lead me to say that it would be better than the enactment of this bill into a law in its present shape.

The effect of enacting the bill as it is will be to throw into the courts for judicial determination and construction points which the two Houses can and should settle now. That difference of opinion, which is attendant (and necessarily so) upon this bill in its present form, will bring its ambiguities into litigation in the circuit courts and in the Supreme Court, and it will be five years before the highest judicial interpretation is given to the points which are at issue. The inevitable result, it appears to me, will be that the passage of this bill will set the subject at rest on the basis of its enactment and postpone the remedies which are required to correct the wrongs under which the people suffer to-day. There will be a truce of legislation, as it were, while the matter is being fought in the courts, and it would be infinitely better, in view of the ambiguities of the bill and the uncertainty of its meaning, that it should be postponed to another Congress rather than be passed and throw the subject into the courts on such a statute as this.

I do not believe, sir, that it is the part of Congress to agree on words while not agreeing to the sense of those words. What is the meaning of judicial interpretation of statutes? It is the determination of the legislative intention. It arises only where the legislative body, through inadvertence in the use of words, fails to declare its true intention; but it is a remarkable position for the legislative branch of the Government to assume, when it voluntarily uses words interpreted by one in one sense, and by another in another, and then votes on these words; for they are really, when they come to vote in such cases, voting on distinct propositions, and there is no consensus of legislative intention.

When one member says, "I will vote for that phraseology, because it means so and so," and another says, "I will vote for it because it means exactly the reverse," I say in that case there is not that consensus of legislative intention which marks the proper enactment of law. Let us put what we mean in plain and unambiguous terms. We do not have courts constituted to arbitrate legislative differences, and to take the chances of their arbitrament, and I have only to refer to this debate to show that there are serious differences not only between the members of the two Houses but between the members of each House as to the meaning of certain words used in the bill.

It appears to me that the gravest objection to this bill is contained in the powers conferred upon the commission. I have no objection to a commission exercising proper functions, but as I read this bill, it seems to me that Congress confers upon that commission legislative powers. Now, under the Constitution the three departments of the Government are to be kept distinct in their operations in their agencies.

Under the Constitution all legislative powers shall be vested in the Congress.

The fourth section of this act, in the long and short haul clause, provides certain legislation on that subject, but is followed by this proviso:

Provided, however, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

Now, Mr. Speaker, that is conferring legislative power. It is the power of suspending the operation of the statute, not in certain cases specified and laid down by Congress, but in the discretion of the commission itself. I grant that Congress might pass a statute general in its terms, and provide exceptions, and say that when those cases arise the executive department may proclaim a suspension. But there is no way to put that suspension of the statute in the discretion of another body without delegating to that body legislative power which the people have delegated to us; and our delegated power can not be thus delegated, and not only is it legislative power, but it is special legislative power. The commission has no power under that fourth section to establish a general principle, a general rule of exception applicable to all carriers alike.

That section first gives to the commission the power to exempt a certain common carrier in a special case—just one case; and then it goes on and says it can exempt that common carrier (not a class of common carriers, but that single common carrier) in a certain class of cases. It gives to that commission the power to say to one railroad, "We will release you from the provisions of the long and short haul clause," and it gives them the power to say to another railroad, "We will not release you." But it nowhere confers the power on the commission to say, "We will exempt this railroad and all other railroads in the same

class from the operation of the long and short haul clause." The language is explicit:

Provided, however, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

Note that the words are "such designated common carrier." The commission can only act upon particular common carriers, and can not establish a general rule of exceptions. Why, Mr. Speaker, that is a terrible power over the transportation of this country——

Mr. WEAVER, of Iowa. Favoritism, too.

Mr. DIBBLE. Where competition is so active, where influences so powerful can be brought to bear upon five men, where representations so strong will be made; why, sir, it has the power to make fish of one and flesh of another, and the only way in which they can act tends to favoritism and partiality. I object to it on that ground; and to my mind, Mr. Speaker, that seems to be a fatal obstacle to the passage of this bill in its present form.

Let us look further into the question of the power of this commission. While in that particular it is endowed with legislative faculties, in another it appears to have judicial functions bestowed upon it. Let us cite a case. Take section 15. It appears by the terms of this act that this commission acts judicially in three ways, either on the complaint of a party who claims to have been injured, or at the request of a State railroad commission, or of its own motion.

Now, suppose, Mr. Speaker, that a railroad shall have committed an act of injustice against some citizen, and that citizen desires to exercise the option, which this act purports to give him, of going into the courts of the country rather than to go before the commission, why it is in the power of that commission, of its own motion, to initiate proceedings and have an investigation; and if it should so happen that the commission investigating that grievance should find against the railroad company, and should impose by way of reparation some insignificant penalty—some insignificant amount of damages, if you please, to be paid to that complainant—why, sir, whether that complainant acquiesced in this process or not, under this bill the payment of those insignificant damages, the making of that insignificant reparation, relieves that common carrier forever from the criminal and civil consequences of that act. And if the commission happens to get ahead of the complainant in initiating the investigation before he files his complaint in the court (and perhaps in other cases, but certainly in that), the action of the commission nominally against the carrier, but really in his favor, would be cited to make it *res adjudicata*, and bar his right of recovery in the circuit and district courts of the United States.

Mr. ROWELL. Will the gentleman permit me a question?

Mr. DIBBLE. Yes, sir.

Mr. ROWELL. If the proceeding is instituted by the commission, and not at the request of the party, is he by this bill barred?

Mr. DIBBLE. I will read the words of the bill. I think he is explicitly barred of recovery, and I will show that very plainly. It says that "in any case in which an investigation shall be made;" any case; and just before that it provides the three ways in which it can be made. First, by the complaint of the party; secondly, by the request of the railroad commission of a State; thirdly, it may institute any inquiry in its own motion in the same manner and to the same effect as if complaint had been made. Now, if it is to have the same effect as if complaint had been made, I think that answers the question of the gentleman from Illinois.

Then there is another injustice which appears amid the mass of language composing this bill.

It is this, Mr. Speaker: While an option is apparently given to the complainant to go to the courts or to go to the commission, if he ever gets before the commission there is no right of review or appeal for him. By ingenious phraseology the right of appeal to the courts of the country is given to the common carrier, but I do not find that the same right is given to the complainant. What does the bill say? It says, in substance, that if the commission should happen to find adversely to the carrier—not that the carrier shall take a regular appeal, but it gives him practically the right of appeal, because all he has to do is to refuse to obey the finding of the commission—then, in case of his refusal to acquiesce in their decision, the commission may carry the question to the courts for adjudication, and where the amount involved is $2,000 to the Supreme Court of the United States. But I fail to find in the act any provision for carrying the question into the courts when the decision is adverse to the complainant.

Mr. WEAVER, of Iowa. There is none.

Mr. DIBBLE. The appeal, therefore, from the decisions of the commission to the regular tribunals of the country is given to the common carrier, and is not given to the party who complains. I say that such a provision in the conferring of judicial powers is a violation of all the principles that should govern appeals, and this appeal is very singular. The commission can find damages like a special jury, and can say: "This complainant has been injured so many dollars, and you must pay so much by way of reparation." But instead of going on and appealing regularly the common carrier simply sits down and does not do anything at all; he simply disregards the finding of the commission. Does he suffer for contumacy? Not at all. Does his course increase the damages? Not at all. The case is carried to a court, and that court sits as a court of equity, and a court of equity does not assess damages.

Mr. HEPBURN. Will the gentleman please point out the section of the bill that authorizes any appeal at all by any person. According to my understanding of the bill, it does not contemplate that any appeal will be taken.

Mr. DIBBLE. I will go over the ground again. I have already stated distinctly that there is no formal appeal granted, but I say there is a provision in favor of the common carrier which is equivalent to an appeal. I will explain my meaning again. The bill provides that in case the commission decide that the common carrier has to make reparation to such an amount, or to pay such and such damages to the claimant, they shall notify the common carrier of that decision. Then, if the decision be disregarded by the common carrier, the commission has the right to take it to court, and that right is given only in a case where the common carrier disobeys the decision. Therefore, the mode of appeal provided for the common carrier is to disobey the decision of the commission, and that will give him practically all the rights of an appeal in a form heretofore unknown to the jurisprudence of this or any other civilized country, so far as I am informed.

Mr. HEPBURN. If the gentleman will permit me, the bill simply provides that means of compelling obedience on the part of the common carrier. It is not a provision for an appeal, but it is the method which the commission must use in order to effectuate their decree.

Mr. DIBBLE. Well, Mr. Speaker, it is distinctly asserted in the act that the decision of the commission, when that mode of compelling obedience is adopted, stands exactly like the decision of an inferior court. The bill provides that on an appeal to a higher court the decision of the commission shall not be conclusive, but only *prima facie*. That opens the defense and gives practically an appeal and a review upon appeal to the common carrier in the higher court. If the report and the findings of the commission were to be conclusive in the higher court, then I grant that the position of the gentleman from Iowa [Mr. HEPBURN] would be well taken; but when it is simply *prima facie*, that puts the decision of the commission exactly in the position of the judgment of an inferior court when an appeal is taken to a higher court, and gives the common carrier the right to put in a case against that *prima facie* case, and to do substantially all that he would have a right to do on a regular appeal.

Mr. CRISP. Will the gentleman permit me to interrupt him?

Mr. DIBBLE. With pleasure.

Mr. CRISP. I am not certain, Mr. Speaker, that I apprehend the gentleman's argument. The bill provides that when complaint is made to the commission they may investigate, and if they think proper order the carrier to desist from the practice complained of and to pay certain damages. The commission have not, I agree, the power to force the carrier to comply with their order. If the carrier fails to comply with the decision of the commission then the commission or the individual can go into court and enjoin him, pending the litigation, from the continuance of that practice; and when the case comes into court the report of the commission stands exactly as the report of an auditor or master in chancery would stand in a case in court; it is *prima facie* true on the facts. That is all.

Mr. DIBBLE. But the distinction I draw is this: Of course this is the exercise of judicial power by the commission. Suppose the commission, instead of finding adversely to the carrier, should find adversely to the complainant; there is no way for him to get his case into court. But there is a clear way—although it is a roundabout way it is a clear and plain way—by which the common carrier may get the adjudication of a court. The complainant, however, by going to the commission, has taken his election and can not go to the court; he has no way to get there.

Mr. CRISP. The gentleman will allow me to say—of course I do not wish to inturrupt him—that is exactly what the bill contemplates, that the party who thinks he is injured shall have his election to go in the first place to the courts and set up his case like any one else or to go before the commission. If he goes before the commission he is bound by their judgment, and ought he not to be?

Mr. DIBBLE. I do not think he ought to be bound by the judgment of the commission unless the other side is also to be bound by the judgment of that commission. I do not think there is any fair judicial tribunal that does not give the same right of appeal to the plaintiff who has elected to go there that it gives to the defendant who makes his answer. I can not conceive or admit that it is fair that the complainant, in case of a judgment adverse to him by the commission, should not have the same right as the common carrier to get the judgment of a court upon it, or to appeal to the Supreme Court of the United States. Yet under this bill one party has a practical way to go to the Supreme Court of the United States, and the other has not.

But, Mr. Speaker, as time is passing, there are one or two other points in this bill——

Mr. HEPBURN. Before the gentleman passes from this branch of the subject, I desire, if it will not interrupt him——

Mr. DIBBLE. Not at all.

Mr. HEPBURN. I wish to call his attention to line 13, page 29 of this bill, where he will find the following language:

And nothing in this act contained shall in any way abridge or alter the remedies now existing at common law, or by statute.

Now, if an individual would have the right under the existing law to go to the courts, would he not still have that right under this bill, although he might have elected first to go before the commission? In my judgment, this provision is clear and explicit.

Mr. DIBBLE. There is an express clause in the bill to the contrary. It is to be found in section 9:

SEC. 9. That any person or persons claiming to be damaged by any common carrier subject to the provisions of this act may either make complaint to the commission as hereinafter provided for, or may bring suit in his or their own behalf for the recovery of the damages for which such common carrier may be liable under the provisions of this act, in any district or circuit court of the United States of competent jurisdiction; but such person or persons shall not have the right to pursue both of said remedies, and must in each case elect which one of the two methods of procedure herein provided for he or they will adopt.

Mr. ROWELL. Does not that clause, as I have already suggested, provide that only such proceedings as are instituted by the commission upon the request of the party complaining bar him—not proceedings instituted by the commissioners on their own motion?

Mr. DIBBLE. I concede the position the gentleman takes. I have never maintained the contrary. The distinction is this: in a case where the commission, of its own motion, takes the initiative, makes a determination and mulcts a common carrier in an insignificant sum named as the reparation in a particular case, that does not bar the complainant of his election to go into court; but when he gets into court that is pleaded against him as *res adjudicata*. Therefore he is estopped, because the other section provides that he can not enforce any further liability or penalty, including both the civil and the criminal branches of the subject, if there is an adjudication against the common carrier, however small, and the carrier complies with the terms of that adjudication. That is a provision of this bill. If I had time I would like to read it again to satisfy the gentleman; but he can read it for himself. When the commission commences an investigation of its own motion, it of course must summon both parties interested. This does not bar a complainant from going into court, but the relief is barred if the common carrier has complied with the decision of the commission as to reparation, made in a proceeding on the motion of the commission, begun prior to his suit. There is another part of this act, Mr. Speaker, which I approach with some hesitation, as there is in it a good deal of that ambiguity which is one of the objections to this act. I refer to the provisions with reference to the long and the short haul. Now, I agree with the distinguished gentleman from Georgia, who so ably advocated the adoption of this report two days ago, in his definition of the word "line" in the fourth section of this act. I agree with him where he says in relation to that—

I do not understand that the word "line" as used in that section means anything different from road as defined in the bill:

"The term 'railroad' as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease."

We agree, then, that the word "line" is synonymous with the word "railroad;" and if that be the case, I would call the attention of the House to the fact that some of the instances which have been cited in this debate would not find in this act anything applicable to them. An instance was cited of 76 cents a hundred for freight from New York to New Orleans, and $1 a hundred on freight from New York to Atlanta. Why, Mr. Speaker, if the word "line" means "railroad," neither the route from New York to New Orleans nor the route from New York to Atlanta is embraced within the terms of the bill, because there is no provision in the fourth section for a long and a short haul over connecting lines, but the language refers only to transportation over the same line.

If that line means one railroad operating under one control and one management there is nothing in that section which forbids discrimination on a through route. Let us take the language of the section, and let us compare it with the language of the preceding section. In section 3 of the bill we have the word "line" again where it speaks of the common carriers giving equal facilities for interchange of traffic "between their respective lines"—"and delivering passengers and property to and from their several lines and those connecting therewith"—"and shall not discriminate in their rates and charges between such connecting lines." That is through travel. There is nothing like that in the fourth section.

And instead of providing it shall be unlawful for a common carrier to receive greater compensation for a shorter than for a longer distance over the same line or over connecting lines, the words "connecting lines" are left out, and, as the gentleman from Georgia [Mr. CRISP] says, that simply means over the same railroad. Then the question comes down to this:

Suppose a complaint is made against a single common carrier. And by that, Mr. Speaker, I desire to explain I accept the term railroad to mean the railroad itself and all the lines controlled by it, whether leased or otherwise. For instance, I would call the Piedmont Air-Line, controlling half a dozen connecting roads, a single railroad for the purpose of this act, because they are all under one management; but I would not call the Pennsylvania Railroad and the Piedmont Air-Line Railroad as one in this act, because, while they connect and have an agreement, under the third section, for the interchange of passengers and traffic, and have an agreement for joint tariff, they are not actually operated under the same management. They would constitute two railroads, or lines of railroad, and are not the same line.

The question arising here may be put in this way. It is true, nobody can complain except against a single common carrier which has charged for passage over the whole of its line less than the charge on its local tariff for intermediate points. Then comes the inquiry as to the meaning of these words: "Substantially similar circumstances and conditions."

It appears to me, Mr. Speaker, in this very bill the joint tariff for connecting lines is recognized as being different, and not "substantially similar" to the "circumstances" of the local tariff. It provides every road shall post its local tariff, or keep it in an accessible place, so the public can see it. It also provides that it shall be filed with the commission. It is also provided that it shall exhibit its local rates from every point of departure to every point of destination upon its line of road.

What is the provision as to joint tariffs? It is that the joint tariffs need not be published; they are to be filed with the commission, and we then leave it to the discretion of the commission whether the common carriers shall publish one item, or no item, in those joint tariffs. I call the attention of the House to that section, showing a marked distinction made between through travel with connecting lines transferring freight and passengers under a joint tariff and the case of a single line as specified in section 4.

It appears to me that this act applies only to cases where a railroad or various railroads or lines under a single controlling management go from one State to another, and are therefore brought within the jurisdiction of Congress. And, as I read the bill, so far as long and short hauls are concerned, they are not brought under the fourth section where connecting lines take up freight or passengers going, for instance, from New York to New Orleans, because they are not operated under one management, but each line as a road by itself. And it is provided expressly in the bill that where there is a joint tariff one road shall not be held responsible for the action of another road in the connection.

Now let us see how that operates between two points, such as Chicago and New York. Suppose there is one line from New York to Chicago operated under a single control, a management like the Pennsylvania Railroad, which, I believe, has through communication under its own control. There is also another route or connection between New York and Chicago, but instead of being under one control it is composed of two connecting lines. In the one case the tariff comes under the local tariff provision; it is to be published for the benefit of all concerned, everybody must have access to it; while under the other it comes under the provision of a joint tariff of connecting lines. And, as I understand the fourth section, in one case the commission has jurisdiction, and in the other it has not, although the points of departure and arrival are identical. This and many other inconsistencies could be corrected if further conference is had on the bill.

In conclusion, Mr. Speaker, I think the bill unfair to the people in some of its provisions and unfair to the common carriers in others; and I do not believe that a piece of glaring injustice to one party in one section is properly compensated by similar injustice to the other party in another section. And I can not agree with those gentlemen who think that the main thing to be done is to pass an interstate-commerce bill, whatever may be its defects.

When I consider the great benefits which have been realized from the intercourse of trade and travel between different parts of our common country by means of our lines of railroad I would foster and encourage them in every way in the proper discharge of their duties to the public; while I would give to the people every remedy against extortion and unjust discrimination which our courts of justice can afford and which Congress has power to enact. This bill, in my humble judgment, accomplishes neither of these ends; but it proposes instead to clothe five men with the power to make discriminations between common carriers equally as odious and unjust as any of which such carriers have been guilty in their dealings with the public, and it couches the relief which it professes to give against the real grievances of the people in such ambiguous phrases that scarcely any two persons interpret it alike. From it will spring, not relief but long, expensive, and fruitless litigation.

Such will be the inevitable result from the passage of a bill which no one understands, which members who vote for it condemn, and which, in the grant of arbitrary power of suspension of our action to a body of five men, is a confession that we fear the consequences of our own legislation. Better far would it be to confer jurisdiction on the established tribunals of justice, both State and Federal, to hear and determine the complaints of those who have been wronged, according

to those well-defined principles of the law of common carriers which the experience of many years has ascertained and illustrated. Surely the courts which can render judgment concerning the life, liberty, and property of the citizen might well be intrusted with the adjudication of his rights as a traveler and a shipper of goods or against a common carrier and of the rights existing between common carriers in their mutual relations with each other.

[Here the hammer fell.]

Mr. CALDWELL. Whatever time may be remaining I will reserve, as I propose to yield it to the gentleman from Alabama [Mr. OATES].

The SPEAKER *pro tempore* (Mr. MCMILLIN in the chair). The gentleman has five minutes of his hour remaining.

Mr. JOHNSON, of New York. I yield ten minutes to the gentleman from Wisconsin [Mr. BRAGG].

Mr. BRAGG. Mr. Speaker, I take the floor in order that my vote upon the pending bill may neither be misconstrued nor misunderstood. I am opposed to this bill and shall vote, as my judgment dictates as right, against the bill.

In a former Congress I had the honor to address this House in opposition to the bill upon the question of general policy. I shall here very briefly state my opposition to it from a political view.

If the history of the times is right and if public opinion has not been formed upon imperfect or, perhaps want of, evidence, it was but a few years since that the legal-tender decisions of the Supreme Court of the United States were reversed. Public opinion said that they were reversed by the votes of two judges appointed at the request of certain railway companies. Still later than that public opinion has it that a large amount of "boodle" was furnished to carry a campaign in Indiana as the price of an appointment. I do not say whether public opinion was correct or incorrect; I desire to express no opinion whatever upon that subject, but I do express an opinion thus far on this question, that if Congress assumes control of all the railroad corporations in the United States, Congress masses all the capital of the railway companies and makes it a factor in Federal elections; and if Congress votes for the appointment of persons who are to determine ultimately upon the construction of the law it passes, we force railroad capital into the canvass to secure the election of a man who will bend his knee to their wishes in order to secure their support.

Therefore I regard it as a dangerous exercise of power, and one which, although it may temporarily relieve the people in some respects from injuries and grievances under which they now suffer, will ultimately hang a millstone around their necks by which they will be drowned in the deep sea.

I oppose the bill, sir, secondly, because I am opposed to the fourth section of the bill known as the long and short haul provision. I believe that section is not founded upon business principles, and for that reason it would be unwise legislation. I believe it to be opposed to the interests of my constituents. I believe it to be a deadly blow at the great agricultural interests of the Northwest, and for that reason I oppose it.

I am not to be driven from my position by newspaper articles or by intimidation, for fear of being called an attorney of a railway company. These things have no sort of terror to me. I have prosecuted railway companies for the last thirty-five years in every court in the circuit wherein I live. I oppose it because I believe it to be wrong, as I have said, upon business principles. The merchant who sells a million dollars' worth of goods can sell that quantity at a much less rate per cent. of profit than he who sells but $50,000 worth of goods, and at the same time receive much more remunerative profit from his sales. Why? Because the smaller percentage on the larger amount nets in the aggregate a greater sum than the larger percentage on the smaller amount of sales. So, the railroad company that transports twenty millions of dollars of freight for one community can, for the purpose of securing that transportation, take that freight to market at a reduced rate, much less than it could for the community that furnishes but one million dollars of freight.

The principle to my mind is exactly the same. We of the West are indebted for its immense development, to the rich fields of grain which it raises every year, to its tremendous herds of cattle which are raised there and find their way to market, to the butter and cheese which it produces for export, and very largely to the railways. The energetic intellect which manages the railway systems of the country discovered early that the true way for them to make money was to strike their lines with feeders into every section of the rich Northwest, with its fertile fields; that when the farms were cultivated and the towns and cities grew up it would furnish not only tons by the hundreds for transportation but by the million for carriage to the markets of the country.

Their foresight has proved, at last, to be true in realization; for while there were but about eleven million of tons of freight shipped East from Chicago in 1865, in 1885 there were nearly sixty-six million of tons shipped, and that shipment came from the development of the agricultural fields of the West—Dakota, that furnishes so much wheat, and Minnesota, that furnishes so much flour. When the amount of this export trade is taken into consideration and the railway companies negotiate for the purpose of securing that freight to the seaboard they can make better rates where they are to be furnished with so large a supply of tonnage than they can make with us in Wisconsin, where they will be furnished with a less amount. And so if they have received from us, from Wisconsin, a greater quantity of any article, they can make terms with us better than with Ohio, which will furnish less; and with Ohio they can make better terms than they can make with Pennsylvania. It is a question which can only be solved by the men who deal practically with it day by day.

In addition to this large increase of freight the result is that there has been a reduction of rates in the ratio of four to one, showing that all other sections, besides these sections where these products came from, receive proportionately a reduction in their rates, by reason of the increased business of the transportation companies.

As I said, it is a question that can only be settled by the practical men who handle it and deal with it. It can not be settled by men dreaming and then talking philosophy over it. It can not be settled by newspaper men, who know nothing at all of the problem of transportation; and it can not be settled by legislators who are as ignorant as the newspaper men.

In this identical bill and in this section the conference committee and the Senate of the United States have filed their *cognovit* that they do not know enough to make the regulations to regulate trade. They have passed the long and the short haul, but they added to it a proviso as follows:

> *Provided*, however, that upon application to the commission appointed under the provisions of this act, such common carrier may in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

Here we have, then, Congress making a law prescribing what shall not be done, and in the same breath delegating to a commission in its discretion to nullify its provisions.

This, I say, is a confession of incompetency. It is saying, with a grand flourish to the shippers: We have relieved you from all discrimination, but have provided for the appointment of men who may legalize and authorize the thing forbidden to be done. I do not believe this is sound legislation, or that it will have any other effect than to disturb business, to upturn, for a time, all the freighting interest of the West, increase freights, and reduce the price of all export products. The burden of the law will be borne, like all the other burdens of the Government, by the producer, whom this law pretends to shield and whose interests it pretends to protect.

But, sir, another illustration occurs to me as I am speaking in elaboration of the views before suggested, that the bill was not framed on business principles.

When the grain crops are being moved all of the rolling-stock of the corporation will be in use and be productive. After that comes a period when a portion of it and the working force in connection with it are scarcely earning their wages. Certainly you would hardly expect as low rates as when everything was in use. As business decreases so rates must increase, or the carrier is running at a loss, which no one asks for.

It therefore seems to me, sir, that no law can be passed by us which can properly adjust this great transportation problem. The only law that occurs to me which can deal properly with it is the law of self-interest under certain legislative restrictions which may be imposed without danger.

In what I here have said my reference has been to through freights to the seaboard. In these there may be more or less of discrimination at certain points. There can be no restrictions imposed that will not leave some ground for complaint. Legislation, however, can not be framed upon exceptional cases; it must confine itself to general rules; and while we are studying the problem how to get the product of the grain-fields of the West to the market so that the cost of production and the cost of transportation will not exceed the value of the product when it reaches the market, we must remember that in all governments the individual has to yield measurably his natural rights to constitute an organization that will promote the interest and welfare of the greater number. Society rests upon this principle, and there is no good reason why transportation may not, in a measure, be governed by the same law.

The West and South, more remote from market, may safely have extended to them advantages of shipment, which develop their sections and enrich the whole country, although certain States nearest to markets may not obtain as large profits as they otherwise would but for the competition thus furnished.

The contention here is precisely, in principle, the contention between Pennsylvania and New England with the West and South—high tariff taxation enriches the former and impoverishes the latter, while I contend that a medium is the true rule. The former States must lose some of their profits, because a proper regard for the interests of the other States requires that they shall let up that the remainder of our people may live and prosper.

My belief is that the prohibition against pooling is the true solution of the question so far as we may be able to reach it on through freight, and local State laws guarding against unreasonable and unjust dis-

crimination in the States upon local trade where other principles are involved in the question.

By prohibiting pooling and consolidation of roads, the latter being under State jurisdiction, you create a healthy business competition, controlled by the law of self-interest. The road that is worth what its stock and mortgages represent can carry cheaper, of course, than roads with large issues of stock and large indebtedness exceeding present values. These latter roads, it seems to me, are kept up by pools. Do away with that system and fictitious values must go, and the stock of the road must be re-capitalized upon basis of actual valuation. When that is done I think self-interest will do the rest, and we shall have reached as near as we may the solution of the question. My views may be crude and impracticable, but as I now look at the question they justify my vote.

One word in addition and I have done. What sense is there in having this great commission sit in Washington? Why not make it Florida in the winter and the White Mountains in midsummer? There would be just as much practical sense in such location as to make Washington the central point.

The commission should be where the business to be watched and examined is—where freight is shipped and contracts of shipment are made—I mean by this that the place of location should be upon some point easily accessible, upon the great trunk lines—like Chicago for instance, where all the lines converge and where all the Northwestern lines and the lines from the Pacific coast terminate. There would be some sense in that; but Washington is way at the end of the tail of railroad business. And the place could only have been selected, with a view of having the commissioners near at hand, to be labored with by politicians when Congress is in session.

The SPEAKER *pro tempore* (Mr. MCMILLIN). The time of the gentleman from Wisconsin has expired.

Mr. JOHNSON, of New York. I yield five minutes to the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. It would be impossible in the five minutes which the gentleman from New York has kindly yielded to me to discuss the provisions of this biil. I do not expect to discuss them, but simply to state in a few words the reasons why I expect to vote for the bill.

In the Forty-eighth Congress I voted for the commission bill and against the so-called Reagan bill. I thought at that time that as the first step in a new field of legislation the commission bill was the preferable form of legislation. I still believe that for a first step the Senate bill would be the better bill. Nevertheless I have come to the conclusion that I shall vote for this bill simply because I do not expect to have the opportunity in this Congress of voting for any other bill; and I do believe that it will be better for the country to have this bill, with all its faults and with all its uncertainties, than to have no legislation at all upon this great and important subject.

As I said, we are entering upon a new field of legislation as a Federal Legislature. We are about to lay our hands upon the greatest material interest that this country possesses; and that is its internal commerce. The vastness of that interest is measured not by hundreds of millions, but by thousands of millions of dollars annually. Under such circumstances it seems to me that the danger is in attempting too much as a first step. And I fear that this bill attempts too much. When the great commercial bodies of this country in all its great commercial centers are sending up their protests, I think it ought to give us serious reason to pause before taking so long a step as this.

I expect, Mr. Speaker, that this bill, if it becomes a law, will be attended with friction, with loss, and perhaps bankruptcy to some railroads; with some loss to producers by the increased cost of transportation, and more or less confusion in our internal commerce. And yet I intend to vote for the bill because I believe upon the whole, balancing gain against loss, balancing the profit that is to come to the entire people of this country against the loss that will come to particular classes and particular organizations, the balance is on the side of the good and not on the side of the evil.

I apprehend, Mr. Speaker, that when we meet again in two years from now we shall be ready, almost all of us, to vote to modify some of the provisions and, if it becomes a law, perhaps to repeal some of the provisions of this bill. I say, frankly, that if I had the power I would strike the fourth section out of the bill entirely. I believe that it will strike the State which I have the honor in part to represent a serious blow, because we depend very largely upon cheap transportation of bulky and weighty products, such as salt, lumber, iron, and copper.

I believe that the long haul and the short haul discrimination as it has been practiced by the railroads of this country is based upon sound business principles. It is the difference between the wholesale and the retail of commerce, and I believe that it is not a discrimination against the people, but, on the contrary, a discrimination in the interest of the great masses of the community who, by means of the long-haul rate, are enabled to dispose of their produce and acquire their necessaries to better advantage. In other words, I believe that the system brings the meat and the bread of the Western producers cheaper to the consumers of the great Atlantic seaboard and returns a larger compensation to the producers of the West and Northwest. Yet, notwithstanding this belief, believing also that this is a bill in the interest of the many as against the few, I expect to give it my vote. I wish it were a better bill, but I despair of a better bill in this Congress, and I shall therefore vote for this one.

Mr. JOHNSON, of New York. I yield now to the gentleman from Iowa [Mr. FULLER].

Mr. FULLER. Mr. Speaker, the question of the regulation of interstate commerce has been before Congress for many years, and as yet no action has been taken. The people have been patiently waiting, in expectation that the law-making power would take some steps toward remedying the great evils which have arisen growing out of the manner in which the great corporations have treated the shippers of the country. The people have not expected that a perfect law would be draughted at once, but they have expected that some steps would be taken to insure a remedy. Every attempt at control has been met by the determined opposition of the corporations.

It mattered not whether it was State or National control, the corporations were always on hand with their objections to the proposed plan; these objections presented by the most astute counsel that could be secured. Never in the history of this question have you found the great minds who manage these great enterprises present giving counsel and in good faith assisting the law-making power in formulating a law which would be fair to the people as well as the corporations.

I presume each member of this body has received a score of newspapers containing carefully prepared articles arguing against the proposed legislation, but how many railway presidents and managers have in good faith said a word which was calculated to assist Congress in the framing of a law.

In my own State this question has been before the Legislature for years, and at every session the best talent in the country has been in attendance negativing every proposition looking toward the control of rates on railways. The corporations come before legislative committees, and even obtain the use of legislative halls, where they adroitly pick out the flaws in the proposed legislation, but never attempt to render any assistance in framing a law. The time has come when the people expect legislation. They have heard from the corporations. They have permitted their representatives to make haste slowly in the enactment of a law, but they now demand that a law be passed. Any law that may be enacted will undoubtedly be crude, and will need much amendment before it meets the end in view.

The bill as presented by the conference committee should, in my judgment, be amended in several particulars, but rather than have this session close without some legislation on this great question I shall vote for the bill.

My first criticism to the present bill is that too much is expected of the commission. I am afraid that in its practical workings it will prove a failure and a delusion. It seems to me perfectly idle to suppose that a commission of five men can properly and fairly settle and pass upon the multiplicity of questions arising between shippers and railways on 130,000 miles of railway, extending from Maine to California and from Oregon to Florida. It will, in my judgment, only be a few months before there will be accumulated before this commission hundreds of cases, and that it will be years before the parties will see the settlement of their differences.

Giving parties the right to go into the Federal courts will give a remedy which will be more satisfactory to the people than the commission. The Federal courts are better than no forum at all, but the bill should be so amended as to permit the aggrieved party to go into the State courts, in any county through which the railway runs, and there seek his remedy. Why should a shipper be obliged to enter his complaint at Washington before a commission or seek the expensive Federal court situated perhaps 200 miles from his home? Why not give the State courts jurisdiction and permit a jury of twelve men of the county to decide on the merits of the case?

My own State last winter passed a law compelling foreign corporations doing business in the State of Iowa to incorporate under State law. The people of Iowa believe in having the same forum for corporations as for the people.

The people are jealous of that old-fashioned right of trial by jury. It took the English-speaking people many hundred years to secure that right. It was one of those great rights which they demanded and secured when they wrung from King John the famous Magna Charta. The people will look with suspicion upon any process different from the ordinary courts of the land for the redress of their grievances. The railways have, as a rule, favored the commission, but I find one railway magnate who is fair enough to state that he doubts the efficiency of the commission system. I find that the president of the New York, Lake Erie and Western Railroad, as reported in the New York Tribune of December 19, 1886, says in reference to the commission being capable of handling the question:

> The proposed board of commissioners will, at least for a long time, only aggravate the situation. Five commissioners to examine and decide promptly such delicate, difficult and complicated questions as these! Seventy-five commissioners well trained in the necessary requirements of their positions could not do it. It would require the whole time of five commissioners to hear and pass upon the grievances of this company alone. It would take five for each of the other trunk lines. It would take months of careful and diligent examination to make an intelligent report or reach a wise conclusion.

I believe there is much truth in the foregoing statement. But while the commission may not be effective as a mode of redress there is much that it can do in the way of gathering statistics, making reports, examination of the manner in which railways are conducted which will be of benefit to the people. I could not vote for this bill if the only remedy was through a commission. The courts being open to the people they will furnish to them a forum in accordance with our system of government. And I have faith to believe that jurisdiction will soon be given to State courts in accordance with the demand of the people.

There is much that is good in this bill. It provides that all charges shall be reasonable and just; that discriminating rates shall be prohibited; that no preferences shall be shown; that pooling shall be unlawful; that rates shall be published; that notice shall be given of advance in rates; that no combinations shall be formed to prevent continuous carriage of freights; that these common carriers shall be liable to all damages incurred by party injured. A bill containing such excellent provisions, if passed, will be an indication to the people that the law-making power propose to control these gigantic monopolies which have in the past paid so little respect to the rights of the people. What an indictment could be presented against these railway corporations if time would permit to enter into all the details. Probably 75 per cent. of the railways west of Indiana have not cost the companies a dollar for right of way and road bed. The public has given millions upon millions of the best and most fertile portion of the land to secure their construction.

Not only this, but they have bonded their cities and towns—levied taxes in aid of railway construction until the people groaned under the load. Notwithstanding the liberality of the people, how have they been treated? We find unjust and unreasonable charges have been the rule. That there has been such discrimination between persons and places that men have been driven out of business because they were not the favorites of corporations. That this discrimination has extended to towns and cities to such an extent that in cases where located in the same part of the State of equal advantages and size twenty-five years ago, one has felt the powerful hand of the railway and has been discriminated against while the other has been favored with special rates. To-day one is a thriving city, while the other has been at a stand-still all these years.

The same has been true of the country. We find sections where land is worth sixty and one hundred dollars per acre, the farms are well improved with fine houses and barns, while another section with equal natural advantages is making no progress, and land worth 50 per cent. less, because the one community was favored in rates by the railways, and the other not. The railways have insisted on a rate of exorbitant charges, demanded in order to pay an interest on stock watered in many cases to several times the amount of the original cost of the road.

The corporations said a few years ago the building of rival railroads will settle all questions in the competition which will follow. But we find as soon as competitive lines were built that a system of pooling was inaugurated, and the people were in no better condition than they were with one line.

The railways insisted for years that the public had no right to control their rates. They insisted that as they were *quasi* public corporations they had, under the power of eminent domain, the right to run a railway where they pleased, it mattered not if the homestead of generations had to be removed, or the remains of the ancestors of the people had to be scattered, in order to secure a road-bed for the railway. And now, when the people say, that, under this same power of eminent domain, we shall control your charges to the extent that they shall be fair, that they shall not discriminate between the people, they should find no fault.

The railway corporations should not expect the people to remain quiet under the exactions imposed upon them. To-day, if you are a resident of Iowa City and desire to buy corn to feed steers, the Chicago and Rock Island Company will inform you if you will buy your corn in Nebraska, and ship it on their road, they will give you a 40 per cent. better rate than they will if you purchase the corn in western Iowa on their line of road. I received a letter from one of my constituents in northeastern Iowa, a few days since, in which he stated that the rate from Council Bluffs to Strawberry Point was 12½ cents per hundred, while from any other point in western or southwestern Iowa it was 20 cents per hundred. This discrimination is to the injury of every one except the dealers in Council Bluffs.

The Central Pacific Railway grants reduced rates to shippers, provided that no part of their shipments shall be transported by water. All are familiar with the anthracite coal combination, the discrimination at Chicago against dressed beef, and the notorious Standard oil combination with the leading railways of the East. The estimated resources of the Standard Oil Company in 1873 was $1,000,000, and now it is said to be $100,000,000. Mr. Cassatt, a member of the Pennsylvania Railway Company, admitted before an investigating committee that in eighteen months the railroads had paid the Standard Oil Company $10,000,000 in rebates. When a monopoly like this can be fostered and sustained in this country by combinations with railways to such an extent that they can increase their resources from one million to one hundred million in fourteen years, it seems to me it is time for the law-making power to take hold of this question with a firm hand.

The people demand equal rights. That railroads shall not charge a low rate to their favorites and a higher to others. Every one knows that it is a common practice at places where the pool is in force for the railway at the end of the year when settlement is made between shipper and railway to give a drawback to the shipper who ships all his produce over the one line. To such an extent is this carried on that in the Western States a man who has no private understanding with railways as to drawbacks cannot successfully compete with his more fortunate competitor in the purchase of produce. An investigating committee appointed by the New York Legislature use five thousand pages in showing the discrminations in that one State, and it was shown to that committee that the books of the New York Central Railway contained over six thousand special rates.

It is said that on account of the discrimination between points that goods can be shipped cheaper from Pittsburgh to Texas by first shipping to New York and then back via Pittsburgh to Texas than to ship direct from Pittsburgh to Texas. Again, a system has been inaugurated by the railways of charging "what the freight will bear." But why particularize further. The country fully understands the power of these corporations—the manner in which they have carried on the business of the country, and the outrages committed by them upon the rights of the people.

The people are making no war upon railways. They do feel, however, as if they should not be considered as common plunder for corporations. They recognize the necessity of railways in this age of progress and advanced civilization. They know that railways have had much to do in the wonderful development of this country during the past twenty-five years; that they are a necessity to the people. Yet they believe the time has come for the public to insist that the right of control of charges shall now be enforced. The fact is there should be a community of interest between the people and railways. They are to a great extent dependent on each other for prosperity, and it is surprising that the men who control railways have not on their own motion taken the initiative in protecting the rights of the people.

The time has come for affirmative action by the law-making power, and while the present bill is not in my judgment complete in providing a remedy for the people, yet I will vote for the bill, believing that action is better than no action, and believing that in the near future the law will be so amended that the rights of the people will be more fully protected.

Mr. JOHNSON, of New York. I yield now to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR withholds his remarks for revision. [See Appendix.]

Mr. JOHNSON, of New York. I do not flatter myself that I could add in any degree to what has been said in opposition to this measure. It is true I have my own views of the matter which will be sufficient to govern my own action. But I consider that this matter is practically settled. It has been well said at the other end of the Capitol that this is a bill that, practically, nobody wants and yet everybody will vote for; that, practically, nobody is satisfied with and yet they are all ready to accept it; a bill that no one knows what it means and yet all propose to try the remedy provided therein.

It has been to me somewhat novel and I may say somewhat amusing to see some gentlemen arise here and go on at length, greater or less, to give the reasons why they thought this bill ought not to pass and close their remarks by announcing that they were going to vote for it. Even my friend from Chicago [Mr. DUNHAM], who has stood with the lonely four as the minority on the Commerce Committee, rose here yesterday and stood as the target for all the sharpshooters on the other side, denounced this bill, showed it could not be put in practice successfully in his judgment, in arguments that were quite convincing to me; and then, at the close, he coolly if not gracefully got down on the other side. My friend from Michigan [Mr. CUTCHEON] said to-day substantially this, that this was a bill which would damage producers, which would damage carriers possibly to the extent of bankruptcy, and which would confuse commerce; and yet in the face of that indictment he said he was going to vote for it.

I am glad that in all this desert there is one bright spot in the person of my plucky little friend from Pennsylvania [Mr. O'NEILL], who proposes to nail his flag to the mast and go down with colors flying; and, Mr. Speaker, I propose to go with him.

Mr. WEAVER, of Iowa. There is another one, you know.

Mr. JOHNSON, of New York. Yes, sir.

I do not propose, Mr. Speaker, to inflict upon the House any additional remarks. I do not feel that I am competent to enlighten any one, but I shall endeavor to do the best I can in the way of obliging friends by parceling out the remainder of my time, part of it among those gentlemen who do not believe that there is any merit in this bill, but who are, nevertheless, going to vote for it [laughter], and I now yield one minute to the gentleman from Massachusetts [Mr. ROCKWELL].

Mr. ROCKWELL. Mr. Speaker, this is not a party but a people's

bill. After fourteen years of difference this compromise measure is agreed upon in conference.

While I oppose the fourth and fifth sections and fear their strict execution may cause some injury, yet I find the bill embraces the commission feature. It enunciates the principle that the nation shall control the corporations in the public interest.

Trusting the defects if found to exist will be remedied by future legislation, I shall vote for the measure. The corporations should be the servants of the people, not their masters. [Applause.]

Mr. JOHNSON, of New York. I now yield five minutes to the gentleman from Massachusetts [Mr. LONG].

Mr. LONG. I regret, Mr. Speaker, that my friend from New York [Mr. JOHNSON] does not continue his remarks, for from the slight specimen he has given us, I am sure he would add more to the entertainment as well as to the instruction of the House than anybody to whom he could give his time. I do not expect to debate this bill. I had the honor to say something with regard to the question two years ago, which of course is fresh in the minds of the House even at this interval. [Laughter.]

I do not agree in the wholesale denunciation of this bill. I believe that there is a great deal of good in it. I believe that we are not all at sea with regard to it. I believe we desire that most of its provisions shall become law; that our main difficulty is with one—perhaps two—sections; that if we could get rid of the difficulties attending the fourth section, and if we could get rid of the fifth section, there would be, practically, unanimity with regard to the passage of the bill.

I rise, not, as I have said, to debate these questions, but to make a practical suggestion, which is not my own, which has been mentioned to me by others, and it is this: The pending question is not a question upon the passage of the bill. To vote "no" is not to vote against the bill. The pending question is a question of the acceptance of the report of the committee of conference. To vote "no" is to say that we do not concur with the Senate in adopting it. If we do not concur, what is the result? The result is that the matter is still pending before us, and that either this committee of conference will be reappointed, or a new committee of conference will be appointed, and there will then be also the parliamentary right not to instruct that committee, but, at least, to pass a resolution expressing the sense of this House that that committee should re-report the bill with certain amendments. And I admit that the only amendment likely to pass Congress in its present mood is that the fourth section be stricken out—the long and short haul section.

I should like to have the fifth section also stricken out, but I presume that will not be done, and whatever evils the enactment of the fifth section may produce, are evils which we certainly can endure until another meeting of the Legislature. But the evils that are apprehended from the enactment of the fourth section are evils which might go into effect at once, and which could not well wait for the remedies of another session. Now I believe I express the real honest sentiment of more than a majority of this House when I say that if we could have this bill without the fourth section, it would be generally acceptable. It is with reference to the fourth section, its legal effect and meaning, and its effect upon business, that everybody is in doubt and anxiety. It was with reference to the fourth section that the Senator who has been referred to here stated that nobody knew what it meant, and that nobody wanted to vote for the bill but everybody would be, perhaps, compelled to do so.

One word now as to why we should strike out this fourth section. We should strike it out because it is believed to be directly injurious and damaging. In the first place, it is almost impossible to tell what is its legal meaning. No man undertakes to state with certainty what its legal effect will be.

The gentleman who has charge of this bill has very frankly said in substance that if he were a judge on the bench instructing a jury he would be hardly able to tell what is the legal interpretation or effect of the words of this section. This ambiguity may lead to an infinity of lawsuits. If it does nothing else it will lead to great uncertainty in the minds of many as to the intent of the law. It will lead to an injury to those parts of our country situated at the extreme ends of the long haul. My friend at my left has given us an instance where the result must be either the prevention of a great business of exporting anthracite coal to other States, or else a rise in the price of coal, so that farmers who have hitherto been buying it may be unable to do so.

In the second place, that section is objectionable because it puts into the hands of this commission a power of favoritism far more potential than the favoritism of railroads against which you are contending. For these reasons (which I will not enlarge upon, for they have been already enlarged upon) I believe we should all be glad to get rid of that section if we could.

[Here the hammer fell.]

Mr. LONG. I ask the gentleman from New York to grant me two minutes more.

Mr. JOHNSON, of New York. I will do so.

Mr. LONG. Mr. Speaker, there is one reason why I think we may all agree upon striking out the fourth section. It is that strike it out, and no harm at all is done to your bill. The bill will be just as strong without that section as with it. The first section of the bill provides that all rates shall be reasonable; the second section forbids unjust discrimination; the third section provides that any undue or unreasonable preference shall be unlawful; the fourth section provides that not more shall be charged in the aggregate for a shorter than for a longer distance over the same line, &c. Now to charge more for a shorter than a longer distance is either a reasonable or an unreasonable charge. If it is reasonable, you have provided in this very section that it shall not be prohibited, because you have put in the power of the commission to permit it. If it is unreasonable, then it is prohibited by the first, second, and third sections. So far as it is desirable to prevent unreasonable charges of a larger sum for a shorter than a longer distance, you have prohibited it in these sections. You have thus by these first three sections accomplished all that can be necessary. Hence it is needless to embody in the fourth section an equivalent prohibition, especially when you have there embodied it in language which everybody admits can not be understood, language which, rigorously applied, may result in injury to some sections, and, as everybody concedes, will lead to an indefinite amount of litigation in our courts.

When you have everything that you want in these other sections, and when all admit that this whole bill is tentative legislation; when all admit that we ought to take a step at a time, why not leave out this fourth section? Why not vote to non-concur in this report, with the understanding that the committee shall agree to bring the bill back again with this fourth section left out? In this way, as was well said by the gentleman who made the suggestion to me, you will secure the passage of the bill and no evil will result; the country will be satisfied; and you will have avoided the dangers which are threatened by the measure in its present form. You will have taken the first step, which is the desirable thing to do; you will have preserved the many other provisions of this bill which it is desirable to preserve—the declaration of Federal sanction against wrongful discriminations and unfair rebates; the provision of a commission, which shall have not the power of favoritism, but the power of investigation, the power of recommendation, the power which has been exercised by a similar commission in my own State and many other States with beneficial results.

Mr. CRISP. Will the gentleman allow me a question?

Mr. LONG. Certainly.

Mr. CRISP. Is not the rule prescribed in this bill as to the long and the short haul the law in Massachusetts to-day?

Mr. LONG. I think it is, practically. You have, however, changed the words.

Mr. CRISP. But, practically, the law of Massachusetts forbids this discrimination in favor of the long as against the short haul?

Mr. LONG. Oh, yes; but we do not have in our charge there the whole interests of the country from the Atlantic to the Pacific. That is a matter, however, into which I do not care to go.

Mr. CRISP. I merely wanted to say that, as I understand, the provision referred to has been put in the bill to meet an idea which seems to exist in the minds of a great many gentlemen—my friend on the right [Mr. SCOTT] and others—that there are cases where, by reason of water competition, the discrimination may be made in favor of the long haul. I understand the provision to be a legislative expression that it can not be reasonable to charge more for a short than for a long haul.

Mr. LONG. I repeat that if the other sections of the bill mean anything, the fourth section is unnecessary. You are as well off without it; and all admit that there are great risks with it.

[Here the hammer fell.]

Mr. JOHNSON, of New York. I yield the residue of my time to the gentleman from Alabama [Mr. MARTIN].

The SPEAKER. The gentleman from New York has eight minutes remaining.

Mr. MARTIN: Mr. Speaker, I am very much obliged to the gentleman from New York [Mr. JOHNSON] for yielding me the remainder of his time; but I desire to say, that if he regards me as one of those who favor this bill in its present form he is entirely mistaken. I could not, consistently with the sentiments, as I understand them, of the people of Alabama, vote for this bill with the fourth and fifth sections remaining in it.

It is well known to members of this House that the State of Alabama is one of the States bordering on the Gulf of Mexico—one of the extreme Southern States. Before the war our people lived there quietly, peaceably, contentedly, and happily, with their slaves working for them. But when the war came with its results, slavery was swept away. Then there went into the cotton patch thousands upon thousands of men who before had never done a day's work in the cotton-field in their lives. What is the result? From year to year we have seen the cotton product increasing, not by hundreds or thousands, but actually by millions of bales, until now the quantity of cotton produced in the United States, in connection with that raised in India, is so great that the crop is not remunerative—hardly meets the outlay in making it.

Under these circumstances the people of Alabama turned their attention to the treasures which a bountiful Providence had placed in the bowels of the earth. They began the great work of mining and manufacturing, and to-day the only interests I know of in my State which

are prosperous, in which men are growing rich, and which promise to lift the State up and restore it to its former prosperity, are the mining and manufacturing industries of Alabama.

Whether it be a just surmise or not, it is my opinion, sustained as I am by the ablest business men in my State, that to pass this bill, with this fourth section in it, is to dam up the resources of Alabama and obstruct her further progress in mining and manufacturing.

If I had time, I would say something in reference to the provisions about the long and the short hauls. Suppose I take Kansas City, and ask, if a man can expect to carry his products from Kansas City to New York, as cheaply as he could from Saint Louis to that city. Can a man expect to carry his iron or coal as cheaply from Birmingham, Ala., to New York, as from Pittsburgh? Every one knows it is out of the question. It happened, some time ago, that an eminent citizen, then a member of this House, said to me, substantially, that while it is a fact you can make coal and iron cheaper in Birmingham than upon any other spot of American soil, yet all this talk about making Pennsylvanians abandon their plants, or else remove them to Alabama, amounts to nothing, so long as the people of Alabama have to pay such transportation as is necessary to get their products to New York! Just so long as that condition of affairs exists, just so long will Pennsylvania continue her manufacture of iron and will defy your competition.

If that gentleman was right in what he said, I appeal to this House to tell me, will we be in any better condition when we pass a law which will compel the railroads to increase the charges of transportation?

Mr. CRISP. May I ask the gentleman a question?

Mr. MARTIN. I have but little time, and cannot afford to yield. I am reliably informed there is 92 per cent. of local business and only 8 per cent. of long-haul business passing over the great Pennsylvania system. Is it to be supposed that great system will reduce its local rates in order to keep the other rates at what they are at the present time. It can not be expected. And what is true of that railroad is true of all railroads throughout the length and breadth of the country. The result will be, you will force the roads to increase the charges for through transportation.

A gentleman of intelligence, on this floor, said to me the other day, that but recently we paid 3½ cents per hundred over through routes per mile. Now he says it is only a fraction of one cent. Where and how did they get the means to enable them to reduce their through rates? Certainly from their local business, and from no other source. Cut off their power to carry their through trade at reduced rates, and what will be the result? You compel them to increase their through rates and deny us, who live on the borders of the country, the right to enter the great mart and emporium of the country to compete with you with the products of our mines and manufactures.

There is one other thought I wish to advance in this connection, which I believe is entitled to consideration. I have submitted it to others, in whose judgment I have implicit confidence, and they tell me there is something in it. It is this: That you will revolutionize the commerce of this country should you pass this bill. Take the illustration I gave a while ago. Suppose a man in Kansas City pays so much for the transportation of his grain, and a man in Saint Louis pays so much less for the shorter haul, does not this thereby fix the price for Kansas City grain in New York city? Can a man in Kansas City get any higher price than a man in Saint Louis? The grain is the same. Can Dakota and other regions come in and compete? I say manifestly not. You do not expect them to enter the market when they know they will get much less for their products than those who happen to live nearer the market.

I thought, Mr. Speaker, with the progress of the present day, we were striving to do away not only with time, but with long distances in this great country, by means of the railroad, the telegraph, and other facilities; and that thereby we would be able to get the people of this country of every section into market on something like equality.

Mr. CRISP. I hope the gentleman's prediction as to a revolution of commerce will come true.

Mr. MARTIN. I thought it was the end and aim of our Government to make our people homogeneous; and to make them, so far as practicable, equal competitors in all the various industries throughout the country. One citizen of a county may live further from its county seat than another; but if the public roads are well-worked, and no restrictions are put upon the trade, the difference in distance amounts, comparatively, to nothing.

We have hoped to see our country one great net-work of railroads, each and all of them making such great speed and carrying freight at such reduced rates that every citizen might enter New York city with his produce as the great county town of the Union.

The bill, I believe, will disappoint all such anticipations, and restore all of the inequalities which have proved so onerous in the past. It will greatly increase the cost of transportation upon all freights for long distances, which must fall, where all such burdens fall, upon the producer.

There is another objection to section 4, to which I invite attention. The section is as follows:

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

Now, if the long and short hauls are under substantially similar circumstances and conditions, then there exists no need for the commission. The protection furnished under the provisions of section 9 giving the party complaining a right to pursue his action "in any district or circuit court of the United States of competent jurisdiction," is ample. If the conditions are not substantially similar, then there is nothing left for the commission to do. The carrier is left free as before. The provision that nothing contained shall "be construed as authorizing any common carrier within the terms of this act to charge or receive as great compensation for a shorter as for a longer distance" is without significance as a positive enactment, since the carrier needs no such authority; there is no law against it. I need pursue my objection to section 4 no further.

Section 5 of this conference report is scarcely less objectionable to me. It is as follows:

SEC. 5. That it shall be unlawful for any common carrier subject to the provisions of this act to enter into any contract, agreement, or combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof; and in any case of an agreement for the pooling of freights as aforesaid, each day of its continuance shall be deemed a separate offense.

If it were true that the pooling of freights only inured to the benefit of railroad companies and other corporations engaged in transportation, there would be some excuse, if not justification, for this section. It is certainly our duty, in all proper cases, to protect the weak from the strong, the producer from grasping corporations. But the benefits derived from pooling, we should remember, are many and very great. Pooling of freights keeps the railroads from hurrying one another into bankruptcy; for we know that if the "cutting of rates" be kept up for any length of time, bankruptcy would be the inevitable result. But the greatest benefit—and I say it deliberately—is secured to the producer by this pooling of freights. It prevents the unsettling of values in every market affected by it, and secures all the advantages flowing from a healthy competition.

There is another objection which I have to this conference report, and one I can not forego. I am not willing to invest the commission with such extraordinary and dangerous discretionary power. General laws, we know, derive value from their uniform operation, not being the subject of either discretion or caprice. All men may know them, and the construction given them as well, by courts of last resort; and any hardships imposed by them are readily corrected. Not so with this measure, for the discretion given to the commission by section 4 is the most dangerous feature of the bill.

Members of the commission need not accept bribes from the railroad companies in order to grow rich. Having provided himself with a broker on Wall street, a commissioner may speculate in railroad securities upon the result of the official rulings and actions of the commission; for since by a single ruling they may raise or depress the value of the securities of any given line, so by a word to their brokers they may reap the benefit of advance information, and realize not hundreds or thousands, but sums reaching into millions. Such a temptation is both terrible and cruel; and we can find no justification, as I conceive, for creating such a dangerous office. For such reasons, and many others not necessary to recite, I feel it my duty to oppose concurrence in the conference report; and in doing so I believe that I represent the interest and sentiment of the people of Alabama.

Mr. OATES. Mr. Speaker, I understood the distinguished gentleman from Georgia, in opening the discussion upon this measure, to claim that the power of Congress to pass this bill is based upon or derived from the fact that the railroad companies of this country obtained their charters, their vitality, from this Government.

I wish to call the attention of the House in my opening to the fact that no railroads in this country have obtained their charters from the Government of the United States except the Pacific lines. All the others have obtained their charters from the States through which they run.

The third clause of Article I of the Constitution confers on Congress the power to regulate commerce among the States of the Union. The word "among" is the synonym of between or betwixt; and the power which Congress may exercise is to regulate commerce among, between, or betwixt the States. The thing which Congres may regulate is "commerce," which means trade, traffic, exchange of goods, merchandise, or other commodities. The sixth clause of section 9 of the Constitution declares that "no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another: nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another."

These fundamental provisions satisfy me that the power conferred

on Congress is to make such regulations of commerce between or among the States as to prevent one State from discriminating against the trade or commerce of another—to prevent a State from opposing obstacles to the competition in commerce of the people of another State with its own citizens.

The framers of the Constitution knew that there was danger that State pride and greed of gain would cause, in the course of events, a State to obstruct or burden with taxes the commerce of a sister State for the benefit of its own citizens so as to totally exclude the commerce or trade of such sister State from entering its borders. This would lead to recrimination, and perhaps in some cases to open war. These were the evils which the framers of the Constitution intended Congress should prevent by appropriate legislation. The regulation of commerce between or among the States, as such in their corporate and sovereign capacity, I maintain is the power conferred and not to regulate the terms of shipment between shippers and carriers, which would be a regulation of commerce among citizens rather than among States.

I know that the Supreme Court of the United States has decided that a State has no power to regulate commerce within its own territory if it were shipped from another State. I regret that such a decision was ever rendered, because it leads to absurd consequences, and while it is persuasive it is not absolutely binding upon the legislative conscience. I know that that court has given vast latitude to the clause of the Constitution from which alone this Congress derives all the power it has to act in this matter. I am fully persuaded that we should not undertake to enlarge our power beyond the vast latitude which that court has declared Congress to possess. In my opinion the bill now under consideration goes further than any of the adjudications has gone.

It is not a bill to regulate interstate commerce, nor is it what it purports to be in its title, a bill to regulate commerce generally. It is in fact a bill to regulate common carriers; and any gentleman who will give it a fair and careful examination will arrive at this conclusion. I think he will have to do violence to its language and force a construction to arrive at a different conclusion.

What right has Congress to regulate common carriers, shippers, and warehousemen beyond that which is necessary to prevent a State from obstructing that commerce which comes from beyond its borders? If Congress has the right to regulate the carriers and their vehicles, then all the ferry-boats engaged in ferrying people and goods across a river from one State to another, and all the stage-coaches, hacks, and wagons, and their drivers, engaged in hauling freights and passengers, wherever they cross a State line, are subject to be regulated and controlled by Congress.

Every huckster or milk wagon which carries fruit or vegetables or milk from Brownsville or Girard, Ala., in my district two hundred yards across the Chattahoochee River to Columbus, in the State of Georgia, from which my distinguished friend comes, is likewise subject to be regulated by Congress, according to the doctrine of this bill, although the vehicle be but a wheelbarrow and the commerce be nothing more than the kolb-jem or rattlesnake watermelons, that are grown in great perfection in that country. If produced in Alabama and transported across the river by some enterprising colored brother, Congress would have the right, according to the principles of this bill, to regulate him, and appoint a commission for that purpose, and make it a penal offense if he charge as much for transporting melons across the upper bridge as the lower one, the one being 50 feet shorter a haul than the other.

Mr. CRISP. May I ask the gentleman from Alabama a question?

Mr. OATES. Yes, sir.

Mr. CRISP. Does the gentleman regard that man with his wheelbarrow and his rattlesnake watermelons as a common carrier?

Mr. OATES. If he is engaged in that as a business.

Mr. CRISP. It is just there the gentleman's argument fails. It is not the fact that that man is a common carrier engaged in interstate commerce. What a common carrier is the gentleman from Alabama knows; all the elementary works define it.

Mr. OATES. I will meet the question of the gentleman from Georgia there by saying that it does not make any difference whether the carrier be a common carrier or not. It is the commerce which Congress has the right to regulate, and if the method of carrying is involved, in order to enable Congress, in the exercise of its constitutional power, to regulate commerce among the States, it can, as an incident, regulate the carrier, whether he be a common carrier or a private carrier.

Mr. CRISP. Will it interrupt my friend if I were to read, at this point, Chitty's definition of a common carrier?

Mr. OATES. There is no dispute about that. We know what a common carrier is.

Mr. CRISP. I will read Chitty's definition:

A common carrier is defined to be one who by the ancient law held as it were a public office, and was bound to the public, and who to become liable as a common carrier must exercise the business of carrying as a public employment, and must undertake to carry goods for all persons indiscriminately, and hold himself out as ready to engage in the transportation of goods—for hire as a business, not as a casual occupation.

Carrying rattlesnake watermelons does not come within this definition.

Mr. OATES. That is very true; but the only power you have to regulate common carriers is where it is necessary for the exercise of the power plainly conferred on Congress of regulating commerce among the States. I defy any gentleman to produce any authority in the Constitution for the regulation of common carriers or any other kind of carriers; and I am glad to find the doctrine laid down by the present Supreme Court very broadly, Justice Miller delivering the opinion that the power of Congress must be sought alone in some express grant in the Constitution or be found necessary to carry into effect such powers as are there granted.

That is the rule of construction. Therefore the only power in Congress to regulate carriers, whether they be common or private carriers, is where it is necessary in order to regulate commerce among the States. Your power to regulate a carrier does not depend upon the kind of carrier he is. There is not a word in the Constitution about common carriers, and Congress has no power to regulate them as such.

Now, as I do not wish to consume much time, I will proceed as rapidly as possibly to state the views I wish to present. I concede there are evils in some of the systems of railroad management in this country which call aloud for remedy, and I am willing to stretch our power as far as we can to remedy these evils in behalf of the people. I would open wide the doors of the courts to the injured and provide for their ample compensation for every wrong done them so far as Congress has the power to do it. I know that corporation power has become insolent, and in many instances has been defiant and regardless of individual rights. I know, too, that, in many instances, has it been a potent factor in the legislation and politics of this country. I would stay its conscienceless hand and ward it away from the ballot-box and drive it from the council chamber of the nation had I the power. This bill forces it in here among us. I fear the consequences. We had better "bear those ills we have than fly to others that we know not of."

I voted for the Reagan interstate-commerce bill in this Congress and the last, stating at the time that while it contained some objectionable features, yet it contained many good ones; and I would waive the objections because I could see when it was remitted to the courts for adjudication and administration that there would be a fair prospect, if any parts of it operated badly and proved objectionable, to amend or repeal them. But this bill is a very different affair. It remits most of the powers, or a large class of the powers to be exercised over these common carriers and their patrons, to a commission. I do not believe if a commission is once established, however wrong the law may prove in many respects, that it will ever be repealed. I do not believe in commissions; I prefer to have the rights of the people adjudged by the regular constitutional courts and juries of the country.

The history of legislation and the course of administration of this Government prove that whenever an office is created it is never abolished, but rather that those who are appointed to execute it are increased in number if any change whatever be made. Who knows a case to the contrary? Is it not true throughout our history that whenever a salary is affixed to an office, if it is ever interfered with by Congress, the interference is always to increase it, never to diminish it?

I freely confess, sir, that I am jealous of this eternal tendency to the enlargement and centralization of Federal power. To the extent of the legitimate powers conferred upon the Government of the United States by the Constitution, I believe that they should, by fair and impartial laws, have full effect, and be exercised in the interest of the people of this country; but further than that I will never vote to go. Whenever Congress, or any department of this Government, oversteps the clear grants of power in the Constitution, or such implied ones as are necessary to give force and efficacy to the granted ones, so far it is playing the rôle of a usurper, and trampling upon the rights of the people. What does the bill now before the House mean? Why, there are provisions in it which my learned friend from Georgia [Mr. CRISP] (for whose intellect and whose heart I have as high an opinion as I have for those of any member of this House) is unable to explain. It is conjectural, experimental; and let me say that where such vast interests are involved, dealing as we are with a measure which may produce so much trouble to the business interests of this country, I hesitate to venture. I think we had better legislate to remedy those evils upon which all intelligent and patriotic men are agreed call for a remedy.

I think this a safer course than to launch out in an experiment which may be fraught with untold evils and injuries that no man can now foresee.

This bill, to my mind, enters very largely into a new field of legislation; and it enters it, not like a prudent, sagacious commander who marches into the enemy's country with accurate maps of its topography and knowledge of its resources and of the numbers opposed to him, but like the rash commander who, in the consciousness of his strength, despises the precautions of the wary, and does not even make the ordinary preparations for retreat in case of disaster. I know there be grounds for complaint against certain railroad management, but no such complaints can drive me to vote for a measure fraught, in my judgment, with such uncertainties and probably evil consequences. I am not afraid to vote according to my honest convictions.

The provision in this bill which prohibits pooling may be a wise one, or it may not. I freely confess that I am not competent to pass upon

that question. I have no experience in railroad management. I only know that many gentlemen who have had years of experience claim that it is unwise, while others claim that it is wise and right. Therefore, I do not pronounce any judgment whatever on it.

I pass on to another provision of the bill, that which prohibits the railroads from charging more for a short haul than for a longer one over the same or a continuous line of road. I am inclined to believe that this provision will cause through rates to be advanced rather than local rates to be reduced, or perhaps both results may follow, and in either event my constituents and the people of my State will certainly not be benefited, but I believe will be injured by it. If the rates on local freights would be reduced and the rates on through freight remain as at present my people would be benefited. But suppose that local rates remain as at present and that through or long-haul freight rates be advanced to reach equality, the people of Alabama would be injured thereby.

Mr. BROWN, of Pennsylvania. Will the gentleman permit me to ask him a question?

Mr. OATES. Yes, sir.

Mr. BROWN, of Pennsylvania. The Reagan bill contained that same provision without any possibility of exception, did it not? And yet you say you voted for that bill.

Mr. OATES. It contained a similar provision to this. That was one of the objections I had to it. I have stated that I voted for that bill notwithstanding I had some objections. I will say to my friend, however, that the objections to it were not half so numerous as are the objections to this bill. In it was a manifest purpose to keep within constitutional power, and to regulate commerce among the States rather than merely to regulate the carriers.

The answer of the advocates of this bill to the criticism upon this provision is to be found in the clause which vests in the commission the power to suspend the law as to any road at any time, and to continue that suspension for any length of time, in the discretion of the commission. In my judgment that provision makes this feature of the bill a great deal worse than if no such proviso were incorporated in it.

I believe that it is absolutely unconstitutional and void, because to my mind it is a blending of the legislative, the judicial, and perhaps, the executive powers of the Government in the same law. That it is legislative is shown by the fact that here is a power of dispensation to be vested in this commission, power to dispense with the law, to suspend it. That is clearly legislative power. Who is to exercise it? It is to be exercised by the tribunal which is charged with the execution of the law, by the same tribunal which is charged with construing the law. In other words, the power of suspending the law is to be vested in the commissioners who are charged with construing the scope of the provisions of this bill, and the powers with which it invests them as well as with the execution of it. All these powers are concentrated in the same body of officers.

Now, if it is not taxing the time of the House too greatly, I desire to read from the decision of the Supreme Court, in the case of Kilbourn vs. Thompson, in 103 U. S. Report. Let me first read from the syllabus:

6. The Constitution divides the powers of the Government, which it establishes, into the three departments—the executive, the legislative, and the judicial—and unlimited power is conferred on no department or officer of the Government. It is essential to the successful working of the system that the lines which separate those departments shall be clearly defined and closely followed, and that neither of them shall be permitted to encroach upon the powers exclusively confided to the others.

7. That instrument has marked out, in its three primary articles, the allotment of power to those departments, and no judicial power, except that above mentioned, is conferred on Congress or either branch of it. On the contrary, it declares that the judicial power of the United States shall be vested in one Supreme Court and such inferior courts as the Congress may from time to time ordain and establish.

The following is the language of the court as expressed by Mr. Justice Miller:

It is believed to be one of the chief merits of the American system of written constitutional law that all the powers intrusted to Government, whether State or National, are divided into the three grand departments, the executive, the legislative, and the judicial; that the functions appropriate to each of these branches of Government shall be vested in a separate body of public servants, and that the perfection of the system requires that the lines which separate and divide these departments shall be broadly and clearly defined. It is also essential to the successful working of this system that the persons intrusted with power in any one of these branches shall not be permitted to encroach upon the powers confided to the others, but that each shall, by the law of its creation, be limited to the exercise of the powers appropriate to its own department and no other. To these general propositions there are, in the Constitution of the United States, some important exceptions. One of these is, that the President is so far made a part of the legislative power, that his assent is required to the enactment of all statutes and resolutions of Congress. This, however, is so only to a limited extent, for a bill may become a law, notwithstanding the refusal of the President to approve it, by a vote of two-thirds of each House of Congress. So, also, the Senate is made a partaker in the functions of appointing officers and making treaties, which are supposed to be properly executive, by requiring its consent to the appointment of such officers and the ratification of treaties. The Senate also exercises the judicial power of trying impeachments, and the House of preferring articles of impeachment.

In the main, however, that instrument, the model on which are constructed the fundamental laws of the States, has blocked out with singular precision and in bold lines in its three primary articles, the allotment of power to the executive, the legislative, and the judicial departments of the Government. It also remains true, as a general rule, that the powers confided by the Constitution to one of these departments, can not be exercised by another.

It may be said that these are truisms which need no repetition here to give them force. But while the experience of almost a century has in general shown a wise and commendable forbearance in each of these branches from encroachments upon the other it is not to be denied that such attempts have been made, and it is believed not always without success. The increase in the number of States in their population and wealth, and in the amount of power, if not in its nature, to be exercised by the Federal Government, presents powerful and growing temptations to those to whom that exercise is intrusted to overstep the just boundaries of their own department and enter upon the domain of one of the others, or to assume powers not intrusted to either of them.

Now this fourth section is wanting in another essential to constitute it a law. A law is a rule of civil conduct prescribed; it is a rule of action. Here is something which you can not well denominate a rule, because it embodies within it exceptions, not absolute, but only conditional. I read from Sedgwick on Statutory and Constitutional Law, page 169:

An act of a State Legislature authorizing a party to sell so much of the lands of a deceased person as would be sufficient to raise a given sum, and directing the proceeds to be applied to the extinguishment of certain claims against the estate of the deceased is a judicial act, and as such unconstitutional and void.

In a case where a statute of limitations had run against a demand an act was passed allowing the plaintiff to commence and prosecute his suit in the same way and manner as he might or could have done if the same had been commenced within the time prescribed by law; but the court gave judgment, notwithstanding the law, on the ground that the power of dispensing with the general law in particular cases was not vested in the Legislature.

That was the decision in the case of Holden vs. James Admor, 11 Massachusetts Reports, 396.

I might enlarge upon this point, but I would not be justified in taking time to do so. I will simply say that this clause is not constitutional, is not properly a legislative enactment within the power of Congress, because it proposes to blend legislative, judicial, and executive functions.

Mr. HOLMAN. Let me inquire of my friend whether Congress can not confer upon these commissioners judicial power, and are not the powers to be exercised under this bill judicial rather than administrative?

Mr. OATES. That is exactly what I maintain—that the power conferred is judicial, and in this clause legislative also; and this being the fact, that part of the bill, according to the decisions of the Supreme Court, would be void.

Mr. HOLMAN. Can the power proposed here to be conferred be anything beyond administrative and judicial power? Do not the provisions of the bill embrace both?

Mr. OATES. That is the very reason it is obnoxious to the constitutional objection—that it does embrace both legislative and judicial power, which can not be blended, because the powers of the Government are distributed, by the Constitution, among three distinct bodies of magistracy, as the gentleman well knows.

Now, there is another objection which I have to this clause. I care not how honest these commissioners may be. They may be as honest as my distinguished friends from Georgia and Texas, who served as conferees; and there are no gentlemen within the circle of my acquaintance whom I believe to be more honest and capable. Yet if I knew that they and such as they were always to be the commissioners without any exception, I would not be willing to intrust them with the powers here proposed to be conferred, for the reason that I am not willing to intrust any man with powers of undefined extent, power which may be perverted and used for unlawful purposes. There is an old adage that "judges should be discouraged from following the crooked cord of discretion rather than the golden mete-wand of the law." Now, look at the probable operation and consequences of this bill. Here is a political commission, because it is declared that not more than three of the commissioners shall belong to the same political party. Therefore the decisions which they render may be political; not that they will necessarily be, but they may be; and it would be an unfortunate thing. It is a bad principle to legislate politics into the judicial system of the Government. The framers of the Constitution endeavored to place the judiciary beyond the baneful influence of partisan politics by giving the judges a life tenure, and yet even this precaution has, I am sorry to say, not always proved successful.

Mr. BROWN, of Pennsylvania. Was not that section incorporated in the bill with the object of eliminating politics from the work of the commission? Was not that the very purpose?

Mr. OATES. That may have been the purpose, but I think it will accomplish just the contrary.

Now let me proceed. Suppose that the temptation were great enough to induce three of these commissioners to exercise this power of discrimination in favor of one competing line of railway against another. Under the provisions of this bill they may relieve one road totally or in part from the operation of the long and short haul provisions—may favor one line and not another. In this way the stocks of one may be sent up in Wall street to a high point, and those of another utterly depressed. Millions could be made in Wall street in a single day by those who are favored with the necessary information.

This section will vest in the commissioners, or rather in three of them, the power to destroy one of any two competing lines of railway upon which this bill will operate.

It is no argument—I say it with due deference to my friend from Georgia—to declare that honest men may be obtained as members of this commission. There were once twelve persons selected for distinguished service because of their supposed fidelity and trustworthiness;

yet one of them proved faithless, and we have not in this country's history passed beyond the danger of encountering Judases. I do not propose to vote for a law which is calculated even to tempt honest men into dishonesty. I prefer to follow the spirit of the Lord's prayer—"Lead us not into temptation, but deliver us from evil."

Mr. CUTCHEON. Still, this responsibility must rest somewhere.

Mr. OATES. I understand that. I would put the responsibility where it ought to rest—on the properly constituted courts of the country. I would have no commission at all; for I maintain that a commission of even seventy-five members, however astute, could not discharge the duties which this bill proposes to devolve upon five men.

Another suggestion I would make with reference to this clause is this: The most powerful corporation in this country, as I understand, is directly interested in cheap transportation to the seaboard. That is the Standard Oil Company. This bill is so framed as to shut out all competition in oils west of this and the fields of Southern New York and Pennsylvania. It is nearest the seaboard and the great cities. No article "of like kind," in the language of the bill, intervenes. A low rate to a commodity of like kind coming from the west of the locality of the Standard Company would give that company a lower one, because a shorter haul. They will get all of the benefits of the short haul and none of the disadvantages of the long haul, and hence the Standard Oil Company will doubtless be benefited by the passage of this bill.

Pipe lines are not embraced in this bill although carriers of interstate commerce. With cheap rates of transportation—defiant of competition—and the command of the petroleum markets of the world, it seems to me a good measure for the Standard Oil Company. Its domination of the railroads was much complained of in the debates at the other end of this Capitol, but, like Banquo's ghost, it has not downed at their bidding.

Is it not significant that the word "corporation" is omitted from section 2 of this bill?

I ask my friend from Georgia [Mr. CRISP] to explain why it is the words "person or persons" are used here, while in all the other sections the word "corporation" is used? I do not understand the reason of it.

Mr. CRISP. The gentleman does not mean to be understood that "corporation" would not be included in the word "person?"

Mr. OATES. If so, why is corporation used in other sections?

Mr. CRISP. The gentleman would not be understood as saying a corporation is not an artificial person.

Mr. OATES. The use of the word "corporation" should be uniform. That word is omitted from section 2, but appears in section 3 and other portions of the bill. Why this omission? It seems to me that a court in construing this bill as a law would naturally inquire why the Legislature left out the word "corporation" in the second section while it used it in other sections? I do not say there is anything wrong, but I throw out the suggestion as a puzzle to me, and ask my friend to explain it when he makes his reply.

In this connection, however, I wish to call attention to another feature of this bill, the eighteenth section, which I have not time to read. I refer to the section which provides for the compensation of these commissioners, and in the latter part invests them with power to employ all such agents and assistants as they may find necessary to enable them to carry out the objects and purposes of this measure and to fix their compensation, which no doubt would always be liberal. Most men are far more liberal with other people's money than they are in the expenditure of their own.

Mr. GROSVENOR. And to fix the salaries of those agents and assistants.

Mr. OATES. Certainly, to fix their compensation, subject only to the approval of the Secretary of the Interior. The salaries of the commissioners, $7,500 a year each, and the salary of their secretary, $3,500 a year, and their traveling expenses, are a mere bagatelle, amounting to nothing compared with the other expenses which will be incurred by the commission. They have the power to subpœna witnesses from any part of the country, from the most remote portion of the Pacific Coast, and bring them to Washington, and those witnesses are entitled to the same compensation as witnesses subpœnaed to appear in United States courts.

The Government stands the expense all the way through. What number may be subpœnaed is left to the discretion of the commission. The number of assistants they may employ is not fixed, nor are the cases in which they may employ assistants defined. They may employ a thousand lawyers all over the country and fix their compensation at the very highest rates known to the profession.

They may give one hundred fat places to as many of the relatives of each commissioner and not violate any provision of the law. The veto power which the bill gives to the Secretary of the Interior is an inadequate safeguard to the Treasury. He, however honest and capable, and no one questions these in the present most highly efficient Secretary, would very naturally avoid so far as he could disapproving accounts rendered by the commissioners for services which they would certify to be worth the amount charged to the Government.

I now invite the attention of the House, Mr. Speaker, to the twentieth section of this bill, which reads as follows:

SEC. 20 That the commission is hereby authorized to require annual reports from all common carriers subject to the provisions of this act, to fix the time and prescribe the manner in which such reports shall be made, and to require from such carriers specific answers to all questions upon which the commission may need information. Such annual reports shall show in detail the amount of capital stock issued, the amounts paid therefor, and the manner of payment for the same; the dividends paid, the surplus fund, if any, and the number of stockholders; the funded and floating debts and the interest paid thereon; the cost and value of the carrier's property, franchises, and equipment; the number of employés and the salaries paid each class; the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts from each branch of business and from all sources; the operating and other expenses; the balances of profit and loss; and a complete exhibit of the financial operations of the carrier each year, including an annual balance sheet. Such reports shall also contain such information in relation to rates or regulations concerning fares or freights, or agreements, arrangements, or contracts with other common carriers, as the commission may require; and the said commission may, within its discretion, for the purpose of enabling it the better to carry out the purposes of this act, prescribe (if in the opinion of the commission it is practicable to prescribe such uniformity and methods of keeping accounts) a period of time within which all common carriers subject to the provisions of this act shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept.

It requires all the railroads which come under the provisions of the bill to make annual reports as to the amount of stock, the names of the stockholders, the shares held by each, and everything pertaining to their business.

In one clause of this section the commissioners are instructed to adopt, as early as practicable, one uniform system of book-keeping for all the railroad companies.

Mr. CRISP. Perhaps that is hardly a fair quotation—the language is "if practicable."

Mr. OATES. As soon as practicable. That is, in addition to the other powers to be vested in the commission. They are not only to be legislators, judges, and executors, but this provision attempts to make them school teachers also.

When you come to apply that twentieth section to the railroad corporations who obtained their franchises from the States through which they run, to compel them to render an account of their stockholders and the profit of their business, suppose they refuse to do it? The commission apply to the United States court to compel a compliance. Would such court enforce obedience to requirements of that section? What power is there? What sort of instrumentality for the regulation of commerce among the States is this disclosure of the private affairs of a State corporation? Is it an appropriate and necessary means? Is it fitting and proper to enable Congress to carry out that provision of the Constitution to regulate commerce among the States? I deny it; and if I had time to read from the decisions of the Supreme Court I would show clearly where they say that under no such assumed power can Congress institute inquiries into the private affairs of the citizen.

That provision in this bill, it strikes me, is intended for the gathering of statistics upon which future legislation may be based. It is looking to a consolidation or centralization of power in the Federal Government, which is, to me, startling in the extreme.

Dr. Franklin said upon the subject of governmental interference with private rights: "It would be better if Government meddled no further with the trade and traffic of the country than to protect, and let it take its course. The statutes, acts, edicts, arrets, and placards of legislatures, parliaments, princes and states for regulating and directing trade and commerce, have been political blunders or jobs by artful men designed for private advantage under the specious pretense of public good."

It is far-reaching in the direction of the centralization of power Why, gentlemen, how inadequate, how utterly unable, if we were to sit from one end of the year to the other, is the Congress of the United States now to deal with and pass upon all of the questions that are lugged in here by the thousands and tens of thousands of bills which are introduced in every Congress, and yet by this bill you would open the door wide into a new field of legislation which in itself would be enough to occupy the entire time of Congress at each session. It is a vast and unexplored field, and I must respectfully decline your invitation to enter it, so far as I am individually concerned. I believe by opposing this measure I am rendering the best service possible to my constituents, my party, and my country. My conviction of duty requires me to raise my voice against it, although I know I can not defeat it.

It will lead, I apprehend, to other legislation to lay a predicate for which the information required by the twentieth section is needed, and railroad corporations are at once forced to abandon freight and passenger pooling and to engage in political pooling. The reports would be used as a predicate for legislation to make the earnings of all the railroads of this country uniform. When Congress does this capital will seek other investments than railroad building, which is just at this time doing so much for the people of my State.

This bill is a long stride in the direction of paternal government, for by that theory this Government must protect and direct the business of all of the people of this country, and leave nothing to that independ-

ence and manhood which has distinguished Americans above the people of every other country on the face of the earth.

When a man starts out in life, if his father remains his guardian and he can not engage in any enterprise except such as his father suggests, and in which he has his father to lean upon, when he reaches thirty or forty years of age he will not be a man, but a boy still. But throw him upon his own individual responsibility, let him fight for his own principles without any intervention on the part of others, let him fight the world alone and be the architect of his own fortune, and it brings to the surface all of the manhood that is in him, and develops that distinctive American characteristic of which we are all justly proud. And, Mr. Speaker, from this individual instance of the development of manhood, which extends to our whole people and characterizes them as a nation, it leads me to protest against the interposition of the General Government in an assumption to control all of the affairs of the people.

It should only interpose where necessary in order that great abuses may be prevented and justice administered among the people. The administration of justice between man and man, and the maintenance of good order, is all the business of Government. Further than that it should never, in my judgment, undertake to go. It should leave every man as much of his native freedom as is consistent with these two purposes of the Government.

This bill is not a measure limited to the correction of well-known evils. It will force every railroad corporation in the country into politics. It is a gigantic stride toward paternal government. It is fraught with untold dangers. I will not look too closely least I should see the appalling shadow behind a vast centralization of approaching monarchy. In Holland it is a capital felony to kill a stork, because the stork destroys the eels which bore through the dikes and inundate the country. To my mind this bill is a knot of eels which may bore through the dikes of safety and flood this country with trouble. I view it with grave apprehension.

Mr. Speaker, how much time have I remaining?

The SPEAKER *pro tempore*. The gentleman has thirteen minutes.

Mr. OATES. I yield that time to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I yield to the gentleman from Maryland [Mr. FINDLAY] half of the time given to me.

Mr. OATES. I also yield to the gentleman from Maryland five minutes of the time of the gentleman from Tennessee [Mr. CALDWELL], which he placed at my disposal.

Mr. FINDLAY. I am half inclined to vote for this bill, because on a fair comparison of its merits with its defects there would seem to be a balance of merit in its favor, but in conceding this I am not to be understood as underestimating the very grievous fault which I think is embodied in what is known as the long and short haul clause of the bill; a fault not merely accidental, but in its very nature essential, radical, and incurable. This clause does not absolutely prohibit a discrimination in rates in the transportation of either passengers or property, but proposes to confine the prohibition to a case where the circumstances and conditions are substantially similar, and even narrows down this prohibition by allowing exceptions to be determined in the discretion of the commission.

It is obvious, then, upon the face of the clause that in the opinion of its authors there are some things beyond the scope of legislation, some conditions not within the corrigible power of the law, and, however humiliating or mortifying the confession, that there are limitations even upon the omnipotence of an American Congress. If it had been possible to prescribe absolute uniformity by providing that in no case should there be a greater charge for a shorter than a longer distance, then it is not necessary to say that the opportunity would have been eagerly seized, and instead of discussing a conditional prohibition frittered away to the point of harmless tenuity by disretionary exceptions, we would have been called upon to deal with an iron-clad and inflexible rule of exclusion.

We start out, then, with an admission that it is only in cases where there is an identity, or substantial identity, in conditions and circumstances that the long and the short haul shippers or travelers shall be placed upon the same level of equality, and that even when such a parity of condition exists the rule against discrimination may be relaxed in the discretion of the five gentlemen who are to administer this law. I do not know how it strikes others, but it seems to me that it is a giving away of the whole case, not a willing or a voluntary surrender, but a simple submission to the inevitable. It is an admission that the conditions and circumstances surrounding a short and long haul may be very different; and even when they are apparently alike, there may be strong points of essential dissimilarity which would make the enforcement of a uniform rule as to rates oppressive and unjust. Reading the clause in the light of this admission we start out with a strong presumption against the feasability of any legislation whatever upon the subject; and when we come to examine the conditions under which the rule is to be enforced we will find this presumption immensely strengthened.

Discrimination is legal in favor of a long as against a short haul in every case—so reads the section—except where the circumstances and conditions of the travel or the traffic are substantially similar, not apparently similar, but substantially so, or as I read it, where the equities of each particular case are the same. Now let us take an illustration. The Boston, Hoosac Tunnel and Western Railway Company is an interstate road between Mechanicsville, N. Y., and North Adams, Mass. It has Western connections reaching, I do not know how far; but for purposes of illustration I will assume to Bismarck, Dakota. A car-load of grain is shipped at this point for export at Boston, and in getting there must pass over the portion of the road between Mechanicsville and North Adams. It does so without the loading or the unloading of the grain at either of these points, and passes on to Boston without any intermediate station service.

The same day the car passes over the road a local shipper at Mechanicsville sends to North Adams (an interstate point) a car of potatoes, which of course has to be loaded at the point of departure and unloaded at the point of destination; in other words, requiring two station services before the shipment is completed. Now, then, you have the case of a long and a short interstate haul, and it is perfectly clear that the conditions and circumstances are not the same or substantially similar, and would not fall within the purview of this clause.

Take the case of a shipment of lumber from Grafton to Cumberland and from Grafton to Baltimore inter-state points on the Baltimore and Ohio Railroad; suppose the shippers send the same kind and the same quantity of lumber in a given time, say a year, the one to Cumberland and the other to Baltimore. Here the conditions would seem to be substantially similar, and the rule could be made to apply. But suppose the Baltimore shipper happens to be largely interested in the transportation of cattle to Liverpool, and says to the Baltimore and Ohio Company, "I will ship over your road to Baltimore, provided you make me some concession as to lumber shipped from Grafton; and if you do not, I will send all my cattle either to New York or Philadelphia." The company must either accept the offer or lose the business, both for itself and Baltimore. It accepts, and makes a rate on lumber to Baltimore which in itself will not pay even for the carriage of the same article to Cumberland; and then the Cumberland shipper from Grafton demands the same rate for his lumber.

Is he to get it? If he is charged a reasonable rate, or the same rate every other shipper is charged from Grafton to Cumberland, upon what equity can he plead and claim the benefit of a rate which a non-competitor gets for a longer haul in consideration of bringing other and more lucrative business to the road? A provision that all shippers from the same point of departure to the same point of destination should be charged the same rate for a similar service would be just; but a requirement that all shippers over the same route to different points of destination, some for a shorter and some for a longer distance, shall have the benefit of equal rates is the worst form of discrimination in favor of one class as against another.

But, referring to my last illustration, could it be held that the circumstances and conditions of these two Grafton shippers of lumber, one to Cumberland and the other to Baltimore, the one controlling a different class of freights from other points and the other none, would the case fall within the scope of this clause? I think not. All the shipper to Cumberland would have a right to demand would be that the rate charged him should be reasonable; but if it were it makes no difference as far as he is concerned what is charged to another man shipping to a different point and where business does not come into competition with his own. The whole scope and design of this act is to make the charge reasonable; and when I read in the fourth section "that it shall be unlawful to charge," &c., "subject to the provisions of this act," I interpret this language as meaning that the discrimination prohibited is an unreasonable discrimination. I submit in the case put that the discrimination would not be unreasonable, and that the courts would so hold.

Now, I ask whether in the nature of things there is not an inherent difference between the conditions of a short and long haul, and if there is it follows that the clause which requires these conditions to be substantially similar can never take effect. I am almost prepared to affirm that there will not be a case under this section where the long-haul will not be able to establish a superior equity of some kind against the short-haul shipper, and where he will not get the benefit of it either through the courts or the commission.

Another grave objection to the clause is the power of the commission; and still another arises out of the advantage an infrastate railroad will have over an interstate. The distance from Philadelphia to the Ohio River by the Pennsylvania Railroad is about the same as the distance of Baltimore by the Baltimore and Ohio Railroad to the same river; but the Pennsylvania Railroad in traversing this distance crosses but one State, and the Baltimore and Ohio passes through three.

If one is to be placed as to charges under the provisions of this bill and the other is to be regulated by the State, it is not difficult to see what an enormous advantage the Pennsylvania Railroad would enjoy. I have no time to amplify this or the objection to the power of the commission, but having spoken very fully on the subject of freight discriminations at the second session of the Forty-eighth Congress, I bid farewell to the subject, leaving to time, the only true prophet, to determine what is good and what is bad in the measure.

Mr. HOLMAN. I yield what remains of my time to the gentleman from Ohio [Mr. WARNER].

Mr. WARNER, of Ohio. Mr. Speaker, authority is given to Con-

gress by the Constitution to regulate commerce among the States. Such regulation, presumably, is always to be in the interest of commerce. The end of any regulation, therefore, is to secure conformity to certain equitable principles which long experience has shown to be essential to prosperous commerce everywhere.

These fundamental principles, recognized everywhere as equitable, just and necessary, are: 1. Reasonable rates or charges; 2. No unjust discriminations; 3. Proper and equal facilities to all.

In-so-far as this bill is calculated to secure the enforcement of these principles it will receive, doubtless, general approval. Experiments beyond the enforcement of these principles may well be looked upon with apprehension.

Possibly, in some respects, the bill before us goes too far; possibly, in others, not far enough. There are some features of the bill that I do not like; others that I am in doubt about. It may take experience to demonstrate the wisdom or unwisdom of many features of the bill.

A perfect law on such a matter as this is hardly to be expected at the outset, and changes may become necessary—very likely will. Nevertheless, as the bill can not be amended, and must be taken as a whole or not at all, I shall vote for it as the best which, under the circumstances, can be obtained, believing that the time has come for the Federal Government to assume that regulation of commerce among the States contemplated in the Constitution and for which States are inadequate.

In answer to criticisms on the long and short haul clause, I desire to say I would like myself to strike out the "substantially similar" phrase, but the long and short haul principle, as a rule, is thoroughly sound. The controlling element that enters into the determination of the question of the reasonableness of a charge is the value of the service, and it never can cost more or be worth more to move a train over a part of a road in the same direction and at the same time than to move it over the whole road, and upon this fact the rule is founded.

[Here the hammer fell.]

Mr. HOLMAN withholds his remarks for revision. [See Appendix].

HIATT AND COMPANY.

The SPEAKER *pro tempore* [Mr. MCMILLIN] laid before the House the following message from the President of the United States; which was read, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 7th ultimo, from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill "for the relief of Hiatt & Co., late traders for the Osage tribe of Indians, and for other purposes." The matter is presented for the consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January* 18, 1887.

ORDER OF BUSINESS.

Mr. MORROW. I take the floor, and will resume it after the recess. The gentleman to whom I was about to surrender the floor has left the Hall.

Mr. STEELE. I move that the House take a recess until half past 7 o'clock.

Mr. DUNN. Before the question is taken upon that motion I wish to say that I understand distinctly that under the order of the House no business is in order at the evening session, even by unanimous consent, except to continue this debate.

The SPEAKER *pro tempore*. That was the order of the House this morning.

The motion of Mr. STEELE was agreed to; and accordingly (at 5 o'clock and 25 minutes p. m.) the House took a recess until 7.30 p. m.

EVENING SESSION.

The recess having expired, the House re-assembled at 7.30 p. m., Mr. MCMILLIN in the chair as Speaker *pro tempore*.

INTERSTATE COMMERCE.

The SPEAKER *pro tempore*. The House is in session this evening under the special order made to-day for debate only on the interstate-commerce bill. The gentleman from California [Mr. MORROW] is entitled to the floor.

Mr. MORROW. Having sought the floor under the impression that I would be able to take part in a more extended discussion of this question than I will be at liberty to do under the limitation now placed on the debate, I will not detain the House with any discussion of the merits of this bill. I can not allow the opportunity to pass, however, without entering a protest against the provisions of section 4, concerning long and short hauls. Representing as I do, in part, the city of San Francisco, the initial or terminal point of nearly all the transcontinental traffic, I would be derelict in my duty if I did not say that from the debate we have had in this House and the debate that has been had in the Senate it appears definitely determined that this provision of the bill, if effective at all, is inimical to the commercial interests of the people of the Pacific Coast, located as they are at the end of an ultimate long haul.

I am decidedly in favor of most of the provisions of this bill, and I should be glad to support them under such circumstances as would secure the benefit of their controlling provisions without ingrafting upon the law section 4. I agree with several gentlemen who have addressed the House that it will be possible for Congress before adjournment to enact the other provisions of the bill into law in such shape as to afford to the country that protection which is necessary in the matter of the control of railroad corporations, at the same time omitting this provision which, it seems to me, is detrimental to those sections of the country which are located at distant points and across the continent.

Mr. BROWN, of Pennsylvania. Will the gentleman permit me to ask him a question before he takes his seat?

Mr. MORROW. Yes, sir.

Mr. BROWN, of Pennsylvania. Is it not the fact that living on the shores of the Pacific, the gentleman from California represents a constituency which would come under the exceptions provided for in the bill—the dissimilarity suggested in the bill?

Mr. MORROW. I have listened to this debate very attentively, and all I am able to make out of it is that if this provision is of any force as a measure of control it is against the interest of the people I represent, and I do not think it wise to remit California and the Pacific Coast to the doubtful provisions of an exception to the general law. Let the statute be specific and definite, and we will abide by its directions. I yield the rest of my time to my colleague from California [Mr. MCKENNA].

The SPEAKER *pro tempore*. The gentleman from California [Mr. MCKENNA] is entitled to six minutes.

Mr. MCKENNA. I thank my colleague for his kindness. It would seem an idle thing at this time and stage of the debate to say anything about the pending measure. But, sir, my purpose in rising is not entirely idle. I received this morning a telegram from a portion of my constituents, which I now send to the Clerk's desk to be read.

The Clerk read as follows:

SACRAMENTO, CAL., *January* 19, 1887.

Hon. JOSEPH MCKENNA,
House of Representatives, Washington:

Board of Trade mails you to-night resolutions adverse to long and short haul clause of interstate-commerce bill.

JOSEPH STEFFENS.

Mr. MCKENNA. Now, sir, in reply to the request of my constituents and rising as my colleague did to protest against some of the provisions of this bill, I wish to say in advance I have no doubt of the competency of Congress to regulate interstate commerce and no doubt of the policy of doing so if it be done by a carefully prepared, intelligent, well adapted, and well measured law, and I therefore sympathize with the primary purpose of the bill reported by the committee and concur in many of the means by which it is sought to be accomplished. But the provisions of the fourth section, I think, are so detrimental to the interests of the State which I have the honor in part to represent that I can not consent to the passage of a bill at least without some protest against that clause in the hope that those who succeed us will have industry and intelligence and wisdom enough to correct its manifest mischiefs.

I know, sir, that legislation must be practical, and that no law can be expected to express universal opinion.

But, Mr. Speaker, the peculiar and significant and warning diversity of interpretation of the fourth section should give us pause before we enact it into rigid and imperative law. Why, what is our situation? The members of the committee on the part of the House were intended to represent its views, and were expected to understand what they assented to, and to report that understanding to the House. We had a right to expect that all members of a free conference between the two great Houses of legislation should agree to the same thing in the same sense, and report that agreement to the House, to have a clear understanding of their purpose and discernment of its effect. Their counsel would be valueless else—their report of no service. We know what the opinion of the Senate committee is, although by a kind of legislative humbuggery I dare not refer to it. We do not know the opinions of the House committee. The report contains no comment, and the gentleman from Georgia [Mr. CRISP] was very careful to say that he expressed no one's views but his own.

The House is entitled to more than this. Before it can be called upon to assent or dissent from the report of a committee it should understand what the report means. Law-makers, Mr. Speaker, should know what they are about; they should have unity of purpose, and that purpose should be declared in unambiguous language, not in words and phrases so equivocal that they are ambushed by all sorts of meanings and mischiefs. Why, sir, if the language of a distinguished gentleman, spoken elsewhere and which has already been quoted by others, that this bill is one no one wants or is satisfied with or knows its meaning, but all are going to vote for, be not rhetorical exaggeration if it correctly describe our relations and feelings to this bill, even if there be demand for legislation, as no doubt there is, this bill will not satisfy the demand.

It is subserviency, not obedience, to the people; and obedience, intelligent, deliberate, and useful is what is desired. Another has said that a Representative's constituents are "entitled not only to his industry but to his judgment." If either is denied, his obligations are not fulfilled; compliance otherwise is servility, not service, and a servility as

abject as it is useless. Of course it may be said that in these various diversities of interpretation each may adopt his own dogma, and hope that his view may prove correct. But, Mr. Speaker, the gentleman from Georgia is an intelligent and fair man, and a friend of the purposes of this bill; and it would not be safe to say that his interpretation is not correct. If it is correct, then, in my judgment, as I have already said, this bill is injurious to the State which I represent.

Now, what is our situation? We have, extending to the State of California, four or five lines of railroad. We have the Southern Pacific and its connections; we have the Atlantic Pacific and its connections; we have the Central and the Union Pacific, with their connections; we have the Northern Pacific and its connections; and we have water competition by way of the Pacific Ocean, the Isthmus, and the Atlantic. We have the competition of the Canadian Pacific Railroad, a railroad largely subsidized by the English Government, which has guaranteed $60,000,000 of its stock at 3 per cent. The purpose of that road is to convey to English cities, to English territory, and to English capital the trade of Japan, China, Australia, and the islands of the Pacific Ocean, as against California and American cities.

I believe, sir, the bill will take from California some of the benefits it now enjoys from the overland routes. Its advantages are naturally derived, and it is unjust to take them away and confer them elsewhere by artificial regulation.

For these reasons, Mr. Speaker, I object to the fourth section of the bill. The section has been demonstrated by the gentleman from Massachusetts [Mr. LONG] as absolutely unnecessary. Other provisions of the bill confer upon the commissioners ample power; and if they be fit to have those powers conferred upon them, if they have any adequate notion of the proper discharge of the functions which they are intended to exercise, they could surely correct all the evils sought to be corrected by the fourth section if to charge more for a short haul than a longer be unjust to persons or places.

Therefore, Mr. Speaker, without consuming further time, I will only say that on the grounds I have stated I feel constrained to protest against the fourth section.

Mr. BUTTERWORTH withholds his remarks for revision. [See Appendix.]

Mr. ANDERSON, of Kansas. Mr. Speaker, in the few minutes which, after vigorous effort I have been able to obtain, but little can be said. It is alleged that there are between seven and eight thousand millions of dollars invested in the capital stock and indebtedness of the great railway system of the United States. That system is under the control of a very limited number of individuals, and has the power, and last year exercised the power, of collecting from the people of the United States $756,000,000, some two or three times as much money as that collected by the Government of the United States. For many years these men have been beyond all control, except the general "cussedness" of themselves. [Laughter.] There has been no law governing them; there has been no law, either written or unwritten, which they respect. The simple question with them has been at all times how much money they could extort from the people by passenger and freight rates. After a struggle of more than a decade Congress is now on the point of enacting a law, saying to these men as common carriers having exclusive use of public property, in the form of public highways, "you shall charge hereafter only reasonable rates," and the other provisions incorporated in this bill to control them.

Why, Mr. Speaker, we have the greatest single interest of the land here involved. Generally these roads are owned east of the Alleghany Mountains, and I think the record will show the fact that every Senator from New England, New York, and Pennsylvania, except one, voted for the recommittal of the bill, which was the test vote in the Senate. Eastern parties owning the railway property have, of course, the interest of collecting just as much money from it as they can collect. Who pays this? The people of the United States. This afternoon the gentleman from Ohio [Mr. GROSVENOR] in the course of the discussion said that the question before us was whether you would put the 130,000 miles of railroads in this country under the control of five commissioners; and yet he seems to have hardly stated the question fairly. The real question is whether the United States Government shall put itself, by law and through its courts and commission, between the people of the United States and the rapacity of these, in many instances, irresponsible pirates.

Of course where there is such a vast interest at stake there will be coequal opposition. Here is a power which controls State Legislatures, for it is a mere matter of history that that most unmitigated scoundrel Jay Gould did control the Legislature of New York in the Erie case; and everybody knows that in every State of the Union the railroad companies have attempted to control State legislation, and to control the election of members to this floor; and, I may say it under the rule, nobody doubts the fact that in the next Senate there will be many Senators who will have been elected by the railroad power of the land. And so I repeat that when Congress comes to legislate against this power we must meet the most vigorous opposition possible for the ablest minds to present.

Well, we are attempting to do that to-night. Here we have an agreed bill, and I congratulate the conferees on the part of the House on gaining the many important features they have gained—far more than any one expected. I did not believe the Senate would yield half as much as it has yielded. This bill prohibits discrimination in rates. It makes illegal the building up of individuals or of places at the expense of other individuals or places. It prohibits pooling; it prohibits rebates; it requires publicity of rates; and it says that more shall not be charged for a long than for a short haul in the same direction over the same line and under substantially similar circumstances. Now we all know that for years the railroad lobbyists about this Hall have proclaimed at all times that the latter provision would be detrimental to the West. I deny it *in toto*. There is not a solitary syllable in this bill which says or requires that the roads shall raise their long-haul rates. Everything that has been said to this effect in the discussion of this clause has been a matter of mere inference.

It is stated that these roads must make a given sum of money. How will they do it? Why, in 1885, according to Mr. Poor, who is the best statistician upon this subject, they were making about 9 per cent., I think, on their property, and, as some gentlemen will of course deny that, I ask the liberty to incorporate his language at this point in my remarks, as cited by another. It is as follows:

Mr. Poor, the highest authority on railroad statistics, said that the actual cost in money of all the railroads in the United States in 1883 did not exceed their funded and floating debts, an aggregate of $3,787,000,000, and that the fictitious capitalization was $3,708,000,000. This is his language:

"If it be assumed that the cost in money of all the roads in operation in the United States in 1883 did not exceed, as it certainly did not, the amount of their funded and floating debts, $3,787,410,728, the actual investment was a most profitable one. The net earnings for the year were $336,911,884, a sum equaling about 9 per cent. on their cost. If the fictitious capital could be eliminated from their accounts, their success, as investments, would have no parallel.

"It is in this immense increase of fictitious capital that is to be found the cause of the general distress which prevails, and the enormous decline in the price of railroad securities. From 1879 to near the close of 1883 a most singular delusion rested upon the public as to their value, and this delusion was taken advantage of on a vast scale by able and unscrupulous adventurers. Whatever was manufactured and put afloat was seized with avidity by an eager and uninformed public. The delusion was increased and prolonged by payments on a very large scale of interest and dividends from capital. In this delusion the most loud-mouthed and unscrupulous promoters usually had the greatest success."

Mr. Adams—and no one will question the veracity of his statements—before the Committee on the Pacific Railroads, said that the investments the Union Pacific road had made in its branches had yielded between 10 and 11 per cent. annually. The allegation of the railroads now is that to make the amount of money they are to-day making they can not reduce the local rates, but must increase the longer rates. It is an inference throughout. There is no telling what in their greed they will do, whether controlled by some such legislation as this bill provides or not. But is not the true question, whether they are not now making a greater interest than is fair to the people, and whether both through and local rates ought not to be reduced?

They have the power to increase the long-haul rates now. They exercise it whenever they please, and the only thing which keeps them from exercising it is competition. That is all. And in seeking to prevent pooling you seek to secure competition. I doubt very much whether they will raise rates, because this bill will not take effect until about the 1st day of April, and navigation will open about that time; and it is lake navigation which regulates your through freights, so far as the West and South are concerned. It is not the grace or benevolence of railroad managers. There is an association of general freight agents, an Ananias club, who profess to give vastly lesser rates than they can really afford, but no one believes them. They take just all they can get; and when lake navigation is open you will find precisely the competitive forces operating which operated before. And it is this competition which, in my judgment, will prevent the disastrous results of higher through rates which so many gentlemen see before them if this bill shall become a law.

This bill is not perfect. There are many things in it which I wish were out, and many things out which I wish were in. But I rejoice in the consciousness that the Fiftieth Congress will come after this one, and the Fifty-first after that one; and that these objectious to the bill can be removed. Can not the next Congress amend the law? If these commissioners should be partisans, as urged by the gentleman from Ohio [Mr. BUTTERWORTH], can not the commission be knocked out of the law. I would like to see that whole provision eliminated. As a usual proposition, a railroad commission is controlled by the railroads sooner or later. And if there be any other feature in the bill that is imperfect may not the next Congress amend it? Certainly.

It seems to me—it may not so seem to the gentlemen who make the objections—but it seems to my mind that the objections urged are purely of a temporary character and exceedingly trivial, and that any imperfections of the kind which have been suggested can be remedied by the next Congress. I therefore congratulate the people that at last the American Congress proposes to enter upon the work of protecting the people against the rapacity and ruthlessness of railroad companies, and for that reason I shall support the bill, claiming the right in the future to endeavor to secure amendment wherever that amendment shall be needed.

[Here the hammer fell.]

Mr. CANNON withholds his remarks for revision. [See Appendix.]

Mr. ROWELL Mr. Speaker, since the adoption of the Federal Con-

stitution the power to regulate interstate commerce has existed in Congress.

For fifteen years at both ends of this Capitol attempts to pass into law some act of this kind have been continually made, and every attempt has met with such criticism of the provisions of the particular bill, as we have heard during the discussion of this measure, submitted to us by the conference. It is a source of wonder to me why some of these wise critics, who know so well how to tear down, have not, before now, learned how to build up so as to present a bill not subject to the criticisms which they make. Such skill in exposing the ignorance of others, in giving expression to their ideas, ought not to be lost to the country in this emergency, but ought to be turned into good account in draughting something that could be understood.

If these gentlemen will examine their own minds and the motive which prompts their criticisms, they may possibly discover that in their judgment all legislation in the interest of controlling or regulating this business of interstate commerce is unwise legislation; that their criticisms of the various provisions of this bill are criticisms which they would aim at any attempt at legislation on this subject, the purpose being to show, not the inconsistencies of the several sections of the pending measure, but the impropriety and inexpediency of legislating at all upon the subject. I recollect a day or two ago my friend from Ohio [Mr. BUTTERWORTH] asked for an example of what would be "substantially similar circumstances and conditions" as that expression is used in section 4, and when the gentleman in charge of the bill declined to have plain language confused by a discussion of what particular fact would come within it, it was held up as a conclusive showing of the uncertainty of the meaning.

I suppose when my friend was Commissioner of Patents he had no difficulty in understanding the meaning of the patent law as to when a patent might legally issue, but at the same time it was no doubt true that in hundreds of instances he found a good deal of difficulty in determining whether the things sought to be patented came within the law. And that illustrates one-half the criticisms aimed at section 4, and other sections of the bill.

The difficulty is not so much in the meaning of the language. The difficulty suggested is: Whether or not this or that fact, or combination of facts, will bring a case within the operation of the provision. If, in order to understand the law, we are to wait until we can tell whether the court will hold that evidence is sufficient to establish a right under it, then there are few legal definitions which have a definite meaning.

This whole discussion has been filled up with examples of language criticism, intended ostensibly to show that the bill has been carelessly drawn and is full of uncertainties, but which are really efforts to make it appear that all legislation in this direction is unwise, while seeming not to oppose proper measures for the correction of admitted evils.

As an example of some of the criticisms, let me call attention to the remarks of the gentleman from South Carolina [Mr. DIBBLE], who today undertook to criticise the bill for uncertainty, because, as he said, the individual, while apparently allowed a choice of remedies either to prosecute his claim through the commissioners or by suit in the courts, was in reality barred from his individual remedy, that the commissioners might take up his case without complaint, without notice to him, and thereby bind him to accept such nominal damages as they might award without his having made any application and without an opportunity to be heard. And this in face of the fact that section 9 in express terms gives choice of remedies, and of the universal law that an individual can not be bound by a proceeding affecting his personal rights unless he has had an opportunity to be heard. His criticism amounts to a claim that Congress has power to take away an individual right without the privilege of an individual hearing.

The gentleman from Iowa [Mr. WEAVER], who would not tolerate the suspicion that he is not an extreme advocate of legislative control over the "grasping monopolies," finds such objection to the commission feature of this bill that he will vote against it, and so extend the time for them to remain "grasping monopolies;" and one of his objections rests on the claim that the commissioners are, by the bill, obliged to be partisan. And the gentleman from Ohio [Mr. GROSVENOR], at the other extreme, reiterates the sentiment, and finally the other gentleman from Ohio [Mr. BUTTERWORTH] brings up the reserves and clinches the objection—and what is this objection based upon? Simply this, that the bill provides that not more than three of the commissioners shall belong to one political party, instead of permitting all five of them to be of one political faith. Why, gentlemen, every man worthy of responsible trust in this country is a partisan. He can not escape it if he is capable of having a conviction or is competent to form an opinion.

If to provide that all of the commissioners shall not be of one political party makes that a partisan board which otherwise would not be, then the objection might amount to something; but if the provision takes away exclusive partisanship in one political direction and divides responsibility, then it accomplishes the very object that these gentlemen are seeking, and ought to receive their support instead of opposition.

The gentleman from Ohio [Mr. GROSVENOR] told us, in his inimitable way, that the commissioners provided for by the bill were, by its very provisions, to be "tramps." And why "tramps?" Because they are prohibited from having such financial interest in the subject committed to their care as might influence their judgment in favor of personal instead of public and general interest. He told us that they were to be incompetent, to be utterly ignorant of the business in which they were to engage—"paupers" as well as "tramps." And why? Because, when appointed, they must not have their money invested in railroad securities or themselves be in the employment of railroad or transportation companies. His rule would bar out each member of Congress from voting upon questions except those in which he has a direct personal and financial interest, and would brand every man with ignorance of all kinds of business, except that in which he is for the time being engaged.

In pamphlets without number before the House and Senate Committees on Commerce during this discussion and the discussion of the question in previous Congresses, we have been furnished with numerous examples of when not to charge more for a shorter than for a longer haul would work injustice, and now because the framers of this bill have heard your arguments and admitted their force, you are not satisfied, but hurl your heaviest arguments against that portion of section 4 which provides for these very difficulties, where the commissioners are given power to suspend the operation of the general rule when not to do so would work injustice. This only shows how hard you are to satisfy, and gives rise to the suspicion that you are not overly eager to be convinced.

You tell us, as we have been told time out of mind, that the business of operating a railroad is of such an intricate character that it can not be controlled by general and fixed rules; and while we have not forgotten that the traffic managers of the companies somehow succeed in formulating such general rules for the control of subordinates and for the management of pools, this bill has acknowledged the difficulty and provides for it in a provision to give elasticity to the measure, with agencies to make effective that elasticity. And now you object because of this very elasticity. You say it intrusts men with dangerous power, while insisting that the power must reside in somebody. This objection can have but one meaning, and that is that the power must remain in the hands of men not responsible to the people nor acting for the general good, but under the influence of that selfishness which has made the necessity for such a law as the one now under discussion.

The gentleman from Alabama [Mr. OATES] has raised objections which are the more surprising because coming from so able a lawyer as we know him to be.

The ink is scarcely dry which recorded the last decision of the Supreme Court of the United States upholding and defining the constitutional power of Congress over the subject-matter of this bill, and yet the learned gentleman treats us to a legal argument against the power. He absolutely insists that the power to regulate commerce among the States has nothing to do with railway traffic carried on between the people of the several States; that the interstate commerce carried on by the people is not commerce among the States at all.

Those gentlemen who assert as an objection that this is a bill "which nobody understands, nobody wants, and which everybody is going to vote for," may find consolation in the fact that the Constitution, which is the chart of our power, under which the nation has prospered and our liberties remained secure, is an instrument which the Supreme Court does not understand, or which, if it means what some of the constitutional lawyers of this House seem to think it does, is a Constitution which "nobody understands, nobody wants, and which everybody" insists is the grandest document ever written by human hands. I commend this consolation to those members of the House who feel constrained to vote for this bill in obedience to popular demand, and yet who fear that they show a lack of moral courage in doing so because of the supposed uncertainties in the language of this measure.

In answer to the argument that railway corporations were in a manner public corporations and the money invested to a certain extent dedicated to public use, because the States and Congress had chartered them, and the power of eminent domain been invoked for their benefit, the gentleman from Alabama [Mr. OATES] says that nearly all of these corporations received their charters from the States and exercised the right of eminent domain under State laws as an argument against the power of the National Congress over this subject. This was a strange misunderstanding of the point and force of the argument, to which it was intended to be a reply, for a lawyer to make.

The argument was that the power of eminent domain had been lawfully exercised on behalf of all railway corporations, a power which can only be invoked to take private property for public use, and not on behalf of an individual or a private corporation for private benefit and use; and that, therefore, these railway corporations were by decided law public corporations, without reference to whether their charters were obtained from the States or the National Government.

So much for the objections to the language of the bill.

At the last session of Congress I supported and advocated the passage of the Senate bill, and regretted exceedingly that the majority in this House could not see in it the beginning of the solution of this interstate-commerce problem, not that it was all that I desired or that the best public sentiment demanded, but because I believed its main

provisions took the right direction and were expressive of the results of the best experience in dealing with this question. I was opposed to the Reagan or House bill because it was experimental and ignored all the practical knowledge we had upon this question; because I did not believe its tendency was in the right direction as a whole, and because I did not believe its passage would be the beginning of a solution of this question, but would the rather retard that solution.

Unexpectedly to me, and as I suppose to most of the members of the House who knew with what tenacity the chairman of the Committee on Commerce adheres to convictions once formed, the conference committee whose appointment was made possible by the disagreement of the two Houses have submitted for our consideration a much better bill than we had any reason to hope for and one that I trust and believe will speedily become law.

Of course it is the result of compromise—as all conference bills are expected to be—a compromise not of principles but of methods, and I count it fortunate that it comes to us in such a shape that it can not be made a foot-ball of between the two Houses on a question of form of expression and so remain without final action during this Congress.

The gentleman from Iowa [Mr. WEAVER] has truly said this is the Cullom or Senate bill. It has also the one redeeming feature of the Reagan bill, the anti-pooling section greatly improved. The other part taken from the Reagan bill is simply a reaffirmation of the common-law right in the individual to bring suit changed so as to confer jurisdiction on Federal courts only. It neither adds to nor takes from the common law, and therefore does not hurt the bill nor does it help it so far as I am concerned.

But I am glad that it is in the bill, because the right "to sue and be sued" is held in such reverence by some gentlemen in this House. I am willing to add "line upon line and precept upon precept" in the way of assurance that they and their constituents are not to be deprived either of the right or the luxury of having a suit in court and of footing the bills.

What, then, is this bill? It clearly defines interstate commerce. It prohibits extortion and unjust discrimination. It prohibits a greater charge for a longer than for a shorter haul under "substantially similar circumstances and conditions," thus declaring the general rule that like and contemporaneous service, other things being equal, ought to have like compensation in the interest of fair dealing.

It provides for stability of rates so long as stability is at the same time fair and reasonable, and it provides for publicity of rates, because all the public have an interest in them, and to prevent undue advantage of one shipper over another. It provides for the establishment of a commission through which the public may become possessed of a knowledge of all the facts necessary to an intelligent judgment upon questions between them and the carriers and through which the provisions of the law may be enforced at public expense.

If a contest is to come it need no longer be the unequal combat between the individual and the vast power centered in the great railway corporations, for the Government of the United States is to be one party to the contention—not to oppress by its strength, but to mete out equal and exact justice.

With our present experience, in my judgment, any interstate-commerce bill with the commission feature left out would not be worth the paper it is written on. And here I am reminded that the gentleman from Alabama [Mr. OATES] has raised a constitutional objection to this feature of the bill—he claiming that it is beyond our power to create such a tribunal. He tells us that this is to be a judicial as well as an administrative body; that under the power to establish a supreme and inferior courts we have no right to combine administrative with judicial functions. Does the gentleman know of any Federal court of inferior jurisdiction, or State court for that matter, which does not exercise administrative power as an incident to its judicial functions?

Is it not true that very many of the railroads of the country are now being operated by the courts through receivers acting under their direction?

And, finally, we have a comprehensive provision against pooling, a provision designed to make competition a factor in fixing traffic rates, the true objective point of all this kind of legislation.

Aside from verbal criticism and opposition to all legislation the short and long haul clause, the anti-pooling section, and the provision for a commission have been the most vigorously assailed. This is not to be wondered at. If you rout the main army, the stragglers are sure to follow the line of retreat. Cut the vitals out of the bill, and the whole measure is dead.

In opposition to any legislation it is insisted that no evils exist which will not cure themselves if left to the operation of universal laws of trade—no evils not incident to all extensive businesses; that laws should be made to facilitate and not to hamper business; that Congress, not being made up of expert railroad managers, will only play the bull in the china-shop whenever it interferes in this business.

Good morals and high equity are invoked in protest against this legislation. Have not the railroads been a blessing? Have not they enriched the country and opened up all its vast area to possible settlement? Have not private individuals invested their money in them, and so secured to the people all these blessings? And shall we now with ignorant and ruthless hands interpose between these investors and their free and full enjoyment of their own? Are they not entitled to all the advantage secured by risk and foresight?

The gentleman from Georgia [Mr. CRISP] struck the key-note when he called attention to the public nature of this kind of property and showed that an investment in it was an investment in which the public had a direct interest; and was, therefore, a voluntary surrender of the investment to such public control as might be necessary and expedient for the protection of public interest. As no man has a right to seize upon the "gateways" of commerce for his exclusive private advantage, so has he no right to seize upon the highways of commerce and then use his possession to oppress the public. The people can not be barred from the advantages of the civilization of the age in which they live, nor can the world's knowledge be locked up for the use of the few.

To say that I have no right to complain if my produce is transported just a little cheaper than it was in the days of wagon-hauling is to say that I have no right to move along with the world in its progress; that if my house is just a little better than the wigwam of the savage I ought to be content.

The trouble with these objections is that they start from false premises, from a misconception of the nature of the relation which railroads sustain to the public.

There is another class of men who see only a set of robbers in transportation companies, and who would deal with them accordingly, forgetting that a bankrupt railroad company is like any other kind of bankruptcy, a bad thing for the community. These men minister to their own vanity and magnify their own importance by imagining that they are the special objects of the attention of railway magnates whose power is being constantly used to bring trouble upon their devoted heads. It is a harmless delusion, manifesting itself in the calling of hard names, which neither injure the railroads nor benefit the people, for this is a serious business, to be dealt with soberly and sensibly.

My colleague [Mr. DUNHAM] and others have made the claim that there are now few evils to be corrected; that whatever just ground for complaint has existed in the past has now been removed by the action of the companies themselves, as the result of their broader experience and the consequent adoption of better methods. And yet it should be remembered that these better methods, this correction of evils, have come to us since the people took hold of this question and commenced legislating in the States and pressing for Congressional action. Have we not a right to say that the abandonment of evil ways has, to some extent, resulted from the action of the people and the laws which have been enacted?

Competition, new mechanical appliances, increased business from increased production, have each had their influence, as we are compelled to admit; but law upheld by the courts has played its part in bringing the corporations to a better understanding of their relations to the public.

But it is not true that the people are now enjoying all that they have a right to demand in this regard. Aside from unjust discriminations between individuals and communities, the aggregate of charges for the transportation of passengers and freight on all the roads is much in excess of reasonable compensation for the services rendered and the money invested.

The capital stock and bonded debt of the one hundred and twenty-eight thousand miles of railway in the United States, according to the best railroad authority, exceeds $60,000 per mile in the aggregate. The actual cost of roadbed, track, and equipment does not exceed one-half that amount, including in the cost, municipal donations, land grants, and whatever else the constructors have received in the way of inducement to engage in these great enterprises. Allowing for the enormous profits of sub-contractors and construction syndicates, and for improvident and extravagant expenditures for purchases with depreciated currency, and all other expenses, legal and illegal, and still the cost to investors has not exceeded $40,000 per mile.

And yet this enormous property, so completely a part of our every business, so completely interwoven with all our industries, so powerful to make or mar our prosperity, during the last year paid to investors in interest and dividends over 4½ per cent. on a capitalization of $60,000 per mile, after paying operating expenses, taxes, repairs, renewals, and all other expenses incident to the business—a greater net return than is realized from any other class of income-earning property, taken as a whole, in the United States. This is 6¾ per cent. net on the most liberal estimate of the amount of money invested, and 9 per cent. on actual cost.

Remembering that this property is not like that of the individual, who has a right to make as much as he can with his own by fair and honest dealing; that it includes all investments, good and bad, in railroads; that very much of it has come from public instead of private sources; that its very existence has come from the exercise of the people's power of "eminent domain," and we are driven to the conviction that there is injustice somewhere, and that after all reductions the people are still being overtaxed for transportation, and have a right through this bill to find out where the injustice comes in and to have it remedied.

Considering the special sections of the bill, we find the point of most

vigorous and general attack is section 4, the long and short haul section. While it will be conceded that, as a general rule, no more should be charged for a less than a greater service, it is insisted with a good deal of reason that this principle is not applicable to railway service, and can not be carried into successful practice without doing injustice, both to the companies and to individuals and communities.

While the section does not provide for mileage and tonnage rates, and can not by any torture of meaning be made to so provide, yet it must be admitted the general principle which authorizes a prohibition of a greater charge for a shorter than for a longer haul applies with equal force to mileage and tonnage rates.

I confess to some doubt about the wisdom of incorporating this section in the bill even with the qualifying words "substantially similar circumstances and conditions," and with the further provision for waiver in "special cases." There are so many elements which enter into the cost of transportation—the number of cars in a train, the number of men required to manage it, the distance moved without change or stop, whether the rolling stock is kept in constant use or is idle for more or less of the time, considerations of return freight, and a thousand and one other circumstances, which must confuse the judgment when an attempt is made to determine the fact of whether the "circumstances" and "conditions" are "substantially similar."

And then, too, I admit the right of a company, and even its duty, to charge less than a reasonable compensation, provided it is not below cost, to be made up somewhere else, under circumstances which often arise in the business. The state of the market may be such that freight will not move at all unless concessions are made, and thereby rolling-stock will remain in enforced idleness, to be taxed beyond its capacity at some future time. In such case it is better for all concerned that the trains shall be kept moving, and something be earned for investors and service be performed for the people. Half wages is better than no work and no pay, provided we do not fall into the habit of accepting half pay. And then again competition with other methods of transportation may deprive a road of all chance to earn freight, unless it takes less than a reasonable profit.

In such case it is the part of wisdom to take less than a reasonable sum, provided somebody else is not charged an unreasonable tax to make up an equality of earnings. I have no right to complain if some other community is so much more favorably situated than mine that the companies are compelled to give it rates less than reasonable, if my community is not charged more than reasonable rates. But section 4 has been forced into this bill by the most glaring and indefensible evils and inequalities connected with this whole business, and the managers of railroad companies have only themselves to blame if, in correcting these inequalities, injustice may sometimes be done to them.

I do not refer so much to the inequalities between through and local traffic as to inequalities in local traffic itself and inequalities between strictly through traffic from different points not affected by any other considerations than selfishness. Local rates build and ruin towns side by side; enrich and impoverish communities in close proximity to each other—local rates established by the arbitrary will of railway managers without reason, founded in cost, competition, or anything else proper to be considered in fixing rates. Section 4, well enforced, will put an end to this kind of work, even if it does not always secure equal and exact justice.

Again, a town situated nearer to its market than another town having the same kind of product, with just as much freight to be sent and just as much to be brought back, with equal facilities to obtain competing rates, with all other things equal, is by one device or another continually made to pay greater through rates than neighboring towns. I have known freight from New York intended for a town in my district to go through the town to a point beyond and then pay local rates back to escape the higher charges when billed direct.

I have known freight destined for the Atlantic coast to be sent westward, paying local rates, and then sent back over the same road through the place of starting and money saved over the rate which would have been paid if the freight had been sent direct, and I have known local rates to be raised to protect established rates on eastern shipments from being broken by this kind of out and back shipment. To correct such well-known abuses, which have kept a place in railroad polity, while other abuses have ceased, section 4 seemed necessary, and with some misgivings as to its probable effect upon transcontinental traffic and traffic from the Mississippi Valley to the seaboards, I still think its provisions are demanded to correct abuses not reached by other provisions of the bill. The power of waiver given to the commissioners alone makes it possible to prevent injustice and justifies the provision.

It is claimed that this is an extraordinary and dangerous power to put into the hands of five men. Granted; but the five men are to be disinterested judges, presumably competent for the position; and can it be said that the power is as dangerous in such hands as it is in the hands where it now is—interested and irresponsible, save to the companies which practice the abuses complained of?

It is charged that the corporations will find means to control the commission. Well, if that improbable thing should happen, such control can not be more complete than the control they now have of their own agents.

The gentleman from Iowa [Mr. WEAVER] is very fearful that the existence of this commission would force the railroads into politics, and to take an unwonted part in the struggle between the great political parties of the country. He enumerates the changes which will take place in the next six years, the number of Federal judges to be appointed during the term of the next administration, and sees dangers lurking in every corner, because of a probable change in the control of national affairs. "Coming events cast their shadows before," and so the gentleman intends to take refuge in a vote against this bill.

It seems to me that I have somewhere heard it charged that the railroads are already taking an undue interest in politics, that they have been doing that for a long time, that they have corrupted the people, bought courts, juries, and legislatures; used their enormous resources to defeat honorable ambition to hold public position, and have done a great many other things, unfit to be done, to influence the politics of the country; and if I mistake not the political party to which the gentleman was once attached and with the remnants of which he still holds some sort of relation, came into existence partly because of this kind of charges. From his standpoint the danger has been and still is with us, and he ought not to be deterred from voting for this bill because of the possibility that the same danger will remain.

Does he think, does anybody think, that the inducement for railroad companies to engage in politics would be diminished by the passage of the more radical and far-reaching measure which the gentleman says he desires and will have, or nothing? Now, I do not imagine that the opposition to this bill because of the power conferred upon the commission in section 4, and other sections defining their powers and duties outside of Congress, arises so much from a fear about the doubtful meaning or the improper influence which may be exerted upon the commission as it does from an apprehension that an honest and intelligent board will be appointed, held back from undue participation in politics, because of the composition of the commission.

I speak, of course, of the objections sent here from the outside and not of the honest difference of opinion which exists among members as to the propriety or impropriety of this kind of legislation, but who are sometimes misled in their reasons by the skill of supposed experts in finding excuse and reason for their practices. Railroad officials, who have neat little inside arrangements by which they rob the stockholders and enrich themselves, are fearful that an honest commission will not decide that their schemes come under the head of "special cases." Favored shippers, who thrive at the expense of their neighbors, are troubled with the same fear.

Boards of trade, who, through their connection with transportation companies, have established a monopoly in the business of fixing market values, and have reduced to a science the business of speculating in the hopes and fears of others, see their business endangered in the event of this commission becoming to the people what the courts of the country have long been, an upright and wise tribunal for the settlement of the vexed questions growing out of this business of bringing producer and consumer together.

Commission merchants and favored buyers, it is hoped, will no longer be able to tax the individual shipper for the privilege of putting in his car-load of freight on their cheaper contract, made under the pretense that their larger shipments are akin to wholesale, while his smaller shipments are in the nature of retail business.

Straightforward people, who want justice for themselves and for others as well, including the railroads, and who have not lost their faith in humanity, whether it be humanity in private life or in public position, are not seriously troubled about any undue influence over the commissioners which we provide for.

The anti-pooling section has come in for its share of opposition, and I propose to give it a little attention. In doing so I am forcibly reminded that it is useless to look for consistency as against self-interest.

When railway corporations wanted to condemn private property for their use or when they wanted to sustain municipal subscriptions to their capital stock it was necessary to declare that they were public corporations engaged in a public business, and so they successfully argued to the courts; but when their necessities ceased, and the people began to demand rights under the law, sides changed immediately. They were no longer public but private bodies, doing business for private gain; but the courts were just as firm in maintaining the law in the interest of the people as they were in the interest of the corporations.

When the companies were seeking aid to build their roads, or asking Congress for subsidies and land grants, they were not slow to point out the need of competition to prevent first-comers from extortion. Now, and for some years past, the very best ability procurable is and has been engaged in trying to show that competition in this kind of business is the very worst enemy of the people. The pool is the new and improved device by which the people are to be protected from unjust discriminations and extortionate charges, and the railroad companies saved from ruining each other.

If Congress would only legalize this illegal device, according to these new philosophers, there would be no further need of law to regulate this commerce. In all ordinary business it has been supposed that com-

petition might safely be trusted to keep prices within reasonable bounds; that unjust monopoly and competition could not well exist together. In the law-books combinations to keep prices up or to raise them and prevent the operation of the natural laws of trade have been named "conspiracy;" hence the demand that this illegal thing called a pool—this "conspiracy"—shall be made legal. Why? In the interest of stability of rates and to prevent railroad wars, through which these corporations metaphorically cut each other's throats.

Such is the argument, elaborated with all sorts of ingenious illustrations and striking examples. But somehow it does not convince. You will ruin the longer road if you do not allow it through the pool to get a share of the through freight; and when you have effected the ruin and destroyed a competing line what is to become of competition to keep down freights to reasonable limits?

But stop. Competition will not do; the pool was invented to prevent it, and the argument does not hold together. Now, I ask, what is the purpose of waging rate wars between lines of roads if it is not to force the re-establishment of a broken pool or to compel readjustment of relations in the pool? If the pool is prohibited and the prohibition enforced, have we not removed the cause of rate wars, which are said to be so ruinous?

If nothing is to be gained in the long run, if no pool treaty is a possible outcome, if the end is to be the same as the beginning so far as the relations of the competing roads to each other and the public are concerned, does any one believe that these corporations will engage in the delectable but unprofitable business of bankrupting each other? If a pool is a good thing for one town with a few competing roads, it is good for another, and so on until it includes all roads and all points. The only logical conclusion of the argument in favor of pools is that all the roads and transportation companies of the United States ought to be under one management, selected by the stockholders, and selected with the sole view of earning the largest dividends, for it is neither natural nor human that a stockholder in a railroad or any other corporation should look with complacency upon measures designed to lessen his dividends.

Charter prohibitions against consolidation of parallel or competing lines ought to be repealed and we ought to concede that here is a business which can only safely be carried on as the one great and overpowering monopoly. For one, I am not ready to do this thing.

I conclude, therefore, that the anti-pooling provision, section 5 of the bill, is wise and necessary, and will bring to the people much needed relief while it will take from the roads none of their legitimate rights.

Taken all together, the bill seems to me to be the best expression of our experience which has ever been offered for Congressional approval.

It is not framed in the spirit of animosity or of reckless disregard of property rights, nor with a view to thoughtless experiments with great interests. It is not hasty legislation without a full and fair examination of the facts upon which it is based and the needs of such enactments. Because I believe it to be moderate in its requirements and generally wise in its provisions. I shall cheerfully vote for its passage.

Mr. HENDERSON, of Iowa. Mr. Speaker, in the Forty-eighth Congress I expressed my doubts and fears touching the fourth section of the Reagan bill, the section regulating the long and short haul. In the remarks which I then submitted I gave my reasons for the fears entertained, stating that I believed that the fourth section would operate against Iowa and the points remote from the sea-board. At the same time I said that even if the fourth section were not stricken out I would still vote for the Reagan bill, as it was, rather than not have any legislation upon this great question; and I then, as in this Congress, voted for the Reagan bill, rather than have legislation of this character fail, rather than let the vast railroad system go uncontrolled by the General Government. That has been my position on this question. That is my position now. I am opposed to having the great commercial interests of 60,000,000 of people controlled and regulated solely by a dividend interest. The year 1886 gave us of oats 624,000,000 bushels; hay, 45,000,000 tons; corn, 1,665,000,000 bushels; wheat, 457,000,000 bushels; and adding merchandise, live-stock and passengers transported, the relations of railroads to our people become vitally important and apparent. I protest against a few men, guided wholly by their own selfish interests, controlling the tracks over which these vast products and interests must pass, when the Constitution of the country invites the control by the General Government. But I am not one of those who

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every proposition in a bill until it just suits my particular opinions and the particular interests and locality that I may represent. There must be some compromises in all great legislative conflicts. Since the formation of this Government the line of legislation is everywhere marked with compromises and concessions before great enactments are secured.

He who will say that he has no misgivings as to how some features of this bill may operate upon his locality and upon the country at large, speaks, it seems to me, without sufficient consideration. I am confident, however, that any losses that may be sustained at the beginning will be more than compensated as experience and time may perfect our present great undertaking.

But conceding that some injury may come to our localities, it should be remembered that it is sixty days after the passage of the bill before it goes into operation in its working features. The next Congress meets in December. We will have had some trial of its workings by that time, and we will be swift to correct any of its provisions that are found to be unsatisfactory. We will have our constituencies back of us in our efforts to improve the law. If

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are found to be a bad feature we can dispense with them or increase their powers at the next session. At this hour the masses of the people of this country

DEMAND SOME LEGISLATION

on this question. I went home during the vacation for the purpose of feeling the pulse of my people on this question, more than for any other reason, and I did not talk with a single person but who said to me, "By all means give us this bill and let us make a start in controlling transportation." Since my return I have, by telegram and letter, been advised of the eager anxiety of my people for the passage of this bill. They are reading, thinking, and talking, and I tell you that the people demand that the bill agreed upon by the conferees of the House and Senate be crystalized into law.

This is the sentiment of my people, although we are almost in the center of the nation and a thousand miles remote from the seaboard. They demand that we enter upon the control of the only real avenues of transportation open for them in the land—the railroad track. They demand a commencement. They understand that there are grave difficulties in our way; that it is a new and weighty problem; but they demand work instead of waiting. They want action in place of promises. They want us to do our best in starting this great reform instead of carping, criticising, and fault-finding with every effort to bring the iron horse under the guidance of the sovereign hand of the people.

It is easy to criticise. It is easy to find fault with any bill, any law, any man, or any religion. It was easier for Tom Paine to denounce Christianity than it was for him to offer a substitute better suited to the wants of his age.

On yesterday my colleague [Mr. WEAVER] sneered at this bill because some differ as to the meaning of some of its provisions. His language was plain enough, and yet men in his hearing differed as to his meaning and his motives. Shall the Bible be closed because hundreds of different creeds have sprung from it? There are but few laws that must not sooner or later undergo interpretation from the courts. Shall we therefore make no laws? Must we keep the people waiting, waiting, waiting until we can all agree? No, no; we must do the best that we can; but do it now. Years have been spent in discussing this great question of interstate commerce. Volumes have been published on it. At last we have before us a bill containing much, very much, that is good. Let us pass it into law, and improve it as our experience may point the way.

Every man here knows that to vote down this bill now is to put off railroad control for years. Let him beware who takes that grave responsibility!

Let us examine this bill as presented by the conferees—the bill now brought before us after days, weeks, and months of careful, conscientious toil by the committees of conference of the Senate and House—and let us see what it means. I will add this bill to my remarks as a part thereof for fuller information to those who desire to give this matter the fullest investigation.

This bill aims at three great reforms: First, to do away with pooling. Who will say that the people of this country do not demand this? Secondly, to do away with the rebate system. The people want this, and the railroads want this, in my judgment, for the rebate system is a great trouble and expense to them, as well as a cloak whereby the weak shipper is plundered for the benefit of the strong. On that one point and on that only are the railroad interests and the people in full accord touching this bill. The third is the long and short haul element of the bill. It gives fixed rates; it absolutely does away with all pooling, the rebate system, and forces the railroads to proclaim to all the people just what they are charging to each.

Now the fourth section is that which troubles us all most, I admit. But this bill which the conferees have brought before us has a safety-valve in the section; and I want to say right here that I believe each member of the conference acted conscientiously and laboriously and intelligently in bringing this bill before the House. Let any one of you ask any railroad man or any shipper, large or small, in this country what kind of a bill he would get up to meet the necessities of the people touching transportation. I have done so. There is a uniform answer—"We can not do it; the questions are too complicated." With that admission from experts, how easy it is to get up here and assail and ridicule the bill? But this is no time for ridicule, if gentlemen are as sincere, as they ought to be. Take my colleague [Mr. WEAVER] the other day spending over an hour in burlesquing a bill which every farmer and shipper of Iowa demands to be passed as a great entering step in this mighty question. One must be blessed with self-confidence, or cursed with recklessness, who can thus jeopardize great suffering interests of a State and nation, because his individual notions are not all expressed in the bill.

THE RAILROADS,

I am told, are not fighting this bill. I am sorry, Mr. Speaker, that any man is ignorant of the fact that they are. His experience and observation are different from mine if he thinks otherwise. I have not come in contact with a single gentleman representing railroad interests who wants this bill to pass. All want to defeat it. There is not a railway in this country but will rejoice if this bill is beaten by this Congress, not one. And the people say "Gentlemen, do the best you can, but do give us something for a starter on this question." Here we are growing and multiplying in numbers, commerce, and wealth, and the iron track is the only road over which it can travel; and yet the American Congress is paralyzed in the presence of that necessity, and says we can do nothing because we cannot agree.

I believe that this Congress will adjourn with the commendations of the people because we have met this great question like fearless men. I shall vote for this bill without a moment's hesitation, without faltering, and without fear. I shall vote for it conscientiously even if I had to admit that it has imperfections. And I want to say here and now in response to what was said by the distinguished gentleman from Massachusetts [Mr. LONG] that "we should recommit the bill and get rid of the fourth section"—I say no more recommitment of this bill. We have it now where a single vote by this House will put it before the President, and I believe before the people as a law. But recommit it and you enter anew into a dangerous field; and while I believe the distinguished gentleman from Massachusetts who made that suggestion, made it as he always does, conscientiously and honestly, I warn my fellow-members against any such course, and ask that this bill as it has now been given to us, after months of discussion and earnest consideration, shall be given to the people as law.

Mr. LONG. You know, of course, this bill is now in the form of a conference report, and is therefore entitled to privilege.

Mr. HENDERSON, of Iowa. I know that very well; and I know it is the "privilege" of the House to vote for it and put it through, and I hope that "privilege" they will exercise. But we all know that if we non-concur in the action of the conferees the bill is lost, and I protest against recommitment.

In urging the passage of this bill I have no disposition to be unjust to the railroad interests of this country. Not at all. I am simply demanding that control over them which the Constitution entitles us to. We are all glad to see the railroad coming into our towns and neighborhoods. We want them, and they need us and our products. But we are tired of their being

SUPREME MASTERS.

Their coming builds up towns and enriches communities; so, too, their unjust management has often destroyed cities and towns and torn down hard-earned fortunes. Railroad owners must learn the new lesson that is coming to us all in this country, and that is to be content with a reasonable profit on investments, and that labor, small capital, and small shippers have their rights just as well as stock-owners and powerful shippers.

This city is to-day swarming with keen, zealous, able

AGENTS OF THE RAILROAD POWER

trying to defeat the passage of this bill. Every vote cast at their dictation and every vote cast against this bill is a vote for railroad supremacy and against the people. I have faith in the great future of this country, and that it will more and more be the best land for the happiness of all classes of the people. The passage of this bill will be one of the greatest steps that can be taken to speed the coming of still happier days for our people. Those now opposing this bill can depend upon it that, when once a law, the control of railroads by the General Government will never be abandoned. We may add to and take from, but the people will be masters, demanding and according every right guaranteed by the Constitution.

Mr. Speaker, with these remarks I will yield the floor, but I will incorporate in my remarks the statement of the House conferees which points out the difference between this bill and the House bill, usually known as the Reagan bill. In this connection I am glad to have it from Mr. REAGAN'S own lips that the bill now before us to be voted on is a great achievement for the people.

THE INSTERSTATE-COMMERCE BILL.

That the provisions of this act shall apply to any common carrier or carriers engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water when both are used, under a common control, management, or arrangement, for a continuous carriage or shipment, from one State or Territory of the United States, or of the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States, and also to the transportation in like manner of property shipped from any place in the United States to a foreign country and carried from such place to a port of trans-shipment, or shipped from a foreign country to any place in the United States and carried to such place from a port of entry either in the United States or an adjacent foreign country: *Provided, however*, That the provisions of this act shall not apply to the transportation of passengers or property, or to the receiving, delivering, storage, or handling of property, wholly within one State, and not shipped to or from a foreign country from or to any State or Territory as aforesaid.

The term "railroad" as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "transportation" shall include all instrumentalities of shipment or carriage.

All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, or for the receiving, delivering, storage, or handling of such property, shall be reasonable and just; and every unjust and unreasonable charge for such service is prohibited and declared to be unlawful.

SEC. 2. That if any common carrier subject to the provisions of this act shall, directly or indirectly, by any special rate, rebate, drawback, or other device, charge, demand, collect, or receive from any person or persons a greater or less compensation for any service rendered, or to be rendered, in the transportation of passengers or property, subject to the provisions of this act, than it charges, demands, collects, or receives from any other person or persons for doing for him or them a like and contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances and conditions, such common carrier shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful.

SEC. 3. That it shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Every common carrier subject to the provisions of this act shall, according to their respective powers, afford all reasonable, proper, and equal facilities for the interchange of traffic between their respective lines, and for the receiving, forwarding, and delivering of passengers and property to and from their several lines and those connecting therewith, and shall not discriminate in their rates and charges between such connecting lines; but this shall not be construed as requiring any such common carrier to give the use of its tracks or terminal facilities to another carrier engaged in like business.

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

SEC. 5. That it shall be unlawful for any common carrier subject to the provisions of this act to enter into any contract, agreement, or combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof; and in any case of an agreement for the pooling of freights as aforesaid, each day of its continuance shall be deemed a separate offense.

SEC. 6. That every common carrier subject to the provisions of this act shall print and keep for public inspection schedules showing the rates and fares and charges for the transportation of passengers and property which any such common carrier has established and which are in force at the time upon its railroad, as defined by the first section of this act. The schedules printed as aforesaid by any such common carrier shall plainly state the places upon its railroad between which property and passengers will be carried, and shall contain the classification of freight in force upon such railroad, and shall also state separately the terminal charges and any rules or regulations which in any wise change, affect, or determine any part of the aggregate of such aforesaid rates and fares and charges. Such schedules shall be plainly printed in large type, of at least the size of ordinary pica, and copies for the use of the public shall be kept in every depot or station upon any such railroad, in such places and in such form that they can be conveniently inspected.

Any common carrier subject to the provisions of this act receiving freight in the United States to be carried through a foreign country to any place in the United States shall also in like manner print and keep for public inspection, at every depot where such freight is received for shipment, schedules showing the through rates established and charged by such common carrier to all points in the United States beyond the foreign country to which it accepts freight for shipment; and any freight shipped from the United States through a foreign country into the United States, the through rate on which shall not have been made public as required by this act, shall, before it is admitted into the United States from said foreign country, be subject to customs duties as if said freight were of foreign production; and any law in conflict with this section is hereby repealed.

No advance shall be made in the rates, fares, and charges which have been established and published as aforesaid by any common carrier in compliance with the requirements of this section, except after ten days' public notice, which shall plainly state the changes proposed to be made in the schedule then in force, and the time when the increased rates, fares, or charges will go into effect; and the proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept for public inspection. Reductions in such published rates, fares, or charges may be made without previous public notice; but whenever any such reduction is made, notice of the same shall immediately be publicly posted, and the changes made shall immediately be made public by printing new schedules, or shall immediately be plainly indicated upon the schedules at the time in force and kept for public inspection.

And when any such common carrier shall have established and published its rates, fares, and charges, in compliance with the provisions of this section, it shall be unlawful for such common carrier to charge, demand, collect, or receive from any person or persons a greater or less compensation for the transportation of passengers or property, or for any services in connection therewith, than is specified in such published schedule of rates, fares, and charges as may at the time be in force.

Every common carrier subject to the provisions of this act shall file with the commission hereinafter provided for copies of its schedules of rates, fares, and charges which have been established and published in compliance with the requirements of this section, and shall promptly notify said commission of all changes made in the same.

Every such common carrier shall also file with said commission copies of all contracts, agreements, or arrangements with other common carriers in relation to any traffic affected by the provisions of this act to which it may be a party. And in cases where passengers and freight pass over continuous lines or routes operated by more than one common carrier, and the several common carriers operating such lines or routes establish joint tariffs of rates or fares or charges for such continuous lines or routes, copies of such joint tariffs shall also, in like manner, be filed with said commission. Such joint rates, fares, and charges on such continuous lines so filed as aforesaid shall be made public by such common carriers when directed by said commission, in-so-far as may, in the judgment of the commission, be deemed practicable; and said commission shall from time to time prescribe the measure of publicity which shall be given to such rates,

fares, and charges, or to such part of them as it may deem it practicable for such common carriers to publish, and the places in which they shall be published; but no common carrier party to any such joint tariff shall be liable for the failure of any other common carrier party thereto to observe and adhere to the rates, fares, or charges thus made and published.

If any such common carrier shall neglect or refuse to file or publish its schedules or tariffs of rates, fares, and charges as provided in this section, or any part of the same, such common carrier shall, in addition to other penalties herein prescribed, be subject to a writ of mandamus, to be issued by any circuit court of the United States in the judicial district wherein the principal office of said common carrier is situated or wherein such offense may be committed, and if such common carrier be a foreign corporation, in the judicial circuit wherein such common carrier accepts traffic and has an agent to perform such service, to compel compliance with the aforesaid provisions of this section; and such writ shall issue in the name of the people of the United States, at the relation of the commissioners appointed under the provisions of this act; and failure to comply with its requirements shall be punishable as and for a contempt; and the said commissioners, as complainants, may also apply, in any such circuit court of the United States, for a writ of injunction against such common carrier, to restrain such common carrier from receiving or transporting property among the several States and Territories of the United States, or between the United States and adjacent foreign countries, or between ports of trans-shipment and of entry and the several States and Territories of the United States, as mentioned in the first section of this act, until such common carrier shall have complied with the aforesaid provisions of this section of this act.

SEC. 7. That it shall be unlawful for any common carrier subject to the provisions of this act to enter into any combination, contract, or agreement, expressed or implied, to prevent, by change of time schedule, carriage in different cars, or by other means or devices, the carriage of freights from being continuous from the place of shipment to the place of destination; and no break of bulk, stoppage, or interruption made by such common carrier shall prevent the carriage of freights from being and being treated as one continuous carriage from the place of shipment to the place of destination, unless such break, stoppage, or interruption was made in good faith for some necessary purpose, and without any intent to avoid or unnecessarily interrupt such continuous carriage or to evade any of the provisions of this act.

SEC. 8. That in case any common carrier subject to the provisions of this act shall do, cause to be done, or permit to be done any act, matter, or thing in this act prohibited or declared to be unlawful, or shall omit to do any act, matter, or thing in this act required to be done, such common carrier shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of any such violation of the provisions of this act, together with a reasonable counsel or attorney's fee, to be fixed by the court in every case of recovery, which attorney's fee shall be taxed and collected as part of the costs in the case.

SEC. 9. That any person or persons claiming to be damaged by any common carrier subject to the provisions of this act may either make complaint to the commission as hereinafter provided for, or may bring suit in his or their own behalf for the recovery of the damages for which such common carrier may be liable under the provisions of this act, in any district or circuit court of the United States of competent jurisdiction; but such person or persons shall not have the right to pursue both of said remedies, and must in each case elect which one of the two methods of procedure herein provided for he or they will adopt. In any such action brought for the recovery of damages the court before which the same shall be pending may compel any director, officer, receiver, trustee, or agent of the corporation or company defendant in such suit to attend, appear, and testify in such case, and may compel the production of the books and papers of such corporation or company party to any such suit; the claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

SEC. 10. That any common carrier subject to the provisions of this act, or, whenever such common carrier is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, who, alone or with any other corporation, company, person, or party, shall willfully do or cause to be done, or shall willingly suffer or permit to be done, any act, matter, or thing in this act prohibited or declared to be unlawful, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter, or thing in this act required to be done, or shall cause or willingly suffer or permit any act, matter, or thing so directed or required by this act to be done not to be so done, or shall aid or abet any such omission or failure, or shall be guilty of any infraction of this act, or shall aid or abet therein, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any district court of the United States within the jurisdiction of which such offense was committed, be subject to a fine of not to exceed $5,000 for each offense.

SEC. 11. That a commission is hereby created and established, to be known as the interstate commerce commission, which shall be composed of five commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate. The commissioners first appointed under this act shall continue in office for the term of two, three, four, five, and six years, respectively, from the 1st day of January, A. D. 1887, the term of each to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired time of the commissioner whom he shall succeed. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Not more than three of the commissioners shall be appointed from the same political party. No person in the employ of or holding any official relation to any common carrier subject to the provisions of this act, or owning stock or bonds thereof, or who is in any manner pecuniarily interested therein, shall enter upon the duties of or hold such office. Said commissioners shall not engage in any other business, vocation, or employment. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission.

SEC. 12. That the commission hereby created shall have authority to inquire into the management of the business of all common carriers subject to the provisions of this act, and shall keep itself informed as to the manner and method in which the same is conducted, and shall have the right to obtain from such common carriers full and complete information necessary to enable the commission to perform the duties and carry out the objects for which it was created; and for the purposes of this act the commission shall have power to require the attendance and testimony of witnesses and the production of all books, papers, tariffs, contracts, agreements, and documents relating to any matter under investigation, and to that end may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section.

And any of the circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any common carrier subject to the provisions of this act, or other person, issue an order requiring such common carrier or other person to appear before said commission (and produce books and papers if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying; but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

SEC. 13. That any person, firm, corporation, or association, or any mercantile, agricultural, or manufacturing society, or any body-politic or municipal organization complaining of anything done or omitted to be done by any common carrier subject to the provisions of this act in contravention of the provisions thereof, may apply to said commission by petition, which shall briefly state the facts; whereupon a statement of the charges thus made shall be forwarded by the commission to such common carrier, who shall be called upon to satisfy the complaint or to answer the same in writing within a reasonable time, to be specified by the commission. If such common carrier, within the time specified, shall make reparation for the injury alleged to have been done, said carrier shall be relieved of liability to the complainnat only for the particular violation of law thus complained of. If such carrier shall not satisfy the complaint within the time specified, or there shall appear to be any reasonable ground for investigating said complaint, it shall be the duty of the commission to investigate the matters complained of in such manner and by such means as it shall deem proper.

Said commission shall in like manner investigate any complaint forwarded by the railroad commissioner or railroad commission of any State or Territory, at the request of such commissioner or commission, and may institute any inquiry on its own motion in the same manner and to the same effect as though complaint had been made.

No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.

SEC. 14. That whenever an investigation shall be made by said commission, it shall be its duty to make a report in writing in respect thereto, which shall include the findings of fact upon which the conclusions of the commission are based, together with its recommendation as to what reparation, if any, should be made by the common carrier to any party or parties who may be found to have been injured; and such findings so made shall thereafter, in all judicial proceedings, be deemed *prima facie* evidence as to each and every fact found.

All reports of investigations made by the commission shall be entered of record, and a copy thereof shall be furnished to the party who may have complained, and to any common carrier that may have been complained of.

SEC. 15. That if in any case in which an investigation shall be made by said commission it shall be made to appear to the satisfaction of the commission, either by the testimony of witnesses or other evidence, that anything has been done or omitted to be done in violation of the provisions of this act, or of any law cognizable by said commission, by any common carrier, or that any injury or damage has been sustained by the party or parties complaining, or by other parties aggrieved in consequence of any such violation, it shall be the duty of the commission to forthwith cause a copy of its report in respect thereto to be delivered to such common carrier, together with a notice to said common carrier to cease and desist from such violation, or to make reparation for the injury so found to have been done, or both, within a reasonable time, to be specified by the commission; and if, within the time specified, it shall be made to appear to the commission that such common carrier has ceased from such violation of law, and has made reparation for the injury found to have been done, in compliance with the report and notice of the commission, or to the satisfaction of the party complaining, a statement to that effect shall be entered of record by the commission, and the said common carrier shall thereupon be relieved from further liability or penalty for such particular violation of law.

SEC. 16. That whenever any common carrier, as defined in and subject to the provisions of this act, shall violate or refuse or neglect to obey any lawful order or requirement of the commission in this act named, it shall be the duty of the commission, and lawful for any company or person interested in such order or requirement, to apply, in a summary way, by petition, to the circuit court of the United States sitting in equity in the judicial district in which the common carrier complained of has its principal office, or in which the violation or disobedience of such order or requirement shall happen, alleging such violation or disobedience, as the case may be; and the said court shall have power to hear and determine the matter, on such short notice to the common carrier complained of as the court shall deem reasonable; and such notice may be served on such common carrier, his or its officers, agents, or servants, in such manner as the court shall direct; and said court shall proceed to hear and determine the matter speedily as a court of equity, and without the formal pleadings and proceedings applicable to ordinary suits in equity, but in such manner as to do justice in the premises; and to this end such court shall have power, if it think fit, to direct and prosecute, in such mode and by such persons as it may appoint, all such inquiries as the court may think needful to enable it to form a just judgment in the matter of such petition; and on such hearing the report of said commission shall be *prima facie* evidence of the matters therein stated; and if it be made to appear to such court on such hearing or on report of any such person or persons that the lawful order or requirement of said commission drawn in question has been violated or disobeyed, it shall be lawful for such court to issue a writ of injunction or other proper process, mandatory or otherwise, to restrain such common carrier from further continuing such violation or disobedience of such order or requirement of said commission, and enjoining obedience to the same; and in case of any disobedience of any such writ of injunction or other proper process, mandatory or otherwise, it shall be lawful for such court to issue writs of attachment, or any other process of said court incident or applicable to writs of injunction or other proper process, mandatory or otherwise, against such common carrier, and if a corporation, against one or more of the directors, officers, or agents of the same, or against any owner, lessee, trustee, receiver, or other person failing to obey such writ of injunction or other proper process, mandatory or otherwise; and said court may, if it shall think fit, make an order directing such common carrier or other person so disobeying such writ of injunction or other proper process, mandatory or otherwise, to pay such sum of money, not exceeding for each carrier or person in default the sum of $500, for every day after a day to be named in the order that such carrier or other person shall fail to obey such injunction or other proper process, mandatory or otherwise; and such moneys shall be payable, as the court shall direct, either to the party complaining, or into court to abide the ultimate decision of the court, or into the Treasury; and payment thereof may, without prejudice to any other mode of recovering the same, be enforced by attachment or order in the nature of a writ of execution, in like manner as if the same had been recovered by a final decree *in personam* in such court. When the subject in dispute shall be of the value of $2,000 or more, either party to such proceeding before said court may appeal to the Supreme Court of the United States, under the same regulations now provided by law in respect of security for such appeal; but such appeal shall not operate to stay or supersede the order of the court or the execution of any writ or process thereon; and such court may, in every such matter, order the payment of such costs and counsel fees as shall be deemed reasonable. Whenever any such petition shall be filed or presented by the commission it shall be the duty of the district attorney, under the direction of the Attorney-General of the United States, to prosecute the same; and the costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States. For the purposes of this act, excepting its penal provisions, the circuit courts of the United States shall be deemed to be always in session.

SEC. 17. That the commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. A majority of the commission shall constitute a quorum for the transaction of business, but no commissioner shall participate in any hearing or proceeding

in which he has any pecuniary interest. Said commission may, from time to time, make or amend such general rules or orders as may be requisite for the order and regulation of proceedings before it, including forms of notices and the service thereof, which shall conform, as nearly as may be, to those in use in the courts of the United States. Any party may appear before said commission and be heard, in person or by attorney. Every vote and official act of the commission shall be entered of record, and its proceedings shall be public upon the request of either party interested. Said commission shall have an official seal, which shall be judicially noticed. Either of the members of the commission may administer oaths and affirmations.

SEC. 18. That each commissioner shall receive an annual salary of $7,500, payable in the same manner as the salaries of judges of the courts of the United States. The commission shall appoint a secretary, who shall receive an annual salary of $3,500, payable in like manner. The commission shall have authority to employ and fix the compensation of such other employés as it may find necessary to the proper performance of its duties, subject to the approval of the Secretary of the Interior.

The commission shall be furnished by the Secretary of the Interior with suitable offices and all necessary office supplies. Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

All of the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners, or by their employés under their orders, in making any investigation in any other places than the city of Washington, shall be allowed and paid, on the presentation of itemized vouchers therefor approved by the chairman of the commission and the Secretary of the Interior.

SEC. 19. That the principal office of the commission shall be in the city of Washington, where its general sessions shall be held; but whenever the convenience of the public or of the parties may be promoted, or delay or expense prevented thereby, the commission may hold special sessions in any part of the United States. It may, by one or more of the commissioners, prosecute any inquiry necessary to its duties, in any part of the United States, into any matter or question of fact pertaining to the business of any common carrier subject to the provisions of this act.

SEC. 20. That the commission is hereby authorized to require annual reports from all common carriers subject to the provisions of this act, to fix the time and prescribe the manner in which such reports shall be made, and to require from such carriers specific answers to all questions upon which the commission may need information. Such annual reports shall show in detail the amount of capital stock issued, the amounts paid therefor, and the manner of payment for the same; the dividends paid, the surplus fund, if any, and the number of stockholders; the funded and floating debts and the interests paid thereon; the cost and value of the carrier's property, franchises, and equipment; the number of employés and the salaries paid each class; the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts from each branch of business and from all sources; the operating and other expenses; the balances of profit and loss; and a complete exhibit of the financial operations of the carrier each year, including an annual balance-sheet. Such reports shall also contain such information in relation to rates or regulations concerning fares or freights, or agreements, arrangements, or contracts with other common carriers as the commission may require; and the said commission may, within its discretion, for the purpose of enabling it the better to carry out the purposes of this act, prescribe (if in the opinion of the commission it is practicable to prescribe such uniformity and methods of keeping accounts) a period of time within which all common carriers subject to the provisions of this act shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept.

SEC. 21. That the commission shall, on or before the 1st day of December in each year, make a report to the Secretary of the Interior, which shall be by him transmitted to Congress, and copies of which shall be distributed as are the other reports issued from the Interior Department. This report shall contain such information and data collected by the commission as may be considered of value in the determination of questions connected with the regulation of commerce, together with such recommendations as to additional legislation relating thereto as the commission may deem necessary.

SEC. 22. That nothing in this act shall apply to the carriage, storage, or handling of property free or at reduced rates for the United States, State, or municipal governments, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the issuance of mileage, excursion, or commutation passenger tickets; nothing in this act shall be construed to prohibit any common carrier from giving reduced rates to ministers of religion; nothing in this act shall be construed to prevent railroads from giving free carriage to their own officers and employés, or to prevent the principal officers of any railroad company or companies from exchanging passes or tickets with other railroad companies or their officers and employés; and nothing in this act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this act are in addition to such remedies: *Provided*, That no pending litigation shall in any way be affected by this act.

SEC. 23. That the sum of $100,000 is hereby appropriated for the use and purposes of this act for the fiscal year ending June 30, A. D. 1888, and the intervening time anterior thereto.

SEC. 24. That the provisions of sections 11 and 18 of this act, relating to the appointment and organization of the commission herein provided for, shall take effect immediately, and the remaining provisions of this act shall take effect sixty days after its passage.

STATEMENT OF CONFEREES ON THE PART OF THE HOUSE.

[Required by Rule XXIX.]

The House conferees on the disagreeing votes between the two Houses on the bill of the Senate "to regulate commerce," and the bill of the House "to regulate commerce among the States, and prevent unjust discrimination by common carriers," make the following detailed statement of the changes between the House bill and the substitute herewith appended.

The action of the House being to adopt a single amendment, your committee, without attempting to call attention to the precise changes made in each section of the bill, report to the House the substance and effect of the changes made, as follows:

The bill of the House applied only to the transportation of freight, and the bill as adopted embraces the transportation of passengers as well as freight.

The bill of the House was limited to the regulation of such transportation on railroads. The bill as reported provides for the regulation of the transportation of property partly by railroad and partly by water, when both are used under a common control, management, or arrangement, for a continuous carriage or shipment from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia.

The bill which we report defines the term "railroad," as used in it, to include all bridges, ferries used or operated with any railroad, which is in addition to the provisions of the House bill.

The second section of the substitute bill adopts substantially the provisions of the House bill against discrimination by special rates, rebates, drawbacks, and other devices, and declares that any one making such discrimination shall be guilty of unjust discrimination, which is hereby prohibited and declared unlawful.

The third section of the substitute embraces substantially the provisions of the bill of the House, in requiring equal facilities and advantages for all shippers, without exception, and has a provision requiring equal facilities for the interchange of traffic with all other railroads for the carriage of property and passengers, and forbids any discrimination by one railroad in the facilities furnished against any other railroad. It contains a clause declaring that this act shall not be construed as requiring such common carrier to give the use of its tracks or terminal facilities to any common carrier engaged in like business.

The fourth section adopts substantially the provisions of the House bill on the long and short haul, with the following proviso: That upon application to the commission appointed under the provisions of this act such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for a longer than for a shorter distance for the transportation of passengers and property, and that the commission may, from time to time, prescribe the extent to which such common carrier may be relieved from the operation of this section.

The fifth section of the substitute bill is a copy of the clause in the House bill prohibiting pooling, with an amendment striking out the words of the House bill "by dividing," and inserting in lieu thereof the words "or to divide," and with the addition of the words in line 3, after the word "combination," "with any other common carrier or carriers."

The sixth section is a substitute for the provisions of the House and Senate bills in relation to the publication of schedules showing the rates, fares, and charges for the transportation of passengers and property. Instead of requiring the rates to be posted up, as was provided in the House bill, it requires that, after ninety days from the passage of the act, every common carrier subject to its provisions shall have printed, and keep for public inspection, schedules showing such rates, fares, and charges, and, in addition to requiring the railroads to give publicity at all of the depots on their several lines, it gives authority to the commission, where it is proper and necessary, to require them to give publicity to their rates to other places beyond the lines of their several railroads.

It also provides that the rates, fares, and charges shall not be raised except after ten days of public notice, but that they may be reduced without previous public notice; the notice, however, shall be simultaneous with the reduction itself, and it requires that all common carriers subject to the provisions of this act shall file with the commission provided for in the bill copies of the schedules which have been established, and shall promptly notify said commission of all changes made in the same; and that they shall file with the commission copies of all contracts, arrangements, or agreements with other common carriers in relation to traffic affected by the provisions of this bill; and in cases where passengers and freights pass over continuous lines or routes operated by more than one common carrier, and the several common carriers operating such lines or routes establish joint tariffs of rates or fares or charges for such continuous lines or routes, copies of such joint tariffs shall also be filed with the commission, and made public, if so directed by the commission.

The section also provides that where common carriers subject to its provisions shall neglect or refuse to file or publish its schedules of tariffs or rates and fares, or any part of the same, such common carrier shall, in addition to the penalties herein prescribed, be subject to a writ of mandamus, to be issued by any circuit court of the United States, in any judicial district wherein the principal office of the common carrier is situated, or wherein such offense may be committed, requiring a compliance with the provisions of the act.

The seventh section of the substitute bill contains substantially the provisions of the first part of the second section of the House bill in relation to the continuous carriage of property and persons from the place of shipment to the place of destination.

The eighth section of the substitute bill contains the substance of the seventh section of the House bill in regard to damages and counsel's fees, but expressed in somewhat different language.

The ninth section of the substitute bill is a new section, which provides that persons claiming to have been damaged by the action of common carriers may proceed for recovery of their damages either in the courts of the United States or before the commission herein provided for, as they may elect, but not before both tribunals. This section, which gives jurisdiction to courts of the United States, does not give jurisdiction in civil suits to the State courts, as was provided for in the House bill.

This section of the substitute bill also provides that the courts shall have power to compel any director, officer, receiver, trustee, or agent of the corporation or company defendant in such suit to attend, appear, and testify in such case, and may compel the production of the books and papers of such corporation or company party to any such suit; and it provides further that the claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying; but that such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

The tenth section of the substitute bill makes it a penal offense to violate any of the provisions of this act, and is substantially the eighth section of the House bill, except that it puts the maximum of the fine which may be imposed at the sum of $5,000 instead of $2,000, as was provided for by the House bill.

The eleventh and subsequent sections to the twenty-first, inclusive, of the substitute bill contain the substance of the Senate's bill providing for a commission, except as modified by the provisions of the substitute bill herein recited.

It provides for a commission to consist of five persons whose term of office shall be for six years, except for the first appointments, which are to be for two, three, four, five, and six years. The members of this commission are to be appointed by the President by and with the advice of the Senate. Their principal office shall be in Washington, but they may hold sessions at other places than Washington, and a single member of the commission may take testimony anywhere, as may be directed by the commission.

These commissioners have salaries of $7,500 each. The commission has the power to appoint a secretary, with an annual salary of $3,500, and has authority to employ and fix the compensation of such other employés as it may find necessary to the proper performance of its duties, subject to the approval of the Secretary of the Interior.

The nineteenth section of the Senate's bill, providing for a reference of the question of pooling to the commission, is not embraced in this substitute.

Section 22 of the substitute bill, among other things, provides that nothing in this act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but that the provisions of this act are in addition to such remedies, with a proviso that no pending litigation shall in any way be affected by this act.

Section 24 of the substitute bill provides that the act shall go into effect sixty days after its passage, as in the opinion of your committee it was deemed best to give the railroads sufficient time to prepare their schedules and to modify their management in accordance with the provisions of this bill. The appointment of the commission, however, is to be made at once, as it has to be organized, and as said schedules of rates and charges have to be filed with said commission.

J. H. REAGAN,
CHARLES F. CRISP,
A. J. WEAVER,
Managers on the part of the House.

Mr. PETERS. I do not expect to argue this question, because to undertake that would be futile in the short space of the ten minutes allotted to me. Like the speaker who has preceded me, I am ready and willing to vote for this bill. In the Forty-eighth Congress I opposed what was known as the long and short haul provision. I am opposed to it yet. That is, I am opposed to any provision of that kind that would have any binding force and validity. I am not opposed to the provision in this bill because I do not believe it has any binding force or validity; and I desire to call attention to one or two things in connection with it.

The great cry for legislation upon this subject has been brought about because of complaints, and these complaints may be classed under a few heads that are embraced within the provisions of this bill. One of the great complaints was of discrimination. Another was of pooling. And I believe that almost every complaint that has ever been made against the transportation companies of this country can be embraced within one or the other of those two heads, namely, discrimination and pooling. As this bill attempts to remedy, and as I think to some extent does remedy, the defects that have grown out of our system in connection with discrimination and pooling, I am satisfied with the bill as regards those matters. When it comes to this long and short haul provision, as I have said, I do not think the provision which appears in this bill amounts to anything. It seems to me a moment's consideration will convince any one that is the case.

In the first place the language of the clause is so indefinite that it can not amount to anything; and if a court is ever called upon to give a construction to it, and follows the usual and well-known law in relation to the construction of the statutes, then it would construe that fourth section as not applying to freights at all. The court would hold that it can only and does only apply to passengers, and any curtailment of power that may be enacted over the passenger traffic in railroad transportation, in my judgment, will not affect, or injure, or prejudice the great passenger traffic of the United States.

Listen to the language of this section of the bill:

That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property.

What kind of property? Property like passengers.

A MEMBER. Live-stock.

Mr. PETERS. I submit that any legal construction would be to that effect.

Mr. BURROWS. They must be all of a kind, either all white or all black.

Mr. PETERS. The section as punctuated in this bill, and as written, only affects the passenger traffic; and so I do not care.

Mr. CUTCHEON. I wish to ask the gentleman, would not that apply to live-stock as being a like kind of property?

Mr. PETERS. I simply make that suggestion; but aside from that the very conditions expressed in the fourth section are such that it can not affect the great freights of the West. In addition to all that is the elastic provision in the bill—

That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

So that I say that the fourth section has no terrors for me. I do not believe it can affect my people in Kansas one way or the other, and, therefore, I am perfectly willing, for the remaining provisions of this bill, to take all there is in this fourth section.

But the grand part of this bill, to my mind, is the commissioner part of it. The people of the United States have never had an opportunity to employ some one with their own money and confide to them the duty of looking up the statistics in relation to this railroad question from the people's side of the case. Railroads have employed statisticians and managers and lawyers to look up the statistics of this great transportation question from the railroad side of the case. But the people have never had any parties under their own control or in their employ exclusively for the purpose of looking up the facts of the transportation question from their side of the case. That is just what this commissioner system will give to them. I know it is the case that no one has argued upon this question, either in the House or out of it—and I exempt no one, I will not exempt myself—no one has argued upon this question either in the House or out of it but has been prejudiced or biased for or against railroad transportation companies.

We have never had a fair and impartial investigation of the questions growing out of this question of railroad transportation. Appoint this commission, then, political as they will be, and as I would have them, because I want to hold the party which has the majority of the commission responsible for the action of that body. I would not give a snap for five commissioners there that were not responsible to any party; I would not expect them to amount to anything. It is the very fact that they will be held responsible to whichever of the great parties may be in power in this country that will make them energetic and faithful in seeking and giving out such information upon this subject as they think will be in the interest of the people.

The mere fact that they may be called a political body has no terrors for me. I want the party that has the controling majority of the commission to be held responsible for the conduct of that majority. I want this commission created because I want these questions of railroad transportation investigated and reported upon from a standpoint from which they have never before been investigated. I believe, as I have already said, that the greatest benefit that can result from legislation of this kind will be from the working of that commission. Talk about this commission having unlimited power, why it has only the power that is necessary in order to carry out the purposes for which it is created. Its first power is to make inquiry into the question of interstate-railroad transportation.

Do we not need that? Do we not desire that? Is not that what the people want, and what they have clamored for? The next power of the commission is to investigate complaints that may be made against the transportation companies. They can investigate them and ascertain facts, and then their finding of fact in any case shall be *prima facie* evidence in regard to the case when it comes into court. Is there any injustice in that? Is it any unusual grant of power to such a body to allow them to ascertain facts and then to declare that their ascertainment, or the conclusion at which they arrive, shall be *prima facie* evidence of the existence of the fact? That is all there is in this grant of power to these commissioners. Then in all cases where more than two thousand dollars' worth of property is involved an appeal is allowed to the Supreme Court of the United States.

This board of commissioners can do nothing except to ascertain, *prima facie*, the existence of the facts, and then the courts of the country are appealed to, and if any party can show that the ascertainment of the commission is not correct, that party will have the right to make that proof, and the ascertainment by the commission will amount to nothing.

[Here the hammer fell.]

Mr. PETTIBONE. Mr. Speaker, by the eighth section of the Constitution, Congress shall have power to regulate commerce between the States. Under that section of the Constitution this bill was born. The country is demanding something of the kind. In 1865, when the great war closed, we had only 33,000 miles of railway in the United States. Now we have 127,000 miles of main track, and this wonderful fact strikes our minds that in twenty-one years the railway mileage of the United States has increased threefold, and that its efficiency and carrying capacity have increased more than sixfold over what they were twenty-one years ago. Now, it is admitted by the gentleman from Illinois [Mr. CANNON] and by almost every other gentleman who has addressed the House, that the country demands some action upon this subject. Here is a vast mass of aggregated capital which, under the laws of human nature, is certain to be aggressive.

Men will continue to make all they can unless they are restrained, and we know that these railway magnates will put all into their pockets that they possibly can. The country now demands that this eighth section of the Constitution shall be put in force. I concede, as every speaker has conceded, that this bill is not a thing that I would look for or hope for, but I ask the House to remember that this is the first act passed by the Federal Government to put in force the power that is granted to Congress to regulate commerce, and I ask the lawyers of this House to remember that there is not a single provision of the common law which has not been tried and legislated upon again and yet again, and improved and amended until finally a law of equity has been reached which has been embedded, as it were, in the common law of the land.

I have heard criticism again and again upon this fourth section. I can not do better than occupy the little time I have in reading and commenting upon it. I deny that it is ambiguous and that it can not be understood. It consists of just three sentences—no more and no less. What are they? Let us read them *seriatim*. The first is what?

That it shall be unlawful for any common carrier subject to the provisions of this act—

That is the railways—

to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance.

Now, shade of Lindley Murray! is there anybody who can not understand that sentence? I am literally astounded that so level-headed a man as my friend from Kansas really undertakes to tell us that in the fourth line of this sentence "like kind of property" relates to passengers. I did suppose there was eternally this distinction of persons and property; that if passengers are persons, property is not persons and can not be passengers. That is all there is in that sentence. I would whip my boy of twelve years if he did not understand all that sentence means.

I now take the next sentence; and I agree that this next sentence need not be here. But let us see what there is in it. What is this second sentence?

But this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance.

This does not authorize them to do it. Suppose they charge 1 cent a ton less on freight, and 1 cent less on a passenger fare; there is no trouble or difficulty.

They are not authorized by the bill to charge as much. Does anybody question what that sentence means, or would anybody raise such a question if it stood alone?

Then I take the third sentence; and what is that?

Provided, however, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

Mr. CUTCHEON. Do you understand that this investigation, the fixing of a lower rate, &c., will be before or after the transportation?

Mr. PETTIBONE. Why, after the investigation, of course, for transportation thereafter, because it reads here that "after investigation by the commission" the carriers may be permitted to do this.

Mr. CUTCHEON. That is, investigation of the circumstances.

Mr. PETTIBONE. Investigation of the circumstances and conditions. I believe I would whip a twelve-year-old boy that went to school to me, or who used to go to school to my friend from Michigan, if he did not understand that sentence standing alone. Now, if all these three sentences are easily understood, each by itself, put them together, and can they not be understood?

Mr. Speaker, the country is demanding something at our hands. We can not restrict the powers of the Fiftieth Congress, which may be called together after the 4th of March next. But all good laws have always been brought about by amendment after amendment. If we never take the first step we shall never get anywhere; and I take upon myself all the responsibility which may be thrown upon me for my voice and my vote in favor of this measure.

The great defender of the people's rights in this country is publicity; and under the provisions of this bill, schedules, rates of freight, and passenger traffic—all these things are to be spread abroad in the light of day, so that the people may know what they have to pay. Public opinion in this country is the king, thank God; and for a proper result from the agitation of this subject we are willing to wait. Louis Kossuth said, years ago, there is no difficulty to him who wills; and if this Congress wills to exercise the power which a hundred years ago was conferred upon it by the Constitution, I believe there is sense enough and wisdom enough in America—if we have it not, our successors will have it—to properly enforce this provision and give the relief to which sixty millions of American citizens are entitled. Sir, I am done. [Applause.]

Mr. HEPBURN withholds his remarks for revision. [See Appendix.]

Mr. McADOO. Mr. Speaker, during the course of this debate it has been often said by members who have engaged in the discussion that, while they did not like this bill or many of its provisions, they were going to vote for it, and that they would do so in response to the demands of a public opinion which they could not understand—that from their point of view the bill was so vicious and so impracticable that they could not understand the public opinion which demanded it and compelled them to vote for it while their reason and their judgment failed to approve.

To my mind, Mr. Speaker, the wonder is that this public opinion has not found definite expression in this House before this time. The people on this question are right. When the steam railway and the locomotive became established facts, the people of the infant republic with a great and comparatively undeveloped continent before them, began to encourage railroad building. Not only was there no State or Federal restraint by law upon railroads, but special immunities, exemptions, bounties, subsidies and land grants were given to those corporations which citizens in other enterprises generally did not enjoy. In the State which I have the honor in part to represent on this floor, railroad building was encouraged to the extent of granting to the railroads among other favors exemption from local taxation, thus implanting a train of evils which has injured our people and damaged our State, and done gross injustice to its cities.

While to them was given all the protection which the other properties in the State enjoyed and all the benefit of government, they had also special immunities and exemptions which other citizens did not possess, and did not share in the equal burdens of government. And so it was throughout the whole country; local bounties, State bounties, national bounties, land grants, subsidies, exemptions, and favors were given to the railroad corporations. Under this encouragement and fosterage by local, State, and national Legislatures, without any attempt at restraint or regulation, the great railroad system of the United States grew up and waxed strong, until the people find themselves confronted by a confederacy of great corporations which wrests from them annually nearly eight hundred millions of dollars by way of tariff for the transportation of persons and property. The receipt of this vast sum into different treasuries it is true, but all of which can unite for self and mutual interest, creates a power almost as great as the Government itself. Unrestrained by legislative enactment how feeble the ordinary citizen to contend for his rights against this tremendous power, how impotent the State to check its influence in the selection of its officers and its voice in her councils!

These immense sums being poured annually into the treasuries of these powerful companies, presented a temptation greater than human nature can bear. The railway companies proved no exception to the general rule, and in many of the States of this Union they soon became more powerful than the people themselves, so far as the selection of the Federal and State governments and the making of their laws were concerned, and against this the people rebelled; and hence there was introduced into Congress what has been popularly known for twelve years past as the Reagan bill.

Mr. Speaker, that bill was the voice of public sentiment—the earnest and solemn protest of the people against railroad domination and injustice. That bill was backed by the almost universal sentiment of the great majority of the conservative people of the United States, outside of railroad and allied circles, who demanded that the Federal Government should exercise its constitutional power to restrain and regulate these tremendous corporations in their interstate commerce, which affects so powerfully the happiness, the liberties, the welfare, the prosperity, and the property of sixty millions of people, and the development and advancement of this great land. It was a wise thing, probably, on the part of Congress that no hasty legislation took place under the powerful impetus of this indignant public opinion. The subject has been discussed both in and out of Congress, in the press, in the forum, and, I presume, in the pulpit. Every Representative on this floor for the past ten or twelve years has been inundated with literature on the railroad question—petitions, resolutions, memorials, protests, and essays—and this bill which we are considering to-day, with all the imperfections which it may contain, is the result of the mature deliberation of the country, both in and out of Congress.

Mr. Speaker, there are some features of this bill with which I do not agree—as for instance the vicious commission—but forbid it gods and men that I, speaking for myself, should take the responsibility of voting against a bill which inhibits the nefarious system of "pooling" and "rebates" and discriminations in favor of long hauls against short ones, and which compels the railroads of the United States to furnish to their patrons stable bills of rates, advertised so that he who runs may read! Why, Mr. Speaker, if there is to-day in the United States any leaven of imported or domestic anarchy, I believe firmly and conscientiously that it has been encouraged and developed by these combinations of capital in these powerful confederacies known as railroad and steamship pools, and coal pools, and grain pools, and cattle pools, and land pools, and all the varied pools that constitute the great dismal swamp of injustice and monopoly. These combinations squeeze and grind labor and suppress with iron hand competition. How indignant they become at labor strikes! And yet they themselves have been on strike against honest government and just dealing for these many painful years; and now that some slight legal restraint is to be placed on them, they rend the heavens with woeful lamentations and prophesies of national ruin.

What does a "pool" mean to us who live in the East? It means that five or six men who control these great trunk lines which traverse the continent can, by meeting and confederating together, fix the price of the necessaries of life, which you in the West raise to be consumed by our people in the East. What makes up the price of a barrel of flour in New Jersey? The cost of its production on the fertile fields of Iowa or Illinois, and added to that the cost of transportation, not fixed by natural competition, but fixed by the almost imperial fiat of the railroad pools. So that these men not alone control the cost of transportation, but by their confederacy and agreement fix and determine the price of the very necessaries of life to those who consume them.

I well remember that when this measure was up in the Forty-eighth Congress the gentleman from Iowa, who has just sat down, replying to some observations which I had made in advocacy of it, and speaking as against the long and short haul provisions, said that I had given him the key to his position, which was in opposition to that feature of the bill; that I, representing an Eastern community, was in favor of the long haul as against the short haul, so that the measure might benefit the farmers of the East, while it would work injury to those of the West. The gentleman has lived, I think, to regret his mistake; and while his colleague may or may not be consistent, as he contends, the gentleman has lived to learn that he did not then possess all the wisdom on this question. The people of Iowa evidently favor this law.

Now, I say to the gentleman to-night that we of the East are as much concerned in this question as he of the West, because the cost of food which is consumed in the East is increased by the cost of transportation; so that if the result of this bill should be to make more costly the long haul, it would make more expensive to my people the food which his people produce on the boundless prairies of Iowa.

There has been another argument adduced here in opposition to the bill. Gentlemen say, "Why do you treat railroad property as you do not treat other property? If you can interfere in this arbitrary and bold method with railroads, why do you not interfere with the grocery business or the coal business?" Mr. Speaker, the railroads do not stand in the same position to legislation as do other branches of business. The railroads of the United States are public highways; they are the peo-

ple's highways; and the Legislature of the people has absolute and sovereign control over the highways which they themselves have created.

[Here the hammer fell.]

Mr. CUTCHEON. Mr. Speaker, I had the honor this afternoon to submit a few observations indicating the reasons why I felt constrained to vote for this bill, notwithstanding some of its provisions. I was followed by some gentlemen who took occasion to criticise that position, and to treat it as inconsistent that I should at the same time criticise some of the provisions of the measure and also announce my intention to vote for the report of the conference committee. My opposition to this bill, Mr. Speaker, is very analogous to what the late lamented Hosea Bigelow described as the position of his Presidential candidate in regard to the Mexican war. His position was defined in the following words:

As for the war, I go agin it;
That is to say, I sort o' do;
By which I mean that being in it,
The best way is to fight her through.

That illustrates my position with regard to this bill. I am against certain of its provisions; but I think that, altogether, "being in it," having the situation now in our control, the best way is to "fight it through."

My distinguished friend from Massachusetts [Mr. LONG] whom I do not now see in his seat, though he was here a few moments since, endeavored to-day with his usual eloquence and persuasiveness to convince the House that we might safely vote against this conference report, and thereby send the bill back to the conference committee with some vague, indefinite expectation that they would strike out the obnoxious fourth section and bring us back a bill for which we could all vote.

Mr. Speaker, if the gentleman from Massachusetts, or any other gentleman can undertake to guarantee to me that this bill shall come back to us from the conference committee with the obnoxious fourth section stricken out, I for one shall most gladly vote to non-concur. But apprehending as I do that if we reject this report and send the bill again into conference, we shall never see it again in this Congress, or any other, I feel constrained to adhere to the position I announced this afternoon, that having it now in our power, I prefer that we should now and here make this the law rather than risk any uncertainties of the future. Mr. Speaker, in the language of Holy Writ, "Now is the accepted time, and now is the day of salvation" for us upon this question.

Another gentleman who has addressed the House this evening, my friend from Ohio [Mr. BUTTERWORTH], seems to be apprehensive that this great commission is to be a political machine. Now, it is my experience that you can not find five men in the United States of the standing, of the caliber, the intelligence that these five men must be, who do not belong to some political party. These commissioners will belong to some political party; and the only question for us is, whether they shall all belong to one party, or whether we shall require that the members of this commission shall be of mixed politics, so that one may be offset against another.

One gentleman here to-night declares in favor of a political commission, because it will carry with it political responsibility.

I prefer, however, to have a commission which shall be mixed so the responsibility shall not all rest on one.

But, Mr. Speaker, I should like, if time permitted, to recur to some of the objections of the gentleman from Iowa [Mr. WEAVER] in his speech, yesterday. He fears the commission is going to bring with it the great bugbear of centralization and corruption, that these five men cannot be trusted, that they will be subject to corruption.

Why now, in God's name, how does this come about? We elect one man President of the United States, and put him at the head of the Government. We trust him with all the executive power of these sixty millions of free people. We do not apprehend he is going to be corrupted, that he is going to be carried off his feet by the railroad power. In the Supreme Court we confer upon the judges the power to pass upon the rights of citizens, and we are not afraid the Supreme Court is going to be corrupted. We are not afraid of the centralization of power. Here is a commission to be appointed, and we have no more reason to apprehend they will be subject to corruption.

[Here the hammer fell.]

Mr. ALLEN, of Massachusetts. Mr. Speaker, the oppression, discrimination, and small, mean practices carried on by railroads all over this country have been so varied and so great as to reach nearly every kind of business, so that there is hardly a town so small upon the line of a railroad which does not contain in its history the same story of rapacity and brutal force. How many are the towns to-day carrying bonds which were authorized for the building or extension of some great railroad line, whose coming was to mark a new prosperity for all the country round about. How many citizens in those towns to-day look in vain for some appropriate terms in which to characterize their indignation as they see other towns near them—which did not contribute one cent to the building of the line of railroad, and which were, in fact, built up themselves because of the railroads—as they see these towns discriminated in favor of by the railroads both in the way of freight and passengers.

Yet as I speak these words I doubt not it stirs up the hot blood of honest indignation in the heart of many a man, as he takes this general statement and makes the particular application.

It is the old fable of the viper brought back to life in the bosom of the farmer, turning with its new given vitality to sting its benefactor. The people have about given up hopes of favorable legislation in this matter, and well they might despair.

How often have they appealed to State Legislatures for relief, only to be met there by the powerful influences the railroads know so well how to use, until they naturally have hailed the appearance of this bill—before they had read it—as a step in a direction leading to emancipation from the bonds of oppression. But alas, it is the same old story. The lawyers have again outwitted the people.

There is the sound of trumpets, the red fire burns with great brilliancy, the players strut about in heroic costumes; but when the audience disappear and the actors, stripped of disguises, come out of the side door, nudging each other at their success in once more fooling the people, we recognize the same old farce. The bill pretends to befriend the people—I believe it helps the railroads, or, at all events, it hurts the people. As one wise railroad man expresses it, "It may diminish our gross receipts, but our net income will not suffer." Railroad lawyers have been at work here, and the result appears in a bill which does not do what it says it will, but which, under specious terms, the meaning of which no men have yet agreed upon, in the place of offering bread to a starving people, it mocks at their hunger and offers a stone; and more than that, it seeks to cram it down the people's throats and to convince them it is bread.

I am amazed that this bill should seem to have even the promise of success, and the only explanation is the fact of the unanimity with which all recognize the necessity of doing something to bring the railroads under control leads them to accept anything which strings words together under a title which sounds large and sonorous. One can not check the swollen stream which has overflowed its banks and is carrying devastation and ruin in its path by reading an essay on the proper construction of dikes and dams. Practical work is needed, work the nature of which every one understands, and which is directed immediately, and at once, to the work in hand. Something of this sort we needed here; but after years of preparation and an immense amount of intellectual effort, something has been produced which boards of trade and other organizations, equipped by training and education to pass almost infallibly upon practical questions of business, say they have thought over and studied out, and, if they understand, it means either one of two things—and some think one thing and some another.

Now, I wanted to vote for some measure such as this, because, as I said at the beginning, I do think there have been reasonable grounds given for this general uprising of the people against the arbitrary and overbearing treatment they have received from the railroads.

Invariably clinging to the strict technicality of the law, these arrogant corporations, some of them, in the pride of their ill-gotten gains, in the superior position which their vast funds afford to prevent the poor people from successfully engaging with them in litigation, have stood in jeering and taunting attitudes and coolly asked the people "what they were going to do about it." It did seem as if the day had come when some legislation defining the relative positions of servant and master could be attempted.

But in some way as soon as the effort seems likely to succeed an extraordinary activity is manifested, and its practical result presents this law which an all-gifted Providence may translate, but which poor humanity, as manifested in this Congress, has as yet been unable to agree upon. I shall therefore, in the interest of my own people, vote against this bill, which will bring no relief to them or to others, in my judgment.

We have all laughed over the ridiculous position of the nervous man who was sorely distressed by a barking dog belonging to one of his neighbors, and whose vocal villainies were worse on cold nights. One specially cold winter night, when the mercury hovered about zero and a regular northwester was blowing, this dog commenced his barking. Filled with a holy rage the nervous man rushed out of doors in his nightgown, and was discovered by his wife holding the dog around the corner, in the freezing wind. "What in the world are you doing?" said his wife. "Trying to freeze the confounded dog," replied the husband.

Now, I don't feel that we are called upon to punish ourselves by standing out in zero weather, with insufficient clothing to try to freeze out the dog. What I mean is this: In my judgment, we are asked to pass this bill because we shall bring the railroads, these great interstate roads, under some restraint, even if we do it at the risk of ruining the farmer, great and small, in the far West. To be a little more explicit, by far the greater part of our increased export business during the last ten or twenty years has been brought about by large product of breadstuffs. The beneficent operations of the homestead act, the rapid settling up of those great plains and tracts of public lands in the extreme West, have been accomplished by the fact that it was possible for the farmer to market his grain or cattle and secure an immediate

return—not always, I am sure, all he should have, but he has been able to market his crop, and the "long haul" business has helped him out.

Whether it has been an injury to the intermediate man or not we can only answer in the fact that he has prospered, in the mean while; at all events, his farming lands have appreciated in value steadily, and he is to-day in far better circumstances than he was ten years ago. I refer now to the man living at the intermediate point. It can not be that the "long haul" can pay the price of the "short haul," as this bill means, in practice without destroying the business and bringing disaster to the farmer, preventing the further development of the land, and bringing in its train a long series of misfortunes to the nation. I have seen no petitions of labor organizations upon this question, and yet I doubt not if they gave this question that far-reaching and far-seeing thought given to other matters—if they got to the very bottom, and saw the actual application—they would deluge this body with petitions in opposition to a measure so directly aimed at the poor farmer, who is the least able to help himself. Hear what one of the leading newspapers says upon this very point:

Another thing to be considered is the general derangement of Western business that would necessarily result from the contemplated readjustment of rates. If the readjustment could be made once for all, business might soon be accommodated to the change, and no great harm might be done. But that would be impossible. The effects of so great a change as would necessarily have to be made can not be clearly foreseen. No one can tell how deeply the measure would affect farming interests, the settlement of the country, and in consequence, not only the railroads but all business interests in the West. Changes in rates would therefore have to be tentative, and frequent alterations would, no doubt, have to be made, every one of which would increase the business derangement and confusion. * * * It is apparent from what has been said that the consequences of the adoption of the haul clause have been but very imperfectly foreseen, while they have hardly been considered at all by the people most deeply interested—the farmers of the West. If Congress is going to pass the pending bill—and there seems to be little room for doubt about that—it will do wisely to submit the haul question to the commission for investigation and report, and for the present stop just there.

I have spoken thus far simply of the bearing upon the extreme Western farmer; but there is another section of the country which would most surely suffer from the passage of the bill, and that is the great South and Southwest. Every year, nearly, since the war has shown great activity throughout portions of the South, and a most commendable intention and purpose to develop the great resources of that country. Take the item of cotton alone, that great staple, and note the increase in acreage:

Acreage in cotton.

Season.	Texas.	Arkansas.
	Acres.	*Acres.*
1871–'72	774,806	597,857
1872–'73	914,296	693,512
1873–'74	1,097,122	811,409
1874–'75	1,119,064	722,154
1875–'76	1,483,500	1,133,000
1876–'77	1,483,500	1,133,000
1877–'78	1,706,025	1,189,650
1878–'79	1,808,386	1,165,857
1879–'80	1,934,973	1,177,516
1880–'81	2,478,054	1,147,274
1881–'82	2,676,298	1,181,692
1882–'83	2,810,113	1,110,790
1883–'84	3,034,922	1,188,545

Here is the percentage of gain in thirteen years: In Texas, $291\frac{7}{10}$ per cent., or $22\frac{9}{10}$ per cent. per annum; in Arkansas, $215\frac{9}{10}$ per cent., or $16\frac{6}{10}$ per cent. per annum.

And this cotton, too, is of high grade, especially adapted to making fine yarns, such as are usually spun in New England.

This is certainly a wonderful exhibit in development, but it is actual, and the growth entirely healthy, and, considering the vast extent of territory still in those two States, still waiting this active development, there is every reason to think the rates of increase will not diminish unless a change in the tariff should ruin the markets now so near at hand, and thus check the growth so advantageous and bringing so many direct and indirect blessings.

This cotton must, for a long time at least, seek a market at long distances, for the Southern cotton mills use local cotton of shorter staple, well adapted for coarse yarns, while the New England mills are abandoning these coarser goods for finer yarns, requiring more labor to the pound of cotton; and five mills which I could name in my own district consumed 63,000 bales of this Texas and Arkansas cotton last year, and unless prevented will yearly increase on that amount. It is well for our Southern statesmen to remember that this market for cottons at the North is a monopoly, while in England they meet the competition of India and Egypt.

Bombay and Alexandria shipped to Europe in 1884 1,731,057 bales.

The New England cotton manufacturers are the sure customers of the Southern planter, the Texas cattle raiser, and the Western wheat-grower. Can a more ideal copartnership be found?

Why I have said so much in detail with reference to this cotton industry is on account of the fact that we at the North receive the cotton from all interior parts by rail, and in this copartnership interest we must oppose legislation which is prejudicial to either.

The cotton grower adjacent to the Mississippi and other large rivers naturally and cheaply seek New Orleans as the shipping port, but at varying distances back from the river the railroads compete successfully for the business, their cars unloading directly, without trans-shipment, in the yards of the cotton mills in New England, and without breaking bulk.

Cotton, going to New Orleans and other seaports, destined for the North, is reshipped both at the Southern and Northern seaport, which is both objectionable, for obvious reasons, and is costly. If an additional cost is to be placed upon cotton from its inland ports, so-called, who is to suffer the cost? Because cotton from Northern Texas, Alabama, Mississippi, and Georgia has to be freighted to New Orleans, it does not follow that it will command the extra freight cost. It must be sold in competition with all other cotton escaping this charge. The planter in the end must lose this extra sum, whatever it amounts to. I have these figures and facts from a most reliable source, and I commend them to the intelligent study, in the obvious lessons they teach, of those members most interested in this cotton industry, that they may consider whether they care to commit themselves to the support of a measure the additional burdens of which must of necessity be borne by their own people.

In New England, from our geographical situation, the barrenness of soil, the stern seasons and rigorous climate, we are restricted in our sources of livelihood. Neither the agriculturist nor the miner need fear competition from us; but as a vast, busy manufacturing community, furnishing a great army of intelligent working men and women, absorbing a large portion of the products of the South and West, and returning such as we do not need, again in manufactured form—as such a community we feel keenly, in our peculiar conditions, any material changes in values.

Our people work hard, are thrifty, intelligent, and happy, but it has only been by certain little discriminations (in name only) in aid of our chief shipping port that we have the export business which we now enjoy.

To pass this bill would be to put us at very great disadvantage, and while I am not prepared to go so far as some and see in imagination the yawning walls marking in desolate ruin the spot where once stood thriving and populous factories, yet I must say, as a bit of practical experience, that the result of any shrinking of values is quite likely to show itself first upon the poor people; and in their interest, and because I believe their welfare is unmistakably identified with the growth and development of our industries, I must protest against the passage of this measure, destined as it is to work an injury against New England and New England interests. There is not a burden under which our people suffer which will be removed by this bill.

The railroads in the States may go on in the same arbitrary manner, while there will be added burdens in the increased cost of living, which will make life harder to every man, woman, and child. This seems to be a sufficient reason for opposing this bill. Should it be proposed to recommit the bill with instructions to strike out the fourth section, I should certainly vote for such a measure. In the shape in which it now appears I vote against it without the slightest hesitation.

Mr. BAYNE. Mr. Speaker, in the brief time I have been able to secure, it is impossible to analyze the various provisions of this bill. The obligation, however, to do this is mitigated by the railroad corporations affected by these provisions, for these corporations, by their attorneys and representatives, seem to object seriously but to two sections—the fourth and the fifth.

The fourth section makes it unlawful for any interstate railroad company to charge greater compensation for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance.

The statement of this proposition would seem to convey its own argument. It is obvious that the carrier can charge as much under that clause for 10 miles as for 100, or indeed 1,000, but it shall not charge more. In view, however, of the fact that cases may arise where this prohibition may work a hardship, it is provided that the commission may, after investigation, confer authority to charge less for a longer than for a shorter haul.

By this proviso, it seems to me, the danger of hardship and injustice to the corporations is as fully guarded against as human foresight can provide.

It is true that the bill requires that all charges shall be reasonable and just, but that is now the common law of the land in relation to common carriers.

The fifth section prohibits pooling arrangements between competing railroads. The companies object to that provision, because, they say, if they are not permitted to make such arrangements they will cut rates and ruin each other. Well, the preservation of the railroad companies from the consequences of foolish competition with each other is not the object of this bill. The object of this bill is to protect the public, from whom the corporations derive their franchises, from the

absolute elimination of competition, and to preserve so far as practicable a proper and healthful competition. There is competition in everything else. In every industry, in every branch of business, in the struggle of bank corporations, coal companies, and even in petroleum—for the Standard Oil Company has not yet entirely absorbed its rivals—there is competition.

But the railroad companies say, "Oh, don't subject us to the necessity of competing with each other. If you do, we will cut each other's throats."

It is a strange position to take. Having conferred upon them the right of eminent domain by the State, in order that they may serve the public and promote the public welfare, it is indeed singular that they should claim immunity from the necessity of competition, when that necessity rests on all other interests and works in many cases disasters quite as severe as those which occasionally fall on the railroads.

The many provisions of this bill which prohibit drawbacks, rebates, and kindred discrimination, preferences and partiality to shippers, secret arrangements and understandings—all forbidden now by the common law, but so expensive and difficult of ascertainment by common-law methods as to be practically beyond redress—are so thoroughly right and just that nobody has had the temerity to object to them.

It is, however, but a tentative measure. It is largely experimental. Nobody wishes to do anything that will cripple or injure the railroad corporations of the country. They are the great arteries of our commerce. Day by day and year after year other modes of transportation are surrendering to them. Their rights should be scrupulously regarded and protected. But there is no conflict between the rights of the public and the rights of these companies. Each can be maintained, and neither the public nor the transportation companies need suffer if exact and equal justice be done in the transactions between them.

I believe this bill will develop strong tendencies toward the desired fair play, and I therefore cheerfully vote for it.

Mr. BURROWS. In the discussion of any proposition it is well to eliminate from the debate all questions about which there is no serious controversy. This is a bill to regulate commerce among the States. The power of Congress in the matter is unquestioned. It is conferred in express terms by the Constitution of the United States, and is confirmed by a long and unbroken line of judicial determination. Commerce among the States must be regulated by the National Government or not at all.

The question, therefore, is not one of power, but one of expediency. First, is there a necessity of invoking national authority; and if such necessity exists, in what manner shall it be exercised? The necessity for exercising national control is conceded by everybody.

I hold in my hand an indictment, formulated by the Cullom committee against the railways of the United States, which is said to embody the charges preferred by the people. It is as follows:

THE CAUSES OF COMPLAINT AGAINST THE RAILROAD SYSTEM.

The complaints against the railroad system of the United States expressed to the committee are based upon the following charges:

1. That local rates are unreasonably high, compared with through rates.
2. That both local and through rates are unreasonably high at non-competing points, either from the absence of competition or in consequence of pooling agreements that restrict its operation.
3. That rates are established without apparent regard to the actual cost of the service performed, and are based largely on "what the traffic will bear."
4. That unjustifiable discriminations are constantly made between individuals in the rates charged for like service under similar circumstances.
5. That improper discriminations are made between articles of freight and branches of business of a like character, and between different quantities of the same class of freight.
6. That unreasonable discriminations are made between localities similarly situated.
7. That the effect of the prevailing policy of railroad management is, by an elaborate system of secret special rates, rebates, drawbacks, and concessions, to foster monopoly, to enrich favored shippers, and to prevent free competition in many lines of trade in which the item of transportation is an important factor.
8. That such favoritism and secrecy introduce an element of uncertainty into legitimate business that greatly retards the development of our industries and commerce.
9. That the secret cutting of rates and the sudden fluctuations that constantly take place are demoralizing to all business except that of a purely speculative character, and frequently occasion great injustice and heavy losses.
10. That, in the absence of national and uniform legislation, the railroads are able by various devices to avoid their responsibility as carriers, especially on shipments over more than one road, or from one State to another, and that shippers find great difficulty in recovering damages for the loss of property or for injury thereto.
11. That railroads refuse to be bound by their own contracts, and arbitrarily collect large sums in the shape of overcharges in addition to the rates agreed upon at the time of shipment.
12. That railroads often refuse to recognize or be responsible for the acts of dishonest agents acting under their authority.
13. That the common law fails to afford a remedy for such grievances, and that in cases of dispute the shipper is compelled to submit to the decision of the railroad manager or pool commissioner, or run the risk of incurring further losses by greater discriminations.
14. That the differences in the classifications in use in various parts of the country, and sometimes for shipments over the same roads in different directions, are a fruitful source of misunderstandings, and are often made a means of extortion.
15. That a privileged class is created by the granting of passes, and that the cost of the passenger service is largely increased by the extent of this abuse.
16. That the capitalization and bonded indebtedness of the roads largely exceed the actual cost of their construction or their present value, and that unreasonable rates are charged in the effort to pay dividends on watered stock and interest on bonds improperly issued.
17. That railroad corporations have improperly engaged in lines of business entirely distinct from that of transportation, and that undue advantages have been afforded to business enterprises in which railroad officials were interested.
18. That the management of the railroad business is extravagant and wasteful, and that a needless tax is imposed upon the shipping and traveling public by the unnecessary expenditure of large sums in the maintenance of a costly force of agents engaged in a reckless strife for competitive business.

That indictment, as will be seen, consists of eighteen counts, and I venture the assertion that if the managers of the railroads of the country were called upon to plead to this indictment, there is scarcely a single count to which they would not be compelled to enter the plea of guilty. The evidence in support of these charges is too voluminous for citation and so convincing that it can not leave a reasonable doubt as to their truth. The wrong, then, is confessed; the power to remedy conceded. The bill seeks to apply the remedy. The method suggested is criticised in only two or three particulars. There is no serious objection to any other provisions of the bill.

Let us examine these points of controversy. By some the commission is objected to. I do not care to follow the many objections urged against the commission. I am content to know that the method of exercising control of railroads through the instrumentality of a commission has been tested, tried, and approved in this and foreign countries.

It is not only a method adopted in Europe in the supervision of railroads, but of the forty-six States and Territories of the United States thirty have undertaken the regulation of State commerce carried on upon railways, and in the exercise of that power twenty-five of these States have employed the instrumentality of a commission, and only five States which have made any effort to regulate their domestic commerce have dispensed with a commission. This method has, therefore, the advantage of trial and, in the main, approval.

I think, therefore, that the creation of a commission is a very commendable feature of this bill, and it gives play to some of its features or provisions, particularly of the fourth section, which if rigidly enforced might produce commercial shock—possibly commercial disaster.

The long and short haul provided for in the fourth section is objected to as working a hardship upon through shippers. Let us examine this a moment. The bill does not undertake to fix through or local rates for any road. It is not a cast-iron arrangement. It leaves the railway managers perfectly free to fix their own through charges, governed only by the common law that they shall be reasonable. Fix your own through rates, it says to the railroads, but with this simple understanding that these through rates shall be a guide for and govern your shorter haul.

If there was but a single railroad line running from Chicago to New York there would be no objection to this provision of the bill. In such case, there being no competition, the shipper at Chicago would be charged a reasonable rate, say $25, for carrying a horse, we will say, from Chicago to New York, a reasonable and fair rate for that distance, and a shipper at South Bend under this bill in such case would be charged not to exceed $25 for a like service. Why, Mr. Fink himself testified before the Cullom committee that this provision is substantially adopted by the railroads in practice. Here is what he says:

The local charges can always be properly regulated when proper through tariffs are maintained; hence the first object should be to secure the maintenance of properly-adjusted through tariffs that are reasonable to the public and to the railroads. This done, there will be no difficulty in adjusting local tariffs and preventing unjust discrimination.

It is a rule generally adopted by all railroads to properly adjust local tariffs to the through tariffs when the latter are reasonable and fairly remunerative. For example, the tariffs of the Pennsylvania Railroad are so arranged that no higher charge is made from any station east of Pittsburgh to Philadelphia than from Pittsburgh to Philadelphia, nor from any station this side of Chicago than from Chicago. That is a rule generally adopted by all roads.

But now another question arises in this problem; competition comes in at Chicago and there are two or more roads instead of one, and here is just where the difficulty comes in. By reason of this competition at Chicago the rate fixed for the carriage of a horse in the case supposed, from that city to New York, is cut down to $15, while the rate at South Bend for the same service is maintained at $25, and for the reason that there is no competition at South Bend.

Now the shipper at South Bend says that "if $15 for the carriage of a horse from Chicago to New York is a reasonable and fair rate—and it must be because you have adopted it—then the charge of $25 from South Bend to New York for like service is an extravagant and extortionate charge." If $15 is a reasonable paying rate from Chicago to New York, then certainly $15 is a paying rate from South Bend to New York. This bill steps in an enforces the reasonable rate from South Bend to New York, and gives the shipper the benefit of the rate from Chicago established by wholesome competition.

Now another step. Competition becomes very sharp at Chicago, and the shipper pays but $10 for carrying his horse from Chicago to New York; and it is conceded on all hands that that pays simply the cost of shipment and not a dollar of profit. What does the railroad management then do? They turn round and charge the loss of $5 to the shipper at South Bend, and make him pay, instead of $15, $20 for the carriage of his horse.

Here is a double wrong. The charge from Chicago to New York is

unreasonably low, and the charge from South Bend to New York is unreasonably high. But the railroad management must not suffer, and so they charge the loss upon the shipper at South Bend. Upon what principle of law, morals, or ethics must the shipper at South Bend pay the freight of the shipper's horse from Chicago? Again, it is said water competition comes in, and the Canadian system of roads, and other circumstances, which force low rates for through freight, which ought not to be made the basis for the shorter hauls. All these matters are regulated by the proviso in this section. That proviso is inserted for the very purpose of giving the commission discretion in all such cases. Let me read section 4 and the proviso thereto:

SEC. 4. That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great compensation for a shorter as for a longer distance: *Provided, however*, That upon application to the commission appointed under the provisions of this act, such common carrier may, in special cases, after investigation by the commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated common carrier may be relieved from the operation of this section of this act.

It is clear to my mind that under this proviso the commission will be fully empowered to relieve from any hardship imposed by the long and short haul provision of this section.

The rule adopted in this section is not new. It is embodied in the constitutions of four States of this Union, and in the statutes of Massachusetts.

When the railroad companies come to understand that their short-haul rates are governed by the rate fixed for the through traffic, they will carry competition at competing points only to the limit of reasonably fair compensation.

There is another objection urged against this bill, and that is the provision prohibiting pooling. What is pooling? An eminent authority has defined it in these words:

It is a combination between railways engaged in competitive traffic to maintain rates by suspending competition.

And that is the correct definition. It suspends competition. Well, now, under the operation of this bill, in section 4, the companies need no such provision as pooling to maintain rates. They must maintain reasonable through rates as a matter of self-protection. As soon as the railroads understand that their charge for a short haul is governed by the through rates they will not put their through charges at a losing rate, but they will make the through rates reasonable and fair; and when they have done that they will maintain those rates, when they understand they can not saddle the loss of an unreasonable cut on the shippers along the line.

Mr. BROWN, of Pennsylvania. In taking that position, does the gentleman admit that the through rates will be necessarily raised?

Mr. BURROWS. I think possibly so—not necessarily—the bill will prevent the through freight being carried at a loss, and loading the burden of the loss on the shippers along the line, and the shippers along the line ought not to be compelled to carry this burden. The abolition of pooling, in other words, will stop the cutting of through rates, and the railroad companies will be compelled to maintain a fair, reasonable through rate the moment they understand that their local rates must be regulated by the through charge. Now, if pooling was not prohibited the companies would combine and put up the through rates to an exorbitant extent for the very purpose of maintaining charges along the line. Therefore, by abolishing pooling and leaving the fourth section intact you maintain competition for through freight, and insure fair rates all along the line.

Now a word more. These two provisions, the abolition of pooling and the fourth section together will operate as a regulation of this whole matter. With pooling prohibited you have free competition, which will operate to bring the through charges to the lowest point of fair compensation; to prohibit a greater charge for a short than a longer haul operates to prevent cutting through rates below the point of a reasonable charge.

This whole matter will be adjusted with substantial justice to carrier and shipper alike.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. BURROWS. May I be permitted to say just one word more? The chief merit of this bill after all, let me say in conclusion, is to my mind its moderation. It is not a rash measure; it is not an extreme measure; and it is fortunate that this is so. It is well in taking possession of this new field of national occupancy that we move with extreme caution. We are on the border of an unexplored territory and every step is fraught with momentous consequences. Vast interests are involved. In redressing wrongs we must invade no right, but advance with such prudence and consideration that in the end our national domination over this great question will be to all a national blessing. [Applause.]

Mr. ELY. Mr. Speaker, hitherto I have been content to vote on bills not coming from committees of which I am a member before the House without any explanation of my action. It is because I regret exceedingly to vote against the bill now under consideration, but am impelled to do so in the discharge of my duty to the people, that I desire to briefly state my reasons therefor. It has always been my belief that Congress should provide for a wise but firm control of those great instrumentalities of interstate commerce, the railroads. Not that I believe that railroads are public highways in the same sense that ordinary carriage-roads are public highways, but that they embrace the foundation elements of public highways combined with the qualities of a business corporation.

This idea of a railroad corporation makes it necessary, to my mind, that any wise measure of legislative control of railroad operations must not lose sight of those principles of business which, in the nature of things, influence and govern business transactions and inevitably lead to success or failure. Much, therefore, as we may desire to curb the imperiousness and tyranny of railroad officials—and I yield to no man in my earnestness to accomplish that result—great as may be our sense of the wrong done to the people by railroad corporations by their arrogant pretensions to and exercise of arbitrary power, by their greed and avarice, by their unjust discriminations, by their wicked and corrupt combinations with other corporations as wicked and corrupt as themselves, we can not wisely adopt any measure of relief which will conflict with well-recognized business laws.

Business is governed by laws as universal and invisible as is the physical world by its laws. Whenever those laws are violated the people suffer. Railroads constitute a momentous factor in the business of the country, and if they are compelled by an act of Congress to transact their business on incorrect business principles, then all business will suffer, and the injury will fall, not on the railroads, but on the people. The railroads will take care of themselves; never fear about that.

I oppose this bill, first, because it violates sound business principles as I understand them. I should very gladly vote for most of the provisions of this bill. But I cannot give my assent to a method of fixing the compensation for transportation of passengers or property which takes into consideration only one element bearing on that question, and that one an element of lesser importance. Can business operations be measured, as the carpenter measures a board, by a two-foot rule? Shall the question of competition, which enters with gigantic force into all business calculations, be entirely ignored?

Shall the great business interests in the widely separated sections of this country and the plants established at a cost of millions of dollars to promote those interests, by which the interests of the East and of the West are materially promoted—shall these be forgotten? Shall the great export trade so essential to the prosperity of the country not have a voice in this measure? I believe it to be in the interest of all the people of the country that all these elements and many others should be considered in fixing the rates of transportation. Time is not afforded me to discuss this matter, but the discussion of the fourth section of this bill, not only by those who oppose the bill but by those who favor it, clearly shows to my mind that the standard set up in it is inadequate.

The central proposition is so infirm, its foundation is so insecure, that it has been found necessary to surround it with props and stays on every side, and the props and stays are of such a character as to hasten to its fall the structure they were intended to support. As I have witnessed the attacks which have been made on this provision of the bill, and the replies to those attacks, it has seemed to me to be like some building shaken by an earthquake whose tottering walls are supported by pieces of worthless timber. Nobody can tell whether it is safe to pass along the street in front of it or not.

This brings me to my second objection. Nobody knows what the language used in this section means. Attempts have been made by the members of the conference committee and others to define the principal proposition of this section and its collateral supports, but in vain. Only yesterday the gentleman from Iowa inquired of the gentleman from Georgia, a member of the conference committee, whether the word "cases" in the fourteenth line of this section referred to shipments or to roads. The gentleman from Georgia replied that it referred to shipments. The gentleman from Iowa evidently believes that it refers to roads. The gentleman from Georgia is asked to explain and illustrate the provisions of this section so that we can understand it, and he admits his inability to do so. The meaning of every important phrase in this fourth section is incomprehensible even to the members of the committee who reported the bill.

I do not overstate or exaggerate the difficulties which surround every man who undertakes to ascertain the meaning of this section. If the men who used this language do not know what it means how can any third person interpret it? This is the most important section of this bill. It is, in my judgment, utterly unwise to send it, incapable as it is of being understood, to the country, to the courts, to the commission created by this bill. It would lead to endless confusion and litigation, the costs and expense of which would bear heavily on the peo-

ple. Far better would it be to wait until a bill can be prepared which can at least be understood by its framers.

But it is said pass this bill and take our chances. If it is bad we can hereafter amend or repeal it. Such an idea is a delusion and a snare. Too great interests are at stake. Such a method of legislation is always unwise. Let us at least know, or believe that we know, the meaning of a bill and have faith in its merits before we pass it.

Mr. STONE, of Massachusetts. I can not resist the impulse to say a word on this subject, notwithstanding I can not hope to add anything to what has been said already in this debate. I hail with joy the immediate prospect of the passage of this bill. I accept it as the assertion of the authority of the Congress of the United States over the great subject of transportation and the railroads that administer it. I believe that if any peril is before the Government it is the danger which may come in the future from those great corporations which deal with immense capital and which control immense interests.

I believe also that we are, as a nation, on the path of empire, and it is the duty of the General Government to take jurisdiction of all these great questions which are so extensive that the States are incompetent to deal with them. And because of the sharp antagonism that must come between capital and labor, between organized capital and the people, I rejoice now to find that after a contest of years this Congress is ready to agree to vote for the passage of a bill which so distinctly and unequivocally asserts the power of the Government over these great railroad corporations; and the bill itself, I submit, is in substance only the bill which has been heretofore proposed embodying the power of the common law in respect to the entire subject and conferring upon a commission to be appointed by the General Government the authority to say what in a given case shall be the rate or what in a given case shall be the duty of the railroad when dealing with its customers.

The fourth section, which has been so severely criticised, is, when you come to examine it, simply a declaration on the part of Congress that a railroad corporation when transporting property shall not charge more for the short haul than for the long haul, and, as an abstract proposition, can the validity of that be doubted? That is, in substance, the declaration of the fourth section, with this further provision, suggested by experience, that while this, as an abstract proposition, appears to be perfectly satisfactory, nevertheless, because of the complications and the infinite variety of elements when you come to deal with a subject of this moment and this extent, the commissioners shall have the discretion in any given case to relax the rigor of the rule if they think the exigency of the case demands such action. That is the whole of it. It is easy to criticise it; it is easy to show that this section lacks the explicitness of an arbitrary rule. But it is not the design of Congress to impose an arbitrary rule.

It is rather the design of Congress to enter upon this subject by making a declaration of what they think is the proper rule to apply, and at the same time, wisely and with the circumspection which the subject demands, conferring upon the commissioners, to whom the whole subject is to be committed, a discretion which shall enable them to do justice in any given case. I go, therefore, for this bill, not believing that it is perfect, but believing that we take a very great step in advance when, by the passage of it, we assert emphatically the duty as well as the authority of the Congress of the United States to deal with the whole subject.

Mr. COX, of North Carolina, was recognized, and yielded to Mr. HERMANN.

Mr. HERMANN withholds his remarks for revision. [See Appendix.]

Mr. COX, of North Carolina. Mr. Speaker, while at this stage of the discussion I can hope to throw but little additional light on a subject which has been so ably and so exhaustively presented, I am unwilling to permit the occasion to pass without giving some expression of the reasons that will control my vote. That legislation by the General Government is needed to regulate and systematize the railroad traffic of this country so as to remove some of the burdens and complaints of the producing classes is generally conceded; that the discriminations as to freights in the long and short hauls have been found burdensome and oppressive will not be denied; and that what is known as pooling of rates is an unjust and unwarranted exercise of corporate power is asserted to be true.

That the States are powerless to secure full relief is not denied, and if the General Government, in the exercise of its legitimate powers, can do so, why then it should not fail to respond to that very general demand, which, for the last fifteen years, has requested it at the hands of Congress. The public mind, when well informed, is always right. The people desire to be just. And experience has shown they are more disposed to submit to long-continued abuses than to take the necessary steps for their redress. Not so with vast corporate powers, which, having a common interest, immense resources, bring to their command the ablest and most skilled powers of the human mind to do their bidding.

So that individuals, even with the right and the law on their side, find it in many instances, nearly a hopeless task to secure relief from grievances which they may have suffered. I am far from being unmindful of the great blessings secured by the introduction of railroads in any country. Indeed, I am the advocate of any character of roads which may introduce travel and business into any section. The introduction of railway traffic has revolutionized the commerce of the world; it has thrown open the immense wilderness and prairies of the great West, and has been more potent in civilizing and harmonizing our relations with the Indian tribes than all the armies we might have employed to subdue them or missionaries to Christianize them.

It has done as much to bring together the conflicting interests of this great country and cement the bonds of union as any one known cause. And in addition to rapidly transmitting the necessaries of life from one portion of this country to another, it lays at our doors the refreshing fruits of the tropics side by side with the inviting products of the north. The very agitation of the construction of a railroad in any section enhances the value of its lands, and its completion is the occasion of general rejoicing. I would, therefore, be the last to lay ruthless hands upon or unnecessarily embarrass so important an interest. And this feeling, I am confident, is the common sentiment of the American people. States have been impatient to grant them the right of way and even improvident in offering every facility to aid in their construction, while the United States have granted them billions of acres from her public domain and millions upon millions of dollars for their encouragement.

The result is there are 130,000 miles of railway in the United States to-day, and they collect from passengers and freight over $700,000,000 per annum, or twice as much as it takes to run the General Government. These figures I do not claim to be accurate, but are the estimates of gentlemen who have discussed this question, and who, I have every reason to believe, derived them from reliable sources. It will not be denied that vast sums of money have been used by these corporations for the purpose of affecting the legislation of the country, while colossal fortunes have been amassed by individuals at the expense of the toiling million, which surpasses anything in the history of other countries; and their princely estates and lavish displays have done more to produce discontent among the laboring classes of this country than any other cause, except the disregard of personal feelings and individual rights often manifested by the managers of these corporations. All this has occurred while there is no legislation on the part of the General Government to regulate and control them. Whether this law may be perfect or imperfect, it is time that the people, through their representatives, should assert the right to legislate in regard to a matter of such vast moment, and which it is authorized by our organic law to do. Let us leave it to the future to make such changes as the exigencies of the case may require if we can not secure a more perfect law at this time.

Do not misunderstand me. The bill we are now seeking to pass is not a measure originating from public clamor. For years the question has been discussed in both ends of the Capitol; and while bills have passed both Houses upon this subject this conference bill is the only legislation of the character they have been brought into harmonious accord about. Unless positive action is taken at this time the labors of the past will go for naught and the whole subject will be relegated to the uncertain future. The questions now before the House are: Shall the report of the committee be adopted? Is the bill in accordance with the Constitution? Is such a law necessary? Are its provisions just to the people and to the corporate interests they may affect?

If these questions can be answered in the affirmative then our duty as legislators is clear. It can not be seriously insisted that there is any constitutional difficulty in the way. The decisions of the Supreme Court from the days of the celebrated case of Ogden *vs.* Gibbon up to the present time have been uniform in recognizing the right of Congress to legislate on such subjects, secured by the constitutional provision to regulate commerce between the States. It matters not how commerce may be transported, the doctrine is equally applicable. I am aware that in the earlier discussions upon this subject this power was denied, but in later years, especially in the famous granger cases in Iowa, the Supreme Court of the United States recognized and affirmed that Congress had full power over this subject. So, I may say, this argument is no longer seriously insisted upon. The chief objections now relied upon relate principally to the inexpediency of such legislation, and the injustice that may arise to railroad corporations.

It is urged that in a matter of such vast importance we should move slowly; that every provision of the bill will require to be tested by the Supreme Court; that dire disasters may occur to the country; that railroad stocks will depreciate, and a Pandora's box will be opened upon the country. Rhetoricians recognize that there is no argument so difficult to answer as that of the prophet. What is here stated as an argument against this bill can be urged against all important legislation. The fears of the opponents of this measure have not been sustained so far as their assertions have been tested by the alembic of experience.

American railroad stocks have not depreciated either in Liverpool or New York since it was anticipated that this legislation would take place. On the contrary, greater confidence has been given to railroad securities from the belief that the business will be hereafter conducted on a more stable and legitimate basis, while wild and extravagant schemes will be less favored. It simply provides that all charges shall be reasonable and just. There shall be no discrimination between

those having occasion to employ the roads by resorts to special rates, rebate, or other device, but all share alike for the same and contemporaneous service; that no greater compensation, in proportion, be charged for a short than a long haul on the same line and in the same direction, the circumstances and conditions being similar.

In other words, when a car is started at Wilmington in the direction of Richmond, no greater charges shall be allowed, the conditions being similar, on cars taken at intermediate points than on the car which may be started at the terminus. There is a provision of the law that, in special cases, the commissioners provided for under this bill may, upon investigation, relax the rule, provided they do not permit as great a charge for a short as for a long haul. This is believed to be a wise provision, as it permits an exercise of discretion without which, in some peculiar cases, great hardships might result. The bill also provides that schedules of rates shall be printed and posted at all depots and stations for the public inspection, so that every one may be informed as to the rates he is expected to pay. In the same way the fee-bills in the courts of my State are required to be posted on the walls of the court-room for the information of the public.

These are the salient points in which the public is most interested; others are mainly administrative and relate to the manner in which the law shall be carried into effect. A large majority of the States have already legislated for the regulation of commerce within their own boundaries. But, as may be readily seen, such legislation must be confined purely within State limits, for the regulation of interstate commerce is one that is exclusively conferred upon the General Government. Hence, if we refuse to act, the people are left without a remedy. In regard to the effect of the pooling of rates, in the few remarks I have to make I will content myself by calling the attention of the House to only one example, taken from the testimony of Mr. Chittenden, of New York, who was examined before the House Committee on Commerce. He says:

One word further and I have done. This pool commenced in 1877; it was then a pool contract between the four trunk lines centering in New York. It has grown and stretched out its arms and increased, just as an English judge said such contracts would grow and increase, until now it embraces certainly more than forty—that was the last enumeration I had—of the principal railroads of this country. There is in New York city an equipped and organized pool government. It has its executive committee of the trunk lines; its executive committee of the pool, and another executive committee composed of one member from each pooling railroad; it has its board of arbitration, which is intended to take the place of the judiciary; it has its corps of, I do not know how many hundred clerks, an enormous concern, and over it all is the emperor, the commissioner, Mr. Fink, who to-day exercises a power for good or evil over the commerce and products of this country greater not only than that of any of his contemporaries, but greater than any man ever before exerted in the United States of America. He and his imperial organization are as independent of the law as it is possible for man or State to be, and the whole character or contract which binds these forty roads into this one copartnership and confederation, judged by the principles of the common law, is as unlawful and as much against public policy, if we are to accept the declarations of the judges of the common law, as the Louisiana State lottery or any other similar institution which is confessedly without the pale of the common law.

Then why are not the courts open for redress?

They are, but what is the position of a man who undertakes to get redress in these courts? No merchant dares to do it. He can be crushed in his business if he does. The question to-day before this great dry goods trade is, whether or not it is wise, whether they can afford to go into the legal fight and attempt to get these pooling contracts set aside by the courts. No. There is hardly a week passes in the office of any prominent lawyer in New York that this matter is not presented. A merchant comes into the office of his counsel with a claim against a railroad for an overcharge or a denial of some legal right; the lawyer examines it and decides that there is no doubt about the merchant's right to redress. But when it comes to bringing a suit the merchant hesitates—he can not afford to do it. He can not take the risk of doing it, because the railroads have it in their power, at any time, to destroy the business of any man or firm that seeks redress in the courts.

Such combinations of strong men by vast moneyed corporations render utterly nugatory the efforts of individuals to resist them. The annual commerce of this country is estimated at three thousand millions of dollars' worth, three-fourths of which is carried by rail, and the greater part of this is interstate commerce. Now, it is insisted that the public weal imperatively demands that there should be in this, as there is in other governments, all proper legislation to regulate and control this vast and increasing power. It will not only grant greater security to the people but remove much of the clashing and conflict that arise between different rival railroad companies.

It is not unnatural that where such an extraordinary exercise of power has been long enjoyed without interruption that it should view with jealousy any movement looking to its limitation, and therefore be unwilling to submit without complaint to what it may regard as an invasion of its prerogatives. It arises from an anticipation of imaginary evils which may result from public clamor more than actual dangers now in view. We do not fear such results. The common sense of the country may be relied on; the justice of the people is not to be despised. If, at any time, undue prejudices should be excited against this great and beneficial interest the courts are open to appeal, and the able attorneys ever employed by these corporations can always interpose the needful checks against hasty and ill-advised legislation until the sober second thought returns. Hence it is the pocket nerve of the great financial centers has not been and will not be easily alarmed.

I grant a great deal will depend upon the character of the commission. If composed, as I believe it will be, with great care and wisdom, of able, fearless, and incorruptible men, who can not be swayed by any one interest, the happiest results will follow. At all events, not a year will pass before Congress will again be in session, when such modifications of the law can be made as are found necessary, if experience shall have shown that additional legislation is required. All consider that some legislation is necessary. For over fifteen years this question has been thoroughly, ably, and exhaustively considered and discussed by many of the ablest minds of the country, without practical results, while hope has been deferred to a suffering people. Then why longer delay?

Letting I dare not wait upon I would,
Like the poor cat i' the adage.

I have heard no sufficient reason given for such a course, and therefore cheerfully give my support in favor of this pending measure, confident that unless this conference report is concurred in we will accomplish nothing during the remainder of this short session of Congress.

Mr. GOFF. Mr. Speaker, I am for this bill, because I believe it to be right. I believe it to be the result of long investigation and of the best thought of the country upon the questions involved. I have no intention to detain the House by reviewing the objections to the bill, but I desire, nevertheless, to indicate my reasons for supporting it.

I believe, sir, that the time has come when the interests of all the people of this country, and not of particular localities, are to be consulted. I believe that we should consider this question, not in the interest of any one locality, but in the interest of all the people of this nation. I see no reason why the people of Chicago, Saint Paul, or Cincinnati should enjoy through rates which operate destructively upon the people who live along the line of the railroads east of those points. I see no reason why through rates should be maintained upon the theory, and only upon the theory, to which the gentleman from Michigan has alluded—a system that enables a railroad company to make up for losses on its through rates by charging up those losses upon the men who live along the line, known as the men who are to have the benefit of the short haul.

This fourth section has no terrors for me. I would like to say to the gentleman from Massachusetts [Mr. LONG], who desires to recommit this bill for the purpose of eliminating this section, that I regard it as containing much of the virtue of this bill. This section is not as objectionable as some gentlemen seem to think it; and even if it be objectionable in the light in which they seem to place it, I want members of the House to understand that ninety-nine out of every one hundred of the people who live under this flag and are ruled by the laws we make have an interest with those who are not connected with this long haul; and our votes should be cast so as to protect the interests of the mass and not of the few.

I beg to differ also with other gentlemen who have spoken relative to this fourth section. I say that under this section we shall have competition. The railroads which center at Chicago and the other great cities of the West will still center there after this measure becomes a law. Pooling being prohibited, competition will exist in the future as it has existed in the past.

Nor am I one of those who believe that the railroad companies have been carrying this through freight at a loss. I believe they have made a fair compensation on their through rates, and that their exorbitant dividends have been declared by reason of the extortions to which they have subjected every way shipper.

With reference to this fourth section, a question has been asked as to what is meant by "substantially similar circumstances and conditions." I will give an illustration of the meaning of that language. A man at Chicago ships grain or live stock from that place to Jersey City, which passes by stations in my State. This freight from Chicago is shipped at a rate 50 per cent. less than freight of like circumstances and conditions carried from stations in my State. Yet that freight of the Western shipper, loaded at Chicago, is carried 600 miles farther than the freight carried for my constituents. Now, there are like circumstances and conditions. There is the same character of freight; there is the same character of cars, going over the same line of railroad.

Mr. CUTCHEON. Suppose the Chicago shipper should offer in a single shipment sufficient freight for a thousand cars while your constituent should only offer freight for a single car or a half car. In those cases would there be like conditions?

Mr. GOFF. There might be fifty, a hundred, or a thousand cars leaving Chicago and a much smaller number leaving the station in my State; yet the shipment would be of the same character. The character of the shipment is not determined by the quantity.

Mr. CUTCHEON. I simply wanted to know whether in your opinion that case would present such conditions and circumstances as the commission might take into consideration.

Mr. GOFF. I do not think that the shipment of a thousand cars in the case supposed would afford any reason for a discrimination against my people; and I mean to class in the same category the people of Ohio, and also a portion of the people of Indiana. If such a circumstance could constitute a reason for discrimination, then various shippers in the West would only have to combine, one man taking charge of the shipments of a hundred producers, and sending them in his own name.

And then the railroad company can come down upon the people who live, as I have just illustrated, 500 miles nearer to Jersey City or the Eastern markets and compel them from the sweat of their faces to give all they earn in order to keep up with this unjust discrimination in the distant West.

Now, I make no warfare against the West; I only ask that they shall not send their shipments for less than we send ours.

Mr. LA FOLLETTE withholds his remarks for revision. [See Appendix.]

Mr. BROWN, of Pennsylvania. Mr. Speaker, notwithstanding the great confidence the gentleman from Tennessee [Mr. PETTIBONE] has exhibited as to his ability to construe the fourth section of this bill, without the fear of misleading any one, I will say if I had my way about it I would strike out thewords, in the fourth section, "under substantially similar circumstances and conditions."

That is the only thing, I am compelled to say, that affords me much concern in this whole bill. I think that is misleading, and I am afraid that there is the cunning hand of the Standard Oil Company in it. This had not occurred to me until I heard the remarks of the gentleman from Ohio [Mr. GROSVENOR] to-day. I believe that he accounted in a very reasonable way for the presence of those words. He charges it upon some friend of the Standard Oil Company, and offers that as a reason why he should vote against the bill. I confess that the gentleman's remarks made a decided impression upon my mind, but I can not abandon my purpose to support the bill even if it be true that this notorious corporation is congratulating itself, even at this moment, on its escape from the requirements of the law.

Mr. GOFF. Will the gentleman permit me a question?

Mr. BROWN, of Pennsylvania. Yes, sir.

Mr. GOFF. Would the circumstances be like circumstances in the case the gentleman from Ohio cited? In other words, would not the commission compel the railroad company, or the shipper, to take into consideration the fact that this company presents its own cars at the time the rate is agreed upon?

Mr. BROWN, of Pennsylvania. I think a properly constituted commission, a commission disposed to fairly construe the bill and enforce equality to all concerned, would get out of the difficulty under some of the other provisions of this bill, for it is evident the whole purport and intent of the bill is to secure and maintain equality. But I would not vote against this bill even if I believed the Standard Oil Company had injected these words into it and they were going to inure to its benefit. For I believe by the time the Fiftieth Congress meets to perform its duties that Congress would get the cue and would immediately strike out the clause, and make the Standard Oil Company pay its part of the freightage for the carrying of its goods. It is assumed by the gentleman from Ohio that because that company owns its cars its "circumstances and conditions" are so unlike any other shippers as to leave it beyond the range of the commission's power. Such a narrow construction would divest the commissioners of any authority whatever to act under other sections of the bill to enforce "reasonable rates."

Therefore, while I deprecate the presence of this ugly puzzle in the bill, it does not furnish to my mind an excuse for voting against the report of the conference committee, since we must take it as a whole or get nothing.

I am not to be driven from my support of the bill because of these things. If I could offer an amendment it would be to strike out this clause. Still I believe that notwithstanding all that has been said against it, and notwithstanding all the hypercriticism that we have, for two days, listened to, this is the best bill on the subject that ever appeared before the United States Congress. No man has yet arisen here to contend for a moment that there should not be legislation upon this subject. There are two classes who oppose the bill. These are the men who have such a hatred against the railroads that they will not be satisfied with voting for this bill because they think it will not ruin the railroads. And then there is the other class who believe we should not interfere in any way to regulate the transportation of the country, because they believe, and with good reason, it will certainly break up a system of "brain strikes," to which they think mankind should yield unquestioning submission and pay unceasing homage.

There are those who are so much in favor of railroads that they would let them do just whatever they like with the people; and there are others who hate the railroads so that they will not vote for this bill because they think the time is coming when they can vote for a bill that will destroy the railroads and enable them thus to gratify their revenge. I shall not join either class. I believe in railroads. I have had enough to do with them to know that they may be, yea, that they inevitably must be, an immense power for the weal or woe of mankind. Possessing rights that spring from the sovereignty of the States or the nation, they must be obedient to the purposes of their creation. Wherein they fail, by tricks, by strategems, or by combinations, they should be restrained. To do so it is not necessary to destroy or even to cripple. Let the power remain. It is not dangerous if properly regulated by law. Wise legislation will utilize it all to the good and glory of the country.

It is quite the thing in this debate for gentlemen to say "the bill is not what it should be; it is different from one I could formulate; it is very defective, and I only accept it because I am obliged to or get nothing." Now, I am not so certain that these gentlemen are any of them sure of their ground. To write a bill covering this vexed subject is quite a different task from telling the authors how they might have done it. If pooling and discrimination and rebates and excessive charges for short hauls in the interest of long hauls—are all to be prohibited, who shall say better provisions for all save the latter can be employed than are found in this bill? And if there is to be any yielding whatever to the apprehensions of many commercial men and organizations upon the long and short haul provision, how could a better compromise be constructed or a more rational one than that embodied in the proviso of the fourth section? Barring always the reasonable objection the gentleman from Ohio [Mr. GROSVENOR] has made, and which I join him in, I do not believe there is a gentleman on this floor who could better it.

At so late an hour I will not presume to discuss these several prohibitions at length. It seems to me that every candid mind must, ere this, have concluded that pooling, rebates, and discriminations are, of necessity, in the long run at least, unjust. What is pooling but a combination to prevent freight charges seeking the natural level to which competition brings them? It is manifestly a "brain strike" for the maintenance of high freights. Which is the more reprehensible, a "brain strike," to bull the price of freights, or a "muscle strike," to bull the price of labor? In my opinion it is the former. The former is generally the prompting of avarice; the latter the demand of stern necessity. It is a rule that admits of scarcely an exception that the former is preceded by the latter, with just about the intervening time necessary for a conspiracy to bear its legitimate harvest of evil! Brain strikes are not, it is true, confined to the managers of railroads, nor is this the only direction the laws should look to find, to prohibit, and to punish them; but here their growth and their insolence are so manifest that to longer permit them to escape is the reproach and shame of our time.

Rebates and discriminations are odious anywhere, but in a free republic that boasts, with much reason, of its equal rights and its equal protection to all, they can exist only as skulking criminals, to be condemned and hated by the generous and the just wherever our commerce finds its way. That these twin evils should have been permitted to work their way into our commerce at all is shocking enough; that they should have been allowed so long to poison and debauch our honesty, by the managers of corporations, clothed with law and fostered by the State, is the marvel of marvels! Sir, are we to permit these felons longer to escape, because we are not suited with the "long and short haul" section contained in a bill which to-morrow we are either to pass or indefinitely postpone? For my part I am ready to act.

I shall vote for this bill because it is the best expression of the will of the people we have ever had in this country, and because if there is one subject above all others upon which the people demand legislation this is the subject. I am not here to apologize for the people as some gentlemen think they are called upon to do. They say their own judgment tells them they should vote against the bill, but the people tell them they should vote for it.

Ah, gentlemen, I have more confidence in the American people than to believe that, after such earnest consideration as they have given this great subject, nothing has been evolved worthy of being crystalized into law. The people are right in demanding legislation.

There is no occasion for panic, nor will the danger of one be so much enhanced by this legislation as by the racket that has preceded it. The powers of the commission are ample both to grant equity and enforce law. They are to be so nearly balanced in politics as to be a constant guard against wielding their power to partisan ends. By the very nature of their position they will become cautious and conservative, and yet the immense responsibility of their trust must, as it seems to me, induce a high purpose and an honest determination to work out beneficent results to the people and the railroads as well. Taking all these things into consideration and believing as I do not only that we can not do better this session, but that if we pass this bill we are doing well I shall give it my vote.

Now, sir, realizing as I do that it is not proper for me to detain the House at this time at any great length, and having, I hope, some mercy on the reporters, I yield the floor.

Mr. ADAMS, of New York. I desire to ask the gentleman a question.

Mr. BROWN, of Pennsylvania. That might not take so long for you to ask as me to answer. It is now nearly eleven o'clock, and after so long a day's labor I must not impose upon the reporters by speaking beyond my time.

[Here the hammer fell.]

Mr. PLUMB. Mr. Speaker, I shall give my vote for the conference report on the bill under consideration, and the reasons I have to offer for so doing are:

1. The legislation proposed, and which promises to be enacted into law, is a step, the first step in fact, that Congress has been able to take in the direction of the control of the very important question of interstate commerce—a question that has been growing in importance every

year since railways as a means of transportation for freights began to ask for public patronage. For more than twenty-five years of this period railways claimed the right, by virtue of their corporate powers, to charge such rates as they might think best. They denied the right of the Government to interfere in behalf of the public; they claimed that to competition, and to it alone, should be left the determining of rates.

If no competing lines of railway existed, then competition with water ways and other existing methods should of right constitute the regulator, and the only regulator, of freights. In this position they intrenched themselves and resorted to the courts for defense. The public, on the other hand, while acknowledging that railways had come just in time to rapidly open for settlement regions that otherwise must have waited for the old-time slow occupancy of the pioneer. Right royally have railways performed that work. Having lived in the midst of this wonderful change, we do not realize what railways have done. They have made this country what it is to-day—greater in population than any in Europe save one, Russia, and the acknowledged rival of England in everything that constitutes national greatness.

Sir, I hazard nothing in saying that the railways of the country made it possible for the Grand Army of the Republic to put down the rebellion. The people of this country recognize to the full the benefits that have come to us all by the construction of railways, and yet they wisely determined to deny to these corporations the power they at first assumed to possess. The people claimed that these corporate persons were created for the public good, and while conceding to the capital employed its right to a fair return, they insisted that in the exercise of their powers they should be governed by law.

In most of the States laws were enacted for railway control, and the courts were appealed to by the contestants to decide whether the corporations or the people were right, and it is enough to say that the claim of the people to legislative control has been fully sustained. The right of legislative control has been exercised in the States not only for the benefit of the people but to the acknowledged benefit of railway property, both parties having learned by experience that they have a common interest that is best subserved by such regulations as a just law prescribes.

But, Mr. Speaker, in a Government like ours, which exercises control over all the States, covering as they do a wide extent of country, it is found that State control is not sufficient. Our vast internal commerce requires an interstate regulation, and that is attempted by the bill before us, which if passed will mark the first step, as I have said, in the national control of railways, and it is because this bill asserts the right of national control of railways that it has my support.

My second reason for the support of this measure is, that its provisions are framed in the spirit of justice and fairness to all parties. It would not be proper to legislate on this question merely to establish a right to do so by the General Government. There should be grievances to be redressed, and wrongs to be righted; there should be interests to be defended, and the general welfare promoted, or the national Legislature should not interfere.

Sir, I will not go over the well-trodden path to show that national legislation is demanded—the fact is conceded by the owners as well as the users of railways—that a just and proper regulation of interstate commerce would be a real benefit to all concerned. So far as I know, every member of this House favors the object of this bill—unless it be the gentleman from Iowa [Mr. WEAVER], who seems to fear that it is wholly in the interest of the railways, and utterly devoid of merit.

But, Mr. Speaker, I do not share the fears of that gentleman, nor do I agree with those who expect that the long and short haul provision will increase the cost of transportation on cereals and other heavy freight. Those who have had experience in business know how difficult it is to raise prices. Demand and supply regulate prices. If the quantity of freight seeking shipment exceeds the facilities for moving it, then is there afforded an opportunity to advance rates; but so long as the capacity of the railway is not fully taxed, so long as freight stands ready to be hauled at a price that will fairly remunerate the producer for his labor, the management will seek to increase the traffic of their railway and reduce the price charged for the haul. Nothing will prevent this but such combination as pooling provides; and such combinations are forbidden by the bill. It is claimed, however, that either the long-haul rates must be raised, or the short-haul must be reduced; and inasmuch as the railways must earn enough to pay the fixed charges and dividends on their shares, nothing else can be done but to advance the long-haul rates, and thus bring ruin to the producers of the West and the consumers of the East, and *vice versa*.

Sir, I have no fears that such will be the case. It must be remembered that a very large proportion of railway freights are local to the States and not affected by this bill. It should also be borne in mind that the railways of the United States have been so managed as to transport freight at less cost than any other railroads in existence elsewhere, and I venture to assert that in this respect they will achieve still greater triumphs. Our railway managers and engineers are ever on the alert to lessen the cost of the work. The twenty-five ton freight car has taken the place of the ten-ton car; the fifty-six pound steel rail is being displaced by the eighty-pound, ninety-pound and even one-hundred-pound rail; the light locomotive is supplanted by the "great moguls;" the quality of the track is being bettered constantly, and all for the purpose of being equipped to meet competition and to make money at low rates.

Another fact should be remembered; the worth of capital loaned on good securities may be fairly stated at 3 or 4 per cent. per annum. The vast increase of capital in this country points to the conclusion that a lower rate of earnings for capital invested must be accepted. Railway shares now dividing 8 per cent. must be reduced one-half in many instances, and railway bonds must bear the same proportionate reduction. In fact, sir, it would be neither strange nor unjust if this squeezing process should go on until it shall wring out some of the water which some of these railway stocks contain.

There is good authority for saying that all of the railways in the United States could be reproduced to-day at one-half the sum for which they are bonded and capitalized—a shrinkage of four billions of dollars of capital on which to earn interest and dividends. By what right are we required to withhold legislation, such as the people justly demand, lest the process may squeeze out the water some of these stocks may contain? A capitalization that is not based upon a real investment is unjust and can not be allowed to call for such dividends as a real cash investment is entitled to without laying a burden on the producer that is hard to be borne.

Mr. Speaker, I have no fear of permanent injustice being done to any class, even should railway rates be reduced on the short haul, as it is claimed by some will be the result of this legislation.

My third reason for supporting this bill is, that it is a practical measure, and one capable of being enforced. Sir, I do not look upon railroad men with feelings of distrust. They are, as a rule, fair-minded and just men; they have shown as much probity in their business as any other class; they know well that in the long run the interests of the property committed to their hands will best be subserved by a law that will do justice to shipper and transporter alike.

Let this bill become a law; let the President appoint such a commission as the law contemplates, and in my opinion the work of adjusting existing wrongs will be entered upon in good faith—the patrons of the railway and its managers will have their claims fairly considered; the complaints of one party and the demands of the other will each have their proper weight, and out of this first grand step will grow such rules as will restore to the people the confidence they ought to possess in the great system of railways, which has done so much in the past and will do more in the future to promote the general good.

As time progresses new legislation may, and probably will be demanded, but this, sir, begins the needed legislation, and shall have my support.

Mr. O'NEILL, of Missouri, withholds his remarks for revision. [See Appendix.]

Mr. CRISP. If no one else desires to address the House, I move an adjournment.

The motion was agreed to; and accordingly (at 10 o'clock and 35 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BENNETT: Papers in the claim of Elsie A. Lumsden and of Alexander Oldham, of New Hanover County, North Carolina—to the Committee on War Claims.

By Mr. BRADY: Resolutions of the Chamber of Commerce of Petersburg, Va., in favor of the repeal of the internal-revenue tax on tobacco and on fruit brandy—to the Committee on Ways and Means.

By Mr. COMPTON: Petition of John H. Smith, of the District of Columbia, asking that his claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. DOUGHERTY: Petition of citizens of Eustis, Fla., asking the passage of a bill increasing the pension of those men who lost both arms in the military or naval service of the United States—to the Committee on Invalid Pensions.

By Mr. FINDLAY: Petition of wholesale druggists of Baltimore, Md., praying for the repeal of internal-revenue taxes—to the Committee on Ways and Means.

By Mr. GIBSON: Petition of citizens of Federalsburg, Md., asking for increase of pay for fourth-class postmasters—to the Committee on the Post-Office and Post-Roads.

Also, petition of merchants of Baltimore, Md., for an appropriation for dredging Tuckahoe River—to the Committee on Rivers and Harbors.

By Mr. F. A. JOHNSON: Petition of George W. Collins and 150 others, citizens of Saranac, Clinton County, New York, for the repeal of law limiting benefits of arrears of pensions to applications made prior to July 1, 1880—to the Committee on Invalid Pensions.

By Mr. JOSEPH: Petition from the Albuquerque Board of Trade, requesting the passage of House bill 2851—to the Committee on Territories.

By Mr. KETCHAM: Petition of Mrs. Caroline B. Thompson and 62

others, citizens of Poughkeepsie, N. Y., asking for the passage of the Senate bills 52 and 53—to the Committee on Indian Affairs.

By Mr. KLEINER: Petition of the Indiana State Grange; of the Indiana Tile and Drainage Association; of the Indiana State Board of Agriculture; and of the Indiana Horticultural Society, in favor of establishing agricultural experiment-stations—to the Committee on Agriculture.

By Mr. MARTIN: Petition of the American Shipping and Industrial League, in favor of the Dingley bill, and for other purposes—to the Select Committee on Ship-building and Ship-owning Interests.

By Mr. MOFFATT: Petition of R. B. Reynolds and 35 others, of Inland, Benzie County, Michigan, in favor of the passage of House bill 2933—to the Committee on Agriculture.

By Mr. MORRILL: Petition of Grand Army of the Republic, Post Soldier of Kansas, asking for the passage of the Edmunds-Tucker Mormon bill—to the Committee on Judiciary.

By Mr. MORROW: Memorial by telegraph from the president of the Chamber of Commerce of San Francisco, Cal., in favor of appropriations for coast defenses and increased naval force—to the Committee on Appropriations.

By Mr. NORWOOD: Petition for the continuance of collector at Brunswick, Ga.—to the Committee on Ways and Means.

By Mr. OSBORNE: Resolution of the New York Board of Trade and Transportation, favoring the passage of the interstate-commerce bill—to the Committee on Commerce.

Also, resolutions of the Western Pennsylvania Agricultural Association, favoring the passage of the Miller bill relative to pleuro-pneumonia—to the Committee on Agriculture.

Also, resolutions of the Knights of Labor of Washington, D. C., favoring the passage of the bill (H. R. 7217) providing for the organization of the Territory of Oklahoma—to the Committee on Territories.

Also, resolutions of the New England Ship-owners' Association, favoring the passage of the Dingley pilot bill—to the Select Committee on American Ship-building and Ship-owners Interests.

By Mr. PERKINS: Petition and papers in support of the pension claim of James Spring, of Winfield, Kans.—to the Committee on Invalid Pensions.

By Mr. PINDAR: Petition of George A. Trumbull Post, No. 157, Grand Army of the Republic, of Experience, N. Y., asking for the passage of the Edmunds-Tucker bill—to the Committee on the Judiciary.

Also, resolutions of the New York Board of Trade and Transportation Company, relative to the interstate-commerce bill—to the Committee on Commerce.

By Mr. RIGGS: Letter from Col. W. H. Fulkerson, of Jerseyville, Ill., in favor of the Miller pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. STEELE: Petition of Sylvester Johnson, president Indiana Horticultural Society; of Milton Trusler, master of the Indiana State Grange; of T. E. Chandler, president of the Indiana Tile and Drainage Association; and of W. B. Seward, president Indiana State Agricultural Association, asking for the passage of the bill establishing experimental farms in the several States—to the same committee.

By Mr. W. J. STONE, of Missouri: Petition of S. T. Ryan and others, citizens of Missouri, in favor of the experiment-station bill, and for other purposes—to the same committee.

By Mr. TAULBEE: Petition of Nimrod McIntosh, late private Company D, Sixth Regiment Kentucky Cavalry, and second lieutenant Company K, Fourteenth Regiment Kentucky Cavalry, for the removal of the charge of desertion standing against him—to the Committee on Military Affairs.

By Mr. VAN EATON: Papers relating to the claim of Mrs. Elizabeth Mackin, to accompany House bill 6113—to the Committee on War Claims.

By Mr. WAIT: Petition of Hugh H. Osgood, of Norwich, Conn., for the repeal of certain internal taxes—to the Committee on Ways and Means.

By Mr. WILSON: Petition of the town council of West Grafton, W. Va., for an appropriation for a national cemetery at Grafton, W. Va.—to the Committee on Military Affairs.

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. BUNNELL: Of 222 citizens of the fifteenth district of Pennsylvania.

By Mr. BURROWS: Of 297 citizens of the fourth district of Michigan.

By Mr. J. M. CAMPBELL: Of citizens of Somerset, Pa.

By Mr. CURTIN: Of 323 citizens of the twentieth district of Pennsylvania.

By Mr. EVERHART: Of 127 citizens of West Grove, and 40 citizens of Spring City, Chester County, and 14 citizens of Delaware County, Pennsylvania.

By Mr. FARQUHAR: Of 218 citizens of the thirty-second district of New York.

By Mr. GROUT: Of 495 citizens; and of 692 citizens of the second district of Vermont.

By Mr. HAYDEN: Of 248 citizens of the fifth district of Massachusetts.

By Mr. KETCHAM: Of 48 citizens of the sixteenth district of New York.

By Mr. LANDES: Of 206 citizens of the sixteenth district of Illinois.

By Mr. LITTLE: Petition of Mrs. Henrietta L. Monroe, president, and other officers of the Ohio Women's Christian Temperance Union, for the passage of the Blair bill.

By Mr. PINDAR: Of citizens of the twenty-fourth district of New York.

By Mr. SAWYER: Of 94 citizens of the thirty-first district of New York.

SENATE.

FRIDAY, *January* 21, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

ROBERT STRACHAN.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 574) for the relief of Robert Strachan; which was referred to the Committee on the District of Columbia.

BATTLE SWORD OF CAPT. S. C. REID.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, ordered to lie on the table, and be printed:

To the Senate and House of Representatives:

I herewith transmit a communication addressed to me by Mr. Samuel C. Reid, who offers to the United States the battle sword (now in my custody) of his father, Capt. Samuel Chester Reid, who commanded the United States private-armed brig General Armstrong, at the battle of Fayal, in September, 1814.

I respectfully recommend that appropriate action be taken by Congress for the acceptance of this gift.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 20, 1887.

STATE DEPARTMENT CONTINGENT FUND.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate of the United States:

I have the honor to transmit to the Senate herewith a report of the Secretary of State in answer to the resolution of the Senate of the 11th instant, requesting "estimates for the contingent fund of each bureau" in the Department of State.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 20, 1887.

CLAIMS AGAINST REPUBLIC OF HAYTI.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I transmit herewith a report of the Secretary of State in answer to the resolution of the Senate of December 8, 1886, relative to the claims of Antonio Pelletier and A. H. Lazare against the Republic of Hayti.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 20, 1887.

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senator from Vermont [Mr. EDMUNDS]. The Chair is in doubt whether it is necessary to order accompanying documents to be printed.

Mr. EDMUNDS. Probably they had better not be printed at first, and the Committee on Foreign Relations can examine them and see whether they need be printed.

The PRESIDENT *pro tempore*. The message will be printed, and, with the accompanying papers, referred to the Committee on Foreign Relations.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of State, transmitting copies of a memorial of several historical societies, and making statement relative to the purchase of a digest and catalogue of documents in Europe relating to the early history of the United States, prepared by B. F. Stevens.

Mr. HOAR. I move that all the papers be printed and referred to the Committee on the Library. They are very brief.

The PRESIDENT *pro tempore*. Does the Senator desire the letter of the Secretary of State read?

Mr. HOAR. It is not necessary.

Mr. EDMUNDS. It ought to be read.

Mr. HOAR. Yes; that is the ordinary courtesy.

The PRESIDENT *pro tempore*. The letter need not be read. It will be printed with the accompanying papers, in the usual way.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a report from the United States Treasury relative to an appropriation of $50,000 for printing and separating silver certificates and legal-tender notes, and preparing them for issue; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting, in reply to a resolution of January 19, 1887, the report of Capt. Moses Harris, First Cavalry, acting superintendent of the Yellowstone National Park; which, if there be no objection, will, with the accompanying papers, be referred to the Committee on Public Lands, and ordered to be printed.

Mr. MANDERSON. Should not the document be referred to the Committee on Territories, relating as it does to the Yellowstone National Park? I make that suggestion in the absence of the chairman of the committee.

The PRESIDENT *pro tempore*. If there be no objection, it will be referred to the Committee on Territories.

Mr. ALLISON. That is a communication from the superintendent of the park?

The PRESIDENT *pro tempore*. It is.

Mr. ALLISON. That was called for by the Senator from Missouri [Mr. VEST] day before yesterday, and I think with a view of presenting it to the Committee on Appropriations, with some idea of changing the method of governing the park.

Mr. MANDERSON. I have no objection to that reference.

The PRESIDENT *pro tempore*. If there be no objection, the communication will be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Attorney-General, transmitting a statement as to the rents paid for rooms and building for the use of the United States courts, with a view of increasing the appropriation therefor; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War, submitting an estimate of appropriation of $10,000 for improving the water-power of the Rock Island arsenal; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of citizens of New Lisbon, Ohio, and a petition of citizens of Ohio generally, praying for a repeal of the internal-revenue taxes; which were referred to the Committee on Finance.

Mr. CAMERON presented a petition of the Board of Trade of Philadelphia, Pa., praying for the passage of the so-called Miller bill for the suppression of pleuro-pneumonia; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of druggists of Pittsburgh, Pa., praying for a reduction of the internal-revenue taxes; which was referred to the Committee on Finance.

Mr. PALMER presented a petition of the Detroit (Michigan) White Lead Works, praying for the repeal of the internal-revenue taxes; which was referred to the Committee on Finance.

He also presented the petition of Lewis Johnson and 31 other citizens of Grayling, Mich., praying for a reduction of the special taxes and for the repeal of "the prohibitory and monopolistic features" of the oleomargarine bill; which was referred to the Committee on Agriculture and Forestry.

He also presented the memorial of D. Follmer and 31 other citizens of Michigan, remonstrating against the extension of the patent to David L. Garner for a spring-tooth harrow; which was referred to the Committee on Patents.

Mr. PALMER. I present also a petition of 2,500 women of Detroit, Mich., praying for the enactment of statutes providing for the adequate punishment of crimes against women and girls, and I ask that it be referred to the Committee on the Judiciary.

I will state that the names signed to the petition include a large number of the most respectable women in Michigan, women known in all good works, and I hope that the petition will not receive the treatment that many petitions do. I hope it will be acted upon.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on the Judiciary.

Mr. HAWLEY presented the petition of Hugh H. Osgood, of Norwich, Conn., praying for the repeal of internal taxes; which was referred to the Committee on Finance.

Mr. BECK. Mr. President, I present a petition of leading officials of Jefferson County, Kentucky, and 135 merchants, bankers, and citizens of Louisville, praying for the reduction of the special taxes on oleomargarine, and asking that the same may be equalized so that wholesale dealers in oleomargarine shall not pay $480 a year while wholesale tobacco dealers pay only $240 a year. The petition is sent to me with the following letter:

LOUISVILLE, KY., *January* 19, 1887.

MY DEAR SENATOR: At the request of a large number of our merchants, I write and inclose a bill reducing the wholesale and retail dealers' special licenses on oleomargarine, and request that you introduce the same and ask for its reference to your Finance Committee.

These exorbitant special taxes have completely ruined the Southern trade of our commission merchants in this commodity, and consequently is a great loss to the business interest of our city. The law works in the interest of the large manufactories of Chicago.

I also send you a memorial to the same effect, signed by our officials and merchants. It is needless for me to add anything further, as you are so familiar with the whole subject.

Very respectfully,

GEORGE T. WOOD.

Hon. JAMES B. BECK,
Washington, D. C.

Accompanying the petition is a carefully prepared bill to carry out the purposes of the petition. I move the reference of all these papers to the Committee on Finance.

The motion was agreed to.

Mr. BECK. I present three similar petitions, one signed by R. S. Frazer and 21 other citizens of Covington, Ky., another signed by a number of citizens of Paducah, Ky., and another by citizens of Newport, Ky., all to the same effect. I move that they be referred to the Committee on Finance.

The motion was agreed to.

Mr. FRYE. I present the petition of John M. Spear and a large number of other citizens of Eastport, Me., petitioning for retaliatory legislation against Canada in the fishery matter, and also for an increase of duty upon fresh and salt fish. It is accompanied by a letter to me urging upon me diligence in this matter. I do not think that Canada will make any complaint that I have not been diligent in the matter of the fisheries, so far as I am concerned; and I simply would like my constituents to understand that, so far as imposing a duty upon fish is concerned, it is not, under the Constitution, in the power of the United States Senate to originate a bill imposing such duty.

The PRESIDENT *pro tempore*. The petition will lie upon the table.

Mr. BROWN. I present a memorial from the mayor and aldermen and a large number of merchants and business men of Brunswick, Ga., strongly protesting against the report of the Committee on Ways and Means in the House of Representatives, recommending the consolidation of the ports of Georgia into one collection district. I move that the memorial be referred to the Committee on Commerce.

The motion was agreed to.

Mr. RIDDLEBERGER presented the petition of Captain John Cowden in relation to the non-compliance of Captain James B. Eads with the provisions of the so-called Eads jetty act; which was referred to the Committee on Commerce.

Mr. HALE presented the petition of George W. White and other citizens of Maine, praying for the rebuilding of the breakwater at the northerly entrance of Owl's Head Harbor, Me.; which was referred to the Committee on Commerce.

Mr. INGALLS presented the petition of T. H. Woodward and 24 other citizens of Elk Falls, Kans., praying for a reduction of the special taxes, and for the repeal of the obnoxious and prohibitory features of the oleomargarine bill; which was referred to the Committee on Agriculture and Forestry.

Mr. HAMPTON. I have just received two memorials from the Chamber of Commerce of Charleston, South Carolina, in reference to the Charleston jetties, which the Senate took action upon the other day. I move the reference of the memorials to the Committee on Commerce.

The motion was agreed to.

Mr. BUTLER. I have also received similar petitions from the Chamber of Commerce of Charleston. I move their reference to the Committee on Commerce.

The motion was agreed to.

Mr. EVARTS presented the petition of F. A. Linsley and 26 other citizens of the city of New York, praying for a reduction of the special taxes and repeal of "the obnoxious, prohibitory, and monopolistic features" of the oleomargarine act; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of William W. Wright, a petition of Francis Keirns, and a petition of William J. Carlisle, praying for the enactment of a law extending the time for filing claims for pension arrears; which were referred to the Committee on Pensions.

Mr. VEST presented the petition of Woodward, Faxson & Co., wholesale druggists of Kansas City, Mo., praying for a reduction of internal taxes; which was referred to the Committee on Finance.

Mr. SEWELL presented a petition of the Burlington County Agricultural Society, of New Jersey, praying for the passage of the agricultural experiment-station bill; which was ordered to lie on the table.

He also presented resolutions adopted by the Vessel-Owners and Captains' Association, favoring the passage of the bill abolishing compulsory pilotage; which were referred to the Committee on Commerce.

Mr. COCKRELL presented the petition of H. A. Crawford, J. M. Thompson, George A. Baker, and other citizens of Saint Louis, Mo.,

praying for the repeal of internal-revenue taxes; which was referred to the Committee on Finance.

Mr. PLUMB presented a petition of citizens of Marion, Kans., praying for the passage of the bill (H. R. 1096) for the amendment of the present pension laws; which was referred to the Committee on Pensions.

COMMITTEE ON PRIVILEGES AND ELECTIONS.

Mr. HOAR. I move that the Chair be authorized to fill the vacancy on the Committee on Privileges and Elections occasioned by the death of Senator LOGAN.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Chair be authorized to fill the vacancy on the Committee on Privileges and Elections.

The motion was agreed to; and the President *pro tempore* appointed Mr. SPOONER to fill the vacancy.

DISTRICT LIQUOR LICENSES.

Mr. COLQUITT. Mr. President, I hold in my hand a petition to this body signed by the officers and the executive committee of the Women's Christian Temperance Union, representing hundreds of the Christian women of this District.

I assume no responsibility for the startling facts embraced in this petition, while I do answer for the pure motives and the high character of those who lay it before this body.

The petition is bold and aggressive. It challenges the investigation of the facts, and for this very reason it has a claim upon our attention. It is a plea by mothers and wives who honor this city by all benevolent acts and by the most exalted virtues. It is an appeal by dependent womanhood to this body of "grave and reverend seigniors" for protection against such an excess of vice and lawlessness in this capital of our Union as should not only alarm but humiliate us.

We can never disregard the voice of woman when it is uttered in behalf of social purity and of public virtue. This petition brings such an impeachment against this city and this District as to lead one to believe we are but little better, in a condition of immorality, than that state which denotes the lowest of existence.

It has caused these petitioners no little struggle to venture before this body. They know how hard is the lot of the reformer; they know how they expose themselves to the flings of the heartless and the supercilious. The well-meaning and the benevolent they well know are often put on the defensive when their only effort is to snatch others from destruction.

We have ample power in this District; our responsibility is well known, and how we use it or how we refuse to use it will attest our fidelity to the trust committed to us. If the facts, the dreadful facts, which are brought to light by this petition shall be proved to be well founded, I can not see why we should not intervene to redress these grievances. I can not see how we can excuse ourselves to our own consciences, to the people of this country, or to the world, if we evade our duty.

I ask that the petition be read in the hearing of this body, and let it go, as a matter of course, upon the record. The petition is supplemented by a resolution of a preachers' meeting in this city, representing twenty pastors of churches here, and I ask that that may also be read.

The PRESIDENT *pro tempore*. The Senator from Georgia asks the unanimous consent of the Senate that the petition referred to by him be read. If there be no objection it will be read at length.

Mr. RIDDLEBERGER. I ask the Senator to allow me to let the petition which I hold in my hand, coming from a number of citizens of Virginia, accompany his, as it touches the same subject-matter in the District of Columbia. The petition I present need not be read, but the Senator's name is mentioned in it, and the bill is mentioned in it. Just let this accompany his petition, and read only the one he has sent to the desk.

The PRESIDENT *pro tempore*. The Chair will receive the petition if there be no objection. The petition presented by the Senator from Georgia [Mr. COLQUITT] will be read.

The Chief Clerk read as follows:

WASHINGTON, D. C., *January*, 1887.

To the Senate of the United States:

The Women's Christian Temperance Union, of the District of Columbia, respectfully represent to your honorable body that their said organization, composing a large membership of Christian women, feel constrained, in the interest of their homes and the best interests of all the people of this District, to respectfully and sorrowfully submit the following facts:

That the board of commissioners of the District of Columbia, disregarding the purity, the safety, and the moral interests and rights of the people, and in direct violation of law, as we believe, are, and have been for months past, permitting and protecting gambling halls, pool rooms, and drinking establishments, as well as dens of prostitution, immorality, and vice, in carrying on their vicious and pernicious business in all sections of the city. Your petitioners respectfully represent that in their free and unlimited distribution of grog-shop, saloon, and liquor licenses they have increased the number of said places to an unprecedented extent, being more than one hundred in excess of any other period in the history of the District, and have foisted upon the people a liquor establishment to about every one hundred and forty persons, and if there be added to this alarming list the great number of known bawdy houses, pool rooms, gambling houses, and other dens of vice, there is an array of facts appalling to contemplate; and when to this is added the further charge, resting upon facts within the knowledge of your petitioners, that many of these dens of wretchedness and vice have liquor licenses, and all of them are known, protected, and permitted, not by quiet acquiescence of the District commissioners, which your petitioners suggest would be terrible enough, but by the aggressive authority and protection of said commissioners, a case is presented shocking in the extreme; and when it is further added that all the licenses are granted by the commissioners, and many of them in direct violation of law, as we believe, and against reports and protests of the police, and of the residents, a case is presented, as it seems to your petitioners, demanding, in the interests of humanity and common decency, a most thorough and careful investigation.

And when it is further considered that large numbers of the houses of prostitution, and known to the commissioners to be such, have during the past year been permitted to deposit $100 with the District commissioners, or with the proper officer by their direction, and then permitted to sell all kinds of liquor without ever obtaining licenses, because it was claimed to be essential to the successful prosecution of their most nefarious and degrading business, this adds but another link to the chain of evils of which this community may justly complain. Recently a member of the police force was directed to gather up the outstanding receipts for the above mentioned deposits, and the commissioners, in direct violation of law, as your petitioners believe, have granted liquor licenses to many of said houses of prostitution and vice.

But your petitioners, to be more explicit in their charges of direct violation of law, respectfully submit:

First. That five restaurants or liquor saloons have been licensed on B street, between First and Second streets, southeast, without a majority of either the *bona fide* residents or owners of property, as required by law, and in direct violation of the act of August 23, 1871, section 10, and notwithstanding the adverse report of both the lieutenant and major of police. Said licenses were granted to James Foy, No. 105; George Paine, No. 135; Sarah J. Schaefer, No. 139; E. V. Rice, No. 145, and Eugene M. Chilina, No. 147 B street southeast, all on the same block, and the same offense and violation of law has been committed in other cases, concerning which your petitioners will furnish evidence whenever your honorable body may desire it.

Second. By the same act, sections 3 and 15, it is provided that these drinking-houses shall not be open on Sundays, or after 12 o'clock midnight, or before 4 o'clock a. m. This law is violated in numerous cases every Sunday, and the persons so violating it and their places of business are known, yet the licenses of these known offenders have not been revoked.

Third. The act of October 10, 1886, section 6, provides that, before issuing a license, the commissioners shall be fully satisfied of the good moral character of the person applying, yet they have issued liquor licenses to bawdy houses, known to the commissioners to be such, and so reported to them by the police, among which will be found the following notorious houses of prostitution located as follows: Numbers 313 Thirteen-and-a-half street northwest, 309 Thirteen-and-a-half street northwest, corner Fifteenth and D streets northwest, 1313 D street northwest, and your petitioners respectfully submit that they will supply the names of these and many others whenever your honorable body or a committee desire.

Fourth. The same laws provide that but one bar shall be allowed under one and the same license. Yet this has been repeatedly violated with the full knowledge of the commissioners, who, being fully advised of the fact by the police, have failed to revoke the licenses in such cases, or to do any other thing to prevent or punish such violations of this provision of the law, conspicuous cases of which are the race-course, Scheutzen Park, and George Holmes's saloon, where two or more bars in each place are conducted under one license.

Fifth. By the police and commissioners' regulations it is provided that no licenses shall be issued for the sale of liquors within 400 feet of any public school. But this provision has been violated in the case of the High School, on O street, the Wallach, Peabody, and other schools, a specific reference to each of which will be furnished whenever desired.

Sixth. Your petitioners further charge that the commissioners have violated the license law in granting licenses to men charged with crime, and dating said licenses back so as to defeat and prevent conviction under the law; a conspicuous case of which was that of Jerry Keef, corner of Third and Q streets northwest, who was arrested for selling liquor without a license, whereupon the commissioners gave him a license dated back to cover the period of his offense, and that, too, without requiring the consent of a majority of the residents and property owners, as required by law. Many other cases exist that will be furnished whenever desired.

Seventh. Your petitioners further charge that house and premises No. 1422 Pennsylvania avenue is owned by one of the District commissioners, and is rented to one W. W. Gould and used by and for the gambling schemes of the Louisiana State Lottery, M. A. Dauphin, agent; that the use of the said building for said gambling purposes is well know to said commissioner and is permitted by him.

Eighth. Your petitioners further submit that the District commissioners, before entering upon the discharge of their duties as such, are required to give bond in the sum of $50,000, and your petitioners charge that Frank Hume, the president of the Liquor Dealers' Association of the District, is the bondsman of one of said commissioners, and there is reason to believe largely controls the granting of liquor licenses.

Wherefore, your petitioners most respectfully pray that the United States Senate direct a thorough investigation of the facts charged herein, regarding the administration of the District government, and provide for the proper enforcement of law and the protection of the homes of the District.

And your petitioners will ever pray.

MRS. SARAH D. LA FETRA,
President.
MISS LIZZIE C. KESSLER,
Corresponding Secretary.

METHODIST PREACHERS' MEETING, FOUNDRY CHURCH,
January 17, 1887.

Inasmuch as we have heard from a committee of the Women's Christian Temperance Union an explanation of the statement of charges against the administration of the District government, and their petition to the Senate of the United States for an investigation of these charges:

Resolved, That we agree with the ladies of the Women's Christian Temperance Union in this petition for a thorough investigation.

WM. H. CHAPMAN, *President.*

The PRESIDENT *pro tempore*. The petition and accompanying paper will be referred to the Committee on the District of Columbia. The petition presented by the Senator from Virginia [Mr. RIDDLEBERGER], of citizens of Virginia, in favor of conferring upon citizens of the District the right to determine by ballot the question of granting liquor licenses, will also be referred to the Committee on the District of Columbia.

Mr. HAWLEY. The statement in the petition which has been presented by the Senator from Georgia is a tremendous indictment. It is a shocking revelation. I submit to him whether there ought not to be instructions to the District Committee or to some special committee to make an immediate and severe investigation.

Mr. COLQUITT. I did not feel that it was incumbent upon me to make any suggestions to the committee. I had no doubt that they would be in full sympathy with any movement with a view to suppress these heinous offenses, and that they themselves would suggest measures for their suppression. It is with confidence, therefore, that I commit the petition to the Committee on the District of Columbia.

Mr. INGALLS. Mr. President, the allegations that are presented in the petition which has been read touching the condition of affairs in this District concerning the sale of distilled and fermented liquors, concern a question that has long engaged the attention of the Committee on the District of Columbia.

There is no doubt that there is a very great violation not only of law but of moral and social order in connection with the transactions to which the petition refers. In my judgment licenses have been granted in violation of the statutory provision of Congress upon the subject.

But in order that the Senate and the country may understand that the District Committee has neither been oblivious nor neglectful of these matters, I feel it to be my duty now to call the attention of this body to the fact that on the 4th day of February, 1886, I introduced a bill regulating the sale of distilled and fermented liquors in the District of Columbia, which was referred to the committee of which I am chairman. On the 19th of that month the bill was reported by me with an amendment, and subsequently, during the last session of Congress, was passed by the Senate; and if the other branch of Congress had been as diligent as the Senate has been, one great cause of complaint which has been set forth in the petition that has been read would have been removed.

In order that the Senate and the country may understand exactly what has been done by this body for the purpose of correcting those evils whose existence we all admit and all deplore, I ask that the Chief Clerk may read again the bill that passed this body, and which is now pending before the District Committee of the House of Representatives.

The PRESIDENT *pro tempore*. If there be no objection the bill referred to will be read.

The Chief Clerk read as follows:

A bill (S. 1380) regulating the sale of distilled and fermented liquors in the District of Columbia.

Be it enacted, &c., That from and after the passage of this act, all persons who shall obtain from the assessor of the District of Columbia licenses as dealers in distilled and fermented liquors, wines, and cordials in said District, under existing laws, shall pay annually for such license the sum of $300: *Provided*, That such license shall not authorize any person to sell such liquors, wines, or cordials in less quantity than one pint, nor to be drunk upon the premises where sold.

SEC. 2. That proprietors of bar-rooms who shall obtain licenses in the said District shall pay $500 annually for such license. Every place where distilled, malt, or fermented liquors, wines, or cordials are sold to be drunk on the premises, or in quantities less than one pint, shall be regarded as a bar-room; and the possession of malt, distilled, fermented, or any intoxicating liquors, with the means and appliances for carrying on the business of disposing of the same to be drunk where sold, shall constitute the premises a bar-room within the meaning of this act. And it shall be the duty of the proprietor of every such place to deposit with the collector the amount of his license-fee with his application for license, and also present to the commissioners the written permission of a majority of the persons owning real estate and a majority of the residents keeping house on the side of the square where it is desired to locate such business, and on the side of the square fronting opposite to the same; and such license shall not be issued until approved by the commissioners. And no liquors shall be sold except in compliance with the provisions of this act, nor to minors, nor intoxicated persons, nor habitual drunkards, nor on Sunday; and every bar or other place where liquors are usually sold shall be kept closed on Sunday during the day and night, and all such places shall be kept closed each and every day between 12 o'clock midnight and 4 o'clock in the morning.

SEC. 3. That any person engaged in the business specified in this act without first having obtained a license under its provisions shall be liable to a fine of not more than $500, in addition to the amount of license required.

SEC. 4. That any person having obtained a license under the provisions of this act who shall violate any of such provisions shall be liable for any such violation to a fine not exceeding $200, and in addition thereto his license may be revoked by the commissioners in their discretion; and all fines and penalties incurred under this act shall be collected upon information duly filed in the police court in the manner prescribed for similar offenses, and shall be applied to the use of the District.

Mr. PLATT. That bill is in the nature of what is known as a high license law. It has many provisions——

The PRESIDENT *pro tempore*. The Chair reminds the Senator from Connecticut that there is nothing before the Senate. The discussion goes on by general consent.

Mr. PLATT. Yet the Senator from Kansas was permitted to address the Senate, and I desire to make a single observation.

Mr. INGALLS. I am sure there can be no objection, in view of what has been said, that the Senator from Connecticut should be heard.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. PLATT. I wish to make a single observation in reference to the passage of the bill in the Senate.

It is, as I have said, a high license law. It contains many valuable provisions and restrictions, and in that respect it is infinitely better than the present law and the practices which have prevailed in the District of Columbia with regard to the licensing of the sale of intoxicating liquors.

I had intended when that bill was pending in the Senate to have asked a vote of the Senate upon an amendment which I have prepared and which I desire to submit in the nature of a prohibitory law for the District of Columbia; but, at the time when the bill was considered and passed, I was unavoidably absent on account of my health. I desire to say now that it was my intention to determine the sense of the Senate upon the question whether in legislating for the District of Columbia we would adopt the high license system or the system of prohibition.

I believe in prohibition. I know with what difficulty prohibitory laws are enforced, but this is the capital of the nation. The power of legislation for the District of Columbia in all matters is committed to Congress, and if anywhere in the United States prohibition can be enforced it is here, where the whole power of Government can be invoked in aid of the enforcement of such a law.

I think it is here that the honest, vigorous, thorough attempt to prevent the sale of intoxicating liquors should be made. If, with all the power of the Government back of such a law, it should fail, that would seem to be a determination of the question whether prohibitory legislation can be enforced. If it should succeed, it would seem to demonstrate the fact that, with proper authority and with proper effort, the observance of prohibitory laws can be enforced, and the sale of intoxicating liquors, which does more than any other one thing to harm and hinder and retard the prosperity and growth of this country, can be suppressed.

REPORTS OF COMMITTEES.

Mr. BOWEN, from the Committee on Indian Affairs, to whom the subject was referred, reported a bill (S. 3184) granting the Utah Midland Railway Company the right of way through the Uncompahgre and Uintah reservations, in the Territory of Utah, and for other purposes; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 3094) granting the Utah Midland Railway Company the right of way through the Uncompahgre and Uintah reservations, in the Territory of Utah, and for other purposes, moved its indefinite postponement; which was agreed to.

Mr. CULLOM, from the Committee on Territories, to whom was referred the bill (H. R. 2812) to approve an act of the thirteenth Legislative Assembly of Arizona, entitled "An act to establish, maintain, and provide for the government of an insane asylum," approved March 9, 1885, reported adversely thereon, and the bill was postponed indefinitely.

Mr. SPOONER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 8893) directing the commissioners of the District of Columbia to execute a deed of quitclaim and release to a certain alley in Washington to Cornelia P. Randolph and others, reported it without amendment.

WILLIAM ERVIN.

Mr. SPOONER. I am instructed by the Committee on Claims, to whom was referred the amendment of the House of Representatives to the bill (S. 542) for the relief of William Ervin, to report it back, with a recommendation that the Senate do not concur in the amendment made to the bill by the House of Representatives. I move that the Senate non-concur in the amendment.

The motion was agreed to.

Mr. SPOONER. I now move that the Senate insist on its disagreement to the amendment of the House of Representatives, and ask for a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. SPOONER, Mr. DOLPH, and Mr. JONES, of Arkansas, were appointed.

BILLS INTRODUCED.

Mr. RIDDLEBERGER (by request) introduced a bill (S. 3185) to abolish the useless and extravagant Misssissippi River Commission; which was read twice by its title, and referred to the Committee on the Improvement of the Mississippi River.

He also (by request) introduced a bill (S. 3186) to restore navigation to the harbor of Vicksburg, Miss., at private expense unless successful; which was read twice by its title, and referred to the Committee on Commerce.

He also (by request) introduced a bill (S. 3187) for the relief of Henry C. De Ahna; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. GEORGE introduced a bill (S. 3188) to authorize the Georgia Pacific Railway Company of Alabama and Mississippi to construct bridges across the Sunflower, Yazoo, and Tombigbee Rivers, in the State of Mississippi; which was read twice by its title, and referred to the Committee on Commerce.

Mr. INGALLS introduced a bill (S. 3189) granting a pension to Mary E. Brown; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3190) granting a pension to Robert H. Sturgess; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DOLPH introduced a bill (S. 3191) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO BILLS.

Mr. MITCHELL, of Oregon, submitted an amendment intended to be proposed by him to the consular and diplomatic appropriation bill, and an amendment intended to be proposed by him to the river and harbor bill; which were referred to the Committee on Commerce, and ordered to be printed.

FISHERIES REPORT.

Mr. FRYE submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the two Houses of Congress 6,000 additional copies of the report of the Senate Committee on Foreign Relations, touching our fisheries, numbered 1683; one-third thereof for the use of the Senate and two-thirds for the use of the House.

WARM SPRINGS INDIAN RESERVATION, OREGON.

Mr. MITCHELL, of Oregon, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to advise the Senate at his earliest practicable convenience whether four townships, or any other quantity, of the public lands in Wasco County, State of Oregon, has within the past year been withdrawn from settlement and attached to the Warm Springs Indian reservation; and if so, upon what authority and for what purpose has this been done.

CORRESPONDENCE WITH MEXICO.

Mr. BROWN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President of the United States is hereby requested, if not, in his opinion, incompatible with the public interest, to communicate, at his earliest convenience, copies of all correspondence between the Government of the United States of America and the Government of Mexico in reference to the seizure and sale by the Mexican authorities of the American schooner Rebecca, in the port of Tampico, or other port in Mexico; and that he also communicate to the Senate all correspondence between the Secretary of State and Hon. Henry R. Jackson, late minister to Mexico, in reference to the resignation of Minister Jackson, together with all correspondence addressed by Minister Jackson to the President on the subject of his resignation.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 1813) to amend the law relating to patents, trade-marks, and copyright.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 229) to provide for the erection of a public building at Wilmington, N. C.

The message further announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 1532) to regulate commerce.

MISSOURI RIVER COMMISSION REPORT.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred a resolution to print 200 extra copies of the Appendix A B to the report of the Missouri River Commission, House Executive Document No. 28, Forty-ninth Congress, second session, for the use of the commission, to report it with a substitute, for which I ask present consideration.

By unanimous consent the Senate proceeded to consider the following resolution, submitted on the 13th instant:

Resolved, That 200 extra copies of the Appendix A B to the report of the Missouri River Commission, House Executive Document No. 28, Forty-ninth Congress, second session, be printed for the use of the commission.

The amendment reported by the Committee on Printing was to strike out all after the word "resolved," and insert:

That 200 additional copies of the report of the Missouri River Commission, with the appendices A and B, House Executive Document No. 28, Forty-ninth Congress, second session, be printed for the use of the commission.

The amendment was agreed to.

The resolution as amended was agreed to.

REPORT OF ACADEMY OF SCIENCES.

Mr. HAWLEY. I report from the Committee on Printing the joint resolution (S. R. 94) ordering the printing of the annual report of the National Academy of Sciences, with the accompanying memoirs. This is the usual annual joint resolution, and I ask that it be considered immediately.

An appropriation act last year made a new requirement that the cost should be reported also, and also the previous appropriations under the same head. The formal report is with the papers. These volumes of the report of the National Academy of Sciences will cost about $8,000. The previous appropriations amount to $133,000.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks unanimous consent to proceed to the consideration of the joint resolution at this time.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISHING RIGHTS OF THE UNITED STATES.

Mr. EDMUNDS. I give notice on behalf of the Committee on Foreign Relations that to-morrow, immediately after the completion of the strict morning business, or as soon thereafter as I can get the floor, I shall ask the Senate to consider the bill respecting the protection of American fishermen that was reported from the Committee on Foreign Relations a day or two since.

Mr. INGALLS. Does the Senator mean to-morrow or Monday?

Mr. EDMUNDS. I mean to-morrow.

FLORIDA LAND FORFEITURE.

Mr. CALL. I now ask the Senate to proceed to the consideration of the resolution submitted by me.

The PRESIDENT *pro tempore*. The question before the Senate is the joint resolution (S. R. 98) relative to the forfeiture of certain lands granted to the State of Florida to aid in the construction of a line of road from Fernandina to Tampa Bay, Florida, which was introduced by the Senator from Florida.

Mr. CALL. The resolution which I desire the Senate to take action upon is a resolution instructing the Attorney-General of the United States to bring such proceedings as may be proper, by injunction or otherwise, to prevent the sale of lands under the grant of May 17, 1856, to the State of Florida.

In my former address to the Senate, of which this is the continuation, I established very clearly from the journals of the Legislature of Florida of 1858 that the State of Florida refused to give any rights or interest in this grant to the railroad company which is now claiming the right to sell and dispose of it; that is, the Florida Navigation and Railway Company and its assignors. The journal shows that the vote sustaining the report of the attorney-general declaring that the Florida Railroad Company had no right to the land was a unanimous one in the house, with the exception of one vote to the contrary.

Here is the law which was passed at that time incorporating another company with which this has no privity and no connection, and giving to that other company the benefits of the internal-improvement act of Florida of 1855 and 1856. So there is no question that here is a grant stated by the General Land Office to amount to more than 1,000,000 acres of land, reserved from entry and settlement in favor of this company, and of which sales have been made and are being made dispossessing citizens of the United States who have by law a right to enter and homestead these lands, and who in a great many cases have settled upon and improved them. They are in many instances poor and their families are entirely dependent on their labor and on the little tracts of land which they have improved. The question is, what will the Senate do to protect their clear and unquestionable right and title as against a corporation without right of title?

Here is a reservation of 1,000,000 acres and more, according to the statement of the amount of this grant by the General Land Office, the residue of which amounts to over a million acres by estimation, disposed of against the laws of the State declaring that this company was not the beneficiary, and without any legislation whatever on the part of the State in their favor giving to this railroad company any right or interest in these lands.

That is a remarkable fact, that without any legislation whatever on the part of the State by its Legislature, any person, either a corporate body or a private citizen, should have appeared in the General Land Office and stated that he or it has located a line of road and obtained a reservation of the lands of the United States, which by law have been dedicated to the settlement and occupation and ownership of the people who may cultivate them. That is the case I am presenting to the Senate. I think it is one which is sufficient to attract the attention of Senators. I think their sworn duty requires them to give some consideration to such a large disposition of the public lands without any authority whatever. I have made out a case in which there is no doubt. I have exhibited to you the journal of the Legislature of Florida, denying to this railroad company—the Florida Railroad Company, which is the Atlantic, West India and Gulf Transit Company by change of name, and is now the Florida Railway and Navigation Company, that company having consolidated the lines of several companies of which the Florida Railroad Company was one—any right to this grant. I have read to you, and have it here, the journal published by authority of the Legislature of Florida, of 1858, containing the message of the governor, stating the fact that the time had expired when that company could have the benefit of this grant; stating the fact that another company had been organized, recommending to the Legislature to allow to this other company the benefit of this grant, the bill introduced into the Legislature and its reference to the attorney-general for his opinion whether the Florida Railroad Company have any right to the benefits of the internal-improvement act on this part of the line, the final passage of the bill by a unanimous vote, and I have it here in my hand in the public acts of the State. That is very conclusive proof on that subject. This is the act:

An act to incorporate a company to construct a railroad from a point on the Florida Railroad, in East Florida, to Tampa Bay, under the style of the Florida Peninsular Railroad Company.

Here are all the acts and all the laws continuous in time for your examination, so that there can be no pretense of a claim that the State has ever conferred any right under this grant to this railroad company, or its predecessor, or any other existing corporation. If this is denied, here are the laws to disprove such denial.

The Florida Railroad Company was a different company. This is the Florida Peninsular Railroad Company. The Florida Railroad Company was incorporated in 1854, 1855, and 1856 by original act and amendments. In 1858 this new company and this controversy arose in the house in the Legislature of 1858, whether or not they had a right to this grant as a part of the benefits of the internal-improvement act. In this act, in its fifth section, it is said:

That the trustees of the internal-improvement fund shall, immediately upon receiving notice from the company—

That is, the Florida Peninsular Railroad Company—

of their acceptance of the provisions of the act entitled "An act to provide for and encourage a liberal system of internal-improvement"—

have the benefit of this grant. That was the only law which gave any right to this company. The company expired. The act limits it as to the time in which it should perform the obligation of building a railroad, and it expired without their doing it. The company that had the benefit of that act, therefore, never had any real and permanent existence and never located their road, never completed their road, and are to-day a defunct and unknown corporation.

Mr. President, in 1856 this grant was made upon condition that a railroad should be built in ten years. In 1866 it expired, and the road was not built. It was not even located under the internal-improvement act; it was not commenced. In 1868 the Legislature of the State of Florida passed a resolution by which it will be seen that they did not even claim the grant of 1856. I call attention to this resolution to show in what manner our public domain has been attempted to be disposed of in this case by the General Land Office. This is a resolution of the Legislature of 1868–'69.

Whereas by reason of the conflict of arms which prevailed in this State between the years of 1861 and 1865 it became impracticable to proceed with the construction of the roads comprehended in the system of internal improvement adopted by this State, whereby the grant of lands made by the United States in aid thereof, so far as applicable to the unconstructed portion of said system, expired by the operation of the limitation contained in the fourth section of the act of Congress making said grant; and

Whereas this State is now desirous of promoting the completion of the said system, or so much of the unfinished part as leads from Amelia Island to Tampa Bay: Therefore,

Be it resolved, That our Senators and Representatives in Congress be requested to urge the early passage of an act reviving the grant contained in the act of Congress entitled "An act granting public lands in alternate sections to the States of Florida and Alabama, to aid in the construction of certain railroads in said States," approved May 17, 1856, and that the operation of said act be extended to a term of —— years from the passage of an act reviving the aforesaid grant; but nothing herein contained shall be construed as a request to grant any lands to companies heretofore chartered by any State of the Union or by any act of Congress.

That was the declaration of the Legislature of 1868 acknowledging that this grant had expired by the terms of the act and the failure to perform any of the conditions contained in it as to this line of road from Waldo to Tampa, and asking Congress to revive it upon the condition that this company and other companies standing in the like position, chartered before 1860, should not have the benefit of it. What do you think of that?

Mr. President, here is, first, an entire absence of all authority; and, in the second place, an express declaration by the Legislature of the State in 1868, nearly twelve years before this reservation was made in the General Land Office, that this company now claiming it should not have the benefit of it, and asking its revival on that condition. We are that far from having any legislative authority from the State to this company for any interest in this grant.

But let us look a little, and see how it is that such an extraordinary transaction could have occurred. The internal-improvement act of Florida, it is claimed, in its twenty-first section, authorized the Florida Railroad Company to receive the benefit of this grant. That is the ground upon which the application is made, and which is assumed in the opinion of the different Secretaries, not having investigated the proposition, or claiming to have done so, but assuming that it was so. In the application of the railroad company they say:

By the twenty-first section of the Florida internal-improvement act it was provided "that, should the United States Government grant lands to the State of Florida for the purpose of aiding in the construction of the lines of railroad indicated (the line from Amelia Island to Tampa being one), said lines of railroad shall be entitled to all the benefits and advantages arising from said grant that the State of Florida would be entitled to by the construction of said lines of railway," and proceeded to require and authorize the governor, should such an act be passed by the United States Government, "to direct said railroad companies to select said land, and to take such other action as may be necessary to fully secure the grant of lands to said railroad companies," subject to all the conditions and restrictions of the act of Congress.

It will be borne in mind by such Senators as feel any interest in protecting the public property of the United States and the citizens of the United States, and who think it a part of their duty and their function here to give attention when a great question concerning thousands of the people of the country and the Treasury of the United States and its public domain is under consideration—such Senators as conceive that to be a part of their public duty, and who will give some consideration to this very important question to the people of Florida and to the public domain—that they claim under the twenty-first section of the internal-improvement act, which I have read, that the present Florida Railway and Navigation Company, which is the successor, having consolidated the line with that of the Atlantic, Gulf and West India Transit Company and of the Florida Railroad, has a right to this grant under that provision of the act.

I propose to show that the Florida Railroad Company, as I have already shown by the action of the Legislature of 1858, was not one of those companies. That act provides what companies under that act are entitled to the benefits of it; but it also says that they shall accept the benefits of the act within six months; and when the question came up in the Legislature of 1858, upon the message of the governor, M. S. Perry, which stated that they had not accepted the benefits of the act, that they had not complied with its provisions two years after it had passed, and that the time had expired, the Legislature, unanimously almost, acting upon the opinion of the attorney-general, incorporated another company, and gave them exclusively the benefits of the act; but nothing is said about that in this application of the Florida Railroad Company and its successors to Secretary Schurz and his successors. Nothing could be said about it, for it certainly disproved their statement that a map of location under authority of law had been filed in the office of the Secretary of Interior in 1860, because such a map or location of their line under the internal-improvement act was forbidden by the act of the Legislature of 1858, granting the exclusive benefits of the internal-improvement act to the Florida Peninsular Railroad Company.

They were required by the internal-improvement act to accept in writing filed in the office of the secretary of state within six months. They were required to grade 20 miles of their road within two years, and the governor of the State, as I have read from his message, formally announced to the Legislature that they had done neither; that under their original charter they had a right to build the road, but not to have the benefit of the internal-improvement act; that they were not one of the companies recognized under that act for the line from Waldo to Tampa, and the Legislature so decided, and chartered another company to build that line of road, and gave that other company the benefits of this grant and of all the other grants of the internal-improvement fund.

It is perhaps well for us to know a little about what this internal-improvement act and internal-improvement fund of Florida was, and what was meant by it. The act expired long ago. Twelve years before this reservation was made the act had become obsolete in all its essential parts; all its benefits had been disposed of, and the land which it contained, for it was a land fund, had been decreed to be sold by the United States court to pay the debts of this very Florida Railroad Company that is seeking now to obtain this grant—debts which have never been repaid to the State.

Even the school fund, and all the funds of the State connected with that road, were lost in that transaction, and yet they have reappeared in the Interior Department after a lapse of over twenty years to claim that they were for this part of the line entitled to this grant from which they were expressly excluded—to claim seven hundred thousand acres of the land of the United States on which hundreds of people have made their homes.

The internal-improvement act of Florida conveys all the swamp and overflowed lands of the State, which are estimated to amount to something like 20,000,000 acres. Out of 33,000,000 acres of area of the State of Florida, 20,000,000 are estimated to be swamp and overflowed, according to the practical selection and application of the swamp land act, although in fact much the greater part is high and dry. The State conveyed the whole of these lands and also all other grants of land made by the Federal Government for internal improvements to the State of Florida to certain trustees, the officers of the State government being *ex officio* the trustees of the fund. The trustees were to sell the lands and apply the proceeds of the sale to the payment of interest on the bonds guaranteed on certain lines of railroad.

I will proceed with my remarks though there are few Senators here. I think when we are here to perform public duties Senators ought to perform them, and give their attention to the public business. We are now examining a question of the disposition of a million acres of the area of the public domain of the United States in the State of Florida, and I am showing conclusively that it is the property of the United States, that it has never been disposed of, but that a reservation has been made at the General Land Office, and that large quantities of it have been allowed to be sold by private individuals upon an assumed state of facts which the public records disclose to be utterly untrue.

I have been proving that this claim is nothing more or less than a bold attempt to deprive thousands of citizens of their homes and their property given to them by the laws of the United States upon a false statement, which the public records of the State conclusively deny and disprove. I therefore have a right to demand of Senators that they shall give their attention to this subject and perform the duties of their office.

The internal-improvement act of Florida, under the twenty-first section, of which this company claims to have a right in this grant as the beneficiary of the State, was an act by which all the public lands in the State of Florida, given by the United States to the State for internal improve-

mentsor as swamp and overflowed lands, were conveyed to certain trustees who were required to guarantee, by indorsement, interest on the bonds of certain railroad companies constructing certain specific lines of railroad in the State. The trust required them to sell these lands and apply the proceeds of sale to the payment of interest upon this guarantee. The State acquired stock in the railroad companies thus designated whenever they paid this interest. The State became a director in the board of directors in each of these companies, and other securities were given for its protection for this investment by the trustees of the proceeds of the sale of these lands.

This grant of 1856 was made subsequent to the passage of this internal-improvement act, which was in 1855-'56, whereas the grant of Congress was made on the 17th of May, 1856. The act of the Legislature was passed in January, 1856, or December, 1855, but it contained this provision, that if the United States Government should make a grant of land in aid of the construction of these lines of road the companies authorized under the internal-improvement act should have the benefit thereof. The Florida Railroad Company accepted the benefits of this act from Amelia Island to Cedar Keys. We are considering the grant of the land for the railroad from Waldo to Tampa. From Amelia Island to Cedar Keys is a part of the line from Amelia Island to Tampa. The companies were authorized to construct parts of these lines. So, as I have said, when the controversy originated whether or not it was competent for the Legislature to incorporate another company and give to it the benefits of the grant from Waldo to Tampa Bay, it was decided by the State and by the Legislature that it was competent, that the Florida Railroad Company had no right in the line from Waldo to Tampa, and a new company, as I have said, was created.

The act further provided that the companies who had the benefits of that act, who accepted its provisions, should grade 20 miles of road within two years after having filed their written acceptance within six months of the passage of the act. I will put these sections of the law in my remarks.

They were required first to accept the benefits of that act within six months from December, 1855, or January, 1856; they were required to grade 20 miles within two years; they were required to complete their line within eight years from the passage of the act or forfeit all the benefits of the act. It has never been claimed that any of these things were done. Hence there was never any location under that grant made in 1856; and in 1868 the Legislature of the State, by a joint resolution, acknowledged and recognized the fact that the State had no claim upon the land, and requested Congress to revive the grant and extend it upon the condition that this road and its predecessor and all the other roads in the like case should not have the benefit of it.

There was never any legislation of the State at all upon the subject of this grant from that day until the time of Mr. Schurz's order overriding and reversing the wise and intelligent order of Mr. Chandler refusing to recognize this grant and its location. There was never any legislation of the State on the subject until they chartered in 1881 the Pensacola and Atlantic Railroad, to be built from Chattahoochie to Pensacola, which is a part of the line; that is, the geographical line mentioned in the internal-improvement act. In that act, after giving that road, not the benefits of the internal-improvement act, but 23,600 acres to the mile of the swamp and overflowed lands, they say, we also give whatever right or interest the State may have in the grant of May 17, 1856—that is, the Pensacola and Atlantic Company in West Florida, not this Florida Navigation and Railway Company from Waldo to Tampa, but in West Florida, so far as the land lies in West Florida, a different section of the country—we give them whatever rights or interest we may have. The State had never made any claim of interest under that grant, or of location or anything else in all the years from 1866 to 1881.

The Pensacola and Georgia Railroad Company was a company fully entitled to the benefits of this act and recognized under it. That was the road from Jacksonville to Pensacola, in another and different direction. This is the road from Amelia Island to Tampa Bay, running south. The State of Florida, as we all know, runs along the Atlantic coast and the coast of the Gulf of Mexico, and commencing at the Saint John's River one line of road went west, and the other line of road south and southwest.

So, then, in the first place this State never claimed, even if this be a claim, this grant till twelve years after its expiration, and then only gave such rights as they might have to land in West Florida, not South. The State never took any action on this subject except the passage of the internal-improvement act, passed before the grant was made by Congress, in which they provided in case it should be made that it should be a part of it, and the Pensacola and Atlantic road from Jacksonville to Pensacola, having been organized under the internal-improvement act, accepted its benefits, and, with other companies, graded its line and constructed some 170 miles of it from Quincy to Jacksonville, on the Saint John's River, and when the war occurred suspended its proceedings. When the war terminated the Florida Railroad Company, in the action of its president and its officials, claimed to be a completed road, because the act provided that when a road was completed it might be seized and sold, some other conditions being required, but that being one of them. So, in order to have this line from Amelia Island to Cedar Key seized and sold by the trustees, the company claimed that it was completed and that they had no further line to construct.

The Pensacola and Georgia road was also seized and sold, and has never been extended a yard beyond Chattahoochee, and has no privity or connection with the Pensacola and Atlantic Railroad Company.

Therefore, Mr. President, by the action of this very company that is now selling this land, by the action of its predecessor, the Florida Railroad Company, with whom it is in privity, and through whom it must claim, if it claims anything, these roads were sold, the internal-improvement fund and all its lands were seized by the circuit court for the bonds of the companies, and the land which had been conveyed to these trustees was directed to be sold and the proceeds applied on the interest of the bonds divested of the trust. So the trust itself has expired. There is no trust now. The State has given away the trust lands which constituted this fund, and were subject to this trust in the internal-improvement act specifically, to a half dozen different railroad companies, the acts incorporating which I will put in my remarks, and has given the benefits of this land to these other corporations to build other roads in the same direction and to the same terminal points in quantities of 10,000 and 15,000 and 23,600 acres, and the companies will receive the lands specifically divested of the trust.

So now, Mr. President, practically there is no act, and never was, granting the benefits of this grant to this railroad company or its predecessor; but, on the contrary, there is an act relinquishing the grant and asking Congress to renew it, and there are acts of incorporation of other companies on the same geographical line, acts of the Legislature disposing absolutely of the land which constituted the internal-improvement fund and which was contained in this internal-improvement act which directed that it be sold for the benefit of the different bonds of these different companies authorized under the acts of 1868 and 1869 under charters pre-existing. So, then, there is not a shadow of a pretense of a right of this company to any interest whatever under the grant of May, 1856.

Then what is there? We have here a certificate of the governor of the State, and that, I suppose, is what misled the Secretary of the Interior. We have first the application of the officials of this road in 1881, under the twenty-first section of that act under which, in 1858, as I have shown, the governor, the attorney-general, and the Legislature all decided that this company had no right, and incorporated another company to build the road; yet, in 1881, nearly a third of a century afterwards, they appear in the General Land Office and actually claim under that twenty-first section. Everybody was dead, or had forgotten almost what occurred; and the old records being difficult to obtain, they actually claimed, under the twenty-first section of that act, what the whole action of the State authorities had denied, what they never claimed after that time, and when the State had chartered another company to build the road. In 1882 a letter of the governor of Florida was presented to the Secretary of the Interior by the president of the Florida Railroad Company, through a gentleman who is now dead, and therefore I make no mention of him, in these words:

EXECUTIVE OFFICE, *Tallahassee, Fla., July* 11, 1881.

The SECRETARY OF THE INTERIOR,
Washington, D. C.:

SIR: I have the honor to certify that the railroad from Waldo to Ocala, in the State of Florida, being a part of the line of railroad from Amelia Island, on the Atlantic, to the waters of Tampa Bay, specified in the act of Congress approved May 17, 1856, and entitled "An act granting public lands in alternate sections to the States of Florida and Alabama, to aid in the construction of certain railroads in said States," has been completed, and is in actual operation, and that said railroad from Waldo to Ocala is of a continuous length of 44.88 miles.

I have the honor to be, very respectfully,

[SEAL.] W. D. BLOXHAM, *Governor of Florida.*

Attest:
JNO. L. CRAWFORD, *Secretary of State.*

That letter in relation to a geographical line is correct. It is on that geographical line. It is a part of the line mentioned in the act of Congress. All that is so; but the governor does not say, although it would appear to be inferred, that the road is constructed under the internal-improvement act of the State of 1858. He does not say that this grant was ever given to it by that twenty-first section, though it might be inferred that such was the case. It is true the certificate is somewhat ambiguous. It referred to the geographical line. It was also a part of the line contemplated by the act of Congress of 1856. It was a part also of the line of the old Florida Peninsular Railroad as a geographical fact, and it is a part of the line of the Tropical Railroad, and it is part of half a dozen others, but in the sense of its being a railroad corporation which the State made the beneficiary of the grant of 1856 there is not the least truth in the assertion; not that I mean to say that the governor of the State intended any misrepresentation, but I state the fact as shown by the twenty-first section of the act of the Legislature of Florida establishing a system of internal improvements under it and all this correspondence and all these opinions of the Secretary of the Interior. The right of this company to be the beneficiary of this act was declared to have ceased and determined by the governor, and by the Legislature, and by the attorney-general in 1858,

two years after the time expired in which they could avail themselves of the benefit of it to give them any right whatever. Their claim was denied and never was asserted, and no location was ever made. There was a survey made under the original charter, they being authorized to go there, but there never was a survey and never a location under the internal-improvement act, and could not be for the reason that the State authorities declared by the almost unanimous vote of the house and a sufficient majority in the senate that they had no right, and gave the right to another company. And yet this certificate was made the basis of this reservation!

I do not know that it is necessary for me to detain the Senate any longer. I will say, however, that I am not unfriendly to corporations or to aiding railroad companies. I think there is a better way to do it than by giving them lands; but if that be decided to be the way, I am not in the way of it under proper limitations, but I am opposed to giving the homes of the people who have entered upon the public lands to corporations which have no claim whatever to them.

I desire this matter settled and the title vested somewhere, in somebody, in order that these people may obtain some recognition of their rights to their homes. The proper way to do it is to give them the land as the homestead laws give it to them, or allow them to purchase it. I have no doubt it will be better for the railroad companies that the country should be settled than that the company should hold this large amount of land.

But, Mr. President, this railroad company, the successor of the Florida Railroad Company, has over 300 miles of road built with the benefits of the internal-improvement act out of the gift of the swamp and overflowed lands without this Waldo and Tampa road. We find from the laws of Florida that there was exchanged in 1857 a large amount of the school fund, the bonds of the State of Florida in which the school fund was interested, for the bonds of this railroad company. We find that there were hundreds of thousands of acres of the public land given to it of the State lands. We find that there were several hundred thousand dollars of the money proceeds of the sale of land given to the road to aid in its construction. We find that there were 4,000,000 acres of the State land, amounting to $1,000,000 in value, sold for the benefit of this company. These facts are all in this record—sold for the benefit of this company and for its debts; and yet the very men who created those debts, the very men who owned the stock of the company for which they have never paid, became the purchasers of this property, and this vast fund, dedicated to education, to the education of the children of the State, was lost and the property has remained in their hands as their property subject to their ownership; and while these consolidated roads cost about six or seven million dollars, they have bonded them in one form and another, according to the report of the receiver filed in the circuit court, the record of which I have here in my hand, for $18,000,000; and they have 300 miles of completed road subject to this bonded debt, and all this money paid for its construction, and whether they paid anything or not I do not know, but certainly this property was constructed out of the public money, out of the swamp and overflowed lands donated by the United States to the State, and they have 300 miles of road; and why now should you make a new grant in the Interior Department and give to them that which the State refused to give them?

Mr. President, I ask the consideration of the Senate upon this subject. I think if there is anything that should require Senators upon their oaths to perform their duty it is a question of this kind, and I think these chairs should not be vacant when the public interest demands of Senators here that they should give their attention to public business.

Here is an alienation of public lands of the United States given without consideration, without authority of law, without even the pretense of a right or of any action by the State, under the pretense that the twenty-first section of the internal-improvement act gave them a right which thirty years ago, in 1858, all the constituted authorities of the State denied, the attorney-general, the governor, the Legislature, and vested the right in another company which never constructed the road, or a line or a mile or a yard of it, and which has expired years and years ago, the Legislature itself coming to Congress and acknowledging the fact and asking for the revival of the grant upon the condition that this road, now selling the homesteads and property of these people, should not have the advantages of the grant. I think if that is not a case in which the Senators who are elected here to perform a sworn duty should give their attention, none can be found.

Mr. President, I ask now that this resolution may be amended. I am informed that there have been cases here in which, upon the direction of the Senate, the Attorney-General has instituted suits to protect the public property of the United States. I am informed that the Committee on Public Lands will not object to so much of this resolution as directs the Attorney-General to institute the proper proceedings to prevent the sale of the lands in this grant, and that they will be content if I will refer to them the first section of the resolution with the papers, asking for the forfeiture of this grant, and ask for the passage of the second part of it, instructing the Attorney-General to institute proceedings. I will therefore move to amend the joint resolution by striking out the word "joint," leaving it a Senate resolution, and ask the reference of the first section to the Committee on Public Lands.

The PRESIDING OFFICER (Mr. ALDRICH in the chair). The proposition of the Senator from Florida will be read.

The SECRETARY. It is proposed to strike out section 1 of the joint resolution, so that it will then read:

That the Attorney-General of the United States be instructed to bring suit, through the district attorneys of the United States, for an injunction against the Florida Navigation and Railway Corporation, or their agents, attempting to sell, or selling, or advertising for sale the lands of the United States embraced in the grant made to the State of Florida under the act entitled "An act granting public lands in alternate sections to the States of Florida and Alabama to aid in the construction of certain railroads in said States," approved May 17, 1856, while bills for the forfeiture of the same shall be pending before Congress, which have been or shall be recommended by the committees of either House of Congress to be forfeited.

ADJOURNMENT TO MONDAY.

Mr. INGALLS. With the consent of the Senator from Florida, I move that when the Senate adjourn to-day it be to meet on Monday next.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

FLORIDA LAND FORFEITURE.

The PRESIDING OFFICER. The Senate resumes the consideration of the resolution of the Senator from Florida. The question is on the amendment of the Senator from Florida to the pending resolution to strike out the first section.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the adoption of the second section.

Mr. MORGAN. I move the reference of that to the Committee on Public Lands.

The PRESIDING OFFICER. The Senator from Alabama moves that the resolution be referred to the Committee on Public Lands.

Mr. CALL. I hope that will not be done. There is pressing necessity if any action be taken at all that it be at once; and it was at the suggestion of the chairman of the Committee on Public Lands that I proposed to put the second section on its passage without the other. This land is about to be sold and these people turned out of their homes. When I produce the records here and show beyond any possibility of doubt that there never was any grant made to this railroad company by the State of Florida, when I show that the grant was to the State of Florida, when I show that it was denied to the company by the State, why allow it to advertise and sell quantities of this land containing the homes of these people and involve them in litigation and alarm them and break them up?

Mr. MORGAN. I ask the Senator from Florida if he has not a bill pending now before the Senate for the forfeiture of this grant?

Mr. CALL. Yes, sir; I have a bill referred to your committee.

Mr. MORGAN. I ask the chairman of the Committee on Public Lands if that is the bill that has been submitted to the Commissioner of the General Land Office, the one that the Senator says is now pending before the committee?

Mr. PLUMB. What is the question?

Mr. MORGAN. The Senator from Florida says there is a bill now pending before the Committee on Public Lands for the forfeiture of this land grant. Is that the same bill which has been referred to the Commissioner of the General Land Office?

Mr. PLUMB. As far as I know, it is the same bill.

Mr. MORGAN. Has any answer come from the Commissioner?

Mr. PLUMB. Here is an answer which has come back.

Mr. MORGAN. I ask to have it read.

Mr. PLUMB. I have it here.

The PRESIDING OFFICER. The paper called for by the Senator from Alabama will be read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 31, 1886.

SIR: I am in receipt by Departmental reference of the 24th instant, requesting an early report of my views on Senate bill 871, of a letter from Hon. P. B. PLUMB, of the 18th instant, transmitting said bill for further report thereon, additional to report of the 16th instant.

The bill, by its title, purports to be "A bill for the forfeiture of the land granted to the State of Florida for the construction of certain lines of railroad in that State."

The grants affected by the bill are presumed to be those made by the act of May 17, 1856 (11 Stat., 15).

The first section declares in terms an absolute forfeiture of all lands granted by said act, none of the roads provided for having been constructed as entire roads within the time specified in the act. A proviso to this section allows indemnity selections to be made from the forfeited lands in lieu of lands earned by construction before the expiration of said time, and which could not, before that period, be found along the completed portions of the road.

The proviso suggests a doubt as to the extent of the forfeiture declared in the enacting clause, since it would not be consistent to suppose that Congress intended to declare the forfeiture of lands within granted limits along portions of road constructed prior to the expiration of the grant and at the same time to allow indemnity elsewhere for lands excepted out of the grant.

The more serious objection to the first section is that it increases the original

grant by providing indemnity to a greater extent than allowed by the original act.

1. By the terms of the original act indemnity is allowed only for lands sold or to which pre-emption rights attached prior to definite location. Indemnity is not allowed for lands reserved at date of grant or otherwise granted, or where from the intervention of lakes and rivers or otherwise there was no land in place or less than full technical sections within the specified odd sections granted. Under the proviso to the first section of the proposed act it would be claimed, and perhaps justly, that indemnity to the full amount of the nominal quantity of lands supposed to be embraced in the specified number of sections should be allowed. This would be giving indemnity for lands included in private land grants or claims, for swamp lands previously granted to the State, for lands granted for other railroads, and for lands that did not exist. It is especially provided in the granting act "that any and all lands heretofore reserved to the United States by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement or for any other purpose whatever, be, and the same are hereby, reserved to the United States from the operation of this act except as to right of way."

The proposed act makes a new and additional grant of indemnity lands in place of reserved lands which were thus expressly excepted "from the operation" of the original grant.

The amount of land in odd-numbered sections on the line of the Florida Railroad between Fernandino and Waldo, which was not granted to the State by the act of 1856 by reason of prior and contemporary grants and reservations, and otherwise, for which indemnity was not given, is estimated at about 150,000 acres. The proposed act, therefore, makes a new grant to that amount for so much of that road. Probably an equal amount is in the same manner made the subject of an additional grant by this bill for that portion of the Pensacola and Georgia road that was constructed within the time prescribed for the completion of the whole line.

2. The indemnity provided by the bill is to be taken from lands along the portions of road unconstructed at date of the expiration of the grants, where, if indemnity had been allowed for prior grants, reservations, &c., there would be no right under the original act to supply such deficiencies arising along the constructed portions of the road. For example, whatever indemnity right might have existed along the branch line of the Florida Railroad to Cedar Keys must have been satisfied on that line, if at all, and could not be taken under the original act along the Tampa Bay portion of the line, but the proposed bill allows this to be done.

The inconsistency of increasing a grant that is proposed to be forfeited is apparent. If there is reason for declaring a forfeiture of the grant for failure of construction, there would seem to be no reason for enlarging the amount to be retained beyond the amount heretofore granted for the constructed portions of the roads.

The second section of the bill opens forfeited lands to private cash entry and to homestead entry without residence. It is provided that a person entering said land under the homestead laws, or purchasing the same for cash, shall make oath that he intends the land for actual settlement and improvement, and that if he fails to enter upon and improve the same in twelve months from the time of making said entry the land shall be subject to forfeiture, and the money paid for the same shall be returned to the entryman.

A person can easily make oath as to his intention without danger of incurring the penalties of perjury. Besides, it is to be observed that he is not required to swear to an intention to use the land for his own settlement and improvement. Again, nothing in the nature of residence is required. He has merely to "enter upon and improve the same" in twelve months. A visit to the land is "entering upon it," and the slightest act is an "improvement." If he steps upon the land once and digs a hole in the ground, or cuts a bush, he has complied with the law, and receives title to the land upon payment of homestead fees and commissions, or, as the case may be, the minimum price of the land. If he fails to make even that ostensible "entry and improvement" within twelve months and his entry should be contested or set aside he gets back the money he has paid. So he runs no risk of loss of money or of prosecution.

The bill, to the extent of the application of the second section, overthrows the principle of the homestead laws by allowing homestead entries to be made in the manner thus provided, and gives away the lands without conditions of inhabitancy and permanent improvement.

The third section amends the general homestead laws by limiting the period of residence and improvement to three years instead of five years, as now provided, thus increasing the liability of fraudulent entries and facilitating the acquisition of lands for speculative purposes, and in large quantities by corporations and associations.

The fourth section further modifies the general homestead laws, waives the conditions upon which the entries were made, and eliminates the requirement of residence upon lands heretofore entered under those laws by allowing the purchase of the land at $1.25 per acre, whether the parties making the entries have resided on the land or not.

The evils which have followed the act of June 15, 1880, are well known to the Senate committee. I inclose herewith a copy of a letter from Senator PLUMB upon this subject, which was referred by you to this office some time since. The pending bill magnifies the evils complained of in Senator PLUMB's letter. It would amount to a legislative condonement of illegal and fraudulent entries *en masse*, and utterly destroy all the limitations and safeguards of the homestead laws.

The fifth section gives purchasers from the railroad companies title to the lands so purchased by them, and provides for the institution of suits at the expense of the United States for the recovery, for their benefit, of the purchase-money paid with interest and damages, the United States to retain $1.25 per acre out of the amount so recovered.

This section makes the United States responsible to purchasers from railroad companies in violation of the principles of law which require vendees to look to their vendors for indemnification for failure of title.

Purchasers from railroad companies are not innocent purchasers. They purchase with notice of the liability of failure of title, and have neither legal nor equitable claim against the United States. If they are actual settlers on the land they are protected, as such, by general laws, in event of an enforcement of the forfeiture of the grants. To go further than this is, in my opinion, to go beyond the requirements of justice to individuals and beyond the bounds of fidelity to public interests.

The sixth section is based upon the same erroneous principle, and is open to the same objections as the fifth section, and is equally unnecessary for any good purpose. If town-sites have been established upon lands to which the railroad title fails, the inhabitants can make town-site entries under the public town-site laws, and neither speculative purchasers from the railroad companies nor any other persons can take their lands or municipal improvements from them.

It is my opinion that Senate bill 871, being faulty in the several respects mentioned, should not, in its present form, receive favorable consideration, but that a forfeiture of the grants mentioned in the bill ought to be declared, and I respectfully suggest that a simple declaration of such forfeiture is all that is necessary to that end.

Senator PLUMB's letter and accompanying papers herewith returned.

Very respectfully,

WM. A. J. SPARKS, *Commissioner.*

Hon. L. Q. C. LAMAR,
Secretary of the Interior.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, being the bill (S. 372) to establish agricultural experiment-stations in connection with the colleges established in the several States, under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto.

Mr. CALL. I hope we shall be allowed to finish the subject which has been under consideration. It will not take a great while now. I ask unanimous consent.

Mr. MORGAN. I can not consent. I want the matter to go to the Committee on Public Lands. If the Senator will consent to refer it to the committee, we can have a report here on Monday.

The PRESIDING OFFICER. Objection being made, the resolution goes over until Monday.

Mr. CALL. I am anxious to have this matter disposed of. I move that the bill in charge of the Senator from Mississippi [Mr. GEORGE] be informally laid aside.

Mr. MORGAN. That motion is not in order.

Mr. CALL. I move to proceed with the consideration of the joint resolution which has been pending. I ask that unanimous consent be given.

The PRESIDING OFFICER. The pending bill is Senate bill S. 372.

Mr. CALL. I ask unanimous consent that that may be the order of business for 2 o'clock on Monday.

Mr. MORGAN. I object.

The PRESIDING OFFICER. Objection is made.

Mr. CALL. I move to proceed with the consideration of the joint resolution, which I have a right to do, I believe, notwithstanding the objection.

The PRESIDING OFFICER. The Senator from Florida moves that the Senate proceed to the consideration of the joint resolution (S. R. 98) relative to the forfeiture of certain lands granted to the State of Florida to aid in the construction of a line of road from Fernandina to Tampa Bay, Florida.

Mr. GEORGE. I should like to know whether the effect of that motion would be to displace the unfinished business.

The PRESIDING OFFICER. It displaces the unfinished business if adopted.

Mr. GEORGE. I am very willing to yield——

Mr. EDMUNDS. Debate is not in order.

The PRESIDING OFFICER. Debate is not in order on this motion. The question is on the motion of the Senator from Florida [Mr. CALL].

The question being put, it was declared that the noes appeared to prevail.

Mr. CALL. I ask for a division.

Mr. INGALLS. Perhaps I did not understand the request of the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida moved to displace the pending bill, which is the unfinished business, by the resolution which has been under discussion before 2 o'clock.

Mr. INGALLS. For the purpose of enabling him to continue his remarks?

Mr. CALL. No; I desire to have the resolution disposed of.

Mr. INGALLS. Has the Senator from Florida finished the observations he desired to submit?

Mr. CALL. I have not. I am ready to go further.

Mr. INGALLS. That will control me. If he desires to continue his remarks I shall vote to take up his resolution.

The PRESIDING OFFICER. Debate is not in order on this motion.

Mr. MORGAN. I will state that I have the floor now on this proposition. The Senator from Florida had yielded the floor and I have the floor on the resolution.

Mr. CALL. I ask unanimous consent——

Mr. INGALLS. Sufficient debate ought to be had to enable us to understand what we are called upon to vote for.

The PRESIDING OFFICER. The Senator from Florida now asks unanimous consent that he may be allowed to discuss the pending proposition.

Mr. INGALLS. I understand the Senator from Alabama has the floor.

Mr. MORGAN. If there is to be further discussion of this matter, I claim the floor.

The PRESIDING OFFICER. The Senator from Alabama objects.

Mr. CALL. I did not ask unanimous consent to proceed with my remarks. I asked unanimous consent to be heard on this motion.

The PRESIDING OFFICER. Does the Senator from Alabama object to the request now made by the Senator from Florida?

Mr. MORGAN. It is against the rule. I make the question of order.

The PRESIDING OFFICER. Objection being made, the Chair must insist that debate is not in order. The question now is on the motion of the Senator from Florida to proceed to the consideration of the joint resolution named by him, on which he has asked for a division.

Mr. CALL. I withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn, and the unfinished business, being the bill (S. 372) to establish agricultural ex-

periment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto, is before the Senate.

ADJOURNMENT TO MONDAY.

Mr. INGALLS. I move to reconsider the vote by which the Senate agreed that when it adjourned to-day it should be to meet on Monday next, on which motion I ask for the yeas and nays.

Mr. EDMUNDS. So do I, Mr. President.

Mr. INGALLS. I make this motion at the request of the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Kansas moves to reconsider the vote by which the Senate determined that when it shall adjourn to-day it be to meet on Monday next. Is the call for the yeas and nays seconded?

The yeas and nays were ordered; and being taken, resulted—yeas 21, nays 28; as follows:

YEAS—21.

Allison,	Conger,	Mitchell of Oreg.,	Teller,
Blair,	Dolph,	Morgan,	Williams,
Call,	Edmunds,	Morrill,	Wilson of Iowa.
Chace,	Frye,	Payne,	
Cheney,	Hoar,	Plumb,	
Coke,	Jones of Nevada,	Sawyer,	

NAYS—28.

Aldrich,	George,	Jones of Arkansas,	Sabin,
Berry,	Gorman,	Mitchell of Pa.,	Saulsbury,
Brown,	Gray,	Palmer,	Sewell,
Butler,	Hampton,	Platt,	Spooner,
Cameron,	Harris,	Pugh,	Vest,
Eustis,	Hawley,	Ransom,	Walthall,
Evarts,	Ingalls,	Riddleberger,	Whitthorne,

ABSENT—26.

Beck,	Dawes,	McMillan,	Stanford,
Blackburn,	Fair,	McPherson,	Vance,
Bowen,	Gibson,	Mahone,	Van Wyck,
Camden,	Hale,	Manderson,	Voorhees,
Cockrell,	Harrison,	Maxey,	Wilson of Md.
Colquitt,	Jones of Florida,	Miller,	
Cullom,	Kenna,	Sherman,	

So the motion to reconsider was rejected.

WETMORE & BROTHER.

Mr. MORGAN. I move that the Senate proceed to the consideration of executive business.

Mr. COCKRELL. I hope the Senator will withdraw that motion until I can ask to have a case which has been on the Calendar recommitted to a committee.

Mr. MORGAN. I withdraw the motion for the moment.

Mr. COCKRELL. I move that Order of Business 223, being the bill (S. 211) for the relief of Wetmore & Brother, of Saint Louis, Mo., be recommitted to the Committee on Claims, together with the accompanying report.

The PRESIDING OFFICER. The Senator from Missouri moves to recommit to the Committee on Claims the bill named by him.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. MORGAN. I renew my motion for an executive session.

The PRESIDING OFFICER. The Senator from Alabama moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and nine minutes spent in executive session, the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes.

Mr. INGALLS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, January 24, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 21, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

BATTLE SWORD OF CAPT. SAMUEL C. REID.

The SPEAKER laid before the House the following message from the President of the United States; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I herewith transmit a communication addressed to me by Mr. Samuel C. Reid, who offers to the United States the battle sword (now in my custody) of his father, Capt. Samuel Chester Reid, who commanded the United States private-armed brig General Armstrong, at the battle of Fayal, in September, 1814.

I respectfully recommend that appropriate action be taken by Congress for the acceptance of this gift.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 20, 1887.

BOOKS, ETC., FOR LIBRARY OF STATE DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State, submitting an additional estimate of appropriations for the purchase of books and manuscripts for the library of the Department of State; which was referred to the Committee on Appropriations, and ordered to be printed.

PARTING AND REFINING OF BULLION.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting copy of a communication from the Director of the Mint recommending certain legislation in the matter of parting and refining of bullion, &c.; which was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

NATIONAL BOARD OF HEALTH.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting copy of a communication from the secretary of the National Board of Health, and inclosing estimates of deficiencies in appropriations for the salaries and expenses of the board for the fiscal year ending June 30, 1887; which was referred to the Committee on Appropriations, and ordered to be printed.

BOUNDARY BETWEEN UNITED STATES AND MEXICO.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of State in regard to the destruction of the monument marking the western initial point in the boundary between the United States and Mexico; which was referred to the Committee on Appropriations, and ordered to be printed.

HARBOR AT VAN BUREN, ARK.

The SPEAKER also laid before the House a letter from the Secretary of War, in response to a resolution of the House calling for information concerning the changes which have recently occurred in the harbor at Van Buren, Ark., affecting navigation and facilities for commerce; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

PLUM POINT AND LAKE PROVIDENCE REACHES, MISSISSIPPI RIVER.

The SPEAKER also laid before the House a letter transmitting a communication from the Mississippi River Commission, with a report and accompanying maps, showing the bank lines of the Plum Point and Lake Providence Reaches; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

IMPROVEMENT OF FOX AND WISCONSIN RIVERS.

The SPEAKER also laid before the House a letter from the Attorney-General in further response to the House resolution calling for a report of the amount due the several commissioners to ascertain flowage damages caused by the improvement of the Fox and Wisconsin Rivers; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

INTERSTATE COMMERCE.

The SPEAKER. The vote upon agreeing to the report of the conference committee on the interstate-commerce bill is to be taken this morning in accordance with the agreement entered into yesterday.

Mr. BUTTERWORTH. I understand that it is not in order to move to recommit the bill. I desire to ask this question of the Speaker, whether it would be in order by unanimous consent to take a separate vote upon the fourth section which relates to the long and short haul?

The SPEAKER. Of course the vote can be in any way by unanimous consent.

Mr. CRISP. I object.

Mr. WEAVER, of Iowa. I ask unanimous consent to take a separate vote upon the commission feature, and the Federal court clause.

Mr. CRISP. I object.

Mr. WARNER, of Ohio. You had better swallow it whole.

Mr. CRISP. I call for the regular order.

Mr. STEELE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STEELE. I would ask whether a vote in the negative, which would send this bill back to the committee of conference, would be considered as a vote against the bill?

The SPEAKER. The Chair will state that if the House refuses to agree to the report of the conference committee the regular order of proceeding would be to ask a further conference with the Senate, which, as a matter of course, is always granted.

Mr. STEELE. Then in that event this objectionable section could be stricken from the bill—the section which everybody objects to?

The SPEAKER. The committee of conference would be privileged to report back anything upon which they may agree.

Mr. ADAMS, of New York. I would like to ask a parliamentary question—whether or not a vote on concurring, or if it is not carried rather, whether there will be a vote on the final passage of the bill?

The SPEAKER. If the House agrees to the report of the conference committee it closes the matter and the bill is passed. If the House refuses to accept the report a further conference would follow, as heretofore stated by the Chair.

Mr. LONG. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LONG. In case we vote not to adopt the report of the conference committee a new committee of conference is to be appointed, I understand. In that case, would not the committee report be privileged and have a right to be presented at any time?

The SPEAKER. It would. It would have precisely the same status as the present report.

Mr. CRISP. I demand the yeas and nays on the adoption of the conference report.

Mr. DUNHAM. Mr. Speaker, notwithstanding the ruling made by my friend from Ohio [Mr. BUTTERWORTH], I propose to move that this bill be recommitted to the committee, and on that point I desire to be heard.

Mr. BUTTERWORTH. I did not make any ruling, but the Chair did. I only asked as to the possibility of a separate vote, by unanimous consent, on the long and short haul feature.

Mr. DUNHAM. Well, the gentleman raised the point.

The SPEAKER. The gentleman from Illinois [Mr. DUNHAM] moves to recommit the report.

Mr. HAMMOND. On that I make the point of order.

Mr. DUNHAM. On the point of order I desire to be heard.

The SPEAKER. The Chair will hear the gentleman.

Mr. TOWNSHEND. I rise to a parliamentary inquiry.

The SPEAKER. There is a point of order pending before the House. The gentleman from Illinois [Mr. DUNHAM] is on the floor.

Mr. TOWNSHEND. My parliamentary inquiry is directed to that, and it is this: That the House on yesterday, by unanimous consent, agreed that a vote should be taken this morning.

The SPEAKER. Still the point is made, and the gentleman desires to be heard.

Mr. TOWNSHEND. But that is in violation of the order of the House.

The SPEAKER. That may be, but it is a matter of argument.

Mr. SPRINGER. I make the point of order that debate is not in order now even on a point of order after the previous question has been ordered.

The SPEAKER. The Chair will hear the gentleman on the point of order.

Mr. SPRINGER. The previous question has been ordered on the adoption of this report. All questions incidental to that are covered by it, and no debate can be allowed upon it relating to the question upon which the previous question has been ordered. Otherwise it is manifest there could never be any limit to discussion.

The SPEAKER. The Chair is not aware of any rule or practice of the House which prevents the Chair from hearing the views of gentlemen upon questions of order simply because the measure pending before the House is under the operation of the previous question. The point of order is an independent question; but the Chair would be glad to hear the gentleman from Illinois, or to be referred to any ruling referring to the point.

Mr. SPRINGER. I will furnish it to the Chair in a few moments.

Mr. DUNHAM. I have made this motion to recommit for two reasons: First, because I know it to be the desire of a large number of the members of this House that they should have an opportunity of voting directly on this fourth section. Second, the point of order is made that it can not be recommitted to the committee of conference. The gentleman from Georgia [Mr. HAMMOND] gives no reason for his point of order, and leaves me to construe his reason to be as I have stated.

Mr. McCREARY (interrupting). I make the point of order upon the gentleman now addressing the Chair that he is discussing the merits of the pending bill.

The SPEAKER. The gentleman from Kentucky [Mr. McCREARY] makes the point of order that the gentleman from Illinois [Mr. DUNHAM] is not discussing the point of order.

Mr. DUNHAM. I do mean to discuss the point of order.

The SPEAKER. The gentleman from Illinois has the floor to discuss the point of order.

Mr. DUNHAM. I propose to speak exclusively on the point of order.

Mr. SPRINGER. I now send to the desk the authority I referred to awhile ago. I ask the Clerk to read clause 3 of Rule XVII.

The Clerk read as follows:

All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

The SPEAKER. The Chair is inclined to think the gentleman from Illinois [Mr. SPRINGER] is correct. The Chair had overlooked this provision of the rule; but it is somewhat doubtful whether that clause of the rule does not relate exclusively to incidental questions of order arising directly out of the proposition upon which the previous question has been ordered.

Mr. CRISP. I call for the yeas and nays on agreeing to the report.

Mr. DUNHAM. I failed to hear the point of order made by my colleague [Mr. SPRINGER].

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] made the point of order that after the previous question had been ordered on the pending proposition all incidental points of order made must be decided without debate.

Mr. REED. What is the point of order?

The SPEAKER. The point of order of the gentleman from Illinois [Mr. SPRINGER] is that his colleague [Mr. DUNHAM] can not discuss the question of order at this stage.

Mr. REED. What is the point of order that the gentleman from Illinois [Mr. DUNHAM] desires to discuss?

The SPEAKER. The point of order was, that the motion to recommit is not in order. Does the gentleman from Illinois [Mr. DUNHAM] insist on his motion?

Mr. DUNHAM. I insist on my motion to recommit, because I desire to get a direct vote on this question of the long and the short haul.

The SPEAKER. At the last session of Congress a committee of conference was appointed on the disagreeing votes of the two Houses on the bill known as the interstate-commerce bill. That committee, as the House has been officially notified, has reported to the Senate, and its report has been agreed to by that body. After that action of the Senate, the report of the committee of conference was made to this body, and is now before the House for consideration, and the previous question has been ordered upon it.

In the first place, a motion to recommit is a motion to recommit to the entire committee of conference, as a matter of course, and not merely to the managers on the part of the House. But there is in fact no committee of conference on this bill now in existence—the whole committee having reported to the Senate, and the Senate having disposed of the report, the committee was dissolved, so far as the Senate is concerned, the general rule being that a select committee is dissolved by its report. Otherwise, a select committee once created would become of necessity a standing committee, and matters could be constantly referred to it, notwithstanding it had fully reported upon the particular matter which it was originally formed to consider.

In addition to that the Chair is not aware of any parliamentary law or practice which authorizes the recommitment of a conference report. The consideration of conference reports is governed by different rules, in many respects, from all other legislative proceedings in the House. Such reports can not be laid on the table, as has been frequently decided, nor can they be amended, as has also been frequently decided; and the only question which can be taken upon them is to agree to them as an entirety or to postpone their consideration, for the obvious reason that a refusal to agree is of itself substantially equivalent to a commitment to another conference committee, the old one being dissolved by its report to the two Houses. The motion to recommit, therefore, the Chair thinks is out of order.

Mr. DUNHAM. I desire to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. DUNHAM. I make this motion to recommit because it has been held twice at least in another place that it was in order in a legislative body. I ask the Chair if it is not proper to recommit this bill, and, if the conference committee has expired, how it happens under the rules of the House that the gentleman from Georgia [Mr. CRISP], as a member of the conference committee, has had entire charge and control of this report?

The SPEAKER. The Chair will state to the gentleman from Illinois that under the uniform practice of the House the gentlemen composing the committee which had a measure under consideration and reported it are first recognized for the purpose of speaking upon and managing the measure on the floor.

Mr. O'NEILL, of Pennsylvania. I desire to make a suggestion. The Speaker evidently sees the embarrassment of many members who propose to vote for this bill but who do not approve of its provisions. Is there not some practical way by which those gentlemen can free themselves from that embarrassment?

The SPEAKER. The Chair has stated what the effect of a refusal to agree to the report would be.

Mr. STEELE. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STEELE. Would it be in order for gentlemen to vote "no" and non-concur in this report, and then if it is carried jump over and vote "aye" to please their constituents?

The SPEAKER. The Chair thinks that would be in order.

Mr. CRISP. I call for the yeas and nays on the question of agreeing to the report.

The yeas and nays were ordered.

The question was taken; and there were—yeas 219, nays 41, not voting 58; as follows:

YEAS—219.

Adams, G. E.	Dunham,	Lehlbach,	Sayers,
Adams, J. J.	Dunn,	Lindsley,	Scott,
Allen, J. M.	Eden,	Little,	Scranton,
Anderson, J. A.	Eldredge,	Lore,	Sessions,
Baker,	Ellsberry,	Louttit,	Shaw,
Ballentine,	Everhart,	Lovering,	Singleton,
Barbour,	Farquhar,	Lowry,	Skinner,
Barksdale,	Fisher,	Lyman,	Sowden,
Barnes,	Fleeger,	Mahoney,	Spooner,
Barry,	Foran,	Matson,	Springer,
Bayne,	Fuller,	McAdoo,	Steele,
Belmont,	Funston,	McComas,	Stephenson,
Bennett,	Gallinger,	McCreary,	Stewart, Charles
Blanchard,	Geddes,	McKinley,	Stone, W. J., Ky.
Blount,	Gibson, C. H.	McMillin,	Stone, W. J., Mo.
Bound,	Glover,	McRae,	Storm,
Brady,	Goff,	Millard,	Strait,
Breckinridge, C. R.	Green,	Milliken,	Struble,
Breckinridge, WCP	Grout,	Mills,	Swope,
Brown, C. E.	Hale,	Moffat,	Symes,
Brown, W. W.	Hall,	Morrill,	Tarsney,
Buck,	Halsell,	Morrison,	Taulbee,
Bunnell,	Hammond,	Muller,	Taylor, E. B.
Burnes,	Harmer,	Murphy,	Taylor, I. H.
Burrows,	Harris,	Neal,	Taylor, J. M.
Butterworth,	Hatch,	Neece,	Taylor, Zach.
Bynum,	Haynes,	Nelson,	Thomas, J. R.
Cabell,	Heard,	Norwood,	Thomas, O. B.
Caldwell,	Hemphill,	O'Donnell,	Thompson,
Campbell, Felix	Henderson, D. B.	O'Ferrall,	Tillman,
Campbell, J. M.	Henderson, J. S.	Osborne,	Townshend,
Cannon,	Henderson, T. J.	Outhwaite,	Trigg,
Carleton,	Henley,	Owen,	Tucker,
Catchings,	Hepburn,	Parker,	Turner,
Clements,	Herbert,	Payson,	Van Eaton,
Collins,	Hermann,	Peel,	Van Schaick,
Compton,	Hiestand,	Perkins,	Wade,
Comstock,	Hires,	Perry,	Wakefield,
Conger,	Hitt,	Peters,	Wallace,
Cooper,	Holman,	Pettibone,	Ward, J. H.
Cowles,	Holmes,	Phelps,	Ward, T. B.
Cox, W. R.	Hopkins,	Pirce,	Warner, A. J.
Crain,	Howard,	Plumb,	Warner, William
Crisp,	Hudd,	Randall,	Weber,
Croxton,	Irion,	Richardson,	Wellborn,
Culberson,	Johnston, J. T.	Riggs,	Wheeler,
Curtin,	Johnston, T. D.	Robertson,	White, Milo
Cutcheon,	Jones, J. H.	Rockwell,	Wilkins,
Daniel,	Jones, J. T.	Rogers,	Willis,
Davidson, R. H. M.	Laffoon,	Romeis,	Wilson,
Dawson,	La Follette,	Rowell,	Winans,
Dingley,	Landes,	Rusk,	Wolford,
Dockery,	Lanham,	Ryan,	Woodburn,
Dorsey,	Lawler,	Sadler,	Worthington.
Dougherty,	Le Fevre,	Sawyer,	

NAYS—41.

Allen, C. H.	Evans,	Ketcham,	Ranney,
Anderson, C. M.	Felton,	Libbey,	Reed,
Bliss,	Findlay,	Long,	Rice,
Boutelle,	Frederick,	Markham,	Seymour,
Boyle,	Gay,	Martin,	Wadsworth,
Bragg,	Gilfillan,	McKenna,	Wait,
Brumm,	Grosvenor,	Miller,	Weaver, J. B.
Campbell, J. E.	Hayden,	Morrow,	White, A. C.
Caswell,	Hill,	Oates,	
Dibble,	Johnson, F. A.	O'Neill, Charles	
Ely,	Kelley,	O'Neill, J. J.	

NOT VOTING—58.

Aiken,	Davidson, A. C.	Kleiner,	Snyder,
Atkinson,	Davis,	Laird,	Spriggs,
Bacon,	Ermentrout,	Maybury,	Stahlnecker,
Bingham,	Ford,	Merriman,	Stewart, J. W.
Bland,	Forney,	Mitchell,	St. Martin,
Browne, T. M.	Gibson, Eustace	Morgan,	Stone, E. F.
Buchanan,	Glass,	Negley,	Swinburne,
Burleigh,	Guenther,	O'Hara,	Throckmorton,
Campbell, T. J.	Hanback,	Payne,	Viele.
Candler,	Hiscock,	Pidcock,	Weaver, A. J.
Clardy,	Houk,	Pindar,	West,
Cobb,	Hutton,	Reagan,	Whiting,
Cox, S. S.	Jackson,	Reese,	Wise.
Dargan,	James,	Seney,	
Davenport,	King,	Smalls,	

So the report of the committee of conference was agreed to.

Mr. CRISP. I ask unanimous consent that the reading of names of members voting be dispensed with.

Mr. BRUMM and Mr. SOWDEN objected, and the names were read.

Mr. LANHAM. Mr. Speaker, I wish to say in behalf of my colleague, Mr. THROCKMORTON, that if he were present he would vote "aye." I desire to make a similiar statement also with reference to my colleague Judge REAGAN.

Mr. DAVIDSON, of Alabama. Mr. Speaker, I am paired on this question; otherwise I should vote "aye."

Mr. DOCKERY. Mr. Speaker, my colleague, Mr. BLAND, has been called home by illness in his family. If he were present he would vote "ay."

Mr. HOLMAN. I desire to state that my colleague, Mr. COBB, is detained at home by illness.

Mr. WILSON, of West Virginia. Mr. Speaker, my colleague, Mr. SNYDER, is absent by leave of the House; if he were present he would vote "aye."

Mr. DUNHAM. Mr. Speaker, I have voted "aye" on this call; but I desire to state that had I had an opportunity I would have voted to strike out the fourth section of the bill. [Laughter.]

Mr. BUCK (before the announcement of the result). Mr. Speaker, I ask unanimous consent to have my vote recorded.

The SPEAKER. Was the gentleman in the Hall when his name was called?

Mr. BUCK. I was in the Hall before the roll-call closed.

The SPEAKER. If the gentleman states that he was in the Hall when his name was called, he is entitled to have his vote recorded.

Mr. BUCK. No; I was not. I was inside of the Hall while the roll-call was still going on, but I did not hear my name called.

Mr. ANDERSON, of Kansas. Mr. Speaker, this is a very important vote, and as the gentleman was in the Hall before the conclusion of the roll-call, I ask unanimous consent that his vote be recorded.

The SPEAKER. The rule provides that unless a gentleman responds on the second roll-call, the Chair shall not thereafter even entertain a request for unanimous consent to record the vote; but, under that rule, a practice has grown up in the House by which gentlemen who state that they were in their seats during the roll-call and failed to hear their names called are permitted to vote, upon the idea that there is at times so much confusion in the Hall that it is difficult or impossible for members to hear the call.

Mr. BUCK. I was inside of the Hall during the roll-call, but did not hear my name.

The SPEAKER. The gentleman states that he was in the Hall, but did not hear his name. If there be no objection his vote will be recorded.

There was no objection.

Mr. KING. Mr. Speaker, I was not in the Hall when my name was called, because I had been informed that the vote would not be taken until 1 o'clock. I ask unanimous consent that I be permitted to vote.

The SPEAKER. Under the rule it is not in order for the Chair to entertain the gentleman's request.

Mr. KING. If I were permitted to vote I should vote "aye."

Mr. ALLEN, of Massachusetts. My colleague Mr. WHITING is paired. If present, he would vote "no."

The following named members were announced as paired until further notice:

Mr. THROCKMORTON with Mr. ATKINSON.
Mr. ERMENTROUT with Mr. LAIRD.
Mr. BLAND with Mr. JAMES.
Mr. REAGAN with Mr. HISCOCK.
Mr. MORGAN with Mr. ZACH. TAYLOR.
Mr. MITCHELL with Mr. WHITING.
Mr. REESE with Mr. WEAVER, of Nebraska.
Mr. CANDLER with Mr. WEST.
Mr. SPRIGGS with Mr. HOUK.
Mr. DAVIDSON, of Alabama, with Mr. SWINBURNE.
Mr. FORNEY with Mr. PAYNE.
Mr. COX, of New York, with Mr. BURLEIGH.
Mr. COBB with Mr. BROWNE, of Indiana.
Mr. GIBSON, of West Virginia, with Mr. STEWART, of Vermont.
Mr. VIELE and Mr. DAVENPORT were announced as paired until January 24.

The following named members were announced as paired on the interstate-commerce bill.

Mr. SNYDER with Mr. HANBACK. If present Mr. SNYDER would vote for the bill and Mr. HANBACK against it.

Mr. STONE, of Massachusetts, with Mr. DAVIS. If present Mr. STONE would vote for the bill and Mr. DAVIS against it.

Mr. MERRIMAN with Mr. BACON. If present Mr. MERRIMAN would vote for the bill and Mr. BACON against it.

Mr. GLASS with Mr. O'HARA. If present Mr. GLASS would vote for the bill and Mr. O'HARA against it.

Mr. CLARDY with Mr. BINGHAM. If present Mr. CLARDY would vote for the bill and Mr. BINGHAM against it.

Mr. WISE with Mr. NEGLEY. If present Mr. WISE would vote "aye" and Mr. NEGLEY "no."

The following-named members were announced as paired for this day:

Mr. SENEY with Mr. GUENTHER.
Mr. STAHLNECKER with Mr. BUCHANAN.
Mr. KLEINER with Mr. JACKSON.

Mr. JAMES. Mr. Speaker, I notice that I am announced as paired with Mr. BLAND. I voted for the bill; but as I am paired, I will withdraw my vote.

Mr. STEELE. Mr. Speaker, I desire to state that my colleague [Mr. BROWNE] is absent on account of his own illness and severe illness in his family.

The result of the vote was announced as above stated.

Mr. CRISP moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT WILMINGTON, N. C.

Mr. JOHNSTON, of North Carolina. I send to the desk a conference report and move its adoption.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 229) making appropriation for the erection of a public building at Wilmington, N. C., having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House recede from its amendment numbered 1.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment striking out the words "one hundred and fifty" and inserting the words "two hundred" in lieu thereof, and that the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 3.

SAMUEL DIBBLE,
JAMES T. JOHNSTON,
W. D. OWEN,
Managers on the part of the House.

WILLIAM MAHONE,
G. G. VEST,
M. W. RANSOM,
Managers on the part of the Senate.

The SPEAKER. The statement of the House conferees, which accompanies this report, will be read.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES.

The managers on the part of the House in the conference upon the disagreeing votes of the Senate and House of Representatives upon the bill (S. 229) to provide for the erection of a public building at Wilmington, N. C., present the following statement in explanation of the conference report:

The Senate bill proposed the expenditure of $200,000 for purchase of site and erection of a public building at Wilmington, N. C. The House passed the bill, reducing the amount to $150,000, and also amending by insertion of a provision providing that estimates shall be made so as to insure that the building be completed within the limit prescribed before purchase of site, so that after paying for site, the balance, according to the estimates, should suffice for the erection of the building; also amending so that the exclusive jurisdiction of the United States should have the exception, allowing full administration of criminal laws and service of civil process.

The effect of the action of the conference committee is to restore the amount originally passed by the Senate, and to adopt the other House amendments as to the safeguards around the expenditure and the right of the State to administer criminal law and to serve civil process on the site when purchased by the United States.

SAMUEL DIBBLE,
THO. D. JOHNSTON,
W. D. OWEN,
Managers on the part of the House.

The report of the committee of conference was agreed to.

Mr. JOHNSTON, of North Carolina, moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROTECTION OF LIFE ON PASSENGER STEAM-CARS, ETC.

Mr. CRISP, from the Committee on Commerce, to which was referred the following resolution of inquiry, introduced on the 10th instant by Mr. BRECKINRIDGE, of Arkansas, reported the same back, with a recommendation that it be adopted:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to make inquiries of constructors of passenger cars and of steamboats, and of any other persons whom he may think especially capable of giving useful information upon the subject, as to the best methods of constructing and of heating the same, especially of heating the former and constructing the latter, so as to prevent the loss of life and property by fire; also that he communicate to the House at the next regular meeting of Congress so much of the communications he may receive, with plans and drawings, if any, as he may think of value to Congress, with a view to legislation looking to the protection of property and life, together with such views and recommendations as he may see fit to express.

The resolution was adopted.

Mr. CRISP moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMERICAN VESSELS IN CANADIAN PORTS.

Mr. BELMONT submitted the following resolution; which was referred to the Committee on Foreign Affairs:

Resolved, That the President be requested to transmit to the House copies of such correspondence, up to the present day, between this Government and the British Government as he may decide can now properly be made public, in regard to the deprivation inflicted in Canadian ports on American fishing vessels having the right to touch and trade, of the liberty heretofore enjoyed by such vessels to enter Canadian ports open to foreign vessels and buy and sell, and to transmit merchandise therein, and which is permitted in such ports to American trading vessels and to vessels of all other nationalities.

LANDS IN SEVERALTY TO INDIANS.

Mr. SKINNER. I now call up for consideration the report of the committee of conference on the bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes. This report was read on a previous day.

Mr. SPRINGER. I call for the reading of the report. This is a very important bill.

Mr. PERKINS. And there is a brief statement of the conferees which perhaps had better be read.

The report of the committee of conference, together with the statement of the House conferees (as published in House proceedings of Tuesday the 18th instant), was read.

Mr. SKINNER. I move the adoption of this report.

The motion was agreed to.

Mr. SKINNER moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RESIGNATION OF HON. JAMES W. REID.

The SPEAKER laid before the House the following communication; which was laid on the table:

RALEIGH, N. C., *January* 20, 1887.

SIR: I have the honor to inform you that the resignation of Hon. James B. Reid as a member of the Forty-ninth Congress from the fifth Congressional district of North Carolina was, on the 5th day of January, 1887, received and accepted by me.

I am, sir, your obedient servant,

A. M. SCALES,
Governor of North Carolina.

Hon. JOHN G. CARLISLE,
Speaker of the House of Representatives of the United States.

ORDER OF BUSINESS.

The SPEAKER. By special order of the House, this day, after the morning hour, is set apart for the consideration of Senate bills on the Private Calendar.

Mr. WILLIS. Before the House enters on the execution of that order I ask that, where there is upon the Calendar a House bill and also a Senate bill, identical with it in terms, the House bill shall be taken up and the Senate bill substituted. There are only a few such cases.

Mr. JOHNSTON, of Indiana. I do not object if it does not include the next bill in which I am interested, and which I desire to be taken up and disposed of.

Mr. WILLIS. There is no objection to that.

The SPEAKER. Is there objection?

Mr. STRAIT. Yes; I object.

Mr. SPRINGER. I now demand the regular order of business.

The SPEAKER. The regular order of business is the call of committees for reports of a private nature.

JACOB SMITH.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, reported back a bill (S. 2111) granting a pension to Jacob Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BENJAMIN FISHER.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, also reported back, with an amendment, a bill (S. 1190) granting an increase of pension to Benjamin Fisher; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZA TREFREN.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back a bill (H. R. 9072) granting a pension to Eliza Trefren; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MAHALA DEXTER.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back a bill (H. R. 8892) granting a pension to Mahala Dexter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

OZIAS B. COTTON.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back a bill (H. R. 10281) granting a pension to Ozias B. Cotton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEWIS M. STRONG.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back a bill (H. R. 6918) to increase the pension of Lewis M. Strong; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HANNAH C. DE WITT.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back a bill (S. 2293) granting a pension to Hannah C. De Witt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally

laid upon the table, and the accompanying reports ordered to be printed:

A bill (H. R. 7833) granting a pension to Lucetta Corse;
A bill (H. R. 10511) granting a pension to Hannah C. De Witt;
A bill (H. R. 9318) granting a pension to Asa A Goodwin;
A bill (H. R. 6920) granting a pension to Michael Manning;
A bill (H. R. 9239) for the relief of Alexander McKelvie;
A bill (H. R. 8019) granting a pension to Mary S. Patridge;
A bill (H. R. 8824) increasing the pension of James W. Plaisted;
A bill (H. R. 7949) for the relief of Edward N. Pomeroy;
A bill (H. R. 9535) for the relief of Alfred Shattuck;
A bill (H. R. 1021) granting a pension to Ellie I. Small;
A bill (H. R. 9197) to increase the pension of Cyrus T. Wardwell; and
A bill (H. R. 10626) granting a pension to Darwin E. Washburn.

CHANGE OF REFERENCE.

On motion of Mr. HAYNES, the Committee on Invalid Pensions was discharged from the further consideration of a bill (H. R. 10510) granting balance of pension to William H. S. Riley, and the same was referred to the Committee on Claims.

SUSAN A. DUNCAN.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back a bill (S. 2252) granting a pension to Susan A. Duncan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 6727) granting a pension to George M. Dowell;
A bill (H. R. 6807) granting a pension to Henry A. Pierce;
A bill (H. R. 7934) granting a pension to Martin Smiley;
A bill (H. R. 3932) to grant a pension to John N. Pennell;
A bill (H. R. 7539) granting a pension to John Albrecht;
A bill (H. R. 6808) granting a pension to Barny H. Riepe;
A bill (H. R. 6809) granting a pension to John R. Herron;
A bill (H. R. 3536) granting a pension to Jonathan D. Young; and
A bill (H. R. 3934) to grant a pension to Lucinda Burke.

DR. SABIN STOCKING.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back with an amendment a bill (H. R. 9143) granting a pension to Dr. Sabin Stocking; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY MARTIN.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back a bill (H. R. 2232) granting a pension to Mary Martin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

L. B. TOWNSEND AND OTHERS.

Mr. HOWARD, from the Committee on Claims, reported back a bill (S. 2126) for the relief of L. B. Townsend, Louis S. Lovell, W. C. Page, Alonzo Sessions, Hampton Rich, Harvey Harter, Benjamin Harter, and Peter Hackett; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. LYMAN, from the Committee on War Claims, reported back adversely a bill (S. 1455) for the relief of Ernest H. Wardwell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying adverse report, ordered to be printed.

SAINT DOMINIC'S CHURCH.

Mr. BARBOUR, from the Committee on the District of Columbia, reported back a bill (H. R. 10414) for the relief of Saint Dominic's church, in the District of Columbia; which was laid on the table.

Mr. BARBOUR, from the Committee on the District of Columbia, also reported back a bill (H. R. 10799) for the relief of Saint Dominic's church in the District of Columbia; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADDITIONAL ASSOCIATE JUSTICE, WYOMING.

Mr. BAKER, from the Committee on the Territories, by unanimous consent, reported back the bill (H. R. 10358) providing for an additional associate justice of the supreme court of Wyoming, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

FORESTER H. M'BRIDE.

Mr. CONGER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10427) granting a pension to Forester H. McBride; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM B. BARNES.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2687) granting a pension to William B. Barnes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. M. E. WOODS.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2997) granting a pension to Mrs. M. E. Woods; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. BRAGG, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 2936) for the relief of George M. Ochiltree; and the same was referred to the Committee on War Claims.

JAMES CROOKS AND OTHERS.

Mr. DANIEL, from the Committee on Foreign Affairs, reported a bill (H. R. 10800) for the relief of the legal representatives of James Crooks and William Crooks, of Canada; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SOLDIERS' HOME, MINNESOTA.

Mr. NELSON, by unanimous consent, introduced a bill (H. R. 10801) ceding to the State of Minnesota Fort Ripley Military Reservation for the purpose of erecting and maintaining a soldiers' home therein; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the bill (S. 229) to provide for the erection of a public building at Wilmington, N. C.

ORDER OF BUSINESS.

Mr. SPRINGER. I move that the House now resolve itself into Committee of the Whole to consider bills under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. HATCH in the chair).

The CHAIRMAN. The Clerk will report the first bill.

W. H. POWELL.

The first business on the Private Calendar was the bill (S. 269) for the relief of W. H. Powell.

The CHAIRMAN. This bill was under consideration when the committee rose on last Friday, the pending question being on the motion to lay the bill aside with the recommendation that it do pass.

The motion was agreed to.

EDWAY A. GRANT.

The next business on the Private Calendar was the bill (S. 267) for the relief of Edway A. Grant.

The bill was read.

Mr. BROWN, of Ohio. Mr. Chairman, the matter covered by this bill having been disposed of in the Department, I ask that the bill be reported to the House with the recommendation that it lie on the table.

The CHAIRMAN. If there be no objection, the bill will be reported to the House with the recommendation that it be indefinitely postponed.

There was no objection, and it was so ordered.

FREDERICK W. RUGGLES.

The next business on the Private Calendar was the bill (S. 187) for the relief of Frederick W. Ruggles, of Westport, Nova Scotia.

Mr. LYMAN. This, Mr. Chairman, is an adverse report, and I move that this bill be reported back to the House with the recommendation that it be indefinitely postponed.

The motion was agreed to.

SEWELL COULSON AND OTHERS.

The next business on the Private Calendar was the bill (S. 249) for the payment of Sewell Coulson and Porter, Harrison & Fishback for legal services.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not other-

wise appropriated, to Sewell Coulson the sum of $3,950, and to Porter, Harrison & Fishback the sum of $2,500, for legal services rendered by them (as recommended and approved by the Judge-Advocate-General and Secretary of War) in defending ex-officers and ex-soldiers for acts done by them in obedience to the orders of a superior officer of the United States Army, in Indiana, during the late war.

Mr. MCMILLIN. Let the report be read.

The report (by Mr. SPRINGER) is as follows:

This bill is precisely the same in text as House bill 7409, already reported favorably by this committee, as will appear by Report No. 1377 of this session, which report is adopted as the report on the Senate bill, the passage of which is recommended in lieu of the House bill.

Mr. BYNUM. Mr. Chairman, I feel some delicacy in opposing the passage of this bill or a favorable recommendation by this committee to the House. Every consideration impels me not to do so. When I say every consideration, I mean almost every consideration except a feeling of justice which arises in my mind and compels me to state the facts in regard to the claim.

Probably I am as familiar with the facts as it is possible for any one to be, considering that the claim is an old one, that it originated during the days of the war, when I was but a mere boy. I feel in justice to this House that I ought to give the facts, in order that the House may take the responsibility, and I myself be entirely relieved.

The facts are these: During the war, the latter days of the war, the conspirators in Indiana, among whom was Andrew Humphreys, who resided in the county in which I was born and raised, and at that time resided, were arrested by a company of militia from the county of Sullivan and taken to Indianapolis. He was tried before the same court that tried Milligan and Harsey, and of course you are all familiar with the judgment of the court.

The same sentence was not visited upon Mr. Humphreys as was visited on the other prisoners indicted and tried. He was released, sent home, and confined simply to two townships of the county.

After the war was over, after things had settled down and the excitement had passed away, Mr. Humphreys brought his suit in the Sullivan circuit court against the parties, who had arrested him, for damages. A motion was made to transfer the cause to the Federal court, under the statute provided for such cases. That was the only defense by the parties against whom the suit was brought. The motion was overruled by the circuit court. No further defense was made in the case. After—I have no doubt—a very eloquent speech by Senator VOORHEES, the jury retired, and with the bitterness that had been engendered during the war still rankling in their bosoms, brought in a verdict for $25,000 damages. The case was taken to the supreme court upon the error in the record in failing or refusing to transfer the cause to the Federal court.

Porter, Harrison & Fishback for the first time appeared in the cause in the supreme court. They filed a brief, and I am sorry I have not the brief here. I have it at my room. It presented the one single fact, that the motion to transfer to the Federal court ought to have been granted. That was the only question argued. It was not a difficult legal proposition; nor was it a very intricate question. The supreme court reversed the judgment upon that error, and the case was remanded to the lower court.

The cause was immediately transferred to the Federal court, and it was never further prosecuted, but was dismissed.

That, I say, was the only service rendered by Porter, Harrison & Fishback as counsel in the case. For filing that brief they were paid by the governor of the State of Indiana $550, which I think was a reasonable compensation. They now come in and ask for $2,500 more.

So far as Mr. Coulson is concerned, I was personally acquainted with him and knew his standing as an attorney. It was very good for a local attorney. He was regarded as a good local lawyer. But it is known that at that day in my State large fees were not paid for even large services rendered by local attorneys. Mr. Coulson was employed as local attorney. He was the local attorney who filed the motion for the transfer to the Federal court. He entered an appearance in the other cases that were filed at the same time. They all turned on the same question, and the whole question was settled in this one case which went to the Federal court. But in addition to these cases indictments were returned against some of the persons that were engaged at that time as militia for the larceny of a couple of kegs of powder that were found secreted under a building. Now, no attorney of any standing will claim that those indictments grew out of anything more or less than the excitement and prejudice engendered by the war. There never was the least foundation for a prosecution for larceny. But the indictments were returned; a change of venue was taken in those cases to the Knox circuit court. There, I believe, the prosecutions were dismissed. Nothing was done. So that the whole service rendered by Mr. Coulson was the presentation of a motion in the case brought by Mr. Humphreys for the transfer of the cause to the Federal court and the presentation of motions in the other cases for changes of venue. In the other cases the causes were transferred and then dismissed. For that service Mr. Coulson received the sum of $500, or about $100 for each case. It is now proposed to pay to him nearly $4,000. I say that, estimating it by what Mr. Coulson has received during his whole practice, the sum of $100 in each of those cases was a liberal fee, and probably as much as he ever received for a similar service.

The proposition is simply to pay to these attorneys nearly $8,000 in addition to the sum of $1,050 paid them by the State of Indiana. It is somewhat remarkable, somewhat singular, that this claim has lain for twenty years and has never been brought forward and advocated in this House before. At least it has never approached so near the point of payment.

Mr. STEELE. My colleague is probably not aware that this case was considered in the Forty-seventh and Forty-eighth Congresses.

Mr. WARNER, of Ohio. Adversely in the Forty-eighth Congress.

Mr. BYNUM. Adversely in the Forty-eighth Congress, I understand. I simply know, Mr. Chairman, that the case has never been seriously pressed until this time. Now, as I have said, considering my relations with these parties, I have been loth to oppose the passage of this bill; but I believed it was a duty I owed to my constituents and to this House to make a statement of the facts.

Mr. MCMILLIN. Can the gentleman tell us whether there has been any report upon this bill by a committee of this House?

Mr. BYNUM. They have simply adopted the Senate report. There is one other point, Mr. Chairman, to which I would like to call attention. I notice that in the Senate report statements are filed by distinguished attorneys of Indiana, among them, I believe, ex-Senator McDonald and the late Vice-President. I simply desire to say that I believe no attorney has ever gone into court with a claim for fees without being able to have its reasonableness amply sustained by the testimony of other members of the bar. [Laughter.]

Mr. MCMILLIN. I understand the gentleman [Mr. BYNUM] to say that the State of Indiana has already paid these gentlemen.

Mr. BYNUM. Yes, sir; a thousand and fifty dollars.

Mr. MCMILLIN. I move that the bill be laid aside to be reported to the House with the recommendation that it be indefinitely postponed.

Mr. BYNUM. The gentleman from Kentucky [Mr. WILLIS] calls my attention to the fact that I have not stated the length of the brief filed by these gentlemen. It is a brief presenting the single point of the right of the defendants to have the cause transferred to the Federal court, and in addition to the pleadings it contains about fourteen pages of argument.

Mr. JOHNSON, of Indiana. Mr. Chairman, I am animated by a good deal of the same feeling as my colleague in coming to the discussion of the merits of this bill. Mr. Coulson, one of the parties, lived in my Congressional district; I knew him a long time before his death; I know his family now; and to enter into a thorough discussion of this question as to its merits and demerits might, perhaps, harrow up some feelings that we would not wish to harrow up now. The facts in the case are these:

Under an act of the General Assembly of Indiana passed in 1861, authorizing the muster of militia, there was a militia company duly organized in Sullivan County, and sworn into the State service according to law. During the progress of the war there were some men in that county who did not believe it was their duty to obey the laws of the General Government, and when a draft was ordered they resisted it to some extent. My colleague says that this home militia arrested some men who were engaged in that disturbance. He does not go quite far enough. When the militia made those arrests they were acting under an order of General Alvin P. Hovey, the United States officer in command of the district of Indiana; they were acting under the order of Col. R. W. Thompson, the district provost-marshal; they were acting under the further order of General James Hughes, commanding the State militia; in short, they were standing in the position of soldiers obeying the orders of superior officers, and they made certain arrests by virtue of those orders. They also made certain seizures of ammunition which was found concealed in the houses of the men that were arrested, concealed there for the purpose of arming men to resist the laws of the United States.

In 1866, after the war was over, after peace was declared, after the men who had laid down their arms had been restored to their rights, after the soldiers had returned home, these men who had been arrested brought suit against the men who had arrested them in the circuit court of Sullivan County for false imprisonment. Suits were brought against six or seven men, the captain of the company, and some of the privates in the company, and Mr. Coulson appeared for them as their attorney. He moved to transfer the cases to the United States court under a statute passed by the General Government. Judge Eccles, who occupied the bench, was not in sympathy with those who had made the arrests. I might say some things about him and his course at that time that would not be pleasant, but for the sake of this bill, I forbear. The judge overruled that application, and held that the statute of the United States authorizing the cases to be transferred to the Federal court was unconstitutional. He thus forced these men into a trial in his own court, where the jury was composed of the friends of the plaintiffs, and a verdict was returned of $25,000 damages against the captain, and also a verdict of $500 against one other man.

The defendants then had no remedy but to appeal to the supreme court of the State, and the cases were appealed. There were found concealed in the houses of the plaintiffs munitions of war, powder and lead, that had been stored there for the purpose of resisting the authority of the Government, and the grand jury of that county indicted the

parties for grand larceny for taking these munitions of war while acting under the order of the commanding general of the district under the order of the provost marshal, and under the order of the general commanding the State militia, and the same judge ruled that they must answer to that charge also.

When this case went to the supreme court of the State the judgment of the lower court was reversed, the supreme court holding that the act of Congress providing for a transfer of such cases to United States courts was constitutional and that these men were entitled to that right. The cases went back and were certified to the United States court. Porter, Harrison & Fishback came into the cases when they went to the supreme court of the State, and helped attend to them after they were transferred to the Federal court.

Now, my colleague says that he was a young man at that time. I was then twenty years younger than I am now; but I can recollect a great deal about the circumstances, for they occurred only 50 miles from my residence. I will, however, call my colleague's attention to the fact that there are men living who were not young men then—such men as Joseph E. McDonald, Judge Frazier, of the supreme court (and a brighter legal intellect never shed luster upon that bench), and Judge Ray—these gentlemen, together with Mr. Hendricks, now deceased, who after the date of these occurrences was governor and Vice-President, but who was at that time a practicing attorney, were not then young men; and having knowledge of all the circumstances, these gentlemen certify that the fees charged by these attorneys for their services at that time were reasonable.

Mr. HOPKINS. Why did they not collect their fees at the time the service was rendered or soon after?

Mr. JOHNSTON, of Indiana. They applied to the War Department, but the Judge-Advocate-General refused to recommend the allowance of the fees, because the services were not completed; the cases were still pending. He stated that when the cases were completed he would then consider the matter.

Mr. HOPKINS. After the cases were ended did these attorneys then apply for compensation?

Mr. JOHNSTON, of Indiana. They then applied to the Department, but it was held, as is shown by the papers here, that there was no means out of which payment could then be made.

Mr. PETTIBONE. Does the gentleman state that Joseph E. McDonald and the late Vice-President Hendricks certified to the correctness of the charges made by these attorneys?

Mr. JOHNSTON, of Indiana. Yes, sir; they certified that the amount charged was reasonable compensation for the services rendered.

Mr. PETTIBONE. And their certificate to that effect was made at or about the time the services were rendered?

Mr. JOHNSTON, of Indiana. Yes, sir; Governor Hendricks was an attorney in the case upon the other side and knew all the surroundings of the matter. There is also a certificate from the then governor of Indiana, Mr. Conrad Baker, that he knew all the facts and considered the charge a reasonable one.

Mr. STEELE. Does the gentleman think that their judgment on such matters is as good as that of our colleague?

Mr. JOHNSTON, of Indiana. I do not want to make a comparison of that kind. [Laughter.]

My colleague says that Mr. Coulson was a "local attorney;" but he will not dispute that Mr. Coulson was as good a lawyer as there was in the eighth Congressional district. He was as good a lawyer as many a man who resided at the capital of his State, and is not to be classed as a "local attorney." I know there is a feeling among some men that when they move from one of the counties of Indiana to the capital of the State we lawyers out in the rural districts are merely "local attorneys" and have not brains enough to manage a lawsuit. [Laughter.] But I say, notwithstanding the fact that Mr. Coulson lived away from the capital of the State, there was not a better attorney in the Wabash Valley, and but few better at the capital.

These attorneys secured for these men their rights. Those judgments for $30,000 were set aside, as was also the indictment for grand larceny. Now, if those judgments for $30,000 had remained in force, and these men had been compelled to pay them in consequence of acts which they performed under the order of superior officers—acts performed while they were acting under the order of the provost-marshal, and under the order of a general of the Army—if these men had been obliged to pay these judgments rendered under circumstances of that kind, I desire to know whether there is a fair-minded man upon either side of this House who would have refused to make an appropriation to reimburse them. No man who has a conscience would have voted against such a proposition.

Now, these attorneys secured the wiping out of those judgments of $30,000. These cases were pending, as the record shows, for six long years in the several courts before which they were carried. The amount that Congress is now asked to pay for the services of these attorneys is about $6,000; that is all—$3,000 in one instance, and $2,500 in the other. And is a just claim like this to be brushed aside because, forsooth, Sewell Coulson was a "local attorney," when this application is supported by the statement of such men as I have mentioned, Vice-President Hendricks, Senator McDonald, two judges of the Supreme Court, and even Judge Eckels, the man who was so biased against these men that he held the United States statute providing for a transfer of the suits was unconstitutional, and forced them to trial in his court. Judge Eckels himself, after the services had been rendered and the case wound up, declared the fees charged to be only reasonable compensation for the services rendered.

I have no personal interest in this matter. I merely wish to see justice done to the widow and family of a man who had the courage and manhood to stand by these men who were unable to pay him a fee, and secure them their rights after the State court had undertaken to override an act of Congress and deny them the hearing to which they were entitled in a tribunal of the United States. All I ask is an impartial consideration of this application.

Mr. WARD, of Indiana. Upon what ground of law or equity is it contended that the Government is liable for these fees?

Mr. JOHNSTON, of Indiana. Upon the ground that whenever the Government orders a man to do a thing, and he gets into trouble, is subjected to heavy legal expenses in consequence of his act of obedience to the Government, that Government is bound to stand by him and protect him.

In 1868 Congress, having its attention attracted to the matter by the hardship of this very case, passed a law providing that no person acting under the orders of the United States should be liable to damages for an arrest of this kind. Prior to that time there was no such law. And now numbers of cases have been reported from your War Claims Committee, and favorably acted upon by this House, allowing men compensation for their property which had been destroyed by an officer, the citizens having no remedy in a court of justice because the officer was acting under orders.

This is a matter of justice. As I said before, it is an unpleasant matter for me to talk about, and I do not want to enter into all its surroundings and the terrible state of affairs which existed there when these men made the arrest. It is unpleasant to rehearse the facts, how brave men were shot down in the discharge of their duties as Federal officers. I do not want to enter into that, but prefer to stand on the case as recommended by men who knew all the service which was rendered at the time.

I reserve the rest of my time.

Mr. ELY. I understand from the discussion of this bill—I never heard of it before it came up here—that these claimants have an equitable claim against the Government. It is claimed too much is charged because they are local attorneys, and, secondly, because of the shortness of the brief filed in the case. Taking the opponents of this bill on these two grounds, I submit, and I think every attorney in this House will agree with me, the length of a brief filed by these attorneys is no measure of the services they rendered. In fact the brevity of the brief may be an indication their service is of greater value than if they had filed one of greater length.

Upon the other point ex-Senator McDonald uses the following language:

INDIANAPOLIS, *April* 6, 1875.

I was one of the attorneys for Andrew Humphreys and others, plaintiffs in the suits transferred to the United States circuit court, from the time the transfers were made until the suits were ended, and have a personal knowledge of the services rendered in said court by Porter, Harrison & Fishback, and from said personal knowledge and from the record above of proceedings in the several causes, state that the fees charged in the said causes by the several attorneys engaged in the above claim are reasonable and within the rate of usual charges in this State for such services.

J. E. McDONALD.

The late Vice-President Hendricks says:

INDIANAPOLIS, *April* 7, 1875.

I have examined the statements made by said Porter and Harrison, and had some personal knowledge of the cases, and think the charge of $3,000 reasonable and not above the charges usual among attorneys of the recognized ability of Messrs. Porter, Harrison & Fishback.

THOMAS A. HENDRICKS.

It seems to me that is an answer to the objection made to the passage of this bill.

For one, sir, as a member of the legal profession, and speaking in regard to others to whom I have ever been politically opposed, I repudiate the idea that honorable attorneys will make an assertion of that which is not true for the sake of giving some other attorney a large fee in any cause. This is, sir, a slander upon one of the most honorable professions in this country. It is a slander upon the dead as well as upon the living. It is a slander upon the most honorable and respected citizens of the United States.

And because this opposition to the bill is so weak and frivolous and unfounded I venture to break the silence I have maintained in the House to say this much in favor of a claim which seems to me to be just and reasonable and in defense of the profession of which I am an humble member. [Applause.]

Mr. BYNUM. [Cries of "Vote!"] Mr. Chairman, I shall not detain the committee for any great length of time. Members seem to be growing impatient; but I do not desire this House shall lose sight of the main proposition, or that gentlemen shall be carried away by the statement of my colleague [Mr. JOHNSON] as to the condition of affairs in the State of Indiana at the time these arrests were made.

I concede this man acted legally; I concede all that. I simply base

my opposition to this bill upon the ground that these charges are excessive. I think I am familiar with the services which were rendered in the case. I went through the records, and I say to this House, and I know what I am talking about, that Mr. Humphreys never expected any such verdict, and it would never have been rendered under other circumstances than the excitement which prevailed at the time the case was tried in the lower court. He had so little confidence in it that he never even followed the case to the Federal court. It was there dismissed.

Mr. Coulson may have been an excellent attorney, yet his name is not attached to the brief filed in the Supreme Court. There is no name of another individual or firm upon the brief except Porter, Harrison & Fishback.

Mr. WARNER, of Missouri. I would like to ask the gentleman from Indiana whether he regards, as a Representative of the State of Indiana, the opinion of Senator McDonald and of the late Vice-President Hendricks and of two Judges of the Supreme Court as being worthy of consideration as to the value of the legal services in the case?

Mr. BYNUM. I simply say in answer to that, that when I am as familiar with facts as I am in this case I will not yield my opinion to any man as to the value of services rendered.

Mr. WARNER, of Missouri. Did the gentleman attend the trial, and was he a witness of the services which were rendered?

Mr. BYNUM. There was an affidavit filed in the case, but the moment Judge Eckles overruled the motion and held it to be unconstitutional the defense withdrew their appearance and allowed judgment to be taken virtually by default.

Mr. BUCK. What period of time did these proceedings consume?

Mr. BYNUM. They extended over quite a period of time, because our supreme court was behind, and it was delayed there some time; and it also lay in the Federal court some time before it was dismissed.

Mr. GROSVENOR. May I ask the gentleman a question?

Mr. BYNUM. Certainly.

Mr. GROSVENOR. Was or was not the practical result of the service rendered by the attorneys this: that the State court upheld its jurisdiction and rendered judgment for $30,000——

Mr. BYNUM. Twenty-five thousand dollars.

Mr. JOHNSTON, of Indiana. Twenty-five thousand dollars in one case and five hundred in the other.

Mr. GROSVENOR. Well, whatever the amount, the services rendered were the reversal of the judgment of the State court and to relieve a citizen from the burden of $30,000 damages.

Mr. BYNUM. That was virtually it.

Mr. GROSVENOR. And the claim in this case amounts to about the average collection fee on the amount of money involved, to say nothing of the great question involved in the prosecution against a citizen, unconstitutional and illegal, as held by your own State court.

Mr. BYNUM. In answer to the gentleman, there let me say that I do not measure fees in that case, or in any case, by the amount of money involved. The question upon which this case turned in court was not one of fact. If it had been a contest in court upon a question of fact and for the reference of the case to the supreme court upon that question that would probably have been the measure of the services rendered as we measure them in the State of Indiana. But where the whole question turned on one of jurisdiction, and there was no further defense made except the application to transfer the case, and the case went to the supreme court and was reversed upon a pure question of law, I do not think that the amount of recovery has anything in the world to do with the case. And right here permit me to say in this connection that every body conceded the judgment was a result of prejudice rather than the expression of a deliberate judgment of the court or jury.

Mr. GROSVENOR. But it would have taken something more than a mere outburst of excitement to pay the verdict.

Mr. BYNUM. My recollection is that the judge would not have hurt the man a great deal any way.

Mr. BAYNE. Will the gentleman permit me to ask him a question?

Mr. BYNUM. Yes, sir.

Mr. BAYNE. If I understand the gentleman, he concedes that these persons have an equitable claim against the Government for pay?

Mr. BYNUM. No, sir; I do not concede that they have any claim at all.

Mr. BAYNE. I understood the gentleman to say that the question was a mere one of fees.

Mr. BYNUM. No, sir; the objection I urge is principally that the fee is excessive. I would not object to the Government paying what I conceive to be a reasonable fee, but I do not concede its liability to these parties for a cent.

Mr. BAYNE. What would you regard as a reasonable fee?

Mr. BYNUM. I think the thousand and fifty dollars paid by the State of Indiana was a large fee, and I believe it was intended in full payment.

Mr. GOFF. If I understand the gentleman, he said that the counsel for the defense in the lower court withdrew after the court overruled the plea.

Mr. BYNUM. They did.

Mr. GOFF. Who appeared for the defense in the supreme court of Indiana?

Mr. BYNUM. Porter, Harrison & Fishback.

Mr. GOFF. Who appeared in the Supreme Court of the United States?

Mr. BYNUM. There was no appeal to the Supreme Court of the United States. It never went there. It was reversed in the supreme court of the State and afterward went to the Federal court, where, after a time, it was dismissed.

Mr. LAFFOON. How much were Porter, Harrison & Fishback paid?

Mr. BYNUM. They were paid $500 or $550.

I do not wish to be understood as making any assertion which would cast discredit upon the ability of that firm, for it is well known that there is not a firm of abler lawyers in the State than they; but I am not here simply to say that because they are able lawyers that the points involved were so intricate and difficult that it required a service of such character as would entitle them to a compensation of $3,000 to liquidate it. I have already said that the entire brief, excluding of course certain documents which were incorporated in it, did not exceed more than fourteen pages, and it was directed solely to one point, that is to the question as to whether that provision of the statute which gave the right of transfer was or was not constitutional. I take it that the amount of legal ability required to hunt up the different authorities and compile them in the shape of a brief would not have been very great. I think the principle was as well established at that time as it is now that it was not the province of the lower court to decide whether the Federal court had jurisdiction or not.

Mr. WARNER, of Missouri. You would not fix the fee of an attorney by the number of pages of his brief?

Mr. BYNUM. No, sir; not by any means; but I merely meant to say that that was to some extent a criterion as to the amount of labor involved in its preparation. There are, of course, briefs which cover two hundred or three hundred pages, requiring a vast amount of research and labor, but in this case, involving the single point, fourteen pages were sufficient.

Mr. WARNER, of Missouri. Why may not that brief have been worth just as much?

Mr. BYNUM. It does not take so long a time to prepare it. But I say to the gentleman that so far as this brief is concerned it contains nothing more than probably one-half the members of the bar, who are members of this House, could present in two or three days.

Mr. JOHNSTON, of Indiana. Did it not present enough to secure a reversal of the judgment?

Mr. BYNUM. Certainly; and the judgment could have been reversed without any brief at all. It did as much good as a simple assignment of errors would have done.

Mr. JOHNSTON, of Indiana. Has not the gentleman known lawyers to lose their cases by presenting too long briefs?

Mr. BYNUM. I will confess to the gentleman that I have. The gentleman may have some experience of that character.

Mr. GEDDES. Will the gentleman from Indiana permit me to ask a question?

Mr. BYNUM. Yes, sir.

Mr. GEDDES. Is it not a fact that after all these legal services were performed these claimants looked to the State for compensation, and applied to the State for compensation; and after an allowance was made and paid to and received by them, they now come here for additional pay?

Mr. BYNUM. That is the fact. The governor of the State of Indiana had charge of funds ample to pay them a sufficient sum for their services. Governor Baker paid them $1,050. And while I cannot state it as a fact, I believe that was paid as a full compensation for their services.

Mr. JOHNSTON, of Indiana. Is not the statement of Governor Baker on file with the papers in this case, in which he says only $3,000 were appropriated by the Legislature to pay all such claims; that these parties only got their proportion of that amount, and that he did not mean to pay them fully for the services rendered?

Mr. BYNUM. Yes, sir. But it is a singular thing that the receipts signed by them are not made a part of this report. If they had been it would have appeared whether they were receipts in full or otherwise.

Mr. JOHNSTON, of Indiana. Why do you not produce your authority for asserting that they were paid in full? That belongs to your side of the case, not to mine.

Mr. BYNUM. In regard to Mr. Coulson's services in this case I have stated that I believe the sum paid to him for his services, about $500, was an adequate compensation. The gentleman from Indiana may talk about Mr. Coulson's legal ability as long as he pleases. I make the assertion, which I do not believe any one will successfully contradict, that able as he may have been, long as he practiced the law in the county in which he resided, the amount in this claim will exceed the amount of the estate he left to his family, although he followed his profession for twenty years.

Mr. JOHNSTON, of Indiana. Do you measure a man's ability by the number of dollars he lays up?

Mr. BYNUM. I do not. But when an able attorney practices law for twenty years he ought to have something more to show in the estate he leaves to his family than a claim against the Government in a single case. I think he would if he were an attorney of very high standing and extensive practice. But I will not undertake to say that there might not perhaps be allowed to these parties something.

Mr. JOHNSTON, of Indiana. Will the gentleman allow me another question?

Mr. BYNUM. I think the gentleman is taking up too much of my time. He has his own hour and can speak in that.

Mr. JOHNSTON, of Indiana. My question is, what did Daniel Webster and what did Matt. Carpenter leave?

Mr. BYNUM. In answer to that question I will say I am not well posted as to the estate any one leaves, especially any politician. The gentlemen just named were in politics the most of their lives, and it is pretty well known that those who are engaged in politics never leave very large estates. I may say there is not going to be an exception in my case; I do not know how it is about the gentleman representing the eighth district.

Now, Mr. Chairman, I did not intend at the beginning to do more than state the facts in this case and let the House know what the condition of this case was. I am not here for the purpose of making any factious or bitter opposition to the payment of this claim; but I felt it to be my duty to present the facts. I honestly and conscientiously felt that the payment of so large a sum in this case was wrong. Probably to give $1,000 to Porter, Harrison & Fishback, and $500 or $1,000 to Coulson's heirs, because he is now dead, would not be an improper thing. But I do think the payment of $3,900 to Coulson for simply presenting this motion in the lower court and the filing affidavits in three or four cases for larceny, for changes of venue which any justice of the peace could have written, would be exorbitant; and I propose this House when it votes on this question shall vote understandingly.

Mr. SOWDEN. Will the gentleman permit me a question?

Mr. BYNUM. Yes, sir.

Mr. SOWDEN. If these people have been paid a reasonable compensation, as you allege, why do you now suggest the payment of an additional sum?

Mr. BYNUM. I made the suggestion simply because I would give them something to get rid of the claim.

Mr. GEDDES. In that case, if it is not a just claim against the Government, would it not be better for us to raise the amount here in the House by private subscription?

Mr. BYNUM. I would have no objection to that.

Mr. JOHNSTON, of Indiana. I wish to answer one question asked by the chairman of the Committee on War Claims. These men never looked to the State of Indiana for payment of their claims; they looked to the General Government, and applied to the General Government, and the Adjutant-General recommended the payment of the claim, but afterwards the State Legislature made an appropriation of $3,000 to pay claims of this character, and that sum was apportioned out among the different claimants by the governor. The governor gave these claimants, as their share, about $800, and certified at the time that it was not accepted by them in full payment or as in any way compensating them for the services they had rendered. The gentleman from Indiana [Mr. BYNUM] tell us that he was a boy at the time this claim arose, yet now, twenty years afterwards, he looks through the papers and comes and asks this House to take his version of the matter and his opinion of the value of the services, and to override the certificates of the late Vice-President Hendricks, of Senator McDonald, and of the judges of the Supreme Court who heard the case. [Cries of "Vote!" "Vote!"]

The question was taken on the motion of Mr. MCMILLIN, and the chairman declared that the ayes seemed to have it.

Mr. JOHNSTON, of Indiana. I ask for a division.

The House divided; and there were—ayes 63, noes 79.

Mr. JOHNSTON, of Indiana. No quorum has voted.

The CHAIRMAN. The point of no quorum being made, the Chair will appoint the gentleman from Indiana [Mr. JOHNSTON] and the gentleman from Tennessee [Mr. MCMILLIN] to act as tellers.

The House again divided; and the tellers reported—ayes 84, noes 80.

So the motion of Mr. MCMILLIN was agreed to.

ALBERT H. EMERY.

The next business on the Private Calendar was the bill (S. 929) for the relief of Albert H. Emery.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Albert H. Emery, of Stamford, Conn., in full settlement of all claims, legal or equitable, which he has in any way against the United States on account of the cost of, and the time spent by him, and use of all patents and inventions in designing and constructing the testing-machine built and erected by him for the United States, or otherwise, in any way, on account of said machine, the sum of $200,000, out of any money in the Treasury not otherwise appropriated, which sum is hereby appropriated and made immediately available therefor. Said machine, together with the full right to the use therein of all patents and inventions used in its design and construction, shall belong to the United States.

Mr. TRIGG. Mr. Chairman, I call for the reading of the report, and also of the views of the minority.

The report (by Mr. MCKENNA) and the views of the minority were read, as follows:

The Committee on Claims, to whom was referred the bill (S. 929) for the relief of Albert H. Emery, have considered the same, and respectfully report:

This bill has passed the Senate three times, once for $225,000 and twice as now reported, for $200,000. The facts concerning this case are fully set forth in the Senate Report No. 71, which accompanied this bill, and in which your committee fully concur.

The following is a summary of said report:

(1) That Mr. Emery, the claimant, has invented and furnished to the Government a machine suitable for testing the strength of structural materials, which, according to the judgment of its own officers and the scientific experts of the country, far exceeds in value the amount of the appropriation provided for in this bill.

(2) The cost of the machine the 1st of January, 1880, was shown to be upward of $129,000.

That toward the production of this wonderful machine the Government contributed $31,500 only—so that the machine was built principally at the expense of Mr. Emery; and, in addition to this, he contributed over five years of unremitting labor in designing and constructing the machine and the use of his inventions therein, which had cost him several years of time and the expenditure of large sums of money, not embraced in the above-mentioned amount expended in the construction of the machine; and your committee are assured by the claimant that in connection with the development of these inventions and the construction of this machine he has incurred a large indebtedness, upon which the accruing interest is over a thousand dollars a month, for which it appears that the Government and the people are the only beneficiaries.

"To produce this machine [says General Gillmore in his letter of February, 1882] he not only had to spend the long years which were occupied in its production, but the many previous years of study and very expensive experimental works before he could possibly produce such a machine as this proves to be."

(3) That the real value of this invention to the claimant depends not alone upon the construction of a machine for the use of the Government, but upon the exercise of his right under his patents from the United States to manufacture and sell machines in the general market—a right which the Government could not justly take away or seriously impair unless authorized by the claimant, and for a fair consideration.

(4) That the law of Congress approved June 20, 1878, dedicating this machine to the public use at merely nominal rates, has in a great measure impaired the value of these inventions to the claimant and placed him at such disadvantage that all attempts on his part thus far to realize a profit upon the manufacture and sale of the machines under these extraordinary and expensive inventions have been attended with great pecuniary loss.

(5) The fact that this bill has three times passed the Senate, once for $225,000 and twice for $200,000—in the Forty-eighth Congress, after a full discussion of its provisions, and in this Congress without opposition—and has been three times favorably reported in the House of Representatives, is an indorsement of its merits which ought not to be disregarded by this committee.

Your committee therefore report back the Senate bill and recommend that the same do pass.

VIEWS OF THE MINORITY.

The undersigned members of the Committee on Claims do not concur with the majority who have determined to report favorably Senate bill 929, for the relief of Albert H. Emery, donating to him $200,000 out of the public Treasury. It is difficult to see how either the Senate or the majority of the Committee on Claims of this House have arrived at their conclusion or upon what figures they based their estimate of $200,000. This case was before this committee of the Forty-eighth Congress, and there, for the first time, seems to have received that careful consideration which it deserved. It is doubted whether the conclusions of that committee were known to the Senate when the matter was pending there, or to the majority of the committee, who report the Senate bill favorably.

The report of this committee of the Forty-eighth Congress was as follows (Report H. R. No. 484), namely:

That Congress, by an act approved March 3, 1873, appropriated $25,000 for improved machinery for testing the strength of iron and steel. Under this act the Ordnance Department made a contract with A. H. Emery, civil engineer, of New York, for a testing-machine to be designed and constructed by him, and erected at the arsenal at Watertown, Mass. The price Mr. Emery was to receive for such a machine was $25,000. Under this contract the evidence shows that Mr. Emery proceeded with the designing and constructing of the machine. While the work was in progress Congress passed an act, approved March 3, 1875, appropriating $50,000 for "experiments in testing iron and steel, including the cost of any machine built for that purpose," and the previous appropriation of $25,000 for a testing-machine was made available as a further sum for the purpose of building the machine. This act also provided that the President should appoint a board, consisting of one engineer and one ordnance officer of the Army, one line officer and one engineer of the Navy, and three civilian experts, for the purpose of making tests of the strength and value of all kinds of iron and steel and other metals, and for the building of a suitable machine for establishing such tests. The President appointed on this board General Q. A. Gillmore, engineer, United States Army; Col. T. T. S. Laidley, of the Ordnance Bureau; Commander L. A. Beardslee, United States Navy; David Smith, chief engineer, United States Navy; General William Sooy Smith, civilian, civil engineer; A. L. Holley, civilian, civil engineer; R. H. Thurston, civilian, civil engineer.

Under this act the board took the place of the Ordnance Office in the construction of this machine and the testing of materials. Some additions to the machine were required by the board, which increased its weight, and it was agreed that $6,500 therefor should be added to the original contract price. The evidence presented to the committee shows that in the progress of the work of constructing a machine of the strength and delicacy required unforeseen difficulties arose, to overcome which new designs and experiments were required, but the work was unremittingly prosecuted until February 8, 1879, when the machine was completed and accepted by the board.

Colonel Laidley, president of the board above alluded to, says in regard to the construction of the machine, in a letter addressed to the President of the United States, dated February 10, 1879, two days after the machine had been accepted by the board:

"In the plans designed by Mr. Emery he adopted new principles, in the working out of which he met, as is always the case under such circumstances, with great and unlooked-for difficulty. In overcoming these difficulties Mr. Emery has spent more money than he has received for the entire machine, to say nothing of his other expenses, time, labor, &c. He has, throughout, in the performance of his part of the contract, shown a greater desire to make the machine perfect in all its details than to complete the work and obtain his money. The result of this unusual devotion is that the United States has, at this time, a more perfect machine than was called for by the terms of the contract."

The evidence before your committee further shows that this machine, as finally completed, after six years of the application of incessant labor, and that rare inventive skill without which such a machine would be impossible, is a piece of mechanism so complete in design and perfect in its construction as not only to give entire satisfaction in its operation, but to elicit the highest com-

mendation from the board under whose direction it was put into operation and from engineers and engineering societies everywhere.

Colonel Laidley, in a report to the President, says:

"This machine combines the qualities of power and delicacy to an extent hitherto unknown, and is equally adapted to the testing of the ultimate strength of an iron bar 30 feet in length and 5 inches in diameter, and of a piece of wire of the finest size drawn, 1 inch long, and is capable of giving the exact strain of rupture of each. This is more than can be said of any other machine now in existence; in fact, its capabilities and the ease with which the greatest strains are applied are such as to pass even the bounds of belief of those who have not witnessed its operation."

Mr. E. D. Leavitt, C. E., president of the American Society of Mechanical Engineers, and member of other scientific associations, says, in referring to this machine:

"I freely acknowledge that I have learned more about structural materials through the tests made at Watertown during the last two years than in twenty-five years' previous experience."

Mr. A. L. Holley, C. E., a member of the board, and the distinguished steel engineer, in a paper read before the Institute of Mining Engineers, at Baltimore, 1879, says:

"The excellence of the machine, in every respect, is more than satisfactory, and its accuracy is at first sight astonishing.

* * * * * * *

"The movements of the weighing apparatus are absolutely without friction. The proof experiments were numerous, and the effects of recoil, after sudden ruptures at maximum loads, were watched with great care, but without much anxiety, because the weighing parts affected are by no means delicate in structure, and their motion is almost infinitely small. Among the tests were the following: A forged link of hard wrought iron, 5 inches in diameter between the eyes, was slowly strained in tension, and broke off short, with a loud report, at 723,000 pounds. The diameter before breaking at the point of fracture was 5.04 inches; after breaking, 4.98 inches. In order to see if the weighing parts had been disturbed by the recoil, which was obviously near the greatest recoil the machinery will ever suffer, a horse-hair was next tested. It was $\frac{7}{1000}$ of an inch in diameter; it stretched 30 per cent., and broke at one pound. One pound, in moving the indicator $\frac{1}{100}$ of an inch moves the platform against which the load presses $\frac{1}{72000000}$ of an inch.

* * * * * * *

"One word for Mr. Albert H. Emery: to his engineering talent, mechanical culture, and painstaking fidelity, to the patient devotion of all his energy, and, more than all, his money, we are indebted for a marvel of invention, of development, of workmanship, of efficiency."

A committee appointed by the American Academy of Arts and Sciences awarded to Mr. Emery the grand medal of honor offered by the Massachusetts Mechanic Association, for the invention "most conducive to human welfare," for this machine.

Your committee finds from a careful examination of accounts and vouchers presented to it that the claimant actually paid out (which money he had to borrow for the purpose, and on which he has since been paying interest) over and above the sum paid him by the Government, not counting interest or his own time or services for five years, and after deducting the value of material on hand after the construction of the machine, $38,161.62.

Your committee also finds that by a provision contained in the sundry civil bill, approved June 20, 1878, this machine was opened to the use of every body on conditions which deprived the claimant in a large measure, if not entirely, of the use and benefit of his patents, inventions, and designs used in this machine, the principal patents having been taken out prior to the date of the first contract with the Ordnance Department.

The provision referred to in the sundry civil bill is as follows:

"That the Secretary of War is hereby authorized to cause the machine built for testing iron and steel to be set up and applied to the testing of iron and steel for all persons who may desire to use it, upon the payment of a suitable fee for each test; the table of fees to be approved by the Secretary of War, and to be so adjusted from time to time as to defray the actual costs of the tests as near as may be; and, in order to make the final payment on contract for the construction of this machine the sum of $6,299.48 of the unexpended balance now remaining on the books of the Treasury of the appropriation for this purpose is hereby reappropriated and made available therefor."

The conclusion of a majority of your committee therefore is that the claimant is at least entitled to be reimbursed in the sum actually paid out by him for and in the construction of the machine, to wit, $38,161.62, and a reasonable sum for valuable services, to wit, $25,000, and as compensation for opening the machine to public use, to wit, $36,838.38, which, altogether, your committee places at $100,000.

Favorable reports were made by the Committee on Claims in the House in the Forty-sixth and Forty-seventh Congresses, recommending the allowance of $200,000, and a bill passed the Senate of the Forty-seventh Congress allowing $225,000, but your committee reduces the sum to $100,000, and as amended recommend the passage of the bill.

Mr. Dowd, from the Committee on Claims, submitted the following views of the minority:

The claimant contracted to construct for the Government a testing machine of a given capacity at a fixed price, to wit, $25,000. As the work progressed he found he could make a much more valuable machine by an additional outlay. Without obtaining any assurance from the Government that the additional expense would be assumed and the additional labor paid for, he proceeded to change the original design and construct a much more expensive and valuable machine.

There is some difference of opinion among those who have critically examined the testimony on this point as to whether the representatives of the Government even assented to or approved, in advance, the changes and modifications above referred to.

In constructing the machine so modified and improved the contractor made divers patterns, and, by experimenting, discovered sundry devices and inventions of great value, for which he took out patents in his own name, which would be indispensable in building other like machines, should others be wanted by the Government in other parts of the country. The Government has paid to Mr. Emery, in addition to the contract price, and on account of the additional cost and value of the machine, $6,500, and it was proposed in this committee to recommend the payment to the contractor of all his outlays for expenses, and reasonable compensation for his services in perfecting the machine and invention, and taking out the patents, if he would assign these patents to the Government. This he declined to do, alleging that he had already assigned them to a company in which he himself was largely interested. Mr. Emery admits that as the Government has paid all and more than it contracted to pay, his claim does not rest upon any legal right, and the undersigned failed to perceive any basis for it in "equity and good conscience."

The minutes of the committee on the 25th of February, 1884, when this report was agreed to, show as follows, namely:

"Mr. Ray, of New York, moved that the report of the subcommittee on the House bill 132, for the relief of Albert H. Emery, be amended by striking out the amount $100,000 and inserting instead $200,000.

"Mr. BROWN moved to amend the motion offered by Mr. Ray, of New York, by striking out the amount $200,000 and inserting instead $67,000; which motion was rejected by a vote of 6 yeas and 8 nays.

"The amendment offered by Mr. Ray, of New York, was rejected.

"Mr. WARNER moved to strike out the amount $100,000, in the report of the subcommittee, and insert instead $87,000; which was rejected by a vote of 7 yeas and 8 nays.

"The report of the subcommittee was then adopted."

It thus appears that very grave doubt existed in the minds of the Committee on Claims of the Forty-eighth Congress as to the propriety of allowing this claim for only $100,000, just one-half of the amount donated by the Senate bill 929. This amount they arrived at after a very careful investigation and accurate calculation.

They arrive at the sum of $100,000, as follows:

To reimburse the sum actually paid out by Emery for and in the construction of the machine, over and above the amount of $31,500 already paid him by the Government	$38,161 62
Add a sum for services during construction, &c., at $5,000 per annum	25,000 00
Compensation for opening machine to public use, to wit	36,838 38
Total	100,000 00
Now add to this the sum already paid to Emery, to wit	31,500 00
And we have the sum of	131,500 00

to be paid by the Government for a machine which was to be constructed originally for the sum of $25,000, and for which the additional sum of $5,600 was agreed to be paid.

The undersigned are not only disposed to be just, but generous, with this claimant. He has invented and constructed a most useful and valuable machine, and at a cost which clearly exceeded his original estimate. We are willing that he should be paid the amount expended by him over and above the sum he has heretofore received ($31,500), to wit, the sum of $38,161.62, which amount includes some interest, and also a reasonable sum for his services, say $5,000 per annum—$25,000—making the total sum now to be paid him $63,161.62. When we add to this the sum he has already received, to wit, $31,500, the total cost of the machine will be $94,661.62.

The people, whose money purchased this machine, surely ought to be allowed to use the same under the existing law, and this is certainly no infringement of the rights of the claimant. We can not, therefore, concur with the majority of the Committee on Claims of the Forty-eighth Congress in recommending that the sum of $36,838.38 be paid to Mr. Emery, because the people are permitted the free use of their own machine.

For these reasons the undersigned recommend that the said Senate bill 929 be amended by striking out the words "two hundred thousand dollars" and inserting the words "sixty-three thousand one hundred and sixty-one dollars and sixty-two cents." And with this amendment we recommend that said bill do pass.

CONNALLY F. TRIGG.
J. R. NEAL.
W. M. SPRINGER.
W. H. SOWDEN.

Mr. TRIGG and Mr. MCKENNA both rose.

Mr. TRIGG. I desire to offer an amendment to the bill.

Mr. MCKENNA. I believe, Mr. Chairman, I am entitled to recognition, but I will give way to the gentleman from Virginia [Mr. TRIGG] if he desires.

Mr. TRIGG. I wish to move the amendment recommended by the minority of the committee, which is, to strike out in line 11 the words "two hundred thousand dollars" and insert the words "sixty-three thousand one hundred and sixty-one dollars and sixty-two cents." I will state to the gentleman from California [Mr. MCKENNA] that I am willing this bill should pass with that amendment.

Mr. MCKENNA. Mr. Chairman, the report which has been read renders it unnecessary to make a very detailed statement of the merits of this claim. The machine in question is a very valuable one, as is indicated by the opinions of experts set forth in the report of the committee. The machine is designed to test the strength of structural materials. It is now in operation at the Watertown arsenal. It is a machine of most remarkable power, and also of great delicacy, as indicated by what it will do. On the occasion of its trial a forged link of hard wrought iron, 5 inches in diameter between the eyes, was slowly strained in tension, and broke short off with a loud report at 723,000 pounds. In order to ascertain if the weighing parts had been disturbed by the recoil, which was obviously near the greatest recoil the machine will ever suffer, a horse-hair was next tested. It was only $\frac{7}{1000}$ of an inch in diameter; it was stretched 30 per cent., and broke at 1 pound.

The machine tests the strength of almost any material, and also the strength of the most fragile structures, such as eggs and nuts. It is not recommended, however, as a nut-cracker; the size of the machine militates against that. But its combined strength and delicacy show that the opinions of experts contained in the report are not exaggerations of the value of the machine. It is considered one of the greatest and best, if not the greatest and best, contributions to the mechanical inventions of the age, having secured to its inventor the gold medal of honor of the Massachusetts Mechanical Charitable Association as the single exhibit calculated to promote the general welfare of mankind.

It is hardly necessary, Mr. Chairman, to go into further detail of the merits of this instrument. The minority report concedes its merit—concedes that the inventor is entitled to compensation for his outlay, and some reward for the brain work and time required to perfect this invention. The only disagreement is as to the amount which Congress should award. This is a matter which has been recommended by Presidents, by Secretaries of War, by committees of both Houses of Congress, by the action of the Senate of the United States; in fact, it stands here recommended by the opinion of every one who has paid the slightest attention to it. With these remarks I would be willing, so far as I am concerned, to submit this bill to the consideration of the

House. I reserve, however, the remainder of my time, ten minutes of which I have agreed to yield to the gentleman from Massachusetts [Mr. LONG].

Mr. LONG. I will reserve those ten minutes until the gentleman from Virginia [Mr. TRIGG] has spoken.

Mr. HERMANN. Before the gentleman from California [Mr. MCKENNA] takes his seat I desire to ask him how much, according to his investigations, this inventor has actually expended of his own means upon this invention more than he has received from the Government.

Mr. MCKENNA. He has received from the Government under appropriations which have been made about $31,000. He has expended $129,000.

Mr. HENDERSON, of Iowa. Of his own money?

Mr. MCKENNA. Of his own money.

Mr. FARQUHAR. Besides his time.

Mr. MCKENNA. He has expended both time and money. He has incurred an indebtedness of over $200,000, so that the monthly interest upon that indebtedness amounts to $1,000.

This instrument, so far as his invention was concerned, was a comparatively new one; the principles were difficult in their application; some of the forgings which were made proved insufficient, and new forgings had to be made. The machine, I believe, contains screws 38 feet long and 8 inches in diameter, true to the gauge.

Mr. HENDERSON, of Iowa. I want to know what this man has given to the Government. Has he parted with his patents to the Government?

Mr. MCKENNA. No; the transfer of the patent is not involved in this.

Mr. BROWN, of Pennsylvania. He has refused to do that.

Mr. MCKENNA. This instrument is composed of inventions which can be used independently. He proposes to concede to the Government the right which, by the way, it does not possess now, to the use of all the inventions contained in the machine.

Mr. HENDERSON, of Iowa. Then, the Government can thoroughly control and use the patents?

Mr. MCKENNA. No; it has not such use now. If the smallest part of this machine upon which there is a patent should break the instrument would be rendered absolutely of no worth to the Government.

Mr. HENDERSON, of Iowa. Then, are we paying this man for one machine?

Mr. BROWN, of Pennsylvania. Yes, sir; that is what is asked.

Mr. MCKENNA. Yes, sir; one machine; and it is worth the price proposed to be paid.

Mr. HERMANN. I do not understand it to be the fact that the Government is paying him for only one machine.

Mr. HENDERSON, of Iowa. I want to know what rights the Government gets—whether we are simply paying for this machine, or for the patents, or for the use of the patents. Will the Government be able to reconstruct this machine or parts of it, or to make other machines as it may need them? I want this matter clearly explained.

Mr. MCKENNA. So far as concerns the use by the Government of the patents that go to make this machine, the Government will have the use of them; it will have the right to reconstruct this machine for its own use; but it will have no right to dispose of the patents to other persons.

Mr. FINDLAY. What use have private parties of this machine?

Mr. MCKENNA. Private parties have the right now to use this machine. It is at work every day. Work is waiting to be tested by it.

Mr. HERMANN. Was not the right to the use of this machine absolutely taken by act of Congress and given to the public upon the payment of a certain small fee?

Mr. MCKENNA. I answer, yes.

Mr. HERMANN. In other words, has there not been virtually a confiscation of this man's invention?

Mr. FARQUHAR. That is what it is.

Mr. MCKENNA. As to "confiscation," I can not speak; but as to the passage of an act of Congress assuming control of the machine, and giving its use to the public, that is the fact.

Mr. CUTCHEON. How long since the invention has been thrown open to the public?

A MEMBER. Since 1878.

Mr. MCMILLIN. I wish to know whether, when the Government contracted for the construction of that machine, it did not get the right to use it as it pleased?

Mr. MCKENNA. No, sir.

Mr. MCMILLIN. Will the gentleman point out any restriction contained either in the specifications or the contract under which it was built that restrained the Government in this respect?

Mr. MCKENNA. Well, I do not know that I can——

Mr. MCMILLIN. No such restriction exists.

Mr. MCKENNA. And I do not know that it is necessary.

Mr. MCMILLIN. To talk about "confiscation" is a misapplication of terms.

Mr. MCKENNA. All that the Government desired to do when it advertised for this machine was to get an idea upon which the machine could be built—a machine which could be useful in the work of the Government.

Mr. BROWN, of Pennsylvania. But it contracted to have a machine.

Mr. MCKENNA. Well, it got a machine; and it has it to-day; but if you do not pass this bill, and if any part of the machine covered by this man's patent should break, the Government will not have a machine.

A MEMBER. Why not?

Mr. MCKENNA. Because of the patents on the various parts of the machine which are necessary to its successful operation.

Mr. WARNER, of Ohio. Can not the Government reconstruct the entire machine if it chooses?

Mr. MCKENNA. No, sir; no more than you can do the same thing with a sewing-machine.

Mr. WARNER, of Ohio. The cases are very different.

Mr. MCMILLIN. I ask the gentleman from California to state whether it is not the fact that Mr. Emery himself says he has parted with these patents to other parties, and can not insure the Government against legal difficulties which may occur?

Mr. MCKENNA. As to that, I do not know.

Mr. BROWN, of Pennsylvania. I have heard him say so himself in committee.

Mr. MCMILLIN. In committee he was asked whether he would surrender his patents, and he said no, he could not do so.

Mr. WARNER, of Ohio. The gentleman from California, as I understand, states that this inventor put into this machine $129,000, or thereabouts, of his own means.

Mr. MCKENNA. Yes, sir.

Mr. WARNER, of Ohio. I desire to ask the gentleman what evidence he has of that fact; whether he himself or his committee examined the vouchers of expenditures incurred in the construction of the machine.

Mr. MCKENNA. No, sir; I did not.

Mr. WARNER, of Ohio. The committee in the last Congress did.

Mr. MCKENNA. I reserve the balance of my time.

Mr. LONG. I wish to read, in answer to the question of the gentleman from Ohio, what is stated in the report of the Forty-sixth Congress:

> It further appears from the documents on file that in order to produce such a machine as the Government and the board required, many parts, though constructed with great care, had to be made over and over again; and without entering into details as to changes, enlargements, new inventions, and devices that were made and used to perfect the machine, it is sufficient to say that the proofs show the actual cost of the machine to have been upwards of $129,000, for which he has received $31,500, exclusive of interest. These proofs as to cost and other details were submitted to Colonel Laidley, president of the board, and carefully examined by him and will be found in detail in Executive Document No. 74, above cited.

Mr. MCKENNA. Let me ask now much time I have left?

The CHAIRMAN. The gentleman has forty-five minutes remaining.

Mr. TRIGG. It will be noticed, Mr. Chairman, by the minority report, an amendment has been suggested striking out the sum proposed by the majority of the committee, and inserting in lieu thereof the sum of $63,000. It is proper for me to state, in behalf of the minority of the committee, they deem that sum not only a just compensation to this complainant, but a generous one under all circumstances. I do not think it is worth while to consume much time on this matter; and in fact if the House had paid attention to the reading of the report, as it fully sets forth all the facts involved, no further explanation would be needed.

Mr. LONG. Will the gentleman let me inquire what is the amendment he has suggested?

Mr. TRIGG. The insertion of $63,000 in place of the sum named in the bill of the majority.

Briefly, Mr. Chairman, the facts are these: The Government wished such a machine as has been constructed by Mr. Emery, and for that purpose made a contract with him for its construction. There is no complaint whatever about the machine that it is not perfect. There is no division in the committee whatever on that question. The minority agreed with the majority of the committee in saying that the Government has obtained all it contracted for, and the machine is fully up to all the requirements of the contract made with Mr. Emery for its construction.

The contract was on the part of the Government with Mr. Emery that he should construct such a machine as this at a price of $25,000.

Subsequently, after he had men at work to build the machine, he brought to the notice of Congress, or of the officials in charge of the work, that a different kind of material was needed from that which he thought would be required under the computation of $25,000. In consideration of the fact that additional and different material was required, he had, in addition to the contract price for the construction of this perfect machine, allowed to him the sum of $6,500. This $6,500 which was allowed him was absolutely over and above the price agreed to be paid by the Government. Instead of $25,000, the sum provided in the contract, Mr. Emery in fact received the sum of $31,500.

Now, Mr. Chairman, it would seem, ordinarily, the matter should end there, but here we find Mr. Emery before Congress for several ses-

sions, notably at the last session of Congress, when a bill was to be in the Senate, which, as this minority express it, donated to Mr. Emery the sum of $200,000 in addition to the price already paid him under this contract with the Government for this perfect machine. The minority report asks the majority to state upon what basis this sum of $200,000 is made out.

I ask the gentleman from California [Mr. MCKENNA], who wrote that majority report, to state now to this House upon what he bases his calculation of $200,000 in this case. Where does that $200,000 come from, as it is not the price for constructing the machine? The vouchers for that purpose have all been filed. Mr. Emery, it seems, comes forward with a claim in addition to the $31,500 he has already received—that in addition to that sum he has absolutely expended in constructing this machine, how much—$200,000? By no means.

Mr. HENDERSON, of Iowa. Will it disturb the gentleman to let me ask him a question?

Mr. TRIGG. No, sir.

Mr. HENDERSON, of Iowa. Will the gentleman state whether or not there were any new contracts or amendments to the contract?

Mr. TRIGG. None whatever.

Mr. FARQUHAR. Is not the gentleman from Virginia aware of the fact that this commission, created by the Government, asked for modifications in the construction of this machine?

Mr. TRIGG. Yes; I understand there was something of that kind, and for that reason I am willing, as the report of the minority states, to add an additional sum to what was agreed to be paid by the Government, and which the Government has already paid. And in that connection I wish to say the Government has paid it.

Gentlemen have alluded to the Government appointing this commission. Now, who is the Government?

I have always understood that the people represented the Government, and when the Government buys with the money of the people an invention of this or any other character, it buys it for the benefit of the people.

Mr. BROWN, of Pennsylvania. It was paid for by the people, and it was for the use of the people that the purchase was made.

Mr. TRIGG. That has always been my understanding.

In addition to the $31,500 which Lieutenant Emery has received, he comes before Congress and files vouchers before the Committee on Claims showing an additional expenditure over and above that sum, as appears in the report, of $38,161.62. He claims that he was put to additional cost in the construction; that that machine, to perfect it in the manner required by the contract, has cost more than he thought it would. In other words, he contracted to build and complete the machine for $31,500, and we have now before the Committee on Claims his vouchers filed to show that it has not only cost what he originally estimated, but in addition to that the sum of $38,161.62, on which sum, I desire to say, interest has been computed, so that the committee have been liberal in making that calculation.

Mr. HENDERSON, of Iowa. What is this additional amount for that the minority recommend? For any modifications or changes in the work?

Mr. TRIGG. The $38,161.62 appears to be, from the vouchers of Lieutenant Emery, the actual or total cost of the machine over and above the $31,500 according to the terms of the original contract.

Mr. FARQUHAR. That is, the changes and modifications have carried the cost beyond the original estimate to that extent—modifications and changes passed upon by the commission and General Benét.

Mr. TRIGG. Including all costs.

Mr. HENDERSON, of Iowa. Then the minority recognizes rights in Lieutenant Emery over and above the $31,500.

Mr. TRIGG. They do, sir.

Mr. HENDERSON, of Iowa. You do not hold him to the strict letter of the original contract.

Mr. TRIGG. No, sir.

But following that up, I wish to say that we not only did not hold him to the original contract, but we have been exceedingly liberal, in my opinion, in another respect. We propose to do not only what we believe to be just and honest, by repaying what has been actually expended by him on account of the Government as far as the vouchers have been filed, but over and above that amount to pay him at the rate of $5,000 per annum for his services since he was first engaged in building the machine, some five years. That is what I call generosity.

Mr. LYMAN. For how long a time?

Mr. TRIGG. For five years.

Mr. BAYNE. I would like to ask the gentleman a question, with his consent.

Mr. TRIGG. Certainly.

Mr. BAYNE. Does the gentleman from Virginia deny that this gentleman expended somewhat like $129,000 to perfect the machine?

Mr. TRIGG. I do, sir; I deny the fact. That is, I wish to be understood as saying that the papers in the case as filed before the Committee on Claims show no further expenditure beyond the $31,500, excepting the sum which I have already mentioned, and which we propose to put in this bill by way of amendment.

Mr. BUCK. But the executive documents referred to show the expenditures, do they not?

Mr. TRIGG. Yes, sir; just as the committee find; and if you will refer to the report you will see that it has already been considered. So that it appears in addition to the contract price to be paid by the Government for the machine, we have now an enormous bill for moneys expended amounting to more than the original contract price. In other words, we have a sum reaching $38,600, which the committee have recommended that this Congress shall pay; and in addition to that, as they say in their report, on account of the strong appeal made to the committee on behalf of Mr. Emery, and for his long services, that they would not only be just but generous, and allow him the sum of $25,000 for his services. These two sums added make $63,141.62. Some gentlemen have proposed making it $100,000, and that upon the hypothesis that the Government did not have the right when this machine was contracted for to allow it to be used by the public, and therefore propose to add $36,858.38, making up the $100,000. They proceed upon the idea that the Government, having built the machine at the enormous price which would thus be paid for it, should have the right to throw it open to the people, and that this sum would be compensation to Mr. Emery for that invention.

Mr. HENDERSON, of Iowa. What rights, if any, may I ask, were reserved under Lieutenant Emery's patent?

Mr. TRIGG. None that I know of. I have no information of any.

Mr. BURROWS. May I ask a question?

Mr. TRIGG. Yes, sir.

Mr. BURROWS. I have in my hand the report of Mr. HOAR, of Massachusetts, in the Senate, on this bill, in which he says:

It further appears from the documents on file that in order to produce such a machine as the Government and the board required, many parts, though constructed with great care, had to be made over and over again; and without entering into details as to changes, enlargements, new inventions, and devices that were made and used to perfect the machine, it is sufficient to say that the proofs show the actual cost of the machine to have been upwards of $129,000, for which he has received $31,500, exclusive of interest.

Mr. TRIGG. I will say to the gentleman, frankly, that all of that appeared before the committee, and I have been unable to see, and so have the minority of the committee, upon what ground it is based; and I call now upon those gentlemen who advocate the payment of this sum of $200,000 again to state on what basis they make the claim, and, if they can, to produce the vouchers and papers which involve that expenditure.

Mr. BUCK. The proof is to be found in Executive Document No. 74, Forty-sixth Congress. All of the papers are on record.

Mr. GALLINGER. May I make an inquiry of the gentleman from Virginia?

Mr. TRIGG. Yes, sir.

Mr. GALLINGER. I wish to ask him whether these vouchers were not submitted to Colonel Laidley, colonel of ordnance at the Watertown arsenal, and if he did not report that this money had been actually expended? Is not that a fact?

Mr. TRIGG. I do not know that that is a fact.

Mr. GALLINGER. It is the fact.

Mr. TRIGG. I will say this, that it appeared conclusively to my mind when these papers were overhauled that, in addition to the sum of $31,500 expended for the machine, the absolute cost, calculating the interest on Mr. Emery's outlay of the additional sums expended by him, only amounted to $38,600.

As the gentleman from South Carolina [Mr. TILLMAN] reminds me, the Government furnished the machinery and implements and material with which to make these tests, in large measure. And when he simply acted under his contract with the Government to construct such a machine as I say he has constructed, I am not willing, for myself, to agree that the sum of $100,000 shall be paid, much less the sum of $200,000, which has been passed in the Senate. The payment of $100,000 recommended by the committee is based upon the idea that when the Government chose to construct this machine for the use of the people they had not the right to throw it open to public use.

Mr. FARQUHAR. May I ask the gentleman one question?

Mr. TRIGG. I yield for a question.

Mr. FARQUHAR. When the Government gave the use of this machine to what the gentleman calls the people, is it not the fact that its use was in the hands of corporations, that the corporations were the first who had the use of the machine at Watertown, and that private individuals have been set aside?

Mr. TRIGG. I am not aware of any such action as that.

Mr. BROWN, of Pennsylvania. That is outside of the case.

Mr. FARQUHAR. When the gentleman said the Government had caused this machine to be constructed and it was the people's right to use it, I think it proper to suggest that private individuals or big corporations came there and took the use of this machine; that without building machines of their own they took the benefit of this patent. Let me say further that in the sundry civil bill of this year there is a clause for building a miniature machine of this kind for the United States Government to cost $15,000, so as to open the doors wider for private individuals and corporations to use this Emery patent.

Mr. TRIGG. I fail to see the bearing of that upon the question now before the committee.

Mr. BRECKINRIDGE, of Arkansas. In order better to understand the bearing of it, permit me to ask the gentleman from New York [Mr. FARQUHAR] whether this party sold the use of the machine to corporations and got the compensation for it?

Mr. FARQUHAR. The United States Government has given the use of this machine to corporations.

Mr. BRECKINRIDGE, of Arkansas. Then does he receive double pay?

Mr. FARQUHAR. He does not get pay. The Government takes in the revenue.

Mr. MCMILLIN. Will the gentleman from Virginia yield to me for a moment?

Mr. TRIGG. Yes, sir.

Mr. MCMILLIN. I will state that the condition on which the machine is used by private individuals is that they shall pay the actual expense of running it. The Government gets no revenue from it at all. And here it may be proper for me to state that on a careful examination of the claim when I was a member of the Claims Committee in the last Congress I was wholly unable to find a single reservation of the right or a prohibition of the exercise of the right either in the original contract or in the specifications under which the machine was built. I think gentlemen will be unable to find anything of the sort, and that when the Government bought the machine it had the right to do as it pleased with it.

Mr. TRIGG. I believe I have said about all I want to say—except this: Some gentleman has called attention to the fact that $129,000 was the price of constructing the machine instead of the figures I have given to the committee. I think if the executive document is produced it will be seen there is included in that $129,000 the sum of perhaps $10,000 a year to be paid to Mr. Emery for his services in constructing the machine. It is in that way that that sum is made up.

Mr. BROWN, of Pennsylvania. While he was under contract to build the machine.

Mr. TRIGG. Yes, sir.

Mr. BUCK. I hold in my hand that executive document. The items will show the total amount of the cost of this machine was $129,000. The details are given; and there follows a schedule of the amounts paid to the Ames Manufacturing Company and the other companies that furnished the material; and it is shown that the Government paid out $38,170, including interest, for the use of the machine.

Mr. TRIGG. I reserve the balance of my time. How much time have I remaining?

The CHAIRMAN. The gentleman has forty minutes of his time remaining.

Mr. CALDWELL. I desire to submit an amendment to the amendment by moving to strike out "$63,000" and insert "$129,000," the cost of this machine. If as part of that sum this $10,000 a year is included, I for one believe Mr. Emery's services to mankind are worth it, every dollar of it. You have only to contemplate one such disaster as has lately occurred in the West or anywhere else where a bridge or other structural material goes under at the cost of human life and suffering, to know that the United States Government is bound to the due and just compensation of a genius second to that of no man who has ever inscribed his name on the roll of inventors.

There is no doubt, Mr. Chairman, that this is a remarkable machine. Everybody testifies that it is absolutely perfect; it is the wonder of the world. I move the amendment I have indicated.

Mr. TRIGG. I hope this does not come out of my time.

Mr. CALDWELL. Certainly not. I was recognized and have spoken in my own time.

Mr. TRIGG. I was not aware of that.

The CHAIRMAN. The Chair recognized the gentleman from Tennessee [Mr. CALDWELL] for the purpose of offering an amendment to the amendment. The gentleman from Virginia [Mr. TRIGG] is entitled to the floor for forty minutes longer, and he has yielded ten minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. I will reserve my time, Mr. Chairman, and let the gentleman from California [Mr. MCKENNA] proceed now if he desires.

Mr. MCKENNA resumed the floor, and yielded ten minutes to Mr. LONG.

Mr. LONG. Mr. Chairman, I regret that I am not able to give what I know this House want—that is, a clear, lucid statement of the facts of this case. That will be presented, however, by a gentleman who is immediately to follow me; and in the mean time I think we may take one or two things for granted. I think we may take for granted that there is something of merit in a claim which has three times passed the Senate after careful consideration, once at $225,000 and twice at $200,000, and which, in the Forty-sixth Congress, was presented to the House on the report of a committee at $200,000. Everybody knows who knows anything about the matter that this is an invention of immense value; that the Government would not part with this machine for anything like the sum of $200,000; that if the machine were in the hands of Mr. Emery to-day and he had never parted with it it would be worth to him far more than $200,000.

Everybody knows that a contract was made with him by which, for a certain specified sum, he was to prepare this machine and throw it open for public use. At that time no one could appreciate what it would cost. It cost more than was anticipated; it is of far more value than was anticipated; and the simple question before us to-day is, How much ought to be paid to Mr. Emery to compensate him for his services? If he did expend $129,000, that sum ought to be paid back to him. If he received nothing for the five years' services which he rendered, he should be paid for those five years' services. If by throwing open this machine to public use he has deprived himself of obtaining the public as a customer for the use of his machine, he should be paid for that.

There come in these three elements of compensation: First, compensate him for what he paid out, which is stated in Mr. HOAR'S report to be $129,000. Second, pay him for his services. To that everybody agrees, and even the minority of this committee agree that he should receive $25,000—$5,000 a year for five years. That makes $154,000. Third, compensate him for the loss which he has incurred from being unable to obtain the public as a customer for the use of his machine. That was estimated, even by the minority of the committee in the last Congress, at $38,000. That makes $192,000, and I suppose the other $8,000 were added, making the round sum of $200,000, because it was supposed that when one of the most eminent inventors of this country had invented and constructed for the use of the Government one of the most remarkable testing machines ever made, the wonder of the world, admired and commended by all who have inspected it, acknowledged by all scientific and practical authorities to be of inestimable value, it was worth while to pay him something for his genius. Therefore the total amount was fixed at $200,000.

Now, if that is too much, name some other amount, but do not cut this man down to the narrow sum which will simply repay to him what he expended. If the $129,000, as suggested in the amendment of the gentleman from Tennessee [Mr. CALDWELL], is to be regarded as a compromise sum upon which we can all agree, I am perfectly willing to assent to it, but I do think that we should not approach the question in the spirit of holding this man to the strict letter of his contract, when that contract was made without knowledge of future circumstances, and when, as is shown by the report, experiment after experiment and change after change was made by the inventor, and made by the authority of the board which superintended the work.

Mr. TILLMAN. Will the gentleman allow me to interrupt him a moment? Is it not a fact that the Government defrayed all the expense of all those changes, and did not the Government furnish the material that was spoiled in making the experiments to perfect the machine, and did it not permit him to have the use of its machinery in making his inventions, and after that machinery was perfected did he not take out patents for it which he owns now?

Mr. LONG. And, in addition to all that, after all the Government had done, your own minority found that Mr. Emery had spent $38,000 over and above the $31,000 paid him.

Mr. TILLMAN. No, sir. That was intended as compensation.

Mr. MCMILLIN. That is not in the minority report of the committee in the Forty-eighth Congress.

Mr. LONG. Well, the fact is not disproved. Neither in that Congress nor in this has it been denied that there is some amount due to Mr. Emery over and above the $31,000 which he has received. The gentleman from Tennessee [Mr. CALDWELL] says that sum is $129,000; another gentleman says that it is $38,000. The statement that there is a sum due him is made upon the authority of two successive committees, and nobody denies it. If it be the fact that he has paid out $38,000 more than he has received, let us make that up to him. Let us make up what the minority of this committee admit is due to him by way of compensation for the services, $25,000. Let us add to that what is also suggested by the minority as a reasonable compensation for losing the public as a customer for the machine, $31,000 more.

Mr. TRIGG. That is not suggested by the minority report in this Congress.

Mr. LONG. We are considerably at sea with regard to this matter. There is no doubt that this gentleman has paid out more than he has received; no doubt that something is due him as compensation for his services; no doubt something is due him also for losing the right to have the public as a customer for his machine. How much shall we give him? The minority say $63,000. The gentleman from Tennessee [Mr. CALDWELL] says $129,000; the committee suggest $200,000.

I believe that we have got to compromise, and I am willing to agree to the amendment suggested by the gentleman from Tennessee [Mr. CALDWELL], that the amount be $129,000.

Mr. SOWDEN. I wish to ask the gentleman whether the claimant did not know at the time of making the contract with the Government for the construction of this machine that it was to be thrown open to public use.

Mr. LONG. I do not know whether he knew it or not. Evidently he did not know himself the value of his invention. That is the very point I want to make. I wish to appeal to the generosity of members of the House. You, the Government, the people, have enjoyed the advantage of a great machine of the value and perfection of which you

had no conception. It may have been that this man supposed it was to be thrown open to the public. It is thrown open to the public; and thereby he lost the public as a customer. I am not arguing this question upon the letter of the contract, but am seeking to ascertain how much in fairness and justice we should pay this man.

Mr. SOWDEN. Does not the gentleman know that, on account of the immensity of this machine and its costliness of construction, it would be impossible to sell the patent either to private individuals or to corporations outside of the Government itself?

Mr. LONG. I do not know that. I think that corporations would be glad to pay for the use of an invention of this kind, if they could not otherwise secure it.

Mr. HOPKINS. If my friend from Massachusetts contends that the report of the majority of the committee is correct, and that Mr. Emery should be allowed $200,000, why is he willing, on behalf of Mr. Emery, to accept $129,000?

Mr. LONG. I accept it as a matter of good practical business—because it is the most we can get.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. MCKENNA. I now yield twenty minutes to my friend from New Hampshire [Mr. GALLINGER].

Mr. GALLINGER. Mr. Chairman, I feel an interest in this claim for the reason that I believe this great and rich Government of ours can afford to be honest, if not generous, toward the inventors of whose genius it avails itself. I have endeavored to acquaint myself with all the facts connected with this matter. I find that committees of the Senate and the House have repeatedly reported in favor of allowing the amount recommended by the majority report from the Committee on Claims.

Mr. PETTIBONE. That is $200,000?

Mr. GALLINGER. Yes, sir. In the Forty-sixth Congress, Mr. Bowman, of Massachusetts, the author of the famous Bowman act, made a report recommending the payment of that amount. In his report he used this language:

> It further appears from the documents on file that in order to produce such a machine as the Government and the board required many parts, though constructed with great care, had to be made over and over again; and without entering into details as to changes, enlargements, new inventions and devices that were made and used to perfect the machine, it is sufficient to say that the proofs show the actual cost of the machine to have been upward of $129,000, for which he has received $31,500, exclusive of interest. These proofs as to cost and other details were submitted to Colonel Laidley, president of the board, and carefully examined by him, and will be found in detail in Executive Document No. 74, above cited.
>
> This cost does not include any allowance for the value of the invention used in the machine, nor is there embraced in it anything for profits, both of which items should be considered in fixing the amount to be paid, for no one could wish the Government to use this machine, even at cost, without compensation to him for his inventions and his time, nor that he should assume the heavy expense and risk involved without a fair profit.

This matter was referred to Colonel Laidley, Colonel of Ordnance, at the Watertown arsenal, where this machine was being used, and in a report upon the subject Colonel Laidley said:

> The amount of $200,000, if now paid by Congress, would not, in the judgment of the undersigned, be excessive, or more than sufficient to pay the contractor a fair equivalent for his unusual devotion to the interests of the Government, the work performed by him, and the losses sustained during the time that he has given up his undivided energies to this undertaking.

In addition to this, Mr. Chairman, I find that General Benét, Chief of Ordnance of the War Department, has written a letter on this subject; and I submit if there is any man in the country who is competent to form an opinion as to the value of an invention such as this it is General Benét. I set up his judgment against the judgment of gentlemen on this floor who are to-day opposing this just claim. General Benét says:

> The inventor has produced a testing-machine believed to be the most reliable and perfect in the world, and reflecting the greatest credit on the inventive genius and mathematical skill of one of our citizens. No one can question the fact that in the laudable desire to do his whole duty to the country, and give it the master-piece of his designing and constructive faculty, he has seriously involved himself pecuniarily, and has not received any compensation for his very arduous labors. In the construction of this machine he has expended large sums over and above the amount paid him under the contract.
>
> It is a case that appeals strongly to our sympathies and to our sense of justice equitably rendered. In this view I respectfully recommend this matter to favorable consideration.

Mr. Eaton, of Connecticut, when a Senator of the United States, said, in speaking of this matter:

> In my opinion this appropriation ought to be made. This is the most extraordinary machine in this or any other land.

There is other testimony in this behalf. Hon. Abram S. Hewitt, recently a distinguished Congressman from New York, now mayor of that city, said on the floor of this House, in speaking of this machine:

> It is known to most gentlemen here that a testing-machine has been constructed and now belongs to the United States Government. This machine is at the United States arsenal in Watertown, Mass. It is, perhaps, the most remarkable exhibition of mechanical ingenuity that has been produced in our time; and the inventor, Mr. Emery, has recently received from the Machinists' Charitable Institution of Massachusetts the medal which they confer once in a long period upon the invention which is the most calculated to advance the interests of mankind. In other words, the machine in question has received the highest honor that it is possible to confer in this country at the hands of those who are competent to judge of its merits.

I may be permitted also to call attention to two or three utterances of distinguished Senators years ago in discussing this question. Senator HAWLEY said:

> I think the machine has been worth millions upon millions of dollars to this Government. It revises for us, revises for the world, the standard tables of tests of all the metals. I think this appropriation is exceedingly reasonable; it will be no profit to him. Four years ago this $200,000 was recommended by the most candid, the best qualified men to whom he could submit it.

Senator PLATT, of Connecticut, chairman of the Senate Committee on Patents, made several years ago an exhaustive speech on this subject, in which he stated that $200,000 is a pittance compared with the value that this machine has been to the Government. Senator VOORHEES, speaking upon the same question, remarked:

> I say that from the beginning to the end, from the incipiency of the history of this claim until the present moment, it swells upon the regard of every man that looks into it; it magnifies itself when it is examined; there is nothing like it to-day beneath the sun in all the civilized world, and there is no other such machine in existence. This gentleman has added one more proud triumph to the inventive genius which America has so long and so steadily displayed; and instead of caviling and carping about this amount, to my mind it is not only fair and reasonable, but it is small in comparison with the great results which are to be achieved by this invention.

Mr. Chairman, as the distinguished gentleman from Ohio [Mr. BUTTERWORTH] suggests to me, any of the governments of Europe would gladly have paid a half a million of dollars for an invention such as this. This poor American inventor, who has spent in the service of the Government the fruit of his experience and genius, borrowing money to perfect this invention, believing that the Government would be honest and reimburse him, comes here to-day and asks that Congress shall be just to him, and pay him a fair remuneration for the work he has done. I trust that this justice will be granted him, and that the pittance which this inventor asks will not be withheld; that, in the language of Senator VOORHEES, neither carping nor caviling will mislead this Congress and cause it to do an unfair and an unjust act to a man who deserves the gratitude of every citizen of the United States.

I yield the remainder of my time to the gentleman from Maine [Mr. REED].

[Cries of "Vote!"]

Mr. REED. I do not want to use time if we can have a vote.

Several MEMBERS. Go on, and use the time.

Mr. REED. Mr. Chairman, I have heard on this floor, every now and then, some remarks about the grinding nature and character of corporations. I am not absolutely sure, even by figure of speech, we can designate the United States as a corporation. But whether it is or not, according to my experience, it surpasses in its grinding character in a matter of this kind any corporation I have heard described on this floor.

My interest in this case—and I confess I have considerable—arises from the fact that I have witnessed myself some of the work of the wonderful machine which the United States now has, and which it is now asked to pay for.

If this were a mere case of contract to build a machine, the nature and limitations of which contract were well understood on both sides, there would be no reason on earth why the loss should not rest where it fell. But here is a contract to build a machine the like of which never existed on the face of the earth. That machine has been built by the inventor without the slightest regard to the terms of the contract, and without the slightest attempt to get his money on mere perfunctory performance of the letter of his contract. On the contrary, from the very first he has steadily held in mind the duty to produce the best machine which could be produced for the purpose for which it was designed. And whoever sees that machine in operation comes away from it with wonder and amazement. He can see it measure the strength of a single hair, and at the same time tear apart and measure every pound of resistance of an immense bridge member, a large bar of steel.

The result of the use of that machine is, that it has revolutionized the knowledge possessed by the world of the strength of materials. Heretofore we could only take a small piece and judge by that as to a large piece. Here a great piece, bridge members, can be tested in all their parts, and the result is, as has been repeatedly stated, a revolution in our knowledge on this subject.

Now, that information we have gained from that machine is worth a hundred times to the people of this country even what is proposed to be given by the Senate of the United States. We contracted for a machine of a limited character. We have got a machine which is wonderfully far-reaching in its benefits. We have got more than we bargained for, ten times and a hundred times over. Should we hesitate to pay not only a fair but a just and generous remuneration?

Mr. HENDERSON, of Iowa. Will my friend allow me to ask him a question right there?

Mr. REED. Certainly.

Mr. HENDERSON, of Iowa. I have every disposition to treat Lieutenant Emery honestly.

Mr. REED. Mr. Emery.

Mr. HENDERSON, of Iowa. But for one I want to know how much I am paying for actual expense incurred, and how much for generosity.

Mr. REED. One hundred and twenty-nine thousand dollars——

Mr. HENDERSON, of Iowa. One word more. The gentleman from Virginia [Mr. TRIGG] has challenged those who signed the report of the majority of the committee to state how they made up $200,000. We have had eloquent and clean cut speeches, but that challenge has not yet been met. For one I want that to be done before I am called upon to vote on this matter.

Mr. REED. The gentleman is mistaken. That has been done by the gentleman from Connecticut [Mr. BUCK], who has produced Executive Document No. 74, page 5, where items are given which aggregate $129,000.

Mr. SOWDEN. Let that be read for the information of the House.

Mr. REED. Precisely; that can be read for the information of the House.

Mr. HENDERSON, of Iowa. I did not hear that read.

Mr. MCMILLIN. Does the gentleman insist that is in excess of the amount received by him?

Mr. REED. I do not.

Now I wish to address myself to one other point. I think that the gentleman on the other side who started this discussion has permitted himself to fall into confusion in regard to one point. He wants to know who the Government of the United States is, if it is not the people of the United States. I submit to him that there is a plain distinction between the Government of the United States as a Government and the people as people. If I sell a machine to the Government of the United States, to be used for the benefit of the Government as such, it is a very different thing from selling a machine to the Government of the United States to be distributed among the people, to be used in their private business.

Now, that is precisely the wrong which has been done to Mr. Emery in this case. He has invented a machine of great value, and the Government of the United States, instead of leaving him the right to sell to bridge corporations, to great iron manufacturing firms, and to other people who would use and want the machine, has deliberately thrown open this machine to their use, so that by using Government employés at no expense, or at merely the expense of the Government employés and at the actual cost, they can obtain the very results which they would have to purchase one of these machines in order to get, with the additional advantage of having men trained in the service of the United States, to do their private work.

Mr. HENDERSON, of Iowa. Is not that what the Government bought it for?

Mr. REED. No, sir; but for the purpose of doing its own work.

Mr. HENDERSON, of Iowa. Then would not his patent protect him?

Mr. REED. There is no such thing as a patent on a great machine like that. The only patents would be on particular devices used throughout in the manufacture of the machine; and how can he call upon the Government for damages? It is not suable. It is not subject to such a suit. How can he call for a remedy at all, and where should he apply except to Congress?

The truth is that this was done right in this House, and, if I mistake not, under the suggestion of a large iron manufacturer, himself interested in getting all of this valuable knowledge.

And in addition to that it is not merely the advantage gained by these great companies, but it is an advantage which is gained every day in the year for the people of this whole country, for everybody who crosses a bridge or uses a machine; in a word, for the whole world that is interested in this great question of the strength of materials, which is at the base of construction of every kind and character.

Mr. HAMMOND. I desire to know, for information simply, whether this gentleman still retains his patents, or whether they are held by the United States?

Mr. REED. I do not know; I simply say, whether he retains his patents or not, that they are patents for particular devices which enter into the construction of the machine, or which have to be used in the construction of this very complicated mechanism.

Mr. HAMMOND. This bill, as I understand it, undertakes simply to sell to the Government this machine and the right to use these patents; to put the machine up, and to work it. Now, I want to know whether he can not reap profit under the law from other persons as soon as the Government ceases to use the machine?

Mr. REED. I do not think he can.

Mr. HAMMOND. Why?

Mr. REED. Because he is deprived of his customers.

Mr. HAMMOND. How?

Mr. REED. Because the Government throws open the machine for their use.

Mr. HAMMOND. But suppose the Government should cease to use the machine?

Mr. REED. That is a supposition the value of which the gentleman from Georgia understands. That machine will last the lifetime of this inventor.

Mr. HAMMOND. The "gentleman from Georgia" does not know anything about how long it will last, for the reason that he knows nothing of machinery at all.

Mr. REED. I believe there is just where the difficulty is in this matter. I do not believe anybody who has seen the machine and witnessed its operations would hesitate to say that it is a just and a wise thing to pay a fair and reasonable sum for the materials actually furnished and for the genius actually employed in its construction.

Mr. HERMANN. Let me ask the gentleman from Maine whether as a matter of fact the Government has not, in the act approved June 20, 1872, virtually appropriated it? In other words, whether it has not practically confiscated the machine and made it open to the public upon the payment of a certain fee?

Mr. REED. That is precisely what the United States has done, and, having done that, it ought to pay for it. Now, I want to appeal to the House to its sense of fairness. I do not know the man. I never knew him until after I had seen his machine; but it impressed me as being a great work. It impressed me as conferring a tremendous boon upon mankind. It impressed me as being of incalculable value to the people of this country. Let me say to you that you have not only taken $129,000 of this man's property, more or less, whatever the figures may show, but you have kept him dancing attendance upon the Congress of the United States until, if he be made up as ordinary men are constituted, he must be pretty nearly heart-sick by this time. All of these questions argued here in opposition seem to me to turn upon simple and trivial technicalities that do not seem to rise to the dignity of the situation in which Congress actually finds itself. Here is a great benefit conferred; here is wonderful skill displayed which has been utilized for the benefit of the Government and of the people.

A man has spent the best years of his life upon this invention and has spent more of the best years of his life in trying to hunt for the recompense of reward. He has borrowed money and is to-day weighed down and oppressed by the indebtedness which his own faithfulness to his own idea has put upon him. And the question before the Congress of the United States is, Shall we treat this in a large, fair, open, and generous manner commensurate with the favor which has been bestowed upon us or shall we measure it by some little measure which will condemn this man to the mere contract price which he has received for an article which he has furnished infinitely superior to what the contract required?

[Here the hammer fell.]

Mr. TRIGG. I yield five minutes to the gentleman from Pennsylvania [Mr. BROWN].

Mr. MCKENNA. How much time have I remaining?

The CHAIRMAN. The gentleman has fifteen minutes of his time.

Mr. MCKENNA. Before the gentleman from Pennsylvania proceeds I desire to yield a few moments to the gentleman from Connecticut [Mr. BUCK].

The CHAIRMAN. The Chair has already recognized the gentleman from Pennsylvania [Mr. BROWN].

Mr. BROWN, of Pennsylvania. The sole difficulty in this case is that this applicant for this money has desired to eat the cherry and keep it too. He built a machine for the Government of the United States, and there never was an hour when the Government of the United States was not willing to pay him not only what it agreed to pay him, but all that he expended in excess and a reasonable compensation for his time. The Government agreed with him that he should build a machine for $25,000. In the construction of that machine there is not a particle of evidence that any one in authority ever authorized the expenditure of a dollar above that amount. That is what the testimony shows. And yet the machine having been built, and having been a success, every report of every committee that has investigated the claim, whether a majority or a minority report, has shown a willingness to reimburse this man for all he has expended. That is more than a private individual would do, and yet the gentleman from Maine [Mr. REED] has belittled the Government of the United States because it would not yield to all the demands this man has succeeded in inventing.

Mr. HENDERSON, of Iowa. Does the gentleman from Pennsylvania not admit the expenditure of $129,000?

Mr. BROWN, of Pennsylvania. I admit no such thing. I say there are nearly $50,000 of interest included in that, and an item of $21,000 for salary, for services when he was building under a contract.

The Government of the United States contracted for the building of this machine, and when it was built it was entitled to make what use of it it pleased. The gentleman from Maine [Mr. REED] assumed that the Government of the United States having paid for the machine had not the right to hire out its use. I say it had a right to hire it out to every man in the Republic.

The applicant in this case, when he was asked the question whether he would assign to the United States the patents that he secured while he was constructing this machine and during the time he claims pay, said to the committee that under no circumstances would he assign them now if he had them in his possession; and then it leaked out that he had already assigned them and they were in the hands of a company of which he was a member; and he is to-day receiving, as I am informed, the benefits growing out of the patents which he refused to assign to the Government, but for which it is assumed we should pay him.

Mr. TILLMAN. If the gentleman from Pennsylvania [Mr. BROWN] will permit me, I will suggest another fact in that connection. I asked

Emery whether, if the Government would pay him $200,000, he would assign his patents so that the Government could manufacture other machines to use at other foundries and arsenals of the Government, and he said no he would not and could not.

Mr. BROWN, of Pennsylvania. I remember that very well. The minority of the committee in the Forty-eighth Congress were willing to reimburse the man for all he had expended and pay him a reasonable compensation for his time. He has no rights here whatever beyond that. All in excess that Congress gives him is a gratuity. He will have by the minority report all the Government agreed to pay him and more too. If you want to pension this man for doing a great service to the country bring in your pension bill. The difficulty has been this question has always been before Congress under false pretenses—a pretense that the Government had this man's patents.

Mr. BAYNE. Will my colleague permit me to ask him a question?

Mr. BROWN, of Pennsylvania. Yes, sir.

Mr. BAYNE. I ask if the patents under which this machine is manufactured belong to a company whether the right to supply the various devices for such machines would not also belong to that company?

Mr. BROWN, of Pennsylvania. Yes; and of that company he is a member.

Mr. BAYNE. Does not this bill provide as follows:

Said machine, together with the full right to the use therein of all patents and inventions used in its design and construction, shall belong to the United States?

Mr. BROWN, of Pennsylvania. But that is the specific machine itself which he manufactured under contract. That provision does not extend beyond that machine, which he made while he was in the employ of the Government of the United States.

[Here the hammer fell.]

Mr. TRIGG. I yield the gentleman from Pennsylvania five minutes more.

Mr. HERMANN. Will the gentleman from Pennsylvania permit me to ask a question?

Mr. BROWN, of Pennsylvania. Yes, sir; with pleasure.

Mr. HERMANN. I wish to ask him whether or not under this section of the act of Congress approved June 20, 1878—

That the Secretary of War is hereby authorized to cause the machine built for testing iron and steel to be set up and applied to the testing of iron and steel for all persons who may desire to use it, upon the payment of a suitable fee for each test—

Whether or not under that language his rights to a patent for the product of his inventive genius so far as this machine is concerned are not absolutely worthless?

Mr. BROWN, of Pennsylvania. There is the milk in the cocoanut. That is what is the matter with this man Emery. The Government of the United States proposes to utilize the machine it has paid for, and that infringes upon the patents which he obtained while he was in the employ of the Government, and for which time he now seeks pay.

Mr. GALLINGER. A moment ago you said that those patents were still in his possession and available for his benefit. [Laughter.]

Mr. BROWN, of Pennsylvania. I say they are still in his possession or his assignees.

Mr. GALLINGER. Then you must take back what you said awhile ago.

Mr. BROWN, of Pennsylvania. No, sir; I take nothing back. I say that he has patents which have been assigned to a company of which he is a member, and he has a right to all the fruits of them except so far as they come in competition with this machine of the Government, for which the Government paid all it agreed to.

Mr. GALLINGER. Has not the Government legislated him out of his rights by its enactment in regard to that machine?

Mr. BROWN, of Pennsylvania. It has legislated on nothing new. It had, before the legislation, all the rights it got by the legislation by the terms of the contract under which it was built. [Several MEMBERS. No, no.] It built the machine and paid for it, and had a right to use it. These patents were issued subsequent to his contract with the Government and must, both in law and equity, remain forever subject to whatever rights the Government acquired thereby.

Mr. PERKINS. I wish to ask the gentleman from Pennsylvania if it is not a fact that Mr. Emery consented that that clause should be put in the bill giving the Government that right?

Mr. BROWN, of Pennsylvania. I do not know as to that.

Mr. PERKINS. I am told that he did, when the appropriation was made.

Mr. WARNER, of Missouri. I wish to ask the gentleman from Pennsylvania [Mr. BROWN] a question. I understood him to assert awhile ago that this claimant has always appeared before Congress under false pretenses. I ask the gentleman whether, in the last Congress, he, as a member of the Committee on Claims, did not recommend the payment of $67,000 to this man, who, he says, has always been here under false pretenses?

Mr. BROWN, of Pennsylvania. Yes, sir. [Laughter.] If the gentleman had listened to what I have already said he would not have asked me that question. I said in the beginning that the minority of the committee were always in favor of giving this man something—all he could prove to be his due, and more. But his claim was so much in excess of what he was entitled to, and that excess was so entirely without any sort of right or equity, that his demands could not be acceded to. The amount beyond what we were, in the Forty-eighth Congress, willing to give was, I repeat, based upon the false assumption that the Government was using the gentleman's patents, when in fact he has assigned them to a company of which he is a member. False pretenses may be a harsh term, but I mean no more by it than to say that the facts in the case are not what was assumed. The claim was several weeks before the Committee on Claims in the Forty-eighth Congress before it was known that he was seeking pay for inventions which he was keeping for his own use and benefit.

Mr. WARNER, of Missouri. I will ask the gentleman to tell us also by what process of figuring he arrived at the sum of $67,000, which he was willing to allow in the last Congress.

Mr. BROWN, of Pennsylvania. Sixty-three thousand dollars was the maximum amount that I could obtain evidence of his having expended in addition to a reasonable compensation. The sixty-seven thousand which I assented to was a compromise, and a sum which, in my opinion, gave the man the benefit of every doubt. There was no especial process of figuring. It was a lumping sum, and near four thousand more than he could prove to be his due.

[Here the hammer fell.]

Mr. TRIGG. I yield five minutes more to the gentleman from Pennsylvania, [Mr. BROWN]. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BROWN] is recognized for five minutes.

Mr. BROWN, of Pennsylvania. I have nothing more to say, Mr. Chairman. I reserve my time.

Mr. SPRINGER. I ask the gentleman from California [Mr. MCKENNA] to yield for a motion that the committee rise. It is evident that we can not finish the consideration of this bill to-day. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. Does the gentleman yield for that motion?

Mr. MCKENNA. I have not risen to detain the House. I appreciate its impatience and am very desirious to reach a vote. I ask the gentleman from Virginia [Mr. TRIGG] whether he will not agree to submit the matter now to a vote upon a motion which I will make to lay the bill aside to be reported favorably to the House?

Mr. TRIGG. No, sir; I will not. This side desires to be heard further.

Mr. MCKENNA and Mr. LONG. How much time do you want?

Mr. TRIGG. We want all we can get.

Mr. MCKENNA. I did not understand that the gentleman had approached the bill with any such spirit as that. I therefore move that this bill be laid aside to be reported favorably to the House.

The CHAIRMAN. The Chair will state to the gentleman that there are two amendments pending.

Mr. BURROWS. Let us vote on those amendments.

The CHAIRMAN. The pending question is on the amendment offered by the gentleman from Tennessee to the amendment of the gentleman from Virginia.

Mr. MCMILLIN. I suppose the gentleman from California [Mr. MCKENNA] will not attempt to force this debate to a close when almost all the time on his side has been occupied, while the time belonging to this side has not been.

Mr. TRIGG. I hope the gentleman from California [Mr. MCKENNA] will withdraw the motion he has made.

Mr. MCKENNA. I have no desire to be unfair or to prevent any proper discussion. I do not, however, want the whole time consumed and discussion employed for that purpose.

Mr. TRIGG. I can assure the gentleman that all we want on this side is to be fairly heard.

Mr. MCKENNA. I reserve my time.

The CHAIRMAN. Forty-five minutes of the hour of the gentleman from California have been occupied, and thirty-five minutes of the hour of the gentleman from Virginia. The ten minutes allotted by the gentleman from Virginia to the gentleman from Illinois have not been consumed. Those ten minutes, if occupied, would make the time exactly equal between the two sides.

Mr. REED. I suggest to the gentlemen on the other side whether they would not consent, in view of the lateness of the hour, that the Committee of the Whole adopt the recommendation of the minority of the committee and report it to the House.

Mr. TRIGG. I should have no objection to that.

Mr. CALDWELL. I object, and ask for a vote on my amendment.

Mr. HOLMAN. I submit as a substitute for the pending bill the proposition which I send to the desk.

Mr. CALDWELL. I withdraw the objection which I made.

The CHAIRMAN. Does the gentleman withdraw his amendment?

Mr. CALDWELL. I simply withdrew the objection to the proposition of the gentleman from Maine.

The CHAIRMAN. The Chair will state to the gentleman from Indiana [Mr. HOLMAN] that two amendments are pending.

Mr. HOLMAN. But my proposition is a substitute for the bill.

The CHAIRMAN. That could only be in order after a vote had been taken on the amendments designed to perfect the bill.

Mr. HOLMAN. The substitute can be offered now, though the vote upon it must be deferred.

The CHAIRMAN. The Chair will hear read the substitute which which the gentleman from Indiana [Mr. HOLMAN] offers.

The Clerk read as follows:

Amend the bill by striking out all after the enacting clause and inserting in lieu thereof:

That there be referred to the Court of Claims, to be considered under the provisions of an act approved March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," the claim of Albert H. Emery, of Stamford, Conn., against the United States on account of the cost of and the time spent by him, and for the use of all patents and inventions in designing and constructing the testing machine built for him by the United States, as alleged by him; and that report be made thereon to Congress, as required in said act.

The CHAIRMAN. The Chair will state to the gentleman from Indiana that the amendment sent up, which is in the nature of a substitute for the bill, is not in order until the vote has been taken on the two pending amendments designed to perfect the bill.

Mr. HOLMAN. Of course I understand that the vote must first be taken on the two pending propositions, but I wishto say a word on this substitute.

It must be very manifest to those who have listened to this debate that the principal trouble here is to ascertain the facts. I submit that with the facts ascertained there will be no trouble in doing this gentleman justice; and without the facts we are blindfold, and must act in the dark.

Mr. TRIGG. I understood that the time to which I was entitled had not expired. I desire to be heard further on this bill.

The CHAIRMAN. If the gentleman insists upon it he is entitled to the floor for fifteen minutes.

Mr. TRIGG. I do insist on it, unless it is understood that the proposition of the gentleman from Maine that we accept the minority report shall be agreed to. If that is understood I am perfectly willing to yield the floor to allow that arrangement to be carried out.

The CHAIRMAN. The gentleman from Tennessee has not withdrawn his amendment, and the vote must first be taken on that amendment.

Mr. TRIGG. I yield ten minutes to the gentleman from Tennessee [Mr. MCMILLIN].

The CHAIRMAN. The Chair will state to the gentleman from Virginia that if the Committee of the Whole should vote down the amendment of the gentleman from Tennessee, the next vote in order will be upon the amendment offered by the gentleman from Virginia. [Cries of "Vote!" "Vote!"]

Mr. MCMILLIN. Mr. Chairman, this matter was presented in the Forty-eighth Congress, and I have made strenuous efforts to arrive at the facts of the case. During the investigation which went on in the committee it was demonstrated that while Mr. Emery was engaged in building a machine which is now the subject of controversy he perfected other patents which went into the construction of this machine, as well as other inventions which were never used in the construction of the machine, but upon which he obtained patents.

He came before that Congress when his case was presented, as he had come before prior Congresses, asking to be paid $225,000 out of the Treasury. I believe the Senate passed a bill granting him that amount. The Senate then passed his claim for $200,000. That came to this House, and an effort was made to pass it, but it was defeated. It was discussed in the House, and it was defeated.

But here we are furnished with the claim again, and the question is, what shall we do with it? Now there has been a great deal of talk about what we should pay. I undertake to say, in response to the executive document which has been so industriously quoted in this debate, and the remarks of gentlemen which have been based upon it, and upon which an attempt has been made to found a contract, that there is not a man in the world who can figure out $129,000, or even $100,000 of money expended by Mr. Emery in the construction of that machine, so far as the facts stated in that report are concerned.

Mr. GALLINGER. Less $31,500.

Mr. MCMILLIN. Every dollar has been included and spent in the way of salary of employés and everything else, going to make up an enormous expense. It includes even the price of pencils used in making the drawings for these patents.

Now, Mr. Chairman, when Mr. Emery came before us to present his claim for a report by the committee every effort was made to find out how much was due him. We were not able to figure up anything like the amount suggested by the gentleman from Connecticut [Mr. BUCK] and the other gentlemen who have talked on this subject.

When the minority report here has been adopted you have done what? You will have paid him in salary the full amount he undertook to furnish the machine to the Government originally. I can not reiterate that too much. If you give him $25,000 you will pay him as much as he agreed to take for the whole machine.

Mr. TILLMAN. Work and all.

Mr. MCMILLIN. Yes; work and all—material, time, and everything. And the question is whether this House is ready to do it; that is, to pay him so much more than he agreed to receive. If the exaggerated imaginations of gentlemen which prevail here, and if this magnificent generosity on other people's money prevail here and $200,000 is given to him, you will then give him more than four times, ay, more than five times more of profit than the machine was to cost. Now, is the House ready for it? I am ready to do what is fair. I would not accept the service of the humble slave without compensation. I would not take any man's material without compensation. But, sir, at the same time when a man agrees to make a machine at a certain price I see no obligation the Government is under to give him four or five times that price or profit.

Mr. PETTIBONE. Will the gentleman permit me to ask him a question?

Mr. MCMILLIN. Certainly.

Mr. PETTIBONE. Did this man propose to furnish to the Government as perfect and as good a machine as the Government now has for $25,000?

Mr. MCMILLIN. Yes; he did. He undertook to furnish to the Government a perfect machine.

Gentlemen talk about the loss which he sustained. It is said the material for which he paid was thrown away. Why? Because in his own mind it did not exist at the time—the perfect machine we now have—and it was in a great degree a work of experiment.

Mr. MCKENNA. Are you not willing to allow him something?

Mr. MCMILLIN. When he came before the committee I agreed, if I could get at the amount, unhesitatingly to pay for what he lost in the way of materials.

Mr. MCKENNA. Can not you estimate it now?

Mr. MCMILLIN. Mr. Chairman, I am very candid in saying, in response to that inquiry, that I have more difficulty in that proposition than in any that has come before this Congress. I do not see how the facts can be reconciled, for after an examination in the committee, after examining the vouchers of Mr. Emery and hearing his statement, I do not know what is due him, and I see no way on which an agreement can be reached. One gentleman suggests that he be paid $200,000, another $100,000; some think $129,000 should be paid, and yet another suggests sixty-odd thousand dollars. I see no way, therefore, of reconciling the differences of opinion which exist in regard to the amount due him except by the reference as suggested by the gentleman from Indiana.

Mr. HERMANN. Will the gentleman permit a question?

Mr. MCMILLIN. Yes, sir.

Mr. HERMANN. The gentleman remarks that the claimant agreed to construct the machine in every sense perfect for $25,000. Now, I will ask the gentleman whether subsequently, under a special act of Congress, and by authority and consent of a board of engineers appointed by the President of the United States, this machine was not so modified as to require great and expensive additions?

Mr. MCMILLIN. It was ascertained that some of the material should be of a heavier mold than that which the contractor originally proposed, and thereupon an additional expenditure of $6,500 was made at Mr. Emery's instance, which was paid.

Mr. GALLINGER. You admit that in your judgment something is due, but that the trouble is, how much. I want to inquire if General Benét's judgment is not worth just as much as your judgment or mine?

Mr. MCMILLIN. I have examined General Benét's statement, and I think so much of it that I would not regard it as having any weight in the matter, with all due deference to him, and I do not wish to be understood in any manner as questioning his integrity in making that statement, but simply that I would not take his statement in preference to the facts.

Mr. GALLINGER. That is unfortunate for General Benét. He does not evidently understand his business, according to the gentleman's opinion. You ought to get him dismissed.

But another matter: Is it not true that this man borrowed money, believing that the Government would repay him, and that he paid interest upon it, and yet you refuse to reimburse him?

Mr. MCMILLIN. If you adopt the minority report you not only pay him with interest, but you pay more than 6 per cent., more than 8 per cent.

Mr. GALLINGER. Then the gentleman's mathematics are different from mine, for we do not agree on that point.

Mr. MCMILLIN. Our mathematics may be different, but I think the gentleman will admit on examination that my calculation is correct.

Mr. GALLINGER. And further let me say to the gentleman that he does not agree with the mathematics of this Executive Document, which has been examined by Colonel Laidley, and approved by him.

Mr. MCMILLIN. We asked Mr. Emery when he came before the committee if he was ready to turn over the patents. He said he was not; and I wish to do him the justice to state that he said he had organized a company, of which he was a member, and that the patents were in the hands of that company. So that those gentlemen who undertake to burden the Government with the payment of $200,000 on account of this claim, by saying that if any part of the machinery is

broken it can not be supplied, will be confronted by the same difficulty when the bill for $200,000 passes, if it does pass.

[Here the hammer fell.]

Mr. TRIGG. I now take the floor, and yield to the gentleman from Illinois [Mr. SPRINGER] for ten minutes.

Mr. CALDWELL. I hope the gentleman will yield to me for a moment, to withdraw my amendment.

Mr. SPRINGER. The gentleman from Tennessee desires to withdraw his amendment, and I yield to him for a moment.

Mr. CALDWELL. I am satisfied that if I insist upon my amendment there will be no action taken, and rather than have this case to fail now—and I wish to say that I have no interest in it whatever; I do not know this man from the veriest stranger on the face of the earth—I withdraw my amendment.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Virginia. [Cries of "Vote!" "Vote!"]

Mr. SPRINGER. Mr. Chairman, the best course for the House to take is, in my judgment, to adopt the substitute recommended by the gentleman from Indiana. When this matter was before the committee, and when it was being considered afterward in the preparation of the minority report, I thought I had become familiar with all the facts. There were certain facts undisputed. But I now find that there is not a fact from one end to the other that is not disputed, and we have lost nearly one day of the valuable time of the people in trying to obtain some understanding of the particular case before us—valuable time trying to find out the facts—and we are as much in the dark at this moment as when we began the discussion. So much confusion has prevailed with regard to these facts that the friends of the bill, who started out to-day claiming $200,000 as a proper and just remuneration to the claimant, are willing to take $63,000, which was the amount recommended by the minority of the committee.

Mr. DUNHAM. Do we not lose another day if we do not end this matter now?

Mr. SPRINGER. I think we can end it now.

Mr. DUNHAM. Then let us do it.

Mr. SPRINGER. I am therefore of the opinion that a case involving so many controverted facts as this case does ought to go to the Court of Claims, so that the facts may be judicially ascertained. I agreed with the minority to report $63,000 for the claimant, but I am not satisfied now that the vouchers presented to the committee on which we acted at that time were proved. There was no chance to examine any witnesses on the other side. We had but one side of the case before us, and upon that side all these reports have been made.

It is possible that this gentleman has made one of the greatest inventions of modern times. It is possible he is entitled to more than $63,000. It is possible he has rendered a great service to the Government. But those facts are disputed all along the line; and we do not know at what point to fix the amount of money to be allowed as his compensation. Let the amendment offered by the gentleman from Indiana [Mr. HOLMAN] be passed. Let the claimant go to the Court of Claims and establish all these facts judicially, and next winter, when we come back here, we will know what to do in order to do justice to the claimant in this case.

I call for a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from Virginia [Mr. TRIGG].

The amendment was read, as follows:

Strike out "$200,000" and insert "$63,161.62."

The amendment was adopted.

The CHAIRMAN. The question is next on the amendment offered by the gentleman from Indiana [Mr. HOLMAN].

The amendment was read, as follows:

Amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

"That there be referred to the Court of Claims to be considered under the provisions of an act approved March 3, 1883, entitled 'An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government,' the claim of Albert H. Emery, of Stamford, Conn., against the United States, on account of the cost of, and the time spent by him, and for the use of all patents and inventions in designing and constructing the testing machine built and erected by him for the United States, as alleged by him. And that report be made thereon to Congress, as required in said act."

The question being taken, the Chairman stated that the "noes" seemed to have it.

Mr. SPRINGER. I call for a division.

The committee again divided; and there were—ayes 40, noes 121.

Mr. SPRINGER. I call for tellers.

The CHAIRMAN. Does the gentleman from Illinois make the point that a quorum has not voted?

Mr. SPRINGER. Yes, sir.

The CHAIRMAN. The Chair will appoint as tellers the gentleman from California [Mr. MCKENNA] and the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. I withdraw the point as to a quorum.

So (further count not being called for) the amendment was not agreed to.

Mr. RANDALL. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 13, after the word "therefor," add the following:

"Which shall be in full of all claims against the Government on the part of said Emery for this invention."

The amendment was agreed to.

The CHAIRMAN. The question is on the motion of the gentleman from California, that the bill as amended be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

Mr. SPRINGER. I move that the committee do now rise and report to the House the bills on which action has been taken.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH reported that the Committee of the Whole House, having had under consideration Senate bills under the special order of the House, had instructed him to report various bills with sundry recommendations.

Mr. SPRINGER. There is a bill which comes over from last week.

JABEZ BURCHARD.

The SPEAKER. The Clerk will report the title of a bill which comes over reported from the Committee of the Whole House last Friday.

The Clerk read as follows:

A bill (S. 570) for the relief of Jabez Burchard.

Mr. SPRINGER. At the time the House took a recess last Friday this bill was being considered on the question of ordering it to be read a third time.

The SPEAKER. The Chair thinks there was a motion to postpone it indefinitely.

Mr. SPRINGER. The committee reported the bill adversely. I desire to ask whether the motion to postpone indefinitely is debatable.

The SPEAKER. The Chair does not know, the present occupant not being in the chair at that time, what has been done in regard to this bill. The motion to postpone indefinitely is debatable unless the previous question was ordered on it.

Mr. SPRINGER. The previous question was not ordered. The House was dividing on the question of postponing indefinitely.

I desire to explain this bill for one moment. I am satisfied that the Committee of the Whole House on last Friday misapprehended its provisions when they recommended that it be reported to the House with a recommendation that it be indefinitely postponed. This bill is for the relief of Jabez Burchard, who was an engineer in the Navy.

A MEMBER. Not the New York Burchard?

Mr. SPRINGER. He does not belong to the Burchard family of New York, but is a Philadelphia gentleman. This gentleman contracted disease of the eyes while in the naval service, and on the report of a retiring board was retired on half-pay or furlough-pay. The board state in their report that there was no evidence before them at the time that the disease of his eyes was contracted in the service. He appealed from that decision, and the case was afterward inquired into by the Secretary of the Navy, who was at that time Mr. Thompson, of Indiana.

Mr. STEELE. Mr. Speaker, I understand that the previous question has not been ordered on this bill.

The SPEAKER. The Chair understands it has not.

Mr. WARNER, of Ohio. The yeas and nays were ordered.

The SPEAKER. The Chair is advised that the House was dividing and that no quorum had voted.

Mr. SPRINGER (resuming). Mr. Thompson, at that time Secretary of the Navy, was of the opinion that the disease for which this man was retired was contracted in the line of duty, and recommended that he be placed upon the retired-list with 75 per cent. of sea-pay; which was done.

Mr. STEELE. Mr. Speaker, would it be in order for the House to resume the position it was in at the adjournment when this bill was last under consideration?

The SPEAKER. The Chair thinks so. The Chair is advised that the question had been put to the House, and a vote was being taken.

Mr. SPRINGER. No decision had been reached. The previous question had not been ordered.

Mr. STEELE. Mr. Speaker, I call for the regular order.

The SPEAKER. The Chair is advised that the point of "no quorum" having been made, the roll was called, and thereafter a motion was made to adjourn, and the House adjourned.

Mr. SPRINGER. I am not speaking against time, but because I think the House did injustice to this man, and ought now to do him justice.

Mr. STEELE. I call for the regular order, Mr. Speaker.

The SPEAKER. The Chair will have the Journal examined and ascertain what the condition of the bill is.

Mr. SPRINGER. Mr. Speaker, I think I can explain in two minutes the point that is in the bill.

The SPEAKER. But the gentleman from Indiana makes the point of order that debate is not in order.

Mr. SPRINGER. And I make the point of order that that objection

comes too late. I was on the floor nearly five minutes when the point was made.

Mr. STEELE. The gentleman was proceeding by unanimous consent.

Mr. REED. Oh, no, he was not. [Laughter.]

Mr. SPRINGER. My friend from Maine [Mr. REED] never would consent to my proceeding to enlighten the House. This is a good bill and I want to explain it.

The SPEAKER. The Chair finds upon examination of the RECORD, that tellers had been appointed, had taken their places, and were counting the votes; that it was ascertained that a quorum was not present; that thereupon the roll was called, and that afterward the House adjourned. The Chair thinks that under these circumstances debate is not in order; and the fact that the gentleman from Illinois [Mr. SPRINGER] had proceeded in his remarks a few moments before the point was made was owing, perhaps, to a misapprehension as to the condition of the bill.

LEAVE OF ABSENCE.

Mr. DUNN, by unanimous consent, was granted leave of absence on account of sickness.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. MCCOOK, its Secretary, announced the passage of joint resolution (S. R. 94) ordering the printing of the annual report of the National Academy of Sciences, with the accompanying memoirs, in which concurrence was requested.

It further announced disagreement in amendments of the House to bill (S. 542) for the relief of William Ervin, and asked for a conference on the disagreeing votes of the two Houses, and stated it had appointed Mr. SPOONER, Mr. DOLPH, and Mr. JONES, of Arkansas, as conferees on its part.

ORDER OF BUSINESS.

Mr. MATSON. Mr. Speaker, I move that the House now take a recess until half past 7 o'clock.

The motion was agreed to.

The House accordingly (at 4 o'clock and 55 minutes p. m.) took a recess until 7.30 p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 7.30 p. m., the Speaker in the chair.

Mr. MATSON. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole for the consideration of bills under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. HATCH in the chair).

The CHAIRMAN. The House is in Committee of the Whole for the consideration of bills on the Private Calendar under the special order of the House.

Mr. MATSON. I ask unanimous consent that members present be allowed to call up, each, a bill, alternating from one side of the House to the other, and that in each case the report be read.

Mr. TAULBEE. That will not preclude debate?

Mr. MATSON. Oh, no.

There was no objection, and it was so ordered.

WILLIAM S. BEWLEY.

Mr. PETTIBONE. Mr. Speaker, I call up the bill (H. R. 4745) granting a pension to William S. Bewley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William S. Bewley, late of Company C, Eighth Regiment Tennessee Infantry Volunteers.

The report (by Mr. TAULBEE) was read, as follows:

Claimant enlisted December 14, 1862, and was discharged November 12, 1863.

He alleges, in declaration filed June 28, 1880, that about March or April, 1863, while recruiting for the regiment, he contracted rheumatism from exposure. Also, at Camp Nelson, Kentucky, in July, 1863, he contracted pneumonia, resulting in disease of the lungs; and about the same time and place he contracted dyspepsia.

This claim was rejected on the ground of no record of any one of the disabilities alleged, and the claimant is unable to prove by medical or other evidence based upon personal knowledge that rheumatism or dyspepsia originated in the service, or that he had disease of lungs at discharge.

William Lee, a private of claimant's company, testifies that he was with claimant while in the service; saw him nearly every day, and know that, while at Camp Nelson, Tennessee, in July or August, 1863, he was taken sick with what Surgeon Hunt called pneumonia fever, and claimant was ordered to a private house, where he was treated by said surgeon. Next saw claimant in November, 1863, when he was suffering with a pain in his side, had a bad cough, looked badly, and was suffering from dyspepsia.

John D. Carey, a private of Company A, First Regiment Tennessee Light Artillery, testifies that when claimant came to the camp, in November, 1863, he was suffering from dyspepsia, had a bad cough, and complained of rheumatism, and in March, 1864, was stricken down with said disease, and was then treated by Dr. Brown.

James M. Dean, assistant surgeon of First Tennessee Light Artillery, testifies that he saw claimant in the spring of 1864, and knows that his health was bad, and that he was then suffering from rheumatism, dyspepsia, and a bad cough, and was being treated by the surgeon.

Nelson Price, a private in first United States Heavy Artillery, testifies that while stationed at Knoxville, Tenn., claimant came to his regiment, in the spring of 1864, when he had a cough, dyspepsia, and rheumatism, and was looking very badly.

William Moore, first lieutenant of claimant's company, testifies that while at Camp Nelson, Tennessee, in July, 1863, claimant was taken sick with pneumonia fever; was taken to a private house and there treated by Surgeon Hunt. Next saw claimant when he resigned, in November, 1863, when he was suffering from a bad cough, rheumatism, and dyspepsia, and was unable for further duty.

F. Bible, captain of claimant's company, testifies that he does not remember that claimant ever was sick or that he ever was treated by the surgeon for the alleged or any other disabilities while in the service.

J. F. Hall and J. H. Hayes testify that they lived near neighbors to claimant for the first ten years after his discharge, and know that during said time he suffered from rheumatism, dyspepsia, and had a very bad cough.

Dr. William G. Logan testifies that he treated claimant at Bryantsville, Ky., in 1863, for pneumonia.

Nelson Brice testifies that claimant was suffering from rheumatism, dyspepsia, and a cough when he came home from the Army, and has continued to suffer from the same ever since.

David Rhea testifies that he saw claimant in the fall of 1863, and knew he was sick. Dr. Brown said he was suffering from rheumatism and dyspepsia, for which he then rendered treatment.

Dr. E. B. Hale testifies that he treated claimant from 1865 to 1873 for rheumatism, indigestion, and some chest trouble.

Your committee are of the opinion that the preponderance of evidence is in favor of claimant, and recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES G. MATHES.

Mr. STONE, of Missouri. I call up bill (S. 2220) granting a pension to James G. Mathes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James G. Mathes, late a corporal of Company L, Eighth Regiment Missouri Volunteer Cavalry.

The report (by Mr. MORRILL) was read, as follows:

The report of the Senate Committee on Pensions, which gives a clear statement of this case, is herewith adopted:

"The claimant was a private in Company L, Eighth Missouri Cavalry. He enlisted August 16, 1862, and was discharged June 14, 1865. The military record shows that he was treated in hospital for chronic diarrhea and debility, and that he was sick at the time of his discharge.

"The testimony furnished by physicians who have attended him shows that he has chronic diarrhea and that he has rheumatism of the spinal muscles and limbs; that he is generally broken down.

"Dr. Berry, of Carthage, Mo., says his health is bad; that he has muscular rheumatism; that he is generally broken down, and never will be able to perform full manual labor; that he is temperate and honorable in every respect.

"Dr. Dalton, of Neosho, Mo., says:

"'When I last saw him he seemed to be suffering from kidney disease and from abdominal pains. He has always appeared to me to be a run-down man—physically disabled.'

"Dr. Wills, of Neosho, Mo., says he has not been very stout and healthy since the war, and that he supposes his disability is at least one-fourth below that of a sound man. All the physicians speak positively as to his good habits and standing.

"The claimant asks for a pension for chronic diarrhea and disease of kidneys, both of which, with rheumatism, are identified by the testimony of the doctors referred to above. An examination by the medical board in 1883 pronounces him entirely free from disease. An examination by this board in 1885 rates him one-half disabled.

"The doctors who have attended him and the medical board of examiners disagree to some extent, which is not an uncommon occurrence, but the aggregate of testimony shows that for a long time heretofore he has been badly broken down, and that he is still to a pensionable extent disabled.

"The bill is reported favorably, with a recommendation that it do pass."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ADELISA PERRY.

Mr. RICE. I call up the bill (H. R. 4535) granting a pension to Adelisa Perry.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Adelisa Perry, of Worcester, Mass., who served as a nurse during the war of the rebellion, and is now incapacitated from earning a livelihood by sickness induced by said service.

The report (by Mr. LOVERING) was read, as follows:

Adeliza Perry was a nurse in the Army, working in the corps of nurses under Mrs. Dorothy Dix. Her term of service was from April 15, 1863, to July 3, 1865. She was stationed at the McDougal Hospital, New York Harbor, for four months, and was then transferred to the Balfour General Hospital, Virginia, where she remained until the hospital was closed and she was discharged the service. She alleges in a sworn statement that while in such service she contracted malaria, which resulted in so impoverishing her strength and vital energy that from that time forth she has been greatly hindered and impeded in the performance of anything like remunerative labor; that such disability to labor has constantly increased in degree as a result of malaria contracted in the service from the time she was discharged until now she is substantially disabled from all service or labor in procuring her support; that all her means of support has been derived from such labor as she has been able to perform, but with her present inability to labor she is destitute of all manner of support and without means of subsistence.

The accompanying papers on the case show that she was an enlisted nurse, and performed all the duty she claims.

The subjoined affidavit of Almon M. Orcutt, M. D., of Hardwick, Mass., explains itself:

"I have known Miss Adeliza Perry since 1849, having been the family physician of her sister with whom she resided at that time. I have been her physician at different times since that date. She enjoyed good health previous to her entering the hospitals as nurse, under Miss Dix, during the war. I know of my own personal knowledge that she was on duty up to the close of the war.

Just after her discharge from the service I prescribed for her, at which time she was suffering from malaria, and it has been her constant enemy since that date, rendering her a partial invalid all the time from its insidious attacks."

Hon. W. W. RICE, member of Congress, of Massachusetts, in a note says:

"I have known Miss Adeliza Perry since 1855. She was a teacher in the public schools of Worcester. She was a nurse during the war. Since that time she has resided in Worcester. She is in very feeble health and necessitous circumstances. She is a brave, conscientious, and faithful woman."

Roxanna W. Crooker, Port Henry, N. Y., widow of Dr. Benjamin T. Crooker, who was at different times executive officer and surgeon in charge of Balfour Hospital, states—

"That she knew Miss Perry when she was serving as nurse at Balfour during 1864 and 1865, and that she knew from her husband, as well as from all the officers there, that she was considered a most faithful and efficient nurse."

Your committee report back the accompanying bill and recommend its passage with the following amendment: Add at the end of the bill the following: "and pay her a pension of $12 per month."

The Committee on Invalid Pensions recommended an amendment adding, at the end of the bill, the words: "and pay her a pension of $12 per month."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LUCY E. ANDERSON.

Mr. SWOPE. I call up the bill (S. 2301) granting a pension to Lucy E. Anderson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lucy E. Anderson, widow of Maj. William A. Anderson, and pay her a pension at the rate of $25 per month from and after the passage of this act.

The report (by Mr. MATSON) was read, as follows:

As the Senate report of the Committee on Pensions states the facts of this case, your committee adopt it as their own and attach it hereto. They recommend that the bill do pass, amended, however, by striking out the word "five," in line 9, so that it will read "pay her a pension at the rate of $20 per month."

The claimant, Lucy E. Anderson, is the widow of the late Maj. William A. Anderson, who died recently in this city. A report of his military history furnished by the War Department shows that he enlisted July 20, 1861, in Company F, Twentieth Indiana Volunteers, at La Fayette, Ind., to serve three years. He was mustered in and appointed corporal of the same company July 22, 1861. From muster-in to April 30, 1862, he is reported "present;" roll for May and June, 1862, is not on file; roll for July and August, "absent on detached service with General Robinson;" for September and October, "absent on detached service, division forage-master since June 24, 1862;" from November 1, 1862, to June 30, 1863, "absent, clerk at corps headquarters since July 24, 1862;" and July and August, 1863, "present." He was appointed quartermaster-sergeant in the same regiment September 8, 1863, and is reported on rolls of field and staff to December 31, 1863, "present." He re-enlisted as a veteran volunteer February 14, 1864, and served as regimental quartermaster-sergeant to September 2, 1864, when he was mustered in as first lieutenant of Company F, in the same regiment; was appointed adjutant October 24, 1864, and reported "present" until July, 1865. He was honorably discharged July 12, 1865, at Jeffersonville, Ind.

In addition to this the claimant has filed the original commission showing that the soldier was promoted June 15, 1865, "for gallant and meritorious conduct at the battles of Boydton Road and Amelia Springs, a captain of volunteers, by brevet," &c.

Also, the commission dated August 20, 1867, "for gallant and meritorious services in the campaign terminating in the capture of Petersburg, and the surrender of the insurgent army of Northern Virginia, a major of volunteers, by brevet."

On one of his commissions is indorsed the following list of engagements in which he participated: Hatteras Retreat, Orchards, siege of Richmond, Glendale, Malvern Hill, Second Bull Run, Fredericksburg, Chancellorsville, Gettysburg, Wapping Heights, Kelley's Ford, Orange Grove, Mine Run, Wilderness, Po River, Spottsylvania, North Anna, Ptolopotomy, Cold Harbor, siege of Petersburg, Deep Bottom, Strawberry Plains, Boydton Road, Five Forks, Amelia Springs, Lee's surrender.

The only record evidence of treatment in service is for diarrhea, in March, 1865. It further appears that the medical records of the regiment are not on file, and it is therefore impossible to procure evidence of this character. Your committee have, however, been furnished with the certificates of Robert Reyburn, M. D., late surgeon and brevet lieutenant-colonel, United States Volunteers, and captain and assistant surgeon, United States Army, now a prominent member of the medical profession in Washington, D. C., in which he states that the late W. A. Anderson, of Company F, Twentieth Indiana Volunteers, was, during the last fourteen years of his life, under his professional care, and that the cause of his death was cerebral paralysis, complicated with chronic bronchitis. He further states that while he can not certify that the diseases from which he died were directly traceable to his military service, yet he has no doubt the exposure and arduous duties he performed as a faithful soldier so impaired his general health as to shorten his life, thus leaving his widow and child without support, and he cordially commends the application of the widow for a pension.

Dr. S. T. Radcliffe certifies to the treatment of the soldier from 1877, and that "there is no doubt most of his sickness was due to exposure and privation while serving in the Army during the late war."

B. H. Smith, late lieutenant-colonel Twentieth Indiana Regiment, certifies, under date of May 6, 1886, that he has known the late W. M. Anderson since he entered the Army in 1861; that he was then a very healthy, robust boy; that he has met him since the war a number of times, and each time, to his sorrow, saw his failing health; that he has known his parents for thirty-five years, and knew them to be free from any chronic or constitutional diseases, and is well satisfied he lost his health from Army exposure.

L. G. Patterson, of Logansport, Ind., corroborates the above, and says he repeatedly urged him to apply for a pension, but he spurned the idea of being a Government pensioner.

Hon. W. D. OWEN, a member of the present House of Representatives, indorses the statements of the last two witnesses.

Your committee are of opinion, after a careful consideration of all the facts of this case, that this brave soldier sowed the seeds of his fatal disease in the exposures and hardships of his long and gallant service; that he was for years an invalid therefrom, and that his life was shortened thereby. His widow and infant child are left destitute, and should be provided for. We therefore report back the bill, with the recommendation that it do pass, with the following amendment: Add after the sixth line the words, "late first lieutenant and adjutant, Twentieth Indiana Volunteers; afterwards captain, and appointed major of volunteers by brevet for gallant and meritorious services in the campaign terminating in the capture of Petersburg, and the surrender of the insurgent army of Northern Virginia."

The Committee on Invalid Pensions recommended an amendment striking out "twenty-five" and inserting "twenty;" so as to make the provision read: "pay her a pension at the rate of twenty dollars per month."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM H. H. PRICE.

Mr. PETERS. I call up the bill (S. 2369) granting an increase of pension to William H. H. Price.

The bill was read as follows:

Be it enacted, &c., That the pension of William H. H. Price, late of Company F, Sixty-sixth Regiment Indiana Volunteer Infantry, be, and the same is hereby, increased to $24 per month; and the Commissioner of Pensions is hereby authorized and directed to place the name of said William H. H. Price on the pension-roll as a pensioner of the United States for the sum of $24 per month, said $24 per month being in lieu of all other pensions heretofore granted.

The report (by Mr. MORRILL) was read as follows:

The report of the Senate Committee on Pensions sets forth the facts in this case clearly, and fully establish the right of the claimant to an increase. The report of the Senate committee is therefore adopted, and the passage of the bill recommended.

[Report No. 1363, Forty-ninth Congress, first session.]

That William H. H. Price is already on the Government rolls as an invalid pensioner to the extent of $12 per month, and on the 18th day of last June made a new declaration for an increase of pension on the ground of an increased disability growing out of an aggravation of his disease—which is anchylosis of the elbow-joint of the right arm—which application was rejected by the Pension Office on the ground "that he is now receiving the full amount of pension to which he is entitled under the law for the disability" named. In view of the papers sent to us from the Pension Office, we can not agree to this conclusion. The Government board of surgeons by whom he was examined, on the 16th day of September, 1885, duly certified to the Pension Office that the ex-soldier suffers from "complete anchylosis of the right elbow-joint, the arm being firmly held in a semiflected position, and there being a complete atrophy of all muscles of the right arm, the measurement of which is 6¾ inches, while the left arm is 9 inches." They also return that "his right arm and hand are of no value for purposes of manual labor, and his disability is equal to the loss of a hand or a foot." There appearing no evidence to the contrary, this degree of disability, under the act of March 3, 1883, entitles the pensioner to $24 per month.

We therefore recommend that the bill be amended by striking out the word "thirty" where it occurs therein, and by inserting in each case in lieu thereof the word "twenty-four," and that, as so amended, said bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MALITTY ROSE.

Mr. BARBOUR. I desire to call up the bill (S. 2335) for the relief of the heirs of Malitty Rose.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay James E. Rose, Jane Godfrey, and Francis Patton, the only surviving children of Malitty Rose, deceased, the money due upon reissue certificate numbered 3259, and issued to the said Malitty Rose three weeks prior to her death, as the widow of Elias Rose, late a private in Captain McCoy's company, United States Infantry, of the Florida war.

The report (by Mr. WHITE, of Pennsylvania) was read, as follows:

The equivalent of this bill having been reported favorably by this committee (*vide* H. R. 2585 and report thereon, No. 816), and also by the Committee on Claims (see report No. 1813), during the first session of this Congress, and having carefully considered the Senate report on this bill they concur therein, and recommend the passage of the bill.

It appears from the papers on file in the Pension Office that Malitty Rose was the widow of Elias Rose, private in Captain McCoy's Company, United States Infantry, engaged in the Florida war. Under act of Congress, approved February 3, 1853 (section 4732, R. S.), the said Malitty Rose was granted a widow's five-year one-half pay pension. Said pension commenced December 3, 1853, and expired December 3, 1858.

On June 3, 1857, six months before the expiration of her five-year grant, an act (now section 4725) was approved, continuing that class of pensions for life. After the expiration of the five-year grant the Pension Office dropped the name of Malitty Rose from the roll, and did not continue her as a pensioner for life, as provided by said act of June 3, 1858.

On March 29, 1879, she made application for restoration and accrued pension from date her name was dropped from the pension-roll. On June 9, 1879, she was restored to the roll and paid a pension from date of completion of evidence, in accordance with section 4713, R. S.

This section provides that when an application has not been filed within three years of the termination of the pension previously granted the pension under said application shall commence from date of completing the evidence. The claimant made several unsuccessful attempts between the years 1879 and 1885 to get a reversal of above decision as to arrears; finally she took her case on appeal to the Secretary of the Interior, who, on March 5, 1885, rendered a favorable decision, using the following language: "It is believed by the Department that the provisions of section 4713 should not be applied to this case for the reason that the name of Mrs Rose was on the roll when the act of June 3, 1858, was passed, and that the act could have been properly executed in her case without requiring of her an application. The act continued the pension she was receiving at the date of its passage, and the certificate for the continued pension might properly have been issued without any action on her part," and directed that a reissue certificate be issued for the amount of accrued pension, namely, $1,556.68.

On March 17, 1880, the Pension Office notified her attorney that the reissue certificate had that day been issued and sent to the pension agent at Knoxville, Tenn.

On April 9, 1885, over three weeks after the issue of her certificate, and the pension agent had been directed to pay her the amount of accrued pension, the claimant died.

The administrator signed the vouchers and returned them to the agent, demanding the payment. He was denied. He applied to the Commissioner of Pensions to direct the payment as asked, who, in a letter to the attorney dated July 22, 1885, declined to do so, giving as a reason the law as expressed in sec-

tion 4718 Revised Statutes. He then applied to the Secretary of the Interior, asking payment upon the ground that the Government should not profit by its own wrong in first dropping the name of Malitty Rose from the roll, in direct opposition to the provisions of act of June 3, 1858, which declared the pension should continue for life; second, in refusing payment of accrued pension in June 9, 1879, and thereafter until March 5, 1885; third, in the long withholding of the vouchers (for over three week) and negligence of duty by the pension agent; and fourth, that the decision of March 5, 1885, was rendered by a competent tribunal. Hence the question was *res adjudicata*, the character of pension had ceased, and was thereafter one of the settlement of a judgment against the United States.

This appeal was decided adversely to the estate by the Secretary of the Interior, upon the ground "that no equity powers in the matter are vested" in his Department. The administrator of the estate of Malitty Rose now applies to Congress for relief. Her son files the following affiadavit with your committee:

CITY OF WASHINGTON,
District of Columbia, ss:

Personally appeared before me, a notary public in and for the place above named, James E. Rose, who deposes and says as follows: I am the son of Malitty Rose, deceased, widow of Elias Rose, a soldier in the Florida war; I am fifty years of age, and have no means of support except by daily labor. I have two sisters, named Mrs. Jane Godfrey, aged about fifty-seven years, and Mrs. Frances Patton, aged about fifty-four years, and neither of said sisters have any property, and are dependent upon their own labor and that of their husbands for support; that the last-named is in very feeble health, resulting from the care and confinement incident to nursing her mother during the last years of her life; that the house and lot left her by her mother in recognition of her services in caring for her mother as above described will have to be sold to settle the indebtedness against the estate if we can not get the money due us from the Government.

J. E. ROSE.

Sworn and subscribed to before me this 3d day of May, 1886.
EMMA M. GILLETT, *Notary Public.*

The following indorsements of Mr. Rose are also filed:

Mr. James E. Rose is well known to me, and I feel confident that any statements he may make concerning himself or others can be accepted as the truth.
JNO. B. SMOOT, *Mayor.*

ALEXANDRIA, VA., *March*, 1886.

I cordially indorse what is said of Mr. James E. Rose by Mayor Smoot.
K. KEMPER.

ALEXANDRIA, VA., *March* 18, 1886.

I certify that Mr. James E. Rose is in my employment, at the wages of $9 per week.
J. H. D. SMOOT.

ALEXANDRIA, VA., *March* 18, 1886.

From the facts before us, we are satisfied that it was through no neglect on the part of the claimant that she failed in receiving her accrued pension before her death. We are equally well satisfied that it was through the erroneous acts of the agents of the Government, particularly through the act of the pension agent in retaining the vouchers in his hand for so long a period as three weeks after the issuing and mailing to him of the certificate.

Your committee are of the opinion, however, that provision should be made so that the money when appropriated will be available for her children only, and your committee therefore report the accompanying bill as a substitute, and recommend that it pass as reported.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

FRANZ ROSSRUCKER.

Mr. STRAIT. I call up the bill (H. R. 7732) for the relief of Franz Rossrucker:

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Franz Rossrucker, late a private in Company A, Fifth Wisconsin Infantry, subject to the provisions and limitations of the pension laws.

The report (by Mr. O'HARA) was read, as follows:

Soldier was drafted and served as a private, Company F, Fifth Regiment Wisconsin Volunteers, November 19, 1864; discharged July 11, 1865; filed declaration for pension, alleging that he contracted rheumatism at Petersburg, Va., May, 1865; contracted chronic diarrhea at Jeffersonville, June, 1865, and intermittent fever at Chicago in July, 1865.

George D. Wilber, surgeon of claimant's regiment, testifies:

"That from the 1st of October, 1864, to the summer of 1865, during his medical services, he knew claimant, who occasionally attended surgeon's call and was treated on divers occasions for muscular rheumatism. Said disease was caused, in deponent's opinion, by unavoidable exposure to wet and cold and all the vicissitudes of weather incident to camp life of a soldier and hardships and privations inseparable from active duty in camp, on picket, and in the field, especially such as claimant experienced at Hatcher's Run about the middle of February, 1865. The men of his regiment, being unsheltered or unprotected, and obliged to lie on the cold ground, suffered terribly from a storm of rain and sleet, which formed, as it fell, a sheet of ice on the ground.

"The storming and carrying of the rebel works in front of Fort Fisher, when the men of said regiment advanced to the charge through a small but deep stream of water; the subsequent pursuit of the retreating rebel army; the battle of Sailor's Creek, when said men forded Sailor's Creek up to their waists in water; the skirmish with the enemy at Farmington, Va., and other rapid pursuits at Appomattox, Va.; the countermarch thence to Burk's Station or Junction, Virginia; the forced march of the Sixth Corps to Danville, Va., to intercept Johnston's force; that said claimant was transported homeward as far as Jeffersonville, Ind., via Parkersburg, W. Va., during which trip he was seized with an acute attack of dysentery, which degenerated into chronic diarrhea or dysentery; that on his way home from Jeffersonville he was exposed to a cold night air at Chicago, Ill., without shelter, and there contracted intermittent fever, and that soldier's health has been permanently injured from said causes."

William J. Baker, second lieutenant of soldier's company, testifies:

"That at the battle of Sailor's Creek, Virginia, the said soldier contracted a severe cold, and was excused from duty several times after, on account of sickness. Soldier complained of soreness and lameness of feet and legs, and was troubled with diarrhea at different times."

Belchazzar Newhisel, comrade, testifies:

"That soldier was healthy at the time of his enlistment until about June, 1865, when he was troubled very much with diarrhea. For nine years after he came home from the Army I knew of his being troubled with diarrhea."

Paul Schruner testifies:

"I met claimant at Madison. He was then sick with diarrhea and intermittent fever."

Dr. Robert L. Telfair testifies:

"That he treated claimant in 1865 for chronic diarrhea. He was at that time prostrate to his bed. These facts are taken from his books."

John Zanker and George Zanker testify as to the claimant's being troubled with chronic diarrhea, from his discharge, more or less every year from 1865 till 1874.

John Fetman testifies:

"That he has known claimant since 1874, and that said acquaintance has continued up to date, and that claimant was unable to do an ordinary laborer's day's work by reason of weakness arising from sickness caused by diarrhea and rheumatism, and the claimant suffers especially from rheumatism during the colder season of the year."

Michael Dithelm testifies to the same state of facts.

Dr. James H. Dunn testifies:

"That he has treated claimant several times for lumbago or rheumatism of the muscles of the back. From his experience with claimant he believes him to be suffering from chronic rheumatism with occasional acute or subacute attacks. Claimant is unable to do much labor of any kind and will not be likely ever to regain much of his former strength."

The board of examining surgeons at Saint Paul rates him one-half total for disability caused by rheumatism.

Soldier being drafted into the service of the United States, he can not be called upon to prove prior soundness. The evidence of the surgeon, G. W. Wilbur, and of Lieut. William J. Baker clearly establishes the fact that soldier incurred his disability in the line of duty, and in the service of the United States. The testimony of comrades and neighbors establishes the continuance of said disability from discharge till the present.

Your committee are of the opinion that the soldier is entitled to a pension, and on the evidence ought to have been admitted in the Pension Office. We therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

ELIZABETH AND MARY GLASSBRENER.

Mr. MATSON. I ask for the consideration of the bill (H. R. 10093) for the relief of Elizabeth Glassbrener and Mary Glassbrener.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the names of Elizabeth Glassbrener and Mary Glassbrener, and pay to each of them a pension of $12 per month, as dependent sisters of George Glassbrener, late of Company D, Seventeenth Indiana Volunteers.

The report (by Mr. MATSON) was read, as follows:

John George Glassbrener, brother of these claimants, enlisted as a private in Company D, Seventeenth Regiment Indiana Volunteers, June 12, 1861, and served his country faithfully until June 2, 1862, when he was stricken with disease and died in hospital at Corinth, Miss.

Elizabeth and Mary Glassbrener were the dependent sisters of this soldier, depending wholly upon him for support. They are now both feeble in body and mind, well advanced in years, both totally deaf, and dependent upon the charity of strangers who are under no obligation whatever for their maintenance.

Henry Lang testified that—

"He is acquainted with Elizabeth and Mary Glassbrener; that they are sisters of the deceased soldier; that they came with him from Germany in 1855, and first took up their home in Madison, Ind., where affiant then lived; that he was intimately acquainted with the deceased soldier and these claimants until the time of soldier's enlistment, in 1861; that during all the time he lived in America he was unmarried, lived with and supported his said sisters; that the family record, now in the possession of the affiant, shows that the deceased soldier's father and mother died prior to his coming to America in 1855; that the soldier sent his money home to his sisters from the Army until his death. Since his death Elizabeth and Mary have been entirely dependent upon the charity of strangers. Affiant, who is no relation whatever to them, took and has kept and supported Elizabeth, and for the last sixteen years Mary has resided in the family of Bernard Klier, also a stranger; that affiant is now sixty years of age, and unable longer to support her, and is under no obligation to continue his charity toward said Elizabeth. Affiant further states that when said sisters were quite young they sustained an affliction whereby they became totally deaf, and they are very weak and feeble, and neither able to earn anything, not even their support; that said sisters have no money or property of any description, but for a long time, to wit, fifteen years prior to his enlistment, they were entirely dependent upon, and were wholly supported by, the said John George Glassbrener, and since his death have been and are still objects of charity."

John G. Lay and George Kitzenger, in their affidavits, corroborate all set forth in the above affidavit. They are intimately acquainted with the claimants, and know them to be dependent upon strangers for their subsistence.

No pension certificate has been issued in behalf of any person as a beneficiary of this deceased soldier. Elizabeth and Mary Glassbrener are the only living representatives entitled in equity to receive the same.

From the evidence before your committee we are of the opinion this is a meritorious claim, and that undoubtedly these claimants are entitled to receive that support which was withheld when the soldier died. They therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MINERVA ABBEY.

Mr. MORRILL. I desire to call up the bill (H. R. 10103) granting a pension to Minerva Abbey.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll the name of Minerva Abbey, the blind daughter of James D. Abbey, deceased, late of Company I, Fifteenth Kansas Cavalry, at the rate of $12 per month.

The report (by Mr. MORRILL) was read, as follows:

The claimant in this case is the daughter of James D. Abbey, late of Company I, Fifteenth Kansas Cavalry. Her father died in the service in 1864, and in 1867 a pension was granted to the widow and minor children. In 1875 this claimant became sixteen years of age and the pension ceased under the general law. In 1877 the widow remarried and has since died. This daughter has been almost blind from infancy. She is utterly incapable of earning a support, and is an object of charity. This bill proposes to pay her the same rate of pension to which the mother would be entitled had she not remarried. Congress has repeatedly

recognized the principle involved in this bill by the passage of similar acts. The evidence showing the present condition of claimant is strong, and places that matter beyond doubt. The soldier gave his life to his country. His helpless daughter, deprived of her natural support, asks Congress for the same relief that has so often been granted in similar cases.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM M'FADDEN.

Mr. BYNUM. I ask to have taken up the bill (H. R. 6027) granting a pension to William McFadden.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William McFadden.

The report (by Mr. TAULBEE) was read, as follows:

Claimant enlisted in Company F, Ninth Kentucky Cavalry, August 4, 1862, and discharged September 11, 1863.

Claimant applied for pension based upon injury to left leg at Perryville, Ky., October 8, 1862, by his horse falling on him.

Claim rejected on the ground that varicose veins of the left leg developed since the war, and has no necessary or provable connection with the injury of 1862.

The origin of the alleged injury is shown by the testimony of James J. Howksby and Lieut. L. A. Black. Mr. Howksby testifies that he helped claimant up, pulled a splinter out of his leg, and dressed the injury. His leg bled profusely. Lieutenant Black says he saw claimant's leg two to four days after the injury originated. Claimant left the company because he was lame and not able to do duty. When claimant came out of the service his leg was badly swollen, looked purple, and had large knots on it.

Mr. Sibby Boyle testifies that when claimant was discharged he came to affiant's house and remained about one year. Affiant examined his leg, on which the veins were knotted, and says:

"About a week or two weeks before his discharge he was at my house and had a tub of water in which to bathe his legs, when he told me how the injury originated. He walked lame.

"Have seen his leg many times when he bathed it."

In the opinion of your committee the claim is meritorious, and they recommend the passage of the bill.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

H. H. DODD.

Mr. BROWN, of Pennsylvania. I call up the bill (H. R. 9401) granting an increase of pension to H. H. Dodd.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to grant an increase of pension to H. H. Dodd, late of Company C, Sixteenth Regiment Ohio Veteran Volunteers, and to pay him, from and after the passage of this act, $50 per month.

An amendment reported by the committee to strike out "fifty" in line 7, and insert "forty," was read.

The report (by Mr. MORRILL) was read, as follows:

The files from the Pension Office in this case show that claimant was pensioned for rheumatism in 1877, and is now receiving $30 per month, the amount allowed for total inability to perform manual labor. His application for an increase was rejected March 16, 1886. The examining board at Independence, Kans., February 24, 1886, report as follows:

"He is drawn all out of shape, and, when able to be up, walks with difficulty. There is a marked atrophy of all muscles of the right side, and the ribs of the right side are contracted. He is very anæmic, weak, and feeble. Heart hypertrophied, irritable, and irregular. He requires the attendance of another person fully one-half of the time. He suffers constantly and is totally disabled all of the time. He is in our opinion entitled to a total first-grade rating. His height is 5 feet 8 inches; weight, 110 pounds."

It will be seen that the examining board recommend a total first-grade rating, which is $50 per month. The law fixes this rating only in cases requiring "the regular personal aid and attendance of another person." No reason is given for rejecting the application for increase, but your committee presume it is founded on the claim of the examining board's report, which says "he requires the attendance of another person fully one-half of the time." Unfortunately the law provides for no rating between that of total inability to perform manual labor, which is $30 per month, and that condition of utter helplessness "which requires the regular personal aid and attendance of another person."

The condition of this soldier is much worse than that of his comrade, who is simply disabled from the performance of manual labor, and Congress has never refused to make the distinction in cases as marked as this. There seems to be no reason to hope that he will ever be any better, but, on the contrary, that his disability will continue to increase until he becomes utterly helpless.

Your committee recommend the passage of the bill, with an amendment striking out the word "fifty," in line 7, and inserting the word "forty-five."

Mr. WALLACE. I move to amend the amendment of the committee by striking out "$45" and inserting "$30."

Mr. PERKINS. This man is now receiving a pension of $30 a month. I know him personally; and the Committee on Invalid Pensions truly state in the report that this amount of pension does not do him justice. He is much more infirm, much more incapacitated for work than those who, under the general law, are entitled to $30 per month. Yet, as he is not so disabled as to require the constant services of an attendant, he is not under the general law entitled to the higher pension of $50 per month. Still, according to the finding of the examining board of surgeons at Independence, Kans., he suffers under such great disability as to require the services of an attendant at least half of the time. He has to be assisted in getting into and out of bed, and assisted in dressing, though after he is dressed and on his feet he is able, to some extent, to go about. In my judgment he ought to receive $50 per month, as provided in the original bill. But we are willing to accept the recommendation of the Committee on Invalid Pensions. I hope the amendment of the gentleman from Louisiana [Mr. WALLACE] will not prevail.

The amendment of Mr. WALLACE was not agreed to.

Mr. WALLACE. I move to amend the amendment of the committee so as to make the pension $35 per month. I think some respect ought to be paid to the opinion of the Pension Office. If the condition of the claimant is so bad as it is represented——

Mr. PERKINS. But, if the gentleman will permit me, the difficulty is that the Pension Office, under the existing law, can not do any better for him than allow him the pension of $30, because there is no intermediate grade of pension between $30 and $50. To entitle him to $50 he must be so disabled as to require the constant services of an attendant, which, as I have suggested, is not his actual condition, though he does need assistance in getting to and from bed, in dressing, in washing, &c.; yet, as, after being dressed and upon his feet, he can go about without an attendant, the Pension Office can not grant him more than $30 a month. In the judgment of the committee he is entitled to a larger pension than that, and they have recommended an allowance of $45 per month.

Mr. BROWN, of Pennsylvania. I hope my friend from Louisiana will allow this bill to go through, as this is a case where a member knows the person and states before the House the precise facts.

Mr. MORRILL. Mr. Chairman, I desire to say in connection with this case that the committee were unanimous in recommending the pension at the rate of $45 per month. It has been the uniform practice of the committee where a person is pensionable requiring partial attendance of one person, although not requiring the attendance of another person all the time, to fix the rate at $45. The examining board which examined into this matter recommended $50. The law used the expression, however, "requiring the personal attendance of another person," and the Pension Office decided the proof did not show he required the attendance of another person all the time. The Invalid Pension Committee in all cases where a man is suffering as this man is has allowed a pension of $45 a month.

Mr. WALLACE. I withdraw my amendment.

The amendment of the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

FREDERICK DIERKING.

On motion of Mr. BURNES, the bill (H. R. 8818) granting a pension to Frederick Dierking was taken up and read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Frederick Dierking, late of Company A, Eighteenth Regiment Missouri Volunteers.

The report (by Mr. MORRILL) was read, as follows:

Dierking enlisted in Company H, Eighteenth Regiment Missouri Volunteers, December 13, 1861, and was discharged upon surgeon's certificate of disability, June 12, 1862, because of double inguinal hernia. He applied for pension on account of gunshot wound of left lumbar region, received at battle of Shiloh, Tenn., April 6, 1862, and double inguinal hernia received at the same time and place. His claim for pension has been rejected by the Pension Office on the ground that there is no pensionable degree of disability from the gunshot wound, and that the hernia existed prior to enlistment. The rejection for the latter disability is based upon the statement of Surgeon McMartin, made in the certificate of disability, to the effect that claimant was afflicted with double inguinal hernia before enlistment.

The record shows that claimant was wounded at the time and place alleged, but furnishes no information, except as above stated, regarding the double hernia. The surgeon heretofore referred to had no personal knowlege of claimant's physical condition prior to enlistment, neither was he advised thereof through official sources, because the certificate of disability states that no descriptive roll is on file at the hospital. Claimant is a German, and, as shown in evidence, was at that time unable to speak English intelligently. In support of his claim, he has filed the affidavit of a number of neighbors who have known him for many years in Germany as well as in this country, some of whom crossed the ocean with him, and who are shown to be reputable persons, setting forth in the most positive terms claimant's freedom from hernia at enlistment.

Claimant in his own behalf testifies that he was wounded about 8 or 9 o'clock on the morning of the battle; he then made his way toward the hospital boat, being closely pushed by some of the enemy. The only person with him was comrade Roesch. On the way to the boat he was compelled to jump a ditch. Shortly thereafter he felt something give away, accompanied by a sharp, stinging pain in the abdomen. This injury developed into a double hernia before he reached the hospital at Cincinnati.

Corporal Roesch testifies that he was with the claimant when making his way toward the hospital boat after having been wounded, and then heard him complain of pains in his belly. Was intimately acquainted with the claimant prior to and during service, and would have known it had he been ruptured prior to the battle of Shiloh.

In view of the adverse record, heretofore referred to, and the positive parole evidence of prior soundness, the case has been undergoing special examination by the officers of the Pension Office.

While this special examination has failed to elicit any further information as to the precise circumstances under which the injury was incurred, yet nothing has been obtained, after the most careful and thorough inquiries on the part of the examiners', to corroborate the adverse statement of the surgeon.

Medical examination shows a large scar immediately above the crest of the left ileum; the cicatrix is large. Ball entered over the anterior portion of tenth rib, passed downward and backward and made exit about 3 inches from point of entrance. The hernial protrusions are very large, completely burying the penis.

While there may not be a great degree of disability from the wound, there is a very serious disability by reason of double hernia. That the same was contracted under the circumstances alleged, there can hardly be any doubt. No person suffering from such an unusual large hernia could have served for months without it coming to the knowledge of his comrades.

Believing that claimant is entitled to the relief asked for, your committee report favorably on accompanying bill and ask that it do pass.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

GEORGE SCHNEIDER.

On motion of Mr. HENDERSON, of Illinois, a bill (H. R. 306) granting a pension to George Schneider, was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George Schneider, late a private in Company G of the Third Regiment of United States Artillery.

The report (by Mr. THOMPSON) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 306) for the relief of George Schneider, beg leave to report that this soldier enlisted in Company G of the Third Regiment of United States Artillery, on the 21st day of July, 1840, and was discharged from the service on the 21st day of July, 1845, by reason of expiration of term of service.

He alleges that he became afflicted with scurvy in March, 1841, while in the line of his duty as a soldier, and as the result of being compelled to eat unwholesome food. His military record shows that he was sick during the months of March and April, 1841, although the nature of the disease is not specified, but the other evidence in the case, being the testimony of the claimant himself, of Dr. G. H. Fuller, of Buda, Ill., and of neighbors of the claimant, satisfies your committee that this soldier is disabled in a pensionable degree; that the disability resulted from scurvy; that the disease (scurvy) was contracted by him in the line of his duty as a soldier, as alleged in his application for pension now on file in the Pension Office; and we therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

CLEMENTINE HARTINGER.

On motion of Mr. ALLEN, of Mississippi, the bill (H. R. 10025) granting a pension to Clementine Hartinger was taken up, and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Clementine Hartinger, dependent mother of W. H. Peters, late of Company C, Twenty-fourth Regiment Iowa Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws, the purpose of this act being to restore her to the pension-roll.

The report (by Mr. CONGER) was read, as follows:

Mrs. Clementine Hartinger is the dependent mother of W. H. Peters, late of Company C, Twenty-fourth Regiment Iowa Volunteers.

Peters was wounded at the battle of Champion Hills, Mississippi, and died from said wounds a few days thereafter. His mother was placed upon the pension-roll, and received a pension until November 10, 1867, when her name was dropped by reason of her marriage with John Hartinger.

It is very satisfactorily proven by testimony on file in the Pension office that Mrs. Hartinger was insane at the time of this marriage, and was within six months thereafter confined in the Iowa Hospital for the Insane, and was so confined for nearly three years.

During her confinement in the insane hospital her husband deserted her, and refused to live with or provide for her after her discharge. She was then divorced from him, and he has since died. She has since been either in the poor-house or supported by the contributions of friends, and is now old and in abject poverty.

Her pension ceased upon remarriage, as provided by section 4708, Revised Statutes, and can not legally be restored by the Pension Office; but in view of her helpless and irresponsible condition when this marriage was contracted, your committee do not believe she should be held accountable for such act, and therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ROSELLA E. HIBBERT.

On motion of Mr. ROCKWELL, a bill (S. 2098) for the relief of Rosella E. Hibbert, was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Rosella E. Hibbert, daugher of Franklin M. Hibbert, late of Company F, Twenty-seventh Regiment Massachusetts Volunteers, at the rate of $20 a month.

The report (by Mr. LOVERING) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2098) for the relief of Rosella E. Hibbert, have considered the same, and, adopting the accompanying Senate report as their own, report the bill back to the House favorably and recommend its passage with the following amendment: Strike out in last line of the engrossed bill the word "twenty," and substitute therefor the word "twelve," so that the bill will read "twelve dollars a month."

[Senate Report No. 834, Forty-ninth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2098) granting a pension to Rosella E. Hibbert, have examined the same, and report:

The claimant, Rosella E. Hibbert, is the daughter of Franklin M. Hibbert, late of Company F, Twenty-seventh Regiment Massachusetts Volunteers. It appears from the evidence that the soldier died on the 16th day of May, 1864. He was married, but his wife died February 2, 1863. Only one child survives, the present claimant, who was pensioned at the rate of $8 per month, commencing May 16, 1864, the date of the soldier's death, which pension was continued until she arrived at the age of sixteen years, to wit, February 1, 1879, since which time she has received no pension.

The present application proposes to put her on the pension-roll at the rate of $20 a month, and the reasons for such action are well set forth in the following affidavit of W. M. Pease, M. D., dated at Otis Center, Mass., March 26, 1886:

"This certifies that I, W. M. Pease, of Otis, have known Rosella E. Hibbert for about three years. She is a person between 3 and 3½ feet in height. She is twenty-three years of age, with the mental capacity of a child five or six years of age. There is no hope of any improvement. She is unable to help support herself in the smallest degree."

From all the evidence in this case, your committee are of the opinion that this claimant still remains, to all intents and purposes, a helpless child. It appears that she is the only survivor of the family of the soldier, and we think that the pension asked for in this bill should be granted. We therefore report the bill back with the recommendation that it do pass.

The amendment of the committee was agreed to.

Mr. ROCKWELL. I move to insert at the end of the bill "to be paid to her legally constituted guardian for her use and benefit."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET R. JONES.

On motion of Mr. LORE, the bill (H. R. 10082) to increase the pension of Margaret R. Jones was taken up and read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Margaret R. Jones, widow of the late Col. James Hemphill Jones, of the United States Marine Corps, who died on the 17th day of April, 1880, from $30 to $50.

The report (by Mr. SCOTT) was read, as follows:

They find that the petition of the widow, Margaret R. Jones, clearly and fairly states the facts, and they herewith incorporate it in the report.

They also find that several bills enacting similar legislation have become laws, and they therefore report it back to the House with the recommendation that it do pass.

To the Honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Your petitioner, Margaret R. Jones, respectfully represents that she is the widow of the late Col. James Hemphill Jones of the United States Marine Corps, who died while in the service of the United States, on the 17th day of April, 1880, from pneumonia, contracted in the line of duty while commander of the marine barracks at Boston navy-yard, and in consequence of which your petitioner has been granted a pension of $30 per month (Navy pension No. 2709).

Your petitioner respectfully states that the records of the Navy Department will show that her late husband, during his thirty-nine years of continuous active service, performed his duty faithfully and honorably, and distinguished himself by acts of personal gallantry and self-sacrifice while on the field of battle during the late war and on other occasions while in command of the marine forces.

Your petitioner would respectfully state, that owing to the innate modesty of her late husband, who refrained from relating to her in detail any of the very many acts of valor and bravery performed by him, she is unable at this time to present them in detail; but will give a few in a general way, and respectfully refers your honors to a detailed statement of the many and varied commands held by him, which is given herein below:

When a history of the Marine Corps was being prepared, several years ago, giving the service of its members, Colonel Jones was repeatedly and earnestly requested to give a statement of his military record; but, as before stated, his modesty would not permit him to give any more than a concise history of his various, numerous, and wide-spread commands.

The only duty performed by the late Colonel Jones, of which your petitioner can give any particular data, is that at the first battle of Bull Run. When the war of the rebellion, or late war, was first begun Colonel Jones, at his earnest request—he being very desirous of engaging actively on the field of duty—was ordered from the Mediterranean to take command of a company at the aforesaid battle-ground, where he distinguished himself by gallantry and bravery on the field, and during the engagement was slightly wounded by a spent ball which had killed one of his lieutenants. Also, during the Chinese war he was detailed for duty on shore for ten months to protect the property of the English and Americans in China.

As before stated, Colonel Jones was in the service continuously for thirty-nine years, and was off duty but one year during all that time, and that was on account of injuries received while in the line of duty, performing service on board ship. The injury caused an illness of a very serious nature, and for a time his life was despaired of; in corroboration of which you are respectfully referred to the letter of Admiral Charles H. Bell, filed herewith, which speaks of his admirable qualities as a man and officer, as well as his constant devotion to duty by struggling against indisposition when others would, under the same circumstances, have given away.

Your petitioner also respectfully states that her husband's death was hastened by what would seem to have been a malicious ill-feeling existing against him at headquarters in Washington at that time, inasmuch as he received orders bearing no date to go to League Island navy-yard, Pennsylvania, which was not in proper respect to him as commanding officer, and which much aggrieved him thereby.

The late Colonel Jones, not knowing the nature of his orders, and fearing his relief might arrive at any time from California, he commenced at once, and while laboring under a severe cold, contracted in attending the funeral of the late Rear-Admiral Thatcher, to make arrangements to leave Boston. To facilitate matters as much as possible he was obliged to oversee the packing of his effects during the inclement March of 1880. While thus exposed to the inclemency of the weather his cold was further increased, and finally developed into pneumonia, and in less than one week his death ensued. Thus, it will be seen, my husband's death was caused by faithfully endeavoring to obey the indefinite, vague, and disrespectful orders received from headquarters at Washington, and the anxiety and worry superinduced by his desire to facilitate the transfer contemplated and leave no reason, even under the uncertain character of the transfer order, for complaint on the part of his superiors.

Your petitioner would further call your attention to the fact that the widows of several of the officers of the Marine Corps are now, and have been for years, receiving a pension of $50 per month, whose husbands were retired for years; yet in the case of your humble petitioner her husband died in active service.

Your petitioner will now give a history of Col. James Hemphill Jones, her late husband, to which your attention is respectfully and particularly referred. Colonel Jones was born in Delaware and appointed therefrom. He was commissioned as second lieutenant March 3, 1847; served on shore with the Army in Mexico in 1847 and 1848; frigate Raritan, home squadron, 1849–'50; steam frigate Saranac, 1851; marine barracks, Philadelphia, 1852; steamer Princeton, 1852; commissioned a first lieutenant September 1, 1853; sloop Macedonian, East Indies, 1853–'54; steam frigates Mississippi and Powhatan, 1855–'56; receiving ship Ohio, Boston, 1856–'58; sloop Macedonian, 1858; steam frigate Richmond, 1860–'61; commissioned as captain, May 7, 1861; marine barracks, Washington, 1861; flagship Lancaster, Pacific squadron, 1862–'63; marine barracks, navy-yard, Washington, 1864; steamers Richmond and Susquehanna, Mediterranean squadron; with Perry's Japan squadron; engaged in battle of Bull Run; marine barracks, navy-yard, Portsmouth, N. H., 1864–'67; commissioned as major and lieutenant-colonel, May 10, 1864; marine barracks, navy-yard, Boston, 1871–'80; commissioned as colonel, March 16, 1879; died, April 17, 1880, while under orders to command marines, League Island, Pennsylvania.

Therefore, in view of all the facts herein stated, that my husband, Colonel Jones, has served faithfully and honorably for thirty-nine years; that his death was caused prematurely by his endeavor to comply with unusual, disrespectful, and indefinite orders; that other wives of deceased marine officers of less rank, and a shorter duration of continuous active service, are receiving a pension equal to the amount herein asked for; that your petitioner is now in necessitous circumstances; that the rate of pension formerly allowed her is insufficient for her support, your petitioner, the widow of the late Col. James Hemphill Jones, prays for an increase of her pension to $50 per month during the few years that remain to her to be dependent upon the Government in whose support and defense her husband faithfully served throughout his lifetime.

And your petitioner will ever pray.

MARGARET R. JONES.

Mr. LORE. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. JOHNSTON, of Indiana. I move that the bill be laid aside to be reported to the House with the recommendation that it be indefinitely postponed. I make the motion because there is nothing on record to show this widow is entitled to $50 a month any more than the widow of every colonel who served in the Army. It is starting out on a new line of increasing pensions of widows of colonels to $50 a month; and at the very next session of Congress there will be fifty bills brought in here to increase the pensions of widows of colonels to $50 a month, and this will be set as a precedent. There is nothing here to show that this woman is in distress; that she is a widow with a big family; that she is helpless. There is nothing in the proof to show any of these facts, or to show that this should be made an exception to the general rule. That is the only reason why I have submitted the motion for indefinite postponement.

Mr. LORE. Mr. Chairman, I regret that my friend from Indiana takes the position he does in reference to this bill. He certainly did not clearly understand what that report embodied, or I do not think he would make this objection.

Col. James Hemphill Jones went into the naval service of the Government in 1841. He served through the Mexican war as well as through the late war, and was at the navy-yard at Boston on duty in 1880. He had been for some time in delicate health, but never left his post of duty.

He received while at Boston a vague and indefinite order. He was to comply with that order, not knowing when to expect relief which might come at any moment; and while in the execution of what he believed to be his duty he contracted the disease which in his delicate condition caused his death.

Naturally a man of delicate health, notwithstanding his condition, he adhered faithfully to the post of duty, and although he had broken down while on service in the Pacific Ocean under the flag of the United States, and notwithstanding a labor of thirty-nine years of successive and continuous work in the naval service, in which he contracted the seeds of the disease which carried him off in less than one week's sickness, he always refused to leave the service for the purpose of recruiting his health.

Now the widow states, as shown by that report, that she gets a pension of $30 from the Department under the general pension law; but she does say also that she is in necessitous circumstances, and asks that the amount may be increased, as that which she gets is insufficient for her support. Mr. Chairman, I know this lady personally. She is a delicate, refined, and cultivated woman, who stood by her husband, who had never shirked his responsibility, and never asked to be relieved from duty; always ready, always at his post; and I have letters here, a number of them, from his commanding officers, showing that when he was advised to leave his ship in the Pacific Ocean and go home, in consequence of the shattered condition of his health, he refused, and stood by his post of duty. The delicate condition of his health made the severe cold contracted, as I have said, while performing service in Boston, turn into pneumonia, and it carried him off, after a lifetime of faithful devotion and service to his country. This woman is old, and has but a few years longer to live. Her husband gave not only his life to the service of the Government, but during his lifetime his health was so bad that it was necessary to give all the pittance he received from the Government to keep himself well enough to perform his duty. He leaves the widow to-day without a dollar, an old woman on the verge of the grave, and I submit, sir, that this is an exceptional case.

The gentleman says this will establish a precedent. Why, sir, this is not by any means the first case of the kind. I hold in my hand here two or three precedents. The widow of Colonel Dulaney was pensioned at this rate; the widow of Colonel Zeilin is another case where the pension was increased in this way; and these, too, were men who were on the retired list and served but a few years. This man was in the service, as I have said, for thirty-nine years, and dropped dead, it might almost be said, in his tracks. He did his work honorably and faithfully to his country, and all we ask is to put his widow, not where he would have done if he had given his life and services in her behalf, for he was an exceedingly able man, and a brave though honest man, and I do not ask that you put his widow where she would have been if he had applied his abilities to accumulating means for her support in old age, had he occupied himself in the ordinary avocations of life instead of giving his time to his country. But all we ask is this mere pittance until in a few years she also passes to the grave and follows him whose life was given for his country.

Mr. TAULBEE. Mr. Chairman, I must confess to some hesitation in opposing a bill coming from the Committee on Pensions——

Mr. LORE. Will the gentleman permit me to interrupt him to say that the member of the Committee on Pensions who examined and made this report, after an examination of all the documents, stated, and I am authorized to use his language—the report was made by Mr. SCOTT, of Pennsylvania—that it was one of the strongest cases he had examined—one of the very best cases upon the documents and facts submitted that he had considered during the entire session.

Mr. CUTCHEON. I would like to ask the gentleman one question if he will allow it.

Mr. TAULBEE. I will yield for a question.

Mr. CUTCHEON. I listened to the reading of the report, and also to the statement of the gentleman from Delaware, in order to hear the special features of this case which render it proper to take it out of the operation of the general law. Granting the service of forty years, the faithful service, and that he died in the service; what are the special features entitling an increase beyond the measure of the law fixed in other cases, and especially in such a case as that of a man of equal rank who died in the service shot down on the field of battle. I had a personal friend, a colonel of my regiment, who fell by my side, shot through the brain. His widow gets but $30 a month. Why should this lady get more?

Mr. LORE. I will answer by saying that thirty-nine years of active and continuous service and devotion to duty should entitle his wife to this recognition. That of itself is a special feature of the case. Perhaps the colonel you speak of had served four or five years only, or may be less, and during his life was able to provide a support for his family. This man had no opportunity to do so. He commenced in early youth and devoted his entire life, thirty-nine or forty years to the country.

Mr. JOHNSTON, of Indiana. Do you think a woman is entitled to more pension for having lived with a man forty years than a woman whose husband was killed thirty-five years before? Or, in other words, do you think she should be entitled to more pension because she lived with her husband longer?

Mr. LORE. I think the woman who has lived with a man forty years, who spent all the money he had earned in the service of his country for the purpose of enabling him to do his duty to his country, ought to be pensioned.

Mr. TAULBEE. I think, Mr. Chairman, it is apparent to those who have listened to arguments in favor of these exceptional cases, that each case is "exceptional."

Numerous precedents have been cited in which special legislation has increased the pensions of widows from $30 to $50 a month. I, for one, am opposed to any pension that gives to the widow of any officer of the regular or volunteer service more than $30 a month. That is more than the average wages of the laboring men of this country. It has not been the policy of Congress—it is not the theory of the pension system—to grant pensions to widows on account of gallant services rendered by their husbands. It has been the policy to grant pensions because of the death of their husbands. The general law fixes the rate of pension for the widows of officers bearing the rank that Colonel Jones held at the time of his death at $30 a month.

I have listened attentively to the reading of the report and the remarks of the gentleman who supported the bill, and I fail to discover the semblance of reason why this should be made an exceptional case. I regard this extraordinary legislation as the result more properly of fanaticism or of a sentiment than of sound discretion.

If the pensions of officers holding rank equivalent to that which this officer held at the time of his death should be raised to $50 a month, then I say let us provide for that by general legislation and do away with this favoritism, which tends more to make our pension system obnoxious than any other feature of it.

It would be with great reluctance that I would oppose any pension bill that would tend to relieve the absolute suffering of the widow of any soldier or officer who had made himself efficient in the service of his country. But the soldiers, and especially the officers, of the regular Army enter that service as a matter of business. They select it as a profession, not because of any extraordinary patriotism they feel, but because they feel doubtless it is the best disposition they can make of themselves. They start into that line because they are favored with appointments to West Point or Annapolis, over, perhaps, some equally as worthy young men who are their competitors; and because they receive this personal favor at the hands of those with whom they have influence, they start out on a line which has a tendency to be built up by the legislation of this country into an aristocracy.

I read in one of the newspapers of this city not more than a week ago a statement that an officer of the regular Army had purchased a few years ago property in this city more than $300,000 in value. The question naturally arises in the mind of every man who is acquainted with the extravagant mode of living of the officers of the Army as to how it is they can afford to succeed in that line in accumulating more money than men of equal worth and intelligence can accumulate in the ordinary avocations of life.

Mr. HENDERSON, of Iowa. Will the gentleman permit me to ask him a question?

Mr. TAULBEE. Certainly.

Mr. HENDERSON, of Iowa. Is the gentleman afraid of an aristocracy made up of poor widows?

Mr. TAULBEE. I am not; but the tendency of extravagant pension legislation is in that direction.

Mr. NELSON. Will the gentleman from Kentucky allow me to ask for information the gentleman from Delaware two questions?

Mr. TAULBEE. Yes, sir.

Mr. NELSON. How old is this lady?

Mr. LORE. She is about sixty-seven years old.

Mr. NELSON. Has she any means of her own?

Mr. LORE. Not a dollar.

Mr. NELSON. Let us then compromise on $40.

Mr. LORE. She requires to have an attendant constantly with her.

Mr. TAULBEE. No, Mr. Chairman, we can not compromise on this matter whatever may be the age of this widow or whatever disability she may possess. I want to know here and now if it is the policy of Congress to pension the widows of officers because of their infirmities. I would like to have some reason given why widows of officers of the Army are to be pensioned by Congress because of disabilities they have incurred, or because of age, or because of any other reason than that merely of the death of their husbands. If I understand anything about the policy of the pension laws of this country it is that the pensions to widows are granted because of the death of their husbands, and not then except in cases where that death is attributable to the service of such officer or soldier rendered in the line of his duty.

Mr. BOUTELLE. May I be permitted to ask the gentleman from Kentucky a question?

Mr. TAULBEE. I am not so well posted that I can undertake to answer all questions; but I will listen to the question of the gentleman from Maine.

Mr. BOUTELLE. I want to ask the gentleman if I correctly understood him to state that he knew the case of an Army officer who had invested $300,000 in house property out of the savings of his emoluments as an officer.

Mr. TAULBEE. I did not intend to make any such statement nor do I think I did. The statement I made was this, that a few days ago I noticed in one of the newspapers of this city mention of a case where an officer of the regular Army had purchased a few years ago property worth more than $300,000.

Mr. BOUTELLE. Exactly. Now, I want to ask the gentleman if he understood from that statement that the officer in question had probably purchased that property from the savings of his emoluments as an Army officer?

Mr. TAULBEE. I did not make any such statement as that, nor do I claim that that is the case; but I can clearly see how it would be possible, notwithstanding the fact that the actual salary of the officer may not have amounted to that sum during the whole term of his service. There are uses to which money may be put by which it may be increased, and there are means which may be resorted to other than the legitimate drawing of the salary from the Government (which I understand to be the principal occupation of the officers of the regular Army) by which such amounts may be accumulated.

Mr. BOUTELLE. Then I understand the gentleman is reflecting upon the integrity of the officers of the Army?

Mr. TAULBEE. Well, Mr. Chairman, I am not responsible for the gentleman's understanding. I do not think my language can be fairly construed as meaning anything of that kind. I would not reflect upon the character of any gentleman, especially a gentleman who is an officer of the Army. It has not been my custom to reflect upon the character of any gentleman——

Mr. BOUTELLE. Oh, Mr. Chairman, I had not the slightest idea that the gentleman intended anything of the kind; but his remark going out to the country—a remark made by a Representative upon the floor of the House—that an Army officer had invested $300,000, taken in connection with the context, would certainly give the impression that we were paying very exorbitant compensation to the officers of our Army.

Now, my impression is that as a rule the Army officers are not investing $300,000 in anything. My impression is that as a rule the officers of the Army and the officers of the Navy are notoriously—a friend in front of me suggests the word—impecunious. They are not, as a rule forehanded. The expenses incident to their duties and official position renders it practically impossible for them to accumulate much money. Occasionally some of them may, as the fair sex are naturally fond of the military, make matrimonial alliances that render them able to invest in this lavish manner, but such cases are exceptional.

Mr. TAULBEE. I have no objection to that, Mr. Chairman, but I do not see how that has anything to do with the merits of this case or how it touches the issue of this class of legislation which I am opposing.

Mr. BOUTELLE. I did not see that either. [Laughter.]

Mr. TAULBEE. I see no good reason why we should make these exceptional cases, when reasons for making the exception fail to appear from the statements of gentlemen who see proper to urge such legislation. I believe that this practice of granting exceptionally large pensions to either officers or soldiers of the regular Army or of the volunteer service or to the widows of such officers is vicious in its nature and tends to an extravagance against which we ought to guard. I know that when the stories are told to the House, when the recitals of suffering and sometimes abject want are made here, they are calculated to touch the sympathies of those who hear them; but we should remember that whatever benevolence we attempt to indulge in by such legislation as this takes the money of the people whose voices are not heard in this legislation except through us. In other words, we vote away the money paid into the coffers of the Treasury by the hard-handed workingmen of this country——

Mr. HENDERSON, of Iowa. And you will find most of them in the amen corner.

Mr. TAULBEE. I fail to discover such a sentiment, Mr. Chairman, among the private soldiers, either of the regular Army or of the volunteer service, to whom we owe all the victories that have been achieved by our arms. I can see no reason why the widow of the officer who during the battle occupied a bomb-proof position should be preferred over the widow of the man who walked with his musket into the very din of battle and stood in the front rank and faced the shower of bullets that came from the opposing army. Neither can I see any good reason why the widow of the officer who died suddenly (as in the present case) should be preferred over the widow of the man who fell in battle.

Mr. CRAIN. Will my friend yield for a question?

Mr. TAULBEE. Yes, sir.

Mr. CRAIN. Did not the colonels go with the privates?

Mr. TAULBEE. I believe, as a general thing, they did. There were exceptions to that, but even when they did go with them I see no reason why they should enjoy exceptional favors.

Mr. HENDERSON, of Iowa. They had no bomb-proof positions.

Mr. TAULBEE. I used that expression more with reference to the superior officers whose widows are included in this kind of legislation.

Mr. GALLINGER. I understood the gentleman to say a moment ago that the private soldiers won all the victories. I wish to inquire if he voted for the pension to the widow of General Hancock, and, if so, upon what ground consistent with the views he is now uttering?

Mr. TAULBEE. If the gentleman will examine the RECORD he will find that I did not vote that way. I voted the other way.

Mr. GALLINGER. I am glad the gentleman was consistent. [Cries of "Vote!" "Vote!"]

Mr. WOLFORD. This case was carefully investigated by the committee, who were unanimous in recommending the passage of this bill. The case presents some extraordinary features, and I wish to say a few words about it. But before doing so I must pay my respects to my colleague [Mr. TAULBEE] who has made on this occasion what strikes me as one of the most extraordinary speeches that I ever heard. Surely he is mistaken in the position which he takes. Does my friend suppose that in any of the occupations of life, in the Army or in the Navy, on the land, on the sea, at home or abroad, the services of all men are exactly alike? It is the order of God Almighty that those who do much should receive much. Now, I put it to my colleague, do you want to stultify your intellect, because I must talk plainly——

A MEMBER. That is right.

Mr. WOLFORD. Do you want to stultify your intellect by saying that the man who, as a soldier, did little or nothing for his Government, has equal claims upon the gratitude of his country, is equally entitled to compensation from a great nation with the man who does much? Surely that is not what you mean to say, because that is not the feeling in Kentucky, the State from which we come. We estimate men and women there according to what they are and what they do—not according to what we may imagine belongs to the whole human race.

Now, do you say that the widow of a private soldier is entitled to as much at the hands of the country as the widow of the general who commanded a hundred thousand men, who was responsible for their conduct, and for their lives? Who that was ever in battle does not know that upon the commander, if he is faithful, if he is cool, if he is brave, if he does his duty, devolves a vastly greater responsibility than upon any private soldier? The private soldier may carry his gun and fight bravely, may be a gallant man, may have as much sense as the general, for there are privates who have as much intelligence as anybody; but the private soldier is not placed in such a position that the honor and glory of his men and of his country depend upon him. Therefore, according to all usages of all nations, beginning as far back as we read in history, the man who does the most is, with those who are associated with him, regarded as deserving the greatest honor.

Therefore we honor Washington above any private soldier of the Revolutionary war; and therefore we look upon Martha Washington as a greater woman than common women because she was the associate of General Washington. That is the way we look at these things. Now, I ask my friend whether he is going to start here a new theory upon pensions, and say, "We will make a kind of hotch-potch of the whole thing and pension everybody alike?" The lazy fellow who lay in his tent, who never could be got out of it in time of battle—if he dies—and he will die just like other men [laughter]—if he dies, do you propose to give his widow just as much pension as you would the widow of the gallant officer who, in fifty battles, stood by the cause of his country in every emergency? I know [addressing Mr. TAULBEE] that you are ashamed of such a view as that. [Laughter.] I know it is not in the mind of a Kentuckian to hold such a view.

But you talk about "taking the people's money." I have heard that expression before; and but for that remark I should not have said a word this evening. I have heard expressions of that kind so often

from different sources in this Congress that, for one, I have grown tired of that kind of talk. "Taking the people's money!" How is it "taking the people's money?" You take "the people's money," drawn from them in the form of taxes, and you lock it up in the vaults; you keep it from the people. I am for taking "the people's money" and giving it to good, worthy ladies and good, worthy gentlemen who will put it into circulation. [Laughter.] Let the people have the money.

If you want to do exactly right upon the subject of pensions, take this money which is locked up in the vaults and put it in circulation by meeting just claims such as this. Whose money is it? It is the people's money. Then, for God's sake, do not lock it up from the people. Let them have a chance to see where it goes. And if you give it to the soldiers or to their widows, I will be responsible that it is circulated; you need have no fear on that score. [Laughter.]

Talk about "hard times!" Why, I see that so learned and great a statesman as Mr. Blaine advises you to take the surplus money from the Treasury and give it to the States. I am not in favor of that. I would rather give it to the soldier and the soldier's widow—to those who deserve it.

You say it is terrible to pension soldiers and soldiers' widows to such high amounts—— [Cries of "Vote!" "Vote!"] Gentlemen, do not be in a hurry; I will give you a chance to vote in a few minutes; but I am going to say what I intended to say before you vote. If you take this money out of the Treasury vaults and put it in circulation it will be all right; and is it too much to give $40 or $50 to the widow of a gallant officer in recognition of the services that he performed for his country? Is that too much?

Mr. TAULBEE. I would like to ask my colleague why it is that he proposes, in supporting this bill, to give to the widow of Colonel Jones a pension of $50 a month in preference to the widows of other officers who rendered similar services, and whose widows receive only $30 a month.

Mr. WOLFORD. Why, bless your soul, I would give this amount to the widow of every one who rendered service of this kind. Surely you do not know me, or you would not ask such a question as that. I would give this pension to the widow of every one who performed anything like the same service that this man performed.

But I want to talk a minute about this case of Colonel Jones. This pension is not proposed for any ordinary service. I believe you will admit the doctrine that those who do the most service should receive the most from the Government. That is the way the people look at it, and always will look at it. Admit that; and then I want to talk a moment about what Colonel Jones did. We investigated his case very fully and carefully. What did he do? When a boy he entered the Marine Corps.

He went out upon the high seas, he went out upon the land, he went everywhere his duty to his country called him; and wherever the danger was the greatest there he was always in the thickest of the fight, which he fought gallantly in his country's defense.

He went into his country's service when a mere boy, and I believe he was even one of our gallant defenders in the war of 1812; but however that may be, I am certain that he took an active and gallant part in the Mexican war. And during the years of peace, upon our naval vessels, he guarded carefully the honor of our flag in foreign seas. Wherever he was in all the forty long years of his service, whether on land or sea, on every occasion, when duty called, he was ready to give his life up for the safety of his country and the honor of its flag. I can not go into an account of the numerous battles in which Colonel Jones was engaged; they are too numerous and would take up too much of my time, and there are other bills to be passed, and I do not wish to stand in the way of justice being done to any of our soldiers.

Something was said during this debate about colonels who could not be seen in battle. Well, that may be true about some colonels, but it is not true about Colonel Jones, for whenever he was in battle he was always seen in the front. He was always, as I have already said, in the thickest of the fight. He always stood up manfully and gallantly during the whole period of his forty years of service, and never quailed in the presence of an enemy.

Gentlemen have objected to this case as though nothing of the kind had ever been done before. Why, let me tell gentlemen similar cases have been frequently passed. There are many precedents of like character. In one case I succeeded in passing a bill, not for the widow of a colonel, it is true, but for the widow of a private soldier. I will tell my friend and colleague from Kentucky [Mr. TAULBEE] that he will never be able to see the time when the Congress of the United States will refuse to grant relief in such cases, where the widow of an officer who served so long and so gallantly and in so many wars comes here and asks that she may be pensioned in like manner with other widows whose cases have been disposed of favorably in the past.

If we have no sympathy for this widow who asks us to relieve her in her hour of distress, then we can have sympathy for nobody. If those who laid down their lives for their country—I do not mean those who from sudden impulse were induced to go forward and be killed, but those who gave up their whole lives to the defense of their country—if those men are to have their widows neglected, if the Congress of the United States is to turn a cold ear to the prayers of their widows when in distress they ask for the pensions which were promised to them, then we might as well abandon the whole pension system. But I do not believe such is the disposition, and certainly such has not been the practice of either House of Congress, but, on the contrary, relief has been promptly granted in all cases of the kind which have been presented to our consideration.

In this case the committee carefully examined into the facts and came to the conclusion that the widow of Colonel Jones was fully and justly entitled to this pension. The facts show that Colonel Jones was a faithful officer and that his men loved him and that he loved them. His services in battle for his country will never be forgotten; and if it be true that the spirits of the just look down upon us, the spirit of this gallant man I hope will witness, by our action to-night in granting this pension to his widow, that we have been loyal and true to our promise to take care of the widows and orphans of those who died in the service of their country. [Applause.]

Mr. JOHNSTON, of Indiana. I understand that the gentleman from Kentucky is a member of the Committee on Pensions, from which this bill comes, and if I heard him correctly he stated in this debate, as did the gentleman from Delaware, that Colonel Jones was a soldier in the war of 1812. Let me inquire of him whether that really is the fact?

Mr. LORE. I have not stated that Colonel Jones was engaged in the war of 1812, but I did state that he was not only a gallant officer in the late war, but that he was in the Mexican war.

Mr. WOLFORD. What I said was that Colonel Jones entered the service of the United States when a mere boy, and that it was probable he had served in the war of 1812, but on reflection and without knowing the fact certainly, I am inclined to believe that he was not engaged in that war. He was, however, in the war with Mexico and served gallantly throughout the civil war, and received the thanks of his country for his gallantry when he was wounded in battle, and I hope my friend from Indiana will be induced to vote for this bill which grants a pension to his widow. She is left in needy circumstances and the Congress of the United States has the right to take into consideration the poverty of the widow of a gallant officer, who for so many years rendered such efficient service. I do not believe, notwithstanding what has been said, there will be any disposition on the part of the House to do anything else than unanimously pass this very just bill. [Cries of "Vote!"]

The question recurred on the amendment of Mr. JOHNSTON, of Indiana, that the bill be laid aside to be reported to the House with the recommendation that it be indefinitely postponed.

The committee divided; and there were—ayes 15, noes 17.

So the motion was disagreed to.

Mr. WALLACE. I move to make it $40 a month, and I do it for the purpose of preventing the establishment of a bad precedent. I do not wish to make the point of no quorum, but I do wish to prevent the establishment of a bad precedent. I move to strike out "$50" and insert in lieu thereof "$40."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CAROLINE L. SHEDD.

The next pension business on the Private Calendar, called up by Mr. ANDERSON, of Kansas, was the bill (H. R. 10104) granting a pension to Caroline L. Shedd.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll the name of Caroline L. Shedd, foster-mother of George C. Shedd, late of Company I, Thirtieth Iowa Volunteers, subject to the provisions and limitations of the pension laws.

The report (by Mr. MORRILL) is as follows:

Claimant is the foster-mother of George C. Shedd, a corporal in Company I, Thirtieth Regiment Iowa Volunteers, who was killed in battle near Vicksburg, Miss., May 22, 1863. The evidence shows that claimant married the father of this soldier in 1847, when soldier was a mere child. At time of soldier's enlistment the father was an invalid, owning a small farm in Iowa, upon which the son worked to support his parents. After enlistment he sent them promptly his pay as he received it. In 1876 the father died, and claimant is now destitute, depending on others for her support. It appears that she did all for the soldier that his own mother could have done, and that the soldier in return loved and cared for her as a son for a mother. Several cases similar have been favorably reported from this committee and acted upon by Congress, and this case seems an especially strong one.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM B. EVE.

The next pension business on the Private Calendar (called up by Mr. TAULBEE) was the bill (H. R. 8720) granting a pension to William B. Eve.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, directed to place on the pension-roll the name of William B. Eve, late second lieutenant of Company H, Forty-ninth Kentucky Infantry Volunteers, subject to the provisions and limitations of the pension laws.

The report (by Mr. TAULBEE) is as follows:

William B. Eve enlisted as a second lieutenant, Forty-ninth Kentucky Infantry Volunteers, on the 22d of December, 1863, and was discharged on the 26th of December, 1864, on surgeon's certificate of disability, for chronic diarrhea.

Claim was rejected on the ground that the disability was incurred prior to enlistment in the United States service.

Abundant testimony is adduced by claimant's officers and family physician showing that he was a sound man prior to enlistment, and especially free from diarrhea.

Stephen Golden, captain of claimant's company, states that he had known claimant for the last fifteen years; that he contracted chronic diarrhea while in service and line of duty at Camp Nelson, Kentucky. He was a man of good, sound health at time of enlistment.

Thomas Catron, captain Company B, claimant's regiment, states claimant contracted chronic diarrhea at Camp Nelson, Kentucky, while in service and line of duty.

James H. Tinsley, regimental adjutant, makes affidavit same as above.

Dr. J. M. Dishman, of Barboursville, Ky., states while claimant was in service he came home sick with chronic diarrhea; treated him for same; he had said disease when discharged, and has had it ever since.

Jesse Mallingley, first lieutenant, makes substantially same statement as Captain Golden; also Thomas N. Jones, Henry Smith, George W. Brown, and John C. Dixon, comrades of claimant's regiment, bear testimony to the same.

Assistant Surgeon H. W. Hogan states that on or about May 10, 1864, at Camp Burnside, Ky., claimant contracted chronic diarrhea, result of fatigue, &c.; treated him for said disease from May, 1864, until his discharge. Before said May, 1864, claimant was, in affiant's opinion, a sound, healthy man, and affiant knows that he was free from chronic diarrhea.

N. C. Miller, regimental surgeon of claimant's regiment, testifies that claimant was afflicted with chronic diarrhea in May and June, 1864, and on his certificate of said disability he was granted leave of absence; he also testifies that in his opinion claimant was suffering with diarrhea for six months prior to that time.

The evidence is conclusive that since claimant's discharge from the service he has suffered from chronic diarrhea, and at no time has he been able to perform manual labor in such a degree as to make his living.

T. S. Manning, examining surgeon, in examination April 29, 1885, gives him a rating of total.

After a thorough examination of the testimony on file in this case, your committee are of the opinion that claimant incurred his disability while in the service and in the line of duty, and think the claim a meritorious one.

They therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. TRIGG. Mr. Chairman, under the order for Friday evenings we take up, I believe, as well as pension bills, bills for the removal of political disabilities. There are on the Calendar three bills of this character, two of the Senate and one of the House.

I believe they usually pass without objection, and I therefore ask that they be taken up and passed.

There was no objection.

JOHN K. MITCHELL.

The bill (S. 2721) to remove the political disabilities of John K. Mitchell was read, as follows:

Be it enacted, &c. (two-thirds of each House concurring therein), That the disabilities of John K. Mitchell, of the State of Virginia, imposed by the fourteenth amendment to the Constitution, be, and the same are hereby, removed.

Mr. GALLINGER. Are the reports to be read in these cases?

Mr. TRIGG. The reports are very brief, and I presume it is not necessary to read them.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BENJAMIN P. LOYALL.

The bill (S. 2848) for the relief of Benjamin P. Loyall, of the State of Virginia, was read, as follows:

Be it enacted, &c. (two-thirds of each House concurring therein), That Benjamin P. Loyall, of the State of Virginia, is hereby relieved of all political disabilities imposed upon him by the third section of the fourteenth amendment of the Constitution of the United States.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

S. BARRON.

The bill (H. R. 9854) to remove the political disabilities of S. Barron, of Virginia, was read, as follows:

Be it enacted, &c. (two-thirds of each House concurring therein), That the disabilities incurred by S. Barron, of Virginia, under and by virtue of the fourteenth amendment of the Constitution of the United States be, and are hereby, removed.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ANNIE E. GARDINER.

Mr. WHITE, of Pennsylvania. I now ask to take up and consider the bill (S. 2660) granting a pension to Annie E. Gardiner.

The bill was read at length.

The CHAIRMAN. The Chair will state to the committee that the Senate bill is reported by the Committee on Pensions. The report was sent to the printer and has not been returned. If the committee see proper to so order it can be published in the RECORD.

Mr. WHITE, of Pennsylvania. I will ask unanimous consent that it be published, and that we proceed now to consider the bill.

Mr. WALLACE. How do we know what we are voting on? We do not know anything about this bill. I should like to have the report read or some explanation of it.

Mr. WHITE, of Pennsylvania. I will state briefly, Mr. Chairman, that the Committee on Pensions concur in the report of the Senate committee on this bill. That report states that Major Gardiner was educated at West Point; that he entered the service in 1841; that he was through the Mexican war, and contracted disability which necessitated medical treatment in 1852. In 1859 he was retired, and in 1879 died. His widow made application though the proper channel in the Pension Office, but the claim was rejected, the reason of the rejection being that, although her husband received his disability while in the service of the United States, it was not in time of war; but the Senate committee reported that there was evidence, which, however, was not conclusive, that the disability was contracted in the Mexican war.

Although the evidence was not conclusive, they saw no reason, if the disability was contracted in the line of duty, in the service, even in time of peace, why he should not be pensioned. The Committee on Pensions of the House concur in the report, and recommend the passage of the bill.

Mr. WALLACE. Will the gentleman agree to let this bill go over until next Friday?

Mr. WHITE, of Pennsylvania. These are the facts embodied in the report.

The CHAIRMAN. The Chair will state that this bill can only be presented and considered now by unanimous consent, since there was an order made at the beginning of the session to-night, on motion of the gentleman from Indiana [Mr. MATSON], that the reports in all these cases were to be read.

Mr. TAULBEE. I ask unanimous consent, if the gentleman from Pennsylvania will yield for that purpose, that this bill be made a special order for next Friday night and be taken up first at the beginning of the work of the session.

The CHAIRMAN. The Chair will state that if it be passed over now, it will retain its place on the Calendar and can be called up at any time on next Friday evening.

Mr. WHITE, of Pennsylvania. I would not have called it up this evening, but I saw it on the Calendar, and presumed, of course, the report was here.

Mr. HENDERSON, of Iowa. Suppose you agree to the suggestion that it go over.

Mr. WHITE, of Pennsylvania. I will agree to that.

The CHAIRMAN. Then the bill will retain its place on the Calendar, and by consent will be the first one called up on Friday evening next.

ELIZABETH M. J. MEAGHER.

Mr. CRAIN. I call up for consideration the bill (H. R. 8463) granting a pension to Elizabeth M. J. Meagher.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Elizabeth M. J. Meagher, widow of Thomas Francis Meagher, late a brigadier-general of United States volunteers, and to pay her a pension of $100 per month, commencing from the time of the death of the said Thomas Francis Meagher.

The Committee on Invalid Pensions recommended the following amendment:

Strike out the words "one hundred dollars per month, commencing from the time of the death of the said Thomas Francis Meagher," and insert in lieu thereof "fifty dollars per month."

The Clerk commenced to read the report.

Mr. WINANS (interrupting the reading). I ask that the further reading of the report be dispensed with.

Mr. TAULBEE. If the friends of the bill think that that portion of the report which has not been read contains any good reason for the passage of the bill perhaps it would be well to read it all. I have failed as yet to hear a reason why we should pass this bill.

The Clerk resumed and concluded the reading of the report (by Mr. LOUTTIT), as follows:

The Committee on Invalid Pensions, having had under consideration the bill (H. R. 8463) granting a pension to Elizabeth M. J. Meagher, widow of Thomas Francis Meagher, beg leave to submit the following report thereon:

A recital of the events in the life and career of General Thomas Francis Meagher would read like romance. A study of his power and success in the dual characters of military commander and leader of the masses in the walks of the civilian leaves undetermined the field of his superiority, so brilliant, indeed, was his career and so complete his success in each.

An exile from his native heath by reason of his active efforts in early life to relieve Ireland from the thrall of oppression, he brought with him to these shores a love for free government that became intensified and crystallized to devotion when the life of this Government was assailed. Always active in the councils of his fellow-man, resolute and determined in plan and purpose, at the first mutterings of rebellion he set about to assist in thwarting the plans of the enemies of his adopted land.

The seeds of dissension, doubt, and distrust were industriously sown in the great cities of the North by the secret allies of the common foe; riots were incited, disturbances created, and every impediment thrown in the way of those intrusted with the mission of bringing together in military organizations those who were willing to uphold and defend the integrity of the States and the permanency of its institutions with their lives, if need be.

From city to city Meagher journeyed and faced the issues and the dangers of the hour, exhorting the people of the North, and particularly those of his own race, to cast their lot, their influence, and, if need be, their lives with the Government in this its struggle for existence.

The effect of these appeals, falling from the lips of one whose record in behalf of the principles of freedom was known to all as a bright page in the history of nations, and garnished as they were with all the captivating graces of oratory, made alive and burning in the person of this leader, can now hardly be estimated.

Vast numbers of his countrymen, inspired by his example and led by his voice, joined the Union Army, and the gallant services rendered by the "Irish Brigade" under his command are well known to all familiar with the history of the famous Second Corps, Army of the Potomac.

General Meagher was commissioned brigadier-general United States volun-

teers February 3, 1862, having previously served as captain, and, in addition to valuable services in the field, was called thence by the President on several occasions to serve his country's needs in the North, where his presence and words of burning eloquence were required to quell threatening eruptions of the disaffected in the populous centers of the land.

To every call he responded; in each case he was found equal to the pressing emergency.

Strong in battle and all powerful in council, to the flag of his adoption and for the maintenance of those principles which had won and chained his admiration in childhood's days, he gave all the great energy and strength of maturer years.

General Meagher was breveted major-general about the close of the war, and was accidentally drowned shortly after while on his way with troops to quell an Indian disturbance in Montana Territory, of which he was then acting governor.

His widow, an estimable lady, his companion during all the scenes of his busy life herein recited, is in need, and in this her hour of adversity instinctively turns to the Government in the fond hope and strong faith that by it the past has not been forgotten. We append a letter received from Colonel Nugent by General BRADY, a member of this House, in which is contained the statement of an honorable gentleman who knew General Meagher well in his lifetime and is conversant with the present financial condition of the widow, whose chief heritage is the memory of her gallant and talented husband.

Though for more than twenty years she has refrained from asking any recognition at the hands of Congress, while about her with lavish hand were dispensed just dues and merited favors, yet, prompted by the demands of present necessities, she is an applicant for assistance and this testimonial of appreciation of the services of one dear to her as he was useful to the Union in the hours of trial and tribulation.

The military record of General Meagher is attached hereto, and we, your committee, recommend that the bill as presented be amended by stricking out all after the word "pension" in line 7, and inserting in lieu thereof the words "of fifty dollars per month," and that, as so amended, the same be passed.

MORRISANIA, NEW YORK CITY, *May* 17, 1886.

MY DEAR COLONEL: A bill has been presented in Congress by Mr. Woodburn, of Nevada, granting a pension to the widow of our late old and gallant commander, General Meagher. I now take the liberty of writing to you and to ask for your kind co-operation in the matter. Since the death of the general Mrs. Meagher has entirely been depending on her father (Mr. Townsend) for support, but now that the old gentleman is dead, Mrs. Meagher is in limited circumstances, and is really in need. The great services of General Meagher during the late war are certainly deserving of some recognition from the Government, and I do not know of any better way of recognizing these services than by Congress granting a suitable means for the support of his widow in this her time of need. I need not tell you of the great services rendered to the country during the late war by General Meagher whilst in command of the Irish Brigade, as they are as well known to you as they are to me. You served on his staff, and you had every opportunity of knowing all his movements. The history of General Meagher and the Irish Brigade are a part of the history of that grand and gallant old Second (Hancock's) Corps of the Army of the Potomac.

The Irish Brigade was one of the first brigades that formed a portion of the first division of the Second Corps in 1861, and served with it until the end of the war. This of itself is sufficient history to show what the services of the Irish Brigade have been. Anything I might say of the Second Corps would be useless, as the history of Hancock and the Second Corps are known all over the world. General Meagher was a true patriot at a time when patriots were wanted. He worked hard to organize the brigade, and his prompt action in forming the brigade so early in the struggle had great influence with his countrymen all over the North, and had the effect of procuring many thousands to enroll and fight under the glorious standard of the Union. His widow is deserving of a pension. It is a just claim, and I trust that you and your friends in Congress will give all the aid you can to the bill presented by Mr. Woodburn, and I can assure you that every veteran of the Irish Brigade living to-day will fully appreciate any service that you or your friends may render to this noble woman.

Very truly, your friend and comrade,

ROBERT NUGENT.

Col. JAMES D. BRADY,
Washington.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, May 10, 1886.

Statement of the military service of Thomas F. Meagher, late of the United States Army, compiled from the records of this office.

He was appointed brigadier-general, United States Volunteers, February 2, 1862, and commanded the "Irish Brigade," of the Second Corps, Army of the Potomac, from February 8 to July 16, 1862; was on recruiting service in New York city to September 8, 1862, when he resumed command of his brigade, and served with it in the Army of the Potomac to December 22, 1862, upon which date he availed himself of twenty days' leave of absence on account of sickness (copy of surgeon's certificate herewith). On February 18, 1863, he resumed command of his brigade, and served therewith to May 18, 1863.

He had on May 8, 1863, tendered his resignation (giving as his reasons that his brigade was reduced to 500 men, and that he had failed to secure orders for its withdrawal from the field to recruit itself), and the same was accepted, to take effect May 14, 1863.

On December 23, 1863, the acceptance of his resignation was canceled, and having re-entered the service he was awaiting orders to September 13, 1864, when directed to report to General W. T. Sherman for orders; he commanded the brigades of convalescents, which subsequently became the Provisional Division, Army of the Tennessee, conducting the same from Tennessee to North Carolina, from November 15, 1864, to February 24, 1865; was awaiting orders from the latter date to May 15, 1865, when he resigned.

O. D. GREENE,
Assistant Adjutant-General.

FREDERICKSBURG, *December* 15, 1862.

Brig. Gen. Thomas Francis Meagher, Irish Brigade, Hancock's Division, Second Corps d'Armée, having applied for a certificate on which to ground an application for leave of absence, I do hereby certify that, having carefully examined this officer, I find that he is suffering from a furunculous abscess of the left knee, which quite disables him for active duty in the field. It is further my opinion that an absence of twenty (20) days is absolutely necessary to prevent loss of life or permanent disability.

F. REYNOLDS,
Surgeon Eighty-eighth New York Volunteers, and Acting Chief Medical Officer of Hancock's Division.

Examined, approved, and respectfully recommended.

J. W. TAYLOR,
Surgeon United States Volunteers, and Medical Director Second Army Corps.

The CHAIRMAN. The question is on the adoption of the amendment recommended by the Committee on Invalid Pensions.

Mr. TAULBEE. I have no objection to adopting that amendment.

The amendment was agreed to.

The CHAIRMAN. The question is: Shall the bill as amended be laid aside to be reported to the House with a favorable recommendation?

Mr. TAULBEE. I desire to call on the friends of this bill, those who are in favor of its passage, to explain why it should pass. I have failed to discover from the reading of the report any plausible reason therefor. If there is any reason why this pension should be granted at all I would like to hear it; and I would like to hear the reason why the widow if pensioned at all should be given $50 a month instead of $30, the rate allowed by law for widows of officers of similar rank.

Mr. CRAIN. As gentlemen desire to call up other bills to-night and as I have not full command of my voice I shall not detain the House at any length, but in answer to the question of the gentleman from Kentucky I will state that the widow of Thomas Francis Meagher has never received one dollar from the Government of the United States. Ever since the close of the war, ever since the time when, under the laws of Congress, she would have been entitled to a pension, she has refrained from asking one dollar from the people of the United States through its Government as a pension to herself as the widow of one of the most distinguished officers that led the hosts in the battles for the preservation of this Union. She has been dependent upon her father as the report shows. Her father has recently departed this life. To-day she is in comparatively indigent circumstances. In view of the fact that for upwards of twenty years she has never asked one dollar from this Government, her friends in her behalf now ask that instead of the $30 a month to which she would have been entitled under the pension laws, she shall receive an extra compensation of $20 per month, making $50 per month in all.

Mr. CUTCHEON. May I ask the gentleman from Texas a question?

Mr. CRAIN. Yes, sir.

Mr. CUTCHEON. Do I understand the gentleman to say that General Meagher died in the service? I understood he was governor of Montana Territory.

Mr. CRAIN. He was acting governor of Montana at the time he died. He lost his life, I understand, while on the way to perform the duties of his office.

Mr. CUTCHEON. It is not claimed that he died from any disability or disease contracted in the service?

Mr. BOUTELLE. He was on duty at the time of his death, the report says. The report states that—

General Meagher was brevetted major-general about the close of the war, and was accidentally drowned shortly after, while on his way with troops to quell an Indian disturbance in Montana Territory, of which he was then acting governor. So that he lost his life when in command of United States troops.

Mr. WARD, of Illinois. What position did he hold in the Union Army?

Mr. CRAIN. He was major-general by brevet. He was then in command of Union soldiers and was on his way to take the position to which he had been recently appointed.

Mr. MCMILLIN. Was he in the military service of the United States at the time he was drowned?

Mr. CRAIN. Yes, sir.

Mr. MCMILLIN. How, then, was it that he was governor of Montana Territory?

Mr. CRAIN. He was in charge of United States troops on his way to Montana to take the position to which he was appointed as governor of that Territory.

Mr. MCMILLIN. And he was still in the Army?

Mr. CRAIN. I understand so; but I have no knowledge of the facts beyond what the report discloses.

Mr. MCMILLIN. It is not usual for one who is still an officer in the Army to become the governor of a Territory. I suggest that it might be better to let this bill be passed over as the bill just called up before was passed over, so that the facts in this case may be investigated a little. For myself, I am not able to see the connection of General Meagher with the military service.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the bill be laid aside informally, to be a special order next Friday evening after the bill which has just been passed over.

Mr. CRAIN. I have not yet yielded the floor.

Mr. MCMILLIN. I do not wish to take the gentleman from Texas off the floor.

Mr. CRAIN. I will reply to the question of the gentleman from Tennessee by reading to him the language of the report:

General Meagher was breveted major-general about the close of the war, and was accidentally drowned shortly after, while on his way with troops to quell an Indian disturbance in Montana Territory, of which he was then acting governor.

That would seem to indicate that at the time of his death he was in command of United States troops as a brevet major-general of the Army.

Mr. MCMILLIN. What appears to confuse an understanding of the facts is the statement that he was governor of Montana.

Mr. BRADY. He was never actually governor of Montana.

Mr. TAULBEE. Mr. Chairman, I do not understand from the reading of this report that General Meagher was at the time of his death in command of troops. If he was, the existing laws entitle his widow to receive a pension at the rate of $30 per month.

Mr. NELSON. Let me suggest to the gentleman from Kentucky [Mr. TAULBEE] that, as governor, or acting governor, of the Territory of Montana, General Meagher was, *ex officio*, commander-in-chief of the troops called out to quell that Indian disturbance, and was technically in the service of the United States.

Mr. TAULBEE. If that be true I would like to ask why his widow has not applied for a pension under existing laws?

Mr. BRADY. I can answer that Mrs. Meagher was the daughter of Mr. Townsend, of New York, a very wealthy man in his lifetime; but recently her father has died, and she is left dependent and in needy circumstances. During the lifetime of her father it was not necessary for her to apply to the Government for a pension, and she did not apply.

Mr. LOUTTIT. But if she had done so she would have received up to the present time nearly $8,000.

Mr. TAULBEE. As the gentleman from Virginia [Mr. BRADY] has made that statement, I wish to ask why she has not applied since the death of her father?

A MEMBER. She is applying now.

Mr. BRADY. Because she prefers applying to Congress and because Congress has granted to the widows of a number of general officers pensions at the rate of $50 a month. Had she applied to the Pension Bureau she would have got only $30 a month.

Mr. TAULBEE. Then it is apparent, Mr. Chairman, that the legislation to which I have been objecting is of such a character that it leads applicants for relief to pass by the Pension Office, to ignore the laws made for their benefit to and appeal direct to Congress.

They refuse to avail themselves of the benefits to which the laws of the country entitle them, from the simple fact that the sentiment which has led the House of Representatives and the Senate to indulge in this extravagance has held out inducements to them to apply direct to Congress. If we are thus to supersede the Pension Office, the operations of which are maintained at a cost of hundreds of thousands of dollars a year, let us repeal the pension laws and abolish the Pension Bureau and let us advertise to the country that Congress is ready to respond to the appeals of all who desire money out of the Treasury of the United States in amounts commensurate, not with their merits or necessities but with their aspirations and desires. I tell you, Mr. Chairman, that a more vicious kind of legislation could not be adopted.

If the widow of this officer, however gallant he may have been, has a remedy under existing laws, let that remedy be exhausted before she comes to Congress.

Mr. BRADY. Is it not a fact that the widow of General Hancock applied directly to Congress and got a pension without going to the Pension Bureau?

Mr. MORRILL. And how about Cummins Porter? Did he apply to the Pension Bureau before coming to Congress?

Mr. TAULBEE. The application of Mrs. Hancock was made direct to Congress.

Mr. BRADY. So is this.

Mr. TAULBEE. And in that case of Mrs. Hancock we find a precedent for this; but I opposed that on principle, and so I oppose this on principle.

So far as the question of my colleague on the committee [Mr. MORRILL] is concerned, with reference to the pension of Cummins Porter, whose bill was introduced by me without his having applied to the Pension Office for relief, I have this to say: In the first place, the pension granted to him was granted upon an examination by a board of surgeons of the Pension Office.

Mr. MORRILL. Will the gentleman allow me to ask one other question?

Mr. TAULBEE. In a moment, when I get through with this. Furthermore, there was no exception made in his case, so far as the rating of the pension was concerned.

The bill granted Cummins Porter a pension according to the provisions and limitations of the pension laws, without designating any amount whatever. The board rated him at $50 per month. The reason why his application was made direct to Congress is doubtless fresh in the mind of my colleague on the committee [Mr. MORRILL]. It was simply this: Cummins Porter had been for fifteen years in the almshouse of the county in which I live.

Mr. BOUTELLE. Well, we do not want to wait until they get to the almshouse.

Mr. TAULBEE. He had been a soldier in the heavy artillery of the State of Ohio.

A MEMBER. Why did he not apply to the Pension Office?

Mr. TAULBEE. I am proceeding to answer that. The evidence upon which he could obtain relief was to be found in the State of Ohio, and I am proceeding to show that his case was not analogous to the one under consideration.

Mr. BROWN, of Pennsylvania. Not just like it, but something like it.

Mr. TAULBEE. No, it is dissimilar in almost every feature.

Mr. BROWN, of Pennsylvania. That was a case based on equitable considerations, and so is this.

Mr. TAULBEE. The poverty and total helplessness of Cummins Porter prevented him from procuring the indispensable evidence upon which he must rely for obtaining his pension at the Pension Bureau; and as I stated before the committee when they were considering this case, so I state now, that I was in the court of the county in which he lived when the presiding judge and full bench proposed to the only pension attorney in my county that they would pay him an extraordinary amount if he would proceed to develop, by testimony, the rights of the claimant, Cummins Porter. But the attorney very properly declined, stating to the court that it was a criminal offense for him to receive more than $25 for prosecuting an application for pension. For this reason Cummins Porter never applied at the Pension Office for a pension. The reasons existing in his case were just and fair reasons; such as commend themselves to every gentleman who is acquainted with the facts.

But this case is different. Here there are no reasons shown why the applicant did not apply for a pension under the existing laws; there are no reasons shown why she would be entitled to a pension even at the rate of $30 per month if she should elect to apply at the Pension Office.

But if the construction of this report given by the gentlemen who advocate this bill is correct, I say that such legislation as this encourages direct applications to Congress and piles in upon this House and the Committee on Invalid Pensions, of which I have the honor to be a member, more work than we could do if we should sit in constant session year after year.

Mr. BRADY. Will the gentleman allow me a moment right here? Does not the record show that in thirty or forty cases pensions have been granted by Congress to the widows of general officers? And is it not a fact that in no case under existing laws can the widow of such officer receive a pension of more than $30, except by application to Congress? Does not the gentleman know that this application is supported by precedent upon precedent, and case upon case, some of the cases not being of equal merit with that now under consideration?

Mr. TAULBEE. I do not know that, Mr. Chairman; but I grant——

Mr. BRADY. If the gentleman, as a member of the committee, does not know that, he is not familiar with the action of the committee and the legislation of Congress with regard to pensions.

Mr. TAULBEE. The gentleman begs the question. I say I do not know that pensions have been granted in cases less meritorious than this. I do know that in numbers of cases pensions of this kind have been granted; and I have objected to such action when I had the opportunity, because I foresaw the very thing which has occurred, as illustrated by the question of the gentleman from Virginia [Mr. BRADY]—that our extravagance in that regard would be assigned as a reason for extraordinary allowances of this kind in cases where some member of Congress might deem it proper to interest himself in the well-being of the widow of some general officer of the Army.

Mr. BOUTELLE. Will the gentleman from Kentucky allow me to ask him, for the information of others as well as myself, on what ground he bases his objection to this bill?

Mr. TAULBEE. I base my objection to it on the ground——

Mr. CRAIN. Because "No Irish need apply." [Laughter and applause.]

Mr. TAULBEE. I am very much obliged to the gentleman from Texas [Mr. CRAIN] for having anticipated me in what he perhaps may think would have been my answer. But I say that I make my objection to this bill on no such ground.

Mr. WARD, of Illinois. Do you not always object to Union soldiers getting pensions?

Mr. TAULBEE. I will answer the gentleman from Illinois in a few minutes. I will first say, in reply to the gentleman from Maine [Mr. BOUTELLE], that my objection to this bill is that the general laws of this country, apart from special legislation, do not provide for giving the widows of general officers of the Army a greater pension than $30 a month.

Mr. BRADY. We all understand that.

Mr. TAULBEE. That is my objection, and a very tenable one.

Mr. BOUTELLE. I understand, then, that the gentleman——

Mr. TAULBEE. Mr. Chairman, I have several questions on my list to which I desire to reply. Will the gentleman content himself for a moment? I am perfectly willing to yield for questions, but I must be permitted to answer them as I proceed.

The CHAIRMAN. The Chair hopes the committee will be in order and will allow the gentleman from Kentucky to proceed.

Mr. BOUTELLE. I supposed the gentleman desired to let us know what he is driving at.

Mr. TAULBEE. I propose to do so, if the gentleman will only "possess his soul in patience" and give me an opportunity to state my objections to the bill.

I do not consider, Mr. Chairman, that any fair mind can hold that I should assume the burden in opposing this bill. On the contrary, a simple statement that no reason has been shown why this should be

made an exceptional case is, it appears to me, a good objection to the measure. In this matter I am on the defensive.

As to the question of the gentleman from Illinois [Mr. WARD], who asks me whether I do not always oppose pensioning Union soldiers, I certainly can not think that gentleman (for whom I have the highest regard) was sincere in that question. I believe the records will bear me witness, I believe my colleagues on the committee and those who have attended these Friday night sessions will testify, that I have been, at least, just in the advocacy of every bill which I believed to possess merit; and when you come to a case where you propose to pension some poor soldier who can not receive a pension under the general law because of some technical reasons why he can not comply with the straight-laced requirements of the Pension Office, no man is more liberal, no man is more ready than I am to grant a pension when the bill provides that the pension shall be "subject to the provisions and limitations of the pension laws."

Mr. PETTIBONE and others. That is true.

Mr. TAULBEE. And in the case of widows, I have often supported bills this House has passed. I have antagonized the President in his veto of bills which I thought had merit, but which he believed had not. Then, Mr. Chairman, in the face of these facts as sustained by the record I must confess some degree of surprise that a gentleman with the sagacity of the gentleman from Illinois [Mr. WARD] should ask such a question as the one he has propounded to me.

I believe that ample pensions ought to be granted, but I say it is an injustice to allow the pension system to indulge in these extravagances which are calculated to throw upon it the odium of all right-thinking people everywhere when we are thus carried away by our sympathies.

And speaking of extravagances in pension legislation, my mind naturally reverts to the extravagance demonstrated by the gentleman from Texas [Mr. CRAIN], who not many days ago introduced into this House a bill proposing to put on the pension-roll of this country the retired clerks of the Departments and other civil employés of the Government at a rate far above that granted either to soldiers who were wounded in battle or to the widows of soldiers.

Mr. CRAIN. Does the gentleman yield to me?

Mr. TAULBEE. I do.

Mr. CRAIN. Is it not a fact you came to me and asked me to-day whether I favored that bill, and is it not another fact that I told you I had introduced it by request and was opposed to it? [Laughter.] And did you not put your arm around me and say you thanked God I was not for it? [Laughter and applause.]

Mr. TAULBEE. I did ask the gentleman why he had introduced that bill, and he said it was by request. But that does not change the fact that he did introduce it.

Mr. CRAIN. Only by request, and said I was opposed to it. Did I not tell you so?

Mr. TAULBEE. I am glad the gentleman is opposed to it.

Mr. CRAIN. And when I said I was opposed to it, the gentleman from Kentucky hugged me and thanked God that I was opposed to it. [Laughter.]

Mr. TAULBEE. I do not remember the exact words, but I think the gentleman's fancy has led him into statements concerning matters about which he can not afford to be so definite.

Mr. BOUTELLE. Does the gentleman think this is discussing the bill before the committee? [Laughter.]

Mr. TAULBEE. Did I not notify gentlemen, before I took the floor, if they had reasons to advance in support of this bill, they had better present them?

Mr. BOUTELLE. The reasons are in the report.

Mr. TAULBEE. But the reasons cited in the report are exceptional.

Mr. BOUTELLE. We think otherwise.

Mr. TAULBEE. I desire, as I have said, to call the attention of the House and the country to the facts.

Mr. BOUTELLE. Does the gentleman's discussion cast any light on the merits of this case?

Mr. TAULBEE. I have not been attempting to cast any light on the case. I am on the other side.

Mr. RANDALL. Is there any minority report in this case?

Mr. BRADY. No; it is a unanimous report of the committee.

Mr. CRAIN. And in keeping with the recommendation of the President.

The CHAIRMAN. The question is on laying the bill aside to be reported to the House with the recommendation that it do pass.

The committee divided; and there were—ayes 28, noes 4.

So the motion was agreed to; and the bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. WINANS. I move that the committee rise; and before the vote is taken I suggest, by unanimous consent, it be understood the list of recognitions the Chair has for to-night shall be followed next Friday night.

The CHAIRMAN. That is not within the province of the committee, but the Chair will preserve the list.

Mr. WINAN'S motion was agreed to.

The committee accordingly rose; and Mr. OUTHWAITE having taken the chair as Speaker *pro tempore*, Mr. HATCH reported that the Committee of the Whole House on the Private Calendar had had the special order under consideration and had directed him to report to the House sundry bills with various recommendations.

BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole without amendment, were severally considered, ordered to be engrossed for a third reading; and being engrossed, were accordingly read the third time, and passed:

A bill (H. R. 4745) granting a pension to William S. Bewley;

A bill (H. R. 7732) for the relief of Franz Rossrucker;

A bill (H. R. 10093) for the relief of Elizabeth Glassbrener and Mary Glassbrener;

A bill (H. R. 10103) granting a pension to Minerva Abbey;

A bill (H. R. 6027) granting a pension to William McFadden;

A bill (H. R. 8818) granting a pension to Frederick Dierking;

A bill (H. R. 306) granting a pension to George Schneider;

A bill (H. R. 10025) granting a pension to Clementine Hartinger;

A bill (H. R. 10104) granting a pension to Caroline L. Shedd; and

A bill (H. R. 8720) granting a pension to William B. Eve.

House bills of the following titles, reported from the Committee of the Whole with amendments, were severally considered, the amendments concurred in, and the bills as amended ordered to be engrossed for a third reading; and being engrossed, were accordingly read the third time, and passed:

A bill (H. R. 4535) granting a pension to Adelisa Perry;

A bill (H. R. 9401) granting a pension to H. H. Dodd; and

A bill (H. R. 10082) to increase the pension of Margaret R. Jones.

ELIZABETH M. J. MEAGHER.

The bill (H. R. 8463) granting a pension to Elizabeth M. J. Meagher, reported from the Committee of the Whole with an amendment, was considered and the amendment concurred in.

Mr. TAULBEE. I move that the bill just read be laid upon the table.

Mr. ANDERSON, of Kansas. Would not the gentleman agree to let this bill go over to a full House?

Mr. TAULBEE. I should prefer to have action taken upon it now.

The SPEAKER *pro tempore*. The question is on agreeing to the motion of the gentleman from Kentucky.

The House divided; and there were—ayes 3, noes 15.

So the motion was not agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. CRAIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BILLS PASSED.

Bills of the Senate of the following titles, reported from the Committee of the Whole without amendment, were severally considered, ordered to a third reading, and were accordingly read the third time, and passed, namely:

A bill (S. 2220) granting a pension to James G. Mathes;

A bill (S. 2369) granting a pension to William H. H. Price; and

A bill (S. 2335) for the relief of the heirs of Malitty Rose.

Bills of the Senate of the following titles, reported from the Committee of the Whole with amendments, were considered, the amendments concurred in, and the bills as amended ordered to be read a third time, and passed, namely:

A bill (S. 2301) granting a pension to Lucy E. Anderson; and

A bill (S. 2098) for the relief of Rosella E. Hibbert.

Mr. HATCH moved to reconsider the several votes taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Senate bills of the following titles, for the removal of political disabilities, were severally considered, ordered to be read a third time, and passed (two-thirds voting in favor thereof) namely:

A bill (S. 2721) to remove the political disabilities of John K. Mitchell; and

A bill (S. 2848) for the relief of Benjamin P. Loyall.

The bill (H. R. 9854) to remove the political disabilities of S. Barron, of Virginia, reported from the Committee of the Whole without amendment, was ordered to be engrossed for a third reading; and being engrossed, was read the third time, and passed (two-thirds voting in favor thereof).

And then, on motion of Mr. WINANS (at 10 o'clock and 20 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rules, and referred as follows:

By Mr. CRAIN (by request): Petition of the United American Clay Tobacco Pipe Manufacturers' Association for relief—to the Committee on Ways and Means.

By Mr. CURTIN (by request): Petition of Charlotte Smith, on behalf of the Woman's National Industrial League, for relief of car-drivers and conductors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CUTCHEON: Joint resolution of the Legislature of Michigan, in regard to the bill for the extirpation of contagious pleuro-pneumonia—to the Committee on Agriculture.

By Mr. DORSEY: Resolution of the Legislature of Nebraska, in favor of the Cullom-Reagan interstate bill—to the Committee on Commerce.

By Mr. EVERHART: Memorial of East Lynn Grange, No. 271, Patrons of Husbandry, of Chester County, Pennsylvania, praying for the maintenance of the oleomargarine law and the passage of the interstate-commerce bill—to the Committee on Agriculture.

By Mr. FELTON: Petition of 12,000 Good Templars, of the State of California, for the passage of the bill (S. 1579) relative to suppressing the liquor traffic in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GAY: Petition of sugar planters and merchants of Louisiana, for the repeal of internal-revenue taxes—to the Committee on Ways and Means.

By Mr. GROUT: Petition of Hon. M. W. Baily and 48 others, citizens of Franklin County, Vermont, praying for the repeal of act limiting arrears of pensions—to the Committee on Invalid Pensions.

By Mr. HOPKINS: Petition of George W. Cazenly and others, in favor of the Colquitt bill, relating to the District of Columbia—to the Committee on the District of Columbia.

By Mr. LA FOLLETTE: Petition of Hon. E. W. Chapin, grand chief templar of the Independent Order of Good Templars, and others, asking for the passage of the bill (S. 1579) granting to the people of the District of Columbia the right to determine by ballot whether intoxicating liquors shall be manufactured or sold in said District or not—to the same committee.

By Mr. LOWRY: Petition in behalf of William Crabb, late of Company I, One hundred and twenty-third Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. McRAE: Concurrent resolution of the Legislature of Arkansas, in favor of the interstate-commerce bill—to the Committee on Commerce.

By Mr. MARKHAM: Petition of C. N. Wilson and others, citizens of Los Angeles, Cal., for reduction of postage on seeds, plants, &c.—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLARD: Resolution of Candor Post, No. 383, of New York, for the passage of the Edmunds-Tucker bill—to the Committee on the Judiciary.

By Mr. MILLER: Petition of Charles J. Scott and Samuel T. Scott, executors of the estate of Samuel Scott, deceased, asking that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. MOFFATT: Joint resolutions of the Legislature of Michigan, in favor of the passage of the so-called Miller bill, relating to contagious diseases among cattle—to the Committee on Agriculture.

By Mr. MORGAN: Papers in the claim of Robert Bunyan Augustin Meador, of Scott County, Mississippi—to the Committee on War Claims.

By Mr. MORRILL: Petition of the Grand Army of the Republic posts at Oneida, at Osawkee, and at Effingham, Kans., for the passage of the Edmunds-Tucker Mormon bill—to the Committee on the Judiciary.

By Mr. CHARLES O'NEILL: Resolution of the Board of Trade of Philadelphia, Pa., urging the passage of the bill (S. 3025) in regard to pleuro-pneumonia—to the Committee on Agriculture.

Also, petition of Misuler Herb Bitters' Company and William M. Wilson & Co., of Philadelphia, Pa., asking for a reduction of internal-revenue taxes—to the Committee on Ways and Means.

By Mr. J. J. O'NEILL: Petition of merchants and manufacturers of Saint Louis, Mo., asking for the repeal of internal taxes—to the same committee.

By Mr. PERKINS: Resolutions of Oswego, Chanite, and Altona posts of the Grand Army of the Republic of Kansas, in support of the Edmunds-Tucker bill for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. RANNEY: Petition of Rust Bros. & Bird and others, of Boston, for reduction of internal taxes—to the Committee on Ways and Means.

By Mr. SENEY: Resolutions of the Toledo Board of Trade relative to the interstate-commerce bill—to the Committee on Commerce.

By Mr. TILLMAN: Memorial of the Charleston (S. C.) Chamber of Commerce, in favor of an appropriation for the defenses of our coast cities and harbors—to the Committee on Appropriations.

By Mr. TUCKER: Petition of J. Marshall McCue, of Augusta County, Virginia, for an appropriation to establish experimental stations for the cultivation of ginseng—to the Committee on Agriculture.

By Mr. WILLIS: Protest of the Board of Trade of Louisville, Ky., against section 4 of the interstate-commerce bill—to the Committee on Commerce.

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. BAYNE: Of citizens of the twenty-third district of Pennsylvania.

By Mr. J. M. CAMPBELL: Of citizens of Bedford, Pa.

By Mr. D. B. HENDERSON: Paper from the Women's Christian Temperance Union, of Belmont, Iowa, favoring the passage of the Blair educational bill.

By Mr. JAMES: Petition of Orange Lodge No. 1, of New York city, for the enactment of the Blair educational bill.

By Mr. MARKHAM: Of 404 citizens, and of 267 citizens of the sixth district of California.

By Mr. A. C. WHITE: Of 97 citizens of the twenty-fifth district of Pennsylvania.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January* 22, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

FOG-SIGNAL AT SPECTACLE REEF.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, recommending an appropriation of $15,000 to build a proper foundation for the fog-signal structure at Spectacle Reef light-station, Lake Huron; which was referred to the Committee on Appropriations, and ordered to be printed.

EMPLOYÉS IN THE NAVY DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, communicating a list of persons employed in the Navy Department during the calendar year 1886, and the time each was actually employed, and the sum paid each; which was referred to the Committee on Expenditures in the Navy Department, and ordered to be printed.

CLERICAL FORCE IN THE INTERIOR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Interior inclosing an additional estimate of appropriations for clerical force in his Department; which was referred to the Committee on Appropriations, and ordered to be printed.

SENATE RESOLUTION REFERRED.

The SPEAKER also laid before the House joint resolution (S. R. 94) ordering the printing of the annual report of the National Academy of Sciences; which was read twice, and referred to the Committee on Printing.

WILLIAM ERVIN.

The SPEAKER also laid before the House the bill (S. 542) for the relief of William Ervin, with House amendments, and directed the reading of the message from the Senate in relation thereto, as follows:

Resolved, That the Senate disagree to the amendments of the House to the bill (S. 542) for the relief of William Ervin, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. SPOONER, Mr. DOLPH, and Mr. JONES, of Arkansas, be the conferees on the part of the Senate.

The SPEAKER. If there be no objection, the request for a conference will be agreed to.

There was no objection.

The SPEAKER. The Chair will in the course of the day appoint the managers on the part of the House.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WADE, for to-day, on account of illness.

To Mr. BENNETT, for one day, on account of sickness.

WITHDRAWAL OF PAPERS.

On motion of Mr. BOYLE, by unanimous consent, leave was given to withdraw the papers of Jeremiah T. Reed, without leaving copies.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 2589) authorizing the construction of a bridge over the Mississippi River at Saint Louis, Mo.; and

A bill (S. 9) to fix the day of meeting of the electors of President and Vice-President, and to provide for regulating the counting of the votes for President and Vice-President and the decision of questions arising thereon.

DISTRICT APPROPRIATION BILL.

Mr. WILSON, from the Committee on Appropriations, reported a bill (H. R. 10802) making appropriations for the expenses of the gov-

ernment of the District of Columbia for the fiscal year ending June 30, 1888, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. WARNER, of Ohio. I reserve all points of order.

OATH OF OFFICE, HON. D. WYATT AIKEN.

Mr. HAMMOND, from the Committee on the Judiciary, submitted a report in writing as to the administration of the oath of office to Hon. D. Wyatt Aiken, recommending that the preamble and resolution on that subject, submitted by Mr. DIBBLE on January 10, 1887, and referred to the Committee on the Judiciary, be amended and adopted in the following form:

Whereas D. Wyatt Aiken, Representative for the State of South Carolina, from the third district thereof, has been, and in all probability will remain until the end of this Congress, unable, from sickness, to appear in person to be sworn as a member of this House, but has sworn to and subscribed the oath of office before an officer authorized by law to administer oaths, and the said oath of office has been presented in his behalf to the House, and there being no contest or question as to his election: Therefore,

Resolved, That the said oath be accepted and received by the House as the oath of office of the said D. Wyatt Aiken as a member of this House.

Mr. HAMMOND. I think it is not necessary, Mr. Speaker, to read the report now. I ask that it be printed, and I shall call it up some time next week. I desire also to state that Mr. BENNETT, of North Carolina, who is unwell to-day, desires the privilege of filing the views of the minority.

The SPEAKER. The report will be printed, and laid on the table, and being a privileged matter, it may be called up at any time.

UNION PACIFIC RAILROAD COMPANY.

Mr. HAMMOND, from the Committee on the Judiciary, also submitted the following report:

IN THE HOUSE OF REPRESENTATIVES, *January* 17, 1887.

Resolved, That the Attorney-General be requested to inform this House by what legal authority the directors of the Union Pacific Railroad Company consolidated that company with the Kansas Pacific Railway Company and the Denver Pacific Railway Company and reorganized the same under the name of the Union Pacific Railway Company; and by what legal authority the last named company issued the $24,000,000 of the capital stock of said company in addition to the capital stock of the Union Pacific Railroad Company; and also by what legal authority the Union Pacific Railway Company issued two trust loans amounting to $10,883,000; and whether the said Union Pacific Railroad Company has any legal existence.

The object of the resolution is to obtain the opinion of the Attorney-General of the United States as to the law of certain matters touching the Union Pacific Railroad Company.

It seems probable that all those questions may be examined and answered under the joint resolution (H. Res. 170) which passed the House on the 18th of January, 1887 (see RECORD, page 774), should the commission thereby called for be appointed.

But, be that as it may, section 354 of the Revised Statutes says: "The Attorney-General shall give his advice and opinions upon questions of law whenever required by the President." That is the statute of 24th September, 1789 (vol. 1, U. S. Stat., 92). It was enlarged in 1870 so as to make it the duty of the Attorney-General to give such opinions to the head of any Executive Department "on any questions of law arising in the administration of his Department." (Revised Statutes, section 356; 16 U. S. Stat., 163.)

For seventy years from Wirt to Garland, without break or hesitation, the Department of Justice has held that the Attorney-General could not legally give such opinions when called on by any other persons or body whomsoever. Accordingly the refusals to answer when called on by Congress or its committees have been uniform. Those wishing to examine the satisfactory reasons for that construction are referred to 1 Attorney-General's Opinions, 211; ib., 253 and 335, and to like opinions in almost every volume of those opinions.

Your committee therefore recommend that the resolution be laid upon the table.

Mr. HAMMOND. The matter with which the report deals is so well settled that I do not suppose there can be any controversy about it. I understand, however, that the gentleman from Kansas [Mr. ANDERSON] desires to say a word on the subject of the resolution before the subject is disposed of, and I therefore yield him five minutes.

Mr. ANDERSON, of Kansas. I do not think, Mr. Speaker, that I shall need the whole five minutes in which to say that, subsequent to the introduction of that resolution of inquiry and its reference to the Committee on the Judiciary, an amendment offered by me, covering many of the points contained in it, was embodied in the resolution for the appointment of a commission to investigate the affairs of the Union Pacific Railway, and, during the investigation by that commission, the body being directly under the control of the Secretary of the Interior, the Secretary can, under existing statutes, obtain from the Attorney-General precisely the information which was contemplated by the resolution of inquiry. So that, so far as I am concerned, I do not now care, owing to the action just referred to, whether this resolution be laid on the table or not.

I wish simply to add that, in view of the statute cited in the report, providing that opinions may be required from the Attorney-General by the heads of the Executive Departments, it seems to me a pretty broad assumption to claim that Congress, which enacted that statute and which created the office of Attorney-General, may not if it sees fit request an opinion from that officer. In other words, I am now simply entering a general demurrer, as a layman, to the proposition which has been maintained for many years in practice, that an Attorney-General shall not give an opinion to this House if the House sees fit to call for it. This is all I have to say.

Mr. HAMMOND. Mr. Speaker, I will not occupy any time in disposing of this matter. The reasons why the Attorney-General can not give any opinions except those required by law are so numerous and so potent that any gentleman, lawyer, or layman who will read the authorities on the subject can be perfectly satisfied about the matter.

I call for a vote on the adoption of the report.

The SPEAKER. The gentleman moves to lay the resolution on the table?

Mr. HAMMOND. Yes, sir.

The motion was agreed to; and the resolution was laid on the table.

UNITED STATES COURTS IN MISSOURI.

Mr. BURNES. I ask unanimous consent to call up for present consideration the bill (H. R. 2929) to amend the act dividing the State of Missouri into two judicial districts, and to divide the eastern and western districts thereof into divisions, establish district and circuit courts of the United States therein, and provide for the times and places for holding such courts, and for other purposes.

The Clerk proceeded to read the bill.

Mr. BURNES. This bill has already been under consideration, and was then read. It will be found published in the proceedings of the House of May 24 last. I ask that the further reading of the bill be dispensed with.

Mr. HOLMAN. I have no objection to that request if the gentleman will make a statement as to the effect of the bill, and inform us whether it creates any new offices.

Mr. WARNER, of Missouri. I shall have to object to the consideration of this bill by unanimous consent, for the reason that my colleague from Missouri [Mr. BLAND], who is much interested in this matter, is at home now on account of sickness in his family. I think the bill ought not to be taken up by unanimous consent in his absence.

DIVORCE STATISTICS.

Mr. HOLMAN. Mr. Speaker, I hold in my hand a memorial from the late general convention of the Protestant Episcopal Church in regard to the collection and publication of statistics, &c., on the subject of divorce. The memorial is very brief. I ask that it be printed in the RECORD, and referred to the Committee on the Judiciary.

Mr. DUNN. I ask that a memorial of the Legislature of Arkansas in regard to legislation on the subject of interstate commerce may also go into the RECORD, and be referred to the Committee on Commerce.

The SPEAKER. If there be no objection, the two memorials will be printed in the RECORD and appropriately referred.

There was no objection.

The following memorial, presented by Mr. HOLMAN, was referred to the Committee on the Judiciary:

To the Honorable Senate and House of Representatives in Congress assembled:

At the late general convention of the Protestant Episcopal Church, held in Chicago in October last, the undersigned were appointed a committee by the house of deputies to call the attention of Congress to the great importance of the collection and publication of reliable statistics and useful information on the subject of divorce.

In fulfillment of that duty, therefore, they respectfully set forth:

First. That in view of the great variety and laxity in the present divorce laws of the several States and Territories, some reform is imperatively needed looking toward uniformity and increased stringency, both in defining the proper grounds for a divorce and in regulating the practical administration of the divorce laws in our several courts.

Second. That as a proper and necessary basis for wise legislation on this subject it is essential that more extensive and reliable information be obtained as to the present existing laws on this subject, the nature and extent of the evils arising under them, and the most practical and efficient remedies therefor.

Third. That no legislative body can so thoroughly and satisfactorily gather the required statistics on this subject throughout the entire country as the Congress of the United States.

On behalf, therefore, of the Protestant Episcopal Church in the United States of America, the undersigned respectfully petition your honorable body to take such action as will best secure this desirable result.

JOHN H. ELLIOTT.
EDMUND H. BENNETT.
J. C. BANCROFT DAVIS.

WASHINGTON, D. C., *January* 4, 1887.

INTERSTATE COMMERCE.

The following concurrent resolution of the Legislature of Arkansas, presented by Mr. DUNN, was referred to the Committee on Commerce:

OFFICE OF SECRETARY OF STATE, *Little Rock, Ark.*

I, E. B. Moore, secretary of state of Arkansas, do hereby certify that the annexed pages contain a true, complete, and full copy of house concurrent resolution No. 1, of the General Assembly of the State of Arkansas, approved January 18, 1887, as appears by comparing the same with the original roll of said concurrent resolutions now on file in this office.

In testimony whereof, I have hereunto set my hand and affixed my official seal, at Little Rock, this 18th day of January, A. D. 1887.

[SEAL.] E. B. MOORE, *Secretary of State.*

House concurrent resolution No. 1.

HOUSE OF REPRESENTATIVES, STATE OF ARKANSAS,
Little Rock, Ark.

Resolved by the house of representatives of the State of Arkansas (the senate concurring), That our Senators be, and they are hereby, instructed, and our Representatives in Congress be, and are hereby, requested to vote for and to use all honorable means to secure the passage of the interstate-commerce bill as reported by the committee of conference now pending before Congress.

Resolved further, That the secretary of state furnish our Senators and Representatives in Congress with a copy of these resolutions.

Approved January 18, 1887.

LIGHT AT ENTRANCE OF PORTAGE LAKE HARBOR OF REFUGE.

Mr. CUTCHEON, by unanimous consent, introduced a bill (H. R. 10803) to establish a light at the entrance to Portage Lake Harbor of Refuge, on the east shore of Lake Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

UNLAWFUL INCLOSURES OF PUBLIC LANDS.

Mr. PAYSON, by unanimous consent, introduced the following resolution; which was referred to the Committee on the Public Lands:

Whereas Congress, by the act approved February 25, 1885 (23 Stats. at Large, page 321), prohibited any and all inclosures of public lands, except held under claim of title made in good faith, and the Secretary of the Interior shows in his last annual report to the President, dated November 1, 1886, that notwithstanding the provisions of said act the practice of unlawfully inclosing large areas of the public lands still continues, and the Secretary, in said report, suggests that "it is to some extent a matter of doubt whether the prohibitory provision of the law covers these cases, though I am of opinion that it does; and should there be any doubt in the mind of Congress upon the point, additional legislation will be needed."

Resolved, That the Secretary of the Interior be required to procure the opinion of the Attorney-General for the use of this House whether, to reach the cases cited by the Secretary of the Interior, especially as to lands in the granted limits of railroad land grants, any further legislation is needed.

REPORT ON NATIONAL HOME FOR DISABLED SOLDIERS.

Mr FARQUHAR, from the Committee on Printing, reported back with a favorable recommendation the following resolution:

Resolved, That 1,000 additional copies of the annual report of the Board of Managers of the National Home for Disabled Soldiers be printed for the use of the members of the House of Representatives and the board of managers.

The report, which was read, states that the estimated cost of printing is $106.75.

Mr. FARQUHAR. I move the adoption of the resolution.

The resolution was adopted.

Mr. FARQUHAR moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NEW ORLEANS, BATON ROUGE AND VICKSBURG RAILROAD GRANT.

Several members called for the regular order.

Mr. LAFFOON, as a privileged report from the Committee on the Public Lands, reported back, with the amendments of the Senate, the bill (H. R. 3186) to declare a forfeiture of lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company, to confirm title to certain lands, and for other purposes.

The report was read, as follows:

The Committee on the Public Lands have had under consideration the bill (H. R. 3186) entitled "A bill to declare a forfeiture of lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company, to confirm title to certain lands, and for other purposes," and the Senate amendments thereto, and recommend that the House concur in the said amendments.

Mr. LAFFOON. I move concurrence in the amendments of the Senate.

The amendments were read, as follows:

On page 2 strike out all after "New Orleans," in line 1, down to and including "railroads," in line 3, and insert:

"Pacific Railway Company in the Department of the Interior, October 27, 1881, and November 17, 1882, which indicate the definite location of said road: *Provided*, That all said lands occupied by actual settlers at the date of the definite location of said road and still remaining in their possession, or in the possession of their heirs or assigns, shall be held and deemed excepted from said grant, and shall be subject to entry under the public-land laws of the United States;" so that the section will read:

"That the title of the United States and of the original grantee to the lands granted by said act of Congress of March 3, 1871, to said grantee, the New Orleans, Baton Rouge and Vicksburg Railroad Company, not herein declared forfeited, is relinquished, granted, conveyed, and confirmed to the New Orleans Pacific Railroad Company, as the assignee of the New Orleans, Baton Rouge and Vicksburg Railroad Company, said lands to be located in accordance with the maps filed by said New Orleans Pacific Railway Company in the Department of the Interior October 27, 1881, and November 17, 1882, which indicate the definite location of said road: *Provided*, That all said lands occupied by actual settlers at the date of the definite location of said road, and still remaining in their possession or in the possession of their heirs or assigns, shall be held and deemed excepted from said grant, and shall be subject to entry under the public-land laws of the United States."

In section 3, line 7, after the word "and," strike out the words "fully discharged" and insert in lieu thereof the words "agreed to discharge;" so as to read:

"That the relinquishment of the lands and the confirmation of the grant provided for in the second section of this act are made and shall take effect whenever the Secretary of the Interior is notified that said New Orleans Pacific Railroad Company, through the action of a majority of its stockholders, has accepted the provisions of this act, and is satisfied that said company has accepted and agreed to discharge all the duties and obligations imposed upon the New Orleans, Baton Rouge and Vicksburg Railroad Company by the act of March 3, 1871, entitled 'An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes.'"

On page 3, line 22, after "the," insert "second, third."

On page 3, line 25, strike out the words "Blanchard-Robinson agreement" and insert in lieu thereof the words "sections of this act;" so as to read:

"And to protect any and all settlers on said lands in all their rights under the said sections of this act."

Mr. HOLMAN. I make the point of order that these amendments have not been considered in the Committee of the Whole on the state of the Union.

The SPEAKER (after examining the amendments). The Chair does not see in these amendments any provision which would, under the rules of the House, take them to the Committee of the Whole on the state of the Union.

Mr. HOLMAN. Why, there is a new provision, is there not?

The SPEAKER. But it does not make any appropriation or require any to be made, or donate any public property, or release any liability to the Government, or impose any tax.

Mr. HOLMAN. No, the amendment of the Senate of itself does not have that effect, but it has the effect of changing the terms upon which the appropriation of public property is to be made from the terms contained in the bill as it originally passed the House.

The SPEAKER. The Chair does not think it comes within the rule of the House which requires consideration in Committee of the Whole House on the state of the Union.

Mr. SPRINGER. I ask for the reading of the report of the committee on this bill.

The SPEAKER. It will be read. The Chair will state that the report on this amendment has been read.

Mr. HOLMAN. I only wish to say that the effect of this bill is to confirm a grant by Congress, instead of forfeiting one.

Mr. BLANCHARD. Is this debatable?

The SPEAKER. It is.

Mr. WEAVER, of Iowa. Do I understand the gentleman from Indiana to claim that this confirms a grant?

Mr. HOLMAN. Yes, sir.

Mr. WEAVER, of Iowa. Instead of forfeiting it?

Mr. HOLMAN. That is the effect of it.

Mr. SPRINGER. The bill confirms the grant, and should never have been passed in the first place.

Mr. PAYSON. That is a mistake.

Mr. KING. It is a bill that has already been passed by the House.

Mr. BLANCHARD. I hope the gentleman from Kentucky, in charge of the bill, will yield to me for a moment.

Mr. LAFFOON. I will yield to the gentleman from Louisiana.

Mr. BLANCHARD. I desire to take only three minutes to explain the amendment of the Senate.

That amendment to this forfeiture bill does nothing more nor less than to protect the settlers a little better than they were protected in the bill as it passed the House. That, I repeat, is the only effect of the amendment, and I hope the House will concur with the Senate.

Mr. LAFFOON. Mr. Speaker, I yield now two minutes to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I only wish to say, sir, that the statement of the gentleman from Louisiana is correct. The bill is better than when it passed the House; that is to say, it protects the rights of the settlers better. But at the same time the bill as it passed the House and the bill as it now stands before the House on the Senate amendment is a bill to confirm the Backbone Railroad land grant.

Mr. DUNN. It confirms a part and forfeits a part.

Mr. HOLMAN. It confirms it in substance. The exception is, however, of very little public moment.

The object of the bill, as I understand it, is to confirm that grant. I admit that when the bill was before the House, in the Forty-eighth Congress, I believe, it contemplated the forfeiture of that grant and was defeated. But I think it was done under a misapprehension as to the real condition of the original grant and the claim set up by the railroad.

Mr. NELSON. Let me interrupt the gentleman to ask this question: If it is not true that this bill confirms a land grant for building a road where it was never intended to be built?

Mr. HOLMAN. Yes, sir.

Mr. NELSON. It being built on the other side of the river from that contemplated in the grant.

Mr. BLANCHARD. The gentleman is mistaken. I ask the gentleman from Kentucky to yield to me for a few minutes longer.

Mr. LAFFOON. I yield to the gentleman from Louisiana.

Mr. BLANCHARD. Mr. Speaker, this bill simply conforms to a recommendation made by the Secretary of the Interior in his former annual report, that, if there be any defect (not that there is any), but if there be any defect in the title of the railroad company to this land grant, Congress pass a bill to cure it.

Mr. NELSON. May I ask the gentleman a question?

Mr. BLANCHARD. Yes, sir.

Mr. NELSON. In the original grant, on which side of the river was this road to be built?

Mr. BLANCHARD. I will tell the gentleman. This was originally a grant of land to aid in the construction of the New Orleans, Baton Rouge and Vicksburg Railroad. That company was to build a road partly on the east side of the Mississippi River and partly on the west side of that river, to wit: from Baton Rouge to the Texas line. This bill forfeits the land on the east side of the river, where the road was not built; but on the west side of the river, where the road has long since been constructed, it confirms the land to the road, and to that part of it only.

Mr. HOLMAN. But not built within the terms as to time fixed by Congress in the grant.

Mr. BLANCHARD. It was constructed after the time fixed in the

granting act, it is true; but it was long before Congress took steps equivalent to a re-entry of the land.

Mr. HOLMAN. Which granting act contained the emphatic declaration that if the road was not built—was not completed—in five years the land should be forfeited to the United States.

Mr. BLANCHARD. It was built before any forfeiture was declared. No forfeiture has ever been declared, and this bill only confirms to the railroad that portion of the land coterminous with the portion of the road actually constructed.

Not only that, Mr. Speaker, but the Secretary of the Interior preceding the present Secretary of the Interior issued patents as early as March, 1885, covering nearly 700,000 acres of this land to the New Orleans Pacific Railroad Company, claimant of this grant.

Mr. HOLMAN. And during the twenty-four hours immediately before the expiration of his term of office.

Mr. BLANCHARD. And he patented it upon the written opinion of the Attorney-General of the United States that the title to the land was in the railroad company, and upon the report of the Judiciary Committee of the Forty-eighth Congress to the same effect.

That committee, in a report concurred in by thirteen out of fifteen, drawn by the distinguished chairman of the committee, Mr. TUCKER, of Virginia, held that the titles to these lands were in this railroad company, and that a forfeiture could not be declared in law, and should not be declared in equity.

Mr. WEAVER, of Iowa. May I ask the gentleman a question?

Mr. BLANCHARD. Yes, sir.

Mr. WEAVER, of Iowa. Has the portion of the road on the east side of the river from Baton Rouge down ever been built?

Mr. BLANCHARD. It has not been built from Baton Rouge to New Orleans by this company on the east side of the river, but from New Orleans to Baton Rouge on the west side it is constructed. For that portion of the road no land whatever is given in this bill, but for the line of road from Baton Rouge to the Texas boundary land is given in the bill in pursuance of the original granting act.

Mr. WEAVER, of Iowa. And that is not on the line indicated in the original granting act?

Mr. BLANCHARD. It is directly on a part of the line.

Mr. BLOUNT. May I ask the gentleman a question?

Mr. BLANCHARD. Yes, sir.

Mr. BLOUNT. I wish to know what part of the lands this act refers to has gone into the hands of settlers, and what portion is still retained by the railroad company?

Mr. BLANCHARD. I will state, in reply to the gentleman from Georgia, that this bill provides for the protection of the settlers in this way: that all settlers who were upon this land grant up to the date of definite location of the road, to wit, October, 1881, are allowed to take their lands from the United States Government under the homestead law, and from 1881, the date of definite location, down to a certain date in the year 1884, the settlers are protected by what is called the Blanchard-Robertson agreement, which gives them better terms than they could obtain from the Government of the United States if they purchased lands in the sections reserved to the Government. The Government price is $2.50 an acre, whereas the Blanchard-Robertson agreement allows the settlers to take their lands at $2 an acre, one-third cash, balance in one and two years.

Mr. HOLMAN. Does the money go to the railroad company?

Mr. BLANCHARD. Up to the date of definite location it would go to the Government; after that to the railroad company.

Mr. BLOUNT. The gentleman from Louisiana has stated, as I understand, that a large part of these lands are patented.

Mr. BLANCHARD. Yes, sir; nearly 700,000 acres.

Mr. BLOUNT. By the action of the Secretary of the Interior, under the opinion of the Attorney-General.

Mr. BLANCHARD. Yes, sir; and by the action of this House.

Mr. BLOUNT. I wish to know how much of those lands is in possession of the railroad at this time, and how much has been sold by the railroad company.

Mr. BLANCHARD. My information about that is not very great. The railroad company have sold portions of the land already patented to it. The greater part of it, perhaps, still remains in possession of the railroad company.

The patent was not issued in 1885 until this question had been discussed elaborately in this House, in the Forty-eighth Congress, and this House had deliberately voted down the proposition to forfeit the grant by 43 majority.

Mr. WEAVER, of Iowa. Will the gentleman permit me one other question?

Mr. BLANCHARD. Yes, sir.

Mr. WEAVER, of Iowa. I understand the gentleman to admit that this road was built out of time.

Mr. BLANCHARD. Yes, sir.

Mr. WEAVER, of Iowa. And that this bill confirms a grant to an assignee company, and not the company to which the original grant was made.

Mr. BLANCHARD. That is correct. And I will state upon the point of the assignment of the grant that the Attorney-General of the United States decided the assignment was valid and vested a legal title in the assignee company; and the Judiciary Committee of this House decided the same thing.

Mr. HOLMAN. What Attorney-General?

Mr. BLANCHARD. Mr. Brewster, the Attorney-General of the United States preceding the present one.

Mr. ADAMS, of Illinois. Will the gentleman permit me a question?

Mr BLANCHARD. Yes, sir.

Mr. ADAMS, of Illinois. In that part of the Senate amendment which refers, not to the additional security given to settlers, but, as I understand it, to a change in the location of the lands affected by that part of the House bill which went on to describe the land the title to which was confirmed, certain words are stricken out which refer to a certain map filed at a certain time, and then other words are inserted which appear to refer to another map filed at another time. Apparently they make reference to another set of lands. I only ask for information as to that part of the Senate amendment which does not include the proviso for settlers—the first part ot the Senate amendment, which makes a change in the lands which are referred to on page 2 of this bill.

Mr. BLANCHARD. I will state to the gentleman that the Senate amendments were adopted upon the motion of the senior Senator from Louisiana, who offered them after consultation with myself and other gentlemen, and that the only effect of those amendments is to give to the settlers upon the land-grant better terms than they would obtain under the bill as it passed the House.

Mr. ADAMS, of Illinois. Does not the amendment change the description or definition of the lands affected by the bill?

Mr. BLANCHARD. It does not.

Mr. ADAMS, of Illinois. It appeared to me that it did.

Mr. BLANCHARD. The amendments have been considered by the House Committee on Public Lands, and that committee make a unanimous report here recommending that the House concur.

Nine-tenths, perhaps nineteen-twentieths, of this land-grant lie in the district I have the honor to represent. This matter has disturbed three Congresses, to wit, the Forty-seventh, the Forty-eighth, and the Forty-ninth; the settlers are in a state of indecision and confusion about their titles, and it is time now for Congress to put an end to this state of things by doing something, one way or the other, with this land-grant. This House in the Forty-eighth Congress deliberately refused, by a majority of forty-three, to forfeit this land grant. The question came again before the House in the first session of the present Congress, and, by a practically unanimous vote, this bill was passed. It went to the Senate, and that body merely added an amendment the effect of which is to give better protection to the settlers; and it is that proposition on which the House is now asked to vote.

Mr. HOLMAN. The bill was clearly passed under a misapprehension by the House. It was not understood.

Mr. BLANCHARD. Everybody understood it except the gentleman from Indiana [Mr. HOLMAN]. If that gentleman did not post himself as to what the bill was, it was his own fault, and he should not be charging here now that this bill passed the House under false pretenses.

Mr. HOLMAN. I think the House generally understood it to be the original bill.

Mr. BLOUNT. Does the gentleman from Louisiana [Mr. BLANCHARD] state that this is a unanimous report from the Committee on Public Lands?

Mr. BLANCHARD. I so understand.

Mr. LAFFOON. I now yield two minutes to the gentleman from Arkansas [Mr. MCRAE].

Mr. MCRAE. Mr. Speaker, when the policy involved in this bill was first presented to this Congress by the Committee on Public Lands in the Atlantic and Pacific forfeiture bill I opposed its adoption. In the committee and in the House I sought to have a different policy adopted for the treatment of such forfeitures. I got but little encouragement here, and not a great deal in the committee. The House saw fit to adopt over my objection the policy of this bill, which I opposed. I also voted against this bill on its final passage. The Atlantic and Pacific bill, this bill, and others containing even less equity than this were passed. That was the time to make the fight now sought to be made here. The bill has passed the House; the Senate has amended it in very slight particulars. The only effect of the amendments, as I understand them, is to secure some additional rights to the settlers upon these lands. Now, we can do only one of two things, either concur or non-concur in the amendments. There is no disagreement between the two Houses as to the bad features of the bill. The amendments, as I understand them, are in the right direction. Shall we commit another mistake because of the first made by the House?

If we non-concur the probabilities are that the Senate will recede from the amendments, and then we must take the bill as it passed the House without the additional protection that the amendments will give the settlers. Since the lands have been lost to the Government we ought to do all we can to help the settlers. It appears to me that the question for us to determine is whether we will do that or not. It is not a question whether or not we did wrong in passing the bill in

the first instance. Upon that question I was then and am still satisfied. When this bill was upon its passage here I called the attention of the House at that time to the policy involved in it, but the House did as it had done with the Atlantic and Pacific bill and passed it.

When the Senate amendment to the Atlantic and Pacific was pending the House refused to hear me, and sustained the demand of the gentleman from Indiana [Mr. COBB] for the previous question. At that time I could not even get enough members to stand up to get a yea-and-nay vote upon that amendment, which had the effect to cut off the last chance of the United States. The question for us now is not whether we did wrong then, but whether we will now do justice to the settlers by giving them the protection which the Senate has sought to give them by the amendments. It is now too late to save any of the lands; that time passed when the House passed the bill.

Mr. HOLMAN. Does not my friend see the propriety of asking for another conference upon this bill, so that what was not intended to be done—the confirmation of a great land grant—shall not be done?

Mr. MCRAE. There has been no conference. But I do not understand that any good is to be accomplished by non-concurring, because there is no disagreement upon that part of the bill which confirms title to the railroad.

Mr. HOLMAN. And asking a further conference.

Mr. LAFFOON. I demand the previous question.

Mr. WEAVER, of Iowa. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WEAVER, of Iowa. Would a motion be in order now to refer this bill to the Committee of the Whole House on the state of the Union?

The SPEAKER. It would.

Mr. WEAVER, of Iowa. I make that motion.

Mr. LAFFOON. I have not yielded the floor to the gentleman from Iowa.

The SPEAKER. The gentleman from Kentucky [Mr. LAFFOON] demanded the previous question. That, of course, took him off the floor, and, pending that demand, the gentleman from Iowa [Mr. WEAVER] moves to commit this bill to the Committee of the Whole House on the state of the Union.

The question was taken on the motion of Mr. WEAVER, of Iowa, and the Speaker announced that the noes seemed to have it.

Mr. WEAVER, of Iowa. I ask for a division.

The House divided; and there were—ayes 33, noes 53.

Mr. RANDALL. No quorum.

The SPEAKER. The point of no quorum being made, the Chair will appoint as tellers the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from Kentucky [Mr. LAFFOON].

Mr. HOLMAN. I ask for the yeas and nays in order to settle this question.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 75, nays 143, not voting 100; as follows:

YEAS—75.

Adams, G. E.	Ely,	Lanham,	Sessions,
Allen, C. H.	Frederick,	Lawler,	Skinner,
Anderson, C. M.	Fuller,	Le Fevre,	Sowden,
Anderson, J. A.	Funston,	Lehlbach,	Spooner,
Bayne,	Geddes,	Lyman,	Springer,
Bound,	Grosvenor,	Matson,	Stahlnecker,
Boyle,	Hale,	McAdoo,	Steele,
Bragg,	Hammond,	McComas,	Storm,
Brown, C. E.	Henderson, J. S.	McMillin,	Struble,
Brown, W. W.	Henderson, T. J.	Millard,	Tarsney,
Bynum,	Hiestand,	Neal,	Taylor, E. B.
Cannon,	Holman,	Neece,	Taylor, I. H.
Caswell,	Holmes,	Nelson,	Thomas, O. B.
Cooper,	Howard,	Payne,	Thompson,
Cowles,	Hudd,	Randall,	Townshend,
Culberson,	Johnston, J. T.	Ranney,	Warner, A. J.
Dawson,	Johnston, T. D.	Rusk,	Weaver, J. B.
Eden,	Jones, J. H.	Ryan,	Wellborn.
Eldredge,	La Follette,	Sayers,	

NAYS—143.

Baker,	Conger,	Guenther,	Laffoon,
Ballentine,	Crisp,	Hall,	Landes,
Barbour,	Curtin,	Halsell,	Little,
Barksdale,	Cutcheon,	Harmer,	Long,
Blanchard,	Daniel,	Harris,	Lovering,
Bliss,	Davidson, R. H. M.	Hatch,	Lowry,
Blount,	Dibble,	Hayden,	Martin,
Brady,	Dingley,	Haynes,	McCreary,
Breckinridge, C. R.	Dougherty,	Heard,	McRae,
Breckinridge, W C P	Dunn,	Henderson, D. B.	Miller,
Brumm,	Evans,	Hepburn,	Milliken,
Buck,	Everhart,	Herbert,	Moffatt,
Bunnell,	Farquhar,	Hermann,	Morrill,
Burnes,	Felton,	Hill,	Morrison,
Burrows,	Findlay,	Hitt,	Morrow,
Cabell,	Fisher,	Hopkins,	Murphy,
Caldwell,	Fleeger,	Hutton,	Norwood,
Campbell, J. M.	Foran,	Irion,	O'Donnell,
Campbell, J. E.	Ford,	James,	O'Ferrall,
Carleton,	Gallinger,	Johnson, F. A.	O'Hara,
Catchings,	Gay.	Jones, J. T.	O'Neill, Charles
Clements,	Glass,	Kelley,	Osborne,
Compton,	Goff,	King,	Outhwaite,
Comstock,	Green,	Kleiner,	Owen,
Parker,	Rogers,	Strait,	Warner, William
Payson,	Romeis,	Taulbee,	Weber,
Peel,	Rowell,	Taylor, J. M.	Wheeler,
Perkins,	Sadler,	Thomas, J. R.	White, A. C.
Perry,	Sawyer,	Tillman,	White, Milo
Peters,	Scranton,	Trigg,	Wilkins,
Pindar,	Seney,	Turner,	Willis,
Reed,	Seymour,	Van Eaton,	Wilson,
Rice,	Snyder,	Van Schaick,	Winans,
Richardson,	Stewart, Charles	Wade,	Wolford,
Robertson,	Stone, W. J., Ky.	Wakefield,	Worthington.
Rockwell,	Stone, W. J., Mo.	Wallace,	

NOT VOTING—100.

Adams, J. J.	Croxton,	Libbey,	Scott.
Aiken,	Dargan,	Lindsley,	Shaw,
Allen, J. M.	Davenport,	Lore,	Singleton,
Atkinson,	Davidson, A. C.	Louttit,	Smalls,
Bacon,	Davis,	Mahoney,	Spriggs,
Barnes,	Dockery,	Markham,	Stephenson,
Barry,	Dorsey.	Maybury,	Stewart, J. W.
Belmont,	Dunham,	McKenna,	St. Martin,
Bennett,	Ellsberry,	McKinley,	Stone, E. F.
Bingham,	Ermentrout,	Merriman,	Swinburne,
Bland,	Forney,	Mills,	Swope,
Boutelle,	Gibson, C. H.	Mitchell,	Symes,
Browne, T. M.	Gibson, Eustace	Morgan,	Taylor, Zach.
Buchanan,	Gilfillan,	Muller,	Throckmorton,
Burleigh,	Glover,	Negley,	Tucker,
Butterworth,	Grout,	Oates,	Viele,
Campbell, Felix	Hanback,	O'Neill, J. J.	Wadsworth,
Campbell, T. J.	Hemphill,	Pettibone,	Wait,
Candler,	Henley,	Phelps,	Ward, J. H.
Clardy,	Hires,	Pidcock,	Ward, T. B.
Cobb,	Hiscock,	Pirce,	Weaver, A. J.
Collins,	Houk,	Plumb,	West,
Cox, S. S.	Jackson,	Reagan,	Whiting,
Cox, W. R.	Ketcham,	Reese,	Wise,
Crain,	Laird,	Riggs,	Woodburn.

So the motion to refer the amendments of the Senate to the Committee of the Whole on the state of the Union was not agreed to.

Mr. MILLS. I desire to announce that I am paired with the gentleman from Ohio [Mr. MCKINLEY] until Monday next. If he were present I should vote in the affirmative on this question.

The following pairs were announced:

Mr. WISE with Mr. NEGLEY, for three days.

Mr. VIELE with Mr. DAVENPORT, until Monday next.

The following-named members were announced as paired until further notice:

Mr. BARRY with Mr. JACKSON.

Mr. GIBSON, of West Virginia, with Mr. STEWART, of Vermont.

Mr. MORGAN with Mr. ZACH. TAYLOR.

Mr. THROCKMORTON with Mr. ATKINSON.

Mr. ERMENTROUT with Mr. LAIRD.

Mr. REAGAN with Mr. HISCOCK.

Mr. COX, of New York, with Mr. BURLEIGH.

Mr. COBB with Mr. BROWNE, of Indiana.

Mr. SPRIGGS with Mr. HOUK.

Mr. CANDLER with Mr. WEST.

Mr. DAVIDSON, of Alabama, with Mr. SWINBURNE.

Mr. MITCHELL with Mr. WHITING.

Mr. REESE with Mr. WEAVER, of Nebraska.

The following-named members were announced as paired for this day:

Mr. ADAMS, of New York, with Mr. HIRES.

Mr. WARD, of Illinois, with Mr. STEPHENSON.

Mr. BENNETT with Mr. HANBACK.

Mr. COX, of North Carolina, with Mr. GILFILLAN.

Mr. RIGGS with Mr. KETCHAM.

Mr. MERRIMAN with Mr. BUCHANAN.

Mr. CLARDY with Mr. BUTTERWORTH.

Mr. BLAND with Mr. BINGHAM.

Mr. FORNEY with Mr. DORSEY.

The result of the vote was announced as above stated.

The SPEAKER. The question now recurs on ordering the previous question upon concurring in the amendments of the Senate.

The previous question was ordered.

The SPEAKER. The question is now, Shall the amendments of the Senate be concurred in?

Mr. HOLMAN. I rise to a parliamentary inquiry. If these amendments of the Senate be now concurred in, does that action pass this bill?

The SPEAKER. That will complete the consideration of the matter between the two Houses, and the bill will then be enrolled.

Mr. HOLMAN. I therefore ask the yeas and nays on concurring in the amendments of the Senate.

Mr. HEPBURN. I desire to vote advisedly on this question, and would like consent to put an inquiry to my colleague from Iowa [Mr. WEAVER].

Mr. WEAVER, of Iowa. I hope consent will be granted.

Mr. ROGERS. I object.

Mr. HEPBURN. The inquiry I desire to put hinges directly upon this question.

The SPEAKER. Objection is made. The question is on ordering the yeas and nays.

The yeas and nays were ordered, there being ayes 37, noes 127—more than one-fifth voting in the affirmative.

The SPEAKER. As there are several amendments, the Chair desires to ask whether a separate vote on these amendments is demanded.

Mr. STRUBLE. I ask that the amendments be again read.

The SPEAKER. The Clerk will report the amendments; after which any member will have an opportunity to demand a separate vote.

The amendments were again read.

The SPEAKER. Is a separate vote demanded on these amendments? [A pause.] In the absence of such demand, the question will be taken on concurring in the amendments in gross.

The question was taken; and it was decided in the affirmative—yeas 151, nays 61, not voting 106; as follows:

YEAS—151.

Allen, C. H.	Evans,	Johnston, T. D.	Reed,
Bacon,	Everhart,	Jones, J. T.	Rogers,
Baker,	Farquhar,	Kelley,	Rowell,
Ballentine,	Felton,	King,	Sadler,
Barbour,	Findlay,	Laffoon,	Sawyer,
Barksdale,	Fisher,	Landes,	Scranton,
Blanchard,	Fleeger,	Lawler,	Seney,
Bliss,	Foran,	Libbey,	Sessions,
Blount,	Ford,	Lindsley,	Seymour,
Brady,	Funston,	Little,	Singleton,
Breckinridge, WCP	Gallinger,	Louttit,	Skinner,
Buck,	Gay,	Lovering,	Snyder,
Bunnell,	Gibson, C. H.	Lowry,	Spooner,
Burnes,	Glass,	McCreary,	Stewart, Charles
Burrows,	Goff,	McKenna,	Stone, W. J., Ky.
Cabell,	Green,	McRae,	Stone, W. J., Mo.
Caldwell,	Grosvenor,	Millard,	Strait,
Campbell, J. M.	Grout,	Milliken,	Taulbee,
Campbell, J. E.	Guenther,	Morrill,	Taylor, E. B.
Carleton,	Hall,	Morrow,	Taylor, J. M.
Caswell,	Halsell,	Neal,	Thompson,
Catchings,	Harmer,	Norwood,	Tillman,
Clements,	Harris,	Oates,	Trigg,
Collins,	Hatch,	O'Donnell,	Turner,
Conger,	Hayden,	O'Ferrall,	Van Eaton,
Cowles,	Hemphill,	O'Neill, Charles	Van Schaick,
Crisp,	Henderson, D. B.	Osborne,	Wait,
Culberson,	Henderson, J. S.	Outhwaite,	Wakefield,
Cutcheon,	Henley,	Parker,	Wallace,
Daniel,	Hepburn,	Payne,	Weber,
Dargan,	Herbert,	Payson,	Wheeler,
Davidson, R. H. M.	Hermann,	Peel,	White, A. C.
Dibble,	Hill,	Perkins,	White, Milo
Dingley,	Hitt,	Perry,	Willis,
Dougherty,	Hopkins,	Peters,	Wilson,
Dunn,	Irion,	Pettibone,	Winans,
Eldredge,	James,	Pirce,	Wolford.
Ellsberry,	Johnson, F. A.	Ranney,	

NAYS—61.

Adams, G. E.	Frederick,	Lyman,	Steele,
Anderson, J. A.	Fuller,	McAdoo,	Storm,
Bayne,	Hale,	McComas,	Struble,
Bound,	Henderson, T. J.	McMillin,	Swope,
Boyle,	Hiestand,	Miller,	Taylor, I. H.
Bragg.	Holman,	Moffatt,	Thomas, O. B.
Brown, C. E.	Holmes,	Neece,	Townshend,
Brown, W. W.	Howard,	Nelson,	Wadsworth,
Brumm,	Hudd,	O'Hara,	Warner, A. J.
Bynum,	Hutton,	Randall,	Warner, William
Campbell, Felix	Johnston, J. T.	Richardson,	Weaver, J. B.
Cannon,	Jones, J. H.	Rockwell,	Wellborn,
Cooper,	La Follette,	Sayers,	Wilkins.
Dawson,	Lanham,	Sowden,	
Eden,	La Fevre,	Springer,	
Ely,	Lehlbach,	Stahlnecker,	

NOT VOTING—106.

Adams, J. J.	Curtin,	Markham,	Scott,
Aiken,	Davenport,	Martin,	Shaw,
Allen, J. M.	Davidson, A. C.	Matson,	Smalls,
Anderson, C. M.	Davis,	Maybury,	Spriggs,
Atkinson,	Dockery,	McKinley,	Stephenson,
Barnes,	Dorsey,	Merriman,	Stewart, J. W.
Barry,	Dunham,	Mills,	St. Martin,
Belmont,	Ermentrout,	Mitchell,	Stone, E. F.
Bennett,	Forney,	Morgan,	Swinburne,
Bingham,	Geddes,	Morrison,	Symes,
Bland,	Gibson, Eustace	Muller,	Tarsney,
Boutelle,	Gilfillan,	Murphy,	Taylor, Zach.
Breckinridge, C. R.	Glover,	Negley,	Thomas, J. R.
Browne, T. M.	Hammond,	O'Neill, J. J.	Throckmorton,
Buchanan,	Hanback,	Owen,	Tucker,
Burleigh,	Haynes,	Phelps,	Viele,
Butterworth,	Heard,	Pidcock,	Wade,
Campbell, T. J.	Hires,	Pindar,	Ward, J. H.
Candler,	Hiscock,	Plumb,	Ward, T. B.
Clardy,	Houk,	Reagan,	Weaver, A. J.
Cobb,	Jackson,	Reese,	West,
Compton,	Ketcham,	Rice,	Whiting,
Comstock,	Kleiner,	Riggs,	Wise,
Cox, S. S.	Laird,	Robertson,	Woodburn,
Cox, W. R.	Long,	Romeis,	Worthington.
Crain,	Lore,	Rusk,	
Croxton,	Mahoney,	Ryan,	

So the amendments were concurred in.

During the roll-call Mr. COWLES said: I wish to announce that my colleague [Mr. BENNETT] is detained from the House by illness.

On motion of Mr. MCMILLIN, the reading of the names was dispensed with.

The vote was then announced as above recorded.

Mr. LAFFOON moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JURISDICTION IN PATENT CASES.

Mr. TOWNSHEND, by unanimous consent, was granted leave to extend in the RECORD his remarks on the bill (H. R. 4458) to limit the jurisdiction of United States courts in patent cases, and to protect persons who, without notice, are *bona fide* manufacturers, purchasers, venders, and users of articles, machines, machinery, and other things for the exclusive use, manufacture, or sale of which a patent has been or may hereafter be granted.

ORDER OF BUSINESS.

Mr. WILLIS. I ask, by unanimous consent, that gentlemen having reports to submit may be recognized, and that the formal calling of committees for reports be dispensed with.

Mr. ANDERSON, of Kansas. I object.

CALL OF COMMITTEES.

The SPEAKER. The regular order of business is the call of committees for reports.

CONTESTED ELECTIONS.

Mr. TURNER. I am directed by the Committee on Elections to report back a bill (H. R. 6637) relating to contested elections, and to move that the amendments of the Senate be non-concurred in at this time.

The SPEAKER. If there be no objection that will be done.

There was no objection.

The amendments of the Senate were read, as follows:

Page 1, line 14, after "elections," insert "and the same shall be kept by him in the Capitol;" page 2, line 12, after "testimony," insert "to be printed;" page 2, line 13, after "printed," insert "as he shall determine;" and strike out section 2.

The Senate amendments were non-concurred in.

Mr. TURNER moved to reconsider the vote by which the amendments were non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEWIS COLLEGIATE INSTITUTE.

Mr. HILL, from the Committee on the Territories, reported back a bill (H. R. 6357) to approve an act of the Legislative Assembly of the Territory of Idaho, entitled "An act to establish the charter and enlarge and improve the corporation of Lewis Collegiate Institute," approved February 4, 1885; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

VALIDATION OF AN ACT OF WASHINGTON TERRITORY.

Mr. HILL, from the Committee on the Territories, also reported back a bill (H. R. 7857) to validate an act of the Legislative Assembly of Washington Territory; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. HILL, from the Committee on the Territories, also reported back adversely bills of the following titles; which were severally laid upon the table, and the accompanying reports ordered to be printed:

A bill (H. R. 5080) to facilitate the settlement and to develop the resources of the Territory of Alaska, and to open an overland communication therewith; and

A bill (H. R. 6941) to amend section 1889 of the Revised Statutes of the United States, relating to the Legislative Assemblies of Territories creating corporations.

FEES, UNITED STATES COURTS, ETC.

Mr. PERRY, from the Committee on the Territories, reported back a bill (H. R. 10351) to extend the act of Congress entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1883, and section 837 of the Revised Statutes of the United States, to the Territories of New Mexico and Arizona; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

HAWAIIAN TREATY.

Mr. WALLACE. I desire to submit a resolution as a question of privilege.

The Clerk read as follows:

Whereas it has been stated in the public prints, and is no doubt true, that the President and Senate have agreed to and ratified a convention by which the terms of the treaty made between the United States and the Government of the Hawaiian Islands on the 30th day of January, 1875, have been extended for seven years longer, and beyond the period limited for its operation by the original treaty; and

Whereas by the original treaty it was agreed that certain articles therein mentioned were to be admitted to the United States free of duty; and

Whereas the original treaty was, by its terms, subject to the confirmation of

an act of Congress, which provision is not inserted in the convention said to have been ratified: Therefore,

Resolved, That the Committee on the Judiciary be instructed to inquire into the facts hereinbefore recited, and to report to this House whether the treaty which involves the rate of duty to be imposed on any article or the admission of any article free of duty can be valid and binding without the concurrence of the House of Representatives and how far the power conferred on the House by the Constitution of the United States to originate measures to lay and collect duties can be controlled by the treaty-making power under said Constitution.

Resolved, That the President be requested to lay before the House, if consistent with the public welfare, a copy of the treaty or convention proposed to the Senate and ratified by that body between the United States and the Government of the Hawaiian Islands.

Resolved, That the Committee on the Judiciary may report at any time under the foregoing resolution.

Mr. WALLACE. Mr. Speaker, I do not think it will be necessary for me to go at length into the reasons which prompt me to offer this resolution.

Mr. DINGLEY. I make the point of order upon that resolution as not being privileged.

The SPEAKER. The Chair will hear the gentleman upon the point of order.

Mr. DINGLEY. I will submit the question without remarks and take the decision of the Chair.

Mr. MILLS. Mr. Speaker, the resolution proposed by the gentleman from Louisiana does affect the privileges of this House.

It recites that the Executive Department of the Government, by and with the advice and consent of the Senate, is undertaking to negotiate a treaty which will interfere with the revenues of the Government; and as the power to lay and collect duties is the province of Congress, this does become a privileged question, if that power is exercised by any other body without the assent of the House of Representatives.

Mr. RANDALL. And it relates also to a subject in which the House originally took part.

Mr. WALLACE. I think if the gentleman will allow me to explain the reasons he will admit that this is a privileged resolution.

The SPEAKER. The Chair is ready to rule upon the question.

The only question now before the House is the point of order. The resolution directs the Committee on the Judiciary to inquire and report how far the power conferred on the House by the Constitution of the United States to originate measures to lay and collect duties can be controlled by the treaty-making power under the Constitution. That is a question which involves the constitutional privileges and powers of the House to originate such measures; and the Chair thinks it has always been held to be a matter of privilege in the House.

Mr. DINGLEY. I understand this is a request for the reference of the resolution; if that be so I have no objection to it.

Mr. RANDALL. No, sir; it is a request for immediate action upon it.

Mr. MILLS. It is an instruction to the Committee on the Judiciary, and I want to suggest to the gentleman from Louisiana an amendment by the addition of the words "as soon as possible," so that the Committee on the Judiciary will be instructed to report without delay.

Mr. WALLACE. I accept that.

The question being taken on the amendment of Mr. MILLS, it was adopted.

Mr. WALLACE. Mr. Speaker, my object in offering this resolution is to call attention to the fact that a treaty, as it appears and as is generally accepted, has been adopted and ratified by the Senate. The original treaty required an act of Congress confirming the requirements of that treaty in its different clauses; but the treaty as adopted by the Senate, as it is understood, does not contain that clause, and undertakes to accomplish that without any request for confirmation on the part of the House. Inasmuch as it involves the admission into the United States of a large number of articles free of duty it certainly pertains to revenue; and as it involves matters relating to the revenue it is surely the right of the House to have something to say in regard to its ratification.

If that be not accepted as logical it would follow as a matter of course that under reciprocity treaties the Senate could take charge of all tariff matters without any reference whatever to the judgment of the House of Representatives. I therefore consider it a matter of serious moment affecting the privileges and rights of the House. And, on the resolution as read by the Clerk, I demand the previous question.

The previous question was ordered, under the operation of which the resolution was adopted.

Mr. WALLACE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PENSION FOR DEAFNESS.

The SPEAKER. The regular order of business is the hour for the consideration of bills reported from committees. It begins at two minutes past 2 o'clock, and the call rests with the Committee on Pensions.

Mr. CONGER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union to consider the bill (H. R. 5871) granting an increase of the rate of pensions now provided for deafness.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the bill the title of which has been stated by the gentleman from Iowa. The pending question on this bill is on the motion of the gentleman from Iowa to lay it aside with the recommendation that it be reported to the House for passage. The committee was dividing at the expiration of the last hour, the point being made that no quorum had voted. The tellers will resume their places.

Mr. BRECKINRIDGE, of Arkansas, and Mr. CONGER resumed their places as tellers.

The House proceeded to divide.

Mr. BURROWS. Would it not be well to have a roll-call, inasmuch as members do not seem to be voting on the Democratic side.

The CHAIRMAN. The Chair will entertain any motion.

Mr. BURROWS. The rule provides when there is no quorum, that the roll shall be called. It looks as if our Democratic friends are here but not going to vote. I would like to have the roll-call disclose that fact.

The CHAIRMAN. The Chair will announce the fact that no quorum has yet voted.

Mr. BURROWS. I ask that the rule of the House be executed.

The CHAIRMAN. When the tellers have announced the result of the vote, the Chair will direct the enforcement of the rule.

The tellers reported—ayes 118, noes 0.

Mr. BRECKINRIDGE, of Arkansas. No quorum.

The CHAIRMAN. The Chair will cause the rule to be read.

The Clerk read as follows:

Whenever a Committee of the Whole House finds itself without a quorum the Chairman shall cause the roll to be called, and thereupon the committee shall rise, and the Chairman shall report the names of the absentees to the House, which shall be entered on the Journal.

The CHAIRMAN. The Clerk will call the roll.

The roll was called, and the following-named members failed to answer:

Adams, J. J.	Cox, W. R.	Louttit,	Shaw,
Aiken,	Croxton,	Mahoney,	Skinner,
Anderson, C. M.	Davenport,	Matson,	Smalls,
Atkinson,	Dockery,	Maybury,	Spriggs,
Barry,	Dorsey,	McKinley,	Stephenson,
Belmont,	Ermentrout,	Merriman,	Stewart, J. W.
Bennett,	Foran,	Mitchell,	St. Martin,
Bingham,	Forney,	Morgan,	Storm,
Bland,	Gibson, Eustace	Morrison,	Swinburne,
Blount,	Gilfillan,	Muller,	Taylor, Zach.
Browne, T. M.	Hanback,	Negley,	Throckmorton,
Buchanan,	Heard,	Phelps,	Viele,
Burleigh,	Hemphill,	Pidcock,	Wade,
Butterworth,	Henley,	Plumb,	Ward, J. H.
Campbell, T. J.	Hires,	Ranney,	Ward, T. B.
Candler,	Hiscock,	Reagan,	Weaver, A. J.
Clardy,	Houk,	Reed,	West,
Clements,	Jackson,	Reese,	Whiting,
Cobb,	Kelley,	Riggs,	Wise,
Compton,	Ketcham,	Robertson,	Woodburn.
Comstock.	Laird,	Rusk,	
Cox, S. S.	Lore,	Scott,	

The CHAIRMAN. Under the rules the committee will now rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 5871) for granting an increase of the rate of pension now provided for deafness, and having found itself without a quorum, had directed the roll to be called, and now reported the names of the absentees.

The SPEAKER. The names of the absentees under the rule will be entered upon the Journal. From the roll-call it appears there are present 232 members, being more than a quorum. The committee will resume its session.

The Committee of the Whole House on the state of the Union resumed its session.

The CHAIRMAN. The tellers will resume their places. In view of the fact that many members have passed in and out since the tellers made their report the vote will be taken anew.

The affirmative vote was counted, and the tellers reported—ayes 105.

The CHAIRMAN. All who are opposed to the motion will now pass between the tellers.

After the lapse of some time,

Mr. BURROWS said: Can we not have the negative vote reported?

The CHAIRMAN. The Chair has announced that those opposed to the motion will pass between the tellers.

Mr. CONGER (one of the tellers). There is no negative vote. There does not seem to be any one opposed to the bill.

Mr. BURROWS. The Chairman on resuming the chair said that many members had passed in and out since the tellers reported. Perhaps the Chair will inform the committee whether the majority have passed out since the roll-call.

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. BURROWS. Perhaps it is as parliamentary as the statement of the Chair.

Mr. DUNHAM. I desire to ask a parliamentary question.

The CHAIRMAN. The gentleman will state it.

Mr. DUNHAM. Would it be in order at this time to have one of the rules of the House read?

The CHAIRMAN. It would be if the gentleman raises any parliamentary question under a rule of the House.

Mr. DUNHAM. The first clause under Rule VIII requires members of the House to vote unless they have been previously excused. I suggest that the Chair direct the rule to be read.

The CHAIRMAN. The Chair will designate the gentleman from Illinois to read it.

Mr. DUNHAM. I ask the Clerk to read it. Let the Clerk read it in my time.

The CHAIRMAN. The gentleman from Illinois rises to a parliamentary question, and requests the reading of the rule which he has sent to the Clerk.

The Clerk read clause 1 of Rule VIII, as follows:

1. Every member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless, on motion made before division or the commencement of the roll-call and decided without debate, he shall be excused, or unless he has a direct personal pecuniary interest in the event of such question.

Mr. DUNHAM. I desire to ask a parliamentary question bearing upon that rule.

The CHAIRMAN. The gentleman will state it.

Mr. DUNHAM. Would it be in order at this time for the Chair to direct that the Clerk shall enter upon the records of this day's proceedings the names of the members who have just responded to the roll-call as present and now fail to vote?

The CHAIRMAN. The names of those who are present have already been entered on the Journal of the House. Under the rule, when the tellers report that no quorum has voted the Chair will direct the roll to be called again.

Mr. BURROWS. I desire to inquire of my friend from Arkansas [Mr. BRECKINRIDGE] if this matter cannot be compromised. If $20 a month or 66 cents a day for total deafness——

Mr. BRECKINRIDGE, of Arkansas. I call for the regular order.

Mr. BURROWS. If that is too much how much would gentlemen be willling to allow?

Mr. BRECKINRIDGE, of Arkansas. They get enough now. Let us have the regular order.

Mr. PETERS. I should like to ask whether it is not a contempt of the House not to vote?

Several MEMBERS. Regular order.

The CHAIRMAN. No business is in order except passing between the tellers.

Mr. STEELE. Mr. Chairman, in a case of this kind, where we are waiting for a quorum, is it not competent for the Chair to vote in order to make a quorum? [Laughter.]

The CHAIRMAN (Mr. SPRINGER). Whenever the vote of the Chair will make a quorum the Chair will vote. Under the rules of the House the hour for the consideration of bills has expired, and the committee will rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House had had under consideration the bill (H. R. 5871) granting an increase of the rate of pension now provided for deafness, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. WILLIS. I move that the House resolve itself into Committee of the Whole on the state of the Union.

The question was taken; and there were—yeas 106, noes 3.

Mr. ANDERSON, of Kansas. No quorum.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint the gentleman from Kansas [Mr. ANDERSON], and the gentleman from Kentucky [Mr. WILLIS] to act as tellers.

Mr. ANDERSON, of Kansas. I wish simply to say that if it was necessary to have a quorum in order to consider a pension bill which appropriated only $375,000 for totally deaf pensioners, I think it is necessary to have a quorum to consider a bill disposing of $7,500,000 for rivers and harbors.

The House again divided by tellers.

Mr. HAMMOND (before the count was completed). Mr. Speaker, I think we would save time by having the yeas and nays.

Mr. ANDERSON, of Kansas. The gentleman from Kentucky, in charge of the river and harbor bill, on the day when we last considered it, permitted the committee to rise in order that I might have a more convenient time for discussing the bill, it being then late in the day. In view of that fact, he now feels that it is hardly fair for me to interpose the objection of "no quorum," and, as he puts it strictly upon that personal ground, and as I desire to return all courtesies, I am personally willing to waive the point that no quorum has voted.

Mr. LA FOLLETTE. Mr. Speaker, not being myself compromised in that way, I renew the point of no quorum.

Mr. WILLIS. I demand the yeas and nays.

The yeas and nays were ordered.

The House again divided; and there were—yeas 155, nays 13, not voting 150; as follows:

YEAS—155.

Baker,	Farquhar,	Le Fevre,	Seney,
Ballentine,	Fisher,	Libbey,	Sessions,
Barbour,	Fleeger,	Lindsley,	Seymour,
Barnes,	Foran,	Long,	Singleton,
Bayne,	Ford,	Lovering,	Snyder,
Blanchard,	Frederick,	Lowry,	Sowden,
Blount,	Funston,	Markham,	Spooner,
Boyle,	Geddes,	Martin,	Springer,
Bragg,	Gibson, C. H.	McCreary,	Stahlnecker,
Breckinridge, WCP	Glass,	McKenna,	Stewart, Charles
Buck,	Glover,	McMillin,	Stone, E. F.
Burnes,	Goff,	McRae,	Stone, W. J., Ky.
Bynum,	Green,	Miller,	Taulbee,
Cabell,	Guenther,	Milliken,	Taylor, E. B.
Caldwell,	Hall,	Moffatt,	Taylor, J. M.
Campbell, Felix	Halsell,	Morrow,	Thomas, J. R.
Campbell, J. E.	Hammond,	Murphy,	Thomas, O. B.
Carleton,	Harris,	Neal,	Thompson,
Caswell,	Hatch,	Neece,	Tillman,
Catchings,	Heard,	Nelson,	Townshend,
Collins,	Hemphill,	Norwood,	Turner,
Comstock,	Henderson, T. J.	Oates,	Van Eaton,
Cowles,	Herbert,	O'Donnell,	Van Schaick,
Crisp,	Hermann,	O'Ferrall,	Wait,
Culberson,	Holman,	O'Neill, Charles	Wakefield,
Cutcheon,	Howard,	Outhwaite,	Wallace,
Dargan,	Hudd,	Owen,	Warner, A. J.
Davidson, R. H. M.	Hutton,	Payne,	Warner, William
Dawson,	Irion,	Peel,	Weber,
Dibble,	Johnson, F. A.	Perry,	Wellborn,
Dingley,	Johnston, J. T.	Pindar,	Wheeler,
Dockery,	Johnston, T. D.	Rice,	White, A. C.
Dougherty,	Jones, J. H.	Richardson,	Wilkins,
Dunham,	Jones, J. T.	Rogers,	Willis,
Dunn,	King,	Romeis,	Wilson,
Eldredge,	Kleiner,	Sadler,	Winans,
Ellsberry,	Landes,	Sawyer,	Wolford,
Evans,	Lanham,	Sayers,	Worthington.
Everhart,	Lawler,	Scranton,	

NAYS—13.

Bacon,	Eden,	James,	Stone, W. J., Mo.
Brown, W. W.	Hale,	Osborne,	Swope,
Brumm,	Harmer,	Steele,	Weaver, J. B.
Bunnell,			

NOT VOTING—150.

Adams, G. E.	Croxton,	La Follette,	Riggs,
Adams, J. J.	Curtin,	Laird,	Robertson,
Aiken,	Daniel,	Lehlbach,	Rockwell,
Allen, C. H.	Davenport,	Little,	Rowell,
Allen, J. M.	Davidson, A. C.	Lore,	Rusk,
Anderson, C. M.	Davis,	Louttit,	Ryan,
Anderson, J. A.	Dorsey,	Lyman,	Scott,
Atkinson,	Ely,	Mahoney,	Shaw,
Barksdale,	Ermentrout,	Matson,	Skinner,
Barry,	Felton,	Maybury,	Smalls,
Belmont,	Findlay,	McAdoo,	Spriggs,
Bennett,	Forney,	McComas,	Stephenson,
Bingham,	Fuller,	McKinley,	Stewart, J. W.
Bland,	Gallinger,	Merriman,	St. Martin,
Bliss,	Gay,	Millard,	Storm,
Bound,	Gibson, Eustace	Mills,	Strait,
Boutelle,	Gilfillan,	Mitchell,	Struble,
Brady,	Grosvenor,	Morgan,	Swinburne,
Breckinridge, C. R.	Grout,	Morrill,	Symes,
Browne, T. M.	Hanback,	Morrison,	Tarsney,
Brown, C. E.	Hayden,	Muller,	Taylor, I. H.
Buchanan,	Haynes,	Negley,	Taylor, Zach.
Burleigh,	Henderson, D. B.	O'Hara,	Throckmorton,
Burrows,	Henderson, J. S.	O'Neill, J. J.	Trigg,
Butterworth,	Henley,	Parker,	Tucker,
Campbell, J. M.	Hepburn,	Payson,	Viele,
Campbell, T. J.	Hiestand,	Perkins,	Wade,
Candler,	Hill,	Peters,	Wadsworth,
Cannon,	Hires,	Pettibone,	Ward, J. H.
Clardy,	Hiscock,	Phelps,	Ward, T. B.
Clements,	Hitt,	Pidcock,	Weaver, A. J.
Cobb,	Holmes,	Price,	West,
Compton,	Hopkins,	Plumb,	White, Milo
Conger,	Houk,	Randall,	Whiting,
Cooper,	Jackson,	Ranney,	Wise,
Cox, S. S.	Kelley,	Reagan,	Woodburn.
Cox, W. R.	Ketcham,	Reed,	
Crain,	Laffoon,	Reese,	

So the motion to go into Committee of the Whole was agreed to.

Mr. CABELL. My colleague [Mr. CROXTON] is detained at home by sickness.

Mr. COWLES. I desire to state, Mr. Speaker, that my colleague [Mr. HENDERSON] has been compelled to leave the Hall to have his eyes treated.

Mr. JAMES. I ask unanimous consent that the reading of the names of members voting be dispensed with.

Mr. LA FOLLETTE and Mr. GALLINGER objected.

The following additional pairs were announced:

Mr. TARSNEY with Mr. PETTIBONE, for the rest of the day.

Mr. PIDCOCK with Mr. GROSVENOR, for the rest of the day.

Mr. ROBERTSON with Mr. KELLEY, for the rest of the day.

Mr. HITT with Mr. CLEMENTS, for to-day, on the river and harbor bill. Mr. CLEMENTS, if present, would vote for the bill; Mr. HITT against it.

Mr. CROXTON with Mr. DAVIS, for this day; also on the increase of

pension bill. If present Mr. DAVIS would vote for the bill; Mr. CROXTON against it.

Mr. HENDERSON, of North Carolina, with Mr. HOPKINS, on this vote.

Mr. ANDERSON, of Ohio, with Mr. HENDERSON, of Iowa, on this vote.

Mr. RANDALL with Mr. HENLEY, on the river and harbor bill.

Mr. RANDALL. I voted, Mr. Speaker, but as I am paired, I will withdraw my vote if it does not break the quorum. If it does, I will vote ay, because I think the gentleman with whom I am paired would vote that way.

The SPEAKER. There is a quorum without the vote of the gentleman from Pennsylvania [Mr. RANDALL].

The result of the vote was then announced as above recorded.

Mr. THOMAS, of Wisconsin. Mr. Speaker, I move to reconsider the vote by which the motion to go into Committee of the Whole was agreed to.

Mr. WILLIS. I move to lay the motion to reconsider on the table.

The House divided; and there were—ayes 124, noes 1.

Mr. THOMAS, of Wisconsin, and others. No quorum.

Mr. DUNHAM. Inasmuch as this side of the House is doing the filibustering on this bill, I move that the House adjourn.

Mr. WILLIS. I hope that motion will be voted down.

Mr. LA FOLLETTE. I move to amend so as to provide that the House take a recess until 11 o'clock on Monday next.

The SPEAKER. The motion to adjourn is not amendable.

The question being taken on the motion to adjourn, it was not agreed to, there being—ayes 32, noes 75.

The SPEAKER. Upon the motion to lay on the table the motion to reconsider the vote by which the House resolved to go into Committee of the Whole, the ayes are 124, the noes 1.

Mr THOMAS, of Wisconsin. No quorum.

Mr. WILLIS. I call for the yeas and nays.

The yeas and nays were ordered, 79 voting in favor thereof.

The question was taken; and it was decided in the affirmative—yeas 161, nays 18, not voting 139; as follows:

YEAS—161.

Baker,	Fisher,	Libbey,	Singleton,
Ballentine,	Fleeger,	Lindsley,	Snyder,
Barnes,	Foran,	Long,	Sowden,
Bayne,	Ford,	Lovering,	Spooner,
Blanchard,	Frederick,	Lowry,	Springer,
Bliss,	Gay,	Markham,	Stahlnecker,
Boyle,	Geddes,	Martin,	Stewart, Charles
Brady,	Gibson, C. H.	McAdoo,	Stone, E. F.
Bragg,	Gilfillan,	McCreary,	Stone, W. J., Ky.
Breckinridge, C. R.	Glass,	McRae,	Storm,
Breckinridge, WCP	Glover,	Miller,	Strait,
Burnes,	Green,	Milliken,	Swope,
Burrows,	Guenther,	Moffatt,	Tarsney,
Bynum,	Hall,	Morrison,	Taulbee,
Cabell,	Halsell,	Morrow,	Taylor, J. M.
Caldwell,	Hammond,	Murphy,	Thomas, J. R.
Campbell, Felix	Harmer,	Neal,	Thomas, O. B.
Carleton,	Harris,	Neece,	Tillman,
Caswell,	Hatch,	Nelson,	Townshend,
Catchings,	Hayden,	Norwood,	Trigg,
Comstock,	Heard,	Oates,	Tucker,
Cowles,	Hemphill,	O'Donnell,	Turner,
Crisp,	Herbert,	O'Ferrall,	Van Eaton,
Culberson,	Hermann,	O'Hara,	Van Schaick,
Curtin,	Holman,	O'Neill, Charles	Wait,
Cutcheon,	Howard,	O'Neill, J. J.	Wakefield,
Dargan,	Hudd,	Outhwaite,	Wallace,
Davidson, R. H. M.	Hutton,	Owen,	Ward, T. B.
Dibble,	Irion,	Payne,	Warner, William
Dingley,	Johnson, F. A.	Peel,	Weber,
Dockery,	Johnston, J. T.	Perry,	Wheeler,
Dougherty,	Johnston, T. D.	Pindar,	White, A. C.
Dunham,	Jones, J. H.	Reed,	Wilkins,
Dunn,	Jones, J. T.	Rice,	Willis,
Eden,	King,	Richardson,	Wilson,
Eldredge,	Kleiner,	Rogers,	Winans,
Ellsberry,	Laffoon,	Romeis,	Wolford,
Ely,	Landes,	Sayers,	Worthington.
Evans,	Lanham,	Scranton,	
Everhart,	Lawler,	Seney,	
Farquhar,	Le Fevre,	Seymour,	

NAYS—18.

Bacon,	Gallinger,	Osborne,	Stone, W. J., Mo.
Brown, W. W.	Grout,	Parker,	Wadsworth,
Brumm,	James,	Perkins,	Weaver, J. B.
Bunnell,	La Follette,	Ryan,	
Fuller,	Millard,	Steele,	

NOT VOTING—139.

Adams, G. E.	Boutelle,	Conger,	Gibson, Eustace
Adams, J. J.	Browne, T. M.	Cooper,	Goff,
Aiken,	Brown, C. E.	Cox, S. S.	Grosvenor,
Allen, C. H.	Buchanan,	Cox, W. R.	Hale,
Allen, J. M.	Buck,	Crain,	Hanback,
Anderson, C. M.	Burleigh,	Croxton,	Haynes,
Anderson, J. A.	Butterworth,	Daniel,	Henderson, D. B.
Atkinson,	Campbell, J. E.	Davenport,	Henderson, J. S.
Barbour,	Campbell, J. M.	Davidson, A. C.	Henderson, T. J.
Barksdale,	Campbell, T. J.	Davis,	Henley,
Barry,	Candler,	Dawson,	Hepburn,
Belmont,	Cannon,	Dorsey,	Hiestand,
Bennett,	Clardy,	Ermentrout,	Hill,
Bingham,	Clements,	Felton,	Hires,
Bland,	Cobb,	Findlay,	Hiscock,
Blount,	Collins,	Forney,	Hitt,
Bound,	Compton,	Funston,	Holmes,
Hopkins,	Merriman,	Riggs,	Symes,
Houk,	Mills,	Robertson,	Taylor, E. B.
Jackson,	Mitchell,	Rockwell,	Taylor, I. H.
Kelley,	Morgan,	Rowell,	Taylor, Zach.
Ketcham,	Morrill,	Rusk,	Thompson,
Laird,	Muller,	Sadler,	Throckmorton,
Lehlbach,	Negley,	Sawyer,	Viele,
Little,	Payson,	Scott,	Wade,
Lore,	Peters,	Sessions,	Ward, J. H.
Louttit,	Pettibone,	Shaw,	Warner, A. J.
Lyman,	Phelps,	Skinner,	Weaver, A. J.
Mahoney,	Pidcock,	Smalls,	Wellborn,
Matson,	Pirce,	Spriggs,	West,
Maybury,	Plumb,	Stephenson,	White, Milo
McComas,	Randall,	Stewart, J. W.	Whiting,
McKenna,	Ranney,	St. Martin,	Wise,
McKinley,	Reagan,	Struble,	Woodburn.
McMillin,	Reese,	Swinburne,	

So the motion to reconsider was laid on the table.

The following additional pairs were announced, all for the remainder of the day:

Mr. COX, of North Carolina, with Mr. CANNON.

Mr. OATES with Mr. HENDERSON, of Illinois.

Mr. MCMILLIN with Mr. GOFF.

Mr. HENDERSON, of North Carolina, with Mr. HOPKINS.

Mr. ANDERSON, of Ohio, with Mr. HENDERSON, of Iowa.

The SPEAKER. On this question the yeas are 161, the nays 18. The yeas have it; and the motion to reconsider is laid on the table.

Mr. CONGER. I move that when the House adjourns to-day, it adjourn to meet on Monday next at 11 o'clock.

The SPEAKER (after a pause). The question is on the motion of the gentleman from Iowa [Mr. CONGER].

The question having been put,

The SPEAKER declared that the "noes" seemed to have it.

Several members called for a division.

Mr. TOWNSHEND. Is the gentleman's motion in order?

The SPEAKER. The Chair thinks that if the point of order had been made in time the motion could not have been entertained. The House had determined to go into Committee of the Whole on the state of the Union, a motion to reconsider having been laid on the table; and under the rules, it was the duty of the Speaker to vacate the chair, so that the order of the House might be carried into effect. But the point of order was not made in time; and the Chair put the question.

Mr. WILLIS. If my friend from Iowa will withdraw his motion——

The SPEAKER. Will the gentleman from Iowa [Mr. CONGER] restate his motion?

Mr. CONGER. It is that when the House adjourns to-day, it adjourn to meet on Monday next at 11 o'clock.

The SPEAKER. The Chair did not so understand the gentleman's motion. As he now states it it is not in order, because it proposes an adjournment to a different hour from that fixed by the standing order of the House.

Mr. CONGER. I modify the motion so as to provide for an adjournment until Tuesday next at 11 o'clock a. m.

The SPEAKER. The motion is still out of order, because it proposes to fix a different hour for the meeting of the House from that fixed by the standing order. The gentleman might move a recess; but the regular hour of meeting can not be changed in the manner proposed.

Mr. NELSON. I insist on the point of order against the gentleman's motion.

The SPEAKER. The Chair can not entertain it at any rate, because it involves a change of a standing rule or order of the House.

Mr. HEPBURN. I move that when the House adjourns to-day, it adjourn to meet on Tuesday next.

Mr. NELSON. I make a point of order upon that motion.

The SPEAKER. The point of order being made, the Chair can not entertain the motion. The House having resolved to go into Committee of the Whole on the state of the Union, it is the duty of the Speaker, under the rules, to vacate the chair, and the House is no longer in session as a House. The Chair thinks the point of order well taken.

Mr. CONGER. I move that the House now adjourn.

The SPEAKER. The Chair can not entertain that motion under the ruling just made. The House having refused to reconsider the vote by which it determined to go into Committee of the Whole on the state of the Union, the Speaker, under the rules, vacates the chair. The gentleman from Texas [Mr. MILLS], in the absence of the gentleman from Tennessee [Mr. MCMILLIN], will take the chair as chairman of the Committee of the Whole.

RIVER AND HARBOR APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. MILLS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the consideration of the bill (H. R. 10419) known as the river and harbor bill.

Mr. WILLIS. Mr. Chairman, no gentleman desiring to address the committee, I ask for the reading of the first section of the bill.

Mr. ANDERSON, of Kansas. I believe, Mr. Chairman, there were thirty minutes of time allowed for general debate and that I was rec-

ognized for that period. I will yield fifteen minutes of my time to the gentleman from Illinois [Mr. ADAMS].

The CHAIRMAN. Thirty-five minutes remain for those in favor of the bill, and thirty-five minutes for those who are against it.

Mr. ADAMS, of Illinois, took the floor.

Mr. HEPBURN. If the gentleman from Illinois will yield to me I will move that the committee rise.

Mr. ADAMS, of Illinois. I am occupying the time of the gentleman from Kansas and will do whatever he wishes.

Mr. ANDERSON, of Kansas. I yield to the motion of the gentleman from Iowa that the committee rise.

Mr. HEPBURN. I move the committee rise.

The committee divided; and there were—ayes 49, noes 64.

The CHAIRMAN. So the committee refuses to rise.

Mr. HEPBURN. But a quorum has not voted.

Mr. TOWNSHEND. A quorum is not necessary.

The CHAIRMAN. If on a vote on a pending amendment a quorum does not appear the gentleman can then make his point.

Mr. HEPBURN. But I submit that the rule requires there should be a quorum present, and by the vote just taken it has been developed that a quorum is not present.

The CHAIRMAN. Under the rules of the House a quorum is not necessary. It has been invariably held that a motion in committee to rise is equivalent to a motion in the House to adjourn, and a quorum in either case is not necessary.

Mr. HEPBURN. I demand tellers.

Mr. WILLIS. I make the point the demand comes too late.

The CHAIRMAN. As the Chair entertained the point of order and it has been overruled, the demand for tellers will be received.

Mr. TOWNSHEND. It requires one-fifth of a quorum to order tellers.

The CHAIRMAN. Whenever a quorum has failed to vote, tellers have been appointed.

Mr. HEPBURN. I demand tellers.

Tellers were ordered, 36 voting in favor thereof—more than one-fifth of a quorum.

The CHAIRMAN appointed as tellers Mr. WILLIS and Mr. HEPBURN.

The committee again divided; and the tellers reported—ayes 28, noes 66.

Mr. HEPBURN. It is developed on the count there is no quorum in the committee.

Mr. WILLIS. No quorum is required.

Mr. HEPBURN. I should like to be heard for one moment.

Mr. TOWNSHEND. It is not in order.

Mr. HEPBURN. I submit it is necessary to have a quorum.

Mr. TOWNSHEND. I demand the regular order of business.

Mr. HEPBURN. On every occasion when it is apparent to the Chair, by any of the methods known to parliamentary proceeding, there is no quorum in committee, then the provisions of the rule are imperative.

The CHAIRMAN. The Chair will cause the rule to be read.

The Clerk read as follows:

A quorum is not required in the Committee of the Whole House on a motion that the committee rise, for the reason that it is the equivalent of the motion to adjourn in the House, on which a quorum is not required, and also for the further reason that as the motion to adjourn has been held not to be "business," the motion that "the committee rise" is governed by the same rule. (See *Journal*, 1, 44, p. 1153, and also *Congressional Record* 2, 46, p. 3670, vol. 43.)

Mr. WILLIS. I hope, Mr. Chairman, that all of this general debate will be closed now, since we have been for a long time making an effort to get into Committee of the Whole. Under the order of the House thirty minutes remain for debate on each side. I only ask that that debate be exhausted this evening in pursuance of that order, after which I will move that the committee rise.

The CHAIRMAN. The Chair will state that there remain thirty-six minutes against and thirty-five in favor of the bill.

Mr. ADAMS, of Illinois. Mr. Chairman, of all our great annual appropriation bills the easiest to assail and the hardest to defend is the annual river and harbor bill. It is easy to assail it here on the floor of this House, or in the public press, or on the stump; and it is usually hard to defend it in either place, even from unmerited criticism. The trouble, I think, is not so much with the Committee on Rivers and Harbors which frames the bill as with the system prevailing in this country under which all bills of this character are framed.

There are two methods by which a country can carry forward a system of river and harbor improvements. The one method is to have a board of public works and to leave the amounts to be spent on each separate improvement resting, to a certain degree, within the discretionary power of the board. Under such a system the board of public works would have the right to follow out a definite plan from year to year, subject to the control of Congress whenever such control seemed to be necessary. It could determine whether harbor A or harbor B should be pushed to completion this year or wait till next year. It could decide whether new projects should be started before the completion of works already begun; whether the funds allowed by Congress should be concentrated upon a few of the most important harbors and rivers or spread over a larger number.

In case a storm should injure an existing work and render necessary extraordinary repairs the board would have a discretionary power to meet the emergency by applying funds which, but for the emergency, it would have used elsewhere. If Congress became convinced, at any time, that the board was corrupt or extravagant it could always interfere by withholding or reducing appropriations or by prescribing rules which the board should follow. Congress would give the general rules. The details, such as the specific sum to be expended each year on each river and each harbor, great and small, would be left to the discretion of the board.

It is not my purpose just now, Mr. Chairman, to advocate the adoption of such a system of river and harbor improvements. I refer to it only for the purpose of illustrating the character of the other and very different system under which we are working in this country. The plan we have adopted is that of a Congressional board of public works. The board of public works which frames the scheme of public improvements in this country for each succeeding year is this House of Representatives and its Committee on Rivers and Harbors. Three hundred and twenty-five members of Congress, representing all the different sections of a great country, are theoretically supposed to examine and pass upon the details of every plan. They assume to give intelligent judgment on works of public improvement with which they can not possibly be familiar. In a large majority of cases, they know nothing and can know nothing of the improvement submitted to them, except what appears on the face of the bill.

On the face of the bill there is nothing to be seen but the name of a place and a sum of money. The result is that the House goes almost altogether by the judgment of the committee, while the committee in framing the bill appears to be guided first by the desire to keep the total of the bill so low that the newspapers of the country will not be offended, and next by the desire to spread the appropriations so judiciously over the different sections of the country as to gratify as many Congressional districts as possible. If there is anything wrong in this the committee is not to blame. It is the system. The committee acting under such a system must do as they do. It is their duty to make not only a bill that will pass but one which will evoke the minimum of criticism. The bill may be assailed here or elsewhere because the total amount is large, as was the case a few years ago when Congress appropriated $18,000,000. Hence the first duty of the committee is to determine just what total amount the newspapers of the country will stand.

Secondly, the bill may be assailed because some section of the country appears to have been neglected. People in one section of the country can not easily appreciate the importance of local improvements in other sections of the country. So the moderate sum fixed upon beforehand as the proper total is apportioned to the different parts of the country so as to give the least possible cause of complaint to the members of the House who have to vote for the bill and explain their votes, not to the people of the country at large, but to the voters of their respective districts.

Mr. Chairman, I do not expect to see a different system adopted this year or next year, perhaps not for many years to come. I want merely to call the attention of the Committee of the Whole to one practical effect of the system. The effect is that no river and harbor work seems likely ever to be completed. New projects are incorporated in the bill every year by provisions for new surveys.

The estimates for all works in progress, new and old, amount to a formidable sum. The amount which the engineers say they could profitably spend during the next fiscal year is likewise a formidable sum. This year it amounts, as I understand, to about $30,000,000. But the committee are not willing to appropriate more than about $7,500,000. That is to say, they think they can not afford to allow more than about 25 per cent. of the total sum which the engineers think could be properly and economically expended during the next fiscal year on works which Congress has decided to be works of a national character. The practical result is that unless a given river or harbor appears to the committee to be exceptional in its character it can not expect an appropriation of more than one-quarter of the amount which the engineers *think* could be profitably expended on it during the next fiscal year. Under this system I have no doubt many important works of river and harbor improvement remain just so near completion from year to year. The appropriations of one year only suffice to make good the damage by storms during the preceding year.

Mr. Chairman, I have already said, and I say again, that I am not criticising the members of the Committee on Rivers and Harbors. Perhaps they do as well as any committee could. Perhaps if I were a member of the committee I should follow the same rule that they follow. There must be something wrong, however, in the system itself.

Now, I wish to point out how this rule, by which each harbor has an appropriation of 25 per cent. of the engineers' estimates, operates in the case of the harbor improvement with which I am most familiar—I refer to the outer breakwater, so-called, which lies about a mile north of the harbor of Chicago. I do not refer to the southerly breakwater which forms the harbor of Chicago properly so called. The latter is protected by the former, and it is this fact which gives the former, that is the outer or northerly breakwater, a special claim on the considera-

tion of the committee. The northerly breakwater, in fact, makes of Chicago Harbor one of the greatest, if not the very greatest, harbor of refuge in the United States.

The system of harbor works adopted for the neighborhood of Chicago is thus described in the report of the engineer. He says:

The project of improvement now in course of construction at this harbor was adopted in 1870 and modified in 1878. The objects sought are, first, the formation of an outer harbor adjoining the entrance to the Chicago River and designed also to furnish increased commercial facilities by relieving the river from its overcrowded condition. Second (this is the point to which I desire to direct attention), the creation of a harbor of refuge affording a good anchorage in deep water and safe access to the outer harbor and river.

It is this northerly breakwater or outer harbor of refuge to which I wish to call the attention of the committee. I have here a copy of a recent report made by Major Handbury, the engineer in charge, to the Chief of Engineers. This report arrived only a few days ago, and I have this morning secured a copy which I shall turn over to the chairman of the Committee on Rivers and Harbors.

Mr. WILLIS. I suggest to the gentleman that he can print it with his remarks.

Mr. ADAMS, of Illinois. Very well, I will ask leave to print this report, or extracts from it, with my remarks. In this report there are some tables, showing the number of arrivals and clearances at the port of Chicago, compared with the arrivals and clearances at several of the more important harbors on the Atlantic and Pacific coasts. I ask the particular attention of the committee to these tables. They show that during the fiscal year ending June 30, 1886, the aggregate of the arrivals and clearances at the ports of Baltimore, Boston, New Orleans, New York, Philadelphia, Portland, Falmouth, and San Francisco amounted to 37,414, while the arrivals and clearances at the port of Chicago alone during the same time amounted to 22,096. It appears that the arrivals and clearances at this single port exceeded in number the arrivals and clearances at Baltimore, Boston, New Orleans, Philadelphia, Portland, Falmouth, and San Francisco, which were only 21,227. They exceeded those at New York, New Orleans, Portland, Falmouth, and San Francisco, which were only 21,731. They exceeded those at New York, Baltimore, Portland, and Falmouth, which were only 21,996, and they exceeded those of New York, Philadelphia, Portland, and Falmouth, which amounted to 22,041.

If we compare the coastwise trade of Chicago with the coastwise trade of other ports, which I admit is not a fair comparison, it appears that the coastwise arrivals and clearances at the ports of Boston, Baltimore, New Orleans, New York, Philadelphia, Portland, Falmouth, and San Francisco aggregated only 13,931, while the coastwise arrivals and clearances at the port of Chicago alone amounted to 21,564.

Mr. TOWNSHEND. Who furnishes those tables?

Mr. ADAMS, of Illinois. The collector of the port furnished them to the engineer in charge.

Mr. Chairman, I do not mean to say that the value of the cargoes arriving and clearing at the port of Chicago can compare with the value of cargoes at the great seaboard cities. The committee will bear in mind that I am speaking of the outer breakwater north of Chicago Harbor, which is intended as a safeguard against shipwreck. The danger of shipwreck is in proportion to the number of arrivals rather than to the size of the vessels or the value of their cargoes. It is not merely the number of vessels arriving and clearing at Chicago that I wish to bring to the notice of the committee. I wish to notice also the lay of the land there and the prevailing course of the winds.

The greatest length of Lake Michigan, as all are aware, lies nearly due north and south. The prevailing wind is from the southwest. It is the return trade-wind, so-called. During the summer and autumn months, when the lake is covered with outgoing and incoming craft—it should be remembered that the immense lake trade of Chicago is concentrated into seven or eight months of the year—during the summer and fall, I say, after the southwest wind has been blowing steadily for two or three days, it often happens that the course of the wind changes sixteen points in a half hour, and then we have a gale from the northeast. A northeasterly gale, on a north and south lake, 70 miles wide and 300 miles long, causes a heavy sea at the southwest corner of the lake. That is the situation of Chicago on Lake Michigan. The sea is so heavy there that vessels are frequently cast ashore, and the piers and breakwaters forming the main harbor of Chicago have repeatedly been damaged. It was as a safeguard against these dangers, dangers to vessels and dangers to the Government works already constructed, that the outer or northerly breakwater was designed. In the recent report of Major Handbury, to which I have alluded, this outer breakwater is thus described:

A further improvement for the benefit of the lake commerce of this vicinity was commenced in 1881. This consists in an exterior breakwater to be, when finished, a little over a mile in length. It is located about 1 mile to the northeast of the mouth of the river. The object of this is to form a refuge to vessels in distress or when attempting to make Chicago harbor in stormy weather. There is yet 1,600 feet of this structure to be built. The great utility of this breakwater is proven during every storm that visits this locality by the many vessels that are found anchored under its protection.

The outer breakwater here referred to will extend from northwest to southeast. It lies across the course of the northeasterly gales. When completed it will do more than furnish an anchorage ground for vessels in distress. It will also protect the Government harbor works heretofore built south of it. Every vessel owner on the northern lakes is interested in its speedy completion. The Government also is interested as the owner of harbor works which it is designed to protect. Only about a year ago the southerly breakwater was damaged by a storm to the amount of $20,000. The engineer says in his annual report, which is in the hands of the committee, that he will deem it necessary to apply the first funds made available to the repair of the southerly breakwater in order that the remainder of the structure shall not be subjected to further destruction. If the northerly breakwater had been completed this damage, in all probability, would not have occurred.

Now, Mr. Chairman, let us see what has been the policy of the Committee on Rivers and Harbors in relation to this important work. Three years ago, if I remember right, $100,000 was appropriated. The engineer said at that time, I think, that he could profitably spend a much larger sum. There has never been a whisper of criticism against the integrity or ability of Major Benyaurd, who was then in charge, or against his successor, Major Handbury. Their estimates are entitled to implicit confidence. The next year there was no appropriation. The year following, that is last year, there was an appropriation of $75,000. What does the Committee on Rivers and Harbors propose to appropriate in this bill? They propose to give $60,000 to the harbor of Chicago. Of this sum, as I have already shown, $20,000 will be used to repair the damage caused a year ago to the southerly breakwater. It also appears from the annual report of the engineer (page 1702) that about $11,000 will be needed for securing the Government works north and south of the river from similar injuries. This will leave about $29,000 for the outer breakwater of the greatest harbor of refuge in the country.

Now, why is it that only $29,000 is appropriated toward the completion of this important work during the next fiscal year, when $75,000 was appropriated last year? Is it because it is less important than it was last year? Certainly not. In fact, the importance of the speedy completion of the work is clearer this year than ever, for it appears that the delay in finishing it has already cost the Government over $20,000 in damages to the southerly breakwater. Why, then, is the appropriation so small? The reason is this: The committee has started out with the assumption that not more than $7,500,000 can properly be appropriated in this bill for all river and harbor works in the country. How they reach that assumption is not clear. The people of this country would willingly pay $15,000,000 a year if they knew that the money was to be spent on important works of river and harbor improvement.

But so long as we follow the present plan the people of the country can not be sure that the money will be so employed. They know, and we know, that when the Committee on Rivers and Harbors has fixed the total of the bill, that total must be apportioned among a large number of improvements in order to prevent dissatisfaction among the members of this House. So the total is made small in order to disarm the criticism of the newspapers and the general public; and then it is spread out thin over the whole country in order to disarm the criticism of the several Congressional districts. One result is that, as the committee does not appear to have recognized the exceptional character of the outer breakwater north of Chicago harbor, it goes into the bill as a part of Chicago harbor, and gets the usual percentage allowed to other places, namely, 25 per cent. of the money that the engineers say can be judiciously and economically expended at that place during the next fiscal year.

I intend to move to amend the bill and give to the harbor of Chicago enough to repair the damages made by the storm of December, 1885, to the southerly breakwater, and at the same time to push to a speedy completion the northerly breakwater. If the motion prevails it will be because the Committee of the Whole appreciates the exceptional character of the work and recognizes the importance not only to the owners of lake vessels, but to the United States as an owner of property which it is designed to protect, of having it completed as soon as possible. If my motion fails I shall not blame the Committee on Rivers and Harbors or any member of this House. I shall blame rather the system under which we work.

Now, Mr. Chairman, let us suppose that we have abandoned the present method of making appropriations for rivers and harbors, and have adopted the other method to which I referred in the opening of my remarks. Suppose we have a board of public works for the lake harbors, and another for the Atlantic coast, and another for the Pacific coast; or suppose that we intrust the duties of such boards to the Secretary of War and his assistants. Suppose we appropriate in a gross sum $15,000,000, to be expended under the authority of the Secretary of War during the next fiscal year. What harm would follow and who could complain? The money would be economically spent on works which the administration regarded as of a national character. The administration has to meet the criticism of the newspaper press of the whole country. It would not be likely to neglect any work of urgent importance, nor would it be likely to spend the money on works which to the general judgment seem to be merely local in their character.

Some places might complain of neglect at first, but my judgment is that the plan would prove so much more satisfactory than the plan under which we are now working that the people of this country would, after a few years, consent to an appropriation of twenty, of even twenty-five millions a year to be spent in the same way. If that result followed we should see the rivers and harbors of this country, the small as well as the great, brought to completion sooner than we can reasonably expect to see them finished under the present system. I do not say that the system proposed would be free from objection. The question is whether, on the whole, it could possibly be as objectionable as the system now prevailing. I do not believe it could. I believe the Committees on Rivers and Harbors in this Congress and in the preceding one have honestly tried to frame the best river and harbor bills possible under the circumstances. I believe that members in Congress do not consciously vote to waste the public money on unimportant projects. What I say is that the detailed scheme of annual expenditure for river and harbor improvements can not be properly made up by a House of Representatives.

The bill is never satisfactory to the general public. It contains appropriations for rivers and harbors with which the general public and the House of Representatives is unfamiliar; and it is certain to be assailed in the press and on the stump as an agglomeration of jobs. It is to meet this anticipated and inevitable criticism that the sum total of the bill is kept as low as possible. Hence public improvements admitted to be national and urgent are starved, in order to keep alive improvements which, however truly national in reality, can not possibly be recognized as such by the general public. I trust the time will soon come when we shall at least try some other system, and thus relieve this House and the public outside of Congress of what is sure to be regarded, so long as it exists, as an enormous annual nuisance.

Mr. Chairman, with the leave of the House, I will cause to be printed in the RECORD the tables from which I have read. They are taken from the report recently forwarded by Major Handbury, engineer in charge, to the Chief of Engineers.

Statement of vessels entered and cleared (foreign and coastwise), and the aggregate receipts at certain ports of the United States for the year ending June 30, 1886.

[From the annual report of the supervising special agent to the Secretary of the Treasury—page 9.]

Ports of—	No. of vessels arrived.			No. of vessels cleared.			Joint total of arrivals and clearances.	Aggregate receipts.
	Foreign.	Coastwise.	Total.	Foreign.	Coastwise.	Total.		
Baltimore	566	1,515	2,081	625	1,664	2,289	4,370	$2,601,440
Boston	2,622	789	3,411	2,559	878	3,437	6,848	21,079,311
New Orleans	744	264	1,008	707	271	978	1,986	1,361,877
New York	5,783	1,989	7,772	5,219	3,196	8,415	16,187	133,472,003
Philadelphia	1,341	743	2,084	1,013	1,318	2,331	4,415	14,661,896
Portland and Falmouth	307	358	665	417	357	774	1,439	840,598
San Francisco	759	198	957	771	441	1,212	2,169	5,990,632
Total	12,122	5,856	17,978	11,311	8,125	19,436	37,414	180,007,757
Chicago	155	10,794	10,949	377	10,770	11,147	22,096	4,099,550

Comparative statement of vessels entered and cleared (foreign and coastwise) at certain ports of the United States for year ending June 30, 1886.

I.

Ports of—	Total arrivals.	Total clearances.	Joint total.
Baltimore	2,081	2,289	4,370
Boston	3,411	3,437	6,848
New Orleans	1,008	978	1,986
Philadelphia	2,084	2,331	4,415
Portland and Falmouth	665	774	1,439
San Francisco	957	1,212	2,169
Total	10,206	11,021	21,227
Chicago			22,096

II.

New York	7,772	8,415	16,187
New Orleans	1,008	978	1,986
Portland and Falmouth	665	774	1,439
San Francisco	957	1,212	2,169
Total	10,402	11,379	21,781
Chicago			22,096

Comparative statement of vessels entered and cleared, &c.—Continued.

III.

New York	7,772	8,415	16,187
Baltimore	2,081	2,289	4,370
Portland and Falmouth	665	774	1,439
Total	10,518	11,478	21,996
Chicago			22,096

IV.

Ports of—	Total arrivals.	Total clearances.	Joint total.
New York	7,772	8,415	16,187
Philadelphia	2,087	2,331	4,415
Portland and Falmouth	665	774	1,439
Total	10,521	11,520	22,041
Chicago			22,096

V.

Ports of—	Coastwise only.		Joint total.
	Total arrivals.	Total clearances.	
Baltimore	1,515	1,664	3,179
Boston	789	878	1,667
New Orleans	264	271	535
New York	1,989	3,196	5,185
Philadelphia	743	1,318	2,061
Portland and Falmouth	358	357	715
San Francisco	198	441	639
Total	5,856	8,125	13,981
Chicago	10,794	10,770	21,564

Mr. ANDERSON, of Kansas. I yield the remainder of my time to the gentleman from Missouri [Mr. STONE].

Mr. STONE, of Missouri. How much time have I?

The CHAIRMAN. The gentleman has twenty-one minutes.

Mr. STONE, of Missouri. Mr. Chairman, if I should consume the whole of the twenty-one minutes yielded to me by my friend from Kansas [Mr. ANDERSON] I would not be able to discuss the pending measure with any degree of elaboration or with any sort of satisfaction. I can do little more than barely indicate the objections I have to the bill. I have a multitude of objections to it, but there are at least three general ones, either of which would be sufficient to control my vote against this measure.

I object to it, first, because, at a low estimate, fully 50 per cent. of the water-ways appropriated for are purely local, and in no sense do they possess national importance. So far as appropriations to construct works of internal improvement of real national consequence are concerned, I would be willing to go as far as any one in that direction; and if my voice here could be potential in this class of legislation I would doubtless be considered extravagant in the extent to which I would be disposed to go in improving the real harbors of the country, the great and important harbors, and the chief inland water-ways, such as the Mississippi, the Ohio, and the Missouri Rivers.

I agree with much that was said by the gentleman from Iowa [Mr. HEPBURN] in his speech a few days since, but I disagree with him entirely in his observations either as to the feasibility of improving the Missouri River or as to its importance to the commerce of the country.

I oppose this bill, in the second place, because many of the appropriations in it are for the continuance of works where the balances unexpended now on hand are sufficient, according to the reports of the engineers, to answer all the probable requirements of the next fiscal year.

I am opposed to it, again, upon the ground that if we are to enter into a wholesale policy of improving all water ways without regard to their importance or character, then the discriminations which have been made in this bill in favor of certain sections of the country and against others are unjust to the extent of outrage. I can not elaborate these objections, but I can probably illustrate all of them by reference to one or two of the items in the pending measure.

I call attention, first, to the appropriation to continue the construction of a breakwater at the mouth of Sâco River. There is no port at that point, no town, no harbor; there is nothing at the mouth of Sâco River except—Sâco River and the sea.

Mr. REED. I hope the gentleman will do us the honor to call it Sâco, and then it will be recognized by persons acquainted with geography.

Mr. STONE, of Missouri. I doubt, sir, whether it would be recognized by anybody by any name, unless by some person who lived in its immediate vicinity; but, Sāco or Sawco—call it by any name you please—the work is one of mere local importance. The object of it is not to make or to improve a harbor; it is to construct a breakwater to protect the mouth of the river by preventing the formation of a sandbar by the drifting in of sands from the sea, which is to be done by increasing the velocity of the currents and thereby, also, deepening the channel.

This work, it is estimated, will cost $356,500. On July 5, 1884, Congress appropriated $15,000 for the work. Two years afterwards, on the 1st day of July, 1886, there remained unexpended of that appropriation a balance of $26.36. In August last this Congress appropriated $12,500 in addition, thus increasing the fund available for the work to $12,526.36, and there is now on hand unexpended exactly that sum. In other words, not one farthing of the money appropriated for that work for this fiscal year has been expended.

Mr. WILLIS. If my friend will pardon me, he is misled by the fact that the bill to which he refers was passed on the 5th of August, after the fiscal year had begun, and therefore the report of the engineer, coming up only to the 30th of June, did not contain an account of the expenditure of the money. I have, however, a later report stating that it has been expended.

Mr. STONE, of Missouri. I find in Executive Document No. 13, transmitted by the Secretary of War, a statement showing that in November last the balance I have stated was on hand unexpended, and I suppose that no portion of it has been expended since. I understand that the entire appropriation made in August last is now on hand, and if that be true, with this fiscal year, at least so far as the working months of it are concerned, practically expired, only some two or three months remaining, I can see no good reason why there should be any additional appropriation.

Mr. WILLIS. In a letter dated January 6, 1887, from the Chief of Engineers it appears that every dollar appropriated for the Saco River improvement will be expended before the expiration of this fiscal year.

Mr. STONE, of Missouri. Well, Mr. Chairman, my statement is based upon the letter which was transmitted here by the Secretary of War at the beginning of this session. I know nothing of the letter to which my friend refers. It has not been accessible to those of us who are not members of the Committee on Rivers and Harbors. We may be able to see it when we come to consider the bill at the close of debate. At all events this work is simply a part of a general scheme to improve that river, and it is so treated by the engineers themselves in their reports which I have before me. In the mean time we are appropriating for the river itself. In this very bill there is an additional appropriation of $3,000 to continue the improvement of the river above the mouth, and there was an appropriation for a similar purpose last year of $12,500. Here, sir, is a river for which we last year appropriated $25,000, and the work on which, according to the estimates, will cost in the neighborhood of half-a-million dollars to complete it. A river upon which such expenditures are made ought to be an important stream. The commerce that has to go down it or up it ought to be of volume sufficient to at least approach national importance. But what is it? What is this river? What is the size of this river? Its entire navigable length is only 5 miles. I desire to read, Mr. Chairman, an extract from the report of the engineers descriptive of this great national water-way:

The head of tide water of Saco River is at the adjoining towns of Saco and Biddeford, and the improvements asked for are below these places.

From the entrance to the river near the shore end of Saco River breakwater up to the wharves at Saco and Biddeford there is a channel of 6 feet depth at mean low water, or about fourteen and a half feet at high water, and of sufficient width, except at the following places marked with the corresponding letters on the accompanying sketch.

Then the engineer gives us six or seven different places, within the length of those 5 miles, where it is absolutely necessary to widen the stream or the channel sufficiently to let a boat pass through its embracing banks. And when he reaches the head of navigation at Saco or Biddeford, two adjoining towns divided by this rivulet, the engineer says:

It will be necessary to remove a shoal consisting of sand and sawdust so as to give a width of 200 feet in order—

To do what?

to enable vessels to turn.

Here it is proposed from year to year to make appropriations, which are to aggregate half a million of money, to improve a little stream—a creek 5 miles in length and barely wide enough in many places to admit of the passage of vessels; and when the headwaters of navigation are reached you must dig a hole big enough for boats to right about in order to return.

What commerce is this improvement intended to benefit? The commerce of the towns of Biddeford and Saco alone. And what are they? The town of Biddeford has a population of 12,651; and the town of Saco, 6,389. We are proposing then to expend, in the course of years, at the rate per year of $12,000 and upward, indefinitely, the sum of half a million dollars, to accommodate the commerce of two little towns upon this little creek. Could an appropriation less national in its significance be submitted to this House? I find by referring to the report of the engineer that the principle commerce of these two towns is in coal and cotton. During the year ending August 30, 1884, 33,813 tons of coal and 8,750 bales of cotton were carried to these places by both rail and water; and though the engineer says:

I consider the river worthy of additional improvement in the interest of the business of these towns.

And that—

They are important manufacturing places.

He further says:

But a large proportion of all the goods needed there have come, and will continue to come, by railroad entirely, irrespective of any river improvement.

It seems to me, sir, that a mere statement of the case carries with it a demonstration of the absolute impropriety of this appropriation.

This one case, which is illustrative of many in the bill to which attention will be called in the progress of its consideration, sustains me in the statement I made at the outstart, that I can not support the bill because 50 per cent. of the expenditure proposed is for appropriations somewhat similar to the one I have indicated, and because, in many cases, the balance of appropriations previously made is sufficient to answer the purposes of the next fiscal year.

Mr. MILLIKEN. I do not desire to interrupt the gentleman, but will he allow me a question right here?

Mr. STONE, of Missouri. Certainly.

Mr. MILLIKEN. I would like to know what the gentleman calls an appropriation of "national character." The commerce of the port to which he has just referred goes all over the world.

Mr. STONE, of Missouri. I suppose that in one sense the commerce of every village in the United States "goes all over the world." But though that may be the fact, I do not admit that insignificant creeks and estuaries are water ways which deserve national recognition. The great harbors of the country, such as Boston, New York, Baltimore, Galveston, and San Francisco, and such great streams inland as the Ohio and the Missouri, sweeping down from the Alleghenies and the Rockies to join their floods with the Mississippi and pour them united through many sovereign States to the sea—those are national works and national streams.

Mr. MILLIKEN. I beg the gentleman's pardon; but does he desire to expend millions on a few great harbors and on a few great rivers that reach through the continent and leave the rest of the country unimproved?

Mr. STONE, of Missouri. I would improve nothing by national legislation except the important harbors and the important rivers of the country. It may be a little difficult to draw the line and determine just where to begin and where to end; but the improvement, if national, ought to be of waters whose commercial importance at least reaches beyond the confines of a single neighborhood.

Mr. FARQUHAR. I would like to know why the gentleman excepts the great lake cities of this country.

Mr. STONE, of Missouri. I have not made any exception of the "great lake cities" of the country; nor have I undertaken to name all the cities or ports or harbors that are entitled to receive recognition in this character of legislation.

But, Mr. Chairman, I desire now to use the remaining moment of my time to direct attention to the discriminating features of this bill. We see what has been, and is to be, done for Saco River. Through the great State of Missouri, in which I have the honor to reside, flows the Osage River, and——

The CHAIRMAN. The gentleman's time has expired.

Mr. CATCHINGS. Mr. Chairman, in the nature of things many gentlemen here have not had the time or opportunity to inform themselves as to the character of the improvement of the Mississippi River which is being attempted, as to what has been accomplished, and as to what may reasonably be expected to result from the further prosecution of the work. With those not so informed the violent declarations of those opposing the work may, if not unmasked, pass for argument, and their statements, launched with such prodigal profusion, for facts.

It has occurred to me that under these circumstances a plain, simple statement, outlining briefly the nature of the work and the results obtained, might be of some benefit in this discussion. I shall endeavor to make this statement fairly and accurately.

It may be asserted as axiomatic that it is impossible to improve the Mississippi River except by utilizing its own forces. To successfully do this requires knowledge of its history, its laws, and its methods, only to be obtained by minute, patient, and intelligent observation. The commission have caused to be made a complete topographical, hydrographical, hydrometrical, and geological survey of the river, not to satisfy scientific curiosity, but to enable them to investigate and work understandingly.

If the river could be emptied and its bed exposed to view, we would see an endless succession of deep depressions and large sand-hills. When the channel is filled these depressions constitute the pools, or deep water, and these sand-hills the formidable bars, which in many places seriously obstruct navigation.

Fortunately, most of these bars are so deeply submerged that heavily-

laden boats pass over them without difficulty, even during the stage of lowest water.

But others approach within 5 or 6 feet of the surface at this period, and prevent the navigation of the river, except by the smallest craft, to the great cost and detriment of commerce.

Nor does this low stage of water pass away quickly. The report of Hon. E. O. Stannard, of October 30, 1873, to the Senate Committee on Transportation, estimates that for a long period of years there were on an average of fifty-two days when the least depth of water was 6 feet, and sixty-nine days when it was less than 10 feet.

The number of bars below Cairo which obstruct navigation in this way is about forty.

They are usually located in groups, which cover from 20 to 40 miles, and the part of the river occupied by these groups is called a "reach."

There are six of these reaches in the lower river, known as the New Madrid, Plum Point, Memphis, Helena, Choctaw, and Lake Providence Reaches.

To increase the depth on these bars which lie across the pathway of the river, is the improvement which Congress has undertaken to accomplish through the agency of the Mississippi River Commission.

And this involves, of course, such treatment, regulation and control of the river as shall give permanence to the improvement when effected.

To dredge the crest of these bars to the necessary depth is impossible, for the deposition of silt would instantly replace that dredged away. The only means is to enchain and direct the mighty forces of the river itself. It must be borne in mind that these shallow places do not result from an insufficiency of water in the river. If properly distributed along the channel there is always enough water to afford the most abundant depth. In these bad places the river is, like the gentleman from Iowa, a case of misdirected energy and ability.

The first thing to do, therefore, in treating such a reach is to gather up and give suitable direction to these dissipated forces of the river so as to compel it there to build and maintain for itself a suitable and proper channel, as through three-fourths of its length it has done of its own volition.

It is found that wherever the river is narrow it is deep, and wherever it is wide it is shallow. This is because velocity, momentum, and resultant increased depth always accompany concentration.

Another evil, resulting from the diffusion of the river's volume over a large area, is the building up of islands, which divide the channel.

In treating such a place, one of these channels must be closed. In order to close these chutes, as they are called, and to force the water into a narrow channel, new banks must be constructed by artificial means.

These can not be composed of mattresses of brush, laden with stone, as suggested by the gentleman from Iowa, or of other solid material, for, resting on a bed of alluvion, and constituting an impenetrable bar to the current, it would scour out the bed beneath and speedily destroy them.

The simple but effective plan has been adopted of compelling the river itself to build up the walls which are designed to imprison its forces by interposing obstacles of only sufficient obstructive power to cause it to deposit at the desired spot a portion of the mud, sand, or silt with which its waters are forever laden.

This is accomplished by driving piles in rows across the chute or along the space intended to be filled up. These are interwoven with poles and brush, or mattresses of brush are laid against them. This forms a permeable dam which does not hinder the flow of water entirely, yet sufficiently retards it to cause a rapid deposit of its sediment.

The gentleman from Iowa stated truly that after a few years' exposure these piles decay and break off, but his statement that they must then, and periodically thereafter, be renewed at great cost is wholly incorrect. They are not designed to serve permanently, for when they have caused the required deposit to be made their purpose has been fully effected. Being constrained by these artificial banks to pursue a confined and narrower channel, its forces and energy are enhanced and the river deepens its bed by scouring out its bottom.

To secure permanence for the works of improvement thus described, the caving banks in their neighborhood, and in a few exceptional places, are designed to be fixed and protected from erosion by what is called revetment.

This consists in covering the banks with mattresses of willows which are held in place by riprap of rock.

This revetment does not cost $19 or $20 a linear foot, as asserted by the gentleman from Iowa; on the contrary, the average cost has been about $13 a foot.

Nor do these mattresses have to be renewed as stated by him, because of their decay. Many of the willows composing them soon sprout and grow, and the mattresses become covered with a deposit from the river, which makes them measurably indestructible.

This is the method of doing what is known as channel work. It has received the sanction of two boards of engineers—that appointed in 1879 and that composing the Mississippi River Commission—and, so far as I am informed, of all hydraulic engineers who have bestowed thought upon the subject.

In practice it has accomplished all that its most ardent friends could have wished.

It seems to have been the fate of all great enterprises, in all ages, to be carped at, misrepresented, and maligned, and this national and beneficent work is now passing through the same ordeal.

That it will eventually triumph and put its enemies to shame is certain, unless this great nation shall lose the energy and wisdom which have made it the most conspicuous and admirable on the face of the earth.

In prosecuting the work there have been expended for channel contraction $2,500,000, and for bank protection $2,240,000.

This has been expended on the Plum Point and Lake Providence Reaches, and includes also work done for the protection of the Memphis and Vicksburg Harbors.

The statement of the gentleman from Iowa that $10,000,000 have been expended on the Mississippi River he must know to be incorrect.

The $2,000,000 appropriated at the last session remain wholly unexpended, and the total appropriations prior to that time were $8,000,000.

Of this about $4,740,000 have been expended in channel and revetment work, as already stated. The balance of the appropriations has been expended in purchasing the plant, in repairing levees along the reaches under treatment, in doing work above Cairo, and in maintaining the works during the long periods which, from failure of appropriations, they were constrained to suspend active operations.

Yet that gentleman charged that not 10 per cent. of the appropriation had been so expended.

The Plum Point and Lake Providence Reaches cover about 70 miles of the worst channel, including fourteen chutes and twenty-two bars, upon which at low stages there were often not exceeding 5 feet of water.

There is now a least depth of 13 feet through those reaches, and from having been the worst they are now the very best portions of the river between Saint Louis and New Orleans.

The gentleman from Iowa undertook to weaken this great enterprise by exaggerating the number of boats used in the work.

The nature of the work requires that nearly all of it shall be done from boats, and for operations extending over a distance of 1,500 miles the plant is necessarily extensive.

There are floating pile-drivers operated by a hydraulic jet, snag-boats to draw snags from the banks and bed of the river, hydraulic graders to grade by means of water jets caving banks to the proper slope for revetment, mattress boats carrying steam looms which weave the large mattresses of wire and brush, floating machine and repair shops, boats to accommodate the workmen with board and lodging, and a great number of barges to carry stone, brush, and coal.

I will append to my remarks an itemized statement of this plant.

There is no extravagance in the size of this plant, for the work can not be done without it, and with care the plant will last until it has been entirely completed, even should years be required for that purpose.

The theory upon which operations have been conducted has been fully verified.

The permeable works caused the river to build enormous embankments, the deposits covering many thousands of acres, and untold millions of cubic yards.

In the main, the works of revetment have withstood the tremendous pressure upon them, securing not only bank stability, but fixity of channel, and with the experience acquired such work in the future will be done more cheaply and effectively. The river has been coerced into good behavior, and the result is a splendid channel for the purposes of navigation.

Those navigating the river recognize the signal success of the efforts made for its amelioration, and anxiously await further relief from the Government.

There is another means proposed to be applied in connection with revetment and channel work, for the rectification and control of the river, which seems, more than anything else, to excite the hostility and wrath of those who are the enemies of the enterprise.

I allude to the confinement of the waters during times of floods by embankments of earth, called levees, thrown up in more or less proximity to the banks.

Notwithstanding the fact that the idea of improving navigation by such means had its origin with eminent engineers, who have no personal interest whatsoever in the protection of the adjacent lands from overflow, and that it is strenuously urged and supported by them, upon what appear to be incontrovertible scientific principles, gentlemen persist in arguing the question as though the inhabitants of the valley were demanding that the Government enter upon levee building upon a large scale, for the sole purpose of warding off the destructive floods which at times pour along that valley on their way to the Gulf. And when the representatives of these inhabitants protest that this is not true, and that they simply wish that the engineers in charge of the work shall be allowed to prosecute it in their own way, they are

discourteously and without warrant denounced as mouthers of false pretenses.

By such methods it is attempted to excite distrust and prejudice, and thus accomplish what could not be won upon the field of fair argument and discussion. The inhabitants of the valley at no time since this work was inaugurated have asked for money to be expended in constructing levees. This bill makes no provision of that kind, and Congress has never appropriated money for that purpose. We have only asked, and now only ask, that the commission may build levees, if in their judgment they will aid in improving navigation and facilitating commerce. The commission are not required, but simply authorized to build them.

If gentlemen knew anything about this matter of levees, which they assume to discuss so flippantly, they would know that the residents of the valley, if their sole purpose was to protect their property from the ravages of the floods, would seek to have the appropriation expended in protecting the banks from caving by revetment.

So long as the banks cave badly, so long must levees be rebuilt from time to time. It is this perpetual drain upon the resources of the people to rebuild their levees which makes protection from overflow so expensive and burdensome. If the caving could be stopped they could and would of their own means construct levees which would be capable of resisting any flood, and which would endure forever.

If, therefore, the dwellers in the valley were actuated by such an unwarrantable purpose as that attributed to them, they would seek to have their banks protected by revetment, which would give permanent relief, rather than to have levees built, which, under existing conditions, must be more or less wanting in the element of permanency.

The fact is, they have been as self-reliant since this commission was organized as before, and that means to say that they are now, as they have been for years, using every means within their power, by taxation and otherwise, to combat this great river, without pausing for one moment to inquire whether or not the Government would aid them. Speaking more particularly, because better informed, with reference to the district which I have the honor to represent, I will say that the upper half, embracing five counties, which heretofore was not so well protected, has within the past two years raised $900,000 for levee purposes by issuing its negotiable bonds.

So great is the confidence reposed in the ability and willingness of the property owners to raise money for this purpose by taxation, that these bonds were readily disposed of in New York at par. The lower half of the district has had and maintained a levee system for a long period, and during the past twelve months expended $90,000. To-day, along the whole Yazoo front, there is a continuous line of levees which absolutely protected the district from the unusually high floods of 1886.

Confidence in the ability and determination of the residents of the district to grapple successfully with the floods, has also led to the immigration within the last few months of not less than ten thousand persons seeking to better their fortunes through the wonderful and exhaustless fertility of its lands.

Railroads have also come, and other lines have been projected and will shortly be constructed.

There are, in round numbers, five millions of acres in that district; and now, that the question of protection from overflow is practically settled, it will be rapidly populated and brought into cultivation, and the time will come, and that at no very distant day, when it will contribute not less than two millions of bales of cotton to enrich and enlarge the commerce of the country. In the name of these brave and heroic people I protest against the imputation of the gentleman from Iowa. His charge is unjust, cruel, and without the slightest foundation in fact.

The theory that levees will contribute to the amelioration of the condition of the river is not only maintainable in argument but may be demonstrated by established facts.

Bad navigation is caused by bars. If there were no bars, there would be no trouble with the channel. It follows, therefore, that anything which tends to remove existing bars, or to prevent the formation of new ones, aids directly in the improvement of the channel.

An increment to existing bars accompanies the floods, for the obvious reason that in the wide shallow places where they are found there is greater area and less velocity, and consequently a deposition of silt. The average slope of the river is about one-third of a foot to the mile, while the banks slope away from the river 4 to 10 feet to the mile.

When an overflow comes it is apparent that this great slope from the banks will draw the water away from the channel with great velocity. By this means the surface slope and along with it the direction of the thread of the stream is turned, involving loss of continuity of motion and reduction of velocity. This in turn causes a rapid deposition of silt, which increases the size of existing bars and creates new ones.

At Malone's Landing, Riverton, Bolivar, and Mound Landing crevasses occurred during the flood of 1882. Surveys made before and after they occurred showed that they had produced an average filling up of the entire channel space of 13 per cent. The closure of the Bonnet Carre crevasse, near New Orleans, showed an immediate increase of channel space of about 12 per cent.

Prior to the war about two hundred miles of Red River above Alexandria were completely leveed, and the channel was thereby so deepened and enlarged that the floods were discharged within its banks and scarcely reached the levees. In those sections where there were no levees the shallow channel continued to cause overflows. So in the upper portion of the Lafourche, a bayou heading in the Mississippi at Donaldsonville, where levees have been maintained for years, the depth is unimpaired, while in the lower portion, which is not leveed, the bed is seriously obstructed by sediment.

During the flood of 1882 many crevasses occurred which admitted the water freely into the Yazoo basin. The maximum stage at Cairo was 51 feet, and at Vicksburg 48 feet. These crevasses were closed before the flood of 1883 came, and the effect upon the river was so marked that while the maximum stage was the same at Cairo as in 1882, at Vicksburg it was only 43 feet, or 5 feet lower.

It is thus manifest, both by theory and fact, that the confinement of high-water floods by levees is largely promotive of the efforts of the commission to improve the navigation of the river.

Mr. Stannard, of Saint Louis, estimated that $28,000,000 would be saved annually in the cost of transportation alone if a suitable channel could be maintained; and the Board of Engineers, which examined the question in 1879, said that if this were true the work should be done if it cost $70,000,000.

In 1885 General Gillmore said:

> There seems to be no just ground for apprehension that the ultimate cost of this improvement will be inordinately great, or will exceed what the Government will be fully justified in expending upon a great national work, in the success of which so large and so varied interests are involved.

Judging the question by what has been accomplished, I would say that $30,000,000 would be a large estimate. The commission has been most recklessly and needlessly assailed. It is composed of able and faithful men, who have given the work great attention, and whose achievements, notwithstanding what has been stated to the contrary, have been signally successful and fully justify the confidence expressed by them.

The statement repeatedly made on this floor that they contemplated reveting the banks of the river on both sides from Cairo to the Gulf, at a cost of probably $150,000,000, is not justified by anything ever said or done by them. It is certain that they have never considered such a project. So the averment that everything done by them has been purely experimental, and that it can not yet be told whether their plans can be carried into effect, is directly opposed to the evidences placed by them before us. They are entitled to the confidence and respect of the country, and what they have said is entitled to far more consideration than the groundless assertions annually so vociferously declaimed here by the enemies of the enterprise.

If the river is worthy of improvement, the work should remain in their hands. By experience, acquired through long years of careful study of the conditions of the river, the problems involved, and the means to be used in their solution, they are far better qualified to carry it to a successful conclusion than new and untried men would be.

To strike them down is but part of the plan to strike down the whole enterprise, and I appeal to the friends of the river to turn a deaf ear to these insidious proposals, and hold up the hands of these able, impartial, and faithful public servants. If the plan being pursued is discarded, the whole work must be abandoned, for nothing is proposed in its stead.

Is this House prepared to say that these engineers are imbecile, or what is worse, that they have acted and spoken insincerely or with duplicity, and that all efforts to restrain, control, and direct the energies of this greatest and most useful of rivers shall be abandoned? That is the real issue which its adversaries seek to present, disguise it as they may. If we are reasonable men we will be governed by the opinions of the scientific workmen who have it in charge rather than the clamor of those who strive to make reckless assertion obscure and overwhelm legitimate examination and argument.

This great river has 15,000 miles of tributaries, and carries off the surplus waters of eighteen States. It fully justifies the important place assigned it by our distinguished Secretary of the Treasury, Hon. Daniel Manning, of New York, who, in his last annual report, in discussing the surplus taxation problem, said:

> I also set aside as equally indefensible the continuance of our present surplus taxation and its employment in extravagant appropriations, by which, of course, I neither mean to include suitable annual appropriations for the large expense of deepening the channel to carry off the floods of the Mississippi River, nor such as are needed for the still larger expense of providing our seaboard cities with a permanent coast defense.
>
> These are not the means of naval aggression nor incitements to militancy at home or abroad; they are prudent provisions "for the common defense and general welfare," which requires no blanket clause to justify or cover them. Our engineers do not need extravagant appropriations to carry on as fast as practicable these great works, which should be the labor and the legacy of a peaceful generation for the benefit of those who will succeed to our inheritance.

The CHAIRMAN. The time fixed for general debate on the pending bill, by order of the House, has expired, and the bill will now be read by paragraphs for amendment.

The Clerk read as follows:

Be it enacted, &c., That the following sums of money be, and are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, and to be expended under the direction of the Secretary of War, for

the construction, completion, repair, and preservation of the public works hereinafter named:

Improving harbor at Rockland, Me.: Continuing improvement, $15,000.

Mr. HEPBURN. I do not want that paragraph to be passed, but to remain before the House, as I have an amendment to move to it.

Mr. WILLIS. In view of that statement I ask that the amendment be offered now, as it may be something we can accept.

Mr. HEPBURN. No; it is a fundamental one.

The CHAIRMAN. This paragraph will be before the committee when it next resumes the consideration of this bill.

Mr. WILLIS. I hope the gentleman will offer his amendment, so we may be able to know what it is.

Mr. HEPBURN. I prefer to have the paragraph pending. The amendment is in the hands of the gentleman from Kansas [Mr. ANDERSON] at the present time.

Mr. WILLIS. I move, then, that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having taken the chair, Mr. MILLS reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration a bill (H. R. 10419) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

RHODE ISLAND CONTESTED ELECTION CASE.

Mr. TURNER. Mr. Speaker, I desire to give notice that on Monday or Tuesday next I will call up for consideration the Rhode Island contested-election case of PAGE against PIRCE.

GRADES—ADJUTANT-GENERAL'S OFFICE.

Mr. WHEELER, by unanimous consent, introduced a bill (H. R. 10804) to effect a re-arrangement of grades of the officers in the Adjutant-General's Department of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CONSTRUCTION OF CRUISER NEWARK.

Mr. NORWOOD. Mr. Speaker, I offer as a matter of great public importance the resolution which I send to the Clerk's desk to be read; and I am instructed by the Committee on Naval Affairs to ask for its present consideration.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the Secretary of the Navy is hereby authorized to readvertise for bids for the construction of cruiser No. 1, known as the Newark, and to contract for such construction for any amount, which, together with the cost of equipment (exclusive of armament), shall not exceed $1,300,000.

The SPEAKER. Is there objection?

Mr. REED. I should like to know why that resolution is presented at this time.

Mr. NORWOOD. I will state to the gentleman from Maine this refers to the construction of one of the cruisers authorized by the last Congress.

Mr. REED. But why is it presented in so empty a House?

Mr. NORWOOD. I have been trying to get opportunity for days to present it. The amount authorized by Congess was $1,100,000, but the lowest bid received was in excess of that amount. The Secretary of the Navy in his letter asks authority of Congress to readvertise for bids, the amount not to exceed $1,300,000, or $200,000 more than the present limit.

Mr. ADAMS, of Illinois. Wherein do the bids proposed to be offered differ from the bids that have been offered. I mean not the amounts of the bids, but the things which they cover.

Mr. NORWOOD. The letter of the Secretary of the Navy states exactly what is desired, and I ask that it be read.

Mr. MILLS. It seems to me we ought not to proceed at this late hour to the consideration of this resolution, and therefore I move the House adjourn.

Mr. NORWOOD. I have no objection to that, if the resolution be pending.

The SPEAKER. If the resolution be passed in its present form it will not accomplish the purpose of the gentleman from Georgia, as the House of Representatives alone would not have the authority asked for. It should be a joint resolution.

Mr. REED. Let it be taken up when somebody is present.

Mr. NORWOOD. I ask the letter of the Secretary of the Navy be printed in the RECORD.

The SPEAKER. The Chair hears no objection, and it is so ordered.

The letter is as follows:

NAVY DEPARTMENT, *Washington*, *December* 15, 1886.

SIR: The appropriation act approved March 3, 1885, authorized, among other things, the construction of "two cruisers of not less than 5,000 tons displacement, costing, exclusive of armament, not more than $1,100,000 each."

In pursuance of this authority, plans were prepared by the Department of two cruisers, one upon a contemplated tonnage displacement of 3,700 tons and the other of 4,000 tons.

Upon the 4,000-ton vessel the bids received were as follows:

Cruiser No. 1 (Newark).

The Harlan & Hollingsworth Company, iron-steamship builders, Wilmington, Del. (the hull to be constructed according to the Department's plans and specifications; machinery according to contractor's plans)	$1,224,900
The William Cramp & Son's Ship and Engine Building Company, Philadelphia Pa. (hull to be constructed according to the Department's plans and specifications; machinery to be constructed on contractor's plans and specifications)	1,198,000
The Union Iron Works, iron-steamship builders, San Francisco, (hull and machinery to be constructed according to the Department's plans and specifications)	1,132,000

All these bids being in excess of the limit fixed by the act.

I submit this matter to the committee in the hope that such action may be taken as will enable the Department to readvertise the vessel with the limit raised to $1,300,000, and utilize the plans already prepared.

To reduce the size of the vessel to a point likely to bring the bids within the present limit would require many months, and in fact the designing of a new ship.

Thirteen hundred thousand dollars is suggested, for the reason that in addition to the bid the equipment of the vessel must be provided, and this sum mentioned is not, therefore, too large.

Very respectfully,

W. C. WHITNEY,
Secretary of the Navy.

Hon. H. A. HERBERT, M. C.,
Chairman Committee on Naval Affairs, House of Representatives.

Mr. MILLS's motion was agreed to; and accordingly (at 5 o'clock and 27 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BOUTELLE: Petition of B. M. Pike, A. W. Lamson, and others, fishermen of Lubec, Me., for increase of duty on smoked herring to 1 cent per pound—to the Committee on Ways and Means.

By Mr. T. M. BROWNE: Petition of Calvin W. Reynolds and 100 others, citizens of Lewisville, Ind., asking that a pension be granted to Mollie Llewellen, wife of Francis M. Llewellen, of Company D, Ninety-third Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. COMSTOCK: Resolution of the Michigan State Agricultural Society, asking for the passage of the Miller bill, so-called—to the Committee on Agriculture.

Also, joint resolution of the Michigan Legislature, requesting the passage of the Miller bill, so-called—to the same committee.

By Mr. DUNHAM: Petition of Peter Van Schaack & Sons, of Chicago, Ill., favoring repeal of internal-revenue taxes—to the Committee on Ways and Means.

By Mr. FREDERICK: Petition of Thomas B. Wales and others, citizens of Johnson County, Iowa, asking for the passage of the bill for the extermination of the cattle disease known as pleuro-pneumonia—to the Committee on Agriculture.

By Mr. FUNSTON: Petition of V. R. E. Ellis and others, of Gardner, Kans., for the passage of the pleuro-pneumonia bill—to the same committee.

By Mr. GROUT: Petition of H. F. Barber and 51 others, citizens of Wilmington, Vt., praying for the repeal of the act limiting arrears of pensions—to the Committee on Invalid Pensions.

By Mr. HAMMOND: Papers relating to the claim of Joseph Honsby, of Campbell County, of Andrew P. McCool, of Fulton County, and of James Waters, of Henry County, Georgia—to the Committee on War Claims.

By Mr. HARRIS: Papers relating to the claim of Mary E. Handaway, of Muscogee County, Georgia—to the same committee.

By Mr. HOLMAN: Petition of the Pastors' Alliance, of the District of Columbia, in favor of Congressional action providing for gathering statistics on the subject of marriages and divorces—to the Committee on Appropriations.

By Mr. HOLMES: Petition of Thomas B. Wales and 7 others, citizens of Iowa, a committee of the Consolidated Cattle-Growers' Association of the United States, praying for the passage of the pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. JAMES: Petition of Conrad Broker, jr., and 43 others, merchants, manufacturers, and mechanics, of New York, asking for the repeal of internal-revenue taxes—to the Committee on Ways and Means.

By Mr. KELLEY: Petition of 75 citizens of Bristol, Bucks County, of 83 citizens of Philadelphia, and of 3 manufacturers of Philadelphia, Pa., praying for the repeal of internal-taxes—to the same committee.

By Mr. KLEINER: Petition of the Posey County (Indiana) Cattle-Breeders' Association, praying for the passage of the Miller bill—to the Committee on Agriculture.

By Mr. LAFFOON: Petition of V. M. Metcalf, in behalf of the bill (H. R. 2933) known as the Hatch bill—to the same committee.

By Mr. O'FERRALL: Petition of A. T. Bibb, John L. Cochran, and 11 others, citizens of Albemarle County, Virginia, for the passage of the experiment-station bill—to the same committee.

Also, petition of George Chrisman and 300 others, citizens of Rock-

ingham County, Virginia, for legislation to protect the county against pleuro-pneumonia and other contagious diseases among cattle—to the same committee.

By Mr. OWEN: Petition from Capt. William Watts, for a harbor of refuge at Wolf Lake, Lake County, Indiana, on the border of Lake Michigan—to the Committee on Commerce.

By Mr. RICE: Petition of John N. Berry, of Worcester, Mass., in favor of proportional representation, and the abolition of the United States Senate—to the Committee on the Judiciary.

By Mr. RICHARDSON: Petition of J. G. Willis, administrator of John T. Crockett, deceased, asking to refer his case to the Court of Claims—to the Committee on War Claims.

By Mr. RYAN: Petition of Melvern Post, No. 238, of Potwin Post, No. 377, and of Silver Lake Post, No. 207, Grand Army of the Republic, of Kansas, favoring the passage of the Edmunds-Tucker bill—to the Committee on the Judiciary.

By Mr. SENEY: Joint resolution of the Ohio Legislature, favoring the bill (H. R. 2776) for the adjustment of accounts between the United States and the several States—to the same committee.

By Mr. CHARLES STEWART: Petition of sundry citizens of Chambers County, Texas, asking that an appropriation be made for Old River, in said county—to the Committee on Rivers and Harbors.

By Mr. STORM: Memorial of Pomona Grange, of Columbia County, Pennsylvania, against placing wool on the free list—to the Committee on Ways and Means.

By Mr. WHEELER: Petition of P. R. Daniel, of Franklin County, Alabama, for relief—to the Committee on War Claims.

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. C. H. ALLEN: Of 157 citizens of the eighth district of Massachusetts.

By Mr. CASWELL: Of 186 citizens of the first district of Wisconsin.

By Mr. FLEEGER: Of 356 citizens of the twenty-sixth district of Pennsylvania.

By Mr. HOLMES: Of 167 citizens of the tenth district of Iowa.

By Mr. MURPHY: Of 504 citizens of the second district of Iowa.

By Mr. SESSIONS: Of citizens of Allegany, Cattaraugus, and Chautauqua Counties, New York.

By Mr. MILO WHITE: Of 211 citizens of the first district of Minnesota.

SENATE.

MONDAY, *January* 24, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Friday last was read and approved.

CREDENTIALS.

Mr. CULLOM presented the credentials of CHARLES B. FARWELL, chosen by the Legislature of Illinois a Senator from that State to fill the vacancy occasioned by the death of JOHN A. LOGAN, deceased, in the term ending March 3, 1891; which were read and ordered to be filed.

Mr. MCMILLAN presented the credentials of CUSHMAN KELLOGG DAVIS, chosen by the Legislature of Minnesota a Senator from that State for the term beginning March 4, 1887; which were read and ordered to be filed.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of appropriation of $15,400 for the construction of two elevators in the new Pension Office building; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of State submitting the draught of an appropriation of $4,000 to enable the United States to be represented in the fourth conference of the Red Cross Association, to be held at Baden, September 19, 1887; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, submitting a statement of employés detailed for duty in his office from subordinate bureaus, and asking that they be provided for in the legislative, &c., appropriation bill for the ensuing fiscal year; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a joint resolution of the General Assembly of the State of Ohio, in favor of the passage of the bill to adjust certain accounts between the United States and the several States and Territories and the District of Columbia as set forth in House bill 2776; which was ordered to be printed in the RECORD, and referred to the Committee on Finance, as follows:

Joint resolution requesting our Senators and Representatives in Congress to procure the passage of a law "to adjust certain accounts between the United States and the several States and Territories and the District of Columbia," as set forth in House bill 2776, and dated January 7, 1886.

Whereas, on January 7, 1886, Hon. W. T. PRICE, of Wisconsin, introduced, in the House, House bill 2776, which was referred to the House Committee on Judiciary; and on May 24, 1886, Hon. WADE HAMPTON, of South Carolina, introduced in the Senate an amendment to Senate bill 2457, which was referred to the Senate Committee on Finance, "A bill to adjust certain accounts between the United States and Territories and the District of Columbia."

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be the duty of the Secretary of the Treasury to credit to each State and Territory of the United States, and the District of Columbia, a sum equal to all collections made from said States and Territories and the District of Columbia under the act of Congress approved August 5, 1861, and the amendatory acts thereto, with such additional credits as under said act they are entitled to have, in consequence of having paid any portion thereof without expense of collection to the United States; and such sums also as have been collected from lands or owners thereof under supplemental acts on any account whatever.

"SEC. 2. That all moneys still due to the United States on the quota of direct tax apportioned by section 8 of the act of Congress approved August 5, 1861, are hereby remitted and relinquished.

"SEC. 3. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to reimburse each State, Territory, and the District of Columbia, for all money found due to them under the provisions of this act; and the Treasurer of the United States is hereby directed to pay the same: *Provided*, That when the same, or any part thereof, credited to any State, Territory, or the District of Columbia, has been collected from any citizen thereof, either directly or by sale, resale, or lease of property, such sum shall be held in trust by such State, Territory, or the District of Columbia for the benefit of those of its citizens from whom it was collected, or their legal representatives;"

Whereas the foregoing bill provides that the Secretary of the Treasury shall credit each State with the amount of money assessed against it for direct taxes under the act of August 5, 1861;

Whereas the effect of the passage, by Congress, of said bill will be to refund to those States which have paid the amounts of such assessments to the extent of the sums by them so paid, and to release those States which have not paid from hereafter paying all said taxes, and also from all future liability to pay the same. Whilst the right of the General Government to raise revenue by direct taxation is unquestioned, it is patent that this direct tax was in the nature of an enforced loan, and it was made in this form only because it was required to meet the great exigency then upon the country; and,

Whereas several of the States now owe the General Government from a quarter to a half million dollars each, on account of this direct tax, while others have paid their full quota: Therefore,

Be it resolved by the General Assembly of the State of Ohio, That our Senators and Representatives in Congress be requested to urge the passage of the bill hereinbefore referred to, and use their best endeavors to secure to the State the amount paid to the United States by this forced tax.

Resolved, That a copy of this resolution be forwarded to each of the Senators and Representatives by the governor of Ohio.

JOHN C. ENTREKIN,
Speaker of the house of representatives.
ROB'T P. KENNEDY,
President of the senate.

Adopted January 19, 1887.

UNITED STATES OF AMERICA.

OHIO, *Office of the secretary of state:*

I, James S. Robinson, secretary of state of the State of Ohio, do hereby certify that the foregoing is a true copy of house joint resolution No. 68, adopted by the General Assembly of the State of Ohio on the 19th day of January, A. D. 1887, taken from the original rolls filed in this office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal, at Columbus, the 19th day of January, A. D. 1887.

JAMES S. ROBINSON,
Secretary of State.

EXECUTIVE CHAMBER, COLUMBUS, OHIO, *January* 18, 1887.

In accordance with the provisions of the foregoing resolutions, the same are hereby respectfully transmitted.

J. B. FORAKER, *Governor.*

The PRESIDENT *pro tempore* presented resolutions adopted at a meeting of the New Mexico Bar Association, praying for the passage of some law to provide for the adjustment of titles to land in the Territory of New Mexico; which were referred to the Committee on Private Land Claims.

He also presented a joint resolution of the Legislative Assembly of the Territory of Dakota to the Congress of the United States, in favor of the passage of what is known as the Dawes bill, which provides for opening a portion of the Sioux Indian Reservation in Dakota; which was referred to the Committee on Indian Affairs.

He also presented a petition of the council and house of representatives of the Territory of Idaho, praying that so much of the land in the reservation of the Shoshone and Bannock Indians as is not actually required for the use of those Indians be restored to the public domain and opened for settlement; which was referred to the Committee on Indian Affairs.

He also presented the petition of Hannah Phillips, of Velpen, Ind., praying to be allowed a widow's pension; which was referred to the Committee on Pensions.

He also presented a petition of residents of the fourteenth Congressional district of Ohio, praying for certain legislation in regard to the heirs of Thomas Delânell and others; which was referred to the Committee on Claims.

Mr. HALE presented a memorial of the Maine State Grange, representing more than 15,000 farmers in the State, remonstrating against the extension of a patent as provided in the bill (S. 2813) entitled:

A bill for the relief of David L. Garver; which was referred to the Committee on Patents.

Mr. MILLER presented a petition of Cross Post, No. 78, Grand Army of the Republic, of Seneca Falls, N. Y., praying for the passage of the anti-Mormon bill; which was ordered to lie on the table.

He also presented the petition of Robert Irwin, of New York; the petition of Harriett Hoffman, of Lansingburg, N. Y.; the petition of Nelson Kaien, of Saranac, N. Y.; and the petition of Mrs. Mary Figsby, of New York, praying the extension of time for filing applications for arrears of pensions; which were referred to the Committee on Pensions.

He also presented a petition of the Vessel-owners and Captains' National Association, of New York, praying for the passage of the bill relieving vessels from compulsory pilotage; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Highland Falls, N. Y., praying for the passage of the bill increasing the pensions of those who have lost both arms in the military or naval service of the Government; which was referred to the Committee on Pensions.

He also presented six memorials of citizens of New York, remonstrating against the repeal or modification of the oleomargarine law; which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of J. F. Henry & Co., of New York city; a petition of citizens of Clinton County, New York; a petition of wholesale druggists of Syracuse, N. Y.; a petition of 45 citizens and business men of New York; the petition of James Harrison, treasurer of the Orange County (New York) Woolen Mills; a petition of citizens of Buffalo, N. Y.; a petition of the secretary of the Saxony Woolen Mills of New York; and a petition of John H. Francis, of New York, praying for the repeal of the internal-revenue taxes; which were referred to the Committee on Finance.

He also presented resolutions adopted at a meeting of the Harmony Farmers' Club, of Chautauqua County, New York, favoring the passage of an amendment of the patent laws so that the user of a patented article may not be liable for using an infringement; which were referred to the Committee on Patents.

Mr. COLQUITT presented a petition of citizens of Athens, Ga., praying for a modification of the internal-revenue laws; which was referred to the Committee on Finance.

Mr. BERRY. I present resolutions adopted by the Chamber of Commerce of Helena, Ark., showing that the special-license tax imposed by the oleomargarine bill upon wholesale and retail dealers is an unjust and inequitable tax upon all persons of limited means, and they ask that the law imposing the tax be repealed. I move the reference of the resolutions to the Committee on Finance.

The motion was agreed to.

Mr. ALLISON. I present a petition signed by all the national banks of the city of Chicago, Ill., recommending certain modifications and changes in House bill 9110, now pending before the Committee on Finance; also a like petition of all the national banks in the city of Saint Paul; and also a like petition from all the national banks in the city of Minneapolis, Minn. I move the reference of the petitions to the Committee on Finance.

The motion was agreed to.

Mr. DOLPH presented a memorial of the Tacoma Chamber of Commerce, of Washington Territory, remonstrating against the passage of the interstate-commerce bill; which was ordered to lie on the table.

Mr. STANFORD presented a petition of officers of the Grand Lodge of Good Templars of California, praying for the passage of the bill submitting to the people of the District of Columbia the question of the manufacture and sale of intoxicating liquors in the District; which was referred to the Committee on the District of Columbia.

Mr. TELLER presented a resolution of the house of representatives of the Legislature of Colorado, favoring an appropriation for a public building and signal station at Pueblo, Colo.; which was referred to the Committee on Public Buildings and Grounds.

Mr. MANDERSON presented a petition of 68 men and 25 women, citizens of Milford, Nebr., praying for an amendment to the Federal Constitution prohibiting the States from disfranchising citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

Mr. PLATT. I present the memorial of E. Rockwell and 822 others, remonstrating against the removal of the custom-house from Middletown to Hartford in the State of Connecticut. I presented the other day the remonstrance of 350 citizens of that district, making in all about 1,200. The bill has been reported favorably by the Committee on Commerce. It is not usual to refer remonstrances under such circumstances to a committee, but as these parties will desire a hearing, I ask that the memorial I now present, together with the one on the table, be referred to the Committee on Commerce. I do not desire to recommit the bill because that might lead to embarrassment.

The PRESIDENT *pro tempore*. Both memorials will be referred to the Committee on Commerce, if there be no objection. The Chair hears none.

Mr. CULLOM presented a joint resolution adopted by the Thirty-fifth General Assembly of Illinois favoring the passage of the so-called invalid pension bill; which was ordered to lie on the table.

Mr. BOWEN presented the petition of E. W. Hunt and others, of San Juan County, Colorado, praying for the passage of an amendment to section 2325 of the Revised Statutes of the United States; which was referred to the Committee on Mines and Mining.

Mr. MITCHELL, of Oregon, presented the petition of Green Arnold, of Oregon, praying compensation for damages sustained by Indian depredations; which was referred to the Committee on Claims.

He also presented a petition of the executive committee of the Grand Lodge of the Independent Order of Good Templars, State of Oregon, representing 4,000 members of that order, praying for the passage of the bill (S. 1579) granting the people of the District of Columbia the right to determine by ballot whether intoxicating liquors may be legally manufactured and sold in the District; which was referred to the Committee on the District of Columbia.

Mr. SPOONER presented a petition of certain gas consumers, citizens of Washington, D. C., praying legislation for cheapening the price of gas for light and fuel; which was ordered to lie on the table.

Mr. HOAR presented a petition of the Upton (Massachusetts) Grange and Farmers' Club, praying for the passage of the Hatch experiment-station bill; which was ordered to lie on the table.

Mr. COCKRELL. I present resolutions of the Albuquerque Board of Trade of New Mexico, setting forth the uncertainty of title to the lands in that Territory, representing that it is of the most vital importance to the Territory that some Congressional action should be speedily had which will relieve the present distressing state of affairs, and indorsing the bill introduced in the House of Representatives by Antonio Joseph, the Delegate from that Territory, which was passed by the House, believing that it is calculated to settle the titles. At the same time they urge that if that bill cannot be passed, then any other proposed legislation which may be more agreeable to Congress and which will clear the titles to the land in that Territory by any means short of confiscation will be preferable to the present state of affairs. They therefore urge that Congress at this session shall take some action for the purpose of adjusting those land claims.

I believe the bill has already been reported, and I ask that the resolutions be received and laid on the table, hoping that speedy action will be taken upon the bill. I call the attention of the Senator from North Carolina [Mr. RANSOM], as well as the Senator from Vermont [Mr. EDMUNDS], who are members of the Committee on Private Land Claims, to this subject.

Mr. PLUMB. I understand that the Senator from North Carolina reported not the bill which the Senator desires to have passed, but another one.

Mr. COCKRELL. I understand he reported the bill which has heretofore passed the Senate as a substitute for the House bill, striking out the House bill and inserting. The people of New Mexico want legislation which will settle these titles, and if they cannot get the Antonio Joseph bill, they want some other one that will settle the titles, and at the same time not confiscate their property.

Mr. PLUMB. Perhaps the Senate bill will settle the titles and settle them at the same time.

Mr. EDMUNDS. I differ with the Senator about that.

Mr. RANSOM. The Senator from Missouri and the Senator from Kansas have stated with entire correctness that the bill was reported to the Senate at the last session. The bill introduced by the Senator from Vermont [Mr. EDMUNDS] was reported as a substitute for the House bill and is now on the Calendar.

The PRESIDENT *pro tempore*. The resolutions will be laid on the table.

Mr. DAWES presented the petition of P. M. Neal and others, of Lynn, Mass., praying for the enactment of an international arbitration act; which was referred to the Committee on Foreign Relations.

He also presented the petition of Joseph W. Greene and others, of Easthampton, Mass., praying for a reduction of internal taxes; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (S. 1982) for the relief of Charles Murphy, reported it without amendment, and submitted a report thereon.

Mr. DOLPH, from the Committee on Public Lands, to whom was referred the bill (S. 3068) for the relief of certain settlers upon the school lands of Washington Territory, reported it with amendments.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 2410) for the relief of W. H. Tibbits, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2068) for the relief of William H. Simmons, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 3144) for the relief of James Taylor, asked to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary.

Mr. EDMUNDS. Before that change of reference is made I should like my friend from Kansas to state what is the subject.

Mr. PLUMB. The subject of it is the transfer of some lands in the

State of North Carolina to the United States. They are not public lands in any sense, as I understand, and consequently the Committee on Public Lands thought they had no jurisdiction over the subject.

The PRESIDENT *pro tempore*. If there be no objection the Committee on Public Lands will be discharged, and the bill will be referred to the Committee on the Judiciary.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3055) for the extension and repair of the public buildings of Newark, N. J., reported it without amendment.

BRIDGEPORT, CONN.

Mr. McMILLAN. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 8923) to amend an act in relation to the immediate transportation of dutiable goods, and for other purposes, approved June 10, 1880, to report it without amendment; and I ask for its present consideration. It will take no time.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. Let it be read for information.

The Chief Clerk read the bill as follows:

Be it enacted, &c., That section 7 of the general statutes of the United States, chapter 190, approved June 10, 1880, being "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes" (Stats. at Large, vol. 21, p. 174), be, and the same is hereby, amended by inserting in line 4 of said section 7, after the word "Middletown," the word "Bridgeport;" so that the privileges of immediate transportation of dutiable goods extended by said act to certain cities therein named shall be also extended to said Bridgeport, Conn.

Mr. EDMUNDS. There is a phrase there which needs amendment.

Mr. McMILLAN. The Senator from Connecticut [Mr. PLATT] will explain the bill.

Mr. EDMUNDS. It may go on, subject to objection, until I look at it for a minute.

The PRESIDENT *pro tempore*. Is there further morning business?

Mr. McMILLAN. This may go on, subject to objection.

Mr. PLATT. The Senator from Vermont does not object, I understand.

Mr. EDMUNDS. All I wish to call attention to is that the phraseology of the bill opens with "section 7 general statutes of the United States." There are not any such statutes of the United States. Then it proceeds properly to refer later on to "Statutes at Large, volume 21, page 174." I do not know whether the phrase "general statutes" there means "the Revised Statutes." If it does it ought to say so. If not, it ought to indicate the law of the United States referred to and not make use of that phrase, which is entirely misleading, for nobody knows what it means.

Mr. PLATT. Does the Senator think that the bill should be amended?

Mr. EDMUNDS. It ought to be, to be at all proper.

Mr. PLATT. Does not the Senator think it will accomplish its object as it now is?

Mr. EDMUNDS. Very likely.

Mr. PLATT. I think it is in the usual form.

Mr. EDMUNDS. I think not.

Mr. McMILLAN. It is a House bill, and it would be necessary to send it back to the other House if an amendment were made.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE PENSION BILLS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 306) granting a pension to George Schneider;
A bill (H. R. 4535) granting a pension to Adelisa Perry;
A bill (H R. 4745) granting a pension to William S. Bewley;
A bill (H. R. 6027) granting a pension to William McFadden;
A bill (H. R. 7732) for the relief of Franz Rossrucker;
A bill (H. R. 8463) granting a pension to Elizabeth M. J. Meagher;
A bill (H. R. 8720) granting a pension to William B. Eve;
A bill (H. R. 8818) granting a pension to Frederick Dierking;
A bill (H. R. 9401) granting an increase of pension to H. H. Dodd;
A bill (H. R. 10025) granting a pension to Clementine Hartinger;
A bill H. R. 10082) to increase the pension of Margaret R. Jones;
A bill (H. R. 10093) for the relief of Elizabeth Glassbrener and Mary Glassbrener;
A bill (H. R. 10103) granting a pension to Minerva Abbey; and
A bill (H. R. 10104) granting a pension to Caroline L. Shedd.

The above fourteen bills were severally read twice by their titles, and referred to the Committee on Pensions.

BILLS INTRODUCED.

Mr. PLUMB introduced a bill (S. 3192) to remove the charge of desertion against Alfred G. Romine; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BLAIR (by request) introduced a bill (S. 3193) for the relief of Warren Hall; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALLISON introduced a bill (S. 3194) to remove the charge of desertion from the military record of Charles D. Bradley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MILLER introduced a bill (S. 3195) granting a pension to Sarah E. Beeman; which was read twice by its title, and, with the accompanying papers, referrred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3196) to remove the charge of desertion from the record of Richard H. Keith; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SPOONER introduced a bill (S. 3197) granting a pension to Ludwig Sommerfield; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BUTLER (by request) introduced a bill (S. 3198) to provide for the construction of a steam cruising vessel of war of 20 knots speed; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. BOWEN introduced a bill (S. 3199) to amend section 2325 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Mines and Mining.

Mr. MITCHELL, of Oregon (by request), introduced a bill (S. 3200) authorizing the city of Pomeroy, in Washington Territory, to levy and collect special taxes for the purpose of securing a water supply for said city; which was read twice by its title, and referred to the Committee on Territories.

Mr. SHERMAN introduced a bill (S. 3201) to remove the charge of desertion from the military record of James Kilpatrick; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HALE introduced a bill (S. 3202) to amend section 1121 of the Revised Statutes relating to the appointment of chaplains; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. INGALLS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (S. 3203) to define the routes of steam-railroads in the District of Columbia, and for other purposes;

A bill (S. 3204) to regulate the construction of street-railroads and of the pavements between and adjacent thereto within the District of Columbia, and for other purposes;

A bill (S. 3205) to regulate the erection and operation of elevators within the District of Columbia, and for other purposes; and

A bill (S. 3206) to regulate the subdivisions of land within the District of Columbia.

AMENDMENTS TO A BILL.

Mr. BOWEN submitted amendments intended to be proposed by him to the bill (S. 3184) granting the Utah Midland Railway Company the right of way through the Uncompahgre and Unitah reservations in the Territory of Utah, and for other purposes; which were ordered to lie on the table, and be printed.

LAWS RELATING TO BRIDGES.

Mr. McMILLAN submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed the usual number of copies of "a compilation of the laws of the United States relating to the construction of bridges over the navigable waters," including the laws of the second session of the Forty-ninth Congress; and that there be printed, in addition to the usual number, 1,000 copies for the use of the War Department, 1,000 copies for the use of the Senate, and 2,000 copies for the use of the House of Representatives; said compilation to be printed under the direction of the Secretary of War.

RIVER AND HARBOR ACTS.

Mr. McMILLAN submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed the usual number of copies of "a compilation of the laws of the United States relating to the improvement of rivers and harbors," including the laws of the second session of the Forty-ninth Congress; and that there be printed, in addition to said usual number, 1,000 copies for the use of the War Department, 1,000 copies for the use of the Senate, and 2,000 copies for the use of the House of Representatives; said compilation to be printed under the direction of the Secretary of War.

ADDITIONAL CLERK TO COMMITTEE ON COMMERCE.

Mr. McMILLAN. On a previous day of the session a resolution was passed directing the Committee on Commerce to prepare a report in regard to the river and harbor bill when it shall have been acted upon by the committee. In pursuance of that resolution I now offer a resoluton which I ask may be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution was read, as follows:

Resolved, That there be an additional clerk for the Committee on Commerce for the remainder of the session, at a salary of $8 per day; and that the Secretary of the Senate be, and he is hereby, authorized and directed to pay the said salary out of the appropriation for miscellaneous items of the contingent fund of the Senate.

Mr. McMILLAN. It is similar to the resolution which was passed at the last session.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

ORDER OF BUSINESS.

Mr. CALL. I call up the resolution which was before the Senate for discussion last Friday, and ask for a vote of the Senate upon it.

Mr. WILSON, of Iowa. I desire to ask unanimous consent to take up for present consideration the bill (S. 3128) concerning post-offices of the third class. It is a short bill, and I do not think it will excite any discussion. It is desired that it shall be passed in order to prevent what the Department calls the see-sawing of post-offices from one class to another. A very brief explanation is all that will be necessary.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions," the Senator from Florida [Mr. CALL] moves that the Senate proceed to the consideration of the resolution submitted by him instructing the Attorney-General to bring suit for an injunction against the Florida Railway and Navigation Company.

Mr. WILSON, of Iowa. I ask the Senator from Florida to yield to me for a few minutes so as to dispose of this bill, if I can get consent to take it up.

Mr. CALL. I have no objection if it will not take any discussion.

Mr. WILSON, of Iowa. It will not, I think.

The PRESIDENT *pro tempore*. Pending the motion of the Senator from Florida, the Senator from Iowa asks the unanimous consent of the Senate to proceed to the consideration of the bill (S. 3128) concerning post-offices of the third class.

Mr. EDMUNDS. I gave notice on Friday that I would immediately after the morning business this morning ask the Senate to consider the fisheries bill, which was reported from the Committee on Foreign Relations, and if this is to take up any time——

Mr. WILSON, of Iowa. It will not consume any time, I think. If it should indicate that, I shall withdraw the request.

Mr. HARRIS. I do not rise for the purpose of objecting to the request of the Senator from Iowa upon this occasion, but I do want to say that if we would devote what remains of the morning hour until 2 o'clock to the Calendar under Rule VIII we might in a very short time go through the Calendar and all of us would have an equal chance to have our matters considered. After this morning, so far as one objection will go, I shall object to taking any bill up out of its order during that hour, and if I can defeat its being taken up by voting against it I give notice that I shall do both from this time on until we have an opportunity to go through the Calendar under Rule VIII.

THIRD-CLASS POST-OFFICES.

The PRESIDENT *pro tempore*. The Senator from Iowa asks the unanimous consent of the Senate to proceed to the consideration of the bill (S. 3128) concerning post-offices of the third class.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that no post-office of the third class shall be changed into the fourth class if it appears by the returns of the Auditor of the Treasury for the Post-Office Department that the gross receipts of such office amount for the year to $1,900, or that the box-rents and commissions constituting the postmaster's compensation amount to $1,000 or more for the year.

Mr. WILSON, of Iowa. In explanation of the bill, I will read a paragraph from the last report of the Postmaster-General. He says:

> The statute prescribing when a fourth-class office shall become Presidential requires an additional modifying condition, in order to prevent what may be termed the see-sawing of an office between the two classes. As it now stands the Auditor must report, and the Department assign to the third class, some offices during a fiscal year which at the end of it must be relegated to the fourth class; with liability to a renewal of the transmigration in the following year. As a new appointment is legally necessary at each such change, requiring once confirmation by the Senate, and involving each time a new bond by the postmaster, the inconvenience then becomes vexatious. Two such cases happened during the last year. The difficulty arises because the box-rents and commissions to a fourth-class postmaster will often yield him over $250 per quarter during the year, although his gross receipts do not sum up $1,900 for the year; and the office cannot remain in the third class, under the statute, unless the latter be also the case.
>
> The insertion in the first proviso of the second section of the act of March 3, 1883 (22 Statutes, 602) of an additional condition upon the Auditor's reporting a case, to the effect that the returns shall show gross receipts for the four preceding quarters of $1,900 or more, would apparently relieve the defect in the law. Nor would it impair the postmaster's income, because the Auditor must continue to allow him in the case supposed the same compensation while such an office remains in the fourth class, which would be fixed as his salary upon declaring the office Presidential.

With that explanation I am willing to take the sense of the Senate upon the bill. It seems to me entirely proper and necessary in order to avoid the difficulty pointed out by the Postmaster-General.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FLORIDA LAND FORFEITURE.

The PRESIDENT *pro tempore*. The Senator from Florida [Mr. CALL] moves that the Senate proceed to the consideration of the resolution submitted by him instructing the Attorney-General to bring suit for an injunction against the Florida Railway and Navigation Company.

Mr. EDMUNDS. It is so near 1 o'clock that I do not know but that the Senator will be willing to allow us to have unanimous consent to go on with the fisheries bill now.

Mr. CALL. I shall occupy but a very few moments. I merely want a vote on the resolution.

The PRESIDENT *pro tempore*. The question is upon referring the resolution to the Committee on Public Lands.

Mr. CALL. I hope that reference will not be made. I believe there is no objection on the part of any member of the committee except the Senator from Alabama [Mr. MORGAN] to the passage of the resolution as it is amended, and I hope there will be no opposition to it.

Mr. MORGAN. I believe I have the floor on the motion to refer.

The PRESIDENT *pro tempore*. The Senator from Alabama is entitled to the floor.

Mr. MORGAN. I would very much prefer, inasmuch as the Senator from Vermont has suggested his desire to bring up the fisheries bill, which is a matter of great public importance, that this question should go over until to-morrow; but I will proceed with it, if the Senator from Florida insists on occupping the next fifteen minutes in considering the matter.

Mr. CALL. If the Senator from Alabama proposes to speak until the morning hour expires, and not let us have a vote upon the resolution, I will allow it to go over until to-morrow morning in the morning hour; though it is very important, and I think it is only fair to me that a vote should be taken upon it. However, I have no power, of course, over it, and if he proposes to occupy the floor, I shall allow it to go over until to-morrow.

Mr. MORGAN. I shall not speak on the resolution, when it comes up properly, a moment longer than is necessary to place the Senate in possession of the facts in regard to it which I consider to be important. I have no desire to delay it at all; not the slightest; on the contrary, rather to facilitate action upon it; but I do not think that I could state what is incumbent on me, as to the facts in regard to the resolution prior to its passage, under fifteen minutes.

Mr. CALL. Then I ask that it may go over.

The PRESIDENT *pro tempore*. The resolution of the Senator from Florida retains its place on the Calendar, subject to a motion at any time.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. 3186) to declare a forfeiture of lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company, to confirm title to certain lands, and for other purposes.

The message also announced that the House had passed a bill (H. R. 9854) to remove the political disabilities of S. Barron, of Virginia; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

A bill (S. 2098) for the relief of Rosella E. Hibbert; and

A bill (S. 2301) granting a pension to Lucy E. Anderson.

The message also announced that the House had passed the following bills:

A bill (S. 2220) granting a pension to James G. Mathes;

A bill (S. 2335) for the relief of the heirs of Malitty Rose;

A bill (S. 2369) granting an increase of pension to William H. H. Price;

A bill (S. 2721) to remove the political disabilities of John K. Mitchell; and

A bill (S. 2848) for the relief of Benjamin P. Loyall, of the State of Virginia.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President *pro tempore:*

A bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon;

A bill (S. 2589) authorizing the construction of a bridge over the Mississippi River at Saint Louis, Mo.; and

A bill (H. R. 3186) to declare a forfeiture of lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company, to confirm title to certain lands, and for other purposes.

FISHING RIGHTS OF THE UNITED STATES.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of the bill (S. 3173) to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels, in certain cases, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which is as follows:

Be it enacted, &c., That whenever the President of the United States shall be satisfied that American fishing vessels or American fishermen, visiting or being in the waters or at any ports or places of the British dominions of North America, are or then lately have been denied or abridged in the enjoyment of any rights secured to them by treaty or law, or are or then lately have been unjustly vexed or harassed in the enjoyment of such rights, or subjected to unreasonable restrictions, regulations, or requirements in respect of such rights; or whenever the President of the United States shall be satisfied that any such fishing vessels or fishermen, having a permit under the laws of the United States to touch and trade at any port or ports, place or places, in the British dominions of North America, are or then lately have been denied the privilege of entering such port or ports, place or places in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favored nation, or shall be unjustly vexed or harassed in respect thereof, or shall be prevented from purchasing such supplies as may there be lawfully sold to trading vessels of the most favored nation; or whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters or crews, so arriving at or being in such British waters or ports or places of the British dominions of North America, are or then lately have been denied any of the privileges therein accorded to the vessels, their masters or crews, of the most favored nation, or unjustly vexed or harassed in respect of the same, then, and in either or all of such cases, it shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of or within the United States (with such exceptions in regard to vessels in distress, stress of weather, or needing supplies as to the President shall seem proper), whether such vessels shall have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere; and also, if he think proper, to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States. The President may, in his discretion, apply such proclamation to any part or to all of the foregoing-named subjects, and may qualify, limit, and renew such proclamation from time to time as he may deem necessary to the full and just execution of the purposes of this act. Every violation of any such proclamation, or any part thereof, is hereby declared illegal, and all vessels and goods so coming or being within the waters, ports, or places of the United States contrary to such proclamation shall be forfeited to the United States; and such forfeiture shall be enforced and proceeded upon in the same manner and with the same effect as in the case of vessels or goods whose importation or coming to or being in the waters or ports of the United States contrary to law may now be enforced and proceeded upon. Every person who shall violate any of the provisions of this act, or such proclamation of the President made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the court.

Mr. FRYE. I desire to make a suggestion to the Senator from Vermont which has just occurred to me on reading this bill.

In line 41 are the words "and also, if he think proper." Of course the President would not make use of that next clause if he did not think proper, but the language seems to me to suggest that it might be the last resort of the President, when, in my judgment, that provision will be the first resort, and probably the only one under present circumstances; that is, to forbid the entry of fish of any kind from Canada into the United States. I ask the Senator if he has any objection to striking out the words "if he think proper."

Mr. EDMUNDS. Not the least. The bill means exactly the same without those words. The whole thing is left to the President's discretion in the contingency named.

Mr. FRYE. I see it is.

Mr. EDMUNDS. And to apply his denial of entry, &c., to any one or all of the parts of these various categories. The meaning would be precisely the same whether that phrase is in or out.

Mr. FRYE. Then I move to strike out the words "if he think proper" in line 41.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maine [Mr. FRYE.]

The amendment was agreed to.

Mr. HOAR. In lines 20 and 21 of this bill, and also in lines 29 and 30, after speaking of the privilege of entering port, "privileges therein accorded to the vessels, their masters or crews of the most favored nation," the phrase is added "or unjustly vexed or harassed in respect thereof." It seems to me that phraseology is a little vague. The description is unjustly vexed or harassed in respect of the privileges of entering, and so forth. In saying that it is a little vague, and I must admit that it is as explicit as the nature of the case will admit, I do not mean to criticise the skill with which the bill is drawn; but it has occurred to me that it might be well to add after the word "thereof" in line 21, and also after the same word in line 30, this phrase:

Or unjustly vexed or harassed therein by the authorities thereof.

So that you are not going to attribute a particular motive. If the legal authorities of the place are in the habit of an unjust vexation or harassing of our vessels, we are not bound to say what particular motive they may have in mind.

Mr. EDMUNDS. This phraseology was adopted after a careful study by the committee of the precise situation, and was intended to apply, and the committee thinks it does apply, just as it stands now, to the very condition of things to which the Senator from Massachusetts refers. The privilege of entering by American fishing vessels into the ports of the British Dominions of North America for certain purposes is secured by treaty. The privilege of entering otherwise depends upon the laws in force in the British Dominions of North America. There is no treaty with Great Britain upon the subject other than the first category of the bill, and therefore "unjustly vexed or harassed in respect thereof" is in respect of their coming into those ports, if they come in, if they are denied or harassed in their effort to come in.

Mr. HOAR. What does "thereof" refer to in your construction?

Mr. EDMUNDS. It refers both to their coming in and to their treatment after they get in, and their being refused to come in at all by unjust and unreasonable and unfair regulations. So we thought, after the most careful consideration we could give to it, that the phraseology we had adopted, taking it consecutively, step by step, would cover every contingency of unfair treatment whether within a law or without a law, if the law were perverted and enforced in an ungenerous and inhospitable spirit, taking advantage of little things, and then putting the process after those little things had been taken advantage of in such a way that the poor fishermen or the poor trader could not get bail in time to save his vessel from forfeiture or anything of that kind, and the President of the United States should endeavor reciprocally to persuade the Dominion authorities from doing that sort of thing, so that on that point as far as my guarantee will go I will warrant the strength of the bill as it stands.

Mr. HOAR. Last winter the committee reported a measure which, it seemed to me then, was totally inadequate and would lead to the trouble which we have had during the present summer—a provision merely making a reciprocal denial of trade in the particular thing. I thought then that the bill was insufficient, and made my opinion known in the proper quarter, but I did not want to interfere in so delicate a matter with the matured judgment of a committee.

I suppose the very good answer to the suggestion made last year was that the public sentiment of the whole country had not been aroused enough to the spirit and character of the Canadian treatment of our fishing vessels to make it sure that they would be at that time prepared to authorize any more stringent retaliatory measures. So I do not question the wisdom with which that bill was drawn. But as to this bill as it stands, while the warranty of the Senator from Vermont is good on a promissory note and many other things, the question whether his warranty will be entirely sufficient as to what the President of the United States may deem himself authorized to do under this bill is another question.

Now, suppose a fishing vessel enters a Canadian port, and therein is subjected to petty annoyances—to a seizure on a mere pretext. It may be said, "Why, how do you know that that annoyance is with respect to the privilege of entry, that the harassment is with respect to its privilege of entering the port?" as said in the sixteenth or seventeenth line, or in respect to "the privileges therein accorded to the vessels, their masters or crews of the most favored nation?" There is nothing to make the particular case one which has anything to do with the privileges attached to other nations. It is simply a vexatious suit or seizure.

It seems to me that the bill would be much safer—and I do not see what objection any member of the committee can have to the amendment—if it contained the general phraseology "if any fishing vessel be unjustly vexed or harassed in said port by the authorities thereof;" that covers every possible case of a malicious treatment under the pretended authority of law by the persons intrusted by the Canadian Dominion with the execution of their laws. I do not understand that the Senator from Vermont suggests any objection to that phrase. What I propose is to add, after the words "the same," the words "or unjustly vexed or harassed therein by the authorities thereof," or "the legal authorities thereof."

Mr. INGALLS. Mr. President, the differences between the United States, Her Majesty's Government, and the Dominion of Canada, touching the fisheries, must ultimately be settled either by negotiations or by war. This measure proposed by the Committee on Foreign Relations is distinctly, as I understand, one of retaliation. It is an eye for an eye, a tooth for a tooth, a fish for a fish, an insult for an insult, and a wrong for a wrong; and before we are called upon to vote it is important that the Senate should be advised whether the bill is intended to be pacific or hostile, whether it is in effect an invitation to negotiation or practically a declaration of war, because there is no use of disguising the situation; there is a feeling of profound irritation between the two Governments, and the real party in interest besides the United States is Great Britain and not Canada. This condition of irritation is at any moment, if the present attitude is continued, liable to lead to discontent, which may ripen into exasperation, and then into open hostility.

Therefore it is of very great importance that, at the threshold, the outset, in the vestibule, we should understand whether this bill is intended as a pacific or a hostile measure.

I have read with some interest the report of the committee, which accompanies this bill, and I will call the attention of the Senate to a few statements on pages 9 and 10 and 15 of the document on our tables. After rehearsing the condition of this subject, as it appears by treaty and by statute and by practice between these two powers, the committee proceeds:

The committee thinks it is not too much to say that such a provision is—

The provision being the legislation enacted by the Dominion of Canada—

in view of the treaty and of the common principles of comity among nations, grossly in violation of rights secured by the treaty and of that friendly conduct of good neighborhood that should exist between civilized nations holding relations such as ought to exist between the United States and Her Majesty's dominions.

They continue:

The committee repeats its expression of the firm opinion that this legislation is in violation of the treaty of 1818, as it respects American fishing vessels, and in violation of the principles of comity and good neighborhood that ought to exist in respect of commercial intercourse or the coming of the vessels of either, having any commercial character, within the waters of the other. Had it been intended to harass and embarrass American fishing and other vessels, and to make it impracticable for them to enjoy their treaty and other common rights, such legislation would have been perfectly adapted to that end.

And on page 12:

It will be seen from the correspondence and papers submitted by the President, in his message on the subject, of the 8th of December last (Executive Document No. 19, Forty-ninth Congress, second session), and from the testimony taken by the committee, that some of these instances of seizure or detention, or of driving vessels away by threats, &c., were in clear violation of the treaty of 1818, and that others were on such slender and technical grounds, either as applied to fishing rights or commercial rights, as to make it impossible to believe that they were made with the large and just object of protecting substantial rights against real and substantial invasion, but must have been made either under the stimulus of the cupidity of the seizing officer, sharpened and made safe by the extraordinary legislation to which the committee has referred, &c., &c.

The committee therefore distinctly charge that the treatment by the Dominion of Canada and the Government of Great Britain of American fishermen has been specifically in violation of treaty rights guaranteed under the convention of 1818, and in addition to that, in violation of comity and the principles of international law.

Mr. President, countries have been deluged and inundated with blood upon less provocation than that. If I understand the declarations of this committee, they announce that the conduct of the Dominion and of Great Britain is sufficient to justify and to warrant a declaration of war on the part of the United States—an intentional violation of treaty rights, a violation not only of treaty rights guaranteed by repeated conventions, but a deliberate and voluntary purpose on the part of Canada and Her Majesty's Government to harass, annoy, and destroy American fishing interests, simply for the purpose either of private gain or of public advantage.

Now, Mr. President, with great deference to the judgment of the committee and to the action which it has taken, in the presence of such grave allegations and with full knowledge of the irritation and discontent existing between these two countries, to report a measure which merely authorizes the President of the United States to resort to acts of retaliation seems hardly commensurate with the gravity of the situation. Either these allegations are not consistent with and supported by the evidence, or else we are entering upon the dangerous course of authorizing the Executive in his discretion to continue in the same line of conduct and policy heretofore existing, and of which we complain, with the inevitable result at last of negotiating for the purpose of settling these questions or of going to war in defense of our rights under the treaty of 1818.

Let me read further from page 15 of the report:

It is recommended that the President of the United States be invested with the power, and that it be made his duty, whenever he shall be satisfied that unjust, unfair, or unfriendly conduct is practiced by the British Government in respect of our citizens and their property within the ports or waters of the British dominions in North America, to deny to the subjects of that Government in British North America and their property, or to any classes of them, such privileges in the waters and ports of the United States as he may think proper to name, and to suspend in respect of such vessels or classes of vessels or such property or classes of property of the subjects of such Government the right of entering or being brought within the waters or ports of the United States, so that he shall be able from time to time, as each emergency may arise, to preserve the intercourse between the United States and that Government in a state of fair equality.

I understand that in the bill we passed for the removal of certain burdens upon American shipping last summer, section 17 conferred substantially that power on the President of the United States in general terms, that he was authorized in respect of all nations with which we had commercial intercourse, in case there were unjust discriminations, improper burdens placed upon our commerce, restrictions upon our rights under the law of nations or treaty, to do practically what the provisions of this bill authorize him to do, and I therefore am unable to see in what manner, if the purpose of the committee is pacific, as I assume it to be, the existing power of the President would be fortified by the enactment of this bill. And it has the added difficulty connected with it, that while that legislation was general in its terms, applying to all those powers with which we have commercial relations, this authorizes him to select the Canadian Government, and the Government of Great Britain in connection therewith, for the purposes of his special exercise of this power, and practically places in his control the right to declare war against Great Britain; because it is unquestionably true that in the state of feeling which exists between these powers at this time, if this seizure and reprisal is to go on, if the only way in which we are to correct the evils of which we complain is by permitting forcible recrimination against British and Canadian commerce, there is no result except war. If the committee mean war, well and good; no course could lead more directly to that result.

But if they mean negotiation, if they intend as between two great powers like the United States and Her Majesty's Government or the Dominion of Canada, that a question of this magnitude and importance should be made the subject of settlement upon a fair basis of justice and equality to both parties, then they ought to say so.

My impression is that it will be a great deal better for the country at this time, it would be more in accordance with the dignity of the subject, with the morality that ought to prevail among nations as among men, to declare our conviction that the relations between these two powers are such as to require negotiation, and that there should be authority not only to issue letters of marque and reprisal against commerce, but also to select a commission whose powers should be to consider and, if possible, reach some basis of mutual understanding between Great Britain and this country and the Dominion of Canada about the fisheries.

Mr. FRYE. Mr. President, the Senator from Kansas [Mr. INGALLS] forgets that Canada is now playing the same rôle she has twice before; that she plays it for but one purpose, and that to secure negotiations and reciprocal treaties; he forgets that those reciprocal treaties turned to our disadvantage and to her advantage and were abrogated the moment the time arrived when notice could be given.

I believe it to be my duty to the people of this country and to the Senators who have not examined the reports in this case, to group the outrages which have been committed for the purpose of inducing negotiation and reciprocity, within the last six months, and then let the Senator from Kansas say whether or not he thinks we ought to resort at once to negotiation. I say to the Senator from Kansas that if the President of the United States will to-morrow take advantage of that clause in this bill which authorizes him to close our ports against Canadian fish, that will end all trouble between the United States and Canada; Canada will stop her outrages, and then if negotiations are desirable we can enter into them; if, then, a reciprocal treaty is desirable it can be made. It must not be demanded under fire; it will not be granted under the pressure of threats, insults, and outrages.

These cases occurring now and then, and partially reported in the newspapers, lose their effect. I wish to group them and hold the picture up to the country.

In the month of May, the David J. Adams, a fishing schooner, was taken into custody by the Canadian steamer Landeau, carried out of the Province of Nova Scotia, across the Bay of Fundy into the port of Saint John's, New Brunswick, and without explanation or hearing, on the following Monday, May 10, taken back again by an armed crew to Digby in Nova Scotia, where, in Digby, a paper, alleged to be a legal precept for the capture and detention of the vessel, was nailed to her mast in such manner as to prevent its contents being read. At the request of the captain of the David J. Adams and of the United States consul-general to be allowed to examine for the purpose of learning its contents, it was positively refused by the provincial officers in charge; nor was the United States consul-general nor the captain of the David J. Adams ever permitted to know what offense was charged against that vessel.

In the month of June the Martha A. Bradley, the Rattler, the Eliza Boynton, and the Pioneer of Gloucester, Mass., while desiring to pass through the Strait of Canso, a public thoroughfare, a highway for the vessels of all the nations of the earth, were warned to keep outside of an imaginary line drawn from a point 3 miles outside Canso Head to a point 3 miles outside the Saint Esprit on the Cape Briton coast, a distance of 40 miles. This line, for nearly its entire continuance, is distant 12 to 25 miles from the shore.

Again, in the month of June the schooner City Point, of Portland, Me., arrived at the port of Shelburne, Nova Scotia, landed two men, obtained water, and for obtaining water and landing two men was seized by the authorities and detained there.

In the provisions of the treaty of 1818 the United States reserved all the rights they ever had (and they were the same rights the Canadians had) on the southern coast of Newfoundland extending easterly to the Rameau Islands and all up the east shore of the Gulf of the St. Lawrence.

These cases show that the Canadians have made no distinctions, that they have seized our vessels for going within the three-mile line on the east shore of the Gulf of St. Lawrence, and the south shore of Newfoundland west of the Rameau Islands again and again without the slighest excuse whatever. They claim to stand by the treaty. What becomes of their claim in the presence of the facts?

Take, for instance, the Thomas F. Bayard. Last July the American fishing schooner Thomas F. Bayard, being within the specified limits which were reserved to the United States in the treaty of 1818, was notified by the officer of customs that the vessel would be seized if an attempt was made to obtain a supply of fish for bait or for any other purpose in connection with fishery operations within the limit of three marine miles of the coast of the Dominion or its provinces. To avoid the seizure of his vessel the master gave up his voyage and returned home.

Take the case of the Mascot. The American fishing schooner Mascot entered at Port Amherst, Magdalen Islands—the Magdalen Islands being reserved to the United States in the treaty of 1818—where she had a right to go, and her master was notified that his vessel would be seized if he attempted to obtain bait for fishing or to take a pilot.

THE GOLDEN HIND.

July 23, 1886, the Golden Hind, while four or five miles from land near the entrance to the Bay of Chaleurs, was boarded by an officer from the Canadian schooner E. F. Conrad and ordered not to enter the bay. This order was in writing. She was compelled to go to Tignish, Prince Edward Island, for water, at a great loss and injury to vessel and owner. These cases illustrate completely the sacred regard the Canadian officials have for the treaty of 1818.

THE SHILOH AND JULIA ELLEN.

The same month the Canadian cruiser Terror, as the American schooners Shiloh and Julia Ellen were entering the harbor of Liverpool, Nova Scotia, fired a gun across their bows to hasten their coming to, and placed an armed guard on board each vessel, who remained there until the vessels left the harbor, and that was when they were more than 4 miles from the shore and not under the slightest suspicion.

THE RATTLER.

The schooner Rattler, of Boston, fully laden and on the voyage home, sought shelter from stress of weather in Shelburne Harbor, Nova Scotia, was compelled to report at the custom-house and have a guard of armed men kept on board, there being no suspicion that she was intending to fish within the 3-mile shore line.

THE MOLLIE ADAMS.

Here is a most extraordinary case. In August the Mollie Adams, of Gloucester, on the homeward voyage, full-laden with fish from the fishing banks, was compelled to put into Port Mulgrave for water, and duly made report and entry at the custom-house. The water-tank had bursted on the voyage by reason of heavy weather. The captain asked leave to purchase two or three barrels supply of water for the crew on their homeward voyage of about 500 miles. The application was refused and his vessel threatened with seizure if barrels were so purchased. In consequence the vessel was compelled to put to sea with an insufficient supply of water, and in trying to make some other port to obtain a supply she encountered a severe gale which swept away a deck-load of fish and destroyed two seine-boats.

THE A. R. CRITTENDEN.

In July the schooner A. R. Crittenden, of Gloucester, on the homeward voyage from the open sea fishing-grounds, while passing through the Strait of Canso, stopped at Steep Creek for water. The customs officer at that place boarded the vessel and notified the captain that if he took in water his vessel would be seized. He was compelled to sail without obtaining the needed supply and to put his men on short allowance of water during the homeward voyage, notwithstanding, under the treaty of 1818, we have a right to take water there.

THE EVERETT STEELE.

In September, the Everett Steele, a fishing-vessel of Gloucester, Mass., was about to enter the harbor of Shelburne, Nova Scotia, to procure water and shelter during repairs. Captain Quigley, of the Canadian cutter Terror, boarded her, took her papers and retained them. Captain Forbes, of the Steele, entered at the custom-house. Captain Quigley refused to discharge the vessel, and detained her until the next day, when she could not sail because of a calm. By the delay her bait was spoiled, and the expected profits of her trip were lost.

THE LAURA SAYWARD.

In October the collector at Shelburne, Nova Scotia, refused to allow Captain Rose, of the steamer Laura Sayward, to buy sufficient food for himself and crew to take them home, and retained his papers unnecessarily, thus compelling him to put to sea with an inadequate supply of provisions.

THE JEANIE SEAVERNS.

In October Captain Tupper, of the schooner Jeanie Seaverns, of Gloucester, was prevented by Captain Quigley, of the Canadian cutter Terror, from landing to visit his relatives in Liverpool, Nova Scotia. His relatives were forbidden to go on board his vessel by Captain Quigley, and an armed guard was placed on board to insure that result, thus practically making him a prisoner on his own vessel.

THE MOLLIE ADAMS.

Capt. Solomon Jacobs, of the schooner Mollie Adams of Gloucester, when off Mal Peque, Prince Edward's Island, in a heavy blow, fell in with the Canadian schooner Neskelita in distress. He took her crew on board the Adams about 12 o'clock at night. There were seventeen men in all, and he took care of them, fed them for three days. The Neskelita became a total wreck, but the Adams saved some of the material. Captain Jacobs then ran into the harbor of Mal Peque. The captain of the Canadian cruiser Critic, which was lying there, boarded the Adams and was informed of the facts of the wreck and the condition of the crew. He refused to lend any assistance whatever. Captain Jacobs asked for permission to land some of the wreck material which he had on board, but was refused by the captain of the cruiser, who told him that he could put the saved material on board of a Nova Scotia vessel if he went outside of the three-mile limit, but would not be allowed to land it himself.

None of the people on shore would take the wrecked crew. Remember this was a Canadian vessel that was wrecked, and none of the people on shore would take the wrecked crew unless Captain Jacobs would be responsible for their board. Captain Jacobs finally gave the crew $60, enough to pay their passage home on the cars, and also gave them provisions to last during the journey. There being but 14 feet of water over the bar at Mal Peque and his vessel drawing 14 feet, it was impossible for Captain Jacobs to get out for some days. He lost over ten days in the best part of the fishing season in disposing of the Neskelita's crew, and having so many men on his hands ran short of provisions. He put into Port Medway and asked permission of the collector to purchase half a barrel of flour or enough provisions to take his vessel and crew home. This was absolutely refused, and the collector threatened to seize the vessel if he purchased anything whatever. Captain Jacobs was obliged to leave without obtaining anything, and went home, a distance of over 300 miles, on short rations, the last day before arriving being absolutely without provisions.

On another occasion, at Port Hood, Captain Jacobs, being sick, sent his brother on shore to report the vessel, which he did, and paid the fee of 25 cents. The captain was afterward notified that the report was not good and that the vessel would be liable to penalty for unauthorized landing of her crew unless the captain appeared in person, which, although sick, he was compelled to do, and the fee was thereupon levied a second time.

Now, I say, Mr. President, that you may search the annals of all history, you may even go to that of the Fiji Islands, and you can not find a case, which, for brutality and inhumanity, exceeds that. An American vessel saved a Canadian crew, seventeen of them, from death, took them on board, the master of the vessel thereby breaking up his fishing voyage, entirely fed them until his food was exhausted, carried them into the Canadian port, found there no mercy nor hospitality for their own suffering shipwrecked fellow-citizens, gave them $60 out of his own pocket to convey them to their homes and then asked leave to buy a half-barrel of flour that he might feed his own men on the voyage home, and collector after collector denied to him the right to do so, threatened seizure if he did purchase bread, and these men who saved the lives of seventeen Canadians went one whole day without food because forsooth they had simply been God's messengers to wrecked and suffering men. This took place in the nineteenth century in a civilized and Christian country! The Canadian people are not responsible for it, but the government officials are.

Does not this case demand law rather than negotiation?

THE MARION GRIMES.

In October the American vessel Marion Grimes, of Gloucester, Mass., Capt. Alexander Landry, arrived at the outer harbor of Shelburne, Nova Scotia, about midnight, in a severe storm, her sole object in going there being shelter. She remained at the spot where she entered, no one leaving her, until about 6 o'clock the next morning, when she hoisted sail to put to sea. She was scarcely under way before she was arrested and boarded by a boat's crew from the Canadian schooner Terror. Captain Landry was compelled to proceed to Shelburne, about 7 miles distant, to report to the collector.

Let me say right here that no vessel ever came on to the American coast or entered an American harbor from Canada or anywhere else in a storm and was compelled to report. Any foreign vessel may seek our ports, lie there one, two, or three days in shelter from a storm, and then put to sea when the storm is over. This captain anchored at 12 o'clock at night in the outside harbor, lay over until 6 in the morning, then was boarded by the crew of the Terror, and compelled to go 7 miles to the port of Shelburne in order to enter. When the report was made he was informed that he was fined $400 for not reporting the previous night—fined $400 for not doing that which he could not by possibility do. There was no custom-house officer to be found. The fine, however, being imposed through the urgency of Captain Quigley of the Terror, Captain Landry was informed that he would be detained at the port of Shelburne until a deposit to meet the fine was made.

After consultation with the United States consular agent at Shelburne, Mr. Phelan, the United States consul-general at Halifax was telegraphed the facts. Mr. Phelan at once telegraphed to the authorities at Ottawa, setting out the impossibility of Captain Landry's reporting while he was in the outer harbor, and asking that the fine required to release the vessel be remitted and that she be allowed to clear. He was told in reply that the minister declined to reduce or remit the fine, but that the deposit might be made at Halifax. Mr. Phelan at once deposited the $400 at Halifax and telegraphed Captain Landry that he was at liberty to go to sea. Upon attempting to do so Captain Landry was again stopped by Captain Quigley, who gave as a reason for his action that Landry had hoisted the American flag on board while the vessel was in custody of Canadian officials.

The facts were that Captain Landry, while the vessel was in custody, hoisted the American flag, as he had a right to do. Captain Quigley ordered it hauled down, and the order was obeyed. About an hour afterward the flag was again hoisted, whereupon Captain Quigley boarded the vessel with an armed crew and lowered the flag himself. The vessel was finally released under orders of the customs department, being compelled to pay $8 cost in addition to the deposit of $400. The vessel was detained four days, during which time the captain had to

keep the crew of twelve men at his own expense. She had purchased a full supply of bait, which was entirely spoiled by the detention. All this under pretense that this man was violating the terms of the treaty of 1818!

THE JENNIE AND JULIA.

Captain Farris, of the schooner Jennie and Julia, a registered vessel, cleared from Eastport, Me., taking out a register, a crew-list, and all the papers necessary for a foreign voyage. This was not a fishing vessel; it was a registered vessel of the United States, and entitled to go into the ports of any nation to buy whatever was not forbidden should be bought and sold, and this vessel was warned off. The captain showed his register to the collector of customs, gave him the papers, and still he compelled the vessel to leave his port, which under the laws of the United States and Great Britain was as open to this vessel as it was to any Canadian vessel.

THE JAMES A. GARFIELD.

The schooner James A. Garfield, with permit to touch and trade, was not allowed by collectors at various ports to purchase anything. The captain was notified that his vessel would be seized whenever there was an opportunity, because he had purchased bait some time before, a charge which he denied.

THE ANNA H. JORDAN.

The captain of the Anna H. Jordan wished to purchase bait at St. Andrews, New Brunswick. He had a permit to touch and trade. Being afraid of trouble, he anchored his vessel outside the 3-mile limit, and went ashore in a dory to enter his vessel at the custom-house. The collector refused to allow him to enter his vessel and ordered him to leave forthwith, saying that he would have nothing to do with his vessel.

THE NOVELTY.

This is a mackerel steamer, Captain Joyce. She was off the Canadian waters fishing. Her coal getting short, she put into a Canadian port to purchase; the officer refused to allow her; the captain appealed to the terms of the treaty; the reply was: "That says 'wood,' not coal." They threatened seizure, and the captain steamed for home, giving up his trip.

Mr. President, all these cases have been reported to the ministry of Great Britain by our Secretary of State, and in nearly every instance this reply has been received:

WASHINGTON, *May* 10, 1886. [Received May 12.]

SIR: I have the honor to acknowledge the receipt of your note of this day's date, and to inform you that I have lost no time in transmitting copy of this important communication to Her Majesty's Government.

I have, &c.,

L. S. SACKVILLE WEST.

So that Her Majesty's Government have had every case that I now have spoken of, and knows well the utter inhumanity of the acts of these colonial officials, knows that these outrages have been in violation of law as well as of good neighborhood.

But this does not include all of the cases. There are many which have not yet been reported to the Secretary of State, or, if they have, are not included in the report which he sent to Congress a month or two ago. I think the *Highland Light* may be in this report and overlooked by me. The Highland Light was seized for fishing, tried, condemned, sold, and to-day is a Canadian cruiser. I understand that she caught some fish within the 3-mile shore line as breakfast for her crew.

THE CAROLINE VOUGHT.

This case has been called to my attention to-day. She is a fishing schooner from Boothbay, Maine, Capt. Charles S. Reid. In August, being on mackerel grounds, short of water, she ran into the port of Paspebiac, New Brunswick. A government steamer or cruiser was there. Captain Reid, ordered on board, stated his necessities; was directed to leave at once on penalty of seizure; sailed; a storm coming up, caught rainwater in the sails for his crew.

Now take another case, made known to me a few days since. The captain of an American fishing vessel, whose name I do not recall, reported that he was driven before a heavy gale on the Canadian coast; that he was seeking shelter; that he lost his giant purse-seine overboard in the storm; that he made harbor; that when he had been there about an hour a Canadian vessel came in, seeking shelter from the same storm; that her captain notified him he had picked up his seine. These seines cost from $1,000 to $1,500, and if they are lost the voyage is lost; it is the end of it; and it was exceedingly important to the American captain that he should recover it.

The Canadian captain said, "Certainly you can have it, but pay me $25 salvage." The American captain was willing to pay, but the collector of the port came forward, told him if he paid that man for the seine he would seize his vessel, and it should be forfeited; then ordered him to have no more communication with the Canadian captain under any circumstances; if he did he would seize his vessel. The American captain was obliged to put to sea without his seine, go home, and break up his voyage.

Now, Mr. President, there are probably unreported half as many more cases.

Mr. President, is it not about time to do something? It is about time, I should think. I made a speech on this question at the last session of Congress, and very many Senators indulged in the idea that my words were extravagant as to fact and as to prediction. But this investigation made by this committee and the report now before us show clearly and distinctly that there was not a word of exaggeration in the whole of it. They justify my speech completely.

There were many Senators then who believed, as I did, that Great Britain, one of the foremost nations in progress and civilization in the whole world, when she came to know the facts, would not permit these things to be done by her colony. It was stated here by Senator after Senator, "She does not know all the facts." Now she knows them all. She has them all reported to her by our Secretary of State, and what has she done? Awhile ago, at Ottawa, they enacted a law, an extract from which I ask the Secretary to read.

The Secretary read as follows:

3. Any one of the officers or persons hereinbefore mentioned may bring any ship, vessel, or boat being within any harbor in Canada, or hovering (in British waters) within three marine miles of any of the coasts, bays, creeks, or harbors in Canada, into port, and search her cargo, and may also examine the master upon oath touching the cargo and voyage; and if the master or person in command does not truly answer the question put to him in such examination, he shall incur a penalty of $400; and if such ship, vessel, or boat is foreign, or not navigated according to the laws of the United Kingdom, or of Canada, and has been found fishing, or preparing to fish, or to have been fishing (in British waters) within three marine miles of any of the coasts, bays, creeks, or harbors of Canada, not included within the abovementioned limits, without a license, or after the expiration of the term named in the last license granted to such ship, vessel, or boat, under the first section of this act, or has entered such waters for any purpose not permitted by treaty or convention, or by any law of the United Kingdom or of Canada, for the time being in force, such ship, vessel, or boat, and the tackle, rigging, apparel, furniture, stores, and cargo thereof shall be forfeited.

Mr. FRYE. I say that law was passed some time ago by the Canadian Parliament.

Mr. INGALLS. Approved by the Queen of Great Britain?

Mr. FRYE. And after all this information about these vessels and these outrages had been conveyed to the Queen of Great Britain or her ministers, two months after the most of them had been, the Queen approved that law. What is the law?

Mr. VEST. I do not want to interrupt the Senator, but I see from the body of his remarks that he speaks of the hauling down of the American flag by a Canadian custom-house officer. The Senator certainly does not want to leave the impression that the Government of Great Britain has authorized that.

Mr. INGALLS. We do not hear the Senator from Missouri.

Mr. VEST. I say the Senator from Maine does not certainly mean to leave the impression by what he has said here that the Government of Great Britain indorsed that outrage?

Mr. FRYE. The flag was hauled down by Captain Quigley, of the Terror, taking armed men on board with him to do it.

Mr. VEST. And the British Government afterwards apologized for and disavowed that act.

Mr. FRYE. But that whole statement of fact was communicated to the British authorities, and I have yet to learn that any censure was ever visited upon Captain Quigley, or any punishment inflicted upon him.

Mr. VEST. I refer the Senator, who is a member of the Committee on Foreign Relations, to pages 124 and 125 of the message of the President of the United States transmitting the letter of the Secretary of State, accompanied by the correspondence relating to the rights of American fishermen in British North American waters, and he will find this note from Mr. West to Mr. Bayard, in response to one from Mr. Bayard calling his attention to this outrage and asking a prompt disavowal on the part of the British Government:

WASHINGTON, *December* 7, 1886.

SIR: I am instructed by the Earl of Iddesleigh to communicate to you the inclosed copy of a dispatch, with its inclosures, from the officer administering the Government of Canada, expressing the regret of the Dominion Government at the action of the captain of the Canadian cutter Terror in lowering the United States flag from the United States fishing schooner Marion Grimes, of Gloucester, Mass., while that vessel was under detention at Shelburne, Nova Scotia.

I have, &c.,

L. S. SACKVILLE WEST.

Then follows the dispatch:

ACTING-GOVERNOR LORD A. G. RUSSELL TO MR. STANHOPE.

HALIFAX, NOVA SCOTIA, *October* 27, 1886.

SIR: I have the honor to transmit herewith a copy of an approved minute of the privy council of Canada, expressing the regret of my Government at the action of the captain of the Canadian cutter Terror in lowering the United States flag from the United States fishing schooner Marion Grimes, of Gloucester, Mass., while that vessel was under detention at Shelburne, Nova Scotia, by the collector of customs at that port for an infraction of the customs regulations.

I have communicated a copy of this order in council to Her Majesty's minister at Washington.

I have, &c.,

A. G. RUSSELL, *General.*

That is a case to which I understand the Senator to refer. While the general case is bad enough, as a matter of history, there is no necessity for making it any worse than it really is.

Mr. FRYE. There may be a good deal more sentiment in the hauling down the American flag when the vessel was in the custody of the Canadian authorities or of Captain Quigley of the Terror, but there is more outrage and inhumanity in the refusal of those custom-house offi-

cers, under instructions, to sell a half-barrel of flour to the captain of a vessel who had saved seventeen of their men, and needed the flour to support his men on the way home. I admit that the circumstance to which the Senator has called my attention had escaped my memory, although I knew it before.

Captain Quigley, however, still commands the Terror, still annoys, insults, and harasses our fishermen.

Mr. VEST. I desire the Senator distinctly to understand that I do not wish to be put in the position of defending anything that has been done by the Canadian authorities. I agree with him, but I take it for granted that he wants only facts.

Mr. FRYE. Certainly.

Mr. EDMUNDS. May I ask if this expression of regret was accompanied by any reprimand to the officer who did the act, or by depriving him of his command, or anything of that sort, or is Captain Quigley still sailing the eastern seas and doing the same thing?

Mr. FRYE. He is still sailing the eastern seas.

Mr. VEST. Here is the dispatch, and it speaks for itself. It is hardly necessary for me to say that the Senator from Vermont needs no assistance in construing the words.

Mr. EDMUNDS. I was not calling my friend in question, but only calling attention to the fact that the most Her Majesty's Government did, so far as she has communicated to us, was to say she was sorry he had done it, but the man who did it is still carrying the Queen's commission so far as we know.

Mr. VEST. I did not read the whole of it. I took it for granted the committee were familiar with it. In what is called "Inclosure 2 in No. 57," on page 125, is this:

Report of a committee of the honorable the privy council for Canada, approved by his excellency the administrator of the Government in council on the 26th October, 1886.

On a report, dated the 14th October, 1886, from Hon. Mackenzie Bowell, for the minister of marine and fisheries, stating that on Monday, the 11th October instant, the United States fishing schooner Marion Grimes, of Gloucester, Mass., was under detention at Shelburne, Nova Scotia, by the collector of customs at that port for an infraction of the customs regulations; that while so detained, and under the surveillance of the Canadian Government cutter Terror, the captain of the Marion Grimes hoisted the United States flag.

The minister further states that it appears that Captain Quigley, of the Terror, considered such act as an intimation that there was an intention to rescue the vessel, and requested Captain Landry to take the flag down. This request was complied with. An hour later, however, the flag was again hoisted, and on Captain Landry being asked if his vessel had been released, and replying that she had not, Captain Quigley again requested that the flag be lowered. This was refused, when Captain Quigley himself lowered the flag, acting under the belief that while the Marion Grimes was in possession of the customs authorities, and until her case had been adjudicated upon, the vessel had no right to fly the United States flag.

The minister regrets that he—

This captain—

should have acted with undue zeal, although Captain Quigley may have been technically within his right while the vessel was in the custody of the law.

The committee advise that your excellency be moved to forward a copy of this minute, if approved, to the right honorable the secretary of state for the colonies and to Her Majesty's minister at Washington expressing the regret of the Canadian Government at the occurrence.

All of which is respectfully submitted for your excellency's approval.

JOHN J. McGEE,
Clerk Privy Council.

Mr. FRYE. I am obliged to the Senator from Missouri. I call the attention of the Senate again to this law, approved within one month after report by our Secretary of State had been made of all the cases but two of which I have spoken——

Mr. BUTLER. Have you the date of the law?

Mr. FRYE. I have not the date of the approval, but I think it was approved about a month ago.

Any one of the officers or persons—

Any petty custom-house officer—

is authorized.

To do what? Is authorized to take any ship or vessel that comes into a Canadian port or lies out, hovering within the 3 miles shore line, seize her, take her into port, put her captain under oath, and compel him to deliver up his papers; if he answers any question falsely fine him $400. What more? Examine his whole cargo, and if it is found after examination that there was any evidence of an attempt to fish within 3 miles of the shore line, then confiscate the vessel and turn her into a Canadian cruiser, I suppose.

Mr. BUTLER. Was that law passed by the Canadian government?

Mr. FRYE. A law passed by the Dominion of Canada and approved by the Queen of Great Britain. How can it help bringing on war? What captain of an American merchant ship sailing about his business will permit himself to be seized by a Canadian petty official of the customs department and carried into a Canadian port, and then his whole cargo overhauled, just as that petty official, "armed with a little brief authority," sees fit to do it, he himself put under oath and compelled to answer questions, and if he does not tell the truth in every answer fined $400? Our hope that Great Britain would be fair and just is destroyed, and we ought to have known that such would be the result.

There is not a line of history of Great Britain for the last three hundred years giving us the slightest reason to believe that in the pursuit of commercial advantages, in the extending of her trade, she would ever permit another's right to stand in the way of her progress. Why, then, should she interfere with her colony for attempting in a feeble way to imitate the home government?

Mr. President, again: Newfoundland four or five years ago passed a law which provided that Newfoundland fishermen should not be permitted to sell any bait whatsoever to any American fishermen; but that law was not approved, was a dead letter. If the telegraphic dispatches are correct, within the last ten days that law has been resurrected and approved.

Mr. DAWES. How long had it lain?

Mr. FRYE. Four or five years, perhaps six.

The PRESIDENT *pro tempore*. The Senator from Maine will pause. It is the duty of the Chair to lay before the Senate at 2 o'clock the unfinished business, which is the bill (S. 372) to establish agricultural experiment-stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the act supplementary thereto.

Mr. HOAR. I ask unanimous consent that that be laid aside informally.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the unfinished business be laid aside informally with a view to the Senator from Maine closing his argument.

Mr. INGALLS. Or to the conclusion of the debate.

Mr. HOAR. To go on with the debate.

The PRESIDENT *pro tempore*. That will be the understanding, unless objection be made.

Mr. FRYE. I wish to call the attention of the Senate and of the country to the fact that out of all the cases hitherto reported by the Secretary of State to the British authorities, out of all the cases reported to the Secretary of State, out of all the cases that have come to my attention—and many have—there never has been but one in which there was a suspicion, or a ground for suspicion, that the American vessel was violating the treaty of 1818, and intended to fish, or had fished, within the 3-mile shore line. The Highland Light is the only one. She paid the penalty by her death as an American fishing vessel, and she caught enough for the crew's breakfast. That is the only case in all the written history of the last year.

Sir, I say that under the treaty of 1818, so far as I have examined these cases, every one of these seizures, detentions, and fines was in violation of its spirit, and four out of five were in violation of its letter. I say that every one of them was in conflict with the principles and customs of good neighborhood, in conflict with the understanding of all the civilized nations of this earth as to the rights of foreign ships in the waters of another nation.

The Senator from Kansas alluded to the fact that we passed a law in the shipping bill. We did; a law which I offered and which was reported as an amendment, by the Committee on Commerce, to the shipping bill. The American people at that time did not know what Canada was to do. The American people would not believe that the Canadian authorities would do what they have done since then. I feared that the Senate and the House of Representatives would not go to the extent I desired to go, and I trimmed my law as closely as it was possible to do. It provided for retaliation in kind only. If they refused to permit a fishing vessel of the United States to buy bait, the President was authorized to issue a proclamation refusing to allow Canadian vessels to buy bait in our ports. That was all there was to the law.

It does not reach the disease. It does not afford a cure. Our people will not do, nor permit to be done what the authorities of Canada are doing. You can not persuade them to do it. During the whole year Canadian vessels by the score have been in the port of Portland buying bait, thousands and tens of thousands of dollars' worth, right at the very time when our vessels could not buy a squid in a Canadian port, or if they did they were fined $400. Ay, more; there has not been an hour that a Canadian vessel could not come into our ports for shelter and lie there as long as the storm lasted and sail on the sea without making entry or paying a cent, without let or hindrance, and our vessels could not go into their ports at the same time and lie six hours, the hours being the night time, without being fined $400 if entry was not made.

No, Mr. President, the American people know that they are sixty million; they know they are the richest nation on the earth; they know their power. They will not humiliate themselves and outrage their conscious pride by resorting to these little miserable tricks and outrages by way of retaliation. What we ask is that if the President of the United States, upon whom the responsibility as the Chief Executive of this great nation rests, believes the interests and the dignity of this Republic require him by public proclamation to close our ports to all Canadian fishermen, against any merchant vessel or all merchant vessels, against any of the products of Canada, he shall have the power to do it. The Queen of Great Britain has the power to-day, all the power conferred upon the President by this law, and has had it for twenty years. She may close her ports against any of the vessels of the whole world if she sees fit and the honor of her realm requires her to do so.

Now, sir, is it not safer to trust the president of a free republic, who

goes to the people every four years, with that power than it is to trust a king or a queen who holds office for life? I see no objection to it.

I say that the President of the United States never will be called upon to do but one thing, and what is that? Take advantage of this bill and issue his proclamation that no fish, fresh, salted, or canned, the product of Canadian fisheries, shall be landed in any port of the United States, and you will never hear of another outrage by the colonies of Great Britain while the world lasts. But if these outrages are to continue, and finally a reciprocity treaty respond as it has before, then when we abrogate that treaty look out for your outrages once more.

Mr. President, will the Administration take advantage of this law? The chairman of the Committee on Foreign Affairs of the House, who is in entire accord with the Administration, I suppose, has presented a bill which goes a great deal further than this one, a bill which authorizes the President of the United States to proclaim absolute non-intercourse. I know nothing about the inspiration of that bill, but I do not believe that this gentleman offered it until he knew whether or not the Administration was in sympathy with the proposition.

The Senator from Maryland [Mr. GORMAN] a few days ago presented here a bill going to the very extreme, even to the interdicting of the transit of Canadian cars, engines, &c., across our boarders; and the Senator from Maryland, if these are his views, I know to be a friend of the Administration.

The Secretary of the Treasury, whom I esteem one of the brightest men in this Administration, lately sent a communication to Congress in which he reviewed the conduct of Canada in this matter, and finally summed up his opinion. What was it? Her conduct is simply brutal, says the Secretary of the Treasury. I know his sentiments.

The Secretary of State, who communicated to Congress the volume I hold in my hand, has not said in any communication to the British Government that the conduct of Canada, their colony, was brutal; it would not be diplomatic; but he has said, using the language of diplomacy, over and over and over again, that these are outrages, and that the United States will demand restitution for the wrongs which have been done. He has said "look out," as near as diplomacy will permit him to say it.

Mr. GRAY. Will the Senator allow me a word?

Mr. FRYE. With pleasure.

Mr. GRAY. The Secretary of State has almost used the language which the Senator from Maine has used when, in a communication to Sir Lionel West of September 10, he closed by saying:

> This inhospitable, indeed inhuman, conduct on the part of the customs officer in question should be severely reprimanded, and for the infraction of treaty rights and commercial privileges compensation equivalent to the injuries sustained will be claimed from Her Majesty's Government.

Mr. FRYE. I knew that the Secretary of State had gone to the very verge that he could go and use diplomatic language. Our minister in England, Mr. Phelps, has made an unexceptionable, clear, complete, and, to me, an entirely satisfactory statement of this whole case.

Now, Mr. President, what right have I to suggest, because a law was put on the statute-book eight months ago, and the President of the United States has made no use of it, that he will not to-day make use of the power which this law confers on him if this bill becomes a law? I said the other law was limited, so limited that it had but little power as against Canada.

This bill has power in it. The President of the United States, I believe, is an American citizen who has at heart the honor, the dignity of the great Republic over which he presides. He is an American citizen who, I believe, sympathizes with every other American citizen. He is an American citizen who believes in protecting the rights of American citizens everywhere. Ay, more; I believe that he is an honest man, and if you place the power contained in this bill into his hands, he will use it for the protection of our rights, for the maintenance of our honor, and that we, as a Congress, have no right to-day to doubt or to hesitate over the question whether or not he will properly use the power; that to us there is a plain, clear, unmistakable duty, and that is to give the Chief Executive officer of the Republic power enough to protect our honor and the rights of our citizens.

Mr. INGALLS. Mr. President, one object I had in view in the remarks I made has been accomplished. I desired to ascertain the purposes and intentions of the Committee on Foreign Relations in the legislation they have proposed. Ambiguous so far as its incentive was concerned, I was in doubt whether it was intended to remit the subject to the domain of diplomacy, or whether it was designed as a declaration to Great Britain that this course, if persisted in, would result in war. I understand from the statements of the Senator from Maine, if he speaks for the committee, as I suppose he does, that should Congress enact this bill into a statute it is a definite declaration to Great Britain that she will continue these practices at her peril, and if they are persisted in they must be enforced by war.

Mr. EDMUNDS (in his seat). Oh, no; that does not follow at all.

Mr. INGALLS. The Senator from Vermont says, *sotto voce*, "that does not follow at all." The statement of facts made by the Senator from Maine constitutes a *casus belli* under the law of nations. I knew them before, for I had read the report of the committee and the testimony they had taken; and I knew then as well as I know now since that recital that those outrages and wrongs constitute by the law of nations a *casus belli*. If continued, amicable intercourse would be impossible.

I therefore desired that the Senate should know before being called upon to vote whether the purpose of the bill was to invite diplomacy or to announce to Great Britain that this proceeding had been carried to the extremity and limit of peaceable endurance. Sir, the voice is the voice of Canada, but the hand is the hand of Great Britain.

Mr. EDMUNDS. May I interrupt you for a moment?

Mr. INGALLS. Certainly.

Mr. EDMUNDS. Does my friend from Kansas mean to say that any act of a nation which refuses entrance of the people of other countries into their ports, where there is no treaty obligation which authorizes them to enter, is necessarily a *casus belli?*

Mr. INGALLS. I mean to say that habitual, declared, avowed, and recognized violations of treaty obligations and of international law are *casus belli*. That is what I mean to say.

Mr. EDMUNDS. I think that is a pretty safe statement.

Mr. INGALLS. And that is what this report says. Let me read it again, in order that there may be no misunderstanding about this matter:

> The committee thinks it is not too much to say that such a provision is, in view of the treaty and of the common principles of comity among nations, grossly in violation of rights secured by the treaty and of that friendly conduct of good neighborhood that should exist between civilized nations holding relations such as ought to exist between the United States and Her Majesty's dominions.

Yet the Senator from Vermont intimates, if he does not state, that there has been no declaration of facts on the part of this committee that constitutes a *casus belli*.

Mr. EDMUNDS. So far as it regards the violation of the treaty, any violation of it that is intentional may be considered on the part of the wronged party a cause of war if the nation that is wronged chooses to resort to that last resort of kings. But any violation of the principles of good neighborhood by one nation towards another that is under no treaty obligation and which has a right to say that nobody should come within its borders if it pleases, is not a *casus belli*.

So the case is simply this, as to the treaty: Where the British authorities (for I will use that phrase for short) have denied to American fishing vessels the right to fish in the very places, as they have in one or two instances, perhaps more, where by the treaty American vessels had a right to fish, that would, at our discretion, undoubtedly be a ground of going to war; but according to the practice of all nations who do not wish to shed blood unless they are forced to do it, it would be a reason for reciprocal retaliatory measures which should bring the offending party to a sense of the inconvenience of his carrying on that sort of thing. It does not necessarily follow that every breach of a treaty is to be followed by a war.

Mr. INGALLS. How about a continued, persistent, deliberate, willful violation of treaty?

Mr. EDMUNDS. That might be another thing.

Mr. INGALLS. That is "another thing;" that is this case.

Mr. HOAR. Will the Senator from Vermont allow me in that connection to propound to him a question?

Mr. EDMUNDS. Yes.

Mr. HOAR. I presume the seizure of the vessel of one nation without right by the vessel of another, taking it by force into its custody, is as clear a *casus belli* as can be supposed. Is it any the less so if it is done under a pretended, and not real, lawful authority, that is, getting up fictitious and unfounded charges? That seems to me to be the case. As I understand it, the wrong which Canada has done to us does not consist chiefly in a scramble for the right of fishing in certain waters as if we were whalers on the high seas; it consists in an attempt on her part to compel us to repeal certain laws of a wholly domestic character—laws imposing customs duties—and to enter into negotiations with Great Britain for that purpose by seizing our vessels under a pretense of right where no right exists.

Mr. INGALLS. That purpose does not anywhere appear.

Mr. HOAR. That purpose is manifestly disclosed from the recital of the committee.

Mr. INGALLS. Oh! from the recital of the committee, to be sure; but it nowhere appears from the evidence that there is any such purpose on the part of Great Britain. So far as the evidence discloses, these acts are a deliberate, willful, brutal violation of American rights for ulterior purposes not disclosed. That inference of the committee is purely gratuitous, so far as the evidence goes.

Mr. HOAR. My question was to the Senator from Vermont.

Mr. INGALLS. I yield to the Senator from Vermont to answer it.

Mr. HOAR. I asked whether that did not constitute a *casus belli*. I asked his inference, not that of the Senator from Kansas.

Mr. EDMUNDS. Yes, it may be granted that it does constitute a *casus belli;* but there have been, in the history of nations who are generally humane and reasonable and who prefer peace to war, an infinite number always of occurrences that would constitute and did constitute a *casus belli* that were not followed by war on the demand of the wronged party, although it had the power to go to war. So the books

of public law and the archives of the department of foreign affairs of every civilized country on this globe, are full of instances where the agents and officials by which only governments can act have done wrongs which were clearly inexcusable and which would justify the wronged nation in going to war on the principles of public law, if they thought that was the best way; but like the case of throwing turf at the boy in the tree, which all Senators remember, and the case of coming to stones afterward, reflection always comes in. The nation that is reasonable, and is strong, and is firm, will resort, as it always does at first, to endeavoring to counteract these evil influences by bringing the other party to see that it will not be to their interest to continue that sort of thing. There is not any great confusion about it so far as I can understand.

Mr. INGALLS. I express my belief that this bill, if enacted, would be a declaration to Great Britain that she would pursue these practices at her peril; that they had to stop, and if they did not stop we would try to make them stop.

I should like to know from the Senator from Vermont what is the idea of this bill, what its purpose is. It must have an ulterior purpose. Mere reprisal or application of the *lex talionis* does not mean anything in itself. This thing must ultimately be settled either by treaty or by war.

Mr. HOAR. Or by stopping it.

Mr. INGALLS. It can not be settled by stopping, because it is liable to be restored again by any individual interruption. It has got to be settled, so far as these two powers are concerned, either by diplomacy or by blood. I understood the Senator from Maine to say that this transaction had proceeded to the extent, to the very frontier of amicable solution, and now the Senator from Vermont says that that interpretation is incorrect; that it does not mean war.

Mr. DAWES. Do you agree with the Senator from Vermont?

Mr. INGALLS. I agree with the Senator from Maine, and I should like to know what the Senator from Vermont means, or understands the bill to mean. Does he want this business settled by negotiation or by fighting?

Mr. EDMUNDS. Neither.

Mr. INGALLS. He does not want it settled at all, then.

Mr. EDMUNDS. That is the jump of my friend out of the frying-pan into the sea, which would probably cool his skin, but he would drown. There is the other alternative that the Senator from Massachusetts has suggested, which is the common one among people.

As to settling this matter by negotiation, where so far as treaties now go as to fishermen alone—I will stick to them for the moment—the treaty of 1818 is just as clear as it can be. The places where American fishermen are authorized to fish and where they are not authorized to fish are clearly defined by geographical boundaries and descriptions that nobody misunderstands; you can not by any new negotiation make them any clearer; and if you believe the evidence of great numbers of all the people engaged in this business they do not want to fish anywhere else; it is no advantage to them to do it. So much for that.

Then you come to the question of the unjustifiable treatment of these people under the treaty. The treaty says exactly how they are to be treated. They are to be allowed shelter; they are to be allowed to get certain supplies purely as fishermen; but they are not to be allowed to fish there. That is all. And the other party has the right to make whatever restrictions are necessary to prevent their abusing the right of coming for these other purposes into the places where they are not to fish. The treaty there is just as clear as human language can make it. Then it comes to a mere question of what it is fairly and reasonably necessary to resort to on the part of the British Government to protect themselves against illegal fishing by the people who come in for shelter, &c., as they have a right to do.

Now, then, the regulations which they have made, as it appears to the committee, and as I think it will appear to the Senate when they come to that, in the way they have been framed and in the way they have been administered, are not a fair execution of that treaty, but are plainly outside of it. That may be a *casus belli* if the United States chooses to consider it such. It may be a case where rights are clear and where they have been invaded, like the wrongful conversion of any citizen's property by another nation at any time. It may be a case for that counteracting legislation and action on the part of the government whose cititens have been wronged that would lead the people who are wronging them to consider that it would be for their interest to stop that sort of thing.

Now we come to apply it to this case. This bill provides that if our vessels are mistreated in Canadian ports—pure fishing vessels, I will stick to that now, for the time being—and are denied or embarrassed in the fair exercise of the rights that they have, the President of the United States may, as a countervailing operation, say that the Canadian fish, and the Canadian fisherman, and the Canadian trader, and the Canadian everybody else shall not come into the waters of the United States at all. Suppose he says that; that is not war. Suppose it continues for ten years; it is a question of who can stand it best. I think the people of the United States can stand it best, and it will be a persuasion to those people to mitigate accordingly the somewhat rough asperity of their manners and the somewhat irregularity of their conduct. Suppose it does not. Then you have simply got non-intercourse between the British provinces and the United States. The question is, short of war, who can stand that the longest. I think there can be but one answer to that proposition.

So the question whether we have got to fight to protect American fishermen in their rights that they are entitled to under the treaty alone (I speak of that now), as I said before, is not a question at this present moment or this present year of any war, but it is a question of countervailing regulations which all nations have resorted to long before, and usually never coming to a war afterwards, in respect of adjusting these rights.

The very matter of these fisheries has been for a hundred years carried on in the same way. Her Majesty's Government have, from time to time, made their regulations or authorized them to be made, and they have been made, and they have executed them, and the Congress of the United States has authorized the President, under our laws, to adjust his conduct accordingly as to whether they could come here or whether they could not. So it is no new thing; and it is not war. There may be war if, by and by, it is found that it is impossible for these countries to adjust this matter under clear and definite rights as they now exist, and one party or the other may go to war. The British Government may say, "If you do not choose to admit Dominion vessels into the United States which you are under no treaty obligation to do, we will go to war with you," as we might with China, because she will not admit American vessels into every one of her ports and places; but that is a very ultimate and a very far-off question.

Mr. INGALLS. The Senator from Vermont states that the question in controversy between these two powers is the interpretation or construction of the treaty of 1818.

Mr. EDMUNDS. No, I do not say that.

Mr. INGALLS. I understood the Senator to say it, and I was about to inquire, these subjects once having been the subject of negotiations and treaty stipulation, how the question of construction or interpretation, one being asserted by one power and denied by the other, was to be settled by retaliatory legislation.

But I respectfully submit to the Senator from Vermont that there is a great deal more here than a question of interpretation of a treaty or the construction of its provisions. There has been a brutal seizure of ships under circumstances of peculiar atrocity and insolence. Armed vessels under the control of British officers have overhauled our fishermen peacefully plying their vocation, put guards aboard of them, subjected them to humiliating conditions, ordered them out of port, refused them roadstead, denied them the right to fill their tanks and barrels with water, refused them food and shelter, and the Senator from Maine grouped many instances in an assembly of humiliating indignities. Yet the Senator from Vermont states that this is merely a question of the interpretation of a treaty, the construction of the stipulations of the convention of 1818.

Mr. EDMUNDS. I have not said anything of the kind, I think.

Mr. INGALLS. Then I will say that I so understood the Senator. I asked him what his understanding of the purpose of this bill was, and he proceeded to say, as I understood him, that it was to obtain a construction of the disputed provisions of the treaty of 1818.

It may be that the British Government, by these unwarranted seizures and atrocities, outrages and wrongs, admitted to be in violation of that treaty, have had no ulterior purpose except to compel us to accept their construction of that treaty, to subject us to duress and coercion to force the United States to admit their interpretation of the marine league, of the rights of the fishermen, of the rights of shelter, water, food, and fuel were such as they proposed to put upon them. But I do not read these transactions in that way; the American people do not read them in that way. There was some design and purpose other than to obtain a peaceful solution of the question of the construction or interpretation of doubtful provisions of the treaty of 1818.

Sir, England has always been the ruffian, the coward, and the bully among the nations of the earth; insolent to the weak, arrogant to the feeble, cringing and obsequious to the strong, her history for centuries has been a record of crimes against the human race. In Ireland, in Scotland and Wales, against the Roman Catholics, against the Boers of South Africa, against the Hindoos and the Chinese, against the Afghans, the Persians, and the Egyptians, wherever there has been a feeble and helpless people, Great Britain has appeared for the purpose of rapacity, plunder, and conquest.

England bears no good will to this country. The memory of defeat in two wars rankles, I have no doubt, in the breasts of Englishmen. When I say that Great Britain is not friendly to America, I mean that the ruling classes are not, and that they have never been.

Their course toward us has uniformly been one of supercilious insolence and of outrage. They cheated the South with false hopes of recognition, and they outraged the North by violating the rights of neutrality. Their action in the treaty of Washington was controlled solely by a fear of the consequences to their own commerce in the next war in which they might be engaged if they permitted the precedent that they had established to stand undenied.

I believe that there is no special reciprocity and good-will on the part of America towards England. There are few Americans who do not regret Waterloo. There are few Americans who do not recognize the

fact that the conduct of Great Britain towards this country has been characterized by jealousy and malevolence from the beginning of our national existence, and that she is our only enemy among the powers of the earth.

If I read these transactions aright, there is no desire on the part of Great Britain to secure a peaceful solution, a pacific interpretation of the doubtful provisions of the treaty of 1818, but a deliberate design to so far foment the irritation, the discontent that exists between the United States of America and the Dominion of Canada as to prevent the pacific political affiliations of those two powers in the immediate future, which would be inevitable if it were left to the operation of the natural laws of politics, of trade, and of society.

I think I discern very plainly what the purpose of Great Britain has been in this matter. She means to render it impossible for free, friendly, reciprocal relations, political and other, to exist between Canada and the United States. Therefore I rejoice to hear the interpretation placed upon this proposed legislation by the Senator from Maine, that so far as he is concerned if we adopt this measure it is to be a declaration to Great Britain, recognizing her agency and her power in this matter, that she will proceed further at her peril.

Mr. HOAR. Mr. President, I do not think there will be any very great necessity for further argument in support of this bill to convince the minds of a majority of Senators of the expediency of the measure. But the State which I represent is more interested five times over than all other communities together in the immediate controversy. Of the vessels which have experienced the outrages and annoyances recited in the report of the committee, twenty-five belong to the State of Massachusetts besides four whose port is not stated, and seven to the State of Maine, formerly a part of Massachusetts.

I understand that the object of these annoyances and grievances which have been recited in the report of the committee is not principally or largely to assert the British or Canadian interpretation of the treaty of 1818. A dispute is sought in regard to the terms of that treaty, not to protect the sources of the fisheries from an interference by Massachusetts or Maine competition, but it is to compel the people of the United States to change their laws in a matter of purely domestic concern. It is not that Canada may catch fish without molestation; it is that she may sell fish without the interference of the American tariff policy that these difficulties are fomented.

I regard, in that point of view, the attempt by a foreign country by hostile interference with our ships on the high seas, or in the neighborhood of their ports, or in their ports, to enforce upon us, against our will, a certain domestic policy as being one of the most emphatic and flagrant acts of hostility that can be committed without actual war. These seizures, with the exception perhaps of one or two instances, are seizures upon a pretense and without the reality of any interference either with treaty or with local regulation or law by the American vessels.

This attempt on the part of Canada has received, as is apparent from the diplomatic correspondence, the full countenance of the mother country, of which Canada is a dependant. It is said that in one instance there has been an expression of regret for the actual lowering of the American flag. I do not see that the lowering of the American flag is in substance an offense at all equal in rank, of which we have any more reason to complain, than the taking custody without actual right of American vessels and their masters and crews when they are about their lawful employment. It is an affront undoubtedly; it is an insult; but the substance of the offense is not the lowering of the flag, but is the seizure of the ship whose nationality the flag protects.

The apology which has been conveyed to us is not the apology which is due for the outrage. There is no apology on the part of Great Britain, but a simple communication to us by the British minister of an expression of regret of the local dependency, with which we can have no diplomatic relations, and whose satisfaction or dissatisfaction with the act of the officer is of no sort of importance. The absence of any other expression of regret, either for the single action to which this relates or for the series of offenses or outrages of which that is but one, is a more significant matter, as it seems to me, than the single expression which has been communicated to our Secretary of State by the British representative to this country.

I do not understand, with the Senator from Kansas, that the object of this measure is to bring about either a war on one side or new diplomacy or negotiation on the other. All that is done is that we say to Great Britain, and to the Dominion of Canada through her, that so far from accomplishing anything in the way of diminution, or lightening, or repeal of our customs duties by this course of conduct, so long as it continues you shall not be permitted to sell your fish or any other product of the offending district in the American market.

The only answer to this measure which is to be expected, and all that will be expected, and which will be effectual, is a communication of Great Britain that she has given orders that this course of offensive proceeding shall stop. It requires no new treaty, and certainly, I think, requires no further exertion of force on the part of the American Government.

It is high time, as it seems to me, that this bill was passed. When the Senator from Maine last year, representing the Committee on Commerce, proposed the narrow and ineffective provision which is contained in the law passed in the last Congress, I informed him that, in my judgment, it would turn out to be insufficient, and that the proceedings of the last session of Congress, instead of putting a stop to or preventing these outrages, would tend to provoke new ones, and that in the then coming summer the complaints would spring up more frequently than summer before last.

An eminent Representative from my own State, representing the Cape district, Mr. DAVIS, introduced in the House of Representatives, shortly after the measure which originated in the Senate last year had passed, a bill which is in substance and in principle the bill which is now before the Senate. That was followed by the introduction by my colleague [Mr. DAWES] of a similar measure in this body. It was not thought best by the representatives of Massachusetts, on consultation with one another at that time, to undertake to interfere further with the policy of the committee to which the Senate had committed this subject. Although our State had so large and deep an interest in the result, we preferred to allow the measure which they had agreed upon to be tried and tested, although in our judgment it was entirely insufficient and ineffective. We are very glad, all of us, to be satisfied that the history of the last year and the full and faithful investigation which the committee have made, have vindicated the wisdom of the opinion which we expressed at that time.

I desire, without detaining the Senate further from a vote, to move an amendment which the Senator from Vermont informs me that he agrees to, and which he himself has modified a little. I will read it from his draught. I move to insert in the bill, in the eleventh, twenty-first, and thirtieth lines, on the second page, the language which I send to the desk.

The PRESIDING OFFICER (Mr. HALE in the chair). The Senator from Massachusetts proposes an amendment, which will be read.

The CHIEF CLERK. In line 11, after the word "rights," insert the words "or otherwise unjustly vexed or harassed in said waters, ports, or places;" so as to read:

That whenever the President of the United States shall be satisfied that American fishing vessels or American fishermen, visiting or being in the waters or at any ports or places of the British dominions of North America, are or then lately have been denied or abridged in the enjoyment of any rights secured to them by treaty or law, or are or then lately have been unjustly vexed or harassed in the enjoyment of such rights, or subjected to unreasonable restrictions, regulations, or requirements in respect of such rights, or otherwise unjustly vexed or harassed in said waters, ports, or places.

In line 21, after the word "thereof," insert the words: "Or otherwise be unjustly vexed or harassed therein."

In line 30, after the word "same," insert the words: "Or unjustly vexed or harassed therein by the authorities thereof."

The PRESIDING OFFICER. Is the Senate ready for the question on agreeing to the amendment?

Mr. MORGAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama desire to speak to the amendment?

Mr. MORGAN. I desire to speak to the bill.

Mr. HOAR. Let the amendment be adopted if the Senator has no objection to it.

Mr. MORGAN. I understand that other Senators desire to look at it.

The PRESIDING OFFICER. The Senator from Alabama has the floor on the pending amendment.

Mr. MORGAN. Mr. President, I was a member of the committee who reported this bill, and it received my cordial approbation. I was also a member of the subcommittee which formulated the bill, and it was carefully considered there in connection with the evidence which had been collected, not only from their own investigations under the order of the Senate, but also from the archives of the State Department as far as we had access to those archives.

After that committee had entered upon its work, and before it was ready to make its report, the Secretary of State sent a communication to the Senate in which was developed at large correspondence on this subject; and I had the happiness to find that the committee and the Secretary of State, without any division of party at all, were entirely agreed in their views of the conduct of the British provinces and of the British Government towards our Government in respect of this very important and very delicate matter.

The committee in preparing the bill and bringing it forward into the Senate first took into consideration what was the actual condition of the treaty relations between the United States and Great Britain respecting the British provinces in North America, and a very close, narrow investigation of the whole field of inquiry satisfied us that we were entirely without treaty engagements with Great Britain in respect of our commerce with the Canadian Dominion. It is true that in the treaty of Washington we have mutual stipulations in respect of transportation, liable to be suspended, I believe, upon two years' notice or upon the failure of either Government to carry out in good faith, according to the opinion of the other Government, the provisions of those mutual stipulations. But the Senate will do well to remember in approaching this question and in deciding what is its duty in respect of it that the United States have no commercial engagements with Great Britain

with reference to our commerce with the Canadian provinces. Our engagements are limited to what I have already stated and to the treaty of 1818 relating to the fisheries. The relations between the United States and the provinces of Canada depend entirely upon the statutes of the two countries, and not upon any treaty engagements; so that in legislating upon this question we have an open field in which we are permitted to exercise our own sweet will without question on the part of Great Britain. We can establish by act of Congress any of the ordinances that we see proper for the regulation of our commercial relations with those provinces, and so they can do the same thing.

When two countries, thus neighbors to each other, are thus situated in respect of their treaty obligations and are left only to provide for their mutual interests by legislation, it is very clear that if the Dominion of Canada, backed by the Government of Great Britain, shall legislate in hostility to our trade it becomes not only our duty but our only alternative to legislate in hostility to theirs, to legislate according to the principles of retrosion and of retaliation, if you please.

If we had commercial treaties with Great Britain respecting our relations to the Canadian provinces, we should of course be attempting to understand whether the proposed legislation of the Committee on Foreign Relations was in any sense in conflict with those commercial regulations agreed upon by treaty; but having nothing of the kind, as I before observed, the field is entirely open to us, and we have no alternative but either to negotiate our first treaty of commerce with Great Britain in respect of the provinces, or to go on in the old line of legislating *pro* and *con* so as to balance up our interests and make them mutually agreeable.

It is not a credit to these great English speaking peoples on both sides of the Atlantic Ocean, who control so immensely the destinies of commerce and all other destinies of the inhabitants of this earth, that we should have been all this long time, more than a hundred years since our independence, without a treaty of commerce to regulate our relations with that part of the British possessions which lies next to us and upon this continent. But so it is, so it has been, and so it is likely to remain.

The Senator from Kansas was anxious to know whether the committee proposed to go to war. About what should we go to war? Not, certainly, on account of the breach of any commercial treaty with Great Britain in respect of the Canadian provinces, for we have not got any. It would be a war of words, necessarily followed by a war of acts of a commercial character simply, if we should have a war, for there is to be no broken engagements brought to the attention of any government in consequence of the conduct either of Great Britain or of our Government upon these questions, unless it may be that some rights which have been guaranteed to our fishermen in the treaty of 1818, not commercial rights, but fishery rights, shall have been violated by the Canadian Government or by ourselves.

The treaty of 1818 is the real point of dispute between us—the construction of it, the question of its proper enforcement, and the question of the responsibility of the British Government for the acts of the Dominion in regard to that treaty. That is the real bone of controversy between us to-day, and it is about that which we differ. We are undertaking to improve our condition in respect of our differences on that subject, and other commercial questions between us and Great Britain or the Canadian provinces, by the reformation of our statutes, so as to give to our own Government by the authority of Congress under the sanctions of law that degree of power which is necessary to enable our Government to protect itself and to protect its people against aggressive acts on the part of the Canadian provinces or the Government of Great Britain, as you please. That is all of it.

This is not a new sort of legislation on our statute-books. We have had many acts on the general subject, and we have some general laws, which I find in the Revised Statutes, based precisely upon the principle of this measure. I call attention to section 4228 of the Revised Statutes, which reads as follows:

> Upon satisfactory proof being given to the President, by the government of any foreign nation, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued—

That is, a duty of 10 per cent.—

> so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country; the suspension to take effect from the time of such notification being given to the President, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and their cargoes, shall be continued, and no longer.

There is the whole principle of this bill. It is put in a different form in that enactment, but only in a different form; the principle is precisely the same. Suppose that we should enact a law, to-day, in Congress that there should be no commercial intercourse between the ports of the United States and of Canada, but that the President of the United States might suspend that law and permit commercial intercourse between the two countries whenever it was made satisfactorily to appear to him that our fishermen upon the coasts of Canada were received with hospitality and treated with humanity. That would be a constitutional law, and it would be a wise provision, but the Committee on Foreign Relations have not thought it best to advise the Government of the United States to come to a positive determination of law in advance that there should be no intercourse, and allow the President to suspend that law at his pleasure; but the committee prefer to give the President power to suspend as to certain articles or as to any importation of their goods, based upon satisfactory evidence brought to his attention that that Government have treated our men of commerce and our fishermen also with injustice upon their coasts, and have harassed and detained and imprisoned and insulted both them and the flag under which they sailed. So this is not a novel principle in the Government by any means, nor is it novel in respect of this particular question.

General Grant, in his annual message in 1870, made the following recommendation:

> Anticipating that an attempt may possibly be made by the Canadian authorities in the coming season to repeat their unneighborly acts toward our fishermen, I recommend you to confer upon the Executive the power to suspend by proclamation the operation of the laws authorizing the transit of goods, wares, and merchandise in bond across the territory of the United States to Canada.

Going further than this bill goes—

> And further, should such an extreme measure become necessary, to suspend the operation of any laws whereby the vessels of the Dominion of Canada are permitted to enter the waters of the United States.

That was a faithful declaration of American policy based upon American honor by a man who had proper respect for it, and I honor him in his grave for the fact that he did anticipate the hour of trouble that we now approach, and forestalled it by that wise and manly declaration in his message of 1870 to Congress.

So this is not a new question at all; it is not a question that has not been under consideration heretofore. Congress in its efforts last year to provide a law by which this subject could be reached merely failed to go far enough to accomplish the end that was intended. The legislation in this bill is precisely in the line of that proposed in the last Congress, and which was passed by both Houses, that not going far enough to reach the evil which we now have to confront.

Under these circumstances would the Senate of the United States be content to leave the President of the United States without power enough to control the commercial intercourse and regulation between this country and the Dominion of Canada so as to produce an equilibrium or a parallelism, to say the least of it, between the rights and privileges that they enjoy in our ports and harbors and those that we enjoy in theirs? I can scarcely think that we should not be otherwise than delinquent in our duty if we omitted to arm the President of the United States with the only power which appears now to be effectual for the purpose of producing this mutuality of benefit and advantage and freedom in trade between these two countries. Our Government is not now equipped with power enough under the statutes to do that which is becoming to our honor and to our interests and the protection of the individual men of our country engaged in this lawful traffic, and also engaged in a higher duty even than that—preparing themselves to become the chief element of strength in the great naval enterprises which we expect in the future to establish in this country. I am not willing to remain any longer in a condition of impotence and disability when I know that the power to confer this authority upon the only person in the United States who can properly exercise it rests in the hands of Congress, and not in the hands of the treaty-making power.

Great Britain can baffle us as long as she pleases by saying she will make no commercial engagements with us respecting Canada. "We have none to improve; we have none to interpret; we sit down on our own interpretation of this fisheries matter, and we intend to stand upon it; but so far as you are concerned you have no engagement of ours by which you can coerce us to do any better than we have been doing in the past in respect of the interest and honor and liberty and rights of your people." That is not the condition in which our country ought to be left. Patriotism forbids it; duty to the country and to posterity alike forbid it.

Some question has been raised here as to the purpose of the committee in reporting the bill. The Senator from Kansas seemed anxious indeed to ascertain whether the committee were going to bring the country into war, and I have had Democratic Senators question me about that who desired to know whether the committee were about to make a declaration of war against Great Britain. Can we not in the quietude of our own country and in the repose which attends this Chamber pass laws affecting our own commerce without making threats against any person in the world? It would not be becoming in us to make threats, nor is it necessary. When our resolutions are reached we are strong enough in the expression of them to convey to the world at large the idea that we mean what we say.

Mr. COKE. Will the Senator from Alabama allow me to interrupt him?

Mr. MORGAN. Certainly.

Mr. COKE. I desire to know if the bill has been presented to the Secretary of State, and whether it is in accordance with the views of his Department.

Mr. MORGAN. The bill has never been presented to the State De-

partment. As long as I am a member of the Committee on Foreign Relations of this body I shall never consent to present any bill to a coordinate Department of this Government, unless it is a bill upon which I want to get information. I have frequently observed of late that bills have come in here recommended by Presidential messages, and I have always thought that it was out of order for this body to receive one. I have as much cordial regard and respect for this administration as any member of the United States Senate; I had great respect for Mr. Arthur's administration also, and he was in the habit of doing the same thing; but I believe this body has no right to receive a bill at the hands of any man except a Senator upon this floor. I believe that after a bill has been offered by a Senator here and referred to a committee, except for the purpose of enlightening that committee upon the facts which might make it proper or improper to legislate in the direction of the bill, it would be a serious impropriety to refer it to any other Department to ascertain its wishes. The President of the United States has the veto power.

Mr. COKE. The Senator will allow me to say that I asked the question simply because it has been the practice to refer bills to the heads of Departments for information, and I thought in this case the committee might have done so.

Mr. MORGAN. We have all the information. The bill was brought in, as I remarked in the outset of my observations, after we had all the information the State Department could furnish us in its report, and I congratulate the country and the committee upon the fact that when we came to present our bill and our report, we found ourselves precisely in line with the administration upon this question.

Mr. DAWES. I am somewhat surprised at the interrogatory made of the Senator from Alabama. Nothing is clearer in parliamentary law than that it is unparliamentary in either this or the other body to refer to the opinions of the executive department of the Government as influencing legislation. I am aware it has grown somewhat to be a habit, but when I first came to Congress a member of either branch was sat down in his seat who undertook to question the propriety of any measure pending by calling in the opinion of the executive department either for or against it.

Mr. MORGAN. I was about to observe that the President of the United States, under our Constitution, has the veto power, and whenever we bring measures to his attention with which he is not satisfied he can easily revoke our action, provided two-thirds of both Houses do not overrule his determination. So the legislation of the two branches of the Government must necessarily be entirely independent. But in this case, I repeat the observation, I am very glad, indeed, to find that the President of the United States, through the Secretary of State and also through the expressions of Mr. Phelps in the correspondence submitted to us, is precisely in harmony with the committee of the Senate.

Sir, I do not see how the Government of Great Britain could address a note to our Department of State inquiring into the motive of this legislation any more than the Government of Spain or the Government of Prussia could address a note to our Secretary of State to inquire why it was that we spread upon the statute-books discriminations against them in their commerce and their tonnage and their ships, which should remain until the President of the United States should lift them by a proclamation. It has been but a few months since we had a controversy with Spain over this very question. We had a little convention, or rather a sort of agreement with her not amounting to a treaty, entered into between the executive powers of the two Governments, by which more liberal terms of commercial intercommunication were permitted between Cuba and the other Caribbean possessions of Spain and the United States.

After a while the President of the United States, Mr. Cleveland, became satisfied that Spain was not observing good faith in the execution of that agreement, and thereupon immediately he restored, by his proclamation, discriminating duties against the flag of Spain. Afterwards, when Spain came and made acknowledgment of her mistaken action and removed the difficulty, the President made another proclamation in which he restored Spain to the favor that she was entitled to under that little agreement. So it is, whipping back and forth, that this power in the hands of the President of the United States is a necessary power to preserve the balance of commercial differences between countries, and that we cannot abandon that as a part of our statutory system without crippling our own Government. The Committee on Foreign Relations, at least, do not propose to abandon it; but they come now to apply it in a case which in its nature is delicate, I admit, and somewhat provoking to American pride and American honor and duty.

I will read from Mr. Phelps's letter of date June 2, 1886, to Lord Rosebery. My purpose in reading this is simply to show that the report of the Committee on Foreign Relations is scarcely up in the vigor of its language and in the heat of its argumentation to what Mr. Phelps said in his direct address on this question to Lord Rosebery. I shall commence with reading the latter clause of his dispatch first to answer some interrogatory or suggestion that has been put here to-day in respect of the purposes of the British Government and the Canadian Government in this series of unlawful acts which, taking the liberty that the Secretary of the Treasury indulged in, I am permitted on the floor of the Senate to call brutal, without any offense I think to the ears of Senators or to British susceptibilities. Here was a plain, positive, direct man, speaking like an American ought to speak upon a question of this kind. His concluding sentences are these, found on page 136 of the documents sent us by the President:

> The real source of the difficulty that has arisen is well understood. It is to be found in the irritation that has taken place among a portion of the Canadian people on account of the termination by the United States Government of the treaty of Washington on the 1st of July last, whereby fish imported from Canada into the United States, and which so long as that treaty remained in force was admitted free, is now liable to the import duty provided by the general revenue laws, and the opinion appears to have gained ground in Canada that the United States may be driven, by harassing and annoying their fishermen, into the adoption of a new treaty by which Canadian fish shall be admitted free.

That is a pretty plain and positive statement of the cause of the disagreement. He proceeds:

> It is not necessary to say that this scheme is likely to prove as mistaken in policy as it is indefensible in principle. In terminating the treaty of Washington the United States were simply exercising a right expressly reserved to both parties by the treaty itself, and of the exercise of which by either party neither can complain. They will not be coerced by wanton injury into the making of a new one. Nor would a negotiation that had its origin in mutual irritation be promising of success. The question now is, not what fresh treaty may or might be desirable, but what is the true and just construction, as between the two nations, of the treaty that already exists.
>
> The Government of the United States, approaching this question in the most friendly spirit, cannot doubt that it will be met by Her Majesty's Government in the same spirit, and feels every confidence that the action of Her Majesty's Government in the premises will be such as to maintain the cordial relations between the two countries that have so long happily prevailed.

Now I ask the Secretary to read that part of the text that is marked in the margin.

The PRESIDENT *pro tempore*. It will be read.

The Secretary read as follows:

> But even were it possible to justify on the part of the Canadian authorities the adoption of a construction of the treaty entirely different from that which has always heretofore prevailed, and to declare those acts criminal which have hitherto been regarded as innocent, upon obvious grounds of reason and justice, and upon common principles of comity to the United States Government, previous notice should have been given to it or to the American fishermen of the new and stringent instructions it was intended to enforce.
>
> If it was the intention of Her Majesty's Government to recall the instructions which I have shown had been previously and so explicitly given relative to the interference with American vessels, surely notice should have been given accordingly.
>
> The United States have just reason to complain, even if these restrictions could be justified by the treaty or by the acts of Parliament passed to carry it into effect, that they should be enforced in so harsh and unfriendly a manner without notice to the Government of the change of policy, or to the fishermen of the new danger to which they were thus exposed.
>
> In any view, therefore, which it seems to me can be taken of this question, I feel justified in pronouncing the action of the Canadian authorities in seizing and still retaining the David J. Adams to be not only unfriendly and discourteous, but altogether unwarrantable.
>
> The seizure was much aggravated by the manner in which it was carried into effect. It appears that four several visitations and searches of the vessel were made by boats from the Canadian steamer Lansdowne, in Annapolis Basin, Nova Scotia. The Adams was finally taken into custody and carried out of the Province of Nova Scotia, across the Bay of Fundy, and into the port of St. John, New Brunswick, and without explanation or hearing, on the following Monday, May 10, taken back by an armed crew to Digby, Nova Scotia. That, in Digby, the paper alleged to be the legal precept for the capture and detention of the vessel was nailed to her mast in such manner as to prevent its contents being read, and the request of the captain of the David J. Adams and of the United States consul-general to be allowed to detach the writ from the mast for the purpose of learning its contents was positively refused by the provincial official in charge. Nor was the United States consul-general able to learn from the commander of the Lansdowne the nature of the complaint against the vessel, and his respectful application to that effect was fruitless.
>
> From all the circumstances attending this case, and other recent cases like it, it seems to me very apparent that the seizure was not made for the purpose of enforcing any right or redressing any wrong. As I have before remarked, it is not pretended that the vessel had been engaged in fishing, or was intending to fish in the prohibited waters, or that it had done or was intending to do any other injurious act. It was proceeding upon its regular and lawful business of fishing in the deep sea. It had received no request, and of course could have disregarded no request, to depart, and was, in fact, departing when seized; nor had its master refused to answer any questions put by the authorities. It had violated no existing law, and had incurred no penalty that any known statute imposed.
>
> It seems to me impossible to escape the conclusion that this and other similar seizures were made by the Canadian authorities for the deliberate purpose of harassing and embarrassing the American fishing vessels in the pursuit of their lawful employment. And the injury, which would have been a serious one if committed under a mistake, is very much aggravated by the motives which appear to have prompted it.
>
> I am instructed by my Government earnestly to protest against these proceedings as wholly unwarranted by the treaty of 1818, and altogether inconsistent with the friendly relations hitherto existing between the United States and Her Majesty's Government; to request that the David J. Adams, and the other American fishing vessels now under seizure in Canadian ports, be immediately released, and that proper orders may be issued to prevent similar proceedings in the future. And I am also instructed to inform you that the United States will hold Her Majesty's Government responsible for all losses which may be sustained by American citizens in the dispossession of their property growing out of the search, seizure, detention, or sale of their vessels lawfully within the territorial waters of British North America.
>
> The real source of the difficulty that has arisen is well understood. It is to be found in the irritation that has taken place among a portion of the Canadian people on account of the termination by the United States Government of the treaty of Washington on the 1st of July last, whereby fish imported from Canada into the United States, and which so long as that treaty remained in force was admitted free, is now liable to the import duty provided by the general revenue laws, and the opinion appears to have gained ground in Canada that the United States may be driven, by harassing and annoying their fishermen, into the adoption of a new treaty by which Canadian fish shall be admitted free.

Mr. MORGAN. Mr. President, in order to show further that this committee is in a line with the present administration, I will read an extract from the reply of the Secretary of the Treasury to the resolution of the House of Representatives of December 14, 1886, calling for an interpretation of the tariff laws respecting the duties on fish. On page 13 of his report the Secretary of the Treasury says:

During the past summer, while American vessels, regularly documented, have been excluded from the hospitality and privileges of trading in Canadian ports, Canadian fishing vessels have been permitted freely to enter and use American ports along the New England coast, have been protected by this Department in such entry and use, and have not been required to pay any other fees, charges, taxes, or dues than have been imposed upon the vessels of other governments similarly situated. The hospitality elsewhere and generally extended in British ports to American commercial vessels has not been less, in quality or quantity, as I am informed, than the hospitality extended to British vessels in American ports; but there is this marked difference, that, while this Department protects Canadian fishermen in the use of American ports the Dominion of Canada brutally excludes American fishermen from Canadian ports. This dependence of port hospitality, as between this Government and the British Government, in respect to vessels of either, is emphasized by the seventeenth section of the law of June 19, 1886, empowering the President to suspend commercial privileges to the vessels of any country denying the same to United States vessels. That section is in harmony with a section in the British navigation law which authorizes the Queen, whenever British vessels are subject in any foreign country to prohibitions or restrictions to impose by order in council such prohibitions or restrictions upon the ships of such foreign country, either as to voyages in which they may engage or as to the articles which they may import into or export from any British possession in any part of the world, so as to place the ships of such country on as nearly as possible the same footing in British ports as that on which British ships are placed in ports of such country.

There is a statement of the whole doctrine, there is a statement of the necessity of mutual legislation on the part of each power to provide the necessary means of keeping up or preserving the equilibrium of our commercial intercourse in respect of the privileges of the ports and otherwise.

Mr. EDMUNDS. Allow me to say that that was stated in the discussion in the Senate on the very law to which the Secretary refers, and has been stated all the time, and was in the bill passed by the Senate in respect of the export of meats, &c., which was sent to the House of Representatives.

Mr. MORGAN. I remember very well the Senate passed a bill reported by the lamented Senator from California, Mr. Miller, and that bill was distinctly predicated on the idea that in France and in Germany our American meats were excluded from their markets or discriminations against them were made continually to the detriment of our own people upon pretended complaints as to the quality of the meats, &c. Thereupon the Senate passed that bill, after due consideration, authorizing the President of the United States, in case the discrimination should appear to be not genuine and honest and sincere, but from some motives of local policy, to retaliate by excluding their sugars, or whatever it was that we put in the retaliatory clause of the bill; I do not now remember what.

I do not understand that there has been at any time since I have had the honor of being a member of this body any difference of opinion among Senators upon the question of the right and duty of the American Government to provide laws that the President of the United States might exercise this species of retaliation, if you please to call it such, in our commercial intercourse with foreign countries. So far from its being a warlike measure, it is a measure to prevent war. If we should to-day declare war, as we have the right to declare that the British Government have violated the treaty of 1818, that it was a *casus belli*, and that it was our duty so to treat it, we should bring these two countries by the ears in a very savage way, to the expenditure of much treasure and blood. But the Senate of the United States and the Committee on Foreign Relations do not think of entering upon that ground.

Let the facts that may possibly compel or justify such a procedure as that rest where they are now, in the womb of the future, and probably American policy, and statesmanship, and resolution, and material will be quite sufficient to meet each emergency as it may arise. But this committee are acting in the most peaceful way, on the side of peace, so as to furnish opportunities by which our Government may call the Government of Great Britain to pause and reflect upon the question, first, "How much is this going to damage your commerce? How much is this going to cut you off from the profits of the rich and convenient trade with the people of the United States? Perhaps after you have duly weighed that question under the influence of a positive example set by a proclamation of the President of the United States relating to fish, then you will have sufficiently recovered your composure to deal with us in a more friendly, if not fraternal, spirit than you have been doing." We want to interpose an opportunity for cool reflection on the part of these governments, directed to their commercial interests, and addressed to the sound sense of the commercial men who control these countries. It will not be necessary that the President of the United States shall issue a proclamation of embargo or a proclamation of entire suspension of commercial relations with the Canadian provinces or any other part of Great Britain.

I am quite satisfied that when the Canadian fishermen find that they have got no market in the United States for a pound of their fish and can not afford to carry them across the Atlantic Ocean or the Pacific Ocean to foreign markets, they will at once consult the great moving power of nations and of men, the pocket nerve; they will find that quite influential enough to arrange all of their disputes and difficulties without resorting to the muscles and nerve of the right arm of power, the war-making power.

There is no war in this measure. There is peace in it, and nothing else. But if we allow the existing condition to go on there will be war in it, and that beyond our control, for I must say that I applaud the spirit of those men who, knowing that their rights are interfered with; who, understanding that their rights are distinctly expressed by Mr. Phelps in this dispatch, by Mr. Bayard in his communications with the foreign office of Great Britain and with Mr. West, by the Senate of the United States, and by Congress in various legislative acts and resolutions; by President Grant in his message of 1870, by the concurrent opinion of almost every American statesman—knowing that they are right, have been emphatically clear in their self-restraint. But these men will at last say to themselves: "We can not afford to starve; we can not afford to burn our ships or turn them to a different trade; we can not afford to give up the avocations of our lives and go into some new pursuit; we are fishing lawfully upon the high seas, and if we happen to enter within 3 miles of a Canadian coast it seems we are likely to be overhauled and our flag hauled down, our officers and men insulted, our property taken and confiscated, and no damages returned to us. We do not intend to stand it; we will fight." And the first man that is killed, yes, the first blood that is dropped in a controversy of that kind upon the Canadian coast will be the tocsin of war, and the people of the United States would be plunged into it just as rapidly as they were by John Brown's raid at Harper's Ferry, perhaps more; and they would go into it unanimously on this occasion, for you will find just as much support on the Gulf of Mexico as you will on the coast of Maine for American fishermen in the defense of their rights.

Now, Mr. President, it is worth while for both these countries to arm themselves with all the powers of a law that may be necessary to prevent a conflict between individuals by which, as I have argued and I believe, a war may be precipitated upon us beyond our power to control. We can not afford to stand still under these circumstances. This Committee on Foreign Relations have not felt that it would be at all excusable in the estimation of the American people if under such exigencies of necessity it should decline to act in a matter of so grave importance as this. It brought forward a bill of which there are examples in our legislation already, recommended everywhere through our diplomatic correspondence and through all expressions of our statesmen who have ruled in the Department of State and in the Presidential office. Would there be any good reason, then, why we should not now act? I shall be very happy to realize the hope, which I certainly entertain, that this bill will pass almost without dissent on the part of the Senate.

I desire to close my remarks in this case by an extract from the report of the committee, historical in its character, which I put into the RECORD for the purpose of showing the complete justification historically of the action taken by this committee. I will hand it to the Reporter to be incorporated in the RECORD.

The extract from the report of the Committee on Foreign Relations is as follows:

Without going into a general review of the discussions that have in former years taken place concerning these matters, it is, as the committee thinks, sufficient to now treat these questions as they are affected by the principles of public law and by the presently existing treaty between the United States and Great Britain bearing upon the subject.

This treaty was concluded in the year 1818. To understand its just and true application it is perhaps proper to refer, by way of inducement, to the state of things theretofore existing.

The treaty of peace concluded at the end of the Revolutionary war, which acknowledged the independence of the United States, provided in its third article that the people of the United States "shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the Gulf of Saint Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish. And also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use, but not to dry or cure the same on that island, and also on the coasts, bays, and creeks of all other of his Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same, or either of them, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground."

This article, it will be observed, recognized an existing right and practice in respect of American fishermen exercising their calling not only at sea on the banks of Newfoundland, but in all places in the sea within what would be strictly British waters. And it will be observed also that this treaty said nothing on the subject of commercial intercourse between the people of the United States and those of the British provinces.

The next treaty was that of 1794, by the third article of which it was provided as follows:

"It is agreed that it shall at all times be free to His Majesty's subjects and to the citizens of the United States and also to the Indians dwelling on either side of said boundary line [being the land boundary line between the United States and the British Provinces of North America] freely to pass and repass by land or inland navigation, into the respective countries of the two parties, on the continent of America (the country within the limits of the Hudson Bay Company only excepted), and to navigate all the lakes, rivers, and waters thereof, and freely to carry on trade and commerce with each other. But it is understood that this article does not extend to the admission of vessels of the United States into the sea-ports, harbors, bays, or creeks of His Majesty's said territories; nor into such parts of the rivers in His Majesty's said territories as are between the mouth thereof and the highest port of entry from the sea, except in small

vessels trading *bona fide* between Montreal and Quebec, under such regulations as shall be established to prevent the possibility of any frauds in this respect; nor to the admission of British vessels from the sea into the rivers of the United States, beyond the highest ports of entry for foreign vessels from the sea."

A later article in the treaty of 1794 (Article XII) provided that for a limited period, named in the treaty, citizens of the United States might engage in carrying trade to any of His Majesty's islands and ports in the West Indies under certain conditions named. A later article (Article XIII) provided that vessels belonging to citizens of the United States should be admitted into all the sea-ports and harbors of the British territories in the East Indies, &c. A later article (Article XIV) provided that there should be between the dominions of His Majesty in Europe and the territories of the United States a reciprocal and perfect liberty of commerce and navigation, &c. Another article (Article XIII) provided for admitting American vessels in distress into all of His Majesty's ports on manifesting its necessity to the satisfaction of the government of the place.

So far as the present question is concerned the foregoing represents the state of the treaty arrangements between the United States and Great Britain down to the close of the war of 1812. By the treaty of 1815, following the treaty of peace of 1814, it was provided in Article I that there should be between the territories of the United States and all the territories of his Britannic Majesty in Europe reciprocal liberty of commerce, &c.

In a later article of the same treaty (Article II) it was provided that the intercourse between the United States and His Majesty's possessions in the West Indies and on the continent of North America should not be affected by any of the provisions of that article, but that each party should remain in complete possession of its rights with respect of such intercourse.

No other article of the treaty touched the question of intercourse between the United States and His Majesty's dominions in North America.

The next treaty bearing upon the present question was that of 1818, which is now understood to regulate, so far as it goes, fishing interests of whatever kind of the citizens of the United States in the territorial waters of the British dominions in North America.

All of this treaty that bears directly upon the present subject is contained in Article I, which is in the following words:

"Whereas differences have arisen respecting the liberty, claimed by the United States, for the inhabitants thereof, to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands; on the western and northern coast of Newfoundland from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbors, and creeks, from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company. And that the American fishermen shall also have liberty forever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland, above described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits: *Provided, however*, That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them."

This article sets out with stating the precise subject with which it has to deal, namely, that differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of His Britannic Majesty's dominions in America.

Thus it will be seen that the matter to be dealt with was a claim in favor of the inhabitants of the United States to do certain things within the territorial dominion of His Majesty, and not a matter touching the right of the inhabitants of the United States to cruise, fish, or do any other thing in waters that by the public law of nations did not belong to the territorial jurisdiction of His Majesty.

The matter to be dealt with being, then, simply that affecting American fishermen coming within the territorial dominion of His Majesty, it was provided that Americans might fish on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands; and on the western and northern coast of Newfoundland from said Cape Ray to the Quirpon Islands, and on the shores of the Magdalen Islands, and also on the coasts, bays, harbors, and creeks, from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company; and that the American fishermen should have the liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland, above described, and of the coast of Labrador, subject to non-interference with settlers, &c.

And by the same article the United States renounced any liberty "to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above mentioned limits; provided, however, that the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and of repairing damages therein, and of purchasing wood, and of obtaining water and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any manner whatever abusing the privileges hereby reserved to them."

The committee is of opinion, in view of this history and of the plain language above quoted, that this article was intended to deal and did deal only with the subject of the admission of American fishermen within the territorial jurisdiction of His Britannic Majesty as defined by the public law of nations.

Mr. EVARTS. Mr. President——

The PRESIDENT *pro tempore*. Will the Senator from New York allow the Chair to dispose of some matters on his table.

Mr. EVARTS. Certainly.

ROSELLA E. HIBBERT.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 2098) for the relief of Rosella E. Hibbert; which were, in line 5, to strike out the word "twenty" and insert "twelve;" and at the end of the bill to add:

To be paid to her legally constituted guardian for her use and benefit.

The amendments were concurred in.

LUCY E. ANDERSON.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2301) granting a pension to Lucy E. Anderson, which was, in line 9, to strike out the word "twenty-five" and insert "twenty."

The amendment was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 9854) to remove the political disabilities of S. Barron, of Virginia, was read twice by its title, and referred to the Committee on the Judiciary.

EXTENSION OF STREETS AND AVENUES IN WASHINGTON.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the commissioners of the District of Columbia, transmitting, in response to a resolution of August 4, 1886, certain information in regard to the extension of streets and avenues as proposed in Senate bill 2201. Accompanying the communication there is a map. The Chair will refer the matter to the Committee on Printing with a view to determining the question of printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 2981) to abrogate the powers of the executive officers of the United States in allowing indemnity locations or scrip for confirmed, unsatisfied private land claims, under section 3 of the act of Congress approved June 2, 1858 (United States Statutes at Large, volume 11, pages 294 and 295, chapter 81), and to vest that power in the courts of the United States, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of a committee representing the medical profession of the United States, praying that an appropriation be made to aid in defraying the expenses of the international medical convention to be held in Washington, D. C., in 1887; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CONGER. I present a very reasonable and proper petition from 186 citizens of Republic, in the State of Michigan, praying for a reduction of the internal-revenue taxes as soon as the condition of the Treasury will warrant. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

FISHING RIGHTS OF THE UNITED STATES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3173) to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels, in certain cases, and for other purposes.

Mr. EVARTS. Mr. President, I desire to state as briefly as may be the attitude which the two countries, Great Britain and the United States, now occupy on the subject under debate. Much that I have thought it of some importance to introduce into the debate has been anticipated, in some degree at least, by the Senator from Alabama [Mr. MORGAN], and I shall endeavor not to repeat simply what he has so properly presented.

We have a treaty with Great Britain regulating a fishery between the two nations on the seas and in the neighborhood of the possessions north of us in the power of Great Britain We have no treaty of commerce regulating our commercial intercourse between our great country and this important section of the British possessions known as the Dominion of Canada.

The treaty on fisheries has been a subject of debate and of irritation and an occasion of strife and a danger of war. After the renunciation of the fishery clauses of the treaty of 1871 we were brought back at once to the imperfect understanding between the two countries as to the meaning of the treaty of 1818, and as to the proper application of such permissive faculty as we had in going into the ports that were not opened by any commercial treaty.

Under this condition of things the Canadian authorities have, as by authority of their right under the treaty of 1818 affecting fisheries, attempted to exclude our fishermen from what would be an ordinary and suitable and necessary intercourse of comity in matters of commerce. If we submit to that view, if we accept that construction of the treaty of 1818, then we should be necessarily in the position of undertaking negotiations to modify and qualify that treaty, and with such success by countervailing advantages that we might concede to Great Britain as should remove this constant source of irritation and exposure to misunderstanding and even umbrage ending in war.

The first question then for us is whether we accede to that interpretation of the treaty of 1818. If we do not accord the exercise of authority now giving so much offense to our people and engaging great diplomatic correspondence between the two countries, if we do not concede that to be the treaty which would authorize this impression and injury upon our commerce, then we are to say under what right and under what cover of pretext can we suppose this vexatious treatment of our

shipping interest to be based? Manifestly there can be no other ground upon which these interferences, which seem to us contrary to the almost necessary comity between friendly nations in commerce, can be maintained except under the claim that there is no commercial treaty which obliges Great Britain and her dependency in the Dominion to admit this commercial intercourse that we have been in the habit of and desire to continue.

If then on that ground and on that ground alone this interference must be based when taken by the Dominion authorities, and is to be sustained by Great Britain, we have in our power according to the same right and level of commercial claim the same measure that Great Britain has, and we are not called upon to take the first step in that. Our action does not need to be called retaliatory; it is responsive. The first step in disturbing commerce was under a claim that there was no obligatory treaty of commerce that held us to enjoy these privileges; and this is but a responsive step on our part upon the same line of proceeding that they have taken.

And this brings us directly back to whether it be true that under the construction of the treaty of 1818 none of this disturbance and interruption and interference on the part of the Dominion authorities can be justified. I do not propose to debate that question. The settled opinion of this Government now is that the treaty of 1818 is nothing but a fishing treaty, and not a commercial treaty at all. It is regulative of the fishing interest as there described as the subject-matter, and the basis of all the provisions that have entered into that treaty. It is not a restriction of commerce at all; it is an enlargement of mere fishing rights under the very limited allowance of shelter and repairs and procuring wood.

Now, how did it happen—for we must understand how two great nations came to deal with this matter in the way they did, without a larger treatment of the subject of commerce—how did it happen that this treaty of fisheries was entered into and nothing said about commerce? As has been well pointed out in previous debates in this body at the last session, at that time the colonial system of Great Britain did not tolerate, did not propose to invite, did not propose to encourage or support commercial intercourse between the United States and the Dominion of Canada; but by the progress of mutual advantage and interest and good neighborhood this commercial intercourse was opened, not by treaty, but by statute law on the one side and the other, that permitted the reciprocal opening of this commercial intercourse between what is now within the Dominion of Canada and the United States; but that right rested entirely upon domestic legislation and upon authority to be exercised by each nation according to the policy and existing law of the country that put its interest in action.

We, then, are not ready to acquiesce in a debate concerning the meaning of the treaty of 1818 which shall have the actual and practical result on the part of Great Britain of exercising toward our commercial intercourse what is really an interruption, a destruction *pro tanto* of these interests while that matter goes on in debate. If the Dominion authorities, if Great Britain have taken the view of the treaty of 1818 supporting the legislation and the practical exercise of the power that is now under debate, our answer is, "You have no such rights, you have no such control; the subject-matter concerning which you deal is not embraced in the treaty of 1818, and we consider that the whole action that may have taken place, all that you have authorized, all that you propose, all your defense and support of it is under your right of having no treaty commercially obliging this relation to be kept open and proceeding upon your own domestic interest and your own domestic legislation." That being so, what is there for this country to do but responsive to that attitude, not protected by the treaty of 1818, but open under the dominion of their own law and of their own policy, not regulated by any treaty with us, obtain a footing and place our people in the same attitude in respect of these rights, while the debate proceeds as to the treaty of 1818 for the ascertainment of any further negotiations. So long as comity and courtesy and freedom of commercial intercourse are withheld, not under treaty but by positive law and authority, and only under positive law, we so respond.

Now, Mr. President, this bill, as it seemed to the committee, was carefully drawn. One clause here probably will be sufficient for the President of the United States, certainly sufficient for him at the outset, perhaps:

> To deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States.

And as he has free choice and can moderate the application of exclusion to this or to that topic, it is the fish clause, and the fish clause alone which will make it understood that while England and the Dominion of Canada take one view of the treaty of 1818, the United States take another view of the treaty of 1818; and the action of the authorities, the regulations of law, the support, so far as it is given by the Imperial power of Great Britain are under their own regulation of commercial intercourse with us, when there is no treaty governing the relation.

But it is asked, is this not in the nature of menace, is it not unfriendly, is it not tending to, at least, if not requiring a severer attitude between the nations than that of separate views on the subject of commercial intercourse? Why, sir, we can not alter the situation or the subject of the irritation. We find it made for us. As I have said before, it appeared whenever there came up a dispute of what the true application of the treaty of 1818 was, and we have found harsh, peremptory, and confiscatory measures put in action against us and our fishing interests, not our conceded view of the treaty but the British view of the treaty; and now that we have made up our minds on this point it is for us to take this subject at once out of the hands of the local disturbances, of the irritations, of the resentments, of rash and dangerous encounters by mischance or by misfortune that shall urge both nations into the presence not of a calm calculation, not of a deliberate consideration of what the true relations are and should be in commerce, but of what the rights and the duties of the people of the two countries and of the governments are in support of the maintenance on this side of the new quarrel made out of the dangerous circumstances that surround us.

So far, then, from this bill proposed by the committee tending to war, tending to umbrage, tending to make parties in the great contest of Great Britain and the United States becoming involved in resentments and retaliations against their will, it is an immediate announcement to the people of our country vitally interested, practically encroached upon, that the nation has accepted this view and has undertaken to place their protection at once, not in their personal resentments but in the representation of the Government of the United States, by placing the attitude of commercial intercourse on a footing of equal disfavor toward Great Britain that Great Britain in this proceeding has exhibited to us. And from that moment when the opening summer shall bring about a recurrence of the fishing season and of the fishing dangers they will be removed from that scene, from that theater of collision, and will be already if not concluded, at least under control of both governments in a deliberate consideration of what shall be done in regard to suitable intercourse, suitable to the interests of both of the neighboring communities, and suitable to the peace and dignity of the two great nations, the United States and Great Britain.

Mr. HALE. Mr. President, I am earnestly in favor of this bill, and it seems to me that it is a bill which every member of the United States Senate can freely and unrestrainedly vote for. I believe in its provisions because I believe them to be not harsh but moderate, not rash but well considered, and that the provisions of the bill when adopted as law and carried out by the Executive will be efficacious.

The situation for a year past has been simply intolerable. The aggressions upon this interest of ours at the hands of the Dominion authorities, persisted in as they have been against every expostulation and entreaty on the part of our authorities, are such as we have never submitted to since the infancy of the Republic. I am bound to believe that these aggressions, these assaults upon the rights of our citizens, high-handed as they have been, have been, not either by passion or by accident, but upon deliberate premeditation and predetermination.

There is no man who has followed the history of these acts on the part of the Canadian authorities which have caused such loss and suffering to our citizens, but must come to the conclusion that they have been part of a deliberate and arranged plan by the Canadian authorities, backed up in a great degree or entirely by the British Government. From the day when the first fishing vessel was seized, from the day when they began to enforce in this brutal way—for it is not too strong a word—everything during the season of 1886 ran in one direction. I have sent for but have not been able to obtain the instructions that were given to the commanders of the armed vessels that were sent down there to lay their strong hand upon our fishermen. I remember reading them; I remember distinctly, at the time when they appeared in the public press, and the whole animus that lay behind those instructions was one of deliberate, unprovoked hostility to our interests in these waters.

Here was another thing unprecedented so far as I know in the history of diplomatic negotiation. The Secretary of State interposed so far as he might by calling the attention of the British Government through its minister here and otherwise through specially constituted counsel to appear in their courts, and in every way, until perhaps the resources of the State Department were exhausted, and nothing came of all this. Here was this singular condition that while negotiations were being attempted, expostulation was resorted to to prevent outrages upon our citizens. They were going on with increasing harshness, and the provincial rules and regulations, which have no foundation in international or any law, were being more and more rigorously enforced.

There is no opportunity for fair negotiation between any two great powers, or between any two powers, when the acts which are complained of upon the one side are persisted in upon the other side. That is the death of negotiation.

As I have said, I know of no precedent where a fair negotiation entered upon by the representatives of any two powers has taken place where the acts complained of which are the cause and subject matter of the negotiation had not for the time ceased; and if they do not cease, I repeat it, that is the death of negotiation, and there must be some other process resorted to. The last dreaded process is the appeal to that

last, most formidable and dreaded tribunal, that of declared hostility and war.

The bill meets my favor, and I think ought to meet the favor of every Senator here, because in a conservative way, realizing what this dread alternative means for these two great peoples, it does invoke another interposition.

Mr. RIDDLEBERGER. Did I understand the Senator to say "war?"

Mr. HALE. I do not know whether I said "war" or not. I may have used that word, perhaps.

Mr. RIDDLEBERGER. I thought the Senator did.

Mr. HALE. The merit of the bill lies in a nutshell, that the committee has found another interposition, in diplomacy, if you choose to call it that, in its result upon diplomacy in the form of legislation which is based upon the *lex talionis*. I feel like congratulating the committee upon having found this remedy, for I believe it will be a remedy and will avert the last dread remedy.

To my mind, if this bill becomes a law, the provisions which authorize and with the force that they will come before the Executive they will, I believe, be interpreted by him as a direction, under the authority that is given to the President to issue his proclamation closing our ports under certain restrictions, shutting out certain Dominion vessels and British vessels, and particularly the clause that is found from lines 41 to 44, will furnish the remedy. By these provisions the President is authorized—

To deny entry into any port or place of the United States of fresh fish or salt fish, or any other product of said dominions, or other goods coming from said dominions to the United States.

When that provision becomes a law, passed by the American Congress, approved by the American Executive, and is enforced in direct and prompt and manly fashion, as I believe it will be, then it will be seen by our Canadian neighbors that the United States is thoroughly in earnest, that it appreciates their purpose, that it realizes how deep laid is their plan, and that it has had recourse now, here, at once, to a retaliatory measure that will bring these neighbors of ours to their senses, and that will lead to a condition where, if further negotiation be desirable, it is practicable.

That, sir, as has been said here, and as I believe truly, will lead to the suspension of these acts on the part of the Canadian authorities, to their abandoning their policy, so that our fishermen may go into those waters as they have in years past, without improper let or hindrance, and pursue their vocation. That provision will clear the skies; that provision will leave the subject-matter so that any further negotiation may be entered upon between these two great powers. The evils that give rise to the negotiation having ceased, and the two powers, or their proper representatives, in that calm and deliberate way which ought to characterize diplomatic negotiation, may see to it that the rights and interests of the two countries in the future shall be regarded and assured. And until the American Congress has formulated some law that shall accomplish this purpose and sound this note to our Canadian neighbors, not of menace, but of warning, these things that have been so intolerable in the last year will continue in worse fashion through the year coming.

I am sorry to say that I have reason to believe from intelligence—I think I may call it that—which comes to me from the seat of Government of the Dominion, that there is at present, under the course that we have pursued, no intention on the part of the Canadian authorities to abandon the course they have maintained in such a hostile manner towards us in the last year; and as long as it remains, and nothing is done by us, or as the Senator from Vermont says, nothing but talk, then they will persist, whatever may be their ultimate object, whether it be to drive us from their waters, whether it be to oblige us to give them better terms with reference to their fish, or whatever it may be, they will persist in it until some sharp, drastic measure is adopted by us and maintained and carried out. And so, Mr. President, I feel, as I have said, like congratulating the committee on being able——

Mr. RIDDLEBERGER. Will the Senator allow me to ask who does the talk?

Mr. HALE. Yourself perhaps.

Mr. RIDDLEBERGER. I am not the only one.

Mr. HALE. You shall have all the opportunity you want when I am done.

The committee should be congratulated on finding this other project, plan, scheme, or whatever you may call it, that will direct the attention of the Canadian authorities and of Great Britain to the view which is growing with the American people, a view which shows that the American people do not mean to be trifled with, and yet while it has its merit it is not a harsh, ill-considered, rash war provision.

For these reasons I shall vote for the bill, and I hope every Senator will do the same.

Mr. VEST. May I inquire of the Senator from Vermont if he proposes to press this measure to a vote this afternoon?

Mr. EDMUNDS. I do most decidedly. There are only thirty working days left of this session.

Mr. VEST. It is perfectly immaterial to me; but the Senator from Maryland [Mr. GORMAN] is out of the Senate necessarily on a conference committee, and he has some amendments which he wishes to have printed and the bill to go over until to-morrow. I can hardly take the responsibility of offering his amendments myself, though I promised him to have them printed. I have some amendments myself also that I should like to offer to the bill; but if it is the pleasure of the Senate to go on this afternoon we must do so.

Mr. BUTLER. Will it do for the Senator from Vermont to have an hour to-morrow designated at which we shall vote?

Mr. EDMUNDS. I should be glad to accommodate everybody, but this is a subject which has been before the Senate and Congress for a long time, and we have a very short period left in which to transact the public business. I think, therefore, it is a duty I owe to the Senate in respect to the public business to ask the Senate to go on to-day and finish this matter.

Mr. BUTLER. This bill has been before the Senate but one day that I remember.

Mr. EDMUNDS. I know it.

Mr. BUTLER. Therefore the Senator is himself mistaken in saying it has been before the Senate a long time. I have not heard it discussed before.

Mr. EDMUNDS. I said the subject had been.

Mr. BUTLER. There are other gentlemen who are anxious to discuss the bill. I have no such purpose. I believe it is customary to grant the courtesy of a postponement where a Senator desires to discuss a question. Therefore I shall move, if the Senator of Missouri will yield the floor to me for that purpose, that the Senate adjourn, with the understanding that we take the vote on this bill to-morrow at 3 o'clock.

Mr. EDMUNDS. On that motion I ask for the yeas and nays.

Mr. DAWES. I should like to know if it is understood that we can have a vote at a particular hour.

Mr. VEST. I shall make no objection.

The PRESIDENT *pro tempore*. The Senator from South Carolina moves that the Senate do now adjourn.

Mr. EDMUNDS. And on that motion I ask for the yeas and nays.

Mr. BUTLER. I should like to modify that motion, if I may be permitted, and move that the Senate proceed to the consideration of executive business.

Mr. EDMUNDS. On that motion I ask for the yeas and nays.

Mr. DAWES. I ask the Senator to withdraw the motion.

The PRESIDENT *pro tempore*. The Senator from Vermont asks for the yeas and nays on the motion.

The yeas and nays were ordered.

Mr. BLAIR. Mr. President——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. BLAIR. I ask unanimous consent to say a word before the question is taken.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent to address the Senate pending this motion. Is there objection? The Chair hears none.

Mr. BLAIR. I merely wish to remind the Senate that the woman-suffrage amendment to the Constitution was the unfinished business for the first week of the session, and that last Friday I gave notice that I should ask the Senate to proceed to its consideration upon the close of the morning business to-morrow morning. I shall feel bound to make that motion at that time, no matter what is done now. I hope the Senate will see fit to continue the consideration of this bill and conclude it to-night. At all events, whatever action is taken, I should like it to be with notice that to-morrow morning I shall move the consideration of the Constitutional amendment.

Mr. CALL. I ask unanimous consent to say a word.

The PRESIDENT *pro tempore*. The Senator from Florida asks unanimous consent to make a statement. Is there objection? The Chair hears none.

Mr. CALL. I desire to say to the Senator from Vermont that if there is any idea of adjournment or going into executive session, I should be very glad to have a vote taken on the resolution I have been endeavoring to bring to the action of the Senate.

Mr. EDMUNDS. I can not agree to anything whatever. The Senate perfectly understands this question, and we are to do as a majority of the Senate on yeas and nays shall decide.

The PRESIDENT *pro tempore*. The Secretary will call the roll on the motion for an executive session.

The yeas and nays were taken.

Mr. DAWES (after having voted in the negative). It escaped my mind that I was paired with the Senator from Texas [Mr. MAXEY], who is absent at this time, and I withdraw my vote.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "nay."

Mr. INGALLS (after having voted in the negative). I have been requested to pair with the senior Senator from North Carolina [Mr. RANSOM], and I withdraw my vote for that reason.

Mr. COKE. My colleague [Mr. MAXEY] is absent, paired with the Senator from Massachusetts [Mr. DAWES]. My colleague, if here, would vote "yea."

The result was announced—yeas 16, nays 30; as follows:

YEAS—16.

Berry,	George,	Jones of Arkansas,	Vest,
Butler,	Gray,	Payne,	Walthall,
Coke,	Hampton,	Pugh,	Whitthorne,
Eustis,	Harris,	Vance,	Wilson of Md.

NAYS—30.

Aldrich,	Edmunds,	McMillan,	Sawyer,
Blair,	Evarts,	Mahone,	Sherman,
Brown,	Frye,	Mitchell of Oreg.,	Spooner,
Call,	Gibson,	Morgan,	Teller,
Cheney,	Hale,	Morrill,	Williams,
Colquitt,	Hawley,	Palmer,	Wilson of Iowa.
Conger,	Hoar,	Platt,	
Cullom,	Jones of Nevada,	Saulsbury,	

ABSENT—29.

Allison,	Dawes,	McPherson,	Sabin,
Beck,	Dolph,	Manderson,	Sewell,
Blackburn,	Fair,	Maxey,	Stanford,
Bowen,	Gorman,	Miller,	Van Wyck,
Camden,	Harrison,	Mitchell of Pa.,	Voorhees.
Cameron,	Ingalls,	Plumb,	
Chace,	Jones of Florida,	Ransom,	
Cockrell,	Kenna,	Riddleberger,	

So the motion was not agreed to.

Mr. RIDDLEBERGER. I have not voted, and do not intend to vote when I see that there is a motion to adjourn. I decline to vote.

Mr. EDMUNDS. Now, Mr. President, I move to amend the bill in its phraseology on the suggestion of my friend from Massachusetts [Mr. HOAR]—which I thought was unnecessary, and still do—in the manner that the Secretary at the desk has the words.

Mr. HOAR. That motion is pending. It has been made by me.

Mr. EDMUNDS. Very well.

Mr. VEST. I was under the impression that I had the floor after this motion for an executive session was determined in the negative.

The PRESIDENT *pro tempore*. The Senator from Missouri is entitled to the floor. The amendment proposed was suggested some time ago. The Chair received the amendment. The Senator from Missouri is entitled to the floor.

Mr. VEST. Now, Mr. President, I offer an amendment handed to me by the Senator from Maryland [Mr. GORMAN] with the request that it be received and printed.

Mr. EDMUNDS. We can not hear the Senator from Missouri.

The PRESIDENT *pro tempore*. The Senate will come to order.

Mr. VEST. The first amendment proposed by the Senator from Maryland is to strike out all from the word "or," in line 11, on the second page of the bill, down to and including the words "in respect of the same," in line 30 of the same page, and to insert in lieu of the matter stricken out:

Or whenever the President of the United States shall be satisfied that such vessels or fishermen are obstructed by Canadian authorities in their free use on their way to the deep sea fisheries of such easements and rights in Canadian territory or territorial waters as belong to them by ancient ownership sanctioned by treaty.

The next amendment proposed by the Senator from Maryland is to insert at the end of line 44 the words:

And also, if he thinks proper, to prohibit entrance into the United States from Canada of any engines, rolling stock, or cars with any goods that may be contained therein.

His next amendment is to insert after "vessels," in line 51, the words:

Engines, rolling stock, cars.

I offer upon my own motion as an addition to the bill what I send to the Chair. I offer all these amendments together.

The PRESIDENT *pro tempore*. The Chair is of opinion that the first question is on the amendment now pending. That must be disposed of before the Senator's amendments can be received.

Mr. VEST. But I want these printed before we adjourn, and I want the Senate to understand what the amendments are.

Mr. HOAR. I suggest to the Senator from Missouri that he let the pending amendment, which is merely to phraseology, be adopted.

Mr. VEST. I have no objection to that.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts [Mr. HOAR], which will be read.

The CHIEF CLERK. Line 11, after the word "rights," it is proposed to insert: "Or otherwise unjustly vexed or harassed in said waters, ports, or places."

The amendment was agreed to.

The next amendment of Mr. HOAR was, in line 21, after the word "thereof," to insert: "Or otherwise be unjustly vexed or harassed."

The amendment was agreed to.

The next amendment of Mr. HOAR was, in line 30, after the word "same," to insert: "Or unjustly vexed or harassed therein by the authorities thereof."

The PRESIDENT *pro tempore*. The amendment will be agreed to if there be no objection.

Mr. RIDDLEBERGER. I object.

The PRESIDENT *pro tempore*. The Chair will put the question, objection being made.

Mr. RIDDLEBERGER. I desire to say that this is a bill of a committee and we are putting in here what we do not know anything about, affecting treaty obligations between this country and Great Britain, and somebody just comes in and proposes what is adopted without being explained. I say I do object. To-morrow or next day or next year is time enough to make treaties with Great Britain, and especially if we are to accept just what one Senator shall say here to-day. Next year is time enough. It took us many more years than one to make ourselves an American Senate, and it would seem to me that it is time enough even next year to make treaties by bill. I do object.

Mr. VEST. Mr. President, has the amendment of the Senator from Massachusetts been disposed of?

The PRESIDENT *pro tempore*. The Chair will submit the question to the Senate. The question is on the amendment which has been read.

The amendment was agreed to.

Mr. VEST. Now I submit my amendment.

The PRESIDENT *pro tempore*. Does the Senator desire the amendment read now?

Mr. VEST. Yes, sir; I want to take the floor on it.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. Line 11, after the word "rights," strike out:

or otherwise unjustly vexed or harassed in said waters, ports, or places; or whenever the President of the United States shall be satisfied that any such fishing vessels or fishermen, having a permit under the laws of the United States to touch and trade at any port or ports, place or places, in the British dominions of North America, are or then lately have been denied the privilege of entering such port or ports, place or places, in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favored nation, or shall be unjustly vexed or harassed in respect thereof, or otherwise be unjustly vexed or harassed therein, or shall be prevented from purchasing such supplies as may there be lawfully sold to trading vessels of the most favored nation; or whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters or crews, so arriving at or being in such British waters or ports or places of the British dominions of North America, are or then lately have been denied any of the privileges therein accorded to the vessels, their masters or crews, of the most favored nation, or unjustly vexed or harassed in respect to the same, or unjustly vexed or harassed therein by the authorities thereof.

And insert in lieu thereof:

or whenever the President of the United States shall be satisfied that such vessels or fishermen are obstructed by Canadian authority in their free use on their way to the deep-sea fisheries of such easements and rights in Canadian territory or territorial waters as belong to them by ancient ownership, sanctioned by treaty.

The PRESIDENT *pro tempore*. Does the Senator desire the other amendments read?

Mr. EDMUNDS. Take them one at a time.

Mr. VEST. Mr. President, it goes without saying that if the rights of the humblest citizen of the United States should be attacked by any foreign power there would exist a unanimity of sentiment on the part of the people of the United States that those rights should be protected, that the glory and honor of the American people must be preserved. As the Senator from Alabama in front of me [Mr. MORGAN] has very well said, there would be no geographical or sectional differences if any such issue were ever made, and it would be found that the men who were arrayed against each other in battle very lately would stand together in solid phalanx in defense of these rights and of this honor. All this talk which runs beneath any such thing as a war with other peoples of the world is premature. It is enough for us to meet any such contingency when it is absolutely impossible to avoid it.

As for myself, I can say that I have no such prejudice in favor of England or her institutions as prevents me now from declaring that I would not hesitate one single instant as to the consequences if the issue of individual rights or national honor should be presented to this Congress. But it becomes us to consider well every step that we take in regard to this most serious complication. Whatever else may be said about England and her people, they have in their veins the same blood of conquest and aggression that runs through our own veins; and when it comes to a question of right and of English honor, I am not afraid to say, in spite of any misconception or prejudice in this country against England, that no people that ever lived in history have been more valiant or would suffer more to defend their rights or their national honor. We are their children, and when we speak of spirit and determination on our own part, let us admit the fact that it comes from that same blood which has not run dry.

What is this issue before the Senate of the United States? It comes from a clause in the treaty of 1818, which reads as follows:

Provided, however, That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever.

Here are four specific purposes for which American fishermen and fishing vessels may enter the Canadian ports. "American fishermen shall be admitted" for the purpose of purchasing wood, for obtaining water, for shelter, for repairing damages, "and for no other purpose whatever." The contention of Great Britain is simply that the right to obtain bait in these ports of the British dominions in North America is not included within this concession. I think myself that they stick in the bark. I think that the admirable letter of Minister Phelps on this question is sufficient to show that there should be a broad and catholic construction of such a treaty between friendly nations. But

it is useless for us to disguise the fact that, if she chooses to do so, England is not without some pretense of right in putting the construction on this treaty that she does.

Mr. Bayard says in his admirable argument that the mode of fishing has been changed until now the deep-sea fishery is alone valuable to American fishermen, and, properly speaking, between friendly nations it ought to be held that American fishermen could purchase bait under this clause in order to go out to the deep sea. England, on the other hand, makes the contention that no such construction should be given. Our side of this question is admirably presented in the letter of Mr. Phelps, from which I shall now read:

Recurring, then, to the only real question in the case, whether the vessel is to be forfeited for purchasing—

Speaking of the David J. Adams—

for purchasing bait of an inhabitant of Nova Scotia, to be used in lawful fishing, it may be readily admitted that if the language of the treaty of 1818—

Which I have just read—

is to be interpreted literally, rather than according to its spirit and plain intent, a vessel engaged in fishing would be prohibited from entering a Canadian port "for any purpose whatever" except to obtain wood or water, to repair damages, or to seek shelter. Whether it would be liable to the extreme penalty of confiscation for a breach of this prohibition in a trifling and harmless instance might be quite another question.

Such a literal construction is best refuted by considering its preposterous consequences. If a vessel enters a port to post a letter, or send a telegram, or buy a newspaper, to obtain a physician in case of illness, or a surgeon in case of accident, to land or bring off a passenger, or even to lend assistance to the inhabitants in fire, flood, or pestilence, it would, upon this construction, be held to violate the treaty stipulations maintained between two enlightened maritime and most friendly nations, whose ports are freely open to each other in all other places and under all other circumstances. If a vessel is not engaged in fishing she may enter all ports, but if employed in fishing, not denied to be lawful, she is excluded, though on the most innocent errand. She may buy water, but not food or medicine; wood, but not coal. She may repair rigging, but not purchase a new rope, though the inhabitants are desirous to sell it. If she even entered the port (having no other business) to report herself to the custom-house, as the vessel in question is now seized for not doing, she would be equally within the interdiction of the treaty. If it be said these are extreme instances of violation of the treaty not likety to be insisted on, I reply that no one of them is more extreme than the one relied upon in this case.

I am persuaded that your lordship—

This is addressed to the secretary of foreign affairs of Great Britain——

Mr. RIDDLEBERGER. What is his name—"lordship?"——

Mr. VEST. This is a letter to the British foreign secretary—

will, upon reflection, concur with me that an intention so narrow, and in its result so unreasonable and so unfair, is not to be attributed to the high contracting parties who entered into this treaty.

It seems to me clear that the treaty must be construed in accordance with those ordinary and well-settled rules applicable to all written instruments, which without such salutary assistance must constantly fail of their purpose. By these rules the letter often gives way to the intent, or rather is only used to ascertain the intent.

The whole document will be taken together, and will be considered in connection with the attendant circumstances, the situation of the parties, and the object in view, and thus the literal meaning of an isolated clause is often shown not to be the meaning really understood or intended.

Upon these principles of construction the meaning of the clause in question does not seem doubtful. It is a treaty of friendship and not of hostility. Its object was to define and protect the relative rights of the people of the two countries in these fisheries. not to establish a system of non-intercourse or the means of mutual and unnecessary annoyance. It should be judged in view of the general rules of international comity and of maritime intercourse and usage, and its restrictions considered in the light of the purposes they were designed to serve.

Thus regarded it appears to me clear that the words "for no other purpose whatever," as employed in the treaty, mean no other purposes inconsistent with the provisions of the treaty, or prejudicial to the interests of the provinces or their inhabitants, and were not intended to prevent the entry of American fishing vessels into Canadian ports for innocent and mutually beneficial purposes, or unnecessarily to restrict the free and friendly intercourse customary between all civilized maritime nations, and especially between the United States and Great Britain. Such, I cannot but believe, is the construction that would be placed upon this treaty by any enlightened court of justice.

Mr. RIDDLEBERGER. Will the Senator allow me to ask him if that dispatch is between the United States and Great Britain?

Mr. VEST. Mr. President, I have read this extract from this most admirable letter of our minister to England to show that upon the one hand Great Britain asks for a literal interpretation of the clause of the treaty which I have read, and Mr. Phelps—and I take it no one here who has read this correspondence will claim that he is not exigent for our national honor in this whole matter—Mr. Phelps is compelled to admit that a literal construction would bring about the results which England claims; but he says in a broader and catholic construction between the two great English-speaking nations of the world, considering our ancestry, all the ties that bind us together, and even the prejudices that forced us apart, it is unreasonable to put the literal construction, but there should be a broader construction.

Mr. President, it is not for me to so entirely go outside of this language as to claim that Great Britain has brutally and ruthlessly, and without any show of reason, trampled upon the rights of American citizens. I am not here as the apologist of Great Britain or of her institutions. A paper yesterday did me the honor to say that somewhere, at some time, I had offered an amendment to a bill or to some pending treaty, in order to expedite the taking of dynamiters abroad for trial within the English dominions. As I never heard of any such proposition, and as the first information I ever had in regard to it came from this newspaper, and as I may be permitted to say all my feelings and opinions run directly contrary to the current which this paper undertook to point out for me, I wish to disclaim any such feeling as the paper ascribed to me, or as others have ascribed to me. I do not believe Great Britain wants any war with this country, or is attempting to thrust one upon us.

Great Britain to-day—I say it without being her apologist—is located exactly and situated precisely as was this country in regard to the difficulties upon the Rio Grande which brought about the Mexican war. Every intelligent man knows how local prejudice and contiguity fan into flame differences, which, in themselves, would be susceptible of adjustment did not localities bring about a conflict. This colony of Great Britain, largely interested in fishing, is claiming a construction of this treaty in the bark and against the spirit, as Mr. Phelps says. I have no doubt the colonial legislature, which, like our legislatures, is peculiarly subject to local feeling and prejudice, has resorted to a system of legislation which can not be defended, and which we can not for one single instant permit to enter into this controversy as to the construction of this treaty of 1818. But England can not afford to go to war with the United States. Of all the calamities that could befall either country in the shape of a collision, war with Great Britain would be the greatest to the United States and to that nationality.

I have said that not for an instant could we submit to the contention that the legislation or the legislatures of the British dominions in North America could enter into the construction of the treaty of 1818. I find in this correspondence, which breathes throughout, I am glad to say, on the part of the representatives of the United States, from the Secretary of State himself down to the lowest official, a high, dignified, and firm spirit, such as becomes the people of the United States and their position, an admirable argument, which, it seems to me, effectually disposes of all pretenses that we are to be governed for a single instant by the legislation of Canada in regard to the construction of the treaty of 1818. The English authorities claim that until the pending litigation consequent on the seizure of American shipping vessels by the Canadian tribunals should be determined, this difference in the construction of the treaty of 1818 should not be considered. In reply to that Mr. Phelps says:

The proposition of Her Majesty's Government amounts to this, that before the United States can obtain consideration of their complaint that the Canadian authorites without justification have seized and are proceeding to confiscate American vessels, the result of the proceedings in the Canadian courts, instituted by the captors as the means of the seizures, must be awaited, and the decision of that tribunal on the international questions involved obtained.

The intrepretation of a treaty when it becomes the subject of discussion between two governments is not, I respectfully insist, to be settled by the judicial tribunals of either. That would be placing its construction in the hands of one of the parties to it. It can only be interpreted for such a purpose by the mutual consideration and agreement which were necessary to make it. Questions between individuals arising upon the terms of a treaty may be for the courts to which they resort to adjust.

Questions between nations as to national rights secured by treaty are of a very different character and must be solved in another way.

The United States Government is no party to the proceedings instituted by the British authorities in Canada. Nor can it consent to become a party. The proceedings themselves are what the United States complain of as unauthorized as well as unfriendly. It would be inconsistent with the dignity of a sovereign power to become a party to such proceedings, or to seek redress in any way in the courts of another country for what it claims to be the violation of treaty stipulations by the authorities of that country.

Still less could it consent to be made indirectly a party to the suits by being required to await the result of such defense as the individuals whose property is implicated may be able and may think proper to set up.

Litigation of that sort may be indefinitely prolonged. Meanwhile fresh seizures of American vessels upon similar grounds are to be expected, for which redress would in like manner await the decisions of the local tribunals, whose jurisdiction the captors invoke and the United States Government denies.

Nor need it be again pointed out how different may be the question involved between the Governments from that which these proceedings raise in the Canadian courts. Courts in such cases do not administer treaties. They administer only the statutes that are passed in pursuance of treaties. If a statute contravene the provisions of a treaty British courts are nevertheless bound by the statute. And if, on the other hand, there is a treaty stipulation which no statute gives the means of enforcing, the court can not enforce it.

Although the United States Government insists that there is no British or colonial act authorizing the seizures complained of, if the British courts should nevertheless find such authority in any existing statute, the question whether the statute itself or the construction given it is warranted by the treaty would still remain. And also the still higher question, whether if the strict technical reading of the treaty might be thought to warrant such a result, it is one which ought to be enforced between sovereign and friendly nations acting in the spirit of the treaty.

The United States Government must therefore insist that, irrespective of the future result of the Canadian legal proceedings, the authority and propriety of which is the subject of dispute, and without waiting their conclusion, it is to Her Majesty's Government it must look for redress and satisfaction for the transactions in question, and for such instructions to the colonial authority as will prevent their repetition.

I have read this for a double purpose; to show the real points at issue, which, it seems, to me have not been sufficiently set forth in the course of this discussion, and in the second place, to show that our representative abroad has been true to his country and has asserted the full measure of the rights of the American people, and not only individual rights but our national honor. The negotiations are still pending, as we are informed by the Secretary of State, with the hope that they may come to a favorable adjustment.

This measure now comes to us, for which I expect to vote, in the nature of a proposition for a commercial embargo. It is, if not war, the half-sister of war. We know, in the history of this country, war was the result of the embargo which cast its shadow over the last years

of Mr. Jefferson's administration, and upon which he vainly relied to prevent a war with Great Britain. That embargo ruined our own people, and the war of 1812 burst upon the country with a British army that ravaged our borders as the vessels of Great Britain ravaged our commerce upon the seas.

This power in this bill is the most extraordinary declaration of war known to civilized nations, and this bill contains most extraordinary phrases, the meaning of which I do not pretend to give. It is said here that the President of the United States shall do so and so, that it shall be his duty within his discretion to declare this embargo against commerce; it shall be his duty within his discretion. What is meant by that "discretion" I leave to the able Senator from Vermont in charge of this bill. If the President has "discretion" why point out his "duty?" If we say to him it is his "duty," why give to him the "discretion?" It is "his duty within his discretion" to put this embargo upon the commerce of the United States with this foreign nation.

But that is not all. I stated that I should vote for the bill, and I vote for it, I am frank to say, because it contains the single provision that the President of the United States shall have discretion in regard to this matter. I would not vote for it as a mandatory bill. I would not take the responsibility of saying that the President of the United States should declare this embargo when these negotiations are still pending and when we know the full result of what a war with Great Britain must mean. It is well enough to talk in a rhetorical style about a war with Great Britain. The world in arms can not conquer this country upon our own soil—nor five such worlds in arms, it may be said without exaggeration. The United States united are invincible in any such struggle as that. But in a maritime war, who could answer for the result? Who wants to risk the gage of battle in any such fashion as that? Who wants to invite such a contest, no matter how high his patriotism or what his military ardor? Who can think for one minute of the enormous loss, not only of life, but of property, which must follow from any such struggle, situated as we now are?

But this bill has in it a clause to which the Senator from Maryland [Mr. GORMAN] desires me to call attention.

> Or whenever the President of the United States shall be satisfied that any such fishing vessels or fishermen, having a permit under the laws of the United States to touch and trade at any port or ports, place or places, in the British Dominions of North America, are or then lately have been denied the privilege of entering such port or ports, place or places, in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favored nation, or shall be unjustly vexed or harassed in respect thereof, &c.

This clause puts the United States simply on the basis of a favored nation in regard to this fishery question. I understand that the position and contention of the United States Government heretofore has been, and is to-day, that we are a co-owner of Great Britain of the fishing rights, except as they may be modified by treaty; that we have always denied that we stand upon the footing of a foreign and favored nation, but that we were, together with Great Britain, upon an equality, and that there was an equal right in the citizens of the two countries to claim these fishery rights on the coast of Canada.

Mr. MORGAN. The Senator from Missouri will allow me in that connection to say that there are two kinds of vessels that are mentioned here: one fishermen entered as such, and the other fishermen with commercial licenses to touch and trade. The clause proposed to be stricken out by the Senator from Maryland relates to vessels authorized to touch and trade; and vessels that are authorized to touch and trade in that commercial sense must be considered by all the nations with whom we trade as being on the basis of the most favored nations, unless we admit some inferiority.

To strike out that class of vessels is simply to emasculate this bill. It takes entirely out of the bill and out of the remedial power placed in the hands of the President all that class of fishing vessels, which, being such, are also made commercial vessels by the license to touch and trade—the license of our own custom-house.

So the Senator will see that the reference to the "favored nation" in this bill is not in connection with fishermen as such, or any particular rights we have under the treaty of 1818, but relates simply to vessels that are fishermen having also the right to touch and trade, as to which we must acknowledge that if we have any rights at all, we have the rights of the most favored nation.

Mr. VEST. I put the construction upon that clause in connection with the amendment proposed by the Senator from Maryland. One of the very first points of contention between the United States and Great Britain is that under the treaty England claims that these vessels did not have the right to go into Canadian ports except for the four specified purposes named, and the contention on the part of the Government of the United States is, under the broader construction of that treaty, that these four specified purposes include the larger purpose of going there for the purpose of trading in such necessary articles as they might need.

So far from wanting to put the United States in an inferior position, I am satisfied that the Senator from Maryland has directly the opposite intention, and he is afraid that in the language of this section as it now stands the United States may abdicate a position heretofore asserted at all times that she regards herself as one of the joint occupants of these fishing rights, the right of the two countries to be limited only by treaty made between them.

The other amendment of the Senator from Maryland inserts, in addition to the goods which may be placed under the operation of this embargo, and which may be prohibited from passing through our territory, "cars and engines," for the purpose of enlarging the provisions of the bill. The Senator, however, is now present in his seat, and I will not take any more time in doing what he can so much better do than myself.

Now, as to the amendment I have offered, I hope I may be permitted without being held amenable to the criticism that I am following the dictation of any Cabinet officer, to allude to the recommendation which is in the President's message and in the accompanying report of the Secretary of State, which is to the effect that a commission is recommended for the purpose of perpetuating testimony or proof as to these outrages upon American fishermen within the last year, or since the 1st of January, 1885.

If we desire to demonstrate to the English Government our intention to protect our own citizens and to see that all the rights given by treaty are effectually preserved, it seems to me that the most effective plan to evidence our sincerity would be by making plain the testimony sustaining the claims for redress to American citizens for damages already suffered. This legislation proposed by the Committee on Foreign Relations is as to the future, and there may be no other outrage perpetrated in the future. The past is finished—it is complete. We all heard to-day the details stated by the Senator from Maine [Mr. FRYE] of the outrages inflicted upon American fishing vessels by the authorities and people of the Dominion. No higher duty can be imposed upon this Congress than to see that our citizens who have thus suffered have the courts opened, and not only the courts, but that they have the proof ready for the time when we carry out the purpose announced by our State Department of demanding full pecuniary reparation for the damages thus inflicted upon the American people.

I am glad to say that while I have differed widely from Secretary Bayard in the past on many public questions, I readily indorse every word he has said in his correspondence with the British authorities on this vexed question, and I am glad to say that, in the conclusion of every one of his letters reciting these outrages, he has notified the British authorities that the American Government will expect full and complete pecuniary compensation to its citizens for these wrongs inflicted upon them.

What is the first step in that direction? Men die, evidence dies, documents are wasted and destroyed. This evidence must be put in some tangible and permanent shape, so that when the time comes, spoken of by the State Department, the evidence may be forthcoming to prove the amount of damages and the circumstances under which those damages were incurred. It seems to me that here is an opportunity to show our sincerity and to evidence to our own citizens the fact that we intend to protect them and see that they secure their rights.

I know it may be said that the formation of a commission, which is the purpose of the amendment I have offered, to proceed to such place as the Secretary of State may indicate, to take this testimony and attest it and certify it to the State Department, is foreign and alien to the purpose of the bill pending before the Senate. Why, Mr. President, it seems to me germane, intimately germane to the very purpose we have now in view.

Mr. TELLER. I should like to ask the Senator what better that would be than the voluntary affidavits these people have already filed in the State Department?

Mr. VEST. Infinitely better.

Mr. TELLER. Certainly it will not bind Great Britain unless she assents to the commission.

Mr. VEST. The Senator from Colorado is a lawyer. Does he ask me the difference between an affidavit taken before, probably, some justice of the peace in a country village by men inexperienced in the matter of taking testimony, and the full and complete testimony taken by a lawyer. What are these affidavits? It is impossible to take anything else but *ex parte* statements in the Department.

Mr. TELLER. One has as much force as the other. You may get more details by a commission.

Mr. VEST. Am I claiming as a sane man that there is any peculiar force about testimony taken in this way? It is simply to perpetuate the testimony. We are claiming now damages and hereafter will bring it to a direct issue, and how do we have proof of them? The affidavits sent here by mail. We want when we meet the authorities of Great Britain to say, "Here, we have taken the proof; we have cross-examined the witnesses; we bring here now the testimony establishing our claims."

Mr. EDMUNDS. I do not wish——

The PRESIDENT *pro tempore*. Does the Senator from Missouri yield?

Mr. VEST. Certainly.

Mr. EDMUNDS. May I ask the Senator from Missouri whether he remembers any instance in the history of this country in which a simi-

lar commission has been formed to take testimony for claims, or whether the uniform course has not been always by a constant practice for people who claim to have been wronged by any foreign government or its people to file in the Department of State as a matter of course what are called protests and proofs, and without the expense of a fresh lot of officers and a fresh enginery for accomplishing that object?

Mr. VEST. As a matter of course protests may be filed, and they may not be filed. Nobody will undertake to say here that they are filed in all these cases—the long category of cases read to-day by the Senator from Maine. We know as intelligent men, to say nothing of many of us being lawyers, that the time must come when the question of testimony, or evidence, to speak more properly, will become a vital one as between the Government of Great Britain and the United States.

Mr. EDMUNDS. The Senator does not answer the first part of my question as to whether he remembers any instance in the history of this country.

Mr. VEST. I believe such a commission was established in regard to the French spoliation claims. I know a commission was sent abroad to procure evidence.

Mr. EDMUNDS. That was after we had provided for the Court of Claims trying against our own country those claims.

Mr. VEST. Why did we send at our own expense to procure testimony, documentary and oral? We sent a commissioner abroad for that very purpose, and an act was passed by Congress to authorize it. But the Senator asks me for precedents. If the Congress had looked for the precedents always, I know of several commissions in this country that never would have existed. I recollect one in 1876 or 1877 that had no precedent, in which the Senator from Vermont played a very conspicuous part. Then the Senator with his eloquence and logic was found on the other side of the question of precedent, and he convinced the Congress of the United States that no precedent was necessary, but he manufactured a case to suit certain political purposes at that time, and he sneered and laughed at the idea of precedent. Lawyers and statesmen in the Congress of the United States set out upon a voyage of discovery on their own account and manufactured a tribunal of which the like was never seen in the heavens above, or in the earth beneath, or in the waters under the earth.

No, Mr. President, something else must be alleged here except the want of precedents. This is a plain, practical, business question. We have made this demand of Great Britain, and we propose to enforce it. If we delay now in this matter and allow the witnesses to die, the documents to be lost, it will be found to be simply rhetoric and "leather and prunella," and no facts.

Mr. President, it is not my purpose to say anything that by any sort of construction shall reflect on the members of the Committee on Foreign Relations, but I do submit that with this record of the question so well discussed on the part of the Secretary of State and our minister to England and every subordinate official, it would be nothing but parliamentary comity for this Congress to consider the only recommendation that is made by the State Department in regard to this whole matter.

Understand me, sir, I am not antagonizing the bill brought here by the Committee on Foreign Relations; I would even enlarge it as to some of its provisions; but I say when we are disposing of this question let us dispose of all of it. Let us not make promises and provisions for the future; let us provide for the damages of the past.

These two subjects are germane and appropriate to each other. If we create this commission to provide for the evidence we are demanding to secure the rights of American citizens by reason of outrages already perpetrated; in the same breath we say to the British authorities, "If this practice is continued, if these treaty stipulations are violated in the future, we give you fair warning and full notice of what the course of the Government of the United States will be." This is all I desire to say about it.

Mr. HOAR. I desire to call the attention of my honorable friend from Vermont to one point where, perhaps, the insertion of a word in the bill is necessary. In line 47 it provides that the President may qualify, limit, and renew his proclamation from time to time. The proclamation is to become, of course, the law of the land, and the violation of it is to be made a penal offense by the last sentence in the bill. It may be that the proclamation of the President might be required for some not very grave or permanent injury, and some satisfaction or assurance that the thing would not be repeated might be given to the President so that before another session of Congress he would desire to withdraw the proclamation altogether—to rescind it. I suppose that is intended by the phrase already used, but as it might be doubted whether the words "qualify" and "limit" would be sufficient to authorize an entire withdrawal or rescinding of the proclamation, I suggest to the Senator to put in, after the word "may," the word "rescind," so as to read:

May rescind, qualify, limit, and renew such proclamation from time to time.

Mr. EDMUNDS. It means precisely the same thing. I do not care whether you have the word in or out.

Mr. HOAR. The words "qualify" and "limit" do not form a total revocation as ordinarily used. I move to insert the word "rescind" after the word "may," in line 47.

The PRESIDENT *pro tempore*. The amendment is to the part proposed to be stricken out, and is in order. It will be stated.

The CHIEF CLERK. In line 47, after the word "may," insert the word "rescind."

Mr. HOAR. I will substitute the word "revoke" at the suggestion of the Senator from New York [Mr. EVARTS].

Mr. EDMUNDS. There is no objection to the amendment.

The PRESIDENT *pro tempore*. If there be no objection, the amendment will be considered as agreed to. The question recurs on the amendment proposed by the Senator from Maryland [Mr. GORMAN].

Mr. EDMUNDS. All I have to say about that in asking for the yeas and nays is that it is a pretty substantial emasculation of the proposition that is proposed to be stricken out. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. VEST. What amendment is pending?

Mr. EDMUNDS. The first one offered by the Senator from Maryland.

Mr. INGALLS. Is it the amendment proposing a commission to perpetuate testimony?

The PRESIDENT *pro tempore*. It is not.

Mr. INGALLS. Let it be again read. I have been misinformed.

The PRESIDENT *pro tempore*. It proposes to strike out certain clauses and insert others.

Mr. TELLER. Let us hear what is to be inserted.

Mr. INGALLS. Let the Secretary read what is to be striken out and what is to be inserted.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In line 11, after the word "rights," it is proposed to strike out:

or otherwise unjustly vexed or harassed in said waters, ports, or places, or whenever the President of the United States shall be satisfied that any such fishing vessels or fishermen, having a permit under the laws of the United States to touch and trade at any port or ports, place or places, in the British dominions of North America, are or then lately have been denied the privilege of entering such port of ports, place or places in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favored nation, or shall be unjustly vexed or harassed in respect thereof, or otherwise be unjustly vexed or harassed therein, or shall be prevented from purchasing such supplies as may there be lawfully sold to trading vessels of the most favored nation; or whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters or crews, so arriving at or being in such British waters or ports or places of the British dominions of North America, are or then lately have been denied any of the privileges therein accorded to the vessels, their masters or crews, of the most favored nation, or unjustly vexed or harassed in respect of the same, or unjustly vexed or harassed therein by the authorities thereof.

And insert:

or whenever the President of the United States shall be satisfied that such vessels or fishermen are obstructed by Canadian authority in their free use on their way to the deep-sea fisheries of such easements and rights in Canadian territory or territorial waters as belong to them by ancient ownership sanctioned by treaty.

Mr. GORMAN. Mr. President, I desire to submit a few remarks upon this question, but it is late.

Mr. INGALLS. If the Senator will allow me, if it is the intention to debate the bill at much length hereafter, it appears to me that it would be better to adjourn until morning. The matter is one of great importance; the bill has been recently reported, and there has been no disposition to delay action. I suggest to the Senator from Vermont whether it would not be well to postpone action until to-morrow.

Mr. GORMAN. I should very much prefer that course.

Mr. EDMUNDS. With only thirty days left, with no appropriation bills yet passed, and great masses of other important public business, I feel it to be a duty to ask the Senate to finish this business to-night.

The PRESIDENT *pro tempore*. The Senator from Maryland has the floor.

Mr. RIDDLEBERGER. I ask the Senator from Vermont——

The PRESIDENT *pro tempore*. Does the Senator from Maryland yield to the Senator from Virginia?

Mr. GORMAN. I desire to submit some remarks, if we are to go on.

Mr. RIDDLEBERGER. In the amendment pending I do not understand what is called "Canadian authority."

The PRESIDENT *pro tempore*. The Senator from Maryland has the floor.

Mr. GORMAN. I yield to the Senator from Virginia.

Mr. HARRIS. Will the Senator yield to me to make a motion?

Mr. RIDDLEBERGER. I do not understand the question of Canadian authority. I will yield to the Senator from Maryland if he is going to discuss it. Do I apprehend you, sir?

Mr. GORMAN. I wish to submit a few remarks upon the pending question. I have been engaged practically all day, as the chairman of the Committee on Appropriations knows, and I would much prefer, if the Senator from Vermont will consent to let the matter go over, to submit my remarks to-morrow.

Mr. HARRIS. If the Senator from Maryland will yield to me, after the statement he has made I will move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The motion is in order. The Senator from Tennessee moves that the Senate do now adjourn.

Mr. EDMUNDS. On that question I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DAWES (when his name was called). The pair which I made with the Senator from Texas [Mr. MAXEY] has been transferred to the Senator from Rhode Island [Mr. CHACE]. I vote "nay."

Mr. INGALLS (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM].

Mr. BERRY (when the name of Mr. JONES, of Arkansas, was called). My colleague [Mr. JONES, of Arkansas] is paired with the Senator from Indiana [Mr. HARRISON].

The roll-call having been concluded, the result was announced—yeas 21, nays 29; as follows:

YEAS—21.

Beck,	Colquitt,	Harris,	Vest,
Berry,	Eustis,	Payne,	Walthall,
Blackburn,	Gibson,	Pugh,	Whitthorne.
Call,	Gorman,	Riddleberger,	
Cockrell,	Gray,	Saulsbury,	
Coke,	Hampton,	Vance,	

NAYS—29.

Aldrich,	Dolph,	Manderson,	Sherman,
Allison,	Edmunds,	Mitchell of Oregon,	Spooner,
Blair,	Evarts,	Morgan,	Teller,
Brown,	Frye,	Morrill,	Williams,
Cheney,	Hawley,	Palmer,	Wilson of Iowa.
Conger,	Hoar,	Platt,	
Cullom,	McMillan,	Plumb,	
Dawes,	Mahone,	Sawyer,	

ABSENT—25.

Bowen,	Hale,	McPherson,	Stanford,
Butler,	Harrison,	Maxey,	Van Wyck,
Camden,	Ingalls,	Miller,	Voorhees,
Cameron,	Jones of Arkansas,	Mitchell of Pa.,	Wilson of Md.
Chace,	Jones of Florida,	Ransom,	
Fair,	Jones of Nevada,	Sabin,	
George,	Kenna,	Sewell,	

So the Senate refused to adjourn.

The PRESIDENT *pro tempore*. The Senator from Maryland [Mr. GORMAN] is entitled to the floor.

Mr. GORMAN. As I stated a few minutes ago, not knowing positively that this measure would come up for consideration to-day, as my entire time during the day has been taken up in other public duties, I would much prefer if the Senate had permitted me to address it to-morrow instead of this afternoon. However, the Senate having voted not to adjourn, I shall proceed and do the best I can.

Mr. President, our title to the northeast fisheries is not one of grant from Great Britain but of conquest by international right by which the title accrues to ourselves. Before the division of the British empire, which was inaugurated by the Declaration of Independence and consummated by the peace of 1783, the fisheries were held by that empire in entirety. There was good reason why it should have been so. There is no question that the seamen who formed the greater part of the British naval forces which wrested the fisheries from France came from the New England provinces.

The fishermen of Massachusetts, which then included Maine, of New Hampshire, of Rhode Island, aided by not a few from New York, and even from New Jersey and Virginia and Maryland, entered into the British service at that time with the same zeal and efficiency which they subsequently showed when battling against Great Britain in the was of 1812. The hardy privateersmen and sailors in our men-of-war, who, drawn from the Atlantic seaboard, showed such energy and valor in the naval contests which marked the war of 1812, did not exceed in these attributes their predecessors who formed part of the naval contingent by which the fisheries were won from France. It never was conceived in those days by the fishermen who fought the battles and, afterwards, in their fishing boats, enjoyed the spoils, that these fisheries did not belong to the whole sea-faring and fishing population of British North America taken as a whole.

How was it, then, after the Declaration of Independence? Now I maintain that during the whole Revolutionary war it was never questioned to the United States, nor, as far as I learn, ever contested in Great Britain, that the fishermen of the United States continued to hold in these fisheries the title which they had previously possessed. I find a striking illustration of this in a letter of Chancellor Livingston, the first Secretary of State who was formally appointed to that office by the Continental Congress. The letter is addressed to Dr. Franklin, and is dated January 7, 1782. It is found in Wharton's Digest of International Law, volume 2, section 301, and is as follows:

The arguments on which the people of America found their claim to fish on the banks of Newfoundland arise, first, from their having once formed a part of the British empire, in which state they always enjoyed as fully as the people of Britain themselves the right of fishing on those banks. They have shared in all the wars for the extenson of that right, and Britain could with no more justice have excluded them from the enjoyment of it (even supposing that one nation could possess it to the exclusion of another) while they formed a part of that empire than they could exclude the people of London or Bristol. If so, the only inquiry is, how have we lost this right? If we were tenants in common with Great Britain while united with her, we still continue so unless by our own act we have relinquished our title. Had we parted with mutual consent, we should doubtless have made partition of our common rights by treaty. But the oppressions of Great Britain forced us to a separation (which must be admitted, or we have no right to be independent); and it can not certainly be contended that those oppressions abridged our rights or gave new ones to Britain. Our rights, then, are not invalidated by this separation, more particularly as we have kept up our claim from the commencement of the war, and assigned the attempt of Great Britain to exclude us from the fisheries as one of the causes of our recurring to arms.

Chancellor Livingston, as is well known, was a leading member of the Democratic party. He belonged to a very powerful and distinguished family in New York which had allied themselves with that party. He had been chancellor of the State of New York prior to his acceptance of the office of Secretary of State. He was an intimate personal friend of Jefferson, by whom he was subsequently selected to go as minister to France, where, in connection with Mr. Monroe, he negotiated the treaty for the purchase of Louisiana. His views in respect to the fisheries, therefore, may be taken as representing, more or less, the views of that great school of statesmen of which he was so distinguished a member.

But it was not by these statesmen alone that our joint ownership of the fisheries was maintained. Mr. Rufus King was a well-known Federalist, and was at the same time a man of high patriotism, of great intellectual power, and of extraordinary acquaintance with our foreign relations. Whatever may have been the shadow cast upon some of the ultra members of the Federal party in respect to their relations with England, no such shadow ever fell upon Rufus King. Still, at the same time, he was elected as a Federalist Senator from New York, both in 1789 and in 1818. It is a very interesting fact that Mr. King, unquestionably connected with the Federalists, a party which was supposed to be at least not inimical to Great Britain, took very much the same position in a speech delivered in the Senate on April 3, 1818, as did Chancellor Livingston.

Fisheries—

He said—

those of the ocean, not within the territorial limits of any nation, are free to all men who have not renounced their rights; those on the coasts and bays of the provinces conquered in America from France were acquired by the common sword and mingled blood of Americans and Englishmen. Members of the same empire, we, with them, had a common right to these fisheries; and in the division of the empire England confirmed our title without condition or limitation—a title equally irrevocable with those of our boundaries or of our independence itself.

We have, therefore, leading men of both parties uniting in the position that the fisheries were held by us in common as a matter of right.

Nor is this all. On November 3, 1818, Mr. Cæsar A. Rodney, a very eminent lawyer, who had been Attorney-General under Mr. Jefferson, and was then a Senator from Delaware, was consulted confidentially by Mr. Monroe, then President of the United States, as to our rights in the fisheries. It is unnecessary for me to refer to the patriotism, wisdom, high honor, and patient interest of Mr. Monroe in the investigation of the questions submitted to him as President. It is enough here to say that after taking the opinion of Mr. Rodney he indorsed it and placed it among his private papers; and there is no question whatever, from Mr. Monroe's own notes in the Department of State and from the contemporaneous memoirs of Mr. John Quincy Adams, that we are entitled to conclude that this opinion of Mr. Rodney was accepted by Mr. Monroe as giving the true view of the fishery question.

Now, what was Mr. Rodney's position? It simply reaffirmed, and did so expressly, the views taken by Mr. King and Chancellor Livingston; and these views were afterward vindicated in a pamphlet of exceeding ability published by Mr. John Quincy Adams, Secretary of State in Mr. Monroe's administration, entitled "The Fisheries and the Mississippi." We have, therefore, a consensus of the highest authorities to which we can appeal, maintaining the position that the ownership of the United States fishermen in the fisheries was held by them as a matter of right.

The next inquiry is, "How far this right was divested by the treaty of 1783." I do not propose to discuss this treaty in detail. I desire simply to say that it was not a treaty which granted independence to the United States. Independence we did not owe to any grant or concession from Great Britain, unwilling as such grant or concession may have been. The treaty of peace, on the contrary, was a treaty which recognized independence as a fact. It was already won when the treaty was signed. The treaty was simply a treaty of partition; it simply said that the British empire, which hitherto comprised Great Britain and British North America, should be divided. One part was to retain the old title of Great Britain; the other part of it, constituting the United States, was to take the new title of the United States.

Here I beg to remark that such partitions of empires are not unknown in history. Sweden, Denmark, and Norway have been united and disunited by treaties of union and of partition. When such treaties of partition are made, each of the two separate sovereignties carries with it its own territories as previously designated, and all the incidents, easements, prerogatives, and emoluments of such territories. The fisheries, at the time of the peace, were as much an extension of the territory of the United States as they were an extension of the territory of British North America, as reconstituted. It may have been a singular conformation of territory which enabled the United States to fling its arms northward and to take in these seas as part of a territory to be held in common with the parent State; but it was no more a singular conformation of territory than was that of Prussia as it existed on the map in those days. But, however this may be, the waters em-

bracing the fisheries belonged as much to the United States at the treaty of 1783, and by the terms of that treaty, as they belonged to Great Britain. Hence, under that treaty, our fishermen have just as much right to go into the territorial waters and use the shores as incident to fishing as have the British subjects. The treaty itself expressly states this. Article III of the treaty is as follows:

ART. III. It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also, in the Gulf of Saint Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish. And also, that the inhabitants of the United States hall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island); and also on the coasts, bays, and creeks of all other of His Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

It will be observed here that the rights specified in the treaty are not granted by it. The treaty declares that "the people of the United States shall continue to enjoy" these rights. The rights were theirs before, and their continuance under certain minor limitations is recognized by the treaty.

The next question is one of very great interest, "Whether these rights were destroyed by the war of 1812—whether that war had the effect of abrogating this portion of the treaty." There is no doubt as to the position that a treaty which is the cause of a war may be regarded as substituted by the war which it causes. Nor can it be questioned that when a war exists in respect to a particular claim, that claim may be considered as settled by the result of the war. But these positions do not apply to questions of boundaries unless they are the subjects of conquest, or unless they are disposed of by the subsequent treaty of pacification.

The war of 1812 and the peace of 1815 no more affected the boundaries of the fishing rights of the United States at sea than they did the boundary of the territorial rights of the United States on land. Both, in fact, were territorial rights. The United States held territorial rights in the fisheries as continuous in common. They had territorial rights on the shore in entirety, and the war of 1812 and the treaty of Ghent no more affected the one than it did the other. I think this is clear when we recollect that the treaty of peace was not merely a treaty of partition, but it was a treaty for the establishment of reciprocal easements and privileges on which the intercourse between the two sovereignties thus separated was to rest. The reciprocities in question may be thus classified: First, the rights of the United States fishermen to the fisheries; secondly, the rights of British subjects to retain their estates in the United States without risk of confiscation; thirdly, the right of British subjects to traverse the United States, as lawfully developed subsequently in Jay's treaty, and as afterward guaranteed in treaties by Great Britain and in legislation by the United States.

We may, therefore, regard the pacific relation of the United States and Great Britain as resting on what might be called a three-leg table. It rested on three distinct props, which were integral, and which went to the essence of the sovereignty of both the two sections of the British Empire as divided. It will be impossible to say that the war of 1812 destroyed one of these props without saying it destroyed the other two. If, however, this were conceded it would be equivalent to saying that the war of 1812 and the treaty of Ghent destroyed the corporate existence of not merely the United States but of Great Britain. Certainly in the war of 1812 it can not be pretended that the United States came off the worse. It can, therefore, be no more pretended that the war of 1812 and the treaty of Ghent swept away the territorial rights of the United States than that it swept away the territorial rights of Great Britain. If it did not sweep away the territorial rights of Great Britain, it did not sweep away the territorial rights of the United States.

We have an interesting proof of the way in which this question is viewed both in the United States and in Great Britain in adjudications by the Supreme Court of the United States and by the master of the rolls of Great Britain. In the case of McIlvain *vs.* Cox, 4 Cranch, 209, in 1807, the position that the treaty of peace was a treaty of partition was recognized by the Supreme Court of the United States, and this case has been repeatedly confirmed by the same august tribunal. In 1830 the question of the effect of the war of 1812 and the treaty of Ghent upon the reciprocities established by the treaty of peace and by Jay's treaty came up before the master of the rolls in England, Sir John Leach. It was there held by him that—

The relations—

To quote his own words—

which had subsisted between Great Britain and America when they formed one empire led to the introduction of the ninth section of the treaty of 1794, and made it highly reasonable that the subjects of the two parts of the divided empire should, notwithstanding the separation, be protected in the mutual enjoyment of their landed property; and the privileges of natives being reciprocally given not only to the actual possessors of lands but to their heirs and assigns, it is a reasonable construction that it was the intention of the treaty that the operation of the treaty should be permanent, and not depend upon the continuance of a state of peace.

The reciprocal rights of British subjects and American citizens to hold property in each other's country was therefore one of the rights, according to the master of the rolls, which were not divested by the war of 1812 or the treaty of Ghent.

Now, it is an interesting fact that the question before Sir John Leach, in the case of Sutton *vs.* Sutton, 1st Rus. and M., 675 (which is the case in which this decision was made), was argued by very eminent counsel, and with great elaborateness and power. From the decision of Sir John Leach, however, no appeal was taken, and, viewing the importance of the question at issue and the ability of the counsel engaged for the worsted party, it is impossible to view this fact in any other light than as an admission that the decision was one which it was not advisable to contest.

I said a moment ago that the amicable relations of Great Britain and the United States rested upon a tripod of reciprocities. First, the fisheries; secondly, the reciprocal rights to hold property; thirdly, the right of transit through each other's dominions. I turn now to the latter right, and I view it as it embodies grants from the United States, or from States which are part of the United States, to British railroads and British vessels of transit through the territory of the United States. Let me call your attention in the first place to lake transit. No one can glance at the lakes without seeing how immense is the advantage obtained by Canada from the free transit of them, and this free transit we have freely given. Vessels going from one Canadian port to another can pass through our waters, can obtain succor in our ports, can visit those ports for shelter, and this without molestation of any kind.

But it is with our land transit that we are now mainly concerned. I do not hesitate to say that the growth of Canada, great as it has been, has been largely dependent upon the facilities of transit granted to her by the United States. It is no discredit to Canada, it is no depreciation of Canadian enterprise that such should be the case. We possess interior lines; we have a more benignant climate. There are periods in which Canadian roads are impassable, in which ours are open, and in such periods the only method of transit between specific Canadian points is through the United States; and then, without any undue adulation of the United States or the people of the United States, I may venture to say that the first rush of enterprise and the first outflow of capital toward the Northwest has been through the southern and not through the northern side of the Canadian border.

By us the first trans-continental railroads were built. By us, far in advance of Canada, were railroads constructed along the northern border-land. Canada undoubtedly has moved westward, but she has done so leaning on us. It was our roads that carried her laborers to their destination. It was through our avenues of communication that assistance was given by which parallel avenues of communication were opened on the Canada side. Even now the shortest method of reaching the Atlantic coast from Central Canada is through the extension of the Grand Trunk Railroad, which traverses the State of Maine and has its terminus at Portland; and while the lake navigation in Canada is closed, as it is a large portion of the year, the Canadian Pacific has no method of connecting the eastern and western provinces of Canada except by the railroads of the United States.

I said a moment ago that our pacific relations with Great Britain rest on a tripod, or a three-leg table, to adopt the more homely expression with which I began. The first, I beg to recall, is the fisheries; the second, reciprocal enjoyment of titles, and the third, right of transit. Now, the question becomes a very serious one and requires the gravest consideration. If you knock away one of the legs of this three-leg table it falls. If Great Britain permits Canada, in a moment of petulance, to prevent our fishermen from the enjoyment of their unquestionable rights in the northeastern waters, it is impossible to see how the system of reciprocity in other respects can stand. The one is dependent on the others. If the fisheries go, the others go. If we are to be excluded from our natural as well as our treaty rights on the northeast waters, from the very nature of things British subjects must be excluded from rights which they do not hold by nature, but only by treaty, in our northern railroad.

I do not say this for the purpose of intimating that there should be reprisals or retaliation in consequence of the outrages in Canada in Canadian waters, which operate to exclude our fishermen from those waters. I have no such words as reprisals and retaliation to use. I have simply to say that one of these recognitions of territoriality is in consideration for the condition of the other. It is a system of equipoise. When one falls the other necessarily falls too. If we prohibit Canadian engines, Canadian cars, Canadian freight, and Canadian passengers from the right of passing through our territory, it is because this passage or transit is a necessary incident of the fishing rights possessed by our fishermen in the northeast waters by treaty and by the law of nations. The passage by the Canadian Parliament of a statute making it impracticable for our fishermen to pursue their trade in the northeastern waters involves as a necessary consequence the passage of a statute by the Congress of the United States precluding Canadians from passing through the territory of the United States or carrying or sending through it their locomotives, their cars, their goods, or their vessels.

It may be said that the cases are not parallel and that the con-

duct of the Canadian authorities to our fishermen does not amount to an exclusion of our fishermen from the fisheries to such an extent as to assimilate it to an exclusion of Canadians and of Canadian engines, cars, goods, and vessels from transit over the territory of the United States. But I maintain that the conduct of the Canadian authorities in this relation does amount to such an exclusion. And I can not sustain this position better than by quoting the following passages from a letter from Mr. Bayard, Secretary of State to Mr. Phelps, dated November, 1886, and contained in the fishery papers submitted by the President to the present Congress. The passages referred to are as follows:

MR. BAYARD TO MR. PHELPS.

DEPARTMENT OF STATE,
Washington, November 6, 1886.

SIR: On October 7, 1886, the United States fishing vessel, the Marion Grimes, of Gloucester, Mass., Alexander Landry, a citizen of the United States, being her captain, arrived shortly before midnight, under stress of weather, at the outer harbor of Shelburne, Nova Scotia. The night was stormy, with a strong head-wind against her, and her sole object was temporary shelter. She remained at the spot where she anchored, which was about seven miles from the port of Shelburne, no one leaving her until 6 o'clock the next morning, when she hoisted sail in order to put to sea. She had scarcely started, however, before she was arrested and boarded by a boat's crew from the Canadian cruiser Terror. Captain Landry was compelled to proceed to Shelburne, about seven miles distant, to report to the collector.

When the report was made Captain Landry was informed that he was fined $400 for not reporting on the previous night. He answered that the custom-house was not open during the time that he was in the outer harbor. He further insisted that it was obvious from the storm that caused him to take shelter in that harbor, from the shortness of his stay, and from the circumstances that his equipments were exclusively for deep-sea fishing, and that he had made no effort whatever to approach the shore, that his object was exclusively to find shelter. The fine, however, being imposed principally through the urgency of Captain Quigley, commanding the Terror, Captain Landry was informed that he was to be detained at the port of Shelburne until a deposit to meet the fine was made. He consulted Mr. White, the United States consular agent at Shelburne, who at once telegraphed the facts to Mr. Phelan, United States consul-general at Halifax, it being of great importance to Captain Landry and to those interested in his venture that he should proceed on his voyage at once.

Mr. Phelan then telegraphed to the assistant commissioner of customs at Ottawa that it was impossible for Captain Landry to have reported while he was in the outer harbor on the 8th instant, and asking that the deposit required to release the vessel be reduced. He was told in reply that the minister declined to reduce the deposit, but that it might be made at Halifax. Mr. Phelan at once deposited at Halifax the $400, and telegraphed to Captain Landry that he was at liberty to go to sea. On the evening of October 11 Mr. Phelan received a telegram from Captain Landry, who had already been kept four days in the port, stating that "the custom-house officers and Captain Quigley" refused to let him go to sea.

Mr. Phelan, the next morning, called on the collector at Halifax to ascertain if an order had issued to release the vessel, and was informed that the order had been given, "but that the collector and captain of the cruiser refused to obey it, for the reason that the captain of the seized vessel hoisted the American flag while she was in custody of Canadian officials." Mr. Phelan at once telegraphed this state of facts to the assistant commissioner at Ottawa, and received in reply, under date of August 12, the announcement that "collector has been instructed to release the Grimes from customs seizure. This department has nothing to do with other charges." On the same day a dispatch from the commissioner of customs at Ottawa was sent to the collector of customs at Halifax reciting the order to release the Grimes, and saying "this [the customs] department has nothing to do with other charges. It is department of marine."

The facts as to the flag were as follows:

On October 11, the Marion Grimes, being then under arrest by order of local officials for not immediately reporting at the custom-house, hoisted the American flag. Captain Quigley, who, representing, as appeared, not the revenue, but the marine department of the Canadian administration, was, with his "cruiser," keeping guard over the vessel, ordered the flag to be hauled down. This order was obeyed; but about an hour afterwards the flag was again hoisted, whereupon Captain Quigley boarded the vessel with an armed crew and lowered the flag himself. The vessel was finally released under orders of the customs department, being compelled to pay $8 costs in addition to the deposit of $400 above specified.

The seriousness of the damage inflicted on Captain Landry and those interested in his venture will be understood when it is considered that he had a crew of twelve men, with full supplies of bait, which his detention spoiled.

You will at once see that the grievances I have narrated fall under two distinct heads.

The first concerns the boarding by Captain Quigley of the Marion Grimes on the morning of October 8th, and compelling her to go to the town of Shelburne, there subjecting her to a fine of $400 for visiting the port without reporting, and detaining her there arbitrarily four days, a portion of which time was after a deposit to meet the fine had been made.

This particular wrong I now proceed to consider with none the less gravity, because other outrages of the same class have been perpetrated by Captain Quigley. On August 18th last I had occasion, as you will see by the annexed papers, to bring to the notice of the British minister at this capital several instances of aggression on the part of Captain Quigley on our fishing vessels. On October 19, 1886, I had also to bring to the British minister's notice the fact that Captain Quigley had, on September the 10th, arbitrarily arrested the Everett Steele, a United States fishing vessel, at the outer port of Shelburne. To these notes I have received no reply. Copies are transmitted, with the accompanying papers, to you, in connection with the present instruction, so that the cases, as part of a class, can be presented by you to Her Majesty's Government.

Were there no treaty relations whatever between the United States and Great Britain, were the United States fishermen without any other right to visit those coasts than are possessed by the fishing craft of any foreign country simply as such, the arrest and boarding of the Grimes, as above detailed, followed by forcing her into the port of Shelburne, there subjecting her to fine for not reporting, and detaining her until her bait and ice were spoiled, are wrongs which I am sure Her Majesty's Government will be prompt to redress. No Governments have been more earnest and resolute in insisting that vessels driven by stress of weather into foreign harbors should not be subject to port exactions than the Governments of Great Britain and the United States. So far has this solicitude been carried that both Governments, from motives of humanity, as well as of interest as leading maritime powers, have adopted many measures by which foreigners as well as citizens or subjects arriving within their territorial waters may be protected from the perils of the sea.

For this purpose not merely light-houses and light-ships are placed by us at points of danger, but an elaborate life-saving service, well equipped with men, boats, and appliances for relief, studs our seaboard in order to render aid to vessels in distress, without regard to their nationality. Other benevolent organizations are sanctioned by Government which bestow rewards on those who hazard their lives in the protection of life and property in vessels seeking in our waters refuge from storms. Acting in this spirit the Government of the United States has been zealous, not merely in opening its ports freely, without charges to vessels seeking them in storm, but in insisting that its own vessels seeking foreign ports under such circumstances, and exclusively for such shelter, are not under the law of nations subject to custom-house exactions. * * *

In such coasts, at early dawn, after a stormy night, it is not unusual for boats, on errands of relief, to visit vessels which have been struggling with storm during the night. But in no such errand of mercy was Captain Quigley engaged. The Marion Grimes, having found shelter during the night's storm, was about to depart on her voyage, losing no time while her bait was fresh and her ice lasted, when she was boarded by an armed crew, forced to go 7 miles out of her way to the port, and was there under pressure of Captain Quigley, against the opinion originally expressed of the collector, subjected to a fine of $400 with costs, and detained there, as I shall notice hereafter, until her voyage was substantially broken up. I am confident Her Majesty's Government will concur with me in the opinion that, as a question of international law, aside from treaty and other rights, the arrest and detention under the circumstances of Captain Landry and of his vessel were in violation of the law of nations as well as the law of humanity, and that on this ground alone the fine and the costs should be refunded and the parties suffering be indemnified for their losses thereby incurred.

It is not irrelevant, on such an issue as the present, to inquire into the official position of Captain Quigley, "of the Canadian cruiser Terror." He was, as the term "Canadian cruiser" used by him enables us to conclude, not an officer in Her Majesty's distinctive service. He was not the commander of a revenue cutter, for the head of the customs service disavowed him. Yet he was arresting and boarding, in defiance of law, a vessel there seeking shelter, over-influencing the collector of the port into the imposition of a fine, hauling down with his own hand the flag of the United States, which was displayed over the vessel, and enforcing arbitrarily an additional period of detention after the deposit had been made, simply because the captain of the vessel refused to obey him by executing an order insulting to the flag which the vessel bore. If armed cruisers are employed in seizing, harassing, and humiliating storm-bound vessels of the United States on Canadian coasts, breaking up their voyages and mulcting them with fines and costs, it is important for reasons presently to be specified that this Government should be advised of the fact.

From Her Majesty's Government redress is asked. And that redress, as I shall have occasion to say hereafter, is not merely the indemnification of the parties suffering by Captain Quigley's actions, but his withdrawal from the waters where the outrages I represent to you have been committed.

I have already said that the claims thus presented could be abundantly sustained by the law of nations, aside from treaty and other rights. But I am not willing to rest the case on the law of nations. It is essential that the issue between United States fishing vessels and the "cruiser Terror" should be examined in all its bearings, and settled in regard not merely to the general law of nations, but to the particular rights of the parties aggrieved.

It is a fact that the fishing vessel Marion Grimes had as much right under the special relations of Great Britain and the United States to enter the harbor of Shelburne as had the Canadian cruiser. The fact that the Grimes was liable to penalties for the abuse of such right of entrance does not disprove its existence. Captain Quigley is certainly liable to penalties for his misconduct on the occasion referred to. Captain Landry was not guilty of misconduct in entering and seeking to leave that harbor, and had abused no privilege. But whether liable or not, for subsequent abuse of the rights, I maintain that the right of free entrance into that port to obtain shelter, and whatever is incident thereto, belonged as much to the American fishing-vessel as to the Canadian cruiser. * * *

I might here content myself with noticing that the treaty of 1818, herein reciting a principle of the law of nations as well as ratifying a right previously possessed by fishermen of the United States, expressly recognizes the right of these fishermen to enter the "bays or harbors" of Her Majesty's Canadian dominions "for the purpose of shelter and of repairing damages therein." The extent of other recognitions of rights in the same clause need not here be discussed. At present it is sufficient to say that the placing an armed cruiser at the mouth of a harbor in which the United States fishing vessels are accustomed and are entitled to seek shelter on their voyages, such cruiser being authorized to arrest and board our fishing vessels seeking such shelter, is an infraction not merely of the law of nations, but of a solemn treaty stipulation. That, so far as concerns the fishermen so affected, its consequences are far reaching and destructive, it is not necessary here to argue.

Fishing vessels only carry provisions enough for each particular voyage. If they are detained several days on their way to the fishing banks the venture is broken up. The arrest and detention of one or two operates upon all. They can not as a class, with their limited capital and resources, afford to run risks so ruinous. Hence, rather than subject themselves to even the chances of suffering the wrongs inflicted by Captain Quigley, "of the Canadian cruiser Terror," on some of their associates, they might prefer to abandon their just claim to the shelter consecrated to them alike by humanity, ancient title, the law of nations, and by treaty, and face the gravest peril and the wildest seas in order to reach their fishing grounds. You will therefore represent to Her Majesty's Government that the placing Captain Quigley in the harbor of Shelburne to inflict wrongs and humiliation on United States fishermen there seeking shelter is, in connection with other methods of annoyance and injury, expelling United States fishermen from waters, access to which, of great importance in the pursuit of their trade, is pledged to them by great Britain, not merely as an ancient right, but as part of a system of international settlement. * * *

There can be no question on this state of facts as to the rightfulness of the conclusions expressed by Mr. Bayard in the same letter, as follows:

What I am anxious you should now impress upon the British Government is the fact that, as the fishery clause in this treaty, a clause continued in the treaty of 1818, was a part of a system of reciprocal recognitions which are interdependent, the abrogation of this clause, not by consent, but by acts of violence and of insult, such as those of the Canadian cruiser Terror, would be fraught with consequences which I am sure could not be contemplated by the Governments of the United States and Great Britain without immediate action being taken to avert them. To the extent of the system thus assailed I now direct attention.

When Lord Shelburne and Dr. Franklin negotiated the treaty of peace, the area on which its recognitions were to operate was limited. They covered, on the one hand, the fisheries; but the map of Canada in those days, as studied by Lord Shelburne, gives but a very imperfect idea of the territory near which the fisheries lay. Halifax was the only port of entry on the coast; the New England States were there and the other nine were provinces, but no organized governments to the west of them. It was on this area only, as well as on Great Britain, that the recognitions and guarantees of the treaty were at first to operate. Yet comparatively small as this field may now seem, it was to the preservation over it of certain reciprocal rights that the attention of the negotiators was mainly given. And the chief of these rights were: (1) the fisheries, a common enjoyment in which by both parties took nothing from the property of either; and (2) the preservation to the citizens or subjects of each country of title to property in the other.

Since Lord Shelburne's premiership this system of reciprocity and mutual convenience has progressed under the treaties of 1842 and 1846, so as to give to Her Majesty's subjects, as well as to citizens of the United States, the free use of the river Detroit on both sides of the island Bois Blanc, and between that island and the American and Canadian shores, and all the several channels and passages between the various islands lying near the junction of the river Saint Clair with the lake of that name. By the treaty of 1846 the principle of common border privileges was extended to the Pacific Ocean. The still existing commercial articles of the treaty of 1871 further amplified those mutual benefits by embracing the use of the inland water-ways of either country, and defining enlarged privileges of bonded transit by land and water through the United States for the benefit of the inhabitants of the Dominion. And not only by treaties has the development of Her Majesty's American dominion, especially to the westward, been aided by the United States, but the vigorous contemporaneous growth under the enterprise and energy of citizens of the Northwestern States and Territories of the United States has been productive of almost equal advantages to the adjacent possessions of the British Crown, and the favoring legislation by Congress has created benefits in the way of railway facilities which under the sanction of State laws have been and are freely and beneficially enjoyed by the inhabitants of the Dominion and their Government.

Under this system of energetic and co-operative development the coast of the Pacific has been reached by the transcontinental lines of railway within the territorial limits of the respective countries, and, as I have stated, the United States being the pioneers in this remarkable progress, have been happily able to anticipate and incidentally to promote the subsequent success of their neighbors in British America.

It will be scarcely necessary for you to say to Lord Iddesleigh that the United States, in thus aiding in the promotion of the prosperity, and in establishing the security of Her Majesty's Canadian dominions, claims no particular credit. It was prompted, in thus opening its territory to Canadian use, and incidentally for Canadian growth, in large measure by the consciousness that such good offices are part of a system of mutual convenience and advantage growing up under the treaties of peace and assisted by the natural forces of friendly contiguity. Therefore it is that we witness with surprise and painful apprehension the United States fishermen hampered in their enjoyment of their undoubted rights in the fisheries.

The hospitalities of Canadian coasts and harbors, which are ours by ancient right, and which these treaties confirm, cost Canada nothing and are productive of advantage to her people. Yet, in defiance of the most solemn obligations, in utter disregard of the facilities and assistances granted by the United States, and in a way especially irritating, a deliberate plan of annoyances and aggressions has been instituted and plainly exhibited during the last fishing season—a plan calculated to drive these fishermen from shores where, without injury to others, they prosecute their own legitimate and useful industry.

It is impossible not to see that if the unfriendly and unjust system, of which the cases now presented are part, is sustained by Her Majesty's Government, serious results will almost necessarily ensue, great as is the desire of this Government to maintain the relations of good neighborhood. Unless Her Majesty's Government shall effectually check these aggressions a general conviction on the part of the people of the United States may naturally be apprehended that, as treaty stipulations in behalf of our fishermen, based on their ancient rights, cease to be respected, the maintenance of the comprehensive system of mutual commercial accommodation between Canada and the United States could not reasonably be expected.

It is some satisfaction, however slight, that since the reception of this letter, the conduct of Captain Quigley, in tearing down the United States flag from the Marion Grimes, has been apologized for, though in a somewhat meager way, by the Canadian authorities. But no apology, so far as I know, has been made for Captain Quigley's course in dragging the Marion Grimes from the shelter she was entitled to in the outer waters of Shelburne harbor, forcing her into the port of Shelburne, and virtually breaking up her voyage.

Mr. EDMUNDS. There was not even an apology from Her Majesty's Government itself. She only, I believe, communicated the apology which her own Province had suggested to her.

Mr. GORMAN. I will say in answer to the Senator from Vermont, that it was not at all satisfactory. For the outrage in driving him out of the harbor where he was for shelter, and breaking up the voyage, there has been no sufficient explanation made by anybody.

Mr. EDMUNDS. But does the Senator think there was sufficient apology in respect of hauling down the American flag that this master on his own ship, although he happened to be in duress, had for his own comfort run up?

Mr. GORMAN. I do not, and the whole purport of what I desired to say to the Senate (which I hoped to be better prepared to do than I am now), was that I do not believe the Senator from Vermont and his committee go far enough in the bill which is now pending before the Senate. My objection to his proposition is that he fails to strike at the only point in which they are vulnerable, that is the exclusion of the cars and engines in which their great trade passes through this country and without which they would be powerless.

Mr. EDMUNDS. While I do not want to prolong the debate, and have not entered into it really, because I thought that everybody would see the force of this bill, I will state that the President of the United States may exclude all things of every kind coming from the Canadian provinces under one clause of the bill, which would include engines and cars as well as everything else. But suppose it did not include engines and cars but included all their cargoes, I ask whether it would be any great comfort to the British dominions to run empty cars, to have no passengers and freight, with their engines from Quebec to Portland? I think if the Senator will study the bill a little more (and probably he would but for the stress of business which obliges us to go on to night) he will see that if the President of the United States, as we must suppose he will, will justly and fairly and without heat or passion but firmly and bravely do what this measure authorizes him to do, all the redress, the equalization that can be got by peaceful means is within his power.

Mr. GORMAN. I should like to ask the Senator from Vermont whether the bill, in his opinion, would authorize the President to exclude all the goods and merchandise that passes over the Canadian roads into our country?

Mr. EDMUNDS. Yes, if they are Dominion products, for it says so. It does not authorize the President to terminate the treaty between the United States and Great Britain which provides for the crossing of American goods over their territory or the crossing of their goods for export over ours, because that is a matter of treaty arrangement that we have engaged to do. Therefore, inasmuch as the relation otherwise than that mere matter of transit for exportation was not a matter of treaty, but was a matter of municipal regulation in either country, the committee thought we could, without making ourselves obnoxious to any just criticism on the part of Great Britain or of its government, do the thing which we have proposed.

Mr. RIDDLEBERGER. I desire to ask the Senator whether in dealing with Canada we are not dealing with Great Britain?

Mr. GORMAN. I should like to ask the Senator from Vermont a question.

Mr. RIDDLEBERGER. That is the question I ask now, and I wish to have the Senator answer.

Mr. GORMAN. The Senator from Virginia will pardon me for a moment. While I am interrupted by the Senator from Vermont I should like to ask him whether he considers the twenty-ninth article of the treaty of Washington still in force which authorizes them to cross our territory with goods free from Canada for export from the United States?

Mr. EDMUNDS. I do not remember the number of the article, but the twenty-ninth article, I believe, was not terminated by the resolutions of Congress and by the President by proclamation on the 1st of July, 1885—the thirtieth was—and I think it does still exist, as I understand it, a treaty arrangement between Great Britain and the United States, by which American goods may pass through Canada to some other American port or place, crossing it by rail, and British goods may pass through the United States from Canada to a seaport, and so *vice versa*.

Mr. RIDDLEBERGER. I deny it, and ask you to give the proof of it. Show us the statute.

Mr. EDMUNDS. The point of the committee was to keep entirely within what had been the course internationally between Great Britain and the United States in regard to the British dominions and its intercourse with the United States as such, and not to open any question of our retaliating, as the phrase has been, which is a rough phrase, in respect of those particular matters that we had engaged by treaty might be done. We thought that there was ample scope and verge enough outside of that to produce in the British authorities a state of consideration that would lead them to treat our fishing and trading vessels in their ports fairly, for that is the only point wherein we have been ill-treated.

Mr. GORMAN. I knew that there was some question as to whether we were still under treaty obligations to permit their cars to pass through and over our territory with the products from this country as well as from their own, but I supposed the weight of authority was that that article of the treaty is no longer in existence.

Mr. EDMUNDS. No; the twenty-ninth article was not abrogated by the joint resolution of Congress, if I have the number right. The thirtieth was; the twenty-ninth, I think, was not.

Mr. GORMAN. I supposed it was so held, and that we had the unquestionable right to exclude the cars and engines from passing through this country. If we have, or if we have the right to exclude their goods, as suggested by the Senator from Vermont, then unquestionably this fishery question will be settled in a very short time, for, as my friend from Missouri has said, whenever it comes to a question of dollars and cents or commerce with Great Britain we can always get a treaty if the advantage is upon that side.

But I resume what I was saying in regard to Captain Quigley. Captain Quigley, so far from being recalled, as he should have been, is retained to pursue his work of insult and obstruction; that work of insult and obstruction, so far from being apologized for and countermanded, is, by the very act of limiting the apology to the tearing down the flag, openly sanctioned. Nor is this all. It is plain from other outrages on the coast that the action in the Grimes case is part of a system of annoyance and injury which aims at the driving our American fishermen from waters to which they have as much right as the cruisers by which they are assailed. And, as if to settle the question, and to impress upon us the fact that the Canadian system of aggression is to be made permanent and is to be followed up by the severest statutory penalties, we have now presented to us a statute adopted by the Canadian Parliament, and transmitted on June 2, 1886, to England for royal assent, which assent was given by the Queen in council on November 26, 1886. The third and material section of this statute is as follows:

3. Any one of the officers or persons hereinbefore mentioned (various Canadian officials, &c.) may bring any ship, vessel, or boat, being within any harbor in Canada, or hovering in British waters within 3 marine miles of any of the coasts, bays, creeks or harbors in Canada, into port, and search her cargo, and may also examine the master upon oath touching the cargo and voyage; and if the master or person in command does not truly answer the questions put to him in such examination, he shall incur a penalty of $400; and if such ship, vessel, or boat is foreign, or not navigated according to the laws of the United Kingdom or of Canada, and (*a*) has been found fishing or preparing to

fish, or to have been fishing in British waters within 3 marine miles of any of the coasts, bays, creeks or harbors of Canada, not included within the above mentioned limits, without a license, or after the expiration of the term named in the last license granted to such ship, vessel, or boat under the first section of this act, or (*b*) has entered such waters for any purpose not permitted by treaty or convention, or by any law of the United Kingdom or of Canada for the time being in force, such ship, vessel, or boat and the tackle, rigging, apparel, furniture, stores, and cargo thereof, shall be forfeited.

We have here authority given to Canadian officials to arrest our fishing vessels when "hovering in British waters within 3 marine miles" of the very coasts which those vessels are entitled, by ancient right, recognized by treaty, not merely to pass through, but to visit for shelter, wood, water, repairs, and other purposes incidental there to; and the penalty, when the vessels are so arrested, is not merely a contingent personal fine, but forfeiture of vessel, stores, and cargo, imposed in case the Canadian officials should hold that its visit is for any purpose not permitted by treaty or by Canada laws. What the Canadian authorities hold to be the meaning of the treaty of 1818, and the laws of Canada relative thereto, we have already seen. It is like the pound of flesh without the drop of blood. Our sailors can go to the shore for shelter, for wood, but if they do anything when there, however innocent, except obtaining shelter, repairs, water, or wood—if they buy a plug of tobacco, or a sailor's needle, or a sheet of paper, or a bucket of bait exclusively for deep-sea fishing, or a bag of provisions for themselves—then down comes the fine, and the decree of forfeiture. It is just as gross a violation of the treaty as it would be for us, when giving transit to Canadian rolling stock over our roads, to say, "Yes, drive along you may, but the moment one of your engineers buys a sandwich from a huckster or a paper from a newsboy, confiscated your goods shall be."

The measure I advocate—that of prohibiting Canadians from making use of United States territory for the transport of their locomotives, cars, freight, and vessels from point to point on the Canadian frontier—is eminently one of peace, being the most effectual means of restoring the reciprocities recognized by the treaty of 1783, and ratified, so far as concerns the fisheries, by the treaty of 1818. The measure is not harsh. Great Britain, in sanctioning Canadian aggressions on our fishermen, shuts us out from a transit to which we have as much right as Canadians themselves. We, by the measure I urge, merely shut Canadians out from a transit they enjoy from sufferance. Great Britain, in knocking down one of the chief props of the system of our reciprocities, knocks down the system itself. All we do is to say, "The system is down, but the hand of destruction was not ours." The right of way which I propose to withdraw is one that can be withdrawn without any violation of good faith or any shock to that sense of right which I hold to be the basis of international law.

But the driving of our fishermen from their rights in Canadian waters I hold to be a gross violation of good faith, and a rude assault on that sense of right on which, as I say, international law rests. The fishermen of the United States have as much right on those coasts, under law and treaty, and subject to certain very limited renunciations, as have the inhabitants of those coasts. The system of insult and annoyance and obstruction adopted by the Canadian authorities, coupled with the assertion of that right in the statute I have just quoted, will operate as effectually to drive our fishermen from these coasts as would an absolute barrier of chains. Fishermen, from the nature of things, can not afford to enter harbors where they run the chance of being arrested, fined, and detained until their provisions are exhausted and their voyage broken up. Heretofore they were assured of supplies and shelter when they visited the provincial waters on their way to the fishing grounds.

Now, it would be far better for them to face tempestuous seas than to seek shelter and supplies in harbors in which, perfect as is their right, they are exposed to insults and to arrests fatal to their ventures. The mere risk of such treatment drives them off; and driven off they are from waters won by the valor of their forefathers and to which they themselves hold a title as perfect as that possessed by the Canadians.

The transit of our fishermen through Canadian waters, with the incident of the right of supply, belonging to them by treaty and by the law of nations is thus cut off. With it necessarily falls the transit of Canadian locomotives, cars, and vessels through the territory of the United States. The system falls through British aggression, marked, I regret to say, not unfrequently by insolence. In what way Canada is benefited by pursuing this course, it is hard to say.

The deep-sea fisheries are open to all nationalities, independently of the special rights held by the United States; and these fisheries are so exhaustless that the supply Canada draws from them is not in the least degree diminished by the use of them by fishermen from other countries. Even were it otherwise, the obstructions put in the way of our fishermen in their transit will not ultimately impede them in their voyages to the fishing grounds. The insults are irritating; the wrongs cruel and in gross violation of international duty; but those who know the energy of American fishermen, and the spirit of the American people, and the fertility of resources which necessity in such a people calls forth, will readily see that the conveniences of this transit can be dispensed with.

Larger boats, capable of carrying greater masses of provisions, can be built. Bait can be preserved and carried for a ten weeks' voyage as well as for a voyage of ten days. The risks of shipwreck can be encountered as readily as the risks of annoyance and confiscation in Canadian ports. But in the mean time a heavy bill is growing up against Great Britain for the losses incurred by these spoliations; and with the transit of our fishermen on Canadian waters falls the transit of Canadian vessels, engines, and freight, through the territory of the United States.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Maryland [Mr. GORMAN].

Mr. EDMUNDS. On that question I ask for the yeas and nays.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. SPOONER (when Mr. KENNA'S name was called). I was requested by the Senator from West Virginia [Mr. KENNA] to announce his pair with the Senator from New York [Mr. MILLER] on all questions connected with this measure.

Mr. COKE (when Mr. MAXEY'S name was called). My colleague [Mr. MAXEY] is unavoidably absent. If he were here he would vote "nay."

Mr. GRAY (when Mr. RANSOM'S name was called). The Senator from North Carolina [Mr. RANSOM] asked me to announce that he is paired with the Senator from Kansas [Mr. INGALLS].

Mr. RIDDLEBERGER (when his name was called). I am paired with the Senator from Tennessee [Mr. HARRIS]. I am not apprised as to how he would vote on these matters. I am only apprised as to what I should do if I were not paired, which is to cast every vote I can against Great Britain.

The roll-call was concluded.

Mr. BERRY. I desire to announce that my colleague [Mr. JONES, of Arkansas] is paired with the Senator from Indiana [Mr. HARRISON].

The result was announced—yeas 6, nays 40; as follows:

YEAS—6.

Call,	Gorman,	Vance,	Vest.
Cockrell,	Gray,		

NAYS—40.

Aldrich,	Conger,	Hoar,	Pugh,
Allison,	Cullom,	Jones of Nevada,	Saulsbury,
Beck,	Dawes,	McMillan,	Sawyer,
Berry,	Dolph,	Manderson,	Sherman,
Blackburn,	Edmunds,	Mitchell of Oreg.,	Spooner,
Blair,	Eustis,	Morgan,	Teller,
Brown,	Evarts,	Morrill,	Walthall,
Cheney,	Frye,	Palmer,	Whitthorne,
Coke,	Hale,	Platt,	Williams,
Colquitt,	Hawley,	Plumb,	Wilson of Iowa.

ABSENT—29.

Bowen,	Hampton,	Mahone,	Sewell,
Butler,	Harris,	Maxey,	Stanford,
Camden,	Harrison,	Miller,	Van Wyck,
Cameron,	Ingalls,	Mitchell of Pa.,	Voorhees,
Chace,	Jones of Arkansas,	Payne,	Wilson of Md.
Fair,	Jones of Florida,	Ransom,	
George,	Kenna,	Riddleberger,	
Gibson,	McPherson,	Sabin,	

So the amendment was rejected.

The PRESIDENT *pro tempore*. The next amendment of the Senator from Maryland will be stated.

The CHIEF CLERK. At the end of line 44, after the words "United States," insert:

And also, if he think proper to prohibit the entrance into the United States from Canada of any engines, rolling-stock, or cars, with any goods that may be therein contained.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment.

The amendment was rejected.

The PRESIDENT *pro tempore*. The Senator from Maryland has moved another amendment, which will be stated.

The CHIEF CLERK. In line 51, after the word "vessels," insert the words:

Engines, rolling-stock, cars.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment.

The amendment was rejected.

The PRESIDENT *pro tempore*. The amendment offered by the Senator from Missouri [Mr. VEST] will now be stated.

The CHIEF CLERK. It is proposed to add the following:

That the President be, and is hereby, authorized to appoint a commissioner, to proceed to such places in the United States or elsewhere as may be designated by the Secretary of State, to take testimony under oath or affirmation in relation to the losses and injuries inflicted since the 31st of December, 1885, by British authorities, imperial or colonial, upon citizens of the United States engaged in the fisheries on the northeastern coasts of British North America. Said commissioner shall everywhere have, in respect to the administration of oaths or affirmations and the taking of testimony, the same powers as a commissioner of the circuit court, and shall be paid the same fees as are prescribed for similar services of the commissioner of a circuit court, together with traveling expenses.

Mr. VEST. I ask for the yeas and nays on agreeing to the amendment.

Mr. EDMUNDS. I second the demand.

The yeas and nays were ordered.

Mr. EDMUNDS. I wish to say just one word. There is no custom in the history of the United States for this sort of thing and it has no place on this bill. The custom always has been for people who felt themselves injured to file in the Department of State their protests, supported by such evidence as they choose to submit, which is put on file, and which makes the basis of negotiation, if any negotiation is necessary, for redress. Therefore, this is merely to have the effect, so far as any usefulness with Great Britain or anybody else goes, to provide a number of employments for a number of gentlemen who would hunt around for testimony.

Mr. VEST. Does the Senator from Vermont mean to say that protests will be filed in the case of all these vessels?

Mr. EDMUNDS. I say, if not it will be the fault of the vessel-owners; but in nearly every case where anybody had complained, probably in every one, they have been filed.

Mr. VEST. I take it for granted that numbers of these fishermen know nothing about this legal process or international law. The amendment can possibly do no harm. It simply is to perpetuate testimony, and it merely provides for the appointment of one officer, and all the fees he receives are those of a circuit-court commissioner. He is to be sent where the State Department orders him. I have not a constituent interested in this matter, but I think it is proper for people who have been injured.

Mr. EDMUNDS. I have not a constituent who is interested, and I think it is improper for the people who have been injured. If this commissioner hunting around found them to be absent and did not report it, Great Britain would say: "Why did not your commissioner report this thing?" I think if you will leave the people of the United States as they always have been left to make their complaints to the Department of State, it is the safest thing for them and for us.

Mr. VEST. If no protest is found as a matter of course that is conclusive that there is no such claim. I want to protect those people. The Senator from Vermont, on the other hand, by this legislation would leave those people without any proof at all if they did not happen to file protests.

Mr. EDMUNDS. The Senator is entirely mistaken.

The PRESIDENT *pro tempore*. The Secretary will call the roll on agreeing to the amendment of the Senator from Missouri [Mr. VEST].

The Secretary proceeded to call the roll.

Mr. DAWES (when his name was called). As I have already announced, the pair which I had with the Senator from Texas [Mr. MAXEY] has been transferred to the Senator from Rhode Island [Mr. CHACE]. I vote "nay."

Mr. GRAY (when Mr. RANSOM'S name was called). The Senator from North Carolina [Mr. RANSOM] asked me to announce his pair with the Senator from Kansas [Mr. INGALLS]. If the Senator from North Carolina were present he would vote "yea."

Mr. RIDDLEBERGER (when his name was called). I am paired with the Senator from Tennessee [Mr. HARRIS]. If he were here I should vote "yea," but as I do not know how the Senator from Tennessee would vote on this question, I withhold my vote.

The roll-call having been concluded, the result was announced—yeas 17, nays 27; as follows:

YEAS—17.

Beck,	Cockrell,	Morgan,	Walthall.
Berry,	Coke,	Pugh,	Whitthorne.
Blackburn,	Colquitt,	Saulsbury,	
Brown,	Eustis,	Vance,	
Call,	Gray,	Vest,	

NAYS—27.

Aldrich,	Dolph,	McMillan,	Sawyer,
Allison,	Edmunds,	Manderson,	Sherman,
Blair,	Frye,	Mitchell of Oreg.,	Spooner,
Cheney,	Hale,	Morrill,	Teller,
Conger,	Hawley,	Palmer,	Williams,
Cullom,	Hoar,	Platt,	Wilson of Iowa.
Dawes,	Jones of Nevada,	Plumb,	

ABSENT—31.

Bowen,	Gibson,	Kenna,	Riddleberger,
Butler,	Gorman,	McPherson,	Sabin,
Camden,	Hampton,	Mahone,	Sewell,
Cameron,	Harris,	Maxey,	Stanford,
Chace,	Harrison,	Miller,	Van Wyck,
Evarts,	Ingalls,	Mitchell of Pa.,	Voorhees,
Fair,	Jones of Arkansas,	Payne,	Wilson of Md.
George,	Jones of Florida,	Ransom,	

So the amendment was rejected.

Mr. CALL. Mr. President, I do not propose to make any speech, but I simply wish to say that while I shall vote for the bill, I desire to see the policy pursued of carrying on non-intercourse with Great Britain or Canada. I think the best policy to be introduced would be to sustain the President and Secretary of State in declarations in favor of the right of American shippers and the men engaged in the fisheries to have the benefit of the ports according to the custom of nations, and by joint resolution of the two Houses to indicate to Great Britain that this Government will insist upon that right to any and every extremity. I shall vote for the bill because it has taken that direction, but in my judgment its provisions are not wise.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. If there be no objection, the amendments made as in Committee of the Whole will be regarded as concurred in.

Mr. RIDDLEBERGER. I object.

Mr. EDMUNDS and others. Put the question.

The PRESIDENT *pro tempore*. Does the Senator from Virginia object.

Mr. RIDDLEBERGER. Yes, sir; I object. This is the last opportunity I shall have. "If there be no objection" is what the Chair said, and I object.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

Mr. EDMUNDS. On that question I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. WALTHALL (when Mr. GEORGE'S name was called). My colleague [Mr. GEORGE] is unavoidably absent. If he were here he would vote "yea."

Mr. COKE (when Mr. MAXEY'S name was called). My colleague [Mr. MAXEY] is also unavoidably absent. He would vote "yea" if he were present.

Mr. GRAY (when Mr. RANSOM'S name was called). The Senator from North Carolina [Mr. RANSOM] asked me to announce that he is paired with the Senator from Kansas [Mr. INGALLS]. If the Senator from North Carolina were present he would vote "yea."

Mr. GORMAN (when the name of Mr. WILSON, of Maryland, was called). I have been requested by my colleague [Mr. WILSON, of Maryland], to announce the pair between himself and the Senator from Rhode Island [Mr. CHACE].

The roll-call having been concluded, the result was announced—yeas 46, nays 1, as follows:

YEAS—46.

Aldrich.	Conger,	Hoar,	Saulsbury,
Allison,	Cullom,	Jones of Nevada,	Sawyer,
Beck,	Dawes,	McMillan,	Sherman,
Berry,	Dolph,	Manderson,	Spooner,
Blackburn,	Edmunds,	Mitchell of Oreg.,	Teller,
Blair,	Eustis,	Morgan,	Vance,
Brown,	Evarts,	Morrill,	Vest,
Call,	Frye,	Palmer,	Walthall,
Cheney,	Gorman,	Platt,	Whitthorne,
Cockrell,	Gray,	Plumb,	Williams,
Coke,	Hale,	Pugh,	Wilson of Iowa.
Colquitt,	Hawley,		

NAYS—1.

Riddleberger.

ABSENT—28.

Bowen,	Gibson,	Kenna,	Ransom,
Butler,	Hampton,	McPherson,	Sabin,
Camden,	Harris,	Mahone,	Sewell,
Cameron,	Harrison,	Maxey,	Stanford,
Chace,	Ingalls,	Miller,	Van Wyck,
Fair,	Jones of Ark.,	Mitchell of Pa.,	Voorhees,
George,	Jones of Florida,	Payne,	Wilson of Md.

So the bill was passed.

ORDER OF BUSINESS.

Mr. EDMUNDS. Mr. President——

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, being the bill (S. 372) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto.

Mr. EDMUNDS. I move that the Senate adjourn.

Mr. BECK. Mr. President——

The PRESIDENT *pro tempore*. *The Senator from Vermont moves*——

Mr. BECK. I addressed the Chair a good many times in a pretty loud tone.

Mr. EDMUNDS. I addressed the Chair first.

The PRESIDENT *pro tempore*. The Chair heard the Senator from Vermont distinctly submit a motion to adjourn. Does the Senator from Vermont yield?

Mr. EDMUNDS. Certainly, with pleasure, if the Senator has anything to say.

Mr. BECK. If the Chair heard the Senator from Vermont first, I have not a word to say.

Mr. EDMUNDS. I addressed the Chair first; but I withdraw my motion.

The PRESIDENT *pro tempore*. The Senator from Vermont addressed the Chair before the Senator from Kentucky, and the Chair was submitting the motion made by him to the Senate. The motion is withdrawn, and the Senator from Kentucky will proceed.

Mr. BECK. I desire to give notice (and that is all I rose to say) that to-morrow morning, immediately after the morning business, I shall seek the floor to call up the bill (S. 2578) to prohibit members of

Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States, and I shall endeavor to press the measure until it is finally disposed of.

Mr. BLAIR. I desire to remind the Senate that I have twice given notice that I shall try to get up to-morrow the unfinished business of the first week of the session, being the joint resolution proposing an amendment to the Constitution relating to woman suffrage.

Mr. BECK. We shall then see which measure the Senate will decide to take up.

Mr. CALL. I wish to ask both the Senator from Kentucky and the Senator from New Hampshire to give place to me to-morrow, while I have a vote in the morning upon the resolution which I have discussed before the Senate. I desire to give notice that I shall ask the Senate at the conclusion of the morning business to-morrow to allow a vote to be taken upon the resolution.

Mr. EDMUNDS. I renew my motion that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 35 minutes, p. m.) the Senate adjourned until to-morrow, Tuesday, January 25, at 12 o'clock, m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, January 19, 1887.

UNITED STATES CONSUL.

Willoughby Walling, of Indianapolis, Ind., to be consul of the United States at Leith.

COLLECTORS OF CUSTOMS.

John F. Lynch, to be collector of customs at Machias, in the State of Maine.

Charles W. Roberts, to be collector of customs at Bangor, in the State of Maine.

POSTMASTERS.

William T. Johnson, to be postmaster at Cambridge, in the county of Dorchester and State of Maryland.

John T. Ryan, to be postmaster at South Bethlehem, in the county of Northampton and State of Pennsylvania.

Sallie Shelton, to be postmaster at Windsor, in the county of Henry and State of Missouri.

Edward Bowman, to be postmaster at Brunswick, in the county of Chariton and State of Missouri.

John Poston, to be postmaster at Kiowa, in the county of Barber and State of Kansas.

John F. Blackburn, to be postmaster at Hutchinson, in the county of Reno and State of Kansas.

Anthony Brandt, to be postmaster at Bellevue, in the county of Jackson and State of Iowa.

Frank Campbell, to be postmaster at O'Neill, in the county of Holt and State of Nebraska.

James Frey, to be postmaster at Sigourney, in the county of Keokuk and State of Iowa.

The above confirmation was accompanied by the following report from the Committee on Post-Offices and Post-Roads, which was ordered by the Senate to be printed in the RECORD:

The Committee on Post-Offices and Post-Roads, to whom was referred the nomination of James Frey to be postmaster at Sigourney, in the county of Keokuk and State of Iowa, in place of John Morrison, suspended, submits the following report:

No charges appear in this case tending to affect the character for integrity of Mr. Morrison, or in any degree reflecting on his good name. He has been a competent and efficient officer. He has been suspended because he is a member of the Republican party, and his place was wanted for a member of the Democratic party. This being the case, he does not care to contest the confirmation of a successor; and, inasmuch as his good name is not assailed, the committee report back the nomination of his successor with a recommendation that it be confirmed.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 24, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday was read and approved.

UNION PACIFIC INDEBTEDNESS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, in response to a resolution of the House calling for information concerning the amount of indebtedness of the subsidized Pacific railroad companies of the United States, and the effect upon said indebtedness of the passage of House bill 8318; which was referred to the Committee on Pacific Railroads, and ordered to be printed.

Mr. OUTHWAITE. I ask for the reading of the letter of the Secretary of the Treasury.

The letter was read, as follows:

TREASURY DEPARTMENT, *January* 22, 1887.

SIR: I am in receipt of House resolution of January 20, 1887, requesting that the House of Representatives be informed as soon as practicable what sums of money were owing from the bond-subsidized Pacific railroad companies to the United States on the 1st day of January, 1887; the sums which are due, principal and interest, under existing law severally and collectively from said companies, and what will be the result to the Treasury and the effect upon these debts if House bill 8318 should become a law and its provisions be complied with.

In reply thereto, I have the honor to state that the amount due from the several Pacific railroad companies for interest paid by the United States to January 1, 1887, on subsidy bonds issued to said companies was $70,854,325.62, of which there had been repaid by the companies at that date the sum of $21,552,144.14, leaving due on account of interest the sum of $49,302,181.48.

There will be due on the same account at maturity of the subsidy bonds September 11, 1897, the further sum of $43,406,921.88, making a total of $92,709,103.36 due and to become due on account of interest. There is also to become due on account of principal of these bonds at maturity the sum of $64,623,512, making an aggregate indebtedness due and to become due of $157,332,615.36.

In response to the inquiry, "What will be the result to the Treasury and the effect upon these debts if House bill 8318 should become a law and its provisions be complied with?" I will state that the present worth of the indebtedness of the several companies as of October 1, 1886, ascertained as prescribed in the bill, is $108,463,331.54.

The constant semi-annual payment required to cancel the present worth of the indebtedness above mentioned, principal and interest, in seventy years, computed at the rate of 3 per cent. per annum, reinvested semi-annually, is $1,858,057.91.

The constant semi-annual payment arrived at by the method prescribed in the bill, to wit, $1,854,304.52, is less than the correctly computed semi-annual payment above mentioned by $3,753.39, or about one-fifth of 1 per cent., and this constant semi-annual payment is sufficient, if reinvested semi-annually, to pay at the rate of 2.992 per cent. per annum on the said present worth, and at that rate to extinguish the principal and interest of the debt in seventy years.

In view of certain provisions of the act of May 7, 1878, commonly known as the Thurman law, establishing a sinking fund for the Union and Central Pacific Railroad Companies, it may be proper to consider whether the sinking fund now held in trust by the United States should be treated as an off-set in determining the net indebtedness due the Government from these companies.

It should be mentioned, however, that a condition of the bill is that its provisions shall be accepted by the companies interested.

An analysis of the subject has been prepared by Mr. E. B. Elliott, Government actuary, a copy of which, with its inclosures, together with a detailed statement of the indebtedness due from each company, is herewith transmitted.

Respectfully, yours,

D. MANNING, *Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Mr. HOLMAN. I suggest, Mr. Speaker, that the report of the actuary and the other papers accompanying this communication be also printed in the RECORD.

The SPEAKER. Without objection, that order will be made.

There was no objection, and it was so ordered.

UNITED STATES TREASURY DEPARTMENT,
Washington, D. C., January 22, 1887.

SIR: In the resolution of the House of Representatives of January 20, 1887, submitted by Hon. Mr. OUTHWAITE, relative to—

"The sums of money owing from the bond-subsidized Pacific railroad companies to the United States," it is asked, "What will be the result to the Treasury and the effect upon these debts if House bill 8318 should become a law and its provisions be complied with?"

In response it may be stated that the total sum that would be due to the United States for principal and interest paid and to be paid at maturity on the subsidy bonds issued to the said companies, if no payments or reimbursements had been made thereon by the said companies, is $178,884,759.50, of which $64,623,512 is principal, and $114,261,247.50 is interest computed without compounding at 6 per cent. per annum.

The average date of the bonds issued is September 11, 1867, but the average date of the issue of these bonds to the several companies is later than this date by $\frac{333}{1000}$ of a year, or about 6 months and 11$\frac{3}{4}$ days, and the average date of their maturity is September 11, 1897.

The amount of deductions to be made from this total sum, according to the provisions of the bill (page 2, line 25, to page 3, line 36), to wit, reimbursements by transportation and cash on account of interest to October 1, 1886, $21,294,886.74; market value of bonds belonging to the sinking fund held by the Treasury October 1, 1886, on account of the Pacific railroad companies, $7,743,817.03, of which the face value of bonds so held was $6,134,100, and the excess of market value over face value of same October 1, 1886, was $1,609,717.03; cash uninvested belonging to the sinking fund October 1, 1886, $2,430,145.85, together with "simple interest at the rate of 3 per cent. per annum" upon $10,173,962.88, the total amount thus belonging to the sinking fund, from October 1, 1886, to the average date of maturity, a period of 10$\frac{11}{12}$ years, $3,340,451.15—is $34,809,300.77, leaving a remainder of $144,075,458.73 due to the United States at the maturity of the subsidy bonds.

The present worth, as of October 1, 1886, of this remainder, computed for the interval of 10$\frac{11}{12}$ years, at simple discount, at the rate of 3 per cent. per annum, is $108,463,331.54.

A constant semi-annual payment of $1,858,057.91, reinvested semi-annually, will pay interest at the rate of 3 per cent. per annum on the said present worth, and extinguish the principal of the debt in seventy years.

The constant semi-annual payment arrived at according to the provisions of the bill (page 3, lines 37 to 47), is $1,854,304.52, which is less than the correctly computed semi-annual payment above mentioned by $3,753.39, or about $\frac{1}{500}$ of 1 per cent. This constant semi-annual payment of $1,854,304.52 is sufficient, if reinvested semi-annually, to pay at the rate of 2.992 per cent. per annum on the said present worth, and at that rate to extinguish the debt in seventy years.

Respectfully, yours,

E. B. ELLIOTT,
Government Actuary.

Hon. DANIEL MANNING,
Secretary of the Treasury.

Union Pacific Railway Company (including Kansas Pacific Railway Company).

The total amount that would be due the United States for principal and interest paid on the bonds issued to said companies at their maturity, if no payments or reimbursements had been made thereon by the companies, is $92,844,290.94.

The amount of all deductions to be made from this sum, according to the provisions of this bill (H. R. 8318), to wit: Reimbursements as per bond and interest account, $14,806,520.21; sinking-fund bonds at market value October 1, 1886,

$6,701,812.72; cash uninvested October 1, 1886, belonging to sinking fund, $153,699.33; with interest on $6,855,512.05, the total amount thus belonging to the sinking fund, at 3 per cent. per annum from October 1, 1886, to maturity (of which the average date is July 10, 1897), $2,216,044.27, is $23,878,076.53, leaving a remainder of $68,966,214.41 due to the United States at the maturity of the subsidy bonds.

The present value of this remainder October 1, 1886, computed for the interval, $10\frac{7}{12}$ years, at simple discount at the rate of 3 per cent. per annum, is $52,118,809.30,

A constant semi-annual payment of $892,834.15, reinvested semi-annually, will pay at the rate of 3 per cent. a year on the above-mentioned sum ($52,118,809.30), and also extinguish the principal of the debt in seventy years.

The constant semi-annual payment arrived at by the method prescribed in the bill ($890,403.09) is less than the semi-annual payment above mentioned ($892,834.15) by the semi-annual difference of $2,431.06, or about $\frac{1}{37}$ of 1 per cent.

The corresponding annual difference ($4,862.12) amounts to less than $\frac{1}{100}$ of 1 per cent. of $52,118,809.30, the present worth as above given.

The constant semi-annual payment of $890,403.09 is sufficient to pay, if reinvested semi-annually, at the rate of 2.989 per cent. per annum on the said present worth, and extinguish the debt in seventy years.

Central Pacific Railroad Company (including Western Pacific Railroad Company).

The total amount that would be due the United States for principal and interest paid on the bonds issued to said companies, at their maturity, if no payments or reimbursements had been made thereon by the companies, is $77,104,604.41.

The amount of all deductions to be made from this sum, according to the provisions of this bill (H. R. 8318), to wit: Reimbursements as per bond and interest account, $6,009,595.79; sinking-fund bonds at market value October 1, 1886, $1,042,604.31; cash uninvested October 1, 1886, belonging to sinking fund, $2,276,446.52; with interest on $3,318,450.83, the total amount thus belonging to the sinking fund, at 3 per cent. per annum from October 1, 1886, to maturity (of which the average date is December 9, 1897), $1,113,893.32, is $10,441,939.94, leaving a remainder of $66,662,664.47 due to the United States at the maturity of the subsidy bonds.

The present value of this remainder October 1, 1886, computed for the interval, $11\frac{2}{12}$ years, at simple discount at the rate of 3 per cent. per annum, is $49,909,657.43.

A constant semi-annual payment of $854,989.72, reinvested semi-annually, will pay at the rate of 3 per cent. a year on the above-mentioned sum ($49,909,657.43), and also extinguish the principal of the debt in seventy years.

The constant semi-annual payment arrived at by the method prescribed in the bill ($854,093.34) is less than the semi-annual payment above mentioned ($854,989.72) by the semi-annual difference of $896.38, or about $\frac{1}{57}$ of 1 per cent.

The corresponding annual difference ($1,792.76) amounts to less than $\frac{1}{1000}$ of 1 per cent. of $49,909,657.43, the present worth as above given.

The constant semi-annual payment of $854,093.34 is sufficient to pay, if reinvested semi-annually at the rate of 2.996 per cent. per annum on the said present worth, and extinguish the debt in seventy years.

Pacific railroad indebtedness, January 1, 1887.

	Interest paid by United States.	Repaid by companies.	Balance interest due the United States.
Central Pacific	$28,111,876 87	$6,051,002 69	$22,060,874 18
Kansas Pacific	7,263,873 09	3,467,005 95	3,796,867 14
Union Pacific	29,860,422 57	11,614,242 04	18,246,180 53
Central Branch, Union Pacific	1,837,808 26	284,022 55	1,553,785 71
Western Pacific	2,022,949 74	9,367 00	2,013,582 74
Sioux City and Pacific	1,757,395 09	126,503 91	1,630,891 18
Total	70,854,325 62	21,552,144 14	49,302,181 48

	Interest to become due.	Total interest due and to become due.	Principal to become due.
Central Pacific	$17,674,577 80	$39,735,451 98	$25,885,120 00
Kansas Pacific	3,925,070 00	7,721,937 14	6,303,000 00
Union Pacific	18,255,413 28	36,501,593 81	27,236,512 00
Central Branch, Union Pacific	988,800 00	2,542,585 71	1,600,000 00
Western Pacific	1,439,520 00	3,453,102 74	1,970,560 00
Sioux City and Pacific	1,123,540 80	2,754,431 98	1,628,320 00
Total	43,406,921 88	92,709,103 36	64,623,512 00

Mr. WARNER, of Ohio. Will it also appear as a separate document?

The SPEAKER. It will be printed in that form under the rules of the House.

PAY OF DETAILED FORCE, INTERIOR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting additional estimates of appropriation for the payment of detailed force employed in the office of the Secretary of the Interior; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CROXTON, for four days, on account of important business.

To Mr. BALLENTINE, indefinitely, on account of important business.

To Mr. PINDAR, indefinitely, on account of important business.

To Mr. GROSVENOR, until Wednesday next, on account of professional engagements.

WITHDRAWAL OF PAPERS.

On motion of Mr. LOVERING, by unanimous consent, leave was granted to withdraw from the files of the House, without leaving copies, papers in the case of Harriet Tubbman.

CHANGE OF REFERENCE.

The SPEAKER. The bill (H. R. 10081) to amend the laws governing the militia of the United States was erroneously referred to the Committee on the Judiciary. It should be referred to the Committee on the Militia, and if there be no objection the change of reference will be made.

There was no objection, and it was so ordered.

PUBLIC BUILDING, BROOKLYN, N. Y.

Mr. FELIX CAMPBELL. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 10305) to increase the appropriation for the public building at Brooklyn, N. Y., and put the same upon its passage.

The SPEAKER. The bill will be read subject to objection.

The bill was read at length.

Mr. FELIX CAMPBELL. I would like to have a letter from the Supervising Architect read in this connection.

The letter is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, January 20, 1887.

SIR: Referring to bill (H. R. 10305) introduced by you, to increase the limit of cost for the public building at Brooklyn, N. Y., to $1,500,000, exclusive of cost of site, I have to advise you that in my judgment the full amount therein specified to be appropriated, namely, $1,278,594.12, should be made available immediately, in order to avoid delay in entering into contracts for the completion of the work under the plans for the enlargement of the building. It is necessary that this work be pushed, in view of the delays which have already occurred, occasioned by the failure of Congress at its last session not only to take action upon the bill increasing the limit, but also to appropriate the balance of funds due under the original limit.

Respectfully, yours,

M. C. BELL,
Supervising Architect.

Hon. FELIX CAMPBELL,
House of Representatives.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. I wish to inquire how much has been already appropriated of the one and one-half millions of dollars asked for in this bill toward the work on this building?

Mr. FELIX CAMPBELL. We have expended for the ground the sum of $408,000.

Mr. HOLMAN. And the only money expended is that employed in the purchase of the ground?

Mr. FELIX CAMPBELL. We have the building up one story, as well as the purchase of the ground.

Mr. WILKINS. One story of the building has been erected, but it only covers about one-half of the ground owned by the Government.

Mr. FELIX CAMPBELL. This provides for the completion of the building.

Mr. WILKINS. In order that it may be utilized by the Government at present it would be of little service.

Mr. HOLMAN. The original limit I believe was $800,000?

Mr. FELIX CAMPBELL. Yes, sir.

Mr. HOLMAN. And it is proposed to increase it to $1,500,000?

Mr. FELIX CAMPBELL. Yes, sir; less the cost of the land.

Mr. JAMES. No; in addition to the cost of the land.

Mr. FELIX CAMPBELL. Yes; I should have said including the cost of the site. This embraces the total expense.

Mr. WILKINS. Over $400,000 was used by the Secretary of the Treasury for the purchase of the site. The building is now completed up to the second story, and perhaps not exceeding one-half of the ground owned by the Government is covered. It will be necessary to complete the building to the full limit of the ground, and to the full amount asked, to make it suitable to the Government's uses at that point. As it is, the building will have to be covered by a temporary roof. It ought to be completed as soon as possible.

Mr. HOLMAN. The whole sum asked in the first instance for this building was $800,000, which sum was allowed, and no larger sum was asked for. But in view of the action of the House in regard to the public building at Pittsburgh and at Louisville, this would not seem to be an extravagant sum.

Mr. FELIX CAMPBELL. No, sir.

Mr. HOLMAN. Yet it seems to me that the general dissatisfaction over the appropriation of these large sums of public money grows out of the vast number of these public buildings which are erected in different parts of the country, in nearly all of which cases the original amount appropriated is exceeded before the building is well under way.

I regret very much that the gentleman from New York finds it necessary to ask so large an increase for the construction of this building.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COWLES. I understand the appropriation at first was $750,000. Now they come in with a modest request for a million and a half of dollars. I object, and call for the regular order.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the regular order is the call of States and Territories for the introduction and reference of bills and joint resolutions. Under this call resolutions and memorials from State and Territorial Legislatures are in order, and also resolutions calling for information from the heads of Departments.

LIGHT-HOUSE BOARD.

Mr. WHEELER introduced a bill (H. R. 10805) to extend the jurisdiction of the Light-House Board; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FIRST REGIMENT ALABAMA VOLUNTEER CAVALRY.

Mr. WHEELER also introduced a bill (H. R. 10806) authorizing the payment of $100 bounty to the honorably discharged members of the First Regiment Alabama Volunteer Cavalry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AARON WILHITE.

Mr. WHEELER also introduced a bill (H. R. 10807) for the relief of Aaron Wilhite; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ANDERSON WILHITE.

Mr. WHEELER also introduced a bill (H. R. 10808) for the relief of Anderson Wilhite; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SEABORN FOSSETT.

Mr. WHEELER also introduced a bill (H. R. 10809) for the relief of Seaborn Fossett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS G. GARRETT.

Mr. HERBERT introduced a joint resolution (H. Res. 241) to remove the political disabilities of Thomas G. Garrett, of Alabama; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INCREASE OF NAVAL ESTABLISHMENT.

Mr. HERBERT also introduced a bill (H. R. 10810) to further increase the naval establishment; which was read a first and second time; referred to the Committee on Naval Affairs, and ordered to be printed.

LESLIE E. BROOKS.

Mr. JONES, of Alabama, introduced a bill (H. R. 10811) for the relief of Leslie E. Brooks; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN M. SANDERS.

Mr. McRAE (by request) introduced a bill (H. R. 10812) for the relief of John M. Sanders; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

EX-GOVERNOR STONEMAN.

Mr. MORROW submitted the following resolution of the Legislature of the State of California; which was read, and referred to the Committee on Military Affairs:

SACRAMENTO, CAL., *January* 21, 1887.

To the honorable Senators and Representatives in Congress of the United States:

I hereby notify you that the following resolution was adopted by the senate and assembly of the State of California:

Resolved by the senate (and assembly concurring), That our Senators be instructed and our Representatives in Congress are hereby requested and urged to take such action as shall result in the restoration of ex-Governor Stoneman to the retired-list of the Army of the United States, with the rank of colonel and the same pay as is by law now provided for officers of the regular Army holding the rank of colonel upon such retired-list.

SENATE CHAMBER, *January* 14, 1887.

E. D. H. HAMILTON, *Secretary.*
By J. H. CORCORAN, *Assistant Secretary.*

W. W. MORROW, *Washington, D. C.*

AMANDA M. SMYTH.

Mr. LORE introduced a bill (H. R. 10813) to increase the pension of Amanda M. Smyth, widow of General Thomas A. Smyth; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN DUNN.

Mr. DAVIDSON, of Florida, introduced a bill (H. R. 10814) for the relief of John Dunn; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REPORT ON INTERSTATE-COMMERCE BILL.

Mr. CRISP submitted the following resolution; which was read, and referred to the Committee on Printing:

Resolved, That there be printed for the use of the House 15,000 copies of the report of the committee of conference on the bill of the Senate (S. 1532) to regulate commerce, together with the detailed statement of the House conferees thereon, the same to be delivered at the House folding-room.

SESSIONS OF CONGRESS.

Mr. SPRINGER introduced a joint resolution (H. Res. 242) proposing an amendment to the Constitution in reference to the sessions of Congress; which was read twice by its title.

Mr. SPRINGER. I desire to have the joint resolution read at length.

The joint resolution was read, referred to the Committee on the Judiciary, and ordered to be printed.

CENTENNIAL CELEBRATION IN 1889.

Mr. TOWNSHEND (by request) introduced a bill (H. R. 10815) to provide for a joint celebration by the sixteen American Republics in 1889 in honor of the centennial of the Constitution of the parent Republic, the United States; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

HENRY MEYNELL.

Mr. ADAMS, of Illinois, introduced a bill (H. R. 10816) for the relief of Henry Meynell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NAVAL APPROPRIATION.

Mr. LAWLER offered the following resolution; which was read and referred to the Committee on Naval Affairs:

Resolved, That the Committee on Naval Affairs be instructed to inquire into and report upon the expediency of immediately appropriating the sum of $50,000,000, to be expended under direction of the Secretary of the Navy, for the construction, equipment, and armament of such new vessels of war as may be deemed necessray by him; such sum to become and remain a permanent appropriation for the specific purpose named, not to be covered back into the Treasury at any time, but to remain available continuously for this purpose until the Congress shall otherwise direct.

By unanimous consent, a letter from Admiral Porter to Mr. LAWLER, in relation to the subject of the resolution, was ordered to be printed with it.

GEORGE W. MILLER.

Mr. MORRISON introduced a bill (H. R. 10817) granting a pension to George W. Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES WILKINSON.

Mr. LOWRY introduced a bill (H. R. 10818) for the relief of James Wilkinson, late of Company C, Forty-fourth Indiana Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SERENA C. MORRIS.

Mr. LOWRY also introduced a bill (H. R. 10819) to place the name of Serena C. Morris on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMOS T. PHARES.

Mr. BYNUM (by request) introduced a bill (H. R. 10820) for the relief of Amos T. Phares, late a private of Company B, Seventieth Indiana Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MEXICAN PENSION BILL, ETC.

Mr. MATSON offered the following resolution; which was read and referred to the Committee on Printing:

Resolved, That 5,000 additional copies of the bill known as the Mexican pension bill, which passed the House on January 17, 1887, be printed for the use of the House; also, that 5,000 additional copies of the bill (H. R. 10457) for the relief of dependent parents, &c., which also passed the House on January 17, 1887, be printed for the use of the House.

WILLIAM A. MATHES.

Mr. COBB (by Mr. KLEINER) introduced a bill (H. R. 10821) to increase the pension of William A. Mathes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL SHEETS.

Mr. HOLMAN introduced a bill (H. R. 10822) granting a pension to Michael Sheets; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

UNITED STATES COURTS IN NORTHERN DISTRICT OF IOWA.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 10823) to fix the time for holding the circuit and district courts of the United States in the northern district of Iowa; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REFORM SCHOOL FOR GIRLS OF THE DISTRICT OF COLUMBIA.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 10824) to incorporate the reform school for girls of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

PROTECTION OF HOMESTEAD SETTLERS.

Mr. STRUBLE introduced a bill (H. R. 10825) to amend an act entitled "An act to protect homestead settlers within railway limits, and for other purposes," approved May 6, 1886; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

GOVERNMENT OFFICES, COUNCIL BLUFFS.

Mr. LYMAN introduced a bill (H. R. 10826) authorizing the Secretary of the Treasury to purchase additional ground for the accommodation of Government offices at Council Bluffs, Iowa; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

RIGHT OF WAY THROUGH POTTAWATOMIE RESERVATION.

Mr. RYAN introduced a bill (H. R. 10827) to authorize the Chicago, Kansas and Western Railroad to construct and operate a railway through the Pottawatomie reservation in Kansas, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JOHN HERFURTH.

Mr. FUNSTON introduced a bill (H. R. 10828) to place the name of John Herfurth on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PLEURO-PNEUMONIA.

Mr. FUNSTON also presented resolutions of the agricultural board of the State of Kansas, in favor of the passage of the pleuro-pneumonia bill; which were read, and referred to the Committee on Agriculture.

EXTRA PAY TO OFFICERS OF VOLUNTEER ARMY.

Mr. MORRILL (by request) introduced a bill (H. R. 10829) allowing extra pay to certain officers of the volunteer army in the war of the rebellion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY E. BROWN.

Mr. MORRILL also introduced a bill (H. R. 10830) to grant a pension to Mary E. Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RAILWAY THROUGH FORT RILEY MILITARY RESERVATION.

Mr. ANDERSON, of Kansas, introduced a bill (H. R. 10831) to authorize the Kansas Valley Railroad Company to construct and operate a railway through the Fort Riley Military Reservation in Kansas, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM THOMPSON.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 10832) granting a pension to William Thompson; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

FRANCIS M. PITMAN.

Mr. HALSELL introduced a bill (H. R. 10833) granting a pension to Francis M. Pitman, late of Company F, First Tennessee Regiment; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM CASH.

Mr. STONE, of Kentucky, introduced a bill (H. R. 10834) for the relief of the heirs of William Cash; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SARAH E. HARPER.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 10835) for the relief of Sarah E. Harper; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

T. B. POOL.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 10836) for the relief of T. B. Pool; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MATILDA COOK.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 10837) for the relief of Matilda Cook; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. M. WOOLF.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 10838) for the relief of J. M. Woolf; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES B. LEWIS.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 10839) for the relief of Charles B. Lewis; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LEWIS CARTER.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 10840) for the relief of Lewis Carter; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

P. CONWAY.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 10841) for the relief of P. Conway; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF WILEY BAKER.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 10842) for the relief of the heirs of Wiley Baker; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF T. W. PICKERING.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 10843) for the relief of the heirs of T. W. Pickering; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF E. P. GEORGE.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 10844) for the relief of the heirs of E. P. George; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. WOOD.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 10845) for the relief of A. Wood; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. S. LOWRY.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 10846) for the relief of J. S. Lowry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ABRAHAM SCHANKS.

Mr. McCREARY introduced a bill (H. R. 10847) granting a pension to Abraham Schanks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN F. WITHERS.

Mr. McCREARY also introduced a bill (H. R. 10848) for the relief of Benjamin F. Withers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES M. CLOWERS.

Mr. McCREARY also introduced a bill (H. R. 10849) for the relief of James M. Clowers, of Madison County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JACOB H. RUSSELL.

Mr. McCREARY also introduced a bill (H. R. 10850) for the relief of Jacob H. Russell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GENERAL W. E. WOODRUFF.

Mr. WILLIS introduced a bill (H. R. 10851) granting a pension to General W. E. Woodruff, of Kentucky; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MRS. CASSA SIMPSON.

Mr. WILLIS also introduced a bill (H. R. 10852) for the relief of Mrs. Cassa Simpson, of Lauderdale County, Alabama; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH P. WARDER.

Mr. WADSWORTH introduced a bill (H. R. 10853) to remove the charge of desertion from the military record of Joseph P. Warder; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

W. W. PERRY.

Mr. WADSWORTH (by request) also introduced a bill (H. R 10854) for the relief of W. W. Perry, administrator of E. E. Cooper; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ISAAC W. LYKINS.

Mr. WADSWORTH also introduced a bill (H. R. 10855) to remove the charge of desertion from the military record of Isaac W. Lykins; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES L. DAWSON.

Mr. WADSWORTH also introduced a bill (H. R. 10856) for the relief of Charles L. Dawson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. B. BENNY.

Mr. McCREARY introduced a bill (H. R. 10857) granting a pension to W. B. Benny; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM BERRY.

Mr. BRECKINRIDGE, of Kentucky, introduced a bill (H. R. 10858) for the relief of William Berry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM DOWNING.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 10859) for the relief of William Downing; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. NANCY STANHOPE.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 10860) for the relief of Mrs. Nancy Stanhope, widow and executrix of William F. Stanhope; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EDWIN L. JEWELL.

Mr. BLANCHARD submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Clerk of the House be, and he is hereby, authorized to pay out of the contingent fund of the House to Edwin L. Jewell, assistant index clerk of the House of Representatives, the sum of $240, being the amount of his salary from December 6, 1886, to January 15, 1887.

DONATION OF CONDEMNED CANNON.

Mr. MILLIKEN introduced a bill (H. R. 10861) to donate condemned cast-iron cannon to the Monroe Soldiers' Monument Association, at Monroe, in the State of Maine; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN HESS.

Mr. RUSK introduced a bill (H. R. 10862) for the removal of the charge of desertion of John Hess; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LIGHT-HOUSE, LANKSFORD'S BAY, CHESTER RIVER, MARYLAND.

Mr. GIBSON, of Maryland, introduced a bill (H. R. 10863) making an appropriation for the erection of a light-house at the mouth of Lanksford's Bay, in Chester River, State of Maryland; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CLOCK, ST. TIMOTHY'S CHURCH, CATONSVILLE, MD.

Mr. COMPTON (by request) introduced a bill (H. R. 10864) authorizing the remission or refunding of duty on a clock and chime of bells for St. Timothy's church, of Catonsville, Baltimore, Md.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MARY A. WHEELER.

Mr. RICE introduced a bill (H. R. 10865) granting a pension to Mary A. Wheeler, widow of George C. Wheeler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ARVILLA E. MAKEPEACE.

Mr. RICE also introduced a bill (H. R. 10866) granting a pension to Mrs. Arvilla C. Makepeace, widow of Francis A. Makepeace; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CRUISE OF REVENUE CUTTER CORWIN.

Mr. COLLINS submitted a concurrent resolution to print reports of the cruise of the United States revenue steamer Corwin in the arctic seas in the years 1884 and 1885; which was referred to the Committee on Printing.

WILLIAM HARTLEY.

Mr. ALLEN, of Massachusetts, introduced a bill (H. R. 10867) to increase the pension of William Hartley, late of Company D, Seventy-first Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL L. SMITH.

Mr. WINANS introduced a bill (H. R. 10868) granting a pension to Daniel L. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPORT ON INTERSTATE COMMERCE.

Mr. BURROWS submitted the following resolution; which was read, and referred to the Committee on Printing:

Resolved, That there be printed for the use of the House 10,000 copies of the corrected report of the committee of conference on the bill of the Senate (S. 1532), to regulate commerce, together with the detailed statement of the House conferees on the said bill.

MICAIAH WALKER.

Mr. CARLETON introduced a bill (H. R. 10869) for the relief of Micaiah Walker, of Michigan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

O. M. LARAWAY.

Mr. GILFILLAN introduced a bill (H. R. 10870) authorizing the Postmaster-General to credit the account of O. M. Laraway, late postmaster at Minneapolis, Minn., in the sum of $15,330, being the value of postage-stamps stolen from his office on the night of July 8, 1886; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. WHITE, of Minnesota, presented a joint resolution of the Legislature of the State of Minnesota, in favor of the interstate-commerce bill; which was referred to the Committee on Commerce.

PENSIONS TO CERTAIN OFFICERS.

Mr. WAKEFIELD introduced a bill (H. R. 10871) granting a pension to officers of the Army, Navy, and Marine Corps in certain cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPORT OF THE COAST AND GEODETIC SURVEY.

Mr. BARKSDALE submitted a concurrent resolution providing for the printing of additional copies of the report of the United States Coast and Geodetic Survey; which was referred to the Committee on Printing.

REPORT OF THE BOARD OF VISITORS TO MILITARY ACADEMY.

Mr. BARKSDALE also submitted a resolution providing for the printing of the report of the Board of Visitors to the United States Military Academy for the year 1886; which was referred to the Committee on Printing.

MAP OF THE UNITED STATES.

Mr. BARKSDALE also introduced a joint resolution (H. Res. 243) to print additional copies of the United States map of the edition of 1886, prepared by the Commissioner of Public Lands; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

ADJUSTMENT OF LAND GRANTS IN MISSOURI.

Mr. WADE introduced a bill (H. R. 10872) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads within the State of Missouri, and for other purposes; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

ATLANTIC AND PACIFIC SHIP RAILWAY COMPANY.

Mr. CLARDY (by Mr. BURNES) introduced a bill (H. R. 10873) to incorporate the Atlantic and Pacific Ship Railway Company, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES D. WITTEN.

Mr. BURNES introduced a bill (H. R. 10874) granting a pension to James D. Witten; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES A. RICE.

Mr. BURNES also introduced a bill (H. R. 10875) to remove the charge of desertion against James A. Rice, late a private of Company F, Seventh Regiment Kentucky Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DANIEL NICKKISER.

Mr. LAIRD (by Mr. DORSEY) introduced a bill (H. R. 10876) granting a pension to Daniel Nickkiser; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANCY O'CONNELL.

Mr. GALLINGER introduced a bill (H. R. 10877) granting a pension to Nancy O'Connell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIFE-SAVING SERVICE.

Mr. HIRES introduced a bill (H. R. 10878) defining the duties of the crews of the Life-Saving Service; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RICHARD M. HALDRIDGE.

Mr. MILLARD introduced a bill (H. R. 10879) granting a pension to Richard M. Haldridge, late a private of Company E, Fifth New York Heavy Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADDIE M. WEAVER.

Mr. MILLARD also introduced a bill (H. R. 10880) granting a pension to Addie M. Weaver; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

UNITED STATES STATISTICAL ABSTRACT FOR 1886.

Mr. FARQUHAR submitted a concurrent resolution providing for the printing of additional copies of the statistical abstract of the United States for the year 1886; which was referred to the Committee on Printing.

REGISTER OF VOLUNTEER NAVY.

Mr. STAHLNECKER (by request) introduced a joint resolution (H. Res. 244) to authorize the compilation and printing of a register of

the volunteer navy; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

TRANSMISSION OF BOOKS THROUGH THE MAIL.

Mr. STAHLNECKER also introduced a bill (H. R. 10881) providing for the transmission of books through the mail at second-class postage; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

HEIRS OF NATHAN C. AND HEZEKIAH J. WINSLOW.

Mr. JOHNSON, of New York, introduced a bill (H. R. 10882) for the relief of the heirs of Nathan C. and Hezekiah J. Winslow, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HENRY C. KERR.

Mr. VIELE introduced a bill (H. R. 10883) for the relief of Henry C. Kerr; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES V. SYMONS.

Mr. BENNETT (by Mr. HENDERSON, of North Carolina) introduced a bill (H. R. 10884) for the relief of James V. Symons; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMENDMENT OF RULES.

Mr. COX, of North Carolina, submitted a resolution setting apart a certain time for the consideration of bills, &c., reported by committees; which was referred to the Committee on Rules.

Mr. GEDDES submitted a resolution fixing a time for the consideration of Senate bills on the Private Calendar; which was referred to the Committee on Rules.

PACIFIC RAILROAD ACCOUNTS.

Mr. OUTHWAITE (by request) submitted a resolution of inquiry to the Secretary of the Interior concerning Pacific railroad accounts; which was referred to the Committee on Pacific Railroads.

ACCOUNTS BETWEEN THE STATES, ETC., AND THE UNITED STATES.

Mr. OUTHWAITE also presented a joint resolution of the General Assembly of the State of Ohio, requesting their Senators and Representatives in Congress to procure the passage of a law to adjust certain accounts between the United States and the several States and Territories and the District of Columbia, as set forth in House bill 2776; which was referred to the Committee on the Judiciary.

E. E. CALDWELL.

Mr. FORAN introduced a bill (H. R. 10885) for the relief of E. E. Caldwell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN M. BUXTON.

Mr. ANDERSON, of Ohio, introduced a bill (H. R. 10886) granting a pension to John M. Buxton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT SMITH.

Mr. HERMANN introduced a bill (H. R. 10887) for the relief of Robert Smith, of Oregon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN P. WALKER.

Mr. HERMANN also introduced a bill (H. R. 10888) for the relief of John P. Walker, of Oregon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

F. M. VANDERPOOL.

Mr. HERMANN also introduced a bill (H. R. 10889) for the relief of F. M. Vanderpool, of Oregon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DICK J. SMITH.

Mr. HERMANN also introduced a bill (H. R. 10890) for the relief of Dick J. Smith, of Oregon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE S. THOMPSON AND ARCHIBALD CAMPBELL.

Mr. HARMER introduced a bill (H. R. 10891) for the relief of George S. Thompson and Archibald Campbell; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

THOMAS M'CAFFERTY.

Mr. CURTIN introduced a bill (H. R. 10892) for the relief of Thomas McCafferty; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENT OF RULE XXIII.

Mr. EVERHART submitted a resolution to amend Rule XXIII; which was referred to the Committee on Rules.

JAMES C. GOLDEN.

Mr. BAYNE introduced a bill (H. R. 10893) granting a pension to James C. Golden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JESSE GOODMAN.

Mr. PETTIBONE also introduced a bill (H. R. 10894) for the relief of Jesse Goodman, father of Anderson Goodman, late of Company A, First Tennessee Cavalry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT M'LEAN.

Mr. GLASS introduced a bill (H. R. 10895) granting a pension to Robert McLean; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPORTS IN PLAIN ENGLISH.

Mr. GLASS also introduced a bill (H. R. 10896) requiring certain reports of the Agricultural Department and consular reports to be in plain English; which was read a first and second time, and referred to the Committee on Agriculture.

SUBDIVISION OF LAND IN THE DISTRICT OF COLUMBIA.

Mr. BARBOUR (by request) introduced a bill (H. R. 10897) to regulate the subdivision of land within the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ROUTES OF STEAM-RAILROADS IN THE DISTRICT OF COLUMBIA.

Mr. BARBOUR also (by request) introduced a bill (H. R. 10898) to define the routes of steam-railroads in the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

STREET RAILROADS AND PAVEMENTS, DISTRICT OF COLUMBIA.

Mr. BARBOUR also (by request) introduced a bill (H. R. 10899) to regulate the construction of street-railroads and of the pavements between and adjacent thereto, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ELEVATORS WITHIN THE DISTRICT OF COLUMBIA.

Mr. BARBOUR also (by request) introduced a bill (H. R. 10900) to regulate the construction and operation of elevators within the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

AMOUNTS PAID FOR PHOTOLITHOGRAPHING PLATES FOR PATENT OFFICE.

Mr. GUENTHER offered the following resolution; which was read, and referred to the Committee on Patents:

Resolved, That the Secretary of the Interior be, and is hereby, directed to inform the House of Representatives what sums have been annually paid for the past five years, and to whom, for photolithographing or otherwise producing plates for the Patent Office "Official Gazette," and for photolithographing or otherwise producing copies of drawings of the weekly issues of patents, designs, trade-marks, and pending applications, and for the reproduction of exhausted copies; if contracts have been made therefor, or advertised to be let to the lowest bidder; also whether bids have been invited from, or permitted to, parties for such work outside the city of Washington.

Also, resolved, That the Public Printer be requested to inform the House of the amounts annually expended for the past five years, and to whom paid, for photolithographing for the Government Printing Office, and whether the said photolithographing has been advertised to be let, or was let, under competition to the lowest bidder.

FORT HALL INDIAN RESERVATION, IDAHO.

Mr. HAILEY presented the memorial of the Fourteenth Legislative Assembly of Idaho, praying for the opening up for settlement of a part of the Fort Hall Indian Reservation in Idaho Territory; which was referred to the Committee on Indian Affairs.

DIVISION OF IDAHO TERRITORY.

Mr. HAILEY also presented a memorial of the Fourteenth Legislative Assembly of Idaho Territory against the division of said Territory; which was referred to the Committee on the Territories.

SPANISH AND MEXICAN LAND GRANTS, NEW MEXICO.

Mr. JOSEPH introduced a joint resolution (H. Res. 245) to authorize the appointment of a special committee to investigate Spanish and Mexican land grants in New Mexico; which was read as follows, and referred to the Committee on Private Land Claims:

Whereas under the treaty of Gaudalupe Hidalgo, by which the Territory of New Mexico was acquired by the United States in 1847, it became the duty of the Congress of the United States to determine the rights of claimants to land under the Governments of Spain and Mexico; and

Whereas the Congress of the United States has, after the lapse of forty years, failed to discharge its obligation under said treaty, and the titles to private land grants in said Territory are consequently still vexed and uncertain, and the development of the Territory is thereby greatly retarded; and

Whereas the said Territory contains within its limits an empire of public domain; and

Whereas it is the interest of the Republic that the Congress of the United States should, by appropriate legislation, encourage the occupation of such lands by honest settlers; and

Whereas there is great misapprehension, both among the people and their

representatives, as to the conservation of the population of said Territory and the security of life and property among them; and

Whereas there is much ignorance as to the resources and possibilities of said Territory: Therefore,

Be it resolved by the Senate and House of Representatives in Congress assembled, First. That a committee of five, two from the Senate and three from the House, all of whom shall be members of the Fiftieth Congress, to be designated by the presiding officers of said bodies, respectively, be, and are hereby, appointed to visit the Territory of New Mexico in the interval between the adjournment of this Congress and the assembling of the next, with the view and for the purpose of informing themselves as to the character, capacity, and needs of said Territory; and that the said committee do recommend to the next Congress the enactment of such laws as to them shall seem adapted to the condition and conducive to the rapid settlement of said Territory.

Second. That the said committee be, and are hereby, instructed to enlighten themselves as to all parts and interests of said Territory by careful inspection, in a body, of the different localities, for such period as shall prove necessary for the attainment of the desired knowledge.

Third. That the said committee be, and are hereby, authorized to summon witnesses, to administer oaths, and to employ a skilled interpreter, stenographer, and clerk, to accompany them during their investigation, and that all the expenses of the proceedings hereby ordered shall be paid out of the Treasury of the United States. That the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, in order to pay the expenses of said committee, to be paid on the order of said committee, who shall report to Congress a detailed account of such expenditures, and file vouchers thereof with the Secretary of the Treasury.

CONSIDERATION OF TERRITORIAL BUSINESS.

Mr. JOSEPH submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That Rule XXVI be amended by adding the following as clause 3:

"3. That the fourth Monday of each month, after the call of States and Territories, until the adjournment of that day, shall, when claimed by the Committee on Territories, be devoted exclusively to the consideration of such business as may be reported by said committee."

PENITENTIARY IN UTAH.

Mr. CAINE introduced a bill (H. R. 10901) extending the limit of the appropriation for erection of a penitentiary in the Territory of Utah; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

INCREASE OF NAVAL ESTABLISHMENT.

Mr. THOMAS, of Illinois, introduced a bill (H. R. 10902) to increase the Naval establishment; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

AMANDA WRIGHT.

Mr. GROUT introduced a bill (H. R. 10903) granting a pension to Amanda Wright; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM C. BAKER.

Mr. COOPER introduced a bill (H. R. 10904) granting a pension to William C. Baker, formerly private in Company E, Third Ohio Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. CATHARINE HERBERT.

Mr. COOPER also introduced a bill (H. R. 10905) granting a pension to Mrs. Catharine Herbert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. E. H. POTTER.

Mr. COOPER also introduced a bill (H. R. 10906) granting a pension to Mrs. E. H. Potter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH S. HURST.

Mr. HITT introduced a bill (H. R. 10907) to relieve Joseph S. Hurst from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSEPH F. GARRETT.

Mr. NEECE introduced a bill (H. R. 10908) granting a pension to Joseph F. Garrett; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN R. WATKINS.

Mr. HENDERSON, of Illinois, introduced a bill (H. R. 10909) to grant a pension to John R. Watkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH EVANS.

Mr. HOLMAN introduced a bill (H. R. 10910) granting a pension to Elizabeth Evans; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES TRIGG.

Mr. WILLIS introduced a bill (H. R. 10911) for the benefit of James Trigg, of Jefferson County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 3186) to declare a forfeiture of lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company, to confirm title to certain lands, and for other purposes.

SUBSTITUTES IN TREASURY DEPARTMENT.

Mr. CLEMENTS, from the Committee on Reform in the Civil Service, reported back the following resolution, with the recommendation that it be adopted:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to inform the House whether or not employés in the Treasury Department are permitted to employ substitutes to perform their duties at a less rate of compensation than is paid to such employés, and the number of such substitutes in such employment, and the rate of compensation paid them, and the salary of their principals; also the number of such substitutes on duty during the months of September and October, 1886, and by what authority such employment is had.

The resolution was adopted.

Mr. CLEMENTS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMERICAN VESSELS IN FOREIGN PORTS.

Mr. BELMONT, from the Committee on Foreign Affairs, reported back the following resolution, with a recommendation that it be adopted:

Resolved, That the President be requested to transmit to the House copies of such correspondence, up to the present day, between this Government and the British Government as he may decide can now properly be made public, in regard to the deprivation inflicted in Canadian ports on American fishing vessels having the right to touch and trade, of the liberty heretofore enjoyed by such vessels to enter Canadian ports open to foreign vessels and buy and sell, and to transmit merchandise therein, and which is permitted in such ports to American trading vessels and to vessels of all other nationalities.

The resolution was adopted.

Mr. BELMONT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FILING OF REPORTS OF COMMITTEES.

The SPEAKER. The regular order is the call of committees for reports.

Mr. DUNN. I move to dispense with the call of committees for reports; and by unanimous consent to order that members having reports from committees may submit them at the Clerk's desk for printing and reference. It will expedite business.

The SPEAKER. For this day only.

Mr. DUNN. That is all.

There was no objection, and it was ordered accordingly.

MONUMENT AT STONY POINT.

Under the foregoing order the following reports were submitted:

Mr. STAHLNECKER, from the Committee on the Library, reported back the joint resolution (S. R. 67) authorizing the Secretary of War to erect a monument at Stony Point, N. Y.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PRINTING OF AGRICULTURAL REPORT.

Mr. STAHLNECKER, from the Committee on Agriculture, reported back the joint resolution (H. Res. 238) authorizing the printing of the annual report of the Commissioner of Agriculture for 1887; which was referred to the Committee on Printing.

RICHARD D. LANCASTER.

Mr. LOWRY, from the Committee on the Expenditures in the Treasury Department, reported back in the case of Richard D. Lancaster the following resolution; which was referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed:

Resolved by the House of Representatives of the United States, That in case of a satisfactory showing being laid before the Attorney-General of the United States establishing *prima facie* the existence of fraud on the part of Richard D. Lancaster and others in procuring the settlement of a judgment standing against them in favor of the United States on the bond of one James Busby, a distiller, he be, and he is hereby, requested to have an investigation made into such settlement, which it is believed he has full authority to do, and should there be sufficient grounds therefor developed that such proceedings be immediately instituted as shall be necessary to set aside said settlement and to enforce the collection of said judgment. And the Attorney-General is requested to make report of his action herein to the House at this session of Congress.

UNITED STATES CUSTOM-HOUSE AT KANSAS CITY, MISSOURI.

Mr. WADE, from the Committee on Public Buildings and Grounds, reported back, with amendment, a bill (S. 117) making an appropriation for the extension and enlargement of the United States custom-house at Kansas City, Mo.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

FLORIDA INDIAN WAR CLAIMS.

The SPEAKER. The second morning hour for the consideration of bills begins at half-past 1 o'clock.

Mr. DOUGHERTY. I am instructed by the Committee on Claims to call up for present consideration the bill (H. R. 3877) to authorize the Secretary of the Treasury to settle and pay the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities, and for other purposes.

The SPEAKER. That is in the Committee of the Whole House on the state of the Union.

Mr. DOUGHERTY. I am not well this morning, and if I can get unanimous consent to lay this bill aside for the present, so that the committee will not lose its place, I would be glad to do so.

The SPEAKER. That is, to pass the Committee on Claims over for to-day.

Mr. DOUGHERTY. Yes; and the bill to be taken up on the next call of committees for consideration of bills—that the bill shall be passed over without losing its place.

Mr. DINGLEY. To be taken up to-morrow.

Mr. DOUGHERTY. Yes; to be taken up to-morrow.

The SPEAKER. If the Committee on Claims is passed over for to-day, it may be that some other committee will have the floor to-morrow by reason of failure of the committee to finish its business to-day; but the understanding is it will be in order after that business is disposed of.

Mr. DOUGHERTY. Yes; that is the request I make, and it is because I am not well to-day.

There was no objection, and it was so ordered.

FOURTH OF JULY CLAIMS.

The Committee on War Claims was called.

Mr. RICHARDSON. Mr. Speaker, the Committee on War Claims have under consideration the bill known as the "Fourth of July claims bill," and it is not quite ready for consideration. We expected the Committee on Claims to occupy their hour to-day. I ask, therefore, by direction of the committee, that next Friday week, the 4th of February, immediately after the reading of the Journal, or before the House goes into Committee of the Whole, that that bill be taken up and considered. I think it will occupy but little time.

Mr. SPRINGER. I have no objection to that.

The SPEAKER. Without objection that order will be made.

There was no objection, and it was so ordered.

PRIVATE LAND CLAIMS.

The Committee on Private Land Claims was called.

Mr. THOMPSON. I am directed by the Committee on Private Land Claims to call up the bill (H. R. 2981) to abrogate the powers of the executive officers of the United States in allowing indemnity locations or scrip for confirmed, unsatisfied private land claims, under section 3 of the act of Congress approved June 2, 1858 (United States Statutes at Large, volume 11, pages 294 and 295, chapter 81), and to vest that power in the courts of the United States.

The bill was read, as follows:

Be it enacted, &c., That in all cases of confirmation by the act of Congress approved June 2, 1858, entitled "An act to provide for the location of certain confirmed private land claims in the State of Missouri, and for other purposes," and in all cases of final decisions in favor of land claimants made by the commissioners under section 4 of the act of Congress approved March 3, 1807, entitled "An act respecting claims to land in the Territories of Orleans and Louisiana," or where any private land claim had been confirmed by Congress before June 2, 1858, and the same, in whole or in part, had not been located or satisfied, either for want of a specific location prior to such confirmation, or for any reason whatsoever, other than a discovery of fraud in such claim subsequent to such confirmation, the confirmees, or their heirs or legal representatives, may proceed by petition against the United States for certificates of location for a quantity of land equal to that so confirmed and unsatisfied, in any district court of the United States within whose jurisdiction any part of such claim may lie; and the petition shall be verified by the oath of the petitioners, and conform to the practice of the courts in cases arising under the act of Congress approved June 22, 1860, entitled "An act for the final adjustment of private land claims in the States of Florida, Louisiana, and Missouri, and for other purposes," and the acts reviving or amending said act; and the attorney of the United States for such district shall defend against the same for the United States; and the case shall be adjudged as equity and justice may require; and if it shall appear to the court, upon satisfactory proof, that such claim has been so confirmed, and that the same, in whole or in part, remains unsatisfied, the court shall decree accordingly and order certificates of location to be issued to the petitioners in the manner provided by an act of Congress approved January 28, 1879, entitled "An act defining the manner in which certain land scrip may be assigned and located or applied by actual settlers, and providing for the issue of patents in the name of the locator or his legal representatives, which certificates shall be devisable, assignable, locatable, and patentable according to the provisions of said act of January 28, 1879."

SEC. 2. That the decree so rendered, whether for or against the United States, shall be final, unless the area or aggregate of the certificates of location claimed in the petition shall exceed, at a valuation of $1.25 an acre the sum of $5,000, in which case, if the decree be against the United States, an appeal may be entered to the Supreme Court of the United States; and if it be against the petitioners, they may take an appeal directly to that court, as of right and course, without affidavit or security other than for costs; and the appeal shall be adjudged *de novo* in the Supreme Court, as in other cases of appeals thereto in chancery, and as the principle of this act may require; and the decision of the Supreme Court shall be final: *Provided*, That said appeal shall be taken within ninety days after the entry of such decree, and if not then taken said decree shall be final.

SEC. 3. That so much of the act of Congress approved June 2, 1858, chapter 81, or of any other act of Congress, as authorizes executive officers of the United States, in their judgment and discretion, to allow indemnity locations, floats, scrip, or certificates of location on behalf of confirmed private land claims, which come within the purview of this act, be, and the same is hereby, repealed.

Mr. WEAVER, of Iowa. I would like to have the report accompanying that bill read.

The SPEAKER. The gentleman from Ohio is entitled to the floor. The report can be read in his time only by his consent.

Mr. THOMPSON. It may be read in my time.

The report (by Mr. THOMPSON) was read, as follows:

The bill does not seek to create new rights, but simply to change the remedy by which existing rights may be perfected and established. The act of June 2, 1858, confirms certain private land claims in the States of Missouri and Louisiana, and then provides, among other things—

"That in all cases of confirmation by this act, or where any private land claim has been confirmed by Congress, and the same, in whole or in part, has not been located or satisfied, either for want of a specific location prior to such confirmation, or for any reason whatsoever, other than a discovery of fraud in such claim subsequent to such confirmation, it shall be the duty of the surveyor-general of the district in which such claim was situated, upon satisfactory proof that such claim has been so confirmed, and that the same, in whole or in part, remains unsatisfied, to issue to the claimant, or his legal representatives, a certificate of location for a quantity of land equal to that so confirmed and unsatisfied."

Under the fourth section of the act, and by virtue of the provisions of section 453 of the Revised Statutes of the United States, the action of the surveyor-general in issuing such certificates of location must be submitted to the Commissioner of the General Land Office for approval, and, in event of his disapproval, an appeal lies to the Secretary of the Interior by virtue of sections 441, 453, and 2478 of the Revised Statutes of the United States. It will be seen, therefore, that in determining whether certificates of location should issue, these officers, the surveyor-general, Commissioner of the General Land Office, and the Secretary of the Interior, must pass upon the following questions, to wit:

1. Has the claim been confirmed?

2. Has the land covered by the claim so confirmed been disposed of by the United States, leaving the claim unsatisfied, or is it unsatisfied for any reason which entitles the claimant to indemnity from the United States?

3. Is the claimant the confirmee or the true legal representative of the confirmee?

These are questions which require the machinery and procedure of the courts for their safe and satisfactory determination. The proceeding before the surveyor-general is neither safe nor satisfactory. There is no machinery for the bringing in and examination of witnesses; there are no pleadings; the United States is not represented by counsel, and the investigation is practically an *ex parte* one, carried on at the instance of the claimant.

The questions, both of law and fact, are often nice and difficult, and should be submitted to judicial decision.

This bill proposes to transfer the determination of these questions to the district courts of the United States, and provides that the attorney of the United States for the district shall appear and defend for the United States. The public land commission appointed under acts of March 3, 1879, and June 16, 1880, recommended this transfer of jurisdiction, and your committee do now recommend it.

Notwithstanding the law of June 2, 1858, has been on the statute-books for nearly thirty years, yet but few cases, comparatively, have been disposed of under it, the larger part of the cases coming within its provisions never having been presented for determination. Your committee is of the opinion, therefore, that some limit should be placed upon the right to proceed against the United States for the indemnity scrip or certificates authorized by this law, and recommend that the bill be amended by adding the following section thereto, to wit:

"SEC. 3. That all claims which are by the provisions of this act authorized to be prosecuted shall, after five years from the taking effect of this act, if no petition in respect to the same shall have been filed as hereinbefore provided, be deemed and taken, in all courts and elsewhere, to be abandoned, and shall be forever barred: *Provided, however*, That this section shall not apply to persons under any legal disability to sue at the time of the taking effect of this act; but all such persons shall commence the prosecution of their claims by filing the petition hereinbefore provided for within one year after the removal of the disability, or be forever barred."

And that it be further amended by striking out of the first line of section 3 thereof, as it now stands, the words "Sec. 3," and by inserting in lieu thereof the words "Sec. 4."

And that it be further amended by adding in the twenty-third line of the first section thereof, after the word "petitioners," the words "or their agents and attorneys;" and your committee recommend that the bill, when so amended, do pass.

Mr. THOMPSON. Mr. Speaker, I desire to say for the information of the House, with reference to this bill, that a great many private land claims originating in the State of Louisiana, covering large tracts of territory there, under grants of the Spanish Government before we acquired the territory, are affected by the provisions of this bill.

The Government surveyed many of these lands and sold them and granted patents, and under a law passed in 1858 the claimants, under these Spanish grants, were authorized to appear before the surveyor-general of the State of Louisiana, and upon making proof that the claim was one which had been conferred by Congress, and that the lands had been disposed of by the United States, were entitled to procure from the surveyor-general a certificate of location for an equal quantity of land to be located elsewhere upon Government lands.

The present bill provides simply that the jurisdiction heretofore vested in the surveyor-general of the State of Louisiana shall be transferred to the courts of the United States, and that these investigations shall be prosecuted in the courts and not before the surveyor-general. It provides further that the United States district attorney shall appear and represent the interests of the United States Government. Heretofore the proceeding has been practically *ex parte* before the surveyor-general at the instance of the claimant, without the United States being in any way represented. This bill, therefore, provides that the United States district attorney shall appear and represent the interests of the United States. It also provides a limitation upon the presentation of claims of this character. Thirty years have passed since the act to which I have referred was enacted, and but few applications have been made under it.

Now, your committee were of opinion that some limitation should be fixed within which application for certificates of location should be made; and we have fixed the limitation of five years within which the applications must be made to the courts of the United States of that district, or be forever barred. It is important that this should be done.

The titles to lands, large quantities in Louisiana, are in such a condition because of these outstanding private land claims that it affects the settlement of lands to a very large extent.

Mr. WEAVER, of Iowa. About how much?

Mr. THOMPSON. I am not able to state, but a considerable amount is covered by these Spanish grants.

Mr. WEAVER, of Iowa. Does this apply to all private land claims?

Mr. THOMPSON. To those only in Louisiana and Missouri.

Mr. WEAVER, of Iowa. And parties, settlers, who are affected by this will be permitted to take lands elsewhere instead of those which are affected by these grants?

Mr. THOMPSON. Yes, sir.

Mr. RYAN. Who issues the certificates?

Mr. THOMPSON. The surveyor-general. I will say in a word that all there is in this bill is to transfer the jurisdiction from the surveyor-general to the United States courts. The surveyor-general under the act of 1858 issues the certificates of location whenever the application is made to him and a proper case is shown.

Mr. RYAN. Does this clothe the court with more powers than are possessed by the surveyor-general?

Mr. THOMPSON. It provides that it shall be the duty of the United States district attorney to appear and represent the interests of the Government before the court.

Mr. BLANCHARD. Whereas under the present system it is practically an *ex parte* proceeding before the surveyor-general at the instance of the claimant.

Mr. THOMPSON. Yes, sir; the United States not being represented. I will say that this has been before the Land Office for many years, and they have recommended its enactment into law.

Mr. WEAVER, of Iowa. Let me ask the gentleman from Ohio whether the present Secretary of the Interior and the present Commissioner of the General Land Office have recommended the passage of this bill.

Mr. THOMPSON. I do not know whether they have or not.

Mr. BRUMM. Can you give an estimate of the number of acres involved?

Mr. THOMPSON. I can not.

Mr. WEAVER, of Iowa. Has this bill been submitted to the present Commissioner of the General Land Office or to the present Secretary of the Interior?

Mr. THOMPSON. I am not prepared to say. The gentleman from Louisiana [Mr. BLANCHARD] introduced the bill, and it is practically a copy of the bill which has been before Congress a good many times; and it has had the approval of the land commission that was appointed in 1880, and of the Land Office from time to time, and it seems to me it speaks for itself. It does not grant any new rights.

Mr. WEAVER, of Iowa. The bill is a very long one, and can not be understood in all its bearings unless some time be allowed to investigate it.

Mr. THOMPSON. As I have said, the bill does not create any new rights.

Mr. RYAN. Nor confer any greater power on the court?

Mr. THOMPSON. It confers no greater power. It takes the power from the surveyor-general that he now has and gives the same power to the United States court. In addition to that it requires the district attorneys to appear and represent the interests of the United States, and we add to that a limitation to the effect that all applications must come in within the next five years or be forever barred.

Mr. WEAVER, of Iowa. I understand from the reading of the bill that in certain contingencies parties would be entitled to take this indemnity land who are not so entitled now. Why not restrict your bill to simply a change of forum from the surveyor-general to the United States court?

Mr. BLANCHARD. Is not that the effect of the bill?

Mr. THOMPSON. That I understand to be the effect of the bill.

Mr. WEAVER, of Iowa. The trouble is the courts are not bound by what we say would be the effect of the bill. If the bill were drawn so as to simply restrict it to that operation there could be no objection to it. But I understood it went on and provided that on certain proof being made parties might go and take indemnity lands; perhaps reviving rights which may have been lost heretofore.

Mr. THOMPSON. I will say to the gentleman from Iowa that the bill makes no change in the existing law whatsoever, except it be to incorporate some of the provisions of the law of 1879 authorizing the division of the land covered by certificates in quantities to suit the claimant. There is a provision of that kind; where the certificate of location would cover, say, a thousand acres of land, the party can have that subdivided. There is a provision of that sort in the law of 1879, and the provisions of that law are incorporated in this. And except in that respect and in the transfer of jurisdiction from the surveyors-general to the courts of the United States it does not change the law of 1858.

Mr. BRUMM. I will ask the gentleman from Ohio if there is any objection, so far as he knows, to substituting a money consideration for land which the Government may not be able to return? We have established a precedent here, in the Gaines case, of substituting money for land. Is there any objection to that same proviso being added to this bill?

Mr. THOMPSON. The gentleman from Pennsylvania will understand this bill only contemplates the transfer of jurisdiction from certain officers to courts, and does not deal with the question of issuing the scrip or not issuing it.

Mr. ADAMS, of Illinois. Will the gentleman from Ohio permit me to offer an amendment which perhaps the gentleman from Pennsylvania [Mr. BRUMM] has in his mind, or would approve, considering what he has just said? I desire to offer as an amendment a proviso to come in at the end of section 2. I think it will not interfere with the objects sought by the committee in reporting this bill.

The Clerk read the proposed amendment, as follows:

Add at the end of section 2, the following:

"*Provided, however*, That such certificates of location so decreed by the court shall not be located on any land or lands within the limits of any incorporated city, town, or village."

Mr. THOMPSON. I have no objection to that amendment.

Mr. ADAMS, of Illinois. Do you accept it?

Mr. THOMPSON. Yes, sir.

The SPEAKER. The question is on agreeing to the amendment proposed by the gentleman from Illinois.

Mr. TOWNSHEND. Let it be read again.

The amendment was again read.

Mr. HOLMAN. I think we ought to go further, and secure that the location should be within the limits of the State within which the original grant was located.

Mr. NELSON. I would like to ask the gentleman from Ohio a few questions. I have not had time to examine this bill, but it strikes me under its provisions the effect of it is to issue a lot of new land-scrip and give that new land-scrip other and better qualities than a good many owners of such now have. Is that the effect of it?

Mr. THOMPSON. I think not.

Mr. NELSON. Does it not allow owners, whether of Valentine or Supreme Court scrip—and these scrips can be of limited quantities, some on surveyed, some on unsurveyed lands—does it not allow the owners of such scrip to bunch all of these into one kind and make a new scrip that is assignable and can be hawked about as our agricultural scrip could be?

Mr. THOMPSON. I think not, sir.

Mr. NELSON. But is not the effect of this bill to give some of these scrip owners rights which they do not now have? I will say one thing further, if the gentleman will allow me—I would be glad to have so important a bill as this referred to either the Committee on the Public Lands or the Committee on the Judiciary; I see that it has not been considered by either.

Mr. THOMPSON. It has been referred to and reported from the Committee on Private Land Claims, and it affects private land claims only.

Mr. NELSON. It does more than that. I want to say to the gentleman——

Mr. THOMPSON. I will endeavor to answer the gentleman when he gets through, but I did not yield for a speech.

Mr. NELSON. I do not want to make a speech. That is not my purpose. I simply wish to say that while the bill satisfies these private claims, it also provides for the issue of a kind of scrip which is to be available anywhere on the public lands.

Mr. WEAVER, of Iowa. It ought to be confined to the State of the original grant.

Mr. THOMPSON. Mr. Speaker, in answer to the gentleman from Minnesota [Mr. NELSON], I have to say, as I have already said, that I do not understand this bill to change the law of 1858 in any respect, except that it transfers jurisdiction from the surveyor-general of Louisiana to the United States courts. I call attention to this provision:

And if it shall appear to the court, upon satisfactory proof, that such claim has been so confirmed, and that the same, in whole or in part, remains unsatisfied, the court shall decree accordingly and order certificates of location to be issued to the petitioners in the manner provided by an act of Congress approved January 23, 1879, entitled "An act defining the manner in which certain land-scrip may be assigned and located or applied by actual settlers, and providing for the issue of patents in the name of the locator or his legal representatives, which certificates shall be devisable, assignable, locatable, and patentable according to the provisions of said act of January 23, 1879.

I do not know that by the law of 1858 the certificates of location issuable under that law could be assigned, located, and devised according to the provisions of the act of 1879, and this may change the law of 1858 in that respect. Beyond that, however, there is no change in existing law, except the transfer of the jurisdiction to issue these certificates from the surveyor-general to the courts of the United States.

The bill does not authorize the issuing of any scrip or certificates of location that are not now authorized to be issued.

Mr. NELSON. No; but it says that these new court certificates shall be locatable as specified in the act of 1879; and that act gives general authority to locate them anywhere on the public lands of the United States.

Mr. THOMPSON. That is true.

Mr. NELSON. I remember very well that in a case in Louisiana, where a person had an old French claim and scrip was issued to him for it, he was unable to satisfy the claim there, so he came up and located it on lands within my district; and, under this act, all these claimants could locate their scrip or certificates anywhere on the public lands of the United States.

Mr. THOMPSON. I understand, Mr. Speaker, that these certificates which may be issued now by the surveyor-general of Louisiana, under the law of 1858, can be located anywhere on public lands that are subject to entry?

Mr. HOLMAN. The act seems to be intended to apply to certain grants referred to and mentioned in the act of 1858, and the third section simply proposes to carry out the confirmation of the grants there named. Now, what information has the gentleman from Ohio [Mr. THOMPSON], or the Committee on Private Land Claims, from the Commissioner of Public Lands, as to the reasons, if any, why the powers conferred upon him by the third section of the act have not been carried out?

Mr. THOMPSON. The power to issue these certificates of location?

Mr. HOLMAN. Yes.

Mr. THOMPSON. Well, the proceeding before the surveyor-general has been found to be so cumbersome as to make it almost impossible to do anything there. The rules and regulations under which a claim must be presented and prosecuted are such that it is practically impossible ever to reach a conclusion.

In the report of the land commission, which was appointed, I think in 1880, the whole subject is discussed, and this bill grows out of the recommendations of that land commission, that the powers of the surveyor-general should be transferred to the courts, in order that these claims might be settled.

Mr. HOLMAN. Does the recommendation apply to those claims specified in the act of 1858?

Mr. THOMPSON. The act of 1858 covers specific grants in Louisiana and Missouri that have been confirmed by the United States.

Mr. HOLMAN. Yes, specific grants; but does the recommendation to which the gentleman has referred apply to those specific grants? Has the gentleman from Ohio the report of that commission at hand?

Mr. THOMPSON. No, sir.

Mr. HOLMAN. I trust, Mr. Speaker, that there will be no objection to the amendment proposed by the gentleman from Illinois [Mr. ADAMS], for we all know what has been the history of this land scrip. There is also a further provision which I trust the gentleman from Ohio [Mr. THOMPSON] will not object to, namely, that the scrip issued under the authority of this act, if any shall be issued, shall be located in the States in which the original grants were situated.

Mr. ADAMS, of Illinois. I suggest to the gentleman from Indiana [Mr. HOLMAN] that the language of my proviso is such that it could not easily be changed to include the idea indicated by the gentleman; but if this proviso be first adopted, then the gentleman could offer a second proviso. I certainly should vote for a proposition embodying the idea which the gentleman from Indiana now expresses; but I hope that my proviso will not be imperiled by undertaking to incorporate the gentleman's proposition as a part of it.

Mr. HOLMAN. The two provisions are entirely in harmony.

Mr. ADAMS, of Illinois. Perfectly.

The SPEAKER. The first question is on agreeing to the amendment proposed by the committee.

The amendment of the committee to section 2 of the bill was agreed to.

The SPEAKER. The Clerk will now report the amendment of the gentleman from Illinois [Mr. ADAMS], and the amendment of the gentleman from Indiana [Mr. HOLMAN] to that amendment.

The amendment of Mr. ADAMS, of Illinois, was read, as follows:

At the end of the section add the following:
"*Provided, however*, That such certificates of location so decreed by the court shall not be located upon any land or lands within the limits of any incorporated city, town, or village."

The amendment of Mr. HOLMAN to the amendment of Mr. ADAMS, of Illinois, was read, as follows:

Add the following words:
"And shall be located in the State within the limits of which the original grant was situated."

Mr. NELSON. I ask the gentleman from Indiana to include these words: "and nowhere else."

Mr. HOLMAN. That language is unnecessary.

The amendment of Mr. HOLMAN to the amendment of Mr. ADAMS, of Illinois, was agreed to.

The amendment of Mr. ADAMS, of Illinois, as amended was adopted.

Mr. WEAVER, of Iowa. I now move that the bill be referred to the Committee on the Public Lands.

The question being taken, there were—ayes 25, noes 69.

Mr. WEAVER, of Iowa. No quorum.

Tellers were ordered; and Mr. WEAVER, of Iowa, and Mr. THOMPSON were appointed.

The House again divided; and the tellers reported—ayes 25, noes 139.

So the motion of Mr. WEAVER, of Iowa, was not agreed to.

Mr. HALL. I move to amend by striking out all after the word "unless," in the second line of section 2, down to and including the words "five thousand dollars," in the fifth line, and inserting the words "an appeal be taken."

The section as it now stands forbids appeals where the amount involved is less than $5,000. The effect of my amendment is to allow appeals to be taken by the Government or the claimant in any case. This amendment is offered after consultation with a number of gentlemen, and I think it improves the bill.

Mr. THOMPSON. I have no objection to the amendment.

The amendment was agreed to.

Mr. THOMPSON. I now move the previous question.

The previous question was ordered, and under the operation thereof the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. THOMPSON moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNCONFIRMED PRIVATE LAND CLAIMS.

The SPEAKER. The Committee on Private Land Claims is still entitled to the floor.

Mr. SADLER. I have been instructed by that committee to call up from the House Calendar for present consideration the bill (H. R. 7214) to authorize the examination, approval, and patenting of certain unconfirmed private land claims in the States of Arkansas, Florida, Louisiana, and Missouri, and in the States of Alabama and Mississippi south of the thirty-first degree of north latitude.

The Clerk proceeded to read the bill, which is as follows:

Whereas there are still outstanding unconfirmed many private land-claims within the States and parts of States above-named, having their alleged origin in some form of grant, concession, permission to settle, order of survey, or otherwise, under the French, British, or Spanish government, before the cession of the territory to the United States, or during the period when any such government claimed sovereignty or had the actual possession of the district or territories in which the lands so claimed are situated, the evidences of which in some cases have been lost or destroyed, and it is important, as well for the public interests as to protect the rights of claimants under the obligations imposed upon this Government by the treaties of cession, that said claims should be adjusted and settled according to justice and equity, and in conformity to the laws, usages, and customs of the parent Government: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the register and the receiver at the several land-offices of the United States within the States and parts of States aforesaid, or the Commissioner of the General Land Office if there be no such land offices within the said States (the act of June 19, 1878, 55014, 20th Statutes, 175, and first supplement to Revised Statutes, 380, page 14), be, and are, authorized and required to hear, examine, and decide as to the validity, locality, and extent of such claims, upon the same being presented to them in the manner hereinafter provided.

SEC. 2. That the claimant or claimants, at the commencement of the proceedings herein authorized, shall present to the register and receiver of the district within which the land claimed is situated, or to the Commissioner of the General Land Office in case provided for in section 1 of this act, a petition, verified by the oath of one or more of the claimants, with an abstract showing the title or the right by occupancy under which the claim is made, which petition shall contain a statement of the origin of the claims under the former Government, its history as to date of settlement, manner and extent of occupancy and cultivation, and the improvements thereon, if any there be, as far back as the knowledge and information of the claimant may extend. Claimants may appear in said proceedings by attorney, but the verification of the petition herein required shall be by one or more of the claimants in person: *Provided*, That the filing of a claim in good faith as provided in this act shall have the effect of *lis pendens* as to all persons subsequently entering upon the lands, or any portion thereof, embraced within such claim.

SEC. 3. That the officers to whom claims may be presented under this act are authorized to issue subpœnas for witnesses, on application of claimants, in cases contemplated by this act; to administer oaths to parties and witnesses; to take the testimony of witnesses produced by claimants, and to cross-examine such witnesses on the part of the United States; to issue subpœnas on their own motion for such witnesses as they may judge necessary, and examine the same in the presence of or on sufficient notice to claimants, who may cross-examine such witnesses; and to take the testimony of any witness by commission who resides more than 20 miles from the place where such officers hold their office, as now required under the homestead laws of the United States. Witnesses shall receive the same fees for travel and attendance under this act, and under the same rules as to payment, as are allowed to witnesses therefor in the courts of the State in which the investigation is held, to be paid by the party in whose behalf they are procured or required to attend.

SEC. 4. That the said officers shall make a complete record, for preservation in their office, of the cases presented under this act, by filing therein in each case the petition and statement presented, the testimony given and produced, whether oral or documentary (and shall require any documents offered which are in a foreign language to be accompanied by a correct translation into English, furnished by the party offering the same), and of their opinion and decision thereupon, approving or disapproving the claim, whether in whole or in part, annex the several papers in proper form, in the order of their production, and appropriately certify the same as the record in the case. In case of claims presented to the register and receiver under this act, if they shall disagree as to the decisions to be made, they shall enter separate opinions and decisions in the record, and, having closed the case, shall make a full transcript of the record and certify the same to the Commissioner of the General Land Office.

SEC. 5. That for the services required of them by this act the register and receiver shall be entitled, jointly, to the following fees: For taking and reducing the testimony to writing, 15 cents for every one hundred words, and for transcribing and certifying the record, 10 cents for every one hundred words, to be paid by the claimants in each case presented, for which a sufficient deposit shall be made with the receiver at the commencement of the proceedings.

SEC. 6. That the persons presenting claims as herein provided may have the same approved, though they may not be able to make direct proof of the original title, nor to connect themselves by a complete chain of title therewith, where it shall sufficiently appear by circumstances shown that the claim had its origin under one of the foreign Governments as aforementioned, and be satisfactorily proved that the claimants, and those under whom they claim, have

held actual, continuous, and undisputed possession of the land claimed under such claim, and have occupied and cultivated the land, by themselves, their servants, agents, or tenants, for thirty years next preceding the presentation of the claim: *Provided*, That approval under this section shall only extend to and cover the land so proved to be held in actual possession and occupancy.

SEC. 7. That the Commissioner of the General Land Office shall examine the case upon the transcript return by the register and receiver; and if, in his opinion, the ends of justice will be subserved thereby, he may require a further report from the register and receiver touching any matter in the case indicated by him, or may direct further testimony to be taken therein, in which case the register and receiver may subpœna the necessary witnesses and take record, transcribe, certify, and return the additional matter of testimony so directed and taken as in the original proceeding.

SEC. 8. That the Commissioner of the General Land Office shall make his decision upon the cases returned as aforesaid, and communicate the same to the register and receiver, who shall give notice thereof to the claimants interested therein, or their attorney of record. If such decision, or the decision in any case originally presented to the said Commissioner, be adverse to the claimants, they may appeal therefrom to the Secretary of the Interior; and if he approve the claim, the Commissioner shall at once submit the case, with his decision, to the Secretary; and all proceedings under this act shall conform, so far as practical, to the established rules of practice governing the Interior Department and its subordinate officers in land cases for the time being.

SEC. 9. That the Secretary of the Interior shall render his decision upon the case, which decision shall be final as between the claimant and the United States; and upon approval of a claim by him, the Commissioner of the General Land Office, if a survey of such claim be necessary, shall direct the proper officer to make and return a survey in accordance with the approval thereof; and such officer, after notice to all parties interested, or their attorney of record, shall execute, or cause to be executed, such direction.

SEC. 10. That upon the return of such survey the Commissioner of the General Land Office may, if in his judgment necessary to conform the same to the approval of the claim, direct amendment thereof, or may order a new survey; and upon the return of the survey conforming to the approval of the claim he shall approve the same, and cause a patent to be issued to the claimants in accordance therewith, which patent shall have the effect only of a quit-claim or relinquishment on the part of the United States, and shall not affect valid adverse rights.

SEC. 11. That if any of the land embraced within the limits of a private claim finally approved under this act shall have been disposed of by the United States in such manner that it can not be patented to the claimant, the Commissioner of the General Land Office shall issue, in legal subdivisions as near as practical, certificates of location to the claimant for a quantity of land equal to the land so disposed of, in the manner provided by an act of Congress approved January 28, 1879, entitled "An act defining the manner in which certain landscrip may be assigned and located or applied by actual settlers, and providing for the issue of patent in the name of the locator or his legal representatives," which certificate shall be divisible, assignable, locatable, and patentable according to the provisions of said act (see 20 Statutes, 274): *Provided*, That the benefits of this section shall apply only to those lands proved to be held in actual possession and occupancy as provided in section 6 of this act.

SEC. 12. That this act shall take effect upon its passage, and be continued in force until repealed; and all claims filed before such repeal shall be examined and disposed of as if no repeal had taken place; and until final decision thereon all claims within the purview of this act shall be reserved from all adverse disposition whatsoever; but all such claims which shall not have been filed for confirmation before the proper officers within three years after the passage of this act, or which, having been so filed, shall, by reason of the negligence of the claimant, not be prosecuted to final decision within five years after filing the same, shall, upon the expiration of said periods, become part of the public lands of the United States, subject to like disposition as all other public lands of the United States in the same State or part of State: *Provided*, That in case of an application, within three years from the passage of this act, to file on any claim within the purview of this act under the pre-emption laws, or to enter any part of the same, the applicant shall at the time inform, by writing, the officer to whom the application may be made, of the post-office addresses of the persons occupying such claim as owners, or of such addresses of one or more of the non-resident claimants if there be no such occupants; and such officers shall at once, by registered letter, inform such persons of such application, and warn them to present such claim within six months from such notice for confirmation under this act; and in case such persons neglect so to present their claim, then, at the end of such six months' notice, the claim shall become part of the public lands of the United States, subject to disposition as all other public lands of the United States in the same State or parts of State; and until final decision thereon all lands embraced within such claim filed within the purview of this act shall be reserved from all adverse disposition by the Government; but all such claims which shall not have been presented and filed for confirmation before the proper officers within three years after the passage of this act, or which, having been filed, shall, by reason of the negligence of the claimants, not be prosecuted to final decision within five years after the filing of the same, shall, after the expiration of said periods, become and be barred, and the lands therein embraced be freed from reservation and regarded in all respects as public lands, subject to disposition as all other public lands in the same State or part of the State: *Provided*, That in case of an application, within three years from the passage of this act, to enter or locate a homestead upon or otherwise acquire the title to any land embraced within any grant or concession within the purview of this act, under the pre-emption or other laws of the United States, the applicant may at the time inform, by writing, the officer to whom the application should legally be made to enter, pre-empt, or acquire such land, of the post-office addresses of the persons or claimants, occupying such lands under such concession or grant, or if not in possession of non-residents, the addresses of such persons; and such officer shall at once notify and inform such persons, by registered letter deposited in the United States mail, properly addressed, of the presentation of such application of such person or persons to enter, pre-empt, or acquire said lands, and require such claimant to present his or their claim to said grant or concession, within six months from date of such notice, for confirmation under this act; and in case such claimant or claimants shall fail or neglect to comply with said notice and present their claims within said six months, then said claim as to the lands so sought to be entered, pre-empted, or acquired, shall be barred, and such person entering, or pre-empting, or otherwise attempting to acquire land shall be permitted to proceed and perfect his title under the laws applicable thereto.

Before the reading of the bill was concluded the hour for the consideration of bills called up by committees expired.

Mr. SADLER. I ask unanimous consent that, as this bill will come up to-morrow morning, it be printed in full in the RECORD, although the reading has not been completed.

There being no objection, it was ordered accordingly.

ORDER OF BUSINESS.

Mr. WILLIS. I move that the House now resolve itself into Committee of the Whole House on the state of the Union.

Mr. HATCH. Pending that motion, I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the pleuro-pneumonia bill under the special order of the House.

The SPEAKER. Pending the motion of the gentleman from Kentucky [Mr. WILLIS] that the House resolve itself into Committee of the Whole House on the state of the Union the gentleman from Missouri [Mr. HATCH] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the special order. The question will first be taken on the latter motion.

Mr. WILLIS. I understand the Chair to rule that the motion of the gentleman from Missouri has precedence.

The SPEAKER. It has, as the bill which the gentleman from Missouri proposes to consider has been made a special order.

Mr. WILLIS. I give notice, then, if that motion be voted down, I will make the motion I have stated.

The SPEAKER. If the motion of the gentleman from Missouri be voted down, the motion of the gentleman from Kentucky will still be pending.

The question being taken on the motion of Mr. HATCH, there were—ayes 53, noes 69.

Mr. ANDERSON, of Kansas. I ask for the yeas and nays. This is is a very important question.

Mr. HATCH. I hope the gentleman from Kansas will not insist upon the call for the yeas and nays. Whenever a majority of the House shall consent, I want to take up the pleuro-pneumonia bill; but I do not want to consume time in roll-calls, because thereby the consideration of important measures like this is simply postponed so much longer.

Mr. ANDERSON, of Kansas. Nor do I wish to consume time unnecessarily; but the measure from the Committee on Agriculture is much more important than the river and harbor bill, and I desire to have a record.

Mr. HATCH. I concur with the gentleman in believing that our bill is the more important; but the majority of the House do not agree with us.

The yeas and nays were not ordered.

So the motion of Mr. HATCH was rejected.

RIVER AND HARBOR BILL.

The question recurred on Mr. WILLIS'S motion, that the House resolve itself into Committee of the Whole on the state of the Union, to resume consideration of the river and harbor bill.

Mr. HEPBURN demanded a division.

The House divided; and there were—ayes 89, noes 4.

Mr. HEPBURN. I make the point that no quorum has voted.

The SPEAKER appointed as tellers Mr. HEPBURN and Mr. WILLIS.

The House again divided.

The SPEAKER *pro tempore* (Mr. HATCH in the chair). The tellers will count my vote in the affirmative.

The tellers reported—ayes 156, noes 7.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. RICHARDSON in the chair.

Mr. ANDERSON, of Kansas. The committee have not yet passed from the first paragraph.

The CHAIRMAN. The Clerk will report the paragraph under consideration.

The Clerk read as follows:

Be it enacted, &c., That the following sums of money be, and are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, and to be expended under the direction of the Secretary of War, for the construction, completion, repair, and preservation of the public works hereinafter named:

Improving harbor at Rockland, Me.: Continuing improvement, $15,000.

Mr. HEPBURN. At the time the first paragraph of the bill was read on Saturday I was struggling to get the attention of the then occupant of the chair for the purpose of moving an amendment to that first paragraph of the bill. The gentleman from Kentucky [Mr. WILLIS] and the Chair, recognizing the fact the first paragraph was still pending, permitted me to offer the amendment.

Mr. MILLS. I was presiding in the chair at the time, and know the first paragraph is pending.

Mr. WILLIS. I do not raise any question as to the fact, and hope the gentleman will be permitted to move his amendment.

Mr. HEPBURN. The gentleman from Texas has made a correct statement.

Mr. ANDERSON, of Kansas. I offer the following as a substitute for that portion of the bill between lines 2 and 8:

The Clerk read as follows:

That the sum of $7,430,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, which may be expended by the Secretary of War as he may deem necessary, either for the repair, preservation, construction, or completion of such public improvements of rivers and harbors as shall in his judgment afford practical and important facilities for the transportation by water of interstate commerce.

Mr. ANDERSON, of Kansas. Mr. Chairman, I wish to call the at-

tention of the committee to the fact that this amendment looks to a different method from that heretofore followed in making appropriations for the improvement of rivers and harbors. The sum agreed upon by the Committee on Rivers and Harbors, as formulated in this bill, is $7,430,000. The amendment I have just offered appropriates the same sum, but it provides—

That sum shall be expended by the Secretary of War as he shall deem necessary, either for the repair, preservation, construction, or completion of such public improvement of rivers and harbors as shall in his judgment afford practical and important facilities for the transportation by water of interstate commerce.

Of course, Mr. Chairman, the change proposed by the amendment is radical. It looks to making some high officer of the Government responsible for the expenditure of whatever sum Congress may appropriate for the improvement of rivers and harbors. And I can see no reason why the present administration, especially when it claims to be an administration of economy and reform, should not be held responsible for the expenditure of such sums as are given for the improvement of our water-ways.

It seems to me that it would be better if the Secretary of War should adopt some general plan, and proceed year by year in execution of that plan, for the purpose of affording to the country the development of those water-ways and the improvement of those harbors which would best subserve the necessities of existing commerce as well as provide for future interstate commerce.

By the adoption of such a plan many results would follow. First, there would be an immediate development of water-ways with respect to the current commerce of the nation. And for one I would hail such a development, such practical improvement of facilities for water transportation as would speedily give to us increased checks upon the charges made by the railway system.

Another advantage would be that the Secretary of War, acting upon a matured plan suggested, say, by the Chief of Engineers or the Engineer Department, would naturally first consider those works which were of the most importance to commerce; would first develop those water-ways which are of the most importance to the commerce of to-day, and having once completed such works, say, at Chicago, or at New York, or at Boston, or at San Francisco, would then allot subsequent appropriations to streams and harbors of minor importance, and in the order of their importance as related to the commerce of to-day.

[Here the hammer fell.]

Mr. RYAN. If I may be permitted, I will yield to my colleague.

Mr. ANDERSON, of Kansas. I will not occupy much time. I desire to thank my colleague for his courtesy.

There had been expended up to 1882 the sum of $105,000,000. Most of that has been expended since 1865. There has been expended of this sum on the Mississippi River up to 1882 $19,536,000, and several millions have been expended since. In other words, we have, chiefly within the last fifteen or twenty years, made an expenditure of more than $125,000,000 on rivers and harbors, and each year we are continuing to increase that amount by similar expenditures. The expenditure up to 1882 by States is as follows:

Alabama	$956,142	New Hampshire	$175,500
Arkansas	315,000	New Jersey	987,496
California	1,493,428	New York	9,539,973
Connecticut	1,527,448	North Carolina	2,261,202
Delaware	3,043,636	Ohio	2,857,031
Florida	680,352	Oregon	649,305
Georgia	1,364,064	Pennsylvania	1,067,101
Idaho Territory	10,000	Rhode Island	733,613
Illinois	2,352,304	South Carolina	931,342
Indiana	786,198	Tennessee	85,500
Iowa	2,499	Texas	2,166,133
Kentucky	367,500	Vermont	545,311
Louisiana	147,809	Virginia	1,683,375
Maine	1,404,889	Washington Ter	5,500
Maryland	1,485,769	West Virginia	1,387,587
Massachusetts	2,928,779	Wisconsin	4,616,495
Michigan	7,828,356	District of Columbia	253,202
Minnesota	447,500	Miscellaneous	38,349,108
Missouri	22,000		
Mississippi	295,175	Total	105,796,403

And yet, Mr. Chairman, we have no plan. The present method is wholly devoid of system. There are three hundred and twenty-five Representatives in the House and seventy-six members of the Senate. The proper committees of these two bodies have the preparation of these bills; and I wish to congratulate the House upon the ability, assiduity, and, I think, general fairness under the existing method displayed by the members of the present River and Harbor Committee, and I certainly desire to express my sense of gratification at the uniform courtesy and amiability of the gentleman from Kentucky [Mr. WILLIS], the chairman of the committee in charge of the bill.

But, Mr. Chairman, that committee must necessarily take into account the conflicting desires and interests of the three hundred and twenty-five members of the House. They are appealing, each one of them, for some particular improvement. The committee have great trouble in reaching a decision; presently they do reach it. Is their bill, in view of the fact I have stated, constructed upon a general plan looking to the importance of providing facilities for the present or future commerce of the country in the order of the importance of the several rivers and harbors requiring such facilities? Oh! no. It necessarily cannot be so formulated. It is merely an average of conflicting local demands.

The proposition presented in the amendment, then, would look to the adoption of a general plan which would be wise, which would be effective, for the execution of which the Secretary of War and the Administration may be responsible; and such plan once determined upon we could then go forward and year by year appropriate such sums as, in the judgment of Congress, were necessary to be given for the development of water-ways.

For myself, there is no one who more earnestly desires a steady development of our water-way system for the express purpose of regulating the extortionate rates now charged by railway carriers than do I; and were this bill constructed on such a principle and for such a purpose, in my judgment—for in such a matter as this gentlemen have the right to differ in judgment—but if in my judgment it were constructed on that principle, and to attain that object, I would most heartily favor the bill.

But I can not support it in its present form and arrangement of details, for the simple reason that while there are a few such cases in the bill, there are very many which are simply what I may call the fringe about the great mantle of commerce; some insignificant little stream is to be improved, on which a large amount is to be expended; a stream not sufficient to do anything more than float logs down, and up which you could not by any possibility drive a 50-foot scow. For that reason I can not support the bill in its present structure; whereas some such general principle as already indicated, a broad and comprehensive plan of improvement, by which we could enter upon the development of our water-ways, will receive, I believe, the approbation of the great majority of the people of the country, and certainly my support here. For one, I am willing to vote, in addition to the sum named in the bill, $5,000,000 for the deepening and lengthening of the locks on the Erie Canal, in order that lake transportation may directly and profitably reach New York. I am in favor of constructing the Hennepin Canal, and in favor of making or developing such great water-ways as shall give to us increased facilities, and result in reducing the cost of railway transportation to our people. I am in favor of such improvements for the benefit of the great commerce of the country in all parts of the Union.

[Here the hammer fell.]

Mr. HEPBURN was recognized, and yielded his time to Mr. ANDERSON, of Kansas.

Mr. ANDERSON, of Kansas. This is the last time that I shall accept the courtesy on this occasion, and am obliged to the gentleman from Iowa.

Mr. WARNER, of Missouri. Let me ask the gentleman from Kansas if he is in favor of improving the Missouri or Mississippi River?

Mr. ANDERSON, of Kansas. In reply to my friend from Missouri I wish to state that his inquiry raises this question: What to-day are the channels through which ebb and flow our great national commerce? Why, from the whole region north of Saint Louis its movement is east and west, and from the region south of that point it is northeast and southwest; and in providing water transportation which shall practically and directly benefit that commerce, you must keep in mind the great flow and direction of the commerce itself. That, of course, is a general proposition, and upon that general proposition I would not be in favor of going, as I think this bill does, to the extent of appropriating some one and one-half million dollars to the improvement of the Mississippi River; and for the simple reason that the relative proportion of the commerce affected by the Mississippi River is very much less than the volume of commerce in other portions of the continent.

I would like to say to my friend from Missouri, furthermore, that I am heartily in favor of developing and improving the navigation of the Missouri River, and I voted for the appropriation of $250,000, I think, for that purpose. But, having done that, when it is stated upon the floor that this appropriation has chiefly been used at points where railway companies have railway bridges, for the purpose of riprapping the abutments, and preventing the railway property from being swept away, I say, that being true, if true then most emphatically am I opposed, under the guise of appropriating money to deepen and improve the channel of the Missouri River, in order that wheat may be carried down at a lower rate, to vote money to benefit the railway companies which have money enough to protect their own property, and thus permit them again, as they have done in other cases, to "yank" out the whole sum and slap it up in the shape of riprap works for their own benefit.

Mr. WARNER, of Missouri. Will the gentleman from Kansas permit me to ask him another question?

Mr. ANDERSON, of Kansas. Yes, sir; certainly.

Mr. WARNER, of Missouri. Does the gentleman assert that this money has been spent in that way? He said "if that statement be true." Does he assert it is true?

Mr. ANDERSON, of Kansas. I understood the gentleman from Iowa [Mr. HEPBURN], when discussing this bill some few days ago, to have made that statement, and it is upon his authority that I have repeated it. If the statement be true, then such a use of that $250,000 appropriated

for improving the channel was simply a bald-headed outrage practiced for the benefit of those railroad companies.

Mr. WARNER, of Missouri. Do I understand the gentleman to intimate that that is true?

Mr. ANDERSON, of Kansas. The gentleman from Missouri can ask the gentleman from Iowa [Mr. HEPBURN], who is in his seat, whether it is true or not. It was he who made the statement, and being of age he is quite competent to speak for himself.

The committee will observe that the same sum which is proposed by the bill before us, $7,430,000, is also proposed by this amendment. Were the amendment adopted, then, of course, we need give no further consideration to the bill, and very much time probably would be saved, so that the House might consider the pleuro-pneumonia bill, in which I take the deepest interest, and other important measures. And I submit to my friend, the chairman of the committee, that this amendment is not inimical in any way to the great work of the improvement of rivers and harbors. It is simply proposing a new method, that is all, and in my judgment a better method.

Mr. BAYNE obtained the floor.

Mr. WILLIS. Before the gentleman from Pennsylvania [Mr. BAYNE] proceeds I should like to understand precisely the effect of the amendment of the gentleman from Kansas. Does he propose to strike out all after the enacting clause of the bill and insert in lieu thereof so and so?

Mr. ANDERSON, of Kansas. I propose to strike out lines 3 to 8, inclusive, as follows:

That the following sums of money be, and are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, and to be expended under the direction of the Secretary of War, for the construction, completion, repair, and preservation of the public works hereinafter named.

And to insert in lieu thereof the following:

That the sum of $7,430,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, which may be expended by the Secretary of War as he shall deem necessary either for the repair, preservation, construction, or completion of such public improvements of rivers and harbors as shall in his judgment afford practical and important facilities for the transportation by water of interstate commerce.

Mr. WILLIS. Does the gentleman leave the balance of the bill?

Mr. ANDERSON, of Kansas. I think if the committee should agree to the amendment, in all probability, when the next item came up the good sense of the committee would reject it, and so on to the end of the bill.

Mr. WILLIS. If the gentleman proposes his amendment as a substitute, I would like to know it.

Mr. ANDERSON, of Kansas. I propose it not as a substitute for the bill, but for those six lines, as just read.

Mr. DUNN. Does the gentleman propose, by the provisions of his amendment, to prohibit the transportation of such commerce as does not pass out of one State into another State on such rivers as may be improved by this expenditure?

Mr. ANDERSON, of Kansas. Interstate commerce necessarily includes the commerce which starts in one State and passes into another. The term interstate commerce practically includes all commerce, because anything that starts from the head of a river which is wholly in one State finds a market in some other State. That is interstate commerce, and the objection of the gentleman does not hold good as against this proposition.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. ANDERSON, of Kansas. If my amendment be adopted we can then reject the remainder of the bill.

Mr. REED. What is your hostility to foreign commerce?

Mr. ANDERSON, of Kansas. None in the world.

Mr. REED. Why do you exclude that?

Mr. ANDERSON, of Kansas. I do not exclude it. I suppose before the commerce gets to the seashore it must have passed over more than one State, unless it originated, say, in the State of Maine, but I will so modify my amendment as to obviate the point raised by the gentleman.

Mr. BAYNE. I am somewhat surprised at the gentleman from Kansas offering a proposition of this sort. I am especially surprised in view of his legislative and political course, which has always heretofore been against monopoly and against centralization. If there be any proposition which is full of centralism it is the one he now submits for the vote of the committee; to place in the hands of one individual the vast distribution and expenditure of seven or eight millions of dollars, and to be followed, if this precedent be established, by a bill next year of probably $15,000,000. This is a proposition for centralizing power which I did not think would have come from the gentleman from Kansas.

In all appropriation bills the tendency has constantly been to have Congress appropriate for each particular item, to designate its purpose. That has been the course urged and pursued by my colleague, Mr. RANDALL, of Pennsylvania, as chairman of the Appropriations Committee. That plan has been pursued with decided advantage to the Government, and is clearly in the interest of judicious and safe administration.

But this progress in the direction of a knowledge on the part of Congress how each dollar of the public money shall be expended would be wiped out in an instant by the proposition of the gentleman from Kansas.

Moreover, there is no branch of this whole Government that maintains a direct responsibility to the people, the sources of sovereignty and power in this country, so much as the House of Representatives.

The House of Representatives is elected every two years, and the people pass upon the fitness and qualifications of their candidates. If an appropriation bill passes which provides for expenditures it should not contain, the Representative who votes for such an appropriation is responsible to his constituency. His constituency is not slow to perceive such dereliction, as is abundantly testified by many experiences in our history.

But, sir, in place of maintaining that responsibility, the most direct and immediate in this Government of ours, the proposition of the gentleman from Kansas would pass the responsibility to a corps of engineers who have a different tenure of office, who hold office until they are placed on the retired-list, and who would practically direct the expenditure of this money. It would be applied nominally under the direction of the Secretary of War, but really at the suggestion of the various engineers located in different sections of the country.

Why, sir, I think that to indorse a proposition like that, and to substitute a responsibility of that kind for the direct and immediate responsibility which rests upon us, would be taking a step backward instead of going forward in the direction we have heretofore gone with reference to expending the money of the people. The scheme has been mooted at different times to amend the Constitution so as to give the President of the United States power to veto particular items in an appropriation bill. If ever that should come up for consideration, and the House of Representatives should yield to it, I should almost despair of the perpetuity of this Republic, because that would be conferring the power upon one individual instead of leaving it to rest where it should rest, in the hands of the House of Representatives, the body which originates all bills for the expenditure of the public money, and for the raising of revenue to support the Government. I therefore am surprised when a gentleman of the usually clear head and, I know, of the honest convictions and good purposes of the gentleman from Kansas [Mr. ANDERSON] proposes an amendment which would take away from him, from his constituents, and from the constituents of every member upon this floor, the opportunity to pass upon the appropriations in the river and harbor bill—a change which sooner or later would result in depriving this House of not only the knowledge of the way the public treasure is disbursed, but the objects to which it should be applied. The people are very close to this branch of the General Government. We should evade no duty we can properly perform.

[Here the hammer fell.]

Mr. WILLIS. Mr. Chairman, I ask for a vote.

Mr. HEPBURN. Mr. Chairman——

Mr. ADAMS, of Illinois. Mr. Chairman, I wish to move to amend the amendment. If the gentleman from Iowa [Mr. HEPBURN] wishes to amend the amendment, I am willing to yield to him.

Mr. HEPBURN. I wish to say a few words with regard to this amendment.

Mr. ADAMS, of Illinois. Then, Mr. Chairman, I move to amend the amendment, by striking out the sum named, and inserting in lieu thereof the sum of "$10,000,000."

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. ADAMS, of Illinois. But I desire to discuss the amendment to the amendment.

The CHAIRMAN. The gentleman has the floor, and can proceed.

Mr. ADAMS, of Illinois. The argument of my friend from Pennsylvania [Mr. BAYNE] is ingenious, but it is not sound. It is true that this House has been in the habit of making special appropriations for all public purposes, and it is equally true that that method, applied to the improvements of our rivers and harbors, has proved a dismal failure. It has proved a failure simply because the river and harbor bill has not usually been sustained by public opinion outside of this House, and I move this amendment because I believe that if the method proposed by the gentleman from Kansas [Mr. ANDERSON] were adopted, we could well afford to appropriate a much larger sum than the Committee on Rivers and Harbors has ventured for some time to propose. We all admit that ten or fifteen millions of dollars could be well expended on rivers and harbors in this country, yet the committee propose an expenditure of only seven and a half millions. Why is it that they propose so small a sum? It is, I think, because they feel that outside of this House there is a prejudice against the river and harbor bill. I do not say that that prejudice is deserved; I do not say that there are "jobs" in the usual river and harbor bill; but I do say that it is easy to make that charge outside of this House, and that therefore the Committee on Rivers and Harbors do not venture to propose so large a sum as they would venture to propose, and as the people would approve if it were seen that the control of the expenditure of the money was in the hands of the Secretary of War.

Mr. HAMMOND. The Democratic Secretary.

Mr. ADAMS, of Illinois. I do not care what the politics of the Secretary may be. The proposition that this expenditure is under the control of the local engineers, as stated by the gentleman from Pennsylvania [Mr. BAYNE], is a mistake. The manner of the expenditure

at each particular place may be under the control of the local engineer; but how can the local engineers be said to have the task of distributing among the different localities the total that is appropriated by the bill?

Mr. BAYNE. For this reason: The Secretary of War derives his entire information from the local engineers, and the expenditures are made according to the reports which the local engineers make to the Secretary of War.

Mr. ADAMS, of Illinois. But the Secretary of War now derives all his authority from the river and harbor bill. This river and harbor bill appropriates only seven million and a half dollars, although the chairman of the Committee on Rivers and Harbors would acknowledge, I think, that ten or twelve millions of dollars might well be expended. There is the fact that stares us in the face. On the other hand, I believe that public sentiment would support and sanction the method proposed by the gentleman from Kansas. I believe that in this way we should succeed in getting a larger amount of money spent upon legitimate enterprises of river and harbor improvements. That is the reason I have addressed my remarks to this particular amendment.

Mr. BROWN, of Pennsylvania. Then the virtue of the gentleman's plan is in getting more money out of the Treasury?

Mr. ADAMS, of Illinois. One defect of the present plan is that we get only 25 per cent. as much as the engineers say can be advantageously expended.

[Here the hammer fell].

Mr. HEPBURN. Mr. Chairman, I am fully convinced that there is merit in the amendment proposed by the gentleman from Kansas. The gentleman from Pennsylvania seems to be afraid of the concentration of power in the hands of the Secretary of War. The great difficulty, Mr. Chairman, with the river and harbor bill is because of the dispersion of responsibility on the part of the Committee on Rivers and Harbors. I do not believe there is a member of that committee who gives his approval to all the various appropriations carried by this bill. Some of these appropriations—indeed many of them—doubtless meet the approval of the chairman of the committee, for example; yet I am satisfied there are others to which he would not give his indorsement. So it is with the other members of the committee. There are fifteen of them. They divide the responsibility as a committee, and then the responsibility is still further divided with the majority of this House.

The gain to be had by the adoption of this amendment is to charge one man with the responsibility of selecting those works which are worthy of improvement, and then making the improvement in the best and most practical manner. Under existing circumstances there is no responsibility resting upon anybody; and therefore it is possible to have year after year a river and harbor bill appropriating millions of dollars which might just as well be thrown away, and which, in fact, are thrown away.

If we had the system now proposed, if there were an officer charged with the responsibility in the full view of the whole people of the country and subject to the criticism of the press, he would be chary of making expenditures upon the little insignificant creeks and the minor harbors which play no part whatever in the commerce of this country. He would see to it that only those great works which concern the commercial intercourse of the people should be the recipients of the public expenditure.

Mr. BURROWS. Suppose that under this amendment, if adopted, the Secretary of War should see fit to expend the whole of the money on the Mississippi River?

Mr. HEPBURN. He would be responsible to the people of this country for doing so; and if he made an erroneous selection of the work he would find that the administration with which he is connected would experience a practical expression of the disapproval of the people.

Mr. MILLIKEN. How would that help the people after the money had all gone?

Mr. HEPBURN. It might not help them in that particular instance, but it would enable us to avoid this annual extravagance which each Congress at each session falls into.

Mr. MILLIKEN. How could the people get at the Secretary of War if he should make a mistake or do wrong?

Mr. HEPBURN. Well, if the gentleman does not know that, five minutes will not give me sufficient time to explain it to him.

Mr. MILLIKEN. No; and an hour would not suffice.

Mr. HEPBURN. Probably not; it depends upon the organization of the individual. [Laughter.]

Mr. MILLIKEN. The individual making the explanation.

[Here the hammer fell.]

Mr. ANDERSON, of Kansas. If I can be recognized, I will yield to the gentleman from Iowa [Mr. HEPBURN].

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. WILLIS. I hope we shall now have a vote.

The amendment to the amendment was read, as follows:

Strike out lines 3 to 8, and insert—

"That the sum of $10,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, which may be expended by the Secretary of War as he shall deem necessary, either for the repair, preservation, construction, or completion of such public works on rivers and harbors as shall, in his judgment, afford practical and important facilities for the transportation, by water, of interstate commerce."

The question being taken on agreeing to the amendment to the amendment, there were—ayes 11, noes 51.

Mr. HEPBURN. No quorum.

Tellers were ordered; and Mr. HEPBURN and Mr. WILLIS were appointed.

Mr. WILLIS. I hope the gentleman will not consume time by insisting upon a quorum. We have allowed the fullest debate on this proposition.

The committee again divided; and the tellers reported—ayes 12, noes 151.

So the amendment to the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee rose informally, when a message from the Senate by Mr. SYMPSON, one of its clerks, announced that the Senate had passed, without amendment, the bill (H. R. 8923) to amend an act in relation to the immediate transportation of dutiable goods, and for other purposes, approved June 10, 1880.

The message also announced that the Senate had passed a bill (S. 3128) concerning post-offices of the third class, in which the concurrence of the House was requested.

RIVER AND HARBOR APPROPRIATION BILL.

The Committee of the Whole House on the state of the Union resumed its session.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Kansas [Mr. ANDERSON].

Mr. ANDERSON, of Kansas. I desire to modify the amendment by inserting the words "or foreign," so as to read, "interstate or foreign commerce."

The CHAIRMAN. If there be no objection, that modification will be made.

Mr. DUNN. I hope the gentleman will give State commerce a chance. Is he not willing to do anything for commerce which remains within a State?

The CHAIRMAN. Does the gentleman from Arkansas object to the request of the gentleman from Kansas to modify his amendment?

Mr. DUNN. No, sir.

The question being taken on the amendment of Mr. ANDERSON, of Kansas, as modified, there were—ayes 14, noes 89.

Mr. ANDERSON, of Kansas. I desire to make the point of no quorum, for the purpose of asking my friend from Kentucky if he will allow a yea and nay vote upon this amendment in the House.

Mr. WILLIS. With the understanding that the gentleman shall cease obstructive proceedings and let the consideration of the bill go on, I will consent.

Mr. ANDERSON, of Kansas. I am really surprised at the gentleman's remark. I simply asked him to allow a vote to be taken on this question in the House. I certainly reserve the right to act as I may deem best on any other portion of the bill.

Mr. WILLIS. If the gentleman can secure in the House enough members to order the yeas and nays, I will allow the question to come up.

Mr. ANDERSON, of Kansas. That is, you will allow me to call the yeas and nays.

Mr. WILLIS. Allow you to call the yeas and nays; and if you can get enough members to support you, you will have them.

Mr. ANDERSON, of Kansas. Well, I will take the chances.

The CHAIRMAN. The point of "no quorum" not being insisted upon, the noes have it, and the amendment is rejected.

Mr. ANDERSON, of Kansas. I desire to offer another amendment, which I think will be accepted.

The CHAIRMAN. The gentleman will state it.

Mr. ANDERSON, of Kansas. After the word "expended" insert "or so much thereof as may be necessary." The bill as it now reads would seem to make it peremptory—mandatory upon the Secretary of War to expend each of these sums contained in the bill. The language is:

The following sums of money be, and are hereby, appropriated to be paid out of any money in the Treasury not otherwise appropriated, and to be expended under the direction of the Secretary of War.

My amendment would be that it be paid "out of any money in the Treasury not otherwise appropriated, and to be expended or so much thereof as may be necessary." In other words, not to make it mandatory upon the Secretary of War to expend the money which he may not find it necessary should be expended.

Mr. WILLIS. The language of the bill is the language of all the river and harbor bills passed in the last ten years. The words "to be expended" are simply directory of the method of expenditure. They are not at all mandatory in any sense. They are to be expended. How? Under the Secretary of War. I hope, therefore, in the interest of the uniform text of the bill for a quarter of a century, my friend will not press his amendment.

Mr. ANDERSON, of Kansas. Let me ask the gentleman a question.

Mr. WILLIS. Let me add to what I have already stated, that the Secretary of War under the law has the discretion to withhold any amount appropriated in this bill, if any good or sufficient reason shall be presented why he should do so. It is under his direction.

Mr. ANDERSON, of Kansas. I understand my friend from Kentucky to say that similar language has heretofore been used, and it has not been held to be mandatory.

Mr. WILLIS. That is so.

Mr. ANDERSON, of Kansas. Then I do not insist upon my amendment.

Mr. HEPBURN. I have an amendment to offer.

The Clerk read as follows:

Insert after "names," in line 8—
"*Provided*, Such expenditure shall be without the intervention of either the Mississippi or Missouri River Commission."

Mr. HEPBURN. Mr. Chairman, the other day in the discussion of this bill gentlemen on the other side criticised a statement I made in regard to revetment work in the improvement of the Mississippi River at Plumb Point and Lake Providence Reaches. I made the statement that improvement, as shown, cost $42 a linear foot. Two gentlemen challenged the correctness of that statement.

I founded that statement on a report that had been made, and I am not now able to lay my hand upon it; but I have here another report, made in 1884, giving estimates for the Plumb Point Reach. I find in these estimates for revetment work $12 a linear foot is the lowest sum that is given, and that for the dikes the estimates range from $12.25 to $34.50 a linear foot.

I find, further, in a report signed by General Comstock, this language:

Not concurring in either the recommendation or estimate, it is proper to give my reasons for dissenting. The original estimate of the commission for 38 miles of Plumb Point Reach was $1,432,000, and for 25 miles of Lake Providence Reach $1,238,000. It is now certain the cost of these works will not be less than three times the original estimate, and even yet it is not practicable to state with definiteness what the ultimate cost will be.

Here is the authority of one of the members of the commission that the cost of revetment work will exceed $36 a linear foot, and that the cost of the channel improvement will range from three times $12.75 to three times $34.50.

I think this is sufficient to sustain the statement I made the other day. I will try to furnish the statement, however, to which I have referred before we get through, if this bill shall occupy as much time as I hope it will.

The question was put to the committee.

The CHAIRMAN. The noes seem to have it.

Mr. HEPBURN. I demand a division.

The committee divided; and there were—ayes 7, noes 52.

Mr. HEPBURN. No quorum has voted.

The Chair appointed as tellers Mr. WILLIS and Mr. HEPBURN.

The committee again proceeded to divide.

Mr. DUNN. Mr. Chairman, is it not in order to have a call of the House?

The CHAIRMAN. The rule requires the Chair to order a call of the committee when it finds itself without a quorum. The tellers have not yet reported the total vote.

Mr. DUNN. I hope there will be a call of the House.

The CHAIRMAN. If no other gentleman desires to vote the tellers will report.

The tellers reported—ayes 2, noes 145.

The CHAIRMAN. Under the rule it is the duty of the Chair, the point being made that a quorum is not present, to order the roll to be called.

The roll was called, and the following members failed to answer to their names:

Adams, J. J.	Cooper,	Kelley,	Ryan,
Aiken,	Cox, S. S.	Ketcham,	Scott,
Allen, C. H.	Cox, W. R.	Kleiner,	Seney,
Anderson, C. M.	Croxton,	Laird,	Sessions,
Atkinson,	Davenport,	Lawler,	Smalls,
Ballentine,	Davis,	Le Fevre,	Spriggs,
Barry,	Farquhar,	Lehlbach,	Steele,
Belmont,	Felton,	Lore,	Stephenson,
Bennett,	Forney,	Lowry,	Stewart, J. W.
Bingham,	Frederick,	Mahoney,	St. Martin,
Bland,	Funston,	Matson,	Symes,
Bliss,	Geddes,	McComas,	Taylor, E. B.
Bound,	Gibson, Eustace	McMillin,	Taylor, I. H.
Brady,	Gilfillan,	Millard,	Thomas, O. B.
Bragg,	Goff,	Mitchell,	Thompson,
Browne, T. M.	Grosvenor,	Morgan,	Throckmorton,
Buchanan,	Hale,	Muller,	Viele,
Burleigh,	Hanback,	Murphy,	Wade,
Campbell, J. M.	Harmer,	Negley,	Wait,
Campbell, J. E.	Hayden,	Norwood,	Wallace,
Campbell, T. J.	Haynes,	Payson,	Ward, J. H.
Candler,	Heard,	Peel,	Ward, T. B.
Caswell,	Henley,	Pidcock,	Weaver, A. J.
Clardy,	Hiestand,	Pindar,	White, A. C.
Clements,	Hiscock,	Reagan,	Whiting,
Cobb,	Houk.	Reese,	Woodburn.
Compton,	Jackson,	Rogers,	

The CHAIRMAN. Under the rule the committee will now rise.

The committee accordingly rose; and the Speaker having taken the chair, Mr. RICHARDSON reported that the Committee of the Whole House on the state of the Union having had under consideration the river and harbor bill, had found itself without a quorum, whereupon he had directed the roll to be called, and now reported the names of the absentees.

Mr. HALL. I understand that my colleague, Mr. MURPHY, is absent on account of sickness.

Mr. MCRAE. My colleague, Mr. ROGERS, is absent from the House to-day because of sickness.

Mr. GIBSON, of Maryland. My colleague, Mr. COMPTON, is absent on account of illness in his family.

Mr. WARNER, of Missouri. My colleague, Mr. WADE, is absent, sick.

The SPEAKER. The names of the absentees, under the rule, will be entered on the Journal. From the roll-call it appears there are present 211 members, and 107 absent. Being more than a quorum, the committee will resume its sitting.

The Committtee of the Whole resumed its session.

The CHAIRMAN. In order to insure accuracy in the count, the Chair thinks that the division should be taken over again.

The tellers having resumed their places the committee again divided; and the tellers reported ayes 7, noes 157.

So the amendment was rejected.

Mr. LA FOLLETTE. Mr. Chairman, I move to strike out the words "Secretary of War," in the sixth line, and insert the word "President."

I will only occupy the time of the House, as it is anxious to proceed with the work on this bill, to say just this much: It seems there should be vested in the President, and directly, this power, inasmuch as the engineers who have charge of the work hold their commissions directly from him, and are designated by him to receive these commissions. It is apparent to me that this would tend to a closer relationship. This the amendment seeks to accomplish, and perhaps there would be a better discharge of the duties on the part of the engineers if the amendment should become law.

Mr. HEPBURN. The adoption of the amendment offered by the gentleman from Wisconsin places power with responsibility. The President of the United States has the power to designate the officers that may conduct this work. He may do that in opposition to the preferences of the Secretary. He may put the power to direct the work in the hands of persons that, to the Secretary, may seem a very unwise selection, and yet the Secretary is charged with the proper expenditure of the money. Therefore it seems to me there is much of merit in the suggestion of the gentleman.

Mr. MILLIKEN. Mr. Chairman, it was only a little while ago that an amendment, proposed by the gentleman from Iowa himself, was rejected, which placed these expenditures altogether in the hands of the Secretary of War, because the Secretary of War was responsible; and he saw some way, as he said, although he has not had his hour and five minutes to explain it, by which the people could get at the Secretary of War and make him suffer if he did not properly exercise that power. Then the gentleman would have gladly voted to confer the power upon him. Now the gentleman, not having succeeded in placing the whole matter in the hands of the Secretary of War, discovers that he is not properly responsible, and he wants to place the whole matter under still higher authority—that is, in the hands of the President of the United States. I shall look with a great deal of curiosity to see where the gentleman would next place the power, after the failure to deposit it in the hands of the President.

Mr. HEPBURN. With the usual inaccuracy of the gentleman from Maine he has succeeded in entirely misstating the proposition I advocated a little while ago.

Mr. MILLIKEN. I doubt if the gentleman can state it accurately himself.

Mr. HEPBURN. I stated that I was in favor of and voted for a proposition to take away from the Mississippi and Missouri River Commissions all instrumentality whatever in the distribution of this money. I felt it was infinitely better it should be in the hands of the Secretary than in the hands of the commissioners. That is all I said here by voice or vote of mine in that matter.

Mr. MILLIKEN. But was the gentleman not, at that time, desirous of having it in the hands of the Secretary?

Mr. HEPBURN. No, sir.

Mr. MILLIKEN. The gentleman's position then does not seem consistent with his position now.

Mr. HEPBURN. I do not think there is an appearance of inconsistency to any member of the House except the gentleman from Maine. I desire to have the power put in even more responsible hands than those of the Secretary. It were better that the money should be expended by the Secretary than by the Mississippi River Commission, but much better that it should be expended by the President than by the Secretary. Is there any inconsistency in these two propositions?

Mr. MILLIKEN. The gentleman from Iowa does not seem to recognize with his usual acuteness the fact that in the remarks he made a short time ago he expressed himself as being entirely satisfied to place this expenditure in the hands of the Secretary of War. Perhaps he may be accurate enough to restate his own statement and reiterate his own argument without making it an exactly different thing from what he said an hour ago.

Mr. HEPBURN. Just as I stated, I am entirely satisfied to have it in the hands of the Secretary rather than in the hands of the commission. I am very much better satisfied to have it in the hands of the President than to have it in the hands of the Secretary.

Mr. HENDERSON, of Iowa. I rise to oppose the amendment. I do not believe this is a wise amendment to make. The Secretary of War has, I think, more time than the President to discharge his duties. He has not got a very ponderous Army to look after. The duties of looking after our present Army are not very onerous; whereas the duties of the President of the United States, I think, are heavy enough now. He has a load upon his shoulders which is more than any one man can carry; and that is in carrying civil-service reform to a successful issue. [Laughter.] And I do think, Mr. Chairman, that to add the improvements and varied expenditures under the river and harbor bill, with all its creeks and revetments, to the duty of carrying out civil-service reform within the rules which he has already laid down, and so as to please the Democracy and the mugwumps, would be piling entirely too much on the Executive; and, for one, I shall vote against this amendment.

Mr. WILLIS. I desire very briefly to call the attention of the committee to the condition of this bill. The Committee on Rivers and Harbors, created by the action of this House, and charged with the responsibility of examining the reports of the various engineers of the country, have been laboriously at work—a large number of them during the holiday recess—endeavoring to the best of their ability to perfect a bill to bring before this House.

I need not remind gentlemen on this floor of the custom which years ago prevailed in the passage of river and harbor bills. It is a well-known fact that until the present Committee on Rivers and Harbors was created all of these bills were passed under a suspension of the rules, no opportunity being afforded for criticism, and no opportunity for amendment. There was, therefore, properly very grave objection on the part of many members of the House to that method of dealing with this subject. The Committee on Rivers and Harbors, recognizing the force of that objection, have, with reference to all bills which they have brought before this and the last Congress, determined to bring them into the House for amendment and for criticism, desiring only to put in the bill that which is right, and equally anxious with any gentleman present on this floor to put out of the bill anything that was wrong.

Under these circumstances we bring this bill before the Committee of the Whole. Is it the desire of gentlemen who oppose this bill to compel this committee, as a matter of necessity, to go back to the old system of suspending the rules and passing this bill? If so, I submit to them, in all candor and all kindness, that the very object they have in view, of striking out certain portions of the bill and amending others, will be forever lost to them. I appeal to them in the interest of the very object they have in view, of correcting any faults there may be in the bill, to allow us, in the usual and ordinary way, to take up these appropriations one by one, and if a majority of this House thinks any line or portion of the bill is wrong, let us strike it out as we do in other bills, and perfect the bill in Committee of the Whole and present it in the House. In the interest of the public, in the interest of these great water-ways, in the interest of these great harbors that demand annual instead of biennial appropriations, I appeal to all the members of this House to enable us to pass this bill.

Mr. HEPBURN. I am glad to hear the gentleman——

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. HEPBURN. I move to strike out the last word. I say I am glad that the gentleman has declared his purpose so plainly, even if the declaration is coupled with the threat which he so mildly puts forth. The gentleman says, in substance, that if members of this House choose to exercise their rights under the rules of the House, rights that are guaranteed to them by the majority here, ay, that are forced upon them by the majority—that if they choose to exercise those rights, he proposes to cut off all debate and all possibility of perfecting this bill.

Mr. WILLIS. Does not the gentleman know——

Mr. HEPBURN. I submit to the gentleman from Kentucky [Mr. WILLIS] that no amendment has been proposed to this bill which would not, in the judgment of certain members of the House, improve it; and, in seeking to make that improvement, those members but exercised rights which belonged to them as clearly and as indisputably as any rights that he possesses as a member of the House belong to him. Gentlemen may complain that there have been dilatory motions made in the effort to secure a quorum, but, Mr. Chairman, this bill carries seven and a half millions of dollars, and ought there not to be a quorum when such a bill is being considered? Is it proposed that a bill appropriating more than twice the sum of all the appropriation bills that were passed at any session of Congress during the first ten years of the life of the nation shall go through in bulk by the votes of a mere fragment of the House?

I suggest to the gentleman that where there is a sum of money so large as this, where there are expenditures so open to criticism, where there is a proposition to pass a bill that could not pass by two-thirds, or by any other number, if it was not for the joining of interests and the "pooling of issues"—I suggest to my friend that in such a case we have a right to secure all the deliberation, and all the time we require for deliberation, by the use of the rules of this House, and to challenge the attention of the country, as we can do only in that way, to the manner in which the bill is made up, to the joining of interests and the securing of the assent of members by appeals to them in the direction of their personal and local interests, and, further than that, to show the character of the rules of the House. If this exercise of power upon the part of certain members under the rules is not a proper exercise, why are not the rules changed? Why is it that the gentleman will vote for them when they subserve his purposes, and yet condemn them when they fail to do so? I am anxious, Mr. Chairman, that this bill should be defeated. I believe it ought to be defeated, and I believe that there ought to be a thorough consideration of all its parts, because I think that if such consideration could be had, and if there could be eliminated the personal interests that are involved by reason of localities, the bill would be defeated. I withdraw the formal amendment.

The question was taken on the amendment offered by Mr. LA FOLLETTE; and there were—ayes 13, noes 120.

Mr. LA FOLLETTE. No quorum.

The CHAIRMAN. The point of "no quorum" being made, the Chair will appoint the gentleman from Wisconsin [Mr. LA FOLLETTE] and the gentleman from Kentucky [Mr. WILLIS] to act as tellers.

Mr. WILLIS. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. RICHARDSON reported that the Committee of the Whole House had had under consideration the bill (H. R. 10419) known as the river and harbor bill, and had come to no resolution thereon.

Mr. HEPBURN and Mr. WILLIS moved that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. CHARLES H. ALLEN: Papers in the case of William Hartley, an applicant for increased pension—to the Committee on Invalid Pensions.

By Mr. BARBOUR: Petition of W. C. Whittle, of Virginia, asking for the removal of his political disabilities—to the Committee on the Judiciary.

Also (by request), petition of citizens of the eastern part of Washington city, asking for charter of cable-railway company—to the Committee on the District of Columbia.

By Mr. BAYNE: Petition of George A. Kelley and 33 others, wholesale druggists of Allegheny and Pittsburgh, Pa., for the repeal of all internal taxes—to the Committee on Ways and Means.

By Mr. BOUND: Petition of the United American Clay Tobacco-Pipe Manufacturers' Association, for an increase of duty on clay pipes—to the Committee on Ways and Means.

By Mr. BURLEIGH: Resolution of A. L. McDougall Post, No. 570, Grand Army of the Republic, of Salem, N. Y., requesting the passage of the so-called Edmunds-Tucker bill, relative to the abolition of the Mormon Church—to the Committee on the Judiciary.

By Mr. BUTTERWORTH: Petition of James S. Burdsol & Co., and many others, praying for a reduction of internal-revenue taxes—to the Committee on Ways and Means.

By Mr. BYNUM: Petition of J. W. Appel and others, citizens of Oakland, Marion County, Indiana, in favor of the passage of House bill 2933—to the Committee on Agriculture.

By Mr. CALDWELL: Petition of citizens of Clarksville, Tenn., for the repeal of tax on tobacco—to the Committee on Ways and Means.

By Mr. J. M. CAMPBELL: Petition of workmen of Johnstown, Pa., asking for the abolition of the internal-revenue tax on tobacco, and to provide for the repeal of the internal-revenue laws at an early day—to the same committee.

By Mr. CATCHINGS: Petition of heirs of Henry Daniels, of Miss A. D. Brown, of Theodora Bergman, of Mary Eubank, of John O'Farrall, and of Eli C. Briscoe, of W. B. Raney, of Eliza Cochran, of Sandifur J. Hoggatt, and of A. G. Buford, asking that their claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. W. R. COX: Memorial of the Oxford (North Carolina) Board of Trade in favor of removal of the tax on tobacco—to the Committee on Ways and Means.

By Mr. CRISP: Protest of citizens of Brunswick, Ga., against the consolidation of the ports of Georgia into one collection district—to the same committee.

By Mr. DINGLEY: Remonstrance of the Maine State Grange against extension of patent No. 9148 relating to spring-tooth harrows—to the Committee on Patents.

By Mr. EVERHART: Petition of Caln Township, Chester County, Pennsylvania, praying for the repeal of internal taxes—to the Committee on Ways and Means.

By Mr. FORAN: Resolutions of the Cleveland Vessel-owners' Asso-

ciation against the building of a bridge across Saint Mary's Falls Ship Canal—to the Committee on Commerce.

Also, petition of E. E. Caldwell, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. FULLER: Petition in behalf of Cattle-Growers' Association of the United States, asking for the passage of the pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. FUNSTON: Petition of the Kansas State Board of Agriculture for the passage of the experiment-station bill—to the same committee.

Also, petition of Lenexa Post, of McCook Post, of Domsburg Post, and of Burly Post, Grand Army of the Republic of Kansas, for the passage of the Mormon bill—to the Committee on the Judiciary.

By Mr. GALLINGER: Resolutions of the New Hampshire Medical Society in favor of amendment to the emigration laws of the United States so as to prevent the immigration and importation to our ports of the so-called defective classes of foreign countries—to the Committee on Foreign Affairs.

Also, papers in the pension claim of Sarah A. Packard—to the Committee on Invalid Pensions.

By Mr. GILFILLAN: Resolutions of the Chamber of Commerce of Saint Paul, Minn., in relation to customs regulations—to the Committee on Ways and Means.

By Mr. GROUT: Memorial of the same for the passage of House bill 7217—to the Committee on Territories.

By Mr. D. B. HENDERSON: Paper from James Hutchinson, of Dubuque, Iowa, suggesting a plan for organizing new national banks—to the Committee on Banking and Currency.

Also, letter from Hon. O. P. Shiras, judge United States district court northern district of Iowa, requesting a change of the terms of court in said district—to the Committee on the Judiciary.

By Mr. J. S. HENDERSON: Petition of J. A. Bitting, J. W. Alspaugh, C. B. Watson, tobacco manufacturers, and others, citizens of Winston, N. C., for the repeal of the taxes on tobacco and fruit brandies—to the Committee on Ways and Means.

By Mr. T. J. HENDERSON: Petition of John R. Watkins, of Dover, Ill., praying for the restoration of his name to the pension-roll—to the Committee on Invalid Pensions.

By Mr. HOLMAN: Petition of Isaac K. Lee and Isaac Davis for compensation for services in the Mexican war—to the Committee on War Claims.

Also, papers in support of the claim of Capt. John Cotten—to the same committee.

Also, petition of Michael Sheets for a pension—to the Committee on Invalid Pensions.

Also, petition of W. C. Wilbur and 53 others, citizens of Dillsborough, Ind., for a pension to Elizabeth Evans—to the same committee.

Also, papers to accompany bill granting a pension to Elizabeth Evans—to the same committee.

By Mr. J. T. JOHNSTON: Petition of the Indiana State Board of Agriculture, of the State Grange, of the State Horticultural Society, and of the Tile and Drain Association, asking for the passage of House bill 2933—to the Committee on Agriculture.

Also, petition of W. H. Chapman and divers others, citizens of Fountain County, Indiana, for the passage of the pleuro-pneumonia bill—to the same committee.

By Mr. LAIRD: Petition of Daniel Nickkiser, for a special-act pension—to the Committee on Invalid Pensions.

By Mr. LORE: Petition of Johanna Dorman, on behalf of herself and Elmira M. Dorman, for increase of pension—to the same committee.

By Mr. LOVERING: Papers relating to the bill (H. R. 10517) for the relief of Charles Thompson—to the Committee on War Claims.

By Mr. McCREARY: Petition of Jacob H. Russell, praying that his war claim be referred to the Court of Claims—to the same committee.

By Mr. McKENNA: Petition of George Roe, Timothy Sheehan, D. Rutherford, and others, of Vallejo, Cal., for the passage of the bill (H. R. 10132) increasing pension of soldiers who have lost both hands—to the Committee on Invalid Pensions.

By Mr. McKINLEY: Petition of citizens of New Lisbon, Ohio, praying for the repeal of the internal-revenue tax on tobacco and spirits—to the Committee on Ways and Means.

By Mr. MILLARD: Petition of Addie W. Weaver and of Richard M. Haldridge, for special-act pensions—to the Committee on Invalid Pensions.

By Mr. MOFFATT: Petition of the Republic Iron Company and 188 citizens of Republic, Mich., for the repeal of internal-revenue taxes—to the Committee on Ways and Means.

By Mr. MORRILL: Petition of the State Board of Agriculture of Kansas, asking for the passage of the Miller bill—to the Committee on Agriculture.

Also, petition of same for the passage of the agricultural experiment-station bill—to the same committee.

By Mr. MORRISON: Petition of George W. Miller, for an original pension—to the Committee on Invalid Pensions.

Also, resolutions of the Fine-Stock Breeders' Association, of Sangamon County, Illinois, in favor of the pleuro-pneumonia bill—to the Committee on Agriculture.

By Mr. MORROW: Resolutions of the Chamber of Commerce, San Francisco, Cal., opposing the passage of the free-ship bill—to the Select Committee on American Ship-building and Ship-owning Interests.

By Mr. O'DONNELL: Petition of the Michigan State Agricultural Society, of the Michigan Committee of Consolidated Cattle-Growers' Association of the United States, of the West Michigan Agricultural and Industrial Society, and resolutions of the Michigan Legislature in favor of the passage of the Miller bill—to the Committee on Agriculture.

By Mr. PERKINS: Petition of the executive committee of the Grand Lodge of the Independent Order of Good Templars of Kansas, asking for the favorable consideration and passage of the bill (S. 1579) granting to the people of the District of Columbia the right to determine by ballot whether intoxicating liquors may be manufactured and sold in said District or not—to the Committee on the District of Columbia.

Also, petitions of George P. Hall, J. F. Hill, L. S. Cown, and others, ex-prisoners of war, of Labette County, Kansas, asking for the passage of the bill (H. R. 8098) for pensioning the Union prisoners of the late war—to the Committee on Invalid Pensions.

By Mr. PETERS: Resolutions of the Kansas Board of Agriculture favoring the passage of the Miller bill—to the Committee on Agriculture.

Also, resolutions of the same favoring the passage of the Hatch experiment-station bill—to the same committee.

Also, house concurrent resolution of the State of Kansas, relating to sales of real estate on judgments rendered in United States courts—to the Committee on the Judiciary.

By Mr. PETTIBONE: Petition of L. Bitt, for the relief of Mary Phipps, widow of Isaac Phipps, of Washington County, Virginia—to the Committee on Pensions.

By Mr. RANDALL: Petition of 22 citizens of Barnesville, Ohio, asking for the repeal of internal-revenue taxes—to the Committee on Ways and Means.

By Mr. RICE: Petition of the Upton Grange and Farmers' Club, of Upton, Mass,, favoring the Hatch experiment-station bill—to the Committee on Agriculture.

By Mr. ROBERTSON: Petition of E. H. Whittinghill, of Ohio County, Kentucky, for relief—to the Committee on Invalid Pensions.

By Mr. SOWDEN: Petition of Paul Kempsmith and others, citizens of Bethlehem, Easton, and Allentown, Pa., asking for repeal of internal-revenue taxes, &c.—to the Committee on Ways and Means.

By Mr. E. F. STONE: Petition of citizens of Peabody, Essex County, Massachusetts, in favor of the Hatch experiment-station bill—to the Committee on Agriculture.

By Mr. SYMES: Concurrent resolution of the Colorado Legislature, in relation to public building and signal station at Pueblo, Colo.—to the Committee on Public Buildings and Grounds.

By Mr. WEST: Petition of citizens of Amsterdam, N. Y., praying for the passage of a bill for the relief of the survivors of Andersonville and other rebel prisons—to the Committee on Invalid Pensions.

By Mr. WILLIS: Petition of J. B. Wilder & Co., of Louisville, Ky., for the repeal of the internal revenue—to the Committee on Ways and Means.

Also, papers to be filed with bill for the relief of Mrs. Cassa Simpson—to the Committee on War Claims.

The following petitions, praying for the enactment of a bill providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. BOYLE: Of 197 citizens of the twenty-first district of Pennsylvania.

By Mr. DORSEY: Of 81 citizens of the third district of Nebraska.

By Mr. EDEN: Petition of Frank M. Drew, and others, of Bunker Hill, Ill., against the passage of the Blair educational bill—to the Committee on Education.

By Mr. FUNSTON: Of 259 citizens of the second district of Kansas.

By Mr. GILFILLAN: Of 172 citizens of the fourth district of Minnesota.

By Mr. GROUT: Memorial of the national legislative committee of the Knights of Labor, praying for the passage of Blair educational bill.

By Mr. T. J. HENDERSON: Of 122 citizens of the seventh district of Illinois.

By Mr. HOLMAN: Petition of the Women's Christian Temperance Union of Indiana; and of Mrs. Thomas Smith and 11 other ladies of Versailles, Ripley County, Indiana, for the passage of the Blair bill.

By Mr. HOLMES: Of 172 citizens of the tenth district of Iowa.

By Mr. LAIRD: Of 267 citizens of the second district of Nebraska.

By Mr. McKINLEY: Petition of the Ohio Women's Christian Temperance Union praying for the passage of the Blair educational bill.

By Mr. PIRCE: Of 107 citizens of the second district of Rhode Island.

By Mr. ROBERTSON: Petition of Campbell Post, No. 27, Grand Army of the Republic, of Kentucky, in favor of the Blair bill.

By Mr. SYMES: Of 133 citizens of Colorado.

By Mr. WEST: Resolution of Derry Wall Lodge, No. 2, Loyal Orange Institution of the United States, in favor of Senate bill 194.

SENATE.

TUESDAY, *January* 25, 1887.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM ILLINOIS.

Mr. CULLOM. I desire to announce that Hon. CHARLES B. FARWELL, Senator-elect from the State of Illinois, is present and ready to take the oath of office.

The PRESIDENT *pro tempore*. The Senator-elect will please come forward and the oath of office will be administered to him.

Mr. FARWELL, escorted by Mr. CULLOM, advanced to the desk of the President *pro tempore*, and the oath prescribed by law having been administered to him he took his seat in the Senate.

CREDENTIALS.

Mr. FRYE presented the credentials of EUGENE HALE, chosen by the Legislature of Maine as Senator from that State for the term beginning March 4, 1887; which were read and ordered to be filed.

FRENCH SPOLIATION CLAIMS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a report from the Court of Claims of their findings of fact and conclusions of law in the cases of claims on account of spoliations by the French considered by that court under the provisions of the act of January 30, 1885. If there be no objection the communication will be printed and referred to the Committee on Claims.

Mr. COCKRELL. Is there not a letter of transmittal?

The PRESIDENT *pro tempore*. It is quite a long document. Does the Senator make any motion?

Mr. COCKRELL. No. It is proper to have the report referred to the Committee on Claims. I thought there might be a short letter of transmittal which would indicate more fully the subject-matter.

The PRESIDENT *pro tempore*. There is no letter accompanying the report, but simply the caption which the Chair has stated.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, submitting, in compliance with a resolution of January 17, 1887, a statement showing the value of miscellaneous supplies furnished the several bureaus of that Department during the fiscal year ended June 30, 1886, charged to the contingent appropriation for the Department for that year; which was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. 2981) to abrogate the powers of the executive officers of the United States in allowing indemnity locations or scrip for confirmed, unsatisfied private land claims, under section 3 of the act of Congress approved June 2, 1858 (United States Statutes at Large, volume 11, pages 294 and 295, chapter 81), and to vest that power in the courts of the United States, was read twice by its title, and referred to the Committee on Public Lands.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions adopted by the American Berkshire Association favoring the passage of the agricultural experiment-station bill; which were ordered to lie on the table.

Mr. PLUMB. I present a memorial of the Legislature of the State of Kansas in regard to a matter of very great importance, to wit, the method of disposing of lands for sale under the judgments rendered by the Federal courts. I ask that it may be read at length and referred to the Committee on the Judiciary, and I desire to especially call the attention of that committee to it in connection with the bill which has recently passed the other House on the general subject of the jurisdiction of the Federal judiciary, which is now pending before that committee.

The memorial was read and referred to the Committee on the Judiciary, as follows:

[House concurrent resolution No. 10. By Mr. Bond.]

Whereas under the existing system and laws of civil procedure in the Federal courts of the United States the real estate of judgment debtors is allowed to be advertised for sale and sold at places remote from the county wherein situated; and

Whereas by the means of such system and laws a judgment debtor is often rendered powerless to save his home or lands from being bought in by judgment creditors or speculators, at prices that are ruinous to the debtor, by reason of the fact that those acquainted with such home or lands, and who know their true value and might be disposed to buy the same, have no knowledge of an advertisement for sale of such home or lands, and for the further reason that the distance to the place of sale prevents their presence at such sale, even when such proposed sale is known to them; and

Whereas thousands of such judgment debtors are too poor to defend suits in the Federal courts, and, much more, to procure the attendance of bidders able to protect their interests at such a sale so made, remote from the location of the home or lands, and are thus made liable to be seriously impoverished and injured, when by just procedure and rightful privileges much of the value of their homes and lands might be saved to them in money: Therefore,

Be it resolved by the house of representatives of the State of Kansas (the senate concurring therein),

First. That the statutes of the United States should be so amended as to require that all lands to be sold under process from a Federal court be advertised for sale in the county where such land is situated, and that the sale thereof shall take place at the door of the court-house in such county in pursuance of such advertisement of a sale.

Second. That our Senators and Representatives in Congress be, and they are hereby, instructed that it is the wish of the people of Kansas that they severally use their utmost endeavors to so cause the statutes of the United States to be amended as to carry out the objects herein stated

Third. That a printed copy hereof be at once sent by the secretary of state to each Senator and Representative in Congress from the State of Kansas.

STATE OF KANSAS, *Office of Secretary of State:*

I, E. B. Allen, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the house concurrent resolution now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal.

Done at Topeka, Kans., this 21st day of January, A. D. 1887.

[SEAL.] E. B. ALLEN, *Secretary of State.*

Mr. PLUMB. I present a petition signed by the executive committee of the Grand Lodge of the Independent Order of Good Templars of the State of Kansas, on behalf of a membership of three thousand, petitioning for the favorable consideration and early passage of the bill (S. 1579) granting to the people of the District of Columbia the right to determine by ballot whether intoxicating liquors may hereafter be legally manufactured and sold in said District or not.

I desire to say in regard to the petition that I am in favor of conferring upon the persons of proper age in the District of Columbia the right of suffrage for municipal purposes, and of making the city of Washington the best possible illustration of the republican idea of self-government. I believe it would conduce to the comfort of Congress, to the welfare of the people of the District, and, as I think, to the glory of republican institutions.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on the District of Columbia.

Mr. EDMUNDS presented the petition of David S. Moody, a citizen of the State of Vermont, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. MAHONE presented the petiton of John F. Lewis, of Lynnwood, Va.; which was read and referred to the Committee on Privileges and Elections, as follows:

LYNNWOOD, VA., *January* 19, 1887.

To the Senate of the United States:

I respectfully ask that my salary be paid from the commencement of my term to the time that it was paid, and your petitioner will ever pray, &c.

JOHN F. LEWIS.

Mr. COKE. I present a concurrent resolution of the Legislature of the State of Texas. I ask that it be read, referring as it does to a bill pending in this body.

The resolution was read, and referred to the Committee on Indian Affairs, as follows:

House concurrent resolution relating to the right of way through the Indian Territory for the Chicago, Rock Island and Pacific Railway Company.

Whereas the Chicago, Rock Island and Pacific Railway Company is now constructing a railway across the State of Kansas to Caldwell, near the south line of said State, which point will be reached about June 1, 1887, and proposes to extend said line of railway across the Indian Territory, into the State of Texas, and across said State in several directions, and desire to push the construction of said lines as rapidly as possible; and

Whereas said company now have a bill pending in the United States Congress granting right of way across said Indian Territory, which said company desires to have amended so as to authorize the branching of said line in said Indian Territory so as to reach the State of Texas by the different routes desired; and

Whereas said company intends to begin the construction across said Indian Territory about April 1, 1887: Therefore,

Be it resolved by the house of representatives (the senate concurring), That our Representatives in Congress be requested and our Senators instructed to use all honorable means to secure the passage of the bill granting said Chicago, Rock Island and Pacific Railway Company the right of way across said Indian Territory by this the Forty-ninth Congress, and at as early a day as possible.

Be it further resolved, That the chief clerk of the house of representatives be, and he is hereby, instructed to transmit to each of our Senators and Representatives a copy of the foregoing preamble and resolution.

HALL OF THE HOUSE OF REPRESENTATIVES,
Austin, Tex., January 18, 1887.

I hereby certify that the above and foregoing concurrent resolution originated in the house and passed the same January 17, 1887; and, further, that the same was returned from the senate, as passed, January 18, 1887.

WILL LAMBERT,
Chief clerk house of representatives.

Mr. DAWES presented the petition of George W. Stearns and others, citizens of Hadley, Mass., praying for the enactment of an international arbitration bill; which was referred to the Committee on Foreign Relations.

Mr. MILLER presented resolutions adopted by Maxson Post, Grand Army of the Republic, of Alfred Center, N. Y., urging the passage of the Edmunds-Tucker bill for the suppression of polygamy; which were ordered to lie on the table.

Mr. ALDRICH presented the petition of the Rumford Chemical Works, of Providence, R. I.; the petition of Clarence J. Luce and other citizens of Providence, R. I.; and the petition of W. B. Blanding and other wholesale druggists of Providence, R. I., praying for the repeal of the internal-revenue taxes; which were referred to the Committee on Finance.

Mr. MCMILLAN. I present a joint resolution of the Legislature of the State of Minnesota, in favor of the interstate-commerce bill, and in-

structing the Senators and requesting the Representatives from that State to vote for the passage of the bill.

I also present a joint resolution of the Legislature of the State of Minnesota of the same general character, although somewhat different in form, and a telegraphic communication from the secretary of state of Minnesota, advising the Senators of the passage of these resolutions in accordance with one of the resolves embraced in the joint resolution presented.

The PRESIDENT *pro tempore*. The resolutions will be printed in the RECORD and ordered to lie on the table.

The resolutions are as follows:

A joint resolution urging upon Congress the passage of the pending bill for the regulation of interstate commerce.

Whereas there is now pending in the Congress of the United States a bill to establish a system of national regulation and supervision of the interstate commerce of the country, and for the control of railroad corporations doing business in two or more States on continuous lines: Therefore,

Be it resolved by the Legislature of the State of Minnesota:

That we respectfully urge upon Congress the passage of said bill, and we instruct our Senators and request our Representatives to vote for the same.

The people of Minnesota can not understand why there should not be the same competition between railway corporations as exists between all other forms of business enterprise. The people, having created the railroads by grants of corporate privileges and largesses of lands or money, are entitled to all the benefits justly derivable from the same. And all combinations, by pooling of business or earnings to prevent competition, simply mean high rates of profit to the holders of railroad stock at the expense of low rates of earnings to the people. It is the duty of Congress to so act as to insure the general prosperity of the many, for therein will be found the best guarantee for the success of the few. The prosperity of the people is a national necessity; the continued existence of railway companies, based largely on fictitious and fraudulent capital, is not. Even should some of these companies be driven to the wall under the pressure of unlimited competition, the railroads themselves will still remain, and they would, in all probability earn a reasonable interest on the money actually invested in their construction. But if they did not, they would have no more to complain of than thousands of manufacturing, commercial, agricultural, and mining enterprises which have utterly failed under the fierce ordeal of competition. Railroad companies have no more right to ask that the Government shall make them profitable at the expense of the people than the owner of a mill, a shop, a farm, or a mine would have to make the same demand. Unrestricted competition is the great force to which all men and interests in the world have to submit, and we see no reason why the common carriers of this country should, by the action or non-action of Government, be permitted to make themselves an exception to the universal law.

The people of Minnesota do not ask that on long lines of railway the rate of charge for transportation of property shall be the same per mile for every mile hauled; but we do ask that the aggregate charge for a short distance shall not be greater than the aggregate charge for a longer distance in the same direction. In other words, while we do not demand that the charge for 10 miles shall be one-tenth of the charge for 100 miles, we do object to making the charge for 10 miles greater than the charge for 100 miles. Neither do we ask that Congress, or the commission to be appointed under the act of Congress, shall fix minimum rates below which charges shall not fall, but maximum rates above which they shall not rise. We respectfully urge that nothing shall be done by Congress that will lessen or limit the commercial facilities of the intercontinental portions of the nation. It is their right to reach the seacoast and the external world by the cheapest and best instrumentalities that civilization can give them.

Resolved, That the secretary of state telegraph the substance of these resolutions to our Senators, and forward a copy of the resolutions themselves to the President of the United States Senate and to the Speaker of the House of Representatives, and to each of our Senators and Representatives in Congress; "and that our Senators and Representatives in Congress be further specially urged and instructed to favor an amendment to said bill, as in their judgment, to endeavor to procure an enactment: *Provided, further*, That it shall be unlawful for any common carrier subject to the provisions of this act to charge or receive any greater compensation per ton per mile for the transportation of like kind or class of property under substantially similar circumstances and conditions for a longer than a shorter distance over the same line in the same general direction, or from the same original point of departure, or to the same point of arrival, but this shall not be construed as authorizing any common carrier within the terms of this act to charge and receive as great a rate of compensation per ton per mile for the longer as for the shorter distance."

WILLIAM R. MERRIAM,
Speaker of the House of Representatives.
A. E. RICE,
President of the Senate.

Approved January 18, A. D. 1887.

STATE OF MINNESOTA, *Department of State:*

I hereby certify that I have carefully compared the foregoing with the original now on file in this department, and that it is a true and correct copy thereof, and of the whole of the same.

Witness my hand and the great seal of the State this 20th day of January, A. D. 1887.

[SEAL.] H. MATTSON, *Secretary of state.*

Joint resolution requesting our Senators and Representatives in Congress to give their support to a pending bill to regulate interstate commerce and to prevent unjust discrimination by common carriers.

Be it enacted by the Legislature of the State of Minnesota:

Whereas section 4 of Article X of the constitutio of the State of Minnesota provides that all corporations being common carriers, enjoying the right of way in pursuance of the provisions of this section, shall be bound to carry the mineral, agricultural, and other productions of manufactures on equal and reasonable terms; and

Whereas many of the railroad corporations, chartered and endowed with munificent grants and valuable franchises, rights, and privileges by this State, have, by their extension through growth and consolidation, become interstate common carriers, and as such claim freedom from State jurisdiction and regulation; and

Whereas all attempts at State regulation designed to protect the people of the State from such common misuse of railroad corporate power as rebates, pooling, and unequal and unreasonable traffic charges have heretofore proved insufficient by reason of the position of these corporations as being mediums of interstate commerce, as claimed by them; and

Whereas there is now pending in the Senate branch of the Congress of the United States a bill for regulation of interstate commerce, the application of the principles of which to the regulation of the common carriers of this State would be of great advantage to the agricultural, manufacturing, and mercantile interests of our State; and

Whereas said pending bill does not, but should, in our judgment, include a provision making it unlawful for any common carrier carrying freight from one State into another to charge a higher rate per ton per mile for a longer than for a shorter continuous haul; and

Whereas this conceded correct principle of traffic is constantly violated by the common carriers of this State and of the country, and its violation made a means to enforce unjust discrimination against and in favor of cities and towns of the State and country: Therefore,

Be it resolved by the Legislature of the State of Minnesota, That our Senators and Representatives in Congress be, and they are hereby, requested to give their active and earnest support to the pending interstate-commerce bill, and to introduce and support an amendment thereto as above indicated.

Resolved, That a copy of the above preamble and resolutions be sent by the governor of the State to our Senators and Representatives in Congress and to our State agent.

A. E. RICE,
President of the senate.
WILLIAM R. MERRIAM,
Speaker of the house of representatives.

Approved January 18, 1887.

STATE OF MINNESOTA, *Department of state:*

I hereby certify that I have carefully compared the foregoing with the original now on file in this department, and that it is a true and correct copy thereof, and of the whole of the same.

Witness my hand and the great seal of the State this 21st day of January, A. D. 1887.

[SEAL.] H. MATTSON, *Secretary of state.*

Mr. CULLOM presented the petition of William W. Marmon and 6 other druggists of Bloomington, Ill., praying for a reduction of internal-revenue taxes; which was referred to the Committee on Finance.

He also presented the petition of Orvin R. McDaniel, of Shumway, Ill., praying that he be granted an honorable discharge from the Army; which was referred to the Committee on Military Affairs.

He also presented a joint resolution of the Legislature of the State of Illinois; which was read and referred to the Committee on Agriculture and Forestry, as follows:

PLEURO-PNEUMONIA.

Joint resolution adopted by the thirty-fifth General Assembly of the State of Illinois.

Whereas the existence of contagious pleuro-pneumonia among cattle in the United States is the result of negligence upon the part of the Federal Government in failing to enact and enforce proper quarantine measures on the seaboard; and

Whereas the various States and Territories of the Union have, for their own protection, been compelled to resort to embarrassing quarantine regulations, thereby seriously obstructing interstate commerce; and

Whereas this disease has, during the past two years, made rapid progress in spite of the utmost endeavor of State authorities: Therefore,

Resolved by the senate (the house concurring therein), That we do hereby urge upon Congress the speedy enactment of the bill now pending in the United States Senate for the suppression of exotic contagious diseases among cattle, to the end that one of our greatest business industries may be relieved from an impending calamity, that the meat supply of the nation may be saved from losses which would directly affect every consumer of meat, and that the foreign stigma now attached to one of our principal articles of export may be removed.

Resolved, That the vigorous measures proposed in the Miller bill should be made to apply only to diseases of foreign origin, and not to common diseases to which the cattle of the United States are subject, and which are only equivalent to the ordinary dangers to which other branches of business are subjected.

Adopted by the senate January 12, 1887.

J. C. SMITH, *President.*
L. F. WATSON, *Secretary.*

Concurred in by the house of representatives January 13, 1887.

W. F. CALHOUN, *Speaker.*
JOHN A. REEVE, *Clerk.*

UNITED STATES OF AMERICA.

STATE OF ILLINOIS, *Office of Secretary, ss:*

I, Henry D. Dement, secretary of state of the State of Illinois, do hereby certify that the foregoing is a true copy of a resolution adopted by the thirty-fifth General Assembly of the State of Illinois, and now on file in this office.

In witness whereof I hereto set my hand and affix the great seal of State, at the city of Springfield, this —— day of ——, 188—.

[SEAL.] HENRY D. DEMENT,
Secretary of State.

Mr. INGALLS. I present resolutions adopted by a mass meeting of the citizens of the District of Columbia in favor of the construction of a bridge at the eastern terminus of Pennsylvania avenue across the East Branch. The bill having been reported favorably by the committee, I move that the resolutions lie on the table.

The motion was agreed to.

Mr. INGALLS presented resolutions adopted by Leavenworth Post, No. 120, Department of Kansas, Grand Army of the Republic; George Ellis Post, No. 171, Department of Kansas, Grand Army of the Republic; Hackleman Post, No. 258, Department of Kansas, Grand Army of the Republic; Lookout Post, No. 96, Department of Kansas, Grand Army of the Republic; E. C. Johnson Post, No. 336, Department of Kansas, Grand Army of the Republic; and James Montgomery Post, No. 154, Department of Kansas, Grand Army of the Republic, all favoring action upon the anti-polygamy bill; which were ordered to lie on the table.

Mr. MITCHELL, of Pennsylvania, presented a petition of wholesale druggists of Pittsburgh and Allegheny cities, Pa., and a petition of citizens of Caln Township, Chester County, Pennsylvania, praying for the repeal of the internal-revenue taxes; which were referred to the Committee on Finance.

Mr. FRYE presented a petition of citizens of Portland, Me., praying that internal taxation be reduced as rapidly as the condition of the Treasury will allow; which was referred to the Committee on Finance.

Mr. GIBSON. I present a memorial of the officers and members of the Louisiana State Ministerial Association, composed of colored people, in favor of the amelioration of the condition of the people religiously, socially, and educationally, and especially in favor of the Blair bill aiding the States in the establishment of public schools. I move that the memorial lie on the table.

The motion was agreed to.

Mr. GIBSON. I also present a memorial adopted at a meeting of steamboatmen held in the city of New Orleans on November 11, 1886, in favor of the more rapid improvement of the Red, Ouachita, and Atchafalaya Rivers and the Bayou Teche. It is signed by R. Sinnott, chairman, A. P. Trousdale, T. C. Sweeney, W. H. Belt, and J. W. Bryant, who constitute the committee on resolutions. I move that the memorial be referred to the Committee on Commerce.

The motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. ALLISON. I submit a report from the conference committee on the army appropriation bill, and ask that it may be disposed of at this time.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10242) making appropriations for the support of the Army for the fiscal year ending June 30, 1888, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 18, and 30.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 19, 20, 22, 23, 24, 25, 26, 29, and 31, and agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: Insert before the words proposed to be inserted by said amendment the words "not exceeding;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Insert before the word proposed to be inserted by said amendment the words "not exceeding;" and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,661,918.69;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,600;" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Strike out from said amendment the word "ordnance" where it first occurs, and strike out the sum named in the last line of the amended paragraph and insert in lieu thereof "$80,000," and the Senate agree to the same.

W. B. ALLISON,
P. B. PLUMB,
A. P. GORMAN,
Managers on the part of the Senate.

EDWARD S. BRAGG,
EGBERT L. VIELE,
GEO. W. STEELE,
Managers on the part of the House.

Mr. EDMUNDS. I should like the Senator to explain the leading topics of this report, as it is impossible, of course, by the mere numbers of the amendments to understand the decision of the conferees.

Mr. ALLISON. I will say in response to the inquiry of the Senator from Vermont that many of these amendments are formal; indeed I may say all of them with the exception, perhaps, of amendment number 26, which is an amendment of some importance relating to the administration of the Army. The Senate struck out that proviso in the bill, and the House conferees have agreed that it shall be stricken out.

Mr. EDMUNDS. Will the Senator just state what the proviso was in the bill? I have it not before me.

Mr. ALLISON. The proviso required that no expenditure should be made for removing troops until the authority of the Quartermaster-General was first procured. That is substantially the proviso. The Senate struck that out, and the House conferees agree to the Senate amendment. It was as we construed it, substantially placing the control of the Army under the Quartermaster-General instead of the General-in-Chief.

The Senate recede from amendments numbered 17 and 18, number 17 being an amendment providing the General of the Army with a clerk. It was insisted upon by the House conferees that this should be provided for in the legislative appropriation bill where the civil force of the Army is provided for, and it was thought that some clerk should be detailed, rather than provided for in this bill, which is a bill for the support of the Army.

The Senate also inserted an amendment providing additional pay to the officer commanding the military prison at Fort Leavenworth, $1,000, which the House conferees refused to agree to and the Senate conferees recede.

The other amendments are amendments changing amounts and generally reducing amounts.

Mr. EDMUNDS. What is the total amount of the appropriation now?

Mr. ALLISON. The total amount of the appropriation as provided for in the bill, if the report of the committee of conference is agreed to, is $23,724,718.

Mr. EDMUNDS. How much was it last year?

Mr. ALLISON. It was last year $28,338.52 more. This is a reduction from the bill of last year of $28,338.52 and is less than the estimates, $1,799,000, in round numbers.

Mr. EDMUNDS. How is that reduction made—in general?

Mr. ALLISON. The most of this reduction of twenty-eight thousand and odd dollars is in a single item, which is an item relating to the incidental expenses of the Ordance Department. Of course there are some miscellaneous changes, increases and reductions, but as a rule the appropriations for the maintenance of the Army are substantially as made last year for quartermaster and commissary supplies, and the pay of the Army.

Mr. EDMUNDS. The principal reduction is in incidental expenses of the Ordnance Department?

Mr. ALLISON. Yes, sir.

Mr. EDMUNDS. Which means experimental work on guns, I suppose?

Mr. ALLISON. No; it does not curtail the amount necessary to be expended for that purpose. It relates chiefly to the appropriation which has hitherto been used largely for clerical force.

Mr. EDMUNDS. All right.

Mr. HAWLEY. I do not know any more favorable opportunity to ask the chairman of the Committee on Appropriations what has become of the fortification appropriation bill of last season, providing for the wants of the current fiscal year. It was reported some months ago as having gone into conference; indeed, I am credibly informed it did so go. But the year is fast passing. If anything is to be done with that bill we should be glad to know it, I am sure; and if there is not to be anything reported or done, it is time that we should be pressing for some action in the direction of coastwise defenses.

Mr. ALLISON. I will say in response to the inquiry of the Senator from Connecticut that at the close of the last session, as he will remember, the Senate amended the fortification appropriation bill and returned it to the other House and a conference was ordered upon it. The conferees were unable to agree. I believe my honorable friend from Massachusetts [Mr. DAWES] is chairman of the conference committee. I understand that they have made special efforts at this session to come to an agreement and finally made some effort to secure a meeting, which I believe has failed from time to time. The Senator from Massachusetts can explain that more in detail, and I hope he will.

Mr. EDMUNDS. So do I.

Mr. DAWES. The committee of conference held two or three meetings during the first session of this Congress and were unable to agree. They made report to their respective Houses, and their reports were accepted and a new committee appointed, which held meetings with the same result and made the same report. A new committee was appointed at the close of the last session. Immediately upon the assembling of this session the committee were called together and have had several meetings without being able as yet to agree.

Whether it is proper to state what difficulties are found to exist in the committee of conference I am not certain. I have no objection to stating what the difficulties are, if it is a proper matter for disclosure here. There is some prospect that in some shape there may be an early agreement.

The conferences have been interrupted by the absence of two of the members of the committee of conference on the part of the House, one of them having been called home to Alabama by telegraph on account of sickness in his family. As soon as the conferees can be got together again it is the intention of the committee to make further effort, with what result no one can tell.

The difficulties seem to be radical. The difference in the conference committee is between doing substantially nothing and appropriating $5,000,000 or $6,000,000 to begin the work of coast defenses. No one can need in this body to have his attention called to the necessity and importance of beginning that work. There seems to be a lack of confidence on the part of some of the members of the committee in those who would execute the law under existing administration.

Mr. HAWLEY. The Senator is not referring to the Senate members of the conference, I suppose?

Mr. DAWES. I am not referring to any member of the conference committee on the part of the Senate. I think if the committee of conference could be induced to establish a new bureau for the purpose of executing the law a good deal of the difficulty could be got over. Whether they will be able to agree to that and report to their two Houses for sanction I am not quite able to say.

The PRESIDENT *pro tempore*. The question is upon the adoption of the report of the committee of conference, submitted by the Senator from Iowa.

The report was concurred in.

LANDS IN SEVERALTY TO INDIANS.

Mr. DAWES submitted the following report, which was read:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the pro-

tection of the laws of the United States and the Territories over the Indians, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 2, 4, 5, 6, 8, 11, 12, 13, 14, 15, 16, 17, 18, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same, with an amendment as follows: Strike out the said amendment of the House, and insert in lieu thereof the following, namely:

"That in all cases where any tribe or band of Indians has been, or shall hereafter be, located upon any reservation created for their use, either by treaty stipulation or by virtue of an act of Congress or executive order setting apart the same for their use, the President of the United States be, and he hereby is, authorized, whenever in his opinion any reservation or any part thereof of such Indians is advantageous for agricultural and grazing purposes, to cause said reservation, or any part thereof, to be surveyed, or resurveyed if necessary, and to allot the lands in said reservation in severalty to any Indian located thereon, in quantities as follows:

"To each head of a family, one-quarter of a section;

"To each single person over eighteen years of age, one-eighth of a section;

"To each orphan child under eighteen years of age, one-eighth of a section; and

"To each other single person under eighteen years now living, or who may be born prior to the date of the order of the President directing an allotment of the lands embraced in any reservation, one-sixteenth of a section: *Provided*, That in case there is not sufficient land in any of said reservations to allot lands to each individual of the classes above named in quantities as above provided, the lands embraced in such reservation or reservations shall be allotted to each individual of each of said classes pro rata in accordance with the provisions of this act: *And provided further*, That where the treaty or act of Congress setting apart such reservation provides for the allotment of lands in severalty in quantities in excess of those herein provided, the President, in making allotments upon such reservation, shall allot the lands to each individual Indian belonging thereon in quantity as specified in such treaty or act: *And provided further*, That when the lands allotted are only valuable for grazing purposes, an additional allotment of such grazing lands, in quantities as above provided, shall be made to each individual."

And that the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows, namely: Strike out the word "two" in said amendment and insert in lieu thereof the word "four;" and that the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 7, and agree to the same with an amendment as follows, namely: Insert after the word "may" and before the word "in" in said amendment, the words "in any case;" and that the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 9, and agree to the same with an amendment as follows, namely: Add to said amendment the following words:

"*And provided further*, That no patents shall issue therefor except to the person so taking the same as and for a homestead, or his heirs, and after the expiration of five years' occupancy thereof as such homestead; and any conveyance of said lands so taken as a homestead, or any contract touching the same, or lien thereon, created prior to the date of such patent, shall be null and void."

And that the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 10, and agree to the same with an amendment as follows, namely: Insert in place of the words to be stricken out by said amendment, the following words:

"And the sums agreed to be paid by the United States as purchase-money for any portion of any such reservation shall be held in the Treasury of the United States for the sole use of the tribe or tribes of Indians to whom such reservations belonged, and the same, with interest thereon at 3 per cent. per annum, shall be at all times subject to appropriation by Congress for the education and civilization of such tribe or tribes of Indians or the members thereof."

And that the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 19, and agree to the same with an amendment as follows, namely: Strike out the words proposed to be inserted by said amendment, and insert instead thereof the following:

"SEC. 11. That nothing in this act shall be so construed as to prevent the removal of the Southern Ute Indians from their present reservations in Southwestern Colorado to a new reservation by and with the consent of a majority of the adult male members of said tribe."

And that the House agree to the same.

H. L. DAWES,
THOS. M. BOWEN,
J. K. JONES,
Managers on the part of the Senate.

T. G. SKINNER,
S. W. PEEL,
B. W. PERKINS,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The question is on concurring in the report.

Mr. DOLPH. I have not been able to follow the conference report so as to ascertain what changes have been made in the bill. It is a very important bill, affecting the future relations of the Government to the Indians and the future welfare of the Indians. I should like to ask the chairman of the committee of conference a question or two so as to know if I am correct. Do I understand that the changes made by the House amendments and the conference committee permit a lien or disposition of lands that shall be allotted to Indians in severalty after the lapse of a less period than that provided in the bill as passed by the Senate—twenty-five years? Also, do I understand that the provision inserted in the bill in the Senate——

Mr. DAWES. Will the Senator put his first interrogatory again?

Mr. DOLPH. My question is whether such changes have been made in the bill that instead of the bill as it passed the Senate providing that the land which shall be allotted to Indians in severalty can only be disposed of or be subject to liens after a period of twenty-five years, it now allows that to be done after five years?

Mr. DAWES. No; that has not been changed, except in this way, that the President may, in his discretion in any particular case, extend the time after the twenty-five years. The time limiting the power of alienation is not reduced at all, but has this further extension in the discretion of the President as to any particular case.

Mr. DOLPH. According to the conference report, when are patents to issue to the individual Indians?

Mr. DAWES. If the Senator will get the bill he will see. As soon as the individual Indian takes up his allotment he is to have a patent which shall be of the legal effect that the United States holds in trust this particular tract of land for the sole use and benefit of the particular Indian for the period of twenty-five years, at the end of which time the United States is to give him a patent in fee of the land; and then to that is added a provision that in any particular case the President may extend that twenty-five years' limit so that the United States shall in that particular case hold the land in trust for the Indian a further time.

Mr. DOLPH. I am familiar with the provisions of the bill as it passed the Senate, but the first amendment read at the desk seemed to be a long one, providing for the allotment of the lands and also a new provision in regard to the issuance of patents. Of course I have had no opportunity to examine the report.

Mr. DAWES. The other House rewrote the clause which that amendment superseded, and it was thought in confidence that it was not improved by their rewriting; and so they have receded from their phraseology and have agreed to restore the original text of that section almost entirely. It was necessary, however, in putting it into the report to put in the new form in which it was agreed to.

Mr. DOLPH. I should like to ask the Senator another question. When the bill was under discussion I proposed an amendment to the effect that the proceeds of the lands which should be sold should be placed in the Treasury of the United States at interest, that the interest might be used at any time for educational or other purposes for the benefit of the Indians, but that the principal should not be subject to be diminished until the expiration of twenty-five years. That was recommended to me by General Sheridan and by others who are familiar with the Indian question. The argument was that by the bill we proposed to break up the reservations and take the means which the Government now has for taking care of these Indians and dispose of them, distribute the lands, sell the surplus, place the money in the Treasury, and that the principal of the proceeds of the lands sold was to be used in the mean time before the expiration of the twenty-five years for the benefit of the Indians, and at the end of the twenty-five years, if the policy now being pursued by the Government is changed, instead of the Indians being self-sustaining and self-supporting we should have a large number of paupers on our hands without anything but the money in the Treasury derived from taxation to support them. I understand, if I have correctly heard the reading of the conference report, that has been changed and that provision has been abandoned and the principal as well as interest may be appropriated at any time.

Mr. DAWES. I will state to the Senator that the bill as it passed the Senate in this regard was in these words:

And the principal of all sums agreed to be paid by the United States as the purchase-price of any portion of any such reservation shall be payable only to the Indians or Indian tribe from whom such purchase was made by express authority of Congress, after the expiration of twenty-five years from the purchase of said lands; but the same shall, in the meantime, be placed in the Treasury of the United States to the credit of the tribe or tribes of Indians entitled thereto; and in the meantime, and until such principal sum shall be paid over to or expended for the benefit of said Indians, the United States shall pay interest annually upon said principal sums at the rate of 5 per cent. per annum, which interest shall be paid to the Secretary of the Interior for the use and benefit of such Indian tribes, and shall be used for the purpose of educating and preparing them for self-support, and applied to their support and maintenance, as may be necessary.

That was deemed by the Senate a very wise provision. It was stricken out entirely by the other House without any substitute for it, leaving the purchase-money for any portion of the reservation of any tribe to be disposed of just as the United States might choose to dispose of it, unless the Indians who made the agreement with the United States to sell were provident enough to make a condition of sale such as would secure it to them. The conferees on the part of the House insisted that the proceeds of the Indian lands were the common property of the United States, and should be put in the Treasury of the United States, to be appropriated for the benefit of Indians generally. They adhered very strongly to the House amendment to strike out this provision, insisting upon it that the Indians could take care of themselves in making any agreement with the United States to sell, and that it was competent for them to say, we will sell, provided the proceeds of the sale shall be devoted to our use after twenty-five years, or after ten, or after any number of years. It was deemed by the Senate conferees a very dangerous thing to leave it to the discretion of the Indians themselves. They said that if the Indians were as keen as a Yankee they would be likely to make a provident contract; but not yet have they quite arrived at that advanced stage of civilization.

After long conference the conferees agreed to substitute for nothing on the part of the other House and for this provision on the part of the Senate, a stipulation which the Secretary will read. Let the Secretary read the substitute for the amendment that "the principal of all sums agreed to be paid," &c.

The Chief Clerk read as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 10, and agree to the same with an amendment as follows, namely: Insert in place of the words to be stricken out by said amendment the following words:

"And the sums agreed to be paid by the United States as purchase-money for

any portion of any such reservation shall be held in the Treasury of the United States for the sole use of the tribe or tribes of Indians to whom such reservations belonged, and the same, with interest thereon at 3 per cent. per annum, shall be at all times subject to appropriation by Congress for the education and civilization of such tribe or tribes of Indians or the members thereof."

And that the House agree to the same.

Mr. DAWES. The difference, the Senator will see, between that and the text as it went from the Senate is this: "It enables the United States, in cases where they think the exigencies of the Indians require it, to make an appropriation from time to time to these funds for the very purposes that the Senator sought to secure by his amendment." It also provides that instead of its being at 5 per cent. interest while it remains in the Treasury it shall be at 3.

The conferees on the part of the House were unwilling to put it beyond the control of Congress in all cases for twenty-five years. They thought and I think there are cases, and we have had an experience in dealing with Indians where there are cases, where it is wise to take a portion of the principal for present exigencies or future exigencies of the Indians, and it is better than it is to wait twenty-five years. The objection to it is that it will be an improvident appropriation from time to time, that it will be frittered away, that the Indian or some person in the interest of the Indian will be coming here to get portions of it taken until it gets away. That is the danger of it, but it was impossible to get the conferees on the part of the House to agree to tie it up absolutely for twenty-five years.

The other change is the difference between 5 per cent. and 3 per cent. interest. Five per cent. is the uniform rate of interest paid for Indian funds, and the answer to that on the part of the House was that that rate was established at a time when all interest was at that high rate; all interest now is at 3 per cent. and less, and they insisted upon those two amendments, and the Senate yielded.

Mr. DOLPH. If the Senator from Massachusetts has concluded I desire to say a word.

I understand now the effect of the modified amendment of the House in regard to the disposition of the proceeds of the sale of the surplus lands of the reservation. I do not think the Senator is right in saying that the main object to be secured by the Senate amendment was to prevent an improvident disposition of the proceeds of these lands. The provision in the Senate bill for the retention of the principal of the proceeds of these lands in the Treasury for twenty-five years was prepared by myself, and after discussion and consultation with the committee I understood the committee to favor the proposition. I do not understand that the committee now have concluded that the provision was not a wise one.

There are some two hundred and fifty thousand Indians in the United States who are the wards of the Government. We control their persons, to a certain extent, and their property. We make large annual appropriations out of the Treasury for their maintenance and their support. What I fear is that if the reservations are allotted to Indians in severalty and made alienable after twenty-five years and the residue of the reservations sold and the money placed in the Treasury and from time to time appropriated for the benefit of the Indians, we shall have this state of facts within a very few years after the expiration of the twenty-five years when the lands allotted to them are alienable: As soon as they come in control of these lands they will pass out of their control, be sold, the proceeds squandered, and the proceeds of the sale of their lands will have been exhausted by Congressional appropriations for their benefit in the mean time, and they will not have been prepared by the policy of the Government to be self-supporting; and the result will be that we shall have a quarter of a million paupers, or more, on the hands of the Government, to be supported by annual appropriations from the Treasury.

Therefore, in order that there may be economy in the money which we appropriate for their use during this period of twenty-five years, economy in the disposition of the moneys which belong to them, the proceeds of the sales of their reservations, in order that they may not be paupers at the end of these twenty-five years, I desire to retain the principal of the proceeds of the sale of their lands for their use at the expiration of that time; and I think it is a very dangerous policy even to announce that the money shall be expended, that appropriation shall be made.

Mr. DAWES. The Senator goes upon the ground that there will not be any future Congress nearly as wise as this. That may perhaps be the case, though I shall not speak with any great confidence of it. We have got to trust future Congresses in a great many things, and while I agree with the Senator that I would like to put this beyond the reach of future Congresses, I would not give up this whole bill for that.

I want to say further that there were a great many suggestions of improvement of this bill which reached the committee of conference. After both Houses had passed upon the bill some very valuable suggestions came from the executive department and others from other quarters, but it was impossible for the committee of conference to embrace any new matter in their report not passed upon by either House. I make this statement so that those who are interested in these suggestions of improvement will know why they do not appear in this bill. It was not because the suggestions were not wise in themselves, but because they came too late to be incorporated in the bill.

Why the bill has this difference in it from the bill as it passed the Senate I have sufficiently explained. To my mind it is not a very great objection to this bill that we trust future Congresses to say when they will make appropriations from the principal of this fund. I believe that it had better be kept in most cases entire on interest, but there are cases to-day and there will arise every year cases where it will be the wisest thing in the world to take some portion of the principal for pressing exigencies.

Mr. DOLPH. Why not make appropriations from the general fund in the Treasury as we do now in such cases?

Mr. DAWES. If the Senator will go upon the Committee on Appropriations and get a little experience in that matter, he will see why anybody who has been on that committee does not like to trust to that source.

Mr. DOLPH. I do not think the suggestion that I suppose future Congresses will not be as wise as the present one was called forth by any remark I made. We are now passing a law that is in the nature of an agreement and contract with these Indians, and certainly it is prudent to put it in the best shape in which it can be placed. That was the cause of my remark, not that I supposed there was to be no wisdom or disposition to economy in any future Congress.

The PRESIDENT *pro tempore*. The question is on the report of the committee of conference.

The report was concurred in.

REPORTS OF COMMITTEES.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1740) for the relief of William K. Hammond, reported adversely thereon, and the bill was postponed indefinitely.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8258) granting a pension to Waitie F. Harris;
A bill (H. R. 5398) granting a pension to Mrs. Margaret Cashin;
A bill (H. R. 7983) granting a pension to Mrs. Anna Schier;
A bill (H. R. 9025) for the relief of Mrs. Sophia Sprain, widow, and two minor children of Louis F. Sprain;
A bill (H. R. 9169) to place on the pension-roll the name of Charles T. Wornom;
A bill (H. R. 9250) for the relief of William B. Barnes;
A bill (H. R. 7911) granting a pension to Daniel Schultheis;
A bill (H. R. 8227) granting a pension to Seth Weldy;
A bill (H. R. 9004) for the relief of Caroline P. Bolton;
A bill (H. R. 3167) to restore the name of Lifurs Roberson to the pension-roll;
A bill (H. R. 8949) granting a pension to Luke Horobin;
A bill (H. R. 7547) granting a pension to Livingston Clark;
A bill (H. R. 6069) granting a pension to Owen P. Wilson;
A bill (H. R. 7699) granting a pension to E. A. McFadden;
A bill (H. R. 9443) granting a pension to Elizabeth M. King;
A bill (H. R. 9444) granting a pension to Frederick Richmond;
A bill (H. R. 7689) granting a pension to Caroline C. McNair;
A bill (S. 2421) granting a pension to Mrs. Maria C. McPherson; and
A bill (S. 2834) granting a pension to Mrs. Hettie K. Painter.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. 1649) for the relief of William M. Bryant, of Washington city, D. C., reported it with an amendment, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 7352) granting a pension to Mrs. Sarah Randles;
A bill (H. R. 10152) granting a pension to Ellen M. Sturtevant;
A bill (H. R. 5506) granting a pension to Emily Louisa Spicer;
A bill (H. R. 8424) granting a pension to James H. Young;
A bill (H. R. 8002) to increase the pension to Loren Burritt;
A bill (H. R. 9426) granting a pension to Betsey Cooney; and
A bill (H. R. 8632) for the relief of Emily Luther.

Mr. MITCHELL, of Pennsylvania, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 9130) granting a pension to Sarah O'Brien; and
A bill (H. R. 6026) granting a pension to John Selby.

ALLEGED OUTRAGE IN TEXAS.

Mr. HOAR. I am directed by the Committee on Privileges and Elections, to whom was referred the memorial of Stephen A. Hackworth, James L. Moore, and Carl Schutze, citizens of the State of Texas and of the United States, residents of Washington County, Texas, showing that they have been denied their rights as such citizens by the citizens and the constituted authorities of said county, and appealing for redress to the Government of the United States, to report two resolutions, the second of which I desire to have referred to the Committee on Contingent Expenses.

The Chief Clerk read the resolutions, as follows:

Whereas Stephen A. Hackworth, a native citizen of the United States and of the State of Texas; James L. Moore, a native of Alabama, and now for twenty years a citizen of Texas; and Carl Schutze, a native of Germany, for thirty years a resident of the United States, and now a naturalized citizen thereof, have presented their petition to the Senate, wherein they allege that they have been driven from their homes in Washington County, Texas, and compelled to abandon their property at a great sacrifice, and that armed and lawless bands of ruffians have taken possession of and destroyed the ballot-boxes in said county at a late election therein for county officers and members of Congress, and have murdered three citizens of said county, and overthrown republican government therein, and committed other outrages and crimes, all of which have been done in order that the majority of the voters therein may be deprived of their lawful and constitutional right of suffrage, and that the minority may unlawfully usurp and exercise control in said county, and that the constituted authorities of said county and State refuse all remedy for said outrages and crimes;

Be it resolved, That the Committee on Privileges and Elections be, and it is hereby, instructed to inquire into all the circumstances of, and connected with, the said alleged events, and that it report as soon as may be; and that said committee have power to send for persons and papers, to employ a stenographer, and to act by any subcommittee, and that any such subcommittee shall, for the purposes of such investigation, be a committee of the Senate to all intents and purposes.

Resolved, That the necessary expenses of said committee in said investigation be paid out of the appropriation for the miscellaneous items of the contingent fund of the Senate, upon vouchers to be approved by the chairman thereof.

Mr. COKE. I ask that the resolutions lie over.

Mr. SAULSBURY. I desire to say that the resolutions are reported by the committee of which I am a member without my consent. I recorded my vote against them in the committee, and I shall record my vote against them in the Senate.

Mr. EUSTIS. I desire to make the same statement as a member of the committee.

Mr. HOAR. I move that the resolutions and the memorial on which they are based be printed.

The PRESIDENT *pro tempore*. The memorial and resolutions will be printed under the general rule, and will be placed on the Calendar under objection.

Mr. HOAR. I suppose the Senator from Texas has no objection to having the second resolution referred to the Committee on Contingent Expenses under the rule.

The PRESIDENT *pro tempore*. The rule requires the reference, but no action can be taken if a single objection is made.

Mr. HARRIS. The memorial can not be printed under the general rule for printing unless the Senate orders it. The resolution can be.

The PRESIDENT *pro tempore*. It is only the report that will be printed necessarily, but if there be no objection the order to print the memorial and report will be entered.

Mr. HOAR. And the second resolution referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT *pro tempore*. If there be no objection that will be done.

PUBLIC BUILDING AT CHARLESTON, S. C.

Mr. MAHONE. The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 10051) for the erection of a public building at Charleston, S. C., have directed me to report it without amendment.

Mr. BUTLER. May I ask the Senator if he will not have that bill put on its passage at once. I ask the indulgence of the Senate for that purpose.

The PRESIDENT *pro tempore*. The Senator from South Carolina asks unanimous consent of the Senate to proceed to the consideration of this bill at the present time. Is there objection?

Mr. HARRIS. I gave notice yesterday morning that I would object to calling up bills out of their order, because I think we ought to devote the morning hour to the regular call of the Calendar under Rule VIII.

Mr. BUTLER. It will not require three minutes to read and dispose of this bill.

Mr. HARRIS. That may be.

The PRESIDENT *pro tempore*. Objection being made, the bill will be placed on the Calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted on its amendments to the bill (S. 542) for the relief of William Ervin, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RICHARDSON, Mr. KLEINER, and Mr. JOHNSTON, of Indiana, managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6637) relating to contested elections, ske a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. TURNER, Mr. BOYLE, and Mr. PAYNE managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8869) granting a pension to Mrs. Henrietta Drum Hunt, agreed to the conference asked by the Senate on the said bill and amendments, and had appointed Mr. SCOTT, Mr. ELDREDGE, and Mr. ZACH. TAYLOR managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 229) to provide for the erection of a public building at Wilmington, N. C.;

A bill (S. 1532) to regulate commerce;

A bill (S. 1813) to amend the law relating to patents, trade-marks, and copyright;

A bill (S. 2220) granting a pension to James G. Mathes;

A bill (S. 2335) for the relief of the heirs of Malitty Rose;

A bill (S. 2369) granting an increase of pension to William H. H. Price;

A bill (S. 2721) to remove the political disabilities of John K. Mitchell; and

A bill (S. 2848) for the relief of Benjamin P. Loyall, of the State of Virginia.

BILLS INTRODUCED.

Mr. BECK introduced a bill (S. 3207) to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine;" which was read twice by its title, and referred to the Committe on Finance.

Mr. JONES, of Arkansas, introduced a bill (S. 3208) for the relief of Henry M. Rector; which was read twice by its title, and referred to the Committee on Claims.

Mr. VANCE introduced a bill (S. 3209) for the relief of the Sisters of the Holy Cross, in the city of Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. ALDRICH introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3210) granting a pension to Ellen Smith;

A bill (S. 3211) granting a pension to Asa Wilson;

A bill (S. 3212) granting a pension to William M. Houghton; and

A bill (S. 3213) granting a pension to Elvira A. Pierce.

Mr. MAHONE introduced a bill (S. 3214) to provide for paying certain advances made to the United States by the States of Maryland and Virginia; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. INGALLS introduced a bill (S. 3215) to amend chapter 35 of the Acts of Congress, approved February 8, 1881, entitled "An act to provide for the furnishing of certain public documents to soldiers' homes;" which was read twice by its title, and referred to the Committee on Printing.

Mr. INGALLS. I also introduce a bill (S. 3216) to provide for the punishment of certain crimes against the United States.

This bill was prepared at the Department of Justice and transmitted to the Senator from Vermont [Mr. EDMUNDS], who is temporarily absent from the Chamber and at whose request I introduce the bill, saying for him that, while not vouching for its provisions, he has no doubt that the subject is one which requires early attention by the committee. It is accompanied by certain papers that I ask may be referred to the committee with the bill.

The bill was read twice by its title, and referred, with the accompanying papers, to the Committee on the Judiciary.

Mr. MANDERSON. At the request of the Senator from Indiana [Mr. HARRISON] I introduce a bill.

The bill (S. 3217), granting a pension to Hannah Phillips, was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 3218) granting an increase of pension to Maria Hunter; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. BUTLER submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. COCKRELL (by request) submitted an amendment intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MORGAN submitted an amendment intended to be proposed by him to the bill (H. R. 5190) to enlarge the powers and duties of the Department of Agriculture and to create an executive department to be known as the department of agriculture and labor; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

Mr. JONES, of Arkansas, submitted an amendment intended to be proposed by him to the bill (S. 3026) granting to the Washington and Idaho Railroad Company the right of way through the Cœur d'Alene Indian reservation; which was ordered to lie on the table, and be printed.

He also submitted an amendment intended to be proposed by him to the bill (S. 3041) granting the Spokane and Palouse Railway Company the right of way through the Cœur d'Alene Indian reservation; which was ordered to lie on the table and be printed.

Mr. MCMILLAN submitted an amendment intended to be proposed

by him to the river and harbor appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MAHONE. Mr. President, after eighty years had gone by the Congress of the United States passed a law empowering and instructing the Court of Claims to ascertain the liability, if any, of the Government to the citizens of the United States on account of French spoliation, and, if any, to whom and for what amount. That court has determined these questions in respect of four claimants and reported to Congress, as required by the terms of the law, their findings; and to cover the awards made by the court in these cases, I propose an amendment to the sundry civil bill, and ask its reference to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The amendment will be referred to the Committee on Appropriations and printed.

COMPILATION OF VETO MESSAGES.

Mr. MANDERSON submitted the following concurrent resolution, which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the compilation of the veto messages of the Presidents of the United States, made in obedience to a resolution passed by the Senate on the 24th of July, 1886, be printed, and that 3,000 additional copies be printed, of which 1,000 copies shall be for the use of the Senate and 2,000 copies for the use of the House of Representatives.

PAYMENT OF SENATORS' SALARIES.

Mr. MAHONE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be directed to report to the Senate from what time, according to custom and precedent, the salary of Senators is reckoned and paid.

PERSONAL EXPLANATION.

Mr. INGALLS. Mr. President, I find the following on page 952:

Mr. GRAY (when Mr. RANSOM'S name was called). The Senator from North Carolina [Mr. RANSOM] asked me to announce that he is paired with the Senator from Kansas [Mr. INGALLS]. If the Senator from North Carolina were present he would vote "yea."

That statement is entirely correct, but it leaves the inference that if I had been present I should have voted "nay." If I had been present, I should have voted for the passage of the bill.

FLORIDA LAND FORFEITURE.

Mr. CALL. If the morning business is through, I ask the Senate to take up the resolution which I have urged before the Senate; and I ask for a vote upon it.

The PRESIDENT *pro tempore*. Are there further "concurrent or other resolutions?" If not, the morning hour is closed. The Senator from Florida [Mr. CALL] moves that the Senate proceed to the consideration of the resolution submitted by him, instructing the Attorney-General to bring suit for an injunction against the Florida Railway and Navigation Company. On that question the Senator from Alabama [Mr. MORGAN] has the floor.

Mr. MORGAN. Mr. President, it is not at all pleasant to me to oppose any wish of the Senator from Florida in respect to a matter that concerns his own State, and I should not do so if I did not feel that this resolution, if adopted in the terms in which it stands, would be entirely useless, and would also commit the Senate to a line of action that I think would be very improper.

A bill is pending now before the Committee on Public Lands having for its purpose the forfeiture of the land grant to which the resolution refers. That bill covers all the ground that is designed to be taken by the Senator from Florida, I suppose. The opinion of the Interior Department in reference to the propriety of such a measure was requested by the Committee on Public Lands. I read the other day, when the subject was under debate, the reply of the Commissioner of the General Land Office in regard to this bill. That reply shows, as I think, that the bill itself is open to very grave objection. The matter is now pending in the Committee of Public Lands, and will be very soon considered. Indeed I may state that the committee have agreed that they will consider this bill on next Monday, the first committee meeting day.

It is an intricate subject, very involved. The facts about it are not definitely ascertained; the official facts, the facts to be gathered from official records, are certainly not; but other statements which have been made in respect to the bill and the propriety of its passage are dependent upon a condition of facts that we have not yet been able to get hold of. The committee have been urged to report that bill for quite a while, but they have not acted upon it and have not made a report, in the hope that they will be supplied by the parties interested with sufficient information to justify whatever report they may see proper to make.

Now the Senator from Florida comes in with a resolution, entitled "a joint resolution." Of course, upon its being adopted it will become a law. The object of the resolution is to effect what was intended to be effected by this bill, and a good deal more. It proceeds in the first section, which is now abandoned by the Senator from Florida, to forfeit the land grant of this railroad company; and in the second section the Attorney-General of the United States is instructed to bring suit, through the district attorneys of the United States, for an injunction against the Florida Navigation and Railway Corporation or their agents, attempting to sell, or selling, or advertising for sale the lands of the United States embraced in the grant made to the State of Florida under the act entitled "An act granting public lands in alternate sections to the States of Florida and Alabama to aid in the construction of certain railroads in said States," approved May 17, 1856, while bills for the forfeiture of the same shall be pending before Congress, which have been or shall be recommended by the committees of either House of Congress to be forfeited.

Waiving for the present the peculiar character of this resolution of instruction to the Attorney-General, I wish to state that this committee, at least I, as a member of it—and I am satisfied it is true in respect to all the members of the committee—were not informed of the fact which the Senator from Florida now seems to think is the vital turning point in this case, until he submitted his remarks to the Senate the other day, within the space of seven or eight days—I do not remember precisely when he first made the statement in the Senate—that the State of Florida had never given its assent to the grant of this land to the Florida Railroad Company, or any of its successors. The committee have been entirely ignorant upon that proposition and that question; they have had no information from any source of the existence of this state of facts, or this alleged state of facts.

When they were informed of it, as soon as the committee could get together, the persons who were representing this railroad company, and who have always been very vigilant about the rights that they claimed, were notified of this statement, and they say to us that they can overturn it, that they can satisfy the Senate that the State of Florida has given its consent to this grant. I have not had the opportunity of looking over the statutes of the State of Florida which affect this subject, and I do not understand that they have been put in the RECORD by the Senator. I have not seen them. Have they been put in the RECORD in full?

Mr. CALL. They have been put in the RECORD to such an extent as to show that the State of Florida in 1858, upon the recommendation of the governor and the opinion of the attorney-general, and by an almost unanimous vote of the Legislature, refused to allow the Florida Railroad Company to have the benefit of this grant, and incorporated another company and gave to it the benefit of the grant.

Mr. MORGAN. That is quite a different answer from what I expected. I expected the answer to state this proposition, that the statutes of Florida had been put in the RECORD, all of them which showed any right on the part of this railroad company to this land grant.

Mr. CALL. They have.

Mr. MORGAN. That is a proposition upon which there is controversy. This railroad company and its successors claim that it had the consent of the State of Florida to the land grant, and demand from this committee a right to show that it has. This committee have warned those persons that they must make this proof by next Monday, the time the committee meets again, in order that we can have a fair chance to weigh both sides of this question and not be acting in the dark. They controvert the position of the Senator from Florida. Pending this controversy, will the Senate of the United States take this bill out of the hands of the committee so far as to authorize a suit for an injunction to be brought by the Attorney-General of the United States to enjoin further proceedings of the railroad company in the sale or disposal of any of these lands? I do not, for one, feel disposed to venture upon ground of that kind until both sides can have an opportunity for a hearing. I do not think it would be just to the committee or to the parties interested that we should rush along and make this rash disposition of this case while a committee of the Senate are laboriously and earnestly looking into the matter to ascertain whether there is ground of relief in this case.

Now I will advert to the statement made this moment by the Senator from Florida, that in 1858, I believe the Senator said it was, the Legislature of Florida denied that the Florida Railroad Company, whose property is here sought to be confiscated or to be forfeited, had the right to these lands and conferred the right upon another company. That matter is, I think, easy of explanation.

This grant was made, as the resolution recites, May 17, 1856, for a railroad extending from Fernandina on the Atlantic coast to Cedar Keys on the Gulf coast, with a branch road running down to Tampa Bay. That was in 1856. Before 1860, before more than four years of the time within which this road was to be completed had expired, this railroad was built and completed and running from Fernandina, in Florida, across to Cedar Keys. A somewhat greater distance of the road had been graded and cross-ties prepared upon it and the work was being prosecuted with vigor, and would have been completed at least within the period of ten years, from the place where it leaves the main line down to Tampa Bay, but for the fact that the war came on and suspended all operations upon that part of the road.

Just here it is worthy of remark that this railroad company has been more diligent, or was, up to the time of the occurrence of the war, more diligent in the building of its line of railroad than any railroad company in the United States, I think, having a land grant; for it had built practically two-thirds of the lineal extent of its entire line from Tampa Bay leading up to the point of intersection with the main line—I forget the name of the town at that point. Of course the war not only interrupted the building of this road, but there is a letter here from one of the engineers who was engaged in building it who traversed on foot the entire length of the road several times after the war had con-

cluded, and he found that the iron had been taken up by the confederate authorities for miles and miles and transferred to other roads and put he did not know where. The cross-ties had rotted; the bridges had become rotten, the road having gone into disuse. The houses for the accommodation of the trains on the road had been torn down or burned up. So the road by the war was made a complete wreck. It was put into bankruptcy by the war.

It was then a matter of impossibility that that road should progress until it had received assistance from other sources. Nevertheless this corporation went to work upon it in good faith, and acquiring capital from other parts of the country commenced to rebuild it. They also commenced to complete that part of the road which had been graded in the direction of Tampa Bay and progressed with considerable rapidity in that way. Nevertheless the road was largely encumbered. Its franchises and property of every kind were necessarily put under mortgage to raise money to go on with the construction of the road.

After the war was over another railroad company sprang up in Florida —I believe it was called the Peninsular Railroad Company—for the purpose of taking this property out of the hands of the old company and building the road; and the controversy, as I understand it, is now really between that other company and the company whose property is now sought to be forfeited. The case of Schulenberg *vs.* Harriman had not been decided. The Legislature of Florida and all other people almost, except the Supreme Court of the United States, conceived the idea, which was certainly a very plausible one, that under the ten-year limitations and grants, the express language of the statute being that if the road was not completed within ten years the property should revert to the United States, the property did revert the instant that the ten years expired without the road having been completely built; that unless the condition of the act had been complied with within the ten years the land reverted to the United States Government.

That was the prevailing opinion. Mr. Secretary Chandler had that opinion, and he, upon an application being made by this railroad company to withdraw the lands from market in order that it might enjoy the benefits of the grant, ruled that all interest in that grant had been forfeited; that it had entirely lapsed, because the ten years had expired before the roads were completed, and as to this branch to Tampa Bay before, as he alleged, anything had been done during the lifetime of the grant. Under the influence of that decision the railroad company were declared to have no right, and the lands were put upon the market. In fact Mr. Chandler made an order that the lands should be open to entry as other public domain in the United States, and so the matter went along.

But after the decision of Schulenberg *vs.* Harriman, Mr. Secretary Schurz, upon a petition to review the former decision upon the ground of a mistake in law as well as a mistake of fact, did review it and did reverse it, and he held that these lands were still subject to the grant; that the fee was in the railroad company subject to be divested only on forfeiture being declared by Congress.

Pending this interregnum, after Mr. Chandler had made his decision that these lands were part of the public domain and that the grant in favor of the Florida Railroad Company had lapsed because the road had not been completed within ten years, the Florida Legislature commenced its proceeding to make a new grant of this land to a new company in the hope of thereby reviving it or getting Congress to revive it, and getting the benefit to the State and the community down there of this land grant.

The Legislature of Florida in this action, of which the Senator speaks, was just as mistaken as anybody else about the rights of this railroad company, and it was not legislating for the purpose of declaring that the company had no rights because it had not complied with certain provisions of the Florida law, but it was legislating to make a declaration following that of Mr. Chandler (and confirming it, contrary to the decision in Schulenberg *vs.* Harriman, afterwards made), that this grant had lapsed because the ten years had expired before the completion of the road. Reading in the light of these facts that statute of Florida, it is very easy to understand that the Legislature of Florida never intended to deny the rights that had been conferred upon this Florida Railroad Company, but merely taking it for granted, as everybody did, that these rights had absolutely lapsed, the Legislature was free to go on to organize a new company or permit its organization, and to claim for that company the land grant which had been made.

Mr. GEORGE. Was that action before the decision referred to?

Mr. MORGAN. The dates are here. We shall see.

Mr. GEORGE. I understood the Senator from Florida to say that the action of the Legislature was long prior to that.

Mr. CALL. The Senator from Mississippi is entirely correct. The Legislature of Florida, in 1858, upon the recommendation of the governor, denied the right of the Florida Railroad Company to the benefit of this grant and granted it to another company. I have the act right here in my hand.

Mr. MORGAN. What is the date of that?

Mr. BECK. I ask the Senator from Alabama why not have this matter go to the Committee on Public Lands and have the facts ascertained?

Mr. MORGAN. That is my motion. I am insisting on it now.

Mr. CALL. If the Senator from Alabama will allow me, I will tell the Senator from Kentucky why.

Mr. MORGAN. I prefer to go on.

Mr. BECK. The subject is pending before a committee and this is a resolution about that subject. Why not have a report of the committee?

Mr. MORGAN. That is what I want. The Senator from Florida brings facts before the Senate not known to the committee, and, I dare say, not known to the Senator twenty days ago.

Mr. CALL. A long time ago, all my life.

Mr. MORGAN. If he has known them all his life, the Senator is a younger man than I thought he was. I venture that the Senator from Florida did not intend to make this point twenty days ago, and that he did not know, although he might have surmised, the condition of the statutory enactments of Florida on this subject twenty days ago. The matter has been sprung on the Senate and on the committee, and I object to it. I want a fair showing about this matter. Let every man have a fair chance before the committee, no matter what his rights may be, whether he is interested in a railroad or not. When you bring men up for judgment let them have a fair trial.

I am giving you the interpretation of this proceeding as it is given to me by the counsel of the railroad company. Whether that is correct or not I am not prepared to vouch; but if we are to act as judges in this matter I think it is my duty to listen when suggestions are made, and then to arrive at a knowledge of the facts and decide fairly and impartially between the parties. That is my idea of my duty. While I would be perfectly willing to accommodate the Senator from Florida in any particular, I am not willing as a member of the Senate, and particularly as a member of the Committee on Public Lands, to have this matter taken out of our hands in this way and the Senate sit in judgment on that which the committee have had no opportunity to report and no opportunity to understand.

Mr. GEORGE. Did not the Senator from Florida point out the act of the Florida Legislature forfeiting the lands of this railroad company?

Mr. MORGAN. I will state to the Senator from Mississippi that the counsel for this railroad company take the ground that the State of Florida had granted land under its general internal-improvement law; a bill was passed by which a grant was made of lands to trustees in trust that they were under certain regulations to dispose of the proceeds of certain lands in Florida to internal improvements, this company being one of them. They claim now that these trustees under this general internal-improvement law received a large body of lands which had been granted to the State of Florida under the swamp and overflowed land law; that Florida intended to convey those lands to the different railroad companies mentioned in the law, and also intended to prepare in advance of action by Congress, which was the fact, that these same trustees should have the management of such land grant as Congress might thereafter make or might before that time have made in aid of the same roads. So the act of the Florida Legislature in organizing this board of trustees to hold the title was an act that related to the land that belonged to the State of Florida under the swamp-land law, and also related to such grants as Congress might make thereafter to these same railroad companies. That was the situation.

It will be perceived by the Senate that two classes of lands would fall into the hands of these trustees: one, lands belonging to the State and transferred to them as a public trust; the other, lands that might be granted directly by an act of Congress.

The act of Congress which is the subject of this controversy now was passed after the internal-improvement act of the Florida Legislature. That act of Congress named this corporation in the act as being one of the three in whose behalf this grant was made. The grant was made *eo nomine* to the State of Florida, but for the benefit and for the purpose of constructing three railroads, of which the road in question to-day was one.

Now these gentlemen allege against the position taken by the Senator from Florida, that the State of Florida has no other act upon the subject; that while it never made a law conferring the title of these lands upon either of these three railroad companies, it had previously provided that these titles should go into the hands of the trustees of the general-improvement fund, the internal-improvement act standing as the means of taking in, appropriating, and applying all of the grants that Congress made to these three railroads; that no special act of the Florida Legislature was necessary, because this railroad company was mentioned in the internal-improvement act as one of the roads to which the lands should be applied, and that therefore it does not appear affirmatively upon the legislation of the State of Florida that this railroad, by that name, had any separate and special act in its behalf conferring upon it these lands; but they insist that the general-improvement act of Florida being for the purpose of constructing this very road named in the act covers the case and transfers the land, if not by legal title, at least by a perfect equity, through the hands of these trustees of the internal-improvement fund of Florida into the rightful possession and ownership of this railroad company.

It is alleged, also, as I understand, by the Senator from Florida, that some conditions were imposed by the act of Florida; for instance, that

a map should be filed within a certain time, or, if I am not mistaken in that, that the consent of the railroad to accept the grant should be filed within a certain time. Upon inquiry made as to whether these formalities had been complied with, these lawyers said, "Yes, and we can prove it by next Monday." Upon being asked whether or not a literal compliance had been made, they said, yes, they could establish it.

But it is beyond all controversy that the State of Florida, without objection, saw this railroad company go on to the completion of its road, enabled it to receive without objection, and it did receive without objection, that part of the land grant which Florida made to the railroad company, and I think it is rather sharp conduct to say that that State never consented to this railroad receiving the grant of the United States Government, when the Congress in passing the law named this railroad and did not name any other except the other two that were in the act, but certainly named no successor to it, and gave Florida no right to appoint another railroad to the enjoyment of this grant of the Government of the United States, except that named in the act. I will read from the act of Congress to show its terms:

That there be, and is hereby, granted to the State of Florida, for the purpose of aiding in the construction of railroads from Saint John's River, at Jacksonville, to the waters of Escambia Bay, at or near Pensacola; and from Amelia Island, on the Atlantic, to the waters of Tampa Bay, with a branch to Cedar Key, on the Gulf of Mexico.

That is this road.

Mr. GEORGE. It does not name the company.

Mr. MORGAN. You mean it does not designate the corporation.

Mr. GEORGE. The State is authorized to provide for a road between those points.

Mr. MORGAN. Very good; the act of Florida did contain the names of these companies.

Mr. CALL. The Senator from Alabama is entirely wrong in all his statements.

Mr. MORGAN. Let us come down to particulars. I know I am not wrong in all my statements or in all my facts.

Mr. CALL. The act did not confer upon the Florida Railroad Company or any other railroad company any right to any part of that land.

Mr. MORGAN. Did it not contain these three lines by express mention?

Mr. CALL. What three lines?

Mr. MORGAN. Those I read here of course.

Mr. CALL. It did not mention any railroad company.

Mr. MORGAN. Did it not say that the grant was to be applied to these three lines of road?

Mr. CALL. It did not.

Mr. MORGAN. I will read it, and let us see.

Mr. CALL. Probably I had better read to you what the governor of the State says.

Mr. MORGAN. No, sir; I want to read the act of Congress.

Mr. CALL. I can not lay my hand on the act of Florida itself, but I will read the act from the pamphlet in my hand which cites it. Section 4 is what is referred to I presume:

SEC. 4. *Be it further enacted*, That a line of railroad from the Saint John's River, at Jacksonville, and the waters of Pensacola Bay, with an extension from suitable points on said line to Saint Mark's River, or Crooked River, at White Bluff, on Appalachicola Bay, in Middle Florida, and to the waters of Saint Andrew's Bay, in West Florida, and a line from Amelia Island, on the Atlantic, to the waters of Tampa Bay, in South Florida, with an extension to Cedar Key, in East Florida; also a canal from the waters of Saint John's River, on Lake Harney, to the waters of Indian River, are proper improvements to be aided from the internal-improvement fund, in manner as hereinafter provided.

Mr. MORGAN. That is all I wanted to know. Now, the Senate see that the grant to these trustees of this property, owned by Florida, was made for the benefit of the same lines of railroad that are mentioned in the very same language in the act of Congress. I think it would take a very sharp lawyer to have anticipated that any question would ever be made as to the right of this railroad company to these lands when the railroad company was already chartered and was ready to build the road, and it went on immediately afterward and built the road from Amelia Island to Cedar Keys, and commenced the construction of and built 30 or 50 miles of it, also from the point of junction on the line toward Tampa Bay.

I understand that that criticism upon the action of the State of Florida and of the United States Government is entirely hypercritical, and that the point that the Senator from Florida thinks so entirely solid has really no solidity in it, and certainly no equity and no justice.

Mr. CALL. What does the Senator mean?

Mr. MORGAN. I mean this, that because we can not trace, or it is said we can not trace, in some special act of Congress or of the Florida Legislature following the act of Congress a particular corporation named which should enjoy the grant, therefore Florida has never given its consent to it.

Mr. CALL. The Senator from Alabama will allow me to interrupt him. This is the proposition I have made: First, that the State of Florida never granted to the Florida Railroad Company the benefit of this grant of May, 1856; and, secondly, that the Florida Legislature, by expressed act of the Legislature upon the opinion of the attorney-general, refused to grant to this company the benefits of that act for any part of the line of the road—expressly refused.

Mr. MORGAN. That act of the Florida Legislature, if tested in court, would probably be found to be entirely invalid.

Mr. CALL. Why?

Mr. MORGAN. Because it is an *ex post facto* act to divest property which the railroad company had enjoyed, and was intended to enjoy, under a grant made by the Government of the United States.

Mr. CALL. It was passed in 1858 by the Florida Legislature, and the attorney-general of the State and the governor declared that the Florida Railroad Company had never availed itself, or sought to avail itself, of the line to Tampa.

Mr. MORGAN. That opinion of the attorney-general is quoted continually here as being the final and decisive opinion of this whole question. The Senate of the United States can not afford to accept that opinion. I have the greatest doubt about it both as a matter of law and as a matter of justice.

Mr. CALL. Do I understand the Senator from Alabama to state to the Senate that when the State authorities, by whose approval the location of a grant may be made, have decided that a particular company has no right or interest in it whatever, has never complied with the conditions of which they are the sole judges, the Senate of the United States, the Interior Department, or anybody else, can set up its judgment against that of the State?

Mr. MORGAN. Most unquestionably whenever it is ascertained that the State of Florida had made a previous grant, or had taken previous action, which vested rights in this railroad company, it has no power to divest them.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is the bill (S. 372) to establish agricultural experiment-stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto.

Mr. BLAIR. Mr. President——

Mr. CALL. I would ask the consent of the Senate to proceed with the consideration of the pending resolution, and that it be determined by vote of the Senate. It is a matter of very great importance to thousands of people whose homes are threatened in the State of Florida, and it ought not to take a very long time. I have been endeavoring to get a vote upon it, and have given way pretty often. I ask the Senate that it be allowed to proceed.

The PRESIDING OFFICER. The Senator from Florida asks unanimous consent that the Senate shall proceed with the consideration of the pending resolution.

Mr. MORGAN. I object.

ORDER OF BUSINESS.

Mr. BLAIR. I must object, and I desire to say to the Senator from Florida that he will remember himself that at the close of the last session I gave notice that on the first day of the present session I should call up the proposed woman suffrage amendment which has been pending in this body and in Congress for twenty or twenty-five years without ever having reached a vote at all. On the second day of the session, the first not being available for that purpose, I did call up the resolution accordingly, and proceeded to discuss the subject, and it was in order for final action, but the opponents of the measure desired that it be delayed on account of the sickness and consequent absence of the Senator from Georgia [Mr. BROWN], a member of the committee, who desired to be heard on the subject. It was so arranged, and an order of the Senate made, which appears in the RECORD, that it should be laid aside with the privileges of unfinished business, to be called up at any time. With that understanding the matter was laid aside for the time being.

The Senator from Georgia appeared soon after the holiday vacation was over, and as soon as he could conveniently fix the time when he could address the Senate I gave notice that I should call up the joint resolution. Last week I gave that notice and stated fully all these circumstances. I have given notice twice this week that this morning at the close of the morning business I desired the consideration of this joint resolution. The morning hour has been occupied as it has been, and now I desire to ask that the unfinished business, the regular order, be informally laid aside that we may proceed to the consideration of the joint resolution referred to. Therefore I object to the request of the Senator from Florida.

Mr. HARRIS. I object to the request last made.

The PRESIDING OFFICER. Objection was made to the further consideration of the resolution of the Senator from Florida; and now the Senator from New Hampshire asks unanimous consent to lay aside the regular order, which is the agricultural experiment-station bill——

Mr. HARRIS. To which I object.

The PRESIDING OFFICER. The Chair hears two objections.

Mr. HARRIS. I object to laying aside informally the unfinished business for the purpose suggested by the Senator from New Hampshire.

Mr. BLAIR. Then I move that it be laid aside informally, and that the Senate proceed to the consideration of the joint resolution.

Mr. HARRIS. That motion is not in order, to lay aside informally.

Mr. INGALLS. The Senator from New Hampshire has a right to move to proceed to the consideration of his measure.

Mr. BLAIR. I do not desire to displace the bill which is to-day's unfinished business, and with the understanding that I will do anything and everything to replace that bill in its proper position, I will make the motion that the Senate now proceed to the consideration of the joint resolution referred to.

Mr. CALL. I thought I had the floor, and it was my purpose to make a motion to continue my resolution.

The PRESIDING OFFICER. The motion is not debatable. Any remarks are by unanimous consent.

Mr. CALL. It was my purpose to have moved to continue the consideration of the resolution. I so stated, but the Senator from Alabama objected to the further consideration of it. I appeal to the Senator from New Hampshire that we have been discussing this matter at intervals for several days, and facts have been stated and propositions made here which ought not to go uncontradicted. I will say to him that the homes of many people are advertised for sale, and great consternation is felt among the people who own these little pieces of property.

The PRESIDING OFFICER. The Chair must remind the Senator from Florida that the objection to the further consideration of his resolution has not been withdrawn and his remarks are not in order.

Mr. CALL. I am proceeding by unanimous consent, and I am appealing to the Senator from New Hampshire to enable me to make my motion.

Mr. MORGAN. If it is to be debated I want to answer the Senator from Florida.

Mr. BECK. I ask consent to say a word.

The PRESIDING OFFICER. The Senator from Kentucky can proceed if there be no objection.

Mr. BECK. I gave notice yesterday that I would call up to-day a bill which I had up at one time and which was passed by a large vote, and on the motion of the present occupant of the chair it was reconsidered, known as the railroad attorneys' bill, and which has been delayed from time to time to accommodate gentlemen. I have been appealed to by a number of persons who are interested in the resolution of the Senator from New Hampshire to give way until that can be heard. I do not want to give way, and yet I do not want to object. A lady sent for me two or three times this morning, but I declined to go to see her. I refer to Miss Anthony. I think we should arrange in some way or other to have that joint resolution disposed of and then let the bill I have charge of come up next. If that can be done I am willing to have it done. I am willing to consent to any arrangement that gives a chance to put my bill through.

Mr. BLAIR. I will say in reply, first to the suggestion of the Senator from Florida, that his resolution occupies the morning hour. It practically by parliamentary law occupies a preferred position, and he will be sure to get the resolution up to-morrow morning during the morning hour. It is a resolution which really is perhaps, as the Senator from Alabama has stated, somewhat abruptly forced upon the attention of the Senate and has occupied considerable time——

The PRESIDING OFFICER. The Chair thinks it his duty to call the Senator to order. Objection has been made and it has not been withdrawn. It is hardly worth while to discuss it.

Mr. BLAIR. I made a motion and I was simply replying to the suggestions of both Senators, and at no greater length certainly than they had made those suggestions. I have said all I wish in reference to the suggestion of the Senator from Florida. His matter will be up. There will be no trouble about that.

So far as the suggestion of the Senator from Kentucky [Mr. BECK] is concerned, I shall be glad to reciprocate in any way I can to get early action on his bill. I think he ought to have it. I ask action on my motion.

The PRESIDING OFFICER. The Senator from New Hampshire moves to proceed to the consideration of the joint resolution (S. R. 5) proposing an amendment to the Constitution of the United States extending the right of suffrage to women.

Mr. INGALLS. I call for the yeas and nays.

Mr. BLAIR. It is Order of Business 122.

Mr. HARRIS. Is that motion in order until the unfinished business has been disposed of? It would be perfectly competent for the Senator from New Hampshire to move to postpone the further consideration of the unfinished business until to-morrow or indefinitely; but it must be disposed of and displaced from its position of unfinished business before the motion suggested by the Senator from New Hampshire can be in order. He can not unite the two motions in one. He may move to postpone, if he chooses, and take the sense of the Senate upon that. Then he may move, if the Senate postpone, to proceed to the consideration of the matter that he proposes to consider, but not until then.

The PRESIDING OFFICER. The Chair is inclined to accept the opinion of the learned Senator from Tennessee on that point.

Mr. BLAIR. I submit, then, for the motion already made, one that the unfinished business be postponed until to-morrow at 2 o'clock.

The PRESIDING OFFICER. The question is on the motion of the Senato r from New Hampshire.

Mr. HARRIS. On that question I ask for the yeas and nays.

Mr. GEORGE. Before I vote on that I should like to have an inquiry answered. Would the effect of the motion of the Senator from New Hampshire be to leave the experiment-station bill as the unfinished business to-morrow at 2 o'clock? Will that be its position at that time?

The PRESIDING OFFICER. The Chair would suppose so, but he prefers to refer the question to Senators who are more familiar with parliamentary law.

Mr. HARRIS. I should think it would come up to-morrow as unfinished business unless this matter should be left unfinished at the adjournment to-day.

Mr. BLAIR. There can not be any doubt about that. That was the Senator's suggestion before I made the motion.

Mr. GEORGE. I wish only to say one word. The agricultural experiment-station bill is the unfinished business now, as it was before the holidays. I have yielded to everybody, wishing to be accommodating, and I am willing still to yield for this day; but I am unwilling to consent to any action of the Senate which shall take the experiment-station bill from the Calendar as unfinished business.

Mr. BLAIR. I do not desire that any such action be taken by the Senate. I ask for a vote, and the yeas and nays have been called for.

Mr. GEORGE. Then, in order to accommodate all, I ask unanimous consent of the Senate that the unfinished business be passed over informally until to-morrow at 2 o'clock.

Mr. MORGAN. I object.

The PRESIDING OFFICER. The Senator from New Hampshire moves to postpone until 2 o'clock to-morrow the further consideration of the regular order for to-day, the unfinished business.

Mr. BLAIR. If that motion passes I shall then move to proceed to the consideration of the joint resolution.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire (putting the question). The noes appear to have it.

Mr. BLAIR. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. COCKRELL. What is the exact motion?

The PRESIDING OFFICER. The motion is to postpone until 2 o'clock to-morrow the regular order for to-day, the unfinished business being the agricultural experiment-station bill; and on that the yeas and nays have been ordered.

Mr. GEORGE. I would vote for the motion if I thought it would leave the bill which is the unfinished business in its present position on the Calendar; but if there is any doubt about that I will vote against it.

The Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I have a general pair with the Senator from Vermont [Mr. EDMUNDS], who is necessarily absent from the Chamber. Does his colleague know how he would vote upon this question?

Mr. MORRILL. I do not.

Mr. HARRIS. I withhold my vote because of the pair. I do not know how the Senator from Vermont would vote. I should vote "nay" if I were not paired.

Mr. MCPHERSON (when his name was called). I am generally paired with my colleague [Mr. SEWELL]. I do not know how he would vote upon this question, and I therefore withhold my vote.

Mr. WILSON, of Maryland (when his name was called). I am paired with the Senator from Rhode Island [Mr. CHACE].

The roll-call was concluded.

Mr. KENNA. I am paired on all questions with the Senator from New York [Mr. MILLER].

The result was announced—yeas 25, nays 16, as follows:

YEAS—25.

Beck,	Conger,	Hawley,	Ransom,
Blair,	Cullom,	Manderson,	Sherman,
Bowen,	Dolph,	Mitchell of Oreg.,	Teller,
Brown,	Evarts,	Morrill,	Wilson of Iowa.
Butler,	Farwell,	Palmer,	
Call.	Frye,	Platt,	
Cheney,	Hale,	Plumb,	

NAYS—16.

Berry,	George,	Morgan,	Sawyer,
Blackburn,	Gibson,	Payne,	Vest,
Cockrell,	Gray,	Pugh,	Walthall,
Coke,	McMillan,	Saulsbury,	Whitthorne.

ABSENT—35.

Aldrich,	Fair,	Jones of Nevada,	Sewell,
Allison,	Gorman,	Kenna,	Spooner,
Camden,	Hampton,	McPherson,	Stanford,
Cameron,	Harris,	Mahone,	Vance,
Chace,	Harrison,	Maxey,	Van Wyck,
Colquitt,	Hoar,	Miller,	Voorhees,
Dawes,	Ingalls,	Mitchell of Pa.,	Williams,
Edmunds,	Jones of Arkansas,	Riddleberger,	Wilson of Md.
Eustis,	Jones of Florida,	Sabin,	

So the motion to postpone was agreed to.

WOMAN SUFFRAGE.

Mr. BLAIR. I now move that the Senate proceed to consider the joint resolution (S. R. 5) proposing an amendment to the Constitution of the United States extending the right of suffrage to women.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution will be read.

The Chief Clerk read the joint resolution, as follows:

Resolved (*two-thirds of each House concurring therein*), That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States; which, when ratified by three-fourths of the said Legislatures, shall be valid as part of said Constitution, namely:

ARTICLE —.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

SEC. 2. The Congress shall have power, by appropriate legislation, to enforce the provisions of this article.

Mr. BROWN. Mr. President, the joint resolution introduced by my friend, the Senator from New Hampshire [Mr. BLAIR], proposing an amendment to the Constitution of the United States, conferring the right to vote upon the women of the United States, is one of paramount importance, as it involves great questions far reaching in their tendency, which seriously affect the very pillars of our social fabric, which involve the peace and harmony of society, the unity of the family, and much of the future success of our Government. The question should therefore be met fairly and discussed with firmness, but with moderation and forbearance.

No one contributes anything valuable to the debate by the use of harsh terms, or by impugning motives, or by disparaging the arguments of the opposition. Where the prosperity of the race and the peace of society are involved, we should, on both sides, meet fairly the arguments of our respective opponents.

This question has been discussed a great deal outside of Congress, sometimes in bad temper and sometimes illogically and unprofitably, but the advocates of the proposed amendment and the opponents of it have each put forth, probably in their strongest form, the reasons and arguments which are considered by each as conclusive in favor of the cause they advocate. I do not expect to contribute much that is new on a subject that has been so often and so ably discussed; but what I have to say will be in the main a reproduction in substance of what I and others have already said on the subject, and which I think important enough to be placed upon the record in the argument of the case.

In connection with my friend, the honorable Senator from Missouri [Mr. COCKRELL], I have in a report set forth substantially the reasons and arguments which to my mind establish the fact that the proposed legislation would be injudicious and unwise, and I shall not hesitate to reiterate here such portions of what was then said as seem to me to be important.

I believe that the Creator intended that the sphere of the males and females of our race should be different, and that their duties and obligations, while they differ materially, are equally important and equally honorable, and that each sex is equally well qualified by natural endowments for the discharge of the important duties which pertain to each, and that each sex is equally competent to discharge those duties.

We find an abundance of evidence, both in the works of nature and in the Divine revelation, to establish the fact that the family properly regulated is the foundation and pillar of society, and is the most important of any other human institution.

In the Divine economy it is provided that the man shall be the head of the family, and shall take upon himself the solemn obligation of providing for and protecting the family.

Man, by reason of his physical strength, and his other endowments and faculties, is qualified for the discharge of those duties that require strength and ability to combat with the sterner realities and difficulties of life. The different classes of outdoor labor which require physical strength and endurance are by nature assigned to man, the head of the family, as part of his task. He discharges such labors as require greater physical endurance and strength than the female sex are usually found to possess.

It is not only his duty to provide for and protect the family, but as a member of the community it is also his duty to discharge the laborious and responsible obligations which the family owe to the State, and which obligations must be discharged by the head of the family, until the male members of the family have grown up to manhood and are able to aid in the discharge of those obligations, when it becomes their duty each in his turn to take charge of and rear a family, for which he is responsible.

Among other duties which the head of the family owes to the State, is military duty in time of war, which he, when able-bodied, is able to discharge, and which the female members of the family are unable to discharge.

He is also under obligation to discharge jury duty, and by himself or his representatives to perform his part of the labor necessary to construct and keep in order roads, bridges, streets, and all grades of public highways. And in this progressive age upon the male sex is devolved the duty of constructing and operating our railroads, and the engines and other rolling-stock with which they are operated; of building, equipping, and launching, shipping and other water craft of every character necessary for the transportation of passengers and freight upon our rivers, our lakes, and upon the high seas.

The labor in our fields, sowing, cultivating, and reaping crops must be discharged mainly by the male sex, as the female sex, for want of physical strength, are generally unable to discharge these duties. As it is the duty of the male sex to perform the obligations to the State, to society, and to the family, already mentioned, with numerous others that might be enumerated, it is also their duty to aid in the government of the State, which is simply a great aggregation of families. Society can not be preserved nor can the people be prosperous without good government. The government of our country is a government of the people, and it becomes necessary that the class of people upon whom the responsibility rests should assemble together and consider and discuss the great questions of governmental policy which from time to time are presented for their decision.

This often requires the assembling of caucuses in the night time, as well as public assemblages in the daytime. It is a laborious task, for which the male sex is infinitely better fitted than the female sex; and after proper consideration and discussion of the measures that may divide the country from time to time, the duty devolves upon those who are responsible for the government, at times and places to be fixed by law, to meet and by ballot to decide the great questions of government upon which the prosperity of the country depends.

These are some of the active and sterner duties of life to which the male sex is by nature better fitted than the female sex. If in carrying out the policy of the State on great measures adjudged vital such policy should lead to war, either foreign or domestic, it would seem to follow very naturally that those who have been responsible for the management of the State should be the parties to take the hazards and hardships of the struggle.

Here, again, man is better fitted by nature for the discharge of the duty—woman is unfit for it. So much for some of the duties imposed upon the male sex, for the discharge of which the Creator has endowed them with proper strength and faculties.

On the other hand, the Creator has assigned to woman very laborious and responsible duties, by no means less important than those imposed upon the male sex, though entirely different in their character. In the family she is a queen. She alone is fitted for the discharge of the sacred trust of wife and the endearing relation of mother.

While the man is contending with the sterner duties of life, the whole time of the noble, affectionate, and true woman is required in the discharge of the delicate and difficult duties assigned her in the family circle, in her church relations, and in the society where her lot is cast. When the husband returns home weary and worn in the discharge of the difficult and laborious task assigned him, he finds in the good wife solace and consolation, which is nowhere else afforded. If he is despondent and distressed, she cheers his heart with words of kindness; if he is sick or languishing, she soothes, comforts, and ministers to him as no one but an affectionate wife can do. If his burdens are onerous, she divides their weight by the exercise of her love and her sympathy.

But a still more important duty devolves upon the mother. After having brought into existence the offspring of the nuptial union, the children are dependent upon the mother as they are not upon any other human being. The trust is a most sacred, most responsible, and most important one. To watch over them in their infancy, and as the mind begins to expand to train, direct, and educate it in the paths of virtue and usefulness is the high trust assigned to the mother. She trains the twig as the tree should be inclined.

She molds the character. She educates the heart as well as the intellect, and she prepares the future man, now the boy, for honor or dishonor. Upon the manner in which she discharges her duty depends the fact whether he shall in future be a useful citizen or a burden to society. She inculcates lessons of patriotism, manliness, religion, and virtue, fitting the man by reason of his training to be an ornament to society, or dooming him by her neglect to a life of dishonor and shame. Society acts unwisely when it imposes upon her the duties that by common consent have always been assigned to the stronger and sterner sex, and the discharge of which causes her to neglect those sacred and all important duties to her children and to the society of which they are members.

In the church, by her piety, her charity, and her Christian purity, she not only aids society by a proper training of her own children, but the children of others, whom she encourages to come to the sacred altar, are taught to walk in the paths of rectitude, honor, and religion. In the Sunday-school room the good woman is a princess, and she exerts an influence which purifies and ennobles society, training the young in the truths of religion, making the Sunday-school the nursery of the church, and elevating society to the higher planes of pure religion, virtue, and patriotism. In the sick room and among the humble, the poor, and the suffering, the good woman, like an angel of light, cheers the hearts and revives the hopes of the poor, the suffering, and the despondent.

It would be a vain attempt to undertake to enumerate the refining,

endearing, and ennobling influences exercised by the true woman in her relations to the family and to society when she occupies the sphere assigned to her by the laws of nature and the Divine inspiration, which are our surest guide for the present and the future life. But how can woman be expected to meet these heavy responsibilities, and to discharge these delicate and most important duties of wife, Christian, teacher, minister of mercy, friend of the suffering, and consoler of the despondent and needy, if we impose upon her the grosser, rougher, and harsher duties which nature has assigned to the male sex?

If the wife and the mother is required to leave the sacred precincts of home, and to attempt to do military duty when the state is in peril; or if she is to be required to leave her home from day to day in attendance upon the court as a juror, and to be shut up in the jury room from night to night with men who are strangers while a question of life or property is being discussed; if she is to attend political meetings, take part in political discussions, and mingle with the male sex at political gatherings; if she is to become an active politician; if she is to attend political caucuses at late hours of the night; if she is to take part in all the unsavory work that may be deemed necessary for the triumph of her party; and if on election day she is to leave her home and go upon the streets electioneering for votes for the candidates who receive her support, and mingling among the crowds of men who gather round the polls, she is to press her way through them to the precinct and deposit her ballot; if she is to take part in the corporate struggles of the city or town in which she resides, attend to the duties of his honor, the mayor, the councilman, or of policeman, to say nothing of the many other like obligations which are disagreeable even to the male sex, how is she, with all these heavy duties of citizen, politician, and officeholder resting upon her shoulders, to attend to the more sacred, delicate, and refining trust to which we have already referred, and for which she is peculiarly fitted by nature? If she is to discharge the duties last mentioned, how is she, in connection with them, to discharge the more refining, elevating, and ennobling duties of wife, mother, Christian, and friend, which are found in the sphere where nature has placed her? Who is to care for and train the children while she is absent in the discharge of these masculine duties?

If it were proper to reverse the order of nature and assign woman to the sterner duties devolved upon the male sex, and to attempt to assign man to the more refining, delicate, and ennobling duties of the woman, man would be found entirely incompetent to the discharge of the obligations which nature has devolved upon the gentler sex, and society must be greatly injured by the attempted change. But if we are told that the object of this movement is not to reverse this order of nature, but only to devolve upon the gentler sex a portion of the more rigorous duties imposed by nature upon the stronger sex, we reply that society must be injured, as the woman would not be able to discharge those duties so well, by reason of her want of physical strength, as the male, upon whom they are devolved, and to the extent that the duties are to be divided, the male would be infinitely less competent to discharge the delicate and sacred trusts which nature has assigned to the female.

But it has been said that the present law is unjust to woman; that she is often required to pay tax on the property she holds without being permitted to take part in framing or administering the laws by which her property is governed, and that she is taxed without representation. That is a great mistake.

It may be very doubtful whether the male or female sex in the present state of things has more influence in the administration of the affairs of the Government and the enactment of the laws by which we are governed.

While the woman does not discharge military duty, nor does she attend courts and serve on juries, nor does she labor on the public streets, bridges, or highways, nor does she engage actively and publicly in the discussion of political affairs, nor does she enter the crowded precincts of the ballot-box to deposit her suffrage, still the intelligent, cultivated, noble woman is a power behind the throne. All her influence is in favor of morality, justice, and fair dealing, all her efforts and her counsel are in favor of good government, wise and wholesome regulations, and a faithful administration of the laws. Such a woman, by her gentleness, kindness, and Christian bearing, impresses her views and her counsels upon her father, her husband, her brothers, her sons, and her other male friends who imperceptibly yield to her influence many times without even being conscious of it. She rules not with a rod of iron, but with the queenly scepter; she binds not with hooks of steel but with silken cords; she governs not by physical efforts, but by moral suasion and feminine purity and delicacy. Her dominion is one of love, not of arbitray power.

We are satisfied, therefore, that the pure, cultivated, and pious ladies of this country now exercise a very powerful, but quiet, imperceptible influence in popular affairs, much greater than they can ever again exercise if female suffrage should be enacted and they should be compelled actively to take part in the affairs of state and the corruptions of party politics.

It would be a gratification, and we are always glad to see the ladies gratified, to many who have espoused the cause of woman suffrage if they could take active part in political affairs, and go to the polls and cast their votes alongside the male sex; but while this would be a gratification to a large number of very worthy and excellent ladies who take a different view of the question from that which we entertain, we feel that it would be a great cruelty to a much larger number of the cultivated, refined, delicate, and lovely women of this country who seek no such distinction, who would enjoy no such privilege, who would with woman-like delicacy shrink from the discharge of any such obligation, and who would sincerely regret that, what they consider the folly of the state, had imposed upon them any such unpleasant duties.

But should female suffrage be once established it would become an imperative necessity that the very large class, indeed much the largest class, of the women of this country of the character last described should yield, contrary to their inclinations and wishes, to the necessity which would compel them to engage in political strife. We apprehend no one who has properly considered this question will doubt if female suffrage should be established that the more ignorant and less refined portions of the female population of this country, to say nothing of the baser class of females, laying aside feminine delicacy and disregarding the sacred duties devolving upon them, to which we have already referred, would rush to the polls and take pleasure in the crowded association which the situation would compel, of the two sexes in political meetings, and at the ballot-box.

If all the baser and more ignorant portion of the female sex crowd to the polls and deposit their suffrage this compels the very large class of intelligent, virtuous, and refined females, including wives and mothers, who have much more important duties to perform, to leave their sacred labors at home, relinquishing for a time the God-given important trust which has been placed in their hands, to go contrary to their wishes to the polls and vote, to counteract the suffrage of the less worthy class of our female population. If they fail to do this the best interests of the country must suffer by a preponderance of ignorance and vice at the polls.

It is now a problem which perplexes the brain of the ablest statesmen to determine how we will best preserve our republican system as against the demoralizing influence of the large class of our present citizens and voters who by reason of their illiteracy are unable to read or write the ballot they cast.

Certainly no statesman who has carefully observed the situation would desire to add very largely to this burden of ignorance. But who does not apprehend the fact if universal female suffrage should be established that we will, especially in the Southern States, add a very large number to the voting population whose ignorance utterly disqualifies them for discharging the trust. If our colored population who were so recently slaves that even the males who are voters have had but little opportunity to educate themselves or to be educated, whose ignorance is now exciting the liveliest interest of our statesmen, are causes of serious apprehension, what is to be said in favor of adding to the voting population all the females of that race, who, on account of the situation in which they have been placed, have had much less opportunity to be educated than even the males of their own race.

We do not say it is their fault that they are not educated, but the fact is undeniable that they are grossly ignorant, with very few exceptions, and probably not one in a hundred of them could read and write the ballot that they would be authorized to cast. What says the statesman to the propriety of adding this immense mass of ignorance to the voting population of the Union in its present condition?

It may be said that their votes could be offset by the ballots of the educated and refined ladies of the white race in the same section; but who does not know that the ignorant female voters would be at the polls *en masse*, while the refined and educated, shrinking from public contact on such occasions, would remain at home and attend to their domestic and other important duties, leaving the country too often to the control of those who could afford under the circumstances to take part in the strifes of politics, and to come in contact with the unpleasant surroundings before they could reach the polls. Are we ready to expose the country to the demoralization, and our institutions to the strain, which would be placed upon them for the gratification of a minority of the virtuous and good of our female population at the expense of the mortification of a very large majority of the same sex?

It has been frequently urged with great earnestness by those who advocate woman suffrage that the ballot is necessary to the women to enable them to protect themselves in securing occupations, and to enable them to realize the same compensation for the like labor which is received by men. This argument is plausible, but upon a closer examination it will be found to possess but little real force. The price of labor is and must continue to be governed by the law of supply and demand, and the person who has the most physical strength to labor, and the most pursuits requiring such strength open for employment, will always command the higher prices.

Ladies make excellent teachers in public schools; many of them are every way the equals of their male competitors, and still they secure less wages than males. The reason is obvious. The number of ladies who offer themselves as teachers is much larger than the number of males who are willing to teach. The larger number of females offer to teach because other occupations are not open to them. The smaller number of males offer to teach because other more profitable occupa-

tions are open to most males who are competent to teach. The result is that the competition for positions of teachers to be filled by ladies is so great as to reduce the price; but as males can not be employed at that price, and are necessary in certain places in the schools, those seeking their services have to pay a higher rate for them.

Persons having a larger number of places open to them with fewer competitors command higher wages than those who have a smaller number of places open to them with more competitors. This is the law of society. It is the law of supply and demand, which can not be changed by legislation. Then it follows that the ballot can not enable those who have to compete with the larger number to command the same prices as those who compete with the smaller number in the labor market. As the Legislature has no power to regulate in practice that of which the advocates of woman suffrage complain, the ballot in the hands of females could not aid its regulation.

The ballot can not impart to the female physical strength which she does not possess, nor can it open to her pursuits which she does not have physical ability to engage in; and as long as she lacks the physical strength to compete with men in the different departments of labor, there will be more competition in her department, and she must necessarily receive less wages.

But it is claimed again, that females should have the ballot as a protection against the tyranny of bad husbands. This is also delusive. If the husband is brutal, arbitrary, or tyrannical, and tyrannizes over her at home, the ballot in her hands would be no protection against such injustice, but the husband who compelled her to conform to his wishes in other respects would also compel her to use the ballot, if she possessed it, as he might please to dictate. The ballot would therefore be of no assistance to the wife in such case, nor could it heal family strifes or dissensions. On the contrary, one of the gravest objections to placing the ballot in the hands of the female sex is that it would promote unhappiness and dissensions in the family circle. There should be unity and harmony in the family.

At present the man represents the family in meeting the demands of the law and of society upon the family. So far as the rougher, coarser duties are concerned, the man represents the family, and the individuality of the woman is not brought into prominence; but when the ballot is placed in the hands of woman her individuality is enlarged, and she is expected to answer for herself the demands of the law and of society on her individual account, and not as the weaker member of the family to answer by her husband. This naturally draws her out from the dignified and cultivated refinement of her womanly position, and brings her into a closer contact with the rougher elements of society, which tends to destroy that higher reverence and respect which her refinement and dignity in the relation of wife and mother have always inspired in those who approached her in her honorable and useful retirement.

When she becomes a voter she will be more or less of a politician, and will form political alliances or unite with political parties which will frequently be antagonistic to those to which her husband belongs. This will introduce into the family circle new elements of disagreement and discord which will frequently end in unhappy divisions, if not in separation or divorce. This must frequently occur when she becomes an active politician, identified with a party which is distasteful to her husband. On the other hand, if she unites with her husband in party associations and votes with him on all occasions so as not to disturb the harmony and happiness of the family, then the ballot is of no service, as it simply duplicates the vote of the male on each side of the question and leaves the result the same.

Again, if the family is the unit of society, and the state is composed of an aggregation of families, then it is important to society that there be as many happy families as possible, and it becomes the duty of man and woman alike to unite in the holy relations of matrimony.

As this is the only legal and proper mode of rendering obedience to the early command to multiply and replenish the earth, whatever tends to discourage the holy relation of matrimony is in disobedience of this command, and any change which encourages such disobedience is violative of the Divine law, and can not result in advantage to the state. Before forming this relation it is the duty of young men who have to take upon themselves the responsibilities of providing for and protecting the family to select some profession or pursuit that is most congenial to their tastes, and in which they will be most likely to be successful; but this can not be permitted to the young ladies, or if permitted it can not be practically carried out after matrimony.

As it might frequently happen that the young man had selected one profession or pursuit, and the young lady another, the result would be that after marriage she must drop the profession or pursuit of her choice, and employ herself in the sacred duties of wife and mother at home, and in rearing, educating, and elevating the family, while the husband pursues the profession of his choice.

It may be said, however, that there is a class of young ladies who do not choose to marry, and who select professions or avocations and follow them for a livelihood. This is true, but this class, compared with the number who unite in matrimony with the husbands of their choice, is comparatively very small, and it is the duty of society to encourage the increase of marriages rather than of celibacy. If the larger number of females select pursuits or professions which require them to decline marriage, society to that extent is deprived of the advantage resulting from the increase of population by marriage.

It is said by those who have examined the question closely that the largest number of divorces is now found in the communities where the advocates of female suffrage are most numerous, and where the individuality of woman as related to her husband, which such a doctrine inculcates, is increased to the greatest extent.

If this be true, it is a strong plea in the interests of the family and of society against granting the petition of the advocates of woman suffrage.

After all, this is a local question, which properly belongs to the different States of the Union, each acting for itself, and to the Territories of the Union, when not acting in conflict with the laws of the United States.

The fact that a State adopts the rule of female suffrage neither increases nor diminishes its power in the Union, as the number of Representatives in Congress to which each State is entitled and the number of members in the electoral college appointed by each is determined by its aggregate population and not by the proportion of its voting population, so long as no race or class as defined by the Constitution is excluded from the exercise of the right of suffrage.

Now, Mr. President, I shall make no apology for adding to what I have said some extracts from an able and well-written volume, entitled "Letters from the Chimney Corner," written by a highly cultivated lady of Chicago. This gifted lady has discussed the question with so much clearness and force that I can make no mistake by substituting some of the thoughts taken from her book for anything I might add on this question. While discussing the relations of the sexes, and showing that neither sex is of itself a whole, a unit, and that each requires to be supplemented by the other before its true structural integrity can be achieved, she adds:

Now, everywhere throughout nature, to the male and female ideal, certain distinct powers and properties belong. The lines of demarkation are not always clear, not always straight lines; they are frequently wavering, shadowy, and difficult to follow, yet on the whole whatever physical strength, personal aggressiveness, the intellectual scope and vigor which manage vast material enterprises are emphasized, there the masculine ideal is present. On the other hand, wherever refinement, tenderness, delicacy, sprightliness, spiritual acumen, and force, are to the fore, there the feminine ideal is represented, and these terms will be found nearly enough for all practical purposes to represent the differing endowments of actual men and women. Different powers suggest different activities, and under the division of labor here indicated the control of the state, legislation, the power of the ballot, would seem to fall to the share of man. Nor does this decision carry with it any injustice, any robbery of just or natural right to woman.

In her hands is placed a moral and spiritual power far greater than the power of the ballot. In her married or reproductive state the forming and shaping of human souls in their most plastic period is her destiny. Nor do her labors or her responsibilities end with infancy or childhood. Throughout his entire course, from the cradle to the grave, man is ever under the moral and spiritual influence and control of woman. With this power goes a tremendous responsibility for its true management and use. If woman shall ever rise to the full height of her power and privileges in this direction, she will have enough of the world's work upon her hands without attempting legislation.

It may be argued that the possession of civil power confers dignity, and is of itself a re-enforcement of whatever natural power an individual may possess; but the dignity of womanhood, when it is fully understood and appreciated, needs no such re-enforcement, nor are the peculiar needs of woman such as the law can reach.

Whenever laws are needed for the protection of her legal status and rights, there has been found to be little difficulty in obtaining them by means of the votes of men; but the deeper and more vital needs of woman and of society are those which are outside altogether of the pale of the law, and which can only be reached by the moral forces lodged in the hands of woman herself, acting in an enlarged and general capacity.

For instance, whenever a man or woman has been wronged in marriage the law may indeed step in with a divorce, but does that divorce give back to either party the dream of love, the happy home, the prattle of children, and the sweet outlook for future years which were destroyed by that wrong? It is not a legal power which is needed in this case; it is a moral power which shall prevent the wrong, or, if committed, shall induce penitence, forgiveness, a purer life, and the healing of the wound.

This power has been lodged by the Creator in the hands of woman herself, and if she has not been rightly trained to use it there is no redress for her at the hands of the law. The law alone can never compel men to respect the chastity of woman. They must first recognize its value in themselves by living up to the high level of their duties as maidens, wives, and mothers; they must impress men with the beauty and sacredness of purity, and then whatever laws are necessary and

available for its protection will be easily obtained, with a certainty, also, that they can be enforced, because the moral sentiments of men will be enlisted in their support.

Privileges bring responsibilities, and before women clamor for more work to do, it were better that they should attend more thoughtfully to the duties which lie all about them, in the home and social circle. Until society is cleansed of the moral foulness which infests it, which, as we have seen, lies beyond the reach of civil law, women have no call to go forth into wider fields, claiming to be therein the rightful and natural purifiers. Let them first make the home sweet and pure, and the streams which flow therefrom will sweeten and purify all the rest.

As between the power of the ballot and this moral force exerted by women there can not be an instant's doubt as to the choice. In natural refinement and elevation of character, the ideal woman stands a step above the ideal man. If she descends from this fortunate position to take part in the coarse scramble for material power, what chance will she have as against man's aggressive forces; and what can she possibly gain that she can not win more directly, more effectually, and with far more dignity and glory to herself by the exercise of her own womanly prerogatives? She has, under God, the formation and rearing of men in her own hands.

If they do not turn out in the end to be men who respect woman, who will protect and defend her in the exercise of every one of her God-given rights, it is because she has failed in her duty toward them; has not been taught to comprehend her own power and to use it to its best ends. For women to seek to control men by the power of suffrage is like David essaying the armor of Saul. What woman needs is her own sheepskin sling and her few smooth pebbles from the bed of the brook, and then let her go forth in the name of the Lord God of Hosts, and a victory as sure and decisive as that of the shepherd of Israel awaits her.

Again, in chapter 4, entitled "The Power of the Home," the author says, in substance: It is, perhaps, of minor consequence that women should have felt themselves emancipated from buttons and bread making; but that they should have learned to look in the least degree slightingly upon the great duties of women as lovers of husbands, as lovers of children, as the fountain and source of what is highest and purest and holiest, and not less of what is homely and comfortable and satisfying in the home, is a serious misfortune. Women can hardly be said to have lost, perhaps what they have so rarely in any age generally attained, that dignity which knows how to command, united with a sweetness which seems all the while to be complying, the power, supple and strong, which rescues the character of the ideal woman from the charge of weakness, and at the same time exhibits its utmost of grace and fascination.

But that of late years the gift has not been cultivated, has not, in fact, thrown out such natural off-shoots as gave grace and glory to some earlier social epochs, must be evident, it would seem, to any thoughtful observer.

If, instead of trying to grasp more material power, women would pursue those studies and investigations which tend to make them familiar with what science teaches concerning the influence of the mother and the home upon the child; of how completely the Creator in giving the genesis of the human race into the hands of woman has made her not only capable of, but responsible for, the regeneration of the world; if they would reflect that nature by making man the bond slave of his passions has put the lever into the hands of woman by which she can control him, and if they would learn to use these powers, not as bad women do for vile and selfish ends, but as the mothers of the race ought, for pure, holy, and redemptive purposes, then would the sphere of women be enlarged to some purpose; the atmosphere of the home would be purified and vitalized, and the work of redeeming man from his vices would be hopefully begun.

The following thoughts are also from the same source: Is this emancipation of woman, if that is the proper phrase for it, a final end, or only the means to an end? Are women to be as the outcome of it emancipated from their world-old sphere of marriage and motherhood, and control of the moral and spiritual destinies of the race, or are they to be emancipated, in order to the proper fulfillment of these functions? It would seem that most of the advanced women of the day would answer the first of these questions affirmatively. Women, I think it has been authoritatively stated, are to be emancipated in order that they may become fully developed human beings, something broader and stronger, something higher and finer, more delicate, more æsthetic, more generally rarefied and sublimated than the old-fashioned type of womanhood, the wife and the mother.

And the result of the woman movement seems more or less in a line thus far with this theoretic aim. Of advanced women a less proportion are inclined to marry than of the old-fashioned type; of those who do marry a great proportion are restless in marriage bonds or seek release from them, while of those who do remain in married life many bear no children, and few, indeed, become mothers of large families. The woman's vitality is concentrated in the brain and fructifies more in intellectual than in physical forms.

Now, women who do not marry are one of two things; either they belong to a class which we shrink from naming or they become old maids.

An old maid may be in herself a very useful and commendable person and a valuable member of society; many are all this. But she has still this sad drawback, she can not perpetuate herself; and since all history and observation go to prove that the great final end of creation, whatever it may be, can only be achieved through the perpetuity and increasing progress of the race, it follows that unmarried woman is not the most necessary, the indispensable type of woman. If there were no other class of females left upon the earth but the women who do not bear children, then the world would be a failure, creation would be nonplussed.

If, then, the movement for the emancipation of woman has for its final end the making of never so fine a quality, never so sublimated a sort of non-child-bearing women, it is an absurdity upon the face of it.

From the standpoint of the Chimney Corner it appears that too many even of the most gifted and liberal-minded of the leaders in the woman's rights movement have not yet discovered this flaw in their logic. They seek to individualize women, not seeing, apparently, that individualized women, old maids, and individualized men, old bachelors, though they may be useful in certain minor ways, are, after all, to speak with the relentlessness of science, fragmentary and abortive, so far as the great scheme of the universe is concerned, and often become, in addition, seriously detrimental to the right progress of society. The man and woman united in marriage form the unit of the race; they alone rightly wield the self-perpetuating power upon which all human progress depends; without which the race itself must perish, the universe become null.

Reaching this point of the argument, it becomes evident that while the development of the individual man or individual woman is no doubt of great importance, since, as Margaret Fuller has justly said, "there must be units before there can be union," it is chiefly so because of their relation to each other. Their character should be developed with a view to their future union with each other, and not to be independent of it. When the leaders of the woman's movement fully realize this, and shape their course accordingly, they will have made a great advance both in the value of their work and its claim upon public sympathy. Moreover, they will have reached a point from which it will be possible for them to investigate reform and idealize the relations existing between men and women.

Mr. President, it is no part of my purpose in any manner whatever to speak disrespectfully of the large number of intelligent ladies, sometimes called strong-minded, who are constantly going before the public, agitating this question of female suffrage. While some of them may, as is frequently charged, be courting notoriety, I have no doubt they are generally earnestly engaged in a work which, in their opinion, would better their condition and would do no injury to society.

In all this, however, I believe they are mistaken.

I think the mental and physical structure of the sexes, of itself, sufficiently demonstrates the fact that the sterner, more laborious, and more difficult duties of society are to be performed by the male sex; while the more delicate duties of life, which require less physical strength, and the proper training of youth, with the proper discharge of domestic duties, belong to the female sex. Nature has so arranged it that the male sex can not attend properly to the duties assigned by the law of nature to the female sex, and that the female sex can not discharge the more rigorous duties required of the male sex.

This movement is an attempt to reverse the very laws of our being, and to drag woman into an arena for which she is not suited, and to devolve upon her onerous duties which the Creator never intended that she should perform.

While the husband discharges the laborious and fatiguing duties of important official positions, and conducts political campaigns, and discharges the duties connected with the ballot-box, or while he bears arms in time of war, or discharges executive or judicial duties, or the duties of juryman, requiring close confinement and many times great mental fatigue; or while the husband in a different sphere of life discharges the laborious duties of the plantation, the workshop, or the machine shop, it devolves upon the wife to attend to the duties connected with home life, to care for infant children, and to train carefully and properly those who in the youthful period are further advanced towards maturity.

The woman with the infant at the breast is in no condition to plow on the farm, labor hard in the workshop, discharge the duties of a juryman, conduct causes as an advocate in court, preside in important cases as a judge, command armies as a general, or bear arms as a private. These duties, and others of like character, belong to the male sex; while the more important duties of home, to which I have already referred, devolve upon the female sex. We can neither reverse the physical nor the moral laws of our nature, and as this movement is an attempt to reverse these laws, and to devolve upon the female sex important and laborious duties for which they are not by nature physically competent, I am not prepared to support this bill.

My opinion is that a very large majority of the American people, yes, a large majority of the female sex, oppose it, and that they act wisely in doing so. I therefore protest against its passage.

Mr. DOLPH. Mr. President, I shall not detain the Senate long. I do not feel satisfied when a measure so important to the people of this

country and to humanity is about to be submitted to a vote of the Senate to remain wholly silent.

The pending question is upon the adoption of a joint resolution in the usual form submitting to the legislatures of the several States of the Union for their ratification an additional article as an amendment to the Federal Constitution, which is as follows:

ARTICLE —.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

SEC. 2. The Congress shall have power, by appropriate legislation, to enforce the provisions of this article.

Fortunately for the perpetuity of our institutions and the prosperity of the people, the Federal Constitution contains a provision for its own amendment. The framers of that instrument foresaw that time and experience, the growth of the country and the consequent expansion of the Government, would develop the necessity for changes in it, and they therefore wisely provided in Article V as follows:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.

Under this provision, at the first session of the First Congress, ten amendments were submitted to the Legislatures of the several States, in due time ratified by the constitutional number of States, and became a part of the Constitution. Since then there have been added to the Constitution by the same process five different articles.

To secure an amendment to the Constitution under this article requires the concurrent action of two-thirds of both branches of Congress and the affirmative action of three-fourths of the States. Of course Congress can refuse to submit a proposed amendment to the Legislatures of the several States, no matter how general the demand for such submission may be, but I am inclined to believe with the senior Senator from New Hampshire [Mr. BLAIR], in the proposition submitted by him in a speech he made early in the present session upon the pending resolution, that the question as to whether this resolution shall be submitted to the Legislatures of the several States for ratification does not involve the right or policy of the proposed amendment.

I am also inclined to believe with him that should the demand by the people for the submission by Congress to the Legislatures of the several States of a proposed amendment become general it would be the duty of the Congress to submit such amendment irrespective of the individual views of the members of Congress, and thus give the people through their Legislative Assemblies power to pass upon the question as to whether or not the Constitution should be amended. At all events, for myself, I should not hesitate to vote to submit for ratification by the Legislatures of the several States an amendment to the Constitution although opposed to it if I thought the demand for it justified such a course.

But I shall vote for the pending joint resolution because I am in favor of the proposed amendment. I have been for many years convinced that the demand made by women for the right of suffrage is just, and that of all the distinctions which have been made between citizens in the laws which confer or regulate suffrage the distinction of sex is the least defensible.

I am not going to discuss the question at length at this time. The arguments for and against woman suffrage have been often stated in this Chamber, and are pretty fully set forth in the majority and minority reports of the Senate committee upon the pending joint resolution. The arguments in its favorwere fully stated by the senior Senator from New Hampshire in his able speech upon the question before alluded to, and now the objections to it have been forcibly and elaborately presented by the senior Senator from Georgia [Mr. BROWN]. I could not expect by anything I could say to change a single vote in this body, and the public is already fully informed upon the question, as the arguments in favor of woman suffrage have been voiced in every ham let in the land with great ability. No question in this country has been more ably discussed than this has been by the women themselves.

I do not think a single objection which is made to woman suffrage is tenable. No one will contend but that women have sufficient capacity to vote intelligently.

Sir, sacred and profane history is full of the records of great deeds by women. They have ruled kingdoms, and, my friend from Georgia to the contrary notwithstanding, they have commanded armies. They have excelled in statecraft, they have shone in literature, and, rising superior to their environments and breaking the shackles with which custom and tyranny have bound them, they have stood side by side with men in the fields of the arts and the sciences.

If it were a fact that woman is intellectually inferior to man, which I do not admit, still that would be no reason why she should not be permitted to participate in the formation and control of the Government to which she owes allegiance. If we are to have as a test for the exercise of the right of suffrage a qualification based upon intelligence, let it be applied to women and to men alike. If it be admitted that suffrage is a right, that is the end of controversy; there can no longer be any argument made against woman suffrage, because, if it is her right, then, if there were but one poor woman in all the United States demanding the right of suffrage, it would be tyranny to refuse the demand.

But our friends say that suffrage is not a right; that it is a matter of grace only; that it is a privilege which is conferred upon or withheld from individual members of society by society at pleasure. Society as here used means man's government, and the proposition assumes the fact that men have a right to institute and control governments for themselves and for women. I admit that in the governments of the world, past and present, men as a rule have assumed to be the ruling classes; that they have instituted governments from participation in which they have excluded women; that they have made laws for themselves and for women, and as a rule have themselves administered them; but that the provisions conferring or regulating suffrage in the constitutions and laws of governments so constituted determined the question of the right of suffrage can not be maintained.

Let us suppose, if we can, a community separated from all other communities, having no organized government, owing no allegiance to any existing governments, without any knowledge of the character of present or past governments, so that when they come to form a government for themselves they can do so free from the bias or prejudice of custom or education, composed of an equal number of men and women, having equal property rights to be defined and to be protected by law. When such community came to institute a government—and it would have an undoubted right to institute a government for itself, and the instinct of self-preservation would soon lead them to do so—will my friend from Georgia tell me by what right, human or divine, the male portion of that community could exclude the female portion, although equal in number and having equal property rights with the men, from participation in the formation of such government and in the enactment of laws for the government of the community? I understand the Senator, if he should answer, would say that he believes the Author of our existence, the Ruler of the universe, has given different spheres to man and woman. Admit that; and still neither in nature nor in the revealed will of God do I find anything to lead me to believe that the Creator did not intend that a woman should exercise the right of suffrage.

During the consideration by this body at the last session of the bill to admit Washington Territory into the Union, referring to the fact that in that Territory woman had been enfranchised, I briefly submitted my views on this subject, which I ask the Secretary to read, so that it may be incorporated in my remarks.

The Secretary read as follows:

Mr. President, there is another matter which I consider pertinent to this discussion, and of too much importance to be left entirely unnoticed on this occasion. It is something new in our political history. It is full of hope for the women of this country and of the world, and full of promise for the future of republican institutions. I refer to the fact that in Washington Territory the right of suffrage has been extended to women of proper age, and that the delegates to the constitutional convention to be held under the provisions of this bill, should it become a law, will, under existing laws of the Territory, be elected by its citizens without distinction as to sex, and the constitution to be submitted to the people will be passed upon in like manner.

I do not intend to discuss the question of woman suffrage upon this occasion, and I refer to it mainly for the purpose of directing attention to the advanced position which the people of this Territory have taken upon this question. I do not believe the proposition so often asserted that suffrage is a political privilege only, and not a natural right. It is regulated by the constitution and laws of a State I grant, but it needs no argument, it appears to me, to show that a constitution and laws adopted and enacted by a fragment of the whole body of the people, but binding alike on all, is a usurpation of the powers of government.

Government is but organized society. Whatever its form, it has its origin in the necessities of mankind and is indispensable for the maintenance of civilized society. It is essential to every government that it should represent the supreme power of the State, and be capable of subjecting the will of its individual citizens to its authority. Such a government can only derive its just powers from the consent of the governed, and can be established only under a fundamental law which is self-imposed. Every citizen of suitable age and discretion who is to be subject to such a government has, in my judgment, a natural right to participate in its formation. It is a significant fact that should Congress pass this bill and authorize the people of Washington Territory to frame a State constitution and organize a State government, the fundamental law of the State will be made by all the citizens of the State to be subject to it, and not by one-half of them. And we shall witness the spectacle of a State government founded in accordance with the principles of equality, and have a State at last with a truly republican form of government.

The fathers of the Republic enunciated the doctrine "that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness." It is strange that any one in this enlightened age should be found to contend that this declaration is true only of men, and that a man is endowed by his Creator with inalienable rights not possessed by a woman. The lamented Lincoln immortalized the expression that ours is a Government "of the people, by the people, and for the people," and yet it is far from that. There can be no government by the people where one-half of them are allowed no voice in its organization and control. I regard the struggle going on in this country and elsewhere for the enfranchisement of women as but a continuation of the great struggle for human liberty which has, from the earliest dawn of authentic history, convulsed nations, rent kingdoms, and drenched battlefields with human blood. I look upon the victories which have been achieved in the cause of woman's enfranchisement in Washington Territory and elsewhere as the crowning victories of all which have been won in the long-continued, still-continuing contest between liberty and oppression, and as destined to exert a greater influence upon the human race than any achieved upon the battlefield in ancient or modern times.

Mr. DOLPH. Mr. President, the movement for woman suffrage has passed the stage of ridicule. The pending joint resolution may not pass

during this Congress, but the time is not far distant when in every State of the Union and in every Territory women will be admitted to an equal voice in the government, and that will be done whether the Federal Constitution is amended or not. The first convention demanding suffrage for women was held at Seneca Falls, in the State of New York, in 1848. To-day in three of the Territories of the Union women enjoy full suffrage, in a large number of States and Territories they are entitled to vote at school meetings, and in all the States and Territories there is a growing sentiment in favor of this measure which will soon compel respectful consideration by the law-making power.

No measure in this country involving such radical changes in our institutions and fraught with so great consequences to this country and to humanity has made such progress as the movement for woman suffrage. Denunciation will not much longer answer for arguments by the opponents of this measure. The portrayal of the evils to flow from woman suffrage such as we have heard pictured to-day by the Senator from Georgia, the loss of harmony between husband and wife, and the consequent instability of the marriage relation, the neglect of husband and children by wives and mothers for the performance of their political duties, in short the incapacitating of women for wives and mothers and companions, will not much longer serve to frighten the timid. Proof is better than theory. The experiment has been tried and the predicted evils to flow from it have not followed. On the contrary, if we can believe the almost universal testimony, everywhere where it has been tried it has been followed by the most beneficial results.

In Washington Territory, since woman was enfranchised, there have been two elections. At the first there were 8,368 votes cast by women out of a total vote of 34,000 and over. At the second election, which was held in November last, out of 48,000 votes cast in the Territory, 12,000 votes were cast by women. The opponents of female suffrage are silenced there. The Territorial conventions of both parties have resolved in favor of woman suffrage, and there is not a proposition, so far as I know in all that Territory, to repeal the law conferring suffrage upon woman.

I desire also to inform my friend from Georgia that since women were enfranchised in Washington Territory nature has continued in her wonted courses. The sun rises and sets; there is seed-time and harvest; seasons come and go. The population has increased with the usual regularity and rapidity. Marriages have been quite as frequent, and divorces have been no more so. Women have not lost their influence for good upon society, but men have been elevated and refined. If we are to believe the testimony which comes from lawyers, physicians, ministers of the gospel, merchants, mechanics, farmers, and laboring men, the united testimony of the entire people of the Territory, the results of woman suffrage there have been all that could be desired by its friends. Some of the results in that Territory have been seen in making the polls quiet and orderly, in awaking a new interest in educational questions and in questions of moral reform, in securing the passage of beneficial laws and the proper enforcement of them; and, as I have said before, in elevating men, and that without injury to the women.

Mr. EUSTIS. Will the Senator allow me to ask him a question?

Mr. DOLPH. The Senator can ask me a question, if he chooses.

Mr. EUSTIS. If it be right and proper to confer the right of suffrage on women, I ask the Senator whether he does not think that women ought to be required to serve on juries?

Mr. DOLPH. I can answer that very readily. It does not necessarily follow that because a woman is permitted to vote and thus have a voice in making the laws by which she is to be governed and by which her property rights are to be determined, she must perform such duty as service upon a jury. But I will inform the Senator that in Washington Territory she does serve upon juries, and with great satisfaction to the judges of the courts and to all parties who desire to see an honest and efficient administration of law.

Mr. EUSTIS. I was aware of the fact that women are required to serve on juries in Washington Territory because they are allowed to vote. I understand that under all State laws those duties are considered correlative. Now, I ask the Senator whether he thinks it is a decent spectacle to take a mother away from her nursing infant and lock her up all night to sit on a jury?

Mr. DOLPH. I intended to say before I reached this point of being interrogated that I not only do not believe that there is a single argument against woman suffrage that is tenable, and I may be prejudiced in the matter, but that there is not a single one that is really worthy of any serious consideration. The Senator from Louisiana is a lawyer, and he knows very well that under such circumstances, a mother with a nursing infant, that fact being made known to the court would be excused; that would be a sufficient excuse. He knows himself, and he has seen it done a hundred times, that for trivial excuses compared to that men have been excused from service on a jury.

Mr. EUSTIS. I will ask the Senator whether he knows that under the laws of Washington Territory that is a legal excuse from serving on a jury?

Mr. DOLPH. I am not prepared to state that it is; but there is no question in the world but that any judge, that fact being made known, would excuse a woman from attendance upon a jury. No special authority would be required. I will state further that I have not learned that there has been any serious objection on the part of any woman summoned for jury service in that Territory to perform that duty. I have not learned that it has worked to the disadvantage of any family in the Territory; but I do know that the judges of the courts have taken especial pains to commend the women who have been called to serve upon juries for the manner in which they have discharged their duty.

I wish to say further that there is no connection whatever between jury service and the right of suffrage. The question as to who shall perform jury service, the question as to who shall perform military service, the question as to who shall perform civil official duty in a government is certainly a matter to be regulated by the community itself; but the question of the right to participate in the formation of a government which controls the life and the property and the destinies of its citizens, I contend is a question of right that goes back of these mere regulations for the protection of property and the punishment of offenses under the laws. It is a matter of right which it is tyranny to refuse to any citizen demanding it.

Now, Mr. President, I shall close by saying: God speed the day when not only in all the States of the Union and in all the Territories, but everywhere, woman shall stand before the law freed from the last shackle which has been riveted upon her by tyranny and the last disability which has been imposed upon her by ignorance, not only in respect to the right of suffrage, but in every other respect the peer and equal of her brother, man.

Mr. VEST. Mr. President——

The PRESIDING OFFICER. Will the Senator give way to enable the Chair to lay before the Senate some executive communications?

Mr. VEST. Certainly.

NICARAGUA SHIP-CANAL.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate of the United States:

In response to the resolution of the Senate of the 21st ultimo, calling for certain correspondence touching the construction of a ship-canal through Nicaragua, I transmit herewith a report from the Secretary of State on the subject, with accompanying papers.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 25, 1887.

NEBRASKA SCHOOL LANDS.

The PRESIDING OFFICER laid before the Senate a letter from the Secretary of the Interior, transmitting, in reply to resolution of January 5, 1887, a report of the Acting Commissioner of the General Land Office as to the grant of school lands by way of indemnity to the State of Nebraska; which was referred to the Committee on Public Lands, and ordered to be printed.

NEW MEXICO LAND CLAIMS.

The PRESIDING OFFICER laid before the Senate a letter from the Secretary of the Interior, transmitting supplementary report of the surveyor-general for New Mexico on the private land claim known as the Petaca grant, No. 15; which was referred to the Committee on Private Land Claims, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of the Interior, transmitting supplementary report of the surveyor-general for New Mexico on the private land claim known as Encinas tract, No. 55, José Luis Valdez *et al.*, claimants; which was referred to the Committee on Private Land Claims, and ordered to be printed.

AMENDMENT TO A BILL.

Mr. VEST submitted an amendment intended to be proposed by him to the bill (S. 2288) to incorporate the Atlantic and Pacific Ship-Railway Company, and for other purposes; which was ordered to lie on the table, and be printed.

REAL ESTATE TITLE INSURANCE COMPANY.

Mr. BROWN. The Senator from Missouri [Mr. VEST] agrees to indulge me a moment while I make a motion.

The bill (S. 495) changing the name of the Real Estate Title Insurance Company of the District of Columbia, and for other purposes, was during the last session of Congress referred to the Committee on the District of Columbia, reported adversely, and postponed indefinitely. The friends of the bill desire that that vote be now reconsidered, and that the bill be reinstated on the Calendar and again referred to the committee. I move the reconsideration of the vote by which the bill was indefinitely postponed.

Mr. BLAIR. What is the Senator's desire—not to displace the existing order?

Mr. BROWN. Not at all. The Senator from Missouri [Mr. VEST] yielded to me a moment to make this motion.

The PRESIDING OFFICER. It can be done by unanimous consent.

Mr. BLAIR. I do not wish to object to the Senator entering a motion to reconsider, but I do not wish the pending order to be displaced, and I object to anything which would have that consequence.

Mr. BROWN. I ask unanimous consent of the Senate.

The PRESIDING OFFICER. The Senator from Georgia can do this by unanimous consent. Is there objection?

Mr. BROWN. I only want this matter referred back to the committee.

Mr. BLAIR. I reserve the right to object if any debate arises.

Mr. BROWN. I do not desire to displace the pending order. I simply desire the reconsideration of the vote indefinitely postponing the bill, so that it may be referred back to the committee.

The PRESIDING OFFICER. Is there objection to the reconsideration of the vote by which the bill referred to was indefinitely postponed? The Chair hears none, and the vote is reconsidered.

Mr. BROWN. Now I move that the bill be recommitted to the Committee on the District of Columbia.

The PRESIDING OFFICER. Is there objection to that motion? The Chair hears none, and it is so ordered.

WOMAN SUFFRAGE.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. 5) proposing an amendment to the Constitution of the United States extending the right of suffrage to women.

The PRESIDING OFFICER. The Senator from Missouri [Mr. VEST] is entitled to the floor.

Mr. VEST. Mr. President, any measure of legislation which affects popular government based on the will of the people as expressed through their suffrage is not only important but vitally so. If this Government, which is based on the intelligence of the people, shall ever be destroyed it will be by injudicious, immature, or corrupt suffrage. If the ship of state launched by our fathers shall ever be destroyed, it will be by striking the rock of universal, unprepared suffrage. Suffrage once given can never be taken away. Legislatures and conventions may do everything else; they never can do that. When any particular class or portion of the community is once invested with this privilege it is fixed, accomplished, and eternal.

The Senator who last spoke on this question refers to the successful experiment in regard to woman-suffrage in the Territories of Wyoming and Washington. Mr. President, it is not upon the plains of the sparsely-settled Territories of the West that woman suffrage can be tested. Suffrage in the rural districts and sparsely settled regions of this country must from the very nature of things remain pure when corrupt everywhere else. The danger of corrupt suffrage is in the cities, and those masses of population to which civilization tends everywhere in all history. Whilst the country has been pure and patriotic, the cities have been the first cancers to appear upon the body-politic in all ages of the world.

Wyoming Territory! Washington Territory! Where are their large cities? Where are the localities in those Territories where the strain upon popular government must come? The Senator from New Hampshire, who is so conspicuous in this movement, appalled the country some months since by his ghastly array of illiteracy in the Southern States. He proposes that $77,000,000 of the people's money be taken in order to strike down the great foe to republican government, illiteracy. How was that illiteracy brought upon this country? It was by giving the suffrage to unprepared voters. It is not my purpose to go back into the past and make any partisan or sectional appeal, but it is a fact known to every intelligent man that in one single act the right of suffrage was given without preparation to hundreds of thousands of voters who to-day can scarcely read. That Senator proposes now to double, and more than double, that illiteracy. He proposes to give the negro women of the South this right of suffrage, utterly unprepared as they are for it.

In a convention some two years and a half ago in the city of Louisville an intelligent negro from the South said the negro men could not vote the Democratic ticket because the women would not live with them if they did. The negro men go out in the hotels and upon the railroad cars. They go to the cities and by attrition they wear away the prejudice of race; but the women remain at home, and their emotional natures aggregate and compound the race-prejudice, and when suffrage is given them what must be the result?

Mr. President, it is not my purpose to speak of the inconveniences, for they are nothing more, of woman suffrage. I trust that as a gentleman I respect the feelings of the ladies and their advocates. I am not here to ridicule. My purpose only is to use legitimate argument as to a movement which commands respectful consideration, if for no other reason than because it comes from women. But it is impossible to divest ourselves of a certain degree of sentiment when considering this question.

I pity the man who can consider any question affecting the influence of woman with the cold, dry logic of business. What man can, without aversion, turn from the blessed memory of that dear old grandmother, or the gentle words and caressing hand of that blessed mother gone to the unknown world, to face in its stead the idea of a female justice of the peace or township constable? For my part I want when I go to my home—when I turn from the arena where man contends with man for what we call the prizes of this paltry world—I want to go back, not to be received in the masculine embrace of some female ward politician, but to the earnest, loving look and touch of a true woman. I want to go back to the jurisdiction of the wife, the mother; and instead of a lecture upon finance or the tariff, or upon the construction of the Constitution, I want those blessed, loving details of domestic life and domestic love.

I have said I would not speak of the inconveniences to arise from woman suffrage—I care not—whether the mother is called upon to decide as a juryman or jury-woman rights of property or rights of life, whilst her baby is "mewling and puking" in solitary confinement at home. There are other considerations more important, and one of them to my mind is insuperable. I speak now respecting women as a sex. I believe that they are better than men, but I do not believe they are adapted to the political work of this world. I do not believe that the Great Intelligence ever intended them to invade the sphere of work given to men, tearing down and destroying all the best influences for which God has intended them.

The great evil in this country to-day is in emotional suffrage. The great danger to-day is in excitable suffrage. If the voters of this country could think always coolly, and if they could deliberate, if they could go by judgment and not by passion, our institutions would survive forever, eternal as the foundations of the continent itself; but massed together, subject to the excitements of mobs and of these terrible political contests that come upon us from year to year under the autonomy of our Government, what would be the result if suffrage were given to the women of the United States?

Women are essentially emotional. It is no disparagement to them they are so. It is no more insulting to say that women are emotional than to say that they are delicately constructed physically and unfitted to become soldiers or workmen under the sterner, harder pursuits of life.

What we want in this country is to avoid emotional suffrage, and what we need is to put more logic into public affairs and less feeling. There are spheres in which feeling should be paramount. There are kingdoms in which the heart should reign supreme. That kingdom belongs to woman. The realm of sentiment, the realm of love, the realm of the gentler and the holier and kindlier attributes that make the name of wife, mother, and sister next to that of God himself.

I would not, and I say it deliberately, degrade woman by giving her the right of suffrage. I mean the word in its full signification, because I believe that woman as she is to-day, the queen of home and of hearts, is above the political collisions of this world, and should always be kept above them.

Sir, if it be said to us that this is a natural right belonging to women, I deny it. The right of suffrage is one to be determined by expediency and by policy, and given by the State to whom it pleases. It is not a natural right; it is a right that comes from the state.

It is claimed that if the suffrage be given to women it is to protect them. Protect them from whom? The brute that would invade their rights would coerce the suffrage of his wife, or sister, or mother as he would wring from her the hard earnings of her toil to gratify his own beastly appetites and passions.

It is said that the suffrage is to be given to enlarge the sphere of woman's influence. Mr. President, it would destroy her influence. It would take her down from that pedestal where she is to-day, influencing as a mother the minds of her offspring, influencing by her gentle and kindly caress the action of her husband toward the good and pure.

But I rise not to discuss this question, but to discharge a request. I know that when a man attacks this claim for woman suffrage he is sneered at and ridiculed as afraid to meet women in the contests for political honor and supremacy. If so, I oppose to the request of these ladies the arguments of their own sex; but first, I ask the Secretary to read a paper which has been sent to me with a request that I place it before the Senate.

The Chief Clerk read as follows:

To the honorable Senate and House of Representatives:

We, the undersigned, respectfully remonstrate against the further extension of suffrage to women.

H. P. Kidder.	Rev. J. P. Bodfish, chancellor, Cathedral Holy Cross.	Henry Parkman.
O. W. Peabody.		W. H. Sayward.
R. M. Morse, jr.		Charles A. Cummings.
Charles A. Welch.	Rt. Rev. B. H. Paddock, bishop of Massachusetts.	Hon. S. C. Cobb.
Augustus Lowell.		Sidney Bartlett.
Francis Parkman, LL. D.		John C. Gray.
Thomas Bailey Aldrich.	Rev. Henry M. Dexter.	Louis Brandeis.
Edmund Dwight.	Rev. H. Brooke Herford.	Hon. George G. Crocker.
Charles H. Dalton.	Rev. O. B. Frothingham.	John Bartlett.
Henry Lee.	Rev. Ellis Wendell.	John Fiske.
W. Endicott, jr.	Rev. Geo. F. Staunton.	J. T. G. Nichols, M. D.
Samuel Wells.	Rev. A. H. Heath.	C. E. Vaughan, M. D.
Hon. John Lowell.	Rev. W. H. Dowden.	John Homans, M. D.
William G. Russell.	Rev. J. B. Seabury.	Chauncey Smith.
John C. Ropes.	Rev. C. Woodworth.	Benj. Vaughan.
Robert D. Smith.	Rev. Leonard K. Storrs.	Charles F. Walcott.
George A. Gardner.	Rev. Howard N. Brown.	J. B. Warner.
F. Haven, jr.	Rev. Edward J. Young.	Walter Dean.
W. Powell Mason.	Rev. Andrew P. Peabody.	S. H. Kennard.
B. F. Stevens.	Rev. George Z. Gray.	E. Whitney.
Charles Marsh.	Rev. William Lawrence.	W. P. P. Longfellow.
Charles W. Eliot, president Harvard University.	Rev. E. H. Hall.	H. O. Houghton.
	Rev. Nicholas Hoppin.	J. M. Spelman.
	Rev. David G. Haskins.	J. C. Dodge.
Prof. C. F. Dunbar.	Rev. L. S. Crawford.	E. S. Dixwell.

Prof. J. P. Cook.	Rev. J. I. T. Coolidge.	L. S. Jones.
Prof. J. Lovering.	Rev. Henry A. Hazen.	G. W. C. Noble.
Prof. W. W. Goodwin.	Rev. F. H. Hedge.	Charles Theodore Russell.
Prof. Francis Bowen.	Rev. H. A. Parker.	Clement L. Smith.
Prof. Wolcott Gibbs.	Rev. Asa Bullard.	Ezra Farnsworth.
Prof. F. J. Child.	Rev. Alexander McKenzie.	H. H. Edes.
Prof. John Trowbridge.	Rev. J. F. Spaulding.	Hon. R. R. Bishop.
Prof. G. L. Goodale.	Rev. S. K. Lothrop.	H. H. Sprague.
Prof. J. B. Greenough.	Rev. E. Osborne, S. S. J. E.	Charles R. Codman.
Prof. H. W. Torrey.	Rev. Leighton Parks.	Darwin E. Ware.
Prof. J. H. Thayer.	Rev. H. W. Foote.	Arthur E. Thayer.
Prof. E. W. Gurney.	Rev. Morton Dexter.	C. F. Choate.
Justin Winsor.	Rev. David H. Brewer.	Richard H. Dana.
H. W. Paine.	Rev. Judson Smith.	O. D. Forbes.
Hon. W. E. Russell.	Rev. L. W. Shearman.	Edward L. Geddings.
James C. Fiske.	Rev. Charles F. Dole.	William V. Hutchings.
George Putnam.	Rev. George M. Boynton.	John L. Gardner.
C. A. Curtis.	Rev. D. W. Waldron.	L. M. Sargent.
T. Jefferson Coolidge.	Rev. John A. Hamilton.	H. L. Hallett.
T. K. Lothrop.	Rev. Isaac P. Langworthy.	E. P. Brown.
Augustus P. Loring.	Rev. E. K. Alden.	W. A. Tower.
W. F. Draper.	Rev. E. E. Strong.	J. Edwards.
George Draper.	Rev. M. D. Bisbee.	G. H. Campbell.
Francis Brooks.	Rev. Oliver S. Dean.	Samuel Carr, jr.
Edward Brooks.	Richard M. Hodges, M. D.	Francis Peabody, jr.
J. Randolph Coolidge.	Henry J. Bigelow, M. D.	Harcourt Amory.
J. Eliot Cabot.	Charles D. Homans, M. D.	F. E. Parker.
Fred. Law Olmstead.	George H. Lyman, M. D.	A. S. Wheeler.
Charles S. Sargent.	John Dixwell, M. D.	Jacob C. Rogers.
C. A. Richardson.	R. M. Pulsifer.	S. G. Snelling.
Charles F. Shimmin.	Edward L. Beard.	C. H. Barker.
Edward Bangs.	Solomon Lincoln.	J. H. Walker.
J. G. Freeman.	G. B. Haskell.	Forrest E. Barker.
H. H. Coolidge.	John Boyle O'Reilly.	John D. Washburn.
David Hunt.	Arlo Bates.	Martin Brimmer.
Alfred D. Hurd.	Horace P. Chandler.	Fred L. Ames.
Edward I. Brown.	George O. Shattuck.	Hon. A. P. Martin.
W. G. Saltonstall.	Hon. Alex. H. Rice.	
Thomas Weston, jr.	Henry Cabot Lodge.	

Mr. DOLPH. If the Senator from Missouri will permit me, those names sounded very much like the names of men.

Mr. VEST. They are men's names. I did not say that the petition was signed by ladies. I referred to the papers in my hand, which I shall proceed to lay before the Senate.

I hold in my hand an argument against woman suffrage by a lady very well known in the United States, and well known to the Senators from Massachusetts, a lady whose philanthropy, whose exertions in behalf of the oppressed and poor and afflicted have given her a national reputation. I refer to Mrs. Clara T. Leonard, the wife of a distinguished lawyer, and whose words of themselves will command the attention of the public.

The Chief Clerk read as follows:

WOMAN SUFFRAGE.

[Letter from Mrs. Clara T. Leonard.]

The following letter was read by Thornton K. Lothrop, esq., at the hearing before the Legislative committee on woman suffrage, January 29, 1884:

The principal reasons assigned for giving suffrage to women are these:

That the right to vote is a natural and inherent right of which women are deprived by the tyranny of men.

That the fact that the majority of women do not wish for the right or privilege to vote is not a reason for depriving the minority of an inborn right.

That women are taxed but not represented, contrary to the principles of free government.

That society would gain by the participation of women in government, because women are purer and more conscientious than men, and especially that the cause of temperance would be promoted by women's votes.

Those women who are averse to female suffrage hold differing opinions on all these points, and are entitled to be heard fairly and without unjust reproach and contempt on the part of "suffragists," so called.

The right to vote is not an inherent right, but, like the right to hold land, is conferred upon individuals by general consent, with certain limitations, and for the general good of all.

It is as true to say that the earth was made for all its inhabitants, and that no man has a right to appropriate a portion of its surface, as to say that all persons have a right to participate in government. Many persons can be found to hold both these opinions. Experience has proved that the general good is promoted by ownership of the soil, with the resultant inducement to its improvement.

Voting is simply a mathematical test of strength. Uncivilized nations strive for mastery by physical combat, thus wasting life and resources. Enlightened societies agree to determine the relative strength of opposing parties by actual count. God has made women weaker than men, incapable of taking part in battles, indisposed to make riot and political disturbance.

The vote which, in the hand of a man, is a "possible bayonet," would not, when thrown by a woman, represent any physical power to enforce her will. If all the women in the State voted in one way, and all the men in the opposite one, the women, even if in the majority, would not carry the day, because the vote would not be an estimate of material strength and the power to enforce the will of the majority. When one considers the strong passions and conflicts excited in elections, it is vain to suppose that the really stronger would yield to the weaker party.

It is no more unjust to deprive women of the ballot than to deprive minors, who outnumber those above the age of majority, and who might well claim, many of them, to be as well able to decide political questions as their elders.

If the majority of women are either not desirous to vote or are strongly opposed to voting, the minority should yield in this, as they are obliged to do in all other public matters. In fact, they will be obliged to yield, so long as the present state of opinion exists among women in general, for legislators will naturally consult the wishes of the women of their own families and neighborhood, and be governed by them. There can be no doubt that in this State, where women are highly respected and have great influence, the ballot would be readily granted to them by men, if they desired it, or generally approved of woman suffrage. Women are taxed, it is true; so are minors, without the ballot; it is untrue, to say that either class is not represented. The thousand ties of relationship and friendship cause the identity of interest between the sexes. What is good in a community for men, is good also for their wives and sisters, daughters and friends. The laws of Massachusetts discriminate much in favor of women, by exempting unmarried women of small estate from taxation; by allowing women, and not men, to acquire a settlement without paying a tax; by compelling husbands to support their wives, but exempting the wife, even when rich, from supporting an indigent husband; by making men liable for debts of wives, and not *vice versa*. In the days of the American Revolution, the first cause of complaint was, that a whole people were taxed but not represented.

To-day there is not a single interest of woman which is not shared and defended by men, not a subject in which she takes an intelligent interest in which she cannot exert an influence in the community proportional to her character and ability. It is because the men who govern live not in a remote country, with separate interests, but in the closest relations of family and neighborhood, and bound by the tenderest ties to the other sex, who are fully and well represented by relations, friends, and neighbors in every locality. That women are purer and more conscientious than men, as a sex, is exceedingly doubtful when applied to politics. The faults of the sexes are different, according to their constitution and habits of life. Men are more violent and open in their misdeeds, but any person who knows human nature well and has examined it in its various phases knows that each sex is open to its peculiar temptation and sin; that the human heart is weak and prone to evil without distinction of sex.

It seems certain that, were women admitted to vote and to hold political office, all the intrigue, corruption, and selfishness displayed by men in political life would also be found among women. In the temperance cause we should gain little or nothing by admitting women to vote, for two reasons: first, that experience has proved that the strictest laws can not be enforced if a great number of people determine to drink liquor; secondly, because among women voters we should find in our cities thousands of foreign birth who habitually drink beer and spirits daily without intoxication, and who regard license or prohibitory laws as an infringement of their liberty. It has been said that municipal suffrage for women in England has proved a political success. Even if this is true, it offers no parallel to the condition of things in our own cities. First, because there is in England a property qualification required to vote, which excludes the more ignorant and irresponsible classes, and makes women voters few and generally intelligent; secondly, because England is an old, conservative country, with much emigration and but little immigration.

Here is a constant influx of foreigners: illiterate, without love of our country or interest in, or knowledge of, the history of our liberties, to whom, after a short residence, we give a full share in our government. The result begins to be alarming—enormous taxation, purchasable votes, demagogism,—all these alarm the more thoughtful, and we are not yet sure of the end. It is a wise thought that the possible bayonet or ruder weapon in the hands of our new citizens would be even worse than the ballot, and our safer course is to give the immigrants a stake and interest in the government. But when we learn that on an average one thousand immigrants per week landed at the port of Boston in the past calendar year, is it not well to consider carefully how we double, and more than double, the popular vote, with all its dangers and its ingredients of ignorance and irresponsibility. Last of all, it must be considered that the lives of men and women are essentially different.

One sex lives in public, in constant conflict with the world; the other sex must live chiefly in private and domestic life, or the race will be without homes and gradually die out. If nearly one-half of the male voters of our State forego their duty or privilege, as is the fact, what proportion of women would exercise the suffrage? Probably a very small one. The heaviest vote would be in the cities, as now, and the ignorant and unfit women would be the ready prey of the unscrupulous demagogue. Women do not hold a position inferior to men. In this land they have the softer side of life—the best of everything. There are, of course, exceptions—individuals—whose struggle in life is hard, whose husbands and fathers are tyrants instead of protectors; so there are bad wives, and men ruined and disheartened by selfish, idle women.

The best work that a woman can do for the purifying of politics is by her influence over men, by the wise training of her children, by her intelligent, unselfish counsel to husband, brother, or friend, by a thorough knowledge and discussion of the needs of her community. Many laws on the statute-books of our own and other States have been the work of women. More might be added.

It is the opinion of many of us that woman's power is greater without the ballot or possibility of office-holding for gain. When standing outside of politics she discusses great questions upon their merit. Much has been achieved by women in the anti-slavery cause, the temperance cause, the improvement of public and private charities, the reformation of criminals, all by intelligent discussion and influence upon men. Our legislators have been ready to listen to women and carry out their plans when well framed.

Women can do much useful public service upon boards of education, school committees, and public charities, and are beginning to do such work. It is of vital importance to the integrity of our charitable and educational administration that it be kept out of politics. Is it not well that we should have one sex who have no political ends to serve who can fill responsible positions of public trust? Voting alone can easily be exercised by women without rude contact, but to attain any political power women must affiliate themselves with men; because women will differ on public questions, must attend primary meetings and caucuses, will inevitably hold public office and strive for it; in short, women must enter the political arena. This result will be repulsive to a large portion of the sex, and would tend to make women unfeminine and combative, which would be a detriment to society.

It is well that men after the burden and heat of the day should return to homes where the quiet side of life is presented to them. In these peaceful New England homes of ours, great and noble men have been raised by wise and pious mothers, who instructed them, not in politics, but in those general principles of justice, integrity, and unselfishness which belong to and will insure statesmanship in the men who are true to them. Here is the stronghold of the sex, weakest in body, powerful for good or evil over the stronger one, whom women sway and govern, not by the ballot and by greater numbers, but by those gentle influences designed by the Creator to soften and subdue man's ruder nature.

CLARA T. LEONARD.

Mr. HOAR. The Senator from Missouri has alluded to me in connection with the name of this lady. Perhaps he will allow me to make an additional statement to that which I furnished him, in order that the statement about her may be complete.

All that the Senator from Missouri has said of the character and worth of Mrs. Leonard is true. I do not know her personally. Her husband is my respected personal friend, a lawyer of high standing and character. All that the Senator has said of her ability is proved better than by any other testimony, by the very able and powerful letter which has just been read. But Mrs. Leonard herself is the strongest refutation of her own argument.

Politics, the political arena, political influence, political action in this country consists, I suppose, in two things: one of them the being intrusted with the administration of public affairs, and second, having the vote counted in determining who shall be public servants and what public measures shall prevail in the commonwealth. Now, this

lady was intrusted for years with one of the most important public functions ever exercised by any human being in the commonwealth of Massachusetts. We have a board, called the board of lunacy and charity, which controls the large charities for which Massachusetts is famous and in many of which she was the first among civilized communities, for the care of the pauper and the insane and the criminal woman, and the friendless and the poor child. It is one of the most important things, except the education of youth, which Massachusetts does.

A little while ago a political campaign in Massachusetts turned upon a charge which her governor made against the people of the commonwealth in regard to the conduct of the great hospital at Tewksbury, where she was charged by her chief executive magistrate with making sale of human bodies, with cruelty to the poor and defenseless; and not only the whole country, but especially the whole people of Massachusetts, were stirred to the very depths of their souls by that accusation. Mrs. Clara T. Leonard, the writer of this letter, came forward and informed the people that she had been one of the board who had managed that institution for years, that she knew all about it through and through, that the accusation was false and a slander; and before her word and her character the charge of that distinguished governor went down and sunk into merited obscurity and ignominy.

Now, the question is whether the lady who can be intrusted with the charge of one of the most important departments of government, and whose judgment in regard to its character or proper administration is to be taken as gospel by the people where her reputation extends, is not fit to be trusted to have her vote counted when the question is who is to be the next person who is to be trusted with that administration. Mrs. Leonard's mistake is not in misunderstanding the nature either of woman or of man, which she understands perfectly; it is in misunderstanding the nature of politics, that is, the political arena; and this lady has been in the political arena for the last ten years of her life, one of the most important and potent forces therein.

It is true, as she says, that the wife and the mother educate the child and the man, and when the great function of the state, as we hold in our State and as is fast being held everywhere, is also the education of the child and the man, how does it degrade that wife and mother, whose important function it is to do this thing, to utter her voice and have her vote counted in regard to the methods and the policies by which that education shall be conducted?

Why, Mr. President, Mrs. Leonard says in that letter that woman, the wife and the maiden and the daughter, has no political ends to serve. If political ends be to desire office for the greed of gain, if political ends be to get an unjust power over other men, if political ends be to get political office by bribery or by mob violence or by voting through the shutter of a beer-house, that is true; but the persons who are in favor of this measure believe that those very things that Mrs. Leonard holds up as the proper ends in the life of women are political ends and nothing else; that the education of the child, that the preservation of the purity of the home, that the care for the insane and the idiot and the blind and the deaf and the ruined and deserted, are not only political ends but are the chief political ends for which this political body, the state, is created; and those who desire the help of women in the administration of the state desire it because of the ability which could write such a letter as that on the wrong side, and because the qualities of heart and brain which God has given to understand this class of political ends better than He has given it to the masculine heart and brain are needed for their administration.

I have no word of disrespect for Mrs. Leonard, but I say that, in spite of herself and her letter, her life and her character are the most abundant and ample refutation of the belief which she erroneously thinks she entertains. Nobody invites these ladies to a contest of bayonets; nobody who believes that government is a matter of mere physical force asks the co-operation of woman in its administration. It is because government is a conflict of such arguments as that letter states on the one side, because the object of government is the object to which this lady's own life is devoted, that the friends of woman suffrage and of this amendment ask that it shall be adopted.

Mr. VEST. Mr. President, my great personal respect for the Senator from Massachusetts has given me an interval of enforced silence, and I have only to say that if I should print my desultory remarks I should be compelled to omit his interruption for fear that the amendment would be larger than the original bill. [Laughter.]

I fail to see that anything which has fallen from the distinguished Senator has convicted Mrs. Clara Leonard of inconsistency or has added anything to the argument upon his side of the question. I have never said or intimated that there were women who were not credible witnesses. I have never thought or intimated that there were not women who were competent to administer the affairs of State or even to lead armies. There have been such women, and I believe there will be to the end of time, as there have been effeminate men who have been better adapted to the distaff and the spindle than to the sword or to statesmanship. But these are exceptions in either sex.

If this lady have, as she unquestionably has, the strength of intellect conceded to her by the Senator from Massachusetts and evidenced by her own production, her judgment of woman is worth that of a continent of men. The best judge of any woman is a woman. The poorest judge of any woman is a man. Let any woman with defect or flaw go amongst a community of men and she will be a successful impostor. Let her go amongst a community of women and in one instant the instinct, the atmosphere circumambient, will tell her story.

Mrs. Leonard gives us the result of her opinion and of her experience as to whether this right of suffrage should be conferred upon her own sex. The Senator from Massachusetts speaks of her evidence in a political campaign in Massachusetts and that her unaided and single evidence crushed down the governor of that great State. I thank the Senator for that statement. If Mrs. Leonard had been an office-holder and a voter not a single township would have believed the truth of what she uttered.

Mr. HOAR. She was an office-holder, and the governor tried to put her out.

Mr. VEST. Ah! but what sort of an office-holder? She held the office delegated to her by God himself, a ministering angel to the sick, the afflicted, and the insane. What man in his senses would take from woman this sphere? What man would close to her the charitable institutions and eleemosynary establishments of the country? That is part of her kingdom; that is part of her undisputed sway and realm. Is that the office to which woman suffragists of this country ask us now to admit them? Is it to be the director of a hospital? Is it to the presidency of a board of visitors of an eleemosynary institution? Oh, no; they want to be Presidents, to be Senators, and Members of the House of Representatives, and, God save the mark, ministerial and executive officers, sheriffs, constables, and marshals.

Of course, this lady is found in this board of directors. Where else should a true woman be found? Where else has she always been found but by the fevered brow, the palsied hand, the erring intellect, ay, God bless them, from the cradle to the grave the guide and support of the faltering steps of childhood and the weakening steps of old age!

Oh, no, Mr. President; this will not do. If we are to tear down all the blessed traditions, if we are to desolate our homes and firesides, if we are to unsex our mothers and wives and sisters and turn our blessed temples of domestic peace into ward political-assembly rooms, pass this joint resolution. But for one I thank God that I am so old-fashioned that I would not give one memory of my grandmother or my mother for all the arguments that could be piled, Pelion upon Ossa, in favor of this political monstrosity.

I now propose to read from a pamphlet sent to me by a lady whom I am not able to characterize as a resident of any State, although I believe she resides in the State of Maine. I do not know whether she be wife or mother. She signs this pamphlet as Adeline D. T. Whitney. I have read it twice, and read it to pure and gentle and intellectual women. I say to-day it ought to be in every household in this broad land. It ought to be the domestic gospel of every true, gentle, loving, virtuous woman upon all this continent. There is not one line or syllable in it that is not written in letters of gold. I shall not read it, for my strength does not suffice, nor will the patience of the Senate permit, but from beginning to end it breathes the womanly sentiment which has made pure and great men and gentle and loving women.

I will venture to say, in my great admiration and respect for this woman, whether she be married or single, she ought to be a wife, and ought to be a mother. Such a woman could only have brave and wise men for sons and pure and virtuous women for daughters. Here is her advice to her sex. I am only sorry that every word of it could not be read in the Senate, but I have trespassed too long.

Mr. COCKRELL. Let it be printed in your remarks.

Mr. VEST. I shall ask that it be printed. I will undertake, however, to read only a few sentences, not of exceptional superiority to the rest, because every sentence is equal to every other. There is not one impure unintellectual aspiration or thought throughout the whole of it. Would to God that I knew her, that I could thank her on behalf of the society and politics of the United States for this production.

After all—

She says to her own sex—

After all, men work for women; or, if they think they do not, it would leave them but sorry satisfaction to abandon them to such existence as they could arrange without us.

Oh, how true that is; how true!

In blessed homes, or in scattered dissipations of show, amusement, or the worse which these shows and amusements are but terribly akin to, women give purpose to and direct the results of all men's work. If the false standards of living first urge them, until at length the horrible intoxication of the game itself drives them on further and deeper, are we less responsible for the last state of those men than for the first?

Do you say, if good women refused these things and tried for a simpler and truer living, there are plenty of bad ones who would take them anyhow, and supply the motive to deeper and more unmitigated evil? Ah, there come both answer and errand again. Raise the fallen—at least, save the growing womanhood—stop the destruction that rushes accelerating on, before you challenge new difficulty and danger with an indiscriminate franchise. Are not these bad women the very "plenty" that would out-balance you at the polls if you persist in trying the "patch-and-plaster" remedy of suffrage and legislation.

Recognize the fact, the law, that your power, your high commission, is inward, vital, formative and causal. Bring all questions of choice or duty to this test; will it work at the heart of things, among the realities and forces? Try your own life by this; remember that mere external is falsehood and death.

The letter killeth. Give up all that is only of the appearance, or even chiefly so, in conscious delight and motive—in person, surrounding, pursuit. Let your self-presentation, your home-making and adorning, your social effort and interest, your occupation and use of talent, all shape and issue for the things that are essentially and integrally good, and that the world needs to have prevail. Until you can do this, and induce such doing, it is of little use to clamor for mere outward right or to contend that it would be rightly applied.

This whole pamphlet is a magnificent illustration of that stupendous and vital truth that the mission and sphere of woman is in the inward life of man; that she must be the building up and governing power that comes from those better impulses, those inward secrets of the heart and sentiment that govern men to do all that is good and pure and holy and keep them from all that is evil.

Mr. President, the emotions of women govern. What would be the result of woman suffrage if applied to the large cities of this country is a matter of speculation. What women have done in times of turbulence and excitement in large cities in the past we know. Open that terrible page of the French Revolution and the days of terror, when the click of the guillotine and the rush of blood through the streets of Paris demonstrated to what extremities the ferocity of human nature can be driven by political passion. Who led those blood-thirsty mobs? Who shrieked loudest in that hurricane of passion? Woman. Her picture upon the pages of history to-day is indelible. In the city of Paris in those ferocious mobs the controlling agency, nay, not agency, but the controlling and principal power, came from those whom God has intended to be the soft and gentle angels of mercy throughout the world. But I have said more than I intended. I ask that this pamphlet be printed in my remarks.

The PRESIDING OFFICER. If there be no objection. the pamphlet will be printed in the RECORD as requested by the Senator from Missouri. The Chair hears no objection.

The pamphlet is as follows:

THE LAW OF WOMAN-LIFE.

The external arguments on both sides the modern woman question have been pretty thoroughly presented and well argued. It seems needless to repeat or recombine them; but in one relation they have scarcely been handled with any direct purpose. Justice and expediency have been the points insisted on or contested; these have not gone back far enough; they have not touched the central fact, to set it forth in its force and finality. The fact is original and inherent, behind and at the root of the entire matter, with all its complication and circumstance. We have to ask a question to which it is the answer, and whose answer is that of the whole doubt and dispute.

What is the law of woman-life?

What was she made woman for, and not man?

Shall we look back to that old third chapter of Genesis?

When mankind had taken the knowledge and power of good and evil into their own hands through the mere earthly wisdom of the serpent; when the woman had had her hasty outside way and lead, according to the story, and woe had come of it, what was the sentence? And was it a penance, or a setting right, or a promise, or all three?

The serpent was first dealt with. The narrow policy, the keen cunning, the little, immediate outlook, the expedient motive; all that was impersonated of temporary shift and outward prudence in mortal affairs, regardless of, or blind to, the everlasting issues; all, in short, that represented material and temporal interest as a rule and order—and is not man's external administration upon the earth largely forced to be a legislation upon these principles and economies?—was disposed of with the few words, "I will put enmity between thee and the woman."

Was this punishment—as reflected upon the woman—or the power of a grand retrieval for her? Not to man, who had been led, and who would be led again, by the woman, was the commission of holy revenge intrusted; but henceforth, "I will set the woman against thee." Against the very principle and live prompting of evil, or of mere earthly purpose and motive. "Between thy seed and her seed." Your struggle with her shall be in and for the very life of the race. "It," her life brought forth, "shall bruise thy head," thy whole power, and plan, and insidious cunning; "and thou shalt bruise," shalt sting, torment, hinder, and trouble in the way and daily going, "his heel," his footstep. Thou, the subtle and creeping thing of the ground, shalt lurk after and threaten with crookedness and poison the ways of the men-children in their earth-toiling; the woman, the mother, shall turn upon thee for and in them and shall beat thee down!

Unto the woman He said, "I will greatly multiply thy sorrow and thy conception." The burden and the glory are set in one. The pain of the world shall be in your heart; the trouble, the contradiction of it, shall be against your love and insight. But your pain shall be your power; you shall be the life-bearer; you shall hold the motive; yours shall be the desire, and your husband's the dominion. Therefore shall you bring your aspiration to him, that he may fulfill it for you. "Your desire shall be unto him, and he shall rule."

And unto Adam He said, "Because thou hast hearkened unto the voice of thy wife"—yes, and because thou wilt hearken—"thy sorrow shall be in the labor of the earth; the ground shall be cursed;" in all material things shall be cross and trouble, not against you, but "for your sake." "In your sorrow you shall eat of it all the days of your life." Your need and struggle shall be with external things, and with the ruling of them. "For your sake," that you may learn your mastery, inherit your true power, carry out with ease and understanding the desire and need of the race, which woman represents, discerns afar, and pleads to you.

And Adam bowed before the Lord's judgment; we are not told that he answered anything to that; but he turned to his wife, and in that moment "called her name Eve, because she was the mother of all living." Then and there was the division made; and to which, can we say, was the empire given? Both were set in conditions, hemmed in to divine and special work: man, by the stress and sorrow of the ground; woman, by the stress and sorrow of her maternity, and of her spiritual conception, making her truly the "mother of all the living."

At the beginning of human history, or tradition, then, we get the answer to our question: the law of woman-life is central, interior, and from the heart of things; the law of the man's life is circumferential, enfolding, shaping, bearing on and around, outwardly; wheel within wheel is the constitution of human power. It will be an evil day for the world when the nave shall leave its place and contend for that of the felloe. Iron-rimmed for its busy revolution and outward contact is the life and strength of man; but the tempered steel is at the heart and within the soul of the woman, that she may bear the silent pressure of the axle, and quietly and invisibly originate and support the entire onward movement. "The spirit of the living creature is in the wheels," and they can move no otherwise. "When the living creatures went, the wheels went by them; and when the living creatures were lifted up from the earth, the wheels were lifted up." That was what Ezekiel saw in his vision.

There can be no going forward without a life and presence and impulse at the center; and in the organization of humanity there is where the place and power of woman have been put. For good or for evil, for the serpent or for the redeeming Christ, she must move, must influence, must achieve beforehand, and at the heart; she must be the mother of the race; she must be the mother of the Messiah. Not woman in her own person, but "one born of woman," is the Saviour. For everything that is formed of the Creator, from the unorganized stone to the thought of righteousness in the heart of the race, there must be a matrix; in the creation and in the recreation of His human child God makes woman and the soul of woman His blessed organ and instrument. When woman clears herself of her own perversions, her self-imposed limitations, returns to her spiritual power and place, and cries, "Behold the handmaid of the Lord; be it unto me according to Thy word," then shall the spirit descend unto her; then shall come the redemption.

Take this for the starting-point; it is the key.

Within, behind, antecedent to all result in action, are the place and office of the woman—by the law of woman-life. And all question of her deed and duty should be brought to this test. Is it of her own, interior, natural relation, putting her at her true advantage, harmonious with the key to which her life is set? I think this suffrage question must settle itself precisely upon this ground-principle, and that all argument should range conclusively around it. Judging so, we should find, I think, that not at the polls, where the last utterance of a people's voice is given—where the results of character, and conscience, and intelligence are shown—is her best and rightful work; on the contrary, that it is useless here, unless first done elsewhere. But where little children learn to think and speak—where men love and listen, and the word is forming—is the office she has to fill, the errand she has to do. The question is, can she do both? Is there need that she should do both? Does not the former and greater include the latter and less?

Hers are indeed the primary meetings: in her nursery, her home, and social circles; with other women, with young men, upon whose tone and character in her maturity her womanhood and motherhood join their beautiful and mighty influence; above all, among young girls—the "little women," to whom the ensign and commission are descending—is her undisputed power. Purify politics? Purify the sewers? But what if, first, the springs, and reservoirs, and conduits could be watched, guarded, filtered, and then the using be made clean and careful all through the homes; a better system devised and carried out for separating, neutralizing, destroying hurtful refuse? Then the poisonous gases might not be creeping back upon us through our enforced economies, our makeshifts and stop-gaps of outside legislation. For legislation is, after all, but cut-off, curb, and patch; an external, troublesome, partial, uncertain application of hindrance and remedy. What physician will work with lotion and plaster when he can touch, and control, and heal at the very seat of the disease?

It is the beginning of the fulfillment that women have waked to the consciousness that they have not as yet filled their full place in human life and affairs. Only has not the mistake been made of contending with and grappling results, when causes were in their hands? Have they not let go the mainsprings to run after and effectually push with pins the refractory cogs upon the wheel-rims?

Woman always deserts herself when she puts her life and motive and influence in mere outsides. Outsides of fashion and place, outsides of charm and apparel, outsides of work and ambition—she must learn that these are not her true showing; she must go back and put herself where God has called her to be with Himself, at the silent, holy inmost; then we shall feel, if not at once, yet surely soon or some time, a new order beginning. He, the Father of all, gives it to us to be the motherhood. That is the great solving and upraising word; not limited to mere parentage, but the law of woman-life. For good or for evil she mothers the world.

Not all are called to motherhood in the literal sense, but all are called to the great, true motherhood in some of its manifold trusts and obligations. "*Noblesse oblige;*" you can not lay it down. "More are the children of the desolate than of her who hath a husband." All the little children that are born must look to womanhood somewhere for mothering. Do they all get it? All the works and policies of men look back somewhere for a true "desire" toward and by which only they can rule. Is the desire of the woman—of the home, the mother-motive of the world and human living—kept in the integrity and beauty for which it was intrusted to her, that it might move the power of man to noble ends?

Do you ask the governing of the nation? You have the making of the nation. Would you choose your statesmen? First make your statesmen.

Indeed the whole cause on trial may be summarily ended by the proving of an alibi, an elsewhere of demand. Is woman needed at the caucuses, conventions, polls? She is needed, at the same time, elsewhere. Two years of time and strength, of thought and love, from some woman, are essential for every little human being, that he may even begin a life. When you remember that every man is once a little child, born of a woman, trained—or needing training—at a woman's hands; that of the little men, every one of whom takes and shapes his life so, come at length the hand for the helm, the voice for the law, and the arm to enforce law—what do you want more for a woman's opportunity and control?

Which would you choose as a force, an advantage, in settling any question of public moment, or as touching your own private interest through the general management—the right to go upon election day and cast one vote, or a hold beforehand upon the individual ear and attention of each voter now qualified? The ability to present to him your argument, to show him the real point at issue, to convince and persuade him of the right and lasting, instead of the weak and briefly politic way? This initial privilege is in the hands of woman; assuming that she can be brought to feel and act as a unit, which appears to be what is claimed for her in the argument for her regeneration of the outer political word.

But already and separately, if every intelligent, conscientious woman can but reach one man, and influence him from the principle involved—from her interior perception of it, kept pure on purpose from bias and temptation that assail him in the outside mix and jostle—will she not have done her work without the casting of a ballot? And what becomes of "taxation without representation," when, from Eden down, Eve can always plead with Adam, can have the first word instead of the last—if she knows what that first word is, in herself and thence in its power with him—can beguile him to his good instead of to his harm, as indeed she only meant to do in that first ignorant experiment? Would it be any less easy to qualify for and accomplish this than to convince and outnumber in public gathering not only bodies of men but the mass of women that will also have to be confronted and convinced or overborne?

Preconceived opinions, minds made up, men not so easily beguiled to the pure good, you say? Woman quite as apt to make mistakes out of Paradise as in? That only returns us to the primal need and opportunity. Get the man to listen to you before his mind is made up—before his manhood is made up; while it is in the making. That is just the power and place that belong to you, and you must seize and fill. It is your natural right; God gave it to you. "The seed of the woman shall bruise the serpent's head."

We can not do all in one day, and in such a day of the world as this. We plant trees for posterity where forests have been laid waste and the beautiful work of life is to be done over again; we can not expect to see our fruit in souls and in the nation at less cost of faith and time. Take care, then, of the little children: the men children, to make men of them; the women children—oh, yes, even above all—to make ready for future mothering—to snatch from the

evil that works over against pure womanliness. Until you have done this let men fend for themselves in rough outsides a little longer; except, perhaps, as wise, able women whom the trying transition time calls forth may find fit way and place for effort and protest—there is always room for that, and noble work has been and is being done; but do not rear a new generation of women to expect and desire charges and responsibilities reversive of their own life-law, through whose perfect fulfillment alone may the future clean place be made for all to work in.

Is there excess of female population? Can not all expect the direct rule of a home? Is not this exactly, perhaps, just now, for the more universal remedial mothering that in this age is the thing immediately needed? Let her who has no child seek where she can help the burdened mother of many; how she can best reach with influence, and wisdom, and cherishing, the greatest number—or most efficiently a few—of these dear, helpless, terrible little souls, who are to make, in a few years, a new social condition; a better and higher, happier and safer, or a lower, worse, bitterer, more desperately complicated and distressful one.

"Desire earnestly the best gifts," said Saint Paul, after enumerating the gifts of teaching and prophecy and authority; "and I show you," he goes on, "a yet more excellent way." Charity—not mere alms, or toleration, or general benignity, out of a safe self-provision; but *caritas*—nearness, and caring, and loving, —the very essence of mothering; the way to and hold of the heart of it all, the heart of the life of humanity. "Keep thy heart with all diligence; for out of it are the issues of life." That is the first word; it charges womanhood itself, which must be set utterly right before it can take hold to right the world. Here are at once task and mission and rewarding sway.

Woman has got off the track; she must see that first, and replace herself. We are mothering the world still; but we are mothering it, in a fearfully wide measure, all wrong.

Sacrifice is the beginning of all redemption. We must give up. We must even give up the wish and seeming to have a hand in things, that we may work unseen in the elements, and make them fit and healthful; that daily bread and daily life may be sweet again in dear, old, homely ways, and plentiful with all truly blessed opportunities. We are not to organize the world, or to conquer it, or to queen it. We are just to take it again and mother it. If woman would begin that, search out the cradles—of life and character—and take care of the whole world of fifty years hence in taking care of them, calling upon men and the state, when needful, to authorize her action and furnish outward means for it—I wonder what might come, as earnest of good, even in this our day, in which we know not our visitation?

And here again come allowance and exception for what women can always do when this world-mothering forces an appeal to the strength and authority of man. Women have never been prevented from doing their real errands in the world, even outside the domestic boundary. They have defended their husbands' castles in the old chivalrous times, when the male chivalry was away at the crusades. They have headed armies when Heaven called them; only Heaven never called all the women at once; but when the king was crowned, the mission done, they have turned back with desire to their sheltered, gentle, unobtrusive life again. There has no business to be a standing army of women; not even a standing political army. Women have navigated and brought home ships when commanders have died or been stricken helpless upon the ocean; they have done true, intelligent, patient work for science, art, religion; and those have done the most who have never stopped to contend first, whether a woman, as such, may do it or not.

Look at what Dorothea Dix has done, single-handed, single-mouthed, in asylums and before legislatures. Women have sat on thrones, and governed kingdoms well, when that was the station in life to which God called them. If Victoria of England has been anything, she has been the mother of her land; she has been queen and protecting genius of its womanhood and homes. And when a woman does these things, as called of God—not talks of them, as to whether she may make claim to do them—she carries a weight from the very sanctity out of which she steps, as woman, that moves men unlike the moving of any other power. Shall she resign the chance of doing really great things, of meeting grand crises, by making herself common in ward-rooms and at street-corners, and abolishing the perfect idea of home by no longer consecrating herself to it?

If individual woman, as has been said, may gain and influence individual man, and so the man-power in affairs—a body of women, purely as such, with cause, and plea, and reason, can always have the ear and attention of bodies of men; but to do this they must come straight from their home sanctities, as representing them—as able to represent them otherwise than men, because of their hearth-priestesshood; not as politicians, bred and hardened in the public arenas.

That the family is the heart of the state, and that the state is but the widened family, is the fact which the old vestal consecration, power, and honor set forth and kept in mind.

The voice which has of late been so generally conceded to women in town, decisions as regarding public schools, is an instance of the fittingness of relegating to them certain interests of which they should know more than men, because—applying the key-test with which we have started—it has direct relation to and springs from their motherhood. But can one help suggesting that if the movement had been to place women, merely and directly, upon the committees, by votes of men who saw that this work might be in great part best done by them; if women had asked and offered for the place without the jostle of the town-meeting, or putting in that wedge for the ballot—the thing might have been as readily done, and the objection, or political precedent, avoided.

It is not the real opportunity, when that arises or shows itself in the line of her life-law, that is to be refused for woman. It is the taking from internal power to add to external complication of machinery and to the friction of strife. Let us just touch upon some of the current arguments concerning these external impositions which one set is demanding and the other entreating against.

If voting is to be the chief power in woman's hands, or even a power of half the moment that is contended for it, it will grow to be the motive and end, the all-absorbing object, with women that it is with men.

The gubernatorial canvass, the presidential year, these will interrupt and clog all home business, suspend decisions, paralyze plans, as they do with men, or else we shall not be much, as thorough politicians, after all. And if we talk of mending all that, of putting politics in their right place, and governing by pure principle instead of party trick, and stumping and electioneering, we go back in effect to the acknowledgment that only in the interior work, and behind politics, can women do better things at all; which, precisely, was to be demonstrated.

Think, simply, of election day for women.

Would it be so invariably easy a thing for a home-keeper to do, at the one opportunity of the year, or the four years, on a particular day, her duty in this matter? It is easy to say that it takes no more time than a hundred other things that some do; but setting apart all the argument that previous time and strength must have been spent in properly qualifying, how many of the hundred other things are done now without interruption, postponement, hindrance, through domestic contingencies? or are there a hundred other things done when the home contingencies are really met by a woman? A woman's life is not like a man's. That a man's life may be—that he may transact his out-door business; keep his hours and appointments; may cast his vote on election day; may represent wife and children in all wherein the community cares for, or might injure him and them—the woman, some woman, must be at the home post, that the home order may go on, from which he derives that command of time, and freedom from hindering necessities, which leave him to his work. And so, as the old proverb says, while man's work is from sun to sun—made definite, a matter to which he can go forth, and from which he can come in—a woman's work, of keeping the place of the forthgoing and incoming, is never done, from the very nature and ceaseless importance of it.

Must she go to the polls, sick or well, baby or no baby, servant or no servant, strength or no strength, desire or no desire? If she have cook and housemaid they are to go also, and number her two to one, anyway; probably on election day, which they would make a holiday, they would—as at other crises, of birth, sickness, death, house-cleaning, which should occur in no first-class families—come down upon her with their appropriate *coup d'état*, and "leave;" making the State-stroke, in this instance, of scoring three votes, two dropped and one lost, for the irrepressible side.

How will it be when Norah, and Maggie, and Katie have not only their mass and confession, their Fourth-of-July and Christmas, their mission-weeks, their social engagements and family plans, and their appointments with their dressmakers, to curtail your claims upon their bargained time and service, but their share in the primary meetings and caucuses, committees, and torch-light processions, and mass meetings? For what shall prevent the excitements, the pleasurings, the runnings hither and thither, that men delight in from following in the train of politics and parties with the common woman? Perhaps it may even be discovered, to the still further detriment of our already painfully hampered and perplexed domestic system, that the pursuit of fun, votes, offices, is more remunerative, as well as gentlewomanly—as Micawber might express it—than the cleansing of pots and pans, the weekly wash, or the watching of the roast. Perhaps in that enfranchised day there will be no Katies and Maggies' and the Norahs will know their place no more. Then the enlightened womanhood may have to begin at the foundation and glorify the kitchen again. And good enough for her, in the wide as well as primitive sense of the phrase, and a grand turn in the history that repeats itself toward the old, forgotten, peaceful side of the cycle it may be!

But the argument does not rest upon any such points as these. It rests upon the inside nature of a woman's work; upon the need there is to begin again to-day at the heart of things and make that right; upon the evident fact that this can be done none too soon or earnestly, if the community and the country are not to keep on in the broad way to a threatened destruction; and upon the certainty that it can never be done unless it is done by woman, and with all of woman's might. Not by struggles for new and different place, but by the better, more loving, more intelligent, deep-seeing, and deep-feeling filling of her own place, that none will dispute and none can take from her. We are not where woman was in the old brutal days that are so often quoted; and we shall not, need not, return to that. Christianity has disposed of that sort of argument. We are on a vantage ground for the doing of our real, essential work better than it has been done ever before in the history of the world; and we are madly leaving our work and our vantage together.

The great step made by woman was in the generation preceding this one of restlessness—the restlessness that has come through the first feeling of great power. It was made in the time when women learned physiology, that they might rear and nurse their families and help their neighborhoods understandingly; science, that they might teach and answer little children, and share the joy of knowledge that was spreading swiftly in the earth; political history and economy, that they might listen and talk to their brothers and husbands and sons, and leaven the life of the age as the bread in the mixing; business figures, rules, and principles, that they might sympathize, counsel, help, and prudentially work with and honestly strengthen the bread-winners. The good work was begun in the schools where girls were first told, as George B. Emerson used to tell us Boston girls, that we were learning everything he could teach us, in order to be women: wives, mothers, friends, social influencers, in the best and largest way possible. Women grew strong and capable under such instruction and motive. Are their daughters and grand-daughters about to leap the fence, leave their own realm little cared for—or doomed to be—undertake the whole scheme of outside creation, or contest it with the men? Then God help the men! God save the Commonwealth!

We are past the point already where homes are suffering, or liable to suffer, neglect or injury; they are already left unmade. Shall this go on? Between frivolities and ambitions, between social vanities, and shows, and public meddlings and mixings—for where one woman is needed and doing really brave, true work, there are a hundred rushing forth for the mere sake of rushing—is the primitive home, the power of heaven upon earth to slip away from among us? Let us not build outsides which have no insides, let us not put a face upon things which has no reality behind it. Beware lest we make the confusion that we need the suffrage to help us unmake; lest we tear to pieces that we may patch again. Crazy patchwork that would be, indeed!

Are women's votes required because men will not legislate away evils that they do not heartily wish away? Is government corrupted because men desire shield and opportunity for dishonest speculation; authority and countenance for nefarious combinations? The more need to go to work at the beginning rather than to plunge into the pitch and be defiled; more need to make haste and educate a better generation of men, if it be so we can not, except *vi et armis*, influence the generation that is. But do you think that if women are in earnest—enough in earnest to give up, as they seem to be to demand—they might not bring their real power to bear even upon these evil things, in their root and inception, and even now? Suppose women would not live in houses, or wear jewels and gowns, that are bought for them out of wicked millions made upon the stock exchange?

Suppose they would stop decorating their dwellings to an agony, crowding them hurriedly with this and that of the last and newest, just because it is last and new, making a show and rivalry of what is not a true-grown beauty of a home at all, but a mere meretriciousness; suppose they would so set to work and change society that displays and feastings, which use up at every separate one a year's comfortable support for a quiet, modest family, should be given up as vulgarities; that people should care for, and be ready for, a true interchange of life and thought, and simple, uncrowded opportunities for these; suppose women would say, "No; I will not blaze at Newport, or run through Europe dropping American eagles or English sovereigns after me like the trail of a comet, or the crumbs that Hop-'o-my-thumb let fall from his pocket that the people at home might track the way he had gone; because if I have money, there is better work to be done with it; and I will not have the money that is made by gambling manipulations and cheats."

Do you think this would have no influence? More than that, and further back, and lowlier down, suppose they should say, every one, "I will not have the new, convenient house, the fresh carpetings, the pretty curtains, or even the least, most fitting freshness, until I know the means are earned for me with honest service to the world, and by no lucky turn of even a small speculation." Further back yet, suppose them to declare, "I will not have the home at all, nor my own happiness, unless it can be based and builded on the kind of life-work that helps to make a real prosperity; that really goes to the building and safe-keeping of a whole nation of such homes." Would there be no power in that? Would it not be a kind of woman-suffrage to settle the very initials of all that ever bears upon the public question? And to bring that sort of woman on the stage, and to the front, is there not enough work to do, and enough "higher education" to insist on and secure?

After all, men work for women; or, if they think they do not, it would leave them but sorry satisfaction to abandon them to such existence as they could arrange without us. In blessed homes, or in scattered dissipations of show, amusement, or the worse which these shows and amusements are but terribly akin to, women give purpose to and direct the results of all men's work. If

the false standards of living first urge them, until at length the horrible intoxication of the game itself drives them on further and deeper, are we less responsible for the last state of those men than for the first?

Do you say, if good women refused these things and tried for a simpler and truer living, there are plenty of bad ones who would take them anyhow, and supply the motive to deeper and more unmitigated evil? Ah, there come both answer and errand again. Raise the fallen—at least save the growing womanhood—stop the destruction that rushes accelerating on, before you challenge new difficulty and danger with an indiscriminate franchise. Are not these bad women the very "plenty" that would out-balance you at the polls, if you persist in trying the "patch-and-plaster" remedy of suffrage and legislation?

Recognize the fact, the law, that your power, your high commission, is inward—vital—formative, and casual. Bring all questions of choice or duty to this test, will it work at the heart of things, among the realities and forces? Try your own life by this; remember that mere external is falsehood and death. The letter killeth. Give up all that is only of the appearance—or even chiefly so, in conscious delight and motive—in person, surrounding, pursuit. Let your self-presentation, your home-making and adorning, your social effort and interest, your occupation and use of talent, all shape and issue for the things that are essentially and integrally good, and that the world needs to have prevail. Until you can do this, and induce such doing, it is of little use to clamor for mere outward right, or to contend that it would be rightly applied.

Work as you will, and widely as you can, for schools, in associations, in everything whose end is to teach, enlighten, enlarge women, and so the world. Help and protect the industries of women; but keep those industries within the guiding law of woman-life. Do not throw down barriers that take down safeguards with them; that make threatening breaches in the very social structure. If women must serve in shops, demand and care for it that it shall be in a less mixed, a more shielded way than now. The great caravansaries of trade are perilous by their throng, publicity, and weariness. There used to be women's shops; choice places, where a woman's care and taste had ruled before the counters were spread; where women could quietly purchase things that were sure to be beautiful or of good service; there were not the tumult and ransacking that kill both shop-girl and shopper now.

This is one instance, and but one, of the rescuing that ought to be attempted. There ought at least to be distinct women's departments, presided over by women of good, motherly tone and character, in the places of business which women so frequent, and where the thoughtful are aware of much that makes them tremble. And surely a great many of the girls and women who choose shop-work, because they like its excitement, ought rather to be in homes, rendering womanly service, and preparing to serve in homes of their own—leaving their present places to young men who might perhaps begin so to earn the homes to offer them. Will not this apply all the way up, into the arts and the professions even? There must needs be exceptional women perhaps; there are, and will be, time and errand and place for them; but Heaven forbid that they should all become exceptional.

Once more, work for these things that are behind, and underlie; believing that woman's place is behind and within, not of repression, but of power; and that if she do not fill this place it will be empty; there will be no main spring. Meanwhile she will get her rights as she rises to them, and her defenses where she needs them; everything that helps, defends, uplifts the woman uplifts man and the whole fabric, and man has begun to find it out. If he "will give the suffrage if women want it," as is said, why shall he not as well give them the things that they want suffrage for and that they are capable of representing? Believe me, this work, and the representation which grows out of it, can no longer be done if we attempt the handling of political machinery—the making of platforms, the judging of candidates, the measuring and disputation of party plans and issues, and all the tortuous following up of public and personal political history.

Do you say, men have their individual work in the world, and all this beside and of it, and that therefore we may? Exactly here comes in again the law of the interior. Their work is "of it"—falls in the way. They rub against it as they go along. Men meet each other in the business thoroughfares, at the offices and the street corners; we are in the dear depths of home. We are with the little ones, of whom is not this kingdom, but the kingdom of heaven, which we, through them, may help to come. This is just where we must abandon our work, if we attempt the doing of theirs. And here is where our prestige will desert us, whenever great cause calls us to speak from out our seclusions, and show men, from our insights and our place, the occasion and desire that look unto their rule. They will not listen then; they will remand us to the ballot-box.

"Inside politics" is a good word. That is just where woman ought to be, as she ought to be inside everything, insisting upon and implanting the truth and right that are to conquer. And she can not be inside and outside both. She can not do the mothering and the home-making, the watching and ministry, the earning and maintaining hold and privilege and motive influence behind and through the acts of men—and all the world-wide execution of act beside. Therefore, we say, do not give up the substance which you might seize, for the shadow which you could not hold fast if you were to seem to grasp it. Work on at the foundations. Insist on truth and right; put them into all your own life, taking all the beam out of your own eye before demanding—well, we will say the mote, for generosity's sake, and for the holy authority of the word—out of the brother's eyes.

Establish pure, honest, lovely things—things of good report—in the nurseries, the schools, the social circles where you reign, and the outside world and issue will take form and heed for themselves. The nation, of which the family is the root, will be made, and built, and saved accordingly. Every seed hath its own body. The seed of the woman shall bruise the serpent-head of evil, and shall rise triumphant to become the ennobled, recreated commonwealth. Then shall pour forth the double paean that thrills through the glorious final chorus of Schumann's Faust—men and women answering in antiphons—

"The indescribable,
Here it is done;
The ever-womanly
Beckons us on!"

Then shall Mary—the fulfilled, ennobled womanhood—sing her Magnificat; standing to receive from the Lord, and to give the living word to the nations:

"My soul doth magnify the Lord,
And my spirit hath rejoiced in God, my Saviour.
For He hath looked upon the low estate of His handmaiden;
For behold, from henceforth all generations shall call me blessed.
For He that is mighty hath done to me great things;
And holy is His name.
And His mercy is unto generations and generations."

The coming new version of the Old Testament gives us, we are told, among other more perfect renderings, this one, which fitly utters charge and promise:

"The Lord gave the word;
Great was the company
Of those
That published it."

"The Lord giveth the word;
And the women that bring
Glad tidings
Are a great host."

ADELINE D. T. WHITNEY.

Mr. BLAIR. Mr. President, before the vote is taken I desire to say but a word. Early in the session I had the opportunity of addressing the Senate upon the general merits of the question. I said then all that I cared to say; but I wish to remind the Senate before the vote is taken that the question to be decided is not whether upon the whole the suffrage should be extended to women, but whether in the proper arena for the amendment of the Constitution ordained by the the Constitution itself one-third of the American people shall have the opportunity to be heard in the discussion of such a proposed amendment—whether they shall have the opportunity of the exercise of the first right of republican government and of the American and of any free citizen, the submission to the popular tribunal, which has alone the power to decide the question whether on the whole, upon a comparison of the arguments pro and con bearing one way and the other upon this great subject, the American people will extend the suffrage to those who are now deprived of it.

That is the real question for the Senate to consider. It is not whether the Senate would, itself, extend the suffrage to women, but whether those men who believe that women should have the suffrage shall be heard, so that there may be a decision and an end made of this great subject, which has now been under discussion more than a quarter of a century, and to-day for the first time even in the legislative body which is to submit the proposition to the country for consideration has there been a prospect of reaching a vote.

I appeal to Senators not to decide this question upon the arguments which have been offered here to-day for or against the merits of the proposition. I appeal to them to decide this question upon that other principle to which I have adverted, whether one-third of the American people shall be permitted to go into the arena of public discussion of the States, among the people of the States, and before the Legislatures of the States, and be heard upon the issue, shall the general Constitution be so amended as to extend this right of suffrage? If, with this opportunity, those who believe in woman suffrage fail, they must be content; for I agree with the Senators upon the opposite side of the Chamber and with all who hold that if the suffrage is to be extended at all, it must be extended by the operation of existing law. I believe it to be an innate right; yet an innate right must be exercised only by the consent of the controling forces of the State. That is all that woman asks. That is all that any one asks who believes in this right belonging to her sex.

As bearing simply upon the question whether there is a demand by a respectable number of people to be heard on this issue, I desire to read one or two documents in my possession. I offer in this connection, in addition to the innumerable petitions which have been placed before the Senate and before the other House, the petition of the Women's Christian Temperance Union. I take it that no Senator will raise the question whether this organization be or be not composed of the very *élite* of the women of America. At least two hundred thousand of the Christian women of this country are represented in this organization. It is national in its character and scope; it is international, and it exists in every State and in every Territory of the Union. By their officers, Miss Frances E. Willard, the president; Mrs. Caroline B. Buell, corresponding secretary; Mrs. Mary A. Woodbridge, recording secretary; Mrs. L. M. N. Stevens, assistant recording secretary; Miss Esther Pugh, treasurer; Mrs. Zerelda G. Wallace, superintendent of department of franchise, and Mrs. Henrietta B. Wall, secretary of department of franchise, they bring this petition to the Senate. It has been indorsed by the action of the body at large. They say:

Believing that governments can be just only when deriving their powers from the consent of the governed, and that in a government professing to be a government of the people, all the people of a mature age should have a voice, and that all class-legislation and unjust discrimination against the rights and privileges of any citizen is fraught with danger to the republic, and inasmuch as the ballot in popular governments is a most potent element in all moral and social reforms:

We, therefore, on behalf of the hundreds of thousands of Christian women engaged in philanthropic effort, pray you to use your influence, and vote for the passage of a sixteenth amendment to the Constitution of the United States, prohibiting the disfranchisement of any citizen on the ground of sex.

I have also just received, in addition to other matter before the Senate, the petition of the Indianapolis Suffrage Association, or of that department of the Women's Christian Temperance Union which has the control of the discussion and management of the operations of the union with reference to the suffrage. I shall not take the time of the Senate to read it. The letter transmitting the petition is as follows:

INDIANAPOLIS, IND., *January* 12, 1886.

DEAR SIR: I have sent the inclosed petitions and arguments to every member on the Committee on Woman Suffrage, hoping if they are read they may have some influence in securing a favorable report for the passage of a sixteenth amendment, giving the ballot to women.

Will you urge upon the members of the committee the importance of their perusal?

Respectfully.

MRS. Z. G. WALLACE,
Sup't Dep't for Franchise of N. W. C. T. U.

Hon. H. W. BLAIR.

I will add in this connection a letter lately received by myself, written by a lady who may not be so distinguished in the annals of the country, yet, at the same time, she has attained to such a position in

the society where she lives that she holds the office of postmaster by the sanction of the Government, and has held it for many years. She seems, as other ladies have seemed, to possess the capacity to perform the duties of this governmental office, so far as I know, to universal satisfaction. At all events, it is the truth that no woman, so far as I have ever heard, holding the office of postmaster, and no woman who has ever held the position of clerk under the Government, or who has ever discharged in State or in Nation any executive or administrative function, has as yet been a defaulter, or been guilty of any misconduct or malversation in office, or contributed anything by her own conduct to the disgrace of the appointing or creating official power. This woman says:

NEW LONDON, WIS., *January* 18, 1887.

Hon. H. W. BLAIR, *Washington, D. C.:*

DEAR SIR: Thank you for the address you sent; also for your kindness in remembering us poor mortals who can scarcely get a hearing in such an august body as the Senate of these United States, though I have reason to believe we furnished the men to fill those seats.

There is something supremely ridiculous in the attitude of a man who tells you women are angelic in their nature; that it is his veneration for the high and lofty position they occupy which hopes to keep them forever from the dirty vortex of politics, and then to see him glower at her because she wishes politics were not so dirty, and believes the mother element, by all that makes humanity to her doubly sacred, is just what is needed for its purification.

We have become tired of hearing and reiterating the same old theories and are pleased that you branched out in a new direction, and your argument contains so much which is new and fresh.

We do care for this inestimable boon which one-half the people of this Republic have seized, and are claiming that God gave it to them and are working very zealously to help God keep it for them. (We will remember the Joshua who leads us out of bondage.)

I used to think the Prohibition party would be our Moses, but that has only gone so far as to say, "You boost us upon a high and mighty pedestal, and when we see our way clear to pull you after us we will venture to do so; but you can not expect it while we run any risk of becoming unpopular thereby."

Liberty stands a goddess upon the very dome of our Capitol, Liberty's lamp shines far out into the darkness, a beacon to the oppressed, a dazzling ray of hope to serf and bondsmen of other climes, yet here a sword unforbidden is piercing the heart of the mother whose son believes God has made us to differ so that he can go astray and return. But, alas, he does not return.

Help us to stand upon the same political footing with our brother; this will open both his and our eyes and compel him to stand upon the same moral footing with us. Only this can usher in millenium's dawn.

This letter is signed by Hannah E. Patchin, postmaster at New London, Wis.

As bearing upon the extent of this agitation, I have many other letters of the same character and numerous arguments by women upon this subject, but I can not ask the attention of the Senate to them, for what I most of all want is a vote. I desire a record upon this question. However, I ought to read this letter, which is dated Salina, Kans., December 13, 1886. The writer is Mrs. Laura M. Johns. She is connected with the suffrage movement in that State, and as bearing upon the extent of this movement and as illustrative not only of the condition of the question in Kansas, but very largely throughout the country, perhaps, especially throughout the northern part of the country, I read this and leave others of like character, as they are, because we have not the time:

I am deeply interested in the fate of the now pending resolution proposing an amendment to the Constitution of the United States, conferring upon women the exercise of the suffrage. The right is theirs now.

I see, in speaking to that resolution on December 8 in the Senate, that you refer to Miss Anthony's experiences in the October campaign in Kansas as evidence in part of the growth of interest in this movement, and of sentiment favorable to it, and I am writing now just to tell you about it.

When I planned and arranged for those eleven conventions in eleven fine cities of this State, I thought I knew that the people of Kansas felt a strong interest in the question of woman suffrage; but when with Miss Anthony and others I saw immense audiences of Kansas people receive the gospel of equal suffrage with enthusiasm, saw them sitting uncomfortably crowded, or standing to listen for hours to arguments in favor of suffrage for women; saw the organization of strong and ably officered local, county, and district associations of the best and "brainiest" men and women in our first cities for the perpetuation of woman suffrage teachings; saw people of the highest social, professional, and business position give time, money and influence, to this cause; saw Miss Anthony's life work honored and her fêted and most highly commended, I concluded that I had before known but half of the interest and favorable sentiment in Kansas on this question. These meetings were very largely attended, and by all classes, and by people of all shades of religious and political belief. The representative people of the labor party were there, ministers, lawyers, all professions, and all trades.

No audiences could have been more thoroughly representative of the people; and as we held one (and more) convention in each Congressional district in the State, we certainly had, from the votes of those audiences in eleven cities, a truthful expression of the feeling of the people of the State of Kansas on this question. Many of the friends of the cause here are very willing to risk our fate to the popular vote.

In our conventions Miss Anthony was in the habit of putting the following questions to vote:

"Are you in favor of equal suffrage for women?"

"Do you desire that your Senators, INGALLS and PLUMB, and your seven Congressmen shall vote for the sixteenth amendment to the Federal Constitution?" and

"Do you desire your Legislature to extend municipal suffrage to women?"

In response there always came a rousing "yes," except when the vote was a rising one, and then the house rose in a solid body. Miss Anthony's call for the negative vote was answered by silence.

Petitions for municipal suffrage in Kansas are rolling up enormously. People sign them now who refused to do so last year. I tell you it is catching. Many people here are disgusted with our asking for such a modicum as municipal suffrage, and say they would rather sign a petition asking for the submission of an amendment to our State constitution giving us State suffrage. We have speakers now at work all over the State, their audiences and reception are enthusiastic, and their most radical utterances in favor of woman are the most kindly received and gain them the most applause.

And further to the same effect. I shall offer nothing more of that kind, but I have come in possession of some data bearing upon the question of the intellect of woman. The real objection seems to me to be that she does not know enough to vote; that it is the ignorant ballot that is dangerous; but that is a subject which of course I have no time to go into. However, I have some data collected very recently, and at my request, by a most intelligent gentleman of the State of Maine. Either of the Senators from that State will bear witness as to the high character of this gentleman, Mr. Jordan. He sent the data to me a few days ago. They show the relative standing of the two sexes in the high schools in the State of Maine where they are being educated together, and in one of the colleges of that State:

High school No. 1.—Average rank on scale of 100.—1882: boys 88.7, girls 91; 1883: boys 88.2, girls 91.3; 1884: boys 88.8, girls 91.9 (of the graduating class 7 girls and 1 boy were the eight highest in rank for the four years' course); 1885: boys 88.6, girls 91.4 (eight highest in rank for four years' course, 4 boys and 4 girls); 1886: boys 88.2, girls 91 (eight highest in rank for four years' course, 7 girls and 1 boy).

High school No. 2.—Average rank on scale of 100.—1886: boys 90, girls 93 (six highest in rank for four years' course, 6 girls).

College.—Average rank for fall term of the junior year on the scale of 40.—1882: boys 37.75, girls 37.93; 1883: boys 38.03, girls 38.70; 1884: boys 38.18, girls 38.59; 1885: boys 38.33, girls 38.13.

With only this last exception the average of the girls and young ladies in the high schools and at this institution of liberal training is substantially higher than that of the boys. I simply give that fact in passing, and there leave the matter.

I desire in closing simply to call for the reading of the joint resolution. I could say nothing to quicken the sense of the Senate on the importance of the question about to be taken. It concerns one-half of our countrymen, one-half of the citizens of the United States, but it is more than that, Mr. President. This question is radical, and it concerns the condition of the whole human race. I believe that in the agitation of this question lies the fate of republican government, and in that of republican government lies the fate of mankind. I ask for the reading of the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate as in Committee of the Whole. It has been read. Does the Senator desire to have it read again?

Mr. BLAIR. Has it been read this afternoon?

The PRESIDING OFFICER. It has been.

Mr. BLAIR. That is all then. Now, I wish to have printed in the RECORD, by reason of the printed matter that has gone into the RECORD upon the other side, the arguments of Miss Anthony and her associates before the Senate committee, which is out of print as a document. These arguments are very terse and brief. I think it only just that woman, who is most interested, should be heard, at least under the circumstances when she has herself been heard on the other side through printed matter. It will not be burdensome to the RECORD, and I ask that this be done.

The PRESIDING OFFICER. The Chair hears no objection to the suggestion. The document will be printed in the RECORD.

The document is as follows:

ARGUMENTS BEFORE THE SELECT COMMITTEE ON WOMAN SUFFRAGE, UNITED STATES SENATE, MARCH 7, 1884,

By a committee of the Sixteenth Annual Washington Convention of the National Woman Suffrage Association, in favor of a sixteenth amendment to the Constitution of the United States, that shall protect the right of women citizens to vote in the several States of the Union.

Order of proceeding.

The CHAIRMAN (Senator COCKRELL). We have allotted the time to be divided as the speakers may desire among themselves. We are now ready to hear the ladies.

Miss SUSAN B. ANTHONY. Mr. Chairman and gentlemen of the select committee: This is the sixteenth time that we have come before Congress in person, and the nineteenth annually by petitions. Ever since the war, from the winter of 1865–'66, we have regularly sent up petitions asking for the national protection of the citizen's right to vote when the citizen happens to be a woman. We are here again for the same purpose. I do not propose to speak now, but to introduce the other speakers, and at the close perhaps will state to the committee the reasons why we come to Congress. The other speakers will give their thought from the standpoint of their respective States. I will first introduce to the committee Mrs. Harriet R. Shattuck, of Boston, Mass.

REMARKS BY MRS. HARRIET R. SHATTUCK.

Mrs. SHATTUCK. Mr. Chairman and gentlemen: It seems as if it were almost unnecessary for us to come here at this meeting, because I feel that all we have to say and all we have to claim is known to you, and we can not add anything to what has been said in the past sixteen years.

But I should like to say one thing, and that is, that in my work it has seemed that if we could convince everybody of the motives of the suffragists we would go far toward removing prejudices. I know that those motives are very much misunderstood. Persons think of us as ambitious women, who are desirous for fame, and who merely come forward to make speeches and get before the public, or else they think that we are unfortunate beings with no homes, or unhappy wives, who are getting our livelihood in this sort of way. If we could convince every man who has a vote in this Republic that this is not the case, I believe we could go far toward removing the prejudice against us. If we could make them see that we are working here merely because we know that the cause is right, and we feel that we must work for it, that there is a power outside of ourselves which impels us onward, which says to us: go forward and speak to the people and try to bring them up to a sense of their duty and of our right. This is the belief that I have in regard to our position on this question. It is a matter of duty with us, and that is all.

In Massachusetts I represent a very much larger number of women than is supposed. It has always been said that very few women wish to vote. Believing that this objection, although it has nothing to do with the rights of the cause,

ought to be met, the association of which I am president inaugurated last year a sort of canvass, which I believe never had been attempted before, whereby we obtained the proportion of women in favor and opposed to suffrage in different localities of our State. We took four localities in the city of Boston, two in smaller cities, and two in the country districts, and one also of school teachers in nine schools of one town. Those school teachers were unanimously in favor of suffrage, and in the nine localities we found that the proportion of women in favor was very large as against those opposed. The total of women canvassed was 814. Those in favor were 405; those opposed, 44; indifferent, 166; refused to sign, 160; not seen, 39. This, you see, is a very large proportion in favor. Those indifferent, and those who were not seen, were not included, because we claim that nobody can yet say that they are opposed or in favor until they declare themselves; but the 405 in favor against the 44 opposed were as 9 to 1. These canvasses were made by women who were of perfect respectability and responsibility, and they swore before a justice of the peace as to the truth of their statements.

So we have in Massachusetts this reliable canvass of the number of women in favor as to those opposed, and we find that it is 9 to 1.

These women, then, are the class whom I represent here, and they are women who can not come here themselves. Very few women in the country can come here and do this work, or do the work in their States, because they are in their homes attending to their duties, but none the less are they believers in this cause. We would not any more than any man in the country ask a woman to leave her home duties to go into this work, but a few of us are so situated that we can do it, and we come here and we go to the State Legislatures representing all the women of the country in this work.

What we ask is, not that we may have the ballot to obtain any particular thing, although we know that better things will come about from it, but merely because it is our right, and as a matter of justice we claim it as human beings and as citizens, and as moral, responsible, and spiritual beings, whose voice ought to be heard in the Government, and who ought to take hand with men and help the world to become better.

Gentlemen, you have kept women just a little step below you. It is only a short step. You shower down favors upon us it is true, still we remain below you, the recipients of favors without the right to take what is our own. We ask that this shall be changed; that you shall take us by the hand and lift us up to the same political level with you, where we shall have rights with you, and stand equal with you before the law.

REMARKS BY MRS. MAY WRIGHT SEWALL.

Miss ANTHONY. I will now introduce to the committee Mrs. May Wright Sewall, of Indianapolis, who is the chairman of our executive committee.

Mrs. SEWALL. Gentlemen of the committee: Gentlemen, I believe, differ somewhat in their political opinions. It will not then be surprising, I suppose, that I should differ somewhat from my friend in regard to the knowledge that you probably possess upon our question. I do not believe that you know all that we know about the women of this country, for I believe that if you did know even all that I know, and my knowledge is much more limited than that of many of my sisters, long ago the sixteenth amendment, for which we ask, would have been passed through your influence.

I remember that when I was here two years ago and had the honor of appearing before the committee, who granted us, on that occasion, what you are so kind and courteous to grant on this occasion, an opportunity to speak before you, I told you that I represented at least seventy thousand women who had asked for the ballot in my State, and I tried then to remind the members of the committee that had seventy thousand Indiana men asked for any measure from the Congress that then occupied this Capitol, that measure would have secured the most deliberate consideration from their hands, and, in all probability, its passage by the Congress. Of that there can be no doubt.

I do not wish to exaggerate my constituency, but during the last two years, and since I had the honor of addressing the committee, the work of woman suffrage has progressed very rapidly in my State. The number of women who have found themselves in circumstances to work openly, and whose spirit has been drawn into it, has largely increased, and as the workers have multiplied the results have increased. While we have not taken the careful canvass that has been so wisely and judiciously taken in Massachusetts, so that I can present to you the exact number of women who would to-day appeal for suffrage, I know that I can, far within the bounds of possible truth, state that while I represented seventy thousand women in my State two years ago, who desired the adoption of the sixteenth amendment, I represent to-day twice that number.

Should any one come up from Indiana, pivotal State as it has been long called in national elections, saying that he represented the wish of one hundred and forty thousand Indiana men, gentlemen, would you scorn his appeal? Would you treat it lightly? Not at all. You know that it would receive the most candid consideration. You know that it would receive not merely respectful consideration, but immediate and prompt and just action upon your part.

I have been told since I have reached Washington that of all women in the country Indiana women have the least to complain of, and the least reason for coming to the United States Capitol with their petitions and the statement of their needs, because we have received from our own Legislature such amendments and amelioration of the old unjust laws. In one sense it is true that we are the recipients in our own State of many civil rights and of a very large degree of civil equality. It is true that as respects property rights, and as respects industrial rights, the women of my own State may perhaps be the envy of all other women in the land, but, gentlemen, you have always told men that the greater their rights and the more numerous their privileges the greater their responsibilities. That is equally true of woman, and simply because our property rights are enlarged, because our industrial field is enlarged, because we have more women who are producers in the industrial world, recognized as such, who own property in their own names, and consequently pay taxes upon that property, and thereby have greater financial and larger social, as well as industrial and business interests at stake in our own commonwealth, and in the manner in which the administration of national affairs is conducted—because of all these privileges we the more need the power which shall emphasize our influence upon political action.

You know that industrial and property rights are in the hands of the lawmakers and the executors of the laws. Therefore, because of our advanced position in that matter, we the more need the recognition of our political equality. I say the recognition of our political equality, because I believe the equality already exists. I believe it waits simply for your recognition; that were the Constitution now justly construed, and the word "citizens," as used in your Constitution, justly applied it would include us, the women of this country. So I ask for the recognition of an equality that we already possess.

Further, because of what we have we ask for more. Because of the duties that we are commanded to do, we ask for more. My friend has said, and it is true in some respects, that men have always kept us just a little below them where they could shower upon us favors, and they have always done that generously. So they have, but, gentlemen, has your sex been more generous in its favors to women than women have been generous toward your sex in their favors? Neither one can do without the other; neither can dispense with the service of the other; neither can dispense with the reverence of the other, with the aid of the other in domestic life, in social life. The men of this nation are rapidly finding that they can not dispense with the service of women in business life. I know that they are also feeling the need of what they call the moral support of women in their public life, and in their political life.

I always feel that it is not for women alone that I appeal. As men have long represented me, or assumed to do so, and as the men of my own family always have done so justly and most chivalrously, I feel that in my appeal for political recognition I represent them; that I represent my husband and my brother and the interest of the sex to which they belong, for you, gentlemen, by lifting the women of the nation into political equality would simply place us where we could lift you where you never yet have stood, upon a moral equality with us. Gentlemen, that is true. You know it as well as I. I do not speak to you as individuals; I speak to you as the representatives of your sex, as I stand here the representative of mine; and never until we are your equals politically will the moral standard for men be what it now is for women, and it is none too high. Let it grow the more elevated by our growth in spirituality, by every aspiration which we receive from the God whence we draw our life and whence we draw our impulses of life. Let our standard remain where it is and be more elevated. Yours must come up to match it, and never will it until we are your equals politically. So it is for men, as well as for women, that I make my appeal.

I know that there are some gentlemen upon this committee who, when we were here two years ago, had something to say about the rights of the States and of their disinclination to interfere with the rights of the States in this matter. I have great sympathy with the gentlemen from the South, who, I hope, do not forget that they are representing the women of the South in their work here at the national capital. Already some Northern States are making rapid strides towards the enfranchisement of their women. The men of some of the Northern States see that they can no longer accomplish the purposes politically which they desire to accomplish without the aid of the women of their respective States. Washington is the third Territory that has added women to its voting force, and consequently to its political power at the national capital as well as its own capital. Oregon will undoubtedly, as her representative will tell you to-day, soon add its women to its voting force. The men who believe that each State must be left to do this for itself will soon find that the balance of power between the North and South is destroyed, unless the women of the South are brought forward to add to the political force of the South as the women of the North are being brought forward to add to the political force of the North.

This should not be acted upon as a partisan measure. We do not appeal to you as Republicans or as Democrats. We have among us Republicans and Democrats; we have our party affiliations. We, of course, were reared with our brothers under the political belief and faith of our fathers, and probably as much influenced by that rearing as our brothers were. We shall go to strengthen both the political parties, neither one nor the other the more, probably. So that it is not as a partisan measure; it is as a just measure, which is our due, not because of what we are, gentlemen, but because of what you are, and because of what we are through you, of what you shall be through us; of what we, men and women, both are by virtue of our heritage and our one Father, our one mother eternal, the spirit created and progressive, that has thus far sustained us, and that will carry us and you forward to the action which we demand of you to take, and to the results which we anticipate will attend upon that action.

REMARKS BY MRS. HELEN M. GOUGAR.

Miss ANTHONY. I think I will call upon the other representative of the State of Indiana to speak now, Mrs. Helen M. Gougar, of Lafayette, Ind.

Mrs. GOUGAR. Gentlemen, we are here on behalf of the women citizens of this Republic, asking for political freedom. I maintain that there is no political question paramount to that of woman suffrage before the people of America to-day. Political parties would fain have us believe that tariff is the great question of the hour. Political parties know better. It is an insult to the intelligence of the present hour to say that when one-half of the citizens of this Republic are denied a direct voice in making the laws under which they shall live, that tariff, or that the civil rights of the negro, or any other question that can be brought up, is equal to the one of giving political freedom to women. So I come to ask you, as representative men, making laws to govern the women the same as the men of this country (and there is not a law that you make in the United States Congress in which woman has not an equal interest with man), to take the word "male" out of the constitutions of the United States and the several States, as you have taken the word "white" out, and give to us women a voice in the laws under which we live.

You ask me why I am inclined to be practical in my view of this question. In the first place, speaking from my own standpoint, I ask you to let me have a voice in the laws under which I shall live because the older empires of the earth are sending in upon our American shores a population drawing very largely from the asylums, yes, from the penitentiaries, the jails, and the poor-houses of the Old World. They are emptying those men upon our shores, and within a few months they are intrusted with the ballot, the law-making power in this Republic, and they and their representatives are seated in official and legislative positions. I, as an American-born woman, to-day enter my protest at being compelled to live under laws made by this class of men very largely, and myself being rendered utterly incapable of the protection that can only come from the ballot. While I would not have you take this right or privilege from those men whom we invite to our shores, I do ask you, in the face of this immense foreign immigration, to enfranchise the tax-paying, intelligent, moral, native-born women of America.

Miss ANTHONY. And foreign women, too.

Mrs. GOUGAR. Miss Anthony suggests an amendment, and I indorse it most heartily, and foreign women too, because if we let a foreign man vote I say let the foreign woman vote. I am in favor of universal suffrage.

Gentlemen, I ask this as a matter of justice; I ask it because it is an insult to the intelligence of the present to draw the sex line upon any right whatever. I know there are many objections urged, and I am sure that you have considered this question; but I only make the demand from the standpoint, not of sex, but of humanity.

As a Northern woman, as a woman from Indiana, I know that we have the intelligent, thinking, cultured, pure, patriotic men and women with us. We have the women who are engaged in philanthropic enterprises. We have in our own State the signatures of over 5,000 of the school teachers asking for woman's ballot. I ask you if the United States Government does not need the voice of those 5,000 educated school teachers as much as it needs the voice of the 240 male criminals who are, on an average, sent out of the penitentiary of Indiana every year, who go to the ballot-box upon every question whatever, and make laws under which those school teachers must live, and under which the mothers of our State must keep their homes and rear their children?

On behalf of the mothers of this country I demand that their hands shall be loosened before the ballot-box, and that they shall have the privilege of throwing the mother heart into the laws that shall follow their sons not only to the age of majority that only has been made legal, but is never recognized, and so I ask you to let the mothers carry their influence in protecting laws around the footsteps of those boys, even after their hair has turned gray and they have seats in the United States Congress. I ask you to give them the power to throw protecting laws around those boys to the very confines of eternity. This can be done in no indirect way; it can not be done by the silent influence; it can not be done by prayer. While I do not underestimate the power of prayer, I

say give me my ballot on election day that shall send pure men, good men, intelligent men, statesmen, instead of the modern politician, into our legislative halls. I would rather have that ballot on election day than the prayers of all the disfranchised women in the universe.

So I ask you to loosen our hands. I ask you to let us join with you in developing this science of human government. What is politics after all but the science of government? We are interested in these questions, and we are investigating them already. We have our opinions. Recently an able man has said that we have been grandly developed physically and mentally, but as a nation we are a political infant. So we are, gentlemen; we are to-day in America politically simply an infant. Why is it? It is because we have not recognized God's family plan in government—man and woman together. He created the male and female, and gave them dominion together. We have dominion in every other interest in society, and why shall we not stand shoulder to shoulder and have dominion in the science in government, in making the laws under which we shall live?

We are taxed to support this Government—this immense Capitol building is built largely from the industries of the tax-paying women of this country—and yet we are denied the slightest voice in distributing our taxes. Our foreparents did not object to taxation, but they did object to taxation without representation, and we, as thinking, industrious, active American women, object to taxation without representation. We are willing to contribute our share to the support of this Government, as we always have done, but we have a right to ask for our little yes and no in the form of the ballot so that we shall have a direct influence in distributing the taxes.

Gentlemen, I am amenable to the gallows and the penitentiary, and it is no more than right that I shall have a voice in framing the laws under which I shall be rewarded or punished. Am I asking too much of you as representative men of this great Government when I ask you to let me have a voice in making the laws under which I shall be rewarded or punished? It is written in the law of every State in this Union that a person in the courts shall have a jury of his peers, yet so long as the word "male" stands as it does in the Constitutions of the United States and the States no woman in any State of this Union can have a jury of her peers. I protest in the name of justice against going into the court-room and being compelled to run the gauntlet of the gutter and of the saloon—yes, even of the police court and of the jail—as we are compelled to do to select a male jury to try the interests of women, whether relating to life, property, or reputation. So long as the word "male" is in our constitutions just so long we can not have a jury of our peers in any State in the Union.

I ask that the women shall have the right of the ballot that they may go into our legislative halls and there provide for the prevention rather than the cure of crime. I ask you on behalf of the twelve hundred children under twelve years of age who are in the poor-houses of Indiana, of the sixteen hundred in the poor-houses of Illinois, and on that average in every State in the Union, that you shall take the word "male" out of the constitutions and allow the women of this country to sit in legislative halls and provide homes for and look after the little waifs of society. There are hundreds of moral questions to-day requiring the assistance of the moral element of womanhood to help make the laws under which we shall live.

Gentlemen, the political party that lives in the future must fight the moral battles of humanity. The day of blood is passed; the day of brain and heart is upon us; and I ask you to let the moral constituency that resides in woman's nature be represented. Let me say right here that I do not believe that there is morality in sex, but the social customs have been such that woman has been held to a higher standard. May the day hasten when the social custom shall hold man to as high a moral standard as it to-day holds woman.

This is the condition of things. The political party that presumes to fight the moral battles of the future must have the women in its ranks. We are non-partisan, as has been well said by my friend from Indiana [Mrs. Sewall.] We come Democrats, Republicans, and Greenbackers, and I expect if there were a half dozen other political parties some of us would belong to them. We ask this beneficent action upon your part because we believe that the intelligence and the justice of the hour is demanding it. We do not want a political party action. We want you to keep this question out of the canvass. We ask you in the name of justice and humanity alone, and not on the part of party.

I hold in my hand a petition sent from one district in the State of Illinois with the request that I bear it to you. Out of three hundred electors the names of two hundred stand in this petition that I shall leave in your hands. In this list stand not the wife-whippers, not the drunkards, not the dissolute, but every minister in that town, every editor in that town, every professional man in that town, every banker, and every prominent business man in that town of three hundred electors. I believe that petitions could be rolled up in this way in every town in the Northern and in many of the Southern States. I leave this petition with you for your consideration.

Upon no question whatever has such a large number of petitions been sent as upon this demand for woman suffrage. You have the petitions in your hands, and I ask you in the name of justice and humanity not to let this Congress adjourn without action.

You ask us if we are impatient. Yes; we are impatient. Some of us may die, and I want our grand old standard-bearer, Susan B. Anthony, whose name will go down to history beside that of George Washington, Abraham Lincoln, and Wendell Phillips—I want that woman to go to heaven a free angel from this Republic. The power lies in your hands to make us all free. May the blessing of God be upon the hearts of every one of you, gentlemen; may the scales of prejudice fall from your eyes, and may you, representing the Senate of the United States, have the grand honor of telegraphing to us, to the millions of waiting women from one end of this country to the other, that the sixteenth amendment has been submitted to the ratification of the several legislatures of our States striking the word "male" out of the constitutions; and that this shall be, as we promise it to be, a government of the people, for the people, and by the people.

REMARKS BY MRS. ABIGAIL SCOTT DUNIWAY.

Miss ANTHONY. I now, gentlemen of the committee, introduce to you Mrs. Abigail Scott Duniway, from the extreme Northwest; and before she speaks I wish to say that she has been the one canvasser in the great State of Oregon and Washington Territory, and that it is to Mrs. Duniway that the women of Washington Territory are more indebted than to all other influences for their enfranchisement.

Mrs. DUNIWAY. Gentlemen of the committee, do you think it possible that an agitation like this can go on and on forever without a victory? Do you not see that the golden moment has come for this grand committee to achieve immortality upon the grandest idea that has ever stirred the heart-beats of American citizens, and will you not in the magnanimity of noble purposes rise to meet the situation and accede to our demand, which in your hearts you must know is just?

I do not come before you, gentlemen, with the expectation to instruct you in regard to the laws of our country. The women around us are law-abiding women. They are the mothers, many of them, of true and noble men, the wives, many of them, of grand, free husbands, who are listening, watching, waiting eagerly for successful tidings of this great experiment.

There never was a grander theory of government than that of these United States. Never were grander principles enunciated upon any platform, never so grand before and never can be grander again, than the declaration that "all men," including of course all women, since women are amenable to the laws, "are created equal; that they are endowed by their Creator with certain inalienable rights * * * that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed."

Gentlemen, are we allowed the opportunity of consent? These women who are here from Maine to Oregon, from the Straits of Fuca to the reefs of Florida, who in their representative capacity have come up here so often, augmented in their numbers year by year, looking with eyes of hope and hearts of faith, but oftentimes with hopes deferred, upon the final solution of this great problem, which it is so much in your hands to hasten in its solution—these women are in earnest. My State is far away beyond the confines of the Rocky Mountains, away over beside the singing Pacific sea, but the spirit of liberty is among us there, and the public heart has been stirred. The hearts of our men have been moved to listen to our demands, and in Washington Territory, as one speaker has informed you, women to-day are endowed with full and free enfranchisement, and the rejoicing throughout that Territory is universal.

In Oregon men have also listened to our demand, and the Legislature has in two successive sessions agreed upon a proposition to amend our State constitution, a proposition which will be submitted for ratification to our voters at the coming June election. It is simply a proposition declaring that the right of suffrage shall not hereafter be prohibited in the State of Oregon on account of sex. Your action in the Senate of the United States will greatly determine the action of the voters of Oregon on our, or rather on their, election day, for we stand before the public in the anomaly of petitioners upon a great question in which we, in its final decision, are allowed no voice, and we can only stand with expectant hearts and almost bated breath awaiting the action of men who are to make this decision.

We have great hope for our victory, because the men of the broad, free West are grand, and chivalrous, and free. They have gone across the mighty continent with free steps; they have raised the standard of a new Pacific empire; they have imbibed the spirit of liberty with their very breath, and they have listened to us far in advance of many of the men of the older States who have not had their opportunity among the grand free wilds of nature for expansion.

So all of our leaders are with us to-day. You may go to either member of the Senate of the United States from Oregon, and while I can not speak so positively for the senior member, as he came over here some years ago before the public were so well educated as now, I can and do proudly vouch for the late Senator-elect DOLPH, who now has a seat upon the floor of the Senate, who is heart and soul and hand and purse in sympathy with this great movement for the enfranchisement of the women of Oregon. I would also be unjust to our worthy representative in the lower house, Hon. M. C. George, did I not proudly speak his name in this great connection. Men of this class are with us, and without regard to party affiliations we know that they are upon our side. Our governor, our associate supreme judge for the district of the Pacific, all of these men, are leading in the grand free way that characterizes the men of the West in assisting in this work. But we have—alas, that I should be compelled to say it—a great many men who pay no heed whatever to this question. Men will be entitled to a voice in this decision who are not, like members of Congress, the picked men of the nation or the State, but men, many of whom can not read, who will have an opportunity to decide this question as far as their ballots can go. These are they to whom the enlightened, educated motherhood of the State of Oregon must look largely for the decision.

This brings me to the grand point of our coming to Congress. Some of you say to us, "Why not leave this matter for settlement in the different States?" When we leave it for settlement in the different States we leave it just as I have told you, because of the constitutional provisions of our organic law we can not do otherwise; but if the question were to be settled by the Legislature of Oregon alone it would be settled now; and I, as a representative of that State only, would have no need of coming here; it would be settled just as it has been settled in Washington Territory; but when we come here to Congress it is the great nation asking you to take such legislative action in submitting an amendment to the Constitution of the United States as shall recognize the equality of these women who are here; these women who have come here from all parts of the country, whose constituents are looking on while we are here before you. As we reflect that our feeblest words uttered before this committee will go to the confines of this nation and be cabled across the great Atlantic and around the globe, we realize that more and more prominently our cause is growing into public favor, and the time is just upon us when some decision must be made.

Gentlemen of the committee, will you not recognize the importance of the movement? Who among you will be our standard-bearer? Who among you will achieve immortality by standing up in these halls in which we are forbidden to speak, and in the magnanimity of your own free wills and noble hearts champion the woman's cause and make us before the law, as we of right ought now to be, free and independent?

REMARKS BY MRS. CAROLINE GILKEY ROGERS.

Miss ANTHONY. I now call upon Mrs. Caroline Gilkey Rogers, of Lansingburg, N. Y., to address the committee.

Mrs. ROGERS. Mr. Chairman and gentlemen of the committee, in our efforts to secure the right of citizenship we appeal only to your sense of justice and love of fair dealing.

We ask for the ballot because it is the symbol of equality. There is no other recognized symbol of equality in this country. We ask for the ballot that we may be equal to man before the law. We urge a twofold right—our right to the Republic, the Republic's right to us. We believe the interests of the country are identical with the interests of all its citizens, including women, and that the Government can no longer afford to shut women out from the affairs of the State and nation, and wise men are beginning to know that they are needed in the Government; that they are needed where our laws are made as well as where they are violated.

Many admit the justice of our claim, but will say, Is it safe? Is it expedient? It is always safe to do right; is always expedient to be just. Justice can never bring evil in its train.

The question is asked how and what would the women do in the State and nation? We do not pledge ourselves to anything. I claim that we can not have a better government than that of the people. The present Government is of only a part of the people. We have not yet entered upon the system of higher arbitration, because the Government is of man only. If we had been marching along with you all this time I trust we should have reached a higher plane of civilization.

We believe that all the virtue of the world can take care of all the evil, and all the intelligence can take care of all the ignorance. Let us have all the virtue confront all the vice.

There is no need to do battle in this matter. In all kindness and gentleness we urge our claims. There is no need to declare war upon men, for the best of men in this country are with us heart and soul.

It is a common remark that unless some new element is infused into our political life our nation is doomed to destruction. What more fitting element than the noble type of American womanhood, who have taught our Presidents, Senators, and Congressmen the rudiments of all they know.

Think of all the foreigners and all our own native-born ignorant men who can not write their own names or read the Declaration of Independence making laws for such women as Elizabeth Cady Stanton and Susan B. Anthony. Think of jurors drawn from these ranks to watch and try young girls for crimes often committed against them when the male criminal goes free. Think of a single one of these votes on election day outweighing all the women in the country

Is it not humiliating for me to sit, a political cipher, and see the colored man, in my employ, to whom I have taught the alphabet, go out on election day and say by his vote what shall be done with my tax money. How would you like it?

When we think of the wives trampled on by husbands whom the law has taught them to regard as inferior beings, and of the mothers whose children are torn from their arms by the direct behest of the law at the bidding of a dead or living father, when we think of these things, our hearts ache with pity and indignation.

If mothers could only realize how the laws which they have no voice in making and no power to change affect them at every point, how they enter every door, whether palace or hovel, touch, limit, and bind, every article and inmate from the smallest child up, no woman, however shrinking and delicate, can escape it, they would get beyond the meaningless cry, "I have all the rights I want." Do these women know that in most States in the Union the shameful fact that no woman has any legal rights to her own child, except it is born out of wedlock! In these States there is not a line of positive law to protect the mother; the father is the legal protector and guardian of the children.

Under the laws of most of the States to-day a husband may by his last will bequeath his child away from its mother, so that she might, if the guardian chose, never see it again.

The husband may have been a very bad man, and in a moment of anger made the will. The guardian he has appointed may turn out a malicious man, and take pleasure in tormenting the mother, or he may bring up the children in a way that the mother thinks ruinous to them, and she has no redress in law. Why do not all the fortunate mothers in the land cry out against such a law? Why do not all women say, "Inasmuch as the law has done this wrong unto the least of these my sisters it has done it unto me." It is true that men are almost always better than their laws, but while a bad law remains on the statute-books it gives to an unscrupulous man a right to be as bad as the law.

It is often said to us when all the women ask for the ballot it will be granted. Did all the married women petition the Legislatures of their States to secure to them the right to hold in their own name the property that belonged to them? To secure to the poor forsaken wife the right to her earnings?

All the women did not ask for these rights, but all accepted them with joy and gladness when they were obtained, and so it will be with the franchise. But woman's right to self-government does not depend upon the numbers that demand it, but upon precisely the same principles that man claims it for himself.

Where did man get the authority that he now claims to govern one-half of humanity, from what power the right to place woman, his helpmeet in life, in an inferior position? Came it from nature? Nature made woman his superior when she made her his mother—his equal when she fitted her to hold the sacred position of wife. Did women meet in council and voluntarily give up all their claim to be their own law-makers?

The power of t e strong over the weak makes man the master. Yes, then, and then only, does he gain the authority.

It is all very well to say "convert the women." While we most heartily wish they could all feel as we do, yet when it comes to the decision of this great question they are mere ciphers, for if this question is settled by the States it will be left to the voters, not to the women to decide. Or if suffrage comes to women through a sixteenth amendment of the national Constitution, it will be decided by Legislatures elected by men. In neither case will women have an opportunity of passing upon the question. So reason tells us we must devote our best efforts to converting those to whom we must look for the removal of our disabilities, which now prevent our exercising the right of suffrage.

The arguments in favor of the enfranchisement of women are truths strong and unanswerable, and as old as the free institutions of our Government. The principle of "taxation without representation is tyranny" applies to women as well as men, and is as true to-day as it was a hundred years ago.

Our demand for the ballot is the great onward step of the century, and not, as some claim, the idiosyncracies of a few unbalanced minds.

Every argument that has been urged against this question of woman's suffrage has been urged against every reform. Yet the reforms have fought their way onward and become a part of the glorious history of humanity.

So it will be with suffrage. "You can stop the crowing of the cock, but you can not stop the dawn of the morning." And now, gentlemen, you are responsible, not for the laws you find on the statute books, but for those you leave there.

REMARKS BY MRS. MARY SEYMOUR HOWELL.

Miss ANTHONY. I now introduce to the committee Mrs. Mary Seymour Howell, the president of the Albany, N. Y., State society.

Mrs. HOWELL. Mr. Chairman and gentlemen of the committee: Miss Anthony gives me five minutes. I shall have to talk very rapidly. I ask you for the ballot because of the very first principle that is often repeated to you, that "taxation without representation is tyranny." I come from the city of Albany, where many of my sisters are taxed for millions of dollars. There are three or four women in the city of Albany who are worth their millions, and yet they have no voice in the laws that govern and control them. One of our great State senators has said that you can not argue five minutes against woman suffrage without repudiating every principle that this great Republic is founded upon.

I ask you also for the ballot for the large class of women who are not taxed. They need it more than the women who are taxed. I have found in every work that I have conducted that because I am a woman I am not paid for that work as a man is paid for similar work.

You have heard, and perhaps some of you are thinking—I hope not—that women should be at home. I wish to say to you that there are millions of women in the United States who have no homes. There are millions of women who are trying to earn their bread and hold their purity sacred. For that class of women I appeal to you. In the city of Albany there are hundreds of women in our factories making the shirts that you can buy for $1.50 and $2, and all those women are paid for making the shirts is 4 cents apiece. There are in the State of New York 18,000 teachers. When I was a teacher and taught with gentlemen in our academies, I received about one-fourth of the pay because I happened to be a woman. I consider it an insult that forever burns in my soul, that I am to be handed a mere pittance in comparison with what man receives for same quality of work. When I was sent out by our superintendent of public instruction to hold conventions of teachers, as I have often done in our State of New York, and when I did one-third more work than the men teachers so sent out, but because I was a woman and had not the ballot, I was only paid about half as much as the man; and saying that once to our superintendent of public instruction in Albany, he said, "Mrs. Howell, just as soon as you get the ballot and have a political influence in the work you will have the same pay as a man."

We ask for the ballot for that great army of fallen women who walk our streets and who break up our homes and ruin our husbands and our dear boys. We ask it for those women. The ballot will lift them up. Hundreds and thousands of women give up their purity for the sake of starving children and families. There is many a woman who goes to a life of degradation and pollution shedding burning tears over her 4-cent shirts.

We ask for the ballot for the good of the race. Huxley says, "admitting for the sake of argument that woman is the weaker, mentally and physically, for that reason she should have the ballot and should have every help that the world can give her." When you debar from your councils and legislative halls the purity, the spirituality, and the love of woman then those legislative halls and those councils are apt to become coarse and brutal. God gave us to you to help you in this little journey to a better land, and by our love and our intellect to help to make our country pure and noble, and if you would have statesmen you must have stateswomen to bear them.

I ask you also for the ballot that I may decide what I am. I stand before you, but I do not know to-day whether I am legally a "person" according to the law. It has been decided in some States that we are not "persons." In the State of New York, in one village, it was decided that women are not inhabitants. So I should like to know whether I am a person, whether I am an inhabitant, and above all I ask you for the ballot that I may become a citizen of this great Republic.

Gentlemen, you see before you this great convention of women from the Atlantic slopes to the Pacific Ocean, from the North to the South. We are in dead earnest. A reform never goes backward. This is a question that is before the American nation. Will you do your duty and give us our liberty, or will you leave it for braver hearts to do what must be done? For, like our forefathers, we will ask until we have gained it.

Ever the world goes round and round;
Ever the truth comes uppermost; and ever is justice done.

REMARKS BY MRS. LILLIE DEVEREUX BLAKE.

Miss ANTHONY. I now have the pleasure of introducing to the committee Mrs. Lillie Devereux Blake, of New York. New York is a great State, and therefore it has three representatives here to-day.

Mrs. BLAKE. Mr. Chairman and gentlemen of the committee: A recent writer in an English magazine, in speaking of the great advantage which to-day flows to the laboring classes of that nation from having received the right of suffrage, made the statement that disfranchised classes are oppressed, not because there is any desire whatever to do injustice to them, but because they are forgotten. We have year after year and session after session of our legislatures and of our Congresses proved the correctness of this statement. While we have nothing to complain of in the courtesy which we receive in private life, still when we see masses of men assembled together for political action, whether it be of the nation or of the State, we find that the women are totally forgotten.

In the limited time that is mine I can not go into any lengthy exposition upon this point. I will simply call your attention to the total forgetfulness of the Congress of the United States to the debt owed to the women of this nation during the war. You have passed a pension bill upon which there has been much comment throughout the nation, and yet, when an old army nurse applies for a pension, a woman who is broken down by her devotion to the nation in hospitals and upon the battle-field, she is met at the door of the Pension Bureau by this statement, "the Government has made no appropriation for the services of women in the war." One of these women is an old nurse whom some of you may remember, Mother Bickerdyke, who went out onto many a battle-field when she was in the prime of life, twenty years ago, and at the risk of her life lifted men, who were wounded, in her arms, and carried them to a place of safety. She is an old woman now, and where is she? What reward has the nation bestowed to her faithful services? The nation has a pension for every man who has served this nation, even down to the boy recruit who was out but three months; but Mother Bickerdyke, though her health has never been good since her service then, is earning her living at the wash-tub, a monument to the ingratitude of a Republic as great as was that when Belisarius begged in the streets of Rome.

I bring up this illustration alone out of innumerable others that are possible, to try to impress upon your minds that we are forgotten. It is not from any unkindness on your part. Who would think for one moment, looking upon the kindly faces of this committee, that any man on it would do an injustice to women, especially if she were old and feeble? But because we have no right to vote, as I said, our interests are overlooked and forgotten.

It is often said that we have too many voters; that the aggregate of vice and ignorance among us should not be increased by giving women the right of suffrage. I wish to remind you of the fact that in the enormous immigration that pours to our shores every year, numbering somewhere in the neighborhood of half a million, there come twice as many men as women. The figures for the last year were two hundred and twenty-three thousand men, and one hundred and thirteen thousand women.

What does this mean? It means a steady influx of this foreign element; it means a constant preponderance of the masculine over the feminine; and it means also, of course, a preponderance of the voting power of the foreigner as compared to the native born. To those who fear that our American institutions are threatened by this gigantic inroad of foreigners I commend the reflection that the best safeguard against any such preponderance of foreign nations or of foreign influence is to put the ballot in the hands of the American-born women, and of all other women also, so that if the foreign-born man overbalances us in numbers we shall be always in a preponderance on the side of the liberty which is secured by our institutions.

It is because, as many of my predecessors have said, of the different elements represented by the two sexes, that we are asking for this liberty. When I was recently in the capitol of my own State of New York, I was reminded there of the difference of temperament between the sexes by seeing how children act when coming to the doors of the capitol, which have been constructed so that they are very hard to open. Whether that is because they want to keep us women out or not I am not able to say; but for some reason the doors are so constructed that it is nearly impossible to open them. I saw a number of little girls coming in through those doors—every child held the door for those who were to follow. A number of little boys followed just after, and every boy rushed through and let the door shut in the face of the one who was coming behind him. That is a good illustration of the different qualities of the sexes. Those boys were not unkind, they simply represented that onward push which is one of the grandest characteristics of your sex; and the little girls, on the other hand, represented that gentleness and thoughtfulness of others which is eminently a characteristic of women.

This woman element is needed in every branch of the Government. Look at the wholesale destruction of the forests throughout our nation, which has gone on until it brings direct destruction to the land on the lines of the great rivers of the West, and threatens us even in New York with destroying at once the beauty and usefulness of our far-famed Hudson. If women were in the Government do you not think they would protect the economic interests of the nation? They are the born and trained economists of the world, and when you call them to your assistance you will find an element that has not heretofore been felt with the weight which it deserves.

As we walk through the Capitol we are struck with the significance of the symbolism on every side; we view the adornments in the beautiful room, and we find here everywhere emblematically woman's figure. Here is woman representing even war, and there are women representing grace and loveliness and the fullness of the harvest; and, above all, they are extending their protecting arms over the little children. Gentlemen, I leave you under this symbolism, hoping that you will see in it the type of a coming day when we shall have women and men united together in the national councils in this great building.

REMARKS BY DR. CLEMENCE S. LOZIER.

Miss ANTHONY. I meant to have said, as I introduced Mrs. Blake, that sitting

on the sofa is Dr. Clemence S. Lozier, who declines to speak, but I want her to stand up, because she represents New York city.

Dr. LOZIER. I thank you. I am very happy to be here, but I am not a fluent speaker. I feel in my heart that I know what justice means; that I know what mercy means, and in all my rounds of duty in my profession I am happy to extend not only food but shelter to many poor ones. The need of the ballot for working-girls and those who pay no taxes is not understood. The Saviour said, seeing the poor widow cast her two mites, which make a farthing, into the public treasury, "This poor widow hath cast more in than all they which have cast into the treasury." I see this among the poor working-girls of the city of New York; sick, in a little garret bedroom, perhaps, and although needing medical care and needing food, they will say to me, "above all things else, if I could only pay the rent." The rent of their little rooms goes into the coffers of their landlords and pays taxes. The poor women of the city of New York and everywhere are the grandest upholders of this Government. I believe they pay indirectly more taxes than the monopoly kings of our country. It is for them that I want the ballot.

REMARKS BY MRS. ELIZABETH BOYNTON HARBERT.

Miss ANTHONY. I now introduce to the committee Mrs. Elizabeth Boynton Harbert, of Illinois, and before Mrs. Harbert speaks I wish to say that for the last six years she has edited a department of the Chicago Inter-Ocean called the "Women's Kingdom."

Mrs. HARBERT. Mr. Chairman and honorable gentlemen of the committee, after the eloquent rhetoric to which you have listened I merely come in these five minutes with a plain statement of facts. Some friends have said, "Here is the same company of women that year after year besiege you with their petitions." We are here to-day in a representative capacity. From the great State of Illinois I come, representing 200,000 men and women of that State who have recorded their written petitions for woman's ballot, 90,000 of these being citizens under the law—male voters; those 90,000 having signed petitions for the right of women to vote on the temperance question; 90,000 women also signed those petitions; 50,000 men and women signed the petitions for the school vote, and nearly 60,000 more have signed petitions that the right of suffrage might be accorded to woman.

This growth of public sentiment has been occasioned by the needs of the children and the working-women of that great State. I come here to ask you to make a niche in the statesmanship and legislation of the nation for the domestic interests of the people. You recognize that the masculine thought is more often turned to the material and political interests of the nation. I claim that the mother thought, the woman element needed, is to supplement the concurrent statesmanship of American men on political and industrial affairs with the domestic legislation of the nation.

There are good men and women who believe that women should use their influence merely through their social sphere. I believe both of the great parties are represented by us. You remember that a few weeks ago when there came across the country the news of the decision of the Supreme Court as regards the negro race the politicians sprang to the platform, and our editors hastened to their sanctums, to proclaim to the people that that did not interfere with the civil rights of the negro; that only their social rights were affected, and that the civil rights of man, those rights worth dying for, were not affected. Gentlemen, we who are trying to help the men in our municipal governments, who are trying to save the children from our poor-houses, begin to realize that whatever is good and essential for the liberty of the black man is good for the white woman and for all women. We are here to claim that whatever liberty has done for you it should be allowed to do for us. Take a single glance through the past; recognize the position of American manhood before the world to-day, and whatever liberty has done for you, liberty will surely do for the mothers of the race.

MRS. SARAH E. WALL.

Miss ANTHONY. Gentlemen of the committee, here is another woman I wish to show you, Sarah E. Wall, of Worcester, Mass., who, for the last twenty-five years, has resisted the tax-gatherer when he came around. I want you to look at her. She looks very harmless, but she will not pay a dollar of tax. She says when the Commonwealth of Massachusetts will give her the right of representation she will pay her taxes. I do not know exactly how it is now, but the assessor has left her name off the tax-list, and passed her by rather than have a lawsuit with her.

REMARKS BY MISS SUSAN B. ANTHONY.

Miss ANTHONY. I wish I could state the avocations and professions of the various women who have spoken in our convention during the last three days. I do not wish to speak disparagingly in regard to the men in Congress, but I doubt if a man on the floor of either House could have made a better speech than some of those which have been made by women during this convention. Twenty-six States and Territories are represented with live women, traveling all the way from Kansas, Arkansas, Oregon, and Washington Territory. It does seem to me that after all these years of coming up to this Capitol an impression should be made upon the minds of legislators that we are never to be silenced until we gain the demand. We have never had in the whole thirty years of our agitation so many States represented in any convention as we have had this year.

This fact shows the growth of public sentiment. Mrs. Duniway is here all the way from Oregon, and you say, when Mrs. Duniway is doing so well up there, and is so hopeful of carrying the State of Oregon, why do not you all rest satisfied with that plan of gaining the suffrage? My answer is that I do not wish to see the women of the thirty-eight States of this Union compelled to leave their homes and canvass each State, school district by school district. It is asking too much of a moneyless class of people, disfranchised by the constitution of every State in the Union. The joint earnings of the marriage copartnership in all the States belong legally to the husband. If the wife goes outside the home to work, the law in most of the States permits her to own and control the money thus earned. We have not a single State in the Union where the wife's earnings inside the marriage copartnership are owned by her. Therefore, to ask the vast majority of women who are thus situated, without an independent dollar of their own, to make a canvass of the States is asking to much.

Mrs. GOUGAR. Why did they not ask the negro to do that?

Miss ANTHONY. Of course the negro was not asked to go begging the white man from school district to school district to get his ballot. If it was known that we could be driven to the ballot-box like a flock of sheep, and all vote for one party, there would be a bid made for us; but that is not done, because we can not promise you any such thing; because we stand before you and honestly tell you that the women of this nation are educated equally with the men, and that they, too, have political opinions. There is not a woman on our platform, there is scarcely a woman in this city of Washington, whether the wife of a Senator or a Congressman—I do not believe you can find a score of women in the whole nation—who have not opinions on the pending Presidential election. We all have opinions; we all have parties. Some of us like one party and one candidate and some another.

Therefore we can not promise you that women will vote as a unit when they are enfranchised. Suppose the Democrats shall put a woman-suffrage plank in their platform in their Presidential convention, and nominate an open and avowed friend of woman suffrage to stand upon that platform; we can not pledge you that all the women of this nation will work for the success of that party, nor can I pledge you that they will all vote for the Republican party if it should be the one to take the lead in their enfranchisement. Our women will not toe a mark anywhere; they will think and act for themselves, and when they are enfranchised they will divide upon all political questions, as do intelligent, educated men.

I have tried the experiment of canvassing four States prior to Oregon, and in each State with the best canvass that it was possible for us to make we obtained a vote of one-third. One man out of every three men voted for the enfranchisement of the women of their households, while two voted against it. But we are proud to say that our splendid minority is always composed of the very best men of the State, and I think Senator PALMER will agree with me that the forty thousand men of Michigan who voted for the enfranchisement of the women of his State were really the picked men in intelligence, in culture, in morals, in standing, and in every direction.

It is too much to say that the majority of the voters in any State are superior, educated, and capable, or that they investigate every question thoroughly, and cast the ballot thereon intelligently. We all know that the majority of the voters of any State are not of that stamp. The vast masses of the people, the laboring classes, have all they can do in their struggle to get food and shelter for their families. They have very little time or opportunity to study great questions of constitutional law.

Because of this impossibility for women to canvass the States over and over to educate the rank and file of the voters we come to you to ask you to make it possible for the Legislatures of the thirty-eight States to settle the question, where we shall have a few representative men assembled before whom we can make our appeals and arguments.

This method of settling the question by the Legislatures is just as much in the line of States' rights as is that of the popular vote. The one question before you is, will you insist that a majority of the individual voters of every State must be converted before its women shall have the right to vote, or will you allow the matter to be settled by the representative men in the Legislatures of the several States? You need not fear that we shall get suffrage too quickly if Congress shall submit the proposition, for even then we shall have a hard time in going from Legislature to Legislature to secure the two-thirds votes of three-fourths of the States necessary to ratify the amendment. It may take twenty years after Congress has taken the initiative step to make action by the State Legislatures possible.

I pray you, gentlemen, that you will make your report to the Senate speedily. I know you are ready to make a favorable one. Some of our speakers may not have known this as well as I. I ask you to make a report and to bring it to a discussion and a vote on the floor of the Senate.

You ask me if we want to press this question to a vote provided there is not a majority to carry it. I say yes, because we want the reflex influence of the discussion and of the opinions of Senators to go back into the States to help us to educate the people of the States.

Senator LAPHAM. It would require a two-thirds vote in both the House and the Senate to submit the amendment to the State Legislatures for ratification.

Miss ANTHONY. I know that it requires a two-thirds vote of both Houses. But still, I repeat, even if you can not get the two-thirds vote, we ask you to report the bill and bring it to a discussion and a vote at the earliest day possible. We feel that this question should be brought before Congress at every session. We ask this little attention from Congressmen whose salaries are paid from the taxes; women do their share for the support of this great Government. We think we are entitled to two or three days of each session of Congress in both the Senate and House. Therefore I ask of you to help us to a discussion in the Senate this session. There is no reason why the Senate, composed of seventy-six of the most intelligent and liberty-loving men of the nation, shall not pass the resolution by a two-thirds vote. I really believe it will do so if the friends on this committee and on the floor of the Senate will champion the measure as earnestly as if it were to benefit themselves instead of their mothers and sisters.

Gentlemen, I thank you for this hearing granted, and I hope the telegraph wires will soon tell us that your report is presented, and that a discussion is inaugurated on the floor of the Senate.

ARGUMENTS OF THE WOMAN-SUFFRAGE DELEGATES BEFORE THE COMMITTEE ON THE JUDICIARY OF THE UNITED STATES SENATE, JANUARY 23, 1880.

THE COMMITTEE ON THE JUDICIARY, UNITED STATES SENATE,
Friday, January 23, 1880.

The committee assembled at half-past 10 o'clock a. m.

Present: Mr. Thurman, chairman; Mr. McDonald, Mr. Bayard, Mr. Davis, of Illinois; Mr. Edmunds.

Also Mrs. Zerelda G. Wallace, of Indiana; Mrs. Elizabeth L. Saxon, of Louisiana; Mrs. Mary A. Stewart, of Delaware; Mrs. Lucinda B. Chandler, of Pennsylvania; Mrs. Julia Smith Parker, of Glastonbury, Conn.; Mrs. Nancy R. Allen, of Iowa; Miss Susan B. Anthony, of New York; Mrs. Sara A. Spencer, of the city of Washington, and others, delegates to the twelfth Washington convention of the National Woman-Suffrage Association, held January 21 and 22, 1880.

The CHAIRMAN. Several members of the committee are unable to be here. Mr. Lamar is detained at his home in Mississippi by sickness; Mr. Carpenter is confined to his room by sickness; Mr. Conkling has been unwell; I do not know how he is this morning; and Mr. Garland is chairman of the Committee on Territories, which has a meeting this morning that he could not omit to attend. I do not think we are likely to have any more members of the committee than are here now, and we will hear you, ladies.

REMARKS BY MRS. ZERELDA G. WALLACE, OF INDIANA.

Mrs. WALLACE. Mr. Chairman and gentlemen of the committee, it is scarcely necessary to recite that there is not an effect without a cause. Therefore it would be well for the statesmen of this nation to ask themselves the question, what has brought the women from all parts of this nation to the capital at this time; the wives and mothers, and sisters; the home-loving, law-abiding women? What has been the strong motive that has taken us away from the quiet and comfort of our own homes and brought us before you to-day? As an answer partly to that question, I will read an extract from a speech made by one of Indiana's statesmen, and probably if I tell you his name his sentiments may have some weight with you. He found out by experience and gave us the benefit of his experience, and it is what we are rapidly learning:

"You can go to meetings; you can vote resolutions; you can attend great demonstrations on the street; but, after all, the only occasion where the American citizen expresses his acts, his opinion, and his power is at the ballot-box; and that little ballot that he drops in there is the written sentiment of the times, and it is the power that he has as a citizen of this great Republic."

That is the reason why we are here; that is the reason why we want to vote. We are no seditious women, clamoring for any peculiar rights, but we are patient women. It is not the woman question that brings us before you to-day; it is the human question that underlies this movement among the women of this nation; it is for God, and home, and native land. We love and appreciate our country; we value the institutions of our country. We realize that we owe great obligations to the men of this nation for what they have done. We realize that to their strength we owe the subjugation of all the material forces of the universe which give us comfort and luxury in our homes. We realize that to their brains we owe the machinery that gives us leisure for intellectual culture and achievement. We realize that it is to their education we owe the opening of our colleges and the establishment of our public schools, which give us these great and glorious privileges.

This movement is the legitimate result of this development, of this enlightenment, and of the suffering that woman has undergone in the ages past. We find ourselves hedged in at every effort we make as mothers for the amelioration of society, as philanthropists, as Christians.

A short time ago I went before the Legislature of Indiana with a petition signed by 25,000 women, the best women in the State. I appeal to the memory of Judge McDonald to substantiate the truth of what I say. Judge McDonald knows that I am a home-loving, law-abiding, tax-paying woman of Indiana, and have been for 50 years. When I went before our Legislature and found that 100 of the vilest men in our State, merely by the possession of the ballot, had more influence with the law-makers of our land than the wives and mothers of the nation, it was a revelation that was perfectly startling.

You must admit that in popular government the ballot is the most potent means of all moral and social reforms. As members of society, as those who are deeply interested in the promotion of good morals, of virtue, and of the proper protection of men from the consequences of their own vices, and of the protection of women, too, we are deeply interested in all the social problems with which you have grappled so long unsuccessfully. We do not intend to depreciate your efforts, but you have attempted to do an impossible thing. You have attempted to represent the whole by one-half; and we come to you to-day for a recognition of the fact that humanity is not a unit; that it is a unity; and because we are one-half that go to make up that grand unity we come before you to-day and ask you to recognize our rights as citizens of this Republic.

We know that many of us lay ourselves liable to contumely and ridicule. We have to meet sneers; but we are determined that in the defense of right we will ignore everything but what we feel to be our duty.

We do not come here as agitators, or aimless, dissatisfied, unhappy women by any means; but we come as human beings, recognizing our responsibility to God for the advantages that have come to us in the development of the ages. We wish to discharge that responsibility faithfully, effectually, and conscientiously, and we can not do it under our form of government, hedged in as we are by the lack of a power which is such a mighty engine in our form of government for every means of work.

I say to you, then, we come as one-half of the great whole. There is an essential difference in the sexes. Mr. Parkman labored very hard to prove what no one would deny—that there is an essential difference in the sexes, and it is because of that very differentiation, the union of which in home, the recognition of which in society, brings the greatest happiness, the recognition of which in the church brings the greatest power and influence for good, and the recognition of which in the Government would enable us finally, as near as it is possible for humanity, to perfect our form of government. Probably we can never have a perfect form of government, but the nearer we approximate to the divine the nearer will we attain to perfection; and the divine government recognizes neither caste, class, sex, nor nationality. The nearer we approach to that divine ideal the nearer we will come to realizing our hopes of finally securing at least the most perfect form of human government that it is possible for us to secure.

I do not wish to trespass upon your time, but I have felt that this movement is not understood by a great majority of people. They think that we are unhappy, that we are dissatisfied, that we are restive. That is not the case. When we look over the statistics of our State and find that 60 per cent. of all the crime is the result of drunkenness; when we find that 60 per cent. of the orphan children that fill our pauper homes are the children of drunken parents; when we find that after a certain age the daughters of those fathers who were made paupers and drunkards by the approbation and sanction and under the seal of the Government, go to supply our houses of prostitution, and when we find that the sons of these fathers go to fill up our jails and our penitentiaries, and that the sober, law-abiding men, the pains-taking, economical, and many of them widowed wives of this nation have to pay taxes and bear the expenses incurred by such legislation, do you wonder, gentlemen, that we at least want to try our hand and see what we can do?

We may not be able to bring about that Utopian form of government which we all desire, but we can at least make an effort. Under our form of government the ballot is our right; it is just and proper. When you debate about the expediency of any matter you have no right to say that it is inexpedient to do right. Do right and leave the result to God. You will have to decide between one of two things: either you have no claim under our form of Constitution for the privileges which you enjoy, or you will have to say that we are neither citizens nor persons.

Realizing this fact, and the deep interest that we take in the successful issue of this experiment that humanity is making for self-government, and realizing the fact that the ballot never can be given to us under more favorable circumstances, and believing that here on this continent is to be wrought out the great problem of man's ability to govern himself—and when I say man I use the word in the generic sense—that humanity here is to work out the great problems of self-government and development, and recognizing, as I said a few minutes ago, that we are one-half of the great whole, we feel that we ought to be heard when we come before you and make the plea that we make to-day.

REMARKS BY MRS. JULIA SMITH PARKER, OF GLASTONBURY, CONN.

Mrs. PARKER. Gentlemen: You may be surprised, and not so much surprised as I am, to see a woman of over four-score years of age appear before you at this time. She came into the world and reached years of maturity and discretion before any person in this room was born. She now comes before you to plead that she can vote and have all the privileges that men have. She has suffered so much individually that she thought when she was young she had no right to speak before the men; but still she had courage to get an education equal to that of any man at the college, and she had to suffer a great deal on that account. She went to New Haven to school, and it was noised that she had studied the languages. It was such an astonishing thing for girls at that time to have the advantages of education that I had absolutely to go to cotillon parties to let people see that I had common sense. [Laughter.]

She has suffered; she had to pay money. She has had to pay $200 a year in taxes without the least privilege of knowing what becomes of it. She does not know but that it goes to support grog-shops. She knows nothing about it. She has had to suffer her cows to be sold at the sign-post six times. She suffered her meadow land to be sold, worth $2,000, for a tax of less than $50. If she could vote as the men do she would not have suffered this insult; and so much would not have been said against her as has been said if men did not have the whole power. I was told that they had the power to take any thing that I owned if I would not exert myself to pay the money. I felt that I ought to have some little voice in determining what should be done with what I paid. I felt that I ought to own my own property; that it ought not to be in these men's hands; and I now come to plead that I may have the same privileges before the law that men have. I have seen what a difference there is, when I have had my cows sold, by having a voter to take my part.

I have come from an obscure town (I can not say that it is obscure exactly) on the banks of the Connecticut, where I was born. I was brought up on a farm. I never had an idea that it could be possible that I should ever come all the way to Washington to speak before those who had not come into existence when I was born. Now, I plead that there may be a sixteenth amendment, and that women may be allowed the privilege of owning their own property. That is what I have taken pains to accomplish. I have suffered so much myself that I felt it might have some effect to plead before this honorable committee. I thank you, gentlemen, for hearing me so kindly.

REMARKS BY MRS. ELIZABETH L. SAXON, OF LOUISIANA.

Mrs. SAXON. Gentleman, I almost feel that after Mrs. Wallace's plea there is scarcely a necessity for me to say anything; she echoed my own feelings so entirely. I come from the extreme South, she from the West. In this delegation, and in the convention which has just been held in this city, women have come together who never met before. People have asked me why I came.

I care nothing for suffrage so far as to stand beside men, or rush to the polls, or take any privilege outside of my home, only, as Mrs. Wallace says, for humanity. Years ago, when a little child, I lost my mother, and I was brought up by a man. If I have not a man's brain I had at least a man's instruction. He taught me that to work in the cause of reform for women was just as great as to work in the cause of reform for men. But in every effort I made in the cause of reform I was combated in one direction or another. I never took part with the suffragists. I never realized the importance of their cause until we were beaten back on every side in the work of reform. If we attempted to put women in charge of prisons, believing that wherever woman sins and suffers women should be there to teach, help, and guide, every place was in the hands of men. If we made an effort to get women on the school boards we were combated and could do nothing. Every place seemed to be changed, when there were good men in those places, by changes of politics; and the mothers of the land, having had to prostrate themselves as beggars, if not in fact, really in sentiment and feeling, have become at last almost desperate.

In the State of Texas I had a niece living whose father was an inmate of a lunatic asylum. She exerted as wide an influence in the State of Texas as any woman there. I allude to Miss Mollie Moore, who was the ward of Mr. Cushing. I give this illustration as a reason why Southern women are taking part in this movement. Mr. Wallace had charge of that lunatic asylum for years. He was a good, honorable, able man. Every one was endeared to him; every one appreciated him; the State appreciated him as superintendent of this asylum.

When a political change was made and Governor Robinson came in, Dr. Wallace was ousted for political purposes. It almost broke the hearts of some of the women who had sons, daughters, or husbands there. They determined at once to try to seek some redress and have him reinstated. It was impossible. He was out, and what could we do? I do not know that we could reach a case like that; but such cases have stirred the women of the whole land, for the reason that when they try to do good, or want to help in the cause of humanity, they are combated so bitterly and persistently.

I leave it to older and abler women, who have labored in this cause so long, to prove whether it is or is not constitutional to give the ballot to women.

A gentleman said to me a few days ago, "These women want to marry." I am married; I am a mother; and in our home the sons and brothers are all standing like a wall of steel at my back. I have cast aside every prejudice of the past. They lie like rotted hulks behind me.

After the fever of 1878, when our constitutional convention was going to convene, I broke the agony and grief of my own heart, for one of my children died, and took part in the suffrage movement in Louisiana, with the wife of Chief-Justice Merrick, Mrs. Sarah A. Dorsey, and Mrs. Harriet Keatinge, of New York, the niece of Mr. Lozier. These three ladies aided me faithfully and ably. When they found we would be received, I went before the convention. I went to Lieutenant-Governor Wiltz, and asked him if he would present or consider a petition which I wished to bring before the convention. He read the petition. One clause of our State law is that no woman can sign a will. We will have that question decided before the meeting of the next Legislature. Some ladies donated property to an asylum. They wrote the will and signed it themselves, and it was null and void, because the signers were women. They not knowing the law, believed that they were human beings, and signed it. That clause, perhaps, will be wiped out. Many gentlemen signed the petition on that account. I took the paper around myself. Governor Wiltz, then lieutenant-governor, told me he would present the petition. He was elected president of the convention. I presented my first petition, signed by the best names in the city of New Orleans and in the State.

I had the names of seven of the most prominent physicians there, leading with the name of Dr. Logan, and many men, seeing the name of Dr. Samuel Logan, also signed it. I went to all the different physicians and ministers. Three prominent ministers signed it for moral purposes alone. When Mrs. Dorsey was on her dying bed the last time she ever signed her name was to a letter to go before that convention. No one believed she would die. Mrs. Merrick and myself went before the convention. I was invited before the committee on the judiciary. I made an impression favorable enough there to be invited before the convention with these ladies. I addressed the convention. We made the petition then that we make here; that we, the mothers of the land, are barred on every side in the cause of reform. I have strived hard in the work of reform for women. I pledged my father on his dying bed that I would never cease that work until woman stood with man equal before the law, so far as my efforts could accomplish it. Finding myself baffled in that work, I could only take the course which we have adopted, and urge the proposition of the sixteenth amendment.

I beg of you, gentlemen, to consider this question apart from the manner in which it was formerly considered. We, as the women of the nation, as the mothers, as the wives, have a right to be heard, it seems to me, before the nation. We represent precisely the position of the colonies when they plead, and, in the words of Patrick Henry, they were "spurned with contempt from the foot of the throne." We have been jeered and laughed at and ridiculed; but this question has passed out of the region of ridicule.

The moral force inheres in woman and in man alike, and unless we use all the moral power of the Government we certainly can not exist as a Government.

We talk of centralization, we talk of division; we have the seeds of decay in our Government, and unless right soon we use the moral force and bring it forward in all its strength and bearing, we certainly cannot exist as a happy nation. We do not exist as a happy nation now. This clamor for woman's suffrage, for woman's rights, for equal representation, is extending all over the land.

I plead because my work has been combatted in the cause of reform everywhere that I have tried to accomplish anything. The children that fill the houses of prostitution are not of foreign blood and race. They come from sweet American homes, and for every woman that went down some mother's heart broke. I plead by the power of the ballot to be allowed to help reform women and benefit mankind.

REMARKS OF MRS. MARY A. STEWART, OF DELAWARE.

Mrs. STEWART. I come from a small State, but one that is represented in this Congress, I consider, by some of the ablest men in the land. Our State, though small, has heretofore possessed and to-day possesses brains. Our sons have no more right to brains than our daughters, yet we are tied down by every chain that could bind the Georgian slave before the war. Aye, we are worse slaves, because the Georgian slave could go to the sale block and there be sold. The woman of Delaware must submit to her chains, as there is no sale for her; she is of no account.

Woman from all time has occupied the highest positions in the world. She is just as competent to-day as she was hundreds of years ago. We are taxed without representation; there is no mistake about that. The colonies screamed that to England; Parliament screamed back, "Be still; long live the king, and we will help you." Did the colonies submit? They did not. Will the women

of this country submit? They will not. Mark me, we are the sisters of those fighting Revolutionary men; we are the daughters of the fathers who sang back to England that they would not submit. Then, if the same blood courses in our veins that courses in yours, dare you expect us to submit?

The white men of this country have thrown out upon us, the women, a race inferior, you must admit, to your daughters, and yet that race has the ballot, and why? He has a right to it; he earned and paid for it with his blood. Whose blood paid for yours? Not your blood; it was the blood of your forefathers; and were they not our forefathers? Does a man earn a hundred thousand dollars and lie down and die, saying, "It is all my boys'?" Not a bit of it. He dies saying, "Let my children, be they cripples, be they idiots, be they boys, or be they girls, inherit all my property alike." Then let us inherit the sweet boon of the ballot alike.

When our fathers were driving the great ship of state we were willing to ride as deck or cabin passengers, just as we felt disposed; we had nothing to say; but to-day the boys are about to run the ship aground, and it is high time that the mothers should be asking, "What do you mean to do?" It is high time that the mothers should be demanding what they should long since have had.

In our own little State the laws have been very much modified in regard to women. My father was the first man to blot out the old English law allowing the eldest son the right of inheritance to the real estate. He took the first step, and like all those who take first steps in improvement and reform he received a mountain of curses from the oldest male heirs; but it did not matter to him.

Since 1868 I have, by my own individual efforts, by the use of hard-earned money, gone to our Legislature time after time and have had this law and that law passed for the benefit of the women; and the same little ship of state has sailed on. To-day our men are just as well satisfied with the laws of our State for the benefit of women in force as they were years ago. In our State a woman has a right to make a will. In our State she can hold bonds and mortgages as her own. In our State she has a right to her own property. She can not sell it, though, if it is real estate, simply because the moment she marries her husband has a life-time right. The woman does not grumble at that; but still when he dies owning real estate, she gets only the rental value of one-third, which is called the widow's dower. Now I think the man ought to have the rental value of one-third of the woman's maiden property or real estate, and it ought to be called the widower's dower. It would be just as fair for one as for the other. All that I want is equality.

The women of our State, as I said before, are taxed without representation. The tax-gatherer comes every year and demands taxes. For twenty years have I paid tax under protest, and if I live twenty years longer I shall pay it under protest every time. The tax-gatherer came to my place not long since. "Well," said I, "good morning, sir." Said he, "Good morning." He smiled and said, "I have come bothering you." Said I, "I know your face well. You have come to get a right nice little woman's tongue-lashing." Said he, "I suppose so, but if you will just pay your tax I will leave." I paid the tax, "But," said I, "remember I pay it under protest, and if I ever pay another tax I intend to have the protest written and make the tax-gatherer sign it before I pay the tax, and if he will not sign that protest then I shall not pay the tax, and there will be a fight at once." Said he, "Why do you keep all the time protesting against paying this small tax?" Said I, "Why do you pay your tax?" "Well," said he, "I would not pay it if I did not vote." Said I, "That is the very reason why I do not want to pay it. I can not vote and I do not want to pay it." Now the women have no right when election day comes around. Who stay at home from the election? The women and the black and white men who have been to the whipping-post. Nice company to put your wives and daughters in.

It is said that the women do not want to vote. Here is an array of women. Every woman sitting here wants to vote, and must we be debarred the privilege of voting because some luxurious woman, rolling around in her carriage and pair in her little downy nest that some good, benevolent man has provided for her, does not want to vote?

There was a society that existed up in the State of New York called the Covenanters that never voted. A man who belonged to that sect or society, a man whiter-haired than any of you, said to me, "I never voted. I never intended to vote. I never felt that I could conscientiously support a Government that had its Constitution blotted and blackened with the word 'slave,' and I never did vote until after the abolition of slavery." Now, were all you men disfranchised because that class or sect up in New York would not vote? Did you all pay your taxes and stay at home and refrain from voting because the Covenanters did not vote? Not a bit of it. You went to the election and told them to stay at home if they wanted to, but that you, as citizens, were going to take care of yourselves. That was right. We, as citizens, want to take care of ourselves.

One more thought and I will be through. The fourteenth and fifteenth amendments give the right of suffrage to women, so far as I know, although you learned men perhaps see a little differently. I see through the glass dimly; you may see through it after it is polished up. The fourteenth and fifteenth amendments, in my opinion, and in the opinion of a great many smart men in the country, and smart women, too, give the right to women to vote without any "ifs" or "ands" about it, and the United States protects us in it; but there are a few who construe the law to suit themselves, and say that those amendments do not mean that, because the Congress that passed the fourteenth and fifteenth amendments did not mean to do that. Well, the Congress that passed them were mean enough for anything if they did not mean to do that. Let the wise Congress of to-day take the eighth chapter and the fourth verse of the Psalms, which says, "What is man, that Thou art mindful of him?" and amend it by adding, "What is woman, that they never thought of her?"

REMARKS BY MRS. LUCINDA B. CHANDLER, OF PENNSYLVANIA.

Mrs. CHANDLER. Gentlemen, it will be conceded that the progress of civilization, all that lifts humanity above a groveling, sensual, depraved state, is marked by the position, intelligence, and culture of women. Perhaps you think that American women have no rightful claim to present; but American women and mothers do claim that they should have the power to protect their children, not only at the hearthstone, but to supervise their education. It is neither presuming nor unwomanly for the mothers and women of the land to claim that they are competent and best fitted, and that it rightfully belongs to them to take part in the management and control of the schools, and the instruction, both intellectual and moral, of their children, and that in penal, eleemosynary, or reformatory institutions women should have positions as inspectors of prisons, physicians, directors, and superintendents.

I have here a brief report from an association which sent me as a delegate to the National Woman Suffrage Convention, in which it is stated that women in Pennsylvania can be elected as directors on school boards or superintendents of schools, but can not help to elect those officers. It must very readily occur to your minds that when women take such interest in the schools as mothers must needs take they must feel many a wish to control the election of the officers, superintendents, and managers of the schools. The ladies here from New York city could, if they had time, give you much testimony in regard to the management of schools in New York city, and the need there of woman's love and woman's power in the schools and on the school boards. I am also authorized by the association which sent me here to report that the woman-suffragists and some other woman organizations of the city of Philadelphia have condemned in resolution the action of the governor a year ago, I think, in vetoing a bill which passed largely both houses of the Legislature to appoint women inspectors of prisons. On such questions woman feels the need of the ballot.

The mothers of this land, having breathed the air of freedom and received the benefits of education, have come to see the necessity of better conditions to fulfill their divinely appointed and universally recognized office. The mothers of this land claim that they have a right to assist in making the laws which control the social relations. We are under the laws inherited from barbarism. They are not the conditions suited to the best exercise of the office of woman, and the women desire the ballot to purge society of the vices that are sure to disintegrate the home, the State, the nation.

I shall not occupy your time further this morning. I only present briefly the mother's claim, as it is so universally conceded. We now have in our schools a very large majority of women teachers, and it seems to me no one can but recognize the fact that mothers, through their experience in the family, mothers who are at all competent and fit to fulfill their position as mothers in the family, are best fitted to understand the needs and at least should have an equal voice in directing the management of the schools, and also the management of penal and reformatory institutions.

I was in hopes that Mrs. Wallace would give you the testimony she gave us in the convention of the wonderful, amazing good that was accomplished in a reformatory institution where an incorrigible woman was taken from the men's prison and became not only very tractable, but very helpful in an institution under the influence and management of women. That reformatory institution is managed wholly by women. There is not a man, Mrs. Wallace says, in the building, except the engineer who controls the fire department. Under a management wholly by women, the institution is a very great success. We feel sure that in many ways the influence and power that the mothers bring would tend to convert many conditions that are now tending to destruction through vices, would tend to elevate us morally, purify us, bring us still higher in the standard of humanity, and make us what we ought to be, a holy as well as a happy nation.

REMARKS BY MRS. SARA A. SPENCER, OF WASHINGTON.

Mrs. SPENCER. Miss Susan B. Anthony was chosen to present the constitutional argument in our case before the committee. Unless there is more important business for the individual members of the committee than the protection of one-half of our population, I trust that the limit fixed for our hearing will be extended.

The CHAIRMAN. Miss Anthony is entitled to an hour.

Mrs. SPENCER. Good. Miss Anthony is from the United States; the whole United States claim her.

Mrs. ALLEN. I have made arrangements with Miss Anthony to say all that I feel it necessary for me to say at this time.

Mrs. SPENCER. I have been so informed.

REMARKS BY MRS. NANCY R. ALLEN, OF IOWA.

Mrs. ALLEN. Mr. Chairman and gentlemen of the Judiciary Committee: I am not a State representative, but I am a representative of a large class of women, citizens of Iowa, who are heavy tax-payers. That is a subject which we are very seriously contemplating at this time. There is now a petition being circulated throughout our State, to be presented to the Legislature, praying that women be exempted from taxation until they have some voice in the management of local affairs of the State. You may ask, "Do not your husbands protect you? Are not all the men protecting you?" We answer that our husbands are grand, noble men, who are willing to do all they can for us, but there are many who have no husbands, and who own a great deal of property in the State of Iowa. Particularly in great moral reforms the women there feel the need of the ballot. By presenting long petitions to the Legislature they have succeeded in having better temperance laws enacted, but the men have failed to elect officials who will enforce those laws. Consequently they have become as dead letters upon the statute-books.

I would refer again to taxes. I have a list showing that in my city three women pay more taxes than all the city officials included. Those women are good temperance women. Our city council is composed almost entirely of saloon men and those who visit saloons and brewery men. There are some good men, but the good men being in the minority, the voices of these women are but little regarded. All these officials are paid, and we have to help support them. All that we ask is an equality of rights. As Sumner said, "Equality of rights is the first of rights." If we can only be equal with man under the law it is all that we ask. We do not propose to relinquish our domestic circles; in fact, they are too dear to us for that; they are dear to us as life itself, but we do ask that we may be permitted to be represented. Equality of taxation without representation is tyranny.

REMARKS BY MISS SUSAN B. ANTHONY, OF NEW YORK.

Miss ANTHONY: Mr. Chairman and gentlemen: Mrs. Spencer said that I would make an argument. I do not propose to do so, because I take it for granted that the members of this committee understand that we have all the argument on our side, and such an argument would be simply a series of platitudes and maxims of government. The theory of this Government from the beginning has been perfect equality to all the people. That is shown by every one of the fundamental principles, which I need not stop to repeat. Such being the theory, the application would be, of course, that all persons not having forfeited their right to representation in the Government should be possessed of it at the age of twenty-one. But instead of adopting a practice in conformity with the theory of our Government, we began first by saying that all men of property were the people of the nation upon whom the Constitution conferred equality of rights. The next step was that all white men were the people to whom should be practically applied the fundamental theories. There we halt to-day and stand at a deadlock, so far as the application of our theory may go. We women have been standing before the American republic for thirty years, asking the men to take yet one step further and extend the practical application of the theory of equality of rights to all the people to the other half of the people—the women. That is all that I stand here to-day to attempt to demand.

Of course, I take it for granted that the committee are in sympathy at least with the reports of the Judiciary Committees presented both in the Senate and the House. I remember that after the adoption of the fourteenth and fifteenth amendments Senator EDMUNDS reported on the petition of the ten thousand foreign-born citizens of Rhode Island who were denied equality of rights in Rhode Island simply because of their foreign birth; and in that report held that the amendments were enacted and attached to the Constitution simply for men of color, and therefore that their provisions could not be so construed as to bring within their purview the men of foreign birth in Rhode Island. Then the House Committee on the Judiciary, with Judge Bingham, of Ohio, at its head, made a similar report upon our petitions, holding that because those amendments were made essentially with the black men in view, therefore their provisions could not be extended to the women citizens of this country or to any class except men citizens of color.

I voted in the State of New York in 1872 under the construction of those amendments, which we felt to be the true one, that all persons born in the United States, or any State thereof, and under the jurisdiction of the United States, were citizens, and entitled to equality of rights, and that no State could deprive them of their equality of rights. I found three young men, inspectors of election, who were simple enough to read the Constitution and understand it in accordance with what was the letter and what should have been its spirit. Then,

as you will remember, I was prosecuted by the officers of the Federal court, and the cause was carried through the different courts in the State of New York, in the northern district, and at last I was brought to trial at Canandaigua.

When Mr. Justice Hunt was brought from the supreme bench to sit upon that trial, he wrested my case from the hands of the jury altogether, after having listened three days to testimony, and brought in a verdict himself of guilty, denying to my counsel even the poor privilege of having the jury polled. Through all that trial when I, as a citizen of the United States, as a citizen of the State of New York and city of Rochester, as a person who had done something at least that might have entitled her to a voice in speaking for herself and for her class, in all that trial I not only was denied my right to testify as to whether I voted or not, but there was not one single woman's voice to be heard nor to be considered, except as witnesses, save when it came to the judge asking, "Has the prisoner anything to say why sentence shall not be pronounced?" Neither as judge, nor as attorney, nor as jury was I allowed any person who could be legitimately called my peer to speak for me.

Then, as you will remember, Mr. Justice Hunt not only pronounced the verdict of guilty, but a sentence of $100 fine and costs of prosecution. I said to him, "May it please your honor, I do not propose to pay it;" and I never have paid it, and I never shall. I asked your honorable bodies of Congress the next year—in 1874—to pass a resolution to remit that fine. Both Houses refused it; the committees reported against it; though through Benjamin F. Butler, in the House, and a member of your committee, and Matthew H. Carpenter, in the Senate, there were plenty of precedents brought forward to show that in the cases of multitudes of men fines had been remitted. I state this merely to show the need of woman to speak for herself, to be as judge, to be as juror.

Mr. Justice Hunt in his opinion stated that suffrage was a fundamental right, and therefore a right that belonged to the State. It seemed to me that was just as much of a retroversion of the theory of what is right in our Government as there could possibly be. Then, after the decision in my case came that of Mrs. Minor, of Missouri. She prosecuted the officers there for denying her the right to vote. She carried her case up to your Supreme Court, and the Supreme Court answered her the same way; that the amendments were made for black men; that their provisions could not protect women; that the Constitution of the United States has no voters of its own.

Mrs. SPENCER. And you remember Judge Cartter's decision in my case.

Miss ANTHONY. Mr. Cartter said that women are citizens and may be qualified, &c., but that it requires some sort of legislation to give them the right to vote.

The Congress of the United States notwithstanding, and the Supreme Court of the United States notwithstanding, with all deference and respect, I differ with them all, and know that I am right and that they are wrong. The Constitution of the United States as it is protects me. If I could get a practical application of the Constitution it would protect me and all women in the enjoyment of perfect equality of rights everywhere under the shadow of the American flag.

I do not come to you to petition for special legislation, or for any more amendments to the Constitution, because I think they are unnecessary, but because you say there is not in the Constitution enough to protect me. Therefore I ask that you, true to your own theory and assertion, should go forward to make more constitution.

Let me remind you that in the case of all other classes of citizens under the shadow of our flag you have been true to the theory that taxation and representation are inseparable. Indians not taxed are not counted in the basis of representation, and are not allowed to vote; but the minute that your Indians are counted in the basis of representation and are allowed to vote they are taxed; never before. In my State of New York, and in nearly all the States, the members of the State militia, hundreds and thousands of men, are exempted from taxation on property; in my State to the value of $800, and in most of the States to a value in that neighborhood. While such a member of the militia lives, receives his salary, and is able to earn money, he is exempted; but when he dies the assessor puts his widow's name down upon the assessor's list, and the tax-collector never fails to call upon the widow and make her pay the full tax upon her property. In most of the States clergymen are exempted. In my State of New York they are exempted on property to the value of $1,500. As long as the clergyman lives and receives his fat salary, or his lean one, as the case may be, he is exempted on that amount of property; but when the breath leaves the body of the clergyman, and the widow is left without any income, or without any means of support, the State comes in and taxes the widow.

So it is with regard to all black men. In the State of New York up to the day of the passage of the fifteenth amendment, black men who were willing to remain without reporting themselves worth as much as $250, and thereby to remain without exercising the right to vote, never had their names put on the assessor's list; they were passed by, while, if the poorest colored woman owned 50 feet of real estate, a little cabin anywhere, that colored woman's name was always on the assessor's list, and she was compelled to pay her tax. While Frederick Douglas lived in my State he was never allowed to vote until he could show himself worth the requisite $250; and when he did vote in New York, he voted not because he was a man, not because he was a citizen of the United States, nor yet because he was a citizen of the State, but simply because he was worth the requisite amount of money. In Connecticut both black men and black women were exempted from taxation prior to the adoption of the fifteenth amendment.

The law was amended in 1848, by which black men were thus exempted, and black women followed the same rule in that State. That, I believe, is the only State where black women were exempted from taxation under the law. When the fourteenth and fifteenth amendments were attached to the Constitution they carried to the black man of Connecticut the boon of the ballot as well as the burden of taxation, whereas they carried to the black woman of Connecticut the burden of taxation, but no ballot by which to protect her property. I know a colored woman in New Haven, Conn., worth $50,000, and she never paid a penny of taxation until the ratification of the fifteenth amendment. From that day on she is compelled to pay a heavy tax on that amount of property.

Mrs. SPENCER. Is it because she is a citizen? Please explain.

Miss ANTHONY. Because she is black.

Mrs. SPENCER. Is it because the fourteenth and fifteenth amendments made women citizens?

Miss ANTHONY. Certainly; because it declared the black people citizens.

Gentlemen, you have before you various propositions of amendment to the Federal Constitution. One is for the election of President by the vote of the people direct. Of course women are not people.

Senator EDMUNDS. Angels.

Miss ANTHONY. Yes; angels up in heaven or else devils down there.

Senator EDMUNDS. I have never known any of that kind.

Miss ANTHONY. I wish you, gentlemen, would look down there and see the myriads that are there. We want to help them and lift them up. That is exactly the trouble with you, gentlemen; you are forever looking at you own wives, your own mothers, your own sisters, and your own daughters, and they are well cared for and protected; but only look down to the struggling masses of women who have no one to protect them, neither husband, father, brother, son, with no mortal in all the land to protect them. If you would look down there the question would be solved; but the difficulty is that you think only of those who are doing well. We are not speaking for ourselves, but for those who can not speak for themselves. We are speaking for the doomed as much as you, Senator EDMUNDS, used to speak for the doomed on the plantations of the South.

Amendments have been proposed to put God in the Constitution and to keep God out of the Constitution. All sorts of propositions to amend the Constitution have been made; but I ask that you allow no other amendment to be called the sixteenth but that which shall put into the hands of one-half of the entire people of the nation the right to express their opinions as to how the Constitution shall be amended henceforth. Women have the right to say whether we shall have God in the Constitution as well as men. Women have a right to say whether we shall have a national law or an amendment to the Constitution prohibiting the importation or manufacture of alcoholic liquors. We have a right to have our opinions counted on every possible question concerning the public welfare.

You ask us why we do not get this right to vote first in the school districts, and on school questions, or the questions of liquor license. It has been shown very clearly why we need something more than that. You have good enough laws to-day in every State in this Union for the suppression of what are termed the social vices; for the suppression of the grog-shops, the gambling houses, the brothels, the obscene shows. There is plenty of legislation in every State in this Union for their suppression if it could be executed. Why is the Government, why are the States and the cities, unable to execute those laws? Simply because there is a large balance of power in every city that does not want those laws executed. Consequently both parties must alike cater to that balance of political power. The party that puts a plank in its platform that the laws against the grog-shops and all the other sinks of iniquity must be executed, is the party that will not get this balance of power to vote for it, and, consequently, the party that can not get into power.

What we ask of you is that you will make of the women of the cities a balance of political power, so that when a mayor, a member of the common council, a supervisor, a justice of the peace, a district attorney, a judge on the bench even, shall go before the people of that city as a candidate for the suffrages of the people he shall not only be compelled to look to the men who frequent the grog-shops, the brothels, and the gambling houses, who will vote for him if he is not in favor of executing the law, but that he shall have to look to the mothers, the sisters, the wives, the daughters of those deluded men to see what they will do if he does not execute the law.

We want to make of ourselves a balance of political power. What we need is the power to execute the laws. We have got laws enough. Let me give you one little fact in regard to my own city of Rochester. You all know how that wonderful whip called the temperance crusade roused the whisky ring. It caused the whisky force to concentrate itself more strongly at the ballot-box than ever before, so that when the report of the elections in the spring of 1874 went over the country the result was that the whisky ring was triumphant, and that the whisky ticket was elected more largely than ever before. Senator Thurman will remember how it was in his own State of Ohio. Everybody knows that if my friends, Mrs. ex-Governor Wallace, Mrs. Allen, and all the women of the great West could have gone to the ballot-box at those municipal elections and voted for candidates, no such result would have occurred; while you refused by the laws of the State to the women the right to have their opinions counted, every rumseller, every drunkard, every pauper even from the poor-house, and every criminal outside of the State's prison came out on election day to express his opinion and have it counted.

The next result of that political event was that the ring demanded new legislation to protect the whisky traffic everywhere. In my city the women did not crusade the streets, but they said they would help the men to execute the law. They held meetings, sent out committees, and had testimony secured against every man who had violated the law, and when the board of excise held its meeting those women assembled, three or four hundred, in the church one morning, and marched in a solid body to the common council chamber where the board of excise was sitting. As one rum-seller after another brought in his petition for a renewal of license who had violated the law, those women presented the testimony against him. The law of the State of New York is that no man shall have a renewal who has violated the law. But in not one case did that board refuse to grant a renewal of license because of the testimony which those women presented, and at the close of the sitting it was found that twelve hundred more licenses had been granted than ever before in the history of the State. Then the defeated women said they would have those men punished according to law.

Again they retained an attorney and appointed committees to investigate all over the city. They got the proper officer to prosecute every rum-seller. I was at their meeting. One woman reported that the officer in every city refused to prosecute the liquor dealer who had violated the law. Why? Because if he should do so he would lose the votes of all the employés of certain shops on that street, if another he would lose the votes of the railroad employés, and if another he would lose the German vote, if another the Irish vote, and so on. I said to those women what I say to you, and what I know to be true to-day, that if the women of the city of Rochester had held the power of the ballot in their hands they would have been a great political balance of power.

The last report was from District Attorney Raines. The women complained of a certain lager-beer-garden keeper. Said the district attorney, "Ladies, you are right, this man is violating the law, everybody knows it, but if I should prosecute him I would lose the entire German vote." Said I, "Ladies, do you not see that if the women of the city of Rochester had the right to vote District Attorney Raines would have been compelled to have stopped and counted, weighed and measured. He would have said, 'If I prosecute that lager-beer German I shall lose the 5,000 German votes of this city, but if I fail to prosecute him and execute the laws I shall lose the votes of 20,000 women.'"

Do you not see, gentlemen, that so long as you put this power of the ballot in the hands of every possible man, rich, poor, drunk, sober, educated, ignorant, outside of the State's prison, to make and unmake, not only every law and lawmaker, but every office holder who has to do with the executing of the law, and take the power from the hands of the women of the nation, the mothers, you put the long arm of the lever, as we call it in mechanics, in the hands of the whisky power and make it utterly impossible for regulation of sobriety to be maintained in our community? The first step towards social regulation and good society in towns, cities, and villages is the ballot in the hands of the mothers of those places. I appeal to you especially in this matter. I do not know what you think about the proper sphere of women.

It matters little what any of us think about it. We shall each and every individual find our own proper sphere if we are left to act in freedom; but my opinion is that when the whole arena of politics and government is thrown open to women they will endeavor to do very much as they do in their homes; that the men will look after the greenback theory or the hard-money theory, that you will look after free-trade or tariff, and the women will do the home housekeeping of the government, which is to take care of the moral government and the social regulation of our home department.

It seems to me that we have the power of government outside to shape and control circumstances, but that the inside power, the government housekeeping, is powerless, and is compelled to accept whatever conditions or circumstances shall be granted.

Therefore I do not ask for liquor suffrage alone, nor for school suffrage alone, because that would amount to nothing. We must be able to have a voice in the election not only of every law-maker, but of every one who has to do either with the making or the executing of the laws.

Then you ask why we do not get suffrage by the popular-vote method, State by State? I answer, because there is no reason why I, for instance, should desire the women of one State of this nation to vote any more than the women of another State. I have no more interest as regards the women of New York than I have as regards the women of Indiana, Iowa, or any of the States rep-

resented by the women who have come up here. The reason why I do not wish to get this right by what you call the popular-vote method, the State vote, is because I believe there is a United States citizenship. I believe that this is a nation, and to be a citizen of this nation should be a guaranty to every citizen of the right to a voice in the Government, and should give to me my right to express my opinion. You deny to me my liberty, my freedom, if you say that I shall have no voice whatever in making, shaping, or controlling the conditions of society in which I live. I differ from Judge Hunt, and I hope I am respectful when I say that I think he made a very funny mistake when he said that fundamental rights belong to the States and only surface rights to the National Government. I hope you will agree with me that the fundamental right of citizenship, the right to voice in the Government, is a national right.

The National Government may concede to the States the right to decide by a majority as to what banks they shall have, what laws they shall enact with regard to insurance, with regard to property, and any other question; but I insist upon it that the National Government should not leave it a question with the States that a majority in any State may disfranchise the minority under any circumstances whatsoever. The franchise to you men is not secure. You hold it to-day, to be sure, by the common consent of white men, but if at any time, on your principle of government, the majority of any of the States should choose to amend the State constitution so as to disfranchise this or that portion of the white men by making this or that condition, by all the decisions of the Supreme Court and by the legislation thus far there is nothing to hinder them.

Therefore the women demand a sixteenth amendment to bring to women the right to vote, or if you please to confer upon women their right to vote, to protect them in it, and to secure men in their right, because you are not secure.

I would let the States act upon almost every other question by majorities, except the power to say whether my opinion shall be counted. I insist upon it that no State shall decide that question.

Then the popular-vote method is an impracticable thing. We tried to get negro suffrage by the popular vote, as you will remember. Senator Thurman will remember that in Ohio the Republicans submitted the question in 1867, and with all the prestige of the national Republican party and of the State party, when every influence that could be brought by the power and the patronage of the party in power was brought to bear, yet negro suffrage ran behind the regular Republican ticket 40,000.

It was tried in Kansas, it was tried in New York, and everywhere that it was submitted the question was voted down overwhelmingly. Just so we tried to get women suffrage by the popular-vote method in Kansas in 1867, in Michigan in 1874, in Colorado in 1877, and in each case the result was precisely the same, the ratio of the vote standing one-third for women suffrage and two-thirds against women suffrage. If we were to canvass State after State we should get no better vote than that. Why? Because the question of the enfranchisement of women is a question of government, a question of philosophy, of understanding, of great fundamental principle, and the masses of the hard-working people of this nation, men and women, do not think upon principles. They can only think on the one eternal struggle wherewithal to be fed, to be clothed, and to be sheltered. Therefore I ask you not to compel us to have this question settled by what you term the popular-vote method.

Let me illustrate by Colorado, the most recent State, in the election of 1877. I am happy to say to you that I have canvassed three States for this question. If Senator Chandler were alive, or if Senator Ferry were in this room, they would remember that I followed in their train in Michigan, with larger audiences than either of those Senators throughout the whole canvass. I want to say, too, that although those Senators may have believed in woman suffrage, they did not say much about it. They did not help us much. The Greenback movement was quite popular in Michigan at that time. The Republicans and Greenbackers made a most humble bow to the grangers, but woman suffrage did not get much help. In Colorado, at the close of the canvass, 6,666 men voted "Yes." Now I am going to describe the men who voted "Yes." They were native-born white men, temperance men, cultivated, broad, generous, just men, men who think. On the other hand, 16,007 voted "No."

Now I am going to describe that class of voters. In the southern part of that State there are Mexicans, who speak the Spanish language. They put their wheat in circles on the ground with the heads out, and drive a mule around to thrash it. The vast population of Colorado is made up of that class of people. I was sent out to speak in a voting precinct having 200 voters; 150 of those voters were Mexican greasers, 40 of them foreign-born citizens, and just 10 of them were born in this country; and I was supposed to be competent to convert those men to let me have as much right in this Government as they had, when, unfortunately, the great majority of them could not understand a word that I said. Fifty or sixty Mexican greasers stood against the wall with their hats down over their faces. The Germans put seats in a lager-beer saloon, and would not attend unless I made a speech there; so I had a small audience.

Mrs. ARCHIBALD. There is one circumstance that I should like to relate. In the county of Las Animas, a county where there is a large population of Mexicans, and where they always have a large majority over the native population, they do not know our language at all. Consequently a number of tickets must be printed for those people in Spanish. The gentleman in our litle town of Trinidad who had the charge of the printing of those tickets, being adverse to us, had every ticket printed against woman suffrage. The samples that were sent to us from Denver were "for" or "against," but the tickets that were printed only had the word "against" on them, so that our friends had to scratch their tickets, and all those Mexican people who could not understand this trick and did not know the facts of the case, voted against woman suffrage; so that we lost a great many votes. This was man's generosity.

Miss ANTHONY. Special legislation for the benefit of woman! I will admit you that on the floor of the constitutional convention was a representative Mexican, intelligent, cultivated, chairman of the committee on suffrage, who signed the petition, and was the first to speak in favor of woman suffrage. Then they have in Denver about four hundred negroes. Governor Routt said to me, "The four hundred Denver negroes are going to vote solid for woman suffrage." I said, "I do not know much about the Denver negroes, but I know certainly what all negroes were educated in, and slavery never educated master or negro into a comprehension of the great principles of human freedom of our nation; it is not possible, and I do not believe they are going to vote for us." Just ten of those Denver negroes voted for woman suffrage. Then, in all the mines of Colorado the vast majority of the wage laborers, as you know, are foreigners.

There may be intelligent foreigners in this country, and I know there are, who are in favor of the enfranchisement of woman, but that one does not happen to be Carl Schurz, I am ashamed to say. And I want to say to you of Carl Schurz, that side by side with that man on the battlefield of Germany was Madame Anneke, as noble a woman as ever trod the American soil. She rode by the side of her husband, who was an officer, on the battlefield; she slept in battlefield tents, and she fled from Germany to this country, for her life and property, side by side with Carl Schurz. Now, what is it for Carl Schurz, stepping up to the very door of the Presidency and lookiug back to Madame Anneke, who fought for liberty as well as he, to say, "You be subject in this Republic; I will be sovereign." If it is an insult for Carl Schurz to say that to a foreign-born woman, what is it for him to say it to Mrs. Ex-Governor Wallace, Elizabeth Cady Stanton, Lucretia Mott—to the native-born, educated, tax-paying women of this Republic? I can forgive an ignorant foreigner; I can forgive an ignorant negro; but I can not forgive Carl Schurz.

Right in the file of the foreigners opposed to woman suffrage, educated under monarchical governments that do not comprehend our principles, whom I have seen traveling through the prairies of Iowa or the prairies of Minnesota, are the Bohemians, Swedes, Norwegians, Germans, Irishmen, Mennonites; I have seen them riding on those magnificent loads of wheat with those magnificent Saxon horses, shining like glass on a sunny morning, every one of them going to vote "no" against woman suffrage. You can not convert them; it is impossible. Now and then there is a whisky manufacturer, drunkard, inebriate, libertine, and what we call a fast man, and a colored man, broad and generous enough to be willing to let women vote, to let his mother have her opinion counted as to whether there shall be license or no license, but the rank and file of all classes who wish to enjoy full license in what are termed the petty vices of men are pitted solid against the enfranchisement of women.

Then, in addition to all these, there are, as you know, a few religious bigots left in the world who really believe that somehow or other if women are allowed to vote St. Paul would feel badly about it. I do not know but that some of the gentlemen present belong to that class. [Laughter.] So, when you put those best men of the nation, having religion about everything except on this one question, whose prejudices control them, with all this vast mass of ignorant, uneducated, degraded population in this country, you make an overwhelming and insurmountable majority against the enfranchisement of women.

It is because of this fact that I ask you not to remand us back to the States, but to submit to the States the proposition of a sixteenth amendment. The popular-vote method is not only of itself an impossibility, but it is too humiliating a process to compel the women of this nation to submit to any longer.

I am going to give you an illustration, not because I have any disrespect for the person, because on many other questions he was really a good deal better than a good many other men who had not so bad a name in this nation. When, under the old *régime*, John Morrissey, of my State, the king of gamblers, was a Representative on the floor of Congress, it was humiliating enough for Lucretia Mott, for Elizabeth Cady Stanton, for all of us to come down here to Washington and beg at the feet of John Morrissey that he would let intelligent, native-born women vote, and let us have as much right in this Government and in the government of the city of New York as he had. When John Morrissey was a member of the New York State Legislature it would have been humiliating enough for us to go to the New York State Legislature and pray of John Morrissey to vote to ratify the sixteenth amendment, giving to us a right to vote; but if instead of a sixteenth amendment you tell us to go back to the popular-vote method, the old-time method, and go down into John Morrissey's seventh Congressional district in the city of New York, and there, in the sloughs and slums of that great Sodom, in the grog-shops, the gambling-houses, and the brothels, beg at the feet of each individual fisticuff of his constituency to give the noble, educated, native-born, tax-paying women of the State of New York as much right as he has, that would be too bitter a pill for a native-born woman to swallow any longer.

I beg you, gentlemen, to save us from the mortification and the humiliation of appealing to the rabble. We already have on our side the vast majority of the better educated—the best classes of men. You will remember that Senator Christiancy, of Michigan, two years ago, said on the floor of the Senate that of the 40,000 men who voted for woman suffrage in Michigan it was said that there was not a drunkard, not a libertine, not a gambler, not a depraved, low man among them. Is not that something that tells for us, and for our right? It is the fact, in every State of the Union, that we have the intelligent lawyers and the most liberal ministers of all the sects, not excepting the Roman Catholics. A Roman Catholic priest preached a sermon the other day, in which he said, "God grant that there were a thousand Susan B. Anthonys in this city to vote and work for temperance." When a Catholic priest says that there is a great moral necessity pressing down upon this nation demanding the enfranchisement of women. I ask you that you shall not drive us back to beg our rights at the feet of the most ignorant and depraved men of the nation, but that you, the representative men of the nation, will hold the question in the hollow of your hands. We ask you to lift this question out of the hands of the rabble.

You who are here upon the floor of Congress in both Houses are the picked men of the nation. You may say what you please about John Morrissey, the gambler, &c.: he was head and shoulders above the rank and file of his constituency. The world may gabble ever so much about members of Congress being corrupt and being bought and sold; they are as a rule head and shoulders among the great majority who compose their State governments. There is no doubt about it. Therefore I ask of you, as representative men, as men who think, as men who study, as men who philosophize, as men who know, that you will not drive us back to the States any more, but that you will carry out this method of procedure which has been practiced from the beginning of the Government; that is, that you will put a prohibitory amendment in the Constitution and submit the proposition to the several State legislatures. The amendment which has been presented before you reads:

ARTICLE XVI.

SECTION 1. The right of suffrage in the United States shall be based on citizenship, and the right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of sex, or for any reason not equally applicable to all citizens of the United States.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

In this way we would get the right of suffrage just as much by what you call the consent of the States, or the States' rights method, as by any other method. The only point is that it is a decision by the representative men of the States instead of by the rank and file of the ignorant men of the States. If you would submit this proposition for a sixteenth amendment, by a two-thirds vote of the two Houses to the several legislatures, and the several legislatures ratify it, that would be just as much by the consent of the States as if Tom, Dick, and Harry voted "yes" or "no." Is it not, Senator? I want to talk to Democrats as well as Republicans, to show that it is a State's rights method.

Senator EDMUNDS. Does anybody propose any other, in case it is done at all by the nation?

Miss ANTHONY. Not by the nation, but they are continualiy driving us back to get it from the States, State by State. That is the point I want to make. We do not want you to drive us back to the States. We want you men to take the question out of the hands of the rabble of the State.

The CHAIRMAN. May I interrupt you?

Miss ANTHONY. Yes, sir; I wish you would.

The CHAIRMAN. You have reflected on this subject a great deal. You think there is a majority, as I understand, even in the State of New York, against women suffrage?

Miss ANTHONY. Yes, sir; overwhelmingly.

The CHAIRMAN. How, then, would you get Legislatures elected to ratify such a constitutional amendment?

Miss ANTHONY. That brings me exactly to the point.

The CHAIHMAN. That is the point I wish to hear you upon.

Miss ANTHONY. Because the members of the State Legislatures are intelligent men and can vote and enact laws embodying great principles of the government without in anywise endangering their positions with their constituencies. A constituency composed of ignorant men would vote solid against us because they have never thought on the question. Every man or woman who believes in the enfranchisement of women is educated out of every idea that he or she was born into. We were all born into the idea that the proper sphere of women is subjection, and it takes education and thought and culture to lift us out of it. Therefore when men go to the ballot-box they all vote "no," unless they have actual argument on it. I will illustrate. We have six Legislatures in the nation, for instance, that have extended the right to vote on school questions to

the women, and not a single member of the State Legislature has ever lost his office or forfeited the respect or confidence of his constituents as a representative because he voted to give women the right to vote on school questions. It is a question that the unthinking masses never have thought upon. They do not care about it one way or the other, only they have an instinctive feeling that because women never did vote therefore it is wrong that they ever should vote.

Mrs. SPENCER. Do make the point that the Congress of the United States leads the Legislatures of the States and educates them.

Miss ANTHONY. When you, representative men, carry this matter to Legislatures, State by State, they will ratify it. My point is that you can safely do this. Senator Thurman, of Ohio, would not lose a single vote in Ohio in voting in favor of the enfranchisement of women. Senator EDMUNDS would not lose a single Republican vote in the State of Vermont if he puts himself on our side, which, I think, he will do. It is not a political question. We are no political power that can make or break either party to-day. Consequently each man is left independent to express his own moral and intellectual convictions on the matter without endangering himself politically.

Senator EDMUNDS. I think, Miss Anthony, you ought to put it on rather higher, I will not say stronger, ground. If you can convince us that it is right we would not stop to see how it affected us politically.

Miss ANTHONY. I was coming to that. I was going to say to all of you men in office here to-day that if you can not go forward and carry out either your Democratic or your Republican or your Greenback theories, for instance, on the finance, there is no great political power that is going to take you away from these halls and prevent you from doing all those other things which you want to do, and you can act out your own moral and intellectual convictions on this without let or hindrance.

Senator EDMUNDS. Without any danger to the public interests, you mean.

Miss ANTHONY. Without any danger to the public interests. I did not mean to make a bad insinuation, Senator.

I want to give you another reason why we appeal to you. In these three States where the question has been submitted and voted down we can not get another Legislature to resubmit it, because they say the people have expressed their opinion and decided no, and therefore nobody with any political sense would resubmit the question. It is therefore impossible in any one of those States. We have tried hard in Kansas for ten years to get the question resubmitted; the vote of that State seems to be taken as a finality. We ask you to lift the sixteenth amendment out of the arena of the public mass into the arena of thinking legislative brains, the brains of the nation, under the law and the Constitution. Not only do we ask it for that purpose, but when you will have by a two-thirds vote submitted the proposition to the several Legislatures, you have put the pin down and it never can go back. No subsequent Congress can revoke that submission of the proposition; there will be so much gained; it can not slide back. Then we will go to New York or to Pennsylvania, and urge upon the Legislatures the ratification of that amendment. They may refuse; they may vote it down the first time. Then we will go to the next Legislature, and the next Legislature, and plead and plead, from year to year, if it takes ten years. It is an open question to every Legislature until we can get one that will ratify it, and when that Legislature has once voted and ratified it no subsequent legislation can revoke their ratification.

Thus, you perceive, Senators, that every step we would gain by this sixteenth amendment process is fast and not to be done over again. That is why I appeal to you especially. As I have shown you in the respective States, if we fail to educate the people of a whole State—and in Michigan it was only six months, and in Colorado less than six months—the State Legislatures say that is the end of it. I appeal to you, therefore, to adopt the course that we suggest.

Gentlemen of the committee, if there is a question that you want to ask me before I make my final appeal, I should like to have you put it now; any question as to constitutional law or your right to go forward. Of course you do not deny to us that this amendment will be right in the line of all the amendments heretofore. The eleventh, twelfth, thirteenth, fourteenth, fifteenth amendments are all in line prohibiting the States from doing something which they heretofore thought they had a right to do. Now we ask you to prohibit the States from denying to women their rights.

I want to show you in closing that of the great acts of justice done during the war and since the war the first one was a great military necessity. We never got one inch of headway in putting down the rebellion until the purpose of this great nation was declared that slavery should be abolished. Then, as if by magic, we went forward and put down the rebellion. At the close of the rebellion the nation stood again at a perfect deadlock. The Republican party was trembling in the balance, because it feared that it could not hold its position until it should have secured by legislation to the Government what it had gained at the point of the sword, and when the nation declared its purpose to enfranchise the negro it was a political necessity. I do not want to take too much vainglory out of the heads of Republicans, but nevertheless it is a great national fact that neither of those great acts of beneficence to the negro race was done because of any high, overshadowing moral conviction on the part of any considerable minority even of the people of this nation, but simply because of a military necessity slavery was abolished, and simply because of a political necessity black men were enfranchised.

The blackest Republican State you had voted down negro suffrage, and that was Kansas in 1867; Michigan voted it down in 1867: Ohio voted it down in 1867. Iowa was the only State that ever voted negro suffrage by a majority of the citizens to which the question was submitted, and they had not more than seventy-five negroes in the whole State; so it was not a very practical question. Therefore, it may be fairly said, I think, that it was a military necessity that compelled one of those acts of justice, and a political necessity that compelled the other.

It seems to me that from the first word uttered by our dear friend, Mrs. ex-Governor Wallace, of Indiana, all the way down, we have been presenting to you the fact that there is a great moral necessity pressing upon this nation to-day, that you shall go forward and attach a sixteenth amendment to the Federal Constitution which shall put in the hands of the women of this nation the power to help make, shape, and control the social conditions of society everywhere. I appeal to you from that standpoint that you shall submit this proposition.

There is one other point to which I want to call your attention. The Senate Judiciary Committee, Senator EDMUNDS chairman, reported that the United States could do nothing to protect women in the right to vote under the amendments. Now I want to give you a few points where the United States interferes to take away the right to vote from women where the State has given it to them. In Wyoming, for instance, by a Democratic legislature, the women were enfranchised. They were not only allowed to vote but to sit upon juries, the same as men. Those of you who read the reports giving the results of that action have not forgotten that the first result of women sitting upon juries was that wherever there was a violation of the whisky law they brought in verdicts accordingly for the execution of the law; and you will remember, too, that the first man who ever had a verdict of guilty for murder in the first degree in that Territory was tried by a jury made up largely of women. Always up to that day every jury had brought in a verdict of shot in self-defense, although the person shot down may have been entirely unarmed. Then, in cities like Cheyenne and Laramie, persons entered complaints against keepers of houses of ill-fame.

Women were on the jury, and the result was in every case that before the juries could bring in a bill of indictment the women had taken the train and left the town. Why do you hear no more of women sitting on juries in that Territory? Simply because the United States marshal, who is appointed by the President to go to Wyoming, refuses to put the names of women into the box from which the jury is drawn. There the United States Government interferes to take the right away.

A DELEGATE. I should like to state that Governor Hoyt, of Wyoming, who was the governor who signed the act giving to women this right, informed me that the right had been restored, and that his sister, who resides there, recently served on a jury.

Miss ANTHONY. I am glad to hear it. It is two years since I was there, but I was told that that was the case. In Utah the women were given the right to vote, but a year and a half ago their Legislative Assembly found that although they had the right to vote the Territorial law provided that only male voters should hold office. The Legislative Assembly of Utah passed a bill providing that women should be eligible to all the offices of the Territory. The school offices, superintendents of schools, were the offices in particular to which the women wanted to be elected. Governor Emory, appointed by the President of the United States, vetoed that bill. Thus the full operations of enfranchisement conferred by two of the Territories has been stopped by Federal interference.

You ask why I come here instead of going to the State Legislatures. You say that whenever the Legislatures extend the right of suffrage to us by the constitutions of their States we can get it. Massachusetts, New Hampshire, Minnesota, Colorado, Kansas, Oregon, all these States, have had the school suffrage extended by legislative enactment. If the question had been submitted to the rank and file of the people of Boston, with 66,000 men paying nothing but the poll-tax, they would have undoubtedly voted against letting women have the right to vote for members of the school board; but their intelligent representatives on the floor of the Legislature voted in favor of the extension of the school suffrage to the women. The first result in Boston has been the election of quite a number of women to the school board. In Minnesota, in the little town of Rochester, the school board declared its purpose to cut the women teachers' wages down. It did not propose to touch the principal, who was a man, but they proposed to cut all the women down from $50 to $35. One woman put her bonnet on and went over the entire town and said, "We have got a right to vote for this school board, and let us do so." They all turned out and voted, and not a single $35 man was re-elected, but all those who were in favor of paying $50.

It seems to be a sort of charity to let a woman teach school. You say here that if a woman has a father, mother, or brother, or anybody to support her, she can not have a place in the Departments. In the city of Rochester they can not let a married woman teach school because she has got a husband, and it is supposed he ought to support her. The women are working in the Departments, as everywhere else, for half price, and the only pretext, you tell us, for keeping women there is because the Government can economize by employing women for less money. The other day when I saw a newspaper item stating that the Government proposed to compensate Miss Josephine Meeker for all her bravery, heroism, and terrible sufferings by giving her a place in the Interior Department, it made my blood boil to the ends of my fingers and toes. To give that girl a chance to work in the Department; to do just as much work as a man, and pay her half as much, was a charity. That was a beneficence on the part of this grand Government to her. We want the ballot for bread. When we do equal work we want equal wages.

Mrs. SAXON. California, in her recent convention, prohibits the Legislature hereafter from enacting any law for woman's suffrage, does it not?

Miss ANTHONY. I do not know. I have not seen the new constitution.

Mrs. SAXON. It does. The convention inserted a provision in the constitution that the Legislature could not act upon the subject at all.

Miss ANTHONY. Everywhere that we have gone, Senators, to ask our right at the hands of any legislative or political body, we have been the subjects of ridicule. For instance, I went before the great national Democratic convention in New York, in 1868, as a delegate from the New York Woman Suffrage Association, to ask that great party, now that it wanted to come to the front again, to put a genuine Jeffersonian plank in its platform, pledging the ballot to all citizens, women as well as men, should it come into power. You may remember how Mr. Seymour ordered my petition to be read, after looking at it in the most scrutinizing manner, when it was referred to the committee on resolutions, where it has slept the sleep of death from that day to this. But before the close of the convention a body of ignorant workingmen sent in a petition clamoring for greenbacks, and you remember that the Democratic party bought those men by putting a solid greenback plank in the platform.

Everybody supposed they would nominate Pendleton, or some other man of pronounced views, but instead of doing that they nominated Horatio Seymour, who stood on the fence, politically speaking. My friends, Mrs. Stanton, Lucretia Mott, and women who have brains and education, women who are tax-payers, went there and petitioned for the practical application of the fundamental principles of our Government to one-half of the people. Those most ignorant workingmen, the vast mass of them foreigners, went there, and petitioned that that great political party should favor greenbacks. Why did they treat those workingmen with respect, and put a greenback plank in their platform, and only table us, and ignore us? Simply because the workingmen represented the power of the ballot. They could make or unmake the great Democratic party at that election. The women were powerless. We could be ridiculed and ignored with impunity, and so we were laughed at, and put on the table.

Then the Republicans went to Chicago, and they did just the same thing. They said the Government bonds must be paid in precisely the currency specified by the Congressional enactment, and Talleyrand himself could not have devised how not to say anything better than the Republicans did at Chicago on that question. Then they nominated a man who had not any financial opinions whatever, and who was not known, except for his military record, and they went into the campaign. Both those parties had this petition from us.

I met a woman in Grand Rapids, Mich., a short time ago. She came to me one morning and told me about the obscene shows licensed in that city, and said that she thought of memorializing the Legislature. I said, "Do; you can not do anything else; you are helpless, but you can petition. Of course they will laugh at you." Notwithstanding, I drew up a petition and she circulated it. Twelve hundred of the best citizens signed that petition, and the lady carried it to the Legislature, just as Mrs. Wallace took her petition in the Indiana Legislature. They read it, laughed at it, and laid it on the table; and at the close of the session, by a unanimous vote, they retired in a solid body to witness the obscene show themselves. After witnessing it, they not only allowed the license to continue for that year, but they have licensed it every year from that day to this, against all the protests of the petitioners. [Laughter.]

Senator EDMUNDS. Do not think we are wanting in respect to you and the ladies here because you say something that makes us laugh.

Miss ANTHONY. You are not laughing at me; you are treating me respectfully, because you are hearing my argument; you are not asleep, not one of you, and I am delighted.

Now, I am going to tell you one other fact. Seven thousand of the best citizens of Illinois petitioned the Legislature of 1877 to give them the poor privilege of voting on the license question. A gentleman presented their petition; the ladies were in the lobbies around the room. A gentleman made a motion that the president of the State association of the Christian Temperance Union be allowed to address the Legislature regarding the petition of the memorialists, when a gentleman sprang to his feet, and said it was well enough for the honorable gentleman to present the petition, and have it received and laid on the table, but "for a gentleman to rise in his seat and propose that the valuable

time of the honorable gentlemen of the Illinois Legislature should be consumed in discussing the nonsense of those women is going a little too far. I move that the sergeant-at-arms be ordered to clear the hall of the house of representatives of the mob;" referring to those Christian women. Now, they had had the lobbyists of the whisky ring in that Legislature for years and years, not only around it at respectful distances, but inside the bar, and nobody ever made a motion to clear the halls of the whisky mob there. It only takes Christian women to make a mob.

Mrs. SAXON. We were treated extremely respectfully in Louisiana. It showed plainly the temper of the convention when the present governor admitted that woman suffrage was a fact bound to come. They gave us the privilege of having women on the school boards, but then the officers are appointed by men who are politicians.

Miss ANTHONY. I want to read a few words that come from good authority, for black men at least. I find here a little extract that I copied years ago from the Anti-Slavery Standard of 1870. As you know, Wendell Phillips was the editor of that paper at that time:

"A man with the ballot in his hand is the master of the situation. He defines all his other rights; what is not already given him he takes."

That is exactly what we want, Senators. The rights you have not already given us; we want to get in such a position that we can take them.

"The ballot makes every class sovereign over its own fate. Corruption may steal from a man his independence; capital may starve, and intrigue fetter him, at times; but against all these, his vote, intelligently and honestly cast, is, in the long run, his full protection. If, in the struggle, his fort surrenders, it is only because it is betrayed from within. No power ever permanently wronged a voting class without its own consent."

Senators, I want to ask of you that you will, by the law and parliamentary rules of your committee, allow us to agitate this question by publishing this report and the report which you shall make upon our petitions, as I hope you will make a report. If your committee is so pressed with business that it can not possibly consider and report upon this question, I wish some of you would make a motion on the floor of the Senate that a special committee be appointed to take the whole question of the enfranchisement of women into consideration, and that that committee shall have nothing else to do. This off-year of politics, when there is nothing to do but to try how not to do it (politically, I mean, I am not speaking personally), is the best time you can have to consider the question of woman suffrage, and I ask you to use your influence with the Senate to have it specially attended to this year. Do not make us come here thirty years longer. It is tweve years since the first time I came before a Senate committee. I said then to Charles Sumner, if I could make the honorable Senator from Massachusetts believe that I feel the degradation and the humiliation of disfranchisement precisely as he would if his fellows had adjudged him incompetent from any cause whatever from having his opinion counted at the ballot-box we should have our right to vote in the twinkling of an eye.

REMARKS BY MRS. SARA A. SPENCER, OF WASHINGTON.

Mrs. SPENCER. Congress printed 10,000 copies of its proceedings concerning the memorial services of a dead man, Professor Henry. It cost me three months of hard work to have 3,000 copies of our arguments last year before the Committee on Privileges and Elections printed for 10,000,000 living women. I ask that the committee will have printed 10,000 copies of this report.

The CHAIRMAN. The committee have no power to order the printing. That can only be done by the order of the Senate. A resolution can be offered to that effect in the Senate. I have only to say, ladies, that you will admit that we have listened to you with great attention, and I can certainly say with very great interest. What you have said will be duly and earnestly considered by the committee.

Mrs. WALLACE. I wish to make just one remark in reference to what Senator Thurman said as to the popular vote being against woman suffrage. The popular vote is against it, but not the popular voice. Owing to the temperance agitation in the last six years the growth of the suffrage sentiment among the wives and mothers of this nation has largely increased.

Mrs. SPENCER. In behalf of the women of the United States, permit me to thank the Senate Judiciary Committee for their respectful, courteous, and close attention.

Mr. HOAR. Mr. President, I do not propose to make a speech at this late hour of the day; it would be cruel to the Senate; and I had not expected that this measure would be here this afternoon. I was absent on a public duty and came in just at the close of the speech of my honorable friend from Missouri [Mr. VEST]. I wish, however, to say one word in regard to what seemed to be the burden of his speech.

He says that the women who ask this change in our political organization are not simply seeking to be put upon school boards and upon boards of health and charity and upon all the large number of duties of a political nature for which he must confess they are fit, but he says they will want to be President of the United States, and want to be Senators, and want to be marshals and sheriffs, and that seems to him supremely ridiculous. Now I do not understand that that is the proposition. What they want to do and to be is to be eligible to such public duty as a majority of their fellow-citizens may think they are fitted for. The majority of public duties in this country do not require robust, physical health, or exposure to what is base or unhealthy; and when those duties are imposed upon anybody they will be imposed only upon such persons as are fit for them. But they want that if the majority of the American people think a woman like Queen Victoria, or Queen Elizabeth, or Queen Isabella of Spain, or Maria Theresa of Hungary (the four most brilliant sovereigns of any sex in modern history with only two or three exeeptions), the fittest person to be President of the United States, they may be permitted to exercise their choice accordingly.

Old men are eligible to office, old men are allowed to vote, but we do not send old men to war, or make constables or watchmen or overseers of State prisons of old men; and it is utterly idle to suppose that the fitness to vote or the fitness to hold office has anything to do with the physical strength or with the particular mental qualities in regard to which the sexes differ from each other.

Mr. President, my honorable friend spoke of the French revolution and the horrors in which the women of Paris took part, and from that he would argue that American wives and mothers and sisters are not fit for the calm and temperate management of our American republican life. His argument would require him by the same logic to agree that republicanism itself is not fit for human society. The argument is the argument against popular government whether by man or woman, and the Senator only applies to this new phase of the claim of equal rights what his predecessors would argue against the rights we now have applied to us.

But the Senator thought it was unspeakably absurd that a woman with her sentiment and emotional nature and liability to be moved by passion and feeling should hold the office of Senator. Why, Mr. President, the Senator's own speech is a refutation of its own argument. Everybody knows that my honorable friend from Missouri is one of the most brilliant men in this country. He is a logician, he is an orator, he is a man of large experience, he is a lawyer entrusted with large interests; yet when he was called upon to put forth this great effort of his this afternoon and to argue this question which he thinks so clear, what did he do? He furnished the gush and the emotion and the eloquence, but when he came to any argument he had to call upon two women, Mrs. Leonard and Mrs. Whitney to supply all that. [Laughter.] If Mrs. Leonard and Mrs. Whitney have to make the argument in the Senate of the United States for the brilliant and distinguished Senator from Missouri it does not seem to me so absolutely ridiculous that they should have or that women like them should have seats here to make arguments of their own. [Manifestations of applause in the galleries.]

The joint resolution was reported to the Senate without amendment.

The PRESIDING OFFICER. If no amendment be proposed the question is, shall the joint resolution be engrossed for a third reading?

Mr. COCKRELL. Let us have the yeas and nays.

Mr. BLAIR. Why not take the yeas and nays on the passage?

Mr. COCKRELL. Very well.

The PRESIDING OFFICER. The call is withdrawn.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. Shall the joint resolution pass?

Mr. COCKRELL. I call for the yeas and nays.

The PRESIDING OFFICER. Upon this question the yeas and nays will necessarily be taken.

The Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM]. If he were present I should vote "yea."

Mr. DAWES (when his name was called). I am paired with the Senator from Texas [Mr. MAXEY]. I regret that I am not able to vote on this question. I should vote "yea" if he were here.

Mr. COKE. My colleague [Mr. MAXEY], if present, would vote "nay."

Mr. GRAY (when Mr. GORMAN'S name was called). I am requested by the Senator from Maryland [Mr. GORMAN] to say that he is paired with the Senator from Maine [Mr. FRYE].

Mr. STANFORD (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN]. If he were present I should vote "yea."

The roll-call was concluded.

Mr. HARRIS. I have a general pair with the Senator from Vermont [Mr. EDMUNDS], who is necessarily absent from the Chamber, but I see his colleague voted "nay," and as I am opposed to the resolution I will record my vote "nay."

Mr. KENNA. I am paired on all questions with the Senator from New York [Mr. MILLER].

Mr. JONES, of Arkansas. I have a general pair with the Senator from Indiana [Mr. HARRISON]. If he were present I should vote "nay" on this question.

Mr. BROWN. I was requested by the Senator from South Carolina [Mr. BUTLER] to announce his pair with the Senator from Pennsylvania [Mr. CAMERON], and to say that if the Senator from South Carolina were present he would vote "nay." I do not know how the Senator from Pennsylvania would vote.

Mr. CULLOM. I was requested by the Senator from Maine [Mr. FRYE] to announce his pair with the Senator from Maryland [Mr. GORMAN].

The result was announced—yeas 16, nays 34; as follows:

YEAS—16.

Blair,	Cullom,	Manderson,	Platt,
Bowen,	Dolph,	Mitchell of Oreg.,	Sherman,
Cheney,	Farwell,	Mitchell of Pa.,	Teller,
Conger,	Hoar,	Palmer,	Wilson of Iowa.

NAYS—34.

Beck,	Evarts,	McPherson,	Spooner,
Berry,	George,	Mahone,	Vance,
Blackburn,	Gray,	Morgan,	Vest,
Brown,	Hampton,	Morrill,	Walthall,
Call,	Harris,	Payne,	Whitthorne,
Cockrell,	Hawley,	Pugh,	Williams,
Coke,	Ingalls,	Saulsbury,	Wilson of Md.
Colquitt,	Jones of Nevada,	Sawyer,	
Eustis,	McMillan,	Sewell,	

ABSENT—26.

Aldrich,	Edmunds,	Jones of Arkansas,	Riddleberger,
Allison,	Fair,	Jones of Florida,	Sabin,
Butler,	Frye,	Kenna,	Stanford,
Camden,	Gibson,	Maxey,	Van Wyck,
Cameron,	Gorman,	Miller,	Voorhees.
Chace,	Hale,	Plumb,	
Dawes,	Harrison,	Ransom,	

The PRESIDING OFFICER. Two-thirds have not voted for the resolution. It is not passed.

Mr. PLUMB subsequently said: I wish to state that I was unexpectedly called out of the Senate just before the vote was taken on the constitutional amendment, and to also state that if I had been here I should have voted for it.

PUBLIC BUILDING AT MINNEAPOLIS.

Mr. MAHONE. Mr. President, the sundry civil appropriation bill is in rapid process of preparation for report to the Senate, and we may look for it in the next day or two. There are several public building bills on the Calendar for which provision ought to be made on the sundry civil bill, and I ask unanimous consent now that we may proceed to the consideration of Order of Business 1799. It will not take more than ten or fifteen minutes to get through with all these bills.

The PRESIDING OFFICER. The Senator from Virginia moves that the Senate proceed to the consideration of the bill the title of which will be reported.

The CHIEF CLERK. "A bill (S. 1920) to increase the appropriation for the erection of the public building at Minneapolis, Minn."

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROOMS IN TOWN HALL BUILDING, JACKSON, MISS.

Mr. MAHONE. Now, I move to take up Order of Business 1892, being Senate joint resolution No. 51.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 51) authorizing and directing the Department of Justice to transfer certain rooms which have been occupied by the United States courts to the city of Jackson, Miss.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SANTA FÉ, N. MEX.

Mr. MAHONE. I now move to take up the bill (H. R. 9371) being Order of Business 1872.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9371) for the completion of a public building at Santa Fé, N. Mex.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT CHESTER, PA.

Mr. MAHONE. I move now to take up the bill (S. 2303) being Order of Business 1893.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2303) for the erection of a public building at Chester, Pa.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT MILWAUKEE.

Mr. MAHONE. I move now to take up the bill (S. 3001) being Order of Business 1907.

The motion was agreed to; and the bill (S. 3001) for the erection of a public building at Milwaukee, Wis., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was in line 37, after the words "*provided further*" to strike out:

"That in the purchase of said site, and in the construction and proper equipment of said building, the Secretary of the Treasury shall be authorized, and is hereby authorized, in his discretion, to sell and convey the present property of the United States in said city now occupied as a public building, with the site thereof, and to appropriate and apply the proceeds therefrom to said purchase of said site or to the construction of said building, and the proper furnishing and equipment thereof, in addition to any sum herein otherwise appropriated."

And in lieu thereof to insert:

That the Secretary of the Treasury shall be, and he is hereby, authorized, whenever, in his judgment, the public interest will admit, in his discretion, to sell and convey the present property of the United States in said city now occupied as a public building, with the site thereof, the proceeds of the sale of said property to be covered into the Treasury.

The amendment was agreed to.

The next amendment was in section 2, line 2, after the word "dollars," to strike out:

In addition to the clear proceeds from the sale and conveyance of any property of the United States designated in the next preceding section.

So as to make the section read:

SEC. 2. That the sum of $1,200,000 be, and the same hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT MORGAN CITY, LA.

Mr. MAHONE. I now move to take up the bill (S. 1322) being Order of Business 1908.

The motion was agreed to; and the bill (S. 1322) to provide for the construction of a public building at the city of Morgan City (port of Brashear), State of Louisiana, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT ABINGDON, VA.

Mr. MAHONE. I now move to take up the bill (H. R. 2539) being Order of Business 1909.

The motion was agreed to; and the bill (H. R. 2539) authorizing the Secretary of the Treasury to exchange property purchased at Abingdon, Va., as a site or a public building, for more suitable property, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was at the end of section 1, to add the following proviso:

Provided further, That such other or new site so secured shall not be located east of the site now owned by the United States and herein authorized to be exchanged.

The amendment was agreed to.

The next amendment was to insert as an additional section the following:

SEC. 2. That the further sum of $25,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the construction of such building at Abingdon, Va., as will furnish such accommodations for the United States courts and the post-office there as the business of each now require.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. MORRILL, the title was amended by adding the words "and for other purposes."

PUBLIC BUILDING AT CHATTANOOGA, TENN.

Mr. MAHONE. I now move to proceed to the consideration of the bill (H. R. 7218) being Order of Business 1910.

The motion was agreed to; and the bill (H. R. 7218) to amend an act entitled "An act for the erection of a public building at Chattanooga, Tenn.," approved February 25, 1885, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds, with amendments in line 8, before the word "hundred," to strike out "one" and insert "two;" in the same line, after the word "hundred," to strike out "and fifty;" in line 17, before the word "hundred," to strike out "one" and insert "two," and in the same line, after the word "hundred," to strike out the words "and fifty;" so as to make the bill read:

Be it enacted, &c., That the act entitled "An act for the erection of a public building at Chattanooga, Tenn.," approved February 25, 1885, be, and the same is hereby, so amended as to provide that the cost of said building, including site and building complete, shall not exceed the sum of $200,000: *Provided*, That the site shall not be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum of $200,000 for site and building.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PUBLIC BUILDING AT LOS ANGELES, CAL.

Mr. MAHONE. I move now to take up the bill (H. R. 191) being Order of Business 1911.

The motion was agreed to; and the bill (H. R. 191) providing for the erection of a public building at Los Angeles, Cal., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT CHARLESTON, S. C.

Mr. MAHONE. I move now to take up the bill (S. 2908) being Ordr of Business 1912.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2908) for the erection of a public building at Charleston, S. C.

The PRESIDENT *pro tempore*. The Chair is informed that there is a House bill of the same title.

Mr. HARRIS. I rose to ask the Senator from Virginia if there was a House bill on the same subject and for the same object reported this morning.

Mr. MAHONE. Yes, sir; Order of Business 2132.

Mr. HARRIS. Then I ask for the consideration of the House bill.

Mr. MAHONE. Yes, sir.

The PRESIDENT *pro tempore*. If there be no objection, the House bill on the same subject will be considered before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10051) for the erection of a public building at Charleston, S. C.

Mr. HAMPTON. I think that the Senate bill provides for an appropriation of $400,000, and if I caught the reading of the House bill aright it provides for $300,000. I think it is best, to avoid any complication or any difference between the two Houses, that we should accept the reduction, and I am perfectly willing to allow the House bill to pass without amendment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT JEFFERSON, TEX.

Mr. MAHONE. I now move to take up the bill (H. R. 9644) being Order of Business 1935.

The motion was agreed to; and the bill (H. R. 9644) for the erection of a public building at Jefferson, Tex., was considered as in Committee of the Whole.

Mr. BECK. I have been listening with some care and I desire to ask the Senator from Virginia whether all these bills carry their own appropriations, or must they go to the Committee on Appropriations?

Mr. MAHONE. Some carry their own appropriations and some do not. Some of them will have to go to that committee. I have only three more to get through.

Mr. BECK. The committee meets for the last time on the sundry civil bill to-morrow morning, and all which do not carry appropriations ought to be passed to-night.

Mr. MAHONE. We shall be through in five minutes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT HASTINGS, NEBR.

Mr. MAHONE. I now move to take up the bill (S. 1974) being Order of Business 1936.

The motion was agreed to; and the bill (S. 1974) providing for the erection of a public building at the city of Hastings, Nebr., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment in line 6, after the words "accommodation of," to insert "United States court to be located there;" so as to make the bill read.

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase a site and to cause to be erected at the city of Hastings, in the State of Nebraska, a suitable building for the use and accommodation of United States court to be located there, the post-office, and other Government offices in said city, with fire-proof vaults extending to each story; the site, and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, not to exceed the cost of $100,000; and the sum of $75,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of said site and the completion of said building: *Provided*, That there shall be an open space of not less than 50 feet upon every side of said building, including streets and alleys, and that no part of said sum shall be expended until a valid title to said site shall be vested in the United States, and the State of Nebraska shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. MAHONE, the title was amended by adding the words "and for other purposes."

PUBLIC BUILDING AT HANOVER, N. H.

Mr. MAHONE. I move now to take up the bill (S. 3121) being Order of Business 1994.

The motion was agreed to; and the bill (S. 3121) for the erection of a public building at Hanover, N. H., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT NEWARK, N. J.

Mr. MAHONE. I move now to take up the bill (S. 3055) being Order of Business 2002.

The motion was agreed to; and the bill (S. 3055) for the extension and repair of the public building at Newark, N. J., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. BECK. I move to take up the bill (S. 2578) to prohibit members of Congress from acting as attorneys or employés for railroad companies holding charters or having received grant of lands or pecuniary aid from the United States.

Mr. GEORGE. I should like to inquire what is the position of the bill (S. 372) known as the agricultural experiment-station bill, which was by vote of the Senate this morning postponed until 2 o'clock to-morrow.

The PRESIDENT *pro tempore*. If the bill of the Senator from Kentucky is taken up it will become the unfinished business, unless the Senate disposes of it before adjournment. If the bill is taken up it becomes the unfinished business of to-morrow, unless it be disposed of before adjournment to-day.

Mr. MCMILLAN. Mr. President——

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. MCMILLAN. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. That motion is in order.

Mr. BLAIR. Will the Senator withhold the motion a moment?

The PRESIDENT *pro tempore*. A motion to adjourn is not debatable.

Mr. BLAIR. I wish to say that the present occupant of the chair was not occupying the chair when the motion passed by which the unfinished business, the agricultural experiment-station bill, was postponed until to-morrow at 2 o'clock. It is the unfinished business by vote of the Senate to-morrow at 2 o'clock. That was the vote of the Senate.

The motion was to postpone the unfinished business until 2 o'clock to-morrow. That motion carried. Thereupon I moved to take up the suffrage resolution, so that the unfinished business of which the Senator from Mississippi is in charge will be in order by vote of the Senate to-morrow at 2 o'clock.

The PRESIDENT *pro tempore*. If the Senate should adjourn at this moment the motion of the Senator from Kentucky would fall necessarily, because the Senate has not acted on it. If the motion to adjourn is voted down and the bill proposed by the Senator from Kentucky is taken up, it will be in order and supersede the special order for to-morrow. The unfinished business always supersedes a special order. The Chair states the rule so that Senators may vote understandingly. The question is on the motion of the Senator from Minnesota that the Senate adjourn.

Mr. HOAR. The Senator from Kentucky will have precisely the same right to make the motion to-morrow morning.

The PRESIDENT *pro tempore*. Undoubtedly.

Mr. BECK. As soon as the morning business is over to-morrow morning I will make the motion I have now made. I withdraw it for the time being. I do not want to embarrass Senators.

Mr. HARRIS. You can insist on it now.

Mr. BECK. I do not want to embarrass anybody.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 36 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 26, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 25, 1887.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. DOCKERY the reading of so much of the Journal of the proceedings of yesterday as related to the introduction of bills and resolutions was dispensed with. The remainder of the Journal was read and approved.

COAST DEFENSES.

Mr. LAWLER obtained unanimous consent that the following letter, addressed to him by Admiral Porter, in relation to coast defenses, should be printed in the RECORD for the information of the House:

LETTER OF ADMIRAL PORTER.

OFFICE OF THE ADMIRAL,
Washington, D. C., December 20, 1886.

MY DEAR SIR: In addition to the information I have already furnished in my report to the Secretary of the Navy, I would first refer you to the report of the board ordered by the President May 12, 1885, consisting of the following:

Hon. William C. Endicott, Secretary of War, president.
Brig. Gen. Stephen V. Benét, Chief of Ordnance.
Brig. Gen. John Newton, Chief of Engineers.
Lieut. Col. Henry L. Abbot, Corps of Engineers.
Capt. Charles S. Smith, Ordnance Department.
Commander William T. Sampson, United States Navy.
Commander Casper F. Goodrich, United States Navy.
Mr. Joseph Morgan, jr., of Pennsylvania.
Mr. Erastus Corning, of New York.

The reports of the Chief of Engineers of the Army have annually laid before the country the condition of the national defenses, and attention is especially invited to those of 1880, 1881, 1882, and 1884. These reports are conclusive, and show the miserable state of the defenses all along the coast of the United States.

The board on fortifications and other defense represent the following harbors as entirely defenseless:

1. New York.
2. San Francisco.
3. Boston.
4. The lake ports.
5. Hampton Roads.
6. New Orleans.
7. Philadelphia.
8. Washington.
9. Baltimore.
10. Portland, Me.
11. Rhode Island ports in Narragansett Bay.
12. Key West.
13. Charleston, S. C.
14. Mobile.
15. New London.
16. Savannah.
17. Galveston.
18. Portland, Oreg.
19. Pensacola, Fla.
20. Wilmington, N. C.
21. San Diego, Cal.
22. Portsmouth, N. H.
23. Defenses of Cumberland Sound at Fort Clinch.
24. Defenses of ports of the Kennebec River at Fort Popham.
25. New Bedford, Mass.
26. Defenses of ports on the Penobscot River, Maine, at Fort Knox.
27. New Haven, Conn.

NOTE.—Defenses are most urgently required at the first eleven ports named.

These harbors are, to my knowledge, entirely defenseless against a single first-rate armor-clad, which could enter any of them at any time without any difficulty. Twenty heavy iron-clads could in as many days lay every important town on our seaboard under contribution; so that by a well-concerted action by an enemy every harbor on our coast, on the same day, would fall into their hands.

We have a certain amount of submarine and torpedo defenses, which, with proper forts, would be very valuable to assist in keeping out an enemy; but, in the absence of such forts, they would amount to very little. An enemy's fleet would soon batter down any forts that we have, and there would then be no difficulty in taking up the torpedoes or cutting the wires, when the fleet would pass on wheresoeve. they please.

I send you herewith a copy of a report by Commander Casper F. Goodrich, United States Navy, on the capture of Alexandria, Egypt, by the English fleet. We have no port in the United States so thoroughly armed with the best rifled cannon as was the port of Alexandria—two hundred and five guns (not all rifled, however) being brought to bear on the English—yet in ten and one-half hours the British fleet of eight iron-clads and five wooden gun-boats, carrying thirty-nine heavy guns and the secondary battery now usual in modern ships, knocked the forts to pieces, dismounted all their heavy guns, and the town lay at their mercy. This result shows in the most striking manner the incapacity of our various coast defenses to resist the attack of an enemy by sea. Attacked by land forces alone, we have soldiers enough in this country to keep out the armies of any one power in Europe. Commander Goodrich's report is well worth perusal, and contains a mine of information and warning.

Our lake-board cities are entirely open to the attacks of the British navy. In twenty-four hours the English could overrun our lakes with gunboats and ironclads by means of the Welland Canal, and we have not a gun to prevent their doing so. We have but one vessel on the lakes (the Michigan), which is entirely unfit for war purposes. The only nation from which we have anything to fear on the lakes is Great Britain, as no other could attack us in that quarter.

You ask: "Is it not vitally essential to the necessities for the public defense that the Army and Navy should be placed in condition of co-operation so far as defenses are concerned?" Unless fortifications are constructed of iron, are able to stand as much hammering as armored vessels, and have much heavier guns than ships can carry, the forts are useless opposed to a fleet provided with the modern heavy rifles and secondary batteries of machine guns. Such forts as ours, no matter what guns they might have, could not stand any time before the fire of heavy batteries afloat, and to beat off an enemy they would require the co-operation of a large force of ironclads equal at least in the character of their guns and armor to the ships attacking the forts.

It is a curious fact that there is no case on record where fleets have been brought to bear against fortifications, and the ships were properly handled and had a sufficient number of guns to keep up a continuous fire, that the forts were not silenced. I merely mention a few instances:

Lord Exmouth attacked Algiers in 1816. At that time Algiers was one of the most strongly fortified places in the world (having 1,000 guns mounted), yet the British fleet (mounting about 900) drove the enemy from their guns and captured the city in a few hours.

Admiral Sir John Duckworth, in 1807, passed the Dardanelles, leading to Constantinople, one of the most strongly defended places in the world and mounting guns carrying 800-pound shot. The fleet sustained little damage from the fire of the Turkish guns, and anchored off Constantinople.

The French bombarded the forts of St. Jean D'Acre (very heavy ones) and the ships gained the day.

In 1839 a small French squadron, under the command of the Prince de Joinville, attacked the great fortress of San Juan d'Ulloa at Vera Cruz, and in a very few hours dismounted most of the guns and destroyed part of the fort.

In the early part of this century the English attacked Havana, which, as we all know, is defended by a wonderful net-work of heavy forts, yet the British fleet went in, anchored, and kept up such a terrible fire that the forts were unable to check them. After having punished the Spaniards sufficiently the fleet cruised before the harbor and blockaded it.

Our own successes during the civil war against Forts Henry and Donelson, Arkansas Post, Vicksburg, Port Hudson, New Orleans, Port Royal, Mobile Bay, Fort Fisher, and other points are only a repetition of what has been done so many times before by a fair number of ships.

And now, since armor-clads have been made almost impenetrable to shot, forts attacked by strong squadrons and unsupported by heavy ships, torpedoes, submarine mines, and obstructions of various kinds will generally succumb to the ships.

Therefore it is a vital necessity in time of war for forts to have the co-operation of naval forces. Many persons go so far as to say that in time of war a strong part of the *personnel* of a fort should consist of naval officers and seamen, as they are more familiar with the vital parts of the attacking ships and are better judges of how to measure the velocity of a ship under way and how to sight the guns under such circumstances.

To your fourth question I would say that I can not give any comparative statement that would be creditable to the United States Navy. The condition of our navy as regards its ships of war is so discreditable to the nation that I think any American who goes abroad and sees the powerful navies that have been built up by European powers would hang his head with shame, for there is not a nation on earth having any naval pretentions that could not wage war upon our coasts with perfect impunity.

The Chinese, who, a few years ago could boast of nothing better than junks mounting a few guns, have now a navy that could drive our East India squadron from their coast if at any moment complications should arise there; and when we think how often Chinese subjects have been brutally treated in this country it would not be strange if their Government, irritated on some of these occasions, should order our squadron from off their coast, drive the few merchant vessels we have there out to sea, and enforce their edicts, against which we would be powerless to contend.

Japan, which was open to the commerce of the world about 1855, and was slow to adopt a modern system of warfare, has a more powerful navy than the United States. In fact, I can not mention a single nation professing to be a naval power that could not humiliate us to-morrow if so disposed.

The result of our civil war was to set all the nations of the earth to building heavy ironclads and fast cruisers, so that foreign workshops have been filled to overflowing with laboring men building ships of war and making thousands of the heaviest kind of rifled guns, while we have been content to patch our ancient wooden ships and send them abroad with their old cast-iron guns, a laughing-stock for the nations of the earth.

It is a wonder to me that foreign nations have continued to extend to the flag of the United States, in its present weak condition, the respect it once had the power to enforce when its ships and guns were the best in the world. It is a lamentable fact that we are a great nation of people with unlimited resources; wealth superior to that of any nation on the face of the earth, with an overflowing treasury that is really a source of unhappiness to us a large population at the most inclement season of the year asking for work. Yet the representatives of the people, unheeding their cry, seem unconscious of the danger of war that threatens us.

War is a calamity that often comes without premonition. The first thing we know we are likely to be involved in a controversy with some powerful nation, and the next thing we will be aware of will be a fleet of iron-clads anchored in our harbors. There is no nation in the world which would bear such an event less tamely than the American.

We have been singularly exempt from complications with the powers of Europe, and it may look as though we were likely to remain so. Our exemption is owing to the fact that we are so far removed from Europe, and have not meddled with the affairs of foreign nations. We are in many respects very necessary to them, as our granaries feed their huge armies and navies, to say nothing of their laboring classes, when, through failure of their crops, they are reduced to extremities.

But we can not expect to be always exempt from the difficulties that beset nations any more than other powers. Within the last year we have had a difficulty with Canada on the fishing question, which at one time promised to be serious, and nothing but the moderation and good sense of this Government prevented a crisis. Canada, with an improvised navy of two schooners, made actual war upon our fishing interests, captured our vessels on the most trifling pretexts, and scarcely gave them time to meet the requirements imposed upon them by the authorities. Does any one pretend to say that these aggressions would have taken place had the Government of the United States been provided with a force of fifty heavy iron-clads and seventy fast cruisers? I unhesitatingly answer "no."

Nations are measured not by the large amount of property they may own, their ability to raise food for themselves and for others, the benefits they may confer upon mankind, or their liberal form of Government. Foreigners inquire, "What is their military power; what ships have they got to enforce their demands?" And when the American flag is seen abroad only occasionally on a merchant ship, or some miserable frigate crawls into port with our country's ensign at her peak, the Government does not seem entitled to that respect which would be accorded to a nation represented by powerful iron-clads, such as are now encountered in every out-of-the-way corner of the world.

Yet the American citizen demands when abroad, for his country and himself, the same consideration as was accorded to the Roman citizen when Rome was mistress of the world, seeming to expect that, when he says "I am an American citizen," his rights will be respected. He would probably be asked, under present circumstances, "Where is the navy that your vaunted country will send to enforce your demands, and how many gun-boats do you carry in your pocket?"

To your fifth question: What amount in your (my) judgment is necessary to be expended so as to place our Navy on the footing which the United States should enjoy, and the immediate necessities for such outlay? I would remark a parallel case to ours occurred within the last few weeks. The Spanish navy has very much run down, and although Spain has actually ten times the navy that we possess, yet it was felt that her prestige had been so lessened by the decay of her marine that a great exertion was necessary to place it on a footing with that of the other powers of Europe. When the higher officers of the navy represented to the Cortes the necessities of the case that body at once appropriated a sum of $45,000,000 for the rehabilitation of the navy—nearly half of the surplus in our Treasury. Yet Spain has no plethoric vaults, as we have, filled with gold, and kept from circulation, lying in the Treasury and worth no more, as far as usefulness is concerned, than so much sawdust. Although Spain had no money for rebuilding the navy, she hypothecated the Government forests, which had been for centuries the hunting ground of kings and nobles, to provide the necessary funds to reinstate the country in the good opinion of Europe, although the forests are just as sacred in the eyes of Spain as the Escurial, or the Alhambra, or other monument of the past.

Spain, when she found the inefficient condition of her navy, did not hesitate a moment in regard to appropriating a large amount of money; but how different it is in this country! Instead of appropriating so much a year for the gradual increase of the Navy and allowing the Secretary of the Navy to build such ships as are necessary, Congress undertakes to specify the cost and tonnage of each vessel, and money is so appropriated that each ship must cost just so much and no more. There is no sense nor justice in appropriating money in such a manner.

The old rule was to appropriate annually a certain sum for the increase of the Navy in addition to the regular appropriation for the support of the Navy. The present rule of Congress defining the displacement of ships has resulted in the planning and building of eight different classes of vessels—no two alike (except the Boston and Atlanta)—and although the first of the new vessels was commenced nearly four years ago, not one is yet finished, and Congress has several times been called upon for small additional sums, owing to the want of which the ships were very much delayed. I would, therefore, recommend that appropriations for the yearly increase of the Navy be made in a lump sum, and that Congress permit the Navy Department to build the ships, with the proviso that any amount unexpended after the lapse of two years should not be returned to the Treasury, because it is barely possible to build ships with the amount appropriated within that time.

At the present moment there is a stagnation in the ship-building business all over the country, and you, as a public man, must know what a boon it would be to the ship-building interests of every kind to distribute a portion of the surplus revenue among them to enable them to build up the Navy and improve their own plant, which would be so greatly to the advantage of the Government in time of war. At present our private ship-yards, although they may be in condition to build each one or two ships, would find their works very inadequate if called upon to prepare in a hurry a national navy. Therefore, every opportunity should be taken to give the private as well as the public yards sufficient work to enable them not only to exist, but to increase and improve their facilities in such a manner as will best serve the country in time of danger.

I would recommend that the Government appropriate during the next ten years $10,000,000 annually to build up the Navy and put it in position to bid defiance to any power on earth.

I have not the faintest idea of gaining a single advocate to such a measure as this, as it would be considered too extravagant, while many millions are yearly devoted to rivers and harbors, notwithstanding it is well known that a large portion of this money is not judiciously expended.

It is not only the great mass of working people who are thrown out of em-

ployment by the stoppage of our ship-yards, but there are a hundred interests all over the country connected with ship-building which are feeling the depression. If Congress were at this moment to embrace warmly the project of building up the Navy it would add a new impetus to the work-shops all over the country, and, labor being cheaper than it has been before for some time, ships could be built at a very moderate price. By having continuous appropriations from year to year the suffering workers in our ship-yards all over the country would be permanently relieved.

Ours is the only country in the world that once owned a magnificent foreign commerce, and has deliberately thrown it away. During the years of its decadence we have done nothing to build it up again, while the great powers of Europe are striving with all their might to develop their foreign commerce, and to push it to the remotest corners of the earth wherever it will yield good fruit. Our ocean commerce is coexistent with the Navy. As it declined the Navy declined with it, and at this day both Navy and mercantile marine present a spectacle not paralleled in any other country.

In one respect our Navy and mercantile marine are much alike. They have been left severely alone by those whose business it was to see them kept in good condition. The foreign commerce of a great country is one of the links which binds the body politic together, and there is not a single industry which is not in some way affected by commerce. Any nation that allows its commerce to fall to decay will run the risk of losing its position as one of the great powers of the earth, and from present appearances we seem to be doomed to be counted out, both as a naval power and commercial one. What would Great Britain be to-morrow without her mighty commerce? Suppose her legislators had sat quietly year after year and seen her commerce slipping away from her, as has been the case with us, or, worse than all, see another nation seize all her carrying trade to the tune of $150,000,000 per annum. This is exactly our condition. We have allowed Great Britain to take away our carrying trade, and we have not to-day what I consider a first-class steamship in our whole mercantile marine.

While Congress is protecting a great many articles which the mass of the people think ought to be allowed to go free, it does nothing to protect our commerce. Hence it is the Navy falls into decay, having no commerce to guard, and our legislators appearing to think there is nothing else for a navy to do, local politics rule the day, and it is thus that among the conflicts of parties our commerce has been ignored so many years.

I can not at this moment recall any act of real benefit to our commerce that has passed Congress in twenty years. Some few measures have been brought forward for its relief, but nothing that would tempt people to establish ship-building yards and construct large ships as they do in England, which is at this moment the center where ships of war are built for all foreign nations, while no one thinks of coming to this country to have an iron vessel built.

The Navy has been treated worse than our ocean mercantile marine. We have for years beheld the whole world making preparation for war on a large scale, and the ocean has been tracked by the leviathan ships of war passing to and fro and protecting the commerce of their countries. Hundreds of these great armored vessels have been built for foreign powers, while the United States Government possesses but one iron vessel abroad—the little tug Palos—sent to China years ago to operate in those waters, and capable of carrying only a boat howitzer. For aught I know this formidable vessel may at this moment be flying the flag of the commander-in-chief of our naval forces until the Brooklyn, now on the way, reaches the Asiatic station. That would be a fine sight to greet the eyes of American citizens abroad, among whom are the greatest sticklers for the respect which should be shown the flag. This respect will never be accorded by foreigners until the United States ensign is carried at the peak of vessels suited to represent the majesty of our nation.

An unarmored wooden vessel with pot-metal guns at this moment no more represents the power of a nation than a policeman without his baton, revolver, steel-lined cap, and brass-bound coat represents the majesty of the law. I have no doubt that the representatives of foreign nations laugh in their sleeves when buncombe speeches are delivered in favor of supporting the Monroe doctrine by the power of our Navy—a navy which exists only on paper.

In the last ten years—and I think the people will be surprised when they know it—the grand total appropriated for the increase of the Navy has been $5,647,617. The result is that the Navy has dwindled to twenty-eight vessels that can be actually used for active service. Twenty of these are only third-rates and five of them fourth-rates or about equivalent to tugs. The rest of our Navy is represented by fifty vessels, including old frigates, the pride of the nation in their day, laid up in "Rotten Row;" old iron-clads or monitors that have been allowed under our naval system to go to decay, five iron-clads that are under contract and may be finished some of these days, thirteen tugs that might be taken for three-deckers from their high-sounding names, twelve sailing ships, built many years ago and most of them laid up. Not one of the old vessels can be used for any purpose except as a receiving ship for recruits, and not one of the active sea-going vessels could stand against a modern-built gunboat, firing machine shells, which burst on impact, for in five minutes after the commencement of the action she would be in flames from bow to taffrail.

The real Navy of the United States consists of the following named vessels:

Name.	Tons.	No. guns.	Caliber.	Speed.	Condition.
			Inches.		
Amphritrite	3,815	4	10	12	Incomplete.
Monadnock	3,815	4	10	12	Do.
Terror	3,815	4	10	12	Do.
Miantonomah	3,815	4	10	12	Do.
Puritan	6,000	4	10	13	Do.
Dolphin	1,500	1	6	15	Complete.
Boston	3,000	2	8	14	Armament incomplete.
		6	6		
Atlanta	3,000	2	8	14	Do.
		6	6		
Chicago	4,500	4	8	15	Incomplete.
		6	6		
		2	5		
Gunboat No. 1	1,700	6	6	16	Under advertisement.
Gunboat No. 2	870	4	6	12	Do.
Newark	4,000	12	6	18	Do.
Charleston	3,730	2	10	18	Do.
		6	6		
Baltimore	4,400	4	8	19	Do.
		6	6		
Armored cruiser	6,000	4	10	16	Not designed.
		6	6		
Armored battle-ship	6,000	2	12	16	Do.
		6	6		
Dynamite-gun ship	.....	.....	.....	20	Do.
Torpedo-boat, first class	.....	.....	.....	.....	Do.

If war were to break out to-morrow not one of the above, the Dolphin excepted, would be able to fire a gun for months to come. Thirteen of the vessels are still in embryo, and if no greater haste is made to finish them than has been hitherto exercised the probability is that the fashions will so change before they are completed that they will be nearly useless for war purposes.

To your last question, "Is the present complement of officers and sailors sufficient for an increased navy?" I would reply that at the present rate of doing things it will be many years before the existing number of officers and men will be absorbed in ships afloat, because, if we should be so unfortunate as to get in the next ten years, as we have done in the past, only $5,647,617, every ship now in the Navy to which we confidingly trust the honor of our flag will have disappeared from the list through the decay which overtakes a wooden vessel after a certain number of years of active service. Eight years hence there will not be a single wooden vessel now in the Navy fit to go outside of Sandy Hook. This is a humiliating story to tell, but it is re-echoed pretty much by every chief of bureau in the Navy Department, and the sooner the truth is known all over the land the better it will be for the country.

I have given you a list of ships which I call the real Navy of the United States, but here again when we look closely at these vessels we find once more the weakness of this country. None of these vessels have guns with the exception of the Atlanta and Dolphin. The former has two 8-inch and six 6-inch breech-loading rifle guns, and the latter one 6-inch rifle and some machine guns. It will be from one to two months before the Atlanta will have her guns mounted. We are building at the Washington navy-yard new improved rifles equal in workmanship to any in the world, and the Bureau of Ordnance is hard at work on the batteries for the Chicago and Boston, which will make when finished eight 8-inch, nineteen 6-inch, and two 5-inch; in all, twenty-nine as the sum total of all the new high-powered guns contained in the United States Navy; and, to give you an idea of the paucity of resources of this favored land, most of the forgings for the tubes and jackets for these guns were furnished by manufacturers in England. Purchasing steel forgings abroad may be considered humiliating for Americans, but it is no more so than buying anything else there that can be furnished better than here or that we can not furnish at all.

Great Britain, Germany, and France have taken long strides ahead of us in gun-making, and it will require many years of hard work before we can hope to attain the same position they have; but we must "put our shoulders to the wheel" and go to work; take some of that large surplus in the Treasury and put it into steel foundries wherever you find persons able, willing, and competent to undertake gun-making.

It is not twenty, nor forty, nor a hundred guns that we require, but it is thousands of them, especially in a country whose motto seems to be "*festina lente*." England has such a start of us that she has to-day 7,000 rifled guns that she can bring into action in time of war, France has 6,000, and Russia about 5,000. Here you have at once three leading naval powers combined with 18,000 high-powered guns, while we can boast of but 29. We have some old 8-inch rifles, converted from 11-inch smooth-bores, by which a good smooth-bore was spoiled and a poor rifle was made.

You will naturally ask, what is to be done under these circumstances? First, we should not lose a week in starting to establish foundries all over the United States on the plans presented by boards created by Congress. Second, though I am sorry to be obliged to recommend it, we should go abroad and purchase guns of the best material from makers who will furnish them to us in the shortest space of time. We are not yet skilled in this branch of war workings, and we must go to those who are until we have built up our own works for fabricating guns of all kinds. I shall, for one, be very glad to see all this work done by our own artisans, for there is no greater advocate for giving all the work to be done for the naval and military establishments to the laboring class of this country. But when I see the United States helpless for the means of immediate defense, I must lay aside my sentimentality on this subject and take a common-sense view of the matter.

There should be at least six hundred of the heaviest high-powered guns purchased abroad at once for the use of the Army and Navy, so as to have armaments for our ships as soon as they are built, and to be able to defend the principal cities of the Union, which are liable to be attacked by any nation. It is not Great Britain, Russia, France, or Germany that we have to fear in our weakness so much as some of the small South American countries. Even Venezuela is about purchasing iron-clads in Europe, it is supposed to resist the mild demands made upon her by this Government for many years. She finds it cheaper to buy iron-clads than to pay a debt that does not altogether meet her ideas of justice.

We have, accessible to any sized cruiser, many large harbors with great cities on their shores with not a gun mounted to defend them. As we can not supply ourselves fast enough, let us invoke the aid of Armstrong, Krupp, Whitworth, and Schneider to put us once more on our feet. Then we will, I think, by that time be able to walk alone, but there is no way out of the present difficulty other than the one I propose. The system of making guns by driblets will never amount to anything. To provide the country with heavy ordnance in the way we propose to go to work is very much like trying to blow a passage through the Rocky Mountains by means of pistol cartridges.

You will see from what I have said that our position is not an enviable one, but that we have it within our own reach to put ourselves on a proper footing in a very short time.

Let us now take a look at the important possessions of the United States on the Pacific coast, California, Oregon, and Washington Territory. In the great State first named a large city, the commercial center of the vast agricultural and mining interest, lies at the mercy of a single frigate. All the harbors on the coast of Oregon could be closed by two or three gun-boats. That beautiful inland sea in Washington Territory, Puget Sound, where are already laid the foundations of a mighty empire, is left entirely unprotected and liable to fall into the hands of any one of the great powers that chooses to take possession.

The fortifications possessed by the United States on Puget Sound are unworthy of the name of forts. Across the straits of Juan de Fuca the English have a navy-yard at Esquimault, a short distance west of the city of Victoria. Prominent engineer officers of the British army have very recently thoroughly surveyed Esquimault and Victoria with a view of adding to their already strong defenses. Hardly was the ink dry on the paper which announced this survey than we read of an immense quantity of heavy rifle guns and ordnance stores of all kinds on their way, via the Canadian Pacific Railway, to arm the projected forts.

Mark the difference between Great Britain's action and that of the United States, and see how the former stretches her hand out over her possessions, makes the land flourish wherever she owns an acre, extends her protecting arm over every citizen under her flag, and, even in the most obscure places, builds forts that can defy force, and maintains a squadron able to defend her citizens.

We, sitting here quietly, hardly realize that such a magnificent channel of trade as Puget Sound exists or that we have any rights there, while the Canadian Pacific Railway is now completed, and it is said that arrangements are perfected by which freight and passengers can be promptly transferred by rail and steamships from London, via Montreal, to Victoria, and thence by steamer to Yokohama and Hong Kong. There is enterprise for you, well calculated to throw the boasted enterprise of Americans into the shade. The nations of the earth are looking for the shortest route to and from China. The nation that can retain possession of the Eastern trade will be the richest on earth.

But all these advantages can only be had and maintained by keeping up a strong naval force. Some people talk about a small but efficient navy. How can

you expect the navy to be efficient when it is small? Its efficiency depends not only on the excellence of its ships and their equipment, but also on their number. We do not need a large army; we want a small but efficient army, as on every company of such an army we can ingraft half a dozen regiments, so that in a month we can raise six millions of men. But you can do nothing for the navy in a month, nor in a year, nor in two years. You must therefore begin and build ahead to supply naval demands, and, as I have said before, the best thing for Congress to do is to appropriate for a general increase yearly, and leave it to the Navy Department to build the ships according to the requirements of the Navy at the time, and to bother itself no more about it except to hold the Department and its assistants to a strict accountability and see that their work is better done, if possible, than is the case elsewhere.

I do not think I can say much more on this subject or advocate the claims of the Navy in warmer terms than I have. It would require a large book to hold all that could be said on the subject. I will therefore simply content myself by referring you to the able report of the board on fortifications or other defense, and its appendices, and by giving you a few lines of lately written history, which seem to be applicable to the present case:

"It is no compliment to the intelligence of sixty millions of people to have it said that the United States has not one ironclad to defend her coast; not a perfectly equipped cruiser of steel to carry her flag on the ocean; not a single gun in her coast defenses that would pierce the shield of a foreign ironclad, and not a fortification that could resist the attack of two or three of the same. We may be said to be a great nation of people, but certainly not a nation of great people; for, who will call us the latter when there seems to be such a love of accumulating wealth without the manly desire to have the means of defending it against the aggressions of any power that may choose to make war upon us? The Government of the United States can not defend itself against the weakest naval power, much less against a strong one, and we must, perforce, rely on that old system, so much in vogue in Thomas Jefferson's time, of paying tribute, as we did to the Barbary Powers, to prevent them from preying on our commerce and carrying our citizens into captivity.

"We had experience enough during our civil war to satisfy us that there were certain European governments that desired the downfall of the American Union, and it was only by means of an abject compliance with their demands that we escaped war, which would have been the signal of the complete triumph of the South and the disolution of the Union which our forefathers exercised so much wisdom in creating. What a noble sight it would have been, after the settlement of our difficulties at home, to see the American people set to work and construct a navy that would bid defiance to any naval power in the world—to rebuild the commerce that had been driven from the sea by the Alabamas and Floridas, and which was once the pride and wealth of the nation—to give an exhibition of our wealth and resources and our indomitable will that no nation should oppose us or interfere with our domestic affairs. But, instead of this, we stood still while other nations worked on and, taking advantage of our lethargy, robbed us of our commerce, took the carrying trade all in their hands, and now laugh at our inane efforts to build up a navy, which, if it ever reaches a reputable standard, will show that we are so deficient in the elementary science of naval construction that we cannot keep pace even with the modern examples that have been set us by European powers.

"We can be no more exempt from war than others. Indeed, our weak condition is so well understood by all the world that it only invites aggression; and if we would not desire to rest under the imputation of being the poorest Government under the sun, and unfit to take care of the interests of sixty millions of people, we must shortly awake from an apathy that would disgrace any country and begin to provide for the national defense.

"In the civil war the people on both sides exhibited the greatest examples of courage, resource, and perseverance, showing what we could do were our shores to be invaded, for which, no doubt, in the opinion of the world, we have gained that reputation which generally follows heroic deeds; but all that credit would disappear to-morrow if we were involved in a foreign war. Our coasts would be devastated, our harbors blockaded, and we would be again obliged to pay tribute as we did to the Barbary Powers of old.

"Taking into consideration the situation of the United States at the present time, it looks as if the civil war had taught us nothing, and that we are giving wild theorists of the past and present some show of reason to assert that republican forms of government are unnecessarily expensive, revolutionary, and deficient in the elements for the maintenance of a proper protection from an outside enemy or intestine foe. A Government which maintains no army or navy for the preservation of order and law simply runs an even race with anarchy and rebellion. This is true of us in a tenfold degree, for we give our enemies in all quarters the opportunity of getting their forces first in the field. It applies more particularly to the Navy of the United States, which never seems to attract the attention of those who have charge of the national defense.

"The people of the United States can readily dispose of their anarchists on the land and provide against all their revolutionary ideas by the bullet or bayonet when they become tired of listening to these wild theorists who would upset, if they could, any Government, no matter how desirable; but they are helpless when it comes to defending themselves against the attacks of heavy ironclads, which can only be met by great vessels of war designed for the purpose, which we do not possess, and which there seems little prospect of our obtaining.

"There is but one remedy for the evils under which we are resting, and that is for the people to take the matter in hand and demand a navy that will help put down rebellion at home at its first inception and bid defiance to those abroad who would commit aggressions upon our commerce or treat our citizens unjustly in any part of the world.

"Let us not forget that something akin to the Barbary Powers still exists, though in the garb of Christian civilization, and that they were not as limited in numbers as they were in 1804. They may have the strongest treaties binding them to us in terms of amity, but they are ever ready, like the Algerines of old, to take advantage of our weakness."

I neglected, in the proper place, to invite your attention to the report of the gun foundry board. You will find much therein that is of interest regarding the subject you have undertaken to investigate. I shall be repaid for this long letter if I have in any way aided in creating an interest in the Navy of the United States, which is the only defense this country can have in the event of foreign war.

Very respectfully, yours,

DAVID D. PORTER,
Admiral U. S. Navy.

Hon. FRANK LAWLER, M. C.,
House of Representatives, Washington, D. C.

PORTAGE LAKE AND RIVER IMPROVEMENT COMPANY.

The SPEAKER laid before the House a letter from the Acting Secretary of War, transmitting, with map and accompanying papers, a report by the Board of Engineers upon the expediency of the acquisition by the Government of the Portage Lake and River Improvement Company Canal, and the Lake Superior Ship-Canal, Railway and Iron Company Canal, in the State of Michigan; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

LAKE MICHIGAN SHIP-CANAL.

The SPEAKER also laid before the House a letter from the Acting Secretary of War, transmitting, with accompanying maps and papers, a report by the Board of Engineers upon the expediency and desirability of the acquisition by the Government of the Bay and Lake Michigan Ship-Canal; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

SURVEY OF THE DALLES, COLUMBIA RIVER.

The SPEAKER also laid before the House a letter from the Acting Secretary of War, transmitting a letter from the Chief of Engineers relative to the proposed survey of the Dalles, Columbia River; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

RETIRED-LIST FOR PRIVATES AND NON-COMMISSIONED OFFICERS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a petition of certain enlisted men, asking that the act authorizing a retired-list for privates and non-commissioned officers be amended so as to reduce the period of service to twenty-five years; which was referred to the Committee on Military Affairs, and ordered to be printed.

THIRD-CLASS POST-OFFICES.

The SPEAKER also laid before the House the bill (S. 3128) concerning post-offices of the third class; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BENNETT, for one day, on account of sickness.

To Mr. ATKINSON, indefinitely, on account of sickness.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave to withdraw papers from the files of the House, without leaving copies, was granted in the following cases:

To Mr. DORSEY, in the case of George Reynolds.

To Mr. WHITE, of Minnesota, in the case of William R. Tubbs.

APPOINTMENT OF HOUSE CONFEREES.

The SPEAKER announced the appointment of the following conference committees on the part of the House, on the disagreeing votes of the two Houses upon the bills indicated:

Mr. TURNER, Mr. BOYLE, and Mr. PAYNE on the bill (H. R. 6637) relating to contested elections.

Mr. RICHARDSON, Mr. KLEINER, and Mr. JOHNSTON, of Indiana, on the bill (S. 542) for the relief of William Ervin.

Mr. SCOTT, Mr. ELDREDGE, and Mr. ZACH. TAYLOR, on the bill (H. R. 8869) granting a pension to Mrs. Henrietta M. Drum Hunt.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 1532) to regulate commerce;

A bill (S. 2220) granting a pension to James G. Mathes;

A bill (S. 2335) for the relief of the heirs of Malitty Rose;

A bill (S. 2369) to increase the pension of William H. H. Price;

A bill (S. 2721) to remove the political disabilities of John K. Mitchell;

A bill (S. 2848) for the relief of Benjamin P. Loyall, of the State of Virginia;

A bill (S. 1813) to amend the law relating to patents, trade-marks, and copyrights; and

A bill (S. 229) to provide for the erection of a public building at Wilmington, N. C.

SEED DISTRIBUTION IN TEXAS.

Mr. LANHAM. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of House bill 10203, and that it be now considered.

The bill (H. R. 10203), to enable the Commissioner of Agriculture to make a special distribution of seeds in the drought-stricken counties of Texas, and making an appropriation therefor, was read; and also the amendment of the committee to strike out the word "fifty," in the third line of section 2, and insert "ten," so as to make the appropriation $10,000.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. COWLES. It is somewhat surprising to hear gentlemen, who argue on this floor that the educational bill is unconstitutional, make a request like this. I object, and call the regular order.

DEPARTMENT OF AGRICULTURE.

Mr. HATCH, from the Committee on Agriculture, reported a bill (H. R. 10912) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1888, and for other purposes; which

was read a first and second time, referred to the Committe of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HOLMAN. I desire to reserve all points of order on this bill.

The SPEAKER. All points of order are reserved by the gentleman from Indiana.

Mr. HATCH. I suggest to the gentleman from Indiana that there are no points of order to be made on this bill.

RHODE ISLAND ELECTION CONTEST—PAGE VS. PIRCE.

Mr. TURNER. I call up the contested-election case of Page *vs.* Pirce, from the State of Rhode Island.

The SPEAKER. The gentleman from Georgia, as a question of privilege, calls up for present consideration the report of the Committee on Elections upon the contested-election case of Page *vs.* Pirce, from the State of Rhode Island. The resolution reported by the majority of the committee will be read.

The Clerk read as follows:

Resolved, That William A. Pirce was not elected a member of the House of Representatives from the second Congressional district of Rhode Island, and that the seat be declared vacant.

Mr. TURNER. Mr. Speaker, by an understanding with the minority of the Committee on Elections, I desire to ask consent of the House that this debate shall be limited to four hours, two hours on each side, with the privilege to me of calling the previous question short of the two hours on our side if the time shall not be occupied on our part.

Mr. ROWELL. With the understanding that in addition to that the contestee may be heard, if he desires it?

Mr. TURNER. No; I insist that the understanding shall be that the debate go on not to exceed four hours, two hours to be allowed to each side, if they desire to occupy it.

The SPEAKER. If there be no objection that order will be made.

Mr. ROWELL. I have suggested that in case the contestee desires to be heard he should have the privilege outside of the four hours.

Mr. TURNER. I can not agree to that.

Mr. SPOONER. I shall not object if an understanding can be reached that my colleague, the contestee, be entitled to speak in addition to the time allotted for general debate. That is customary at least by courtesy in all such cases in this House.

The SPEAKER. Is there objection?

Mr. SPRINGER. I wish to reserve an objection until I can ask a question.

Mr. TURNER. I would be glad to accommodate myself to the suggestion made, but I think two hours is ample, this question having been discussed for some time during the last session of Congress. This, as gentlemen well know, is the short session, and I have arranged with other gentlemen competing for the floor, and have obtained their consent by the assurance that this debate should not extend beyond the four hours. Gentlemen can therefore readily see why I am unable to yield further time.

Mr. SPRINGER. Before agreeing to the request for unanimous consent I wish to ask the gentleman from Georgia whether the committee have reported in favor of the sitting member?

The SPEAKER. The resolution has been read, and may be again reported, if there be no objection.

There being no objection, the resolution was again read.

The SPEAKER. The Chair supposes the minority desires to present a substitute.

Mr. ROWELL. Yes, sir.

The SPEAKER. If there be no objection, that will also be considered as pending.

Is there objection to the request of the gentleman from Georgia as to the limit of debate?

Mr. SPOONER. I object, unless the contestee is allowed, as has been always the case, at least since I have been a member of this House, the opportunity of speaking himself upon this question.

Mr. ADAMS, of New York. Is he present?

Mr. SPOONER. Yes, sir.

Mr. TURNER. As no arrangement seems to be practicable, under the circumstances, in order to keep faith with gentlemen to whom I have pledged my word, I will have to pass away from the request for unanimous consent, and notify the House that I will endeavor to rely upon it to support me in the demand for the previous question at the proper time.

I now yield to the minority of the committee, reserving my time.

Mr. HOPKINS. Mr. Speaker, it seems to me that it would be much better for the members of the House if the majority of this committee would state their position and give some reasons on which they rely for unseating Mr. PIRCE. The minority are, of course, to combat the positions assumed by the majority; but without stating any position at all, it leaves the House in the dark.

Mr. SPRINGER. Is there a report in this case?

Mr. HOPKINS. Yes, sir.

Mr. SPRINGER. It ought to be read.

Mr. TURNER. In answer to the suggestion of the gentleman from Illinois [Mr. HOPKINS], with reference to the position taken by the committee in this report, it will be sufficient to say that I, on my part, intend to rely entirely upon the citations of evidence I have adduced in the report of the committee.

Mr. ROWELL. Mr. Speaker, inasmuch as probably not half a dozen members of the House outside of the Committee on Elections have ever read the evidence in a case where they are to act both as court and jury, I think I have a right to ask that attention be given to the discussion of this evidence by those who have examined it. We are about to investigate the right of the sitting member from the second district of Rhode Island to retain his seat on this floor; to investigate the question of whether or not the second district of Rhode Island for the balance of the Forty-ninth Congress shall be represented at all.

It is certainly a right of as great moment as the right of a claimant to a few dollars of money in court; and this contestee, this sitting member, has a right to demand of this House that, in acting as court and jury upon his rights they shall act understandingly; that they shall not only act understandingly but that they shall have regard for the rules of law which govern the rights of every American citizen.

I know it is the custom of members of the House to rely upon the opinions of some one who may have investigated, and act upon his judgment; but in a case like this I ask an independent judgment of every member of the House, because I know of no more important question to be decided than the question of whether or not a gentleman holding a seat, or claiming a seat, in this representative body of the American people is there of right or is to be deprived of his seat without right; and I ask this the more because of a little history connected with this contest, to which I ask the attention of this House for a few moments.

I ask it because that history will show that much of the testimony has been taken not only without authority of law but absolutely in violation of well-recognized rules of evidence established for the furtherance of justice and as a protection against false swearing.

The contestant in this case filed his notice of contest upon the theory that the law of Rhode Island was of such character that the elections held under it, and in pursuance of that law, were not such valid elections as this House would recognize when considering the rights of contestee; that a ballot cast under that law for contestee should not be considered in the House of his friends, and that although the sitting member received 1,751 votes more than he did, and 16 votes more than all of the various men who were voted for, yet the more than 7,000 votes of the sitting member were to be ruled out, although these votes were upon ballots legal in that State. That formed the principal basis of his contest—that complaint against the statutes of Rhode Island providing for such elections. The law, and not the facts, was the subject for his attack.

I call attention to the further fact that after the board of canvassers had determined that the sitting member was duly elected, and his certificate was issued to him, and after the terms of members elected to the Forty-ninth Congress had commenced, this contestant became a candidate for and was elected a member of the General Assembly of Rhode Island, entered upon the duties of that office, an office which he could not legally hold while he was at the same time a member of the House of Representatives, and that he thereby gave notice to all the world that he abandoned that contest.

I call attention to the further fact that under that abandonment he neglected to take any steps towards perfecting his contest and bringing it before Congress under the law which Congress had enacted regulating that kind of contest; that he permitted all the time assigned him under that law to take testimony to lapse and all the time assigned to the contestee to take testimony before he proceeded in the case in any manner; that after all that time had expired he then served notice on the contestee that he would proceed to take testimony.

The contestee disregarded that notice as a law-abiding citizen, as he had a right to do, and as was his duty to do if Congress, with the same party in a majority that is now in the majority, had correctly laid down the precedents for our action. Consequently, all of the testimony originally presented to the Committee on Elections was *ex parte* testimony. It was testimony taken out of the presence of the contestee or of anybody acting for him. Witnesses were examined that were not cross-examined, that were not expected to be cross-examined; the cost of which cross-examination Congress could not award to contestee without disregarding its own law and its rule well established in a former contested-election case.

That testimony was offered before the committee. The committee had no power under the law to act under it and report a resolution upon the question of who was entitled to a seat. Nor did the committee assume any such authority. But they did report a resolution, which was passed by the majority of this House, granting the contestee the right to cross-examine the witnesses whose *ex parte* testimony was on file, and to examine witness on his own behalf, and to contestant to take testimony in rebuttal. Under that permission of this House the contestee proceeded to cross-examine the witnesses of the contestant—such of them as answered to his subpœna.

Numbers of them refused to answer to that subpœna, and the majority report in this case is based upon the testimony taken *ex parte* and without law, without cross-examination, where the witnesses de-